

F I L E D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

AUG 16 1995

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

IN THE MATTER OF
COURT REPORTERS

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M-128-C

COURT REPORTER MANAGEMENT PLAN

Supervision and Implementation.

The Clerk of this Court is hereby designated and fully empowered to perform all supervisory, administrative and oversight functions hereinafter set forth. In addition, the Clerk shall periodically advise the Court regarding the effectiveness and equity of work distribution of court reporting services provided pursuant to this Rule.

Appointment and Retention of Court Reporters.

Court Reporters shall be appointed in accordance with the provisions of the Court Reporter Act, 28 U.S.C. §753, and the procedures of the Administrative Office of the United States Courts. No Reporter shall be appointed, nor serve as a contractual or replacement Court Reporter, unless that Reporter is fully qualified under the standards adopted by the Judicial Conference of the United States Courts.

Court Reporters are employed by the Court en banc and shall retain their employment at the will of the Court en banc, regardless of the death, resignation or retirement of an individual Judge. If the volume of work does not justify retention of the full complement of existing Court Reporters, a reduction shall be accomplished through relocation, attrition or in the last instance by termination upon notice of not less than sixty (60) days. Selection for retention shall be based upon merit.

Assignment and Availability.

Court Reporters shall be assigned to active Judges as a matter of convenience. However, when necessary and subject to the approval of the Judge to whom a Court Reporter is ordinarily assigned, a Court Reporter may be temporarily reassigned by the Clerk to another active Judge of the District, a senior Judge, a visiting District Judge, a Magistrate Judge, or to a land commissioner. A Court Reporter shall also report Grand Jury proceedings when required and directed by the Court. The Clerk shall endeavor to equalize the burdens of reporting duties set forth above. Each Court Reporter shall also, during regular work hours, remain accessible by telephone when not actively engaged in reporting in order to be summoned to the Court within thirty (30) minutes in the event of an emergency.

Substitute Reporting Services.

Every reasonable effort will be made through scheduling to reduce the need for temporary or contractual court reporting services. To the extent that the complement of regular Court Reporters cannot fulfill the reporting needs of this District, the Court will employ contract Court Reporters to satisfy the Court's additional requirements, subject to the approval of the Circuit Council and of the Administrative Office.

If a Court Reporter is disabled from service for bona fide medical reasons, a substitute Reporter will be provided at Court expense. However, absent prior approval by the Administrative Office, no Court Reporter may be maintained on sick leave status for more than thirty (30) days in the aggregate in any calendar year. Except as noted above, any necessary replacement reporter services required, including those necessitated by the demands of expedited, daily or hourly copy, shall be provided at the assigned Court Reporter's expense. Such expense shall not be passed on to litigants ordering transcripts, except to the extent authorized by the higher fees adopted by the Judicial Conference of the United States.

To the extent that the work of the Court permits, two or more official Court Reporters may cooperate and share the work necessitated by preparation of daily or hourly copy.

Place of Work. Hours. Notes.

All Court Reporters shall maintain regular hours of work between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting legal holidays, unless otherwise excused. All Court Reporters who are not in the Courthouse are expected to be available by telephone so that they may be summoned to the Courthouse within thirty (30) minutes in the event of an emergency.

Official Court Reporters shall maintain an office within the Courthouse so as to allow litigants reasonable and prompt access to make arrangements for ordering required transcripts.

All Court Reporters' notes shall be prepared in "note-readable" form. They shall be marked, filed and maintained within the Courthouse so as to be accessible by another Court Reporter in the event of an emergency. The notes of replacement or contract Reporters shall be suitably marked and filed with the Clerk when not being actively used by the Reporters.

Free-lance Reporting.

Free-lance reporting (i.e. reporting not required in the discharge of official duties) shall only be undertaken with the specific prior approval of the Court. In conducting such reporting, when authorized, neither Court facilities nor Court equipment may be used.

Fees for Transcripts.

The Clerk shall prominently post at the counter a schedule of fees currently authorized by the Judicial Conference of the United States for regular and expedited transcripts, as well as for daily or hourly copy. Such schedule shall list the per-page charge for originals and for copies, shall explain that one copy of each transcript ordered is to be filed within the Court for Court use at no expense to the litigants and shall note the number of lines to be included on each page for which a full charge is made and the margin requirements for those lines. The notice shall explain that an "expedited" transcript is one which is delivered within seven (7) calendar days after ordering. The Clerk shall also post a notice that any party who has reasonable cause to believe

that he/she may have been overcharged may in complete confidence seek review by the Clerk of the transcript and bill to verify the accuracy of the billing.

The Clerk shall, in each transcript paid for with Government funds (whether under the Criminal Justice Act or in civil appeals), review the transcripts filed and the bill submitted to ensure the correctness of the charges assessed.

The Clerk shall also post at the counter a notice listing the sanctions to be imposed for late delivery of transcripts ordered for appeals.

Time for Delivery of Transcripts.

All transcripts ordered for purposes of appeal are to be delivered within thirty (30) days of the date on which they are ordered and satisfactory arrangements are made for payment of the costs of their production, in accordance with Fed.R.App.P. 11(b). This time limitation may be extended only by the United States Court of Appeals for the Tenth Circuit. A showing of extreme or unusual circumstances will be required by the Court of Appeals to obtain such an extension.

The charge assessable to the ordering party for any transcript which is not delivered within thirty (30) days of the date on which it is ordered, or within an extension of that period, obtained in advance from the Court of Appeals, shall be reduced. The rate of reduction shall be one percent (1%) deducted from the total bill for each three (3) full days that the transcript remains undelivered to the Clerk beyond the due date. In the event such sanctions are imposed, the Court Reporter shall deliver to the Clerk a copy of the billing rendered to the ordering party, showing the total original net bill to be paid by the ordering party. A copy of each such bill shall be forwarded to the Court of Appeals after receipt and review by the Clerk.

Reports to be Filed.

Each official Court Reporter shall timely file with the Administrative Office the reports set forth below. In addition, a copy of each of these reports shall be filed with the Clerk, for the use of the Court, not later than thirty (30) days after the report is due to the Administrative Office. The Clerk shall maintain these copies in strict confidence, except as specifically directed by the Court acting *en banc*.

1) The Report of Attendance and Transcripts of United States Court Reporters (Form AO 40A) shall be submitted quarterly during each calendar year to the Fiscal Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within twenty (20) days after the end of each quarter.

2) The Statement of Earnings of United States Court Reporters (Form AO 40B) shall be submitted annually to the Financial Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within sixty (60) days after the end of each calendar year.

Rates of Court Reporters.

Rates to be charged by Court Reporters of this Court shall be as fixed from time to time by the Judicial Conference. Such rates shall be posted in the Court Clerk's office.

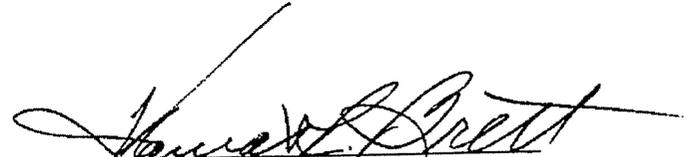
Sound Recording.

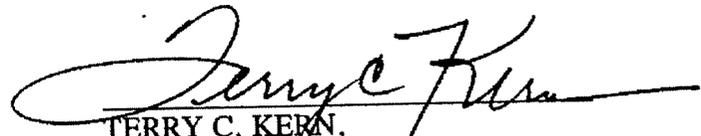
Where a Court Reporter is not readily available, electronic sound recording devices are hereby authorized. All proceedings before a Magistrate Judge may be recorded through use of electronic sound recording devices.

Transcripts of Sound Recorded Proceedings.

Transcripts of electronic sound recorded proceedings before a Magistrate Judge, and duplicate recordings of those proceedings, may be obtained through the Magistrate Judge's offices, upon prepayment of transcription and/or recording costs.

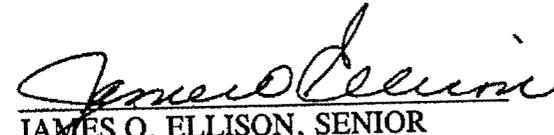
Dated this 11th day of August, 1995.

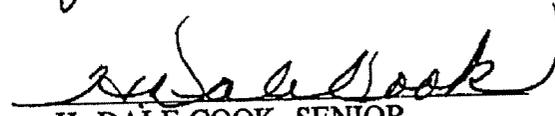

THOMAS R. BRETT, CHIEF
UNITED STATES DISTRICT JUDGE


TERRY C. KERN,
UNITED STATES DISTRICT JUDGE


SVEN ERIK HOLMES,
UNITED STATES DISTRICT JUDGE


MICHAEL BURRAGE,
UNITED STATES DISTRICT JUDGE


JAMES O. ELLISON, SENIOR
UNITED STATES DISTRICT JUDGE


H. DALE COOK, SENIOR
UNITED STATES DISTRICT JUDGE