

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

ADMINISTRATIVE ORDER REGARDING RULE 54(i) IDAHO CRIMINAL RULES  
and RULE 83(y) IDAHO RULES OF CIVIL PROCEDURE

Rule 54(e)(3)(B), Idaho Criminal Rules, and Rule 83(j)(3)(B), Idaho Rules of Civil Procedure, provide that in an appeal from the Magistrate Division, the District Judge may order that the appeal be heard by listening to the tapes of the trial or proceedings of the trial court. Rule 54(i), Idaho Criminal Rules, and Rule 83(y), Idaho Rules of Civil Procedure, provide that any party to an action "may listen to or copy an electronic tape or belt recording of the trial or hearing proceedings under such rules and for such fee as adopted by the majority of the district judges of the judicial district."

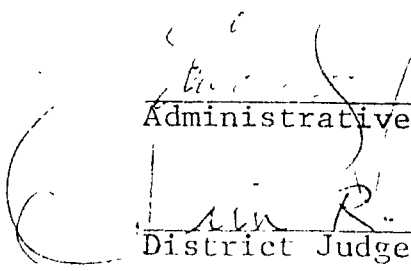
Now therefore, it appearing to the undersigned District Judges of the Third Judicial District that the Canyon County Clerk of the Court has obtained a high-speed recording device upon which a re-recording of each cassette containing the Magistrate record can be made in a matter of a very few minutes, and it further appearing that furnishing attorneys or parties with such a recording will save valuable personnel time in that the Clerk's deputies charged with the custody of the original record will be spared the necessity of sitting by while tapes are reviewed, and it further appearing that the fee which the Clerk believes would cover this service would be only \$3.50 per cassette furnished;

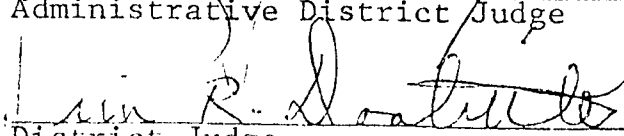
IT IS HEREBY ORDERED, pursuant to Rule 54(i), Idaho Criminal Rules, and Rule 83(y), Idaho Rules of Civil Procedure, that whenever in a Canyon County case the District Court orders that an appeal be heard by listening to the tapes of the Magistrate proceedings, or whenever any attorney or party desires to listen to, or copy, the recordings of Magistrate

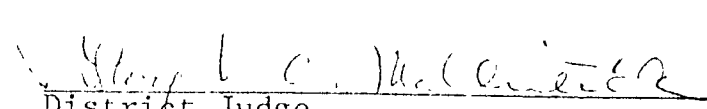
proceedings, the party seeking the appeal, or the party seeking to listen to, or copy, the recordings, shall obtain from the Canyon County Clerk of the Court a cassette, or cassettes, containing a re-recording of the proceedings to be reviewed, and shall immediately upon receipt of such cassette or cassettes, pay to the Clerk the fee of Three Dollars and Fifty Cents (\$3.50) for each cassette so received.

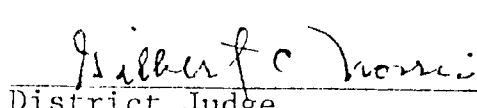
IT IS FURTHER ORDERED that in a case where the District Judge has ordered that the appeal be heard by listening to the tapes, the appellant shall pay to the Clerk such fee as is necessary to furnish the respondent with the same recording obtained by the appellant.

Dated this 17<sup>th</sup> day of November, 1980.

  
Administrative District Judge

  
District Judge

  
District Judge

  
District Judge