

Guide to Judiciary Policy

Vol. 6: Court Reporting

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§ 510 Overview

One of the court reporter's primary responsibilities is to provide a transcript of court proceedings at the request of a party or by court order. The court reporter must also provide the court with a transcript or electronic sound recording of all arraignments, pleas, and proceedings related to the imposition of sentence in criminal cases. This chapter provides requirements for transcript production, delivery, fees, and format.

§ 510.10 [Reserved]

§ 510.17 Transcript Categories

The Judicial Conference has approved the following transcript categories. No other transcript categories are authorized.

(a) Ordinary Transcript

A transcript to be delivered within 30 calendar days after receipt of an order.

(b) 14-Day Transcript

A transcript to be delivered within 14 calendar days after receipt of an order.

(c) Expedited Transcript

A transcript to be delivered within seven calendar days after receipt of an order.

(d) Three-Day Transcript

A transcript to be delivered within three calendar days after receipt of an order.

(e) Daily Transcript

A transcript to be delivered on the calendar day following receipt of the order (regardless of whether that calendar day is a weekend or holiday), prior to the normal opening hour of the clerk's office.

(f) Hourly Transcript

A transcript of proceedings to be delivered within two hours from receipt of the order.

(g) Realtime Translation

A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following receipt of the order.

§ 510.20 Transcripts to the Court

- (a) Set forth in [28 U.S.C. § 753\(b\)](#) are the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. **See:** [Guide, Vol. 6, § 290.20 \(Court Reporters' Duties\)](#).
- (b) Courthouse opening ceremonies, judge investiture ceremonies, and other ceremonies in which a judge presides are considered court proceedings, and the judge(s) presiding over these ceremonies may order that the proceedings be recorded or transcribed verbatim.
- (1) If the court reporter assigned to the ceremony is a salaried reporter, the transcribing services and the production of the transcript are within the scope of salaried reporters' duties, and no fees may be charged.
- (2) Compensation for a contract reporter must be in accordance with the contract terms. **See:** [Guide, Vol. 6, § 450 \(Contract Court Reporting\)](#).

- (c) If requested by a judge, a court reporter may produce a non-certified or unedited transcript for a judge's use, and it does not have to be filed with the clerk for the records of the court.

§ 510.25 Transcripts and Records for the Clerk of Court

(a) Transcript Delivery

The reporter must file with the clerk of court for the records of the court a certified transcript of all proceedings prepared.

- (1) The certified transcript must be filed with the clerk of court concurrent with, but not later than three working days after, delivery to the requesting party. The transcript may be in paper or electronic format as determined by the court.
- (2) When a contract court reporter produces a certified transcript at the request of a party or a judge, the contract reporter must concurrently deliver a certified transcript to the clerk of court at no charge.

(b) Public Inspection

- (1) The original notes or other original records and a copy of the transcript in the office of the clerk must be open during office hours to inspection by any person without charge.
- (2) The clerk's copy is an official court record that serves as the control copy, which the clerk may compare to verbatim records being forwarded on appeal.

(3) Clerk's Transcript

- (A) No fee is to be charged any person for use of the clerk's copy.
- (B) The clerk's copy is available to the judge if the judge desires to use it; and in some instances, where the "original papers rule" is followed, this copy may be forwarded to the court of appeals when an appeal is filed.

(c) Transcripts on Electronic Media

Any electronic transcript filed with the court must be in portable document format (PDF) or any other format approved by the court and consistent with the Judicial Conference's approved format guidelines. [JCUS-SEP 91](#), p. 65, [JCUS-SEP 12](#), p. 26.

§ 510.25.10 Transcripts in the Case Management/Electronic Case Files System

- (a) The Judicial Conference adopted a policy requiring courts that make documents electronically available via the Public Access to Court Electronic Records (PACER) system also to make prepared electronic transcripts of court proceedings available remotely.
- (b) The Judicial Conference approved the following policy regarding the availability of transcripts of court proceedings in electronic format ([JCUS-SEP 07](#), p. 12):
 - (1) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days (unless extended by the court) after it is delivered to the clerk.
 - (2) During the 90-day period (which may be extended by the court):
 - (A) a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference;
 - (B) the transcript will be available within the court for internal use; and
 - (C) an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's Case Management/ Electronic Case Files (CM/ECF) system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
 - (D) access to the transcript in CM/ECF is restricted to four types of users:
 - court staff;
 - public terminal users;
 - attorneys of record or parties who have purchased the transcript from the court reporter/transcriber; and
 - other persons as directed by the court (e.g., appellate attorneys).
 - (3) After the 90-day period:
 - (A) 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.

- (B) The transcript copy 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.
- (c) The requirement to provide a certified transcript (whether in paper or electronic format, as determined by the court) to the clerk for the records of the court is unaffected by filing in CM/ECF. **See:** [§ 510.25\(a\)](#).

§ 510.25.20 Redaction of Electronic Transcripts

- (a) The parties have the responsibility to review the transcripts and request redactions, if necessary, in accordance with [JCUS-SEP 03](#), pp. 16-17, [Guide, Vol. 10, § 320 \(Required Redactions\)](#) and [§ 330 \(Transcripts of Court Proceedings\)](#).
- (b) Court reporters and transcribers do not have the responsibility:
 - (1) To redact sensitive information from the transcript unless there is a redaction request made by the parties to the case, or
 - (2) To notify the parties of material that should be redacted.

§ 510.30 Transcripts Requested by Parties

- (a) Transcripts may be sold via electronic media in PDF, ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.
- (b) Court reporters and transcribers must produce paper originals and paper copies at the Judicial Conference rates when ordered by parties. [JCUS-SEP 91](#), p. 65, [JCUS-SEP 12](#), p. 26.

§ 510.35 Responsibilities

- (a) Court Reporters

In dealing with parties requesting transcripts, court reporters must maintain a professional relationship and provide timely quality service. They must:

- (1) Adhere to the transcript format established by the Judicial Conference. **See:** [§ 520](#).

- (2) Adhere to transcript page rates per delivery category established by the court and the Judicial Conference. **See:** [§ 530](#).
 - (3) Not require parties to purchase more pages than they want or need.
 - (4) Not require parties to purchase more copies than they want or need.
 - (5) Provide (whenever possible) the type of service requested such as ordinary, 14-day, expedited, daily, or hourly. **See:** [§ 510.17](#).
- (b) Parties
- Parties requesting a transcript should complete [Form AO 435 \(Transcript Order\)](#) or other order form available from the court reporter.
- (c) Court Reporting Supervisor
- (1) The court reporting supervisor must monitor all orders for transcripts and the relationship between court reporters and those requesting transcripts.
 - (2) The court reporting supervisor must maintain records of all transcript orders to ensure compliance with all Judicial Conference requirements, including timely preparation, format, and fees charged.

§ 510.40 Electronic Sound Recording Files

§ 510.40.10 Electronic Sound Recording Files in Lieu of Transcript

- (a) Availability
- When proceedings have been recorded as the official record by electronic sound recording equipment, the court should advise parties requesting transcripts that they may choose to purchase copies of the electronic sound recording files, which may be less costly, from the clerk of court in lieu of transcript for their own use.
- (b) Audio Recording Orders
- (1) The court may reproduce tapes or CDs on its own duplicating equipment or on commercial equipment and may sell the reproduction of the audio at the prevailing rate prescribed by the District Court or Bankruptcy Court Miscellaneous Fee Schedule in effect.

- (2) Courts may provide digital files of audio recordings via email or digital download.
 - (3) Orders for audio recordings should be submitted to the clerk's office on [Form AO 436 \(Audio Recording Order\)](#).
- (c) Backup recordings
- (1) This provision does not apply to court reporters' backup recordings used to augment the steno notes. Backup recordings made by court reporters for their own convenience and not otherwise required by [28 U.S.C. § 753](#) are the personal property of the court reporter.
 - (2) There is no public entitlement to these recordings, or to backup recordings made for the convenience of the court, with the exception of recordings of arraignments, changes of plea, and sentencings filed with the clerk of court, which are covered above in [§ 510.40.10\(b\)](#).

§ 510.40.20 Professional Transcription Services – Electronic Sound Recordings

- (a) Professional Transcription Services
- (1) The court may have transcripts prepared from analog or digital audio files by professional transcription services based on credentials offered by the profession.
 - (2) This would include firms or individuals that have been certified by the American Association of Electronic Reporters and Transcribers (AAERT) or other transcription certification organization that the court deems suitable.
 - (3) Courts may use individuals who have received court reporter certification to transcribe audio files. While the Judicial Conference does not permit the AO to maintain a central listing of certified transcribers, a court may keep a local list of qualified transcribers.
- (b) Procurement Guidelines
- If a purchase for transcription services is estimated to be \$10,000 or more, the Court should follow the competition guidelines set forth in [Guide, Vol. 14, § 325.20.10\(a\) and \(b\)](#).
- (c) Costs

The court may not charge parties for the cost of duplicating electronic sound recording files of proceedings that the court sends to a transcriber for filling transcript orders.

(d) Transcript Orders

Orders for transcripts should be submitted to the clerk's office on a [Form AO 435 \(Transcript Order\)](#).

(e) Preparation

All format, delivery time schedule, and fee requirements adopted by the Judicial Conference apply as if the transcript were produced by one of the court's reporters.

(f) Official Court Reporters

(1) With approval from the court, an official staff, temporary, or combined-position court reporter may agree to produce transcripts from audio recordings of court proceedings which the reporter did not attend. Such transcripts may be ordered by parties or by any federal judge. The reporter is considered a transcriber and may be paid no more than the rates established by the Judicial Conference.

(2) Courts may not provide preferential treatment to court staff by referring all transcription work to one or more staff court reporters. Instead, transcription work should continue to be rotated evenly among the qualified transcribers already used by the court and the court reporter(s) who have been authorized by the court to transcribe proceedings of electronic sound recording.

(g) Other Court Employees

(1) Court employees, other than court reporters, may not retain fees for preparation of official transcripts.

(2) If a court employee, other than a court reporter, produces transcript for a private party, the fees for such must be deposited into the United States Treasury. OCG Opinion, June 8, 1983. [18 U.S.C. § 209](#).

§ 510.40.30 Certification of Transcription

The person or transcription services firm designated to transcribe the proceedings recorded by electronic sound recording must authenticate the original transcript and each copy with a certification on the last page. **See:** [§ 520.63 \(Certification\)](#).

§ 510.45 Arraignments, Changes of Pleas, and Sentencings

§ 510.45.10 Statutory Authority

Under [28 U.S.C. § 753\(b\)](#), the reporter or other individual designated to produce the record is required to transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording. **See:** [Guide, Vol. 6, § 290.20.20\(c\)](#).

§ 510.45.20 Transcripts and Electronic Sound Recordings of Arraignments, Pleas, and Sentencings

- (a) If the court reporter elects to file an electronic sound recording of all arraignments, pleas, and sentencings in lieu of a certified transcript, the reporter must file such recording with the clerk of the court with a certificate in the form set forth in [Guide, Vol. 6, § 290.20.20\(c\)](#) at no expense to the government (judiciary). [JCUS-MAR 63](#), p. 10.
- (b) The reporter must file a transcript within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment, in which event the electronic recording, accompanied by a certification of the reporter, must be filed as soon as the recording has been used to capacity, or the audio file uploaded to a designated server upon adjournment of the proceeding or in accordance with the court's established procedures. [28 U.S.C. § 753](#).
- (c) Challenges to Validity of Conviction
 - (1) A judge should consider whether the clerk's copy is sufficient before approving the production of another copy at government expense for transcripts of arraignments, pleas, and sentences that are requested by a defendant proceeding under the Criminal Justice Act (CJA) who attacks the validity of the conviction under [28 U.S.C. § 2255](#) and desires for use on the motion transcripts of the plea and proceedings in connection with the imposition of the sentence.
 - (2) Since this motion is made in the trial court, there is always available in the clerk's files a certified electronic sound recording or a transcript copy of these proceedings (which the reporter must file without charge, under [28 U.S.C. § 753](#)) which is available to the defendant and to the court with other papers in the case, for consideration in connection with the motion.
- (d) Court reporters may charge parties (including the Department of Justice and other parties proceeding under the CJA) for transcripts of

arraignments, changes of plea, or proceedings in connection with the imposition of sentencing when an electronic recording of the proceeding has been filed with the court in lieu of a written transcript. [JCUS-MAR 96](#), p. 27.

- (e) The opinion of the Administrative Office's (AO) Office of the General Counsel (OGC) is that unedited and uncertified transcripts (including realtime translations) are not acceptable in lieu of certified transcripts or audio recordings of arraignments, changes of plea, and sentencing proceedings. OGC Memorandum, July 7, 1978, Fees for Transcripts of Arraignments, Pleas, and Proceedings in Connection with the Imposition of Sentence.

§ 510.50 Statement of Reasons Report for Sentencing Guidelines

§ 510.50.10 Statutory Authority

- (a) The Sentencing Reform Act requires the district court to place on the record a statement of reasons for each criminal sentence under the Sentencing Guidelines. **See:** [18 U.S.C. § 3553\(c\)](#).
- (b) Under [28 U.S.C. § 994\(w\)](#) the court must send a report of the statement of reasons to the Sentencing Commission within 30 days following entry of judgment.

§ 510.50.20 Transcript of Statement of Reasons

If the court requires the court reporter to prepare a transcript of the statement of reasons, the reporter must furnish the transcript at no expense to the government.

§ 510.55 Retired or Separated Court Reporters

- (a) Responsibilities
 - (1) Any court reporter who terminates employment with the court remains responsible for producing requested transcripts of proceedings recorded during the period of employment at the rates in effect at the time the transcript was ordered.
 - (2) 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.
 - (3) Any court reporter refusing to transcribe a court proceeding could be ordered by the court to show cause.
- (b) Payment for Transcripts for the Court

Retired or separated court reporters are entitled to payment for the production of original transcripts requested by a judge after the date of retirement or separation provided that the transcripts are prepared from notes taken during the period of employment with the court and have not previously been ordered by a party.

(c) Performance Concerns

A court is not required to refer outstanding transcript orders to a separated reporter if the court has concerns regarding the reporter's performance.

(d) Original Notes

(1) Court reporter notes are the property of the court and must remain in the custody of the clerk of court.

(2) The notes may be removed only for purposes of providing a transcript.

(3) 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 court reporting supervisor should assist the retired or separated court reporter in obtaining the notes and act as liaison between the reporter and ordering party.

(e) Dictionary

(1) Courts may require separated court reporters to file copies of their dictionaries with the court.

(2) In the event a separated court reporter may be unavailable to produce transcripts (due to illness, death, or the court's decision not to refer transcript orders to that reporter), the dictionary will assist another court reporter or transcriber with translating the original reporter's notes if a transcript is required.

§ 520 Transcript Format

The Judicial Conference first adopted the uniform transcript format in 1944 to assure that each party is treated equally throughout the country. [JCUS-SEP 44](#), Appendix.

(a) Although the Conference has made some adjustments from time to time, the format has remained substantially the same.

(b) The format requirements must be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor,

reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference.

- (c) The per-page transcript rates are based on strict adherence to the prescribed format.
- (d) The format standards incorporate government standards for archival materials and assure that all transcripts produced in federal courts are produced on the same basis.

§ 520.10 [Reserved]

§ 520.15 Electronic Transcripts

- (a) Transcripts may be sold via electronic media in PDF, ASCII, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.
- (b) Each page of transcript sold via electronic media must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and electronic media transcripts may not contain any protection or programming codes that would prevent copying or transferring the data. [JCUS-SEP 91](#), p. 65 and [JCUS-SEP 12](#), p 26.

§ 520.16 Compressed Transcript

- (a) A compressed transcript captures two or more standard pages of transcript and reproduces them on a single page.
- (b) As with electronic media, court reporters and transcribers who have the capability may sell compressed transcripts on a per standard transcript-page basis, regardless if two or more standard transcript pages are compressed onto a single page of paper.
- (c) There is no requirement to provide such service.

§ 520.20 Realtime Translation

The transcript format guidelines prescribed by the Judicial Conference apply to realtime translation with the exceptions outlined in [§ 320.50.30 \(Production\)](#).

§ 520.23 Paper

- (a) Size
Paper size is to be 8-1/2 X 11 inches.

(b) Weight

The weight of paper is to be at least 13 pounds for both originals and copies.

(c) Type

The paper type for both originals and copies is to be of chemical wood or better quality.

(d) Color

White paper is to be used for both originals and copies.

§ 520.30 Margins

(a) The use of preprinted solid left and right marginal lines is required.

(b) The use of preprinted top and bottom marginal lines is optional.

(c) All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

§ 520.33 Line Numbers

Each page of transcription is to bear numbers indicating each line of transcription on the page.

§ 520.36 Typing

§ 520.36.05 Ink Color

Black ink is to be used for both originals and copies.

§ 520.36.10 Type Size

The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

§ 520.36.15 Number of Lines Per Page

(a) Line of Text Per Page Requirement

(1) Except as provided in (b) below, each page of transcription is to contain 25 lines of text.

- (2) The last page may contain fewer lines if it is less than a full page of transcription.
 - (3) Page numbers or notations cannot be considered part of the 25 lines of text.
- (b) Exception
- (1) An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer.
 - (2) The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions.
 - (3) Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript that includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break.
 - (4) This exception as defined above will make it easier for a judge to provide portions of a transcript to a jury for review. [JCUS-MAR 96](#), pp. 26-27.

§ 520.36.25 Spacing

Lines of transcript text are to be double spaced.

§ 520.36.30 Upper and Lower Case

Upper and lower case is preferred, but all upper case may be used.

§ 520.36.35 Indentations

- (a) Question and Answer (Q and A)
 - (1) All Q and A designations must begin at the left margin.
 - (A) A period following the Q and A designation is optional.
 - (B) The statement following the Q and A must begin on the fifth space from the left margin.
 - (C) Subsequent lines must begin at the left margin.
 - (2) Since depositions read at a trial have the same effect as oral testimony, the indentations for Q and A must be the same as described above.

- (A) In the transcript, each question and answer read from a deposition must be preceded by a quotation mark.
 - (B) At the conclusion of the reading, a closing quotation mark must be used.
- (b) Colloquy
- (1) Speaker identification must begin on the tenth space from the left margin followed directly by a colon.
 - (2) The statement must begin on the third space after the colon.
 - (3) Subsequent lines must begin at the left margin.
- (c) Quotations
- Quoted material other than depositions must begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

§ 520.36.40 Interruptions of Speech and Simultaneous Discussions

- (a) Interruptions of speech must be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.
- (b) At the discretion of the transcriber, simultaneous discussions may also be noted in this manner.

§ 520.36.45 Punctuation and Spelling

Punctuation and spelling must be appropriate standard usage. For example, if a question in Q and A is indeed a question, it must be followed by a question mark.

§ 520.36.50 Page Heading

- (a) A page heading (also known as a “header”) is brief descriptive information noted to aid in locating a person or event in a transcript.
- (b) A page heading must be provided on each page of witness testimony; it is optional for other types of persons and/or event notations.
- (c) Listing the last name of the witness or other party and the type of examination or other event is sufficient.
- (d) Page headings must appear above line 1 on the same line as the page number.

- (e) This information is not to be counted as a line of transcript.

§ 520.36.55 Parenthetical Notations

- (a) Parenthetical notations are generally marked by parentheses; however, brackets may be used.
- (b) Parenthetical notations must begin with an open parenthesis or bracket on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- (c) Parenthetical notations are used for:
 - (1) customary introductory statements such as call to order of court or swearing in a witness, and
 - (2) indicating non-verbal behavior, pauses, and readback/playback.

For types of parenthetical notations, **see:** [§ 520.40.20\(a\)](#).

§ 520.36.60 Legibility

The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

§ 520.40 Content

§ 520.40.10 Verbal

Except as noted below, the transcript must contain all words and other verbal expressions uttered during the course of the proceeding.

- (a) Striking of Portions of the Proceeding

No portion of the proceeding must be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript.
- (b) Editing of Speech
 - (1) The transcript must provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences must be transcribed as spoken.
 - (2) In the interest of readability, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but

such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

(c) Reporting of Audio/Video Recordings

Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

(d) Private Communications and Off the Record Conversations

Private communications and off the record conversations inadvertently recorded must not be included in the transcript.

(e) Call to Order, Swearing in, or Affirmation of Witnesses or Jurors

- (1) Standard summary phrases must be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.
- (2) These must appear in parentheses or brackets and begin with an open parenthesis or bracket on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- (3) The following phrases can be employed:
 - (Call to Order of the Court),
 - (The Jury Is Sworn),
 - (The Witness Is Sworn), and
 - (The Witness Is Affirmed).

(f) Identification of Speaker

- (1) All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:
- (2) Proper Transcript:

Speaker	Identification
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS + (last name)

Speaker	Identification
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

(g) Testimony Through Interpreter

When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical “(in English)” is inserted.

§ 520.40.20 Nonverbal

(a) Designation of Portions of Proceedings and Time of Occurrence
(Parenthetical Notations)

- (1) Parenthetical notations in a transcript are a court reporter’s or electronic court recorder operator’s own words, enclosed in parentheses or brackets, recording some action or event. Parenthetical notations should be as short as possible but consistent with clarity and standard word usage.
- (2) The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:
 - (A) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate

Examples:

- (Recess at 11:30 a.m.)
- (Recess at 12:30 p.m., until 1:30 p.m.)
- (Proceedings concluded at 5 p.m.)

(B) Jury In/Out

(i) Examples:

- (Jury out at 10:35 a.m.)
- (Jury in at 10:55 a.m.)

- (ii) If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred:
 - in the presence of the jury,
 - out of the presence of the jury,
 - out of the hearing of the jury,
 - prior to the jury entering the courtroom, or
 - after the jury left the courtroom.

(3) Defendant Present/Not Present

In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences

(A) This designation must note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation must so indicate.

(B) Examples:

- (Bench conference on the record)
- (Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)
- (At side bar on the record)
- (At side bar)
- (End of discussion at side bar)

(5) Discussions off the Record

This designation must note where the discussion took place.

(6) Chambers Conferences

(A) This designation must note the presence or absence of parties in chambers.

(B) Examples:

- (Discussion off the record in chambers with defendant not present)
- (Discussion on the record in chambers with defendant present)

(b) Speaker/Event Identification

- (1) References to speakers and events that occur throughout proceedings must be properly noted in capital letters and centered on the appropriate line.
- (2) Examples:
 - AFTER RECESS
 - DIRECT EXAMINATION
 - CROSS EXAMINATION
 - REDIRECT EXAMINATION
 - RECROSS EXAMINATION
 - FURTHER REDIRECT EXAMINATION
 - PLAINTIFF'S EVIDENCE
 - PLAINTIFF RESTS
 - DEFENDANT'S EVIDENCE
 - DEFENDANT RESTS
 - PLAINTIFF'S EVIDENCE IN REBUTTAL

(c) Nonverbal Behavior and Pauses

- (1) It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (i.e., physical gestures, and lengthy pauses on the part of a witness.)
- (2) If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.
- (3) Examples:
 - (Nods head up and down)
 - (Shakes head from side to side)
 - (Indicating)

(d) Readback and/or Playback

All readbacks and/or playbacks and the party requesting must be noted parenthetically as follows:

- (1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical must be used:

(The last question and/or answer was read/played back)

- (2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

(e) Indiscernible or Inaudible Speech on Electronic Sound Recording

- (1) Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled “indiscernible” or “inaudible.”
- (2) Every effort must be made to produce a complete transcript. The use of “inaudible” or “indiscernible” should be used only when it is impossible to transcribe the record.

§ 520.43 Title Page

§ 520.43.10 Contents

Each transcript is to include a title page indicating:

- (a) court name;
- (b) district;
- (c) case name;
- (d) civil or criminal docket case number;
- (e) name and title of judge or other judicial officer presiding;
- (f) type of proceeding;
- (g) date and time of proceeding;
- (h) volume number (if multi-volume);
- (i) name and address of each attorney and name of party represented;
- (j) whether a jury was present;
- (k) court reporter’s name, address, and telephone number, if steno based;

- (l) audio operator's name, plus name, address, and telephone number of transcription company, if electronic sound recording equipment based;
- (m) method by which the proceedings were recorded; and
- (n) method by which the transcript was produced.
- (o) Examples of this statement include the following:
 - (1) Proceedings recorded by mechanical stenography, transcript produced by notereading.
 - (2) Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.
 - (3) Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
 - (4) Proceedings recorded by electronic sound recording, transcript produced by transcription service.

§ 520.43.20 Record of Appearance

Beginning on the title page, the court reporter is to include the complete record of appearances.

§ 520.43.30 Cost

The court reporter may charge for the title page as a full page of transcript.

§ 520.46 Indexes

Each volume is to contain an index that is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

§ 520.46.10 Requirement

- (a) The index must indicate the pages at which each of the following begins:
 - DIRECT EXAMINATION,
 - CROSS EXAMINATION,
 - REDIRECT EXAMINATION,
 - RECROSS EXAMINATION,
 - FURTHER DIRECT EXAMINATION, and
 - RECALL OF EACH WITNESS.

- (b) The index must also indicate on behalf of whom the witness or witnesses were called, such as:
 - PLAINTIFF'S WITNESSES,
 - WITNESSES FOR THE GOVERNMENT,
 - DEFENDANT'S WITNESSES, and
 - WITNESSES FOR THE DEFENSE
- (c) A separate table in the index must indicate the page at which any exhibit was marked for identification and received in evidence.

§ 520.46.20 Master Index for Longer Transcripts

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index in a separate volume that compiles all of the individual indexes.

§ 520.46.30 Keyword Indexing Service

- (a) Keyword indexing services provide an index of key words in the transcript and corresponding page number(s) in which the words appear.
- (b) No charge is permitted in addition to the normal page rates for keyword indexing services.
- (c) If the keyword indexing service is provided via electronic media, no additional charge is permitted for the cost of the electronic media itself.

§ 520.50 Numbering

§ 520.50.10 Pages

- (a) The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved.
- (b) The court reporter must place the page number at the top right corner of the page flush with the right margin above the first line of transcription.
- (c) The page number does not count as a line of transcript.
- (d) The pagination of the transcript of the further proceedings in the same matter must follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

§ 520.50.20 Multi-Volumes Transcripts

Multi-volume transcripts must be numbered in either of the following ways:

- (a) Each volume of transcript must be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings.
- (b) Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples:

- 1-14 (Volume 1, page 14)
- 2-54 (Volume 2, page 54)

- (c) If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples:

- 56 (Volume 1, page 56)
- 521 (Volume 3, page 521)

§ 520.53 Cover

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

§ 520.56 Punched Holes

If the court reporter punches transcript with three holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

§ 520.60 Fastener

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

§ 520.63 Certification

§ 520.63.10 Requirement

- (a) The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page.
- (b) The certification is to appear on the last page of each volume of transcript. If more than one court reporter or transcriber is involved in the production

of the transcript being certified, then the certifications of each court reporter or transcriber involved must be required at the end of each volume. (**Note:** The contents of the title page should not be repeated as part of the certification.)

- (c) A rubber stamp with the certifications may be used to save time and space. A sample certification is provided in [§ 520.63.30](#).

§ 520.63.20 Reporter’s Charge for Certification

- (a) If the reporter places the certification on a separate page from any transcript text, then the reporter may NOT charge for the certification page.
- (b) If the court reporter includes the certification on the last page of a transcript that contains actual transcript text, the reporter can charge for that page of text.

§ 520.63.30 Certification Examples

- (a) Stenography/Stenomask

“I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.”

_____	_____
Signature of Court Reporter/Transcriber	Date

Typed or Printed Name	

- (b) Transcriber’s Certification for Another’s Notes.

“I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the _____ [court name], of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.”

_____	_____
Signature of Transcriber	Date

Typed or Printed Name

(c) Electronic Sound Recording

“I (we), court-approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.”

Signature of Approved Transcriber

Date

Typed or Printed Name

(d) Redacted Transcripts

At the end of the redacted transcript, and without causing a “page roll-over” (a smaller font may be used) the redacted transcript must be certified by the court reporter/transcriber stating:

“I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on day/mo/year, and incorporating redactions of personal identifiers requested by the following attorneys of record: _____, in accordance with Judicial Conference policy. Redacted characters appear as an “x” (or a black box) in the transcript.”

Signature of Approved Transcriber

Date

Typed or Printed Name

§ 520.66 Copies

- (a) Transcript copies may be reproduced by any method of reproduction which produces black text on single-sided white paper.
- (b) There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

§ 520.70 Redaction

- (a) There are various software programs that are available to assist court reporters and transcribers in the redaction process. The use of these programs is permissible, as long as page and line integrity remains intact.
- (b) If a court reporter does not have access to such a program, the reporter may also manually redact. Whatever method is used to redact, page and line integrity must be maintained from the original transcript to the redacted transcript.

§ 520.70.10 Manual Redaction

To manually redact, the court reporter/transcriber must place an “x” in the space of each redacted character. Manual redactions must have the same number of x’s as characters deleted to preserve page and line numbers of transcripts.

§ 520.70.20 Title Page

The title page of the transcript must indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge. A notation of “REDACTED TRANSCRIPT” must be inserted on a blank line, and the addition of this text must not change the length of the title page.

§ 520.70.30 Charge for Redacted Transcripts

The Judicial Conference has not authorized an additional fee that the court reporter or transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

§ 530 Fees

§ 530.10 Authority

- (a) Pursuant to [28 U.S.C. § 753\(f\)](#), each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. [JCUS-MAR 80](#), pp. 17-18. **See:** [Current maximum transcript rates](#) on the Court Reporting page of JNet.
- (b) Each district court must adopt a schedule of transcript fees for reporters and transcribers, subject to maximum rates established by the Judicial Conference.
 - (1) The Conference has established six transcript categories (**see:** [§ 510.17](#)) based on delivery times and whether the transcript is

certified or a realtime translation, and has set a maximum rate for each.

- (2) The parties, court reporter, transcriber, and the court may not negotiate a higher rate without Judicial Conference approval; however, in exceptional circumstances the Director of the AO may authorize higher original transcript rates for staff reporters (**see: [§ 530.40](#)**).
- (3) Fees may be negotiated lower than the court approved rates. In setting the transcript rates to be charged by the court reporters in each area, the district court may look to comparable services rendered in the state courts and consider setting the transcript rates in their courts to coincide with any lower comparable state rate.

§ 530.15 Scope

The maximum rates adopted by the Judicial Conference are the maximum rates that can be charged by:

- official staff,
- temporary,
- combined-position,
- contract,
- substitute reporters, and
- transcribers.

§ 530.25 Notification of Fees

- (a) For the public to be aware of the maximum transcript fees to be charged, a schedule of the prescribed fees is to be posted prominently in the clerk's office. [JCUS-MAR 82](#), p. 9.
- (b) Courts should instruct clerks of court to notify members of the bar of the fee rates and format regulations established by the Judicial Conference and the procedure for addressing issues regarding fees charged.

§ 530.26 Prepayment

Reporters or transcribers may require prepayment of fees before beginning transcript preparation, except they may not require prepayment by the United States government.

§ 530.27 Temporary Retention of Transcript Deposits by Clerk of Court

The clerk of court may receive and hold transcript fee prepayments as an incentive to the court reporter to fulfill transcript orders on time; and further, the court has the discretion to make this "escrow" arrangement standard practice for all transcript fees.

[28 U.S.C. § 753](#). [JCUS-MAR 82](#), pp. 8-12. Memorandum, AO's Office of the General Counsel, Feb. 20, 2003.

§ 530.30 Judge Ordered Transcripts

§ 530.30.10 Official Court Reporters

- (a) Title [28 U.S.C. § 753\(b\)](#) establishes the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge.
- (b) Noting that providing a transcript to a judge is considered part of a reporter's official duties for which the reporter is paid an annual salary and that only one original transcript can be produced and that all subsequent orders for the same transcript are copies for which the lower fee would apply, the Conference transcript fee policy makes explicit that official court reporters may charge only copy fees for transcripts provided to parties when the original transcript was produced at the request of a judge. [JCUS-MAR 09](#), pp. 28-29. **See:** [§ 510.20 \(Transcripts for the Court\)](#).

§ 530.30.20 Contract Court Reporters

- (a) The relevant provisions of the contract govern payment of transcript prepared for a judge. Reporters under contract, based on the terms of the contract, are not subject to the requirement to provide original transcripts at no charge to a district or magistrate judge.
- (b) Contract court reporters' attendance fees cover only the time they spend in court. Therefore, the Comptroller General allowed payment to contract court reporters for transcripts produced when ordered by a judge of the court. **See:** [Comptroller General Decision B-77066 \(July 13, 1948\)](#).

§ 530.30.30 Land Commission Proceedings

- (a) Court reporters are not entitled to payment in addition to their salaries for providing transcripts of land commission proceedings to judges or to land commissioners appointed by judges in land condemnation cases.
- (b) Accordingly, neither the Department of Justice nor the AO may pay for such transcripts from their appropriations. However, reporters whose services are obtained on a contractual basis are entitled to payment when such transcript is ordered by the court. **See:** [Comptroller General Decision B-184875 \(June 11, 1976\)](#).

§ 530.40 Justifying Higher Rates

The Judicial Conference authorized the Director of the AO to increase transcript rates for original transcripts only (not copies or realtime translation) by no more than 20 percent of the existing maximum rate when, in the Director's judgment, a district court justifies such an increase. [JCUS-MAR 81](#), pp. 7-8.

§ 530.40.20 Procedure for Requesting Higher Rates

(a) Court

- (1) The chief judge of the district court must submit an analysis to the Director of the AO supporting:
 - the rate the court is requesting;
 - the types of transcript under consideration (ordinary, 14-day, expedited, daily, and/or hourly); and
 - the impact on total and net income derived by official court reporters based on annual average transcript production.
- (2) The analysis must include a justification based on the following information:
 - (A) A comparison of transcript fees corresponding to ordinary, 14-day, expedited, daily, and hourly transcript categories of court reporters in the local or state courts.
 - (B) State and Local Court Reporter Compensation
 - (i) A comparison of total compensation of court reporters in the local or state courts including:
 - salary,
 - benefits,
 - private work,
 - transcript income, and
 - net income from official transcript sales.
 - (ii) The policies of the local and state courts that affect total compensation for court reporter work should be identified, including salary schedules, benefits, work hours, transcript format and whether transcript production is subsidized or supported by the purchase of equipment or supplies.

- (C) Using [Form AO 40A \(Attendance and Transcripts of United States Court Reporters\)](#) and [Form AO 40B \(Statement of Earnings of United States Court Reporters\)](#) reports, an analysis of total income of staff reporters from salary, transcript sales, private work, and in-court hours of service over a three to five year period.
- (b) The AO will:
- (1) compare the salary, transcript income, and margins of profit of the district’s reporters by using reporter statements of earnings, to those of other reporters in other federal courts and nationally;
 - (2) evaluate the court reporter turnover; and
 - (3) notify the chief judge whether the increase is justified and, if justified, the effective date of the rate change.

§ 530.50 Descriptions of Fees for Services	
Item	Description
(a) Transcript Production	The fees cover all costs of transcript production.
(b) Original Fee	For any given proceeding/date there can only be one original charge. All other transcripts of the same proceeding must be at the copy rates. The original fee rate may not be charged to parties who order a transcript that was already produced at the request of a judge.
(c) 14-Day, Expedited, Daily, and Hourly Transcripts	In the case of 14-day, expedited, daily, and hourly transcripts, the approved fees are to cover all costs of transcript production, including payments to extra reporters, typists, and transcribers to help produce the transcript.
(d) Copy Fee	A copy fee is charged if the party orders and receives a copy.
(e) Fee for Sale of Transcript on Electronic Media	The rates allowed for electronic media transcripts are the same as those allowed for paper transcripts whether they represent originals, first copies, or additional copies. No additional charge is permitted for the cost of the electronic media.
(f) Compressed Transcripts	The maximum per page rate for each compressed original or copy of a transcript is the same as that for a full-size transcript.
(g) Realtime Feed	For realtime translation services, a rate is charged per page by the certified realtime reporter.

For fee calculation examples, see: [Fee Calculation Examples](#) on JNet.

§ 530.55 Items for Which No Fee May Be Charged	
Item	Description
(a) Transcript Copy filed with the Court	No fee may be charged for any transcript provided to the clerk of court as the court's copy. See: Guide, Vol. 6, § 290.20.20(b) .
(b) Judge's Copy	A judge-ordered copy is not the same as the certified copy delivered to the clerk for the records of the court. The staff court reporter may not charge a party, including the government, for any certified transcript provided to a judge regardless of the existence of an order so granting. See: § 530.30 .
(c) Viewing the Record by a Party	A transcript on file in the clerk's office may be examined without charge to a party or other member of the public. See: Guide, Vol. 6, § 290.20.30(e) .
(d) Postage	Postage costs are considered an ordinary business expense; therefore, the court reporter or transcriber may not charge for ordinary postage. However, when the party requests expedited delivery, the court reporter or transcriber may bill the party for the difference between ordinary postage cost and the cost for expedited delivery. See: Guide, Vol. 6, § 260.50.20 .
(e) Keyword Indexes	The index pages may be billed at the page rate, but no charge is permitted in addition to the normal page rates for keyword indexing services. See: § 520.46.30 .
(f) Cover	The cover is a required part of the transcript and the court reporter may not charge extra for the transcript cover. See: § 520.53 .
(g) Certification	The certification is a required part of the transcript and the court reporter may not charge extra for the certification. See: § 520.63 .
(h) Canceled Orders	When a transcript order is canceled, only the pages produced may be charged. There is no charge for pages not produced. If a deposit was received and no pages were produced prior to the cancellation, the full deposit must be returned to the party. Any pages that were produced must be provided to the ordering party and a certified transcript filed with the clerk of court.
(i) Credit Card Fees, Service Fees, or Late Charges	Credit card fees accrued by a court reporter or transcriber who accepts payment via credit card may not be charged to the ordering parties. Additionally, no other service fees, convenience fees, or late payment penalties may be charged to the ordering parties.

§ 530.60 Permissible Extra Fees

§ 530.60.10 Subsistence Cost for Reporters

- (a) In areas where the court's reporter may need to hire reporters from outside the community area to help produce 14-day, expedited, daily, or hourly transcripts, the reporter may bill the party for the subsistence costs of other reporters or auxiliary personnel.
- (b) These costs are authorized up to the amount of travel subsistence that a government employee may be reimbursed for the same travel. **See:** [Guide, Vol. 19, Ch. 4 \(Judiciary Staff Travel Regulations\)](#).
- (c) Compensation for auxiliary personnel as an attendance fee is not billable to the party.

§ 530.60.20 Payments Returned for Insufficient Funds (Bad Check Fees)

- (a) If authorized by the court, the court reporter may request the ordering party to reimburse the penalties associated with payment returned for insufficient funds from the ordering party.
- (b) If the court reporter is not approved to seek reimbursement, or is not able to retrieve reimbursement from the ordering party, the reporter should list the fee as an expense on his or her AO 40B form.

§ 530.63 Realtime Translation

For information on compensation for realtime translation, **see:** [Guide, Vol. 6, § 320.70.60 \(Compensation for Realtime Reporting Services\)](#).

§ 530.65 Transcripts in CJA Cases

Transcripts provided for parties proceeding under the CJA and to parties allowed to proceed in forma pauperis are to be paid from funds appropriated for those purposes. For complete information, **see:** [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#).

§ 530.70 Transcripts for Cases on Appeal

- (a) The appellant is responsible for ordering the transcript and paying the court reporter for the cost of the transcript. If the court of appeals requests that additional transcript pages be submitted, it is the responsibility of the parties to order and pay the court reporter or transcriber for such transcript. [Rule 10, Federal Rules of Appellate Procedure](#).

- (b) No additional fee is charged to the party if the copy from the clerk's records is forwarded as part of the record on appeal. [JCUS-SEP 83](#), p. 51.

§ 530.70.60 Fees for Transcripts to Be Paid by Parties

- (a) Cases Covered

- (1) Appeals to a Circuit from a District Court

- (A) Transcripts for appealed cases must be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made.
 - (B) If the customary practice of the court reporter is not to require prepayment, the 30-day period begins upon acceptance of the transcript order by the court reporter.

- (2) Appeals from a Magistrate Judge to a District Judge

A transcript in a case on appeal from a magistrate judge to a district judge should be paid for in the same manner as an appeal from the district court to the court of appeals.

- (b) Late Delivery of Transcripts

- (1) Penalties

- (A) Each circuit council decides the due dates for the delivery of transcripts and the amount of penalties to be applied when such dates are not met. Therefore, reporters and transcribers may not charge the full fee if they do not produce an appellate transcript within the time limits required by the circuit councils.
 - (B) Additionally, the district courts or circuit councils may impose other penalties, including requiring the reporter to compensate a courtroom substitute while the reporter prepares the overdue transcripts. **See:** [Guide, Vol. 6, § 410.20\(c\) \(Judge Appointed \(Involuntary\) Use of Substitute Reporter\)](#).

- (2) Waiver by Clerk of the Court of Appeals

- (A) The clerk of the court of appeals should grant exceptions to the fee reductions sparingly. Only the clerk of the court of

appeals may waive this requirement for good cause. Otherwise, the fee reduction must be given.

- (B) Approval of an extension by the court of appeals under [Fed. R. App. P. 11\(b\)](#) does not constitute a waiver of the fee reduction by the clerk of the court of appeals.
- (C) A waiver must be granted separate and apart from the request for an extension of time by the court reporter or transcriber.

(3) Monitoring by Supervisor

The court reporting supervisor must monitor fees and transcript delivery to determine the reporter's compliance with any required fee reduction.

(4) Overcharging

If overcharges occur by virtue of a late delivery, the reporter or transcriber must refund the overcharges to the ordering party.

See: [JCUS-MAR 82](#), p. 10.

§ 530.75 Fees for Transcripts to Be Paid by the United States

(a) In Forma Pauperis

In appeal cases in forma pauperis in which the transcript is furnished at government expense, the Director of the AO is instructed to authorize payment for as many copies as are required to perfect the appeal by the rules of court. [JCUS-OCT 46](#), p. 12.

(b) Applicable Cases

(1) Transcripts for appeals to a circuit from the district court may only be paid for under one of the following categories:

- (A) Court reporters may be paid under the BOC 2532 general authorization for transcripts provided in civil proceedings to persons permitted to appeal in forma pauperis if the trial judge or circuit judge certifies that the:
 - suit or appeal is not frivolous, and
 - transcript is needed to decide the issue presented by suit or appeal.

- (B) Court reporters may be paid under the CJA for transcripts for persons proceeding under the CJA, including transcripts for habeas corpus proceedings, and transcripts for proceedings brought under [28 U.S.C. § 2255](#).

See: [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#) and [BOC 2532](#).

(2) Appeals to a District Court from the Bankruptcy Court

- (A) The Court Reporters Act, [28 U.S.C. § 753\(f\)](#), provides that the U.S. Government will pay for transcripts on appeal when the party requesting the transcript has been granted in forma pauperis status under [28 U.S.C. § 1915](#), and the trial judge or a circuit judge has certified that the appeal is not frivolous but presents a substantial question.

- (B) This is the same determination that is made in the course of an appeal in a civil case before the district court.

(3) Special Master Proceedings

The United States may pay fees for transcripts of proceedings before a special master on behalf of an indigent who meets the requirements of [28 U.S.C. § 1915](#), if the order appointing the master provides for the preservation and filing of a record in any evidentiary hearing (**see:** [Rule 53\(b\)\(2\)\(C\) of the Rules of Civil Procedure](#)), and the proceedings of the special master are being reviewed by a district judge.

(4) Proceedings Before a Magistrate Judge

A transcript of oral hearings before a magistrate judge under [28 U.S.C. § 636\(b\)](#) on motions for summary judgment, with a report and recommendation to be provided to the judge, falls within the purview of [28 U.S.C. § 636\(b\)\(1\)\(B\)](#); therefore, the AO may pay the cost of preparing such a transcript when the transcript is required by the district court. **See:** [28 U.S.C. § 1915\(b\)\(2\)](#); and OGC Memorandum, Jan. 13, 1987.

(5) Transcripts That May Be Paid From Court's Non-Appropriated Fund

If a litigant has met the requirements to proceed in forma pauperis under [28 U.S.C. § 1915](#), in situations where appropriated funds are not authorized for transcript payment (such as a transcript for an in forma pauperis litigant who is not proceeding on appeal), and a

transcript is deemed necessary, the court may authorize payment from the court's non-appropriated fund.

- (6) Transcripts Provided under the Criminal Justice Act ([18 U.S.C. § 3006A](#), [28 U.S.C. § 2255](#), and *Habeas Corpus*)
 - (A) [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#) is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA, except for transcripts ordered by the federal public or community defenders.
 - (B) Transcripts required by federal public or community defenders should be ordered by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. Court reporters should bill the federal public defender office via a completed Form AO 44. Once the AO 44 invoice is processed by the federal public defender office a Form SF 1034 is generated as part of the payment process.
 - (C) Only transcripts ordered on a Form CJA 24 require prior judicial approval. Payments to court reporters are subject to audit by the Administrative Office. **See:** [§ 550 \(Criminal Justice Act and In Forma Pauperis Proceedings\)](#).
- (c) Accepting Invoices with Annotated Information in Lieu of [Form SF 1034 \(Public Voucher for Purchases and Services Other than Personal\)](#)

Typically, the SF 1034 is the document used to authorize payment of fees for transcripts paid by the United States. In the case of transcript billing/payment, an annotated invoice may be used in lieu of the SF 1034, but the invoice must provide specific information as described below.

- (1) A general authorization has been provided to each court for transcripts which are required by the court from contract reporters or provided to parties proceeding in forma pauperis on appeal in non-CJA cases, without prior approval of the AO regardless of the cost of the transcript order.
 - (A) Funding information will be disseminated to each court at the beginning of every fiscal year in the Allotment Guidelines for General Authorizations.
 - (B) The transcript rate, which must not exceed the maximum rates approved by the Judicial Conference, must be stated.

(C) All payments must be made in compliance with the transcript payment regulations outlined in this chapter. The invoice used in lieu of [Form SF 1034](#) must include the:

- case number;
- case name;
- date of proceeding(s) transcribed; and
- page rate.

(2) Court-Ordered Transcript

If the transcript is court ordered from a contract reporter, the invoice must state the name and title of the judicial official who ordered the transcript, in addition to the information required in § 530.75(c)(1).

(3) In Forma Pauperis

If the transcript is for a party proceeding in forma pauperis in civil cases on appeal, or for a party proceeding in forma pauperis in any civil or criminal case before a United States magistrate judge conducted under [28 U.S.C. § 636\(b\)](#) or [18 U.S.C. § 3401\(b\)](#), and is required by the district court, the following are required, in addition to the information identified in § 530.75(c)(1):

(A) Certified Copy of Court Order

The invoice (or [Form SF 1034](#)) must be supported by a certified order of the court authorizing the party to proceed in forma pauperis and to receive the transcript at the expense of the United States.

(B) Certification

- (i) In cases appealed to a court of appeals, there must be attached to the invoice (or [Form SF 1034](#)), a certification by the trial judge, or an appellate judge that “the appeal is not frivolous but presents a substantial question.” This is not required for matters on appeal to the district judge from a magistrate judge.
- (ii) In a direct appeal in a case in which counsel is assigned under the CJA, neither the CJA nor [28 U.S.C. § 753\(f\)](#) requires the signing of a pauper’s oath or certification by the Court that the appeal is not frivolous in order to obtain a transcript. **See:** [Guide, Vol. 7A, § 320.30.10\(b\)](#).

(C) Civil Actions on Appeal

In the instance of civil actions on appeal (other than habeas corpus or § 2255), the invoice (or alternative [Form SF 1034](#)) must include all items (A) and (B) above and:

- (i) Type of civil appeal (e.g., civil rights, prisoner's petition, private party)
- (ii) Number of copies chargeable to the federal judiciary and the distribution of such copies

(D) Condemnation Hearings and Proceedings

In addition to § 530.75(c)(1) above, in the instances of condemnation hearings and proceedings required by [28 U.S.C. § 753](#), the invoice (or [Form SF 1034](#)) must be supported by:

- (i) a certified copy of the court order allowing the transcript and specifying the number of copies to be furnished, and
- (ii) the number of copies chargeable to the federal judiciary and the distribution of such copies.

(E) Transcripts from State Court Proceedings Ordered by a Judicial Officer

Transcript fees for state court proceedings which have been ordered by federal judicial officers can be paid by appropriated funds upon receipt of an invoice from the court reporter or transcriber with verification of the request by the court.

(d) Filing the Invoice or Form SF 1034

Staff court reporters may submit an invoice or the SF 1034 to receive payment. Contract court reporters must submit an invoice.

- (1) The original and first copy of the invoice or SF1034 must be submitted to the clerk of court or designated approving official.
- (2) The second copy should be retained in the court reporter's files.

(e) Payment

- (1) For information on payment of vouchers, **see:** [Guide, Vol. 13, § 420](#). Payments may not be made in advance of the rendering of services. **See:** [Guide, Vol. 13, § 430\(c\)](#).
- (2) Payment Terms and Conditions for Contract Court Reporters
 - (A) Terms of Contract and Maximum Fee Rates

All fees are set by the terms of the [court reporter contract](#), subject to the [maximum fee rates](#) established by the Judicial Conference.
 - (B) Transcripts Ordered by the Court
 - (i) The “Terms and Conditions” of the [court reporter contract](#) mandate that the court pay for an original transcript when ordered by the district or bankruptcy court and, with proper documentation, for a transcript ordered by a party proceeding in forma pauperis on appeal.
 - (ii) Courts may not pay for a transcript ordered by and furnished to a party not proceeding in forma pauperis on appeal. **See:** [§ 510.25](#).

§ 530.85 Electronic Sound Recording Files

Upon request, the court may reproduce audio recordings of court proceedings on its own duplicating equipment or on commercial equipment and may sell copies of electronic sound recording files made as the official record to the public at the prevailing rate prescribed by the [District Court Miscellaneous Fee Schedule](#) or [Bankruptcy Court Miscellaneous Fee Schedule](#), as appropriate. **See:** [JCUS-MAR 07](#), p.12.

§ 530.90 Certification of Transcript Rates

- (a) The reporter is required to certify on each invoice that the fee charged and the page format used conform to the regulations of the Judicial Conference. [JCUS-MAR 82](#), p. 9.
- (b) [Form AO 44 \(Invoice\)](#), contains the following certification that the reporter must sign:

“I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.”

§ 530.95 Overcharging for Transcripts

(a) Judicial Conference Policy

Each court may be directed to take any necessary action including, but not limited to, dismissal of the court reporter or restitution of overcharges, whether they arise out of a violation of page rates, page format, or time limits for delivery. [JCUS-MAR 82](#), p. 9.

(b) Refunding

In the case of mistakes or failure to comply with the maximum rates established by the Judicial Conference and the district court, reporters or transcribers must refund over-billings to the ordering party.

(c) Sanction

- (1) Reporters who intentionally overcharge should be terminated.
- (2) Courts are advised to discontinue using transcription services which intentionally overcharge.

§ 540 Transcripts for Cases on Appeal

Cases appealed to the United States courts of appeals require the timely transmission of the record from the lower court. A transcript of the proceedings normally is a required part of the record to be transmitted to the court of appeals. **See:** [§ 530.70 \(Transcripts for Cases on Appeals\)](#).

§ 540.20 Federal Rules of Appellate Procedure

§ 540.20.10 [Rule 10, Federal Rules of Appellate Procedure \(The Record on Appeal\)](#)

Rule 10 provides guidance on the record on appeal, including:

- composition of the record on appeal;
- transcript of proceedings;
- statement of the evidence when the proceedings were not recorded or when a transcript is unavailable;
- agreed statement as the record on appeal; and
- correction or modification of the record.

§ 540.20.20 [Rule 11, Federal Rules of Appellate Procedure \(Forwarding the Record\)](#)

Rule 11 provides guidance on forwarding the record, including:

- appellant's duty;
- duties of reporter and district clerk;
- retaining the record temporarily in the district court for use in preparing the appeal;
- retaining the record by court order;
- retaining parts of the record in the district court by stipulation of the parties; and
- record for a preliminary motion in the court of appeals.

§ 540.40 Required Forms

Court reporters must complete and submit the designated transcript order form used by their court/circuit indicating acceptance of the order as may be required by the court of appeals. Some courts are using the nationally supported Transcript Order form. **See:** [Form AO 435 \(Transcript Order\)](#).

§ 540.50 Full Transcript Not Required for Criminal Appeals

All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement or other summary of the evidence. [JCUS-OCT 71](#), pp. 61-62.

§ 550 Criminal Justice Act (CJA) and In Forma Pauperis Proceedings

Court reporters are to be paid for transcripts provided to parties proceeding under the CJA and to parties allowed to appeal in forma pauperis in civil cases from separate funds appropriated for those purposes at rates not to exceed those established by the Judicial Conference. [18 U.S.C. § 3006A\(d\)\(1\)](#), [28 U.S.C. § 753\(f\)](#), [28 U.S.C. § 1915\(c\)](#).

§ 550.40 Transcripts

In the absence of prior special authorization, trial transcripts should exclude:

- prosecution and defense opening statements,
- prosecution argument,
- defense argument,
- prosecution rebuttal,
- voir dire, and

- the jury instructions.

§ 550.40.10 Requisition for Payment by Panel Attorneys

See: [Guide, Vol. 7A, § 320.30.10 \(Authorization and Payment\)](#).

§ 550.40.20 Prohibition on Routine Apportionment of Accelerated Transcript Costs

See: [Guide, Vol. 7A, § 320.30.20 \(Accelerated Transcript Costs\)](#).

§ 550.40.30 Transcripts in Multi-Defendant Cases

- (a) In multi-defendant cases involving CJA defendants, no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants.
 - (1) CJA multi-defendant transcript orders may be requested in electronic format to simplify making multiple copies.
 - (2) Alternatively, one of the CJA counsel or the clerk of court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved.
 - (3) The cost of such duplication will be charged to the CJA appropriation.
 - (4) A court reporter could also furnish duplication services at the commercially competitive rate. [JCUS-SEP 87](#), p. 95. **See:** [Guide, Vol. 7A, § 320.30.30 \(Commercial Duplication in Multi-Defendant Cases\)](#).
 - (5) The guidance in this section is applicable whether the copy is ordered by a panel attorney, federal public defender, community defender, or other individual allowed to order under the CJA.
- (b) Courts may want to obtain price quotations from copy services (at least three where feasible) to determine the commercially competitive rate for each court location.
 - (1) The AO estimates that ten cents per page would be a maximum copy rate, with such rate often lower and rarely higher.
 - (2) Commercial rates should be monitored by the court on a periodic basis to ensure accuracy and compliance with the guideline.
- (c) This policy also applies where more than one transcript is ordered on behalf of a single party under the CJA. An example would be where a

party under the CJA orders both an electronic media copy and a paper copy. In this example, the court reporter may charge the certified transcript rate (whether the transcript represents the original or a copy) for the electronic media transcript. The paper copy may be charged at the commercially competitive rate (estimated to be ten cents per page).

§ 550.50 Procedures for Payments

§ 550.50.20 Pro Se Defendants

Vouchers for transcripts ordered by CJA-eligible pro se defendants will be processed and paid from the current fiscal year of the date the payment is processed, without regard to the date ordered.

§ 550.50.30 [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#)

(a) Panel Attorneys

Invoices for transcripts ordered by panel attorneys are paid from the current fiscal year of the date the payment is processed, without regard to the date ordered. Requests for payments must be supported on [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#), approved by a judicial officer.

(b) Purpose of Form

This form is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA by panel attorneys, a retained attorney whose client is unable to afford the cost of transcript service, a person who qualifies for representation under the CJA but who has chosen to proceed pro se, or an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA), but not for transcripts ordered by federal public or community defenders.

Note: Transcripts required by federal public or community defenders will be paid by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. Court reporters should bill the federal public defender office via a completed Form AO 44. Once the AO 44 invoice is processed by the federal public defender office a Form SF 1034 is generated as part of the payment process. **See:** [§ 530.75\(b\)\(6\) \(Fees for Transcripts to Be Paid by the United States\)](#).

(c) Expenses Included in Payment for Transcript Produced

In addition to the transcript cost, the reporter is to be reimbursed for the following expenses for which receipts must be attached to the form.

- (1) Travel and subsistence of assistants who aid in the preparation of daily or hourly transcript, if authorized in advance by the district judge or magistrate judge.
- (2) Extraordinary delivery costs, such as courier services or express mail. (Regular postage is not to be claimed.)

§ 550.50.40 Form SF 1034 (Public Voucher for Purchases and Services Other than Personal)

(a) Purpose of Form

Form SF 1034 can be used by court reporters to obtain payment of transcripts furnished to federal public defenders and persons proceeding in forma pauperis in civil cases on appeal, and for proceedings before a United States magistrate judge in any civil or criminal case if such transcript is required by the district court, in the case of proceedings conducted under [28 U.S.C. § 636\(b\)](#) or [18 U.S.C. § 3401\(b\)](#). Contract court reporters must submit an invoice.

(b) Federal Public Defenders

- (1) Transcripts are paid from the current fiscal year when the transcript is ordered and are vouchered on Form SF 1034 or equivalent, which is paid by the district court.
- (2) Judicial approval is not required.

Note: Form CJA 24 is no longer used for transcripts ordered by FPDOs.

(c) Community Defenders

- (1) Transcripts are paid directly by the Community Defender Offices from grant funds.
- (2) Judicial approval is not required; therefore, payment requests should not be submitted to the district court. **See:** [Guide, Vol. 7A, § 430.10 \(Payment for Transcripts\)](#).

§ 550.50.50 CJA Panel Attorney Payment System

The Criminal Justice Act Panel Attorney Payment System provides the process for payment of transcripts ordered under CJA, which are processed by the AO for payment by the Department of Treasury, not the district court's disbursing office.

§ 550.60 Depositions

Depositions for Criminal Justice Act attorneys are considered private reporting. **See:** [Guide, Vol. 6, § 430 \(Private Reporting Activities\)](#).

§ 560 Copyright Laws

- (a) Transcripts produced from records of proceedings in United States courts are not protected by copyright, whether the transcript was produced by a court employee, a contractor, or a transcriber. Transcripts are in the public domain, and they may be used, reproduced, and sold by attorneys, parties, and the general public without additional compensation to the court reporter, contractor or transcriber. [17 U.S.C. § 101](#), [§ 105](#), and [§ 506\(c\)](#) and *Samet & Wells, Inc. v. Shalom Toy Co., Inc.*, 429 F. Supp. 895, 901-2 (E.D.N.Y. 1977), *affirmed*, 578 F.2d 1369 (2nd Cir.).
- (b) Transcripts provided to ordering parties via electronic media may not contain any protection or programming codes that would prevent copying or transferring the data. [JCUS-SEP 91](#), p. 65 and [JCUS-SEP 12](#), p. 26.
- (c) Paper transcripts may not be provided on paper that restricts the secondary photocopying of the transcript. Paper must meet the guidelines established in [§ 520.23](#) and [§ 520.66](#).