

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 284**

March 7, 2000 – Offered by Senator HUELSMAN.

1 **AN ACT** *to create* 804.03 (4) of the statutes; **relating to:** private court reporting
2 services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 804.03 (4) of the statutes is created to read:

4 **804.03 (4) PRIVATE COURT REPORTER RESPONSIBILITIES.** (a) In this subsection:

5 1. “Court reporting firm” means a business that provides services of private
6 court reporters.

7 2. “Private court reporter” means an court officer who captures and transcribes
8 verbatim legal proceedings and who is authorized to administer oaths to witnesses.
9 Private court reporter does not include a court reporter while working in a courtroom
10 setting as an employe of the court.

11 3. “Contract or agreement” means a contract or agreement, whether oral or
12 written, for court reporting services between a private court reporter or court

1 reporting firm and an attorney, law firm, party to a legal proceeding or party having
2 a financial interest in a legal proceeding that provides for ongoing court reporting
3 services not limited to a particular case or reporting incident.

4 (b) 1. The existence of a contract or agreement for court reporting services must
5 be disclosed as provided by this paragraph. Written notice of a contract or agreement
6 must be included in the notice of taking deposition or the notice of legal proceeding
7 before commencement of a legal proceeding at which court reporting services are
8 being provided. Oral disclosure of a contract or agreement must be made on the
9 record by the court reporter at the commencement of the legal proceeding.

10 2. A private court reporter shall comply with all of the following requirements:

11 a. Shall treat all parties to an action equally, providing comparable services to
12 all parties.

13 b. May not act as an advocate for any party or act partially to any party to an
14 action.

15 c. Shall comply with all state and federal court rules that govern the activities
16 of court reporters.

17 3. An attorney or party to the proceeding shall state the reason for the objection
18 to the provision of court reporting services by a private court reporter or court
19 reporting firm and shall note the objection and the reason on the record.

20 (c) Upon the court's or presiding officer's learning of a violation of par. (b) 1. or
21 2., the court or presiding officer may declare that the record for which the court
22 reporting services were provided is void and may order that the legal proceeding be
23 reconducted. Persons who violate par. (b) 1. or 2., are jointly and severally liable for
24 costs associated with reconducting the legal proceeding and preparing the new

1 record. Costs include attorney, witness and private court reporter appearance and
2 transcript fees.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to court reporting services provided on the effective
5 date of this subsection.

6 (END)