

From: [Amy Shankleton-Novess, Modern Court Reporting & Video, LLC](#)
To: [ADMcomment](#)
Subject: ADM File No. 2018-35 Proposed Amendment of Rule 8.108 of the Michigan Court Rules
Date: Friday, January 31, 2020 3:00:55 PM

As a certified electronic reporter since 1979 and freelance business owner since 1988, I am very concerned about this proposed change to the court rules and would respectfully request that it not be adopted.

The first point I could make is that many of the court clerks are already extremely busy. The practice of them having to keep track of transcript requests, payments and shipping; making the copies, communication with the requesting parties, retrieve old transcripts, perhaps even from archives or their court files would place extra and unnecessary burden on the clerk's office.

My understanding is that there is concern that parties wishing to obtain copies from the original transcriber may result in differing versions of the same proceeding. We do often have requests for copies of transcripts already filed in court. We maintain a database that would prevent duplication of transcripts that are already prepared. My company presently transcribes court transcripts for 15 counties in the state of Michigan, including circuit, district, probate, juvenile and Friend of the Court hearings. Some of these counties are phasing out the positions of court reporters and recorders and proceedings are digitally recorded utilizing a certified electronic operator (CEO) or even a court clerk who is not certified or tested. Through attrition, reporters and recorders are leaving the courts, which leaves a heavy burden on freelance firms to assist in the transcript production. Our overhead costs have increased astronomically since my firm started serving the courts. As the courts update their programs and systems, we must accommodate our systems to be able to even serve the courts. We used to prepare transcripts from audiotapes on Selectric correcting typewriters using a very expensive cassette transcriber -- purchased at our costs. Many of the courts updated to using the videocassette recording (JAVS) system so we had to purchase the proprietary transcribers at sometimes a cost of \$900-\$1200 each. We started production on computers around 1990 requiring very expensive investments, not only of the equipment and software but I.T. personnel to keep us up and running. As the courts segue to using digital recordings, we again are required to update systems and programs such as install and pay for high-speed internet to upload the recordings. Cost of transcription for the transcription personnel I use has increased dramatically from 80 cents per page to now \$1.65 per page. Our profit margin is dwindling and we accordingly need the copy rate to be able to even pay the considerable overhead costs we shoulder. If the costs of the copies is eliminated, the freelance firms may be forced to pursue other fields, leaving the courts with fewer certified and qualified transcriptionists available to prepare transcripts. This could result in transcript backlogs on appeal cases and the many other transcript requests.

I fear jurisprudence as we know it may change dramatically in Michigan if this rule is adopted. I could not close without noting that we have not had a page rate increase since 1988, which also places a tremendous burden on our ability to continue serving the courts.

Thank you for considering all the comments that have been offered regarding this issue.

Respectfully submitted,

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Subject: Proposed Court Rule change
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To the reviewing committee, I would like to please add one more comment, which is that the legislators in the state of Michigan enacted MCL 600.2543 in 1988 and it was signed into law and took effect, and I have quoted:

**"REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961**

600.2543 Circuit court reporters or recorders; fees for transcripts; fees as part of taxable costs.

Sec. 2543.

(1) The circuit court reporters or recorders are entitled to demand and receive per page for a transcript ordered by any person the sum of \$1.75 per original page and 30 cents per page for each copy, unless a lower rate is agreed upon. For a transcript ordered by the circuit judge, reporters or recorders are entitled to receive from the county the same compensation."

It is a law in the state of Michigan that we are to be compensated for the transcript copy, "...30 cents per page for each copy..."

Should court reporters and recorders be denied their lawful right to the copy rate as granted to us by the Michigan legislature?

Thank you.

Respectfully submitted,

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