

From: dailey, john
Sent: Monday, April 03, 2017 12:45 PM
To: berger, michael
Subject: RE: CRCP 80 Subcommittee

I myself think that's a good idea. Keep me apprised of developments, memos, etc. on your side, if you would, as I'd like to convey this to the crim rules committee members as they consider this issue.

From: berger, michael
Sent: Monday, April 03, 2017 10:24 AM
To: dailey, john
Subject: RE: CRCP 80 Subcommittee

In thinking about this more, maybe we don't need a joint subcommittee. The answer on the civil side is pretty simple—there is no constitutional or other right to a state paid court reporter in civil cases. If the litigants want to pay for a court reporter, they can do so. (And that is pretty common in big cases.) An electronic transcript generally is sufficient for an appellate court to review a civil judgment.

The issues are much more complicated on the criminal side. Maybe the easiest way to deal with this is to divorce the criminal rule from the civil rule—to provide explicitly in the civil rule that there is no right to a state paid court reporter—and then to deal separately in the criminal rules with the more difficult questions. We would still have to coordinate submissions to the supreme court so that both rules get amended simultaneously.

What do you think?

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From: dailey, john
Sent: Monday, April 03, 2017 9:57 AM
To: moore, jenny; berger, michael
Subject: RE: CRCP 80 Subcommittee

Is there a chair of the subcommittee?

From: moore, jenny
Sent: Monday, April 03, 2017 9:53 AM
To: berger, michael
Cc: dailey, john
Subject: CRCP 80 Subcommittee

1. Lisa Hamilton-Fieldman artldf@yahoo.com
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3. Claire Walker claire.walker@judicial.state.co.us
4. Jeannette Kornreich jeannette.kornreich@judicial.state.co.us
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10. John Lebsack jlebsack@wsteele.com