

IN THE SUPREME COURT FOR THE STATE OF ALASKA

No. 587

Amending Administrative
Rule 35, relating to elec-
tronic recording equipment

IT IS ORDERED:

Administrative Rule 35 is amended to read:

**Rule 35. Electronic Recording Equipment - Official Court record -
Responsibility for Record.**

(a) Electronic recording equipment will [SHALL] be installed in all courts for the purpose of recording all official court hearings. Such electronic recordings will [SHALL] constitute the official court record. It will [SHALL] be the responsibility of each judicial officer [JUDGE OR MAGISTRATE] to require that the electronic recording equipment in [HIS] court be operated only by a certified operator, or by an individual under the direct supervision of a certified operator during training, [QUALIFIED PERSONNEL] in such manner and under such conditions as to insure the production of a clear and completely understandable [READABLE] record of all proceedings.

(b) In this rule, the term "certified operator" means a person who has successfully completed a training course in the operation of electronic recording equipment in accordance with standard procedures established by the administrative director of courts.

(c) [(b)] Before commencing any proceedings required to be recorded, the judicial officer [JUDGE OR MAGISTRATE] shall be

satisfied [SATISFY HIMSELF] that the electronic recording equipment is functioning properly. [, AND D] During all proceedings the certified operator shall monitor the electronic recording equipment in accordance with standards established by the administrative director of courts [SHALL REQUIRE THE CLERK OR DEPUTY CLERK TO SUPERVISE THE OPERATION OF AND CONSTANTLY MONITOR THE INPUT TO THE EQUIPMENT] and immediately notify the judicial officer when it is uncertain that the record is clear and completely understandable [HIM WHEN THE QUALITY OF THE RECORDING IS DOUBTFUL]. Where extraneous noises, interference, poor enunciation or other factors create doubt that the electronic record is clear and completely understandable [SUFFICIENTLY CLEAR TO PERMIT FULL TRANSCRIPTION], it will [SHALL] be the responsibility of the judicial officer [JUDGE OR MAGISTRATE] to cause the doubtful proceeding to be repeated.

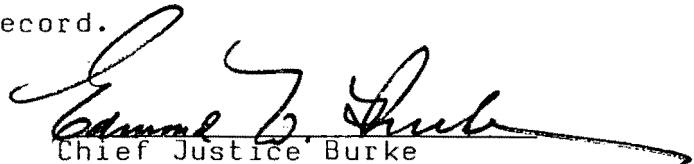
(d) [(c)] The electronic equipment operator [COURTROOM CLERK OR DEPUTY CLERK] shall be responsible for maintaining [A] detailed, accurate and thoroughly legible log notes which correlate the tape position with described courtroom events. [WRITTEN RECORD OF ALL PROCEEDINGS RECORDED ON SUCH MAGNETIC TAPE. THE MAINTENANCE OF SUCH RECORD SHALL BE ACCORDING TO INSTRUCTIONS OF T] The administrative director of courts shall establish standard procedures for the form, preparation and storage of log notes.

(e) [(d)] The administrative director of courts shall establish policies, procedures and standards to assure the

complete and accurate duplication of the electronic record and shall provide [ISSUE SPECIFIC INSTRUCTIONS TO COURT PERSONNEL REGARDING PROPER MONITORING AND TRANSCRIPTION AND PROVIDING] for a uniform safe method of permanent preservation of those original electronic records and log notes which are required to be preserved by the records retention schedule adopted under Administrative Rule 37 [MAGNETIC TAPES AND LOGS].

(f) [(e)] The administrative director may authorize the use of video recording [TAPE] equipment to record any trial where the recordation of such proceedings is feasible. Such video recordings must be accomplished in accordance with procedures established by the administrative director of courts. The video record in conjunction with the electronic audio recording [TAPE] will constitute the official court record.

DATED: November 21, 1983


Chief Justice Burke

EFFECTIVE DATE: June 1, 1984


Justice Rabinowitz


Justice Matthews


Justice Compton


Justice Moore