

## **Chapter 5 – Court Records**

### **Rule 5.01 – Court Files**

Case files, both open and closed, shall not be removed from the office of the clerk of courts, unless written Court authorization has been given or if a file is being taken directly to or from the Court or office of the clerk of courts.

Case documents, as defined by Sup.R. 44, are public records. However, some documents submitted to the Court or filed with the Court are excluded from the definition of case documents under Sup.R. 44(C)(2).

Copies of case documents can be obtained from the office of the clerk of courts for \$.10 per page. For the cost of copies see attached Schedule of Deposits for Security of Court Costs and Filing Fees See Exhibit “A.” Court records that are not case documents are not public records and may not be obtained from the clerk of courts.

### **Rule 5.02 – Court Recordings**

The Court records all hearings electronically. Electronic recordings are the official record. Electronic recordings, audio tapes, and any stenographer notes shall be maintained by the Court for three years from the date of the particular recording. Any interested party or non-party desiring to preserve the record beyond that period must make arrangements with the appropriate court personnel to have the record transcribed or designated for permanent storage.

If an electronic recording of a hearing in front of a judge is not available for purposes of appeal, refer to App. R. 9(C). Refer to Local Rule 10.08 for the procedure that will be followed when an electronic recording of a hearing in front of the magistrate is not available.

### **Rule 5.03 – Electronic Copies of Court Recordings**

Copies of electronic recordings on compact disc may be ordered by completing the Request for Electronic Record of Courtroom Proceeding, which is attached as Exhibit “E.”

## **Rule 5.04 – Transcripts**

Transcripts may be ordered by making a written request. The original request must be filed with the clerk of courts and a copy either hand-delivered or mailed directly to the judge or magistrate's office. All requests for transcripts must include the full case caption and case number including the date and time of the hearing. The compensation rates for preparing transcripts and copies are as follows:

- For the original, the cost is \$3.50 per page (cost includes copy to requesting party).
- For a copy to a non-requesting party or others, the cost is \$0.10 per page.
- Electronic copies of previously prepared transcripts are available free of charge via e-mail.

**The official record for purposes of appeal, or to prosecute or defend objections to a magistrate's decision, remains the transcript as prepared by an official court transcriptionist.**