

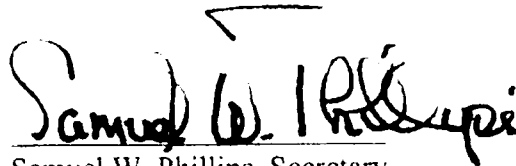
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
JUDICIAL COUNCIL

In the Matter of the Review of *
Amendments to the Court Reporter *
Management Plan Submitted by the * No. 221
United States District Court for the *
Eastern District of Virginia *

ORDER

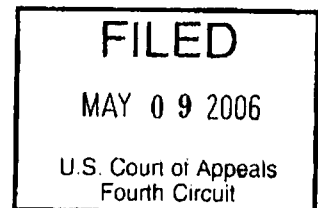
The new Court Reporter Management Plan of the United States District Court for the Eastern District of Virginia is hereby adopted by the Court filed April 12, 2006, a copy of which is attached hereto, and it is so ORDERED.

FOR THE COUNCIL:


Samuel W. Phillips, Secretary

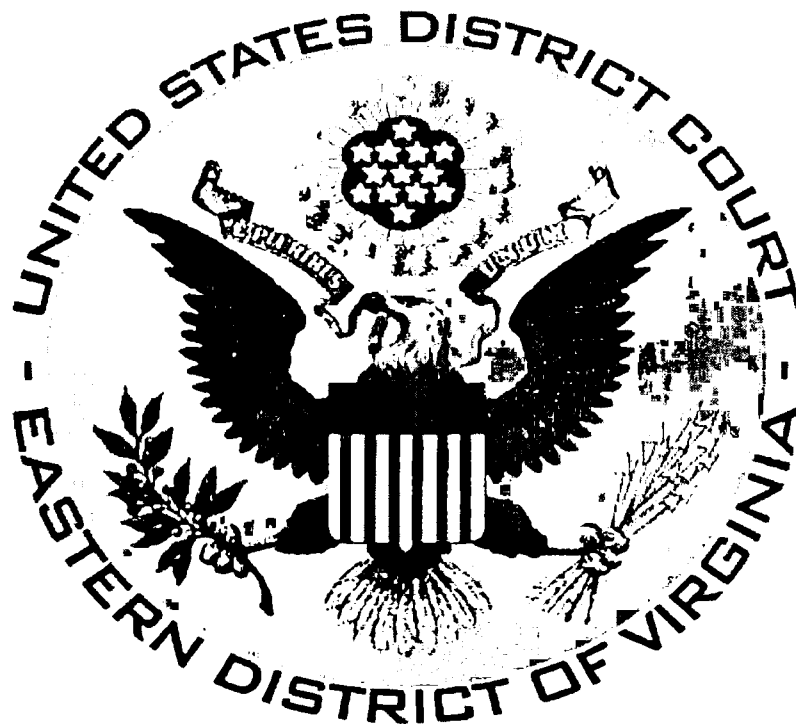
Date:

MAY - 9 2006



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COURT REPORTER MANAGEMENT PLAN



APRIL 2006

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I. Introduction

The purpose of the Court Reporter Management Plan of the United States District Court for the Eastern District of Virginia is to provide information related to the day-to-day management of court reporting within the Court. This Plan is applicable to all court reporters (i.e., official, temporary, contract, per diem, and substitute) serving in any division of the United States District Court for the Eastern District of Virginia. The Eastern District of Virginia has four divisions: Alexandria, Richmond, Norfolk, and Newport News.

For more detailed guidelines and procedures relating to every aspect of court reporting in the federal judiciary, see the *Court Reporters' Manual*, which can be found in Volume 6 of the *Guide to Judiciary Policies and Procedures*, 28 U.S.C. § 753, and the Federal Rules of Appellate Procedure, specifically Rules 10 and 11 (a) and (b).

II. Types of Court Reporters

The federal judiciary has five different types of court reporters, categorized by how the Court uses them. The five different types of court reporters are as follows:

Official Court Reporters

These court reporters serve the Court as part- or full-time salaried employees who are appointed by the Court for an indefinite term, pursuant to the authority of the Judicial Conference of the United States.

Temporary Court Reporters

These court reporters serve the Court as part- or full-time salaried employees who are appointed by the Court for a limited term, pursuant to the authority of the Judicial Conference of the United States.

Contract Court Reporters

These court reporters serve the Court under a formal contract as provided by 28 U.S.C. § 753(g). The Court pays contract court reporters from appropriated funds managed by the Court.

Per Diem Court Reporters

These court reporters serve the Court on an “as needed” basis but do not work under a formal written contract. These court reporters are, however, paid from the same funds used to pay contract court reporters.

Substitute Court Reporters

These court reporters serve the Court as substitutes to the official court reporter. They are hired, with the approval of the Court, by official court reporters to record proceedings when the official court reporter needs time to work on a transcript backlog or needs assistance with expedited, daily, or hourly transcript work. When an official court reporter hires a substitute court reporter, the official court reporter pays the substitute from personal funds.

III. Employment

This section addresses specific details concerning the employment of official court reporters by the United States District Court for the Eastern District of Virginia.

Appointment of Official Court Reporters

Official court reporters are appointed in accordance with the provisions of 28 U.S.C. § 753 and the qualifications established by the Judicial Conference of the United States. Official court reporters are employed by the Court and retain employment regardless of the death, resignation, or retirement of an individual judge. Official court reporters are retained as long as the budget and volume of work justify retaining the full complement of official court reporters.

Upon appointment as an official court reporter, court reporters are required to sign and submit a certification form regarding their responsibilities for: (1) retention of all official notes, tapes, and computer disks; and (2) preparation and filing of all transcripts that are ordered during the course of employment with the Court and transcripts that might be ordered after separation from the Court. A copy of this certification form is placed in the official court reporter’s personnel file.

Probationary Period

In accordance with the *Guide to Judiciary Policies and Procedures*, all official court reporters will be on probation for a period not to exceed one (1) year.

Primary Assignments

In accordance with the policies of the Judicial Conference of the United States and the guidelines of the Administrative Office of the United States Courts, official court reporters serve the Court as a whole but may be assigned to a particular district judge who carries a full caseload.

Tour of Duty

Official court reporters are placed on a regular tour of duty that requires their presence in the courthouse during core working hours for a minimum of eighty (80) hours per pay period.

Use of Contract Court Reporters

The Court will hire a contract court reporter when all of the following conditions exist: (1) the official court reporter has requested relief because a judge has scheduled more than one trial per day, and the official court reporter is reporting for at least five (5) hours on each trial day; (2) the Court's other official court reporters are unable to cover the proceedings because they are scheduled to report other proceedings or are on leave status; and (3) the purpose for considering and approving the relief is not to allow the official court reporter to work on transcript production. An official court reporter not under the Leave Act who is provided relief is prohibited from engaging in private reporting work on those days relief is provided.

Use of Substitute Court Reporters

For official court reporters under the Leave Act, the use of substitute court reporters should be limited to expedited, daily, or hourly transcript work. For official court reporters not under the Leave Act, the use of substitute court reporters may be permitted when the official court reporter is absent because of illness, injury, vacation, or reasons beyond the court reporter's control. The Court may direct an official court reporter who is unable to complete transcripts on time to hire a substitute court reporter at the official court reporter's personal expense to record proceedings while the official court reporter works on the transcript backlog. Whenever an official court

reporter hires a substitute court reporter, the work of the substitute court reporter must be paid from the personal funds of the official court reporter. Prior to hiring a substitute court reporter, under any circumstance, official court reporters must obtain permission from the judge to whom they are assigned.

Freelance Reporting

Official court reporters under the Leave Act may perform private (freelance) reporting during their employment with the Court provided such work is during non-core working hours. Official court reporters who plan to engage in freelance reporting work must get in writing advance approval to perform freelance reporting from the judge to whom they are assigned. The written approval from the judge will be placed in the official court reporter's personnel file.

Travel by Official Court Reporters

Each division with resident district judges of the United States District Court for the Eastern District of Virginia has official court reporters assigned to serve its judges. If, however, a judge's official court reporter is not available, then the judge may request another official court reporter on a temporary basis or may request a contract court reporter. If the official court reporters or contract court reporters for that particular division are not available and an official court reporter from another division is available, then travel to the judge in need will be authorized. All travel must comply with the official travel guidelines promulgated for court reporters and the travel regulations contained in the *Guide to Judiciary Policies and Procedures*. Out-of-district travel by official court reporters for work-related reasons must be approved in advance by the judge to whom the court reporter is assigned.

Reporting Services for Magistrate Judges

Regular proceedings before a magistrate judge will be recorded by the courtroom deputy using sound recording equipment. When, however, the magistrate judge determines that a court reporter is required by specific rule or statute or by the particular circumstances of a case, the division manager or a member of the magistrate judge's staff will request coverage by one of the official court reporters who may be available. If an official court reporter is not available, the division manager will hire a contract court reporter whose attendance will be paid by the Court.

IV. Leave Coverage for Official Court Reporters

Official court reporters were placed under the Leave Act in January 1984. As a result, most official court reporters are permitted to earn annual and sick leave in accordance with the Leave Act, 5 U.S.C. § 6301.

Annual Leave

Official court reporters are strongly encouraged to take annual leave when the judges to whom they are assigned are not scheduled to be in court. Leave requests made by official court reporters must be approved in advance by the judge to whom they are assigned and will be forwarded to the division manager, who will enter the leave request into the automated leave program.

Sick Leave

In accordance with the *Guide to Judiciary Policies and Procedures*, sick leave may be used for illness, injury, medical appointments, and maternity-related incapacitation. Official court reporters are also eligible to use sick leave under the Family and Medical Leave Act (FMLA) and the Family Friendly Leave Act (FFLA).

V. Transcripts

All transcripts must comply with the rules and regulations approved by the Judicial Conference of the United States as noted in the *Guide to Judiciary Policies and Procedures*.

Format Compliance

All court reporters will comply with the format requirements (i.e., page size, page weight, page type, page color, ink color, preprinted marginal lines, line numbers, type size, number of lines per page, margins, spacing, upper and lower case, indentations, punctuation and spelling, pager headings (headers), parentheses, legibility, etc.) approved by the Judicial Conference of the United States.

Original Transcripts

All original transcripts of official proceedings will be submitted to the Clerk's Office within three (3) working days after delivery to the requesting party.

Hourly and Daily Transcript Orders

Production of hourly or daily transcripts will not be subsidized by the Court. If additional court reporters are required to produce hourly or daily transcripts, the cost of hiring such reporters will be paid by the official court reporter assigned to the court proceeding. Official court reporters will not charge any party any fees in excess of or in addition to those authorized by the Judicial Conference of the United States.

Fee Schedule

Court reporters will not charge fees in excess of the authorized fee schedule set by the Judicial Conference of the United States. Court reporters may not charge fees for services not authorized by the Judicial Conference of the United States. A copy of the fee schedule is available from the Clerk's Office and is posted on the Court's web site, located at www.vaed.uscourts.gov.

Fee Reduction

If court reporters do not file appellate transcripts in a timely manner, the Court of Appeals may reduce fees in accordance with the Federal Rules of Appellate Procedure. Such a reduction of fees will be credited to the ordering party by the court reporter.

Copy Requests

All requests for copies of transcripts must be submitted to the court reporter. Fees charged for copies of transcripts will not exceed the copy fee rate authorized by the Judicial Conference of the United States.

Electronic Posting of Transcripts

Transcripts may be posted on the web site of a vendor retained by the official court reporter. Fees charged for transcripts downloaded from such a web site must be in accordance with the fee schedule authorized by the Judicial Conference of the United States.

Appellate Transcripts

Court reporters must file appellate transcripts in accordance with the *Guidelines for Preparation of Appellate Transcripts in the Fourth Circuit*, unless the Court of Appeals has granted an extension for filing. Court reporters must make requests for extensions of time. Individual court reporters will be responsible for making the financial arrangements with the ordering party as soon as practicable. If financial arrangements cannot be made expeditiously, the reporter will promptly advise the Court of Appeals. If an “insufficient funds” payment is rendered by the ordering party, the court reporter will immediately stop transcript production and notify the Court of Appeals.

Non-Appellate Transcripts

Orders for non-appellate transcripts must be placed directly with the court reporter. The ordering party will make all necessary financial arrangements with the court reporter and will submit any requested deposit with the transcript request.

Criminal Justice Act (CJA) Transcripts

All transcripts produced under the terms of the Criminal Justice Act (CJA) will be requested on the CJA 24 Authorization and Voucher for Payment of Transcript Form. The CJA 24 Form will be signed by the judge prior to transcript production. In accordance with the policies of the Judicial Conference of the United States, the routine apportionment of accelerated transcript costs among parties in multi-defendant CJA cases is prohibited. In multi-defendant CJA cases, no more than one transcript at the original page rate will be purchased from the court reporter. The attorney for the CJA defendant who places the first transcript order will pay the original page rate. One of the other appointed CJA counsel will arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for all other CJA defendants for whom a transcript has been approved. This policy will not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate. The cost of duplication will be charged to the CJA fund.

Transcripts on Diskette

Transcripts may be provided on diskette in accordance with the September 1991 Judicial Conference policy. Court reporters are authorized to charge for transcripts on diskettes at the same maximum rates authorized for paper transcripts. No additional charge is allowed for the cost of the diskette itself.

Cancellation of Transcript Orders

The court reporter will immediately stop production of a transcript if the ordering party cancels the order. Any deposit received by the court reporter will be refunded, excluding the cost of the pages produced prior to the cancellation notice.

Billing

In accordance with the *Guide to Judiciary Policies and Procedures*, court reporters will use the AO 44 Invoice Form to bill. Court reporters will fill out the form accurately and completely.

Requests by Judicial Officers

Pursuant to 28 U.S.C. § 753(f), official court reporters are required, when requested by a judge, to transcribe, certify, and deliver without charge a transcript of a proceeding.

Transcripts Required by Statute

In accordance with 28 U.S.C. 753(b), official court reporters are required to prepare and file transcripts for all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases, unless the proceeding is recorded on electronic sound recording equipment. In the Eastern District of Virginia, official court reporters comply with this requirement by making electronic sound recordings in lieu of transcripts. The recordings are stored and retained in the same manner as other official court reporter records.

Overcharging

Court reporters found to be overcharging through violations in page or line format, increased size in pitch and font, or any other non-conforming format will be required to make immediate restitution to the ordering party and may be subject to disciplinary action, including dismissal.

Priority of Transcript Production

Court reporters will produce appellate transcripts in chronological order by the date due in the Court of Appeals and will produce appellate transcripts before non-appellate transcripts. Preparation of non-appellate criminal transcripts will take precedence over the preparation of non-appellate civil transcripts. Unless otherwise ordered by the Court, court reporters will prepare in chronological order by the date requested.

Transcript Backlogs

Official court reporters are required to note transcript backlogs on their quarterly AO 40A Report, Attendance and Transcripts of United States Court Reporters. At the direction of the judge to whom the official court reporter is assigned, division managers are authorized to take measures necessary to reduce or eliminate transcript backlogs or production delays. Such measures may include, but are not limited to, the following: (1) reassigning or rotating the official court reporter on a temporary basis; (2) requiring the official court reporter to hire and pay a substitute court reporter; and (3) initiating progressive discipline, if necessary.

VI. Guidelines for Preparing Appellate Transcripts in the Fourth Circuit

The Court of Appeals publishes *Guidelines for Preparation of Appellate Transcripts in the Fourth Circuit*. The publication is available on the Court's web site, located at www.ca4.uscourts.gov.

VII. Retention of Work Product

In accordance with 28 U.S.C. § 753(b), the clerk of court is responsible for the safekeeping of all court reporter records. With the approval of the clerk of court, official court reporters will maintain their records under suitable conditions in the courthouse in which they work. Contract court reporters may maintain their records at their office, as long as the court reporters can certify that notes for the United States District Court for the Eastern District of Virginia are kept separate from other records or are kept in the courthouse in which the court reporter took the record. At the expiration of the contract, records from proceedings before the United States District Court for the Eastern District of Virginia must be filed with the clerk of court. Per diem

court reporters must file their records in the courthouse in which they took the record. The Clerk's Office will box and ship all notes and official recordings to the Federal Records Center in accordance with the records management guidelines approved by the Judicial Conference of the United States.

Back-up audio tapes made by court reporters are the personal property of the court reporters. There is no public entitlement to these recordings, and these recordings will not be disseminated to any person or agency without the express written permission of a judge.

VIII. Mandatory Reports and Records

Official court reporters are required to complete and submit mandatory reports and maintain official records as directed by the Administrative Office of the United States.

AO 40A Report, Attendance and Transcripts

Each quarter, all official court reporters will prepare the AO 40A Report, Attendance and Transcripts of United States Court Reporters, and forward it to the division manager for review. The division manager will sign and send the AO 40A Report to the chief deputy to review and submit to the Administrative Office of the United States Courts so that the AO 40A Report is received within twenty (20) days after the end of the quarter. The chief deputy will retain a copy of this report.

AO 40B, Statement of Earnings Report

Every year, all official court reporters will prepare the AO 40B Report, Statement of Earnings of United States Court Reporters, and forward it to the division manager for review and signature. The division manager will send the AO 40B Report to the chief deputy to review and submit to the Administrative Office of the United States Courts. This report must be prepared by all present and former official court reporters employed by the Court during the preceding year, without regard to length of service, including part- and full-time court reporters and those hired on a limited-time basis. The court reporters must submit the AO 40B Report to the division manager no later than April 5 of each year so that the report may be timely submitted to the Administrative Office. The chief deputy will retain a copy of this report.

Records

Official court reporters will maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. These records will be available for routine audits. Court reporters must maintain such records on forms prescribed by the Judicial Conference of the United States, which include, but are not limited to, the following: (1) AO 37, Expense Ledger; (2) AO 38 Form, Attendance Ledger; (3) AO 39 Form, Transcript Orders and Collections Ledger; and (4) AO 44 Form, Invoice.

IX. Duties of Division Managers

The division manager in each division is designated as the court reporter supervisor. The duties and responsibilities of the court reporter supervisors include, but are not limited to, the following: (1) assisting judges in recruiting and hiring official court reporters; (2) ensuring adequate coverage for all judicial officers; (3) hiring contract court reporters in a manner that is cost effective and meets all procurement regulations; (4) ensuring that, upon hiring of official court reporters, a properly executed certification form is placed in their personnel file; (5) entering and monitoring leave in the automated leave program; (6) monitoring the timeliness of reports and forwarding required reports to the chief deputy for submission to the Administrative Office of the United States Courts; (7) responding to any questions or concerns raised by court reporters; and (8) meeting with official court reporters at the time of separation to ensure that (a) official court reporters have filed all notes and tapes in accordance with 28 U.S.C. § 753, and that (b) the official court reporters have prepared any transcripts that are currently ordered but not yet filed or will prepare any transcripts that may be ordered after separation, as required by the certification form signed by the official court reporter upon hiring.

X. Appendices

- A. Transcript Rates
- B. Billing Requirements
- C. Court Reporter Employment Certification
- D. Procedures for Storage of Court Reporter Notes and Tapes
- E. Filing Certification Form for Original Notes and Tapes
- F. AO 40A Report, Attendance and Transcripts of United States Court Reporters
- G. AO 40B Report, Statement of Earnings of United States Court Reporters
- H. CJA 24 Form, Authorization and Voucher for Payment of Transcript
- I. AO 37 Form, Expense Ledger
- J. AO 38 Form, Attendance Ledger
- K. AO 39 Form, Transcript Orders and Collections Ledger
- L. AO 44 Form, Invoice

**MAXIMUM TRANSCRIPT RATES - ALL PARTIES
PER PAGE**

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Add'l Copy to the Same Party</u>
<u>Ordinary Transcript</u> A transcript to be delivered within thirty (30) calendar days after receipt of an order.	3.30	.83	.55
<u>Expedited Transcript</u> A transcript to be delivered within seven (7) calendar days after receipt of an order.	4.40	.83	.55
<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.	5.50	1.10	.83
<u>Hourly Transcript</u> A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.	6.60	1.10	.83
<u>Realtime Transcript</u> 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.	2.75	1.10	

Effective April 1, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Billing Requirements

1. Name of Client
2. Criminal or Civil Case Notation
3. Order Date
4. Delivery Date
5. Case Caption
6. Number of Pages
7. Number of Copies
8. Type of Delivery Schedule
9. Deposit Collected
10. Discount (if applicable)
11. Refund (if applicable)
12. Total Amount Due
13. Certification of Transcript Form and Fee

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Court Reporter Employment Certification

Name: _____ Hiring Date: _____

Address: _____

City: _____ State: _____

Home Phone Number: _____ Office Phone Number: _____

Cellular Phone Number: _____ Pager Number: _____

The following certification is made to the clerk of court upon commencement of my employment with the United States District Court for the Eastern District of Virginia.

1. I understand that I am being hired by and will serve the judges of the United States District Court for the Eastern District of Virginia.
2. I understand that I will serve a probationary period not to exceed one (1) year.
3. I understand that I will be responsible for preparing in a timely manner any transcript of a proceeding for which I am the reporter during my employment and after my separation from the United States District Court for the Eastern District of Virginia.
4. I understand that all of my notes and computer disks will be properly marked and provided to the Court upon the direction set forth in the Court Reporter Management Plan of the United States District Court for the Eastern District of Virginia and the Court Reporters' Manual found in Volume VI of the Guide to Judiciary Policies and Procedures.
5. I understand that I will immediately inform the Division Manager of any change in my address or telephone numbers to facilitate the preparation of transcripts.

Court Reporter's Signature

Division Manager's Signature

Date

Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Procedures for Storage of Court Reporter Notes and Tapes

Storage of Original Notes

1. All notes will be stored in chronological order.
2. All notes will be clearly marked with:
 - the court reporter's name
 - the day, month, and year of the transcript
 - the case number
 - the case caption
 - the presiding judge
3. All notes must be certified.

Storage of Original Tapes

1. In accordance with 28 U.S.C. § 753(b), court reporters are required to file with the clerk of court either a transcript or an electronic sound recording of all arraignments, pleas, and sentencings.
2. All tapes (sound recordings) of these proceedings are to be stored and retained in the same manner as other court reporter records.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

**Court Reporter Filing Certification Form
for Original Notes and Tapes**

In accordance with 28 U.S.C. § 753, I hereby certify that the original notes tendered herein for filing with the clerk of court are the full, true, and correct notes taken during oral proceedings in the United States District Court for the Eastern District of Virginia.

Court Reporter's Signature

Date

AO 40A
(Rev. 7/91)

Administrative Office of the United States Courts

ATTENDANCE AND TRANSCRIPTS OF UNITED STATES COURT REPORTERS

1. NAME OF REPORTER		2. SOC. SEC. NO.		3. QUARTER ENDED			
4. DISTRICT		5. OFFICIAL DUTY STATION		6. 40-HOUR TOUR OF DUTY <input type="checkbox"/> Yes <input type="checkbox"/> No			
7. TIME SPENT RECORDING COURT PROCEEDINGS (All days and hours should be rounded up to the next whole number.)		7a. PLACE (CITY) OF ATTENDANCE:			7b. NUMBER OF DAYS		
		7c. TOTAL RECORDING DAYS			0		
		RECORDING BEFORE		NUMBER OF HOURS			
				7d. OFFICIAL REPORTER	7e. SUBSTITUTE REPORTERS	7f. SUB TOTAL	
		JUDGES				0	
MAGISTRATE JUDGES				0			
OTHER (SPECIFY)				0			
		7g. TOTAL RECORDING HOURS			0		
8. TOTAL ADMINISTRATIVE HOURS:		9. TOTAL TRANSCRIPT PREPARATION HOURS:		10. TOTAL TRAVEL HOURS:			
11. TRANSCRIPTS OF OFFICIAL PROCEEDINGS (Requested by the parties. Include transcripts of proceedings recorded by substitute reporters employed by the court reporter.) * Including Habeas Corpus and Section 2255 proceedings ** Do not include the free copy provided to the clerk of court as required by law.		NUMBER OF PAGES					
		CIVIL CASES		CRIMINAL CASES*			
		11a. ORIGINALS		11b. COPIES**	11c. ORIGINALS	11d. COPIES**	
		ORDINARY					
		EXPEDITED					
		DAILY					
HOURLY							
11e. TOTAL PAGES		0	0	0	0		
12. TRANSCRIPTS TO THE COURT WITHOUT CHARGE		TYPE			NUMBER OF PAGES (Original Only)		
		12a. Arraignments, pleas, and sentences in criminal court.					
		12b. Requested by a judge or other judicial officer.					
13. BACKLOG		13 a&b. Estimated number of pages of transcription on order more than 30 days, but not transcribed and delivered as of the end of the quarter.		13a. CIVIL	13c. DATE		
		13 c&d. Include dates of the oldest unfilled orders.		13b. CRIMINAL	13d. DATE		
CERTIFICATION BY COURT REPORTER: By signing this form, I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.				14. SIGNATURE	15. DATE		
REVIEW BY COURT OFFICIAL Individual reviewing this form should sign in the space provided.				16. SIGNATURE	17. DATE		

(All previous editions of this form are cancelled and should be destroyed.)

AO 40B (Rev. 7/91)		STATEMENT OF EARNINGS OF UNITED STATES COURT REPORTERS		1. NAME OF REPORTER	
2. SOCIAL SECURITY NUMBER		3. DISTRICT		4. OFFICIAL DUTY STATION	
				5. CALENDAR YEAR	
		OFFICIAL TRANSCRIPTS		PRIVATE REPORTING	
		TOTAL			
GROSS INCOME	6. Receipts for transcripts	\$	\$	\$	
	7. Attendance fees				
	8. Salary, dividends, trust funds, and all other income from private reporting activities				
	9. TOTAL GROSS INCOME (Add lines 6 thru 8)				
EXPENSES	10. Compensation paid to:				
	a. Substitute reporters due to absence				
	b. Substitute reporters to assist with daily and hourly transcript.				
	c. Note readers				
	d. Transcribers				
	e. Typists				
	f. Scopists				
	g. Other clerical personnel				
	11. Employer's contributions (FICA, etc.)				
	12. a. Travel incident to private reporting activities				
	b. Travel by substitute reporters and other personnel				
	13. a. Rent for office space (Including utilities)				
	b. Rent for copy equipment				
	c. Rent for CAT equipment				
	d. Other rent (Specify)				
	14. Equipment repairs and maintenance				
	15. a. Postage expense				
	b. Telephone expense				
	c. Other communication expense (Specify)				
16. Supplies and materials					
17. Other expenses (Itemize on back all other expenses claimed)					
18. Depreciation of equipment (Complete schedule on back)					
19. TOTAL EXPENSES (Add lines 10 thru 18)					
NET INCOME (or loss)	20. Line 9 minus Line 19				
CERTIFICATION BY COURT REPORTER: By signing this form, I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.		21. SIGNATURE		22. DATE	
REVIEW BY COURT OFFICIAL. Individual reviewing this form should sign in the space provided.		23. SIGNATURE		24. DATE	

INSTRUCTIONS FOR FORM AO 40B (Rev. 7/91)

GENERAL

Coverage. All official staff, additional, temporary, and combined position court reporters with the exception of the those serving on a contractual basis or intermittently on a "when-actually-employed" basis must complete a form AO 40B annually even if employment for the year were only partial.

Separation of Reporter. In the event a reporter retires, resigns, or is otherwise separated, a form AO 40B must be filed within 60 days from the date of separation.

Due Date. This form should be submitted so that it is received by April 15 of each year.

Mailing. This form should be mailed to:

Court Reporting and Interpreting Branch
Court Administration Division (CAD)
Administrative Office of the United States Courts
Washington, D.C. 20544

Note: Do not write in shaded areas.

SPECIFIC

The number of each of the following explanations corresponds to the numbered lines on the form. Lines 6-20 are divided into three columns: Official Transcripts, Private Reporting, and Total. Receipts and expenses must be properly allocated and reported in the respective categories. The "Official Transcripts" column should include receipts and expenses incident to the production and sale of transcripts of official court proceedings ordered by private parties, persons proceeding "in forma pauperis" or under the Criminal Justice Act (18 U.S.C. 3006A), and agencies of the United States; whereas "Private Reporting" income and expenses involve out-of-court activities. Fees for transcripts of grand jury proceedings and fees for taking depositions are considered income from private reporting.

Identifying Information:

1-5. These items should always be completed.

Gross Income:

6. Enter receipts from the sale of transcripts, including any fees received for transcripts produced by reporters employed by you.
7. Enter receipts for attendance fees you received.
8. Enter the total amount you received in salary, dividends, trust funds, and all other income from private reporting activities.
9. Add lines 6 through 8 and enter amounts.

Expenses:

Expenses may be allocated between private and official work either on an actual expense basis or by application of the ratio (percentage) of receipts from official and private reporting, with the exception of items 7, 8, 12a, and 13a which are chargeable only to private reporting, and items 10a and 10b which are chargeable only to official transcripts.

For Example, if a reporter's total receipts were \$5,000 (\$3,000 official and \$2,000 private) the percentage would be computed as follows:

$$\text{Official: } \$3,000 \div \$5,000 = 60\%$$

$$\text{Private: } \$2,000 \div \$5,000 = 40\%$$

- 10.a. Enter the total compensation you paid to substitute reporters employed by you due to your absence.
 - b. Enter the total compensation you paid to substitute reporters employed by you to assist in daily and hourly transcript production.
 - c. Enter the total compensation you paid to note readers.
 - d. Enter the total compensation you paid to transcribers.
 - e. Enter the total compensation you paid to typists.
 - f. Enter the total compensation you paid to scopists.
 - g. Enter the total compensation you paid to other clerical personnel.
11. Enter your contribution under the Federal Insurance Contributions Act (Social Security), Workers Compensation, and any other employer taxes or assessments relating to the employment of substitute reporters or other personnel. Do not include amounts withheld from their wages.

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- 12.a. Enter the travel expenses incurred by you incident to private reporting work. Expenses incurred for official travel in excess of the amounts reimbursed by the Government are not allowable. The cost of commuting between your home and your headquarters office is not allowable.
 - b. Enter the amount paid to substitute reporters or other personnel for travel incident to official and/or private reporting.
- 13.a. Enter the amount paid for the rental of office space and utilities for private reporting.
 - b. Enter the amount paid for the rental of copy or duplicating equipment.
 - c. Enter the amount paid for the rental of Computer Assisted Transcript (CAT) equipment.
 - d. Enter the amount paid for the rental of other office equipment, specifying the type of equipment.
14. Enter the amount paid for equipment repairs, maintenance agreements, and maintenance contracts.
- 15.a. Enter the amount paid for postage.
 - b. Enter the amount paid for telephone services.
 - c. Enter the amount paid for other communication expenses, specifying the type.
16. Enter the amount paid for supplies and materials incident to taking the record, preparing transcripts, and maintaining an office.
17. Enter any other expenses incurred by you in connection with your official and private reporting work not otherwise classified. Itemize on the back all other expenses claimed.
18. Enter the allowable amount for this year's depreciation of furniture and equipment. When furniture, typewriters, or other equipment are purchased for use in connection with your court reporting activities (official or private), you may deduct each year a reasonable allowance for depreciation. This enables you to recover the cost (or other basis) over the estimated useful life of such furniture or equipment. It is recommended that depreciation be taken based on the "straight-line" method. The cost or other basis (less estimated salvage value, if any) would be written off equally over the useful life of the equipment. For example, a typewriter that costs \$600 having a useful life of five years, would be depreciated at the rate of 20 percent, or \$120 per year. Other methods of computing depreciation (sum of the digits, declining balance, etc.) may be used if they are used for tax purposes.
19. Enter the total of lines 10 through 18.
20. Enter your net income (or loss) from private and official reporting, that is, gross income on line 9 minus expenses on line 19.
21. Certification by Court Reporter: Sign this form certifying under penalty of perjury pursuant to 28 U.S.C. § 1746 that the information reported is true and correct.
22. Enter the date the form is signed.
23. Review by Court Official: Sign this form to indicate that you have reviewed this report.
24. Enter the date this form is signed.

UNITED STATES DISTRICT COURT

For the _____ District of _____

INVOICE

NUMBER

TO:

**NOTE
MAKE CHECK PAYABLE TO:**

PHONE:

PHONE:

TRANSCRIPTS

CRIMINAL CIVIL

DATE ORDERED

DATE DELIVERED

IN THE MATTER OF (CASE NUMBER AND TITLE)

CHARGES

CATEGORY	ORIGINAL			1 ST COPY			ADDITIONAL COPIES			TOTAL CHARGES
	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	
Ordinary			0.00			0.00			0.00	0.00
Expedited			0.00			0.00			0.00	0.00
Daily			0.00			0.00			0.00	0.00
Hourly			0.00			0.00			0.00	0.00
For proceedings on (Date):						TOTAL				0.00
						LESS DISCOUNT FOR LATE				
						LESS AMOUNT OF DEPOSIT				
						TOTAL REFUNDED				
						TOTAL DUE				0.00

ADDITIONAL INFORMATION

Full price may be changed 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 (7) calendar days, payment would be at the ordinary *delivery* rate.

CERTIFICATION

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.

SIGNATURE OF OFFICIAL COURT REPORTER

DATE

(All previous editions of this form are canceled and should be destroyed.)

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