

To Whom it May Concern,

Times are ever changing and the need to remain current is of the utmost importance. Washington must not become stagnant. In the best interest of the judicial system, Washington needs to be pertinacious with the court reporting industry, adopt new rules, and keep up with the current technology just as other states have done. Equality is needed as the Washington Department of Licensing and the Washington Department of Labor and Industries conduct telephone hearings constantly where the witness is sworn in over the phone, while various courts throughout Washington also allow for telephonic hearings.

Washington must adapt to thrive. The COVID-19 crisis has led to many states becoming malleable instead of ridged. These states are making constant changes to allow for telephonic depositions and hearings. They are determined to not allow the judicial system to halt. The following states are allowing the court reporter to administer the oath over the phone, outside the presence of the witness: North Dakota, Pennsylvania, Vermont, Wisconsin, Nevada, Minnesota, Virginia, Texas, Montana, Ohio, Tennessee, Florida—others will unequivocally follow suit.

The need for equal and fair treatment to all in the industry is needed in this instance. The desire for this law is nothing more than an anti-competitive move in order to create a monopoly. A valid and logical reason for why the court reporter must be within the four corners of the state is nonexistent. It is not a secret to anyone in the industry that the WCRA is attempting to keep other court reporters out of Washington State, this is not the first time they have attempted to do this and it will not be their last. It is outright preposterous to require a court reporter to leave their residence in a bordering city to travel across a state line (ex. Portland and Vancouver, Coeur d'Alene and Spokane, Pendleton and Kennewick). Washington - WAC 263-12-117 which governs perpetuation depositions allows for the court reporter to swear in the witness, regardless of the court reporter's location— since this is allowed, there should be no reason that this cannot be adopted for all depositions. Oregon- ORCP(39)(C)(7) also allows for depositions by telephone. Oregon allows the oath to be administered to the deponent either in the presence of the person administering the oath or over the telephone—no visual requirement and no requirement for the court reporter to be within the state of Oregon is needed. The proposed verbiage for CR30, “provided that the officer is located within the state” is inordinate, unethical, and has no legal basis.

Sincerely,

Juliette L. Moody

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: COMMENT FOR CR 30
Date: Friday, April 17, 2020 8:03:49 AM
Attachments: [WAC 263-12-117 .docx](#)

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

From: Juliette Moody [<mailto:juliettelajeau@gmail.com>]
Sent: Thursday, April 16, 2020 7:00 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: COMMENT FOR CR 30

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Please see attached.

Thank you,

Juliette L. Moody