

ATTACHMENT

RULES OF CRIMINAL PROCEDURE 31.8

Rule 31.8. The record on appeal; transcript; duty of the ~~court reporter~~ authorized transcriber.

a. [no comments]

b. [no comments]

c. [no comments]

d. *Duty of the ~~court reporter~~ authorized transcriber; payment for certified transcript; number of copies.*

(1) [no comments]

(2) [no comments]

(3) The ~~court reporter~~ authorized transcriber shall promptly make any additions and deletions requested by the parties.

(i) For non-electronically filed transcripts. The ~~court reporter~~ authorized transcriber shall prepare an original and two copies of the certified transcript unless further copies are ordered. The ~~court reporter~~ authorized transcriber shall file the original certified transcript with the clerk of the appellate court within the time for the clerk to file the record pursuant to Rule 31.9(a). When the state is the appellee the ~~court reporter~~ authorized transcriber shall send one copy of the certified transcript to the Office of the Attorney General. When the state is the appellant, the ~~court reporter~~ authorized transcriber shall send one copy of the certified transcript to the agency that prosecuted the case in Superior Court. The ~~court reporter~~ authorized transcriber shall file ~~SUBMIT~~ the copy for the defendant ~~with~~ TO the clerk of the Superior Court, who will retain the copy

for release to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*, unless there is a local rule or administrative order providing otherwise, in which case the ~~court reporter~~ authorized transcriber shall distribute the defendant's copy as provided by such rule or order. Notice of service of the certified transcript shall be filed with the appellate court reflecting when and upon whom service was made.

(ii) For electronically filed transcripts. In courts that accept electronic filings, the authorized transcriber shall file the ORIGINAL certified electronic transcript with the clerk of the appellate court within the time for the clerk to file the records pursuant to Rule 31.9(a). When the state is the appellee, the authorized transcriber shall send an electronic copy of the certified transcript to the Office of the Attorney General and the appropriate county attorney's office, if any. When the state is the appellant, the authorized transcriber shall send an electronic copy of the certified electronic transcript to the agency that prosecuted the case in Superior Court. The authorized transcriber shall ~~file~~ SUBMIT the electronic transcript for the defendant ~~with~~ TO the clerk of the Superior Court, who will provide the electronic transcript to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*. If a paper transcript is required or requested in lieu of an electronic transcript, the authorized transcriber shall ~~file~~ SUBMIT the paper copy for the defendant ~~with~~ TO the clerk of the Superior Court, who will retain the copy for release to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*, unless there is a local rule or administrative order providing otherwise, in which case the authorized transcriber shall distribute the defendant's copy as provided by such rule or order. Notice of service of the certified transcript shall be lodged with the appellate court reflecting when and upon whom service was made.

(iii) *TIMEFRAME FOR CLERK TO RETAIN PARTIES' COPIES.*

COPIES OF TRANSCRIPTS RETAINED BY THE CLERK UNDER THESE RULES
SHALL BE RETAINED FOR 90 DAYS.

ATTACHMENT

SUPREME COURT RULE 91

Rule 91. Superior courts and clerks.

(a) through (g) [no changes]

(h) *Uniform size of pages of transcripts.*

(1) WHEN A PAPER TRANSCRIPT IS REQUIRED OR REQUESTED, the certified transcript of testimony of any proceeding shall be furnished by the ~~court reporter~~ authorized transcriber on 8 1/2 by 11 inch paper having 25 lines per page with ~~a left hand margin of 1 3/4 inches and a right hand margin of 3/8 inch~~ total combined margins of text not to exceed 2 and 1/8 inches.

ATTACHMENT

RULES OF CRIMINAL PROCEDURE 5.7

Rule 5.7. Preservation of Recording

The clerk shall retain and preserve any audiotape or videotape of a preliminary hearing in the same manner as required for the original notes of a court reporter pursuant to Rule 28.1(c), Rules of Criminal Procedure.

ATTACHMENT

RULES OF CRIMINAL PROCEDURE 28.1(c)

Rule 28.1(c). Original Verbatim Records. Court reporters' notes in criminal cases shall be retained according to the records retention and disposition schedules and purge lists adopted by the Supreme Court.

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RULES OF CIVIL PROCEDURE 43(k)

Rule 43(k). Preservation of verbatim recording of court proceedings.

(1) The official verbatim recording of any court proceeding is an official records of the court. The original of 7/8such verbatim recording shall be kept by the person who recorded it, a court-designated custodian, or the Clerk of the Superior Court in such place or places as shall be designated by the court. Unless the court specifies a different period for the retention of such verbatim recording, it shall retained according to the records retention and disposition schedules and purge lists adopted by the Supreme Court.

(2) If a court reporter's verbatim recording has been delivered to the Clerk of the Superior Court or court-designated custodian and is to be transcribed, the court reporter who made the recording shall be given the first opportunity to make the transcription, unless that court reporter has been dismissed or has otherwise terminated the position as court reporter for the Superior Court or is unavailable for any other reason.

ATTACHMENT

SUPERIOR COURT- LOCAL RULES (MARICOPA COUNTY)

Rule 1.10. Court reporters' notes, duties of clerk and reporters and destruction of notes

a. Scope. This rule shall apply to all court reporters' notes taken in trials or proceedings in any division of this court or before any commissioner, master or referee.

b. Responsibility of Court Reporters.

(1) *All Reporters.* It shall be the responsibility of all reporters employed in any capacity by this court to be aware of and comply with all provisions of this rule. All court reporters, including per diem or contract reporters, shall keep the records management center administrator in the office of the clerk of court advised of their current address and telephone number.

(2) *Official and Deputy Court Reporters.* All official court reporters of this court shall be responsible for the safekeeping of their notes and the notes of their deputies until the notes have been delivered and accepted for storage by the clerk of this court pursuant to this rule.

(3) *Per Diem Court Reporters.* All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court. The notes shall be presented to the clerk of this court for storage when the notes for a given case category completely fill a prescribed storage container or upon the reporter's permanently leaving the state of Arizona. The notes shall be presented to the clerk of this court in the manner prescribed in paragraph d.(1) of this section

c. *Personal Storage of Notes by Official and Deputy Reporters.* All reporters' notes which have not been stored with the clerk shall be kept by the reporter of the division in which the proceedings were reported.

d. *Storage of Notes with Clerk and Destruction of Notes.*

(1) *Storage and Indexing.* Not less than once each year, all reporters shall store with the clerk of this court all notes which are more than two (2) years old. All court reporters who store their notes with the clerk of this court as required by this rule shall place the notes in a carton prescribed by the clerk and approved and furnished by the court administrator. All reporters shall store civil, juvenile, habeas corpus and criminal proceeding notes in containers separate and apart from each other and shall identify the carton and its contents on a label affixed to the front of the storage container. The label shall be prescribed by the clerk of this court and approved and furnished by the court administrator. All notes presented to the clerk of this court shall be accompanied by a receipt prescribed and provided by the clerk. All notes shall be stored under the name of the reporter taking the notes.

(2) *Facilities and Procedures.* All court reporters' notes in the custody of the clerk shall be stored in a secure location. The clerk shall store, catalog and index each reporters' notes so that they may be readily obtained.

(3) *Retrieval of Notes.* A reporter or his/her designated representative may obtain access to their notes during normal working hours by notifying the record management center administrator for the clerk of this court and presenting adequate identification. The reporter should provide advanced notification to ensure immediate access to the

notes. A receipt shall be given for any notes removed and they shall be returned for storage within ninety (90) days unless this court grants an extension of time.

(4) *Destruction of Notes.* All reporters' notes for civil and probate proceedings except writs of habeas corpus in storage for more than seven (7) years shall be destroyed by the clerk of this court after giving thirty (30) days written notice by certified or registered mail, directed to the reporter at the reporter's last known business address and place of residence. Prior to the date set for their destruction, the reporter may reclaim the notes if so desired. Notes of habeas corpus, juvenile and criminal proceedings shall be stored indefinitely unless otherwise stated in these local rules pertaining to juvenile and criminal matters.

e. *Termination of Employment.* On termination of employment of any court reporter or deputy, the reporter or deputy, as the case may be, shall immediately deliver that reporter's or deputy's notes that are six months or older as of the date of termination to be store with the clerk and shall at all times keep the records management center administrator in the office of the clerk of this court advised of a current address and telephone number. The reporter or deputy may retain custody of any notes less than six months old as of the date of termination for a period not to exceed one year from the date of termination or until the reporter or deputy moves out of the state of Arizona, whichever occurs first, at which time the reporter or deputy shall deliver all remaining notes to the clerk of the court in a manner prescribed in paragraph d(1).

f. *Certification of Compliance with Rule.* All official reporters who are employed at an annual salary and paid on a regular basis by the county, who intend to terminate their employment, shall give at least two (2) weeks notice of such intention to the judge

who engaged their services. That judge shall forthwith notify the court administrator to withhold any further pay to said reporter until receipt of certification of compliance with this rule.