



**Michigan Court Reporting and
Recording Board of Review**

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February 16, 2021

Mr. Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

Dear Clerk Royster:

The Michigan Court Reporting and Recording Board of Review (Board) would like to express its support for a proposed amendment to Michigan Court Rule 2.302. The proposed amendment would require transcripts of an audio or video recording to be filed with the trial court.

A brief background of the issue will help explain why the change is necessary. The Board received a complaint against a court reporter in December 2019, alleging a transcript of a jury trial was inaccurate because it did not include a portion of a recording played at trial. During the Board's review of the complaint at the March Board meeting, various practices were noted with regard to how a court reporter handles a portion of video or audio recording played at a court hearing and if those recordings must then be transcribed.

In the particular complaint before the Board, the official transcript did not include a portion of a recording played at the trial; the court reporter simply included a parenthetical reference in the transcript, indicating the portion of the tape that had been played. The complainant maintains that the recording not included in the official transcript was important for appeal purposes. Although the court reporter explained why she did what she did, her explanation and the variety of practices expressed by the court reporters on the Board did not resolve the issue on a larger scale.

The Board determined that the Court Reporters and Recorders Manual does not provide clear guidance that a recording played in a proceeding must be included word-for-word in the official transcript or be submitted in a separate transcript. After the ensuing discussion, the Board recommended that a court rule change would help provide clear guidance and standard practice for court reporters. Therefore, the Board supports the proposed changes to MCR 2.302, which would require transcripts of audio and video recordings intended to be introduced as an exhibit at trial.

Respectfully,

Colleen A. O'Brien
Judge, Michigan Court of Appeals
Chair, Michigan Court Reporting and
Recording Board of Review