

Rule 201. Recording of Court Proceedings; Release of Transcripts; Restrictions on Use of Electronic Recording Devices, Photography, and Broadcasting

(a) ALL PROCEEDINGS RECORDED. All proceedings must be recorded by a court reporter or by a suitable recording device. Contents of official tapes that are made as a part of the record in a case will be treated in the same manner as official stenographic notes.

(b) ORDERING TRANSCRIPTS.

(1) *In General.* Any person who has made suitable arrangements to pay the appropriate fee may obtain a transcript of all or any part of any recorded proceedings in open court.

(2) *Jury Trials.*

(A) *Party or Judge.* In a case tried to a jury, any party to the proceedings who has made suitable arrangements to pay the fee specified, any judge of the District of Columbia Court of Appeals, or any judge of this court may obtain a transcript of any part of the recorded proceedings, whether or not held in open court.

(B) *Non-Party.* In a case tried to a jury, prior to rendition of a verdict or discharge of the jury, a person other than one described in Rule 201(b)(2)(A) must apply to the judge presiding over the trial for permission to obtain a transcript of any part of the recorded proceedings not held in open court. If the judge grants the application, the judge may impose terms and conditions for doing so. After rendition of a verdict or discharge of the jury, any person may obtain a transcript of any part of the recorded proceedings, whether or not held in open court.

(3) *Proceedings in Open Court.* As used in this rule, "proceedings in open court" means:

(A) all recorded judicial proceedings in a non-jury case; or

(B) in a case tried by a jury, all recorded judicial proceedings except pretrial hearings on the admissibility of evidence, discussions in chambers, bench conferences, or other recorded proceedings in which the jury does not participate.

(c) CERTIFICATION. Each transcript obtained in accordance with this rule must include a certification by the court reporter.

(d) TRANSCRIPT ON APPEAL.

(1) *In General.* Upon the completion of any transcript in a matter on appeal, the reporter or transcriber must notify the trial court and counsel that the transcript has been completed. The notice must inform counsel that any objection to the transcript must be filed with the trial court within 7 days after notice is given.

(2) *Service and Notice of Objection.* A party's objection to the transcript must be served on the opposing party in accordance with Rule 5. The court on its own initiative may raise an objection to a transcript, but the court must give the parties notice and an opportunity to make appropriate representations before the objection is resolved.

(3) *Expedited Resolution.* The trial court must resolve an objection on an expedited basis.

(e) SECURITY OF ORIGINAL TRANSCRIPT. In any case in which a transcript is ordered by any person, the reporter or transcriber must deliver to the person a paper or electronic copy of any transcript prepared. The original transcript bearing the required certificate, must be filed by the reporter or transcriber with the clerk and may not be changed in any respect except pursuant to rule or court order.

(f) PRIVATE REPORTERS. Except as provided in Rule 201(g), 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 magistrate judge.

(g) RESTRICTION ON THE USE OF ELECTRONIC RECORDING DEVICES, PHOTOGRAPHY, AND BROADCASTING. No electronic audio or video 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 magistrate judge. No photographs, broadcasts, or recording is permitted inside the courthouse in connection with any civil proceeding, whether or not the court is in session.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. Provisions from former Rule 203 were incorporated into this rule. Based on the amendment to section (a), former section (g), regarding electronic recording devices, was deleted as unnecessary.

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.