

**POLICIES AND PROCEDURES FOR THE USE OF DIGITAL
RECORDING EQUIPMENT IN THE TENTH JUDICIAL DISTRICT
ADOPTED January 10, 2013 by District Court Bench**

The following policies and procedures, in conjunction with the Minnesota Rules of Public Access to Records of the Judicial Branch, shall govern the use of digital recording equipment in the Tenth Judicial District:

1. That any Official Court Reporter of the Tenth Judicial District may use the digital recording equipment at their discretion as a backup of their steno notes or as the recording of the proceedings.

2. That the network drive designated for audio file storage and retrieval shall remain under the sole custody of the Judge and his/her reporter for use by the judicial team. At no time shall audio files be released to anyone without a written court order authorizing such release.

3. That the retention or deletion protocol relating to all audio files contained on courtroom computer hard drives shall be set at the discretion of the Tenth District Court Reporter Labor-Management Committee.

4. That a per diem court reporter's use of the digital recording equipment shall be subject to these same policies and procedures.

Attachment included for reference: Rule 4 of the Minnesota Rules of Public Access to Records of the Judicial Branch.

Included for Reference
**Minnesota Rules of Public Access
To Records of the Judicial Branch**
Effective July 1, 1988
With amendments effective March 1, 2008

Rule 4. Accessibility to Case Records.

Subd. 3. Access to Recordings. This subdivision governs access to recordings of proceedings in the district court:

- (a) **General.** Recordings of proceedings in the district court, including without limitation those used as a back-up to a stenographically recorded proceeding or as the electronic recording, are intended to assist in the preparation of a transcript. The transcript, and not the recording, is the official record of the proceedings. Recordings of proceedings in the district court may only be used as authorized in this or other applicable rules or orders promulgated by the Supreme Court.
- (b) **Off the Record Remarks.** Any spoken words in the courtroom that are not a part of a proceeding, hearing or trial of a specific case are not intended to be recorded. Recordings of such words may not be listened to or used in any way other than by authorized operators of the recording equipment to orient themselves on recording content.
- (c) **Playback.** Playback of any part of the recording of a proceeding, hearing, or trial of a specific case is authorized in only the following situations:
 - (1) during the proceeding, hearing or trial at the direction of the court;
 - (2) by authorized operators of the recording equipment or an official court reporter or other authorized reporting service employee for the purpose of creating a transcript as the official record; and
 - (3) at the direction of the court for the use of the court.
- (d) **Disseminate by Transcript Only.** Except as provided in part (c) of this rule, the contents of the recording shall be disseminated by transcript only, which transcript, and not the recording, shall be the official record.
- (e) **No Transcripts in Conciliation Court.** Nothing in this rule shall permit the transcription of conciliation court proceedings, hearings or trials. Playback of any part of the recordings of conciliation court proceeding, hearing or trial is authorized only at the direction of the court for the use of the court.