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"YOUR COURT REPORTING AND LEGAL VIDEOGRAPHY EXPERTS"

August 17, 2016

Re: Responses to proposed changes to CR28 and CR30

Dear Members of the Supreme Court Rules Committee:

In 2015 I wrote in to oppose the suggested rule changes proposed by WCRA on the basis that they did not get approval from their membership, they represented only a small percentage of all the court reporters in the state, the negative effects it would have on the court reporting profession, and the needless nature of these rule changes.

I again oppose any rule changes to CR28 (d), CR30 (b) (1), and the addition of subsection (e) to CR28.

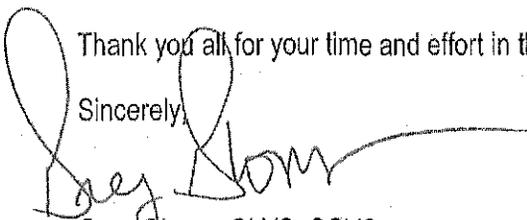
The standard for transcript production is that a page image ASCII of the transcript, any exhibits, and a signed certification page be sent to the firm. The firm runs the ASCII file through a transcript manager (i.e. E-transcript or PDF-IT) and attaches the signed certification page and sends it out to the client. So I am of the opinion that using exhibit "C" as an example of why subsection (e) should be added to CR28 is disingenuous at best on the part of the spokespersons as their firms and 99% of all firms in Washington use these same procedures to produce transcripts from reporters. I therefore request that the proposed addition of subsection (e) to CR28 be struck down.

I am also of the opinion that CR28 (d) and CR30 are in the purview of the WSBA and not that of the WCRA, and that they should be the ones to determine any rules changes that would affect them. I would ask that these proposed rule changes be sent to members of the WSBA leadership and their input sought on this issue.

Attached for your review is exhibit 1 where I have expressed my thoughts on each proposal more thoroughly.

Thank you all for your time and effort in this matter.

Sincerely,


Greg Glover, CLVS, CCVS
President

ATTACHMENTS

PLEASE CORRESPOND WITH:

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|--|---|---|--|

EXHIBIT 1

SUGGESTED CHANGE TO CIVIL RULE 28(d)

(d) Equal Terms Required. Any arrangement concerning court reporting services or fees in a case shall be offered to all parties on equal terms. This rule applies to any arrangement or agreement between the person before whom a deposition is taken or a court reporting firm, consortium or other organization providing a court reporter, and any party or any person arranging or paying for court reporting services in the case, including any attorney, law firm, person or entity with a financial interest in the outcome of the litigation, or person or entity paying for court reporting services in the case. Any party or counsel of record for a party may request that the court reporter or court reporting firm providing or arranging for the court reporting services file an affidavit with the Court affirming that all such services have been provided to all parties on equal terms. The affidavit shall be filed within 10 days of any request. If the affidavit is not timely filed, the Court may sanction the court reporter and court reporting firm of whom the request was made. 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 firm to provide the court reporting services.

1. **Equal terms have been adequately provided for in the current language of CR 28(d) for ALL involved in the deposition process.**
2. **Adoption of this rule would create confusion, more paperwork, more motions, more hearings, more over site, and more costs for everyone involved.**
3. **There is no requirement that the request be in writing and nor is there a time limit on when a request has to be made.**
4. **This language leaves the court reporter, reporting firm, counsel and their clients at risk of sanctions even when they have no way of knowing there was a violation.**
5. **This proposed change is only intended to intimidate the local independent contractor reporter to no longer take work from these firms, their main source of income.**

SUGGESTED CHANGE TO CIVIL RULE 28

(e) Final Certification of the Transcript. The court reporter reporting a deposition shall not certify the deposition transcript until after he or she has reviewed the final version of the formatted transcript. A court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript shall not alter the format, layout, or content of the transcript after it has been certified.

1. To my knowledge there are no pending cases about the altering of the format of the transcript to require this addition, as the proposers have alluded to. In those few and far between instances where there was altering of the format, it was adequately taken care of through the Department of Licensing or through open court.
2. It is my opinion that the proposed addition of subsection (e) has the potential to cause delays in the timely production, distribution, billing, and payment of court reporting services.
3. It is disingenuous of the proposers to call foul when they themselves are using the same transcript production practices as outlined in their Purpose and their submission of exhibit "C" as examples of misconduct by the national firms.
4. Exhibit "2" of my submission is a copy of exhibit "A" of WCRA's supporting materials. I would like to draw your attention to the highlighted portion of this document. I would submit to you that the DOL is talking about court reporters that utilize scopists or send their work to be scoped, proof read and produced by a firm. It has long been the long practice of court reporters to review their transcripts before certification and submission to the hiring firm after it has come back from the scopist.

SUGGESTED CHANGE TO CIVIL RULE 30(b)(1)

(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Video Tape Recording.

(1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing of not less than 5 days (exclusive of the day of service, Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing agent of a party may be given by mail or by any means reasonably likely to provide actual notice. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the deponent or the particular class or group to which the deponent belongs. The notice also shall state the existence of any contract between the noticing party, its counsel, or a third party paying to record the noticed deposition and the person, court reporting firm, consortium, or other organization providing a court reporter for the noticed deposition, and the notice will state whether the noticing party or a third party directed his or her attorney to use a particular court reporting firm, consortium, or other organization to provide deposition services. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice. A party seeking to compel the attendance of a deponent who is not a party or a managing agent of a party must serve a subpoena on that deponent in accordance with rule 45. Failure to give 5 days' notice to a deponent who is not a party or a managing agent of a party may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute grounds for quashing the subpoena.

To what purpose does the proposed rule change to CR 30(b)(1) serve, other than to create confusion with the consumers? I would suggest that this rule is in the purview of the Washington State Bar Association and not that of the Washington Court Reporters Association. Let the WSBA decide what problems, if any, they have and how they want to address them.

EXHIBIT 2

Standards of practice guidelines: Court reporters

Laws and rules

The Department of Licensing is responsible for regulating the Court Reporting Practice Act for Washington State under the Revised Code of Washington (RCW) 18.145. The following rules set the standards of professional practice for court reporters and detail the requirements for transcript preparation:

- WAC 308-14-130: Standards of professional practice
- WAC 308-14-135: Transcript preparation format

It's the responsibility of each licensed court reporter to make sure he or she follows these rules. Failure to follow these rules can result in revocation of your court reporter's certificate or other disciplinary sanctions under RCW 18.235.020(2)(vi) and RCW 18.235.110.

Certify only properly formatted transcripts

It has come to our attention that there is software available that stretches transcripts so there are fewer characters per standard line. This is a reminder to all licensed court reporters in Washington State that it's your responsibility to adhere to the requirements of WAC 308-14-130 and WAC 308-14-135.

Part of your responsibility includes certifying only those transcripts that comply with the mandatory guidelines of WAC 308-14-135. Therefore, if you don't format your own transcripts, it's advisable to review the final version of the formatted transcript before you sign the certification sheet.

It's never advisable to sign blank certification sheets. In fact, signing a blank certification sheet may violate RCW 18.235.130(4), which allows us to discipline any court reporter who engages in "incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or danger to another." Further, it is unlawful under WAC 308-14-135 to certify a transcript that has been stretched so it no longer complies with the requirements for transcript preparation.

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, August 18, 2016 12:54 PM
To: Tracy, Mary
Subject: FW: Proposed Rule Changes to CR28, CR30(b)(1)
Attachments: Comments to Proposed Changes to Civil Rule 28-30 Final.pdf

Forwarding.

From: Greg Glover [mailto:greg24@bridgesreporting.com]
Sent: Thursday, August 18, 2016 12:52 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Rule Changes to CR28, CR30(b)(1)

Good Afternoon,

Attached to this email is my submission in response to the proposed rule changes to CR28 & CR30.

Please let me know if there is anything that I need to do.

Thank You,

Gregory D. Glover, CCVS, CLVS
President, Sales Manager



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greg24@bridgesreporting.com
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