

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

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ACTING ADMINISTRATIVE
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Directive # 07-10

TO: Assignment Judges

FROM: Glenn A. Grant, J.A.D.

SUBJ: Digital Audio Recording System (CourtSmart) – Access to Backup Recordings

DATE: August 3, 2010

This Directive promulgates a protocol, as approved by the Supreme Court, regarding the limitations on access to the secondary or backup recordings made as part of the new digital audio recording system (CourtSmart) for court proceedings that the Judiciary is in the process of implementing statewide. The protocol was developed by a working group appointed by the Chief Justice to discuss and make recommendations on various issues relating to the CourtSmart system, including a number of concerns raised by attorneys and the organized bar. The working group includes attorneys and judges among its members and is chaired by Appellate Division Presiding Judge Edwin Stern.

The initial issue addressed by the working group relates to the backup recordings created by the CourtSmart system, in particular, access to those secondary or backup recordings. The working group developed the following protocol, which the Judicial Council endorsed and the Supreme Court approved.

**Access to the "CourtSmart" Digital Recording Back-up Server Shall
Only Be Permitted Under the Following Circumstances**

(1) An official record of a Judiciary proceeding, as set forth in R. 1:2-2, is lost, in which case access shall be permitted only to the extent necessary to reconstruct the portion(s) of the official record lost. "Lost" is defined as the inability of the clerk to access the record or a portion thereof due to failure of equipment, failure of the clerk to operate the primary server during a proceeding, or the inability of the certified transcriber to discern therefrom testimony, argument, or judicial statements or questions. The "official record" is the recording

made to the primary server while the court is conducting business;
and

(2) Access to official records shall be approved by the Assignment Judge. All requests shall be made in writing on a form approved by the Administrative Director and shall set forth the reason(s) for the request and the precise portion(s) of the record sought to be recovered from the backup server.

The working group continues to consider and make recommendations regarding issues relating to CourtSmart. Questions regarding the protocol set forth in this directive, or about the CourtSmart system in general, may be directed to Appellate Division Clerk Joseph Orlando at 609-292-6995 or Appellate Division Deputy Clerk Jeffrey Newman at 609-292-2644.

G.A.G.

cc: Chief Justice Stuart Rabner
Hon. Edwin H. Stern, Presiding Judge
Hon. Patrick DeAlmeida, Presiding Judge
AOC Directors and Assistant Directors
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