

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**PLAN FOR EFFECTIVE UTILIZATION  
OF COURT REPORTERS**

**1. Statement Of Adoption Of Plan in Court**

This plan for Effective Utilization of Court Reporters for all seven divisions of the United States District Court for the Western District of Virginia has been approved and adopted by the court subject to approval of the Fourth Circuit Judicial Counsel. The purpose and goal is to effect the most efficient coverage of all court proceedings in the Western District of Virginia which are required to be reported.

**2. Supervision of Plan**

Supervision of this plan is the responsibility of the chief District Judge.

(a) This plan takes into consideration the vast separation of divisions over a very large district. (See Attachment One.) The court recognizes that there is no effective "pool" of reporters at each division. Basically there is one reporter serving two or more divisions throughout the district. (See Attachment Two.) Requests for services of reporters for judges both in and out of the district will be addressed to the Court Reporter Coordinator, who will make arrangements to have the proceedings covered. (See Attachment Three.) The purpose of this provision is to avoid conflicts in the provisions of the court reporter services.

**3. Assignment Of Reporters**

(a) In order to insure an even distribution of work and to insure that the needs of the entire court for reportorial services are met, a practical assignment of reporters shall be effective for the Western District of Virginia. To this end, it is the policy of this district that court reporters are not employed by or permanently assigned to individual judges. They are employed and assigned by the court en banc. It is the policy of this court that a reporter shall continue to retain employment at the will of the court en banc, regardless of the death, resignation or retirement of an individual Judge. In the period between such an occurrence and the appointment of a new judge, reporters shall continue in the district to serve active judges, senior judges and other judicial officers. If the volume of work does not justify retention of the full complement of reporters, a reduction shall be accomplished through relocation, attrition or by giving a reasonable notice for termination of the appointment of not less than sixty (60) days.

The official court reporter assigned to each division shall handle all reporting services in that division, wherever practicable.

(b) A practical approach shall be taken to the assignment of reporter with regard to prolonged proceedings. The Court Reporter Coordinator shall endeavor to allow a reporter to remain with an assignment until conclusion or until the assigned reporter requests relief.

(c) When the Court Reporter Coordinator determines that no official reporter can be available for a court appearance, she will arrange for the services of contract reporters.

(d) This plan recognizes the current Administrative Office Guidelines that establish existing reporters shall engage in reporting Official Proceedings for approximately twenty (20) hours a week before relief services of a contract reporter or swing reporter can be utilized, except in cases of sickness. 4. **Hours**

It is not necessary that the reporter be in the courthouse during the periods of time when not reporting, however, telephone availability will be maintained with the Court Reporter Coordinator. If the reporter has opted to be placed under the leave act they must work in the courthouse and are required to work a forty (40) hour week.

#### 5. **Magistrate**

(a) Proceedings before United States Magistrates may be recorded by electronic sound recording or by a court reporter.

(b) Should a magistrate feel that it is necessary that the services of a court reporter be utilized in a particular case, a request to provide a reporter shall be directed to the Court Reporter Coordinator.

#### 6. **Production of Daily Transcript**

The Court shall determine the necessity of daily transcript. Production of daily or hourly transcript is not to be subsidized by the Court. If the official reporter accepts the daily transcript assignment, he/she shall adhere to prescribed rates of the Judicial Conference. (See Attachment Four.) If the parties desire daily transcript, arrangements will be made by counsel requesting daily transcript through the official reporter. This does not, however, prohibit other official reporters from assisting in producing such transcripts if there are no other official proceedings to record, including those of senior judges and magistrates and when no transcripts backlog will result.

#### 7. **Fees for Transcripts of Official Proceedings**

(a) No official, contract, or substitute reporter shall charge fees for transcripts of official proceedings exceeding those recommended by the Judicial Conference of the United States and previously adopted by this court. (See Attachment Four.)

(b) A copy of the allowable fees shall be posted in the Clerk's Office in each division. The posting shall be prominently displayed in an area generally available to the public.

(c) Each reporter shall use the AO Form 44, Invoice for Transcripts, printed by the Administrative Office. (See Attachment Five.)

## **8. CJA Transcripts**

(a) All transcripts produced for and on behalf of Criminal Justice Act Defendants shall be billed on CJA Form 24. Copies of this form and instructions for its completion will be furnished by the Clerk.

(b) The clerk is responsible for assisting the ordering party in the proper preparation of the CJA Form 24.

(c) Payment shall be made by the clerk upon approval of the judge or magistrate, as may be appropriate.

(d) Pursuant to the provisions of the September 1967 amendment to the Guidelines for the Administration of the Criminal Justice Act, in multi-defendant cases involving CJA defendants, no more than one original transcript should be purchased from the court reporter on behalf of the CJA defendants. One of the appointed counsel or the district court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript(s) for each of the CJA defendants for whom a transcript has been approved.

## **9. Time Limits for Delivery of Transcripts**

All transcripts of official proceedings produced by the court reporters for this district shall be delivered to the ordering party and a copy filed with the clerk of court within sixty (60) days following receipt of the transcript order by the court reporter and satisfactory financial arrangements with the ordering party.

For a transcript not delivered within sixty (60) days of the date ordered and payment received or assured, the reporter shall receive 90% of the fee. For one not delivered within ninety (90) days, the fee is 80%.

All direct criminal appeals where the appellant is incarcerated are due within thirty (30) days. After the 30th day all sanctions apply unless an extension of time has been granted.

This schedule shall not be deviated from unless an extension has been obtained from the appropriate clerk of court, i.e. the Clerk of the Court of Appeals in cases involving appeal transcripts, and the presiding judge in all other cases.

## **20. Filing of Notes and Electronic Recordings**

(a) All shorthand notes and/or electronic recordings prepared by the official reporters shall be filed by the official reporter. Those notes of contract reporters will be certified and filed with the clerk within ninety (90) days of completion of the proceeding.

(b) Pursuant to the provisions of Title 28, United States Code, Section 753, reporters, must transcribe and certify all arraignment, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and such recordings have been certified and maintained in the clerk's office. Official and contract reporters shall file with the clerk transcripts of each proceeding within thirty (30) days of their occurrence unless an electronic recording device was utilized in which event the electronic recording, accompanied by a certification of the official reporter, shall be filed as soon as the recording, cassette, reel, etc., has been used to capacity. (See Attachment Six.)

## **11. Sanctions**

Failure of a reporter to adhere to the guidelines in regard to fees, format and delivery limits will result in the reporter making restitution for such overpayment, and, further, may result in dismissal of the reporter. District court or circuit council may impose other penalties for overdue transcripts, such as requiring the reporter to compensate a courtroom substitute while the reporter prepares overdue transcripts. Compliance with these guidelines will be monitored by the Chief judge of the district.

Should the backlog of transcripts become a problem to the court, the court may require the reporter to devote full time to transcripts and furnish a substitute reporter at the expense of the reporter.

## **12. Reports to be filed with the Court Reporting section,**

The following reports are to be filed by each official court reporter:

(a) The Report of Attendance and Transcripts of United States court Reporters (AO Form 40A) shall be submitted quarterly during each calendar year of official reporting. A report for each calendar quarter is to be mailed to the Court Reporting Section, Court Administration Division (CAD), Administrative Office of the United States Courts, Washington, DC 20544, so that it reaches that office within twenty (20) days after the end of a quarter, a copy of which will be directed to the Court Reporter Coordinator. (See Attachment Seven).

(b) The Statement of Earnings of United States Court Reporters (AO Form 40B) shall be submitted annually by all official court reporters. The report shall be mailed to the Court Reporting Section, Court Administration Division, Administrative Office of the United States Courts, Washington, DC 20544, within sixty (60) days after the end of the calendar year, a copy of which will be directed to the Court Reporter Coordinator. (See Attachment Eight.)

### 13. **Leave Status (annual and sick)**

(a) Effective January 8, 1984, a reporter who has been placed on a regular tour of duty consisting of a set number of Work hours per week in the courthouse, will earn annual leave in accordance with the Leave Act, 5 U.S.C. 6301 et. seq.

(b) Effective April 15, 1984, a reporter who has been placed on a regular tour of duty is to earn sick leave according to the Leave Act. (see Attachment Nine.)

### 14. **Use of Leave**

(a) The Court may grant the use of annual leave earned by a reporter at its convenience and in accordance with the Leave Act. Leave should be approved by the Court Reporter Coordinator and scheduled when normally there would be no proceedings to record, i.e. when judges or magistrates are on vacation, at conferences and workshops or serving as a visiting judge, or when other salaried reporters are available to record the proceedings.

(b) Sick leave may be used for illness, doctor appointments, and in incapacitation due to maternity-related reasons. If no official reporters are available, the court may contract for reportorial services when the court reporter is on sick leave.

(c) Court Reporters not covered by the Leave Act must provide substitutes as needed at their own expense or be placed in a leave without pay status when taking vacations, leave for personal business, or sickness.

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Attachment Number

One

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Attachment Number Two

REPORTER DIVISION ASSIGNMENTS

Bridget A. Dickert  
Abingdon \*  
Big Stone Gap

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Sandra J. Miller  
Charlottesville \*  
Harrisonburg

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Barbara F. Taylor  
Danville  
Lynchburg  
Roanoke \*

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Clara L. Whitlock  
Roanoke \*

\*Denotes Assigned Duty Station

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Attachment Number Three

Court Reporter Coordinator:

Heather C. Gore  
Deputy Clerk

P. O. Box 1234  
Roanoke, Virginia 24006

Com. 703-982-6224  
FTS 937-6224

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Attachment Number Four

Rates prescribed for United States Court Reporters in the Western District of Virginia. The following rates are the maximum per page rates that may be charged by the court reporter for transcripts:

GOVERNMENT AND NON-GOVERNMENT TRANSCRIPT RATES:

	<u>ORDINARY</u>	<u>FIRST COPY</u>	<u>ADDITIONAL</u>
Ordinary Transcript	\$3.00	\$.75	\$.50
Expedited Transcript	\$4.00	\$.75	\$.50
Daily Transcript	\$5.00	\$1.00	\$.75
Hourly Transcript	\$6.00	\$1.00	\$.75

The term "Ordinary Transcript" is a transcript to be delivered within thirty (30) calendar days after receipt of an order.

The term "Expedited Transcript" is a transcript to be delivered within seven (7) calendar days after receipt of an order.

The term "Daily Transcript" is a transcript to be delivered following adjournment and prior to the normal opening hour of the Court on the following morning whether it actually be a court day.

The term "Hourly Transcript" is a transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

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Attachment Number

Five

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REPORTER'S CERTIFICATE

To: CLERK UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DIVISION

I, \_\_\_\_\_, do hereby certify that I am a duly appointed official court reporter/contract court reporter for the United States District Court named above and that I was present in the courtroom of said court on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, and in the regular course of my profession made an electronic sound recording of the proceedings had in the following cases:

SIDE #1 - (DATE: \_\_\_\_\_ )

Style of Case	Civil/Criminal No.	Proceeding
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I have played back said recording and certify that it is a true and correct record of the proceedings had, that it is sufficiently intelligible when played on a recording machine, that it can be transcribed without undue difficulty, and that I have filed the original of said recording in the envelope to which this certificate is attached.

I further certify that I have filed my original notes taken of these proceedings with the clerk as required by 28 USC 753(b) as amended.

\_\_\_\_\_  
(Signature)





OFFICIAL COURT REPORTERS

WESTERN DISTRICT OF VIRGINIA

Bridget A. Dickert

Regular Tour of Duty

Sandra J. Miller

Regular Tour of Duty

Barbara F. Taylor

Not under Leave Act

(Full time salaried employee)

Clara L. Whitlock

Regular Tour of Duty