

Assembly Bill No. 1211

CHAPTER 115

An act to amend Section 2025.510 of the Code of Civil Procedure, relating to depositions.

[Approved by Governor July 20, 2007. Filed with
Secretary of State July 20, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1211, Price. Depositions: costs.

Existing law provides a comprehensive procedure for the noticing, conduct, and transcription or recording of oral depositions inside the state. Existing law requires the party noticing the deposition to bear the cost of the transcription, unless the court, on motion and for good cause, orders that the cost be borne or shared by another party.

This bill would provide, in addition, that the obligation to timely pay the deposition officer or entity providing the services of the deposition officer for that transcription, and any other deposition products or services, as defined, that are requested, shall be the responsibility of the requesting attorney or a party representing himself or herself, unless responsibility for the payment is otherwise provided by law or the deposition officer or entity is notified in writing that the party or another identified person will be responsible for payment. The bill would provide that these provisions do not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

The people of the State of California do enact as follows:

SECTION 1. Section 2025.510 of the Code of Civil Procedure is amended to read:

2025.510. (a) Unless the parties agree otherwise, the testimony at any deposition recorded by stenographic means shall be transcribed.

(b) The party noticing the deposition shall bear the cost of that transcription, unless the court, on motion and for good cause shown, orders that the cost be borne or shared by another party.

(c) Notwithstanding subdivision (b) of Section 2025.320, any other party or the deponent, at the expense of that party or deponent, may obtain a copy of the transcript.

(d) If the deposition officer receives a request from a party for an original or a copy of the deposition transcript, or any portion thereof, and the full or partial transcript will be available to that party prior to the time the original or copy would be available to any other party, the deposition officer shall

immediately notify all other parties attending the deposition of the request, and shall, upon request by any party other than the party making the original request, make that copy of the full or partial deposition transcript available to all parties at the same time.

(e) Stenographic notes of depositions shall be retained by the reporter for a period of not less than eight years from the date of the deposition, where no transcript is produced, and not less than one year from the date on which the transcript is produced. Those notes may be either on paper or electronic media, as long as it allows for satisfactory production of a transcript at any time during the periods specified.

(f) At the request of any other party to the action, including a party who did not attend the taking of the deposition testimony, any party who records or causes the recording of that testimony by means of audio or video technology shall promptly do both of the following:

(1) Permit that other party to hear the audio recording or to view the video recording.

(2) Furnish a copy of the audio or video recording to that other party on receipt of payment of the reasonable cost of making that copy of the recording.

(g) If the testimony at the deposition is recorded both stenographically, and by audio or video technology, the stenographic transcript is the official record of that testimony for the purpose of the trial and any subsequent hearing or appeal.

(h) (1) The requesting attorney or party appearing in propria persona shall timely pay the deposition officer or the entity providing the services of the deposition officer for the transcription or copy of the transcription described in subdivision (b) or (c), and any other deposition products or services that are requested either orally or in writing.

(2) This subdivision shall apply unless responsibility for the payment is otherwise provided by law or unless the deposition officer or entity is notified in writing at the time the services or products are requested that the party or another identified person will be responsible for payment.

(3) This subdivision does not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

(i) For purposes of this section, “deposition product or service” means any product or service provided in connection with a deposition that qualifies as shorthand reporting, as described in Section 8017 of the Business and Professions Code, and any product or service derived from that shorthand reporting.