

IN THE SUPREME COURT OF TEXAS

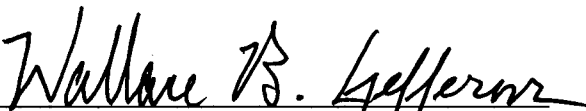
Misc. Docket No. 10- 9043


APPROVAL OF LOCAL RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL COURT PROCEEDINGS BY ELECTRONIC RECORDING IN THE COUNTY COURT OF NEWTON COUNTY

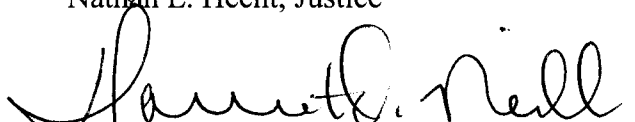
ORDERED that:

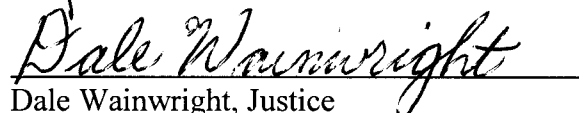
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following local rules governing the procedure for making a record of civil court proceedings by electronic recording in the county court of Newton County.


SIGNED this 9th day of March, 2010.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice

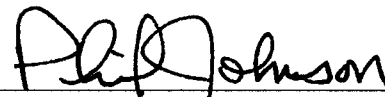

Dale Wainwright, Justice



David M. Medina, Justice

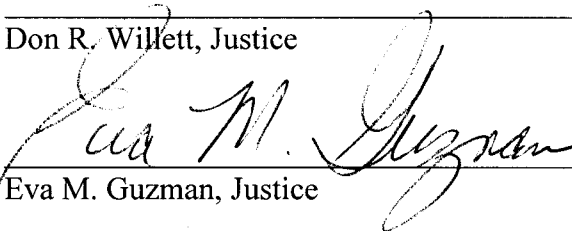


Paul W. Green, Justice



Phil Johnson, Justice

Don R. Willett, Justice



Eva M. Guzman, Justice

**RULES GOVERNING THE PROCEDURE FOR
MAKING A RECORD OF CIVIL COURT PROCEEDINGS IN NEWTON COUNTY BY
ELECTRONIC AUDIO OR AUDIO-VISUAL RECORDING**

1. **Application.** The following rules govern the procedures in the County of Newton in proceedings in civil matters in which a record is made by electronic audio or audio-visual recording, as well as appeals from such proceedings.
2. **Duties of Court Recorders.** No stenographic record shall be required of any civil proceedings that are electronically recorded. The court shall designate one or more persons as court recorders, whose duties shall include:
 - a. Ensuring that the recording system is functioning properly throughout the proceedings and that a complete, distinct, clear, and transcribable recording is made;
 - b. Making a detailed, legible log for all proceedings being recorded, indexed by the date and location of each event being recorded, showing the number and style of the proceeding before the court, the correct name of each person speaking, the nature of the proceeding (e.g., voir dire, opening, examination of witnesses, cross-examination, argument, bench conferences, whether in the presence of the jury, etc.), the time of day of each event, and the offer, admission, or exclusion of all exhibits;
 - c. Filing with the clerk the original log and exhibits after a proceeding ends;
 - d. Storing or providing for storing of the electronic audio or audio-visual recording to ensure it is preserved as required by law and accessible;
 - e. Prohibiting or providing for prohibition of access by any person to the original recording without written order of the presiding judge of the court;
 - f. Preparing or obtaining a certified copy of the original recording of any proceeding, any of the exhibits the parties to the appeal designate, and certified copies of the original log, upon full payment of the charge imposed there for, at the request of any person entitled to such recording, or at the direction of the presiding judge of the court, or at the direction of any appellate judge who is presiding over any matter involving the same proceeding, subject to the laws of this state, rules of procedure, and the instructions of the presiding judge of the court; and
 - g. Performing such other duties as may be directed by the presiding judge and prescribed by the Texas Rules of Civil Procedure and Rules of Appellate Procedure.
3. **Reporter's Record.** The reporter's record on appeal from any proceeding of which an electronic recording has been made shall be labeled to reflect clearly the numbered contents certified by the court recorder to be a clear and accurate copy of the original recording of the entire proceeding. Any exhibits designated by the parties for inclusion in the reporter's record

shall be arranged in numerical order and firmly bound together so far as practicable, together with an index consisting of a brief description identifying each exhibit.

4. **Time for Filing.** The court recorder shall file the reporter's record with the court of appeals within fifteen days after the perfection of an appeal. No other filing deadlines as set out in the Texas Rules of Appellate Procedure are changed.
5. **Appendix.** Each party shall file with his brief an appendix containing a written transcription of all portions of the recorded reporter's record and a copy of all exhibits relevant to the issues raised on appeal. Transcriptions shall be presumed to be accurate unless objection is made. The form of the appendix and transcription shall conform to any specifications of the Supreme Court.
6. **Presumption.** The appellate court shall presume that nothing omitted from the transcriptions in the appendices is relevant to any issues raised or to the disposition of the appeal. The appellate court shall have no duty to review any part of an electronic audio or audio-visual recording.
7. **Supplemental Appendix.** The appellate court may direct a party to file a supplemental appendix containing a written transcription of additional portions of the recorded reporter's record.
8. **Paupers.** Texas Rule of Appellate Procedure 20.1(j) shall be interpreted to require the court recorder to transcribe or have transcribed the recorded reporter's record and file it as appellant's appendix.
9. **Accuracy.** Any inaccuracies in the transcriptions of the recorded reporter's record may be corrected by agreement of the parties. Should any dispute arise after the reporter's record or appendices are filed as to whether an electronic audio or audio-visual recording or any transcription of it accurately discloses what occurred in the trial court, the appellate court may resolve the dispute by reviewing the audio or audio-visual recording, or submit the matter to the trial court, which shall, after notice to the parties and hearing, settle the dispute and make the reporter's record or transcription conform to what occurred in the trial court.
10. **Costs.** The expense of appendices shall be taxed as costs at the rate prescribed by law. The appellate court may disallow the cost of portions of appendices that it considers surplus age or that does not conform to any specifications prescribed by the Supreme Court.
11. **Other Provisions.** Except to the extent inconsistent with these rules, all other statutes and rules governing the procedures in civil actions shall continue to apply to those proceedings of which a record is made by electronic audio or audio-visual recording.

COMMISSIONERS COURT
Truman Dougharty, County Judge
William L. Fuller, Comm. Pct. 1
Thomas T. Gill, Comm. Pct. 2
Prentiss L. Hopson, Comm. Pct. 3
Leanord E. Powell, Comm. Pct. 4
Mary Cobb, County Clerk



Joe Walker, County Sheriff
Misti Spacek, Criminal District Attorney
Bree Allen, District Clerk
Karen Pousson, County Treasurer
Melissa J. Burks, Tax Assessor-Collector
Elizabeth A. Holloway, County Auditor

February 23, 2009

Ms. Kennon Peterson
Rules Attorney
The Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

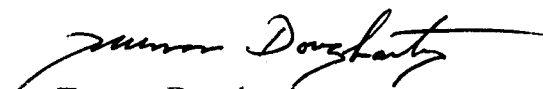
RE: Requested approval of Local Rule for Newton County

Dear Ms. Peterson:

Attached is a proposed Local Rule for Newton County to allow the use of electronic recording of court proceedings.

I request approval of this rule by the Supreme Court of Texas.

Sincerely,


Truman Dougharty

TD/rvj