

WSR 25-09-115
RULES OF COURT
STATE SUPREME COURT
[April 2, 2025]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1627
RAP 9.2—VERBATIM REPORT OF)
PROCEEDINGS)

The Court of Appeals, having recommended the adoption of the suggested amendments to RAP 9.2—Verbatim Report of Proceedings, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j) (1), the suggested amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of April, 2025.

Stephens, C.J.
Johnson, J. Yu, J.
Madsen, J. Montoya-Lewis, J.
Gonzalez, J. Whitener, J.
Gordon McCloud, J. Mungia, J.

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
SUGGESTED AMENDMENT TO RAP 9.2

- 1. Proponent: Washington State Court of Appeals (COA)
2. Spokesperson & Contact Info: Judge Janet Chung, Chair of the COA Rules Committee
3. Purpose of Suggested Rule Amendment: The suggested amendments to RAP 9.2 seek to improve the format and organization of the verbatim report of proceedings (VRPs) and to align with current practices and technologies.

A statewide workgroup was convened by the Court of Appeals that consisted of representatives from courts, county prosecutors' offices, appellate criminal defense attorneys, court reporters who prepare VRPs from the notes they take during superior court proceedings, and authorized transcriptionists who prepare VRPs based on audio recordings. The workgroup agreed that an increasingly challenging issue is the difficulty in organizing, reviewing and citing the VRPs in briefing, particularly in cases where there are multiple volumes prepared at different times by multiple court reporters and transcriptionists.

The process outlined in the suggested rule change was based on a review of practices in other jurisdictions. In summary, the suggested changes require the statement of arrangements (SOAs) to include page number "blocks" for each hearing date or partial hearing date. The court reporter or authorized transcriptionist then uses those assigned page number blocks so that once completed the entire VRP being reviewed will be sequentially numbered and each page has a unique number.

The suggested changes also include striking the sentence that discourages including voir dire in the VRPs. This specific change has also been proposed separately by an attorney and was published for the comment period expiring April 30, 2025.

4. Is a public hearing recommended? No public hearing is requested or recommended.

5. Is expedited consideration requested? Yes, we request that this suggested change be considered on an expedited basis given the current challenges the court and parties face with managing voluminous VRPs in appellate cases.

RAP 9.2

VERBATIM REPORT OF PROCEEDINGS

(a) Transcription and Statement of Arrangements. If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an ~~original and one copy~~ of the verbatim report of proceedings within 30 days after the notice of appeal was filed or discretionary review was granted. Per GR 35(e), the transcriptionist shall receive the electronic recording directly from the trial court. The party seeking review must file with the appellate court and serve on all parties of record and all named court reporters or authorized transcriptionists a statement that arrangements have been made for the transcription of the report and file proof of service with the appellate court. The statement must be filed within 30 days after the notice of appeal was filed or discretionary review was granted. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or authorized transcriptionist preparing a verbatim report of proceedings, the volume number and hearing dates, and the trial court judge. If the verbatim report of proceedings will be prepared by more than one court reporter or authorized transcriptionist, the statement of arrangements shall include assigned page ranges in blocks of 500 pages for each date. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed or discretionary review was granted and served on all parties of record. Verbatim report of proceedings must include a statement that conforms with GR 35(e).

(b) Content. A party should arrange for the transcription of all those portions of the verbatim report of proceedings necessary to present the issues raised on review. ~~A verbatim report of proceedings provided at public expense should not include the voir dire examination or opening statements unless appellate counsel has reason to believe those sections are relevant to the appeal or they are requested by the client for preparing a statement of additional grounds.~~ If the party seeking review intends to urge that a verdict or finding of fact is not supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding. If the party seeking review intends to urge that the court erred in giving or failing to give an instruction, the party should include in the record all of the instructions given, the relevant instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections. Unless the parties agree that a cost bill will not be filed under RAP 14.2, the party claiming indigency on appeal should include in the record all portions of the trial court proceedings re-

lating to all trial court decisions on indigency and relating to any trial court decisions on the offender's current or likely future ability to pay discretionary legal financial obligations.

(c)-(d) [Unchanged.]

(e) Volume, Title Pages and Table of Contents. The court reporter or other authorized ~~transcriber~~ transcriptionist shall create a separate volume for each date or partial date of the verbatim report of proceedings that is ordered. The reporter or transcriptionist shall include at the beginning of each volume ~~of the verbatim report of proceedings~~ a title page and a table of contents.

(1) The title page should include the following:

- (A) Case name,
- (B) Trial court and appellate cause numbers,
- (C) Date(s) of hearings,
- (D) Trial court judge(s),
- (E) Names of attorneys at trial,
- (F) Name, business address and telephone number of each court reporter or other authorized ~~transcriber~~ transcriptionist.

(G) Volume Number,

(H) Designated page range and actual number of pages used.

(2) The table of contents shall follow the title page and shall indicate, under the headings listed below, the pages where the following appear:

- (A) Proceedings. The beginning of each proceeding and the nature of that proceeding;
- (B) Testimony. The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;
- (C) Exhibits. The admission into evidence of exhibits and depositions;
- (D) Argument. The pages where opening statements occur, ~~except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense,~~ and the pages where closing arguments occur;
- (E) Instructions. All instructions proposed and given. Any other events should be listed under a suitable heading which would help the reviewing court locate separate parts of the verbatim report of proceedings.

~~(F) Multiple Days. If a volume includes hearings from more than one day, there shall be a separate table of contents for each day.~~

(f) Form.

(1) *Generally.* The verbatim report of proceedings shall be on 8 1/2- by 11-inch paper. Margins shall be lined 1 3/8 inches from the left and 5/8 inches from the right side of each page. Indentations from the left lined margin should be: 1 space for "Q" and "A"; 5 spaces for the body of the testimony; 8 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be double spaced except that comments by the reporter should be single spaced. The page should have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the record.

(D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence: direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense, and rebuttal.

(2) *Volume and Pages.* ~~(A) There shall be a separate volume of verbatim report for each date transcribed.~~ Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and be arranged in chronologic order by date of hearing(s) requested in the statement of arrangements. ~~(B) Each volume of the verbatim report of proceedings shall include no more than 250 pages. The page numbers in the first volume should start with page 1 and continue to 250, as needed, regardless of how many hearing dates are included in the volume. In the second volume of the verbatim report of proceedings and subsequent volumes page numbers should start with the next page number in sequence where the previous volume ended. The volumes shall be either bound or fastened securely.~~

~~(3) Copies. The verbatim report of proceedings should be legible, clean and reproducible.~~