

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, August 19, 2016 10:19 AM
To: Tracy, Mary
Subject: FW: Pass CR 28 (d), (e), and 30(b)

Supreme Court Clerk's Office

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From: Redacted under GR 31.1 (l)(5) - protection of personal identifying information
Sent: Friday, August 19, 2016 10:16 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Pass CR 28 (d), (e), and 30(b)

To the Members of the Supreme Court Rules Committee:

I am a Washington Certified Court Reporter and am writing to support the proposed court rule changes. These changes seek to improve much needed transparency and to strengthen our current court rules that require equal terms for all parties in a case.

I would urge you to pass CR 28 (d), (e), and 30(b) so that these court rules are strengthened and a mechanism is provided to ensure all parties are treated fairly as the current CR 28 (d) envisions. The courts are in the best position to bolster this rule because the courts are required to ensure equal access to justice and have the authority to sanction officers and parties before it.

Certified court reporters are officers of the court and have an ethical duty to be truthful, to disclose conflicts, potential conflicts, or even the appearance of conflicts to all involved parties. Certified court reporters work under the authority of the Washington DOL. However, the Washington State DOL does not have authority over court reporting firms, consortiums or other organizations that provide court reporters, and it is at this level that the violations occur. The proposed change to CR 28 (d) makes disclosure of any violation of equal terms easier and perhaps would put a stop to it. Giving

discounts to one party while shifting that cost onto other parties in a case by employing deceptive billing practices violates our court rules and unfairly places the other parties in a case at an economic disadvantage. Opponents to the changes would say that there have been few complaints filed; however, court reporting charges are a pass-through to attorneys' clients. Often the invoices are not understood by the client well enough to know that they have been injured by this unfair practice and that Washington Court Rules have been violated.

The additional language in 30(b)(1) would help ensure that the principal set forth in CR 28(d) is actually complied with. The other parties in a case should have the right to know if there are agreements or contracts, verbal or otherwise, between parties to a case and a court reporting firm, consortium or other organization that provides or pays for court reporting services, or if attorneys to a case are required to use a specific court reporting firm.

It is the Court's duty to ensure equal access to justice and due process which requires that justice does not cost more for one party than it does for another.

Opponents to the changes might say that there have been few complaints filed; however, court reporting charges are a pass-through to attorneys' clients. Often the invoices are not understood by the consumer well enough to know that they have been harmed by this unfair practice and that Washington Court Rules have been violated.

Respectfully,

Pamela J. Bentley, CCR

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