



## Answers to Questions according to Rule Number

November 2016

**Rule 4001** –Do these rules apply to matters involving District Justices, custody masters, divorce masters, domestic relations, audio tapes of proceedings, etc? What is excluded specifically?

Rule 4000 applies to all courts of record within the Commonwealth, with the exception of the Commonwealth Court. In simple language, this means all the Courts of Common Pleas.

The rule does apply to master's hearings, including audiotapes from master's hearings, such as Children & Youth or juvenile proceedings, if they are courts of record within the particular judicial district. The rule applies to all proceedings under the jurisdiction of the Court of Common Pleas, regardless of the manner in which they are preserved (audio/video/pen shorthand/machine shorthand). The rule does not apply to district justice proceedings; it is not a court of record. The rule does not apply to workers' compensation matters as they are not part the Courts of Common Pleas' jurisdiction.

**Rule 4003** –With respect to two members of the County Commissioners Association of Pennsylvania having been added to the committee (in light of the fiscal impact on county government of these Rules), can those committee members please comment on their Pennsylvania County Platform Official Policy Statement for 2016-2017 in which they state that fees for copies of court transcripts will be paid to the county general fund for its use and not to the court reporters.

This question should be directed to the individual commissioners on the Committee.

**Rule 4003 (D)** –Will the Committee review the rules and practices independently? On a certain scheduled basis? Only as requested? Mechanism for the review?

### Pennsylvania Court Reporters Association

43150 Broadlands Blvd., Suite 152-269; Ashburn, VA 20148

p: 703.729.4861 □ f: 703.935.2266 □ w: [www.pcra.com](http://www.pcra.com)



Prospectively, the Committee will review all requests which are submitted under Rule 4008 (F), Request for Rate Increases. Whether or not other reasons exist for the Committee to meet is unknown.

**Rule 4004 (D)** –Will I have to be retested every three years in order to requalify for employment?

Retesting is not required for requalification. A qualified reporter becomes requalified by obtaining 30 hours of continuing education within a three-year cycle.

**Rule 4006(A)** -How is it determined if the number of court reporting personnel...shall be adequate to support the full and unrestricted operation of the courts? Is there a ratio that the Court Administrator recommends?

That is a matter left to the internal operations of each district. One would expect that the district court administrator and the president judge would quickly become aware of matters such as the number of late transcripts, the frequency of transcript time extensions, the increased use of outside contract reporters, etc., all of which could/would impact the full and unrestricted operation of the courts. The Committee was not provided any type of optimal judge-to-reporter ratio by the Court Administrator, nor do we believe one exists because of the differences which exist among the 67 different counties of the Commonwealth.

**Rule 4006 (D)** –No court reporter shall work outside his or her official duties unless work is permitted and she is in substantial compliance with these rules regarding timeliness of transcripts as determined by the PJ. Under UJS Section VI (F)–Personal and Financial Interests. Employees of the Unified Judicial System shall not participate in any court-or work-related matter wherein they have more than a minimal personal or financial interest. Does this language seek to limit how a reporter spends their “free” time outside of their official duty to the court by establishing a required level of “substantial” compliance? What is substantial compliance?

Although 4006(D) applies broadly, the specific concern addressed here is the case where a reporter is engaged in secondary employment and is not meeting transcript deadlines. Unbeknownst to most Court-appointed employees, permission of the president judge is required even for employment on the weekends at Home Depot. This is a pointed reminder to reporters that all secondary employment must be disclosed to and approved by their president judge.



One example of “substantial” compliance: A reporter regularly covers township hearings, and he or she missed a transcript deadline. Although the deadline was missed, the reporter did not cover any township hearings during the period of time the transcript was being prepared, either because there were none scheduled or because she arranged for a colleague to cover the hearings. A strong argument could be made that the late transcript had no relationship to the secondary employment because he or she was not covering township meetings during the period of time that the transcript was being prepared; hence, the reporter is in “substantial” compliance with the rule despite having missed a deadline.

**Rule 4006 (F)** –What if a court reporter is limited in their ability to arrange courtroom coverage to timely deliver a transcript by insufficient personnel?

That is when the reporter should request an extension of time and notify court administration and/or the president judge that courtroom coverage must be found, and that failing to do so puts the full and unrestricted operation of the courts at risk and leaves the reporter open for accusations of impeding the prompt administration of justice.

The rule specifies that it is the president judge’s responsibility to provide proper staffing to ensure the full and unrestricted operation of the courts.

**Rule 4007(A)(B)**-All requests must be on the standardized form. AOPC will create a standardized form. Where is this form? What will be on the form?

As of the Pennsylvania Court Management convention held November 6-8, 2016, the form was being circulated for comment.

**Rule 4007 (D)**–Checks made payable to judicial district and delivered to DCA or designee. Reporter shall prepare the transcript upon direction of the court’s designee. Does check need to clear? What if it is an out-of-state check? What about credit card payments? Is the JD required to pay the reporter regardless if a check bounces or a person disputes a credit card transaction?

The answers to these questions can, and likely will, vary from district to district as **all the particulars** regarding operations are left to the discretion of each district. Districts are given free rein to set up internal procedures in ways which suit their individual needs, which may be to require payment in the form of cash or money order only. It may mean that a deposit of 95% is required, thereby limiting any potential loss to the district if the balance of 5% is never paid.

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The rule removes the reporter from the payment process and places the burden of collection on the judicial district, so regardless of whether the balance due is collected, reporters should be paid for transcripts upon completion. Remember that it is only when the balance due is paid that transcripts are filed in the filing offices and become available for public inspection.

**Rule 4007 (E)**—When fees are waived or adjusted, does reporter still get paid for IFP as indicated in the AOPC webinar? What rate will the reporter be paid? These decisions are left to the individual judicial districts, although it is reasonable to rely upon the content of AOPC's webinar.

Are reduced costs for impoverished persons meant to result in reduced incomes for employees of the courts?

Reduced costs for impoverished persons are not *meant* to result in reduced incomes, but they *may* result in reduced incomes. This is a prime example of the importance of reporters being involved in the setting of these policies.

**Rule 4007 (F)**—Transcripts for government (court or county), what rate will the court reporter be paid?

The reporters' page rates must be negotiated with their president judge/court administrator. The rule **ONLY** dictates what the public will pay. It does **NOT DICTATE** what reporters are paid.

Rule 4000 is the opposite of Rule 5000: 5000 dictated page rates for government entities, while 4000 dictates page rates for private individuals.

**Rule 4007 –Comment** –What does the following comment to Rule 4007 mean? Comment: Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

It means exactly what it says. Nothing in this rule is to interfere with a district's movement toward an electronic filing system. Some counties already e-file; some counties are migrating to an e-file system; some counties will never go to e-filing.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs is left to the discretion of the president judge and district court administration.



**This is the core answer to many of the questions reporters have:** Each district has the opportunity to create a system which works best for them. AOPC is not going to dictate a methodology to the districts.

Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript.

**Pursuant to 4007(D) and other sections of the rule, court reporters will not receive direct payment for transcripts. All payments will be made to the judicial district.**

It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, the Committee recognizes that in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

**This is our safety net.** This is what you continuously place before your court administrator and your president judge. Cite this comment every time you discuss page rates, payment for copies, receiving surcharges for realtime and complex litigation, etc.

The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests. Does this apply to reduced-cost copies as well? How does the rule attempt to distinguish? Who is deciding if it is “essential”? A designee who has yet to be determined?

**Free and reduced-cost transcripts will be prepared only after a determination has been made that the requesting party meets the appropriate criteria. It is likely this determination will be made after a hearing before a judge, although the rule does not require a hearing be held. The rule specifically cites the factors to be utilized in making such determinations but does not dictate who makes the decision.**

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**Rule 4008 (A)** –Costs/Rates –What are the expedited copy costs? They are not listed in the Rules. Why are they not listed? Who receives the money paid for surcharges; is the reporter paid that fee?

There are no expedited copies rates. Copies are either \$.50 or \$.75 per page. Of note, Rule 5000 did not contain provisions for expedited copy rates either. Although we specifically requested that “paid to the reporter” be added to the language regarding surcharges, we were not successful. That being said, the logical conclusion is that the surcharge would be paid as a direct pass-through to the reporter as it is he or she who is engaged in the extra work.

Can we charge for rough drafts? If so, what can we charge?

Yes, a fee can be charged for a rough draft. The rule does not specific the per-page cost, so this is something reporters should negotiate with their court administrator and/or president judge.

**Rule 4008 (B) (3)** –If a transcript is not necessary to advance litigation or is not subject to an appeal, under this subsection, why does a procedure exist by which an IFP party can have fees waived for expedited, daily, or rough draft transcripts? Will reporters have to produce expedited transcripts and not be compensated? (See Comment to Rule 4008 which states that the minimum standards are intended to ensure that costs do not...deny access...when further proceedings necessitate a transcript. In light of this explanation, why is there a provision to waive expedited fees for parties who qualify for economic hardship?)

4008(B)(3) exists because every person, regardless of their ability to pay, should have the right to request a transcript. What is missing from this question is the last clause of the section, which says, “upon good cause shown.” It is expected that a judge will decide, after a hearing, whether “good cause” has been shown. Just because someone asks for an expedited transcript now, does that mean a reporter is required to comply? It’s not always possible to give someone what they ask for. Logically, the realities of a 24-hour day, the need for courtroom coverage, and transcript backlog all factor into a reporter’s ability to provide an expedited transcript in the future, just as it does today. Again, compensation of reporters is left to the individual districts.

**Rule 4008 (C)(2)** –Allocation of costs –When more than one party requests the transcript or are required by general rule to file the transcript, the cost shall be divided equally among the parties? Does this cost include a fee for each copy that will be distributed?



Yes, this allocation includes a fee for each copy.

In the most simple of scenarios, both parties to a hearing request the transcript with normal delivery. One side desires hard copy delivery and one side desires electronic delivery. The \$2.50 per page for the filing office's transcript is divided equally, and each side then pays for their copy. One side pays \$1.25 plus \$.50 (\$1.75 per page) and one side pays \$1.25 plus \$.75 (\$2 per page).

Fairly allocating costs requires that all parties to a proceeding be contacted upon a transcript request being filed in order to determine how many copies are being requested and what type of delivery is desired.

**Rule 4008 (D)** –Copies of transcripts –Will the procedure for requesting a copy of a transcript be on AOPC's standardized form? If the JD are the proper custodians of the transcripts and records and the fees for copies are for the JD's own use, not the reporter's), is the JD printing, binding, providing, distributing the transcript via their designee (not the reporter)? Comment to 4008 (D) –Will a non-party request for a transcript use AOPC's standardized form?

While we have not seen a final version of the transcript request form, we do know that the rule requires that their form be used for all transcript requests. There was never any discussion that copies could be ordered through a different mechanism.

The rule does not say that the fees for copies are for the district's own use. Although the rule says that the proper custodian of court records and transcripts is the filing office, this does not necessarily mean that the filing offices will be making copies and keeping the fees.

The issue of who prints, binds, distributes transcripts under all scenarios, not just copies, is left to the individual districts.

Does a reason have to be given for requesting a copy? Is there any oversight? Is it simply a financial transaction?

No reason must be given for requesting a copy or an original transcript. The judge's role as gatekeeper on access to transcripts no longer exists once the rule comes into effect.

Oversight regarding ordering of transcripts occurs only if someone applies for a reduced-rate or free transcript, which requires a determination of eligibility.

Once the rule is enacted, ordering a transcript is simply a financial transaction between the public and the courts.

**Rule 4008 (E)**–The local rule that permits a reasonable surcharge in cases such as mass tort, medical malpractice, does that permit a local rule to be enacted

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which permits a reasonable surcharge for ordinary transcripts as well as expedited transcripts?

The surcharges are in addition to whatever the base rate is.

If someone has a daily copy medical malpractice case and the presiding judge deems it complex, the reasonable surcharge will be on top of the daily copy rate. If a realtime feed is being provided, the reasonable surcharge for the realtime feed is on top of the complex litigation surcharge, which is on top of the daily copy page rate.

The rates for ordinary and expedited transcripts are listed in the rule.

4008(E) explicitly states that no transcript or related cost may be charged to the parties or the public other than those listed in subdivisions (A), (B), and (D) without the written approval of the Court Administrator. "Court Administrator" is a defined term under the rule and means AOPC's court administrator, not an individual district court administrator.

Comment below Rule 4008 (E) indicates there shall be no fee charged to the court for a realtime connection. Will a reporter be notified that there will be a real time connection used by the Court? Will the reporter be asked if they are willing to connect to realtime? Will the reporter require appropriate certifications to be hooked up to realtime?

The answers to these questions should be addressed by individual districts through enacting a local rule.

**Rule 4008 (F)**-Request for rate increase shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates. What is meant by judicial district in this sentence?

Judicial district is self-defining, and in no way does it mean court reporter.

It is not proof of economic hardship faced by the court reporters by the current rates; so, therefore, is the economic hardship to the judicial district caused by the JD having to compensate the court reporters for the difference in income caused by these Rules?

Bullseye. You got it. Remember the comment found after 4007: It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters.

If reporters show their president judge/court administrator that they are losing income because of the rule and the district decides that fairness dictates subsidizing the rates which the reporters receive, that may cause economic

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hardship to the judicial district. But subsidizing reporters for transcripts isn't the only way this rule could cause economic hardship to a district.

**Rule 4009** –Each judicial district shall promulgate and publish a local rule establishing the fees to be paid for all court reporting products, the procedure for requesting a transcript, etc.: This seems to be uniform; should we expect suggested language from the AOPC for this Rule?

While suggested language for a local rule would be helpful, we should not expect AOPC to promulgate anything other than the standard transcript request form. Local rules differ from one district to another and are not, in fact, uniform.

If the fees are established by Rule 4000, the procedure for requesting a transcript is established by Rule 4000 (including a standardized form), and the procedure for requesting a full or partial fee waiver pursuant to Rule 4008 (B) is established by Rule 4000, why is this necessary?

“Is not to exceed” is the language in the rule regarding the stated page rates; therefore, the rates set out in Rule 4000 are the maximum rates that any district may charge the public for transcripts.

Rule 4000 requires that citizens be notified of the rates they will pay for transcripts. It is possible that the rates called out in the rule are in excess of what a particular district believes its residents can afford, and so that district could decide to charge \$.25 less than the rule's maximum rate.

Is this assuming that a county may under Rule 4008 (F) request a rate increase and therefore will have a local rule that differs from this state Rule 4000? Have counties already done this?

A successful request for a rate increase is another reason why AOPC will not be dictating the language of local rules.

The rule requires that the Committee review requests for rate increases. We have not been given any requests to review, and we are not aware of any district having submitted such a request.

**Rule 4011 (A)** –Does under appeal always mean a notice of appeal has been filed? Is a motion for reconsideration considered an appeal? This refers to Rule 1922 (a) but not any other portions of Rule 1922.

Pa. R.A.P. 1922(a) refers to cases on appeal to the Superior Court. One does not gain access to the Superior Court without filing a notice of appeal. A motion for reconsideration is not an appeal – it happens at the same level as the case of origin.

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Some instances under appeal, for example, a privately represented criminal defendant will require a deposit under Rule 4007. How will this timeline for deposit and transcript production work in this instance? Will a reporter be required to produce a transcript in an expedited fashion (14 days) without payment? Will the JD pay the reporter for this transcript and then seek reimbursement from the ordering party/appellant in order to support the full and unrestricted operation of the courts? If the JD will not pay the reporter for this transcript and then seek reimbursement from the ordering party/appellant, will the JD be asking the reporter to work without compensation?

As set out in 4007(D), a deposit must be received when a transcript is requested. The reality is that there will be some lag time from the filing of the request, to the reporter checking the number of pages and communicating that to the court's designee, to the designee informing the requesting individual of the amount of the deposit, to the reporter being notified that the deposit has been received. The reporter's time begins ticking when they are notified to begin transcription by the court's designee, which will be upon receipt of the deposit. The remaining issues are all matters of great concern which should be raised with the president judge and court administrator when negotiating the overall strategy for implementation of the rule.

Are the 14-day, 30-day, and 45-day delivery deadlines working days or calendar days?

They are calendar days.

**Rule 4011 (C)**—For requests that require deposits, is the deposit considered “received” when the check/other form of payment is provided to the “designee”? Does this payment need to “clear”? What procedure will the designee follow for a check to clear? Will in-state checks be given a different timeline than out-of-state checks?

These concerns are more properly brought to the attention of your court administrator or president judge. Neither the rule nor we have these answers.

**Rule 4011 (D)**—What if a reporter needs more than one extension? What is contemplated? Will the reporter be sanctioned?

Only one 30-day extension is permitted under the rule.

Under 4012(A), the president judge may take disciplinary action against any court reporter, court recorder, or transcriptionist where noncompliance with these Rules impedes the prompt administration of justice, whether by protracted

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delinquency in a single case or by engaging in a pattern of delinquency in a number of cases.

If a reporter needs another extension but that is prohibited, does the reporter cease production of the transcript? Does the reporter file what they've produced so far? Will the Court Administrator or designee complete the transcript?

These are not questions we can answer. They, like so many of the questions, should be directed to your court administrator and/or president judge.

**Rule 4011 (E)**—Are transcripts pursuant to the Children's Fast Track Appeal program given priority over a transcript for a case that is under appeal?

For rules governing Children's Fast Track appeals, see Pa.R.A.P. 102.

Fast Track Appeals often require a deposit (under Rule 4007). How will this timeline for deposit and transcript production work in this instance? Will a reporter be required to produce a transcript in an expedited fashion (14 days) without payment? Will the JD pay the reporter for this transcript and then seek reimbursement from the ordering party/appellant in order to support the full and unrestricted operation of the courts? If the JD will not pay the reporter for this transcript and then seek reimbursement from the ordering party/appellant, will the JD be asking the reporter to work without compensation?

Consult with your court administrator and/or president judge for guidance on how they anticipate handling Fast Track appeals.

The Comment here (and found elsewhere) says these rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such Rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these Rules take precedence. Do these rules supersede existing federal statutes such as the Court Reporter Amendments to the Fair Labor Standards Act which require reporters to be compensated for transcript production in order to remain exempt from overtime considerations?

We have repeatedly said that we do not possess the requisite authority to comment on the changes to the FLSA.



**Rule 4012 –Sanctions for Delayed Transcript –(A)** Does the president judge need to receive approval from the Court Administrator and the Supreme Court prior to taking disciplinary action against a court reporter in the same manner that a president judge must request approval for a rate increase (see 4008)?

No.

What are the possible disciplinary actions? (B) Are the sanctions in (B) different than the disciplinary actions in (A)? What are the possible sanctions? What does “disqualification” mean?

Disciplinary actions and sanctions are at the discretion of the president judge and, in some instances, the court administrator of AOPC. “Disqualification” is not a defined term in the rule. 4004(E), by extrapolation, provides guidance on what “disqualification” could mean.

**Rule 4012 (C)** How is insufficient supply of qualified court reporters defined?

The rule does not define “insufficient supply of qualified court reporters.”

Is there a ratio that the Court Administrator or the Supreme Court recommends?

Not to our knowledge.

Is it incumbent upon the reporter who is facing either a “disciplinary action” or a “sanction” to show that transcript delay was caused by inefficient management of the court reporting operation by the president judge?

It goes without saying that a reporter would be well advised to defend themselves in all ways possible if they find themselves faced with disciplinary action or sanctions.

Does this Rule (4012) allow a litigant or an attorney to seek to enforce the use of sanctions or disciplinary action?

The rule does not prohibit litigants or attorneys seeking the enforcement of sanctions or discipline for late transcripts; neither does it provide a mechanism for them to do so.

**Rule 4014** –In the PCRA webinar powerpoint under redaction of personal data identifiers, it mentions that copies that go to the media should be redacted. Will the party or the Court be notified that the media( or other non-interested party)is



seeking a copy of a transcript that may contain personal, confidential and/or financial data and other identifiers (after it has been lodged) in order for a party or the Court to make a motion for redaction? With the transcript being the property of the judicial district, will the “designee” who accepts payments for “copies” of transcripts be aware of this?

We could not get the Committee to understand the impact of the section on redaction. To the rest of the Committee, redaction was a simple matter of inking out particular identifiers, no matter how we tried to explain the complications. Unfortunately, we cannot offer any guidance on this matter. We expect redaction to be a rare request, but quite a sticky one.

**Rule 4015** –Why does the following comment appear here under Ownership of Notes: Nothing in these rules prohibits someone who has lawfully obtained a transcript from making a copy?

Some Committee members believed that once purchased, a transcript was the owner’s to do with as they pleased, including copying it and providing it to others. We tried to have the limiting language “for their own purposes” included because we know the potential exists for the transcript to be copied and provided to opposing counsel. Unfortunately, this is one of the places where we did not win the fight.

“Comments” are not binding, and this is another factor which should be negotiated with the president judge, perhaps through a local rule requiring that copies of transcripts be obtained only from the court reporter.

A person may have lawfully obtained a “transcript” but that doesn’t fall under ownership of notes, tapes, roughs and other media. Doesn’t this comment more properly belong in 4008 Transcript Costs?

Perhaps, but that is not where it appears.

Is someone who has lawfully obtained a transcript prohibited from making a copy and providing it to another party? Please explain.

Sadly, just as we find ourselves now, no, they are not prohibited from making a copy and providing it to another party.

It falls on reporters to educate attorneys that by providing free copies of transcripts to opposing counsel, they are engaging in conduct which directly



conflicts with the interests of the party they represent because they are shifting the cost of the opposing party's litigation onto their own client.

Other questions:

The PCRA's guidance in their FAQs and elsewhere provides that counties would be required to make up whatever difference may exist between the rates in the Rule and the rates [we] negotiate. What if the county does not intend to do so and/or interprets the Rule differently? What can be done?

A county would only be *required* to make up a difference if they decide to pay reporters more than what the public pays. The rule doesn't *require* that counties pay reporters more, nor have we said it does.

Additionally, if the county does agree to make up the difference but then is not permitted to do so by the commissioners/board/budget, what happens then? Do transcript fees need to be paid through payroll (as indicated in the PCRA FAQs)? According to the rule, transcript fees **WILL** be paid through payroll. We have subsequently amended our statements to comply with the IRS guidelines that reporters are prohibited from receiving 1099 income from their W-2 employers.

Where can DCAs and PJs find guidance in the Rule on this issue?

Rule 4000 does not provide any guidance on this issue. Guidance on this issue must be found through qualified professionals.

How will reporter's financial information be protected after the implementation of this rule? What if a reporter's "income" is scrutinized in terms of the budget/obligations of the taxpayer or published via a right-to-know request?

It's likely few reporters are aware that all county salaries are presently available through a Right To Know request under the Freedom of Information Act.

About five years ago, the salary of every employee of Lancaster County Adult Probation & Parole was published, by name, in the newspaper. About three years ago, the highest-paid individuals within the Dauphin County court system were published, by name, in the newspaper – it included one court reporter.

How will the portion of their income that was generated by private individuals who pursued litigation be differentiated from their hourly wages/salary?

Undoubtedly through a line item on payroll, but that will left to the discretion of each district.

Which "copies" does the reporter get paid for? The copy that is provided (typically) with the original? Copies after the transcript is lodged?

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There is no “copy” provided with the original. The cost cited in the rule is the cost of the transcript which ends up in the filing office. If a party desires a copy of their own, they must purchase one.

While we believe that the reporter should receive payment for all copies ordered, the individual districts will determine what reporters are paid for copies requested after the filing of a transcript.

What do reporters get paid in the event of fee waiver/reduction? Why is this reduced cost to indigent parties resulting in a direct reduction of income for the reporter? Is this correlative reduction the intention of the Rule?

See answers previously provided.

Are the “negotiation” of rates a collective bargaining issue? If so, why? If not, why not?

We are not union negotiators nor union lawyers. We have repeatedly directed reporters to experts in this field for answers to any questions.

Why does the Rule state that rates should be negotiated with the PJ?

The rule doesn't say that rates should be negotiated. We have said the rates PAID TO REPORTERS should be negotiated; otherwise, decisions will be made without input by the affected parties.

The Comment section of 4007 says: It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, the Committee recognizes that in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

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