

GENERAL ORDER NO. 33

PLAN FOR THE USE OF COURT VIDEOTAPE

TRIAL RECORDS

This order applies to any proceeding presided over by a United States District Court Magistrate Judge when the verbatim record in the case was made with videotape.

In September 1988, the United States Judicial Conference authorized the use of videotape recording equipment to make the record of proceedings in some United States District Courts. In September 1989, the Conference authorized the expansion of the pilot program to include a Magistrate Judge's Court in the Northern District of California, provided that the District Court Judges agree to accept videotape in lieu of a transcript on appeal. This order establishes procedures for the recording and use of videotape records:

1. When videotape is used to record the proceedings, two original recordings made simultaneously and certified by the Courtroom Clerk as the true and complete record of the proceedings shall serve as the official record.

2. When videotape is used to make the record, a backup electronic sound recording shall also be made. This record shall not be used or transcribed for any purpose unless authorized by the presiding Magistrate Judge as a result of a failure of the video recording system to produce a complete and accurate record.

3. In matters appealed to the District Court Judges, in lieu of a typed transcript, an original videotape recording of the proceeding will be submitted to the District Court Judge with the official records in the case. No typed transcript shall be made from the videotape for use by the District Court Judges in review of a Magistrate Judge's decision unless specifically ordered.

4. Citations to the record by counsel in proceedings where the official record was made with videotape shall be to the tape number, date, hour, minute and second where the referenced portion of the record begins, as shown on the videotape, for example: (Tape number 91-5; 7/15/91; 14:07:56).

5. In cases on appeal to the Ninth Circuit Court of Appeals where the official record was made with videotape, attorneys shall secure typed, certified transcript made from certified copies of the videotaped recordings. Such certified transcripts shall be filed in the District Court as part of the official record in the case.

6. The Clerk of the District Court shall develop procedures to govern the operation of the videotape recording equipment, the management of videotape records, the acquisition of videotape records by counsel and the production and acquisition of typed transcripts from videotaped recordings.

ADOPTED: June 18, 1991