



# HOUSE BILL No. 5953

September 26, 2000, Introduced by Rep. Rick Johnson and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 1490, 1491, and 1492 (MCL 600.1490,  
600.1491, and 600.1492), as added by 1998 PA 249.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1490. (1) As used in this section and sections 1491,  
2 1492, and 1493:

3       ~~—(a) "Blanket contract" means a contract under which a court~~  
4 ~~reporter, court recorder, stenomask reporter, or court reporting~~  
5 ~~firm agrees to perform all court reporting or court recording~~  
6 ~~services for a client for 2 or more cases at a rate of compensa-~~  
7 ~~tion fixed in the contract.—~~

8       (A) ~~—(b)—~~ "Court reporting firm" means a business entity  
9 that provides the services of court reporters, court recorders,  
10 or stenomask reporters.

1 (B) ~~-(c)-~~ "Owner" means a person who has any ownership  
2 interest in a court reporting firm.

3 (2) A court reporter, court recorder, stenomask reporter, or  
4 owner of a court reporting firm shall not provide or arrange to  
5 provide court reporting or recording services if he or she is a  
6 relative, employee, attorney, or counsel of any of the parties,  
7 or is a relative or employee of an attorney or counsel of any of  
8 the parties, without disclosing that familial relationship.

9 (3) A court reporter, court recorder, stenomask reporter, or  
10 owner of a court reporting firm shall not provide or arrange to  
11 provide court reporting or recording services if he or she is  
12 financially interested in the action.

13 Sec. 1491. ~~-(1)-~~ A court reporter, court recorder, steno-  
14 mask reporter, or owner of a court reporting firm shall not ~~do~~  
15 ~~either of the following: (a) Enter~~ ENTER into or arrange for  
16 any financial relationship that compromises the impartiality of  
17 court reporters, court recorders, or stenomask reporters or that  
18 may result in the appearance that the impartiality of a court  
19 reporter, court recorder, or stenomask reporter has been  
20 compromised.

21 ~~-(b) Enter into a blanket contract with parties, litigants,~~  
22 ~~attorneys, or their representatives unless all parties to the~~  
23 ~~action are informed on the record in every deposition of the fees~~  
24 ~~to be charged to all parties for original transcripts, copies of~~  
25 ~~transcripts, and any other court reporting services to be~~  
26 ~~provided. This subdivision does not apply to contracts for court~~  
27 ~~reporting or recording services for the courts, agencies, or~~

~~1 instrumentalities of local units of government, this state, or  
2 the United States.~~

~~3 (2) A court reporter, court recorder, stenomask reporter, or  
4 owner of a court reporting firm shall not do any of the  
5 following:~~

~~6 (a) Give, directly or indirectly, any incentive, reward, or  
7 anything else of value to attorneys, clients, or their represen-  
8 tatives or agents, except for nominal items that do not exceed  
9 \$25.00 per transaction or \$100.00 in the aggregate per recipient  
10 each year.~~

~~11 (b) Charge more than 2/3 of the price of an original tran-  
12 script for a copy of that transcript.~~

~~13 Sec. 1492. (1) A court reporter, court recorder, or steno-  
14 mask reporter shall do all of the following in the performance of  
15 his or her duties:~~

~~16 (a) Deliver a transcript or statement of facts to a client  
17 or court in a timely manner as determined by law, by court order,  
18 or by agreement of the parties.~~

~~19 (b) Produce an accurate transcript or statement of facts.~~

~~20 (c) Produce complete transcripts or statements of facts,  
21 unless an excerpt of a transcript is authorized by court order,  
22 agreement of the parties, or request of a party.~~

~~23 (d) Before accepting an assignment as an independent con-  
24 tractor or employee to provide court reporting or recording serv-  
25 ices, request information from the person, employer, or entity  
26 engaging his or her services as to the existence and nature of  
27 the contract between the person, employer, or entity and the~~

~~1 client to confirm that the contract is not a blanket contract in  
2 violation of section 1491(1)(b). A person, employer, or entity  
3 who is party to a blanket contract and who knowingly provides  
4 false information in reply to an inquiry required under this sub-  
5 division shall be considered to have committed an act that is  
6 grounds for discipline or censure under section 1493. This sub-  
7 division does not apply to contracts for court reporting or  
8 recording services for the courts, agencies, or instrumentalities  
9 of local units of government, this state, or the United States.~~

10       (D) ~~-(e)-~~ Advertise or represent truthfully that he or she  
11 is a certified court reporter, court recorder, or stenomask  
12 reporter and that only a certified individual will be making the  
13 record.

14       ~~-(f) Charge all parties or their attorneys to an action the  
15 same price for an original transcript or statement of facts and  
16 charge all parties or their attorneys the same price for a copy  
17 of a transcript or statement of facts or for like services per-  
18 formed in an action.~~

19       (E) ~~-(g)-~~ Stay "on the record" during a deposition unless  
20 agreed to by all parties or their attorneys or unless otherwise  
21 ordered by the court.

22       (2) All court reporting firms and court reporters, record-  
23 ers, and stenomask reporters, including out-of-state court  
24 reporting firms and court reporters, recorders, and stenomask  
25 reporters, shall register with the state court administrative  
26 office by completing an application in a form adopted by the  
27 state court administrative office. Rules applicable to court

1 reporters and court recorders are also applicable to court  
2 reporting firms. If a court reporting firm or a court reporter,  
3 recorder, or stenomask reporter fails to comply with this subsec-  
4 tion, the state court administrative office may assess a reason-  
5 able administrative fine that is prescribed by rule of the  
6 supreme court, that does not exceed \$500.00, and that is payable  
7 to the state general fund.