

Attention Attorneys: Do you know who can report & video depositions in the state of Texas?

If you appear at a deposition and there isn't a certified shorthand reporter, CSR, to report the depo, do you know if it's okay? Do you know who can and can't report the proceedings? Do you know who qualifies as a videographer if a reporter isn't available? Did you know your everyday, third-party videographer doesn't qualify as an exemption under the rules? See below.

Texas Government Code § 154.101. Certification of Reporters

(f) Except as provided by Section 154.112 and by Section 20.001, Civil Practice and Remedies Code, all depositions conducted in this state must be recorded by a certified shorthand reporter.

Government Code § 154.114. Exemptions

This chapter does not apply to:

- (1) a party to the litigation involved;**
- (2) the attorney of the party; or**
- (3) a full-time employee of a party or a party's attorney.**

Taken from AG Opinion May 14, 2012

“The Texas Supreme Court has construed this language [Gov Code 154.114] to mean that litigants or lawyers may notice an oral deposition to be recorded non-stenographically and have their secretary record the proceeding by audiotape or videotape.”

“Construing Rule 199.1 in light of Government Code sections 52.021 [154.101] and 52.033 [154.114], **the individuals authorized to make a non-stenographic recording** are (1) a party to the litigation; (2) the attorney of the party; or (3) a full-time employee of a party or a party's attorney.”

****Gov Code 52.021 is now 154.101; Gov Code 52.033 is now 154.114**