

2001 ASSEMBLY BILL 126

February 15, 2001 - Introduced by Representatives WALKER, ALBERS, BALOW, COLON, HUBER, HUEBSCH, HUNDERTMARK, J. LEHMAN, OLSEN, PETTIS, POWERS, RYBA, STASKUNAS, STONE, SYKORA, TOWNSEND and WADE, cosponsored by Senators GEORGE, BURKE, DARLING, ROSENZWEIG and SCHULTZ. Referred to Committee on Judiciary.

- 1 **AN ACT** *to renumber and amend* 804.03 (3); and *to create* 804.03 (3) (b) of the
2 statutes; **relating to:** contracts with persons who take depositions.

Analysis by the Legislative Reference Bureau

Under current law, a deposition may be taken before a person authorized to administer oaths, including judges, court commissioners, administrative hearing officers, district attorneys, and court reporters. Generally, a deposition is taken before a court reporter, who records and transcribes the deposition. Currently, a deposition may not be taken before a person who is a relative, employee, attorney, or counsel of any of the parties to the action, before a relative or employee of the attorney or counsel of any of the parties or before a person who is financially interested in the action.

This bill also prohibits any contract between a person financially interested in the action and the person taking a deposition, except a contract to report and transcribe a deposition. The bill includes the parties to the action, a real party in interest, the insurer of a party to the action or real party in interest, and an attorney, agent, or employee of a party to the action, real party in interest, or the insurer as persons who are financially interested in the action, but excludes persons who take depositions for a public agency.

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

