

From: [Robin Nodland](#)
To: [Exhibits JSCVR](#)
Cc: ["Ryan White, Official Court Reporter"](#)
Subject: RE: Remote notary for Oregon - help court reporters keep working during Coronavirus (2)
Date: Wednesday, March 18, 2020 6:45:00 PM
Attachments: [image001.png](#)

Greetings.

I would like to supplement my testimony with this AMAZING action that the state of Florida took today to allow administering of oaths via remote audio-video communication. Here is the link on the Florida Court Reporters Association website to the Administrative Order issued by their Supreme Court <https://fcra.memberclicks.net/assets/docs/AOSC20-16.pdf> And here is the text of that order.

I respectfully request that Oregon do likewise to. This action would open up avenues for lawyers to conduct business and court reporters to get back to work immediately. Thank you again for considering my request.

Robin Nodland
LNS Court Reporting & Legal Video
Portland, Oregon

Supreme Court of Florida
No. AOSC20-16

IN RE: COVID-19 EMERGENCY PROCEDURES FOR THE
ADMINISTERING OF OATHS VIA REMOTE
AUDIO-VIDEO COMMUNICATION EQUIPMENT ADMINISTRATIVE ORDER

WHEREAS the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts System must take steps to mitigate the effects of the COVID-19 on legal proceedings and participants in those legal proceedings; and WHEREAS mitigating the effects of COVID-19 is a high priority on the Florida State Courts System; and

WHEREAS it is the intent of this order to suspend any actual or implied requirement that notaries, and other persons qualified to administer an oath in the State of Florida, must be in the presence of witnesses for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other - 2 - qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witness; and

WHEREAS a public health emergency currently exists in Florida requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19;

NOW THEREFORE, under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv)

and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

1. Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness; and

2. If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida; and

3. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the – 3 - attestation of family law forms, are hereby suspended, and will remain suspended until the expiration of the provisions of paragraph five in In Re: COVID-19 Emergency Procedures in the Florida State Courts, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), and any orders extending AOSC20-13.

DONE AND ORDERED at Tallahassee, Florida, on March 18, 2020.

Chief Justice Charles T. Canady

ATTEST: _____ John A. Tomasino, Clerk of Court

In order to combat COVID-19, we are now offering telephonic/webconferencing depositions at no extra charge in lieu of appearing in person. Please notify us if you would like to utilize one of these options or if you have any questions.

Robin Nodland

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From: Robin Nodland

Sent: Tuesday, March 17, 2020 6:43 PM

To: jscvr.exhibits@oregonlegislature.gov

Cc: Carol Studenmund <CStudenmund@Inscaptioning.com>; 'Ryan White, Official Court Reporter' <ryan@whitecatreporting.com>

Subject: Remote notary for Oregon - help court reporters keep working during Coronavirus

Hello. I am writing to suggest an easy fix to allow court reporters to work in the state of Oregon during this difficult time with the Coronavirus threat.

CHALLENGE: I am one of the owners of LNS Court Reporting & LNS Captioning, along with Carol Studenmund.

We are facing a challenge in our business with the Coronavirus outbreak, which is causing mass cancellation of deposition settings so that people are not congregated in close proximity to one another. Our court reporters attend pretrial depositions, usually at law firms, and record sworn

testimony for use in discovery and as evidence in trials. One of our key duties is administering oaths to the witnesses. We have a solution to keep people working at home during these times by using our webconferencing platform, but we have run into limitations with the restriction of Oregon Notaries Public being prohibited from administering an oath except in person.

CURRENT PARTIAL SOLUTION: While our ***voluntary*** Oregon Certified Shorthand Reporter (CSR) program administered by the State Court Administrator confers the authority to administer an oath and does not prohibit administering of oaths remotely, not all court reporters are CSRs; many are Notaries Public instead, due to a variety of reasons, and they are prohibited from administering an oath other than in the physical presence of the witness. (Here is the link to Oregon's CSR program policies: <https://www.courts.oregon.gov/programs/csr/Pages/default.aspx>)

FULL SOLUTION 1: Many states have a Remote Notary, or Online Notary, provision. Florida, for example, requires Notaries to attend a 2-hour webinar and then complete a test to get this addition to their commission. Not only would this help court reporters by authorizing them to administer an oath over the telephone or videoconference, but it would also allow online Notary acts such as notarizing the signing of legal documents like Wills, Trusts, etc. This could be an additional revenue source for court reporters.

Here is a link to more information about Remote Notaries, including a list of states where this is used: <https://www.nationalnotary.org/notary-bulletin/blog/2018/06/remote-notarization-what-you-need-to-know>

FULL SOLUTION 2: Another solution would be a mandatory CSR for Oregon court reporters, which would eliminate the current need for a court reporter to be Notary Public if they are not a voluntary CSR. Our rules would need to be modified to allow for more reciprocity, like Washington, and other issues would need to be addressed, but it is very workable. In fact, Oregon is surrounded by states that have mandatory certification of court reporters: Washington, Idaho, California, and others. We would be happy to work on this issue, and we could recruit other court reporters willing to work on this project too.

I am sure you are very busy now and are bombarded with requests. And I'm sure you are aware of the situation of trials and legal proceedings being cancelled and postponed, grinding the Oregon courts to a full stop. I would submit that this would be an easy fix to keep the pretrial discovery process rolling, to keep depositions happening remotely, so that lawyers are ready to hit the ground running once we are past this health crisis.

Please feel free to contact me with your questions or concerns, either by this email or calling my office at 503-299-6200. Thank you for your public service, your time reading this request, and for all you do for Oregon.

Best regards,

Robin

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