

**Public Policy Position  
HB 4329**

The Appellate Practice Section is a voluntary membership section of the State Bar of Michigan, comprised of 727 members. The Appellate Practice Section is not the State Bar of Michigan and the position expressed herein is that of the Appellate Practice Section only and not the State Bar of Michigan. The State Bar does not have a position on this item.

The Appellate Practice Section has a public policy decision-making body with 24 members. On November 15, 2019, the Section discussed HB 4329 at a scheduled meeting. On November 21, 2019, the Section adopted its position after a further electronic discussion and vote. 19 members voted in favor of the Section's position on HB 4329, 0 members voted against this position, 2 members abstained, 3 members did not vote due to absence.

**The Appellate Practice Section Council opposes the legislation in part, and provides further comments as explained below.**

**Explanation**

The State Bar of Michigan Appellate Practice Section Council considered HB 4329 at its November 15, 2019 Council Meeting. We offer the following comments.

While we appreciate that the per-page transcript fee has not kept pace with inflation or the rates in most other states, we have concerns about the economic impact of the proposed \$3.50 rate. In a case involving 2000 transcript pages, the cost would increase from \$3,500 to \$7,000. This will present a significant hardship on many litigants, particularly those of limited means involved in some of the most complicated and important matters in our appellate courts. These include child custody and parental rights appeals involving parents, grandparents, or legal guardians, for whom the increased costs of transcripts could force the sale or refinance of residences or the inability to save for a child's education or their own retirement. They also include criminal appeals, where transcript costs are often charged to incarcerated indigent defendants, creating a substantial hardship or even discouraging the exercise of the constitutional right to appeal. If the transcript fee is increased, steps should be taken to ensure access to justice for litigants of limited means.

Furthermore, given the prevalence of electronic copies, we disagree that a court reporter or recorder should be entitled to a per-page fee for copies of transcripts that have already been produced. To illustrate the point, one of our members recounted a recent case in which a court reporter collected an additional \$5000 in transcript copy fees simply by adding four additional email addresses (counsel

for four additional parties) to her email providing a pdf copy of a lengthy transcript. Unless a paper copy is specifically requested, a nominal flat fee – perhaps on a per-volume basis – would be a more appropriate means of compensation for additional transcript copies in the electronic age.

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