

SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR CLARK COUNTY
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August 15, 2016

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Comment to Proposed Changes to CR 80

The Washington Court Reporters Association recommends adding a new subsection to CR 80. The proposal would allow a party to choose a court reporter at their own expense if an electronic device is the only method used to record the proceedings. It would allow for the simultaneous use of both court reporter and (in the case of our Court) the electronic record created by Jefferson Audio Video Systems (JAVS).

The reasons stated for the new subsection are (1) drawbacks to electronic recording, (2) risk that system failure could result in a new trial at the expense of litigants, (3) verbatim reports created from recordings are more expensive than those created from stenographic notes, (4) same day transcripts require additional steps to obtain the recording prior to transcription, thereby increasing the time required to prepare transcripts and (5) while saving money for the courts, electronic recordings increase cost to litigants. (Our Court utilizes electronic recording in all 14 of our courtrooms and has found none of these concerns to be the case over the past 20+ years of utilizing electronic recording.)

We have a number of concerns about this proposed rule change:

-The proposed rule appears to allow for more than one official record. This could actually allow for additional litigation and expense.

-If there are two records it is unclear whether a judicial officer would be required to review/correct both before a transcript is finalized. This would be time consuming.



For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2000;
Relay 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** ADA@clark.wa.gov.

-Potential for diminished courtroom control as the proposed rule seems to authorize counsel to bring in a court reporter without prior approval of the judge anytime an electronic device is used to keep the record. It is unclear whether a judicial officer could excuse a court reporter and under what circumstances that could occur.

-Potential conflicts of interests can occur when the record is taken by a court reporter hired by one of the parties.

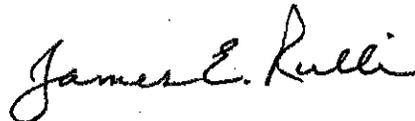
The proposed addition to CR 80 is highly problematic. Courts such as ours, which have moved to reliable electronic recording devices such as JAVS could be significantly impacted. The assumption that the use of privately hired court reporters will save money for the litigants cannot be supported. At a minimum, the rule should be clarified.

Please do not hesitate to contact us if you have any questions.

Sincerely,



Jeffrey Amram
Superior Court Administrator



James E. Rulli
Presiding Judge



Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, August 16, 2016 3:02 PM
To: Tracy, Mary
Subject: FW: Comment To Proposed Changes to CR 80
Attachments: SKMBT_55216081614550.pdf

Supreme Court Clerk's Office

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-----Original Message-----

From: Amram, Jeff [mailto:Jeff.Amram@clark.wa.gov]
Sent: Tuesday, August 16, 2016 3:00 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment To Proposed Changes to CR 80

I have mailed the attached via U.S. Mail as well.

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