

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 48 Session of
2011

INTRODUCED BY GREENLEAF AND COSTA, JANUARY 12, 2011

REFERRED TO JUDICIARY, JANUARY 12, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for court
3 reporting contracts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 46

9 COURT REPORTING CONTRACTS

10 Sec.

11 4601. Short title of chapter.

12 4602. Definitions.

13 4603. Prohibited contract provisions.

14 4604. Applicability.

15 4605. Action to recover damages.

16 § 4601. Short title of chapter.

17 This chapter shall be known and may be cited as the Court
18 Reporting Contract Act.

19 § 4602. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Court reporter." A person who makes, by a written system of either manual shorthand or stenotype or by use of a stenomask or any other means, a verbatim record of any adjudicatory or testimonial proceeding, public hearing or testimony given under oath.

§ 4603. Prohibited contract provisions.

A contract entered into between a court reporter or a court reporting firm and an attorney, a law firm, a party to a legal proceeding or a party having a financial interest in a legal proceeding shall not include provisions that:

(1) Undermine the impartiality of the court reporter by:

(i) Failing to charge all parties to the legal proceeding or their attorneys the same price for copies of a transcript or the same price for like services performed in the legal proceeding.

(ii) Failing to provide copies of a transcript to all parties to the legal proceeding, or their attorneys, simultaneously with the delivery of the original.

(2) Require the court reporter to provide any service to a party to the legal proceeding not offered to the other parties.

(3) Otherwise give an advantage to a party to the legal proceeding over the other parties.

§ 4604. Applicability.

(a) Government agency.--This chapter shall not apply to a contract for court reporting services to which a court, agency or instrumentality of the United States or the Commonwealth is a

1 party.

2 (b) Court rulemaking authority.--This chapter shall not be
3 construed to preclude or supersede the authority exercised by
4 the Supreme Court of Pennsylvania under section 10 of Article V
5 of the Constitution of Pennsylvania.

6 § 4605. Action to recover damages.

7 A party to a legal proceeding or a party having a financial
8 interest in a legal proceeding, or that party's attorney, who
9 suffers any ascertainable loss of money or property as a result
10 of the provision of a contract that violates this chapter may
11 bring a private action against the parties to the contract in
12 order to recover up to three times the actual damages suffered
13 or \$100, whichever is greater. The court may provide additional
14 relief, including injunctive relief, as it deems necessary and
15 proper. The court shall award reasonable attorney fees to a
16 person who prevails in an action brought under this section.

17 Section 2. The addition of 42 Pa.C.S. Ch. 46 shall apply to
18 contracts entered into on or after the effective date of this
19 section.

20 Section 3. This act shall take effect in 60 days.