



Home » Policy & Guidance » Guide to Judiciary Policy » Volume 6: Court Reporting » Ch 5: Transcripts

CH 5: TRANSCRIPTS



GUIDE TO JUDICIARY POLICY

Volume 6: Court Reporting

Ch 5: Transcripts

- Any -

GO

A proposed revision of this chapter has been [posted for review and comment](#).

§ 510 Overview

- § 510.10 Introduction
- § 510.15 Statutory Authority
- § 510.20 Transcripts for the Court
- § 510.25 Transcripts and Records for the Clerk of Court
- § 510.30 Transcripts Requested by Parties
- § 510.35 Court Reporting Supervisor Responsibilities
- § 510.40 Electronic Sound Recording Files
- § 510.45 Arraignments, Changes of Pleas, and Sentencings
- § 510.50 Statement of Reasons Report for Sentencing Guidelines
- § 510.55 Retired or Separated Court Reporter Transcripts

§ 520 Transcript Format

- § 520.10 Introduction
- § 520.13 Judicial Conference Policy
- § 520.16 Compressed Transcript
- § 520.20 Realtime Unedited Transcript
- § 520.23 Paper
- § 520.26 Ink Color
- § 520.30 Preprinted Marginal Lines
- § 520.33 Line Numbers
- § 520.36 Typing
- § 520.40 Content
- § 520.43 Title Page

- § 520.46 Indexes
- § 520.50 Numbering
- § 520.53 Cover
- § 520.56 Punched Holes
- § 520.60 Fastener
- § 520.63 Certification
- § 520.66 Copies
- § 520.70 Redaction
- § 530 Fees
 - § 530.10 Fee Schedule Determination
 - § 530.15 Statutory Authority
 - § 530.20 Judicial Conference Policy
 - § 530.25 Notification of Fees
 - § 530.30 Judge Ordered Transcripts
 - § 530.35 Setting Transcript Rates by the Court
 - § 530.40 Justifying Higher Rates
 - § 530.45 Scope
 - § 530.50 What the Fees Include
 - § 530.55 Items for Which No Fee May Be Charged
 - § 530.60 Permissible Extra Fees
 - § 530.65 Transcripts in CJA Cases
 - § 530.70 Transcripts for the Court of Appeals
 - § 530.75 Fees for Transcripts to be Paid by the United States
 - § 530.80 Routine Apportionment of Transcript Rates
 - § 530.85 Electronic Sound Recording Files
 - § 530.90 Certification of Transcript Rates
 - § 530.95 Sanctions for Overcharging
- § 540 Transcripts for Cases on Appeal
 - § 540.10 Introduction
 - § 540.20 Federal Rules of Appellate Procedure
 - § 540.30 Due Dates
 - § 540.40 Required Forms
 - § 540.50 Full Transcript Not Required for Criminal Appeals
 - § 540.60 Use of Substitute Reporters
 - § 540.70 Placing Reporter on Leave Without Pay
 - § 540.80 Temporary Retention of Transcript Deposits by Clerk of District Court
- § 550 Criminal Justice Act (CJA) and In Forma Pauperis Proceedings
 - § 550.10 Introduction
 - § 550.20 Statutory Authority
 - § 550.30 Judicial Conference Policy
 - § 550.40 Transcripts
 - § 550.50 Procedures for Payments
 - § 550.60 Depositions
- § 560 Copyright Laws
 - § 560.10 Introduction
 - § 560.20 Statutory Authority

[§ 560.30 District Court Opinion](#)

[§ 560.40 References to Copyright](#)

[§ 560.50 Copying and Selling Transcripts](#)

[§ 560.60 Reproduction of the Clerk of Court's Copy](#)

[§ 560.70 Inspection of the Clerk of Court's Copy](#)

Appendices

[Appx 5A Sample Transcript \(pdf\)](#)

§ 510 Overview

§ 510.10 Introduction

One of the primary responsibilities of a court reporter is to provide a transcript of court proceedings upon the request of a party or order of court. The court reporter must also provide to the court a transcript or an electronic sound recording of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases. When realtime services are requested by a party to the case, a certified realtime reporter may charge and collect fees for realtime unedited transcript. Certified realtime reporters must not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. The redaction of transcripts must be performed to protect the privacy and security of information when made publicly available electronically. The purpose of this chapter is to detail the requirements for transcript production, delivery, fees and format.

§ 510.15 Statutory Authority

- (a) "The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him [or her] and filed with the clerk as provided in this subsection. He or she must also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his [or her] official certificate, and deliver the same to the party or judge making the request." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).
- (b) "The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).
- (c) "The transcript in any case certified by the reporter or other individual designated to produce the record must be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court must be considered as official except those made from the records certified by the reporter or other individual designated to produce the record." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).
- (d) "The original notes or other original records and the copy of the transcript in the office of the clerk must be open during office hours to inspection by any person without charge." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).

§ 510.20 Transcripts for the Court

It is the duty of the court reporter to provide transcripts to the court as provided by [28 U.S.C. § 753](#). To track court ordered transcripts, a [Form AO 435 \(Transcript Order\)](#), or other locally adopted form, should be prepared for each transcript requested.

§ 510.20.10 Transcript Requested by the Judge

- (a) Set forth in [28 U.S.C. § 753\(b\)](#) are the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge.

- (b) In March 2009, the Judicial Conference amended its transcript fee policy to make explicit that official court reporters may charge only copy fees for transcripts provided to parties when the original transcript was produced at the request of a judge. The language from the "Judge-Ordered Transcripts" portion of the Judicial Conference's March 2009 session report ([JCUS-MAR 09](#), p. 28) states:

[Section 753\(b\) of title 28, United States Code](#), sets forth the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. With regard to transcript requests from parties, section 753(f) provides that court reporters may charge and collect fees from parties ordering transcripts at rates prescribed by the court, subject to the approval of the Judicial Conference. The Conference has set maximum transcript rates based in part on whether the transcript is an original (currently \$3.65 per page for ordinary delivery, i.e., delivery within 30 days) or a copy (\$.90 per page for ordinary delivery). Questions have been raised as to whether the original or copy fee applies when a party requests a transcript that was originally produced at the request of a judge. Noting that providing a transcript to a judge is considered part of a reporter's official duties for which the reporter is paid an annual salary, the Committee agreed that only one original transcript can be produced and that all subsequent orders for the same transcript are copies for which the lower fee would apply. On recommendation of the Committee, the Conference amended its transcript fee policy to make explicit that official court reporters may charge only copy fees for transcripts provided to parties when the original transcript was produced at the request of a judge.

§ 510.25 Transcripts and Records for the Clerk of Court

- (a) Transcript Delivery

A certified transcript copy must be delivered by the court reporter to the clerk or the clerk's designee (court reporting supervisor) concurrent with, but not later than three working days after, delivery to the requesting party. Upon receipt, the transcript copy must be docketed in the case file by the clerk's office staff.

- (b) Public Inspection

Judicial Conference policy provides that both the original notes or other original records and a copy of the transcript in the office of the clerk must be open during office hours to inspection by any person without charge. The clerk's copy is an official court record which serves as the control copy with which the clerk may compare verbatim records being forwarded on appeal. No fee is to be charged any person for use of the clerk's copy. The clerk's copy is available to the judge if the judge desires to use it; and in some instances, where the "original papers rule" is followed, this copy may be forwarded to the court of appeals when an appeal is filed.

- (c) Transcripts on Electronic Media

The transcript copy filed with the clerk of court pursuant to [28 U.S.C. § 753\(b\)](#) may be in paper or electronic format as determined by the court. Any electronic transcript filed with the court must be in portable document format (PDF) or any other format approved by the court and consistent with the Judicial Conference's approved format guidelines. [JCUS-SEP 12](#), p. ____.

§ 510.25.10 Transcripts in the Case Management/Electronic Case Files System

- (a) In September 2003, the Judicial Conference adopted a policy requiring courts that make documents electronically available via the Public Access to Court Electronic Records (PACER) system also to make prepared electronic transcripts of court proceedings available remotely. To address privacy concerns, the policy includes a process for redacting personal identifying information from transcripts. [JCUS-SEP 03](#), pp. 16-17.
- (b) In September 2007, the Judicial Conference approved the following policy regarding the availability of transcripts of court proceedings in electronic format ([JCUS-SEP 07](#), p. 12):
- (1) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days (unless extended by the court) after it is delivered to the clerk.
 - (2) 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 within the court for internal use; and
 - an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's Case Management/ Electronic Case Files (CM/ECF) system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
 - (3) After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the

judiciary's PACER system.

- (c) During the 90-day period (which may be extended by the court), access to the transcript in CM/ECF is restricted to four types of users:
- court staff;
 - public terminal users;
 - attorneys of record or parties who have purchased the transcript from the court reporter/transcriber; and
 - other persons as directed by the court (e.g., appellate attorneys).
- (d) The requirement to provide a certified copy of a transcript to the clerk for the records of the court has not changed. As in the past, when a transcript is originally produced, a certified copy must be promptly delivered by the court reporter to the clerk or the clerk's designee concurrent with, but not later than three working days after delivery to the requesting party.

§ 510.25.20 Redaction of Electronic Transcripts

(a) Authority

Amendments to the Federal Civil and Criminal Rules of Procedure implementing the E-Government Act of 2002 requirement to protect the privacy and security of publicly available electronic filings took effect on December 1, 2007. The amendments to [Civil Rule 5.2](#) and [Criminal Rule 49.1](#) require that personal identification information be redacted from documents filed with the court:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth;
- individuals known to be minor children to the initials; and
- in criminal cases, any home addresses stated in court to the city and state.

(b) Process

(1) Notice of Electronic Filing

The court reporter, transcriber, or clerk will file a Notice of Electronic Filing of Official Transcript in CM/ECF when a transcript is delivered to the clerk for the court's records. This notice includes language that indicates that parties have seven calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. This notice of filing is transmitted to the parties in the case via the Notice of Electronic Filing (NEF) through CM/ECF or manually by the clerk's office, if the parties are not registered for CM/ECF. Redaction responsibilities apply to the attorneys even if the requestor of the transcript is a judge or a member of the public/media.

(2) Filing Notice of Intent to Request Redaction

The redaction of transcripts will be requested by counsel to a case. Counsel will file a Notice of Intent to Redact within five days of the transcript being delivered to the clerk.

(3) Counsel will then follow-up, within 21 calendar days of initial delivery of the transcript to the clerk, with a specific request for redaction noting the page numbers and line numbers where redaction is required.

(4) If No Redaction Request is Filed

If an attorney files a Notice of Intent to Request Redaction or a motion for extension of time to file this notice, and then doesn't submit a Redaction Request, the court will need to take action, either to have the attorney withdraw the Notice of Intent to Request Redaction or to issue a show cause order as to why the attorney has not met the redaction requirements. Court reporters/ transcribers do not have the responsibility to:

- redact information unless there is a redaction request made by the parties to the case, or
- notify the parties of material that should be redacted.

The parties have the responsibility to review the transcripts and request redactions, if necessary.

§ 510.30 Transcripts Requested by Parties

§ 510.30.10 Statutory Authority

"The reporters must be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts." **See:** [28 U.S.C. § 753\(c\)](#).

§ 510.30.20 Judicial Conference Policy

- (a) "Each [court reporting management] plan is to provide for the supervision of court reporters in their relations with litigants as specified in the Court Reporter Act, including fees charged for transcripts, adherence to format prescriptions, and delivery schedules." [JCUS-MAR 82](#), p. 8.
- (b) Transcripts may be sold via electronic media in portable document format (PDF), ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies. Court reporters and transcribers must produce paper originals and paper copies at the Judicial Conference rates when ordered by parties. [JCUS-SEP 91](#), p. 65, [JCUS-SEP 12](#), p.

§ 510.30.30 Responsibilities

(a) Court Reporters

In their dealings with parties requesting transcripts, court reporters must maintain a professional relationship and provide timely quality service. In their dealings, they must:

- (1) Adhere to the transcript format established by the Judicial Conference.
- (2) Adhere to transcript page rates per delivery category established by the court and the Judicial Conference.
- (3) Not require parties to purchase more pages than they want or need.
- (4) Not require parties to purchase more copies than they want or need.
- (5) Provide (whenever possible) the type of service requested such as ordinary, 14-day, expedited, daily, hourly or realtime transcript.

(b) Parties

Parties requesting transcript should complete [Form AO 435 \(Transcript Order\)](#) or other form available from the court reporter.

§ 510.30.40 Realtime Unedited Transcript

Effective June 1, 1996, the Judicial Conference defined the category of "realtime unedited transcript" as "draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment." The Conference also authorized the Administrative Office (AO) to issue guidelines to implement this policy. [JCUS-MAR 96](#), p. 26.

- (a) When realtime services are requested by a party to the case, a certified realtime reporter may charge and collect for realtime unedited transcript. Certified realtime reporters must not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. It is recommended that each certified realtime reporter request that parties acknowledge receipt of a realtime unedited transcript by signing a disclaimer which explicitly states that the ordering party is aware that the realtime unedited transcript is not an official record of the court proceedings.
- (b) The following is a sample disclaimer statement:

REALTIME UNEDITED TRANSCRIPT DISCLAIMER IN THE MATTER OF

v.

The realtime unedited transcript of proceedings in the above-titled matter is delivered unedited and uncertified by the court reporter at the request of the undersigned.

You agree that you will not distribute this realtime unedited transcript in any form, written or electronic, to the public, including news organizations and other nonparticipants.

The realtime unedited transcript may not be relied upon for purposes of verbatim citation of the record or used for any purpose that requires a certified transcript of a proceeding.

The realtime unedited transcript has not been edited, proofread or corrected. It is a draft transcript and is not certified to be true and correct. It may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. The realtime unedited transcript may differ from a certified transcript of the same proceedings in content, page and line numbers, punctuation and formatting. The realtime unedited transcript contains no appearance page, index or certification page.

The undersigned agrees to indemnify and hold harmless the court reporter for any use by any person of the realtime unedited transcript.

Printed Name of Purchaser

Signature of Purchaser

Date

§ 510.35 Court Reporting Supervisor Responsibilities

The court reporting supervisor must monitor all orders for transcripts and the relationship between court reporters and those requesting transcripts. The court reporting supervisor must maintain records of all transcript orders to ensure compliance with all regulations regarding timely preparation, format, and fees charged.

§ 510.40 Electronic Sound Recording Files

§ 510.40.10 Electronic Sound Recording Files in Lieu of Transcript

(a) Availability

To minimize the cost of litigation when proceedings have been recorded as the official record by electronic sound recording equipment, the court should advise parties requesting transcripts that they may choose to purchase copies of the electronic sound recording files from the clerk of court in lieu of transcript for their own use.

(b) Backup recordings

This provision does not apply to court reporters' backup recordings used to augment the steno notes. Backup recordings made by court reporters for their own convenience and not otherwise

required by [28 U.S.C. § 753](#) are the personal property of the court reporter. There is no public entitlement to these recordings, or to backup recordings made for the convenience of the court.

§ 510.40.20 Professional Transcription Services – Electronic Sound Recordings

(a) Introduction

The court may have transcripts prepared from analog or digital audio files by professional transcription services or official court reporters. Upon request, the AO will assist courts in evaluating the qualifications of transcription services for providing verbatim and timely transcripts in accordance with the transcript format guidelines approved by the Judicial Conference. **See:** [Guide, Vol 6, § 380.20 \(Preparation of Transcripts from Electronic Sound Recordings\)](#).

(b) Costs

The court may not charge parties for the cost of duplicating electronic sound recording files of proceedings that the court sends to a transcriber for filling transcript orders.

(c) Transcript Orders

Orders for transcripts should be submitted to the clerk's office on a [Transcript Order form \(AO 435\)](#).

(d) Preparation

All format, delivery time schedule, and fee requirements adopted by the Judicial Conference apply as if the transcript were produced by one of the court's reporters. The court reporting supervisor must monitor the production of transcripts by in-court personnel, court reporters, or professional transcription services. Court employees, other than court reporters, may not retain fees for preparation of official transcripts even if prepared on their own time. If a court employee, other than a court reporter, produces transcript for a private party, the fees for such must be deposited into the United States Treasury. An official staff, temporary, or combined-position court reporter is not required, but may agree, to produce transcripts from audio recordings of court proceedings which the reporter did not attend. Such transcripts may be ordered by parties, or by a judge, including magistrate judges. The reporter is considered a transcriber and may be paid no more than the rates established by the Judicial Conference.

§ 510.40.30 Certification of Transcription

The person or transcription services firm designated to transcribe the proceedings recorded by electronic sound recording must authenticate the original transcript and each copy with a certification on the last page. **See:** [§ 520.63 \(Certification\)](#).

§ 510.45 Arraignments, Changes of Pleas, and Sentencings

§ 510.45.10 Statutory Authority

"The reporter or other individual designated to produce the record must transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him [or her] and filed with the clerk as provided in this subsection." **See:** [28 U.S.C. § 753\(b\)](#).

§ 510.45.20 Judicial Conference Policy and Office of General Counsel

- (a) If, in lieu of transcribing all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases, the court reporter elects to file an electronic sound recording of such proceedings, the reporter must file such recording with the clerk of the United States District Court together with a certificate in the form set forth in [Guide, Vol 6, § 380.10\(b\)](#) at no expense to the government (judiciary). [JCUS-MAR 63](#), p. 10.
- (b) The Congress and the Judicial Conference have insisted that the requirements of [28 U.S.C. § 753](#) as to the transcribing or recording of pleas and sentences in criminal cases be carefully and promptly observed. The reporter must file a transcript within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment, in which event the electronic recording, accompanied by a certification of the reporter, must be filed as soon as the recording has been used to capacity.
- (c) A judge should consider whether the clerk's copy is sufficient before approving the production of another copy at government expense for transcripts of arraignments, pleas, and sentences that are requested by a defendant proceeding under the Criminal Justice Act (CJA) who attacks the validity of the conviction under [28 U.S.C. § 2255](#) and desires for use on the motion transcripts of

the plea and proceedings in connection with the imposition of the sentence. Since this motion is made in the trial court, there is always available in the clerk's files a certified electronic sound recording or a transcript copy of these proceedings (which the reporter must file without charge, under [28 U.S.C. § 753](#)) which is available to the defendant and to the court with other papers in the case, for consideration in connection with the motion.

- (d) Court reporters may charge parties (including the Department of Justice and parties proceeding under the Criminal Justice Act) for transcripts produced of arraignments, changes of plea, or proceedings in connection with the imposition of sentencing when an electronic recording of the proceeding has been filed with the court in lieu of a written transcript. [JCUS-MAR 96](#), p. 27.
- (e) The opinion of the AO Office of General Counsel (OGC) is that unedited versions of realtime transcript (ASCII versions of proceedings taken by realtime reporting systems) are not acceptable in lieu of certified transcripts of arraignments, changes of plea, and sentencing proceedings. The only exception to the requirement that a reporter file a certified transcript of each arraignment, change of plea, and sentencing proceeding, [28 U.S.C. § 753\(b\)](#), is when the court reporter creates an electronic sound recording and the reporter certifies the recording and files it with the clerk. OGC Memorandum, July 7, 1978, Fees for Transcripts of Arraignments, Pleas, and Proceedings in Connection with the Imposition of Sentence.

§ 510.50 Statement of Reasons Report for Sentencing Guidelines

§ 510.50.10 Statutory Authority

The Sentencing Reform Act requires the district court to place on the record a statement of reasons for each criminal sentence under the Sentencing Guidelines **See:** [18 U.S.C. § 3553\(c\)](#). Moreover, under [28 U.S.C. § 994\(w\)](#) and the request of the Sentencing Commission, the court must send a report of the statement of reasons to the Commission.

§ 510.50.20 Judicial Conference Policy

- (a) Form

To facilitate the filing of a statement of reasons by the court, the Judicial Conference Committee on Criminal Law has developed a one-page form for use as part of the judgment order. **See:** [Judgement in a Criminal Case form \(AO 245B\)](#).

- (b) Preparation

The Committee on Criminal Law recommends that the probation officer, rather than clerk's office personnel, be responsible for assisting the court with the preparation of the statement of reasons. The Committee also advises that a statement of reasons is required in every case. However, if the court requires the court reporter to prepare a transcript of the statement of reasons, the reporter must furnish the transcript at no expense to the government.

§ 510.55 Retired or Separated Court Reporter Transcripts

- (a) Any reporter, after quitting, being terminated or retiring from the court, remains responsible for producing requested transcripts of proceedings recorded during the period of employment at the rates in effect at the time the transcript was ordered. Court reporters must make every effort to serve the ordering party by producing the transcript according to the delivery schedule established by the Judicial Conference. Any court reporter refusing to transcribe a court proceeding could be ordered by the court to show cause.
- (b) Retired or separated court reporters are entitled to payment for the production of original transcripts requested by a judge after the date of retirement or separation, if the transcripts are prepared from notes taken during the period of employment with the court and have not previously been ordered by a party.
- (c) A court is not required to refer outstanding transcript orders to a separated reporter if the court has concerns regarding the reporter's performance.
- (d) Court reporter notes are the property of the court and must remain in the custody of the clerk of court. The notes may be removed only for purposes of providing a transcript. A court reporter no longer employed by the court must file a copy of the transcript with the clerk of court within three days of delivery to the ordering party. The court reporting supervisor should assist the retired or separated court reporter in obtaining the notes and act as liaison between the reporter and ordering party.

§ 520 Transcript Format

§ 520.10 Introduction

The Judicial Conference prescribed the transcript format in 1944 to assure that each party is treated equally throughout the country. [JCUS-SEP 44](#), Appendix. Although the Conference has made some

adjustments from time to time, the format has remained substantially the same. It is essential that the format requirements be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference. The per-page transcript rates are based on strict adherence to the prescribed format. The format standards incorporate government standards for archival materials and assure that all transcript produced in federal courts is produced on the same basis.

§ 520.13 Judicial Conference Policy

- (a) Transcripts may be sold via electronic media in portable document format (PDF), ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.

Each page of transcript sold via electronic media must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and electronic media transcripts may not contain any protection or programming codes that would prevent copying or transferring the data. JCUS-SEP 12, p. ___.

- (b) To conform to available technology, the Judicial Conference approved an amendment to the transcript format guidelines to delete the requirement that words be hyphenated at the end of a line of transcript text. [JCUS-MAR 95](#), p. 22.
- (c) The Conference modified the transcript format guidelines to provide an exception to the requirement that each page of transcript contain 25 lines of text. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions in jury trials when the transcript is produced under the daily or hourly delivery schedule, and the exception is approved by the presiding judicial officer. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review. [JCUS-MAR 96](#), pp. 26-27.

§ 520.16 Compressed Transcript

As with electronic media, court reporters and transcribers who have the capability may sell compressed transcripts on a per page basis. However, there is no requirement to provide such service.

§ 520.20 Realtime Unedited Transcript

Realtime unedited transcript sold on any electronic media may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It must include any notations made to the electronic file by the ordering party during proceedings. Electronic media may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:

- (a) Realtime unedited transcript sold via electronic media may be in portable document format (PDF), ASCII format, or any other format requested by the ordering party and agreed to by the court reporter.
- (b) It should include any notations made to the electronic file by the ordering party during proceedings.
- (c) Electronic files may not contain any protection or programming codes that would prevent copying or transferring the data.
- (d) The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:
 - (1) Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only."
 - (2) The realtime unedited transcript must not include an appearance page, an index, or a certification.
 - (3) The electronic media label may be of a different color than that used on other electronic media containing the text of certified transcript and stamped with the words, "Realtime Unedited Transcript Only."

§ 520.23 Paper

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription companies.

(a) Size

Paper size is to be 8-1/2 X 11 inches

(b) Weight

The weight of paper is to be at least 13 pounds for both originals and copies.

(c) Type

The paper type for both originals and copies is to be of chemical wood or better quality.

(d) Color

White paper is to be used for both originals and copies.

§ 520.26 Ink Color

Black ink is to be used for both originals and copies.

§ 520.30 Preprinted Marginal Lines

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

§ 520.33 Line Numbers

Each page of transcription is to bear numbers indicating each line of transcription on the page.

§ 520.36 Typing

§ 520.36.10 Type Size

The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

§ 520.36.15 Number of Lines Per Page

(a) Line of Text Per Page Requirement

Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

(b) Exception

An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript that includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

§ 520.36.20 Margins

Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

§ 520.36.25 Spacing

Lines of transcript text are to be double spaced.

§ 520.36.30 Upper and Lower Case

Upper and lower case is preferred, but all upper case may be used.

§ 520.36.35 Indentations

(a) Q and A

- (1) All "Q" and "A" designations must begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" must begin on the fifth space from the left margin. Subsequent lines must begin at the left margin. **See:** [Appx 5A \(Sample Transcript\)](#).
- (2) Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" must be the same as described above. In the transcript, each question and answer read from a deposition must be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark must be used.

(b) Colloquy

Speaker identification must begin on the tenth space from the left margin followed directly by a colon. The statement must begin on the third space after the colon. Subsequent lines must begin at the left margin.

(c) Quotations

Quoted material other than depositions must begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

§ 520.36.40 Interruptions of Speech and Simultaneous Discussions

Interruptions of speech must be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.45 Punctuation and Spelling

Punctuation and spelling must be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it must be followed by a question mark. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.50 Page Heading (Also Known as "Headers")

A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading must be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings must appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.55 Parenthetical Notations

Parenthetical notations are generally marked by parentheses; however, brackets may be used. Parenthetical notations must begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for:

- customary introductory statements such as call to order of court or swearing in a witness, and
- indicating non-verbal behavior, pauses, and readback/playback.

For types of parenthetical notations, **see:** [§ 520.40.20\(a\)](#). **See also:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.60 Legibility

The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

§ 520.40 Content

§ 520.40.10 Verbal

Except as noted below, the transcript must contain all words and other verbal expressions uttered during the course of the proceeding.

(a) Striking of Portions of the Proceeding

No portion of the proceeding must be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

(b) Editing of Speech

- (1) The transcript must provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences must be transcribed as spoken. **See:** [Appx 5A \(Sample Transcript\)](#).
- (2) In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

(c) Reporting of Audio/Video Recordings

Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

(d) Private Communications and Off the Record Conversations

Private communications and off the record conversations inadvertently recorded must not be included in the transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

(e) Call to Order, Swearing in, or Affirmation of Witnesses or Jurors

- (1) Standard summary phrases must be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.
- (2) These must appear in parentheses and begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- (3) The following phrases can be employed:
 - (Call to Order of the Court),
 - (The Jury Is Sworn),
 - (The Witness Is Sworn), and
 - (The Witness Is Affirmed).

(f) Identification of Speaker

- (1) All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:
- (2) Proper Transcript:

Speaker	Identification

the judge	THE COURT
attorney	MR., MRS., MS., OR MISS. + (last name)
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

See: [Appx 5A \(Sample Transcript\)](#).

(g) Testimony Through Interpreter

When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical "(in English)" is inserted. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.40.20 Nonverbal

(a) Designation of Portions of Proceedings and Time of Occurrence (Parenthetical Notations)

Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate

Examples:

- (Recess at 11:30 a.m.)
- (Recess at 12:30 p.m., until 1:30 p.m.)
- (Proceedings concluded at 5 p.m.)

See: [Appx 5A \(Sample Transcript\)](#).

(2) Jury In/Out

Examples:

- (Jury out at 10:35 a.m.)
- (Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred:

- in the presence of the jury,
- out of the presence of the jury,
- out of the hearing of the jury,
- prior to the jury entering the courtroom, or

- after the jury left the courtroom.

(3) Defendant Present/Not Present

In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences

This designation must note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation must so indicate.

Examples:

- (Bench conference on the record)
- (Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)
- (At side bar on the record)
- (At side bar)
- (End of discussion at side bar)

See: [Appx 5A \(Sample Transcript\)](#).

(5) Discussions off the Record

This designation must note where the discussion took place.

(6) Chambers Conferences

This designation must note the presence or absence of parties in chambers.

Examples:

- (Discussion off the record in chambers with defendant not present)
- (Discussion on the record in chambers with defendant present)

(b) Speaker/Event Identification

References to speakers and events that occur throughout proceedings must be properly noted in capital letters and centered on the appropriate line.

Examples:

- AFTER RECESS
- DIRECT EXAMINATION
- CROSS EXAMINATION
- REDIRECT EXAMINATION
- RECROSS EXAMINATION
- FURTHER REDIRECT EXAMINATION
- PLAINTIFF'S EVIDENCE
- PLAINTIFF RESTS
- DEFENDANT'S EVIDENCE
- DEFENDANT RESTS
- PLAINTIFF'S EVIDENCE IN REBUTTAL

See: [Appx 5A \(Sample Transcript\)](#).

(c) Nonverbal Behavior, Pauses

It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (i.e., physical gestures, and lengthy pauses on the part of a witness.) If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

- (Nods head up and down)
- (Shakes head from side to side)
- (Indicating)

See: [Appx 5A \(Sample Transcript\)](#).

(d) Readback/Playback

All readbacks and/or playbacks, and the party requesting must be noted parenthetically as follows:

- (1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical must be used:

(The last question and/or answer was read/played back)

See: [Appx 5A \(Sample Transcript\)](#).

- (2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

(e) Indiscernible or Inaudible Speech on Electronic Sound Recording

- (1) Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."
(2) Every effort must be made to produce a complete transcript. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

§ 520.43 Title Page

§ 520.43.10 Contents

Each transcript is to include a title page indicating:

- (a) court name;
- (b) district;
- (c) case name;
- (d) civil or criminal docket case number;
- (e) name and title of judge or other judicial officer presiding;
- (f) type of proceeding;
- (g) date and time of proceeding;

- (h) volume number (if multi-volume);
- (i) name and address of each attorney and name of party represented;
- (j) whether a jury was present;
- (k) if steno based, court reporter's name, address, and telephone number;
- (l) if electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company;
- (m) method by which the proceedings were recorded, and
- (n) method by which the transcript was produced.

Note: Examples of this statement include the following:

- (1) Proceedings recorded by mechanical stenography, transcript produced by notereading.
- (2) Proceedings recorded by mechanical stenography, transcript produced by computer.
- (3) Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- (4) Proceedings recorded by electronic sound recording, transcript produced by transcription service.

§ 520.43.20 Record of Appearance

Beginning on the title page, the court reporter is to include the complete record of appearances.

§ 520.43.30 Cost

The court reporter may charge for the title page as a full page of transcript.

§ 520.46 Indexes

Each volume is to contain an index that is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

§ 520.46.10 Requirement

- (a) The index must indicate the pages at which each of the following begins:
 - direct examination,
 - cross-examination,
 - redirect examination,
 - recross-examination,
 - further redirect examination, and
 - recall of each witness.

- (b) The index must also indicate on behalf of whom the witness or witnesses were called, such as:
 - PLAINTIFF'S WITNESSES,
 - WITNESSES FOR THE GOVERNMENT,
 - DEFENDANT'S WITNESSES, or
 - WITNESSES FOR THE DEFENSE

- (c) A separate table in the index must indicate the page at which any exhibit was marked for identification and received in evidence.

§ 520.46.20 Master Index for Longer Transcripts

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index set forth in its own separate volume, consisting of a compilation of all of the individual indexes. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.46.30 Keyword Indexing Service

No charge is permitted in addition to the normal page rates for keyword indexing services. If the keyword indexing service is provided via electronic media, no additional charge is permitted for the cost of the electronic media itself.

§ 520.50 Numbering

§ 520.50.10 Pages

- (a) The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved.
- (b) The court reporter must place the page number at the top right corner of the page flush with the right margin above the first line of transcription.
- (c) The page number does not count as a line of transcript.
- (d) The pagination of the transcript of the further proceedings in the same matter must follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

§ 520.50.20 Multi-Volumes Transcripts

Multi-volume transcripts must be numbered in either of the following ways:

- (a) Each volume of transcript must be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples:

- 1-14 (Volume 1, page 14)
- 2-54 (Volume 2, page 54)

- (b) If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples:

- 56 (Volume 1, page 56)
- 521 (Volume 3, page 521)

See: [Appx 5A \(Sample Transcript\)](#).

§ 520.53 Cover

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

§ 520.56 Punched Holes

If the court reporter punches transcript with three holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

§ 520.60 Fastener

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

§ 520.63 Certification**§ 520.63.10 Requirement**

- (a) The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page.
- (b) The certification is to appear on the last page of each volume of transcript. If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certifications of each court reporter or transcriber involved must be required at the end of each volume. (**Note:** The contents of the title page should not be repeated as part of the certification.)
- (c) A rubber stamp with the certifications in the paragraphs below may be used to save time and space.

§ 520.63.20 Reporter's Charge for Certification

If the reporter places the certification on a separate page from any transcript text, then they may NOT charge for the certification page. If the court reporter includes the certification on the last page of a transcript that contains actual transcript text, the reporter can charge for that page of text.

§ 520.63.30 Certification Examples

- (a) Stenography/Stenomask

"I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter."

Signature of Court Reporter/Transcriber Date

Typed or Printed Name

- (b) Transcriber's Certification for Another's Notes.

"I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the court name, of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action."

Signature of Transcriber Date

Typed or Printed Name

- (c) Electronic Sound Recording

"I (we), court approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

Signature of Approved Transcriber Date

 Typed or Printed Name

(d) Redacted Transcripts

At the end of the transcript, and without causing a "page roll-over" (a smaller font may be used) the redacted transcript must be certified by the court reporter/transcriber stating:

"I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on day/mo/year, and incorporating redactions of personal identifiers requested by the following attorneys of record: _____, in accordance with Judicial Conference policy. Redacted characters appear as an "x" (or a black box) in the transcript."

 Signature of Approved Transcriber

 Date

 Typed or Printed Name

§ 520.66 Copies

Transcript copies may be reproduced by any method of reproduction which produces black text on single-sided white paper. There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

§ 520.70 Redaction

There are various software programs that are available to assist court reporters/ transcribers in the redaction process. The use of these programs is permissible, as long as page and line integrity remains intact. If a court reporter does not have access to such a program, the reporter may also manually redact. Whatever method is used to redact, page and line integrity must be maintained from the original transcript to the redacted transcript.

§ 520.70.10 Manual Redaction

To manually redact, the court reporter/transcriber must place an "x" in the space of each redacted character. Manual redactions must have the same number of x's as characters deleted to preserve page and line numbers of transcripts.

§ 520.70.20 Title Page

The title page of the transcript must indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge. A notation of "REDACTED TRANSCRIPT" must be inserted on a blank line, and the addition of this text must not change the length of the title page.

§ 520.70.30 Charge for Redacted Transcripts

The Judicial Conference has not authorized an additional fee that the court reporter/ transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

§ 530 Fees

§ 530.10 Fee Schedule Determination

- (a) "The Conference, pursuant to 28 U.S.C. § 753(f) authorized district courts to prescribe fees which court reporters may charge and collect for transcripts requested by the parties, including the United States, at the following rates." *JCUS-MAR 80*, pp. 17-18. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.
- (b) Each district court must adopt a schedule of transcript fees for reporters and transcribers, subject to maximum rates established by the Judicial Conference. The Conference has established six

transcript categories based on delivery times and whether the transcript is in draft form or certified, and has set a maximum rate for each. Neither the parties, nor the reporter, nor the transcriber, nor the court may negotiate a higher rate without Judicial Conference approval; however, in exceptional circumstances the Director of the AO may authorize higher original transcript rates for staff reporters. Fees may be negotiated lower than the court approved rates. Courts should set fees in each jurisdiction with regard to production costs, up to the maximum authorized by the Judicial Conference.

§ 530.15 Statutory Authority

- (a) "The reporters must be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties including dealings with parties requesting transcripts." [28 U.S.C. § 753\(c\)](#).
- (b) "Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He or she must not charge a fee for any copy of a transcript delivered to the clerk for the records of the court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act ([18 U.S.C. § 3006A](#)), or in *habeas corpus* proceedings to persons allowed to sue, defend, or appeal *in forma pauperis*, must be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in proceedings brought under [section 2255](#) of this title to persons permitted to sue or appeal *in forma pauperis* must be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal *in forma pauperis* must also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States." [28 U.S.C. § 753\(f\)](#).

§ 530.20 Judicial Conference Policy

§ 530.20.10 Realtime Unedited Transcript

- (a) Effective June 1, 1996, the Judicial Conference defined the category of "realtime unedited transcript" as "a draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment." [JCUS-MAR 96](#), p. 26.
- (b) The Judicial Conference approved transcript fee rates for realtime unedited transcripts provided by certified realtime reporters to establish the maximum page rate authorized for the provision of realtime services, including the production and distribution of realtime unedited transcripts. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.

Note: At its September 2011 session, the Conference amended the maximum realtime transcript rate policy adopted in March 1999 to eliminate the requirement that a litigant who orders realtime services in the courtroom must purchase a certified transcript (original or copy) of the same pages of realtime unedited transcript at the regular rates, effective January 1, 2012. [JCUS-SEP 11](#), p.30-31.

§ 530.20.20 Transcripts in CJA Multi-Defendant Cases

- (a) In multi-defendant cases involving CJA defendants, no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants. CJA multi-defendant transcript orders may be requested in electronic format to simplify making multiple copies; or, one of the CJA counsel or the clerk of court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation. A court reporter could also furnish duplication services at the commercially competitive rate. **See:** [Guide, Vol 7A, § 320.30.30 \(Commercial Duplication in Multi-Defendant Cases\)](#) and [JCUS-SEP 87](#), p. 95.
- (b) Courts may want to obtain price quotations from copy services (at least three where feasible) to determine the commercially competitive rate for each court location. The AO estimates that ten cents per page would be a maximum copy rate, with such rate often lower and rarely higher. Commercial rates should be monitored by the court on a periodic basis to ensure accuracy and compliance with the guideline.
- (c) This policy also applies where more than one transcript is ordered on behalf of a single party under the CJA. An example would be where a party under the CJA orders both an electronic media copy and a paper copy. In this example, the court reporter may charge the certified transcript rate (whether the transcript represents the original or a copy) for the electronic media transcript. The paper copy may be charged at the commercially competitive rate (estimated to be ten cents per page).

§ 530.25 Notification of Fees

For the public to be aware of the maximum transcript fees to be charged, a schedule of the prescribed fees is to be posted prominently in the clerk's office. [JCUS-MAR 82](#), p. 9. Courts should instruct clerks of court to notify members of the bar of the fee rates and format regulations established by the Judicial Conference and the procedure for addressing issues regarding fees charged.

§ 530.30 Judge Ordered Transcripts

§ 530.30.10 Regular and Temporary (Salaried) Reporters

- (a) [Title 28 U.S.C. § 753\(b\)](#) sets forth the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. With regard to transcript requests from parties, [§ 753\(f\)](#) provides that court reporters may charge and collect fees from parties ordering transcripts at rates prescribed by the court, subject to the approval of the Judicial Conference.
- (b) The Conference has set [maximum transcript rates](#) based in part on whether the transcript is an original or a copy. Questions have been raised as to whether the original or copy fee applies when a party requests a transcript that was originally produced at the request of a judge. Noting that providing a transcript to a judge is considered part of a reporter's official duties for which the reporter is paid an annual salary, the Committee agreed that only one original transcript can be produced and that all subsequent orders for the same transcript are copies for which the lower fee would apply. On recommendation of the Committee, the Conference amended its transcript fee policy to make explicit that official court reporters may charge only copy fees for transcripts provided to parties when the original transcript was produced at the request of a judge. [JCUS-MAR 09](#), pp. 28-29. **See:** [§ 510.20 \(Transcripts for the Court\)](#).

§ 530.30.20 Contract Court Reporters

- (a) The relevant provisions of the contract govern payment of transcript prepared for a judge. Reporters under contract, based on the terms of the contract, are not under the requirement to provide original transcripts at no charge to a district or magistrate judge.
- (b) Contract court reporters' attendance fees cover only the time they spend in court. Therefore, the Comptroller General allowed payment to contract court reporters for transcripts produced when ordered by a judge of the court. **See:** [Comptroller General Decision B-77066 \(July 13, 1948\)](#).

§ 530.30.30 Land Commission Proceedings

"Court reporters are not entitled to payment in addition to their salaries for providing transcripts of land commission proceedings to judges or to land commissioners appointed by judges in land condemnation cases. Accordingly, neither the Department of Justice nor the Administrative Office of the United States Courts may pay for such transcripts from their appropriations.... However, reporters whose services are obtained on a contractual basis are entitled to payment, from the Administrative Office," when such transcript is ordered by the court. **See:** [Comptroller General Decision B-184875 \(June 11, 1976\)](#).

§ 530.35 Setting Transcript Rates by the Court

The Conference, pursuant to [28 U.S.C. 753\(f\)](#), authorized district courts to prescribe fees which court reporters may charge and collect for transcripts requested by the parties, including the United States, up to maximum rates set by the Judicial Conference. **See:** [Maximum Transcript Rates](#) page on J-Net.

In setting the transcript rates to be charged by the court reporters in each area, the district court should look to comparable services rendered in the state courts and consider setting the transcript rates in their courts to coincide with any lower comparable state rate. Litigants and parties have the privilege and right to order transcripts at the rate fixed by each district court, not to exceed the above maximum rates. A notice of the rates established by the district courts and of the reporter's obligation to furnish transcripts at those rates and under those conditions must be published in a conspicuous place or otherwise disseminated to the public. No other types of transcripts are authorized, other than those approved by the Judicial Conference. [JCUS-MAR 80](#), pp. 17-18.

§ 530.40 Justifying Higher Rates

"The Committee [on Court Administration (now under jurisdiction of the Judicial Resources Committee)] recognized that situations may exist in some specific districts justifying higher rates for those districts alone. Upon the recommendation of the Committee, the Conference authorized the Director of the Administrative Office to increase transcript rates for original transcripts only [not copies or realtime unedited transcript] by no more than 20 percent of the existing maximum rate when, in the Director's judgment, a district court justifies such an increase." [JCUS-MAR 81](#), pp. 7-8.

§ 530.40.20 Procedure for Requesting Higher Rates

(a) Court

(1) The chief judge of the district court must submit an analysis to the Director of the AO supporting:

- the amount of higher rate requested;
- for which types of transcript (ordinary, 14 day, expedited, daily, and hourly); and
- its impact on total and net income derived by official court reporters based on annual average transcript production.

(2) The analysis must include a justification based on the following information:

(A) A comparison of transcript fees corresponding to ordinary, 14-day, expedited, daily, and hourly transcript categories of court reporters in the local or state courts.

(B) A comparison of total compensation of court reporters in the local or state courts including:

- salary,
- benefits,
- private work,
- transcript income, and
- net income from official transcript sales.

The policies of the local and state courts that affect total compensation for court reporter work should be identified, including salary schedules, benefits, work hours, transcript format and whether transcript production is subsidized or supported by the purchase of equipment or supplies.

(C) Using the [Form AO 40A \(Attendance and Transcripts of United States Court Reporters\)](#) and [Form AO 40B \(Statement of Earnings of United States Court Reporters\)](#) reports, an analysis of total income of staff reporters from salary, transcript sales, private work, and in-court hours of service over a 3-5 year period.

(b) The AO will:

- (1) compare the salary, transcript income, and margins of profit of the district's reporters by using reporter statements of earnings, to those of other reporters in other federal courts and nationally;
- (2) evaluate the court reporter turnover; and
- (3) after this comparison, the Director will notify the chief judge whether the increase is justified and, if justified, the effective date of the rate change.

§ 530.45 Scope

The maximum rates adopted by the Judicial Conference apply to:

- official staff,
- temporary,
- combined-position,
- contract,
- substitute reporters, and
- transcribers.

§ 530.45.10 Billing Responsibility

All reporters and transcribers are responsible for correct billings. Billings must be monitored by the court reporting supervisor, and certified as correct by the court reporter or transcriber.

§ 530.45.20 Purchases

Copies of audio cassettes and digital audio compact disks when the original record was taken by electronic sound recording may be purchased from the court under the [Miscellaneous Fee Schedule](#). Transcription of audio recordings of court proceedings recorded using electronic sound recording systems, may be purchased through the court at rates set by the court up to the maximum rates approved by the Judicial Conference.

§ 530.50 What the Fees Include

§ 530.50.10 Services Descriptions

Item	Description
(a) Transcript Production	The fees cover all costs of transcript production.
(b) Original Fees	For any given proceeding/date there can only be one original charge. All other transcripts of the same proceeding must be at the copy rates. The original fee rate may not be charged to parties who order a transcript that was already produced at the request of a judge. Only one charge under the rate schedule (whether it represents the original or a copy) is permitted for multi-defendant cases involving CJA-represented defendants.
(c) 14-Day, Expedited, Daily, and Hourly Transcripts	In the case of 14-day, expedited, daily, and hourly transcripts, the approved fees are to cover all costs of transcript production, including payments to extra reporters, typists, and transcribers to help produce the transcript.
(d) Copy Fees	A copy fee is charged if the party orders and receives a copy. Only one charge under the rate schedule (whether it represents the original or a copy) is permitted for multi-defendant cases involving CJA-represented defendants.
(e) Fees for Sale of Transcript on Electronic Media	The rates allowed for electronic media transcripts are the same as those allowed for paper transcripts whether they represent originals, first copies, or additional copies. No additional charge is permitted for the cost of the electronic media.
(f) Compressed Transcripts	The maximum per page rate for each compressed original or copy of a transcript is the same as that for a full-size transcript
(g) Realtime Feed	Realtime reporting technologies allow the stenotype or stenomask record to be electronically transcribed in the courtroom using software that translates the stenotype/stenomask recording instantaneously and displays it on a monitor in front of the reporter, judge, attorneys or other participants. A realtime "feed" is the electronic data flow from the court reporter to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

§ 530.50.20 Fee Calculation Examples

The page rates used in these examples are changed periodically by the Judicial Conference, and should be verified on the [Maximum Transcript Rates](#) page on J-Net.

- (a) *A defense attorney in a multi-defendant CJA case orders an original and two copies of an ordinary transcript of 100 pages.*

The court reporter may charge the party the original ordinary transcript rate per page for the original transcript. At the request of the CJA attorney, the original transcript may be delivered in paper copy or electronic format for the defender to make and provide copies to any other CJA parties in the case needing a copy. Additional paper copies may be provided to other defense counsel at the commercially competitive copy rate as approved by the court. In this example:

- the charge for the original ordinary transcript would be: $\$3.65 \times 100 \text{ pages} = \365 ;
- the charge for the first copy, billed at the commercially competitive rate, would be: (estimated) $\$.10 \times 100 \text{ pages} = \10 ; and
- the charge for the second copy, billed at the commercially competitive rate would be: (estimated) $\$.10 \times 100 \text{ pages} = \10 .

- (b) *A party in a civil case requests daily transcript copy and two copies of a trial generating 200 pages per day.*

- (1) The charge to the private attorney would be the:

- original daily transcript rate (\$6.05 per page in this example) for the original;
- first copy daily transcript rate (\$1.20 per page in this example); and
- additional copy daily transcript rate (\$.90 per page in this example) for the second (multi-page transcript) copy to the same attorney.

(2) The charges per day would be:

- \$6.05 x 200 pages = \$1,210 for the daily copy;
- \$1.20 + \$.90 = \$2.10 x 200 pages = \$420 for two copies per day.

(3) Any copies to opposing counsel would be charged at \$1.20 for the first copy and \$.90 per page for additional paper or electronic copies.

(c) *A defense attorney orders a realtime transcript feed from a certified realtime reporter. The realtime feed generates 150 pages of transcript. The certified realtime reporter charges the current rate per page of realtime transcript for one feed, based on the tiered rate structure..*

The charge to the defense attorney would be: \$3.05 x 150 pages = \$457.50 for one realtime transcript feed.

(d) *A defense attorney orders a realtime transcript feed from a certified realtime reporter. The opposing counsel orders two feeds for the same realtime transcript. The realtime feed generates 150 pages of transcript. The certified realtime reporter charges an equal rate per page of realtime transcript for each feed ordered, based on the tiered rate structure..*

(1) The charge to the defense attorney would be: \$2.10 x 150 pages = \$315 for one realtime transcript feed.

(2) The charge to the opposing counsel for two realtime feeds would be:

- \$2.10 x 150 pages = \$315 for the first feed;
- \$2.10 x 150 pages = \$315 for the second feed;
- totaling \$630 for both feeds.

§ 530.55 Items for Which No Fee May Be Charged

Item	Description
(a) Transcript copy filed with the Court	A party may not be charged for any transcript provided to the clerk of court as the court's copy.
(b) Judge's Copy	A judge-ordered copy is not the same as the certified copy delivered to the clerk for the records of the court. The court reporter may not charge a party, including the government, for any certified transcript provided to a judge regardless of the existence of an order so granting. Any certified transcript, previously produced by a reporter without charge to a judge, and subsequently requested by a party may be charged only at the copy fee rate. If requested by a judge, a court reporter may produce a non-certified or unedited transcript for a judge's use, and it does not have to be filed with the clerk for the records of the court.
(c) Viewing the Record by a Party	A transcript on file in the clerk's office may be examined without charge to a party or other member of the public.
(d) Postage	Postage costs are considered an ordinary business expense; therefore, the court reporter or transcriber may not charge for ordinary postage. However, when the party requests expedited delivery, the court reporter or transcriber may bill the party for the difference between ordinary postage cost and the cost for expedited delivery.
(e) Keyword Indexes	The index pages may be billed at the page rate, but no charge is permitted in addition to the normal page rates for keyword indexing services.
(f) Cover	The cover is a required part of the transcript and the court reporter may not charge extra for the transcript cover. See: § 520.53 .
(g) Certification	The certification is a required part of the transcript and the court reporter may not charge extra for the certification. See: § 520.63 .

(h) Canceled Orders

When a transcript order is canceled, only the pages produced may be charged. There is no charge for pages not produced. If a deposit was received and no pages were produced prior to the cancellation, the full deposit must be returned to the party. Any pages that were produced must be provided to the ordering party and a certified transcript filed with the clerk of court.

§ 530.60 Permissible Extra Fees

§ 530.60.10 Subsistence Cost for Reporters

In areas where the court's reporter may need to hire reporters from outside the community area to help produce 14-day, expedited, daily, or hourly transcript, the reporter may bill the party for the subsistence costs of other reporters or auxiliary personnel. These costs are authorized up to the amount of travel subsistence that a government employee may be reimbursed for the same travel. Compensation for auxiliary personnel as an attendance fee, however, is not billable to the party.

§ 530.65 Transcripts in CJA Cases

Transcripts provided for parties proceeding under the CJA and to parties allowed to proceed in forma pauperis are to be paid from funds appropriated for those purposes. For complete information, see: [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#).

§ 530.70 Transcripts for the Court of Appeals

§ 530.70.10 Ordering Responsibility

The appellant is responsible for ordering the transcript and paying the court reporter for the cost of the transcript. If the court of appeals requests that additional transcript pages be submitted, it is the responsibility of the parties to order and pay the court reporter or transcriber for such transcript.

§ 530.70.20 Filings

The reporter or transcriber must prepare an original and a certified copy whenever a certified transcript is ordered. The original transcript is delivered to the party, and the certified copy is filed with the clerk's office. No additional fee is charged the party if the copy from the clerk's records is forwarded as part of the record on appeal.

§ 530.70.30 Payment Form

Transcripts for appellants proceeding under the CJA or in forma pauperis are to be paid by the United States out of money appropriated for such purposes.

§ 530.70.40 Prepayment

Reporters or transcribers may request prepayment of fees before beginning transcript preparation, except they may not request prepayment by the United States government. Some circuits require that a portion of the prepayment be held in escrow, however, until the transcript is prepared.

§ 530.70.50 Temporary Retention of Transcript Deposits by Clerk of Court

The clerk of court may receive and hold transcript fee deposits as an incentive to the court reporter to fulfill transcript orders on time; and further, the court has the discretion to make this "escrow" arrangement standard practice for all transcript fees. The court's authority is the Court Reporter Act, [28 U.S.C. § 753](#), and the Judicial Conferences March 1982 resolution concerning management of court reporters. [JCUS-MAR 82](#), pp. 8-12.

§ 530.70.60 Fees for Transcripts to Be Paid by Parties

See: [§ 540 \(Transcripts for Cases on Appeal\)](#).

- (a) [Rule 10, Federal Rules of Appellate Procedure \(The Record on Appeal\)](#)

"At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript."

(b) Judicial Conference Policy

"That the Judicial Conference reaffirm its September 1963, decision that no court reporter is authorized to receive payment of a fee for providing a transcript for the clerk's office in the preparation or perfection of an appeal. It is also recommended that the Conference approve the policy that a reporter may charge a party only for transcript ordered by and delivered to the party and that the reporter must bear the expense of providing a copy of a transcript to be filed with the clerk of the district court and a copy to be submitted to the court of appeals, if required. It is further suggested that the Ninth and Tenth Circuit Courts of Appeals should review their requirements that a copy of the transcript be retained in the district court since it duplicates the copy of the transcript that is submitted to the court of appeals." [JCUS-SEP 83](#), p. 51.

(c) Cases Covered

(1) Appeals to a Circuit from a District Court

Transcripts for appealed cases must be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. If the customary practice of the court reporter is not to require prepayment, the 30-day period begins upon acceptance of the transcript order by the court reporter.

(2) Appeals from a Magistrate Judge to a District Judge

A transcript in a case on appeal from a magistrate judge to a district judge should be paid for in the same manner as an appeal from the district court to the court of appeals.

(d) Late Delivery of Transcripts

(1) Judicial Conference Policy

"That for a transcript of a case on appeal not delivered within 30 days of the date ordered and payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 90 percent of the prescribed fee; that for a transcript not delivered within 60 days of the date ordered and, payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 80 percent of the prescribed fee. No fee may be charged which would be higher than the fee corresponding to the actual delivery time. In the case of a transcript which is subject to [Fed. R. App. P. 11\(b\)](#), the reduction in fee may be waived by the clerk of the court of appeals for good cause shown. Nothing contained herein should be construed as sanctioning untimely delivery, nor should this provision be considered the only penalty that could be imposed by the court or circuit council on habitual offenders." [JCUS-MAR 82](#), p. 10.

(2) Penalties

Late delivery of transcripts impedes the work of the courts. Each circuit council decides the due dates for the delivery of transcripts and the amount of penalties to be applied when such dates are not met. Therefore, reporters and transcribers may not charge the full fee if they do not produce an appellate transcript within the time limits required by the circuit councils. Additionally, the district courts or circuit councils may impose other penalties. One such penalty would be to require the reporter to compensate a courtroom substitute while the reporter prepares the overdue transcripts.

(3) Waiver by Clerk of the Court of Appeals

While true hardship cases may arise occasionally, the clerk of the court of appeals should grant exceptions to the fee reductions sparingly. Only the clerk of the court of appeals may waive this requirement for good cause. Otherwise, the fee reduction must be given. Approval of an extension by the court of appeals under [Fed. R. App. P. 11\(b\)](#) does not constitute a waiver of the fee reduction by the clerk of the court of appeals. A waiver must be granted separate and apart from the request for an extension of time by the court reporter or transcriber.

(4) Monitoring by Supervisor

The court reporting supervisor must monitor fees and transcript delivery to determine the reporter's compliance with any required fee reduction.

(5) Overcharging

If overcharges occur by virtue of a late delivery, the reporter or transcriber must refund the overcharges to the ordering party.

§ 530.75 Fees for Transcripts to Be Paid by the United States

(a) Judicial Conference Policy

"In appeal cases in forma pauperis in which the transcript is furnished at government expense, the Director of the Administrative Office was instructed to authorize payment for as many carbons [copies] as are required to perfect the appeal by the rules of court." [JCUS-OCT 46](#), p. 12.

(b) Cases Covered

(1) Appeals to a Circuit from the District Court may only be paid for under one of the following categories:

(A) Court reporters may be paid under the BOC 2532 general authorization for transcripts provided in civil proceedings to persons permitted to appeal in forma pauperis if the trial judge or circuit judge certifies that the:

- suit or appeal is not frivolous, and
- transcript is needed to decide the issue presented by suit or appeal.

(B) Court reporters may be paid under the CJA for transcripts for persons proceeding under the CJA, including transcripts for habeas corpus proceedings, and transcripts for proceedings brought under Section 2255 of Title 28.

See: [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#) and [BOC 2532](#).

(2) Appeals to a District Court from the Bankruptcy Court

The Court Reporter Act, [28 U.S.C. § 753\(f\)](#), provides that the government will pay for transcripts on appeal when the party requesting the transcript has been granted pauper status under [28 U.S.C. § 1915](#) and the trial judge or a circuit judge has certified that the appeal is not frivolous but presents a substantial question. This is the same determination that is made in the course of an appeal in a civil case before the district court.

(3) Special Master Proceedings

The United States may pay fees for transcripts of proceedings before a special master on behalf of an indigent who meets the requirements of [28 U.S.C. § 1915](#), if the order appointing the Master provides for the preservation and filing of a record in any evidentiary hearing (**See:** [Rule 53\(b\)\(2\)\(C\) of the Rules of Civil Procedure](#)), and the proceedings of the Special Master are being reviewed by a district judge.

(4) Transcripts Required for District Judge Review of Proceedings before a Magistrate Judge

A transcript of oral hearings before a magistrate judge under [28 U.S.C. § 636\(b\)](#) on motions for summary judgment, with a report and recommendation to be provided to the judge, falls within the purview of [28 U.S.C. § 636\(b\)\(1\)\(B\)](#); therefore, the AO may pay the cost of preparing such a transcript when the transcript is required by the district court. **See:** [28 U.S.C. § 1915\(b\)\(2\)](#); and OGC Memorandum, Jan. 13, 1987.

(5) Transcripts Which May Be Paid From the Court's Non Appropriated Fund

If a litigant has met the requirements to proceed in forma pauperis under [28 U.S.C. § 1915](#), in situations where appropriated funds are not authorized for transcript payment, and a transcript is deemed necessary, the court may authorize payment from the court's non-appropriated fund.

(6) Transcripts Provided under the Criminal Justice Act (18 U.S.C. § 3006A, 28 U.S.C. § 2255, and Habeas Corpus)

[Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#) is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA, except for transcripts ordered by the federal public or community defenders. Payments for transcripts ordered by federal public or community defenders will be paid by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. Only transcripts ordered on a Form CJA 24 require prior judicial approval. Payments to court reporters are subject to post audit by the Administrative Office. **See:** [§ 550 \(Criminal Justice Act and In Forma Pauperis Proceedings\)](#).

(c) Using the Billing with Annotated Information in Lieu of [Form SF 1034 \(Public Voucher for Purchases and Services Other than Personal\)](#)

(1) A general authorization has been provided to each court for transcripts which are required by the court from contract reporters or provided to parties proceeding in forma pauperis on appeal in non-CJA cases, without prior approval of the AO regardless of the cost of the transcript order. Funding codes information will be disseminated to each court at the beginning of every fiscal year in the Allotment Guidelines for General Authorizations. All payments must be made in compliance with the transcript payment regulations outlined in this chapter. The invoice used in lieu of Form SF 1034 must include the:

- case number;
- case name;
- date of proceeding(s) transcribed; and
- page rate – the transcript rate, which must not exceed the maximum rates approved by the Judicial Conference, must be stated.

(2) Court-Ordered Transcript

In addition to [§ 530.75\(c\)\(1\)](#), above, if the transcript is court ordered from a contract reporter, state the name and title of the judicial official who ordered the transcript.

(3) In Forma Pauperis

In addition to [§ 530.75\(c\)\(1\)](#), above, if the transcript is for a party proceeding in forma pauperis in civil cases on appeal, or for a party proceeding in forma pauperis in any civil or criminal case before a United States magistrate judge conducted under [28 U.S.C. § 636\(b\)](#) or [18 U.S.C. § 3401\(b\)](#), and is required by the district court, the following are required:

(A) Certified Copy of Court Order

The invoice (or alternative Form [SF 1034](#)) must be supported by a certified order of the court authorizing the party to proceed in forma pauperis and to receive the transcript at the expense of the United States.

(B) Certification

- (i) In cases appealed to a court of appeals, there must be attached to the invoice (or alternative Form SF 1034), a certification by the trial judge, or an appellate judge that "the appeal is not frivolous but presents a substantial question." This is not required for matters on appeal to the district judge from a magistrate judge.
- (ii) In a direct appeal in a case in which counsel is assigned under the CJA, neither the CJA nor [28 U.S.C. § 753\(f\)](#) requires the signing of a pauper's oath or certification by the Court that the appeal is not frivolous in order to obtain a transcript. **See:** [Guide, Vol 7A, § 320.30.10\(b\)](#).

(C) Civil Actions on Appeal

In the instance of civil actions on appeal (other than habeas corpus or Section 2255), the invoice (or alternative [Form SF 1034](#)) must include all items (A) and (B) above and:

- (i) Type of civil appeal (e.g., civil rights, prisoner's petition, private party)
- (ii) Number of copies chargeable to the federal judiciary and the distribution of such copies
- (iii) Condemnation Hearings and Proceedings

In addition to [§ 530.75\(c\)\(1\)](#) above, in the instances of condemnation hearings and proceedings required by [28 U.S.C. § 753](#), the invoice (or alternative [Form SF 1034](#)) must be supported by:

- (a) a certified copy of the court order allowing the transcript and specifying the number of copies to be furnished, and
- (b) the number of copies chargeable to the federal judiciary and the distribution of such copies.

(iv) Transcripts from State Court Proceedings Ordered by a Judicial Officer

Transcript fees for state court proceedings which have been ordered by federal judicial officers can be paid by appropriated funds upon receipt of an invoice from the court reporter or transcriber with verification of the request by the court.

(d) Filing the Invoice or Alternative Form SF 1034

(1) The original and first copy must be submitted to the clerk of court or designated approving official with:

- (A) an invoice billing the court and referencing the case number, category of transcript ordered, total number of pages, and page rate; and
- (B) other supporting documentation required.

(2) The second copy should be retained in the court reporter's files.

(e) Payment

(1) Services claimed on the billing or SF 1034 are usually paid by the clerk of court or designated disbursing officer who certifies and pays vouchers on the basis of the approving officer's prior approval. Payments may not be made in advance of the rendering of services. A single authorization may be used to support a series of vouchers.

(2) Payment to Contract Court Reporters

(A) Terms of Contract and Maximum Fee Rates

All fees are set by the terms of the contract, subject to the [maximum fee rates](#) established by the Judicial Conference.

(B) Transcripts Ordered by the Court

"Terms and Conditions" of the court reporter contract mandate that the court pay for an original transcript when ordered by the district or bankruptcy court and, with proper documentation, for a transcript ordered by a party proceeding in forma pauperis on appeal. Courts may not pay for a transcript ordered by and furnished to a party not proceeding in forma pauperis on appeal.

(C) Copy to the Clerk

When a contractor produces a transcript at the request of a party or a judge, the contract reporter must concurrently deliver a copy to the clerk of court at no charge.

§ 530.80 Routine Apportionment of Transcript Rates

§ 530.80.10 Judicial Conference Policy

(a) "That the furnishing of accelerated transcript services in criminal proceedings should be discouraged, however, recognizing that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both, accelerated transcript services may be provided." [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 90.

- (b) "That in those cases where accelerated transcript services are provided, the party from whom the request or order emanates must pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel must be entitled to a copy at the copy rate." [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 90.

§ 530.80.20 Court Action

Courts should ensure that the court reporting services management plan prohibits the routine apportionment of accelerated transcript costs among parties in criminal proceedings. **See:** [Guide, Vol 6, § 130 \(Court Reporting Management Plan and Court Reporting Supervisor\)](#).

§ 530.85 Electronic Sound Recording Files

§ 530.85.10 Introduction

- (a) The court may have transcripts prepared by professional transcription services. All format, delivery time schedule, and fee requirements adopted by the Judicial Conference apply as if the transcript were produced by one of the court's reporters. **See:** [Guide, Vol 6, § 380.20 \(Preparation of Transcripts from Electronic Sound Recordings\)](#).
- (b) Court employees, other than court reporters, may not retain fees for preparation of official transcripts even if prepared on their own time. If a court employee, other than court reporters, produces a transcript for a private party, the fees for such must be deposited into the United States Treasury.

§ 530.85.20 Judicial Conference Policy

- (a) "The Conference approved an amendment...of the regulations of the Director to provide that the rates and conditions for transcripts prepared by electronic recording of proceedings before magistrate judges be the same rates and conditions established by the Conference for transcripts prepared by an official court reporter." [JCUS-SEP 77](#), p. 64.
- (b) "For transcribing a record of any proceeding by a regularly employed member of the bankruptcy court staff who is not entitled by statute to retain the transcript fees for his or her own account, a charge must be made at the same rate and conditions established by the Judicial Conference for transcripts prepared and sold to parties by official court reporters." [JCUS-MAR 81](#), p. 14.

§ 530.85.30 General Counsel Opinion

- (a) "Official court reporters are the only court employees who may receive compensation other than their salary for the performance of official duties, namely fees for the preparation of transcripts." OGC Memorandum, June 8, 1983.
- (b) "When the court designates a non-reporter employee to transcribe the record of a courtroom proceeding, that employee produces the transcript as part of his or her official duties.... That employee is entitled, therefore, to work on the transcript during regular working hours and to have all supplies furnished by the government. Any fee collected for the transcript represents a reimbursement to the government of the costs of having a non-reporter employee prepare the transcript and must be paid into the Treasury pursuant to [31 U.S.C. § 3302\(b\)](#). The retention of these fees by a non-reporter employee could offend the spirit if not the letter of the criminal statutes on conflict of interest." [18 U.S.C. § 201\(g\)](#), [§ 209](#).

§ 530.85.40 Reproduction of Recordings of Proceedings

- (a) Upon request, the court may reproduce audio recordings of court proceedings on its own duplicating equipment or on commercial equipment and may sell copies of electronic sound recording files made as the official record to the public at the prevailing rate prescribed by the miscellaneous fee schedule in effect. **See:** [District Court Miscellaneous Fee Schedule](#) and [Bankruptcy Court Miscellaneous Fee Schedule](#) on the J-Net.
- (b) This provision does not apply to reporters' backup audio recordings used to augment the court reporter's steno notes.

§ 530.90 Certification of Transcript Rates

- (a) Judicial Conference Policy

"The reporter is required to certify on each invoice that the fee charged and the page format used conform to the regulations of the Judicial Conference." [JCUS-MAR 82](#), p. 9.

- (b) Certification

[Form AO 44 \(Invoice\)](#), contains the following certification that the reporter must sign:

"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."

§ 530.95 Sanctions for Overcharging

(a) Judicial Conference Policy

"That to insure compliance with regulations of the Judicial Conference, each court may be directed to take any necessary action including, but not limited to, dismissal of the court reporter or restitution of overcharges, whether they arise out of a violation of page rates, page format, or time limits for delivery." [JCUS-MAR 82](#), p. 9.

(b) Retention of Deposits

As part of its management responsibility, the clerk of court may receive and hold transcript fee deposits and other payments as an incentive to the court reporter to fulfill transcript orders on time.

(c) Monitoring

The court reporting supervisor must monitor fees charged for transcripts including reviewing invoices and vouchers for compliance with the court's approved fee schedule and any fee reductions imposed for late delivery.

(d) Refunding

In the case of mistakes or failure to comply with the maximum rates established by the Judicial Conference and the district court, reporters or transcribers must refund over-billings to the ordering party.

(e) Termination

Reporters who intentionally overcharge should be terminated. Courts are advised to discontinue using transcription services which intentionally overcharge.

§ 540 Transcripts for Cases on Appeal

§ 540.10 Introduction

Cases appealed to the United States courts of appeals require the timely transmission of the record from the lower court. A transcript of the proceedings normally is a required part of the record to be transmitted to the court of appeals.

- (a) For a court reporter to charge full fees prescribed by the Judicial Conference, the transcript must be delivered within 30 days or within such other time as may be prescribed by the circuit judicial council.
- (b) The clerk of the court of appeals may grant an exception for good cause to the requirement to reduce the fee.
- (c) Court reporters should use note readers or technological tools like computer assisted transcription equipment to help them manage high volume production and meet the needs of the courts and the public for timely transcripts.
- (d) Under [28 U.S.C. § 753\(f\)](#), the reporter may require any party requesting a transcript to prepay the estimated fees in advance except transcripts that are to be paid by the United States government. **See:** [§ 530 \(Fees\)](#).

§ 540.20 Federal Rules of Appellate Procedure

§ 540.20.10 [Rule 10, Federal Rules of Appellate Procedure \(The Record on Appeal\)](#)

Rule 10 provides guidance on the record on appeal, including:

- composition of the record on appeal;
- transcript of proceedings;
- statement of the evidence when the proceedings were not recorded or when a transcript is unavailable;
- agreed statement as the record on appeal; and
- correction or modification of the record.

§ 540.20.20 Rule 11, Federal Rules of Appellate Procedure (Forwarding the Record)

Rule 11 provides guidance on forwarding the record, including:

- appellant's duty;
- duties of reporter and district clerk;
- retaining the record temporarily in the district court for use in preparing the appeal;
- retaining the record by court order;
- retaining parts of the record in the district court by stipulation of the parties; and
- record for a preliminary motion in the court of appeals.

§ 540.30 Due Dates

Transcripts for appealed cases must be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. If the customary practice of the court reporter is not to require prepayment, the 30-day period begins upon acceptance of the transcript order by the court reporter.

§ 540.40 Required Forms

Court reporters must complete and submit the designated transcript order form used by their court/circuit indicating acceptance of the order as may be required by the court of appeals. Some courts are using the nationally supported Transcript Order Form. **See:** Form AO 148 (Sample Transcript Purchase Order).

§ 540.50 Full Transcript Not Required for Criminal Appeals

§ 540.50.10 Judicial Conference Policy

"It is the sense of the Conference that a substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings. ...that among other methods, the processing of appeals should be expedited by such steps as the following: All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement or other summary of the evidence." [JCUS-OCT 71](#), pp. 61-62.

§ 540.60 Use of Substitute Reporters

In the event that an official staff, additional, temporary, or combined position court reporter is not able to provide transcripts in a timely fashion, i.e., within 30 days, the judge may appoint a substitute reporter at the expense of the reporter. **See:** [Guide, Vol 6, § 440 \(Substitute Court Reporters\)](#).

§ 540.60.10 Judicial Conference Policy

"Because of the inordinate delays that have taken place throughout the system in the preparation of transcripts by court reporters in cases that are being appealed, the Conference agreed that substitute reporters should be employed to service the requirements of the district judge where the official court reporter is unable to complete his transcripts in a timely fashion and that the salary of the official reporter be subject to withholdings not to exceed the sum necessary to compensate the substitute reporter until the transcripts are current. The need for substitute reporter service is to be determined by the district judge affected or by the chief judge of the circuit, at his [or her] option, acting through the circuit executive." [JCUS-MAR 75](#), p. 8.

§ 540.70 Placing Reporter on Leave Without Pay

If it is necessary for the judge to appoint a substitute reporter while the court reporter is preparing backlogged transcripts, either the court reporter bears the cost of a substitute appointed by a judge or the court reporter is placed on leave without pay.

§ 540.80 Temporary Retention of Transcript Deposits by Clerk of District Court

As set forth in an OGC memorandum dated February 20, 2003, the clerk of the district court may receive and hold transcript fee deposits as an incentive to the court reporter to fulfill transcript orders on time. The court has the discretion to make this "escrow" arrangement standard practice for all transcript fees. This practice is within the court's authority under the Court Reporter Act, [28 U.S.C. § 753](#), and also within the scope of the Judicial Conference's March 1982 resolution concerning management of court reporters. [JCUS-MAR 82](#), pp. 8-12.

§ 550 Criminal Justice Act (CJA) and In Forma Pauperis Proceedings

§ 550.10 Introduction

Court reporters are to be paid for transcripts provided to parties proceeding under the CJA and to parties allowed to appeal in forma pauperis. Payment is to be made by the United States from funds appropriated for that purpose at rates not to exceed those established by the Judicial Conference. Except as specified herein, transcripts ordered in multi-defendant cases by more than one party under the CJA must be copied at commercially competitive rates.

§ 550.20 Statutory Authority

- (a) "Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act ([18 U.S.C. § 3006A](#)), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, must be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in proceedings brought under [[28 U.S.C. § 2255](#)] to persons permitted to sue or appeal in forma pauperis must be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis must also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid by the United States." [28 U.S.C. § 753\(f\)](#).
- (b) "Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under [[28 U.S.C. § 636\(b\)](#)] or under [[18 U.S.C. § 3401\(b\)](#)]; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to [[28 U.S.C. § 636\(c\)](#)]. Such expenses must be paid when authorized by the Director of the [AO]." [28 U.S.C. § 1915\(c\)](#).
- (c) "Judgement may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States must not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same must be taxed in favor of the United States." [28 U.S.C. § 1915\(f\)\(1\)](#).
- (d) "Attorneys shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate judge or the court." [18 U.S.C. § 3006A\(d\)\(1\)](#).
- (e) "Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate defense may request them in an ex parte application." [18 U.S.C. § 3006A\(e\)\(1\)](#).

§ 550.30 Judicial Conference Policy

"It is the sense of the Conference that a substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings.... All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement or other summary of the evidence." [JCUS-OCT 71](#), pp. 61-62.

§ 550.40 Transcripts

Transcripts provided for parties proceeding under the CJA and to parties allowed to proceed in forma pauperis are to be paid from funds appropriated for those purposes. The court reporter must prepare such transcript in the format prescribed by the Judicial Conference. Also, the court reporter may not exceed the rates for transcript established by the Judicial Conference in effect at the time authorization was made. In the absence of prior special authorization, trial transcripts should exclude:

- prosecution and defense opening statements,
- prosecution argument,

- defense argument,
- prosecution rebuttal,
- voir dire, and
- the jury instructions.

§ 550.40.10 Authorization for Payment

See: [Guide, Vol 7A, § 320.30.10 \(Authorization and Payment\)](#).

§ 550.40.20 Apportionment of Costs

See: [Guide, Vol 7A, § 320.30.20 \(Accelerated Transcript Costs\)](#).

§ 550.40.30 Commercial Duplication in Multi-Defendant Cases

See: [Guide, Vol 7A, §320.30.30 \(Commercial Duplication in Multi-Defendant Cases\)](#).

§ 550.50 Procedures for Payments

§ 550.50.10 Panel Attorneys

The panel attorney program is funded on a payment rather than an obligation basis, thus transcripts for panel attorneys are paid from the current fiscal year on the payment date without regard to the date ordered. Requests for payments must be supported on [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#), approved by a judicial officer.

§ 550.50.20 Pro Se Defendants

Vouchers ordered by eligible pro se defendants will be processed in the same manner as those ordered by panel attorneys.

§ 550.50.30 [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#)

(a) Use

This form is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA by panel attorneys, but not for transcripts ordered by federal public or community defenders. Payment for transcripts ordered by federal public or community defenders will be by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document.

(b) Items Covered – Payment for Transcript Produced

In addition to the transcript cost, the reporter is to be reimbursed for the following expenses for which receipts must be attached to the form.

- (1) Travel and subsistence of assistants who aid in the preparation of daily or hourly transcript, if authorized in advance by the district judge or magistrate judge.
- (2) Extraordinary delivery costs, such as courier services or express mail. (Regular postage is not to be claimed.)

(c) According to the Judicial Conference resolution of expediting appeals ([JCUS-OCT 71](#), pp. 61-62), in the absence of specific authorization by a district judge or magistrate judge on [Form CJA 24](#), trial transcripts **may not** include:

- Prosecution opening statements
- Defense opening statements
- Prosecution argument
- Defense argument
- Prosecution rebuttal
- Voir dire
- Jury instructions

(d) Distribution of Copies

After the transcript services have been rendered and the Form CJA 24 approved, distribution is to be made as follows:

- (1) After disbursement, the original and Copy 1 are to be retained by the disbursing officer.
- (2) Copy 2 is to be retained in the court's files.
- (3) Copy 3 is to be retained by the payee.

§ 550.50.40 Form SF 1034 (Public Voucher for Purchases and Services Other than Personal)

(a) Purpose of Form

Form SF 1034 is used by court reporters to obtain payment of transcripts furnished to Federal Public Defenders and persons proceeding in forma pauperis in civil cases on appeal, and for proceedings before a United States magistrate judge in any civil or criminal case if such transcript is required by the district court, in the case of proceedings conducted under [28 U.S.C. § 636\(b\)](#) or [18 U.S.C. § 3401\(b\)](#).

(b) Federal Public Defenders

Transcripts are paid from the current fiscal year when the transcript is ordered and are vouchered on Form SF 1034 or equivalent, which is paid by the district court. Judicial approval is not required and CJA 24 forms are no longer used for transcripts ordered by FPDOs.

(c) Community Defenders

Transcripts are paid directly by the Community Defender Offices from grant funds. Judicial approval is not required, and payment requests should not be submitted to the district court.

§ 550.50.50 Payments by the Clerk of Court

The Criminal Justice Act Panel Attorney Payment System provides the process for payment of transcripts ordered under CJA and the checks are issued by the AO, not the district court's disbursing office.

§ 550.60 Depositions

Depositions for Criminal Justice Act attorneys are considered private reporting. **See:** [Guide, Vol 6, § 420 \(Reporting for U.S. Attorney's Office\)](#) and [§ 430 \(Private Reporting Activities\)](#).

§ 560 Copyright Laws

§ 560.10 Introduction

Transcripts produced from records of proceedings in United States courts are not protected by copyright. This applies whether the transcript was produced by a court employee, a contractor, or a transcriber. Because transcripts are in the public domain, they may be used, reproduced, and sold by attorneys, parties, and the general public without additional compensation to the court reporter, contractor or transcriber.

§ 560.20 Statutory Authority

- (a) "Copyright protection under this title [Title 17, U.S. Code] is not available for any work of the United States Government." [17 U.S.C. § 105](#).
- (b) "A work of the United States Government is a work prepared by an officer or employee of the United States Government as part of that person's official duties." [17 U.S.C. § 101](#).

§ 560.30 District Court Opinion

"Absent an express contractual reservation of copyright in an artist, title to the copyright is presumed to be in the employer, the person at whose instance and expense the work is done.... [The contractor's] free-lance status does not defeat the application of the work for hire doctrine. The doctrine applies equally as well to an independent contract as it would to a salaried member of [the employer's] staff." *Samet & Wells, Inc. v. Shalom Toy Co., Inc.*, 429 F. Supp. 895, 901-2 (E.D.N.Y. 1977), affirmed, 578 F.2d 1369 (2nd Cir.).

§ 560.40 References to Copyright

Transcripts are in the public domain and are not protected by copyright. Transcripts may not bear statements which would lead one to believe that they are protected by copyright. It is a criminal offense to place such a statement in a transcript or to distribute transcripts containing such a statement with fraudulent intent. [17 U.S.C. § 506\(c\)](#).

§ 560.50 Copying and Selling Transcripts

Transcripts may be freely copied, sold, and distributed by members of the public without compensation to the court reporter or transcriber.

§ 560.60 Reproduction of the Clerk of Court's Copy

The Judicial Conference policy regarding the electronic availability of transcripts of court proceedings imposed a 90 day rule for redaction of privacy information from transcripts, as follows:

- (a) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.
- (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 within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
- (c) After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system.
- (d) After the 90-day period, the transcript copy filed with the clerk of court may be reproduced without compensation to the court reporter or transcriber under the same terms and conditions that any other official public document in the case file may be reproduced.

§ 560.70 Inspection of the Clerk of Court's Copy

Any transcript on file with the clerk of court may be inspected by any member of the public during normal court hours without compensation to the court reporter or transcriber. The clerk may not charge a fee for the right to inspect. [28 U.S.C. § 753\(b\)](#).

Last revised ([Transmittal 06-007](#)) December 11, 2012