

## NCRA Standards for Videotaping Depositions

- Standard #1:** The video camera used for deposition recording shall have an image resolution minimum of 350 lines of horizontal resolution.
- Standard #2:** Tripods shall be of the fluid-head type.
- Standard #3:** The zoom ratio of the camera lens used for the recording of depositions shall have a minimum focal length ratio of 8:1.
- Standard #4:** The videographer shall determine if existing light levels exceed the minimum illumination requirements specified for the camera being used and provide ancillary lighting if required.
- Standard #5:** Except for special circumstances, the videographer shall record all depositions with the camera video gain boost circuits, if any, set to the “O” db or off position.
- Standard #6:** The videographer shall evaluate room illumination for uniform color balance and provide color temperature correction media if required.
- Standard #7:** Prior to the test recording, the camera shall be white balanced to the available light and/or ancillary light that illuminates the area where the deponent will be seated.
- Standard #8:** The video portion of the deposition shall be encoded with a digital clock that shows continuously hours, minutes, and seconds and the videographer shall use this reference in maintaining the index-of-events log.
- Standard #9:** The video recording device(s) used for recording shall be equipped with manual audio-level adjustment controls.
- Standard #10:** Sound shall be recorded using conventional audio circuits and the linear audio track(s) of the videotape. In the case of a recording device capable of stereo recording, sound shall be recorded on both audio channels.
- Standard #11:** If the video equipment features circuits to control noise reduction, automatic and/or audio gain, these circuits shall be set to the “off” position.
- Standard #12:** A minimum of four microphones are to be used at all times. Three of these microphones shall be of the lavalier type and deployed in the following manner. One microphone each for:
- a. the deponent
  - b. the first direct examiner
  - c. the first cross examiner.
- Standard #13:** The videographer shall inform all participants about the sensitivity of the microphones.

- Standard #14:** The videographer shall inform all participants that statements which are not intended to be part of the record can accidentally be recorded even if whispered.
- Standard #15:** The videographer shall control the placement of each microphone on the participants to achieve an optimum signal-to-noise ratio.
- Standard #16:** The videographer shall adjust the audio mixer levels for each participant before the start of the deposition recording.
- Standard #17:** The videographer shall use a multi-channel, active microphone mixer with a volume unit meter and a minimum of four microphone inputs.
- Standard #18:** Prior to the test recording, the videographer shall calibrate the audio mixer and the audio input levels of the video recording devices by using a tone oscillator and unity gain procedures.
- Standard #19:** The audio portion of the test recording shall provide a minimum recording level of 20 decibels above system or acoustical noise, and shall include the testing and identification of each of the four individual microphones.
- Standard #20:** The maximum recording time per recording media shall be 120 minutes (2 hours) unless otherwise specified by rule, order, or notice. Any format is acceptable for the purpose of recording depositions provided that a simultaneous back-up recording is made.
- Standard #21:** Depositions shall be recorded at the standard play speed unless otherwise specified by rule, order, or notice.
- Standard #22:** In the event the videographer is asked by counsel of any party to depart from standards of neutrality, the operator shall inform counsel that his or her conduct is bound by the NCRA Code of Ethics, which mandates impartiality.
- Standard #23:** Upon the conclusion of the deposition or of any original recording media of the deposition, the videographer shall immediately remove the safety tab, or activate the record inhibit, of the videocassette and spot check the audio and video quality of the recording.
- Standard #24:** Prior to the test recording, the videographer shall calibrate the color monitor/receiver by the use of color bars generated either by the camera or from a prerecorded source.
- Standard #25:** The videographer shall continuously monitor the video recording with a monitor which is connected to the output of the video recording devices.
- Standard #26:** The videographer shall make and review a test recording before the start of the deposition.

- Standard #27:** The videographer shall play back the test recording through a monitor/receiver and evaluate the test recording for optimal picture and sound quality before beginning the deposition.
- Standard #28:** The video portion of the test recording shall demonstrate an image in sharp focus with acceptable contrast, hue, and color saturation of the head and shoulders of a person seated at the deponent's position.
- Standard #29:** During the course of off-the-record breaks, the videographer shall (if possible), spot check the last portion recorded for audio and video quality.
- Standard #30:** The videographer shall monitor the audio continuously throughout the deposition via headphones connected to the headphone output of the video recording device or at some point in the chain after the video recording device.
- Standard #31:** The videographer shall mask out or otherwise eliminate any back light that would render the video image of the deponent in poor contrast.
- Standard #32:** The videographer shall arrange ancillary lighting in such a way so as to make the deponent appear as natural as possible. Ancillary lighting shall be positioned so as not to create or cast distracting shadows on the subject or background. Soft-lighting methods such as provided by diffusion media, bounce, or umbrella techniques shall be employed.
- Standard #33:** The videographer shall determine the existence and nature of any instructions contained in rules, court orders, or stipulations regarding procedures for recording the video deposition.
- Standard #34:** The videographer shall inform all counsel of the shooting style and procedures that he or she intends to use during the course of the deposition.
- Standard #35:** In the absence of a rule, order, or stipulation which directs the shooting style of the video deposition, the videographer shall inform all counsel of the commonly acceptable variations of recording styles.
- a. Fixed focal-length method: The camera is locked on a medium shot which will show the head and shoulders of the deponent as well as any documents which may be read by the deponent. All zooming and panning techniques are prohibited except by permission of counsel for the purpose of covering an exhibit.
  - b. The suggested camera techniques that are included in the NCRA or Federal Judicial Center guidelines which recommend shot variations during the course of both direct and cross-examinations.
- Standard #36:** The videographer shall position the recording equipment and arrange participant seating in such a way so as to facilitate the shooting of a

frontal or 3/4 frontal view of the deponent during both direct and cross-examinations.

- Standard #37:** Prior to the start of the recording, the videographer shall inquire about any exhibits that are to be visually recorded during the course of the deposition.
- Standard #38:** The camera shall be positioned on a level tripod, and the lens barrel shall be at a height which is near to eye level of the deponent.
- Standard #39:** The videographer shall position the camera in such a way so as to provide a clear view of:
- a. the deponent's face and hand during oath or affirmation.
  - b. the presentation of exhibits or documents such as x-rays, charts, diagrams or models.
  - c. the deponent and at least a portion of the document deponent is reading from.
- Standard #40:** The videographer shall endeavor to eliminate any distractions from the foreground and background whenever possible.
- Standard #41:** Camera movement, such as zoom and pan techniques, shall be slow and deliberate except for the recording of exhibits and the attorney identifications recorded prior to the oath or affirmation.
- Standard #42:** The videographer shall make a simultaneous audio recording which shall be output from the audio mixer or other mixed source. If the audio recording needs changing during the simultaneous video recording and audio recording of a deposition, the videographer should not interrupt the proceedings.
- Standard #43:** Prior to recording the appearances and introduction of counsel, the videographer shall record spoken deposition identification. The complete identification shall be recorded on the audio portion of the first original, or on both the audio and video portions of the first original. The identification shall contain the following information:
- a. The witness' full name
  - b. The party on whose behalf the deposition is being taken
  - c. The full caption
  - d. The court in which the action has been filed
  - e. The docket number of the action
  - f. The address where the deposition is being held
  - g. The date of the deposition
  - h. The name of the videographer and court reporter

- Standard #44:** If a deposition requires more than one original recording media, the videographer shall begin each succeeding videotape with an identification announcement. Unless directed by a rule, order, or stipulation, this announcement shall include as a minimum, the following information:
- a. This is the beginning of original recording number XX.
  - b. This is a continuation of the deposition of (witness name) at (time).
- Standard #45:** The videographer shall make and review a test recording before the start of the deposition.
- Standard #46:** The videographer shall play back the test recording through a monitor/receiver and evaluate the test recording for optimal picture and sound quality before beginning the deposition or continuing with recording of additional units.
- Standard #47:** The test recording shall demonstrate an image in sharp focus with acceptable contrast, hue, and color saturation of the head and shoulders of a person seated at the deponent's position.
- Standard #48:** The test recording shall provide a minimum recording level of 20 decibels above system or acoustical noise, and shall include the test and identification of each of the four individual microphones.
- Standard #49:** The test recording shall remain on all the original recording media.
- Standard #50:** Prior to commencement of the deposition, the videographer shall seek the permission of counsel to interrupt the proceedings in the event of any of the following situations:
- a. oath or affirmation has not been administered
  - b. the occurrence of acoustical noise or inadvertent comments that may interfere with the sound track.
  - c. inability of the videographer to accomplish timely zoom, focus, or recording of an exhibit.
  - d. technical difficulties
  - e. end-of-tape warning at 10 minutes and again at 5 minutes before the end of any original recording.
- Standard #51:** The videographer shall inform all participants about the sensitivity of the microphones, and request that participants turn off their, cell phones or PDA's during the deposition.
- Standard #52:** The videographer shall inform all participants that statements which are not intended to be part of the record can inadvertently be recorded even if whispered.

- Standard #53:** The videographer shall inquire about any stipulations prior to the start of the deposition recording.
- Standard #54:** The videographer shall explain and clarify to all counsel off- and on-the-record signals and precautions he/she may make during the course of the video deposition.
- Standard #55:** When necessary, the videographer shall communicate all directions to the participants in a clear, audible manner.
- Standard #56:** The start of the video record shall contain a clear announcement by the videographer of the commencement of the deposition and the time of such commencement.
- Standard #57:** During recording of the deposition, the videographer shall make all verbal announcements loud enough to be clearly recorded on the audio portion of the recorded deposition.
- Standard #58:** The operator shall maintain a running index or log of events throughout the deposition. This index of events shall accompany the original recording at all times. The index will indicate the time of occurrence of the following events:
- a. Start and stop of original recording and/or deposition
  - b. The start of direct and cross-examinations
  - c. Objections
  - d. Off and on the record
  - e. Off and on the video
  - f. Approximate run time of each original recording and/or the deposition
- Standard #59:** In the event that requests to go off the record are disputed by counsel, the videographer shall continue recording the deposition without interruption except when directed by rule, court order, or prior stipulation.
- Standard #60:** The videographer shall record a clear announcement at the conclusion of any original recording of the end time of that recording and the series number of that original media.
- Standard #61:** The videographer shall record a clear announcement at the conclusion of the deposition of the end time of the deposition and that the deposition has ended.
- Standard #62:** The videographer shall sign and date a certification document. This document will accompany the original recording and state the following:
- a. The accompanying video deposition is the complete original master recording.

- b. The recording has not been altered in any way while in the videographer's possession.
- c. The recording is fair, true, accurate, and complete.
- d. The videographer has no interest in the matter whatsoever and is not a relative of any attorney or party involved in the action.

- Standard #63:** The videographer shall label the recorded deposition with the following information:
- a. whether original or duplicate
  - b. date of the deposition
  - c. number of original recordings in the series if more than one is used
  - d. number of each original recording in the series
  - e. approximate run time of the deposition
  - f. an abbreviated caption
  - g. name of the witness
- Standard #64:** The videographer shall store the index-of-events log and certification with the original recording at all times.
- Standard #65:** The video production company shall maintain a chronological log of all video depositions recorded. This log shall be used as a record of the chain of custody and shall indicate the current original recording storage location and any subsequent disposition of the original master recording and any duplicate recordings.
- Standard #66:** Upon delivery of the original recording to the court or counsel, the videographer shall inform the recipient either verbally or in writing of the proper care and maintenance procedures.
- Standard #67:** The videographer shall fully rewind the videotape(s) before delivery or storage.
- Standard #68:** The videographer shall ascertain prior to, or upon arrival in the courtroom whether the court has ruled any portion of the original recording inadmissible.
- Standard #69:** Equipment for courtroom playback shall consist of a minimum of three monitors or a projector system for jury trials. A minimum screen size for the jury shall be 19 inches measured diagonally. The jury monitor shall be positioned on a stand with a minimum height of 40 inches above floor level. The additional monitors shall be one each for counsel and the judge.
- Standard #70:** During courtroom playback, the equipment setup shall include equipment that enables the videographer to mute the speakers and blank out the picture on all monitors with precision while the recording is playing in realtime.

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- Standard #71:** The videographer shall use the stenographic transcript of the deposition as the working document for the purpose of muting the video during realtime playback at the trial.
- Standard #72:** The videographer shall refer to page and line numbers of the written transcript of the deposition(s) to identify areas that will require muting during video playback before the jury.
- Standard #73:** The videographer shall preserve the confidentiality of the deposition and take whatever steps necessary to ensure this confidentiality.
- Standard #74:** The video operator shall remain neutral to the interests of all parties at all times.
- Standard #75:** The video operator shall make every effort to ensure that the technical quality of both picture and sound will be uniform for all parties.
- Standard #76:** In the event of a disagreement between counsel regarding the selection of a camera technique, the videographer shall defer to the decision of the attorney taking the deposition to determine which acceptable technique is to be employed.