

SB2879



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

HO`OMUA

"To Push Forward"

P. O. Box 4681 - Honolulu, HI 96812

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February 3, 2010

Sen. Brian T. Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 219
Honolulu, HI 96813

Re: SB2879 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.

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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. Prior to 1984 shorthand reporters were not certified by the state. Since the adoption of certification and rules and regulations governing court reporters in the State of Hawaii by the Judiciary in July of 1984, shorthand reporters are licensed and maintain their licenses under the auspices of the Hawaii Board of Certified Shorthand Reporters.

All freelance Certified Shorthand Reporters are independent contractors and work out of their residence and have no contact with the general public save and except for swearing in witnesses for depositions. The few exceptions being agency owners have non-reporter office personnel in their offices to take care of the public needs.

We are asking that duly licensed Certified Shorthand Reporters in good standing be relieved of the additional licensing as 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

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February 8, 2010

Re: SB 2879, Hearing 2-10-10, 9:30 a.m.

I respectfully urge passage of SB 2879.

The State of Hawaii has excellent certification requirements for court reporters. The Rules Governing Court Reporting adopted and promulgated by the Supreme Court of the State of Hawaii provide for certification, oversight and discipline of Certified Shorthand Reporters.

Freelance reporters in the State of Hawaii are currently required to hold a license as a Notary Public for the purpose of administering an oath to a witness before any testimony. Other than that, most reporters perform no other duties of a Notary Public.

Twenty-two other states have passed similar legislation thereby relieving their notary offices of the oversight of Certified Shorthand Reporters in addition to notaries.

In response to our letter to Attorney General Mark J. Bennett in this regard, Deputy Attorney General James F. Nagle replied: "We have considered your request and believe that if the majority of the court reporters perform no other notary public duties except to administer oaths for depositions and other discovery, perhaps it would make sense to authorize them to do so via a legislative change without the requirement of being a notary public."

Respectfully submitted,

Katherine Eismann
Legislative Chairperson
Hawaii Court Reporters & Captioners Association