

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB284)

Received: 03/06/2000

Received By: nelsorp1

Wanted: 03/07/2000

Identical to LRB:

For: Joanne Huelsman (608) 266-2635

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Persons who take depositions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 03/07/2000	jgeller 03/07/2000		_____			
/1			haueca 03/07/2000	_____	lrb_docadmin 03/07/2000	lrb_docadmin 03/07/2000	
/2	nelsorp1 03/07/2000	jgeller 03/07/2000	kfollet 03/07/2000	_____	lrb_docadmin 03/07/2000	lrb_docadmin 03/07/2000	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB284)

Received: 03/06/2000

Received By: nelsorp1

Wanted: 03/07/2000

Identical to LRB:

For: Joanne Huelsman (608) 266-2635

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Persons who take depositions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 03/07/2000	jgeller 03/07/2000		_____			
/1		1/2 3/7 jg jg	haugca 03/07/2000	_____	lrb_docadmin 03/07/2000	lrb_docadmin 03/07/2000	
FE Sent For:			kjf 3/12	rcjf/scf 3/17			

<END>

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB284)

Received: 03/06/2000

Received By: nelsorp1

Wanted: 03/07/2000

Identical to LRB:

For: Joanne Huelsman (608) 266-2635

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Persons who take depositions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	nelsorp1	1 3/4 jlg	ch 3-1	ch KMC 2/2			

FE Sent For:

<END>

3/6/w

Bob -
PLEASE STAFF AS EITHER
A REPORT OR SUB AMENDMENT
TO SB 289 FOR PROH
ACTION 3/7/w.

Thank you!

Roy
off of SEN. JAMES
AMENDMENT

652635

. MINN. STAT. § 486.10 printed in FULL format.

MINNESOTA STATUTES 1999

*** THIS SECTION IS CURRENT THROUGH THE 1999 LEGISLATIVE SESSION ***

Judiciary
CHAPTER 486 COURT REPORTERS

Minn. Stat. § 486.10 (1999)

ct. reporter
ts - 951,021,025
fees - 953,175,814.68(1)

486.10 Freelance court reporters; disclosure of financial arrangements

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Court reporting firm" means a business that provides services of freelance court reporters.

(c) "Freelance court reporter" means an officer who captures and transcribes verbatim legal proceedings and who is authorized to administer oaths to witnesses. Freelance court reporter does not include a court reporter while working in a courtroom setting as an employee of the court.

(d) "Contract or agreement" means a contract or agreement, whether oral or written, for court reporting services between a freelance court reporter or court reporting firm and an attorney, law firm, party to a legal proceeding, or party having a financial interest in a legal proceeding that provides for ongoing court reporting services not limited to a particular case or reporting incident.

Subd. 2. Disclosure; court reporter requirements; objections. (a) The existence of a contract or agreement for court reporting services must be disclosed as provided by this paragraph. Written notice of a contract or agreement must be included in the notice of taking deposition or the notice of legal proceeding before commencement of a legal proceeding at which court reporting services are being provided. Oral disclosure of a contract or agreement must be made on the record by the court reporter at the commencement of the legal proceeding.

(b) A freelance court reporter:

(1) shall treat all parties to an action equally, providing comparable services to all parties;

(2) may not act as an advocate for any party or act partially to any party to an action; and

(3) shall comply with all state and federal court rules that govern the activities of court reporters.

(c) An attorney shall state the reason for the objection to the provision of court reporting services by a freelance court reporter or court reporting firm and shall note the objection and the reason on the record.

Subd. 3. Remedies. Upon the court's or presiding officer's learning of a violation of subdivision 2, paragraph (a), the court or presiding officer may declare that the record for which the court reporting services were provided is void and may order that the legal proceeding be reconducted. Parties who violate subdivision 2, paragraph (a), are jointly and severally liable for costs associated with reconducting the legal proceeding and preparing the new record. Costs include, but are not limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

HISTORY:

1999 c 215 s 1

wanted loan, 3/7

1999 - 2000 LEGISLATURE

LRBs0378/1

RPIV...

JG

D-note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE SUBSTITUTE AMENDMENT,

TO 1999 SENATE BILL 284

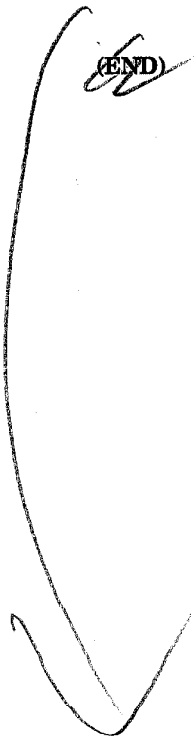
gen

1 AN ACT ...; relating to: ~~the~~ private court reporting services.

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

2

(END)



PLX 804.03 (3) (a) In this subsection:
 Private court reporter responsibilities. (CS)

MINN. STAT. § 486.10 printed in FULL format.

MINNESOTA STATUTES 1999

*** THIS SECTION IS CURRENT THROUGH THE 1999 LEGISLATIVE SESSION ***

Judiciary
CHAPTER 486 COURT REPORTERS

Minn. Stat. § 486.10 (1999)

486.10 Freelance court reporters; disclosure of financial arrangements

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

SECTION #, 804.03 (3) is repealed and recreated to read:

1. "Court reporting firm" means a business that provides services of freelance court reporters.

2. "Freelance court reporter" means an officer who captures and transcribes verbatim legal proceedings and who is authorized to administer oaths to witnesses. Freelance court reporter does not include a court reporter while working in a courtroom setting as an employee of the court.

3. "Contract or agreement" means a contract or agreement, whether oral or written, for court reporting services between a freelance court reporter or court reporting firm and an attorney, law firm, party to a legal proceeding or party having a financial interest in a legal proceeding that provides for ongoing court reporting services not limited to a particular case or reporting incident.

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

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

a. shall treat all parties to an action equally, providing comparable services to all parties.

b. may not act as an advocate for any party or act partially to any party to an action.

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

3. An attorney shall state the reason for the objection to the provision of court reporting services by a freelance court reporter or court reporting firm and shall note the objection and the reason on the record.

(c)

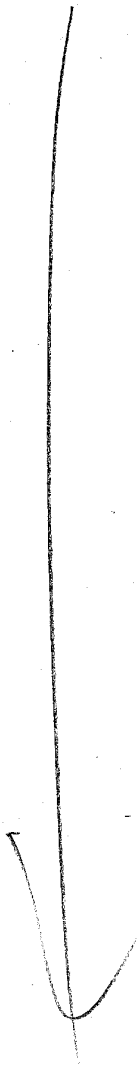
(b) 1. or 2.

Persons

Subd. 3. Remedies. Upon the court's or presiding officer's learning of a violation of ~~subdivision 2, paragraph (b)~~, the court or presiding officer may declare that the record for which the court reporting services were provided is void and may order that the legal proceeding be reconducted. ~~Parties~~ who violate ~~subdivision 2, paragraph (b)~~, are jointly and severally liable for costs associated with reconducting the legal proceeding and preparing the new record. Costs include, ~~but are not limited to,~~ attorney, witness, and ~~unrelated~~ court reporter appearance and transcript fees.

HISTORY:
 1999 c 215 s 1

private



1999

Nonstat File Sequence: **EEE**

LRB 507771 1
RPN : _____ : _____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "____" or "()" only if a "frozen" number is needed.

SECTION # 2 [93 22]. Initial applicability;

.....

(#1) ()

..... The treatment of sections ..

..... of the statutes

first applies to

.....

.....

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # 2 . Initial applicability;.....

.....

(#1) (2) This act first ap-
 plies to court reporting services provided
 on the effective date of this subsection.

(End) ✓

D Note

LRB 50378

Perhaps this language should
be an addition to
the statutes
rather than a replacement
of section 804.03(3)?

RPN

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0378/1dn
RPN;jlg:ch

March 7, 2000

Perhaps this language should be an addition to the statutes, rather than a replacement of section 804.03 (3)?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511



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

1 AN ACT ^{repeal} to repeal and recreate 804.03 (3) of the statutes; relating to: private
2 court reporting services.

Fix component

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: (4)

3 SECTION 1. 804.03 ~~of the statutes is repealed and recreated~~ to read:

4 804.03 ~~(3)~~ 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)