

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2290 (Lackey) – As Amended March 2, 2026

PROPOSED CONSENT

SUBJECT: CIVIL DISCOVERY: ORAL DEPOSITIONS: TRANSCRIPTIONS

KEY ISSUE: SHOULD A CERTIFIED TRANSCRIPT OF THE DEPOSITION BE PERMITTED TO BE TRANSMITTED ELECTRONICALLY, IF REQUESTED BY THE ATTORNEY WHO NOTICED A DEPOSITION?

SYNOPSIS

Depositions of witnesses and parties to a case are a critical discovery tool in the civil litigation system. Because deposition testimony may be utilized later at a trial to test the credibility of a witness, ensuring the accuracy of a deposition transcript is paramount. Acknowledging the vital role of deposition transcripts, existing provisions of the Code of Civil Procedure require enhanced security be taken when providing final deposition transcripts to parties, including a requirement that the official transcript be securely sealed in an envelope or package and a physical copy of the deposition be delivered to the attorney who requested the deposition. The proponents of this bill argue that the physical transmission requirement is antiquated and that improvements in technology permit depositions to be securely transmitted to parties using electronic means.

To that end, this bill would authorize the electronic transmission of a certified transcript in lieu of the existing requirements for a delivery of a paper copy of the document. The author notes that this will speed delivery and better enable the counsel for the parties to the litigation to search the document and incorporate the document into digital case management systems utilized by law firms.

This measure is jointly sponsored by four deposition reporting firms who note that the technology now exists to securely transmit deposition transcripts and that this bill simply modernizes the law to meet existing technological capabilities. The bill has no registered opposition.

SUMMARY: Authorizes a certified transcript of a deposition to be transmitted electronically. Specifically, **this bill:**

- 1) Clarifies that, upon request of the attorney for the party who noticed the deposition, the deposition officer may securely transmit the transcript of the deposition electronically to that attorney in lieu of sending a paper copy.

EXISTING LAW:

- 1) Authorizes any party to a civil action to obtain discovery by taking in California the oral deposition of any person, including any party to the action. (Code of Civil Procedure Section 2025.010.)

- 2) Requires a party desiring to take the oral deposition of any person to give notice in writing, and requires the deposition notice to contain the following information:
 - a) The address where the deposition will be taken;
 - b) The date of the deposition, and the time it will commence;
 - c) The name of each deponent, and the address and telephone number, if known, of any deponent who is not a party to the action;
 - d) The specification with reasonable particularity of any materials or category of materials, including any electronically stored information, to be produced by the deponent;
 - e) Any intention by the party noticing the deposition to record the testimony by audio or video technology, in addition to recording the testimony by the stenographic method, and any intention to record the testimony by stenographic method through the instant visual display of the testimony, as specified;
 - f) Any intention to reserve the right to use at trial a video recording of the deposition testimony of a treating or consulting physician or of an expert witness, as specified;
 - g) The form in which any electronically stored information is to be produced, if a particular form is desired; and
 - h) A statement disclosing the existence of a contract, if any is known to the noticing party, between the noticing party or a third party who is financing all or part of the action and either the deposition officer or the entity providing deposition services for any service beyond the noticed deposition, as specified. (Code of Civil Procedure Section 2025.220 (a).)
- 3) Requires, unless the parties agree otherwise, the testimony at a deposition recorded by stenographic means to be transcribed. (Code of Civil Procedure Section 2025.510 (a).)
- 4) Authorizes any other party or the deponent, at the expense of that party or deponent, to obtain a copy of the transcript. (Code of Civil Procedure Section 2025.510 (c).)
- 5) Requires the deposition officer to certify on the transcript of the deposition, or in a writing accompanying an audio or video record of deposition testimony, that the deponent was duly sworn and that the transcript or recording is a true record of the testimony given. (Code of Civil Procedure Section 2025.540 (a).)
- 6) Provides that the certified transcript of a deposition is not to be filed with the court but rather be securely sealed in an envelope or package endorsed with the title of the action and marked: "Deposition of (here insert name of deponent)," and the disposition officer must promptly transmit it to the attorney for the party who noticed the deposition. (Code of Civil Procedure Section 2025.550 (a).)
- 7) Requires the attorney to whom the transcript of a deposition is transmitted to retain custody of it until six months after final disposition of the action, as specified. (Code of Civil Procedure Section 2025.550.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Recognizing that many portions of the Code of Civil Procedure were originally enacted long before the widely accepted use of electronic communications, many statutes still reflect a bygone era where paper documents drove the legal profession. Although this Committee has passed dozens of measures in recent years to modernize aspects of the Code of Civil Procedure, some relics of the past remain in the Code. One area of the law reflecting the era of pre-electronic communications is the existing requirement that all deposition transcripts must be transmitted to attorneys via a paper transcript in a secured envelope. This straightforward bill permits deposition transcripts to be transmitted electronically. In support of this common sense measure, the author states:

AB 2290 is important because it modernizes California's deposition procedures to align with current technology while preserving the integrity and security of the official record. This bill permits the deposition officer to transmit the transcript electronically to the attorney, if requested by the attorney. By authorizing the electronic transmission of certified transcripts, the bill reduces delays, lowers costs, and improves efficiency in the discovery process. This commonsense update helps attorneys move cases forward more quickly and supports timely resolution of disputes.

The accuracy and legitimacy of deposition transcripts is critical to the civil justice system.

Depositions are a critical tool for conducting civil discovery. Depositions are conducted under oath and are a means by which attorneys for various parties can get the litigants or witnesses to an incident on record explaining their version of a given event. Litigators then make strategic decisions on the direction of litigation based on the contents of a deposition, and the deposition transcript can be utilized to support or undercut a witness's credibility at trial. Given the many uses of a deposition, it is vital that the record is accurate and protected. To ensure the validity of the record, and to ensure that no parties can alter the transcript, the existing law requires a deposition transcript to be provided to the attorney who requested the deposition as a printed copy that is then placed into a sealed and secured envelope. That envelope is then delivered to the attorney who sought the deposition with other copies transmitted to other parties who request a copy.

The author and sponsor of this bill note that this process is time consuming and costly. Because the deposition must be transmitted as a hard copy, the deposition officer must print out the deposition, seal it, and transmit the document to an attorney who must then retain the paper copy of the document for a minimum of six months. The proponents of this measure contend that these steps could be lessened if the deposition officer was permitted to transmit a secured electronic copy of the document. This would eliminate the need for printing and shipping the document and the need for the document to be physically stored somewhere in the attorney's custody for at least six months. The proponents of this bill note that the federal rules of civil procedure already permit the use of electronic deposition transcripts.

This bill maintains the law's protections of deposition transcripts while modernizing the code.

Recognizing that the validity of the deposition transcripts is critical, this bill would maintain the existing law's certification and document security requirements but permit the deposition transcript to be sent electronically. Given that the technology is readily available to "secure" PDFs and other electronic files, this bill simply modifies the California Code of Civil Procedure regarding deposition transcripts to mirror its federal counterpart. This Committee has found no

evidence that the federal rules have lessened the security, validity, or accuracy of deposition transcripts in federal matters and thus the Committee does not see a significant risk in modernizing state policy.

ARGUMENTS IN SUPPORT: This bill is jointly sponsored by four deposition reporting companies. In support of the bill the coalition writes:

AB 2290 modernizes California's deposition procedures by allowing certified deposition transcripts to be securely transmitted electronically to the attorney who noticed the deposition when that attorney requests electronic delivery. Under current law, a deposition officer must seal the certified transcript in an envelope or package and transmit it to the noticing attorney by physical delivery or mail, even when the attorney prefers to receive the transcript electronically.

Depositions are a critical component of the civil discovery process. During a deposition, a witness provides sworn testimony that is recorded by a deposition reporter and later transcribed into the official record. These transcripts are essential for case preparation, evaluating claims and defenses, and facilitating settlement discussions.

However, the statutory requirement that transcripts be transmitted in a sealed physical package reflects procedures developed before the widespread use of secure electronic communication and cloud-based document management systems. As a result, attorneys who prefer electronic delivery must still wait for physical shipment of the transcript, creating unnecessary delays and administrative costs.

AB 2290 provides a commonsense update to the Code of Civil Procedure by authorizing deposition officers to securely transmit certified transcripts electronically when requested by the noticing attorney. The bill preserves the integrity of the official record while improving efficiency in the discovery process by reducing mailing delays and allowing attorneys to review testimony more quickly.

REGISTERED SUPPORT / OPPOSITION:

Support

Esquire Deposition Solutions LLC (co-sponsor)

Magna Legal Services (co-sponsor)

US Legal Support, INC. (co-sponsor)

Veritext, LLC (co-sponsor)

Opposition

None on file

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334