IN THE SUPREME COURT OF TEXAS

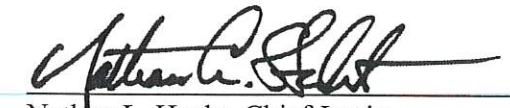
Misc. Docket No. 19-9114

APPROVAL OF RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL AND CRIMINAL COURT PROCEEDINGS IN THE 258TH AND 411TH DISTRICT COURTS OF POLK COUNTY, TEXAS AND THE COUNTY COURT AT LAW OF POLK COUNTY, TEXAS BY ELECTRONIC RECORDING

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following local rules governing the procedure for making a record of civil and criminal court proceedings by electronic recording in the 258th and 411th District Courts of Polk County and the County Court at Law of Polk County.

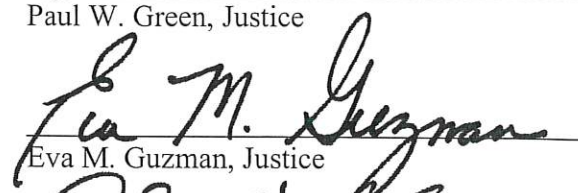
Dated: November 19, 2019.



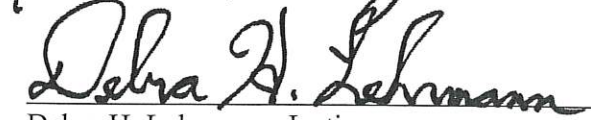
Nathan L. Hecht, Chief Justice



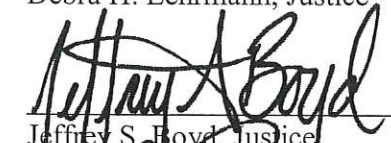
Paul W. Green, Justice



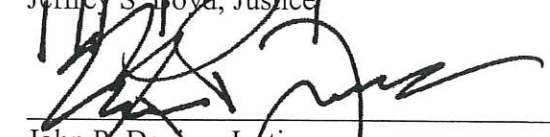
Eva M. Guzman, Justice



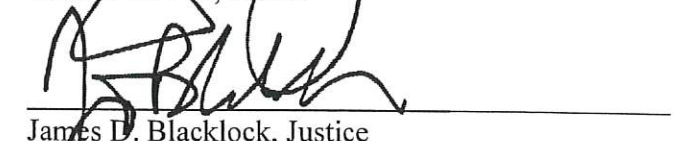
Debra H. Lehrmann, Justice



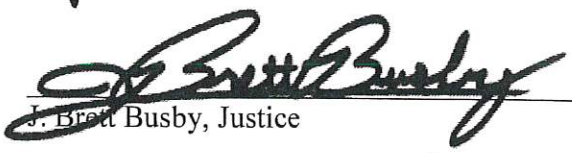
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 19-014

APPROVAL OF RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL AND CRIMINAL COURT PROCEEDINGS IN THE 258TH AND 411TH JUDICIAL DISTRICT COURT OF POLK COUNTY, TEXAS BY ELECTRONIC RECORDING

ORDERED that:

In conjunction with the Supreme Court of Texas, the Court of Criminal Appeals hereby approves the attached Rules Governing the Procedure for Making a Record of Criminal Court Proceedings in the 258th and 411th Judicial District Court of Polk County, Texas.

Dated: November 20, 2019.

Sharon Keller, Presiding Judge

Michael Keasler, Judge

Barbara Hervey, Judge

Bert Richardson, Judge

Kevin P. Yeary, Judge

David Newell, Judge

Mary Lou Keel, Judge

Scott Walker, Judge

Michelle M. Slaughter, Judge

RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL AND CRIMINAL COURT PROCEEDINGS IN THE 258TH AND 411TH DISTRICT COURTS OF POLK COUNTY, TEXAS AND THE COUNTY COURT AT LAW OF POLK COUNTY, TEXAS BY ELECTRONIC RECORDING

1. **Application.** The following rules govern the procedures in the 258th District Court of Polk County, the 411th District Court of Polk County and the County Court at Law of Polk County in proceedings – including criminal and civil matters – in which a record is made by electronic audio or audio-visual recording, as well as appellate records prepared from such proceedings.

2. **Duties of Court Recorders.** No stenographic record shall be required of any 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 proceeding 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 the 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 therefor, at the request of any person entitled to such recording, or at the direction of the 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 Texas Rules of Appellate Procedure and the Uniform Format Manual for Texas Reporters' Records.

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 proceedings. 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 in the Texas Rules of Appellate Procedure are changed.

5. **Appendix.** Each party shall file with its 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 and/or the Court of Criminal Appeals and comply with the Order Directing the Form of the Appellate Record and the Uniform Format Manual for Texas Reporters' Records.

6. **Presumption.** The appellate court shall have no duty to review any part of an electronic audio or audio-visual recording and may presume that nothing omitted from the transcriptions in the appendices is relevant to any issues raised or to the disposition of the appeal.

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. **Inability to Afford.** If a party is unable to afford costs, the court recorder must transcribe or have transcribed recorded reporter's record and file the transcription as that party's appendix, along with all exhibits.

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 disclosed 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 surplusage or that does not conform to any specifications prescribed by the Supreme Court and/or the Court of Criminal Appeals.

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.