

FINAL BILL REPORT

SHB 1111

C 74 L 16
Synopsis as Enacted

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).

House Committee on Judiciary
Senate Committee on Law & Justice

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

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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:

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 designated as a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.

Votes on Final Passage:

2015 Regular Session

House 97 0

2016 Regular Session

House 98 0

Senate 45 1

Effective: June 9, 2016