



Do You Know the Rules?

Federal Rule 30(e)

Regarding Reading/Signing Transcripts

For many years court reporters and attorneys alike have operated under a rule, stipulation or tradition that, unless specifically waived, the witness has the right to read and sign a deposition transcript.

Many people are unaware of the 2007 change to the federal rule pertaining to reading and signing a deposition transcript. The new rule even works in the opposite way from some state rules, including those of California.

Federal Rule 30(e) now requires that, if anyone wants the witness to read and sign the transcript, the request must be made prior to the end of the deposition; otherwise, signature is waived.

Why is it important to know the changes in the federal rule and the possible difference in state rules? At the end of a deposition, unless reading and signing have been discussed previously, many reporters have traditionally asked counsel, "Does the witness want to read and sign the transcript?"

In this reporter's opinion the rule change means that in a federal case the reporter can no longer ask whether the witness wants to read and sign the transcript. An attorney who is unaware of the rule change and who expects that question from the reporter may well be caught in the position of effectively waiving a client's right to read and sign.

ROSALIE A. KRAMM, CRR *PRESIDENT
CSR #5469
[MAILTO:ROSALIE@KRAMM.COM](mailto:ROSALIE@KRAMM.COM)
2224 THIRD AVENUE, SAN DIEGO, CA 92101
T.800-939-0080
F.619-239-0206
WWW.KRAMM.COM
[HTTP://WWW.DISCOVERYCONFERENCECENTRE.COM](http://WWW.DISCOVERYCONFERENCECENTRE.COM)

Why can the reporter no longer ask the question? Because by doing so, the reporter may be interfering with the strategy of one side or the other who may not want the witness to have the opportunity to make changes in the testimony.

Federal Rule 30(e) also states that a reporter's certificate must indicate whether or not reading and signing were requested.

Know the Rules!

Federal Rule 30(e) Review by the Witness; Changes; Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which: (A) to review the transcript or recording; and (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them. The officer shall indicate in the certificate prescribed by subdivision (f)(1) whether any review was requested and, if so, shall append any changes made by the deponent after the period allowed.

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2224 THIRD AVENUE, SAN DIEGO, CA 92101
T.800-939-0080
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WWW.KRAMM.COM
[HTTP://WWW.DISCOVERYCONFERENCECENTRE.COM](http://WWW.DISCOVERYCONFERENCECENTRE.COM)