

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY

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FEB 14 2012

Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

Administrative Order  
Number 2012-03

In Re: COURT REPORTER MANAGEMENT PLAN

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ORDER

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Pursuant to the resolution of the Judicial Conference of the United States adopted March 11-12, 1982, the following plan for the day-to-day management and supervision of court reporters is hereby adopted by this court, subject to the approval of the Judicial Council of the United States Court of Appeals for the Sixth Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

Declaration of Policy:

It is the policy of this court that there be day-to-day management and supervision of an efficient court reporting service within the court.

Management and Supervision of the Court Reporter:

The Court will designate a lead court reporter responsible for the day-to-day management and supervision of an efficient reporter service within the court. The Chief Judge, or such other judge or judges designated by the Chief Judge, shall be responsible for the implementation of this Plan. The judges will act on behalf of the court in matters of hiring, discipline and enforcement of general policy matters as set forth in the resolutions of the Judicial Conference. The supervising responsibility of the clerk lies primarily within the area of the reporter's relations with litigants as specified in the Court Reporter Act, 28 U.S.C. §753, including fees charged for transcripts, adherence to transcript format prescriptions and delivery schedules. The clerk shall, through scheduling, minimize the use of temporary or contractual court reporter services to every extent practicable. The court is presently authorized five (5) official 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 and the Judicial Conference of the United States. Only fully-qualified reporters shall be appointed and retained 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 judges.



Each new official court reporter shall serve a one-year probationary period of appointment. Termination without cause by the Chief Judge, or his or her designee acting on behalf of the court, may occur without notice any time during this probationary period.

The lead court reporter will ensure that the permanent court reporter assigned to a judge is actually recording, or scheduled to record, proceedings in court or chambers before employment of a contract or temporary reporter.

Out-of-division travel of official court reporter shall be kept to a minimum. Travel of contract or temporary court reporters within the district shall be limited to those occasions when no official court reporter is available to travel to the location requiring reporting services and when such use of a contract or temporary reporter would be less costly to the government overall than utilizing an official reporter.

Reporting services for senior judges and magistrate judges who have been specially designated to conduct, upon the consent of the parties, any and all proceedings in a jury or non-jury civil matter and order the entry of judgment, shall be provided through a combination of official reporters and contract reporting services. The official reporters, when not actually recording or scheduled to record proceedings in court or chambers, shall provide reporting services for senior judges and magistrates judges, when necessary. In this regard, the lead court reporter shall allocate the official reporters in a manner which will best meet the actual court reporting needs of the court regardless of whether the services are for active judges, senior judges, visiting judges, magistrates judges, or other judicial officials.

The clerk and lead court reporter shall implement the policies of the Judicial Conference of the United States regarding court reporting services.

#### Annual and Sick Leave:

The official court reporters are hereby assigned regular tours of duty consisting of forty hours per week in the respective courthouses, during which hours the reporters may generate transcripts but may not perform private (freelance) work of any kind, and the reporters shall be entitled to earn annual and sick leave pursuant to the Leave Act of 1951, 5 U.S.C. Chapter 63, Sub-chapter I.

#### Production of Daily Transcript:

Production of daily or hourly transcript is not to be subsidized by the court. If extra reporters are required to produce expedited transcript, their fees shall be paid by the official reporter out of the earnings derived from the higher transcript rates as established by the Judicial Conference. This provision does not, however, prohibit other official reporters from assisting in producing such transcripts if there are no other official proceedings to record, including those of senior judges and magistrate judges and when no substantial transcript backlog will result.

#### Fees for Transcripts of Official Proceedings:



No court reporter, either official or contract, shall charge fees for transcripts of official proceedings exceeding those recommended by the Judicial Conference of the United States, and adopted by the court.

The clerk shall post in the clerk's office a copy of the allowable fees. The posting shall be prominently displayed in an area generally available to the public.

#### CJA Transcripts:

All transcripts produced for and on behalf of Criminal Justice Act defendants shall be billed on CJA form 24. Copies of this form and instructions for its completion have been provided to the court reporters by the clerk.

The respective reporters are responsible for assisting the ordering party in the proper preparation of the CJA form 24. Apportionment of accelerated transcript costs among parties in CJA cases is prohibited.

The clerk of this court is hereby designated to verify receipt of CJA transcripts. Payment shall be made by the clerk upon approval of the judge or magistrate judge as may be appropriate.

#### Realtime Reporting

Pursuant to and in accordance with the policy of the Judicial Conference, litigants may request a realtime unedited transcript. A realtime unedited transcript is 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. When realtime services are requested by a party to the case, a CRR may charge and collect for realtime unedited transcripts. Reporters are required to provide all necessary personal equipment and software for the production of realtime unedited transcripts. However, all parties requesting realtime services shall be responsible for providing their own personal computers, viewer/annotation software, and monitors. Realtime unedited transcript will be available only to the parties in a proceeding under the terms and conditions established by Judicial Conference policy.

#### Time Limits for Delivery of Transcript:

All transcripts of official proceedings produced by the court reporters for this District for the purpose of appeal to the Sixth Circuit Court of Appeals shall be delivered to the ordering party and/or filed with the clerk of this court within the time prescribed by the Sixth Circuit Court of Appeals. Transcripts being produced for use by judicial officers of this court shall be delivered to the ordering party and/or filed with the clerk of this court within the time prescribed by that judicial officer. This schedule shall not be deviated from unless an extension has been obtained from the appropriate clerk of court, i.e., the Clerk of the Court of Appeals in cases involving appeal transcripts and clerk of this court in all other cases.

#### Filing of Shorthand Notes and Electronic Recordings:



The shorthand notes prepared by the official reporters will be maintained in their offices. Those notes of contract reporters will be certified and filed with the clerk within 90 days of completion of the proceeding. Pursuant to the provisions of Title 28, United States Code, Section 753, Official and contract reporters must transcribe and certify all grand jury returns in open court, arraignments, pleas and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and such recordings have been certified and maintained in the office of the official reporters. Official and contract reporters shall file with the clerk transcripts of such proceedings within thirty days of their occurrence unless an electronic recording device was utilized, in which event the electronic recording, accompanied by a certification of the official reporter and index shall be filed as soon as the recording, cassette, reel, etc., has been used to capacity.

Sanctions:

Any violation of this plan shall be referred to the judges for appropriate action.

Reports to be filed with Financial Management Division of the Administrative Office, United States Courts

The following reports are to be filed by each official court reporter:

The Report of Attendance and Transcripts Of United States Court Reporters (AO form 40A) shall be submitted quarterly during each calendar year of official reporting. A report for each calendar quarter will be mailed to the " Financial Management Division, Administrative office of the United States Courts, Washington D.C. 20544, so that it will reach that office within 20 days after the end of a quarter, a copy of which will be directed to the clerk of this court.

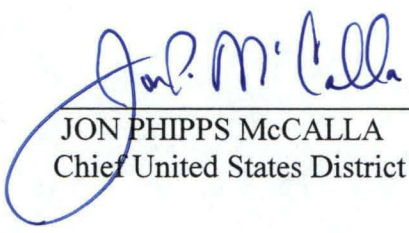
The Statement of Earnings of United States Court Reporters (AO form 40B) shall be submitted annually by all official court reporters. The report shall be submitted to the Financial Management Division, Administrative Office of the United States Courts, Washington, D. C. 20544, by April 15 of each year, a copy of which will be directed to the clerk of this court. This report shall be kept confidential.

Access to DCN:

Official court reporters shall be authorized access to the DCN for official purposes only. Official purposes include access to judiciary electronic mail, the J-Net, on-line queries of case management/docketing systems, on-line calendaring systems used by the courts, the automated travel voucher system, and automated forms. The clerk of court shall be responsible for budgeting, purchasing, installing, and maintaining court-owned equipment at each reporter staffed office within the district for the purpose of providing DCN access to official court reporters. Reporter-staffed offices are limited to court locations where access to the DCN is otherwise available, and does not include offices maintained by the reporters away from a courthouse. Access to the DCN by official court reporters must be authorized by the Clerk of Court and may be made through personally-owned equipment. Official court reporters are strictly prohibited from using any government-owned computer hardware or any automated systems

accessed through the DCN to generate transcript income. Contract court reporters shall not be allowed access to the DCN at any time. Official court reporters authorized by the Chief Judge to access the DCN for official purposes may be granted remote access via the request for access process.

ADOPTED and APPROVED, AS AMENDED, this 14 day of  
Feb., 2012.

  
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JON PHIPPS McCALLA  
Chief United States District Judge