



FIRSTLEGAL
DEPOSITIONS

FIRST LEGAL REMOTE DEPOSITIONS

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ABOUT REMOTE DEPOSITIONS

We are proud to offer you a diverse set of virtual deposition tools, such as conference calling, video conferencing, and online streaming. Our scheduling team will coordinate the best date and time with all parties, then our technical team will assist in connecting all parties via their personal computers. Your participants will be able to view the full proceedings using a webcam-equipped device with a sound internet connection. You can include up to 100 remote participants in your video depositions. There are no software download requirements or complicated technical setups. When it comes to remote depositions, we like to keep it simple and efficient!

BE ADVISED

First Legal is not a law firm and our employees are not attorneys. The information contained in the informational booklet and on our website is general legal information and should not be construed as legal advice.

First Legal is not responsible for WiFi connectivity and reliability. See your internet service provider and I.T. department for any connection issues.

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FIRST LEGAL REMOTE DEPOSITION OPTIONS

ZOOM-ENABLED VIRTUAL CONFERENCES

First Legal Remote Depositions offers a full service, Zoom-enabled virtual conferencing solution in lieu of an in-person deposition. Each virtual session includes:

1. A shareable link to the remote session
2. The testing of hardware, WiFi connectivity, and audio quality for all participants, including a witness and the reporter, at least 24 hours prior to scheduled conference
3. A professional videographer who will set up and monitor the virtual conference start to finish

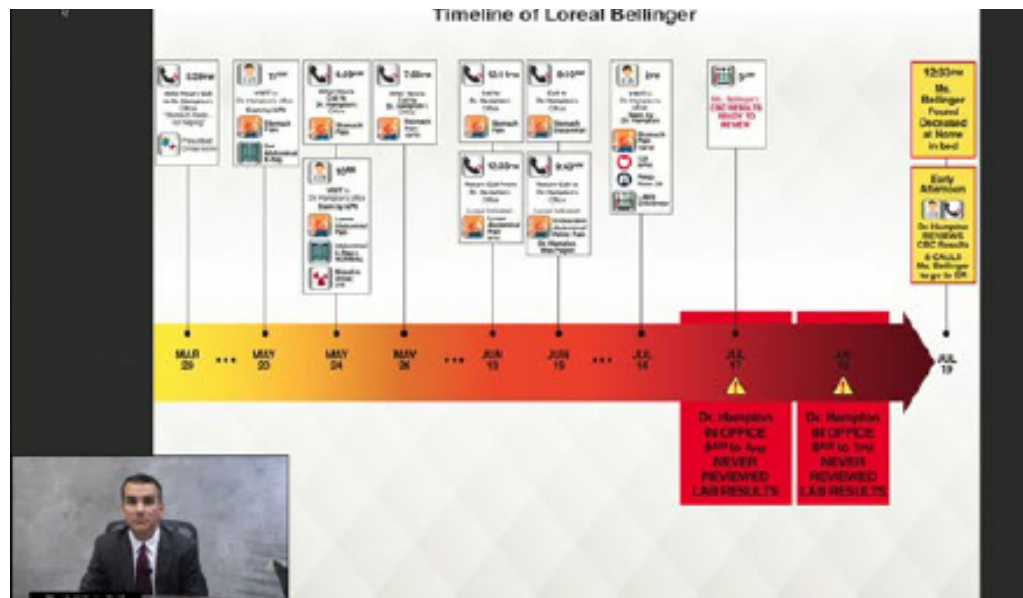
ADDITIONAL SERVICES:

1. Complete Professional Videography Services
 - a. First Legal's professional videographer will record the entire conference, including pauses for on and off record statements. The end result mimics an in-person deposition, with the witness in the frame and a timestamp. First Legal will sync the video to the transcript.

i. Note: If complete professional videography services are not ordered, the deposition will NOT be recorded.

2. Picture-in-Picture Opportunity

- a. Exhibits will appear in the main frame alongside the live video feed:



3. Remote Exhibit Management

- a. A First Legal professional videographer will showcase exhibits as directed and ensure availability to the reporter for on-the-record marking and inclusion.

i. Note: if you choose to manage exhibits yourself, please refer to Section 2 for instructions.

4. Remote Realtime Streaming

- a. First Legal Depositions will stream the reporter's realtime feed to all parties on two separate platforms to reduce risk of technical issues, including home office internet provider disruption, and to ensure maximum reliability and continuity of service.

5. Remote Interpreter Services

- a. Should you need an interpreter, First Legal Depositions can coordinate one for you. Interpreters can easily join remotely, just like your reporter.

TELEPHONIC ONLY

Primarily used for Certificates of Non-Appeal, First Legal Depositions will enable a secure, password-protected teleconference line. Technical support is available to facilitate setup and use. Please note, for depositions, virtual conference solutions are recommended.

EXPECTATIONS FOR REMOTE DEPOSITIONS

PRE-DEPOSITION PREPARATION

1. Send participant emails and electronic exhibits to Calendar@Firstlegal.com
2. The Calendaring Department will:
 - a. Send participants a secure link to the scheduled virtual session
 - b. Schedule 1:1 testing with participants at least 24 hours prior to scheduled deposition to ensure platform functionality
 - c. Send exhibits to the reporter
 - d. If Remote Exhibit Management is requested, send exhibits to the videographer
3. As requested, First Legal Depositions team will:
 - a. Provide First Legal messengers to deliver webcams, hotspots, and other equipment to home offices
 - b. Arrange a mock depositions to allow your team to practice using the virtual deposition platform
 - c. Pre-arrange breakout rooms within your virtual session to allow for off-record private conversations amongst legal team

BEST PRACTICES FOR CONDUCTING YOUR DEPOSITION

1. Log in 15 minutes early to ensure audio/video quality and WiFi functionality
2. Avoid busy backgrounds; a solid-color background is ideal
3. Mute cell phone and other devices to prevent unnecessary noise on the recording
4. Ensure pets and children are safe and outside conference room
5. If you must step away please turn off both audio and video prior to breaking away and restore upon return

EXHIBIT MANAGEMENT

Options for exhibit management include remote exhibit management and participant exhibit management.

1. Remote Exhibit Management: A professional videographer will showcase exhibits as directed and ensure availability to the reporter for on-the-record marking and inclusion.
2. Participant Exhibit Management
 - a. Participant sends exhibits electronically to all parties prior to the deposition, OR
 - b. Screen share function allows participants to display exhibits on screen during remote deposition* OR
 - c. Chat function allows participant to upload files for all parties present; participants download files for viewing on individual devices

**Note: screen sharing does not allow viewers to download and save files; annotation feature allows sharing party to annotate on screen as needed, viewable by all parties present.*

REALTIME STREAMING SERVICES

As noted above, there are multiple reasons to utilize two separate platforms - one for the videoconferencing and exhibit sharing, and the other for the realtime streaming.

To manage both platforms you can:

- Using two (2) monitors;
- Shrinking windows to allow platforms to appear side by side on a single monitor; or
- Toggle back and forth between windows or tabs:
 - PC users may toggle by using shortcut: click “Alt” and “Tab”
 - Mac users may toggle by using shortcut: click “Command” and “Tab”

ADMISSIBILITY OF REMOTE DEPOSITIONS

COVID-19 UPDATES

On March 27, 2020 Governor Newsom issued an executive order that allows for remote depositions in every case. To read more, [click here](#).

NOTICING METHOD OF DEPOSITION RECORDING

According to both the Federal and California Codes of Civil Procedure, parties must notice the method of recording of the deposition.

Per the Federal Code:

METHOD OF RECORDING

(A) Method Stated in the Notice. The party who notices the deposition must state in the notice the method for recording the testimony. Unless the court orders otherwise, testimony may be recorded by audio, audiovisual, or stenographic means. The noticing party bears the recording costs. Any party may arrange to transcribe a deposition.

(B) Additional Method. With prior notice to the deponent and other parties, any party may designate another method for recording the testimony in addition to that specified in the original notice. That party bears the expense of the additional record or transcript unless the court orders otherwise.

Read the complete Federal Code [here](#).

Read the complete California Code [here](#).

Per the California Code:

Any intention by the party noticing the deposition to record the testimony by audio or video technology, in addition to recording the testimony by the stenographic method as required by Section 2025.330 and any intention to record the testimony by stenographic method through the instant visual display of the testimony. If the deposition will be conducted using instant visual display, a copy of the deposition notice shall also be given to the deposition officer. Any offer to provide the instant visual display of the testimony or to provide rough draft transcripts to any party which is accepted prior to, or offered at, the deposition shall also be made by the deposition officer at the deposition to all parties in attendance. Any party or attorney requesting the provision of the instant visual display of the testimony, or rough draft transcripts, shall pay the reasonable cost of those services, which may be no greater than the costs charged to any other party or attorney.

The following language has been suggested for use to incorporate virtual conferencing into your deposition. Clients should determine appropriate language to comply with court requirements. The below is offered as a guideline only.

TO DEFENDANT {NAME} AND TO ITS ATTORNEYS OF RECORD, PLEASE TAKE NOTICE that pursuant to C.C.P. section 2025.210, Plaintiff {NAME} ("Plaintiff"), will by and through his counsel of record, take the deposition of the person(s) most knowledgeable of Defendant {NAME} ("Defendant") in the above action at the office of {LOCATION} on {DATE AND TIME}. The deposition shall be taken stenographically and shall be conducted under the supervision of an officer who is authorized to administer an oath, and may be taken remotely via videoconference and remotely recorded.

STIPULATING METHODS OF DEPOSITION RECORDING

In addition to noticing, attorneys can also choose to stipulate on the record at the start of their deposition. The following are examples of stipulations.

Clients should determine appropriate language to comply with court requirements. The below is offered as a guideline only.

This deposition is taken pursuant to court rules and pursuant to notice. With regards to Rule 30 (b)(4), the deposition is taken place via remote video deposition utilizing remote internet-based services.

WHEREAS, it is agreed pursuant to and stipulated by the parties regarding Federal Rule 29, that all parties hereby stipulate and waive any objection they might have as to the form and format of the deposition. Specifically, any objections to utilizing this electronic internet-based service to obtain this testimony.

WHEREAS, the parties hereby stipulate and waive any objections of the oath administration to the witness being conducted by a signed affidavit, which is going to be attached here too as plaintiff's Exhibit 1, which is deemed to be an ongoing and continuing obligation to provide testimony in a truthful and honest manner under the penalty of perjury.

WHEREAS, the parties hereby stipulate and waive any objection to the format of ESI electronic exhibits and deem them to be an original copy with the electronic date and time stamp.

WHEREAS, each such party shall not assert that any such content is inadmissible in any court or in connection with any such Proceeding and shall not object to the other party's use or introduction of any such content in any such Proceeding.

REPORTER READ-ONS

Finally, the reporters understand their responsibilities and duties as custodians of the record and officers responsible for administering binding oaths. The reporter may, therefore, choose to begin the deposition with a statement on the record. During the current public health crisis, read on examples may include:

"Before we proceed, I will ask counsel to agree on the record that under the current National Emergency pursuant to Section 319 of the Public Health Service Act, there is no objection to this deposition officer administering a binding oath to the witness remotely. Please state your agreement on the record."

OR

"Before we proceed, I will ask counsel to agree on the record that under the current National Emergency pursuant to Section 319 of the Public Health Service Act, there is no objection to this deposition officer administering a binding oath to the witness by phone. Please state your agreement on the record."

OR

"Before we proceed, I will ask counsel to agree on the record that under the current National Emergency pursuant to Section 319 of the Public Health Service Act, there is no objection to this deposition officer administering a binding oath to the witness by videoconference. Please state your agreement on the record."

OR

"Before we proceed, I will ask counsel to agree on the record that under the current National Emergency pursuant to Section 319 of the Public Health Service Act, there is no objection to this deposition officer administering a binding oath to A witness not appearing personally before me. Please state your agreement on the record."

To learn more about Section 319 of the Public Health Service Act, [click here](#).

TECHNICAL FAQs

DATA SECURITY

Zoom is a third party vendor and applies industry standards to ensure the integrity of their data; these standards adhere with First Legal's security standards. Please review additional details [here](#).

Once the virtual session recording is complete, recorded data is transferred to a secure First Legal data center and servers. First Legal maintains compliance with PII (Personally Identifiable Information), Federal and State security requirements, and HIPAA (Health Insurance Portability and Accountability Act) standards for confidentiality and cybersecurity.

ADDITIONAL HARDWARE RECOMMENDATIONS

SPEAKERS

First Legal Depositions does not recommend the use of external speakers. If any audio issues arise, every virtual session is equipped with a dial-in number for audio access through any cell phone or landline.

MICROPHONES

Audio via laptop or phonenumber should be sufficient, however First Legal Depositions recommends the following microphone if clients prefer an external device:



MOVO MC1000 USB DESKTOP CONFERENCE
COMPUTER MICROPHONE

EXTERNAL WEBCAMS

Built in laptop, iPad, or mobile phone cameras should be sufficient, however First Legal Depositions recommends the following webcams if clients prefer an external device:



LOGITECH BRIO WEBCAM



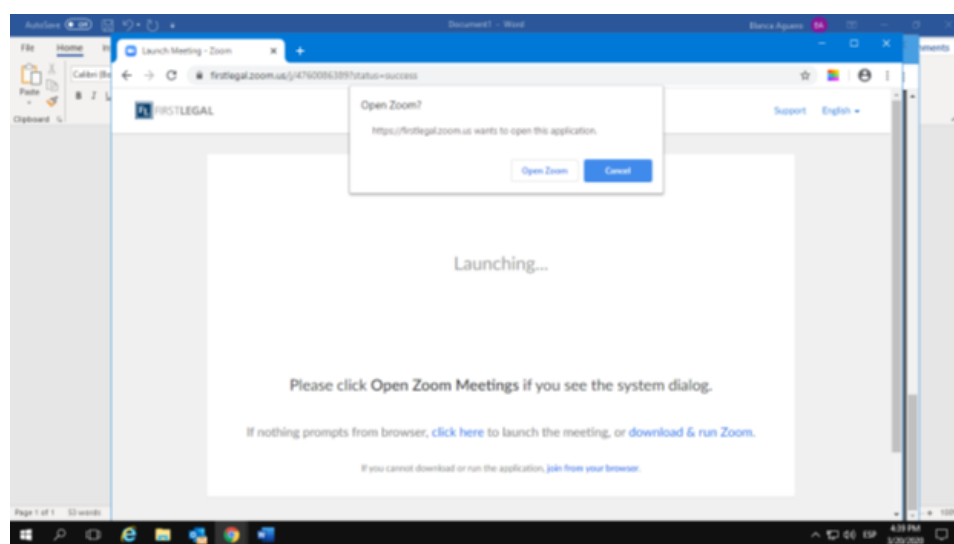
LOGITECH C930E WEBCAM

USER INTERFACE

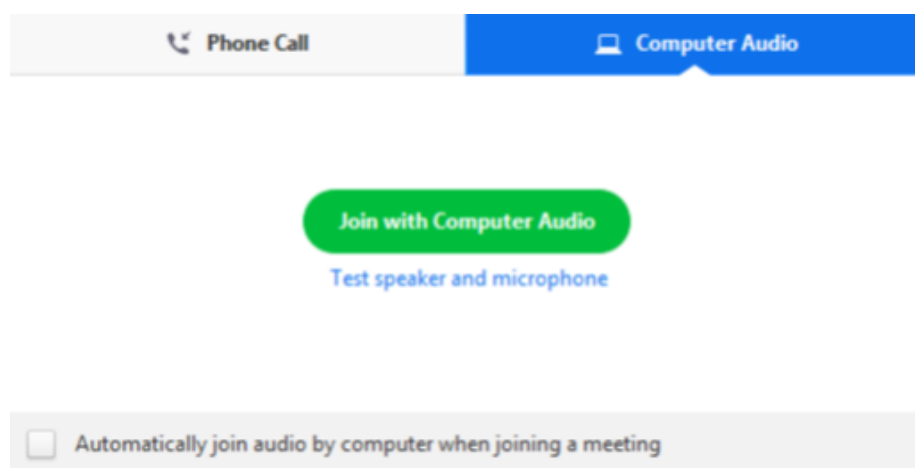
If you've never used Zoom before, look for Zoom's 101 webinar series online!

We've pulled out some main features for you here:

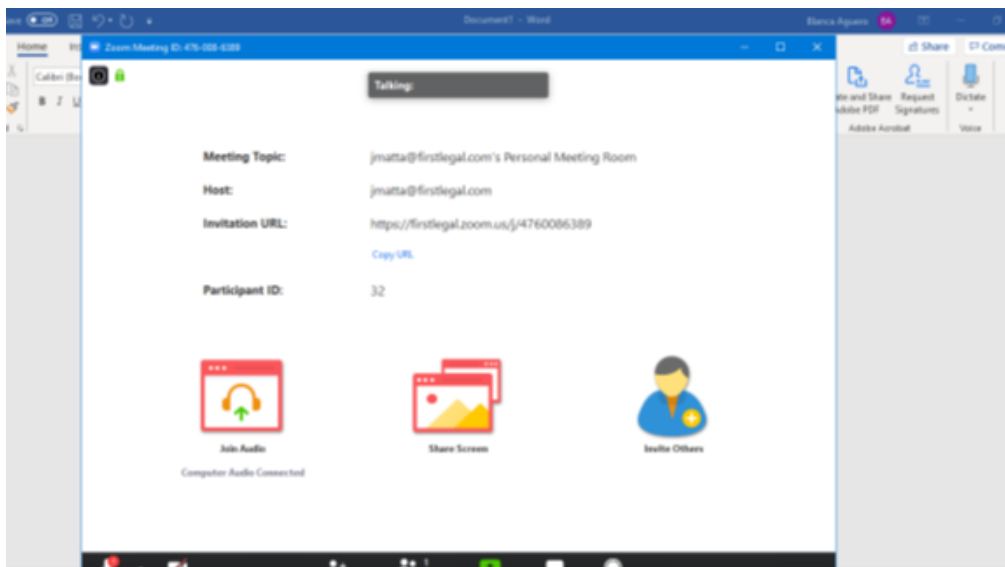
Ensure pop ups are permitted on your web browser. No download is required for use.



At the start of the meeting, choose to join with computer audio or dial-in from your mobile phone or landline.



Upon entering the remote session, you will see the following screen:



At any time during your session, use the toolbar at the bottom of the screen (note that you may have to hover mouse over banner to view):

- Audio (mute or unmute your microphone)
- Video (start or stop your video)
- Participants (shows how many have joined the meeting)
- Share Screen
- Chat
- Exit meeting



VIEWS

On the top right of your screen you will be able to toggle between speaker view and gallery view. Gallery view, like the image above, displays all participants “Brady Bunch” style. Speaker view displays only the person currently speaking.

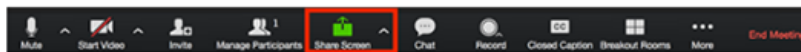
To stay fixed on a particular person, click the three dots on the top right of their image and select “Pin View”. You can Unpin them at any time by selecting “Unpin” on the top left.

SHARING YOUR SCREEN

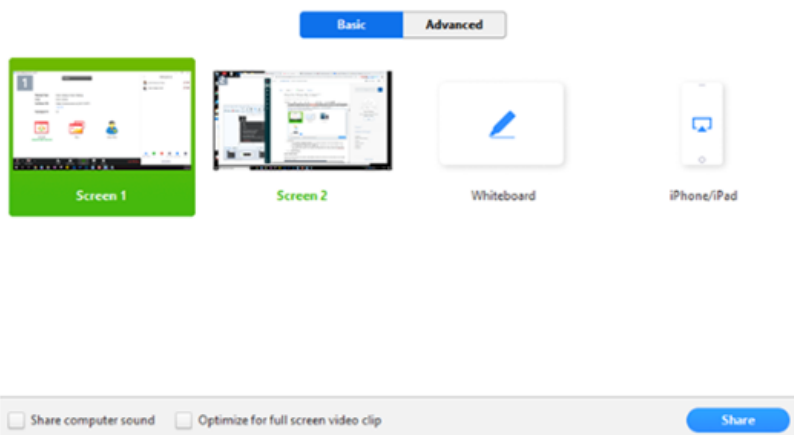
If agreed to by all parties, the videographer can arrange for multiple screens to be shared simultaneously; for example, to monitor the witness’s screen.

Sharing your screen

1. Click the **Share Screen** button located in your meeting controls.

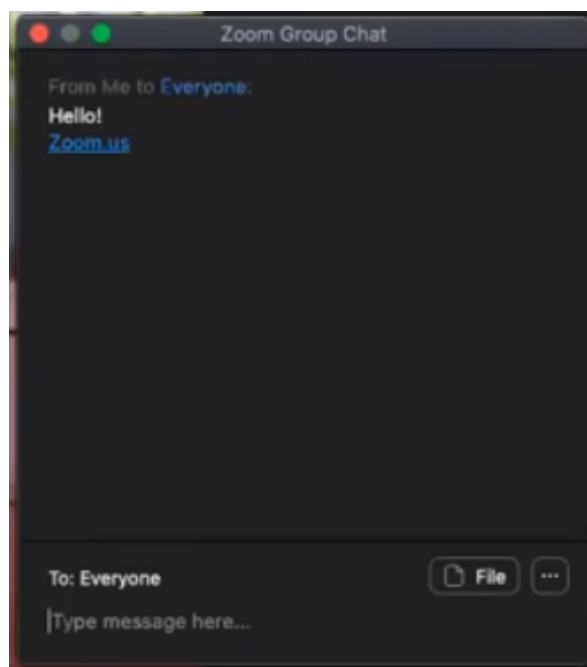


2. Select the screen you want to share. You can also choose an individual application that is already open on your computer, the desktop, a **whiteboard**, or an **iPhone/iPad**.



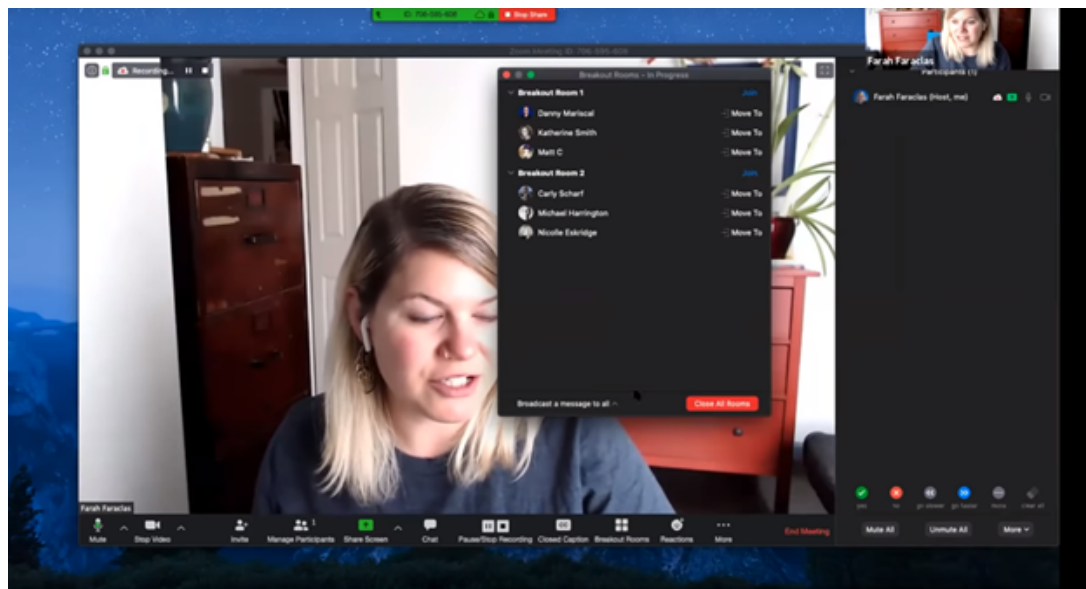
CHAT

The chat functions allows participants to upload files for the entire group to access. To upload, select the “File” button in the chatbox.



BREAKOUT ROOMS

At your request, we can create private groups within the virtual session:





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CONTACT US

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