

HB2721,

HD1



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

HO`OMUA

"To Push Forward"

P. O. Box 4681 - Honolulu, HI 96812

Louis A. Carnazzo, President

Sharon Mujtabaa, Vice President

Jessica Perry, Secretary

Madeline Gable, Treasurer

Valerie M. Swiderski, Newsletter Editor/Webmaster

Beth Kelly, Official Director

Gloria Bediamol, Official Director

Laurie Savo, Freelance Director

Sharon Ross, Freelance Director

March 9, 2010

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs
Hawaii State Capitol, Room 06
Honolulu, HI 96813

Re: HB2721 HD1 Relating to Court Reporters

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

The Hawaii Court Reporters and Captioners Association is seeking legislation allowing Certified Shorthand Reporters in the State of Hawaii the power to administer oaths in the performance of their duties as deposition officers without the necessity of being a Notary Public.

The Rules Governing Court Reporting in the State of Hawaii state that no person shall engage in the taking of oral depositions, for use in the courts of this state, unless such person shall possess a certificate as a Hawaii Certified Shorthand Reporter issued by the Supreme Court through the Hawaii Board of Certified Shorthand Reporters. The Hawaii Board of Certified Shorthand Reporters supervises the examination, certification, and conduct of court reporters in the State of Hawaii.

Twenty-one states, which also require certification of their court reporters, have adopted laws allowing a Certified Shorthand Reporter the authority to administer an oath at a deposition: Arizona, Arkansas, California, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah and legislation is pending in Washington.

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs
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The majority of deposition reporters in the State of Hawaii perform no other notarial duties other than administering oaths. There are currently 170 Certified Shorthand Reporters in the State of Hawaii. We are asking that duly licensed Certified Shorthand Reporters in good standing be relieved of the additional responsibility of being a Notary Public and thereby relieving the Notary Public Office of the oversight of those reporters.

Respectfully submitted,

HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

Louis A. Carnazzo
President

KATHERINE EISMANN, CSR, RDR, CRR

U.S. District Court
300 Ala Moana Boulevard, Rm. C-281
Honolulu, Hawaii 96850
(808)542-3406
Email: ke@hid.uscourts.gov

March 10, 2010

Re: Certified Shorthand Reporter – Notary Public HB 2721
Hearing 3-12-10, 9:30, Conference Room 016

Per the Rules Governing Court Reporting in the State of Hawaii, adopted and promulgated by the Supreme Court of the State of Hawaii, no person shall engage in the taking of **oral depositions**, for use in the courts of this state, unless such person shall possess a certificate as a Hawaii **Certified Shorthand Reporter** issued by the Supreme Court through the Hawaii Board of Certified Shorthand Reporters. The Hawaii Board of Certified Shorthand Reporters supervises the examination, certification and conduct of court reporters in the State of Hawaii. Hawaii CSRs must be a Registered Professional Reporter with the National Court Reporters Association, be a Hawaii resident or maintain a local address, pay a \$125 application fee, pass a Hawaiian Written Knowledge Test, maintain continuing education requirements, and pay a \$50 license renewal fee each year.

HRS Section 606-13.5 defines a “private court reporter” as a **certified shorthand reporter** who offers services on a freelance basis and who is not employed by the courts of the State. Private court reporters, as a general rule, report hearings and depositions. At this time, private court reporters must also be a Notary Public to **administer an oath at a deposition**.

Pursuant to Hawaii Rules of Civil Procedure Rule 30(a), a party may take the testimony of any person **by deposition**, in general, either by notice or subpoena. Rule 28(a) provides the deposition may be taken before “an officer authorized to administer oaths by the laws of this State or of the United States or of the place where the examination is held, or before a person appointed by the court in which the action is pending.” Thus, in the courtroom setting, the oath is administered either by the court (judge) or the clerk (HRS Section 606-8, Powers and Duties of Clerks).

The following states (22) have adopted legislation to allow a **Certified Shorthand Reporter** the authority to administer an oath **at a deposition**: Arizona, Arkansas, California, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nevada,

New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode
Island, Tennessee, Texas, Utah and Washington.

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I respectfully urge passage of HB 2721 changing the “effective date” to “upon approval.”

This would allow a “private court reporter” the power to administer an oath at a
deposition without the additional necessity of being a “Notary Public.”

Very truly yours,

Katherine Eismann, CSR, CRR, RDR

Pacific Reporting Services Unlimited

745 Fort Street, Suite 704
Fort Street Tower
Honolulu, Hawaii 96813



PRSU

WE SET THE BAR HIGHER

March 11, 2010

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs
Hawaii State Capitol. Room 016
Honolulu, HI 96813

Re: HB2721 HD1 Relating to Court Reporters

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

My name is Adrienne Ige Kurasaki and I am the owner of Pacific Reporting Services Unlimited. I am in favor of HB2721 HD1 Relating to Court Reporters. As an agency owner and a court reporter who still reports, I feel it is imperative HB2721 HD1 be passed as our daily duties include administering oaths. Court reporters are officers of the court and should have the power to administer the oath.

I thank you for allowing me to testify and for your consideration of all the testimony regarding HB2721 HD1. Should you need anything further, please do not hesitate to contact me.

Very truly yours,
/s/ Adrienne Ige Kurasaki

Adrienne Ige Kurasaki
Owner & Registered Professional Reporter
Hawaii CSR 388/California CSR 11470
Pacific Reporting Services Unlimited

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 6:35 PM
To: JGO Testimony
Cc: icrji@maui.net
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position:
Testifier will be present: No
Submitted by: JEANNETTE IWADO
Organization: Individual
Address: 200 KEALAKAI PLACE PAIA, HAWAII 96779
Phone: 808-877-0680
E-mail: icrji@maui.net
Submitted on: 3/10/2010

Comments:

I believe that court reporters, as officers of the court, should be allowed to administer oaths without the necessity of becoming a notary public.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 5:21 PM
To: JGO Testimony
Cc: aliireporting@hawaii.rr.com
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Laura Savo
Organization: Ali'i Court Reporting
Address: 956 Uwao Street Honolulu, Hawaii
Phone: 808-394-2544
E-mail: aliireporting@hawaii.rr.com
Submitted on: 3/10/2010

Comments:

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs Hawaii State Capitol, Room 106 Honolulu, Hawaii 96813

Re: HB2721 HD1 Relating to Court Reporters Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee, Our organization is for the proposed measure House Bill 2721 to eliminate the need for Hawaii freelance court reporters of being Notary Publics in order to administer oaths. We are already considered officers of the court through our licensure and we feel being a Notary Public is an unnecessary redundancy. Other states have adopted this measure and we hope and encourage the legislature to hear our case and pass this measure.

Sincerely,

Laura Savo, CSR, RPR
Ali'i Court Reporting

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs
Hawaii State Capitol. Room 016
Honolulu, HI 96813

Re: HB2721 HD1 Relating to Court Reporters

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

I am writing in support of this bill proposing that court reporters in the State of Hawaii need not be notaries to administer oaths in depositions and hearings. I have been a practicing court reporter for 30 years, both in the state and federal court systems and am currently freelancing.

As a freelance court reporter, I had to get a notary license because under the present law, it is the only way I am allowed to swear in witnesses for legal proceedings. To maintain my notary license, I must renew every four years, pay a fee, obtain a bond, keep a record of every person I administer an oath to and then file the notary book with the Attorney General's Office. It would be easier if we could administer oaths without all these requirements, much like the court clerks at First Circuit Court or the Federal Courts who are granted this ability as an "officer of the court." It makes sense to me. I hope it also makes sense to all of you.

Thank you for your consideration.

Sincerely,

Priscilla Gonzaga

Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Affairs
Hawai'i State Capitol, Room 016
Honolulu, HI 96813

Re: HB2721 HD1 Relating to Court Reporters

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee,

I've been a freelance shorthand reporter for almost 22 years, not that the gray hairs are showing or anything. I gained my first certification in California, worked seven years there and then happily moved to Hawai'i nei, the land of my and my husband's ancestors. After successfully passing the National Court Reporters Association Registered Professional Reporter's exam, as Hawai'i adopted that as their exam, and then the Hawaiian knowledge exam, I was informed that all freelance court reporters must be a notary. Well, I thought, "That's a little unnecessary. In California reporters are deemed an officer of the court and imbued with the authority to swear in deponents."

As I diligently obtained an information booklet and studied for the notary exam, I was informed I may not be granted a notary as there are too many in the field already. Well, imagine my panic after moving lock, stock and barrel to Hawai'i only to be told I will be lacking a very necessary tool to work in my field. I sat for the exam, passed it and was grilled as to why I didn't have any errors. I guess I should take that as a compliment, although anyone who knows a court reporter will tell you they are extremely fastidious, detail oriented and prepared.

Long story short, too late, I know, most, if not all, court reporters use their notary to administer oaths wale no, "only," and do not perform the more traditional role and function of notary publics. Although my insurance bond agent is of the utmost ability and geniality, the merry-go-round renewal process of getting the application, getting your bond, going back to window A to pick up this, going to window B to sign that, going to window C, most importantly, to pay your fees, handing it all in hoping it is complete lest you have to start all over again, whew, is very time consuming. Court reporters use every moment of their time to accurately report and prepare transcripts. If you would do us the simplest of favors and deem us officers of the court for the sole purpose of swearing in, not at, our deponents without having to be a notary, we would GREATLY appreciate it.

Mahalo nui i ko oukou hana a pau i keia mea.

Aloha,

B. Kanoelani Cockett, CSR, RPR
Ralph Rosenberg Court Reporters, Inc.
1001 Bishop Street, Suite 2460
Honolulu, Hawai'i 96813
(808) 220-0192

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 11, 2010 8:44 AM
To: JGO Testimony
Cc: Geri.L.Saffery@courts.state.hi.us
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: GERALDINE L SAFFERY
Organization: Individual
Address: c/o 777 Kilauea Ave. #248 Hilo, HI 96720
Phone: 808.961-7442
E-mail: Geri.L.Saffery@courts.state.hi.us Submitted on: 3/11/2010

Comments:

I AM IN SUPPORT OF HAVING THE RESPONSIBILITIES AND CAPABILITIES OF BEING A NOTARY BEING INCLUDED INTO MY CSR LICENSE. OUR CSR LICENSES ARE VALID FOR THREE YEARS AND HAVE CEU REQUIREMENTS IN ORDER TO HAVE YOUR LICENSE RENEWED. AMONG THE REQUIREMENTS OF KEEPING ABREAST WITH CURRENT TECHNOLOGY, OUR CONTINUING TRAINING INCLUDES THE EDUCATION IN THE SAME PROFESSIONAL ETHICS AS A NOTARY, AS WELL AS MAINTAINING OUR KNOWLEDGE OF CHANGES IN OUR LAWS. COMBINING THE RESPONSIBILITIES OF A CSR & NOTARY WILL NOT ONLY BE BENEFICIAL FOR LITIGANTS IN THE FREELANCE FIELD OF HIRING ONE PERSON VERSUS TWO, BUT WILL ALSO PROVIDE THE SERVICES OF A GOVT NOTARY WITHIN THE OFFICIAL FIELD. THIS NOTARY SERVICE COULD BE MADE AVAILABLE TO PRO SE LITIGANTS UNABLE TO OBTAIN THE SERVICES OF A NOTARY, WHICH HERE ON THE BIG ISLAND IS NOT ALWAYS READILY AVAILABLE, AND WILL BE MORE COST EFFECTIVE FOR ALL LITIGANTS, ESPECIALLY OUR PRO SE COMMUNITY MEMBERS.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 11, 2010 6:39 AM
To: JGO Testimony
Cc: sally10s@yahoo.com
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position:
Testifier will be present: No
Submitted by: Sally Bronner
Organization: Individual
Address: PO Box 1987 Kailua, HI 96734
Phone: 808-780-8055
E-mail: sally10s@yahoo.com
Submitted on: 3/11/2010

Comments:

I am in favor of this legislation being passed, to administer oaths without the necessity of becoming a notary public.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 10:01 PM
To: JGO Testimony
Cc: sharonross@Hawaii.re.com
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Sharon L. Ross
Organization: Individual
Address: 95-1091 Kihene Street Mililani, HI 96789
Phone: 808-291-4935
E-mail: sharonross@Hawaii.re.com
Submitted on: 3/10/2010

Comments:

I am an independent contractor certified by the state of Hawaii. When I moved to Hawaii in 2000, the state that I moved from (Texas) as well as other states had passed a law allowing certified shorthand reporters to administer the oath to a witness by virtue of your position as a certified reporter. The oath is only administered in a deposition setting. Official reporters who work in courts (state and federal) do not administer the oath to witnesses. In federal court that duty is performed by the courtroom manager who is not a notary but performs the duty by virtue of their position. I would appreciate your support in the passage of this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 11, 2010 8:56 AM
To: JGO Testimony
Cc: valerie.swiderski@gmail.com
Subject: Testimony for HB2721 on 3/12/2010 9:30:00 AM

Testimony for JGO 3/12/2010 9:30:00 AM HB2721

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Valerie Mariano Swiderski
Organization: Individual
Address: 9100 Morton Davis Drive Patterson, CA 95363
Phone: 209-985-8565
E-mail: valerie.swiderski@gmail.com
Submitted on: 3/11/2010

Comments:

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

I am a freelance court reporter licensed in the states of Hawaii & California and serve on the board of directors for the Hawaii Court Reporters and Captioners Association. I encourage you to vote in favor of HB2721 allowing private court reporters to administer oaths without being notaries public. Court reporters do not perform notarial functions aside from administering oaths. The notary renewal process, expirations, and deadlines are cumbersome. It has been my experience that hearing officers in the state of Hawaii are allowed to administer oaths without being notaries public. In the state of California court reporters are allowed to administer oaths without being notaries public. There would be no detriment to allowing private court reporters in the state of Hawaii to administer oaths without being notaries public, and we ask that you grant us the authority to do so.

Sincerely,

Valerie Mariano Swiderski