

M.MORANDUM BY THE MINISTER OF JUSTICE

Steps which are deemed necessary to ensure the service of stenographers in Her Majesty's Superior Courts

The Shorthand Writers and Clerks who, between the years 1958 and 1961, were attached to H.M.'s Superior Courts, have been transferred back to the Legislative Assembly. Four of them - Mr Carmel Camilleri, Mr Joseph C. Grech, Mr Anthony J. Dalli and Mr Edgar Ellul - still attend Court sittings, provided that the time when such sittings are held does not coincide with that of the sittings of the Assembly. When shorthand transcription of long trials by jury is required, eight shorthand writers attend (four during the morning sitting and four during the afternoon sitting).

Out of the four shorthand writers who normally attend Court sittings, two (Mr Camilleri and Mr Ellul) are due to retire during 1964 on attaining the age limit. It is obvious that unless timely action is taken, the position of the Courts is due to be disturbed very seriously.

It is therefore proposed:-

(1) to increase the number of "stenographers and clerks" which appears on the Estimates from 2 to 6. If this is done, the Superior Courts will have to lose the service of the two clerk-typists who are now being paid out of the money provided for the two "stenographers and clerks".

(2) to issue a timely notice to the effect that an examination for the admission of such "stenographers and clerks" is due to be held at a date to be fixed: for this purpose, considering the difficulty which should be encountered in finding suitable people trained to transcribe legal and judicial terminology and, in general, to do the particular kind of work which "stenographers and clerks" are expected to do, the notice should state that prospective candidates will be given the opportunity of attending Court sittings with a view of acquiring the

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necessary training needless to say, the staff of the Superior Courts will be expected to give them what help they can.

If action in this direction is taken, the Government will, naturally, have to provide the salaries of the new employees: on the present rates the total of such salaries will amount to £1920 rising to a maximum of £2970 p.a.; out of such amounts, however, £640 rising to £990 are already provided in the Estimates in respect of the salaries of two Stenographers and Clerks. Besides, the Government will be in a position to appropriate the stenographers' fees which are paid by the parties (at the present rates these amount to some £600 p.a.) and to save the fees which it now pays (at the present rates these amount to some £75 in civil cases and to some £100 in criminal cases).

It is now proposed to increase the stenographers' fees and, if this is done, the total amount of fees which should be recovered from the parties in cases would be in the region of £1325; the amount which would be saved by Government would be in the region of £400.

With regard to the number of stenographers which are required, one must consider that four stenographers will be required to attend the Civil Court, First Hall, one to attend the Commercial Court and one to attend the Court of Appeal and the Criminal Court, Appellate Jurisdiction. Each stenographer will therefore have to attend three sittings a week: it is considered that he will have to dedicate the afternoons of the three days and two more days for the transcription. That will leave an extra day: between them they should give extra work to the amount normally covered by one of the two clerk-typists who will be lost should the proposal be put into practice.

Finally, it is considered that the method of employment of stenographers in Court cases, as set down in section 594 of the Code of Organization and Civil Procedure is not being followed. What is actually happening is that the Judge presiding over a Court,

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expects to have a shorthand writer in attendance during each sitting without a specific order having been previously given in any particular case. The result is that the deposit envisaged at subsection (4) of the said section cannot be made. It is therefore proposed to amend the law and to make the stenographers' fees subject to collection together with other Registry fees.

The difference in expenditure can be summed up as follows:

Salaries of six shorthand writers and clerks (maximum)		£ 2970
Salaries already provided for (maximum)	£ 990	
Estimated amounts recoverable from the parties at revised rates	1325	
Estimated amounts which would be payable by the Government at revised rates	<u>400</u>	
	<u>£2715</u>	<u>£ 2970</u>

Hon. Members are invited to recommend.

21st November, 1963.