

California Civil Depositions Limited To Seven Hours Under New Law

Some attorneys are known for being long-winded time wasters who act with little regard for efficiency, especially when billing at an hourly rate. Although we believe the length of a deposition is often dictated by the witness' relevancy and the complexity of each case, California law AB 1875 now limits the deposition of any person in a civil action to no more than seven hours.

California's [AB 1875](#) (which came into effect on January 1, 2013) contains some noteworthy exceptions to the seven hour limit. Among other items, these exceptions include:

1. Expert witness depositions.
2. Employment cases brought by employees or applicants "for acts or omissions arising out of or relating to the employment relationship."
3. Complex cases, designated as such under Rule 3.400 of the California Rules of Court (with some exceptions).
4. A case management order, or other court order, that provides for longer depositions.
5. By stipulation of the parties.
6. Depositions of the most qualified persons under Section 2025.230.

Also, the new law states additional time shall be provided by the court "if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination."

Tharpe & Howell intends to use this new law as an effective tool to limit unnecessary waste during the discovery process. However, we understand it may also lead to an increase in law and motion in some matters when additional time is needed to fairly examine the civil deponent. In any event, all counsel in California civil actions must now consider these limitations and available exceptions during the early stages of litigation to ensure their case can be fully developed and presented.

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