

2001 DRAFTING REQUEST

Bill

Received: 12/11/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Lee

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:

Contracts with persons who take depositions

Instructions:

See Attached 99-2510

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 12/11/2000	jdye 12/12/2000					
/1			pgreensl 12/13/2000		lrb_docadmin 12/13/2000	lrb_docadmin 01/29/2001	

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1?	nelsorp1	11/12 jld	12/12 PG	12/12 PG/RS			

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<END>

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2510/1dn
RPN:wlj:km

April 20, 1999

The bill prohibits a contract between the person taking the deposition and a financially interested party, except for the "...attendance to report and transcribe a deposition...". Is the word "report" correct, or should that be "record"? Also, if the action involves a public body, such as a county or the state, could this bill be construed to prohibit a court reporter employed by the county or state from taking a deposition in the action, since they are under an employment contract with the county or state?

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

An Act to renumber and amend 804.03 (3); and to create 804.03 (3) (b) of the statutes; relating to: contracts with persons who take **depositions**.

1999

- 11-09-99. S. Introduced by Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.
- 11-09-99. S. Read first time and referred to committee on Judiciary and Consumer Affairs **328**

2000

- 01-25-00. S. Public hearing held.
- 02-01-00. S. Executive action taken.
- 03-03-00. S. Report passage recommended by committee on Judiciary and Consumer Affairs, Ayes 4, Noes 1 **462**
- 03-03-00. S. Available for scheduling.
- 03-07-00. S. Read a second time **471**
- 03-07-00. S. Senate substitute amendment **1** offered by Senator Huelsman **471**
- 03-07-00. S. Senate substitute amendment **1** rejected, Ayes **23**, Noes **10** **471**
- 03-07-00. S. Ordered to a third reading **471**
- 03-07-00. S. Rules suspended **471**
- 03-07-00. S. Read a third time and **passed** **471**
- 03-07-00. S. Ordered immediately messaged **474**
- 03-09-00. A. Received from Senate **727**
- 03-09-00. A. Read first time and referred to committee on Judiciary and Personal Privacy **728**
- 03-16-00. A. Public hearing held.
- 03-16-00. A. Executive action taken.
- 03-22-00. A. Report concurrence recommended by committee on Judiciary and Personal Privacy, Ayes 7, Noes 2 **800**
- 03-22-00. A. Referred to committee on Rules **800**
- 04-06-00. A. Failed to concur in pursuant to Senate Joint Resolution 1 **915**

200-02

1999-2000 LEGISLATURE

1425/1

LRB-2/10/2

RPN:wjhmh

JLD

2001

1999 SENATE BILL 284

November 9, 1999 - Introduced by Senators GEORGE, RUDE, BRESKE, COWLES and ROSENZWEIG, cosponsored by Representatives WALKER, HUEBSCH, HEBL, STASKUNAS, M. LEHMAN, ALBERS, GOETSCH, J. LEHMAN, HAHN, COLON, RICHARDS and CULLEN. Referred to Committee on Judiciary and Consumer Affairs.

Regen

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, employe^e attorney, or * counsel of any of the parties to the action, before a relative or employe^e 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 employe^e 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:

SENATE BILL 284

SECTION 1

1 SECTION 1. 804.03 (3) of the statutes is renumbered 804.03 (3) (a) and amended
2 to read:

3 804.03 (3) (a) No deposition shall ^X may be taken before a person who is a relative
4 ~~or~~, employe^e ~~or~~, attorney, or counsel of any of the parties, ~~or~~ is a relative or employe^e
5 of such attorney or counsel, or is financially interested in the action. No contract,
6 other than for the attendance to record and transcribe a deposition, may be entered
7 into between a financially interested party and ~~an officer~~ ^{a person} taking a deposition related
8 to that action or that ~~officer's~~ ^{person's} principal. A financially interested party includes any
9 party to the action, a real party in interest, the insurer of a party to the action or real
10 party in interest or an attorney, agent or employe^e of a party to the action, real party
11 in interest, or the insurer.

12 SECTION 2. 804.03 (3) (b) of the statutes is created to read:

13 804.03 (3) (b) This subsection does not apply to ~~an officer~~ ^{a person} who records or
14 transcribes depositions for a public agency, as defined in s. ~~66.074~~ ^{66.0825} (3) (h).

15 (END)



STEPHEN N. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 13, 2000

MEMORANDUM

To: Representative Walker

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1427 Contracts with persons who take depositions

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.