

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.)