

HOUSE BILL REPORT

SHB 1111

As Passed Legislature

Title: An act relating to court transcripts.

Brief Description: Concerning court transcripts.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne and Moeller; by request of Board For Judicial Administration).

Brief History:

Committee Activity:

Judiciary: 1/15/15, 1/29/15 [DP], 1/14/16 [DPS].

Floor Activity:

Passed House: 2/12/15, 97-0.

Passed House: 2/17/16, 98-0.

Passed Senate: 3/1/16, 45-1.

Passed Legislature.

Brief Summary of Substitute Bill

- Provides that certified court reporters and authorized transcriptionists (in addition to official court reporters) may make official transcripts of testimony and other court proceedings, and states that official reports transcribed from electronic recordings qualify as prima facie correct statements of testimony or proceedings.
- Exempts transcripts requested for appellate cases from the requirement that transcripts of testimony and proceedings must be filed with the trial court.
- Makes the Administrator for the Courts a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.
- Modifies terminology regarding storage mediums for duplicated recordings of court proceedings.

HOUSE COMMITTEE ON JUDICIARY

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Omeara Harrington (786-7136).

Background:

Court reporters make verbatim records of court proceedings, depositions, and other official proceedings by means of written symbols or abbreviations in shorthand, machine writing, or oral recording by a stenomask reporter. The report of the official reporter, when transcribed and certified as being a correct transcript of the stenographic notes, is considered a prima facie correct statement of the testimony or oral proceedings. Upon request of the court or an attorney or party to a suit, the official reporter and clerk of court must make or cause to be made a transcript of testimony, which is filed with the trial court for the use of the court or parties to the action.

Under court rule, in any superior court proceeding, electronic or mechanical recording devices may be used to record oral testimony in lieu of or supplementary to causing shorthand notes to be taken. Discretion as to the use of such devices rests with the court. Courts of limited jurisdiction are required to electronically record proceedings. Pursuant to statute, the Administrator for the Courts (AOC) is required to supervise the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction. There is a statutory \$25 fee for each video tape or other electronic storage medium of duplicated recordings of court proceedings.

Recently, a number of amendments were made to the court rules pertaining to electronic recording and transcription of court proceedings. Among the changes is a new court rule defining "authorized transcriptionist" as a person approved by a superior court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding. The rule contains minimum requirements for authorized transcriptionists, which are that the person must: (a) be certified as a court reporter; (b) be certified by the American Association of Electronic Reporters and Transcribers; or (c) have completed a one-year supervised mentorship with a certified court reporter or authorized transcriptionist. Other amendments to the court rules require filing a report of proceedings for purposes of appeal to the appellate court, rather than the court in which the trial was held.

Summary of Substitute Bill:

Amendments are made to various statutory provisions regarding court transcripts.

In addition to official court reporters employed by the court, certified court reporters and authorized transcriptionists may make official transcripts of testimony or proceedings. An official report of an electronically recorded proceeding prepared by a certified court reporter or an authorized transcriptionist has the same status as the report of an official court reporter, and is considered a prima facie correct statement of the testimony or oral proceedings. The requirement to file a transcript of proceedings with the trial court is amended to make

exception for transcripts requested for an appellate case. The \$25 fee for duplicated recordings of a court's proceedings is a fee for duplication to a "video" rather than to a "video tape."

The AOC is a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

See House Bill Report in the 2015 Legislative Session.

Persons Testifying: See House Bill Report in the 2015 Legislative Session.

Persons Signed In To Testify But Not Testifying: None.