

MEMORANDUM ORDER Standing Committee of the Episcopal Diocese of Milwaukee v. The Rev. Martha Englert To: Counsel for the Parties Date: June, 14, 2006 Inquiry has been made as to whether the proceedings at the initial pretrial conference on June 24, 2006, will or may be recorded in any manner. **The Court has determined that they may not and will not be recorded.** The trial (or any hearing at which witnesses testify) will be recorded in an appropriate manner to be determined by the Court. Until further notice from the Court, pretrial conferences will not be recorded For the Court /s/ T. Winslow+. Thomas F.. Winslow+ Presiding Judge

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**Text of Letter from Michael F. Rehill to Clerk of Court:, June 15**

I am both amazed and baffled by the "Memorandum Order" entered by Archdeacon Winslow "for the Court" which states that the pretrial conference "may not and will not be recorded". That Order purports to be in response to my inquiry set forth in my email letter to you dated June 7, 2006, but misstates the question posed.

I never inquired as to WHETHER the proceedings would be recorded, but "as to the type of recording equipment which will be used to make the "Official Record" and who will be the operator" so that we we can make a decision whether to have a stenographic recording as well.

All proceedings must be recorded. A complete record in this case must include all appearances by counsel before the Court in addition to the testimony of witnesses. Canon IV.4.14(a) provides that "The Ecclesiastical Trial Court shall keep a complete and accurate record of its proceedings..."

Canon IV.4.12 provides that "Each Ecclesiastical Trial Court shall appoint a Reporter who shall provide for the recording of the proceedings..." The Memorandum Order which provides not only that no recording of the proceedings before the Court at the Pretrial Conference will be made, but actually prohibits recording of the proceedings of the Court. Such Order is clearly contrary to both the letter and spirit of the Canons. It is imperative that the Court reconsider its ban on recording of the proceedings. To repeat, all proceedings before the Court must be recorded if there is to b a complete record as required by Title IV.

In addition, I must reiterate the actual questions posed in my letter of June 7, 2006:

1. Has the Court adopted any procedural rules pursuant to Diocesan Canon 33 in addition to those set forth as part of Title IV of the Canons of General Convention? If the answer is in the affirmative, please forward a copy of same.
2. What type of recording equipment which will be used to make the "Official Record" and who will be the operator? Please provide specific information so that we can make a decision whether to have a stenographic recording as well. We must have answers to both of these questions well before the pretrial conference. Michael F. Rehill Counsel for Respondent The Rev. Martha Ann Englert