

HAWAII CSR BOARD RULING

The Hawaii CSR Board has issued the following notice concerning **Rule 30(e)** regarding the reading and signing of depositions:

NOTICE

Among changes to Rule 30, Hawai'i Rules of Civil Procedure Rule, adopted effective July 1, 2004, one in particular, Rule 30(e) regards signatures to depositions.

Rule 30(e) reads as follows:

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording 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 subdivision (f)(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

The way the rule reads, absent specific request to review and sign transcripts of their depositions, stated on the record by the witness or counsel, there is no right of review or signature by deponents.

Court reporters who are neutral, find themselves in the middle between opposing interpretations of this amendment. Should Court Reporters remain silent on the issue of review and signature or should they inquire on the record, whether review and signature is requested, or waived?

The Hawaii Board of Certified Shorthand Reporters has referred this matter to the Judiciary Rules Committee for direction.

Until a response is received, the Hawaii Board of Certified Shorthand Reporters is advising court reporters to follow the new rule literally and to seal depositions without deponent review or signature, unless a request is made on the record by counsel or the deponent for the opportunity to do so.