

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 1101 by Representative Broadwater

1 AMENDMENT NO. 1

2 On page 1, delete line 2, and insert "To amend and reenact Code of Civil Procedure Art.  
3 1446(A)(1) and R.S.37:2557(B), to enact R.S. 37:2555(G) and 2556(D), and to repeal Code  
4 of Civil Procedure Art. 1446(C), relative to certified shorthand reporters;"

5 AMENDMENT NO. 2

6 On page 1, line 3, delete "Shorthand Reporters;" and after "investigation" delete the  
7 remainder of the line and insert "of a reporter; to provide relative to discovery proceedings;  
8 to provide for notice for inspection and copying of depositions; to provide for certification  
9 by court reporting firms; and"

10 AMENDMENT NO. 3

11 On page 1, between lines 5 and 6, insert:

12 "Section 1. Code of Civil Procedure Art. 1446(A)(1) is hereby amended and  
13 reenacted to read as follows:

14 Art. 1446. Certification by officer; custody of deposition; exhibits; copies;  
15 notice of availability for inspection or copying; cost of originals and  
16 copies of transcripts

17 A.(1) The officer as defined in Article 1434(B) shall certify on the deposition  
18 that the witness was duly sworn and that the deposition is a true record of the  
19 testimony given by the witness. He shall then securely seal the deposition in an  
20 envelope endorsed with the title of the action and marked "Deposition of (here insert  
21 name of witness)" and shall promptly send it by United States mail or by courier to  
22 the party at whose request the deposition was taken, who shall become the custodian  
23 of the deposition. ~~The original of the deposition shall not be filed in the record, but~~  
24 ~~shall be made available to all other parties in the matter for inspection or copying.~~  
25 The failure or lack of filing such original in the record shall not affect the use or  
26 admissibility of the original at trial or by the court if otherwise authorized or  
27 provided by law.

28 \* \* \*

29 AMENDMENT NO. 4

30 On page 1, delete line 6, and insert:

31 "Section 1. R.S. 37:2557(B) is hereby amended and reenacted and R.S. 37:2555(G)  
32 and 2556(D) are hereby enacted to read as follows:

33 §2555. Definitions

34 \* \* \*

35 G. A "court reporting firm" is defined as any person, company, corporation,  
36 organization, partnership, group, limited liability entity, commercial enterprise, or  
37 other entity doing business in Louisiana that is owned or controlled by a person who  
38 is not licensed by the board to practice court reporting and that engages others or  
39 itself engages in any aspect of the practice of court reporting as defined by statute or  
40 by rule, including such activities as arranging for or engaging the services of a  
41 licensed court reporter, reporting, recording, taking, producing, transcribing,  
42 delivering, or invoicing depositions, court proceedings, sworn statement, or other  
43 similar preservation of testimony, or any other activities as identified in rules

1 promulgated by the board. A lawyer admitted to practice in Louisiana, or a group  
2 of lawyers, or a law firm, or the clerical or administrative employees of such are not  
3 to be considered a court reporting firm as defined herein. A court reporting firm is  
4 considered a "person" and a "reporter" for the purposes of this Chapter.

5 \* \* \*

6 §2556. Appointment of reporter; certification by court reporting firm

7 \* \* \*

8 D. If a licensed Louisiana court reporter has no actual knowledge of a  
9 prohibited employment or contractual relationship between a party litigant and a  
10 court reporting firm, and if the reporter receives certification that the firm has no  
11 prohibited contractual or employment relationship with a party litigant, the reporter  
12 may accept employment from the firm and shall not be considered an "employee"  
13 for purposes of Article 1434 of the Code of Civil Procedure. The board shall  
14 establish by rule the procedures and representations by which a court reporting firm  
15 shall provide the necessary certification to court reporters."

16 AMENDMENT NO. 5

17 On page 1, after line 20, insert:

18 "Section 3. Civil Code Art. 1446(C) is hereby repealed."  
19