
ADMINISTRATIVE ORDER
In Re: Audio/Video Recordings at Hearings

WHEREAS, audio recordings and video recordings are frequently submitted to the Court in all counties within the Third Judicial District; and

WHEREAS, the content of said audio and video recordings are many times challenging to discern; and

WHEREAS, it is not the court reporter's responsibility to determine the content of audio and video recordings on behalf of the proponent submitting said recording; and

WHEREAS, Rule 28.02, Subd. 9 of the Minnesota Rules of Criminal Procedure require a transcript of the recording if it is expressly requested by the appellant or the respondent; and

WHEREAS, Rules 110.01 through 110.05 of the Rules of Civil Appellate Procedure require transcripts of recordings upon appeal if requested by the appellant or the respondent;

NOW THEREFORE, IT IS HEREBY ORDERED, effective with the date of this Order, that:

- I. With regard to all pre-trial hearings:
 1. If a party uses or offers as evidence an electronically or digitally recorded statement* at an evidentiary, omnibus, or other pre-trial hearing, the Court may, sua sponte, order a transcript of the recorded statement. The offering party must then produce and file a verbatim transcript of the recorded statement within 30 days of the evidentiary, omnibus, or other pre-trial hearing.
 2. In the event of an appeal from an evidentiary, omnibus, or other pre-trial hearing, if either party requests a transcript of an electronically or digitally recorded statement, the offering party must produce and file a verbatim transcript of the recorded statement within 30 days of the filing of the notice of appeal, if such transcript was not previously provided to the Court.
 3. In the event a transcript is ordered by the Court, or requested for an appeal, counsel for the parties shall confer and determine if there are any parts of the transcript that are in dispute and advise the Court prior to the filing of the transcript. Any such dispute shall be resolved by the Court.

II. With regard to trials:

1. A party intending to introduce an electronically or digitally recorded statement must, at the time the rules require disclosure of the statement, advise the opposing party of the format (audiotape or videotape, CD, DVD, etc.) in which the statement is preserved. Upon request of the Court the proponent of the recorded statement shall prepare an accurate verbatim transcript of the portion of the statement intended to be offered at trial and provide a copy to the Court and counsel at least seven days before trial. The proponent of the recorded statement is responsible for its transcription. Failure to comply with either requirement may result in exclusion of the recorded statement at trial.
2. In the event of an appeal from a court or jury trial, it is ordered that:
 - A. If the parties have stipulated to the accuracy of video or audio exhibits and made it part of the district court record, it becomes part of the record on appeal and it is not necessary for the court reporter to transcribe the exhibits.
 - B. If no such transcript exists, a transcript need not be prepared unless expressly requested pursuant to the Rules of Civil Appellate Procedure.
 - C. If the exhibit must be transcribed for the Court of Appeals or if the appellant or the respondent expressly requests that a transcript be prepared, the offering party must produce and file a verbatim transcript of the recorded statement within 30 days of the request for the transcript.
 - D. If a transcript is requested pursuant to the Rules of Civil Appellate Procedure, the offering party must produce and file a verbatim transcript of the recorded statement within 30 days of the request for the transcript.
 - E. In the event a transcript is ordered by the Court or required for an appeal, counsel for the parties shall confer and determine if there are any parts of the transcript that are in dispute and advise the Court prior to the filing of the transcript. Any such dispute shall be resolved by the Court.

III. Procedural Notification

Any request for a verbatim transcript of a recorded statement, whether by the Court or by either party, shall be directed to the court reporter who took the record of the proceeding. Said court reporter shall, within three (3) working days, send a written notification to the party who offered the electronically or digitally recorded statement of the request for the transcript. The requirement of said party to produce a verbatim transcript within the time requirements set forth herein shall commence upon receipt of said written notification. Upon the filing of the written notification, the court reporter shall have no further obligation regarding the preparation of the transcript of said recorded statement.

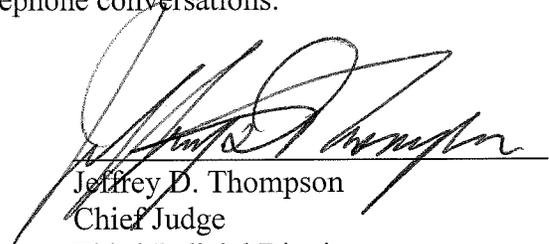
IV. Limitations on Administrative Order:

1. This Administrative Order does not supercede, modify, or replace the statutory requirements regarding evidence of video, audio, or other recordings set forth in Minn. Stat. § 634.36.
2. This Administrative Order does not supercede, modify, or replace the existing rules governing appeals and does not supercede, modify, or replace any future rules governing appeals other than to require the party, who offers as evidence an electronically or digitally recorded statement, the requirement to prepare a verbatim transcript pursuant to the requirements of this Order.

*This policy applies, but is not limited, to recordings of 9-1-1 calls, implied consent hearings, answering machine messages, voice mail messages, Scales tapes, child interviews, crime scene walk-throughs, undercover buys, and recordings of telephone conversations.

Dated: _____

11-4-14


Jeffrey D. Thompson
Chief Judge
Third Judicial District