



Minnesota Judicial Branch

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Storage of Captured Records of Court Proceedings

I. POLICY STATEMENT

It is a policy of the Minnesota Judicial Branch that all records of court proceedings shall be filed with the court administrator to ensure compliance with Minn. Stat. § 486.03; safe and secure storage, retention, and maintenance of these records; and the ability to produce transcripts from these records when the person who took the record is unavailable to produce a transcript.

II. DEFINITIONS

- A. Audio recording means a digital/electronic file of court proceedings that captures and preserves a verbatim record and detailed log notes/tags that are date and time stamped to the digital recording.
- B. Dictionary means a stenographic court reporter's electronic database of steno-to-English definitions and conversion rules, used for translating raw electronic notes into English text.
- C. Electronic Court Reporter (ER) means a court reporter who captures a verbatim record of court proceedings using digital (electronic) recording equipment, and prepares and distributes transcripts.
- D. Electronic Recording Equipment Operator (EREO) means court staff who is certified to capture a verbatim record of court proceedings using digital (electronic) equipment. Unless certified to prepare transcripts, these employees are not authorized to prepare transcripts of court proceedings. For purposes of this policy this definition of EREOs includes court employees who are certified court reporters, but not currently serving as official court reporters.

- E. Official Court Reporter means an employee of the Minnesota Judicial Branch with a job classification of Official Court Reporter – Steno, Official Court Reporter – Electronic, Court Reporter - Central Monitoring Room (CMR), or Court Reporter Lead Worker - Central Monitoring Room (CMR).
- F. Paper-Only Court Reporter means a stenographic court reporter who captures the proceedings on a shorthand machine and generates only paper notes.
- G. Paper Notes means a paper stenographic tape containing the original untranslated, unedited, stenographic marks generated on a shorthand machine.
- H. Per Diem Reporter means a court reporter who is not an employee of the Minnesota Judicial Branch who is engaged on an as-needed basis to provide court reporting services when an official court reporter is not available.
- I. Raw Electronic Notes means an electronic file containing the original untranslated, unedited, stenographic marks generated on a shorthand machine.
- J. Shorthand Machine (Steno Machine or Writer) means a specialized piece of equipment used by stenographic court reporters to capture proceedings as raw electronic notes and/or paper notes.
- K. Stenographic Court Reporter means a court reporter who captures a verbatim record of court proceedings using a shorthand machine and prepares and distributes transcripts.
- L. Transcript means a fully edited, final, certified document of the proceedings.
- M. Translated Notes means a computer-generated document created through the conversion of raw electronic notes into English text, whether done in real time or post proceedings. Translated notes do not constitute a transcript.

III. PROCESS

- A. Secure Repository. The State Court Administrator (SCA) shall provide and maintain a secure repository (Repository) for the electronic filing of all stenographic records and audio recordings of court proceedings, as defined in section III.B of this policy.
 - 1. SCA shall adopt protocol for authorizing access to the Repository by official court reporters, electronic recording equipment operators (EREO), court administrators, district administrators, appointing authorities, former official court reporters, and per diem reporters.
 - 2. The Repository must be a statewide system, searchable by those with access rights, and backed up nightly.

B. Filing. All official court reporters, per diem reporters, and EREOs shall electronically file records of court proceedings with the court administrator in the county in which the case is venued, as provided in this policy. The records of court proceedings shall be electronically filed at the conclusion of each day's court proceedings except as provided in paragraph 3 of this section. The records should be filed daily. If it is not possible to electronically file the court records at the conclusion of a day's court proceedings, they must be filed no more than five business days after the conclusion of that day's court proceedings.

1. Stenographic records of court proceedings are deemed to be electronically filed with the court administrator when one of the following is stored in the Repository:
 - a. translated notes in a Rich Text Format (RTF) file, or
 - b. raw electronic notes with a copy of an updated dictionary saved in a Rich Text Format (RTF) file.¹
2. Audio recordings of court proceedings are deemed to be electronically filed with the court administrator when the audio recording and corresponding log notes are stored in the Repository.
3. Paper-Only Court Reporters are not required to file their stenographic notes electronically. They are required to file their paper notes with the court administrator no more than five business days after the conclusion of that day's court proceedings and record the filing of the paper notes in the Repository unless otherwise ordered by the district court because proceedings are not yet concluded. The paper notes shall be filed with the court administrator by placing them in a designated storage area. Local procedures for storing paper notes should be updated accordingly. If a local procedure does not exist, one must be established.

C. Access to Records in Repository

Access to records in the Repository is for the purpose of complying with this policy and relevant law. Access to records stored in the Repository is limited to the purposes outlined in this policy. This policy does not preclude court reporters or EREOs who captured the court record from sharing of records outside of the Repository for business purposes, including, for example, making audio recordings available to judges, law clerks, and court administration staff.

¹ If a stenographic court reporter's computer-aided transcription (CAT) software cannot produce RTF files, the court reporter must file paper notes as provided in III.B.3. The court reporter should also file raw electronic notes and translated notes, including all related files necessary for another court reporter with the same CAT software to open and edit the document file.

1. Court Reporters. Court reporters must be able to file records of court proceedings as required by this policy and access their own records for purposes of preparing transcripts. Former official court reporters and per diem reporters shall not have access without the approval of the court administrator. Access to a stenographic court reporter's dictionary is limited to that stenographic court reporter, except when deemed necessary under paragraph D.6.
 2. Electronic Recording Equipment Operators (EREO). EREOs must be able to electronically file records of court proceedings and view the records filed. EREOs shall have access upon approval of the court administrator.
 3. Court Administration.
 - a. The court administrator and/or designee for each county must have read/hear-only access to the records of proceedings to comply with statutory requirements and this policy. A designee shall have access with the approval of the court administrator.
 - b. Except as authorized in this policy, court administration staff shall not have access to the Repository.
 4. State Court Administrator's Office.
 - a. Information Technology Division (ITD) staff must have access to the Repository for purposes of securing, maintaining, and updating the Repository. ITD staff shall not have access without approval of their appointing authority.
- D. Transcript Preparation. The official court reporter or per diem reporter who captured the verbatim record of a court proceeding is the person to transcribe the record and shall prepare or arrange for the preparation of the transcript of the court proceeding, except as otherwise provided in this section.
1. Official court reporters who take a court reporter position in another county or judicial district continue to be responsible for preparing transcripts of court proceedings taken while in the earlier position.
 2. The Assignment of Transcript Work provision in the Memorandum of Agreement: Fourth Judicial District Court Monitoring Room Court Reporters (9/28/2010) applies as long as it remains in force and effect.
 3. Upon separation from employment with the Minnesota Judicial Branch, former official court reporters remain responsible for preparing transcripts unless the court reporter:

- a. notifies the court administrator(s) that s/he is no longer available to prepare transcripts;
 - b. fails to provide the court administrator with current contact information; or
 - c. fails to respond to requests in a timely manner as related to the urgency of the request; or
 - d. is incapacitated or has died.
4. Per diem court reporters are responsible for preparing transcripts unless the court reporter:
 - a. notifies the court administrator(s) that s/he is no longer available to prepare transcripts;
 - b. fails to provide the court administrator with current contact information; or
 - c. fails to respond to requests in a timely manner as related to the urgency of the request; or
 - d. is incapacitated or has died.
5. Transcripts of court proceedings recorded by an EREO shall be arranged for and prepared following local practices.
6. In the event that the official court reporter or per diem reporter who captured the record is deemed to be unavailable to prepare the transcript, the court administrator or designee shall find an official court reporter in the same county or district who is able to prepare the transcript.
 - a. A court reporter is deemed to be unavailable to produce a transcript if
 1. the reporter is no longer responsible for preparing the transcript under paragraph D.3 or D.4;
 2. the reporter is on leave and unable to prepare a transcript or request an extension; or
 3. there is an urgent need for a transcript to be produced immediately and the court reporter cannot be located.

- b. Access to the record of the proceeding, including the stenographic dictionary, will be provided to the second court reporter to enable production of the transcript. Access must be approved by the court administrator or designee.
- 7. Official court reporters shall promptly notify their appointing authority, and if different, the judge who presided at a court proceeding, when:
 - a. the reporter is unable to timely complete a transcript within 60 days or such shorter period as is prescribed by applicable rules;
 - b. the reporter is unable to comply with a transcript delivery deadline set in an appellate court order; or
 - c. the appellate court has declared the court reporter to be ineligible to act as an official court reporter in proceedings and prohibited from performing any private reporting work until an overdue transcript is filed, or has been found in contempt of court for failing to comply with an appellate court order fixing a time within which the transcript must be delivered and filed. If declared by the appellate court to be ineligible, the court reporter must promptly comply with the appellate court order.
- E. Records. All recordings of court proceedings are the property of the Minnesota Judicial Branch.
- F. Record Retention. All recordings of court proceedings shall be retained for the period of time required in the District Court Records Retention Schedule. The court administrator or designee is responsible for destruction of records in the Repository as required under the District Court Records Retention Schedule.
- G. Compliance.
 - 1. The court administrator or designee shall be responsible for monitoring compliance with the filing requirements of this policy. If the court administrator or designee determines that a court reporter or EREO is delinquent in filing records of proceedings as required by this policy, the court administrator or designee shall notify the court reporter or EREO that compliance is required. If an official court reporter or EREO does not become compliant, the court administrator or designee shall notify the appointing authority.
 - 2. A term of the assignment or contract for per diem reporters shall include a requirement to comply with this policy. If a per diem reporter does not become compliant, the court administrator or designee shall notify the judge(s) who presided at the court proceedings, and shall not use for per

diem services unless this person agrees to comply with the filing requirements.

3. To enable monitoring for compliance, reports shall be created and generated from the data in the Repository. The reports shall be accessible to all persons authorized to have access to the Repository.

IV. APPLICATION

1. This policy applies to official court reporters, per diem reporters, and electronic recording equipment operators who capture the record of a court proceeding.
2. This policy applies to all court proceedings before a judge, referee, or child support magistrate, except in conciliation court proceedings.
3. This policy does not restrict current practice for locations in which audio recordings are shared with judges, referees, child support magistrates, law clerks, and court administration staff for business-related purposes.
4. This policy does not restrict or impact an official court reporter's personal copies or backups of records of court proceedings.

V. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the State Court Administrator, acting as the Judicial Council's agent.

VI. EXECUTIVE LIMITATIONS

None.