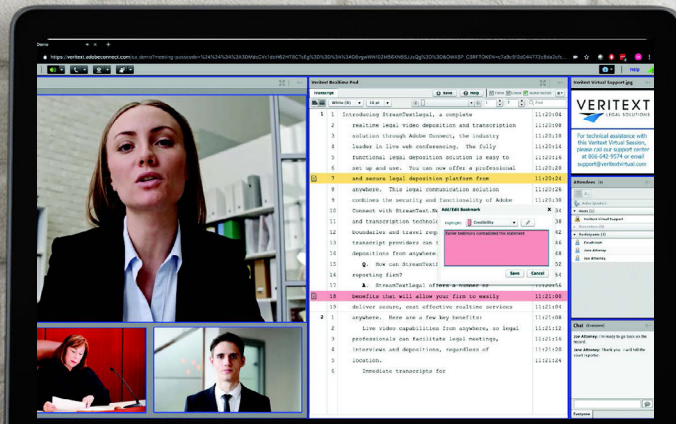


REPORTING REMOTELY?

CONSIDER THE SAMPLE STATEMENTS BELOW WHEN TAKING DEPOSITIONS REMOTELY.



Sample Statements For Remote Proceedings

During this COVID-19 pandemic, many states, for example, TX, NY and CA, have suspended the requirement for the court reporter to be in the same room with the witness when swearing them in. We suggest you check with your local [notary laws](#) regarding witness oaths for the most up-to-date information.

Regardless, it's always a good idea to stipulate on the record that you, the court reporter, can swear in the witness remotely. All applicable statements should be read into the record prior to the start of the proceeding.

SWEARING IN THE WITNESS:

Federal Rule 30(b)(4) provides: The parties may stipulate – or the court on motion order – that a deposition may be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions.

SAMPLE OPENING STATEMENT

This is a suggested script to read to all participants before swearing in the witness. This statement is intended to help you set the tone of the deposition to ensure a clean and accurate record.

“Counsel, I have a short statement I would like to make to help everything go as smoothly as possible considering we are not all in the same room. Because we are all appearing remotely, I would like to ask everyone to be more conscious than ever of not speaking over each other. If I cannot hear the end of a question or the beginning of an answer, you are going to have a very poor record. If the witness can take a pause before answering to allow the attorneys to object this will be extremely helpful. I really don't want to disrupt your deposition flow and will try to keep interruptions to a minimum, but will if I cannot hear or understand something that is said. If I do have to interrupt, please be patient and understand my goal is to provide you with a clear record of these proceedings.

If there is an objection, it would be very helpful if you state your name first, before your objection, so I know who is talking. Before we get started, I would request you move your papers and/or legal pads away from your phone or microphone to avoid that ambient noise.

If everyone is ready, I will swear in the witness. Before I do that, I am going to need a stipulation to allow me to swear the witness remotely. When you're ready, I will read the stipulation into the record, followed by each attorney stating their appearance, and anyone else in the room with you who is also attending, and stipulate to allow me to swear in the witness, starting with taking attorney.”

SAMPLE STIPULATION SCRIPT

“Due to the need for this deposition to take place remotely because of the Government's order for social distancing, the parties will stipulate that the court reporter may swear in the witness over the phone/VeriText virtual videoconference and that the witness has verified that he/she is in fact (name of witness).”

NOTE: The sample scripts available are for informational purposes only and not for the purpose of providing legal advice. It is important that you track and comply with the most recent developments in your state, as well as the notary laws regarding witness oaths.

