

In the Indiana Supreme Court

Cause No. 23S-MS-10



Order Amending Rules of Trial Procedure

Under the authority vested in this Court to provide by rule for the procedures employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts in this state, the Indiana Rules of Trial Procedure are amended as follows (deletions shown by ~~striketrough~~ and new text shown by underlining):

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Rule 74. Recording Proceedings; Transcripts; Audio Recordings ~~machines; court reports; stenographic report or transcript as evidence~~

(A) ~~Recording machines--Transcripts.~~ ~~For the purpose of facilitating and expediting the trial of causes and the appeals therefrom, t~~The judge of each circuit, ~~criminal~~, superior, probate, city, town, and Marion County Small Claims and juvenile court of each and every county of this state shall ~~may~~ arrange and provide for the audio recording of all hearings and trials in all case types. ~~The recording shall include by electronic or mechanical device, or by stenographic reporting with computer aided transcription capability of, any and~~ all oral evidence and testimony given in all causes and hearings, including both questions and answers, ~~and~~ all rulings of the judge in respect to the admission and rejection of evidence and objections thereto, and the recording of any other oral matters occurring during the hearing in any proceeding.

(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. Shorthand or stenography is permitted so long as the audio recording requirement of section (A) is met. Recording through shorthand or stenography is prohibited. The court may, in its discretion, eliminate shorthand or stenographic reporting of any recorded matter. A transcript, typewritten or in longhand, made in part or entirely from such recording, shall serve the same purpose as if made from shorthand notes and if certified, as in the case of a transcript of shorthand notes, shall serve the same purpose and be as valid as if made from shorthand notes. Provided further, that the judge may authorize or direct the court reporter or any other responsible, competent person, in his discretion, to make a transcription from such recordings, and the same shall be certified by the person making said transcriptions in the same manner and have the same effect as if made from shorthand notes.

(C) A party shall request a transcript for appeal by a Notice of Appeal complying with the Indiana Rules of Appellate Procedure. Any party requesting a transcript for any other purpose

shall file a written request for transcript, specifically setting out the matter to be transcribed. The court reporter or a designee shall produce the transcript in accordance with Indiana statutes, the Indiana Office of Court Services' Court Reporter Handbook, and Indiana Rules on Access to Court Records.

(D) A party may request an audio recording of matters occurring during a hearing or trial by filing a written request. The court reporter or a designee shall produce a copy of the audio in accordance with Indiana statutes, the Indiana Office of Court Services' Court Reporter Handbook, and Indiana Rules on Access to Court Records.

(E) The powers, duties, and salaries of court reporters shall be as provided in Indiana Code 33-41.

~~(B) Reporter may serve as clerk and serve other judges.~~ When the circuit court judge and the judge or judges affected find that such duties will not affect the efficiency of the court, one [1] person may serve both as a court reporter and clerk for a judge or judges whose regular courtroom is located outside the courthouse or its environs; and a court reporter may serve more than one [1] judge. Appointment shall be made by the judge or judges affected and, if they cannot agree, by the circuit court judge.

~~(C) Pay and duties of court reporters.~~ It shall be the duty of each court reporter whenever required by the judge, to be promptly present in court, and take down in shorthand or by other means the oral evidence given in all causes, including both questions and answers, and to note all rulings of the judge in respect to the admission and rejection of evidence and the objections and exceptions thereto, and write out the instructions of the court in jury trials. The court reporter, when so directed, shall record the proceedings and make a transcript as provided in subdivision (A) of this rule. Reporters shall be paid as provided by 1965 Indiana Acts, ch. 289 [FN1], but the circuit court judge with the approval of the judge or judges affected may allow the reporter additional pay up to \$125 per month for serving more than one [1] judge or function, or serving as both clerk and reporter.

~~(D) Statutes applicable to reporters and preparation of transcripts.~~ Except as provided otherwise by these rules, the provisions of 1899 Indiana Acts, ch. 169, §§ 2-7, [FN2] 1939 Indiana Acts, ch. 11, § 1, [FN3] 1935 Indiana Acts, ch. 218, § 1, [FN4] 1893 Indiana Acts, ch. 33, § 1, [FN5] and 1947 Indiana Acts, ch. 89, § 1, [FN6] relating to court reporters and preparation of transcripts, shall apply to court reporters provided by these rules.

~~(E) Stenographic report or transcript as evidence.~~ Whenever the testimony of a witness at a trial or hearing which was stenographically reported is admissible on appeal or in evidence at a later trial, proceeding, or administrative hearing, it may be proved by the transcript thereof duly certified by the person who reported the testimony.

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This amendment is effective January 1, 2024.

Done at Indianapolis, Indiana, on 3/27/2023.

Loretta H. Rush

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.