

**ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

NO. 2001-1

STRATEGIC PLAN FOR MAKING THE COURT'S RECORD

This 12th day of April, 2001, IT APPEARS THAT:

Technologies which support the making of a court record are evolving at a rapid pace. Meanwhile, the labor pool of court reporters is shrinking. The Court values the services provided by its court reporters and has made a longstanding commitment that none of its reporters will lose their jobs as a result of the new technologies. Within the context of these realities, the Court has an obligation to make an accurate record of all proceedings and to ensure that the ability to do so is preserved into the long-term future.

This plan will establish a strategy for making the record which recognizes the need to keep pace with advances in technology, provides efficient service to the citizens of Delaware, and helps Court employees adapt to the new requirements stemming from the evolution of tools and expectations in the field of court reporting.

Today, technologies used to make the Court's record include:

- Computer Assisted (CAT) Reporting
- Realtime (RT) Court Reporting
- Analog Video Recording
- Analog Audio Recording
- Digital Audio Recording
- Digital Video Recording

This plan assigns responsibility for management of the record-making process in Superior Court, addresses each of the methods of making a record, deployment of technology resources, assignment of court reporters, and an explanation of transcript preparation.

Management of the Record

The Chief Court Reporter in each county will be accountable for maintaining the record of

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all Court proceedings, without regard to the format of the record, and will coordinate their activities so that the management of the Court's record is consistent across the counties. The formats include:

- Stenographic notes
- CAT recordings on disk
- Digital recordings on CD-ROM, DAT tapes, disk drives, and central servers
- Analog videotape cassettes
- Analog audiotape cassettes
- Realtime notes on disk drives or servers

Methods for Making the Court Record

The first decision point was to determine which proceedings require a court reporter and which do not. This decision was based on the probability that a transcript will be requested for a given type of proceeding.

Computer Aided Transcription (CAT)

Traditional CAT (computer aided transcription) reporters record proceedings using a computerized steno machine which is equipped with a diskette drive. After the proceedings are completed, the data on the diskette is uploaded to the reporter's base computer where CAT software processes the keystrokes against the reporter's personal dictionary and translates them into English. The reporter then edits the result by reading each word, adding proper names and terminology not contained in the dictionary, manually converting "untranslates," resolving conflicts, and adding punctuation. The final result of this process is a certified transcript.

Realtime Reporting

Realtime reporting evolved from CAT systems. Realtime provides almost instantaneously, the text of words spoken in the courtroom on a monitor. Realtime reporting combines the writing, translating and editing phases of CAT into a single function. Thus, participants in the courtroom can read the spoken word a split second after it is spoken. As the reporter writes, signals from the steno machine are processed into English immediately and the words are displayed on a computer monitor or large projection screen. The output of words on a computer screen as recorded by a Realtime reporter is known as Realtime feed. The most

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familiar use of Realtime feed is to provide a text record of the proceedings for participants who are hearing-impaired. Most of the more than 20 million deaf and hard of hearing people in the United States who developed hearing loss after acquiring language skills can benefit from Realtime. Realtime can be provided to witnesses, attorneys, jurors, judges and Court staff, as well as citizens seated in the public gallery.

The ability to display the text of spoken words is also providing new trial management tools to judges and attorneys. Some examples:

- During trial, the judge and attorneys can review and note portions of testimony within their copies of the Realtime feed, on their own computers, without interrupting the proceedings.
- Users of Realtime feed can perform searches for specific words or phrases in the testimony.
- Searches can be preset to tag or highlight certain words or phrases as they occur during testimony.
- Some Realtime programs allow the user to organize and print only those sections where notes were added or where preset words or phrases occur.

Realtime demands a higher level of skill from court reporters and requires that new terminology and proper nouns be loaded into a reporter's dictionary before the proceedings begin, so that the Realtime output will be easy to read by the participants. On November 4, 1999, the judges of Superior Court endorsed a goal of having all the Court's reporters able to do Realtime court reporting. President Judge Ridgely set an intermediate goal of having all trials reported in Realtime, subject to waiver by the judge presiding at trial.

All current reporters hired by Superior Court since January 1, 1978 must be Realtime capable by December 31, 2001. This allows an exception for reporters within three years of eligibility for retirement. All reporters hired in the future will be required to provide Realtime feed within twelve months of hire.

All current court reporters are expected to commence practicing of Realtime reporting by May 1, 2001.

By December 31, 2001, all reporters currently on staff are expected to provide Realtime feed to a judge, witness, counsel or others as required. Acceptable performance, as was the case

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for traditional reporters, will be based on achieving the standard established by the Chief Court Reporters and the feedback provided by judicial officers. Having attained certification as a Realtime reporter, each reporter will be expected to report Realtime on a routine basis to justify the higher classification.

Superior Court Chief Court Reporters will require a 96% translated transcript to certify a reporter in this Court as Realtime ready. This certification standard is comparable to that of the National Court Reporter's Association, which is a 96% accurate transcript. A translation rate of 98% will be required of a reporter before he or she can provide transcripts to anyone outside the Court.

The Court has advised all judges that courtesy copies of RT transcripts are not to be shared with counsel.

Judicial Use of Realtime Feed

The Court will acquire copies of Livenote, a software program which serves as the link between the Realtime reporter and the judge. Based on Judge Fred Silverman's recommendation, Livenote will be the initial standard for use on the bench. Although he has recommended Livenote, Judge Silverman also recognized its limitations and will continue to monitor the market for alternatives with greater functionality. A naming convention for files has been developed and used by judicial officers using Realtime and court reporters providing Realtime feed.

Digital Audio Recording Technology

When digital technology is applied to audio recordings, the recording is stored as a file on a disk drive rather than to an analog audiocassette or reel-to-reel tape. There are many benefits to having audio recordings captured in digital format.

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Portability: Digital recordings can be copied to CD, diskette, DAT digital audio tape, and other media. They can be conveyed as attachments to an e-mail message, downloaded over the web, and they can be played back on any device capable of playing CD's.

Accessibility: Within a Local Area Network (LAN), digital recordings can be stored on a central server and played back on any PC connected to that LAN.

Retrievability: When properly indexed, segments of a digital recording can be played back almost instantly. No more need to rewind or fast-forward a cassette tape again.

Even with these and other benefits, a digital recording can still be converted to analog format and copied to a cassette tape. Each of these benefits apply also to video recording in digital format, if the Court uses this technology in the future.

As we become more familiar with the operation of the digital recording system, it becomes increasingly apparent that it provides many capabilities beyond serving as an alternative means to make the record. For example, being able to query the system (in the courtroom, in chambers or in a support office) for a recording of a previous proceeding involving the same defendant, makes digital recording a very powerful case management tool. Other potential applications:

1. Orientation and education of judicial officers;
2. Supports remote data entry related to courtroom actions in pleas, scheduling, sentencing, bail, etc.;
3. Training courtroom personnel by using live proceedings;
4. Backup system for court reporters when unavailable;
5. Playback statements of attorneys' and defendants' statements when disputes arise;
6. For use by judge, judicial secretary or sentencing clerk to review pronouncement of sentence;
7. Case management tool for use by judge to replay why defendant was rescheduled last time;
8. To refresh a judge's recollection of instructions issued in court;
9. Use as a backup by court reporters who missed a word or statement, when software or hardware malfunctions, when recording in Realtime;
10. Playback live proceedings by court reporters who are developing their Realtime skills outside the courtroom;
11. Allows judge or counsel to take recording of proceeding home for overnight review

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or preparation for the following day.

Deployment of Technology Resources

Realtime

High volume events, such as case reviews, are not necessary in Realtime unless circumstances arise where Realtime feed is needed to make ADA accommodations, i.e. for a hearing-impaired participant attending non-trial proceedings.

- The Court has sought ways to make the transition to Realtime attractive to existing staff, resulting in the following:
- The Court has proposed a separate classification, with higher paygrade, for Realtime reporters.
- The Court has obtained some equipment and cabling to support courtroom connections from the various stenotype machines.
- The Court has adopted an amended fee schedule, which was developed by the Chief Court Reporters. This new fee schedule distinguishes transcript production of Realtime recordings from transcripts produced by traditional methods, elevating this service to a level comparable to daily copy transcripts. A copy of the new transcript fee is attached to this plan as Appendix A.

Except when Realtime is needed to provide ADA accommodations to a courtroom participant, the use of Realtime reporting will be limited to trials, jury selection (capital murder cases), penalty hearings, suppression hearings and proof positive hearings, unless Realtime recording is requested by a judge for other proceedings.

Traditional Reporting

Traditional court reporting will be used for all other events not recorded digitally or by use of analog recording. When there is a shortage of reporters (vacation, sickness, vacant positions, etc.) and no court reporter is available from another county, other proceedings may be recorded by digital audio. Without exception, however, all trials will be recorded stenographically. Deployment of reporters under such circumstances is left to the discretion

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of the Chief Court Reporter, or designee, in each county.

Digital Recording

Courtrooms in each county are equipped with digital audio recording capability and the plan is to equip additional courtrooms as subsequent grants are awarded. Digital audio recording will be used for all arraignments, Drug Court entry hearings and status conferences, arraignments, bail motions, capias returns, welfare fraud pleas, financial contempt hearings, and other proceedings, which have a lower rate of requests for transcripts. When a sufficient number of courtrooms has been equipped, digital audio will also be used to record calendar calls, case reviews and final case reviews. A stenographic record will continue to be required for guilty pleas and sentencings taken during these hearings, however. The use of digital video recording will begin initially as a training tool and will be accompanied by another means of recording, in accord with the criteria established above. Other uses of digital video will be determined after further experience and study.

The courtroom clerk or case manager on duty in the courtroom will be responsible for entry of tagging information to the recording index and insuring the digital recording equipment is operating.

Analog Recording

Analog video recording may be used for video arraignments, bail motions, capias returns and involuntary commitment hearings. Analog audio recording may be used for involuntary commitment hearings as well.

Assignment of Court Reporter

As previously indicated, priority will be given to assigning Realtime reporters to trials, jury selection in capital murder cases, suppression hearings, penalty hearings and proof-positive hearings. This will create an additional incentive for traditional reporters to learn Realtime. Non-Realtime reporters will be assigned to case reviews/pleas, office conferences, arguments, motions and other proceedings, which seldom result in requests for transcript. Proceedings such as case reviews, pleas, and sentencings, which often result in transcript requests and would most benefit from digital recording for case management purposes, would be recorded simultaneously by court reporters and digital audio recording.

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Transcripts

Inevitably, there will be requests for transcript of proceedings, which were not recorded by a reporter. In such cases, the digital audio recording is the official record and the source for generating a transcript. The Chief Court Reporters will devise a plan for assignment of such requests for transcript. All work and job duties are distributed equally and fairly on a rotational basis.

President Judge

oc: Prothonotaries
xc: Superior Court Judges
Superior Court Commissioners
Court Administrator
Case Scheduling Offices
Law Libraries
Superior Court Masters
Web Page
File

**SUPERIOR COURT REPORTERS
SCHEDULE OF COURT TRANSCRIPT RATES**

All attorneys of record must be notified by the reporter when any part or all of a court transcript is ordered, in both civil and criminal cases not on appeal, and when trial is in progress. Requirements under Supreme Court Rule 7 give notice to all counsel of record in appeal cases.

BASE RATE:

Per Page

Original and one copy to ordering party	\$2.75
One copy to opposing and/or other party	1.85

EXPEDITED RATE:

Original and one copy to ordering party	4.10
One copy to opposing and/or other party	2.75

DAILY COPY:

Original and one copy to ordering party	5.50
One copy to opposing and/or other party	3.70
Both sides sharing complete cost for original and two copies	4.60
Recopy during course of daily	1.85

RECOPY OF ANY OF THE ABOVE:

To party having already ordered one copy	1.00
To party or nonparty not having ordered at time of transcribing	1.85

ASCII DISKS:

Per half day, with transcript	25.00
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Appendix A

REALTIME RATES

CRIMINAL

Rough draft to ordering party	2.75 pg
Rough draft to opposing or other party	1.85 pg

CIVIL RATES

Rough draft for ordering party	2.50 pg
Plus mandatory transcript rates (original party)	2.75 pg
Rough draft	2.50 pg
Plus mandatory transcript rates for other party	1.85 pg