

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 14, 2015 3:15 PM
To: Tracy, Mary
Subject: FW: OPPOSITION to CR 28 Amendments

For you ☺

From: Yvette Winden [mailto:angelto81@hotmail.com]
Sent: Tuesday, April 14, 2015 3:02 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: OPPOSITION to CR 28 Amendments

April 14, 2015

Honorable Chief Justice Barbara Madsen
Washington Supreme Court
PO Box 40929
Olympia, WA 98504

RE: OPPOSITION to First and Second Amended Rule Changes to CR 28

I am hard pressed attempting to figure out which part of CR 28 is requesting to be changed with all the different versions since October of last year. I am trying to wrap my mind around why the WCRA, the group proposing all these amendments, would spend so much money and go to such lengths to keep court reporters from working in the state under the guise of protecting the attorneys from supposed price variances. To date there have been NO complaints with the Department of Licensing as you would expect when a small group is going to such extremes over and over again from the legislature to the Department of Licensing and now the Washington Supreme Court. What is the motive? Certainly not to protect attorneys who are quite capable of protecting themselves in the justice system should the need arise. So I ask myself, what's the purpose then? My conclusion, it is purely anti-competitive. The goal being to keep firms from working in Washington by amending the language thus keeping the work for themselves. If these changes are passed, firms will have a very difficult, if not impossible, time functioning in Washington.

The amendment CR 28 (c) Control of Transcript could not be a more visible attempt to eliminate the competition. The majority of court reporters across the country do not produce, distribute or invoice for their transcript directly to an attorney. The industry does not operate that way. Court reporters are hired by court reporting firms as an independent contractor to report the deposition. They simply do not have the money, facilities or the time to take on the added duties. To make these independent contractor court reporters responsible for these additional duties would effectively put most of them out of business. Thus narrowing the available pool of court reporters available to work, which would also drive up the cost. The rule of supply and demand at its finest.

The amendment CR 28 (c) Equal Terms Required is not even applicable. Parties to a case are billed at separate rates for the original and copy orders. How is it then that this amendment will work when all parties are supposed to be billed at equal rates? The industry does not function this way. Original orders are always

charged a higher page rate than a Copy order. I ask myself again, where is the issue or problem? There have been no complaints so why this sudden need to revamp the court rules?

And finally, amendment CR 28 (c) Disqualification for Interest is directly linked back to Control of the Transcript in that it is a thinly veiled attempt to limit the competition. To say that a Washington state certified court reporter would be disqualified from reporting strictly on the basis that they were contracted by a court reporting firm is ridiculous! Independent court reporters nationally contract with firms to report proceedings in state and out of state to cover assignments. It is a business to business relationship just like the court reporting firm and the attorney is a business to business relationship. The amendment has nothing to do with making sure the court reporter has no financial interest in the case and more to do with anti-discounting. It is protectionism at its worst!

I am adamantly OPPOSED to these changes and ask the court to take a moment to research what is really going on. These requested changes appear to be innocuous and consumer friendly but in actuality are self-serving and anti-competitive.

Respectfully,

Yvette Winden, Corporate Manager
Naegeli Deposition and Trial and CART Reporter