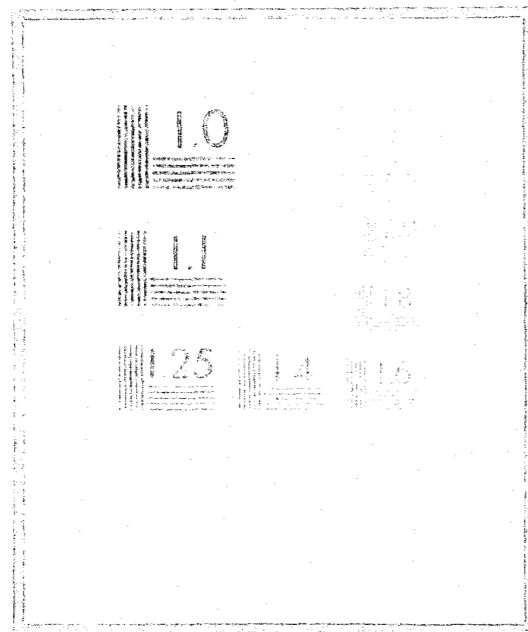


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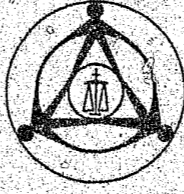
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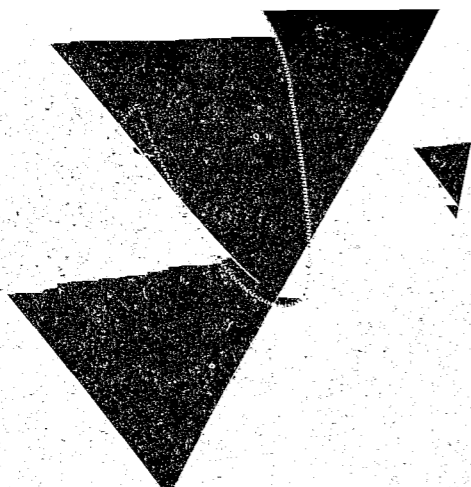
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THE AMERICAN UNIVERSITY
Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.



ANALYSIS OF ELECTRONIC RECORDING
IN THE MAGISTRATES DIVISION
ADA COUNTY IDAHO DISTRICT COURT

February, 1974

Consultant:

Ernest H. Short

NCJRS

MAR 8 1977

ACQUISITIONS

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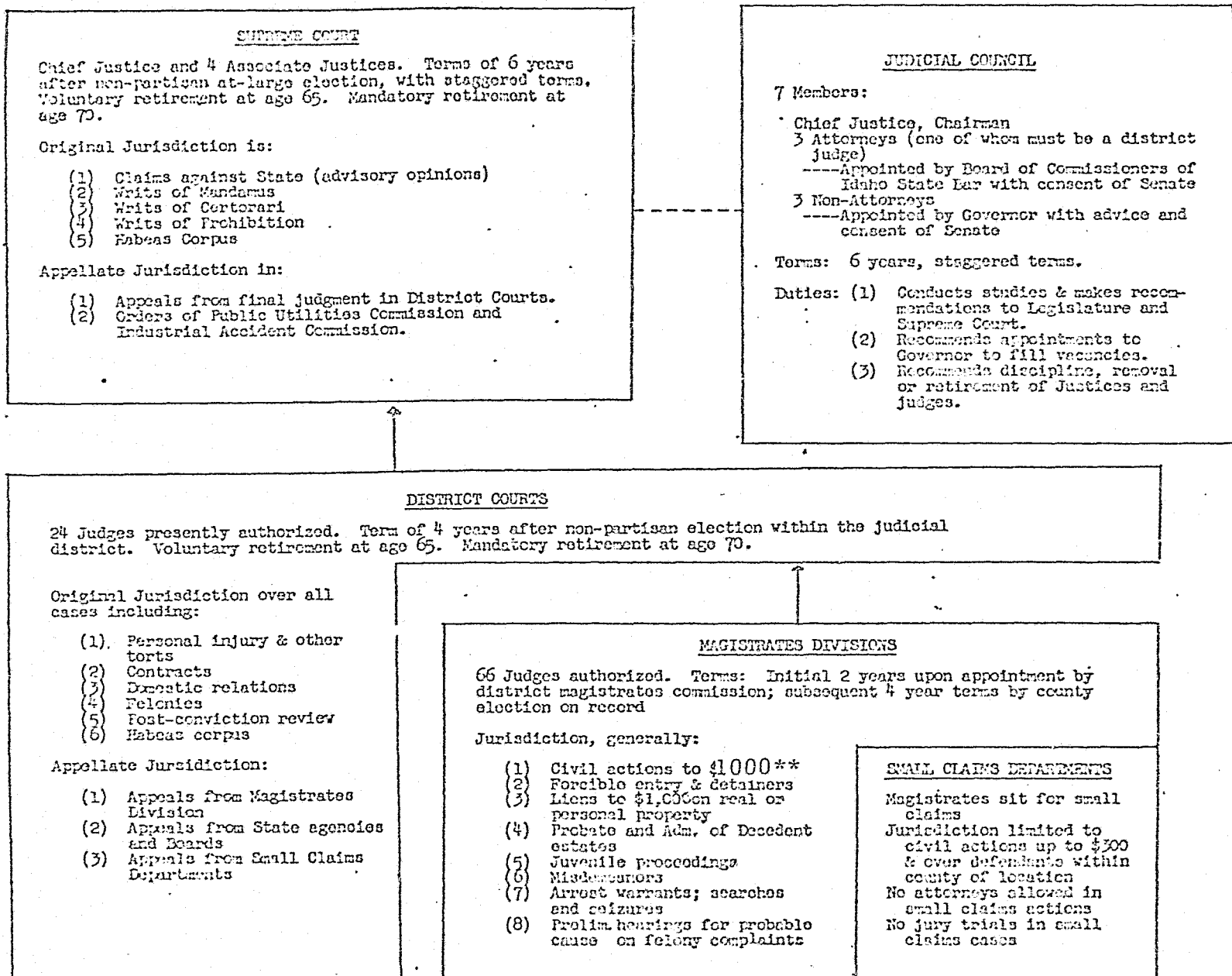
I. INTRODUCTION

The Magistrates Division of the Ada County, Idaho, District Court has recently initiated actions to improve the timely and accurate preparation of its records of proceedings. These actions were prompted by "cases being dismissed because transcripts could not be produced."¹ Since in-house resources were not available to provide a review and analysis of the Ada County Magistrates Division's court recording needs, the Director of the Administrative Office of the Idaho Courts requested technical assistance through the Law Enforcement Assistance Administration Contract Number J-LEAA 043-72 to American University. The stated purpose of the assistance was "to assess the feasibility of using electronic recording equipment in Idaho's Fourth Judicial District."²

This report documents the technical assistance provided by The American University in response to the Administrative Director of the Idaho Courts' request. During a two day site visit, the Ada County Magistrates' courtrooms were examined for acoustical qualities and equipment placement; existing recording equipment was documented and tested; district judges, magistrates, and court personnel were interviewed, to include extensive discussions with the Fourth Judicial District Trial Court Administrator; telephone interviews with local recording equipment vendors were conducted; case and appeal data were gathered from the Administrative Office of the Idaho Courts; and statutes

¹Discussions with Warren H. Gilmore, District Trial Court Administrator, Judicial District 4.

²Ms. Caroline S. Cooper, Research Associate, Institute for Studies in Justice and Social Behavior, the American University, in a letter to Ernest H. Short, January 7, 1974.



** \$2500 for magistrates

↑ indicates court to which appeals are taken

FIGURE 1

The district courts have appellate jurisdiction in cases appealed from the magistrates division and from agencies and boards (Figure 1, p. 3). Statute requires magistrate proceedings to be recorded:

A verbatim record of the proceedings and evidence at trials before a magistrate shall be maintained either by electrical devices or by stenographic means, as the magistrate may direct, but if any party to the action request stenographic reporting of the proceedings, the reporting shall be done stenographically. The requesting party shall pay the costs of reporting the proceedings.⁵

Portions of Rules of the Court for the Magistrate Division of the District and District Court, Civil Appellate Rules, and Criminal Appellate Rules which are applicable to court reporting in the Idaho Courts are included in Appendix A, Excerpts of Idaho Court Rules Pertaining to Court Reporting.

Five full-time magistrates are located in Ada County; three of their courtrooms are located in the Ada County Courthouse and two courtrooms are located approximately three miles from the County Courthouse (these two are traffic courts). In addition the District Trial Court Administrator fills-in as a magistrate when needed; a magistrate from Idaho City, every Wednesday, and a magistrate from Cascade, approximately twice a month, are brought into Ada County. When additional magistrates are used, unoccupied District Courtrooms, or sometimes jury rooms, are used for hearings or trials.

B. Recording Proceedings

1. History

On October 22, 1971, the Ada County Board of Commissioners entered into an agreement with a district court reporter "to provide reporting, transcribing and re-recording services for the Magistrate Court of Ada County

⁵Idaho Code Section 1-2212

Idaho."⁶ The services were to be provided over a two year period beginning January 1, 1972. This arrangement proved unsatisfactory; the reporter's contract was not renewed; and the district court recently assumed the responsibility to provide for recording proceedings in the magistrate division.

2. Present Equipment

Upon termination of the contract with the district court reporter, the Board of Supervisors purchased the equipment (listed in Figure 2, p. 6) which the court reporter had been using during 1972 and 1973. Observations on the prices paid for this equipment are presented in Appendix B.

In general, each magistrate courtroom uses a UHER Universal 5000 tape recorder, four Shure 579 SB microphones, and a Shure M68 microphone mixer to record proceedings. The microphones are placed on each counsel table, the witness stand, and the judge's bench. They are normally mounted on cast iron V table stands, C clamps, and a few Shure S 39 A Vibration-Isolation Microphone Stands. A UHER 4000 tape recorder and a UHER M516 microphone are used as a portable unit for those courtrooms not usually used by magistrates. Specific equipment/courtroom configurations are in Appendix C.

The UHER Universal 5000 is a well designed, single channel, single record/playback head, audio tape recorder which records on a five inch reel at speeds of 15/16 to 3 3/4 inches per second (i.p.s.). The 15/16 i.p.s. recording speed allows nine hours of recording on each side of a .5 mil. tape. This small machine has a complex transport design with easy to operate solenoid switchers, automatic reversing capability, and two remote control

⁶Agreement between the Ada County Board of Commissioners and Harry Englund dated October 22, 1971.

PRESENT EQUIPMENT LIST

<u>AMOUNT</u>	<u>ITEM</u>
2	UHER 4000-IC(I) portable tape recorders including carrying case, charger, batteries and 517 microphone (package)
1	UHER M516 microphone
1	UHER Y connector for 2 UHER M516 microphones
9	UHER Model 5000 tape recorders
4	AKG D 558 noise cancelling microphones, with plugs
1	SHURE connecting cable for mixers
1	SHENNHEISER Saba HD-414 stereo earphones
2	SHURE Model F-261 foot controls (transcribing)
1	SHURE Model HZS22 earphone with volume control
7	SHURE Model S39A microphone desk stands
7	SHURE Model M-68 mixers
10	SHURE Model MS10C microphone floor stands
10	SHURE Model BBI booms
	Cables for connecting UHER to mixer
23	SHURE Model M579S microphones, fitted with cannon plugs

FIGURE 2

functions--microphone and footpedal. Some inexperienced operators find the complex controls confusing; the complex transport mechanism in this machine requires frequent preventive maintenance (cleaning, etc.). The single channel characteristic of this machine limits the operator's ability to ensure a quality recording; a speaker may not be speaking loud enough or a microphone may be malfunctioning without being noticed. The single record/playback head prohibits assurance that the recording is actually on the tape. Transcription from single channel machines can be difficult when recordings are made of more than one person speaking at the same time.

The Shure M68 microphone mixer is a good basic unit but does not have individual or single VU meters to monitor microphone levels. The UHER M516, the AKG D558, and the Shure M579S microphones are excellent low impedance, balanced line components which would be compatible with any audio recording system. The cast iron V microphone table stands and the C clamps provide inadequate acoustic isolation.

3. Present Operations

Under the arrangement between the Board of Supervisors and the district court reporter, the in-court clerks operated the recording machines in the courtroom and kept the log sheet (or index of events, see the attachment to Appendix A-1). The district court reporter was responsible for preparing the transcript from these recordings upon request. The clerks received little or no training in recording machine operations or maintenance.

The in-court clerks will continue to operate the equipment; however, transcription will be provided by two transcribers which are provided in the Court's present budget. An equipment supervisor/transcript coordinator has already been employed.

4. Courtroom Acoustics

Courtroom acoustical characteristics are a main determinant of sound recording quality. The judge's bench, the witness stand, and counsel tables in all the magistrate courtrooms have either laminated or hard wood surfaces. Much extraneous noise is generated by the activity on these surface areas; the C clamps used to secure the microphones to counsel tables in courtroom #6 increase this problem. Courtroom #5, which is at ground level and more susceptible to road noise, does not have drapes on the windows; also, much noise is generated by self-closing doors and swing gates.

5. Tape Storage and Indexing

Recorded tapes are presently stored in a metal cabinet in the clerk's office. The volume of tapes is exceeding the cabinet's capacity; as a result, additional shelving has been ordered for the cabinet.

Tapes are indexed by recording machine letter (A, B, etc.) and date the tape was recorded. There is no method of cross indexing by judge, case number, etc. Since many cases are recorded on one tape, locating the recording of a particular case is difficult.

III. RECOMMENDATIONS

The present equipment and operations used by the Ada County District Court to record and transcribe proceedings in its Magistrates Division are not capable of providing prompt and reliable records of proceedings. The Ada County District Court should take necessary action as recommended to provide this capability to its Magistrate Division. The recommendations are divided into four areas: equipment, operations, acoustics, and tape storage.

One must keep in mind that new audio tape recorders are being introduced at least yearly. The recommendations in this report are based on presently available equipments as compared on the basis of satisfying the following minimum capabilities:

- Four channel recording
- Capability to monitor output record
- Fail-safe devices to prevent erasure and over-recording
- Foot pedal for transcription unit
- Indexing system
- Fast forward and reverse
- Courtroom listening capability
- Open reel equipment
- Compatability between equipments

Also considered were the capabilities delineated by the Nebraska State Court Administrator's Office before purchasing equipment for their tape recorder system. This specifications listing and the forwarding letter are provided in Appendix D.

A. Equipment

Before selecting a specific brand of recording equipment, the Ada County District Court should satisfy itself that good maintenance and repair service will be available. Nebraska has approached this problem by contracting with a particular firm to provide statewide maintenance and repair service. A copy of Nebraska's service agreement is at Appendix E.

Some of the requirements of a courtroom audio recording system are: to provide assurance that court proceedings are being recorded verbatim, to provide recordings which are easily discernable, and to provide recordings

COMPARISON OF EQUIPMENT

Objective	Features	Equipment	*Price	Recording Speed (i.p.s.)
Assurance of recording	Separate playback heads to allow monitoring of tape while recording.	AKAI 1730D-SS	\$350	3 3/4, 7 1/2
		AKAI GX280D-SS	\$650	3 3/4, 7 1/2
		**Sony TC 277-4	\$850	1 7/8, 3 3/4, 7 1/2
		Sony TC 854-4S	\$1800	3 3/4, 7 1/2
Easily discernable	Signal strength meters for each microphone to provide accurate adjustment of level control. Separate channels eliminate possible distorted recording of simultaneous conversation.	AKAI 1730D-SS	\$350	3 3/4, 7 1/2
		AKAI GX280D-SS	\$650	3 3/4, 7 1/2
		Sony TC 277-4	\$850	1 7/8, 3 3/4, 7 1/2
		Sony TC 854-4S	\$1800	3 3/4, 7 1/2
Easily transcribed	Solenoid operated machines allow foot-switch control. Four separate channels provide capability to more easily identify party speaking.	AKAI GX280D-SS	\$650	3 3/4, 7 1/2
		***Sony TC-580	N.A.	1 7/8, 3 3/4, 7 1/2
		Sony TC854-4S	\$1800	3 3/4, 7 1/2

*Prices quoted from the "1973 Buyer's Guide to the World of Tape"

**Must be modified to allow this capability

***A two channel machine modified to allow four channel playback

FIGURE 3

Reporters using the Akai equipment indicate they are satisfied with the equipment's performance during extended use. The Akai 1730D-SS allows tape monitoring while recording and provides four separate signal strength meters; it cannot be used as a transcriber because it has no remote foot pedal capability. The Akai GX280D-SS has both monitoring and remote foot pedal capability and it can be used for both recording and transcribing. The Akai equipment is limited to a minimum recording speed of 3 3/4 i.p.s.

Transcribing from Sony or Akai machines requires an external playback mixer, amplifier, and headphone. This allows listening to one, more than one, or all four of the channels of the recording. A footswitch to control rewind, forward, and fast forward functions is needed for transcription. Additional accessories needed for courtroom recording are microphones, stands, cables, and headphones.

It is recommended that the Ada County District Court replace the present audio recording equipment in its Magistrate Division with Akai four channel equipment. Although the Sony TC-277-4 allows a slower recording speed of 1 7/8 i.p.s., the modifications required to allow monitoring and four channel playback make this equipment much more expensive and could increase maintenance expense. The Sony TC 854-4S and Akai GX280D-SS are comparable machines offering both recording and transcribing capability; however, the Sony TC 854-4S has a much higher price. The Akai equipment satisfies the objectives of a courtroom recording system without expensive modification. Experience with this equipment in recording and transcribing has revealed excellent service records. The single disadvantage to the Akai equipment, the faster record speed of 3 3/4 i.p.s., is not a great limitation. At 3 3/4 i.p.s., a .5 mil 3600 foot tape can permit three hours of recording. The

Akai 1730D-SS should be purchased and installed in magistrate courtrooms-- five at this time. Three Akai GX280D-SS machines should be purchased and used as transcriber units, backup recorders to the Akai 1730D-SS machines, and standby recorders when additional courtrooms are to be used.

The existing microphones in the Magistrate Division are of good quality and can be used with the recommended equipment. Many courtrooms have microphones for their public address systems; with proper installation these microphones can be used for input to the recorders and the public address system can be patched into the recorder's output jack. This would eliminate the present problem of having from four to twelve microphones in a courtroom. Proper installation is as important to good quality sound reproduction as is selection of the proper equipment. It is recommended that a firm experienced in courtroom audio installation be contracted to do this work.

B. Operations

The quality of the audio record is greatly enhanced by effective judicial control of trial proceedings. The judge should remind all participants that they must express themselves verbally rather than through non-verbal communications (e.g., pointing or nodding), and that they must avoid speaking softly or in low tones. To further assure quality sound recording, the judge should restrict unnecessary movement and extraneous speech from observers.

The in-court clerk should continue to operate the recording equipment and keep the log sheet; however, they should be given organized training in equipment operations. It would be best for the people who made the recordings to transcribe them. This would impose additional duties on the in-court clerks; to alleviate the additional workload, the Ada County District Court should employ more in-court clerks, as needed.

Where possible the courts and attorneys should be encouraged to use copies of the audio tape as the record for review. Audio tape duplicating equipment is available to transfer four channel, open reel recordings to single channel, cassette recordings which can be used on standard inexpensive tape recorders. When the printed transcript is desired, attorneys should be encouraged to request transcription of only that portion of the proceedings which is relevant to their appeal.

The Ada County District Court should organize the Magistrates' Division's recording and transcription operation on a cost reimburseable basis. Based on the costs of equipment, maintenance, personnel, and supplies, cost schedules should be developed for the provision of tape duplicating or transcription services. These reimbursements would help defer the cost of providing these services and provide funds for the continuing improvement of the service.

C. Courtroom Acoustics

All courtrooms using audio recording equipment should be examined for acoustical characteristics and the necessary changes made. In all courtrooms table surfaces should be covered with felt type material; where possible, microphone stands should be the acoustical type. Rubber pads should be inserted between contacting surfaces of self-closing doors and swinging gates. It is extremely important to put heavy drapes on the windows of Courtroom #5.

The individuals who install the equipment should be requested to conduct a more thorough examination of the acoustical characteristics of these courtrooms.

D. Tape Storage and Indexing

The Akai machines will use larger reels of tape than the UHER 5000

and will use more tape for recording the same material since their minimum recording speed is 3 3/4 i.p.s. This will necessitate more storage space. The new storage space should be more secure and more control should be exerted over the original tapes.

The present indexing system should be modified to facilitate locating recordings of particular cases. The index information for each tape should include as a minimum the date, the judge's name (no two judges should be on the same tape), a listing of cases on the tape by case name and number with reference to the case's location on the tape.

IV. SUMMARY

The present machines and operations used by the Ada County District Court to record and transcribe proceedings in their Magistrate Division are not capable of providing prompt and reliable records of proceedings. To correct this situation the following recommendations are made:

1. Purchase Akai 1730D-SS recorders and Akai GX280D-SS recorder/transcribers.
2. Use existing microphones and other accessories.
3. Encourage judges to effectively control proceedings to produce good quality audio recordings.
4. Use in-court clerks as machine operators and transcribers.
5. Develop and implement a training program in audio equipment operations for equipment operators.
6. Hire additional personnel (in-court clerks, if they are required to transcribe proceedings).
7. Encourage attorneys to use the audio recording where possible or to request transcription of only that portion of the proceeding needed.

8. Organize the recording and transcription operation on a cost reimburseable basis.
9. Make necessary acoustical improvements.
10. Modify the present tape storage and indexing system.
11. Employ a firm experienced in courtroom audio installation to install the equipment and evaluate courtroom acoustical characteristics.

APPENDIX A

EXCERPTS OF IDAHO COURT RULES
PERTAINING TO COURT REPORTING

APPENDIX A

EXCERPTS OF IDAHO COURT RULES
PERTAINING TO COURT REPORTING

I. Rules of the Court for Magistrate Division of the District Court and District Court:

(5)

Records on Appeal from
Boards or Transfer -- Preparation
of Record -- Time of Filing and
Payment of Fees

The following procedure shall be applicable in any proceeding appealed from a board or officer, or transferred from any board or officer except appeals to the Supreme Court.

A. It shall be the duty of the person charged by law with the keeping of the record and files of a cause from which an appeal or transfer is taken to certify or transmit the record and file to the court to which the appeal or transfer is taken within twenty days following the filing of the notice of appeal or transfer. An additional twenty days shall be allowed for the preparation and certification of a reporter's transcript when required.

B. The provisions of this rule shall be applicable to all appeals from boards or officers and in all cases in which the method, time of appeal and certification of the record on transfer has not otherwise been provided for by the Idaho Code or rules of procedure.

(19)

Supervision and Administration

A. The senior district judge or acting senior district judge in each judicial district shall be responsible for the supervision and administration of the magistrates division of the district court in his district. In addition to the statutory duties set forth in Idaho Code Section 1-907, such judge shall determine the adequacy of the courtrooms for the magistrates division, that such courtrooms are situated in a building not occupied by the judge, members of his family or by other persons for use as a home or for non-judicial business purposes and that such courtrooms are properly furnished including both an American and state flag suitable for display. It is the further duty of such senior district judge to budget for a judicial robe for each magistrate in the district when necessary.

(30)

Local Rules

With the approval of the majority of the district judges in the district, the senior district judge shall supplement these rules by local rules which shall be promulgated and published upon approval of the supreme court.

(34)

Reporting of Proceedings

A. If a party furnishes a stenographic reporter as provided for in Idaho Code Section 1-2212, such reporter, at a minimum, shall be experienced in adversary courtroom proceedings and be certified by the presiding magistrate to report such proceedings. Said reporter's notes or electronic recording tapes shall be filed with the clerk and be thus available for appeal or other purposes. Said reporter by accepting the reporting assignment submits to the jurisdiction of the court in any subsequent order for a transcription of said notes at the rate agreed upon at the time of the hearing.

B. (i) Logs of tapes, etc. -- A log sheet shall be maintained by the operator of the electronic recording device, which shall accompany the record of the proceedings. Such log shall set forth all the essential events that take place in court. The log shall act as an index of such events by referring to the recording medium to identify speakers, direct and cross-examinations, objections, motions and other significant actions that transpire.

The log sheet shall be prepared substantially in the form log sheet of [attachment] hereof.

(ii) Recording medium. -- The reels of tape or other such media together with the box in which it is stored shall be labeled by the operator showing the name of the court, the judge or magistrate thereof, and the inclusive dates when the tape was recorded. It shall be the responsibility of the clerk of the district court to have available an adequate supply of tapes or other recording media for immediate use.

(iii) Storage of tapes or other recording media. -- Under supervision of the senior district judge or his designate, the clerk of the district court shall be responsible for the storage of the tapes or other media and log sheets to prevent tampering with, loss or damage.

(iv) Separate tapes or other recording media shall be used to record the following three civil classifications: (1) domestic relations proceedings, (2) juvenile proceedings, and (3) other civil proceedings.

(v) Separate tapes or other recording media shall be used to record the following two criminal classifications: (1) preliminary hearings, and (2) other criminal proceedings.

(vi) The separate reporting of these classifications shall be maintained unless for compelling reasons the magistrate directs otherwise.

C. Transcripts. -- Transcripts shall be prepared as directed herein and in accordance with these rules. The transcripts must be neat and free from error. The transcriber must not guess as to the spoken word, but shall replay the recording until the exact meaning is understood. If the exact meaning is still indiscernible, the transcriber must indicate such fact on the transcript. The exact meaning must then be settled as provided in these rules for settling of the transcript or by stipulation of counsel.

D. Preservation of tapes, etc. -- The record of civil proceedings may be erased and exhibits returned to the respective parties one year after any available time for appeal has expired unless this time be modified by stipulation of the parties, except that domestic relations and juvenile records shall be maintained indefinitely.

The record of criminal cases, except preliminary hearings, may be erased and exhibits returned two years after any available time for appeal has expired.

The record in preliminary hearings shall be maintained indefinitely until transcribed and settled or erased on order of the magistrate or unless the defendant is not bound over for trial to the district court, in which case the recording may be erased after six months from the date of such decision.

In the event the tape is transcribed and settled pursuant to these rules, it may be erased on the order of the magistrate.

ATTACHMENT

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT

MAGISTRATES DIVISION
_____ COUNTY

_____ TITLE OF ACTION _____ TAPE OR DISC NO.
 _____ DOCKET NO. _____ DATE
 _____ JUDGE _____ TIME
 _____ TYPE OF ACTION _____ OPERATOR
 Jury Non Jury

<u>Parties</u>			<u>Counsel</u>		
<u>Plaintiff(s)</u>	<u>Defendant(s)</u>	<u>Third Party Defendant (s)</u>	<u>Plaintiff(s)</u>	<u>Defendant(s)</u>	<u>Third Party Defendant (s)</u>
1.	1.	1.	1.	1.	1.
2.	2.	2.	2.	2.	2.
3.	3.	3.	3.	3.	3.

LOCATION OF MICROPHONES:

1. Magistrate 2. Witness 3. PA 4. DA 5. Jury 6. Clerk-machine operator

LEGEND:

J - Judge	3D - Third Party Defendant	W1 - Witness No. 1, 2, etc.
P - Plaintiff	DA - Def's Att'y	DX - Direct Exam.
PA - Pl's Att'y	3DA - Third Party Def's Att'y	X - Cross Exam.
D - Defendant	C - Clerk	

which are easily transcribed. Obtaining these objectives with single channel, single head recording equipment is difficult; multi-channel multi-head machines are now available which have the necessary features to meet the requirements of a courtroom audio recording system. The recommended four channel format essentially provides a separate recording for each of the primary participants in a trial: judge, witness, and opposing counsel.

The survey of court systems and reporting firms using four track audio recorders revealed experience with two manufacturers, Sony and Akai. Sony is being extensively used by courts in Nebraska and has been experimentally used in California courts; Akai is used in courts in Alaska and Hawaii and has been used experimentally in California courts. At least one California reporting firm makes extensive use of Akai. A listing of different models, prices, and desired features of these two brands of equipment is presented in Figure 3, p. 11.

Conversations with clerks and court administrators using Sony equipment indicated that they were generally pleased with the equipment. The Sony TC 277-4 must be modified to allow monitoring of the tape while recording; this machine cannot be used as a transcriber because it does not have remote footpedal capability. The Sony TC-580 is a two channel recorder which is being modified to allow four channel playback for transcription; it cannot be modified for four channel recording. Both the Sony TC-277-4 and TC-580 recorders allow 1 7/8 inches per second (i.p.s.) recording and transcribing speed; this is a desirable feature which permits longer recording times per reel of tape and the resulting tape cost savings. The only Sony machine with both recorder and transcriber capability is the Sony TC-854-4S which has a minimum recording speed of 3 3/4 i.p.s.

<u>Index Number</u>	<u>Name of speaker; phase of case; cross examination, etc.</u>	
014	Clerk calls case	(Case is identified on tape)
015	Court identifies participants	(Attys identify self and client)
016	PA opening remarks	
017	P's witness sworn	(Full name of witness)
020	DX by PA	(Important for transcriber)
025	DX continues	
030	X by PA	(Helps transcriber)
036	Objection by PA	(Note interruption and by whom)
038	Court rules on objection	
039	X continues	
042	Redirect by PA	
044	Witness sworn for P; George T. Smith	
045	DX by PA	
052	X by DA	
056	Redirect by PA	
059	Recross by DA	
062	Witness sworn for P; John T. Rustabout	
063	DX by PA	
068	X by DA	
071	D's witness sworn — John D. Hostile	
072	DX by DA	

CONTINUATION SHEET

TITLE OF ACTION _____ DOCKET NO. _____

DATE _____ TAPE OR DISC NO. _____ PAGE NO. _____ OF _____ PAGES

Index Number	Name of speaker; phase of case; cross examination, etc.
076	DX continues
079	X by PA
082	Motion for dismissal by DA
085	Court denies motion
087	Summation by PA
092	Summation by DA
096	Disposition by Court

II. Civil Appellate Rules:

(10)

Upon motion of any party showing good cause therefor and upon notice to all parties, the court may enter an order allowing any party to be allowed to hear the electronic recording tapes of the testimony and to transcribe portions or all thereof at his cost under such conditions as deemed appropriate by the clerk for the preservation of the recording.

A transcript of the record of the evidence and proceedings to be used upon appeal may be procured through these means, but said transcript must be served and then settled as to accuracy of content and style by the magistrate before submission to the district court.

(11)

Procurement of Transcript

Any party desiring to procure a complete record of the evidence and proceedings or any specified parts thereof made during the trial of an action in the magistrates division of the district court for use on appeal to the district court may, in lieu of the provisions of Rule 10, procure a transcript of said proceedings in the following manner:

1. Within five days after the filing of notice of appeal, file a written request, with notice to all parties, directed to the magistrate for an order directing the reporter who took the record stenographically or a transcriber if the case was taken electronically to prepare a transcript of the testimony and proceedings.

2. The magistrate shall thereupon order the preparation of the aforesaid transcript; said preparation, settling and service of the same to be in all respects in accordance with the appellate rules of the supreme court of the state of Idaho, except: (a) one original and two copies shall be prepared; (b) said transcript shall be filed within thirty (30) days after the order, or within such extension of time as the magistrate for cause shall order; (c) said transcript when settled by the magistrate or deemed settled pursuant to the appellate rules of the supreme court shall be filed in the district court.

A district judge may order the preparation of a transcript or any portion thereof if he determines that it is necessary for the determination of the assigned error on appeal and assess the costs thereof to the appellant.

The official record of the case will be the settled transcript or the electronic tapes or reporter's notes if the case is not transcribed. The official court file of the case involved shall constitute the clerk's transcript.

(12)

Copy of Record--Effect--
Charge for Furnishing

In all actions in the magistrates division of the district court in which a transcript of the proceedings or any portion thereof is requested, it shall be furnished and paid for in the following manner:

1. If the transcriber or reporter is employed by the county or under contract by the county to provide transcriber or reporter services, the ordering party shall pay \$1.00 per page for the transcript which shall be prepared according to Rule 25 of the rules; said sum shall be paid to the clerk of the district court and transmitted to the county treasurer for deposit in the current expense fund of the county and credited back to the clerk's budget.

2. If the transcriber or reporter has been retained by a litigant to record or report the proceedings, a per page rate for transcript preparation shall be the sum as agreed upon by the contracting parties and shall be paid directly to the contract transcriber or reporter; provided, however, that if the other party to the proceedings decides to appeal to the district court and desires a transcript of the proceedings or any portion thereof, the other party shall be entitled to the same upon payment to the transcriber or reporter the sum of \$1.00 per page; the transcriber or reporter shall be permitted to retain this sum and it shall be in addition to the amount previously contracted unless otherwise provided in the original agreement.

The reporter's or transcriber's estimate of the cost of the transcript must be tendered in advance before the reporter or transcriber need comply with the order to prepare the transcript; provided, however, when the appellant is a state officer in his official capacity or any state board in its official capacity or by the attorney general or other attorney representing such state officer or board, the reporter's or transcriber's estimate need not be paid in advance.

(22)

Objections to the Record--
When Taken

Objections to the transcript, statement, the notice of appeal or to its service or any objection to the record affecting the rights of the appellant to be heard on the points of error assigned, must be taken within twenty days after the transcript is filed and must be noted in writing and filed at least one day before the argument, or they will not be regarded. In such case the objection must be presented to the court before argument on the merits; provided, that this rule shall not apply to motions to strike from the transcript matters therein contained that are not properly a part of the judgement roll or record on appeal or matters that go to the jurisdiction of the court to hear the appeal.

(23)

Joint Use of Transcript

When separate appeals or cross-appeals are taken, only one transcript need be prepared or filed. Each party shall be entitled to use the same and have included therein such parts of the record to which he is entitled, if he shall pay to the reporter, transcriber, or clerk the fees, or to the opposite party, or to the reporter, transcriber or clerk for such opposite party if he has already paid therefor, his proportionate share of the costs thereof at each state of the proceedings when due. Such costs will be ultimately taxed dependent upon the outcome.

(24)

Typewritten Transcript Procedure

Where the appellant desires to obtain a transcript, due diligence shall require that application for an order of the magistrate directing the reporter or transcriber to prepare such transcript, if not made before the appeal is taken, be made within five days after the perfecting of such appeal; and upon such order being made it shall be filed forthwith with the clerk of the district court from which the appeal was taken, and a copy thereof shall be served by appellant upon the reporter or transcriber.

(25)

Requirements as to Preparation of Records and Briefs

All prepared transcripts, petitions, applications, motions, briefs or other records or documents to be filed herein shall be as specified herein:

1. Typewritten. All reporters' transcripts shall be clearly and legibly typed on white, unglazed paper 8 1/2 x 11 in size and not so thin as to be transparent. All copies are to be signed in ink as is an original. Small pica standard solid, ten letters to the inch or proportional spacing or substantially the same size and spacing is the smallest letter and most compact and extended mode of composition allowed. Black record ribbon and carbon paper shall be used; however, in lieu thereof electrostatically produced copies, which are preferred by the court, may be furnished which shall be at least as readable as good carbon copies. Temporary reproduction methods and mimeograph or spirit duplicating are not allowed. There shall be a margin of 1-1/2 inches at the top and one inch at the left side of the page. The pages shall be numbered at the bottom and fastened at the left. The lines shall be double spaced except where there are quotations and citations listed in the brief.

There shall be a left margin sufficient that the binding of the pages will not interfere with the reading, but in no event be greater than 1-1/2 inches wide; and a right margin sufficient that a writing block of not less than 6-1/2 inches can be maintained. Transcripts shall be bound with substantial stiff covers of cardboard, acetate, or other equivalent covers, fastened at the left edge so as to open as flat as possible.

Each page of a transcript must be numbered at the bottom in the center of the page. The lines of each page shall be double-spaced with 25 lines to the page, each line numbered in the left margin. However, quotations, citations, and parenthetical notes may be single-spaced. All indentations for paragraphing and the Q and A in the reporter's transcript shall be seven spaces, with subsequent lines extended to the left margin. If a new witness' testimony commences below the middle of a page the new witness' testimony may be commenced on the following page.

Each volume of a transcript shall contain no more than 300 pages unless the transcript can be completed in 350 pages.

Each page after the title page shall contain in the lower right-hand corner thereof on the line of the page number the surname, unless there be more than one witness having the same surname, then the initials also, of the witness whose testimony is there set forth, together with a notation indicating whether called by plaintiff or defendant, designated by "Plf" for the plaintiff, "Dft" for the defendant, and "St" for the state, and whether for direct or cross examination, designated by "Di" for direct and "X" for cross examination.

2. Process Printed. Process-printed documents must be prepared in the same manner and form required for printed or typewritten documents; provided, that where process-printed brief is filed in lieu of printed brief the sheet may be 11 inches long by 8-1/2 inches wide. (Mimeograph or stencil sheet method not permitted.)

The clerk is authorized to refuse to file any document not clearly and distinctly legible and complying with this rule.

(26)

Arrangement of
Reporter's Transcript

In the event a transcript is prepared it shall be in all respects in accordance with the supreme court rules.

Whenever the word reporter is used, this shall include a transcriber or other person designated to prepare the record.

(27)

Certificate as to Papers
Used on Contested Motion

The transcript or record on appeal shall show that there is attached to or made a part of it all orders made by the magistrate disposing of a motion for a new trial or any other contested motion, a certificate substantially as follows, signed by the magistrate, to-wit:

"It is hereby certified that the following papers, to-wit:
_____, all of which are of the records or files
in this case, were submitted to the magistrate and by him used on the hearing
of the motion for a new trial (or any other such hearing) and constitute all the
records, papers, and files used or considered by said magistrate on such
hearing."

(28)

Augmentation or Deletion
of the Record

Any parties desiring to augment the record shall serve and file a motion
therefor, specifying particularly the desired addition or deletion and reasons
therefor; or the same may be corrected by stipulation of counsel in writing. If
not corrected by agreement, motion therefor must be served on opposing counsel
and files in the court.

(32)

Extension of Time Generally

The time prescribed by these rules for any act except for jurisdictional
periods may be enlarged by the court or a judge thereof for cause on motion.

(34)

These rules shall govern trial procedure and appellate procedure
in the magistrates division of the district court and the district court.

III. Criminal Appellate Rules:

(1)

Who May Appeal

Either party in a criminal action in the magistrates division of the district court may appeal to the district court on questions of law alone as prescribed in these rules.

(9)

Record on Appeal

Civil rules of appeal of district court shall be applicable to appeals herein; provided, however, that when such record is requested by a defendant or his attorney on an appeal in a criminal action where after conviction it appears to the satisfaction of the magistrates division of the district court that the accused is poor and unable to procure such record, the court shall order the transcript prepared at county expense.

APPENDIX B

PRICES PAID FOR OLD EQUIPMENT

Amount	Item	Prices Paid by Ada County for Used Equip.	1971 Prices for New Equip.	Prices for New Equip.
2	UHER 4000-IC(L) portable tape recorders including carrying case, charger, batteries and 517 microphone (package)	\$900.00	*\$759.00	
1	UHER 517 microphone	82.50	*67.00	
1	UHER Y connector for 2 UHER 517 microphones EACH PORTABLE CAN BE PURCHASED FROM SUPPLIER FOR...	11.00 @698.50	*11.00 @585.00	
9	UHER Model 5000 tape recorders EACH #5000 CAN BE PURCHASED FROM SUPPLIER FOR...	3375.00 @515.00	*3015.00 @*500.00	
4	AKG D 558 noise cancelling microphones, with plugs	252.00		#240.00
1	SHURE connecting cable for mixers	1.00		1.00
1	SHENNHEISER Saba HD-414 stereo earphones	42.50		#42.50
2	SHURE Model F-261 foot controls (transcribing)	35.00		35.00
1	SHURE Model HZS22 earphone with volume control	20.00		20.00
7	SHURE Model S39A microphone desk stands	126.00	+117.60	
7	SHURE Model M-68 mixers EACH ADDITIONAL CAN BE PURCHASED FROM SUPPLIER FOR...	595.00 @150.00	+588.00	@%87.60
10	SHURE Model MS10C microphone floor stands	120.00	+129.00	
10	SHURE Model BBI booms	120.00	+103.50	
	Cables for connecting UHER to mixer	N.C.		
23	SHUR Model M579S microphones, fitted with cannon plugs EACH ADDITIONAL MIKE CAN BE PURCHASED FROM SUPPLIER FOR...	1150.00 @ 85.00	+1035.00	
		\$6830.00	\$5825.10	\$338.50

*Prices acquired through LeBeck's Business Equipment Corporation,
Sacramento, California.

#Prices acquired through Zackit Electronics, Sacramento, California.

%Prices acquired through Photo & Sound Company, Sacramento, California.

+Prices acquired through Shure Brothers, Evanston, Illinois.

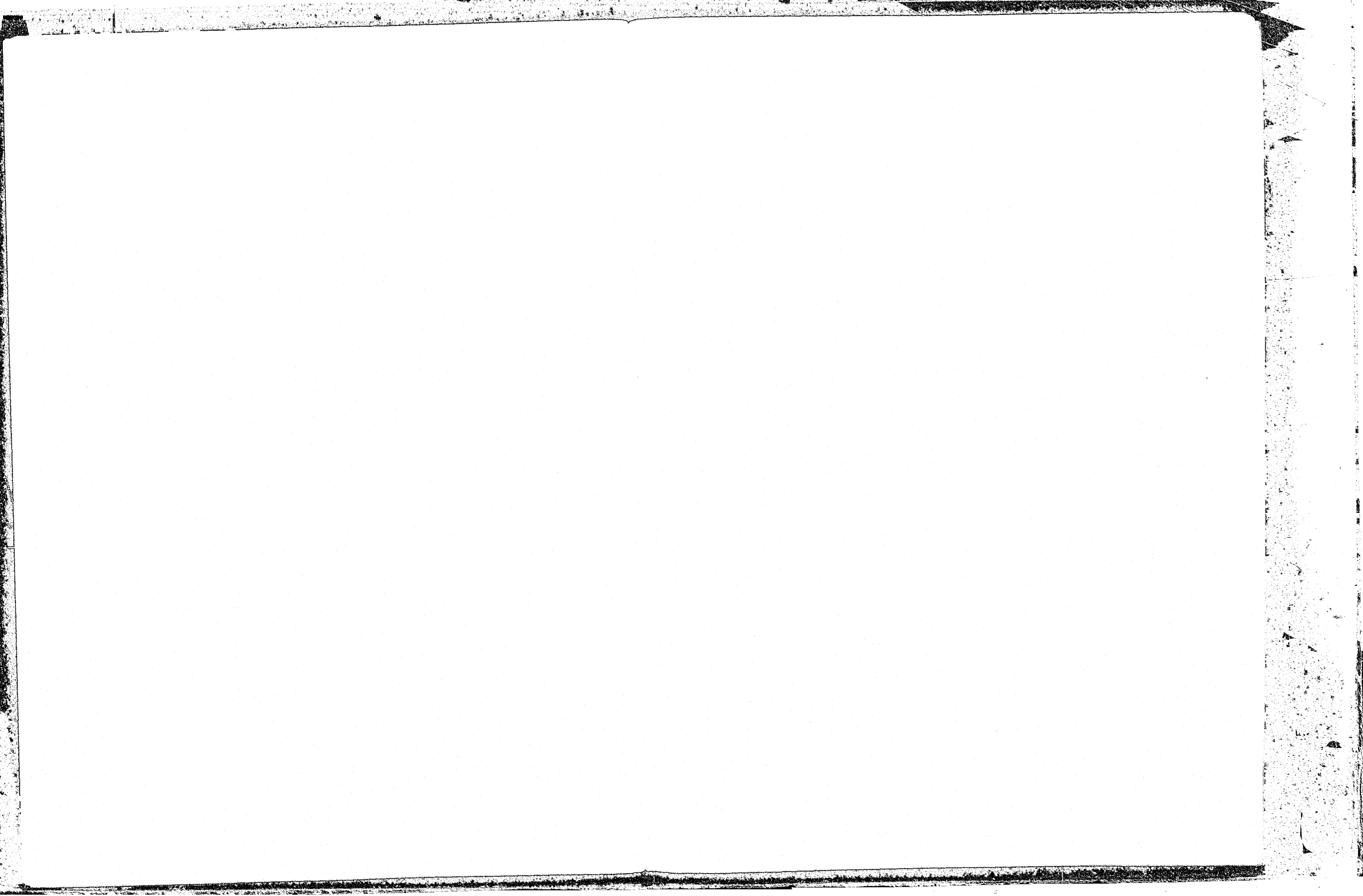
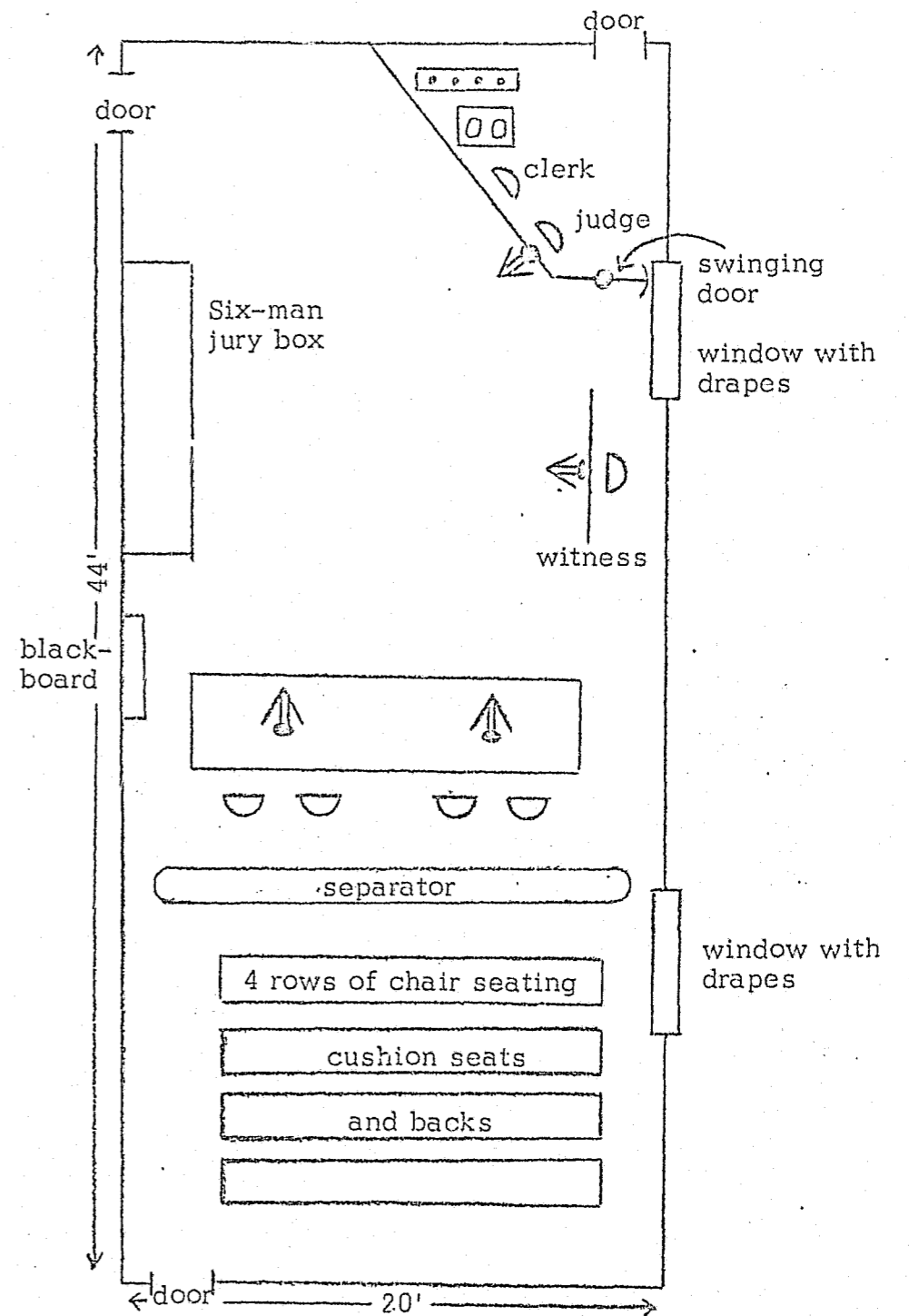




DIAGRAM
Traffic Court #1



 --- Microphone --- 4 Shure 579 SB microphones
 counsel and witness on floor stands
 judge's on mike stand - cast iron on 3 rubber toes

 --- Recorder --- 1 UHER Universal 5000A

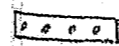
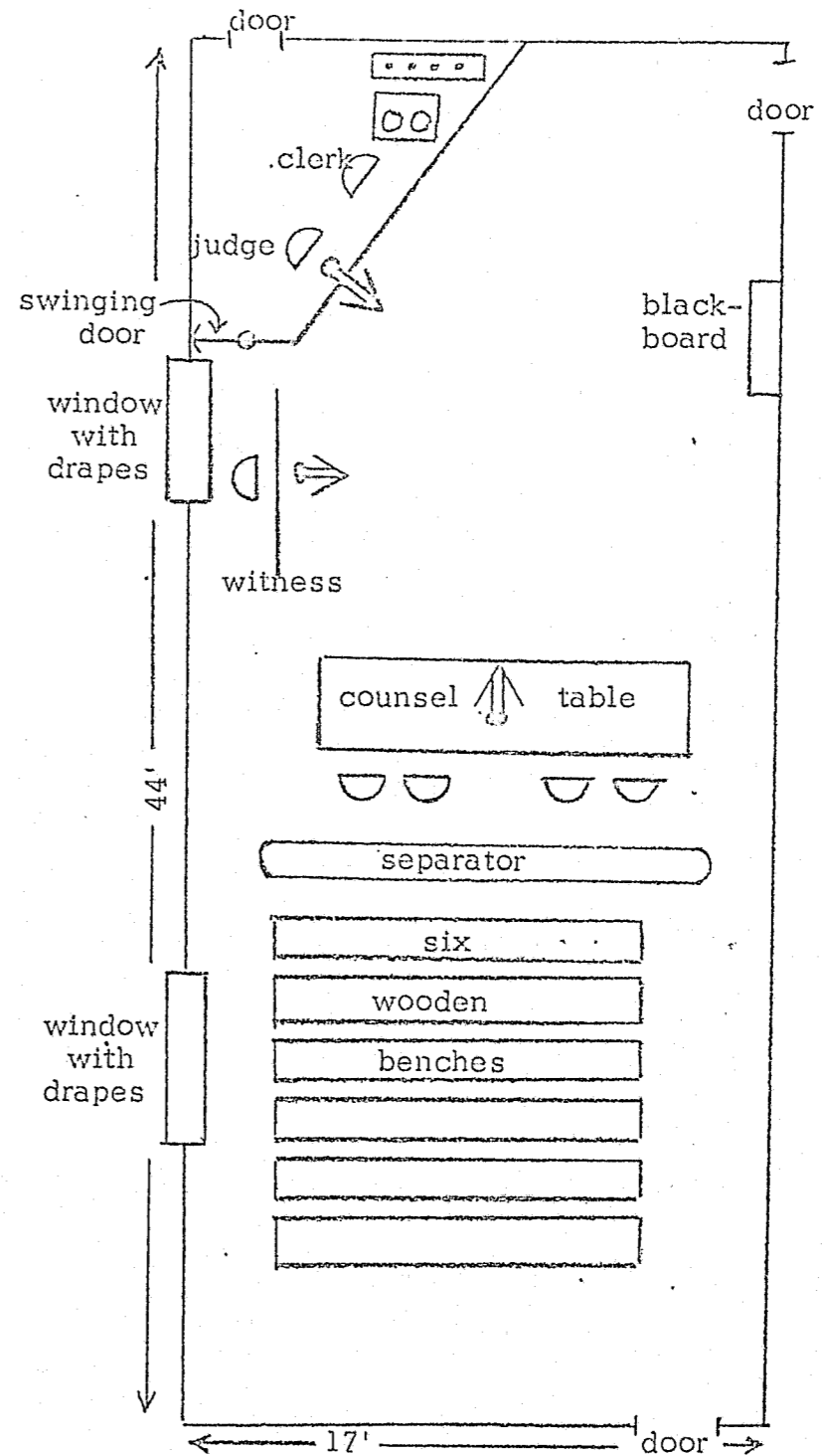


 --- Mixer --- 1 Shure M68 Microphone Mixer

DIAGRAM
Traffic Court #2



 ---Microphone --- 3 Shure 579 microphones
 counsel and witness on floor stand
 judge's on Shure insulated stand

 ---Recorder----- 1 UHER Universal 5000A

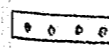
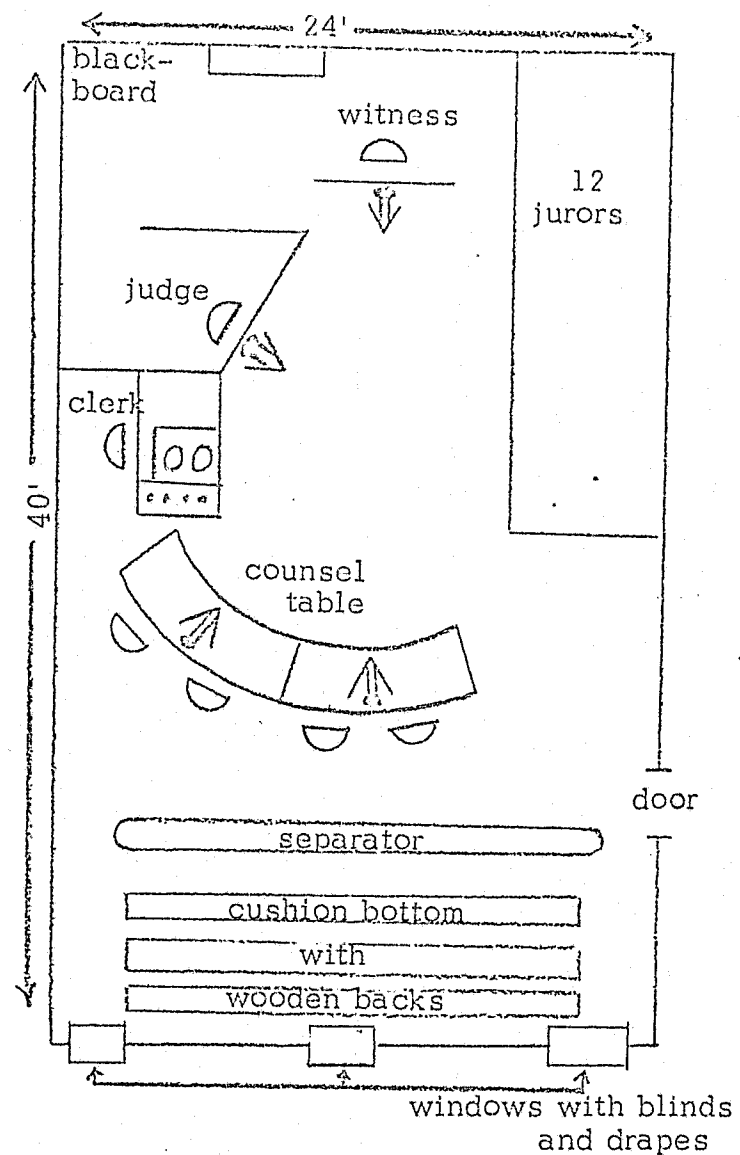


 ---Mixer----- 1 Shure M68 Microphone Mixer

DIAGRAM
 District Courtroom #3
 Third Floor



 --- Microphones --- 4 Shure 579 SB Microphones on cast iron V-stands

 --- Recorder-----1 UHER Universal 5000

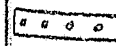
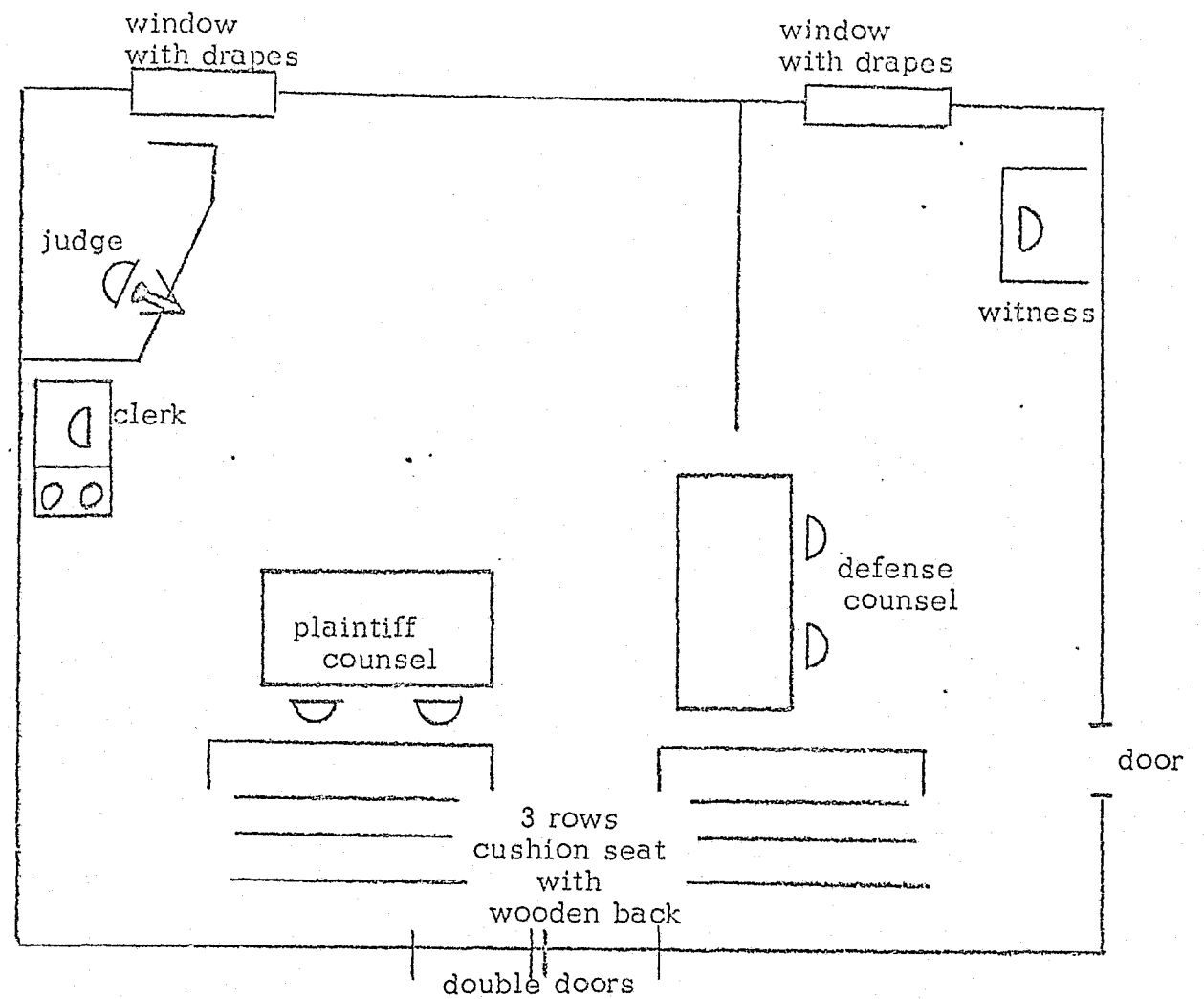


 --- Mixer-----1 Shure M68 Microphone Mixer

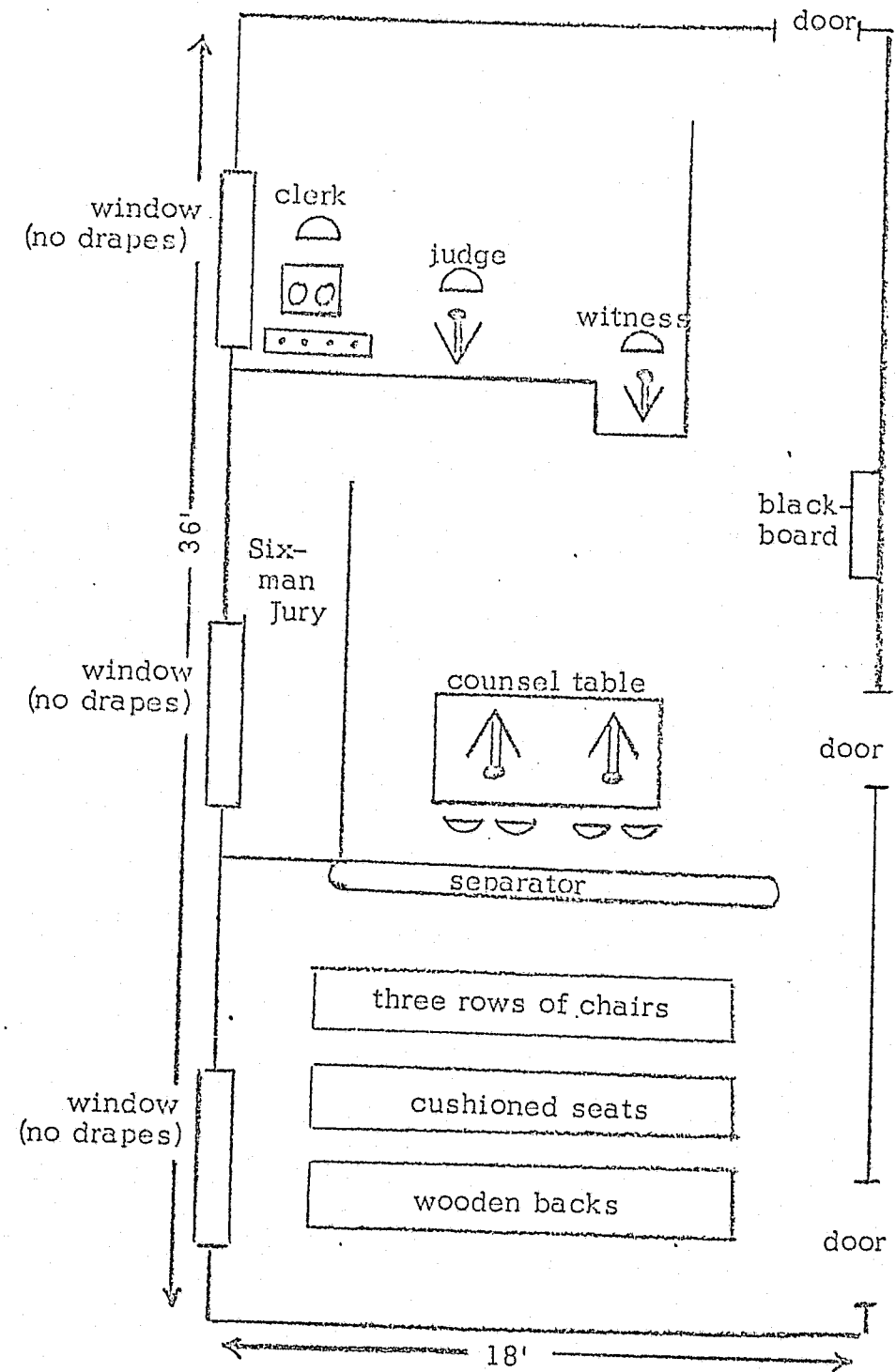
DIAGRAM
 District Courtroom #4
 Third floor



-  --- Microphone --- 1 Uher M516 microphone on judge's bench
-  --- Recorder --- 1 Uher 4000 Recorder

Bogen Intercom systems in Courtrooms 3 and 4
 4 microphones available on Bogen intercom

DIAGRAM
Courtroom #5
Street Level







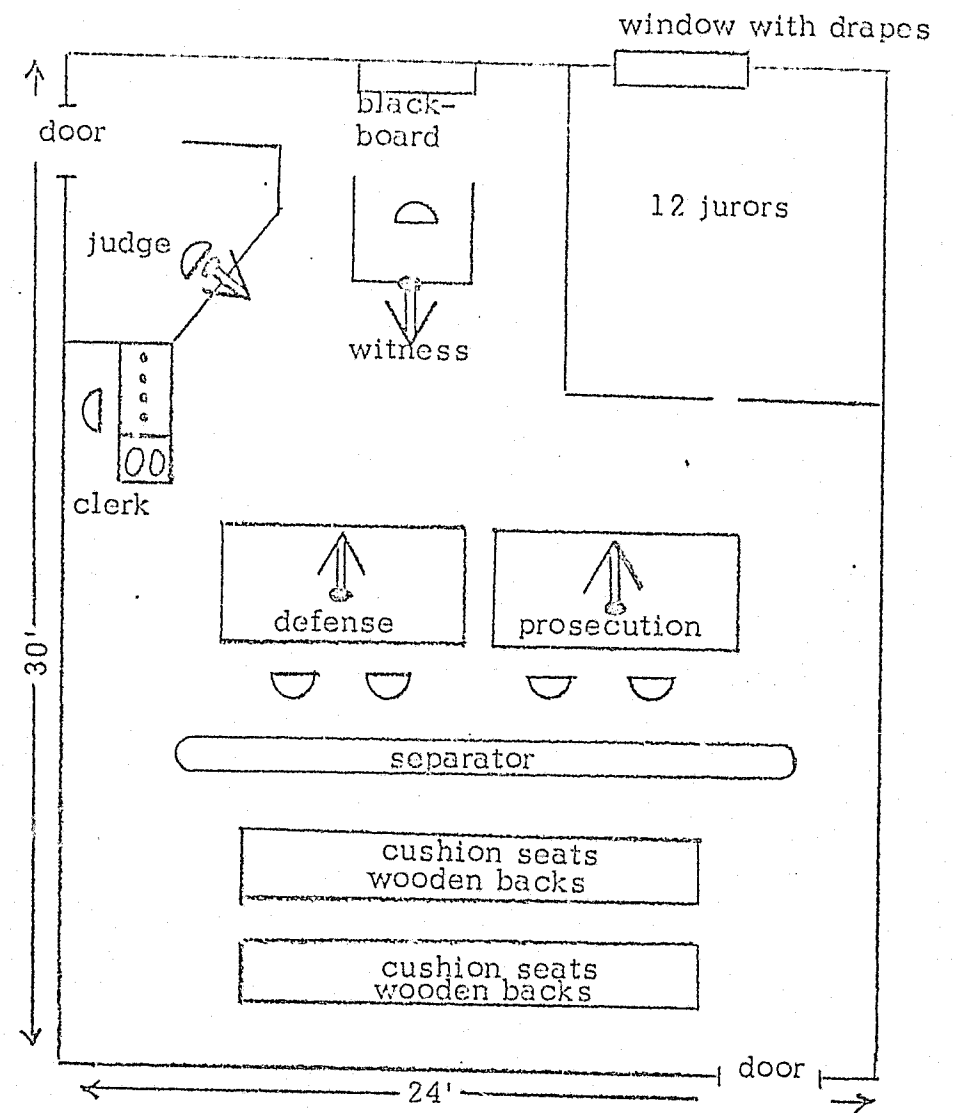


-  --- Microphone --- 3 Shure 579 SB microphones
 judge's on Shure insulated stand
 two counsel mikes on floor stands with booms
-  --- Recorder --- 1 UHER Universal 5000 recorder
-  --- Mixer --- 1 Shure M68 Microphone Mixer
-  --- 1 AKG D109 lavalier microphone for witness

DIAGRAM
Courtroom #6
Second Floor



 ---Microphone --- 4 AKG D558B (two clamped on front of counsel tables with extensions; one mounted on the bench with a Shure 539A Vibration-Isolation Microphone stand with extensions; one mounted on the witness stand with a cast iron V mount with extensions)

 ---Recorder----- 1 UHER Universal 5000 single track


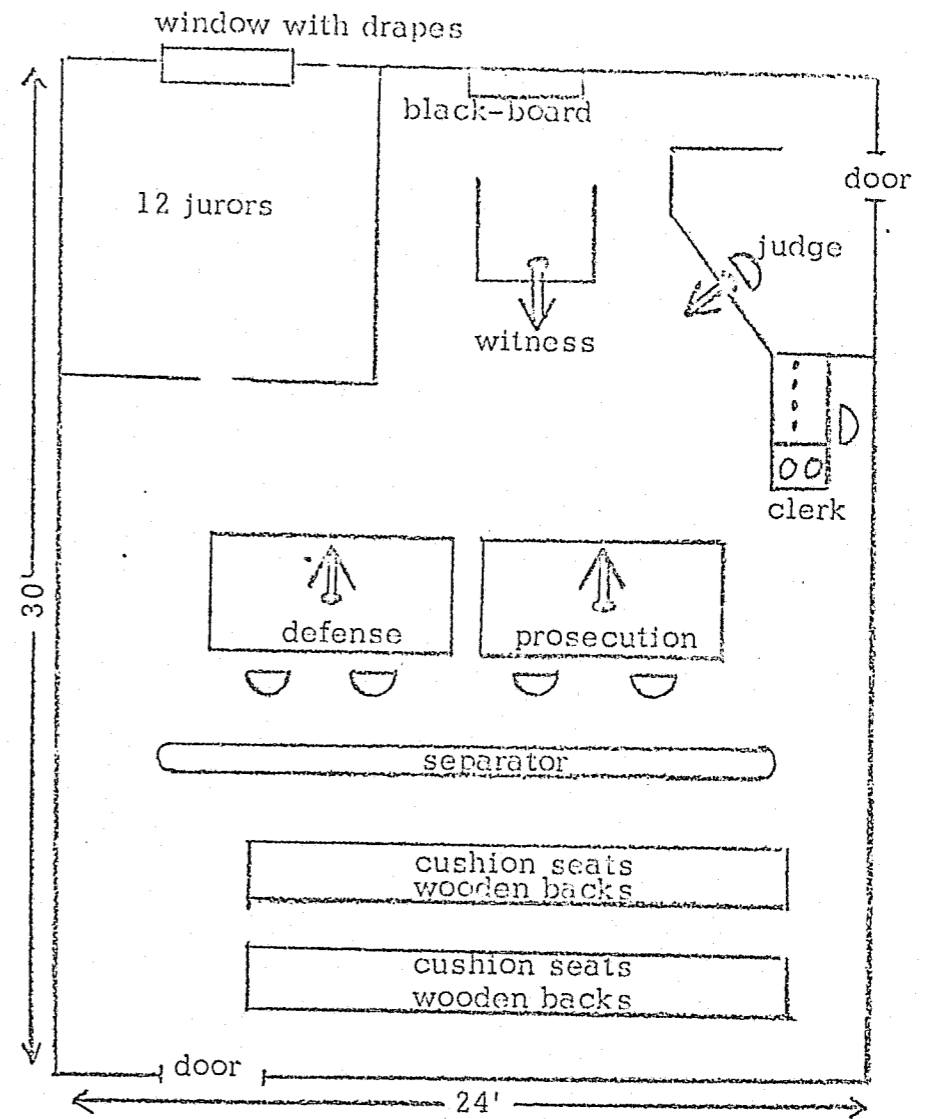
 ---Mixer----- 1 Shure M68 (4 microphones)

DIAGRAM
 Courtroom #7
 Second Floor



↓ ---Microphone ---4 Shure 579SB microphones; three on V cast iron stands;
 judge's on Shure insulated stand

00 ---Recorder----- 1 UHER 5000

---Mixer --- 1 Shure M68 Microphone Mixer

APPENDIX D

SPECIFICATIONS LIST FOR THE
NEBRASKA TAPE RECORDER SYSTEM

APPENDIX D
SPECIFICATIONS LIST FOR THE
NEBRASKA TAPE RECORDER SYSTEM

DESCRIPTION:

Courtroom Multi-Channel Tape Recorders.

SPECIFICATIONS:

1. Recorders must have a minimum of Four (4) separate channels capable of recording a signal as well as transcribing from any one channel or all at once.
2. An instantaneous monitoring capability for the operator, separate from the channel requirements listed in (1) above.
3. Recording and transcribing from the same machine.
4. Light weight.
5. Able to be moved around from county to county easily.
6. Fast Forward and Reverse switch.
7. Has remote foot pedal control for transcribing.
8. Four-digit tape counter.
9. Handle various size tapes.
10. Volume Indicator (VU Meter).
11. Transcriber can select one channel or hear all channels at once. (MIXER)
12. Multiple Speed Control. --Off-set by Hysteresis Synchronous Torque Motors
13. Volume Control for each channel.
14. Signal indicator, (if tape has previous voice on machine it will not record over signal).
15. Uses magnetic tapes capable of being erased and reused.
16. Speed Control for transcribing.

17. Delivery Date on or before January 1, 1973.
18. Headsets and foot pedal controls, all standard equipment and supplied as part of the machine.
19. Amplifier and speaker in machine for playback.
20. High quality Directional and Non-Directional microphones.
21. Must have model available for demonstration and instruction in Lincoln, December 4 thru 8, 1972.

PAUL W. WHITE
CHIEF JUSTICE

State of Nebraska
Supreme Court

LINCOLN
68509

JAMES E. DUNLEVEY
STATE COURT ADMINISTRATOR

DONALD CULLEN
ASSISTANT ADMINISTRATOR

ALAN M. WOOD
TRAFFIC COURT COORDINATOR

January 23, 1974

Mr. Ernest Short
3200 5th Avenue
Sacramento, California

Dear Mr. Short:

I have been asked by Mr. Dunlevey, the State Court Administrator, to reply to your request for information on our tape recorder system in Nebraska.

The first thing we did was draw up the enclosed 19 specifications. Only two companies responded, Sony and Dictaphone. After comparing various prices and models we decided to purchase the Sony line. All specifications were met except numbers 14 and 16, and number 3 for the Model TC 277-4 was too expensive to modify.

<u>Make</u>	<u>Model</u>	(includes modifications <u>Price for specifications</u>)	<u>Quantity</u>
Sony	TC 854-4	\$2,000	4
Sony*	TC 654-4	1,100	35
Sony	TC 277-4	650	59
Sony**	106-AV	190	17
			115 Total

*This Sony model is no longer in production.

**This model is a single track recorder for our least populated counties.
(less than 50 cases per year)

Also enclosed you will find a copy of the "Service Agreement" contract entered into by the Hugo Heyn Company (the supplier of the recorders) and the Supreme Court. The cost of this maintenance agreement is \$1,020 per month.

Sincerely,



Donald Cullen
Assistant Court Administrator

DC:rb
Enclosure

APPENDIX E

NEBRASKA'S MAINTENANCE AND
REPAIR SERVICE AGREEMENT

CONTINUED

1 OF 2