

# DART Committee: Site Visit Report on Rochester, MN

By Scott Hand, Court Administrator,, 2<sup>nd</sup> Judicial District

Court Name & Location: **Rochester, MN (Olmsted County)**

Site visit date: **September 2, 2009**

Site visit team members: **Judge Bill Pattinson; Judge Lucy Gamon; Scott Ruhnke, Senior System Administrator; Scott Hand, District Court Administrator; and Kelly Moore, court reporter**

## 1. Court Background Information

a. Number of judges

i. # of general jurisdiction judges: **6**

**(All judges are general jurisdiction and are elected.)**

ii. # of limited jurisdiction judges: **none**

iii. Total # of judges: **6**

b. Number of courtrooms: **7**

c. Number of court reporters employed by court: **6 (one for each judge)**

i. Number of certified steno court reporters: **3**

ii. Number of certified electronic court reporters: **3**

d. Number of electronic recording monitors who are not certified court reporters: **None.**  
**(May be certified steno or certified electronic.)**

e. Source of funding for DART (local, county, state):

**They were able to use state "spend-down" money (end of fiscal year money)**

## 2. Judicial support staff for each judge (# and types):

**Law Clerk, Support Clerk (orders & data entry), Court Reporter (Steno or ER)**

## 3. History of electronic recording in this court

a. Year they began using electronic (tape or digital):

b. Year they began using digital recording: **September of 2006**

c. **Reason(s)** why they implemented digital recording: **Shortage of court reporters due to loss of court reporting school; Court reporters can earn more doing closed captioning; Also, their old Sony tape system was no longer capable of being supported.**

d. Which DART system (e.g., FTR): **For the Record (FTR) – server based**

e. Reasons they selected this system rather than one of the others: **Price and Features**

f. Have they always used this vendor? (If "no" – explain): **Yes, since giving up the Sony tape system in 2005. (It is server based and easy for the clerk to keep backed up.)**

## 4. Description of the DART system

a. How many courtrooms have a DART system? **7**

- i. # with audio only: **7**
  - ii. # with video: **None. Video is not allowed by Minnesota statute, strict interpretation of cameras in the courtroom**
  - iii. If only some have video, explain why some do and some do not: **n/a**
- b. What DART-related equipment is in each courtroom?**
- i. PC-based vs. proprietary recorder system? **Both**
  - ii. Describe the PC: **Current ICIS-purchased PC's meet the specifications.**
    - a) Processor: **Includes CD burner**
    - b) Hard drive (#G-bytes)
  - iii. # microphones (and location in courtroom): **5 - 8**
  - iv. Type of A/V mixer (max. # of channels): **4**
  - v. Describe PA system: **New, state of the art**
  - vi. Conference phone integrated with system? **No**
  - vii. Remote interpreter equipment integrated with system? **Just starting to test this functionality, but it is supported in their system.**

**Note: there is a red LED digital clock that runs when the system is recording. This lets everyone know that they are on the record.**

- c. Back-up and long-term archiving of digital recordings**
- i. Describe how the digital recordings are backed-up each day: **PC to server replications. Records are kept 18 months on the server. The court reporter also makes a CD every 3 days.**
  - ii. Describe how they are archived for long-term storage (DVDs v. network): **DVD and network. DVD's stored off site for Disaster Recovery.**
- d. Cost per courtroom for their DART system (best estimates)**
- i. PC (with A/V card)
  - ii. Digital recording management software
  - iii. Microphones
  - iv. AV mixer
  - v. Cables
  - vi. Cameras **(no cameras with this install)**
  - vii. Installation cost
  - viii. Annual service agreement for equipment
  - ix. Annual service agreement for software: **None**
  - x. # of courtroom staff to operate/monitor system

- xi. [Additional central tech staff to manage DART for all courtrooms?]: **Utilize court reporter**
- xii. TOTAL Cost per courtroom: **Do not have specific breakdown, roughly \$14,500 per courtroom, plus new PA systems, plus court reporter cost to run system. Total cost of \$100,000 for 7 courtrooms + cost for new sound systems.**

**5. Daily management of the digital recording system In the courtrooms**

- a. Staff in each courtroom: **Court reporter**
- b. Central management staff? **Minimal IT**
- c. Explain staffing assignments (*see above*)
- d. Explain daily procedures for those who manage the system: **Staff will “pop” the microphones to be sure they are on. Red digital clock in front of courtroom indicates system is functioning.**

**6. Courtroom procedures for attorneys and litigants to ensure complete and clear recordings**

- a. Explain procedures: **Participants told to speak loudly, clearly and to speak into a microphone**
- b. Problems or issues for attorneys/litigants: **Have not experienced any problems using digital recording equipment. The inconvenience while in court to ensure you are near a microphone is light.**

**7. Challenges presented by the use of DART:**

- a. Jury selection: **Use extra microphones**
- b. Requests for playback of witness testimony or attorney questions: **No challenges, immediate playback by court reporter utilizing log notes and a hyperlink**
- c. Distribution/use of the audio/video records (any restrictions/limits?)
  - i. E.g.: MN – digital records are not public records; not available to public?  
**Digital audio record is distributed openly for charge on CD media, \$10 charge per CD. It’s not the official court record.**

**8. Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)**

- a. Observations of judges: **Positive, but a court reporter is almost always, if not always, in the courtroom**
- b. Observations of attorneys
- c. Observations of clerk: **FTR can be started remotely, but you lose “confidence monitoring feature.”**

**Digital recording is used in all proceeding, steno in addition on occasion. Rochester always has a court reporter in the court room.**

**9. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)**

- a. Observations of judges: **They do not record proceedings without a court reporter.**
- b. Observations of attorneys

**10. Reliability of the DART system** (% of time that it operates with technical problems or failures)

- a. Hardware: **Extremely reliable. They have never lost a record. All records are available from the "work station," an in-house network. In 3 years they have used 1 terabyte of space.**
- b. Software: **Extremely reliable.**
- c. Human error:

**11. Accuracy of the digital records:** Completeness and clarity of the digital recordings: Issues and concerns

- a. Observations of judges: **No complaints ever.**
- b. Observations of court manager/tech staff: **The quality is tremendous.**
- c. Observations of court reporters/DART monitors: **She has not had any problems creating transcripts, can isolate tracks, and can put interpreters on one track.**
- d. Observations of attorneys:

**No concerns expressed by any group.**

**12. Written transcripts**

- a. Who produces them? **Certified in-house court reporters**
- b. *Qualifications for transcriptionists?* **Must be a certified stenographic court reporter or a certified electronic court reporter.**
- c. Process for requesting & obtaining a transcript: **Put request in writing and present to court reporter who recorded or reported the hearing. Original plus one copy of a criminal proceeding is \$3.50 per page. Original plus one copy of a civil proceeding is \$4.50 per page.**

d. Completeness and accuracy of written transcripts: Issues and concerns

- i. Observations of judges: **Quality of the audio record is excellent. No real issues or concerns because a certified court reporter is monitoring the court proceedings and is subsequently preparing the transcript.**
  - ii. Observations of attorneys:

### **13. Advantages of courtroom DART systems**

- a. Observations of judges: **A judge can enter his or her own log notes to mark the record for later listening. There is a free download to a player – can sit anyplace to listen. Ease of use. No concerns about carpal tunnel with court reporter.**
- b. Observations of court manager/tech staff: **FTR is user friendly. Any questions can be e-mailed.**
- c. Observations of court reporters/DART monitors: **Less taxing on the body, can listen to proceedings to prepare transcript over and over if want to, a different method of reporting the proceedings, if on medical leave, can usually come back to work quicker. The audio is available within seconds, and oftentimes eliminates the need for a transcript. If a court reporter retires or changes employment, there is no issue of interpreting other court reporters shorthand notes/abbreviations.**
- d. Observations of attorneys: **The ability to quickly locate specific portions of the digital record and play it in the original format is outstanding.**

### **14. Disadvantages of & problems with courtroom DART systems**

- a. Observations of judges:
- b. Observations of court manager/tech staff: **There were 2 days when the network was down, but no records were lost, as they still went to the C drive. Das.com out of Minneapolis is a certified re-seller and does tech support.**
- c. Observations of court reporters/DART monitors: **There are some problems with remote interpreters (echo). It takes longer to prepare the transcript.**
- d. Observations of attorneys: **Need to ensure that you are near a microphone.**

### **15. Satisfaction with their DART system: Would they recommend it? (Explain)**

- a. Observations of judges: **Appellate judges have never complained. District court judges were used to audio tape recording and don't notice a difference. This is the way to go – with technology advances – it is harder and harder to find steno reporters.**
- b. Observations of court manager/tech staff: **He would have preferred "Court Smart," but it is 35% more expensive. Acoustics are not a problem, even in "bad" courtrooms.**
- c. Observations of court reporters/DART monitors: **They liked that it was less taxing on the body and that it provided a good record in order to prepare the transcript. They have really had no problems with utilizing the DART system, emphasizing that it is crucial that a certified court reporter monitor and run the equipment and produce the transcripts. Also said that FTR had good customer service and was very satisfied with the company.**
- d. Observations of attorneys: **They were used to audio taping. They don't notice a**

**difference. Courtroom clock is helpful to show that system is running and can use it to request a specific portion of the transcript.**

**16. Recommendations/cautions for the Iowa courts regarding DART**

- a. Observations of judges: **Rate the accuracy and completeness of the record as excellent as well as the clarity and completeness of the digital recording.**
- b. Observations of court manager/tech staff: **Court Smart has an in-house service, which he prefers. A good mixer is essential to adjust sound levels.**
- c. Observations of court reporters/DART monitors: **Have a certified court reporter run the equipment. Have no complaints about the equipment or the quality of the record or transcript.**
- d. Observations of attorneys: **“Benefits greatly outweigh the disadvantages”.**