

ELECTRONIC RECORDING OF SMALL CLAIMS PROCEEDINGS

a) Generally. Small claims proceedings in a court of limited jurisdiction shall be recorded by electronic means.

b) Nonelectronic Record in Emergency. In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the court's expense, and in the event of an appeal, any necessary transcription of the nonelectronic record must be made at the court's expense.

c) Statements to Be Made on the Record. At the beginning of the case, the judge of the court of limited jurisdiction shall state on the record the name and number of the case and the names of the parties. During the trial of the case, the judge shall state on the record or have stated on the record the names of any or all witnesses as they appear in the course of the proceeding.

d) Log. The judge of the court of limited jurisdiction shall cause a written log to be maintained separate from the recording indicating the location on the electronic record of relevant events in the proceedings, including but not limited to the beginning of the proceeding, the beginning and ending of the testimony of each witness, the decision of the court, and the end of the proceeding.

e) Loss or Damage of Electronic Record. In the event of loss or damage of the electronic record, or any significant or material portion thereof, the appellant, upon motion to the superior court, shall be entitled to a new trial, but only if the loss or damage of the record is not attributable to the appellant's malfeasance. The court of limited jurisdiction shall have the authority to determine whether or not significant or material portions of the electronic record have been lost or damaged, subject to review by the superior court upon motion.

[Adopted effective October 30, 2001.]