Guidelines for creating deposition summaries

The essential prerequisite for creating good deposition summaries is fluency in the use of written English. Without that, you won’t succeed. Even with it, there are techniques you need to adopt. The most important of these are set out below and must be followed if you are to stand any chance of your test summary being accepted.

Equipment and competencies
You need to have a college degree at the very least, and preferably have achieved a higher level of education in some field. A law-related area of study is obviously useful, but the ability to comprehend complex texts and think logically are skills that you may have developed in a quite different area of study. You will need the computer capacity to download and store very large files, for which a high-speed connection is very useful but not absolutely essential. You need to be able to send and receive e-mails via a proper ISP e-mail address, and to read them regularly and respond to them within a reasonable time. This is not the sort of work you can do from an internet café or via an e-mail service such as Hotmail. You need to be conversant with Microsoft “Word” and Corel “WordPerfect.”

Payment
If accepted, you will work as an independent contractor. As such you are not directly employed and tax will not be deducted from payments made to you. It is your own responsibility to meet your personal tax liabilities. If you are a US citizen you will be issued with a form 1099 if your earnings exceed $600 in any calendar year, and you will need to supply your social security number. Payment is per transcript page, not per hour. You can work as quickly or as slowly as you wish, provided you meet any applicable deadlines. If you work too fast, quality is likely to suffer and you may not be sent further work. Speed varies with the nature of the transcript, but most summarizers find they can do between 10 and 16 pages per hour.

Sending work
Transcripts are generally sent to you as an e-mail attachment, in Adobe Acrobat or other digital form. You will return the completed summary in the same way. Be aware that these files can be very large and on a 56k modem take quite a long time to download. Remember that all transcripts are confidential and must be seen by you only while you are working on them.

Preparation for the test
The best way to start is to familiarize yourself with the sample summaries. Try to absorb and copy the style. It is usually a good idea to skim through the whole deposition to get a general idea of what it is about, although as you develop more experience and/or become familiar with individual ongoing cases, this becomes less important.
Hints on how to write a good summary
The ability to write a good summary is largely an intuitive skill, not susceptible to being taught. Simply put you’ve either got it or you haven’t. However, these hints may help you:

1. You are summarizing what the deponent says, but doing so in a narrative form. There is no need to keep restating his/her name, or repeating the word “said” or similar. Use pronouns when there is no risk of confusion, and turn the deponent’s answers into something akin to a story, condensing and amalgamating separate statements where possible.

For example, do not write:
Ms. Smith said the car was probably a Corvette. She was certain it was yellow. She said it came through the red light. Ms. Smith estimated the car’s speed at 80 m.p.h.

Better would be:
The car was yellow, probably a Corvette. It came through the red light at what she estimated to be 80 m.p.h.

2. Do not refer to the attorney’s questions. Make them part of the summary of the deponent’s testimony. Combine the question and the answer into a statement.

3. Include all important detail – dates, names, sequence of events etc. Expand acronyms the first time they occur. If in doubt about something, put it in. If detail is considered unnecessary it can be edited out when your work is checked before being passed to the client.

4. Each heading should relate to a logically discrete topic. Keep all the text relating to that topic together in one paragraph. Do not use separate paragraphs. If you feel the need to start a new paragraph, ask yourself whether you should really be starting a new topic heading.

5. Stay factual – remain objective. Do not editorialize, or provide impressions, opinions or recommendations. There may be times when the facts are unclear from the transcript, or technical jargon is used that is not explained. In such cases it may be sufficient to use the actual words of the transcript in your summary, in the hope that they will mean more to someone else than they do to you. In an extreme case, do your best and insert a note, such as [transcript unclear].

6. Use of quotations can give an interesting insight into the tone of the deposition. They are also useful when you want to make it clear that the words are those of the deponent rather than your own. You might write: “Smith made it clear he did not think the plans were
drawn up in a professional manner.” You might convey the tone better by quoting the deponent: ‘Smith thought the plans were “crap”. ’ If the direct words of the deponent are particularly telling, you may wish to quote them in full, indented and italicized thus:

“I have been building houses from plans for 30 years. In all that time I have never come across such incompetently drawn plans. I’d go as far as to say that if I’d tried to build a house the way these plans tell me to, it would have fallen down within a month.”

7. The ideal length of a summary is 8 to 15 percent of the transcript. This will vary depending on the style of the attorney, the witness and how many objections and other interruptions there are. Do not summarize anything other than what the witness says. Long interruptions can be briefly explained by a short entry such as [Colloquy about the integrity of the document] etc.

8. Each topic heading should cover 2-5 pages of the transcript. This can vary, especially if an exhibit is introduced but scarcely discussed, when the topic may cover less than one page. A topic may well run on to cover some 10 pages, though this is unusual and should be avoided if possible. If a topic logically extends to more than 10 transcript pages, as can happen, find some way to break it up even if the division is somewhat arbitrary.

9. Topic headings should not exceed a single line. They should clearly encapsulate the contents of the section that follows. If an exhibit is being addressed, include the exhibit number at the start of the topic heading. Repeat the exhibit number if several topics headings arise from one exhibit.

10. The normal summary is the two-column format in “Word.” Use this unless you are told otherwise.

11. When you have finished, run the spell-checker. Then re-read everything you have written, looking for errors the spell-checker doesn’t pick up. Finally, re-read it again to see that you are happy with the way you have expressed yourself. There will still be errors; that’s why there is a second proof-reader on all summaries.

12. Good luck! But remember that “luck” happens when preparation meets opportunity. This is your opportunity. Make the most of it.