

**COURT REPORTER MANAGEMENT PLAN
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

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SECTION I – OBJECTIVES OF THE PLAN

The objectives of the Court Reporter Management Plan are to establish and maintain the supervision and management necessary to ensure that the Court receives the highest quality reportorial services available.

This Plan is intended as a supplement to the provisions set forth in 28 U.S.C. § 753 (Court Reporters Act) and the *Guide to Judiciary Policies and Procedures*.

SECTION II – APPLICABILITY OF THE PLAN

This Plan shall be applicable to all official, temporary, contract, and substitute court reporters and FTR Gold transcribers.

SECTION III – SUPERVISION

Pursuant to 28 U.S.C. § 753(c), official court reporters shall be subject to the supervision of the appointing Court and the Judicial Conference in the performance of their duties. The appointing Court hereby appoints the Clerk of Court who shall be responsible for ensuring that the provisions of this Plan are effectuated and for reporting, as needed, to the judges of the Court.

A. Duties of Court Reporter Supervisor (Supervisor)

The Clerk of Court shall designate the Chief Deputy Clerk as the Court Reporter Supervisor whose duties and responsibilities are to provide day-to-day management and perform all other functions set forth in this Plan including but not limited to:

1. Effectively managing all court reporters through proper supervision and procedural systems.
2. Assigning reporters in combination with the presiding judge for the purpose of minimizing travel and assuring the lowest overall cost to the Court.
3. Supervising the relationship between parties and reporters.
4. Reviewing transcripts upon request to assure full compliance with format requirements of the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States (JC).
5. Reviewing all transcript billings upon request to assure that authorized transcript rates are charged, that billing is in proper form, and that transcripts are prepared in a timely manner.

6. Determining compliance by all court reporters and FTR Gold transcribers with the provisions of 28 U.S.C. § 753 concerning the transcription or recording, certifying, and filing of the notes and transcript or tapes of all criminal arraignments, pleas, and proceedings in connection with the imposition of sentence.
7. Assuring that all notes, CD-Rom, and/or tape recordings will be maintained in accordance with Title 28 U.S.C. § 753 and with Section VIII of this Plan.
8. Reviewing the time records of the court reporters upon request to assure proper maintenance and accuracy.
9. Reviewing the records of the court reporters upon request to assure the timely filing of all reports required by the AO and the JC.
10. Serving as liaison to the Ninth Circuit Court of Appeals as to matters pertinent to court reporters and transcript production.
11. Providing the Clerk of Court all necessary information relating to the duties set forth above; determining actual and projected budget needs for contract court reporting services, maintaining an authorized qualified Court Reporter Panel (Panel), FTR Golf transcribers list, and scheduling contract court reporters, when needed.
12. Performing such other duties relating to court reporting services as shall be directed by the Court.

The position of court reporters shall be included in the organizational structure of the Office of the Clerk of Court.

B. Duties of Court Reporters

Court reporters of the district serve at the pleasure of the Court en banc. In the performance of their duties, all court reporters of the District of Montana must follow:

1. The statutory requirements of 28 U.S.C. § 753;
2. The administrative practices defined in the *Guide to Judiciary policies and Procedures*, Volume VI;
3. The administrative practices defined in this Plan; and
4. Such other policies as may be set forth by the Court.

C. Performance Evaluation

The Supervisor shall prepare an annual performance evaluation for each official court reporter in conjunction with the presiding judge. (*See Appendix A, Official Court Reporter Performance Evaluation*)

In preparing the performance evaluations, the Supervisor shall discuss work performance factors with the district judges to whom the reporters are primarily assigned.

All official court reporters who have completed successfully their six-month probationary period shall have the right to challenge their annual performance evaluation in accordance with the grievance procedures outlined in the Clerk's Office Employee Manual.

D. Availability of Court Reporters

Because official court reporters serve the Court en banc but also have primary assignments, they shall notify the Supervisor and/or other official court reporters when they are available for temporary assignments to another judge. (*See Section V(c), Primary Assignments.*)

SECTION IV – TYPES OF COURT REPORTERS

Court reporters are categorized according to how they are utilized or employed in the Court.

- A. Official Court Reporters:** These are reporters who are official, salaried employees of the Court; employed by the Court en banc for an indefinite term pursuant to the authority of the JC.
- B. Temporary Reporters:** These are reporters who are employed, with the approval of the Director of the AO, for service not to exceed a specified period.
- C. Contract Reporters:** These are reporters who may or may not be members of the authorized Panel and who serve the Court on an as-needed basis. They work on a daily contract basis and are paid from contract funds.
- D. Substitute Reporters:** These are reporters who may or may not be members of the authorized Panel and who may be hired and paid by an official court reporter under prescribed conditions with the approval of the Court Reporters Supervisor.
- E. FTR Golf Transcribers:** These are transcribers who may be hired and paid by attorneys or required by order of the court to provide transcripts of those proceedings recorded by FTR Gold recording equipment.

SECTION V – EMPLOYMENT

A. Employment and Dismissal of Official Reporters:

Official court reporters are employed by the Court en banc and shall retain employment regardless of the death, resignation, or retirement of an individual judge.

The Chief Judge shall appoint and dismiss official reporters. Official reporters shall be appointed in accordance with the provisions of 28 U.S.C. § 753 and the qualifications established by the JC and this Plan. Only reporters, including official, temporary, contract, and substitute who meet these qualifications shall be appointed. To the extent feasible, all new official court reporters must be proficient in realtime reporting or achieve realtime proficiency within one (1) year of entrance on duty.

Upon appointment as an official court reporter, the reporter shall be required to execute a certification form (*See Appendix B, Certification of Court Reporter Upon Hiring*) regarding his or her responsibilities for:

1. Retention of all official notes, tape recordings and/or computer disks; and
2. Preparation and filing of all transcripts that are ordered during the course of employment or that would be ordered after separation from the Court. A copy of this certification shall be filed in the official personnel file of said court reporter.

B. Probationary Period:

All initial appointments of official court reporters shall be for a six-(6)-month probationary period. A court reporter dismissed during the six-(6)-month probationary period does not have the right to appeal the termination. Upon successful completion of the six-(6)-month probationary period, all official court reporters shall have employee rights as outlined in the Clerk's Official Employee Manual. Official reporters who do not perform in a competent and satisfactory manner or who do not comply with the requirements of this Plan or the *Guide to Judiciary Policies and Procedures* shall be subject to disciplinary action, including termination.

C. Primary Assignments:

In accordance with JC policy and the AO guidelines, official court reporters serve the Court en banc; however, because of the District's geographical considerations, the Supervisor, shall assign court reporters to active district judges as primary assignments.

D. Hours of Employment:

Official court reporters are placed on a "regular tour of duty" with the core working hours

of 8:00 a.m. to 5:00 p.m., Monday through Friday, for a minimum of forty (40) hours per week. Court reporters are permitted to earn annual and sick leave pursuant to the Leave Act, 5 U.S.C. § 6301. All court reporters are required to be available during the core working hours when not in court or on annual or sick leave.

E. Authorized Court Reporter Panel:

The Supervisor shall maintain a panel of qualified court reporters which shall be used as a reference for engaging temporary and contract court reporting services by the Court and substitute court reporting services by official reporters.

The qualifications for membership of the Panel shall be four (4) years of court reporting experience either in the freelance field, in court, or a combination thereof. Each member of the Panel must possess a Registered Professional Reporter Certification from the National Shorthand Reporters Association or must have passed an equivalent qualifying examination. In addition, all Panel members will be expected to have knowledge and be capable of computer-aided transcription (CAT) capability.

The Supervisor shall recruit and interview applicants for the Panel on an as-needed basis. All members of the Panel shall comply with all applicable sections of this Plan including but not limited to format, fees, billing, and timely filing of transcripts. Additionally, all provisions of this Plan will apply to all court reporters who are not members of the Panel but engaged by the District.

F. Use of Substitute Reporters:

In the event it is determined that an official court reporter has overdue transcript(s), said reporter may elect or may be required by the Supervisor to contract for and pay substitute reporter(s) until such time as the overdue transcripts have been prepared. The use of non-salaried substitute court reporters by official court reporters shall be strictly limited to members of the Panel.

Official court reporters shall not contract for substitute reporter(s) without the prior approval of the Supervisor and the Chief Judge. Requests to contract for substitutes shall be submitted in writing to the Supervisor by the official court reporter with at least three working days notice, except in emergencies, and shall specify a specific term for which the substitute(s) shall be contracted.

G. Use of Contract Reporters:

Pursuant to the policies of the AO and the JC, contract reporters shall be utilized only when all official court reporters are occupied in court. Contract court reporters may be utilized in the place of official reporters on authorized leave pursuant to the Leave Act only when no official reporter is available to replace the reporter on such leave.

Contract court reporters shall not be paid by the Court when official reporters are relieved of their courtroom duties to work on transcript backlogs. Costs associated with such substitute court reporting services shall be paid by the official reporter so relieved. (*See* Section V(F), Use of Substitute Reporters.)

Travel of contract reporters within the district shall be limited to those occasions when no official reporter is available to travel to the location requiring reporting services.

The use and hire of non-salaried contract reporters by the Supervisor shall be limited strictly to members of the authorized Panel whenever possible.

H. Travel by Official Reporters:

To the extent possible, travel of official court reporters shall be minimized. Out-of-district travel for official reporters shall not be authorized without the approval of the Chief Judge and Clerk of Court.

**SECTION VI – LEAVE ACT COVERAGE
FOR OFFICIAL REPORTERS**

Official reporters were placed under the Leave Act in January 1984. All official reporters are permitted to earn annual and sick leave in accordance with the Leave Act, 5 U.S.C. § 6301.

Leave records for official court reporters shall be maintained by the Human Resources Department of the Clerk’s Office in the same manner as those for deputy clerks.

A. Annual Leave Policy:

In accordance with the Clerk’s Office Employee Manual, all requests for annual leave for official reporters shall be approved by the respective judge and entered into ELMR, the electronic leave program used by the District of Montana. Prior to the authorization of extended leave, the Supervisor shall consult with the judge to whom the court reporter is primarily assigned.

Official court reporters are strongly encouraged to take annual leave when the judge to whom they are primarily assigned is not scheduled to be in court.

B. Sick Leave Policy:

In accordance with the policies and procedures of the AO and the JC, use of sick leave shall be strictly limited to illness or medical and dental appointments and treatments. In no event shall sick leave be used or authorized with the specific intent to work on transcript backlog.

In accordance with the Clerk's Office Employee Manual, all sick leave in excess of three (3) days shall be verified by a note from a physician.

C. Freelance:

Official court reporters placed under the Leave Act may perform private (freelance) work during their employment with the Court provided such work is during non-core working hours, approved in advance by the primary assigned Court, and the court reporter does not have appellate transcripts pending that would be unduly delayed by their private work.

SECTION VII – TRANSCRIPTS

A. Format Compliance:

All reporters shall comply with the JC transcript format requirements in the *Guide to Judiciary Policies and Procedures*, Chapter XVIII, Transcript Format. The Supervisor shall monitor transcripts to ensure format compliance.

B. Filing of Original Transcripts:

With one exception, all original transcripts (also known as “court file copy”) of official proceedings shall be filed with the Clerk of Court within ten (10) days of delivery to the ordering party. Original appeal trial transcripts are not to be e-filed by the court reporter until the date set by the scheduling order(s) filed by the District Court or the Circuit Court of Appeals, whichever date is later, or immediately upon expiration of the time allowed for filing an appeal. Under no circumstances are any other original transcripts to be retained by the court reporters or delivered to an ordering party.

1. At its September 2007 session, the Judicial Conference approved a new policy regarding the availability of transcripts in the electronic files system. The language from the Judicial Conference's September 2007 session states:
 - a. A transcript provided to a court by a court reporter or transcriber will be available at the Clerk's Office for inspection only, for a period of 90 days after it is filed.
 - b. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available for court users, and an attorney

who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the CM/ECF system.

- c. After the 90-day period has ended, the transcript will be available for copying in the Clerk's Office, from the court reporter, and for downloading through PACER.
2. When filing a transcript, redacted transcript, partial transcript, or sealed transcript, the Official Court Reporter and Contract Court Reporters shall follow the steps set out in the Transcript Filing and Redaction Process adopted by the Clerk's Office, found on the Court's website at www.mtd.uscourts.gov.

C. Filing of Redacted Transcripts

When redactions of transcripts are requested, the Official Court Reporter, contract court reporter, or FTR Gold transcriber shall follow the steps set out in the Transcript Filing and Redaction Process adopted by the Clerk's Office, found on the Court's website at www.mtd.uscourts.gov.

D. Fee Schedule:

No reporter or transcriber employed by the Court shall charge fees for transcripts which exceed the authorized fee schedule of the JC. No reporter or transcriber employed by the Court shall charge fees for services not authorized by the JC.

Updated fee schedules shall be made a part of this Plan as "Appendix C" when necessary and shall be made a part of the Court's web site for use by the public and bar.

E. Fee Reduction:

If appellate transcripts are not filed timely, the Ninth Circuit Court of Appeals may impose the mandatory fee reduction in accordance with Rule 11(b) of the Federal Rules of Appellate Procedure. Such reduction of fees shall be credited to the ordering party by the official reporter. The Supervisor shall ensure that credits due to mandatory fee reductions are properly credited to the ordering party for appellate transcripts when necessary.

F. Copy Requests:

All requests for copies of transcripts shall be e-filed by the requesting attorney of record. *See Appendix D, Transcript Designation and Ordering Form*) Fees charged for copies of transcripts shall not exceed the copy fee rate authorized by the JC.

G. Timely Filing of Transcripts:

Nothing contained in the previous provision should be construed as sanctioning untimely delivery of transcripts, nor should the fee reduction be considered the only penalty which can be imposed by the Court on a reporter who habitually files transcripts in an untimely manner.

It is the expectation of the Court that all transcripts are to be produced and filed in a timely manner.

The timely filing of transcripts shall be considered by the Supervisor in the preparation of the annual performance evaluations. Court reporters are strongly encouraged to use scopists and other support staff as needed to prevent transcript backlog.

H. Order of Appellate Transcripts:

1. Upon the e-filing of a Transcript Designation and Ordering Form (Appendix D), the reporter must enter at the foot of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the circuit clerk.
2. All requests for appellate transcripts, whether oral or written, shall be dealt with promptly. The individual reporters shall be responsible for making the financial arrangements with the ordering party as soon as practicable. If financial arrangements cannot be made expeditiously, the reporter shall promptly advise the Supervisor and the Ninth Circuit Court of Appeals.
3. If a bad check is received as payment for securing financial arrangement, the court reporter shall immediately stop transcript production and notify the Supervisor and the Ninth Circuit Court of Appeals.
4. Appellate transcripts shall be filed within thirty (30) days unless an extension for filing has been granted by the Ninth Circuit Court of Appeals. Requests for extensions shall be made by the court reporters with a copy to the Supervisor or made by the Supervisor on behalf of the court reporters. The Supervisor shall promptly notify the Clerk of Court of any potential problems.
5. Original appeal trial transcripts shall be e-filed on the date set by the scheduling order issued by the Court or the Circuit Court of Appeals, whichever date is later. The court reporter will deliver a copy to the ordering party within (30) days of the e-filing of the Transcript Designation Order Form.

I. Order of Non-Appellate Transcripts:

Orders for non-appellate transcripts shall be e-filed in the appropriate case file. The ordering party shall make all necessary financial arrangements with the appropriate court reporter and shall include any requested deposit with the written transcript request. Parties must use the Transcript Designation and Ordering Form (Appendix D).

J. CJA Transcript Orders:

1. All transcripts produced under the terms of the Criminal Justice Act (CJA) shall be billed on Form CJA 24. (See Appendix E, CJA 24, Authorization and Voucher for Payment of Transcript) The CJA 24 form must be signed by the assigned judicial officer prior to transcript production. In accordance with JC policy, the routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.
2. In all CJA multi-defendant cases, the CJA defendant who first orders the transcripts shall pay the original page rate established by the Judicial Conference and all other CJA defendants shall pay the commercially competitive copy rate.
3. In all CJA multi-defendant cases, no more than one (1) transcript shall be purchased from the reporter on behalf of CJA defendants pursuant to the Judicial Conference page rate. The cost of each duplication at the commercially competitive copy rate shall be charged to the CJA appropriation.

K. Cancellation of Transcript Orders:

The reporter shall immediately stop production of transcripts if advised of a cancellation. Any deposit received shall be refunded, excluding pages produced prior to the cancellation notice. The reporter shall promptly notify the Supervisor of any cancellation notice.

L. Expedited Transcripts:

Unless ordered by the Court, official reporters shall not expedite the preparation of any transcripts that would delay the preparation of appellate transcripts.

M. Hourly Transcripts and Realtime Transcripts:

In the event an hourly or realtime transcript for a trial is ordered, the Daily Transcript Procedures as outlined below shall be followed.

N. Daily Transcripts:

Production of daily transcripts shall not be subsidized by the Court. If additional reporters are required to produce daily transcripts, the cost of such reporter(s) shall be paid by the official court reporter assigned to the proceeding. Official reporters shall not charge any party any fees in excess of or in addition to those authorized by the JC, including appearance or attendance fees used to subsidize the hire of additional court reporters for daily transcripts.

The official reporter assigned to the daily transcript may request an advance from the ordering party for up to ten (10) trial days or the estimated length of trial if less than ten (10) days. The official reporter may submit a weekly State of Account (*See* Appendix F, State of Account) to the ordering party which shall indicate how much advance has been used and how much additional funds are requested in advance if necessary. The official reporter may submit one billing to the ordering party or request the ordering party to pay the official reporter and co-reporter separately.

O. Billing:

All transcript orders shall be billed in writing. Reporters must include all information listed in Appendix G, Billing Information, or AO-44, Invoice attached as Appendix H.

P. Deposits:

Official and Panel court reporters may request from the ordering party no more than one hundred five per cent (105%) of the estimated number of pages. If the deposit exceeds the actual cost, the reporter shall reimburse the difference when the transcript is delivered to the ordering party. The Supervisor shall ensure that reimbursements are properly credited to the ordering party.

Q. Requests by Judicial Officers or Transcripts Required by Statute:

Official reporters shall not charge fees for transcript(s) ordered by and provided to a district or magistrate judge.

In accordance with 28 U.S.C. § 753, all contract court reporters shall certify and file with the respective Clerk's Office all tapes, computer disks, or transcripts of arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases without additional compensation. Such tapes, computer disks or transcripts shall be filed with the Clerk of Court within thirty (30) days of the conclusion of the proceeding.

R. Overcharging:

Court reporters found to be overcharging by violations in page format, line format, increased pitch, or any other non-conforming format shall be required to make immediate restitution to the ordering party and may be subject to disciplinary action. Panel reporters found to be overcharging by violation of non-conforming transcript format may be subject to permanent removal from the authorized Panel.

S. Priority of Transcript Production:

Appellate transcripts shall be produced in chronological order of the date due in the Ninth Circuit and shall be produced before non-appellate transcripts. Preparation of criminal transcripts shall take precedence over the preparation of civil transcripts. Unless otherwise ordered by the Court or Supervisor, civil transcripts shall be prepared in chronological order of the date of the request.

T. Transcript Backlog:

The Supervisor is authorized to take any measures necessary to reduce or eliminate transcript backlog or production delays. Such steps may include but are not limited to the following:

- reassign or rotate the official reporter on a temporary basis;
- require the official reporter to hire and pay substitute reporter(s); and/or
- initiate progressive discipline, if necessary.

SECTION VIII – RECORDS MAINTENANCE

The work of all court reporters shall be legible so that the notes of any court reporter can be read by another reporter, if necessary.

The filing and storing of all notes, tapes, and/or computer disks shall be in accordance with the note storage procedures outlined herein. The stenograph/shorthand notes prepared by all court reporters and all electronic recordings prepared by deputy clerks shall be retained by the office of the Clerk of Court in accordance with 28 U.S.C. § 753(b). All original stenograph/shorthand notes whether they are paper notes, cassette disks, or computer disks shall be maintained for ten (10) years by the Clerk after which time they shall be sent to the Federal Records Center for storage and disposition.

The stenographic notes, prepared on paper, cassette disk, or computer disk, of all contract court reporters and all electronic recordings prepared by deputy clerks shall be delivered to the Clerk's Office at the conclusion of all proceedings. If the stenographic notes prepared on paper are received, the Clerk's Office staff will provide a stamp for indexing the notes with the

appropriate information. Reporters shall not be paid if the original stenographic notes, prepared on paper, cassette disk, or computer disk have not been filed with the Clerk's Office.

SECTION IX – MANDATORY REPORTS

A. Attendance and Transcript Report:

Each quarter, all official court reporters shall prepare the report of Attendance and Transcripts of the United States Reporters (AO 40A), which shall be reviewed and signed by the Supervisor. The report for each calendar quarter shall be submitted to the Court Reporting Section of the AO, Washington, D.C. 20544, so that it is received within twenty (20) days after the end of the quarter. A copy of this report shall be retained by the Supervisor.

B. Statement of Earnings Report:

Each official reporter shall prepare the annual Statement of Earnings of the United States Court Reporters (AO 40B), on or before April 15 of each year, which shall be reviewed for accuracy by the Supervisor and signed by the Clerk of Court. A report is not required of nonofficial reporters. The report shall be submitted to the AO no later than April 15th of each year. A copy of this report shall be retained by the Supervisor.

C. Records to be Maintained by Court Reporters:

In order to permit the routine audit and inspection of records, official 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 JC or similar thereto which include but are not limited to the following:

1. AO 37 – Expense Ledger
2. AO 38 – Attendance Ledger
3. AO 39 – Transcript Order / Collections Ledgers
4. AO 44 – Invoice

SECTION X – REPORTER SERVICES TO U.S. MAGISTRATE JUDGES

Unless otherwise specified by the magistrate judge, proceedings before a United States magistrate judge shall be recorded by a deputy clerk utilizing the provisions of this Plan.

SECTION XI – FTR GOLD RECORDING

A. **Request for Transcript from FTR Gold Recording:**

Upon receipt of the attached Request for Transcript/Recording requesting an official transcript of a proceeding, the Clerk's Office will:

- Print the log notes locating the respective proceeding on the audio file;
- Submit log notes to Systems personnel who will create a copy of the proceeding on CD;
- Forward request to the Clerk's Office.
- send request to a transcriber.

Transcriber will contact the party with an estimate of costs. Upon receipt of payment, the transcriber will forward the transcript directly to the party. If counsel is a CJA court appointed attorney, include a copy of the CJA-24 with CD to the Clerk's Office.

B. **Request for Copy of Recorded Proceeding:**

Upon receipt of the attached Request for Transcript/Recording requesting a copy of the proceeding on CD, the Clerk's Office will:

- Receive \$26 fee required by the Administrative Office of the U.S. Courts from party along with the Request for Recording/Transcript;
-- (\$15 to fund 322350 and \$11 to fund 510000)
- Print the log notes locating the respective proceeding on the audio file;
- Submit log notes to Systems personnel who will create a copy of the proceeding on CD;
- Contact party for pick up.

C. **Official Transcript:**

In the event a proceeding is being reported by a court reporter and also recorded by FTR Gold recording equipment, the official transcript can only be purchased from the court reporter.

APPENDIX A

OFFICIAL COURT REPORTER PERFORMANCE EVALUATION

Employee Name:		Court Reporter Primary Assignment:
1. Work Organization		
2. Quality of Work		
3. Meets Transcript Deadlines		
4. Files AO Reports Timely		
5. Accepts Responsibility		

<p>Comments and/or examples regarding Performance Factors Ratings:</p>	
<p>This evaluation represents the employee's performance, based on supervisory observation and knowledge.</p> <p>Court Reporter Supervisor:</p>	<p>Signature Date:</p>
<p>Employee evaluation reviewed by:</p> <p>Clerk of Court:</p>	<p>Signature Date:</p>
<p>Employee's signature indicates a review of evaluation with the supervisor and receipt of copy.</p>	<p>Signature Date:</p>
<p>Presiding Judge's approval.</p>	<p>Signature Date:</p>

TRANSCRIPT FEE RATES
Approved by the Judicial Conference September 1986

	Original	1st Copy to Each Party	Each Additional Copy To Same Party
ORDINARY RATE	\$3.65	\$.90	\$.60
14-DAY RATE	\$4.25	\$.90	\$.60
EXPEDITED RATE	\$4.85	\$.90	\$.60
DAILY RATE	\$6.05	\$1.20	\$.90
HOURLY RATE	\$7.25	\$1.20	\$.90
REAL TIME	\$3.05*	\$1.20*	

- The above rates are applicable to each page of transcript, excluding the certification page which must be at the end of each volume of transcript.
- Transcripts sold on computer diskettes are at the same maximum rates authorized for paper transcripts, as long as a paper copy is produced, certified, and filed with the Clerk of Court.
- NOTE: For Multi-defendant criminal cases involving CJA defendants, please refer to Section VII of the Plan.

* \$3.05 Plus cost of original certified transcript of the same pages (ordinary, expedited, daily, or hourly)	* \$1.20 Plus cost of certified copies of the same pages (ordinary, expedited, daily, or hourly).
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DEFINITIONS OF METHOD OF TRANSCRIPTION

- **ORDINARY:** Transcript to be delivered within thirty (30) days.
- **14-DAY:** Transcript to be delivered within fourteen (14) days.
- **EXPEDITED:** Transcript to be delivered within seven (7) days.
- **DAILY:** Transcript (ordered under usual circumstances) to be delivered daily.
- **HOURLY:** Transcript (ordered under usual circumstances) to be delivered within two (2) hours.
- **REALTIME UNEDITED TRANSCRIPT:** A draft transcript produced by a Certified Realtime Reporter (CRR) or (FCRR) as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment. NOTE: Litigants who order realtime transcripts are required to purchase a certified transcript of the same pages of realtime transcript at the regular rates (original or copy; ordinary, 14-day, expedited, daily, or hourly).

COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcript delivery dates are computed from:

- The date on which satisfactory financial arrangement is made, except for transcripts to be paid for by the United States.
- The date on which the appropriate CJA 24 form, approved by the judge, is received by the reporter when the transcript is to be paid for by the United States.
- The date on which the court order is provided to the reporter or transcriber when a transcript has been ordered by a judicial officer.

APPENDIX D

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
TRANSCRIPT DESIGNATION AND ORDERING FORM (Revised July 28, 2008)**

1. U.S. Court of Appeals Case No.:	
2. U.S. District Court Case No.:	
3. Short Case Title:	
4. <input type="checkbox"/> I do not intend to designate any portion of the transcript and will notify all counsel of this intention.	

5. NAME (Ordering Party)	6. TELEPHONE	7. DATE
8. MAILING AND/OR E-MAIL ADDRESS(ES)	9. CITY	10. STATE
11. ZIP CODE		

12. ORDER FOR PLAINTIFF NAME: _____ DEFENDANT NAME: _____
 APPEAL NON-APPEAL CIVIL CRIMINAL BANKRUPTCY

13. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceedings(s) for which transcript is requested.)

PORTION(S)	DATE(S)	COURT REPORTER	PORTION(S)	DATE(S)	COURT REPORTER
A. CHANGE OF PLEA			A. CLOSING ARGUMENT (Plaintiff)		
A. PRE-TRIAL PROCEEDING (Specify)			B. CLOSING ARGUMENT (Defendant)		
A. VOIR DIRE			B. SETTLEMENT INSTRUCTIONS		
A. OPENING STATEMENT (Plaintiff)			1. INSTRUCTIONS TO JURY		
• OPENING STATEMENT (Defendant)			• SENTENCING		
• TESTIMONY (Specify Witness)			• OTHER (Specify)		

14. CATEGORY	ORIGINAL	FIRST COPY (to each party)	ADD'L COPIES (to same party)	FORMAT REQUESTED (Each format is billed as a separate transcript copy.)		
				PAPER	ELECTRONIC	SPECIFY
ORDINARY: To be delivered within 30 days after receipt of this order.	\$3.65 per page	\$0.90 per page	\$0.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
14-day Transcript: To be delivered within 14 days after receipt of this order.	\$4.25 per page	\$0.90 per page	\$0.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
EXPEDITED: To be delivered within 7 days after receipt of this order.	\$4.85 per page	\$0.90 per page	\$0.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
DAILY: Delivered following adjournment and prior to the normal opening hour of court on the following morning, whether or not it actually is a court day.	\$6.05 per page	\$1.20 per page	\$0.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
HOURLY: to be delivered within 2 hours of proceeding.	\$7.25 per page	\$1.20 per page	\$0.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
REAL-TIME: Unedited rough draft. Not to be used for citation. Provided during or immediately after proceeding.	\$3.05 per page	\$1.20 per page		<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other

15. CERTIFICATE OF MAILING and DISTRIBUTION AND PAYMENT:
 E-file this form with the Clerk's Office and mail to the Court Reporter and to opposing counsel if they are not electronic filers.
 If payment is authorized under CJA, do not e-file the CJA-24 form. Mail it to the Court Reporter.
 Financial arrangements must be made with the court reporter before transcript is prepared.

I certify that this form has been mailed to the Court Reporter this date: _____ Attorney Signature: _____

16. Date order received by court reporter:	Expected transcript completion date:
--	--------------------------------------

GENERAL INSTRUCTIONS

- Use:** Use this form to order a transcript of proceedings and to designate transcript for appeal to the Ninth Circuit. Complete a separate form for each case number for which transcript is ordered.
- Completion:** Complete Items 1-14.
- Order Copy:** Keep a copy for your records.
- Deposit Fee:** The court reporter will notify you of the amount of the required deposit fee which may be mailed to the reporter or delivered to the Court in accordance with court reporter's instructions. Upon receipt of the deposit, the court reporter will process the order.
- Deliver Time and Completion of Order:** Delivery time is computed from the date of receipt of the deposit fee. The court reporter 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 order. If the deposit results in an overpayment, the balance will be refunded at the time of transcript delivery.

SPECIFIC INSTRUCTIONS

- Item 1-2** Only one case number may be listed per order.
- Item 3** Include short case name only.
- Item 4** Complete only if you do not intend to designate any portion of the transcript for appeal to the Ninth Circuit.
- Item 5-11** Complete as indicated.
- Item 12** Place an "X" in each box that applies. Please specify name of plaintiff or defendant ordering.
- Item 13** Place an "X" in the box for each portion required. List specific date(s) of the proceedings for which transcript is requested and the respective court reporter's name. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of the transcript as are needed.
- Item 14** Place an "X" in each box that applies. Indicate the number of additional copies ordered. For real-time services, please contact the court reporter directly.
- Only six (6) categories of transcripts may be ordered. File this order form electronically. If payment is authorized under CJA, mail the CJA-24 form to the court reporter(s), do not file the CJA-24.
- Item 15** E-file the order form and mail a copy with the CJA-24 to the Court Reporter. DO NOT file the CJA-24. Transcripts will not be prepared until financial arrangements have been made. Certify that a copy has been mailed to the Court Reporter.
- Item 16** To be completed by the court reporter.

APPENDIX F

STATE OF ACCOUNT	
Court Reporter's Name:	
Court Reporter's Address:	
Court Reporter's Phone Number:	
Court Reporter's Tax ID Number:	

Name of Case:	
Case Number:	
Amount of Deposit Received:	
Deposit Received From:	
Date Received:	
Number of pages prepared: Transcript at \$ _____ =	
Amount of Deposit Remaining for Credit:	
Amount of Deposit Remaining for Refund:	

_____ pages prepared for _____ Transcript at
 (Hourly, realtime, or daily)
 \$ _____/page = _____

Amount of Deposit remaining for credit: _

OR

Amount of Deposit remaining for refund:

APPENDIX G

BILLING INFORMATION	
1. Name of Client	
2. Criminal or Civil Case	
3. Date Ordered	
4. Date Delivered	
5. In the Matter of:	
6. Number of Pages	
7. Number of Copies	
8. Type of Delivery Schedule	
9. Deposit Collected	
10. Discount	
11. Refunds	
12. Total Due	
13. Certification of reporter or transcription firm of compliance with fee and transcript format prescribed by the judicial conference.	

Form AO 44, Invoice, is available (free of charge) from the AO for use by court reporters. Court reporters may use forms generated by the WinUSR software as long as they provide the required information.

**APPENDIX H
AO-44, INVOICE**

AO 44
(Rev. 7/95)

UNITED STATES DISTRICT COURT

For the _____ District of _____

INVOICE

NUMBER

TO:

**NOTE
MAKE CHECK PAYABLE TO:**

PHONE:

PHONE:

TRANSCRIPTS

CRIMINAL CIVIL

DATE ORDERED

DATE DELIVERED

IN THE MATTER OF (CASE NUMBER AND TITLE)

CHARGES

CATEGORY	ORIGINAL			1 ST COPY			ADDITIONAL COPIES			TOTAL CHARGES
	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	
Ordinary										
Expedited										
Daily										
Hourly										
For proceedings on (Date):							TOTAL			
							LESS DISCOUNT FOR LATE			
							LESS AMOUNT OF DEPOSIT			
							TOTAL REFUNDED			
							TOTAL DUE			

ADDITIONAL INFORMATION

Full price may be changed 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 (7) calendar days, payment would be at the ordinary *delivery* rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE OF OFFICIAL COURT REPORTER

DATE

(All previous editions of this form are

UNITED STATES DISTRICT COURT

For the _____ District of _____

INVOICE

NUMBER

TO:

NOTE

MAKE CHECK PAYABLE TO:

PHONE:

PHONE:

TRANSCRIPTS

CRIMINAL

CIVIL

DATE ORDERED

DATE DELIVERED

IN THE MATTER OF (CASE NUMBER AND TITLE)

CHARGES

ORIGINAL

1ST COPY

ADDITIONAL COPIES

TOTAL
CHARGES

CATEGORY
cancelled and should be destroyed.)

DISTRIBUTION: TO PARTY (2 copies - 1 to be returned with payment) COURT REPORTER COURT REPORTER SUPERVISOR

APPENDIX I

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
FTR GOLD RECORDING OR TRANSCRIPT DESIGNATION AND ORDERING FORM**

1. U.S. Court of Appeals Case No.:	3. Short Case Title:
2. U.S. District Court Case No.:	4. <input type="checkbox"/> I do not intend to designate any portion of the transcript and will notify all counsel of this intention.

5. NAME (Party Ordering Recording/Transcript)	6. PHONE NUMBER	7. DATE	
8. MAILING ADDRESS	9. CITY	10. STATE	11. ZIP CODE

12. ORDER FOR PLAINTIFF NAME: _____ DEFENDANT NAME: _____
 APPEAL CRIMINAL CRIMINAL JUSTICE ACT (CJA-24 VOUCHER ATTACHED)
 NON-APPEAL CIVIL IN FORMA PAUPERIS (CJA-24 VOUCHER ATTACHED)

13. RECORDING REQUESTED: Specify portion(s) and date(s) of proceedings(s).
Note: PAYMENT: Financial arrangements must be made with the Clerk's Office before recording is prepared.
Copy cost: \$26 for each proceeding. If payment is authorized under CJA, attach CJA-24 form.

PROCEEDING(S)	DATE(S)	JUDGE

14. TRANSCRIPT REQUESTED: Select transcriber from the attached list: _____
Specify portion(s) and date(s) of proceedings(s). Financial arrangements must be made with the transcriber before transcript is prepared. Transcriber will contact party. If payment is authorized under CJA, attach CJA-24 form.

PROCEEDING(S)	DATE(S)	JUDGE

TRANSCRIPT CATEGORY	ORIGINAL	FIRST COPY (to each party)	ADD'L COPIES (to same party)	FORMAT REQUESTED (Each format is billed as a separate transcript copy.)		
				PAPER	ELECTRONIC	SPECIFY
ORDINARY: To be delivered within 30 days after receipt of this order.	\$3.65 per page	\$.90 per page	\$.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
EXPEDITED: To be delivered within 7 days after receipt of this order.	\$4.85 per page	\$.90 per page	\$.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
DAILY: Delivered following adjournment and prior to the normal opening hour of court on the following morning, whether or not it actually is a court day.	\$6.05 per page	\$1.20 per page	\$.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
HOURLY: to be delivered within 2 hours of proceeding.	\$7.25 per page	\$1.20 per page	\$.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other

15. DISTRIBUTION: Mail, email, or fax a copy of these forms to the Clerk's Office and to all parties.

Revised 11/25/08

FTR GOLD TRANSCRIBERS		
NAME	ADDRESS	TELEPHONE
Ken Beck	5610 North "D" Street Spokane, WA 99205	509-326-2438
Doug Christensen	pronurse45@usa.net	406-390-1102
Gayle Lutz	PO Box 890 Nampa, ID 83653	208-466-4148
Julie Sampson	For the Record Reporting P. O. Box 176 Butte, MT 59703	406-498-3941
Sublette Audio/Video	12909 S. Thunder Mt Ln Valleyford, WA 99036	509-928-1217
Tammy Weber	PO Box 387 Caldwell, ID 83606	208-454-1010.
Sherrie Wright	2129 East Marshall Spokane, WA 99207	Cell: 509- 953-4804 Home: 509-534-9186