

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

IN RE: Court Reporter Management Plan )  
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**FILED**

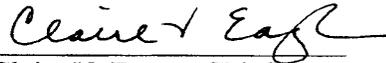
DEC 14 2006

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

GENERAL ORDER

For the effective utilization of court reporters in the United States District Court for the Northern District of Oklahoma, the Court hereby adopts the attached Court Reporter Management Plan.

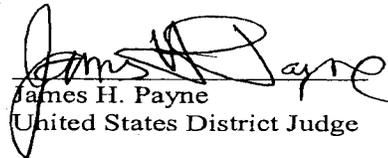
It is so ordered this 14<sup>th</sup> day of December 2006.



Claire V. Eagan, Chief  
United States District Judge



Terence C. Kern  
United States District Judge



James H. Payne  
United States District Judge

**COURT REPORTER MANAGEMENT PLAN  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
OKLAHOMA**

**Effective December 14<sup>th</sup> , 2006**

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## SECTION I – OBJECTIVES OF THE PLAN

The objectives of the Court Reporter Management Plan are to establish and maintain the supervision and management necessary to ensure that the Court receives the highest quality court reporting services available.

This Plan is intended as a supplement to the provisions set forth in 28 U.S.C. § 753 (Court Reporters Act) and the *Guide to Judiciary Policies and Procedures*.

## SECTION II – APPLICABILITY OF THE PLAN

This Plan shall be applicable to all official, temporary, contract, and substitute court reporters.

## SECTION III – SUPERVISION

Pursuant to 28 U.S.C. § 753, official court reporters shall be subject to the supervision of the appointing Court in the performance of their duties. The appointing Court hereby appoints the Clerk of Court to ensure that the provisions of this Plan are effectuated and to report, as needed, to the judges of the Court.

### A. Duties of Court Reporter Supervisor

The Clerk of this Court or his designee (the Supervisor) 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 plan. The supervision duties and responsibilities shall include but are not limited to the following:

1. The hiring and termination of official court reporters, in consultation with the court, en banc.
2. Assignment and reassignment of court reporters for the purpose of fairly and equitably distributing the workload and assuring the lowest overall cost to the government, including minimizing any travel costs.
3. Periodic review of transcripts to ensure full compliance with format requirements.
4. Review of transcript billings to ensure that authorized rates are charged.

5. Determine compliance with the provisions of 28 U.S.C. § 753 concerning the recording, certifying and filing of audio recordings (hereinafter refers to any form, including tapes or digital) of all criminal arraignments, pleas, and imposition of sentences.
6. Ensure the timely filing of all reports required.
7. Act as liaison to the Court of Appeals as to matters pertinent to transcript production.
8. At the time of a court reporter separation, ensure all notes and backup audio recordings have been filed in accordance with Title 28 U.S.C. § 753, and further ensure that the court reporter understands his or her responsibility for preparing any transcript currently ordered or ordered after separation.

**B. Duties of Court Reporters**

Court reporters of the district serve at the pleasure of the Court en banc. In the performance of their duties, all court reporters of the Northern District of Oklahoma must follow:

1. The statutory requirements of 28 U.S.C. § 753.
2. The administrative practices defined in the *Guide to Judiciary Policies and Procedures*, Volume 6.
3. The administrative practices defined in this Plan.
4. Such other policies as may be set forth by the Court.

**SECTION IV – TYPES OF COURT REPORTERS**

Court reporters are categorized according to how they are utilized or employed in the Court.

**A. Official Court Reporters**

These are reporters who are official, salaried employees of the Court; employed by the Court en banc for an indefinite term, pursuant to the authority of the Judicial Conference.

**B. Temporary Reporters**

These are reporters who are employed, with the approval of the Director of the Administrative Office, for service not to exceed a specified period.

**C. Contract Reporters**

These are reporters who serve the Court on an as-needed basis. They work on a daily contract basis and are paid from contract funds.

**D. Substitute Reporters**

These are reporters who may be hired and paid by an official court reporter under prescribed conditions with the approval of the Supervisor.

**SECTION V – EMPLOYMENT**

**A. Employment and Dismissal of Official Reporters**

Official court reporters are employed by the Court en banc and shall retain employment regardless of the death, resignation, or retirement of an individual judge.

Official court reporters shall be appointed in accordance with the provisions of 28 U.S.C. § 753 and the qualifications established by the Judicial Conference and this Plan. Only court reporters, including official, temporary, contract, and substitute, who meet these qualifications shall be appointed. To the extent feasible, all new official court reporters must be proficient in realtime reporting or achieve realtime proficiency within two (2) years of entrance on duty.

Upon appointment as an official court reporter, the reporter shall be required to execute a certification form, provided by the Clerk's office regarding his or her responsibilities for:

1. Retention of all official notes and backup audio recordings.
2. Preparation and filing of all transcripts that are ordered during the course of employment or that would be ordered after separation from the Court. A copy of this certification shall be filed in the official personnel file of said court reporter.

**B. Probationary Period**

All initial appointments of official court reporters shall be for a six-(6)-month probationary period. An official court reporter dismissed during the six-(6)-month probationary period does not have the right to appeal the termination. Upon successful completion of the six-

(6)-month probationary period, all official court reporters shall have employee rights as provided in this District, including the District's EDR Plan. Official court reporters who do not perform in a competent and satisfactory manner or who do not comply with the requirements of this Plan or the *Guide to Judiciary Policies and Procedures* shall be subject to disciplinary action, including termination.

**C. Primary Assignments**

Official court reporters shall be assigned to active District Judges as a matter of convenience. However, when necessary, an official court reporter may be temporarily reassigned by the Clerk to another Judicial Officer. Official court reporters may also report Grand Jury returns when required. The Clerk shall endeavor to equalize the burdens of reporting duties set forth above.

Transcript production by official court reporters is considered outside work for which additional remuneration is received; therefore, it need not be considered in the endeavor to equalize burdens of reporting duties.

**D. Hours of Employment and Place of Work**

All official 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 official 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 for the Northern District of Oklahoma are not on a regular tour of duty and are not covered under the Leave Act.

Official court reporters shall maintain an office within the courthouse in order to allow litigants reasonable and prompt access to make arrangements for ordering required transcripts.

**E. Use of Substitute Reporters**

Any necessary substitute reporter services required, including those necessitated by the demands of expedited, daily or hourly copy, shall be provided at the assigned official 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.

If an official court reporter has overdue transcript(s), said reporter may elect or may be required by the Supervisor to contract for and pay substitute reporter(s) until such time as the

overdue transcripts have been prepared.

Official court reporters shall not contract for substitute reporter(s) without the prior approval of the Supervisor. Requests to contract for substitutes shall be submitted in writing to the Supervisor by the official court reporter with at least three working days notice, except in emergencies, and shall specify a term for which the substitute(s) shall be contracted.

**F. Use of Contract Reporters**

Every reasonable effort will be made through scheduling to reduce the need for use of contract court reporters. To the extent that the complement of official court reporters cannot fulfill the reporting needs of this District, the Court will employ contract court reporters to satisfy the Court's additional requirements. As a general rule, contract reporters may be used only when all official court reporters are occupied in court proceedings, pursuant to the policies of the Judicial Conference.

**G. Free-lance Reporting**

Official court reporters who undertake free-lance reporting (i.e. reporting not required in the discharge of official duties) shall obtain specific prior approval from the Clerk. In conducting such reporting, when authorized, neither Court facilities nor Court equipment may be used.

**SECTION VI – TRANSCRIPTS**

**A. Format Compliance**

All reporters shall comply with the Judicial Conference transcript format requirements in the *Guide to Judiciary Policies and Procedures*, Volume 6, Chapter 18: Transcript Format. The Supervisor shall monitor transcripts to ensure format compliance.

**B. Filing of Original Transcripts**

All original transcripts of official proceedings shall be filed with the Clerk of Court within seven (7) days of delivery to the ordering party.

**C. Fee Schedule**

No reporter or transcriber employed by the Court shall charge fees for transcripts which exceed the authorized fee schedule of the Judicial Conference, as approved by Congress. No reporter or transcriber employed by the Court shall charge fees for services not authorized by the Judicial Conference.

**D. Fee Reduction**

If appellate transcripts are not filed timely, the Tenth Circuit Court of Appeals may impose a mandatory fee reduction. Such reduction of fees shall be credited to the ordering party by the official court reporter. The Supervisor shall ensure that credits due to mandatory fee reductions are properly credited to the ordering party for appellate transcripts when necessary.

**E. Billing**

All transcript orders shall be billed in writing. Reporters must include all information listed on the AO-44 Invoice.

**F. Deposits**

Official court reporters may request a deposit from the ordering party in an amount no more than one hundred percent (100%) of the estimated number of pages. If the deposit exceeds the actual cost, the reporter shall reimburse the difference when the transcript is delivered to the ordering party.

**G. Overcharging**

Court reporters found to be overcharging by violations in page format, line format, increased pitch, or any other non-conforming format shall be required to make immediate restitution to the ordering party and may be subject to disciplinary action.

**H. Copy Requests**

All requests for copies of transcripts shall be presented to the applicable court reporter in writing. Fees charged for copies of transcripts shall not exceed the copy fee rate authorized by the Judicial Conference, as approved by Congress.

**I. Timely Filing of Transcripts**

Nothing contained in the previous provision should be construed as sanctioning untimely delivery of transcripts, nor should the fee reduction be considered the only penalty which can be imposed by the Court on a court reporter who habitually files transcripts in an untimely manner.

It is the expectation of the Court that all transcripts are to be produced and filed in a timely manner.

The timely filing of transcripts shall be considered by the Supervisor in the preparation of the annual performance evaluations. Court reporters are strongly encouraged to use scopists and other support staff as needed to prevent transcript backlog.

**J. Order of Appellate Transcripts**

1. Upon receiving a Transcript Order form (A-8), the court reporter must enter at the foot of the order the date of its receipt and the expected completion date, and send a copy, so endorsed, to the clerk of the court of appeals.
2. All requests for appellate transcripts, whether oral or written, shall be dealt with promptly. The individual court reporters shall be responsible for making the financial arrangements with the ordering party as soon as practicable. If financial arrangements cannot be made expeditiously, the court reporter shall promptly advise the Supervisor and the Tenth Circuit Court of Appeals.
3. If a bad check is received as payment for securing financial arrangement, the court reporter shall immediately stop transcript production and notify the Supervisor and the Tenth Circuit Court of Appeals.
4. All transcripts ordered for purposes of appeal are to be delivered within the time frame specified by the Tenth Circuit Court of Appeals. Requests for extensions shall be made by the court reporter to the clerk of the court of appeals.

**K. Order of Non-Appellate Transcripts**

Orders for non-appellate transcripts shall be made to the assigned court reporter. The ordering party shall make all necessary financial arrangements with the appropriate court reporter and shall include any requested deposit with the written transcript request. Parties must use the Transcript Order form (AO- 435).

**L. CJA Transcript Orders**

1. All transcripts produced under the terms of the Criminal Justice Act (CJA) shall be billed on Form CJA-24 which must be signed by the assigned judicial officer prior to transcript production. In accordance with Judicial Conference policy, the routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.
2. In multi-defendant cases involving CJA defendants, no more than one (1) transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed counsel 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.

**M. Cancellation of Transcript Orders**

Except for appellate transcripts, wherein the court of appeals requires notice by order of dismissal, the court reporter shall immediately stop production of transcripts if advised of a cancellation. Any deposit received shall be refunded, excluding pages produced prior to the cancellation notice.

**N. Expedited Transcripts**

Unless ordered by the Court, official court reporters shall not expedite the preparation of any transcripts that would delay the preparation of appellate transcripts.

**O. Daily Transcripts**

Production of daily transcripts shall not be subsidized by the Court. If additional reporters are required to produce daily transcripts, the cost of such reporter(s) shall be paid by the official court reporter assigned to the proceeding. Official court reporters shall not charge any party any fees in excess of or in addition to those authorized by the Judicial Conference, including appearance or attendance fees used to subsidize the hire of additional court reporters for daily transcripts.

The official court reporter assigned to the daily transcript may request an advance from the ordering party for up to ten (10) trial days or the estimated length of trial if less than ten (10) days. The official court reporter may submit a weekly State of Account to the ordering party which shall indicate how much advance has been used and how much additional funds are requested in advance, if necessary. The official court reporter may submit one billing to the ordering party or request the ordering party to pay the official court reporter and co-reporter separately.

**P. Realtime Transcripts**

Realtime reporting technologies allow the record to be electronically transcribed in the courtroom using software that translates the shorthand instantaneously and displays it on a monitor. Court reporters may not sell a realtime unedited transcript to anyone who is not a party to the case without the prior approval of the presiding judge. Each court reporter shall require the ordering party to sign a disclaimer acknowledging receipt of the realtime unedited transcript and stating the party is aware that the realtime unedited transcript is not an official record of the court proceeding.

**Q. Requests by Judicial Officers or Transcripts Required by Statute**

Official court reporters shall not charge fees for transcript(s) ordered by and provided to a district or magistrate judge.

In accordance with 28 U.S.C. § 753, all court reporters shall certify and file with the Clerk's Office all audio recordings or transcripts of arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases without additional compensation.

Such audio recordings or transcripts shall be filed with the Clerk of Court within thirty (30) days of the conclusion of the proceeding.

**R. Priority of Transcript Production**

Appellate transcripts shall be produced in chronological order of the date due in the Tenth Circuit and shall be produced before non-appellate transcripts. Preparation of criminal transcripts shall take precedence over the preparation of civil transcripts. Unless otherwise ordered by the Court or Supervisor, civil transcripts shall be prepared in chronological order of the date of the request.

**S. Transcript Backlog**

The Supervisor is authorized to take any measures necessary to reduce or eliminate transcript backlog or production delays. Such steps may include but are not limited to the following:

1. Reassign or rotate the official court reporter on a temporary basis.
2. Require the official court reporter to hire and pay substitute reporter(s).
3. Initiate progressive discipline, if necessary.

**SECTION VII – RECORDS MAINTENANCE**

**A. Notes and Recordings**

All court reporters' notes shall be prepared in "note-readable" form. They shall be certified, marked, filed, and maintained within the courthouse in order to be accessible by another court reporter in the event of an emergency. All court reporters are required to maintain backup recordings of all proceedings they report.

**B. Storage of Notes, Backup Audio Recordings, and Supporting Materials**

All notes, backup audio recordings and other supporting materials must be stored in the following manner:

1. All notes shall be filed chronologically in FRC boxes.
2. For future retrieval purposes, backup audio recordings which support notes may be filed with the notes or separately if there is sufficient cross-referencing. Backup audio recordings used to fulfill the requirements of 28 U.S.C. § 753 concerning arraignments, pleas, and sentences must be readily identifiable for purposes of the disposal schedule of such criminal proceedings.
3. The outside of the box should be marked with a label indicating the court reporter's full name, calendar year, the period of time covered by the contents of the box, and the date the contents may be destroyed.
4. Each packet of notes shall include the case number, case caption, presiding judge, date of proceedings, type of proceeding, and court reporter's full name or reference to a document which contains the information. One certification for the contents of the entire box is acceptable. Backup audio recordings must be identified so they are easily retrievable for transcript purposes.

**C. Forms**

In order to permit the routine audit and inspection of records, official court reporters must maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. Such records shall be maintained on forms prescribed by the Judicial Conference and shall include, but are not limited to, the following:

1. AO-37 Expense Ledger
2. AO-38 Attendance Ledger
3. AO-39 Transcript Order/Collections Ledger
4. AO-44 Invoice

## SECTION VIII – MANDATORY REPORTS

### A. Attendance and Transcript Report

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 in a timely manner to arrive within twenty (20) days after the end of each quarter

### B. Statement of Earnings Report

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 in a timely manner to arrive by April 15<sup>th</sup> of each calendar year.

## SECTION IX – REPORTER SERVICES FOR MAGISTRATE JUDGES

### A. Sound Recording

Proceedings before a Magistrate Judge will, whenever possible, be recorded through use of electronic sound recording devices. Courtroom deputies will be utilized to record the Magistrate Judge proceedings. Magistrate Judges may request a court reporter for civil jury trials, or where a court reporter is required by specific rule or statute, or by the particular circumstances of an individual case.

### B. Transcripts of Sound or Digitally Recorded Proceedings

Transcripts of electronic sound or digitally recorded proceedings before a Magistrate Judge, and duplicate recordings of those proceedings, may be obtained through the Magistrate Judge's office upon prepayment of transcription and/or recording costs. Transcript quality and timeliness of production shall be monitored by the Supervisor.

### C. Storage of Sound or Digital Recordings

The Clerk is responsible for storing all sound or digital recording records. Sound recording tapes should be kept in trays in date order. Log Notes, if required, should be kept in expandable folders divided by month.

When recorded digitally, both the log notes and the digital recording will be stored on the network. Access via the network to digital recordings should be limited to authorized personnel.