

MAKING THE RECORD COMMITTEE

FINAL REPORT



JUNE 2023

Report of the Making the Record Committee

Approved June 2, 2023



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Executive Summary

Mission statement for the Committee: Ensure the integrity of the court system by protecting the ability to take and produce the court record.

Taking and producing an accurate court record transcript is essential to the efficient and credible operation of the court system. Attorneys, litigants, judges, and the public use transcripts to review court proceedings. Transcripts provide accountability and ensure due process through appellate review.

In the fall of 2022, the Director of State Courts appointed an advisory Making the Record Committee (the Committee) to recommend necessary changes that will promote efficient use of available resources, and maintain an effective method for taking and producing the court record now and in the future. The previous Making the Record Committee met in 2017-2018; however, the challenges of the COVID-19 pandemic highlighted the need to take additional action to address the ongoing court reporter shortage and the increased retirements of stenographic court reporters.

The 2017-18 Committee recommended pursuing a blended system, using both stenographic and digital court reporters, and continuing installation of digital audio recording (DAR) systems in courtrooms and hearing rooms throughout Wisconsin. To date, almost every courtroom and hearing room has a DAR system installed.¹ The number of digital court reporters employed by the court system has increased from 23 in March 2020 to 78 in May 2023, which is 29% of all court reporters employed by the court system. Stenographic court reporters are still the majority of court reporters (195 total; 71%) employed by the state court system.²

DAR is a well-tested technology, making it possible to produce accurate verbatim transcripts in all types of proceedings. Remote-monitored DAR is also proven to be a successful method of taking the record.

In the summer of 2020, to address vacancies, the Statewide Court Reporting Program, or statewide pool, was formed. With installations of the new DAR systems, digital court reporters gained the ability to monitor and take the record remotely from one courthouse or court facility to another. This allowed flexibility in recruiting court reporters regardless of the location of the vacancy. The manager of the statewide pool schedules court reporters, provides training and mentoring, monitors the transcript workload, manages leave requests, and approves payroll for the pool employees. Judge participation in the pool is voluntary.

By pooling resources, the available resources are more efficiently managed across the state to continue to cover courts and take the record. Judges who participate in the pool still maintain a

¹ A map of DAR installations is posted on the [Digital Audio Recording](#) page on the court's internal website.

² The numbers of court reporters employed were provided by Management Services on May 3, 2023.

one-to-one ratio with an assigned court reporter for every hearing. Communication is accomplished via a Zoom link; however, the record is being taken on the DAR system in the courtroom and not through Zoom.

The Director of State Courts prioritized the importance of keeping courts on the record, both during the pandemic and with the ongoing court reporter shortage. Because most court reporters are personal appointees of the judge, this has led to challenges when the district administrative staff intervenes to reassign court reporters to cover courts where there is an absence. The personal appointee relationship creates a lack of flexibility. For example, one judge may be on the record with a full calendar for which the court reporter is required to make a verbatim transcript of all proceedings. On the same day, another judge may have no need for a court reporter, but has their personal appointee court reporter in their branch, waiting to be engaged. This issue is exacerbated in high-volume, rotational court models.

The Committee was asked to examine ways to best utilize available resources, while also exploring solutions to relieve the tension between district court administrative offices, court reporters, and judges. One option is the statewide pool, where a pool of reporters can be assigned to judges as needed, allowing resources to be utilized more effectively to help cover absences and balance transcript workload.³

The Director of State Courts Office does not intend to propose any statutory changes that would affect the personal appointee authority of the judge. The Director of State Courts Office supports the statewide pool model and encourages judge and court reporter teams to consider participating on a voluntary basis. The Director of State Courts Office will continue to recruit and employ court reporters and is committed to supporting its court reporter workforce.

The Committee recommends clarification of the roles and expectations of the supervisory responsibilities for judges who maintain their personal appointee authority and has established guidelines to assist in providing flexibility in supervision.

The Committee was also asked to recommend the best way to preserve the court record and maintain the ability to produce transcripts in the future. When a stenographic court reporter leaves employment and is unable or unwilling to create transcripts, the court system has a limited ability to transcribe court reporter notes from old software, or paper notes. In some cases, the stenographic notes are unavailable because the court reporter did not provide the notes to the clerk of court prior to leaving employment, as required by Supreme Court Rule⁴. This results in delays for the court of appeals and may require new trials and/or hearings to recreate a record of the proceedings.

³ The 1973 Citizens Study on Judicial Organization recommended that court reporters be managed by the District Court Administrator and assigned to judges on the basis of need.

⁴ [SCR 71.03\(1\)](#) The original stenographic notes, voice recordings, digital audio recordings, or other verbatim record required under SCR 71.01(2), made on the record or pursuant to an order of the court, constitute part of the records of the court in which made and are not the property of the court reporter.

Over several meetings, the Committee heard examples⁵ of difficulties producing transcripts from stenographers who have left employment and either did not provide their notes prior to leaving or refused to prepare transcripts once they left. The Committee also heard examples from the court of appeals about repeated motions to extend time for filing transcripts due to the overwhelming workload court reporters experience in high-volume criminal rotations. In one such case, a court reporter's motion to extend time was due to a 220 transcript backlog.

The ability to produce an accurate transcript is dependent on access to three key items: the stenographic notes, the court reporter's dictionary, and an audio backup. The Committee recognizes the importance of an accurate transcript to our system of justice and the right of every litigant to an appeal. After significant discussions, the Committee recommends the guidelines in this report to ensure the record is preserved for 10 years after the hearing, in accordance with Supreme Court Rule,⁶ even when the court reporter is unavailable.

⁵ See [committee meeting minutes](#)

⁶ [SCR 72.01\(47\)](#) A verbatim record of in-court proceedings. The verbatim record, created as authorized under SCR 71.01 (3): 10 years after the hearing.

Actions Taken by the Director of State Courts Office

The growing shortage of well-qualified stenographic court reporters has been documented for the last 30 years. This shortage creates pressure on the current court reporters, such as increased out-of-county assignments, difficulty scheduling vacations, and scrambling to cover family and medical leave. Even with the addition of digital audio recording and digital court reporters, the court reporter shortage in Wisconsin is critical and has caused courts to be cancelled. Cancelling court will become more frequent unless significant changes to our current model for taking and making the record are made.

Since the last Making the Record Committee convened, the Director of State Courts Office continued to take steps to improve the situation across Wisconsin.

- Installed Digital Audio Recording (DAR) systems in every courtroom in Wisconsin
- Developed training materials, policies, and best practices for the use of monitored DAR in Wisconsin's courts
- Partnered with Fox Valley Technical College (FVTC) to create a new Digital Court Reporting (DCR) Program
- Worked with other technical colleges and high schools to promote the profession
- Attended conferences and job fairs to recruit and promote the profession
- Created the Statewide Court Reporting Program
- Held an open house at the Menasha office to promote the FVTC program and invited local media⁷
- Included CART experience as a years-of-service credit and Registered Skills Reporter (RSR) certification to improve retention and attract more court reporters
- Implemented wage increases for all court reporters to improve retention and attract new court reporters to the profession
- Attended meetings and presented information regionally, statewide, and nationally to judges, court administrators, court staff, and attorneys about the use of DAR in the Wisconsin courts

Work of the Committee

The Making the Record Committee was comprised of a judge from each judicial district and other stakeholders with an interest in taking and making the court record. Members included nine circuit court judges, one court of appeals judge, five court reporters (three stenographic and two digital), the chief staff attorney for the court of appeals, the clerk of the supreme court and court of appeals, one clerk of circuit court, three district court administrators, and four senior managers from the Director of State Courts Office.⁸

⁷ A list of media stories following this event is attached as Attachment A.

⁸ A list of committee members is attached as Attachment B.

The Committee met six times from September 2022 through June 2023. It discussed the work of prior court reporting Committees.⁹ It reviewed current workforce recruitment and retirement projections and discussed coverage and scheduling challenges. The Committee discussed the personal appointee status of official court reporters and how to better educate judges on supervision responsibilities. The Committee considered statute and rule changes related to the personal appointee and requiring a DAR audio back up. Two stenographic court reporters on the Committee participated in pilot projects on the use of the DAR system by stenographic court reporters. One evaluated the use of the DAR system audio to take the record remotely from another courtroom.¹⁰ The other assessed the use of the DAR system by stenographic court reporters to provide backup audio, as well as creating flexibility in taking the record for hearings not likely to be transcribed.¹¹ Both pilot projects were a success.

During the course of the Committee's work, meeting summaries were prepared for the members to send to their stakeholders to facilitate discussion of the proposals being considered by the Committee. Judges and court reporters provided comments and suggestions, which members brought to the meetings for discussion.

Guidelines for Supervision of Court Reporters

The Committee recognizes the national court reporter shortage has affected judicial administrative districts differently. While some districts continue to recruit and fill positions, other districts have not had the same success. These discrepancies have created inconsistencies in the level of understanding regarding the actual shortage and the decline in cooperation between the judge and appointed court reporter and the DCA offices in areas such as coverage, application of work rules, and payroll approvals.

The supervision models ([Attachment D](#)) are meant to give districts options for collaboration between DCAs¹² and judges and court reporters. The DCA and chief judge may discuss how to best implement changes in their districts.

- **Judicial Supervision:** The personal appointment status includes supervision of the court reporter, pursuant to [Section 2](#) of the [Judge's Manual](#). Under this model, judges are responsible for all aspects of court reporter supervision as outlined under the "Judicial Supervision" chart ([Attachment D](#)). DCA offices will continue to assist, when requested, in areas on the bulleted list.

⁹ A summary of the work of prior court committees is posted on the [Making the Record](#) committee page on the court's internal website.

¹⁰ Committee member Lynn Penfield completed this pilot for the committee. Ms. Penfield worked with Connie Hansen, who is the manager of the Statewide Court Reporting Services ("statewide pool").

¹¹ Committee member Kristin Menzia completed this pilot for the committee. Ms. Menzia worked with a Milwaukee digital court reporter and CCAP.

¹² In Milwaukee, the DCA Office includes two employees who coordinate Court Reporting Services.

- **DCA Supervision:** If a judge wants to delegate the supervisory responsibilities that come with personal appointment to the DCA office, the judge may do so by completing the CS-298 form ([Attachment F](#)). This option was created to continue the cooperation between the judge/court reporter and the DCA office. This allows the DCA office to ensure work rules are being applied consistently to all court reporters under their supervision (see “DCA’s Office” section in the “DCA or Statewide Pool” chart in [Attachment D](#)).
- **Statewide Pool Supervision:** A judge may also relinquish position authority to the statewide pool, which moves all supervisory functions to the manager of the Statewide Court Reporting Program (outlined under “Statewide Pool” section in the “DCA or Statewide Pool” chart in [Attachment D](#)). Additional information regarding the Statewide Court Reporter Program is available in the video on the [Making the Record Committee](#) page on the court’s internal website.

Guidelines for Taking the Record from Another Court Facility

The Committee discussed options related to taking the record remotely from another court facility. The statewide pool was developed with the guidance of CCAP technical staff to ensure the proper technology is used in taking a remote record. The statewide pool reporters must take the record from a court facility by accessing the remote DAR system to take the record, and establishing a Zoom link to communicate directly with the judge. The Zoom link is only used to communicate with the remote judge; it is not used to take the verbatim record. If the Zoom connection is unstable, the digital court reporter (DCR) can still hear and see into the remote courtroom via the DAR system. The CCAP CIO presented information to the Committee regarding the various platforms for taking a remote record and did not recommend using Zoom for the verbatim record because it is not a stable platform and does freeze, which would hinder a remote court reporter from getting the entire record.

A pilot project was completed in March 2023 to test whether a remote stenographer could use the DAR system to see and hear into a remote court room. After consultation with CCAP technical staff, the stenographic court reporter was trained on the DAR system and given access to the system in their home county as well as in a remote county. The audio quality provided by the DAR system was superior to audio transmitted via Zoom.

If a stenographer wishes to use the DAR system to enable taking of a remote record for out-of-county assignments, the Committee recommends they complete the [CS-308](#) form and contact their district court administrator to arrange for training and access.

Guidelines for Preservation of the Record

The Committee discussed options related to preserving the ability to create transcripts from stenographic notes, as the number of available stenographers continues to decline. The

Committee agreed the best way to ensure an accurate transcript is to have access to the stenographic notes, the court reporter's dictionary, and an audio backup. The Committee debated whether stenographic records should require an audio backup using the DAR system. The DAR systems are available in every courtroom, the recordings are saved on the CCAP network, and the backup would be uniform for all court reporters.

If a court reporter leaves employment or is unavailable, it is not always possible to create a transcript from the court reporter notes. Some court reporters do not use digital software and maintain their stenographic notes on paper. Not having a readily available and uniform backup causes delays in producing transcripts for the litigants and their attorneys, for the court of appeals, and may ultimately require a new hearing or trial if transcripts cannot be created.

Nearly all stenographic court reporters use a personal audio backup to assist in transcript production. The Committee recommends changing [SCR 71.03\(3\)\(a\)](#) to require the stenographers to preserve the dictionary and an audio backup in order to protect the ability to make the record if that court reporter is unavailable in the future. The purpose of the audio backup is to allow for reassignment of transcripts, only when a court reporter is designated unavailable or is no longer willing or able to transcribe their own records. The court reporter who took the record will have the right of first refusal, unless the court of appeals declares them unavailable and orders the reporter to turn over stenographic notes, dictionary and audio as a means to getting the transcript produced.

The Committee could not agree on the specific type of audio backup and was not comfortable requiring stenographers to use DAR as the uniform backup. If a stenographer chooses not to use DAR, they will be responsible for creating a daily backup file and uploading the audio, notes, and dictionary to a portal to be created by CCAP.

A pilot project was conducted to test whether a stenographic court reporter could use the DAR system for the audio backup of their stenographic notes. Currently, stenographic court reporters who want to voluntarily use DAR as an audio backup may do so upon proper training and completing the [CS-308](#) form. The stenographer who participated in this pilot project found the added benefit to learning DAR is allowing for flexibility in how they take the record in the future. For low-volume transcript hearings, the stenographer plans to use DAR, in accordance with the guiding principles and Supreme Court rule for monitored DAR, to provide relief from the physical demands of stenography.

The Committee raised concerns about audio recordings inadvertently picking up off-the-record conversations. These conversations could potentially be released if audio recordings are provided upon request. The Wisconsin Court System has been using monitored DAR for over ten years, has tens of thousands of recorded hearings from courtrooms and hearing rooms around the state, with few requests for copies of audio recordings. The Director of State Courts Office developed best practices around using audio recordings in the courtroom, including an advisory statement the court official should use at the opening of each court session advising parties about what to do for off-the-record conversations. This information, as well as

procedures to follow when a copy of the audio recording is requested, is outlined in the Guiding Principles on the Use of Digital Audio Recording.¹³ In addition, CCAP has signage available to post in every courtroom and by every microphone advising parties that recording may be happening. The Committee recommends educating judges and attorneys about these best practices.

In order to protect the courts' ability to create transcripts for ten years after every hearing, the Committee recommends a rule change to require access to stenographic notes, a court reporter's dictionary, and an audio backup as part of the verbatim record defined in [SCR 71.03\(3\)\(a\)](#).¹⁴

¹³ See [Guiding Principles for the Use of Audio Recording \(DAR\)](#)

¹⁴ Proposed changes to the Supreme Court Rules for requiring an audio back up are attached as Attachment E.

Work Plan for Implementation of this Report

This Committee was convened to recommend solutions to take the court record, and transcribe that record, in light of the challenges that exist. The Committee determined it would not pursue a Supreme Court Rule change as it relates to the personal appointment, but instead would clarify the roles and expectations for judges, court reporters, and district court administrators. The district court administrators will continue to assist when possible, if requested, but no longer be positioned between the supervising judge and the court reporter for the various supervisory duties. The Committee agreed to recommend a rule change to require an audio backup and dictionary, in addition to stenographic notes, but decided to leave the type of backup to the discretion of the court reporter and their supervisor.

While the district court administrators have assisted judges with their supervisory responsibilities in the past, the current court reporter shortage and resulting workload has created some untenable relationships. Supervision responsibilities are included with the personal appointment prescribed in [Wis. Stat. §751.02](#) and are outlined in Section 2 of the Judges Manual ([Attachment E](#)). A district court administrator does not have the authority to carry out these supervisory responsibilities without a specific delegation to do so. For implementation of the supervisory model, the Committee recommends individual meetings between the district court administrator and the appointing judge and their court reporter to explain the various options, answer any questions or concerns, provide any necessary training, and establish a date for transition. The Committee recognizes these transitions will take time and will vary across judicial districts.

In recognition that the national court reporter shortage has affected the judicial districts differently, the Committee believes the Committee of Chief Judges are in the best position to establish how the guidelines outlined in this report will be implemented within each district. The Committee recommends the Committee of Chief Judges convene a subcommittee to address the continued court reporter shortage and ongoing challenges to determine the best way to address these guidelines within each district and statewide. The Committee of Chief Judges may determine a need to modify the [Trial Court Administration \(TCA\) rules](#), or establish policies they deem necessary in order to provide consistency across judicial districts.¹⁵

The Committee received feedback that the use of technology should be explored to assist with the national court reporter shortage. CCAP plans to complete installation of DAR systems and continue to provide technical training to court reporters, including stenographic court reporters who wish to receive training. In the coming months, CCAP will also complete “health checks” of existing equipment, and upgrade DAR system components and software.

¹⁵ Chief Judge authority for the establishment of plans and policies and assignment of court reporters can be found in SCR 70.19, SCR 70.20, and SCR 70.245.

CCAP should begin exploration of a semi-custom platform created by CCAP for the regular upload of quality notes, dictionaries, and backup audio¹⁶ in anticipation of a Supreme Court Rule change requiring stenographers to provide this information. This technology should include reminders to court reporters and an alert or reporting to supervisors when these materials are not regularly uploaded to avoid missing information should the court reporter become unavailable to produce a transcript.

Conclusion

The Director of State Courts is responsible for ensuring the judicial branch has the infrastructure in place to carry out the administration of justice, today and in the future. The Committee believes the recommendations for alternative models of supervision will provide for the efficient use of court reporter resources and reduce workload challenges experienced by court reporters and administrators. Additionally, the Committee recommends that audio be captured for all proceedings to assist in the timely production of transcripts to protect every litigant's right to due process through appellate review. The Director recommends the use of the state-of-the-art DAR equipment that has been installed statewide because of its availability, longevity, and uniformity.

¹⁶ See [committee minutes dated January 27, 2023](#); #6 note storage

Attachments

A. Media Attention to the Court Reporter Shortage

<https://www.nbc26.com/news/local-news/in-your-neighborhood/menasha/how-digital-court-reporters-are-becoming-wisconsins-answer-to-a-dire-need-for-stenographers>

<https://www.wbay.com/2023/04/21/wisconsin-faces-shortage-digital-court-reporters/>

<https://oshkoshherald.com/wp-content/uploads/2023/04/April-26-2023-Oshkosh-Herald-1.pdf>

https://www.insightonbusiness.com/latestnews/fvtc-digital-court-reporter-grads-in-high-demand/article_299ab69e-e927-11ed-9404-8b1f11bc049e.html

B. 2022-2023 Making the Record Committee members

Circuit Court Judges

D1 – Hon. Paul Van Grunsven, Milwaukee County Circuit Court

D2 – Hon. David Wilk, Kenosha County Circuit Court (replaced Hon. Maureen Martinez, Racine County Circuit Court)

D3 – Hon. Sandy Giernoth, Washington County Circuit Court

D4 – Hon. Daniel Borowski, Sheboygan County Circuit Court

D5 – Hon. Susan Crawford, Dane County Circuit Court

D7 – Hon. Craig Day, Grant County Circuit Court

D8 – Hon. Carrie Schneider, Outagamie County Circuit Court

D9 – Hon. John Rhode, Langlade County Circuit Court

D10 – Hon. Maureen Boyle, Barron County Circuit Court

Court of Appeals

Hon. Brian Blanchard, District IV

Christina Plum, Chief Staff Attorney

Sheila Reiff, Clerk of the Supreme Court and Court of Appeals

Court Reporters

Patrick Weishan, Official Court Reporter, Dane County

Nichole Wiest, Official Court Reporter, Grant County

Connie Hansen, Statewide Pool Manager

Kristin Menzia, Official Court Reporter, Milwaukee County

Lynn Penfield, Official Court Reporter, Oneida County

District Court Administrators

Holly Szablewski, District Court Administrator, First Judicial District

Jon Bellows, District Court Administrator, Fourth Judicial District (replacing Ms. Owens, last meeting only)

Theresa Owens, District Court Administrator, Fifth Judicial District

Pat Brummond, District Court Administrator, Seventh Judicial District

Clerk of Circuit Court

Tara Berry, Winnebago County Clerk of Court

Director of State Courts Office

Hon. Randy Koschnick, Director of State Courts

Diane Fremgen, Deputy Director, Office of Court Operations

Caitlin Frederick, Office of Management Services

Tom Flitter, Chief Information Officer

Staff

Karley Downing, Chief Legal Counsel, Director of State Courts Office

Beth Barroilhet, Circuit Court Legal Advisor, Office of Court Operations

Melissa Bohse, Human Resources Officer, Office of Management Services

Sara Foster, Executive Assistant, Director of State Courts Office

C. Implementation Plan

1. Court Reporter Supervision

The DCAs will arrange individual meetings with judges/court reporters in their districts to explain the various options, answer any questions or concerns, provide any necessary training, and establish an implementation plan.

Education for Judges: judicial supervision, judges manual, and work rules.

Education for Court Reporters: training on the use of the DAR system and work rules.

The Committee of Chief Judges should consider creating a subcommittee to continue discussions regarding the court reporter shortage, develop additional ways to facilitate keeping courts on the record, and to implement the recommendations in this report.

2. Taking a remote record

The statewide pool was created under the technical direction of CCAP. Due to the instability of the Zoom platform, it is not a recommended means for taking the record. Court reporters who take a digital record must do so utilizing the DAR system from a court facility and cannot do so from a network outside of CCAP. The Chief Judges should establish TCA rules consistent with this policy to ensure the record is captured on a stable platform, regardless of whether the court reporter is a digital or a stenographer.

3. Audio Backup

The Director of State Courts should file a Supreme Court Rule petition mandating the dictionary and audio backup be retained for all proceedings taken by a stenographic court reporter, to ensure the ability to create a transcript if the court reporter who took the record becomes unavailable. The Committee could not agree to a standard type of audio backup nor how it should be retained. Those determinations will be left to the appointing judge and court reporter. District policies for best practices should be considered.

D. Supervision Models

Judge's Office

JUDICIAL SUPERVISION

- Manages daily workload
- Payroll review and approval
- Searches for and arranges coverage for all leave types (contact supervisor)
- Reviews and approves travel
- Onboarding new employees (arranging for mentoring and training)
- COA transcript monitoring and assistance
- Paperless notes policy
- Reporter recruitment
- Performance reviews
- Enforces work rules (Judge's Manual - Section 2, Overtime, Court Reporter Manual, Transcript Production Technical Manual, Guiding Principles on the use of DAR, and Employee Manual)

DCA Offices will continue to provide the following support to the Judge's Office:

- Provides training for judges on payroll review and approval
- Provides training for judges on travel review and approval
- Provides guidance on onboarding new employees
- Is a resource for, and assists judges with, HR issues (as requested)
- Assists with recruitment
- Will provide information on what other court reporter resources may be available

DCA OR STATEWIDE POOL SUPERVISION

DCA's Office

- **Reporter continues to work primarily in their current branch**
- Supervises and manages reporters for judges who delegate supervision
- Searches for and arranges coverage for all leave types (contact supervisor)
- Payroll review and approval
- Reviews and approves travel
- Keep court reporter coverage records
- Onboarding new employees (mentoring and training)
- Transcript tracking
- COA transcript monitoring and assistance
- Paperless notes policy
- Reporter recruitment
- Performance reviews
- Enforces work rules (Overtime, Court Reporter Manual, Transcript Production Technical Manual, Guiding Principles on the use of DAR, and Employee Manual)

Statewide Pool

- Supervises and manages reporters for judges who relinquish vacant appointment authority
- Manages daily workload
- Searches for and arranges coverage for all leave types (contact supervisor)
- Payroll review and approval
- Reviews and approves travel
- Keep court reporter coverage records
- Onboarding new employees (mentoring and training)
- Transcript tracking
- COA transcript monitoring and assistance
- Digital specific training
- Reporter recruitment
- Performance Reviews
- Enforces work rules (Overtime, Court Reporter Manual, Transcript Production Technical Manual, Guiding Principles on the use of DAR, and Employee Manual)

E. Judges Manual Section 2

Section 2.0

November 2018

Supervision of Court Reporters

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According to [s. 751.02](#), Wis. Stats., each circuit judge may appoint a court reporter to serve in the court or branch of court to which he or she was elected or appointed if the reporter is certified as qualified by the director of state courts. A person appointed by a judge serves at the pleasure of the court or the judge. As a result, Circuit Court Judges serve in a supervisory capacity within the court system. [SCR 70.02](#) establishes personnel responsibility and authority with the Director of State Courts for all non-judicial state court personnel, including those employees serving at the pleasure of a Justice or Judge.

The Director of State Courts has developed human resources policies and procedures that meet our legal employment obligations and demonstrate best practice in public personnel management practices. Circuit Court Judges, serving in a supervisory role, are expected to adhere to the Director of State Courts human resources policies and procedures applicable to personally appointed staff in all areas including hiring, termination and other standard personnel procedures.

The [Wisconsin Court System Employee Manual](#), published on the court system's intranet, [CourtNet](#), is available as a resource to Circuit Court Judges. Individual issues related to the hiring, discipline, supervision or leave rights of court system staff should be directed to the court system's Human Resources Officer at (608) 267-1940.

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F. CS-298 Order to Delegate Supervisory Authority

State of Wisconsin

Court Reporter – Order to Delegate Supervisory Authority

County _____ Branch _____ Judicial Administrative District _____

I, _____, circuit judge in said State and Court, do hereby delegate to the District Court Administrator of said Judicial Administrative District my supervisory duties and authority over the official circuit court reporter appointed by me pursuant to Wis. Stat. § 751.02. Such supervisory duties and authority includes enforcement of personnel procedures and policies, including work rules established by the Director of State Courts pursuant to SCR 70.11, by progressive discipline up to and including termination. I understand that by this delegation, I am hereby authorizing the District Court Administrator to exercise my supervisory duties and authority over my official circuit court reporter, as described above, until and unless such delegation is revoked. This delegation may be revoked by either of the undersigned parties by providing reasonable notice to the Director of State Courts, Office of Management Services. Upon such revocation, I understand I shall resume my supervisory authority and duties described above.

Circuit Court Judge Signature

Director of State Courts Signature

Date

Approved: _____
Pursuant to Wis. Stat. § 751.02 and SCR 70.01, .02 and .11
Date

To be completed upon intent to withdraw above order:

Return to: Director of State Courts, Human Resources, 110 E. Main St., Ste. 430, Madison, WI 53703

State of Wisconsin

Court Reporter – Order to Revoke Supervisory Authority

County _____ Branch _____ Judicial Administrative District _____

I wish to revoke the delegated supervisory authority for the official court reporter prescribed in Wis. Stat. §751.02. I understand that I am now responsible for supervisory duties described above in accordance with the Director of State Courts personnel procedures and policies.

Circuit Court Judge – Printed Name

Circuit Court Judge Signature

Date of Request

Effective Date of Change

G. Court Reporter Manual Summary

COURT REPORTER WORK RULE SUMMARY

Court reporters are non-exempt employees pursuant to the Fair Labor Standards Act ([FLSA](#)).

Supreme Court Rule Chapter 70 outlines the Director's authority to establish work rules. Specifically, SCR 70.11(1) states non-judicial state court employees shall be subject to a personnel manual developed by the director of state courts. The following are highlights from the [court reporter](#) and [employee manuals](#). This is not an all-inclusive list of items referenced in these manuals, but a high level summary of rules specific to court reporters covered by these documents. Court reporters and their supervisors should reference the complete manual for questions concerning work rules.

WORKING WHEN COURT IS NOT IN SESSION

- Court reporters are not entitled to additional vacation when their appointing judge is absent. Court reporters who elect to be away from their offices (including preparing transcripts at home) when their appointing judge is absent must report their leave.
- Court reporters are not eligible to be in work status while working on transcripts, unless they are at their assigned county courthouse for the day and are thus considered "waiting to be engaged" for courtroom duty.
- Court reporters who do not report time off must be available for reassignment by the Chief Judge/DCA.

ACCOUNTING FOR TIME AND ATTENDANCE

- All court system employees are responsible for reporting work and/or leave hours. The court system uses a web-based system to collect information each biweekly pay period regarding work hours and leave hours taken by each employee.

USE OF LEAVE BY STATE-EMPLOYED COURT REPORTERS

- Because the absence of an official court reporter requires arranging for a substitute, the Chief Judge of a judicial administrative district establishes the court reporter notification procedures.
- An official court reporter is responsible for knowing the Chief Judge's notification expectations.
- Section 7.2.3 of the Employee Manual requires that court reporters provide a notification to the supervising judge and Chief Judge or his/her designee ten workdays in advance of the date(s).
- REPORTING WORK AND LEAVE USE Official and district court reporter work times and/or leave use are recorded and reported using ESS/STAR System.

TRANSCRIPT PREPARATION

- A court reporter's primary duty as a court employee is to take the record of court proceedings.
- When court proceedings are not underway, a court reporter may be required to take the record in another courtroom as assigned.
- When a court reporter is not needed to take the record or perform other court reporter-related duties during his/her assigned work hours, the court reporter may be permitted to prepare transcripts, while at their assigned courthouse location, for which he or she receives per page compensation.
- Time spent in preparing a transcript for which a per page fee is received is not considered hours worked unless the court reporter is required to remain at his or her designated work location by his/her appointing judge, Chief Judge, or DCA to be available for reassignment. This is considered time spent engaged or waiting to be engaged and the court reporter remains eligible for his or her regular hourly wage.

INCLEMENT WEATHER AND BUILDING EMERGENCIES

- The authority for closing state court offices to the public resides with the Director.
- In the event inclement weather or a building emergency requires the Director of State Courts, a Chief Judge, an authorized county official, or the building's owner to close the building to all occupants, employees will not be required to utilize leave time for those official closures.
- If the building remains open to employees of the court system, employees who are unable to report to work or who need to leave early or arrive late may claim the absence as vacation time, holiday time or compensatory time.

H. Proposed Changes to Court Rules

SCR 71.03 Court reporters' notes, digital audio recordings, and other verbatim record.

(1) The original stenographic notes, voice recordings, digital audio recordings, or other verbatim record required under SCR 71.01(2), made on the record or pursuant to an order of the court, constitute part of the records of the court in which made and are not the property of the court reporter.

(2) The verbatim record is intended to assist in the preparation of a transcript. The transcript, and not the verbatim record, is the official record of the proceedings.

(3) The verbatim record includes all of the following:

(a) The original notes of a stenographic court reporter, including the stenographic dictionary and an audio backup.

(b) The original voice recording of a voice writer.

(c) An audio recording, including log notes, of any part of a proceeding that is on the record and made as the primary means of taking the verbatim record.

(4) Any words spoken in the courtroom that are off the record, privileged, or otherwise not part of a proceeding, hearing, or trial of a specific case are not part of the verbatim record of the case.

(5) The director of state courts shall develop policies for copying and charging a fee for an audio recording under sub. (3) (c).

COMMENT

The amendment to SCR 71.03(3)(a) made pursuant to this order requires an audio backup to the original stenographic notes. The Director of State Courts recommends using the DAR audio recording as the backup because of its availability, longevity and uniformity.