

Rule 201. Recording of Court Proceedings; Release of Transcripts

(a) All Proceedings Recorded. All proceedings shall be simultaneously recorded verbatim by a reporter engaged by the court, by shorthand or mechanical means, or when permitted by rule of court by an electronic sound recording device.

(b) Obtaining Transcripts.

(1) Any person who has made suitable arrangements to pay the appropriate fee, shall be entitled to obtain a transcript of all or any part of any recorded proceedings in open court. As used in this Rule, proceedings in open court shall constitute all recorded judicial proceedings in a non-jury case, and in a case tried by a jury shall constitute all recorded judicial proceedings except discussions in which the jury does not participate.

(2) In a case tried to a jury, any party to the proceedings who has made suitable arrangements to pay the fee specified, or any judge of the District of Columbia Court of Appeals or any judge of this court, shall be entitled to obtain a transcript of any part of the recorded proceedings, whether or not held in open court. In a case tried to a jury, prior to rendition of a verdict or discharge of the jury, any person other than a party to the proceedings shall apply to the judge presiding for permission to obtain a transcript of any part of the recorded proceedings not held in open court. In determining whether such an application should be granted in whole or in part, the presiding judge shall consider the parties' right to a fair trial and the public's interest in a free press. The presiding judge may condition the granting of such application upon such terms as may be appropriate, may sequester the jury, or may take such other approved procedures as seem necessary to insure a fair trial in the case. After rendition of a verdict or discharge of the jury, all recorded proceedings shall be treated as proceedings in open court.

(c) Endorsement on Transcript. Each transcript obtained in accordance with this rule shall bear the following endorsement upon its cover page:

"This transcript represents the product of an official reporter or transcriber, engaged by the Court, who has personally certified that it represents the testimony and proceedings of the case as recorded."

(d) Transcript on Appeal. Upon the completion of any transcript in a matter to be brought before the appellate court, the reporter or transcriber shall notify the trial court and counsel that the transcript has been completed and will be forwarded to the Court of Appeals 5 days hence. The said notice shall inform counsel that any objections to the transcript must within the said 5 days be presented to the trial court and served on opposing counsel in the manner prescribed in Rule 5. Objections raised by the Court sua sponte shall be made known to the parties who shall be given an opportunity to make appropriate representations to the Court before the objections are resolved. All objections shall be resolved by the trial court on the basis of the best available evidence as to what actually occurred in the proceedings.

(e) Security of Original Transcript. In a case in which a transcript is ordered by any person, the reporter or transcriber shall deliver to said person a carbon copy or copies of any transcript prepared. The original of the transcript bearing the required certificate, shall be filed by the reporter or transcriber with the Clerk of the Court and shall not be changed in any respect except pursuant to rule of court. No change in any transcript may be made by the presiding judge except on notice to the parties to the proceeding. Where any changes are made in the transcription of proceedings the corrections and deletions shall be shown.

(f) Private Reporters. Except as provided in paragraphs (g) and (h) of this Rule, only a court reporter who is a court employee, or who is under contract to the Court to provide reporting services, is permitted to record proceedings held before a judge or hearing commissioner.

(g) Electronic Recording Devices. The use of court operated electronic recording devices may be permitted by the Chief Judge of the Superior Court for the perpetuation of a record in any court proceeding without the presence of a court reporter during such proceeding.

(h) Restriction on the Use of Electronic Recording Devices. No electronic recording equipment, other than that in the custody and control of official court reporters or court personnel in the performance of their official duties, may be used to record proceedings held before a judge or hearing commissioner.

COMMENT

Section (b)(2) requires that during trial persons other than parties apply to the court for transcripts of those portions of jury trials not held in open court. In this connection, see A.B.A. Standards on Fair Trial-Free Press § 3.1 and § 3.5.

For administrative rules concerning transcripts see Court Reporter Rules, District of Columbia Courts.