

By: Moody

H.B. No. 1737

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of depositions by court reporters and the deposition transcripts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 52.001(a), Government Code, is amended by adding Subdivision (3-b) to read as follows:

(3-b) "Secure digital copy" means a digital copy in a readable format that cannot be altered or printed.

SECTION 2. Chapter 52, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DUTIES RELATING TO DEPOSITIONS

Sec. 52.021. DEPOSITION TRANSCRIPTS. (a) A deponent and the attorneys of record and parties to a case in which a deposition is taken are entitled to obtain a copy of the deposition transcript from the court reporter or court reporting firm. The court reporter or court reporting firm may impose and require payment of a reasonable fee before providing the transcript.

(b) On request of a deponent or the deponent's attorney, a court reporter or court reporting firm shall notify the deponent or attorney when the deposition transcript is available for review and allow the deponent a period of at least 20 days to:

(1) review a secure digital copy of the transcript;

and

(2) provide a separate document signed by the deponent

1 listing any changes in form or substance the deponent desires to
2 make to the transcript and the reasons for those changes.

3 (c) During the review period under Subsection (b), the court
4 reporter or court reporting firm shall retain possession of the
5 original deposition transcript.

6 (d) On the earlier of the expiration of the review period or
7 receipt of the signed document under Subsection (b), the court
8 reporter or court reporting firm shall promptly deliver the
9 original deposition transcript to the custodial attorney
10 responsible for protecting the integrity of the transcript.

11 SECTION 3. Section 52.059(a), Government Code, is amended
12 to read as follows:

13 (a) Except as provided by Subsection (c), an attorney who
14 takes a deposition and the attorney's firm are jointly and
15 severally liable for a shorthand reporter's charges for:

- 16 (1) the shorthand reporting of the deposition;
17 (2) transcribing the deposition; ~~and~~
18 (3) the original deposition transcript and first copy
19 of the transcript; and
20 (4) each additional copy of the deposition transcript
21 requested by the attorney.

22 SECTION 4. Section 154.112(b), Government Code, is amended
23 to read as follows:

24 (b) A noncertified shorthand reporter may report an oral
25 deposition only if:

- 26 (1) the noncertified shorthand reporter delivers an
27 affidavit to the parties or to their counsel present at the

1 deposition stating that a certified shorthand reporter is not
2 available to report the deposition in person or through remote
3 technology; or

4 (2) the parties or their counsel stipulate on the
5 record at the beginning of the deposition that a certified
6 shorthand reporter is not available to report the deposition in
7 person or through remote technology.

8 SECTION 5. The changes in law made by this Act apply only to
9 a deposition taken on or after the effective date of this Act. A
10 deposition taken before that date is governed by the law in effect
11 on the date the deposition was taken, and the former law is
12 continued in effect for that purpose.

13 SECTION 6. This Act takes effect September 1, 2021.