

03/19/2019

Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701-1688

RE: Rule Petition 19-01 relating to making the record

Dear Honorable Justices of the Supreme Court:

Thank you for your commitment to ensuring an accurate record in Wisconsin courtrooms. I have been a court reporter for one year and currently work in Jackson County as an official stenographic reporter. I write to convey my personal experiences with digital audio recording ("DAR") that I believe are relevant as you consider making DAR an official means of taking the verbatim record in Petition 19-01.

I was asked to transcribe a felony plea hearing that was digital audio recorded on For the Record ("FTR") DAR software for a case with Victim Rights implications and notification. The microphone on defense's table was defective in its ability to communicate with the digital storage and backup setup for audio that was spoken into it that was unknown and undetectable to the operator of the FTR software during the live proceedings, and, as a result, over half of defense counsel's statements as well as defendant's answers to the Court's colloquy are lost. The case is currently being appealed.

As opposed to audio being lost, there are also implications for attorney-client privilege in the courtroom and off-the-record statements. I was also asked to transcribe an injunction hearing recorded with FTR software that ultimately was never ordered or e-Filed. The recording was transcribed in order to give a pro se litigant involved in the case an estimate on cost. In listening to and transcribing this recording, the audio recording was proliferated with discernable, whispered conversations between the attorneys and their respective clients. As no audible statements were made by either of the attorneys or the Court during the live proceedings that these conversations were off the record and neither attorney disrupted their respective microphones' ability to record their conversations with their respective clients, there is now an audio verbatim record of their privileged attorney-client conversations on file in that case.

I appreciate your consideration of my experiences regarding DAR when considering Petition 19-01. Thank you very much.

Sincerely,

Miranda L. Seitz
2727 Western Avenue
Apartment 7
Eau Claire, WI 54703