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AUG 30 1984

AT SEATTLE
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

IN SEATTLE

A PLAN FOR THE EFFECTIVE UTILIZATION

OF COURT REPORTERS

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PLAN FOR EFFECTIVE UTILIZATION

OF COURT REPORTERS

1. Statement of Adoption of Plan by Court

This Plan for Effective Utilization of Court Reporters in the United States District Court for the Western District of Washington has been approved and adopted by the court subject to approval of the Ninth Circuit Judicial Council.

2. Supervision of Court Reporters

(a) The Court will designate the Clerk of the United States District Court responsible for the day-to-day management and supervision of an efficient reporting service within the court. In addition, the Clerk of the Court or his designee will serve as the central agent for all communications between the Court of Appeals and the District Court with respect to court reporter matters, whether an official or contract reporter. The Chief Judge, or such other judge or judges as he may designate, shall be primarily responsible for the implementation of this plan.

(b) All of the judges shall give to the Clerk of the 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, magistrates and litigants.

3. Pooling and Assignment of Reporters

(a) In order to insure an even distribution of work and to insure that the needs of the entire court for reportorial services are met, a genuine pooling of reporters shall be effected for the Seattle courthouse. Tacoma reporters shall be pooled if more than one judge resides in Tacoma. To this end, it is the policy of this district that court reporters are not employed by or permanently assigned to individual judges. They are employed by and temporarily assigned by the court en banc. It is the policy of this court that a reporter shall continue to retain employment at the will of the court en banc, regardles of the death, resignation or retirement of an individual judge. In the period between such an occurrence and the appointment of a new judge, reporters shall continue in the pool to serve other active judges, senior judges and magistrates. If the volume of work does not justify retention of the full complement of reporters, a reduction shall be accomplished through relocation, attrition or by giving a reasonable notice for termination of the appointment of not less than 60 days.

(b) Each reporter in this district shall submit to the Clerk of the Court as required an attendance report and a report

concerning transcript backlog. The Clerk of the Court or his designee shall, as nearly as possible, assure that each reporter works an equal number of hours in court.

(c) A practical approach shall be taken to the assignment of reporters with due regard to prolonged proceedings. The Clerk of the Court or his designee shall endeavor to allow a reporter to remain with an assignment until conclusion or until the assigned reporter 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.

(d) The Clerk of the Court or his designee will attempt to equalize the workload of each official reporter with respect to the time each spends in court. Transcript production being considered by the Judicial Conference as outside work for which additional renumeration is received, time spent on transcript, as well as transcript backlog, need not be considered by the Clerk of the Court or his designee when assigning reporters. The Clerk of the Court shall determine that all official reporters within the district are complying with Court of Appeals' time limits.

4. Hours

Court reporters shall be available in the respective courthouses from 8:30 a.m. to 5:00 p.m., Monday through Friday of each week.

Freelance reporting, that reporting not related to official duties, shall be permitted only when approved in advance by the court.

5. Magistrates

(a) Proceedings before United States magistrates may be recorded by electronic sound recording or by a court reporter. The magistrate shall determine which technique is to be used as to each case or hearing, taking into account the provisions of 28 U.S.C. Sections 753(b) and 636(c)(7), and any other applicable authorities.

(b) Should a magistrate 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 through the calendar clerk to the lead reporter.

6. Utilization of Contract Reporters to Replace Official Reporters

Contract reporters will not be paid by the court to relieve official reporters to help alleviate transcript backlogs. Reporters have a continuing responsibility for transcript production of substitute reporters they hire, including the making of requests for extensions of time.

When the Clerk of the Court or his designee determines that no official reporter can be available for a court appearance,

he will contact the official contract reporting service to arrange for their services. At that time he will provide the financial deputy in the Clerk's Office with a written certification that no official reporter is available.

7. Production of Daily Transcript

Production of daily or hourly transcript is not to be subsidized by the court. If extra reporters are required to provide such transcript, the cost of such reporters shall be paid by the official reporter out of the earnings derived from the higher transcript rates as established by the Judicial Conference. This provision does not, however, prohibit other official reporters from assisting in producing such transcripts if there are no other official proceedings to record, including those of senior judges and magistrates and when no substantial transcript backlog will result.

8. Fees for Transcripts of Official Proceedings

(a) No court reporter, either official or contract, shall charge fees for transcripts of official proceedings exceeding those recommended by the Judicial Conference of the United States, and adopted by the court by order dated April 1, 1980.

(b) A copy of the allowable fees shall be posted in the Clerk's Office. The posting shall be prominently displayed in an area generally available to the public.

(c) The Clerk of the Court or his designee shall review billings for official transcripts ordered from each reporter, as well as review a sample of transcripts produced by each reporter. "Official transcript" in this instance shall be deemed to be a

transcript of any proceeding before a judge or magistrate of this court, whether in chambers or in open court, regardless of the reason the transcript may be produced. The Clerk of the Court shall report quarterly to the Chief Judge the results of his review.

(d) Each reporter shall annually certify to the Chief Judge that he has complied with Judicial Conference guidelines with regard to fees and format of transcripts, a copy of which is attached hereto.

9. CJA Transcripts

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

(b) The respective reporter is responsible for assisting the ordering party in the proper preparation of the CJA form 24.

(c) The Clerk of this court 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 as may be appropriate.

10. Time Limits for Delivery of Transcript

All transcripts of official proceedings produced by the court reporters for this district for the purpose of appeal to the Ninth Circuit Court of Appeals shall be delivered to the ordering party and/or filed with the Clerk of this court within the time

prescribed by the Ninth Circuit Court of Appeals. Transcripts being produced for use by judicial officers of this court shall be delivered to the ordering party and/or filed with the Clerk of this court within the time prescribed by that judicial officer. This schedule shall not be deviated from unless an extension has been obtained from the appropriate clerk of court, i.e., the Clerk of the Court of Appeals in cases involving appeal transcripts and Clerk of this court in all other cases. 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.

11. Filing of Shorthand Notes and Electronic Recordings

(a) The shorthand notes prepared by the official reporters will be maintained in their offices. Those notes of contract reporters will be certified and filed with the Clerk within 90 days of completion of the proceeding.

(b) Pursuant to the provisions of Title 28, United States Code, Section 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 recordings have been certified and maintained in the office of the official reporters. Official and contract reporters shall file with the

Clerk transcripts of such proceedings within thrity days of their occurrence unless an electronic recording device was utilized, in which event the electronic recording, accompanied by a certification of the official reporter, shall be filed as soon as the recording, cassette, reel, etc., has been used to capacity.

12. Sanctions

Any violation of this plan shall be referred to the supervising judge for appropriate action.

13. Reports to be Filed with Financial Management Division of the Administrative Office, United States Courts

The following reports are to be filed by each official court reporter:

(a) The Report of Attendance and Transcripts of United States Court Reporters (AO form 40A) shall be submitted quarterly during each calendar year of official reporting. A report for each calendar quarter is to be mailed to the Financial Management Division, Administration Office of the United States Courts, Washington, D. C. 20544, so that it reaches that office within 20 days after the end of a quarter, a copy of which will be directed to the lead reporter of this court.

(b) The Statement of Earnings of United States Court Reporters (AO form 40B) shall be submitted annually by all official court reporters. The report shall be mailed to the Financial Management Division, Administrative Office of the United States Courts, Washington, D. C. 20544, within 60 days after the

end of the calendar year, a copy of which will be directed to the Clerk of this court. This report shall be kept confidential by the Clerk.

The above Plan for Efficient Utilization of Court Reporters is hereby adopted and shall become effective this date.

DATED this 30th day of August, 1984.

Walter T. McGovern
Chief United States District Judge

Donald S. Voorhees
United States District Judge

Jack E. Tanner
United States District Judge

Barbara J. Rothstein
United States District Judge

John C. Coughenour
United States District Judge