

**SUBJECT:** Authorizing use of secure digital deposition transcripts

**COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Julie Johnson, Davis, Flores, Moody, Murr, Vasut  
3 nays — Leach, Schofield, Slawson

**WITNESSES:** For — Lucile Wyatt, Texas Deposition Reporters Association (*Registered, but did not testify*; Connor Oakley, Texas Deposition Reporters Association; Guy Herman)  
Against — None

**BACKGROUND:** Some have suggested that paper deposition transcripts are more easily damaged or altered than records in a secure digital format, and that allowing court reporters to use a digital format for deposition records could help to protect the integrity of the records.

**DIGEST:** HB 4032 would establish that a deponent and the attorneys of record and parties to a case would be entitled to obtain a copy of the deposition transcript from the court reporter or court reporting firm, which could require reasonable fees for providing the transcript.

On request of the deponent or the deponent's attorney, the court reporter or firm would have to notify the deponent or attorney when the secure digital deposition transcript was available for review. If the deponent or attorney preferred a paper transcript, the reporter or firm would be required to deliver the paper transcript and could charge a reasonable fee.

The reporter or firm would be required to provide the deponent at least 20 days to review the digital or paper transcript and provide a separate signed document that listed desired changes to the transcript and the reasons for those changes. The reporter or firm would retain possession of the digital transcript during the review period. On the earlier of the review period's expiration or receipt of the relevant signed document, the reporter or firm

would have to promptly deliver the secure digital transcript to the custodial attorney responsible for protecting the integrity of the manuscript.

The bill would establish that an attorney who takes a deposition and the attorney's firm would be jointly and severally liable for a shorthand reporter's charges for a secure digital deposition transcript.

The bill would take effect September 1, 2023, and would apply only to a deposition taken on or after that date.