

United States District Court Southern District of Illinois



PLAN FOR MANAGEMENT OF COURT REPORTERS AND RECORDING SERVICES

Introduction

To achieve effective control and management of court reporting, the United States District Court for the Southern District of Illinois adopts this Plan for Management of Court Reporters and Recording Services, subject to the rules and regulations of the Judicial Conference of the United States (Judicial Conference). This Plan applies to all Official Court Reporters employed by the Court and supersedes the Court Reporter Management Plan dated February 2013.

The Clerk of Court is authorized by the Chief Judge to supervise the combined court reporting and recording operations of the Court. The Clerk of Court shall designate a Court Reporter Supervisor who will be responsible for the day-to-day management of court reporting and recording services within the Court. This Plan is designed to:

- Obtain effective management of the court reporting and recording operations by proper supervision and control;
- Make clear that Official Court Reporters, although assigned to a particular judge, serve *en banc* and may be assigned as needed throughout the district to any active judge, including senior, visiting, and magistrate judges;
- Achieve the most effective utilization of Official Court Reporters and recording services;
- Avoid backlogs of transcripts; and
- Minimize the use of contract court reporters.

Duties of the Court Reporter Supervisor

The Chief Judge delegates the following supervisory responsibilities to the Clerk of Court or his/her/their designee:

- Assigning and reassigning Official Court Reporters to fairly and efficiently distribute the Court’s overall workload while minimizing travel and assuring the overall lowest cost to the Court;
- Approving or denying leave for Official Court Reporters, including annual leave, sick leave, compensatory time, telework, and excused absences, subject to the requirements of the Administrative Office of the United States Courts (AO), the Judicial Conference, and local policies;
- Approving or denying requests for earning compensatory time, subject to the requirements of the AO, the Judicial Conference, and local policies;
- Reviewing transcripts to ensure full compliance with format requirements of the Judicial Conference;
- Reviewing transcript billings to ensure that authorized transcript rates are charged;
- Determining Official Court Reporters’ compliance with 28 U.S.C. § 753(b) concerning the recording, certifying, and filing of electronic recordings of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases;
- Reviewing the records of Official Court Reporters to ensure timely filing of all reports required by the AO and the Judicial Conference, including Form AO 40A, *Attendance and Transcripts of United States Court Reporters*; Form AO 40B, *Statement of Earnings of United States Court Reporters*; and Form AO 39, *Transcript Orders and Collection Ledger*; and
- Monitoring all requests for transcripts.

Appointment and Dismissal of Court Reporters

This Court is presently authorized four and one half full-time Official Court Reporters: three full-time in East St. Louis and one full-time and one part-time in Benton. Official Court Reporters are appointed in accordance with the provisions of the Court Reporters Act, 28 U.S.C. § 753, and the policies and procedures of the AO and the Judicial Conference. This Court will only appoint Official Court Reporters who possess the following qualifications:

- A minimum of at least four years of prime court reporting experience in the freelance field of service or in other courts or a combination thereof;
- Certified by testing for listing on the registry of professional reporters of the National Court Reporters Association (NCRA) or passed an equivalent qualifying examination; and
- Realtime court reporting proficiency.

Newly appointed Official Court Reporters are subject to a three-month probationary period. Official Court Reporters who do not perform in a competent and satisfactory manner will be subject to dismissal. **Additionally, as judiciary employees, Official Court Reporters serve under excepted appointments (not civil service). Excepted appointments are “at will” and can be terminated with or without notice, and with or without cause.**

Should it be necessary to reduce the number of Official Court Reporters (due to a reduced workload, a reduction in the number of judges or reported in-court hours, or a change in the staffing formula), positions shall be reduced in accordance with the following priorities: attrition, relocation, or termination, with a minimum notice of 60 days. Competence and skill level will be the primary consideration in determining whether termination is appropriate, but the Clerk of Court is the ultimate arbiter of which Official Court Reporters best meet the present needs of the Court, subject to approval by the Chief Judge.

Leave and Attendance of Court Reporters

All Official Court Reporters are covered by the Annual and Sick Leave Act of 1951, formerly referred to as the Leave Act, 5 U.S.C. § 6301 *et. seq.*, and earn annual and sick leave pursuant to the Act. Official Court Reporters also may earn compensatory time in accordance with the *Guide to Judiciary Policy* (the Guide) and local policies. Official Court Reporters serve the Court as a whole and shall be present in their assigned courthouse office during regular duty hours (normally 8:00 a.m. to 4:30 p.m.) for a 40-hour work week.

Official Court Reporters shall submit all requests for leave, including telework, through HRMIS for approval. Planned sick leave for appointments and medical treatment must be requested far enough in advance to permit the scheduling of an alternate reporter, if necessary. To avoid the need to hire a contract court reporter, Official Court Reporters should attempt to coordinate their leave when no proceedings are scheduled or when another Official Court Reporter can cover court.

To allow Official Court Reporters to participate in the judiciary’s telework program, Judicial Conference guidelines permit them, with approval, to perform official duties outside of the courthouse. Official Court Reporters may telework only when doing so does not affect adequate court coverage.

Requests for annual leave and teleworking will not be approved if an Official Court Reporter has any past due requests for extensions of time to file an appeal transcript or past due transcript requests, unless the leave request is to complete such transcript work.

Freelance Reporting

Full-time Official Court Reporters are not permitted to perform any private (freelance) work of any kind. Official Court Reporters employed for less than 40 hours per week may not engage in private reporting during their regular tour of duty. When no court proceedings require coverage, Official Court Reporters may perform reporting for grand juries, if approved by the Court Reporter Supervisor.

All Official Court Reporters are placed on a rotating list of transcribers available to transcribe digitally recorded hearings; the list is maintained by the Court Reporter Supervisor. The Official Court Reporter is responsible for contacting the party requesting the recording and making billing and delivery arrangements.

Contract Court Reporters

Contract court reporters shall be used only when no Official Court Reporters are available to cover a hearing, trial, or naturalization ceremony, and usage will be kept to a minimum. Whenever possible, electronic recording shall be used in lieu of hiring a contract court reporter.

Transcripts

The Guide, Vol. 6, Court Reporting, governs the preparation, billing, and delivery of transcripts as follows:

- Appeal transcripts shall be produced before any other transcript. Official Court Reporters shall not agree to expedite any transcript that will delay the preparation of an appeal transcript. Preparation of criminal transcripts generally takes precedence over preparation of civil transcripts. Civil transcripts will be prepared in chronological order of the date of request;
- All appeal transcript orders shall be made on the Transcript Information Sheet Form provided by the Seventh Circuit Court of Appeals. The Official Court Reporter shall contact the ordering party no later than 10 days after receipt of request to make financial arrangements for the preparation of appeal transcripts;
- In computing the transcript preparation deadline, time will not begin to run until the transcript order and/or the Transcript Information Form is received by the Official Court Reporter and adequate financial arrangements have been made for the transcript's preparation;

- An Official Court Reporter must prepare a final invoice (AO Form 44) for all transcript deliveries showing the exact charges and any refund or additional billing adjustments. Fee adjustments shall be made at the time of transcript delivery;
- This Court and the Seventh Circuit Court of Appeals may each sanction any court reporter who habitually files late transcripts;
- Official Court Reporters are required to produce transcripts requested by a presiding judge without cost to the Court within 30 days of the request, unless the transcript has been ordered expedited;
- An Official Court Reporter shall transcribe promptly all proceedings requested by any party agreeing to pay the fees established by the Judicial Conference or any proceeding a judge or the Court may direct; and
- A certified copy of the transcript must be delivered by the court reporter to the Clerk of Court or his/her/their designee concurrent with, but no later than, three business days after delivery to the requesting party.

Transcript Rates

Pursuant to the Guide, the Judicial Conference has approved the following transcript categories. No other transcript categories are authorized.

- Ordinary Transcript: A transcript to be delivered within 30 calendar days after receipt of an order.
- 14-Day Transcript: A transcript to be delivered within 14 calendar days after receipt of an order.
- Expedited Transcript: A transcript to be delivered within seven calendar days after receipt of an order.
- Three-Day Transcript: A transcript to be delivered within three calendar days after receipt of an order.
- Daily Transcript: A transcript to be delivered on the calendar day following receipt of the order (regardless of whether the calendar day is a weekend or holiday), prior to the normal opening of the Clerk's Office at 9:00 a.m.
- Hourly Transcript: A transcript to be delivered within two hours from receipt of the order.

- Realtime Transcript: A draft, unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following receipt of the order.

Maximum Transcript Rates

Pursuant to 28 U.S.C. § 753(d)(2) and the Guide, the Judicial Conference prescribes the fees reporters may charge for transcripts. Current transcript rates approved by the Judicial Conference and adopted by this Court shall be posted on the Court's website and shall be available upon request from the Court Reporter Supervisor. The Judicial Conference further provides that the maximum rates chargeable by contract reporters are those rates specified in the contract entered into between the Court and the contract court reporter. The Court has determined that contract court reporters may only charge the same rates that an Official Court Reporter may charge.

CJA Transcripts

All transcripts produced for criminal defendants represented under the terms of the Criminal Justice Act (CJA) shall be invoiced electronically through the eVoucher program. The Courtroom Services Supervisor is responsible for receiving and reviewing the electronic transcript requests submitted by panel attorneys.

Judicial Conference policy prohibits the routine apportionment among the parties of accelerated transcript costs in CJA cases. In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the Official Court Reporter on behalf of the CJA defendants. Appointed counsel, the Clerk of Court, or the Official Court Reporter will arrange for duplication of the transcript, at a commercially competitive rate, for each CJA defendant for whom a transcript was approved. The cost of duplication will be charged to the CJA appropriation.

Time Limits for Delivery of Transcripts

Official Court Reporters shall deliver to the requesting party all transcripts of official proceedings prepared for an appeal and upload them to the Case Management/Electronic Case Filing (CM/ECF) system within the time limits prescribed by the Seventh Circuit Court of Appeals. When unable to complete transcripts by the due date, an Official Court Reporter may request an extension, which may not exceed 90 days from the due date, using the Seventh Circuit Court of Appeals Court Reporter's Request for an Extension of Time to File a Transcript form. Only the Clerk of Court for the Seventh Circuit Court of Appeals may extend the due date for an appeal transcript.

Transcript delivery dates are computed from:

- The date on which satisfactory financial arrangements are made, except for transcripts to be paid for by the United States or free copies ordered by the Court; or
- The date on which the court reporter receives the appropriate request for transcript or electronic CJA voucher, which includes the appropriate judge's date and signature, and when the transcript is to be paid by the United States.

Certification of Court Reporter Notes and Electronic Recordings

Pursuant to 28 U.S.C. § 753(b), the reporter or other individual designated to produce the record shall attach his/her/their official certificate to the original shorthand notes or other original records so taken and promptly file them with the Clerk of Court, who shall preserve them in the public records of the Court for not less than 10 years.

Official Court Reporters shall maintain either the original paper notes or electronic notes of all court proceedings for a period of one year. Regardless of which storage method is utilized, the reporter will also transfer and certify his/her/their notes electronically to the district's Local Area Network (LAN) at least every 30 days. The Official Court Reporter will verify the successful transfer of the notes file to the network.

The marking, filing, and storing of Official Court Reporters' notes and recorders' audio recordings shall be done routinely and in such a manner that another court reporter could have access to them in the event of an emergency.

All digital audio recordings of proceedings will be stored on the Court's network server. Network access to digital recordings is limited to authorized court personnel. When a request is made for a digitally recorded proceeding, the Court Reporter Supervisor will arrange for the proceeding to be transcribed by an Official Court Reporter or qualified transcriber.

Arraignments, Pleas, and Impositions of Sentence

Pursuant to 28 U.S.C. § 753(b) and the Guide, an Official Court Reporter must file a transcript of arraignments, pleas, and sentencing proceedings within 30 days of the close of the proceedings, unless those proceedings were recorded exclusively on electronic sound recording equipment, in which case, the electronic recording or digital audio file, accompanied by a certification of the Official Court Reporter, must be filed with the Clerk of Court within 30 days. Correspondingly, this Court has adopted a practice of filing certified audio backup files of arraignments, pleas, and sentencings in each Official Court Reporter's office. For purposes of compliance with these provisions, the Official Court Reporter's office is deemed an extension of the Clerk of Court's Office.

Realtime Reporting Standards

Realtime is the instantaneous translation of the proceedings on a computer monitor. The Guide, Vol. 6, defines a realtime unedited transcript (also known as a realtime unedited translation) 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 receipt of the order.” 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; and
- The realtime unedited transcript during the proceedings or at the end of the day.

The primary purpose of realtime unedited transcripts is to provide access to a draft transcript of the proceedings 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.

Official Court Reporters who have successfully completed the Certified Realtime Reporter examination offered by the NCRA or who have passed an equivalent qualifying examination are recognized as Certified Realtime Reporters. Certified Realtime Reporters are permitted, but not required, to sell realtime unedited transcripts. When realtime services are requested by a party to the case, a Certified Realtime Reporter may charge and collect for a realtime unedited transcript. A Certified Realtime Reporter should not sell realtime unedited transcripts to anyone who is not a party to the case without prior approval of the presiding judge.

Each Certified Realtime Reporter should request that parties acknowledge receipt of a realtime unedited transcript by signing a disclaimer, explicitly stating that the ordering party is aware the realtime unedited transcript is not an official record of the court proceedings.

The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcripts with the following exceptions:

- Realtime unedited transcripts must be clearly marked as such with a header or footer, appearing at the top or bottom of each page of the transcript or a computer generated watermark on each page stating, “Realtime Unedited Transcript Only;” and
- The realtime unedited transcript should not include an appearance page, an index, or a certification.

The Court will not provide parties requesting realtime services with computers, viewer/annotation software, or monitors. Parties requesting such services must supply all needed equipment and software. Parties should coordinate and pre-test their equipment with the Certified Realtime Reporter before official proceedings begin.

A Certified Realtime Reporter providing a realtime unedited transcript should offer comparable services to all parties to the proceeding.

Court Reporter Access to DCN and Supplies and Space

The Clerk of Court has determined it is appropriate for Official Court Reporters to access the Court's Data Communication Network (DCN). Such access is for official purposes only and may include access to judiciary electronic mail, the J-Net, the CM/ECF system (for case management and docketing purposes), calendaring systems, and automated forms. Official Court Reporters may access the DCN through a personal computer for teleworking purposes.

The Court will provide space and furniture for Official Court Reporters to conduct their official business. Official Court Reporters shall personally purchase and use all supplies, such as paper, covers, ink, and any other office supply needed in the production of transcripts.

Responsibilities of Separated Official Court Reporters

When an Official Court Reporter separates from employment with the Court for any reason, the Official Court Reporter must provide all necessary electronic files to the Court Reporter Supervisor within two weeks. The Clerk of Court shall retain the electronic copies of the separated Official Court Reporter's files for all future transcript production.

The Official Court Reporter shall provide the Court Reporter Supervisor all electronic files for all proceedings while employed with the Court, including steno notes, translated steno files, dictionary files, and audio proceedings, as well as any handwritten notes. The Official Court Reporter shall provide electronic files to the Clerk's Office on an appropriate medium, i.e., flash drive or external hard drive in a readable format and not password protected.

Separated Official Court Reporters remain responsible to produce any future transcripts orders, unless the Court has concerns about the separated Official Court Reporter's performance. The separated Official Court Reporter may, at his/her/their option, designate a current in-service Official Court Reporter to fulfill future transcript orders. Any request for transcripts produced by a separated Official Court Reporter will first be transmitted to the former employee or his/her/their designee. Should the separated Official Court Reporter fail to timely respond or produce the request, the Court Reporter Supervisor shall notify the separated Office Court Reporter that the transcripts will be prepared from the files that were previously submitted to the Court.

Conclusion

This Plan will become effective upon its approval by the Judicial Council of the Seventh Circuit.

APPROVED:

Handwritten signature of Nancy J. Rosenstengel in black ink, written over a circular official seal of the U.S. District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge