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JULY 23, 2013

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

BY s/M. Hudson DEPUTY

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 In the matter of

10 MANAGEMENT PLAN FOR COURT
11 REPORTING SERVICES FOR THE
12 DISTRICT OF ARIZONA

GENERAL ORDER 13-17

SUPERSEDES GENERAL ORDER 07-17

13
14 The Official Court Reporter Plan promulgated in General Order Number 07-17 is
15 vacated, and the following plan is substituted as the Plan for the District of Arizona.

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

19 **A. INTRODUCTION.**

20 Effective management of court reporting services (this includes stenographic and
21 electronic court recording operators) is established by this Plan. The Clerk of Court
22 (Clerk) is authorized administratively to supervise the combined court reporting and
23 recording operations of the Court. The Clerk shall designate a Court Reporting
24 Supervisor (Supervisor) who will be responsible for day-to-day management of an
25 efficient court reporting and recording service within the District.

26 The Plan is designed to:

- 27 1. obtain effective management of the court reporting and recording
28 operations by proper supervision;

- 1 2. make clear that court reporters and ECR operators, though assigned to a
2 particular judge, serve the entire court 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
6 and ECR operators by equitable distribution of the workload;
- 7 4. avoid backlogs of transcripts and assure prompt delivery;
- 8 5. ensure 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. enhance the efficient operation of the Court and further its mission.

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

13 The Court is presently authorized 13 official court reporters.

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

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

22 The duties and responsibilities of the Supervisor shall include, but shall not be
23 limited to:

- 24 1. assignment and reassignment of official court reporters and recorders for
25 the purpose of distributing the workload in a fair and equitable manner and
26 assuring the best utilization of all personnel;
- 27 2. reviewing transcripts to ensure full compliance with format requirements of
28 the Administrative Office of the United States Courts and the Judicial

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- Conference of the United States;
- 3. reviewing transcript billings to ensure that authorized transcript rates are charged and billing is in proper form;
- 4. determining compliance by all court reporters and recorders with the rules and regulations concerning the filing of either a transcript or an electronic sound recording of all arraignments, pleas, and sentencings;
- 5. reviewing the time records of the court reporters to ensure proper maintenance and accuracy;
- 6. reviewing the records of the court reporters to ensure the timely filing of all reports required by the Administrative Office of the United States Courts and the Judicial Conference of the United States;
- 7. performing such other duties relating to court reporting and recording services as shall be directed by the Clerk on behalf of the Court.

D. ASSIGNMENT OF COURT REPORTING AND RECORDING STAFF.

- 1. Court reporters and recorders serve the Court en banc; therefore, it is within the discretion of the Clerk to assign and reassign court reporters and recorders to active judges, senior judges, visiting district judges, and magistrate judges, in a manner designed to equally distribute the total court reporting workload efficiently and cost effectively.
- 2. The use of contract reporters shall be kept to an absolute minimum. ECR operators shall be used in lieu of hiring a contract reporter.
- 3. As employees of the Clerk's staff, court reporters' and recorders' tour of duty shall be from 8:30 a.m. to 5:00 p.m., Monday through Friday. However, temporary modifications may be made by the Supervisor to accommodate the needs of the Court. Additional requirements are what follows.
 - a. Court reporters/recorders shall be in the office when not actively engaged in reporting to be available to the Court when their services are

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- needed.
 - b. Court reporters shall keep the Supervisor apprised of changes in availability in the manner established by the Supervisor.
 - c. Voice mail shall be operational during all absences from the office. The message shall include contact information for the Supervisor or the designee for matters requiring immediate attention.
4. Out-of-district travel of court reporters and recorders shall be kept to a minimum.

E. TRANSCRIPTS.

1. All transcript orders shall be filed with the Supervisor or designee. The Supervisor will be responsible for distributing the transcript orders to the court reporter in a timely fashion, i.e., ordinary transcript orders will be electronically transmitted to the court reporter the same day they are filed if filed before 5:00 p.m.; expedited or daily transcript orders will be electronically transmitted to the court reporter and a voice mail message or other secondary means of notification shall be given.
2. Court reporters are permitted to place their names on the list of transcribers available to transcribe digitally recorded hearings. Work on transcription may not interfere with the reporter's performance of official duties.
3. First priority shall be given to production of transcripts which involves incarcerated defendants, especially those cases which challenge the imposition of the death penalty, and cases on appeal.
4. Transcripts for criminal appeals which challenge sentences imposed under the sentencing guidelines issued by the U.S. Sentencing Commission pursuant to 18 U.S.C. Section 3742, shall be a priority.
5. The rates charged for transcripts produced by court reporters must conform to the current fee schedule (Appendix A).
6. Apportionment of accelerated transcript costs among parties in CJA cases is

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prohibited.

- 7. Transcripts not delivered within the specified time periods prescribed by the Court are subject to a fee discount provision as follows:
 - a. Transcripts ordered for District Court purposes shall be delivered within thirty (30) days. Reporters who do not deliver transcripts within thirty (30) days may charge only 90% of the prescribed fee unless an extension of time for the delivery of transcripts 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. Transcripts ordered for appeal purposes shall be delivered within thirty (30) days unless an extension of time for delivery of transcripts 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 transcripts 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.
 - c. The Supervisor must be notified in writing before any request for an extension of time is made. Additionally, the Supervisor must receive a copy of the request for the extension of time.
- 8. A copy of the billing invoice or completed CJA 24 form must accompany every transcript submitted to the Supervisor. The billing invoice may be in printed or .PDF format.
- 9. The original transcript must be delivered in .PDF format to the Clerk for filing within two working days of delivery to the ordering party. Additionally, a copy of the transcript in .PDF format shall be stored on the Court's shared network.

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

10 **F. MISCELLANEOUS.**

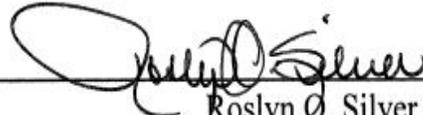
- 11 1. Court reporters shall not perform any private (freelance) work.
- 12 2. The marking and archiving of reporters' files shall be in accordance with
13 the note storage procedures approved by the Court and outlined in this Plan
14 (Appendix B).
- 15 3. Court reporters shall provide a LiveNote feed for judges and court staff
16 when requested but in all events will update the LiveNote directory with
17 any and all proceedings reported.
- 18 4. Court reporters are encouraged to provide realtime translation upon request,
19 but must comply with the Realtime Reporting Standards promulgated by
20 the Judicial Conference of the United States (Appendix C).
- 21 5. Court reporters and recorders shall earn annual leave in accordance with the
22 provisions of the Leave Act, 5 U.S.C. Section 6301, et seq. Guidelines for
23 the administration of leave are addressed in Chapter 3, of the Human
24 Resources Manual for the District of Arizona.
- 25 6. Annual performance appraisals will be conducted by the Clerk or designee
26 for all court reporters and recorders.

27 **G. AUTHORITY OF CLERK.**

28 The Clerk shall administer this Plan on behalf of the Court, and the Clerk is fully

1 authorized and empowered to implement and carry out the terms of this Plan subject to
2 the policies and procedures provided in the Human Resources Manual of the U.S. District
3 Court, District of Arizona.

4 Duly adopted, approved and effective this 23rd day of July 2013.

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7 Roslyn O. Silver
8 Chief United States District Judge
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Transcript Fees

	Original	Copy to Each Party	Each Add'l Copy to the Same Party
<u>Ordinary Transcript</u>			
A transcript to be delivered within thirty (30) calendar days after receipt of an order	\$3.65	\$.90	\$.60
<u>14 Day Transcript</u>			
A transcript to be delivered within fourteen (14) calendar days after receipt of an order	\$4.25	\$.90	\$.60
<u>Expedited Transcript</u>			
A transcript to be delivered within seven (7) calendar days after receipt of an order	\$4.85	\$.90	\$.60
<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	\$6.05	\$1.20	\$.90
<u>Hourly Transcript</u>			
A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours	\$7.25	\$1.20	\$.90
<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			One *feed - \$3.05/pg. Two, three or four feeds - \$2.10/pg. Five or more feeds - \$1.50/pg.

*A realtime "feed" is the electronic data flow from the court reporter to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

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.

PROCEDURES FOR ARCHIVING OF COURT REPORTERS' FILES

With paperless steno machines, court reporters must provide the Court with computer files in lieu of paper steno notes. To ensure that the notes are accessible to the Court, standards relative to file format, file name, and file organization are included in the following general procedures for the archiving and storage of court reporters' files.

Definitions

Proprietary Steno Notes – The court reporter's steno notes file as created by the court reporter's steno machine, which is only accessible with the court reporter's CAT software.

.PDF Steno Notes – The court reporter's proprietary steno notes file converted into a .PDF format, which is accessible without the court reporter's CAT software.

Text File – The unedited transcript file created in the court reporter's CAT software, which is only accessible with the court reporter's CAT software.

Proprietary Audio File – The audio file created in the court reporter's CAT software, which is only accessible with the court reporter's CAT software.

.WAV File – The proprietary audio file converted into a .wav format which is accessible without the court reporter's software.

Standards

1. All files must have a file name containing the date or date range of proceedings.
2. PDF notes will be stored on one of the District network servers, ensuring there is an off-site copy of the notes available, while also providing data redundancy.
 - a. PDF notes must be laid out in either three or four columns to a page, each page being 8-1/2 by 11 inches. The .PDF steno notes file should have the appearance of folds of notes on steno paper.
 - b. Each court reporter will have their own folder titled in their name.
 - c. Within each reporter's folder will be sub-folders for the year and month.
 - d. The folder must be updated at the end of every month.
3. Each month each reporter must create a CD/DVD or external hard drive

1 containing the following files for that month: proprietary steno notes, .PDF steno
2 notes, text files, proprietary audio files, and .wav files.

3 a. The CD/DVD or external hard drive must be labeled clearly with the date
4 range and reporter's name and must be accompanied by a label with the court
5 reporter's certification language and court reporter's signature, as shown in
6 Attachment 1 to this Appendix.

7 b. This CD/DVD or external hard drive fulfills the requirements of 28 U.S.C.
8 Section 753(b), which requires court reporters to file with the Clerk either a
9 transcript or an electronic sound recording of all arraignments, pleas, and
10 sentencings.

11 4. A copy of the court reporter's dictionary shall be filed in the court reporter note
12 storage area on the fileserver and updated every six months.

13 5. A copy of the computerized steno notes shall be kept in a location accessible by
14 the Supervisor in case of the unavailability of the court reporter for emergency
15 production of transcript. The court reporter data storage information located on
16 the District's shared network shall be maintained by each reporter outlining their
17 software and archiving system. The computerized steno notes and data storage
18 information are to be filed with the Clerk upon termination of employment.
19 Transcripts will be produced by the Clerk's Office only in the event of
20 unavailability or unwillingness of the court reporter to produce transcripts.

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

3 All original paper notes as well as cassette tapes produced prior to the
4 implementation of electronic media pursuant to 28 U.S.C. ' 753(b) are to be relegated to
5 the Clerk within 60 days after the conclusion of the proceeding. If a transcript is ordered
6 in a case where the notes have been submitted to the Clerk, the court reporter shall
7 retrieve the notes from storage and shall refile the notes when the transcript is filed.

8 **Storage of Original Notes.**¹

- 9 1. All notes are to be chronologically filed and placed in FRC boxes which can be
10 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, use
14 as many boxes as necessary and identify them in sequence. Conversely, if the
15 notes for a particular month do not fill one box, several months' notes may be
16 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, case
18 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 at
22 the end of the day.

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28 ¹ Although paper steno notes are no longer created in this District, the following
procedures will remain in effect to address the paper steno notes already in existence.

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**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)

Realtime Reporting Standards

1. General Policy

Effective June 1, 1996, the Judicial Conference established a new category of "realtime unedited transcript." 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 and appended notes on [electronic media] delivered during the proceedings or at the end of the day.

When realtime services are requested by a party to the case, a certified realtime reporter may charge and collect for realtime unedited transcript. Certified realtime reporters should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. Reporters are required to provide all necessary personal equipment and software (computer, display writer, cable, and realtime software).

Realtime reporting services require the use of specialized computer software which allows specially trained court reporters to display the unedited record of the proceedings at the judge's bench and at the attorney's tables as the proceedings are occurring. This software offers several advantages including:

- The software enables court reporters to display the English text transcription instead of their stenographic symbols;
- Attorneys are able to use realtime as an aid for immediate cross examination instead of having to wait for a transcript;
- Judges can make rulings more quickly as they do not have to wait for a

1 transcript; and

- 2 • Attorneys and judges can issue code portions of the realtime transcript for
3 referral purposes later during the proceedings or, in some situations, a
4 hearing impaired individual can follow the proceeding's progress by using
5 the realtime feed.

6 At its September 2011 session, the Conference amended the maximum realtime
7 transcript rate policy adopted in March 1999 to eliminate the requirement that a
8 litigant who orders realtime services in the courtroom must purchase a certified
9 transcript (original or copy) of the same pages of realtime unedited transcript at
10 the regular rates, effective January 1, 2012.

11
12 **2. Qualifications of Reporters Charging for Realtime Unedited Transcripts**

13 Official court reporters who have successfully completed the National Court
14 Reporter Association (NCRA) Certified Realtime Reporter (CRR) examination or
15 who have passed an equivalent qualifying examination are recognized as federal
16 certified realtime reporters and are permitted, but not required, to sell realtime
17 unedited uncertified transcript on electronic storage media.

18
19 **3. Production**

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

- 22
23 1) Realtime unedited transcript must be clearly marked as such with a header
24 or footer that appears at the top or bottom of each page of transcript stating,
25 "Realtime Unedited Transcript Only";
26 2) The realtime unedited transcript should not include an appearance page, an
27 index, or a certification; and
28 3) The diskette label may be a different color than the color used on diskettes

1 containing the text of certified transcript and should be hand stamped with
2 the words, "Realtime Unedited Transcript Only".

3
4 Realtime unedited transcript sold on computer diskette may be in ASCII format, or
5 any other format requested by the ordering party and agreed to by the court
6 reporter. It should include any notations made to the electronic file by the
7 ordering party during the proceedings. Diskettes may not contain any protection or
8 programming codes that would prevent copying or transferring the data.

9 4. **Distribution**

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

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

22
23 Realtime unedited transcript may only be distributed to ordering parties to the
24 case. It should not be made available to the public, including news organizations
25 or other nonparticipants. It is recommended that each CRR request that parties
26 acknowledge receipt of a realtime unedited transcript by signing a disclaimer
27 which explicitly states that the ordering party is aware that the realtime unedited
28 transcript is not an official record of the court proceedings.

SAMPLE

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REALTIME UNEDITED TRANSCRIPT DISCLAIMER IN THE MATTER OF

v.

No. _____

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