

Support SB 384

Requiring certified court reporters in aggravated murder proceedings

There is clearly a public stake in the competent performance of reporters and, in some cases, life and liberty rely on the record. – National Court Reporters Association

Certified Court Reporters Provide a Reliable Record

There is no substitute for the human element that court reporters bring to the courtroom. A purely electronic recording system with no direct human involvement may be cost effective, but is particularly prone to complete failures, risking the loss of any record at all. It is also prone to garbled or unintelligible words or sentences; a live certified court reporter can stop the proceeding and ask for the person to repeat what was said.

“As another year ends, the presiding judge in Marion County is polling jurors from Guzek IV to see if they remember a quick nod by a witness during trial. A nod. A bob. The latest gimmick to hold this case hostage. There is absolutely no mention, mind you, of that ‘non-verbal affirmative response’ in the court record.” Steve Duin, *Oregonian*. 12/13/13

Certified Court Reporters Provide a Timely Record

When the trial is heating up, certified court reporters ensure that no time is wasted either during the trial or when transcripts are needed. Attorneys and the judge are able to receive either real-time feeds of the proceedings or uncertified copies of the transcript at the end of each day. Furthermore, the certified court reporter is creating the record accurately as the trial is in process, rather than waiting for the trial to end and the recording to be sent out for transcription.

“As absurd as that sounds, this is not a unique problem for the Supreme Court. The Death Row appeals of Karl Anthony Terry -- convicted in 1995 of killing two brothers in a Milwaukie park with an 18-inch Japanese sword -- bogged down for almost four years as the court waited for an accurate transcript of his trial.” Steve Duin, *Oregonian*, 2/19/11

Digital Recording Equipment Does Fail – News from around the US and Oregon

“During the trial [*Northwest Steelheaders v. Simantel*, Case out of Marion County, Ore], the system monitors indicated that recording was proceeding normally; then it was discovered that only one of the five days was recorded. The judge had to grant a mistrial because no transcript could be prepared for appeal. *California Bar Journal*, June 2003

“A malfunction in courtroom recording equipment prompted a judge Wednesday to declare a mistrial in the case of murder defendant Patrick Deon Ragland.” *Lexington Herald-Leader*, July 31, 2013

“Jefferson Circuit Court's digital audio recording equipment failed to properly record the first hearing in Judge Judith McDonald-Burkman's courtroom, capturing video, but no sound.” *Courier-Journal*, September 3, 2010

“In 2000, the Ontario Superior Court slammed the trial court for providing a botched transcript that had missing sections. The trial court had relied on a recording system and a monitor rather than a court reporter.” *Daily Business Review*, October 6, 2003