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Joint Committee on Finance

Paper #285

Digital Audio Recording Devices (Circuit Courts)

[LFB 2023-25 Budget Summary: Page 126, #4]

CURRENT LAW

Supreme Court Rules 71.01 and 71.03 require a verbatim record for all circuit court proceedings (with a few exceptions). The verbatim record is the official record of the circuit court proceedings and may be obtained through original stenographic notes, voice recordings, or digital audio recordings. The digital audio recordings component was added to the Rules in 2019 (Order 19-01). The courts system is currently budgeted 286 court reporter positions to take official records.

DISCUSSION POINTS

1. Prior to 2019, stenographers, who use machine shorthand to create the verbatim record to produce a court transcript, were the only individuals qualified to serve as court reporters in Wisconsin. A stenographic court reporter must, at minimum, have graduated from a program certified by the National Court Reporter Association or the National Verbatim Reporters Association, which includes attaining 250 words per minute in machine shorthand.

2. It has become increasingly difficult for courts to find and hire stenographers. According to the Director of State Courts Office (DSCO), as of 2020 (the most recent data available), 127 out of 285 Wisconsin court reporters (45%) were aged 55 or older. In addition, there has been an "extremely limited" number of graduates from stenographic schools, which is a requirement for a stenographic court reporter (unlike digital court reporters). According to the 2019 order to amend the Supreme Court Rules to include digital court reporting, the original petition was filed due to the ongoing shortage of stenographic court reporters.

3. A digital court reporter uses an 8-channel digital audio recording system to create the

verbatim record. A digital court reporter must meet standards established by the Director of State Courts Office, which includes proficient grammar and typing skills. Both stenographic and digital court reporters can be used for any type of proceeding. According to DSCO, the final transcript would be identical, regardless of which type of court reporter is used.

4. The Director of State Courts Office recently began working with Fox Valley Technical College to create a digital court reporter certification program, which allows students to become trained as qualified digital court reporters. Students earn 28 credits in the one-year, online program. In the program's first year, there were four graduates, two of whom were hired by the Wisconsin courts system. There are 15 students enrolled in the current class. According to DSCO, over the past two years, the majority of new court reporter hires have been digital, not stenographic, court reporters.

5. In addition to being easier to find and hire, digital court reporters provide for increased flexibility, as they can take the official record remotely from any other courthouse in the state. According to DSCO, court sessions are occasionally cancelled due to the lack of court reporter coverage.

6. A digital court reporter can only take the official record in courtrooms and hearing rooms equipped with digital audio recording (DAR) systems. Since 2019, \$5.7 million has been expended to purchase new digital audio recording systems, including over \$3.3 million from program revenue sources.

7. At the time the budget bill was submitted, DSCO estimated that 100 DAR installations (50 in each year of the biennium) remained before all circuit courts were fully equipped for digital court reporters. At a cost of approximately \$16,000 per installation, the budget bill included \$790,000 GPR annually in sum sufficient expenditure authority. However, court information technology personnel have been able to accelerate the installation rate, and as of April, 2023, there have been over 300 installations, with 40 installations remaining. According to DSCO, the timing of the final 40 installations is dependent on the existing infrastructure and/or needed infrastructure upgrades in each of the courtrooms or hearing rooms, but it is anticipated that 30 installations would occur in 2023-24, and the remaining 10 would occur in the first quarter of 2024-25. Given that each installation costs approximately \$16,000, it would cost \$480,000 for 30 installations in 2023-24 and \$160,000 for 10 installations in 2024-25. The Committee may wish to provide these identified increases in sum sufficient expenditure authority in the circuit courts appropriation (s. 20.625(1)(a)) to fully equip the courts with DAR capabilities. [Alternative 1]

8. However, since the budget bill was submitted, DSCO additionally identified needed replacement costs and small failure costs related to DAR equipment. Each installation includes the use of two Dell personal computers, with an average lifecycle of four years. Replacement is driven by a number of factors including hardware needs for more processing power over time and the need for improved hardware and/or firmware as cybersecurity threats and technologies evolve. In addition, DSCO anticipates incurring costs for devices that fail and need to be replaced prior to the end of a full estimated four-year lifecycle (costs were identified using a failure rate of 1% to 5%, depending on the piece of equipment).

9. Given that DAR addresses labor shortage issues and provides greater flexibility in

courtroom function, the Committee may wish to provide an increase of \$803,700 in 2023-24 and \$758,300 in 2024-25 in sum sufficient expenditure authority in the circuit courts appropriation. Funding would include: (a) \$480,000 in 2023-24 and \$160,000 in 2024-25 for the remaining 40 DAR installations; (b) \$155,200 in 2023-24 and \$429,800 in 2024-25 for lifecycle replacement of Dell personal computers (based on a four-year lifecycle); and (c) \$168,500 annually to account for a small failure rate for items not at the end of their useful life. Note that this alternative would cost \$18,000 less over the biennium than the amount proposed under the budget bill. The differences are associated with fewer DAR installations needed, but the inclusion of replacement and small failure costs for existing devices. [Alternative 2]

10. The Director of State Courts has installed over 300 DAR devices without increased expenditure authority. If the Committee chose to take no action, the DSCO could continue to use existing budget authority, as it is able, to expand and maintain the use of DAR. [Alternative 3]

ALTERNATIVES

1. Provide an increase of \$480,000 GPR in 2023-24 and \$160,000 GPR in 2024-25 in sum sufficient expenditure authority in the circuit courts appropriation to support the installation of digital audio recording devices.

ALT 1	Change to Base
GPR	\$640,000

2. Provide an increase of \$803,700 GPR in 2023-24 and \$758,300 GPR in 2024-25 in sum sufficient expenditure authority in the circuit courts appropriation to support the installation, maintenance, and replacement of digital audio recording devices.

ALT 2	Change to Base
GPR	\$1,562,000

3. Take no action.

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