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NOV 2, 2007  
  
CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA  
BY /s/ D. Lucas DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the matter of )  
MANAGEMENT PLAN FOR COURT )  
REPORTING SERVICES FOR THE )  
DISTRICT OF ARIZONA )  
**SUPERSEDES GENERAL ORDER 03-06**)

GENERAL ORDER 07-17

The Official Court Reporter Plan promulgated in General Order Number 03-06 is vacated, and the following plan is substituted as the Plan for the District of Arizona.

**MANAGEMENT PLAN FOR COURT REPORTING SERVICES  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**A. INTRODUCTION.**

The Court desires through this Plan to achieve effective control and management of court reporting services (this includes stenographic, computer assisted, and electronic sound recording operators). The Clerk of Court (Clerk) is authorized administratively by the Court to supervise the combined court reporting and recording operations of the Court. The Clerk of Court shall designate a Court Reporting Supervisor who will be responsible for the day-to-day management of an efficient court reporting and recording service within the Court.

The Plan is designed to:

1. obtain effective management of the court reporting and recording operations by proper supervision and control;
2. make clear that court reporters and ECR operators though assigned to a

1 particular judge, serve the court en banc and may be assigned when needed  
2 throughout the District for any active judge, senior judge, visiting district  
3 judge, or magistrate judge;

- 4 3. obtain the most effective utilization of both the services of court reporters and  
5 ECR operators by equitable distribution of the workload;
- 6 4. avoid backlogs of transcript and assure prompt delivery;
- 7 5. assure appointment and retention of fully-qualified court reporters and  
8 recorders, and dismissal of court reporters and recorders who are no longer  
9 performing in a satisfactory manner;
- 10 6. minimize the use of contract reporters;
- 11 7. enhance the efficient operation of the Court and further its mission.

12  
13 **B. APPOINTMENT AND DISMISSAL OF COURT REPORTERS AND**  
14 **RECORDERS.**

15 The Court is presently authorized 15 official court reporters and 2 ECR operators.

16 The Clerk of Court has been designated by the Court to appoint court reporters with  
17 the approval of the Court. Court reporters shall be appointed in accordance with the  
18 provisions of the Court Reporter Act, 28 U.S.C. Section 753, and the policies and  
19 procedures of the Administrative Office of the United States Courts and the Judicial  
20 Conference of the United States. Only fully-qualified reporters shall be appointed as court  
21 reporters of this court. Court reporters who do not perform in a competent and satisfactory  
22 manner shall be subject to dismissal by the Clerk.

23  
24 **C. DUTIES OF THE COURT REPORTING SUPERVISOR.**

25 1. The duties and responsibilities of the Court Reporting and Recording  
26 Supervisor shall include, but shall not be limited to:

- 27  
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 electronically transmitted to the court reporter the  
20          same day they are filed; expedited or daily transcript orders will be  
21          electronically transmitted to the court reporter and a voice mail message will  
22          be sent to notify 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.

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4. The rates charged for transcripts produced by court reporters must conform to the current fee schedule (Appendix A).
5. Apportionment of accelerated transcript costs among parties in CJA cases 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. The billing invoice may be in printed or .pdf format.
8. The original transcript must be delivered in printed and .pdf format to the Clerk of Court for filing within two working days of delivery to the ordering party.

- 1 9. Reporters and recorders who are consistently delinquent in delivery of  
2 transcripts, filing of original notes and tapes, and/or submission of required  
3 reports may be subject to disciplinary action as determined by the Clerk.
- 4 10. Reporters are required to assure full compliance with format requirements of  
5 the Administrative Office of the United States Courts and the Judicial  
6 Conference of the United States.
- 7 11. Reporters who are found to be overcharging for transcripts by virtue of  
8 violations in page format, line format, reduction in pitch, or allowable realtime  
9 charges, will be required to make immediate restitution.

10  
11 **F. MISCELLANEOUS.**

- 12 1. Court reporters and recorders shall not perform any private (freelance) work.
- 13 2. The work of the court reporters shall be “note-readable” so that the  
14 stenographic notes of a court reporter can be read by another reporter in the  
15 event of an emergency.
- 16 3. A copy of the court reporter’s dictionary shall be filed in the court reporter  
17 note storage area on the fileserver and updated every six months.
- 18 4. A copy of the computerized steno notes and corresponding logs shall be kept  
19 in a location accessible by the court reporting supervisor in case of the  
20 unavailability of the court reporter for emergency production of transcript.  
21 The computerized steno notes and logs are to be filed with the Clerk of Court  
22 upon termination of employment. Transcripts will be produced by the Clerk’s  
23 Office only in the event of unavailability or unwillingness of the court reporter  
24 to produce transcripts.
- 25 5. The marking, filing and storing of reporters’ notes and recorders’ tapes shall  
26 be in accordance with the note storage procedures approved by this Court and  
27 outlined in this Plan (Appendix B).
- 28 6. Court reporters are encouraged to provide realtime translation upon request,

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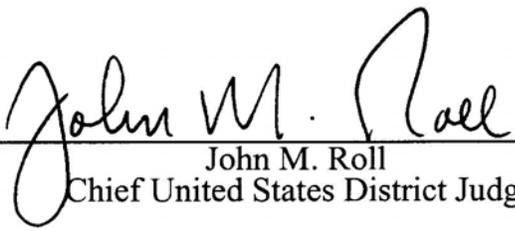
but must comply with the Realtime Reporting Standards promulgated by the Judicial Conference of the United States (Appendix C).

- 7. Court reporters and recorders shall earn annual leave in accordance with the provisions of the Leave Act, 5 U.S.C. Section 6301, et seq. Guidelines for the 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 2nd day of November, 2007.

  
\_\_\_\_\_  
John M. Roll  
Chief United States District Judge

**APPENDIX A**  
**Transcript Fees**

<b><u>Ordinary Transcript</u></b>	<b><u>Original</u></b>	<b><u>Copy to Each Party</u></b>	<b><u>Each Add'l Copy to the Same Party</u></b>
A transcript to be delivered within thirty (30) calendar days after receipt of an order	\$3.65	\$ .90	\$ .60
<b><u>14 Day Transcript</u></b>			
A transcript to be delivered within fourteen (14) calendar days after receipt of an order	4.25	.90	.60
<b><u>Expedited Transcript</u></b>			
A transcript to be delivered within seven (7) calendar days after receipt of an order	4.85	.90	.60
<b><u>Daily Transcript</u></b>			
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.	6.05	1.20	.90
<b><u>Hourly Transcript</u></b>			
A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.	7.25	1.20	.90
<b><u>Realtime Transcript</u></b>			
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.	3.05	1.20	

**(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.

## **APPENDIX B**

### **PROCEDURES FOR STORAGE OF COURT REPORTERS' PAPER NOTES AND TAPES**

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

#### **Storage of Original Notes.**

1. All notes are to be chronologically filed 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 name and calendar year, month and dates contained within.
3. If the notes for a particular month are too voluminous to be stored in one box, use as many boxes as necessary and identify them in sequence. Conversely, if the notes for a particular month do not fill one box, several months' notes may be stored in the box as long as it is identified.
4. Each packet of notes is to be certified and should include the case number, case caption, presiding judge, date of proceeding and court reporter's name.
5. Each box of notes must contain a Filing Certification Form for Original Notes (Attachment 1). In order to maintain the security of original notes, it is recommended that each reporter place his/her notes in packets and secure them at the end of the day.

#### **Storage of Original Tape Recordings.**

The following procedure is to be followed if .wav files are not produced. 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, and sentencings. Accordingly, all tape recordings of these proceedings are to be delivered to the Clerk of Court or his designee (Court Reporting Supervisor) within 90 days after the

conclusion of a proceeding.

## **PROCEDURES FOR STORAGE OF COURT REPORTERS' PAPERLESS NOTES**

With the use of new paperless stenograph machines, the court reporter must now provide the court with computer files of the steno notes rather than paper steno notes. To ensure that the notes are accessible to the court, standards relative to the file format, file name, file organization and media are included in the following general procedures for the handling of paperless steno notes.

### Overview

1. Copying directly from the notes files created by the steno machine, the steno notes will be stored on one of the District network servers, ensuring that there is an off-site copy of the notes available, while also providing data redundancy.
2. The steno notes files will also be copied to the court reporter's personal computer to a folder named with the current month and year. Using the paperless steno machine's accompanying software, the court reporter will print the steno notes to an Adobe Acrobat PDF file, a recognized and accepted industry standard for document images, named with the date or date range of the proceedings.
3. At the end of each month, the court reporter will copy that month's PDF files and raw steno notes to a compact disk (CD). The CD will be clearly labeled as to its contents. The CD will be stored in the District-owned CD cabinet.

### Standards

1. Stored Notes on a Network Server. The paperless stenograph machines write the notes to an electronic storage device. At least weekly, the court reporter will copy the files from the electronic storage to the designated district network folder. Under a shared network folder, each court reporter will have a folder named with the court reporter's name. In the court reporter's folder, the court reporter will create a sub-folder named with the date range of the notes it will contain. The naming convention of "ddmmyy-ddmmyy" will be used for the folder names. The court reporter will

then copy the notes files from the electronic storage device to that folder. The next set of notes from the next storage device will be copied to a new folder named with that storage device date range.

2. File Format for the Printed Image. The court reporter will print each set of notes to Adobe PDF file. The notes print to the PDF file in three columns set at 8 ½ x 11 inches, and each column of notes is identical in appearance to a fold of notes on regular steno paper.
3. Folder Names for Steno Notes and PDF Files on the Court Reporter's PC. The raw notes files and the PDF files will be stored in a folder on the court reporter's computer, with a sub-folder created for each month and year. For example, if the main steno note folder is C:\StenoNotes, then the folders for the first three months of 2003 would be named c:\stenonotes\jan2003, c:\stenonotes\feb2003, and c:\stenonotes\mar2003. The court reporter will print the steno notes to PDF and save the PDF files, along with the raw steno notes files, in the appropriate month/year folder.
4. Steno Notes and PDF File Names. Adobe PDF files created from steno notes shall be named with the date or date range of the proceedings plus a dash character "-" plus the court reporter's initials (first-middle-last), in the format: ddmmyy-*fml*.pdf or ddmmyy-ddmmyy-*fml*.pdf. Steno notes files should follow this date-name convention, with the exception of the fact that the file extension will be the extension employed for steno notes created by the court reporter's particular CAT software.
5. Creating Archive CD/DVDs. All steno notes files plus all text, .WAV files for each month for each court reporter will be written to compact disk (CD/DVD). The court reporter will create CD/DVD labels to adhere to the month's CD/DVD. The CD/DVD labels will contain the court reporter's certification language as well as lines on which to provide the dates of the notes and the court reporter's signature.

6. CD/DVD Storage. Within thirty days following the close of a month, the court reporter will file that month's CD/DVD in a common CD/DVD storage cabinet designated by the court reporter supervisor.

**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)

## APPENDIX C

### Realtime Reporting Standards

#### 1. General Policy.

As adopted in March 1996, it is the policy of the Judicial Conference that effective June 1, 1996, a new category of “realtime unedited transcript” has been established. Realtime unedited transcript is defined as “a draft transcript produced by a Certified Realtime Reporter (CRR) 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 on diskette delivered during the proceedings or at the end of the day.

When realtime services are requested by a party to the case, a CRR may charge and collect for realtime unedited transcript. CRRs should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge.

As adopted in March 1999, it is the policy of the Judicial Conference that a litigant who orders realtime services will be required to purchase an original certified transcript of the same pages of realtime unedited transcript at the regular rates (ordinary, expedited, daily, or hourly). Likewise, a litigant who orders a copy of a realtime unedited transcript will be required to purchase a certified copy of the same pages of realtime unedited copies at the regular copy rates (ordinary, expedited, daily, or hourly.) Judicial Conference policy on payments for transcripts ordered pursuant to the Criminal Justice Act (CJA) remains in effect.

#### 2. Qualifications of Reporters Who May Charge for Realtime Unedited Transcript.

##### *a. Judicial Conference Policy.*

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. CRRs are permitted, but not required, to sell realtime unedited uncertified transcript on diskette.

*b. Equivalent Qualifying Examinations.*

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

**3. Production.**

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

- a. Realtime unedited transcript 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".
- b. The realtime unedited transcript should not include an appearance page, an index, or a certification.
- c. The diskette label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, "Realtime Unedited Transcript Only".

Realtime unedited transcript sold on computer diskette may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It

should include any notations made to the electronic file by the ordering party during the proceedings. Diskettes may not contain any protection or programming codes that would prevent copying or transferring the data.

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

#### **4. Distribution.**

A CRR providing realtime unedited transcript should offer comparable services to all parties to the proceeding. The primary purpose of realtime unedited transcript is to provide access to a draft transcript of the proceedings on diskette 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.

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

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

**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