

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 6: Records
Section 1-602: Digital Recording of Court Proceedings
(added text shown in underline, deleted text in ~~strikethrough~~)

A. [No Change]

B. Purpose. Digital recording in the courtroom, whether audio or video, must meet the required standards listed below when created as the official record of a court proceeding. In addition to setting minimum standards for digital recordings, this section also contains storage requirements for electronically-maintained ~~court~~ certified reporters' notes and recommendations intended to guide electronic recording operations. This section is not intended to mandate digital recording in the court.

C. Technical Requirements.

1. Equipment.

a. Courts must comply with the equivalent accessibility, migration, storage, and retention requirements provided in ACJA § 1-504(F)~~&~~ and (G) when procuring and using digital recording equipment.

b. through e. [No Change]

2. through 4 [No Change]

D. Operational Requirements.

1. through 3. [No Change]

4. Official vs. Unofficial Recordings.

a. ~~When no certified court reporter is present in a court proceeding, the electronic recording is the official record, except as provided by Supreme Court Rule 123(d)(4), and any transcript thereof must be prepared in accordance with Section 5 below.~~

b. In all circumstances, ~~When a court-employed or court contracted~~ certified reporter records a proceeding in the superior court that is simultaneously recorded by electronic recording equipment, the court-employed or court-contracted certified reporter's record is the official record.

b. In the absence of a court-employed or court-contracted certified reporter, the court's electronic recording of a proceeding is the official record, unless a party provides at least five-days' written notice to the court and all other parties of the intent to provide a certified reporter to make the official record. In that case, the official record is as provided in Rule 30(b)(3), Rules of the Supreme Court. Except as provided by Rule

123(d)(5), Rules of the Supreme Court, any transcript must be prepared in accordance with subsection (D)(5) of this section.

c. [No Change]

5. Transcription.

a. Official transcripts of court proceedings prepared from electronic recordings must comply with ~~the~~ ACJA § 1-603 and must be produced by ~~either a~~ court-employed or court-contracted certified reporter, a court employee whose official duties include the preparation of transcripts, or ~~a~~ an individual transcriber or a transcription service under contract with ~~a~~ an Arizona court.

b. [No Change]

c. Courts must assign an individual to act as a transcript coordinator to ensure timely provision of electronic recordings of proceedings to authorized transcribers, as defined in ~~Supreme Court Rule 30(a)(2)(b) and (a)(2)(c),~~ Rules of the Supreme Court, when required for appellate proceedings. The coordinator and authorized transcribers should be familiar with the rules and practices involved in transmitting the verbatim record to the appellate court.

6. Records Management.

a. Courts must identify equipment and establish procedures necessary for archiving and managing electronic records of court proceedings, for ensuring the timely production of transcripts required for appellate proceedings, and for providing public access to the records in compliance with Rule 123, Rules of the Supreme Court, and ACJA §§ 1-504 and -506.

b. Courts must preserve electronic notes of proceedings generated by ~~court~~ certified reporters in a generic format that will permit them to be interpreted by other certified reporters in the event the author is not available to prepare a transcript. For example, the translated version of the notes may be stored in a “.pdf” format accompanied by an electronic copy of the author’s personal dictionary.

c. through f. [No Change]

7. [No Change]

E. Recommended Practices. This subsection identifies best practices in procuring and operating digital recording systems.

1. and 2. [No Change]

3. Public Access Fees. Courts may charge reasonable fees for copies of audio or video recordings of court proceedings, consistent with the requirements of Rule 123, Rules of the Supreme Court. The court may waive or defer such fees as it deems appropriate or where law requires such waiver or deferral.

4. [No Change]

F. [No Change]