



CHIEF JUDGE ORDER 2017-10
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

IN THE MATTER RE OFFICIAL TRANSCRIPTS/RECORDS

ORDER

Pursuant to authority granted to Chief Judges of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, "Authority and Responsibility of Chief Judges," the following order is hereby entered:

In 2005, and amended in November, 2017, the Chief Justice of the Colorado Supreme Court issued Chief Justice Directive 05-03, "Management Plan for Court Reporting and Recording Services". Section V (E) of the Chief Justice Directive addressed the ordering of transcripts, tapes or digital recording disks.

V(E). Ordering of Transcripts, Tapes or Digital Recording Disks

Each district shall determine and post on the Colorado Judicial Branch website a policy that outlines the procedures for that particular district for ordering of transcripts, tapes or digital recording disks.

1. Transcripts may be ordered from the court following the procedure below.
 - a. The requesting party should use the request forms for transcript of a hearing or trial approved by the State Court Administrator. Blank forms can be procured from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address listed on the form for the appropriate district.
 - b. Persons ordering transcripts will be contacted directly by the court reporter or transcriber concerning payment of the appropriate fees. Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory arrangements are made with the transcriber for the payment of required fees.
 - c. It is the requestor's responsibility to properly pay or obtain a court order approving waiver of the fees in ordering transcripts. The requestor also must obtain and the reporter or transcriber must produce a dated receipt

- for the payment. This is to avoid any dispute as to the date, manner of payment and whether payment has in fact been made.
2. Copies of all or part of tapes or digital records (CD-ROM) may be ordered in those districts that are able to provide this service. The court may, based upon each district's policy, reproduce tapes or create CDs on its own duplicating equipment and may sell copies of electronic sound recording tapes made. The district may sell a whole or partial copy of the proceeding if available on CD, disk or tape to the public at the prevailing rate prescribed by this CJD. The rate shall be that rate in effect at the time of ordering.
 - a. Orders for copies should be submitted to the court on the request forms for tapes or CDs approved by the SCAO. Blank forms can be obtained from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address that is listed on the form for the appropriate district.
 - b. Copies of tapes or CDs shall not be used as the official record for purposes of appeal, motions or other court proceedings. Only certified transcripts by reporters or authorized transcribers shall be used as the official records of court proceedings.
 - c. In those districts that do not provide this service, parties shall request a transcript using the procedure outlined in V(E)(1) above.
 3. Districts shall not accommodate requests to listen to recorded proceedings (tapes or CDs).

CJD 05-03, pp. 8-9 (emphasis added).

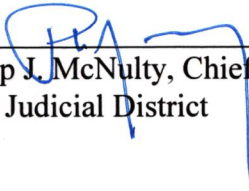
Therefore, in an effort to clarify the First Judicial District procedure and policy, and in part due to budgetary reasons, the undersigned Chief Judge enters this Chief Judge Order.

In all County and District Courts in the First Judicial District, all persons, including litigants, counsel and the general public, may obtain only certified transcripts from the appropriate county or district court clerk's office or district administrator (including the assigned court reporter). No draft transcripts, disks containing draft, partial or completed transcripts, or any other form of "transcript" shall be provided to any person, unless done so pursuant to CJD 05-03, Section V(E). Further, there shall be no accommodation of requests to listen to proceedings (tapes or CDs). The Court also notes that as outlined in CJO 2017-09, no person may use an electronic device in any courtroom to make a recording of any proceeding.

The only document that will be available is a certified transcript, the cost of which is either paid for in advance or is approved by the District Attorney's Office, the Attorney General's Office, the Office of the State Public Defender, and the Office of Alternate Defense Counsel. Copies of the audio will not be provided.

This policy comports with the Chief Justice Directive 05-03, which leaves the policy on this matter up to the local districts. Where any provision of this CJO directly conflicts with CJD 05-03, CJD 05-03 shall control. This CJO further comports with CJO 2017-09 Electronic Devices in Judicial Buildings. This policy will prevent any confusion with the creation of alternate records, as the official and only record will be the certified transcript. Any exception to this Order may only be granted by the Chief Judge of the First Judicial District.

Done at Golden, Colorado this 1st day of November, 2017.



Philip J. McNulty, Chief Judge
First Judicial District