

Dear Senator Daniel,

I am writing to you concerning contemplated action reducing the number of court reporters in favor of electronic recording systems in courtrooms.

I earned my law degree at the University of Louisville and worked for a family court judge in Kentucky for two years before moving to Ontario, where I currently reside. A good friend of mine who is a court reporter in North Carolina asked me to convey my experiences working with electronic recording systems in Kentucky, a state with no official court reporters. I also have a personal connection to the beautiful state of North Carolina, as I earned my undergraduate degree from Duke in 2007.

I interned one summer in law school with the Kentucky appellate public defender's office. While there, I had to personally transcribe hearings for use in drafting appellate briefs. It was standard practice for attorneys in the office to spend a number of hours painstakingly transcribing trials. Although I do not have impaired hearing, it was very difficult for me to transcribe from a video recording. I was constantly pausing and rewinding in order to catch every word. The quality of the recording systems lacked, and not everyone spoke clearly into the microphone. In addition, there were often long pauses during hearings that I would simply sit through. Had a transcript been provided to me, I would have been able to put that time to better and more productive use.

As the staff attorney for a family court judge, I routinely reviewed video recordings of hearings to refresh my memory of testimony. I was also responsible for handling appeals from the district court and was tasked with reviewing the videos of those trials and making transcripts. In most instances, I experienced the same difficulties with quality and sound as I did when I interned. Although I did not always make transcripts when I worked for the judge, I experienced lost productivity listening to long pauses and difficulty trying to pinpoint certain testimony.

When I was working for the judge, there was one occasion in which I handled a petition for judicial review. The administrative hearing was actually transcribed by a reporter. The hearing was long, as many witnesses were called over two days. It was a great relief for me to review the record with a complete transcript instead of having to review an audio or video recording. A table of contents and index was provided with the transcript, so I could easily pinpoint certain testimony. In terms of productivity, I saved a great number of hours being able to quickly review the transcript.

It may well be that eliminating court reporters in favor of electronic systems might save money in the budget in the short term. However, I believe from personal experience that there are quantifiable negative consequences, including loss of productivity for judges and lawyers must review the records of court proceedings. As well, there are important access to justice issues that should be explored, as the costs of hiring a private recorder to transcribe a hearing or trial necessarily weigh on the decision to appeal an outcome.

In closing, I respectfully request that you consider the great value that court reporters add to the North Carolina justice system before acting on the proposed legislation.

Sincerely,

Mark Andrew Fendley