

RULE CHANGE 2019(06)
COLORADO RULES OF CIVIL PROCEDURE

Rule 80. Reporter; Stenographic Report or Transcript as Evidence

~~(a) **Reporter.** Unless the parties stipulate to the contrary, a district court or superior court shall, and any other court or referee or master in its discretion may, direct that evidence be taken stenographically and appoint a reporter for that purpose. His fee shall be fixed by the court subject to limitations imposed by law, and shall be paid in the manner provided by law; and if taxed to litigant may be taxed ultimately as costs in the discretion of the court. The cost of a transcript shall be paid in the first instance by the party ordering same.~~

~~(b) **Official Reporters.** Each court of record may designate one or more official court reporters.~~

~~(c) **Stenographic Report or Transcript as Evidence.** Whenever the testimony of a witness at a trial or hearing which was stenographically reported is admissible in evidence at a later trial, it may be proved by the transcript thereof duly certified by the person who reported the testimony.~~

~~(d) **Reporter's Notes: Custody, Use, Ownership, Retention.** All reporter's notes shall be the property of the state. Reporter's notes shall be retained by the court for no less than twenty-one years after the creation of the notes, or such other period as may be prescribed by supreme court directive or by instructions in the manual entitled, Colorado Judicial Department, Records Management. During the period of retention, reporter's notes shall be made available to the reporter of record, or to any other reporter or person the court may designate. During the trial or the taking of other matters on the record, the notes shall be considered the property of the state, even though in the custody of the reporter. After the trial and appeal period, the reporter shall list, date, and index all notes and shall properly pack them for storage. The state shall provide the storage containers and space.~~

[Repealed February 14, 2019, effective immediately.](#)

[COMMENT](#)

[\[1\] C.R.C.P. 80 has been repealed as Chief Justice Directive 05-03 entitled, Management Plan for Court Reporting and Recording Services, addresses matters related to court reporters in District Court matters.](#)

Rule 380. Reporter; Stenographic Report or Transcript as Evidence.

(a) - (b) [NO CHANGE]

(c) Reporter's Notes, Electronic or Mechanical Recording; Custody, Use, Ownership, Retention. All ~~reporter's notes and~~ electronic or mechanical recordings shall be the property of the state. The ~~notes and~~ recordings shall be retained by the court for no less than six months after the creation of the ~~notes or~~ recordings, or such other period as may be prescribed by supreme court directive or by instructions in the manual entitled, Colorado Judicial Department ~~, Records~~ [Retention Manual](#) ~~Management~~. During the period of retention, ~~notes and~~ recordings shall be made available to the ~~reporter of record, or to any other reporter or~~ person the court may designate. During the trial or the taking of other matters on the record, the ~~notes and~~ recordings shall be considered the property of the state, even though in the custody of the reporter, judge, or clerk. ~~After the trial and appeal period, the reporter shall list, date and index all notes and recordings and shall properly pack them for storage. Where no reporter is used, the clerk of court shall perform this function. The state shall provide the storage containers and space.~~

Rule 80. Reporter; Stenographic Report or Transcript as Evidence

Repealed February 14, 2019, effective immediately.

COMMENT

[1] C.R.C.P. 80 has been repealed as Chief Justice Directive 05-03 entitled, Management Plan for Court Reporting and Recording Services, addresses matters related to court reporters in District Court matters.

Rule 380. Reporter; Stenographic Report or Transcript as Evidence.

(a) - (b) [NO CHANGE]

(c) Reporter's Notes, Electronic or Mechanical Recording; Custody, Use, Ownership, Retention. All electronic or mechanical recordings shall be the property of the state. The recordings shall be retained by the court for no less than six months after the creation of the recordings, or such other period as may be prescribed by supreme court directive or by instructions in the manual entitled, Colorado Judicial Department Record Retention Manual. During the period of retention, recordings shall be made available to the person the court may designate. During the trial or the taking of other matters on the record, the recordings shall be considered the property of the state, even though in the custody of the reporter, judge, or clerk.

Amended and Adopted by the Court, En Banc, February 14, 2019, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**