

# **COURT REPORTERS' DUTIES**

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## **Part 1.1 Introduction.**

1. Pursuant to 28 U.S.C § 753 (b), individual United States district judges have the discretion to determine the means for recording their proceedings. They may direct the use of shorthand, mechanical means, electronic sound recording, or any other suitable method as the means of producing a verbatim record of proceedings required by law or by rule or order of the court. (Report of the Proceedings of the Judicial Conference of the United States, September 1983, page 48.) United States bankruptcy judges may also direct the use of shorthand, mechanical means, electronic sound recording, or any other suitable method as the means of producing a verbatim record of proceedings required by law or by rule of the court.

Court reporters are employed to record court proceedings by manual shorthand, machine (stenotype) shorthand, or stenomask methods. The Conference endorsed the use of realtime reporting technologies by official court reporters in the district courts to the extent that funding is available to support their use. (Report of the Proceedings of the Judicial Conference of the United States, September 1994, page 49.)

If a bankruptcy judge elects to use a court reporter, contract reporters are used to take the record; there are no official court reporters in bankruptcy courts. The Conference disapproved of the use of realtime reporting systems in bankruptcy courts because they did not appear to be cost effective. (Report of the Proceedings of the Judicial Conference of the United States, March 1994, page 16.)

Court reporters' duties and conditions of employment are primarily determined by 28 U.S.C. § 753, the Judicial Conference, and the courts. Basically, court reporters record proceedings and produce transcripts. Court reporters providing such services are categorized according to how they are utilized or employed in the court.

If a judge elects to use electronic sound recording, a deputy clerk is employed to operate the recording equipment and maintain detailed log notes. The deputy clerk functions as an electronic court recorder operator and is not considered a court reporter.

## **Part 1.2 Statutory Authority.**

Title 28 U.S.C. § 753 states the primary appointment authority of the district court and basic duties which a court reporters is required by law to fulfill.

## **Part 1.3 Duties or Conditions of Employment.**

### **1.3.1 Recording Proceedings.**

As a condition of employment, a court reporter is to attend and record verbatim by shorthand

or mechanical means such court sessions or other proceedings as are specified by statute, rule, or order of court.

### 1.3.2 Transcribing.

As a condition of employment, a court reporter is to transcribe promptly those proceedings requested by any party who has agreed to pay the fees established by the Judicial Conference, or any and all proceedings as a judge or court may direct. It is also the duty of the court reporter to transcribe or provide an electronic sound recording to the court, without charge, of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases.

### 1.3.3 Certifying and Filing Transcripts and Notes.

As a condition of employment, an official, substitute, or contract court reporter is to promptly certify and file with the clerk of court all original shorthand notes and other original records of proceedings the reporter has recorded, identifying in the certification the court in which the proceedings were conducted. The reporter also shall file with the clerk of court, for the records of the court (through the court reporting supervisor), a copy of all transcripts prepared. The court's copies shall be delivered by the court reporter to the court reporting supervisor (or designee in the case of divisional offices) concurrently with, but no later than three working days after, delivery to the requesting parties; the court reporting supervisor forthwith shall file the transcript with the clerk of court. If a transcript is not ordered, the court reporter shall deliver the original shorthand notes or other original records to the clerk of court (through the court reporting supervisor) within 90 days after the conclusion of the proceeding or, if a contract reporter, within 90 days after the expiration of the contract, whichever comes first. If a transcript is ordered, the original shorthand notes or records should be submitted to the clerk of court (through the court reporting supervisor) within 90 days after the transcript is delivered to the requesting parties.

Upon request, parties or members of the public may review the original notes filed with the clerk of court.

### 1.3.4 Administrative.

Administrative duties include billing for official transcripts ordered and prepared; delivery and/or mailing of transcripts; financial and other record keeping; preparation and filing of all required local Administrative Office reports; answering telephone calls from other court personnel, attorneys, litigants; responding to official correspondence; reading notes to the court, counsel, or a jury; and such other official duties as required by the court.

## **Part 1.4 Types of Court Reporters.**

Court reporters are categorized according to how they are utilized or employed in the court.

### 1.4.1 Official Staff Reporters.

These reporters are official, salaried employees of the court appointed by the court for an indefinite term pursuant to the authority of the Judicial Conference.

### 1.4.2 Temporary Reporters.

These reporters are part of full-time, salaried employees of the court appointed by the court for a limited term.

#### 1.4.3 Combined Position Reporters.

Title 28 U.S.C. § 753(a) allows the duties of a court reporter to be combined with those of any other employee of the court if the court and the Judicial Conference are of the opinion that it is in the public interest.

#### 1.4.4 Contract Reporters.

These reporters serve the court under a formal contract as provided under 28 U.S.C. § 753(g).

#### 1.4.5 *Per Diem* Reporters.

These are reporters who serve the court on an as needed basis but are not under formal written contract, i.e., they work under a verbal contract and are paid from contract funds.

#### 1.4.6 Substitute Reporters.

These reporters are employees of an official staff, temporary, or combined position court reporter, hired with the approval of the court, and are paid by the employing court reporter.