

Regular Session, 2010

ACT No. 456

HOUSE BILL NO. 38

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1443(B), relative to the recordation
3 of testimony, questions, objections, and other statements during depositions; to
4 require recordation during depositions except under certain circumstances; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1443(B) is hereby amended and
8 reenacted to read as follows:

9 Art. 1443. Examination and cross-examination; record of examination; oath;
10 objections

11 * * *

12 B. All objections made at the time of the examination to the qualifications
13 of the officer taking the deposition, or to the manner of taking it, or to the evidence
14 presented, or to the conduct of any party, and any other objection to the proceedings,
15 shall be noted by the officer upon the deposition. The officer shall cease or suspend
16 recordation of the testimony, questions, objections, or any other statements only
17 upon agreement of all counsel and parties present at the deposition, or upon
18 termination or suspension of the deposition pursuant to Code of Civil Procedure
19 Article 1444. Any objection during a deposition shall be stated concisely and in a
20 non-argumentative and non-suggestive manner. Evidence objected to shall be taken
21 subject to the objections. Counsel shall cooperate with and be courteous to each
22 other and to the witness and otherwise conduct themselves as required in open court
23 and shall be subject to the power of the court to punish for contempt. In lieu of
24 participating in the oral examination, parties may serve written questions in a sealed

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 envelope on the party taking the deposition, and he shall transmit them to the officer,
 2 or anyone authorized to take oaths, who shall propound them to the witness and
 3 record the answers verbatim.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____