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**EIGHTH CIRCUIT JUDICIAL COUNCIL**

**ORDER**

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I hereby certify that the Eighth Circuit Judicial Council has approved the amended Court Reporting Management Plan for the Southern District of Iowa, as adopted by the district court on February 25, 2019.



Millie B. Adams  
Circuit Executive

St. Louis, Missouri  
March 7, 2019

cc: Judicial Council Members  
Chief Judge John A. Jarvey  
John S. Courter, Clerk of Court  
Administrative Office

Approval was given by the Court Reporter Management Committee.

JCO 3038

# **United States District Court Southern District of Iowa**



## **Court Reporting Management Plan**

**Adopted by the Court December 17, 2010  
Revised February 25, 2019**

**Approved by the Eighth Circuit Judicial Council  
March 5, 2019**

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## **I. ADOPTION OF PLAN BY THE COURT**

This Plan for the effective utilization of court reporters in the United States District Court for the Southern District of Iowa has been revised and adopted by the Court subject to final approval by the Eighth Circuit Judicial Council. The Plan applies to all court reporters serving in any capacity (i.e., temporary or permanent) in the Southern District of Iowa and provides information on the day-to-day operation and management of the court reporting component within the Court. For more detailed guidelines and procedures regarding court reporting in the federal judiciary, see the *Guide to Judiciary Policy*, Volume 6, Court Reporting (the *Guide*).

## **II. EMPLOYMENT**

Official court reporters are employed pursuant to 28 U.S.C. § 753, and to the policies of the Judicial Conference of the United States and the Administrative Office of the United States Courts (AO). Newly appointed reporters serve a probationary period not to exceed one year. Official reporters serve the court en banc and not a particular judge. The court reporter supervisor acts as the day-to-day supervisor and is responsible for administrative matters such as time and attendance, assuring the most effective court coverage to minimize travel and other costs to the court, salary, benefits, travel, space and facilities needs, and submission of reports. The clerk of court is designated as the court reporter supervisor, and may delegate administrative duties to one or more designees as necessary to provide for the most efficient operation of the Court.

Reporters retain employment regardless of the resignation, retirement, or death of an individual judge. During the period between such an occurrence and the appointment of a new judge, a reporter continues to serve other reporting needs of the Court. If at any time, in the judgment of the Court, the volume of work or district budget do not justify retention of all current reporters, a reduction shall be accomplished through relocation, attrition, or by giving reasonable notice for termination of the appointment.

### **Leave Act Court Reporters**

At its September 1987 meeting, the Judicial Conference of the United States adopted a policy that requires court reporters in the same court location to have the same Leave Act (5 U.S.C. § 6301, *et seq.*) status, i.e., either all under the Leave Act, or all not under the Leave Act. Reporters under the Leave Act accrue and use sick and annual leave just as other deputy clerks do, and when they are absent the court is responsible for providing court reporter coverage. Leave Act reporters also have regular office hours at the courthouse, i.e., a regular tour of duty, and during those hours they are not permitted to perform freelance work.

In the Southern District of Iowa we have three official court reporters. One reporter is located in Davenport, and two are in Des Moines. All three are under the Leave Act.

### **Time and Attendance**

For Leave Act reporters, the core hours during which they are generally expected to be at the courthouse are 8:00 a.m. to 5:00 p.m., Monday through Friday. These hours may be altered for any given day/week with the approval of the court reporter supervisor. Leave is entered into the district's automated leave tracking systems for approval by the court reporter supervisor.

### **Employment of Additional Court Reporters**

The court reporter supervisor shall manage the court schedule and reporting assignments so as to minimize the use of contract or per diem reporters, and to minimize any travel. If court reporting services are required beyond what can be provided by the three official court reporters, additional outside reporters will be hired on an as-needed basis and paid for by the Court. Outside reporters will be hired on a rotational schedule. Whether under long term or short term contract, outside reporters are required to abide by the national formatting and fee policies established for transcripts by the Judicial Conference of the United States. (See V. Transcripts, below)

## **III. REPORTING SERVICES FOR MAGISTRATE JUDGES**

Some proceedings before magistrate judges are recorded by the courtroom deputy using digital sound recording equipment. When the magistrate judge determines a court reporter is required by specific rule or statute or by the particular circumstances of a case, the judge's staff will request coverage from the court reporter supervisor, who shall monitor the court schedule and reporter assignments on a daily basis and will arrange for court reporter coverage.

## **IV. FREELANCE REPORTING**

Official reporters under the Leave Act may perform freelance reporting during their employment with the Court provided that such work is during non-core working hours, and with the approval of the court reporter supervisor. Official court reporters who plan to engage in freelance reporting must get advance approval in writing from the court reporter supervisor granting permission to perform such work. The letter from the court reporter supervisor will be placed in the reporter's personnel file.

## **V. TRANSCRIPTS**

All reporters, official or not, are required to receive, process, and fulfill transcript requests according to the specifications in the *Guide*, Volume 6, Chapter 5, and the policies of the Judicial Conference of the United States. The court reporter supervisor monitors the

transcript order and delivery process, including timeliness, rates charged, and compliance with national policies, for private and court of appeals transcripts. Overcharging for services or transcripts provided to the Court or counsel will result in the court reporter being required to make immediate restitution to the ordering party or the Court, and the reporter may also be subject to disciplinary action, including dismissal, at the discretion of the Court. (See the *Guide*, Volume 6, Chapter 5 § 530.95)

## **VI. RECORDS AND REPORTS**

Records of court proceedings are required to be kept by all reporters as prescribed in the *Guide*, Volume 6, Chapter 2 § 290.20.30. Notes and recordings of official reporters are downloaded by the reporter and electronically stored on court systems to maintain availability. Outside reporters are responsible for submitting their stenographic notes and audiofiles via email to the court reporter supervisor. The court reporter supervisor will transfer those notes and audio files for storage with the official court reporters' notes. If this is not possible, the court reporter supervisor should be notified immediately. These records may periodically be transferred to the Federal Records Center, and would then be destroyed in accordance with the *Guide*, Volume 10, Chapter 6, Appendix 6B.

Official reporters are required to complete and submit the following reports as directed by the AO. Reports are submitted to the court reporter supervisor for approval via the ACRA (Automated Court Reporter Application) system. The court reporter supervisor approves and then submits them for official filing at the AO.

Proceedings recorded by the courtroom deputy using digital sound recording equipment are saved on a server within the IT department. They are retrievable by date and courtroom, and may be accessed by those within the court via desktop computer. Public requests for digitally recorded hearings are made through the clerk's office. IT staff then burns a CD of the hearing, checking quality during creation. This process is monitored by the court reporter supervisor.

### **Attendance and Transcripts of United States Court Reporters (AO 40A)**

This report is submitted quarterly, and reports days in court and transcripts produced. Instructions for completion of each element of the report can be found at the *Guide*, Volume 6, Chapter 2 § 290.40.40. Reporters must submit this via ACRA so that it can be approved and submitted to the AO no later than 20 days after the quarter closes, i.e., April 20, July 20, October 20, and January 20 for the preceding quarter.

### **Statement of Earnings of United States Court Reporters (AO 40B)**

This report is submitted annually, and reports the income and expenses of reporters. Reporters must submit this via ACRA so that it can be approved and submitted to the AO no later than April 15 of each year for the prior calendar year.

### **Other Forms**

The following forms are available to aid reporters in recording and tracking the information required on the above mandatory reports. These forms, or their equivalent, must be maintained to assure the accuracy of the AO 40A and 40B reports: Expense Ledger (Form AO37), Attendance Ledger (Form AO 38), Transcript Order and Collections Ledger (Form AO 39), and Invoice (Form AO 44).

## **VII. EQUIPMENT AND SPACE**

Court reporters are both court employees and independent contractors, so there is a division between what equipment is provided by the Court, and what is provided by the reporter. (See generally the *Guide*, Volume 6, Chapter 2 § 260) The Court provides office space according to the *U.S. Courts Design Guide* and what is reasonably available in the courthouse, including sufficient electrical connections for equipment needed to produce official transcripts. Court reporters are provided furnishings from available supplies, and are authorized up to Level C furniture depending upon the availability of funds.

The reporter is responsible for purchasing all equipment and supplies used to report proceedings and produce transcripts. The Court is responsible for software to enable judges to view realtime. Court IT (information technology) staff are available to help maintain efficient operation of the courtroom, which includes realtime.

### **DCN Access**

Official reporters are authorized access to the DCN (Data Communications Network), the judiciary's secure network. The Court provides the equipment and connectivity to enable reporters to send and receive information that allows them to work effectively locally, to participate as needed at the national level for informational and policy matters, and to submit required reports electronically.