

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF ) GENERAL ORDER NO. 11-15  
THE COURT REPORTER/RECORDER )  
MANAGEMENT PLAN OF THE )  
UNITED STATES DISTRICT COURT, )  
CENTRAL DISTRICT OF )  
CALIFORNIA )

The Court Reporter/Recorder Management Plan of the United States District Court, Central District of California ("Plan"), attached hereto as Exhibit A, is hereby adopted by this Court.

This Plan shall become effective upon filing by the Clerk of this Court after approval by the Judicial Council of the Ninth Circuit.

IT IS SO ORDERED.

*Amy B. Collins*

CHIEF UNITED STATES DISTRICT JUDGE

*Date of Approval by the Court:* August 12, 2011

*Date of Approval by the Judicial Council:* October 20, 2011

*Date of Filing by the Clerk:* November 14, 2011

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**EXHIBIT A**

The Mayor & City Council  
of Baltimore

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# Court Reporter/Recorder Management Plan

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA



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Date Adopted by the Court: February 5, 1997  
Date Revised by the Court: August 12, 2011  
Date Adopted by the Ninth Circuit Judicial Council: February 21, 1997  
Date Revised by the Ninth Circuit Judicial Council: October 20, 2011

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## SECTION I

### Objectives of Plan

The Judicial Conference of the United States requires all district courts to adopt a Court Reporter/Recorder Management Plan in accordance with Volume 6 of the Guide to Judiciary Policy and as approved by the Circuit Judicial Council.

The objectives of the Court Reporter/Recorder Management Plan are as follows:

- To manage effectively and efficiently the official court reporters/recorders with proper supervision and procedural systems;
- To achieve an equitable distribution of workload through a modified pooling system;
- To avoid a backlog of transcripts and assure prompt delivery of appellate and non-appellate transcripts;
- To assure the appointment and retention of fully qualified official court reporters/recorders;
- To promote the practice that official court reporters serve the Court en banc; and
- To enhance the efficient operation of the Court.

## SECTION II

### Applicability of Plan

This Plan shall apply to all court reporters (official, substitute, contract and temporary) and electronic court recorder operators (ECROs).

## SECTION III

### Supervision

The Chief Judge, with the approval of the Executive Committee, shall appoint a district judge as Chair of the Court Services Committee who shall be responsible, with the Committee, for ensuring that the provisions of this Plan are effectuated and for reporting, as needed, to the judges of the Court.

#### Duties of Court Reporter/Recorder Manager

1. Effectively managing all court reporters and recorders through proper supervision and procedural systems.
2. Assigning and reassigning reporters/recorders for the purpose of fairly and equitably distributing the workload among all reporters and recorders, minimizing travel and assuring the lowest overall cost to the Court.
3. Supervising the relationship between parties and reporters/recorders.
4. Monitoring and keeping a record of all appellate and non-appellate transcripts and ECRO transcript orders.
5. Reviewing appellate and non-appellate transcripts to assure full compliance with format requirements of the Administrative Office of the United States Courts and the Judicial Conference of the United States.
6. Reviewing all transcript billings to assure that authorized transcript rates are charged, billing is in proper form and transcripts are prepared in a timely manner. (*See Appendix A for rates and Appendix B for information to be included in all billings.*)
7. Determining compliance by all court reporters with the provisions of 28 U.S.C. § 753 concerning the recording, certifying, and filing of the tapes of all criminal arraignments, pleas and proceedings in connection with the imposition of sentences.
8. Assuring that all notes and/or audio recordings are maintained in accordance with Title 28 U.S.C. § 753 and Section VIII of this Plan.
9. Reviewing the time records of the court reporters/recorders to assure proper maintenance and accuracy.

10. Reviewing the records of the court reporters/recorders to assure the timely filing of all reports required by the Administrative Office of the United States Courts and the Judicial Conference of the United States.
11. Serving as liaison to the Ninth Circuit Court of Appeals as to matters pertaining to court reporters recorders and transcript production.
12. Providing the Clerk of Court, on a monthly basis, with all necessary information relating to the duties set forth above; determining actual and projected budget needs for contract court reporting services and electronic sound recording equipment; maintaining an authorized qualified Court Reporter Panel; and scheduling contract court reporters, when needed.
13. Providing electronic sound recording services for the Court, including monitoring equipment performance.
14. Performing such other duties relating to court reporting/recording services as shall be directed by the Court.

The office of the court reporters/recorders shall be included in the organizational structure of the Office of the Clerk of Court. *(See Appendix C for Organizational Chart.)*

### **Performance Appraisal**

In keeping with the human resources and performance appraisal policies for all Clerk's Office staff, all official court reporters and electronic court recorder operators are appointed on a one-year probationary basis. They shall receive an annual performance appraisal and other informal periodic appraisals as required.

In preparing the performance appraisals, the Court Reporter/Recorder Manager shall discuss the reporters' and recorders' work performance with the district judges to whom they are primarily assigned.

### **Dispute Resolution Procedures**

Official court reporters and electronic court recorder operators may resolve disputes through the Clerk's Office Grievance and Adverse Action procedures as well as the Equal Employment Opportunity Plan and Employment Dispute Resolution procedures.

### **Availability Of Court Reporters/Recorders**

Official court reporters/recorders shall promptly notify the Court Reporter/Recorder Manager when scheduled court matters are canceled and/or continued and they are available for temporary assignments.

## **SECTION IV**

### **Types of Court Reporters**

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

#### **1. Official Court Reporters**

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

#### **2. Temporary Reporters**

These are members of the authorized Court Reporter Panel who are employed, with the approval of the Director of the Administrative Office, for service not to exceed a specified period.

### **3. Contract Reporters**

These are members of the authorized Court Reporter Panel who serve the Court on an as-needed basis. They work on a daily contract basis and are paid from contract funds.

### **4. Substitute Reporters**

These are members of the authorized Court Reporter Panel who may be hired and paid by an official court reporter under prescribed conditions with the approval of the Court Reporter/Recorder Manager.

## **SECTION V Employment**

### **QUALIFICATION OF OFFICIAL REPORTERS**

In order to qualify for appointment as an official court reporter, applicants must meet the following minimum requirements:

- Applicants must have at least four years of court reporting experience on a freelance basis or while employed by a state or federal court, or a combination of such experience.
- Applicants must present a copy of a registered professional reporter certificate from the National Court Reporters Association (*formerly the National Shorthand Reporters Association*), or evidence of passing an equivalent qualifying examination.
- Applicants must possess realtime certification from the National Court Reporters Association (*formerly the National Shorthand Reporters Association*) or the United States Court Reporters Association, or equivalent examination certification approved by the Administrative Office of the United States Courts. Proof of realtime certification must be provided to the Court Reporter/Recorder Manager at the time of employment appointment.

### **EMPLOYMENT AND DISMISSAL OF OFFICIAL REPORTERS/RECORDERS**

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.

The Chief Judge, with the approval of the Executive Committee, shall appoint and dismiss official reporters and, in connection therewith, shall consider the recommendations of the Clerk of Court. Official reporters shall be appointed in accordance with the provisions of 28 U.S.C. § 753 and the qualifications established by the Judicial Conference of the United States. Only reporters, including official, contract, substitute and temporary reporters, who meet these qualifications shall be appointed.

Upon appointment as an official court reporter, the reporter shall be required to execute a certification form (*see Appendix E*) regarding his or her responsibilities pertaining to: (a) the retention of all official notes, audio recordings and/or computer disks; and (b) the 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 court reporter's official personnel file. Electronic court recorders are hired as deputy clerks by the Clerk of Court.

### **PROBATIONARY PERIOD**

Pursuant to Judicial Conference policy, all initial appointments of official court reporters shall be for a one-year probationary period. A court reporter or recorder dismissed during the one-year probationary period does not have the right to appeal the termination. Upon successful completion of the one-year probationary period, all official court reporters/recorders shall have employee rights as outlined in the Clerk's Office Employee Manual. Official reporters and recorders 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 Policy shall be subject to disciplinary action, including termination.

### **PRIMARY ASSIGNMENTS**

In accordance with Judicial Conference policy and Administrative Office guidelines, official court reporters and recorders serve the Court en banc; however, the Court Reporter/Recorder Manager, with the approval of the Clerk of Court, shall assign court reporters and recorders to active district judges as primary assignments.

It is the responsibility of the Court Reporter/Recorder Manager to ensure that, to the extent possible, each reporter and recorder works an equal number of hours in court. In making this assessment, the Court Reporter/Recorder Manager shall review various monthly statistics and transcript billing information. If a disparity in reporter or recorder workload exists, the Court Reporter/Recorder Manager may temporarily reassign a reporter or recorder for a specific period, with the concurrence of both judges. To the extent possible, any temporary assignment shall be made in such a manner as to permit a reporter or recorder to remain on a specific trial assignment until the matter is concluded.

Time spent on transcript production will generally not be considered by the Court Reporter/Recorder Manager when assigning individual reporters.

### **REQUEST FOR REASSIGNMENT**

Official court reporters and recorders who have completed successfully the one-year probationary period may request a change in their primary assignment. The requests for reassignment shall be in writing and shall be submitted to the Court Reporter/Recorder Manager, who shall present the matter to the Clerk of Court for consideration.

District judges may request a change in their primary court reporter or recorder assignment by sending a written request to the Clerk of Court.

All requests for a change in primary court reporter and recorder assignments shall be reviewed and determined by the Clerk of Court and approved by the Court Services Committee.

### **HOURS OF EMPLOYMENT**

Official court reporters and recorders are placed on a “regular tour of duty” with core working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, for a minimum of 40 hours per week. Court reporters and recorders are permitted to earn annual and sick leave pursuant to the Leave Act, 5 U.S.C. § 6301 et seq. Flex-core hours may be approved for individual court reporters and recorders by the Court Reporter/Recorder Manager, if it is justified by their primary assignments.

Official court reporters/recorders must remain in the courthouse and be accessible by telephone until the Court is adjourned for the day, unless prior arrangements have been made with the Court Reporter/Recorder Manager or appropriate coverage has been confirmed. If a court reporter/recorder needs coverage past regular core hours, those arrangements must be made before 1:30 p.m. of the same day. If an official court reporter/recorder works longer than his or her regular core hours, he or she is entitled to compensatory flex time, preferably taken within the same pay period.

All court reporters and recorders are required to work in their offices during the core working hours when not serving in court.

### **AUTHORIZED COURT REPORTER PANEL**

The Court Reporter/Recorder Manager shall maintain a panel of qualified court reporters who shall be used for contract court reporting by the Court and substitute court reporting by official reporters.

The qualifications for membership in the Court Reporter Panel shall be four (4) years of court reporting experience on a freelance basis or while employed by a state or federal court, or a combination of such experience. Each member of the Panel must possess a Registered Professional Reporter Certification from the National Court Reporters Association (formerly the National Shorthand Reporters Association), or must have passed an equivalent qualifying examination. In addition, all Court Reporter Panel members will be expected to be knowledgeable about and capable of computer-aided transcription (CAT) capability. The Court Reporter/Recorder Manager shall recruit and interview applicants for the Court Reporter Panel on an as-needed basis.

All members of the Court Reporter Panel shall comply with all applicable sections of this Plan, including but not limited to those concerning format, fees, billing and timely filing of transcripts.

### **USE OF SUBSTITUTE REPORTERS**

In the event it is determined that an official court reporter has overdue transcript(s), that reporter may elect or may be required by the Court Reporter/Recorder Manager to contract for and pay substitute reporter(s) until such time as the overdue transcripts have been prepared. The use of non-salaried substitute court reporters by official court reporters shall be strictly limited to members of the Court Reporter Panel.

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

The official reporter and substitute reporter shall enter into a written agreement outlining the official reporter's payment responsibility and the substitute reporter's transcript responsibility. The agreement shall inform the substitute reporter that all notes must be properly submitted to the Court Reporter/Recorder Manager before final payment is made. *(See Appendix F.)*

### **USE OF CONTRACT REPORTERS**

Pursuant to the policies of the Administrative Office and the Judicial Conference of the United States, contract reporters shall be utilized only when all official court reporters are occupied in court.

Contract court reporters may be utilized in place of official reporters on authorized leave pursuant to the Leave Act only when no official reporter is available to replace the reporter on such leave.

Contract court reporters shall not be paid by the Court when official reporters are relieved of their court-room duties to work on transcript backlogs. Costs associated with such substitute court reporting services shall be paid by the official reporter so relieved. *(Refer to Section V - Use of Substitute Reporters, page 8 of this Plan.)*

Travel by contract reporters within the district shall be limited to those occasions when no official reporter is available to travel to the location requiring reporting services.

The use and hiring of non-salaried contract reporters by the Court Reporter/Recorder Manager shall be limited strictly to members of the authorized Court Reporter Panel.

### **TRAVEL BY OFFICIAL REPORTERS**

Travel by official court reporters shall be minimized. Each Court location in this district has official court reporters assigned to serve its judicial officers as needed.

Out-of-district travel by official reporters shall not be authorized without the approval of the Chief Judge and Clerk of Court.

## **SECTION VI**

### **Leave Act Coverage for Official Reporters/Recorders**

Official reporters were placed under the Leave Act in January, 1984. All official reporters are permitted to earn annual and sick leave in accordance with the Leave Act, 5 U.S.C. § 6301 et seq. As deputy clerks, electronic court recorders are also covered under the Leave Act.

Leave records for official court reporters/recorders shall be maintained by the Human Resources Department of the Clerk's Office in the same manner as those for deputy clerks.

#### **ANNUAL LEAVE POLICY**

In accordance with the Clerk's Office Employee Manual, all requests for annual leave from official reporters and recorders must be approved by the Court Reporter/Recorder Manager. Prior to the authorization of extended leave, the Court Reporter/Recorder Manager shall consult with the judge to whom the court reporter/recorder is primarily assigned.

Court reporters and recorders are strongly encouraged to take annual leave when the judge to whom they are primarily assigned is not scheduled to be in court.

#### **SICK LEAVE POLICY**

In accordance with the policies and procedures of the Administrative Office and Judicial Conference of the United States, use of sick leave shall be strictly limited to illness or medical and dental appointments and treatments. In no event shall sick leave be used or authorized with the specific intent to work on transcript backlog.

In accordance with the Clerk's Office Employee Manual, all sick leave in excess of three days shall be verified by a note from a physician.

#### **POLICY REGARDING FREELANCE WORK**

Official court reporters subject to the Leave Act may not perform private (freelance) work during their employment with the Central District.

#### **POLICY REGARDING OUTSIDE EMPLOYMENT**

Employees who are actively engaged in or considering employment outside of the Clerk's Office must submit to the Clerk of Court a written request using the Request to Engage in Outside Employment form (HR-04), located on the Court's Intranet site. The Clerk of Court will approve or deny the request and return the form to the employee. The employee should not commence employment until the request has been approved.

Outside employment is permissible only insofar as it does not interfere in any way with the employee's ability to perform his or her job function as an employee of this office, does not create a conflict of interest, and would not pose possible embarrassment to this office or to the Court. Each request for approval of outside employment will be considered individually; however, no Clerk's Office employee may work for an attorney, bondsman, or process server due to a conflict of interest.

Corrective measures will be undertaken if the employee continues in or accepts outside employment which:

- A) Poses a conflict of interest with employment at this Court;
- B) Was not approved under the proper procedure as outlined above; or
- C) Has been previously denied.

Such violation may result in a request that the employee either terminate outside employment or resign from the Court. Failure to comply with this policy may result in the employee's immediate termination.

If an employee is in doubt as to whether a particular job would be inappropriate, he or she should consult with a Human Resources Manager.

## SECTION VII

### Transcripts

#### FORMAT COMPLIANCE

All official reporters and members of the authorized Court Reporter Panel shall comply with the Judicial Conference's transcript format requirements. (*Refer to Appendix H.*) The Court Reporter/Recorder Manager shall monitor appellate and non-appellate transcripts to ensure format compliance.

#### FILING OF ORIGINAL TRANSCRIPTS

The official reporter shall electronically file all original transcripts of official proceedings into CM/ECF within five days of delivery to the ordering party, along with electronically filing a Notice of Filing of Official/Redacted Transcript (G46). Under no circumstance are original transcripts to be retained by court reporters or delivered to an ordering party.

#### FEE SCHEDULE

No reporter or transcriber employed by the Court shall charge fees for transcripts which exceed the fees set forth in the authorized fee schedule of the Judicial Conference of the United States, as approved by Congress. (*See Appendix A for rates.*)

No reporter or transcriber employed by the Court shall charge fees for services not authorized by the Judicial Conference of the United States.

The Court Reporter/Recorder Manager shall post a copy of the approved fee schedule in a prominent location in each divisional office of the Court.

#### FEE REDUCTION

If appellate transcripts are not filed timely, the Ninth Circuit Court of Appeals may impose the mandatory fee reduction in accordance with Rule 11-1.1 of the Rules of the United States Court of Appeals for the Ninth Circuit. Such reduction of fees shall be credited to the ordering party by the official reporter.

The Court Reporter/Recorder Manager shall ensure that credits due to mandatory fee reductions are properly credited to the party ordering the appellate transcript, when necessary.

#### COPY REQUESTS

All requests for copies of transcripts must be presented to the court reporter within the first 90 days after the original transcript was electronically filed into CM/ECF.

Fees charged for copies of transcripts shall not exceed the copy fee rate authorized by the Judicial Conference of the United States as approved by Congress. (*See Appendix A for rates.*)

#### 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 reporter who habitually files transcripts in an untimely manner.

It is the expectation of the Court that all appellate and non-appellate transcripts are to be produced and filed in a timely manner. It shall be the responsibility of the Court Reporter/Recorder Manager to monitor and record the filing of transcripts to ensure timely completion and to notify promptly the Clerk of Court of any potential problems. The timely filing of transcripts shall be considered by the Court Reporter/Recorder Manager in the preparation of the annual performance appraisals. (*See Appendix D.*)

Court reporters are strongly encouraged to use scopists and other support staff as needed to prevent transcript backlog.

In the event an official court reporter receives an Order from the Ninth Circuit regarding delinquent transcripts (i.e., a default notice or remand order), the official court reporter must either hire a substitute court reporter or use annual leave until the transcripts are completed and delivered to the Court Reporter/

Recorder Manager for filing. If the official court reporter is unable to hire a substitute court reporter and does not have adequate annual leave, the official court reporter will be placed on leave-without-pay status until the transcripts have been delivered to the Court Reporter/Recorder Manager's office for filing.

The following steps will also be taken:

- 1) Upon the filing of the first default notice or remand order, the official court reporter will receive an oral warning.
- 2) Upon the filing of the second default notice or remand order, the official court reporter will receive a written warning that will be placed in his or her personnel file.
- 3) Upon the filing of the third default notice or remand order, the official court reporter will be put on three days suspension without pay.
- 4) Upon the filing of the fourth default notice or remand order, the official court reporter will be terminated.

In a situation where the Court Reporter/Recorder Manager becomes aware of multiple default notices or remand orders within a one-year period of time, the Court Reporter/Recorder Manager will meet with the official court reporter to discuss default notices or remand orders. If the reporter does not have any valid reasons for receiving numerous default notices or remand orders within a one-year period of time, the official court reporter may receive the oral warning, written warning and suspension all at the same time. If another default notice or remand order is subsequently filed, the official court reporter may be terminated. The Court Reporter/Recorder Manager is authorized to take any appropriate measures necessary to eliminate transcript backlog or transcript production delays.

### **ORDER FOR APPELLATE TRANSCRIPTS**

All requests for appellate transcripts must be electronically filed in CM/ECF, or submitted in writing to the Clerk's Office if the ordering party does not have a CM/ECF account, on the AO 435 form and the Transcript Designation and Ordering Form, and shall be forwarded promptly to the court reporter/recorder by the Court Reporter/Recorder Manager and/or the manager's staff.

The individual 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 reporter shall promptly advise the Court Reporter/Recorder Manager and the Ninth Circuit Court of Appeals, if necessary.

If a bad check is received as payment, the court reporter shall immediately stop transcript production and notify the Court Reporter/Recorder Manager and the Ninth Circuit Court of Appeals.

Appellate transcripts shall be filed within thirty days unless an extension for filing has been granted by the Ninth Circuit Court of Appeals. Requests for extensions shall be made by the court reporters and recorders, with a copy to the Court Reporter/Recorder Manager, or by the Court Reporter/Recorder Manager on behalf of the court reporters and recorders.

The Court Reporter/Recorder Manager shall monitor the timely completion of all appellate transcripts and notify promptly the Clerk of Court of any potential problems.

### **ORDER FOR NON-APPELLATE TRANSCRIPTS**

Orders for non-appellate transcripts shall be electronically filed in CM/ECF, or submitted in writing to the Clerk's Office if the ordering party does not have a CM/ECF account, using the AO 435 form. The Court Reporter/Recorder Manager will monitor the request and ensure that the correct court reporter or recorder receives the request. The ordering party shall make all necessary financial arrangements with the appropriate court reporter/recorder.

When necessary, the Court Reporter/Recorder Manager shall act as a liaison to facilitate the timely ordering and production of non-appellate transcripts.

## **CJA TRANSCRIPT ORDERS**

All transcripts produced under the terms of the Criminal Justice Act (CJA) shall be billed on form CJA 24. The CJA 24 form must be signed by the assigned judicial officer prior to transcript production for any request other than those in a direct appeal.

In accordance with Judicial Conference policy, the routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.

- A) In multi-defendant cases involving CJA defendants, no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants. CJA multi-defendant transcript orders may be requested in electronic format to simplify making multiple copies, or one of the CJA 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 include a court reporter furnishing duplication services at the commercially competitive rate.
- B) This policy also applies where more than one transcript is ordered on behalf of a single party under the CJA. An example would be where a party under the CJA orders both an electronic media copy and a paper copy.

In all CJA multi-defendant cases, the CJA defendant who first orders the transcripts shall pay the original page rate and all other CJA defendants shall pay the commercially competitive copy rate. The commercially competitive rate shall be determined by the Clerk of Court and approved by the Court Services Committee.

## **CANCELLATION OF TRANSCRIPT ORDERS**

The reporter shall immediately stop producing transcripts if advised of a cancellation. Any deposit received shall be refunded, excluding pages produced prior to the cancellation notice.

The reporter shall promptly notify the Court Reporter/Recorder Manager of any cancellation notice.

## **EXPEDITED TRANSCRIPTS**

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

## **HOURLY TRANSCRIPTS**

In the event an hourly transcript for a trial is ordered, the Daily Transcript Procedures as outlined below shall be followed.

## **DAILY TRANSCRIPTS**

Production of daily transcripts shall not be subsidized by the Court. Official court reporters may share the responsibility to produce daily transcripts with other official court reporters with the approval of the Court Reporter/Recorder Manager. Official court reporters shall not charge any party any fees in excess of or in addition to those authorized by the Judicial Conference.

If the official court reporters producing the daily transcripts choose not to hire a substitute reporter or no substitute reporter is available for hire, and this information is verified by the Court Reporter/Recorder Manager, they may produce the daily transcript without hiring a substitute reporter. The official court reporter not in session shall be fully available for assignment to any court, as needed. Refusal by the official court reporter of any assignment will result in the immediate and permanent preclusion of that reporter's ability to share the responsibility to produce daily transcripts without hiring a substitute reporter, as well as possible discipline for insubordination.

Official court reporters are encouraged to work as a team and provide each other with assistance when daily transcripts are requested by a party.

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

The Court Reporter/Recorder Manager shall maintain a list of all official reporters who wish to work on daily transcripts. This list shall be used for assigning daily transcripts. Adjustments to the list shall not be made if the matter does not proceed; however, adjustments shall be made if a daily transcript covering one day is produced and the matter is settled or continued.

### **Requests For Daily Transcripts**

Official court reporters who agree to participate in trials/hearings that potentially may require the preparation of daily transcripts are placed on a daily list.

Written requests for daily transcripts of trials shall be made to the Court Reporter/Recorder Manager with as much notice as possible in advance of the proceeding. Court reporters shall not proceed with producing a daily transcript without the prior approval of the Court Reporter/Recorder Manager. Failure to report a daily transcript to the Court Reporter/Recorder Manager shall subject the reporter to temporary removal from the daily list used to assign daily transcripts.

### **Primary Reporter**

When a request for a daily transcript is received, it shall be assigned to the reporter primarily assigned to the judicial officer hearing the matter unless it is determined that the court reporter has appellate transcripts pending that would be unduly delayed. If the official reporter primarily assigned to that judicial officer is assigned the daily transcript, his or her name shall be placed at the bottom of the daily list used to assign daily transcripts after one day of transcripts is produced.

### **Primary Reporter Ineligible**

If the official reporter primarily assigned to the judicial officer hearing the matter is ineligible for the assignment due to pending appellate transcripts, the official reporter whose name is at the top of the daily list shall be assigned the daily transcript. His or her name shall be placed at the bottom of the daily list after one day of transcripts is produced.

### **Primary Reporter Declines**

If the official reporter primarily assigned to the judicial officer hearing the matter declines to accept the daily transcript, his or her name shall be moved to the bottom of the daily list and the official reporter whose name is at the top of the daily list shall be assigned the daily transcript. After one day of transcript production, his or her name shall be placed at the bottom of the daily list.

### **Primary Reporter on Leave**

If the official reporter primarily assigned to the judicial officer hearing the matter is absent due to pre-approved vacation or long-term illness (5 days or more), his or her name shall not be placed at the bottom of the daily list and the official reporter whose name is at the top of the daily list shall be assigned the daily transcript. After one day of transcript production, his or her name shall be placed at the bottom of the daily list.

### **No Assigned Primary Court Reporter**

When a request for a daily transcript is received for a matter pending before a judicial officer for whom no primary court reporter is assigned, the official reporter whose name is at the top of the daily list shall be assigned the daily transcript. After one day of transcript production, his or her name shall be placed at the bottom of the daily list.

### **Unexpected Request While Trial In Progress**

When a request for a daily transcript is unexpectedly received for a trial that is in progress, it shall be assigned to the reporter currently covering the trial. His or her name shall be placed at the bottom of the daily list after one day of transcripts is produced.

### **Selection of Co-Reporter and Dual Responsibilities**

The official reporter assigned to produce the daily transcript shall select, as a co-reporter, an official reporter who is an employee of the Court. The selection of the co-reporter shall be subject to the approval of the Court Reporter/Recorder Manager, who shall ensure that the co-reporter does not have transcripts pending that would be unduly delayed by the assignment. After one day of daily transcript production, the name of the co-reporter shall be placed at the bottom of the daily list used to assign daily transcripts. The primary reporter shall ensure that all transcripts prepared by the co-reporter comply with the Federal Rules of Appellate Procedure, including those regarding the assignment of volume numbers.

If one billing is submitted to the ordering party, the primary reporter assigned to the daily transcript shall pay the co-reporter for work done when the weekly Statement of Account is presented to the parties, except for government and CJA transcripts. If the primary reporter does not pay the co-reporter within five (5) days after the conclusion of the proceeding transcribed, he or she shall be subject to temporary removal from the daily list used to assign daily transcripts.

The primary reporter and co-reporter are strongly encouraged to develop a written agreement outlining the primary reporter's payment responsibility and the co-reporter's transcript responsibility.

The decision to remove or suspend a reporter from the daily list shall be made by the Court Reporter/Recorder Manager and the Clerk of Court and approved by the Court Services Committee.

### **BILLING**

All transcript orders shall be billed for in writing by the official reporters. A copy of each invoice shall be provided to the Court Reporter/Recorder Manager when the original transcript is submitted for electronic filing.

### **DEPOSITS**

Official court reporters may request from the ordering party a deposit of up to 80 percent of the fee for a transcript with 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.

The Court Reporter/Recorder Manager shall ensure that reimbursements are properly credited to the ordering party.

### **REQUESTS BY JUDICIAL OFFICERS OR TRANSCRIPTS REQUIRED BY STATUTE**

Official reporters shall not charge fees to any party or the government for transcript(s) ordered by and provided to a district or magistrate judge. In accordance with Administration Office policy, transcripts ordered by a district or magistrate judge for proceedings that were recorded by an ECRO and that are furnished by a contracted transcription company shall be paid for from the Court's appropriations.

In accordance with 28 U.S.C. § 753, all court reporters are required to transcribe, certify and file with the Clerk all arraignments, pleas and proceedings in connection with the imposition of sentences (APS hearings) in criminal cases without additional compensation. Such transcripts shall be filed with the Clerk within thirty (30) days of the conclusion of the proceeding. In lieu of filing transcripts for arraignments, pleas and proceedings in connection with the imposition of sentence in criminal cases, court reporters are permitted to electronically record these proceedings. These recordings shall be electronically filed into CM/ECF in MP3 format within thirty (30) days of the conclusion of the proceeding.

### **OVERCHARGING**

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

Contract and substitute reporters found to be overcharging by using a non-conforming transcript format may be subject to permanent removal from the authorized Court Reporter Panel.

### **PRIORITY OF TRANSCRIPT PRODUCTION**

Appellate transcripts shall be produced before non-appellate transcripts in chronological order according to the date they are due to the Ninth Circuit.

Preparation of criminal transcripts shall take precedence over the preparation of civil transcripts. Unless otherwise ordered by the Court or Court Reporter/Recorder Manager, civil transcripts shall be prepared in chronological order according to the date of the request.

### **TRANSCRIPT BACKLOG**

The Court Reporter/Recorder Manager is authorized to take any measures necessary to reduce or eliminate transcript backlogs or production delays. Such steps may include but are not limited to the following:

- Reassigning or rotating the official reporter or recorder on a temporary basis;
- Requiring the official reporter to hire and pay substitute reporter(s);
- Placing the official reporter on leave-without-pay status until the transcripts have been filed; and
- Initiating progressive discipline, if necessary.

## **SECTION VIII**

### **Records Maintenance**

#### **MAINTENANCE AND STORAGE OF ELECTRONIC STENOGRAPHIC NOTES**

All stenographic notes are the property of the Court and must be timely uploaded to the Court's server or otherwise stored in compliance with regulations of the Judicial Conference of the United States and the Clerk's Office. (See *Appendix I(a) - Uploading Court Reporter Notes-Instructions.*)

#### **MAINTENANCE AND STORAGE OF PAPER NOTES**

The work of all court reporters shall be legible so that the notes of any court reporter can be read by another reporter, if necessary. For example, stacking, light ink, bleeding and two-sided notes are not permitted. The mailing, filing and storing of all notes, tapes and/or computer disks shall be in accordance with the note storage procedures outlined in this Plan. (See *Appendix I.*) The stenographic/shorthand notes prepared by the court reporters shall be retained by the office of the Clerk of Court in accordance with 28 U.S.C. § 753(b).

The Clerk shall maintain all original stenographic/shorthand notes and/or computer disks for two years, after which time they shall be sent to the Federal Records Center for storage and disposition.

The stenographic/shorthand notes and/or computer disks of official reporters shall be delivered to the Court Reporter/Recorder Manager, as necessary for storage, in accordance with the Procedures for Maintenance and Storage of Electronic Stenographic Notes. *(See Appendix I and I(a).)*

The stenographic/shorthand notes and/or computer disks of substitute and contract reporters shall be delivered to the Court Reporter/Recorder Manager at the conclusion of the proceeding. Substitute or contract reporters shall not be paid if the original stenographic/shorthand notes and/or computer disks have not been given to the Court Reporter/Recorder Manager.

### **MAINTENANCE OF AUDIO RECORDINGS, ECRO TAPES AND LOGS**

Electronic audio recordings and tapes shall be retained by the office of the Clerk of Court in accordance with 28 U.S.C. § 753(b). All original audio recordings, tapes and logs shall be maintained for two years by the Clerk after which time they shall be sent to the Federal Records Center for storage and disposition.

All original ECRO tapes and logs shall be given to the Court Reporter/Recorder Manager within six months after the conclusion of the proceeding.

## **SECTION IX**

### **Mandatory Reports**

#### **ATTENDANCE AND TRANSCRIPT REPORT (AO 40A)**

Each quarter, all official court reporters shall prepare and file through the Automated Court Reporter Application (ACRA) the report of Attendance and Transcripts of United States Court Reporters (AO 40A), which shall be reviewed and signed by the Court Reporter/Recorder Manager. The report for each calendar quarter shall be submitted to the Court Reporting Section, Administrative Office of the United States Courts, Washington, D.C. 20544, so that it is received within twenty (20) days after the end of the quarter. A copy of this report shall be retained by the Court Reporter/Recorder Manager.

#### **STATEMENT OF EARNINGS REPORT (AO 40B)**

Each official reporter shall prepare and file through ACRA the annual Statement of Earnings of United States Court Reporters (AO 40B), which shall be reviewed and signed by the Court Reporter/Recorder Manager. A report shall be required of all present and former official court reporters who were employed by the Court during the preceding year, without regard to length of service, including full- or part-time employees and those hired on a limited time basis. A report is not required of court reporters who are members of the authorized Court Reporter Panel and who served the Court on an as-needed basis by daily contract. The report shall be submitted to the Court Reporter/Recorder Manager no later than April 5th of each year. A copy of this report shall be retained by the Court Reporter/Recorder Manager.

Reports must be submitted through ACRA as prescribed by the Director of the Administrative Office of the United States Courts. Reports must be submitted to the Court Reporter/Recorder Manager, assigned as the designee by the Clerk of Court, in a timely manner as prescribed by the Judicial Conference of the United States. Should an official reporter fail to submit a report within 15 days after the date prescribed by the Judicial Conference of the United States, the Court Reporter/Recorder Manager will notify the Clerk of Court of the reporter's failure to comply with the reporting requirements of the Court. If the report is not submitted within 30 days after the date prescribed by the Judicial Conference of the United States, the Court Reporter/Recorder Manager may recommend to the Clerk of Court that progressive discipline be taken, including suspension of the official reporter's salary, until such time as the delinquent report is received.

## **RECORDS TO BE MAINTAINED BY COURT REPORTERS**

In order to permit the routine audit and inspection of records, official reporters shall 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 of the United States or forms similar thereto, and shall include but are not limited to the following:

- AO 37 – Expense Ledger
- AO 38 – Attendance Ledger
- AO 39 – Transcript Order/Collections Ledger
- AO 44 – Invoice

## **SECTION X**

### **Reporter Services to U.S. Magistrate Judges**

Regular proceedings before a United States Magistrate Judge shall be recorded by the courtroom deputy clerk utilizing sound recording equipment. Trials, evidentiary hearings and other specific matters that require a transcript shall be recorded by an official court reporter or ECRO, depending on availability.

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# APPENDICES

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## APPENDIX A

### Transcript Fee Rates - Approved by the Judicial Conference 2003

	Original	1st Copy to Each Party	Each Additional Copy to Same Party
Ordinary Rate	4.38	.90	.60
14-Day Transcript	5.10	.90	.60
Expedited Rate	5.82	.90	.60
Daily Rate	7.26	1.20	.90
Hourly Rate	8.70	1.20	.90
Realtime Rate	1 feed 3.66	2—4 feeds 2.10 per feed	5 or more feeds 1.50 per feed

The above rates are applicable to each page of transcript, excluding the certification page which must be at the end of each volume of transcript.

Transcripts sold via any electronic media are at the same maximum rates authorized for paper transcripts, as long as a certified copy is produced and electronically filed with the Clerk's Office.

NOTE: For multi-defendant criminal cases involving CJA defendants, please refer to Section VII, page 12 of the Plan.

#### DEFINITIONS

**Ordinary:** Transcript to be delivered within 30 days

**14-Day Transcript:** Transcript to be delivered within 14 calendar days after receipt of an order.

**Expedited:** Transcript to be delivered within 7 calendar days after receipt of an order.

**Daily:** Transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it is an actual court day.

**Hourly:** Transcript of proceedings ordered under usual circumstances to be delivered within 2 hours.

**Realtime:** A draft, un-edited transcript produced by a certified realtime reporter as a by product of realtime to be delivered electronically during proceedings or immediately following adjournment.

#### COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcript delivery dates are computed from:

- The date on which satisfactory financial arrangement is made, except for transcripts to be paid for by the United States or free copies ordered by the court;
- The date on which the appropriate Transcript Order or CJA 24 form, approved by the judge, is received by the reporter or recorder when the transcript is to be paid for by the United States;
- The date on which the court order is provided to the reporter or transcriber when a transcript has been ordered by a judicial officer.

#### COPY FEE RATE

Approved by the Judicial Conference January, 1995

For reproducing original transcripts: .50 cents per page.

## APPENDIX B

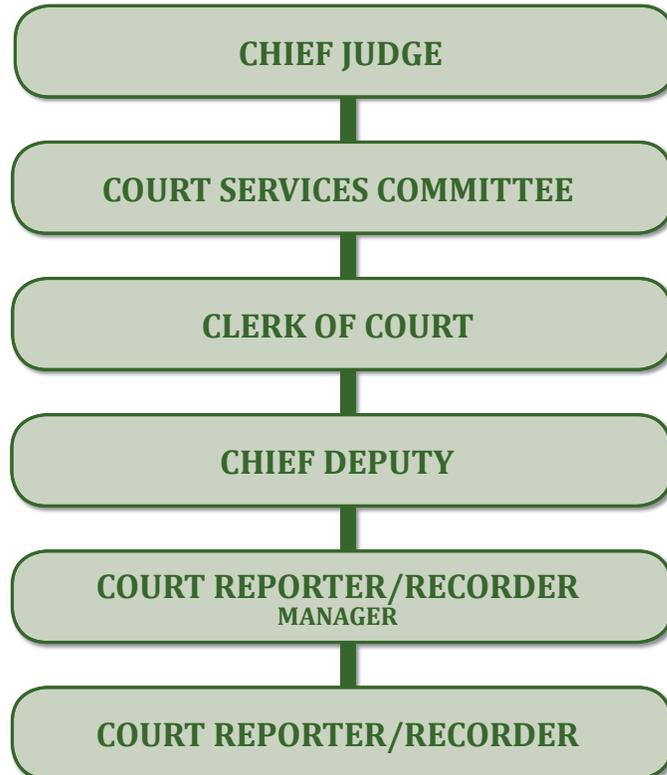
### Information Required to be Included on All Billings

1. Name of client
2. Criminal or civil case
3. Date ordered
4. Date delivered
5. In the matter of
6. Number of pages
7. Number of copies
8. Type of delivery schedule
9. Deposit collected
10. Discount
11. Refunds
12. Total due
13. Certification of reporter or transcription firm of compliance with fee and transcript format prescribed by the Judicial Conference.

Form AO 44, Invoice, is available (free of charge) from the Administrative Office of the United States Courts for use by court reporters.

## APPENDIX C

### Organizational Structure for Court Reporters/Recorders





<b>Performance Elements:</b>
<b>Job Knowledge and Skill</b> Employee demonstrates knowledge and skill competencies consistent with training received and experience gained in performing duties and responsibilities of this position.
<b>Judgment and Decision Making</b> Employee accurately defines issues which exist or may result from actions; considers available choices; and, evaluates and resolves matters in a positive way.
<b>Acceptance of Responsibility</b> Employee accepts responsibility for accomplishing all performance elements of this position in a professional manner; willingly accepts consequences of errors; and, takes corrective action, when appropriate, in a timely manner.
<b>Quality of Work</b> Employee consistently accomplishes all performance elements of this position at the standard of quality expected.
<b>Promptness in Completing Assignments</b> Employee consistently accomplishes all performance elements of this position within the time frames expected.
<b>Training</b> Employee has satisfied mandatory training requirements. (Employee's HR training summary shall be verified with employee and attached to Performance Appraisal.)
<b>Customer Service</b> Employee demonstrates helpfulness, flexibility, responsiveness, timeliness, and consistent follow-up concerning all persons with whom employee interacts.
<b>Work Ethics</b> Employee willingly complies with Clerk's Office policies, procedures and practices; exhibits positive attitude and conduct; supports teamwork; and, is deserving of trust and confidence by others.
<b>Communication Skills: Oral</b> Employee speaks effectively and accurately; communicates thoughts with clarity, conciseness, and tact when interacting with customers, co-workers, and management.
<b>Communication Skills: Written</b> Employee writes effectively and accurately; communicates thoughts with clarity, conciseness, and tact when writing to customers, co-workers, and management.

<b>Goals:</b>
<b>Status of Previous Year's Goals:</b>
<b>Work Goals for the Next Rating Period:</b>
<b>How Management Will Help Employees Achieve Goals:</b>
<b>Comments:</b>
<b>Manager Comments: (Optional)</b>
<b>Employee Comments: (Optional)</b>

I have discussed this appraisal with my Supervisor/Manager. My signature indicates that I have been advised of my performance; it does not necessarily imply that I agree with all aspects of the appraisal.

Meets Expectations
  Does Not Meet Expectations

**Employee Acknowledgment:**

Employee Signature	Date
Supervisor Signature	Manager Signature
Chief Deputy Signature	District Court Executive/Clerk of Court Signature <b>(For Direct Reports Only)</b>
	Date

Distribution: Human Resources (For employee official personnel file), Copy to Employee; Supervisor/Manager

**APPENDIX E**

**Certification of Court Reporter**

**CERTIFICATION OF COURT REPORTER**

NAME \_\_\_\_\_ DATE OF HIRING \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

The following certification is made to the Clerk of Court upon my hiring:

1. I understand that I am being hired by and will serve the judges of the United States District Court, Central District Of California, en banc, although I may have a primary assignment to one judge.
2. I understand that I will serve a probationary period of one (1) year from the first day of my employment with the Court.
3. I will be responsible for preparing or having prepared, in a timely manner, any transcript of proceeding in which I was the reporter during my employment with the District Court and after my separation.
4. All of my stenographic/shorthand notes and/or computer disks or tape recordings will be properly marked and submitted to the Clerk of Court in accordance with the Court Reporter Management Plan.
5. I will immediately inform the Court Reporter/Recorder Manager and Personnel Department of any change in my address or telephone numbers in order to facilitate the preparation of transcripts.
6. I understand that it is my responsibility to read the Court Reporter Management Plan and Court Reporter Manual. I further understand that it is my responsibility to bring any questions or concerns that I may have to the attention of the Court Reporter/Recorder Manager for clarification.

\_\_\_\_\_  
Court Reporter's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court Reporter/Recorder Manager's Signature

\_\_\_\_\_  
Date

**APPENDIX F**

**Request for Substitute Court Reporter and Agreement Thereon**

**UNITED STATES DISTRICT COURT  
Central District of California  
REQUEST FOR SUBSTITUTE COURT REPORTER  
AND AGREEMENT THEREON**

Official Court Reporter \_\_\_\_\_, hereby  
requests to hire substitute Court Reporter \_\_\_\_\_,  
who is a member of the authorized Court Reporter Panel.

This coverage is for the period \_\_\_\_\_ through \_\_\_\_\_.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Official Court Reporter

Coverage is:  Approved

Denied

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Court Reporter/Recorder Manager

I accept this assignment and agree to turn in my steno notes to the Court Reporter/Recorder Manager for the above-stated period of time. I understand that I will not be paid by the Official Court Reporter until I have turned in my steno notes to the Court Reporter/Recorder Manager or the Assistant Court Reporter/Recorder Manager.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Substitute Court Reporter

**APPENDIX G**  
**Sample Statement of Account**

WEEKLY SUMMARY OF DAILY COPY \_\_\_\_\_ WEEK OF: \_\_\_\_\_

DATE	VOL.	PAGES	REPORTER 1	REPORTER 2	REPORTER 3	REPORTER 4	DETAIL	TOTAL

BILLING:	FIRM	AMOUNT	REPORTER 1	REPORTER 2	REPORTER 3	REPORTER 4	DETAIL
	FIRM 1	_____	_____	_____	_____	_____	_____
	FIRM 2	_____	_____	_____	_____	_____	_____
	FIRM 3	_____	_____	_____	_____	_____	_____
	FIRM 4	_____	_____	_____	_____	_____	_____
	FIRM 5	_____	_____	_____	_____	_____	_____

WEEKLY SUMMARY OF DAILY LOG

CASE: \_\_\_\_\_ WEEK OF: \_\_\_\_\_

DATE	VOL.	PAGES									TOTAL

## **APPENDIX H**

### **Judicial Conference Transcript Format Requirements**

#### **Guide to Judiciary Policy**

Vol 6: Court Reporting

§ 520 Transcript Format

- § 520.10 Introduction
- § 520.13 Judicial Conference Policy
- § 520.16 Compressed Transcript
- § 520.20 Realtime Unedited Transcript
- § 520.23 Paper
- § 520.26 Ink Color
- § 520.30 Preprinted Marginal Lines
- § 520.33 Line Numbers
- § 520.36 Typing
- § 520.40 Content
- § 520.43 Title Page
- § 520.46 Indexes
- § 520.50 Numbering
- § 520.53 Cover
- § 520.56 Punched Holes
- § 520.60 Fastener
- § 520.63 Certification
- § 520.66 Copies
- § 520.70 Redaction

## § 520 Transcript Format

### § 520.10 Introduction

The Judicial Conference prescribed the transcript format in 1944 to assure that each party is treated equally throughout the country. Although the Conference has made some adjustments from time to time, the format has remained substantially the same. It is essential that the format requirements be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference. The per-page transcript rates are based on strict adherence to the prescribed format. The format standards incorporate government standards for archival materials and assure that all transcript produced in federal courts is produced on the same basis.

### § 520.13 Judicial Conference Policy

- (a) Transcripts may be sold in computer diskette [electronic media] form in ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.

Each page of transcript sold on diskette must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and electronic media may not contain any protection or programming codes that would prevent copying or transferring the data." [JCUS-SEP 91](#), p. 65.

- (b) To conform to available technology, the Judicial Resources Committee recommended, and the Judicial Conference approved, an amendment to the transcript format guidelines to delete the requirement that words be hyphenated at the end of a line of transcript text. [JCUS-MAR 95](#), p. 22.



- (c) On recommendation of the Committee on Judicial Resources, the Conference modified the transcript format guidelines to provide an exception to the requirement that each page of transcript contain 25 lines of text. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions in jury trials when the transcript is produced under the daily or hourly delivery schedule and the exception is approved by the presiding judicial officer. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review. [JCUS-MAR 96](#), p. 26.

### **§ 520.16 Compressed Transcript**

As with electronic media, court reporters and transcribers who have the capability may sell compressed transcripts on a per page basis. However, there is no requirement to provide such service.

### **§ 520.20 Realtime Unedited Transcript**

Realtime unedited transcript sold on any electronic media 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 proceedings. Electronic media may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format 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 transcript stating, "Realtime Unedited Transcript Only."
- (b) The realtime unedited transcript should not include an appearance page, an index, or a certification.
- (c) The electronic media 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."

### **§ 520.23 Paper**

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is



produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription companies.

(a) Size

Paper size is to be 8-1/2 X 11 inches

(b) Weight

The weight of paper is to be at least 13 pounds for both originals and copies.

(c) Type

The paper type for both originals and copies is to be of chemical wood or better quality.

(d) Color

White paper is to be used for both originals and copies.

**§ 520.26 Ink Color**

Black ink is to be used for both originals and copies.

**§ 520.30 Preprinted Marginal Lines**

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

**§ 520.33 Line Numbers**

Each page of transcription is to bear numbers indicating each line of transcription on the page.

**§ 520.36 Typing**

**§ 520.36.10 Type Size**

The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)



### **§ 520.36.15 Number of Lines Per Page**

(a) Line of Text Per Page Requirement

Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

(b) Exception

An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript that includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

### **§ 520.36.20 Margins**

Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

### **§ 520.36.25 Spacing**

Lines of transcript text are to be double spaced.

### **§ 520.36.30 Upper and Lower Case**

Upper and lower case is preferred, but all upper case may be used.

### **§ 520.36.35 Indentations**

(a) Q and A

- (1) All "Q" and "A" designations shall begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. **See:** [Appx 5A \(Sample Transcript\)](#).



(2) Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read from a deposition should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

(b) Colloquy

Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

(c) Quotations

Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

#### **§ 520.36.40 Interruptions of Speech and Simultaneous Discussions**

Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. **See:** [Appx 5A \(Sample Transcript\)](#).

#### **§ 520.36.45 Punctuation and Spelling**

Punctuation and spelling shall be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it should be followed by a question mark. **See:** [Appx 5A \(Sample Transcript\)](#).

#### **§ 520.36.50 Page Heading (Also Known as “Headers”)**

A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading should be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings shall appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. **See:** [Appx 5A \(Sample Transcript\)](#).



### § 520.36.55 Parenthetical Notations

Parenthetical notations are generally marked by parentheses; however, brackets may be used. Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for:

- customary introductory statements such as call to order of court or swearing in a witness, and
- indicating non-verbal behavior, pauses, and readback/playback.

For types of parenthetical notations, **see:** [§ 520.40.20\(a\)](#). **See also:** [Appx 5A \(Sample Transcript\)](#).

### § 520.36.60 Legibility

The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

### § 520.40 Content

#### § 520.40.10 Verbal

Except as noted below, the transcript shall contain all words and other verbal expressions uttered during the course of the proceeding.

(a) Striking of Portions of the Proceeding

No portion of the proceeding shall be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

(b) Editing of Speech

(1) The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. **See:** [Appx 5A \(Sample Transcript\)](#).

(2) In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in



transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

(c) Reporting of Audio/Video Recordings

Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

(d) Private Communications and Off the Record Conversations

Private communications and off the record conversations inadvertently recorded should not be included in the transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

(e) Call to Order, Swearing in, or Affirmation of Witnesses or Jurors

- (1) Standard summary phrases shall be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.
- (2) These should appear in parentheses and begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- (3) The following phrases can be employed:
  - (Call to Order of the Court),
  - (The Jury Is Sworn),
  - (The Witness Is Sworn), and
  - (The Witness Is Affirmed).

(f) Identification of Speaker

- (1) All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:



(2) Proper Transcript:

<b>Speaker</b>	<b>Identification</b>
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS. + (last name)
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

**See:** [Appx 5A \(Sample Transcript\)](#).

(g) Testimony Through Interpreter

When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical "(in English)" is inserted. **See:** [Appx 5A \(Sample Transcript\)](#).

**§ 520.40.20 Nonverbal**

(a) Designation of Portions of Proceedings and Time of Occurrence  
(Parenthetical Notations)

Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day  
and Any Future Date Indicated where Appropriate



Examples:

- (Recess at 11:30 a.m.)
- (Recess at 12:30 p.m., until 1:30 p.m.)
- (Proceedings concluded at 5 p.m.)

**See:** [Appx 5A \(Sample Transcript\)](#).

(2) Jury In/Out

Examples:

- (Jury out at 10:35 a.m.)
- (Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred:

- in the presence of the jury,
- out of the presence of the jury,
- out of the hearing of the jury,
- prior to the jury entering the courtroom, or
- after the jury left the courtroom.

(3) Defendant Present/Not Present

In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences

This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

Examples:

- (Bench conference on the record)
- (Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)
- (At side bar on the record)



- (At side bar)
- (End of discussion at side bar)

**See:** [Appx 5A \(Sample Transcript\)](#).

(5) Discussions off the Record

This designation should note where the discussion took place.

(6) Chambers Conferences

This designation should note the presence or absence of parties in chambers.

Examples:

- (Discussion off the record in chambers with defendant not present)
- (Discussion on the record in chambers with defendant present)

(b) Speaker/Event Identification

References to speakers and events that occur throughout proceedings should be properly noted in capital letters and centered on the appropriate line.

Examples:

- AFTER RECESS
- DIRECT EXAMINATION
- CROSS EXAMINATION
- REDIRECT EXAMINATION
- RECROSS EXAMINATION
- FURTHER REDIRECT EXAMINATION
- PLAINTIFF'S EVIDENCE
- PLAINTIFF RESTS
- DEFENDANT'S EVIDENCE
- DEFENDANT RESTS
- PLAINTIFF'S EVIDENCE IN REBUTTAL

**See:** [Appx 5A \(Sample Transcript\)](#).



(c) Nonverbal Behavior, Pauses

It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (i.e., physical gestures, and lengthy pauses on the part of a witness.) If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

- (Nods head up and down)
- (Shakes head from side to side)
- (Indicating)

**See:** [Appx 5A \(Sample Transcript\)](#).

(d) Readback/Playback

All readbacks and/or playbacks, and the party requesting should be noted parenthetically as follows:

- (1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical should be used:

(The last question and/or answer was read/played back)

**See:** [Appx 5A \(Sample Transcript\)](#).

- (2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

(e) Indiscernible or Inaudible Speech on Electronic Sound Recording

- (1) Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."



- (2) Every effort must be made to produce a complete transcript. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

## **§ 520.43 Title Page**

### **§ 520.43.10 Contents**

- (a) Each transcript is to include a title page indicating:
  - (1) court name;
  - (2) district;
  - (3) case name;
  - (4) civil or criminal docket case number;
  - (5) name and title of judge or other judicial officer presiding;
  - (6) type of proceeding;
  - (7) date and time of proceeding;
  - (8) volume number (if multi-volume);
  - (9) name and address of each attorney and name of party represented;
  - (10) whether a jury was present;
  - (11) if steno based, court reporter's name, address, and telephone number;
  - (12) if electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company;
  - (13) method by which the proceedings were recorded, and
  - (14) method by which the transcript was produced.



Examples of this statement are

- Proceedings recorded by mechanical stenography, transcript produced by notereading.
- Proceedings recorded by mechanical stenography, transcript produced by computer.
- Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- Proceedings recorded by electronic sound recording, transcript produced by transcription service.

#### **§ 520.43.20 Record of Appearance**

Beginning on the title page, the court reporter is to include the complete record of appearances.

#### **§ 520.43.30 Cost**

The court reporter may charge for the title page as a full page of transcript.

#### **§ 520.46 Indexes**

Each volume is to contain an index that is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

#### **§ 520.46.10 Requirement**

- (a) The index shall indicate the pages at which each of the following begins:
  - direct examination,
  - cross-examination,
  - redirect examination,
  - recross-examination,
  - further redirect examination, and
  - recall of each witness.
- (b) The index shall also indicate on behalf of whom the witness or witnesses were called, such as:
  - PLAINTIFF'S WITNESSES,



- WITNESSES FOR THE GOVERNMENT,
  - DEFENDANT'S WITNESSES, or
  - WITNESSES FOR THE DEFENSE
- (c) A separate table in the index should indicate the page at which any exhibit was marked for identification and received in evidence.

### **§ 520.46.20 Master Index for Longer Transcripts**

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index set forth in its own separate volume, consisting of a compilation of all of the individual indexes. **See:** [Appx 5A \(Sample Transcript\)](#).

### **§ 520.46.30 Keyword Indexing Service**

No charge is permitted additional to the normal page rates for keyword indexing services. No additional charge is permitted for the cost of the diskette itself.

### **§ 520.50 Numbering**

#### **§ 520.50.10 Pages**

- (a) The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved.
- (b) The court reporter shall place the page number at the top right corner of the page flush with the right margin above the first line of transcription.
- (c) The page number does not count as a line of transcript.
- (d) The pagination of the transcript of the further proceedings in the same matter shall follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

#### **§ 520.50.20 Multi-Volumes Transcripts**

Multi-volume transcripts should be numbered in either of the following ways:

- (a) Each volume of transcript should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page I. Using



this method, page numbers will begin with a volume number followed by the page number.

Examples:

- 1-14 (Volume 1, page 14)
- 2-54 (Volume 2, page 54)

- (b) If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples:

- 56 (Volume 1, page 56)
- 521 (Volume 3, page 521)

**See:** [Appx 5A \(Sample Transcript\)](#).

### **§ 520.53 Cover**

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

### **§ 520.56 Punched Holes**

If the court reporter punches transcript with three holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

### **§ 520.60 Fastener**

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

### **§ 520.63 Certification**

#### **§ 520.63.10 Requirement**

- (a) The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page.
- (b) The certification is to appear on the last page of each volume of transcript. If more than one court reporter or transcriber is involved in the production



of the transcript being certified, then the certifications of each court reporter or transcriber involved shall be required at the end of each volume. **(Note:** The contents of the title page should not be repeated as part of the certification.)

- (c) A rubber stamp with the certifications in the paragraphs below may be used to save time and space.

**§ 520.63.20 Reporter’s Charge for Certification**

If the reporter places the certification on a separate page from any transcript text, then they may NOT charge for the certification page. If the court reporter includes the certification on the last page of a transcript that contains actual transcript text, the reporter can charge for that page of text.

**§ 520.63.30 Certification Examples**

- (a) Stenography/Stenomask

“I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.”

\_\_\_\_\_  
Signature of Court Reporter/Transcriber Date

\_\_\_\_\_  
Typed or Printed Name

- (b) Transcriber’s Certification for Another’s Notes.

“I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the court name, of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.”



\_\_\_\_\_  
Signature of Transcriber      Date

\_\_\_\_\_  
Typed or Printed Name

(c) Electronic Sound Recording

"I (we), court approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

\_\_\_\_\_  
Signature of Approved Transcriber      Date

\_\_\_\_\_  
Typed or Printed Name

(d) Redacted Transcripts

At the end of the transcript, and without causing a "page roll-over" (a smaller font may be used) the redacted transcript should be certified by the court reporter/transcriber stating:

"I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on day/mo/year, and incorporating redactions of personal identifiers requested by the following attorneys of record: \_\_\_\_\_, in accordance with Judicial Conference policy. Redacted characters appear as an "x" (or a black box) in the transcript."

\_\_\_\_\_  
Signature of Approved Transcriber      Date

\_\_\_\_\_  
Typed or Printed Name

**See:** [Memorandum, Feb. 22, 2008, Guidance for Court Reporters and Transcribers on the Electronic Availability of Transcripts in CM/ECF and Transcript Redaction Procedures.](#)



### **§ 520.66 Copies**

Transcript copies may be reproduced by any method of reproduction which produces black text on single-sided white paper. There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

### **§ 520.70 Redaction**

There are various software programs that are available to assist court reporters/transcribers in the redaction process. The use of these programs is permissible, as long as page and line integrity remains intact. If a court reporter does not have access to such a program, the reporter may also manually redact. Whatever method is used to redact, page and line integrity must be maintained from the original transcript to the redacted transcript.

#### **§ 520.70.10 Manual Redaction**

To manually redact, the court reporter/transcriber should place an “x” in the space of each redacted character. Manual redactions should have the same number of x's as characters deleted to preserve page and line numbers of transcripts.

#### **§ 520.70.20 Title Page**

The title page of the transcript should indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge. A notation of “REDACTED TRANSCRIPT” should be inserted on a blank line, and care should be taken to ensure that the addition of this text does not cause changes to the length of the title page.

#### **§ 520.70.30 Charge for Redacted Transcripts**

The Judicial Conference has not authorized an additional fee that the court reporter/transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

**APPENDIX I**

**Procedures for Storage of Notes and Tapes**

APPENDIX I

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**



**PROCEDURE FOR MANAGEMENT OF  
COURT REPORTER NOTES  
AND COURT RECORDER ELECTRONIC RECORDINGS**

APRIL, 1996

## PROCEDURES FOR STORAGE OF COURT REPORTER NOTES/RECORDER ELECTRONIC RECORDINGS

1. The court reporter/recorder is to mark each note/electronic recording with the following information:
  - a-1. For the court reporters, print the last name and first name of the reporter on the front of the note. On one end of the note, print the date(s) of the hearing.
  - a-2. For the court recorders, print the full name of the judge and the date(s) of the hearing on the front label of the tape.
2. The court reporter/recorder is to place notes/electronic recordings in standard archiving boxes which are available from the Procurement Section.
  - a-1. For the court reporters, position the daily individual notes vertically, so that the end of the note is up and the date of the hearing is displayed. There should not be any notes loosely placed on top of the vertically positioned notes.
  - a-2. For the court recorders, place the tape and log notes or disk(s) in an envelope. Mark the Judge's name and the date(s) of the hearing on the front of the envelope.
3. Each box should contain notes/recordings limited to a single calendar year (e.g., 1995 - only, 1996 - only).
4. Each box is to be marked in the lower left-hand corner with the following information. This area is directly below the pre-printed area designated for the archiving information: (Exhibit One)
  - a-1. For the court reporters, print their last name and first name.
  - a-2. For the court recorders, print the full name of the Judge.
  - b. Below the name, in large numbers, print the year.
  - c. Below the year, print the date of each note/recording included inside the box.
  - d. Boxes are not to be taped or sealed in any manner since notes/tapes are frequently reviewed at later dates.
5. One "Certificate and Receipt for Notes and Electronic Recordings of Court Reporter/Court Recorder" is to be completed for each box and placed inside. (Exhibit Two) These are available from the Court Reporter Supervisor, Records Supervisor, Exhibit Custodian or the Procurement Section.

6. To complete the "Certificate and Receipt," the court reporter/recorder is to:
  - a. Fill in the date of each note or tape contained in the box.
  - b. The court reporter's/recorder's name.
  - c. Sign the card.
  - d. List the telephone number of the court reporter/recorder.
  - e. List the date the notes or tapes were submitted.
  - f. The court reporter/recorder is to make a copy of the receipt and retain it for their record.

NOTE: Yellow receipts are for the use of in-house court reporters/recorders. Red receipts are for the use of contract court reporters/recorders.

7. The completed box is to be delivered to the Records Section - Exhibit Unit, located in Room B-20. The box may be submitted, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

NOTE: Notes/tapes which are sent to the Records Section without following these procedures will be returned to the Court Reporter Supervisor.

#### **PROCEDURES FOR STORAGE OF CONTRACT COURT REPORTER NOTES**

1. The contract court reporter is to mark each note with the following information:
  - a. Print the last name and first name of the reporter on the front of the note.
  - b. On one end of the note, print the date(s) of the hearing.
2. Submit the notes to the Court Reporter Supervisor, who will be responsible for the storage procedure outlined above.

#### **PROCEDURES FOR STORAGE OF NOTES/ELECTRONIC RECORDINGS IN THE RECORDS SECTION**

1. Upon receipt of the box, the Exhibit Custodian is to do the following:
  - a. Verify the dates of the notes/tapes written on the side of the box.
  - b. Verify each "note/tape" has been properly and clearly labeled with a name and date.
  - c. Verify that the dates on the side of the box match the dates on each note/tape.

- d. Verify the receipt is completed correctly.
2. Assign a location for each box in the exhibit unit.
3. Mark the location of the notes on the upper right-hand corner of the receipt.
4. Place the receipt by hearing date in the locator file.
  - a-1. For the court reporters, place the receipt alphabetically by the last name of the reporter.
  - a-2. For the court recorders, place the receipt alphabetically by the last name of the judge.

**NOTE:** The Records Management System (RMS) is designed to track the movement of the notes/tapes. Currently, there are plans to implement this system in the near future. Once the RMS program is activated, this procedure will be updated and you will be informed of all new information.

#### **RETRIEVAL OF COURT REPORTER NOTES/ELECTRONIC RECORDINGS**

1. The court reporter/recorder may contact the Court Reporter Supervisor or the Records Supervisor to obtain stored notes/tapes. This may be done by using a staff outslip <sup>1</sup> or through e:mail. The following information is required:
  - a. The full name of the court reporter/recorder checking out the notes/tapes.
  - b. Telephone number.
  - c. Date.
  - d. The exact date(s) of the notes/tapes to be checked out.
  - e. The name listed on the notes/tapes to be checked out.
  - f. The estimated date that the notes/tapes will be returned to the Records Section.
  - g. The signature of the requestor who is checking out the notes/tapes.
2. The request will be forwarded to the Exhibits Custodian, who will do the following:
  - a. Retrieve the requested note/tape.

- b. Mark the location on the note(s) or tape(s)
  - c. Route the item to the requestor.
3. The Exhibits Custodian is to attach the staff outslip or e:mail page to the original receipt.
  4. The court reporter/recorder is to return the notes/tapes to the Exhibits Custodian. This can be accomplished in person or through inter-office mail. At which point, the slip/page can be removed and discarded.

#### **PROCEDURE FOR AUDITING OF COURT REPORTER/RECORDER NOTES/TAPES**

1. To ensure proper management of the notes/tapes which have been checked-out, the Exhibits Custodian will audit the slips/pages attached to the receipts on a monthly basis.
2. Once the note(s)/tape(s) have been identified that have been out beyond the estimated return date, the Exhibit Custodian is to do the following:
  - a. Complete the top portion of the "Notice to Court Reporter/Recorder."  
(Exhibit Three)
  - b. Forward the notice to the appropriate court reporter/recorder.
3. The court reporter/recorder is to:
  - a. Complete the bottom portion of the "Notice to Court Reporter/Recorder."
  - b. Return the notice to the to the Exhibit Custodian.
4. If the court reporter/recorder requests additional time to maintain the note(s) or tape(s), the Exhibits Custodian will note the new date on the slip/page.
5. If the court reporter/recorder states that the notes/tapes were returned at an earlier date, the Exhibits Custodian is to:
  - a. Notify the Records Supervisor.
  - b. Conduct a search for the notes/tapes.
6. If the notes/tapes have been returned:
  - a. Remove and discard the slip/page from the locator file.
  - b. Inform the Records Supervisor.

7. If the notes/tapes have not been returned:
  - a. The Exhibits Custodian will inform the Records Supervisor.
  - b. The Records Supervisor will issue a memo to the Court Reporter Supervisor.
  - c. The Court Reporter Supervisor will contact the appropriate court reporter/recorder.
  - d. The Records Supervisor will follow-up until the matter is resolved.
8. If the court reporter/recorder does not respond within ten (10) days:
  - a. The Exhibits Custodian will submit a copy of the "Notice to Court Reporter/Court Recorder" to the Records Supervisor.
  - b. The Records Supervisor will issue a memo to the Court Reporter Supervisor.
  - c. The Court Reporter Supervisor will contact the appropriate court reporter/recorder.
  - d. The Records Supervisor will follow-up until the matter is resolved.

#### **RETRIEVAL OF COURT REPORTER NOTES OF COURT REPORTERS NO LONGER EMPLOYED AT THIS COURT OR CONTRACT REPORTERS**

Oftentimes, the Records Section is contacted to send court reporter notes to a court reporter who no longer works for this office and who is unable to come to this office to retrieve same. (i.e., resides out of the Central District).

When this occurs, the individual is required to contact the Court Reporter Supervisor.

The Court Reporter Supervisor will request the note from the Records Section using the following requirements:

1. The name on the notes to be checked out.
2. The dates of the notes to be checked out.
3. The telephone number of the court reporter who is requesting the notes to be sent to them.
4. The address of the court reporter who is requesting the notes to be sent to them.
5. The estimated date that the notes will be returned.
6. The signature of the Court Reporter Supervisor.

7. The telephone number of the Court Reporter Supervisor.

Once the above is completed, the Court Reporter Supervisor will box (or package) the notes and send them to the court reporter requesting them by certified mail, return receipt requested. The court reporter is to be directed to return the notes to the Court Reporter Supervisor. Once the notes are returned, they are to be sent to the Exhibits Custodian.

### PROCEDURES FOR ARCHIVING COURT REPORTER/RECORDER NOTES/TAPES

It is the policy of the Records Section to maintain court reporter/recorder notes/tapes for the current year plus two preceding years. The court reporter/recorder notes/tapes will be archived and shipped to the Federal Record Center on a yearly basis. Therefore, in January of each year, the Exhibits Custodian is to do the following:

1. Locate all court reporter/recorder notes/tapes that are eligible to be shipped to the Federal Records Center pursuant to the aforementioned policy.
2. Retrieve the "Receipt for Court Reporter's/Recorder's Notes/Electronic Recordings" of each of these notes/tapes from the locator file
3. On a sheet of paper, write the name of the court reporter/recorder at the top of the page.
4. Below the name of the court reporter/recorder, list the date of each note/tape contained in the box.

For example, if you have three (3) boxes of notes for Jane Doe, you would have a list such as that noted below:

<u>Jane Doe</u> Box 1 April 1, 1995 April 5, 1995 April 6, 1995 May 5, 1996 June 6, 1995	<u>Jane Doe</u> Box 2 July 7, 1995 July 8, 1995 July 21, 1995 Nov. 1, 1995	<u>Jane Doe</u> Box 3 Dec. 3, 1995 Dec. 4, 1995 Dec. 5, 1995 Dec. 6, 1995 Dec. 12, 1995
--	---	---

5. Type the information on the SF135 forms, which are used to transmit records to the Federal Records Center, as follows:
  - a. Item #1 - Type the box number and the total number of boxes in the shipment. (i.e., box 1 of 3 would be typed 1/3).

- b. Item #2 - For court reporters, type the last name followed by the first name in capital letters. For court recorders, type the full name of the judge in capital letters. In both cases, underline the name.
- c. Below the name, type each date contained within that box.

Do this until all SF135 forms have been completed listing all notes/tapes to be shipped.

6. Remove all the boxes from the shelves which are to be shipped.
7. Mark each group of boxes of each reporter/recorder with the appropriate box number on the upper right-hand corner on the side of the box.
8. Once the boxes have been readied for shipment and the SF135 forms have been typed, submit the SF135 forms to the Records Supervisor for approval.
9. Once approved, the Records Supervisor will contact the Federal Records Center and notify the appropriate personnel that the SF135 forms are being sent for their approval.
10. Approximately ten (10) days later, the Records Section will receive the SF135 with the accession numbers written in the left-hand columns.
11. The Records Supervisor will notify the Exhibits Custodian who will:
  - a. Review the SF135.
  - b. Write the accession number on the upper left-hand corner of each box.
  - c. Notify the supervisor when all boxes in the shipment have been marked.
12. The supervisor will check the shipment to ensure no mistakes or changes have been made.
13. The Exhibits Custodian will place one copy of the SF135 in the first box of each shipment. A second copy will be given to the Records Supervisor.

## **PROCEDURES FOR DESTROYING COURT REPORTER/RECORDER NOTES/ELECTRONIC RECORDINGS**

The Federal Records Center will notify the Records Supervisor that a specified year of notes/tapes are scheduled to be destroyed.

1. The Records Supervisor shall notify the Court Reporter Supervisor with the following information:
  - a. The name of the court reporter(s)/recorder(s).
  - b. The date(s) the notes/tapes are eligible for destruction.
2. The Court Reporter Supervisor will develop a memorandum reflecting the above information. The purpose of the memorandum is to establish if there is any historical value for the notes/tapes in question. A copy of the memorandum will be given to the Chief Deputy of Operations and to each of the reporters/recorders listed.

If no response is received to cancel the destruction within twenty working days, the notes/tapes will be destroyed by the Federal Records Center.

Exhibit One:  
Front View of  
Standard Archiving Box

LOCATION OF COURT REPORTER/RECORDER INFORMATION

<p>* ACCESSION NUMBER _____</p>		<p>* AGENCY BOX NUMBER # OF</p>
<p>NAME: (Jane Doe) YEAR: (1996) DATES: (Jan. 4, 5, 7, 15, 19, 25) (Feb. 2, 21)</p>		

\* Pre-printed information

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Certificate and Receipt for Notes/Electronic Recordings

This is to certify that the notes/electronic recordings contained herein constitute all of the same prepared by the undersigned court reporter/recorder. The dates of each of the notes/tapes contained in the submitted box are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF COURT REPORTER: \_\_\_\_\_

SIGNATURE OF COURT REPORTER: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_

\*\*\*\*\*

I HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE DESCRIBED MATERIAL.

DATE: \_\_\_\_\_ CLERK, U. S. DISTRICT COURT

\_\_\_\_\_  
Deputy Clerk

**\*\*OFFICIAL REPORTERS/RECORDERS ONLY\*\***

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
OFFICE OF THE EXECUTIVE OFFICER/CLERK OF COURT**

**MEMORANDUM**

DATE:

TO:

FROM: Exhibits Custodial

RE: Scheduled Return of Notes/Tapes

Our records indicate that on \_\_\_\_\_, you checked out the court reporter/recorder notes/tapes of \_\_\_\_\_, for the dates of \_\_\_\_\_,

with an estimated return date of \_\_\_\_\_. Our records also reflect that these notes have not been returned to the Records Section - Exhibits Unit. Please complete the bottom half of this notice and return it within ten (10) working days.



**TO BE COMPLETED BY THE COURT REPORTER/RECORDER:**

I still have the notes/tapes listed above. I will return them on

\_\_\_\_\_.

My records indicate that I returned notes/tapes to your office on

\_\_\_\_\_.

Other

\_\_\_\_\_  
\_\_\_\_\_

cc: Robert Nadres, Exhibits Workleader

**NOTICE TO COURT REPORTER/RECORDER**

G 20 (4/96)

## APPENDIX I (a)

### Uploading Court Reporter Notes—Instructions

Logging in to CM from the Court website.

Go to [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov). Select *General Information, Court Reporter Schedule, Upload Notes*.



United States District Court  
Central District of California

ADA Accommodations  
ADR  
Attorney Information  
CM / ECF  
Court Calendars  
Filing Procedures  
Forms  
General Information  
General Orders  
Job Announcements  
Judges Procedures & Schedules  
Jury  
Local Rules  
Media  
Notices from the Clerk  
Pro Bono Panel  
Recent Opinions  
Rosters & Schedules  
Services

Welcome - The clerk's office is committed to providing quality service to members of the Bar and public. Any [comments](#) you may have should be limited to the content and design of the website and should not be used as a forum to communicate to a judge in a pending matter pursuant to [Local Rule 83-2.11](#).

PACER | [Guidance for Implementation](#) | [Judicial Conduct & Disability Complaint](#) | [Community Outreach](#) | [Court Addresses & Directories](#) | [Other Links](#) |

**Notice from the Clerk:**  
[Availability of Transcripts](#) | [New Updates to Privacy Policy Applications for 9th Circuit Judicial Conf. Lawyer Rep.](#)  
[Mandatory Civil and Criminal E-Filing](#)  
Independence Day

#### General Information

- [Americans with Disabilities Act Accommodations](#)
- [Bill of Costs Handbook](#)
- [Civil Consent Cases](#)
- [Court Hours](#)
- [Court Locations](#)
- [Court Reporter Phone and Email List](#)
- [Court Reporter Transcripts](#)
- [Court Reporter Schedule](#)
- [Directories](#)
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- [Guidance for Implementation](#)
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- [How to Determine Proper Location for Civil Filings](#)
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- [Records](#)
- [Settlement Option Procedures](#)
- [Speedy Trial Act Plan](#)
- [Statistical Reports](#)
- [Transcription Companies](#)



Court Reporters Schedule

Central District of California

Current Day **Next Workday** | by Date | by Reporter | by Judge | [Create Schedule](#) | Phone List | [Create name](#) | **Upload Notes**

## Login screen

Use your CM/ECF login & password.

 Please identify yourself:

User name:

Password:



## Select your name.

Click on your name in the list. The month (officials) or day (contract) will be displayed.

**Court Reporter Notes**

**Court Reporters List**

Page Up Page Down Expand Collapse

Reporters	Year	# of Uploads	Software Version
AAcontract, Test			
AAofficial, Test			
Adams, Rosalyn			
Amber, Leandra			
Babykin, Margaret			
Baird, Miriam V.			
Balajadia, Bernadette			
Becerra, Sandra			
Bustillos, Maria			
Cannariato, Christy			
Cotten, Pamela J.			
Cuneo, Pat			
Dellaneve (Beesley), Maria			
Elias, Laura			
Fitzsimons Rust, Donna			
Gackle, Deborah			
Gale, Debbie			
George, Gary			

**Court Reporter Notes**

**Reporter AAcontract, Test**

Page Up Page Down Expand Collapse

Year	# of Uploads	Software Version
2008		
06/09/2008		
06/16/2008		
05/12/2008		
05/19/2008	1	Certified asdf sdf

*Contract Reporters: Actual days worked from the Scheduler will be listed*

**Court Reporter Notes**

**Reporter AAofficial, Test**

Page Up Page Down Expand Collapse

Year	# of Uploads	Software Version
2008		
June 2008		
May 2008		
April 2008		
March 2008		
February 2008		
January 2008		

*Official Reporters: Month view is provided.*

Select the Month or Day to Upload Notes.

**Court Reporter Notes**  
**Reporter AAofficial, Test**  
Page Up Page Down Expand Collapse  
Year # of Uploads Software Version  
2008  
June 2008  
May 2008  
April 2008  
March 2008  
February 2008  
January 2008



**Court Reporter Notes**  
**Reporter AAcontract, Test**  
Page Up Page Down Expand Collapse  
Year # of Uploads Software Version  
2008  
06/09/2008  
06/16/2008  
05/12/2008  
05/19/2008 1 ✓ Certified asdf sdf

Click on the link indicated to begin uploading.

**June 2008**

Name (Last, First)	Phone	Official/Contract
AAofficial, Test		Official
Email Address:		
Web Address:		

[Click here to edit/upload File\(s\)](#)

**Current Attachments**  
There are no attachments on this document.

**June 2008**

<b>Name (Last, First)</b>	<b>Phone</b>	<b>Official/Contract</b>
<b>AAofficial, Test</b>		Official
Email Address:		
Web Address:		

**Instructions**

1. Enter software name and version.
2. Click on 'Browse...' to upload your attachment(s).  
If you have more than 5 attachments, click 'Save only' (to save but not close the screen). Add additional attachments as required.
3. Check the 'Certify' box to certify your uploads for the month (Official Reporters) or day (Contract Reporters).
4. When done, click 'Save & Close' (to save and exit the current screen).
5. **Optional:** Click 'Change software version' when there are more to upload for the same month but with a different software version.

**ATTENTION:** This software version only applies to the attachments below. Use 'Change software version' button to input different software name and version.

Software:  Version:

**Current Attachments**  
There are no attachments on this document.

**Enter the Software Name & Version prior to uploading. Click on Browse to attach file(s).**

Choose **Save & Close** when you are uploading files only - not certifying.

Choose **Save only** if you have need to attach more than 5 files and/or you are ready to certify. The lower part of the screen will display the file(s) that have been saved.

**Certify**  
 Check this box to certify the upload(s) **ONLY** when you are done uploading for the month/day. Click 'Save & Close' when done.

**Current Attachments**

File Name	Size	Name of Software	Count
<a href="#">June Notes.txt</a>	0 (Kbytes)	Name of Software	1

**Remove Attachments**

June Notes.txt **Use the check-boxes to select the attachments that you want to remove. Click Delete.**

When you are ready to certify click on the box to insert a check mark. Select **Save & Close**.

Print this page. Close the browser.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

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Today: 6/23/2008

**Reporter AAofficial, Test**

I certify that I have uploaded my court reporter notes for every day from the schedule below where I reported court proceedings.

6/2/2008	_____
6/4/2008	_____
6/12/2008	_____
6/13/2008	_____
6/3/2008	_____
6/9/2008	_____
6/6/2008	_____
6/17/2008	_____

**Attachments:** June Notes.txt |

## APPENDIX J

### 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 un-edited transcript” has been established. Realtime un-edited transcript is defined as “a draft transcript produced by a Certified Realtime Reporter (CRR) as a by-product 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;
- The realtime un-edited 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 un-edited transcript. CRRs should not sell realtime un-edited 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 un-edited transcript at the regular rates (ordinary, expedited, daily, or hourly). Likewise, a litigant who orders a copy of a realtime un-edited transcript will be required to purchase a certified copy of the same pages of realtime un-edited 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 Un-edited 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 un-edited 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 un-edited transcript with the following exceptions:

- a. Realtime un-edited 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 Un-edited Transcript Only".
- b. The realtime un-edited 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 Un-edited Transcript Only".

Realtime un-edited 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 un-edited transcript should offer comparable services to all parties to the proceeding. The primary purpose of realtime un-edited 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 un-edited transcript is provided, there may be two versions of the transcript for one proceeding - unofficial and official. The realtime un-edited transcript may contain errors, some of which could change the accuracy or meaning of the testimony. A realtime un-edited 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 un-edited 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 un-edited transcript by signing a disclaimer which explicitly states that the ordering party is aware that the realtime un-edited transcript is not an official record of the court proceedings. A sample Realtime Un-edited Transcript Disclaimer is shown on the right.



The Mayor & City Council  
of Baltimore

12930

John Barron Supervisor  
of John Craig use of Lake  
Terman Case of John Craig

17 Dec 1870

Present - Buchanan. Earle  
Dorsey Martin & Stephens.

Scott for the appellant, contended that  
the matters alleged were proven at the trial  
did not give the plaintiffs any right of  
action against the Defendants who acted  
a municipal Corporation, acting under  
public authority, for public purposes;  
and though the plaintiffs may have been  
injured, still it did not give any action.  
He referred the Court to the topographical  
situation of the City as it appeared according  
to the plot submitted and agreed  
upon the cases. that its site was covered  
with hills & dale, and the naturally tendency  
of the abasement of the adjoining land opposite  
to the water, was to fill up the harbor  
and make fast Harbor Street as  
Harbor Street and a canal to  
a stream which flowed from  
Delaware Street to the Harbor Street

