

PROCEDURAL RULES FOR REMOTE DEPOSITIONS BY STATE

State	Remote Deposition	Oath Administration	Additional Considerations
Alabama	Alabama permitted remote depositions prior to COVID-19 using audio-video communications technology or by telephone, provided that the parties stipulate in writing or the court may order a remote deposition upon a motion. See Rule 30(b)(7).	Under the Governor’s state of emergency proclamation , Alabama permits remote notaries for the duration of the public health emergency. Alabama’s remote notarization process requires the notary and deponent to be in Alabama, video recording of the session, and ensuring the notary can identify the individual.	
Alaska	Alaska has a long history of remote depositions to contend with its expansive and remote geography. Like most states, the parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. Alaska R. Civ. P. 30(b)(7).	Recent revisions to Alaska’s statutes require oaths by “communication technology” that provides for communication “simultaneously by sight and sound.” AS § 44.50.200(5). Previously, it was possible to administer an oath by telephone, but this method is no longer in the rule.	Alaska had already tackled issues of unprofessional behavior during remote deposition prior to COVID-19. The local rules for the federal district court specifies that the video must portray the witness seated at a table from the waist-up and remain stationary in remote depositions.
Arizona	Arizona follows the majority and codifies remote depositions by telephone or other remote means are permissible when the parties agree or by court order. 16 A. R. S. R. Civ. P., Rule 30(b)(4).	Additionally, Arizona codified remote online notarization as of July 2020. Arizona’s remote notarization rules are unique. They include the option for identifying an individual through a “dynamic knowledge-based assessment,” where the individual must answer four of five questions correctly within two minutes.	
Arkansas	Arkansas permits remote depositions through telephone or other remote means if the parties	Arkansas doesn’t normally permit remote oath administration, but the Governor issued an executive order to permit remote notary and oath	https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-12_.pdf

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	agree or under a court order. Ark. Rul. Civ. Pro. 30(b)(7).	administration for the duration of a state of an emergency. Currently, the oath can be administered through real-time audio and visual means where the parties can see and hear each other simultaneously.	
California	California made significant revisions to its Code of Civil Procedure effective September 2020 regarding the remote practice of law for depositions, service, and court procedures. Now, remote depositions are permitted by telephone or other remote means.	The oath may be administered remotely by the deposition officer. Cal. Code. Of Civil Procedure 2025.310 . Interestingly, it is at the election of either the deponent or the deposing party, that the oath may be administered remotely. Cal. Code of Civil Procedure 2025.310(a)	<p>CCP 2025.310 states:</p> <p>(a) At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.</p> <p>(b) Subject to Section 2025.420, any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent.</p> <p>Additionally, the Southern District has stated that it should not be an issue if a witness doesn't know how to use technology because lawyers and court reporting firms can overcome that obstacle. <i>See, e.g., Order, Grano v. Sodexo Management</i>, No. 18-cv-1818-GPC, (S.D. Cal. Apr. 24, 2020).</p>
Colorado	Colorado permits telephone or remote depositions if the parties agree in writing or the court may order it upon a motion. Col. R. Civ. P. 30(b)(7) .	As of December 31, 2020, Colorado codified remote notarization, which will allow remote oath administration. Accordingly, Colorado requires both simultaneous audio and visual communication with transmission quality to permit the administration. See Colorado Sec. of St. Notary Program Rule 5.2.5 .	

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Connecticut	Connecticut permits remote depositions when the parties agree in writing or the court orders it upon a motion. Conn. Sup. Ct.— Proc. in Civ. Matters, Section 13-30(g) .	Currently, Connecticut permits remote oath administration for the duration of the health crisis according to an executive order issued in June of 2020. See Executive Order No. 7ZZ.	https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7ZZ.pdf A common practice in Connecticut for administering the oath remotely is for the deponent to show his/her driver’s license on the camera as a means of identification.
Delaware	Delaware permits remote or telephone depositions if the parties agree in writing or the Court may order them upon a motion. Del. R. Civ. P. 30(b)(7) .	Delaware no longer permits remote notarization. In-person notarization requirements were temporarily suspended by the 11th Modification to the State of Emergency Declaration until April 2021. At the time of this writing, the state notary website indicates remote notarizations are not permitted and the 13th Modification to the State of Emergency indicates the 11th Modification to the State of Emergency was not renewed. Remote depositions can still be performed according to the Delaware Rules of Civil Procedure.	
Florida	Florida permits deposition by telephone or remote means upon a motion from the court. Fla. R. Civ. P. 1.130(b)(7) .	Remote oath administration is allowed for the duration of the public health crisis by Supreme Court order No. AOSC20-23 .	Remote depositions require audio and video feed in a manner to make the deponent identifiable to the person administering the oath and the person’s identification is verifiable. Pursuant to a deposition dispute, a Florida judge ordered depositions to proceed with social distancing guidelines. The court admonished the parties for unprofessional conduct in the scheduling of a routine

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			<p>corporate representative deposition. The judge required the parties to appear for a separate hearing for “the attorneys to explain their behavior in context of the far-more-important issues this Court (and the entire world is facing).” <i>CW v. NCL (Bahamas) Ltd</i>, No. 19-cv-24441 (S.D. Fla. Mar. 21, 2020).</p>
<p>Georgia</p>	<p>A deposition may be taken by telephone or remotely if the parties agree in writing or court order. O.C.G.A. 9-11-30.</p>	<p>Executive Order 04.09.20.01 suspends the requirement for in person oath administration. Certified court reporters may administer the oath remotely so long as the parties stipulate in writing and the oaths are administered via videoconferencing.</p>	<p>The State Bar of Georgia provides a General Best Practices for remote oath administration. https://www.gabar.org/COVID-19_remote_notarization.cfm</p> <p>George case law also indicates that not agreeing to a remote deposition is not a basis for the other party to seek attorney’s fees. “Absent extraordinary circumstances ... the failure of a party to agree to telephonic depositions cannot form the basis of an award of attorney fees and expenses under OCGA § 9–15–14.” <i>Ingram v. Star Touch Communications, Inc.</i>, 215 Ga. App. 329, 329 (1994).</p> <p>Georgia also provides an example where a judge denied a request to compel the appearance of an in person deposition because videoconference means were available. <i>See Order Sanho Corp. v. Kaijet Tech. In’l Ltd., Inc. d/ba j5create</i>, No. 1:18-cv-05385 (N.D. Ga. Mar. 30, 2020).</p>
<p>Hawaii</p>	<p>Parties may stipulate in writing or the court, upon a motion, may order remote depositions or</p>	<p>By Executive Order No. 20-02, remote oath and notary services may be</p>	

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	depositions by telephone. Haw. R. Civ. P. 30(b)(7) .	provided by utilizing audio-visual technology.	
Idaho	Parties may stipulate in writing or the court, upon a motion, may order remote depositions or depositions by telephone. 30(b)(4)	Remote oaths are permitted by Idaho Statute 51-114A .	Idaho has the most flexible remote oath standard. The person administering the oath may have another person by oath or affirmation identify the remote witness. Remote depositions must still have simultaneous sight and sound communication. See Idaho Statute 51-114A .
Illinois	Any party may take a remote deposition by telephone, video conference or other remote means by giving notice of the means to be used subject to the right to object. The party that insists on taking the remote deposition shall pay the costs of remote electronic means deposition. Illinois Supreme Court Rule 206(h) .	As of April 2020, the Illinois Supreme Court removed the requirement for deponents to be in the presence of the person administering the oath.	<p>Illinois is one of the few states with some additional procedural requirements for conducting remote depositions as follows:</p> <ul style="list-style-type: none"> • The deponent is no longer required to be in the presence of the officer administering the oath and recording the deposition • Exhibits or other demonstrative evidence may be presented in real time during the deposition rather than provided to the officer and all other parties • A party may be prohibited from being with a deponent during the deposition • Time spent addressing technological issues will not count against the time limit for the deposition. Note: Illinois has a 3-hour limit for discovery depositions. • No recording may take place other than the one disclosed in the notice of deposition <p>During the pandemic, an Illinois judge recently denied a motion to compel in person depositions because of the availability of remote means. <i>See Order DuraSystems</i></p>

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			<i>Barriers Inc. v. Van-Packer</i> , No. 1:19-cv-04477 (C.D. Ill. Oct. 13, 2020).
Indiana	As long as the parties so stipulate in writing, Indiana provides that “depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.” Ind. R. Trial P. 29(1) .	The Indiana Supreme Court ordered that notaries, officers, and other persons qualified to administer an oath in Indiana may do so remotely so long as the officer can see and hear the witness via audio-video communications equipment in order to positively identify the witness. Ind. S. Ct. Order No. 20s-MS-236 . The order was subsequently extended in November to July 1, 2021. Ind. S. Ct. Order No. 20S-CB-123 .	If the Indiana Supreme Court doesn’t renew the July 1, 2021 deadline, Indiana Rules of Trial Procedure Rule 30(C) requires the in person recordation of the testimony and Rule 28(A) requires in person oath administration. See Ind. R. Trial P. 28(A), 30(C) .
Iowa	A party may take telephone or remote depositions by providing notice to the other party. Rule 1.701(7) .	Iowa updated its rules in 2019 to permit personal appearance by communication technology with simultaneous sight and sound. Reserved Uniform Law on Notarial Acts (2018) . Iowa’s Governor issued an executive order, repeatedly renewed, to suspend any in-person requirement for a notarial act so long as it conforms to the communication technology requirements set forth for remote notary acts. Ind. Exec. Order 22 March 2020 .	
Kansas	Remote depositions are permitted by stipulation of the parties in writing or the court may order a remote deposition upon a party’s motion. Rule 60-230(B)(4) .	Kansas permits remote oath administration by Executive Order 20-40 that is regularly renewed.	
Kentucky	The parties may stipulate in writing to take depositions in any manner. Ky. R. Civ. P. Rule 29 .	As of 2019, Kentucky’s Remote Notary Act (SB 114) permits administering oaths remotely.	
Louisiana	Louisiana permits “the parties may by written stipulation provide that	Executive Proclamation 41 JBE 2020 Section 5(C) permits remote oath	A Louisiana District Court judge denied a protective order requiring remote depositions

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	depositions may be taken before any person, at any time or place, upon any notice, and in any manner.” LA Code Civ. Pro 1436 . The parties may agree or the court may order a deposition by telephone or by other remote means. LA Code Civ. Pro 1436.1 .	administration. The proclamation has been renewed regularly on a monthly basis during the COVID-19 crisis.	and instead required the parties to cooperate to apply a COVID protocol that meets the needs of the deposition. See Order Swivel Rental & Supply, LLC v. Petro Pull, LLC, et al., No. 6:18-cv-01141 (W.D. La. Aug. 19 2020).
Maine	Under Maine’s current Pandemic Management Order, Maine requires <i>all</i> depositions to be conducted by remote means. PMO-SJC-2(F) . All depositions are to be conducted by a video-conferencing platform unless all necessary parties (including the court reporter) agree otherwise. Normally, depositions may be in any manner agreed to the parties in writing. M.R. Civ. P. 29 .	Oaths are to be administered remotely where the other person can both simultaneously see and hear the deponent. PMO-SJC-2(F) .	
Maryland	The parties may stipulate or the court may order on a motion that a deposition be taken by telephone or other remote means. Md. R. Civ. P. Cir. Ct. 2-418 .	Remote notarization to administer the oath is permitted by executive order for the duration of the state of emergency. Executive Order No. 20-03-30-04 .	
Massachusetts	Telephone depositions are permitted by stipulation of the parties or by court order upon motion. Mass. R. Civ. P. 30(b)(7) . Remote depositions through video-conferencing platforms or other means agreed to by the parties are permitted by an October Administrative Order from the Supreme Judicial Court. OE-144 .	Remote depositions are permitted by order of the Massachusetts Supreme Judicial Court in October of 2020 as long as the person administering the oath can both see and hear the deponent and identify the deponent. OE-144 . Remote notarization was authorized in April of 2020 by the enactment of Senate Bill 2645 .	



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Michigan	Michigan permits depositions to be taken by any manner stipulated by the parties in writing or upon a court order. MCR 2.302(F)(1) .	As of November 2020, Michigan permits remote notary services through a remote electronic notarization platform. HB 6297 .	
Minnesota	Minnesota permits remote depositions if the parties stipulate in writing or the court can order a remote deposition upon a motion. Minn. R. Civ. P. 30.02(g) .	Minnesota permits remote oath administration with communication technology that provides for the ability to identify the deponent and simultaneous sight and sound connection. Minn. Stat. 358.645 .	A Minnesota District Judge rejected an argument to compel depositions in the United States because of the availability of remote communications. <i>See Order Willis Electric Co., Ltd. v. Polygroup Limited (Macao Commercial Offshore) et al.</i> , No. 0:15-cv-03443 (Minn. Dist. Jul. 30, 2020)
Mississippi	Mississippi statutes provide for deposition by telephone with proper notice. Miss. R. Civ. P. 30(b)(1) .	The Mississippi Supreme Court has suspended the requirement for in-person oath administration and permitted remote oath administration with audio-video communication that allows the oath administer to see, hear, and positively identify the deponent. MS Emergency Administrative Order-6 .	
Missouri	Missouri statutorily permits depositions by telephone under Mo. R. Civ. P. 57.03(b) .	Missouri passed HB 1655 effective in August of 2020 for remote notarial acts.	
Montana	The parties may stipulate in writing or the court may order upon motion that a deposition be taken by telephone or other remote means. Mont. R. Civ. P. 30(b)(4) .	Montana codified remote oath administration in 2019 under Mont. Stat. 1-5-603(7) that permits appearance before a notarial officer by “real-time, two-way video and audio communication technology.”	
Nebraska	The parties may stipulate in writing or the court may order upon motion that a deposition be taken by telephone or other remote means. Neb. R. Civ. P. 6-330(b)(7) .	Nebraska’s Executive Order No. 20-13 accelerated the enactment of Nebraska’s Online Notary Public Act LB 186 to immediately codify remote oath administration.	

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Nevada	The parties may stipulate in writing or the court may order upon motion that a deposition be taken by remote means. Nev. R. Civ. P. 30(b)(4) .	Nev. R. Civ. P. 30(b)(5) permits parties to stipulate for non-court appointed officer to administer the oath. Nevada’s remote notary laws permit an electronic notary act using simultaneous audio-video communications. NRS 240.1993 .	
New Hampshire	New Hampshire laws do not explicitly address remote depositions but they have been standard practice since early 2020.	For the duration of the State of Emergency, in-person oath administration is suspended by Emergency Order No. 11 under Executive Order 2020-04 .	
New Jersey	Remote depositions are permitted by a March 27, 2020 Supreme Court of New Jersey order and regularly extended. Pursuant to a June 10, 2020 notice to the bar , if disputed, a judge can determine whether in-person depositions are warranted in especially complex matters.	Both a March 27, 2020 Supreme Court order and an April 14, 2020 Executive Order permit remote oath administration for the duration of the state of emergency. In April 2020, the New Jersey legislature enacted Assembly Bill No. 3903 a Remote Notary Act that expires upon the rescission of the state of emergency. Normally, the oath would be required to be administered in the presence of the officer of the court. N.J. R. Civ. P. 4:14-3(b) .	In the deposition notice, the party should state that: <ul style="list-style-type: none"> • The deposition will be conducted by videoconference (N.J. R. 4:13); • The court reporter will administer the oath remotely, if applicable (N.J. R. 4:14-3(b) and N.J. Assembly Bill No. 3903); and, • Indicate whether the deposition will be recorded (N.J. R. 4:14-9(b)).
New Mexico	A deposition may be taken by telephone or other remote means. N.M. R. Civ. P. 1-030(B)(7) .	Remote oath administration for depositions is permitted by Executive Order 2020-039 for the duration of the state of emergency until rescinded by the governor.	
New York	Parties may stipulate that a deposition may be taken by telephone or other remote electronic means. Rule 3113(3)(d) .	Normally, New York requires in-person oath administration. Rule 3133(3)(b). Executive Order No. 202.14 permits remote notary actions and regularly renewed.	

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North Carolina	The parties may stipulate in writing or the court upon motion may order that a deposition be taken by telephone. N.C. R. Civ. P. 30(b)(7) .	The North Carolina legislature enacted SB 704 to temporarily permit remote oath taking and notary acts and renewed by the legislature.	
North Dakota	The parties may stipulate in writing or the court upon motion may order a deposition may be taken by remote means. N.D. R. Civ. P. 30(b)(4) .	North Dakota passed Chapter 44-06.1 Revised Uniform Law on Notarial Acts in 2018 to permit remote notary acts and oaths with technology that permits simultaneous video and audio communication.	
Ohio	Ohio Rules of Civil Procedure provide that parties may stipulate or the court may upon motion order that a deposition be taken by telephone or other remote means. Ohio Civ. R. 30(B)(6) .	The Supreme Court of Ohio issued an Order on July 31, 2020 providing that any oath or affirmation required by a rule of the Court may be administered remotely by use of audio or video communication technology.	
Oklahoma	Oklahoma rules provide that the parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. Okla. Stat. Ann. tit. 12, § 3230(C)(6) .	Oklahoma rules also provide that in any proceeding conducted by videoconference, a court reporter, who can see and hear the witness and other participants, may administer oaths without being physically present in the same locale as other participants. Okla. Dist. Ct. R. 34(A)(4) .	
Oregon	Oregon Rules of Civil Procedure provide that parties may agree by stipulation or the court may order that testimony at a deposition be taken by telephone. Or. R. Civ. P. 39(C)(7) .	Oregon Rules of Civil Procedure provide that the oath or affirmation for a deposition may be administered to the deponent, either in the presence of the person administering the oath or over the telephone. Or. R. Civ. P. 39(C)(7) .	
Pennsylvania	Pennsylvania does not have an explicit rule allowing for remote depositions.	Pennsylvania’s Governor suspended the requirement for physical presence of notaries who are court reporters/stenographers participating in	

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		<p>criminal, civil and administrative proceedings. Act 15 of 2020 (S.B. 841) also provides that remote notarization is temporarily authorized for all Pennsylvania notaries public, set to expire 60 days after termination or expiration of the Governor’s emergency order. The emergency order was renewed for ninety days on February 19, 2021.</p>	
Rhode Island	<p>Rhode Island Superior Court Rules of Civil Procedure provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. Super. R. Civ. P. 30(b)(7).</p>	<p>The Rhode Island Secretary of State’s website states that remote online notarizations are effective until the termination of the state of emergency.</p>	
South Carolina	<p>South Carolina Rules of Civil Procedure provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone. SCRCP 30(b)(7).</p>	<p>The Supreme Court of South Carolina issued an Order on April 22, 2020 providing that notaries who are authorized to administer oaths may administer oaths utilizing remote communication technology in the case of depositions.</p>	
South Dakota	<p>South Dakota rules provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. S.D. Codified Laws § 15-6-30(b)(7).</p>	<p>The South Dakota Supreme Court issued an Emergency Order on April 14, 2020 allowing for notaries and other persons qualified to administer an oath to swear a witness remotely by communication technology.</p>	<p>The South Dakota Supreme Court’s April 14, 2020 Emergency Order adds to South Dakota Codified Law 15-6-30(b)(7) that parties not stipulating to remote depositions bear the burden of demonstrating that their failure to stipulate was made in good faith. The order mandates that courts will impose costs and fees related to failure to stipulate not made in good faith.</p>

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Tennessee	Tennessee Rules of Civil Procedure provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone. Tenn. R. Civ. P. 30.02(7)	Tennessee does not have a rule specifically allowing remote oaths. The Supreme Court of Tennessee issued a Order on April 2, 2020 allowing for electronic signatures on court documents and the Governor issued an Executive Order on February 26, 2021 allowing for remote notarization of documents, however, neither order expressly allows for administration of remote oaths.	
Texas	Texas Rules of Civil Procedure provide that a party may take an oral deposition by telephone or other remote electronic means if the party gives reasonable prior written notice of intent to do so. Tex. R. Civ. P. 199.1	The Supreme Court of Texas issued an Emergency Order on April 27, 2020, and extended through June 1, 2021 , that allows for anyone involved in a deposition, including court reporters, to participate remotely, such as by teleconferencing, videoconferencing, or other means.	
Utah	Utah Rules of Civil Procedure provide that a deposition may be taken by remote electronic means. Utah R. Civ. P. 30(b)(5) .	The Utah Code does not contain a requirement that oaths be administered in the same location as the person making the oath. Utah passed a remote notary bill allowing for remote notary services. The Utah Supreme Court issued an Administrative Order on April 13, 2020, clarifying that a witness need not be in the physical presence of the court reporter and that an oath may be administered remotely through electronic means.	
Vermont	Vermont Rules of Civil Procedure provide that parties may stipulate in writing, or a judge may upon motion, order that a deposition be	The Vermont Supreme Court Administrative Order No. 49 issued on April 6, 2020 and extended through May 31, 2021 , provides that an officer	

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	taken by telephone or other remote electronic means. Vt. R. Civ. P. 30(b)(7) .	or other person authorized to administer an oath may administer the oath remotely, without being in the physical presence of the deponent.	
Virginia	Virginia Rules of the Supreme Court provide that a deposition may be taken by telephone, video conferencing, or teleconferencing. Va. Sup. Ct. R. 4:5(b)(7) .	The Handbook for Virginia Notaries Public provides for remote administration of oaths.	
Washington	Washington Superior Court Civil Rules provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. Wash. Super. Ct. Civ. R. 30(b)(7) .	The Supreme Court of Washington Order No. 25700-B-610 issued on April 2, 2020 suspends any local or state court rule that requires administering any oath or affirmation in person where such oaths or affirmations can be administered remotely by available technologies.	
West Virginia	West Virginia State Court Rules provide that parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. W. Va. R. Civ. P. 30(b)(8) .	Executive order No. 11-20 , issued on March 25, 2020, suspends statutory regulations requiring court reporters to appear in person for statements made on the record.	
Wisconsin	Wisconsin allows the deponent, the reporter, or any other person participating in a deposition to appear by telephone. Wis. Stat. Ann. § 804.05(8) .	The Supreme Court of Wisconsin issued an order on March 25, 2020 allowing court reporters to administer an oath to a witness at a deposition remotely via audio-visual communications technology.	The Supreme Court of Wisconsin issued an order on May 22, 2020, extending various orders relating to COVID-19 until further notice, including the order regarding remote administration of oaths for depositions.
Wyoming	Wyoming Rules of Civil Procedure allow parties to stipulate to have depositions taken by telephone or other remote means, and provide that parties may	Wyoming Rules of Civil Procedure provide that parties may stipulate that depositions need not be taken “before” a court reporter. Wyo. R. Civ. P. 30(b)(5) .	The Wyoming Supreme Court issued an order on March 26, 2020 adding to Rules of Civil Procedure 30(b)(4) and 30(b)(5) that parties not stipulating to remote depositions and/or that a deposition not be taken before a

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	<p>stipulate that depositions need not be taken “before” a court reporter. Wyo. R. Civ. P. 30(b)(4).</p>		<p>court reporter bear the burden of demonstrating that their failure to stipulate was made in good faith. The order mandates that courts will impose costs and fees related to failure to stipulate not made in good faith. The Supreme Court order is extended to May 19, 2021.</p>
<p>District of Columbia</p>	<p>District of Columbia allows for remote depositions if the parties stipulate to or the court orders that a deposition be taken by telephone or other remote means. D.C. Super. Ct. R. Civ. P. 30(b)(4).</p>	<p>District of Columbia requires that depositions must be conducted before an officer who is properly appointed or designated under Rule 28. However, the rule allows the parties to stipulate to the contrary. D.C. Super. Ct. R. Civ. P. 30(b)(5).</p>	