

CONCURRENCE IN SENATE AMENDMENTS

AB 2290 (Lackey)

As Amended August 18, 2026

Majority vote

SUMMARY

Authorizes a certified transcript of a deposition to be transmitted electronically.

Major Provision

- 1) Clarifies that, upon request of the attorney for the party who noticed the deposition or a retained shorthand reporting organization hired by the party, the deposition officer may securely transmit the transcript of the deposition electronically to that attorney in lieu of sending a paper copy.
- 2) Provides that the provisions of 1) are subject to the following requirements:
 - a) The deposition officer or registered entity notifies the other parties that the certified transcript will be transmitted electronically;
 - b) The deposition officer or registered entity transmits the transcript to the attorney 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 is 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 office;
 - d) The transcript is stored in a manner to protect it against loss, destruction, or tampering; and
 - e) When presenting an electronically stored transcript to a court for any purpose, the attorney certifies that the transcript is a true and correct copy of the transcript received electronically and stored in accordance with this bill.

Senate Amendments

Adopt additional security requirements for electronic deposition transcripts.

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Recognizing that many portions of the Code of Civil Procedure were originally enacted long before the widely accepted use of electronic communications, many statutes still reflect a bygone era where paper documents drove the legal profession.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.

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 disposition, 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 disposition 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. In order to protect the accuracy of the transcript, the bill outlines several security measures that must be taken by various parties to ensure the transmission and storage of the transcript is secure and that the document cannot be altered.

According to the Author

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.

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.

Arguments in Opposition

This bill is opposed by several organizations representing deposition reporters. In opposition, the Deposition Reporters Association of California writes:

As this bill would permit a court reporter or deposition officer to send an unsealed transcript to an attorney instead of a sealed one that complies with the statute, an attorney may later discover to their unwelcome surprise that a court will refuse to admit the transcript into evidence.

Granted, the bill says that a reporter must "securely" electronically send the transcript to the attorney, but what is "secure" and what is not is not defined. Attorneys might, pursuant to an as-yet unknown showing of "security," persuade a judge to admit a transcript that was not sealed by the neutral court reporter-deposition officer, but whether that is so will unpredictably vary judge by judge, and California has about 2,000 judges.

Thus, AB 2290 as currently written could unwittingly prompt attorneys to ask for transcripts in a form that cannot predictably be admitted into evidence, to their detriment, their client's detriment, and the detriment of the interests of justice. It likewise could compromise the current reliability of a sealed hard copy original transcript.

FISCAL COMMENTS

None

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASSEMBLY FLOOR: 68-0-12

YES: 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

ABS, ABST OR NV: Ávila Farías, Bauer-Kahan, Bennett, Caloza, Flora, Gabriel, Harabedian, Lackey, Muratsuchi, Quirk-Silva, Celeste Rodriguez, Schultz

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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