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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1865

03/16/2015 Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to courts; requiring court reporters and court reporting firms to charge
1.3 all parties the same rate for copies of a transcript; amending Minnesota Statutes
1.4 2014, section 486.10, subdivisions 2, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 486.10, subdivision 2, is amended to read:

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

1.14 (b) A freelance court reporter or court reporting firm:

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

1.17 (2) shall charge the same rate for copies of the same transcript to all parties according
1.18 to Minnesota Rules of Civil Procedure, rule 30.06;

1.19 ~~(2)~~ (3) may not act as an advocate for any party or act partially to any party to
1.20 an action; and

1.21 ~~(3)~~ (4) shall comply with all state and federal court rules that govern the activities
1.22 of court reporters.

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

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to legal
2.5 proceedings commencing on or after that date.

2.6 Sec. 2. Minnesota Statutes 2014, section 486.10, subdivision 3, is amended to read:

2.7 Subd. 3. **Remedies.** Through objection by a party to the proceedings and upon
2.8 the court's or presiding officer's ~~learning~~ determination of a violation of subdivision 2,
2.9 paragraph (a), the court or presiding officer may: (1) declare that the record for which the
2.10 court reporting services were provided is void and may order that the legal proceeding be
2.11 reconducted; or (2) impose sanctions against the party violating subdivision 2, paragraph
2.12 (a), including civil contempt of court, costs, and reasonable attorney fees resulting from
2.13 the violation. If the legal proceedings are reconducted, the parties who ~~violate~~ violated
2.14 subdivision 2, paragraph (a), are jointly and severally liable for costs associated with
2.15 reconducting the legal proceeding and preparing the new record. Costs include, but are not
2.16 limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to legal
2.18 proceedings commencing on or after that date.