



Official reporters are employed by the Court *en banc* and shall retain their employment at the will of the Court *en banc*, pursuant to the authority of the Judicial Conference of the United States. If the volume of work does not justify retention of the full complement of existing reporters, a reduction shall be accomplished through relocation, attrition, or by termination upon notice of not less than sixty days. Selection for retention shall be based upon merit.

**(A) Appointment:** Pursuant to Judicial Conference policy, all initial appointments shall be on a probationary basis for a period not to exceed 1 year. Upon appointment, official reporters shall be administered an Appointment Oath of Office and the Oath for Recording Court Proceedings. Official reporters who do not perform in a competent and satisfactory manner or do not comply with requirements of this CRMP shall be subject to dismissal.

**(B) Hours:** Official reporters are not assigned a regular tour of duty. Official reporters shall be on call while Court is in session. All official reporters who are not in the courthouse are expected to maintain telephone availability so they can be summoned to the courthouse within 30 minutes.

**(C) Freelance Reporting:** Freelance reporting (i.e., reporting not required in the discharge of official duties) shall only be undertaken so as not to conflict with official duties, including the requirement to be summoned to the courthouse within 30 minutes.

### **3. Court Reporter Assignments**

Official reporters are not assigned to one specific judge and receive coverage assignments based on scheduling and availability. Remaining “legacy” Judge and court reporter pairings will be honored to the extent reasonably feasible and consistent with orderly coverage assignments. To equalize the burdens of reporting duties, each official reporter will alternately serve a week-long shift as Duty Court Reporter based on a schedule agreed upon

by the official reporters. The Duty Court Reporter shall be responsible for ensuring coverage of hearings requiring a court reporter during his or her duty week.

**(A) Substitute Reporting Services:** Every reasonable effort will be made through scheduling to reduce the need for temporary or contractual court reporting services. To the extent that the complement of regular official reporters cannot fulfill the reporting needs of this district, the Court will employ contract court reporters to satisfy the Court's additional requirements. Contract court reporters serve the Court under a formal contract provided by 28 U.S.C. 753(g). The Court pays contract reporters from appropriated funds managed by the Court. Contract reporters may be utilized only when all official reporters are unavailable due to assigned courtroom duties. Contract reporters should possess the required qualifications of official reporters. Contract and substitute reporters shall be administered an Oath for Recording Court Proceedings.

If an official reporter is disabled from service for reasons covered by the Guide, Vol. 6, § 240.10 (Leave), a substitute reporter will be provided at Court expense. Except as noted above, any necessary replacement reporter services required, including those necessitated by the demands of expedited, daily, or hourly copy, shall be provided at the assigned reporter's expense. Such expense shall not be passed on to litigants ordering transcripts, except to the extent authorized by the higher page rates adopted by the Judicial Conference for these categories.

To the extent the work of the Court permits, two or more official reporters may cooperate and share the work necessitated by preparation of daily or hourly copy.

#### **4. Supervision of Court Reporters**

The Chief Deputy Clerk is responsible for the day-to-day management and supervision of the official court reporters. The supervising responsibility of the Chief Deputy Clerk shall lie primarily in the scheduling of meetings and ensuring efficient service to the Court and litigants.

A practical approach shall be taken to the assignment of official reporters with due regard to prolonged proceedings. A reporter shall remain with an assignment until conclusion or until the assigned reporter requests relief.

The Chief Deputy Clerk shall ensure that assignments are apportioned on an equitable basis to facilitate efficient reporting and transcription services to the Court and the Bar.

#### **5. Electronic Sound Recording**

Proceedings before a Magistrate Judge will be recorded by the Courtroom Deputy through electronic sound recording devices. The Magistrate Judge may request an official reporter for jury trials or where a court reporter is required by specific rule or statute or by the particular circumstances of an individual case.

The Chief Deputy Clerk is responsible for storing all sound or digital recording records, as well as monitoring transcript quality and timeliness.

#### **6. Travel by Official Reporters**

Official reporter travel in the Western District of Oklahoma must comply with the official travel guidelines promulgated for all employees and the travel regulations contained in the *Guide to Judiciary Policy, Vol. 19, Ch. 4*<sup>1</sup> and must be approved by the Clerk of Court.

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<sup>1</sup> Guide to Judiciary Policy, Vol. 19, Ch. 4: <https://www.uscourts.gov/rules-policies/judiciary-policies/judiciary-staff-travel-regulations>.

## **7. Access to Data Communications Network (DCN)**

Official reporters are authorized access to the DCN for official purposes at the discretion of the Court. Official purposes include access to judiciary electronic mail, the J-Net, on-line queries of case management/docketing system, and automated forms. Official reporters may access the DCN remotely from their private computers in accordance with the Court's remote access policy.

## **8. Transcripts**

All transcripts must comply with the rules, regulations, and formats approved by the Judicial Conference of the United States as noted in the *Guide to Judiciary Policy, Vol 6, Ch. 5 § 520*<sup>2</sup>.

Pursuant to 28 U.S.C. 753(f), all court reporters are required, when requested by a presiding judicial officer, to transcribe, certify, and file transcripts of proceedings without cost to the Court.

Court reporters must file appellate transcripts in accordance with the *Notice Regarding Access to Transcripts Filed in the Tenth Circuit Court of Appeals* unless the Court of Appeals has granted an extension for filing. Court reporters must make timely requests for extensions of time. Court reporters are responsible for making the financial arrangements with the ordering party. If financial arrangements cannot be made expeditiously or if an "insufficient funds" payment is rendered by the ordering party, the court reporter shall promptly advise the Court of Appeals.

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<sup>2</sup>Guide to Judiciary Policy, Vol 6, Ch. 5 § 520: [https://www.uscourts.gov/sites/default/files/guide\\_vol06.pdf](https://www.uscourts.gov/sites/default/files/guide_vol06.pdf).

Orders for non-appellate transcripts must be placed directly with the court reporter. The ordering party shall make all necessary financial arrangements with the court reporter and shall submit any requested deposit prior to transcript production.

The Chief Deputy Clerk is responsible for monitoring transcript quality and timeliness.

All transcripts produced must be certified and filed with the Clerk of Court, at no charge, no later than three working days after delivery to the requesting party or judicial officer.

**(A) Accepting Transcript Orders, Fees for Transcripts of Official Proceedings, and**

**Delivery:** No court reporter or transcriber shall charge fees for transcripts of official proceedings exceeding those established by the Judicial Conference of the United States and as adopted by the most recent Order of this Court. The Clerk shall post a copy of the current allowable fees in the Clerk's Office. The posting shall be prominently displayed in an area generally available to the public. A copy of the fee schedule shall be posted on the Court's website. Court reporters shall use Invoice Form AO 44 or a similar invoice that includes an itemized statement of the transcripts sold to a party. Each court reporter shall provide the ordering party with the original invoice, retain a copy to use as the accounts receivable file copy, and make a copy available to the Chief Deputy Clerk for review of compliance with Judicial Conference rate requirements.

Transcripts may be provided via electronic means or traditional paper copy in accordance with the September 1991 Judicial Conference policy. Court reporters/transcribers are authorized to charge for transcripts provided via email at the same maximum rates authorized for paper transcripts.

Failure of any court reporter/transcriber to comply with the Judicial Conference regulations governing page rates, page format, or time limits for delivery of transcripts may result in action by the Court including, but not limited to, dismissal and ordering restitution.

**(B) Redaction of Electronic Transcripts:** The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk of Court nor the court reporter shall review transcripts for compliance with this policy. Attorney procedures and requisite forms for redaction are available on the Court's website.

Generally, within 7 business days of the filing of an official court transcript, each party wishing to redact a transcript must inform the Court by filing a Notice of Intent to Request Redaction. If a redaction is requested, counsel must file and submit directly to the court reporter a Redaction Request within 21 days from the filing of the transcript, indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted.

If counsel files a Notice of Intent to Redact but fails to timely file a Redaction Request or Motion to Extend Time, no redactions shall be made, and the original transcript shall be available to the public remotely after 90 calendar days. The original transcript is available for public inspection during business hours in the Clerk's Office as required by 28 U.S. Code § 753(b). If counsel would like to request further redactions, counsel must file a separate Motion for Redaction of Electronic Transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

If a redacted transcript is filed with the Court, that redacted transcript shall be electronically available through PACER after 90 calendar days from the date of filing of the original transcript and shall be available for public inspection during business hours in the Clerk's Office as required by 28 U.S. Code § 753(b). The original, unredacted transcript shall not be publicly available. If the original transcript is filed without redaction, that original transcript shall be electronically available through PACER after 90 calendar days and shall be available for public inspection during business hours in the Clerk's Office as required by 28 U.S. Code § 753(b).

**(C) Access to Electronically Filed Transcripts:** Transcripts of proceedings before the U.S. District Judges and Magistrate Judges are required to be filed with the Court in electronic format. This Court follows the Judicial Conference policy of providing transcripts of proceedings at the Clerk's Office before making official transcripts of court proceedings electronically available to the public. This policy applies to all transcripts of proceedings or parts of proceedings ordered on or after June 20, 2005, for civil matters and December 5, 2005, for criminal matters, regardless of when the proceeding took place. The requirements are as follows:

1. A transcript filed with the Court shall be available at the Court's public terminal, for inspection only, for a period of 90 calendar days after it is filed.
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.
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. The transcript 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.

**(D) Criminal Justice Act (CJA) Transcripts:** All transcripts produced for and on behalf of CJA defendants shall be billed on the Authorization and Voucher for Payment of Transcript Form CJA 24. Counsel shall submit the Form CJA 24 through eVoucher. The Chief Deputy Clerk, in concert with the assigned court reporter/transcriber, is responsible for assisting the ordering party in the proper preparation of Form CJA 24.

CJA trial transcripts shall not include opening or closing statements of counsel, jury *voir dire*, jury instructions, arguments by prosecution or defense, or prosecution rebuttal unless specifically authorized by the trial judge.

In accordance with the policies of the Judicial Conference of the United States, the routine apportionment of accelerated transcript costs among parties in multi-defendant criminal cases is prohibited. No more than one transcript at the original page rate shall be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Either appointed counsel, the Clerk's Office, or the court reporter will arrange for duplication of the transcript, at a commercially competitive rate, for each CJA defendant for whom a transcript was approved. Transcript rates are clearly posted in the Clerk's Office, and maximum rate limits are viewable online<sup>3</sup>. The cost of duplication will be paid from CJA funds. The Court may grant an exception to this policy based upon a finding that application of the policy unreasonably impedes the delivery of accelerated transcripts to persons proceeding under the CJA.

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<sup>3</sup> Federal Court Reporting Program: Transcript Rates <https://www.uscourts.gov/services-forms/federal-court-reporting-program#rates>

**(E) Realtime Court Reporting:** In accordance with the Judicial Conference, certified realtime reporters are those official court reporters who have successfully completed the Certified Realtime Reporter examination offered by the National Court Reporters Association or who have passed an equivalent qualifying examination. The Judicial Conference permits certified realtime reporters to sell realtime translation at rates approved by the Conference. Contract reporters with this same credential may provide a realtime feed to parties to the case at the rates established by the Judicial Conference.

Certified realtime reporters who charge fees for realtime reporting services must comply with the Administrative Office's technical standards and guidelines governing the implementation and use of realtime reporting systems in the district courts.

All non-judiciary parties requesting realtime services shall be responsible for providing their own computers, viewer/annotation software, and monitors, so long as all are compatible with the court reporter's equipment. Any party requesting to use their own equipment shall coordinate and pre-test equipment with the court reporter prior to official proceedings.

**(F) Time Limits for Delivery of Transcripts to the U.S. Court of Appeals:** All transcripts of official proceedings produced by the court reporters or transcribers of this district for cases on appeal to the United States Court of Appeals for the Tenth Circuit shall be delivered to the ordering party by the agreed upon date and filed with the Clerk of Court. Court reporters shall produce appellate transcripts in chronological order by the date due in the Court of Appeals and shall produce appellate transcripts before non-appellate transcripts. Unless otherwise directed by the Court, court reporters shall

prepare non-appellate transcripts based upon the date due, with criminal transcripts generally taking precedence over civil transcripts. The length and complexity of each case shall be considered so as not to deny the court reporter reasonable time necessary for transcript production.

**(G) Production of Daily and Hourly Transcripts:** Production of daily and hourly transcripts are not to be subsidized by the Court. If extra court reporters are required to provide such transcripts, the cost shall be paid for by the official reporter out of the earnings derived from the higher transcript rates, according to guidelines recommended by the Judicial Conference. This provision does not, however, prohibit other official reporters from assisting in producing such transcripts if there are no other official proceedings to report and when no substantial transcript backlog will result.

## **9. Retired or Separated Court Reporters**

Any official reporter who terminates employment with the Court remains responsible for producing requested transcripts of proceedings reported 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 may be ordered by the Court to show cause for such refusal. The Court is not required to refer outstanding transcript orders to a separated reporter if the Court has concerns regarding the reporter's performance.

**(A) Notes:** Court reporter notes are the property of the Court and must remain in the custody of the Clerk of Court. Notes may be removed only for the 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 Chief Deputy Clerk shall assist the retired or separated court reporter in obtaining the notes and act as a liaison between the reporter and ordering party.

#### **10. Storage of Shorthand Notes, Dictionaries, and Electronic Recordings**

The Clerk of Court is responsible for the safekeeping of all court reporter records and electronic sound recordings. In compliance with 28 U.S.C. 753(b), official reporters shall file their original shorthand/stenotype notes on a drive provided through the DCN.

The original notes and records of contract reporters shall be filed with the Clerk within 90 days of completion of the proceeding. If a transcript is ordered, the original notes or records shall be submitted within 90 days after the transcript is delivered to the requesting parties.

The notes, realtime feeds, and digital recordings of all official and contract reporters shall be maintained in an electronic format on the Court's network. The notes must be saved in a format that can be utilized by the Court and shall be titled and organized based on the location and date of the proceeding.

If for any reason electronic sound recording is not utilized, an official reporter shall file a transcript of arraignments, pleas, and sentencing proceedings within 30 days of the close of the proceeding. In all other instances where proceedings are recorded on electronic sound recording equipment, the electronic recording or digital audio file shall be considered a certified record of the proceeding and shall be archived with the Clerk within 30 days of the close of the proceeding.

Backup audio made by court reporters are the personal property of the court reporters. There is no public entitlement to these recordings, and they shall not be disseminated to any person or agency.

## 11. Reports and Records

The following reports are to be filed in a timely manner by each official reporter:

**(A)** Attendance and Transcripts of United States Court Reporters, Form AO 40A, shall be prepared and electronically submitted through the Automated Court Reporter Application (ACRA) within 20 days after the end of each calendar year quarter (i.e., by April 20, July 20, October 20, and January 20, for the preceding quarter). The Chief Deputy Clerk must approve the AO 40A through ACRA after submission by the official reporter. In the event an official reporter retires, resigns, or is otherwise separated from duty, an AO 40A must be filed within 20 days from the date of separation.

**(B)** Statement of Earnings of United States Court Reporters, Form AO 40B, shall be prepared and submitted annually by all official reporters. The report shall be electronically submitted through the ACRA so that it is received by April 15 of each year for the prior calendar year. The Chief Deputy Clerk must approve the AO 40B through ACRA after submission by the official reporter. This report shall be kept confidential. In the event an official reporter retires, resigns, or is otherwise separated from duty, an AO 40B must be filed within 60 days from the date of separation, even if employed for only part of a year.

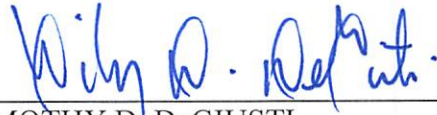
**(C)** Official reporters shall maintain accurate, legible, and current records of their expenses, attendance in court, transcript orders, and invoices. These records shall be available for routine audits, as necessary. Court reporters must maintain such records on forms prescribed by the Judicial Conference of the United States, which include the following forms:

1. AO 37 Expense Ledger
2. AO 38 Attendance Ledger

3. AO 39 Transcript Orders and Collection Ledgers
4. AO 44 Invoices

This order supersedes G.O. 13-10 filed December 17, 2013.

ENTERED for the Court this 21<sup>st</sup> day of May, 2021.



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TIMOTHY D. DeGIUSTI  
CHIEF UNITED STATES DISTRICT JUDGE