



COURT REPORTER MANAGEMENT PLAN

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COURT REPORTER MANAGEMENT PLAN

1. PURPOSE

The purpose of this Court Reporter Management Plan (hereinafter the **PLAN**) for the Southern District of Illinois is to comply with a directive of the Judicial Conference of the United States instructing district courts “to develop a court reporter management plan that will provide for the day-to-day management and supervision of an efficient reporting service within the court.” *Report of the Proceedings of the Judicial Conference of the United States* (March 1982).

2. SCOPE

This **PLAN** is limited in application to the United States District Court for the Southern District of Illinois.

3. AUTHORITIES INCORPORATED BY REFERENCE

- 3.1 STATUTORY AUTHORITY.** United States district courts are authorized by the COURT REPORTER ACT, 28 U.S.C. § 753, to hire, assign, supervise, and direct court reporters and are directed to have judicial proceedings professionally recorded, transcribed, certified, preserved, and maintained. Certain terms and conditions of reporters’ appointments and service are controlled by the LEAVE ACT, 5 U.S.C. § 6301 *et seq.* The FEDERAL RULES OF APPELLATE PROCEDURE, Rules 10 and 11, govern the preparation and filing of transcripts for cases on appeal.
- 3.2 JUDICIAL CONFERENCE OF THE UNITED STATES AUTHORITY.** Preceding paragraph 1 recites the Judicial Conference of the United States’ directive requiring courts to develop management plans for the routine management and control of efficient court reporting services. *Report of the Proceedings of the Judicial Conference of the United States* (March 1982).
- 3.3 GUIDE TO JUDICIAL POLICIES & PROCEDURES (hereinafter the GUIDE).** The **GUIDE** includes two significant provisions that pertain directly, authoritatively, and comprehensively to court reporting:

3.3.1 JUDICIAL PROCUREMENT PROGRAM. The *Judiciary Procurement Program*, usually referred to as the **JP3 Manual**, is a comprehensive authority detailing procurement planning and contract execution with contract court reporters.

3.3.2 COURT REPORTERS' MANUAL. The *Court Reporters' Manual* provides detailed, comprehensive information and guidance governing efficient, effective, and economical use and management of court reporters according to federal statutes, rules, and directives issued by the Judicial Conference of the United States. The *Court Reporters' Manual* is, substantially, a stand-alone reference governing every material aspect of court reporter duties and responsibilities, particularly time-and-attendance topics, appointment and terms of duty details, financial accountability and reporting duties, transcript production standards and practices, and relationships with judges, court support staff members, and the public. The *Court Reporters' Manual* constitutes Volume VI of the **GUIDE**.

4. COMPLIANCE WITH THE COURT REPORTERS' MANUAL

The *Court Reporters' Manual*, Ch. 2, Part 2.4, imposes on district courts twenty specific topics that are to be addressed in court reporter management plans. Those topics are addressed in this **PLAN** as follows:

4.1 REPORTERS' EN BANC SERVICE. Official reporters of this Court will be appointed according to the provisions of 28 U.S.C. § 753. An appointment as an official court reporter shall constitute an appointment as an official reporter for the Court as a whole. Court reporters are employed, and temporarily assigned, by the Court *en banc*. For ease of administration, each official court reporter is primarily assigned to one District Judge. Since official court reporters serve the Court *en banc*, an official court reporter who is not on approved leave and is not working in Court must be available to provide backup for an official court reporter who is sick or otherwise unavailable and to cover court proceedings before the Magistrate Judges.

4.2 ENSURING COURT REPORTERS FULFILL STATUTORY DUTIES. Official court reporters shall perform the administrative practices delineated and defined in the **GUIDE**, Volume VI. Court reporters are employees of the Court and are allowed access to the DCN.

- 4.3 ENSURING COURT REPORTERS ADHERE TO JUDICIAL CONFERENCE REQUIREMENTS.** Court reporters are responsible for being informed of the directives and standards governing court reporting and conforming their actions accordingly. To aid the reporters in discharging their responsibilities, the Clerk of Court shall provide court reporters a copy of the COURT REPORTER ACT, 28 U.S.C. § 753, a copy of the federal judiciary's *Court Reporters' Manual*, a copy of this **PLAN**, and a copy of all other orders or directives governing the reporters' service to the Court. The Clerk's providing reporters with access to the DCN fulfills the Clerk's duty to provide copies of these directives.
- 4.4 EQUITABLE APPORTIONMENT OF ASSIGNMENTS.** The Court is served by five full-time court reporters: four in East St. Louis and one in Benton. Each official court reporter shall attend in person all proceedings to which assigned.
- 4.5 SUPERVISING RELATIONSHIP BETWEEN PARTIES AND COURT REPORTERS.** Court reporters bear primary responsibility for conducting business with the Court and with parties in accordance with the *Court Reporters' Manual*, the COURT REPORTER ACT, and the FEDERAL RULES OF APPELLATE PROCEDURE. The court reporter supervisor shall monitor transcript order, delivery, billings, format, and rates charged by court reporters, and shall impose such supervisory controls as may be necessary to manage reporting services.
- 4.6 PROCEDURES FOR ACCEPTING ORDERS, DELIVERIES, AND BILLINGS.** The procedures governing reporters' handling of transcript orders, deliveries, and billings are detailed in the *Court Reporters' Manual*, Ch. 17. In September 2007, the Judicial Conference approved a new transcript policy. This District implemented its transcript policy to comply, and that policy is incorporated by reference.
- 4.7 AVOIDING BACKLOGS.** The Court's equitable assignments of court reporters are generally sufficient to avoid backlogs in reporters' transcript work. However, the court reporter supervisor shall, in monitoring court reporters' work, ensure that transcript work is not backlogged.
- 4.8 PRIVATE WORK.** Court reporters under a 40-hour tour of duty may not engage in private reporting or transcribing activities. Court reporters under a less than 40-hour tour of duty may not engage in private reporting during their regular tour of duty. They all may, however, perform reporting for grand juries upon prior approval by the court reporter supervisor, and only if there are no

court proceedings that require reporting coverage.

4.9 NUMBER AND TYPES OF REPORTERS. As previously stated, the Court is served by five full-time reporters. For the purposes of this **PLAN**, the Court recognizes three types of court reporters:

4.9.1 OFFICIAL COURT REPORTERS. These reporters are official, full-time, salaried employees of the Court, appointed by the Court for an indefinite term. Except where the Court has approved the use of a substitute reporter, the official court reporter shall attend in person all proceedings to which assigned.

4.9.2 CONTRACT COURT REPORTERS. These reporters serve the Court pursuant to the COURT REPORTER ACT, 28 U.S.C. § 753(g), in accordance with the *Court Reporters' Manual* and the *JP3 Manual*. The Procurement Liaison Officer (PLO) is responsible for administering the acquisition process of contract court reporters. Contract court reporters are not employees or staff members of the federal judiciary and receive no federal benefits other than the compensation prescribed in their contracts.

4.9.3 SUBSTITUTE REPORTERS. Official court reporters may employ substitute reporters at their own expense to assist them in providing in-court recording services for court proceedings. Under no circumstances will a substitute reporter be used as the primary provider of the in-court services for which the official court reporter is responsible.

4.10 CONTRACT AND *PER DIEM* REPORTERS; WHEN AUTHORIZED. It is the policy of this Court that resorting to contract court reporters be the exception. A contract court reporter may be secured *only* when no official court reporter is available to record a judicial proceeding. This district does not utilize *per diem* reporters.

4.10.1 UNAVAILABILITY OF OFFICIAL REPORTER. An official court reporter's transcription duties and workload do not justify the Clerk of Court's securing contract court reporter services, nor do they justify the reporter's failure to attend court. If a court reporter is not scheduled to record proceedings and is not on a period of annual or sick leave, that court reporter shall be detailed to record any proceeding that may arise.

4.11 MINIMIZING TRAVEL. It is this Court's policy that court reporters should not, but in limited circumstances may, be detailed to travel to attend court at

a courthouse other than their appointed duty station. A judge conducting proceedings at a division site other than his or her duty station shall use the court reporter regularly assigned to the division being visited, unless the reporter stationed there is unavailable.

- 4.12 APPOINTING REPORTERS.** Vacancies in court reporting positions shall be posted according to the provisions of this Court's EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN. The Clerk of Court and the District Judge who will be the primary assignment of the court reporter shall constitute the selection committee to act upon applications for employment as official court reporter. Court reporters are appointed to their positions by the Chief Judge, who may informally delegate appointing authority to any other District Judge or the Clerk of Court.
- 4.13 PROBATIONARY PERIOD FOR NEW REPORTERS.** Newly appointed court reporters are subject to a six-month probationary period. Notwithstanding the probationary period, it is this Court's policy that a court reporter shall continue to retain employment at the will of the Court *en banc*. If the volume of work does not justify the retention of the full complement of court reporters, a reduction shall be accomplished through relocation, attrition, or the giving of reasonable notice for termination of the appointment, said notice being not less than sixty days.
- 4.14 ACCELERATED TRANSCRIPT COSTS IN CRIMINAL CASES.** Consistent with Judicial Conference policy, accelerated transcript services in criminal proceedings shall not be provided except upon written judicial order. In those limited instances in which accelerated transcript services are authorized by order, the requesting party shall pay for the original transcript; if the requester is other than defense counsel appointed under the CRIMINAL JUSTICE ACT, the CJA attorney shall be entitled to a copy at the standard copy rate. The total cost of accelerated transcript services shall not be apportioned among the parties. Production of accelerated transcripts shall not be subsidized by the Court. A reporter who requires assistance to provide such transcripts shall pay for assistance out of earnings derived from the higher transcript rates as established by the Judicial Conference.
- 4.15 DELIVERING TRANSCRIPTS.** Each official and contract court reporter shall require each person ordering a transcript of an official proceeding to make such order upon an AO 435 form. The court reporter, whether official or contract, shall furnish the Clerk with a copy of the completed order form. The prepared transcript shall be delivered and filed in accordance with this Court's TRANSCRIPT POLICY.

- 4.16 FILING TRANSCRIPTS OF ARRAIGNMENTS, PLEAS, AND SENTENCINGS.** The court reporter shall transcribe for the Court, without charge, all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases within thirty days of such proceeding, unless they were recorded on electronic sound recording equipment, in which case the electronic recording, accompanied by a certification by the reporter, shall be filed as soon as the recording has been used to capacity. A court reporter shall transcribe promptly all proceedings requested by any party who has agreed to pay the fees established by the Judicial Conference, or any proceedings that a judge or the Court may direct. Court reporters shall conform transcripts to format standards imposed by the *Court Reporters' Manual*. Court reporters shall comply strictly with the official transcript rates imposed by the Judicial Conference. Also see this Court's TRANSCRIPT POLICY.
- 4.17 REVIEW OF OFFICIAL REPORTS.** The court reporting supervisor shall certify that reporters' *Attendance and Transcripts of United States Court Reporters* (Form AO 40A) and *Statement of Earnings of United States Court Reporters* (Form AO 40B) have been reviewed prior to submission to the Administrative Office of the United States Courts.
- 4.18 TIMELY RECORDS AND REPORTS.** All required records and reports shall be submitted completely, timely, and in full accordance with the directives requiring their submission.
- 4.19 LEAVE ACT; TOURS OF DUTY.** Official court reporters in this District are scheduled for a regular forty-hour per week tour of duty, usually 8:00 AM to 4:30 PM each business day. Therefore, all official court reporters in this District shall earn the full amount of leave permitted under the LEAVE ACT, 5 U.S.C. § 6301, *et seq.* To the maximum extent possible, court reporters shall schedule annual leave for those periods when there would normally be no proceedings to record, or when other salaried employees are available to record the proceedings. In the event an official court reporter requires sick leave, if no official reporters are available, the Court may contract for reportorial services. All leave records shall be maintained by the Clerk of Court.
- 4.20 ELECTRONIC SOUND RECORDINGS.** Electronic sound recordings, when used, shall conform to standards appearing in the *Court Reporters' Manual*, Ch. 16. Each record of a proceeding electronically recorded shall be delivered to the Clerk of Court. The Clerk is responsible for ensuring that recordings are safely stored and can be readily located and retrieved.

In addition to the twenty specific topics above are two additional topics not yet in the Court Reporter Manual:

4.21 TELEWORK FOR COURT REPORTERS. Under an existing Judicial Conference guideline, court reporters who have been placed on a regular tour of duty and earn annual leave in accordance with the Leave Act (5 U.S.C. § 6301 et seq.) are required to serve their tour of duty “in the courthouse” (JCUS-SEP 1983, P. 49). In order to allow court reporters to participate in the judiciary’s telework program, the Judicial Conference, on recommendation of the Committee, agreed to amend its September 1983 guideline to permit any such court reporter, if the court determines the reporter to be eligible for telework under the court’s telework program and has authorized the reporter to do so, to perform official duties outside the courthouse in a designated location approved by the court. (JCUS, Sep 2005, P.31) For more information on telework go to: (http://jnet.ao.dcn/Human_Resources/Telework.html).

4.22 REALTIME GUIDELINES. Realtime is the instantaneous translation of the proceedings on a computer monitor. It may also provide parties with 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. When realtime services are requested by a party to the case, a CRR may charge and collect for realtime unedited transcript. (See Chapter 20. Transcript Fees). Realtime unedited transcript is defined as “a draft transcript produced by a Certified Realtime Reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.” CRRs should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. Communications Access Realtime (CART) for the hearing impaired under Americans with Disabilities Act (ADA) should be approved by the court only after alternatives which are more cost effective have been considered. CART for ADA purposes is considered to be an interpreting program, not for the primary purpose of taking the record. (*Guide*, Volume 1.3 h)

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. The CRR shall provide wiring and data communications connections needed to provide realtime services to these persons. Parties should coordinate and pretest their equipment with the CRR before official proceedings begin.

5. CONCLUSION

This COURT REPORTER MANAGEMENT PLAN is hereby adopted, and shall become effective upon its filing with the Clerk of Court following approval by the Judicial Council of the United States Seventh Judicial Circuit.

DATED this 11th day of June, 2009, *nunc pro tunc* as of March 1, 2009.



CHIEF JUDGE DAVID R. HERNDON



DISTRICT JUDGE J. PHIL GILBERT



DISTRICT JUDGE G. PATRICK MURPHY



DISTRICT JUDGE MICHAEL J. REAGAN