

## **IC 33-41-3**

### **Chapter 3. Depositions**

#### **IC 33-41-3-0.2**

##### **Application of prior law**

Sec. 0.2. The addition of IC 33-15-27 (before its repeal, now codified in this chapter) by P.L.104-1999 applies only to a deposition taken after December 31, 1999.

*As added by P.L.220-2011, SEC.544.*

#### **IC 33-41-3-1**

##### **Applicability of chapter**

Sec. 1. This chapter does not apply to contracts for court reporting services for any of the following:

- (1) A court.
- (2) An agency or instrumentality of a state or political subdivision.
- (3) An agency or instrumentality of the government of the United States.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-2**

##### **Employee defined**

Sec. 2. As used in this chapter, "employee" includes the following:

- (1) A person who provides reporting or other court services under a contractual relationship with a person interested in the outcome of litigation, including anyone that may be ultimately responsible for payment.
- (2) A person who is employed to provide reporting or other court services part time or full time under a contract or otherwise by a person that has a contractual relationship with a party.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-3**

##### **Depositions for use in court proceedings**

Sec. 3. A deposition to be used in a proceeding in a circuit, superior, probate, county, city, or town court, the court of appeals, or the supreme court must be taken before an individual who:

- (1) is described in section 4 of this chapter; and
- (2) does not have a prohibited interest or relationship described in section 5 of this chapter.

*As added by P.L.98-2004, SEC.20.*

#### **IC 33-41-3-4**

##### **Before whom depositions must be taken**

Sec. 4. A deposition must be taken before:

- (1) a hearing officer;
- (2) a judge, a clerk, a commissioner, or an official reporter of a

court;  
(3) a notary public; or  
(4) another individual authorized by law to take a deposition.  
*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-3-5**

#### **Persons who may not take depositions**

Sec. 5. (a) Subsection (b)(4) does not apply to a relative or employee of the attorney of one (1) of the parties to a proceeding.

(b) A deposition may not be taken by a person who is:

- (1) a party to the proceeding;
- (2) a relative, an employee, or an attorney of one (1) of the parties to the proceeding;
- (3) someone with a financial interest in the proceeding or its outcome; or
- (4) a relative, an employee, or an attorney of a person with a financial interest in the proceeding or its outcome.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-3-6**

#### **Void depositions**

Sec. 6. A deposition that is not taken in conformity with section 3 of this chapter is void.

*As added by P.L.98-2004, SEC.20.*

### **IC 33-41-3-7**

#### **Transcription of depositions**

Sec. 7. A person, when reducing a deposition to writing, shall transcribe a page unit of the deposition in the same form as the form required for a record of proceedings under Indiana Rule of Appellate Procedure 7.2.

*As added by P.L.98-2004, SEC.20.*