

Province wants to eliminate court reporters

New system would see typing pools make transcripts from recorded trials

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Court reporters may soon become a thing of the past if the McGuinty government gets its way.

The province wants to replace the reporters with court monitors who would digitally record the proceedings.

The recordings would then be farmed out to regional typing pools across the province where transcripts would be prepared.

Court reporters say the plan would take away work and cut their incomes in half.

"I can't survive without the money I receive from transcripts," says Eva Beattie, who feels the government is denigrating the important role of reporters in preserving the integrity of court records.

She doesn't see how the administration of justice gains by having transcripts prepared by people who didn't hear the case and have no specialized training in legal or court procedures.

"It's like putting a novice in the kitchen with a recipe and a few ingredients and expecting a gourmet meal to come out," says Beattie, who works in the Brockville courts. "That's not how things work."

Most of the 700 part-time reporters across the province depend on the revenue generated by transcripts to make ends meet.

Under the proposed model of the Ministry of the Attorney General, the ministry intends to scoop that money despite a 2006 grievance ruling that said "the preparation and certification of transcripts was bargaining unit work of the court reporters."

The Ontario Public Service Employees Union (OPSEU) has walked away from the bargaining table over the issue and registered its opposition with Attorney General Chris Bentley.

"In our view, your ministry's plan for court reporters amounts to nothing more than a deskilling and devaluing of important work," OPSEU president Warren (Smokey) Thomas, from Kingston, wrote in a letter to the attorney general.

The changes have also drawn fire from lawyers and some judges.

John Johnston, president of the Rideau-St. Lawrence Criminal Lawyers Association, is concerned about the accuracy of records once local reporters are taken out of the mix.

"You're going to have people with no connection to the case typing the transcript," he says. "Who knows if the record is going to be accurate."

He fears it could lead to mistrials or charges being dropped if the record is not correct.

"It's a very short-sighted policy and the attorney general is not looking at the long-term consequences," he says.

The association is also worried the new system will mean longer delays in having transcripts prepared.

"Right now, we have court reporters who will work overnight to provide a transcript in the morning," Superior Court Justice Michael Quigley says. "I will have to see a lot more evidence the new system is workable and from what I've seen, I don't think it will work."

Quigley, who serves as administrative judge for Lanark, Leeds and Grenville, also questions how the changes will improve efficiency or reduce costs.

It's a familiar refrain to the ears of Martha Russell, a 30-year court reporter who has been down this road twice before.

She was president of the Court Reporters' Association of Ontario in the mid-1990s when a similar pilot project was tried.

She laughs when she recalls one of the most blatant transcript errors of that failed experiment, which referred to the Supreme Court of Canada as the "Springler Court of Canada."

She remembers another attempt in the late 1990s to use digital recording of proceedings. A clerk was to turn on the equipment with the transcript to be prepared by an off-site typing pool.

"That project died an expensive death with numerous civil suits that followed," she says. "I find it ironic that bureaucrats are again pushing a system that's been a proven failure."

Russell says court reporters are independent professionals who are free of outside influences and have no vested interest in the outcome of any case.

"A typist in Thunder Bay will not care if a witness is mumbling or whether they refer to a named person that can or cannot be transcribed," she notes.

The government is refusing to answer questions about the cost of implementing the new system or what safeguards it will put in place to ensure the integrity of the record and the timely production of transcripts.

Ministry spokesman Brendan Crawley says the attorney general can't say anything because the government is currently involved in collective bargaining with its employees. "It would be inappropriate to comment on specific issues ... while negotiations are underway," he says.

The ministry hopes to implement the system over the next 12 to 18 months.

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