

# Court Reporter Management Plan

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Northern District of Illinois

**Approved by the Full Court:**

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## Introduction

The District Court for the Northern District of Illinois (hereinafter “Court”) adopts this Court Reporter Management Plan (hereinafter “Plan”) pursuant to policies and requirements established by the Judicial Conference of the United States Courts (hereinafter “Judicial Conference”). The Judicial Conference requires that district courts adopt a court reporter management plan that will provide for the day-to-day management and supervision of an efficient court reporting service within the Court. The plan provides 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 transcript format prescriptions, and delivery schedules. [The Guide to Judiciary Policy](#), (hereinafter “The Guide”), [Vol. 6, Ch. 2, § 290.30.10](#).

The job description for an Official Court Reporter generally is the verbatim reporting via stenographic means of all assigned United States District Court proceedings pursuant to statute, rule, or order of court, the preservation of same, the transcription of said proceedings upon request, and the performance of administrative duties outlined in [The Guide, Vol. 6, Ch. 2 § 290.20](#). Official Court Reporters must fulfill their statutory duties and adhere to all Judicial Conference Requirements, including but not limited to [28 U.S.C. §753](#), [The Guide](#), and the [Code of Conduct for Judiciary Employees](#).

## Supervision of Official Court Reporters

Pursuant to [The Guide, Vol. 6, Ch. 2, § 290.30.40](#), the Court has the responsibility to supervise its court reporters, including Official Court Reporters and contract reporters, in the performance of their work, as well as in their dealings with the parties requesting transcripts. The Court must maintain efficient and cost-effective procedures that will provide for the recording of all proceedings required by law, without delaying the proceedings, and in such a manner that transcripts requested are delivered within the time and cost requirements of the Judicial Conference. In order to achieve these ends, the

Chief Judge will designate a Court Reporter Committee to oversee the implementation of this Plan and a Chair of the Court Reporter Committee. The responsibility for (1) coordinating the secondary assignments of Official Court Reporters and (2) performing such auditing functions and statistics as are required, in order to ensure that the standards adopted in this Plan relating to formats, fees, delivery times and use of substitute and contract court reporters are met, is delegated to the Clerk of Court. The Clerk of Court may delegate these responsibilities to a Court Reporter Coordinator. The Chief Judge or the Chair of the Court Reporter Committee will act as a direct liaison between the Clerk, the Court, and court reporters in matters concerning the implementation of this Plan.

In general, an Official Court Reporter will have a primary judge who will supervise the Official Court Reporter on a daily basis consistent with the terms of this Plan and the Guide. An Official Court Reporter not assigned to a primary judge shall report to the Chair of the Court Reporter Committee.

## **Duties of Court Reporter Coordinator**

The Court Reporter Coordinator has the responsibility to review and maintain administrative records required by the Judicial Conference, [The Guide](#), and local plans such as the [Human Resources Manual](#). [The Guide, Vol. 6, Ch. 2, § 290.30.40](#). The Court Reporter Coordinator has the following responsibilities:

- A. The Court Reporter Coordinator shall assign all secondary assignments.
- B. Yearly, the Court Reporter Coordinator will provide the Chair of the Court Reporter Committee with a secondary assignment report to ensure the Clerk's Office is apportioning equitably the attendance in court and chambers for secondary assignments among all the reporters assigned to each division, pursuant to [The Guide, Vol. 6, Ch. 2, § 290.30.25\(d\)](#).
- C. The Court Reporter Coordinator must verify to the Clerk of Court that he or she has reviewed the [AO Form 40A](#) (Attendance and Transcripts of United States

Court Reporters) and [AO Form 40B](#) (Statement of Earnings of United States Court Reporters) for each Official Court Reporter. Each Official Court Reporter must ensure that all records and reports are submitted to the Court Reporter Coordinator and the Administrative Office as required in a timely manner.

- D. The Court Reporter Coordinator shall maintain all time and attendance and leave records required by the Administrative Office and the local Human Resources Manual.
- E. In order to verify compliance with this Plan, the Clerk, or his or her designee, is authorized to examine and/or audit any records maintained by the Court Reporter Coordinator, Official Court Reporters, or contract court reporters for this Court.

### **Chair of the Court Reporter Committee**

The Chief Judge of the Northern District of Illinois shall select an active District Court Judge to serve as the Chair of the Court Reporter Committee. The Chair oversees the Committee and serves as a liaison between the Clerk of Court and the Official Court Reporters.

### **Court Reporter Committee**

The Chief Judge of the Northern District of Illinois shall establish a Court Reporter Committee, consisting of an active District Court Judge serving as the Chair of the Court Reporter Committee and at least three other judges designated by the Chief Judge. The Committee should contain at least one Senior Judge and one Magistrate Judge. The Court Reporter Committee shall assist the Chief Judge in his/her supervision of the Official Court Reporters and in the implementation of this Plan.

### **Administrative Duties of Official Court Reporters**

- A. Each Official Court Reporter must avoid backlogs of transcripts and assure the prompt delivery of high-quality transcripts, particularly for cases on appeal to the Court of Appeals. [The Guide Vol. 6, Ch. 5, §§ 530.70 & 530.70.60](#). Official Court Reporters and contract court reporters must file the certified transcripts in

electronic format with the Clerk of Court. Official Court Reporters and contract court reporters must use the Court's case management/electronic case filing system ("CM/ECF") to file their certified transcripts. Filing of the transcripts must be within the guidelines set forth in [The Guide, Vol. 6, Ch. 5, § 510.25\(a\)](#). All transcripts filed in CM/ECF will be in accordance with Judicial Conference Policy ([JCUS – Sep 03, pp. 16-17](#)) and [The Guide, Vol. 6, Ch. 5, § 510.25.10](#).

- B. Reporters are responsible for making arrangements for timely delivery of the transcript to the party who requested its preparation. The emailing of sealed transcripts is only permitted pursuant to the Court's policy.
  
- C. Pursuant to [28 U.S.C. §753\(b\)](#) and [The Guide, Vol. 6, Ch. 2, § 290.20.20\(b\)](#), Official Court Reporters shall file each transcript they prepare for a private party, the government, or the Court.
  
- D. Pursuant to [The Guide, Vol 6, Ch. 2, § 290.20.30\(c\)](#) , Official Court Reporters and contract reporters shall maintain original shorthand notes or other original records of transcripts. The Official Court Reporter's private office is considered an extension of the Clerk's Office. The Official Court Reporter is required to retain the shorthand notes or other original records of transcripts as public record. The current retention requirement is ten years pursuant to [28 U.S. C. 753\(b\)](#). When requested by the Clerk of Court or the Chair of the Court Reporter Committee, Official Court Reporters and contract reporters must provide copies of these notes and records to the Court Reporter Coordinator in electronic PDF format or in such other format as the Clerk of Court deems appropriate. These notes and records must be maintained on a secure server.
  
- E. Pursuant to [The Guide, Vol. 6, Ch. 2, § 290.20.30\(f\)](#), Official Court Reporters are required to file copies of their dictionaries with the Clerk of Court when requested by the Clerk or the Chair of the Court Reporter Committee. These dictionaries must be maintained on a secure server.

- F. Pursuant to [The Guide, Vol. 6, Ch. 2, § 290.20.30\(d\)](#), Official Court Reporters and contract reporters shall file their notes in electronic PDF format or in such other format as the Clerk of Court deems appropriate. These notes must be maintained on a secure server.
- G. Contract court reporters must provide electronic records to the Court Reporter Coordinator prior to the payment of services.

## **Appointment of Official Court Reporters**

Official Court Reporters of this Court will be appointed in accordance with the provisions of [28 U.S.C. § 753](#). An appointment as an Official Court Reporter shall constitute an appointment as an Official Court Reporter for the Court *en banc* with the requirement that the Official Court Reporter serve all judges of the Court, as scheduled by the Court Reporter Coordinator. [The Guide, Vol. 6, Ch. 2, § 220\(b\)](#). All Official Court Reporters are at-will employees and bound by the requirements set forth in the [Code of Conduct for Judiciary Employees](#), [The Guide, Vol. 12, Ch. 3, § 320.40](#), and [Human Resources Manual](#).

When a vacancy exists for the position of Official Court Reporter for a primary assignment or a floating position, the Clerk will post the vacancy in accordance with the provisions of the [The Guide to Judiciary Policy](#), [Local Human Resources Manual](#), [Equal Employment Opportunity Plan and Employee Dispute Resolution Plan for the Northern District of Illinois](#), pursuant to [The Guide, Vol. 6, Ch. 2, § 220.20](#). If the position is for a primary assignment, the primary judge shall:

- A. review all applicants who meet the minimum qualifications for the job; and
- B. conduct such interviews as the primary judge considers necessary; and
- C. recommend to the Chief Judge the candidate whom the primary judge considers best qualified. The Chief Judge, acting on the Court's behalf, will make the appointment to fill the vacant position.

If the position is for a floating assignment, the Chair of the Court Reporter Committee shall:

- A. review all applicants who meet the minimum qualifications for the job; and
- B. conduct such interviews as the Chair considers necessary; and
- C. recommend to the Chief Judge the candidate whom the Chair considers best qualified. The Chief Judge, acting on the Court's behalf, will make the appointment to fill the vacant position.

### **Qualifications of Official Court Reporters**

In order to qualify for appointment as an Official Court Reporter, applicants must meet the following minimum requirements in addition to [The Guide, Vol. 12, Ch. 5, § 580.40.30](#):

- A. Applicants must have at least four years of prime court reporting experience in the freelance field of service or service in other courts, or a combination of the two.
- B. If applicants have prior experience providing reporting services to this Court on more than five occasions with the same judge within the twelve months prior to submitting their application, applicants must submit an evaluation of their work and recommendations from that judge.
- C. Applicants must present a copy of a Registered Professional Reporter certificate from the National Court Reporters Association or evidence of passing an equivalent qualifying examination as defined in [The Guide, Vol. 12, Ch. 5, § 580.40.30\(a\)\(3\)](#).
- D. Applicants must be realtime certified from the National Court Reporters Association, the United States Court Reporters Association, or an equivalent

examination certification approved by the Administrative Office of the United States. This requirement does not apply to existing Official Court Reporters.

## **Probationary Employees**

Any Official Court Reporter appointed in the Northern District of Illinois shall be placed on a one-year probationary period, commencing with the date the Official Court Reporter enters on duty. The probationary Official Court Reporter will be provided written evaluations at three, six, and twelve-month intervals.

Both the Court Reporter Coordinator and the judge to whom the probationary Official Court Reporter is primarily assigned will prepare a written evaluation of the probationary Official Court Reporter. If the probationary Official Court Reporter is not assigned to a primary judge, the Court Reporter Coordinator shall randomly select three judges from among those judges to whom the Official Court Reporter has provided reporting services on at least three occasions within the previous twelve months. The Court Reporter Coordinator shall request these evaluations far enough in advance so that the judges can issue the evaluations at the appropriate interval.

The Court Reporter Coordinator shall forward the judicial evaluation(s) and the Court Reporter Coordinator's review to the Chair of the Court Reporter Committee. Copies of these evaluations shall also be shared with the probationary Official Court Reporter. The Chair of the Court Reporter Committee may request further documentation, or based on the information collected during the evaluations and after consulting with the probationary Official Court Reporter's primary judge, the Chair of the Court Reporter Committee may extend the probationary period up to an additional six months, or may recommend that the probationary Official Court Reporter be terminated.

During the one-year probationary period and any subsequent additional time frame, the probationary Official Court Reporter has no appeal rights. Probationary Official Court Reporters who do not perform in a satisfactory manner during the probationary period will be dismissed.

The Court may remove from office any Official Court Reporter who has successfully completed the one-year probationary period (including any extension thereof) only in accordance with the provisions of this Plan.

The tenure of an Official Court Reporter shall not automatically be affected solely by the resignation, taking of senior status, elevation to another court, retirement, or death of his/her primary judge. The continued employment of any Official Court Reporter, however, remains contingent upon the availability of funding and the needs of the Court as determined by the Chief Judge in his or her sole discretion and is subject to [The Guide, Vol. 6, Ch. 2, § 220.60.](#)

## **Assignment of Official Court Reporters**

### **Primary Assignments**

- A. Each Official Court Reporter will be given the primary assignment of covering the court reporting needs of an active district judge of this Court, only a senior district judge who is certified by the Seventh Circuit Judicial Council to have a court reporter assigned to him or her, or more than one senior district judge where the judges have not been certified by the Seventh Circuit Judicial Council to have a court reporter assigned to him or her.
- B. The Chief Judge may assign an Official Court Reporter to a floating position, i.e., without the primary assignment of providing reporting services to a specific judge or judges. If there are more judges than Official Court Reporters, all active district judges and senior district judges who have been certified by the Seventh Circuit Judicial Council to have an Official Court Reporter shall receive the services of an Official Court Reporter before any senior district judge who is not so certified.
- C. The Chief Judge, on behalf of the Court, will adjust the primary assignments of Official Court Reporters and authorize changes to those assignments as necessary.

- D. When a judge of this Court who does not have an Official Court Reporter assigned, or any visiting district judge, magistrate judge, or special master requires an Official Court Reporter, that assignment will be deemed a secondary assignment for an Official Court Reporter, and the Court Reporter Coordinator will assign coverage.
- E. If there are Official Court Reporters in floating positions or assigned to a senior district judge whom the Seventh Circuit Judicial Council has not certified to have an assigned Official Court Reporter, those reporters may apply for any subsequent Official Court Reporter vacancy announcements in this Court.

### **Assignment Priorities**

- A. Official Court Reporters must provide in-court coverage for their primary assigned judge before being assigned a secondary assignment or volunteering to assist another Official Court Reporter.
- B. When not providing in-court reporting to their primary assigned judge, Official Court Reporters must be available in the courthouse to provide coverage for secondary assignments to the Court as needed. [The Guide, Vol. 6, Ch. 2, § 240.30](#).
- C. The Court Reporter Coordinator will schedule secondary assignments in a fair and equitable manner. Annually, the Court Reporter Coordinator will provide the Chair of the Court Reporter Committee with a report that indicates the secondary assignments covered by Official Court Reporters.
- D. Official Court Reporters may assist other Official Court Reporters with transcript work under such terms as the reporters involved agree upon. The providing of such assistance, however, will not serve as grounds for not providing in-court reporting services for any other judge, and the Official Court Reporter must first cover his or her primary assigned judge without hiring a substitute reporter. Likewise, transcribing electronic sound recordings, referenced in this Plan, shall

not serve as grounds for declining to provide in-court reporting services for any judge.

### **Substitute Court Reporters**

- A. Pursuant to [The Guide, Vol. 6, Ch. 4, § 440.50](#), substitute court reporters are subcontractors of Official Court Reporters hired to attend court sessions and record the proceedings under limited circumstances. The following guidelines shall be followed for the use of substitute court reporters in this Court: Official Court Reporters may hire a substitute court reporter so that the Official Court Reporter can provide transcripts of proceedings or for other reasons, such as a backlog of transcript orders. [The Guide, Vol. 6, Ch. 4, § 440\(b\)\(1\)](#).
- B. The Judicial Conference, as a matter of policy, discourages the use of substitute reporters and encourages limiting the need for substitute court reporters. [The Guide, Vol. 6, Ch. 4, § 440\(b\)\(2\)](#).
- C. Under no circumstances may a substitute court reporter be used as the primary provider of the in-court services for which the Official Court Reporter is responsible.
- D. Official Court Reporters may not hire a substitute court reporter to cover their primary assigned judge so that the Official Court Reporter can provide in-court services as a secondary assignment.
- E. Official Court Reporters may not hire a substitute court reporter to cover a secondary assignment the Official Court Reporter volunteered to cover.
- F. Official Court Reporters may not hire a substitute court reporter while they are on an approved leave status, including compensatory and accumulated leave. (See Tour of Duty section.)
- G. Before an Official Court Reporter hires a substitute court reporter, the Official Court Reporter must first seek the approval of his or her primary judge or the

Chair of the Court Reporter Committee to hire the substitute reporter, and submit the following to the Court Reporter Coordinator as set forth in [The Guide, Vol. 6, Ch. 4, § 440.10\(b\)](#):

1. A resume of the proposed substitute reporter that outlines the experience and certificates demonstrating that the individual meets the minimum qualifications of an Official Court Reporter of this Court.
2. The Official Court Reporter will submit a court-provided background check form for the proposed substitute reporter to complete prior to beginning assistance in this Court. The substitute court reporter must receive a favorable background check performed by and at the expense of the Court before the substitute court reporter may begin work.
3. By January 10th of each year, Official Court Reporters must update their individual list of the substitute reporters whom they plan to use that calendar year. The list shall include all updated contact information for the substitute court reporters.

## **Senior Judge Proceedings**

Court reporting resources are allocated annually to each district court to meet the reporting requirements of its senior judges. The allocation is based on the total in-court hours for all senior judges, including visiting senior judges, during the preceding statistical reporting year. Two hundred ninety (290) in-court senior judge hours during the preceding year are required for one court reporter position. , JCUS SEP 18 pp. 24-26; [28 U.S.C. § 753\(a\)](#). If requested by the Court and certified by the Seventh Circuit Judicial Council, staffing credit for an Official Court Reporter position will be provided to the Court for each senior judge who maintains substantially the same caseload as an active judge. The Court may use the funding associated with this allocation for temporary, full, or part-time court reporter positions, or contract court reporting services, and assign those resources to senior judges as necessary. [The Guide, Vol. 3, Ch. 8, § 860.20 \(b\)](#).

Reporting services for senior judges whom the Seventh Circuit Judicial Council has not certified for an Official Court Reporter are provided by the roster of Official Court Reporters assigned to the Court and, if Official Court Reporters are not available, by contract court reporters. Contract court reporting services may be used if the number of Official Court Reporters is insufficient to meet the temporary needs of the district court, particularly with respect to senior judges that are not certified for an Official Court Reporter. [28 U.S.C. § 753\(g\)](#) and [The Guide, Vol. 3, Ch. 8, § 860.20\(a\)](#).

The Clerk of Court is responsible to provide either an Official Court Reporter or contract court reporter to cover senior judge proceedings. [The Guide, Vol. 6, Ch. 4, § 450.20.10\(d\)](#). The Clerk of Court shall minimize the use of contract court reporters by utilizing available Official Court Reporters who are not needed in another courtroom.

## **Magistrate Judge Proceedings**

The Clerk of Court is responsible for maintaining a system to electronically record proceedings held by magistrate judges or any judge who chooses to use electronic recording. [The Guide Vol. 6, Ch. 2, § 280.40](#) and [The Guide, Vol. 6, Ch. 4, § 410](#). The Court will reproduce copies of electronically recorded proceedings on its own equipment and will provide copies of electronic sound recordings made as the official record at the prevailing rate prescribed by the Judicial Conference. [The Guide, Vol. 6, Ch. 3, § 350.40\(e\)](#).

The Court Reporter Coordinator will maintain a list of Official Court Reporters who are willing to transcribe electronic recordings when a transcript is ordered. [The Guide Vol. 6, Ch. 5 § 510.40.20\(f\)](#). Quarterly, the Court Reporter Coordinator will request that the Official Court Reporters indicate if they are willing to transcribe these recordings. The Court Reporter Coordinator will alphabetically assign these requests to Official Court Reporters as requests are submitted. Should an Official Court Reporter on the list turn down the request, the Court Reporter Coordinator shall go to the next Official Court Reporter on the list. The Court Reporter Coordinator must exhaust the names on the list before restarting at the beginning of the list. The Court Reporter Coordinator will monitor the quality and timeliness of transcript delivery as set forth in this Plan.

Transcribing electronic recordings does not serve as grounds for not providing in-court reporting services for any judge. The Clerk of Court shall store the electronic recording and then transmit the recording to the Official Court Reporter who is responsible to prepare the transcript.

The Clerk of Court must provide an Official Court Reporter for all trials held by a magistrate judge. The Court Reporter Coordinator shall handle the assignment of an Official Court Reporter to magistrate judges. If there is an Official Court Reporter who is in a floating position, the Court Reporter Coordinator will schedule that Official Court Reporter to cover the proceeding before any other Official Court Reporter. If a floating Official Court Reporter is unavailable, then the Court Reporter Coordinator shall request that an Official Court Reporter cover the trial as a secondary assignment. In the event that an Official Court Reporter is unavailable to provide these services, the Clerk of Court shall hire a contract court reporter.

Magistrate judges may request an Official Court Reporter to provide in-court reporting services at any evidentiary hearing or any proceeding that may last over one hour. The Court Reporter Coordinator must assign an Official Court Reporter when a magistrate judge requests a reporter for an evidentiary hearing or any proceeding that may last over one hour. The Court Reporter Coordinator shall first contact the Official Court Reporter who is assigned to the district judge assigned to the case to determine if that Official Court Reporter is available to cover the proceeding. If that Official Court Reporter is not available, then the Court Reporter Coordinator shall assign an Official Court Reporter in a floating position. If neither Official Court Reporter is available, the Court Reporter Coordinator shall request an Official Court Reporter to provide services as a secondary assignment if his/her primary judge is not in need of his or her court reporting services. In the event that an Official Court Reporter is unavailable to provide these services, the Clerk of Court shall hire a contract court reporter.

A magistrate judge may have an occasion where he or she prefers an Official Court Reporter cover a complex or difficult proceeding, in addition to the electronic recording. When the request is received, the Court Reporter Coordinator will attempt to provide an

Official Court Reporter, but if no Official Court Reporter is available, the Court Reporter Coordinator will communicate with the magistrate judge to indicate that no Official Court Reporter is available to cover the proceeding.

When an Official Court Reporter prepares a transcript, the transcript is the official record of the proceeding, not the electronic recording.

## **Contract Court Reporters**

Pursuant to [The Guide, Vol. 6, Ch. 4, § 450](#) and [28 U.S.C. 753\(g\)\(with the approval of the 7<sup>th</sup> Circuit Judicial Council\)](#), the Court may contract for court reporting services when necessary. Prior to employing contract court reporters, the Court Reporter Coordinator must make every effort to fully utilize Official Court Reporters, pursuant to [The Guide, Vol. 6, Ch. 4, § 450.20.10\(a\)](#). Additionally, through scheduling, the Court Reporter Coordinator must minimize the use of temporary or contract services to every extent practicable. [The Guide, Vol. 6, Ch. 4, § 450.20.10\(b\)](#). The only individuals authorized to hire a contract court reporter on behalf of the Court are those staff members delegated the authority from the Chief Judge. The Court will follow the requirements for contract court reporters as noted in [The Guide, Vol. 6, Ch. 4, § 450.20.10](#).

Contract Court Reporters must provide realtime reporting to the judges of this Court when required.

## **Transcript Rates**

Pursuant to [The Guide, Vol. 6, Ch. 5, § 510.17](#), the Judicial Conference has approved the following transcript categories. No other transcript categories are authorized.

- A. Ordinary Transcript: A transcript to be delivered within thirty (30) calendar days after receipt of an order.
  
- B. 14-Day Transcript: A transcript to be delivered within fourteen (14) calendar days after receipt of an order.

- C. Expedited Transcript: A transcript to be delivered within seven (7) calendar days after receipt of an order.
- D. 3-Day Transcript: A transcript to be delivered with three (3) calendar days after receipt of an order.
- E. Daily Transcript: A transcript to be delivered on the calendar day following receipt of the order (regardless of whether that calendar day is a weekend or holiday), prior to the normal opening hour of the Clerk's Office.
- F. Hourly Transcript: A transcript of proceedings to be delivered within two (2) hours from receipt of the order.
- G. Realtime Transcript: A draft, unedited transcript produced by a certified realtime reporter as a byproduct of realtime transcription to be delivered electronically during proceedings or immediately following receipt of the order..

### **Realtime Reporting**

Pursuant to [Guide, Vol. 6, Ch. 3 § 320.20.10](#), an Official Court Reporter may provide realtime reporting to parties if he or she has successfully completed the Certified Realtime Reporter examination offered by the National Court Reporters Association, or who have passed an equivalent qualifying examination. Certified Realtime Reporters are permitted to sell realtime translation at rates approved by the Judicial Conference.

Official Court Reporters and Contract Court Reporters who provide realtime reporting must follow the Judicial Conference Policies as outlined in the [Guide, Vol. 6, Ch.3 § 320](#).

### **Maximum Transcript Rates**

Pursuant to [28 U.S.C. § 753\(d\)\(2\)](#) and [The Guide, Vol. 6, Ch. 5, § 530.10](#), the Judicial Conference prescribes the fees reporters may charge for transcripts. Current transcript rates approved by the Judicial Conference and adopted by this Court shall be posted on the Court's website and in public areas of the courthouses and shall be available upon request from the Court Reporter Coordinator. The Judicial Conference further provides

that the maximum rates chargeable by contract reporters are those rates specified in the contract entered into between the Court and the contract court reporter. The Court has determined that contract court reporters may only charge the same rates that an Official Court Reporter may charge.

## **Transcript Format**

The Judicial Conference requires all courts to follow specific transcript format requirements. The Northern District of Illinois follows and will not deviate from the requirements found in [The Guide, Vol. 6, Ch. 5, § 520](#).

## **Order and Delivery of Transcripts**

Except as otherwise directed by the Chief Judge or the Chair of the Court Reporter Committee, orders for the preparation of transcripts of court proceedings where an assigned Official Court Reporter reported the proceedings shall be placed with the Official Court Reporter. All other orders for the preparation of transcripts shall be placed with the Court Reporter Coordinator. Where a person or a party other than the government orders, or pays for, a transcript from an Official Court Reporter or contract court reporter, the reporter may require a deposit before starting work on the transcript unless prohibited by statute or Judicial Conference Policy. The amount of the deposit may not exceed the estimated cost of the transcript ordered. Where a deposit is required, the reporter shall notify the person ordering the transcript of the requirement, in writing, at the time the transcript is ordered. [The Guide, Vol. 6, Ch. 5, § 530](#).

For the purposes of the transcript categories in this Plan, the date of receipt of the order for the preparation of a transcript shall be taken as the actual date of receipt where the government is paying for the transcript or where no deposit for the transcript is required. Where a deposit for a transcript is required, the date of receipt of the deposit shall be taken as the date of receipt of the order. Where transcript preparation requires the transcribing of an electronic recording of proceedings, the date of receipt of the order shall be taken as the actual date the recording is received by the transcriber, unless a deposit for the transcript is required. If a deposit is required, the date that the deposit is received shall be taken as the date of receipt of the order.

The routine apportionment of transcript costs among parties in criminal cases is prohibited.

Official Court Reporters must plan for the timely delivery of the transcript to the party who ordered its preparation.

Pursuant to [28 U.S.C. § 753\(b\)](#), Official Court Reporters shall file through CM/ECF a certified copy of each transcript they prepare for a private party, the government, or the Court. The transcript copy shall be filed in a timely manner as established by the Judicial Conference. In addition, [28 U.S.C. § 753\(b\)](#) requires the Official Court Reporter or other individual designated to produce the record to file a transcript of arraignments, pleas, and sentencings within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment, in which case the electronic recording, accompanied by a certification by the Official Court Reporter, shall be filed as soon as the recording media has been used to capacity. The certification shall be made using a form provided by the Court Reporter Coordinator.

Pursuant to [The Guide Vol. 6, Ch. 5, § 510.45.20\(a\)](#), the Northern District of Illinois has adopted a practice of filing certified audio backup files of arraignments, pleas, and sentencings in each Official Court Reporter's office. For purposes of compliance with the referenced provision, the Official Court Reporter's office is deemed an extension of the Clerk of Court's Office in the Northern District of Illinois.

The Clerk of Court is required by the Judicial Conference to verify that the financial reports filed by Official Court Reporters are accurate and that fees charged for transcripts comply with Judicial Conference guidelines. In order to comply with these requirements, the Judicial Conference directs that Official Court Reporters provide the Clerk of Court with copies of transcript invoices. Accordingly, Official Court Reporters shall provide the Court Reporter Coordinator with copies of invoices for all transcripts delivered to requesting parties along with their quarterly reports, as requested/designated by the Court Reporter Coordinator. [The Guide, Vol. 6, Ch. 2, § 290.40.55\(b\)](#).

The Clerk, or his or her designee, may annually take a sample of no less than ten transcripts filed in different cases, and verify that the Official Court Reporter complied with the standards established by this Plan with respect to format, delivery date, and charges. If the findings of the audit suggest a violation of the standards, the Clerk will discuss them with the Official Court Reporter involved and incorporate the comments of that reporter in a report. The Clerk shall file a report summarizing the findings of the audit with the Chair of the Court Reporter Committee and the primary judge to whom the Official Court Reporter is assigned. If the report indicates violations of the standards set by this Plan, the Chair of the Court Reporter Committee, or the primary judge, may take disciplinary action in accordance with the policies of this Court, the Judicial Conference, and The Guide.

### **Court Reporter Access to DCN and Supplies**

- A. Official Court Reporters are authorized access to the Data Communications Network (DCN) for official purposes, such as to access to CM/ECF, eVoucher, CEO, JNET, JENIE, automated travel voucher system, email, time and attendance systems, and automated forms. [The Guide, Vol. 6, Ch. 2, § 260.45\(a\)](#). This access is limited to locations in the courthouse where access to the DCN is otherwise available and does not include offices maintained by Official Court Reporters outside of the courthouse.
- B. The Chief Judge, the Chair of the Court Reporter Committee, or the Official Court Reporter's primary judge may approve VPN access for an Official Court Reporter in order to access the Court's network from outside the courthouse. Contract court reporters must not be allowed access to the DCN at any time. [The Guide, Vol. 6, Ch. 2, § 260.45\(b\)](#).
- C. The Clerk of Court is responsible for budgeting, purchasing, installing, and maintaining court-owned equipment and peripherals for the purpose of providing DCN access to Official Court Reporters at one location for each Official Court Reporter in the courthouse.

- D. Pursuant to [The Guide, Vol. 6, Ch. 2, § 260.45\(b\)](#) Official Court Reporters are strictly prohibited from using any government-owned computer hardware or any automated systems accessed through the DCN to generate transcript income.

## Travel by Court Reporters

Official Court Reporter travel policy and procedures are covered in the Judiciary Staff Travel Regulations. [The Guide, Vol. 19, Ch. 4](#) and [The Guide, Vol. 6, Ch. 2, § 270](#). To minimize unnecessary travel by Official Court Reporters, an Official Court Reporter whose duty station is located in the Western Division will normally provide reporting services in the Western Division. A contract court reporter will be used in the Western Division only when no Official Court Reporter whose duty station is in the Eastern Division is available to provide the needed service. An Official Court Reporter assigned to the Western Division may provide needed services in the Eastern Division when not needed to cover a judge of the Western Division.

## Court Reporter Salaries

The Judicial Conference sets Official Court Reporters' salaries. [28 U.S.C. § 753\(e\)](#) provides that each reporter will receive an annual salary to be fixed from time to time by the Judicial Conference. Further information on Official Court Reporter salaries can be found at [The Guide, Vol. 12, Ch. 6, § 630.40 \(Court Reporters\)](#).

## Benefits

Official Court Reporters are employees of the federal judiciary and are entitled to the same benefits available to other judiciary employees. [The Guide, Vol. 6, Ch. 2, § 230](#) and [The Guide, Vol. 12, Ch. 7](#).

## Tour of Duty

All Official Court Reporters in the Northern District of Illinois are on a regular tour of duty. [The Guide, Vol. 6, Ch. 2, § 240](#). Because Official Court Reporters are on a tour of duty, they earn leave in accordance with [5 U.S.C. Chapter 63, Subchapter 1](#) (Annual Sick

Leave Act of 1951, formerly referred to as the “Leave Act”) and [The Guide, Vol. 6, Ch. 2, § 240.10](#). [The Guide, Vol. 12, Ch. 9](#) and the Human Resources Manual of the District Court set forth leave regulations. In addition to the requirements in those materials, the following requirements are applicable to all Official Court Reporters:

- A. Official Court Reporters are allowed to have a tour of duty that falls between 7:00 a.m. and 6:00 p.m.
- B. An Official Court Reporter’s preparation of official transcripts is a duty that the Official Court Reporter may complete during the tour of duty when the Official Court Reporter is not needed to cover in-court proceedings for any judge.
- C. Should an Official Court Reporter be required to work longer than 80 hours in a pay period, the Official Court Reporter will be able to be absent from his or her tour of duty for the work hours accumulated for work performed onsite that is allowable under the tour of duty definitions of [The Guide](#). The following procedures must be followed in order to use accumulated leave:
  1. The Court Reporter Coordinator will send an email to all Official Court Reporters by 10:30 a.m. when coverage is still needed for that day. If all coverage requests have been fulfilled, an Official Court Reporter may utilize accumulated time. When an Official Court Reporter utilizes this time, he or she must email the Court Reporter Coordinator to indicate the time that he or she will be out of the Courthouse. For the Western Division, an Official Court Reporter must email the Deputy in Charge to indicate the time that he or she will be out of the Courthouse.
  2. An Official Court Reporter must take annual, sick, and compensation leave in 15-minute intervals.
  3. An Official Court Reporter must use the court computer to log in and log out in order to be in compliance with [The Guide](#).
  4. Official Court Reporters must arrive to the courthouse no later than 8:45 a.m. unless they are scheduled to be in court prior to that time, or their

assigned primary judge has notified the Court Reporter Coordinator that he or she approves a tour of duty that starts no later than 9:30 a.m. When not present by 9:30 a.m., Official Court Reporters must be in an approved leave status.

5. Official Court Reporters should refer to the Human Resources Manual for clarifications on leave policies.
  - a) There is no provision in [5 U.S.C. Chapter 63](#) for hiring substitutes to cover any absence (see Office of General Counsel memorandum, December 4, 1992).
  - b) An Official Court Reporter is eligible for military and Court leave.
  - c) For information about leave by Official Court Reporters on a regular tour of duty, see [The Guide, Vol. 6, Ch. 2, § 240.40](#), [The Guide, Vol. 12, Ch. 9](#), and the Human Resources Manual.

## Private Reporting

The Court has determined that Official Court Reporters may perform private (freelance) work pursuant to [Code of Conduct for Judicial Employees, Canon 4C\(1\)](#). The work must be approved in advance by the Official Court Reporter's primary judge. If the Official Court Reporter does not have a primary judge, the Official Court Reporter must seek the advance approval from the Chair of the Court Reporter Committee. Private work must be performed outside of the courthouse, and Official Court Reporters are not to perform any private work that is not permitted by statute and their primary judge.

An Official Court Reporter may not perform any private work during their tour of duty. Pursuant to the Guide, [Vol. 6 Ch. 2 §240.22](#) a court reporter may perform private work on personal time (nights or weekends). An Official Court Reporter may not take annual leave to engage in private reporting activities pursuant to the [Comptroller General Decision B-78359](#).

## Leave Use by Official Court Reporters

### Sick and Annual Leave

Official Court Reporters in the Northern District of Illinois are on a regular tour of duty and earn leave in accordance with [5 U.S.C Chapter 63, Subchapter 1](#), and [The Guide, Vol. 6, Ch. 2, § 240.10](#). An Official Court Reporter must use annual or sick leave for any paid absence from work. [The Guide, Vol. 6, Ch. 2, § 240.10\(b\)](#) and OGC Memorandum, Dec. 4, 1992. Approval of annual leave depends on the business needs of the court. Further information on leave can be found in [The Guide, Vol. 12, Ch. 9](#) and the Human Resources Manual for the Northern District of Illinois.

### Administrative Leave

Official Court Reporters are eligible for administrative leave, which is discussed in the [Human Resources Manual in Section 6.5](#). Administrative leave requests will be considered for Official Court Reporters attending seminars or training sessions that are deemed essential for carrying out the Court's mission, similar to all Clerk's Office employees. An example of such training would be the National Court Reporters Association training for which CEU credit is offered. Attendance at the business meeting of a non-training related private association does not justify administrative leave. [The Guide, Vol. 19, Ch. 4, § 240.40.10 and Vol. 12, Ch. 9, § 910.20.50](#).

Administrative leave will be approved on a case-by-case basis. As with annual leave, the needs of the Court must be met, so administrative leave will be approved on a first-come, first-served basis. Official Court Reporters must make their requests in advance and submit them in writing to the Judicial Support Manager with supporting documentation. If the request is approved, the Official Court Reporter must submit the appropriate documentation demonstrating attendance at the training/seminar.

### Compensatory Leave

On rare occasions, the demands of Clerk's Office may require that an Official Court Reporter work a biweekly tour of duty that is longer than 80 hours. The Judiciary has no appropriations available for overtime pay in such cases. When circumstances beyond the

control of the Official Court Reporter arise making overtime work necessary, compensatory leave may be approved.

Compensatory leave, also referred to as comp time, is not automatic, nor is it an entitlement. It is granted at the discretion of the Clerk of Court as delegated to managers. The compensation time policy is not subject to the provisions of the [Fair Labor Standards Act \(FLSA\) of 1938](#), as amended, nor to the premium pay provisions found in [Title 5 of the US Code](#). A supervisor must obtain advance approval from the manager before compensatory leave may be approved for any Official Court Reporter. The approval of the Clerk of Court is required before compensatory leave in excess of 16 hours in a single pay period will be granted.

Approval of compensatory leave must be obtained before the Official Court Reporter begins to work the extra hours for which compensatory time is to be granted. Official Court Reporters who work extra hours without advance approval as described here ordinarily will not receive compensatory leave for the extra hours worked.

There are circumstances where prior approval is not possible before beginning the additional work; this may include completing certain tasks off-site remotely through the Court's Virtual Portal Network (VPN). In these situations, it would be permissible for the manager to grant compensatory leave to the Official Court Reporter retroactively for hours worked in addition to the 80 hours. Approval for compensatory leave for work off-site will be granted on a case-by-case basis. A manager may establish a standard compensatory leave approval for scheduled work that recurs offsite.

Compensatory leave must be earned before it is taken. Compensatory leave is earned in whole-hour increments and may be used in quarter-hour increments, but it must be used within six months (180 days) from the date it is earned. The Official Court Reporter must manage his or her own compensatory leave balance to avoid expiration.

An Official Court Reporter may not accumulate more than 40 hours of compensatory leave at any given time. An Official Court Reporter is eligible to earn additional

compensatory leave only after the Official Court Reporter draws their compensatory leave balance below the 40-hour limit. The 40-hour limit on compensatory leave earned can only be waived at the Clerk of Court's discretion. The request for a waiver must be written to the Clerk of Court and provided to the Human Resources Department. If approved by the Clerk of Court, the request and approval must be submitted to the Human Resources Department to make any adjustments to the Official Court Reporter's leave balances in the leave tracking system.

An Official Court Reporter with an available balance of compensatory leave must generally use all available compensatory leave before using any annual leave available to them.

All requests for compensatory leave must be submitted using the Court's leave tracking system. Requests for compensatory leave must be approved by the Official Court Reporter's supervisor before the leave is taken. Unused compensatory leave is not reimbursable if the Official Court Reporter separates before the time is used.

While this compensatory leave policy allows an Official Court Reporter to complete the required 80-hour tour of duty prior to the end of the leave period, it cannot be used as authorization for a compressed work schedule. Any changes to an Official Court Reporter's schedule must be discussed with their supervisor in advance. Official Court Reporters that work a partial day or take a full day off without prior approval from the supervisor may be subject to disciplinary action.

Travel, conferences, and other educational functions do not qualify in accumulating compensatory leave. Official Court Reporters are ordinarily are not entitled to compensatory leave for hours worked in excess of their tour of duty.

An Official Court Reporter whose personal religious beliefs require abstention from work during certain recurring or occasional periods of time may elect to engage in overtime work for time lost for meeting those religious requirements. To the extent that such schedule modifications do not interfere with the efficient accomplishment of an

organization's mission, the Official Court Reporter will be provided with the opportunity to work overtime on an hour-for-hour basis and shall be granted compensatory time off for religious observances when it is requested. The overtime work may be done before or after the comp time for a religious observance is granted, provided that it is completed during the pay period the time is taken.

## **Employee Relations for Official Court Reporters**

### **A. Basis for Disciplinary Proceedings**

1. Official Court Reporters may be disciplined for incompetence; violations of the standards of this Plan; dishonesty in his or her dealings with the Court, attorneys, or parties to any litigation before the Court; violations of any part of this Plan, The Guide, the Code of Conduct for Judicial Employees; and/or any conduct which may reflect adversely on the Court.
2. An Official Court Reporter may be disciplined in any manner, up to and including termination, which the Chief Judge in his or her sole discretion deems appropriate. The Chief Judge's determination in any disciplinary proceeding, consideration, or matter will be final.

### **B. Chair of the Court Reporter Committee Presides at Hearing**

1. The Court Reporter Committee shall hold all disciplinary hearings relating to Official Court Reporters, with the Chair of the Court Reporter Committee or, in his or her absence, another member of the Court Reporter Committee designated by the Chair or the Chief Judge presiding. The Chair of the Court Reporter Committee shall notify the primary judge of the Official Court Reporter of the hearing, and the primary judge may attend the hearing if he or she elects to do so.

### **C. Initiation of Disciplinary Proceedings**

1. Upon receipt of a complaint about an Official Court Reporter, the Chief Judge, Clerk of Court, the Chair of the Court Reporter Committee,

or a person designated by one of them, may initiate or conduct an investigation preliminary to a disciplinary hearing. The party authorized to commence such an investigation will have authority to conduct interviews and review documents, emails, and instant message logs, voice messages, and text messages on the Official Court Reporter's court computer or phone, and any other court records at his or her discretion. All Official Court Reporters, substitute reporters, and contract reporters are required to cooperate fully in any such investigation. Failure to cooperate may in itself be a basis for discipline.

2. The Chair of the Court Reporter Committee, or in his or her absence, a member of the Court Reporter Committee designated by the Chair or the Chief Judge, may initiate disciplinary proceedings *sua sponte* when the Chair of the Court Reporter Committee receives either of the following:
  - a) A report by the Clerk of Court that indicates a possible violation of the Plan's standards; or
  - b) A written complaint by a district or magistrate judge of this Court, a copy of which has been delivered to the Official Court Reporter, alleging the existence of one or more of the bases for discipline enumerated in this Plan. The Chair shall provide a copy of any report or complaint to the primary judge for the Official Court Reporter.
3. An Official Court Reporter shall have the right to a hearing before any disciplinary action is taken. A notice of disciplinary hearing that includes a written description of the wrongdoing, inadequacy, or impropriety of which the Official Court Reporter is accused shall be delivered to the Official Court Reporter, the Official Court Reporter's primary judge, and the person who filed the complaint at least five (5) calendar days before the date of the disciplinary hearing. At a disciplinary hearing, the Official Court Reporter may present arguments and/or evidence through a representative or on his or her own behalf. These rights are procedural

only and do not limit either the bases for imposing disciplinary action or the Court's plenary authority to impose discipline.

D. Report and Recommendation

Within fourteen (14) days of the conclusion of the hearing, the Court Reporter Committee will submit a report of disciplinary hearing and recommendations for discipline ("Hearing Report") to the Chief Judge and deliver a copy of the Hearing Report to the Official Court Reporter, the Official Court Reporter's primary judge, and the person who initiated the complaint.

The Hearing Report will summarize the Court Reporter Committee's findings and make recommendations to the Chief Judge for actions to take on behalf of the Court. The recommendations may include any one or a combination of the following:

1. Dismissal of the disciplinary proceedings.
2. A written notice of concern.
3. A letter of reprimand.
4. A Final Notice of Adverse Action (Separation) of the Official Court Reporter.
5. When the Official Court Reporter is found to have violated the Plan's standards and the violation resulted in an overcharge to a person purchasing a transcript, an order that the Official Court Reporter refund the overcharge.
6. When the Official Reporter is found to have violated the Plan's standards by failing to deliver the transcript in cases not on appeal within the time required, overcharging for page rates, or violating page formats, the Official Court Reporter can be terminated or ordered to pay restitution of the overcharges. When an Official Court Reporter is found to have intentionally overcharged a person purchasing a transcript or realtime, the Official Court Reporter can be terminated. The Judicial Conference has established that courts may be directed to take any necessary action including, but not limited to, dismissal of the court reporter or restitution

of excess charges, whether they arise out of a violation of pay rates, page format or time limits for delivery. [The Guide, Vol. 6, Ch. 5, § 530.95](#) and [JCUS-Mar 82 p.9](#).

7. In addition to the above, if the Court Reporter Committee concludes in the Hearing Report that an Official Court Reporter has engaged in conduct set forth in paragraph A.1. of this section as a basis for discipline (i.e., incompetence; violations of the standards of this Plan; dishonesty in his or her dealings with the Court, attorneys, or parties to any litigation before the Court; violations of any part of this Plan; and/or any conduct which may reflect adversely on the Court), the Hearing Report may recommend that the Official Court Reporter be disciplined in any manner the Court Reporter Committee deems appropriate, up to and including termination. If the finding of violation or incompetence concerns a contract court reporter, the Hearing Report may recommend that the Court terminate the contract.

E. Review of Hearing Report and Recommendations

Within ten (10) days of electronic receipt of the Hearing Report, the Official Court Reporter involved may submit a written request for review to the Chief Judge. The request shall briefly indicate the portions of the Hearing Report and/or recommendations that the Official Court Reporter wishes to have reviewed.

F. Action by the Chief Judge

When no request for review is submitted within the time required, the Hearing Report of the Court Reporter Committee will stand. When a request for review is submitted, the Chief Judge may determine on the basis of the Hearing Report that no review hearing is required, or the Chief Judge may conduct, or designate one or more other judges to conduct, a review hearing. Within fourteen (14) days after a review hearing or a determination that no review hearing is required, the Chief Judge will issue a statement indicating the Court's determination. The statement of the Chief Judge is dispositive of the disciplinary proceedings.

G. Employment Dispute Resolution Claims

Pursuant to [The Guide, Vol. 12, Ch. 3, § 320.40.40](#), if an Official Court Reporter claims that an adverse action constitutes a denial of rights as defined by the local [Equal Employment Opportunity Plan and Employment Dispute Resolution Plan for the Northern District of Illinois](#), the Official Court Reporter may submit an EDR claim or may file an adverse action appeal, but not both.

H. Files Relating to Disciplinary Proceedings

For each disciplinary proceeding, the Clerk of Court shall maintain a file consisting of the complaint or other initiating documents, the Hearing Report of the Court Reporter Committee, the Chief Judge's review determination, if any, and any other documents relating to disciplinary proceedings. When a disciplinary proceeding is dismissed without any disciplinary action, the file shall be confidential and its contents available only by order of the Chief Judge. When disciplinary action is taken, the file will be treated as an extension of the personnel file of the Official Court Reporter involved. The disciplinary action and file are subject to expungement at the discretion of the Clerk of Court three years after the final ruling on the disciplinary matter.

## **Supplies, Space & Facility**

The Court will provide space and furniture for Official Court Reporters to conduct their official business, including the transcription of official transcripts by themselves or their transcribers. [The Guide, Vol. 6, Ch. 2, § 260.10](#). The Court will follow [§ 260](#) and Judicial Conference Policy. [28 U.S.C. § 753\(e\)](#) provides that Official Court Reporters shall furnish all supplies at their own expense, including paper, covers, ink, and other supplies used by court reporters in the production of transcripts. There are limited exceptions to the statutory requirement that Official Court Reporters provide their own supplies and equipment, and those exceptions are based on the benefits provided to the courts and authorization provided by the Judicial Conference. These exceptions, including office space, furniture, and limited telephone services, are described in [The Guide, Vol. 6, Ch. 2, § 260.10](#).

## **Responsibilities of an Official Court Reporter Leaving the Court**

When an Official Court Reporter is separated from employment for any reason, the Official Court Reporter must provide all necessary electronic files to the Clerk of Court within two weeks of the separation. The Clerk of Court shall retain the electronic copies of the separated Official Court Reporter's files necessary for all future transcript production.

The Official Court Reporter shall provide the Clerk of Court electronic files, including steno notes, translated steno files, dictionary files, audio recordings, and paper notes (if not in electronic format). The Official Court Reporter shall provide electronic files to the Clerk's Office on an appropriate medium, i.e., flash drive or external hard drive that are readable in non-password-protected files.

Separated Official Court Reporters remain responsible to produce any future transcript orders, unless the Court has concerns about the separated Official Court Reporter's performance pursuant to [The Guide, Vol. 6, Ch. 5 § 510.55\(a\) and \(c\)](#). The separated Official Court Reporter may, at his or her option, designate a current in-service Official Court Reporter to fulfill future transcript orders. Any request for transcripts produced by a separated Official Court Reporter will first be transmitted to the former employee or their designee. Should the separated Official Court Reporter fail to respond or produce the request in the time frame necessary to fulfill the order, the Clerk of Court shall notify the separated Official Court Reporter that the Clerk of Court is having the transcripts prepared from the files that were previously submitted to the Court.