MANAGEMENT PLAN FOR COURT REPORTING AND RECORDING SERVICES

FOR THE WESTERN DISTRICT OF WASHINGTON

ADOPTED BY COURT JULY 13, 1993
Date

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I.

ADOPTION OF PLAN BY COURT

This Plan for the effective utilization of court reporters/recorders in the Western District of Washington has been adopted by this court subject to final approval by the Ninth Circuit Judicial Council.

II.

APPLICABILITY OF PLAN

This Plan is applicable to all reporters/recorders employed by the court.

III.

SUPERVISION OF COURT REPORTERS/RECORDERS

The Court will designate the Clerk of the United States District Court responsible for the day to day management and supervision of and efficient court reporting/recording service within the court. The Clerk of Court will designate a Court Reporter Supervisor whose duties and responsibilities shall include, but are not necessarily limited to, the following:

1. Assignment and reassignment of reporters/recorders for the purpose of distributing fairly and equitably the workload of all reporters/recorders, minimizing travel and assuring the lowest overall cost to the government.

2. Supervising the relationship between parties and reporters/recorders.

3. Monitoring and keeping a record of all transcript orders.

4. Reviewing transcripts to assure full compliance with format requirements of the Administrative Office of the United States Courts and the Judicial Conference of the United States.

5. Reviewing transcript billings to assure that authorized transcript rates are charged and that billing is in proper form. (See Appendix A for rates and Appendix B for information required to be included on all billings.)

6. Determining compliance by all court reporters with the provisions of 28 U.S.C. §753 concerning the recording, certifying, and filing of the tapes of all criminal arraignments, pleas, and proceedings in connection with the imposition of sentence.

7. Reviewing the time records of the court reporters/recorders to assure proper maintenance and accuracy.

8. Reviewing the records of the court reporters/ recorders to assure the timely filing of all reports required by the Administrative Office of the United States Courts and the Judicial Conference of the

United States.

9. Acting as liaison to the Court of Appeals as to matters pertinent to court reporters/recorders and transcript production.

10. Performing such other duties relating to court reporting/recording services as shall be directed by the court.

11. Providing the Clerk on a monthly basis all necessary information relating to the duties set forth above.

12. Meeting with all court reporters at the time of separation to ensure that (a) all notes and tape recordings have been filed in accordance with Title 28, United States Code, Section 753 and with paragraph XV of this Plan; (b) the court reporters understand their responsibility for preparing any transcripts currently ordered but not yet filed or which might be ordered after separation and properly execute a certification in this regard. (See Appendix E for certification form.)

All duties not specifically assigned herein to the Clerk of Court shall be deemed to be the responsibility of the Court Reporter Supervisor.

All of the judges shall give to the Clerk of Court their full support and cooperation in fulfilling the duties and responsibilities mandated by this plan. In this regard, the supervising responsibility of the Clerk of the Court shall lie

primarily in the area of pooling, transcript fees and delivery, and efficient service to the judges, magistrate judges and litigants.

IV.

EMPLOYMENT OF REPORTERS

Seven official full-time court reporters are needed by the court. In addition, the court requires contract reporters, if contract bids are received, in both Seattle and Tacoma, to cover any shortages/absences of official reporters. In the absence of a contract reporting service, the court employs pro-tem reporters to augment reporting needs.

Court reporters are employed by the court en banc and shall retain employment at the will of the court en banc, regardless of the death, resignation, or retirement of an individual judge.

If at any time the overall work volume of the court does not justify retention of the full complement of court reporters, a reduction shall be accomplished through relocation, attrition, or by giving reasonable notice of termination of not less than 60 days.

Court reporters shall be appointed in accordance with the provisions of 28 U.S.C. §753 of the United States Code and the policies and procedures of the Administrative Office of the United States Courts and the Judicial Conference of the United States. Only fully qualified reporters pursuant to 28 U.S.C. §753 shall be appointed. Pursuant to Judicial Conference policy, all initial

appointments shall be on a probationary basis for a period of six months. Court reporters who do not perform in a competent and satisfactory manner or do not comply with requirements of this Plan shall be subject to dismissal.

Whenever a court reporter is separated (resigns, retires or is dismissed) he or she will be required to meet with the Court Reporter Supervisor and execute a certification form (See Appendix E) regarding his/her responsibilities for the (a) filing of all official notes and tape recordings; (b) preparation of all transcripts which are currently ordered but not yet filed or which might be ordered after separation.

V.

ASSIGNMENT OF REPORTERS/RECORDERS

In order to assure an equitable distribution of work among court reporters and recorders and to ensure the court's reporting service needs are met, court reporters/recorders are to be pooled and assigned to courtroom duties by the Court Reporter Supervisor in whatever manner most completely meets the goal of equitable work distribution. To the extent possible, assignments will be made in such a manner as to permit a reporter/recorder to remain on a specific trial assignment until the matter is concluded or until the assigned reporter/recorder requests relief. However, the interest in allowing a reporter to continue reporting a prolonged proceeding is subservient to the need for all reporters to have an equal time in court and the Clerk or his designee shall

make assignments accordingly.

It is the responsibility of the Court Reporter Supervisor to ensure that, to the extent possible, each reporter/recorder works an equal number of hours in court.

Since transcript production by court reporters is considered outside work for which additional remuneration is received, time spent on transcript production need not be considered by the Court Reporter Supervisor when assigning individual reporters.

VI.

HOURS OF EMPLOYMENT

Court reporters/recorders are placed on a 40 hour a week "regular tour of duty" (8:00 AM to 5 PM, Monday through Friday), and are permitted to earn annual and sick leave pursuant to the Leave Act, 5 U.S.C. §6301, et seq.

VII.

FREELANCE REPORTING

Court reporters placed under the Leave Act are not permitted to perform any private (freelance) work of any kind during their regular tours of duty.

VIII.

REPORTING SERVICES TO
UNITED STATES MAGISTRATE JUDGES

Proceedings conducted before a United States magistrate

judge may be recorded by electronic sound recording or by a court reporter. United States magistrate judges shall determine which method is to be used, taking into account the provisions of 28 U.S.C. Section 753 (b) and 636 (c)(7) and any other applicable authorities.

Should a magistrate judge feel that it is necessary that the services of a court reporter be utilized in a particular case, a request to provide a reporter shall be directed to the Court Reporter Supervisor.

IX.

CONTRACT/FREELANCE COURT REPORTERS

Contract/freelance reporters may be utilized only when all official court reporters/recorders are occupied in court reporting proceedings pursuant to the policies of the Judicial Conference of the United States.

Contract/freelance reporters may be utilized in the place of official reporters/recorders on authorized leave pursuant to the terms of the Leave Act when no official reporter/recorder is available to replace the reporter/recorder on such leave.

Contract/freelance court reporters will not be paid by the court when official reporters are relieved of their courtroom duties to work on transcript backlogs. Costs associated with such contract/freelance reporting services shall be paid by the official reporter so relieved. Reporters have a continuing responsibility for transcript production of substituted reporters they hire,

including the making of requests for extensions of time.

Travel of contract/freelance reporters within the district shall be limited to those occasions when no official reporter/recorder is available to travel to the location requiring reporting services and when such use of a contract/freelance reporter would be less costly to the government overall than utilizing an official reporter/recorder in travel status.

When the Clerk of Court or his designee determines that no official reporter can be available for a court appearance, he will contact the official contract reporting service, or if no contract exists, he will contact pro tems, to arrange for their services. When billing for these services is received in the Clerk's office, the court reporter supervisor will certify to the financial deputy that no official reporter was available.

X.

HOURLY/DAILY TRANSCRIPT

Production of hourly or daily transcripts will not be subsidized by the court. If extra court reporters are required to produce hourly or daily transcripts, the cost of such reporters shall be paid by the official court reporter. This provision does not prohibit other official reporters from assisting in producing such transcripts if there are no other proceedings to report and when no transcript backlog will result for the court reporter(s) providing assistance.

XI.

ORDERING OF TRANSCRIPTS AND TAPES

All requests for transcripts and/or tapes must be in writing and shall be forwarded to the Court Reporter Supervisor or designee. See Appendix G for specific instructions for ordering and processing all transcript and/or tape orders.

XII.

FEES FOR TRANSCRIPTS OF OFFICIAL PROCEEDINGS

1. All transcripts shall be produced in the format required by the Judicial Conference of the United States.

2. No court reporter/transcriber, either official or contract, employed by this district shall charge fees for transcripts of official proceedings which exceed those recommended by the Judicial Conference of the United States. (See Appendix A for rates.)

3. A schedule of the prescribed fees shall be posted in a prominent location in the Office of the Clerk. The posting shall be displayed in an area generally available to the public.

4. Each court reporter/transcriber shall furnish to the Court Reporter Supervisor a copy of each billing for official transcripts, together with the court's original of the transcript for filing. (See Appendix B for information required to be included on all billings.) The term "official transcript" shall be deemed to be any transcript of any proceeding before a judge or magistrate of this court, whether conducted in chambers or in open

court, and regardless of the reason the transcript may be produced. The Clerk of Court shall report annually to the Chief Judge the results of the review, as described in Section III(5).

5. Each court reporter/transcriber is required to certify on each invoice that the fees charged and page format used conform to the regulations of the Judicial Conference of the United States.

6. For transcripts in non-appellate cases the full price may be charged only if the transcript is delivered within the required time frame. For example, if an expedited transcript is not delivered within seven (7) calendar days, payment would be at the ordinary rate. For transcripts not delivered within thirty (30) calendar days, payment would be reduced to 90% of the ordinary rate. (See Appendix C for computation of transcript delivery dates.)

7. For transcripts in cases on appeal the full price may be charged only if the transcript is delivered within thirty (30) days or within such other time as may be prescribed by the Court of Appeals. (See Appendix C for computation of transcript delivery dates.) Reduced rates for late delivery are as follows:

(a) 90% for transcripts delivered between 31 to 60 days;

(b) 80% for transcripts delivered after 60 days. No fee may be charged which would be higher than the fee corresponding to the actual delivery time.

In the case of a transcript which is subject to FRAP 11(b), the reduction in fee may be waived by the Clerk of the Court of Appeals for good cause shown.

Nothing contained herein should be construed as sanctioning untimely delivery, nor should this provision be considered the only penalty which can be imposed by the court or Circuit Council on habitual offenders.

XIII.

C.J.A. TRANSCRIPTS

1. All transcripts produced for and on behalf of Criminal Justice Act defendants shall be billed on form CJA 24. Copies of this form and instructions for its completion have been furnished to the court reporters by the Clerk.

2. The routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.

3. In multi-defendant cases involving CJA defendants, no more than one (1) transcript should be purchased from the reporter/transcriber on behalf of CJA defendants. One of the appointed counsel or the Clerk of Court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation.

4. The court reporter supervisor is responsible for

assisting the ordering party in the proper preparation of form CJA 24.

5. The Court Reporter Supervisor is hereby designated to verify receipt of CJA transcripts and shall ascertain the propriety of each voucher before submitting the same to the appropriate judicial officer for approval. Payment shall be made by the Clerk upon approval of the judge or magistrate judge as may be appropriate.

XIV.

TIME LIMITS FOR
DELIVERY OF TRANSCRIPTS

All transcripts of official proceedings prepared for the purpose of appeal shall be delivered to the ordering party and filed with the Clerk of the District Court within the time limits prescribed.

Criminal transcripts shall take precedence over civil transcripts. Appeal transcripts shall take precedence over non-appeal transcripts. Every effort should be made to deliver non-appeal transcripts within 30 days, however due to appeal or criminal transcript back-log this may not always be possible. To file an extension for a non-appeal transcript, a court reporter shall fill in the first extension portion of the non-appeal transcript order form (See Appendix H). If a second extension is necessary, the reporter shall complete the second extension portion of the same form, providing the court reporter supervisor with a duplicate copy of that form.

Original transcripts ordered by judicial officers shall

be filed with the clerk and a copy provided to the judicial officer within the time prescribed by that judicial officer.

Neither the schedule for completion of a transcript in a case on appeal nor for a transcript of proceedings requested by a judicial officer shall be modified except by the Clerk of the Court of Appeals in cases involving appeal transcripts or the judicial officer requesting the transcript.

A reporter who fails to meet the prescribed time limits for the delivery of a transcript may be subject to fee reductions imposed by the Judicial Conference or be required to obtain substitute reporters while they prepare overdue transcripts.

XV.

FILING OF STENOGRAPH/SHORTHAND NOTES AND ELECTRONIC RECORDINGS

1. The stenograph/shorthand notes prepared by official court reporters will be maintained in their offices. Those notes of contract reporters will be certified and filed with the Clerk within ninety (90) days of completion of the proceedings.

2. Pursuant to the provisions of 28 U.S.C. §753, reporters must transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and such recording has been certified and is maintained in the office of the official reporters. Reporters shall file a transcript of all such proceedings within thirty (30) days of their occurrence unless an electronic recording was made of the

proceedings. In the event an electronic recording was made, the court reporter/recorder shall certify the accuracy of the recording and file same with the Clerk of Court. (See Appendix D.)

XVI.

REPORTS REQUIRED TO BE FILED

At regular intervals as specified by the Court Reporter Supervisor, each court reporter/recorder shall file with the Court Reporter Supervisor an attendance report which details the amount of time that court reporter/recorder actually served in court, together with a detailed report describing any transcript backlog which may exist at the time of filing the report. The report shall be in the format prescribed by the Court Reporter Supervisor.

XVII

REPORTS REQUIRED TO BE FILED WITH THE COURT REPORTING SECTION OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

1. The following reports shall be prepared by each official court reporter according to the schedule below:

a. The report of Attendance and Transcripts of the United States Court Reporters (AO 40A), reviewed and signed by the Court Reporter Supervisor, shall be prepared quarterly. A report for each calendar quarter shall be submitted to the Court Reporting Section; Administrative Office of the United States Courts; Washington, DC 20544, so that it reaches the office within twenty (20) days after the end of the quarter. A copy of this report

shall also be filed with the Court Reporter Supervisor.

b. The Statement of Earnings of the United States Court Reporters (AO 40B) shall be prepared annually by all official court reporters. This report shall be mailed to the Court Reporting Section; Administrative Office of the United States Court; Washington, DC 20544, within sixty (60) days after the end of the calendar year. A copy of this report shall also be filed with the Court Reporter Supervisor.

2. Each recorder shall prepare the Electronic Court Recorder Operator Quarterly Report (AO 40C) quarterly. A report for each calendar quarter shall be submitted to the Court Reporting Section; Administrative Office of the United States Courts; Washington, D.C. 20544, so that it reaches the office within twenty (20) days after the end of the quarter. A copy of this report shall also be filed with the Court Reporter Supervisor.

XVIII.

SUBSTITUTE COURT REPORTERS

In the event it is determined that a reporter has overdue transcript(s), said reporter may be required to hire and pay substitute reporter(s) until such time as the overdue transcripts have been prepared. The reporter shall have the responsibility for the transcript production of any substitute reporter(s) so hired.

When a court reporter wishes to hire a substitute reporter at their own expense, a substitute court reporter form

must be filled out (See Appendix I) and submitted it to the court reporter supervisor for approval. The court reporter supervisor will then contact the presiding judicial officer to ensure that there is no objection to the request. A court reporter may not proceed to hire a substitute court reporter if the presiding judicial officer declines approval. A reporter shall not use substitute reporter(s) without the prior approval of the Court Reporter Supervisor, except in an unforeseen emergency.

Sufficient notice of a request to hire a substitute must be provided to allow for review by the court. If an emergency arises where the court reporter supervisor is not available and a substitution is immediately required, the court reporter shall contact the presiding judicial officer and obtain his or her approval either verbally or in writing. The court reporter supervisor should then be informed of this approval by submission of the substitute form after the fact.

XIX.

RECORDS TO BE MAINTAINED BY COURT REPORTERS

In order to permit the routine audit and inspection of records, official reporters must maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. Such records shall be maintained on forms prescribed by the Judicial Conference of the United States and shall include, but are not limited to, the following:

1. AO 37--Expense Ledger
2. AO 38--Attendance Ledger
3. AO 39--Transcript Order/Collections Ledger
4. AO 44--Invoice

XX.

LEAVE POLICIES

Upon assignment to a regular tour of duty, official court reporters shall accrue annual and sick leave pursuant to the provisions of the Leave Act of the United States, 5 U.S.C. §6301.

Leave records for official court reporters shall be maintained by the Clerk of the Court in the same manner as those of deputy clerks. All requests for leave shall be submitted on form SF-71, Application for Leave, and must be approved by the Court Reporter Supervisor.

Annual and sick leave are chargeable in quarter-hour increments. All annual leave requested must be accrued before it may be used. Planned sick leave (i.e., appointments, treatments, etc.) must be requested far enough in advance to permit the scheduling of an alternate reporter/recorder.

XXI.

TRANSCRIPT BACKLOGS

The Court Reporter Supervisor is authorized to take necessary steps to reduce or eliminate transcript backlogs or production delays. Such steps may include, but are not necessarily

limited to the following:

1. Reassignment or rotation of official reporters/recorders;
2. Requiring official reporters to hire substitutes at their own expense;
3. Institution of progressive discipline. Termination of any official reporter must be approved by the Court en banc.

XXII.

MISCELLANEOUS PROVISIONS

1. The work of all court reporters shall be "note-readable" so that the notes of a court reporter can be read by another reporter if necessary.
2. The marking, filing and storing of all notes and tapes shall be in accordance with the note storage procedures outlined in this Plan. (See Appendix D.)
3. Discipline and/or sanctions of reporters/recorders shall be pursuant to the provisions of this Plan and the personnel policies of the Court.

APPENDIX A

TRANSCRIPT FEE RATES

(As approved by the Judicial Conference, U.S., January 8, 1992)

	Original	1st Copy to Each Party	Each Additional Copy to Same Party
ORDINARY RATE	$3.00	$ .75	$ .50
EXPEDITED RATE	$4.00	$ .75	$ .50
DAILY RATE	$5.00	$1.00	$ .75
HOURLY RATE	$6.00	$1.00	$ .75

The above rates are applicable to each page of transcript, excluding the certification page which must be at the end of each volume of transcript.

DEFINITION OF METHOD OF TRANSCRIPTION:

ORDINARY: Transcript to be delivered within 30 days.

EXPEDITED: Transcript to be delivered within 7 days.

DAILY: Transcript to be delivered following adjournment and prior to normal opening hour of court on following morning whether or not it actually be a court day.

HOURLY: Transcript (ordered under unusual circumstances) to be delivered within 2 hours.

NOTE: For multi-defendant criminal cases involving CJA defendants, please refer to Section XIII.3. of this Plan.

APPENDIX B

INFORMATION REQUIRED TO BE INCLUDED ON ALL BILLINGS

1. Name of Client.
2. Criminal or Civil.
3. Date Ordered.
4. Date Delivered.
5. In the Matter of.
6. Number of Pages.
7. Number of Copies.
8. Type of Delivery Schedule.
9. Discount
10. Refunds.
11. Total Due.
12. Certification of Reporter or Transcription Firm of Compliance with Fee and Transcript Format Prescribed by the Judicial Conference.

Form AO 44, Invoice, is available (free of charge) from the Administrative Office of the U.S. Courts for use by court reporters.

APPENDIX C

COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcripts delivery dates are computed from:

a. The date on which satisfactory financial arrangements are made, except for transcripts to be paid for by the United States or free copies ordered by the court;

b. For CJA transcripts: the date on which the CJA 24 form is signed by the presiding judicial officer and the appropriate Transcript Order has been received;

c. The date on which the court order is provided to the reporter/transcriber when a transcript has been ordered by a judicial officer.

APPENDIX D

PROCEDURES FOR STORAGE OF COURT REPORTERS' NOTES AND TAPES

All court reporter notes and tapes produced by contract/pro-tem reporters are to be turned over to the Clerk of Court within 90 days after the conclusion of the proceeding. If a transcript is ordered in a case on which the notes have been submitted to the Clerk, the contract/pro-tem court reporter shall retrieve the notes from storage and shall refile the notes when the transcript is completed. Official court reporters may store their notes in their respective offices.

Procedures For Storage Of Court Reporter Notes.

1. All notes shall be filed chronologically and placed in FRC boxes which can be obtained from the Clerk's office.

2. The outside of the box should be marked with a label indicating the court reporter's full name, the calendar year, and the month and date on the notes contained therein. (See Appendix F.)

3. The reporter shall use as many boxes as necessary and identify them in sequence; e.g., Box 89-1(A), Box 89-1(B), Box 89-1(C), would all contain notes for January 1989. Conversely, if the notes for a particular month do not fill one box, the notes for several months may be stored in one box as long as it is identified as follows: Box 89-1, 89-02, 89-3.

4. Each box shall contain a completed court reporters archiving form (see Appendix F) signed and certified by the court reporter. Daily calendars shall also be included in the box, with non-reported proceedings lined-out.

5. In order to maintain the security of their shorthand notes, it is recommended that each reporter place their notes in containers on a daily basis and secure them at the end of the day within their office.

Procedures for Storage of Original Tape Recordings.

In accordance with 28 U.S.C. §753(b), court reporters are required to file with the Clerk of Court either a transcript or an electronic sound recording of all arraignments, pleas, sentences, and other proceedings required by the court. Accordingly, all tape recordings of official proceedings are to be turned over to the Clerk of Court within ninety (90) days after conclusion of a proceeding. Each tape, or series of tapes if they pertain to one trial, must be accompanied by a Filing Certification Form for Tape Recordings (Enclosure 1).

APPENDIX E

CERTIFICATION OF COURT REPORTER UPON SEPARATION

NAME_____ DATE OF SEPARATION_____
ADDRESS_____

CITY_____ STATE_____ TELEPHONE NO._____

The following certification is made to the Clerk of Court upon my separation:

1. That all of my stenographic/shorthand notes or tape recordings have been filed with the Clerk of Court.

2. That I am responsible for preparing any transcripts currently ordered but not yet filed and any transcripts ordered after my separation.

3. That I will immediately inform the Clerk of Court of any change in my address or telephone numbers in order to facilitate the preparation of transcripts.

_____ _____
Court Reporter's Signature Date

_____ _____
Court Reporter Supervisor's Signature Date

APPENDIX F

COURT REPORTERS ARCHIVING FORM

REPORTER NAME_____

BOX NUMBER_____

BEGINNING DATE_____

ENDING DATE_____

Copies of the court calendars are included in the box, with non-reported proceedings lined-out.

CERTIFICATION

In accordance with 28 U.S.C. §753(b), I certify that these original notes contained in box number _____ are a true and correct record of proceedings held in the United States District Court for the Western District of Washington.

By_____
Signature of Court Reporter

Enclosure 1

CERTIFICATE OF OFFICIAL COURT REPORTER

TO: CLERK, UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF _____.

I, _____, certify that I am a duly appointed official court reporter for the United States District Court named above, and that I was present in the courtroom of said court on the _____ day of _____, 19____ and in the regular course of my profession made an electronic sound recording of the proceedings, including the arraignment, plea, and sentence proceedings had in the following cases:

Docket Number	Name of Defendant	Nature of Proceeding (Arraignment, plea, sentence)

I have played back said recording and certify that it is a true and correct record of the proceedings had, that it is sufficiently intelligible when played on a _____, (Make and Model of Machine) that it can be transcribed without undue difficulty, and that I have filed the original of said recording in the envelope to which this certificate is attached.

I further certify that I have filed my original (shorthand notes) (other record) taken of these proceedings with the Clerk as required by 28 U.S.C. § 753(b) as amended.

_____
(Signature)

_____
(Place)

_____
(Date)

APPENDIX G

PROCEDURES FOR ORDERING TRANSCRIPTS AND TAPES

All orders for court reporter transcripts and/or tapes should be routed through the court reporter supervisor.

Orders received directly in the court reporters' office should be written on a two-part form. The original should be routed to the court reporter supervisor as soon as possible. The copy will be retained by the court reporter. (See Appendix H).

Any transcript orders received from CJA counsel or for cases on appeal should similarly be routed to the court reporter supervisor.

The court reporter supervisor will maintain a log of all transcript orders. This log will be monitored in order to assure compliance with time limits for filing and to assure appropriate billing.

APPENDIX H

NON-APPEAL TRANSCRIPT ORDER FORM

REPORTER_____

DATE ORDERED_____

ORDERING PARTY NAME_____

PHONE NUMBER_____

CASE NUMBER_____

CASE NAME_____

PROCEEDING DATE(S)_____

DELIVERY REQUESTED_____

****

☐ FIRST 30 DAY EXTENSION REQUESTED ON _____

REMARKS_____

_____

****

☐ SECOND EXTENSION REQUESTED ON _____

PLEASE EXTEND TO _____

REMARKS_____

_____

APPENDIX I

SUBSTITUTE COURT REPORTER FORM

REPORTER NAME (PRINT) _____

DATES SUBSTITUTE NEEDED _____

NAME OF SUBSTITUTE _____

JUDGE ASSIGNED TO _____

REASON FOR SUBSTITUTE:

☐TRANSCRIPT BACK-LOG ☐DAILY TRANSCRIPT REQUIRED

☐OTHER (EXPLAIN) _____

_____

_____

I declare that the above information is true and correct. I understand that I am hiring the substitute, and any fees for service will be paid for by me. I also understand that this request is subject to approval by the court reporter coordinator.

_____

SIGNATURE OF COURT REPORTER DATE

☐APPROVAL OF COURT REPORTER COORDINATOR OBTAINED BY PHONE

☐APPROVAL OF DISTRICT/MAGISTRATE JUDGE OBTAINED ☐VERBALLY ☐IN WRITING (ATTACHED)

APPROVAL BY COURT REPORTER SUPERVISOR

I hereby approve the above request for a substitute court reporter. I will notify the presiding judicial officer by copy of this form of the court reporter substitution.

_____

SIGNATURE OF COURT REPORTER SUPERVISOR DATE

APPENDIX J

POLICY AND PROCEDURES FOR EXTENSIONS OF TIME ON COURT REPORTER TRANSCRIPTS

There is a growing nationwide emphasis on reducing appeal backlogs. The Ninth Circuit has addressed several different issues which affect the appeal process, one of which is the timely production of transcripts. In keeping with this emphasis and with our proposed Court Reporter Management Plan, this policy has been devised to ensure that the Western District of Washington is not a contributor to the problem.

These policies and procedures apply to either appeal or non-appeal transcript orders. When transcript backlogs occur, this policy sets forth the point at which the Court Reporter Supervisor and the Clerk will intercede and require the reporter hire a substitute at their own expense.

1. First, there is an underlying expectation that all motions or requests for extensions of time will be filed in a timely manner. Generally, this should occur **before** the due date for the transcript. In some circumstances, the court reporter may not be able to comply with this expectation, however, those should be rare occasions and not the standard.

2. All second motions or requests for extensions of time to produce a transcript shall be filed **one week** prior to the due date. This will allow enough time for the 9th Circuit to review the motion and revise its time schedule order.

3. Third motions or requests for extensions of time to produce a transcript shall be filed **one week** prior to the due date. Upon the filing of this third motion or request, the Court Reporter Supervisor will review the request and send notice to the judicial officer assigned the case. The Court Reporter Supervisor will review the request and will take the request into account when making the court reporter schedule for the following week. If possible, the court reporter with the backlog may be assigned light duty in order to allow them to complete the transcripts. Notice to the judicial officer will alert that officer that the court reporter is backlogged and that there may be changes to the next week's schedule.

4. If any 9th Circuit sanction orders are received citing a court reporter for the Western District of Washington, that court reporter will **immediately** be required to hire a substitute at their own expense or request annual leave in order to complete the backlogged transcripts. This is in keeping with our district's commitment to the timely production of transcripts.

Co-workers, if available, may be utilized for court coverage for a backlogged reporter if this is agreed to by all seven official reporters. If there is no consensus among the official reporters, the backlogged reporter will need to hire a substitute at their expense.

Pursuant to the Judicial Guide for Court Reporters, Volume VI, Chapter X, Part C 2b, if a court reporter chooses not to pay the substitute, the Judicial Conference has approved the withholding of salary of the court reporter not to exceed the sum necessary to compensate the substitute reporter until the transcripts are current. The court will notify the Court Reporting and Interpreting Section of the Administrative Office to withhold the salary of the court reporter upon notification of the non-payment of a substitute hired to correct a transcript backlog.

"The Committee further recommended that the Conference, as a matter of policy, discourage the use of substitute reporters, and limit such use to daily copy work, absence due to illness, vacations, and other similar circumstances beyond the control of the reporter." (Report of the Proceedings of the Judicial Conference of the United States, March 1980, Pages 19 and 20.)

2. Approval by Court Reporting Supervisor.

The court reporter must obtain advance approval of the use of and qualifications of a substitute reporter from the court reporting supervisor before hiring a substitute reporter.

3. Limiting the Need for Substitute Reporters.

Court reporters should limit the need for substitutes by pooling, using note readers, transcriptionists, typists, and computer assisted transcription machines to produce their transcripts. By these means, the court reporters would be better able to keep current in transcript production and be available to attend court sessions and record the proceedings.

4. Payment.

Whenever a court reporter hires a substitute, the substitute must be paid from the court reporter's funds.

PART C. Judge Appointed Use of Substitute.

A district judge or the chief judge of a circuit may appoint a substitute reporter in the event a court reporter is unable to complete transcripts in a timely fashion.

1. Judicial Conference Policy.

"Because of the inordinate delays that have taken place throughout the system in the preparation of transcripts by court reporters in cases that are being appealed, the Conference agreed that substitute reporters should be employed to service the requirements of the district judge where the official court reporter is unable to complete his transcripts in a timely fashion and that the salary of the official reporter be subject to withholdings not to exceed the sum necessary to compensate the substitute reporter until the transcripts are current. The need for substitute

reporter service is to be determined by the district judge affected or by the chief judge of the circuit, at his option, acting through the circuit executive." (Report of the Proceedings of the Judicial Conference of the United States, March 1975, page 8.)

2. Payment.

a. By Court Reporter. If it is necessary for a judge to appoint a substitute, the court reporter may:

(1) Voluntarily pay the substitute from the court reporter's own funds, or

(2) Be placed on leave without pay and have the court pay the substitute reporter.

b. Withholding of Salary. If the court reporter chooses not to pay the substitute, the Judicial Conference has approved the withholding of salary of the court reporter not to exceed the sum necessary to compensate the substitute reporter until the transcripts are current. The court should notify the Court Reporting and Interpreting Section of the Administrative Office to withhold the salary of the court reporter.

PART D. Qualifications.

Any substitute reporter hired by a reporter or appointed by a judge to attend court sessions and record the proceedings shall meet the minimum qualification requirements established by the Judicial Conference for official staff reporters.

PART E. Oath.

The substitute reporter must take an oath to make and report faithfully, impartially, and truly all proceedings held before judicial officers. (See Chapter III. Appointment.)

PART F. Responsibilities.

The official staff, additional, temporary, or combined position court reporter is ultimately responsible for the performance of the substitute. In particular, the court reporter is responsible for ensuring that the substitute: