

ORDER REGARDING

Transcripts and Copying of Court Proceedings



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2005-06
As Amended: 9-17-18**

The Twelfth Judicial District utilizes electronic recording devices in its courtrooms to digitally record most court proceedings held in this District. Occasionally requests are made for a copy of the digital recording of a court proceeding. Chief Justice Directive 05-03 (IV)(E) authorizes each judicial district to determine and post on its website a policy outlining procedures for ordering transcripts, tapes or digital recording disks. Chief Justice Directive 05-03(IV)(E)(2) permits reproduction of electronic sound recordings of court proceedings to be made by the court if the judicial district provides such service.

After conferring with the district administrator, clerks of court, and other staff members regarding their prior experiences with providing copies of audio recordings, a number of issues and concerns were brought forth, which include:

1. Microphones are placed throughout the courtroom, including at the parties' tables, to record the proceedings. As a result, confidential communications between an attorney and client at counsel table could be recorded, yet these conversations are not part of the record and would not be transcribed by a transcriptionist preparing a written transcript for the audio recording. Court personnel copying the electronic recording will not know whether confidential communications have been recorded unless the staff member listens to the entire proceeding, which is time intensive.
2. There are times when certain information must be redacted from the record before it can be released to the public, such as removing the name and any other information identifying the victim of a sexual offense from the record. C.R.S. § 24-72-304(4)(a). There is no way for the court to redact such information from the audio recording, other than listening to the recording and stopping the recording process whenever such information exists in the original recording. This, too, is time intensive.
3. An audio recording may not be used as the official record in an appeal, other than an appeal from a small claims case pursuant to C.R.S. § 13-6-410, or during any motions or other court proceedings; instead only certified transcripts by court reporters or authorized transcribers may be used as official records of court proceedings. Chief Justice Directive 05-03(IV)(E)(2)(b).
4. The Twelfth Judicial District uses For The Record (FTR) recording devices in the courtrooms. These devices record on several different channels and complaints have been received that the disk cannot be played in a regular CD player or some computers using software that is incompatible with the FTR software. Staff members have received

requests for assistance from parties who cannot get the disk to play. Staff may or may not be able to resolve the issue. Utilizing court staff to resolve these technology issues is time intensive.

5. There are occasions, particularly in county court, when other matters are heard by the court in the middle of the case for which the transcript is requested, such as requests for a temporary protection order. The court will often take a recess in the first case, hear the temporary protection order request, and then continue with the first case, without ever stopping the FTR. This could result in the unrelated protection order hearing being included on the disk with the hearing that was requested.

Because of the foregoing concerns, the Twelfth Judicial District will not provide copies of digital recordings of court proceedings except for an appeal of a small claims case. Persons requesting all or part of the record of a court proceeding must complete and file a transcript request form, JDF 4, which can be obtained electronically from the Twelfth Judicial District Court [Business Resources webpage](#) on the state judicial website, www.courts.state.co.us, or by visiting the clerk's office.

This order shall not apply to a request made by a law enforcement agency for a copy of a digital recording of court proceedings when such request is made for investigative purposes.

Signed this 17th day of September 2018.

BY THE COURT:



Pattie P. Swift
Chief Judge, Twelfth Judicial District