

# KANSAS INDEPENDENT COURT REPORTERS ASSOCIATION

February 18, 2018

Mr. Chairman and Members of the House Judiciary Committee,

On behalf of the Kansas Independent Court Reporters Association, thank you for this opportunity to provide written testimony in support of H.B. 2334, AN ACT concerning civil actions; relating to the rules of civil procedure; depositions; disqualification; amending K.S.A. 2018 Supp. 60-228 and repealing the existing section.

H.B. 2334 would prohibit anyone from taking a deposition in Kansas that is a party to the litigation, or a relative, employee or attorney of someone with a financial interest in the action or its outcome, as well as anyone that is financially interested in the action or its outcome.

Our Association stands in strong support of this legislation as its enactment would prevent certified court reporters in Kansas from being forced into a position of violating their ethical obligations to act as a neutral, impartial officer of the court. The legitimacy of our judicial system rests on not only the actual, but the perceived impartiality of all officers of the court, including those who preside over and take depositions. When these allegedly impartial officers are being controlled by, hired by, and paid by companies with no legal or ethical obligations to the court, the public's perception that the "system" is unbiased is severely threatened.

Not only are judges and attorneys officers of the court, certified court reporters are as well. We would never allow a judge to preside over a case where they were being paid by a party to the litigation. We do not allow an attorney to represent a defendant if that attorney is also being paid by the plaintiff, or vice versa. To do so would not only be absurd, it would be highly unethical. Yet current Kansas law allows for this exact arrangement with court reporters. In the instance of a judge or attorney violating this ethical requirement we would be talking about removal from the bench and/or disbarment. Yet there is no state statute or rule preventing a court reporter from taking the record in a case where they have an interest.

Kansans rely on a fair and independent judiciary as a Constitutional guarantee. Adoption of H.B. 2334 would ensure that right remains available and that the confidence in the judicial branch is preserved and protected.

Thank you for the opportunity to provide written testimony today and I ask that you report H.B. 2334 favorable for passage.

Very truly yours,



Jason P. Watkins  
Executive Director