

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1087 - SB 1100

April 6, 2015

SUMMARY OF BILL: Repeals provision that prohibits a deposition to be taken before a court reporter that has or has had during the past two years, a sexual relationship with one or more of the parties or with an attorney of the parties.

Authorizes parties to lawsuits to stipulate to the use of a particular court reporter even if such court reporter is prohibited from conducting a particular deposition under Tenn. Code Ann. § 24-9-136.

Provides a standardized form to use for the stipulation.

Prohibits a court reporter from:

- Offering an economic or other advantage to one party or attorney without offering the same advantage to all parties or attorneys;
- Basing compensation on the outcome of the proceeding;
- Offering their services if the payment for those services will be made contingent upon the outcome of the proceeding;
- Allowing the format, content, or body of the original transcript to be manipulated to increase the cost of the transcript; and
- Providing additional advocacy or litigation support services—e.g., trial preparation, deposition summaries, non-published transcripts.

Gives attorneys and parties the right to an itemized statement of all rates and charges for court reporting services prior to commencement of any proceeding for the purpose of negotiating better rates.

Penalizes a violation of the section by voiding the transcript resulting from the violation or disciplinary proceedings before the board of court reporting.

Prohibits the parties from waiving the stipulation provisions, the provisions prohibiting certain conduct by court reporters listed above, and the provisions giving attorneys and parties right to itemized statement of all rates.

Authorizes attorneys to operate audio-visual equipment in depositions.

Provides that the provisions of the bill do not apply to contracts for court reporting services for courts, agencies, or instrumentalities of the United States or the State.

HB 1087 - SB 1100

ESTIMATED FISCAL IMPACT:

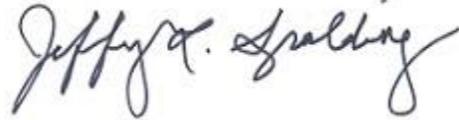
NOT SIGNIFICANT

Assumptions:

- According to the Administrative Office of the Courts (AOC), the bill will not have a significant impact.
- The Board of Court Reporting is supported by fee revenue. Any costs incurred due to increased disciplinary action will not be significant.
- Any instances of fine assessments or collections will be minimal. Therefore, any revenue impact to the Board of Court Reporting will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

/trm