

NCRA Standards for Video 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 optical zoom ratio of the camera lens used for the recording of depositions shall have a minimum focal length ratio of 10:1.
- Standard #4:** The maximum recording time per recording media unit shall be 120 minutes (2 hours) unless otherwise specified by stipulation, rule, order or notice.
- Standard #5:** Depositions shall be recorded at the standard play speed unless otherwise specified by stipulation, rule, order or notice.
- Standard #6:** Any format is acceptable for the purpose of recording depositions provided that a simultaneous back-up recording is made.
- Standard #7:** The primary video recording device used for recording shall be equipped with manual audio-level adjustment controls.
- Standard #8:** The videographer shall be able to provide the court reporter an audio recording which shall be the output from the audio mixer or other mixed source.
- Standard #9:** 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 #10:** 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 #11:** The videographer shall evaluate room illumination for uniform color balance and provide color temperature correction media if required.
- Standard #12:** The videographer shall mask out or otherwise eliminate any backlight that would render the video image of the deponent in poor contrast.
- Standard #13:** 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 #14:** 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 #15:** 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 #16:** The video portion of the deposition shall be recorded with a display that continuously shows date and time. The videographer shall use this reference in maintaining the index-of-events log.
- Standard #17:** In the case of a recording device capable of stereo recording, sound shall be recorded on both audio channels.
- Standard #18:** If the video equipment features automatic audio gain, these circuits shall be set to the “off” position.
- Standard #19:** 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 #20:** The videographer shall use a multi-channel, active microphone mixer with a volume unit meter and a minimum of four microphone inputs.
- Standard #21:** 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 #22:** Prior to the test recording, the videographer shall calibrate the color monitor by the use of color bars generated either by the camera or from a prerecorded source.
- Standard #23:** 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 #24:** 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 #25:** The videographer shall endeavor to eliminate any distractions from the foreground and background whenever possible.

- Standard #26:** The videographer shall make and review a test recording before the start of the deposition. The test recording shall remain on all of the original recording media.
- Standard #27:** The videographer shall play back the test recording through a monitor 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 deponent's position.
- Standard #29:** 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 #30:** The videographer shall inquire about any stipulations prior to the start of the deposition recording.
- Standard #31:** 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 #32:** 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 accepted variations of recording styles.
- Standard #33:** 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 #34:** 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 #35:** 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 #36:** The videographer shall inform all participants about the sensitivity of the microphones and request that participants turn off their cell phones or PDAs during the deposition.
- Standard #37:** 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 #38:** The videographer shall explain and clarify to all participants off- and on-the-record procedures.
- Standard #39:** 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-recording medium warning at 10 minutes and again at 5 minutes before the end of any original recording.

Standard #40: The videographer shall control the placement of each microphone on the participants to achieve an optimum signal-to-noise ratio.

Standard #41: The videographer shall adjust the audio mixer levels for each participant before the start of the deposition recording.

Standard #42: 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 time and date of the deposition
- (b) The witness' full name
- (c) The party on whose behalf the deposition is being taken
- (d) The caption
- (e) The court in which the action has been filed
- (f) The case number of the action
- (g) The address where the deposition is being held
- (h) The name of the videographer and court reporter

Standard #43: The videographer shall continuously monitor the video recording with a monitor which is connected to the output of the video recording devices.

Standard #44: 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 #45:** 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 #46:** During the course of off-the-record breaks, the videographer shall (when possible) spot check the last portion recorded for audio and video quality.
- Standard #47:** 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 each media unit.
 - (b) The start of direct and cross-examinations
 - (c) Sealed/protected/attorneys eyes only content
 - (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 #48:** In the event that requests to go off the record are disputed by counsel, the videographer shall continue recording the deposition until agreement by all counsel.
- Standard #49:** The videographer shall record a clear announcement at the conclusion of any original media unit of the end time of that recording and the series number of that original media unit.
- Standard #50:** Upon the conclusion of any original recording media of the deposition, the videographer shall immediately activate the record inhibit of the media.
- Standard #51:** If a deposition requires more than one original recording media, the videographer shall begin each succeeding media unit 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 #52:** The videographer shall record a clear announcement of the conclusion of the deposition and the end time.

Standard #53: 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.
- (e) The total number of media units.

Standard #54: The videographer shall label the recorded deposition with the following information:

- (a) Whether original or duplicate
- (b) Date of the deposition
- (c) Number of media units in the series if more than one is used
- (d) Number of each original media unit in the series
- (e) Approximate run time of each recording media
- (f) An abbreviated caption
- (g) Name of the witness
- (h) Whether the segment contains sealed/protected/attorneys eyes only content

Standard #55: The videographer shall store the index-of-events log and certification with the original recording at all times.

Standard #56: 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 #57: 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 #58: The videographer shall preserve the confidentiality of the deposition and take whatever steps necessary to ensure this confidentiality.

Standard #59: The videographer shall make every effort to ensure that the technical quality of both picture and sound will be uniform for all parties.

Standard #60: The videographer shall remain neutral to the interests of all parties at all times.

Standard #61: 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 #62: The videographer shall work with the reporter to promote, protect and ensure the production of a quality record.