

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

PLAN FOR COURT REPORTING SERVICES

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JUNE, 1983

I. Introduction

In accordance with the resolution adopted by the Judicial Conference of the United States in March, 1982, the judges of this court have approved the following Plan for Court Reporting Services, subject to the review and approval of the Plan by the Seventh Circuit Judicial Council.

II. Implementation of Plan

A. Chief Court Reporter

The Chief Court Reporter shall be responsible for day-to-day supervision of all court reporters. It shall be the Chief Court Reporter's duty to coordinate daily assignments of reporters; establish and maintain reporting forms that reflect accurately the hours each court reporter spends in court; monitor pooling arrangements to ensure equalization of the in-court hours and transcription obligations of the official reporters; maintain contract reporting services; supervise the preparation of transcripts, submission of reports, and filing of notes in timely fashion; and act as liaison between the reporters and the judges and clerk of the court. The Chief Court Reporter shall be picked by the Chief Judge from the official court reporters on a six-month rotation basis.

B. Clerk of Court

The Clerk of Court shall be responsible for periodic monitoring of the format, fees, and delivery times of transcripts to ensure compliance with the standards established by the Judicial Conference of the United States. See VI, I, infra.

C. Chief Judge

The Chief Judge will have ultimate responsibility for all matters affecting the court reporters, including the appointment and termination of reporters and the enforcement of Judicial Conference policies relating to court reporters.

### III. Definitions

- A. The term, "Official Reporter" refers to those reporters appointed by the court pursuant to 28 U.S.C. §753, to serve as employees of the court.
- B. "Contract Reporter" refers to temporary, qualified reporters hired and paid by the court to meet those reporting needs of the court that cannot be met by the official reporters.
- C. An "Exchange Reporter" is a substitute reporter, hired and paid by an official reporter to meet reporting needs of the court for which that official reporter is responsible.

### IV. Official Court Reporters

#### A. Appointment

Official reporters will be appointed in accordance with the provisions of 28 U.S.C. §753. Appointment as an official reporter shall constitute an appointment as official reporter for the United States District Court for the Eastern District of Wisconsin.

There shall be as many official reporter positions as there are active judges of the district court and such additional reporters as are authorized by the Judicial Conference based on a showing of demonstrated need and full utilization of the existing official reporters. A position as an official reporter may be shared by two persons, subject to the approval of the active judges of the court. See V, C, infra.

When a vacancy exists for a position as official reporter, notice of the vacancy will be made in accordance with the court's Equal Employment Opportunity and Affirmative Action Plan.

The Clerk of this Court together with the judge who will be the primary assignment of the reporter appointed shall constitute the selection committee to act upon applications for employment as official court reporter.

The committee will (1) review all applications, (2) conduct such interviews as it considers necessary and, (3) recommend to the Chief Judge the candidate for the vacancy it considers best qualified. The Chief Judge, acting on the Court's behalf, will make the appointment to fill the vacant position.



B. Qualifications

Minimum requirements for appointment as an official court reporter in the United States District Court are as follows:

1. at least four years of prime court reporting experience in the free lance field or service in the lower courts or a combination thereof; and
2. a certificate of proficiency from the National Shorthand Reporters Association or a certificate from the Administrative Office of the United States Courts stating that the applicant has passed an examination conducted under the auspices of the Administrative Office.

C. Tenure

The tenure of an official reporter shall not be affected by the resignation, retirement, death, or change in status of a judge of the court.

D. Duties

The official reporters shall attend each designated court session and report verbatim all proceedings in criminal cases whether held in court or in chambers, all proceedings in other cases held in open court, except as directed by the presiding judge, and such other proceedings as a judge of the court may direct or an may be required by rule or order of the court or as may be requested by any party with the approval of the court.

The official reporters are to report proceedings before the United States Magistrates in all instances in which the

proceeding would be reported if held before a district judge, with the exception of pretrial conferences in criminal cases, all preliminary hearings in criminal cases other than those specified in 28 U.S.C. §636(b)(1)(A) and (B), initial appearances in criminal cases, and trials of petty offenses.

It shall be the responsibility of the official reporters to provide reporting services whenever needed by the United States Magistrates, the senior district judge, or visiting district judges.

The official reporters are to certify their original notes and file them promptly with the Clerk of Court. They are to transcribe or record electronically all arraignments, pleas, sentencing, and revocation hearings, and certify and file either the transcript or the electronic recording promptly with the Clerk of Court. See VII, infra.

#### E. Pooling System

The official reporters will pool their assignments in the following manner: court session hours will be calculated and equalized on a quarterly basis; senior judge and magistrate services will be shared on a duty rotation system each week, with one official reporter having primary responsibility backed by a reporter with secondary responsibility; contract reporters will be utilized when neither of the duty reporters is available, and the remaining official reporters are needed to report proceedings before judicial officers; the reporters will share reporting responsibilities for lengthy trials and hearings so as to equalize transcription obligations. Each official reporter will be considered available for other duties whenever he or she is not needed to report a proceeding before the judicial officer to whom he or she is assigned at any given time.

#### F. Availability

The Chief Court Reporter shall be a contact reporter in the courthouse during all regular court hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

Unless a reporter is assigned as contact reporter on a given day, it is not necessary that he or she be present in the courthouse when not reporting, provided that the reporter is no more than thirty minutes away from the courthouse and can be reached by telephone.

If an official reporter is away from the courthouse during regular court hours and cannot be reached by telephone when needed or is more than thirty minutes away from the courthouse, the reporter will be considered to be on vacation for that day (See III, G, infra) and that fact is to be noted by the Chief Court Reporter. However, if while away from the courthouse, the official reporter has arranged to employ an exchange reporter at the official reporter's own expense, no annual leave will be charged.



## G. Sick Leave and Vacations

Although official reporters are employees of the court, they are not covered by the provisions of 5 U.S.C. §6301 et seq. and so do not accrue annual and sick leave.

### 1. Vacations

Equity requires that regular vacation periods be afforded to official reporters, since they are otherwise required to be available for all of the reporting needs of the full court, including magistrates, visiting judges, and even land commissioners.

Each official reporter who has served less than ten years with the court will be entitled to three weeks of vacation per calendar year. After an official reporter has completed ten years of service with this court, she or he will be entitled to four weeks of vacation each year.

When an official reporter is on vacation and it is necessary to hire a contract reporter to meet the needs of the court, the official reporter will be not be charged for the cost of the contract reporter.

The official reporters are encouraged to plan their vacation periods for those times when one or more judges will be away from the court.

### 2. Sick Leave

When an official reporter is unable to work for medical reasons substantiated by a doctor's certificate, and there is no other official reporter available to meet the reporting needs of the court, a contract reporter will be hired by the court, at the expense of the court, to provide the necessary reporting services.

No official reporter will be continued in a pay status while on leave for sickness for more than thirty consecutive days without the prior approval of the Director of the Administrative Office.

## H. Facilities and Equipment

The official reporters will be provided such facilities within the court as are authorized by the Judicial Conference. They are required to furnish all of their own office supplies and equipment, including telephone lines.

The official reporters are to use their court-provided facilities only for work related to their position as official reporter.

## V. Use of Contact or Exchange Reporters

### A. Contract Reporters

The Chief Court Reporter is responsible for maintaining contract court reporting services in accordance with the regulations established by the Director of the Administrative Office. Reporters provided by the contract will be used for in-court recording services only in those instances where no official reporters are available under the terms of this plan. The Chief Court Reporter is responsible for certifying all vouchers for payment from contract reporters.

### B. Exchange Reporters

Official reporters may employ exchange reporters at their own expense to assist them in providing in-court service in connection with the recording of proceedings. An exchange reporter is not to be used as the primary provider of the in-court services for which the official reporter is responsible. The official reporter employing an exchange reporter is responsible for ensuring that such exchange reporters are capable of performing satisfactorily and for advising the exchange reporter of the procedures to be followed in reporting the different kinds of proceedings before each of the judges and the magistrates of this court.

### C. Part-time Official Reporter

A position as official reporter may be shared equally by two persons. In such a circumstance, both persons will be bound by all of the provisions of this plan.

Each part-time official reporter shall receive one-half the starting salary for court reporters as set by the Judicial Conference, plus a five percent meritorious and five percent longevity increase over that starting salary, as applicable.



Each part-time official reporter will share one-half the reporting responsibility of one full-time official reporter position. Each part-time official reporter will share one-half the contact reporter responsibility of one full-time official reporter position as assigned daily by the Chief Court Reporter. See IV, F, supra.

Each part-time official reporter is eligible for full health and retirement benefits.

The three week vacation for an official reporter will be shared between each part-time official reporter. Sick leave will be allowed as provided under this plan.

## VI. Transcripts

### A. Official Transcripts

Only a transcript produced by an official reporter or by a contract or exchange reporter employed pursuant to the terms of this plan will constitute an official transcript within the meaning of 28 U.S.C. §753(b).

### B. Types of Official Transcripts

1. Ordinary Transcript: A transcript other than an expedited, daily, or hourly transcript.
2. Expedited Transcript: A transcript delivered within seven (7) days after the receipt of the order.
3. Daily Transcript: A transcript to be delivered following the adjournment and prior to the normal opening hour of the court on the following morning, whether or not it is actually a business day for the court.
4. Hourly Transcript: A transcript ordered under unusual circumstances to be delivered within two (2) hours.

### C. Transcript Format

A page of transcript shall consist of 25 lines on paper 8-½ by 11 inches in size, with 1-¾ inch margin on the left side and 3/8 inch margin on the right side, and typed in ten pitch, i.e., ten letters to the inch.

### D. Date or Order; Deposits for Transcripts

Where a person or party other than the government orders a transcript from an official reporter, contract, or exchange reporter, or unless the transcript is to be produced for or on behalf of a Criminal Justice Act defendant, the

reporter may require a deposit before starting work on the transcript. The amount of the deposit may not exceed the estimated cost of the transcript ordered.

For the purposes of the definitions set out in part B of this section, and the time limits set out in VI, G, infra, the date of the receipt of the order shall be the actual date of receipt where the request was for a transcript to be paid for by the government or where no deposit is required, or the date of the receipt of the deposit where one is required.

#### E. Maximum Transcript Rates

Pursuant to 28 U.S.C. §753(d)(2), the Judicial Conference of the United States prescribes the fees to be charged by reporters for transcripts. The Chief Court Reporter shall post a copy of the allowable fee schedule in the office of the Clerk of Court and in the offices of each official reporter. No reporter is to charge fees exceeding those established by the Judicial Conference of the United States.

Each invoice shall contain a certification of compliance with the Judicial Conference guidelines on transcript fees.

#### F. Criminal Justice Act Transcripts

All transcripts produced for and on behalf of Criminal Justice Act defendants shall be billed on the CJA Form 24. The respective reporter is responsible for assisting the ordering party in the proper preparation of the CJA Form 24.

The Clerk of Court is to verify receipt of Criminal Justice Act transcripts and review each voucher before submitting it to the appropriate judicial officer for approval. Payment shall be made by the clerk upon approval of the judge or magistrate as may be appropriate.

#### G. Time Limits for Delivery of Transcripts

All transcripts of official proceedings produced by the court reporters for this district, for purposes of appeal, shall be delivered to the ordering party and filed with the Clerk of Court within the time prescribed by the Federal Rules of Appellate Procedure, unless an extension has been obtained from the Clerk of the Court of Appeals for the Seventh Circuit.

#### H. Reduction of Rates for Late Delivery of Transcripts

Pursuant to the directive of the Judicial Conference of the United States, reporters must reduce the fees charged for transcripts if the transcript is not delivered in timely fashion.



If the transcript of a case on appeal is not delivered within thirty (30) days of the date ordered, or within such time as may be prescribed by the circuit council, the reporter may charge only 90 percent of the prescribed fee. If the transcript is not delivered within sixty (60) days of the date ordered, or within such other time as may be prescribed by the circuit council, the reporter may charge only 80 percent of the prescribed fee. In the case of a transcript which is subject to Rule 11(b), Federal Rules of Appellate Procedure, the reduction in the fee may be waived by the Clerk of the Court of Appeals for good cause shown.

#### I. Compliance

From time to time, but no less frequently than twice a year for each official reporter and no less frequently than once a year for each contract reporter, the Clerk shall take a sampling of at least one transcript and verify that there has been compliance with the standards established by the Judicial Conference with respect to transcription format, delivery date, and charges. The Clerk shall file a memorandum report of his findings as to each official and contract reporter with the Chief Judge, and shall send one copy of the memorandum to the reporter concerned and one copy to the Chief Court Reporter.

If violations of established standards are discovered, it shall be the responsibility of the Chief Court Reporter to meet with the reporter concerned to discuss the violations and the corrective measures to be taken. The Chief Court Reporter will report the results of that discussion to the Chief Judge, who will decide what, if any, further action is necessary.

Sanctions for violations of Judicial Conference standards may include verbal or written reprimand; refund of overcharges, if appropriate; temporary or permanent exclusion from serving as a contract reporter in the district court; and temporary suspension or termination from duty as an official reporter.

No sanction of any kind will be imposed without giving the reporter concerned notice of the charged violations and an opportunity to be heard.

#### J. Expedited Transcripts

Official reporters may assist one another in the production of daily or hourly transcript only when they are not required to be present for another proceeding and only when it will not impede the meeting of their own transcript obligations. If exchange reporters are required for production of expedited transcript, their fees are to be paid out of the earnings derived from the higher transcript rates permitted by the Judicial Conference for such transcripts.

VII. Filing of Notes and Reports

A. Transcripts of Arraignments, Pleas, and Sentencings

Certified transcripts of arraignments, pleas and sentencings are to be filed with the Clerk of Court within ninety (90) days of their occurrence unless an electronic recording device was utilized, in which event the electronic recording shall be filed as soon as the recording, cassette, reel, etc., has been used to capacity.

B. Shorthand Notes

Within 24 hours of the conclusion of any proceeding, the official, contract, or exchange reporter shall certify the shorthand notes of the proceeding.

C. Reports to Administrative Office

The Chief Court Reporter shall be responsible for ensuring that the official reporters file all required reports with the Administrative Office in timely fashion.

A copy of these records shall be made available to the court upon request.

Entered this 28<sup>th</sup> day of  
~~June~~ July, 1983

John W. Reynolds  
John W. Reynolds, Chief Judge

Myron L. Gordon  
Myron L. Gordon, Senior Judge

Robert W. Warren  
Robert W. Warren, District Judge

Terence T. Evans  
Terence T. Evans, District Judge