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| <p><b>STATE OF MICHIGAN<br/>6TH JUDICIAL CIRCUIT<br/>COURT<br/>OAKLAND COUNTY</b></p> | <p><b>RETENTION AND<br/>STORAGE OF<br/>SUBSTITUTE COURT<br/>REPORTER NOTES</b></p> | <p><b>ADMINISTRATIVE ORDER<br/>1998-6</b></p> |
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**IT IS ORDERED:**

**1. Scope and Applicability.**

This administrative order governs the procedure for storage of tapes and notes by substitute court reporters. This rule is supplemental to MCR 8.108. If there is a conflict, MCR 8.108 controls. The term *substitute court reporter* includes court reporting agencies, court reporting companies, and private individuals qualified under the Michigan Court Rules to act as substitute court reporters. Previous administrative order, AO 1989-2, is rescinded effective immediately.

**2. Retention of Tapes and Notes.**

- a. Tapes and notes of Circuit Court proceedings are the property of the Court.
- b. A substitute court reporter assigned to any circuit judge, including a visiting judge, must retain his or her notes and tapes for up to 3 years after they are made. This retention period creates a bailment relationship.
- c. After 3 years, the court reporter must return notes and tapes to the Court Administrator's Office according to the procedures set out in (3) Return of Tapes and Notes (below).
- d. If trial or other proceeding is in progress, the substitute court reporter shall store all tapes and notes of the trial or proceeding in the chambers of the circuit judge who is conducting the trial until an order or final judgment has been entered in the case. If assigned to a visiting judge, the court reporter shall store all tapes and notes of the trial or proceeding in the Court Administrator's Office until an order or final judgment has been entered in the case.

### **3. Return of Tapes and Notes**

- a. A substitute court reporter must return notes and tapes to the Court Administrator, on his or her own initiative, at the end of the three year period. Notes and tapes which the court reporter has retained for at least three years must be returned to the Court Administrator during the months of July through September.
- b. Notes and tapes must be returned to the Court Administrator in a manner suitable for long term storage by Record Retention. A court reporter must comply with the procedures and requirements of Record Retention regarding boxing, labeling and other aspects of long term storage. A court reporter may obtain information on long term storage requirements by contacting the Court Administrator's Office.

### **4. Special Circumstances Which Require the Immediate Return of Tapes and Notes**

- a. A private substitute court reporter must relinquish control of all tapes and notes and return them to the Court Administrator's Office immediately even if three years have not elapsed if:
  - 1) the court reporter is no longer certified in Michigan.
  - 2) the contract between the court and the substitute court reporter is terminated or is not renewed, regardless of the reason.
  - 3) the substitute court reporter permanently moves to another state.
  - 4) the substitute court reporter is unable to store the notes and tapes in a place and manner which are secure.

b.

company must relinquish control of all notes and tapes and return them to the Court  
-s Office even if three years have

1) the contract between the court

court reporting company is  
terminated or is not renewed,

2) the court reporting agency or

relocates to another state.

3)

unable to store the notes and tapes in a place and manner  
which are secure.

A private substitute court reporter must make  
arrangements to have all notes and tapes in

Administrator=

d. A court reporting agency or court reporting

notes and tapes in its possession to the Court  
Administrator's Office if the agency=  
company=

e. If a court reporter employee  
reporting agency or court reporting company  
leaves the employ of the agency or company,

relationship, the agency or company must  
immediately take possession of the reporter's  
notes and tapes and retain or return them

above.

5.

Dated: August 1, 1998

/s Hon. Edward Sosnick

Chief Judge

Effective: August 1, 1998