

Tracy, Mary

From: Hinchcliffe, Shannon
Sent: Monday, April 27, 2015 2:51 PM
To: Tracy, Mary
Subject: FW: Comments Re: CR 80 and 28(c), (d) and (e)

From: joewittstock@comcast.net [joewittstock@comcast.net]
Sent: Monday, April 27, 2015 2:43 PM
To: AOC DL - Rules Comments
Subject: Comments Re: CR 80 and 28(c), (d) and (e)

Dear Honorary Member of the Supreme Court Rules Committee:

As a certified court reporter in the state of Washington, this year's president of the Washington Court Reporters Association, and an official court reporter for Spokane County, I am writing to request you to adopt CR 80, and the proposed changes to 28(c), (d) and (e).

The adoption of CR 80 currently reads "Except as otherwise ordered by the court the minimum qualification to become an authorized transcriptionist in order to complete and file an official certified court transcript from electronically recorded proceedings is certification as a court reporter or certification by AAERT (the American Association of Electronic Reporters and Transcribers) or proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist. Courts may require additional or different qualifications or at their discretion" should exclude the added words "or different" in the last sentence. This changes the intent of the proposed rule completely. I would ask you to adopt the proposed amendment to 80(d) as well. RAP 9.2(g) is important and should be adopted because the official record should be transcribed by the court reporter who reported the proceedings.

With regard to 28(c), I believe the changes outlined will prohibit the practice of insurance companies and large corporations entering into exclusive agreements or contracts with court reporting firms or networks that require the provision of preferential services and pricing offered to one of the party litigants that are not offered equally to all of the parties. In a common arrangement an insurance company will agree to use one court reporting agency exclusively to report all of their depositions in exchange for offering reduced rates and other perks. These reduced rates and special services are not afforded to parties who are not contracted.

With regard to 28(d), the proposed change to this rule could allow for a system in place wherein court reporters and court reporting firms can be required to show proof of equal terms and be held accountable by being required to sign an affidavit or equal terms upon request.

And finally, with regard to 28(e), all certified court reporters should have complete and final control of their transcripts. The proposed change to 28(e) would prevent contracting court reporting firms from making changes to transcripts after the original transcript has been completed. It would also allow certified court reporters to ensure equal terms have been provided to all parties, which has already been called out in the rule, but there is currently no means or requirements related to enforcement. It would also prevent unethical stretching of transcripts by changing the characters per line of the transcript in order to create a longer transcript to bill for.

Some have said that these proposed changes are a way to limit competition. These proposed changes are about protecting consumers, i.e. plaintiff litigants, as they generally are the ones targeted with what is known as cost shifting by contracting firms. Cost shifting occurs when the contracting firm attempts to recover losses sustained from offering reduced rates to insurance companies and large corporate clients by artificially inflating costs to non-contracted parties.

On behalf of myself, my fellow association members, and my 11 fellow official reporters and colleagues here in Spokane County Superior Court, I want to thank you for reading this e-mail, and ask you to consider the contents therein.

Joe Wittstock, CCR, RPR
Department No. 8
Spokane County Superior Court
Spokane, Washington
WCRA President 2014/2015