

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, January 23, 2015 8:25 AM
To: Tracy, Mary
Subject: FW: Proposed amendment to CR 28

From: eturner@michelsonlaw.com [mailto:eturner@michelsonlaw.com]
Sent: Friday, January 23, 2015 8:21 AM
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Subject: Proposed amendment to CR 28

The following is my comment on the proposed amendments to CR 28(c) and (d) .

The proposed amendment to CR 28(c)(4) would define any person who has contracted with a party or a party's counsel to provide court reporting services across multiple actions as a "person with an interest in the action in which the deposition is being taken." Putting aside any issues of whether or not the proposed language could unintentionally create a situation where court reporters could potentially be considered parties to an action because of this language, attorneys in private practice often use the same court reporting agency, and even the same court reporter, for depositions on all their cases. We do this because we trust that court reporter's skills. Each deposition is a separate contract/transaction, but the proposed amendment language is broad enough that it could interfere with my ability to regularly use the court reporting agency or court reporter of my preference.

The proposed amendment to CR 28(d) seems to be based on the assumption that depositions are taken before judicial officers, which is not correct. It would also require counsel, as well as the court reporter, to sign affidavits that court reporter services have been offered to all parties on "equal terms." As an attorney participating in a deposition I would not feel comfortable signing an affidavit that services have been offered to all parties on equal terms when I am not a party to or involved in any transactions other than my own.

I note that this amendment is proopsed by the WCRA, but there is no indication the proposed amendment has been vetted by the WSBA Court Rules & Procedures Committee or any other entity.

Thank you for your consideration of my concerns.

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