

SIXTH JUDICIAL DISTRICT, STATE OF COLORADO

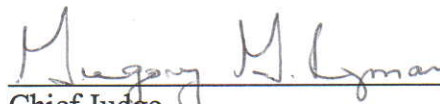
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ADMINISTRATIVE ORDER NO. 2005 - 8  
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ORDERING OF TRANSCRIPTS, TAPES OR DIGITAL RECORDING DISKS

Pursuant to Chief Justice Directive 05-03\*, it is the policy of the Sixth Judicial District that ordering of transcripts, tapes or digital recording disks is addressed as follows:

1. Transcripts may be ordered from the court following the procedure below:
  - a. The requesting party should use the request form for transcript of a hearing or trial which is available in the clerk's office unless your agency/department has a preapproved form. The completed form shall be returned to the clerk's office.
  - b. Persons ordering transcripts will be contacted directly by the court reporter/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 reporter/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/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 or not.
2. Copies of all or part of tapes or digital records shall not be allowed unless good cause shown and ordered by the court.
3. Due to staff shortages as well as lack of sufficient, secure facilities, the Sixth Judicial District shall not accommodate requests to listen to recorded proceedings (tapes, disks or CDs).

Done this 25<sup>th</sup> day of August, 2005.

  
Chief Judge

CC: Clerks of Court  
Judges/Court Reporters/Deputy Clerks  
Attorney Boxes

\* Chief Justice Directive 05-03 can be viewed in its entirety on the Colorado Judicial Branch web site.

LaPlata Combined Court  
Digital Recording Request Form and Transcript Policy

**Sixth Judicial District Administrative Order No. 2005-8 prohibits copies of all or part of tapes or digital records unless good cause shown and ordered by the court.**

This form does not constitute a request for an official court transcript. The CD is intended for your listening purpose only.

- If a transcript of the requested proceeding is required, it must be done by a court designated transcriptionist. This form does not constitute a request for an official court transcript. The recording itself and all of the contents are for your listening purpose only. Transcripts not prepared by a court designated transcriptionist will NOT be accepted for filing.
- Should the recording be on a court cassette tape, you will be notified that the hearing cannot be duplicated. If you require a transcript, a transcript request is required.
- To listen to your recording, go to [www.fortherecord.com](http://www.fortherecord.com) to download the FTR player.
- All requests must be submitted in writing and accompanied by an initial payment ("Search Fee") of \$10.00 per hearing requested. The price of the CD is \$35.00 per hearing requested. Please expect approximately 10 business days for the CD to be completed. You may mail or deliver this form and your check made payable to the LaPlata Combined Court, 1060 E. 2<sup>nd</sup> Avenue, Durango, CO 81301, Attn: Clerk of Court. 970-247-2304.

Date of Request	Case Number
Courtroom	Case Name
Exact Date of Hearing	Judge
Approximate Length of Hearing	Approximate Time of Hearing
Your Name and Complete Address	Daytime Phone#: e-mail address: Cell Phone#:

**REQUEST FOR TRANSCRIPT**  
**OF PROCEEDINGS**

**Please complete the following information:**

Name of Requesting Party \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_ Date of Request \_\_\_\_\_

Case No. \_\_\_\_\_ Parties' Names \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Type of Hearing \_\_\_\_\_

\*Deadline for Completion \_\_\_\_\_

\*Expedited delivery (w/in 10 days; Court approval required)

\_\_\_\_\_  
Signature of Requesting Party

**Return to: La Plata Combined Courts**  
**1060 East Second Avenue**  
**Durango, CO 81301**

**Phone: (970) 247-2004      Fax: (970) 247-4348**

**You will be contacted by the reporter/transcriber in reference to  
payment and completion date.**

\_\_\_\_\_  
Tape No. \_\_\_\_\_ Date Processed \_\_\_\_\_

Reporter/Transcriber \_\_\_\_\_

Rec'd by Reporter/Transcriber \_\_\_\_\_

Financial Arrangements Made \_\_\_\_\_

Date Delivered \_\_\_\_\_

MEMORANDUM

June 22, 2005

TO: OFFICE OF THE DISTRICT ATTORNEY  
OFFICE OF THE STATE PUBLIC DEFENDER  
ALTERNATE DEFENSE COUNSEL  
(B. Schowalter; S. Wells; W. Herringer; E. Sanford)  
ATTORNEYS IN JV CASES (for state-paid transcripts)  
(L. Boulder; P. Jakubanis; R. Emmett; Soignier firm)

FROM: REBECCA BENDER and ERIN GRIGSBY  
COURT REPORTERS, 6TH JUDICIAL DISTRICT

RE: CHIEF JUSTICE DIRECTIVE 05-3  
EFFECTIVE JULY 1, 2005

In compliance with Chief Justice Directive 05-03, court reporters and tape transcribers are no longer allowed to charge other state agencies and departments for **copies** of transcripts. Transcripts will be provided in an electronic format. The original transcript will be maintained with the district court. Plea transcripts for purposes of habitual criminal filings will still be provided in paper format (if we know it's for that purpose).

We will provide transcripts via floppy disks and eventually CDs . We will NOT be e-mailing transcripts because the state has not provided us with a secure way to do that (E-Transcript).

All transcript requests must be submitted in writing. If your agency/department does not have a pre-approved form, the transcript request shall be on the district's approved form. Blank district forms are available at the clerk's office or from the reporters. Transcript requests should be delivered to the appropriate clerk's office. In La Plata County, Shane Reynolds checks to see whether the hearing was recorded or with a court reporter, then routes the request to the appropriate person; the clerks in Archuleta County do the same.

Finally, under this Chief Justice Directive, all transcript requests for transcript preparation within ten days or less is considered expedited, and the charge will be \$3.50 per page. That deadline starts to run when the request is received by the court reporter/transcriptionist.

**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 and other personnel, as well as any contract court reporter or transcriber directly employed by the Judicial Branch.

The preferred method of making an accurate record of court proceedings is a court reporter; therefore all proceedings conducted before a District Court judge may be recorded by a court reporter using a stenograph machine as well as on a "real time" basis. Proceedings can also be recorded by an electronic record operator using electronic sound recording (analog or digital) 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.

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

Pursuant to this directive, the chief judge of each 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.

Until recently, a confidential court reporter was assigned to each district court judge. Due to the factors outlined below, the current system can no longer continue to function in this manner.

- Several areas of the state (mainly rural or high cost of living areas) are facing an insufficient supply of court reporters. This situation has forced some Judicial Districts to use recording equipment and electronic recording operators rather than court reporters.
- The workload associated with transcript preparation by court reporters is sometimes not distributed equitably, resulting in late transcripts for the court of appeals, public defenders, alternate defense counsel, district attorneys, and attorney general's office. This creates appellate delays.
- Significant technological advances have occurred in this area resulting in a wide variance in the skill level of reporters.
- It is difficult to reassign court reporters to provide coverage for other judge(s) as they are confidential employees assigned to specific district court judges.
- Budget constraints have required some districts to reduce the number of court reporter positions, requiring the use of electronic recording devices.

## **I. RESPONSIBILITIES OF CHIEF JUDGE**

### **A. Prioritization of Reported vs. Recorded Cases**

Each judicial district shall establish a case type priority that shall be reported, if district resources permit, by court reporters. 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. 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.

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 ultimate authority and responsibility for the supervision of court reporters and the implementation and enforcement of this plan.
2. All 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 duties that include but are not limited to the following:
  - a. Reviewing state paid transcript billings 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, transcriptionist, 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 or court reporter transcript or notes according to the current Colorado Judicial Department Retention and Disposition Schedules.

### C. 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 a non-exempt employee under the supervision of the chief judge.
4. The managing court reporter shall be responsible for:
  - a. Assigning and reassigning 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. Supervising the business relationship among attorneys, litigants, other parties, and court reporters/EROs /transcribers.
  - c. Developing with the chief judge 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. Coordinating any transcript requests involving court reporters who no longer work for the Judicial Branch or work in another judicial district.
  - e. Reporting to the chief judge on a monthly basis any late or deficient transcripts.

### D. 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. Certification

It is recommended that all reporters hired be certified. However, availability and other factors may affect the district's ability to hire only certified reporters. Therefore, all uncertified court reporters shall become certified within one year of the effective date of this CJD or within one year of the reporter's date of employment whichever comes later. The newly hired uncertified reporters shall have a total of five years from their dates of hire to become real-time certified as set below.

### B. Real-Time Certification

In times of continued staff shortages, real-time reporting can help to alleviate the problems of late transcripts; assist trial judges in deciding issues faster by seeing and keeping the real-time 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 transcribing; and enable all reporting staff to be at the same or similar level of skill. Therefore:

1. All current certified court reporters shall become real-time certified within 4 years of the effective date of this CJD.
2. All current uncertified court reporters shall become real-time certified within 5 years of the effective date of this CJD.
3. Certified court reporters hired after the effective date of this CJD shall become real-time certified within 4 years.

4. Non-certified court reporters hired after the effective date of this CJD shall become real-time certified within 5 years.
5. Court Reporters who are able to perform real-time services may attain official status as a Colorado Certified Real-time Reporter by meeting one of the two following requirements:
  - a. Pass the National Court Reporters Association CRR test, which among other things, requires completion at 96 percent accuracy and meet all requirements to take the test (the federal standard) or:
  - b. Take the National Court Reporters Association CRR test and complete it at 94 percent accuracy and meet all requirements to take the test (the Colorado standard).

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

#### C. Status – Personnel Rules

All court reporters shall be employees under the direction and management of the chief judge of each district, allowing the districts to pool their reporters. Pooling of reporters allows the district to manage the reporters and move them from courtroom to courtroom (thus case type to case type) and allows them to substitute for each other. Nothing in this section shall prohibit the chief judge from delegating some of this responsibility so long as the chief judge remains ultimately responsible for the direction and management of the reporting personnel.

#### D. Compensation

Based upon available funding, reporters who gain certified federal or Colorado status by meeting the real-time standard set forth herein shall be designated a Court Reporter III and will receive such additional compensation as established by the judicial branch compensation plan.

#### E. Other Duties

Reporters shall perform other court functions as directed by the chief judge or designee, including but not limited to any duty included in the job description for a judicial assistant or any other duty assigned by the chief judge.

#### F. 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 which he or she attends.
4. The court reporter shall take all the testimony, rulings of the court, exceptions taken, oral instructions given, and any other proceedings during the trial of any cause, and in such causes as the court may designate.

#### G. Hours of Employment

1. Court Reporters are subject to the Colorado Judicial System Personnel Rules with regard to hours of work and attendance, including all leave policies.
2. When requested by the trial judge, court reporters shall work past established work hours.



3. The work hours and compensation of court reporters beyond the normal work week, are governed by 29 USC 207 (o) 6.
4. In the event that a court reporter works more than forty hours per week (excluding any per page compensated transcript preparation time outside of established work hours) the court reporter shall track time and be given compensatory time pursuant to the Colorado Judicial System Personnel Rules.
5. Court reporters shall, upon the effective date of this CJD, maintain time records for all hours worked and leave taken.

#### H. 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 requests, transcript orders, invoices, payments for transcripts, expenses, and attendance in court.
2. Such records shall be maintained on forms prescribed by the State Court Administrator's Office. The chief judge may inspect these forms at any time during normal business hours.
3. Court reporters shall provide the chief judge and designee a copy of any request for an extension to provide an appellate record.

#### I. Reports Required to be Filed

At regular intervals as specified by the chief judge but no less than monthly, each court reporter shall file with the chief judge or designee a leave report and such other reports as the chief judge may require. (This form may combine all leave taken that month so as to require only one form in Appendix E.)

### **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 which he or she attends.
4. The ERO shall record all the testimony, rulings of the court, exceptions taken, oral instructions given, and other proceedings had during the trial of any cause, and in such causes as the court may designate.

#### B. Hours of Employment

1. EROs are subject to the Colorado Judicial System Personnel Rules with regard to hours of work and attendance, including all leave policies.
2. When requested by the trial judge, EROs shall work past established work hours and shall track their time and be given compensatory time pursuant to the Colorado Judicial System Personnel Rules.

C. 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 requests, transcript orders, invoices, payments for transcripts, expenses and attendance in court.
2. Such records shall be maintained on forms prescribed by the State Court Administrator's Office. The chief judge may inspect these forms at any time during normal business hours.

D. Reports Required to be Filed

At regular intervals as specified by the chief judge but no less than monthly, each ERO shall file with the chief judge or designee a leave report and such other reports as the chief judge may require. (This form may combine all leave taken that month so as to require only one form in Appendix E.)

**IV. TRANSCRIPTS**

A. Persons Authorized to Prepare Transcripts

1. Court reporters and 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 provider company, such contract must be in the format prescribed by the State Court Administrator.
3. Judicial Branch employees shall not be allowed to transcribe court transcripts 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 and audit issues regarding the issuance of a 1099 and W-2 to the same employee.
4. If Judicial Branch employees (other than court reporters) prepare transcripts 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. (C.R.S. 13-5-128)

B. Compensation

1. 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 who presided over the matter or the chief judge and shall not be paid the transcript page rate in addition to their regular salary.
  - b. Judicial Branch court reporters and other employees who prepare transcripts as a part of their regular duties requested by and used only by the judge shall be allowed to prepare those transcripts during work hours.
2. State-Paid Transcripts
  - a. State-paid transcripts are all transcripts requested by the District Attorney, Public Defender, Office of the Child's Representative and the 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 per-page cost is \$2.35. The court reporter shall provide a state-purchased disk or may email an ASCII version of the transcript to an attorney or party requesting a copy of a transcript as long as that party or attorney has provided an email address.

### 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-pay 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 ordered in an appellate proceeding
  - 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 per page rate is \$2.35. The copy rate of \$.50 per page is allowed for private-paid transcripts.

### 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 which 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. (See Appendix D for computation of transcript delivery dates and reductions in per page rates for late transcripts.)

### C. Hourly/Daily / Expedited Transcript

Unless otherwise ordered by the trial judge assigned to the case, there shall be no hourly, daily or expedited transcripts delivered to any party or attorney.

1. If any person desires such services, he or she must seek permission of the court to have a real time court reporter present for a hearing or trial.
2. Hourly, daily or expedited transcripts must be requested and approved in advance by the trial judge and chief judge or designee and arrangements must be made by the person so requesting to pay the court reporter at a rate approved by CJD for these services.
3. The use of an unedited or "rough" 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 or rough transcript is \$1.00 per page. If an unedited or "rough" transcript is ordered by someone paying the state transcript rate as set forth in this CJD then the reporter shall bill \$1.35 per page for the final version. If the person ordering is not a person under IV B. 2. A. above, the reporter may charge \$2.35 per page for the final version. Pursuant to CAR 3.4 the reporter may require a signed waiver of liability for any errors in the unedited transcript.

### D. Ordering of Transcripts, Tapes or Digital Recording Disks

Each judicial district shall determine and post on the Colorado judicial web site 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 judicial district. The completed form should be sent to the address listed on the form for the appropriate judicial district.
- b. Persons ordering transcripts will be contacted directly by the court reporter / 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/ 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 or not.

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 Judicial District 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 judicial district. The completed form should be sent to the address that is listed on the form for the appropriate judicial district.
- b. Copies of tapes or CDs shall not be used as the official record for purposes of appeal, motion or other court proceedings. Only signed and certified transcripts by reporters or authorized transcriptionists 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 #1 above.

3. Due to staff shortages as well as lack of sufficient, secure facilities, judicial districts shall not accommodate requests to listen to recorded proceedings (tapes or CDs).

#### E. 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 must authenticate the original transcript and each copy with a certification on the last page. [Sample certification. "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.

**F. 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. The chief judge shall be advised in writing by the reporter or transcriptionist at any time the reporter/transcriber requests an extension of time on any transcript. These written records shall be maintained at the direction of the chief judge.

**G. Distribution of Transcripts**

1. For state-paid transcripts, the court reporter shall provide a state-purchased disk or may email an ASCII version of the transcript to an attorney or party requesting a copy of a transcript as long as that party or attorney has provided an email address.
2. 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 an electronic copy prior to the court reporter agreeing to arrangements for the provision of an electronic copy. No reporter shall create a distribution list for anyone other than parties or attorneys of record.

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

1. A reporter's paper and/or electronic notes or the electronic recordings of trial or other proceedings shall be the property of the Judicial Branch and shall be retained by the appropriate court for a period prescribed by the Colorado Judicial Department Retention and Disposition Schedules.
2. The work of all court reporters shall be "note-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 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 disk notes, electronic recordings and a copy of their dictionary for the cases they have done while a state employee.
  - 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 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.
  - 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 notes and recordings 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/his notes and recordings 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, notes and recordings shall be made available to the reporter of record, or to any other reporter or person the court may designate.
9. An electronic ASCII version of any final transcripts prepared in all criminal and juvenile cases by any court reporter or transcriber shall be filed with the clerk of the combined or district 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, Alternate Defense Counsel, Office of the Child Representative and state-paid Respondent Parent Counsel.
12. If a court reporter is no longer a full, 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.

#### **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/transcriber to reduce backlogs.
2. Terminating a contract with an outside vendor of transcription services and/or adding contract vendors of transcription services.

#### **VII. RESPONSIBILITIES OF THE COURT OF APPEALS**

The chief judge of the Court of Appeals and/or the Clerk of the Court of Appeals shall submit on a monthly basis:

1. An electronic report to the chief judge and District Administrator of each judicial district summarizing any late transcript issues (by email if possible).
2. A copy of any extension granted or denied to a court reporter/transcriber shall be submitted to the chief judge of the appropriate district.

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 adopted, approved and effective July 1, 2005

Done at Denver, Colorado this 19<sup>th</sup> day of May, 2005

\_\_\_\_\_  
/s/  
Mary J. Mullarkey, Chief Justice

## APPENDIX A

### TRANSCRIPT FEE RATES

#### ORDINARY RATE - State Paid

Original Price per page \$2.35

Copy to Party Price per page \$ .00

Additional Copy to Non- Party Price per page \$ .50

#### ORDINARY RATE - Private Paid

Original Price per page \$2.35

Copy to Party Price per page \$ .50

Additional Copy to Non- Party Price per page \$ .50

#### EXPEDITED RATE

Original Price per page \$3.50

Copy to Party Price per page \$ .50

Additional Copy to Non- Party Price per page \$ .50

#### DAILY RATE

Original Price per page \$5.00

Copy to Party Price per page \$ .75

Additional Copy to Non- Party Price per page \$ .75

#### HOURLY RATE

Original Price per page \$6.00

Copy to Party Price per page \$ 1.00

Additional Copy to Non- Party Price per page \$ 1.00

#### REDUCED RATES

Reduced rates for late delivery 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.

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 and the State does not pay said costs.

#### Criminal cases:

- Costs of transcript may be assessed against a convicted criminal. 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 section 16-18-101(2) and including the fees for a transcript of any preliminary hearing. (CRS §16-11-501).

- 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. (CRS § 16-18-101).

**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.

EXPEDITED: Transcript to be delivered within 10 days.

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.

ROUGH: Daily without any corrections and not an official transcript.

**DUPLICATION FEES**

**\$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.

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.  
Division 2

9

10  
For Petitioner:

11

12  
For Respondent:

13

14

15 -----

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

17

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.

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## 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.

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**APPENDIX E**

**The Court Reporters shall use the PTO (Judicial Employee's Time Reporting System – JETRS-) system in place for all other employees.**