



CRIMINAL
LAWYERS'
ASSOCIATION

CRIMINAL LAWYERS' ASSOCIATION
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Frank R. Addario

January 7, 2009

Honourable Chris Bentley
Attorney General for Ontario
McMurty-Scott Building
720 Bay Street, 11th Floor,
Toronto, Ontario
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Dear Mr. Attorney:

I am writing to you to regarding proposed changes to the system of court reporting in Ontario.

Many of our members have been approached by court reporters who advise that the Ministry of the Attorney General is planning to replace the current system in which the in-court reporter produces the transcript with a model consisting of court monitors who ensure that proceedings are electronically recorded; and a regional pool of typists who produce transcripts from the electronic record.

The court reporters have advised us that the Government takes the position that this fundamental change to the system is non-negotiable and will be implemented. We have attempted to discuss this matter with Meredith Brown of your Ministry but were advised that she cannot comment due to the ongoing negotiations with O.P.S.E.U.

In the view of the Criminal Lawyers Association, the timely preparation of an accurate court transcript is essential to the proper administration of criminal justice. We are concerned that, if implemented, the proposed changes will have a negative impact on the administration of justice.

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Those with courtroom experience appreciate that the in-court reporter is best positioned to ensure the accuracy of the transcript. Reporters frequently interject in the proceedings to seek clarification of matters to ensure the accuracy of the record. Moreover, a reporter's familiarity with the case gained by being present in court gives him or her a contextual foundation that ensure accuracy.

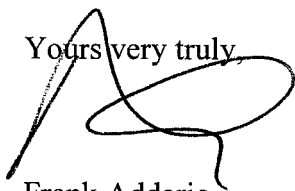
Our members report that a model similar to the new proposal was tested in several regions about ten years ago. We understand that this test clearly demonstrated the inadequacy of the monitor/typing pool model. Beyond these limitations the economic consequences of the proposed system will likely result in the loss of skilled, experienced reporters. It is foreseeable that inexperienced entry level typists will be hired to prepare transcripts.

Real time stenography transcription has been widely available for a number of years. It is the best available model for court reporting. Anyone who has worked with real time immediately recognizes its value. The availability of "overnight" transcript results in more effective and efficient performance by trial counsel and trial judges. Appellate records are also produced more quickly, thereby eliminating a substantial delay in the perfection of appeals.

There are presently a number of qualified real time stenographers working within the system. The proposed system will not accommodate or utilize these reporters. Given the close link between accuracy and reliable results in criminal proceedings, we believe this asset should be grown rather than abandoned.

In view of our common interest in ensuring the quality of criminal justice in Ontario, the CLA is willing to work with your Ministry on this file. We would welcome the opportunity to offer our input on proposed changes to improve transcription in the Province's courts.

Yours very truly



Frank Addario
President
Criminal Lawyers' Association