

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.502-3/18*

IN RE: PROCEDURES FOR SCHEDULING
AND RECORDING DEPOSITIONS
AT WITNESS MANAGEMENT OFFICE

To assist with the scheduling and recording of depositions at the Witness Management Office ("WMO") uniform procedures must be implemented.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

A. SCHEDULING DEPOSITIONS

1. **The coordination and scheduling of depositions at the Main Judicial Complex is to be completed via the Witness Management Online Scheduling application. The coordination and scheduling of depositions at the South County Courthouse, Hearing Room A, is to be completed by emailing CAD-witnessmanagementoffice@pbcgov.org**
2. In accordance with the Standards of Professional Courtesy and Civility, adopted by the Fifteenth Judicial Circuit, depositions are to be scheduled with sufficient notice (at least five business days) except upon agreement of the parties and on a date and time that is mutually convenient to all interested persons.
 - a. Witnesses who are not law enforcement are to be directed to appear at Witness Management, 205 North Dixie Highway, West Palm Beach, Florida Room 5.1500.
 - b. Counsel is responsible for forwarding copies of the Notice of Deposition to the parties and witnesses. WMO does not distribute copies.
3. Counsel **must complete the Witness Management Online Scheduling form in its entirety.**
4. If counsel is notified that a subpoena has not or cannot be served, counsel **must timely cancel or reschedule the deposition through the Witness Management Online Scheduling application or be subject to a fee as set forth in paragraph B2 below.**

5. Failure to follow the scheduling procedures may result in WMO services being delayed or denied.

B. FEE SCHEDULE

1. WMO will invoice the appropriate agency a **\$10.00** fee per witness at the conclusion of each month. Invoices are sent out via email to the State Attorney Office, Public Defender Office and Office of Conflict Counsel. Invoices are sent via US mail to the Justice Administrative Commission. Checks should be made payable to Palm Beach Board of County Commissioners and mailed to the WMO: Palm Beach County Courthouse 205 North Dixie Hwy Room 5.1500 West Palm Beach, FL 33401.
2. Failure of an attorney to appear at a properly scheduled deposition without providing at least one hour's notice will result in a fee being assessed against the non appearing attorney in the amount of \$25.00 and shall cause WMO to file a certificate of nonappearance with the clerk. Failure to appear by a **subpoenaed witness** at a properly scheduled deposition may result in the imposition of sanctions and shall cause the WMO to file a certificate of nonappearance with the clerk. WMO will copy defense counsel, the state, and the law enforcement agency.

C. OPERATING PROCEDURES

1. Electronically recorded depositions shall be conducted in accord with Florida Rule of Criminal Procedure 3.220(h), and in compliance with the procedures outlined in this Administrative Order.
2. A staff member of the WMO, who is a Notary Public, shall operate and monitor all digital recordings and equipment. The depositions may be recorded remotely. The staff member shall ensure the production of a high-quality audio record on the network.
3. The WMO shall design an indexing and web-based system to permit ready access by authorized persons to the master recording. This system shall be designed to protect the integrity and ensure the security of the master recording.
4. The master recording shall not be removed from the custody of the WMO without an order from the Chief Judge or the appropriate trial judge.
5. For The Record ("FTR") Log Notes are provided by WMO with all pertinent information including:
 - a. The swearing in is the first time logged (when the deposition starts).
 - b. Anytime a deposition is stopped, and/or resumes.
 - c. Exhibits.
 - d. Conclusion of the deposition.

6. Counsel should indicate on the record if the deponent wishes to read a copy of the transcript.
7. The following information is to be stated on the record at the beginning of the deposition.
 - a. The name (correct spelling) of every person who speaks during the deposition.
 - b. The correct spelling of all the names of persons mentioned during the deposition, if they are difficult to understand.
 - c. The correct spellings for schools, streets, cities, bars/taverns, stores, medical terms, medicines, legal terms, et cetera.
 - d. The name and spelling of the attorney, whom they represent, and if they are from the State Attorney's Office or from the Public Defender's Office.
 - e. Business cards should be obtained to insure the correct mailing address —and telephone number.
8. Exhibits: Unless instructed otherwise by the attorneys or deponent, exhibits are to be marked as follows:
 - a. On the front of the exhibit where they will not interfere with the sketch or printed material on the exhibit.
 - b. As Defendant's Exhibit 1 or State's Exhibit A for Identification, in large, legible handwriting, depending upon which side is entering the exhibits.
 - c. With the Defendant's name, Deponent's name, and the date of the deposition.
 - d. With the technician's initials.

EXAMPLE: Defendant's Exhibit 1 for Identification
7/5/90
Deponent Myers
DLS
 - e. All exhibits are marked **and collected** at the conclusion of the deposition.
9. Audible Answers:
 - a. The attorneys should inform the deponents, prior to administering the oath, that they must answer any and all questions posed to them in a loud and audible manner and not mumble their answers or nod their heads.

- b. Electronic Recording Technicians will inform the deponent that everything is being tape-recorded, and that nods of the head, be they in the affirmative or the negative, are not picked up by the machine, so they must speak as clearly as possible
- 10. Certified Questions: The attorney shall be responsible for certifying any question they asked and which the deponent has refused to answer, and the words “certified question” after the time.
- 11. At the end of a deposition, the attorney should ask the deponent if he/she wishes to read or waive (reading and signing the deposition if it is transcribed). If the question to read or waive is not asked at the conclusion of the deposition the transcript will be marked as a read for the witness.

D. DUPLICATE RECORDINGS

- 1. The WMO shall have the capability of providing duplicate copies of all recorded depositions.
- 2. Upon request of defense counsel or the state, the WMO shall produce, within a reasonable time, a duplicate of the master recording which shall be provided to the requesting party. If requested, the duplicate **recording** shall be accompanied by a certificate indicating the duplicate **recording** is a true and correct reproduction of the master recording.
- 3. CD Prices:

Regular service \$10 (5-7 days)
Overnight service \$20 (24 hours)
- 4. **Digital Share (State Agencies Only)**

Regular service \$5 (2-3 days)
Overnight service \$10 (24 hours)
- 5. A certified duplicate CD may be played in open court for the purpose of impeaching a deponent/witness.

E. TRANSCRIPTIONS

- 1. Electronically recorded deposition transcripts may be requested by using the Online Transcript Request Form at: <https://e-services.co.palm-beach.fl.us/wmtrans/>

2. An Order to Transcribe, listing all witnesses and dates of depositions signed by the judge, must be provided to the WMO in all Court Appointed and Indigent cases paid for by the Justice Administrative Commission.
3. Transcripts shall be certified to be a true and accurate copy of the recorded deposition.
4. The WMO shall maintain a list of qualified personnel who shall be certified with AAERT as official transcribers. Upon receipt of an order or approved request to transcribe, the WMO, using a rotation plan, shall assign the project to a certified transcriber. In the event that a certified transcriptionist is not available, the WMO may assign the task to the court's computer-aided transcription (C.A.T.) program.
5. Under normal circumstances, transcripts shall be prepared and delivered within **five (5)** days of receipt of the order by WMO. If expressly ordered by the court, transcripts shall be prepared on an overnight (24 hour) basis.
6. The **certified** transcriber shall prepare and **provide a digital version** of each requested deposition to the **WMO. The WMO will distribute the transcript to appropriate parties.** The transcriptionist is responsible for invoicing and payment arrangements. The invoice shall be included with the transcript.
7. Transcribed depositions shall conform to the requirements set forth in Rule of Judicial Administration 2.535. Charges for transcribed depositions shall be in accordance with this fee schedule:

Digital Transcript Regular Service (5 days)	\$2.00 per page
Digital Transcript Overnight Service (24 hours)	\$3.00 per page
Printed Transcript	Additional \$1.00 per page
Reprint	\$1.00 per page

8. Certified transcribers are responsible for invoicing and securing financial arrangements for the transcripts they produce.

DONE and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 29 day of March, 2018.



Krista Marx, Chief Judge

*supersedes admin. order no. 2.502-6/16