

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA COURT REPORTING MANAGEMENT PLAN

## Introduction

The court adopts this Court Reporting Management Plan subject to review by the Court Services Office of the Administrative Office of the United States Courts (AO), and subject to approval by the reviewing panel for the Eighth Circuit Judicial Council. [Guide to Judiciary Policy \(Guide\), Vol. 6, Ch. 2, § 290.30.20](#). This plan's content is organized to correspond with the content currently contained in Volume 6 ("Court Reporting") of the *Guide*. When approved, this plan will supersede the court reporting management plan now in effect in this district.

This plan applies to court reporters who perform work in the United States District Court for the District of Nebraska. Court reporters must adhere to this plan, Judicial Conference of the United States (Judicial Conference) requirements, and their statutory duties.

## Court Reporter Personnel and Administrative Matters

### I. Appointment

Official reporters<sup>1</sup> are appointed to serve at the pleasure of the court *en banc*. The court prefers official reporters certified as realtime court reporters.

#### A. Designation of Work

##### 1. Official Reporters' Duties

Official reporters record proceedings; transcribe and file transcripts; certify and file their notes in accordance with [28 U.S.C. § 753](#) and provisions set forth in the *Guide*, Volume 6; and perform other administrative duties related to their work, such as maintaining and

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<sup>1</sup> [Guide, Vol. 6, Ch. 1, § 140](#) ("[O]fficial reporters[] are salaried employees of the district court appointed by the court for an indefinite term pursuant to the authority of the Judicial Conference.").

certifying proper records of time, attendance, transcript production, and earnings, including the preparation and submission of the forms AO 40A and AO 40B to the clerk or clerk's designee for review.

2. Court Reporters' Steno Notes and Audio Files

Steno notes and audio files transferred to the clerk for preservation in accordance with [28 U.S.C. § 753\(b\)](#) are stored electronically on the court's server and are stored as PDF and WAV files, respectively.

B. Probationary Appointments

All newly-appointed official reporters are placed on probation for a period of 90 days. [Guide, Vol. 6, Ch. 2, § 220.50](#).

C. Staff Reduction and Termination

1. The court, *en banc*, delegates to the clerk responsibility for official reporters' selection and retention.
2. The clerk, in consultation with the judges, is entitled to make changes in the reporting staff at will.
3. If a reduced workload does not justify retention of the full complement of official reporters, the clerk, in consultation with the judges, will reduce the number of official reporters through relocation, attrition, or by giving reasonable notice of termination.

II. Tour of Duty

Official reporters' regular tour of duty is from 8:00 a.m. to 4:30 p.m. See [Guide, Vol. 6, Ch. 2, § 240.30](#) (stating official reporters must remain in courthouse when not recording proceedings and may prepare official transcripts, including those for which they are entitled to collect a fee under [28 U.S.C. § 753](#)).

Official reporters are permitted to place their names in the clerk's pool of contract transcribers available to transcribe digitally recorded hearings, provided that the transcriber work does not interfere with their performance of their official duties.

A. Leave

Official reporters earn leave in accordance with [5 U.S.C. chapter 63, subchapter I](#), and the governing regulations are set forth in the [Guide, Vol. 12, Ch. 9](#). In addition,

1. The clerk maintains leave records for official reporters.
2. Official reporters submit all requests for leave through the Human Resources Management Information System (HRMIS) for the clerk's or the clerk's designee's approval, and are subject to the same leave policies as other clerk's office employees.
3. Official reporters should request planned leave far enough in advance to permit scheduling of alternate official reporters. They should also attempt to either coordinate their leave so that other official reporters can cover proceedings or take leave when no proceedings are scheduled.

B. Private Reporting Activities

1. See the [Guide, Vol. 6, Ch. 2, § 240.20](#) (stating official reporters may not perform private work during tours of duty, and may not take annual leave to engage in private reporting activities).
2. Official reporters are subject to the court's [Human Resources policies](#), including the [Outside Employment Policy](#).

### III. Space and Facilities

Official reporters are authorized to access the DCN for official purposes. [Guide, Vol. 6, Ch. 2, § 260.45](#). All other space and facilities provisions and requirements are set forth in the [Guide, Vol. 6, Ch. 2, § 260](#).

### IV. Travel

Official reporters are subject to this court's [Staff Travel Regulations](#). In addition, provisions governing official reporters' travel is set forth in the [Guide, Vol. 6, Ch. 2, § 270](#), and in [Vol. 19, Ch. 4](#).

### V. Management of Court Reporters

#### A. Designation of Court Reporting Supervisor

The clerk designates the court reporting supervisor. The clerk and court reporting supervisor assign work to the official reporters with the goal of distributing the court's overall workload fairly and efficiently, minimizing travel, and assuring the lowest overall cost to the court.

#### B. Responsibilities for Management of Court Reporters

Together with the court reporters, the clerk and court reporting supervisor maintain efficient and cost-effective procedures that provide for the recording of all proceedings required by law, without delaying the proceedings, and in such manner that transcripts requested are delivered within the time and cost requirements of the Judicial Conference. In order to achieve these ends, the clerk, the clerk's designee, or the court reporting supervisor:

1. Monitors transcript orders, delivery, billings, format, and rates charged by court reporters and transcribers, and maintains procedures for accepting transcript orders, delivery, and billings.

2. Maintains records of transcript orders and ensures compliance with Judicial Conference requirements, including timely preparation, format, and fees charged.
3. Determines the number and type of court reporters needed to cover all of the court's reporting needs, including determining the need for the assistance of an official reporter from another district or a contract reporter.
4. To the extent practicable, minimizes travel costs associated with court reporting activities.
5. Reviews the official reporters' forms AO 40A and AO 40B, and supporting documentation, for completeness and accuracy before submission to the AO, and ensures these forms and other reports are submitted to the AO in a timely manner.

## Realtime Reporting

Provisions governing the use of realtime court reporting for the parties and the court are set forth in Volume 6 of the *Guide*, and the district has no local policies beyond that set forth in the *Guide*. See [Guide, Vol. 6, Ch. 2, § 290.30.25\(v\)](#) (requiring courts to establish a policy for the provision of realtime court reporting).

## Reporting Activities

### I. Reporting for Magistrate Judges

As a general rule, electronic sound recording equipment will be used to record proceedings conducted before magistrate judges.

### II. Reporting for District Judges

Although United States district judges have the discretion to determine the means for recording their proceedings, court reporting resources are assigned to

the entire court and court reporters do not form part of the personal staff of an individual judge. [Guide, Vol. 6, Ch. 2, § 280\(b\)](#).

## Transcripts

### I. Overview

#### A. Official Reporters

Official reporters follow the Judicial Conference's requirements for transcript preparation, production, format, delivery, and fees set forth in the [Guide, Volume 6, Chapter 5](#), and in [28 U.S.C. § 753](#). Transcripts of official proceedings of this district are delivered to the ordering party and filed in CM/ECF within the time prescribed by the Judicial Conference. Transcripts of official proceedings of this district for the purpose of appeal are delivered to the ordering party and filed in CM/ECF within the time prescribed by the Eighth Circuit Court of Appeals or any extension obtained therefrom.

#### B. Contract Reporters and Transcribers

Contract reporters and transcribers follow the requirements for transcript production, delivery, and fees set forth in the terms of the court's contract documentation for contract court reporters or the terms of the court's Contract for Transcription Services. The clerk or clerk's designee will post the court's Contract for Transcription Services and related documents on the court's external website and ensure that the documentation is kept current. Official reporters and contract reporters and transcribers must avoid backlogs of transcripts, and they must promptly deliver high-quality transcripts.

#### C. Electronic Sound Recording

Records for the court's electronic sound recording system are stored and retrieved in the manner set forth in the [Digital Audio Procedure Manual](#).

The steps for processing and fulfilling requests for transcripts of proceedings taken by electronic sound recording are set forth in the [Procedure for Handling Transcript Requests—Hearing Digitally Recorded](#). The court reporting supervisor receives a Weekly Transcript Report generated by CM/ECF, which allows the court reporting supervisor to monitor transcript quality and timeliness.

## II. Criminal Proceedings

### A. Transcripts and Electronic Sound Recordings of Arraignments, Pleas, and Sentencings

Reporters must file transcripts of arraignments, pleas, and sentencing proceedings within 30 days of the close of the proceedings unless they were recorded on electronic sound recording equipment, in which case, the electronic recording or digital audio file, accompanied by a certification of the reporter, must be preserved pursuant to section 1.A.2 of this plan. [Guide, Vol. 6, Ch. 2, § 290.30.25\(p\)](#); [Guide, Vol. 6, Ch. 5, § 510.45.20](#).

### B. Prohibition on Routine Apportionment of Accelerated Transcript Costs

The routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited. [Guide, Vol. 6, Ch. 2, § 290.30.25\(n\)](#); [Guide, Vol. 7, Part A, Ch. 3, § 320.30.20](#).

## Effective Date

This plan will become effective upon approval of the reviewing panel for the Eighth Circuit Judicial Council.

**United States Courts**  
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**EIGHTH CIRCUIT JUDICIAL COUNCIL**

**ORDER**

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I hereby certify that the Eighth Circuit Judicial Council has approved the Court Reporting Management Plan for the District of Nebraska, as adopted by the district court on April 24, 2018.

  
Millie B. Adams  
Circuit Executive

St. Louis, Missouri  
May 7, 2018

cc: Judicial Council Members  
Chief Judge Laurie Smith Camp  
Denise M. Lucks, Clerk of Court  
Administrative Office

Approval was given by the Court Reporter Management Committee.

JCO 2980