

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**



**COURT REPORTER
MANAGEMENT PLAN**

As Amended October 2023

ADOPTION OF PLAN BY COURT

This Plan for the effective utilization of court reporters for the U.S. District Court for the Western District of North Carolina has been adopted by this Court subject to the final approval by the Fourth Circuit Judicial Council.

APPLICABILITY OF PLAN

This Plan applies to all court reporters employed by the Court. This Plan shall not be interpreted or applied in conflict or inconsistently with the Court Reporter Act, the Criminal Justice Act, resolutions, and policies adopted by the Judicial Conference or the Judicial Council of the Fourth Circuit, or any statute or Rule of Federal Procedure which governs the conduct or imposes duties upon the Clerk or reporters. This Plan is a public document available for inspection in the Office of the Clerk of Court and on the Court's website.

SUPERVISION OF COURT REPORTERS

The Court, *en banc*, delegates the following supervisory responsibilities to the Clerk of the Court or his or her designee:

1. Hiring and terminating court reporters, subject to the approval of the court *en banc*.
 - a. Certified Realtime court reporters shall be hired whenever possible.
2. Approving or denying leave for individual staff court reporters, including annual leave, sick, leave, and excused absences, subject to the requirements of the Administrative Office of the United States Court, the Judicial Conference of the United States, and local policies.
3. Designating work for court reporters, to distribute the court's overall workload fairly and efficiently, minimizing travel, and assuring the lowest overall cost to the court.
4. Monitoring the relationship between the court reporter and parties, attorneys, court staff, and fellow court reporters.
5. Monitoring all requests for transcripts.
6. Reviewing transcripts to assure full compliance with the format requirements of the AO and the Judicial Conference.
7. Reviewing transcript billings to assure that authorized transcript rates are charged, and that billing is in proper form. (See Appendix A for rates.)

8. Determining court reporters' compliance with the provisions of 28 U.S.C. Section 753(b) concerning the recording, certifying, and filing of electronic recordings of all criminal arraignments, pleas, and proceedings made in connection with the imposition of a sentence.
9. Reviewing staff reporters' time records to assure proper maintenance and accuracy.
10. Revising the records of staff reporters to assure the timely filing of all reports required by the AO and the Judicial Conference.
11. Acting as a liaison to the courts of appeals on matters pertinent to court reporters and transcript production.
12. Performing other duties as the court needs and/or directs.

EMPLOYMENT OF REPORTERS

The Western District of North Carolina is authorized one staff court reporter per active district judge and per senior judge certified for a court reporter by the Circuit, as well as funding for partial positions as determined using senior judge and visiting judge court hours. However, to allow for personnel vacancy savings if staff reporters can adequately provide coverage with minimal substitute reporters all positions may not be filled.

1. Staff reporters serve the court en banc and not a particular judge.
2. Staff reporters are appointed according to the provisions of 28 U.S.C. Sect. 753(a) and the policies and procedures of the AO and the Judicial Conference. Only court reporters fully qualified under the terms of 28 U.S. C. Sect. 753(a) will be appointed. The Court prefers applicants certified as Realtime court reporters.
3. Under to Judicial Conference policy, all initial appointments shall be on a probationary basis for 90 days. Court reporters who do not perform competently and satisfactorily or do not comply with the requirements of this Plan shall be subject to dismissal.

HOURS OF EMPLOYMENT

Court reporters are placed on a "regular tour of duty" consisting of the normal forty-hour workweek and earn annual and sick leave under the Leave Act, 5 U.S.C. Sect. 6301. Court reporters will work in the courthouse of their duty station daily unless

approved for telework. When teleworking court reporters should be accessible via email or instant messaging for purposes of court scheduling.

Court reporters are subject to the *Leave Policies* adopted by the Clerk's Office. Planned sick leave must be requested far enough in advance to permit the scheduling of an alternate reporter, if necessary. The Court may contract for reporting services when a court reporter is on sick leave and no staff reporters are available to cover the absence.

To avoid the need to hire contract reporters, staff reporters should attempt to either coordinate their leave so that other staff reporters can cover the leave or take leave when no proceedings are scheduled.

FREELANCE REPORTING

Staff reporters are not permitted to perform any private (freelance) work of any kind during their regular tours of duty, including depositions and reporting for grand juries. Staff reporters are permitted to place their names in the Clerk's pool of contract transcribers available to transcribe digitally recorded hearings; however, work on pool transcripts may not interfere with a staff reporter's performance of his or her official duties.

REPORTING SERVICES TO UNITED STATES MAGISTRATE JUDGES

Proceedings conducted before a United States Magistrate Judge may be recorded by electronic sound recording or by a court reporter. United States Magistrate Judges shall determine which method is to be used in conjunction with the Chief Judge and the Clerk and considering the type of hearing.

The official court reporters must record (and furnish transcripts as provided in this Plan) all proceedings held by district judges, magistrate judges, land commissioners, and special masters when requested to do so by a judge or magistrate judge or assigned by the Clerk.

CONTRACT/FREELANCE COURT REPORTERS

Contract/freelance court reporters may be utilized only when all official court reporters are occupied in court reporting proceedings under the policies of the Judicial Conference of the United States.

Contract/freelance reporters may be utilized in place of official court reporters on authorized leave under the terms of the Leave Act when no official reporter is available to replace the reporter on such leave.

Contract/freelance court reporters will not be paid by the court when official court reporters are relieved of their courtroom duties to work on transcript backlogs. Costs associated with such contract/freelance reporting services shall be paid by the official reporter being so relieved.

Travel of contract/freelance reporters within the district shall be limited to those occasions when no official reporter is available to travel to the location requiring reporting services and when such use of a contract/freelance reporter would be less costly to the government overall than utilizing an official reporter in travel status.

TRANSCRIPTS

All requests for transcripts must be in writing and shall be forwarded to the Court Reporter Supervisor or Transcript Coordinator. The Clerk shall monitor deadlines for all transcript requests. Transcript requests in non-appellate cases shall be in writing on the AO Form 435 or by a letter signed by the requesting party.

The Fourth Circuit Court of Appeals has a local rule, Local Rule 10[c] regarding transcript requirements.

Transcript Format

All transcripts shall be produced in the format required by the Judicial Conference of the United States and as outlined in the *Guide to Judiciary Policies and Procedures, Volume VI, Court Reporting*.

Each certified Realtime reporter should request that parties acknowledge receipt of a Realtime translation by signing a disclaimer that explicitly states that the ordering party is aware that the Realtime translation is not an official record of the court proceedings. Realtime translation must be marked as such with a header or footer that appears at the top or bottom of each page of the transcript stating, “Realtime Unedited Transcript Only.”

Transcript Fees

No court reporter employed by this district shall charge fees for transcripts of official proceedings which exceed those recommended by the Judicial Conference of the United States. A schedule of the prescribed fees shall be posted on the Court's webpage and is attached to this Plan as **Appendix A**. Each reporter shall certify on each invoice that the fees charged, and page format used conform to the regulations prescribed by the Judicial Conference of the United States.

Except for transcripts produced for the government of the United States, the State of North Carolina, and agencies thereof, a court reporter is not required to produce transcripts without a deposit or adequate security for payment, nor to deliver them before payment. The Clerk is authorized to assist any reporters, in the name of the court, in collecting delinquent payment for transcripts furnished to a government agency.

Transcript Delivery

For transcripts in non-appellate cases, the full price may be charged only if the transcript is delivered within the required time frame as outlined in Appendix A.

Transcripts for cases on appeal shall be delivered within 30 days or within such other time as may be prescribed by the Court of Appeals. The Fourth Circuit Court of Appeals Guidelines for Transcripts can be found at this link:

https://www.ca4.uscourts.gov/docs/pdfs/transgdl.pdf?sfvrsn=135225c1_12

Daily Copy Requests

A court reporter will notify the Clerk immediately when the reporter receives a request for a daily copy. Daily or hourly copy falls within the definition of entrepreneurial activities, and no additional staff reporter will be assigned to the task; however, other staff reporters may assist an official reporter in doing daily copy if their reporting assignments and transcript backlog permit. The Clerk shall

assign an official court reporter based upon their transcript backlogs and to achieve equity in the coverage of daily copy hearings. The court reporter accepting the order for a daily copy will be responsible for employing any necessary assistance.

Transcripts Requested by Judges

Staff reporters are required to produce transcripts requested by a magistrate judge without cost to the court. *Guide to Judiciary Policy*, [Vol 6, Ch § 510.40.20\(f\)](#), provides that if the record for the original proceeding was taken by electronic sound recording, then an official court reporter may produce transcripts from audio recordings of court proceedings which the reporter did not attend and charge for the preparation of that transcript. Such transcripts may be ordered by parties or by any federal judge. The reporter is considered a transcriber in that situation and should be compensated at the transcription rates established by the Judicial Conference.

Transcripts Requested by CJA Panel Attorneys

All transcripts produced under the terms of the Criminal Justice Act shall be billed on a CJA 24 form via eVoucher. The court reporter or the transcript coordinator is responsible for assisting the ordering party in the proper preparation of the CJA 24. The routine apportionment of accelerated transcript costs among parties in a criminal case is prohibited.

In cases involving multiple defendants who are proceeding under the Criminal Justice Act no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants. The court reporters can furnish copies to other defendants in the case at a commercially competitive rate. The usual copy is to be furnished to the Court for its records without cost.

Transcripts ordered by CJA attorneys must be ordered via the eVoucher system. Counsel will submit an AUTH-24 authorization and voucher for Payment of Transcripts Form in eVoucher requesting approval by the judge for authorization for the reporter to produce the transcript at government expense. Official staff reporters are authorized to enter information on the CJA 24 voucher in eVoucher.

Transcripts of Electronically-Recorded Hearings Held before Magistrate Judges

Hearings electronically recorded by DCR will be assigned to official court reporters for transcription by the Transcript Coordinator. Efforts will be made to assign these matters to the reporter who handled the trial or sentencing before the District Judge when possible and/or to rotate these assignments to provide equitable workloads among the reporters.

Transcript Backlogs

The Clerk may reduce or eliminate transcript backlogs or production delays by taking any of the following steps as necessary:

1. Using a substitute or additional contract reporters or transcribers.
2. Reassigning or rotating staff reporters.
3. Requiring a staff reporter to hire a substitute court reporter at his or her own expense to cover courtroom duties if a backlog in transcript production is due to the staff reporter's lack of diligence; and
4. Instituting progressive discipline, including termination, with the approval of the court en banc.

Transcripts in ECF

Transcripts of proceedings before the U.S. District Judges and Magistrate Judges in the U.S. District Court for the Western District of North Carolina taken by Official Court Reporters and Contract Court Reporters will be filed with the Court in electronic format. Electronic transcripts will be e-filed and available for viewing at the Clerk's Office public terminal but may **NOT** be copied or reproduced by the Clerk's Office for 90 days. If there are no redactions to be made, the restrictions will be removed after 90 days. The transcript will then be available remotely to view, download or print a copy from PACER at \$.10 per page or from the Clerk's Office public terminal at a rate of \$.10 per page. During the initial 90 days after the transcript is e-filed, individuals wishing to purchase a copy of a transcript - in either paper or electronic form - must do so through the Court Reporter. Once an attorney on the case has purchased a transcript, that attorney will be given access to the transcript through the court's ECF system. This will apply to all transcripts of proceedings or parts of proceedings filed on or after April 1, 2008, regardless of when the proceeding occurred.

Whenever an official transcript of a proceeding has been filed by the Court Reporter, the docket event will include the notice of the filing of the official transcript and will be served on all parties in the case. **The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk and court reporter will NOT review each transcript for compliance with this rule.**

If redaction is requested, within 21 calendar days from the e-filing of the transcript with the Clerk, the parties must e-file with the Court a *Redaction Request Re Transcript* indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its statements (e.g., opening statements and closing arguments), statements of the party, and any transcript of the sentencing proceeding. Transcripts of voir dire will be filed separately from other parts of the trial transcript with electronic access given to the case participants who purchase the transcript within the 90-day restriction period. After the 90-day restriction period expires, electronic access to the voir dire transcripts will be available to all case participants and at the public terminals located in the Clerk's Office.

After the 90 days, the restriction on any transcript originally filed with the Clerk of Court will be lifted and the transcript will be available electronically UNLESS there has been a request for redaction, in which case the redacted transcript will be made available electronically and the original will remain restricted but still viewable by the public at the public terminal in a clerk's office. Transcripts can only be sealed under a court order.

Transcripts filed before April 1, 2008, will not be available for viewing electronically.

MAINTENANCE AND STORAGE OF DIGITAL RECORDINGS AND NOTES

The Clerk's Office stores all digital audio recordings of proceedings on a network server. Network access to digital recordings is limited to authorized court personnel. When someone requests a transcript of a digitally recorded proceeding, the Clerk's Office will arrange to have the proceeding transcribed.

Staff court reporters must provide the court with electronic versions of their notes in an RTF format, dictionary, proprietary software note files, transcript files, and audio notes to be stored on the court's network server following technical standards established by the Court's Information Technology Department. For purposes of complying with the

certification requirements of 28 U.S.C. Sect. 753(b) the steno notes and audio files stored on the court's server are deemed "certified" by the court and constitute the original records filed with the Clerk.

The reporter will upload their notes (including dictionary, proprietary software note files, transcript files and audio notes) electronically to the District's Local Area Network (LAN) ***at least every 30 days***. The reporter is responsible for verifying the successful transfer of the notes files to the network. Electronic notes on the District's network will be accessible by the reporter and administrative support staff and will remain available for 10 years, according to Administrative Office guidelines.

Contract/substitute reporters will be directed to send their notes to a specific e-mail address created by the Court's IT department within 30 days of the conclusion of the hearing. Their notes will then be uploaded to the District's Local Area Network where they will remain available for 10 years, according to Administrative Office guidelines.

ACCESS TO THE DATA COMMUNICATIONS NETWORK (DCN)

The Court has determined that access to the Court's Data Communications Network (DCN) by official court reporters is appropriate. Such access shall be for official purposes that include access to judiciary electronic mail, the J-Net, online queries of case management/docketing systems, online calendaring systems, travel vouchers, and other necessary court forms. Access to the DCN shall be through government-owned equipment at staffed offices.

The Clerk will provide surplus equipment adequate to accomplish these official purposes. A court reporter is strictly prohibited from using any government-owned hardware or equipment to assist in generating transcript income.

REQUIRED RECORDS AND REPORTS

Each staff reporter is responsible for maintaining the records and for timely submitting the reports that the Judicial Conference requires. These records and reports must be in the format that the AO prescribes.

OTHER RESOURCES

The *Guide to Judiciary Policies and Procedures, Volume VI, Court Reporting* contains important information about court reporting in the federal judiciary.

<https://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-6-court-reporting>

The Administrative Office of the United States Courts maintains a Court Reporters Advisory Group to consider issues impacting court reporting in the federal courts at this link:

<https://jnet.ao.dcn/court-services/advisory-councils-groups/peer-advisory-groups/court-reporters>

The Administrative Office also maintains a Court Reporter Orientation Manual at this link

<https://jnet.ao.dcn/court-services/district-clerks-offices/court-reporting/court-reporter-orientation-manual>

Fourth Circuit Court of Appeals Forms:

Extension Request:

https://www.ca4.uscourts.gov/docs/pdfs/courtreporterextensionrequest.pdf?sfvrsn=f8f152ea_10

Deficiency Notice:

https://www.ca4.uscourts.gov/docs/pdfs/deficienttpo.pdf?sfvrsn=dcc4c312_12

Certification:

https://www.ca4.uscourts.gov/docs/pdfs/certfilingtranscript.pdf?sfvrsn=7fc88dd2_12

Order Form:

https://www.ca4.uscourts.gov/docs/pdfs/tpo.pdf?sfvrsn=7fd8oad3_46

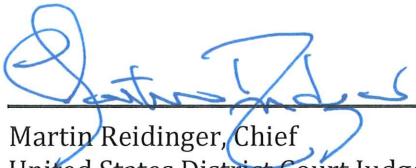
Information Sheet:

https://www.ca4.uscourts.gov/docs/pdfs/transcriptinformationsheet.pdf?sfvrsn=b31ca748_20

EFFECTIVE DATE

This Plan supersedes the Plan filed in May 2022 and shall be effective upon filing with the Clerk of Court after approval of the Circuit Council of the Fourth Circuit Court of Appeals.

IT IS SO ORDERED, this 31 day of October 2023



Martin Reidinger, Chief
United States District Court Judge

New Original and Copy Transcript Fee

**Rates (Effective Fiscal Years 2024 and
2025)**

Original Transcript Rates

Transcript Types	Original Rate	Increased Rate Fiscal Year 2024	Increased Rate Fiscal Year 2025
Ordinary Transcript (30-day)	\$3.65	\$4.00	\$4.40
14-Day Transcript	\$4.25	\$4.70	\$5.10
Expedited Transcript (7-day)	\$4.85	\$5.35	\$5.85
3-Day Transcript	\$5.45	\$6.00	\$6.55
Daily Transcript	\$6.05	\$6.70	\$7.30
Hourly Transcript	\$7.25	\$8.00	\$8.70
Realtime Transcript	One feed, \$3.05 per page; two-to- four feeds, \$2.10 per page; five or more feeds, \$1.50 per page.	One Feed, \$3.40; two-to-four feeds, \$2.35; five or more feeds, \$1.65.	One Feed, \$3.70; two-to-four feeds, \$2.55; five or more feeds, \$1.80.

Copy Rates

Transcript Types	First Copy	Increased First Copy Fiscal Year 2024	Increased First Copy Fiscal Year 2025	Addt'l Copy	Increased Addt'l Copy Fiscal Year 2024	Increased Addt'l Copy Fiscal Year 2025
Ordinary Transcript (30-day)	\$.90	\$1.00	\$1.10	\$.60	\$.70	\$.75
14-Day Transcript	\$.90	\$1.00	\$1.10	\$.60	\$.70	\$.75
Expedited Transcript (7-day)	\$.90	\$1.00	\$1.10	\$.60	\$.70	\$.75
3-Day Transcript	\$1.05	\$1.20	\$1.30	\$.75	\$.85	\$.90
Daily Transcript	\$1.20	\$1.35	\$1.45	\$.90	\$1.00	\$1.10
Hourly Transcript	\$1.20	\$1.35	\$1.45	\$.90	\$1.00	\$1.10
Realtime Transcript	n/a	n/a	n/a	n/a	n/a	n/a