



RELATED PRACTICE AREAS

COVID-19 Resources
Government Litigation
Litigation
Trial and Global Disputes

RELATED TOPICS

Litigation
Witness Statements

Tips For Giving Remote Depositions During The COVID-19 Pandemic

February 2, 2022 | [The GEE Blog](#)



Meena T. Sinfelt

Partner
White Collar,
Compliance and
Investigations
Co-Chair

As working remotely has become commonplace during the COVID-19 pandemic, it seems like people are becoming more comfortable communicating by video. However, video conferences can sometimes add extra pressure to an already stressful situation. That is generally the case with depositions.

Depositions are legal proceedings in which a person answers an attorney's questions while under oath. Usually, the questions and answers are transcribed by a court reporter, and the transcription is then used as evidence in a legal proceeding. The thought of a deposition itself is anxiety-inducing to many. Pile on the technical demands of a video conference, and stress levels can become overwhelming. This post outlines helpful tips to keep in mind when being deposed remotely to keep the stress level manageable.

Select a Conducive Location

Be sure you are someplace comfortable, quiet and private, with a strong internet connection. It is not uncommon for a deposition to continue past the time it is scheduled to end, so you may want to have your space reserved for

an extra couple of hours just in case.

Also, keep in mind that if the deposition is being video-recorded, whatever is in view of your camera will be in the shot and may be shown to a jury or judge later down the line. To that end, make sure that you are somewhere neat and neutral with nothing controversial, political or possibly embarrassing or offensive in the background. Most video conferencing platforms come with a setting that allows you to blur your background setting, which makes hiding the “World’s Best Farther/Father” frame in your home office that much easier.

Remember to Maintain Confidentiality

When being deposed via video conference, it can sometimes be hard to remember that other people – potentially many other people – are on the call. This is especially true when their videos are turned off. Always assume that the line is open and that opposing parties can hear everything you say. When you want to talk to your attorney privately, be sure to call them on a separate line, such as on a cell phone, and double-check that both you and your attorney are muted in the video conference.

Anticipate Potential Technical Difficulties

We have all experienced that technology sometimes falters regardless of our best-laid plans. This can be frustrating when trying to stream your favorite show, but it can be downright nerve-wracking when answering questions under oath. Technical difficulties during remote depositions seem to be fairly commonplace these days. When they do happen, it is important to keep calm and remember that, as the person being deposed, it is not your job to fix it.

If the video feed is freezing or the sound is difficult to hear, let the attorneys know. They will handle any technical difficulties or figure out how to contact the correct people to solve the issue. If you cannot make out exactly what an attorney’s question is, don’t hesitate to request that they repeat it – as any attorney will tell you, don’t guess at what was asked. Also, be aware that even if you can’t see or hear others on the call, they may still be able to see or hear you. A best practice to potentially resolve technical difficulties with microphones and dead-spots in conference rooms prior to the commencement of a deposition is to schedule a technology check with the court, opposing counsel or vendor ahead of time.

Depositions can often be central to securing a favorable outcome in a case. With their convenience and cost-effectiveness highlighted throughout the pandemic, it seems likely that remote depositions may become the standard moving forward. Therefore, finding ways to ensure the witness feels comfortable and confident testifying in this new format is essential to the success of any remote deposition.