

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

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KENNETH J. MURPHY
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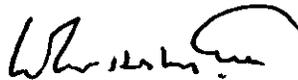
U.S. DISTRICT COURT
SOUTHWEST, OHIO
WESTERN DIV. DAYTON

IN RE: COURT REPORTER PLAN

GENERAL ORDER : 03-03

The Judges of this District have approved herewith, a modification of General Order 94-2, its plan for the effective utilization of Court Reporters, a copy of said plan being on file with the Clerk of this Court, and appended hereto. Implementation of this plan is hereby ordered.

IT IS SO ORDERED.



Walter Herbert Rice, Chief Judge
United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

**PLAN FOR THE EFFECTIVE
UTILIZATION OF COURT REPORTERS**

I. Statement of Approval of the Plan by this Court.

This plan for the effective utilization of Court Reporters at Columbus, Cincinnati and Dayton in the Eastern and Western Division of the Southern District of Ohio has been approved by the Court Subject to approval by the Judicial Council of the Sixth Circuit and supersedes all previous plans.

II Supervision of Court Reporters.

- A. The Court will, at Columbus, Cincinnati and Dayton, designate a lead Court Reporter responsible for day-to-day management and supervision of an efficient court reporting service within the Court. The Chief Judge and such other District Judges as he may designate will determine implementation of this plan.
- B. All of the Judges, both active and senior, will give to the lead reports their full support and cooperation in fulfilling their duties and responsibilities mandated by this plan. In this regard, the supervising responsibility of the lead reporters shall lie primarily in the area of pooling, delivery and efficient service to Judges, Magistrate Judges and litigants.

III. Pooling and Assignment of Reporters.

- A. It will be the purpose of this plan to avoid great disparity in workload and to insure that the needs of the entire court for the reportorial services are met. ¹ To this end, it is the policy of this Court that reporters not be employed by or permanently assigned to

¹ In a sense that reporters at these locations of the Court have always assisted each other in meeting the reportorial requirements of the Judges, Senior Judges and Magistrate Judges, they have in effect been members of a "pool" of reporters willing to work for any Judge, Senior Judge or Magistrate Judge as the need arises.

individual Judges.² They are employed by and temporarily assigned by the Court en banc. It is the policy of this Court that a reporter shall retain employment at the will of the Court en banc, regardless of the death, resignation or retirement of an individual Judge. In the period between such an occurrence and the appointment of a new Judge, reporters shall continue in the pool, to serve other active Judges, Senior Judges and Magistrate Judges.

- B. Each reporter shall submit to his or her lead reporter, at the beginning of each quarter, an attendance report and a report concerning transcript backlog, which reports shall be forwarded to the Chief Judge and such other district Judges as he or she may designate.
- C. A practical approach shall be taken to the assignment of reporters with due regard to prolonged proceedings. The lead reporter shall endeavor to allow a reporter to remain with an assignment until conclusion or until the assigned reporter requests relief.
- D. The lead reporter will use his or her best efforts in attempting to avoid any great disparity in the work load(s) of the official reporter(s) with respect to the time each spends in court. Transcript production being considered by the Judicial Conference of the United States as outside work for which additional remuneration is received, time spent on transcript as well as transcript backlog, need not be considered by the lead reporter when assigning reporters, unless otherwise ordered by the courts.

IV Hours. Authority/Hours.

In that all court reporters are subject to the Judiciary Leave Policy, it is necessary that all court reporters be present in the courthouse, like all other court employees, for a regularly scheduled 40 hour weekly tour of duty. Although a "normal" full-time work schedule is from 8:00 a.m. to 5:00 p.m. with a lunch hour from 12:00 noon to 1:00 p.m., and a part-time work schedule is performed as agreed to between the judicial officer and the court reporter, it is understood that court reporters may be required to be present for reporting services at any time outside normal working hours, on

² It is recognized that as a result of a long-standing practice, certain reporters, customarily but not always, perform reporting services for certain Judges. The Judges of this Court are convinced that there are benefits, both in terms of efficiency and economics, to the Court and to the litigants in such practice, and except as necessary to comply with other provisions of this Plan, nothing herein should be construed as a prohibition against the continuation of this practice.

weekends and on holidays when a judicial officer requires the presence of a reporter. Compensatory time may be approved at the discretion of the judicial officer. All reporters not in court should report same to the lead court reporter so that he or she may be utilized in another judicial officer's court if and when necessary. All freelance reporting by official court reporters not related to official duties is prohibited.

V. Utilization of Contract Reporters to Replace Official Reporters.

Unless otherwise ordered by the court, Contract reporters will not be paid by the court to relieve official reporters to help alleviate transcript back logs. When a lead reporter determines that no official reporter can be available for court appearances, he or she will contact the official contract reporting service to arrange for their services. At that time, he or she will provide the financial deputy in the Clerk's Office with a written certification that no official court reporter is available for the service. Upon determination that need exists for reasons other than a transcript backlog, contract report services will be paid by the Court.

VI. Production of Daily Transcript.

Production of expedited transcripts will not be subsidized by the Court. If extra reporters are required, the cost of such reporters will be paid by the official reporter. This provision does not, however, prohibit other official court reporters from assisting in producing such transcripts if there are no other official proceedings to record, including those of Senior Judges, Magistrate Judges and where no substantial transcript backlog will result.

VII. Fees for Transcript of Official Proceedings

- A. No court reporter, either official or contract, shall charge any fees for transcripts of official proceedings other than those recommended by the Judicial Conference of the United States and adopted by this Court by Order.
- B. Each court reporter shall be furnished with a copy of the order establishing the allowable fees and copies of any memoranda issued by the Administrative Office of the United States Courts implementing or amplifying those fees. The lead Court Reporter shall cause a copy of this fee schedule to be posted in a conspicuous place in the Clerk's Office in each Court location.

- C. Each reporter will furnish to the lead reporter a copy of each billing for official transcript. The lead reporter shall at least quarterly review these billings for compliance with this plan and the recommendations of the Judicial Conference. "Official Transcript" in this instance shall be deemed to be a transcript arising out of any proceedings before a Judicial officer, whether in chambers or in open court, regardless of the reason why the transcript was produced.

VIII. Management of Appellate Transcripts.

A. Order of Appellate Transcripts.

All requests for appellate transcripts shall be made on the purchase order form prescribed by the appellate court with jurisdiction. The transcript purchase order form may be obtained from the Clerk of this Court who shall maintain a supply of these forms. Upon receipt of a transcript purchase order, a court reporter shall complete the form and distribute copies as provided on that form.

For the purpose of this Plan, the "date of order" of a transcript purchase order, shall be the date on which the court reporter certifies that satisfactory financial arrangements were completed between the court reporter and the attorney/litigant requesting the transcript.

B. Preparation of Appellate Transcript.

Reporters shall not agree to "expedite" any transcript which will delay the preparation of transcript necessary for an appeal.

Preparation of criminal transcripts generally shall have precedence over the preparation of civil transcripts. Unless otherwise directed by the personal responsible for the supervision of court reporters, civil transcripts shall be prepared in the order of the date of the order.

C. Fees.

If a transcript of a case on appeal is not delivered within sixty (60) days of the date of the order the reporter may only charge 90 percent of the prescribed fee for that transcript.

If the transcript in a case on appeal is not delivered within ninety (90) days of the date of the order, the reporter may only charge 80 percent of the prescribed fee for that transcript.

The foregoing provisions shall be included in the schedule of transcript fees posted in the District Court Clerk's Office.

The foregoing reductions of fees shall be credited by the reporter to the ordering party unless the Clerk of the Court of Appeals has shown a waiver in writing for good cause shown.

Nothing in the foregoing provisions should be construed as sanctioning untimely delivery of transcripts, nor should these provisions be considered as the only penalties which might be imposed on a court reporter who habitually files transcripts in an untimely manner.

IX. CJA Transcripts

- A. All transcripts produced for and on behalf of Criminal Justice Act defendants shall be billed on the appropriate form. Copies of this form and instructions for its completion are available to reporters in the Office of the Clerk.
- B. The respective reporter is responsible for assisting the ordering party with the proper preparation of the CJA Form 24.
- C. CJA transcripts shall be filed with the Clerk. Payment vouchers shall be submitted to the Clerk with the transcripts and a determination shall be made that the voucher is correct for payment before the same is submitted to the appropriate judicial officer for approval.

X. Time Limits for Delivery of Transcripts

Transcripts produced for the use of Judicial Officers of this Court shall be delivered to the Clerk for filing and subsequent delivery to the ordering judicial officer within the time prescribed by that judicial officer. The schedule shall not be deviated from unless an extension has been obtained.

XI. Filing of Shorthand Notes and Electronic Recordings.

A. Until filed with the Clerk, the shorthand notes prepared by official reporters will be maintained in their offices. The notes of contract reporters will be certified and filed with the Clerk within thirty (30) days of the completion of the proceeding unless a transcript is ordered. In that event, the notes will be certified and delivered to the Clerk within thirty (30) days of the completion of the transcript.

B. All court reporters shall comply with Title 28 U.S.C. §753.

XII. Sanctions

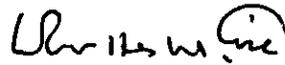
Any violation of this plan shall be referred to the Chief Judge for appropriate action.

XIII. Reports to be filed with the Financial Management Division of the Administrative Office of the U.S. Courts.

All court reporters shall prepare and file all reports as required by the Judicial Conference of the United States, the Circuit Judicial Council, the Administrative Office of the United States Court, and this Court.

The above Plan for the Effective Utilization of Court Reporters is hereby approved this 16th day of May, 2003 . A copy of this Plan will thereafter be delivered to each official Court Reporter in the District and be available for inspection at the Office of the Clerk at each Court location.

IT IS SO ORDERED.



Walter Herbert Rice, Chief Judge
United States District Court