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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

ENROLLED

SENATE BILL NO. 293

(By Senator WOOTEN, ET AL)

PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

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Senate Bill No. 293

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR,
ROSS, SNYDER AND KIMBLE)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article four, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to precluding a court reporter from having a contractual relationship with a party litigant other than governmental entities.

Be it enacted by the Legislature of West Virginia:

That section one, article four, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

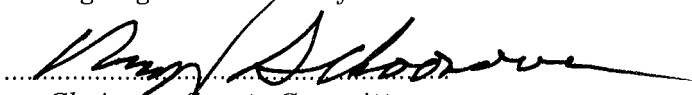
ARTICLE 4. DEPOSITIONS AND PERPETUATION OF TESTIMONY.

§57-4-1. Taking and certification of depositions — generally.

- 1 In any pending case the deposition of a witness, whether
- 2 a party to the suit or not, may, without commission, be

3 taken in or out of this state by a justice, or notary public,
4 or by a commissioner in chancery, or before any officer
5 authorized to take depositions in the county or state where
6 they may be taken. However, a deposition may not be
7 taken by any person who is a relative or employee or
8 attorney of any of the parties, or is a relative or employee
9 of the attorney, or a relative or employee or attorney of
10 one who has a financial interest in the outcome of the
11 case, or who is otherwise financially interested in the
12 action. Any deposition taken by an interested party, as
13 described above, shall be considered void. For purposes of
14 this article, an employee includes a person who has a
15 contractual relationship with a party litigant to provide
16 reporting or other court services and also includes a
17 person employed part or full time under contract or
18 otherwise by a person who has a contractual relationship
19 with a party litigant to provide reporting or other court
20 services. A party litigant does not include federal, state or
21 local governments and the subdivisions thereof. Deposi-
22 tions may be taken in shorthand, or stenographic charac-
23 ters or notes, and shall be written out in full and tran-
24 scribed into the English language by the stenographer
25 taking the same, and certified by the officer before whom
26 the depositions are taken; and if certified by such officer
27 under his hand and if further certified by him that such
28 stenographic characters and notes were correctly taken
29 and accurately transcribed by him, or under his direction
30 and supervision, and that the witnesses were duly sworn,
31 such depositions may be received and read in evidence
32 without proof of the signature to such certificate and
33 without the signature of the witness to such depositions.
34 And in case the stenographer taking such depositions is
35 not the officer before whom the same are being taken,
36 then such stenographer, before proceeding to take any of
37 said depositions, shall be sworn to take correctly and
38 accurately transcribe the same, and the certificate of the
39 officer before whom the depositions are taken shall state
40 that the stenographer was so sworn.

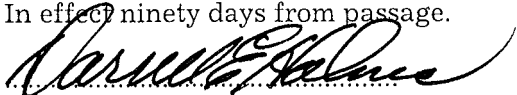
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

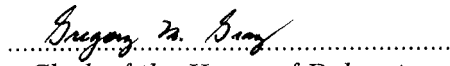

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Chairman Senate Committee

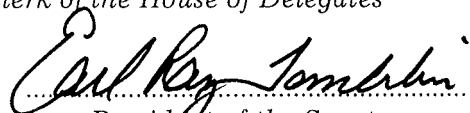

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Chairman House Committee

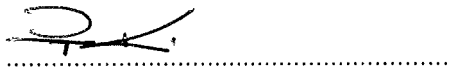
Originated in the Senate.

In effect ninety days from passage.

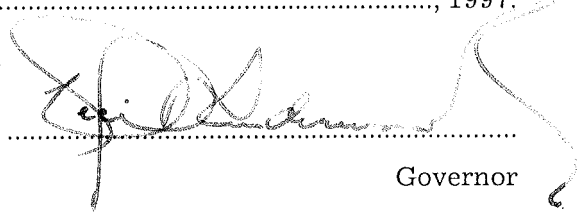

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this the did
day of May, 1997.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/2/97

Time 3:08 pm