

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1408

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
05/09/2011	1847	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act
1.2 relating to judiciary; modifying certain disclosure requirements for freelance
1.3 court reporters; amending Minnesota Statutes 2010, section 486.10, subdivisions
1.4 2, 3.

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

1.6 Section 1. Minnesota Statutes 2010, 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 agreement for court reporting services must be disclosed as provided by
1.9 this paragraph. Written notice of a contract or agreement must be included in the notice
1.10 of taking deposition or the notice of legal proceeding before commencement of a legal
1.11 proceeding at which court reporting services are being provided; and oral disclosure
1.12 of a contract or agreement must be made on the record by the court reporter at the
1.13 commencement of the legal proceeding to constitute legal disclosure.

1.14 (b) A freelance court reporter:

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

1.17 (2) may not act as an advocate for any party or act partially to any party to an
1.18 action; and

1.19 (3) shall comply with all state and federal court rules that govern the activities
1.20 of court reporters.

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

S.F. No. 1408, as introduced - 87th Legislative Session (2011-2012) [11-3213]

2.1 Sec. 2. Minnesota Statutes 2010, section 486.10, subdivision 3, is amended to read:

2.2 Subd. 3. **Remedies.** Upon the court's or presiding officer's learning of a violation
2.3 of subdivision 2, paragraph (a), the court or presiding officer ~~may~~ shall declare that the
2.4 record for which the court reporting services were provided is void and may order that
2.5 the legal proceeding be reconducted. Parties who violate subdivision 2, paragraph (a),
2.6 are jointly and severally liable for costs associated with the reconducting of the legal
2.7 proceeding and preparing the new record. Costs include, but are not limited to, attorney,
2.8 witness, and freelance court reporter appearance and transcript fees.