

TENNESSEE OFFICIAL COURT REPORTER MANUAL



**PREPARED BY
THE ADMINISTRATIVE OFFICE OF THE COURTS**



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INTRODUCTION

In accordance with T.C.A. § 40-14-313, the Administrative Office of the Courts, (AOC) sets forth these policies and procedures for the function of court reporters employed full time by the state to serve in Tennessee's courts exercising criminal jurisdiction. Court reporters who are full-time employees of the state are referred to as "official court reporters". All official court reporters are required to comply with this manual while in the service of the courts.

The Administrative Office of the Courts recognizes the important contribution that court reporters make to the judicial community and hopes to ensure the continued success of the relationship between court reporters and other professionals in the judicial system.

CONTACT INFORMATION

The official court reporter's direct supervisor is the judge for whom the reporter works and is the person the court reporter should communicate questions to. For administrative or human resource matters, please contact the following staff at the Administrative Office of the Courts.

Administrative

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GENERAL INFORMATION

Eligibility:

- Must possess high school diploma or equivalent;
- Preference given to candidates who have practical court reporting experience or who have completed court reporter training;
- Must be able to operate a computer and use associated software; must also be able to operate other electronic recording equipment;
- Must be able to prepare a timely verbatim transcript, thus, the ability to type is essential;
- Familiarity with legal terminology and basic office skills preferred;
- Notaries public preferred.

Licensure

The General Assembly enacted Public Chapter 450 in 2009, which requires that all court reporters be licensed to engage in the practice of court reporting after July 1, 2010. However, it was amended by Public Chapter 1123 in 2010, which exempts court reporting services paid for by a federal government agency and services provided pursuant to Title 40 of the Tennessee Code Annotated. This means that a court reporter who is paid exclusively by a federal government agency or by the AOC is not required to be licensed to perform those services that are specific to that reporter's job duties as an employee. However, if services are provided outside of the reporter's scope of his or her specific responsibilities as an employee, the reporter is required to be licensed. For example, an official court reporter working in the state criminal court is not required to be licensed. However, if this same reporter decides to take depositions and attend civil hearings (when not required to be in criminal court), the reporter is required to be licensed. The Board of Court Reporting has now been transferred to the TN Department of Commerce & Insurance.

Essential Job Functions:

Be present to record court proceedings at the request of the supervising judge and prepare accurate transcripts of those recordings.

Office Procedures:

It is the responsibility of the official court reporter to locate a substitute reporter should it become necessary for the official to be absent from court.

All absences must have the approval of the supervising judge. If the absence is for an extended period of time (2 weeks or more), the AOC should be notified.

If a per diem reporter is used as a substitute, the reporter must have a current contract on file with the AOC. The AOC provides to official reporters the names of reporters who have been authorized as contract reporters.

Official court reporters shall submit the monthly work report to the designated representative of the AOC no later than the 13th of every month. The work report must be accurately and completely filled out. Failure to submit report as required may result in a delay in payment of mileage expenses as well as transcript supplemental payment(s).

Official court reporters shall be paid according to the scale set forth by the AOC. (See section on compensation.)

Organization:

The official court reporter's direct supervisor is the judge for whom the reporter works and is the person the court reporter should communicate questions to. For administrative or human resource matters, please refer to page 1 for AOC staff contacts.

The official court reporter's employment is at will, which means that the court reporter's employment may be terminated at any time, with or without cause.

Compensation:

Compensation for official court reporters is determined by salary and by transcript fee.

PAYMENT OF TRANSCRIPT REQUESTS

The AOC is authorized by statute to pay for transcripts that are ordered by a state trial or appellate judge and those that are necessary for the appellate record in the case of an indigent defendant.

In an indigent criminal case, the AOC will pay for one (1) original and one (1) copy of a transcript for the defendant. In non-indigent criminal cases, payment arrangements are to be determined by the court reporter, the defendant, and/or the defendant's attorney. If the reporter is asked to prepare a transcript (indigent or non-indigent cases) by an employee of another state agency (i.e., district attorney general's office), payment arrangements are to be determined by the reporter and the employee of the state agency.

When submitting a request for payment (in a single-defendant case) for additional sets beyond the one (1) original and one (1) copy, the reporter should provide a court order or brief explanation of the payment request. If a trial judge desires a personal copy, in addition to the one (1) original which is normally placed in the court file, he/she should obtain a copy from the original on file in the clerk's office.

Transcripts:

The current per page rate for transcripts is \$3.50 per page, which consists of one (1) original and one (1) copy (included as a set).

EMPLOYEE LEAVE

Sick Leave:

Hours worked and use of sick days should be reported by official court reporters on the monthly work report.

Sick leave benefits are available to all eligible employees for periods of temporary absence due to medically-related reasons (i.e., illness, disability due to accident, medical and dental appointments, surgery, etc.), whether or not court is scheduled. Sick leave eligibility begins after one (1) month of employment and one (1) day (7.5 hours) will be earned per month.

If a reporter has to leave court due to a medically-related reason, and the reporter is no longer available on that day, the reporter should deduct the number of court hours worked from 7.5 hours. For example, if the reporter worked in court 2.5 hours, left due to illness and was unavailable for the rest of the day, 5 hours should be reflected as sick leave on the work report. If a reporter becomes available after having to leave court, the reporter should reflect the number of hours unavailable. The reporter should also indicate the “specific” reason for the absence on the work report. For example, if a reporter works in court for 3 hours, leaves for a doctor’s appointment that lasts for 2 hours, and after the appointment he/she is available, an indication such as “dr. appt.” should be reflected on the work report next to the 2 hours documented as sick leave. (If a reporter is unavailable for an entire 7.5 hours, no additional notification is necessary; sick leave needs to be reflected.)

Time spent working on a transcript does not off-set the time away from court. Thus, in the previous example, even if the reporter worked on a transcript for four (4) hours, it is still necessary to report five (5) hours of sick leave if the reporter was unavailable to be in court. In addition, the amount of hours that another reporter substitutes **does not** represent hours worked for the reporter being relieved. If one cannot be available due to illness or other medically-related reason, then one must use the sick leave benefit and accurately report as sick leave on the work report. This also applies to days on which court has been cancelled and when court is not in session.

When courts of a particular district are closed due to judicial conferences and extended holidays (i.e., Christmas), reporters are not required to take sick leave. Official reporters, however, are required to attend the court reporters conference when held, and if unable to attend due to medically-related illness, sick leave should be used.

Bereavement leave days are in accordance with the policy that is utilized by the AOC. The standard number of bereavement leave days that may be taken is 3 days in the event of death of one's immediate family member. Immediate family member includes spouse, child, stepchild, parents, siblings, grandparents, grandchildren, stepparents, foster parents or parents-in-law. These days must be reflected on the work report as court-approved leave with an indication that the leave is for bereavement (i.e., funeral); an additional 2 days may be granted as sick leave. Bereavement leave days for non-immediate family members should be reflected as sick leave. All leave taken by the reporter must be approved by the supervising judge(s).

For information on official court reporter benefits or other employment related matters, please visit the Human Resources page:
<http://tncourts.gov/administration/human-resources>

CODE OF PROFESSIONAL ETHICS

A court reporter is an employee of the Judiciary whose presence is constitutionally, statutorily, or judicially required. As such, the reporter is an officer of the court and the following standards of behavior are expected. Court reporters shall maintain candor with the court. Court reporters shall perform their duties at the highest level of their ability, and do everything necessary to preserve the discrete and confidential nature of court proceedings.

The following code of ethics has been adapted from research on the National Court Reporters Association website [www.ncraonline.org]. These standards are mandatory for all court reporters while in the service of Tennessee courts.

A Reporter Shall:

Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.

Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Reporter shall disclose that conflict or potential conflict.

Guard against not only the fact but also the appearance of impropriety.

Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Reporter by any of the parties in a proceeding.

Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.

Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing.

CODE OF PROFESSIONAL ETHICS (cont'd)

In making the official record, a Reporter should:

Accept only those assignments when the Reporter's level of competence will result in the preparation of an accurate transcript. The Reporter should remove him or herself from an assignment when the Reporter believes the Reporter's abilities are inadequate, recommending or assigning another reporter only if that reporter has the qualifications required for such assignment.

Prepare the record in accordance with the transcript preparation guidelines established by statute or court order, by local custom and usage, or when not so established, in accordance with the transcript format guidelines in this manual.

When sending a substitute reporter, ensure that the substitute is qualified to report the proceeding.

Strive to become and remain proficient in the Reporter's professional skills.

Keep abreast of current literature, technological advances and developments, and participate in continuing education programs.

PREPARING AND FILING THE RECORD

Transcript Format:

The following guidelines, as adapted from NCRA, represent the standard transcript format, when no other local rules apply. It is the responsibility of the court reporter to consult with the criminal or circuit court clerk and the supervising judge to determine if different or additional rules apply.

1. No fewer than nine or 10 characters to the typed inch.
2. Left-hand margin to be set at no more than 1-3/4 inches.
3. Right-hand margin to be set at no more than 3/8 inch.
4. Each question and answer to begin on a separate line.
5. Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text.
6. Carry-over Q & A lines to begin at the left-hand margin.
7. Colloquy material to begin no more than 15 spaces from the left-hand margin, with carryover colloquy to the left-hand margin.
8. Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin.
9. Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin. (In states or jurisdictions with transcript format guidelines recommended or established by court or other applicable rule, such guidelines shall be observed.)
10. Twenty-five typed lines per page must be observed on fully typed pages.

PREPARING AND FILING THE RECORD (cont'd)

Filing the Original Record:

Tennessee Code Annotated §40-14-307 specifies that the original record of the court proceeding (e.g., shorthand notes, event logs, and tape recordings) should be certified by the court reporter and filed with the clerk of court. All original recordings are the property of the State of Tennessee. This record should remain available in the event transcripts are requested. All court reporters in the service of Tennessee courts are required to comply with this statute.

(a) A designated reporter shall attend every stage of each criminal case before the court and shall record verbatim, by a method prescribed or approved by the administrative director, all proceedings had in open court and such other proceedings as the judge may direct. The reporter shall attach the reporter's official certificate to the records so taken and promptly file them with the clerk of court, who shall preserve them as part of the records of the trial.

If a court reporter plans to retire, resign, or is terminated from his/her position, the reporter shall immediately inform the AOC. Should the reporter have records (including steno notes and audio recordings) that were not promptly filed with the clerk of the court pursuant to T.C.A. §40-14-307, the reporter should make arrangements with the clerk to transfer those records to the clerk's office for storage. (If a different storage location needs to be determined, the reporter should meet with the clerk and the supervising judge to select a location. Additionally, the replacement reporter should be notified of this location.). The records shall be clearly marked including notations of the district(s), court(s), judge(s), date(s) and type(s) of hearing. The transfer of items shall take place on the last day of the employment of the reporter. The reporter shall also notify the AOC that the transfer has taken place and to whom the items were provided.

Transcript Extensions:

The timeline for preparation of transcripts in all cases is 60 days after the filing of the notice of appeal. If a reporter has difficulty in meeting this deadline, the reporter should immediately contact the AOC and also provide a copy of the transcript order or other documentation noting when the transcript was ordered and when it is due. The AOC will work with the reporter to determine what the next step should be so that the transcript may be filed timely.

EQUIPMENT & SUPPLIES

Equipment Maintenance and Repair:

The AOC has installed digital recording systems in many of the courtrooms that are used for criminal proceedings. For problems with these systems, reporters should contact Business Information Systems (BIS) at 1-800-715-1234. If BIS determines that the problem should be addressed by the AOC, reporters should contact the AOC help desk at 1-800-448-7980. For the courtrooms that have not been equipped with digital equipment, reporters must contact the Coordinator of Court Reporter Services to report the problem.

The recording equipment provided by the state shall be used solely for authorized judicial proceedings in which the state is required to provide court reporting services. All court reporters providing service for these proceedings are required to use the state-provided equipment, unless directed otherwise. The recording equipment shall remain with the court should a court reporter leave state employment.

Requisition of Supplies:

Official court reporters may order “general” supplies as necessary. The AOC general supply list includes items that are purchased directly or provided by the AOC. These items include transcript covers, stenopads, tape storage envelopes, audio cassettes, CDs, DVDs, exhibit labels, headsets, and foot pedals. These general supply items should be requested using the supply requisition form and should be sent to the Coordinator of Court Reporter Services.

The AOC also reimburses officials for “consumable” office supplies up to a maximum of \$500 per fiscal year. Consumable office supplies include steno notebooks, calculator, calculator tape, correction supplies, (i.e., liquid white-out), pens, pencils, post-it-notes, stapler, staples, copy paper, business cards, calendars, scissors, paper clips, batteries, invisible tape, storage boxes, computer disks, legal notepads, highlighters, rubber bands, file labels, label dividers, rubber stamps with ink pads, toner/print cartridges. The consumable supply reimbursement form should be used for reimbursement of consumable supply items. An original receipt must be attached to the request form in order to obtain reimbursement.

All requests for items not listed on the general or consumable office supply list must be submitted to the AOC for prior approval. This includes items that are to be used with the state-provided equipment.

Procedures for Digital Recording of Criminal Court Proceedings

ALL COURT REPORTERS

- All proceedings shall be saved (burned) to the recording file on the hard drive of the computer and also to a CD-R or DVD-R. This CD-R or DVD-R shall be considered the original recording.
- At the end of each day's proceedings, the reporter shall verify that the saving/burning of the proceedings has been successful by initiating playback of the audio recording and the CD-R or DVD-R.
- A new CD-R or DVD-R should be used each day, regardless of whether or not the previous CD-R or DVD-R used was completely filled. Additional CD's or other AOC-approved storage media may be utilized for transcription purposes. (Please contact the AOC for approval of storage media other than CD's.)

SUBSTITUTE COURT REPORTERS

- The original CD-R or DVD-R shall be provided immediately to the trial court clerk or filed in a location designated by the clerk.

REGULARLY DESIGNATED REPORTERS

- On the last work days in March, June, September, and December of every year, or as close to that date as possible, the regularly designated reporter shall delete from the hard drive of the recording system computer all proceedings that have been saved to a CD-R or DVD-R and previously filed with the clerk of court or in the designated location. This should be done only after it has been verified that the recordings of the proceedings have been saved successfully. If there is more than one regularly designated reporter for a district or a courtroom, it should be determined well in advance who will be the responsible party to perform this task for each courtroom in the district.

STATUTES AND RULES

The statutes that pertain to reporters working specifically in criminal courts are contained in Title 40, Chapter 14, Part 3 of the Tennessee Code Annotated (<http://www.lexisnexis.com/hottopics/tncode/>).

Trial Process:

The rules governing the process of a criminal trial may be found in the Tennessee Rules of Appellate Procedure, and the Tennessee Rules of Criminal Procedure. To answer questions that fall in this category, a reporter may find the current edition of the Rules at <http://www.tncourts.gov/courts/rules>.

Rules of Practice in a Particular Court:

There are certain rules of practice that may be determined by individual courts. A court reporter should always check with the clerk of court to determine if any local rules are in effect that may affect the court reporter. Local Rules of Practice are available at <http://www.tncourts.gov/courts/court-rules2/local-rules-practice>.