

## STATUTES – A QUICK GLANCE

**This section is intended to be a quick reference for some of the statutes governing court reporters. Please consult the Oklahoma Statutes for complete information.**

12 O.S. 3230

### A. WHEN DEPOSITIONS MAY BE TAKEN; WHEN LEAVE REQUIRED.

1. A party may take the testimony of any person, including a party, by deposition upon oral examination without leave of court except as provided in paragraph 2 of this subsection. The attendance of witnesses may be compelled by subpoena as provided in [Section 2004.1](#) of this title.

2. a. A party shall obtain leave of court, if the person to be examined is confined in prison, or if, without the written stipulation of the parties:

(1) the person to be examined already has been deposed in the case, or

(2) a party seeks to take a deposition prior to the expiration of thirty (30) days after service of the summons and petition upon any defendant unless the notice contains a certification, with supporting facts, that the person to be examined is expected to leave this state and will be unavailable for examination in this state unless deposed before that time.

b. A request for leave of court shall include a statement that the requesting party has in good faith conferred or attempted to confer either in person or by telephone with the opposing parties to obtain a written stipulation.

3. Unless otherwise agreed by the parties or ordered by the court, a deposition upon oral examination shall not last more than six (6) hours and shall be taken only between the hours of 8:00 a.m. and 5:00 p.m. on a day other than a Saturday or Sunday and on a date other than a holiday designated in [Section 82.1](#) of Title 25 of the Oklahoma Statutes. The court may grant an extension of these time limits if the court finds that the witness or counsel has been obstructive or uncooperative or if the court finds it to be in the interest of justice.

### B. PLACE WHERE WITNESS OR PARTY IS REQUIRED TO ATTEND TAKING OF DEPOSITIONS.

1. A witness shall be obligated to attend to give a deposition only in the county of his or her residence, a county adjoining the county of his or her residence or the county where he or she is located when the subpoena is served.

2. A party, in addition to the places where a witness may be deposed, may be deposed in the county where the action is pending or the county where he or she is located when the notice is served.

C. NOTICE OF EXAMINATION; GENERAL REQUIREMENTS; SPECIAL NOTICE;  
NONSTENOGRAPHIC RECORDING; PRODUCTION OF DOCUMENTS AND THINGS;  
DEPOSITION OF ORGANIZATION; DEPOSITION BY TELEPHONE.

1. A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and shall state the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. The notice shall be served in order to allow the adverse party sufficient time, by the usual route of travel, to attend, and three (3) days for preparation, exclusive of the day of service of the notice.

If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced, as set forth in the subpoena, shall be attached to or included in the notice.

2. The court may for cause shown enlarge or shorten the time for taking the deposition and for notice of taking the deposition.

3. a. The parties may stipulate in writing or the court may upon motion order that the testimony at a deposition be recorded by other than stenographic means. Unless good cause is shown to the contrary, such motions shall be freely granted. The stipulation or order shall designate the person before whom the deposition shall be taken, the manner of recording, preserving, and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If the deposition is recorded by other than stenographic means, the party taking the deposition shall upon request by any party or the witness furnish a copy of the deposition to the witness. The party taking the deposition may furnish either a stenographic copy of the deposition or a copy of the deposition as recorded by other than stenographic means.

b. Any recording of testimony other than by stenographic means shall begin with an on-the-record statement that shall include: the recording officer's name and business address; the date, time and place of the deposition; the deponent's name; and the identity of all persons present at the deposition. The recording shall also include the administration of the oath or affirmation to the deponent. The appearance or demeanor of the deponent and attorneys shall not be distorted through recording techniques.

c. Any objections under subsection D of this section, any changes made by the witness, the signature of the witness identifying the deposition as his or her own or the statement of the officer that is required if the witness does not sign, as provided in subsection F of this section, and the certification of the officer required by subsection G of this section shall be set forth in a writing to accompany a deposition recorded by nonstenographic means.

d. Any party may designate in a notice of deposition, or in a counter-notice of deposition, another method for recording the testimony in addition to stenographic means. The party designating another method of recording shall bear the expense of the additional record unless the court orders otherwise.

4. The notice to a party deponent may be accompanied by a request made in compliance with [Section 3234](#) of this title for the production of documents and tangible things at the taking of the deposition. The procedure of [Section 3234](#) of this title shall apply to the request.

5. A party may in the notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so

named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Such designation of persons to testify and the subject of the testimony shall be delivered to the other party or parties prior to or at the commencement of the taking of the deposition of the organization. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization.

This paragraph does not preclude taking a deposition by any other procedure authorized in the Oklahoma Discovery Code.

6. The parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means. For the purposes of this section, subsection A of [Section 3228](#), and paragraphs 1 of subsections A and B of [Section 3237](#) of this title, a deposition taken by such means is taken in the county and state and at the place where the deponent is to answer questions.

D. EXAMINATION AND CROSS-EXAMINATION; RECORD OF EXAMINATION; OATH; OBJECTIONS. Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of [Section 2101](#) et seq. of this title except [Section 2104](#). The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his or her direction and in his or her presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other method authorized by paragraph 3 of subsection C of this section.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, to the conduct of any party, or to any other aspect of the proceedings shall be noted by the officer upon the record of the deposition; however, the examination shall proceed, with the testimony being taken subject to the objections.

In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the depositions and that party shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

E. MOTION TO TERMINATE OR LIMIT EXAMINATION.

1. Any objection to evidence during a deposition shall be stated concisely and in a nonargumentative and nonsuggestive manner. A party may instruct a deponent not to answer only when necessary to preserve a privilege or work product protection, to enforce a limitation on evidence directed by the court, to present a motion under paragraph 2 of this subsection, or to move for a protective order under subsection C of [Section 3226](#) of this title. If the court finds a person has engaged in conduct which has frustrated the fair examination of the deponent, it may impose upon the persons responsible an appropriate sanction, including the reasonable costs and attorney fees incurred by any parties as a result thereof.

2. At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass or oppress the deponent or party, the court in which the action is pending or the court in the county where the deposition is being taken may order the officer conducting the examination to cease taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subsection C of [Section 3226](#) of this title. If the order entered terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking

of the deposition shall be suspended for the time necessary to make a motion for the order provided for in this section. The provisions of paragraph 4 of subsection A of [Section 3237](#) of this title apply to the award of expenses incurred in relation to the motion.

F. REVIEW BY WITNESS; CHANGES; SIGNING. The deponent shall have the opportunity to review the transcript of the deposition unless such examination and reading are waived by the deponent and by the parties. After being notified by the officer that the transcript is available, the deponent shall have thirty (30) days in which to review it and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph 1 of subsection G of this section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

G. CERTIFICATION AND FILING BY OFFICER; EXHIBITS; COPIES; NOTICE OF FILING.

1. The officer shall certify on any stenographic deposition:

- a. the qualification of the officer to administer oaths, including the officer's certificate number,
- b. that the witness was duly sworn by the officer,
- c. that the deposition is a true record of the testimony given by the witness, and
- d. that the officer is not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of the attorney or counsel, and is not financially interested in the action.

Except on order of the court or unless a deposition is attached to a motion response thereto, is needed for use in a trial or hearing, or the parties stipulate otherwise, depositions shall not be filed with the court clerk. The officer shall securely seal any stenographic deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and send it to the attorney who arranged for the deposition, who shall store it under conditions that will protect it against loss, destruction, tampering, or deterioration.

Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to the deposition and may be inspected and copied by any party. If the person producing the materials desires to retain them he may:

- a. Offer copies to be marked for identification and annexed to the deposition and to serve as originals if he affords to all parties fair opportunity to verify the copies by comparison with the originals, or
- b. Offer the originals to be marked for identification, after giving to each party an opportunity to inspect and copy them, in which event the materials may then be used in the same manner as if annexed to the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court, pending final disposition of the case.

2. Each attorney who takes the deposition of a witness or of a party shall bear all expenses thereof, including the cost of transcription, and shall furnish upon request to the adverse party or parties, free of charge, one copy of the transcribed deposition. If the party taking the deposition recorded it on videotape or by other nonstenographic means, that party shall also furnish upon request to the adverse party or parties, free of charge, one copy of the videotape or other recording of the deposition.

#### H. FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES.

1. If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to the other party the reasonable expenses incurred by the attending party and his or her attorney in attending, including reasonable attorney fees.

2. If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by attorney because he or she expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by that party and his or her attorney in attending, including reasonable attorney fees.

#### I. WITNESS FEES.

1. The attendance and travel fees for a witness shall be paid as provided in [Section 400](#) of this title.

2. A party deponent must attend the taking of a deposition without the payment or tender of attendance or travel fees.

J. TAXING OF COSTS OF DEPOSITIONS. The cost of transcription of a deposition, as verified by the statement of the certified court reporter, the fees of the sheriff for serving the notice to take depositions and fees of witnesses shall each constitute an item of costs to be taxed in the case in the manner provided by law. The court may upon motion of a party retax the costs if the court finds the deposition was unauthorized by statute or unnecessary for protection of the interest of the party taking the deposition.

## **20 O.S. 106.1 Court reporters – Determination of number needed**

The Supreme Court, with the aid of the Administrative Director of the Courts, shall determine the number of full-time and part-time court reporters that may be appointed in each judicial administrative district of the state in the manner as hereinafter provided by this act. In determining how many court reporters are needed in each administrative district the Supreme Court shall consider the following factors: (1) case loads in the administrative district; (2) the number of district judges, associate district judges and special judges in the administrative district; (3) the number of cities and towns within each administrative district in which regular court sessions are held and the distance in road miles between each; and (4) any other factor deemed relevant by the Supreme Court. The Court may, as the need arises, increase or decrease the number of court reporters so authorized, and the Court may, where the business of a court requires it, authorize the presiding judge of the administrative district in which said court is located to employ a temporary court reporter.

## **20 O.S. 106.2 Appointment of reporters – Oath**

The Supreme Court shall certify in writing to the Presiding Judge of each judicial administrative district, the number of full-time and part-time court reporters that may be appointed within said judicial administrative district, provided that each district judge shall have a court reporter, who shall serve at the pleasure of said district judge.

Each district judge shall appoint a court reporter, and additional court reporters within a judicial administrative district shall be appointed by the presiding judge of such district, to serve at his pleasure within the district. Provided, all court reporters within such judicial administrative district may be assigned or transferred temporarily, according to need, by the presiding judge of the district.

Each court reporter appointed shall, before entering upon the duties of his office, take the official oath to faithfully discharge the duties of his office to the best of his knowledge and ability. The oath of office shall be filed in the office of the Director.

## **20 O.S. 106.4 Duties of reporter – Methods – Transcripts**

A. The court reporter shall make a full reporting by means of stenographic hand, steno-mask or machine notes, or a combination thereof, of all proceedings, including the statements of counsel and the court and the evidence, in trials and other judicial proceedings to which the court reporter is assigned by the appointing judge unless excused by the judge who is trying the case with the consent of the parties to the action. Nothing herein contained shall be construed to authorize the certification of persons as certified shorthand reporters who rely exclusively upon the steno-mask for reporting judicial proceedings, except as provided by law. A refusal of the court to permit or to require any statement to be taken down by the court reporter or transcribed after being taken down, upon the same being shown by affidavit or other direct and competent evidence, to the Supreme Court, or other appellate court, shall constitute a denial of due process of law. The court reporter may use an electronic instrument as a supplementary device. In any trial, hearing or proceedings, the judge before whom the matter is being heard may, unless objection is made by a party or counsel, order the proceedings electronically recorded. A trial or proceedings may proceed without the necessity of a court reporter being present, unless there is objection by a party or counsel. Provided that if an official transcript is ordered then it shall be prepared by the official court reporter.

B. Upon request of either party in a civil or criminal case, the reporter shall transcribe the proceedings in a trial or other judicial proceeding, or so much thereof as may be requested by the party, certify to the correctness of the transcript, and deliver the same in accordance with the rules of the Supreme Court. The fee for an original transcript shall be Three Dollars and fifty cents (\$3.50) per page. Two copies of the original transcript shall be furnished without additional charge. Each page shall be at least twenty-five lines to the page and typed no fewer than nine characters to the typed inch. Each page shall be no more than double spaced and the margin on the left side of the page shall be no more than one and one-half (1 1/2) inches and the margin on the right side of the page shall be no more than one-half (1/2) inch from the edge of the paper. The format for all transcripts shall be prescribed by the Supreme Court. The fees for making the transcript shall be paid in the first instance by the party requesting the transcript and shall be taxed as costs in the suit.

When the judge on his or her own motion orders a transcript of the reporter's notes, the judge may direct the payment of charges and the taxation of the charges as costs in such manner as the court deems appropriate. In a criminal action, if the defendant shall present to the judge an affidavit that the defendant intends in good faith to take an appeal in the case and that a transcript of the reporter's notes is necessary to enable the defendant to prosecute the appeal, and that he or she has not the means to pay for the transcript, the court, upon finding that there is reasonable basis for the averment, shall order the transcript made at the expense of the district court fund. The format preparation, delivery and filing of transcripts to be used in civil and criminal appeals may be regulated by the Supreme Court.

C. The court reporter shall file his or her records of the evidence and the proceedings taken in any case with the clerk of the court in which the case was tried.

D. To the extent that it does not substantially interfere with the court reporter's other official duties, the judge by whom a reporter is employed or to whom he or she is assigned may assign a reporter to secretarial or clerical duties arising out of official court operations.

#### **20 O.S. 106.4a Transcripts – Access to copies – Costs**

A transcript of the court reporter's notes, upon request and for the use of an indigent defendant or a district attorney, may not be charged to the court fund unless, before its preparation, the cost to be incurred was authorized by written judicial order.

When a judge authorizes or orders a transcript of the court reporter's notes of any proceeding to be prepared at the expense of the court fund, or where a prosecuting attorney orders such a transcript at public or court fund expense and the accused as an indigent is constitutionally entitled to a free copy of the transcript, a reporter shall prepare an original and two copies of the transcript so ordered and file it with the clerk of the trial court. The court reporter shall immediately notify the district attorney and the defendant of the date the transcript was filed. The district attorney and the defendant shall have access to the copies of the transcript on such terms as the trial court may impose. The chief judge may prescribe rules for access to or disposition of the copies of the transcript.

## **20 O.S. 106.5 Admissibility of transcripts as evidence**

Any transcript of notes, duly certified as correct by the reporter who took the evidence, and filed with the clerk of the court in which the cause was tried, shall be admissible as evidence in all cases, of like force and effect, as testimony taken in the cause by deposition, and subject to the same objection, a transcript of said notes may be incorporated into any appellate record. If any reporter ceases to be the official reporter of the court, and thereafter makes a transcript of the notes taken by him while acting as official reporter, he shall swear to the transcript as true and correct and when so verified, the transcript shall have the same force and effect as if certified while he was an official reporter. A transcript of the notes of any reporter of the State Industrial Court, when certified or verified by such reporter who took the evidence in any hearing before such Industrial Court or any official thereof in any proceedings pending before such court, shall have the same force and effect as a transcript by a court reporter above mentioned, when such transcript is offered as a deposition in evidence in any subsequent trial or proceedings before any court of record wherein the parties are the same as the parties who took part in the proceedings before the State Industrial Court; that is, the same parties as the claimant and respondent before the Industrial Court; provided that, if such party, who is claimant before the Industrial Court, is deceased, then the provisions hereof shall apply if the subsequent action is by the personal representative of such deceased party in an action for wrongful death.

## **20 O.S. 106.6 Assignment of reporters – Expenses**

The presiding judge may assign a court reporter to serve anywhere within the administrative district in which the court reporter is appointed. A court reporter shall be paid travel expenses incurred in connection with his official duties outside the county wherein he resides. No expenses shall be paid by the state to a court reporter for travel in his county of residence. Expense vouchers shall be submitted to the Supreme Court for approval. The expense vouchers or claims submitted to the Supreme Court shall have endorsed thereon the signed approval of the presiding judge of the district in which the court reporter incurred the expense for which claim is made.

The Supreme Court may, with the consent of the presiding judge of his district, assign a court reporter to temporary service outside his own administrative district. A court reporter shall be paid travel expenses incurred in connection with his official duties during such periods of temporary assignment. Whenever a court reporter is assigned to serve a district court outside his judicial administrative district, he shall submit a claim for his mileage, subsistence expense or per diem, as the case may be, to the court clerk in the county where he is assigned to serve and the claim, at the rate authorized by the state, shall, upon its approval by the chief judge, be paid by check or warrant drawn against the court fund.

## **20 O.S. 106.9 Court reporters – Salaries**

A. Until October 1, 2006, the salaries of all court reporters regularly engaged by the district court, the Workers' Compensation Court, or the Corporation Commission shall be paid by the state, except as otherwise provided in this section. Full-time court reporters regularly engaged by the district court, the Workers' Compensation Court and the Corporation Commission who are certified shorthand reporters shall be paid Thirty-five Thousand Six Hundred Dollars (\$35,600.00) per year, payable monthly. Effective October 1, 2006, the salaries of all court reporters regularly engaged by the district court, the Workers' Compensation Court, or the Corporation Commission shall be paid by the state, except as otherwise provided in this section. Full-time court reporters regularly engaged by the district court, the Workers' Compensation Court and the Corporation Commission who are certified shorthand reporters shall be paid Thirty-nine Thousand One Hundred Sixty Dollars (\$39,160.00) per year, payable monthly.

B. In addition to their base salaries, official court reporters who are certified or licensed shorthand reporters and those acting shorthand reporters pursuant to paragraph c of Section 106.3B of this title shall be paid annually the sum of Four Hundred Dollars (\$400.00) for each year of service to the district court, the Workers' Compensation Court and the Corporation Commission, with a maximum of twenty (20) years of service only to be used for the purpose of longevity, not to exceed Eight Thousand Dollars (\$8,000.00) per year, payable monthly. For the purpose of payment for longevity, "years of service" is defined as all years served as a certified or licensed court reporter in the district court, the Workers' Compensation Court and, the Corporation Commission after June 30, 1978. Such longevity payments shall begin on July 1 of each year following completion of one (1) year's service as defined herein.

C. In addition to their base salaries, official court reporters who are certified shorthand reporters shall be paid the following:

1. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Professional Reporter (RPR), as recognized by the State Board of Examiners of Certified Shorthand Reporters. To qualify as a RPR, an official court reporter shall have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred twenty-five (225) words per minute in taking a question-and-answer-type dictation, two hundred (200) words per minute in taking a jury charge and one hundred eighty (180) words per minute in taking literary material, shall pass a Written Knowledge Test with a score of at least seventy percent (70%), all as determined by an examination recognized by the Board, and shall complete thirty (30) hours of continuing education per three-year cycle commencing at the date of recognition;

2. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Merit Reporter (RMR), as recognized by the State Board of Examiners of Certified Shorthand Reporters. To qualify as a RMR, an official court reporter shall have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred sixty (260) words per minute in taking a question-and-answer-type dictation, two hundred forty (240) words per minute in taking a jury charge and two hundred (200) words per minute in taking literary material, shall pass a Written Knowledge Test with a score of at least seventy percent (70%), all as determined by an examination recognized by the Board, and shall complete thirty (30) hours of continuing education per three-year cycle commencing at the date of recognition;

3. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Diplomat Reporter (RDR), as recognized by the State Board of Examiners of Certified Shorthand Reporters, and who completes thirty (30) hours of continuing education per three-year cycle commencing at the date of recognition;

4. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Certified Realtime Reporter (CRR), as recognized by the State Board of Examiners of Certified Shorthand Reporters, and who completes thirty (30) hours of continuing education per three-year cycle commencing at the date of recognition; or

5. Any official court reporter who is the holder of more than one certification shall be compensated in the additional amounts specified in paragraphs 1 through 4 of this subsection for each certification up to a maximum of Six Thousand Dollars (\$6,000.00) per year over and above the reporter's base salary, payable monthly.

D. Court reporters temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission shall be compensated by the court fund of the court which they serve at the rate of Fifty-seven Dollars and sixty cents (\$57.60) per day. In addition, court reporters temporarily employed pursuant to this subsection who are required by the terms of their employment to travel outside their county of residence, shall receive reimbursement for mileage actually and necessarily traveled to and from the place of attendance at a rate not to exceed the rate of reimbursement specified in the State Travel Reimbursement Act for state employees. Any travel reimbursement shall be paid from the court fund of the court where the service of the temporarily employed court reporter is provided.

**20 O.S. 1006 Destruction of certain records and reporter's notes – Limitations**

A. Unless there is an objection by the chief judge of the district court, the court clerk is authorized to destroy all exhibits in all domestic relations cases in which there has been no activity for more than twenty (20) years, and exhibits in all other civil cases in which there has been no activity for more than ten (10) years.

B. The chief judge may direct a court reporter to destroy a court reporter's notes after the expiration of ten (10) years from the date of a proceeding, or, if a proceeding has not resulted in an appeal upon which a request has been made to transcribe the proceeding, all notes of a court reporter may be destroyed immediately upon completion of transcription of a proceeding.

C. No pleadings or judgments shall be destroyed under the provisions of this section.

**20 O.S. 1010 Destruction of deceased court reporter's notes**

A court reporter's notes may be destroyed by a person lawfully in possession of the notes after a one-year period has elapsed following the death of the court reporter.

**20 O.S. 1011 Removal of exhibits, notes and other materials from custody of court clerk –  
Storage of reporting notes**

A. Unless otherwise ordered by a judge of the district court, each court reporter who has been employed by a district court of this state shall remove all exhibits, notes and other materials from the custody of the court clerk within thirty (30) days after termination of employment with that district court by the court reporter. In the event that the court reporter fails to remove the property in a timely manner, the court clerk shall be authorized to destroy the materials after six (6) months have elapsed since termination of the court reporter's employment.

B. It shall be mandatory that the offering party in any case shall take possession of all exhibits offered in a case at the conclusion of an appeal, or after the appeal time has elapsed if no appeal is taken, except in capital murder and workers' compensation cases.

C. 1. The reporting notes of all certified shorthand reporters may be kept in any form of communication or representation including paper, electronic, or magnetic media or other technology capable of reproducing for transcription the testimony of the proceedings according to standards or guidelines for the preservation and reproduction of the medium adopted by the American National Standards Institute or the Association for Information and Image Management. Reporting notes shall be stored in an environment free from excessive moisture, temperature variation and electromagnetic fields if stored on a medium other than paper.

2. If the reporting notes are kept in any form other than paper, one duplicate backup copy of the notes shall be stored in a manner and place that reasonably assures its preservation.

3. A periodic review of the media on which the reporting notes are stored shall be conducted to assure that a storage medium is not obsolete and that current technology is capable of accessing and reproducing the records for the required retention period.

## **20 O.S. 1503 Examination for Enrollment as Certified or Licensed Shorthand Reporter**

A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Is of legal age;
2. Meets the requisite standards of ethical fitness; and
3. Has at least a high school education or its equivalent.

B. The examination for certification in one or more authorized methods of shorthand reporting consists of two parts, designated Part 1 and Part 2 as follows:

1. Part 1 consists of the test as authorized by the Supreme Court consisting of the following requirements: demonstrated proficiency in reporting testimony and proceedings at a speed of not more than two hundred (200) words per minute in taking a question-and-answer type dictation and at a speed of not more than one hundred eighty (180) words per minute in taking literary materials which shall be designed to test the ability of an applicant to accurately prepare a transcript of testimony and proceedings that is reasonably free from spelling errors. The Board may not increase or decrease such minimum speed requirement, by rule or otherwise; and
2. Part 2 is the Oklahoma Written Knowledge test which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of certified shorthand reporters, and general court procedure. The examination shall be approved by the Supreme Court. A person who has tested with the Board and successfully completed the written knowledge portion of the examination shall be allowed to retain the credit for that portion for two (2) years from the date passed, and shall not be required to retake that portion during the two-year period.

C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.

D. A certification issued under this section must be for one or more of the following methods of shorthand reporting:

1. Written shorthand;
2. Machine shorthand; or
3. Any other method of shorthand reporting authorized by the Supreme Court.

E. No person may engage in shorthand reporting in this state unless the person is a licensed or certified shorthand reporter or otherwise authorized by law or the Supreme Court.

## **20 O.S. 1503.1 Continuing Education Requirements for Certified Shorthand Reporters**

A. Every certified shorthand reporter and every court reporter temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission shall annually complete at least four (4) hours of continuing education approved by the State Board of Examiners of Certified Shorthand Reporters. Included in the four-hour minimum requirement for every official shorthand reporter and every court reporter temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission at least one (1) hour shall relate to Oklahoma court rules and procedures. All four (4) hours of continuing education shall be approved by the State Board of Examiners of Certified Shorthand Reporters.

B. A certified shorthand reporter or court reporter is exempt from the requirements of subsection A of this section if the reporter verifies under oath to the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Has attained the age of sixty-five (65) before or during the calendar year for which the reporter seeks an exemption;
2. Is a member of the armed forces on full-time active duty during the entire calendar year for which the reporter seeks an exemption; or
3. Has provided written verification by a licensed physician that a medical condition has prevented the court reporter from working in such capacity and completing continuing education for the calendar year for which the reporter seeks an exemption.

## **20 O.S. 1508 Metal Seals-Use of Abbreviations-Powers of Certified Reporters**

Every person enrolled as a certified shorthand reporter shall be entitled to use the abbreviation C.S.R. after his name and shall receive from the Board, without additional charge, a metal seal with his name and the words "Oklahoma Certified Shorthand Reporter". Every person enrolled as a licensed shorthand reporter shall be entitled to use the abbreviation L.S.R. after his name and shall receive from the Board, without additional charge, a metal seal with his name and the words "Oklahoma Licensed Shorthand Reporter". Court reporters holding a temporary certificate shall not be allowed the use of a seal. The determination of the format and construction of the seal shall rest with the Supreme Court of the State of Oklahoma. The Oklahoma Supreme Court shall determine the procedures to be used in the distribution of all shorthand reporter seals. Certified shorthand reporters shall be authorized to issue affidavits in respect to their regular duties, to subpoena witnesses for depositions, administer oaths and affirmations with authority equal to that of a notary public, and to take depositions or other sworn statements. Licensed shorthand reporters shall have the same authority while employed as official court reporters.

## **20 O.S. 1513 Court Reporter Contracts**

A. A court reporter or owner of a court reporting firm shall not:

1. Enter into any contract or relationship that compromises the impartiality of court reporters or that may result in the appearance that the impartiality of a court reporter has been compromised;
2. Enter into a blanket contract, other than with a court or governmental agency, under which the court reporter or owner of a court reporting firm agrees to perform all court reporting services in two or more cases at a rate of compensation fixed in the contract;
3. Enter into a contract that requires a court reporter to provide any service that is not available to all parties to an action; or
4. Enter into a contract that gives or appears to give an exclusive advantage to any party to an action.

B. A violation of this section shall be grounds for the State Board of Examiners of Certified Shorthand Reporters to refuse to renew the enrollment of a certified or licensed court reporter. A willful violation of this section shall be grounds for the Board to suspend, cancel, or revoke the enrollment of a certified or licensed court reporter.

## **12 O.S. 3227 Deposition Before Action or Pending Appeal**

### **A. BEFORE ACTION.**

1. **PETITION.** A person who desires to perpetuate his own testimony or that of another person regarding any matter that may be cognizable in any court may file a verified petition in the district court in the county of the residence of any expected adverse party for such perpetuation of testimony. The petition shall be entitled in the name of the petitioner and shall show:

- a. That the petitioner or his personal representative, heirs, beneficiaries, successors or assigns may be a party to an action cognizable in a court but is presently unable to bring it or cause it to be brought.
- b. The subject matter of the expected action and his interest therein, and a copy, attached to the petition, of any written instrument the validity or construction of which may be called in question or which is connected with the subject matter of the requested deposition.
- c. The facts which he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it.
- d. The names or, if the names are unknown, a description of the persons he expects will be adverse parties and their addresses so far as known.
- e. The names and addresses of the persons to be examined and the substance of the testimony which he expects to elicit from each.

The petition shall request an order authorizing the petitioner to take the depositions of the persons named in the petition to be examined for the purpose of perpetuating their testimony.

2. **NOTICE AND SERVICE.** The petitioner shall thereafter serve a notice upon each person named or described in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least twenty (20) days before the date of hearing, the notice shall be served either within or without the state in the manner provided for personal service of summons. If such service cannot, with due diligence, be made upon any expected adverse party named or described in the petition, the court may enter such order as is just for service by publication or otherwise, and shall appoint, for persons not served by personal service, an attorney who shall represent them and, if they are not otherwise represented, shall cross-examine the deponent. If any expected adverse party is a minor or incompetent the court shall appoint a guardian ad litem for any such minor or incompetent not legally represented.

3. **ORDER AND EXAMINATION.** If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall enter an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and how the depositions shall be taken. The depositions may then be taken in accordance with the Oklahoma Discovery Code, Section 3224 et seq. of this title. The court may enter orders of the character provided for by Sections 3234 and 3235 of this title. For the purpose of applying the Oklahoma Discovery Code to depositions for perpetuating testimony, each reference to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed.

4. USE OF DEPOSITION. If a deposition to perpetuate testimony is taken under the Oklahoma Discovery Code, it may be used in any action involving the same subject matter subsequently brought in a court of this state, in accordance with the provisions of subsection A of Section 3232 of this title.

B. PENDING APPEAL. If an appeal has been taken from a judgment of a district court or before the taking of an appeal if the time therefor has not expired, the district court in which the judgment was rendered may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in the district court. In such case, the party who desires to perpetuate the testimony may make a motion in the district court for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the district court. The motion shall show:

1. The names and addresses of persons to be examined and the substance of the testimony which he expects to elicit from each;
2. The reasons for perpetuating the testimony.

If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, it may enter an order allowing the depositions to be taken and may make orders of the character provided for by Sections 3234 and 3235 of this title, and thereupon the depositions may be taken and used in the same manner and under the same conditions as are prescribed in the Oklahoma Discovery Code for depositions taken in actions pending in the district court.

C. PERPETUATION BY ACTION. The procedures prescribed in this section do not limit the power of a court to entertain an action to perpetuate testimony.

D. FILING OF DEPOSITION. Depositions taken under this section shall not be filed with the court in which the petition is filed or the motion is made except on order of the court or unless they are attached to a motion, response thereto, or are needed for use in a trial or hearing.

E. COSTS. The attorney taking any deposition under this section shall pay the costs thereof unless otherwise ordered by the court.

F. DEPOSITIONS TAKEN IN OTHER JURISDICTIONS ADMISSIBLE. A deposition taken under procedures of another jurisdiction, which are similar to those in this section, is admissible in this state to the same extent as a deposition taken under this section.