

McCOLL & MCCOLLOCH, P.L.L.C.  
ATTORNEYS AND COUNSELORS AT LAW  
2000 THANKSGIVING TOWER

ARCH C. McCOLL, III  
S. MICHAEL MCCOLLOCH  
OF COUNSEL  
J. CRAIG JETT  
ELIZABETH U. GARDYLE  
RICHARD J. DEAGUENO  
GINA R. JOAQUIN

501 ELM STREET  
DALLAS, TEXAS 75201-4747  
(214) 979-0999  
TOLL FREE 1-866-979-1112  
www.mcmclaw.com

FACSIMILE  
(214) 979-0001  
FIRM E-MAIL:  
acty@mcmclaw.com  
\*ELIABED CERTIFIED  
GENERAL LAWYER  
BOARD OF LEGAL  
SPECIALIZATION

March 17, 2004/

Ms. Eileen M. Brewer  
U.S. District Court Reporter  
501 W. 10th Street, Room 42A  
Fort Worth, Texas 76102-3837

SENT BY FAX: (817) 850-6660  
CONFIRM: (817) 850-6661  
AND U.S. MAIL

Dear Eileen:

Tom Selgas informed me that he and Rosalind Littleton spoke with you today and that you informed them that there were no tapes or recordings of the Simkanin trial of January 5-7, 2004 (4:03-cr-00188-ALL).

I was surprised to hear that. In all my years of experience in the Federal Court System, I was not aware that the proceedings were not captured on a secondary device such as a tape recorder, especially if a question were to arise as to the accuracy of the transcript.

Although your work has been superb throughout the years, the most recent transcript that I received triggers me to ask some questions:

1. Is there a requirement for a Federal Court Reporter to have a backup system or a secondary capturing device such as a recording device to capture trial proceedings? (Yes) (No)
2. How are questions regarding transcript wording resolved in your court?
3. Has anyone directed you not to have a backup system or secondary method of capturing trial proceedings? (Yes) (No)

I would appreciate it if you could educate me by answering my three questions above and faxing them back to me at (214) 979-9090.

Cordially,  
*Arch C. McColl, III*  
ARCH C. McCOLL, III

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**Eileen Brewer**  
U.S. District Reporter  
501 West 10th Street, Room 424  
Fort Worth, Texas 76102  
(817) 850-6661

March 18, 2004

Mr. Arch McColl  
McColl & McColloch  
1601 Elm Street, Suite 2000  
Dallas, Texas 75201-4747

RE: Cause No. 4:03-CR-198-A  
USA vs. Richard Simkanin

Dear Mr. McColl:

Received your fax this morning regarding taped recordings for the above case. What I told your staff is there are none available. Federal courts either have electronic recording in place or a court reporter, but not both. There is no requirement for court reporters to have a backup tape system. It's at their own discretion and expense. According to the Judicial Policy regarding court reporters, backup tapes are the personal property of the court reporter and there is no public entitlement to these recordings. Oftentimes it's a poor recording, and it certainly is not the official record.

I do take great pride in my work. If you think there's an error, tell me what you think it is. Give me page and line number and I'll double-check my notes. If I'm in error, I'll make all corrections necessary.

Sincerely,



Eileen M. Brewer  
CSR, RPR, BBA