

## The Nuts and Bolts of Remote Litigation

*Bert Greene (Austin) and Matt Yungwirth (Atlanta)*



©2019 Duane Morris LLP. All Rights Reserved. Duane Morris is a registered service mark of Duane Morris LLP.  
Duane Morris – Firm Offices | New York | London | Singapore | Philadelphia | Chicago | Washington, D.C. | San Francisco | Silicon Valley | San Diego | Los Angeles | Taiwan | Boston  
Houston | Austin | Hanoi | Ho Chi Minh City | Shanghai | Atlanta | Baltimore | Wilmington | Miami | Boca Raton | Pittsburgh | Newark | Las Vegas | Cherry Hill | Lake Tahoe | Myanmar | Oman  
Duane Morris – Affiliate Offices | Mexico City | Sri Lanka | Duane Morris LLP – A Delaware limited liability partnership

## Overview

- Remote Depositions
- Remote Hearings
- Remote Trials / Arbitrations





# Remote Depositions

3

3

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

### STANDING ORDER REGARDING PRETRIAL PROCEDURES IN CIVIL CASES ASSIGNED TO CHIEF DISTRICT JUDGE RODNEY GILSTRAP DURING THE PRESENT COVID-19 PANDEMIC


WHEREAS, the novel coronavirus COVID-19 pandemic requires

#### **D. Depositions**

16. There will be no in-person depositions conducted during the pandemic. Depositions should proceed forward using remote technologies that are widely available for conducting depositions either telephonically or by video conference. A variety of systems are available that allow for all participants to be physically separate and for real-time exhibit viewing to occur. Many court reporting services offer such platforms, and internet searches for "remote video depositions" and "remote telephonic depositions" will display alternatives.

17. The party noticing a deposition shall specify the platform to be used and the attorneys shall confer, if necessary, to agree on specific procedures that may be appropriate under the circumstances. That a deposition is noticed to be conducted remotely shall not be a basis for a

So ORDERED and SIGNED this 20th day of April, 2020.

  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE



4

4

## Selecting the Remote Depo Platform



- Try out different platforms offered by reporting firms to make sure platform selected is acceptable
- Be especially wary of “in-house” platforms that may not be well-designed or smoothly functioning
- Regardless of whether depo platform has video recording capability (Zoom does, others may not), still need certified videographer in order for video to be admissible at trial

5

5

## Selecting the Remote Depo Platform



- Even if it is opposing party's deposition, be proactive in coordinating selection of deposition platform/service
- Using an inferior platform/service can lead to:
  - longer depo due to delays in resolving technical issues
  - frustrated witness
  - unclear record, esp. if documents cannot be properly addressed
  - poor quality video that may create wrong impression for jury

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: The Nuts and Bolts of Remote Litigation

Also available as part of the eCourse

[Nuts and Bolts of Remote Litigation](#)

First appeared as part of the conference materials for the

25<sup>th</sup> Annual Advanced Patent Law Institute session

"Nuts and Bolts of Remote Litigation"