I.R.C.P. 30.b.4. Audio-Visual Deposition.

Idaho Rules of Civil Procedure Rule 30(b)(4). Audio-Visual Deposition.

(A) Recording. Any deposition may be recorded by audio-visual means but simultaneously shall be recorded as a stenographic record. Any party may make at the party's own expense a simultaneous stenographic or audio record of the deposition. Upon a party's request and at the party's own expense, any party is entitled to an audio or audio-visual copy of the audio-visual recording.

(B) Official Record. The audio-visual recording is an official record of the deposition. A transcript prepared by a reporter is also an official record of the deposition.

(C) Transcript. On motion the court, for good cause, may order the party taking, or who took, a deposition by audio-visual recording to furnish, at the party's expense, a transcript of the deposition.

(D) Use. An audio-visual deposition may be used for any purpose and under any circumstances in which a stenographic deposition may be used.

(E) Notice. The notice for taking an audio-visual deposition and the subpoena for attendance at that deposition must state that the deposition will be recorded by audio-visual means.

(F) Procedure. The following procedure must be observed in recording an audio-visual deposition:

(1) Opening of Deposition. The deposition must begin with an oral or written statement on camera which includes:

(i) the operator's name and business address;

(ii) the name and business address of the operator's employer;

(iii) the date, time, and place of the deposition;

(iv) the caption of the case;

(v) the name of the witness;

(vi) the party on whose behalf the deposition is being taken; and

(vii) any stipulations by the parties.

(2) Counsel. Counsel shall identify themselves on camera.

(3) Oath. The oath must be administered to the witness on camera.

(4) Multiple Units. If the length of a deposition requires the use of more than one recording unit, the end of each unit and the beginning of each succeeding unit must be announced on camera.

(5) Closing of Deposition. At the conclusion of a deposition, a statement must be made on camera that the deposition is concluded. A statement may be made on camera setting forth any stipulations made by counsel concerning the custody of the audio-visual recording and exhibits or other pertinent matters.

(6) Index. Depositions must be indexed by a time generator or other method specified by rule.

(7) Objections. An objection must be made as in the case of stenographic depositions.

(8) Editing. If the court issues an editing order, the original audio-visual recording must not be altered.

(9) Filing. Unless otherwise ordered by court, the original audio-visual recording of a deposition, any copy edited pursuant to an order of the court, and exhibits shall be held and preserved by the attorney who noticed the deposition, in the same manner as a transcript of a deposition as provided by Rule 30(f)(1).

(G) Costs. The reasonable expense of recording, editing, and using an audio-visual deposition may be taxed as costs.

(Adopted June 15, 1987, effective November 1, 1987; amended March 30, 1988, effective July 1, 1988.)

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