

MINUTES
(unofficial until approved)
Court Services Administration Committee
Supreme Court Front Conference Room/Conference Call
September 23, 2015

Members Present

Justice Daniel Crothers , Chair
Aaron Birst
Al Boucher
Katherine Hinds
Susan Hoffer
Sen. Karen Krebsbach
Judge Stacey Louser
Judge Steven Marquart
Judge Josh Rustad
Meredith Vukelic
Mike Williams (SBAND Liaison)

Members Absent

Levi Andrist
Barb Hill

Others Present

Jack McDonald, Bismarck attorney

Chair Crothers called the meeting to order at 10:00 a.m. and drew Committee members' attention to the August 28 meeting minutes - meeting material, pp. 2-7.

It was moved by Al Boucher, seconded by Meredith Vukelic, and carried that the minutes be approved.

Chair Crothers summarized the Committee's previous discussions regarding obtaining copies of audio recordings of court proceedings and the motion at the August 28 meeting to consider draft rule amendments that would essentially incorporate the Minnesota rule approach: 1) recordings are intended to only assist in preparation of a transcript, 2) the transcript, not the recording, is the official record of the proceeding, and 3) contents of a recording could be disseminated only by transcript.

At the request of Chair Crothers, staff summarized draft amendments to Administrative Rule 41, which would create a new Section 6 to incorporate language similar to the Minnesota rule. He noted that if the draft amendments were approved, then proposed repeal of Trial Court Administrative Policy 503 and Administrative Rule 40 should likely be considered.

Chair Crothers then requested discussion of the draft amendments.

It was moved by Judge Marquart and seconded by Aaron Birst that the amendments to Administrative Rule 41 and the proposed repeal of Trial Court Administrative Policy 503 and Administrative Rule 40 be recommended to the Supreme Court for its consideration.

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Mike Williams said that had he been present for the August 28 meeting he would have voted “no” on the motion for the draft amendments as others did. He said he has a general concern about there being no access at all to the audio recording of the court proceeding. He suggested that there should at least be a good cause exception that would permit access if a court determined access was warranted.

Aaron Birst said he understood the concerns and would not necessarily be opposed to a good cause exception. He said such an approach could possibly be considered if the Supreme Court were to reject the amendments and direct additional work on the issue.

Justice Crothers observed that recommendations for rule amendments are usually set for comment by the Supreme Court.

Following further discussion, the motion **carried**. (Meredith Vukelic, Mike Williams, Susan Hoffer - no).

There being no further business, the meeting was adjourned at 12:10 p.m.

Jim Ganje, Staff