
DIGEST

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CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1101 by Representative Broadwater

Keyword and oneliner of the instrument as it left the House

COURTS/COURT REPORTERS: Provides relative to court reporters

Report adopts Senate amendments to:

1. Remove the prohibition to file the original deposition in the record and require the deposition to be made available to all other parties in the matter for inspection or copying.
2. Provide for the definition of a "court reporting firm".
3. Authorize a court reporter to accept employment from a firm if the reporter receives certification that the firm has no prohibited employment or contractual relationship between the party litigant and the firm and the reporter has no actual knowledge of a prohibited relationship.
4. Repeals provisions relative to the requirement that the party taking a deposition give prompt notice to all other parties of its availability for inspection or copying.

Report rejects Senate amendments which would have:

1. Retained present law which prohibits the filing of the original deposition in the record and requiring that the deposition be made available to all other parties in the matter for inspection and copying.

Digest of the bill as proposed by the Conference Committee

Present law relative to certification of depositions, prohibits the original of the deposition from being filed in the record, but requires the original to be made available to all other parties in the matter for inspection or copying.

Proposed law removes the present law prohibition and requirement.

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

Proposed law further provides that a lawyer admitted to practice in Louisiana, a group of lawyers, or a law firm, or the clerical or administrative employees of such, are not to be considered a "court reporting firm".

Proposed law provides that a court reporting firm is considered a "person" and a "reporter" for the purposes of present law.

Present law provides that a deposition shall be taken before an officer authorized to administer oaths, who is not an employee or attorney of any of the parties, or otherwise interested in the outcome of the case. Provides that "an employee" includes a person who has a contractual relationship with a party to provide shorthand reporting or other court reporting services.

Proposed law provides that if a licensed Louisiana court reporter has no actual knowledge of a prohibited employment or contractual relationship between a party litigant and a court reporting firm, and if the reporter receives certification that the firm has no prohibited contractual or employment relationship with a party litigant, the reporter may accept employment from the firm and shall not be considered an "employee" for purposes of present law.

Proposed law requires the Board of Examiners of Certified Shorthand Reporters to establish by rule the procedures and representations by which a court reporting firm shall provide the necessary certification to court reporters.

Present law authorizes the Board of Examiners of Certified Shorthand Reporters, on its own motion or if requested in writing by verified complaint, to investigate the actions of any person applying for, holding, or claiming to hold any certificate, or any person practicing court reporting without first having obtained a certificate.

Proposed law retains present law and adds that at the commencement of any such investigation, notice shall be provided to any person subject to the investigation and shall provide the nature and subject of the investigation.

Present law requires that the party taking the deposition give prompt notice to all other parties of its availability for inspection or copying.

Proposed law repeals present law.

(Amends R.S. 37:2557(B); Adds R.S. 37:2555(G) and 2556(D); Repeals C.C.P. Art. 1446(C))