IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED
MAR 17 2003
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY DEPUTY

IN RE: COURT REPORTERS PLAN FOR MANAGEMENT OF COURT REPORTING SERVICES	)))	G. O. 03-2

DOCKETED

GENERAL ORDER REGARDING COURT REPORTERS
PLAN FOR MANAGEMENT OF COURT REPORTING SERVICES

(A) Supervision and Implementation. The Clerk of this Court is hereby designated and fully empowered to perform all supervisory, administrative and oversight functions hereinafter set forth. In addition, the Clerk shall periodically advise the Court regarding the effectiveness and equity of work distribution of court reporting services provided pursuant to this Plan.

(B) Appointment and Retention of Court Reporters.

(1) Court reporters shall be appointed in accordance with the provisions of the Court Reporter Act, 28 U.S.C. 753, and the procedures of the Administrative Office of the United States Courts. No reporter shall be appointed, nor serve as a contractual or replacement court reporter, unless that reporter is fully qualified under the standards adopted by the Judicial Conference of the United States.

(2) Reporters are employed by the Court en banc and shall retain their employment at the will of the Court en banc, regardless of the death, resignation or retirement of an individual judge. 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 in the last instance by termination upon notice of not less than sixty days. Selection for retention shall be based upon merit.

(C) Assignment and Availability. Court reporters shall be assigned to active judges as a matter of convenience. However, when necessary and subject to the approval of the judge to whom they are ordinarily assigned, a court reporter may be temporarily reassigned by the Clerk to another active judge of the district, a senior judge, a visiting district judge, a magistrate judge, or to land commissioners. A court reporter shall also report grand jury proceedings when required and directed by the Court. The Clerk shall endeavor to equalize the burdens of reporting duties set forth above. Each court reporter shall also, during regular work hours, maintain telephone availability when not actively engaged in reporting the aforementioned proceedings in order that he or she can be summoned to the Court within thirty minutes in the event of an emergency.

(D) Substitute Reporting Services.

(1) 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 court reporters cannot fulfill the reporting needs of this district, the Court will employ contract court reporters to satisfy the Court's additional requirements, subject to the approval of the Circuit Council and of the Administrative Office.

(2) If a reporter is disabled from service for bona fide medical reasons, a

substitute reporter will be provided at Court expense. However, absent prior approval by the Administrative Office no reporter may be maintained on sick leave status for more than thirty days in the aggregate in any calendar year. 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 fees adopted by the Judicial Conference of the United States.

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

(E) Place of Work, Hours, Notes.

(1) All reporters shall maintain regular hours of work between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting legal holidays, unless otherwise excused. All reporters who are not in the courthouse are expected to maintain telephone availability so that they may be summoned to the courthouse within thirty minutes in the event of an emergency.

(2) Official reporters shall maintain an office within the courthouse so as to allow litigants reasonable and prompt access to make arrangements for ordering required transcripts.

(3) All reporters' notes shall be prepared in "note-readable" form. They shall be marked, filed and maintained within the courthouse so as to be accessible by another reporter in the event of an emergency. The notes of replacement or contract reporters shall be suitably marked and filed with the Clerk when not being actively used by the reporters.

(F) Free-lance Reporting. Free-lance reporting (i.e., reporting not required in the discharge of official duties) shall only be undertaken with the specific prior approval of the Court. In conducting such reporting, when authorized, neither court facilities nor equipment may be used.

(G) Fees for Transcripts.

(1) The Clerk shall prominently post at the counter a schedule of fees currently authorized by the Judicial Conference of the United States for regular and expedited transcripts, as well as for daily or hourly copy. Such schedule shall list the per-page charge for originals and for copies, shall explain that one copy of each transcript ordered is to be filed within the Court for Court use at no expense to the litigants and shall note the number of lines to be included on each page for which a full charge is made and the margin requirements for those lines. The notice shall explain that an "expedited" transcript is one which is delivered within seven calendar days after ordering. The Clerk shall also post a notice that any party who has reasonable cause to believe that he may have been overcharged may in complete confidence seek review by the Clerk of the transcript and bill

to verify the accuracy of the billing.

(2) The Clerk shall in each transcript paid for with government funds (whether under the Criminal Justice Act or in civil appeals) review the transcripts filed and the bill submitted to ensure the correctness of the charges assessed.

(3) The Clerk shall also post at the counter a notice listing the sanctions to be imposed for late delivery of transcripts ordered for appeals, as hereinafter described in paragraph (H) of this Plan.

(H) Time for Delivery of Transcripts.

(1) In criminal cases and cases brought under 28 U.S.C. §§ 2241, 2254, and 2255, all transcripts ordered for purposes of appeal are to be delivered within thirty days of the date on which they are ordered and satisfactory arrangements are made for payment of the costs of their production, in accordance with Fed. R. App. P. 11(b). In all other cases, all transcripts ordered for purposes of appeal are to be delivered within sixty days of the date on which they are ordered and satisfactory arrangements are made for payment of the costs of their production. These time limitations may be extended only by the United States Court of Appeals for the Tenth Circuit.

(2) If any transcript is not delivered within the specified time, the charge assessable to the ordering party shall be reduced unless the Clerk of the Court of Appeals expressly waives this requirement. The rate of such reduction shall be one percent reduced

from the total bill for each three full days that the transcript remains undelivered to the Clerk of the district court beyond the due date. Approval of an extension of time by the Court of Appeals pursuant to Fed. R. App. P. 11(b) does not constitute a waiver of the fee reduction requirement. A showing of extreme or unusual circumstances will be required to obtain a waiver.

(3) Upon delivery of the transcript, the Clerk of the district court shall calculate the sanctions to be imposed and shall notify the court reporter and the Court of Appeals. This notice shall be deemed a court order that sanctions shall be paid.

(4) Within ten days of notice that sanctions have been imposed, the reporter shall deliver to the Clerk of the district court a copy of the billing rendered to the ordering party, showing the total original charge, the penalty reduction subtracted from the total and the net bill to be paid by the ordering party. A copy of each such bill shall be forwarded to the Court of Appeals after receipt and review by the Clerk.

(5) Nothing contained herein shall be construed as sanctioning untimely delivery of transcripts, nor should this provision be considered the only penalty that may be imposed by the Court or Circuit Council.

(I) Reports to be Filed. Each official court reporter shall timely file with the Administrative Office the reports set forth below. In addition, a copy of each of these reports shall be filed with the Clerk, for the use of the Court, not later than thirty days after

the report is due to the Administrative Office. The Clerk shall maintain these copies in strict confidence, except as specifically directed by the Court acting en banc.

(1) The Report of Attendance and Transcripts of United States Court Reporters (Form A.O. 40A) shall be submitted quarterly during each calendar year to the Fiscal Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within twenty days after the end of each quarter.

(2) The Statement of Earnings of United States Court Reporters (Form A.O. 40B) shall be submitted annually to the Financial Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within sixty days after the end of each calendar year.

(J) Rates.

(1) Rates to be charged by court reporters of this Court are established, such as are fixed from time to time by the Judicial Conference of the United States, as follows:

	Original	First Copy To Each Party	Additional Copies Same Party
ORDINARY TRANSCRIPT A transcript to be delivered within thirty (30) calendar days after receipt of an order.	$3.30	$ .83	$ .55

7-DAY EXPEDITED A transcript to be delivered within seven (7) calendar days after receipt of an order.	$4.40	$ .83	$ .55
DAILY TRANSCRIPT A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.	$5.50	$1.10	$ .83
HOURLY TRANSCRIPT A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.	$6.60	$1.10	$ .83
Realtime Transcript A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.	$2.75	$1.10	

(2) The reporter shall not be required to undertake the making of a typed transcript without the deposit of an adequate indemnity, nor to furnish such transcript prior to the payment thereof.

(K) Electronic Sound Recording.

(1) The provisions of 28 U.S.C. § 753(b), as amended April 2, 1982, Pub. L. 97-164, Title IV, § 401(a), 96 Stat. 56, allow a district judge or magistrate judge of this Court to record arraignments in any criminal case by electronic sound recording if the

system that is utilized possesses those essential features of reliability and quality of performance mentioned therein. Those requirements include, but are not limited to, multichannel recording, dual cassettes with automatic changeover, no erase head on recorder, a signal sensor to prevent overrecording, a LED Digital Indexing System. By reason of the often-encountered difficulty in finding a court reporter who has free time to attend and take these arrangements, this Rule is adopted to allow and authorize arraignments to be conducted by a magistrate judge without the presence of a court reporter when reliable electronic sound recording equipment is utilized.

Accordingly, in the future, in instances where a court reporter is not readily available, electronic sound recording devices are hereby authorized for use in arraignments. Where so utilized, the Clerk shall certify on a recording log, inter alia, the case number, caption, date, cassette number, and pertinent digital indexes for each arraignment. The original recording log shall be filed with the cassette in a designated place for safekeeping by the Clerk, and shall thereafter be preserved as the official Court record of the arraignment. The Clerk shall also file a copy of the recording log with the minutes of the arraignment.

(2) Upon approval of a written application by the Court showing good cause therefor, any party may be permitted to listen to a playback of the arraignment on the Court's recording system. The applicant may also obtain a transcript thereof, provided: (a)

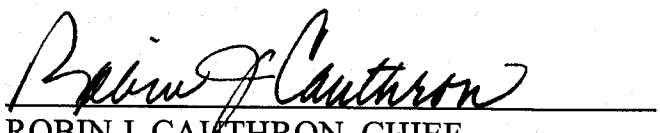
satisfactory arrangements are made with a Certified Shorthand Reporter (with at least a Certificate of Proficiency) for prepayment of the transcript costs, or by showing that the applicant is unable to pay costs, all in accordance with 28 U.S.C. § 753(f); (b) a certified copy of the transcript is filed in the case; and, (c) if the requisites of reliability and accuracy are preserved, said reporter may transpose or "dub" through the use of the Court's recording system onto another cassette for the purpose only of preparing a transcript.

(L) Data Communications Network.

Official court reporters are authorized access to the Data Communications Network ("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 systems, on-line calendaring systems used by the courts, the automated travel voucher system, and automated forms.

This order supersedes General Order 01-1 filed December 26, 2001.

DATED this 17th day of March, 2003.



ROBIN J. CAUTHRON, CHIEF
UNITED STATES DISTRICT JUDGE