

Zoom Deposition Tips

I have my first Zoom deposition coming up for a client. Does anyone have any tips on how to make this as successful as possible? Or maybe, how to make it as stress free as possible for the client? She is very worked up about it.

I don't have any amazing advice, but here's what I do with my nervous clients.

If possible, I would run a mock exam with her on Zoom so she's able to practice logging in, seeing herself on camera, and so you can check lighting, sound, etc. beforehand.

I would also suggest she use a laptop/desktop/tablet rather than a smart phone so she can see any potential exhibits she might be shown more clearly.

I also like to "pin" the speaking person to my view so it's not shuffling around from person to person based on rustling and so I don't have to see my own goofy face while I'm testifying.

Also make sure she understands the "chat" function is not necessarily private.

Good luck!

Jennifer D. Norris, Indiana

Be the host or a co-host of the meeting so that you can "mute all" when necessary to prevent the client from speaking when necessary. If OC will not allow that, then keep your client in the same room with you so that you can keep her from speaking when necessary. Nothing is worse than objecting and your client not being able to hear that because s/he is speaking as well.

Frank Kautz, Massachusetts

You might consider doing a practice session with your client to test the equipment that she will be using, internet access, what microphone/speakers will they be using. Suggest they close out other tabs. Discuss break out rooms. Discuss how to use "chat" - tell them to be careful that they don't send a private message to everyone. etc. Where is your client going to be -- in the living room, bedroom, bathroom ? Make sure her camera angle is good -- background appropriate -- etc. Suggest she have her cell phone next to her so that you can text her if there are any technical problems.

Linda Silveria, California

I have defended a bunch of Zoom depositions (around 5 or 6) recently and took my first Zoom deposition yesterday. I have been pleasantly surprised by the experience.

DEFINITELY test out equipment beforehand. If your client has low internet bandwidth, consider calling into the Zoom session so the audio feed is through the phone (landline is better) and the video is through the computer. We had to do that to troubleshoot a low internet connection recently.

The court reporter might be willing to do a test run with you as well.

Find a comfortable setup for the deposition. I had to rotate my desk 180 degrees so that I'm facing my windows rather than having them behind me, because the backlighting was messing up the video image. Find a good spot for your laptop so you're not staring down at the camera.

Anyone can "hide self view" on Zoom. I did that yesterday when I was taking the deposition. It was too distracting to see myself and worry about it, and I could focus better on answering the questions by only looking at the witness. Your client may want to do that to minimize feeling self-conscious. You can toggle between hide self/view self any time and no one else will know.

Remind her to mute the microphone and turn off video any time you take a break! I'm paranoid about that.

Minimize distractions if your client will be at home. Put away pets, banish everyone else from the house.

Happy to answer other specific questions if you'd like -- feel free to ping me at kbk@kbkramerlaw.com.

Katie Burghardt Kramer

On this idea, suggest a stipulation that if an objection is made that the record shall not include any response after the objection. The reporter will not take it down, or will delete it. You cannot un-ring the bell and the answer may still have to be provided, but let it be provided "cleanly," repeated if needed.

Phil A. Taylor, Massachusetts

Just a comment -- you can put lighting behind the camera to solve the shadow problem.

Darrell G. Stewart, Texas

I agree with Phil. Sometimes there is a delay in responses due to internet issues and you don't want your objection coming in after the response.

Jonas Bailey

Many good tips so far.

If you are using wireless headphone/microphone, have a wired back-up handy. I was using Bluetooth earbuds during a meeting and the connection dropped. No idea why as it always tested and worked well before. I plugged in my USB headphones with microphone and was back quick.

For my office I bought a USB speakerphone. Works great as a wired solution when I am not concerning about disturbing others in the office and do not want to wear headphones.

Phil A. Taylor

If you are defending your client, I suggest having it done in your office conference room and testing the day before rather than everyone in their bedroom.

This way you can answer questions on break and mute the microphone and video if needed.

Wear masks and have more space and hand sanitizer available.

Since everyone will be wearing masks tell court reporter to clarify if any of the text gets garbled.

David Seto, California