



## **IRFLP 413 Idaho Rules of Family Law Procedure Rule 413. Audio-Visual Recording of Deposition**

### **Idaho Rules of Family Law Procedure Rule 413. Audio-Visual Recording of Deposition.**

(a) **In General.** On notice, any deposition may be recorded by audio-visual means, but must also simultaneously be recorded as a stenographic record. The noticing party bears the recording and transcribing costs. On request and at the party's own expense, a party is entitled to a transcript and an audio or audio-visual copy of the recording.

(b) **Official Record.** Both the audio-visual recording and the transcript prepared by a reporter are official records of the deposition.

(c) **Transcript.** The court may order a party taking the deposition by audio-visual recording to furnish a transcript of the deposition at the party's expense.

(d) **Use of Audio-Visual Deposition.** An audio-visual recording of a deposition may be used for any purpose and under any circumstance as a stenographic deposition may be used.

(e) **Notice of Audio-Visual Deposition.** The notice for taking an audio-visual deposition and the subpoena for attendance must state that the deposition will be recorded by audio-visual means.

(f) **Procedure for Taking.** The following procedure must be used in recording an audio-visual deposition:

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

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

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



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

(D) the caption of the case;

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

(F) any stipulations by the parties.

(2) **Identification of Attorney.** An attorney must identify themselves on the record.

(3) **Oath on Camera.** The administration of the oath to the witness must be audio-visually recorded.

(4) **Multiple Recording Units.** If an audio-visually recorded deposition is recorded on multiple units of film or data storage devices or recording units, the end of each unit and the beginning of each succeeding unit must be announced on camera.

(5) **Statement of Closing of Deposition.** A statement must be made on camera indicating the conclusion of the deposition. A statement identifying any stipulations of attorneys concerning the custody of the audio-visual recording and exhibits or regarding any other pertinent matters may be made on camera.

(6) **Time Index.** Depositions recorded by audio-visual means must be indexed by a time generator or other method specified by rule or order of the court.

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

(8) **Editing.** If the court orders that the audio-visual deposition must be edited for presentation or use, the original of the recording must not be altered.

(9) **Filing of Recording.** Unless ordered by court, the original audio-visual recording of a deposition,



any copy-edited version pursuant to an order of the court, and exhibits must be maintained by the attorney who noticed the deposition, in the same manner as a transcript of a deposition.

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

(Adopted March 29, 2021, effective July 1, 2021.)

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