

United States District Court
Southern District of Texas
ENTERED

July 6, 2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

By Deputy Clerk 

IN THE MATTER OF THE
MANAGEMENT PLAN FOR
COURT REPORTING SERVICES

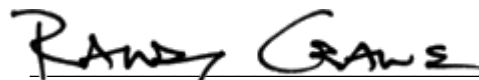
§
§
§
§
§

GENERAL ORDER NO. 2023-14

ORDER

The Court approved revisions to the Southern District of Texas Management Plan for Court Reporting Services on May 9, 2023. Having been approved by the Judicial Council of the Fifth Circuit, the revised Management Plan for Court Reporting Services is ADOPTED by the Court effective July 3, 2023.

Signed the 6th day of July, 2023.



RANDY CRANE
CHIEF JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**



**MANAGEMENT PLAN FOR
COURT REPORTING SERVICES**

Adopted July 3, 2023

Originally approved September 14, 1981
Amended July 24, 1989

I. ADOPTION OF PLAN BY COURT	2
II. INTRODUCTION	2
III. APPLICABILITY OF PLAN	2
IV. STAFFING REQUIREMENTS.....	3
V. TERMS OF COURT REPORTER EMPLOYMENT	3
VI. ASSIGNMENT OF COURT REPORTERS IN THE HOUSTON DIVISION.....	3
VII. ASSIGNMENT OF COURT REPORTERS IN OTHER DIVISIONS.....	4
VIII. HIRING CONTRACT COURT REPORTERS.....	4
IX. LEAVE ACT AND HOURS OF ATTENDANCE	4
X. TRAVEL.....	5
XI. PRIVATE REPORTING	5
XII. TRANSCRIPTS.....	5
A. FORMAT COMPLIANCE	5
B. FEE COMPLIANCE.....	5
C. REQUESTS FOR TRANSCRIPTS	6
D. ESTIMATE OF COST	6
E. TRANSCRIPT ORDER CANCELLATIONS.....	6
F. DAILY OR HOURLY TRANSCRIPT REQUESTS.....	6
G. ROUTINE APPORTIONMENT OF CJA COSTS	6
H. TIMELY TRANSCRIPT DELIVERY	6
I. INVOICING	7
XIII. FILING OF ORIGINAL RECORDS.....	7
XIV. REALTIME REPORTING STANDARDS.....	8
A. EQUIPMENT/SOFTWARE	8
B. WAIVER OF RESPONSIBILITY – DISCLAIMER FOR REALTIME UNEDITED TRANSCRIPT	9
C. QUALIFICATIONS OF REPORTERS CHARGING FOR REALTIME UNEDITED TRANSCRIPTS...	9
XV. BANKRUPTCY AND MAGISTRATE JUDGES	9
XVI. RECORDS AND REPORTS.....	9
A. AUTOMATED COURT REPORTERS APPLICATION SYSTEM	9
B. DIGITAL AUDIO RECORDING	9
ATTACHMENT 1: COURT REPORT LIAISON PANEL.....	10
ATTACHMENT 2: CROSS REFERENCE TO THE GUIDE TO JUDICIARY POLICY REQUIREMENTS.....	11-14

I. Adoption of Plan by Court

On September 14, 1981, the Court of the Southern District of Texas adopted a program of court reporter management. An amended plan was adopted on July 24, 1989. The Court amends its plan to meet the changing needs of the Court and to clarify provisions of the plan and Judicial Conference requirements.

II. Introduction

The management plan embodies the following points with regard to the official court reporters of this district:

- a. The supervision of the official court reporters be delegated to the Clerk of Court.
- b. All official court reporters serve the District Court en banc.
- c. A Court Reporter Committee consisting of three United States District Judges be appointed by the Chief Judge to act on behalf of the Court in matters of hiring, discipline, and enforcement of general policy matters set forth in the [Guide to Judiciary Policy](#), and local procedures established by the Clerk of Court. (Attachment 1, Court Reporter Committee).

The Court Reporter Committee is not a substitution for the SDTX Employment Dispute Resolution (EDR) Plan. The Court provides equal employment opportunities regardless of race, sex, color, national origin, religion, age, or disability. See the [Employment Dispute Resolution Plan](#).

- d. Supervisory responsibility of the Clerk of Court lies primarily in the areas of random pooling, fee and format compliance, compliance with Judicial Conference policies, and efficient service to the entire Court.
- e. The official court reporters of this district will fulfill their statutory duties as prescribed in [28 U.S.C. § 753](#) and adhere to the Judicial Conference requirements and the requirements of this Court.

The Chief Judge will continue to serve as a direct liaison between the Clerk of Court and the Court in general policy matters pertaining to management and supervision of official court reporters.

III. Applicability of Plan

This Plan is applicable to all court reporters employed by the Court.

IV. Staffing Requirements

The staffing requirements of this district are established by the Clerk of Court after consultation with the Court and Chief Judge and are reported annually by the Administrative Office in the Workload and Staffing Charts for the District Clerks' Offices and Court Reporters.

V. Terms of Court Reporter Employment

All court reporters appointed to serve this Court are employees of the Court en banc and shall retain their employment at the pleasure of the Court. All court reporters must meet the Judicial Conference qualifications set out in the Guide to Judiciary Policy and will serve a probationary period of ninety days. Court reporters not performing in a satisfactory manner will be dismissed.

VI. Assignment of Court Reporters in the Houston Division

To ensure even distribution of case work and coverage of the needs for court reporting services, a random pooling of court reporters has been implemented by the Court for the Southern District of Texas. Court reporters in the offices outside Houston will pool resources when applicable and may be called upon to substitute in other offices when possible and feasible.

The Court Reporter Coordinator or the Deputy-in-Charge in the appropriate division will determine the daily reporting and/or electronic recording needs of each judicial officer in their division.

The court reporter assignment system incorporates a monitoring procedure wherein all official court reporters in the Houston Division are assigned to the specific needs of the Court by evaluation of (a) in-court reporting hours (including waiting time in court or chambers at the direction of a judge), (b) transcript page production pending, and (c) completed transcript page production.

In-court assignments will be made to equalize the reporting hours with consideration being given to transcript work pending on an as-needed basis whenever in-court time and page production are reasonably equalized with other court reporters. This method of assignment will reduce the need for outside court reporters and promote faster transcript production.

A practical approach will be taken to allow a court reporter to remain with an assignment until its conclusion or be removed from an assignment when necessary.

Requests for real time certified reporting may affect court assignments. Requirements and guidelines for Certified Realtime Court Reporters are established in the Guide to Judiciary Policy.

The Court Reporter Coordinator and each court reporter will maintain sufficient records to provide monthly tabulation of hours in court, transcript pages pending, and transcript pages produced for each court reporter. The Court Reporter Coordinator or Deputy-in-Charge will verify the accuracy of these records and the accuracy of the attendance and earnings information provided to the Administrative Office (Forms AO 40A and AO 40B). It is also incumbent upon the court reporters

to report official activities in appointments involving special masters and/or land commissioners as directed.

VII. Assignment of Court Reporters in Other Divisions

Each Deputy-in-Charge is responsible for monitoring official court reporter time, scheduling and coordinating leave, checking transcript format, and monitoring fees charged. The Deputy-in-Charge will secure contract court reporters when needed after coordination with the Court Reporter Coordinator, except in extreme emergency situations which require immediate action. In these instances, the Court Reporter Coordinator will be notified of action taken as soon as possible thereafter. Although the court reporters in divisional offices are not in the same pooling position as the Houston Division court reporters, hours worked (including waiting time in court and in chambers at the direction of the judge) will be incorporated into an end-of-month report for each court reporter and provided to the Court Reporter Coordinator and the Deputy-in-Charge.

Fee and format compliance with Judicial Conference requirements and District Court orders apply to all official court reporters within the Southern District of Texas. Audit procedures established in the [Guide to Judiciary Policy](#) apply throughout the district and will be executed by the Court Reporter Coordinator and each Deputy-in-Charge. Divisional office court reporter management concerns will be referred to the Court Reporter Coordinator or the Clerk of Court.

VIII. Hiring of Contract Court Reporters

The use of contract court reporters will be minimized using official court reporters whenever possible and whenever cost effective.

IX. Leave Act and Hours of Attendance

Contingent upon Court schedules and Court Reporter Coordinator or Deputy-in-Charge approval, official court reporters may telecommute or have flexible work schedules.

Court reporters in the Southern District of Texas will be placed under the provisions of the Leave Act and will not engage in outside reporting during normal duty hours. Any outside reporting, such as depositions or grand jury, must be performed outside regular work hours and with the prior approval of the Court. The Court Reporter Coordinator or Deputy-in-Charge is responsible for maintaining leave records of court reporters.

To allow emergency scheduling during a given day, regular office hours must be maintained by court reporters. Office hours of 8:00 a.m. to 5:00 p.m. have been established in the Houston Division and specific office hours as determined to meet the needs of each divisional judge have been established in all divisional offices. Emergencies will be readily accommodated as each court reporter shall report absences from the building other than lunch breaks to the Court Reporter Coordinator or Deputy-in-Charge in the appropriate division.

X. Travel

Travel for official court reporting duties will be coordinated by the Court Reporter Coordinator, with advance approval of the travel by the Clerk of Court. Travel by official court reporters and contract court reporters will be minimized.

XI. Private Reporting

Reporting for a grand jury, taking of depositions, and any other reporting activities not related to salaried or statutory duties are considered private reporting.

One of the Judicial Conference's required elements is that the court follow judiciary policies regarding restrictions on private reporting. *Guide to Judiciary Policy*, Vol. 6, Ch. 2, [§ 290.30.25](#)(h). Judicial Conference policy prohibits official court reporters on a regular tour of duty from performing private work during their tour of duty and states that court reporters may not take annual leave to engage in private reporting activities. *Id.* [§ 240.20](#).

XII. Transcripts

It is the duty of the court reporter to promptly transcribe any proceedings requested by any party who has agreed to pay the fees established by the Judicial Conference, as well as any proceedings a judge or Court may direct, and to transcribe all arraignments, pleas, and proceedings in connection with the imposition of sentence in a criminal case unless they have been recorded by electronic sound recording. The Congress and Judicial Conference have insisted that the requirements of [28 U.S.C. § 753](#) as to the transcribing or recording of pleas and sentences in criminal cases be carefully and promptly observed. The court reporter must file a transcript within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment, in which event the electronic sound recording accompanied by a certification of the court reporter, must be filed as soon as the recording has been used to capacity. See Section XIII Filing of Original Records.

a. Format Compliance

All official court reporters will comply with Judicial Conference transcript format requirements (See the [Guide to Judiciary Policy](#)). The Clerk of Court will monitor transcripts to ensure compliance with these requirements.

b. Fee Compliance

Absolute and unyielding adherence to the prescribed rates of the Judicial Conference will be practiced.

c. Requests for Transcripts

Requests for transcripts are made through the Clerk of Court. Order forms and electronic ordering procedures are available from the Clerk of Court. All transcripts for appeals will be ordered on the appropriate form designated by the Court of Appeals for the Fifth Circuit. Transcripts purchased by Criminal Justice Act funds will be ordered in eVoucher (non-appeal transcripts purchased by private funds may be ordered by letter or form.) Transcript orders will include the case number, case name, date of proceedings to be transcribed, any additional pertinent information required to identify the material to be transcribed, and the name of the court reporter whenever possible.

d. Estimate of Cost

Upon receipt of a transcript order, the court reporter will furnish the ordering party an estimate of charges, which will serve as a deposit against the final cost. On privately paid transcript orders, unless deposit has been specifically waived by the court reporter, transcript preparation will not commence until financial arrangements have been made and the necessary deposit is received by the Clerk of Court. Deposit checks should be made payable to the individual court reporter preparing the transcript.

e. Transcript Order Cancellations

No fee may be charged by official court reporters on transcript orders if pages have not been produced at the time the court reporter learns that the transcript order is cancelled. The ordering party is expected to pay for all transcript pages which have been produced at the time the order is cancelled. The court reporter will stop production immediately upon notification of cancellation and title the transcript, "Excerpt of Proceedings."

f. Daily or Hourly Transcript Requests

A court reporter receiving a request for daily or hourly transcript work shall immediately notify the Court Reporter Coordinator or the Deputy-in-Charge of the division where the hearing was held. Daily or hourly transcript requests fall within the definition of entrepreneurial activities, and no additional official court reporter will be assigned to the task. The court reporter accepting the order for daily or hourly transcript work will be responsible for employing the necessary assistance.

g. Routine Apportionment of CJA Costs

In compliance with Judicial Conference policy, routine apportionment among the parties of accelerated transcript costs in Criminal Justice Act cases is prohibited.

h. Timely Transcript Delivery

Court reporters of this district are charged with the responsibility of preparing all transcripts in a prompt and timely manner, particularly ensuring that appeals delivery deadlines are met. Otherwise, appropriate monetary sanctions of the Circuit will ensue

except in those rare instances when a waiver of discount is granted by the Circuit Clerk of Court upon specific request of the court reporter and for good cause shown. The timely delivery of transcripts will be monitored by the Clerk of Court with audit of charges to ensure compliance with Judicial Conference fee schedules and Court of Appeals' discounts. The method of transcript delivery shall be at the discretion of the Clerk of Court, whether by the court reporters themselves or by delivery from the Clerk's Office.

i. Invoicing

A final invoice, AO Form 44, or CJA Form 24 reflecting exact charges and any adjustments by either refund or additional billings will be prepared for all transcript deliveries. Fee adjustments will be made at the time of transcript delivery. All invoices for transcripts, whether originals or copies, will be sequentially numbered. In the event of delivery by the Clerk's Office, all copies of the transcript and the invoice will be given to the Clerk of Court immediately when ready for delivery. In the event of delivery by the court reporter, a copy of the invoice will be given to the Clerk of Court following delivery of a copy transcript. When the original transcript has been produced, the court copy of the transcript will be filed with the Clerk of Court electronically using the Court's electronic filing system. An invoice billed to the Clerk of Court, or a SF 1034 for civil in forma pauperis appeals will accompany the transcript as appropriate.

Any invoice evidencing overcharging, either intentional or in error, will be returned to the court reporter for correction and adjustment; and, if appropriate, a report made to the Court Reporter Committee.

XIII. Filing of Original Records

The Southern District of Texas court reporters, including contract court reporters must immediately upload their steno notes from civil proceedings and their steno notes and audio files from criminal proceedings to the Court's network for permanent storage using standards established by the Clerk of Court. To comply with the certification requirements of [28 U.S.C. § 753\(b\)](#), the steno notes and audio files stored on the Court's server are deemed "certified" by the court reporter and constitute the original records filed with the Clerk of Court.

Court reporters will be provided with access to a general-purpose computer for the purpose of uploading their files and accessing the Court's calendar. Access to the Data Communications Network (DCN) must be through government-owned equipment. 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. Contract court reporters must not be allowed access to the DCN at any time as set forth in the [Guide to Judiciary Policy](#).

Upon retirement or separation from the Court, court reporters are responsible for providing transcripts to ordering parties at the currently established page rate. Retired or separated court reporters must make every effort to serve the ordering party by producing the transcript according to the delivery schedule established by the Judicial Conference. The court reporting supervisor

should assist the retired or separated court reporter in obtaining the notes (which must be retained by the Court), and act as liaison between the court reporter and ordering party. The retired or separated court reporter will be paid for transcripts ordered by the Court at the page rate currently in effect.

XIV. Realtime Reporting Standards

A Realtime court reporter's skills, in combination with software technologies, allow a simultaneous translation of the spoken word to text. Software viewing programs permit instantaneous projection of the translation onto viewing monitors and grant court participants the ability to search, mark, and annotate the text. A "Realtime unedited transcript" (usually known as a Realtime unedited translation) was defined by the Judicial Conference in 1996 as "a draft transcript produced by a Certified Realtime Court Reporter as a byproduct of Realtime to be delivered during the proceedings or immediately following adjournment."

A Certified Realtime Court Reporter (CRR) may not provide Realtime services to anyone who is not a party to the case without prior approval of the presiding judge. The Realtime unedited transcript must be clearly marked as such with a header or footer that appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only". Realtime includes the following services:

- the instantaneous translation of the proceedings on computer monitor;
- the ability to scroll forward and backward, search the record for key words or phrases and mark portions of the text using view/annotation software; and
- the Realtime unedited translation delivered electronically during or immediately following adjournment.

a. Equipment/Software

All parties requesting Realtime services will be responsible for providing their own computers, viewer/annotation software, and monitors. Upon the request of the parties, court reporters may make equipment and software available. Parties should coordinate and pre-test their equipment with the CRR before official proceedings begin. The CRR is responsible for the acquisition, installation, and maintenance of the Realtime translation system and components, wiring and data communications connections, and any other equipment needed to provide these Realtime services to parties. The Court is responsible for the acquisition, installation, and maintenance of necessary wiring (including connectors and adaptors), computers or monitors, and appropriate Realtime viewer software located at the judge's bench, law clerk/courtroom deputy desk, and for the jury, witness stand, and public viewing areas.

b. Waiver of Responsibility – Disclaimer for Realtime Unedited Transcript

Each CRR should request that parties acknowledge receipt of a Realtime unedited transcript by signing a disclaimer which explicitly states that the ordering party is aware that the Realtime translation is not an official record of the court proceedings.

c. Qualifications of Court Reporters Charging for Realtime Unedited Transcripts

Official court reporters who have successfully completed the National Court Reporter Association (NCRA) Certified Realtime Court Reporter (CRR) examination or who have passed an equivalent qualifying examination are recognized as a federal certified Realtime court reporters and are permitted, but not required, to sell Realtime translation.

XV. Bankruptcy and Magistrate Judges

The official record of the Bankruptcy and Magistrate Judge Courts in this district shall be taken by electronic sound recording, and the recordings shall be the official record of the Court.

XVI. Records and Reports

a. Automated Court Reporter Application (ACRA)

Every official court reporter in this district is required to timely file the reports and keep the records required by the Administrative Office of the United States Courts as set out in the [Guide to Judiciary Policy](#). ACRA provides court reporters with a secure method of submitting these forms electronically. These reports and records will be provided to the Clerk of Court for review.

b. Digital Audio Recording

All records of proceedings taken by electronic sound recording equipment shall be stored in the office of the Clerk of Court in a standardized manner to ensure easy location and retrieval. These records will be retained in accordance with the requirements of the records disposition schedule set forth in the [Guide to Judiciary Policy](#). Transcript orders from electronically recorded proceedings will be ordered and delivered through the Clerk's Office. Transcript quality and timeliness will be ensured through records kept by the Clerk of Court and by proofreading excerpts of transcripts with the original recording. Transcript fees and format of transcribing services preparing transcripts from electronically recorded proceedings will be monitored by the Clerk of Court.

COURT REPORTER COMMITTEE
SOUTHERN DISTRICT OF TEXAS

The Court Reporter Committee will be composed of three district judges appointed by the Chief Judge, with one judge serving as the chairperson, this committee will work as a liaison for the Court with the Clerk of Court in all matters concerning employment and discipline of official court reporters.

The Clerk of Court will advertise all vacant official court reporter positions and screen applicants for the Court. The Clerk of Court will select and recommend to the committee the applicant best suited and qualified for employment, ensuring that such applicant meet the minimum employment qualifications established by the Judicial Conference for official court reporters. The committee with the consent of the Chief Judge will hire approved applicants.

The Clerk of Court will report all instances of apparent non-compliance with the principles, standards and rates set forth in the manual for court reporting as adopted by the Court for the Southern District of Texas. The committee will review and act upon recommendations by the Clerk of Court for appropriate solutions for the reported violations.

While supervision of official court reporters lies with the Clerk of Court, any individual court reporter may petition the committee for audience. This may be done in writing to the Clerk of Court who will present the matter to the committee for consideration. Such written petition should state the nature of business or complaint. The granting of such hearing is solely within the discretion of the committee. All matters relating to the development of program or supervision policy will be presented by the Clerk of Court to the Chief Judge for court consideration.

The Court Reporter Committee and the process described above are not a substitution for the [SDTX Employment Dispute Resolution \(EDR\) Plan](#). The court provides equal employment opportunities regardless of race, sex, color, national origin, religion, age, or disability.

Cross Reference to the Guide to Judiciary Policy Requirements

[Volume 6, Chamber, 2 § 290.30.25 Elements of a Plan](#)

Court Reporting Management Plans must provide for effective management of court reporting services through proper supervision and control. This ensures court reporting services for judges including visiting and senior judges, magistrate judges, and other judicial officers as needed by:

Guide to Judiciary Policy Requirement	SDTX Plan Section
(a) Making clear that the court reporters serve the court en banc and not a particular judge;	II. Introduction
(b) Ensuring that court reporters fulfill their statutory duties;	II. Introduction
(c) Ensuring that court reporters adhere to Judicial Conference requirements;	II. Introduction
(d) Apportioning equitably the attendance in court and chambers among all the official court reporters assigned to a court at the same location;	VI. Assignment of Court Reporters in the Houston Division
(e) Providing for supervision of the relationship between parties and court reporters through monitoring of transcript orders, delivery, billings, format, and rates charged by court reporters and transcribers (if the court uses electronic sound recording);	XII. Transcripts
(f) Stating the procedures for accepting transcript orders, delivery, and billings;	XII. Transcripts c. Requests for Transcripts d. Estimate of cost h. Timely Transcript Delivery

(g) Providing for avoidance of backlogs of transcripts and assuring prompt delivery of high-quality transcripts, particularly for cases on appeal to the court of appeals;	XII. Transcripts h. Timely Transcript Delivery
(h) Stating whether the court allows its official court reporters to engage in private reporting work and to what extent, and ensuring the court is following judiciary policies regarding restrictions on private reporting;	XI. Private Reporting
(i) Delineating the number and type of court reporters and electronic court recorder operators required to cover all of the court's reporting needs, including the need for combined position or temporary court reporters;	IV. Staffing Requirements VIII. Hiring of Contract Court Reporters XV. Bankruptcy and Magistrate Judges
(j) Delineating the need for contract court reporter services;	VIII. Hiring of Contract Court Reporters
(k) Minimizing travel of the official court reporters and outside court reporters hired to cover the court;	X. Travel
(l) Providing for appointment and retention of fully qualified court reporters, and dismissing court reporters who do not perform in a satisfactory manner;	V. Specific Terms of Court Reporter Employment
(m) Stating the terms of the probationary period for newly appointed official court reporters;	V. Specific Terms of Court Reporter Employment
(n) Prohibiting the routine apportionment of accelerated transcript costs among parties in criminal cases;	XII. Transcripts g. Routine Apportionment of CJA Costs
(o) Stating when court reporters are to deliver the certified transcript (whether in paper copy or electronic form) or the electronic sound recording for filing with the clerk of court;	XIII. Filing of Original Records

(p) Stating that the court reporter must file a transcript of arraignments, pleas, and sentencing proceedings within 30 days of the close of the proceeding unless they were recorded on electronic sound recording equipment, in which case the electronic recording or digital audio file, accompanied by a certification of the court reporter, must be filed with the court;	XII. Transcripts
(q) Stating that the court reporting supervisor (or other court official) must verify that forms, Form AO 40A (Attendance and Transcripts of United States Court Reporters) and Form AO 40B (Statement of Earnings of United States Court Reporters) have been reviewed before submission to the AO;	XVI. Records and Reports a. Automated Court Reporter Application System
(r) Ensuring that required records and reports are submitted in a timely manner;	XVI. Records and Reports a. Automated Court Reporter Application System
(s) Stating whether official court reporters are assigned a regular tour of duty, specifying the regular hours of attendance, and that the court reporting supervisor is responsible for maintaining leave records of official court reporters under 5 U.S.C Chapter 63, Subchapter I (“Annual and Sick Leave Act of 1951,” formerly referred to as the “Leave Act”);	IX. Leave Act and Hours of Attendance
(t) Stating how records for an electronic sound recording system are to be stored and retrieved, and how transcript quality and timeliness from such a system are to be monitored;	XVI. Records and Reports b. Digital Audio Recording
(u) Stating the court policy for providing judiciary Data Communications Network (DCN) access to official court reporters;	XIII. Filing of Original Records

(Note: Substitute and contract court reporters may not be allowed access to the DCN at any time. See: § 260.45(b).)	
(v) Establishing policy for the provision of Realtime court reporting to parties and to the court, as well as the management of human, hardware, and software Realtime resources.	XIV. Realtime Reporting Standards