

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Steven M. Larimore
Court Administrator • Clerk of Court

400 North Miami Avenue, Room 8N09
Miami, Florida 33128-7716
(305) 523-5100

August 10, 2012

To: Court Reporting Firms:

Re: SOLICITATION FOR COURT REPORTING SERVICES

1. The United States District Court for the Southern District of Florida is soliciting bids for Contract Court Reporting services for Miami, Ft. Lauderdale, West Palm Beach and Ft. Pierce. **The Court estimates that a minimum of 2 Stenotype Reporters and 1 Realtime Stenotype Reporter will be required.** Refer to the attached Section C - Statement of Work for Reporter requirements: Section C.4A - Requirement A for Stenotype Reporters and Section C.4D - Requirement D for Stenotype Realtime Reporters.
2. Photocopies of certificates or other similar means of evincing a reporter's qualifications must be provided with your offer.
3. **Stenotype Requirements:** In order for reporters to meet the minimum requirements of the solicitations, each reporter must possess a minimum qualification of at least **four (4) years** of prime court reporting experience **and** be **NCRA certified (or equivalent) as a stenotype reporter.** You will be required to submit copies of NCRA or equivalent certifications and biographical information for all reporters submitted in your proposal. If NCRA certifications are not available, then certificate and testing criteria including test results for equivalent qualifying exams shall be provided, otherwise the reporters submitted will not be considered acceptable.
4. **Realtime Requirements:** The Court does not require NCRA Certified Realtime Reporters (CRR); however, Realtime Reporters must possess a minimum of one (1) year of realtime prime court reporting experience.
5. Court reporters working under any resultant contract will be required to use *stenotype and/or realtime* as a means of recording proceedings.
6. The base term of the contract will be for a 12-month period effective from the date of award. The contract will include two 12-month "Option" periods, which may be renewed at the discretion of the Government. The Government may award multiple contracts for this solicitation.
7. In order to be considered for award, **you must be able to meet all** of the Court's requirements as detailed in the Solicitation **Sections A through K.** In addition, your firm must provide evidence of the reporter qualifications required in Section C. Failure to provide this information may be grounds for rejecting your proposal in its entirety. Photocopies of certificates are acceptable.

8. The Government MAKES NO GUARANTEE that the resultant contract will be of a particular aggregate dollar value, or that the contractor will actually receive any orders for the transcription of reported proceedings. **The maximum transcript rates for the Southern District of Florida can be found at Attachment J.3 of the solicitation.**
9. Instructions and provisions regarding the submission of offers in response to this solicitation are included under Solicitation **Section L “Instructions to Offerors.”** In accordance with Section L, the following should be included in your proposal:
 - a) A cover letter listing the Offeror’s attachments/enclosures and referencing the solicitation;
 - b) A copy of Solicitation Sections A through K, **with all required information completed in Sections A, B and K** and signed by an authorized representative of your firm;
 - c) Completed “Offeror's Reference Information” forms attachment J.10. You should make as many copies of this form as you will need;
 - d) Completed “Reporter's Biographical Information” form(s) attachment J.9, with documentation of each reporter's certification. ALL required information must be provided. The attached form is a “fillable” .pdf. Please type the information for each reporter using this form. The form can be saved after you type it if you have the full version of Adobe Acrobat Professional. If you have Acrobat Reader only, you will need to type the required information into the form, then print the form before completing for another reporter. After printing all forms, please scan the forms and save as a .pdf document to submit electronically with your proposal.
9. Evaluation of offers will be based on Solicitation Section M Evaluation Factors.
10. Any **questions** regarding this solicitation **should be submitted in writing to BOTH of the following email addresses.** Answers to questions will be provided to all offerors.

Jan Higley, Contracting Officer
jan_higley@flsd.uscourts.gov

Jose Sampedro, Procurement Supervisor
jose_m_sampedro @flsd.uscourts.gov

Please note that I may be out of the office and unable to respond to emails when proposals are due. You **MUST** send your proposal and any inquiries to both email addresses above to ensure receipt.

11. All proposals must be received ***no later than 3:00 PM, Monday, August 27, 2012.*** We prefer that proposals and all required documentation be submitted via email, if possible, to both addressees identified in #8 above, or hard copies may be mailed.

Sincerely,



Jan Higley
Project Manager - Procurement
Contracting Officer

SOLICITATION, OFFER AND AWARD		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE OF PAGES
2. CONTRACT NUMBER	3. SOLICITATION NUMBER	4. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)	5. DATE ISSUED	6. REQUISITION/PURCHASE NUMBER	
7. ISSUED BY		CODE	8. ADDRESS OFFER TO (If other than Item 7)		

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

Offers may be submitted electronically SOLICITATION

9. Sealed offers in original and _____ copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if handcarried, in the depository located in _____ until _____ local time _____ (Hour) _____ (Date)

CAUTION - LATE Submissions, Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation.

10. FOR INFORMATION CALL:	A. NAME	B. TELEPHONE (NO COLLECT CALLS)		C. E-MAIL ADDRESS
		AREA CODE	NUMBER	EXT.

11. TABLE OF CONTENTS

(X)	SEC.	DESCRIPTION	PAGE(S)	(X)	SEC.	DESCRIPTION	PAGE(S)
PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES			
	A	SOLICITATION/CONTRACT FORM			I	CONTRACT CLAUSES	
	B	SUPPLIES OR SERVICES AND PRICES/COSTS		PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.			
	C	DESCRIPTION/SPECS./WORK STATEMENT			J	LIST OF ATTACHMENTS	
	D	PACKAGING AND MARKING		PART IV - REPRESENTATIONS AND INSTRUCTIONS			
	E	INSPECTION AND ACCEPTANCE			K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
	F	DELIVERIES OR PERFORMANCE			L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
	G	CONTRACT ADMINISTRATION DATA			M	EVALUATION FACTORS FOR AWARD	
	H	SPECIAL CONTRACT REQUIREMENTS					

OFFER (Must be fully completed by offeror)

NOTE: Item 12 does not apply if the solicitation includes the provisions at 52.214-16, Minimum Bid Acceptance Period.

12. In compliance with the above, the undersigned agrees, if this offer is accepted within _____ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the schedule.

13. DISCOUNT FOR PROMPT PAYMENT <i>(See Section I, Clause No. 52.232-8)</i>	10 CALENDAR DAYS (%)	20 CALENDAR DAYS (%)	30 CALENDAR DAYS (%)	CALENDAR DAYS (%)
--	----------------------	----------------------	----------------------	-------------------

14. ACKNOWLEDGMENT OF AMENDMENTS <i>(The offeror acknowledges receipt of amendments to the SOLICITATION for offerors and related documents numbered and dated):</i>	AMENDMENT NO.	DATE	AMENDMENT NO.	DATE

15A. NAME AND ADDRESS OF OFFEROR	CODE	FACILITY	16. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>	
----------------------------------	------	----------	---	--

15B. TELEPHONE NUMBER	AREA CODE	NUMBER	EXT.	17. SIGNATURE	18. OFFER DATE
15C. CHECK IF REMITTANCE ADDRESS IS DIFFERENT FROM ABOVE - ENTER SUCH ADDRESS IN SCHEDULE. <input type="checkbox"/>					

AWARD (To be completed by Government)

19. ACCEPTED AS TO ITEMS NUMBERED	20. AMOUNT	21. ACCOUNTING AND APPROPRIATION	
-----------------------------------	------------	----------------------------------	--

22. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: <input type="checkbox"/> 10 U.S.C. 2304(c)) <input type="checkbox"/> 41 U.S.C. 253(c) ()		23. SUBMIT INVOICES TO ADDRESS SHOWN IN (4 copies unless otherwise specified)	ITEM
---	--	---	------

24. ADMINISTERED BY (If other than Item 7)	CODE	25. PAYMENT WILL BE MADE BY	CODE
--	------	-----------------------------	------

26. NAME OF CONTRACTING OFFICER (Type or print)	27. UNITED STATES OF AMERICA <i>(Signature of Contracting Officer)</i>	28. AWARD DATE
---	---	----------------

IMPORTANT - Award will be made on this Form, or on Standard Form 26, or by other authorized official written notice.

SECTION B - SCHEDULE AND CERTIFICATIONS

Section B.1 Schedule and Prices

Item	Description	Unit Prices		
		Basic	1 ST Option	2 nd Option
B.1.1	Reporting Services			
101	Daily Rate for Reporting Services	\$____/day	\$____/day	\$____/day
102	Half-day Rate for Reporting Services	\$ ____½ day	\$ ____½ day	\$ ____½ day
103	Overtime Rate (for continuation of services begun during the Principal Period of Service payment is in addition to payment of the Daily Rate, 101, or the Half-day Rate, item 102	\$_____/hr	\$_____/hr	\$_____/hr
B.1.1A	Realtime Reporting Services			
101A	Daily Rate for Realtime Reporting Services	\$____/day	\$____/day	\$____/day
102A	Half-day Rate for Realtime Reporting Services	\$ ____½ day	\$ ____½ day	\$ ____½ day
103A	Overtime Rate Realtime (for continuation of services begun during the Principal Period of Service payment is in addition to payment of the Daily Rate, 101A, or the Half-day Rate, item 102A	\$_____/hr	\$_____/hr	\$_____/hr
104	Rate for reporting services commencing outside the principal period of service		See Clause I.2 (a) 4	
105	Transportation for Reporting Services Outside Geographic Scope		Actual Cost See Clause I.2 (a) 5	
106	Subsistence for Reporting Services Outside the Geographic Scope		Per Diem See Clause I.2 (a) 5	

SECTION B - SCHEDULE AND CERTIFICATIONS

B.1.2	Transcription Services - Rate must not exceed maximum rates established by the court per attachment J.3**	Basic	1ST Option	2nd Option
201	Ordinary Transcript Services-Original*	\$___/page	\$___/page	\$___/page
201a	First transcript Copy	\$___/page	\$___/page	\$___/page
201b	Each additional Copy to the same party	\$___/page	\$___/page	\$___/page
202	14-Day Transcript-Original	\$___/page	\$___/page	\$___/page
202a	First Copy	\$___/page	\$___/page	\$___/page
202b	Each additional Copy to the same party	\$___/page	\$___/page	\$___/page
203	Expedited Transcript-Original*	\$___/page	\$___/page	\$___/page
203a	First Copy	\$___/page	\$___/page	\$___/page
203b	Each additional Copy to the same party	\$___/page	\$___/page	\$___/page
204	Daily Transcript-Original*	\$___/page	\$___/page	\$___/page
204a	First Copy	\$___/page	\$___/page	\$___/page
204b	Each additional Copy to the same party	\$___/page	\$___/page	\$___/page
205	Hourly transcript-Original*	\$___/page	\$___/page	\$___/page
205a	First Copy	\$___/page	\$___/page	\$___/page
205b	Each additional Copy to the same party	\$___/page	\$___/page	\$___/page
B.1.2A	Realtime Transcription Services - Rate must not exceed maximum rates established by the court per attachment J.3**			
206	Realtime Transcript	\$___/page	\$___/page	\$___/page
206a	First Copy	\$___/page	\$___/page	\$___/page

* Includes copy to be filed with the Clerk of Court at no additional charge to the ordering party or the court.

** Transcript rates proposed greater than Judicial Conference or Court authorized rates will be deemed technically unacceptable.

SECTION B - SCHEDULE AND CERTIFICATIONS

Section B.2 - Contractor Certifications

B.2.1 Minimum Number of Reporters

The offeror agrees to provide a minimum of _____ stenotype contract reporters, a minimum of _____ stenomask contract reporters, and/or a minimum of _____ contract realtime reporters qualified to meet the requirements stated in C.4.

B.2.2 Data Concerning Reporters

- (a) For the purposes of evaluation, the Offeror has attached to each copy of this offer a **total of _____ Biographical Information Sheets**, which identify the qualifications of the reporters who will perform reporting services under any resultant agreement.
- (b) Recognizing and understanding that the Government intends to rely on such data in making any acceptance, the offeror represents and certifies that the data provided in the biographical information sheets is current, accurate, and complete to the best of the offeror's knowledge, and relates only to reporters whom the offeror has a good-faith intention of using to perform the reporting services described herein.

B.2.3 Minimum Notice

The offeror agrees to provide services upon receiving a **minimum notice of _____ hours** prior to the time designated for a reporter's appearance at the designated place(s) of performance under a Reporting Services Order. This minimum notice requirement must not be more than the notice stated in Section C.6.b. (NOTE: This minimum notice does not apply to a cancellation of a reporting services order).

SECTION C - STATEMENT OF WORK

C. Work Statement and Specifications

The United States _____ Court for the _____ has a requirement for contract court reporting services at the following locations:

C.1 Introduction

In accordance with the statute, 28 U.S.C § 753(b): Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge.

In accordance with paragraph (g) of the statute: If the number of court reporters provided is insufficient to meet temporary demands and needs of the district court, the services of additional court reporters may be obtained on a contract basis.

... The Director of the Administrative Office is authorized to and shall contract, without regard to Section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court.

C.2 Definitions

- a) Contractor - Individual/entity to whom the contract is awarded. May also be the reporter if the contractor is an individual who also reports. The contractor may have other reporters working for him/her either as employees or subcontractors. The Service Contract Act and attached wage determination only apply if the reporters are employees of the contractor rather than subcontractors.
- b) Reporter - Individual who is actually taking and producing the record. May also be the contractor (see "Contractor" above). The contractor is ultimately the responsible entity.
- c) Prime Court Reporting Experience - Reporting in the free lance field of service, in other courts, or a combination thereof (e.g., depositions, adversary proceedings before a presiding official, grand jury proceedings).

SECTION C - STATEMENT OF WORK

- d) Prime Realtime Court Reporting Experience - Realtime Reporting in the free lance field of service in other courts, or a combination thereof (e.g., depositions, adversary proceedings before a presiding official, grand jury proceedings).
- e) Equivalent Qualifying Examinations - Examinations that measure at the same speed and accuracy, the ability of the reporter to record and transcribe testimony or court proceedings.

C.3 Scope of Work

All requirements in Section C are considered mandatory. However, for evaluation purposes see the technical acceptability requirements identified in Section M.3.

- C.3.a The estimate for contract court reporting services subject to this contract is (per year): _____ **full reporting days; _____ half reporting days; and _____ overtime hours, of which realtime will be required for _____ full reporting days; _____ half reporting days; and _____ overtime hours.** These are estimates only and do not obligate the Government to place orders for the amounts shown.
- C.3.b The Contractor shall maintain a staff of reporters sufficient to meet the reporter requirements stated in paragraph C.3.a above. Only those reporters listed in Attachment J.2 (added at award) are authorized to perform reporting services; any substitutions or additions shall be in accordance with Special Contract Clause H.3. The Contractor shall provide reporters who perform reporting services and transcription services in accordance with 28 U.S.C. § 753 (Attachment J.1), with the policies of the Judicial Conference of the United States as described herein, and with the terms of this Contract. **The Court estimates that a minimum of _____ contract reporters (stenotype and/or stenomask) and/or _____ contract realtime reporters (stenotype and/or stenomask) will be required** to be available at any given time to fulfill these requirements. (Note: The Government does not guarantee any particular level of effort under this contract, nor does it guarantee that the minimum estimated number of reporters will actually be needed.) The Contractor and all reporters working under the Contract shall observe, comply with, and be bound by all of the Contracting Officer's instructions in matters affecting the composition of the record, the public or private nature of the proceedings, the adjournment of the proceedings to other times or places, the appropriate demeanor of the reporters, and other matters of like character. The parties agree that no provision of this contract shall be construed to create an employer-employee relationship between the Court and the Contractor and/or the reporters.

SECTION C - STATEMENT OF WORK

C.3.c In the event that the court's total requirement at any given time for contract reporters exceeds the minimum number estimated under paragraph C.3.b above, the Contracting Officer will make such requirement known to the contractor. The contractor shall be under no obligation to accept such an order; if the contractor does agree to satisfy the requirement, all terms and conditions of this contract shall apply.

C.3.d The reporting of any proceedings already in progress at the time of award and the transcription of the record of such proceedings are outside the scope of this Contract, unless the Contracting Officer elects to have the Contractor assume responsibility for the reporting of the balance of such proceedings, from and after a date which the Contracting Officer may determine.

C.4 Qualifications of Reporters Working Under the Contract

The contractor shall maintain adequate staffing of reporters who hold the following qualifications (the Court's required method is as indicated by an 'X' next to the appropriate description below).

C.4.a _____ Stenotype Reporters - REQUIREMENT A

- C.4.a.1 Each reporter shall possess as a minimum qualification at least **four years** of prime court reporting experience, and;
- C.4.a.2 Each reporter shall have qualified by testing for listing on the registry of professional reporters of the National Court Reporters Association (NCRA) or have passed an equivalent qualifying examination which, at the sole discretion of the Contracting Officer, evinces equivalent skills. If a proposed reporter has qualified by other than National Court Reporters Association testing, evidence of equivalent certification **MUST** be accompanied by detailed test performance criteria; minimum requirements for successful completion of the equivalent qualifying examination shall include the ability to record and transcribe 180 words per minute for literary matter, 200 words per minute for jury charge, and 225 words per minute for testimony, at 95% accuracy within 3.5 hours, and;
- C.4.a.3 The contractor shall provide evidence of NCRA or equivalent certification for each reporter. Equivalent certification **MUST** be accompanied by detailed test performance criteria.

SECTION C - STATEMENT OF WORK

C.4.b _____ Stenotype Reporters - REQUIREMENT B

C.4.b.1 Each reporter shall possess as a minimum qualification at least _____ years of prime court reporting experience, and;

C.4.b.2 Each reporter shall evince by independent testing the ability to provide court reporting services at the following minimum levels of proficiency;

_____ minutes of jury charge at _____ WPM
_____ minutes testimony/Q&A at _____ WPM
_____ minutes literary matter at _____ WPM
_____ hours to transcribe with _____ % accuracy
and,

C.4.b.3 Each reporter shall possess a certificate from a Governmental or private organization which evinces their proficiency at the levels stated in paragraph C.4.b.2. Test results for each category must be provided along with detailed test performance criteria. The sufficiency of any certificate(s) provided shall be at the sole discretion of the Contracting Officer.

C.4.c N/A _____ Stenotype Reporters - REQUIREMENT C

C.4.c.1 Each reporter shall possess as a minimum qualification at least _____ years of prime court reporting experience.

C.4.d. _____ Stenotype Realtime Reporters - REQUIREMENT D

C.4.d.1 Each reporter shall possess as a minimum qualification at least _____ years of prime realtime court reporting experience, and;

C.4.d.2 Each reporter shall have qualified by testing for listing as a Certified Realtime Reporter (CRR) by the National Court Reporters Association (NCRA) or have passed an equivalent qualifying examination which, at the sole discretion of the Contracting Officer, evinces equivalent skills. If a proposed reporter has qualified by other than National Court Reporters Association testing, evidence of equivalent certification **MUST** be accompanied by detailed test performance criteria; minimum requirements for successful completion of the equivalent qualifying examination shall include the ability to produce a simultaneous translation and display within 5 seconds of stenotype input for five minutes of

SECTION C - STATEMENT OF WORK

professionally audio-recorded dictation at variable speeds ranging from 180-200 words per minute at 96% accuracy; and,

C.4.d.3 The contractor shall provide evidence of NCRA or equivalent realtime certification for each reporter. Equivalent certification **MUST** be accompanied by detailed test performance criteria.

C.4.e _____ Stenomask Reporters - REQUIREMENT E

C.4.e.1 Each reporter shall possess as a minimum qualification at least four years of prime court reporting experience, and;

C.4.e.2 Each reporter shall have successfully completed the test for the Certificate of Proficiency offered by the National Verbatim Reporters Association (NVRA) or have passed an equivalent qualifying examination which, at the sole discretion of the Contracting Officer, evinces equivalent skills. If a proposed reporter has qualified by other than National Verbatim Reporters Association testing, evidence of equivalent certification **MUST** be accompanied by detailed test performance criteria. Minimum requirements for successful completion of the equivalent examination shall include the ability to record and dictate quietly one-voice literary dictation at 200 words per minute, one-voice jury charge at 225 words per minute, and two-voice question and answer at 250 words per minute at 96% accuracy, and;

C.4.e.3 The contractor shall provide evidence of NVRA or equivalent certification for each reporter. Equivalent certification **MUST** be accompanied by detailed test performance criteria.

C.4.f N/A Stenomask Reporters - REQUIREMENT F

C.4.f.1 Each reporter shall possess as a minimum qualification at least _____years of prime court reporting experience, and;

C.4.f.2 Each reporter shall evince by independent testing the ability to provide court reporting services at the following minimum levels of proficiency:

- _____ minutes of jury charge at _____ WPM
- _____ minutes testimony/Q&A at _____ WPM
- _____ minutes literary matter at _____ WPM
- _____Hours to transcribe with _____% accuracy

SECTION C - STATEMENT OF WORK

and,

C.4.f.3 Each reporter shall possess a certificate from a Governmental or private organization which evinces their proficiency at the levels stated in paragraph C.4.f.2. Test results for each category must be provided along with detailed test performance criteria. The sufficiency of any certificate(s) provided shall be at the sole discretion of the Contracting Officer.

C.4.g N/A Stenomask Reporters -REQUIREMENT G

C.4.g.1 Each reporter shall possess as a minimum qualification at least ___ years of prime court reporting experience.

C.4.h. N/A Stenomask Realtime Reporters - REQUIREMENT H

C.4.h.1 Each reporter shall possess as a minimum qualification at least ___ years of prime realtime court reporting experience, and;

C.4.h.2 Each reporter shall have qualified by testing for listing as a Certified Realtime Reporter (CRR) by the National Verbatim Reporters Association (NVRA) or have passed an equivalent qualifying examination which, at the sole discretion of the Contracting Officer, evinces equivalent skills. If a proposed reporter has qualified by other than National Verbatim Reporters Association testing, evidence of equivalent certification **MUST** be accompanied by detailed test performance criteria; minimum requirements for successful completion of the equivalent qualifying examination shall include the ability to produce a simultaneous translation and display within 5 seconds of court testimony input for five minutes of professionally audio-recorded dictation at variable speeds ranging from 180-200 words per minute at 96 % accuracy; and,

C.4.h.3 The contractor shall provide evidence of NVRA or equivalent certification for each reporter. Equivalent certification **MUST** be accompanied by detailed test performance criteria.

C.5 Equipment

The Contractor shall provide all supplies and equipment necessary to carry out the reporting (including realtime reporting) and transcription services described herein.

SECTION C - STATEMENT OF WORK

C.6 Statement of Work

C.6.a Duties of Reporters Working Under the Contract

Qualified reporters must attend and record verbatim Court proceedings. Reporters must also promptly transcribe those proceedings when requested by a judge or by any party who has agreed to pay the fees as enumerated in Section B.1.2.

The reporter shall incorporate into the record everything which any individual speaks during a proceeding. The reporter shall never consider anything any person says to be “off the record” unless the presiding judicial officer expressly designates a portion of the proceeding in that manner. The Contractor and any reporters working for the contractor shall preserve the integrity of the record at all times that the record is in their possession.

The reporter shall, when requested by a party or a judge, produce transcripts of court proceedings following the fee, format, and delivery requirements as stated in this contract. The reporter shall also deliver a certified copy of the transcript to the clerk of court for the records of the court; and when requested by a party to the case, the reporter shall redact the transcript of personal identifiers as directed by the contract under C.7.i and deliver a certified redacted transcript to the clerk of court.

C.6.b Principal Period of Service of Reporters Working Under the Contract

For orders placed under **Items 101, 102, 103, and/or 101A, 102A 103A**, of Section B the contractor shall provide a reporter upon receiving a **minimum notice of _____ hours** from the Contracting Officer; (if this notice is more than notice offered under Section B.2.3, the notice stated in Section B.2.3 shall take precedence). The principal period of service is considered to be the normal hours of Court operation which are _____ **a.m.** to _____ **p.m.** The morning session is considered to be from _____ **a.m.** to _____ **a.m./p.m.**, and the afternoon session is considered to be from _____ **p.m.** to _____ **p.m.** Reporters must be available during normal hours of Court operation. Reporters shall work overtime when requested by the presiding judicial officer. Overtime shall not commence until nine (9) hours after the established starting time of the morning session shown above.

SECTION C - STATEMENT OF WORK

C.6.c Place of Performance and Travel

The principal place(s) of performance ~~is~~/are _____ . The Contractor shall receive no additional payments for expenses for transportation or subsistence incurred during travel to any of these designated Court locations.

If reporting services are required at a proceeding which will take place outside the designated Place of Performance, the Contracting Officer will make known the requirement to the Contractor. If the Contractor agrees to satisfy the requirement, all terms and conditions of this contract shall apply; if the contractor is unable or unwilling to meet the requirement, such requirement shall be considered outside the scope of this contract, and the Government may proceed to procure the services of a substitute. If the contractor agrees to satisfy the requirement, the Contractor shall be paid in accordance with the rates for services during the principal period of service and overtime. The time used for computing such payment shall include each day or part thereof during which the reporter assigned under the Contract is traveling, including those days involving travel exclusively. In addition to the reporting fees, the Contractor shall receive reimbursement in accordance with the travel regulations contained in Volume 19 of the **Guide to Judiciary Policy**, and as applicable to employees of the Judicial Branch generally, the actual expenses of transportation of the Contractor and a per diem allowance the same as that for an employee of the Judicial Branch in travel status. All contractor vouchers for travel and subsistence reimbursement shall be itemized by type and amount of each item of expense, in accordance with the judiciary travel regulations.

C.7 Transcripts

C.7.a In accordance with the statute at 28 U.S.C. § 753(b): A reporter or other individual designated to produce the record must transcribe and certify such parts of the record of proceedings as may be required by any rule or order of the court, (including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless those proceedings have been recorded by electronic sound recording and the original recordings have been certified by the reporter and filed with the clerk). A reporter must also transcribe any proceeding which is ordered by a party or the public who has agreed to pay the appropriate fee, or by a judge of the Court. The reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested

SECTION C - STATEMENT OF WORK

parts of the proceedings and attach to the transcript his/her official certification, and deliver the transcript to the party or judge making the request.

The reporter or other designated individual must also promptly deliver to the clerk for the records of the court a certified copy of any transcript provided to parties or to a judge in a medium (paper or electronic) prescribed by the clerk. Following the redaction requirements under C.7.i, a reporter is required to provide a redacted transcript to the clerk of court for the records of the court.

A transcript in any case certified by the reporter or other individual designated to produce the record is deemed prima facie a correct statement of the testimony taken and of the proceedings. Only transcripts of the proceedings of the court made from the records certified by the reporter or other individual designated to produce the record are considered as official.

The original notes or other original records and the copy of the original or redacted transcript in the office of the clerk are available during clerk's office hours to inspection by any person without charge.

- C.7.b Copyright - Transcripts produced from records of proceedings in United States courts are in the public domain and are not protected by copyright. The Contractor or reporter shall not include any statement or symbol on a transcript that would lead one to believe the transcript is protected by copyright. Because transcripts are in the public domain, they may be used, reproduced, and distributed by attorneys, parties, and the general public without limitation and without additional compensation to the Contractor or reporter.
- C.7.c Copy to the Court - The Contractor shall deliver one (1) certified copy in a medium prescribed by the clerk (paper or electronic) of each transcript prepared under each transcript order to the clerk for the public records of the Court, without charge, at the time of delivery to the ordering party (but not later than three (3) working days after delivery to the requesting party). Delivery shall take place upon physical receipt of the transcript by the clerk or his/her designee. The contractor shall bear sole responsibility for ensuring delivery to the Court.

A transcript will be made electronically available to the public 90 days after delivery of the transcript to the clerk of court. During the 90 day period, any attorney to the case who has paid for a transcript must also be

SECTION C - STATEMENT OF WORK

given access to the electronic record in the court's Case Management/Electronic Case Filing system, and the reporter/contractor will have to advise the clerk of court of any party who has purchased the transcript.

Redacted transcripts, as delineated in section C.7.i below, must be delivered to the clerk of court within 10 calendar days from receipt of a Redaction Request from the attorneys to a case and must be delivered in a medium prescribed by the clerk.

C.7.d Delivery classifications - Ordinary transcript must be delivered to the ordering party within thirty (30) calendar days after an order has been received and satisfactory financial arrangements have been made. The relevant rates specified under Section B.1.2 shall apply. Reporters may provide 14-day, expedited, daily, hourly, or realtime service at the request of the parties whenever possible, but are not required to do so. The time period for delivery of transcripts begins once an order has been received and satisfactory financial arrangements have been made. The delivery schedule for each of these categories is as follows:

- i) 14-Day - Within fourteen (14) calendar days.
- ii) Expedited - Within seven (7) calendar days.
- iii) Daily - Following adjournment and prior to the normal opening hour of the Court on the following morning, whether or not it actually is a Court day.
- iv) Hourly - Ordered under unusual circumstances, delivered within two (2) hours.
- v) Realtime - A draft transcript produced by a certified realtime reporter (CRR) as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.

C.7.e In accordance with Rule 10(b)(1), Federal Rules of Appellate Procedure:

Within 10 days after filing the notice of appeal or entry of an order disposing of the last timely remaining motion of a type specified in Rule 4(a)(4)(A), whichever is later, the appellant must either order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary or file a certificate stating that no transcript will be ordered. The transcript order or certificate must be in writing and a copy must be filed with the clerk of the district court or the bankruptcy appellate panel within the same time period .

SECTION C - STATEMENT OF WORK

In accordance with Rule 10(b)(4), Federal Rules of Appellate Procedure:

At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript.

In accordance with Rule 11(b), Federal Rules of Appellate Procedure:

Upon receipt of a transcript order, the reporter shall acknowledge in the appropriate space on the face of the order, receipt of the order and the date the transcript will be completed and shall transmit the order to the clerk of the court of appeals. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the court of appeals and the clerk's decision shall be entered on the docket and the parties notified. If the reporter fails to file the transcript within the time allowed, the provisions of Clause G.4. "Delinquent Transcripts," shall apply. Upon completion of the transcript, the reporter shall file it (within 3 working days after delivery to the requesting party) with the clerk of the district court, and shall notify the clerk of the court of appeals that the transcript has been completed and filed with the District Court.

C.7.f Fees - Reporters may charge and collect fees for transcripts requested by the parties, including the United States, at the rates which are set forth in the Schedule. The contractor agrees not to add any transcript surcharges or service fees to the schedule rates. The reporter may not charge a fee for any copy of a transcript delivered to the clerk for the record of the Court or for a redacted transcript delivered to the clerk of court. The reporter may require any party requesting a transcript to prepay the estimated fee in advance except transcripts that are to be paid for by the United States. The maximum rates and delivery times for original transcripts and copies approved in the _____ District of _____ are at Attachment J.3. The Court shall have no liability to the Contractor for payment of transcript fees for transcripts ordered by private parties.

Postage costs are considered an ordinary business expense; therefore, the contractor may not charge for ordinary postage. However, when the party requests accelerated delivery, the contractor may bill the party for the difference between ordinary postage costs and the cost for expedited delivery.

In multi-defendant cases involving Criminal Justice Act (CJA) defendants, the contractor shall produce no more than one transcript on behalf of CJA

SECTION C - STATEMENT OF WORK

defendants. The appointed counsel or the clerk of Court will ordinarily 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; this policy does not preclude the furnishing of duplication services by the Contractor or the reporter at the commercially competitive rate. In individual cases involving requests for accelerated (14-day, expedited, daily, or hourly) transcript services, the Court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. Such finding shall be reflected on the transcript voucher.

Apportioning the total cost of accelerated transcript services equally among parties is prohibited unless approved in advance by the Court. In those cases where accelerated transcript services are provided, the party from whom the request originated shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the CJA, the CJA counsel shall be entitled to a copy at the first copy rate (see Attachment J.3). No other fees may be charged, except those allowed under this contract.

The reporter (or firm) is required to certify on each invoice that the fee charged and the page format used conform to the requirements of this contract and to the regulations of the Judicial Conference. The certification should include the following: "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."

There are sanctions for overcharging parties or the court for transcripts. Those sanctions may include offsets against future government payments, termination of the contract, and/or other available legal remedies.

- C.7.g Format - The Judicial Conference prescribes transcript format standards in order to assure that each party is treated equally throughout the country. It is mandatory that these format requirements are followed. The maximum per-page transcript rates are based on a strict adherence to the prescribed format. A copy of Volume 6, Chapter 5, § 520, *Guide to Judiciary Policy*, is at Attachment J.7.
- C.7.h Report of Orders Received - The Contractor will be required to provide to the Contracting Officer records and reports relating to the type and amount of transcripts ordered and produced and fees charged in accordance with

SECTION C - STATEMENT OF WORK

the following schedule: _____
_____.

C.7.i Redaction of Transcripts- In order for the clerk of court to post the transcript on the court's electronic public access system, the parties to the proceeding will have to consider whether it is necessary to request a redaction of any personal identifiers. If redaction is necessary, an attorney must file a Notice of Intent to Redact with the clerk within seven calendar days of the certified transcript being delivered to the clerk of court; the attorney then has 21 calendar days, from the delivery of the certified transcript to the clerk of court, to specifically submit a Redaction Request noting the page numbers and the line numbers where redaction is required. The reporter has 10 calendar days from receipt of a Redaction Request from the attorneys to a case to redact the transcript and deliver the redacted transcript to the clerk of court in the electronic medium prescribed by the clerk.

The following personal identifiers may be redacted by a reporter upon the request of an attorney to a case and without a court order:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth;
- individuals known to be minor children to the initials; and
- in criminal cases, any home addresses stated in the court to the city and state.

All other requests for redaction of material in a transcript must be submitted by an attorney to the case to the judge. Upon approval of the judge, the reporter may need to redact additional transcript language. The reporter/contractor does not have a responsibility to identify personal identifiers in a transcript; that is the responsibility of the attorneys to the case.

To manually redact a transcript, the reporter will place an "x" in the space of each redacted character; or, in the alternative, software that provides for redaction may be used as long as the page and line integrity from the original transcript is maintained in the redacted transcript. The title page of the transcript should 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" should be

SECTION C - STATEMENT OF WORK

inserted on a blank line on the title page, and care should be taken to ensure that the addition of this text does not cause changes to the length of the title page. Also, at the end of the transcript, and without causing “page roll over” (a smaller font may be used) the redacted transcript should 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 dy/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.”

There is no requirement that any of the parties to the case purchase or be provided with a copy of any redacted transcripts. The parties to the case shall not be charged for the redacted transcript provided to the clerk of court. The parties to the case may only be charged for a copy of a redacted transcript if they specifically request a copy of the redacted transcript.

C.8 Filing of Records by Reporters Working Under this Contract

- C.8.a Filing - Reporters must certify and file promptly 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 as well as all other information in accordance with Section C.9.
- C.8.b Title - Title to the record of any proceeding which a reporter reports under this contract shall vest in the Court at the time of creation. Such title includes title to the medium in which the reporter records the proceedings, except if electronic sound recordings are used for back-up purposes, they shall remain the property of the reporter unless the Contracting Officer determines the principal record of the proceedings are defective.
- C.8.c Notes and records - If a transcript is ordered, the original shorthand notes or records shall be submitted to the Clerk of Court within 90 days after the transcript is delivered to the requesting parties. If transcript is not ordered, the original shorthand notes and other original records shall be delivered to the Clerk of Court within 90 days of the proceeding or upon the expiration of the contract, whichever occurs sooner. The reporter shall also file with the Clerk of Court a certified transcript or an electronic sound recording of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases, and shall do so within 30 days of the close of

SECTION C - STATEMENT OF WORK

the proceeding.

If a transcript is ordered after the original shorthand notes have been filed with the Clerk of Court, the Contracting Officer will make the notes available to the Contractor for transcription. The original shorthand notes shall be returned by the Contractor to the Contracting Officer within 90 days after the transcript is delivered to the requesting parties.

Even after expiration of the contract, the contractor remains responsible for the transcription of the record if ordered by the parties or the Court at the maximum prices authorized by the Judicial Conference at that time, for the filing of a certified copy of the transcript with the clerk, and for the filing of redacted transcripts with the clerk, if required.

C.9 Packaging and Marking

- C.9.a The reporter shall certify and mark the original notes and other original records with the following information:

“In accordance with 28 U.S.C. § 753(b), I certify that these original notes are a true and correct record of proceedings in the United States _____ Court for the _____ District of _____ before ___(Judicial Officer)_____ on _____(Date)_____ by _____(Signature of Reporter)_____.”

- C.9.b When mailing is requested, packaging of transcripts shall be in accordance with best commercial practices. The Contractor shall pack to ensure carrier acceptance and to ensure safe delivery.
- C.9.c The Contractor shall clearly mark all packages with the legend “Transcript of Proceedings.” All packages (delivered by any means) shall bear the name, address, and title of the person to whom it is to be delivered, as well as the name and return address of the sender. Failure to do so may constitute grounds for refusal of delivery, with any resulting delinquency being the responsibility of the Contractor. The Contractor or reporter may not include any statement or symbol on a transcript that would lead one to believe the transcript is protected by copyright.

SECTION D - PACKAGING AND MARKING

D.1 The reporter shall certify and mark the original notes and other original records as detailed in C.9 and J.7.

SECTION E - INSPECTION AND ACCEPTANCE

E.1 B-5 Clauses Incorporated by Reference (AUG 2006)

This procurement incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.uscourts.gov/procurement/clauses.htm>

NUMBER	TITLE	DATE
2-5B	Inspection of Services	AUG 2004

SECTION F - DELIVERIES AND PERFORMANCE

F.1 Delivery and Acceptance

Delivery of transcripts and reporting services as detailed in Section C.7, shall be considered complete upon acceptance by the Government Contracting Officer, via approval of the contractor's invoice for payment. Payment for services rendered shall not be made until acceptance by the Contracting Officer.

F.2 Term of Contract

Although the Government contemplates use of the services for a period of 3 years from date of award, the term of the contract will be for a 12-month period effective from the date of award; and to include two 12-month option periods, which may be renewed at the discretion of the Government.

F.3 Legal Requirements and Permits

The contractor shall be responsible for all necessary licenses, permits and fees, and conform to all laws, regulations, and ordinances applicable to performance under this contract.

SECTION G - CONTRACT ADMINISTRATION

G.1 Invoices

- (a) The Contractor shall prepare and submit an invoice for all courtroom services in quadruplicate (the Contractor shall mark one copy the "Original) to the office which the Contracting Officer shall identify to obtain payment for reporting services. The Contractor shall utilize voucher Form AO-336 to identify the reporting services rendered by each Reporter. The Contractor shall submit every invoice within forty-five days after completion of the reporting services.
- (b) The Contractor shall submit an invoice for a transcript ordered by the Court only after delivery of the original transcript to the Court and a certified copy to the clerk of Court. The invoice shall be submitted to the Contracting Officer or his/her designee within 45 days after delivery of the transcript.
- (c) The Contractor shall submit an invoice for a transcript ordered by private parties directly to the ordering party and may require payment in full before releasing the transcript. A copy of the invoice shall also be provided to the Contracting Officer.
- (d) Each invoice for reporting services shall contain the following information: (i) the contract number, (ii) the contract item number(s), (iii) the name of the Presiding Official, (iv) the number of actual hours of reporting services, (v) the schedule rates, and (vi) extended totals. In appropriate cases, each invoice shall contain the following additional information: (i) the number of any overtime hours, by day, hourly rate, and extended totals, (ii) transportation and subsistence expenses for reporting services outside the Principal Place of Performance, and (iii) any credit or other deduction.
- (e) Each invoice for transcript shall contain the following information:
 - (i) the contract number,
 - (ii) the Transcript Order number,
 - (iii) the contract item number,
 - (iv) the name of the proceeding and its docket number,
 - (v) the name of the Original Transcript Recipient,
 - (vi) the kind of transcript,
 - (vii) the number of pages of transcript and the per page rate,
 - (viii) extended totals. (In appropriate cases, each invoice shall contain the amount of any credit for delinquent delivery or other deduction.)

SECTION G - CONTRACT ADMINISTRATION

- (f) In the event the Contractor fails to include any credit or other deduction on an invoice, the Government may compute the credit and effect a setoff, and reduce the payment accordingly.

G.2 Computation of Fees for Reporters Working under the Contract

- (a) The Contractor shall be paid at the schedule rates for reporting services. The fees of reporters shall be paid on the basis of full days, half days, and overtime hours.
 - (1) The Contractor shall be paid the half-day rate when the reporter is present at the designated place for up to 4 ½ hours; if present from 4 ½ to 9 hours, the Contractor shall be paid the full-day rate.
 - (2) The Contractor shall be paid the full daily rate regardless of the number of hours of reporting services provided during the principal period of service whenever the reporter is present at the designated place during both the morning session and the afternoon session because of actual reporting or because of instructions to attend in anticipation of reporting. For example, if the reporter is present from 11:00 a.m until 2:00 p.m., the Contractor shall be paid the full-day rate.
 - (3) The Contractor shall be paid at the Overtime rate for that portion of service which exceeds nine (9) hours past the starting time of the morning session established in Section C.6.b.

G.3 Failure of Qualified Reporter to Appear

- (a) If after proper notification and agreement which satisfies the Minimum Notice Requirement, or agreement on the part of the Contractor to provide reporting services for a proceeding which would otherwise be outside the scope of this contract, the reporter fails to appear at the time and place specified for the proceeding, or if the Contractor provides a reporter who does not satisfy the reporter qualification requirements of this contract, the Contracting Officer may:
 - (1) Procure the services of a substitute, and the Contractor shall be responsible for all costs in excess of the reporting services costs the Court would have incurred if the reporter had performed the work in accordance with this contract. The Contracting Officer shall deduct such excess costs from any sums payable or which become payable to the Contractor, or if there are no further payments due the Contractor, the Contractor shall reimburse the Government; or

SECTION G - CONTRACT ADMINISTRATION

- (2) Delay the proceeding until the reporter appears. Under Item B.1.1(101 and 101A), if the reporter appears at the proceeding thirty (30) minutes or more late, the reporting fee for that day shall be reduced by one-twelfth (1/12) of the daily rate for reporting services for each increment of thirty (30) minutes of lateness, or fraction thereof. Under Item 102 and 102A, if the reporter appears at the proceeding thirty (30) minutes or more late, the reporting fee for that half day shall be reduced by one-sixth (1/6) of the half-day rate for reporting services for each increment of thirty (30) minutes of lateness, or fraction thereof.
 - (3) For repeated instances of a failure of reporter to appear, the Government may seek any and all remedies available under the contract, including termination for default pursuant to 7-230 incorporated by reference in I.1.
 - (4) The rights and remedies of the Government under this section are not exclusive and are in addition to any other rights and remedies which this contract or law provides.
- (b) If the reporter reports for an assignment but does not complete the assignment due to illness, personal reasons, or any other reason, the reporter will be reimbursed for the amount of time the reporter rendered the services.

G.4 Delinquent Transcripts

- (a) The reporter may charge only 90 percent of the prescribed fee for transcript of a case not delivered within 30 days of the date ordered and payment received. For a transcript not delivered within 60 days of the date ordered and payment received, the reporter may charge only 80 percent of the prescribed fee. No fee may be charged which would be higher than the fee corresponding to the actual delivery time.
- (b) The Contracting Officer may grant a waiver of the above price reduction upon the written petition of the reporter stating that the reporter did not receive timely notice of the transcript order and/or satisfactory financial arrangements were not made.

SECTION H - SPECIAL CONTRACT REQUIREMENTS

H.1 B-5 Clauses Incorporated by Reference (AUG 2006)

This procurement incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.uscourts.gov/procurement/clauses.htm>

NUMBER	TITLE	DATE
1-1	Employment by the Government	JAN 2003
3-75	Limited Criminal Background Suitability Check	JAN 2003

H.2 Confidentiality and Classified Data - AOUSC 2003

- (a) The Government and Contractor agree that neither expects the performance under this contract to involve reporting or handling of classified information or materials. Either party shall notify the other promptly in writing if the expectation of that party changes, and shall include in the notice reasons therefore. If there are sealed records, in camera proceedings or grand jury matters, the Contractor shall consult with the Contracting Officer as to the proper safeguarding, security, and secrecy of the original notes and transcript orders.
- (b) The Contracting Officer will advise the Contractor whenever the Government places a Reporting Services Order for a proceeding which will require the reporting of classified information or materials. The Contractor shall have the right to decline to provide a Reporter, in which event such services shall be outside the scope of this contract.
- (c) The Contractor shall hold inviolate and in strictest confidence any and all information of an official nature not for inclusion in the transcript, any information which the Presiding Judicial Official designates as “off the record” and all classified information and material.
- (d) The Contractor shall classify, safeguard, and otherwise act with respect to all classified information and material in accordance with applicable law and requirements of the Contracting Officer. The Contractor shall not permit any individual to have or gain access to the classified information or material without written permission of the Contracting Officer, except as access may be necessary for authorized employees of the Contractor to perform transcription services under

SECTION H - SPECIAL CONTRACT REQUIREMENTS

this contract.

- (e) Notwithstanding any other provision of this contract, the Contractor may deliver transcript containing classified material or information only to the Government. The Contractor shall never sell or deliver such transcript to a private person without the express written permission of the Contracting Officer. Notwithstanding any other provision of this contract, the Contractor shall never keep a copy of a transcript containing classified material or information after the delivery of the original transcript to the Contracting Officer and/or the Clerk of Court.

H.3 Clause 2-65, Key Personnel - (Aug 2004)

- (a) Individuals identified in attachment J.2 as key personnel and accepted for this contract are expected to remain dedicated to this contract. However, in the event that it becomes necessary for the contractor to replace any of the individuals designated as key personnel, the contractor shall request such substitutions in accordance with this clause. Substitution of key personnel will be considered under the following circumstances only:
 - (1) All substitutes shall have qualifications at least equal to those of the person being replaced.
 - (2) All appointments of key personnel shall be approved in writing by the contracting officer, and no substitutions of such personnel shall be made without the advance written approval of the contracting officer.
 - (3) Except as provided in paragraph (4) of this clause, at least 30 days (60 days if security clearance is required) in advance of the proposed substitution, all proposed substitutions of key personnel shall be submitted in writing to the contracting officer, including the information required in paragraph (5) of this provision.
 - (4) The following identifies the requirements for situations where individuals proposed as key personnel become unavailable because of sudden illness, death or termination of employment. The contractor shall within 5 work days after the event, notify the contracting officer in writing of such unavailability. If the event happens after award, the contracting officer will determine if there is an immediate need for a temporary substitute and a continuing requirement for a permanent substitute for the key personnel position. The contracting officer will promptly inform the contractor of this determination. If the contracting officer specifies that a temporary substitute is required, the contractor shall as soon as is practical identify

SECTION H - SPECIAL CONTRACT REQUIREMENTS

who will be performing the work as a temporary substitute. The temporary substitute will then start performance on a date mutually acceptable to the contracting officer and the contractor. Within 15 work days following the event, if the contracting officer specifies that a permanent substitute is required, the contractor shall submit, in writing, for the contracting officer's approval, the information required in (5) and (6) below, for a proposed permanent substitute for the unavailable individual. The approval process will be the same as (7) below.

- (5) Request for substitution of key personnel shall provide a detailed explanation of the circumstances necessitating substitution, a resume of the proposed substitute, and any other information requested by the contracting officer to make a determination as to the appropriateness of the proposed substitute's qualifications. All resumes shall be signed by the proposed substitute and his/her formal (per company accepted organizational chart) direct supervisor or higher authority.
- (6) As a minimum (or as otherwise specified in the solicitation), resumes shall include the following:
 - (a) name of person;
 - (b) functional responsibility;
 - (c) education (including, in reverse chronological order, colleges and/or technical schools attended (with dates), degree(s)/certification(s) received, major field(s) of study, and approximate number of total class hours);
 - (d) citizenship status;
 - (e) experience including, in reverse chronological order for up to ten years, area(s) or work in which a person is qualified, company and title of position, approximate starting and ending dates (month/year), concise descriptions of experience for each position held including specific experience related to the requirements of this contract; and
 - (f) certification that the information contained in the resume is correct and accurate (signature of key person and date signed, and signature of the supervisor or higher authority and date signed will be accepted as certification).
- (7) The contracting officer will promptly notify the contractor in writing of his/her approval or disapproval of all requests for substitution of key personnel. All disapprovals will require re-submission of another proposed substitution within 15 days by the contractor.

SECTION I - CONTRACT CLAUSES

I.1 Clause B-5 Clauses Incorporated by Reference (AUG 2006)

This procurement incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.uscourts.gov/procurement/clauses.htm>

NUMBER	TITLE	DATE
1-5	Conflict of Interest	AUG 2004
1-10	Gratuities or Gifts	JAN 2003
3-25	Protecting the Judiciary's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	JAN 2003
3-45	Anti-Kickback Procedures	JAN 2003
3-160	Service Contract Act of 1965, as Amended	JAN 2003
3-205	Protest After Award	JAN 2003
4-20	Requirements	JAN 2003
6-40	Federal, State, and Local Taxes	JAN 2003
7-25	Indemnification	AUG 2004
7-30	Public Use of the Name of the Federal Judiciary	JAN 2003
7-35	Disclosure or Use of Information	AUG 2004
7-40	Judiciary - Contractor Relationships	JAN 2003
7-85	Examination of Records	JAN 2003
7-110	Bankruptcy	JAN 2003
7-130	Interest (Prompt Payment)	JAN 2003
7-135	Payments	JAN 2003
7-140	Discounts for Prompt Payment	JAN 2003

SECTION I - CONTRACT CLAUSES

7-145	Government Purchase Card	JAN 2003
7-150	Extras	JAN 2003
7-185	Changes	JAN 2003
7-205	Payment for Judiciary Holidays	JAN 2003
7-210	Payment for Emergency Closures	AUG 2004
7-223	Termination for the Convenience of the Judiciary (Short Form)	AUG 2004
7-230	Termination for Default - Fixed-Price Products and Services	JAN 2003
7-235	Disputes	JAN 2003

I.2 Ordering - AOUSC 2000

(a) Reporting Services

- (1) The Contracting Officer shall place written or oral orders with the Contractor for necessary reporting services specifying the date, time and place at which the reporter shall be present to report the proceedings. If the Contracting Officer so requires, the Contractor shall provide a written or oral acknowledgment. The Contracting Officer reserves the right to cancel any order, without penalty or charge, provided the Contractor is notified within 48 hours before the scheduled proceeding start time. In the event the Contracting Officer fails to afford the Contractor the requisite notice of cancellation, the Contracting Officer will pay the Contractor in accordance with the schedule rates for a half-day of reporting services.
- (2) The Contracting Officer will notify the contractor of the number of reporters required under an order at the time an order is placed. If the total number of reporters required under the instant and all other uncompleted orders exceeds the number of reporters as stated in Section C.3.b, the contractor may agree to satisfy the instant requirement, in which case all terms and conditions of this contract shall apply. Prior to supplying any reporters not listed in Attachment J.2, they shall be approved in accordance with Clause H.3 "Key Personnel". In the event that the contractor refuses or is unable to provide extra reporters, such requirements shall be considered outside the scope of this contract, and the

SECTION I - CONTRACT CLAUSES

Contracting Officer may proceed to satisfy the requirement through another source on an “as-needed” basis.

- (3) The judiciary will provide the Contractor with the minimum notice stated in Section C.6.b prior to the required time for a reporter to appear unless the reporter has agreed to a shorter minimum notice period in Section B.2.3. When it is impossible to satisfy the minimum notice requirement with respect to a proceeding to be conducted during the Principal Period of Service, the Contracting Officer will make reasonable attempts to make known the requirement to the Contractor. The Contractor may agree to satisfy the requirement, or may refuse because of the Contracting Officer's inability to satisfy the minimum notice requirement. If the Contractor agrees to satisfy the requirement, all terms and conditions of the contract shall apply with the exception of the applicable minimum notice requirements. If the Contractor refuses to satisfy the requirement, or if the Contracting Officer is unable to notify the Contractor of the requirement, after reasonable attempts, such a requirement shall be outside the scope of this contract, and the Contracting Officer may proceed in any reasonable manner to satisfy the requirement through another source.
- (4) If there is a need for reporting proceedings which will commence outside the Principal Period of Service, the Contracting Officer will make reasonable attempts to make known the requirement to the Contractor. If the Contractor agrees to satisfy the requirement, the Contracting Officer and the Contractor shall agree upon a rate for such services, and all terms and conditions of this contract shall apply with the exception of the Principal Period of Service and the rate for reporting services. The agreed-upon rate shall apply only for the instant requirement and only for those reporting services which the Contractor provides outside the normal hours of Court operation, without interruption. The agreed-upon reporting services rate shall not vary the rates for the production of transcript. If the Contractor declines to provide such services, or if the parties fail to agree upon a rate for such services, or if the Contracting Officer is unable to make known the requirement to the Contractor after reasonable attempts, such requirement shall be considered outside the scope of this contract, and the Contracting Officer may proceed in any manner to satisfy the requirement through another source.

SECTION I - CONTRACT CLAUSES

- (5) If reporting services are required at a proceeding which will take place outside the designated Principal Place of Performance, the Contracting Officer will make known the requirement to the Contractor. The Contractor may agree to provide a Reporter to satisfy the requirement, or may decline the request because the proceedings will take place outside the Principal Place of Performance. This requirement shall be outside the scope of this contract, and the judiciary may proceed in any manner to satisfy the requirement through whatever source it chooses. If the Contractor agrees to satisfy the requirement, all terms and conditions of this contract shall apply, including the provisions of paragraph (a)(3) of this clause. The time used for computing such payment shall include each day or part thereof during which the reporter assigned under the Contract is traveling, including those days involving travel exclusively. In addition to the reporting fees, the Contractor shall receive reimbursement in accordance with the travel regulations contained in Volume 19 of the *Guide to Judiciary Policy*, and as applicable to employees of the Judicial Branch generally. The actual expenses of transportation of the Contractor and a per diem allowance are the same as that authorized for an employee of the Judicial Branch in travel status. All contractor vouchers for travel and subsistence reimbursement shall be itemized by type and amount of each item of expense, in accordance with the judiciary travel regulations.
- (b) Transcript Orders
 - (1) Transcript orders shall be in writing. Upon written request of a party or written order of Court, the reporter shall prepare accurate, written transcript which shall constitute a full and verbatim transcription of the record of the proceeding, or that portion of the proceeding ordered.
 - (2) Transcripts required by the district courts may be ordered on Standard Form 1034 - Public Voucher for Purchases and Services Other Than Personal (Attachment J.4), on Criminal Justice Act Form 24 (Attachment J.5), on AO 435 - Transcript Order form (Attachment J.6), or on any other form provided by the Contracting Officer. These forms also serve as vouchers authorizing payment to the Contractor for transcripts prepared.

SECTION I - CONTRACT CLAUSES

- (3) Transcripts for appealed cases proceeding under the Criminal Justice Act (CJA) or in forma pauperis are processed through the Contracting Officer and shall be ordered on the form specified by the Contracting Officer, with a CJA 24 attached as appropriate.

I.3 Clause 2-90D, Option to Extend the Term of the Contract - (JAN 2003)

- (a) The judiciary may extend the term of this contract by written notice to the contractor within _____ calendar days prior to the then current expiration date of this contract [insert the period of time within which the contracting officer may exercise the option]; provided that the judiciary gives the contractor a preliminary written notice of its intent to extend at least _____ calendar days [60 days unless a different number of days is inserted] before the contract expires. The preliminary notice does not commit the judiciary to an extension.
- (b) If the judiciary exercises this option, the extended contract shall be considered to include this option clause.
- (c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed _____ (months) (years).

I.4 Clause 2-90C, Option to Extend Services - (JAN 2003)

The judiciary may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor rates provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed 6 months. The contracting officer may exercise the option by written notice to the contractor within _____ calendar days prior to the then current expiration date of this contract [insert the period of time within which the contracting officer may exercise the option].

I.5 Clause 7-120, Availability of Funds for the Next Fiscal Year (JAN 2003)

Funds are not presently available for performance under this contract beyond the current FY. The judiciary's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the judiciary for any payment may arise for performance under this contract beyond _____, until funds are made available to the contracting officer for performance and until the contractor receives notice of availability, to be confirmed in writing by the contracting officer.

SECTION I - CONTRACT CLAUSES

*Note: If this contract is awarded for a 12 month period (exclusive of options) that begins in one fiscal year and ends in the next fiscal year and is fully funded at contract award, Clause I.5 is not applicable.

SECTION J - LIST OF ATTACHMENTS

- J.1 28 U.S.C. § 753**
- J.2 Reporters Authorized to Work Under This Contract.**
- J.3 Maximum Rates and Delivery Times for Original Transcripts and Copies Including CJA Rates**
- J.4 SF 1034 - Public Voucher for Purchases and Services Other Than Personal**
- J.4A AO 336 - Attendance Voucher**
- J.5 CJA 24 - Authorization and Voucher for Payment**
- J.6 AO 435 - Transcript Order Form**
- J.6A 11th Circuit Transcript Order Form**
- J.6a Eleventh Circuit Transcript Information Form**
- J.7 Guide, Vol. 6, Chapter 5, § 520 - Transcripts**
- J.7A Sample Transcript Format - (all exhibits are combined)**
 - Exhibit 18.9 Transcript (Hannan - Direct)
 - Exhibit 18.9B Transcript (Hannan - Direct)
 - Exhibit 18.9C Transcript (Hannan - Cross/Redirect)
 - Exhibit 18.9D Transcript (Ramirez - Direct)
 - Exhibit 18.9E Transcript (Ramirez - Direct)
 - Exhibit 18.11A Transcript Title Page
 - Exhibit 18.12A Transcript Index
- J.7B Electronic Transcript Policy - Administrative Order 2008-31**
- J.8 Wage Determinations:**
 - No. 2005-2119, Rev. 13 - Collier, Dade, and Monroe**
 - No. 2005-2111, Rev. 13 - Broward, Palm Beach, & St. Lucie**
- J.9 Reporter's Biographical Information Sheet**
- J.10 Offeror's References Information**
- J.11 United States Court of Appeals for the Eleventh Circuit, Application for Extension of Time to File Transcript and for Waiver of Fee Reduction**

§ 753. Reporters

(a) Each district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands shall appoint one or more court reporters.

The number of reporters shall be determined by the Judicial Conference of the United States.

The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.

Each such court, with the approval of the Director of the Administrative Office of the United States Courts, may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be performed promptly by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference.

If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

(b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

The reporter or other individual designated to produce the record shall 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 as provided in this subsection and the original records so taken have been certified by

him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record.

The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.

(c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.

(d) The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such records shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include records showing:

- (1) the quantity of transcripts prepared;
- (2) the fees charged and the fees collected for transcripts;
- (3) any expenses incurred by the reporters in connection with transcripts;
- (4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and
- (5) such other information as the Judicial Conference may require.

(e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference of the United States. All supplies shall be furnished by the reporter at his own expense.

(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. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal

proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court.

(As amended Oct. 31, 1951, c. 655, § 46, 65 Stat. 726; June 28, 1955, c. 189, § 3(c), 69 Stat. 176; June 20, 1958, Pub.L. 85-462, § 3(c), 72 Stat. 207; July 7, 1958, Pub.L. 85-508, § 12(e), 72 Stat. 348; July 1, 1960, Pub.L. 86-568, Title I, § 116(c), 74 Stat. 303; Sept. 2, 1965, Pub.L. 89-163, 79 Stat. 619; Sept. 2, 1965, Pub.L. 89-167, 79 Stat. 647; June 2, 1970, Pub.L. 91-272, § 14, 84 Stat. 298; Dec. 11, 1970, Pub.L. 91-545, 84 Stat. 1412; Apr. 2, 1982, Pub.L. 97-164, Title IV, § 401(a), 96 Stat. 56.)

This Attachment will be completed at contract award.

ATTACHMENT J2 TO CONTRACT NO. _____

REPORTERS AUTHORIZED TO WORK UNDER CONTRACT NO. _____:

The following reporters are authorized to provide services under this contract:

[Insert only those names of reporters meeting the qualifications]

Any additions/substitutions to the above list shall be subject to approval of the Contracting Officer.

**MAXIMUM TRANSCRIPT RATES PER PAGE FOR
ALL PARTIES BY COURT REPORTERS**

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Addt'l Copy to Same Party</u>
<u>Ordinary Transcript -</u> A transcript to be delivered within thirty (30) calendar days after receipt of an order	\$4.02	\$.90	\$.60
<u>14-day Transcript</u> A transcript to be delivered within fourteen (14) calendar days after receipt of order	\$4.68	\$.90	\$.60
<u>Expedited Transcript</u> A transcript to be delivered within seven (7) calendar days after receipt of an order	\$5.34	\$.90	\$.60
<u>Daily Transcript</u> A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day	\$6.66	\$1.20	\$.90
<u>Hourly Transcript</u> A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours	\$7.98	\$1.20	\$.90
<u>Realtime transcript</u> An unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment NOTE: Litigants may order a certified transcript, but are not required to do so.	One feed, ¹ \$3.05 per page; two-to- four feeds, \$2.10 per page; five or more feeds, \$1.50 per page		

¹A realtime "feed" is the electronic data flow from the court reporter to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

Transcript in CJA cases

In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA DEFENDANTS. One of the appointed 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. The cost of such duplication will be charged to the CJA appropriation. This policy would not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.

Standard Form 1034 Revised October 1987 Department of the Treasury 1 TFM 4-2000		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION			DATE VOUCHER PREPARED		SCHEDULE NO.		
			CONTRACT NUMBER AND DATE		PAID BY		
			REQUISITION NUMBER AND DATE				
PAYEE'S NAME AND ADDRESS			DATE INVOICE RECEIVED		DISCOUNT TERMS		
			PAYEE'S ACCOUNT NUMBER				
			GOVERNMENT B/L NUMBER				
			SHIPPED FROM TO WEIGHT				
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUANTITY	UNIT PRICE COST PER		AMOUNT (1)	
(Use continuation sheet(s) if necessary)						TOTAL	
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		APPROVED FOR =\$	EXCHANGE RATE =\$1.00	DIFFERENCES			
BY 2			Amount verified; correct for payment				
TITLE			(Signature or initials)				
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.							
(Date)		(Authorized Certifying Officer) 2			(Title)		
ACCOUNTING CLASSIFICATION							
P A I D B Y	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER	ON (Name of bank)		
\$	CASH	DATE		PAYEE 3			
1. When stated in foreign currency, insert name of currency. 2. If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title. 3. When a voucher is received in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.					PER		
					TITLE		

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

INSTRUCTIONS

Use this form for compensation and to report hours claimed by contract court reporters. This form is designed to support payments made to contract court reporters and to collect data on their utilization.

General:

This form is to be completed by the contract court reporter with the assistance of the clerk of court's office to support a request for payment to the contract court reporter. Bankruptcy courts and district courts are given an allocation of funds by the Administrative Office at the beginning of each fiscal year to pay contract court reporters. The allotment is communicated to the clerks of court with fund codes which are to be listed by the disbursing officer in the accounting classification block. The computation of the court reporter's compensation shall be in accordance with the contract cited on this voucher which should be governed by the prevailing rate paid in that district. Please note that payment for court reporter services provided senior judges, bankruptcy judges, magistrate judges, and land commissioners should be made on separate vouchers.

Payee Information:

Provide the complete name and address of the contractor submitting the claim. If the contractor employs a reporter, insert the name of the reporter in the block designated for Attending Reporter. If several reporters are used, insert an asterisk (*) in the Attending Reporter block and enter each reporter's name under Column 8 on the line which indicates the date the services were performed and the presiding judicial officer who was serviced. A taxpayer identifying number must be supplied unless payment will be made to a corporation. The laws of the United States require the court reporter to furnish his or her taxpayer identifying number to the Director of the Administrative Office IRC § 6109, 26 CFR § 301.6109-1(c) (1978).

Presiding Judicial Officer:

Insert the last name of the presiding judicial officer, his or her statistical code number, and the location code number of the court where the hearings were held.

Hours and Amounts Claimed:

In Columns 5 and 6, enter the actual time in court for each day court reporting services were provided, for example 8:30 to 11:30 a.m.; 1:45 to 5:30 p.m. On any day that a court is unable to cancel the Reporting Service Order (RSO) on or before the preceding working day (as stated in the contract) and compensation is claimed, insert "U/C" in Column 5 and/or 6. The maximum compensation allowed for a cancelled Reporting Service Order is a half-day rate.

In Column 9, provide the amount of compensation which is claimed. Attendance by the reporter at both the morning and afternoon court sessions, regardless of time spent, shall constitute a full day and the reporter shall be entitled to a full-day attendance fee. Attendance by the reporter at any morning or afternoon court session, regardless of time spent, shall constitute a half day to which the reporter will be entitled to a half-day attendance fee. When the court is unable to cancel a Reporting Service Order (RSO), the reporter is entitled to a half-day attendance fee, maximum (morning and/or afternoon sessions). To support the claim for compensation, the contractor's invoice should be attached to the voucher.

Other Compensation (Including Travel Expenses):

This space is provided for recording the different adjustments, including travel expenses, which would affect the total payment to the reporter, and overtime claims in addition to the daily rate. Other adjustments may include any or all of the following items: Payment for reporting services outside the principal period of service; disallowance in reporting fees for failure to appear; and prompt payment discount, if any. Explanation of the amount to be paid or to be deducted should be provided in the space or on an attached sheet, if additional space is necessary.

Relative to payment of overtime, the contractor should provide the *date* and *time* for which overtime services were provided in Column 7.

Relative to travel expenses, the contractor should file a Standard Form 1012, Travel Voucher, completed by the court reporter and certified by the clerk of court or his designee, for reimbursement of travel expenses. Both the travel allowance and subsistence allowance will be allowed in the same manner as for employees of the Judicial Branch. The amount claimed for reimbursement should be set forth on the front of the form on Line 3 of "other compensation (travel outside contract geographical area)," Column 9. Be sure to identify the expenditure as travel and attach the Standard Form 1012 to the completed form AO 336, Voucher for Attendance Fees for Contract Court Reporters.

Court Certification:

A district judge, bankruptcy judge, magistrate judge, clerk, deputy clerk of court, or a designated member of the staff of a full-time magistrate judge who is a certifying officer should sign to certify that the reporter attended the court proceedings for which payment is claimed, and if the services were provided to a magistrate judge, that the proceedings were of the type authorized for use of a court reporter by law or established judiciary policy. This certification will be the authorization for the clerk to make payment.

AO 435 (Rev. 04/11)		Administrative Office of the United States Courts TRANSCRIPT ORDER			FOR COURT USE ONLY DUE DATE:	
<i>Please Read Instructions:</i>						
1. NAME		2. PHONE NUMBER		3. DATE		
4. MAILING ADDRESS		5. CITY		6. STATE		7. ZIP CODE
8. CASE NUMBER		9. JUDGE		DATES OF PROCEEDINGS		
12. CASE NAME		10. FROM		11.		
		13. CITY		14.		
15. ORDER FOR <input type="checkbox"/> APPEAL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL JUSTICE ACT <input type="checkbox"/> BANKRUPTCY <input type="checkbox"/> NON-APPEAL <input type="checkbox"/> CIVIL <input type="checkbox"/> IN FORMA PAUPERIS <input type="checkbox"/> OTHER (Specify)						
16. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested)						
PORTIONS		DATE(S)		PORTION(S)		DATE(S)
<input type="checkbox"/> VOIR DIRE				<input type="checkbox"/> TESTIMONY (Specify Witness)		
<input type="checkbox"/> OPENING STATEMENT (Plaintiff)						
<input type="checkbox"/> OPENING STATEMENT (Defendant)						
<input type="checkbox"/> CLOSING ARGUMENT (Plaintiff)				<input type="checkbox"/> PRE-TRIAL PROCEEDING (Specy)		
<input type="checkbox"/> CLOSING ARGUMENT (Defendant)						
<input type="checkbox"/> OPINION OF COURT						
<input type="checkbox"/> JURY INSTRUCTIONS				<input type="checkbox"/> OTHER (Specify)		
<input type="checkbox"/> SENTENCING						
<input type="checkbox"/> BAIL HEARING						
17. ORDER						
CATEGORY	ORIGINAL (Includes Certified Copy to Clerk for Records of the Court)	FIRST COPY	ADDITIONAL COPIES	NO. OF PAGES ESTIMATE	COSTS	
ORDINARY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES			
14-Day	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES			
EXPEDITED	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES			
DAILY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES			
HOURLY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES			
REALTIME	<input type="checkbox"/>	<input type="checkbox"/>				
CERTIFICATION (18. & 19.) By signing below, I certify that I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	\$ 0.00	
18. SIGNATURE				PROCESSED BY		
19. DATE				PHONE NUMBER		
TRANSCRIPT TO BE PREPARED BY				COURT ADDRESS		
ORDER RECEIVED		DATE	BY			
DEPOSIT PAID				DEPOSIT PAID		
TRANSCRIPT ORDERED				TOTAL CHARGES		\$ 0.00
TRANSCRIPT RECEIVED				LESS DEPOSIT		\$ 0.00
ORDERING PARTY NOTIFIED TO PICK UP TRANSCRIPT				TOTAL REFUNDED		
PARTY RECEIVED TRANSCRIPT				TOTAL DUE		\$ 0.00

DISTRIBUTION: COURT COPY TRANSCRIPTION COPY ORDER RECEIPT ORDER COPY

INSTRUCTIONS

GENERAL

Use. Use this form to order the transcription of proceedings. Complete a separate order form for each case number for which transcripts are ordered.

Completion. Complete Items 1-19. Do *not* complete shaded areas, which are reserved for the court's use.

Order Copy. Keep a copy for your records.

Submitting to the Court. Submit the form in the format required by the court.

Deposit Fee. The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Delivery Time. Delivery time is computed from the date of receipt of the deposit fee or for transcripts ordered by the federal government from the date of receipt of the signed order form.

Completion of Order. The court will notify you when the transcript is completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

SPECIFIC

Items 1-19. These items should always be completed.

Item 8. Only one case number may be listed per order.

Item 15. Place an "X" in each box that applies.

Item 16. Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17. *Categories.* There are six (6) categories of transcripts which may be ordered. These are:

Ordinary. A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

14-Day. A transcript to be delivered within fourteen (14) calendar days after receipt of an order.

Expedited. A transcript to be delivered within seven (7) calendar days after receipt of an order.

Daily. A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

Hourly. A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

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

NOTE: Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the 14-day *delivery* rate, and if not completed and delivered within 14 calendar days, payment would be at the ordinary delivery rate.

Ordering. Place an "X" in each box that applies. Indicate the number of additional copies ordered.

Original. Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the copy for the records of the court.

First Copy. First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

Additional Copies. All other copies of the transcript ordered by the same party.

Item 18. Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19. Enter the date of signing.

Shaded Area. Reserved for the court's use.

Guide to Judiciary Policy

Vol 6: Court Reporting

Ch 5: Transcripts

§ 510 Overview

- § 510.10 Introduction
- § 510.15 Statutory Authority
- § 510.20 Transcripts for the Court
- § 510.25 Transcripts and Records for the Clerk of Court
- § 510.30 Transcripts Requested by Parties
- § 510.35 Court Reporting Supervisor Responsibilities
- § 510.40 Electronic Sound Recording Tapes and Electronic Media
- § 510.45 Arraignments, Changes of Pleas, and Sentencings
- § 510.50 Statement of Reasons Report for Sentencing Guidelines
- § 510.55 Retired or Separated Court Reporter Transcripts

§ 520 Transcript Format

- § 520.10 Introduction
- § 520.13 Judicial Conference Policy
- § 520.16 Compressed Transcript
- § 520.20 Realtime Unedited Transcript
- § 520.23 Paper
- § 520.26 Ink Color
- § 520.30 Preprinted Marginal Lines
- § 520.33 Line Numbers
- § 520.36 Typing
- § 520.40 Content
- § 520.43 Title Page
- § 520.46 Indexes
- § 520.50 Numbering
- § 520.53 Cover
- § 520.56 Punched Holes
- § 520.60 Fastener
- § 520.63 Certification
- § 520.66 Copies
- § 520.70 Redaction

§ 530 Fees

- § 530.10 Fee Schedule Determination
- § 530.15 Statutory Authority
- § 530.20 Judicial Conference Policy
- § 530.25 Notification of Fees

- § 530.30 Judge Ordered Transcripts
- § 530.35 Setting Transcript Rates by the Court
- § 530.40 Justifying Higher Rates
- § 530.45 Scope
- § 530.50 What the Fees Include
- § 530.55 Items for Which No Fee May Be Charged
- § 530.60 Permissible Extra Fees
- § 530.65 Transcripts in CJA Cases
- § 530.70 Transcripts for the Court of Appeals
- § 530.75 Fees for Transcripts to be Paid by the United States
- § 530.80 Routine Apportionment of Transcript Rates
- § 530.85 Electronic Sound Recording Tapes
- § 530.90 Certification of Transcript Rates
- § 530.95 Sanctions for Overcharging

- § 540 Transcripts for Cases on Appeal
 - § 540.10 Introduction
 - § 540.20 Statutory Authority
 - § 540.30 Due Dates
 - § 540.40 Required Forms
 - § 540.50 Full Transcript Not Required for Criminal Appeals
 - § 540.60 Use of Substitute Reporters
 - § 540.70 Withholding Salary / Placing Reporter on Leave Without Pay
 - § 540.80 Temporary Retention of Transcript Deposits by Clerk of District Court

- § 550 Criminal Justice Act (CJA) and In Forma Pauperis Proceedings
 - § 550.10 Introduction
 - § 550.20 Statutory Authority
 - § 550.30 Judicial Conference Policy
 - § 550.40 Transcripts
 - § 550.50 Procedures for Payments
 - § 550.60 Depositions

- § 560 Copyright Laws
 - § 560.10 Introduction
 - § 560.20 Statutory Authority
 - § 560.30 District Court Opinion
 - § 560.40 References to Copyright
 - § 560.50 Copying and Selling Transcripts
 - § 560.60 Reproduction of the Clerk of Court's Copy
 - § 560.70 Inspection of the Clerk of Court's Copy

Appendix

Appx 5A Sample Transcript

§ 510 Overview

§ 510.10 Introduction

One of the primary responsibilities of a court reporter is to provide a transcript of court proceedings upon the request of a party or order of court. The court reporter must also provide to the court a transcript or an electronic sound recording of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases. When realtime services are requested by a party to the case, a Certified Realtime Reporter (CRR) may charge and collect fees for realtime unedited transcript. CRRs should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. The redaction of transcripts must be performed to protect the privacy and security of information when made publicly available electronically. The purpose of this chapter is to detail the requirements for transcript production, delivery, fees and format.

§ 510.15 Statutory Authority

- (a) "The reporter or other individual designated to produce the record shall 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 as provided in this subsection and the original records so taken have been certified by him [or her] and filed with the clerk as provided in this subsection. He or she shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his [or her] official certificate, and deliver the same to the party or judge making the request." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).
- (b) "The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).
- (c) "The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of

the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).

- (d) "The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge." **See:** [28 U.S.C. § 753\(b\)\(3\)](#).

§ 510.20 Transcripts for the Court

It is the duty of the court reporter to provide transcripts to the court as provided by [28 U.S.C. § 753](#). To track court ordered transcripts, a [Form AO 435 \(Transcript Order\)](#), or other locally adopted form, should be prepared for each transcript requested.

§ 510.20.10 Transcript Requested by the Judge

- (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.
- (b) At its March 2009 session, the Judicial Conference amended its transcript fee policy to make 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. The language from the "Judge-Ordered Transcripts" portion of the Judicial Conference's March 2009 session report ([JCUS - MAR 09](#), p. 28) states:

[Section 753\(b\) of title 28, United States Code](#), sets forth the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. With regard to transcript requests from parties, section 753(f) provides that court reporters may charge and collect fees from parties ordering transcripts at rates prescribed by the court, subject to the approval of the Judicial Conference. The Conference has set maximum transcript rates based in part on whether the transcript is an original (currently \$3.65 per page for ordinary delivery, i.e., delivery within 30 days) or a copy (\$.90 per page for ordinary delivery). Questions have been raised as to whether the original or copy fee applies when a party requests a transcript that was originally produced at the request of a judge. 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, the Committee

agreed 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. On recommendation of the Committee, the Conference amended its transcript fee policy to make 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.

§ 510.25 Transcripts and Records for the Clerk of Court

(a) Transcript Delivery

A certified transcript copy should be delivered by the court reporter to the clerk or the clerk's designee (court reporting supervisor) concurrent with, but not later than three working days after, delivery to the requesting party. Upon receipt, the transcript copy should be docketed in the case file by the clerk's office staff.

(b) Public Inspection

Judicial Conference policy provides that both the original notes or other original records and a copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge. The clerk's copy is an official court record which serves as the control copy with which the clerk may compare verbatim records being forwarded on appeal. No fee is to be charged any person for use of the clerk's copy. 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

The transcript copy filed with the clerk of court under [28 U.S.C. § 753\(b\)](#) may be in paper or electronic format as determined by the court. The electronic transcript must be in portable document format (PDF) and consistent with the transcript format guidelines in [§ 520](#).

§ 510.25.10 Transcripts in Case Management/Electronic Case Files

- (a) In September 2003, 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. To address

privacy concerns, the policy includes a process for redacting personal identifying information from transcripts. [JCUS-SEP 03](#), pp. 16-17.

- (b) At its September 2007 session, the Judicial Conference approved a policy regarding the availability of transcripts of court proceedings in electronic format. The language from the Judicial Conference's September 2007 sessions ([JCUS-SEP 07](#), p. 12) states:
- (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:
 - a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference;
 - the transcript will be available within the court for internal use; and
 - 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.
 - (3) After the 90-day period has ended, 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.
- (c) During the 90-day period (which may be extended by the court), 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).
- (d) The requirement to provide a certified copy of a transcript to the clerk for the records of the court has not changed. As in the past, when a

transcript is originally produced, a certified copy must be promptly delivered by the court reporter to the clerk or the clerk's designee concurrent with, but not later than three working days after delivery to the requesting party.

§ 510.25.20 Redaction of Electronic Transcripts

(a) Authority

Amendments to the Federal Civil and Criminal Rules of Procedure implementing the E-Government Act of 2002 requirement to protect the privacy and security of publicly available electronic filings took effect on December 1, 2007. The amendments to [Civil Rule 5.2](#) and [Criminal Rule 49.1](#) require that personal identification information be redacted from documents filed with the court:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth;
- individuals known to be minor children to the initials; and
- in criminal cases, any home addresses stated in court to the city and state.

(b) Process

(1) Notice of Electronic Filing

The court reporter, transcriber, or clerk will file a Notice of Electronic Filing of Official Transcript in CM/ECF when a transcript is delivered to the clerk for the court's records. This notice includes language that indicates that parties have five business days to file with the court a Notice of Intent to Request Redaction of this transcript. This notice of filing is transmitted to the parties in the case via the Notice of Electronic Filing (NEF) through CM/ECF or manually by the clerk's office, if the parties are not registered for CM/ECF. Redaction responsibilities apply to the attorneys even if the requestor of the transcript is a judge or a member of the public/media.

(2) Filing Notice of Intent to Request Redaction

The redaction of transcripts will be requested by counsel to a case. Counsel will file a Notice of Intent to Redact within five days of the transcript being delivered to the clerk.

(3) Counsel will then follow-up, within 21 calendar days of initial delivery of the transcript to the clerk, with a specific request for redaction noting the page numbers and line numbers where redaction is required.

(4) If No Redaction Request is Filed

If an attorney files a Notice of Intent to Request Redaction or a motion for extension of time to file this notice, and then doesn't submit a Redaction Request, the court will need to take action, either to have the attorney withdraw the Notice of Intent to Request Redaction or to issue a show cause order as to why the attorney has not met the redaction requirements. Court reporters/transcribers do not have the responsibility to:

- redact information unless there is a redaction request made by the parties to the case, or
- notify the parties of material that should be redacted.

The parties have the responsibility to review the transcripts and request redactions, if necessary.

(c) Additional Information

For additional guidance and frequently asked questions on transcripts in CM/ECF and redaction, **see**:

- [Memorandum, Jan. 30, 2008, Guidance for the Implementation of the Judicial Conference Policy to Make Transcripts of Court Proceedings Available Electronically via CM/ECF](#); and
- [Memorandum, Feb. 22, 2008, Guidance for Court Reporters and Transcribers on the Electronic Availability of Transcripts in CM/ECF and Transcript Redaction Procedures](#).

§ 510.30 Transcripts Requested by Parties

§ 510.30.10 Statutory Authority

"The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts." **See:** [28 U.S.C. § 753\(c\)](#).

§ 510.30.20 Judicial Conference Policy

- (a) "Each [court reporting management] plan is to provide for the supervision of court reporters in their relations with litigants as specified in the Court Reporter Act, including fees charged for transcripts, adherence to format prescriptions, and delivery schedules." [JCUS-MAR 82](#), p. 8.
- (b) Transcripts may be sold on electronic media in 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. Court reporters and transcribers who have Computerized Assisted Transcript (CAT) or suitable word processing equipment are encouraged to provide diskettes of transcripts to parties upon request, but court reporters and transcribers who do not have CAT or suitable word processing equipment are not required to provide diskettes of transcripts to parties. Court reporters and transcribers must continue to produce paper originals and paper copies at the Judicial Conference rates when ordered by parties." [JCUS-SEP 91](#), p. 65.

§ 510.30.30 Responsibilities

(a) Court Reporters

In their dealings with parties requesting transcripts, court reporters must maintain a professional relationship and provide timely quality service. In their dealings, they should:

- (1) Adhere to the transcript format established by the Judicial Conference.
- (2) Adhere to transcript page rates per delivery category established by the court and the Judicial Conference.
- (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, expedited, daily, hourly or realtime transcript.
- (b) Parties
- Parties requesting transcript should complete [Form AO 435 \(Transcript Order\)](#) or other form available from the court reporter.

§ 510.30.40 Realtime Unedited Transcript

Effective June 1, 1996, the Judicial Conference defined the category of “realtime unedited transcript” as “draft transcript produced by a certified realtime reporter (CRR) as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.” The Conference also authorized the Administrative Office (AO) to issue guidelines to implement this policy. [JCUS-MAR 96](#), p. 26.

- (a) When realtime services are requested by a party to the case, a CRR may charge and collect for realtime unedited transcript. CRRs should not sell realtime unedited transcript to anyone who is not a party to the case without prior approval of the presiding judge. It is recommended that each CRR request that parties acknowledge receipt of a realtime unedited transcript by signing a disclaimer which explicitly states that the ordering party is aware that the realtime unedited transcript is not an official record of the court proceedings.
- (b) The following is a sample disclaimer statement:

COURT REPORTER'S DISCLAIMER IN THE MATTER OF

v.

The following transcript(s) of proceedings, or any portion thereof, in the above-entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the official court reporter at the request of _____

The party working with this product agrees not to share, give, copy, scan, fax, or in any way distribute this realtimed rough draft in any form (written or computerized) to any other party.

The party's experts, co-counsel, and staff may have limited internal use thereof with the understanding that this realtimed rough draft will be destroyed and replaced by the final edited, certified transcript when it is received by the party in due course.

This transcript has not been checked, proofread or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript, resulting in differences in page and line numbers, punctuation, and formatting.

This uncertified rough draft transcript contains no title page, appearance page or certificate page.

This draft transcript is supplied to you on the condition that upon receipt of the certified transcript, this draft and any copies thereof (in condensed format or otherwise) will be destroyed. The certified transcript is the only official transcript which may be relied upon for purposes of verbatim citation of testimony.

The party agrees to indemnify and hold harmless (*Official Court Reporter*) if the unedited and uncertified version of this transcript is cited by any party to this matter and becomes a point of contention within this case or any other controversy.

Signature of Ordering Party

Signature of Official Court Reporter

§ 510.35 Court Reporting Supervisor Responsibilities

The court reporting supervisor should monitor all orders for transcripts and the relationship between court reporters and those requesting transcripts. It is recommended that the court reporting supervisor maintain records of all transcript orders to ensure compliance with all regulations regarding timely preparation, format, and fees charged.

§ 510.40 Electronic Sound Recording Tapes and Electronic Media

§ 510.40.10 Tapes and Electronic Media in Lieu of Transcript

(a) Availability

To minimize the cost of litigation, the court should advise parties requesting transcripts when proceedings have been recorded as the official record by electronic sound recording equipment. Parties may choose to purchase copies of the tapes or other electronic media from the clerk of court in lieu of transcript for their own use.

(b) Backup Tapes

This provision does not apply to court reporters' backup tapes used to augment the steno notes. Backup tapes 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. There is no public entitlement to these recordings, or to backup tapes made for the convenience of the court.

§ 510.40.20 Professional Transcription Services – Electronic Sound Recordings

(a) Introduction

The court may have transcripts prepared from analog or digital audio tapes by professional transcription services or official court reporters. Upon request, the AO will assist courts in evaluating the qualifications of transcription services for providing verbatim and timely transcripts in accordance with the transcript format guidelines approved by the Judicial Conference.

(b) Costs

The court may not charge parties for the cost of duplicating tapes or electronic media of proceedings that the court sends to a transcriber for filling transcript orders.

(c) Transcript Orders

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

(d) 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. The court reporting supervisor must monitor the production of transcripts by in-court personnel, court reporters, or professional transcription services. Court employees, other than court reporters, may not retain fees for preparation of official transcripts even if prepared on their own time. 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. An official staff, temporary, or combined position court reporter is not required, but may agree, to produce transcript from tapes of proceedings which the reporter did not attend. Such transcripts may be ordered by parties, by a judge, or by a magistrate judge. The reporter shall be considered as a transcriber and may be paid no more than the rates established by the Judicial Conference.

§ 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

"The reporter or other individual designated to produce the record shall 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 as provided in this subsection and the original records so taken have

been certified by him [or her] and filed with the clerk as provided in this subsection."
See: [28 U.S.C. § 753\(b\)](#).

§ 510.45.20 Judicial Conference Policy and Office of General Counsel

- (a) “If, in lieu of transcribing all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases, the court reporter elects to file an electronic sound recording of such proceedings, the reporter shall file such recording with the clerk of the United States District Court together with a certificate in the form set forth in § 380.10(b) at no expense to the government (judiciary).” [JCUS-MAR 66](#), pp. 6-7.
- (b) The Congress and the Judicial Conference have insisted that the requirements of [28 U.S.C. § 753](#) as to the transcribing or recording of pleas and sentences in criminal cases be carefully and promptly observed. The reporter should 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, shall be filed as soon as the recording has been used to capacity.
- (c) 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. 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) “[T]he Judicial Conference approved a Committee recommendation to amend a 1966 policy in order expressly to allow court reporters to charge parties (including the Department of Justice and parties proceeding under the Criminal Justice Act) for transcripts produced 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.

The opinion of the AO Office of General Counsel (OGC) is that the unedited version of the realtime transcript (ASCII versions of proceedings taken by realtime reporting systems) are not acceptable in lieu of certified transcripts of

arraignments, changes of plea, and sentencing proceedings. The only exception to the requirement that a reporter file a certified transcript of each arraignment, change of plea, and sentencing proceeding, [28 U.S.C. § 753\(b\)](#), is when the court reporter creates an electronic sound recording and the reporter certifies the recording and files it with the clerk. 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

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\(c\)](#). Moreover, under [28 U.S.C. § 994\(w\)](#) and the request of the Sentencing Commission, the court must send a report of the statement of reasons to the Commission.

§ 510.50.20 Judicial Conference Policy

(a) Form

To facilitate the filing of a statement of reasons by the court, the Judicial Conference Committee on Criminal Law has developed a one-page form for use as part of the judgment order.

(b) Preparation

The Committee on Criminal Law recommends that the probation officer, rather than clerk's office personnel, be responsible for assisting the court with the preparation of the statement of reasons. The Committee also advises that a statement of reasons is required in every case. However, 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 Reporter Transcripts

- (a) Any reporter, after quitting, being terminated or retiring from 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. 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. Any court

reporter refusing to transcribe a court proceeding could be ordered by the court to show cause.

- (b) Court reporter notes are the property of the court and must remain in the custody of the clerk of court. The notes may be removed only for purposes of providing a transcript. 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.

§ 520 Transcript Format

§ 520.10 Introduction

The Judicial Conference prescribed the transcript format in 1944 to assure that each party is treated equally throughout the country. Although the Conference has made some adjustments from time to time, the format has remained substantially the same. It is essential that the format requirements 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. The per-page transcript rates are based on strict adherence to the prescribed format. The format standards incorporate government standards for archival materials and assure that all transcript produced in federal courts is produced on the same basis.

§ 520.13 Judicial Conference Policy

- (a) Transcripts may be sold in computer diskette [electronic media] form in 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.

Each page of transcript sold on diskette must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and electronic media may not contain any protection or programming codes that would prevent copying or transferring the data." [JCUS-SEP 91](#), p. 65.

- (b) To conform to available technology, the Judicial Resources Committee recommended, and the Judicial Conference approved, an amendment to the transcript format guidelines to delete the requirement that words be hyphenated at the end of a line of transcript text. [JCUS-MAR 95](#), p. 22.

- (c) On recommendation of the Committee on Judicial Resources, the Conference modified the transcript format guidelines to provide an exception to the requirement that each page of transcript contain 25 lines of text. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions in jury trials when the transcript is produced under the daily or hourly delivery schedule and the exception is approved by the presiding judicial officer. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review. [JCUS-MAR 96](#), p. 26.

§ 520.16 Compressed Transcript

As with electronic media, court reporters and transcribers who have the capability may sell compressed transcripts on a per page basis. However, there is no requirement to provide such service.

§ 520.20 Realtime Unedited Transcript

Realtime unedited transcript sold on any electronic media may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during proceedings. Electronic media may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:

- (a) Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only."
- (b) The realtime unedited transcript should not include an appearance page, an index, or a certification.
- (c) The electronic media label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, "Realtime Unedited Transcript Only."

§ 520.23 Paper

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is

produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription companies.

(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.

§ 520.26 Ink Color

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

§ 520.30 Preprinted Marginal Lines

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. 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

§ 520.36.10 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 Numbers of Lines Per Page

(a) Line of Text Per Page Requirement

Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

(b) Exception

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. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. 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. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

§ 520.36.20 Margins

Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

§ 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) Q and A

- (1) All "Q" and "A" designations shall begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. **See:** [Appx 5A \(Sample Transcript\)](#).

(2) Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read from a deposition should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

(b) Colloquy

Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

(c) Quotations

Quoted material other than depositions shall 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

Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.45 Punctuation and Spelling

Punctuation and spelling shall be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it should be followed by a question mark. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.50 Page Heading (Also Known as "Headers")

A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading should be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings shall appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.36.55 Parenthetical Notations

Parenthetical notations are generally marked by parentheses; however, brackets may be used. Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for:

- customary introductory statements such as call to order of court or swearing in a witness, and
- indicating non-verbal behavior, pauses, and readback/playback.

For types of parenthetical notations, **see:** [§ 520.40.20\(a\)](#). **See also:** [Appx 5A \(Sample Transcript\)](#).

§ 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 shall 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 shall 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. **See:** [Appx 5A \(Sample Transcript\)](#).

(b) Editing of Speech

(1) The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. **See:** [Appx 5A \(Sample Transcript\)](#).

(2) In the interest of readability, however, 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 should not be included in the transcript. **See:** [Appx 5A \(Sample Transcript\)](#).

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

- (1) Standard summary phrases shall be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.
- (2) These should appear in parentheses and begin with an open parenthesis 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)
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

See: [Appx 5A \(Sample Transcript\)](#).

(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. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.40.20 Nonverbal

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

Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) 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.)

See: [Appx 5A \(Sample Transcript\)](#).

(2) Jury In/Out

Examples:

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

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

This designation should 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 should so indicate.

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)

See: [Appx 5A \(Sample Transcript\)](#).

(5) Discussions off the Record

This designation should note where the discussion took place.

(6) Chambers Conferences

This designation should note the presence or absence of parties in chambers.

Examples:

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

(b) Speaker/Event Identification

References to speakers and events that occur throughout proceedings should be properly noted in capital letters and centered on the appropriate line.

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

See: [Appx 5A \(Sample Transcript\)](#).

(c) Nonverbal Behavior, Pauses

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.) If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

- (Nods head up and down)
- (Shakes head from side to side)
- (Indicating)

See: [Appx 5A \(Sample Transcript\)](#).

(d) Readback/Playback

All readbacks and/or playbacks, and the party requesting should 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 should be used:

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

See: [Appx 5A \(Sample Transcript\)](#).

- (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 indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

§ 520.43 Title Page

§ 520.43.10 Contents

- (a) Each transcript is to include a title page indicating:
 - (1) court name;
 - (2) district;
 - (3) case name;
 - (4) civil or criminal docket case number;
 - (5) name and title of judge or other judicial officer presiding;
 - (6) type of proceeding;
 - (7) date and time of proceeding;
 - (8) volume number (if multi-volume);
 - (9) name and address of each attorney and name of party represented;
 - (10) whether a jury was present;
 - (11) if steno based, court reporter's name, address, and telephone number;
 - (12) if electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company;
 - (13) method by which the proceedings were recorded, and
 - (14) method by which the transcript was produced.

Examples of this statement are

- Proceedings recorded by mechanical stenography, transcript produced by notereading.
- Proceedings recorded by mechanical stenography, transcript produced by computer.
- Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- 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 shall indicate the pages at which each of the following begins:
 - direct examination,
 - cross-examination,
 - redirect examination,
 - recross-examination,
 - further redirect examination, and
 - recall of each witness.
- (b) The index shall also indicate on behalf of whom the witness or witnesses were called, such as:
 - PLAINTIFF'S WITNESSES,

- WITNESSES FOR THE GOVERNMENT,
- DEFENDANT'S WITNESSES, or
- WITNESSES FOR THE DEFENSE

- (c) A separate table in the index should 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 set forth in its own separate volume, consisting of a compilation of all of the individual indexes. **See:** [Appx 5A \(Sample Transcript\)](#).

§ 520.46.30 Keyword Indexing Service

No charge is permitted additional to the normal page rates for keyword indexing services. No additional charge is permitted for the cost of the diskette 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 shall 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 shall follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

§ 520.50.20 Multi-Volumes Transcripts

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

- (a) Each volume of transcript should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page I. 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)

- (b) 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)

See: [Appx 5A \(Sample Transcript\)](#).

§ 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 shall 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 in the paragraphs below may be used to save time and space.

§ 520.63.20 Reporter’s Charge for Certification

If the reporter places the certification on a separate page from any transcript text, then they may NOT charge for the certification page. 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 transcript, and without causing a "page roll-over" (a smaller font may be used) the redacted transcript should 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

See: [Memorandum, Feb. 22, 2008, Guidance for Court Reporters and Transcribers on the Electronic Availability of Transcripts in CM/ECF and Transcript Redaction Procedures.](#)

§ 520.66 Copies

Transcript copies may be reproduced by any method of reproduction which produces black text on single-sided white paper. 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

There are various software programs that are available to assist court reporters/transcribers in the redaction process. The use of these programs is permissible, as long as page and line integrity remains intact. 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 should place an “x” in the space of each redacted character. Manual redactions should 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 should 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” should be inserted on a blank line, and care should be taken to ensure that the addition of this text does not cause changes to 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/transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

§ 530 Fees

§ 530.10 Fee Schedule Determination

Each district court must adopt a schedule of transcript fees for reporters and transcribers, subject to maximum rates established by the Judicial Conference. The Conference has established six transcript categories based on delivery times and whether the transcript is in draft form or certified, and has set a maximum rate for each. Neither the parties, nor the reporter, nor the transcriber, nor the court may 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. Fees may be negotiated lower than the court approved rates. Courts should set fees in each jurisdiction with regard to production costs, up to the maximum authorized by the Judicial Conference.

§ 530.15 Statutory Authority

“The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties including dealings with parties requesting transcripts.” [28 U.S.C. § 753\(c\)](#).

“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. He or she shall not charge a fee for any copy of a transcript delivered to the clerk for the records of the court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act ([18 U.S.C. § 3006A](#)), or in *habeas corpus* proceedings to persons allowed to sue, defend, or appeal *in forma pauperis*, shall be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in proceedings brought under [section 2255](#) of this title to persons permitted to sue or appeal *in forma pauperis* shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal *in forma pauperis* shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.” [28 U.S.C. § 753\(f\)](#).

§ 530.20 Judicial Conference Policy

- (a) “The Conference, pursuant to 28 U.S.C. § 753(f) authorized district courts to prescribe fees which court reporters may charge and collect for transcripts requested by the parties, including the United States, at the following rates.” [JCUS-MAR 80](#), pp. 17-18. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.
- (b) “A litigant who orders a copy of a realtime unedited transcript will be required to purchase a certified copy of the same pages of realtime unedited copies at the regular copy rates (ordinary, [14-day,] expedited, daily, or hourly).” [JCUS-MAR 99](#), p. 25.
- (c) “In order 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.

§ 530.20.10 Realtime Unedited Transcript

- (a) Effective June 1, 1996, the Judicial Conference defined the category of “realtime unedited transcript” as “a draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.” [JCUS-MAR 96](#), p. 26.
- (b) The Judicial Conference approved transcript fee rates for realtime unedited transcripts provided by certified realtime reporters to establish the maximum page rate authorized for the provision of realtime services, including the production and distribution of realtime unedited transcripts. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.

§ 530.20.20 Transcripts in CJA 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. CJA multi-defendant transcript orders may be requested in electronic format to simplify making multiple copies; or, 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. The cost of such duplication will be charged to the CJA appropriation. This policy would include a court reporter furnishing duplication services at the commercially competitive rate.
- (b) 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.

§ 530.25 Notification of Fees

The fees must be posted prominently in the clerk of court’s office so that parties are apprised of them. 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.

§ 530.30 Judge Ordered Transcripts

§ 530.30.10 Regular and Temporary (Salaried) Reporters

- (a) Title [28 U.S.C. § 753\(b\)](#) sets forth the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. With regard to transcript requests from parties, [§ 753\(f\)](#) provides that court reporters may charge and collect fees from parties ordering transcripts at rates prescribed by the court, subject to the approval of the Judicial Conference.
- (b) The Conference has set [maximum transcript rates](#) based in part on whether the transcript is an original or a copy. Questions have been raised as to whether the original or copy fee applies when a party requests a transcript that was originally produced at the request of a judge. 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, the Committee agreed 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. On recommendation of the Committee, the Conference amended its transcript fee policy to make 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 under 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 per diem [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

"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. Accordingly, neither the Department

of Justice nor the Administrative Office of the United States Courts may pay for such transcripts from their appropriations.... However, reporters whose services are obtained on a per diem or contract basis are entitled to payment, from the Administrative Office," when such transcript is ordered by the court. **See:** [Comptroller General Decision B-184875 \(June 11, 1976\)](#).

§ 530.35 Setting Transcript Rates by the Court

§ 530.35.10 Judicial Conference Policy

"In setting the transcript rates to be charged by the court reporters in each area, the district court should look to comparable services rendered in the state courts and consider setting the transcript rates in their courts coincide with any lower comparable state rate. No other types of transcripts are authorized, other than those defined above. Litigants and parties have the privilege and right to order transcripts at the rate fixed by each district court, not to exceed the above maximum rates. A notice of the rates established by the district courts and of the reporter's obligation to furnish transcripts at those rates and under those conditions shall be published in a conspicuous place or otherwise disseminated to the public." [JCUS-MAR 80](#), p. 18.

§ 530.40 Justifying Higher Rates

§ 530.40.10 Judicial Conference Policy

"The Committee [on Court Administration] recognized that situations may exist in some specific districts justifying higher rates for those districts alone. Upon the recommendation of the Committee, the Conference authorized the Director of the Administrative Office to increase transcript rates for original transcripts only [not copies] 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 should submit an analysis to the Director of the AO supporting:
 - the amount of higher rate requested;
 - for which types of transcript (ordinary, 14 day, expedited, daily, and hourly); and

- its impact on total and net income derived by official court reporters based on annual average transcript production.
- (2) The analysis should include a justification based on the following information:
- (A) A comparison of transcript fees corresponding to ordinary, expedited, daily, and hourly transcript categories of court reporters in the local or state courts.
 - (B) 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.

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 the [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 3-5 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) after this comparison, the Director will notify the chief judge whether the increase is justified and, if justified, the effective date of the rate change.

§ 530.45 Scope

The maximum rates adopted by the Judicial Conference apply to:

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

§ 530.45.10 Billing Responsibility

All reporters and transcribers are responsible for correct billings. Billings shall be monitored by the court reporting supervisor, and certified as correct by the court reporter or transcriber.

§ 530.45.20 Purchases

Copies of audio cassettes and digital audio compact disks when the original record was taken by electronic sound recording may be purchased from the court under the [Miscellaneous Fee Schedule](#). Transcription of audio recordings of court proceedings recorded using electronic sound recording systems, may be purchased through the court at rates set by the court up to the maximum rates approved by the Judicial Conference.

§ 530.50 What the Fees Include

§ 530.50.10 Services Descriptions	
Item	Description
(a) Transcript Production	The fees cover all costs of transcript production.
(b) Original Fees	For any given proceeding/date there can only be one original charge. All other transcripts of the same proceeding shall be at the copy rates.
(c) Expedited, Daily, and Hourly Transcripts	In the case of expedited, daily, hourly and realtime unedited transcripts, the approved fees are to cover the above items, as well as payments to extra reporters, typists, and transcribers to help produce the transcript.
(d) Copy Fees	A copy fee is charged if the party orders and receives a copy. Only one copy charge is permitted for multi-defendant cases involving CJA-represented defendants.

§ 530.50.10 Services Descriptions	
Item	Description
(e) Fees 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

§ 530.50.20 Fee Calculation Examples

The page rates used in these examples are changed periodically by the Judicial Conference, and should be verified on the [Maximum Transcript Rates](#) page on J-Net.

- (a) *A defense attorney in a multi-defendant CJA case orders an original and two copies of an ordinary transcript of 100 pages.*

The court reporter may charge the party the original ordinary transcript rate per page for the original transcript. At the request of the CJA attorney, original transcript may be delivered in paper copy or electronic format for the defender to make and provide copies to any other CJA parties in the case needing a copy. Additional paper copies may be provided to other defense counsel at the commercially competitive copy rate as approved by the court. The reporter must provide a certified copy to the clerk of court without charge for the court record.

- (b) *A party in a civil case requests daily transcript copy and two copies of a trial generating 200 pages per day.*

(1) The charge to the private attorney would be the:

- original daily transcript rate (\$6.05 per page in this example) for the original;
- first copy daily transcript rate (\$1.20 per page in this example); and
- additional copy daily transcript rate (\$.90 per page in this example) for the second (multi-page transcript) copy to the same attorney.

- (2) The charges per day would be:
- \$6.05 x 200 pages = \$1,210 for the daily copy;
 - \$1.20 + \$.90 = \$2.10 x 200 pages = \$420 for two copies per day.
- (3) Any copies to opposing counsel would be charged at \$1.20 for the first copy and \$.90 per page for additional paper or electronic copies.

(c) *In a multi-defendant CJA case, the prosecution orders and the judge approves the use of realtime.*

The court reporter must offer the defense parties a copy of unedited realtime on monitors at the copy rate. In this instance, the reporter may charge the first copy realtime transcript rate (\$1.20 in this example) for each defender using a realtime monitor, but the court reporter may not charge but once for the certified copy rate to the defense attorneys.

Calculation assuming 200 pages per day:

- (1) The prosecuting attorney would be charged the original realtime transcript rate (\$3.05 in this example) times 200 pages per day equals \$610. The prosecution attorney could also be charged for the certified transcript of his/her choice; ordinary, expedited, daily, or hourly. At the ordinary transcript fee rate the charge would be an additional original ordinary transcript rate (\$3.65 in this example) times 200 pages equals \$730 per day.
- (2) Each defense attorney would be charged the first copy realtime transcript rate (\$1.20 in this example) times 200 pages equals \$240 for the realtime, plus the certified copy rate charged only to one defense attorney. That attorney would be responsible for providing paper or electronic copies of the certified transcript to any defense attorney needing a copy.

§ 530.55 Items for Which No Fee May Be Charged	
Item	Description
(a) Transcript copy filed with the Court	A party may not be charged for any transcript provided to the clerk of court as the court's copy.

§ 530.55 Items for Which No Fee May Be Charged

Item	Description
(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 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. Any certified transcript, previously produced by a reporter without charge to a judge, and subsequently requested by a party may be charged only at the copy fee rate. 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.
(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.
(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.
(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.
(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.

§ 530.60 Permissible Extra Fees

§ 530.60.10 Subsistence Cost for Reporters

In areas where the court's reporter may need to hire reporters from outside the community area to help produce expedited, daily, or hourly transcript, the reporter may bill the party for the subsistence costs of other reporters or auxiliary personnel. These costs are authorized up to the amount of travel subsistence that a government employee may be reimbursed for the same travel. Compensation for auxiliary personnel as an attendance fee, however, is not billable to the party.

§ 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 the Court of Appeals

§ 530.70.10 Ordering Responsibility

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.

§ 530.70.20 Filings

The reporter or transcriber must prepare an original and a copy whenever a certified transcript is ordered. One copy is filed in the clerk's office, and the original transcript is delivered to the party. No additional fee is charged the party if the copy from the clerk's records is forwarded as part of the record on appeal. The practice of charging for a copy taken from the clerk's file was abolished in 1963 by the Judicial Conference.

§ 530.70.30 Payment Form

Transcripts for appellants proceeding under the CJA or in forma pauperis are to be paid by the United States out of money appropriated for such purposes.

§ 530.70.40 Prepayment

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

Some circuits require that a portion of the prepayment be held in escrow, however, until the transcript is prepared.

§ 530.70.50 Temporary Retention of Transcript Deposits by Clerk of Court

The clerk of court may receive and hold transcript fee deposits 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. The court’s authority is the Court Reporter Act, [28 U.S.C. § 753](#), and the Judicial Conferences March 1982 resolution concerning management of court reporters. [JCUS-MAR 82](#), pp. 8-12.

§ 530.70.60 Fees for Transcripts to Be Paid by Parties

See: [§ 540 \(Transcripts for Cases on Appeal\)](#).

(a) Rule 10. The Record on Appeal

“At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript.”

(b) Judicial Conference Policy

"That the Judicial Conference reaffirm its September 1963, decision that no court reporter is authorized to receive payment of a fee for providing a transcript for the clerk's office in the preparation or perfection of an appeal. It is also recommended that the Conference approve the policy that a reporter may charge a party only for transcript ordered by and delivered to the party and that the reporter must bear the expense of providing a copy of a transcript to be filed with the clerk of the district court and a copy to be submitted to the court of appeals, if required. It is further suggested that the Ninth and Tenth Circuit Courts of Appeals should review their requirements that a copy of the transcript be retained in the district court since it duplicates the copy of the transcript that is submitted to the court of appeals." [JCUS-SEP 83](#), p. 51.

(c) Cases Covered

(1) Appeals to a Circuit from a District Court

Transcripts for appealed cases should be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. 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.

(d) Late Delivery of Transcripts

(1) Judicial Conference Policy

“That for a transcript of a case on appeal not delivered within 30 days of the date ordered and payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 90 percent of the prescribed fee; that for a transcript not delivered within 60 days of the date ordered and, payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 80 percent of the prescribed fee. No fee may be charged which would be higher than the fee corresponding to the actual delivery time. In the case of a transcript which is subject to [Fed. R. App. P. 11\(b\)](#), the reduction in fee may be waived by the clerk of the court of appeals for good cause shown. Nothing contained herein should be construed as sanctioning untimely delivery, nor should this provision be considered the only penalty that could be imposed by the court or circuit council on habitual offenders.” [JCUS-MAR 82](#), p. 10.

(2) Penalties

Late delivery of transcripts impedes the work of the courts. 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. Additionally, the district courts or circuit councils may impose other penalties. One such penalty would be to require the reporter to compensate a courtroom substitute while the reporter prepares the overdue transcripts.

(3) Waiver by Clerk of the Court of Appeals

While true hardship cases may arise occasionally, 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. 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. A waiver must be granted separate and apart from the request for an extension of time by the court reporter or transcriber.

(4) Monitoring by Supervisor

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

(5) Overcharging

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

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

(a) Judicial Conference Policy

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

(b) Cases Covered

(1) Appeals to a Circuit from the District Court

Court reporters may be paid by the AO for transcripts provided in civil proceedings other than habeas corpus and those filed under section 2255 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.

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

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

The Court Reporter Act, [28 U.S.C. § 753\(f\)](#), provides that the government will pay for transcripts on appeal when the party requesting the transcript has been granted pauper 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. 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) Transcripts Required for District Judge Review of 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 Which May Be Paid From the 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, 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*)

[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. Payments for transcripts ordered by federal public or community defenders will be paid by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. Only transcripts ordered on a Form CJA 24 require prior judicial approval. Payments to court reporters are subject to post audit by the Administrative Office. **See:** [§ 550 \(Criminal Justice Act and In Forma Pauperis Proceedings\)](#).

(c) Using the Billing with Annotated Information in Lieu of [Form SF 1034 \(Public Voucher for Purchases and Services Other than Personal\)](#)

(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. Funding codes information will be disseminated to each court at the beginning of every fiscal year in the Allotment Guidelines for General Authorizations. 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 – the transcript rate, which must not exceed the maximum rates approved by the Judicial Conference, must be stated.

(2) Court-Ordered Transcript

In addition to [§ 530.80\(c\)\(1\)](#), above, if the transcript is court ordered from a contract reporter, state the name and title of the judicial official who ordered the transcript.

(3) In Forma Pauperis

In addition to [§ 530.80\(c\)\(1\)](#), above, 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:

(A) Certified Copy of Court Order

The invoice (or alternative Form SF 1034) should 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 should be attached to the invoice (or alternative 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 Section 2255), the invoice (or alternative Form SF 1034) should 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

(iii) Condemnation Hearings and Proceedings

In addition to [§ 530.80\(c\)\(1\)](#) above, in the instances of condemnation hearings and proceedings required

by [28 U.S.C. § 753](#), the invoice (or alternative Form SF 1034) should be supported by:

- (a) a certified copy of the court order allowing the transcript and specifying the number of copies to be furnished, and
 - (b) the number of copies chargeable to the federal judiciary and the distribution of such copies.
- (iv) 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 Alternative Form SF 1034

- (1) The original and first copy should be submitted to the clerk of court or designated approving official with
 - (A) an invoice billing the court and referencing the case number, category of transcript ordered, total number of pages, and page rate; and
 - (B) other supporting documentation required.
- (2) The second copy should be retained in the court reporter's files.

(e) Payment

- (1) Services claimed on the billing or SF 1034 are usually paid by the clerk of court or designated disbursing officer who certifies and pays vouchers on the basis of the approving officer's prior approval. Payments may not be made in advance of the rendering of services. A single authorization may be used to support a series of vouchers.
- (2) Payment to Contract Court Reporters

All fees are set by the terms of the contract, subject to the maximum fee rates established by the Judicial Conference.

Whenever the contractor delivers a transcript to a party in response to a transcript order, the contractor must provide a free copy to the clerk of court under the terms of the contract. “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. Concurrently, the contractor must deliver a free copy to the clerk of court. Courts may not pay for a transcript ordered by and furnished to a party not proceeding in forma pauperis on appeal.

§ 530.80 Routine Apportionment of Transcript Rates

§ 530.80.10 Judicial Conference Policy

- (a) “That the furnishing of accelerated transcript services in criminal proceedings should be discouraged, however, recognizing that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both, accelerated transcript services may be provided.” [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 19.
- (b) “That in those cases where accelerated transcript services are provided, the party from whom the request or order emanates shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel shall be entitled to a copy at the copy rate.” [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 19.
- (c) “That the present practice, in some districts, of routinely apportioning the total cost of accelerated transcript services equally among the parties should be abandoned.” [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 19.

§ 530.80.20 Court Action

Courts should ensure that the court reporting services management plan prohibits the routine apportionment of accelerated transcript costs among parties in criminal proceedings.

§ 530.85 Electronic Sound Recording Tapes

§ 530.85.10 Introduction

- (a) The court may have transcripts prepared by professional transcription services. 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.
- (b) Court employees, other than court reporters, may not retain fees for preparation of official transcripts even if prepared on their own time. If a court employee, other than court reporters, produces a transcript for a private party, the fees for such must be deposited into the United States Treasury.

§ 530.85.20 Judicial Conference Policy

- (a) "The Conference approved an amendment...of the regulations of the Director to provide that the rates and conditions for transcripts prepared by electronic recording of proceedings before magistrate judges be the same rates and conditions established by the Conference for transcripts prepared by an official court reporter." [JCUS-SEP 77](#), p. 64.
- (b) "For transcribing a record of any proceeding by a regularly employed member of the bankruptcy court staff who is not entitled by statute to retain the transcript fees for his or her own account, a charge shall be made at the same rate and conditions established by the Judicial Conference for transcripts prepared and sold to parties by official court reporters." [JCUS-MAR 81](#), p. 14.

§ 530.85.30 General Counsel Opinion

- (a) "Official court reporters are the only court employees who may receive compensation other than their salary for the performance of official duties, namely fees for the preparation of transcripts." OGC Memorandum, June 8, 1983.
- (b) "When the court designates a non-reporter employee to transcribe the record of a courtroom proceeding, that employee produces the transcript as part of his or her official duties.... That employee is entitled, therefore, to work on the transcript during regular working hours and to have all supplies furnished by the government. Any fee collected for the transcript represents a reimbursement to the government of the costs of having a non-reporter employee prepare the transcript and must be paid into the

Treasury pursuant to [31 U.S.C. § 3302\(b\)](#). The retention of these fees by a non-reporter employee could offend the spirit if not the letter of the criminal statutes on conflict of interest.” [18 U.S.C. § 201\(g\)](#), [§ 209](#).

§ 530.85.40 Sales of Tapes to the Public

- (a) Upon request, the court may reproduce tapes on its own duplicating equipment or on commercial equipment and may sell copies of electronic sound recording tapes made as the official record to the public at the prevailing rate prescribed by the miscellaneous fee schedule in effect.
- (b) This provision does not apply to reporters’ backup tapes used to augment the court reporter’s steno notes.

§ 530.90 Certification of Transcript Rates

- (a) Judicial Conference Policy

“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) Certification

[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 Sanctions for Overcharging

- (a) Judicial Conference Policy

“That to insure compliance with regulations of the Judicial Conference, 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) Retention of Deposits

As part of its management responsibility, the clerk of court may receive and hold transcript fee deposits and other payments as an incentive to the court reporter to fulfill transcript orders on time.

(c) Monitoring

The court reporting supervisor must monitor fees charged for transcripts including reviewing invoices and vouchers for compliance with the court's approved fee schedule and any fee reductions imposed for late delivery.

(d) Refunding

If court reporters and transcribers bill accurately and supervisors monitor attentively, fees should always be correct. However, 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.

(e) Termination

Reporters who intentionally overcharge should be terminated. Courts are advised to discontinue using transcription services which intentionally overcharge.

§ 540 Transcripts for Cases on Appeal

§ 540.10 Introduction

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.

- (a) For a court reporter to charge full fees prescribed by the Judicial Conference, the transcript must be delivered within 30 days or within such other time as may be prescribed by the circuit judicial council.
- (b) The clerk of the court of appeals may grant an exception for good cause to the requirement to reduce the fee.
- (c) Court reporters should use note readers or technological tools like computer assisted transcription equipment to help them manage high

volume production and meet the needs of the courts and the public for timely transcripts.

- (d) Under [28 U.S.C. § 753\(f\)](#), the reporter may require any party requesting a transcript to prepay the estimated fees in advance except transcripts that are to be paid by the United States government. **See:** [§ 530 \(Fees\)](#).

§ 540.20 Statutory Authority

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

The statute states:

- (a) Composition of the Record on Appeal

The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the district court;
- (2) the transcript of proceedings, if any; and
- (3) a certified copy of the docket entries prepared by the district clerk.

- (b) The Transcript of Proceedings

- (1) Appellants Duty to Order

Within 10 days after filing the notice of appeal or entry of an order disposing of the last timely remaining motion of a type specified in [Rule 4\(a\)\(4\)\(A\)](#), whichever is later, the appellant must do either of the following:

- (A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, subject to a local rule of the court of appeals and with the following qualifications:
 - (i) the order must be in writing;
 - (ii) if the cost of the transcript is to be paid by the United States under the CJA, the order must so state; and

(iii) the appellant must, within the same period, file a copy of the order with the district clerk; or

(B) file a certificate stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion

If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion.

(3) Partial Transcript

Unless the entire transcript is ordered:

(A) the appellant must within the 10 days provided in [Rule 10\(b\)\(1\)](#) file a statement of the issues that the appellant intends to present on the appeal and must serve on the appellee a copy of both the order or certificate and the statement;

(B) if the appellee considers it necessary to have a transcript of other parts of the proceedings, the appellee must, within 10 days after the service of the order or certificate and the statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the appellee, the appellee may within the following 10 days either order the parts or move in the district court for an order requiring the appellant to do so.

(4) Payment

At the time of ordering, a party must make satisfactory arrangements with the reporter for paying the cost of the transcript.

(c) Statement of the Evidence When the Proceedings Were Not Recorded or When a Transcript Is Unavailable

If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellants recollection. The statement

must be served on the appellee, who may serve objections or proposed amendments within 10 days after being served. The statement and any objections or proposed amendments must then be submitted to the district court for settlement and approval. As settled and approved, the statement must be included by the district clerk in the record on appeal.

(e) Agreed Statement as the Record on Appeal

In place of the record on appeal as defined in [Rule 10\(a\)](#), the parties may prepare, sign, and submit to the district court a statement of the case showing how the issues presented by the appeal arose and were decided in the district court. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the courts resolution of the issues. If the statement is truthful, it together with any additions that the district court may consider necessary to a full presentation of the issues on appeal must be approved by the district court and must then be certified to the court of appeals as the record on appeal. The district clerk must then send it to the circuit clerk within the time provided by [Rule 11](#). A copy of the agreed statement may be filed in place of the appendix required by [Rule 30](#).

(e) Correction or Modification of the Record

- (1) If any difference arises about whether the record truly discloses what occurred in the district court, the difference must be submitted to and settled by that court and the record conformed accordingly.
- (2) If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:
 - (A) on stipulation of the parties;
 - (B) by the district court before or after the record has been forwarded; or
 - (C) by the court of appeals.
- (3) All other questions as to the form and content of the record must be presented to the court of appeals.

§ 540.20.20 Rule 11, Federal Rules of Appellate Procedure (Forwarding the Record)

The statute states:

(a) Appellants Duty

An appellant filing a notice of appeal must comply with [Rule 10\(b\)](#) and must do whatever else is necessary to enable the clerk to assemble and forward the record. If there are multiple appeals from a judgment or order, the clerk must forward a single record.

(b) Duties of Reporter and District Clerk

(1) Reporters Duty to Prepare and File a Transcript

The reporter must prepare and file a transcript as follows:

- (A) Upon receiving an order for a transcript, the reporter must enter at the foot of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the circuit clerk.
- (B) If the transcript cannot be completed within 30 days of the reporters receipt of the order, the reporter may request the circuit clerk to grant additional time to complete it. The clerk must note on the docket the action taken and notify the parties.
- (C) When a transcript is complete, the reporter must file it with the district clerk and notify the circuit clerk of the filing.
- (D) If the reporter fails to file the transcript on time, the circuit clerk must notify the district judge and do whatever else the court of appeals directs.

(2) District Clerks Duty to Forward

When the record is complete, the district clerk must number the documents constituting the record and send them promptly to the circuit clerk together with a list of the documents correspondingly numbered and reasonably identified. Unless directed to do so by a party or the circuit clerk, the district clerk will not send to the court of appeals documents of unusual bulk or weight, physical exhibits other than documents, or other parts of the record designated for

omission by local rule of the court of appeals. If the exhibits are unusually bulky or heavy, a party must arrange with the clerks in advance for their transportation and receipt.

(c) Retaining the Record Temporarily in the District Court for Use in Preparing the Appeal

The parties may stipulate, or the district court on motion may order, that the district clerk retain the record temporarily for the parties to use in preparing the papers on appeal. In that event the district clerk must certify to the circuit clerk that the record on appeal is complete. Upon receipt of the appellees brief, or earlier if the court orders or the parties agree, the appellant must request the district clerk to forward the record.

(d) [Abrogated.]

(e) Retaining the Record by Court Order

(1) The court of appeals may, by order or local rule, provide that a certified copy of the docket entries be forwarded instead of the entire record. But a party may at any time during the appeal request that designated parts of the record be forwarded.

(2) The district court may order the record or some part of it retained if the court needs it while the appeal is pending, subject, however, to call by the court of appeals.

(3) If part or all of the record is ordered retained, the district clerk must send to the court of appeals a copy of the order and the docket entries together with the parts of the original record designated by the parties.

(f) Retaining Parts of the Record in the District Court by Stipulation of the Parties

The parties may agree by written stipulation filed in the district court that designated parts of the record be retained in the district court subject to call by the court of appeals or request by a party. The parts of the record so designated remain a part of the record on appeal.

(g) Record Needed for a Preliminary Motion in the Court of Appeals

If, before the record is forwarded, a party makes any of the following motions in the court of appeals:

- for dismissal,
- for release,
- for a stay pending appeal, or
- for additional security on the bond on appeal or on a supersedeas bond; or for any other intermediate order

the district clerk must send the court of appeals any parts of the record designated by any party.”

§ 540.30 Due Dates

Transcripts for appealed cases should be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. 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.

§ 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 148 \(Sample Transcript Purchase Order\)](#).

§ 540.50 Full Transcript Not Required for Criminal Appeals

§ 540.50.10 Judicial Conference Policy

"It is the sense of the Conference that a substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings. ...that among other methods, the processing of appeals should be expedited by such steps as the following: 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.

§ 540.60 Use of Substitute Reporters

In the event that an official staff, additional, temporary, or combined position court reporter is not able to provide transcripts in a timely fashion, i.e., within 30 days, the judge may appoint a substitute reporter at the expense of the reporter. **See:** [Guide, Vol 6, § 440 \(Substitute Court Reporters\)](#).

§ 540.60.10 Judicial Conference Policy

"Because of the inordinate delays that have taken place throughout the system in the preparation of transcripts by court reporters in cases that are being appealed, the Conference agreed that substitute reporters should be employed to service the requirements of the district judge where the official court reporter is unable to complete his transcripts in a timely fashion and that the salary of the official reporter be subject to withholdings not to exceed the sum necessary to compensate the substitute reporter until the transcripts are current. The need for substitute reporter service is to be determined by the district judge affected or by the chief judge of the circuit, at his [or her] option, acting through the circuit executive." [JCUS-MAR 75](#), p. 8.

§ 540.70 Withholding Salary / Placing Reporter on Leave Without Pay

If it is necessary for the judge to appoint a substitute reporter while the court reporter is preparing backlogged transcripts, either the court reporter bears the cost of a substitute appointed by a judge or the court reporter is placed on leave without pay.

§ 540.80 Temporary Retention of Transcript Deposits by Clerk of District Court

As set forth in an OGC memorandum dated February 20, 2003, the clerk of the district court may receive and hold transcript fee deposits as an incentive to the court reporter to fulfill transcript orders on time. The court has the discretion to make this "escrow" arrangement standard practice for all transcript fees. This practice is within the court's authority under the Court Reporter Act, [28 U.S.C. § 753](#), and also within the scope of the Judicial Conference's March 1982 resolution concerning management of court reporters. [JCUS-MAR 82](#), pp. 8-12.

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

§ 550.10 Introduction

Court reporters are to be paid for transcripts provided to parties proceeding under the CJA and to parties allowed to appeal in forma pauperis. Payment is to be made by the United States from funds appropriated for that purpose at rates not to exceed those established by the Judicial Conference. Except as specified herein, transcripts ordered in multi-defendant cases by more than one party under the CJA must be copied at commercially competitive rates.

§ 550.20 Statutory Authority

- (a) "Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act ([18 U.S.C. § 3006A](#)), or in

habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in proceedings brought under [\[28 U.S.C. § 2255\]](#) to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal *in forma pauperis* shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid by the United States." [28 U.S.C. § 753\(f\)](#).

- (b) "Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of 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 under [\[18 U.S.C. § 3401\(b\)\]](#); and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to [\[28 U.S.C. § 636\(c\)\]](#). Such expenses shall be paid when authorized by the Director of the [AO]." [28 U.S.C. § 1915\(c\)](#).
- (c) "Judgement may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States." [28 U.S.C. § 1915\(f\)\(1\)](#).
- (d) "Attorneys shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate judge or the court." [18 U.S.C. § 3006A\(d\)\(1\)](#).
- (e) "Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate defense may request them in an ex parte application." [18 U.S.C. § 3006A\(e\)\(1\)](#).

§ 550.30 Judicial Conference Policy

"It is the sense of the Conference that a substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings.... 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.

§ 550.40 Transcripts

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. The court reporter must prepare such transcript in the format prescribed by the Judicial Conference. Also, the court reporter may not exceed the rates for transcript established by the Judicial Conference in effect at the time authorization was made. 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 Authorization for Payment

- (a) For panel attorneys, the preferred method for payment of transcripts is for the court reporter or reporting service to claim compensation directly for transcripts authorized by the court on [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#). However, if assigned counsel elects to pay for the court authorized transcript, the attorney may seek reimbursement as an "out-of-pocket expense," and should use the CJA 24 form for this purpose. **See:** [Guide, Vol 7A, §§ 230.63.20 \(Reimbursement for Transcripts\)](#) and [320.30 \(Transcripts\)](#). Regardless of which method is used, the limitations of \$1,600 and \$500 set forth in the [Guide, Vol 7A, § 310.20 \(Limitations\)](#) and \$7,500 set forth in the [Guide, Vol 7A, § 660.20 \(Limitations on Payment for Investigative, Expert, and Other Services\)](#) are inapplicable with regard to the cost of transcripts. (For procedures regarding federal defender organization transcript payments, **see:** [Guide, Vol 7A, § 430.10 \(Payment of Transcripts\)](#)).
- (b) To obtain necessary parts of transcripts, or, if required, the entire transcript, in a direct appeal in a case in which counsel is assigned pursuant to the Criminal Justice Act, neither the Act nor [28 U.S.C.](#)

[§ 753\(f\)](#), as amended by Public Law 91-545, requires the signing of a pauper's oath or certification by the Court that the appeal is not frivolous.

§ 550.40.20 Apportionment of Costs

Routine apportionment of **accelerated** transcript costs among parties in CJA cases is prohibited. The following resolution was adopted by the Judicial Conference in March of 1980, and modified in September of 1986:

“That the furnishing of accelerated transcript services in criminal proceedings should be discouraged; however, recognizing that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both, accelerated transcript services may be provided.”

“That in those cases where accelerated transcript services are provided, the party from whom the request or order emanates shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel shall be entitled to a copy at the copy rate.”

“That the present practice, in some districts, of routinely apportioning the total cost of accelerated transcript services equally among the parties should be abandoned.”

§ 550.40.30 Commercial Duplication in Multi-Defendant Cases

See: [Guide, Vol 7A, §320.30.30 \(Commercial Duplication in Multi-Defendant Cases\)](#).

- (a) In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed 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. The cost of such duplication will be charged to the CJA appropriation. This policy does not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.
- (b) In individual cases involving requests for **accelerated** transcripts, the court may grant an exception to the policy set forth in paragraph (a) above based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding

under the CJA. Such finding should be reflected on the transcript voucher.

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. The AO estimates that ten cents per page would be a maximum copy rate, with such rate often lower and rarely higher. Commercial rates should be monitored by the court on a periodic basis to ensure accuracy and compliance with the guideline.

§ 550.50 Procedures for Payments

§ 550.50.10 Panel Attorneys

The panel attorney program is funded on a payment rather than an obligation basis, thus transcripts for panel attorneys are paid from the current fiscal year on the payment date 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.

§ 550.50.20 Pro Se Defendants

Vouchers ordered by eligible pro se defendants will be processed in the same manner as those ordered by panel attorneys. AO Office of Finance and Budget Memorandum, Aug. 4, 1998.

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

(a) Use

This form is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA by panel attorneys, but not for transcripts ordered by federal public or community defenders. Payment for transcripts ordered by federal public or community defenders will be by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. AO Office of Finance and Budget Memorandum, Aug. 4, 1998.

(b) Items Covered

(1) 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.

- (A) 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.
 - (B) Extraordinary delivery costs, such as courier services or express mail. (Regular postage is not to be claimed.)
- (c) According to the Judicial Conference resolution of expediting appeals ([JCUS-OCT 71](#), pp. 61-62), in the absence of specific authorization by a district judge or magistrate judge on [Form CJA 24](#), trial transcripts **may not** include:
- Prosecution opening statements
 - Defense opening statements
 - Prosecution argument
 - Defense argument
 - Prosecution rebuttal
 - Voir dire
 - Jury instructions
- (d) Distribution of Copies

After the transcript services have been rendered and the Form CJA 24 approved, distribution is to be made as follows:

- (1) After disbursement, the original and Copy 1 are to be retained by the disbursing officer.
- (2) Copy 2 is to be retained in the court's files.
- (3) Copy 3 is to be retained by the payee.

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

- (a) Purpose of Form

Form SF 1034 is 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\(b\)](#).

(b) Federal Public Defenders

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. Judicial approval is not required and CJA 24 forms are no longer used for transcripts ordered by FPDOs. (AO Office of Finance and Budget Memorandum, Aug. 4, 1998)

(c) Community Defenders

Transcripts are paid directly by the Community Defender Offices from grant funds. Judicial approval is not required, and payment requests should not be submitted to the district court. AO Office of Finance and Budget Memorandum, Aug. 4, 1998.

§ 550.50.50 Payments by the Clerk of Court

The Criminal Justice Act Panel Attorney Payment System provides the process for payment of transcripts ordered under CJA and the checks are issued by the AO, not the district court's disbursing office. AO Office of Finance and Budget Memorandum, Aug. 4, 1998.

§ 550.60 Depositions

Depositions for Criminal Justice Act attorneys are considered private reporting. **See:** [Guide, Vol 6, § 420 \(Reporting for U.S. Attorney's Office\)](#) and [§ 430 \(Private Reporting Activities\)](#).

§ 560 Copyright Laws

§ 560.10 Introduction

Transcripts produced from records of proceedings in United States courts are not protected by copyright. This applies whether the transcript was produced by a court employee, a contractor, or a transcriber. Because transcripts are in the public domain, they may be used, reproduced, and sold by attorneys, parties, and the general public without additional compensation to the court reporter, contractor or transcriber.

§ 560.20 Statutory Authority

- (a) "Copyright protection under this title [Title 17, U.S. Code] is not available for any work of the United States Government." [17 U.S.C. § 105](#).

- (b) "A work of the United States Government is a work prepared by an officer or employee of the United States Government as part of that person's official duties." [17 U.S.C. § 101](#).

§ 560.30 District Court Opinion

"Absent an express contractual reservation of copyright in an artist, title to the copyright is presumed to be in the employer, the person at whose instance and expense the work is done.... [The contractor's] free-lance status does not defeat the application of the work for hire doctrine. The doctrine applies equally as well to an independent contract as it would to a salaried member of [the employer's] staff." *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.).

§ 560.40 References to Copyright

Transcripts are in the public domain and are not protected by copyright. Transcripts may not bear statements which would lead one to believe that they are protected by copyright. It is a criminal offense to place such a statement in a transcript or to distribute transcripts containing such a statement with fraudulent intent. [17 U.S.C. § 506\(c\)](#).

§ 560.50 Copying and Selling Transcripts

Transcripts may be freely copied, sold, and distributed by members of the public without compensation to the court reporter or transcriber.

§ 560.60 Reproduction of the Clerk of Court's Copy

The Judicial Conference policy regarding the electronic availability of transcripts of court proceedings imposed a 90 day rule for redaction of privacy information from transcripts, as follows:

- (a) 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 after it is delivered to the clerk.
- (b) During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.

- (c) After the 90-day period has ended, 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.
- (d) After the 90 period, 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.

§ 560.70 Inspection of the Clerk of Court's Copy

Any transcript on file with the clerk of court may be inspected by any member of the public during normal court hours without compensation to the court reporter or transcriber. The clerk may not charge a fee for the right to inspect. [28 U.S.C. § 753\(b\)](#).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENISE M. OLIVER and
ELIZABETH ANN MOODY,

Plaintiffs,

Docket No. CV 81-1224

vs.

St. Louis, Missouri
August 28, 2009

WILLIAM FOUNDATION HOSPITALS,
C. Z. TORT, F. W. WINSTON,

Defendants.

VOLUME III
TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ROBERT JUSTICE
UNITED STATES DISTRICT JUDGE AND A JURY

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFFS:

Guest, Jones & Law
By: Joseph Law, Esq.
1029 M Street
Suite 400
St. Louis, Missouri 63124

FOR THE DEFENDANTS:

Wills, Miller, Johnson & Smith
By: George S. Smith, Esq.
903 West Fourth Street
St. Louis, Missouri 63101

COURT REPORTER:

Mary F. Jones
308 Southcrest Blvd.
St. Louis, Missouri 63101
(314) 539-4567

Proceedings recorded by mechanical stenography,
transcript produced with computer.

1 MR. JONES: That is all I have for this witness.

2 THE COURT: All right. Suppose we recess for a short
3 period now, say 15 minutes.

4 (Recess at 10:30 a.m. until 10:45 a.m.)

5 MR. JONES: If it please the Court, Your Honor, the
6 defendant is ready to proceed. I would like to call Ann
7 Hannan.

8 ANN D. HANNAN, DEFENDANT'S WITNESS, SWORN

9 DIRECT EXAMINATION

10 BY MR. JONES:

11 Q. Would you give your full name, Ann?

12 A. Ann D. Hannan.

13 Q. And where do you live?

14 A. At 425 Rockway Place, Lake Summit.

15 Q. And how have -- I mean, how long have you lived there?

16 A. For about 20 years.

17 Q. And what do you do for a living?

18 A. I work as a checker at Green Grocery on Long Street.

19 Q. How long have you worked there, Miss Hannan?

20 A. I was hired by Clem Staples, I mean, the deceased --

21 MR. PLASKY: I object. Your Honor, I would like the
22 witness's answer stricken from the record as nonresponsive.

23 (Off-the-record discussion at sidebar.)

24 THE COURT: Objection sustained. Will you proceed.

25

1 BY MR. JONES:

2 Q. Miss Hannan, how many years did you work as a checker at
3 Green Grocery Store?

4 A. For ten years and maybe three, four months.

5 Q. Did you work all that time?

6 A. (Witness nods.)

7 Q. Was that a yes, Miss Hannan?

8 A. Yeah.

9 Q. Were you ever laid off for any reason?

10 A. No, never, 'cause Mr. Staples seen where I was livin' and
11 he knew I needed the money.

12 Q. Why did you --

13 THE COURT: Pardon me, Counsel, for interrupting you,
14 but I would like to ask the witness one question.

15 I don't understand what you mean by that statement.
16 Please explain what your living conditions were, Miss Hannan.

17 THE WITNESS: They were awful, Judge. The house had
18 no electricity. We only got a water pump two years ago.

19 THE COURT: Thank you.

20 You may proceed, Counsel.

21 MR. JONES: Your Honor, at this time I would like to
22 call the Court's attention to the case of State versus Tilden
23 which states:

24 "On June 20, 1969, the defendant was on his way home
25 and was struck by an automobile which was traveling

1 MR. JONES: That's all I have.

2 THE COURT: Are you sure that there is no more
3 testimony for the record?

4 MR. PLASKY: Nothing further.

5 THE COURT: You may step down. I am going to call a
6 short recess.

7 (Recess from 3:35 p.m. until 4:05 p.m.; all parties
8 present.)

9 THE COURT: You may proceed, Mr. Jones.

10 MR. JONES: May it please the Court. I have a
11 witness, Mary Ramirez, and she only speaks Spanish. I have
12 brought Jorge Lopez, a Spanish teacher who has been officially
13 certified by the U.S. Courts, to act as an interpreter.

14 THE COURT: Yes, Mr. Lopez has acted as an
15 interpreter in this court before.

16 MR. PLASKY: I know Mr. Lopez and agree that he be
17 the interpreter.

18 THE COURT: I will have the deputy clerk administer
19 the oath to Mr. Lopez and then to Mrs. Ramirez.

20 (Interpreter sworn.)

21 MARY RAMIREZ, DEFENDANT'S WITNESS, SWORN

22 DIRECT EXAMINATION

23 BY MR. JONES:

24 Q. What is your name?

25 A. Mary Ramirez.

1 Q. Where do you live?

2 A. Now I live at 245 Davis Road in Summerville, but I just
3 moved there three months ago. I am living with my mother and
4 father in their home.

5 Q. Do you remember the afternoon of July 14, 1979?

6 THE INTERPRETER: I am sorry, I didn't hear the date.
7 Did you say July 14?

8 MR. JONES: Yes.

9 THE INTERPRETER: She said, "Yes."

10 BY MR. JONES:

11 Q. And, where were you on July 14 at about 4:00 p.m.?

12 A. Shopping at SAVE-A-LOT.

13 Q. What time did you get to the store?

14 A. 1:00.

15 MR. PLASKY: Your Honor, may we go off the record?

16 THE COURT: Yes.

17 (Bench conference off the record.)

18 THE COURT: You may proceed, Mr. Jones.

19 MR. JONES: May we have the last question and answer
20 read back?

21 (The last question and answer were read.)

22 BY MR. JONES:

23 Q. At about 4:00 p.m. did you see anything unusual?

24 A. I saw that woman over there (indicating) take a steak and
25 put it in a shopping bag. Her, her (indicating).

1 Q. You are pointing at the defendant, Lynn Roger, are you
2 not?

3 A. Yes, that woman right there.

4 MR. JONES: Let the record show that the witness has
5 correctly identified the defendant.

6 THE COURT: I would like to make the record clear
7 that

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

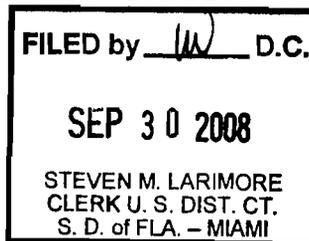
24

25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2008-31

IN RE: POLICY ON ELECTRONIC
AVAILABILITY OF TRANSCRIPTS OF
COURT PROCEEDINGS



The Judicial Conference of the United States has revised its national policy addressing electronic availability of transcripts of court proceedings filed with the court. The Judicial Conference Policy on Electronic Availability of Transcripts applies to any transcript of a court proceeding that is subsequently filed with the court and made available to the public via electronic access. In furtherance of the implementation of this policy locally, effective for any transcript filed on or after the date of this order (regardless of when the proceeding took place) it is

ORDERED that transcripts of proceedings before the United States District Court for the Southern District of Florida taken or transcribed by Official Court Reporters and Contract Court Reporters are now required to be filed with the Court in electronic format. The Court will follow the Judicial Conference Policy on Electronic Availability of Transcripts of court proceedings before making official transcripts electronically available to the public. The policy will apply to all transcripts of proceedings or parts of proceedings ordered on or after this date, regardless of when the proceeding took place, unless otherwise ordered by the Court. For

specifics as to the policy, please see the attached New Transcript Policy;

It is **FURTHER ORDERED** that the policy set forth in this order:

- A. Does not affect in any way the obligation of the court reporter to file promptly with the Clerk of Court the court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. § 753.
- B. Does not affect the obligation of the Clerk to make the official transcript available for copying by the public without further compensation to the court reporter 90 days after the transcript is filed pursuant to Judicial Conference policy.
- C. Is not intended to create a private right of action.
- D. Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.
- E. Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a

transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

DONE and ORDERED in Chambers at Miami, Florida, this 29th
day of September, 2008.


FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:

The Honorable J.L. Edmondson, Chief Judge, Eleventh Circuit
All Southern District and Magistrate Judges
U.S. Attorney R. Alexander Acosta
Federal Public Defender Kathleen Williams
James Gerstenlauer, Circuit Executive
Steven M. Larimore, Court Administrator • Clerk of Court
Library

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

**New Transcript Policy
Effective September 30, 2008**

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. A new release of CM/ECF, Version 3.2., includes software that facilitates the implementation of this policy. The policy states:

- (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 after it is delivered to the clerk.
- (2) During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
- (3) After the 90-day period has ended, 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.

Transcripts must be compliant with the new Federal Privacy Rules, Civ. 5.2 and Crim. 49.1. The Judicial Conference approved procedures for applying the redaction requirements to transcripts of court proceedings and CM/ECF Version 3.2 has been designed to include those procedures.

Pursuant to 28 U.S.C. § 753(b), the court reporter or transcriber must deliver promptly a certified copy of any transcript made to the clerk of court for the records of the court. The Notice of Electronic Filing (NEF) informs parties and attorneys of record of the 90-day restriction and how to obtain the transcript during the restriction period. The starting point for all deadlines begins the date the transcript is submitted. The redaction period for transcripts and the 90-day restriction policy apply to transcripts of federal court proceedings only.

During the 90-day period (which may be extended by the court), access to the transcript in CM/ECF is restricted to the following users:

- court staff
- public terminal users
- attorneys of record or parties who have purchased the transcript from the court reporter or transcriber; and
- other persons as directed by the court.

Except for public terminal viewers, persons authorized to view or download the transcript can also create hyperlinks to the transcript.

Court reporters will either email a PDF version of the transcript to the clerk's office for uploading/docketing or the court reporter will upload /docket transcript into CM/ECF. When an official transcript of a court proceeding has been filed, parties will be notified via CM/ECF notice of electronic filing (NEF) which will include various standard deadlines:

- 21 calendar days after the filing of the transcript, party to file the Redaction Request, if necessary;
- 31 calendar days after the filing of the transcript, court reporter to file the redacted transcript, if requested;
- 90 calendar days after the filing of the transcript, normal release of remote restrictions, unless redaction issues are pending.

Redaction responsibilities apply to the attorneys even when the requestor of the transcript is a judge or a member of the public/media.

Any party needing to review the transcript for redaction purposes may purchase a copy from the court reporter/transcriber or view the transcript at the courthouse using a public terminal. If a party purchases the transcript from the court reporter, and he or she is an attorney on the case, he or she will be given remote access to the transcript via CM/ECF and PACER. PACER fees apply at all times when accessing transcripts remotely. The clerk's office will grant remote access upon notification from the court reporter that payment was received.

There is no obligation on the part of the Clerk's office to perform any redaction. Instead, it rests on the attorneys to tell the court reporter where to redact, and on the court reporter to perform the redaction.

Unless otherwise ordered by the court, the attorney is responsible for privacy compliance of the following portions of the transcript:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witness called by the party;
- sentencing proceedings;¹
- any other portion of the transcript ordered by the court.

Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted through this part of the process:

1. Minors' names: use the minor's initials;
2. Financial account numbers: use only the last four numbers of the account;
3. Social Security numbers: use only the last four numbers;
4. Dates of birth: use only the year; and
5. Home addresses: use only the city and state (applicable in criminal cases only).

If redaction is requested within 21 calendar days of the transcripts' delivery to the clerk, or longer if so ordered by the Court, the parties must file with the court a Transcript Redaction Request (sample attached). A copy of the Transcript Redaction Request must be either faxed, e-

¹Both the government and the defendant are responsible for privacy compliance of sentencing proceedings.

mailed, or mailed to the court reporter. The request should indicate where the personal identifiers to be redacted appear on the transcript.

For example, if a party wanted to redact the Social Security number 123-45-6789 on page 10, line 12 of a transcript the Redaction Request would include the information: Page 10, line 12, SSN to read xxx-xx-6789. Access to the Transcript Redaction Request document will be restricted in PACER and CM/ECF to the court and the attorneys of record in the case.

Redacted Transcript Within 31 Calendar Days

Within 31 calendar days from the filing of the transcript with the Clerk (or longer if ordered by the court), if redaction is requested, the court reporter will file the redacted transcript.

Motion to Redact (other than five listed personal identifiers within 21 days)

If a party wishes to redact additional information (that is not listed by the Judicial Conference) he or she may make a motion to the court. The transcript will not be electronically available until the court has ruled on any such motion, even though the 90-day restriction period may have ended.

The original un-redacted electronic transcript should be retained by the clerk of court as a restricted document. The court will monitor this deadline to ensure that the redacted transcript is available for the parties and attorneys should there be an appeal.

****SAMPLE REDACTION REQUEST FORMAT****

Note: the event is located on CM/ECF by clicking:

Civil or Criminal > OTHER DOCUMENTS or APPEALS DOCUMENTS> Redaction Request - Transcript

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____-Civ or Cr-(USDJ's last name/USMJ's last name)

Plaintiff(s)

v.

Defendant(s)

_____ /

TRANSCRIPT REDACTION REQUEST

Pursuant to Fed.R.Civ.P.5.2/Fed.R.Crim.P.49.1, Plaintiff/Defendant requests that the following personal identifiers be redacted from the transcript filed on (Date):

<u>Doc#</u>	<u>Page</u>	<u>Line</u>	<u>Identifier</u>	<u>Redaction Requested</u>
53	15	10	Social Security Number	xxxx-xx-1234
53	25	2	Taxpayer ID Number	xx-xxxx5678
70	32	14	Date of Birth	xx/xx/1954
72	24	23	Minor Child's Name	Pxxx Txxxx
80	56	11	Financial Account Number	xxx-xxx-xxxx2689
93	89	8	Home Address	City, State

Respectfully submitted,

/s/ [Name of Password Registrant](Florida Bar Number)

Attorney e-mail address

Firm Name

Street Address

City, State, Zip Code

Telephone: (xxx) xxx-xxxx

Facsimile: (xxx) xxx-xxxx

Attorneys for Plaintiff/Defendant [Party Name(s)]

Certificate of Service

I hereby certify that on (date), I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and I hereby certify that I have served by some other authorized manner the document to the following Court Reporter: Name of Court Reporter or Court Reporter Coordinator. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

WD 05-2119 (Rev.-13) was first posted on www.wdol.gov on 06/19/2012

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of LaborU.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210Diane C. Koplewski Division of
Director Wage DeterminationsWage Determination No.: 2005-2119
Revision No.: 13
Date Of Revision: 06/13/2012

State: Florida

Area: Florida Counties of Collier, Dade, Monroe

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		14.11
01012 - Accounting Clerk II		16.24
01013 - Accounting Clerk III		18.17
01020 - Administrative Assistant		22.64
01040 - Court Reporter		18.82
01051 - Data Entry Operator I		12.92
01052 - Data Entry Operator II		14.09
01060 - Dispatcher, Motor Vehicle		16.82
01070 - Document Preparation Clerk		12.67
01090 - Duplicating Machine Operator		12.67
01111 - General Clerk I		12.62
01112 - General Clerk II		13.88
01113 - General Clerk III		15.59
01120 - Housing Referral Assistant		20.88
01141 - Messenger Courier		12.39
01191 - Order Clerk I		12.71
01192 - Order Clerk II		13.86
01261 - Personnel Assistant (Employment) I		15.88
01262 - Personnel Assistant (Employment) II		18.07
01263 - Personnel Assistant (Employment) III		20.30
01270 - Production Control Clerk		20.00
01280 - Receptionist		13.44
01290 - Rental Clerk		14.93
01300 - Scheduler, Maintenance		16.74
01311 - Secretary I		16.74
01312 - Secretary II		18.73
01313 - Secretary III		20.88
01320 - Service Order Dispatcher		14.66
01410 - Supply Technician		23.21
01420 - Survey Worker		18.82
01531 - Travel Clerk I		12.57
01532 - Travel Clerk II		13.48
01533 - Travel Clerk III		14.33
01611 - Word Processor I		13.30
01612 - Word Processor II		14.93
01613 - Word Processor III		16.98
05000 - Automotive Service Occupations		
05005 - Automobile Body Repairer, Fiberglass		17.44
05010 - Automotive Electrician		16.61
05040 - Automotive Glass Installer		15.52
05070 - Automotive Worker		15.52
05110 - Mobile Equipment Servicer		13.34
05130 - Motor Equipment Metal Mechanic		17.56
05160 - Motor Equipment Metal Worker		15.52
05190 - Motor Vehicle Mechanic		17.34
05220 - Motor Vehicle Mechanic Helper		12.24
05250 - Motor Vehicle Upholstery Worker		14.42
05280 - Motor Vehicle Wrecker		15.52
05310 - Painter, Automotive		16.62
05340 - Radiator Repair Specialist		15.52
05370 - Tire Repairer		11.41
05400 - Transmission Repair Specialist		17.53
07000 - Food Preparation And Service Occupations		
07010 - Baker		12.65
07041 - Cook I		11.08
07042 - Cook II		12.90
07070 - Dishwasher		8.72
07130 - Food Service Worker		9.89
07210 - Meat Cutter		12.75
07260 - Waiter/Waitress		9.85

09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	14.98
09040 - Furniture Handler	7.71
09080 - Furniture Refinisher	14.98
09090 - Furniture Refinisher Helper	11.03
09110 - Furniture Repairer, Minor	13.00
09130 - Upholsterer	16.48
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	9.80
11060 - Elevator Operator	10.39
11090 - Gardener	14.13
11122 - Housekeeping Aide	10.39
11150 - Janitor	10.39
11210 - Laborer, Grounds Maintenance	11.40
11240 - Maid or Houseman	9.59
11260 - Pruner	9.93
11270 - Tractor Operator	14.36
11330 - Trail Maintenance Worker	11.40
11360 - Window Cleaner	11.94
12000 - Health Occupations	
12010 - Ambulance Driver	15.34
12011 - Breath Alcohol Technician	17.33
12012 - Certified Occupational Therapist Assistant	26.46
12015 - Certified Physical Therapist Assistant	24.15
12020 - Dental Assistant	15.13
12025 - Dental Hygienist	31.91
12030 - EKG Technician	22.01
12035 - Electroneurodiagnostic Technologist	22.01
12040 - Emergency Medical Technician	15.34
12071 - Licensed Practical Nurse I	15.49
12072 - Licensed Practical Nurse II	17.33
12073 - Licensed Practical Nurse III	19.32
12100 - Medical Assistant	15.38
12130 - Medical Laboratory Technician	17.89
12160 - Medical Record Clerk	14.69
12190 - Medical Record Technician	15.38
12195 - Medical Transcriptionist	15.86
12210 - Nuclear Medicine Technologist	34.45
12221 - Nursing Assistant I	10.55
12222 - Nursing Assistant II	11.87
12223 - Nursing Assistant III	12.95
12224 - Nursing Assistant IV	14.53
12235 - Optical Dispenser	17.57
12236 - Optical Technician	15.24
12250 - Pharmacy Technician	15.84
12280 - Phlebotomist	14.53
12305 - Radiologic Technologist	25.46
12311 - Registered Nurse I	26.32
12312 - Registered Nurse II	29.80
12313 - Registered Nurse II, Specialist	29.80
12314 - Registered Nurse III	36.61
12315 - Registered Nurse III, Anesthetist	36.61
12316 - Registered Nurse IV	43.22
12317 - Scheduler (Drug and Alcohol Testing)	19.28
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	19.01
13012 - Exhibits Specialist II	23.54
13013 - Exhibits Specialist III	28.80
13041 - Illustrator I	20.64
13042 - Illustrator II	25.57
13043 - Illustrator III	31.27
13047 - Librarian	31.86
13050 - Library Aide/Clerk	12.37
13054 - Library Information Technology Systems Administrator	26.99
13058 - Library Technician	16.53
13061 - Media Specialist I	16.17
13062 - Media Specialist II	18.41
13063 - Media Specialist III	20.54
13071 - Photographer I	15.54
13072 - Photographer II	17.83
13073 - Photographer III	21.43
13074 - Photographer IV	27.00
13075 - Photographer V	32.66
13110 - Video Teleconference Technician	16.88
14000 - Information Technology Occupations	
14041 - Computer Operator I	16.41
14042 - Computer Operator II	18.36
14043 - Computer Operator III	20.47
14044 - Computer Operator IV	22.75
14045 - Computer Operator V	25.19

14071	- Computer Programmer I	(see 1)	22.76
14072	- Computer Programmer II	(see 1)	
14073	- Computer Programmer III	(see 1)	
14074	- Computer Programmer IV	(see 1)	
14101	- Computer Systems Analyst I	(see 1)	
14102	- Computer Systems Analyst II	(see 1)	
14103	- Computer Systems Analyst III	(see 1)	
14150	- Peripheral Equipment Operator		16.41
14160	- Personal Computer Support Technician		22.75
15000	- Instructional Occupations		
15010	- Aircrew Training Devices Instructor (Non-Rated)		31.48
15020	- Aircrew Training Devices Instructor (Rated)		38.08
15030	- Air Crew Training Devices Instructor (Pilot)		42.90
15050	- Computer Based Training Specialist / Instructor		31.48
15060	- Educational Technologist		26.06
15070	- Flight Instructor (Pilot)		42.90
15080	- Graphic Artist		25.96
15090	- Technical Instructor		21.38
15095	- Technical Instructor/Course Developer		26.16
15110	- Test Proctor		17.26
15120	- Tutor		17.26
16000	- Laundry, Dry-Cleaning, Pressing And Related Occupations		
16010	- Assembler		9.62
16030	- Counter Attendant		9.62
16040	- Dry Cleaner		11.86
16070	- Finisher, Flatwork, Machine		9.62
16090	- Presser, Hand		9.62
16110	- Presser, Machine, Drycleaning		9.62
16130	- Presser, Machine, Shirts		9.62
16160	- Presser, Machine, Wearing Apparel, Laundry		9.62
16190	- Sewing Machine Operator		12.52
16220	- Tailor		13.18
16250	- Washer, Machine		10.41
19000	- Machine Tool Operation And Repair Occupations		
19010	- Machine-Tool Operator (Tool Room)		17.51
19040	- Tool And Die Maker		22.29
21000	- Materials Handling And Packing Occupations		
21020	- Forklift Operator		14.81
21030	- Material Coordinator		19.02
21040	- Material Expediter		19.02
21050	- Material Handling Laborer		12.17
21071	- Order Filler		11.60
21080	- Production Line Worker (Food Processing)		14.81
21110	- Shipping Packer		14.81
21130	- Shipping/Receiving Clerk		14.81
21140	- Store Worker I		9.45
21150	- Stock Clerk		14.43
21210	- Tools And Parts Attendant		14.81
21410	- Warehouse Specialist		14.81
23000	- Mechanics And Maintenance And Repair Occupations		
23010	- Aerospace Structural Welder		24.81
23021	- Aircraft Mechanic I		23.31
23022	- Aircraft Mechanic II		24.81
23023	- Aircraft Mechanic III		26.28
23040	- Aircraft Mechanic Helper		15.59
23050	- Aircraft, Painter		18.88
23060	- Aircraft Servicer		18.80
23080	- Aircraft Worker		20.33
23110	- Appliance Mechanic		18.53
23120	- Bicycle Repairer		11.41
23125	- Cable Splicer		24.61
23130	- Carpenter, Maintenance		17.55
23140	- Carpet Layer		17.33
23160	- Electrician, Maintenance		19.25
23181	- Electronics Technician Maintenance I		21.43
23182	- Electronics Technician Maintenance II		23.32
23183	- Electronics Technician Maintenance III		25.75
23260	- Fabric Worker		17.63
23290	- Fire Alarm System Mechanic		18.83
23310	- Fire Extinguisher Repairer		14.71
23311	- Fuel Distribution System Mechanic		20.59
23312	- Fuel Distribution System Operator		15.49
23370	- General Maintenance Worker		16.44
23380	- Ground Support Equipment Mechanic		23.31
23381	- Ground Support Equipment Servicer		18.80
23382	- Ground Support Equipment Worker		20.33
23391	- Gunsmith I		14.71
23392	- Gunsmith II		17.40
23393	- Gunsmith III		19.85
23410	- Heating, Ventilation And Air-Conditioning Mechanic		19.01

23411 - Heating, Ventilation And Air Contditiioning Mechanic (Research Facility)	20.23
23430 - Heavy Equipment Mechanic	19.94
23440 - Heavy Equipment Operator	18.20
23460 - Instrument Mechanic	18.69
23465 - Laboratory/Shelter Mechanic	18.62
23470 - Laborer	11.51
23510 - Locksmith	16.19
23530 - Machinery Maintenance Mechanic	22.48
23550 - Machinist, Maintenance	18.00
23580 - Maintenance Trades Helper	13.11
23591 - Metrology Technician I	18.69
23592 - Metrology Technician II	19.89
23593 - Metrology Technician III	21.08
23640 - Millwright	21.19
23710 - Office Appliance Repairer	17.94
23760 - Painter, Maintenance	17.51
23790 - Pipefitter, Maintenance	20.20
23810 - Plumber, Maintenance	19.23
23820 - Pneudraulic Systems Mechanic	19.85
23850 - Rigger	19.85
23870 - Scale Mechanic	17.40
23890 - Sheet-Metal Worker, Maintenance	18.24
23910 - Small Engine Mechanic	15.16
23931 - Telecommunications Mechanic I	23.92
23932 - Telecommunications Mechanic II	25.46
23950 - Telephone Lineman	21.16
23960 - Welder, Combination, Maintenance	18.69
23965 - Well Driller	18.71
23970 - Woodcraft Worker	19.85
23980 - Woodworker	14.71
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	8.81
24580 - Child Care Center Clerk	15.33
24610 - Chore Aide	9.40
24620 - Family Readiness And Support Services Coordinator	14.45
24630 - Homemaker	17.05
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	19.01
25040 - Sewage Plant Operator	20.16
25070 - Stationary Engineer	19.01
25190 - Ventilation Equipment Tender	12.90
25210 - Water Treatment Plant Operator	20.16
27000 - Protective Service Occupations	
27004 - Alarm Monitor	20.47
27007 - Baggage Inspector	10.61
27008 - Corrections Officer	25.15
27010 - Court Security Officer	28.50
27030 - Detection Dog Handler	18.11
27040 - Detention Officer	25.15
27070 - Firefighter	26.09
27101 - Guard I	10.61
27102 - Guard II	18.11
27131 - Police Officer I	30.90
27132 - Police Officer II	34.34
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	13.37
28042 - Carnival Equipment Repairer	14.74
28043 - Carnival Equipment Worker	9.40
28210 - Gate Attendant/Gate Tender	14.63
28310 - Lifeguard	13.49
28350 - Park Attendant (Aide)	16.39
28510 - Recreation Aide/Health Facility Attendant	11.96
28515 - Recreation Specialist	20.30
28630 - Sports Official	13.04
28690 - Swimming Pool Operator	19.77
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	22.76
29020 - Hatch Tender	22.76
29030 - Line Handler	22.76
29041 - Stevedore I	20.86
29042 - Stevedore II	24.67
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	37.85
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	26.10
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	28.74
30021 - Archeological Technician I	15.98
30022 - Archeological Technician II	18.25
30023 - Archeological Technician III	24.98
30030 - Cartographic Technician	25.86

30040	- Civil Engineering Technician	24.73
30061	- Drafter/CAD Operator I	18.66
30062	- Drafter/CAD Operator II	20.89
30063	- Drafter/CAD Operator III	23.28
30064	- Drafter/CAD Operator IV	28.66
30081	- Engineering Technician I	17.93
30082	- Engineering Technician II	21.92
30083	- Engineering Technician III	24.53
30084	- Engineering Technician IV	27.90
30085	- Engineering Technician V	34.13
30086	- Engineering Technician VI	41.29
30090	- Environmental Technician	19.85
30210	- Laboratory Technician	18.62
30240	- Mathematical Technician	25.86
30361	- Paralegal/Legal Assistant I	17.91
30362	- Paralegal/Legal Assistant II	22.18
30363	- Paralegal/Legal Assistant III	27.14
30364	- Paralegal/Legal Assistant IV	32.83
30390	- Photo-Optics Technician	25.86
30461	- Technical Writer I	23.25
30462	- Technical Writer II	28.46
30463	- Technical Writer III	31.36
30491	- Unexploded Ordnance (UXO) Technician I	24.06
30492	- Unexploded Ordnance (UXO) Technician II	29.10
30493	- Unexploded Ordnance (UXO) Technician III	34.89
30494	- Unexploded (UXO) Safety Escort	24.06
30495	- Unexploded (UXO) Sweep Personnel	24.06
30620	- Weather Observer, Combined Upper Air Or	(see 2) 23.28
Surface Programs		
30621	- Weather Observer, Senior	(see 2) 25.86
31000	- Transportation/Mobile Equipment Operation Occupations	
31020	- Bus Aide	9.78
31030	- Bus Driver	15.04
31043	- Driver Courier	14.92
31260	- Parking and Lot Attendant	9.46
31290	- Shuttle Bus Driver	16.45
31310	- Taxi Driver	10.67
31361	- Truckdriver, Light	16.45
31362	- Truckdriver, Medium	17.99
31363	- Truckdriver, Heavy	19.54
31364	- Truckdriver, Tractor-Trailer	19.54
99000	- Miscellaneous Occupations	
99030	- Cashier	9.31
99050	- Desk Clerk	10.67
99095	- Embalmer	22.48
99251	- Laboratory Animal Caretaker I	10.75
99252	- Laboratory Animal Caretaker II	11.86
99310	- Mortician	24.52
99410	- Pest Controller	14.45
99510	- Photofinishing Worker	11.95
99710	- Recycling Laborer	15.31
99711	- Recycling Specialist	19.30
99730	- Refuse Collector	13.33
99810	- Sales Clerk	12.45
99820	- School Crossing Guard	11.80
99830	- Survey Party Chief	18.80
99831	- Surveying Aide	10.24
99832	- Surveying Technician	16.78
99840	- Vending Machine Attendant	12.85
99841	- Vending Machine Repairer	16.68
99842	- Vending Machine Repairer Helper	12.85

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.71 per hour or \$148.40 per week or \$643.07 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, 4 weeks after 15 years, and 5 weeks after 20 years.

Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in

accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives.

Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

** UNIFORM ALLOWANCE **

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an

adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A link to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

Attachment J8 - Broward, Palm Beach & St. Lucie

WD 05-2111 (Rev.-13) was first posted on www.wdol.gov on 06/19/2012

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210

Diane C. Koplewski Division of
Director Wage Determinations

Wage Determination No.: 2005-2111
Revision No.: 13
Date Of Revision: 06/13/2012

State: Florida

Area: Florida Counties of Broward, Glades, Hendry, Martin, Okeechobee, Palm Beach, St Lucie

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		14.11
01012 - Accounting Clerk II		16.74
01013 - Accounting Clerk III		18.73
01020 - Administrative Assistant		22.64
01040 - Court Reporter		18.82
01051 - Data Entry Operator I		12.92
01052 - Data Entry Operator II		14.09
01060 - Dispatcher, Motor Vehicle		17.16
01070 - Document Preparation Clerk		12.67
01090 - Duplicating Machine Operator		12.67
01111 - General Clerk I		12.62
01112 - General Clerk II		13.88
01113 - General Clerk III		15.59
01120 - Housing Referral Assistant		20.88
01141 - Messenger Courier		12.39
01191 - Order Clerk I		12.71
01192 - Order Clerk II		13.86
01261 - Personnel Assistant (Employment) I		15.88
01262 - Personnel Assistant (Employment) II		17.90
01263 - Personnel Assistant (Employment) III		20.30
01270 - Production Control Clerk		20.00
01280 - Receptionist		13.44
01290 - Rental Clerk		14.93
01300 - Scheduler, Maintenance		16.74
01311 - Secretary I		16.74
01312 - Secretary II		18.73
01313 - Secretary III		20.88
01320 - Service Order Dispatcher		15.35
01410 - Supply Technician		23.21
01420 - Survey Worker		18.82
01531 - Travel Clerk I		12.57
01532 - Travel Clerk II		13.48
01533 - Travel Clerk III		14.33
01611 - Word Processor I		13.30
01612 - Word Processor II		14.93
01613 - Word Processor III		16.71
05000 - Automotive Service Occupations		
05005 - Automobile Body Repairer, Fiberglass		17.74
05010 - Automotive Electrician		16.61
05040 - Automotive Glass Installer		15.52
05070 - Automotive Worker		15.52
05110 - Mobile Equipment Servicer		13.34
05130 - Motor Equipment Metal Mechanic		17.56
05160 - Motor Equipment Metal Worker		15.52
05190 - Motor Vehicle Mechanic		17.68
05220 - Motor Vehicle Mechanic Helper		12.24
05250 - Motor Vehicle Upholstery Worker		14.42
05280 - Motor Vehicle Wrecker		15.52
05310 - Painter, Automotive		16.62
05340 - Radiator Repair Specialist		15.52
05370 - Tire Repairer		11.60
05400 - Transmission Repair Specialist		17.56
07000 - Food Preparation And Service Occupations		
07010 - Baker		12.65
07041 - Cook I		11.08
07042 - Cook II		12.90
07070 - Dishwasher		8.72
07130 - Food Service Worker		9.89
07210 - Meat Cutter		12.75

07260	- Waiter/Waitress	9.85
09000	- Furniture Maintenance And Repair Occupations	
09010	- Electrostatic Spray Painter	14.98
09040	- Furniture Handler	9.80
09080	- Furniture Refinisher	14.98
09090	- Furniture Refinisher Helper	11.03
09110	- Furniture Repairer, Minor	13.00
09130	- Upholsterer	16.48
11000	- General Services And Support Occupations	
11030	- Cleaner, Vehicles	9.80
11060	- Elevator Operator	10.39
11090	- Gardener	15.29
11122	- Housekeeping Aide	10.39
11150	- Janitor	10.39
11210	- Laborer, Grounds Maintenance	11.40
11240	- Maid or Houseman	9.59
11260	- Pruner	9.93
11270	- Tractor Operator	14.36
11330	- Trail Maintenance Worker	11.40
11360	- Window Cleaner	11.94
12000	- Health Occupations	
12010	- Ambulance Driver	15.34
12011	- Breath Alcohol Technician	17.33
12012	- Certified Occupational Therapist Assistant	26.46
12015	- Certified Physical Therapist Assistant	24.15
12020	- Dental Assistant	15.13
12025	- Dental Hygienist	31.91
12030	- EKG Technician	22.01
12035	- Electroneurodiagnostic Technologist	22.01
12040	- Emergency Medical Technician	15.34
12071	- Licensed Practical Nurse I	15.49
12072	- Licensed Practical Nurse II	17.33
12073	- Licensed Practical Nurse III	19.32
12100	- Medical Assistant	15.38
12130	- Medical Laboratory Technician	17.89
12160	- Medical Record Clerk	13.95
12190	- Medical Record Technician	15.38
12195	- Medical Transcriptionist	15.86
12210	- Nuclear Medicine Technologist	34.45
12221	- Nursing Assistant I	10.55
12222	- Nursing Assistant II	11.87
12223	- Nursing Assistant III	12.95
12224	- Nursing Assistant IV	14.87
12235	- Optical Dispenser	17.57
12236	- Optical Technician	15.24
12250	- Pharmacy Technician	15.81
12280	- Phlebotomist	14.87
12305	- Radiologic Technologist	25.46
12311	- Registered Nurse I	26.32
12312	- Registered Nurse II	29.80
12313	- Registered Nurse II, Specialist	29.80
12314	- Registered Nurse III	36.04
12315	- Registered Nurse III, Anesthetist	36.04
12316	- Registered Nurse IV	43.22
12317	- Scheduler (Drug and Alcohol Testing)	19.28
13000	- Information And Arts Occupations	
13011	- Exhibits Specialist I	19.30
13012	- Exhibits Specialist II	23.54
13013	- Exhibits Specialist III	28.80
13041	- Illustrator I	20.64
13042	- Illustrator II	25.57
13043	- Illustrator III	30.22
13047	- Librarian	30.39
13050	- Library Aide/Clerk	12.37
13054	- Library Information Technology Systems Administrator	26.99
13058	- Library Technician	16.53
13061	- Media Specialist I	16.17
13062	- Media Specialist II	18.41
13063	- Media Specialist III	20.54
13071	- Photographer I	15.46
13072	- Photographer II	17.30
13073	- Photographer III	21.43
13074	- Photographer IV	26.21
13075	- Photographer V	31.70
13110	- Video Teleconference Technician	16.88
14000	- Information Technology Occupations	
14041	- Computer Operator I	16.41
14042	- Computer Operator II	18.36
14043	- Computer Operator III	20.47
14044	- Computer Operator IV	22.75

14045	- Computer Operator V		25.19
14071	- Computer Programmer I	(see 1)	22.63
14072	- Computer Programmer II	(see 1)	
14073	- Computer Programmer III	(see 1)	
14074	- Computer Programmer IV	(see 1)	
14101	- Computer Systems Analyst I	(see 1)	
14102	- Computer Systems Analyst II	(see 1)	
14103	- Computer Systems Analyst III	(see 1)	
14150	- Peripheral Equipment Operator		16.41
14160	- Personal Computer Support Technician		22.75
15000	- Instructional Occupations		
15010	- Aircrew Training Devices Instructor (Non-Rated)		31.48
15020	- Aircrew Training Devices Instructor (Rated)		38.08
15030	- Air Crew Training Devices Instructor (Pilot)		41.70
15050	- Computer Based Training Specialist / Instructor		31.48
15060	- Educational Technologist		26.06
15070	- Flight Instructor (Pilot)		41.70
15080	- Graphic Artist		23.71
15090	- Technical Instructor		21.38
15095	- Technical Instructor/Course Developer		26.16
15110	- Test Proctor		17.26
15120	- Tutor		17.26
16000	- Laundry, Dry-Cleaning, Pressing And Related Occupations		
16010	- Assembler		9.62
16030	- Counter Attendant		9.62
16040	- Dry Cleaner		11.86
16070	- Finisher, Flatwork, Machine		9.62
16090	- Presser, Hand		9.62
16110	- Presser, Machine, Drycleaning		9.62
16130	- Presser, Machine, Shirts		9.62
16160	- Presser, Machine, Wearing Apparel, Laundry		9.62
16190	- Sewing Machine Operator		12.52
16220	- Tailor		13.18
16250	- Washer, Machine		10.41
19000	- Machine Tool Operation And Repair Occupations		
19010	- Machine-Tool Operator (Tool Room)		17.51
19040	- Tool And Die Maker		22.29
21000	- Materials Handling And Packing Occupations		
21020	- Forklift Operator		14.81
21030	- Material Coordinator		19.02
21040	- Material Expediter		19.02
21050	- Material Handling Laborer		12.17
21071	- Order Filler		11.60
21080	- Production Line Worker (Food Processing)		14.81
21110	- Shipping Packer		14.81
21130	- Shipping/Receiving Clerk		14.81
21140	- Store Worker I		9.45
21150	- Stock Clerk		14.43
21210	- Tools And Parts Attendant		14.81
21410	- Warehouse Specialist		14.81
23000	- Mechanics And Maintenance And Repair Occupations		
23010	- Aerospace Structural Welder		24.81
23021	- Aircraft Mechanic I		23.31
23022	- Aircraft Mechanic II		24.81
23023	- Aircraft Mechanic III		26.28
23040	- Aircraft Mechanic Helper		15.59
23050	- Aircraft, Painter		18.88
23060	- Aircraft Servicer		18.80
23080	- Aircraft Worker		20.33
23110	- Appliance Mechanic		18.53
23120	- Bicycle Repairer		11.60
23125	- Cable Splicer		24.61
23130	- Carpenter, Maintenance		17.55
23140	- Carpet Layer		17.51
23160	- Electrician, Maintenance		19.25
23181	- Electronics Technician Maintenance I		21.43
23182	- Electronics Technician Maintenance II		26.58
23183	- Electronics Technician Maintenance III		29.81
23260	- Fabric Worker		17.63
23290	- Fire Alarm System Mechanic		18.04
23310	- Fire Extinguisher Repairer		14.71
23311	- Fuel Distribution System Mechanic		18.65
23312	- Fuel Distribution System Operator		13.82
23370	- General Maintenance Worker		16.44
23380	- Ground Support Equipment Mechanic		23.31
23381	- Ground Support Equipment Servicer		18.80
23382	- Ground Support Equipment Worker		20.33
23391	- Gunsmith I		14.71
23392	- Gunsmith II		17.40
23393	- Gunsmith III		19.85
23410	- Heating, Ventilation And Air-Conditioning		19.01

Mechanic	
23411 - Heating, Ventilation And Air Contditioning	20.23
Mechanic (Research Facility)	
23430 - Heavy Equipment Mechanic	19.94
23440 - Heavy Equipment Operator	19.18
23460 - Instrument Mechanic	21.09
23465 - Laboratory/Shelter Mechanic	18.62
23470 - Laborer	11.51
23510 - Locksmith	17.22
23530 - Machinery Maintenance Mechanic	22.48
23550 - Machinist, Maintenance	18.00
23580 - Maintenance Trades Helper	13.90
23591 - Metrology Technician I	21.09
23592 - Metrology Technician II	22.74
23593 - Metrology Technician III	23.86
23640 - Millwright	21.19
23710 - Office Appliance Repairer	17.94
23760 - Painter, Maintenance	17.51
23790 - Pipefitter, Maintenance	20.20
23810 - Plumber, Maintenance	19.23
23820 - Pneudraulic Systems Mechanic	19.85
23850 - Rigger	19.85
23870 - Scale Mechanic	17.40
23890 - Sheet-Metal Worker, Maintenance	18.24
23910 - Small Engine Mechanic	15.52
23931 - Telecommunications Mechanic I	23.36
23932 - Telecommunications Mechanic II	25.46
23950 - Telephone Lineman	20.79
23960 - Welder, Combination, Maintenance	18.69
23965 - Well Driller	18.71
23970 - Woodcraft Worker	19.85
23980 - Woodworker	14.71
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	9.49
24580 - Child Care Center Clerk	15.33
24610 - Chore Aide	9.40
24620 - Family Readiness And Support Services Coordinator	14.45
24630 - Homemaker	17.05
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	19.01
25040 - Sewage Plant Operator	20.16
25070 - Stationary Engineer	19.01
25190 - Ventilation Equipment Tender	12.86
25210 - Water Treatment Plant Operator	20.16
27000 - Protective Service Occupations	
27004 - Alarm Monitor	20.47
27007 - Baggage Inspector	10.61
27008 - Corrections Officer	25.15
27010 - Court Security Officer	28.50
27030 - Detection Dog Handler	18.11
27040 - Detention Officer	25.15
27070 - Firefighter	26.09
27101 - Guard I	10.61
27102 - Guard II	18.11
27131 - Police Officer I	30.90
27132 - Police Officer II	34.34
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	13.37
28042 - Carnival Equipment Repairer	14.74
28043 - Carnival Equipment Worker	9.40
28210 - Gate Attendant/Gate Tender	14.63
28310 - Lifeguard	13.49
28350 - Park Attendant (Aide)	16.39
28510 - Recreation Aide/Health Facility Attendant	11.96
28515 - Recreation Specialist	19.57
28630 - Sports Official	13.04
28690 - Swimming Pool Operator	17.92
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	21.65
29020 - Hatch Tender	21.65
29030 - Line Handler	21.65
29041 - Stevedore I	20.86
29042 - Stevedore II	24.35
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	37.85
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	26.10
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	28.74
30021 - Archeological Technician I	15.98
30022 - Archeological Technician II	18.25
30023 - Archeological Technician III	24.98

30030	- Cartographic Technician	25.86
30040	- Civil Engineering Technician	23.88
30061	- Drafter/CAD Operator I	18.66
30062	- Drafter/CAD Operator II	20.89
30063	- Drafter/CAD Operator III	23.28
30064	- Drafter/CAD Operator IV	28.66
30081	- Engineering Technician I	18.79
30082	- Engineering Technician II	21.92
30083	- Engineering Technician III	24.53
30084	- Engineering Technician IV	29.22
30085	- Engineering Technician V	35.73
30086	- Engineering Technician VI	41.29
30090	- Environmental Technician	20.88
30210	- Laboratory Technician	18.62
30240	- Mathematical Technician	25.86
30361	- Paralegal/Legal Assistant I	17.91
30362	- Paralegal/Legal Assistant II	22.18
30363	- Paralegal/Legal Assistant III	27.14
30364	- Paralegal/Legal Assistant IV	32.83
30390	- Photo-Optics Technician	25.86
30461	- Technical Writer I	23.25
30462	- Technical Writer II	28.46
30463	- Technical Writer III	32.87
30491	- Unexploded Ordnance (UXO) Technician I	24.06
30492	- Unexploded Ordnance (UXO) Technician II	29.10
30493	- Unexploded Ordnance (UXO) Technician III	34.89
30494	- Unexploded (UXO) Safety Escort	24.06
30495	- Unexploded (UXO) Sweep Personnel	24.06
30620	- Weather Observer, Combined Upper Air Or	(see 2) 23.28
Surface Programs		
30621	- Weather Observer, Senior	(see 2) 25.86
31000	- Transportation/Mobile Equipment Operation Occupations	
31020	- Bus Aide	9.78
31030	- Bus Driver	14.86
31043	- Driver Courier	14.92
31260	- Parking and Lot Attendant	9.46
31290	- Shuttle Bus Driver	16.45
31310	- Taxi Driver	11.02
31361	- Truckdriver, Light	16.45
31362	- Truckdriver, Medium	17.99
31363	- Truckdriver, Heavy	19.54
31364	- Truckdriver, Tractor-Trailer	19.54
99000	- Miscellaneous Occupations	
99030	- Cashier	9.31
99050	- Desk Clerk	10.67
99095	- Embalmer	21.54
99251	- Laboratory Animal Caretaker I	10.75
99252	- Laboratory Animal Caretaker II	11.86
99310	- Mortician	24.52
99410	- Pest Controller	14.26
99510	- Photofinishing Worker	11.95
99710	- Recycling Laborer	15.31
99711	- Recycling Specialist	19.30
99730	- Refuse Collector	13.33
99810	- Sales Clerk	12.58
99820	- School Crossing Guard	11.80
99830	- Survey Party Chief	18.42
99831	- Surveying Aide	11.12
99832	- Surveying Technician	16.78
99840	- Vending Machine Attendant	11.67
99841	- Vending Machine Repairer	14.81
99842	- Vending Machine Repairer Helper	11.66

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.71 per hour or \$148.40 per week or \$643.07 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A

contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives.

Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

** UNIFORM ALLOWANCE **

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A link to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

REPORTER’S BIOGRAPHICAL INFORMATION SHEET
COMPLETE ONE PER REPORTER
 (See Statement of Work Section C.4 for required qualifications of reporters)

Solicitation Number:		Date:	
Firm:			
Reporter’s Name: <i>(Reporter must sign at bottom of page)</i>			
NCRA Certificate Title¹		Grantor:	
Registration Number		City, State conferred:	
Date Received: <i>(MUST attach photocopy)</i>			
Experience: Begin with most recent experience. List all positions related to performance of court reporting duties. Include all experience in a courtroom setting. Include average number of hours worked per week for each reference. Attach additional sheets as needed.			
Employer Name, Address, and Phone Number			
Employed	From:		To:
Description of Duties:			
Employer Name, Address, and Phone Number			
Employed	From:		To:
Description of Duties:			
Employer Name, Address, and Phone Number			
Employed	From:		To:
Description of Duties:			

By signing below, I certify that the above information is complete and correct, and that I intend to provide services for the above firm under contract resulting from this solicitation:

 Reporter Signature

 Date

¹if “equivalent” certification provided, documentation must be in accordance with Section C.4.

OFFEROR'S REFERENCE INFORMATION

Complete one form per reference. Minimum of 3 current references required.

Name of Offeror _____

The Offeror shall provide the following information concerning past performance of prime court rep similar in nature to those required in this solicitation.

1) Name of Reference: _____
(Firm, company, Court or individual)

Name of Contact: _____

Address: _____

Telephone No.: _____

2) Contract# (if applicable) & period of performance _____

3) Description of work:

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

**Application for Extension of Time to File Transcript
and for Waiver of Fee Reduction**

(Please type or print. Application must be completed in full.)

Short style: _____

USCA No. (if available): _____ DC No.: _____

Date extension requested to: _____

Date transcript order received: _____

Date satisfactory arrangements for paying cost of transcript made: _____

If CJA, date CJA-24 signed by District Judge (or state "pending"): _____

Pages in this appeal: 1) Already transcribed _____ 2) Yet to be transcribed _____

For all other transcripts due, list:

Docket No.	Date Ordered	Date Due	No. Pages Completed	No. Pages to be Completed

State the reasons that make an extension of time appropriate: _____

Estimated percentage of time in court during past 30 days: _____ Next 30 days: _____

Circle number of extensions requested in past 12 months: 1 2 3 4 5+

Circle method of transcript production: Notereading Dictation CAT Self-Typing

If this extension is granted, do you agree to employ a substitute reporter to assist you in completing this transcript by the new due date? If not, please explain why: _____

I certify by my signature that I have sent a copy of this request to the district judge who tried this case; to the Chief District Judge of this district; to the district court clerk; and to all counsel (or pro se parties) of record (11th Cir. R. 11-1).

Date: _____ Court Reporter Signature: _____

Area Code/Phone No. _____

Court Reporter's Name and Address (Please print or type) _____

Extension: GRANTED DENIED

Fee Reduction: WAIVED NOT WAIVED

Transcript Due Date: _____

10% Discount Provision in effect on: _____

20% Discount Provision in effect on: _____

Date
(Rev.: 5/00)

John Ley, Clerk

SECTION K -REPRESENTATIONS, EXHIBITIONS, AND OTHER STATEMENTS OF OFFERORS

K.1 Provision 3-130, Authorized Negotiators - (Jan 2003)

The offeror represents that the following persons are authorized to negotiate on its behalf with the judiciary in connection with this solicitation (*offeror lists names, titles, and telephone numbers of the authorized negotiators*).

Name: _____
Titles: _____
Telephone: _____
Fax: _____
Email: _____

K.2 Provision 3-5, Taxpayer Identification - (Jan 2003)

(a) *Definitions*

“Common parent,” as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its federal income tax returns on a consolidated basis, and of which the offeror is a member.

“Taxpayer Identification (TIN),” as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a social security number or an employer identification number.

(b) All offerors shall submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701© and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the government to collect and report on any delinquent amounts arising out of the offeror’s relationship with the government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to payment recording requirements, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror’s TIN.

SECTION K -REPRESENTATIONS, EXHIBITIONS, AND OTHER STATEMENTS OF OFFERORS

(d) *Taxpayer Identification Number (TIN):*

- TIN has been applied for.
- TIN is not required, because: _____
- Offeror is a nonresident alien, foreign corporation or foreign partnership that does Not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;
- Offeror is an agency or instrumentality of a foreign government;
- Offeror is an agency or instrumentality of the federal government.

(e) *Type of organization:*

- sole proprietorship;
- partnership;
- corporate entity (not tax-exempt);
- corporate entity (tax-exempt);
- government entity (federal, state or local);
- foreign government;
- international organization per-26 CFR 1.6049-4;
- other _____.

(f) *Common parent*

- Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.
Name and TIN of common parent
Name _____
TIN _____

Provision 3-20, Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (JAN 2003)

- (a) (1) The offeror certifies, to the best of its knowledge and belief, that:
 - (i) the offeror and/or any of its principals:
 - (A) are ___ are not ___ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any federal agency;
 - (B) have ___ have not ___, within the three-year period preceding this offer, been convicted of or had a civil judgment rendered against

SECTION K -REPRESENTATIONS, EXHIBITIONS, AND OTHER STATEMENTS OF OFFERORS

them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract or subcontract; violation of federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property;

(C) are ___ are not ___ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision; and

ii. The offeror ___ has ___ has not ___, within a three-year period preceding this offer, had one or more contracts terminated for default by any federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

(3) This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Section 1001, Title 18, United States Code.

(b) The offeror shall provide immediate written notice to the contracting officer if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the offeror's responsibility. Failure of the offeror to furnish a certification or provide such additional information as requested by the contracting officer may render the offeror nonresponsible.

(d) Nothing contained in the foregoing will be construed to require establishment of a system

SECTION K -REPRESENTATIONS, EXHIBITIONS, AND OTHER STATEMENTS OF OFFERORS

of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the offeror knowingly rendered an erroneous certification, in addition to other remedies available to the judiciary, the contracting officer may terminate the contract resulting from this solicitation for default.

SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

L.1 B-1 Solicitation Provisions Incorporated by Reference (AUG 2004)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address:

<http://www.uscourts.gov/procurement/clauses.htm>

NUMBER	TITLE	DATE
3-100	Instructions to Offerors	JAN 2003

L.2 Content of Proposals

- (a) The Statement of Work (SOW) and Schedule describe the required services, deliverables, and period of performance.
- (b) Offerors Shall Not Change Pre-printed Information. Any alteration, substitution, or addition to pre-printed information, and/or failure to include all the required information, will be sufficient cause for rejection of offeror's proposal in its entirety. Facsimile offers are not permitted, however, faxed modifications to, or withdrawal of offers are permitted. All proposals must contain the following:
 - (1) Signed cover letter on offeror's letterhead listing all offeror's enclosed documentation, and referencing the solicitation;
 - (2) Completed and signed Section A (SF 33).
 - (3) Completed Section B.
 - (i) Offerors must make an offer for each and every item in the Schedule Section B.1. Offers for items in the Schedule Section B.1.2 cannot exceed the maximum rates as established by the Judicial Conference or authorized by the Court (Items 201 through 206), listed in Attachment J.3. However, each offeror is still required to provide pricing for these Items;

SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

- (ii) Section B.2 “Certifications” must be completed by an authorized representative of the offeror.
 - (a) The offeror must acknowledge in Section B.2.1 the minimum number of reporters that the offeror will provide under any resultant contract (see C.3.b).
 - (b) The offeror must provide in Section B.2.2 completed data concerning reporters, with all required information furnished and signed by the reporter. One (1) blank Biographical Information Sheet is provided at Attachment J.9. (Offeror should make as many copies as necessary. NOTE: Reporters will be approved to work under any resultant contract according to their ability to meet the applicable minimum requirements specified under Section C.4. Those reporters so qualified will be added BY NAME to any resultant contract, and will be subject to the provisions of Clause H.3.

Biographical Information Sheets must address all qualification requirements, and must contain descriptions of each reporter's prior work related to the experience required in Section C.4 including average hours worked per week for each position. Type of experience in a courtroom setting and dates of that service must be clearly defined in order to receive consideration;

Documentation of Professional Certification for each proposed reporter must be provided; photocopies of NCRA or NVRA certificates or certificates and testing criteria for equivalent qualifying exams will suffice. Failure to provide evidence of professional qualifications may be grounds for eliminating an offeror's proposal from consideration for award.
 - (c) The offeror must acknowledge in Section B.2.3 the minimum notice time required by the offeror in order to provide a reporter under any resultant contract (See Clause C.6.b).
- (4) The offeror shall provide the names of three current (within 3 years) references who can address the past performance of the offeror, including the name, address, and telephone number of each reference. This information should be provided on the Offerors References Information form, Attachment J.10. The Government reserves the right to contact references as part of its responsibility

SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

determination.

(5) Responsibility of Prospective Vendors

Offerors will be considered only from responsible prospective vendors who—

- (i) Have financial resources adequate to perform the contract;
 - (ii) Be able to comply with the delivery or performance schedule, taxing into consideration all existing commitments (including awards pending);
 - (iii) Have a good performance record;
 - (iv) Have a sound record of integrity and business ethics;
 - (v) Have a quality control program that complies with solicitation requirements or the demonstrated ability to obtain one;
 - (vi) Have the necessary organization, experience, accounting, and operational controls, technical skills, and production and property controls, or the demonstrated ability to obtain them;
 - (vii) Have necessary equipment and facilities, or the demonstrated ability to obtain them;
 - (vii) Be otherwise qualified and eligible to receive and award under applicable laws and regulations.
- (6) Copy of Solicitation Sections A through K with Sections A, B and K completed by offeror.

L.3 Contract

Any contract resulting from this solicitation will include Solicitation Sections A through K, and any attachments referenced thereunder.

SECTION M - EVALUATION CRITERIA

M.1 Solicitation Provisions Incorporated by Reference (AUG 2004)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address:

<http://www.uscourts.gov/procurement/clauses.htm>

NUMBER	TITLE	DATE
3-70	Determination of Responsibility	JAN 2003
2-85A	Evaluation Inclusive of Options	JAN 2003

M.2 Evaluation of Proposals

- (a) To be acceptable and eligible for evaluation, proposals shall be prepared in accordance with the instructions given in Section L of this solicitation document.
- (b) An offeror shall be determined to be Technically Acceptable if they meet all the mandatory requirements found in Section C.3.b, C.4 (only those qualifications indicated by an X), C.6.b and C.7.f of the Request for Proposal. All proposals shall be evaluated to ensure that all requirements set forth in Section C.3.b, C.4, C.6.b and C.7.f of the RFP have been met. The Government will review rates proposed in B.1.2 to ensure that rates proposed are not greater than those approved by the District or the Judicial Conference (see C.7.f and J.3). Proposals that do not meet all of these requirements will receive no further consideration and the offeror will be so advised.

M.3 Pass-fail Criteria

The review of the following criteria shall be based on the Certifications as contained in Section B.2, compliance with C.7.f as indicated in B.1.2, and review of the Biographical Information Sheets.

SECTION M - EVALUATION CRITERIA

Mandatory Technical Requirements

1. Transcript Rates Proposed not Greater than Judicial Conference Rates or Court Authorized Rates, per Sections B.1.2, C.7.f and J.3. **Pass Fail**

2a. Qualification of Reporters (Section C.4)

_____ Number of Biography Sheets submitted and signed.

If applicable,

(a) Copies of NCRA or NVRA certifications for all reporters provided per Section C.4, []

Or

(b) If no NCRA or NVRA certifications, then certificate and testing criteria including test results for equivalent qualifying exams provided. []

_____ Number of Reporters meet the requirements per Section C.4

2.b Minimum Number of Reporters (Section C.3.b)

Number of Reporters Required/Day _____ Offer _____ **Pass Fail**

3. Minimum Notice Requirement (Section C.6.b)

Number of Hours Court Requires _____ Offer _____ **Pass Fail**

M.4 Evaluation of Price

The Government will determine Life of Contract cost for required services by using the following formula:

(a) Offeror's **Full Day rate** x the court's estimated Full Day requirements per year = Full Day price per year.

(b) Offeror's **Half Day rate** x the court's estimated Half Day requirements

SECTION M - EVALUATION CRITERIA

per year = Half Day price per year.

- (c) Offeror's **Overtime rate** x the court's estimated Overtime requirements per year = Estimated Overtime price per year.

[(A) + (B) + (C)] = Estimated Yearly Contract Price

The base and two (2) option years will be calculated as shown above and added together to derive the total life of contract price. Offeror must submit prices for all items. Failure to include all required pricing may be grounds for rejection of offer. Prompt payment discounts will not be considered in the evaluation. Transcript rates will not be included in the price evaluation for the base year or any options; however, if an offeror proposes transcript rates that are lower than the Judicial Conference rates or the court authorized rates, the proposed rates will become part of the awarded contract and remain in effect throughout the entire term of the contract.

M.5 Basis for Award

The Government intends to award single and/or multiple contracts to the responsible offeror who submits the lowest price, technically acceptable offer to the Government.