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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COURT REPORT MANAGEMENT  
PLAN FOR THE WESTERN DISTRICT  
OF WASHINGTON

GENERAL ORDER 03-15

The Judges of the United States District Court for the Western District of Washington do hereby approve and adopt the attached Court Reporter Management Plan.

DATED this 25<sup>th</sup> day of March, 2015

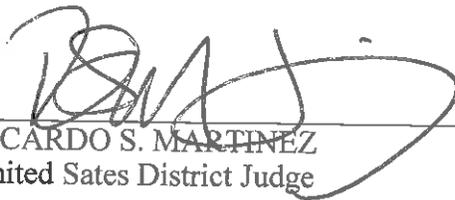


MARSHA J. PECHMAN  
United States Chief District Judge

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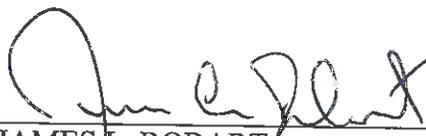
ROBERT S. LASNIK  
United States District Judge



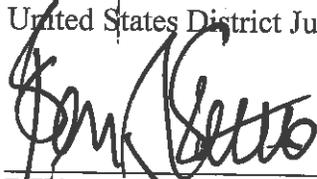
RICARDO S. MARTINEZ  
United States District Judge



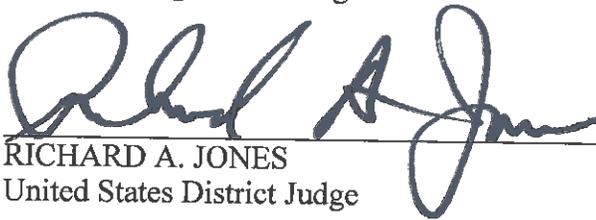
RONALD B. LEIGHTON  
United States District Judge



JAMES L. ROBART  
United States District Judge



BENJAMIN H. SETTLE  
United States District Judge



RICHARD A. JONES  
United States District Judge

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ROBERT J. BRYAN  
Senior U.S. District Judge



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JOHN C. COUGHENOUR  
Senior U.S. District Judge

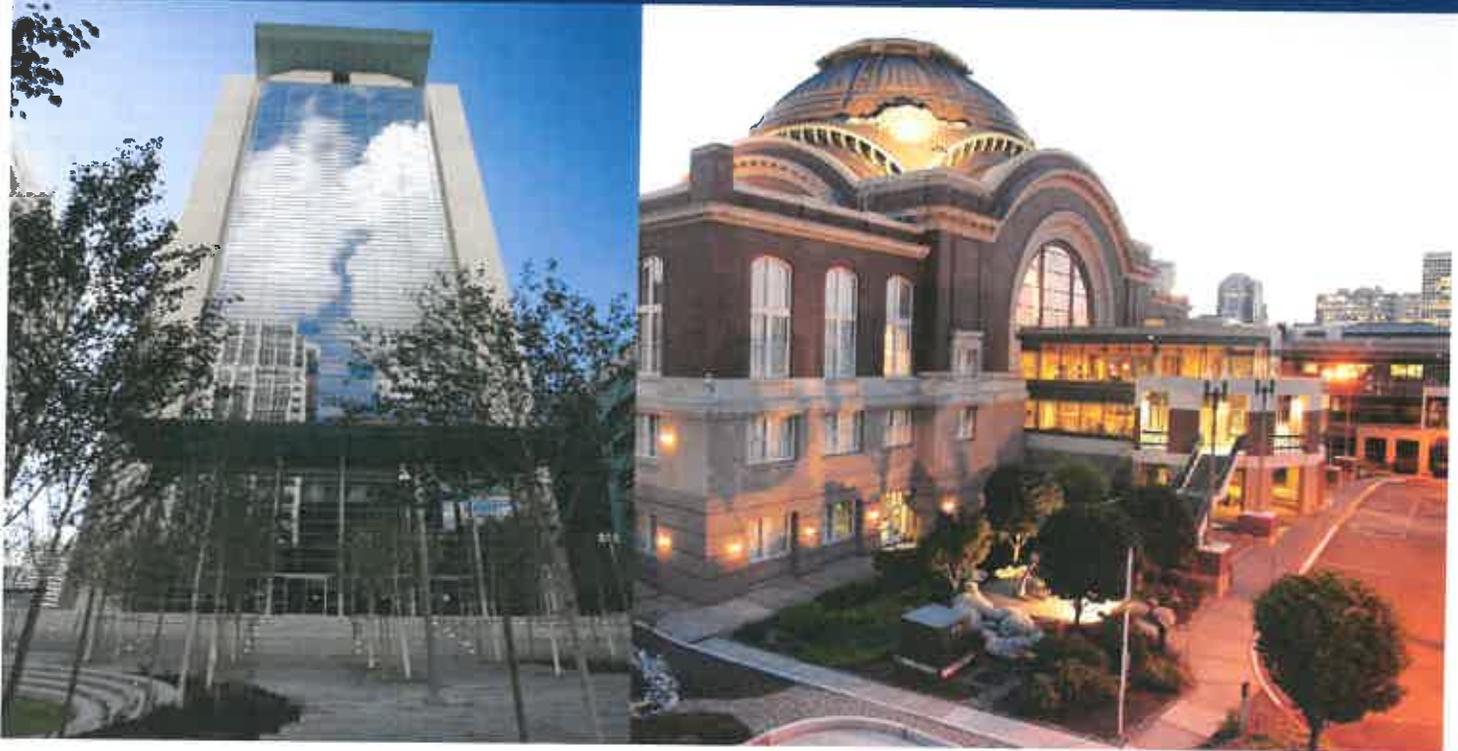


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THOMAS S. ZILLY  
Senior U.S. District Judge



# WESTERN DISTRICT OF WASHINGTON COURT REPORTER MANAGEMENT PLAN



APPROVED BY THE NINTH CIRCUIT JUDICIAL COUNCIL



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## SECTION I

### Objectives of Plan

In accordance with Judicial Conference of the United States' policy, and with the approval of the Ninth Circuit Judicial Council, the Western District of Washington adopts this Court Reporter Management Plan (Plan).

The Objectives of the Court Reporter Management Plan are to:

- Comply with [Volume 6: Court Reporting](#), of the *Guide to Judiciary Policy*;
- Effectively and efficiently manage all court reporters with proper supervision and procedural systems;
- Achieve an equitable distribution of workload through a modified pooling system;
- Avoid a backlog of transcripts and assure prompt delivery of appellate and non-appellate transcripts;
- Assure the appointment and retention of fully qualified official court reporters;
- Promote the practice that official court reporters serve the Court en banc;
- Enhance the efficient operation of the Court; and
- Minimize use of contractual services to the extent practical.

## SECTION II

### Applicability of Plan

This Plan applies to all court reporters: official, substitute, and contract.

## SECTION III

### Supervision

#### DUTIES OF COURT REPORTER COORDINATOR

The Court designates the District Court Executive/Clerk of Court (Clerk of Court) of the United States District Court responsible for the day to day management and supervision of and efficient court reporting. The Clerk of Court designates a Court Reporter Coordinator whose duties and responsibilities include, but are not limited to, the following:

1. Effectively manage all court reporters through proper supervision and procedural systems;
2. Assign and reassign reporters for the purpose of fairly and equitably distributing the workload among all reporters, with preference given to official reporters for daily and realtime trial requests;

## Western District of Washington

3. Minimize travel and assure the lowest overall cost to the Court;
4. Supervise the relationship between parties and reporters;
5. Monitor court reporters' ledgers of all appellate and non-appellate transcript orders;
6. Review appellate and non-appellate 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;
7. Review all transcript billings to ensure that authorized transcript rates are charged, billing is in proper form and transcripts are prepared in a timely manner;
8. Ensure that all court reporters comply with the provisions of [28 U.S.C. § 753](#) concerning the recording, certifying and filing of the electronic audio recordings of all criminal arraignments, pleas and proceedings in connection with the imposition of sentences;
9. Ensure that all notes and/or audio recordings are maintained in accordance with [28 U.S. C. § 753](#) and [Section VIII](#) of this Plan;
10. Review the leave records of the court reporters to ensure proper maintenance and accuracy;
11. Review the records of the court reporters to assure the timely filing of all reports required by the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States (JCUS);
12. Serve as liaison to the Ninth Circuit Court of Appeals as to matters pertaining to court reporters and transcript production;
13. Provide the Clerk of Court with all necessary information relating to the duties set forth above: determining actual and projected budget needs for contract court reporting services; and scheduling contract court reporters as needed; and
14. Perform such other duties relating to court reporting services as will be directed by the Court.

Court reporters are included in the organizational structure of the Office of the Clerk of Court.

### PERFORMANCE APPRAISAL

Official court reporters receive informal periodic performance appraisals as required.

### DISPUTE RESOLUTION PROCEDURES

Official court reporters may resolve disputes through the Clerk's Office [Open Door Policy](#), [Adverse Action Plan](#), or the [Equal Employment Opportunity Plan and Employment Dispute Resolution](#) procedures.

### AVAILABILITY OF COURT REPORTERS

Official court reporters will promptly notify the Court Reporter Coordinator when scheduled court matters are canceled and/or continued and they are available for temporary assignment.

## SECTION IV

### Types of Court Reporters and Number of Reporters

Court reporters are categorized according to how they are utilized or employed in the Court.

#### 1. Official Court Reporters

Official court reporters are official, salaried employees of the Court who are employed by the Court en banc for an indefinite term pursuant to the authority of the Judicial Conference. When this Plan was adopted in 2014, there were six official court reporters: four stationed in Seattle, and two in Tacoma. The official reporters in the Seattle Office support five active district judges, three senior judges, and three magistrate judges. The official reporters in the Tacoma Office support two active district judges, one senior judge, and two magistrate judges.

#### 2. Contract Reporters

Contract court reporters are court reporters who serve the Court on an as-needed basis. They work on a contract basis and are paid from contract funds. Although official court reporters are pooled, contract reporters are sometimes needed when all official court reporters are in court or on approved leave.

#### 3. Substitute Reporters

Substitute court reporters are court reporters who may be hired and paid by an official court reporter in accordance with [Chapter 4: Reporting Activities, Volume 6: Court Reporting](#), of the *Guide to Judiciary Policy*

## SECTION V

### Employment

#### QUALIFICATION OF OFFICIAL REPORTERS

In order to qualify for appointment as an official court reporter, applicants must meet the following minimum requirements:

- Applicants must have at least four years' court reporting experience in a court, the freelance field, or a combination thereof;
- Applicants must hold a certificate of Registered Professional Reporter (RPR) from the National Court Reporters Association (NCRA), or an equivalent qualifying examination certificate; and
- All applicants must use realtime transcription and must have hookup experience.

#### EMPLOYMENT AND SEPARATION OF OFFICIAL REPORTERS

Official court reporters are employed by the Court en banc. Regardless of the death, resignation or retirement of an individual judge, official court reporters serve at the will

## Western District of Washington

of the Court. Official court reporters who do not perform in a competent and satisfactory manner or who do not comply with the requirements of this Plan or the *Guide to Judiciary Policy* will be subject to disciplinary action, including termination.

Court reporters are appointed in accordance with the provisions of [28 U.S.C. § 753](#) and the qualifications established by the JCUS. The Court will only appoint reporters – including official, contract, and substitute reporters - who meet these qualifications.

Upon appointment as an official court reporter, reporters must execute a certification form, [AO35](#), regarding their responsibilities for the following:

- Retention of all official notes, electronic audio recordings and/or computer disks;
- Preparation and filing of all transcripts that are ordered during the course of employment; and
- Preparation and filing of all transcripts that would be ordered after separation.

Whenever court reporters separate from employment, they are required to execute a certification form regarding the following:

- Filing of all official notes and electronic audio recordings;
- Preparation of all transcripts which are currently ordered but not yet filed; and
- Preparation of all transcripts which might be ordered after separation.

### ASSIGNMENTS OF REPORTERS

In order to ensure an equitable distribution of work among court reporters and to meet the needs of the Court, court reporters are pooled and assigned to courtroom duties by the Court Reporter Coordinator. To the extent possible, assignments will be made so as to permit a reporter to remain on a specific trial assignment until the matter is concluded or until the assigned reporter requests relief.

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

### HOURS OF EMPLOYMENT

Official court reporters are placed on a 40 hour a week “regular tour of duty” with established core working hours. Court reporters are covered under Clerk’s Office [Timekeeping and Leave Policy](#).

At least one official court reporter must remain in the courthouse and be accessible by telephone until the Court is adjourned for the day, unless prior arrangements have been made with the Court Reporter Coordinator or appropriate coverage has been confirmed. Official court reporters who work longer than their regular core hours may be eligible for compensatory time or may flex their hours within the same pay period.

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However, since transcript production by court reporters is considered outside work for which additional remuneration is received, court reporters are not eligible for compensatory or flex time for time spent on transcript production after core working hours.

### DATA COMMUNICATIONS NETWORK

Court reporters may access the judiciary's Data Communications Network (DCN) through government-owned equipment or via VPN account using their personal equipment. Official court reporters are strictly prohibited from generating transcript income using any government-owned computer hardware or any automated systems accessed through the DCN. Contract court reporters are not allowed access to the DCN at any time.

### USE OF CONTRACT REPORTERS

Under JCUS and AO policy, contract reporters will be utilized only when all official court reporters are occupied in court. Contract court reporters may be utilized in place of official reporters on authorized leave pursuant to the Leave Act only when no official reporter is available to replace the reporter on such leave. Contract court reporters will not be paid by the Court when official reporters are relieved of their courtroom duties to work on transcript backlogs.

### POLICY REGARDING SECONDARY EMPLOYMENT

Prior to starting any secondary employment (compensated or uncompensated) or any volunteer work, the position must first be reviewed and approved by the Court Reporter Coordinator, Human Resources, and the Clerk of Court. Secondary employment must be consistent with the [Code of Conduct for Judicial Employees](#) and the criteria outlined in the Clerk's Office [Secondary Employment Policy](#).

### POLICY REGARDING FREELANCE WORK

Official court reporters may not perform any private freelance work including grand jury reporting, taking of depositions and other reporting activities not related to salaried or statutory duties during their employment with the Western District of Washington without approval.

### TRAVEL BY OFFICIAL REPORTERS

Each court location in this district has official court reporters assigned to serve its judicial officers as needed. However, in the event additional coverage is required at the Seattle Office or the Tacoma Office, an official court reporter may be required to travel to a different location in lieu of hiring a contract court reporter. The official court reporter will be reimbursed for their travel expenses pursuant to [Volume 19, Chapter 4: Judiciary Staff Travel Regulations](#). Out of district travel by official court reporters will only be authorized with the approval of the Chief Judge and the Clerk of Court.

## SECTION VI

### Leave Act Coverage for Official Reporters

Official court reporters are covered under the Leave Act and are required to follow the procedures in accordance with the Clerk's Office [Timekeeping and Leave Policy](#).

#### TIMEKEEPING

Court reporters' total hours in a pay or leave status must equal 80 hours for each two week leave period. Court reporters account for their time and leave in HRMIS Leave Tracking. The Court Reporter Coordinator is responsible for verifying these records.

#### FLEXIBLE WORK SCHEDULE/FLEX HOURS

A flexible work schedule, or flex hours, allows employees to vary their time of arrival and departure, vary the number of hours worked on a given day, or the number of hours each week within the limits established for the job. Flex hours must be consistent with the duties and requirements of the position, within the bi-weekly pay period, and ensure that core hours, as determined by each office, are covered. Flexible work schedules do not change the number of hours worked per leave period but allow employees some flexibility in managing their work assignments. Flexing hours for court reporters should occur only on an as needed basis, and must be approved in advance by the Court Reporter Coordinator.

#### ANNUAL LEAVE

Annual leave should be scheduled allowing adequate coverage to be maintained, and absences during heavy work load periods are minimal. Approval of annual leave is not automatic. Leave will be scheduled and granted with first consideration given to the needs of the Court.

#### SICK LEAVE

In accordance with the policies and procedures of the Administrative Office and Judicial Conference of the United States, use of sick leave is strictly limited to illness or medical and dental appointments and treatments. In no event will sick leave be used or authorized with the specific intent to work on transcript backlog.

## SECTION VII

### Transcripts

#### FORMAT COMPLIANCE

All reporters will comply with the Judicial Conference's transcript format requirements. The Court Reporter Coordinator will monitor appellate and non-appellate transcripts to ensure format compliance.

### FILING OF ORIGINAL TRANSCRIPT

The official reporter and contract court reporter will electronically file all original transcripts of official proceedings into CM/ECF within three days of delivery to the ordering party.

### FEE SCHEDULE

No reporter employed by the Court will charge fees for transcripts which exceed the fees set forth in the [Maximum Transcript Rates](#) of the JCUS, as approved by Congress. (See Appendix A)

No reporter employed by the Court will charge fees for services not authorized by the JCUS. A copy of the [approved fee schedule](#) is posted on the Court's website.

### FEE REDUCTION

If appellate transcripts are not filed timely, the Ninth Circuit Court of Appeals may impose the mandatory fee reduction in accordance with [Rule 11-1.1](#) of the Rules of the United States Court of Appeals for the Ninth Circuit. Such reduction of fees will be credited to the ordering party by the official report. The Court Reporter Coordinator will ensure that credits due to mandatory fee reductions are properly credited to the party ordering the appellate transcript, when necessary.

### COPY REQUESTS

All requests for copies of transcripts must be presented to the court reporter within the first 90 days after the original transcript was electronically filed into CM/ECF. Fees charged for copies of transcripts may not exceed the [copy fee rate](#) authorized by the JCUS as approved by Congress.

### TIMELY FILING OF TRANSCRIPTS

The Court expects all appellate and non-appellate transcripts to be produced and filed in a timely manner. It is the responsibility of the Court Reporter Coordinator to monitor the filing of transcripts to ensure timely completion and to notify promptly the Clerk of Court of any potential problems.

In the event an official court reporter receives an Order from the Ninth Circuit regarding delinquent transcripts, the official court reporter may be required to hire a substitute contract court reporter at his or her own expense or use annual leave until the transcripts are completed and delivered to the Court Reporter Coordinator for filing. If the official court reporter is unable to hire a substitute court reporter and does not have adequate annual leave, the official court reporter may be placed on leave-without-pay status until the transcripts have been delivered to the Court Reporter Coordinator for filing. The Court Reporter Coordinator, with the approval of the Clerk of Court, is authorized to take any appropriate measures necessary to eliminate transcript backlog or transcript production delays.

### TRANSCRIPT LEDGER

The official reporters are required to keep a ledger ([AO 39](#)) of all appellate, non-appellate and CJA transcript orders. The ledger will be reviewed monthly by the Court Reporter Coordinator for compliance.

### ORDER FOR APPELLATE TRANSCRIPTS

All requests for appellate transcripts must be electronically filed in CM/ECF, or submitted in writing to the Clerk's Office if the ordering party does not have a CM/ECF account, on the [AO 435](#) Transcript Order form and will be forwarded promptly to the court reporter by electronic notification through CM/ECF.

Individual court reporters are responsible for making financial arrangements with the ordering party as soon as practicable. If financial arrangements cannot be made expeditiously, the reporter will promptly advise the Court Reporter Coordinator and, if necessary, the Ninth Circuit Court of Appeals.

If a bad check is received as payment, the court reporter will immediately stop transcript production and notify the Court Reporter Coordinator and the Ninth Circuit Court of Appeals.

Appellate transcripts will be delivered within 30 days once a satisfactory arrangement for payment is made, the CJA form is received by the official court reporter, or an extension for filing has been granted by the Ninth Circuit Court of Appeals. Requests for extensions will be made by the court reporters, with a copy to the Court Reporter Coordinator.

### ORDER FOR NON-APPELLATE TRANSCRIPTS

All requests for non-appellate transcripts must be electronically filed in CM/ECF, or submitted in writing to the Clerk's Office if the ordering party does not have a CM/ECF account, on the [AO 435](#) Transcript Order form, and will be forwarded promptly to the court reporter by electronic notification through CM/ECF.

Non-appellate transcripts will be delivered within 30 days once a satisfactory arrangement for payment is made, or the CJA form received by the official court reporter.

The ordering party will make all necessary financial arrangements with the appropriate court reporter.

### CJA TRANSCRIPT ORDERS

All transcripts produced under the terms of the Criminal Justice Act (CJA) will be filled on form [CJA 24](#). The CJA 24 form must be signed by the assigned judicial officer prior to transcript production for any request other than those in a direct appeal.

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In accordance with JCUS policy, the routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.

- A) In multi-defendant cases involving CJA defendants, no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants.

To simplify making multiple copies, CJA multi-defendant transcript orders may be requested in electronic format. Alternatively, one of the CJA counsel or the Clerk of Court can 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 appropriations.

This policy covers a court reporter furnishing duplication services at the commercially competitive rate.

- B) This policy also applies where more than one transcript is ordered on behalf of a single party under the CJA. This would apply, for example, when a party under the CJA orders both an electronic media copy and a paper copy.

In all CJA multi-defendant cases, the CJA defendant who first orders the transcripts will pay the original page rate and all other CJA defendants will pay the commercially competitive copy rate. The commercially competitive rate will be determined by the Clerk of Court.

### **CANCELLATION OF TRANSCRIPT ORDERS**

The court reporter will immediately stop producing transcripts if advised of a cancellation. The court reporter will refund any deposit received, excluding pages produced prior to the cancellation notice. The reporter will note any cancellation in the court reporter ledger, which is reviewed monthly by the Court Reporter Coordinator.

### **EXPEDITED TRANSCRIPTS**

Unless ordered by the Court, official reporters will not expedite the preparation of any transcripts that would delay the preparation of appellate transcripts.

### **DAILY AND HOURLY TRANSCRIPTS**

Production of daily and hourly transcripts will not be subsidized by the Court. Official court reporters may share the responsibility to produce daily and/or hourly transcripts with other official court reporters with the approval of the Court Reporter Coordinator. The needs of the court will determine the approval for official court reporters sharing a daily/hourly transcript request. Official court reporters will not charge any party any fees in excess of or in addition to those authorized by the JCUS.

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Official court reporters are encouraged to work as a team and provide each other with assistance when daily transcripts are requested by a party.

The official reporter assigned to produce the daily transcript may request an advance from the ordering party for up to 20 trial days, or the estimated length of trial if less than 20 days. The official reporter may submit one billing to the ordering party or request the ordering party to pay the official reporter and co-reporter separately.

### REALTIME REPORTING

Realtime is the instantaneous translation of the proceedings on a computer monitor. Volume 6: Court Reporting, of the *Guide to Judiciary Policy*, [§ 320.30.10\(b\)](#), defines a realtime unedited transcript (also known as a realtime unedited translation) as “a draft transcript produced by a Certified Realtime Reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.” Realtime includes the following services:

- The instantaneous translation of the proceedings on a computer monitor;
- The opportunity to scroll forward and backward, search the record for key words or phrases, and mark portions of the text using viewer/annotation software; and
- The realtime unedited transcript delivered during the proceedings or at the end of the day.

Each Certified Realtime Reporter should request that parties acknowledge receipt of a realtime unedited transcript by signing a disclaimer. The disclaimer should explicitly state that the ordering party is aware that the realtime unedited transcript is not an official record of the court proceedings.

Official court reporters who have successfully completed the Certified Realtime Reporter examination offered by the National Court Reporters Association (NCRA), or who have passed an equivalent qualifying examination, are recognized as Certified Realtime Reporters. Certified Realtime Reporters are permitted, but not required, to sell realtime unedited transcripts. When realtime services are requested by a party to the case, a Certified Realtime Reporter should not sell realtime unedited transcripts to anyone who is not a party to the case without prior approval of the presiding judge.

The transcript format guidelines prescribed by the JCUS apply to realtime unedited transcripts with the following exceptions:

- Realtime unedited transcripts must be clearly marked as such with a header or footer which appears at the top or bottom of each page of the transcript or a computer generated watermark on each page stating: “Realtime Unedited Transcript Only”; and
- The Realtime Unedited Transcript should not include an appearance page, an index, or a certification.

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All parties requesting realtime services will be responsible for providing their own personal computers, viewer/annotation software, and monitors. Parties should coordinate and pre-test their equipment with the Certified Realtime Reporter before official proceedings begin.

A Certified Realtime Reporter who provides a realtime unedited transcript should offer comparable services to all parties to the proceeding. The primary purpose of realtime unedited transcripts is to provide access to a draft transcript of the proceedings at the end of each day. It is not intended to be used in subsequent proceedings for impeachment or for any other purpose, including further distribution.

### **BILLING**

All transcript orders will be billed for in writing by the official reporters and reviewed by the Court Reporter Coordinator for accuracy. A copy of the [AO 40B](#) form, Statement of Earnings Court Reporters, must be submitted to the Court Reporter Coordinator upon the electronic filing of the transcript.

### **DEPOSITS**

Official court reporters may request from the ordering party a deposit of up to 100 percent of the fee for a transcript with the estimated number of pages. If the deposit exceeds the actual cost, the reporter will reimburse the difference when the transcript is delivered to the ordering party. The Court Reporter Coordinator will ensure that reimbursements are properly credited to the ordering party.

### **JUDGE ORDERED TRANSCRIPTS**

Title [28 U.S.C. § 753\(b\)](#) establishes the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts or rough draft transcripts without charge to a requesting judge. Providing a transcript to a judge is considered part of a reporter's official duties for which the reporter is paid an annual salary. Only one original transcript can be produced, and all subsequent orders for the same transcript are copies for which the lower fee would apply.

Requests for production of a certified transcript by a district or magistrate judge will be reported to the Court Reporter Coordinator for record keeping.

In accordance with AO policy, transcripts ordered by a district or magistrate judge for proceedings that were recorded and that are furnished by a contracted transcription company will be paid for from the Court's appropriations.

### **TRANSCRIPTS REQUIRED BY STATUTE**

In accordance with [28 U.S.C. § 753](#), all court reporters are required to transcribe, certify and file with the Clerk of Court all arraignments, pleas and proceedings in connection with the imposition of sentences (APS hearings) in criminal cases without additional compensation. Such transcripts will be filed with the Clerk of Court within 30 days of

the conclusion of the proceeding. In lieu of filing transcripts for arraignments, pleas and proceedings in connection with the imposition of sentence in criminal cases, court reporters are permitted to electronically record these proceedings. These recordings will be electronically filed onto the courts main server, accompanied by a certification of the reporter, where they will remain on file indefinitely.

#### **OVERCHARGING**

Court reporters found to be overcharging by violating prescribed page, line, or pitch-size formats, or using any other non-conforming format will be required to make immediate restitution to the ordering party and may be subject to disciplinary action.

#### **PRIORITY OF TRANSCRIPT PRODUCTION**

Appellate transcripts will be produced before non-appellate transcripts in chronological order according to the date they are due to the Ninth Circuit. Preparation of criminal transcripts takes precedence over the preparation of civil transcripts. Unless otherwise ordered by the Court or Court Reporter Coordinator, civil transcripts will be prepared in chronological order according to the date of the request.

#### **TRANSCRIPT BACKLOG**

The Court Reporter Coordinator, with the approval of the Clerk of Court, is authorized to take any measures necessary to reduce or eliminate transcript backlogs or production delays. Such steps may include, but not limited to, reassigning or rotating the official reporter on a temporary bases or placing the official reporter on leave-without-pay status until the transcripts have been filed; and initiating progressive discipline, if necessary.

## **SECTION VIII**

### **Maintaining Records**

#### **CERTIFYING AND FILING STENOGRAPHIC NOTES**

All stenographic notes are the property of the Court. Official court reporters, including contract court reporters, must certify and file with the Clerk of Court all original shorthand notes and other original records of proceedings the court reporter has reported. Stenographic notes and digital audio recordings must be promptly downloaded to the Court's server, where they will be stored for safekeeping. The court reporter will certify the original notes are a true and correct record of proceedings.

#### **AUDIO RECORDINGS**

Pursuant to [28 U.S. C. 753\(b\)](#), a court reporter must transcribe and certify all arraignment, pleas and proceedings in connection with the imposition of sentence in criminal cases. The only exceptions are if the court reporter records the proceedings by

electronic sound recording, certifies the accuracy of the recordings, and then maintains them in the form prescribed by the Clerk of Court on the Court's server.

### **PUBLIC INSPECTION**

JCUS policy provides that both the original notes or other original records and a copy of the transcript in the Clerk's Office must be open during office hours to inspection by any person without charge. The Clerk of Court's copy is an official court record which serves as the control copy with which the Clerk of Court may compare verbatim records being forwarded on appeal. No fee is to be charged any person for use of the Clerk of Court's copy. The Clerk of Court's copy is available to the judge if the judge desires to use it; and in some instances, where the "original papers rule" is followed, this copy may be forwarded to the court of appeals when an appeal is filed.

## **SECTION IX**

### **Mandatory Reports**

#### **ATTENDANCE AND TRANSCRIPT REPORT (AO40A)**

Each quarter, all official court reporters will prepare and file through the Automated Court Reporter Application (ACRA) the report of Attendance and Transcripts of United States Court Reporters ([AO 40A](#)), which will be reviewed and signed by the Court Reporter Coordinator. The report for each calendar quarter will be submitted to the Court Reporting Section, Administrative Office of the United States Courts, Washington D.C., so that it is received within 20 days after the end of the quarter.

#### **STATEMENT OF EARNINGS REPORT (AO 40B)**

Each official reporter will prepare and file through ACRA the annual Statement of Earnings of United States Court Reporters ([AO 40B](#)), which will be reviewed and signed by the Court Reporter Coordinator. A report will be required of all present and former official court reporters who were employed by the Court during the preceding year, without regard to length of service, including full or part-time employees and those hired on a limited time basis. The report will be submitted to the Court Reporter Coordinator no later than April 5<sup>th</sup> of each year. Reports must be submitted through ACRA as prescribed by the Director of the AO.

#### **RECORDS TO BE MAINTAINED BY COURT REPORTERS**

In order to permit the routine audit and inspection of records, official reporters will maintain accurate, legible and up-to-date records of their expenses, attendance in court, transcript orders and invoices. Such records will be maintained on forms prescribed by the JCUS or forms similar thereto, and will include but are not limited to the following:

- [AO 37](#) - Expense Ledger

- [AO 38](#) – Attendance Leger
- [AO 39](#) - Transcript Orders and Collections Leger
- [AO 44](#) - Invoice

## SECTION X

### Reporter Services to a United States Magistrate Judge

Regular proceedings before a United States Magistrate Judge will be recorded by the courtroom deputy clerk utilizing sound recording equipment. Depending on availability, trials, evidentiary hearings and other specific matters that require a transcript will be reported by a court reporter.