



National Court Reporters Association
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May 20, 2016

Honorable Janet E. Barton
Presiding Judge Superior Court of Arizona
Maricopa County
125 W. Washington Phoenix, AZ 85003

RE: PETITION TO AMEND RULE 30 OF THE RULES OF THE SUPREME COURT OF ARIZONA

Dear Judge Barton and Interested Parties:

On behalf of the National Court Reporters Association and the 16,000 stenographic court reporters and captioners who comprise our membership, I am writing today to echo the submission by the Arizona Court Reporters Association opposing the proposed petition to amend Rule 30 of the Rules of the Supreme Court of Arizona. While NCRA certainly respects the intentions behind this proposal, we believe that it is unnecessary and has the potential to harm the overall integrity and security of the official court record.

In Arizona, all court reporters must be certified. It does not matter whether they work as an official court reporter in the courts or a private sector freelance court reporter taking depositions or other legal proceedings. Certified court reporters must pass a skills exam proving that they can write legal proceedings at speeds up to 225 words per minute at 95 percent accuracy. Additionally, they must pass a written state examination on technology, court reporting practices, professional ethical obligations, state laws, and procedures. It is stressed in court reporter education and in certification examinations that the role of the court reporter is sacrosanct and protecting legal proceedings is absolutely critical.

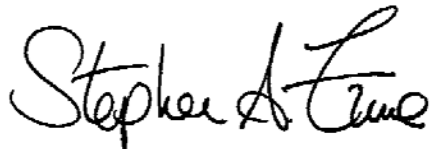
Because of this, overtly differentiating between freelance and official court reporters in a court setting is an unnecessary regulation. If anything, the court will see an increase in reliance on digital audio recording instead using a live court reporter. If the audio becomes the official court record, parties will lose the incentive to bring in their own court reporter, despite the obvious accuracy and timeliness reasons that they may have for doing so. Oftentimes, litigants shy away from digital audio recording because the quality is subpar and it is expensive and time-consuming to create a written transcript from the recordings. In fact, there are dozens of instances around the country where digital audio recordings have been misplaced or lost, have not recorded the proceeding at all, or have had corrupted data. Moving Arizona away from the

national standard of having the court reporter's transcript being the official court record regardless of whether they are employed by the state or not has the potential to seriously impact the quality and integrity of the official court record.

A stronger solution, as proposed by the Arizona Court Reporters Association, would be to implement regulations regarding the archiving and control of the record when the court reporter who is used is not employed by the court. Simple rules that would place the Clerk of Court or another designated court employee in charge of the retention of records solve any concerns that the court would have while not creating an arbitrary distinction between those certified court reporters who are full-time employees of the court and those who are not.

Once again, NCRA certainly understands the court's concerns regarding the control of records by individuals who are not full-time court employees. However, as stated above, the proposed amendment to Rule 30 of the Rules of the Supreme Court of Arizona will only serve to cause confusion over the official court record and cause litigants to rely on digital audio recording even if they would rather use a certified court reporter. If you have any questions on NCRA's submission or would like additional input from NCRA on this matter, please do not hesitate to contact me directly at president@ncra.org, or contact NCRA's Director of Government Relations Adam Finkel at 703-584-9059.

Sincerely,

A handwritten signature in black ink that reads "Stephen A. Zinone". The signature is written in a cursive style with a large, prominent initial "S".

Stephen A. Zinone, RPR
2015-2016 President
National Court Reporters Association