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Washington State Supreme Court

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APR 29 2015

Dear Honorary Members of the Supreme Court Rules Committee:

Ronald R. Carpenter  
Clerk

As a Washington State Certified Court Reporter, I am writing to urge you to adopt the proposed changes to 28(c), (d) and (e). I believe in providing equal and neutral terms to all litigants. I want to make sure that transcripts are offered to all parties when ordered, delivered to all parties simultaneously at equal rates for equal services in a case. The legitimacy of our judicial system rests on not only the actual, but the *perceived* impartiality of all officers of the court, including those who preside over and report depositions.

Regarding 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 typical arrangement, an insurance company will agree to use one court reporting agency exclusively to report all their depositions in exchange for offering reduced rates and other special perks. These reduced rates and special services are not afforded to parties who are not contracted.

Regarding 28(d), the proposed change to 28(d) will allow for a system in place wherein court reporters and, very importantly, court reporting firms can be required to show proof of equal terms and be held accountable by being required to sign an affidavit of equal terms upon request.

Regarding 28(e), all certified court reporters should have complete and final control of their transcripts. The proposed change to 28(e) will prevent contracting court reporting firms from making changes to transcripts after the original transcript has been completed. It will 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. Lastly, it will prevent unethical and unscrupulous "stretching" of transcripts by changing the characters per line of the transcript in order to create a longer transcript to bill for.

The changes to CR 80 and RAP 9.2(G) are clarification changes that will improve and clarify transcription regulations. Please adopt the proposed amendment to 80(d). RAP 9.2(g) is important and should be adopted because the official record should be transcribed by the court reporter who actually reported the proceedings.

Thank you for your considerations herein.

Marilynn S. McMartin, CCR No. 2515

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