

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1055  
Judiciary I Committee Substitute Adopted 4/28/99  
House Committee Substitute Favorable 6/14/99

Short Title: Certain Court Report Services.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE USE OF A COURT REPORTING SERVICE THAT  
3 HAS AN INTEREST WHEN A DEPOSITION IS TAKEN.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 1A-1, Rule 28(c) reads as rewritten:  
6 "(c) Disqualification for interest. – Unless the parties agree otherwise by stipulation  
7 as provided in Rule 29, no ~~No~~ deposition shall be taken before a person who is a relative  
8 or employee or attorney or counsel of any of the parties, or is a relative or employee of such  
9 attorney or counsel, or is financially interested in the action unless the parties agree otherwise by  
10 stipulation as provided in Rule 29. any of the following:  
11 (1) A relative, employee, or attorney of any of the parties;  
12 (2) A relative or employee of an attorney of the parties;  
13 (3) Financially interested in the action; or  
14 (4) An independent contractor if the contractor or the contractor's principal  
15 is under a blanket contract for the court reporting services with an  
16 attorney of the parties, party to the action, or party having a financial  
17 interest in the action. Notwithstanding the disqualification under this  
18 rule, the party desiring to take the deposition under a stipulation shall

1           disclose the disqualification in writing in a Rule 30(b) notice of  
2           deposition and shall inform all parties to the litigation on the record of  
3           the existence of the disqualification under this rule and of the proposed  
4           stipulation waiving the disqualification. Any party opposing the  
5           proposed stipulation as provided in the notice of deposition shall give  
6           timely written notice of his or her opposition to all parties.

7           For the purposes of this rule, a blanket contract means a contract to perform court  
8           reporting services over a fixed period of time or an indefinite period of time, rather than  
9           on a case by case basis, or any other contractual arrangement which compels, guarantees,  
10          regulates, or controls the use of particular court reporting services in future cases.

11          Notwithstanding any other provision of law, a person is prohibited from taking a  
12          deposition under any contractual agreement that requires transmission of the original  
13          transcript without the transcript having been certified as provided in Rule 30(f) by the  
14          person before whom the deposition was taken."

15                 Section 2. This act becomes effective October 1, 1999, and applies to  
16          depositions taken on or after October 1, 1999.