

WATKINS GOVERNMENT RELATIONS

February 6, 2012

Mr. Chairman and Members of the Committee,

On behalf of the Kansas Court Reporters Association, thank you for the opportunity to testify today in support of HB 2484. This legislation is a rather simple fix that returns to statute the requirement that anyone taking a deposition in Kansas be certified by the Kansas Supreme Court. Prior to July 1, 2010 this was the law of the land in the State of Kansas. From all accounts that have been gathered by KCRA and I, the change that dropped court reporter certification in Kansas was not discussed and was not intentional.

During the 2010 Kansas Legislative Session, the Legislature passed and Governor Parkinson signed HB 2656 into law. HB 2656 was brought forth to this Committee by the Kansas Judicial Council and its Civil Code Advisory Committee. The intent of this re-codification legislation was to have the Kansas Civil Procedure Code more closely mirror the Federal Civil Procedure Code. This legislation was 200 pages and dealt with many issues contained in the Code. This Committee spent a considerable amount of time discussing and working this legislation. However, there was no discussion regarding court reporter certification.

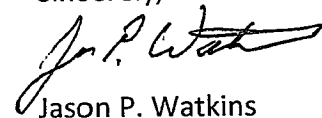
In fact, it was not until Attorney General Derek Schmidt had received numerous complaints about a non-certified reporter and the damage done to the official records in depositions that she had taken that this error was discovered. When the AGs office went to cite statute in a cease and desist order, they discovered the certification requirement had been dropped.

This Committee and this Legislature has long demonstrated its commitment to access to justice and a high quality Judiciary that is fair, competent, and qualified to deliver justice at levels and all stages of the legal process for Kansans. An accurate record of all legal proceedings is paramount in that effort. Certification is not difficult to obtain for those trained and qualified to handle this serious responsibility. The lack of certification by a reporter clearly demonstrates either unwillingness or the inability to be trusted with this precious responsibility.

Thank you for your consideration and I hope you report HB 2484 favorable for passage.

I am happy to answer any questions at the appropriate time.

Sincerely,



Jason P. Watkins