

2014 Response to AOC Report on Use and Compensation of Court Reporters

February 2014

North Carolina's citizens and businesses should welcome the opportunity, presented by the recent Report on the Use of and Compensation of Court Reporters commissioned by the General Assembly, to improve the quality and efficiency of our state's court system. Key to improving our court system is a commitment to fund the technological infrastructure of our courts, which increases public access while improving efficiency in the administration of justice. The report's recommendation to expand reliable digital audio recording of court proceedings in place of live court reporters is one part of such a commitment.

In considering the long-term objectives of quality and efficiency of our court system, however, the General Assembly must avoid budget-cutting decisions that are cosmetic, yielding immediate bottom line savings but threatening the overall quality of the justice system. A complete and accurate trial record is particularly critical in high stakes cases that require appellate review. Experience in other states and our state has shown that a transition from court reporters to digital audio recording, if not done carefully, can impact the accuracy of the record of court proceedings and hence the quality of judicial review of those proceedings. Some studies have also indicated that the records and transcripts prepared by court reporters are less expensive in some cases, in addition to being more accurate and reliable. Further, circumstances where a digital record is lost due to inadequate technology or inadequate training diminish parties' due process rights and foist new costs on courts for retrials. Expanding the use of digital audio recording in trial courts should not be undertaken without ensuring the technology is reliable and training adequate for courtroom recording operators and transcribers. An expansion of audio recording also requires careful development of procedures and practices that ensure the accuracy of the record and guard against its loss.

It is important to note that the report to the General Assembly does not recommend digital audio recording be used in place of live court reporters in every case, but concludes that court reporters, not digital recording, are essential in high stakes cases that matter most to North Carolina's citizens to create the most accurate, reliable and cost-effective record. In fact, the report recommends *expanding* the use of court reporters in district court proceedings involving the termination of parental rights because of past problems with digital recording.

With these recommendations on the continued use of court reporters in mind, it is also important to note that at the same time the General Assembly requested the study on court reporter compensation, lawmakers also slashed court reporter per page compensation by 50% without waiting to consider the study's recommendations. Now that the General Assembly has received the report, which acknowledges the importance of court reporters to a fair judicial system, it should reconsider compensation cuts and the elimination of court reporter positions that would drive these professionals from public service.

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