

# Court and Clerk Records

## TR 74 RECORDING EQUIPMENT GUIDANCE

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Effective January 1, 2024, [Indiana Trial Rule 74](#) requires that all trial courts, including city and town courts, to have audio recording equipment to record all hearings and trials in all case types. T.R. 74(A) requires that the audio recording equipment or computer aided transcription equipment must be able to record:

- all oral evidence and testimony, including questions and answers;
- all evidentiary objections and the judge's rulings; and,
- any other oral matters occurring during the hearing.

The official court reporter, or another person designated by the court, is required to supervise and operate the audio recording equipment. T.R. 74(B).

"The recording device or the computer aided transcription equipment shall be selected and approved by the court and may be placed under the supervision and operation of the official court reporter or such other person as may be designated by the court." T.R. 74(B). The recording system must play the recording back at a sufficient quality level to enable the preparation of a complete, true, and correct transcript.

Systems vary widely in design. Some operate on a standalone computer while others use network technology. Systems may use digital components in addition to videocassettes. Courts should consider the benefits of each approach, as well as the vulnerabilities and costs of each design. For any system, it should use interfaces that conform with standard interfaces so that it can be easily updated as technology advances.

Audio recording systems should:

- Allow for storage in a digital format with a continuous timestamp.
- Be reliable; the system should be able to visually indicate to the court reporter that it is functioning properly.

- Include multiple audio recording channels to isolate the voices of speakers. Four channels allow for jury/jury/bench (channel 1), witness (channel 2), defendant (channel 3), and plaintiff (channel 4).
- Be able to play back a portion of the recording while continuing to record.
- Allow for file storage in an open, publicly available digital format (examples: WAV, M-JPEG, MPEG 1, MPEG II).
- Create a backup of the files for disaster recovery and can archive the permanent copy on a widely available, industry acceptable medium that can be stored separately.
- Allow for the transfer of the digital recording to the transcriptionists in a widely available, industry accepted medium (examples: CD, JAZ, DAT).
- Access a particular recording using rewind, fast forward, search by timestamp, and other direct access methods to enable a system operator to quickly find passages of interest.

The court may consider a system that can import data such as the case number and participants' names from Odyssey. Video recording (via Zoom) should be considered for cases that involve a sign language interpreter in order to preserve a record of the interpretation.

It is important that the court choose a reliable audio recording system. Administrative Rule 10(A) makes it clear that the judge is charged with maintaining an accurate court record:

Each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that (a) the judicial records of the court are recorded and maintained pursuant to Supreme Court directives, and (b) measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

The public also should be able to access the audio. For information on public requests to access to hearing records, see [Requests for Access to Court Hearing Records](#) in the Trial Court Administration Manual for Judges and Clerks.