



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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August 28, 2009

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Suite 3021
Sacramento, California 95814

Mr. Gregory P. Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: Report to the Legislature on Electronic Recording Equipment Purchased and
Leased by the Superior Courts, Required by Government Code Section 69958

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

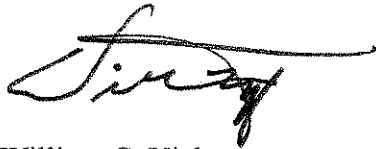
Attached is the Judicial Council report on the purchase and lease of recording equipment by superior courts for the period January 1 through June 30, 2009, as required under Government Code section 69958 (Stats. 2004, ch. 227).

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If you have any questions related to this report, please contact Stephen Nash, Director, Administrative Office of the Courts (AOC), Finance Division, at 415-865-7584 or Christine Patton, Regional Administrative Director, AOC Bay Area/Northern Coastal Region, at 415-865-4099.

Sincerely,



William C. Vickrey
Administrative Director of the Courts

WCV/VM

Attachment

cc: Members of the Judicial Council

Ronald G. Overholt, AOC Chief Deputy Director

Brian Brown, Consultant, Senate Committee on Budget and Fiscal Review

Matt Osterli, Fiscal Consultant, Senate Republican Caucus

Joe Stephenshaw, Consultant, Assembly Budget Committee

Allan Cooper, Consultant, Assembly Republican Fiscal Office

Sheila Calabro, Regional Administrative Director, AOC Southern Region

Jody Patel, Regional Administrative Director, AOC Northern/Central Region

Christine Patton, Regional Administrative Director, AOC Bay Area/Northern Coastal Region

Stephen Nash, Director, AOC Finance Division

Donna Hershkowitz, Assistant Director, AOC Office of Governmental Affairs

Henry Sepulveda, Senior Governmental Affairs Analyst, AOC Office of Governmental
Affairs

Judicial Administration Library (two copies)

Report on Purchase and Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2009)

Background

Government Code section 69957, as of June 30, 2009, provided that when an official reporter or official reporter pro tempore is unavailable, approved recording equipment and recording monitors may be used during specific types of proceedings. The section further specifies that this equipment “shall only be purchased for use as provided by this section. A court shall not expend funds for electronic recording technology or equipment to make an unofficial record of an action or proceeding or to use that technology or equipment to make the official record of an action or proceeding in circumstances not authorized by this section.”¹

Government Code section 69958 includes the following related reporting requirements:

Each superior court shall report to the Judicial Council on or before October 1, 2004, and semiannually thereafter, and the Judicial Council shall report to the Legislature on or before December 31, 2004, and semiannually thereafter, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings, specifying all of the following:

- (a) The Superior Court in which the equipment will be used.
- (b) The types of trial court proceedings in which the equipment will be used.
- (c) The cost of purchasing, leasing, or upgrading the equipment.
- (d) The type of equipment purchased or leased.

Purchases and Leases of Recording Equipment

Administrative Office of the Courts (AOC) staff recently surveyed all 58 superior courts to obtain the information required by Government Code section 69958 for the period January 1 through June 30, 2009. Eight courts indicated that they had purchased or leased

¹ Government Code section 69957 was amended, effective July 28, 2009, to provide, in relevant part: “Whenever an official reporter or an official reporter pro tempore is unavailable to report an action or proceeding in a court, subject to the availability of approved equipment and equipment monitors, the court may order that, in a limited civil case, or a misdemeanor or infraction case, the action or proceeding be electronically recorded, including all the testimony, the objections made, the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments of the attorneys to the jury, and all statements and remarks made and oral instructions given by the judge. A transcript derived from an electronic recording may be utilized whenever a transcript of court proceedings is required. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use and shall only be purchased for use as provided by this section. A court shall not expend funds for or use electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in circumstances not authorized by this section.”

electronic recording equipment or related items for use in court proceedings during this period. The required information about these transactions appears below.

The Superior Court of Kern County spent \$19,941 to purchase the following: 2 Firepod mixers, 2 external hard drives, 3 Linksys switches, 2 Firewire repeaters, 1 Symantic software license, 2 Track-It software licenses, and software support and maintenance. This hardware and software was an upgrade or replacement of existing systems and was purchased for the purpose of internal note-taking in traffic, misdemeanor and limited civil cases. Consistent with amendments to Government Code section 69957, the court has ceased using this equipment for internal note-taking and continues to use the equipment to create the official record in traffic, misdemeanor, and limited civil cases.

The Superior Court of Monterey County spent \$9,000 to purchase a Biamp Audia digital processor and amplifier. This equipment was not a replacement or upgrade. This equipment was purchased to create the official record in misdemeanor cases.

The Superior Court of Sacramento County spent \$19,385 to purchase the following: 3 4-channel Liberty Court Recorders, 3 mixers, 3 USB audio device interfaces, 3 external digital 2-sided clock displays, 12 Shure microphones with base, 9 Shure omni cartridges, 3 Shure supercardioid cartridges, 3 JCG support services packages, and installation and training. The equipment was an upgrade or replacement of existing equipment. It was purchased to create an official record in misdemeanor arraignments and limited civil law and motion proceedings, and the unofficial record in unlimited civil law and motion proceedings. In August 2009, the court notified the AOC that it would cease the practice of making an unofficial record in unlimited civil law and motion proceedings consistent with Government Code section 69957. The third set of equipment will be used as replacement parts for the equipment in the two misdemeanor arraignment courtrooms.

The Superior Court of San Bernardino County spent \$9,450 to purchase 2 FTR ReporterDeck 2 digital recording management solution systems with external clock display and an annual service agreement. This was not an upgrade or replacement of existing equipment. The equipment was purchased to create the official record in unlawful detainer in limited civil cases and small claims trials.

The Superior Court of Santa Clara County spent \$8,925 to purchase two sets of the following: Liberty Digital Recorder Software and Liberty Digital Player Software, 4-channel PC encoder cards, custom cables, support services packages, and installation costs. This was not an upgrade or replacement of existing equipment. The equipment was purchased to create an official record in misdemeanor and traffic hearings, and for internal note-taking for judicial officers for small claims proceedings. Consistent with amendments to Government Code section 69957, the court has notified the AOC that it will use the equipment in small claims for internal purposes consistent with the code.

The Superior Court of Solano County spent \$11,110 to purchase two each of the following: 4-channel LCT-004 Liberty Court Recorder (LCR 0907-01694), MX6/4 mixer, USB U46 audio device interface, and LBP-000 player software. The equipment is

not a replacement or upgrade of existing equipment. The equipment was purchased to create the official record in misdemeanor proceedings.

The Superior Court of Sonoma County spent \$33,582 on the following: 5 4-channel Liberty recorders, 5 mixers, 5 USB audio interfaces, 20 cartridges, 30 microphones, 1 external digital clock display, installation, training, and freight. The equipment is not an upgrade or replacement of existing equipment and will be used to create the official record in misdemeanor proceedings.

The Superior Court of Ventura County spent \$1,451 to purchase 10 M-Audio Delta soundcards. The equipment is an upgrade of existing equipment and was purchased to create the official record in limited civil cases, small claims, trials de novo, and traffic and criminal misdemeanors and infractions.

The total amount spent by all superior courts on the purchase or lease of electronic recording equipment during this reporting period was \$112,844.