

SEPTEMBER 29, 2023

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

BY s/M. Everette DEPUTY

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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

GENERAL ORDER 23-16

SUPERSEDES GENERAL ORDER 18-06

The Official Court Reporter Plan promulgated in General Order Number 18-06 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

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

The Plan is designed to:

1. obtain effective management of the court reporting and recording operations by proper supervision;
2. make clear that court reporters and ECR operators, though assigned to a particular judge, serve the entire court and may be assigned when needed

1 throughout the District for any active judge, senior judge, visiting district
2 judge, or magistrate judge;

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

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

11 The number of official court reporters of this District shall be determined by the
12 needs of the Court.

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

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

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

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

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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. providing an electronic copy of this court reporting management plan to the AO's Court Services Office for review;
8. 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, for a forty-hour work week. However, temporary modifications may be made by the Supervisor to accommodate the needs of the Court. Additional requirements are what follows.
 - a. All Official Court Reporters are covered by the Annual & Sick Leave

1 Act of 1951, formerly referred to as the Leave Act, 5 U.S.C. § 6301 *et.*
2 *seq.*, and earn annual and sick leave pursuant to the Act. Guidelines for
3 the administration of leave are addressed in Section 4, of the Human
4 Resources Manual for the District of Arizona.

5 b. Court reporters/recorders shall be in the office when not actively
6 engaged in reporting to be available to the Court when their services are
7 needed.

8 c. Court reporters shall keep the Supervisor apprised of changes in
9 availability in the manner established by the Supervisor.

10 d. Voice mail and email shall be operational during all absences from the
11 office. The message shall include contact information for the
12 Supervisor or the designee for matters requiring immediate attention.

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

15 **E. TRANSCRIPTS**

16 1. All transcript orders shall be filed with the Supervisor or designee. The
17 Supervisor or designee will be responsible for distributing the transcript
18 orders to the court reporter in a timely fashion, i.e., ordinary transcript
19 orders will be electronically transmitted to the court reporter the same day
20 they are filed if filed before 5:00 p.m.; expedited or daily transcript orders
21 will be electronically transmitted to the court reporter and a voice mail
22 message or other secondary means of notification shall be given.

23 2. Court reporters are permitted to place their names on the list of transcribers
24 available to transcribe digitally recorded hearings. Work on transcription
25 may not interfere with the reporter's performance of official duties.

26 3. First priority shall be given to production of transcripts which involves
27 incarcerated defendants, especially those cases which challenge the
28 imposition of the death penalty, and cases on appeal.

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- 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 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 must accompany every transcript submitted to

1 the Supervisor. The billing invoice will be in .PDF format. In the case of
2 transcripts ordered for CJA defendants, billing will be processed through
3 the CJA eVoucher Management System.

- 4 9. The original transcript must be delivered in .PDF format to the Clerk for
5 filing within two working days of delivery to the ordering party.
6 Additionally, a copy of the transcript in .PDF format shall be stored on the
7 Court's shared network.
- 8 10. Reporters who are consistently delinquent in delivery of transcripts, filing
9 of original notes and tapes, and/or submission of required reports may be
10 subject to disciplinary action as determined by the Clerk.
- 11 11. Reporters are required to ensure full compliance with format requirements
12 of the Administrative Office of the United States Courts and the Judicial
13 Conference of the United States.
- 14 12. Reporters who are found to be overcharging for transcripts by virtue of
15 violations in page format, line format, reduction in pitch, or allowable
16 realtime charges will be required to make immediate restitution.

17 **F. MISCELLANEOUS**

- 18 1. Court reporters shall not perform any private (freelance) work.
- 19 2. The marking and archiving of reporters' files shall be in accordance with
20 the note storage procedures approved by the Court and outlined in this Plan
21 (Appendix C).
- 22 3. Court reporters shall provide a LiveNote feed for judges and court staff
23 when requested but in all events will update the LiveNote directory with
24 any and all proceedings reported.
- 25 4. Court reporters are encouraged to provide realtime translation upon request,
26 but must comply with the Realtime Reporting Standards promulgated by
27 the Judicial Conference of the United States (Appendix E).
- 28 5. Annual performance appraisals will be conducted by the Clerk or designee

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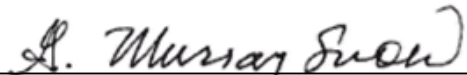
for all court reporters and recorders.

- 6. All court reporter work stations are to be equipped with a court owned computer with Data Communications Network (DCN) access for the sole purpose of communicating via email with court staff. All other communication regarding the preparation and delivery of transcripts shall be accomplished using the court reporter's personal computer.

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 29th day of September, 2023.



G. Murray Snow
Chief United States District Judge

Original and Copy Transcript Fee Rates

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| | Original | Copy to Each Party | Each Add'l Copy to the Same Party |
|---|---|-------------------------------|--|
| <u>30-Day Transcript (Ordinary)</u> | | | |
| A transcript to be delivered within thirty (30) calendar days after receipt of an order. | \$4.00 | \$1.00 | \$.70 |
| <u>14-Day Transcript</u> | | | |
| A transcript to be delivered within fourteen (14) calendar days after receipt of an order. | \$4.70 | \$1.00 | \$.70 |
| <u>7-Day Transcript (Expedited)</u> | | | |
| A transcript to be delivered within seven (7) calendar days after receipt of an order. | \$5.35 | \$1.00 | \$.70 |
| <u>3-Day Transcript</u> | | | |
| A transcript to be delivered within three (3) calendar days from receipt of an order. | \$6.00 | \$1.20 | \$.85 |
| <u>Next-Day Transcript (Daily)</u> | | | |
| A transcript to be delivered on the calendar day following receipt of the order (regardless of whether that calendar day is a weekend or holiday) prior to the normal opening hour of the Clerk's Office. | \$6.70 | \$1.35 | \$1.00 |
| <u>2-Hour Transcript (Hourly)</u> | | | |
| A transcript of proceedings to be delivered within two (2) hours from receipt of the order. | \$8.00 | \$1.35 | \$1.00 |
| <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 receipt of the order. | One feed - \$3.40/pg. Two, three or four feeds - \$2.35/pg. Five or more feeds - \$1.65/pg. | | |

Any transcript not provided to the ordering party by the due date will be invoiced at the next lowest rate, i.e., a 7-Day Transcript delivered on the 8th day will be charged at the 14 Day Transcript rate.

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

Transcripts in Multi-Defendant Cases

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2 In multi-defendant cases involving CJA defendants, no more than one certified
3 transcript should be purchased from the court reporter on behalf of CJA defendants. One
4 of the appointed counsel or the Clerk of Court should arrange for the duplication, at
5 commercially competitive rates, of enough copies of the transcript for each of the CJA
6 defendants for whom a transcript has been approved. The cost of such duplication will be
7 charged to the CJA appropriation. This policy would not preclude the furnishing of
8 duplication services by the court reporter at the commercially competitive rate. (The
9 commercially competitive rate has been set at 10 cents per page.) This applies whether
10 the copy is ordered by a panel attorney, federal public defender, community defender, or
11 other individual allowed to order under the CJA.
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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 Appendix D.

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.

21 **PROCEDURES FOR STORAGE OF COURT REPORTERS' PAPER NOTES**
22 **AND CASSETTE TAPES**

23 All original paper notes as well as cassette tapes produced prior to the
24 implementation of electronic media pursuant to 28 U.S.C. ' 753(b) are to be relegated to
25 the Clerk within 60 days after the conclusion of the proceeding. If a transcript is ordered
26 in a case where the notes have been submitted to the Clerk, the court reporter shall
27 retrieve the notes from storage and shall refile the notes when the transcript is filed.
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Storage of Electronic Sound Recording System

When court reporters are not used, court proceedings are memorialized through the use of electronic audio recording equipment. All digital audio recordings of proceedings will be stored on the court's network server. Network access to digital recordings is limited to authorized court personnel.

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.

[†] 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 transcript category called “realtime unedited transcript.” Realtime includes the following services:

- The instantaneous translation of the proceedings on a computer monitor;
- The ability 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 delivery of realtime translation and appended notes electronically during or immediately following adjournment.

When realtime services are requested by a party to the case, a certified realtime reporter may charge and collect the per page rate for the realtime translation. Reporters are required to provide all necessary personal equipment and software.

Realtime reporting services offer several advantages including, but not limited to, the following:

- The software enables court reporters to display the English text translation instead of stenographic symbols;
- Attorneys are able to use realtime as a litigation aid for purposes of trial proceedings;
- Judges and court staff can work with increased efficiency with instantaneous access to the realtime translation; and
- Prior to, during, or after the proceedings, attorneys and judges can insert issue codes into their realtime file for later reference.

Realtime translation may not be used for any purpose that requires a certified transcript of a proceeding.

At its September 2011 session, the Conference amended the maximum realtime translation rate policy adopted in March 1999 to eliminate the requirement that a litigant who orders realtime services in the courtroom must purchase a certified transcript (original or copy) of the same pages of realtime translation at the regular rates.

1 **2. Qualifications of Reporters Charging for Realtime Translation**

2 Official court reporters who have successfully completed the National Court
3 Reporter Association (NCRA) Certified Realtime Reporter (CRR) examination or who
4 have passed an equivalent qualifying examination are recognized as federal certified
5 realtime reporters and are permitted, but not required, to sell realtime translation.

6 **3. Production**

7 The transcript format guidelines prescribed by the Judicial Conference apply to
8 realtime translation with the following exceptions:

- 9 1) Realtime translation must be clearly marked as such with a header or footer that
10 appears at the top or bottom of each page of transcript stating, “Realtime Unedited
11 Transcript Only”;
- 12 2) The realtime translation should not include an appearance page, an index, or a
13 certification; and
- 14 3) If applicable, the electronic media label should be a different color than the color
15 used on electronic media containing the text of certified transcript and should be
16 marked with the words, “Realtime Unedited Transcript Only”.

17 Electronic files may not contain any protection or programming codes that would
18 prevent copying or transferring the data.

19 **4. Distribution**

20 A certified realtime reporter providing realtime translation should offer
21 comparable services to all parties to the proceeding. The primary purpose of realtime
22 translation is to provide access to a draft transcript of the proceedings on electronic media
23 at the end of each day. It is not intended to be used in subsequent proceedings for any
24 other purpose, or to be further distributed.

25 It should be noted that when realtime services are provided, there may be two
26 versions of the transcript for one proceeding—unofficial (realtime translation) and
27 official (certified transcript). The realtime translation may contain errors, some of which
28 could change the accuracy or meaning of the testimony. A realtime translation will not

APPENDIX E

1 satisfy the requirement for the reporter to provide or file a certified transcript with the
2 district court clerk or as the record on appeal.

3 Realtime services may only be distributed to parties to the case who have ordered
4 them. It should not be made available to the public, including news organizations or
5 other nonparticipants, unless authorized by the presiding judge. It is recommended that
6 each certified realtime reporter request that parties acknowledge receipt of a realtime
7 translation by signing a disclaimer which explicitly states that the ordering party is aware
8 that the realtime translation is not an official record of the court proceedings.

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SAMPLE

REALTIME UNEDITED TRANSLATION DISCLAIMER IN THE MATTER OF

v.

The realtime unedited translation of proceedings in the above-titled matter is delivered unedited and uncertified by the court reporter at the request of the undersigned.

The undersigned agrees not to distribute this realtime translation in any form, written or electronic, to the public, including news organizations and other nonparticipants.

The realtime translation may not be relied upon for purposes of verbatim citation of the record or used for any purpose that requires a certified transcript of a proceeding.

The realtime translation has not been edited, proofread, or corrected. It is a draft transcript and is not certified to be true and correct. 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. The realtime translation may differ from a certified transcript of the same proceedings in content, page and line numbers, punctuation, and formatting. The realtime translation contains no appearance page, index, or certification page.

The undersigned agrees to indemnify and hold harmless the court reporter for any use by any person of the realtime translation.

Printed Name of Purchaser

Signature of Purchaser

Date