

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5604 (Substitute S-1 as reported)  
Sponsor: Representative Ted Wallace  
House Committee: Judiciary  
Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Revised Judicature Act (RJA) to require court reporting firms and court reporters, recorders, and stenomask reporters, including those from out of State, to register with the State Court Administrative Office (SCAO); and to specify certain prohibitions and requirements. The bill would not apply to officials appointed to serve in the probate, circuit, district, or municipal court. For failure to comply with the registration requirement, the SCAO could assess a reasonable administrative fine, prescribed by Supreme Court rule, of not more than \$500, payable to the State General Fund.

A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm could not provide or arrange court reporting or recording services if he or she were a relative, employee, attorney, or counsel of any of the parties or attorneys, without disclosing that relationship; provide or arrange services if he or she were financially interested in the legal action; enter into or arrange for any financial relationship that compromised impartiality; enter into a blanket contract unless parties to the action were informed of the fees to be charged; give anything of value to attorneys or clients, except for nominal items that did not exceed \$25 per transaction or \$100 in the aggregate per recipient each year; or charge more than two-thirds of the price of an original transcript for a copy of that transcript.

A court reporter, court recorder, or stenomask reporter would have to deliver a transcript or statement of facts in a timely manner; produce an accurate and complete transcript or statement of facts, unless an excerpt was authorized; request information from a person engaging his or her services as to the nature of the contract, to confirm that it was not a prohibited blanket contract; advertise or represent truthfully that he or she was certified and that only a certified person would be making the record; charge all parties the same price for an original transcript or statement of facts and charge the same price for a copy; and stay "on the record" during a deposition unless agreed to by all parties or their attorneys or otherwise ordered by the court.

Any violation of the bill's prohibitions, requirements, or registration provisions would be cause for refusal to issue a renewal certificate. Any willful violation of the bill would be grounds for discipline or censure, or suspension or revocation of certification.

Proposed MCL 600.1490-600.1494

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The State Court Administrative Office reports that additional responsibilities under the bill would result in new administrative costs; however, no specific costs have been provided.

Date Completed: 5-22-98

Fiscal Analyst: B. Bowerman