

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, August 19, 2016 8:16 AM
To: Tracy, Mary
Subject: FW: WCRA member letter

Forwarding.

From: Nae' [mailto:naeandkids@charter.net]
Sent: Thursday, August 18, 2016 8:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: WCRA member letter

Dear Members of the Supreme Court,

I have been a certified court reporter in Washington State for 33 years, and I am writing urging you to please adopt the proposed changes to CR 28(d), CR 28(e), and CR 30(b)(1). Escalating legal costs are a problem, but allowing discounts to one party while shifting that cost onto other parties by utilizing deceptive billing practices violates current Washington Court Rules and unfairly places the other parties in a case at an economic disadvantage.

In Washington State there is currently no way of ensuring that all parties involved are receiving deposition transcripts on equal terms as CR 28(d) envisions. Instead, equal treatment of parties is left solely to the discretion of the court reporting firm that invoices said parties. If a party suspects one side may be receiving discounts or lower pricing for the same services, CR 28(d) would allow a means by which they can request that an affidavit of equal terms be submitted to the Court. If court reporting services have not been provided on equal terms, the Court may sanction the court reporter, the court reporting firm, as well as the counsel or party who hired the reporter or contracted with the firm to provide the court reporting services. This will provide a consistent resolution and provide clear transparency.

All certified court reporters should have complete and final control of their transcripts. The proposed change to CR 28(e) will prevent contracting court reporting firms from making changes to transcripts after the original transcript has been completed. 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 proposed CR 30(b)(1) amendment would require the deposition notice to disclose the existence of any known contractual relationships and will state whether the party who has noticed the proceeding or a third party directed his or her attorney to use a particular court reporting firm. Third-party contracting gives the appearance of compromising the court reporter's impartiality and integrity and restricts the ability of the reporter to be accountable to the court, to the public, and, most importantly, to the individual litigant. Why would anyone oppose providing all parties to a lawsuit equal terms?

Those who oppose the changes may say that few complaints have been filed; however, court reporting charges are passed through to attorneys' clients and often the invoices are not understood well enough by the client to know they have been injured by this unjust practice. Allowing one party a financial advantage over the other side is contrary to Washington Court Rules. I hope the Washington State Supreme Court will set a precedent by holding all parties engaging in unethical practices accountable for their actions. Thank you for your time and attention.

Respectfully,

Rene' T. LaCoursiere, RMR, CRR, CCR
Affiliated Court Reporters