



## **Remote Protocols: Depositions**

### **Planning:**

- Select a court reporter – Magna Legal Vision is an option for exhibit intensive cases
- The Court Reporter should determine the platform (Skype, Zoom, Goto Meeting, WebEx, proprietary)
- Confirm in writing with all counsel that they agree to the process.
- Prepare a Notice of Deposition that fully describes the platform being used and any ground rules.
- Ask if parties want to record the deposition through the platform or with a traditional videographer. If parties do not want the deposition recordable through the platform, you must advise the court reporter in writing and copy all parties. See security options below.
- Test your device on the platform prior to the deposition date (video and computer audio).
- Obtain and distribute the link to all parties attending deposition (usually done by the reporter).
- Determine if the client or adjuster wants a link to attend.
- Do NOT run the application on the network. Copy the link, minimize remote, open a browser (preferably Chrome), paste the link and hit enter. .
- Participants may hear you better if you choose phone audio vs. computer audio.

### **Defending an insured deposition:**

- Set pre-deposition on a separate day
- Test the witness platform
- Establish an alternative means of communication (i.e., cell phone)
- Remote specific preparation (dress, background, distractions, etc.)

### **Starting the Deposition:**

- Arrive 5 minutes early to test video and audio.
- Exchange cell phone numbers with everyone in case of a glitch.
- Have the court reporter swear in the witness the traditional way.
- On the record ask the witness to affirmatively acknowledge they understand their testimony is under oath, subject to laws against perjury and that they agree to testify truthfully.
- Have the witness and each attorney affirmatively agree to the method of taking the deposition.
- Advise on the record as to whether the parties have agreed to any audio or video recording of the deposition – see security options below.

### **Showing Exhibits:**

#### **Option 1: Pre-Marking:**

- Mark all your exhibits by number or bate stamp.
- Scan the exhibits and email to all parties including the reporter and witness.

- Pre-deposition date delivery of photographs or documents must be done for phone depositions; and should be considered if you cannot confirm that the witness has email and a computer to view documents.
- Everyone should have the same set of marked exhibits for clarity on the record and smooth sailing.

### **Option 2: Screen-Share:**

- Zoom allows you to share your screen with everyone.
- Prior to the deposition create a folder on your desktop that contains all your exhibits.
- Close out emails and other proprietary applications on your desktop before you share your screen.
- At the appropriate time, press “share screen.”
- Zoom will prompt you to click on the screen you want to share. Click on the screen that shows your desktop folder.
- Open your folder and navigate your exhibits.
- Press “stop screen share” when done.
- Anything that can be seen on your screen can be shared (photographs, video clips, documents, websites, etc.).
- It is recommended these exhibits be pre-marked and ready to email to all parties once you use them.

### **Private Chats**

- Zoom *Pro* will allow you to invite your client/witness into a private chat room during the deposition break
- Establish a means of secondary communication with your client (i.e., cell phone chat) to communicate on every break.

### **Security Options:**

It is best to establish the below default settings on your account from your desktop or laptop (not your cell phone or Ipad applications). ZOOM always starts with **Account Management, Account Settings.**

#### **Recording Meeting/Deposition audio or video**

- **ZOOM: Settings, Host / Participant Video:** Turn it off. If you are not the host, as the host to confirm it is turned off if there is no agreement on recording. Confirm these discussions on the record.

#### **Passwords for Attendees**

- **ZOOM: Settings, Require a Password:** If you are the host, always require a password. You can customize it or allow Zoom to generate it. In settings, you must select two boxes; require a password for *meetings* and require a password for *phone attendees*.

#### **Waiting Room**

- **ZOOM: Setting, Waiting Room.** Enable it if you want to have your attendees wait until you start the meeting and allow them in the room. You will need to pay attention to late arrivals in the top of your screen because they will wait until you click admit. If you enable the waiting room, it is recommended you enable **Settings, Play Sound when Participant Joins or Leaves.**

#### **Break-out Rooms**

- **Settings, Breakout Room** if you are the host and want to create plaintiff and defense break-out rooms.

### **Unauthorized Attendees**

- ZOOM: In the event of a breach, go to **Participants List**, scroll down and **Mute all Controls**. To remove them, go to **Participants List, Lock Meeting** and then remove them.

### **Screen Sharing**

- ZOOM: You can disable screen sharing for everyone by default. **Settings, Screen Sharing**. You can control who can share too: **Account Management, Settings, Disable Screen Shares**.

### **Chats**

- ZOOM: **Account Management, Settings, Chat**. Enable “prevent participants from saving chat” if you don’t want meeting chats saved by anyone.

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For additional questions about the remote deposition protocols, please contact:



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