

FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

BY: DR

IN AND FOR THE COUNTY OF MOHAVE

2004 JAN -5 PM 3:11

SUPERIOR COURT CLERK

IN THE MATTER OF:)
)
USE OF DIGITAL RECORDING)
EQUIPMENT BY COURTROOM CLERKS)
AND DIGITAL RECORDING OF TRIAL)
COURT PROCEEDINGS)
_____)

ADMINISTRATIVE ORDER
2004-01

The Clerk of the Mohave County Superior Court has experienced difficulty attracting and keeping personnel with high level shorthand skills for courtroom clerk positions. The high volume of cases being heard by our judges, particularly in criminal divisions, has caused difficulty for the courtroom clerks in generating and issuing minute entries within the time frames required by court operations. To this end, state Fill The Gap funds were approved by the Administrative Office of the Courts for purchase and installation of "For The Record Gold" digital recording devices for the divisions of superior court located in the main courthouse in Kingman.

The purpose of this equipment is to enable the Clerk of Superior Court to rotate courtroom clerks between criminal divisions and other divisions on a regular basis, so that all of them, particularly those with less or no shorthand proficiency, will be able to produce minutes of hearings promptly. The digital recording devices are not intended for production of the official verbatim record of proceedings in any division where an official court reporter is present in court and taking those proceedings. The automated, internal recordings in the devices, which may be recorded onto CD's or DVD's but are not automatically recorded onto either medium, will serve as the courtroom clerks' notes of those hearings and will be used only to enable these clerks to generate timely and accurate minute entries. They will not be recorded onto any permanent discs absent court order authorizing permanent retention, unless expressly preserved as the official record of the proceedings due to the absence of an official court reporter.

Supreme Court Rule 123 governs public access to the judicial records of this state. That rule defines what constitutes "public records" that are subject to public access, and under what circumstances certain of those records need not be made available to the public. These digital recordings of superior court proceedings, in divisions using certified, official court reporters to make the official records of the proceedings, are, in essence, the notes of the courtroom clerks, made to assist them in generating minute entries, and are not, therefore, public records subject to Rule 123.

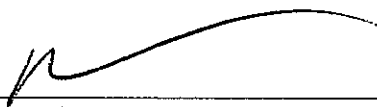
For these reasons, **IT IS ORDERED:**

1. Digitally recorded notes kept by courtroom clerks, in divisions using an official court reporter, are not public records and are not to be disseminated under public record requests absent specific court order in a given case.

2. The official record of any superior court proceedings in any division employing a certified, official court reporter is the stenographic notes and transcript(s) produced from those notes by the official reporter. No paper or audio recording of proceedings made from the Clerk's FTR Gold digital recording system, or any other audio recording system, nor transcript produced from such recordings except a transcript certified by an official court reporter, may be used as the official record of any superior court proceedings in a division employing an official court reporter during those proceedings.

3. Pursuant to the authority of A.R.S. § 38-424, any judge or commissioner of Mohave County Superior Court may choose to utilize digital recording to create the official record of court proceedings in that division, if there is no official court reporter assigned to that division or none available at the time of any particular proceeding, unless any party to the proceeding requests a court reporter. This is a discretionary decision to be made by each judicial officer.

DATED this 5th day of January, 2004.



Honorable Robert R. Moon, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County