

**MEMO**



DEC 07 2010

Senate of Pennsylvania

December 6, 2010

**TO:** ALL SENATORS

**FROM:** Stewart J. Greenleaf *Stewart*

**SUBJECT:** Cosponsorship -- **Court Reporting Contract Law**

I am reintroducing **Senate Bill 224**, enacting the Court Reporting Contract Law to prevent parties in interest from establishing a direct financial relationship with court reporters that creates the appearance of partiality. The bill prohibits court reporting contracts from including provisions that:

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

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

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

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

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

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

The Pennsylvania Bar Association (PBA) proposed this legislation. The proposal was recommended by the Civil Litigation Section of the PBA and approved by the PBA's House of Delegates. Companies and law firms frequently involved in litigation often enter into long-term contracts with court reporters. Because of the volume of business, the company or firm may receive court-reporting services at a reduced rate. These long-term contractual relationships bring into question the court reporter's loyalty. In any event, they create an issue as to the appearance of partiality in the process.

In addition to support from the Pennsylvania Bar Association, the American Judges Association endorses legislative and judicial efforts to prevent parties in interest from establishing any direct financial or other relationships with court reporters that could create an appearance of partiality. Some states have addressed this issue by statute while other states have addressed it by court rule.

*If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at [psnively@pasen.gov](mailto:psnively@pasen.gov).*