

Beyond the Four Corners: Videotaped Depositions

Body language and tone of voice presented through video will always have a stronger impact on a jury than a flat reading of testimony from a transcript. But what specifications should an attorney request?

First, the gold standard of videographers are the ones that are **certified in legal videography**. They should be familiar with Federal, State and District rules of civil procedure and evidence to ensure their product will not be thrown out of court.

Further, the usefulness of and your satisfaction with the final video product results from clear communication with your videographer. If you choose, you can have **transcript text synched to video**, meaning that as the video plays the transcribed text scrolls simultaneously on screen) Synching depositions at the time the deposition is taken, rather than at trial time, can not only reduce trial-related stress of a busy litigation team but can also provide you with additional options prior to trial. For example, you can easily create clips to use at arbitration or settlement negotiations, to educate an expert or your client, or judge and rule-permitting, to aid the judge during a hearing, e.g., Daubert, summary judgment, or in limine.

You can ask for video in **MPEG-1** format (the industry standard and recommended format for use with trial presentation software) or higher quality MPEG-2 format. Although certain trial presentation software now supports **MPEG-2**, it is recommended that, because of its instability with the software, it only be used as a last resort, i.e., when there is no time to convert to MPEG-1.

If you do not have litigation support software, you are not out of luck. Synchronized video can be packaged with **stand-alone viewer**

software. These viewers usually allow you to review and search the deposition, as well as create and export video clips. Viewers are usually inexpensive or free (with videography or synching services), are easy to use, convenient and function alone or in conjunction with other software.

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