

Superior Court Administrative Directive No. 18-1

Revised Effective February 1, 2019

RECORDING OF CRIMINAL PROCEEDINGS

All proceedings in criminal cases in the Superior Court shall be recorded by either an electronic recording system or a per diem court reporter. The means of recording a particular proceeding is an administrative matter, to be determined by the Chief Justice's designee within the Administrative Office of the Superior Court (AOSC).

Whenever feasible, criminal trials, except those identified pursuant to paragraph (1) or (2) herein, shall be recorded by an electronic recording system operated by an authorized monitor, who shall be responsible for ensuring that a complete, accurate and audible record is generated.

When a monitor is not available due to staffing or other constraints, the clerk, assistant clerk or other authorized employee of the clerk's office shall operate the electronic recording system in substantially the same manner as a monitor.

Whenever feasible, AOSC shall assign a per diem court reporter to record the following proceedings:

1. Jury Trials of charges of homicide, rape, or sexual offenses against minors; in which a defense of lack of criminal responsibility is raised; or in which two or more defendants, represented by separate counsel, are joined for trial.
2. Any other evidentiary proceeding, or portion thereof, if special circumstances relating to the particular proceeding raise a serious question as to whether electronic recording will provide an adequate record. A judge or clerk who identifies such a proceeding shall promptly bring it to the attention of the Regional Administrative Justice, who may make a request to AOSC for assignment of a per diem court reporter, identifying the special circumstances giving rise to the request.

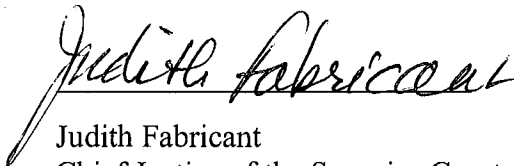
A per diem court reporter's assignment shall be complete (1) in the case of a trial, at the end of the business day during which the case is submitted to the jury; (2) in the case of any other proceeding, upon conclusion of the proceeding for which the reporter was assigned. Per diem court reporters will not be assigned to attend a trial after a case has been submitted to a jury on a previous date.

For each proceeding for which assignment of a per diem court reporter is sought, the clerk shall submit a request to AOSC, in a form provided by AOSC, at least seven days prior to the scheduled date. When a per diem court reporter is assigned, the record produced by such court reporter shall be the official record. If the judge so directs, the clerk will also operate the electronic recording system for administrative purposes only.

This administrative directive does not affect any proceeding recorded by a temporary official court reporter appointed as such, upon motion of one or more parties and at their expense, pursuant to G. L. c. 221, § 83 (2nd para.). The record produced by such court reporter shall be the official record. If the judge so directs, the clerk will also operate the electronic recording system for administrative purposes only.

This administrative directive also does not affect the right of a criminal defendant to have a court reporter record a proceeding at the defendant's expense pursuant to G. L. c. 221, § 91B, if no per diem court reporter is assigned. In any such instance the proceeding shall also be recorded by the electronic recording system, and the record produced by the electronic recording system shall be the official record.

This administrative directive will take effect on or before July 1, 2018. It will be reviewed at quarterly intervals thereafter, and will be revised as the Court deems warranted in light of experience with transcripts produced from electronic recordings.



Judith Fabricant
Chief Justice of the Superior Court

Dated: *January 22, 2019*

Effective: July 1, 2018

Revised Effective February 1, 2019