

- 1 2. make clear that court reporters and ECR operators though assigned to a
- 2 particular judge, serve the court en banc and may be assigned when needed
- 3 throughout the District for any active judge, senior judge, visiting district
- 4 judge, or magistrate judge;
- 5 3. obtain the most effective utilization of both the services of court reporters and
- 6 ECR operators by equitable distribution of the workload;
- 7 4. avoid backlogs of transcript and assure prompt delivery;
- 8 5. assure appointment and retention of fully-qualified court reporters and
- 9 recorders, and dismissal of court reporters and recorders who are no longer
- 10 performing in a satisfactory manner;
- 11 6. minimize the use of contract reporters;
- 12 7. enhance the efficient operation of the Court and further its mission.

13

14 **B. APPOINTMENT AND DISMISSAL OF COURT REPORTERS AND**

15 **RECORDERS.**

16 The Court is presently authorized 10 official court reporters and 3 ECR operators.

17 The Clerk of Court has been designated by the Court to appoint court reporters with

18 the approval of the Court. Court reporters shall be appointed in accordance with the

19 provisions of the Court Reporter Act, 28 U.S.C. Section 753, and the policies and

20 procedures of the Administrative Office of the United States Courts and the Judicial

21 Conference of the United States. Only fully-qualified reporters shall be appointed as court

22 reporters of this court. Court reporters who do not perform in a competent and satisfactory

23 manner shall be subject to dismissal by the Clerk.

24

25 **C. DUTIES OF THE COURT REPORTING SUPERVISOR.**

26 1. The duties and responsibilities of the Court Reporting and Recording

27 Supervisor shall include, but shall not be limited to:

- 28 a. assignment and reassignment of official court reporters and recorders

1 for the purpose of distributing fairly and equitably the workload of all
2 reporters and recorders and assuring the best utilization of all personnel
3 involved in the perfection of the record, subject to the provisions of
4 paragraph D;

- 5 b. reviewing transcripts to assure full compliance with format
6 requirements of the Administrative Office of the United States Courts
7 and the Judicial Conference of the United States;
- 8 c. reviewing transcript billing to assure that authorized transcript rates are
9 charged and that billing is in proper form;
- 10 d. determining compliance by all court reporters and recorders with the
11 rules and regulations concerning the recording and filing of
12 arraignments, pleas, and sentencings;
- 13 e. reviewing the time records of the court reporters and recorders to assure
14 proper maintenance and accuracy;
- 15 f. reviewing the records of the court reporters and recorders to assure the
16 timely filing of all reports required by the Administrative Office of the
17 United States Courts and the Judicial Conference of the United States;
- 18 g. requiring the court reporters and recorders to submit those reports
19 mandated by the Judicial Conference to the Clerk for review and
20 signature on a timely basis;
- 21 h. performing such other duties relating to court reporting and recording
22 services as shall be directed by the Court.

23
24 **D. ASSIGNMENT OF COURT REPORTING AND RECORDING STAFF.**

- 25 1. Court reporters and recorders serve the Court en banc; therefore, it is within
26 the discretion of the Clerk to assign and reassign court reporters and recorders
27 to active judges, senior judges, visiting district judges, and magistrate judges,
28 in a manner designed to equally distribute the total court reporting workload

1 efficiently and cost effectively.

2 2. The use of contract reporters and per diem reporters shall be kept to an
3 absolute minimum. Whenever possible, ECR operators shall be used in lieu of
4 hiring a contract reporter.

5 3. As employees of the Clerk's staff, court reporters and recorders are required to
6 be at the courthouse from 8:30 a.m. to 5:00 p.m., Monday through Friday. An
7 answering machine shall be operational during any absence from their office.
8 The message is to be updated sufficiently to indicate current date and time, the
9 reason for absence from their office (i.e., court, out-of-district assignment,
10 annual leave), and anticipated duration. If the absence exceeds 24 hours, calls
11 should be referred to the Court Reporting Supervisor.

12 4. Out-of-district travel of court reporters and recorders shall be kept to a
13 minimum.

14
15 **E. TRANSCRIPTS.**

16 1. All transcript orders shall be filed with the Court Reporting Supervisor or
17 designee. The Court Reporting Supervisor will be responsible for distributing
18 the transcript orders to the court reporter in a timely fashion, i.e., ordinary
19 transcript orders will be placed in the court reporter's box the same day they
20 are filed, expedited or daily transcript orders will be placed in the court
21 reporter's box and an electronic or voice mail message will be sent to notify
22 the reporter.

23 2. First priority shall be given to the production of transcript which involves
24 incarcerated defendants, especially those cases which challenge the imposition
25 of the death penalty, and to cases on appeal.

26 3. Transcript for criminal appeals which challenge sentences imposed under the
27 sentencing guidelines issued by the U.S. Sentencing Commission pursuant to
28 18 U.S.C. Section 3742, shall be a priority.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. The rates charged for transcripts produced by court reporters must conform to the current fee schedule (Appendix A).
5. Furnishing accelerated transcript service in criminal cases is discouraged and the apportionment of the total cost of transcript service equally among the parties requesting such service is prohibited.
6. Transcript not delivered within the specified time periods prescribed by the Court are subject to a fee discount provision as follows:
 - a. Transcript ordered for District Court purposes shall be delivered within thirty (30) days. Reporters who do not deliver transcript within thirty (30) days may charge only 90% of the prescribed fee unless an extension of time for the delivery of transcript has been granted by the Clerk of the District Court. The extension of time, if granted, will not exceed fifteen (15) days, unless extraordinary circumstances exist as determined by the Clerk.
 - b. Transcript ordered for appeal purposes shall be delivered within thirty (30) days unless an extension of time for delivery of transcript has been granted by the Clerk of the Court of Appeals. Reporters who do not deliver transcripts within thirty (30) days may charge only 90% of the prescribed fee; reporters who do not deliver transcript within sixty (60) days may charge only 80% of the prescribed fee, unless a waiver of the sanction provision has been granted by the Clerk of the Court of Appeals.
7. A copy of the billing invoice or completed CJA 24 form must accompany every transcript submitted to the Court Reporter Supervisor for filing.
8. The original transcript must be delivered to the Clerk of Court for filing within two working days of delivery to the ordering party.
9. Reporters and recorders who are consistently delinquent in delivery of

1 transcripts, filing of original notes and tapes, and/or submission of required
2 reports, may be subject to disciplinary action as determined by the Clerk.

- 3 10. Reporters who are found to be overcharging for transcripts by virtue of
4 violations in page format, line format, reduction in pitch, or allowable realtime
5 charges, will be required to make immediate restitution.

6
7 **F. MISCELLANEOUS.**

- 8 1. Court reporters and recorders shall not perform any private (freelance) work.
9 2. The work of the court reporters shall be “note-readable” so that the
10 stenographic notes of a court reporter can be read by another reporter in the
11 event of an emergency.
12 3. A copy of the court reporter’s dictionary shall be filed with the Clerk of Court
13 and updated every six months.
14 4. A copy of the computerized steno notes and corresponding logs shall be kept
15 in a location accessible by the court reporting supervisor in case of the
16 unavailability of the court reporter for emergency production of transcript.
17 The computerized steno notes and logs are to be filed with the Clerk of Court
18 upon termination of employment. Transcripts will be produced by the Clerk’s
19 Office only in the event of unavailability or unwillingness of the court reporter
20 to produce transcripts.
21 5. The marking, filing and storing of reporters’ notes and recorders’ tapes shall
22 be in accordance with the note storage procedures approved by this Court and
23 outlined in this Plan (Appendix B).
24 6. Court reporters are encouraged to provide realtime translation upon request,
25 but must comply with the Realtime Reporting Standards promulgated by the
26 Judicial Conference of the United States (Appendix C).
27 7. Court reporters and recorders shall earn annual leave in accordance with the
28 provisions of the Leave Act, 5 U.S.C. Section 6301, et seq. Guidelines for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

administration of leave are addressed in Chapter 3, of the Human Resources Manual for the District of Arizona.

- 8. Annual performance appraisals will be conducted by the Clerk of Court or designee for all court reporters and recorders.

G. AUTHORITY OF CLERK.

The Clerk shall administer this Plan on behalf of the Court, and the Clerk is fully authorized and empowered to implement and carry out the terms of this Plan subject to the policies and procedures provided in the Human Resources Manual of the U.S. District Court, District of Arizona.

Duly adopted, approved and effective this 17th day of March, 2003.

/s/ Stephen M. McNamee
Stephen M. McNamee
Chief Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**APPENDIX A
Transcript Fees**

| <u>Ordinary Transcript</u> | <u>Original</u> | <u>Copy to Each Party</u> | <u>Each Add'l Copy to the Same Party</u> |
|--|------------------------|----------------------------------|---|
| A transcript to be delivered within thirty (30) calendar days after receipt of an order | 3.30 | .83 | .55 |
| <u>Expedited Transcript</u> | | | |
| A transcript to be delivered within seven (7) calendar days after receipt of an order | 4.40 | .83 | .55 |
| <u>Daily Transcript</u> | | | |
| A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day. | 5.50 | 1.10 | .83 |
| <u>Hourly Transcript</u> | | | |
| A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours. | 6.60 | 1.10 | .83 |
| <u>Realtime Transcript</u> | | | |
| A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment. | 2.75 | 1.10 | |

(Only Certified Realtime Reporters may charge for realtime services)

Transcript in CJA Cases

The multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter 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. This policy would not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.

1 **APPENDIX B**

2 **PROCEDURES FOR STORAGE OF COURT REPORTERS' NOTES AND TAPES**

3
4 All original notes and tapes are to be relegated to the Clerk of Court within 90 days
5 after the conclusion of the proceeding. If a transcript is ordered in a case where the notes
6 have been submitted to the Clerk, the court reporter shall retrieve the notes from storage and
7 shall refile the notes when the transcript is filed.

8 **Storage of Original Notes.**

- 9 1. All notes are to be chronologically filed and placed in FRC boxes which can
10 be obtained from the Clerk's Office.
- 11 2. The outside of the box should be marked with a label indicating the court
12 reporter's name and calendar year, month and dates contained within.
- 13 3. If the notes for a particular month are too voluminous to be stored in one box,
14 use as many boxes as necessary and identify them in sequence. Conversely, if
15 the notes for a particular month do not fill one box, several months' notes may
16 be stored in the box as long as it is identified.
- 17 4. Each packet of notes is to be certified and should include the case number,
18 case caption, presiding judge, date of proceeding and court reporter's name.
- 19 5. Each box of notes must contain a Filing Certification Form for Original Notes
20 (Attachment 1). In order to maintain the security of original notes, it is
21 recommended that each reporter place his/her notes in packets and secure them
22 at the end of the day.

23 **Storage of Original Tape Recordings.**

24 In accordance with 28 U.S.C. § 753(b), court reporters are required to file with the
25 Clerk of Court either a transcript or an electronic sound recording of all arraignments, pleas,
26 and sentencings. Accordingly, all tape recordings of these proceedings are to be delivered to
27 the Clerk of Court or his designee (Court Reporting Supervisor) within 90 days after the
28 conclusion of a proceeding.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

FILING CERTIFICATION FORM FOR ORIGINAL NOTES

In accordance with 28 U.S.C. § 753, I hereby certify that the original notes tendered herein for filing with the Clerk of Court are the full, true and correct notes taken during oral proceedings in the United States District Court for the District of Arizona and includes District Court, Magistrate Court, and other official hearings held in said district.

(Date)

(Signature of Court Reporter)

1 Reporter examination offered by the National Court Reporters Association (NCRA),
2 or who have passed an equivalent qualifying examination, are recognized as Certified
3 Realtime Reporters. CRRs are permitted, but not required, to sell realtime unedited
4 uncertified transcript on diskette.

5 *b. Equivalent Qualifying Examinations.*

6 The CRR examination consists of five minutes of professionally audio-recorded
7 dictation (straight matter) at variable speeds ranging from 180-200 words per minute.
8 At a 96% accuracy rate, reporters must produce a simultaneous translation and
9 display of live proceedings utilizing computer-aided translation within 5 seconds of
10 stenotype input. Without editing, the reporter must produce an ASCII (computer
11 language) text file on diskette. Reporters are required to provide all necessary
12 personal equipment and software (computer, and display, write, cable, and realtime
13 software). Any other qualifying examination must be equivalent to the NCRA
14 examination.

15 **3. Production.**

16 The transcript formal guidelines prescribed by the Judicial Conference apply to
17 realtime unedited transcript with the following exceptions:

- 18 a. Realtime unedited transcript must be clearly marked as such with a header or
19 footer which appears at the top or bottom of each page of transcript stating,
20 "Realtime Unedited Transcript Only".
- 21 b. The realtime unedited transcript should not include an appearance page, an
22 index, or a certification.
- 23 c. The diskette label may be of a different color than that used on diskettes
24 containing the text of certified transcript and hand stamped with the words,
25 "Realtime Unedited Transcript Only".

26 Realtime unedited transcript sold on computer diskette may be in ASCII format, or
27 any other format requested by the ordering party and agreed to by the court reporter. It
28 should include any notations made to the electronic file by the ordering party during the

1 proceedings. Diskettes may not contain any protection or programming codes that would
2 prevent copying or transferring the data.

3 All parties requesting realtime services shall be responsible for providing their own
4 personal computers, viewer/annotation software, and monitors. Upon the request of the
5 parties, reporters may make equipment and software available at no additional charge. The
6 CRR shall provide wiring and data communications connections needed to provide realtime
7 services to these persons. Parties should coordinate and pre-test their equipment with the
8 CRR before official proceedings begin.

9 **4. Distribution.**

10 A CRR providing realtime unedited transcript should offer comparable services to all
11 parties to the proceeding. The primary purpose of realtime unedited transcript is to provide
12 access to a draft transcript of the proceedings on diskette at the end of each day. It is not
13 intended to be used in subsequent proceedings for impeachment or for any other purpose,
14 including further distribution.

15 It should be noted that when realtime unedited transcript is provided, there may be
16 two versions of the transcript for one proceeding - unofficial and official. The realtime
17 unedited transcript may contain errors, some of which could change the accuracy or meaning
18 of the testimony. A realtime unedited transcript will not satisfy the requirement for the
19 reporter to provide or file a certified transcript with the district court clerk or as the record
20 on appeal.

21 Realtime unedited transcript may only be distributed to ordering parties to the case.
22 It should not be made available to the public, including news organizations or other non-
23 participants. It is recommended that each CRR request that parties acknowledge receipt of a
24 realtime unedited transcript by signing a disclaimer which explicitly states that the ordering
25 party is aware that the realtime unedited transcript is not an official record of the court
26 proceedings. A sample Realtime Unedited Transcript Disclaimer is attached (Attachment 2).

27
28

SAMPLE

REALTIME UNEDITED TRANSCRIPT DISCLAIMER IN THE MATTER OF

v.

The following transcript(s) of proceedings, or any portion thereof, in the above-entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the official court reporter at the request of _____.

The purchaser agrees not to disclose this realtime unedited transcript in any form (written or electronic) to anyone who has no connection to this case. This is an unofficial transcript which should NOT be relied upon for purposes of verbatim citation of testimony.

This transcript has not been checked, proofread or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript, resulting in differences in content, page and line numbers, punctuation, and formatting.

This realtime unedited transcript contains no appearance page, certificate page, index, or certification.

Signature of Purchaser

Date

Signature of Official Reporter

Date