



Remote Court Reporting FAQ **Telephonic Depositions**

Q. Does Statute 117.231 allow me to administer an oath over the telephone?

A. No. You must be able to see and hear the witness.

Q. In these times of social distancing, many of my clients are asking if we can do telephonic depositions. Isn't there some way we can accommodate them and also keep our business going?

A. Yes. You can get agreement from attorneys ahead of time to have the witness make a declaration on the record in lieu of administering an oath. If you choose this method, make sure that the attorneys are informed and agree with this method when the deposition is scheduled. Following is sample language to be used when utilizing this option:

REPORTER: The attorneys participating in this proceeding acknowledge that I, the court reporter, am not physically present in the proceeding room and that I will be reporting this proceeding remotely. They further acknowledge that in lieu of an oath administered in person, the witness will verbally declare his/her testimony in this matter is under penalty of perjury. The parties and their counsel agree to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement by stating your name and your agreement on the record.

[After agreement, reporter states:]

Will the witness please say and spell your first and last name for the record.

[After witness complies, reporter states:]

Will the witness now please repeat the following declaration for the record: "I declare my testimony in this matter is under penalty of perjury."

[After witness declares, reporter states:]

The witness having declared that his/her testimony in this matter is under penalty of perjury and the parties having stated their agreement for the record, you may proceed.



Q. If the witness declares in lieu of oath, what cert pages do I attach?

A. Only your reporter's certificate. There is no certificate of oath since you did not swear the witness. Make sure your errata sheet includes the language **"Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered above."**

Q. What do I put on the title page for the location of the deposition or proceeding?

A. The location should be listed as "By Telephone," since the reporter has no way to verify the location of the witness.