



Blog #33 – Tricks and Tips for Telephonic Depositions (for attorneys and court reporters)

Everyone is looking for opportunities to save costs these days in litigation. Many attorneys are choosing to take depositions telephonically so as to not incur travel costs and to save travel time. Here are some ideas on how to make the telephonic deposition go smoothly.

1. Have the reporter with the witness. The reporter is able to swear in the witness and hear every word. As everyone knows, with teleconferences, if two people speak at the same time or there is any type of line interference, it is hard to hear or understand. Having the reporter with the witness ensures a better record.
2. If because of scheduling conflicts, or whatever reason, the court reporter is not with the witness, have a notary public swear in the witness onsite. Sometimes attorneys ask a reporter to swear a witness in over the phone. This is not considered to be legal or proper. The reporter has no real idea who is sitting at the other end of the line.
3. Advice to reporters (especially if there are multiple people on the line): Rather than writing down each person's information, including address and phone number(s), just get the attorney's full name and website. It is much easier to look up the attorneys and create your appearance page(s) from a website than from scribbling down information over a phone.
4. Reporters, speak up if you are not understanding something, can't hear, or don't know who is speaking. Before the deposition starts, make a statement, for example, "Please identify yourself before you speak. There are multiple voices, and it is difficult to differentiate between them." If someone starts speaking, and you are not sure who it is, you may interrupt with, "Excuse me. Who is speaking?" After a while, people will get the hang of it.

5. If possible, get a service list before the deposition begins and start inputting your appearance page or get a copy and check off names. You will need to know who the different participants represent. Once again, it is often difficult to get that kind of information with spellings over the phone.
6. If the firm you are working with agrees and/or if you don't mind giving out your personal email, give the participants your email address and ask the participants to email you who they represent.
7. Be confident. Nobody enjoys doing a telephonic deposition (or at least most people don't). If you are polite, organized, and ready for action, your day may turn out to be one of the best ever!

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