

Contract Transcribers Frequently Asked Questions

1. When does the court use contract transcribers?

The court uses contract transcribers to transcribe some official, non-sealed court proceedings that were digitally recorded. Official court reporters prepare all sealed transcripts.

2. What qualifications does a contract transcriber need?

- A transcriber must have exceptional keyboarding skills and be familiar with legal terminology, punctuation rules, and the formats for transcripts filed in federal courts.
- A transcriber must have at least five years of transcription experience in judicial, legal, medical, or other professional matters.
- A transcriber must complete a training session at the federal courthouse in either Omaha or Lincoln.
- Because a transcriber is a contractor performing work equivalent to that of a judiciary employee in a sensitive position, the transcriber must pass an NCIC background check and FBI fingerprint check.

3. How does someone apply to be a contract transcriber?

Starting in 2010 and then every three years thereafter, the court will publish in newspapers of general circulation and on the court's Web site a solicitation asking qualified people and businesses to submit applications to the court's contracting officer.

Everyone who establishes their qualifications to the contracting officer's satisfaction will be put provisionally into the court's transcriber pool. The clerk will assign transcripts to pool members in a rotation. The clerk will closely review the first three transcripts that each new transcriber files. If the transcriber's work is acceptable, the clerk will tell the contracting officer to remove the transcriber's provisional status. The clerk will periodically check a transcriber's work to make sure it complies with all requirements.

4. Will the court guarantee that a pool transcriber will get a certain number of assignments each year?

The court cannot guarantee any pool transcriber a minimum amount of work since it cannot predict how many hearings and proceedings will need to be transcribed. In addition, the number of transcribers in the pool will vary over time.

5. Where will transcribers work?

Unless they are official staff court reporters, transcribers will work in their own homes or offices. Transcribers will not work at the courthouse.

6. What happens if someone decides he or she no longer wants to be part of the transcriber pool?

The person just needs to notify the court's contracting officer, who will oversee any necessary arrangements.

7. What format do transcribers use for transcripts?

The Judicial Conference of the United States Courts prescribes the exact format that transcribers must use for all transcripts. While a transcriber is in provisional status, the clerk's office will review three transcripts to guarantee that they conform to the prescribed format. After the transcriber becomes a full member of the transcriber pool, the clerk's office will continue to randomly monitor transcripts as a quality control measure. A copy of the format requirements is attached to the transcriber contract. See *Guide to Judiciary Policies and Procedures*, Vol. 6, Ch. 18.

8. How will the court get the hearings to be transcribed to the transcriber?

When the court receives a request for a transcript, the clerk's office will mail to the next transcriber in the pool a CD with the digitally recorded hearing(s). The court will not deliver CDs to the transcriber or make CDs available for pick-up at the courthouse.

9. What does a transcriber do with a completed transcript?

Completed transcripts will be uploaded to the court's electronic filing system (CM/ECF). The court will train transcribers on how to use CM/ECF. The transcriber's procedure for docketing transcripts is also attached to the transcriber contract.

In addition, the transcriber may be asked to provide the court with a paper copy of the transcript. The paper transcript can be mailed or delivered. The transcriber may not charge the court an additional fee for the paper copy.

10. What is CM/ECF and how does it work?

The District Court for the District of Nebraska has been officially "paperless" since 2004. The Case Management and Electronic Case Files system – CM/ECF – is the court's electronic filing system. It allows registered users to file documents electronically over the Internet, 24 hours a day, 7 days a week. It also allows the general public, for a fee, to view electronic court documents over the Internet via

PACER (Public Access to Court Electronic Records). Electronic records can also be viewed for free on public terminals located in the clerk's office.

11. If completed transcripts are filed on CM/ECF, won't everyone be able to see them right away?

No. When a transcriber uploads an unredacted transcript to CM/ECF, the parties to the case will receive electronic notice of the filing. The notice will tell parties that access to the transcript will be restricted for 90 days after filing, explain how parties may obtain a copy of the transcript from the transcriber, and notify the parties that they have seven business days to file a notice of intent to request redaction.

During the 90 days after filing, electronic access to the transcript in CM/ECF will be limited to court staff, attorneys of record or parties who buy the transcript from the transcriber, users at the public terminal in the clerk's office, and other persons as directed by the court (e.g., appellate attorneys). The clerk's office will not provide copies of the transcript to counsel, parties, or the public during the 90-day period, but will refer all requests for copies to the transcriber.

If an attorney of record purchases the transcript from the transcriber, the attorney will be given remote access to the transcript via CM/ECF and PACER. *It is therefore very important for a transcriber to notify the clerk's office when an attorney of record purchases a copy of the transcript.*

Members of the public who buy a transcript from the transcriber during the 90-day restriction period will not be granted remote access via PACER until after the 90-day period ends. At that time, the public will have remote access only to a redacted version of the transcript if it was redacted during the 90-day restriction.

12. Redaction? What's that about?

The E-Government Act of 2002 requires the federal courts and counsel to take measures to protect against disclosure of personal identifying information in remotely-available electronic court documents. Since transcripts often contain a great deal of personal information about litigants, witnesses, jurors, and other individuals, care must be taken to prevent unscrupulous people from accessing that information via the Internet. Counsel and the parties are therefore given seven business days from the date a transcript is filed to let the court know that they intend to have the transcriber remove from the transcript – “redact” – personal information such as Social Security numbers, account numbers, birth dates, children's names, and the like. (The types of information that may be redacted are governed by Federal Rule of Civil Procedure 5.2(a), Federal Rule of Criminal Procedure 49.1, and this court's local rules, found at <http://www.ned.uscourts.gov/localrules/>.) During this seven days, copies of the transcript can be purchased from the transcriber

or viewed on the public terminals in the clerk's office, but the transcript will not be available to the public at large via PACER.

If counsel or the parties fail to request redaction of the transcript within seven business days, the court will assume that no redaction of personal identifiers is necessary.

Regardless of whether the attorney or party requests redaction, the general public's remote access to transcripts via PACER is restricted for ninety days after the transcript is filed.

For more information on redaction, see

- the AO's February 22, 2008, memorandum, "Guidance for Court Reporters and Transcribers on the Electronic Availability of Transcripts in Case Management/ Electronic Case Files (CM/ECF) and Transcript Redaction Procedures," which is Attachment 6 to the transcriber contract;
- the AO's April 22, 2009, memorandum, "Protecting Privacy Interests in Voir Dire Transcripts," which is Attachment 7 to the transcriber contract; and
- the court's "Transcript Redaction Procedure," located at <http://www.ned.uscourts.gov/pom/>.

13. What happens if the attorney or party decides to ask for redaction?

The attorney or party who files a notice of intent to request redaction has 21 calendar days to file a request for redaction listing the information to be redacted and its exact locations in the transcript. The transcriber removes the listed information – and only the listed information – and then uploads the redacted transcript to CM/ECF. The transcriber has no responsibility to identify for the parties any information that should be removed or to remove any information that the parties overlook.

The redacted transcript will become available to the public via PACER 90 days after the transcriber filed the original transcript. Access to the original transcript will remain restricted. Both redacted and unredacted versions will be available at the public terminal in the clerk's office, but only the redacted version will be available remotely.

The attorney must seek the court's leave to redact information that falls outside of the mandatory categories found in the rules. See NECivR 5.3(a)-(b) and NECrimR 49.3(a), (b), and (e).

14. What should a transcriber do if the attorney doesn't get around to filing the request for redaction within 21 days?

Nothing. The clerk's office monitors the redaction deadlines and will let the court know when attorneys neglect to file a request for redaction.

15. How should redactions appear in the transcript?

The method used to redact personal identifiers is explained in the AO's "Guidance for Court Reporters and Transcribers on the Electronic Availability of Transcripts in Case Management/Electronic Case Files (CM/ECF) and Transcript Redaction Procedures," which is Attachment 6 to the contract.

16. How do people ordering transcripts know how much they will have to pay?

A transcriber can estimate the charge for a completed transcript using the chart attached to the transcriber contract. That amount serves as a deposit against the actual final cost. On privately-ordered transcripts, transcribers should not begin to prepare the transcript until financial arrangements have been made and the transcriber has received the necessary deposit. The chart with the transcript fee schedule can be found at <http://www.ned.uscourts.gov/info/fees.html> -> "Court Reporting Fee Schedule."

17. How will a transcriber receive the deposit for the transcript?

The party requesting a transcript should make payment arrangements directly with the transcriber. The clerk's office will accept a deposit and forward it to the transcriber only if ordered to do so by the court.

18. What happens if a party cancels a transcript request?

A transcriber may not charge for pages that have not been produced at the time the transcriber learns of the cancellation. The requesting party is expected to pay for all transcript pages that had already been produced at the time the transcript request was cancelled.

19. Is a transcriber required to charge the amounts shown in the rate chart attached to the transcriber contract?

The transcriber cannot charge more than the rate shown in the chart, but can certainly charge less. A reduced rate would be appropriate, for instance, for the transcript of a short hearing requested on an expedited basis that only required an hour or two of the transcriber's time to complete.

20. May a transcriber charge an additional fee to redact the transcript?

No. The Judicial Conference has not authorized transcribers to charge an additional fee to perform redactions.

21. Who is the contracting officer for the court on transcriber contracts?

The court's contracting officer is Terry Smedra. Questions about the contract or its administration can be addressed to him by phone (402-661-7367) or by U.S. mail at Clerk's Office, Roman L. Hruska U.S. Courthouse, 111 So. 18th Plaza, Suite 1152, Omaha, NE 68102.