

**“EXHIBIT D”**

**DRAFT**

# Making and Preserving the Court Record – Technology Standards

**Nebraska Judicial Branch**



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# Introduction

On \_\_\_\_\_, the Nebraska Supreme Court approved this set of technology standards in order to ensure the preservation of the court record through its designated retention period. These standards are supplemental to, and in accordance with Nebraska Supreme Court Rules.

## Definitions

<i>Stenographic Court Reporter:</i>	Stenographic court reporters (steno) are a subset of official court reporters who use stenographic practices as their primary means of capturing the record with digital audio recording backup. See Neb. Ct. R. § 1-204(B).
<i>Digital Court Reporter:</i>	Digital court reporters (DCR) are a subset of official court reporters who use digital audio recording (“multi-track recordings”) as their primary means of capturing the record. See Neb. Ct. R. § 1-204(C).
<i>Courtroom Clerk:</i>	An individual, other than an official court reporter, designated by a court official to monitor the digital audio recording equipment as the sole means of capturing the record. See Neb. Ct. R. § 1-204(F).
<i>Court Personnel:</i>	An individual, other than an official court reporter or courtroom clerk, designated by the judge to monitor digital audio recording equipment as the sole means of capturing the record. See Neb. Ct. R. § 1-204(A)(4).
<i>Local Audio File:</i>	The local audio file is automatically created when a digital recording system is running. The file will save to the ‘C’ drive, or local drive, of the computer where the digital recording software is installed. Some stenographic software will also create a local audio file. As an alternative, a local audio file can be created using a handheld device.
<i>Retention Audio File:</i>	When the local audio file is uploaded to the Administrative Office of the Courts and Probation, this will create a new copy of the file on a central server. This file will be stored with proper protections in place for the duration of the retention period.

# **Standards for Digital Court Reporters (DCR), Courtroom Clerks and Court Personnel**

## **Equipment**

### **Digital Recording Systems Hardware/Software**

The DCR, courtroom clerk or designated court personnel should only use Nebraska Supreme Court IT (NSC IT) provided digital audio recording systems to capture the record, except in cases of emergency. Successful implementation of a digital audio recording system depends on high-quality equipment. Microphones, cables and mixers will be provided by the NSC IT department, and replacements can be requested for aging or faulty components. NSC IT will provide and install a licensed copy of the AOCB-approved digital recording software on the computer to be used in the courtroom by the DCR, courtroom clerk or designated court personnel.

All courtroom clerks or designated court personnel will use a state-provided computer in the courtroom and for any other purposes related to duties as described in Neb. Ct. R. § 1-203. This computer will be managed and maintained by the state, and can be connected to any state network drop. If the courtroom clerk or designated court personnel works in a judicial district/county where the state has an arrangement with the county IT office to provide computer equipment in the courts, they may be provided their device by the county.

The AOCB will also provide, upon request, a DCR with a laptop, docking station and monitor for use as a primary work device, for use in the courtroom and for any other purposes related to duties as described in Neb. Ct. R. § 1-203. If the court reporter works in a judicial district/county where the state has an arrangement with the county IT office to provide computer equipment in the courts, the court reporter may be provided their device by the county. Equipment provided by the AOCB may not be used for freelance work as defined in Neb. Ct. R. § 1-211.

### **Setup and Configuration**

Digital audio recording systems (microphones, mixer, laptop/PC) may be set up independently in a courtroom, and not interact with any other audio/visual equipment. Digital audio recording systems may also be portable. Portable systems will be provided by the AOCB for use in locations where a system is not already installed. These systems will include 4 microphones, cables, and digital mixer contained in a rolling case.

Digital audio recording systems may also be connected to a courtroom audio/visual system with additional components, such as an overhead speaker sound system. The local vendor

or local county IT department should work with NSC IT to be sure that sound is being routed correctly, with good quality output to the recording software.

The configuration of digital audio recording system equipment will differ depending the physical layout of the courtroom, as well as any other technology systems already installed in the courtroom. Digital audio recording systems should be accessed from the DCR's, courtroom clerk's or designated court personnel's workspace. Local staff should work with NSC IT, and their local county IT department or vendor (if any) if there are any concerns related to the digital audio recording system setup.

When generating the verbatim record, a transcriber can isolate channels to quickly ascertain who is speaking when multiple individuals are talking at the same time. It is important that microphone placement throughout the courtroom is done in such a way that it will capture individuals' voices from static locations. Here is the recommended arrangement of microphones and channel assignments when using 4-channel recording:

<b>Channel #</b>	<b>Speaker</b>	<b>Placement</b>
1	Judge	Bench
2	#1 Witness	Witness stand
3	Prosecutor/Attorney	Prosecutor/Counsel table
4	Defense Attorney/Attorney #2	Defense/Counsel table

When using 8-channel recording, channels should be assigned as above, with the additional channels used to capture any additional individual speakers who are participating in court proceedings, or for audio in from other courtroom connected devices. Examples include phone or video participants or a wireless or lapel microphone.

### **Daily Shutdown Procedures**

Upon completion of the court proceedings for the day, the DCR, courtroom clerk or designated court personnel is responsible for making sure the audio files of the digitally recorded proceedings appear in the local drive of the computer running the digital recording software. This local audio file must be verified, and remain on the computer until such time as the DCR, courtroom clerk or designated court personnel uploads the file to the (AOCP) for retention, or the appeal time has lapsed, whichever is greater. See Neb. Ct. R. § 1-205 for required upload timetables.

After verifying the files are properly stored, the DCR, courtroom clerk or designated court personnel using a state-issued device should log off the computer running the digital recording software, but leave it powered on to receive software patching and updates delivered over the network. The computer should be restarted each morning to apply updates and refresh the system. It is highly recommended that the restart process be done at least 1 hour before the first court proceeding is scheduled.

## **Storage and Retention of Digital Audio Recordings**

### **Storage**

Digital audio recordings of court proceedings constitute a verbatim record under Neb. Ct. R. § 1-205 and are the property of the trial court as stated in Neb. Ct. R. § 1-210. The (AOCP) manages a centralized storage location for recorded files of court proceedings. The DCR, courtroom clerk or designated court personnel is responsible for making sure local audio files are uploaded per Supreme Court rule as a part of the records retention process. Audio files must be in .wav, .mp3, or .dcr format. The DCR, courtroom clerk or designated court personnel shall also upload any logs, notes, docket sheets or any other documentation needed to produce the record.

### **Retention**

Digital audio recordings shall be retained and maintained in compliance with court retention schedules. ([Schedule 8](#) district court and [Schedule 18](#) county court) The AOCP will be responsible for purging retention audio files after their retention period has expired.

### **Technical Support**

If there are problems with the digital audio recording system, or any state provided computer equipment, the DCR, courtroom clerk or designated court personnel shall contact NSC IT for assistance. For problems with county equipment, the DCR, courtroom clerk or designated court personnel shall contact county IT.

For assistance with a non-state or county device, the court reporter is responsible for external IT support.

### **Contract Reporter**

When a contract reporter (freelance) is hired by the court, per Neb. Ct. R. § 1-201(A)(4), to cover court proceedings, the contract reporter is required to follow these guidelines for their verbatim record from the proceedings. The contract reporter will work with the AOCP to comply with this requirement.

## **Standards for Stenographic Court Reporters**

### **Stenographic Transcription Hardware/Software**

As authorized in Neb. Ct. R. § 1-205(A)(1) the AOCP will approve and provide mainstream, commercially available software for stenographic court reporters. The currently approved software products are: Eclipse by Advantage Software, and Case CATalyst by Stenograph, LLC.

Stenographic court reporters will use such approved software, kept up to date with the latest version to capture the official record unless otherwise allowed under Supreme Court Rule.

The AOCPS will also provide the stenographic court reporter upon request with a laptop, docking station and monitor for use as a primary work device, for use in the courtroom and for any other purposes related to duties as described in Neb. Ct. R. § 1-203. If the court reporter works in a judicial district/county where the state has an arrangement with the county IT office to provide computer equipment in the courts, the court reporter may be provided their device by the county. Equipment provided by the AOCPS may not be used for freelance work as defined in Neb. Ct. R. § 1-211.

Stenographic court reporters may also request the AOCPS provide a steno machine compatible with approved software and a microphone and/or handheld device for making a backup digital audio recording of court proceedings.

A stenographic court reporter choosing to purchase equipment independently must agree to manage and maintain their own device(s), keeping up with current technology. Stenographic court reporters may be required to report annually to the AOCPS the year, make, model and operating system version of the computer used perform their duties. The stenographic court reporter will be responsible for, keeping the device current with all security patching, purchasing malware and virus protection, and arranging for IT support. Non-state devices cannot be connected to the state network.

## **Storage and Retention**

### **Storage – Electronic Stenographic Record**

The stenographic record consists of all electronic files created by the official court reporter necessary to create and deliver a verbatim transcript. The Administrative Office of Courts and Probation manages a centralized storage location for stenographic files. The stenographic court reporter is responsible for making sure stenographic notes and dictionary are uploaded per Neb. Ct. R. § 1-205 as a part of the records retention process.

Supplementary files created through approved software with proprietary extensions may also be uploaded. (Eclipse .ini file or Case CATalyst .sgxml file.)

Any official court reporter falling under an exception to the rule for use of AOCPS-approved software must upload an .rtf file of their dictionary, their software-created files, and either an .rtf file of their daily work or a PDF version of their stenographic notes, following the same schedule set out in Neb. Ct. R. § 1-205.

The stenographic reporter may wish to upload any logs, notes, docket sheets or any other documentation needed to produce the record.

### **Storage – Digital Audio Recordings**

Digital audio recordings of court proceedings constitute a verbatim record under Supreme

Court Rule § 1-205 and are the property of the trial court as stated in Neb. Ct. R. § 1-210. The AOCB manages a centralized storage location for recorded files of court proceedings. The stenographic court reporter is responsible for making sure local audio files made as a backup up to the stenographic notes are uploaded on a regular basis as a part of the records retention process. Audio files must be in .wav, .mp3, or .dcr format or as a combined file with the stenographic notes.

### **Retention**

Digital audio recordings and the stenographic record shall be retained and maintained in compliance with court retention schedules. ([Schedule 8](#) district court and [Schedule 18](#) county court) The AOCB will be responsible for purging retention audio files and the stenographic record after their retention period has expired.

### **Technical Support**

If there are problems with any state-provided computer equipment, the stenographic court reporter shall contact NSC IT for assistance. For problems with county equipment, the stenographic court reporter shall contact county IT.

For assistance with steno machine or stenographic software, the court reporter should contact the vendor.

### **Contract Reporter**

When a contract reporter (freelance) is hired by the court, per Neb. Ct. R. § 1-201(A)(4), to cover court proceedings, the contract reporter is required to follow these guidelines for their verbatim record from the proceedings. The contract reporter will work with the AOCB to comply with this requirement.