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January 3, 2019

The Honorable Caleb Stegall  
Kansas Supreme Court  
Kansas Judicial Center  
301 SW 10<sup>th</sup> Avenue  
Topeka, Kansas 66612

In Re: Reorganization Plan Related to Certified Court Reporters in Kansas and to the State Board of Examiners of Court Reporters

Justice Stegall:

We would like to formally request that the Kansas Supreme Court reconsider its plan to reorganize the administration of court reporters and the State Board of Examiners of Court Reporters. Currently, over one-half of the court reporters in the State of Kansas are freelance court reporters and a little over one-third of the reporters in Kansas are in some official capacity working for the Kansas Judicial branch. These reporters serve the district courts, the Kansas Bar, administrative boards, hard of hearing and deaf communities, as well as provide live captioning for broadcast programs in order to comply with federal and state laws and regulations, as well as local rules. All certified court reporters in Kansas are under the Kansas Supreme Court, the court of last resort in Kansas for litigants and appellants in this state.

The day-to-day administration of rules, regulations, qualifications, standards, disciplinary complaints, testing processes, and transcript preparation for appellate cases are all overseen by the Clerk of the Appellate Courts, Mr. Douglas Shima. The unique relationship between the Clerk of the Appellate Courts and the court reporters in Kansas provides for immediate feedback, adjustment, and ultimately, judicial efficiency and economy in its current form. The Clerk and his staff thoroughly understand the process of appeals and instruct and guide individuals involved with creating the record on appeal; i.e., agencies, boards, attorneys, court reporters, court clerks, and pro se litigants. Our sincere hope is that the Kansas Supreme Court will reconsider its plan and the effect it will have on Kansas courts, their employees, and the litigants in the system.

The reorganization of responsibilities is set to take effect on July 1, 2020. We are unaware of any information or data collected from affected agencies, attorneys, court reporters, or clerks in Kansas prior to the announcement of the impending changes, or of inefficiencies that presently exist. We have no knowledge of any previous study that has been conducted that would support this type of reorganization and reconstruction of the current hierarchy. As participating observers of court proceedings, we are on the frontlines, so to speak, and are the face of the courts. We have been notified that the National Center for State Courts intends to study the current structure and propose recommendations to “alleviate, or at

least mitigate, some of the inefficiencies.”<sup>i</sup> However, the current structure of each judicial district, court and staff, mirrors that of the appellate court system. The role of court reporters is to work, in essence, for both levels of court. Within all 31 judicial districts, there are judges, clerks of the court, clerks, and court reporters. There is a direct chain of command and together, in a cooperative manner, we work tirelessly to ensure the record is maintained with proficiency and efficiency. Through that vetted process, the cases on appeal are prepared and processed as required by Kansas statutes and Supreme Court Rules of the State of Kansas.

In addition, we are aware that a Court Reporter Weighted Caseload Study is to begin in February of 2020 and last approximately four weeks. In courts of original jurisdiction, a sample of what happens during a specific period of time will generate a distorted view of the entire picture due to the fact that district courts often have an ebb and flow that changes rapidly throughout the course of a year or from year to year. Reality and statistics are oftentimes at odds. In the administration of justice, correct information and time periods must be examined in order to arrive at an accurate conclusion. We respectfully request to review any study or documentation that supports the proposed changes as well as the opportunity for input from judges, counsel, clerks, reporters, and the Board of Examiners prior to the proposed changes taking effect.

As has been designated under Kansas law, certified court reporters, in their capacity as official reporters of the district courts of Kansas, will continue to act as guardians of the record and remain unbiased professionals to help ensure judicial equality. We respectfully request if this chosen course prevails, that the Kansas Supreme Court send out formal notification to the registered CCRs in Kansas along with notifying the Kansas District Judges Association, the Kansas County and District Attorneys Association, the Kansas Bar Association, the Kansas Association of District Court Clerks and Administrators, and any other entity that may be affected by the reorganization.

As court reporters who serve on the Kansas Board of Examiners of Court Reporters, we act as stewards for this profession and as proponents for Kansas courts and the judicial system. If changes are in our future, we believe certified court reporters in Kansas have a right, as well as an obligation, to be aware of courses of action that may affect those whom they serve. In order to fulfill our sworn duties, it would be important to be informed by the Court rather than through other unauthorized channels.

Thank you for your time and consideration.

Cordially with Regards,

*/s/ Jennifer L. Olsen, CSR, RPR*  
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Shawnee County

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*/s/ Sharon L. Cahill, CSR, RPR*  
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Official Court Reporter  
Wyandotte County

cc: Chief Justice Marla Luckert, Mr. Douglas Shima, Ms. Amy Raymond, Hon. Rachel L. Pickering, Hon. Evelyn Z. Wilson, Ms. Shirla R. McQueen, Ms. Jennifer Marie Hill

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<sup>i</sup> Letter from Justice Caleb Stegall under date of December 11, 2019, addressed to the Kansas State Board of Examiners of Court Reporters