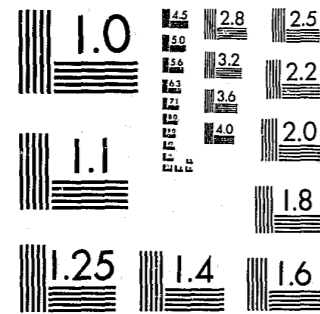


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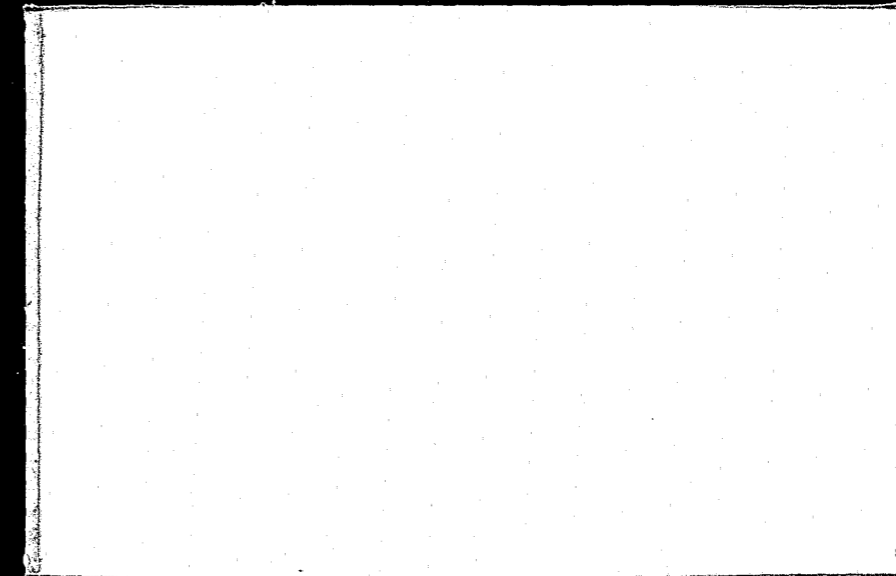
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Report



National Center for State Courts

73047

Northeastern Regional Office

COURT REPORTING SERVICES

IN

NEW JERSEY

November 22, 1978

NCJRS

NOV 4 1980

ACQUISITIONS



National Center for State Courts
Osgood Hill
723 Osgood St.
North Andover, Massachusetts 01845

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National Center for State Courts

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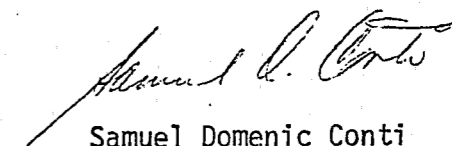
Hon. Arthur J. Simpson, Jr., J.A.D.
Acting Administrative Director of the Courts
402 State House Annex, CN-037
Trenton, New Jersey 08625

Dear Judge Simpson:

Enclosed is our report entitled Court Reporting Services in New Jersey. A digest and recommendations have been included in the report to facilitate review.

Members of the judicial branch and many others called upon as we prepared the report were most gracious and cooperative. It has been a great pleasure for us to conduct this study which we hope will be of assistance to you. If we may provide anything further please call upon us.

Very truly yours,


Samuel Domenic Conti

SDC/jh
Enclosure

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NEW JERSEY GOALS

"... we can improve the services to the public and reduce the cost without reducing the reporter's income.

... we can improve with technology and with management the delivery of reporting and transcript services and reduce the cost at the same time."

From the remarks of Arthur J. Simpson, Jr., J.A.D., Acting Administrative Director of the Courts (New Jersey) at the 75th National Shorthand Reporters Association, August 4, 1976 (page 25 of Annual Proceedings).

ACKNOWLEDGMENTS

This study could not possibly have been undertaken without considerable assistance from a large number of people in the New Jersey court system. Giving critical guidance were the Honorable Arthur J. Simpson, Jr., Acting Administrative Director of the Courts, and Mrs. Florence R. Peskoe, Deputy Director. Invaluable aid was also rendered by Clerk of the Appellate Division of Superior Court Elizabeth McLaughlin and her staff, Chief of Court Reporting Services Robert W. McIntosh and his staff, Supervisor of Sound Recording Thomas F. Fillebrown and his staff. Nor could the project have succeeded without the willing assistance of George P. Cook, Chief of Court Planning, George J. Sikora, Chief, Judicial Management Information Systems, Joseph E. Ribsam, Data Processing Analyst I in the Judicial Management Information Systems Section, and Richard Vaughn, Chief Fiscal Officer.

Particular gratitude must also be expressed to State Court Administrators for three other states: Arthur H. Snowden, II, Alaska; Carl F. Bianchi, Idaho; and James James, Kansas.

Our gratitude is also extended to the presiding judges of the Appellate Division of the Superior Court, trial court administrators, reporter supervisors, and assistant reporter supervisors in the several vicinages, and officers of the Certified Shorthand Reporters Association of New Jersey. Nor do we wish to overlook the numerous other court officials and employees who gave time and information to National Center project staff.

COURT REPORTING SERVICES IN NEW JERSEY

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DIGEST AND RECOMMENDATIONS

DIGEST AND RECOMMENDATIONS

A. Digest

New Jersey's appellate courts -- the Supreme Court and the Appellate Division of the Superior Court -- have in recent years experienced great increases in case volume with resulting delay. The commissioning of this study was among the steps taken by the Administrative Office of the Courts to address those problems insofar as they are affected by transcript production delay.

While New Jersey's system for management of court reporting services is one of the most sophisticated in the nation,* transcripts for cases on appeal average over 100 days from date of order to filing date. Transcript delay occurs for a variety of reasons. Management techniques already available in the system are not being used to their full potential.

This report deals extensively with the present state of court reporting services in New Jersey before presenting its recommendations, which result from analysis of that state. Among the areas considered are the certification of reporters to serve in the courts, their assignment and supervision, and their income. Transcript order, preparation, format and fees are further subjects for consideration.

*See National Center for State Courts, Management of Court Reporting Services (August 1976): New Jersey's system comports with virtually all of what is recommended in that report. Many areas of inquiry were well functioning. Among these were the management and operation of the Office of Sound Recording Services, quality of sound recording equipment used, costs for daily and expedited copy, reporter income statements, transcript order mechanisms, and evaluation forms.

The report then compares the existing system with several options for the future direction of court reporting in the state. Finding in the cost/benefit analysis that audio reporting is equal in performance to and less costly than any other technique now employed, the report urges, nonetheless, that during a two-year period, its other recommendations be implemented to attain the maximum effectiveness of the existing system which relies primarily on machine shorthand reporters. After the interim test period the court should again prepare a cost benefit analysis. If at that time machine shorthand reporting has not improved markedly in light of desired performance, an all-audio system should be adopted as best serving long-term court reporting needs in New Jersey.

Following are the specific recommendations made as a result of this study.

B. Recommendations

RECOMMENDATION 1.

THE STATUTORY PROVISION FOR ELIGIBILITY TO BE CERTIFIED AS A REPORTER SHOULD BE LOWERED FROM 21 TO 18 YEARS OF AGE. (p. 114)

RECOMMENDATION 2.

SINCE A PRIMARY USE OF REPORTERS IS IN THE COURTS THE STATUTE CREATING THE STATE BOARD OF SHORTHAND REPORTING SHOULD BE AMENDED. THE CERTIFICATION PROCESS SHOULD BE BY A BOARD APPOINTED BY THE SUPREME COURT AND RESPONSIBLE TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS. PROVISION SHOULD BE MADE, HOWEVER, THAT THE BOARD BE CONSTITUTED TO ENSURE REPRESENTATION OF REPORTERS NOT PRIMARILY IN COURT WORK AND THOSE NOT SHORTHAND TRAINED. THE NEWLY-CREATED BOARD SHOULD BE NAMED THE "STATE BOARD OF REPORTER CERTIFICATION." (p. 114)

RECOMMENDATION 3.

THE STATE BOARD OF REPORTER CERTIFICATION SHOULD REVIEW PERIODICALLY THE NATURE OF THE CERTIFICATION EXAMINATION AND REVISE IT AS NECESSARY, PARTICULARLY IN LIGHT OF THE CHANGING TECHNOLOGIES IN THE FIELD OF REPORTING. (p. 115)

RECOMMENDATION 4

ELIGIBILITY FOR CERTIFICATION TO BE A COURT REPORTER SHOULD NOT BE LIMITED TO THOSE PERSONS TRAINED IN THE MANUAL SHORTHAND OR MACHINE SHORTHAND (STENOGRAPH) TECHNIQUES. PERSONS USING ANY ACCURATE REPORTING METHOD SHOULD BE ELIGIBLE TO TAKE PRE-TESTS AUTHORIZED BY THE ADMINISTRATIVE OFFICE OF THE COURTS IN ORDER TO QUALIFY TO BE CANDIDATES FOR CERTIFICATION. (p. 115)

RECOMMENDATION 5.

THE CERTIFICATION EXAMINATION SHOULD BE REVISED TO INCLUDE AN OPTIONAL SECTION ON COURT PROCEDURE, TO BE DEVELOPED BY THE ADMINISTRATIVE OFFICE OF THE COURTS IN COOPERATION WITH THE STATE BOARD OF REPORTER CERTIFICATION. (p. 116)

RECOMMENDATION 6.

THE STATE BOARD OF REPORTER CERTIFICATION SHOULD COLLECT, AND HAVE AVAILABLE DATA ON THE PASS AND FAIL RATES OF CERTIFICATION EXAMINATION CANDIDATES TO ENABLE AN ACCOUNTING OF THE PASS/FAIL RATIO BY NAME OF THE TRAINING INSTITUTION. (p. 117)

RECOMMENDATION 7.

TO FACILITATE POLICY MAKING AND THE EMPLOYMENT OF CERTIFIED COURT REPORTERS, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD REQUEST THAT THE CERTIFIED SHORTHAND REPORTERS ASSOCIATION OF NEW JERSEY AND THE STATE BOARD OF REPORTER CERTIFICATION PROVIDE IT AT LEAST ANNUALLY WITH INFORMATION ABOUT THE TRAINING AND AVAILABILITY OF REPORTERS. (p. 117)

RECOMMENDATION 8.

A BROCHURE SHOULD BE DEVELOPED WHICH DESCRIBES FOR COURT REPORTER CANDIDATES THE BASIC PROCEDURES AND PRACTICES IN THE NEW JERSEY COURT SYSTEM AS AN AID TO TAKING COURT ORIENTATION SEGMENTS OF THE CERTIFICATION EXAMINATION. (p. 118)

RECOMMENDATION 9.

SINCE IT HAS BEEN ASSERTED THAT THERE NO LONGER IS A SHORTAGE OF QUALIFIED, CERTIFIED SHORTHAND REPORTERS IN NEW JERSEY, THE COURT SYSTEM SHOULD DISCONTINUE ITS USE OF NON-CERTIFIED, BUT "ADMINISTRATIVELY QUALIFIED" COURT REPORTERS AND REQUIRE THAT ALL FREE-LANCE REPORTERS EMPLOYED BY THE COURTS ON A PER DIEM BASIS BE CERTIFIED. (p. 119)

RECOMMENDATION 10.

DETERMINATION OF THE LEVEL OF PERSONNEL TO PROVIDE COURT REPORTING SERVICES IN SUPERIOR COURT SHOULD NO LONGER BE BASED ON THE ASSUMPTION OF A ONE-TO-ONE RATIO TO JUDGES. INSTEAD, THE NUMBER OF COURT REPORTERS ASSIGNED TO EACH VICINAGE SHOULD EXCEED BY AT LEAST ONE THE NUMBER OF JUDGES ORDINARILY ASSIGNED TO THAT VICINAGE. (p. 119)

RECOMMENDATION 11.

THE CHIEF OF COURT REPORTING SERVICES SHOULD BE ASSIGNED EXPANDED AND ALTERED RESPONSIBILITIES. HIS FUNCTIONS SHOULD INCLUDE THE FOLLOWING:

- (A) ANALYSIS OF THE EFFECTIVENESS WITH WHICH COURT REPORTING SERVICES ARE BEING PROVIDED, WITH PARTICULAR ATTENTION TO THE TIMELINESS OF TRANSCRIPT PREPARATION AND FILING;
- (B) ACTIVE SUPERVISION AND GUIDANCE TO REPORTER SUPERVISORS TO ASSURE THAT THEIR ASSIGNMENT AND ROTATION PRACTICES SERVE THE COURTS' NEED FOR BOTH ACCURATE RECORDATION AND TIMELY TRANSCRIPTION;
- (C) EVALUATION OF REPORTER WORK PERFORMANCE;
- (D) IDENTIFICATION OF REPORTERS TO BE REWARDED FOR MERITORIOUS SERVICE;
- (E) CONDUCT A DETAILED ANALYSIS EACH YEAR OF CONFIDENTIAL REPORTER INCOME STATEMENTS TO AID THE ADMINISTRATIVE OFFICE OF THE COURTS IN ITS ASSESSMENT OF REPORTER SALARY LEVELS AND TRANSCRIPT FEE RATES;

(F) CLOSE EXAMINATION OF REPORTER COMPLIANCE WITH APPLICABLE COURT REGULATIONS, AND CONSISTENT APPLICATION OF APPROPRIATE SANCTIONS FOR NONCOMPLIANCE;

(G) PROVISION FOR INITIAL ORIENTATION AND CONTINUING TRAINING FOR SUPERVISORS AND REPORTERS.

THE CHIEF OF COURT REPORTING SERVICES SHOULD NOT CONSUME HIS TIME WITH DAY-TO-DAY ASSISTANCE TO SUPERVISORS IN THE ENGAGEMENT OF PER-DIEM REPORTERS, NOR WITH INDIVIDUAL REPORTER PERSONNEL PROBLEMS MORE APPROPRIATELY THE RESPONSIBILITY OF THE TRIAL COURT ADMINISTRATORS AND THE LOCAL SUPERVISORS. (p. 120)

RECOMMENDATION 12.

WITH THE ACTIVE INVOLVEMENT OF COURT REPORTER SUPERVISORS, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD COMPARE DIFFERENT METHODS FOR ESTIMATING TRANSCRIPT PAGES, ADOPT THE METHOD FOUND MOST EFFECTIVE, AND EMPLOY MEANS TO ENCOURAGE ACCURATE PAGE ESTIMATES BY REPORTERS, INCLUDING COMPARISON OF ESTIMATED AND ACTUAL PAGES BY COURT REPORTER SUPERVISORS. (p.121)

RECOMMENDATION 13.

THE TRIAL COURT ADMINISTRATORS SHOULD BE ASSIGNED MORE ACTIVE RESPONSIBILITY IN THE MANAGEMENT OF COURT REPORTING SERVICES. THEY SHOULD BE RESPONSIBLE FOR SUPERINTENDENCE OF THE LOCAL REPORTER SUPERVISORS AND SHOULD SERVE AS A MANAGEMENT LINK TO THE CHIEF OF COURT REPORTING SERVICES. IN ADDITION, THE TRIAL COURT ADMINISTRATORS SHOULD OVERSEE REPORTER PERSONNEL PROBLEMS AND ASSIGNMENT, AND THEY SHOULD BE RESPONSIBLE FOR REPORTER SPACE ALLOCATION, NOTE STORAGE, PROCUREMENT OF SUPPLIES AND CAT SERVICES. (p. 123)

RECOMMENDATION 14.

REPORTER SUPERVISORS SHOULD BE APPOINTED ACCORDING TO EXPLICIT CRITERIA ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. SUCH CRITERIA SHOULD INCLUDE EVIDENCE OF POTENTIAL MANAGEMENT ABILITY. (p. 124)

RECOMMENDATION 15.

AN ORIENTATION SESSION SHOULD BE AVAILABLE TO NEWLY-APPOINTED SUPERVISORS OF COURT REPORTERS. THEREAFTER, SUPERVISORS SHOULD BE AFFORDED OPPORTUNITIES FOR ENHANCING MANAGEMENT SKILLS REQUIRED IN THE PERFORMANCE OF THEIR DUTIES. PERIODIC MEETINGS OF SUPERVISORS, SPONSORED BY THE AOC, SHOULD BE INSTITUTED TO PROVIDE CONTINUING EDUCATION IN AREAS SUCH AS RECORDKEEPING, NOTE STORAGE TECHNIQUES, AND EQUIPMENT. (p. 125)

RECOMMENDATION 16.

SUPERVISORS OF COURT REPORTERS SHOULD BE HELD ACCOUNTABLE FOR THE EFFECTIVE PERFORMANCE OF REPORTERS IN THEIR RESPECTIVE VICINAGES. MORE SPECIFICALLY, THEY SHOULD ASSIGN HIGH PRIORITY IN THEIR SUPERVISORY CONCERNS TO ASSURING THAT TRANSCRIPTS ARE PREPARED AND FILED IN TIMELY FASHION. IN ADDITION TO PROVIDING FOR DAILY PRESENCE OF OFFICIAL PER DIEM REPORTERS IN EVERY COURTROOM, THEY SHOULD:

- (A) CLOSELY MONITOR THE TRANSCRIPT WORKLOADS OF EACH REPORTER;
- (B) IMMEDIATELY RELIEVE REPORTERS FROM COURTROOM ASSIGNMENT WHEN WORKLOADS EXCEED MONTHLY PRODUCTIVITY STANDARDS OR WHEN TRANSCRIPTS ARE DELINQUENT;
- (C) COMPARE ESTIMATED AND ACTUAL PAGES OF TRANSCRIPTS BY REPORTERS TO HELP REPORTERS IMPROVE THE ACCURACY OF PAGE ESTIMATES;
- (D) REVIEW REPORTER WEEKLY REPORTS AND REQUIRE COMPLIANCE WITH ADMINISTRATIVE REGULATIONS.

REPORTER SUPERVISORS SHOULD SUPERVISE AND SHOULD NOT BE ASSIGNED TO A REPORTING STATION EXCEPT IN AN EMERGENCY. (p. 125)

RECOMMENDATION 17.

IN THE ASSIGNMENT OF COURT REPORTERS TO RECORD PROCEEDINGS, REPORTER SUPERVISORS SHOULD APPLY SUCH CONSIDERATIONS AS THE FOLLOWING:

- (A) WHILE IT IS A MATTER OF SUPERVISOR DISCRETION WHETHER TO ROTATE A REPORTER WHO HAS RECORDED FIVE CONSECUTIVE DAYS OF THE SAME TRIAL, NO REPORTER SHOULD RECORD MORE THAN SIX CONSECUTIVE DAYS UNDER ALL BUT EXCEPTIONAL CIRCUMSTANCES;
- (B) NO REPORTER SHOULD BE ASSIGNED TO THE SAME JUDGE FOR LONGER THAN ONE STATED SESSION OF THE COURTS;
- (C) THE BEST QUALIFIED REPORTERS SHOULD BE ASSIGNED TO THE MOST DIFFICULT AND COMPLEX PROCEEDINGS;
- (D) ANY REPORTER WITH A WORKLOAD EXCEEDING THE MONTHLY PRODUCTIVITY STANDARD SHOULD BE CONSIDERED FOR RELIEF FROM COURT ASSIGNMENT AT STATE EXPENSE, AND ANY REPORTER WITH UNJUSTIFIABLY DELAYED TRANSCRIPTS SHOULD BE IMMEDIATELY RELIEVED FROM COURTROOM ASSIGNMENT AT HIS OWN EXPENSE;
- (E) SUBJECT TO (C) AND (D), REPORTERS WITH THE HIGHEST TRANSCRIPT BACKLOG SHOULD BE THE LAST ASSIGNED TO COURTROOM DUTIES. (p. 126)

RECOMMENDATION 18.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD CONTINUE ACTIVELY TO ENCOURAGE COURT REPORTERS TO MAINTAIN AND IMPROVE SKILLS UTILIZED IN REPORTING FOR THE COURTS. (p. 127)

RECOMMENDATION 19.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD HAVE INDEPENDENT CONTROL OF ITS OWN COMPUTER SYSTEM TO PERMIT THE COURTS TO USE NEW MANAGEMENT MECHANISMS PARTICULARLY IN THE ANALYSIS OF TRANSCRIPT PRODUCTION FOR CASES ON APPEAL. (p. 127)

RECOMMENDATION 20.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD DEVELOP AND UTILIZE SOFTWARE PROGRAMS FOR THE AUTOMATED DOCKETING AND MANAGEMENT INFORMATION SYSTEM (ADAMIS) THAT PROVIDE INFORMATION MORE EFFECTIVELY FOR MANAGEMENT AND MONITORING OF TRANSCRIPT PRODUCTION. (p. 128)

RECOMMENDATION 21.

THE NUMBER OF PAGES ACTUALLY PREPARED FOR EACH TRANSCRIPT FILED SHOULD BE CAPTURED FOR ENTRY IN ADAMIS. (p. 128)

RECOMMENDATION 22.

NEW JERSEY'S THIRTY-DAY STANDARD FOR TIMELY TRANSCRIPT PREPARATION SHOULD BE RETAINED, BUT ITS REQUIREMENTS SHOULD BE MORE CONSISTENTLY ENFORCED THROUGH BOTH POSITIVE INCENTIVES AND NEGATIVE SANCTIONS. (p. 129)

RECOMMENDATION 23.

TIMELY TRANSCRIPT PREPARATION AND SUBMISSION OF TRANSCRIPTS OVER THE COURSE OF EACH YEAR SHOULD BE A MAJOR CONSIDERATION IN THE GRANTING OF SALARY INCREMENTS TO REPORTERS. (p. 131)

RECOMMENDATION 24.

OFFICIAL REPORTERS WITH UNJUSTIFIABLE DELAYS IN VIEW OF PRODUCTIVITY STANDARDS FOR TRANSCRIPT DELIVERY SHOULD BE IMMEDIATELY REMOVED FROM COURTROOM ASSIGNMENT, WITH REPLACEMENT AT THEIR OWN EXPENSE, TO CONCENTRATE ON TRANSCRIPT PRODUCTION. REPORTERS WHO ARE CONTINUALLY DELINQUENT SHOULD BE SUBJECT TO MORE SEVERE SANCTIONS. (p. 131)

RECOMMENDATION 25.

THE FOLLOWING PRODUCTIVITY STANDARDS SHOULD BE FORMALLY ESTABLISHED FOR COURT REPORTERS:

- (A) DICTATE A MINIMUM OF 20 PAGES TRANSCRIPTION PER HOUR;
- (B) PRODUCE A MINIMUM OF 250 PAGES TRANSCRIPTION PER WEEK;
- (C) PRODUCE A MINIMUM OF 1,075 PAGES TRANSCRIPTION PER MONTH. (p.131)

RECOMMENDATION 26.

COURT PERSONNEL OPERATING SOUND RECORDING MACHINES, AND PARTICULARLY THOSE IN THE MUNICIPAL COURTS, SHOULD BE GIVEN MORE EXTENSIVE TRAINING IN METHODS TO ASSURE A FULL AND ACCURATE RECORD OF COURT PROCEEDINGS.

WHETHER TRANSCRIPTION OF AN AUDIO RECORD IS DONE BY A COURT EMPLOYEE OR BY A TRANSCRIPTION SERVICE, TRANSCRIBERS SHOULD MEET STANDARDS SET BY THE ADMINISTRATIVE OFFICE OF THE COURTS. (p. 135)

RECOMMENDATION 27.

A FORMAL QUARTERLY ANALYSIS AND EVALUATION SHOULD BE MADE OF MAINTENANCE PROBLEMS WITH SOUND RECORDING DEVICES AND USE OF THE MOST BREAK-DOWN-PRONE MACHINES DISCONTINUED. (p. 138)

RECOMMENDATION 28.

NEW JERSEY TRANSCRIPT FORMAT STANDARDS SHOULD BE REVISED SO THAT THOSE IN ADMINISTRATIVE REGULATIONS GOVERNING REPORTERS IN THE NEW JERSEY COURTS AND IN SOUND RECORDING MANUAL AND ADMINISTRATIVE REGULATIONS GOVERNING SOUND RECORDING IN THE NEW JERSEY COURTS ARE IDENTICAL.

THE FOLLOWING TRANSCRIPT FORMAT STANDARDS SHOULD BE ADOPTED FOR EXAMINATION OF WITNESSES:

-- FOR THE FIRST LINE OF A QUESTION, "Q" SHOULD NOT BE INDENTED, AND THE TEXT OF THE QUESTION SHOULD BE INDENTED FIVE SPACES FROM THE PRINTED VERTICAL LINE AT THE LEFT MARGIN;

-- FOR EACH ANSWER STARTING ON A NEW LINE, INDENTATION SHOULD BE AS ABOVE FOR THE FIRST LINE OF THE ANSWER;

-- FOR NEW PARAGRAPHS OF ANY QUESTION OR ANSWER, THE FIRST LINE SHOULD BE INDENTED FIVE SPACES;

-- ALL OTHER LINES SHOULD NOT BE INDENTED.

FOR COLLOQUY AND ALL TEXT OTHER THAN Q AND A, THE FIRST LINE OF EACH PARAGRAPH SHOULD BE INDENTED FIVE SPACES, WITH EACH SPEAKER STARTING A NEW PARAGRAPH, AND THERE SHOULD BE NO OTHER INDENTATION. (p. 138)

RECOMMENDATION 29.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD ENCOURAGE TWO-SIDED PHOTOCOPY REPRODUCTION OF TRANSCRIPT PAGES.

TO AID TWO-SIDED COPYING, TRANSCRIPT FORMAT STANDARDS SHOULD PROVIDE THAT TRANSCRIPT PAGES WITH 25 PRE-NUMBERED LINES HAVE ONE-INCH LEFT AND RIGHT VERTICALLY-LINED MARGINS. NOTICE OF THE INTRODUCTION OF SUCH A REQUIREMENT SHOULD ALLOW REASONABLE TIME TO EXHAUST SUPPLIES OF PAPER WITH DIFFERENT MARGINS. (p. 141)

RECOMMENDATION 30.

COURT REPORTERS AND TRANSCRIBERS SHOULD NO LONGER PREPARE CARBON COPIES OF TRANSCRIPTS FOR SALE. INSTEAD ONE ORIGINAL SHOULD BE TYPED AND PHOTOCOPIES MADE. (p. 142)

RECOMMENDATION 31.

CONSIDERATION SHOULD BE GIVEN TO SETTING TRANSCRIPT FEE RATES BY COURT RULE RATHER THAN BY STATUTE. IN ANY EVENT, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD CONSIDER RECOMMENDING REDUCTION OF THE FEE FOR COPIES OF THE ORIGINAL COMMENSURATELY WITH REDUCTION IN THE COST OF PREPARING THOSE COPIES. (p. 143)

RECOMMENDATION 32.

MECHANISMS FOR ENFORCEMENT OF TRANSCRIPT FORMAT REQUIREMENTS SHOULD BE DEVELOPED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. THESE SHOULD INCLUDE INSPECTION ON A PERIODIC BASIS OF TRANSCRIPT FORMATS BY AOC STAFF AND PUBLICATION OF TRANSCRIPT FORMAT STANDARDS IN THE NEW JERSEY LAW JOURNAL.

COURT REPORTERS SHOULD BE REQUIRED TO REFUND EXCESS FEES RESULTING FROM FAILURE TO COMPLY WITH SUCH STANDARDS AND SHOULD BE SUBJECT TO POSSIBLE DISCIPLINARY ACTION FOR EGREGIOUS OR CONTINUOUS FAILURE TO COMPLY. (p. 144)

RECOMMENDATION 33.

IN LIGHT OF THE UNAVAILABILITY OF LOW-COST LONG-TERM STORAGE FOR COURT REPORTER NOTES, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD: (1) INTRODUCE MICROFILMING IN THOSE COUNTIES IN GREATEST NEED OF ADEQUATE STORAGE SPACE AND (2) ESTABLISH STANDARDS FOR STORAGE FACILITIES FOR "LIVE" AND "DEAD" NOTES. IMMEDIATE ATTENTION SHOULD BE GIVEN TO THOSE LOCATIONS WHERE VULNERABILITY TO VANDALISM OR FIRE AND WATER DAMAGE HAS BEEN REPORTED. (p. 145)

RECOMMENDATION 34.

IF NEW JERSEY INTRODUCES A PILOT PROGRAM TO EXPERIMENT WITH COMPUTER-AIDED TRANSCRIPTION (CAT), MANAGEMENT MEASURES SHOULD ASSURE TIMELY SUBMISSION OF REPORTER TAPES TO THE COMPUTER CENTER AND TIMELY EDITING OF FIRST-RUN COMPUTER TRANSCRIPT DRAFTS BY COURT REPORTERS. MANAGEMENT SUPERVISION OF THESE STEPS SHOULD CONTINUE IF CAT IS LATER IMPLEMENTED ON A BROADER SCALE. (p. 148)

RECOMMENDATION 35.

IF CAT IS IMPLEMENTED THE CURRENT RATES FOR TRANSCRIPT FEES SHOULD BE RETAINED, AND IF CAT IS AVAILABLE IN A COUNTY, IT SHOULD BE USED FOR DAILY COPY WITHOUT SPECIAL TRANSCRIPT FEES. (p. 148)

RECOMMENDATION 36.

ENTRY-LEVEL COURT REPORTER SALARIES SHOULD BE INCREASED. THOSE REPORTERS WHOSE TECHNIQUES ARE COMPATIBLE WITH COMPUTER AIDED TRANSCRIPTION SHOULD BE PAID A HIGHER ANNUAL STARTING SALARY. THESE STEPS SHOULD MAKE NEW JERSEY OCR SALARIES MORE COMPETITIVE WITH NEARBY JURISDICTIONS. THERE IS A JUSTIFICATION TO PAY HIGHER SALARIES TO SHORTHAND REPORTERS ON THE BASIS OF THEIR PROFESSIONAL TRAINING AND CAREER COMMITMENT, WHILE SALARIES PAID TO CERTIFIABLE SOUND RECORDING OPERATORS AND VOICE WRITERS CAN JUSTIFIABLY BE SET AT A LOWER LEVEL. (p. 149)

RECOMMENDATION 37.

ANNUAL SALARY INCREMENTS OF FIVE PERCENT SHOULD BE GRANTED ONLY ON THE BASIS OF SUPERIOR PERFORMANCE (ESPECIALLY INCLUDING TIMELY TRANSCRIPT PRODUCTION AND DELIVERY) AS REFLECTED IN ANNUAL PERFORMANCE EVALUATIONS.

THE SALARY INCENTIVE FOR OFFICIAL COURT REPORTERS WHO HOLD A CERTIFICATE OF MERIT FROM THE NATIONAL SHORTHAND REPORTERS ASSOCIATION SHOULD BE RETAINED; HOWEVER, OTHER FACTORS, SUCH AS THE TIMELINESS OF TRANSCRIPTS, SHOULD BE CONSIDERED BEFORE THE MERIT INCREMENT IS AWARDED. PERFORMANCE STANDARDS FOR MERIT INCREASES SHOULD BE ESTABLISHED. (p. 150)

RECOMMENDATION 38.

EACH YEAR THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD RE-EVALUATE TRANSCRIPT FEE RATES TO DETERMINE THEIR FAIRNESS TO BOTH COURT REPORTERS AND TRANSCRIPT RECIPIENTS. (p. 150)

RECOMMENDATION 39.

REFERENCE IN N.J.S.A. 2A:11-15 TO TRANSCRIPT "FOLIOS" SHOULD BE ELIMINATED, AND RATES FOR TRANSCRIPT FEES SHOULD BE EXPRESSED IN RELATION TO TWENTY-FIVE LINE PAGES. (p. 151)

RECOMMENDATION 40.

AFTER IMPLEMENTING THE FOREGOING RECOMMENDATIONS COURT POLICY MAKERS SHOULD ASSESS THE IMPACT OF THAT IMPLEMENTATION AND EXECUTE ANOTHER COST/BENEFIT ANALYSIS. THEY SHOULD SCRUTINIZE THE ALTERED COST EXPERIENCE AND MAKE ANY NEEDED ADJUSTMENTS IN WEIGHTS AND RATINGS FOR THE BENEFITS. (p.152)

RECOMMENDATION 41.

FOR THE IMMEDIATE FUTURE, THE NEW JERSEY COURT SYSTEM SHOULD CONTINUE ITS RELIANCE ON MACHINE SHORTHAND REPORTERS FOR THE PROVISION OF

COURT REPORTING SERVICES IN SUPERIOR AND COUNTY COURTS AND EXPERIMENTATION WITH COMPUTER-AIDED TRANSCRIPTION SHOULD BE UNDERTAKEN TO AID THE TIMELINESS OF TRANSCRIPT PRODUCTION AT HIGH-VOLUME COURT LOCATIONS. BUT IN VIEW OF ALL RELEVANT CONSIDERATIONS, A WELL-MANAGED SOUND RECORDING SYSTEM SHOULD BE RECOGNIZED AS EQUAL IN PERFORMANCE TO, AND LESS COSTLY THAN, ANY OTHER REPORTING TECHNIQUE NOW AVAILABLE. IF IT IS FOUND AFTER TWO YEARS OF EXPERIENCE WITH THE ADOPTED RECOMMENDATIONS AND A REVISED COST/BENEFIT ANALYSIS THAT THE SYSTEM HAS NOT IMPROVED TO THE SATISFACTION OF COURT POLICY MAKERS, FURTHER CHANGES IN THE DIRECTION OF SOUND RECORDING SHOULD BE UNDERTAKEN.

SOUND RECORDING OPERATORS SHOULD NOT BE REPLACED IN THE COUNTY DISTRICT, JUVENILE & DOMESTIC RELATIONS, OR MUNICIPAL COURTS BY MACHINE SHORTHAND REPORTERS.

IN ITS LONG-TERM PLANNING, THE COURT SYSTEM SHOULD PREPARE A PHASED TRANSITION TO AN ALL-AUDIO COURT REPORTING SYSTEM. THIS CAN BE IMPLEMENTED BY ALLOWING JUDGES NEW TO THE SUPERIOR COURT BENCH TO HAVE THE OPTION OF HAVING SOUND RECORDING OPERATORS RECORD THEIR PROCEEDINGS, ESPECIALLY IF THEY HAVE BECOME COMFORTABLE WITH THAT RECORDING TECHNIQUE IN PRIOR EXPERIENCE AT OTHER COURT LEVELS. IN ADDITION, MACHINE SHORTHAND REPORTERS CAN BE REPLACED BY SOUND RECORDING OPERATORS IN A SLOW PROCESS OF ATTRITION AS SHORTHAND REPORTER POSITIONS ARE VACATED.

NEW JERSEY SCHOOLS OFFERING COURSES IN REPORTING SHOULD BE ENCOURAGED TO ADD INSTRUCTION IN COMPUTER-AIDED TRANSCRIPTION AND SOUND RECORDING TO THEIR CURRICULA. (p. 152)

INTRODUCTION

INTRODUCTION

No courts have been more severely affected by the increasing level of litigation in New Jersey than the appellate courts. During the 1976-77 court year, the Supreme Court disposed of a record volume of 244 appeals-- 57 more than in the previous year. While the Court's backlog of appeals dropped, the mean time from perfection to disposition of appeals before it was eleven months and twenty days, or over three months longer than the previous court year.¹

The Appellate Division of the Superior Court in New Jersey is an intermediate appellate court with statewide jurisdiction. The bulk of its case work consists of appeals from civil and criminal cases in the Law Division of the Superior Court and from cases in the Chancery Division of the Superior Court. But it also hears appeals from the Law and Probate Divisions of the County Court, the County District Court, and the Juvenile and Domestic Relations Court, as well as appeals from state agencies and authorities. During the past decade, the number of appeals filed with the Appellate Division has risen from 1,600 in 1966-1967 to 5,208 in 1976-1977 (an increase of approximately 325 percent). In the court year ending August 31, 1977, alone, the number of appeals pending in the Appellate Division has jumped from 4,736 to 5,707.²

¹ See State of New Jersey, Administrative Office of the Courts, Annual Report of the Administrative Director of the Courts [hereinafter, AOC Annual Report], p. ii and "Proceedings in the Superior Court," p. A-2.

² Compare AOC Annual Report, 1975-76, "Appeals to the Appellate Division of the Superior Court, September 1, 1975, to August 31, 1976," page B-5, and AOC Annual Report, 1976-77, "Appeals to the Appellate Division of the Superior Court, September 1, 1976, to August 31, 1977," page B-5.

As a result of such rising volume, there has been growing delay in the appellate process: median times from appeal to decision in the Appellate Division have risen from less than nine months in 1966-1967 to over fourteen months in 1975-1976, dropping off slightly to about thirteen months in 1976-1977.³ Faced with such problems of volume and delay in the Appellate Division, the Supreme Court of New Jersey and the Administrative Office of the Courts (AOC) have sought to resolve problem areas in the appellate process. An area that has been identified by many authorities as one of the major reasons for appellate delay is tardiness in transcribing the record of trial proceedings.⁴

A comparison of time intervals in court years 1975-1976 and 1976-1977 for the processing of cases in the Appellate Division indicates that there is reason for concern about transcript-preparation time in New Jersey:

Figure 1. Time Intervals for Disposition of Appeals Decided in Appellate Division (mean times, in days, for cases argued and submitted and decided)*

Days from Date of Judgment Below to --					
Court Year	Date Appeal Filed	Date Transcript of Trial Testimony Filed*	Date Appeal Perfected	Date Argued or Submitted	Date Decided
1975-76	47	104	224	367	394
1976-77	38	145	240	358	381

* These time intervals are from AOC Annual Report, 1975-76, "Superior Court-- Appellate Division, Time Intervals for Disposition of Appeals Decided, Table 3," page B-12, and AOC Annual Report, 1976-77, "Superior Court-- Appellate Division, Time Intervals for Disposition of Appeals Decided, Table 3," page B-12, except that the time intervals from judgment below to date transcript filed are from Table 1, page B-27 in each annual report.

³ AOC Annual Report, 1975-76, "Superior Court - Appellate Division: Median Time Intervals for Disposition of Appeals," page B-13.

⁴ See State of New Jersey, Supreme Court Committee on the Superior Court Appellate Division, Report, p. 3 (June, 1978).

As one can see from these numbers, the time intervals were shorter in 1976-77 from trial judgment to filing of appeal, from filing of trial transcript to perfection of appeal, from perfection to date argued or submitted, and from that date to the court's decision. The only interval running counter to this trend was that from the date of appeal to the filing of the trial transcript, which increased from a mean time of 57 days to one of 107 days.

In view of this sharp rise in the amount of time involved in transcript preparation, the AOC engaged the National Center for State Courts to undertake a detailed study of court reporting services in New Jersey. The report that follows presents the results of that study.

CHAPTER I

THE PRESENT STATE OF COURT REPORTING SERVICES IN NEW JERSEY

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THE PRESENT STATE OF COURT REPORTING
SERVICES IN NEW JERSEY

This chapter describes in some detail the present system for provision of reporting services -- recording proceedings and transcribing the record -- for New Jersey trial and appellate courts. The analysis and recommendations appearing in Chapters III and IV flow from the descriptive materials presented here.

The first matter addressed in this chapter is the means by which the competence of candidates to be court reporters, either as certified shorthand reporters or as non-certified by "administratively qualified" reporters is tested. Next follows a discussion of the day-to-day assignment and supervision of court reporters, including the presentation of a composite picture of a typical day for a court-salaried court reporter and a freelance reporter hired on a per-diem basis.

Section C considers reporter transcript workloads, a topic that forms a critical nexus between day-to-day reporter courtroom assignment and the preparation of transcripts. The next four sections are concerned directly with transcription. The processing and monitoring of transcript orders is discussed with particular attention to the roles played by attorneys, reporters and reporter supervisors, the chief of court reporting services, court clerks, and the Appellate Division's management information system.

A lengthy analysis of delay in the preparation and filing of transcripts is next, followed by a brief section on transcript page length. The next part measures the extent of compliance with transcript format regulations.

Section H treats the storage of court reporter notes, discussing adequacy and accessibility of space, vulnerability of notes to vandalism or fire and water damage, and efforts to use microfilming.

In this Chapter and in Chapters II and III, marginal notations (in the form of an asterisk and numeral -- e.g., *1 or *5) indicate that a recommendation dealing with the matter discussed in the text appears in Chapter IV.

A. Reporter Certification

In order to be eligible for the position of official court reporter (OCR), a candidate must be a certified shorthand reporter.⁵ This title is conferred upon any person trained in manual shorthand or use of machine shorthand (stenotype) who (1) has successfully passed an examination for certification administered by the State Board of Shorthand Reporting; and (2) meets the statutory qualifications of being a United States citizen, over 21 years of age, of good moral character and having a high school education or its equivalent.⁶

*1

The State Board of Shorthand Reporting, which, like most professional boards in New Jersey, is part of the Division of Consumer Affairs under the general authority of the Attorney General, was established in 1940 "to regulate the practice of shorthand reporting, provide for the licensing of persons engaged therein, and provide penalties for violations."⁷ The three members of the board, appointed by the Governor, must themselves be certified shorthand reporters (CSR's) and have had at least five years continuous experience in the practice of shorthand reporting within the state of New Jersey.

*2

The State Board is required by statute to administer the examination at least once each year "providing sufficient applications are on file with the Board."⁸ The place and time of the examination must be advertised at least thirty (30) days prior to the examination date. In

⁵NJSA 2A:11-12; 45:15B-2.

⁶NJSA 45:15B-3.

⁷Statement of purpose for L. 1940, c. 175, p. 534, now codified as NJSA 45:15B-1 et seq.

⁸NJSA 45:15B-4.

recent years the Board has found it necessary to administer the test twice a year to handle the volume of applications. A screening process is now used to decrease the number of applicants for the certification examination. (See below.) The test is given consistently in Newark, since it appears that only in that city is a site of sufficient space conveniently available for the full day.

Selection of the testing dates is accomplished approximately one year in advance. Notification of the test date is made to the Administrative Office of the Courts, each court reporting supervisor, four newspapers, the New Jersey Law Journal, court reporting schools, and is announced at regional and statewide shorthand reporters association meetings.⁹ The aforementioned also receive notification of those candidates successfully passing the examination. The examination has attracted as few as 134 and as many as 350 applicants, 240 having taken the test in 1977.¹⁰ Applicants must pay a \$10 application processing fee and \$35 for the examination itself. This money serves as compensation to members of the Board, who receive \$50 per day of examination-administering and \$25 per day devoted to Board work, but only to the extent of the money received from all of the candidates.

A "successful" pass rate as defined by the Board is a percentage of 95 or better on each part of the examination, which tests for speed of recording proceedings and accuracy of transcript. The full-day examination consists of the following:

⁹The relevant statutory section (NJSA 45:15B-4) provides simply that the time and place of examination "be advertised in a periodical or publication to be selected by the board at least 30 days prior to the date of such examination."

¹⁰Telephone interview with Salvatore Battaglia, CSR, of State Board of Shorthand Reporting, by Lorraine Moore, National Center for State Courts (June 6, 1978).

- A. One-voice dictation - Literary or jury charge
5 minutes at 200 wpm
- B. Two-voice dictation - Medical
5 minutes at 200 wpm
- C. Four-voice testimony¹¹
5 minutes at 225 wpm

Each candidate then produces a typed transcript from each dictated section and the transcript is graded for accuracy.

Grading of the examination is conducted by members of the Board. One point per word per error is deducted from the maximum number of words in each part of the test. More than 5% error on any of the three parts of the examination means failure of the entire test. Maximum errors for each part of the test are: (A) 45, (B) 35, (C) 56.

There has been a dramatic improvement in the pass rate for the most recent test administered by the Board. One strong factor bearing upon the increased pass percentage is the placement of restrictions upon those eligible to take the CSR examination. Because of the large number of applicants, the Board required, in 1976, that potential candidates pass a pre-test administered by a court reporting institution. By agreement among the court reporting schools, any person (whether or not a graduate of that or any other court reporting program) may take the pre-test at any New Jersey school offering it. Although overall standards for the pre-test have not been established, the school must certify to

¹¹It has been recommended that reporting skill or achievement tests require 97% accuracy for Question and Answer interrogatory (5-10 minutes at 200-225 words per minute) and 95% accuracy for an opening or closing statement or jury charge (5-10 minutes at 200 words per minute) and for medical testimony (5-10 minutes at 175-185 words per minute). National Center for State Courts, Management of Court Reporting Services [hereinafter, NCSC, Reporting Services Mgt], p. 20 (August 1976). The National Shorthand Reporters Association (NSRA) recommends that graduates of NSRA-approved reporting schools be able to record dictation at 225 words per minute. NSRA, "Shorthand Reporting as a Career" (1973).

the Board that the candidate has successfully passed the four-voice testimony (literary or medical) dictated at the speed of 225 wpm.

*6 Despite the increased number of applicants, the pass rate has improved because the number of those who might have failed has been reduced by the screening test.

*4 The increasing need in the courts for court reporting services made it necessary, starting in 1967, to seek out "qualified", but not certified, shorthand reporters to serve as per diem reporters. (The frequency with which the Assignment Judge recalls retired judges or assigns county-level judges otherwise relying on sound recorders to sit on upper court matters has brought about a significant increase in the regular use of per diem reporters in some counties.) Until recently, an administrative examination, very similar in content to the CSR exam but with lesser speed standards, was given once a year to identify "qualified" persons to augment the supply of CSR free-lancers. However, since May 1978, AOC has been spared that task; an agreement between AOC and the State Board allows a list of persons scoring 92%-95% on the CSR examination to be submitted to Court Reporting Services (the first list has produced 39 names).¹² The lower range of 92% is too low, according to opinions expressed by a member of the State Board, a member of the Certified Shorthand Reporters Association of New Jersey (CSRA-NJ), and a director of a court reporting school. On a 900 word test, for example, the number of allowable errors increases from 45 (5% error) to 72 (8% error), which many believe allows for too much inaccuracy in a transcript.¹³

¹² Such "administratively qualified" non-CSR's may be used on a temporary basis until a CSR becomes available. NJSA 45:15B-9.

¹³ The lower limit for "administrative qualification" has recently been raised to 93% accuracy.

Such "administratively qualified" non-CSR's may be used on a temporary basis until a CSR becomes available. In the past, an indoctrination seminar, conducted by either Court Reporting Services or CSRA-NJ, has been available to the non-CSR free-lancers. *8

The options available to the Administrative Office of the Courts relating to the utilization of court reportings are dependent in a large way upon the number of qualified CSR's who are willing and available to work for the courts. In order to determine the pool of potential CSR's, the Administrative Office might consider the following information important: *5

- ... the number of institutions offering court reporting training
- ... annual number of graduates trained in court reporting
- ... the number of graduates of N.J. schools which take the CSR exam
- ... of those, the number that become CSR's and remain to work in New Jersey
- ... employment trends of CSR's: official court reporters, hearing reporters, secretaries, individual or agency free-lancers, etc.
- ... the geographical distribution of CSR's around New Jersey.

Consultation with a number of sources has led staff for this study to conclude that accurate statistics in the aggregate are unavailable in all but the first category. *7

Yet the New Jersey Shorthand Reporters Association (CSRA-NJ) has done some research, at the behest of the Administrative Office of the Courts, to determine the number of CSR's available in the state to work for the courts.¹⁴ In a survey by CSRA-NJ, it was determined that there were about 1800 students enrolled in New Jersey court reporting schools as of April 1978. The Association's study committee assumed that there

¹⁴ Research by CSRA-NJ was undertaken to explore the feasibility of replacing sound recording operators in County District and J&DR Courts with machine shorthand reporters. CSRA-NJ, "Proposed Plan to Staff County District Courts and Juvenile & Domestic Relations Courts with Live Court Reporters" (May 1, 1978).

is about a 40% attrition rate, however, so that about 1,080 students can be expected to complete their training. Of these, the study committee estimates that almost 50% will become CSR's, based on the percentage of applicants passing the certification test administered by the State Board of Shorthand Reporting. The Association's study committee thus estimates a supply of about 540 CSR's available in the near future for consideration as potential OCR's.¹⁵

The CSRA-NJ proposal appears to assume that all graduates of New Jersey court reporting schools apply for the certification test. New Jersey has, however, seen some of its CSR's leave the state for employment at higher pay in such places as New York City or Philadelphia. The proposal further assumes that successful examinees who become CSR's will be available for employment at the court locations where they are needed, even if such locations in the past have faced sparse reporter availability. Among the problems experienced by the court system has been the uneven concentration of CSR's in the more populous northern part of the state. While each of these assumptions may merit closer scrutiny, it seems fair to conclude with CSRA-NJ that there is not a shortage of CSR's available for employment as official court reporters.

¹⁵ Ibid., p. 3.

B. Assignment and Supervision of Reporters

Court reporters fall into two general categories: official court Reporters (OCR's), also referred to as "salaried" court reporters, certified shorthand reporters (CSR's) who are appointed by the New Jersey Supreme Court on an annual salary basis,¹⁶ and part-time court reporters or "per diems," who may be either CSR's or "administratively qualified" reporters (see preceding section). These "per diems" may be employees of various court reporting agencies in the state, or they may be self employed "free lance" reporters. It appears that this supply of per diem reporters is fluid and is constantly changing as reporters change agencies, residences (often leaving the state), or occupations. Per diem reporters are employed to substitute for OCR's when the latter become ill or are otherwise unavailable, including times when they are taken out of court due to "transcript overloads."¹⁷

Current court reporter staffing is expected to be at a one-to-one ratio with trial court judges in Superior and County Court matters. During 1977, approximately 180 OCR's (although 190 were budgeted) were employed to service 218 judges (98 Superior, 114 County, and 6 County District and J&DR sitting in Superior Court matters) who use machine shorthand reporters rather than sound recording operators. The shortfall of 28 authorized reporters and the variance between demand and availability of reporters throughout the state necessitate reliance upon per diem reporters. (Arranging for engagement of per diem reporters is a time consuming task.) A budget request was made for fiscal year 1979 to attain the one-to-one ratio by adding 40

¹⁶ NJSA 2A: 11-11; New Jersey Supreme Court, Rules Governing the Courts of the State of New Jersey, Rule (hereinafter cited as R.) 1:34-5.

¹⁷ AOC, Administrative Regulations Governing Reporters in the New Jersey Courts [hereinafter, Reporter Admin. Regs.], p. 3 (1972). These regulations are promulgated pursuant to R. 1:34-5. See below, Transcript Workloads.

*10 OCR's, 12 of whom are to be assigned, one to each vicinage, as a reserve
for occasions when reporters are ill or faced with heavy transcript demands.¹⁸

*14 Under administrative regulations,¹⁹ day-to-day supervision of all
official court reporters and arrangement for use of temporary reporters
or approved sound recording devices are the responsibility of reporter
supervisors and assistant supervisors in various counties. These reporter
supervisors and assistant supervisors are designated by the Administrative
Director of the Courts.²⁰ Charged with assisting in maintenance of efficient
*15 court reporting services, the supervisors are directly responsible to the
*18 Administrative Director of the Courts.²¹

*11 Acting on behalf of the Administrative Director are the Chief of Court
Reporting Services and the Supervisor of Sound Recording. The Chief of
Court Reporting Services, in conjunction with local supervisors, is expected
to procure the services of qualified reporters throughout the state and to
monitor their performance. A substantial amount of time is devoted by the
Chief of Court Reporting Services to securing per-diem reporters, review-
ing assignments, correcting inaccurate information on forms submitted, and
other activities (usually personnel-related) on behalf of reporters. The
Supervisor of Sound Recording has overall responsibility for the satisfactory
operation of all sound recording devices in county-level courts. He is also
charged with assuring compliance with guidelines for the use of tape recorders

¹⁸AOC FY 1979 Budget Justification (State of New Jersey - Department
of the Treasury, Division of Budget and Accounting - Budget Bureau, Form BB 101
4/74), Court Support Services/Official Court Reporters, Account No. 73210-
970-100, p.2.

¹⁹Reporter Admin. Regs., pp. 1-3.

²⁰NJSA 2A: 11-13(b).

²¹R.1:34-5; Reporter Admin. Regs., p. 1.

in municipal courts.

Responding directly to the Chief of Court Reporting Services, each
supervisor also is to maintain close liaison with the Assignment Judge in
his or her vicinage.²² It is the responsibility of the Assignment Judge
to supervise all judges, clerks and other court employees in his vicinage,
and to implement and enforce all administrative rules.²³

Reporters are assigned to specific judges, but rotated regularly. The
Administrative Regulations state that they are expected to be on duty from 15
minutes prior to the scheduled court time (or earlier if the judge so requests)
until the court adjourns for the day.²⁴ If the court adjourns early, the
reporter is required to obtain the approval of the judge and of the super-
visor (if in the same courthouse) before leaving. The reporter is also
expected to attend on weekends and holidays if the judge so requests.²⁵
Under the current (1977-1979) contract between the Administrative Office
of the Courts and the state Certified Shorthand Reporters Association, court
reporters are entitled to receive compensatory time off for time they are
required to appear for work during their scheduled vacation time, legal
holidays, or weekends.²⁶ Such compensatory time off is scheduled by the
court reporter supervisors, who must submit written requests therefore to
the Chief of Court Reporting Services for advance approval. The current
contract also requires that, unless otherwise ordered by the Administra-
tive Director or Assignment Judge, the reporters' summer vacations must

²²Ibid., p. 3.

²³R. 1:33-3(a) (1) and (4).

²⁴See Figure 2 below, Composite Profile of a Court Reporter's day.

²⁵Reporter Admin Regs., p. 5.

²⁶While this does not require additional monetary compensation to the
individual reporter, additional administrative cost is incurred in the amount
of time required to engage a replacement reporter and in the generation of
fringe benefits during compensatory time. Cost is incurred, of course, for
payment to a replacement reporter on the day for which another reporter has
taken compensatory time.

Figure 2. Composite Profile of a Court Reporter's Day^a

	Average Time Involved	
	Official Court Reporters ^b	Per Diem Reporters ^c
Length of Reporter Work Day	6 hours, 20 minutes	6 hours, 49 minutes
Judge's Bench Time	4 hours, 27 minutes	4 hours, 31 minutes
<u>Reporter Activities^d</u>		
i. Assigned to record Superior Court proceedings	3 hours, 36 minutes	3 hours, 52 minutes
ii. Assigned to record other proceedings	26 minutes	27 minutes
iii. Stand-by	51 minutes	1 hour, 31 minutes
iv. Lunch, supervisory duties ^e	1 hour, 12 minutes	58 minutes
v. Non-accountable ^f	15 minutes	1 minute

- a. Source: Random sample of reporter weekly reports for court year from September 1, 1976, to August 31, 1977, matched with weekly reports of judges to whom reporters were assigned.
- b. Based on a sample of 397 days from 199 OCR weekly reports with 96 non-assigned days (sick, holiday, vacation, court recess, transcript preparation) excluded.
- c. Based on a sample of 373 days from 187 per-diem reporter weekly reports.
- d. The "Length of Reporter's Work Day" is the sum of all the "Reporter Activities" shown here.
- e. Among the weekly reports sampled were 17 days for reporter supervisors, whose supervisory duties averaged 5 hours, 40 minutes per day; average lunch for official court reporters was 53 minutes.
- f. Time was entered as "non-accountable" when it was impossible to reconcile a reporter's time sheet with that for the judge to whom she or he was assigned.

coincide with those of the judges. (If a judge takes part of his vacation during the winter--a maximum of one week is allowed--it is the practice to offer the court reporter then assigned to him the option of taking the same split vacation or serving temporarily with another judge during the winter period.)

Reporters are to be rotated regularly by the local supervisors in accordance with two guidelines set forth in the Administrative Regulations. (1) Reporters are to be rotated so that no reporter will have more than five court days of any one trial to transcribe. This rotation is aimed at minimizing delay in producing transcripts of lengthy trials. (2) Reporters are to be rotated "periodically" by the supervisors to equalize the burden of transcript production.²⁷ (For example, the Office of the Chief of Court Reporting Services states that at present court reporters in Essex County are rotated three times a year, on February 1, June 1, and October 1.) This is not a rigid requirement, since the regulations state that the supervisors may, in establishing rotation policies, take into account such factors as the health or personal situations of individual reporters which may limit their ability to travel, or the heavier transcript loads of some counties *17 which may make necessary more frequent rotation there than elsewhere.²⁸ Another reason often cited for rotation is the possibility of too close a relationship developing between the judge and the reporter.²⁹

All reporters are required to file regular reports of their official activities.³⁰ These reports are reviewed by the court reporter supervisors

²⁷Reporter Admin. Regs., p. 2.

²⁸Ibid., p. 3.

²⁹See NCSC, Reporting Services Mgt., pp. 21-22.

³⁰Ibid., p. 12. Judges also file weekly report forms, which are considerably more detailed, including the total duration of trials concluded during the week and the number of hours spent in settlement conferences. Information about the time taken by each case is often obtained from the official Court Clerk's Diary. These reports are sent to the Statistical Services Unit and the Assignment Judge.

before being filed with the Chief of Court Reporting Services. Salaried court reporters file weekly reports on standard forms which provide spaces for the reporters to list the week, their names, the judge(s), the county (ies), the names and docket numbers of the cases reported, the nature of the matter(s) reported, and the time begun and time concluded, all for each separate weekday. On the reverse side of the form are places for the reporters to list all pending transcripts ordered for use on appeal, including such specifics as the name of the case, the court, the person ordering the transcript, the order date, due date, date filed, the number of "folios," and the number of copies. The same categories of information are also to be provided regarding transcripts ordered other than for appeals, such as requests for transcripts by trial judges or grand jury proceedings where the prosecuting attorney orders the transcript pursuant to R. 3:6-6(c).³¹

*16 While the weekly reports filed by OCR's are intended as a management monitoring device, they are often incomplete. A random sampling by NCSC staff disclosed that only about half (52.3%) of the sampled reports of recording activities were completed in substantial compliance with administrative regulations.³² Similarly, weekly reports of transcripts in process were incomplete.

³¹The current form cites "ethics proceedings, arraignments and pleas" as other examples of matters in which transcripts must automatically be made and filed. However, 1972 amendments eliminated the requirements for the automatic filing of transcripts of arraignments and pleas. (The unofficial Comment to R. 3:9-2 states that the proceedings "will, of course, continue to be taken verbatim and can be transcribed" when necessary; the authority for this is presumably R. 1:2-2, requiring a verbatim record of all proceedings in open court. Proceedings of the District Ethics and Fee Arbitration Committees are still to be recorded by a reporter and transcribed for use by the Disciplinary Review Board if the committee returns a finding of unethical or unprofessional conduct. R. 1:20-4(f), (h), and Paragraph XII of the current contract.

³²See Reporter Admin Regs., pp. 12-13, for required entries for OCR weekly reports. Most common among the problems observed in reports of recording activities were: (a) nature of matter reported not clear; (b) times not entered or not detailed; (c) number of recorded proceedings not entered; and (d) proceedings shown in the weekly reports of judges to whom reporters were assigned were not reflected in OCR weekly reports.

only 55.8% were in substantial compliance for transcripts on appeal, while 63.3% complied as to other transcripts.³³ While the form calls for the number of folios in progress, only 50.4% of the sample reporting in this category did so; the remainder reported in pages.

Per diem reporters are required to file a weekly report form (which is also reviewed by the court reporter supervisors prior to filing with the Chief of Court Reporting Services) to provide the same information;³⁴ in addition, their form requests that if a transcript is overdue they state the reasons for the delay on a separate attached sheet. This is because the administrative regulations bar per diem reporters from further assignment if they have transcripts overdue³⁵ (the form states, "overdue more than ten days"). The transcripts on order are listed separately on the forms if they are not for use on appeal, to facilitate the monitoring of transcript preparation since such monitoring, as stated, is done not by pages on order but by transcript due date.

In some courts proceedings are sound recorded rather than recorded by a court reporter,³⁶ and in such courts (except the municipal courts, where the recorders are owned by the municipalities) a weekly report of sound recorder use is completed by the operator of the machine and sent to the Trial Court Administrators and the Supervisor of Sound Recording. The form provided for this report is very brief, including simply the week, county, judge, *27

³³Most common among problems seen in reports of transcription in progress were: (a) number of pages or folios not entered; (b) number of copies ordered not entered; (c) name of court not entered; and (d) "None" not entered when the reporter apparently had no transcript pending, even though Reporter Admin. Regs., at p. 13, states emphatically, "A blank report is not sufficient."

³⁴Reporter Admin. Regs., pp. 13-14.

³⁵Ibid., p. 15.

³⁶R. 5:10-6(a) (juvenile and domestic relations courts), 6:12-1(a) (county district courts), 7:4-5(a) and Comment (municipal courts).

machine serial number and model, the operator's name, the name of any court reporter who also may have recorded the proceedings, and the daily hours of machine use. (If the form states that a court reporter was used in addition to sound recording, the office of the Supervisor of Sound Recording routinely inquires to find out why.)

The types of cases (the "calendar") are to be briefly noted but no stress is placed on identifying cases individually. That information is provided separately on sound recording logs, which are to include the case names, identify the speakers, and specify the points on the tapes where specific events such as direct and cross examination took place. In those instances (domestic relations cases, and county district court cases) where the tapes are only required to be kept for one³⁷ year the logs and tapes are stored in the individual courthouses, either in the case file jackets (for long cases, where one case approximates one full tape) or separately (where many different brief matters were recorded on one tape). At the end of the year the tapes of the county district court and domestic relations proceedings are sent to the Supervisor of Sound Recording who erases them en masse; the logs are destroyed at the respective courthouses. Municipal courts erase their own tapes, which are the property of the municipality, according to the same time schedule. In juvenile cases, the tapes must be kept indefinitely; they are sent to the Supervisor of Sound Recording for permanent storage, and the logs are kept in the individual case file jackets which are stored in the respective county courthouses. In those few other cases in which files are to be retained permanently, but which for some reason were sound recorded

³⁷See AOC, Sound Recording Manual and Administrative Regulations Governing Sound Recording in the New Jersey Courts [hereinafter, Sound Recording Manual], p. 5 (1978).

Sound recordings of municipal court proceedings are to be retained for 3 years, R. 7:4-5, as amended effective September 11, 1978. Civil commitment recordings are to be retained for 5 years, Sound Recording Manual, p. 5.

(Superior Court and County Court matters),³⁸ the logs are customarily kept in the case file jackets which are stored in the individual courthouses along with the tapes. When tapes are sent to be stored, they are accompanied by a transmittal form which is filled out by the machine operator and used for retrieval purposes.

A serious problem expressed with use of sound recording devices has been the lack of attentiveness by the personnel monitoring those machines during court proceedings. Where logs are not properly maintained and recording levels attentively monitored, the transcribed product is found to contain an unacceptable number of "inaudibles" and "indiscernibles." According to interviews with Appellate Division judges and central research staff, this problem is primarily experienced with transcripts of municipal court proceedings. Where sound recording is employed in upper-court proceedings, steps can be taken to improve the quality of recordings, although problems in the County District and Juvenile & Domestic Relations Courts are far less than in municipal courts because machine operators devote a greater portion of their time to that purpose.

Current New Jersey reporter regulations (Reporter Admin. Regs., pp. 18-19) governing production of and compensation for accelerated transcripts (daily or expedited copy) can be analyzed in the light of the earlier discussion of fees for usual transcript production. (See below Chapter II, §B, and Figures 22-24). Procedures that are regarded as well functioning in stenographic reporter accelerated copy can be applied equally to records prepared from sound recordings.

Having decided that, in ordinary circumstances, compensation for transcripts is to be equal regardless of the manner in which the record is made, the compensation for daily or expedited copy ought also be unaffected by the means of recordation.

³⁸Hereafter, unless for a specific purpose, the use of "Superior Court" is intended to include "County Court." Following completion of this section of the report amendment to Article VI and Article XI of the Constitution of the State of New Jersey resulted in the merger of the County and Superior Courts.

C. Transcript Workload

*25 OCR's are expected to be able to produce up to 600 pages of transcript
per month without being taken out of court. This is an unofficial yard-
stick used by the office of the Chief of Court Reporting Services. There
*21 are no specific records kept of the number of pages owing or produced by
court reporters, although a record of "folios" owing may appear on the re-
verse side of the reporters' weekly reports.³⁹ These often incomplete forms
are relied upon to disclose when reporters may be developing transcript
overloads.⁴⁰ The Chief of Court Reporting Services and the supervisors
in the vicinages monitor production not by folios or pages, but by tran-
script deadlines. In the same way, the Office of Statistical Services
produces, primarily for the use of the Appellate Division of the Superior
Court, weekly computer printouts of overdue transcripts which record the
number of days the transcripts are overdue, but not the length of the tran-
scripts.⁴¹ (While the Administrative Regulations set the time period for
preparing and filing a transcript at four weeks from the receipt of the
court order or the deposit,⁴² this period is commonly rounded off to 30
days, or to one month, e.g., from May 18 to June 18.)

³⁹A "folio" is defined by NJSA 1:1-2 as 100 words; a typewritten page
is deemed to consist of 2.5 folios, according to Reporter Admin. Regs., p. 17.

⁴⁰Ibid., p. 23.

⁴¹The Automated Docketing and Management Information System (ADAMIS)
reckons the transcripts pending on the basis of days or discrete segments
of proceedings recorded by a reporter, whereas the weekly reports recount
the pending transcript volume in units of transcript orders (which may in-
clude more than one day or discrete segment). This may explain in part the
discrepancy between automated ADAMIS reports and weekly reports prepared by
individual reporters. This difference in counting systems will certainly
affect perceptions of the volume of overdue transcripts.

⁴²Ibid., p. 16.

For this study, mentioned in the preceding section of this chapter,
National Center staff inspected a random sample of OCR weekly reports.
That inspection made possible an assessment of the level of pending tran-
script work facing OCR's each week. As Figure 3 below indicates, almost
one-fifth of the weekly reports sampled did not include entries for the
number of folios or pages pending. Among the reports for which an entry
was made, the mean number of pages pending each week was 464. But half of
the reports sampled showed 195 pages or less in progress, and almost one-
fourth showed no transcripts pending. At the other end of the spectrum,
almost one-fourth of the reports indicated workloads exceeding the 600-page
unofficial yardstick serving as a monthly transcript production standards. *12

Administrative Regulations Governing Reporters provides that, under
the provisions of R. 1:34-5, the Administrative Director of the Courts may
relieve a reporter of his regular assignment when the reporter is unable
to prepare and file a transcript, requiring that a replacement reporter be
provided at the expense of the reporter relieved.⁴³ To prevent being relieved
at his own expense, the regulations provide that a reporter should submit
a request to be relieved at state expense, as soon as an overload develops
beyond the monthly transcript production standard. Such a request is to
be sent to the reporter supervisor and to the Chief of Court Reporting Ser-
vices.⁴⁴ To avoid having reporters in difficulty with timely transcript
submission, supervisors are to rotate reporters out of any trial proceedings
exceeding five days in length, unless any trial is likely to conclude in
an additional day or two.⁴⁵

⁴³Ibid., p. 23.

⁴⁴Ibid.

⁴⁵Ibid., p. 2.

Figure 3. Distribution of OCR Transcript Workloads: Pages Pending Per Week^a

Transcription Pending (in Pages) ^b	OCR Weekly Reports Sampled	
	(Number)	Percent ^c
no transcripts ^d	(37)	23.1%
1 - 150	(39)	24.4%
151 - 300	(26)	16.3%
301 - 600	(21)	13.1%
601 - 1200	(15)	9.4%
1201 - 1800	(13)	8.1%
1801+	(9)	5.6%
no pages entered ^c	(39)	19.6%
Mean Pages Pending: ^e 464		
Median Pages Pending: ^e 195		

- a. Source: NCSC random sample of OCR weekly reports for Court Year from September 1, 1976 to August 31, 1977.
- b. This includes both transcripts for use on appeal and transcripts for other purposes. Where a reporter listed transcript size in folios, the number of folios was divided by 2.5 to determine pages. A potential problem with the pages of folios entered in weekly reports is potential error of reporter page estimates (see below), Transcript Pages).
- c. The percents shown here are of the total number of weekly reports (160) showing transcript pages, except for the percent for "no pages entered," which is a percent of total reports sampled (199).
- d. The chart distinguishes weekly reports in which reporters showed no transcripts pending from those in which transcripts were indicated, but for which page or folio length was not entered.
- e. Mean and median pages are calculated only for weekly reports showing number of transcript pages.

But in the sample of OCR weekly reports, only 11.6% of the reporters were relieved at their own or state expense, even though twice that percentage showed workloads exceeding 600 pages. Four of the OCR's were relieved with 350 pages or less pending, while other reporters not relieved showed pending transcripts in a range from 630 to as high as 4,074 pages. One weekly report showed that an OCR had recorded thirteen consecutive days of trial. Of 760 transcript orders shown in the reports sampled, 30.5% were overdue.

⁴⁵Ibid., p. 2.

D. Transcript Orders

Except in a limited number of circumstances, rules provide that a party must file a notice of appeal no later than 45 days after entry of the judgment or order appealed from.⁴⁶ If a verbatim record was made of the proceedings appealed from, the appellant must make a written request for a transcript prior to, or simultaneous with, filing and service of the notice of appeal.⁴⁷

Data made available from the Automated Docketing and Management Information System (ADAMIS) for this study show that over 80% of all orders for transcripts ordered or filed between September 1, 1976, and February 28, 1978, for appeals from court decisions were placed no later than the date of the appeal, in keeping with the rule. But R. 2:5-3(a), by its own terms does not apply if the transcript has been prepared and is already on file with the courts; and preparation of the respondent's brief, or of appellant's reply brief, have led to many transcript orders placed after the appeal date.

As Figure 4 below indicates, one of the reasons for the 112-day average interval between the date a notice of appeal is filed and the date all transcripts are filed is that an average of 22 days elapse before the last transcript order is placed for a case before the Appellate Division.⁴⁸ Time lapse between the appeal date and the last transcript order was a more substantial consideration in cases appealed from state

⁴⁶R. 2:4-1. Exceptions include appeals from the Wage Collection Section (see R. 4:74-8), appeals from interlocutory orders (to be filed within 15 days after entry of the order, under R. 2:5-6(a)) and appeals from municipal court convictions (10 days, under R. 3:23-2).

⁴⁷R. 2:5-3(a). New Jersey's provisions for notice of transcript requests are in close agreement with standards recommended in NCSC, Reporting Services Mtg., pp. 4-5.

⁴⁸It should be understood that the appellate court relies on the necessary segments of the trial proceeding transcribed; for purposes of monitoring transcript production, however, ADAMIS considers orders for

Figure 4. Transcript Preparation Time and Time from Appeal to Last Transcript Order, for Transcripts Ordered or Filed Between September 1, 1976, and February 28, 1978

Trial Court Level	Average Time Elapsed (in Days)	
	From Appeal Date to Date All Transcripts Filed ^a	From Appeal Date to Date of Last Transcript Order ^b
Superior Court (Law)	122	24
Superior Court (Chancery)	86	6
County Court (Law)	118	15
County Court (Probate)	87	2
County District Court	71	7
J & DR Court	98	14
<u>Total, All Courts</u>	<u>113</u>	<u>20</u>
<u>State Agencies</u>	<u>107</u>	<u>29</u>
<u>Statewide Total (Courts and Agencies)</u>	<u>112</u>	<u>22</u>

- a. These averages are for 5,964 cases appealed to the Appellate Division, for which transcripts were ordered or filed between September 1, 1976, and February 28, 1978. As of February 28, 1978, there were 1,344 cases for which transcript orders were placed on or after September 1, 1976, but for which not all transcripts have yet been filed. Such "open" cases have not been included in calculating of the averages in this column.
- b. The average times in this column are for 7,308 cases appealed to the Appellate Division, for which transcripts were ordered or filed between September 1, 1976, and February 28, 1978. For over 80% of the cases represented in this column, transcript orders were placed on or before the appeal date, as called for in R.2:5-3(a).

agency decisions. In 28.2% of such cases, the last transcript order was not placed until a month or more after filing of the appeal (compared with 14.5% of cases appealed from trial courts). It is an anomaly readily explained that while substantially higher delays are encountered in orders for administrative agency transcripts, the final transcript delivery times are appreciably faster than for court transcripts (see below).

Court rules⁴⁹ prescribe that if the verbatim record to be transcribed was prepared stenographically and the appeal is from proceedings other than in municipal court, the transcript order must be placed with the reporter who recorded the proceedings and with the reporter supervisor for the county where the proceedings occurred. If the proceedings were sound recorded, the order is to be placed with the clerk of the court or agency appealed from. Copies of a request are also to be mailed to all interested parties, to the clerk of the appellate court, and to AOC's chief of court reporting services. The request is to specify the name of the judge or other officer who conducted the proceedings, along with the hearing dates desired; and a money deposit must accompany the request.⁵⁰ A uniform transcript request form, intended to assure compliance with rule provisions, was approved by the New Jersey Supreme Court in Summer 1978. If a transcript request does not so comply, reporters now issue a "Notice that

transcripts of specific days of a proceeding. In a proceeding for which four days' transcription is required, for example, appellate review may be delayed because of tardiness in the order or delivery of one day's transcript, even though three other days' transcription have been promptly ordered and delivered. Thus, for consideration of delay in completion of the "entire transcript" (four days), it is important to focus on the date the last order for a day's transcript is entered.

⁴⁹R.2:5-3(a) and (d).

⁵⁰The deposit need not accompany the request if the appellant is indigent or is the State or one of its political subdivisions. R.2:5-3(d). Under R.2:5-1(f), a copy of the transcript request must be affixed to the notice of appeal, and the appellant's attorney must certify compliance with rule requirements as to the request and the deposit.

Transcript Request Will Not be Honored," specifying in what particulars the request was defective, to all recipients of copies of the transcript request.

It is not yet possible to measure the effect of this notice, which was promulgated in September 1977 and has been in full use only since January 1978.⁵¹ The perception among reporters, however, is that use of the notice form has substantially improved initiation of the transcription process by aborting "false starts" caused by defective orders. Yet two problems remain in the initiation of the process, according to views expressed by reporter supervisors in interviews with National Center staff. Despite the fact that reporters have been directed by the Acting Administrative Director of the Courts to display name plates in court and encouraged to use business cards,⁵² attorneys or "pro se" parties do not always note reporters' names, so that transcript requests are directed to the wrong reporters. Moreover, transcript requests sometimes include erroneous hearing dates. Even if transcript requests are made according to a uniform request form such as that recently approved, the entry of faulty information in request forms can not be prevented.

Some faulty request information can be identified and rectified through notices that transcript requests will not be honored. But copies of transcript requests are also forwarded to AOC and to the clerk of the appellate court, where the information they contain is entered in ADAMIS for purposes of appellate case management. When faulty request data are entered in the management information system, the reliability of that system

⁵¹Administrative Office of the Courts, Memorandum #16-76 (September 9, 1977).

⁵²Ibid.

is reduced. While the notices issued by reporters on receipt of defective transcript requests could be relied upon when received by ADAMIS to correct faulty management information, it is reported that corrections have not been entered consistently or in a timely fashion in the system.⁵³ This is in part a consequence of the fact that ADAMIS must share time with non-court users of a criminal justice computer system. Because the courts are
*19 but one user of the larger system, with limited access and control, the entry of corrected transcript order is usually assigned a low-priority sta-
*20 tus. The courts also have difficulty arranging for program modifications.

While a transcript is pending, each reporter is expected to report weekly to the chief of court reporting services about the progress of preparation. Each week, ADAMIS distributes a report of transcripts overdue. Because information provided to ADAMIS has not always been accurate with respect to transcript requests, its records and reports regarding transcripts under preparation have been open to challenge: reporters and reporter supervisors have complained that ADAMIS reports of over-due transcripts contain many inaccuracies that remain uncorrected even when identified.⁵⁴ The chief of court reporting services maintained a manual system for monitoring transcript preparation, duplicating ADAMIS functions in this area, until late July 1978 (when the manual system was discontinued). Under this system he and his staff relied upon information from written transcript requests, updated with reporter weekly reports of outstanding transcripts, as a check against possible ADAMIS inaccuracies.

⁵³Recent efforts to correct this problem have been undertaken in a cooperative effort by the chief, judicial management information systems, and the chief of court reporting services.

⁵⁴Another problem with monitoring through ADAMIS is that, although transcripts may have been received by the Appellate Division, the date of receipt is sometimes not entered (at least in a timely way) in the system.

Under R. 2:5-3(b), abbreviation of the transcript on appeal from criminal convictions (other than municipal court convictions) is prohibited: the entire proceeding must be transcribed, except for voir dire and opening and closing statements when there are no questions on appeal involving these portions of the proceeding. By the terms of R. 2:5-3(c) the transcript on appeal from a civil action, agency determination, or municipal court conviction may be abbreviated by consent of all parties or by order of the trial judge or agency on the appellant's motion.⁵⁵ The general proscription against abbreviated transcripts under present rules represents a substantial departure from prior rules, under which the Appellate Division did not routinely have before it the entire transcript--a situation found unsatisfactory by both court and litigants.⁵⁶

⁵⁵See Also, R. 3:23-3 and R. 4:71-3.

⁵⁶Pressler, Current N.J. Court Rules, Comment 3, R. 2:5-3 (Gann 1978). But see Supreme Court Committee on the Superior Court Appellate Division Report, at p. 11 (July 5, 1978).

E. Transcript Delay

*23 In any case on appeal, it is obvious that disposition of issues on appeal must await preparation of the records of proceedings below; and when a transcript is involved as part of those records, the time consumed in its preparation, of course, affects the speed with which appellate review can be obtained. The New Jersey court rule governing transcript preparation and filing provides that transcripts are to be promptly prepared in keeping with standards fixed by the Administrative Director of the Courts.⁵⁷ Regulations governing court reporters state that each transcript is to be completed and filed within four weeks after receipt of a court order or deposit for the transcript.⁵⁸ Sound recording regulations provide that transcripts for municipal court appeals must be completed within 20 days, and that all other transcripts from sound recorded proceedings must be completed within 30 days, unless an extension of time is granted by the clerk of the court from which the appeal is taken.⁵⁹ The court rule governing appeals from local agencies requires that the transcript be furnished within 30 days, unless the time for filing is extended by the Superior Court for good cause shown.⁶⁰

Figures made available by ADAMIS for this study, however, indicate that the average transcript took 99 days from order to filing, for transcripts ordered or filed between September 1, 1976, and February 28, 1978,

⁵⁷R. 2:5-3(d).

⁵⁸Reporter Admin. Regs., p. 16.

⁵⁹Sound Recording Manual, pp. 13-14.

⁶⁰R. 4:71-3.

for cases appealed to the Appellate Division. This average is for a total of 14,417 transcripts. It includes 1,510 transcripts for cases appealed from state agencies, which averaged 74 days from transcript order to filing. The remaining 12,961 transcripts were for cases appealed from courts, taking an average of 102 days to be filed. Figure 5 gives further details regarding court figures:

Figure 5. Volume and Timeliness of Transcripts filed in Appellate Division, September 1, 1976, to February 28, 1978, by Trial Court Level

<u>Trial Court Level</u>	<u>Total Number of Transcripts</u>	<u>Average Days from Order to Filing</u>
Superior Court (Law)	10,669	104
Superior Court (Chancery)	1,150	89
County Court (Law)	611	101
County Court (Probate)	85	84
County District Court	199	70
J & DR Court	286	85
<u>Totals, All Courts</u>	<u>12,961</u>	<u>102</u>

While the ADAMIS figures are subject to some criticism, as indicated in preceding pages, any inaccuracies are not of sufficient magnitude to invalidate the conclusion that transcript preparation and filing time is a serious problem in New Jersey. In any appeal, whether it be from an

agency or from a trial court, the average time from transcript order to filing is substantially in excess of prescribed time limits.

Of course, overall average figures can sometimes be misleading, because they give no indication of the distribution of delivery times and may be seriously skewed by a relatively small number of instances. For this reason, it is helpful to inspect transcript delivery times to see, for example, what portion of them were delivered within thirty days, within sixty days, and so forth. In an optimal situation, an overwhelming percentage of transcripts would be delivered within the prescribed time period (30 days). The next illustration, Figure 6, presents the actual distribution of New Jersey transcript delivery times from which the averages presented above were derived.

The reader will observe that about two-thirds of all agency transcripts were delivered after the thirty-day time limit prescribed by court rule (R. 4:71-3), while over 85 percent of all transcripts from court proceedings failed to meet time limits established by the Administrative Director of the Courts. While both charts show considerable delay, the profile of transcript delivery times for agency appeals is much closer than that for court appeals to what one would hope to see: the largest percentages of all transcripts delivered within the prescribed thirty-day time limit, with much smaller numbers of transcripts taking more time for preparation and filing. One obvious reason for the faster preparation of transcripts on appeal from agency decisions is the significantly lower volume of such work.

Another possible explanation for the poor overall delivery times for transcripts in appeals from trial courts is that certain counties are much slower than others. Figure 7 and Appendix A, however, indicate that no county did particularly well in its transcript delivery times.

Figure 6. Timeliness of Transcript Delivery in Cases Appealed to Appellate Division (Courts and Agencies Compared)

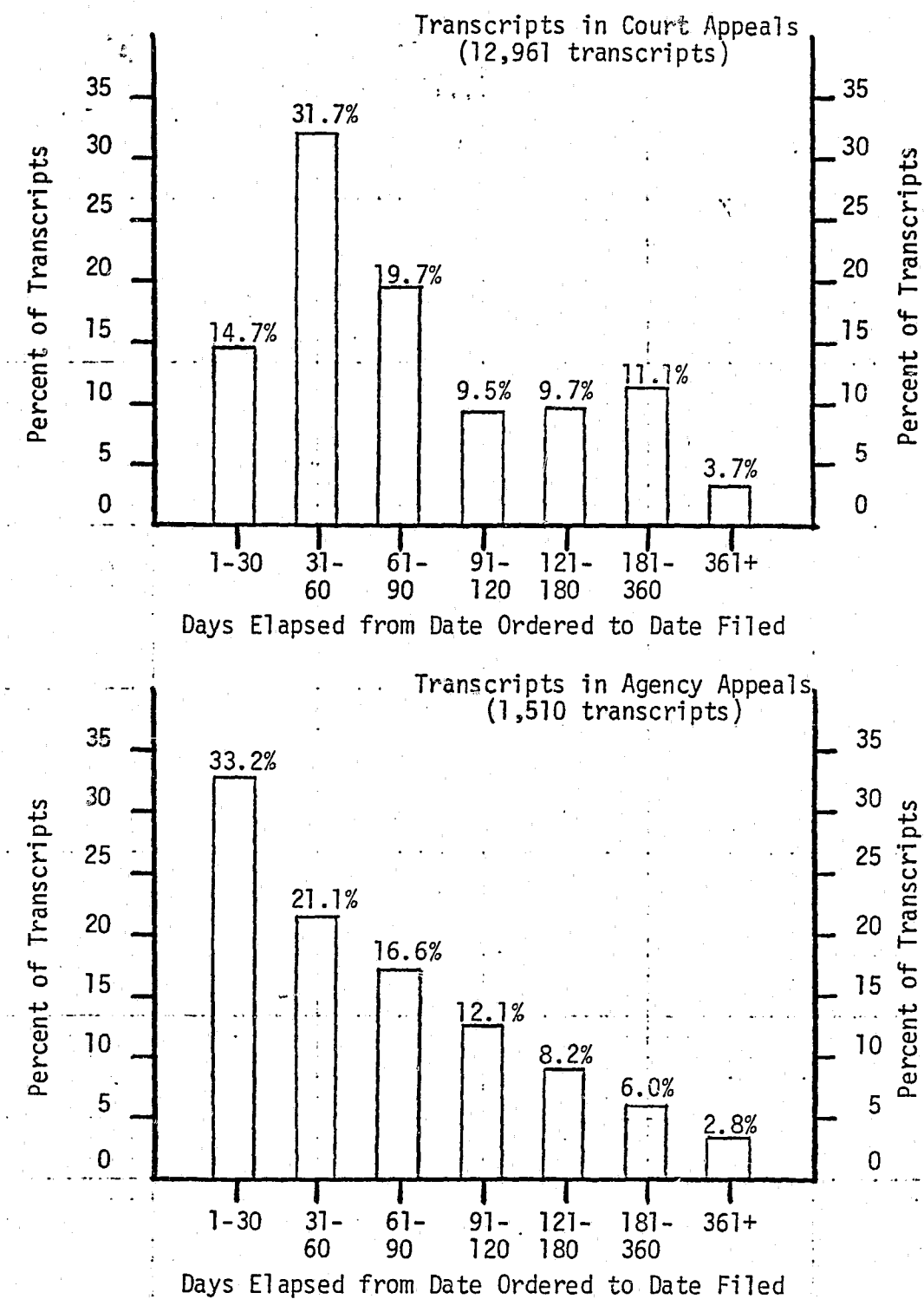
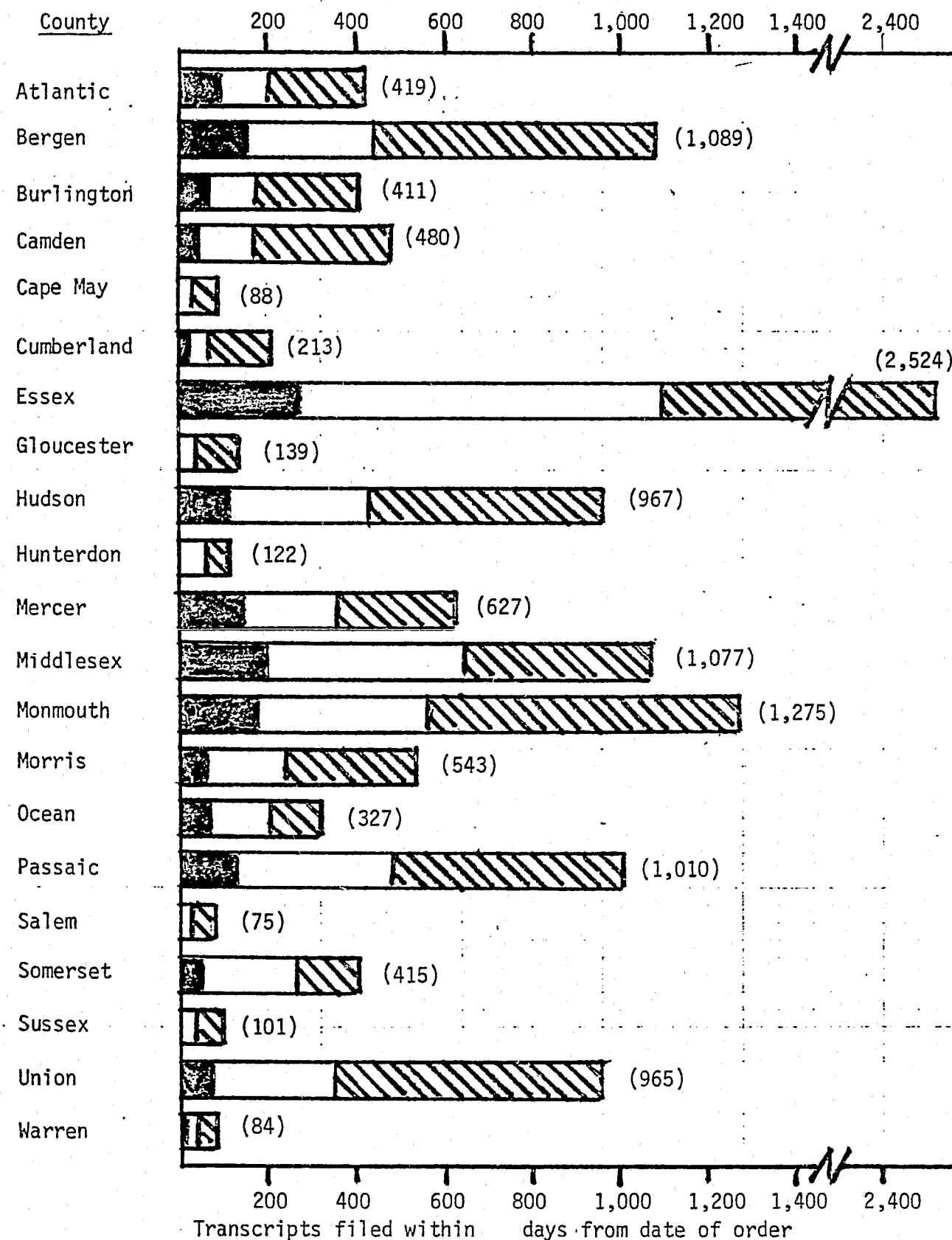


Figure 7. Transcript Production, By County in Appeals from Court Proceedings

Number of Transcripts Filed September 1, 1976 - February 28, 1978



LEGEND:

1-30 Days

31-60 Days

61 Days or More

There were only two counties (Atlantic and Mercer) from which as many as 25 percent of transcript deliveries were made within thirty days. Of the five counties with highest transcript volume, four (Essex, Bergen, Monmouth, Passaic) clustered around the average for all courts of transcripts delivered within thirty days (14.7%). Fifteen of the counties delivered 14.7% or less of their transcripts within thirty days.

Only 46.3% of all transcripts in appeals from courts were delivered within 60 days from the transcript order date. Two counties (Cumberland and Gloucester) had fewer than one-third of their transcripts filed within 60 days. Courts in six counties delivered at least half of their transcripts within 60 days, with courts in Somerset and Ocean counties delivering almost two-thirds of their transcripts in 60 days or less.

A final perspective from which to view transcript delay is to compare performance among trial court levels for cases appealed to the Appellate Division. Figure 8 and Figure 9 below compare transcript delivery times for Superior Court (Law and Chancery Division), County Court (Law and Probate), County District Court, and Juvenile & Domestic Relations (J & DR) Court. The charts show that County Courts have the lowest percentage of their transcripts filed within the prescribed thirty-day period. Performance by Superior Court reporters is somewhat more timely. The best performance figures are for transcripts in appeals from County District and J & DR Courts, about one-third of which were filed within thirty days.

Figure 8. Timeliness of Transcript Delivery in Cases Appealed to Appellate Division (Superior and County Courts)

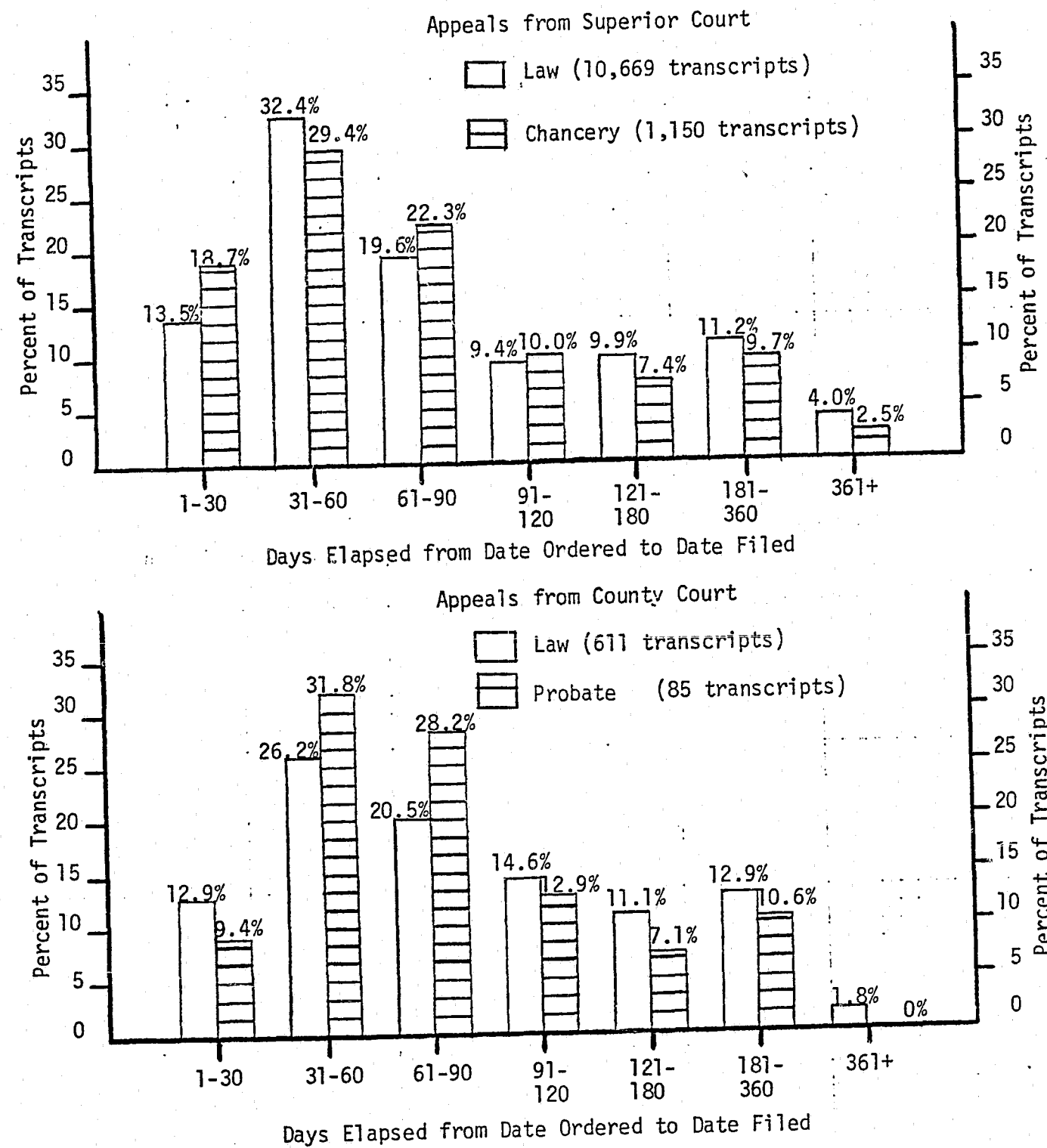
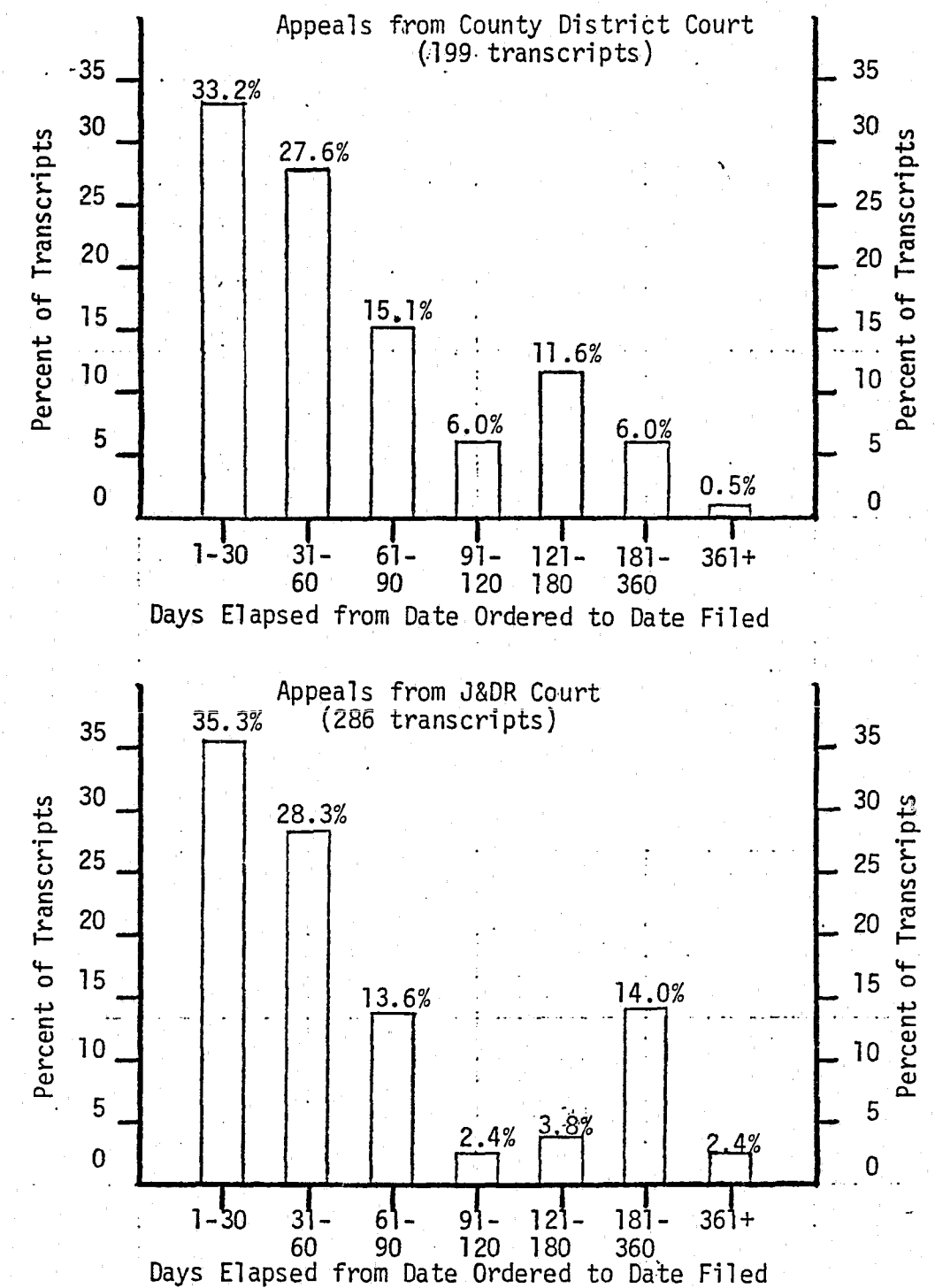


Figure 9. Timeliness of Transcript Delivery in Cases Appealed to Appellate Division (County District and J&DR Courts)



One conclusion that seems obvious from the time lapse data presented here is that delay in transcript delivery is, at least in part, a consequence of transcript volume. The reason that transcripts in agency appeals are delivered in a shorter average time, with a higher percentage within thirty days, is that agency reporters have fewer transcripts to prepare than do court reporters. Similarly, Superior Court has a much higher volume of transcript work than any other court, and this may account for poorer delivery times. But the comparison of counties shows that high-volume counties do not necessarily have poorer transcript delivery times. In fact, Monmouth and Middlesex Counties, which rank among the highest-volume counties, also were among the better counties in transcript delivery times; on the other hand, five counties with low transcript volume -- Cape May, Salem, Sussex, Cumberland, and Gloucester -- had poor overall transcript delivery times.

It is also interesting to note that average transcript delivery times and percent of transcripts delivered within thirty days were generally better for courts whose proceedings were recorded by sound recording devices -- County District Court and J & DR Court. But in addition to lower transcript volume than Superior and County Court, these courts, in general, probably had transcripts with fewer pages.

Another consideration that may be relevant to the distinction in timeliness between transcripts from sound recording and those by court reporters is that transcribers of sound recording transcripts are supposed to request an extension of time for transcript delivery from the

clerk of the trial court if the thirty-day requirement cannot be met.⁶¹ No such requirement appears to exist for court reporters.⁶² Instead, they may be relieved from courtroom duties by the Administrative Director of the Courts for failure to make timely transcript delivery, in order to concentrate on transcript preparation, or they may request such relief if their workloads become excessive.⁶³ Yet it appears that reporters are seldom relieved from courtroom assignments. In an analysis of reporter time sheets for this study, it was found that reporters were relieved to prepare transcripts less than six percent of the days they were not sick, on vacation, or on court recess.⁶⁴ Thus, despite the evidence that transcript filing by Superior Court reporters usually took far longer than the prescribed thirty-day period, the sanction for failure to file promptly was seldom imposed.

*24

⁶¹Sound Recording Manual, pp. 13-14.

⁶²See generally, Reporter Admin. Regs.

⁶³Id., p. 23.

⁶⁴Of 320 OCR days sampled, there were 19 such days for which OCR time sheets showed reporters relieved from courtroom assignment in order to prepare transcripts.

F. Transcript Pages

*12 A key element in the management of transcript production is the ability of the reporter to estimate accurately the number of pages to be transcribed.⁶⁵ If the estimates are grossly erroneous, the reporter has insufficient basis upon which to gauge his work inventory and may not be able to determine whether to seek relief from continued courtroom assignment.⁶⁶ Similarly, supervisors and the Chief of Court Reporting Services must have accurate estimates for management decisions, particularly for the imposition of sanctions.⁶⁷ New Jersey does not now have a mechanism for ready comparison of transcript page estimates on OCR weekly reports with the page length of transcripts as submitted, since neither ADAMIS nor any other reporting system relied on by AOC regularly compares estimated with actual transcript pages.⁶⁸ Although firm data are lacking in New Jersey on this point, there is evidence to indicate that reporter page estimates are often deficient.⁶⁹

To gain some perspective on the page length of transcripts prepared by court reporters, National Center project staff (recognizing the possibility of erroneous page estimates) captured the page length of transcript orders shown in the random sample of OCR weekly reports. As shown

⁶⁵See NCSC, Reporting Services Mgt., p. 13.

⁶⁶See Reporter Admin. Regs., p. 23.

⁶⁷Ibid.

⁶⁸NCSC, Reporting Services Mgt., p. 14, suggests that an appellate information system collect the actual number of pages for each transcript filed or delivered.

⁶⁹See, for example, NCSC, Transcripts by Connecticut Court Reporters, pp. 18-25 (May 1978). In that study, it was found that there was an average gross error (either over or under actual pages) of 66 pages per transcript (a 23% error rate) in page estimates by Superior and Common Pleas court reporters for transcripts delivered in calendar years 1975 and 1976.

in Figure 10, the average estimated length of all transcript orders sampled was about 156 pages, with orders transcripts on appeal averaging 195 pages and transcript orders for other purposes averaging 60 pages. But these are mean figures, and the median figures show that half of the appeal transcript orders were an estimated 80 pages or less, while half of transcript orders for other purposes were an estimated 30 pages or less.

As Figure 11 indicates, an average day of trial testimony generates not more than 150 pages of transcript (which a reporter is now expected to be able to produce in a week). That chart also shows that a large proportion of transcript orders are for relatively short transcripts. It is not surprising to find that over 80% of transcript orders for purposes other than appeal were an estimated 75 pages or less. Somewhat more surprising, perhaps, is that 40% of the transcripts for criminal appeals were estimated at 25 pages or less.

*25

Figure 10. Mean and Median Estimated Page-Lengths for OCR Transcript Orders^a

Purposes for Transcript Orders Sampled	Number Sampled	Mean Est. Pages	Median Est. Pages
Criminal Appeals	197	196.2	70
Civil Appeals	79	211.7	125
Law Division Appeals ^b	276	200.6	100
All Appeals ^c	292	194.7	80
Transcript Orders for Use Other Than Appeal ^d	117	60.1	30
All Transcript Orders Sampled	409	156.2	50

- a. Source: Random sample of OCR weekly time reports for the court year from September 1, 1976, to August 31, 1977.
- b. This category combines the criminal and civil appeal categories.
- c. Included in this category are thirteen transcripts for the Superior Court Chancery Division (mean pages: 107.6; median pages: 55) and three miscellaneous transcripts (municipal court appeal, 20 pages; County District Court appeal, 25 pages; and County Court (Probate) appeal, 40 pages).
- d. For the time period sampled, this category included transcripts of such matters as ethics proceedings, arraignments, pleas and sentences.

Figure 11. Distribution of Page Estimate Totals for OCR Transcript Orders^a

Pages per Transcript Order ^b	Purposes for Transcripts in Sample									
	Criminal Appeals (Number) Percent		Civil Appeals (Number) Percent		All Appeals ^c (Number) Percent		Other than Appeals ^d (Number) Percent		Total Sample (Number) Percent	
1-25	(79)	40.1%	(16)	20.3%	(100)	34.2%	(49)	41.9%	(149)	36.4%
26-75	(22)	11.2	(14)	17.7	(42)	14.4	(49)	41.9	(91)	22.2
76-150	(24)	12.2	(16)	20.3	(44)	15.1	(9)	7.7	(53)	13.0
151-375	(35)	17.8	(21)	26.6	(56)	19.2	(8)	6.8	(64)	15.6
376-750	(26)	13.2	(8)	10.1	(34)	11.6	(2)	1.7	(36)	8.8
751+	(11)	5.6	(4)	5.1	(16)	5.5	(0)	0.0	(16)	3.9
Totals ^e	(197)	100.1	(79)	100.1	(292)	100.0	(117)	100.0	(409)	99.9

- a. Source: Random sample of reporter weekly time reports for court year from September 1, 1976, to August 31, 1977.
- b. It is not possible to determine from reporter weekly time reports how many days' proceedings have been included in any particular transcript order. An hour of trial testimony, however, is estimated by reporter supervisors interviewed for this study to result in 30-45 transcript pages; and an official court reporter's time in court for trial proceedings averages about 3.5 hours in a typical day (see Figure 2 above). It can therefore be estimated that a trial typically generates not more than about 150 pages of transcript per day. This chart consequently distinguishes transcript orders of 150 pages or less from those consisting of more than 150 pages.
- c. This category includes transcripts for criminal and civil appeals, along with 13 transcripts for appeals from the Superior Court Chancery Division and one transcript each for municipal court, county district and county court appeals.
- d. For the court year sampled, this category included transcripts of ethics proceedings, arraignments, pleas, and sentences.
- e. Percent totals are slightly more or less than 100% because of rounding off.

G. Transcript Format

Standards for the format of transcripts serve at least two functions. First, they provide guidelines so that there is uniformity in the presentation of transcript information, enabling the appellate court or other transcript recipient to use time efficiently in reviewing the transcribed record. Second, they help to assure that the party paying for the transcript is getting the maximum amount of transcript content per page consistent with efficient review of the transcribed record.

Rules and regulations currently in force in New Jersey are intended to control the format of transcripts by court reporters and others preparing transcripts. Among the court rules, R. 2:6-10 governs the format of all briefs, appendices, petitions, motions, transcripts and other papers. Administrative Regulations Governing Reporters in the New Jersey Courts, pp. 17-18 and Appendix G (Effective April 10, 1972), provides further details. Similarly, Sound Recording Manual and Administrative Regulations Governing Sound Recording in the New Jersey Courts, p. 14 and Appendix L (Draft, February 10, 1978), relates to the format of transcripts produced from sound recording devices. In the table that follows, the requirements of R. 2:6-10 and the regulations are compared with "trends or recommended national standards" set out in National Center for State Courts, Management of Court Reporting Services, at p. 7 (August 1976).

Figure 12. Comparison of New Jersey Transcript Format Requirements with National Trends or Recommended Standards

Characteristic	Trend or Recommended Standard	R. 2:6-10	Reporter Regulations	Sound Recording Regulations
Type Size	elite	pica or larger	not larger than pica	not larger than pica
Lines per page	25	rule refers to regulations	not less than 25	not less than 25
Margins	left: 1¼ inch right: ½ inch top: 1 inch	on-inch margin for briefs need not be observed	60 or more characters per line; no further provision	one inch
Indentation (Q&A)	none (Q&A at left margin) or not more than 5 spaces for Q&A and no other indentations	rule refers to regulations	unnecessary indentations should be avoided ^a	no provision ^b
Answers	no provision	rule refers to regulations	answers should follow questions on same line rather than being in a separate paragraph ^c	answers, questions on same line if space ^c
Indentation (Other than Q&A)	no provision	rule refers to regulations	(Appendix provides indentation not more than 10 spaces for paragraphs and not more than 5 spaces for left margins of text.)	(Same as reporter regulations)
Index	no provision	rule refers to regulations	every transcript should have an index of any witnesses and exhibits	every transcript should have an index of any witnesses and exhibits
Page identification	no provision	rule refers to regulations	top of page should show name of witness and nature of examination	same as reporter regulations

Notes to Figure 12

- a. In Appendix G to the Reporter Regulations, "Q" is indented 8 spaces from the left vertical margin line, the text of each question is 12 spaces from the left line, and left margins of subsequent lines are 3 spaces from that line.
- b. In Appendix L to the Sound Recording Regulations, "Q" is indented 5 spaces from the left vertical margin line, the text of each question begins at 9 spaces from the left line, and left margins of subsequent lines are 3 spaces from that line.
- c. In the Appendices for both the Reporter and Sound Recording Regulations, "A" is to follow not more than 10 spaces from the end of a question on the same line.

To test the effect of the New Jersey rule and regulations, National Center staff reviewed 39 transcripts prepared in 1976 and 1977 of proceedings in New Jersey courts. Care was exercised to obtain a varied selection of transcripts from pre-trial, trial and post-trial matters, recorded by official and free-lance reporters as well as by operators of sound recording devices.

The rule and regulations require a "pica" type size or its equivalent (10 characters per inch), and all transcripts inspected were in compliance with this provision. Furthermore, no transcript was found to have less than 25 lines per page. Each of the transcripts had an appropriate index, and only one failed to identify the witness under direct or cross-examination in the prescribed manner: by an entry at the top of each page. That same transcript, by a free-lance reporter recording an agency proceeding, also had pagination and collating problems not found in other transcripts.

Indentation was the general area in which the transcripts inspected were most at variance from one another and from the regulation appendices. As notes a and b to Figure 12 above indicate, the regulations for sound recording and for reporters are not consistent with one another regarding indentation of questions and answers in examination of witnesses. In the transcripts inspected for this study, thirteen different patterns were found for indenting questions asked of witnesses, and no transcript was found with indentation conforming to that found in the appendices to either the reporter regulations or the sound recording regulations. The letter "Q," signaling a question by counsel, was indented from 6

to 12 spaces from the left vertical margin line and the questions themselves were indented from 12 to 20 spaces.

Nor were the regulations followed in regard to answers by witnesses. Less than 45% of the transcripts had answers following at the end of questions, as required by regulations; in the majority of transcripts, answers always started on a new line, even when they were one-word answers. Even those transcripts having answers on the same line as questions varied from the regulations' provision that the letter "A" to signal an answer be not more than 10 spaces from the end of the question. Answers were placed from 8 to 25 spaces from the end of questions, and nine different spacing patterns were followed. Only three complied with new regulations.

Transcript indentation other than that of witnesses testimony was similarly variable. Twenty different styles of indentation were found, only one of which complied with regulations. Some transcripts indented as much as 28 spaces, almost half the page.

The impact of such indentation should not be lost on even the most casual observer. Reporter regulations state, "Unnecessary indentations and blank spaces should be avoided," and both sets of regulations set out that transcripts should have 60 spaces per line. But in the transcripts examined for this study, lines indented 20 spaces may have only 40 character spaces, while those indented 28 spaces have no more than 35 character spaces.

For transcribing the record of a proceeding, a court reporter is entitled by statute⁷⁰ to receive fees, in addition to any other com-

⁷⁰The fee rate is set by N.J.S.A. 2A:11-15, while 2A:11-16(f) entitles every reporter to retain such fees.

pensation, at the rate of forty cents for each original "folio" of one hundred words and ten cents for each folio copy. Each transcript page of twenty-five lines is deemed, in the absence of an actual word count, to consist of two and one-half folios.⁷² Each page is supposed to consist of approximately 250 words. But when transcripts were inspected for this study, there were full pages found with as few as 136 words.⁷³

These findings indicate there there were significantly less than 2.5 folios per page in the transcripts inspected for this study. If transcripts were prepared in compliance with current regulations, fees paid by litigants would be reduced considerably; preparation in compliance with recommended national standards might reduce fees by as much as \$50 for an original and one copy of the transcript of a day's testimony.⁷⁴

*32

⁷¹A "folio" consists of 100 words, according to N.J.S.A. 1:1-2. The trend or recommended national standard presented in NCSC, Reporting Services Mgt., at p. 7, is that fee rates be set on a per-page basis, with a fixed number of lines per page.

⁷²Reporter Admin. Regs., p. 17.

⁷³See Memorandum, November 6, 1974, to Supervisors of Court Reporters, et al., from the AOC Chief of Reporting Services, subject: "Preparation and Filing of Transcripts." That memorandum noted that transcripts claimed by the Public Defender not to contain 250 words per page were being returned for excessive charges.

⁷⁴For the purposes of this study, 16 of the 39 transcripts reviewed were inspected in much greater depth to estimate the impact of reduced indentation. After determining the indentation of Q and A and other parts of the transcript, the exact number of lines in each transcript was determined. Also, the number of indented lines was determined, with one-line questions, answers, or statements counted separate from opening lines of paragraphs followed by subsequent text. In this manner, it was possible to calculate the impact of indenting the first line of a paragraph only 5 spaces instead of twenty, for example. For the transcripts inspected in depth, the result was to reduce transcript length from an average of 103 pages to an average of 87 pages. It was estimated that two transcripts would be reduced by over 40 pages.

H. Storage of Reporter Notes

Although a transcript may not be requested within the time set for appeal the reporter notes must be stored for possible later transcription, perhaps for appeal or for a post conviction relief petition. The retention periods adopted in New Jersey pursuant to rule⁷⁵ and regulations⁷⁶ recognize the need for delayed access to and transcription of reporter notes.⁷⁷ Quite apart from the ability of a reporter later to discern his or another reporter's earlier notes, which may be illegible, the records must be available for this purpose. It is, therefore, important that the notes be securely kept and accessible.

Typically the notes are stored in the county courthouses in space provided by the Board of Chosen Freeholders. Not infrequently the area assigned for note storage is in a basement or attic without adequate protection from fire or water damage; the notes are exposed to risk of loss or damage by vandals or, perhaps more realistically, by those seeking to retrieve them legitimately. Often stored in cardboard cartons without proper outside identification it is not unusual that notes are difficult to locate or are damaged in the search process.

Many of the problems in hard copy note storage, particularly those of volume, retrieval and destruction, have been satisfactorily solved by the use of microfilm.⁷⁸ This technology is being used in Middlesex County and being considered in Burlington and Ocean Counties.

⁷⁵R. 7:4-5, as amended effective September 11, 1978.

⁷⁶Reporter Admin. Regs., pp. 9-10. Retention and storage of tapes of sound-recorded proceedings are treated extensively in Sound Recording Manual, pp. 5, 21 and Appendix F.

⁷⁷NCSC, Reporting Services Mgt., p. 24.

⁷⁸See in general, National Center for State Courts, Microfilm and the Courts: Guide for Court Managers (July 1976); and NCSC, "Report. Court Improvement Through Applied Technology" (October 1978).

For the purpose of this study, National Center project staff conducted a telephone survey of reporter supervisors (or assistant supervisors when supervisors were unavailable) relating to issues in the storage of notes. The results of that survey are presented here in Figure 13 below, and treated in further detail in Appendix B. Figure 13 shows that the most common problems reported were storage of notes in multiple locations (which may create problems for retrieval, but which may also require extensive capital costs to remedy), inadequate space, and use of inadequate containers in the form of heavy cardboard boxes. Perhaps the most critical problems, deserving most immediate attention, are the poor security of unlocked files and the storage of notes in a manner leaving them vulnerable to water and fire damage. The counties shown here to have the highest incidence of problems are Bergen, Mercer, Ocean, Monmouth, and Union Counties; problems in Monmouth and Bergen Counties may be particularly deserving of concern because these counties rank second and third behind Essex County in transcript volume. *33

The National Center survey also determined that each reporter compiles from four to five file drawers of machine shorthand notes per year, with OCR's generating an average of 4.5 drawers per reporter per year and each per-diem position⁷⁹ producing about 4 drawers per year. The supervisors and assistant supervisors surveyed were also asked to comment on the "aging" of reporter notes; for how long a time after the date of proceed-

⁷⁹Supervisors in the busier court locations commonly must engage from one to five free-lance reporters each day, and in this survey the number hired per day was considered as a number of per-diem units (positions), even though different people might be employed.

ings recorded did they consider notes to be "current" (high likelihood of transcript orders), "live" (some likelihood of orders), or "dead" (little likelihood of orders). The range of responses was as follows:

Current: from 2-3 months to 18 months

Live: from 1½ to 5 years

Dead: from 2 or more years to 5 or more years, or
where a transcript of the notes has been made.

Legend: X Indicates Potential Problem Area
 * Indicates Possibility of Increased Space

Figure 13. Storage Problem Areas^a

County	Facility		Inadequate Space		Poor Security		Vulnerable to:		Comments	
	Multiple Locations	Separate Building	Now	Future	Poor Access to Records	Space Records (unlocked)	Inadequate Containers (boxes)	Fire Damage		Water Damage
Camden Gloucester			X X	* *		X X	X X	X	X	Short office space
Hunterdon Mercer Somerset	X X X	X	X X	X *		X	X	X X	X	Short office space
Morris Sussex Warren	X X					X	X X			
Middlesex	X					X	X			Microfilm
Hudson	X		X				X		X	
Atlantic Cape May Cumberland Salem						X	X X X			
Monmouth	X	X	X	*		X	X	X		
Union	X			*		X	X	X		
Bergen	X	X	X	X	X	X	X			Short office space
Passaic	X	X		*			X	X		
Essex	X									
Burlington Ocean	X X	X		*	X	X X	X	X X		Short office space County microfilm grant Soon to microfilm

a. Source: NCSC note storage survey, July 1978, Supplementing AOC 1977 survey, reported in memorandum to Edward H. Stern from Robert W. McIntosh, re: "Storage of Court Reporter Notes" (March 4, 1977).

I. Computer-Aided Transcription⁸⁰

Concern for appellate delay, especially that caused by the late filing of transcripts, was the impetus behind active research on computer-aided transcription (CAT) undertaken in 1975-76 by the court planning division of the AOC.⁸¹ A court planner's personal interest in the experimental stages of CAT was reinforced by that of several court reporters, leading to the formation of a committee to study the feasibility of CAT in New Jersey. An extensive literature search, field trips to pilot CAT project sites and demonstrations by vendors followed. On-going communication was established with the nearby CAT project in Philadelphia. There were generally favorable feelings toward adoption of a CAT system in New Jersey but additional research was conducted both to allow time for CAT systems to become more developed and appropriate for statewide application and to identify system needs in New Jersey.

A Request for Proposal (RFP), issued in August 1977, resulted in bids from three vendors: CTS/Stenocomp, Stenographic Machines and Baron Data Systems. However it became evident that the original RFP had been too broad and had resulted in bids which overstated New Jersey's needs. Revised bids were submitted following a bidder's conference in December 1977. The evaluation committee's initial inclination to recommend an award to CTS/Stenocomp as the lowest cost responsive bidder was upset by the submission of an unsolicited proposal from Baron Data Systems which made that vendor the lowest cost responsive bidder. Following an extensive bid evaluation process based on specified criteria and conducted by the committee, in Spring 1978 a report recommending the award

⁸⁰ For extensive discussion of the technology associated with CAT, see National Center for State Courts, Evaluation Guidebook to Computer-Aided Transcription (May 1975); Management of Court Reporting Services (August 1976); and Users' Guidebook to Computer-Aided Transcription (August 1977).

⁸¹ New Jersey's Acting Administrative Director of the Courts has recommended that shorthand reporters work closely with judges and court administrators to explore the feasibility of CAT and other developing technology as means to provide faster, cheaper, better transcripts. Hon. Arthur J. Simpson, "Role of the Reporter in the Discovery, Trial and Appellate Process" (opening session

to Baron Data Systems was submitted to the Acting Administrative Director of the Courts. A meeting of the committee, the Acting Director and the State Department of Treasury Purchase Bureau on May 24, 1978, resulted in the decision to cancel all previous bids and issue an addendum to the original Request for Proposal, which specifies system requirements in much greater detail. Only the three original bidders have received the re-issued RFP, which required a response by August 4, 1978. Vendors were requested to submit per-page cost estimates in a specified format so that immediate cost comparisons could be drawn by the committee, thus hastening the decision process.

The time spent in observing the progress of CAT in other jurisdictions has been worthwhile. Research and observation have educated personnel and allowed CAT more development time; the extra time has paved the way for acceptance by reporters and has led to more realistic expectations of what CAT can effect in New Jersey. It is anticipated that a scaled-down approach (from a 30 reporter to a 10 reporter configuration) will be taken.

Selection of the reporters to participate in the pilot project will be undertaken by the successful vendor, with the court intervening in the selection process only to the extent that its knowledge of court reporter attitudes will identify those most willing to invest time and effort in the new system. The first group of reporters will be placed in the ten courts of highest volume; it is expected that the increased transcript fees and other monetary incentives for those opting to stay with CAT will engender favorable overall attitudes by reporters toward the system during the implementation process, and in any extension of the technique.

panel comments), The Proceedings of the 75th National Shorthand Reporters Association Convention and Seminar (Hilton Hotel, Washington, D.C., August 4-7, 1976), p. 23.

For further treatment of CAT in New Jersey, see below Chapter IV and Appendix E.

CHAPTER II.
COURT REPORTER COMPENSATION

CONTINUED

1 OF 4

CHAPTER II:
COURT REPORTER COMPENSATION

As compensation for their performance of services to the New Jersey courts, official court reporters receive salaries as state employees and are entitled to charge fees for the preparation of transcripts.⁸² While they are prohibited from accepting outside employment during court hours for such purposes as recording depositions or local government proceedings, many official court reporters further augment their income by such outside employment on evenings or weekends.

This chapter will present a presentation of court reporter compensation from two perspectives. Section A presents a detailed assessment of reporter income, exploring changes in reporter salaries between 1970 and 1978 and comparing the income of New Jersey court reporters with that of New Jersey judges and other court personnel, as well as with the income of court reporters in nearby jurisdictions. Section B, on the other hand, analyzes reporter transcript fee income in view of out-of-pocket expenses incurred by reporters in transcript production.

⁸²See NCSC, Reporting Services Mgt., p. 9.

A. Income Analysis

*23 Official court reporters in New Jersey are paid salaries based on the number of years they have been employed by the state.⁸³ Thus a reporter with four years' employment would automatically receive a "grade four" salary.⁸⁴ This method of automatic annual increases is common to other judiciary employees except judges. But since 1973 court reporters in New Jersey have, through CSRA-NJ, negotiated with AOC for compensation schedules separate from the schedules for other state employees. For a detailed analysis of reporter contracts with AOC, see Appendix D below.

*37 An examination of the compensation schedules for New Jersey court reporters reveals that, as a rule, salary increases are negotiated on the basis of reporter pay grades; see Table 1 to Appendix D, below, a summary of court reporter compensation schedules since 1971. For example, in the 1976-1977 contract, each of the salary grades was increased by an across-the-board 7%. However, this is not a useful yardstick to use in analyzing reporters' salaries, since reporters progress not only from one year's compensation schedule to the next year's, but also from one year's salary grade to another, based on service time. Therefore, Table 1 in Appendix D includes for each compensation schedule not only the negotiated increases (in dollar amounts and in percentages) over each prior year for each pay grade, but also increases for reporters by virtue of tenure. Thus one

⁸³Until recently the pay range for New Jersey court reporters was established by the legislature and set forth by statute. But in the wake of state takeover of court expenses formerly borne at the county level, the legislature has relinquished authority over reporter salaries to the New Jersey Supreme Court. For an analysis of the evolution of relevant statutory law (NJSA 2A:11-16) since 1948, see below, Appendix C.

⁸⁴Since 1975, the Administrative Director of the Courts has been authorized by contract to skip one pay grade for each two years' prior reporting experience for reporters entering state employment. Computations in this section do not consider such entry-level adjustments. Likewise, no supervisor or assistant supervisor adjustments have been included; nor have any merit stipends been considered.

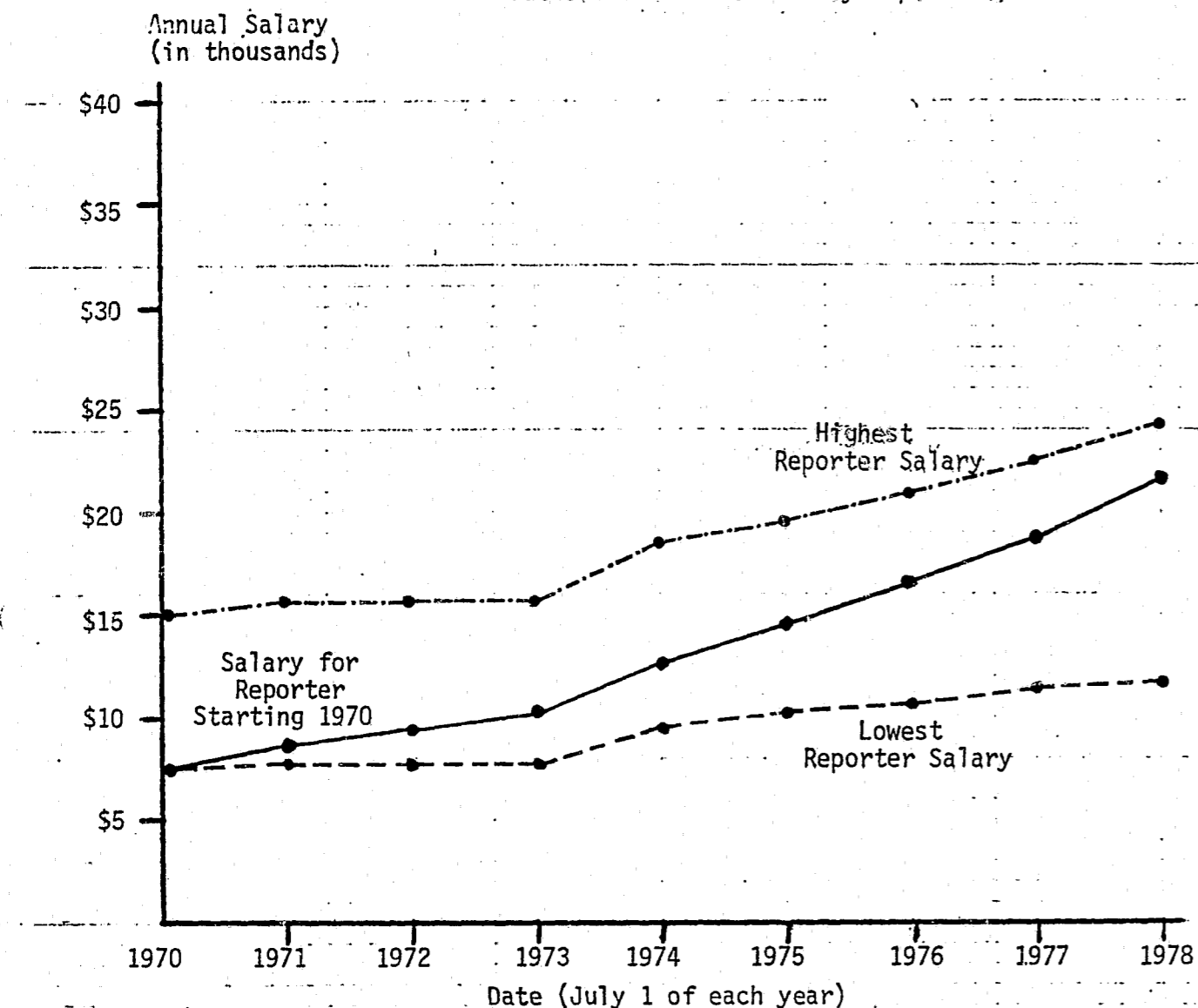
can see from Table 1 that, while the increase for the pay grades was 7%, the reporters themselves -- benefiting both from this negotiated increase and from their automatic advancement each anniversary to higher pay grades-- received increases of up to 16.7%. The combined effect of the negotiated increases and the automatic annual promotions can be seen in Figure 14 charts the negotiated increases from 1971 to the present in starting salaries for beginning court reporters (those with less than one year's state employment, and also charts the annual salary of a hypothetical court reporter who started working for the state in the first half of 1970.⁸⁵ It is this last salary progression, charting actual increases for individual reporters and not for pay grades in the abstract, that is the most meaningful for purposes of the analysis set forth in Tables 2 and 3 of Appendix D, comparing New Jersey reporter salary progress with (a) that for New Jersey judges and selected court employees and (b) court reporters in nearby jurisdictions.

Transcript fees and fees for outside reporting activities (such as depositions, services to prosecutors, etc.) must also be taken into account in analyzing reporter income. Unfortunately, no firm objective data on these income sources are available. But responses from official court reporters to a 1974 questionnaire distributed by the Chief of Court Reporting Services indicated that the average reporter's gross income that year from transcripts of proceedings in court was \$5,690.⁸⁶ For outside

⁸⁵This starting point was chosen for convenience of reference: e.g., in 1971 such a reporter would be a "grade one" reporter, in 1972 "grade two," etc.

⁸⁶Memorandum, to Hon. Arthur J. Simpson from Robert W. McIntosh, Subject: "Report on Court Reporters' Income Questionnaires for Calendar Year 1974," dated August 27, 1975.

Figure 14. Salary Progress of New Jersey Court Reporter Starting Work in 1970*
(Compared with highest and lowest salaries authorized for New Jersey reporters)

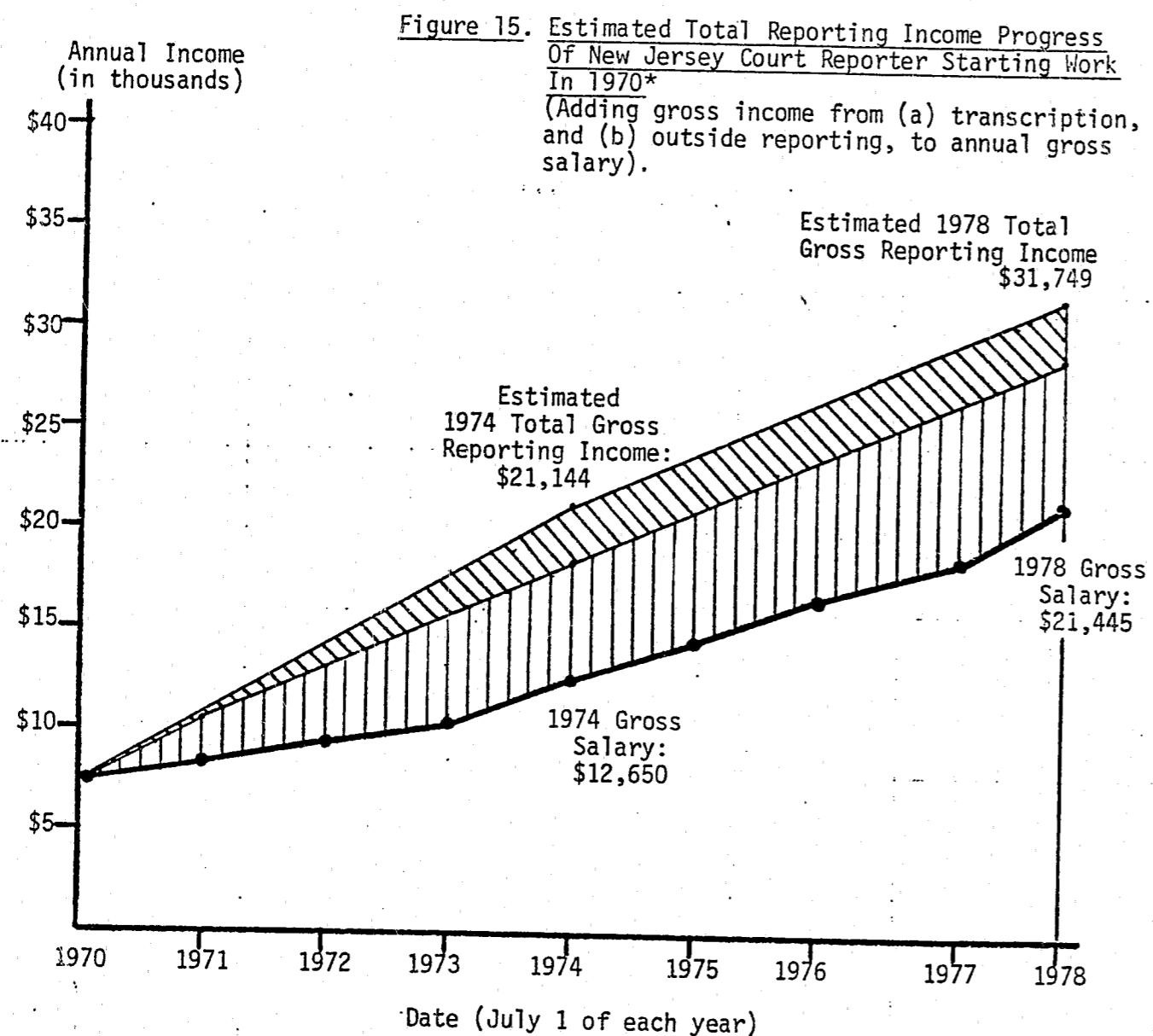


* Source: Salary schedules established under NJSA 2A:11-16(a) and in contracts between AOC and CSRA-NJ. This chart represents a hypothetical reporter. It disregards reporters who are deemed qualified by AOC to begin service at a pay above that set for entry-level reporters in the reporter salary schedule. It further disregards additions to salary for having qualified for a certificate of merit, or for service as a reporter supervisor or assistant supervisor.

reporting activities exclusive of transcripts, the survey showed an average annual income of \$2,804. (It should be noted that, unlike judges and other AOC employees, OCR's and county-paid judicial employees are not precluded from outside work.) A series of interviews held in 1978 with court reporter supervisors and representatives of the Certified Shorthand Reporter's Association elicited an overall estimate of an average gross income of \$5,000 per year from transcript fees; a more detailed estimate was that starting reporters averaged \$2,000 gross transcript fee income after their first year, while the most experienced reporters average about \$7,500 per year. In Figure 15 these reporter estimates are added to the salary progression of a court reporter starting work for the state in 1970. This chart assumes that the outside reporting activities would not begin to generate income until the reporter had been working for the court for a year, and that thereafter both outside reporting income and transcript fees would increase each year.⁸⁷



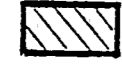
Figure 16 compares this estimated overall income to starting salaries and top salaries for reporters over the same period. This figure further illustrates the inadequacy of examining annual compensation schedules without interpreting them in terms of the individual reporter, since it indicates that (by the conservative estimates adopted here) a reporter starting work for the state in 1970 at the lowest reporter pay grade would by 1974 be earning a salary greater than that for the highest authorized reporter pay grade for 1970.

⁸⁷This assumption is based on interviews by National Center staff with reporter supervisors in New Jersey. A first-year court reporter receives few transcript orders because she or he has recorded relatively few proceedings. As time passes, however, each reporter has recorded a growing number of proceedings for which transcripts may be ordered; moreover, as a reporter gains experience he or she is likely to be assigned more frequently to more difficult proceedings (which are also more likely to result in transcript orders).



* Sources: Salary Schedules established under NJSC 2A:11-16(a) and in contracts between AOC and CSRA-NJ; Memorandum to Acting Administrative Director of New Jersey Courts, Subject: "Report on Court Reporters' Income Questionnaire for Calendar Year 1974" (August 27, 1975); and National Center interviews with New Jersey supervisors of court reporters.

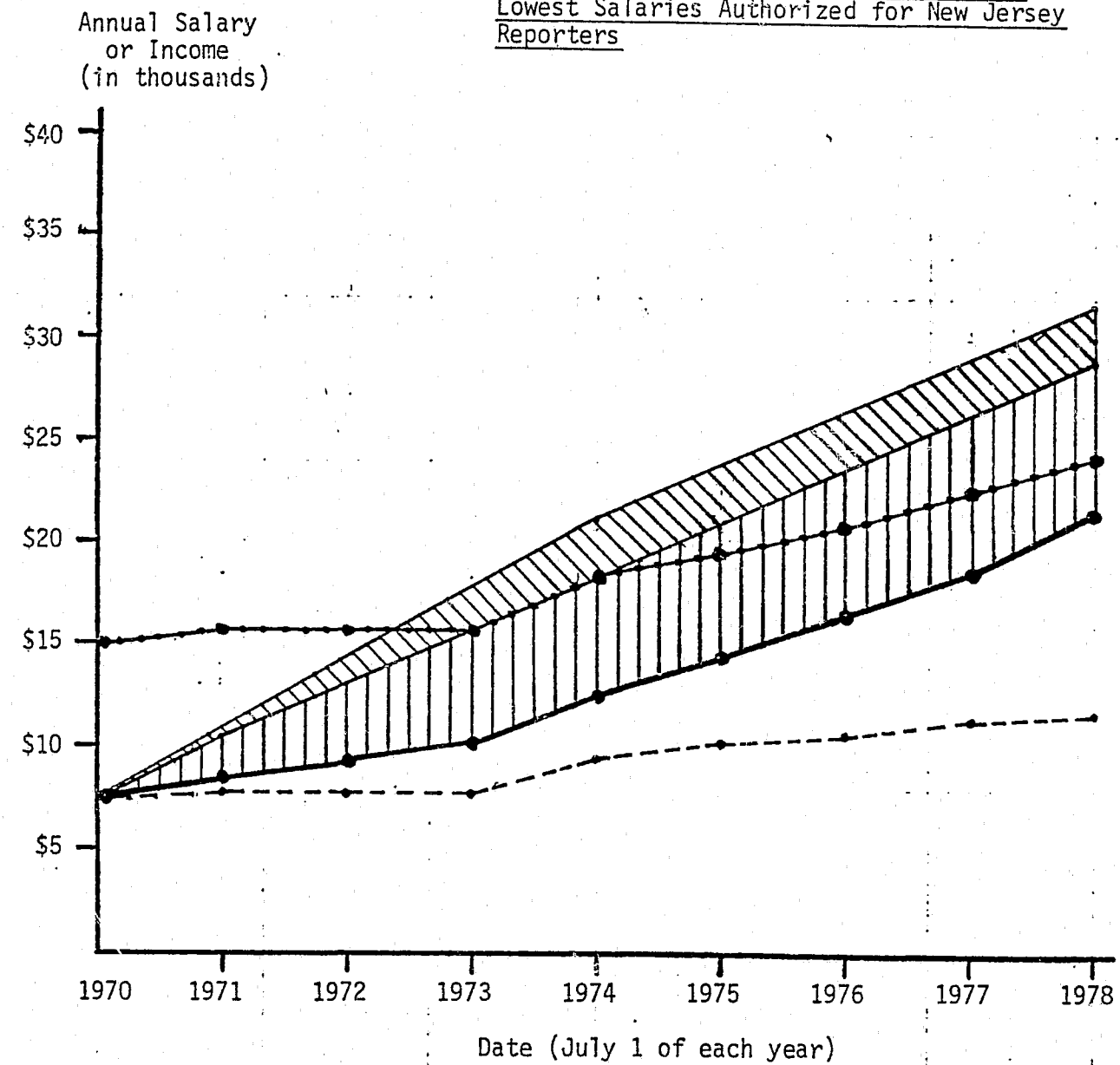
Legend:

-  Salary progress of reporter starting work in 1970 (see preceding chart).
-  Additional gross income from transcribing court proceedings.^a
-  Additional gross income from outside reporting activities (e.g., depositions, municipal court, etc.)^b

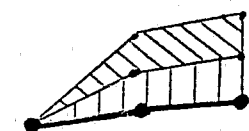
Notes to Accompany Figure 15: Estimated Total Reporting Income Progress of New Jersey Court Reporter Starting Work in 1970

- a. In the memorandum cited here among the sources for this figure, it was reported that the average annual income from transcripts of court reporting for 142 reporters responding was \$5,690 (ranging from \$502 to \$19,531). In interviews, reporter supervisors indicated that a neophyte reporter does not at first make much transcript income, but can expect to begin making at least \$2,000 per year as the number of proceedings recorded builds up. They further indicated that average income from transcripts is about \$5,000, and that experienced reporters (because they have recorded many cases and are assigned to more complex proceedings) average \$7,500 per year. These averages are used as reference points for estimation here: for 1971, the chart shows \$2,000 transcript income; for 1974, \$5,690; and for 1978, \$7,500.
- b. In the same memorandum, the average income from outside reporting activities for 50 respondents was \$2,804 per year (from \$6 to \$17,878). The chart here thus shows an increase in outside reporting income to \$2,804 by 1974. Since no other information was obtained, the chart assumes no further increase in such income, so that the estimated outside reporting income for 1978 is also \$2,804.

Figure 16. Comparison of Estimated Total Reporting Income Progress of New Jersey Reporter Starting Work in 1970 With Highest and Lowest Salaries Authorized for New Jersey Reporters



Legend:



Estimated total gross annual reporting income, including salary, transcript fees, and income from outside reporting (see preceding chart).

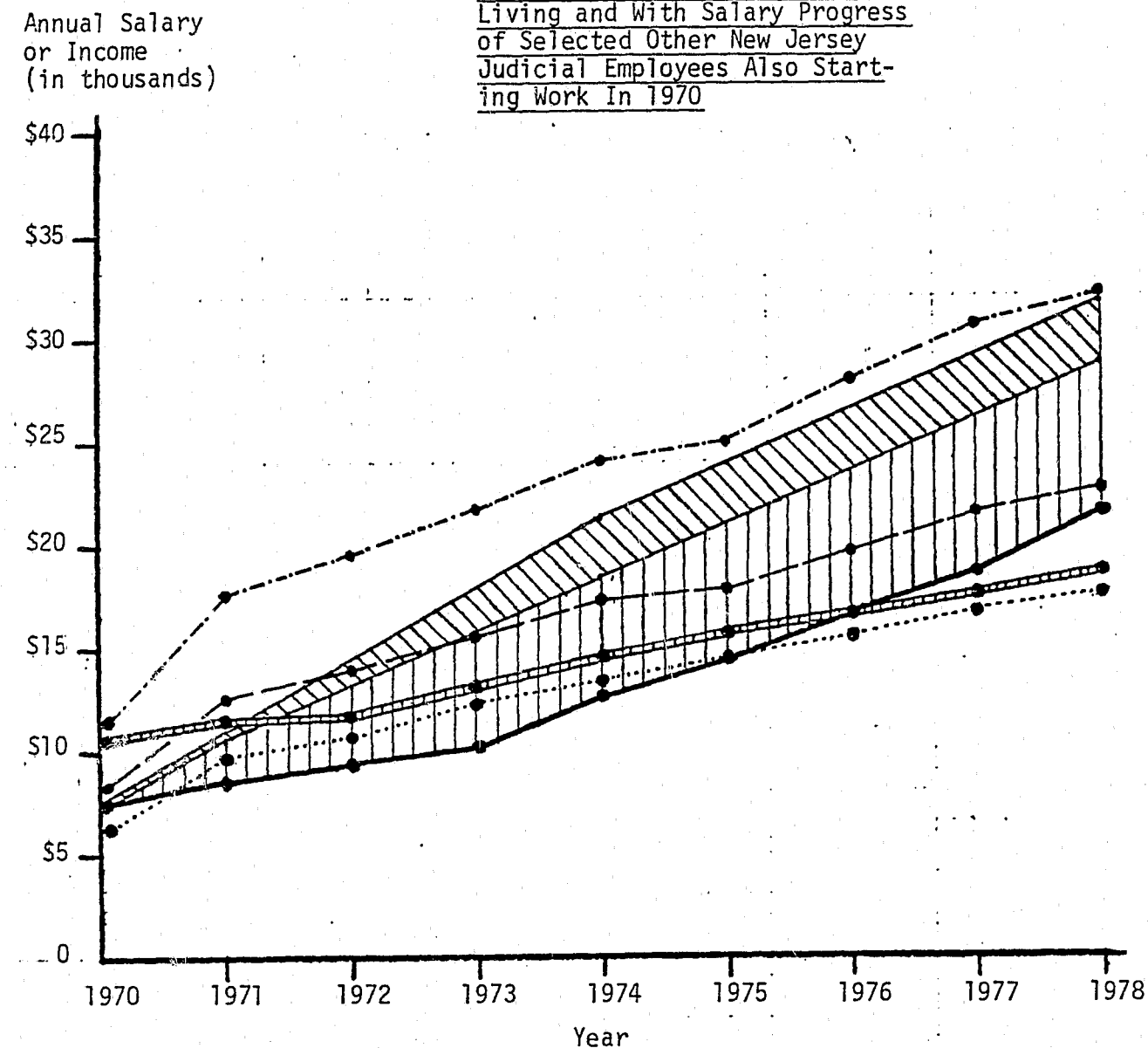
Highest reporter salary authorized by salary schedule.

Lowest reporter salary authorized by salary schedule.


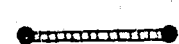

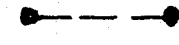

In Figure 17, the same estimated overall income for the court reporter is shown in comparison with the salary curves for a trial court administrator (pay grade A-32), a legal assistant (pay grade A-25), and a secretary-stenographer (grade A-20), all starting work for New Jersey in 1970; and with the estimated annual budget for an intermediate income family of four in New Jersey.⁸⁸ From this figure one can see that, after a 55% salary jump in 1971 due to adjusted pay scales for administrative court employees the trial court administrator, the legal assistant, and the secretary-stenographer positions have received pay increases which only parallel the cost-of-living increases, while the court reporter has received pay increases which paralleled the cost of living until 1973, then climbed much more rapidly thereafter, because reporter salaries were set by AOC rather than by statute. The figure also shows that, although the court reporter's salary has remained almost exactly \$10,000 below that of the trial court administrator, at the end of eight years' employment the court reporter's income from transcripts and outside reporting activities has made up the difference and the total income for both employees is virtually the same. Since 1970, the reporter's salary has almost caught up to that of the legal assistant, surpassing this position in estimated total gross income. While the additional reporter income admittedly derives from after-hour employment, it should be remembered that Figure 2 above shows a 6½ hour average work day for reporters (including lunch).

⁸⁸Source: U.S. Department of Labor, Bureau of Labor Statistics, Annual Urban Family Budgets for 1970-1978. (Note that the figures used are those for the Philadelphia-New Jersey metropolitan area, since they are below the budget for the non-metropolitan northeast. While reporters are concentrated in the northeast part of New Jersey, it is felt that the Philadelphia-New Jersey figures more nearly approximate statewide cost of living.)

Figure 17. Comparison of Estimated Total Reporting Income Progress of New Jersey Court Reporter Starting Work in 1970 With Cost of Living and With Salary Progress of Selected Other New Jersey Judicial Employees Also Starting Work in 1970



Legend:

-  Estimated total reporting income progress of reporter starting work in 1970 (annual salary plus transcript fees and income from outside reporting activities).
-  Cost of living (annual costs for four-person family at intermediate budget in Philadelphia-New Jersey, as reported by Bureau of Labor Statistics, U.S. Dept. of Labor).
-  Trial Court Administrator (A-32)
-  Legal Assistant IV (A-25)
-  Secretary-Stenographer (A-20)

As far as improvement of their disposable income between 1970 and 1978 is concerned, New Jersey court reporters have perhaps done as well as any category of Judicial Department officials or employees. This is particularly so since 1973, when control of court reporter salaries was relinquished by the New Jersey legislature and made subject to New Jersey Supreme Court control pursuant to negotiations between AOC and CSRA-NJ (see below, Appendices C and D). Figure 18 compares the salary progress since 1973 of judges, court reporters, and selected other court employees hypothetically starting work for the courts in 1970, to the annual New Jersey cost-of-living change from 1973 to 1978.⁸⁹ Among the categories compared in Figure 18, the court reporter's salary increase between 1973 and 1978 was exceeded in actual dollars only by that for judges of the Juvenile and Domestic Relations Court. But none of the other groups compared in Figure 18 came near the percent increase in salary by the court reporter, whose percent advance was more than twice that of any other employee category shown in the chart. Perhaps the most critical indicator of relative advance, however, is by comparison against change in the cost of living. Note that each judge category "lost ground," against the cost of living (that is, legislation increased the salaries of judges less than the cost of living increased), while each other group "gained ground." Yet while the trial court administrator, legal assistant, and secretary-stenographer made only nominal progress against the cost of living, the court reporter's salary advanced dramatically.

⁸⁹It should be remembered, of course, that the salaries of judges are set by the legislature. Figure 18 varies from other figures in this section by comparing dollar amounts from 1973 to 1978 (rather than from 1970 to 1978) to highlight the effect of AOC/CSRA-NJ negotiations.

Figure 18. Summary Comparison of Salary Progress of New Jersey Court Reporter Starting Work In 1973 With Salary Progress of Judges and Selected Judicial Employees *

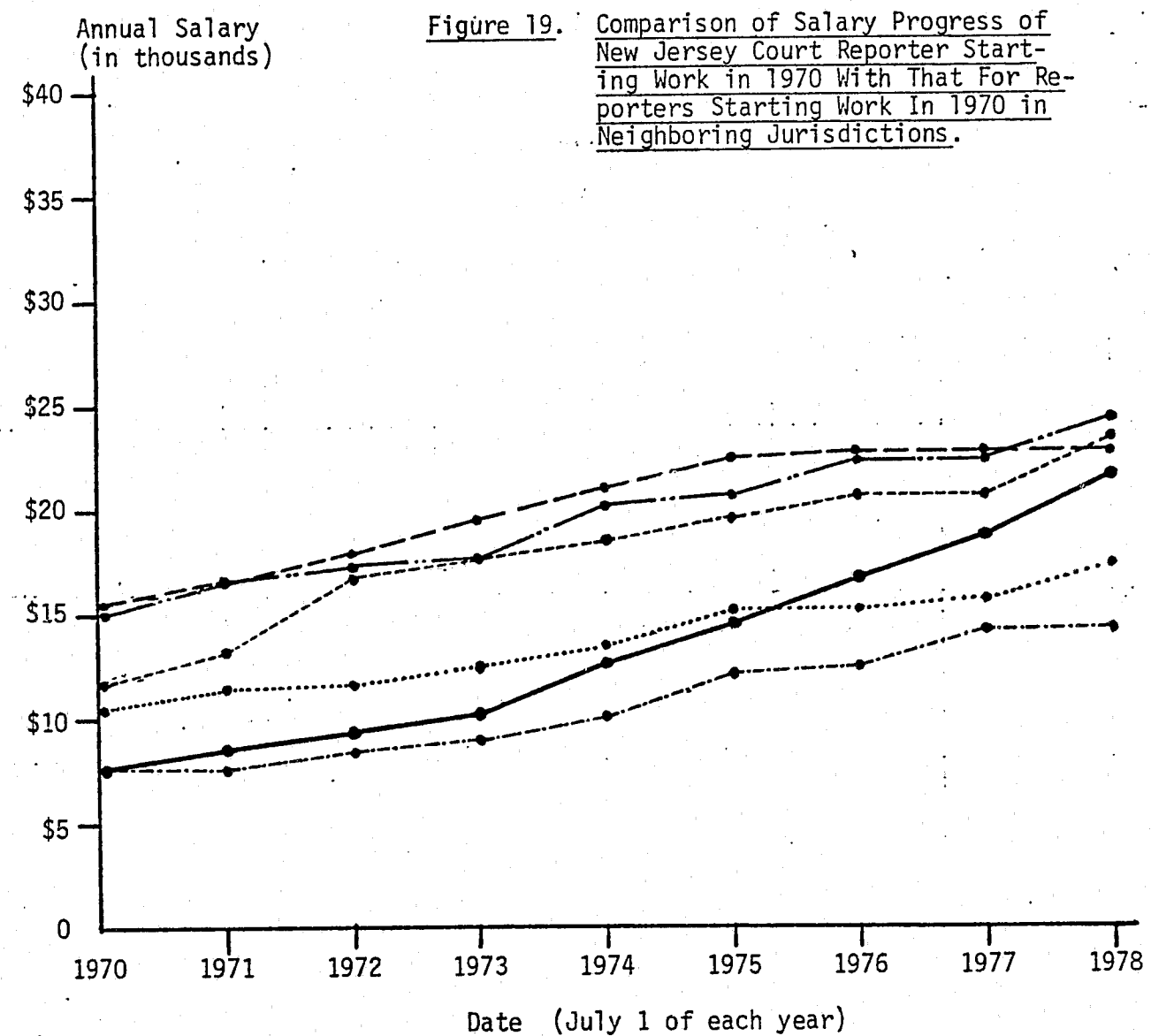
DESCRIPTION	1973 Annual Salary	1978 Annual Salary	Salary Increase 1973-78 (Dollars)	Salary Increase 1973-78 (Percent) ^a	1973 Salary Ratio to COL-NJ ^b	1978 Salary Ratio to COL-NJ ^b	Salary 1973-78 Against COL-NJ ^c
Supreme Court:							
Chief Justice ^d	\$47,500	\$58,500	\$11,000	+ 23%	3.65	3.14	-14%
Associate Justice ^d	45,000	56,000	11,000	+ 24%	3.46	3.00	-13%
Superior Court:							
App. Div. Judge ^d	42,000	53,000	11,000	+ 26%	3.23	2.84	-12%
Trial Div. Judge ^d	37,000	48,000	11,000	+ 30%	2.84	2.58	-9%
Judge, J & DR Court ^d	34,000	48,000	14,000	+ 41%	2.61	2.58	-1%
8 Court Reporter ^e	10,070	21,445	11,445	+114%	0.77	1.15	+49%
Trial Ct. Admr. (A-32) ^f	21,732	31,904	10,172	+ 47%	1.67	1.71	+2%
Legal Asst. IV (A-25) ^f	15,446	22,673	7,227	+ 47%	1.19	1.22	+2%
Secretary-Steno (A-20) ^f	12,101	17,764	5,663	+ 47%	0.93	0.95	+2%
Cost of Living (COL-NJ) ^g	13,022	18,639	5,617	+ 43%	1.00	1.00	- -

*Since 1973, court reporter salaries have been set pursuant to AOC contract negotiations with CSRA-NJ.

- The 1973-78 salary increase (percent) is derived by dividing the 1973-78 salary increase (dollars) by the 1973 annual salary.
- Ratio to cost of living (COL-NJ) is derived by dividing annual salary by cost of living.
- Salary 1973-78 against COL-NJ is derived by dividing the 1978 ratio of salary to COL-NJ by the 1973 ratio, to determine whether salary increases exceeded or lost ground against cost-of-living increases.
- Judges' salaries are fixed by statute, and salary adjustments come only through legislation.
- As with previous charts, a court reporter beginning work in 1973, and proceeding by increased tenure to higher pay grades, is assumed.
- Like the court reporter, it is assumed here that the classified employees selected started in 1970 at an entry-level salary and proceeded through increased tenure to higher pay grades.
- Source: U.S. Department of Labor, Bureau of Labor Statistics Annual Urban Family Budgets for 1973-1978. Figures here are for a family of four at an intermediate-level budget in the Philadelphia-New Jersey metropolitan area.

Figure 19 provides the basis for some comparisons among New Jersey court reporters and reporters in other jurisdictions, by charting the automatic salary increases for reporters starting work in their respective jurisdictions in 1970. (The exact figures from which this chart was drawn are given in Table 2 of Appendix D.) Note that a reporter starting work in New Jersey in 1970 was paid almost the lowest annual salary of the jurisdictions compared (\$90 per year higher than the Rhode Island reporter). But the New Jersey reporter's salary climbed faster than that for any of his or her colleagues in nearby jurisdictions, to approach the salaries for reporters in Philadelphia, New York City, and the U.S. District Courts.

A further comparison among New Jersey court reporters and those in nearby jurisdictions is made in Figure 20. This chart compares the pay ranges -- from entry-level to highest authorized salary other than fees or special adjustments -- for court reporters in six jurisdictions in 1970 and 1978. Figure 20 shows that New York City had the highest entry-level salary in 1970, but is surpassed in 1978 by U.S. District Court and Philadelphia Court of Common Pleas entry-level salaries. New Jersey's entry-level salary, by contrast, has slipped from next-to-last to last place. The highest authorized salary in New Jersey, however, has narrowed *37 the gap separating it from the highest salary authorized in New York City, whose peak salaries were the highest among those compared in 1970 and 1978. In both years, the gap between entry-level and highest-authorized salaries was greater in New Jersey than in any of the other jurisdictions.

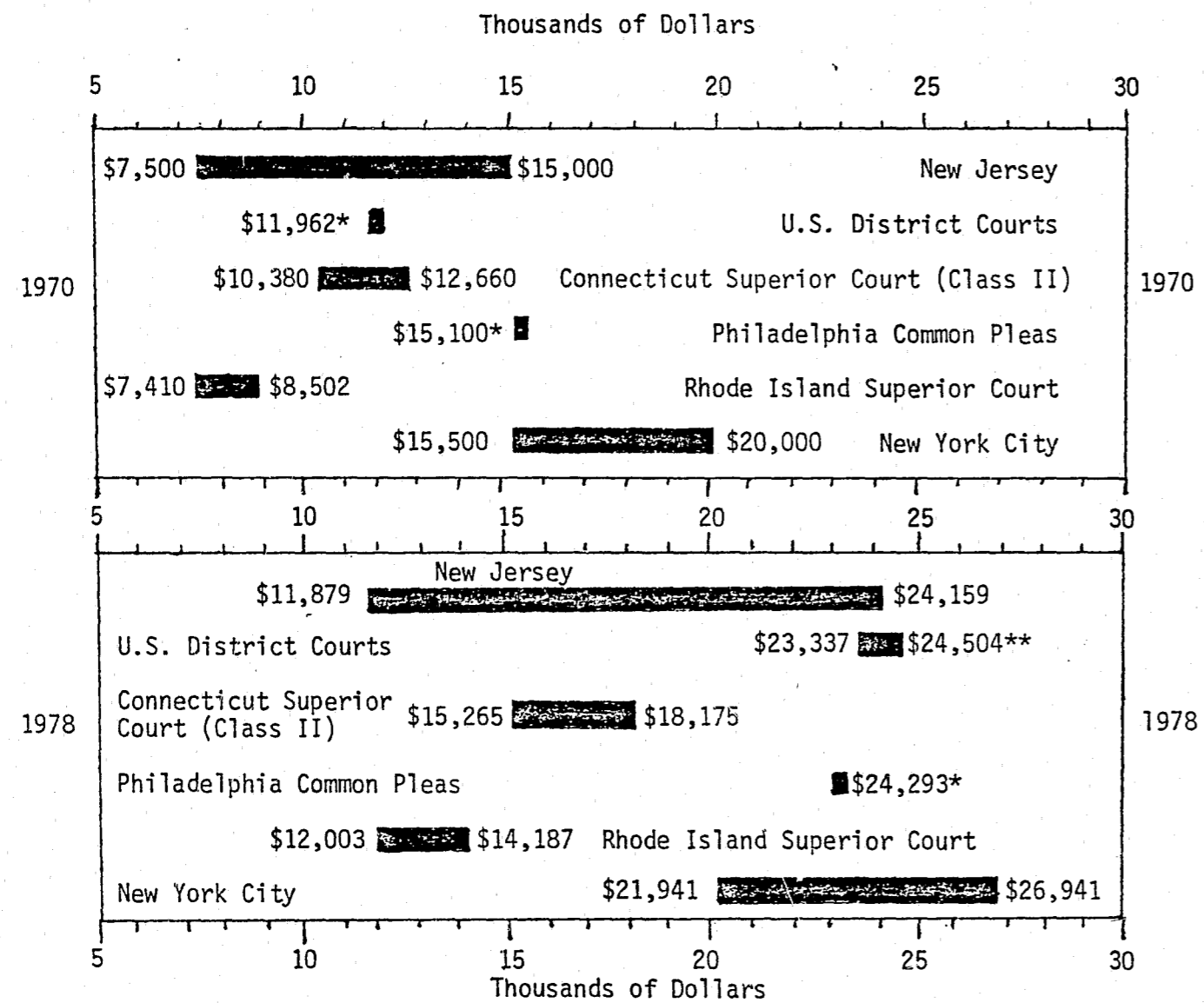


Legend: Annual Salary Progress for:

- New Jersey court reporter
- - - ● New York City reporter
- - - ● Philadelphia Common Pleas Court reporter
- - - ● United States District Court reporter
- - - ● Connecticut Superior Court reporter (Class II)*
- - - ● Rhode Island Superior Court reporter

*This is the higher pay category for Connecticut court reporters.

Figure 20. Court Reporter Salary Ranges, 1970 and 1978,
In Selected Jurisdictions



* no salary range

** 5% "longevity increase" for reporter with 10 years' experience

B. Transcript Fees

Court reporters are authorized by statute (NJSA 2A:11-15) to charge transcript fees at the rate of forty cents per original folio and ten cents per copy folio. With each transcript page consisting of 2.5 folios, New Jersey's statutory rate amounts to a fee of one dollar for each original page and twenty-five cents for each copy page. The statute setting fee rates was last amended in 1970, when fees were raised from thirty cents per folio (or seventy-five cents per page) for an original and five cents per folio (or twelve and one-half cents per page) for each copy.⁹⁰

A court reporter in New Jersey most often prepares an original and one copy of the transcript.⁹¹ At the current statutory rate, then, a reporter commonly receives \$1.25 (\$1.00 for the original and \$0.25 for the copy) for each transcript page.

In order to produce a transcript, a reporter incurs costs that must be met from the transcript fees received.⁹² The largest transcription expense incurred by reporters is for typists, since it is most common in the state for reporters to dictate from their notes so that typists can work from dictation tapes. Typists commonly charge from thirty-five to fifty-five cents per page in New Jersey. There are a small number of "note readers" working in the state, who type directly from reporter notes, and who charge from sixty-to eighty cents per page. Other expenses related to transcription (which include initial and main-

⁹⁰The rate change was brought about by L. 1970, c. 166, §1 (eff. July 1, 1970).

⁹¹See R. 2: 5-3 (d). While the reporters sometimes make more carbon copies, the common practice is for the ordering party to make copies necessary to file with the court (R. 2:6-12(d)) and to be provided for adverse parties. See below, Figure 21, for data about the number of copies commonly ordered.

⁹²N.J.S.A. 2A:11-16(f) requires that all transcription expenses be borne by the reporter.

Figure 21. Number of Copies Prepared for Transcript Orders

Original plus:	Transcript Orders	
	(Number)	Percent of Total
no copy	(80)	13.7%
one copy	(339)	58.1%
two copies	(33)	5.6%
three copies	(5)	0.9%
four copies	(17)	2.9%
five copies	(95)	16.3%
six copies	(12)	2.1%
seven copies	(1)	0.2%
eight copies	(1)	0.2%

Source: Review of 583 transcript orders, as shown in random sample of OCR weekly reports for court year from September 1, 1976, to August 31, 1977.

tenance costs of a recording machine, a dictation machine, and a typewriter, as well as the costs of transcript paper, carbon paper, covers for transcripts, and fasteners to bind pages together can be estimated to total between five and ten cents per page. The fees received for transcripts are thus not pure profit for court reporters.⁹³

As noted above the transcript fees authorized by statute have not been changed since 1970. Since that time, the cost of living has risen considerably, as have official court reporter salaries (see above Figures 14 - 20). To assess the current transcript fees, it is possible to evaluate them (a) in light of official court reporter salaries and (b) the amount of net income per page, for 1970 and for 1978.

In order to conduct such an evaluation, certain assumptions must be made:

(1) the current average salary for an official court reporter is \$17,900, and in 1970 the average salary was \$12,800,⁹⁴

(2) the work year is 220 days, if weekends, holidays, vacations, average sick days, etc., are considered.

(3) a court work day for reporters is 6.5 hours, one hour of which is for lunch;⁹⁵

(4) average typist costs are currently forty-five cents per page, while in 1970 the average rate was forty cents per page;⁹⁶

⁹³For calendar year 1974, 142 court reporters had an average gross income of \$5,690 from transcript fees, and an average net income of \$3,303. Source: Memorandum, to Hon. Arthur J. Simpson from Robert W. McIntosh, Subject: "Report on Court Reporters' Income Questionnaires for Calendar Year 1974," dated August 27, 1975.

⁹⁴The figure used here is the average of salaries paid to official courtreporters in the current year (not including merit or other supplements), according to AOC figures; the 1970 average assumed here represents the current average reduced by cost-of-living adjustments for state employees since 1970.

⁹⁵This is the average work day derived from reporter time sheets sampled for this study. See Figure 2 above.

(5) average note reader costs are currently seventy cents per page, while in 1970 the average rate was sixty cents per page;⁹⁶

(6) supplies and other incidental costs of transcription are currently ten cents per page, while in 1970 they were five cents per page;⁹⁶

(7) a reporter prepares an original and one copy of a transcript, receiving \$1.25 per page in fees;

(8) a reporter dictating notes for a typist can dictate 20 pages of transcript per hour, while a typist can type at a rate of 12 pages per hour.⁹⁷

Based on these assumptions, the following chart compares a reporter's hourly transcript income with her or his hourly salary income:

⁹⁶Average typist, notereader, and supply or incidental costs are based on answers in interviews with court reporters for this study. Reliable information as to 1970 and current costs and profits on transcript fees have reportedly not been supplied to AOC, although requested many times.

⁹⁷These hourly dictation and typing rates are the average of estimates offered by the reporter supervisors who were interviewed for this study.

Figure 22. Hourly Transcript and Salary Income

(a) Current Figures (1978)	
<u>Hourly Transcript Income</u>	
Gross Income per Page (original and one copy)	\$ 1.25
Costs per Page:	
Typist	.45
Equipment and Supplies	<u>.10</u>
Net Amount to Cover Reporter's Time	.70
Average Pages Dictated per Hour	<u>20</u>
Transcript Income per Hour	\$14.00
<u>Hourly Salary</u>	
\$17,900 ÷ 220 work days ÷ 6.5 hours per day =	\$12.52
(b) 1970 Figures	
<u>Hourly Transcript Income</u>	
Gross Income Per Page (original and one copy) *	\$ 1.25
Costs per Page:	
Typist	.40
Equipment and Supplies	<u>.05</u>
Net Income per Page	.80
Average Pages Dictated per Hour	<u>20</u>
Transcript Income per Hour	\$16.00
<u>Hourly Salary</u>	
\$12,800 ÷ 220 work days ÷ 6.5 hours per day =	\$8.95

* Pursuant to amendment of NJSA 2A:11-16 by L. 1970, c.166, §1.
See below, Appendix C.

As the calculations above illustrate, the rate of return on an hour spent in transcription is quite favorable when compared to an official court reporter's hourly salary. But if the figures are accurate for a comparison between 1970 and 1978, the absence of an increase in fee rates since 1970 has substantially narrowed the gap between hourly salary income and hourly transcript income. To the extent that such a gap provides an incentive for reporters to produce transcripts, narrowing the gap has weakened reporter motivation for transcript productivity.

Another way to analyze the transcript rate is to consider the reporter's own time as an element of cost (sometimes referred to as "opportunity cost"), since an hour spent in transcription is one that cannot be spent generating potential income from other sources (as by recording municipal government proceedings or taking depositions during evening hours). Using the reporter's hourly salary as a dollar value for measuring the worth of his or her time, the following calculations can be made:

Figure 23: Reporter Income Per Transcript Page

(a) Current Figures (1978)	
Gross Income per Page (original and one copy)	\$1.25
Costs per Page:	
Reporter's Time*	.63
Typist	.45
Equipment and Supplies	.10
Net Income per Page	\$0.07
(b) 1970 Figures	
Gross Income per Page (original and one copy)**	\$1.25
Costs per Page:	
Reporter's Time*	.45
Typist	.40
Equipment and Supplies	.05
Net Income per Page	\$0.35

*This amount is derived by dividing the average hourly salary (\$12.52 in 1978; \$8.95 in 1970) by the average amount of pages that can be dictated per hour (20). This is time that would otherwise be available for other income-generating pursuits.

**Pursuant to amendment of NJSA 2A:11-15 by L. 1970, c.166, §1. See below, Appendix C.

The above chart confirms what is suggested by the one that precedes it: while reporters' fee income now provides for pure profit from each page, that profit margin has been sharply reduced since 1970.

Alternatives to the prevailing transcription method in New Jersey--reporter dictation for a typist--are to use notereaders or to use computer-aided transcription. A comparison of the three options in terms of reporter income per transcript page requires two further assumptions:

(1) the per-page cost to a reporter for use of the computer system will be fifty-five cents, equal to current costs for a typist, equipment and supplies;⁹⁸

(2) a reporter can be expected to proof-read computer-produced transcript copy at a rate of about 45 pages per hour.⁹⁹

With these assumptions, the comparison is as follows:

⁹⁸As discussed in greater detail below, New Jersey has established a committee to evaluate CAT feasibility. That committee has operated on the assumption that charges to reporters using CAT will equal their current transcription expenses. See Administrative Office of the Courts, Computer-Aided Transcription Project, Evaluation Report (spring, 1978).

⁹⁹See National Center for State Courts, User's Guidebook to Computer-Aided Transcription, p. 58 (April 1977).

Figure 24. Income Comparison: Dictation, Notereader, CAT

Income Calculation	Method of Transcription		
	Dictation	Notereader	CAT
Gross Income per Page	\$1.25	\$1.25	\$1.25
Costs per Page:			
Reporter's Time	.63*	--	.28**
Typist	.45	--	--
Notereader	--	.70	--
Equipment and Supplies	.10	.10	--
CAT Charge	--	--	.55
Net Income per Page	\$0.07	\$0.45	\$0.42

*Reporter's dictation time value calculated as in preceding chart.

**This amount is derived by dividing the average hourly salary (\$12.52 in 1978) by the average amount of pages a reporter can be expected to proof-read in an hour.

As this chart shows, the use of notereaders enhances considerably the amount of pure profit reporters derive from transcript production, simply by eliminating the heavy reporter involvement required by the usual dictation approach. But there are relatively few notereaders now available for transcription work in New Jersey, so that they are a scarce "commodity." The CAT transcription process requires reporter proof-reading of "first-run" copy from the computer. But it provides the reporter with a net income almost equal to that using a notereader, exceeding 1970 net income without requiring a fee increase.

CHAPTER III
ANALYSIS OF LONG-TERM COURT REPORTING
OPTIONS

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ANALYSIS OF LONG-TERM COURT REPORTING OPTIONS

A. Available Options

Eleven policy options ranging from the adoption of audio recording for all courts, to the retention of existing practices, to the adoption of computer-aided transcription are evaluated in this section, using cost-benefit techniques.¹⁰⁰ The use of this type of analysis has not been free from controversy. Practicing administrators and business and public administration academics, while aware of its limitations, generally use it. On the other hand, another camp, mainly led by social scientists, point to serious flaws in cost-benefit analysis, especially where efforts have been made to place a dollar value on such things as the length of human life.¹⁰¹ It is our intention to steer a middle course, using this type of analysis to identify significant costs and benefits, while retaining the prerogative of disagreeing with the conclusions if strong reasons--political, practical or others--exist to the contrary.

After each of the eleven options is discussed, their costs and benefits are compared, and then in the concluding section, recommendations are made.

¹⁰⁰Among the options that might have been considered was video recording, but this option was excluded at the outset of this study following discussions with AOC staff. For further information, see NCSC, Video Support in the Criminal Courts (May 1974); NCSC, Management of Court Reporting Services (August 1976); G. R. Miller and N. E. Fontas, The Effects of Videotaped Court Materials on Juror Response: Preliminary Report (Michigan State University, April 1977); and NCSC, Audio/Video Technology and the Courts: Guide for Court Managers [hereinafter, NCSC, Audio/Visual Technology] (November 1977). For an extensive list of works treating the various options and court reporting services generally, see Appendix G.

¹⁰¹Ira R. Hoos, System Analysis in Public Policy (Berkeley: University of California, 1972).

Option 1: Audio Recording in All Courts

Under this option, audio recorders manned by machine operators would replace court reporters in the Superior Court, transforming New Jersey into an all audio court recording system. Costs speak quite decisively for this option. Of the eleven options, it is the least expensive, with one-year costs of \$4.9 million and ten-year costs of \$63.3 million. (See Appendix E, Table 4, for factors applied in determining ten-year costs and Figure 25 for a comparison of costs and benefits for all eleven options). The ten-year cost for this option is almost \$23 million less than the cost of the present system over the same period. This option's closest competitor, the use of all free-lance reporters in the Superior Court is some \$16 million more expensive over a ten-year period. As indicated in more detail in Appendix E, the primary reason for low cost is the salaries of audio monitors, \$8,000 per year, which is about \$10,000 less than official court reporter salaries (it can be argued, however, that secretaries, law clerks or others usually assigned to the courtroom could operate the equipment at little or no additional cost).

Accuracy of the record is assured except for the possibility of equipment malfunction.¹⁰² The transcription process is not dependent upon the availability of the court reporter or monitor as a typist works directly from the tape without need for interpretation by the monitor who was in the court or hearing room. Multi-track machines, available on an off-the-shelf basis, have resolved most of the problems associated with single-track recording, although there can be some difficulty in playing back proceedings in court and in identifying speakers.¹⁰³ Sound

¹⁰²See NCSC, Reporting Services Mgt., pp. 29-30; see also, NCSC, Audio/Video Technology, p. 10.

¹⁰³The Alaska courts rely exclusively on sound recordings. The machines used have been modified to assure more accurate counting of tape rotation (for logging and play-back), and court administrative personnel are able to provide maintenance service where vendor support is unavailable.

recording allows for faithful capture of foreign language testimony and translation.¹⁰⁴ As with any sound recording method, acoustical modifications to the courtroom may be necessary.¹⁰⁵ Machine operators require some training to understand the machine's capacity, prepare appropriate logs and be familiar with court procedures and practices. The training period is minimal by comparison to the two-year training required for shorthand reporters

Professional shorthand reporters, by virtue of training, income expectations and career commitment, need less management than will be required for sound recording operators. If this option were selected the specialized management unit now supervising the use of sound recording would have to be expanded. Employees with lower salaries, higher volumes, and possibly lower career goals will require strengthened supervision.

Option 2: Free-lance Reporters in Superior Court; Audio in Other Courts

This would be the exclusive use of free-lance reporters in the Superior Court, in effect abolishing the position of official court reporter. The requirement that the free-lance reporters be CSR's in order to be used on a regular basis, however, would be retained. The use of tape recorders in the County District, Juvenile/Domestic Relations and Municipal Courts would continue under this configuration.¹⁰⁶

This option appears attractive in terms of cost. Our calculations indicate that a free lancer's services now cost less than sixty percent of the amount paid daily for services of an official court reporter, \$60

¹⁰⁴NCSC, Reporting Services Mgt., p. 43.

¹⁰⁵Id.

¹⁰⁶A situation analogous to the use of official court reporters versus free-lance reporters might be found in the Canadian Province of Ontario in the use of the government's Translation Services Agency. When given the option to use Translation Services or private translators at similar

versus \$108. It is likely, however, that this drop in costs could be countered by rate variations caused by market demands. In addition, the concern for quality control and extra administrative tasks caused by the decentralization of services would require increased administrative personnel costs. The current nature of free-lance reporting (which is now a "filler" among other opportunities) would change as rates increase to those approximating salaries of OCR's without fringe benefits, and the courts would lose substantial leverage in personnel, performance and wage determination. Our figures indicate that by switching from the present system to an all free-lance reporter force, New Jersey would be the beneficiary of only a seven percent reduction in cost (\$6.0 million versus \$6.4 million for one year and \$80 million versus \$86 million over a ten-year period).

An initial assessment of performance criteria indicates that free lancers fare little better than official court reporters in terms of accuracy of record and timeliness of transcript. In fact, one-third of transcripts of appeals from administrative agencies (primarily, if not all, by per-diem reporters) are delivered within 30 days from order, as compared to only one-seventh of those in court appeals (primarily OCR's, but including some per-diems). This cannot be conclusive evidence, however; other factors, such as the 30-day transcript preparation time being

costs, user agencies selected private services, cutting the workload of Translation Services by one-half in only two months. Government officials, however, became concerned about differences in quality of the translated documents and the lack of consistency in the translation of government terminology. The institution of some quality controls, such as competency tests administered by Translation Services, was found to be necessary to enable continued use of nongovernment translators by the government agencies.

For further information see Harvard Business School, "Transfer Pricing in a Nonprofit Organization: Chargeback and the Translation Services" (Case Study #4-176-092), available from Intercollegiate Case Clearinghouse, Cambridge, Massachusetts.

specified by court rule (as opposed to court regulation for OCR's), the likelihood of fewer pages per transcript, and significantly lower volume of transcript work, account for much of the difference.¹⁰⁷

Under a system of free lancers, the number employed from day to day would vary, depending upon the workload. But the best utilization of a reporter's skills would be difficult to determine -- a reporter might be required to record proceedings much too complex for his or her ability, while another's talents remain unchallenged. It is also probable that a free lancer, still doing outside work, would give top priority to more lucrative matters. Difficulties would arise in "tracking down" reporters, having them appear on subsequent days, and assuring quality and continuity of work. All these variables would make even improved management control unduly difficult.

Option 3: Gimelli Voice-Writing Reporters in Superior Court;
Audio in Other Courts

Using the Gimelli voice-writing method, the voice-writer (reporter) whispers into the microphone of a multi-track recording machine the words as they are spoken in the courtroom.¹⁰⁸ Either the direct courtroom recording or the voice-writer's dictated recording can serve as the record for subsequent transcription.

The amortized one-year cost of purchasing additional recording machines (with a contingency supply) would be over \$600 thousand, with the ten-year cost almost \$7 million. Other costs, including probable courtroom acoustical modifications and increased administrative staff, would result in a total one-year cost of over \$7 million and a ten-year cost of \$97.5 million. Over a ten-year period, this option would be \$11 million more than the status quo (\$97.5 versus \$86.7 million).

¹⁰⁷ See Figure 6, Chapter I.

¹⁰⁸ See NCSC, Reporting Services Mgt., p. 31 and Appendix A, and NCSC, Audio/Video Technology, p. 12.

The voice-writing technique scores high in terms of accuracy, because the audio record can be used for verification. (Equipment malfunctions, of course, are always possible.) The transcription process can begin immediately, because no dictation step is necessary.

The training period to become a voice-writer is shorter than that for the stenotypist (6 months versus 2 years).¹⁰⁹ Also, higher levels of proficiency are reached more rapidly. The biggest drawback to use of this technique, however, is that few schools offer this training at this time. If this option were chosen, a phased implementation would be called for, gradually replacing the machine-shorthand trained court reporter force with the new or retrained reporters. The certification process would have to be modified to allow voice-writer participation.

Option 4: Status Quo - Primarily Official But Some Free-Lance Reporters in the Superior Court; Audio in Other Courts

This option considers a continuation of the reporting system "as is"--in general, an official court reporter system with some free-lance support in the Superior Court, with tape recorders in use in the County District, Juvenile and Domestic Relations, and Municipal Courts. In some counties only court reporters are used, especially where the reporter is assigned to work for an upper-court judge who also hears District/Court matters.

¹⁰⁹In a project to demonstrate and evaluate the effectiveness of voice writing [see NCSC, Multi-Track Voice-Writing: An Evaluation of A New Court Reporting Technique (October 1973)] one possible reason for the success of voice writers in court reporting was that virtually all the voice writers selected for the study had at least some college education and high verbal skills. But a subsequent study showed that voice writers with less education and language skills still performed well. NCSC, Philadelphia Standards and Goals Exemplary Court Project: Final Evaluation, pp. 96-97 (May 1978).

As part of the voice writing evaluation project mentioned above, a voice writer was to be used in Camden County Court for three weeks in 1973, but withdrew after only four days of work. No transcripts were prepared by the voice writer, and no conclusions could be drawn. While perceptions of people involved were inconsistent, the withdrawal seems to have resulted from several things: personal problems of the voice writer, his inadequate exposure during

Costs for one year are, according to our calculations, \$6.4 million and projected over a ten-year period, \$86.7 million, placing the option third as to costs with only Options 1 and 2 being less costly.

Attorneys and clients using current court reporter services have in general been satisfied with the transcript as an accurate record of court proceedings. Appellate Division judges and central research staff interviewed during the conduct of this study generally agreed that there is no difference in the quality of transcripts between Superior Court (court reporters) and the County District and Juvenile/Domestic Relations courts (tape recordings); a sharp drop in quality is evident, however, in transcripts from Municipal Court. Lack of commitment and training on the part of part-time Municipal Court employees serving as machine operators is the probable cause. Verification of accuracy is, of course, possible from the audio recordings.¹¹⁰

However, timeliness of transcript preparation in the Superior Court has been poor; only one in seven transcripts from official court reporters is delivered within the 30-day period; the average transcript (Law Division, Superior Court) being delivered within 104 days. Strict comparisons of delivery times at the various court levels are difficult to make since transcript length, complexity of the proceeding and sheer volume affect

training to actual courtroom proceedings, and the ambiguous reception he received from regular court employees. See Multi-Track Voice Writing: An Evaluation of a New Court Reporting Technique, pp. 60-62.

¹¹⁰A comparative study of audio and stenographic accuracy was conducted in Sacramento, California. The study concluded that audio recording is more accurate. A rebuttal to this finding was offered by the National Shorthand Reporters Association. Sacramento Superior Court, A Study of Court Reporting: An Analysis of the Use of Electronic Recording (1973); National Shorthand Reporters Association, Rebuttal to Sacramento Study of Court Reporting (1974).

Clear-cut superiority of any one technique in accuracy of the transcribed record has not been conclusively demonstrated. Findings of earlier reports on this subject were considered, and a rating of the alternate techniques assigned, in NCSC, Reporting Services Mgt., Appendix A.

timeliness. In general, however, a higher percentage of transcripts (2½ times as many) are filed on a timely basis in the County District and Juvenile/Domestic Relations Courts than in Superior Court.

Option 5: Option 4 With the Elimination of Free-Lance Reporters in the Superior Court

Retention of the status quo system as described in Option 4 above, but with the elimination of the use of free-lance reporters on a per-diem basis in the Superior Court is discussed here.

This change would cost New Jersey \$320,000 more per year than the continuation of present practices, \$6.4 versus \$6.7 million. The additional cost over ten years is about \$4 million (\$87 versus \$91 million).

Accuracy of the record and timeliness of transcripts are likely to remain constant or improve slightly as long as there are sufficient certified shorthand reporters to fill official court reporter positions. Other criteria as examined above in Option 4 would not change. For this option to work, however, it would be necessary to create the position of "roving" official court reporter, filled by a CSR who would cover for reporters who are sick, on vacation, or overburdened with transcripts. Management and quality control are facilitated, since persons would be employed on a full-time basis. The number of roving reporters needed could be determined by the supervisor in each vicinage.

Option 6: Option 4 With \$5,000 Salary Increase to Official Court Reporters and Elimination of Transcript Fee Income

This option envisions retention of the status quo system as described in Option 4 above, but proposes a \$5,000 increase in base salary to official court reporters in exchange for giving up revenue from transcript fees.¹¹¹ Under this system, official court reporters would be pro-

¹¹¹The salary increase is based upon estimates in interviews of reporter supervisors conducted in 1978, as to income received from fee revenue and sale of transcripts. Considerable variances among reporters in actual revenue might be expected, however: see Chapter II, Figure 15.

hibited from undertaking any outside work during the court day. Arrangements for engaging typists to produce the transcript would continue to be made by the reporter. The typist would then submit an invoice for out-of-pocket expenses and per-page fees to the court for payment. Any revenue from the sale of transcripts would accrue to the state. Adoption of this option would create an incentive problem: without the financial impetus to produce transcripts after usual court hours, delays would increase, and ultimately more reporters would be needed.

Costs for one year in relation to the continuation of the status quo would increase from \$6.4 to \$7.3 million, and for ten years from \$87 to \$99 million, about a 14 percent rise.

Stringent management techniques to enforce deadlines for transcript production would have to accompany implementation of this option, since no longer would withholding of transcript payment exist as an incentive for timely submission. (How much of an incentive this is at present is debatable, however, judging by timeliness statistics.) With all reporters assured of receiving an extra \$5,000 each year regardless of their transcript productivity, the court system could no longer rely on enhanced financial gain through transcript fees as motivation for prompt transcript preparation. Part of the delay is with the transcribers, who (although faced with production pressures) are under no control other than by the reporters who retain them. While state-paid staff typists might provide greater court control of transcribers, experience with staff typing pools in Alaska has been that their productivity is unsatisfactory (see p. 101 below).

To the extent they are able to free themselves from demands for their presence in the courtroom even when the judge is in chambers, reporters would be expected to utilize the court day more efficiently, allowing time for dictation and editing of the final transcript. Removal of the transcript fee system would encourage the court system to exercise

its control over the transcription process. Although only one in seven transcripts on appeal is produced within 30 days, an administrative mechanism designed to speed production--removal from court assignment--is seldom employed.¹¹²

Option 7: Option 4 Plus 10 Year Phased
Implementation of CAT in Superior Court

Continuation of the present system as described above, but with phased implementation of computer-aided transcription (CAT) in the Superior Court over a ten-year period is presented as Option 7.

The costs of implementing a computer-aided transcription system over a ten-year period represent an additional increment over the existing system, one year costs would rise from \$6.4 to \$6.9 million and for ten years from \$87 to \$93 million, about a 7 percent increase.¹¹³ The additional costs would result from equipment purchases and the need to establish a new office, about the size of the Office of the Sound Recording Supervisor, to provide for administrative and quality control of the service.

Recent studies indicate that the CAT process has been developed sufficiently to overcome many of the difficulties once associated with implementation (problems relating to hardware, reporter compatibility and selection, programming to mesh with reporter idiosyncracies).¹¹⁴ However, the use of any new technology involves some risk and if the recent experience with computers is any guide, the risk may be significant.¹¹⁵

¹¹²Although reporters were found to be late in delivery of 85% of the transcripts for court appeals, they were removed from court assignment (either at State or their own expense) less than 5% of the time.

¹¹³All computations for CAT costs in this study are based upon the offer of the lowest bidder, plus a \$100,000 contingency reserve.

¹¹⁴NCSC Evaluation Guidebook to Computer-aided Transcription (May 1975).

¹¹⁵M. Kuykendall and W. Popp, "Computers and the Courts," State Court Journal, Summer, 1977.

Thus, it is reasonable to expect at minimum some delays and possibly higher than anticipated costs. Significant problems of a technical, financial or organizational nature can be avoided only through a concerted, properly staffed management effort. The system will not fall in place automatically.

Although special training for court reporters in the use of the modified stenotype device and in the text-editing equipment is necessary, this duty may be assumed by the hardware vendor. Implementation of CAT on a pilot basis will enable on-going assessment to be made to determine whether CAT is living up to expectations.

The potential benefits are quite high for CAT holds out the promise of the court assuming control of the transcription process, where most observers agree delay is centered. With court control of the CAT installations and firm court management of reporter submission and editing of draft transcripts, there is every expectation that the percentage of transcripts delivered within the specified period will increase and that the overall delivery time will be substantially reduced.

Another consideration is that the adoption of CAT will institutionalize to a greater degree than at present the position of the official court reporters. This is so because it reflects a policy determination by the courts to use a new technology which is now dependent on court reporters and their unique dictionaries. Institutionalization will be further advanced by the level of capital investment involved: CAT will cost some \$93 million over ten years. With the decision made and the machinery in place, it will be difficult and possibly embarrassing for policymakers to set another direction, say to audio recording.

Option 8: Official Reporters in the Superior, County District, and Juvenile and Domestic Relations Courts; Audio in Municipal Courts

Court reporters would continue to serve the Superior Court and would

be newly introduced into the County District and Juvenile and Domestic Relations Courts. The plan described here is based on the proposal of a special committee of the Certified Shorthand Reporter Association (CSRA-NJ), prepared at the request of the AOC and submitted in May 1978.¹¹⁶

The committee has calculated there to be a need for 51 full-time CSR's to fill official court reporter positions, supplemented by per diem reporters for recalled judges; National Center calculations indicate 65 new reporters would be required.¹¹⁷ A survey of the present and future supply of CSR's has shown to the committee's satisfaction that there will be a sufficient number of qualified reporters to fill these positions. As is now the case, a non-CSR could be used on a temporary basis if "administratively" qualified (i.e., an achievement of 93-94% accuracy on the certification exam).

This option would cost \$1.6 million per year more than the status quo, \$8.0 versus \$6.4 million. Two factors are primarily responsible for substantial difference in costs: (1) the difference in reporter and monitor salaries is \$9,900 (\$17,900 versus \$8,000); (2) in most proceedings in which audio is used, the equipment is monitored by personnel already committed to courtroom duties. Over a ten-year period, the difference between the present system and this option grows to \$21 million (\$87 versus \$108 million).

Under this option the lower courts are envisioned as a training ground for beginning CSR's. Salary and promotion incentives are provided for within the plan to attract and keep competent reporters. CSRA-NJ has proposed that the plan be implemented on a pilot basis in one county.

¹¹⁶CSRA-NJ, "Proposed Plan to Staff County District Courts and Juvenile & Domestic Relations Courts with Live Court Reporters" (May 1, 1978).

¹¹⁷See Appendix E, Detailed Cost Computation for Long-Term Court Reporting Options.

Accuracy of the record is likely to remain about the same, although for a short period of time it may be somewhat reduced since beginning CSR's will be replacing multi-track recorders. The transcription process may be slower, since reporters will have to dictate the notes, instead of the transcript being typed directly from the audio recording.

Management would be shifted from the Sound Recording Division of the AOC to Court Reporting Services and to individual court reporter supervisors, who are unlikely to welcome additional supervisory duties without monetary incentives. Needed too will be space for court reporter offices and note storage.

Option 9: Option 8, Plus 10-Year Phased Implementation of CAT

With this option, court reporters would serve the County District and Juvenile/Domestic Relations Courts as well as the Superior Court; CAT would be employed in all these courts. Only in the Municipal Court would tape recorders be retained.

As with the incremental cost of adding CAT to the Superior Court, the cost difference between Options 8 and 9 is small, with this option being \$200,000 per year more expensive than the preceding one.

The introduction of CAT should yield significantly improved transcript preparation times once the system is in operation over a good portion of the state. Performance on other criteria as discussed above in Options 7 and 8 remain the same.

Option 10: Official Reporters in All Courts

The extension of an official reporter system to the County District, Juvenile/Domestic Relations and Municipal Courts, in effect eliminating all sound recording of proceedings, is the option described here.

This option would be 12% more expensive (\$9.0 to \$8.0 million for one year and \$122 to \$109 million for ten years) than Option 8, the extension of official reporter coverage to the County District and Juvenile/Domestic Relations Courts. In relation to the continuation of present practices, Option 4, this alternative will cost 40% more (\$122 versus \$87 million over a ten-year period).

There appears to be little to say on behalf of this option. First, it is doubtful that the pool of CSR's is large enough to support such an increased need, necessitating use of non-CSR's who may be a good deal less accurate than multi-track recording machines. The number of transcripts on Municipal appeals is minimal; the talents of trained CSR's would be largely unused. This option provides no relief for the lateness of transcripts problem under the present system. Additional administrative manpower would be needed to maintain quality control.

Option 11: Option 10, Plus a 10-Year Phased
Implementation of CAT

The last option considered here is the use of official/free-lance reporters as in Option 10, but with the addition of CAT for all courts.

As with previous CAT options, the additional cost is small in relation to its counterpart without CAT; Option 10 one-year costs are \$9.0 million; Option 11 costs, \$9.2 million. The same proportional difference

obtains in the ten-year cost, with Option 10 and 11 costs being \$122 and \$124 million respectively. Although this cost differential is small, the controls required in use of CAT together with the defects noted above for Option 10 make this approach one of dubious value.

B. Cost-Benefit Analysis

The heart of the analysis is contained in Figure 25, A Comparison of Costs and Benefits for Eleven Long-Term Court Reporting Options, of this report. It compares one-year and ten-year costs as well as potential benefits for each of the options. The majority of this section is devoted to explaining table entries.

Costs for the Current Year in Figure 25 represent 1978 expenses or the closest approximation which is supportable; costs for the next 10 years (1978 - 1988) reflect among other factors cost-of-living adjustments and likely increases in equipment costs. The detailed computations yielding these summary costs as well as the sources of this information are contained in Appendix E.

The total benefit score was computed by multiplying the weight and rating for each category and then adding the respective categories. For instance, the fourth benefit category, Manageability of the Court Reporting Process, was assigned a weight of 1.5 which, when multiplied by 6 (the rating for Option 5), yields 9.0. Combining 9.0 with the four other benefit scores of 28.0, 12.5, 12.0 and 5.0 gives the total benefit of 66.5.

The first benefit category, Accuracy of Transcription, appears at first glance to be a straightforward concept, measuring the degree to which typed transcripts faithfully represent the proceedings. While a number of jurisdictions have made attempts to measure accuracy, this is not an easy task, requiring for precision recordation by two different means and comparison

of both transcripts.¹¹⁸ The National Center based its rating largely on the perceptions of judges from the Appellate Division of Superior Court. Reflecting the importance of this category in our eyes, it is assigned the highest rating, 3.5 or 35 percent of the total weighting figure of 10.0.

In our judgment, all of the options deserve high marks for accuracy of transcripts. A rating of 8 out of a possible 10 was given to all of the options, save Option 2, All Free Lancers in Superior Court, and Option 3, Gimelli Voice-Writing. Option 2, All Free Lancers in Superior Court, was given the lowest rating (at 7) for accuracy. While certified free-lance reporters are clearly well-qualified to prepare accurate transcripts, transition to an all free-lance system in Superior Court will risk broader use of non-certified reporters with lower skills.

Gimelli Voice-Writing, which was accorded a benefit score of 9, was rated highest because trial proceedings are recorded by two parallel means, by direct pickup by the audio equipment and by the operator repeating the testimony into a microphone, with the information from both sources being stored on an audio tape. The two different sources of information can be used to check on the accuracy of each other. Appellate Division judges rated the quality of transcripts from audio and court reporting sources even, with the exception of audio-recorded transcripts from the Municipal

¹¹⁸Sacramento Superior Court, A Study of Court Reporting: An Analysis of the Use of Electronic Recording, Sacramento (November 1973); National Shorthand Reporters Association, Rebuttal to Sacramento Study of Court Reporting, Arlington, Virginia (1975). The results of the exchange on the relative accuracy of the two methods are regarded by many as inconclusive. The accuracy in taping the record by machine shorthand has been rated as adequate yielding a highly accurate record in a comparative analysis of court reporting methods. The Gimelli voice-writer and audio multi-track have been judged optimal. NCSC, Reporting Services Mgt., pp. 39, 42. The results of any test or assessment of methods are of course dependent upon the competency of the reporter or operator. A skilled reporter can produce a very accurate record while an inattentive audio machine operator can be the cause of serious deficiencies in the record.

Courts, which were rated inferior. The low marks given the Municipal Court transcripts in our opinion is a quality control problem, not an inherent defect in the method. Thus, audio recording was rated at the same level as the court reporters.

In our opinion, the next most important potential benefit is timeliness of transcript production which was given a weight of 2.5 or 25 percent of the total possible weight. The three CAT options (7, 9 and 11) are rated highest, with each being given an 8 for this category. Transcript delay is a serious problem in New Jersey and CAT, with its ability to produce transcripts rapidly, shows promise of being a useful tool in dealing with the problem, especially in high-volume courts. The free-lance reporters, the maintenance of the status quo, the elimination of free-lance reporters in the Superior Court and the two options extending court reporting to other courts (Options 2, 4, 5, 8 and 11) are given a medium rating of 5, because many official court reporters currently fail to meet prescribed deadlines. Although free-lance reporters have a slightly better track record in the timely production of administrative agency appeals transcripts, they were given a lower rating than the officials because the advantage was in a unique and limited production environment, and because enforcement of timeliness is easier with court employees than with the fluid movement of people in and out of any given state's body of free-lance reporters. The audio recording and Gimelli voice-writing (Options 1 and 3) are rated slightly higher at 6 because in the case of audio recording and Gimelli voice-writing, testimony can be transcribed without reliance on the individual who is responsible for recording the testimony, thus allowing for acceleration of transcript production by the employment of additional resources.

Assigned a weight of 1.5 or 15 percent of the total weight, Reliability of Recordation measures the extent to which the court can depend on the recording medium. Audio equipment can break, requiring replacement by another machine; passages can be distorted by faulty equipment. A court reporter's performance is dependent, among other things, on his health, state of mind, training, years of experience, and level of ability.

All of the options but the free-lance one (3) are rated highly, being accorded an 8. While inexperienced reporters at times cannot keep up with trial testimony, the incidence of this is rare; where the problem obtains, reporters can request the court to slow the pace of the proceedings. Audio equipment malfunctions are rare also,¹¹⁹ and like their court reporter counterparts, audio monitors, if the equipment warning devices reveal a problem, can request the court to make adjustments to the proceedings. The use of free-lance reporters on a large scale, Option 3, is rated somewhat less reliable, being given a 7. This is so because of the wide range of ability that is likely to obtain in such a group.

Like Reliability of Recordation, Manageability of Court Reporting Services is assigned a weight of 1.5 or 15 percent of the total. This category measures the court's ability to change practices, procedures or personnel to make the process responsive to its needs. In this category, audio recording, Gimelli voice-writing and the three CAT options, 1, 3, 7, 9, and 11, are rated best, being given an 8. Audio recording and Gimelli Voice-Writing are rated as such because transcription is largely

¹¹⁹See below Figure 28. Maintenance on county level machine is provided under vendor maintenance agreements at an annual cost of \$100 per machine. There are eleven spare machines in the control of the Sound Recording Supervisor for use in the event of malfunction or emergency.

independent of recordation. Within budget limitations, court managers can vary the means of transcript production, accommodating volume changes by relying on different kinds of typing services. One method is the establishment of a central typing pool. Experienced with the use of such a pool, Alaska reports problems in maintaining adequate production rates among the typists.¹²⁰ To alleviate the problem, some of the work has been subcontracted to a private organization, an arrangement which along with providing some relief from the workload also establishes a competitive benchmark on which to base internal production rates. Another method of dealing with large-scale typing requirements is the use of part-time personnel.¹²¹ Many organizations, most in the private sector but with an increasing proportion in the public sector, have employed part-time workers, primarily women with school-age children and the elderly. With rare exceptions, management and labor have both been pleased with this arrangement. The product cost is less and the work is executed at times which are convenient for the employees. If the court elects to use either a private typing service or part-time employees, it will become necessary to establish a management control program to deal with among other things, production rates, quality of transcripts and contractual arrangements. It will also become necessary to establish security practices for the handling of transcripts, particularly for confidential ones, such as those arising from grand jury proceedings.

¹²⁰Interview with Alaska State Court Administrator Arthur Snowden, October 16, 1978, by William Popp, National Center for State Courts.

¹²¹"Firms and Job Seekers Discover More Benefit of Part Time Positions," Wall Street Journal, October 4, 1978.

The CAT options are rated as highly as audio and Gimelli voice-writing because of management's ability to provide speedy means of producing transcripts. Management control will be critical here as well.

Option 6, Increasing Reporters' Salaries by \$5,000 in Exchange for the Elimination of Transcript Income, is next highest at 7 because reporters without the monetary incentive to deal with the most lucrative matters should be more amenable to schedule and other work adjustments. A possible negative impact of this option is a reduction of court reporter motivation to produce transcripts rapidly. The retention of the status quo and the elimination of free-lance reporters (Options 4 and 5) are rated 6, a mid-range score, because of the current court reporting problems in New Jersey, discussed earlier in this report, and an inherent court reporter transcription limitation -- reporters must dictate their tapes for a typist (with the exception of those who use note readers). Options 8 and 10, the extension of court reporters beyond the Superior Court without CAT, are rated at 5 because the current court reporting problems are likely to be magnified. The free-lance reporter option, 2, is rated lower at 4 because of the difficulty in controlling such a large and diverse group of individuals.

The last category, Flexibility to Change Policy Direction, assigned a weight of 1.0 or 10 percent of the total weighting figure, measures the court's ability to change from one broad option such as those considered here to another. A major consideration here is the degree to which an organizational function is institutionalized. With few exceptions, the greater the degree of institutionalization, the more difficult it is to change policy direction.

In other words, bureaucracies often resist change and have a strong self-preservation instinct. Court reporters in New Jersey are welded strongly to the trial process in the Superior Court, an institutional position which is reinforced by the existence of the Certified Shorthand Reporters Association (CSRA-NJ) which looks after the interests of its members. This position is further strengthened because many of the New Jersey court reporters belong to the National Shorthand Reporters Association (NSRA).

All the options which involve use of official court reporters, 4 through 12, are rated 5 or lower because a proposed change to another means of recording, which will either reduce the number of reporters or their incomes, may be resisted by CSRA-NJ. Of these options, the CAT ones (7, 9 and 12) are rated lowest at 3, 3, and 2, respectively, because CAT, by adding a technological dimension to court reporting will further strengthen the institutional position of the official court reporters. The free-lance reporting and Gimelli voice-writing options, 2 and 3, are rated higher at 6, largely because the institutional position of these groups is likely not to be as strong as that of official court reporters. Of course, this estimate is problematical because these groups are not used on a large scale in New Jersey. The audio recording option, 1, is rated highest at 8. As audio monitors are now at the lower or middle clerk level in the organizational hierarchy, and often wish to move to other positions in the courts, they do not have as strong an incentive to maintain extant practices.

The benefit/cost ratio is the locus of the comparison, for this figure brings together and accounts for differences in magnitude among the cost and benefits. Take for example the comparison of Options 8 and 9. Option 8 has a slight edge in ten year costs, \$109 to \$112 million, but Option 9 has a

benefit score which is 10.0 points higher, 75.0 versus 65.0. Option 8 wins in costs, Option 9 in benefits; the benefit/cost ratio points to Option 9 as the better choice.

	Costs	Benefits	Benefit/Cost	Ratio
	million	Benefits	Equation	
Option 8	\$108.9 million	65.0	65.0/108.9	6.0
Option 9	\$111.5 million	75.0	75.0/111.5	6.7

On the page following the cost/benefit comparison, Figure 26 ranks all 11 options on the basis of their ten-year costs, benefit scores and their benefit/cost ratio.

The costs in Figure 25 were compiled from data provided by the Administrative Office of the Courts and other court sources, and are documented in Appendix E; where estimates are made, the procedures are included in this appendix. The benefit ratings are more subject to judgment. The ratings here represent the perspective of an outside observer; they do not reflect the insights of those who deal with court reporting services on a day-to-day basis.

Figure 25. A Comparison of Costs and Benefits
for Eleven Long-Term Court Reporting
Options

Options	Costs (000's)		Benefits						
	Costs for Current Year	Costs for Next 10 Years	3.5 Accuracy of Transcript	2.5 Timeliness of Transcript	1.5 Reliability of Recordation	1.5 Manageability of Court Recording Process	1.0 Flexibility to Change Policy Direction	Total Benefits	Benefit/Cost Ratio
1. Audio Recording in All Courts.	4,906	54,275	8/28.0	6/15.0	8/12.0	8/12.0	8/8.0	75.0	11.7
2. Free-lance Reporters in Superior Court; Audio in Other Courts.	5,974	80,370	7/24.5	4/10.0	7/12.5	4/6.0	6/6.0	59.0	7.4
3. Gimelli Voice Writing Reporters in Superior Court; Audio in Other Courts.	7,230	97,559	9/31.5	6/15.0	8/12.0	8/12.0	6/6.0	76.5	7.8
4. Status Quo: Primarily Official but with some Free Lance Reporters in Superior Court; Audio in Other Courts.	6,435	86,680	8/28.0	5/12.5	8/12.0	6/9.0	5/5.0	66.5	7.7
5. Option 4 With the Elimination of Free-Lance Reporters in Superior Court.	6,755	91,080	8/28.0	5/12.5	8/12.0	6/9.0	5/5.0	66.5	7.3
6. Option 4 With \$5,000 Increase to Official Reporters and Elimination of Transcript Fee Income.	7,260	99,005	8/28.0	5/13.5	8/12.0	7/10.5	5/5.0	68.5	6.9
7. Option 4 Plus 10 Year Phased Implementation of CAT in Superior Court.	6,918	93,320	8/28.0	8/20.0	8/12.0	8/12.0	3/3.0	75.0	8.0
8. Official Reporters in the Superior, County District and Juvenile & Domestic Relations Courts; Audio in Municipal Courts.	8,038	108,935	8/28.0	5/12.5	8/12.0	5/7.5	5/5.0	65.0	6.0
9. Option 8 Plus a 10 Year Phased Implementation of CAT	8,238	111,505	8/28.0	8/20.0	8/12.0	8/12.0	3/3.0	75.0	6.7
10. Official Reporters in All Courts.	9,018	121,813	8/28.0	5/12.5	8/12.0	5/7.5	5.5.0	65.0	5.3
11. Option 10, Plus 10 Year Phased Implementation of CAT	9,169	123,813	8/28.0	8/20.0	8/12.0	8/12.0	2/2.0	74.0	6.0

Figure 26. Costs, Benefits and Benefit/Cost Rankings for Eleven Long-Term Court Reporting Options

Rank	Ten Year Costs (\$000,000s)		Benefits		Benefit/Cost Ratio	
1	Audio (1)*	64.3	Gimelli (3)*	76.5	Audio (1)*	11.7
2	Freelancers (2)	80.4	Audio (1)	75.0	Option 4 with CAT (7)	8.0
3	Status Quo (4)	86.7	Option 4 with CAT (7)	75.0	Gimelli (3)	7.8
4	All OCRs in Sup. Ct. (5)	91.1	OCR's in D and J&DR Ct. with CAT (9)	75.0	Status Quo (4)	7.7
5	Option 4 with CAT (7)	93.3	OCR's in D and J&DR & Mun. Cts. with CAT (11)	74.0	Freelancers (2)	7.4
6	Gimelli (3)	97.6	\$5,000 Increase (6)	68.5	All OCR's in Sup. Ct. (5)	7.3
7	\$5,000 Increase (6)	99.0	Status Quo (4)	66.5	\$5,000 Increase (6)	6.9
8	OCR's in D and J&DR Ct. (8)	108.9	All OCR's in Sup. Ct. (5)	66.5	OCR's in D and J&DR Ct. with CAT (9)	6.7
9	OCR's in D and J&DR Ct. with CAT (9)	111.5	OCR's in D and J&DR Ct. (8)	65.0	OCR's in D and J&DR Ct. (8)	6.0
10	OCR's in D and J&DR & Mun. Ct. (10)	121.8	OCR's in D, and J&DR & Mun. Cts. (10)	65.0	OCR's in D and J&DR & Mun. Cts with CAT (11)	6.0
11	OCR's in D and J&DR & Mun. Cts. with CAT (11)	123.8	Freelancers (2)	59.0	OCR's in D and J&DR & Mun. Cts. (10)	5.3

* Figures in parentheses refer to option number (e.g., Audio (1) is Option 1).

C. Cost-Benefit Conclusions

*41

The first part of this analysis eliminates seven options which, in our judgment, do not deserve consideration for the long term, leaving for the second part the ranking of the four remaining options, which are labeled "contenders."

The last four options, 8 through 11, which are most expensive, ranging in cost from \$109 to \$124 million over a ten-year period, are removed from consideration first. All four represent an expansion of official court reporting services from the Superior Court to other courts, with 8 and 9 being an extension to the County District and Juvenile/Domestic Relations Courts; 10 and 11 an extension (using CAT) to all of the state courts. The main reason for the substantial cost is official court reporter salaries. The average salary for an official court reporter is \$17,900; with fringe overhead costs, the annual cost per reporter climbs to \$23,800. Audio monitors make \$8,000 in salary, with addition of fringe overhead, \$10,640; and, further, they are present at only one-fourth of hearings, with the monitoring done in the balance of cases by the clerk or another official already in the courtroom. Over a ten-year period, these options represent a cost increase over the status quo from \$22 to \$37 million.

Options 8 and 10 also fare badly in terms of benefits, tied at ninth on the benefits scale at Figure 26. The CAT variation of these options (9 and 11) do fairly well in terms of benefits, gaining 75.0 and 74.0 points, respectively, which places them 4th and 5th. These options are clearly better than 8 and 10; but in view of the substantial cost requirement, expanded use of OCR's (with or without CAT) should not be accorded serious policy consideration.

Option 6, increasing official court reporter salaries by \$5,000 in exchange for the elimination of transcript fee income, is excluded from the contender list next. The additional incremental costs of about \$800,000 for one year and \$12 million for ten years (over the status quo) do not yield an equivalent amount of court control. The individual reporters would still be responsible for providing their own transcripts. Presumably, the same management structure would remain in place. Thus, while restrictions on outside income may free a small amount of additional reporter time, management control will not be significantly enhanced because recordation and transcription practices would remain the same.

In order to collect the transcript fee, the AOC would have to strengthen its administrative machinery, necessitating an increase in staff. With the transcript fees going to the state, new informal practices might emerge. It is conceivable that some attorneys would attempt to circumvent official channels in order to expedite the production of transcripts. Moreover, with transcript-fee incentives removed, delays most surely would be increased.

Option 5, the elimination of free-lance reporters in the Superior Court, is rejected next. If court use of free lancers were eliminated except for rare needs, OCR's would be assigned on a 1:1 basis with judges, as is currently prescribed. This is not to suggest the adequacy of such a ratio, nor (more importantly) that a reporter should always be assigned to the same judge.¹²²

¹²²See NCSC, Reporter Services Mgt., pp. 21-22.

Speaking against this option, although not as strongly as in the case of options 8 through 11, are increased costs. With a yearly cost to the state of \$23,800, official court reporters are expensive; free-lance reporters with a daily cost of \$81 versus \$108 for official reporters are 25 percent less costly. This option will cost New Jersey over and above existing court reporting costs \$320,000 for the first year and \$4.4 million for ten years. In view of reduced cost of the free-lance reporters, this option is rejected for long-term consideration.

Yet broader use of free-lance reporters in Superior Court (Option 2), which in effect would be a reversal of New Jersey court policy trends since 1948 (see Appendix C, AMENDMENTS TO NJSA 2A:11-16), is not an attractive choice. It is a comparatively inexpensive option, ranking second to audio recording in the cost scale at Figure 25. But in our judgment it ranks lowest among all the alternatives considered here in terms of benefits. By comparison, New Jersey's present system (Option 4) provides greater accuracy, timeliness, reliability and manageability at only 7-8% higher cost.

With Options 2, 5, 6 and 8 through 11 eliminated, the remaining options make up the contender list:

1. Audio Recording in All Courts
3. Gimelli Voice Writing Reporters in the Superior Court; Audio in Other Courts
4. Status Quo: Primarily Official but with Some Free-lance Reporters in the Superior Court; Audio in Other Courts
7. The Status Quo (Option 4) Plus a 10-Year Phased Implementation of Computer Aided Transcription (CAT) in the Superior Court.

Option 1, an all audio reporting system, has many advantages. After a short training period, a newly hired or assigned staff member can monitor the recording of testimony; this compares favorably with the much

longer period associated with the training of steno reporters. The position could be integrated in the county personnel systems so that it would be one of many into which a newly hired clerk would rotate.

Court reporting services would become more manageable as well. Transcription of testimony is currently the key bottleneck in the process. It is difficult to deal with because transcription of proceedings is not transferable from reporter to reporter. With an all audio system, recordation and transcription can be substantially independent of one another.

Management of Court Reporting Services points out that transcripts produced by an audio system are as accurate as ones produced by court reporters.¹²³ Both produce an acceptable level of accuracy, but overshadowing these options in terms of accuracy is Gimelli voice recording, by which testimony and the observations of the operator are recorded on tape.

Costs speak persuasively for Option 1. It is the lowest cost option, being 20 percent less costly than its closest competitor, the large-scale use of free-lance reporters, 26 percent less costly than the continuation of the status quo and about half the cost of an all-reporter system with CAT, with savings ranging from \$16 to \$60 million over a ten-year period. The difference is in large measure due to the cost differential between court reporter and audio monitor salaries (\$17,900 versus \$8,000). As large as the potential savings are, the future holds out the promise of even larger savings. In County District and Juvenile/Domestic Relations courts, the audio equipment is often operated by the court clerk or a staff member who must be in court, thereby subsuming the separate personnel cost completely. New ground has been broken in Kansas where judges now operate audio equipment without operator assistance.¹²⁴ The advance of technology

¹²³NCSC, Reporting Services Mgt., Appendix A. See also the discussion of the Sacramento study, cited above at p. 88n. 110 and p. 98n. 118.

¹²⁴Interview with Kansas State Court Administrator James James, August 3 1978, by David Steelman, National Center for State Courts.

*41 will make this practice even more appealing in the future. Obviously, resistance can be expected from stenographic reporters; some might also be felt from judges and lawyers accustomed to the presence of a reporter operating a stenograph machine rather than the presence of a person operating a sound recording device.

For our second choice, the National Center chooses Option 7, the retention of official and free-lance reporters in the Superior Court, supplemented by the use of computer-aided transcription equipment. (Audio recording would remain in use in the other courts.) Of the options retaining official court reporters, this one is clearly the most preferable. The present level of accuracy is maintained and for a modest increase in costs (\$500,000 per year and \$6,600,000 over ten years) the court acquires means to deal with transcript delay.

The key variables are control of the CAT transcription centers and reporter responsiveness to production schedules. With control of the CAT centers, the court will be able to schedule the flow of transcripts to and from the centers and be able to identify delinquent transcripts. Properly managing reporter note submission and editing of first-run draft transcripts will enable the courts to attain the full benefits of a CAT system.

*34

For our third selection, the National Center has chosen Option 4, continuation of the status quo. In this option, audio recording would be continued in the County District, Juvenile/Domestic Relations and Municipal courts. It should be noted that, with the adoption of recommendations contained in this report, enhanced management control could result in improved performance in the current New Jersey court reporting system. See Recommendations 40 and 41, with commentary.

The last of the contenders is the employment of Gimelli voice-writing reporters in the Superior Court (Option 3); audio recorders would continue to be used in the other courts. If the accuracy of transcripts is paramount to the exclusion of all other considerations, this is the best option. Some improvement in transcript delivery times can be anticipated as well, for the tapes can be produced by a typist, unacquainted with the court proceedings. This option would cost \$800,000 per year and \$11,000,000 over ten years over the retention of the existing practices. While Gimelli voice-writing has a high benefit rating, it also has a high cost. The Gimelli device can be considered a variation of the audio option, offering higher accuracy at appreciably greater cost. See note 109 above.

CHAPTER IV
RECOMMENDATIONS RELATING TO
COURT REPORTING SERVICES
IN NEW JERSEY

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In this chapter are presented recommendations arising from the analysis presented in the preceding pages. The recommendations address the following general areas:

<u>Section</u>	<u>Topic Area</u>	<u>Recommendations</u>
A.	Reporter Certification	1-9
B.	Administration and Supervision	10-18
C.	Appellate Information System	19-21
D.	Timely Transcript Production	22-25
E.	Sound Recording	26-28
F.	Transcript Format	29-32
G.	Reporter Note Storage	33
H.	Computer-Aided Transcription	34-35
I.	Salaries and Fees	36-39
J.	Cost-Benefit Analysis	40
K.	Long-Term Policy	41

It should be noted that these recommendations address many closely--interrelated issues, so that any organization scheme must be somewhat arbitrary.

A. Reporter Certification

RECOMMENDATION 1.

THE STATUTORY PROVISION FOR ELIGIBILITY TO BE CERTIFIED AS A REPORTER SHOULD BE LOWERED FROM 21 TO 18 YEARS OF AGE.

Cross Reference. See p. 6.

RECOMMENDATION 2.

SINCE A PRIMARY USE OF REPORTERS IS IN THE COURTS THE STATUTE CREATING THE STATE BOARD OF SHORTHAND REPORTING SHOULD BE AMENDED. THE CERTIFICATION PROCESS SHOULD BE BY A BOARD APPOINTED BY THE SUPREME COURT AND RESPONSIBLE TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS. PROVISION SHOULD BE MADE, HOWEVER, THAT THE BOARD BE CONSTITUTED TO ENSURE REPRESENTATION OF REPORTERS NOT PRIMARILY IN COURT WORK AND THOSE NOT SHORTHAND TRAINED. THE NEWLY-CREATED BOARD SHOULD BE NAMED THE "STATE BOARD OF REPORTER CERTIFICATION."

Commentary

The certification process as it now exists is not administered poorly. As the courts are primary users of court reporting services, however, control over certification should be vested in the Administrative Office of the Courts. Certification should provide a mechanism by which the needs of the courts (and other interested parties, e.g., committee or agency representatives) can be addressed. The level of reporter preparation and changes in the work situation may require the testing of different skills (e.g., introduction of CAT). The current control of the process by shorthand reporters (to the potential exclusion of reporters using other acceptable reporting methods) appointed by the Executive Branch should therefore be changed.

Cross Reference. See p. 6.

RECOMMENDATION 3.

THE STATE BOARD OF REPORTER CERTIFICATION SHOULD REVIEW PERIODICALLY THE NATURE OF THE CERTIFICATION EXAMINATION AND REVISE IT AS NECESSARY, PARTICULARLY IN LIGHT OF THE CHANGING TECHNOLOGIES IN THE FIELD OF REPORTING.

RECOMMENDATION 4

ELIGIBILITY FOR CERTIFICATION TO BE A COURT REPORTER SHOULD NOT BE LIMITED TO THOSE PERSONS TRAINED IN THE MANUAL SHORTHAND OR MACHINE SHORTHAND (STENOTYPE) TECHNIQUES. PERSONS USING ANY ACCURATE REPORTING METHOD SHOULD BE ELIGIBLE TO TAKE PRE-TESTS AUTHORIZED BY THE ADMINISTRATIVE OFFICE OF THE COURTS IN ORDER TO QUALIFY TO BE CANDIDATES FOR CERTIFICATION.

Commentary

The application of new techniques, such as computer-aided transcription, will affect the requisite skills for shorthand reporters. The method of shorthand reporting would have to be uniform, for example, should the computer be used in the transcription process. Appropriate revisions in the examination will be necessary to provide for testing for the shorthand method as well as for speed and accuracy.

The need for testing for English skills may well be demonstrated in the future, as the result of a general de-emphasis on language training in the schools. An increase in errors involving use of words or spelling errors on transcripts will signal the need for a segment to test

language skills. This need can be identified in the management process and in the review by appellate judges. Needed ability to read-back testimony might also be demonstrated, requiring a change in the examination process.

Cross Reference. See pp. 8, 9.

RECOMMENDATION 5.

THE CERTIFICATION EXAMINATION SHOULD BE REVISED TO INCLUDE AN OPTIONAL SECTION ON COURT PROCEDURE, TO BE DEVELOPED BY THE ADMINISTRATIVE OFFICE OF THE COURTS IN COOPERATION WITH THE STATE BOARD OF REPORTER CERTIFICATION.

Commentary

The introduction of a court procedure segment as part of the certification examination can ensure that each CSR have sufficient basic knowledge of courts before employment as either an official or a per diem reporter. It would relieve the burden on the courts to provide general orientation sessions, enabling more effort to be directed toward other types of training.

Taking the court segment of the examination should be at the option of the court reporter candidate, but should be a prerequisite to any work in the courts. It would thus be advisable for all candidates to take the exam in order not to foreclose working for the courts.

Cross Reference. See p. 10.

RECOMMENDATION 6.

THE STATE BOARD OF REPORTER CERTIFICATION SHOULD COLLECT, AND HAVE AVAILABLE DATA ON THE PASS AND FAIL RATES OF CERTIFICATION EXAMINATION CANDIDATES TO ENABLE AN ACCOUNTING OF THE PASS/FAIL RATIO BY NAME OF THE TRAINING INSTITUTION.

Commentary

The availability of such information, similar to that gathered on bar examination candidates, would exert pressure on schools to assess and upgrade, on a continuing basis, their curriculum requirements, enhancing the proficiency of graduates available for work in the courts.¹²⁵ Although this information need not be published, it should be accessible upon inquiry to the State Board through the Division of Consumer Affairs.

Cross Reference. See p. 9.

RECOMMENDATION 7.

TO FACILITATE POLICY MAKING AND THE EMPLOYMENT OF CERTIFIED COURT REPORTERS, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD REQUEST THAT THE CERTIFIED SHORTHAND REPORTERS ASSOCIATION OF NEW JERSEY AND THE STATE BOARD OF REPORTER CERTIFICATION PROVIDE IT AT LEAST ANNUALLY WITH INFORMATION ABOUT THE TRAINING AND AVAILABILITY OF REPORTERS.

Commentary

Information that would be useful to the Administrative Office of the Courts would include:

¹²⁵The Acting Administrative Director of the Courts has advocated cooperation among judges, court administrators and reporters to improve the quality of court reporter training and performance. Hon. Arthur J. Simpson, "Role of the Reporter in the Discovery, Trial and Appellate Process" (opening session panel comments), The Proceedings of the 75th National Shorthand Reporters Association Convention and Seminar (Hilton Hotel, Washington, D.C., August 4-7, 1976), p. 23.

- the number of institutions offering court reporter training, and those that are certified, by the National Shorthand Reporters Association;
- the annual number of graduates of these institutions trained in court reporting;
- the number of persons taking each certification examination, including the number of examinees who were trained in New Jersey;
- of these, the number certified who remain to work in New Jersey and where those working in New Jersey make their homes;
- employment trends of certified reporters: what employment other than as official court reporters specific number of certified reporters undertake.

Cross Reference. See p. 10.

RECOMMENDATION 8.

A BROCHURE SHOULD BE DEVELOPED WHICH DESCRIBES FOR COURT REPORTER CANDIDATES THE BASIC PROCEDURES AND PRACTICES IN THE NEW JERSEY COURT SYSTEM AS AN AID TO TAKING COURT ORIENTATION SEGMENTS OF THE CERTIFICATION EXAMINATION.

RECOMMENDATION 9.

SINCE IT HAS BEEN ASSERTED THAT THERE NO LONGER IS A SHORTAGE OF QUALIFIED, CERTIFIED SHORTHAND REPORTERS IN NEW JERSEY, THE COURT SYSTEM SHOULD DISCONTINUE ITS USE OF NON-CERTIFIED, BUT "ADMINISTRATIVELY QUALIFIED" COURT REPORTERS AND REQUIRE THAT ALL FREE-LANCE REPORTERS EMPLOYED BY THE COURTS ON A PER DIEM BASIS BE CERTIFIED.

Commentary

A recent study by the Certified Shorthand Reporters Association of New Jersey gave evidence of a sufficient number of shorthand reporters currently available or in training to provide services needed in all county level courts in the state.¹²⁶ Although use of shorthand reporters in all these courts is not recommended, the assertedly available number should permit discontinuance of the "administratively qualified" category of reporters.

Cross Reference. See pp. 9, 10.

B. Administration and Supervision

RECOMMENDATION 10.

DETERMINATION OF THE LEVEL OF PERSONNEL TO PROVIDE COURT REPORTING SERVICES IN SUPERIOR COURT SHOULD NO LONGER BE BASED ON THE ASSUMPTION OF A ONE-TO-ONE RATIO TO JUDGES. INSTEAD, THE NUMBER OF COURT REPORTERS ASSIGNED TO EACH VICINAGE SHOULD EXCEED BY AT LEAST ONE THE NUMBER OF JUDGES ORDINARILY ASSIGNED TO THAT VICINAGE.

Commentary

The assignment of reporters on the basis of a one-to-one ratio to judges arose in a time when there were fewer appeals, particularly in criminal matters. To compensate for the increased likelihood of transcripts for appeal, reporters must be rotated quickly to lighter transcript-load courts. Today, however, there are fewer such courts. Furthermore, extra reporters are needed to substitute for those who are sick or on compensatory time; the low percentage of reporters relieved from court

¹²⁶CSRA-NJ, "Proposed Plan to Staff County District Courts and Juvenile and Domestic Relations Courts with Live Court Reporters" (May 1, 1978).

assignment to complete delinquent transcripts is in part attributable to the unavailability of replacement reporters. Compounding these difficulties is the fact that neither reporter supervisors nor judges are favorably disposed toward frequent rotation of reporters. Although the level of appeals and transcripts has increased markedly (as the introduction to this report indicates), the ratio of reporters to judges has remained constant.

Cross Reference. See p. 12.

RECOMMENDATION 11.

THE CHIEF OF COURT REPORTING SERVICES SHOULD BE ASSIGNED EXPANDED AND ALTERED RESPONSIBILITIES. HIS FUNCTIONS SHOULD INCLUDE THE FOLLOWING:

- (A) ANALYSIS OF THE EFFECTIVENESS WITH WHICH COURT REPORTING SERVICES ARE BEING PROVIDED, WITH PARTICULAR ATTENTION TO THE TIMELINESS OF TRANSCRIPT PREPARATION AND FILING;
- (B) ACTIVE SUPERVISION AND GUIDANCE TO REPORTER SUPERVISORS TO ASSURE THAT THEIR ASSIGNMENT AND ROTATION PRACTICES SERVE THE COURTS' NEED FOR BOTH ACCURATE RECORDATION AND TIMELY TRANSCRIPTION;
- (C) EVALUATION OF REPORTER WORK PERFORMANCE;
- (D) IDENTIFICATION OF REPORTERS TO BE REWARDED FOR MERITORIOUS SERVICE;
- (E) CONDUCT A DETAILED ANALYSIS EACH YEAR OF CONFIDENTIAL REPORTER INCOME STATEMENTS TO AID THE ADMINISTRATIVE OFFICE OF THE COURTS IN ITS ASSESSMENT OF REPORTER SALARY LEVELS AND TRANSCRIPT FEE RATES;

(F) CLOSE EXAMINATION OF REPORTER COMPLIANCE WITH APPLICABLE COURT REGULATIONS, AND CONSISTENT APPLICATION OF APPROPRIATE SANCTIONS FOR NONCOMPLIANCE;

(G) PROVISION FOR INITIAL ORIENTATION AND CONTINUING TRAINING FOR SUPERVISORS AND REPORTERS.

THE CHIEF OF COURT REPORTING SERVICES SHOULD NOT CONSUME HIS TIME WITH DAY-TO-DAY ASSISTANCE TO SUPERVISORS IN THE ENGAGEMENT OF PER-DIEM REPORTERS, NOR WITH INDIVIDUAL REPORTER PERSONNEL PROBLEMS MORE APPROPRIATELY THE RESPONSIBILITY OF THE TRIAL COURT ADMINISTRATORS AND THE LOCAL SUPERVISORS.

Commentary

The Chief of Court Reporting Services should (in conjunction with the trial court administrators) be the primary agent of the Administrative Director of the Courts in the enforcement of rules and regulations governing the court reporters. Existing administrative controls, if rigorously applied, will -- in the judgment of the National Center -- overcome many of the defects seen in New Jersey reporting services.

Cross Reference. See p. 13.

RECOMMENDATION 12.

WITH THE ACTIVE INVOLVEMENT OF COURT REPORTER SUPERVISORS, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD COMPARE DIFFERENT METHODS FOR ESTIMATING TRANSCRIPT PAGES, ADOPT THE METHOD FOUND MOST EFFECTIVE, AND EMPLOY MEANS TO ENCOURAGE ACCURATE PAGE ESTIMATES BY REPORTERS, INCLUDING COMPARISON OF ESTIMATED AND ACTUAL PAGES BY COURT REPORTER SUPERVISORS.

Commentary

The purpose of requiring reporters to include folio or page estimates in transcript notices is to help the Chief of Court Reporting Services and supervisors of court reporters measure the impact of reporters' transcript workloads on their ability to make timely transcript delivery. But the requirement is effective for that purpose only to the extent that reporter page estimates are fairly accurate. Since the information about actual transcript pages is not now readily available, this report recommends elsewhere that actual pages of transcripts filed be captured for entry in ADAMIS (see Recommendation 22).

Court reporters are not constrained to make accurate forecasts of transcript length because AOC exerts little pressure to be more accurate. Possible ways to project pages include (a) the time length of the proceedings recorded and (b) the amount of notes or tape used to record proceedings. Reporter supervisors have indicated in interviews with NCSC staff that one hour of court or deposition testimony produces an average of 30 pages of transcript.¹²⁷ In Rhode Island, transcript page estimates are based on the amount of reporter notes used to record proceedings.¹²⁸

Court reporters in New Jersey now measure the length of their notes or tapes in order to estimate transcript pages. Because of time restrictions, AOC does not "follow up" on the accuracy of individual reporter page estimates.

¹²⁷ This estimated is corroborated by the experience of California reporters. See National Center for State Courts, Compensation and Utilization of Court Reporters in Ventura County, Appendix A (1974).

¹²⁸ Interview with John Hogan, Court Administrator, Rhode Island Superior Court, April 1977, by Michael Hudson.

It is therefore suggested that greater scrutiny be made of reporter page estimates entered in OCR weekly reports. This is best done by the supervisor of the reporter making the estimate and by the Chief of Court Reporting Services. ADAMIS reports of actual transcript pages can then be compared with reporter page estimates. It is further suggested that AOC distribute quarterly reports among the reporters, listing by each reporter's name the estimated and actual pages for transcripts he or she has prepared in the preceding three months. By collecting this information, AOC can inform reporters how well they are doing in comparison to their colleagues. Reporters are proud of the technical quality of the transcripts they prepare, and their pride may also cause them to improve any shortcomings they are shown in the accuracy of their page estimates. Cross Reference. See pp. 22 and 41.

RECOMMENDATION 13.

THE TRIAL COURT ADMINISTRATORS SHOULD BE ASSIGNED MORE ACTIVE RESPONSIBILITY IN THE MANAGEMENT OF COURT REPORTING SERVICES. THEY SHOULD BE RESPONSIBLE FOR SUPERINTENDENCE OF THE LOCAL REPORTER SUPERVISORS AND SHOULD SERVE AS A MANAGEMENT LINK TO THE CHIEF OF COURT REPORTING SERVICES. IN ADDITION, THE TRIAL COURT ADMINISTRATORS SHOULD OVERSEE REPORTER PERSONNEL PROBLEMS AND ASSIGNMENT, AND THEY SHOULD BE RESPONSIBLE FOR REPORTER SPACE ALLOCATION, NOTE STORAGE, PROCUREMENT OF SUPPLIES AND CAT SERVICES.

Commentary

Although the court reporter supervisors are directly responsible to the Administrative Office of the Courts there is ample reason for the Trial Court Administrators to become involved in many activities of the reporters. Serving the Assignment Judge directly, the trial court

administrator is expected to assist in the supervision of "employees of or serving the trial courts of the county" and in the "implementation and enforcement in the county of all administrative rules, policies and directives of the Supreme Court, the Chief Justice, and the Administrative Director of the Courts [R. 1:33-3(a)(1) and (4)]. As a staff member of the Administrative Office of the Courts the Trial Court Administrator should be placed in regular contact with the Chief of Court Reporting Services, the Supervisor of Sound Recording and the local reporter supervisor to assure compliance of reporters with regulations. The local supervisor would of course continue his liaison with the Assignment Judge.

The Trial Court Administrator is usually responsible for relations with the Board of Chosen Freeholders in preparing and managing the Trial Court Budget. Several expenses for court reporters, notably supplies, are included in the local budget and are within the purview of the administrator. In two other areas, provision of note storage space (usually difficult because of county space and funding problems) and assignment and rotation practices, the cooperation and advice of the Trial Court Administrator is proper.

Cross Reference. See p. 14.

RECOMMENDATION 14.

REPORTER SUPERVISORS SHOULD BE APPOINTED ACCORDING TO EXPLICIT CRITERIA ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. SUCH CRITERIA SHOULD INCLUDE EVIDENCE OF POTENTIAL MANAGEMENT ABILITY.

Commentary

While a thorough understanding of court reporting and the problems faced by court reporters is essential to reporter supervision, the skills necessary for effective day-to-day management are different from the skills needed to be a good court reporter. Interest and ability in personnel supervision, planning, work assignment, and management recordkeeping are supervisor criteria required over and above the technical, emotional and physical qualities expected of reporters generally.

Cross Reference. See p. 13.

RECOMMENDATION 15.

AN ORIENTATION SESSION SHOULD BE AVAILABLE TO NEWLY-APPOINTED SUPERVISORS OF COURT REPORTERS. THEREAFTER, SUPERVISORS SHOULD BE AFFORDED OPPORTUNITIES FOR ENHANCING MANAGEMENT SKILLS REQUIRED IN THE PERFORMANCE OF THEIR DUTIES. PERIODIC MEETINGS OF SUPERVISORS, SPONSORED BY THE AOC, SHOULD BE INSTITUTED TO PROVIDE CONTINUING EDUCATION IN AREAS SUCH AS RECORDKEEPING, NOTE STORAGE TECHNIQUES, AND EQUIPMENT.

Cross Reference. See p. 13.

RECOMMENDATION 16.

SUPERVISORS OF COURT REPORTERS SHOULD BE HELD ACCOUNTABLE FOR THE EFFECTIVE PERFORMANCE OF REPORTERS IN THEIR RESPECTIVE VICINAGES. MORE SPECIFICALLY, THEY SHOULD ASSIGN HIGH PRIORITY IN THEIR SUPERVISORY CONCERNS TO ASSURING THAT TRANSCRIPTS ARE PREPARED AND FILED IN TIMELY FASHION. IN ADDITION TO PROVIDING FOR DAILY PRESENCE OF OFFICIAL PER DIEM REPORTERS IN EVERY COURTROOM, THEY SHOULD:

- (A) CLOSELY MONITOR THE TRANSCRIPT WORKLOADS OF EACH REPORTER;
- (B) IMMEDIATELY RELIEVE REPORTERS FROM COURTROOM ASSIGNMENT WHEN WORKLOADS EXCEED MONTHLY PRODUCTIVITY STANDARDS OR WHEN TRANSCRIPTS ARE DELINQUENT;
- (C) COMPARE ESTIMATED AND ACTUAL PAGES OF TRANSCRIPTS BY REPORTERS TO HELP REPORTERS IMPROVE THE ACCURACY OF PAGE ESTIMATES;
- (D) REVIEW REPORTER WEEKLY REPORTS AND REQUIRE COMPLIANCE WITH ADMINISTRATIVE REGULATIONS.

REPORTER SUPERVISORS SHOULD SUPERVISE AND SHOULD NOT BE ASSIGNED TO A REPORTING STATION EXCEPT IN AN EMERGENCY.

Cross Reference. See p. 17.

RECOMMENDATION 17.

IN THE ASSIGNMENT OF COURT REPORTERS TO RECORD PROCEEDINGS, REPORTER SUPERVISORS SHOULD APPLY SUCH CONSIDERATIONS AS THE FOLLOWING:

- (A) WHILE IT IS A MATTER OF SUPERVISOR DISCRETION WHETHER TO ROTATE A REPORTER WHO HAS RECORDED FIVE CONSECUTIVE DAYS OF THE SAME TRIAL, NO REPORTER SHOULD RECORD MORE THAN SIX CONSECUTIVE DAYS UNDER ALL BUT EXCEPTIONAL CIRCUMSTANCES;
- (B) NO REPORTER SHOULD BE ASSIGNED TO THE SAME JUDGE FOR LONGER THAN ONE STATED SESSION OF THE COURTS;
- (C) THE BEST QUALIFIED REPORTERS SHOULD BE ASSIGNED TO THE MOST DIFFICULT AND COMPLEX PROCEEDINGS;
- (D) ANY REPORTER WITH A WORKLOAD EXCEEDING THE MONTHLY PRODUCTIVITY STANDARD SHOULD BE CONSIDERED FOR RELIEF FROM COURT ASSIGNMENT AT STATE EXPENSE, AND ANY REPORTER WITH UNJUSTIFIABLY DELAYED TRANSCRIPTS SHOULD BE IMMEDIATELY RELIEVED FROM COURTROOM ASSIGNMENT AT HIS OWN EXPENSE;
- (E) SUBJECT TO (C) AND (D), REPORTERS WITH THE HIGHEST TRANSCRIPT BACKLOG SHOULD BE THE LAST ASSIGNED TO COURTROOM DUTIES.

Cross Reference. See p. 16.

RECOMMENDATION 18.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD CONTINUE ACTIVELY TO ENCOURAGE COURT REPORTERS TO MAINTAIN AND IMPROVE SKILLS UTILIZED IN REPORTING FOR THE COURTS.

Commentary

The AOC Division of Court Reporting Services should maintain an up-to-date file on training opportunities available to court reporters and disseminate this information to those working in the courts. Much of the continuing education needs of court reporters are now being met through seminars sponsored by the CSRA-NJ, although the Acting Administrative Director and Deputy Director of AOC have been meeting with supervisors and are preparing a plan for improving supervisor management capability. The Division of Court Reporting Services should communicate its observations as to training to the association so that needs can be accommodated. A growing need, for example, will be felt in the areas of advanced reporting techniques and the use of alternate technologies. The Administrative Office should make provisions for seminars on these topics.

Cross Reference. See p. 13.

C. Appellate Information System

RECOMMENDATION 19.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD HAVE INDEPENDENT CONTROL OF ITS OWN COMPUTER SYSTEM TO PERMIT THE COURTS TO USE NEW MANAGEMENT MECHANISMS PARTICULARLY IN THE ANALYSIS OF TRANSCRIPT PRODUCTION FOR CASES ON APPEAL.

RECOMMENDATION 20.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD DEVELOP AND UTILIZE SOFTWARE PROGRAMS FOR THE AUTOMATED DOCKETING AND MANAGEMENT INFORMATION SYSTEM (ADAMIS) THAT PROVIDE INFORMATION MORE EFFECTIVELY FOR MANAGEMENT AND MONITORING OF TRANSCRIPT PRODUCTION.

RECOMMENDATION 21.

THE NUMBER OF PAGES ACTUALLY PREPARED FOR EACH TRANSCRIPT FILED SHOULD BE CAPTURED FOR ENTRY IN ADAMIS.

Commentary

Applications for computer processing of information have increased markedly in the administration of the New Jersey courts; continued reliance upon computer technology can be expected.¹²⁹ The courts are now serviced by an executive department computer on which court needs, in terms of time and programming, are not always met.¹³⁰

A particular relevance to this study is the functioning of ADAMIS which is designed to provide information concerning the movement of cases through the Appellate Courts. In the past, response time for the input of data has been slow; program development and modification have been delayed; and the ability of the courts to devise and use new reports has been restricted. Computer system control in the AOC will give the courts needed independence and flexibility in dealing with information processing.

¹²⁹See in general, C. Mae Kuykendall and W. Popp, "Computers and the Courts," State Court Journal, summer 1977.

¹³⁰For a discussion of problems arising from having a computer system serve both the judicial and executive branch of government, see Conti, Popp and Steelman, "The Lessons of PJIS (Philadelphia Justice Information System)," 2 State Court Journal (summer 1978) 8.

One step which the court should take is modification of the ADAMIS program to allow capture of information as to the number of pages prepared for each transcript. Forms submitted by the reporters should include accurate estimates of page volume. With this information in hand the courts will be better able to gauge the pending workload of reporters and thus make sound management decisions in the allocation of resources. Programs suggested by the National Center for State Courts and developed by ADAMIS staff for this study¹³¹ may provide a useful beginning point for improved management.

Cross References. See pp. 21 and 29.

D. Timely Transcript Production

RECOMMENDATION 22.

NEW JERSEY'S THIRTY-DAY STANDARD FOR TIMELY TRANSCRIPT PREPARATION SHOULD BE RETAINED, BUT ITS REQUIREMENTS SHOULD BE MORE CONSISTENTLY ENFORCED THROUGH BOTH POSITIVE INCENTIVES AND NEGATIVE SANCTIONS.

Commentary

In Management of Court Reporting Services, at pp. 5-6, the National Center for State Courts recommends standards regarding time for completion and delivery of transcripts. The alternate approaches offered are (1) a system of priorities among different categories of proceedings to be transcribed, (2) a workload standard limiting the number of estimated pages of undelivered transcript a reporter may have outstanding, and (3) a

¹³¹See program AD-417, written by ADAMIS staff for this study.

single fixed time period within which all transcripts must be delivered.

New Jersey now has a fixed time period of 30 days for transcript delivery, and formal productivity standards are recommended below (Recommendation 25). Although the court system might justify and adopt an altered transcript delivery schedule, it might more appropriately consider more stringent and consistent application of the current preparation standard. As current experience reported here indicates, the mere existence or alteration of standards or priorities does not alone assure timely transcript production.

New Jersey should not, therefore, alter its current 30-day rule without seeing how well that standard can be met when rigorously enforced in connection with productivity standards recommended below.

If it is assumed that more rigorous enforcement will result in more timely transcript preparation and submission, an important question is the impact that speedier transcription will have on New Jersey's appellate courts. One generally accepted (though not yet proven nor measured) principle is that as the length of time for processing and disposing of appeals decreases, the number of appeals filed goes down. This is generally attributed to an increased reluctance on the part of attorneys to file appeals in borderline cases as the appeals are processed more expeditiously and therefore become more work for the attorneys. As stated, the intensity of this reaction has not yet been measured, so it is not possible to predict the degree to which filings will decline as the result of accelerated transcript production. It can be assumed, however, that the response

will not take place until the attorneys have observed that the reduction in transcript production time is a permanent change and that they are unable to obtain compensating additional extensions from the court. The court should maintain its present briefing schedules in appeals for at least one year after the transcript production time is significantly reduced before the compensatory reduction in the filing of appeals will begin to be seen.

Cross Reference. See p. 33.

RECOMMENDATION 23.

TIMELY TRANSCRIPT PREPARATION AND SUBMISSION OF TRANSCRIPTS OVER THE COURSE OF EACH YEAR SHOULD BE A MAJOR CONSIDERATION IN THE GRANTING OF SALARY INCREMENTS TO REPORTERS.

RECOMMENDATION 24.

OFFICIAL REPORTERS WITH UNJUSTIFIABLE DELAYS IN VIEW OF PRODUCTIVITY STANDARDS FOR TRANSCRIPT DELIVERY SHOULD BE IMMEDIATELY REMOVED FROM COURT-ROOM ASSIGNMENT, WITH REPLACEMENT AT THEIR OWN EXPENSE, TO CONCENTRATE ON TRANSCRIPT PRODUCTION. REPORTERS WHO ARE CONTINUALLY DELINQUENT SHOULD BE SUBJECT TO MORE SEVERE SANCTIONS.

RECOMMENDATION 25.

THE FOLLOWING PRODUCTIVITY STANDARDS SHOULD BE FORMALLY ESTABLISHED FOR COURT REPORTERS:

- (A) DICTATE A MINIMUM OF 20 PAGES TRANSCRIPTION PER HOUR;
- (B) PRODUCE A MINIMUM OF 250 PAGES TRANSCRIPTION PER WEEK;
- (C) PRODUCE A MINIMUM OF 1,075 PAGES TRANSCRIPTION PER MONTH.

Commentary

One measure of transcript production rates can be derived from optimal dictation and typing rates demonstrated during the National Bureau of Standards study of court reporting systems.¹³² In that study, it was found that 4,500 words took 27 minutes to dictate and 67 minutes to type. The study found that when reporters producing their transcripts by dictation for typing overlapped the dictating and typing, 4,500 words took 77 minutes elapsed time to produce, the corresponding production time if there were no overlap being 94 minutes (the sum of the dictation and typing times). When this information is transformed into pages and words per hour (assuming that one page equals 250 words), the following results are achieved.

Activity	Optimal Rate	Pages and Words
Dictation	40 pages/hour	(10,000 words/hour)
Typing	16 pages/hour	(4,030 words/hour)
Dictation + Typing		
--overlapped	14 pages/hour	(3,500 words/hour)
--not overlapped	11.5 pages/hour	(2,870 words/hour)

Another indication of what reasonable transcript production rates might be is the set of standards for reporter dictation rates, unofficially proposed by the National Shorthand Reporters Association (NSRA):¹³³

Description	Rate
Dictation after court hours	30 pages/day
Dictation when not in court	150 pages/day
Dictation on weekends	30 pages/day

If one assumes a 7.5 hour work day, these standards call for dictation at the rate of 20 pages per hour.

¹³²National Bureau of Standards, A Study of Court Reporting Systems. Volume 1, Decision Factors, p. 19 (December 1971).

¹³³Cited in J. Ebersole, Improving Court Reporting Services, p. 19 (Federal Judicial Center, 1972).

Transcript production criteria suggested by the National Center for State Courts for a comparative analysis of court reporting techniques indicate that, under good conditions and without interruption, more than twelve pages should optimally be produced each hour. An adequate production rate would range from six to twelve pages per hour, while fewer than six pages per hour would be deemed least desirable.¹³⁴

A productivity measurement standard included in a recent study of South Dakota court reporting indicates that

"A properly-qualified and trained reporter should be able to transcribe personally from eight to ten pages of testimony per hour. Those reporters who dictate their notes on an audio tape and then give the dictation to a typist to prepare the initial type transcript should be able to dictate from fifteen to twenty pages per hour."¹³⁵

One can see that the dictation rate cited here from the South Dakota study correlates with the NSRA recommendation. The number of pages that can be typed per hour can be calculated by assuming a 250-word page and a typing rate of 50 words per minute for 40-50 minutes of each hour:

$$\text{Pages per hour} = \frac{(50 \text{ wds/min}) (40-50 \text{ min/hr})}{250 \text{ wds/pg}} = \frac{2000-2500 \text{ wds/hr}}{250 \text{ wds/pg}} = 8-10$$

For purposes of comparison and analysis on an hourly basis, the different productivity measures may be graphically represented as shown here in Figure 27:

¹³⁴NCSC, Reporting Services Mgt., p. 41.

¹³⁵NCSC, Court Reporting Services in South Dakota, pp. 35-36 (1977). See also, NCSC, Court Reporting Services in Maryland, pp. 64, 69 (1976); and NCSC, Nebraska Court Reporting Project. Final Report, p. 33 (1975).

Figure 27. Comparison of Transcript Production Criteria
(in Pages Per Hour)

Source of Criteria	Production Method			
	Dictation Alone	Typing Alone	Dictation and Typing Combined	
			Overlap	No Overlap
Nat. Bureau of Standards	40	16	14	11.5
NSRA	20	14.4		
NCSC, Reporting Services Mgmt.				
Optimal			more than 12	
Adequate			from 6 to 12	
Least Desirable			less than 6	
NCSC, S.D. and Md. Studies	15-20	8-10		

Figure 2 above indicates that the average work day for New Jersey official court reporters is approximately 6.5 hours long. This time includes about one hour for lunch and 5.5 hours of other work activities (such as in-court recording) for which the reporter receives a salary. Production of transcripts is an activity for which each reporter receives fee compensation over and above salary, and it is expected to be completed outside their work day. It is not unreasonable to expect court reporters to devote seven hours each day to court work, including in-court time and transcription, but not including lunch. This would allow court reporters 2.5 hours each day for transcription, and at a rate of twenty pages per hour a reporter could produce 50 pages per day and 250 pages per week without working weekends. In a month, consisting of 4 1/3 weeks, this is a production rate approximating 1,075 pages.

Cross References. See pp. 21, 31, 33, 40, 42, and 58.

E. Sound Recording

RECOMMENDATION 26.

COURT PERSONNEL OPERATING SOUND RECORDING MACHINES, AND PARTICULARLY THOSE IN THE MUNICIPAL COURTS, SHOULD BE GIVEN MORE EXTENSIVE TRAINING IN METHODS TO ASSURE A FULL AND ACCURATE RECORD OF COURT PROCEEDINGS.

WHETHER TRANSCRIPTION OF AN AUDIO RECORD IS DONE BY A COURT EMPLOYEE OR BY A TRANSCRIPTION SERVICE, TRANSCRIBERS SHOULD MEET STANDARDS SET BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

Commentary

Total failure of transcription because of failure to sound record County District or J & DR Court proceedings adequately is very infrequent, as the data in Figure 28 below indicates.¹³⁶ Appellate Division judges and central research staff interviewed for this study could see no distinction in quality between transcripts by Superior Court OCR's and those from County District or J & DR sound recordings; but it was expressed that there is a considerable drop in quality for transcripts of sound recorded municipal court proceedings.

The principle reason for inadequate transcripts in New Jersey from sound recordings is the less-than-satisfactory personal investment in the quality of the record among some audio machine operators and transcribers.

¹³⁶The most frequent reason for inadequate records was a poor recording; machine malfunctions were reported twice, and one trial record was ruined by external noise from a fire siren. Memorandum, Sound Recording Supervisor to AOC Deputy Director, re: "Transcripts for Appeals, J&DR and District Courts" (January 9, 1978).

While two failures may have been due to machine malfunctions, a more important problem seen by the Supervisor of Sound Recording is resentment by court clerks of the added duty to operate audio devices, so that they fail to monitor the machines properly and make inadequate logs. Memorandum, Sound Recording Supervisor to AOC Deputy Director, re: "Data on Sound Recording Equipment" (January 9, 1978).

Figure 28. Incidence of Trial Court Failure to Make Adequate Sound Recording, So That No Transcript Could Be Prepared, In Appeals From County District and Juvenile & Domestic Relations Courts

County District Court	Court Year		
	9/74-8/75	9/75-8/76	9/76-8/77
Total Appeals	7	207	179
No Transcript Due to Inadequate Recording	0	1	3

J & DR Court	Court Year		
	9/74-8/75	9/75-8/76	9/76-8/77
Total Appeals	103	110	116
No Transcript Due to Inadequate Recording	2	1	3

Source: Sound Recording Supervisor, Memorandum to Depty Director, Administrative Office of the Courts, re: "Transcripts for Appeals, J&DR District Courts" (January 9, 1978).

Reporters using shorthand machines have professional pride in the quality of the record they produce, and they are personally involved in the production of each transcript. Except for some of the busier J. & DR County District Courts, where there are full-time sound recording operators, however, the function of monitoring audio machines and maintaining logs is performed by clerical staff with other court duties in addition to preparing the record of proceedings. According to the Supervisor of Sound Recording, they receive about 2 1/2 hours of training in operation of sound recording machines.¹³⁷ And unlike court reporters, sound recording operators have little or no involvement in transcription, which is done by a transcriber who was not present at the proceedings recorded.¹³⁸

A thorough sound recording manual has recently been revised and updated to guide sound recording operators. But more in-service training (like that conducted in October 1978) is needed to imbue operators, particularly at the municipal court level, with the importance of close attention to the quality of recordings and logs.

In addition, it is important that attention be paid to the competence and quality of transcribers. The following minimum qualifications are suggested.¹³⁹

- (a) typing speed of 65 words per minute;
- (b) English comprehension, vocabulary, spelling, and punctuation

¹³⁷ Ibid.

¹³⁸ In Connecticut where sound recording monitors type their own transcripts, the quality of their transcripts is viewed very favorably. Communication by the Honorable John A. Speziale, Chief Court Administrator, Connecticut Judicial Department, to David C. Steelman, National Center for State Courts (September 13, 1978).

¹³⁹ NCSC, Audio/Video Technology and the Courts: Guide for Court Managers, p. 17 (November 1977); see also, NCSC, Reporting Services Mgt., p. 20.

skills at the high school level;

- (c) understanding of normal court procedures and practice, court terminology and frequently used legal nomenclature;
- (d) understanding of frequently used medical nomenclature;
- (e) sufficient training to use, monitor and adjust transcribing machines for playback of tape;
- (f) understanding of court logging procedures and notations; and
- (g) understanding and use of transcript format and style standards.

Cross Reference. See p. 20.

RECOMMENDATION 27.

A FORMAL QUARTERLY ANALYSIS AND EVALUATION SHOULD BE MADE OF MAINTENANCE PROBLEMS WITH SOUND RECORDING DEVICES AND USE OF THE MOST BREAK-DOWN-PRONE MACHINES DISCONTINUED.

Commentary

Records maintained by the Supervisor of Sound Recording now provide useful information about the quality of sound recording devices employed in the court system. Review of sound recording logs and weekly reports, along with regular field visitation, now enable the Supervisor and his staff to accumulate considerable data on the equipment. Formal evaluation of this data and review by court policy makers will enhance its utility.

Cross Reference. See p. 18.

F. Transcript Format

RECOMMENDATION 28.

NEW JERSEY TRANSCRIPT FORMAT STANDARDS SHOULD BE REVISED SO THAT

CONTINUED

2 OF 4

THOSE IN ADMINISTRATIVE REGULATIONS GOVERNING REPORTERS IN THE NEW JERSEY COURTS AND IN SOUND RECORDING MANUAL AND ADMINISTRATIVE REGULATIONS GOVERNING SOUND RECORDING IN THE NEW JERSEY COURTS ARE IDENTICAL.

THE FOLLOWING TRANSCRIPT FORMAT STANDARDS SHOULD BE ADOPTED FOR EXAMINATION OF WITNESSES:

-- FOR THE FIRST LINE OF A QUESTION, "Q" SHOULD NOT BE INDENTED, AND THE TEXT OF THE QUESTION SHOULD BE INDENTED FIVE SPACES FROM THE PRINTED VERTICAL LINE AT THE LEFT MARGIN;

-- FOR EACH ANSWER STARTING ON A NEW LINE, INDENTATION SHOULD BE AS ABOVE FOR THE FIRST LINE OF THE ANSWER;

-- FOR NEW PARAGRAPHS OF ANY QUESTION OR ANSWER, THE FIRST LINE SHOULD BE INDENTED FIVE SPACES;

-- ALL OTHER LINES SHOULD NOT BE INDENTED.

FOR COLLOQUY AND ALL TEXT OTHER THAN Q AND A, THE FIRST LINE OF EACH PARAGRAPH SHOULD BE INDENTED FIVE SPACES, WITH EACH SPEAKER STARTING A NEW PARAGRAPH, AND THERE SHOULD BE NO OTHER INDENTATION.

Commentary

Figure 12 indicates that there are certain inconsistencies between the current regulations governing New Jersey reporters and those governing sound recording. These inconsistencies do not alone explain the wide variations in format found among transcripts inspected by National Center Staff. But it does suggest why precise adherence to any prescribed format may not have been considered critical by those preparing transcripts. Moreover, it would be difficult to enforce transcript format standards as they now exist.

The recommended standards should be easier to administer and follow. Furthermore, they should result in transcript pages containing more words--much closer to 250 than to the total of only 136 found in one page--so that transcripts have fewer pages and cost less to litigants. Furthermore, there will be less bulky transcripts stored at the clerk's office of the Superior Court Appellate Division: if transcript lengths are reduced by as much as 15%, there will be notable savings in transcript storage space.

Of course, shorter transcripts will mean reduced fees for court reporters. But production costs for reporters will also be reduced, since their expenses for typists and such incidentals as paper will be reduced. Each dollar saved by a litigant, then, will not be a dollar of net fee income lost by a reporter.

But the issue of transcript indentation and format generally should not be assessed solely from a cost viewpoint. The purpose of transcription is to facilitate reviewing the record of proceedings, and the format of a transcript should also serve this basic purpose.

In interviews conducted for this study, presiding judges of the Superior Court Appellate Division were asked if the following format changes would make transcripts too difficult to read or to work with:

- (a) reducing indentation for Q and A,
- (b) having answers follow on the same line as the ends of questions,
- (c) indenting only the first lines of paragraphs in such matters as colloquy and jury changes, and
- (d) reproducing transcripts on both sides of a page (an option allowed by R. 2:6-10 if the paper used is heavy enough).

The reactions of the presiding judges to these proposals were mixed. Four of the seven judges interviewed expressed the feeling that the changes suggested above would indeed make their work more difficult.

But three of the presiding judges were not averse to change. And those favoring retention of current standards were not asked to comment on each suggested change alone. The results of the inspection of transcript formats by National Center staff, showing the variations from one transcript to another, were not yet available when interviews were conducted. If judges and counsel could adjust without complaint to the variations found in transcripts inspected by National Center Staff, it seems that the quality of their review of the record will be diminished by the changes suggested here.

Cross Reference. See p. 45.

RECOMMENDATION 29.

THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD ENCOURAGE TWO-SIDED PHOTOCOPY REPRODUCTION OF TRANSCRIPT PAGES.

TO AID TWO-SIDED COPYING, TRANSCRIPT FORMAT STANDARDS SHOULD PROVIDE THAT TRANSCRIPT PAGES WITH 25 PRE-NUMBERED LINES HAVE ONE-INCH LEFT AND RIGHT VERTICALLY-LINED MARGINS. NOTICE OF THE INTRODUCTION OF SUCH A REQUIREMENT SHOULD ALLOW REASONABLE TIME TO EXHAUST SUPPLIES OF PAPER WITH DIFFERENT MARGINS.

Commentary¹⁴⁰

As already noted, two-sided reproduction of transcript pages was among the format changes suggested for Appellate Division presiding judges.

¹⁴⁰Reducing transcript paper and postage costs has been a matter regarding which New Jersey's Acting Administrative Director of the Courts has recommended cooperation among judges, court administrators and court reporters. Hon. Arthur J. Simpson, "Role of the Reporter in the Discovery, Trial and Appellate Process" (opening session panel comments), The Proceedings of the 75th National Shorthand Reporters Association Convention and Seminar (Hilton Hotel, Washington, D.C., August 4-7, 1976), p. 23.

Of the four suggestions, it was the one most negatively viewed. The primary reason for such resistance seems to be problems of legibility: typing and some types of reproduction are very difficult to read if two-sided copy is not done on heavy paper.

But we are all accustomed to two-sided copy in our books, magazines, and newspapers, so that reading such pages is hardly a novelty. And the technology of photocopying has progressed in recent years to the point of being capable of producing highly-readable two-sided copy at low cost.

Court reporters most frequently prepare an original and one copy of a transcript, with the party ordering the transcript making one copy for all opposing parties and three copies for the court. The Appellate Division of the Superior Court has thousands of appeals pending at any given time, with each case likely to have one or more transcripts. The result is that the Appellate Division clerk must have storage space for thousands of transcripts for cases pending appeal. If appellants are encourage to provide two-sided copies of the three transcripts for the court, Appellate Division space needs for storing such transcripts will be cut virtually in half.

Cross Reference. See p. 45.

RECOMMENDATION 30.

COURT REPORTERS AND TRANSCRIBERS SHOULD NO LONGER PREPARE CARBON COPIES OF TRANSCRIPTS FOR SALE. INSTEAD ONE ORIGINAL SHOULD BE TYPED AND PHOTOCOPIES MADE.

RECOMMENDATION 31.

CONSIDERATION SHOULD BE GIVEN TO SETTING TRANSCRIPT FEE RATES BY COURT RULE RATHER THAN BY STATUTE. IN ANY EVENT, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD CONSIDER RECOMMENDING REDUCTION OF THE FEE FOR COPIES OF THE ORIGINAL COMMENSURATELY WITH REDUCTION IN THE COST OF PREPARING THOSE COPIES.

Commentary

New Jersey court reporters now pay not more than five cents for materials used in preparation of each carbon copy of a transcript page, according to interviews of reporter supervisors for this study, and they must in addition pay transcribers a per-page fee.

Whether photocopying is faster than typing carbon copies depends almost entirely on the accuracy of the transcriber. When a typist makes an error, time and cost is consumed in correcting the original and each carbon copy. ¹⁴¹

¹⁴¹ The only figures available to the National Center on the time required to make corrections were provided by the International Business Machines Corporation (IBM), for a study of court reporting in South Dakota. That company's Product Test No. 38-1003 indicates that it takes an average of 10.5 seconds to interrupt typing, erase a mistake on the original page, and resume typing. Erasing two carbon copy pages would take at least as long. On the other hand, if carbons are not involved, mistakes may be corrected in 8.4 seconds by use of correction tape, and in only 3.6 seconds by use of IBM's "Selectric II" self-correcting machine. NCSC, Court Reporting Services in South Dakota, p. 29 (September 1977).

While the speed of photocopying versus carbons may be debated, costs of producing photocopies are substantially lower than those of producing carbon copies. Commercial photocopy rates are commonly ten cents per page, and per-page costs for copy machines available on a rental basis are often five cents or less per page. Even when the cost of a person's time in duplication, collation and assembly of transcript copies is added, the total should be half or less than the current statutory fee of twenty-five cents per copy page.

A final consideration is the quality of the copies themselves. Even a carbon-copy page without corrections is likely to be less clear and readable than a photocopy.¹⁴²
Cross Reference. See p. 72.

RECOMMENDATION 32.

MECHANISMS FOR ENFORCEMENT OF TRANSCRIPT FORMAT REQUIREMENTS SHOULD BE DEVELOPED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. THESE SHOULD INCLUDE INSPECTION ON A PERIODIC BASIS OF TRANSCRIPT FORMATS BY AOC STAFF AND PUBLICATION OF TRANSCRIPT FORMAT STANDARDS IN THE NEW JERSEY LAW JOURNAL.

COURT REPORTERS SHOULD BE REQUIRED TO REFUND EXCESS FEES RESULTING FROM FAILURE TO COMPLY WITH SUCH STANDARDS AND SHOULD BE SUBJECT TO POSSIBLE DISCIPLINARY ACTION FOR EGREGIOUS OR CONTINUOUS FAILURE TO COMPLY.

¹⁴² National Center for State Courts, Audio/Video Technology and the Courts, A Guide for Court Managers, p. 17 (November 1977).

Commentary

Results of the inspection of transcripts by National Center Staff suggest that present regulations for transcript formats are not followed closely. Furthermore, deviations from these regulations almost invariably result in transcripts with more pages (and higher transcript fees) than would be the consequence of strict compliance.

The recommendation presented here is intended to enhance control of transcript formats by the Administrative Office of the Courts and to stimulate those preparing transcripts to adhere more closely to format requirements.

Cross Reference. See p. 50.

G. Reporter Note Storage

RECOMMENDATION 33.

IN LIGHT OF THE UNAVAILABILITY OF LOW-COST LONG-TERM STORAGE FOR COURT REPORTER NOTES, THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD: (1) INTRODUCE MICROFILMING IN THOSE COUNTIES IN GREATEST NEED OF ADEQUATE STORAGE SPACE AND (2) ESTABLISH STANDARDS FOR STORAGE FACILITIES FOR "LIVE" AND "DEAD" NOTES. IMMEDIATE ATTENTION SHOULD BE GIVEN TO THOSE LOCATIONS WHERE VULNERABILITY TO VANDALISM OR FIRE AND WATER DAMAGE HAS BEEN REPORTED.

Commentary

The success of the microfilming pilot project in Middlesex County is indisputable: since the project got underway, approximately 400 cabinets of paper (reporter notes and other case documents) have been converted to microfilm and at reasonable cost. Particularly if one considers the cost of the storage area (at that time one square foot of space cost \$11/sq. ft. and one cabinet covered a 5 1/2 sq. ft. area, for a cost of \$60.50 per cabinet x 400 cabinets - \$24,200 savings!) and the time of personnel necessary to manage that space, the benefits of microfilm become clear. Accessibility is maximized; a record which might have taken 2 to 3 days time of several court reporter personnel to locate in its former cabinet location can now be obtained within five minutes.¹⁴³ That time can now be spent in court or on the transcription process.

Although Ocean and Burlington counties are about to see microfilming become a reality, few other counties have seen any acute need to microfilm (because of currently adequate storage space and low to moderate case volume) or have discarded the idea for its prohibitive cost (defined as any cost beyond the county budget). County freeholders have held off, understandably, in the hope that state aid might be forth coming. Now as more thought is being given to state assumption of court expenses, it seems appropriate to consider state-takeover of microfilming court reporter notes.

¹⁴³Interview with Jerry Boylan, Deputy Court Clerk, Middlesex County, by Lorraine Moore, National Center for State Courts (July 21, 1978).

Microfilm, used where appropriate, can result in saved storage space (microfilm takes up 2 to 10 percent of the space that files do), quick retrieval of needed notes (and less personnel time for the search) and improved physical security for notes.¹⁴⁴ However, it is not the panacea for space problems; only when destruction of records and long-term storage are not appropriate can equipment and manpower costs for microfilming be justified. While the initial costs of microfilm may be high, on a pro-rated basis the costs can be less over the long term, particularly when retention schedules do not allow destruction of certain records, as is the case for criminal records in New Jersey.

The lack of sufficient storage facilities for court records is a problem common to jurisdictions nationwide. One of the first steps in attacking the problem is to re-examine the existing destruction and retention schedules, to determine whether shortening the retention requirement is possible. The most suitable basis for setting up a schedule for criminal records appears to be to use the maximum sentence served by type of offense (felony or misdemeanor), since the likelihood of a case being reopened after the sentence has been served is minimal. A somewhat involved statistical analysis is necessary to arrive at the average length of sentence actually served, the frequency of habeas corpus, and the unusual situations requiring a case to be reopened. In Alabama, for example, consideration is being given to a 10-year retention period for all records relating to felony cases, in the belief that the court reporters' notes will be unintelligible to another court reporter in ten years' time.

¹⁴⁴See NCSC, Microfilm and the Courts, Guide for Court Managers (July 1976). Technical assistance is available on this topic through the CITAT project of the National Center for State Courts.

If the State of New Jersey had the facilities available for low-cost storage of court reporter notes, at least some relief could be felt. However, discussions with the State Archives and Records Center revealed that no space of this type is available. It is encouraging to note that there is a trend toward the establishment of "county records managers" (4 out of 21 counties: Atlantic, Burlington, Essex and Middlesex Counties)¹⁴⁵ who coordinate management of all county records, including court records. Perhaps counties will be encouraged to locate space for record storage.

Cross Reference. See p. 52.

H. Computer-Aided Transcription

RECOMMENDATION 34.

IF NEW JERSEY INTRODUCES A PILOT PROGRAM TO EXPERIMENT WITH COMPUTER-AIDED TRANSCRIPTION (CAT), MANAGEMENT MEASURES SHOULD ASSURE TIMELY SUBMISSION OF REPORTER TAPES TO THE COMPUTER CENTER AND TIMELY EDITING OF FIRST-RUN COMPUTER TRANSCRIPT DRAFTS BY COURT REPORTERS. MANAGEMENT SUPERVISION OF THESE STEPS SHOULD CONTINUE IF CAT IS LATER IMPLEMENTED ON A BROADER SCALE.

RECOMMENDATION 35.

IF CAT IS IMPLEMENTED THE CURRENT RATES FOR TRANSCRIPT FEES SHOULD BE RETAINED, AND IF CAT IS AVAILABLE IN A COUNTY, IT SHOULD BE USED FOR DAILY COPY WITHOUT SPECIAL TRANSCRIPT FEES.

¹⁴⁵ Interview with Robert Newrock, Director of New Jersey State Records Center, by Lorraine Moore, National Center for State Courts (July 1978).

Commentary

Although computer-aided transcription holds out the promise of capacity for rapid transcript production, management control will be far more important. There will be an intensified need for supervision to assure that reporters submit their notes and review computer-generated drafts quickly in order to realize the advantages of CAT. The proposed CAT pilot project for New Jersey, which is regarded as experimental, will have further need of management scrutiny because it will not be operating in only one county. Furthermore, monitoring costs and evaluating results will necessitate firm control.

Cross References. See pp. 56 and 81.

I. Salaries and Fees

RECOMMENDATION 36.

ENTRY-LEVEL COURT REPORTER SALARIES SHOULD BE INCREASED. THOSE REPORTERS WHOSE TECHNIQUES ARE COMPATIBLE WITH COMPUTER AIDED TRANSCRIPTION SHOULD BE PAID A HIGHER ANNUAL STARTING SALARY. THESE STEPS SHOULD MAKE NEW JERSEY OCR SALARIES MORE COMPETITIVE WITH NEARBY JURISDICTIONS. THERE IS A JUSTIFICATION TO PAY HIGHER SALARIES TO SHORTHAND REPORTERS ON THE BASIS OF THEIR PROFESSIONAL TRAINING AND CAREER COMMITMENT, WHILE SALARIES PAID TO CERTIFIABLE SOUND RECORDING OPERATORS AND VOICE WRITERS CAN JUSTIFIABLY BE SET AT A LOWER LEVEL.

Commentary

As indicated in Figure 20 above, the gap between entry-level salaries for official court reporters in New Jersey and the highest salaries authorized in the state is greater than in any of the nearby jurisdictions

compared in this study. An increase in entry-level salaries should attract a larger number of more competent reporting-school graduates to seek certification and employment as official court reporters. Similarly, it should reduce movement of New Jersey-trained reporters to other jurisdictions. Official court reporter salaries at the higher pay grades are already competitive with those in neighboring court systems.

Cross Reference. See p. 69.

RECOMMENDATION 37.

ANNUAL SALARY INCREMENTS OF FIVE PERCENT SHOULD BE GRANTED ONLY ON THE BASIS OF SUPERIOR PERFORMANCE (ESPECIALLY INCLUDING TIMELY TRANSCRIPT PRODUCTION AND DELIVERY) AS REFLECTED IN ANNUAL PERFORMANCE EVALUATIONS. THE SALARY INCENTIVE FOR OFFICIAL COURT REPORTERS WHO HOLD A CERTIFICATE OF MERIT FROM THE NATIONAL SHORTHAND REPORTERS ASSOCIATION SHOULD BE RETAINED; HOWEVER, OTHER FACTORS, SUCH AS THE TIMELINESS OF TRANSCRIPTS, SHOULD BE CONSIDERED BEFORE THE MERIT INCREMENT IS AWARDED. PERFORMANCE STANDARDS FOR MERIT INCREASES SHOULD BE ESTABLISHED.

RECOMMENDATION 38.

EACH YEAR THE ADMINISTRATIVE OFFICE OF THE COURTS SHOULD RE-EVALUATE TRANSCRIPT FEE RATES TO DETERMINE THEIR FAIRNESS TO BOTH COURT REPORTERS AND TRANSCRIPT RECIPIENTS.

Commentary

As noted above in Chapter III, statutory rates for transcript fees have not been raised in New Jersey since 1970, despite rising costs of production faced by court reporters. At present, increase in transcript

fee rates does not appear justified. But application of the approach applied in Chapter III to assess fee rates can be an objective means for the court system to determine the economic impact on reporters of changing fee rates.¹⁴⁶

Cross References. See pp. 58 and 72.

RECOMMENDATION 39.

REFERENCE IN N.J.S.A. 2A:11-15 TO TRANSCRIPT "FOLIOS" SHOULD BE ELIMINATED, AND RATES FOR TRANSCRIPT FEES SHOULD BE EXPRESSED IN RELATION TO TWENTY-FIVE LINE PAGES.

Commentary

Though the statutes in at least 22 states still express transcript fees in terms of "folios" or "each 100 words," almost as many refer simply to pages,¹⁴⁷ and the national trend is to drop reference to folios,¹⁴⁸ the statutes in at least six states express transcript fee rates in terms of 25-line pages.¹⁴⁹ In combination with active enforcement of transcript format standards, adoption of this recommendation should help assure that transcript recipients receive full value for the fee they have paid.

Cross Reference. See p. 72. But see Recommendation 31.

¹⁴⁶For more detailed discussion of this matter, see the forthcoming article by Alexander B. Aikman, "Court Reporting and Measuring Transcript Fees," contemplated for publication in the Winter 1979 issue of the State Court Journal.

¹⁴⁷For a summary of transcript fee provisions as of summer 1977 in 47 American jurisdictions, see NCSC, Transcripts by Connecticut Court Reporters, Appendix A (May 1978).

¹⁴⁸NCSC, Reporting Services Mgt., p. 7.

¹⁴⁹See Florida Statutes §29.03; Hawaii Revised Statutes §606.13; Vernon's Missouri Statutes §485.600; Oklahoma Statutes §106.4(b); Wisconsin Statutes 256.57(2); and Wyoming Statutes §5-82.

J. Cost-Benefit Analysis

RECOMMENDATION 40.

AFTER IMPLEMENTING THE FOREGOING RECOMMENDATIONS COURT POLICY MAKERS SHOULD ASSESS THE IMPACT OF THAT IMPLEMENTATION AND EXECUTE ANOTHER COST/BENEFIT ANALYSIS. THEY SHOULD SCRUTINIZE THE ALTERED COST EXPERIENCE AND MAKE ANY NEEDED ADJUSTMENTS IN WEIGHTS AND RATINGS FOR THE BENEFITS.

Commentary

Should some or all of recommendations 1-39 be adopted by the Administrative Office of the Courts, it is anticipated that the state's court reporting system will be different from that presented for cost/benefit comparison in this report as Option 4, "Status Quo." More specifically, it is expected that the status quo as improved might have an improved overall benefit-to-cost score.

Appendix F, A Cost/Benefit Analysis Kit, supplies introductory material and the necessary forms for this exercise.

Cross Reference. See p. 104.

K. Long-Term Policy

RECOMMENDATION 41.

FOR THE IMMEDIATE FUTURE, THE NEW JERSEY COURT SYSTEM SHOULD CONTINUE ITS RELIANCE ON MACHINE SHORTHAND REPORTERS FOR THE PROVISION OF COURT REPORTING SERVICES IN SUPERIOR AND COUNTY COURTS AND EXPERIMENTATION WITH COMPUTER-AIDED TRANSCRIPTION SHOULD BE UNDERTAKEN TO AID THE TIMELINESS OF TRANSCRIPT PRODUCTION AT HIGH-VOLUME COURT LOCATIONS. BUT IN VIEW OF ALL RELEVANT CONSIDERATIONS, A WELL-MANAGED SOUND RECORDING SYSTEM SHOULD BE RECOGNIZED AS EQUAL IN PERFORMANCE TO, AND LESS COSTLY THAN,

ANY OTHER REPORTING TECHNIQUE NOW AVAILABLE. IF IT IS FOUND AFTER TWO YEARS OF EXPERIENCE WITH THE ADOPTED RECOMMENDATIONS AND A REVISED COST/BENEFIT ANALYSIS THAT THE SYSTEM HAS NOT IMPROVED TO THE SATISFACTION OF COURT POLICY MAKERS, FURTHER CHANGES IN THE DIRECTION OF SOUND RECORDING SHOULD BE UNDERTAKEN.

SOUND RECORDING OPERATORS SHOULD NOT BE REPLACED IN THE COUNTY DISTRICT, JUVENILE & DOMESTIC RELATIONS, OR MUNICIPAL COURTS BY MACHINE SHORTHAND REPORTERS.

IN ITS LONG-TERM PLANNING, THE COURT SYSTEM SHOULD PREPARE A PHASED TRANSITION TO AN ALL-AUDIO COURT REPORTING SYSTEM. THIS CAN BE IMPLEMENTED BY ALLOWING JUDGES NEW TO THE SUPERIOR COURT BENCH TO HAVE THE OPTION OF HAVING SOUND RECORDING OPERATORS RECORD THEIR PROCEEDINGS, ESPECIALLY IF THEY HAVE BECOME COMFORTABLE WITH THAT RECORDING TECHNIQUE IN PRIOR EXPERIENCE AT OTHER COURT LEVELS. IN ADDITION, MACHINE SHORTHAND REPORTERS CAN BE REPLACED BY SOUND RECORDING OPERATORS IN A SLOW PROCESS OF ATTRITION AS SHORTHAND REPORTER POSITIONS ARE VACATED.

NEW JERSEY SCHOOLS OFFERING COURSES IN REPORTING SHOULD BE ENCOURAGED TO ADD INSTRUCTION IN COMPUTER-AIDED TRANSCRIPTION AND SOUND RECORDING TO THEIR CURRICULA.

Commentary

The preceding recommendations (1-39) are designed to improve the existing court reporting system. The court should allow ample time, perhaps two years, for the intended improvements to take hold. At the end of

the test period and the preparation of a cost/benefit analysis, court policy makers will be better able to assess performance. If the improvements envisioned in this report have not been realized, the court should move to the adoption of this contingency recommendation for the long term.

Transition to an all-audio system will be difficult. It will require careful planning, sensitivity on the part of the courts to court reporter needs and careers and a long implementation period, perhaps 20 - 30 years. Alaska, out of necessity, established audio recording as the sole means of capturing trial testimony. Over the years, Alaska has had to deal with many related technical and administrative matters, including low productivity in the court typing pool set up to transcribe audio tapes; substantial fluctuations in transcript demand and the development of a court audio equipment repair and maintenance capability. While most of the problems have been overcome, the system is still by no means trouble-free; problems crop up from time-to-time and must be dealt with. New Jersey will face the same problems, which in one sense should be more pronounced because New Jersey's case volume is much higher than is Alaska's, but in another sense will be less pronounced because New Jersey can learn from Alaska's and other states' experiences. Still, these problems should not be underestimated.

In addition, New Jersey may face opposition on the part of court reporters. Many have invested lifetimes in making court reporting a professional career, and thus have good reason to be concerned about the eventual elimination of this service. A short implementation period of, say,

three to five years, is likely to provoke a sharp negative reaction of court reporters, for it would necessitate layoffs and interruptions in present careers. In our opinion, this implementation pace, though feasible, is unwise. In addition to the anxiety such a policy is likely to evoke among court reporters, it is also likely to require a significant administrative commitment over a long period of time to deal with emergent problems. A longer implementation period should produce a much smoother transition. Under this plan, court reporters could be guaranteed life-time positions, either in that position or in another court position with no diminution of income. A number of alternatives exist as to specific cut-over means. All new Superior Court judges could be given a choice as to the means of reporting, either by court reporters or by an audio system. Judges who have previously worked with audio systems in the County District and Juvenile and Domestic Relations Courts may elect audio because of their experience with it. Another and perhaps complementary means of moving to audio equipment is to gradually switch to it in the rural vicinages. Whatever the course of action, it should be carefully thought out and if possible executed with the advice and consent of New Jersey's official court reporter organization. An explanation of a transition decision should also be made to judges and attorneys who are familiar and comfortable with existing methods.

Cross Reference. See pp. 107-112.

APPENDICES

APPENDIX A

DISTRIBUTION OF NEW JERSEY
TRANSCRIPT DELIVERY TIMES,
BY COUNTY.

Appendix A. DISTRIBUTION OF NEW JERSEY TRANSCRIPT DELIVERY TIMES, BY COUNTY *

Number of Transcripts and Percent of County Total, by Days from Order to Delivery

County	1-30	31-60	61-90	91-120	121-180	181-360	360+	County Total (No. Transcripts) Avg. Days
Atlantic	(107) 25.5%	(88) 21.0%	(76) 18.1%	(45) 10.7%	(44) 10.5%	(45) 10.7%	(14) 3.3%	(419) 97
Bergen	(159) 14.6%	(294) 27.0%	(199) 18.3%	(100) 9.2%	(126) 11.6%	(160) 14.7%	(51) 4.7%	(1,089) 114
Burlington	(72) 17.5%	(109) 26.5%	(79) 19.2%	(61) 14.8%	(42) 10.2%	(41) 10.0%	(7) 1.7%	(411) 93
Camden	(52) 10.8%	(120) 25.0%	(89) 18.5%	(62) 12.9%	(54) 11.3%	(82) 17.1%	(21) 4.4%	(480) 125
Cape May	(4) 4.5%	(33) 37.5%	(21) 23.9%	(7) 8.0%	(11) 12.5%	(10) 11.4%	(2) 2.3%	(88) 103
Cumberland	(24) 11.3%	(31) 14.6%	(40) 18.8%	(35) 16.4%	(25) 11.7%	(43) 20.2%	(15) 7.0%	(213) 138
Essex	(321) 12.7%	(777) 30.8%	(584) 23.1%	(209) 8.3%	(253) 10.0%	(302) 12.0%	(78) 3.1%	(2,524) 102
Gloucester	(8) 5.8%	(36) 25.9%	(26) 18.7%	(16) 11.5%	(32) 23.0%	(7) 5.0%	(14) 10.1%	(139) 127
Hudson	(125) 12.9%	(305) 31.5%	(233) 24.1%	(78) 8.1%	(85) 8.8%	(91) 9.4%	(50) 5.2%	(967) 107
Hunterdon	(12) 9.8%	(56) 45.9%	(18) 14.8%	(11) 9.0%	(13) 10.7%	(10) 8.2%	(2) 1.6%	(122) 88

Appendix A. DISTRIBUTION OF NEW JERSEY TRANSCRIPT DELIVERY TIMES, BY COUNTY (Continued)*

County	1-30	31-60	61-90	91-120	121-180	181-360	360+	County Total (No. Transcripts) Avg. Days
Mercer	(157) 25.0%	(209) 33.3%	(80) 12.8%	(38) 6.1%	(37) 5.9%	(85) 13.6%	(21) 3.3%	(627) 96
Middlesex	(214) 19.9%	(441) 40.9%	(195) 18.1%	(47) 4.4%	(57) 5.3%	(94) 8.7%	(29) 2.7%	(1,077) 81
Monmouth	(188) 14.7%	(384) 30.1%	(300) 23.5%	(153) 12.0%	(119) 9.3%	(99) 7.8%	(32) 2.5%	(1,275) 92
Morris	(70) 12.9%	(174) 32.0%	(111) 20.4%	(41) 7.6%	(55) 10.1%	(67) 12.3%	(25) 4.6%	(543) 109
Ocean	(76) 23.2%	(134) 41.0%	(58) 17.7%	(18) 5.5%	(17) 5.2%	(17) 5.2%	(7) 2.1%	(327) 71
Passaic	(143) 14.2%	(342) 33.9%	(182) 18.0%	(120) 11.9%	(65) 6.4%	(107) 10.6%	(51) 5.0%	(1,010) 103
Perth	(5) 6.7%	(24) 32.0%	(19) 25.3%	(17) 22.7%	(13) 17.3%	(6) 8.0%	(1) 1.3%	(75) 105
Somerset	(59) 14.2%	(213) 51.3%	(151) 12.3%	(33) 8.0%	(24) 5.8%	(17) 4.1%	(18) 4.3%	(415) 78
Sussex	(11) 10.9%	(30) 29.7%	(23) 22.8%	(3) 3.0%	(8) 7.9%	(26) 25.7%	(0) 0.0%	(101) 116
Union	(75) 7.8%	(280) 29.0%	(158) 16.4%	(133) 13.8%	(158) 16.4%	(130) 13.5%	(31) 3.2%	(965) 112

Appendix A. DISTRIBUTION OF NEW JERSEY TRANSCRIPT DELIVERY TIMES, BY COUNTY (Continued)*

County	<u>1-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181-360</u>	<u>360+</u>	County Total (No. Transcripts) Avg. Days
Warren	(18) 21.4%	(24) 28.6%	(11) 13.1%	(1) 1.2%	(17) 20.2%	(4) 4.8%	(9) 10.7%	(84) 114
All Courts	(1,900) 14.7%	(4,104) 31.7%	(2,553) 19.7%	(1,228) 9.5%	(1,255) 9.7%	(1,443) 11.1%	(478) 3.7%	(12,961) 102
Admin. Agencies	(502) 33.2%	(319) 21.1%	(250) 16.6%	(183) 12.1%	(124) 8.2%	(90) 6.0%	(42) 2.8%	(1,510) 74
State Total	(2,402) 16.6%	(4,423) 30.6%	(2,803) 19.4%	(1,411) 9.8%	(1,379) 9.5%	(1,533) 10.6%	(520) 3.6%	(14,471) 99

* Figures shown here are for transcripts ordered or delivered between September 1, 1976, and February 28, 1978, for cases appealed to the Appellate Division of the New Jersey Superior Court. Source: Automated Docketing and Management Information System (ADAMIS).

APPENDIX B

REPORTER NOTE STORAGE PROBLEMS: DISCUSSION
OF FINDINGS IN SPECIFIC COUNTIES

APPENDIX B
REPORTER NOTE STORAGE PROBLEMS: DISCUSSION OF
FINDINGS IN SPECIFIC COUNTIES

In Chapter I above, there is a general discussion of the present state of affairs in New Jersey with regard to storage of court reporter notes. Figure 13, NOTE STORAGE PROBLEM AREAS, summarizes in tabular form the results of assessment efforts for this study. More specific treatment of storage problems in particular counties is presented below. (It should be noted that discussion here is not intended to be exhaustive, or to suggest that court locations not mentioned here have no note storage problems.)

Accessibility of Notes.

Access to current records, is apparently not an immediate problem for most counties. However, in Ocean County, "current" notes refer to notes two or three months old, since this is the capacity of the space available within the court reporters' offices for storage cabinets. All other notes are boxed and removed to the Ocean County Air Park, where the boxes are stored on steel shelving. The keeper of the hangar is responsible for all county records, including shorthand notes, stored in the hangar. Since the retrieval of these notes is subject to the availability of the keeper, notes can take two to three days to access. The threat of fire in the hangar, which does not have adequate fire protection, remains ever present. A recently approved grant to microfilm notes may provide some relief in the future.

Bergen County stores 1977 to present notes in the courthouse, but must rely upon space for older notes in an underground vault in the Arnold Constable Building, a county building located about one and one-half miles from the courthouse. The supervisor reported a recent example of a typical problem: a request from a federal agency for a transcript for a 1973 case was resisted because it was felt that a search of at least three hours would be involved to locate the notes. Although the transfer of notes from boxes to metal shelving in the vault area is now in progress, the lack of security at this location remains a problem. Safety of employees as well as the security of records are concerns in the vault area.

Location of the notes in one central area is desirable not only to increase accessibility but to minimize the frequency of shuffling of records from one location to another as capacity is reached, thereby decreasing the chance of loss of notes. In Bergen County, the location of court reporters and the notes has changed five times in two years. The result has been the loss of some notes, due in part to inattentive handling of records by temporary employees.

Some of the vault area once allocated for Middlesex County shorthand notes has been taken away, necessitating storage of notes in metal cabinets in hallways, some outside of the boiler room. The several locations make access difficult and increase security concerns. When the microfilming process catches up to current notes (notes through 1973 have been completed to date, three years of notes more than reported in the 1977 survey) the use of hallway cabinets will be reduced. No plans for additional space are being made at this time.

Adequacy of Space.

Space for record storage and for court reporter personnel is inadequate in Camden County. The storage area, adjacent to the supervisor's office, must hold within approximately 150 square feet all notes for eleven court reporters (soon to increase by two). Some relief was sought by requesting part of the space vacated in September by the police department.

A very cramped situation also exists in Gloucester County where the storage area of approximately 600 square feet in the court reporters' office is allocated to four court reporters and all notes. Although ground for a new courthouse has been broken, concern has been expressed that the addition of judges will reduce the space planned for court reporters.

Mercer County is also experiencing a shortage of space for storage and for personnel. Although almost double the present number of 30 cabinets is needed, there is no space to place additional cabinets. Furthermore, there is a current daily demand for nine reporters, although there are only six desks for reporter use. Additional space allocation appears unlikely.

In Monmouth County, space in the Court Reporters' room and two cells in the county jail are utilized for storage. The cell area is particularly poor in all respects--no lighting, dirty, unheated. However, the area must be used to supplement the inadequate space in the courthouse. Space has been requested in the new addition to the courthouse; however, the supervisor expects to be unsuccessful in getting sufficient space, since planning of facilities has been directed in the past toward short-range rather than long-range goals.

Burlington County, while having insufficient space for its reporters because cabinets use up needed space in the small offices, has been success-

ful in making provisions in plans for the new courthouse for sufficient office and storage space.

The acute need for suitable and more accessible space in Bergen and Ocean Counties has been mentioned above.

Security of Notes.

Three county supervisors mentioned security as a problem. In Middlesex County the multiple location of notes, including hallways, in unlocked metal storage cabinets increases the susceptibility of notes to vandalism; accidental locking of the cabinets, however, has been itself a problem, since no keys to them are available. The attic storage room located in the courthouse in Morris County cannot be locked due to an antiquated door. The Bergen County supervisor reports there to be little or no security at the vault area in the Constable Building; several moves have complicated the security of the notes en route.

Vulnerability to Fire or Water Damage.

The most widespread problem common to many counties relating to potential fire and water damage is the use of cardboard boxes of various types for note storage. In some cases the boxes are specially treated; in others, as in Hudson County, empty steno paper boxes are used. Part of Hudson's storage area (the 10th floor) has a leaky ceiling and vents, contributing to the vulnerability to water damage. Whenever possible boxes are stored off the floor to avoid contact with water seepage. Many of the courthouse buildings have some type of fire alarm system or sprinklers, but often a fireproof room is not allocated for note storage. The 1974 fire in Camden County, however, has brought about a fireproof storage area there.

Two counties stand in need of immediate attention. The continued use of the Ocean County Air Park hangar keeps both county records and reporter notes in constant jeopardy. It is likely that few records of any kind would emerge unscathed were a fire to start in the hangar. In Mercer County, the supervisor describes the basement storage area as a "firetrap," located in an old building with no fire precautions in evidence.

Microfilm

Microfilming of court reporters' notes is being considered as a method to deal with adherence to retention schedules for court reporters' notes, particularly where note storage facilities within the courthouse are inadequate. In general, the retention schedule requires original notes of civil proceedings to be retained for five years regardless of whether or not a transcript has been produced or microfilming accomplished. Original notes of criminal proceedings must be preserved indefinitely, with the exception that when a complete transcript has been filed or when all notes have been microfilmed, notes must be kept for three years.¹⁵⁰

A pilot project to microfilm notes of all proceedings has been underway in Middlesex County since Spring 1975. Evaluators of the project concluded after the first year of operation that microfilming is an "extremely useful method of reducing serious storage space requirements" which has been achieved at only moderate cost.¹⁵¹

¹⁵⁰See Reporter Admin Regs., pp. 9-10.

¹⁵¹Interoffice memo dated 9/22/76 from Edwin H. Stern to Hon. Arthur J. Simpson, Jr.

In two other counties, the use of microfilm appears to be becoming a reality. In Ocean County, a State Law Enforcement Planning Agency (SLEPA) grant award of \$66,000 to microfilm all court reporter notes has just recently been granted. Microfilming of notes in Burlington County will be accomplished as part of a larger grant to microfilm all county records; services of an outside contractor have been obtained to make about three million images within approximately a two-week period at an estimated cost of \$7,000 - \$8,000.

Results of a poll of the court reporter supervisors undertaken by the AOC in 1975 and again informally as part of the note storage assessment section of this study indicate that attitudes toward the use of microfilm are generally favorable. Reservations as to its use relate to: lack of knowledge about the microfilm process; who controls the procedure; whether need is sufficient to warrant the expense; transcription from microfilmed notes; and compatibility with computer-aided transcription.¹⁵²

¹⁵² For detailed discussion of these issues, see NCSC, Microfilm and the Courts. Guide for Court Managers (July 1976).

APPENDIX IX C
AMENDMENTS TO NJSA 2A:11-16:
NEW JERSEY COURT REPORTERS' SALARIES, ETC.

APPENDIX C

AMENDMENTS TO N.J.S.A. 2A:11-16:

NEW JERSEY COURT REPORTERS' SALARIES, ETC.

The statutory provisions governing administration of court reporting services in New Jersey (as opposed to those governing certification of shorthand reporters by the State Board of Shorthand Reporting -- see N.J.S.A. 45:15B-1 et seq.) are set out at N.J.S.A. 2A:11-11 et seq. Specific statutes treat the appointment and removal of official court reporters (2A:11-11); assignment of reporters and designation of supervisors (2A:11-13); designation of reporters for temporary service (2A:11-14); the amount of transcript fees (2A:11-15); and county or state payment of reporter salaries (2A:11-16).

Since 1967, when there was a broad state takeover of court expenses from the counties, there has been considerable modification of these statutory provisions, and especially of 2A:11-16. Of particular interest is the fact that, as of 1967, official court reporters are state employees and members of the state retirement system (unless part of a county system before July 1, 1966). In 1967, the legislature relinquished control over per diem fees to temporary reporters, amending 2A:11-16 to provide that such fees are to be set by the Supreme Court. And in 1973, the legislature also relinquished control over official court reporter salaries, amending 2A:11-16(a) to provide that such salaries also be fixed by the Supreme Court.

A perplexing part of the statute is the present 2A:11-16(e), which sets forth the means by which the state and counties bear court reporting expenses in each county. Read literally, this subsection as enacted by the legislature

in 1967 and amended slightly in 1969 would appear to fix the counties' contributions toward court reporter expenses at an unchanging annual amount. In fact, the state has historically passed through to the counties increases in such matters as social security and pensions. But a 1978 opinion by the Office of the Attorney General has concluded that county shares must be determined in keeping with the literal terms of the statute.¹⁵³ Each county's share is to be permanently stabilized at amounts actually paid for court reporting services in 1948, except for social security and pension costs, which are to be fixed at 1967 levels. Any expenses over and above these levels are not reimbursable to the state.

The chart that follows sets forth the "evolution" of Section 2A:11-16, as amended from its 1948 form by legislation enacted in 1953, 1957, 1967, 1969 and 1973.

¹⁵³ State of New Jersey, Department of Law and Public Safety, Division of Law, Letter Opinion (May 9, 1978).

Appendix C. AMENDMENTS TO NJSA 2A:11-16: NEW JERSEY COURT REPORTERS' SALARIES, ETC.

Sub- sec- tion	Session Laws					
	L. 1948, c. 376, p. 1550, §9	L. 1958, c. 345, p. 1908, §1	L. 1957, c. 229, p. 778, §1	L. 1967, c. 125	L. 1969, c. 282, §1	L. 1973, c. 202, §2
(a)	\$5,000-\$7,500 salary range, considering amount of time in attendance & performing duties.	Same as L. 1948.	\$7,500-\$10,000 salary range. Otherwise same as L. 1948.	\$7,500-\$12,500 salary range; time in attendance & prfmg duties dropped.	\$7,500-\$15,000 with provision allowing COL adjustments.	Salary simply to be fixed by S. Ct.
(b)	Rptr wholly in one county paid by county treasurer.	Same as L. 1948.	Same as L. 1948.	Salary paid by county treasurer if wholly in one county & member of county retirement system.	Salaries paid by state, except that rptr wholly in one county & member of county retirement system is paid by county treasurer.	Same as L. 1969.
(c)	Salary apportioned among counties if employed in more than one county.	Same as L. 1948.	Same as L. 1948.	Dropped. See below for new subsection(c).	Same as L. 1967.	Same as L. 1967.
(d)	\$20 per diem fee.	\$30 per diem fee.	Same as L. 1958.	Now subsection (c). Per diem fee to be set by S. Ct.	Now (c). Same as L. 1967.	Now (c). Same as L. 1967.
(e)	Payment of per diem fees, if reporter wholly in one county or if in a vicinage with more than one county.	Same as L. 1948.	Same as L. 1948.	Dropped. See below for new subsection(e).	Same as L. 1967.	Same as L. 1967.

Appendix C.(cont'd.)

Session Laws

Sub-section	L. 1948, c. 376, p. 1550, §9	L. 1958, c. 345, p. 1908, §1	L. 1957, c. 229, p. 778, §1	L. 1967, c. 125	L. 1969, c. 282, §1	L. 1973, c. 202, §2
(f) Payment of travel and other reasonable expenses for work outside county of residence.	Same as L. 1948.	Same as L. 1948.	Same as L. 1948.	Now subsection (d); reworded, so that reporter "may," rather than "shall" be reimbursed for travel.	Now (d); same as L. 1967.	Now (d); same as L. 1967.
(g) State to refund 1/3 amounts paid by counties to reporters.	Same as L. 1948.	Same as L. 1948.	Same as L. 1948.	Dropped. See below for new subsection(g). New (e) added: counties to pay state amount of their costs each preceding FY.	Now (e) like L. 1967, but with slight re-write of first sentence.	Same as L. 1969.
(h) Reporters entitled to retain fees for themselves, but all supplies and equipment at own expense.	Same as L. 1948.	Same as L. 1948.	Same as L. 1948.	Now (f), but otherwise same as before.	Same as L. 1967.	Same as L. 1967.
(i) Reporters members of state retirement system unless member of county system under L. 1943.	Same as L. 1948.	Same as L. 1948.	Same as L. 1948.	Now (g): state employees and members of P.E. R.S. unless a member of county system before 7/1/66.	Same as L. 1967.	Same as L. 1967.

APPENDIX D
COMPARATIVE ANALYSIS OF COURT REPORTER CONTRACTS
AND SALARIES

APPENDIX D
COMPARATIVE ANALYSIS OF COURT
REPORTER CONTRACTS AND SALARIES

Since 1971, New Jersey official court reporters have entered into contractual negotiations with the Administrative Office of the Courts. This appendix provides a comparison of contract provisions for the years 1973-1975, 1975-1977, and 1977-1979. In addition, Table 1, 2 and 3 show contractual compensation schedules for New Jersey court reporters, comparing them with salaries for court reporters in nearby jurisdictions and with those for other New Jersey court personnel, respectively.

Comparison of Salaried Court Reporters' Contracts for 1973-1975, 1975-1977, and 1977-1979.

Parties -- all three contracts:

The Administrative Director of the Courts

The Certified Shorthand Reporters Association of New Jersey

1975-1977 and 1977-1979 contracts

The above parties, plus final approval by the New Jersey Supreme Court.

Credit for previous experience:

1973-1975 Contract:

No provisions.

1975-1977 Contract:
1975-1976

The Administrative Director is provided the discretion to skip one pay grade for beginning court reporters for each 2 years' experience, up to 15 years' experience, for a maximum starting salary of \$18,179.

1976-1977

Ditto, to a maximum of \$19,452.

1977-1979 Contract:
1977-1978

Ditto, to a maximum of \$20,424.60.

1978-1979

Ditto, to a maximum of \$21,445.83.

Designation of grades:

1973-1975 Contract:

The two grades are "Official Court Reporter 2" (4 years' employment or less) and "Official Court Reporter 1" (5 years' employment or more). To go from "2" to "1", court reporters must meet "certain service requirements" to be promulgated by a committee the membership of which is specified.

1975-1977 Contract:

No such provision.

1977-1979 Contract:

No such provision.

Salary adjustments:

1973-1975 Contract:

The salary schedule is to be adjusted to include any across-the-board increases granted to all state employees during the term of the contract.

1975-1977 Contract:

Ditto, excluding a July 3, 1976 7% cost of living increase granted to all state employees, "which is already reflected" in the 1976-1977 salary scale.

1977-1979 Contract:

No such provision.

Certificate of Merit holders:

1973-1975 Contract:

All CSR's holding a National Certificate of Merit receive an extra \$500 per year.

1975-1977 Contract:

Ditto, raised to \$1,000 per year.

1977-1979 Contract:

Ditto.

Supervisors and Assistant Supervisors:

1973-1975 Contract:

Additional compensation:

Supervisors \$3,000 per year

Assistant Supervisors

Essex County 1,500 per year

All other counties 1,000 per year

1975-1977 Contract:

Ditto.

1977-1979 Contract:

1977-1978

Supervisors \$3,540 per year

Assistant Supervisors

Essex County 1,770 per year

All other counties 1,180 per year (An 18% increase)

1978-1979

Supervisors \$3,717 per year

Assistant Supervisors

Essex County 1,858.50 per year

All other counties 1,239 per year

(A 5% increase.)

Administrative Regulations:

1973-1975 Contract:

No provision.

1975-1977 Contract:

All court reporters are subject to the Administrative Regulations, may recommend changes and additions, and their supervisors, union president and counsel are to receive 30 days' notice of new regulations unless the Supreme Court orders otherwise.

1977-1979 Contract:

Ditto.

Sick Leave:

1973-1975 Contract:

No provision.

1975-1977 Contract:

Sick days accumulate at the rate of one per month for the calendar year in which court employment began, and 15 per calendar year thereafter. The maximum accumulation is 105 days prior to January 1, 1977, but unlimited thereafter.

Sick leave applies to illness, accident, "exposure to contagious disease," necessary care of ill members of immediate family, or death in immediate family. A physician's certificate is necessary for any leave exceeding five consecutive

workdays, or due to exposure to a contagious disease, and a certificate every six months is required for repeated absences of one day or less (stating the recurrent nature of the illness).

Upon retirement, a court reporter may be compensated for unused sick days, calculated by a stated formula, to a maximum of \$12,000. (This sum is not to affect any pension or retirement benefits.) If a reporter dies after retirement but before such payment, it goes to his estate.

1977-1979 Contract:

Ditto, verbatim.

Vacations:

1973-1975 Contract:

No provision.

1975-1977 Contract:

Unless the Administrative Director orders otherwise, court reporters' summer vacations are to coincide with the judges'.

Reporters receive four (4) weeks' vacation per year.

Reporters are also given leave with pay for military reserve field training.

1977-1979 Contract:

Ditto, verbatim.

Court Holidays and Recesses:

1973-1975 Contract:

No provision.

1975-1977 Contract:

No provision.

1975-1977 Contract:

Court reporters are considered to be on duty during holidays and recesses

for the purpose of completing transcripts, and may be ordered by a judge or the Administrative Director to report to cover judges sitting then, but unless so ordered they are not required to report to the courthouse on such days.

1977-1979 Contract:

Ditto, with the addition of three words: reporters are considered to be on duty "unless otherwise excused."

Compensatory Time:

1973-1975 Contract:

No provision.

1975-1977 Contract:

No provision.

1977-1979 Contract:

For the hours a reporter must appear for work (not merely be "on duty"), during vacation time, legal holidays, or weekends, he or she shall receive compensatory time off as scheduled by the supervisor. This does not create additional monetary compensation.

Special Proceedings:

1973-1975 Contract:

No provision.

1975-1977 Contract:

As part of their regular duties, reporters are to cover hearings of: the District Ethics and Fee Arbitration Committees, the Character and Fitness Committees, the Advisory Committee on Judicial Conduct, the Board of Bar Examiners, sessions of the Judicial Conference, sessions of the Judicial Seminar/Judicial College, and "any similar type of proceeding required by court rule." Out-of-pocket expenses, however, are to be allowed when transcripts are requested.

1977-1979 Contract:

Ditto, except that after January 1, 1978, statutory rates are applied to out-of-pocket expenses.

Financial Reports:

1973-1975 Contract:

No provision.

1975-1977 Contract:

"As requested by the Administrative Director, " salaried reporters shall submit complete income and expense reports on their in-court reporting. These are to be kept confidential.

1977-1979 Contract:

Ditto.

Future Amendments:

1973-1975 Contract:

Proposed amendments must be presented in writing at least 60 days prior to the anniversary date of the contract.

1975-1977 Contract:

Substitution for the prior clause--"This Agreement may be amended or extended based upon the mutual consent and written approval of both parties."

1977-1979 Contract:

Ditto.

Saving Clause:

1973-1975 Contract:

(Loosely phrased saving clause.)

1975-1977 Contract:

(Tightly phrased saving clause with same effect.)

1977-1979 Contract:

Ditto.

Supreme Court Approval:

1973-1975 Contract:

No provision.

1975-1977 Contract:

New Jersey Supreme Court approval of the contract is a condition precedent to its being in effect and binding upon the parties.

1977-1979 Contract:

Ditto.

TABLE 1

Contractual Compensation Schedules for New Jersey Court Reporters

1971-1973:

Service Time	Annual Salary	Increase over prior year for same grade		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1 Year	\$7,950	\$450	6	\$	
1	8,480	480	6	980	13.0
2	9,275	525	6	1,275	15.9
3	10,070	570	6	1,320	15.1
4	11,130	630	6	1,630	17.2
5	12,190	690	6	1,690	16.1
6	13,250	750	6	1,750	15.2
7	14,575	825	6	2,075	16.6
8	15,900	900	6	2,150*	15.6*
				900**	6.0**

* Increase for reporters who had seven (7) years' employment the previous year.

** Increase for reporters who had eight (8) or more years' employment the previous year

Salaries:

1973-1975 Contract:

(Nov. 8, 1973- July 1, 1975)

Service Time	Annual Salary	Increase over prior year for same grade		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1 Year	\$9,500	\$1,550	19.5		
1	10,000	1,520	17.9	\$2,050	25.8
2	10,875	1,600	17.3	2,395	28.2
3	11,600	1,530	15.2	2,580	25.1
4	12,650	1,520	13.7	2,580	25.6
5	13,725	1,535	12.6	2,595	23.3
6	14,775	1,525	11.5	2,585	21.2
7	15,825	1,250	8.6	2,575	19.4
8	17,150	1,250	7.9	2,575	17.7
9	18,500			2,600	16.4

1975-1977 Contract:

(July 1, 1975-June 30, 1977)

1975-1976:

Service Time	Annual Salary	Increase over prior year for same period		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1 year	\$10,070	\$ 570	6		
1	10,600	600	6	\$1,100	11.6
2	11,474	599	5.5	1,474	14.7
3	12,296	696	6	1,421	13.1
4	13,409	759	6	1,809	15.6
5	14,548	823	6	1,898	15.0
6	15,661	886	6	1,936	14.1
7	16,774	949	6	1,999	13.5
8	18,179	1,029	6	2,354	14.9
9	19,610	1,110	6	2,460*	14.3*
				1,110**	6**

* Increase for reporters who had eight (8) years' employment the previous year.

** Increase for reporters who had nine (9) or more years' employment the previous year.

1976-1977:

Service Time	Annual Salary	Increase over prior year for same grade		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1	\$10,775	\$ 705	7		
1	11,342	742	7	\$1,272	12.6
2	12,277	803	7	1,677	15.8
3	13,157	861	7	1,683	14.7
4	14,348	939	7	2,052	16.7
5	15,566	1,018	7	2,157	16.1
6	16,757	1,096	7	2,209	15.2
7	17,948	1,174	7	2,287	14.6
8	19,452	1,273	7	2,678	16.
9	20,983	1,373	7	2,804*	15.4*
				1,373**	7.0**

* Increase for reporters who had eight (8) years' employment previous year.

** Increase for reporters who had nine (9) or more years' employment the previous year.

1977-1979 Contract:

(July 1, 1977-September 30, 1979)

1977-1978:

Service Time	Annual Salary	Increase over prior year for same grade		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1	\$11,313.75	\$ 538.75	5		
1	11,909.10	567.10	5	\$1,134.10	10.5
2	12,890.85	613.85	5	1,548.85	13.7
3	13,814.85	657.85	5	1,537.85	12.5
4	15,065.40	717.40	5	1,908.40	14.5
5	16,344.30	778.30	5	1,996.30	13.9
6	17,594.85	837.85	5	2,028.85	13.0
7	18,845.40	897.40	5	2,088.40	12.5
8	20,424.60	972.60	5	2,476.60	13.8
9	22,532.15	1,549.15	7.4	3,080.15 *	15.8 *
				1,549.15 **	7.4 **

* Increase for reporters who had eight (8) years' employment the previous year.

** Increase for reporters who had nine (9) or more years' employment the previous year.

1978-1979:

Service Time	Annual Salary	Increase over prior year for same grade		Increase over prior year for same reporter	
		Amount	%	Amount	%
0-1 year	\$11,879.44	\$ 565.69	5		
1	12,504.56	595.46	5	\$1,190.81	10.5
2	13,535.39	644.54	5	1,626.29	13.7
3	14,505.59	690.74	5	1,614.74	12.5
4	15,818.67	753.27	5	2,003.82	14.5
5	17,161.52	817.22	5	2,096.12	13.9
6	18,474.59	879.74	5	2,130.29	13.0
7	19,787.67	942.27	5	2,192.82	12.5
8	21,445.83	1,021.23	5	2,600.43	13.8
9	24,158.76	1,626.61	7.2	3,734.16 *	18.3 *
				1,626.61 **	7.2 **

* Increase for reporters who had eight (8) years' employment the previous year.

** Increase for reporters who had nine (9) or more years' employment the previous year.

Table 2 Annual Salary Increments for Court Reporters Starting Work in 1970

New Jersey

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
0 - 1	\$7,500									
1		\$8,480 (13%)								
2			\$9,275 (9%)							
3				\$10,070 (9%)						
4					\$12,650 (26%)					
5						\$14,548 (15%)				
6							\$16,757 (15%)			
7								\$18,845 (12%)		
8									\$21,445 (14%)	
9										\$24,159
								(Total: 113%)		

U.S. District Courts

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978
0 - 1	\$11,963								
1		\$13,036 (9%)							
2			\$16,880 (30%)						
3				\$17,750 (5%)					
4					\$18,600 (5%)				
5						\$19,625 (6%)			
6							\$20,605 (5%)		
7								\$20,605 (0%)	
8									\$23,337 (13%)
								(Total: 73%)	

Rhode Island

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978
0 - 1	\$7,410								
1		\$7,748 (5%)							
2			\$8,372 (8%)						
3				\$9,074 (8%)					
4					\$10,088 (11%)				
5						\$12,012 (13%)			
6							\$12,439 (4%)		
7								\$14,187 (14%)	
8									\$14,187 (0%)
(Total:									69%)

New York City

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978
0 - 1	\$15,500								
1		\$16,500 (6%)							
2			\$18,000 (9%)						
3				\$19,500 (8%)					
4					\$21,000 (7%)				
5						\$22,500 (7%)			
6							\$22,941 (2%)		
7								\$22,941 (0%)	
8									\$22,941 (0%)
9									\$23,381 (6%)
(Total:									40%)

Connecticut

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
0 - 1	\$10,380									
1		\$11,396 (10%)								
2			\$11,789 (3%)							
3				\$12,504 (6%)						
4					\$13,564 (9%)					
5						\$15,018 (11%)				
6							\$15,018 (0%)			
7								\$15,846 (6%)		
8									\$17,205 (9%)	
9										\$17,690
(Total:									54%)	

Philadelphia

Years' Employment	1970	1971	1972	1973	1974	1975	1976	1977	1978
0 - 1	\$15,100								
1		\$16,640 (10%)							
2			\$17,150 (3%)						
3				\$17,870 (4%)					
4					\$20,128 (13%)				
5						\$20,880 (4%)			
6							\$22,704 (9%)		
7								\$22,704 (0%)	
8									\$24,293 (7%)

Table 3

Comparison of New Jersey Reporters with Judges and Selected

Other Court Employees

Chief Justice

1970	1971	1972	1973	1974	1975	1976	1977	1978
\$47,500								
	\$47,500							
		\$47,500						
			\$47,500					
				\$50,500 (+6%)				
					\$50,500			
						\$50,500		
							\$50,500	
								\$58,500 (+16%)
(Total of Increases:								22%)

Associate Justice

1970	1971	1972	1973	1974	1975	1976	1977	1978
\$45,000								
	\$45,000							
		\$45,000						
			\$45,000					
				\$48,000 (+7%)				
					\$48,000			
						\$48,000		
							\$48,000	
								\$56,000 (+17%)
(Total of Increases:								24%)

Superior Court Appellate Division Judge

1970	1971	1972	1973	1974	1975	1976	1977	1978
\$42,000								
	\$42,000							
		\$42,000						
			\$42,000					
				\$45,000 (+7%)				
					\$45,000			
						\$45,000		
							\$45,000	
								\$53,000 (+18%)
(Total of Increases:								25%)

Superior Court Trial Division Judge

1970	1971	1972	1973	1974	1975	1976	1977	1978
\$37,000								
	\$37,000							
		\$37,000						
			\$37,000					
				\$40,000 (+8%)				
					\$40,000			
						\$40,000		
							\$40,000	
								\$48,000 (+20%)
(Total of Increases:								28%)

Juvenile and Domestic Relations Judges

1970	1971	1972	1973	1974	1975	1976	1977	1978
\$34,000								
	\$34,000							
		\$34,000						
			\$34,000					
			\$37,000					
			(+9%)	\$37,000				
					\$37,000			
						\$37,000		
							\$37,000	
								\$48,000
								(+30%)
(Total of Increases:								39%)

New Jersey Court Reporters

	1970	1971	1972	1973	1974	1975	1976	1977	1978
0-1	\$7,500								
1		\$8,480							
2		(+13%)							
3			\$9,275						
4			(+9%)						
5				\$10,070					
6				(+9%)					
7					\$12,650				
8					(+26%)				
9						\$14,548			
						(+15%)			
							\$16,757		
							(+15%)		
								\$18,845	
								(+12%)	
									\$21,445
									(+14%)
(Total of Increases:									113%)

Trial Court Administrator (A32)

Year	1970	1971	1972	1973	1974	1975	1976	1977	1978
Min. Start	\$11,431								
2d		17,735							
		(+55%)							
3d			19,699						
			(+11%)						
4th				21,732					
				(+10%)					
5th					24,038				
					(+11%)				
6th						25,040			
						(+4%)			
7th							27,866		
							(+11%)		
Max.								30,384	
								(+9%)	
Max									31,904
									(+5%)
(Total of Increases:									116%)

Legal Assistant IV (A25)

Year	1970	1971	1972	1973	1974	1975	1976	1977	1978
Min. Start	\$8,124								
2d		12,603							
		(+55%)							
3d			13,999						
			(+11%)						
4th				15,446					
				(+10%)					
5th					17,083				
					(+11%)				
6th						17,795			
						(+4%)			
7th							19,803		
							(+11%)		
Max.								21,593	
								(+9%)	
Max.									22,673
									(+5%)
(Total of Increases:									116%)

Secretary-Stenographer (A20)

	1970	1971	1972	1973	1974	1975	1976	1977	1978
Min. Start	\$6,366								
2d		\$9,875 (+55%)							
3d			\$10,969 (+11%)						
4th				\$12,101 (+10%)					
5th					\$13,384 (+11%)				
6th						\$13,942 (+4%)			
7th							\$15,515 (+11%)		
Max.								\$16,918 (+9%)	
Max.									\$17,764 (+5%)

(Total of Increases: 116%)

APPENDIX E

DETAILED COST COMPUTATIONS FOR
LONG-TERM COURT REPORTING OPTIONS

Appendix E. DETAILED COST COMPUTATIONS FOR LONG-TERM COURT REPORTING
OPTIONS

This appendix contains the detailed cost computations as well as sources for the eleven long-term court reporting options analyzed in Chapter III. It consists of three parts:

- Part A contains the detailed computations for one year of operations under the present form of court reporting. With this alternative, labeled Option 4, the Superior and County Courts (SC) would be staffed mainly with official court reporters but with some support from free-lance reporters; the County District (CD), Juvenile and Domestic Relations (J&DR) and Municipal Courts (MC) would continue to use audio equipment.

The figures are based on 1978 costs, or the most recent historical data, which is verifiable.

- Part B projects Option 4 figures for 10 years into the future (1978-1988).
- Part C contains the computations for the other ten options. The Part A, Option 4 figures are used as a basis for the other ten analyses with the differences denoted and described.

Capital budgeting or present value methods, commonly used in business, are not used here because the rank and spread among the options would not have changed appreciably.

Appendix E. Option 4: Status Quo - Current Costs for One Year of Operation

Municipal Courts

Personnel Cost

It is assumed that 75% of sound recording operation is being done by personnel who are in the courtroom to perform other functions, e.g., normally the court clerk.
Source: Supervisor of Sound Recording.

0

The cost for the remaining 25% is calculated as follows:
total municipal court bench hours (115,483)
25% of 115,483 = 28,870 hours
28,870 x \$5.00 (estimated operator hourly salary and fringe)
= \$144,350

\$144,350
\$144,350

Sources: AOC Annual Report, 1975-1976
p.M-8; Supervisor of Sound Recording.

Equipment Cost

Yearly depreciation for sound recorders over 6-year period ("straight line" without salvage value).

\$2,100 (Avg. cost of purchase) ÷ 6 = \$350
\$350 x 535 (no. of installations)

187,250

Source: Supervisor of Sound Recording.

Tape cost for tapes for all installations
Source: Supervisor of Sound Recording.

167,300

Maintenance cost per machine (\$100)
\$100 x 535 (no. of installations)

53,500

Source: Supervisor of Sound Recording.

Estimated storage space for used tapes (computed at commercial rate of \$5/sq. ft./yr.) (estimated 8 sq. ft. required) (\$40 x 535)

21,400
429,450

Estimated Transcript Production Cost

(Included here are costs for transcripts for municipal appeals and other proceedings, paid by municipalities and counties)

Municipalities

Source: Estimate based on conversation with Supervisor of Sound Recording.

25,000

Counties

Source: Statewide extrapolation of budget data provided from the counties of Middlesex, Hudson, Bergen, Morris, Warren and Sussex.

50,000
75,000

Total for Municipal Courts

\$648,800

County District and J&DR Courts

Personnel Cost

It is assumed that 75% of sound recording operation is currently being done by personnel who in the normal course of their duties would be in the courtroom, e.g., court clerk.
Source: Supervisor of Sound Recording.

0

The cost for the remaining 25% is calculated as follows:
25% of 65 installations = 16

16 x the cost of full-time operator (salary \$8,000
x 133% combined fringe benefit/overhead rate = \$10,640)

\$17,240
\$17,240

Sources: Supervisor of Sound Recording; AOC Chief Fiscal Officer. (See Superior and County Courts personnel cost explanation for combined fringe benefit/overhead rate calculation.)

Equipment Cost

Tape recorder yearly depreciation cost (over a 6-year period)

\$2,100 (cost of purchase) ÷ 6 = \$350
\$350 x 65 installations

22,750

Source: Supervisor of Sound Recording.

Tapes cost per installation \$1,210
\$1,210 x 65 installations

78,650

Source: Supervisor of Sound Recording.

Estimated storage space for used tapes (computed at commercial rate of \$5/sq. ft./yr.) (estimated 20 sq. ft. required) (\$100 x 65 installations)

6,500
107,900

Transcription Cost

(Public Defender cost is incorporated in Superior Court figures. See Superior and County Court transcript production explanation below.)

25,000

Incidental Costs

Source: Statewide extrapolation of data provided from the counties of Middlesex, Hudson, Bergen, Morris, Warren and Sussex.

Total for County District and J&DR Courts

\$303,140

Superior and County Courts

Personnel Cost

180 court reporters with an average salary of \$17,900

Source: In AOC FY 1979 Budget Justification (State of New Jersey - Department of the Treasury, Division of Budget and Accounting - Budget Bureau, Form BB101 4/74, p.2), Court Support Services/Official Court Reporters, Account No. 73210-970-100, requesting 40 additional court reporters, it is explained that there were 190 budgeted OCR positions in FY 1977, AOC figures as of June 1977, however, include salaries for only 180 official court reporters. The 180 salaries were totaled and divided by 180 to determine the average salary figure.

Benefit rate: 20.75%

Estimate for overhead rate (e.g., office space, telephone, office supplies): 10%

Benefit rate & Overhead rate: $1.2075 \times 1.10 = 1.3286 \approx 1.33$

Source for Benefit Rate: AOC Chief Fiscal Officer

Source for Overhead Rate: In the absence of any readily-available overhead figures from the several counties, a 10% overhead rate usually approved by the federal government has been applied here. See U.S. Department of Justice, Law Enforcement Assistance Administration (LEAA), Guideline Manual: Guide for Discretionary Programs (M4500.1E), Appendix 9, 1(i), p. 2 (September 27, 1976).

In keeping with LEAA practice, the 10% overhead rate is applied to direct personnel costs (salary plus fringe benefits).

$\$17,900 \times 133\% = \$23,800$ (average annual cost per reporter)

$180 \times \$23,800 =$

4,284,000

Legal and Investigative Services and Travel
(largely for per diem [free lance] reporters)

485,000

Source: AOC FY 1979 Budget Request (State of New Jersey - Department of the Treasury, Division of Budget and Accounting - Budget Bureau, Form BB 105 Rev. 6/71), Object Detail., The Judiciary - Official Court Reporters, Account No. 73210-970-100.

4,769,000

Equipment

Paper tape cost

22,000

Source: Statewide extrapolation of budget data provided from the counties of Middlesex, Hudson, Bergen, Morris, Warren and Sussex.

Storage cost: cost to store tape of court testimony
for each court judge: \$111

230 (number of judges using reporters) x \$111

25,600

Source: Costs per judge based on comparison of selected county costs (note storage space as a proportion of total building space as applied to building square foot value); number of judges (230) is based on AOC FY 1979 Budget Justification figures.

47,600

Transcript Production

Superior and County Courts:

25,000

Source: Statewide extrapolation of budget data provided from the counties of Middlesex, Hudson, Bergen, Morris, Warren and Sussex.

Appellate court:

public defender 406,000

attorney general 12,000

legal aid (estimate) 10,000

428,000

Sources: AOC FY 1979 Budget Justification Figures; Office of Public Advocate; Attorney General's Office.

453,000

Total for Superior Court

5,269,600

Administration

Court Reporting Services (5-person staff)

61,219

Sound Reporting Services (8-person staff)

98,835

160,054

Source: AOC, Chief Fiscal Officer.

$\$160,054 \times \text{fringe \& overhead rate } 133\% \approx \$200,000$

(For fringe and overhead justification, see above, Superior and County Courts, personnel costs.)

Total for Administration

213,000

GRAND TOTAL

\$6,434,540

Appendix E. Table 4.
Option 4 - One Year Costs and Ten
Year Cost Projections (1978-1988)

Cost Items		One-Year Cost (Current Year)	Ten-Year Cost
<u>Municipal</u>			
Personnel	144,350	12.583 ^A	1,815,000
Equipment	429,450	11.130 ^B	4,780,000
Transcription Production	75,000	12.583 ^A	945,000
<u>County District, and Domestic Relations and Juvenile</u>			
Personnel	170,240	13.743 ^C	2,340,000
Equipment	107,900	11.352 ^D	1,225,000
Transcript Production	25,000	13.743 ^C	345,000
<u>Superior and County</u>			
Personnel	4,769,000	13.743 ^C	65,540,000
Equipment	47,600	11.352 ^D	540,000
Transcript Production	453,000	13.743 ^C	6,225,000
<u>Administration</u>	213,000	13.743 ^C	2,925,000
TOTAL	6,434,540 or 6,435,000		86,680,000

A. Multiplier required to compute 10-year costs from one year cost, assuming a 5% compounded yearly increase in costs.

B. Multiplier required to compute 10-year costs from one year costs, assuming a 10% increase in costs every 5 years.

C. Multiplier required to compute 10-year costs from one year costs, assuming a 5% compounded yearly increase in costs and a 10% expansion of personnel in the first five years and a 5% increase in personnel in the last 5 years.

D. Multiplier required to compute 10-year costs from one year costs, assuming a 10% increase in costs every 5 years and a 10% increase in equipment the first five years and a 5% increase in the last 5 years.

Appendix E. Computations for Options 1 through 3 and 5 through 11 Based on Option Four Figures*

Option 1: Two categories are different from Option 4

Audio Recorders Throughout System Superior Court Personnel: Replace 180 official reporters (annual salary \$17,900) and free-lance reporters with 230 tape recorder monitors (annual salary \$8,000). A monitor would be assigned to each Superior Court judge.

$$230 \times \$10,640 = \$2,447,000$$

Option 4 figure for this category: \$4,769,000

Reduction in personnel costs: 1 year \$2,322,000; 10 years \$31,910,000

Superior Court Equipment: Install 230 tape recorders (purchase price \$2,100 ÷ 6 years depreciation period); purchase an additional 23 tape recorders (10% of total to be installed) for contingency reserve.

Installed Machines	
Depreciation	\$ 350
Tapes	1,650
Maintenance	100
Storage space	500

$$\$2,600 \times 230 = \$598,000$$

Contingency Machines	
Depreciation	\$350
Storage Space	50
\$400 x 23 = \$9,200	

Acoustics: Reliance upon sound recording equipment may require improved acoustics in many courtrooms. A capital cost contingency reserve for possible changes in the courthouses has, therefore, been estimated at \$200,000, to be amortized at 10% per year.

Total Equipment Cost: \$627,200

Option 4 figure for this category: \$47,600

Increase in costs: 1 year \$579,600; 10 years \$6,580,000

*The factors used to calculate the 10-year costs are the same ones used in Part B of this appendix, that is, Municipal Court personnel, 12.583; Municipal Court equipment, 11.130;...administration, 13.743.

Administration: Administration increased by 100% from present level (Option 4) to allow for management and quality control of tape recorder monitors and transcript production.

Option 4 figure: \$213,000

Increase in costs: 1 year \$213,000; 10 years \$2,925,000

Option 1 Total Cost	1 year	10 years
Option 4	\$6,435,000	\$86,680,000
Superior Court Personnel	- 2,322,000	- 31,910,000
Superior Court Equipment	+ 580,000	+ 6,580,000
Administration	+ 213,000	+ 2,925,000
	\$4,906,000	\$64,275,000

Superior Court Transcript Production: It has been assumed that parity in production costs, as between court reporter transcription and audio recorder transcription, will continue, notwithstanding the strengthening of management control for the audio system as noted below.

Option 2:

Two categories are different from Option 4

All Free-lance
Reporters in
Superior Court

Superior Court Personnel: Replace 180 official reporters with all free-lance reporters.

Cost per day for official reporters:

Average personnel cost: \$23,800

Working days per year: 220

$\$23,800/220 = \$108/\text{day}$

Current cost per day for free-lance reporters:

Wage \$55

Travel 10

$\$65/\text{day}$

Cost-per-day, were the Superior Court to adopt an all free-lance reporter system, is likely to increase over current per-diem fees as a consequence of market pressures.

While it is impossible to determine what the ultimate rate might be, it is assumed here that daily rates will rise to approximate the current average daily salary (exclusive of fringe benefits and overhead) for Superior Court official reporters (\$17,900 average annual salary ÷ 220 working days per year = \$81 per day). To this must be added \$10 per day for travel. Using as a basis the relationship between the cost per day of official and free-lance reporters, total personnel costs for official reporters are pro-rated to estimate free-lance reporter costs.

$$\frac{91}{108} = \frac{X}{4,284,000} \quad (\text{Superior Court personnel costs}); X = \$3,610,000$$

$$\$3,610,000 + \text{Legal Services \& Travel } \$485,000 = \$4,095,000$$

Option 4 figure for this category: \$4,769,000

Reduction in costs: 1 year \$674,000; 10 years \$9,265,000

Administration: Administration increased by 100% from present level (Option 4) to allow for management and quality control of free-lance reporters.

Option 4 figure for this category: \$213,000

Increase in costs: 1 year \$213,000; 10 years \$2,925,000

Option 2 Total Cost	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Superior Court Personnel	- 674,000	- 9,265,000
Administration	+ 213,000	+ 2,925,000
	<u>\$5,974,000</u>	<u>\$80,340,000</u>

Option 3: One category different from Option 4

Gimelli Voice
Writing in
Superior Court

Superior Court Equipment: Install 230 tape recorders (purchase price \$2,160 ÷ 6 years depreciation period); purchase an additional 23 machines (10% of those to be installed) for contingency reserve.

Installed Machines

Depreciation \$ 360
Tapes 1,650
Maintenance 100
Storage space 500

$\$2,610 \times 230 = \$600,300$

Contingency Machines

Depreciation \$360
Storage space 50

$\$410 \times 23 = \$9,430$

Acoustics: Reliance upon sound recording equipment may require improved acoustics in many courtrooms. A capital cost contingency reserve for possible changes in the courthouses has, therefore, been estimated at \$200,000, to be amortized at 10% per year.

Total Equipment Cost: \$629,730

Option 4 figure for this category: \$47,600

Increase in costs: 1 year \$582,130; 10 years \$6,479,000

Administration: Administration increased by 100% from present level (Option 4) to allow for management and quality control of tape recorder monitors and transcript production.

Option 4 figure: \$213,000

Increase in costs: 1 year \$213,000; 10 years \$2,925,000

Option 3 Total Cost

	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Superior Court Equipment	+ 582,000	+ 6,479,000
Administration	+ 213,000	+ 4,400,000
	<u>\$7,230,000</u>	<u>\$97,559,000</u>

Option 4: The computations for these costs are covered in detail in Parts A and B of this appendix.

Status Quo

Option 4 Total Cost: 1 year \$6,435,000; 10 years \$86,680,000

Option 5: One category different from Option 4.

All Official Reporters in Superior Court Superior Court Personnel: Assume \$400,000 of Legal and Investigative Services Budget item is budgeted for free-lance reporters.

Using as a basis the relationship between the basic daily rates of free-lance and official court reporters, the \$400,000 now spent for free-lance court reporters is prorated to estimate the cost of official reporters.

$$\frac{60 \text{ (free lance)}}{108 \text{ (official)}} = \frac{400,000}{X}; X = \$720,000$$

Additional cost: \$720,000 - 400,000 = \$320,000

Option 4 figure: \$4,769,000

Increase in costs: 1 year \$320,000; 10 years \$4,400,000

Option 5 Total Cost:	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Superior Court Personnel	+ 320,000	+ 4,400,000
	<u>\$6,755,000</u>	<u>\$91,080,000</u>

CONTINUED

3 OF 4

Option 6; Two categories are different from Option 4

Official
Reporters
Receiving
\$5,000 Raise

Superior Court Personnel:

180 reporters
\$5,000 (raise) x 1.33 (fringe and overhead rate) = \$6,650 (cost for each raise)
180 x \$6,650 = \$1,197,000

Option 4 figure: \$4,769,000

Increase in costs: 1 year \$1,197,000; 10 years \$16,450,000

Superior Court Transcription Production: It is estimated that the elimination of reporter transcript income would

- 1) reduce annual public defender and other state borne appellate transcript expenditures by about 50%, from \$428,000 to \$228,000 for a \$200,000 savings, and
 - 2) increase revenue from private attorneys by \$100,000.
- The net reduction in costs to New Jersey would then be \$300,000.

Option 4 figure: \$453,000

Reduction in costs: 1 year \$300,000; 10 years \$4,125,000

Option 6 Total Cost:	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Superior Court Personnel	+ 1,197,000	+ 16,450,000
Superior Court Trans. Prod.	- 300,000	- 4,125,000
	<u>\$7,260,000</u>	<u>\$99,005,000</u>

Option 7:

Two categories are different from Option 4.

Phased 10 Year
Implementation
of CAT

Superior Court Equipment: It is assumed that a 10 year implementation of CAT would serve all of the court reporting force willing to employ it; the National Center estimates that about 85% of all reporters would use the CAT method after 10 years of operation.

Nine-year estimates of annual costs for CAT machinery for 100 reporters are taken from bids submitted to the New Jersey Administrative Office of the Courts.

Stenocomp
\$224,736

Stenographic Machines
\$380,524

Baron
\$35,625

If you average the three costs, the annual cost is about \$200,000 per year; assuming the court chose Baron and allowing for contingencies costs of \$100,000 a year (both public and private sector analysts have consistently underestimated computer costs, often by a wide margin), the yearly cost would be \$135,000.

Using as a basis the relationship between a full-strength court reporting force, official plus free lancers of 230 and the 100 reporter figure used in the bid submission, the \$135,000 yearly estimate for 100 reporters is prorated to estimate the cost for the full reporting force.

$$\frac{230}{100} = \frac{X}{135,000}; \quad X = \$310,500$$

Option 4 figure: \$47,600

Increase in costs: 1 year \$358,000; 10 years \$4,920,000

Administration: The adoption of CAT will dictate the need for an office the approximate size of Sound Recording Services to administer the system: \$125,000 yearly.

Increase in costs: 1 year \$125,000; 10 years \$1,720,000

Option 7 Total Cost:

	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Superior Court Equipment	+ 358,000	+ 4,920,000
Administration	+ 125,000	+ 1,720,000
	<u>\$6,918,000</u>	<u>\$93,320,000</u>

Option 8:

Three categories are different from Option 4.

Official
Reporters
to CD, and
J & DR Courts

County District, Domestic Relations and Juvenile Courts Personnel: Replace 16 monitors (yearly personnel cost \$10,640) with 65 official reporters (\$23,800)

\$1,547,000 (official reporters) - \$170,000 (monitors) = \$1,377,000

Option 4 figure: \$170,240

Increase in costs: 1 year \$1,377,000; 10 years \$18,925,000

County District, Domestic Relations and Juvenile Courts Equipment: Using as a basis the relationship between the projected number of County District and Domestic Relations and Juvenile Courts reporters and the projected number of Superior Court reporters with a full roster, the Superior Court equipment costs are prorated to estimate the County District, etc., costs.

$$\frac{65}{230} = \frac{X}{47,600} \text{ (Superior Court equipment costs); } X = 13,500$$

Option 4 figure: \$107,900

Reduction in costs: 1 year \$94,000; 10 years \$1,070,000

Superior Court Personnel: Same increase as indicated in Option 5 for the changeover to an all official Superior Court reporting force.

Option 4 figure: \$4,769,000

Increase in costs: 1 year \$320,000; 10 years \$4,400,000

Option 8 Total Cost	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
CD and J&DR Personnel	+ 1,377,000	+ 18,925,000
CD and J&DR Equipment	- 94,000	- 1,070,000
Superior Court Personnel	+ 320,000	+ 4,400,000
	<u>\$8,038,000</u>	<u>\$108,935,000</u>

Option 9:

Four categories are different from Option 4.

Option 8
with CAT

County District, Domestic Relations and Juvenile Courts Personnel:

Increase in costs (same as for Option 8): 1 year \$1,377,000; 10 years \$18,925,000

County District, Domestic Relations and Juvenile Courts Equipment: Elimination of tape recorders; reduction of one-year costs \$94,000 (same as for Option 8).

It is assumed that CAT will also be implemented concurrently in the Superior Court. Using as a basis the relationship between the full strength Superior Court reporting force and the estimated County District, Domestic Relations and Juvenile Courts reporting force, the estimated Superior Court CAT costs are prorated to estimate the County District, and Domestic Relations and Juvenile Courts costs.

$$\frac{\text{Superior Court Reporting Force (230)}}{\text{CD and J \& DR Reporting Force (65)}} = \frac{\text{Superior Court Yearly CAT Cost (264,000)}}{X}$$

$$X = 75,000$$

Option 4 figure: \$107,900

Difference is cost: $-94,000 + 75,000 = -\$19,000$

Net Reduction in costs: 1 year \$19,000; 10 years \$220,000

Superior Court Personnel: (Same as for Option 5)

Increase in costs: 1 year \$280,000; 10 years \$3,850,000

Administration: (Same as for Option 7)

Increase in costs: 1 year \$125,000; 10 years \$1,720,000

Option 9 Total Cost	1 year	10 years
Option 4	\$6,435,000	\$86,680,000
CD and J&DR Personnel	+ 1,377,000	+ 18,925,000
CD and J&DR Equipment	- 19,000	- 220,000
Superior Court Personnel	+ 320,000	+ 4,400,000
Administration	+ 125,000	+ 1,720,000
	\$8,238,000	\$111,505,000

Option 10: Five categories are different from Option 4.

Official
Reporters
in All Courts

Municipal Court Personnel:

Total yearly bench hours: 115,483
Official court reporter hourly rate: OCR daily cost \$108 divided by 8 = \$13.00
Total cost: 115,483 x \$13.00 = \$1,500,000

Option 4 figure: \$144,350

Increase in costs: 1 year \$1,356,000; 10 years \$17,063,000

Municipal Court Equipment: Replace tape recording equipment (\$429,450 yearly costs) with support for court reporters, e.g., tapes, storage, etc. (100 per court x 535 courts = \$53,500)

Reduction in costs: 1 year \$376,000; 10 years \$4,185,000

County District and Juvenile and Domestic Relations Courts Personnel:

Increase in costs (see Option 8 for details): 1 year \$1,377,000; 10 years \$18,925,000

County District and Juvenile and Domestic Relations Courts Equipment:

Reduction in costs (see Option 8 for details): 1 year \$94,000; 10 years \$1,070,000

Superior Court Personnel:

Increase in costs (see Option 8 for details): 1 year \$320,000; 10 years \$4,400,000

Option 10 Total Cost	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Municipal Court Personnel	+ 1,356,000	+ 17,063,000
Municipal Court Equipment	- 376,000	- 4,185,000
CD and J&DR Personnel	+ 1,377,000	+ 18,925,000
CD and J&DR Equipment	- 94,000	- 1,070,000
Superior Court Personnel	+ 320,000	+ 4,400,000
	\$9,018,000	\$121,813,000

Option 11: Five categories are different from Option 4.

Option 10
plus CAT

Municipal Court Personnel:

Increase in costs (see Option 10 for details) 1 year \$1,356,000; 10 years \$17,063,000

Municipal Court Equipment: It is assumed that the Municipal Courts would have access to the CAT centers in the county court complexes.

Eliminate tape recorders: \$375,950 yearly savings (see Option 10 for details).
Rent CAT service: \$25,000 per year (about 20% of Superior Court costs).

Reduction in costs: 1 year \$350,950; 10 years \$3,905,000

County District, Juvenile and Domestic Relations Courts Personnel:

Increase in costs (see Option 8 for details): 1 year \$1,297,000; 10 years \$17,785,000

County District, Juvenile and Domestic Relations Courts Equipment:

Reduction in costs (see Option 8 for details): 1 year \$94,000; 10 years \$1,070,000

Superior Court Personnel:

Increase in costs (see Option 8 for details): 1 year \$320,000; 10 years \$4,400,000

Administration: (Same as for Option 7)

Increase in costs: 1 year \$125,000; 10 years \$1,720,000

Option 11 Total Cost	<u>1 year</u>	<u>10 years</u>
Option 4	\$6,435,000	\$86,680,000
Municipal Court Personnel	+ 1,356,000	+ 17,063,000
Municipal Court Equipment	- 350,000	- 3,905,000
CD and J&DR Personnel	+ 1,377,000	+ 18,925,000
CD and J&DR Equipment	- 94,000	- 1,070,000
Superior Court Personnel	+ 320,000	+ 4,400,000
Administration	+ 125,000	+ 1,720,000
	<u>\$9,169,000</u>	<u>\$123,813,000</u>

APPENDIX F
COST BENEFIT ANALYSIS KIT

Appendix F. COST BENEFIT ANALYSIS KIT

The purpose of this appendix is to provide material for the reader to make his own cost-benefit evaluation. Contained here are:

- A) an example of a cost-benefit analysis used in another National Center study (Northeastern Regional Office, A Study of the Connecticut Judicial Department's Computer Options, November 1975). It shows how dependent the results are on one's own perceptions.
- B) blank and partially filled out worksheets to guide the evaluator in his efforts.

EXAMPLE OF WEIGHTING PROCESS

As an example of this "weighting" technique, we offer the example of choosing an automobile. Choosing a car cannot be decided on "objective" criteria, i.e., a Rolls Royce is not a "better" automobile than a Volkswagen if your values are, say, ease of repairs and availability of parts; instead, choosing a car is a very personal ("subjective") choice. We will show how different values change entirely the decision on what is "best." We will assume for the sake of convenience that only three makers' products are under consideration: Mercedes Benz, Alfa Romeo, and Volkswagen. Four benefits are used to evaluate each car: ease of repairs, safety (both active and passive), road performance, and availability of parts. First, we will rate each car on how well it furnishes each benefit (in the report, this will actually be done second).

On a scale of 0 to 10 (ten being best), the VW rates a 9 for ease of repairs, the Alfa a 5, the Mercedes only 4. For safety, the Mercedes leads with an 8, following by Alfa (6) and VW (3). The Alfa rates a 10 in sporting performance, with Mercedes at 7 and VW at 2. The VW rates a 10 in availability of parts, followed, distantly by Mercedes (3) and Alfa (2).

If your foremost value is making home repairs, at 100, followed only distantly by safety (40), performance (15) and parts (10), the vehicle which will yield the most benefits is the VW. It yields 1150 benefit "units," vs. 810 for the Alfa and 955 for the Mercedes. These totals are reached by multiplying the ratings by the weights of the benefits, and summing them for the total. This advantage becomes more pronounced when we look at the benefit-to-cost ratio. The benefit/cost ratio is computed by dividing the total benefits score by the car's price (in thousands of dollars). Thus, as the VW costs \$3,000, the Mercedes \$14,000, and the Alfa \$7,000, their respective benefit/cost ratios are 383.33 (VW), 68.21 (Mercedes), and 115.71 (Alfa), representing the number of benefit "units" which can be bought with \$1,000 invested in each. Here the VW is the "best buy" favored by the benefit/cost ratio.

EXAMPLE OF WEIGHTING PROCESS (Page 2 of 2)

Benefits	Weights	Mercedes		VW		Alfa	
		Rating	Weighted Rating				
Ease of Repairs	100	5	500	9	900	4	400
Safety	40	8	320	3	120	6	240
Performance	15	7	105	2	30	10	150
Parts Availability	10	3	30	10	100	2	20
TOTAL BENEFITS		955		1150		810	
COST		\$14,000		\$3,000		\$7,000	
BENEFIT/COST RATIO		68.21		383.33		115.71	

If, on the other hand, you valued sporty road performance most at 150, safety at 55, and other considerations only 5 apiece, the total scores would favor the Alfa at 1860, followed by Mercedes at 1530 and VW at 560. Their benefit/cost ratios are 265.71, 109.29, and 186.67, respectively.

Benefits	Weights	Mercedes		VW		Alfa	
		Rating	Weighted Rating				
Ease of Repairs	5	5	25	9	45	4	20
Safety	55	8	440	3	165	6	330
Performance	150	7	1050	2	300	10	1500
Parts Availability	5	3	15	10	50	2	10
TOTAL		1530		560		1860	
COST		\$14,000		\$3,000		\$7,000	
BENEFIT/COST RATIO		109.29		186.67		265.71	

Note that, although the Mercedes rates higher than VW in total benefit "units," the VW is a "better buy" from the benefit/cost perspective in this case.

From this we can see that the crucial factor in our evaluation technique is the weighting given each qualitative benefit.

Blank Cost-Benefit Worksheet

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	Ten-Year Cost (000,000s)	Accuracy of Transcript	Timeliness of Transcript	Reliability of Recordation	Manageability of Court Recording Process	Flexibility to Change Policy Direction	Total Benefits Score	Benefit/Cost Ratio
1. Audio Recording in All Courts.								
2. Free-lance Reporters in Superior Court; Audio in Other Courts.								
3. Gimelli Voice Writing Reporters in Superior Court; Audio in Other Courts.								
4. Status Quo: Primarily Official but with some Free Lance Reporters in Superior Court; Audio in Other Courts.								
5. Option 4 With the Elimination of Free-Lance Reporters in Superior Court.								
6. Option 4 With \$5,000 Increase to Official Reporters and Elimination of Transcript Fee Income.								
7. Option 4 Plus 10 Year Phased Implementation of CAT in Superior Court.								
8. Official Reporters in the Superior, County District and Juvenile & Domestic Relations Courts; Audio in Municipal Courts.								
9. Option 8 Plus a 10 Year Phased Implementation of CAT								
10. Official Reporters in All Courts.								
11. Option 10, Plus 10 Year Phased Implementation of CAT								

(A) Total of all weights, e.g. accuracy, timeliness, must equal 10.0

(B) Ratings range from 1 to 10; 1-least desirable, 10-optimum

(C) To calculate the benefit/cost ratio, divide the total benefits score by ten-year costs (round to millions). For example, if the total score were 51.8 and the costs were 58.7 the calculation would be $51.8/58.7 = 8.8$

Partially Filled Out Cost-Benefit Worksheet

	Ten-Year Cost (000,000s)	Accuracy of Transcript (A)	Timeliness of Transcript (B)	Reliability of Recordation (C)	Manageability of Court Recording Process (D)	Flexibility to Change Policy Direction (E)	Total Benefits Score (F)	Benefit/Cost Ratio (G)
1. Audio Recording in All Courts.	58.7	7	7	7	7	7	51.8	
2. Free-lance Reporters in Superior Court; Audio in Other Courts.	62.1	1	2	3	4	5	27.0	
3. Gimelli Voice Writing Reporters in Superior Court; Audio in Other Courts.	89.1	2	4.0					
4. Status Quo: Primarily Official but with some Free Lance Reporters in Superior Court; Audio in Other Courts.	82.9	2	4.0					
5. Option 4 With the Elimination of Free-Lance Reporters in Superior Court.	86.7	2	4.0					
6. Option 4 With \$5,000 Increase to Official Reporters and Elimination of Transcript Fee Income.	94.2	2	4.0					
7. Option 4 Plus 10 Year Phased Implementation of CAT in Superior Court.	89.5	2	4.0					
8. Official Reporters in the Superior, County District and Juvenile & Domestic Relations Courts; Audio in Municipal Courts.	103.4	2	4.0					
9. Option 8 Plus a 10 Year Phased Implementation of CAT	106.0	2	4.0					
10. Official Reporters in All Courts.	116.3	2	4.0					
11. Option 10, Plus 10 Year Phased Implementation of CAT.	118.3	2	4.0					

(A) Total of all weights, e.g. accuracy, timeliness, must equal 10.0

(B) Ratings range from 1 to 10; 1-least desirable, 10-optimum

(C) To calculate the benefit/cost ratio, divide the total benefits score by ten-year costs (round to millions). For example, if the total score were 51.8 and the costs were 58.7 the calculation would be $51.8/58.7=3.8$.

APPENDIX G
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