



Past President:
Jim A. Glover, RPR
P.O. Box 1232
Glendive, MT 59330

President:
Glenda Travitz, RPR
1697 Simpson Road
Corvallis, MT 59828
375-6791

Vice-President:
Tom Sapp, RPR
920 South Main
Kalispell, MT 59901
758-5666

Treasurer:
Sheri Hazlett, RPR
P.O. Box 8853
Kalispell, MT 59904
752-4645

Secretary:
Bambi Goodman, RPR, CRR
P.O. Box 1182
Whitefish, MT 59937
862-8386

Board Member:
Penny Doig-Martin, RPR
160 Fairway
Helena, MT 59601
447-8267

Board Member:
Lisa Lesofski, RPR
21 North Last Chance Gulch # 21
Helena, MT 59601
443-2010

FILED

March 20 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

07-0016

March 16, 2009

The Montana Supreme Court
215 North Sanders
P.O. Box 203003
Helena, MT 59620-3003

FILED

MAR 19 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

In re: Proposed amendments to Rules of Appellate Procedure

Dear Chief Justice and Justices of the Supreme Court:

On behalf of Montana Court Reporters Association and as a court reporter for the 21st Judicial District, I respectfully comment on the proposed amendments to the Rules of Appellate Procedure.

The proposed amendment to Rule 9(3)(b) shortens the extension a judge may grant for preparation of transcripts from 90 days to 60 days from the filing of the first notice of appeal. The appellate rules allot 40 days before an extension, if necessary, is required. That 40 days compares to 63 days in Idaho, 60 days in Wyoming, 50 days in North Dakota, and 45 days in South Dakota.

Compounding the short initial period for transcript production, Montana's appellate rules are unique in that there is not a time period dedicated solely to transcript preparation. During the 40 days allotted, the appellee may be contesting the transcripts ordered by the appellant and payment arrangements need to be finalized, which may not be resolved until well into the 40 days.

Appellants not timely ordering transcripts remains an issue. Often appellants file the Notice of Appeal and indicate all transcripts have been ordered when, in fact, the reporter has never been contacted and is unaware that an appeal has even been filed. Requiring the filing of a form specifying the transcript request (see enclosure) may be a solution. Additionally, amending the rules to state the Notice of Appeal must be served on the court reporter would at least notify the reporter that an appeal has been filed.

The above comments relate more to the need to ensure the initial 40 days are strictly for transcript preparation than they relate to the proposed amendment and are intended to make the Supreme Court aware of the circumstances beyond the control of the reporter that often lead to requests for extensions.

The Judicial Branch is requesting six additional judges this legislative session and is requesting court reporters for only two of those potential judgeships. The remaining four judges would be covered by the reporters currently on staff. This, obviously, will increase the workload of those reporters; and I request that this be taken into account when considering amendments to the Rules of Appellate Procedure.

Page 2
March 16, 2009

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Glenda S. Travitz", written over a faint, illegible typed name.

Glenda S. Travitz
Registered Professional Reporter
President, Montana Court Reporters Association

Enclosure

IN THE DISTRICT COURT OF THE ____ JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF _____
STATE OF MONTANA

_____,
Plaintiff/Petitioner,

Cause Number _____

v.

NOTICE OF TRANSCRIPTS
DEEMED NECESSARY FOR APPEAL

_____,
Defendant/Respondent.

NOTICE is given that _____, the Appellant in the above-named case, hereby determines the following transcripts are necessary for appeal:

- No transcripts are necessary
- Jury Voir Dire
- Opening Statements
- Closing Arguments
- Trial Proceedings (all testimony, in-chambers discussions, and jury verdict)
- Pre-Trial Proceedings (specify by description and date of proceeding)

- _____

 Post-Trial Proceedings (specify by description and date of proceeding)

- _____

 Other (specify by description and date of proceeding)

- _____

 The following transcripts have been previously prepared and are deemed necessary on appeal and appellant requests the court reporter(s) prepare such transcripts in the proper format for filing with the Supreme Court and service on Appellee(s) (specify by description and date of proceeding)

The court reporter(s) responsible for the preparation of these transcripts is/are

_____.

It is further certified that financial arrangements were made with the court reporter(s) before filing this Notice. This Notice has been filed with the clerk of district court and served upon Appellee(s) and court reporter(s).

Dated this ____ day of _____, 2____.

Attorney for _____

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF TRANSCRIPTS DEEMDED NECESSARY FOR APPEAL with the Court Reporter(s), Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of the Court Reporter, Clerk of the District Court, and each attorney or party served)

Dated this ____ day of _____, 2____.

Name

Address

Title