

**California Code of Civil Procedure section 2025.290
SEVEN-HOUR LIMIT**

FREQUENTLY ASKED QUESTIONS

The Court Reporters Board (CRB) has received questions regarding the role of the court reporter as it relates to the proper implementation of California Code of Civil Procedure section 2025.290, which limits, with stated exceptions, a deposition to seven hours. The CRB notes that this law is a requirement to be followed by the attorneys, leaving the court reporter with no legal responsibility as far as implementation of this statute. That being said, with the prevalence of the time-stamping feature incorporated into CAT software, timing breaks is a simple thing to do in order to facilitate the timekeeping task.

Question 1: Is the reporter required to keep track of on-the-record time?

Answer: No, there is no legal requirement for the court reporter to track the time. That being said, it's not an unreasonable request to have the court reporter as the neutral party to the proceeding note when the deposition begins and ends, as well as the duration of any breaks taken. The court reporter may act as timekeeper as a service to the parties or may simply report the times to the attorneys who can do their own math.

Question 2: Must I or should I notify my clients in writing or in any other way about this new law?

Answer: There is no legal requirement or even implied duty for the court reporter to notify an attorney of this change. In the view of the CRB, it is not the duty of the court reporter to educate the legal community as to a law that does not affect the integrity of the record.

Question 3: Must I or should I now be including timestamps in my depositions due to this law?

Answer: Timestamps should only be included in a transcript at the request of a party at the deposition. The request is often implied in the case of a videotaped deposition, but best practice is to confirm that that is the case.

Question 4: If at a deposition, the seven-hour limit is reached, should I or am I required to (i) stop the deposition; (ii) refuse to continue writing; (iii) note in the record that the seven hours have been used; (iv) in the transcript, include some notation when the seven-hour point was reached?

Answer: (i)(ii) The court reporter has no authority to stop a deposition because a seven-hour limit has been reached nor to refuse to continue writing. (iii)(iv) There is no legal requirement for the court reporter to annotate the deposition transcript in any way when the time limit has been used or reached. For example, a court reporter may not be aware that the deposition is actually a continuation of one started quite some time ago.

Question 5: If the attorneys insist on going on past seven hours, should I not transcribe the portion after that seven-hour point?

Answer: Absent a request for a partial transcript or a stipulation of some sort, the court reporter should transcribe the proceeding in its entirety.

Question 7: What if one attorney wants to go off the record pursuant to the seven-hour limit and the other side wants to stay on the record?

Answer: California Code of Civil Procedure 2025.470 would still apply as far as the court reporter is concerned. This section states that the deposition officer may not suspend the taking of testimony without the stipulation of all parties present unless a party demands the deposition be suspended in order for that party to move for a protective order. Best practice is always to remain on the record as there is a remedy in the form of a court order for testimony to be stricken, but there is no remedy for recapturing testimony that was not reported.

Question 8: Can an attorney force an end to the deposition pursuant to the seven-hour limit?

Answer: That is a matter of law outside the purview of the CRB.