



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 28.1 INDEPENDENCE OF COURT REPORTERS

The officer taking the deposition, or any other person with whom such officer has a principal and agency relationship, will not enter into an agreement for reporting service which does any of the following:

1. Requires or allows the court reporter reporting the deposition to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;
2. Requires the court reporter to provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation, or in any way offers any incentives or rewards to the attorneys, parties to the litigation or to anyone else who has an interest in the litigation;
3. Gives an exclusive monetary or other advantage to any party;
4. Compromises the authenticity of the record or the impartiality of the court reporter or results in the appearance that the authenticity of the record or the impartiality of the court reporter has been compromised;
5. Allows a person, other than the court reporter or reporting firm, to establish the rates charged by the court reporting firm.

Contracts for court reporting services for federal, state, or local governments and subdivisions thereof are excluded. Negotiating or bidding reasonable fees, equal to all parties, with the court reporter on a case-by-case basis is not prohibited.

These provisions may not be waived by disclosure, agreement, stipulation, or by any other means unless a request for waiver is contained in the notice of deposition.

Any deposition taken in violation of these provisions will result in the court imposing an appropriate sanction.