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Practical Tips for Remote Depositions

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Practical Tips for Remote Depositions

I need to start with a HUGE disclaimer. I'm an attorney. I do not have any special training or education in information technology, studio production, set design, software development, etc. The advice in this article is from my personal experience taking and observing remote depositions, conversations with other attorneys who've taken remote depositions, tinkering with my workspace layout, reading "[Remote Advocacy in a Nutshell](#)", and watching tutorial videos on Youtube. Some of the advice in this article might be wrong, or it might be outdated by the time you read this article. I'll be using technical terms casually. You should still be able to understand what I mean in context, even if I use a technical term inaccurately. I am not recommending any particular product or brand, even though I may give examples using specific products.

The abrupt appearance of COVID-19 resulted in government shut downs and emergency orders designed to limit the spread of the pandemic. These stay-at-home orders and social distancing requirements significantly impacted the judicial system and forced attorneys to adopt new and innovate approaches to the practice of law. Remote advocacy was less common pre-pandemic; however, during the pandemic it has increasingly become the norm. I suspect many of the changes to the practice of law are permanent.

Remote depositions may continue to be commonplace post-pandemic because they are so convenient. Participants avoid the time, costs, and hassle of traveling to depositions. Instead, participants can join from the comfort of their home or office. The considerable savings on airfare, rental car, gas, hotel, and conference rooms are passed on to grateful clients. Hours of transit time can instead be invested in working on other matters, self-care, hobbies, and family time.

The focus of this article is on the practical aspects of remote depositions. However, many of the same principles apply to other forms of remote advocacy and business meetings. Hopefully, you will find the information engaging. I encourage you to continue researching the topics discussed in this article using online guides and tutorial videos.


VIDEOCONFERENCING PLATFORMS

Most remote deposition take place using some form of videoconferencing platform (unless the deposition is by phone). Some of the most popular platforms are Zoom, Cisco Webex, Microsoft TEAMS, Skype, and GoToMeetings. There are also boutique law-focused platforms like vTestify, among others.

Often, the attorneys are not the ones choosing the platform. Instead, the court reporter or court reporting agency selects the platform and sends the participants a link to join the deposition. It is important to determine as early as possible in the process from the court reporter or agency which platform will be used during the deposition. Additionally, many court reporters require all attendees to register for the remote deposition in advance. Take steps to ensure all attendees register before the day of the deposition.

- **Familiarize yourself with the platform you will be using during the deposition.**

It is important to familiarize yourself with whichever platform you'll be using during the deposition so you avoid wasting time and appearing unprepared. Pick a popular platform and invest the time it takes to master the basic and advanced features. To do this, you should download the program, register an account, and practice using the features. The platform will have a tutorial page for new beginners. All of them have regular live trainings that will teach you how to use the platform and its features. Finally, there are tutorial videos available on their website or Youtube that you can watch. You should take advantage of these resources to be the most effective advocate.

Most of the popular and boutique platforms share the same basic and advanced features commonly used during remote depositions. Once you've mastered the features on one, you just need to practice with the other platforms to familiarize yourself with their idiosyncrasies. For example, Zoom, Skype, and GoToMeeting have icons that says "share screen"; whereas, on Microsoft TEAMS and Cisco Webex you share screen by clicking on the  icon.

Similarly, you should make sure that your deponents are familiar with the platform and all the features you anticipate being used during the deposition. They need to download and register an account with the platform. You should conduct your meetings and deposition prep with them using the same platform and on the same electronic device they'll be using during the deposition. This ensures you are both comfortable with the technology. If you anticipate either side using the whiteboard or other advanced feature, practice using it with them. This also gives you an opportunity to identify problems and resolve them prior to the deposition.

- **Identify yourself and the party you represent in your screen name and use a professional profile picture.**

You may already use Zoom, Skype, or one of the other platforms for personal calls to friends and family. You may use the same account for both personal and professional calls.

Recently, a defendant logged into his Zoom arraignment hearing in Judge Jeffrey Middleton's Michigan courtroom with the screen name "Butf---er 3000."¹ The judge, as you can imagine, was not amused. The defendant was horrified. Apparently, his sister had created his personal account and named him that as a joke.

You must ensure that you are professional at all times during the remote deposition. While you are probably not using a vulgar screen name, you must ensure that you are properly named during every videoconference call. Your screen name should be your name followed by the party you represent during a deposition. This is for the benefit of

¹ <https://www.abajournal.com/news/article/judge-taken-aback-when-defendant-logs-in-to-arraignment-with-obscene-screen-name>

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