

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

MANAGEMENT PLAN FOR COURT REPORTING AND RECORDING SERVICES

Background

An accurate record of all court proceedings is an essential requirement of due process of law and is required by Article VI and Article II, Section 25 of the Colorado Constitution.

This plan is adopted to promote the effective use of court reporters and electronic record operators (ERO) in the Colorado Judicial Branch and is applicable to all official court reporters, all personnel, and contract court reporters or transcribers employed by the Judicial Branch or under contract with the Judicial Branch.

The preferred method of making an accurate record of court proceedings is with the assistance of a Realtime certified court reporter; therefore all proceedings conducted before a district court judge may be reported by a court reporter using a stenotype machine on a "Realtime" basis. Proceedings can be recorded by an electronic record operator using digital electronic sound recording equipment. This provision shall in no way prohibit a judge or magistrate from operating the equipment needed to make an accurate record of any proceeding. Realtime court reporting is the standard in Colorado courts.

The Office of the State Court Administrator (SCAO), as funding allows, shall examine the expansion of the state case management system to allow for information sharing and transfer of information between the automated case management system and the various court reporter reporting systems. The SCAO also shall consider attaching electronic text files directly to court cases stored in the automated case management system.

Pursuant to this directive, the chief judge of each judicial district shall determine which methods of recording court proceedings are to be used based upon current economic issues, availability of reporters, and other relevant factors.

I. RESPONSIBILITIES OF CHIEF JUDGE

A. Prioritization of Reported vs. Recorded Cases

Each district shall establish a case-type priority that shall be reported, if district resources permit, by court reporters except as otherwise noted below. For example, such a priority listing would allow for electronic recording of uncontested domestic hearings, some probate matters or other case types that are unlikely to be appealed. Under this scenario, a court reporter would be used for all felony matters, all district civil court (CV) and jury trials, termination of parental rights trials and water cases, if available or economically feasible within the district's budget.

B. Prioritization of Felony Cases

When a judicial district assigns a court reporter to report a proceeding which requires the taking of testimony in a class one or two felony case, the court reporter shall be at a minimum a Registered Professional Reporter (RPR). Districts without RPR reporters should contact other districts for assistance.

C. Prioritization of Death Penalty Cases

In a death penalty case, Realtime reporting shall be used. If reasonable attempts to locate or appoint a Realtime reporter have been made without success, districts without Realtime reporting capability should contact other districts for assistance. A reporter reporting a death penalty case shall be, at a minimum, RPR certified. Should Realtime equipment failures or personnel emergencies occur, other court reporting methods may be used in extreme circumstances for the shortest amount of time possible.

D. Supervision of Court Reporters/Recorders

The chief judge is ultimately responsible for the administration of any court reporting services in her or his district as well as the timeliness of the production of transcripts whether on appeal or for other purposes. This responsibility may be delegated at the discretion of the chief judge.

1. All reporters (current and future) shall be employees under the direction and management of the chief judge of each district. Some of the functions assigned to the chief judge may be delegated, but the chief judge has the ultimate authority and responsibility for the supervision of court reporters and the implementation and enforcement of this plan.
2. All court reporters, except managing court reporters, shall be non-exempt from the Fair Labor Standards Act and shall provide on a monthly basis to their supervisors timesheets of hours worked each workweek.
3. The chief judge shall ensure that all judges provide court reporters regularly scheduled breaks during the work day.
4. The chief judge shall have the sole authority to assign or reassign court reporters and electronic recorder operators to courtrooms as necessary and appropriate in his or her discretion.
5. The chief judge shall have the authority to hire and designate court reporters and electronic recorder operators (including contract staff); however, each chief judge shall develop policies and procedures for hiring that include the district judges and any staff designated by the chief judge. In districts where court reporters or electronic recorder operators will be primarily assigned to a particular district judge, the chief judge shall include that district judge in the hiring process; however, the chief judge shall make the ultimate hiring decision.
6. The chief judge shall have the sole authority to reassign, correct, discipline or terminate court reporters and electronic recorder operators.
7. The chief judge shall be the ultimate supervisor of the district's managing court reporter, if appointed. This duty to supervise the district's managing court reporter may be delegated, in part, by the chief judge. The person supervising the managing court reporter shall have the following duties and may delegate these duties to the managing court reporter including but not limited to the following:
 - a. Investigate complaints of improper state-paid transcript billings. Take necessary measures to assure that authorized transcript rates are charged and in proper form. (See Appendix A for rates and Appendix C for information required to be included on all billings.)
 - b. Monitoring the timeliness of the transcription of the record, or such parts thereof, as a judge, party or attorney may request. This applies to the transcript being prepared by a court reporter, transcriber, or outside firm preparing transcripts on behalf of the court.
 - c. Monitoring transcripts produced by transcription services to assure compliance with the transcript format and fee requirements of this Chief Justice Directive (CJD) or applicable contract.
 - d. Preserving the audio (tape or digital or other electronic) records, court reporter transcripts or notes according to the current Colorado Judicial Department Retention and Disposition Schedules.

E. Managing Court Reporter

1. Each district with two or more court reporters shall have a managing court reporter selected in a manner designated by the chief judge, or the chief judge shall assign these duties to administrative staff.
2. Districts may elect to rotate the responsibilities of the managing court reporter among all reporters on a regular basis.
3. The managing court reporter shall be an exempt employee under the supervision of the chief judge or designee.
4. The managing court reporter shall be responsible to:
 - a. Assign and reassign court reporters and EROs within the district for the purpose of distributing fairly and equitably the workload and transcript preparation of all court reporting services and transcribers, with goals of minimizing travel and assuring the lowest overall cost to the Judicial Branch and State of Colorado.
 - b. Supervise the business relationship among attorneys, litigants, other parties, and court reporters/EROs/transcribers.
 - c. Develop a form to monitor and keep a record of transcript orders and requests and, if necessary, tape and/or digital recording orders and requests made in district court. In larger districts this portion of the workload may be distributed between the managing court reporter and other administrative staff.
 - d. Coordinate any transcript requests involving court reporters who no longer work for the Judicial Branch or work in another district.
 - e. Report to the chief judge on a monthly basis any late or deficient transcripts.
 - f. Maintain certification records for all court reporters within a district.
 - g. Hire substitute court reporters. Court reporters may not hire substitute reporters at their own expense. All substitutes must be hired by the district administrator or designee at the state's expense. The district administrator and substitute court reporters shall execute contracts before performing services.
 - h. Generate the appellate query of late transcripts and provide a report to the chief judge or designee on a monthly basis.

F. Cross-Training and Backup

To assure that the needs of the judicial district are met, the chief judge or designee shall provide cross-training for the EROs and court reporters so that they can perform work for any division. EROs and court reporters may be assigned to cover other division work as may be necessary.

II. COURT REPORTER RESPONSIBILITIES

A. RPR Certification

1. All court reporters hired shall be RPR certified unless the district is unable to hire an acceptable certified reporter within three months of posting the position. If the district hires a non-certified reporter, that reporter must become RPR certified within two years of hire. Non-certified reporters may be used on a per case basis if certified reporters are not available.
2. All certified court reporters must maintain certification by completing three continuing education units (CEUs) every three years and maintaining certification status with National Court Reporters Association (NCRA).
3. Current Colorado Certified Shorthand Reporters (CSRs) must obtain RPR certification within two years of the signing of this CJD as amended (June 2009).

4. Current court reporters that are uncertified upon signing of this CJD as amended (June 2009) shall have two years to obtain certification and will be placed on a two-year performance plan to assist the reporter in obtaining certification.
5. Failure to obtain or maintain RPR certification may be grounds for corrective or disciplinary action in accordance with the Colorado Judicial System Personnel Rules.

B. Realtime Certification

Realtime reporting can help to alleviate the problems of late transcripts; assist trial judges in deciding issues faster by seeing and keeping the Realtime notes for review and having text files for their use for the preparation of their orders; allow reporters to get the bulk of transcript work done as they are reporting; and enable all reporting staff to be at the same or similar level of skill. Therefore:

1. All current RPR certified court reporters shall become Realtime certified by July 1, 2011.
2. All current non-certified court reporters shall become Realtime certified by July 1, 2012.
3. RPR certified court reporters hired after the effective date of this CJD as amended shall become Realtime certified within four years of their date of hire by the Judicial Branch.
4. Non-certified court reporters hired after the effective date of this CJD as amended shall become Realtime certified within five years of their date of hire by the Judicial Branch.
5. Court reporters who are able to perform Realtime services may attain official status as a Colorado Certified Realtime Reporter by meeting one of the three following requirements:
 - a. Pass the NCRA Certified Realtime Reporter (CRR) test, which among other things, requires completion at 96 percent accuracy or
 - b. Take the NCRA CRR test and complete it at 94 percent accuracy (the Colorado standard) or
 - c. Pass the Federal Certified Realtime Reporter (FCRR) test.

A court reporter who fails to meet these requirements within the time limits provided, who is otherwise an exemplary court reporter and has made significant efforts to become Realtime certified may petition the State Court Administrator for extraordinary relief.

C. Conduct of Court Reporter

1. The court reporter shall present himself or herself to the judge in charge of the proceedings in accordance with the assignment made by the chief judge or designee.
2. The reporter shall observe, comply with, and be bound by all of the assigned judge's instructions in matters affecting the composition of the record, the marking of exhibits and maintenance of the evidence, the public or private nature of the proceeding, the adjournment of the proceeding to other times or places, the appropriate demeanor of the reporter, and other like matters.
3. The court reporter shall report by appropriate equipment all of the proceedings that he or she attends.
4. The court reporter shall take all the testimony, rulings, exceptions, oral instructions, and other proceedings during the trial of any cause, and in such causes as the court may designate.

D. Records to be Maintained by Court Reporters

1. In order to permit the routine audit and inspection of records, court reporters shall maintain accurate, legible, and up-to-date records of their transcript orders, invoices, and transcript payments.
2. Extension of time for transcripts must be obtained from the court pursuant to the appropriate rule. The chief judge or designee shall be advised in writing by the reporter

or transcriber at any time the reporter or transcriber requests an extension of time on any transcript. These written records shall be maintained at the direction of the chief judge. Court reporters shall provide the chief judge and designee a copy of any request for an extension to provide an appellate record prior to submitting the affidavit to the appellate court.

III. ELECTRONIC RECORDING OPERATORS RESPONSIBILITIES

A. Conduct of Electronic Record Operator

1. The ERO shall present himself or herself to the judge in charge of the proceedings in accordance with the assignment made by the chief judge or designee.
2. The ERO shall observe, comply with, and be bound by all of the assigned judge's instructions in matters affecting the composition of the record, the marking of exhibits and maintenance of the evidence, the public or private nature of the proceeding, the adjournment of the proceeding to other times or places, the appropriate demeanor of the ERO(s), and other like matters.
3. The ERO shall record with appropriate equipment all of the proceedings that he or she attends.
4. The ERO shall record all the testimony, rulings, exceptions, oral instructions, and other proceedings during the trial of any cause, and in such causes as the court may designate.

B. Records to be Maintained by EROs

1. In order to permit the routine audit and inspection of records, EROs shall maintain accurate, legible, and up-to-date records of their transcript orders, invoices, transcript payments, expenses and attendance in court.
2. Extension of time for transcripts must be obtained from the court pursuant to the appropriate rule. The chief judge or designee shall be advised in writing by the transcriber at any time the transcriber requests an extension of time on any transcript. These written records shall be maintained at the direction of the chief judge. Transcribers shall provide the chief judge and designee a copy of any request for an extension to provide an appellate record prior to submitting the affidavit to the appellate court.

IV. TRANSCRIPTS

A. Persons Authorized to Prepare Transcripts from Electronic Recordings

1. Contract transcript service companies may prepare transcripts, as determined by each judicial district policy.
2. If a judicial district enters into an agreement with a transcript service company, such contract must be in the format prescribed by the State Court Administrator.
3. Non-court reporter Judicial Branch employees shall not be allowed to transcribe court transcripts outside working hours unless they are a member of an independent contracting firm that provides contract transcript services as a company that has been selected by the district to do transcripts. This is in compliance with the requirements of the Fair Labor Standards Act, PERA rules, and IRS regulations regarding the issuance of a 1099 and W-2 to the same employee.
4. If non-court reporter Judicial Branch employees prepare transcripts from electronic recordings during established working hours, this task shall be included in the individual's normal work assignment and compensation and such individual shall not be paid the per-page rate. (§13-5-128, C.R.S.)

B. Compensation

1. The total compensation package offered to court reporters shall be established in accordance with the Colorado Judicial System Personnel Rules and Annual Compensation Plan. Base salary, benefits, paid time off, and paid time off prorated for part-time employees for continuing education required to maintain certification shall be provided to classified court reporters, as well as variable pay, such as per page rates. When determining the total compensation package of court reporters, consideration shall also be made for expenditures incurred by court reporters on equipment, software, employment of scopists and proofreaders used during the course of business conducted for the state. Appendix F of this CJD provides a more exhaustive list of items which should be taken into consideration in the determination of fair and equitable compensation for court reporters.
2. Transcripts requested by judges
 - a. Judicial Branch court reporters and other employees who prepare transcripts as part of their regular duties shall provide transcripts requested by and used only by the judge or magistrate who presided over the matter or the chief judge and shall not be paid the transcript page rate in addition to their regular salary. These employees shall be allowed to prepare transcripts requested by judicial officers during work hours.
 - b. Court reporters and transcribers who are not Judicial Branch employees shall be considered “substitutes” and shall be compensated the state-paid transcript rate to prepare a transcript requested by and used only by the judge or magistrate who presided over the matter or the chief judge. The judicial district shall be responsible for compensation of the “substitute” court reporter or transcriber.
2. State-Paid Transcripts
 - a. State-paid transcripts are all transcripts requested by judicial officers, the district attorney, public defender, Office of the Child’s Representative, pro se indigent or advisory counsel representing an indigent client, Alternate Defense Counsel and state-paid respondents’ attorneys in dependency and neglect cases.
 - b. Judicial Branch court reporters and other employees who prepare transcripts as a normal part of their job and compensation shall be allowed to prepare state-paid transcripts during work hours. Copy costs for state-paid transcripts are eliminated and the original per-page cost applies in accordance with Appendix A of this directive. The court reporter shall provide a state-purchased disk or may email a PDF or other word-searchable protected version of the transcript to an attorney or party requesting a copy of a transcript.
3. Private-Paid Transcripts
 - a. Private-paid transcripts are all transcripts requested by all parties, attorneys, media and entities not listed in 2 (a) above.
 - b. Judicial Branch court reporters and other employees who prepare transcripts shall not be allowed to use state time, equipment, supplies or copiers to prepare private-paid transcripts; except that a court reporter may prepare private-paid transcripts during regular working hours in the following circumstances:
 - 1) Criminal transcripts requested by non-state paid attorneys
 - 2) Juvenile court transcripts requested by non-state paid attorneys
 - 3) Transcripts prepared for cases on appeal
 - 4) Transcripts of an oral ruling of a trial court ordered for the preparation of the written order at the request of the trial court.
 - c. The original per page rate and copy rates are defined in Appendix A.

4. Non-Appellate Transcripts

The full price may be charged only if the transcript is delivered within the contract's required time frame, including any extensions that have been authorized by the chief judge.

5. Appellate Transcripts

The full price may be charged only if the transcript is delivered within the time frame prescribed by the chief judge of the district court or the appellate court. A transcript delivered within the time allowed by a timely extension granted for good cause pursuant to CAR 11(a) and (d) is entitled to full payment. The appellate court may extend the due date for a transcript and order the reduced rate if the "good cause" requirement is not met. (See Appendix D for computation of transcript delivery dates and reductions in per page rates for late transcripts.)

C. Hourly or Daily Transcripts

Unless otherwise ordered by the trial judge assigned to the case, there shall be no hourly or daily transcripts delivered to any party or attorney. If any person desires such services, he or she must seek permission of the court to have a Realtime court reporter present for a hearing or trial.

D. Unedited Transcripts

The use of an unedited transcript as a working document shall be permitted if allowed and approved by the trial judge and the court reporter, or as permitted by rule such as CAR 3.4(e)(6). Such transcript shall not be the official record of the court unless so certified by the court reporter. The rate for the unedited transcript shall be applied according to Appendix A. Pursuant to CAR 3.4 the reporter may require a signed waiver of liability for any errors in the unedited transcript.

E. Ordering of Transcripts, Tapes or Digital Recording Disks

Each district shall determine and post on the Colorado Judicial Branch website a policy that outlines the procedures for that particular district for ordering of transcripts, tapes or digital recording disks.

1. Transcripts may be ordered from the court following the procedure below:

- a. The requesting party should use the request forms for transcript of a hearing or trial approved by the State Court Administrator. Blank forms can be procured from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address listed on the form for the appropriate district.
- b. Persons ordering transcripts will be contacted directly by the court reporter or transcriber concerning payment of the appropriate fees. Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory arrangements are made with the transcriber for the payment of required fees.
- c. It is the requestor's responsibility to properly pay or obtain a court order approving waiver of the fees in ordering of the transcripts. The requestor also must obtain and the reporter or transcriber must produce a dated receipt for the payment. This is to avoid any dispute as to the date, manner of payment and whether payment has in fact been made.

2. Copies of all or part of tapes or digital records (CD-ROM) may be ordered in those districts that are able to provide this service. The court may, based upon each district's policy, reproduce tapes or create CDs on its own duplicating equipment and may sell copies of electronic sound recording tapes made. The district may sell a whole or partial copy of the proceeding if available on CD, disk or tape to the public at the prevailing rate prescribed by this CJD. The rate shall be that rate in effect at the time of ordering.

- a. Orders for copies should be submitted to the court on the request forms for tapes or CDs approved by the SCAO. Blank forms can be obtained from the clerk of the court or district administrator as set forth by each district. The completed form should be sent to the address that is listed on the form for the appropriate district.
- b. Copies of tapes or CDs shall not be used as the official record for purposes of appeal, motions or other court proceedings. Only certified transcripts by reporters or authorized transcribers shall be used as the official records of court proceedings.
- c. In those districts that do not provide this service, parties shall request a transcript using the procedure outlined in IV(E)(1) above.

3. Districts shall not accommodate requests to listen to recorded proceedings (tapes or CDs).

F. Standards for the Production of Transcripts

The following standards apply to the production of all transcripts for Colorado courts:

1. All transcripts shall be produced in the format required by this CJD. (Appendix B)
2. No court reporter/transcriber employed by the Judicial Branch shall charge fees for transcripts of official proceedings that exceed those set forth in this CJD, except as approved by the chief judge in writing for extraordinary circumstances.
3. Each court reporter/transcriber is required to certify on each invoice that the fees charged and page format used conform to this CJD.
4. If transcripts of proceedings are prepared by contract transcription services and paid for by the state:
 - a. All format, delivery time schedule, and fee requirements adopted by this CJD apply as if the transcript was produced by one of the court's reporters or other judicial branch employee unless the contract entered into provides otherwise.
 - b. The transcriber designated to transcribe the proceedings recorded by electronic sound recording shall clearly specify on the billing or invoice and cover page "FTR Proceedings" as opposed to "Reporter's Transcript" and must authenticate the original transcript and each copy with a certification on the last page. For example, "I (we) certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter." [Signature of transcriber and date]. Each transcriber may charge and collect fees for transcripts requested at rates prescribed by this CJD.
5. Appellate transcripts may be provided in electronic format as part of an electronic record submitted pursuant to CAR 10 and 11. In criminal cases, an electronic transcript may be provided as part of an electronic record where the record is due on or after September 1, 2007.

G. Time Limits for Delivery of Transcripts

1. Original transcripts ordered by judicial officers shall be provided to the judicial officer within the time prescribed by the order.
2. All transcripts of official proceedings prepared for the purpose of appeal shall be delivered to the ordering party, if a copy is requested, and the original filed with the clerk of court within the prescribed time limits of the Colorado Appellate Rules.
3. Extension of time for appellate transcripts must be sought from the court pursuant to the appropriate rule.

H. Distribution of Transcripts

1. At the request of the ordering party, a non-appellate transcript may be provided in electronic format, if the reporter or transcriber agrees.

2. For state-paid transcripts, the court reporter shall provide the one transcript on a state-purchased disk which is PDF or other word searchable protected format to the party requesting a copy of a transcript. Replacement or additional CD-ROM copies shall be made available in accordance with the fee structure below for both state-paid and private-paid requests. The intent of this provision is for only one state agency to pay for the transcript; therefore, copy costs for state-paid copy requests shall not apply. If the state agency requests the first copy, copy costs for private parties shall be in accordance with Appendix A.
3. Any requests by private parties for transcripts involving state agencies, as delineated in IV (B)(2)(a), including requests from the media, must be forwarded to the district administrator and chief judge who shall make the decision as to whether any other entity shall receive a copy prior to the court reporter agreeing to arrangements for the provision of a copy. No court reporter or transcriber shall create a distribution list for anyone other than parties or attorneys of record.

V. OWNERSHIP, CUSTODY, USE, RETENTION AND FILING OF THE NOTES AND ELECTRONIC RECORDINGS

1. The notes of all court reporters:
 - a. shall remain property of the Judicial Branch controlled by the chief judge or designee to ensure transcripts may be prepared by another reporter, if and when necessary;
 - b. shall be retained by the appropriate court for a period prescribed by the Colorado Judicial Department Retention and Disposition Schedules; AND
 - c. are not public records.
2. The work of all court reporters shall be readable and shall remain in the ultimate control of the chief judge or designee so that another reporter, if necessary, can read the notes of a court reporter.
3. Each court reporter shall be required to sign a statement (Appendix E) recognizing the ownership of the notes and recognition of the dictionary provision below.
 - a. When a court reporter leaves the employment of the Judicial Branch, the court reporter shall provide the chief judge with paper or electronic notes and a copy of their dictionary for the cases they have done while a state employee prior to the reporter's last day of employment.
 - b. The court reporter leaving employment with the branch shall be given a first right of refusal regarding preparation of any outstanding transcripts on those cases so long as:
 1. She or he provides the district with the reporter's address, phone number and other contact information and keeps that information current with the district administrator and chief judge.
 2. She or he does not have more than one outstanding appeal transcript beyond the 180 day allotted timeframe.
 - c. In the event that another court reporter must prepare any such outstanding transcripts, that court reporter shall not use the departing court reporter's dictionary for any purpose other than preparation of the outstanding transcripts.
4. During the trial or the taking of other matters on the record, the paper or electronic notes shall be considered the property of the Judicial Branch, even though in custody of the reporter, judge or clerk.
5. After the trial and review or appeal period, the reporter shall list, date and index all of her or his notes and shall properly pack them for storage. Where no reporter is used, the clerk of the court or ERO, if one exists, shall perform this function.

6. The court shall provide storage containers and make arrangements for storing such records.
7. There shall be no additional charges for securing the record of a proceeding and for transporting the record to the clerk of court. The costs of these services are included in the schedule of rates for transcripts.
8. During the period of retention, paper or electronic notes shall be made available to the reporter of record, or to any other reporter or person the court may designate.
9. An electronic PDF or other word-searchable protected format version of any final transcripts prepared in all criminal and juvenile cases by any court reporter or transcriber shall be filed with the court.
10. Copies of these transcripts may be obtained from the court reporter at the customary rate.
11. The court may provide additional copies of these state-paid transcripts without any additional expense to the attorney general, district attorney, public defender, Office of the Child's Representative, pro se indigent or advisory counsel representing an indigent client, Alternate Defense Counsel and state-paid respondents' attorneys in dependency and neglect cases. If a court reporter is no longer a full-time, part-time or contract employee of the Judicial Branch, individuals may obtain copies of these transcripts at the rate set forth in the Colorado Judicial Department Fiscal Rules by contacting the district administrator of the district.

VI. TRANSCRIPT BACKLOGS

The chief judge or designee is authorized to take necessary steps to reduce backlog transcript, tape, or disk copy production delays. Such steps may include, but are not necessarily limited to the following:

1. Adjusting the workload of the court reporter or transcriber to reduce backlogs.
2. Terminating a contract with an outside vendor of transcription services and/or adding contract vendors of transcription services.

VII. Appellate Transcripts

1. All transcripts in appellate cases shall be uploaded to the Court of Appeals or Supreme Court as read-only PDF documents.
2. Court reporters may charge the rates set out in Appendix A to parties for enhanced transcripts such as those formatted for viewing in a RealLegal E-transcript viewer or comparable software.

Chief Justice Directives 98-07 and 85-10 and the Chief Justice Order Public Access to Tapes of County Court Procedures (April 17, 1991) are hereby REPEALED and REPLACED by CJD 05-03.

CJD 05-03 is revised and adopted effective June 25, 2009.

Done at Denver, Colorado this 25th day of June, 2009.

/s/
Mary J. Mullarkey, Chief Justice

APPENDIX A

Below are transcript fee rates for the preparation and transcription of court proceedings. Additionally, in accordance with VII.2., of this directive, court reporters may charge the copy rates below for enhanced transcripts such as those formatted for viewing in a RealLegal E-transcript viewer or comparable software.

	Original per page	Copy to State Agency per page**	Copy to Non-State Agency Party per page	Each Add'l Copy to Non-State Agency Party or Non-Party per page
State-paid Ordinary Transcript	\$2.35	\$0.00	\$0.50	\$0.50
Private-paid Ordinary Transcript (Private paid original) (30 calendar days or as agreed upon by the requesting party and transcriber)	\$2.35	\$0.50	\$0.50	\$0.50
Expedited Transcript (10 calendar days)	\$3.50	\$0.00	\$0.50	\$0.50
Daily Transcript (Prior to normal opening of court the following day)	\$5.00	\$0.00	\$0.75	\$0.75
Unedited Transcript (Rough draft, unedited, non-certified)	\$.50 per page per agency if ord by two agencies, limit \$1.00 per page	\$0.00	\$1.00	\$1.00
Hourly	\$6.00	\$1.00	\$1.00	\$1.00

**State agency as defined in IV.B.2.a (excluding judicial officers).

REPLACEMENT OR ADDITIONAL CD'S OF TRANSCRIPTS (Applies to transcripts prepared by a court reporter where the per page costs have already been paid in accordance with the fee structure above.)

\$35

REDUCED RATES

Reduced rates for late delivery to the appellate court may apply. The rate for a late transcript, which would be billed at the ordinary rate if submitted on time, is 90% of the ordinary rate if 10 days or less; 75% if 11 to 30 days late and 50% if more than 30 days late.

A transcript ordered on an "expedited" basis shall be billed at the "ordinary" rate if not delivered within 10 days.

The above rates are applicable to each page of transcript, excluding the certification page, which must be at the end of each volume of transcript.

TRANSCRIPT FEES AS COSTS

Civil cases: Any fees of the court reporter for all or any part of a transcript necessarily obtained for use in a civil case may be assessed as costs against the losing party, as allowed by law.

Criminal cases:

- Costs of transcript may be assessed against a convicted defendant. Costs assessed may include any fees of the court reporter for all or any part of a transcript necessarily obtained for use in the case, including the fees provided for in §16-18-101(2), C.R.S. and including the fees for a transcript of any preliminary hearing. §16-11-501, C.R.S.
- The costs in criminal cases shall be paid by the state pursuant to §13-3-104, C.R.S., when the defendant is acquitted or when the defendant is convicted and the court determines he is unable to pay them. The costs of preliminary hearings, including any reporters' transcripts thereof ordered by a defendant, shall be paid pursuant to subsection (1) of this section.
- The prosecution shall pay for reporters' transcripts of preliminary hearings, which are ordered by the prosecution, unless otherwise ordered by the court. §16-18-101, C.R.S.

DEFINITIONS OF METHOD OF TRANSCRIPTION:

ORDINARY: Appellate transcripts shall be delivered within time prescribed by CAR 11(a) & (d). Any other transcripts shall be prepared within 30 days from the date when the requesting party and the reporter agree on arrangements for the transcript or a mutually agreed upon timeframe outside the 30 days that is reasonable and meets the needs of the requesting party.

EXPEDITED: Transcript to be delivered within 10 days from the date when the requesting party and the reporter agree on arrangements for the transcript. When transcripts are delivered on or after the 11th day after the arrangements for the transcript, the ordinary transcript rates shall apply.

DAILY: Transcript to be delivered following adjournment and prior to normal opening hour of court on following morning whether or not it is a court workday.

HOURLY: Transcript, ordered under unusual circumstances, to be delivered within 2 hours of adjournment.

UNEDITED: Daily rough draft, unedited, non-certified transcript, which is not an official transcript.

PARTIAL: If the appellate court has previously received a partial transcript and the entire transcript is later ordered, the reporter must put the entire transcript in sequential order in one document before it is sent to the appellate court.

DUPLICATION FEES OF TAPED PROCEEDINGS: (This service and fee only apply in districts which can provide this service).
\$35.00 per tape or CD

Appendix B

STANDARDS FOR TRANSCRIPT PREPARATION

The standards for transcript preparation by court reporters are:

Paper:

Size-Standard letter size, 8 ½ x 11

Weight- Not less than 13#

Paper shall be line numbered 1 to 25

Type size- 10 pitch

Ink color- black

Margins:

- a) Typed margins shall start one inch from the top and one and one-half inches from the left of the page. A justified left margin is used throughout.
- b) The right margin shall be one-quarter inch.
- c) The lower margin will be set by line 25.

Binding - Transcripts shall be bound at the left. Binding shall be in daily volumes, approximately one inch thick.

Title pages- Prepare in accordance with attached sample, using plain language.

Page numbering- Official page numbering for transcripts shall be at the upper right, above line 1. Reporters shall ensure that page numbering is consecutive within each volume. If more than one volume is required, the reporter may number all volumes under a consecutive number sequence, or may begin each volume with page 1. Since citations will be by volume, one, and line number, the beginning number for each volume is no longer critical.

Electronic -Electronic transcripts standards adopted by the appellate courts pursuant to CAR 10 and 11 apply.

Reporters shall deliver transcripts to the trial court appeal clerk at least 2 working days prior to the date the record is due in the appellate court.

SAMPLE

1		
	DISTRICT COURT	
2	BOULDER COUNTY	
	COLORADO	
3	1777-6th Street	
	Boulder, CO 80306	
4		
5		
	Petitioner,	
6		
	and	
7		
		FOR COURT USE ONLY
8	Respondent,	
		Case No.
9		Division 2
10	For Petitioner:	
11		
12		
	For Respondent:	
13		
14		
15		

16 The matter came on for hearing on _____, before the HONORABLE Judge's
17 Full Name, Judge of the District Court, and the following proceedings were had.
18 _____

19
20
21
22
23
24
25

APPENDIX C

INFORMATION REQUIRED TO BE INCLUDED ON ALL BILLINGS

1. Name of Client. (Actual person ordering and paying for transcript)
2. Date Ordered.
3. Date Delivered.
4. Case Name and number
5. Number of Pages.
6. Number of Copies.
7. Type of Delivery Schedule.
8. Discount.
9. Refunds.
10. Total Due.
11. Certification of Reporter or Transcription Firm of Compliance with Fee and Transcript Format Prescribed by CJD.

APPENDIX D

COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcripts delivery dates are computed from:

- a. The date on which satisfactory financial arrangements for payment are made, except for transcripts to be paid for by the State of Colorado or free copies ordered by a judge;
- b. The date on which the appropriate Transcript Order is received by the reporter/transcriber when the transcript is to be paid for by the State of Colorado;
- c. The date on which the court order is provided to the reporter/transcriber when a judicial officer has ordered a transcript.

APPENDIX E COURT REPORTER ACKNOWLEDGMENT
(Concerning Stenographic and Electronic Notes)

_____ **Judicial District**

I acknowledge that all stenographic and electronic notes produced by me during the time I am employed by the Judicial Department are the property of the _____ Judicial District.

I will regularly back up all electronic notes as directed by the Chief Judge or designee. If I produce paper notes, I will maintain them in a secure location and in an organized fashion according to local policy.

Should I leave the employment of the Judicial Department, I will ensure that all the electronic notes for the cases I have reported while a state employee are properly lodged on the server or that I have provided a backup copy on CD. I also will ensure that a current copy of my dictionary is on the server, with a backup copy on CD, and that all docket sheets are current as required by local policy. I will provide verification of same to the Chief Judge, District Administrator or Managing Court Reporter.

I understand that I will be given first right of refusal regarding preparation of any transcripts on those cases I have reported so long as I provide the District with my address, phone number and other contact information and keep that information current with the Managing Court Reporter, District Administrator or Chief Judge, and provided I do not have more than one outstanding appeal transcript beyond the 180 day allotted timeframe.

Dated this _____ day of _____, 200 .

Official Court Reporter

APPENDIX F COURT REPORTER TOTAL COMPENSATION

The compensation package for court reporters in the judicial system has been historically based upon two components: salary paid by the Judicial Branch and income generated from the production of transcripts. Transcription preparation is part of the court reporters' essential functions upon which they are annually evaluated. This method of payment adequately compensates court reporters for their status as professionals and also takes into consideration the costs borne by court reporters. Court reporters provide their own computerized equipment and Realtime software to produce the record owned by judicial and simultaneously provide the instantaneous (Realtime) feed for the immediate use and benefit of court and counsel. Upon request, court reporters are then responsible for transcribing their stenographic and electronic notes on their own equipment to produce the final transcript, which is provided to the court at no cost. Court reporters, as a result, incur additional transcription costs in order to ensure accurate and timely transcripts by employing support staff (i.e. scopists and proofreaders). As professionals, the court reporters are also required at their own expense to obtain and maintain Judicial Branch mandated certifications which require membership in professional organizations and yearly continuing education credits. By allowing this compensation package, the Judicial Department reaps the benefit of state-of-the-art advances in computer technology, yet the expense is not taken entirely from the state budget but is covered by the per page rate (see Appendix A) paid in part by private parties. Requiring reduced fees by non-judicial state agencies (reduced by the elimination of copies for state agencies) serves to control and limit the transcript requests for nonessential proceedings. **This type of compensation package strikes a fair balance between the judiciary, court reporters, and litigants.** This method of payment also creates a built-in incentive for the timely preparation of transcripts and prevents unnecessary backlogs in our appellate courts, while at the same time attracts and maintains qualified employees within our state. Realtime court reporting also adheres to the mandatory ADA requirements.

As an example of Court Reporter unreimbursed expenses, in 2009, the costs which are borne by a typical reporter include:

- Steno machine \$4795 + yearly maintenance contract of \$619 which covers parts, cleaning & loaner;
- Computer Aided Transcription software; \$4,000 + yearly support contract of \$572, which covers software support & software upgrades;
- Realtime software \$595 + yearly license fee of \$195;
- Personal Computer avg. \$1500
- Proofreaders from \$.30 to \$.50 per page;
- Scopists from \$1.00 to \$1.75 per page (rate varies based on experience and turn-around time);
- Yearly Professional Memberships \$350;
- CE Seminars \$500-\$1000 plus travel expenses;
- Testing Fees \$160 per test plus travel expenses;
- Supplies expenses vary per reporter.

The listed equipment is used by the court reporter for the benefit of judicial in producing the record owned by judicial and for providing Realtime for court & counsel.