

April 25, 2006

Clerk of the Arizona Supreme Court
1501 West Washington, Suite 402
Phoenix, Arizona 85007

Re: Petition to Amend Various Rules
of Procedure Relating to Verbatim
Recording of Judicial Proceedings

To Whom It May Concern:

I am a member of the State Bar of Arizona, and have practiced in Tucson since 1974. I appear regularly in Pima County Superior Court on behalf of defendants in criminal cases. The purpose of this letter is to comment on the proposed rule change which would allow matters in such cases to proceed without the presence of a certified court reporter.

In my opinion, the presence of a live court reporter is essential to ensuring that an accurate record is being made. My experience is that a court reporter is more able than any recording device to identify the parties and separate out extraneous sounds. A very important aspect of this is the ability of a live reporter in the courtroom to "orchestrate" the creation of a clean record by doing things such as reminding counsel not to speak while other counsel or witnesses are speaking .

I am aware from reading the Petition in favor of this rule change that court reporters will still be used to make the official record in the most serious criminal proceedings. I believe that equal care should be taken in other important matters, such as hearings on motions to suppress, and that imposing a burden on counsel to make an affirmative request opens the prospect of important proceedings not being preserved because of counsel's inadvertence or a reporter's unavailability.

Thank you for taking the time to consider my comments.

Sincerely,

Peter B. Keller, Esq.