

Proposed Amendments to EDVA Local Civil Rule 80

New material is underlined. Deleted material is struck through.

LOCAL CIVIL RULE 80

OFFICIAL COURT REPORTERS TRANSCRIPTS – HEARING ON TRANSCRIPTS – RECORD ON APPEAL

~~(A) Preparation of Transcript: Where a court reporter, under contract or officially employed, is called upon to prepare a transcript, or any portion thereof, in a civil case in which a party is acting pro se, the court reporter may, at his or her election, file said transcript or portion thereof with the Clerk of the United States District Court (or if the transcript or portion thereof is ordered by the Court of Appeals, it may be filed with the Clerk of the United States Court of Appeals), and the Clerk shall acknowledge receipt of said transcript and forward same to the pro se party.~~

(BA) Court Reporter Management Plan: In accordance with the provisions of 28 U.S.C. § 753 and the requirements of a resolution adopted by the Judicial Conference of the United States at its March 1982 session, all district courts have been required to file a Court Reporter Management Plan, which is available for inspection and copying in the Clerk's Office. This plan provides information about the supervision, duties and assignments, including the work hours, of court reporters and notes the fee schedule for transcripts. The transcript rates charged by reporters are governed by rates recommended by the Judicial Conference of the United States, if adopted by this Court. The schedule of maximum fees which may be charged is posted in the Clerk's Office.

~~(B) Release of Transcript: The Clerk shall not release any transcript for copying or reproducing without an order of the Court, but counsel, interested parties, or the news media may examine any transcript on file. The filing, viewing, and purchasing of transcripts of proceedings is governed by the Court's *Electronic Case Filing Policies and Procedures* manual.~~

(BC) Obligation to Pay Court Reporter: The obligation to pay the court reporter for any and all transcripts shall be the joint and several personal obligation of the attorney, and the party for whose benefit the transcript was obtained, when the order is placed, to the extent so ordered. Any charges for a transcript shall be payable upon the completion of the transcript or any segment thereof, when a proper bill for same has been submitted by the court reporter. If proper charges for transcripts are not paid within a reasonable time after submission, the court reporter may refer the matter to a district judge for such action as may be deemed appropriate.

(ED) Record on Appeal: Unless otherwise directed by the Court, the record on appeal in civil cases shall not include the examination of the jury on voir dire, counsel's opening statements, arguments of counsel, including arguments of counsel on motions, and the Court's charge to the jury unless there were exceptions to the charge.

Unless the parties file a written stipulation with the Clerk within twenty (20) days after notice of appeal is filed designating the papers which shall constitute the record on appeal, the Clerk shall certify and forward to the Court of Appeals all of the original pleadings and orders in the file jacket dealing with the action or proceeding in which the appeal is taken, unless otherwise

instructed by the Court of Appeals.

(FE) Daily or Expedited Copy: All requests for daily or expedited transcripts must be made in writing to the court reporter, if known, and, if not, to the Clerk, with copies to opposing counsel, not later than five (5) business days before the hearing or trial to be transcribed.

Proposed Amendments to EDVA Local Criminal Rule 57.3

New material is underlined. Deleted material is struck through.

LOCAL CRIMINAL RULE 57.3

OFFICIAL COURT REPORTERS TRANSCRIPTS – HEARING ON TRANSCRIPTS – RECORD ON APPEAL

~~(A) Preparation of Transcript: Where a court reporter, under contract or officially employed, is called upon to prepare a transcript, or any portion thereof, in a criminal case in which a party is acting pro se or in a criminal case in which the defendant is entitled to counsel under the Criminal Justice Act, the court reporter may, at his or her election, file said transcript or portion thereof with the Clerk of the United States District Court (or if the transcript or portion thereof is ordered by the Court of Appeals, it may be filed with the Clerk of the United States Court of Appeals), and the Clerk shall acknowledge receipt of said transcript and forward same to the pro se party or, if represented by counsel pursuant to appointment under the Criminal Justice Act, to the attorney representing said defendant.~~

(BA) Court Reporter Management Plan: In accordance with the provisions of 28 U.S.C. § 753 and the requirements of a resolution adopted by the Judicial Conference of the United States at its March 1982 session, all district courts are required to file a Court Reporter Management Plan, which is available for inspection and copying in the Clerk's Office. This plan provides information about the supervision, duties and assignments, including the work hours, of court reporters and notes the fees for transcripts. The transcript rates charged by court reporters are governed by rates recommended by the Judicial Conference of the United States, if adopted by this Court. The schedule of maximum fees which may be charged is posted in the Clerk's Office.

~~(B) Release of Transcript: The Clerk shall not release any transcript for copying or reproducing without an order of the Court, but counsel, interested parties, or the news media may examine any transcript on file. The filing, viewing, and purchasing of transcripts of proceedings is governed by the Court's *Electronic Case Filing Policies and Procedures* manual.~~

(BC) Obligation to Pay Court Reporter: The obligation to pay the court reporter for any and all transcripts shall be the joint and several personal obligation of the attorney, and the party for whose benefit the transcript was obtained, when the order is placed, to the extent so ordered. Any charges for a transcript shall be payable upon the completion of the transcript or any segment thereof, when a proper bill for same has been submitted by the court reporter. If proper charges for transcripts are not paid within a reasonable time after submission, the court reporter may refer the matter to a district judge for such action as may be deemed appropriate.

(ED) Record on Appeal: Unless otherwise directed by the Court, the record on appeal in criminal cases shall not include the examination of the jury on voir dire, counsel's opening statements, arguments of counsel, including arguments of counsel on motions, and the Court's charge to the jury unless there were exceptions to the charge.

Unless the parties file a written stipulation with the Clerk within twenty (20) days after notice of

appeal is filed designating the papers which shall constitute the record on appeal, the Clerk shall certify and forward to the Court of Appeals all of the original pleadings and orders in the file jacket dealing with the action or proceeding in which the appeal is taken, unless otherwise instructed by the Court of Appeals.

(FE) Daily or Expedited Copy: All requests for daily or expedited transcripts must be made in writing to the court reporter, if known, and, if not, to the Clerk, with copies to opposing counsel, not later than five (5) business days before the hearing or trial to be transcribed.