

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF AN AMENDMENT TO IOWA RULE OF CIVIL PROCEDURE 1.713	REPORT OF THE SUPREME COURT
---	--------------------------------

TO: THE HONORABLE DONALD B. REDFERN, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 2003 REGULAR SESSION OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202 (2003), the Supreme Court of Iowa has approved and reports on this date to the Chair of the Senate Judiciary Committee an amendment to Iowa Rule of Civil Procedure 1.713 as shown in attached exhibit "A." This amendment shall take effect July 1, 2003.

Dated this 9th day of April, 2003.

Respectfully submitted,

THE SUPREME COURT OF IOWA

By /s/ Louis A. Lavorato
Louis A. Lavorato, Chief Justice

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee, hereby acknowledge delivery to me on the ___ day of _____, the Report of the Supreme Court pertaining to the amendment of Iowa Rule of Civil Procedure 1.713.

Chair of the Senate Judiciary Committee

Please sign and return the original to the Iowa Supreme Court Clerk's Office, State Capitol, Des Moines, IA 50319, and retain the copy for your files.

EXHIBIT A

IOWA RULES OF CIVIL PROCEDURE

Rule 1.713 Before whom taken.

1.713(1) The officer taking the deposition shall not be a party, a person financially interested in the action, an attorney or employee of any party, an employee of any such attorney, or any person related within the fourth degree of consanguinity or affinity to a party, a party's attorney, or an employee of either of them.

1.713(2) The officer taking the deposition, or any other person with whom such officer has a principal and agency relationship, shall not enter into an agreement for reporting services which does any of the following:

a. Requires 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.

b. 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.

c. Gives an exclusive monetary or other advantage to any party.

1.713(2)(3) Depositions within the United States or a territory or insular possession thereof may be taken before any person authorized to administer oaths, by the laws of the United States, this state, or any other state, or of the place where the examination is held.

1.713(3)(4) Depositions in a foreign land may be taken before a secretary of embassy or legation, or a consul, vice-consul, consul-general or consular agent of the United States, or under rule 1.714.

1.713(4)(5) The deposition of a witness who is in the military or naval service of the United States may be taken before any commissioned officer under whose command the witness is serving, or any commissioned officer in the judge advocate general's department.