

HOUSE No. 1193

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to allow audiovisual depositions.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Garrett J. Bradley

3rd Plymouth

Jeffrey N. Roy

10th Norfolk

HOUSE No. 1193

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1193) of Garrett J. Bradley and Jeffrey N. Roy relative to audiovisual judicial depositions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1222 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to allow audiovisual depositions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Massachusetts Rule of Civil Procedure Rule 30 entitled Depositions Upon
2 Oral Examination is hereby amended by striking part of the first sentence in section (b)4 which
3 states, “By leave of court upon motion with notice and an opportunity to be heard in opposition,
4 or by stipulation in writing of all parties, a party taking an oral deposition may have the
5 testimony recorded by other than stenographic means as provided in Rule 30A”, and inserting
6 the following language:-

7 A party taking an oral deposition may have the testimony recorded by other than
8 stenographic means as provided in Rule 30(A).

9 SECTION 2. Said Rule 30 is hereby further amended by deleting the following words
10 from the next sentence: “The stipulation or order shall designate the person before whom the
11 deposition shall be taken,” and inserting in its place the following language:-

12 The parties by stipulation or an order of the Court may designate the person before whom
13 the deposition shall be taken....

14 SECTION 3. Massachusetts Rule of Civil Procedure 30A entitled Audiovisual
15 Depositions and Audiovisual Evidence is hereby amended by deleting the following language
16 from section 30A(a) on line 1: “By leave of court upon motion with notice and an opportunity to
17 be heard in opposition, or by stipulation of all parties, a”, and inserting the word “Any”.

18 SECTION 4. Said Rule 30(A) is further amended by striking the first sentence of Rule
19 30A(b) which states: “ Except by leave of Court, granted after notice and opportunity to be heard
20 in opposition, a notice for the taking of an audio-visual deposition shall not be served sooner
21 than six (6)”.

22 SECTION 5. Said Rule 30A is further amended by adding the following sentence at Rule
23 30(A)(l): “The party opting to record the deposition by audio-visual means shall bear the entire
24 cost of such recording.”