

2017 Regular Session

HOUSE BILL NO. 227

BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/COURT REPORTERS: Provides relative to sealing and delivering depositions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1446(A)(1), relative to depositions;
3 to provide procedures for the sealing of certain depositions; to provide for delivery
4 of electronically sealed depositions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1446(A)(1) is hereby amended and
7 reenacted to read as follows:

8 Art. 1446. Certification by officer; custody of deposition; exhibits; copies; notice
9 of availability for inspection or copying; cost of originals and copies of
10 transcripts

11 A.(1)(a) The officer as defined in Article 1434(B) shall certify on the
12 deposition that the witness was duly sworn and that the deposition is a true record
13 of the testimony given by the witness. He shall then securely seal the deposition in
14 an envelope endorsed with the title of the action and marked "Deposition of (here
15 insert name of witness)" and shall promptly send it by United States mail or by
16 courier to the party at whose request the deposition was taken, who shall become the
17 custodian of the deposition. The original of the deposition shall not be filed in the
18 record, but shall be made available to all other parties in the matter for inspection or
19 copying. The failure or lack of filing such original in the record shall not affect the

1 use or admissibility of the original at trial or by the court if otherwise authorized or
2 provided by law.

3 (b) Alternatively, at the request of the parties, the officer may seal the
4 deposition electronically by secure electronic means approved by the Board
5 Examiners of Certified Shorthand Reporters and deliver the deposition electronically
6 to the party at whose request the deposition was taken, who shall then become the
7 custodian of the deposition.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 227 Original

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Shadoin

Abstract: Adds an alternate procedure for court reporters to seal depositions electronically by secure electronic means and deliver a deposition electronically to the party at whose request the deposition was taken.

Present law provides the procedures for taking, certifying, and sealing the deposition of a witness in civil matters.

Present law requires the court reporter to securely seal the deposition in an envelope endorsed with the title of the action and promptly send it by U.S. mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition.

Proposed law retains present law and adds an alternate procedure for sealing the deposition electronically by secure electronic means and delivering the deposition electronically to the party at whose request the deposition was taken.

(Amends C.C.P. Art. 1446(A)(1))