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September 29, 2020

*Via Email and Federal Express*

Chief Justice Debra L. Stephens  
Washington State Supreme Court  
415 12th Avenue SW  
Olympia, Washington 98504  
supreme@courts.wa.gov  
judy.vandervort@courts.wa.gov

Re: Proposed Amendment to Civil Rule 30(c)

Dear Chief Justice Stephens:

I write on behalf of the Washington Court Reporters Association (WCRA) regarding its proposed amendment to CR 30, which was submitted to the Court on October 14, 2019. Since that submission, COVID-19 has caused the legal community to make a number of unprecedented adaptations to keep the wheels of justice moving, and WCRA has reviewed several thoughtful comments on its proposed rule change. One in particular resonates, given our current state of affairs.

WCRA's original proposal for modifying Rule 30(c) would require the officer before whom a deposition is taken to be physically located within Washington State even if remote from the deponent. WCRA no longer believes that restriction is necessary, given that any officer before whom the deposition is taken must satisfy Rule 28(a). Thus, for instance, a Washington Certified Court Reporter could still place a deponent located in Seattle under oath and record the deponent's testimony, regardless of whether the reporter was located in Vancouver, Washington or Hood River, Oregon.

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Attached is a version of the proposed rule 30(c) that deletes the language at issue. Thank you very much for considering this revised proposal.

Very truly yours,

STOKES LAWRENCE, P.S.



Bradford J. Axel

Attachment (Modified Proposed Rule)

cc: Justice Charles W. Johnson  
(charles.johnson@courts.wa.gov)  
Rajeev Majumdar  
(rajeev@northwhatcomlaw.com)  
Shannon Hinchcliffe  
(shannon.hinchcliffe@courts.wa.gov)

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**CR 30**  
**DEPOSITIONS UPON ORAL EXAMINATION**  
**AMENDED SUGGESTED CHANGE TO CIVIL RULE 30**  
***SEPTEMBER 29, 2020***

(a) [Unchanged.]

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

(1)–(6) [Unchanged.]

(7) The parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or by other electronic means. For the purposes of this rule and rules ~~28(a)~~, 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic means is taken at the place where the deponent is to answer the propounded questions.

(8) [Unchanged.]

**(c) Examination and Cross Examination; Record of Examination; Oath; Objections.**

Examination and cross examination of witnesses may proceed as permitted at the trial under the provisions of the Washington Rules of Evidence (ER). The officer before whom the deposition is to be taken under rule 28(a) shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. However, such oath and recording may be administered by the officer from a location remote from the deponent, provided that the officer is located within this state. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be transcribed.

1 All objections made at the time of the examination to the qualifications of the officer  
2 taking the deposition, or to the manner of taking it, or to the evidence presented, or to the  
3 conduct of any party, and any other objection to the proceedings, shall be noted by the officer  
4 upon the deposition. Evidence objected to shall be taken subject to the objections. A judge of the  
5 superior court, or a special master if one is appointed pursuant to rule 53.3, may make telephone  
6 rulings on objections made during depositions. In lieu of participating in the oral examination,  
7 parties may serve written questions in a sealed envelope on the party taking the deposition and  
8 the party shall transmit them to the officer, who shall propound them to the witness and record  
9 the answers verbatim.

10 **(d)–(h)** [Unchanged.]  
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**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: Proposed Amendment to Civil Rule 30(c)  
**Date:** Tuesday, September 29, 2020 9:48:14 AM  
**Attachments:** [Correspondence from Bradford Axel.pdf](#)  
[Proposed CR 30\(c\).pdf](#)

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**From:** Alicia Cason [mailto:Alicia.Cason@stokeslaw.com]  
**Sent:** Tuesday, September 29, 2020 9:41 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; Vandervort, Judy <Judy.Vandervort@courts.wa.gov>  
**Cc:** Johnson, Justice Charles W. <Charles.Johnson@courts.wa.gov>; 'rajeev@northwhatcomlaw.com' <rajeev@northwhatcomlaw.com>; Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>; Bradford Axel <Bradford.Axel@stokeslaw.com>; Amy K. Alexander <Amy.Alexander@stokeslaw.com>  
**Subject:** Proposed Amendment to Civil Rule 30(c)

Dear Chief Justice Stephens:

Attached please find correspondence from Bradford Axel regarding the above-referenced matter.

Thank you,

Alicia

**Alicia R. Cason**

Practice Assistant

[Stokes Lawrence, P.S.](#)

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