

SUBJECT: Allowing Collin County's probate court to use electronic recordings

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Jackson, Lewis, Castro, S. Davis, Hartnett, Raymond, Scott
0 nays
1 present not voting — Thompson
3 absent — Bohac, Madden, Woolley

WITNESSES: For — Weldon Copeland; (*Registered, but did not testify:* John Dahill, Texas Conference of Urban Counties)

Against — Karen Morris, Texas Court Reporters Association; (*Registered, but did not testify:* Michael R. Buie; Denise Corralez Condran; Tanner Feast; Jerry Kelley)

DIGEST: HB 3313 would allow the judge of the Collin County statutory probate court to allow proceedings to be recorded by a good-quality electronic recording device instead of by a court reporter.

The bill would take effect on September 1, 2011.

SUPPORTERS SAY: HB 3313 is a local bill that would allow the probate court in Collin County to use recording devices rather than court reporters to record proceedings. The court has very few contested cases and even fewer appeals. Currently, the court only holds hearings three days a week and does not have its own court reporter. One must be borrowed from the district courts, and scheduling issues can cause delays in hearings.

The bill would allow the probate judge to appoint a court recorder who would be trained to properly operate electronic recording devices and would ensure that recordings were high quality and that recordings were properly stored and maintained. Other Texas courts that use electronic recording devices have been very satisfied with the recordings and the flexibility they provide.

The bill would not affect the other courts in the county.

**OPPONENTS
SAY:**

Live court reporters provide services to courts and litigants that are superior to electronic recording devices. Live court reporters can read back testimony, make sure speakers speak one at a time, and insist that they speak audibly. These services ensure a high-quality record. A mechanical device has no sense of quality control. A court would not know until after the fact if a recording was a good one or not. If a court found that a device had not been switched on or had failed, it could be grounds for an expensive mistrial.