

Tracy, Mary

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Sent: Friday, August 19, 2016 3:02 PM
To: Tracy, Mary
Subject: FW: WSAJ Comments in support of proposed rule changes on CR 28 (D) and (E)

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From: Larry Shannon [mailto:larry@washingtonjustice.org]
Sent: Friday, August 19, 2016 3:01 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: WSAJ Comments in support of proposed rule changes on CR 28 (D) and (E)

August 20th, 2016

RE: WSAJ Support for Rule changes on CR 28 (D) and (E); Reducing Costs and Increasing Transparencies in the Provision of Transcription Services

To the Honorable Members of the Washington State Supreme Court-

On behalf of the Washington State Association for Justice, we wish to go on record and strong support of proposed rule changes to clarify that under rules CR 28 (D) and (E), that equal financial payment terms are required for all parties to a deposition.

WSAJ is a statewide membership organization of over 2,400 members, making WSAJ the largest voluntary statewide legal association in Washington. We are dedicated to the right to protecting access to the civil justice system, and are committed to continue to find cost effective ways for our clients to have access to justice. We strongly believe these rules are a step in the right direction on these important fronts. WSAJ greatly appreciates the effort and the decision made to put these rules forward for public comment. We strongly support them and believed to be in the public interest for the following reasons:

1) These proposed rules will greatly improve transparency in all parties disclosing actual costs and for all litigants being able to discover actual litigation costs. The current system has failed in regards to some issues around easily discovering transcription costs and determining that all parties are billed equally. Provisions in the law require equal treatment now but no mechanism short of litigation exists to determine whether they are being adhered to. The disclosure requirements contained here provide the necessary transparency to be able to make those determinations. In addition they will create a strong incentive to not engage in unfair and illegal cost shifting in the first place.

2) Under the current system, in many instances information has been uncovered which shows some very unfair litigation cost shifting was taking place in the context of the pricing of depositions and transcription services. Pending cases and discovery have uncovered the use of contracts that provide discounted services to major national and international corporations at the expense of individual litigants. This is illegal in WA, unfair, and does result in a disproportionate amount of the cost of litigation being placed on the backs of those who can least afford it. These rules will greatly help repair and remove this cost shifting from the system.

3) Finally, WSAJ also believes that with the great emphasis on the escalating costs of civil litigation, much of what adds up in terms of increasing these costs for citizen litigants happens on a cumulative basis-that is a form of "death by 1000 cuts" of the cumulative impacts of various costs. This is one area where a couple of those nicks and cuts are occurring to individual litigants in every single case. These rules again will take a great step towards removing these costs and are one small incremental move in the right direction of correcting litigation costs by reducing them on average citizens.

Thank you very much for the opportunity to present our views and to be heard on this very important issue. We strongly urge to court to move forward on this rule changes which will result in greater fairness, transparency, and cost reductions for average citizens in litigation.

Very truly yours,

Nic Bacetich
President, Washington State Association for Justice.