

# Taking depositions the new-fashioned way

By Deborah C. Weaver

## *These days, it can be said that all depositions are “local”.*

How can that be? After all, you and your associate are in Kansas City while the witness and opposing counsel are in Chicago.

The expert you want on hand is in New York and the paralegal on the team is in the Atlanta office. You will all have to go to Chicago to get this witness on the record. How is that local?

With the latest developments in court reporting technology, all parties in complex litigation can be present when the deposition starts, without boarding a plane. Everyone, including the court reporter and videographer can be connected through Internet text and video streaming.

Turn on your computer. Open your browser. Log in securely and you are there. You are all on the same screen, so to speak, across geographies and time zones.

Every medium — text, audio, video — can be streamed, viewed and shared. Internet text and video streaming is a progression of realtime reporting, whereby attorneys and legal team members follow the text of the deposition on their computers as the stenographer writes the testimony. Now, remote parties can attend online, saving travel costs and reducing time away from the office. As with any realtime deposition, a rough transcript can be made available for review until the final is produced and delivered.



**Internet streaming connects the court reporter and videographer to all parties in a deposition — regardless of location — to follow the testimony.**

Also, the video can be produced on DVD with synchronized text, the way you viewed it during the Internet video stream. When you play the video, each line of testimony scrolls as the witness speaks — capturing demeanor, body language and tone of voice.

Furthermore, you can conduct text-based searches to zero in on crucial statements, and then easily create video clips to import into trial presentation software.

### **World Wide Discovery**

The deposition of the plaintiff's expert is in Chicago and you are in Kansas City. Discovery in the case entails deposing witnesses throughout the country. Depositions are scheduled in Kansas, Missouri and Illinois. The case is a breach of contract matter with numerous witnesses, documents, and experts. Your experts on damages have vastly different opinions.

To keep costs manageable, depositions can be conducted over speaker phone. The downside is you can't observe demeanor and body language. Videoconference is another way to go, requiring lining up videoconferencing services in all locations. While multi-point videoconferencing is possible, it isn't always feasible. Cost can be a factor and traveling to the facility might be inconvenient if a site is not nearby.

### **Deposition Options Remote**

Today, there are more options for matching the right technology to the circumstances. Let's stipulate that for this expert witness, you'll go to Chicago to take the deposition. Your expert, based in Kansas City, has vast experience calculating damages and can provide valuable insights. However, round-trip airfare plus hotel, transportation and meals will drive up costs. Your paralegal has been on the case from the start and is indispensable when reviewing documents and catching contradictory testimony. That is another round-trip ticket. The associate working with you would like to go, but he is prepping for a trial and can't afford the time away.

### **Login: Attend Online**

Instead, the associate, expert and paralegal can be at your side from their respective offices, through Internet text streaming, coupled with realtime. In addition, the associate will also be connected via teleconference to be able to ask questions. The expert and paralegal, however, will not be speaking and do not require teleconferencing. Rather, they will participate as observers to monitor testimony. They can highlight statements, make notes and send private messages to you and the associate, for example, "Page 92, line 7 contradicts earlier testimony — bring this up." Streaming technology enables the court reporter and videographer to send text, audio and video from any location to the remote parties over the Internet. No special software is required. Participants only need a computer with a high-speed Internet connection and any popular browser, such as Internet Explorer, Firefox or Chrome. User IDs and passwords are provided in advance to log in to the deposition.

### **PDF Transcripts, Documents always at Hand**

As the case proceeds, final electronic transcripts are archived as PDF files — with searchable word index — in a secure online transcript repository. Exhibits can also be stored online. Because they are PDF files, they can be opened instantly with Acrobat Reader, stored in folders and printed (condensed or full) as needed.

This makes it easy to share with clients and legal team members without having to worry about compatibility issues. And, there is no need to scan and create PDF transcript files in-house. Individual logins are provided to counsel, paralegals and legal assistants to ensure secure access for all parties. ASCII text transcript files are available online as well and can be imported into any litigation support software in use at your firm.

Finally, today it is not unusual for "green-minded" firms to order electronic files only which can reduce consumption of paper and toner while saving shipping and storage costs. Once the files are uploaded to the repository, they are always available when you log in. You can locate transcripts and exhibits years later without searching through paper files.

Whether it's realtime, video, Internet streaming or videoconferencing for depositions locally, nationally or worldwide, court reporting is keeping pace with high-stakes litigation. As with any realtime deposition, a rough transcript can be made available for review until the final is produced and delivered.



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