

STATE OF MINNESOTA

IN SUPREME COURT

C4-89-2099

Videotaped Records of Court
Proceedings in the Third, Fifth,
and Seventh Judicial Districts

ORDER

WHEREAS, the Minnesota Court Record Study Committee recommended a pilot project using video recording to create the court record, and

WHEREAS, the State Court Administrator was directed by 1989 Laws of Minnesota, Chapter 335, Article I, Section 3, Subdivision 5 to install and operate video taping equipment in at least three district courts and the court of appeals, and a one-time appropriation of \$204,000 was provided for installation and operation, and

WHEREAS, it is in the best interests of the administration of justice to investigate alternative court reporting technologies,

NOW, THEREFORE, IT IS ORDERED:

1. The Third, Fifth, and Seventh Judicial Districts are authorized, until further order of this Court, to conduct an experimental program in one courtroom in each district which will use videotaped recordings to create the official record of the case.
2. Videotaped recording of the official court record as provided in this experimental program is excepted from the provisions of Canon 3A(7) of the Minnesota Code of Judicial Conduct, as modified by the order (C7-81-300) of this Court dated May 22, 1989, except as provided in paragraph 3. entitled Media made a part of this order.

IT IS FURTHER ORDERED the following guidelines shall apply to this experimental program:

1. Record: The official record of trial court proceedings shall be two videotape recordings, recorded simultaneously, of the court proceedings. Upon filing of a notice of appeal, one of the two videotape recordings shall be filed with the Clerk of Appellate Courts and certified by the court administrator as part of the record on appeal. The second videotape recording shall be retained by the court administrator. If only a portion of the videotape is used as the record it shall be filed with the Clerk of Appellate Courts and certified by the court administrator as part of the record on appeal.

2. Trial Courts:

(a) The trial judge shall be responsible for ensuring, through routine checks of the videotape system by a suitably trained person, that the videotape system is operating according to specifications.

(b) The trial judge shall, at the commencement of proceedings, state for the record (1) the proceedings are being recorded on videotape, (2) jurors will not be photographed, and (3) no party or witness may object to such recording under the provisions of the order (C7-81-300) dated May 22, 1989, but that the videotaped recordings shall not be available to the news media or the public.

(c) The trial judge or the court administrator shall make available to each attorney who practices in the judge's court a copy of this order.

(d) The trial judge shall be responsible for keeping a proper index of proceedings that have been videotaped, including a list of witnesses and exhibits.

3. Media. Film or electronic media coverage in the pilot project courts, if granted, shall be governed by the guidelines authorized by this Court by order of April 18, 1983, and reinstated by this Court by order of May 22, 1989. For the purposes of this pilot study,

videotaped recordings of trial court proceedings shall not be available to the news media or the public. Members of the news media or the public wishing to review the record of a court proceeding shall contact the court administrator to arrange for the preparation of a printed transcript.

4. Appeals:

(a) The court administrator shall arrange for the preparation of duplicate copies of videotapes for use by counsel in preparing an appeal.

(b) Court of Appeals. For the purposes of this experiment videotaped recordings shall be used instead of printed transcripts when a case is on appeal before the Court of Appeals, subject to the other provisions of this order.

(1) A party may, at its option, prepare and file as part of the supplemental record (Minnesota Rules of Civil Appellate Procedure, Rule 130.03) a printed transcription of portions of the videotape recording. The printed transcriptions shall contain only those parts of the videotape recording that support the specific issues or contentions raised in a brief on appeal, or that relate to the question of whether an alleged error was properly preserved for appellate review. This transcription and index contained in the supplemental record shall not exceed fifty (50) pages.

(2) Printed transcripts of videotape recordings must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, minute and second at which the reference begins as recorded on the videotape, e.g., (Tape No. 1, 2-19-88, 14:22:11). References in a brief to a segment of the videotape recordings must conform to the same documentation format, so as to meet the requirements of Minnesota Rules of Civil Appellate Procedure, Rule 128.03.

(3) The Court of Appeals Chief Judge may order the appellant to arrange for the printed transcription of any part of the videotape that is deemed necessary. The cost of transcription shall be initially paid by the appellant.

(4) When printed transcripts are prepared, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true, and correct rendition of the videotape of the proceedings as recorded.

(c) Supreme Court. When a case is on appeal before the Supreme Court, the printed transcript of the proceedings must be prepared from the videotaped recording by the appellant.

5. State Court Administrator. The State Court Administrator shall provide assistance in implementation of the pilot projects, and shall conduct an evaluation of the experimental program. The pilot courts shall cooperate with the State Court Administrator on these projects. The administrator shall file with the Supreme Court any interim reports, and a final report which shall be due as the result of the pilot study by July 1, 1991.

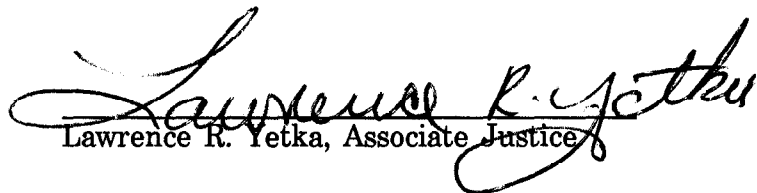
DATED: November 17, 1989

BY THE COURT

OFFICE OF
APPELLATE COURTS

NOV 17 1989

FILED


Lawrence R. Yetka, Associate Justice