

Rule 208. Fees and Charges; Copies

(a) Who Shall Pay. Except as provided in paragraph (e), the party at whose instance the deposition is taken shall pay the fees of the witness and of the officer and the charges of the recorder or stenographer for attending. The party at whose request a deposition is transcribed shall pay the charges for transcription. If, however, the scope of the examination by any other party exceeds the scope of examination by the party at whose instance the deposition is taken, the fees and charges due to the excess shall be summarily taxed by the court and paid by the other party.

(b) Amount. The officer taking and certifying a deposition is entitled to any fees provided by statute, together with the reasonable and necessary charges for a recorder or stenographer for attending and transcribing the deposition. Every witness attending before the officer is entitled to the fees and mileage allowance provided by statute for witnesses attending courts in this State.

(c) Copies. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition transcript to any party or to the deponent.

(d) Taxing as Costs. The fees and charges provided for in paragraphs (a) through (c) may, in the discretion of the trial court, be taxed as costs.

(e) Controlled Expert Witness Fees. Each party shall, unless manifest injustice would result, bear the expense of all fees charged by his or her Rule 213(f)(3) controlled expert witness or witnesses.

[Amended Dec. 29, 2017, eff. Jan. 1, 2018.](#)

Committee Comments

Paragraph (a)

Paragraph (a) of this rule is derived from former Rule 19-6(5)(c). Under the latter provision the cost of transcribing and filing a deposition taken for discovery purposes was charged to the party at whose request it was filed, while the cost of transcribing and filing a deposition taken for purposes of evidence was charged in all cases to the person at whose instance it was taken. This reflected the fact that all evidence depositions were required to be transcribed and filed. Since under paragraph (b) of Rule 207, the evidence deposition, like the discovery deposition, is transcribed and filed only if one of the parties requests it, the rule has been changed to place the cost of transcription and filing on the party making the request. The last sentence of former Rule 19-6(5)(c) is paragraph (c) of the new rule. Otherwise the provisions of former Rule 19-6(5)(c) appear without change in paragraph (a) of this rule.

Paragraph (a) was amended in 1975 to make it plain that the party at whose instance a deposition is taken shall pay the charges for the recorder when the deposition is recorded by sound or audio-visual means, that when such a deposition is filed without being transcribed the party at whose instance it is filed shall pay the charges for filing, and that, if subsequently transcribed, the party requesting it shall pay the charges for such transcription.

Paragraph (b)

Paragraph (b) of this rule is derived from former Rule 19-6(5)(d). The language is unchanged except for the deletion of the reference to masters in chancery made necessary by the provision of the judicial article abolishing that office. The rule provides simply that the fees shall be set by statute.

Paragraph (b) was amended in 1975 to make it plain that when a deposition is recorded by sound or audio-visual device the officer taking and certifying the deposition is entitled to the reasonable and necessary charges for a recorder.

Paragraph (c)

This is the last sentence of former Rule 19-6(5)(c).

Paragraph (d)

Paragraph (d) is derived from former Rule 19-6(5)(e). The words “as in equity cases” have been deleted.