

EIGHTH JUDICIAL DISTRICT, STATE OF COLORADO LARIMER COUNTY AND JACKSON COUNTY 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 494-3500	
<p style="text-align: center;">ADMINISTRATIVE ORDER REGARDING ELECTRONIC SOUND RECORDINGS OF COURT PROCEEDINGS</p>	
<p style="text-align: center;">ADMINISTRATIVE ORDER 2023-1</p>	

The Eighth Judicial District utilizes electronic recording devices in its courtrooms to digitally record most court proceedings held in the District. Only some District Court matters are stenographically recorded by the court reporters. Occasionally requests are made for a copy of the digital recording of a court proceeding. Chief Justice Directive 05-03 (V)(D) authorizes each judicial district to determine and post on its website a policy outlining procedures for ordering transcripts, tapes, or digital recording disks. Chief Justice Directive 05-03 (V)(D)(2) permits reproduction of electronic sound recordings of court proceedings to be made by the court if the judicial district provides such service.

To clarify the standing Eighth Judicial District procedure and policy regarding audio recordings, the undersigned Chief issues Administrative Order 2023-1. In all County and District Proceedings for the Eight Judicial District, all person including litigants, counsel, and the public may obtain only certified transcripts. No draft transcripts shall be provided to any person, unless done so pursuant to Eighth Judicial District policies. Copies of the audio will not be provided for the following reasons:

1. The Eighth Judicial District uses “For The Record” (FTR) recording devices in the courtrooms. Microphones are placed throughout the courtroom, including at the parties’ tables, to record the proceedings. As a result, confidential communications between an attorney and client at counsel table will likely be recorded, yet these conversations are not

part of the court record and would not be transcribed by a transcriptionist preparing a written transcript from the audio recording. Court personnel copying the electronic recording will not know whether confidential communications have been recorded unless the staff member listens to the entire proceeding, which is time intensive.

2. The District must also be careful to not release information which is protected or is to be redacted from the record. There are times when certain information must be redacted from the record before it can be released to the public, such as removing the name and any other information identifying the victim of a sexual offense from the record. C.R.S. § 24-72-304(4)(a). To complicate matters more, courts frequently call multiple cases on a docket and there are occasions when other matters are heard by the court in the middle of the case for which the transcript is requested without ever stopping the recording. This could result in unrelated hearings being included on the disk as well as potential for protected information to inadvertently be released. Court personnel copying the electronic recording will not know what information to redact.
3. This policy prevents confusion with the creation of alternate records, as only the official record will be the certified transcript. The restriction found in the Chief Justice Directive 05-03 has not prevented persons from attempting to use a recording in a court proceeding or preparing their own written transcript from the recording for use in court. There are numerous local examples of individuals who self-prepared a written transcript from an electronic recording and the existence of alternate records are problematic when they are not certified for accuracy.
4. The only exception to this policy is with regards to small claims appeals. Although an audio recording may not be used as the official record in an appeal or during any motions or other court proceedings, appeals in small claims cases pursuant to C.R.S. § 13-6-410 can be used and will still be made available as an exception to this administrative order.

Based on the foregoing, the Eighth Judicial District will not provide copies of digital recordings of court proceedings, except for an appeal of a small claims case. Persons requesting all or part of

the record of a court proceeding must complete and file a transcript request form, JDF 4, which can be obtained electronically from the Eighth Judicial District webpage on the state judicial website, www.courts.state.co.us, or by visiting Judicial Administration.

Any law enforcement agency seeking a digital recording of court proceedings for investigative purposes must make a separate request seeking an exception to this policy and explaining why an expedited transcript would delay justice.

SO ORDERED this January 11, 2023.

BY THE COURT:



Susan Jasmine Blanco
District Court Chief Judge