

MEMORANDUM

To: Members of the Utah State Bar
From: Phoebe Moorhead, UCRA President
Date: March 20, 2019
Re: H.B. 278 Court Reporter Amendments

First Substitute H.B. 278 passed in the Utah Legislature in the 2019 general session, and we would like all members of the State Bar to be aware of the statute and code revisions that may affect your use of court reporters for depositions.

Utah Code 58-74-101

The Certified Court Reporters Licensing Act has been repealed and will be replaced with the State Certification of Court Reporters Act. Court reporters will no longer have “licenses” but will instead have “certifications.”

What this means: Our title abbreviation will now be “C.C.R.” Certification and licensure require the same compliance.

Utah Code 58-74-102(1)

The underlined language was added to this section.

“Practice of court reporting” means the making of a verbatim record, by stenography or voice writing, of any trial, legislative public hearing, state agency public hearing, deposition, examination before trial, hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or other sworn testimony given under oath.

What this means: By specifying stenography and voice writing as the only acceptable means of making the verbatim record, this means that electronic digital reporting in Utah is now barred by statute. The penalty for violation is a Class A misdemeanor. Violations should be reported to the Department of Professional Licensing.

Link to an educational video on the pitfalls of digital reporting:

<https://miglioreassociates.com/what-is-the-price-the-legal-system-pays-for-electronic-digital-reporting/>

Utah Code 78A-2-404(2)

The underlined language was added to this section.

“A certified court reporter is an officer of the court, authorized to administer oaths, whose impartiality shall remain beyond question.”

What this means: This clears up any confusion there may have been about the need for certified court reporters in Utah to hold their notary certification. The statute now makes it clear that certified court reporters are authorized to administer oaths.

Suggested language for use on deposition notices:

“PLEASE TAKE NOTICE that _____ will take the testimony of _____ pursuant to the Utah Rules of Civil Procedure and the Utah Code, before a certified court reporter, on ...”

“Said deposition will be on oral interrogatories and will be taken pursuant to the Utah Rules of Civil Procedure and Utah Code, before a certified court reporter.”

“The deposition is to be recorded by a certified court reporter using stenographic means. “

Please contact us if we can be of any assistance or clear up any confusion.



+1 480-265-0404



PO Box 1145
SLC, UT 84110



Ucra.board@gmail.com
www.utera.com