



**DISTRICT OF UTAH**  
**COURT REPORTING SERVICES MANAGEMENT PLAN**

**Date Approved by the District:** April 26, 2024

**Date Approved by the Circuit:** October 10, 2024

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**A. INTRODUCTION**

Under the Court Reporter Act (Act), [28 U.S.C. § 753](#), as amended, and Volume 6 of the Guide to Judiciary Policies and Procedures, the District of Utah adopts the following Court Reporting Services Management Plan (Plan), subject to review by the Court Services Office of Administrative Office of the United States Courts (AO), and subject to approval by the reviewing panel for the Tenth Circuit Judicial Council.<sup>1</sup> When approved, this Plan will supersede the District’s previous plan, which was adopted on October 30, 2012. This Plan is intended to manage all court reporting services in the District of Utah, including stenographic, stenomask, computer assisted, and electronic sound recording (ESR) methods of court reporting.

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<sup>1</sup> Hyperlinks in the Plan to the Guide to Judiciary Policy will not be accessible to those outside of the Federal Judiciary.

**B. AUTHORITY OF CLERK**

The court authorizes the Clerk of Court (Clerk) to supervise the combined court reporting operations of the court and to implement and carry out the terms of this Plan, subject to the policies and procedures in the Human Resources Manual of the U.S. District Court, District of Utah. The Clerk, as supervisor, may delegate a portion of the day-to-day coordination, scheduling, and review duties set forth in the Plan to one of the court's official reporters or a deputy clerk.

**C. DUTIES OF THE COURT REPORTING SUPERVISOR**

The duties and responsibilities of the supervisor include:

1. designating work assignments for official court reporters and distributing workload in a fair and equitable manner and ensure the best utilization of all personnel;
2. reviewing transcripts to ensure full compliance with format requirements of the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States;
3. reviewing transcript invoices to ensure that authorized transcript rates are charged and billing is in proper form;
4. determining compliance by all court reporters with the rules and regulations concerning the filing of either a transcript or an electronic sound recording of all arraignments, pleas, and sentencings;
5. reviewing the time records of the court reporters to ensure proper maintenance and accuracy;
6. reviewing the records of the court reporters to ensure the timely filing of all reports required by the AO and the Judicial Conference; and

7. performing other duties relating to court reporting and recording services as necessary on behalf of the court.

#### **D. TYPES OF COURT REPORTERS**

There are different types of court reporters who may serve in this district. They are categorized by the way they are used or employed by the court. All are administered an oath.

1. Tour of Duty Court Reporters. Tour of duty court reporters (official court reporters) are salaried employees of the court who serve *en banc* and are appointed for an indefinite time regardless of a judge's death, resignation, taking of senior status, appointment to another court, or retirement. Only official court reporters will have physical access to the courthouse after business hours and be issued court equipment necessary for access to the Data Communications Network (DCN) and CM/ECF. Access to the DCN may be through a private computer connected remotely, if authorized by the court. Official court reporters are the only court reporters allowed to electronically file transcripts.

All official court reporters accrue annual and sick leave consistent with the Leave Act, [5 U.S.C. § 6301](#) *et. seq.* and must use the appropriate type of leave for any paid absence from work. See [Guide Vol. 12, § 920](#). There is no provision in 5 U.S.C. chapter 63 for official court reporters who are tour of duty to hire substitutes to cover any absence. Official court reporters are subject to the court's Human Resources policies, including annual performance evaluations.

2. Temporary Reporters. Temporary reporters are part- or full-time salaried court employees who, with the approval of the Director of the AO, may serve for a limited term not to exceed three months. The use of temporary reporters is to be minimized. Temporary reporters may have access to the DCN and CM/ECF as permitted by the court.

3. Contract Reporters. Contract reporters serve the court under a formal contract that establishes pay, fees, and payment for transcripts prepared for a judge, and fees for travel. Contract reporters may be used only after the supervisor has determined that no official court reporters are available because of work assignments. The use of contract reporters must be kept to a minimum. The court pays for contract (as opposed to substitute) reporters, if needed, to report for court reporters covered by the Leave Act who have enough leave to cover their absences. Contract reporters will not have access to the DCN or CM/ECF.

Unless good cause exists, travel of contract reporters within the district will be limited to those occasions when no official reporter is available to travel to the location requiring reporting services, or when use of a contract reporter would be less costly to the government overall than utilizing an official reporter in travel status.

4. Substitute Reporters. Substitute reporters are employees of non-tour duty court reporters, temporary or contract, and are paid by the employing court reporter. See [Guide Vol. 6, Ch. 4 § 440](#). The use of substitutes should be limited to expedited, daily, or hourly transcript work to cover a reporter who is absent due to illness, leave without pay, vacations, or other reasons beyond the court reporter's control. Substitute reporters will not have access to the DCN or CM/ECF.

**E. QUALIFICATIONS, APPOINTMENT AND DUTIES, PROBATION, REDUCTION AND TERMINATION, AND DEPARTURE OF COURT REPORTERS**

1. Qualifications. To qualify for appointment as an official court reporter, applicants must:

- a. have at least one year of court reporting experience on a freelance basis or while employed by a state or federal court, or a combination of these experiences; and
- b. present a copy of a registered professional reporter certificate from the National Court Reporters Association (formerly the National

Shorthand Reporters Association), or evidence of passing an equivalent qualifying examination.<sup>2</sup>

2. Appointment. Consistent with Judicial Conference policy, the court may employ official court reporters at a ratio of one per full-time Article III judicial officer, excluding senior judges, unless a greater number is authorized by the Judicial Conference. See [Guide, Vol. 6, Ch. 2, § 280.10](#).

The Clerk may appoint court reporters, subject to the court's approval, consistent with the provisions of the Act and the policies and procedures of the AO and the Judicial Conference. Only fully qualified reporters can be appointed as court reporters.

3. Duties. The duties of a court reporter are to record the official record of all court proceedings and produce transcripts and copies consistent with this Plan.

4. Probationary Period. All initial appointments of official court reporters will be on a probationary basis for a period of six months. See [Guide, Vol. 6, Ch. 2, § 220.50](#); see also [Guide, Vol. 12, Ch. 5, § 510.30\(c\)](#).

Successful completion of the probationary period will be determined by the Clerk based on the reviews of the court reporting supervisor and any principally assigned judge or other judge with whom the reporter has worked on a frequent basis during the review period.

5. Staff Reduction and Termination. As at-will employees, court reporters have no vested right of employment. The Clerk may terminate a court reporter's employment with or without cause. If the overall workload of the court does not justify

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<sup>2</sup> An applicant may possess realtime certification from the National Court Reporters Association (formerly the National Shorthand Reporters Association), the United States Court Reporters Association, or equivalent examination certification approved by the AO, but it is not a required qualification.

retention of the full complement of reporters, the court will reduce the number of court reporters through relocation, attrition, or by giving reasonable notice of termination.

6. Departure. When a court reporter departs, resigns, retires, or is dismissed, the reporter will be required to meet with the supervisor and execute a certification form regarding the reporter's responsibilities for:

- a. filing of all official notes (including SD cards) and recordings;
- b. filing of the court reporter's dictionary;
- c. preparing transcripts that are currently ordered but not yet filed;  
and
- d. addressing their availability and interest in preparing transcripts that might be ordered after the departure date.

**F. ASSIGNMENT, TOUR OF DUTY, AND PRIVATE REPORTING ACTIVITY**

1. Assignment. Court reporters serve the court *en banc*, although for convenience, official court reporters may be generally assigned to an active district judge and subject to other assignments as needed. The assignment or reassignment of court reporters to active judges, senior judges, visiting district judges, and magistrate judges is at the direction of the supervisor. Official court reporters whose current average hours of in-court service are below that of other reporters will be enlisted first to provide coverage for proceedings when a court reporter is requested or the regularly assigned court reporter is unavailable. Assignment of court reporters will be in a manner designed to equitably distribute the total court reporting workload efficiently and cost effectively.

2. Tour of Duty. As employees of the Clerk's staff, official court reporters must maintain regular hours of work, Monday through Friday, for a forty-hour work week (or appropriate portions for half-time reporters) or as required by the supervisor. Additional requirements follow:

- a. during work hours, all official court reporters must remain in the courthouse when not actively engaged in reporting to be available to the court when their services are needed. Court reporters will keep the supervisor apprised of changes in availability;
- b. voice mail and email must be operational during all absences from the courthouse. The message must include contact information for the supervisor or an appropriate designee for matters requiring immediate attention;
- c. out-of-district travel of court reporters must be kept to a minimum; and
- d. telework is permitted as agreed to by the supervisor.

3. Private Reporting Activity. Official court reporters may not perform private work during their regular tours of duty, including depositions and reporting for grand juries, and may not take annual leave to engage in private reporting activities. *See [Guide, Vol. 6, Ch. 2, § 240.20](#)*. However, official reporters may perform private work during their personal time (nights or weekends) as long as:

- a. the supervisor provides prior approval;
- b. the private work does not create conflicts with official court reporting services; and
- c. the official court reporter uses private equipment and works outside the courthouse.

Official court reporters are prohibited from engaging in outside reporting activities while relying on substitute reporters to perform their official court reporting functions. All income from private reporting work, including attendance fees and charges for transcripts, must be reported on [AO 40B Statement of Earnings of U S. Court Reporters Form](#).



## **G. REALTIME REPORTING**

Provisions governing the use of realtime court reporting are set forth in Volume 6 of the Guide. See [Guide Vol. 6, Ch. 3, § 320](#). The court has no local policies beyond those identified in the Guide. While all reporters are required, upon request, to provide a feed to a judge, only reporters who have achieved the required certification may charge for a realtime feed to an attorney. All parties requesting realtime services are responsible for providing their own personal computers, laptops, and iPads. Court reporters will provide wiring and data-communication connections needed to provide realtime services to these persons. Court reporters shall coordinate and pre-test equipment with the parties before official proceedings begin.

## **H. TRANSCRIPTS**

1. Ordering. To request a transcript where an official court reporter was present at the proceedings, the requestor must complete [AO 435 Transcript Request Form](#). Party requests must be electronically filed in CM/ECF. Non-party requests must be emailed to [UTDecf\\_Clerk@utd.uscourts.gov](mailto:UTDecf_Clerk@utd.uscourts.gov). CJA attorneys must use the [CJA 24 Form](#) and send their requests through eVoucher. Transcripts prepared at the request of a judge must be provided promptly and at no charge.

2. Delivery and Filing. Court reporters are responsible for arranging the timely delivery of a transcript to the requestor. The certified transcript must be timely filed in the clerk's office by email or some other electronic media concurrent with but not later than three working days after delivery to the requestor. See [28 U.S.C. § 753\(b\)](#); see also [Guide Vol. 6, Ch. 5, § 510.25\(a\)\(1\)](#). When contract or substitute court reporters produce a certified transcript, the reporters must concurrently deliver a certified transcript to the supervisor at no charge because they do not have access to the DCN or CM/ECF.

3. Hourly and Daily Transcripts. Production of hourly or daily transcripts will not be subsidized by the court. If extra court reporters are required to produce hourly or

daily transcripts, the cost for the reporters must be paid by the official court reporter. This provision does not prohibit other official reporters from assisting in the production of these transcripts. If an official court reporter needs assistance to timely complete hourly or daily transcripts, that need should be communicated to the supervisor, who will identify another reporter to assist.

4. Fees and Prepayment for Transcripts. All transcripts must be produced in the format required by the Judicial Conference. Court reporters employed by this district cannot charge fees for transcripts of official proceedings more than those approved by the Judicial Conference. A schedule of the current prescribed fees must be posted in a prominent location in the clerk's office and on the court's website.

Court reporters are required to certify on each invoice that the fees charged conform to the regulations of the Judicial Conference. For transcripts in non-appellate cases, the full price may be charged only if the transcript is delivered within the required time frame. For example, if an expedited transcript is not delivered within 7 calendar days, payment would be at the ordinary page rate.

Except for transcripts that are paid for by the United States, court reporters or transcription services may require prepayment of fees before beginning transcript preparation.

5. Sealed Transcripts. Cases or proceedings under seal require an order for the attorney to receive the transcript. **DO NOT PREPARE THE TRANSCRIPT WITHOUT AN UNSEALING ORDER.** Court reporters must indicate on the title page that the transcript is sealed and provide a copy to the clerk's office to file on CM/ECF consistent with the court's internal process.

6. Appellate Transcripts. To request an appellate transcript where an official court reporter was present at the proceedings, the requestor must complete the [Tenth Circuit Transcript Order Form](#). Party requests must be electronically filed in CM/ECF. Non-party requests must be emailed to [UTDecf\\_Clerk@utd.uscourts.gov](mailto:UTDecf_Clerk@utd.uscourts.gov). Court reporters

must file appellate transcripts within 30 days unless the Court of Appeals has granted an extension. Court reporters must make timely requests for extensions to file the transcript. The full price for appellate transcripts may be charged only if the transcript is delivered within the 30 calendar days or some other time as established by the Tenth Circuit Court of Appeals. Court reporters are responsible for making financial arrangements with the requestor. If financial arrangements cannot be made expeditiously or if an "insufficient funds" payment is rendered by the requestor, the court reporter must promptly advise the Court of Appeals.

7. CJA Transcripts. Transcripts produced under the Criminal Justice Act must be billed on [CJA 24 Form](#). The routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited. Unless otherwise ordered by the court for good cause shown, in multidefendant cases involving CJA defendants, no more than one transcript can be purchased with CJA funds from a court reporter on behalf of CJA defendants. The Clerk will provide electronic copies of the transcript free of charge to each of the CJA defendants for whom a transcript has been approved.

The Clerk is responsible for assisting an ordering party in the proper preparation of the [CJA 24 Form](#). The court reporter will notify the appropriate case management team immediately upon receipt of a transcript order that requires production of a photocopy under this section.

8. Transcript Backlog. The supervisor is authorized to take necessary steps to reduce or eliminate transcript backlogs or production delays. Steps may include:

- a. using contract or additional reporters consistent with this Plan;
- b. reassigning official court reporters; and
- c. requiring official court reporters to hire substitute reporters at their own expense.

In the event an official reporter has a temporary backlog of overdue transcripts, the supervisor may, based on continued coverage for all proceedings, assist with leave of primary duties until the overdue transcripts have been completed.

#### **I. CRIMINAL PROCEEDINGS**

1. Transcripts and Recordings of Arraignments, Pleas, and Sentences. Under [28 U.S.C. § 753\(b\)](#), court reporters must transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless the court reporter, or other designated individual, records the proceedings by electronic sound recording.

Court reporters must file a transcript of all such criminal proceedings within 30 days of their occurrence unless an electronic recording of the proceeding was made, in which case, the electronic recording or digital audio file, with proper certification, must be filed on the court's local server as designated by the Clerk. See [Guide, Vol. 6, Ch. 2, § 290.20.20\(c\)\(2\)](#); see also [AO 35 Form](#).

2. Prohibition on Routine Apportionment of Accelerated Transcript Costs.

The routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited. See [Guide, Vol. 6, Ch. 2, § 290.30.25\(n\)](#); see also [Guide, Vol. 7, Part A, Ch. 3, § 320.30.20](#).

#### **J. MAGISTRATE JUDGES**

Generally, electronic sound recording equipment will be used to record proceedings conducted before magistrate judges. See [Guide Vol. 6, Ch. 2, § 280.40](#); see also [Guide Vol. 6, Ch. 4, § 410\(b\)](#). If a magistrate judge determines that a court reporter is required at a proceeding, requests should be directed to the supervisor or the appropriate clerk's office designee for scheduling. Requests for an official court reporter by a magistrate judge shall be filled depending on availability of reporter services.

## K. ELECTRONIC SOUND RECORDINGS

In proceedings where a court reporter is not present, the audio recording is the official record of the proceeding. The clerk's office staff must upload and store all digital audio recordings of proceedings to the specified location on the court's network server. Network access to digital recordings is limited to authorized court personnel.

Court employees responsible for creating the electronic sound recording must adhere to the requirements in the Judicial Operations Manual Document, *Electronic Audio/Sound Recordings of Court Proceeding*, which is available on the court's intranet.

1. Ordering an Electronic Sound Recording. When the audio recording serves as the official record, a copy may be obtained by completing [AO 436 Audio Recording Form](#). Party requests must be electronically filed in CM/ECF. Non-party requests must be emailed to [UTDecf\\_Clerk@utd.uscourts.gov](mailto:UTDecf_Clerk@utd.uscourts.gov).

2. Transcript of Electronic Sound Recording. To request a transcript of an audio recording, the requestor must complete [AO 435 Transcript Request Form](#). Party requests must be electronically filed in CM/ECF. Non-party requests must be emailed to [UTDecf\\_Clerk@utd.uscourts.gov](mailto:UTDecf_Clerk@utd.uscourts.gov).

Requesters may use a court reporter or a transcription service to create the transcript. Transcription firms or individuals used to prepare a transcript from a sound recording must be certified by the American Association of Electronic Reporters and Transcribers (AAERT) or the other transcription certification organization. In addition, the court may recommend individuals who have received a court reporter certification to transcribe sound recordings. The court cannot refer or recommend any specific transcription service or vendor. The clerk's office will make the requested hearing available to the court reporter or transcription service. Payment is made by the requestor directly to the court reporter or transcriber.

A transcription services firm designated by a party to transcribe the proceedings recorded by electronic sound recording must authenticate the original

transcript and each copy with a certification on the last page. See [Guide Vol. 6, Ch. 5, § 520.63](#). Additionally, the transcription service must use transcribers who are certified by the American Association of Electronic Reporters and Transcribers (AAERT) or other transcription certification organization the court deems suitable.

Official court reporters may agree to produce transcripts from audio recordings of court proceedings that the reporter did not attend. In this capacity the reporter is considered a transcriber and may be paid no more than the rates established by the Judicial Conference. Preferential treatment will not be provided to court staff by referring all transcription work to one or more official court reporters. See [Guide Vol. 6, Ch. 2, § 510.40.20\(f\)\(2\)](#). Transcript work may not interfere with the court reporter's performance of official duties. Priority must be given to production of transcripts that involve incarcerated defendants, especially death penalty cases, and cases on appeals.

#### **L.     **DICTIONARY, NOTES, AND REPORTS****

1.     Dictionary. Court reporters must timely file, once per year, no later than December 31, their official dictionary on network drive space provided by the Clerk.

2.     Stenographic/Shorthand Notes. Official court reporter notes are the property of the court and must remain in the custody of the Clerk. Court reporters must upload their stenographic notes, ASCII/text file and audio to a secure network drive maintained and backed up by the clerk's office for filing and disposition in accordance with [28 U.S.C. § 753\(b\)](#). See [Guide Vol. 6, Ch. 2, § 290.20.30](#). If no transcript is ordered, the original notes or records must be delivered or stored as directed by the Clerk as soon as possible, but no later than 90 days after the conclusion of the proceeding. If a transcript is ordered, the original notes or records must be submitted or stored as directed by the Clerk as soon as possible, but no later than 90 days after the transcript is delivered to the requesting parties. See [Guide Vol. 6, Ch. 5, § 510.25.10](#).

3.     Maintaining and Filing Reports and Records.

- a. [AO 40A Attendance and Transcripts of United States Court Reporter Form](#). Official court reporters must prepare and electronically submit AO 40A Form through the Automated Court Reporter Application (ACRA) within 20 days after the end of each calendar year quarter (e.g., by April 10, July 10, October 10, and January 10, for the preceding quarter). The Clerk must approve the AO 40A through ACRA after submission. In the event an official reporter retires, resigns, or is otherwise separated from duty, an AO 40A must be filed within 20 days from the date of separation.
- b. [AO 40B Statement of Earnings of United States Court Reporters Form](#). Official court reporters must prepare and submit annual AO 40B Form. The AO 40B Form must be electronically submitted through the ACRA so that it is received by April 15 of each year for the prior calendar year. The Clerk must approve the AO 40B Form through ACRA after submission. AO 40B Form must be kept confidential. In the event an official reporter departs, retires, resigns, or is otherwise separated from duty, an AO 40B must be filed within 60 days from the date of separation, even if employed for only part of a year.
- c. *Records*. Court reporters must maintain accurate, legible, and current records of their expenses, attendance in court, transcript orders, and invoices. These records must be available for routine audits, as necessary. Court reporters must maintain records on forms prescribed by the Judicial Conference, which include the following AO court reporter forms:
- [AO 37 Expense Ledger](#)
  - [AO 38 Attendance Ledger](#)

- [AO 39 Transcript Orders and Collection Ledgers](#)
- [AO 44 Invoices](#)

**M. APPROVAL BY THE DISTRICT COURT**

The District of Utah Judges approved this Plan on April 26, 2024. This Plan is effective when approved by the Circuit Judicial Council.



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Robert J. Shelby  
Chief Judge

April 26, 2024  
Date

Effective Date: October 10, 2024



**MINUTES OF THE JUDICIAL COUNCIL  
OF THE TENTH CIRCUIT**

October 10, 2024

The Judicial Council approved the Court Reporting Services Management Plan submitted by the United States District Court for the District of Utah.

The Judicial Council

By: 

Leslee Fathallah  
Circuit Executive and Secretary to the  
Judicial Council of the Tenth Circuit