

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

SEP 20 1999

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY gdp
CLERK

IN RE: REPORTERS' RATES FOR)
REALTIME UNEDITED)
TRANSCRIPTS)
_____)

GENERAL ORDER NO. 371

In accordance with a modification approved by the Judicial Conference of the United States at its March, 1999 meeting, which states:

Rates

As modified by the Judicial Conference at the March 1999 session, the maximum per page rates each Certified Realtime Reporter (CRR) may charge and collect for realtime unedited transcript are as follows:


	<u>Original</u>	<u>Copies</u>
Realtime Unedited Transcript	\$2.50	\$1.00

No additional charge is permitted for the cost of the diskette itself or for formatting the diskette. Litigants who order realtime services are required to purchase an original certified transcript of the same pages of realtime unedited transcript at the regular rates (ordinary, expedited, daily, or hourly). Litigants who order a copy of realtime unedited transcript will be required to purchase a certified copy of the same pages of realtime unedited copies at the regular copy rates (ordinary, expedited, daily, or hourly).

CRRs may request prepayment of fees for realtime unedited transcript prior to the start of the proceeding for which the realtime unedited transcript is ordered. They may not request prepayment by the United States government, including fees paid pursuant to the Criminal Justice Act. CRRs may not charge a fee for any realtime unedited transcript provided to a judge.

DATED: 9/20, 1999.

FOR THE COURT:


WILLIAM B. SHUBB, CHIEF
U. S. DISTRICT COURT JUDGE

REALTIME REPORTING STANDARDS

1. General Policy.

As adopted in March 1996, it is the policy of the Judicial Conference that effective June 1, 1996 a new category of "realtime unedited transcript" has been established. Realtime unedited transcript is defined as "a draft transcript produced by a Certified Realtime Reporter (CRR) as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment". Realtime includes the following services:

- The instantaneous translation of the proceedings on a computer monitor;
- The opportunity to scroll forward and backward, search the record for key words or phrases and mark portions of the text using viewer/annotation software; and
- The realtime unedited transcript on diskette delivered during the proceedings or at the end of the day.

When realtime services are requested by a party to the case, a CRR may charge and collect for realtime unedited transcript. CRRs should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge.

As adopted in March 1999, it is the policy of the Judicial Conference that a litigant who orders realtime services will be required to purchase an original certified transcript of the same pages of realtime unedited transcript at the regular rates (ordinary, expedited, daily, or hourly). Likewise, a litigant who orders a copy of a realtime unedited transcript will be required to purchase a certified copy of the same pages of realtime unedited copies at the regular copy rates (ordinary, expedited, daily, or hourly.) Judicial Conference policy on payments for transcripts ordered pursuant to the Criminal Justice Act (CJA) remains in effect.¹

¹See Part 13.5.2 and Part 13.5.3.a of the Court Reporters' Manual, Volume VI, Guide to Judiciary Policies and Procedures; and, paragraph 3.12B and paragraph 3.12C of the Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines), Volume VII, of the Guide.

REALTIME REPORTING STANDARDS

2. Qualifications of Reporters Who May Charge for Realtime Unedited Transcript.

a. Judicial Conference Policy.

Official court reporters who have successfully completed the Certified Realtime Reporter examination offered by the National Court Reporters Association (NCRA), or who have passed an equivalent qualifying examination, are recognized as Certified Realtime Reporters. CRRs are permitted, but not required, to sell realtime unedited uncertified transcript on diskette.

b. Equivalent Qualifying Examinations.

The CRR examination consists of five minutes of professionally audio-recorded dictation (straight matter) at variable speeds ranging from 180-200 words per minute. At a 96% accuracy rate, reporters must produce a simultaneous translation and display of live proceedings utilizing computer-aided translation within 5 seconds of stenotype input. Without editing, the reporter must produce an ASCII (computer language) text file on diskette. Reporters are required to provide all necessary personal equipment and software (computer, and display, write, cable, and realtime software). Any other qualifying examination must be equivalent to the NCRA examination.

3. Production

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

- a. Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only".
- b. The realtime unedited transcript should not include an appearance page, an index, or a certification.
- c. The diskette label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, "Realtime Unedited Transcript Only".

Realtime unedited transcript sold on computer diskette may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during the

REALTIME REPORTING STANDARDS

proceedings. Diskettes may not contain any protection or programming codes that would prevent copying or transferring the data.

All parties requesting realtime services shall be responsible for providing their own personal computers, viewer/annotation software, and monitors. Upon the request of the parties, reporters may make equipment and software available at no additional charge. The CRR shall provide wiring and data communications connections needed to provide realtime services to these persons. Parties should coordinate and pre-test their equipment with the CRR before official proceedings begin.

4. Distribution

A CRR providing realtime unedited transcript should offer comparable services to all parties to the proceeding. The primary purpose of realtime unedited transcript is to provide access to a draft transcript of the proceedings on diskette at the end of each day. It is not intended to be used in subsequent proceedings for impeachment or for any other purpose, including further distribution.

It should be noted that when realtime unedited transcript is provided, there may be two versions of the transcript for one proceeding--unofficial and official. The realtime unedited transcript may contain errors, some of which could change the accuracy or meaning of the testimony. A realtime unedited transcript will not satisfy the requirement for the reporter to provide or file a certified transcript with the district court clerk or as the record on appeal.

Realtime unedited transcript may only be distributed to ordering parties to the case. It should not be made available to the public, including news organizations or other non-participants. It is recommended that each CRR request that parties acknowledge receipt of a realtime unedited transcript by signing a disclaimer which explicitly states that the ordering party is aware that the realtime unedited transcript is not an official record of the court proceedings. A sample Realtime Unedited Transcript Disclaimer is Exhibit 1.

REALTIME REPORTING STANDARDS

5. Rates

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CRRs may request prepayment of fees for realtime unedited transcript prior to the start of the proceeding for which the realtime unedited transcript is ordered. They may not request prepayment by the United States government, including fees paid pursuant to the Criminal Justice Act. CRRs may not charge a fee for any realtime unedited transcript provided to a judge.

6. Realtime Court Reporting Technical Standards

Realtime technical standards and guidelines have been developed to govern the implementation and use of realtime reporting systems in the district courts. These standards became effective January 1996. The technical standards apply to Certified Realtime Reporters who charge fees for realtime reporting services. Detailed information about the standards is contained in Information Resources Management Standards 702.0 which is included in Chapter 8 of the Court Reporters' Manual. The standards are also available on the Judiciary's Internal Website: click on Program Desk, Information Technology, Information Resources Management (IRM) Standards.