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# The Insider's Guide to Depositions in China

China is one of those countries where lots of questions about setting-up a depo frequently pop-up in my inbox. Although not the friendliest to U.S. depositions taking place on their soil, there are a few ways to get the testimony you need from a witness who resides in China.

## 1. Basics in China Law

Even though China is member of the Hague Convention, it does not permit the taking of depositions or witness statements (even from willing witnesses) in China for use in foreign courts. Beyond being merely frowned upon, participation in unauthorized depositions can result in serious sanctions, from deportation to the arrest and detention of attorneys and other participants.

Even conducting a deposition in a hotel room with an oath by private persons could result in criminal penalties under Chinese law. The restrictions in China also extend to telephonic depositions and depositions by videoconference. So, how can you depose a witness who lives in China? Keep reading to find out.

## **2. Option to Depose in a Neighboring Country**

A common workaround for difficult countries is to fly the witness to a nearby country or jurisdiction that does not have restrictions. A lot of Chinese witnesses, for example, end up being deposed in Hong Kong, Singapore or Taiwan, which are all places they can travel to relatively easily and where it is legal to depose a witness for U.S. courts.

Here at Optima Juris, we cover depositions of Chinese witnesses all the time. We have local court reporters in Hong Kong, Singapore, and throughout Asia who are experts at handling U.S. depositions. As a Global Deposition Expert and court reporter myself, my expertise can help guide you through the requirements for setting up your international deposition.

## **3. Using a Legal Interpreter**

Trained legal interpreters specifically for international depositions can be the perfect guide for an effective deposition in Asia. When addressing witnesses in a foreign language, the accuracy of your message depends on the interpreters you have at your disposal. In the legal process this leaves very little room for error.

We have the best interpreters in Asia. All of our professionals are trained in the legal domain and will help make your deposition a success.

## **4. Useful Links**

### City Guides

Discover Hong Kong

<http://www.discoverhongkong.com/us/index.jsp>

Experience Singapore

<http://www.yoursingapore.com/en.html>

Introducing Taiwan

<http://www.lonelyplanet.com/taiwan>

### Hotels

Trip Advisor – Top 25 Hotels in Asia 2015

<http://www.tripadvisor.com/TravelersChoice-Hotels-cTop-g2>

Lonely Planet Asia Hotel Search

<http://www.lonelyplanet.com/asia/hotels>

Official statement from the U.S. Department of State – Depositions in China

<http://travel.state.gov/content/travel/english/legal-considerations/judicial/country/china.html>

U.S. Embassy

United State Embassies Around the World

<http://www.usembassy.gov/>

To see more useful practical information and advice on depositions in Asia please visit:

<http://optimajuris.com/info-center/regional-guides-asia.shtml>

If you have an upcoming deposition in China, I recommend that you [contact me](#) directly and I can advise you based on your particular situation. Please also feel free to visit our [informational quote request page for China](#). I am more than happy to find the best solution for your specific requirements!

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