

**FILED**  
**Jun 24, 2015**  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**IN RE:** )  
 )  
**ADOPTION OF AMENDED MANAGEMENT )**  
**PLAN FOR COURT REPORTING SERVICES )** **GENERAL ORDER NO. 560**  
 )  
 )  
 )  
\_\_\_\_\_ )

On March 11, 2015, the Judges of the Eastern District of California adopted General Order No. 555, Adoption of Amended Management Plan for Court Reporting Services, pending approval by the Judicial Council of the Ninth Circuit.

On June 15, 2015, the Judicial Council for the Ninth Circuit approved the Eastern District of California's Amended Management Plan for Court Reporting Services.

IT IS HEREBY ORDERED that the Amended Management Plan for Court Reporting Services is adopted and becomes effective this date.

Date: June 23, 2015

FOR THE COURT:

  
\_\_\_\_\_  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT



**UNITED STATES DISTRICT COURT  
Eastern District of California**

**Management of Court Reporting Services**

**Adopted by the Court on March 11, 2015**

**Approved by the Ninth Circuit Judicial Council June 15, 2015**

**MORRISON C. ENGLAND, JR.  
CHIEF JUDGE**

## CONTENTS

### Chapter One

Section 1.01

Section 1.02

Section 1.03

### **Overview**

Introduction

Court Reporting and Electronic Court Reporter Operators  
Defined

Purpose of the Plan

### Chapter Two

Section 2.01

Section 2.02

Section 2.03

### **Court Reporters and Electronic Court Reporter Operators**

Appointment and Dismissal of Court Reporters

Initial Performance Evaluation Period

Assignment

### Chapter Three

Section 3.01

Section 3.02

Section 3.03

Section 3.04

Section 3.05

### **Duties of Court Reporting Supervisors**

General Statement of Duties

Assignment

Performance Evaluations

Review

Other Duties

### Chapter Four

Section 4.01

Section 4.02

Section 4.03

Section 4.04

### **Court Reporter Coverage**

Assignment and Reassignment

Electronic Sound Recording Coverage

Work Hours

Travel

### Chapter Five

Section 5.01

Section 5.02

Section 5.03

Section 5.04

### **Contract Court Reporters**

Use of Contract Court Reporters

Circuit Approval Required

Other Requirements

Contract Court Reporter Steno Notes

### Chapter Six

Section 6.01

Section 6.02

Section 6.03

Section 6.04

Section 6.05

Section 6.06

Section 6.07

### **Transcripts**

Transcript Format

Transcript Orders

Transcript Priority

Transcript Rates

Transcript Filing

Transcript Billing

Delinquent Transcripts

## CONTENTS

### Chapter Seven

Section 7.01	Freelance Work Prohibited
Section 7.02	Stenographic Notes and Dictionary
Section 7.03	Realtime Reporting
Section 7.04	Leave
Section 7.05	AO Reports
Section 7.06	DCN Access
Section 7.07	Postage
Section 7.08	Supplies, Services, and Other Equipment
Section 7.09	Copy Equipment
Section 7.10	Records to be Maintained by Court Reporters

### Chapter Eight

Section 8.01	Authority of the Clerk
--------------	------------------------

### **Miscellaneous Provision**

### **Administration of the Plan**

## APPENDICES

### Appendix A

**Delegation of Court Reporter Authority to the Clerk of Court**

### Appendix B

**Procedures for Storage of Court Reporter's Notes and Recordings**

### Appendix C

**Transcript Fees**

### Appendix D

**Items for Which No Fees May be Charged**

### Appendix E

**Realtime Reporting Standards**

### Appendix F

**Certification of Court Reporter**

### Appendix G

**Transcript Orders**

### Appendix H

**Approval of Use of Contract Reporters**

## CHAPTER ONE

### Overview

---

#### Section 1.01 Introduction

The Chief Judge has delegated court reporter authority to the Clerk of Court effective May 6, 2013. [See Appendix A](#). This authority includes appointments, promotions, terminations and full management authority as outlined in this plan, [The Guide to Judiciary Policy and Procedure, Volume 6 Court Reporting](#), and the Court's [Human Resources Policies](#). The Clerk shall designate a Court Reporting Supervisor in Sacramento and in Fresno who will be responsible for the day-to-day management of efficient court reporting services.

#### Section 1.02 Court Reporting and Electronic Court Recorder Operators Defined

Throughout this plan, the reference to court reporting, court reporting services and court reporters shall include both reporters and recorders, and reporting by either stenographic (Steno) or electronic sound recording (ESR) means.

#### Section 1.03 Purpose of Plan

This plan provides for effective management of court reporting services through proper supervision and control. This ensures court reporting services for judges and other judicial officers as needed by:

- (a) **Management.** Providing for supervision of the relationship between parties and court reporters through monitoring of transcript orders, billing, format, and rates charged by court reporters. Verifying that forms AO 40A and AO 40B are reviewed before submission, as well as ensuring all required records and reports are submitted timely. Apportioning equitable attendance in court among all reporters. Completing annual performance appraisals and maintaining leave records.
- (b) **Serve the Court En Banc.** Making clear that court reporters are pooled, serve the court en banc, and may be assigned when needed throughout the district for any active judge, senior judge, magistrate judge, or visiting judge.
- (c) **Transcripts.** Stating the procedures for accepting transcript orders, delivery, and billings. Providing for the avoidance of backlogs of transcripts and assuring prompt delivery of high quality transcripts. Prohibiting the routine apportionment of accelerated transcript costs among parties in criminal cases. Stating when reporters are to deliver the file copy of the transcript or the electronic sound recording for filing with the clerk of court. Stating that the reporter must file transcript arraignments, pleas, and sentencing proceedings, or an electronic recording thereof, within 30 days of the close of the proceeding.

- (d) **Employment of Qualified Reporters.** Assuring appointment and retention of fully qualified court reporters and the dismissal of court reporters who are no longer performing in a satisfactory manner. Stating the terms of the probationary period for newly appointed court reporters. Ensuring that court reporters fulfill their statutory duties. Ensuring that court reporters adhere to Judicial Conference requirements.
- (e) **Minimize Contract Reporter Usage.** Minimizing the use of contract court reporters.
- (f) **Increase Efficiency.** Enhancing the efficient operation of the Court and furthering its mission.

## CHAPTER TWO

### Court Reporters and Electronic Court Reporter Operators

---

#### **Section 2.01 Appointment and Dismissal of Court Reporters**

The Clerk is designated by the Court to supervise and appoint court reporters. Court reporters shall be appointed in accordance with the provisions of the [Court Reporter Act, 28 U.S.C. Section 753](#), and the policies and procedures of the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States (JCUS). See [The Guide to Judiciary Policy and Procedure, Volume 6 Court Reporting, §220 Appointment](#). Only fully qualified reporters shall be appointed as court reporters of this Court. Court reporters who do not perform in a competent and satisfactory manner shall be subject to dismissal by the Clerk. [See Appendix F](#).

#### **Section 2.02 Initial Performance Evaluation Period.**

As Clerk's Office employees, all newly appointed court reporters are subject to a one-year Initial Performance Evaluation Period (IPEP). See [Human Resources Policies, Employment Policies, Initial Performance Evaluation Period](#).

#### **Section 2.03 Assignment**

Court reporters serve the court en banc, thus they may be assigned or reassigned to the Sacramento Office or Fresno Office as necessary to cover judges and workload. Court reporter assignment will be at the direction of the Clerk. The Court is currently authorized eight (8) Court Reporters and two (2) Electronic Court Reporter Operators.

## CHAPTER THREE

### Duties of Court Reporting Supervisors

---

#### Section 3.01 General Statement of Duties

The duties and responsibilities of the Court Reporting Supervisor shall include, but shall not be limited to assignment, performance evaluations, transcript review, and billing review.

#### Section 3.02 Assignment

The Court Reporting Supervisor is responsible for the assignment and reassignment of official court reporters. This serves to fairly and equitably distribute the workload of all reporters and to assure the best utilization of all personnel involved in the perfection of the record.

#### Section 3.03 Performance Evaluations

The Court Reporting Supervisor is responsible for conducting periodic performance evaluations of all court reporters.

#### Section 3.04 Review

The Court Reporting Supervisor is responsible for the following review:

- (a) **Transcript Review:** Review transcripts to assure full compliance with format requirements of the AO and JCUS.
- (b) **Billing Review:** Review transcript billing to assure that authorized transcript rates are charged and that billing is in proper form.
- (c) **Arraignment, Plea, and Sentence Review:** Determine compliance by all court reporters with the rules and regulations outlined in 28 U.S.C. § 753 concerning the recording and filing of transcripts or recordings of arraignments, pleas, and sentencing.
- (d) **Time Review:** Review the time records of the court reporters to assure proper maintenance and accuracy.
- (e) **AO Reports Review.** Review Form AO 40A to ensure accuracy and completeness (to be received within 20 days after the end of each calendar year quarter), compare Form AO 38 with entries pertaining to attendance, and compare Form AO 39 to entries pertaining to transcripts. Review AO 40B for accuracy and completeness, compare AO 39 to entries pertaining to gross income, compare Form AO 37 to entries pertaining to expenses for official transcripts, and verify there is a receipt of each expense listed.

**Section 3.05 Other Duties**

Perform other duties relating to court reporting services directed by the Court.

## CHAPTER FOUR

### Court Reporter Coverage

---

#### Section 4.01 Assignment and Reassignment

Pursuant to [The Guide to Judiciary Policy and Procedure, Volume 6 Court Reporting, §220 Appointment](#), court reporters serve the Court en banc. Therefore, it is within the discretion of the Clerk to assign and reassign court reporters to active district judges, senior judges, visiting judges, and magistrate judges in a manner designed to distribute the total court reporting workload efficiently and cost effectively.

#### Section 4.02 Electronic Sound Recording Coverage

Whenever possible, electronic sound recording shall be used in lieu of hiring contract reporters.

#### Section 4.03 Work Hours

- (a) **Standard Hours.** As employees of the Clerk's office, court reporters are required to be at the courthouse for an 80-hour biweekly administrative work schedule. Standard work hours are from 8:00 a.m. to 4:30 p.m. (with a half-hour lunch) or 8:00 a.m. to 5:00 p.m. (with an hour lunch).
- (b) **Alternate Work Hours.** When a job assignment permits, court reporters may request an alternate work schedule with a start time no earlier than 7:00 a.m. and no later than 9:00 a.m. The end time of an alternative work schedule may be no earlier than 4:00 p.m. and no later than 6:00 p.m. The Court Reporting Supervisor must approve an alternate work schedule in writing prior to an employee commencing the alternative work hours. See [Human Resources Policies, Work Hours](#).
- (c) **Telework.** Court reporters may telework once per pay period and must have a signed telework agreement on file. Prior to working remotely, the court reporter must submit a request via JENIE. The supervisor will approve/deny the request. Telework is not an option when a court reporter is assigned to cover hearings, jury trials, or when coverage needs arise. The court reporter must be available to report to the courtroom within one hour of notification. Telework may not occur on a Monday, Friday, or a day before/after a holiday or scheduled leave. Flexing is not allowed on a telework day; however, leave may be taken for medical appointments, personal appointments, etc., on a telework day.

#### Section 4.04 Travel

Court reporters' travel shall be kept to a minimum.

## CHAPTER FIVE

### Contract Court Reporters

---

#### Section 5.01 Use of Contract Court Reporters

The use of contract court reporters shall be kept to an absolute minimum. Whenever possible, electronic sound recording shall be used in lieu of hiring a contract court reporter. A contract court reporter may be hired only if all official court reporters are reporting, scheduled to report, or are on leave and electronic recording cannot be used, or at the discretion of the Court Reporter Supervisor. If it is necessary to hire a contract court reporter, the Court Reporter Supervisor will be responsible for hiring the reporter. See, [The Guide to Judiciary Policy and Procedure, Volume 6 Court Reporting, §450 Contract Court Reporting](#).

#### Section 5.02 Circuit Approval Required

Under [28 U.S.C. § 753\(g\)](#), circuit councils are to provide the Director of the Administrative Office with a determination that, in a given district, court reporters should be provided on a contractual basis. The chief judge of the district must make a request to the circuit council. The need for contractual services must be outlined in accordance with the [Administrative Office's Guidelines for Using Contract Court Reporters](#). [See Appendix H](#).

#### Section 5.03 Other Requirements

- (a) **Contract.** Before a contract reporter can be used, under the Court Reporter Statute, [28 U.S.C. § 753\(g\)](#), the district court must contract for court reporting services with the person, firm, association, or corporation.
- (b) **Background Investigation.** All contract reporters must pass a mandatory FBI fingerprint check every two years to work as a contractor.
- (c) **Oath.** All contract reporters will be administered the following oath by the Human Resources Department, prior to reporting their first court proceeding: "I swear that I will faithfully, impartially, and truly report all court proceedings held before the judges of this district."

#### Section 5.04 Contract Court Reporter Steno Notes

Contract reporters must file their notes with the court within 90 days of conducting a hearing.

## CHAPTER SIX

### Transcripts

---

#### **Section 6.01 Transcript Format**

Court reporters are required to assure full compliance with format requirements of the Administrative Office of the United States Courts and the Judicial Conference of the United States. [The Guide to Judiciary Policies and Procedures, Volume 6 Court Reporting, § 520 Transcript Format](#) defines the transcript format prescribed by the Judicial Conference.

#### **Section 6.02 Transcript Orders**

All transcript orders shall be filed through CM/ECF. The ordering process is outlined in [Appendix G](#).

#### **Section 6.03 Transcript Priority**

First priority shall be given to the production of transcripts that involve incarcerated defendants, especially those cases that challenge the imposition of the death penalty, and to cases on appeal. Transcripts for criminal appeals that challenge sentences imposed under the sentencing guidelines shall also be a priority.

#### **Section 6.04 Transcript Rates**

The rates charged for transcripts produced by court reporters must conform to the current fee schedule. See [The Guide to Judiciary Policies and Procedures, Volume 6 Court Reporting, § 530 Fees](#). See Appendices [C](#) and [D](#).

- (a) **Apportionment Prohibited.** Apportionment of accelerated transcript costs among parties in CJA cases is prohibited.
- (b) **Fee Discount for Late Transcripts.** Transcripts not delivered within the specified times prescribed by the Court are subject to a fee discount provision as follows:
  1. Transcripts ordered for non-appeal purposes shall be delivered within 30 days. The reporter may charge only 90 percent of the prescribed fee for transcript of a case not delivered within 30 days of the date ordered and payment received. For a transcript not delivered within 60 days of the date ordered and payment received, the reporter may charge only 80 percent of the prescribed fee. No fee may be charged which would be higher than the fee corresponding to the actual delivery time. The Clerk of Court may grant a waiver of the above price reduction upon the written petition of the reporter.

2. Transcripts ordered for appeal purposes shall be delivered within 30 days unless the Clerk of the Court of Appeals has granted an extension of time for delivery of transcript. Reporters who do not deliver transcripts within 30 days may charge only 90% of the prescribed fee; reporters who do not deliver transcript within 60 days may charge only 80% of the prescribed fee, unless the Clerk of the Court of Appeals has granted a waiver of the sanction provision.

(c) **Overcharging.** Reporters, who are found to be overcharging for transcripts by virtue of violations in page format, line format, reduction in pitch, or allowable realtime charges, will be required to make immediate restitution and will be subject to disciplinary action up to and including termination as determined by the Clerk. See [Human Resources Policies, Disciplinary Actions](#).

#### **Section 6.05 Transcript Filing**

The court reporter must file the original transcript in CM/ECF in PDF format within three working days of delivery to the ordering party. In accordance with [28 U.S.C. § 753\(b\)](#), court reporters are required to file either a transcript or an electronic sound recording of all arraignments, pleas, and sentencing hearings. Accordingly, all transcripts or recordings of these proceedings shall be filed in accordance with the note storage procedures approved by this Court within 30 days after the conclusion of a proceeding.

#### **Section 6.06 Transcript Billing**

A copy of every billing invoice or completed CJA 24 form must be submitted to the Court Reporter Supervisor. The billing invoice must be in PDF format.

#### **Section 6.07 Delinquent Transcripts**

Reporters and ECROs who are consistently delinquent in delivery of transcripts, filing of original notes and tapes, and/or submission of required reports may be subject to disciplinary action as determined by the Clerk. See [Human Resources Policies, Disciplinary Actions](#).

## CHAPTER SEVEN

### Miscellaneous Provisions

---

#### Section 7.01 Freelance Work Prohibited

Court reporters shall not perform any private (freelance) work. See [The Guide to Judiciary Policies and Procedures, Volume 6 Court Reporting, § 240 Tour of Duty](#).

#### Section 7.02 Stenographic Notes and Dictionary

- (a) **AO Guidance on Storage of Original Notes and Audio Files.** Storage of original notes and audio files shall be in accordance with the [Administrative Office's Policy and Guidance on the Storage of Original Notes and Audio Files](#) as detailed in this plan. [See Appendix B](#).
- (b) **Note Readable Requirement.** The work of the court reporters shall be "note-readable" so in the event of an emergency, another reporter can read the steno notes of a court reporter.
- (c) **Requirement to File Dictionary.** A copy of the court reporter's dictionary shall be filed in PDF or RTF format and updated annually.
- (d) **Storage of Steno Notes.** A copy of the computerized steno shall be kept in a location accessible by the court reporting supervisor. The computerized steno notes are to be filed with the Clerk of Court upon termination of employment. Transcripts will be produced by the Clerk's Office only in the event of unavailability or unwillingness of the court reporter to produce transcripts.
- (e) **Steno Note Storage Procedures:** The marking, filing, and storing of reporters' notes and electronic sound recording tapes shall be in accordance with the note storage procedures approved by this Court and outlined in [Appendix B](#).
- (f) **Contract Reporter Steno Notes:** Contract reporters must file their notes with the court within 90 days of conducting a hearing.

#### Section 7.03 Realtime Reporting

Court reporters are encouraged to provide realtime translation upon request, but must comply with the realtime reporting standards promulgated by the JCUS. [See Appendix E](#).

#### Section 7.04 Leave

Court reporters shall earn annual leave in accordance with the provisions of the [Leave Act, 5 U.S.C. § 6301, et seq](#). Guidelines for the administration of leave are addressed in [Human Resource Policies, Leave Policies](#).

### **Section 7.05 AO Reports**

Court reporters must submit their Attendance and Transcripts of the United States Court Reporters (Form AO 40A) and Statement of Earnings of United States Court Reporters (Form AO 40B) using the Automated Court Reporter Application System (ACRA) available in [JENIE](#). The reports must be submitted within the time-period required by the AO. See [The Guide to Judiciary Policies and Procedures, Volume 6 Court Reporting, §290.40 Records and Reports](#).

### **Section 7.06 DCN Access**

Court reporters are provided access to the Court's internal Data Communication Network (DCN) for filing their notes and recordings, submitting leave, accessing email, and filing transcripts. See [The Guide to Judiciary Policy and Procedures, Volume 6 Court Reporting, §260.45 Data Communications Network](#).

### **Section 7.07 Postage**

The Comptroller General has determined that each court reporter must pay for their own postage and all associated expenses of all mailing, including official mailing. Accordingly, each court reporter must transmit all mail with prepaid postage affixed. See [The Guide to Judiciary Policy, Vol 6, § 260.50.20 Postage and Delivery Costs](#).

### **Section 7.08 Supplies, Services, and Other Equipment**

In accordance with [28 U.S.C. § 753\(e\)](#), official court reporters are responsible for purchasing their own supplies, equipment and necessary software, such as transcript paper, ink cartridges, electronic storage media, software that assists with producing transcripts, software that assists with billing of transcripts, and other supplies and equipment used by court reporters in the production of transcripts. The only equipment provided by the court is one computer (and peripherals) at each location for access to the DCN for official purposes. This equipment cannot be used for production of transcripts or for private reporting work. See [The Guide to Judiciary Policy, Vol 6, § 260.50 Supplies, Services, and Other Equipment](#).

### **Section 7.09 Copy Equipment**

Court reporters must provide their own copying facilities and equipment. They should not use the court's copying equipment for official or private business. Such use is restricted because it backlogs needed copying in the court and delays case processing. In addition, copy fees are established by the Judicial Conference and must be charged by the Clerk for any private copying done on a court's copier, and these fees are deposited into the United States Treasury. Use of court-provided copy equipment, even with the court reporter paying the established copy fees, would deplete the courts' local budget. Nonetheless, in an emergency, a court reporter may obtain approval from the Clerk of Court to use the court's equipment and reimburse the court the same user-charge paid by the public. See [The Guide to Judiciary Policy, Vol 6, § 260.55 Copy Equipment](#).

**Section 7.10 Records to be maintained by Court Reporters**

To permit the routine audit and inspection of records, court 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 JCUS, or on a form in substantially the same format, and shall include but are not limited to the following:

- Expense Ledger - AO37
- Attendance Ledger - AO38
- Transcript Order/Collections Ledger - AO39
- Invoice - AO44

**CHAPTER EIGHT**  
**Administration of the Plan**

---

**Section 8.01 Authority of the Clerk**

The Clerk shall administer this Plan on behalf of the Court. The Clerk is fully authorized and empowered to implement and carry out the terms of this Plan subject to the policies and procedures provided in the [Human Resources Policies](#) of the U.S. District Court, Eastern District of California.

**Duly adopted, approved and effective this 11<sup>th</sup> day of March, 2015.**



\_\_\_\_\_  
**MORRISON C. ENGLAND, JR.**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**APPENDIX A**

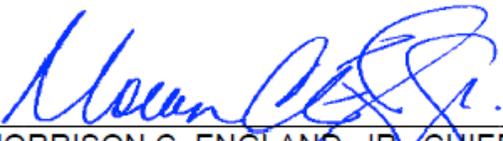
**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**DELEGATION OF COURT REPORTER AUTHORITY TO THE CLERK OF COURT**

With the agreement of the judges of the Eastern District of California, I hereby authorize the Clerk of Court, Marianne Matherly, to sign her name for me, on all human resources actions applicable to the court reporters for the Eastern District of California, including but not limited to appointments, promotions and terminations. This delegation is effective May 6, 2013, *nunc pro tunc*.

With the agreement and consent of the judges of the Eastern District of California, the Clerk of Court is authorized to exercise full management authority over the district's court reporters, as defined in the district's Court Reporter Management Plan.

Approved by:

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT

Date: June 24, 2013

**APPENDIX B**  
**PROCEDURES FOR STORAGE OF COURT REPORTERS' NOTES AND RECORDINGS**  
**PAPER NOTES AND AUDIO (TAPE) RECORDINGS**

All original notes are to be delivered to the Clerk within 90 days after the conclusion of the proceeding. If a reporter does not file a transcript of an arraignment, plea or sentencing, then the audio recording of the proceeding must be filed with the clerk within 30 days of the close of the proceeding. If a transcript is ordered in a case where the notes or tape recording has been submitted to the Clerk, the court reporter shall retrieve the notes or tape recording from storage and shall refile the notes or tape when the transcript is filed.

**A. STORAGE OF ORIGINAL PAPER NOTES**

1. All notes are to be chronologically filed and placed in Federal Record Center (FRC) boxes that can be obtained from the Clerk's Office.
2. The outside of the box should be marked with a label indicating the court reporter's name, the calendar year, month and dates of the notes.
3. If the notes for a particular month are too voluminous to be stored in one box, use as many boxes as necessary and identify them in sequence. Conversely, if the notes for a particular month do not fill one box, several months' notes may be stored in the box as long all notes are identified.
4. Each packet of notes is to be certified and should include the case number, case caption, presiding judge, date of proceeding, and court reporter's name.
5. Each box of notes must contain a Filing Certification Form for Original Notes. To maintain the security of original notes, reporters should place their notes in packets and secure them at the end of the day.

**B. STORAGE OF ORIGINAL TAPE RECORDINGS**

In accordance with 28 U.S.C. § 753(b), court reporters are required to file with the Clerk either a transcript or an electronic sound recording of all arraignments, pleas, and sentencings. Accordingly, all tape recordings of these proceedings are to be delivered to the Clerk or a designee (Court Reporting Supervisor) within 30 days or as soon as the recording has been used to capacity, whichever is sooner.

1. All tapes are to be chronologically filed and placed in Federal Record Center (FRC) boxes that can be obtained from the Clerk's Office.
2. The outside of the box should be marked with a label indicating the court reporter's name, the calendar year, month and dates of the tapes.
3. Each tape is to be certified and should include the case numbers, case captions, presiding judge, date of proceedings, and court reporter's name.
4. Each box of tapes must contain a Filing Certification Form for Original Tapes.

## APPENDIX B, cont.

### PAPERLESS NOTES AND RECORDINGS

To ensure that the notes and recordings are accessible to the court, standards relative to the file format, file name, file organization, and media are included in the following general procedures for the handling of paperless steno notes and recordings.

#### **A. OVERVIEW**

1. Copying directly from the steno notes files created by the steno machine, the steno notes and audio files will be stored on one of the district network servers, ensuring that there is an off-site copy of the notes available, while also providing data redundancy.
2. The steno notes files will also be copied to the court reporter's personal computer to a folder named with the current month and year.

#### **B. STANDARDS - STORED NOTES ON A NETWORK SERVER**

Paperless steno machines write notes to an electronic storage device. At least weekly, the court reporter will copy the files from the electronic storage to the designated district network folder. Under the network folder "Court Reporters," each court reporter will have a folder named with the court reporter's name. In the court reporter's folder, the court reporter will create a subfolder for year and month. Within the "Month" folder, each file shall be named with the date of the notes it contains. The court reporter may create separate folders for notes and for arraignments, pleas and sentencings. The naming convention of "mmddy" will be used in the folder names. The court reporter will download the notes to a flash drive, and then upload them to the shared folder on the government computer.

#### **C. STANDARDS – STORED AUDIO FILES ON A NETWORK SERVER**

In accordance with 28 U.S.C. § 753(b), court reporters are required to file with the Clerk either a transcript or an electronic sound recording of all arraignments, pleas, and sentencing's. If a reporter chooses to file the electronic sound recordings they should copy them to the court's network server in the same fashion they copy their notes. Under the network folder "Court Reporters," each court reporter will have a folder named with the court reporter's initials. In the court reporter's folder, the court reporter will create a subfolder for year and month. Within the "Month" folder, each audio file shall be named with the date of the recordings it contains. The naming convention of "mmddy" will be used for the folder names. The court reporter will download the audio files to a flash drive, and then upload them to the shared folder on the government computer.

**APPENDIX B, cont.**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**FILING CERTIFICATION FORM FOR ORIGINAL NOTES AND AUDIO FILES**

In accordance with 28 U.S.C. § 753, I hereby certify that the original notes, audio tapes tendered in a box in hard copy format, or electronic notes and sound files tendered in a monthly electronic filing folder, for filing with the Clerk of Court are the full, true, and correct notes or recordings taken during oral proceedings in the United States District Court for the Eastern District of California and includes District Court, Magistrate Judge Court, and other official hearings held in said district.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Electronic Signature of Court Reporter)

APPENDIX B, cont.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**CONTRACT COURT REPORTER NOTICE RE FILING NOTES AND CERTIFICATION FORM  
FOR ORIGINAL NOTES**

**NOTICE:** In accordance with 28 U.S.C. § 753, you are hereby notified you must file your original notes with the court reporting supervisor within ninety (90) days of covering a hearing in the United States District Court for the Eastern District of California. The following certification shall be completed and filed with the notes:

I hereby certify that the original notes tendered herein for filing with the Clerk of Court are the full, true and correct notes taken during oral proceedings in the United States District Court for the Eastern District of California and includes District Court, Magistrate Judge Court, and other official hearings held in said district.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Electronic Signature of Court Reporter)

**APPENDIX C**  
**TRANSCRIPT FEES**

<u>Transcript</u>	Original	Copy to Each Party	Each Add'l Copy to the Same Party
<p><b><u>Ordinary Transcript</u></b> A transcript to be delivered within 30 calendar days after receipt of an order</p>	\$3.65	\$ .90	\$ .60
<p><b><u>14-Day Transcript</u></b> A transcript to be delivered within 14 calendar days after receipt of an order</p>	\$4.25	\$ .90	\$ .60
<p><b><u>Expedited Transcript</u></b> A transcript to be delivered within 7 calendar days after receipt of an order</p>	\$4.85	\$ .90	\$ .60
<p><b><u>Daily Transcript</u></b> A 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 actually a court day</p>	\$6.05	\$1.20	\$ .90
<p><b><u>Hourly Transcript</u></b> A transcript of proceedings ordered under unusual circumstances to be delivered within 2 hours</p>	\$7.25	\$1.20	\$.90
<p><b><u>Realtime Transcript*</u></b> A draft unedited transcript produced by a certified realtime reporter as a byproduct of Realtime to be delivered electronically during proceedings or immediately following adjournment</p>	One feed \$3.05 per page; two-to-four feeds, \$2.10 per page, five or more feeds, \$1.50 per page.		
* Only Certified Realtime Reporters may charge for realtime services			

## **APPENDIX C, cont.**

### **Transcript in CJA Cases**

In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed counsel or the Clerk 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 not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.

**APPENDIX D**  
**ITEMS FOR WHICH NO FEES MAY BE CHARGED**

Item	Description
(a) Transcript copy filed with the Court	A party may not be charged for any transcript provided to the clerk of court as the court's copy. See: <a href="#">Guide, Vol 6, § 290.20.20(b)</a> .
(b) Judge's Copy	A judge-ordered copy is not the same as the certified copy delivered to the clerk for the records of the court. The staff court reporter may not charge a party, including the government, for any certified transcript provided to a judge regardless of the existence of an order so granting. See: <a href="#">§ 530.30</a> .
(c) Viewing the Record by a Party	A transcript on file in the clerk's office may be examined without charge to a party or other member of the public. See: <a href="#">Guide, Vol 6, § 290.20.30(e)</a> .
(d) Postage	Postage costs are considered an ordinary business expense; therefore, the court reporter or transcriber may not charge for ordinary postage. However, when the party requests expedited delivery, the court reporter or transcriber may bill the party for the difference between ordinary postage cost and the cost for expedited delivery. See: <a href="#">Guide, Vol 6, § 260.50.20</a> .
(e) Keyword Indexes	The index pages may be billed at the page rate, but no charge is permitted in addition to the normal page rates for keyword indexing services. See: <a href="#">§ 520.46.30</a> .
(f) Cover	The cover is a required part of the transcript and the court reporter may not charge extra for the transcript cover. See: <a href="#">§ 520.53</a> .
(g) Certification	The certification is a required part of the transcript and the court reporter may not charge extra for the certification. See: <a href="#">§ 520.63</a> .
(h) Canceled Orders	When a transcript order is canceled, only the pages produced may be charged. There is no charge for pages not produced. If a deposit was received and no pages were produced prior to the cancellation, the full deposit must be returned to the party. Any pages that were produced must be provided to the ordering party and a certified transcript filed with the clerk of court.

**APPENDIX D, cont.**

<b>Item</b>	<b>Description</b>
(i) Credit Card Fees, Service Fees or Late Charges	Credit card fees accrued by a court reporter or transcriber who accepts payment via credit card may not be charged to the ordering parties. Additionally, no other service fees, convenience fees or late payment penalties may be charged to the ordering parties.

**APPENDIX E**  
**REALTIME REPORTING STANDARDS**

**A. GENERAL POLICY**

Effective June 1, 1996, the Judicial Conference established a new category of “realtime unedited transcript.” Realtime includes the following services:

1. The instantaneous translation of the proceedings on a computer monitor;
2. The ability to scroll forward and backward, search the record for key words or phrases and mark portions of the text using viewer/annotation software; and
3. The realtime translation and appended notes delivered electronically during or immediately following adjournment.

When realtime services are requested by a party to the case, a certified realtime reporter (CRR) may charge and collect the per page rate for the realtime translation. CRRs may not provide realtime services to anyone who is not a party to the case without prior approval of the presiding judge.

The Judicial Conference amended the maximum realtime translation rate policy to eliminate the requirement that a litigant who orders realtime services in the courtroom must purchase a certified transcript (original or copy) of the same pages of realtime translation at the regular rates.

**B. QUALIFICATIONS OF REPORTERS WHO MAY CHARGE FOR REALTIME TRANSLATION**

**1. Judicial Conference Policy**

Official court reporters who have successfully completed the National Court Reporters Association (NCRA) Certified Realtime Reporter (CRR) examination or who have passed an equivalent qualifying examination, are recognized as certified realtime reporters and are permitted, but not required, to sell realtime translation.

**2. Production**

The transcript formal guidelines prescribed by the Judicial Conference apply to realtime translation with the following exceptions:

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

## APPENDIX E, cont.

- c. If applicable, the electronic media label should be of a different color than that used on electronic media containing the text of certified transcript and should be marked with the words “Realtime Unedited Transcript Only.”

Electronic files 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 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. Parties should coordinate and pre-test their equipment with the CRR before official proceedings begin.

#### 4. **Distribution**

A CRR providing realtime translation should offer comparable services to all parties to the proceeding. The primary purpose of realtime translation is to provide access to a draft transcript of the proceedings on electronic media at the end of each day.

It should be noted that when realtime services are provided, there may be two versions of the transcript for one proceeding - unofficial and official. The realtime translation may contain errors, some of which could change the accuracy or meaning of the testimony. A realtime translation 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 services may only be distributed to ordering parties to the case. It should not be made available to the public, including news organizations or other nonparticipants, unless authorized by the presiding judge. It is recommended that each CRR request that parties acknowledge receipt of a realtime translation by signing a disclaimer which explicitly states that the ordering party is aware that the realtime translation is not an official record of the court proceedings.

**SAMPLE**

REALTIME UNEDITED TRANSLATION DISCLAIMER IN THE MATTER OF

\_\_\_\_\_  
V.  
\_\_\_\_\_

The realtime translation of proceedings in the above-titled matter is delivered unedited and uncertified by the court reporter at the request of the undersigned. You agree that you will not distribute this realtime translation in any form, written or electronic, to the public, including news organizations and other nonparticipants.

The realtime translation shall not be relied upon for purposes of verbatim citation of the record or used for any purpose that requires a certified transcript of a proceeding.

The realtime translation has not been edited, proofread or corrected. It is a draft transcript and is not certified to be true and correct. It may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols, which cannot be deciphered by non-steno typists. The realtime translation may differ from a certified transcript of the same proceedings in content, page and line numbers, punctuation and formatting. The realtime translation contains no appearance page, index or certification page.

The undersigned agrees to indemnify and hold harmless the court reporter for any use by any person of the realtime translation.

\_\_\_\_\_  
Printed Name of Purchaser

\_\_\_\_\_  
Signature of Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Official Reporter

\_\_\_\_\_  
Date

**APPENDIX F**

**CERTIFICATION OF COURT REPORTER**

NAME \_\_\_\_\_ HIRE DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

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

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

1. I understand that I will serve the judges of the United States District Court, Eastern 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 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 Supervisor and update my eOPF of any change in address or telephone number.
6. I understand it is my responsibility to read the Court Reporter Manual. I further understand it is my responsibility to bring any questions or concerns I may have to the attention of the Court Reporter Supervisor for clarification.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court Reporter Supervisor Signature

\_\_\_\_\_  
Date

## APPENDIX G

### TRANSCRIPT ORDERS

Transcript requests to a court reporter must be submitted through the Court's CM/ECF system. To electronically file a Transcript Order Form, the party will follow the instructions below:

#### **For CM/ECF Users**

- Access the court's Internet site
- Click on the Attorney Info link
- Click the Court Reporters/Transcripts link
- Click the Transcript Ordering Form link in the first paragraph
- Complete the form and save as a PDF
- Log in to CM/ECF
- Click Other Documents in the Other Filings section
- Click Transcript Order Form from the list
- Browse computer and select saved PDF
- Submit request
- Arrange for payment with the appropriate court reporter

#### **For Non-CM/ECF Users**

- Access the court's Intranet site
- Click on the Forms link
- Select the Transcript Order Form
- Complete the form and save as a PDF
- Email the form to the appropriate court reporter
- Arrange for payment with the appropriate court reporter

The court reporter will be required to docket all electronic transcript orders received from non-CM/ECF users. Operations Staff will docket all paper transcript orders received. Operations Staff will docket orders received from the Ninth Circuit.

#### **Transcript Payments**

Once the court reporter receives the orders, they will contact the party regarding the cost. The court reporter may determine whether to begin preparing the transcript until they receive payment.

If the court reporters receive a bad check, they will immediately stop transcript production and notify the Court Reporter Supervisor.

## APPENDIX G, cont.

CAED 435  
(Rev. 02/15)

### INSTRUCTIONS

**Use.** Use this form to order the transcription of proceedings. Complete a separate order form for each case number for which transcripts are ordered.

**Completion.** Complete Items 1-20. **DO NOT** complete shaded areas, which are reserved for the court reporter's use.

**Order Copy.** Keep a copy for your records.

**Submitting to the Court.** Parties to the case must file the completed form(s) into the case docket. The court reporter(s) will automatically be notified once the form is filed in the case. Non-parties to the case must submit the completed form(s) to the court reporter(s) by mail or email.

**Deposit Fee.** The court reporter(s) will notify you of the amount of the required deposit fee which may be mailed or delivered to the court reporter(s). Upon receipt of the deposit, the court reporter(s) will process the transcript order(s). Transcript order is considered received upon receipt of the deposit.

**Delivery Time.** Delivery time is computed from the date of receipt of the deposit fee, or for transcripts ordered by the federal government from the date of receipt of the payment authorization form(s).

**Completion of Order.** The court reporter(s) will notify you when the transcript is completed.

**Balance Due.** If the deposit fee was insufficient to cover all charges, the court reporter will notify you of the balance due which must be paid prior to receiving the completed transcript order.

### SPECIFIC

**Items 1-8.** Contact information for individual ordering the transcript(s).

**Items 9-19.** Case and proceeding information should always be completed.

**Item 9.** Only one case number may be listed per transcript order.

**Item 10.** Indicate name of judge who held the proceeding.

**Items 11-12.** Indicate date(s) of the proceeding(s).

**Item 13.** Indicate case name.

**Item 14-15.** Indicate where the proceeding took place.

**Item 16-18.** Place an "X" in each box that applies.

**Item 17.** Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Check the case docket for hearing minutes for name of court reporter. Proceedings recorded using electronic recording will have an indication of "ECRO" or "CD" in the hearing minutes. Indicate "ECRO" in the reporter column.

**Item 18. Ordering.** Place an "X" in each box that applies. Indicate the number of additional copies ordered.

**Original.** Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the copy for the records of the court.

**First Copy.** First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

**Additional Copies.** All other copies of the transcript ordered by the same party.

**Categories.** Transcript order is considered received upon receipt of the deposit. There are six (6) categories of transcripts which may be ordered. **All categories need to be pre-approved by the court reporter(s), except "Ordinary."** Transcript rates vary by category. Please refer to the court's website [www.caed.uscourts.gov](http://www.caed.uscourts.gov) for transcript rates. The categories are:

- **Ordinary.** A transcript to be delivered within thirty (30) calendar days after receipt of an order.
- **14-Day.** A transcript to be delivered within fourteen (14) calendar days after receipt of an order. **Check with reporter before selection.**
- **Expedited.** A transcript to be delivered within seven (7) calendar days after receipt of an order. **Check with reporter before selection.**
- **Daily.** A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day. **Check with reporter before selection.**
- **Hourly.** A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours. **Check with reporter before selection.**
- **Realtime.** A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment. **Check with reporter before selection.**

**NOTE:** Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the 14-day delivery rate, and if not completed and delivered within 14 calendar days, payment would be at the ordinary delivery rate.

**Item 19.** Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

**Item 20.** Enter the date of signing.

**APPENDIX G, cont.**

CAED 435 (Rev. 02/15)		United States District Court, Eastern District of California		<b>FOR COURT USE ONLY</b>	
<b>TRANSCRIPT ORDER</b>				<b>DUE DATE:</b>	
<i>PLEASE Read Instruction Page (attached):</i>					
1. YOUR NAME		2. EMAIL		3. PHONE NUMBER	
4. DATE		5. MAILING ADDRESS		6. CITY	
7. STATE		8. ZIP CODE		9. CASE NUMBER	
10. JUDGE		DATES OF PROCEEDINGS		11. FROM	
12. TO		LOCATION OF PROCEEDINGS		13. CASE NAME	
14. CITY		15. STATE		16. ORDER FOR	
<input type="checkbox"/> APPEAL No.		<input type="checkbox"/> CRIMINAL		<input type="checkbox"/> CRIMINAL JUSTICE ACT	
<input type="checkbox"/> NON-APPEAL		<input type="checkbox"/> CIVIL		<input type="checkbox"/> BANKRUPTCY	
				<input type="checkbox"/> IN FORMA PAUPERIS	
				<input type="checkbox"/> OTHER (Specify)	
17. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested) <i>You must provide the name of the Reporter.</i>					
TRIAL		DATE(S)		REPORTER	
HEARINGS		DATE(S)		REPORTER	
<input type="checkbox"/> ENTIRE TRIAL				<input type="checkbox"/> OTHER (Specify Below)	
<input type="checkbox"/> JURY SELECTION					
<input type="checkbox"/> OPENING STATEMENTS					
<input type="checkbox"/> CLOSING ARGUMENTS					
<input type="checkbox"/> JURY INSTRUCTIONS					
<input type="checkbox"/>					
<input type="checkbox"/>					
18. ORDER (Grey Area for Court Reporter Use)					
CATEGORY		ORIGINAL <small>(Includes Certified Copy to Clerk for Records of the Court)</small>		FIRST COPY	
		ADDITIONAL COPIES		NO. OF PAGES ESTIMATE	
ORDINARY		<input type="checkbox"/>		<input type="checkbox"/>	
14-Day		<input type="checkbox"/>		<input type="checkbox"/>	
EXPEDITED		<input type="checkbox"/>		<input type="checkbox"/>	
DAILY		<input type="checkbox"/>		<input type="checkbox"/>	
HOURLY		<input type="checkbox"/>		<input type="checkbox"/>	
REALTIME		<input type="checkbox"/>		<input type="checkbox"/>	
CERTIFICATION (19 & 20) By signing below, I certify I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	
19. SIGNATURE				PROCESSED BY	
20. DATE				PHONE NUMBER	
TRANSCRIPT TO BE PREPARED BY				COURT ADDRESS	
ORDER RECEIVED		DATE		BY	
DEPOSIT PAID				DEPOSIT PAID	
TRANSCRIPT ORDERED				TOTAL CHARGES	
TRANSCRIPT RECEIVED				LESS DEPOSIT	
ORDERING PARTY NOTIFIED TO PICK UP TRANSCRIPT				TOTAL REFUNDED	
PARTY RECEIVED TRANSCRIPT				TOTAL DUE	

**APPENDIX H**

**OFFICE OF THE CIRCUIT EXECUTIVE**

**UNITED STATES COURTS FOR THE NINTH CIRCUIT**

JAMES R. BROWNING UNITED STATES COURTHOUSE  
95 SEVENTH STREET  
POST OFFICE BOX 193939  
SAN FRANCISCO, CA 94119-3939

CATHY A. CATTERSON,  
CIRCUIT & COURT OF APPEALS EXECUTIVE  
PHONE: (415) 355-8900  
FAX: (415) 355-8901

---

TO: Marianne Matherly, Clerk of Court, Eastern District of California  
FROM: Dr. Robert E. Rucker, Assistant Circuit Executive  
DATE: February 5, 2014  
RE: Eastern District of California Contract Court Reporters

This memo communicates that the Judicial Council for the Ninth Circuit has approved the Eastern District of California's request to use contract court reporter services in accordance with 28 U.S.C. § 753(g) for the period February 1, 2014 through January 31, 2017.

If you have any questions, please let me know.

cc: Robin Cole, AO