



April 5, 2020

Honorable Tani Cantil-Sakauye
Chief Justice, California State Supreme Court
455 Golden Gate Ave.
San Francisco, CA 94102
Judicialcouncil@jud.ca.gov

Dear Chief Justice Cantil-Sakauye,

The Service Employees International Union, representing trial court employees in 39 counties, respectfully submits the following brief comments regarding Rule 3, Use of Technology for Remote Appearances.

SEIU represented court employees stand ready to continue to meet their professional obligations during this Covid-19 pandemic. In particular, court reporters across the state have demonstrated their readiness to ensure parties are provided quality, verbatim transcripts of their proceedings. In fact, many are volunteering to come into court and take down the verbatim record. We understand these are unprecedented times and ensuring justice while ensuring safety for all involved is a unique challenge. To that end, we realize business must temporarily be conducted differently. But we want to ensure the quality of justice does not suffer. As you well know, a verbatim record is critical to that justice.

We understand and accept that much of justice must be administered through remote means as much as possible and as such we offer the following:

- We strongly urge you to proceed with caution with regard to alternative means of capturing the record.
- California's long history with electronic recordings has repeatedly shown its inaccuracies, missed testimony, inability to capture female voices, inaudibles and interference due to ambient noise. It is statutorily prohibited in many proceedings because of its unreliability. Electronic recordings should continue to only be used in the very limited circumstances as currently authorized in statute. Parties deserve better than an inaccurate record.
- Remote reporting where the reporter is in a remote location away from the judge is largely untested in the United States. As you may, know SEIU sponsored

legislation last year to pilot this type of reporting in Santa Clara Superior. The parties are diligently working in good faith to make that system work. But much still needs to be worked out to ensure a verbatim record.

- In our brief experience during this crisis, our court reporter members report that the best remote situation is where the judge, court reporter and clerk are in the courtroom while the other parties are participating remotely. This allows the judge and reporter to easily communicate as is often necessary to address issues regarding the record. Ideally, the court reporter should be able see the remote parties to facilitate the best record keeping.
- For the sake of quality and safety, we urge you and trial courts to focus on the most urgent and time-sensitive matters.

Again, SEIU represented court employees remain committed to doing their part to ensuring the highest quality of justice is dispensed during this unfortunate and unique time. Thank you for your consideration of our comments.

Sincerely,

Michelle A. Castro
Director, Public Sector Government Relations
SEIU, California