

Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701-1688

RE: Rule Petition 19-01 relating to making the record

Dear Honorable Justices of the Supreme Court:

I write this letter to express my concerns regarding treating Digital Audio Recording (“DAR”) as the equivalent of the transcript from an official court reporter.

The DAR system makes it impossible to utilize Realtime information during a trial or hearing. All three judges in Chippewa County use the Realtime reporting feature for all court hearings. The reason for this is it increases the accuracy of evidentiary rulings, allows greater efficiency in discussing on the record plea agreements and stipulations, and understanding witnesses and attorneys who are soft spoken, mumble, and talk rapidly. There is no question the use of Realtime allows me to make rulings and decisions more accurately and faster. The quality of my work would be compromised if I do not have this tool available to me.

The petition also eliminates my ability to insist the court reporter I have with me uses Realtime or even if I have a court reporter. This transfer of authority from the circuit courts to the bureaucracy would be a terrible loss of control over my courtroom and leave me at the whim of a person who has never been a judge.

While some persons do not perceive a problem with the transcripts from DAR, I have been informed of transcripts where significant portions of the transcript have been declared inaudible. This was a problem I experienced in private practice in bankruptcy courts and in other hearings that were digitally recorded. There has not been a technology created that can really replace the human ear in discerning voices when multiple people are speaking at once or when other noises are present in the room when a person is speaking.

While I recognize there is a great deal of pressure on the court system to address the shortage of court reporters by having the DAR system recognized as the equivalent of having a court reporter, I do not believe using an “easy fix” to the problem is the correct decision. An inferior product remains an inferior product.

I recommend the court keep the *status quo* and utilize DAR only when a court reporter is not available. Please also allow circuit court judges to retain their authority to determine how matters are recorded in their courtrooms.

Respectfully,

/s/

Steven R. Cray Circuit Court Judge

Br. 3 Chippewa County