

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2290 (Lackey)
Version: June 11, 2026
Hearing Date: June 30, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Civil discovery: oral depositions: transcriptions

DIGEST

This bill permits a deposition officer to transmit a certified deposition transcript to the party who noticed the deposition through electronic means, provided that the transcript is transmitted in an encrypted format that allows verification that the transcript is authentic and has not been altered.

EXECUTIVE SUMMARY

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 who noticed a deposition, on request, to receive the official certified transcript in electronic form rather than as a tangible copy. The bill requires an electronic official certified copy to be transmitted in an encrypted format that enables the attorney and the court to verify that the transcript is authentic and has not been altered. The bill also requires an attorney to certify that an electronically stored transcript is authentic at every instance the attorney presents the transcript to the court. The author has agreed to amendments to enhance the security measures necessary for transmission and storage of an electronic official certified copy.

This bill is sponsored by Esquire, Magna, U.S. Legal, and Veritext. This bill is opposed by the California Court Reporters Association, the Deposition Reporters of California, Kuziora Deposition Reporters, Protect Your Record Project, and three individuals.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Civil Discovery Act, which governs the conduct of discovery in civil cases in the state. (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) Permits a deposition officer, at the request of the attorney who noticed the deposition, to transmit the certified transcript of a deposition electronically in an encrypted format, and in a format that enables the attorney and the court to verify that the transcript is authentic and has not been altered after it was certified by the deposition officer.
- 2) Requires an attorney, when presenting an electronically stored transcript to a court for any purpose, to certify that the transcript is a true and correct copy of the transcript received electronically; the electronically stored transcript shall then be admissible as an original transcript.

COMMENTS

1. Author's comment

According to the author:

AB 2290 modernizes California's deposition procedures to align with current technology while preserving the integrity and security of the official record. 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.

2. This bill permits a certified deposition transcript to be transmitted electronically in a secured format, rather than as a paper copy

Depositions are a key tool in civil actions. Depositions are conducted under oath and enable attorneys to learn more about a case, obtain testimony from persons who might not be able (or willing) to attend the trial, and lock in potential impeachment material. 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, current law requires a deposition transcript to be provided to the attorney who requested the deposition as a printed copy within a sealed and secured envelope.¹ That envelope is then delivered to the attorney who sought the deposition, who must keep that version securely stored as the original certified transcript of the deposition.² That attorney, and other parties of the action, can also obtain certified copies for use at trial.

The paper-only rule for certified original transcripts dates back to the pre-digital era. The method prescribed, i.e., requiring the original certified transcript to live in a sealed envelope until trial, is intended to give the court and the parties assurances that the certified original transcript has not been tampered with; given that deposition testimony can be used at trial in lieu of original testimony or as impeachment testimony, transcript integrity is of the utmost importance.

This bill permits the attorney who noticed a deposition, on request, to receive the official certified transcript in electronic form rather than as a tangible copy. The bill requires an electronic official certified copy to be transmitted in an encrypted format that enables the attorney and the court to verify that the transcript is authentic and has not been altered. The bill also requires an attorney to certify that an electronically stored transcript is authentic at every instance the attorney presents the transcript to the court.

Opponents of the bill are, understandably, concerned about insufficiently secure electronic copies of deposition transcripts. The author has agreed to amend the bill to provide for enhanced transmission and storage requirements, as well as to clarify the certification requirement. The amendments are set forth in Part 3, below.

¹ Code Civ. Proc., § 2025.550.

² *Ibid.*

3. Amendments

As noted above, the author has agreed to amend the bill to provide for additional security measures and to clarify the certification requirement. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment

Modify subdivision (a) of Section 2025.550 of the Code of Civil Procedure as follows:

2025.550. (a) The certified transcript of a deposition shall not be filed with the court. Instead, the deposition officer **or, if the noticing attorney or noticing party has retained an entity registered pursuant to Section 8051 of the Business and Professions Code, the registered entity** shall securely seal that transcript in an envelope or package endorsed with the title of the action and marked: "Deposition of (here insert name of deponent)," and shall promptly transmit it to the attorney for the party **or party** who noticed the deposition.

(2) Upon request of the attorney for the party or party who noticed the deposition, the deposition officer or registered entity may instead transmit the certified transcript electronically to the attorney or party who noticed the deposition, subject to all of the following: in an encrypted format to that attorney.

(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 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 shall be in a format that prevents the transcript or any aspect of the file from being modified and that enables the attorney 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 pursuant to this subdivision, and the transcript shall be admissible as an original transcript.

(2) A court shall accept a transcript transmitted, formatted, stored, and certified pursuant to this subdivision as an original certified transcript kept under seal.

4. 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.

5. 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.

SUPPORT

Esquire Deposition Solutions, LLC (co-sponsor)
Magna Legal Services (co-sponsor)
U.S. Legal Support, Inc. (co-sponsor)
Veritext, LLC (co-sponsor)

OPPOSITION

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

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: AB 1189 (Lackey, 2025) would have authorized the testimony taken in a deposition under the Civil Discovery Act to be recorded by a digital reporter, as defined, and transcribed by a legal transcriptionist, as defined. AB 1189 died in the Assembly Judiciary Committee.

PRIOR VOTES:

Assembly Floor (Ayes 68, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
