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DEPOSITION TIPS FROM COURT REPORTERS



1. When scheduling the deposition, provide the court reporting agency with the Notice of Deposition or full caption. The court reporter needs this information to prepare the transcript. Providing it ahead of time not only saves time but eliminates the need for you to have it available for the court reporter at the time of the deposition.
2. Introduce yourself to the court reporter, present your card and indicate whom you represent, e.g., “My name is John Doe and I represent the Defendant Samsung.”
3. At the beginning of the deposition, take a few minutes to give the witness a complete set of instructions. For instance, you might say something like this:

“Good morning, Mr. Jones. My name is John Doe and I represent the Defendant Samsung in this matter. I’m going to be asking you a series of questions today. The court reporter is taking down every word each of us says. Therefore, it is important that we both speak loudly and clearly so that the court reporter is able to hear and understand what you and I are saying. Doing so will result in a complete and accurate record of today’s proceedings. Please allow me to complete my question in full before you begin your answer; and, by the same token, I will allow you to complete your answer before I ask my next question. If you and I interrupt each other, the record becomes filled with dashes, which may cause confusion later. The reporter can only write one person speaking at a time. Therefore, it is important for all of us to avoid talking over one another so that the reporter is able to get a complete and accurate record of the entire proceedings and so that the questions and answers appear in the transcript without dashes and interruptions. When responding to my questions, please give a verbal response because the court reporter can only write verbal responses on the record. The court reporter is not permitted to ‘interpret’ the nod or shake of your head. Similarly, it is often difficult to understand the meaning of ‘uh-huh’ and ‘uh-uh’ in the transcript. Finally, if you do not understand any of my questions, please feel free to ask me to repeat or rephrase it and I will be happy to do so.”

4. Always ask the witness to state and spell his full name so the record accurately reflects the correct spelling.
5. When the witness gestures in any way, restate in words what the witness demonstrated. For example, “For the record, the witness is indicating about three feet.”

6. When reading documents, read slowly and indicate when the quoted material begins and ends, e.g., “In Paragraph 3 of Exhibit 7, it indicates, quote, ‘Please keep hands and feet inside car at all times,’ end quote.” Also, provide the court reporter with a copy of any documents that are read into the record.
7. It is important that the reporter always be seated next to the witness (or next to the interpreter if the deposition testimony is being interpreted) to ensure that he/she can both see and hear the witness.
8. Allow the court reporter to mark and keep track of the exhibits, which will ensure consistent and sequential numbering. Don’t forget to allow the reporter to completely mark the exhibit before asking your next question.
9. When going off the record, please state, “Off the record” so it is clear that the comments are off the record. Remember, all parties must consent to going off the record. If one party objects to going off the record, the reporter is obligated to stay on the record in accordance with the Code of Professional Ethics of the National Court Reporters Association. When ready to go back on the record, please state, “Back on the record.”
10. When going off the record in a video deposition, make it clear whether you are going off the video and/or the written record. For example, state, “Off the written and video record” or “Off the video record.”
11. For telephone depositions, always identify yourself before speaking so that you are properly identified in the transcript.
12. Avoid asking the court reporter for his/her opinion of the witness or the testimony. Court reporters are Officers of the Court and must remain impartial at all times.
13. The court reporter’s job is mentally and physically taxing. Plan to take a short break, about ten minutes, every 1.5 hours and at least 30 minutes for lunch.
14. If you are having trouble hearing the witness, assume the reporter is as well and ask the witness to keep his/her voice up.
15. If the deposition is being videotaped, be aware that microphones are very sensitive. Ruffling papers will distort the audio and quiet whispers will likely be recorded.
16. Consider retaining the services of an interpreter if the witness’s English is poor or if he/she has a heavy accent. Doing so will ensure a clean and accurate record and avoid misunderstanding and disappointment at trial.
17. The court reporter earns his/her living by selling deposition transcripts. It is inappropriate to share your copy of the transcript with other counsel unless you represent the same party.
18. Remember that you and the court reporter have the same goal: to create a readable and useful transcript. Work together as a team.