



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT
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Paula M. Carey
Chief Justice of the Trial Court

Jonathan S. Williams
Court Administrator

To: Superior Court Judges and Clerks

From: Chief Justice Paula M. Carey
Court Administrator Jonathan S. Williams
Superior Court Chief Justice Judith Fabricant
Superior Court Deputy Court Administrator Elaina Quinn

Date: June 21, 2017

Re: Recording of Criminal Trials

After extensive review and discussion, we have finalized a plan regarding the transition to recording Superior Court criminal trials by either a per diem court reporter or electronic recording under the supervision of a court monitor. We presented the plan to the union and have reached an agreement with Local 6 regarding the impact of For The Record (FTR), the state-of-the-art digital recording system, on official Court Reporters.

Consistent with the agreement, the Trial Court will eliminate the position of official court reporter as of June 30, 2018. Thereafter, the Superior Court will record criminal trials through either electronic recording with Court Monitors or per diem court reporters. The Superior Court will identify the types of trials to be recorded by a per diem reporter, or by electronic recording with a monitor, based on the nature and circumstances of particular categories of cases. The sixteen official Court Reporters who will be appointed to the various clerks' offices as Court Monitors will move into that role as of January 2, 2018, to facilitate the transition. Their compensation will remain at the level of court reporters until June 30, 2018. The Trial Court also agreed to make good faith efforts to find alternative positions for those official Court Reporters who are not appointed as Monitors and who wish to remain employed with the Trial Court. Others may choose to retire or be laid off and work privately as per diem court reporters or transcribers. The Trial Court supports pending special legislation that would increase pension benefits for those official Court Reporters who choose to retire early. An Ethics Commission opinion will be sought to determine whether Court Monitors may be permitted to earn additional income by preparing transcripts assigned by the Trial Court, consistent with the State Ethics Act.

This approach will best serve the needs of the Court, attorneys, parties, and the justice system. FTR, which is in place in all Superior Court courtrooms, provides a permanent electronic record, under the control of the court, that is immediately accessible to judges and court clerks, and that can be provided promptly to parties, attorneys, the public, and assigned transcribers.

Court leaders are confident that the quality and timeliness of transcripts can and will be assured. We are working closely with FTR to address all issues that have been identified through testing and experience with this system to date, particularly with respect to the recording of sidebar

discussions. In addition, standards, protocols and training are being developed to establish consistent use of the digital recording system across all court departments.

The process of incorporating this new technology into the delivery justice, while respecting the longstanding service of our Court Reporters, has evolved as we received input from the public, attorneys, our Human Resources and Labor Relations Department, you, and the Court Reporters, via their bargaining agent, Local 6. We would like to thank you for your valuable contributions to this process. As a result, we have developed a plan that acknowledges the contributions and commitment of our Court Reporters, while simultaneously making the best use of available technology to ensure the efficient and accurate transcription of our courtroom proceedings.