

States That Use Electronic Recording Technology for Trial Court Proceedings*

(Updated: 10-21-09)

States Where All Courts Use Electronic Recording (ER) in Lieu of Court Reporters

(DAR= Digital audio recording; CRs = Court reporters)

Alaska⁴	Since Alaska became a state 50 years ago, its state courts have relied on tape recording and, in the past several years, digital recording systems for capturing the verbatim record of court proceedings. They have no CRs. (Vendor: CourtSmart)
Kentucky⁴	Digital video recording is the official court record in all trial courts; they've been using video recording for 15 years. (Vendor: JAVS – Jefferson Audio-Visual.) CRs can be used if requested, but there are 2 or fewer CRs working in the state's 120 counties.
New Hampshire⁴	All their courts use electronic audio or video recordings in lieu of CRs. Began moving to electronic audio recording and replacing CRs through attrition in 1994. Laid off all remaining CRs in 2003 (during budget cuts). They have no CRs; rely entirely on digital audio and/or video recording for the official court record. (Vendor: FTR)
Utah¹	All their courts use digital video (25 courtrooms) or digital audio recordings (over 100 courtrooms) in lieu of CRs. Utah eliminated the last of their CRs in 2008. (Vendor: FTR)
Vermont¹	All their courts use ER in lieu of CRs: digital video installed in 1 courtroom in each county; all other courtrooms have digital audio systems. (Vendor: FTR) They have no CRs. Contract with private agency to provide transcription services.

States Where Many Courts Use ER in Lieu of Court Reporters

Arizona^{1, 4}	ER is used in many courts throughout the state. 80% of courtrooms have ER systems. All limited jurisdiction courts use ER. (Vendor: primarily FTR) They replace CRs with DAR through attrition in most places. CRs remain the preferred way to record serious felony and complex civil trials. Pima County (Tucson) retains a mix of DAR and CRs; the courts are <i>not</i> "moving back to CRs" but plan to retain a mix. Pima has had difficulty finding certified CRs and keep ads running in various professional journals to fill occasional vacancies.
California⁴	Most limited jurisdiction courts use DAR. CA Code limits courts to using ER only in misdemeanor, limited civil (under \$25,000), and infractions cases.
Colorado¹	All magistrates (80) and county court judges (111; limited jurisdiction) use DAR. The 165 district court judges (general jurisdiction) receive funding for a court reporter, which the judges can use to purchase DAR if they wish. Many do use DAR, but the state court administrator's office did not know how many; it's a local decision. (Vendor: FTR)
Connecticut¹	Most trial courts use DAR. They have been using audio recording systems to replace CRs since the 1990s. They currently have tape recording equipment in about 150 courtrooms, DAR in more than 100 courtrooms, and still have 47

	CRs. (Vendor: FTR)
District of Columbia ^{3, 4}	DAR equipment is installed in all 89 courtrooms. They started ER in 1998 (originally audio tape, but moving toward digital recordings). CRs continue to keep the record in Felony I and II and Civil I and II trials and motion hearings. DAR is used in all arraignments, sentencing hearings, small claims, and landlord/tenant cases and in most domestic and probate hearings. (Vendor: FTR until 2004; CourtSmart since then)
Florida ⁴	Most judicial districts use DAR for most court proceedings, though they have retained CRs, who work primarily in felony cases; they use DAR in all case types with a low probability of appeal. (Vendors: CourtSmart, FTR)
Illinois ⁴	Supreme Court offers DAR to any circuit (district) court that requests it and plans to install DAR in all courtrooms. (Vendors: FTR, CourtSmart) But they have kept the CRs, who still create the record in many cases; they also manage the recording equipment and produce the transcripts from audio recordings.
Indiana ¹	DAR is used in many courts. It's a local option.
Maryland ⁴	All circuit courts (general jurisdiction) have DAR capability (110 courtrooms in 35 locations; vendor: Court Smart); and all limited jurisdiction courts use it for all cases. MD did not lay off court reporters. They monitor the recording equipment and produce the verbatim record upon request.
Michigan ⁴	DAR is used in many MI courts; decisions on this issue are made at the county level. Each judge has either a court reporter or court recorder (if they are using DAR). MI certifies both court reporters and court recorders. (Vendor: JAVS, others)
Minnesota ¹	Hennepin Co (Minneapolis) has DAR in many courtrooms, which are monitored from a single control room. (Vendor: Court Smart). Other judicial districts have also installed DAR in courtrooms. (Other vendors: High Criteria, FTR). No statewide standard or contract. Many districts install DAR when a CR retires. All districts are moving in this direction.
Missouri	Almost all counties in MO have installed DAR for recording some or many types of proceedings (Vendor: FTR)
Nebraska ⁵	DAR is used for all case types in 60% of the County Courts (limited jurisdiction); and will be in 100% of the County Courts in 2 years. (Vendors: Equipment: JCG Technologies; Software: Liberty/High Criteria) CRs keep the verbatim record in general jurisdiction courts.
New Jersey ¹	NJ has over 400 courtrooms: 332 (83%) use either video (60) or audio recording systems (272) for court proceedings. They have retained 68 court reporters; they cover primarily serious criminal and complex civil cases. They currently have mix of digital and older analog tape recording systems. By 2011, all 400 courtrooms will have digital recording systems, though they will retain 68 – 73 court reporters for the case types listed above. (Vendor: Court Smart) They have their own certification program for transcriptionists.
New Mexico ¹	DAR is used in all family, domestic abuse, juvenile, mental health, and limited jurisdiction court proceedings. (Vendors: District Courts -- FTR; Metro Court – CourtSmart). CRs are used in all serious criminal and civil law cases. (<u>Note</u> : In

	the early 1980s, NM implemented electronic recording statewide -- using audio tape recorders. Problems arose due to deterioration of the tapes in the arid N.M. climate and complaints about the quality of the recordings. They switched back to CRs in serious criminal and general jurisdiction civil cases in 1989 and have maintained the mix of ER and CRs described above since then.)
New York ⁶	At least 1,200 local/limited jurisdiction courts use digital recording systems in most or all types of cases (Vendor: High Criteria); many state courts also use digital recording systems for at least some types of cases (Vendor: FTR).
North Dakota ¹	Most courtrooms use DAR. They still have 20 CRs, who will be phased out through attrition. (Vendor: VIQ – Voice IQ.)
North Carolina ⁶	400 courtrooms have digital recording systems for use in some or many types of cases (Vendor: High Criteria)
Ohio ¹	Many general and limited jurisdiction courts use DAR in lieu of CRs for some or all case types. OH has a highly decentralized court system. Each court makes its own decision on this issue.
Oregon ¹	Almost all courts use DAR. There are 173 general jurisdiction judges in their Circuit (like our District) Courts, but there are only 9 CRs. (Vendors: Court Smart and FTR; decisions made by local courts.)
Washington ⁴	Many courts of all types have used electronic recording for the verbatim record and have done so for many years. It's a local option (not mandated).
Federal Courts ²	In the federal trial courts, district judges (approximately 750) by law <u>must</u> each have at least one (steno) court reporter. Federal magistrates (approximately 550) and bankruptcy judges (approximately 340) are not provided staff court reporters, though they could hire contract court reporters. Most magistrates and bankruptcy judges rely primarily on digital audio recording. (Vendors: FTR, Court Smart.)

Other states

Texas ^{1, 4, 5}	A deputy state court administrator could not identify how many TX courts use DAR, though some do use it. Texas has a highly decentralized court system (county and locally funded and operated and judges locally elected). Each local court decides whether to use ER or CRs for court proceedings. Consequently, ER was never implemented statewide, so it could not “go back” to CRs (as suggested in one of the reports from California), though one or more local courts apparently tried ER and went back to CRs.
Wisconsin ¹	ER is authorized in WI, but few courts have implemented audio recording in lieu of CRs.

*Endnotes: Information in this table is based on multiple sources:

1. Phone calls to state court administration offices;
2. Email exchanges with court managers;
3. A survey conducted on this issue by the WI state court administrator’s office in 2007;
4. A survey of state court administrators conducted on this issue by National Center for State Courts (NCSC) in 2008; and

5. A survey conducted in February 2009 by John Goerdt, Dep. State Court Administrator, via a list-serve coordinated by the NCSC.

6. Information obtained from DAR vendors.

Note: There could be additional states that use ER in lieu of CRs in some of their courts, but no one from the state responded to any of the surveys identified above. However, states where ER is not used in lieu of CRs would probably be the ones least likely to respond to a survey on this issue.

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