

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

**PLAN FOR EFFECTIVE UTILIZATION OF
COURT REPORTERS**

Effective March 9, 2021

I. State of Adoption of Plan by Court

This Plan for effective utilization of court reporters of the United States District Court for the District of North Dakota has been approved and adopted by the court subject to approval by the Eighth Circuit Judicial Council.

II. Number and Location of Official Court Reporters

A. The District of North Dakota encompasses the entire state of North Dakota with courthouses in Bismarck, Grand Forks, Fargo, and Minot. The district has four active judges residing in the district actively trying lawsuits. The official stations of the judges are Bismarck and Fargo, and an official court reporter is assigned by the court to provide reporting services to the judges in these locations.

B. Because of the distance between the official stations of the official court reporters in this district, and because of the travel time involved, it is not economically feasible to pool the services of the court reporters.

III. Supervision of Court Reporters

The Clerk or designee directly supervises all court reporters employed in the district to ensure their statutory duties are fulfilled. Such supervision includes monitoring court reporter duties to assure effective backlog management, compliance with rate schedules, format and page content limitations and billing criteria.

IV. Access to Data Communications Network (DCN)

A. Official court reporters will be provided access to the Data Communications Network (DCN) through government-owned equipment or through private computers. Official court reporters are authorized to access the DCN for official purposes via remote access in accordance with the Court's Remote Access Policy.

B. Contract court reporters are not allowed to access the DCN at any time.

V. **Assignment of Official Court Reporters**

- A. Official reporters will be appointed in accordance with the provisions of 28 U.S.C. § 753. Pursuant to Judicial Conference policy, all initial appointments will be on a probationary basis for a period of one year. An appointment as an official court reporter will constitute an appointment as an official court reporter for the court *en banc*. A reporter will continue to retain employment at the will of the court *en banc*, regardless of death, resignation, or retirement of an individual judge. In the period between such an occurrence and the appointment of a new judge, reporters will continue to serve other active judges, senior judges, magistrate judges and visiting judges. Periodic review of a reporter's performance will be conducted by the Clerk or appointed supervisor. A reporter may be dismissed from service to the court, if the reporter fails to perform satisfactorily. If the volume of work does not justify retention of the full complement of reporters, a reduction may be accomplished through relocation or by giving a reasonable notice for termination of the appointment of not less than 60 days.
- B. Each official court reporter, when not on duty with the district judges to whom regularly assigned, may be assigned to serve another district judge, a senior judge, magistrate or visiting judge at the discretion of the Clerk of this court. Requests for assignment must be made to the Clerk. When an official court reporter is not available for a court appearance, the Clerk must make all necessary arrangements to secure substitute court reporting services. The Clerk must consider a priority, the conservation of judicial resources, in determining whether to hire a contract reporter or require travel by official reporters.
- C. Each official court reporter may be called upon to travel to any place within the district where court is held. Assignment to a temporary duty location will be at the discretion of the Clerk.
- D. Transcript production being considered by the Judicial Conference as outside work for which additional remuneration is received, time spent on transcripts, as well as transcript backlog, need not be considered when assigning reporters.
- E. Proceedings before the United States magistrate judges may be recorded by electronic sound recording or by court reporter. The magistrate judge will determine which technique is to be used as to each case or hearing, taking into account the provisions of 28 U.S.C. § 753(b) and 636(c)(5), and any other applicable authorities. Should a magistrate judge feel that it is necessary that the services of a court reporter be utilized in a particular case, a request for assignment will be made to the Clerk.

VI. Leave For Official Court Reporters

- A. The policy of this district regarding annual and sick leave is that of the Judicial Conference. All court reporters assigned to the District of North Dakota are placed on regular tour of duty and are to earn annual leave and sick leave in accordance with the Leave Act, 5 U.S.C. § 6301, *et seq.* A regular “Tour of Duty” consists of 40 hours per week in the courthouse, during which hours the reporter may generate transcripts but may not perform any private (freelance) work of any kind.
- B. The tours of duty of the district’s official court reporters are identical, each works a 40 hour work week, 8:00 a.m. to 5:00 p.m., Monday through Friday.

VII. Freelance Reporting

The duties of an official court reporter are full time. Freelance reporting or other reporting not related to official duties is not permitted during a regular tour of duty.

VIII. Transcripts of Official Proceedings

- A. A request for a transcript of an official proceeding must be submitted to the official reporter.
- B. No court reporter, either official or contract, is allowed to charge fees for transcripts of official proceedings exceeding those prescribed by the Judicial Conference of the United States, and adopted by this court. A routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.
- C. Each official court reporter is required to certify on each invoice that the fee charged and page format used conform to the regulations of the Judicial Conference.
- D. The Clerk must post in the courthouse in each division in the district, in an area generally available to the public, a copy of the allowable fees.
- E. All transcripts of official proceedings must be delivered to the ordering party and filed with the Clerk within the time prescribed by 28 U.S.C. § 753 or as set by the Eighth Circuit Court of Appeals. Transcripts being produced for use by judicial officers of this Court must be delivered and filed with the Clerk within the time period prescribed by the judicial officer. This schedule may not be deviated from unless an extension has been obtained from the Clerk of the Court of Appeals in cases involving appeal transcripts or the ordering judicial officer in all other cases. The official reporter must make all efforts to avoid a backlog of transcripts for cases on appeal and assure prompt delivery of high quality transcripts.

IX. Reports to be Filed with the Administrative Office of the United States Courts

- A. The official court reporter must ensure timely and proper filing of all records, reports, and certificates as required by 28 U.S.C. § 753 and the Judicial Conference of the United States.
- B. All official court reporters are to certify and file their AO-40A and AO-40B forms with the Clerk for review in the manner prescribed by the Administrative Office of the United States Courts.

X. Storage of Steno Notes and Audio Files

- A. Reporters are required to certify and store their original shorthand notes with the Clerk, in the specified files on the court's file server. Shorthand notes will be printed to .pdf and stored within each monthly folder.
- B. In addition to storage of shorthand notes, the reporter or other individual designated to produce the transcript must transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases *unless* they have been recorded by electronic sound recording and are certified by the report and filed with the clerk.
- C. To comply with the certification requirements, a log file will be completed by the reporter. The log will list the date, case number, type of hearing, judge, steno file name, and whether or not the file is an audio file. The log file should include all hearings/trials for any given month. The log file must be updated at least monthly.

The Log File must contain the following Certification Language:

In accordance with 28 U.S.C. § 753(b), I certify that my steno notes listed above in the Steno File column are PDF files which represent a true and correct record of proceedings in the United States District Court for the District of North Dakota before the judges listed herein and taken on the dates therein indicated.

Additionally, I certify that I was present in the courtroom of said court on the dates referred to above; that pursuant to the requirements of 28 U.S.C. § 753(b), I made an electronic recording of hearings involving a change of plea and/or sentencing; that said recordings were made in the regular course of my profession; that such recordings are noted above

in the Audio column and are named identically as their corresponding steno files; that such recordings are .wav files, are true and correct recordings of the proceedings and are sufficiently intelligible when played on a computer to be used to transcribe said hearings without undue difficulty.

/s/ Official Court Reporter
Official Court Reporter

- D. In the event a court reporter is asked to create a transcript from a previously recorded hearing that the court reporter did not attend in person, the court reporter must store their shorthand notes in the manner set forth above. No certification is required for shorthand notes created in this manner.

XI. Electronic Recording of Official Proceedings

- A. It is the policy of this District to utilize digital electronic recording of court proceedings to the greatest extent practical as permitted by statute and Rules of Procedure.
- B. A request for a copy of a digital recording of an official proceedings must be submitted to the Clerk. The official court reporter may be asked to produce and file any transcripts from the electronic record in accordance with this Plan.

XII. Realtime Court Reporting

The requirement and restrictions on the use of realtime court reporting are set forth in the Court's Realtime Court Reporting Policy.

XIII. Minimum Security Requirements

Court reporters' private computers must be securely configured. At a minimum, private computers must employ password protection, anti-virus protection, and application of relevant security patches. Each quarter, a court reporter must allow IT staff to verify the security of each private computer used to connect to the DCN.

Dated this 9th day of March, 2021.

FOR THE COURT:
/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court

United States Courts
Judicial Council of the Eighth Circuit
Thomas F. Eagleton United States Courthouse
111 South 10th Street – Suite 26.325
St. Louis, Missouri 63102-1116

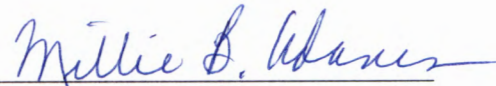
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Circuit Executive

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EIGHTH CIRCUIT JUDICIAL COUNCIL

ORDER

I hereby certify that the Eighth Circuit Judicial Council has approved the Court Reporting Management Plan for the District of North Dakota, as adopted by the district court effective April 1, 2021.



Millie B. Adams
Circuit Executive

St. Louis, Missouri
March 16, 2021

cc: Judicial Council Members
Chief Judge Peter D. Welte
Robert Ansley, Clerk of Court
Administrative Office

Approval was given by the Court Reporter Management Committee

JCO 3179