

II.D | NON-STENOGRAPHIC RECORDING OF DEPOSITIONS

Rule 30(b), Federal Rules of Civil Procedure, provides that parties are authorized to record deposition testimony by non-stenographic means without first obtaining permission of the Court or agreement from other counsel. Rule 30(b)(3)(A) states that the party taking the deposition shall state in the notice the method by which the testimony shall be recorded. Unless the Court orders otherwise, the testimony may be recorded by audio, audiovisual, or stenographic means, and the party taking the deposition shall bear the costs of recording. Rule 30(b)(3)(B) allows any party to designate an additional method to record the deponent's testimony so long as prior notice is provided to the deponent and other parties. The additional record or transcript shall be made at the designating party's expense unless the Court orders otherwise.

A party choosing to record a deposition only by videotape or audiotape should understand that a transcript will be required by Rules 26(a)(3)(A)(ii) and 32(c), Federal Rules of Civil Procedure, if the deposition is later to be offered as evidence at trial or in conjunction with a Rule 56 motion. Objections to the non-stenographic recording of a deposition may be presented to the Court under the provisions of Rule 26(c).

Parties using non-stenographic means to record deposition testimony shall refer to Rule 30(b)(4), Federal Rules of Civil Procedure, for specific procedures to ensure proper recording.