

**EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE,  
DOUGLAS, ELBERT and LINCOLN COUNTIES,  
COLORADO**

Arapahoe County Justice Center, 7325 South Potomac Street  
Centennial, Colorado 80112

Arapahoe County Court, Division A, 1790 West Littleton Boulevard  
Littleton, Colorado 80120

Douglas County Justice Center, 4000 Justice Way, #2009,  
Castle Rock, Colorado 80104

Elbert County Courthouse, PO Box 232, 751 Ute Street,  
Kiowa, Colorado 80117

Lincoln County Courthouse, PO Box 128, 103 Third Avenue,  
Hugo, Colorado 80821

**COURT USE ONLY**

**CJO 12-09**

**CHIEF JUDGE ORDER RE OFFICIAL TRANSCRIPTS/RECORDS**

PURSUANT TO AUTHORITY GRANTED TO CHIEF JUDGES of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, "Authority and Responsibility of Chief Judges," the following order is hereby entered:

On September 15, 2003, the then sitting Chief Judge of the Eighteenth Judicial District, entered a Chief Judge Order Re: Official Records. In that Order, the Court recognized that, in part due to budgetary reasons:

... all persons, including litigants, counsel and the general public may obtain only certified transcripts from the appropriate county or district court clerk's office or division office ... [n]o draft transcripts, disks containing draft or completed transcripts or any other form of 'transcript' shall be provided to any person. Further, the public is not authorized to listen to tapes or CDs of any proceedings in any court of record in this district. No person may utilize any recording device, or any privately hired court reporter (except as authorized by the judge in a specifically designated case) in any courtroom in an effort to create an 'alternate record.'

The only document that will be available is a certified transcript, the cost of which is either paid for in advance or is approved by the District Attorney's Office, the Attorney General's Office, the Office of the State Public Defender and the Office of Alternate Defense Counsel.

On September 17, 2003 in his Chief Judge Order Modifying Order Re: Official Records, the same Chief Judge modified the September 15, 2003 Order "to permit court reporters to continue to transmit orders by e-mail, ASCII disk, CDROM or in any other manner as they have in the past."

In 2005, and Amended in June, 2009, the Chief Justice of the Colorado Supreme Court issued Chief Justice Directive 05-03 that also dealt with this topic. Section IV (E) of the Chief Justice Directive discussed the ordering of transcripts, tapes or digital recording disks.

**IV(E). Ordering of Transcripts, Tapes or Digital Recording Disks**

Each district shall determine and post on the Colorado Judicial Branch website a policy that outlines the procedures for that particular district for ordering of transcripts, tapes or digital recording disks.

1. Transcripts may be ordered from the court following the procedure below:
  - a. The requesting party should use the request forms for transcript of a hearing or trial approved by the State Court Administrator. Blank forms can be procured from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address listed on the form for the appropriate district.
  - b. Persons ordering transcripts will be contacted directly by the court reporter or transcriber concerning payment of the appropriate fees. Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory arrangements are made with the transcriber for the payment of required fees.
  - c. It is the requestor's responsibility to properly pay or obtain a court order approving waiver of the fees in ordering of the transcripts. The requestor also must obtain and the reporter or transcriber must produce a dated receipt for the payment. This is to avoid any dispute as to the date, manner of payment and whether payment has in fact been made.
  
2. Copies of all or part of tapes or digital records (CD-ROM) may be ordered in those districts that are able to provide this service. The court may, based upon each district's policy, reproduce tapes or create CDs on its own duplicating equipment and may sell copies of electronic sound recording tapes made. The district may sell a whole or partial copy of the proceedings if available on CD, disk or tape to the public at the prevailing rate prescribed by this CJD. The rate shall be that rate in effect at the time of ordering.
  - a. Orders for copies should be submitted to the court on the request forms for tapes or CDs approved by the SCAO. Blank forms can be obtained from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address that is listed on the form for the appropriate district.
  - b. Copies of tapes or CDs shall not be used as the official record for purposes of appeal, motions or other court proceedings. Only certified transcripts by reporters or authorized transcribers shall be used as the official records of court proceedings.
  - c. *In those districts that do not provide this service, parties shall request a transcript using the procedure outlined in IV(E)(1) above.*
  
3. Districts shall not accommodate requests to listen to proceedings (tapes or CDs).

CJD 05-03, pp. 7-8 (emphasis added).

The undersigned Chief Judge of the Eighteenth Judicial District also entered a Chief Judge Order 10-11 Concerning Electronic Devices in Judicial Buildings on April 12, 2011. In that Chief Judge Order, the undersigned Chief Judge clarified that there shall be no electronic devices of any kind in the courtroom used to make any sort of sound or photographic recording of a proceeding. The Chief Judge Order also stated that official transcripts may be ordered through the office of the clerk of court.

In an effort to clarify the standing Eighteenth Judicial District procedure and policy regarding transcripts/official records, the undersigned Chief Judge enters this Chief Judge Order.

In all County and District Courts in the Eighteenth Judicial District, all persons, including litigants, counsel and the general public, may obtain only certified transcripts from the appropriate county or district court clerk's office or division office (including the assigned court reporter). No draft transcripts, disks containing draft or completed transcripts, or any other form of "transcript" shall be provided to any person, unless done so pursuant to CJD 05-03, Section IV(D). Further, there shall be no accommodation of requests to listen to proceedings (tapes or CDs). The Court notes that as outlined in CJO 10-11, no person may utilize any type of recording device or any privately hired court reporter in any courtroom in an effort to create an "alternate record." The phrase "alternate record" does not include those instances where a private court reporter has been hired with the express permission of the Judge hearing the matter where this is the only official record of the proceedings.

The only document that will be available is a certified transcript, the cost of which is either paid for in advance or is approved by the District Attorney's Office, the Attorney General's Office, the Office of the State Public Defender, and the Office of Alternate Defense Counsel. Copies of the audio will not be provided.

This policy comports with the Chief Justice Directive 05-03 (which leaves the policy on this issue up to the local districts). Where any provision of this CJO directly conflicts with CJD 05-03, CJD 05-03 shall control. This CJO further comports with CJO 10-11 Concerning Electronic Devices in Judicial Buildings. This policy will prevent any confusion with the creation of alternate records, as the official and only record will be the certified transcript. Any exception to this Order may only be granted by the Chief Judge of the Eighteenth Judicial District.

Done and entered this 19<sup>th</sup> day of April, 2012.

BY THE COURT:

  
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William B. Sylvester  
Chief Judge Eighteenth Judicial District