

BILL ANALYSIS

H.B. 1737
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas does not have formalized procedures for making changes to deposition transcripts before they are finalized, although a stenographer may informally contact counsel for clarification. H.B. 1737 seeks to remedy this situation by establishing transcript clarification procedures. The bill also addresses the liability for the cost of transcripts and provides for transcription by remote technology.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1737 amends the Government Code to entitle a deponent and the attorneys of record and parties to a case in which a deposition is taken to obtain a copy of the deposition transcript from the court reporter or court reporting firm, who may impose and require payment of a reasonable fee before providing the transcript. The bill requires the reporter or firm to notify a deponent or attorney who requests a deposition transcript when it is available for review and to allow the deponent a period of at least 20 days to do the following:

- review a secure digital copy of the transcript; and
- provide a separate signed document listing any changes in form or substance the deponent desires to make to the transcript and the reasons for those changes.

The bill requires the court reporter or court reporting firm to retain possession of the original deposition transcript during this review period and, on the earlier of the period's expiration or the receipt of the signed document, to promptly deliver the original transcript to the custodial attorney responsible for protecting the transcript's integrity. The bill makes an attorney who takes a deposition and the attorney's firm jointly and severally liable for a shorthand reporter's charges for the original transcript, the first copy of the transcript, and each additional copy of the transcript requested by the attorney.

H.B. 1737 specifies that the circumstances under which a noncertified shorthand reporter may report an oral deposition include certain circumstances in which a certified shorthand reporter is not available to report the deposition in person or through remote technology.

EFFECTIVE DATE

September 1, 2021.