

I'M A TEXAS CSR. SHOULD I REPORT THIS DEPOSITION?

Case filing location	Witness location	Texas CSR location	Pre-Pandemic Can I report in person?	Pre-Pandemic Can I report remotely pursuant to TRCP 199.1(b)?	Can I report remotely pursuant to Texas's Supreme Court Emergency Orders?
Texas	Texas	Texas	YES	YES, witness sworn in person (must be with atty or witness)	YES
Outside of Texas	Texas	Texas	YES	YES, witness sworn in person (must be with atty or witness)	Must follow rules/court order/emergency orders of state where case is filed
Texas	Outside of Texas	Texas	NA	YES, witness sworn in person (must be with taking atty)	YES
Texas	Outside of Texas	Outside of Texas with witness	YES	NA	NA
Texas	Outside of Texas	Outside of Texas NOT with witness	NA	NO	*NO
Outside of Texas	Outside of Texas	Texas	NA	NOT AS A TEXAS CSR	NOT AS A TEXAS CSR
Outside of Texas	Texas	Outside of Texas	NA	NO	NO
Texas	Texas	Outside of Texas	NA	NO (must be with taking atty, unlikely scenario)	*NO (Intent of order is to quarantine)

The Supreme Court of Texas and Court of Criminal Appeals of Texas Emergency Orders Regarding the COVID-19 State of Disaster apply **only to cases filed in Texas**:

Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent: allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court reporter, grand juror, or petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means; and consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means.

TRCP 199.1. (b) Depositions by telephone or other remote electronic means. 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. For the purposes of these rules, an oral deposition taken by telephone or other remote electronic means is considered as having been taken in the district and at the place where the witness is located when answering the questions. The officer taking the deposition may be located with the party noticing the deposition instead of with the witness if the witness is placed under oath by a person who is present with the witness and authorized to administer oaths in that jurisdiction.

*Texas CSRs are granted authority to administer oaths under Government Code Sec. 154.105. The Supreme Court, while ordering courts in Texas to allow remote appearance and consider as evidence sworn testimony given remotely, does not specifically address the location of the person administering the oath in their Emergency Orders. However, existing Government Code for Texas Remote Notaries requires the person administering the oath be physically located in Texas, while the person taking the oath may be located in another state.