

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

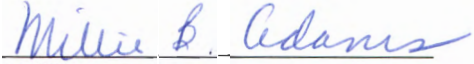
Millie B. Adams
Circuit Executive

Voice (314) 244-2600
Fax (314) 244-2605
www.ca8.uscourts.gov

EIGHTH CIRCUIT JUDICIAL COUNCIL

O R D E R

I hereby certify that the Eighth Circuit Judicial Council has approved the Court Reporting Management Plan for the Southern District of Iowa, as adopted by the district court effective August 16, 2024.



Millie B. Adams
Circuit Executive

St. Louis, Missouri
September 3, 2024

cc: Judicial Council Members
Chief Judge Stephanie M. Rose
John Courter, Clerk of Court
Administrative Office

JCO 3408

Approved by the Court Reporter Management Committee

United States District Court Southern District of Iowa



Court Reporting Management Plan

**Adopted by the Court December 17, 2010
Revised August 16, 2024**

**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). Official court reporters serve the court en banc; however, due to the court's preference, each official court reporter shall be primarily assigned to one active district court 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.

Official 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, an official court 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 official court reporters, a reduction shall be accomplished through relocation, attrition, or by giving reasonable notice for termination of the appointment.

Leave Act Official Court Reporters

At its September 1987 meeting, the Judicial Conference of the United States adopted a policy that requires official 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. Official court 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 court 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. All three are located in Des Moines and under the Leave Act.

Time and Attendance

Official court reporters are expected to be in the courthouse during core business hours for a minimum of 40 hours per week. These hours may be altered for any given day/week with the approval of the court reporter supervisor and based on court needs. Leave is entered into the district's automated leave tracking systems for approval by the court reporter supervisor. Official court reporters may telework when doing so does not affect adequate court coverage and with approval from the court reporter supervisor.

Requests for annual leave and teleworking may be denied if an official court reporter has requested extension of time to file an appeal transcript or has transcript orders that are past due.

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 court 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, annual leave is not being used to engage in freelance reporting activities, and the official court reporter does not have transcript orders that would be unduly delayed by freelance work. 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 written approval from the court reporter supervisor will be placed in the official court reporter's personnel file.

V. TRANSCRIPTS

All court reporters, official or outside, 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 and rates charged, and compliance with the *Guide*. Overcharging for services or transcripts provided will result in the court reporter being required to make immediate restitution to the ordering party or the court. An official court reporter may also be subject to disciplinary action, including dismissal. (See the *Guide*, Volume 6, Chapter 5 § 530.95)

Transcripts not delivered within the specified time periods may be subject to reduction in fees. The court reporter supervisor must be notified and give approval before any request for an extension of time to complete a transcript is filed.

Official court reporters who are consistently delinquent in delivery of transcripts, filing of original notes and audio files, and/or submission of required reports may be subject to disciplinary action as determined by the court reporter supervisor, Clerk of Court, and Chief Judge.

Official court reporters are expected to communicate with the court reporter supervisor when they have excessive transcript backlog. The court reporter supervisor is authorized to take any measure necessary to reduce or eliminate transcript backlog or production delays. Such steps may include, but are not limited to, the following:

- Reassignment or rotation of the official court reporter on a temporary basis
- Requiring the court reporter to hire and pay substitute court reporter(s)
- Denial of annual leave
- Initiation of progressive discipline

Proceedings that are 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 the official court reporters via the court-provided computer. Public requests for digitally recorded hearings are made through the court reporter supervisor. Official court reporters may choose to transcribe the proceedings by accessing the audio files located on the server. If none of the official court reporters are available to transcribe the proceedings in the requested delivery time, an outside court reporter may be utilized to produce the transcripts. If an outside court reporter is utilized to transcribe the proceedings, the court reporter supervisor will work with the IT department to transfer the audio file. This process is monitored by the court reporter supervisor.

VI. RECORDS AND REPORTS

Official court reporters are required to upload to a court server electronic steno notes and audio files of proceedings as required in the *Guide*, Volume 6, 290.20.20 and 290.20.30. Outside reporters are responsible for submitting their stenographic notes and audio files to the court reporter supervisor. The court reporter supervisor will transfer those notes and audio files for storage with the official court reporters' notes. 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 court 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 the reports for official filing at the AO.

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

This report is submitted quarterly and reports days in court, allocation of hours worked, transcript pages produced, and realtime pages provided to the court and parties. Instructions for completion of each element of the report can be found at the *Guide*, Volume 6, Chapter 2 § 290.40.40. Official court reporters must submit this report 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 transcript income and expenses of court reporters. Official court reporters must submit this report 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 official court 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 AO 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

Official 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 official court 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. Official court reporters are provided furnishings from available supplies and are authorized up to Level C furniture depending upon the availability of funds.

The official court 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 court 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.