

Video Depositions

Recently, there has been increased interest and use of videotaped depositions. A significant reason for this increase is their use in trials, whether it be the opening statement, during direct and cross-examination, or in closing argument. With this being the age of the videotape and TV, you can imagine the stirring impact video depositions would have upon the court and jury. An article in the Maricopa Lawyer (Arizona), by Michael Hawkins, emphasizes the impact of videotaped depositions.

Video Depositions Are Dramatically Different - Because They Are Drama

"I have been doing trial work for the better part of two decades. While I have had some experience with videotaped depositions, it has been neither regular nor routine. The bulk of my experience, at least until recently, has been with the run-of-the-mill, standard deposition done in the comfort of one's own office. . . I recently participated in a lengthy trial in federal court in which nearly every witness was videotaped. The judge permitted extensive use of videotaped excerpts in opening statement, during direct and cross-examination, and in closing argument. The adage that a picture is worth a thousand words is applicable and then some to video technology. To put it mildly, I was astounded at the impact. . . that the video excerpts involved someone else's client was of no comfort....In short, preparation for the videotaped deposition is as different from the standard deposition as night from day. Failing to recognize this reality could result in dire and virtually irreparable consequences for your client."

- Michael Hawkins

