

February 18, 2019

Mr. Chairman and Member of the House Judiciary Committee,

As a Kansas Certified Shorthand Reporter, thank you for the opportunity to provide written testimony in support of H.B. 2334, AN ACT, relating to the taking of depositions in the State of Kansas.

Of utmost concern is maintaining the integrity of sworn testimony as reported and transcribed by a Kansas Certified Reporter. I take great pride in the profession of court reporting and the importance of preserving the statutory duties of court reporters as officers of the Court.

Third-party, out-of-state agencies, through contracted arrangements with one party to a lawsuit, contact a local court reporter/agency to report and transcribe the sworn testimony of witnesses. The reporter is required to submit a signed certificate attesting to the accuracy of the sworn testimony. The reporter is then required to send the transcript in ASCII format to the third-party entity, who then invoices and distributes the transcript to all attorneys involved in the deposition. At this point the integrity of the transcript is no longer in the control of the taking reporter, allowing for potential manipulation by the third-party, contracting agency who has a financial interest in the lawsuit.

This negates the Kansas Certified Reporter's control of the integrity of the deposition transcript, thus putting them in the precarious position of violating their code of ethics and Kansas Statutes governing them.

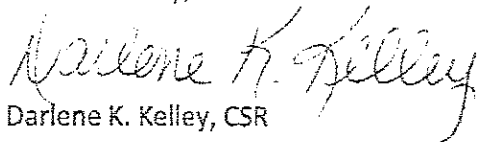
The aforementioned practice also presents difficulties for our Kansas attorneys. They have reported an inability to receive errata sheets from the third-party entity, which contain corrections made by a witness, which are to be filed with the Court. Also reported is a delay in receiving the transcript from the third-party, contracting entity, which creates problems for attorneys as well.

By Kansas Statute, a witness has a right to have his deposition transcript made available to him for review, making corrections, and signing his deposition. In one instance, a party witness was represented by two attorneys, only one of which ordered a copy of the deposition. The third-party entity refused to make the deposition transcript available to the witness for review, informing them they would have to travel to St. Louis. This was a Sedgwick County District Court case, taken in Wichita, Kansas. This is in direct violation of Kansas Statute.

I ask for favorable passage of H.B. 2334 in order to maintain the integrity of sworn testimony, and ensure impartial and fair practices through our judicial system.

Thank you for this opportunity to provide written testimony.

Most sincerely,

  
Darlene K. Kelley, CSR