

## **LEGISLATIVE UPDATE**

### **by Susan Becker, Legislative Chair**

The report prepared by the State Court Administrator's Office on court reporters versus electronic recording was completed November 1. The report was prepared pursuant to Long Bill Footnote #127 that reads as follows:

The Department is requested to evaluate electronic alternatives to the current court reporter system, and is also requested to consider ways to limit current court reporter charges on multiple document requests. The Department is requested to provide a report on its findings to the Joint Budget Committee as part of its regular budget submission for FY 2002-03.

The report analyzes the pros and cons of various methodologies, including digital electronic recording systems, analog tape recording systems, video recording systems, and the current method of court reporters. In conclusion, the following recommendation was made:

The Branch is mindful of the budgetary realities under which the Joint Budget Committee must operate. While a move to electronic alternatives may seem prudent based solely on cost factors, it is strongly recommended that the committee weigh the advantages and assets provided to the courts by professional court reporters. Part of the intangible benefit provided by reporters is the mitigation of the risk of loss of the trial record. In addition, the Branch would not recommend pursuing any option of reducing copy rates that would negatively impact its ability to attract and retain professional reporters.

The Branch recognizes that the availability of reporters is becoming an issue in some locations. This reality drives a need to properly equip courtrooms for both traditional reporting and electronic alternatives. The Branch will begin exploring ways to combine both methods in order to leverage the reporters we have available. It is imperative that electronic methods are tested for reliability, back-up systems are developed, systems are properly monitored by dedicated staff, and systems are replaced on a regular basis. Further, these systems must be targeted to those areas of the court representing the least risk, such as county court dockets, domestic dockets and magistrate's courtrooms.

With that recommendation, one would assume that the status quo as far as copy rates would be maintained, but that hasn't happened. The Joint Budget Committee Briefing was held on November 6. This involves the Judicial Staff Analyst to the JBC preparing a brief for the JBC on various requests included in the Judicial Department's Proposed Budget. Betsy Clark Murray and I attended the briefing. The following comments were included within the briefing document:

The current rate structure for amounts paid to court reporters for court transcripts leads to confusion and overbilling for copies.

Companies such as Kinko's charge eight cents per page, and make a profit. Agencies needing transcripts should be allowed to take an original to a copy service and pay the market rate. It is wasteful that defense agencies pay fifty cents per copy page.

Staff recommends that the JBC sponsor legislation to remove the ability of the court reporters to charge for copy pages, and that they ask Judicial to propose a revised fee structure to accommodate a first free copy. (cont. page 8)