THE UTAH SUPREME COURT

ADMINISTRATIVE ORDER

April 13, 2020

It has come to the attention of the Utah Supreme Court that a question has arisen about conducting remote depositions and whether a witness must be in the physical presence of a court reporter in order for the court reporter to administer an oath to the witness. The Court issues this order to provide assurances that a witness need not be in the physical presence of the court reporter. An oath may be administered remotely through electronic means.

Rule 30(b)(5) of the Utah Rules of Civil Procedure states that a "deposition may be taken by remote electronic means." The rule does not require any person to be in the same room as another person. The rule considers the deposition to have been "taken at the place where the witness is located." Utah Code § 78A-2-404(2) states that "a certified court reporter is an officer of the court, authorized to administer oaths." Unlike the statutes governing notaries public, the court reporter statutes do not require a person to be in the physical presence of a court reporter when taking an oath. The practice of witnesses taking oaths through electronic means is regularly occurring in the trial courts as proceedings are being conducted remotely.

IT IS HEREBY ORDERED:

Court reporters, as officers of the court, are authorized to administer oaths through remote electronic means without the witness being physically present. Because this order is based on existing law, court reporters may continue to administer oaths remotely unless existing laws are amended to require a witness to be in the physical presence of a court reporter.

DATED this 13th day of April 2020.

MATTHEW B. DURRANT
Chief Justice, Utah Supreme Court