

February 18, 2019

Mr. Chairman, Members of the House Judiciary Committee,

Thank you for this opportunity to provide written testimony in support of H.B. 2334.

As a freelance court reporter who has worked in the Wichita area for 28-plus years, it is safe to say that maintaining the integrity of the official record is our number one priority. As court reporters, we work extremely hard and expend considerable expense to be at the top of our craft for the members of the legal profession who rely on our final work product: the official written record.

As the profession has evolved, the advent of national reporting agencies, who now enter into contractual relationships with insurance companies and their attorneys, has created issues and, in some cases, questionable practices which, one could argue, has put the integrity of the official record in jeopardy.

The traditional freelance court reporter model for the civil litigation process is as follows: The deposing attorney schedules a local court reporter, takes a deposition, and then the reporter is responsible for transcribing, producing and billing for the deposition. In short, the accountability and responsibility for the accuracy of the record lies with the reporter who took the deposition. Should an issue arise in this arrangement, the attorney can call the reporter directly and a solution to the problem is accomplished forthwith.

In the current state of our profession, in many instances, the national agencies have been contracted by insurance companies, who now dictate to their clients (law firms, attorneys) which court reporter can be used in certain locales. The national agencies will have an "approved" list of reporters in a certain city from which their client/attorney "may" choose. Oftentimes, the "approved" reporters have agreed to a price per page that is less than the current rate in said market. Also, the attorney who is working in a contractual relationship with the national company will receive a discounted rate when he orders a transcript, but the opposing litigant's attorney who orders a transcript will see that his rate can be doubled or sometimes tripled. This is inherently unfair to certain litigants who otherwise would be paying the going rate in said market.

More importantly, when working with national agencies, the reporter accountability and responsibility aspect becomes blurry at best. I have personal knowledge of a case where a deponent in a complex case, whose deposition was reported by a national agency, was denied the right to read and sign his deposition, a right which is provided by Kansas Statute. The justification by the national agency for refusing to provide a read and sign opportunity was that the witness' attorney had not purchased a copy of the transcript of said deposition. In reality, the witness was represented by two different attorneys at the deposition and, indeed, one of his attorneys did purchase a copy of his deposition. The solution the national agency offered was that the witness could read and sign as long as he traveled to St. Louis to the office of the national agency to read and sign. The deposition was taken in Wichita, Ks. and was filed in Sedgwick County, Kansas.

Another dubious practice by the national reporting agencies is what is known as "growing" the transcript. As previously enumerated, the traditional model involves a freelance reporter who is responsible for producing the transcript at every stage of the process. When using a national agency, the reporter who reports a deposition must send (via email) the finished transcript to the

national agency's production department. At this stage of the process, a 100-page deposition can become a 120-page deposition through creative formatting, thus, manipulating the integrity of the original transcript as transcribed by the reporter. We hope to have an example of this at the time testimony is given. Suffice to say, the integrity of the record may certainly come into question, and should an issue arise, the reporter who reported the deposition can be put in a very compromising position.

While there are certainly other problems which can be associated with national agencies and their practices, we hope that these examples of record integrity and equity among parties is illuminating to you as you consider the proposed legislation.

Thank you for your time and consideration, Mr. Chairman.

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