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Subject: FW: Comment Re Suggested Amendments to CR 28 and Cr 30
Date: Wednesday, July 12, 2023 10:41:36 AM

From: James M. Boyer <JBoyer@abeytanelson.com>
Sent: Wednesday, July 12, 2023 10:40 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment Re Suggested Amendments to CR 28 and Cr 30

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To the Court,

I am writing to express my opposition to the proposed amendments to CR 28 and CR 30, published under Order No. 25700-A-1501, which would disqualify attorneys from video recording remote depositions.

I oppose the amendments because it is a protectionist effort to increase the costs of litigation with no benefit to the integrity of the judicial process.

I am a lawyer licensed in Washington since 2013. My practice is civil litigation and I regularly take and participate in depositions under Washington's Civil Rules.

The proponent of amendment is one of the largest court reporter and legal videography vendors in the State of Washington. Legal videographers regularly charge hundreds of dollars for recording depositions. In a live deposition, the videographers are providing their own cameras, lights, microphones, backgrounds and other equipment, in addition to operating the equipment and performing the "read on". In a remote deposition, the videographer is doing nothing but performing the "read on" and pressing the "record" button provided by Zoom. Yet they still charge hundreds of dollars for this service.

These inflated costs are ultimately borne by the parties per RPC 1.8(e)(1). Because the use of an independent videographer does not advance the integrity of the judicial process, the requirement would conflict with CR 1's mandate of pursuing a "just, speedy, and inexpensive determination of every action." The official record of a deposition, is still the transcript even when a video is taken. The transcript, which is created by a registered and independent, court reporter would reveal any potential manipulation of the video.

I encourage the Supreme Court reject this attempt to amend the Civil Rules to increase the profits of the legal videography industry at the expense of litigation parties – who are ultimately the citizens of the State of Washington.

Respectfully submitted,

**ABEYTA
NELSON**

INJURY LAW

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