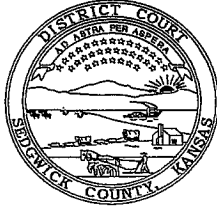


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DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT
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TESTIMONY IN SUPPORT OF H.B. 2484
BEFORE THE HOUSE JUDICIARY COMMITTEE

Mr. Chairman and members of the committee:

Thank you for the opportunity to submit written testimony in support of H.B. 2484. I support the common sense amendment to the Kansas Rules of Civil Procedure to require depositions taken in Kansas to be taken by a court reporter certified by the Kansas Supreme Court.

Depositions in Kansas can be used in civil cases in any number of important ways. Most commonly, depositions are used by civil litigants in summary judgment motion practice. Summary judgment motions are requests by a party for judgment as a matter of law when the material facts are not in dispute. Very frequently, lawyers will attach the depositions of witnesses to these motions to establish what material facts are not in dispute. A civil judge has to rely upon the accuracy of these depositions. Requiring depositions to be taken by certified court reporters is an important step towards insuring accuracy of depositions.

Depositions are also commonly used in civil trials. Under certain circumstances, a deposition can be used in civil trials in lieu of the live testimony of an unavailable witness. Depositions are very often used during trial to attack the credibility of a witness who testifies at trial inconsistent with testimony given in a deposition. Again, accuracy of the depositions is paramount.

The accuracy of a deposition depends in no small part upon the competence of the court reporter taking the record. Certification by the Kansas Supreme Court of court reporters serves a valuable purpose. H.B. 2484 takes a necessary step towards ensuring the accuracy of depositions that are routinely used in important ways in civil lawsuits.

Thank you again for the opportunity to address the committee in support of H.B. 2484.

Dated: February 2, 2012

Jeffrey E. Goering
Civil Presiding Judge, 18th Judicial District

Senate Judiciary
2-29-12
Attachment 5