

ACT No. 365

Regular Session, 2004

HOUSE BILL NO. 148

BY REPRESENTATIVES GALLOT AND MURRAY

(On Recommendation of the Louisiana State Law Institute)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

AN ACT

To amend and reenact Code of Civil Procedure Article 1443, relative to the taking of depositions; to provide for the manner of objections and the conduct of counsel; to specify when a deponent may be instructed not to answer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1443 is hereby amended and reenacted to read as follows:

Art. 1443. Examination and cross-examination; record of examination; oath; objections

A. Examination and ~~cross-examination~~ cross-examination of witnesses may proceed as permitted at the trial under the provisions of the Louisiana Code of Evidence. The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means. If requested by one of the parties, the testimony shall be transcribed.

B. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Any objection during a deposition

1 (c) The first sentence in Paragraph D has been amended to modify its prior
 2 provision that "all objections are considered reserved until trial." This provision
 3 conflicted with Article 1455 which provides that certain objections which could be
 4 made at a deposition, such as to the form of the question, are waived for trial
 5 purposes unless "seasonably made at the taking of the deposition."

6 (d) The word "only" has been added to the second sentence of Paragraph D
 7 to make it clear that the grounds for instructing a witness not to answer a question set
 8 forth in the paragraph are exclusive and not illustrative.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____