

Tracy, Mary

From: Hinchcliffe, Shannon
Sent: Friday, April 24, 2015 1:35 PM
To: Tracy, Mary
Cc: Jennings, Cindy
Subject: FW: Rule Changes - Comments for CR 28 and CR 80

This came in via the Rules Comments email address on the website but is addressed to the clerk so I'm unsure if you received it. Shannon

From: Carla Wallat [mailto:cwallat@yomreporting.com]
Sent: Friday, April 24, 2015 12:03 PM
To: Hinchcliffe, Shannon
Subject: Rule Changes

TO: Office Receptionist, Clerk

Why would anyone oppose clarifying an existing court rule to provide the parties to a lawsuit equal terms? I believe this rule is skirted and ignored daily because it is too vague.

I am writing to urge the members of the Supreme Court to adopt the proposed changes to 28(c), (d) and (e) for many reasons. Addressing 28(c) first, 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.

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 held accountable by being required to sign an affidavit of equal terms upon request.

The proposed change to 28(e) will prevent 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 in 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 invoice parties for. This has nothing to do with limiting competition, as some court reporters are alleging in their comments to the Court. It has everything to do with protecting consumers.

The adoption of CR 80, which 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 (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 at their discretion"

-- should exclude the unintentionally added words "or different" in the last sentence. Those words reverse the effect of the rule and may allow underqualified people to transcribe court transcripts. Please adopt the proposed amendment to 80(d) as well.

RAP 9.2(g) is important because the official record should be transcribed by the court reporter who was present to report it.

Thank you for your considerations herein.

Carla Wallat
Washington State Certified Court Reporter
CCR No. 2578

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