



Governor Bredesen signs court reporting law June 9, 2010.

Court reporters or reporting firms are prohibited from having a contractual relationship with a person or entity interested in the outcome of the litigation. This includes anyone who may be ultimately responsible for payment for reporting or other court services. This law applies to court reporting firms domiciled in Tennessee as well as any other state. The relevant language which has been added to TCA 24-9-136 is:

3) An employee of one (1) of the parties or of an attorney for one (1) of the parties. As used in this subdivision, "employee" includes a person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may ultimately be responsible for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services; provided, however, that this subdivision shall not restrict in any way the ability of an attorney or a pro se litigant to hire court reporting services on a case-by-case basis in any case where the attorney is not a party, nor restrict an attorney from reimbursement for such court reporting services;

Common questions attorneys may have about the law:

QUESTION: Does this limit what reporter I can use?

ANSWER: An attorney may hire any licensed court reporter they wish to cover any portion or all of their work. The only limitations are if the reporter is prohibited from taking your work due to some conflict as outlined in TCA 24-9-136.

QUESTION: What does a contractual relationship with a party mean in plain language?

ANSWER: A blanket financial arrangement for work not yet commenced, often with special pricing consideration or free services that are not offered by the reporter to others in an open market or to other parties in the same action. This may be with a party themselves, their carrier, or a scheduling or billing entity of the party or their carrier.

QUESTION: What does the "hire court reporting services on a case-by-case basis" mean?

ANSWER: Every time a reporter works for an attorney, they're essentially being hired on a case-by-case basis. If a group of litigants in a case wish to solicit bids from reporting firms for all the work in an action, they can do so on a case-by-case basis. In these situations, all parties to the action are aware and participating in the negotiations and all parties enjoy any pricing discounts or complimentary services.

QUESTION: What if I am being instructed to use a reporting firm under an arrangement that I think may violate this law?

ANSWER: Advise your client of the passage of this law and let them know you run the risk of having your transcripts voided if an objection is raised by opposing counsel. Further, the reporter you are utilizing runs the risk of disciplinary action from the Tennessee Board of Court Reporting (TBCR).