

# SENATE BILL REPORT

## SHB 1205

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As of March 22, 2011

**Title:** An act relating to licensing of court reporters.

**Brief Description:** Licensing court reporters.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Goodman, Kirby and Bailey).

**Brief History:** Passed House: 2/26/11, 52-45.

**Committee Activity:** Judiciary: 3/22/11.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Juliana Roe (786-7438)

**Background:** Court reporters make verbatim records of court proceedings, depositions, and other official proceedings. Court reporters must be certified by the Department of Licensing (DOL). DOL establishes the requirements for certification and renewal of certification. A person may become certified in Washington by passing the court reporter examination or being certified by the National Court Reporters Association, the National Stenomask Verbatim Reporters Association, or by another state.

**Summary of Bill:** Court reporters must be licensed by DOL. The requirements for obtaining a license are the same as the current requirements for obtaining a certificate. Court reporting firms are entities that provide or arrange for the services of court reporters or provide referral services for court reporters in exchange for compensation. Court reporting firms must obtain a court reporting license from DOL. An application for a license must contain a list of information about the court reporting firm, which is set forth in the bill, and include DOL licensing fee.

Court reporting firms are subject to the same rules and regulations pertaining to individual court reporters. In addition, court reporting firms are required to appoint an individual to act as the designated representative for the firm.

**Appropriation:** None.

**Fiscal Note:** Available.

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*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.*

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill does two things. First, it changes the term certificate to license so that court reporters will now be licensed instead of certified. Second, it adds a license requirement for court reporting firms. Under current Washington Administrative Codes, individual court reporters are stringently regulated. However, court reporter firms are not required to be certified; and therefore, they do not have to abide by the same regulations as certified court reporters. If you are doing business in Washington State you should have to follow standards in this state. This bill will merely place the same regulations upon the firms as are placed upon the individual court reporters.

Multiple class action lawsuits have been filed in Washington due to transcripts having been stretched and padded. These practices, by firms that are not certified, cause the cost of the transcripts to be passed on to the client. These costs can add up quickly.

This bill has undergone a great deal of work and was, in the end, agreed upon by the Attorney General's Office and the Washington Court Reporters Association.

This is a consumer protection bill. You might think that attorneys, who use court reporter services, can protect themselves. However, the attorneys don't always know what's going on. The court reporting firms receive the transcripts, and they have control of the final production of what is sent to the attorney. The first time the attorney hears of a problem is when the attorney gets a client who complains about the cost of the transcript. The costs of these transcripts are not trivial. This bill is a reasonable solution to this problem.

CON: Court reporters were not consulted prior to the bill being dropped. This bill is not necessary for consumer protection. Our clients are attorneys, and they can fairly represent themselves.

Court reporting firms already have state business licenses and unified business ID numbers. This isn't a big problem because DOL has only received a handful of complaints in the last few years. We don't need a bill that addresses something that is not a problem.

Lawyers can use a different court reporter if they are unhappy with the service they are receiving.

Court reporters have to certify the transcript they create. The simple solution to the problem would be for a court reporter not to certify his or her transcript to be sent out until it is in proper form.

This bill is aimed at limiting competition from larger firms who have better technology. It is anti-competitive at heart.

**Persons Testifying:** PRO: Dylan Doty, Washington Court Reporters Association; Dave Storey, Storey & Miller Court Reporters; Roger G. Flygare, Roger G. Flygare & Assoc., Inc.

CON: Jennifer Anderson, Byers & Anderson Court Reporters; Cindy Koch; Phyllis Craver Lykken, Central Court Reporting; Cheryl Paresa; Catherine Vernon, Vernon Court Reporters, LLC; Brad Fulton, Carter & Fulton; Tia Reidt, Naegeli; Valerie Allard, Allard Reporting; Kathleen McKee, Jones McKee Reporting; Ray Castro, Court Reporters International.