

THIRD READING

Bill No: AB 2290
Author: Lackey (R)
Amended: 8/18/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 6/30/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 68-0, 4/6/26 (Consent) - See last page for vote

SUBJECT: Civil discovery: oral depositions: transcriptions

SOURCE: Esquire Deposition Solutions, LLC
Magna Legal Services
U.S. Legal Support, Inc.
Veritext, LLC

DIGEST: This bill permits a deposition officer to transmit a certified deposition transcript electronically to the party who noticed the deposition, provided that specified conditions are met.

Senate Floor amendments of 8/18/26 permit, rather than require, a court to accept a properly electronically transmitted and stored deposition transcript as an original certified transcript kept under seal.

ANALYSIS:

Existing law:

- 1) Establishes the Civil Discovery Act, which governs the conduct of discovery in civil cases in the state. (Code of Civil Procedure (Code Civ. Proc.), pt. 4, tit. 4, §§ 2016.010 et seq.)
- 2) Provides for the taking of testimony through an oral deposition within the state, recorded through stenographic means and, unless otherwise agreed by the

parties, transcribed; the deposition must be conducted by a deposition officer, who is authorized to administer an oath. (Code Civ. Proc., pt. 4, tit. 4, ch. 9, §§ 2025.010 et seq.)

- 3) Requires the deposition officer, after the completion of the transcript of a deposition, to notify the deponent and all parties attending the deposition when the original transcript of the testimony is available for reading, correcting, and signing; the deponent has 30 days, unless otherwise agreed to by the parties, to make corrections to the transcript. (Code Civ. Proc., § 2025.520.)
- 4) Requires the deposition officer to certify on the transcript of the deposition that the deponent was duly sworn and that the transcript is a true record of the testimony given; if the transcript is prepared as a rough draft, the transcript may not be certified and may not be used, cited, or transcribed as the certified transcript of the deposition proceedings. (Code Civ. Proc., § 2025.540.)
- 5) Provides that the certified transcript shall not be filed with the court, and instead shall be transmitted to the attorney for the party who noticed the deposition, as follows:
 - a) The deposition officer shall securely seal that transcript in an envelope or package endorsed with the title of the action and marked “Deposition of [name of deponent]”.
 - b) The deposition officer shall promptly transmit the certified transcript to the party who noticed the deposition.
 - c) The attorney shall store the certified transcript under conditions that will protect it against loss, destruction, or tampering.
 - d) The attorney shall retain custody of the certified transcript until six months after final disposition of the action, at which time the transcript may be destroyed, unless the court finds good cause to order the preservation of the transcript for a longer period. (Code Civ. Proc., § 2025.550.)
- 6) Provides that any part or all of a deposition taken in an action may be used against any party who was present or represented at the taking of the deposition, or who had due notice of the deposition and did not serve a valid objection, so far as admissible under the rules of evidence applied as though the deponent were then present and testifying as a witness, in accordance with the following:

- a) Any party may use a deposition for the purpose of contradicting or impeaching the testimony of the deponent as a witness, or for any purpose permitted by the Evidence Code.
- b) An adverse party may use, for any purpose, a deposition of the party to the action or a person who was, at the time of the deposition, an officer, director, managing agent, employee, agent, or designee of a party, even if the deponent is available to testify, has testified, or will testify in the trial or hearing.
- c) Any party may use for any purpose the deposition of any person or organization, including a party, if the court finds that the deponent is, through no fault of the proponent of the deposition, unavailable to testify in the action, as specified.
- d) Any party may use a video recording of deposition testimony of a treating or consulting physician or of any expert witness, as specified.
- e) If any party offers any part of a deposition, any other party may introduce other parts of the deposition that are relevant to the parts introduced. (Code Civ. Proc., § 2025.620.)

This bill:

- 1) Clarifies that, if a party retained an entity to provide deposition services in connection with a noticed deposition, the entity has the obligation to deliver an official certified transcript to the noticing party.
- 2) Provides that, upon request of the attorney for the party who noticed the deposition, the deposition officer or registered entity may instead transmit the certified transcript electronically to the attorneys who noticed the deposition, subject to all of the following:
 - a) The deposition officer or registered entity shall notify the other parties that the certified transcript will be transmitted electronically.
 - b) The deposition officer or registered entity shall transmit the transcript to the attorneys using end-to-end encryption or an application that provides, at a minimum, encryption of the file while at rest and in transit.
 - c) The electronic transcript shall be in a format that prevents the transcript or any aspect of the file from being modified and that enables the parties and

the court to verify that the transcript is authentic and has not been altered after it was certified by the deposition officer.

- d) The attorney or party shall store the transcript under conditions that will protect it against loss, destruction, or tampering.
 - e) When presenting an electronically stored transcript to a court for any purpose, the attorney shall certify that the transcript is a true and correct copy of the transcript received electronically and stored as required by this measure.
- 3) Permits a court to accept a transcript transmitted, formatted, stored, and certified pursuant to 2) as an original certified transcript kept under seal.

Comments

The transcript of a deposition taken in a civil action can serve a number of purposes, including preserving testimony for trial and impeaching witnesses. Because the transcript of a deposition taken in an action can be offered as testimony for any purpose consistent with the Evidence Code, the integrity of the transcript is paramount. Current law requires the deposition officer to transmit the official certified copy of a deposition transcript to the attorney who noticed the deposition in sealed envelope; the attorney must keep the official copy in the sealed envelope until trial, at which point it is lodged with the court and can become part of the official record.

This bill permits the attorney or party who noticed a deposition, on request, to receive the official certified transcript in electronic form rather than as a tangible copy, provided that certain transmission, formatting, and storage requirements are met. This bill also requires an attorney to certify that an electronically stored transcript satisfies the requirements of this bill at every instance the attorney presents the transcript to the court, and permits the court to accept such a certified electronic copy as an original certified copy kept under seal. Additionally, this bill clarifies that, if a party retained an entity to provide deposition services in connection with a noticed deposition, the entity has the obligation to deliver an official certified transcript to the noticing party.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/18/26)

Esquire Deposition Solutions, LLC (co-source)
Magna Legal Services (co-source)

U.S. Legal Support, Inc. (co-source)
Veritext, LLC (co-source)

OPPOSITION: (Verified 8/18/26)

California Court Reporters Association
Deposition Reporters of California
Kuziora Deposition Reporters
Protect Your Record Project
Three individuals

ARGUMENTS IN SUPPORT: According to the bill's co-sponsors:

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.

ARGUMENTS IN OPPOSITION: According to the Deposition Reporters of California:

Current law requires a neutral party court reporter to print and seal the original printed transcript in an envelope. For many, many decades, this simple requirement has successfully and uncontroversially protected original deposition transcripts from being tampered with.

Presumably to respond to objections that the prior version of AB 2290 did not offer an adequate no-tampering substitute to current law, the amendments to AB 2290 require the original transcript to be “encrypted”.

Encryption, however, does not prevent the electronic document, once received by someone with the key, from being purposefully or accidentally lost or altered. Encryption may only protect the transcript from being abused by someone who, without the key, intercepts it. If an encrypted electronic document is received by someone with the key, is opened, and then stored in a computer or database, the document is as vulnerable to being altered or deleted while electronically stored as if it had not been encrypted while in transit at all.

And what that means is that, unless the document itself is rendered somehow comparably tamperproof by anyone with access to the computers where the sole original is electronically stored – and no part of AB 2290 even addresses this -- it is as vulnerable either to being accidentally or purposefully tampered with or accidentally deleted as an unencrypted document.

ASSEMBLY FLOOR: 68-0, 4/6/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Bains, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Ávila Farías, Bauer-Kahan, Bennett, Caloza, Flora, Gabriel, Harabedian, Lackey, Muratsuchi, Quirk-Silva, Celeste Rodriguez, Schultz

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/19/26 9:55:51

**** END ****