

such a program, the reporter may also manually redact. Whatever method is used to redact, page and line integrity must be maintained from the original transcript to the redacted transcript.

§ 520.70.10 Manual Redaction

To manually redact, the court reporter/transcriber must place an “x” in the space of each redacted character. Manual redactions must have the same number of x's as characters deleted to preserve page and line numbers of transcripts.

§ 520.70.20 Title Page

The title page of the transcript must indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge. A notation of “REDACTED TRANSCRIPT” must be inserted on a blank line, and the addition of this text must not change the length of the title page.

§ 520.70.30 Charge for Redacted Transcripts

The Judicial Conference has not authorized an additional fee that the court reporter/transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

§ 530 Fees

§ 530.10 Fee Schedule Determination

- (a) “The Conference, pursuant to [28 U.S.C. § 753\(f\)](#) authorized district courts to prescribe fees which court reporters may charge and collect for transcripts requested by the parties, including the United States, at the following rates.” [JCUS-MAR 80](#), pp. 17-18. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.
- (b) Each district court must adopt a schedule of transcript fees for reporters and transcribers, subject to maximum rates established by the Judicial Conference. The Conference has established six transcript categories based on delivery times and whether the transcript is in draft form or certified, and has set a maximum rate for each. Neither the parties, nor the reporter, nor the transcriber, nor the court may negotiate a higher rate without Judicial Conference approval; however, in exceptional circumstances the Director of the AO may authorize higher original transcript rates for staff reporters. Fees may be negotiated lower than the court approved rates. Courts should set fees in each jurisdiction with

regard to production costs, up to the maximum authorized by the Judicial Conference.

§ 530.15 Statutory Authority

- (a) “The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties including dealings with parties requesting transcripts.” [28 U.S.C. § 753\(c\)](#).
- (b) “Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He or she shall not charge a fee for any copy of a transcript delivered to the clerk for the records of the court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act ([18 U.S.C. § 3006A](#)), or in *habeas corpus* proceedings to persons allowed to sue, defend, or appeal *in forma pauperis*, shall be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in proceedings brought under [section 2255](#) of this title to persons permitted to sue or appeal *in forma pauperis* shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal *in forma pauperis* shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.” [28 U.S.C. § 753\(f\)](#).

§ 530.20 Judicial Conference Policy

§ 530.20.10 Realtime Unedited Transcript

- (a) Effective June 1, 1996, the Judicial Conference defined the category of “realtime unedited transcript” as “a draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during the proceedings or immediately following adjournment.” [JCUS-MAR 96](#), p. 26.
- (b) The Judicial Conference approved transcript fee rates for realtime unedited transcripts provided by certified realtime reporters to establish the maximum page rate authorized for the provision of realtime services,

including the production and distribution of realtime unedited transcripts. **See:** [Current maximum transcript rates](#) on the Court Reporting page of the J-Net.

Note: At its September 2011 session, the Conference amended the maximum realtime transcript rate policy adopted in March 1999 to eliminate the requirement that a litigant who orders realtime services in the courtroom must purchase a certified transcript (original or copy) of the same pages of realtime unedited transcript at the regular rates, effective January 1, 2012. [JCUS-SEP 11](#), pp. 30-31.

§ 530.20.20 Transcripts in CJA Multi-Defendant Cases

- (a) In multi-defendant cases involving CJA defendants, no more than one certified transcript should be purchased from the court reporter on behalf of CJA defendants. CJA multi-defendant transcript orders may be requested in electronic format to simplify making multiple copies; or, one of the CJA counsel or the clerk of court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation. A court reporter could also furnish duplication services at the commercially competitive rate. **See:** [Guide, Vol 7A, § 320.30.30 \(Commercial Duplication in Multi-Defendant Cases\)](#) and [JCUS-SEP 87](#), p. 95.
- (b) Courts may want to obtain price quotations from copy services (at least three where feasible) to determine the commercially competitive rate for each court location. The AO estimates that ten cents per page would be a maximum copy rate, with such rate often lower and rarely higher. Commercial rates should be monitored by the court on a periodic basis to ensure accuracy and compliance with the guideline.
- (c) This policy also applies where more than one transcript is ordered on behalf of a single party under the CJA. An example would be where a party under the CJA orders both an electronic media copy and a paper copy. In this example, the court reporter may charge the certified transcript rate (whether the transcript represents the original or a copy) for the electronic media transcript. The paper copy may be charged at the commercially competitive rate (estimated to be ten cents per page).

§ 530.25 Notification of Fees

For the public to be aware of the maximum transcript fees to be charged, a schedule of the prescribed fees is to be posted prominently in the clerk's office. [JCUS-MAR 82](#), p. 9. Courts should instruct clerks of court to notify members of the bar of the fee rates and format regulations established by the Judicial Conference and the procedure for addressing issues regarding fees charged.

§ 530.30 Judge Ordered Transcripts

§ 530.30.10 Regular and Temporary (Salaried) Reporters

- (a) Title [28 U.S.C. § 753\(b\)](#) sets forth the duties and responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge. With regard to transcript requests from parties, [§ 753\(f\)](#) provides that court reporters may charge and collect fees from parties ordering transcripts at rates prescribed by the court, subject to the approval of the Judicial Conference.
- (b) The Conference has set [maximum transcript rates](#) based in part on whether the transcript is an original or a copy. Questions have been raised as to whether the original or copy fee applies when a party requests a transcript that was originally produced at the request of a judge. Noting that providing a transcript to a judge is considered part of a reporter's official duties for which the reporter is paid an annual salary, the Committee agreed that only one original transcript can be produced and that all subsequent orders for the same transcript are copies for which the lower fee would apply. On recommendation of the Committee, the Conference amended its transcript fee policy to make explicit that official court reporters may charge only copy fees for transcripts provided to parties when the original transcript was produced at the request of a judge. [JCUS-MAR 09](#), pp. 28-29. **See:** [§ 510.20 \(Transcripts for the Court\)](#).

§ 530.30.20 Contract Court Reporters

- (a) The relevant provisions of the contract govern payment of transcript prepared for a judge. Reporters under contract, based on the terms of the contract, are not under the requirement to provide original transcripts at no charge to a district or magistrate judge.
- (b) Contract court reporters' attendance fees cover only the time they spend in court. Therefore, the Comptroller General allowed payment to contract

court reporters for transcripts produced when ordered by a judge of the court. **See:** [Comptroller General Decision B-77066 \(July 13, 1948\)](#).

§ 530.30.30 Land Commission Proceedings

“Court reporters are not entitled to payment in addition to their salaries for providing transcripts of land commission proceedings to judges or to land commissioners appointed by judges in land condemnation cases. Accordingly, neither the Department of Justice nor the Administrative Office of the United States Courts may pay for such transcripts from their appropriations.... However, reporters whose services are obtained on a contractual basis are entitled to payment, from the Administrative Office,” when such transcript is ordered by the court. **See:** [Comptroller General Decision B-184875 \(June 11, 1976\)](#).

§ 530.35 Setting Transcript Rates by the Court

The Conference, pursuant to [28 U.S.C. 753\(f\)](#), authorized district courts to prescribe fees which court reporters may charge and collect for transcripts requested by the parties, including the United States, up to maximum rates set by the Judicial Conference. **See:** [Maximum Transcript Rates](#) page on J-Net.

In setting the transcript rates to be charged by the court reporters in each area, the district court should look to comparable services rendered in the state courts and consider setting the transcript rates in their courts to coincide with any lower comparable state rate. Litigants and parties have the privilege and right to order transcripts at the rate fixed by each district court, not to exceed the above maximum rates. A notice of the rates established by the district courts and of the reporter's obligation to furnish transcripts at those rates and under those conditions must be published in a conspicuous place or otherwise disseminated to the public. No other types of transcripts are authorized, other than those approved by the Judicial Conference. [JCUS-MAR 80](#), pp. 17-18.

§ 530.40 Justifying Higher Rates

“The Committee [on Court Administration (now under jurisdiction of the Judicial Resources Committee)] recognized that situations may exist in some specific districts justifying higher rates for those districts alone. Upon the recommendation of the Committee, the Conference authorized the Director of the Administrative Office to increase transcript rates for original transcripts only [not copies or realtime unedited transcript] by no more than 20 percent of the existing maximum rate when, in the Director's judgment, a district court justifies such an increase.” [JCUS-MAR 81](#), pp. 7-8.

§ 530.40.20 Procedure for Requesting Higher Rates

(a) Court

- (1) The chief judge of the district court must submit an analysis to the Director of the AO supporting:
 - the amount of higher rate requested;
 - for which types of transcript (ordinary, 14 day, expedited, daily, and hourly); and
 - its impact on total and net income derived by official court reporters based on annual average transcript production.
- (2) The analysis must include a justification based on the following information:
 - (A) A comparison of transcript fees corresponding to ordinary, 14-day, expedited, daily, and hourly transcript categories of court reporters in the local or state courts.
 - (B) A comparison of total compensation of court reporters in the local or state courts including:
 - salary,
 - benefits,
 - private work,
 - transcript income, and
 - net income from official transcript sales.

The policies of the local and state courts that affect total compensation for court reporter work should be identified, including salary schedules, benefits, work hours, transcript format and whether transcript production is subsidized or supported by the purchase of equipment or supplies.

- (C) Using the [Form AO 40A \(Attendance and Transcripts of United States Court Reporters\)](#) and [Form AO 40B \(Statement of Earnings of United States Court Reporters\)](#) reports, an analysis of total income of staff reporters from salary, transcript sales, private work, and in-court hours of service over a 3-5 year period.

- (b) The AO will:
- (1) compare the salary, transcript income, and margins of profit of the district's reporters by using reporter statements of earnings, to those of other reporters in other federal courts and nationally;
 - (2) evaluate the court reporter turnover; and
 - (3) after this comparison, the Director will notify the chief judge whether the increase is justified and, if justified, the effective date of the rate change.

§ 530.45 Scope

The maximum rates adopted by the Judicial Conference apply to:

- official staff,
- temporary,
- combined-position,
- contract,
- substitute reporters, and
- transcribers.

§ 530.45.10 Billing Responsibility

All reporters and transcribers are responsible for correct billings. Billings must be monitored by the court reporting supervisor, and certified as correct by the court reporter or transcriber.

§ 530.45.20 Purchases

Copies of audio cassettes and digital audio compact disks when the original record was taken by electronic sound recording may be purchased from the court under the [Miscellaneous Fee Schedule](#). Transcription of audio recordings of court proceedings recorded using electronic sound recording systems, may be purchased through the court at rates set by the court up to the maximum rates approved by the Judicial Conference.

§ 530.50 What the Fees Include

§ 530.50.10 Services Descriptions	
Item	Description
(a) Transcript Production	The fees cover all costs of transcript production.
(b) Original Fees	For any given proceeding/date there can only be one original charge. All other transcripts of the same proceeding must be at the copy rates. The original fee rate may not be charged to parties who order a transcript that was already produced at the request of a judge. Only one charge under the rate schedule (whether it represents the original or a copy) is permitted for multi-defendant cases involving CJA-represented defendants.
(c) 14-Day, Expedited, Daily, and Hourly Transcripts	In the case of 14-day, expedited, daily, and hourly transcripts, the approved fees are to cover all costs of transcript production, including payments to extra reporters, typists, and transcribers to help produce the transcript.
(d) Copy Fees	A copy fee is charged if the party orders and receives a copy. Only one charge under the rate schedule (whether it represents the original or a copy) is permitted for multi-defendant cases involving CJA-represented defendants.
(e) Fees for Sale of Transcript on Electronic Media	The rates allowed for electronic media transcripts are the same as those allowed for paper transcripts whether they represent originals, first copies, or additional copies. No additional charge is permitted for the cost of the electronic media.
(f) Compressed Transcripts	The maximum per page rate for each compressed original or copy of a transcript is the same as that for a full-size transcript.
(g) Realtime Feed	Realtime reporting technologies allow the stenotype or stenomask record to be electronically transcribed in the courtroom using software that translates the stenotype/stenomask recording instantaneously and displays it on a monitor in front of the reporter, judge, attorneys or other participants. A realtime "feed" is the electronic data flow from the court reporter to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

§ 530.50.20 Fee Calculation Examples

The page rates used in these examples are changed periodically by the Judicial Conference, and should be verified on the [Maximum Transcript Rates](#) page on J-Net.

- (a) *A defense attorney in a multi-defendant CJA case orders an original and two copies of an ordinary transcript of 100 pages.*

The court reporter may charge the party the original ordinary transcript rate per page for the original transcript. At the request of the CJA attorney, the original transcript may be delivered in paper copy or electronic format for the defender to make and provide copies to any other CJA parties in the case needing a copy. Additional paper copies may be provided to other defense counsel at the commercially competitive copy rate as approved by the court. In this example:

- the charge for the original ordinary transcript would be: $\$3.65 \times 100$ pages = \$365;
- the charge for the first copy, billed at the commercially competitive rate, would be: (estimated) $\$.10 \times 100$ pages = \$10; and
- the charge for the second copy, billed at the commercially competitive rate would be: (estimated) $\$.10 \times 100$ pages = \$10.

- (b) *A party in a civil case requests daily transcript copy and two copies of a trial generating 200 pages per day.*

(1) The charge to the private attorney would be the:

- original daily transcript rate (\$6.05 per page in this example) for the original;
- first copy daily transcript rate (\$1.20 per page in this example); and
- additional copy daily transcript rate (\$.90 per page in this example) for the second (multi-page transcript) copy to the same attorney.

(2) The charges per day would be:

- $\$6.05 \times 200$ pages = \$1,210 for the daily copy;
- $\$1.20 + \$.90 = \$2.10 \times 200$ pages = \$420 for two copies per day.

(3) Any copies to opposing counsel would be charged at \$1.20 for the first copy and \$.90 per page for additional paper or electronic copies.

- (c) *A defense attorney orders a realtime transcript feed from a certified realtime reporter. The realtime feed generates 150 pages of transcript. The certified realtime reporter charges the current rate per page of realtime transcript for one feed, based on the tiered rate structure.*

The charge to the defense attorney would be: $\$3.05 \times 150 \text{ pages} = \457.50 for one realtime transcript feed.

- (d) *A defense attorney orders a realtime transcript feed from a certified realtime reporter. The opposing counsel orders two feeds for the same realtime transcript. The realtime feed generates 150 pages of transcript. The certified realtime reporter charges an equal rate per page of realtime transcript for each feed ordered, based on the tiered rate structure.*

(1) The charge to the defense attorney would be: $\$2.10 \times 150 \text{ pages} = \315 for one realtime transcript feed.

(2) The charge to the opposing counsel for two realtime feeds would be:

- $\$2.10 \times 150 \text{ pages} = \315 for the first feed;
- $\$2.10 \times 150 \text{ pages} = \315 for the second feed;
- totaling $\$630$ for both feeds.

§ 530.55 Items for Which No Fee May Be Charged	
Item	Description
(a) Transcript copy filed with the Court	A party may not be charged for any transcript provided to the clerk of court as the court's copy.
(b) Judge's Copy	A judge-ordered copy is not the same as the certified copy delivered to the clerk for the records of the court. The court reporter may not charge a party, including the government, for any certified transcript provided to a judge regardless of the existence of an order so granting. Any certified transcript, previously produced by a reporter without charge to a judge, and subsequently requested by a party may be charged only at the copy fee rate. If requested by a judge, a court reporter may produce a non-certified or unedited transcript for a judge's use, and it does not have to be filed with the clerk for the records of the court.

§ 530.55 Items for Which No Fee May Be Charged	
Item	Description
(c) Viewing the Record by a Party	A transcript on file in the clerk's office may be examined without charge to a party or other member of the public.
(d) Postage	Postage costs are considered an ordinary business expense; therefore, the court reporter or transcriber may not charge for ordinary postage. However, when the party requests expedited delivery, the court reporter or transcriber may bill the party for the difference between ordinary postage cost and the cost for expedited delivery.
(e) Keyword Indexes	The index pages may be billed at the page rate, but no charge is permitted in addition to the normal page rates for keyword indexing services.
(f) Cover	The cover is a required part of the transcript and the court reporter may not charge extra for the transcript cover. See: § 520.53 .
(g) Certification	The certification is a required part of the transcript and the court reporter may not charge extra for the certification. See: § 520.63 .
(h) Canceled Orders	When a transcript order is canceled, only the pages produced may be charged. There is no charge for pages not produced. If a deposit was received and no pages were produced prior to the cancellation, the full deposit must be returned to the party. Any pages that were produced must be provided to the ordering party and a certified transcript filed with the clerk of court.

§ 530.60 Permissible Extra Fees

§ 530.60.10 Subsistence Cost for Reporters

In areas where the court's reporter may need to hire reporters from outside the community area to help produce 14-day, expedited, daily, or hourly transcript, the reporter may bill the party for the subsistence costs of other reporters or auxiliary personnel. These costs are authorized up to the amount of travel subsistence that a government employee may be reimbursed for the same travel. Compensation for auxiliary personnel as an attendance fee, however, is not billable to the party.

§ 530.65 Transcripts in CJA Cases

Transcripts provided for parties proceeding under the CJA and to parties allowed to proceed in forma pauperis are to be paid from funds appropriated for those purposes. For complete information, **see:** [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#).

§ 530.70 Transcripts for the Court of Appeals

§ 530.70.10 Ordering Responsibility

The appellant is responsible for ordering the transcript and paying the court reporter for the cost of the transcript. If the court of appeals requests that additional transcript pages be submitted, it is the responsibility of the parties to order and pay the court reporter or transcriber for such transcript.

§ 530.70.20 Filings

The reporter or transcriber must prepare an original and a certified copy whenever a certified transcript is ordered. The original transcript is delivered to the party, and the certified copy is filed with the clerk's office. No additional fee is charged the party if the copy from the clerk's records is forwarded as part of the record on appeal.

§ 530.70.30 Payment Form

Transcripts for appellants proceeding under the CJA or in forma pauperis are to be paid by the United States out of money appropriated for such purposes.

§ 530.70.40 Prepayment

Reporters or transcribers may request prepayment of fees before beginning transcript preparation, except they may not request prepayment by the United States government. Some circuits require that a portion of the prepayment be held in escrow, however, until the transcript is prepared.

§ 530.70.50 Temporary Retention of Transcript Deposits by Clerk of Court

The clerk of court may receive and hold transcript fee deposits as an incentive to the court reporter to fulfill transcript orders on time; and further, the court has the discretion to make this "escrow" arrangement standard practice for all transcript fees. The court's authority is the Court Reporter Act, [28 U.S.C. § 753](#), and the Judicial Conferences March 1982 resolution concerning management of court reporters. [JCUS-MAR 82](#), pp. 8-12.

§ 530.70.60 Fees for Transcripts to Be Paid by Parties

See: [§ 540 \(Transcripts for Cases on Appeal\)](#).

(a) [Rule 10, Federal Rules of Appellate Procedure \(The Record on Appeal\)](#)

“At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript.”

(b) Judicial Conference Policy

"That the Judicial Conference reaffirm its September 1963, decision that no court reporter is authorized to receive payment of a fee for providing a transcript for the clerk's office in the preparation or perfection of an appeal. It is also recommended that the Conference approve the policy that a reporter may charge a party only for transcript ordered by and delivered to the party and that the reporter must bear the expense of providing a copy of a transcript to be filed with the clerk of the district court and a copy to be submitted to the court of appeals, if required. It is further suggested that the Ninth and Tenth Circuit Courts of Appeals should review their requirements that a copy of the transcript be retained in the district court since it duplicates the copy of the transcript that is submitted to the court of appeals." [JCUS-SEP 83](#), p. 51.

(c) Cases Covered

(1) Appeals to a Circuit from a District Court

Transcripts for appealed cases must be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. If the customary practice of the court reporter is not to require prepayment, the 30-day period begins upon acceptance of the transcript order by the court reporter.

(2) Appeals from a Magistrate Judge to a District Judge

A transcript in a case on appeal from a magistrate judge to a district judge should be paid for in the same manner as an appeal from the district court to the court of appeals.

(d) Late Delivery of Transcripts

(1) Judicial Conference Policy

“That for a transcript of a case on appeal not delivered within 30 days of the date ordered and payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 90 percent of the prescribed fee; that for a transcript not delivered within 60 days of the date ordered and, payment received therefor, or within such other time as may be prescribed by the circuit council, the reporter may charge only 80 percent of the prescribed fee. No fee may be charged which would be higher than the fee corresponding to the actual delivery time. In the case of a transcript which is subject to [Fed. R. App. P. 11\(b\)](#), the reduction in fee may be waived by the clerk of the court of appeals for good cause shown. Nothing contained herein should be construed as sanctioning untimely delivery, nor should this provision be considered the only penalty that could be imposed by the court or circuit council on habitual offenders.” [JCUS-MAR 82](#), p. 10.

(2) Penalties

Late delivery of transcripts impedes the work of the courts. Each circuit council decides the due dates for the delivery of transcripts and the amount of penalties to be applied when such dates are not met. Therefore, reporters and transcribers may not charge the full fee if they do not produce an appellate transcript within the time limits required by the circuit councils. Additionally, the district courts or circuit councils may impose other penalties. One such penalty would be to require the reporter to compensate a courtroom substitute while the reporter prepares the overdue transcripts.

(3) Waiver by Clerk of the Court of Appeals

While true hardship cases may arise occasionally, the clerk of the court of appeals should grant exceptions to the fee reductions sparingly. Only the clerk of the court of appeals may waive this requirement for good cause. Otherwise, the fee reduction must be given. Approval of an extension by the court of appeals under [Fed. R. App. P. 11\(b\)](#) does not constitute a waiver of the fee reduction by the clerk of the court of appeals. A waiver must be granted

separate and apart from the request for an extension of time by the court reporter or transcriber.

(4) Monitoring by Supervisor

The court reporting supervisor must monitor fees and transcript delivery to determine the reporter's compliance with any required fee reduction.

(5) Overcharging

If overcharges occur by virtue of a late delivery, the reporter or transcriber must refund the overcharges to the ordering party.

§ 530.75 Fees for Transcripts to Be Paid by the United States

(a) Judicial Conference Policy

"In appeal cases in forma pauperis in which the transcript is furnished at government expense, the Director of the Administrative Office was instructed to authorize payment for as many carbons [copies] as are required to perfect the appeal by the rules of court." [JCUS-OCT 46](#), p. 12.

(b) Cases Covered

(1) Appeals to a Circuit from the District Court may only be paid for under one of the following categories:

(A) Court reporters may be paid under the BOC 2532 general authorization for transcripts provided in civil proceedings to persons permitted to appeal in forma pauperis if the trial judge or circuit judge certifies that the:

- suit or appeal is not frivolous, and
- transcript is needed to decide the issue presented by suit or appeal.

(B) Court reporters may be paid under the CJA for transcripts for persons proceeding under the CJA, including transcripts for habeas corpus proceedings, and transcripts for proceedings brought under Section 2255 of Title 28.

See: [§ 550 \(Criminal Justice Act \(CJA\) and In Forma Pauperis Proceedings\)](#) and [BOC 2532](#).

(2) Appeals to a District Court from the Bankruptcy Court

The Court Reporter Act, [28 U.S.C. § 753\(f\)](#), provides that the government will pay for transcripts on appeal when the party requesting the transcript has been granted pauper status under [28 U.S.C. § 1915](#), and the trial judge or a circuit judge has certified that the appeal is not frivolous but presents a substantial question. This is the same determination that is made in the course of an appeal in a civil case before the district court.

(3) Special Master Proceedings

The United States may pay fees for transcripts of proceedings before a special master on behalf of an indigent who meets the requirements of [28 U.S.C. § 1915](#), if the order appointing the Master provides for the preservation and filing of a record in any evidentiary hearing (**see:** [Rule 53\(b\)\(2\)\(C\) of the Rules of Civil Procedure](#)), and the proceedings of the Special Master are being reviewed by a district judge.

(4) Transcripts Required for District Judge Review of Proceedings before a Magistrate Judge

A transcript of oral hearings before a magistrate judge under [28 U.S.C. § 636\(b\)](#) on motions for summary judgment, with a report and recommendation to be provided to the judge, falls within the purview of [28 U.S.C. § 636\(b\)\(1\)\(B\)](#); therefore, the AO may pay the cost of preparing such a transcript when the transcript is required by the district court. **See:** [28 U.S.C. § 1915\(b\)\(2\)](#); and OGC Memorandum, Jan. 13, 1987.

(5) Transcripts Which May Be Paid From the Court's Non-Appropriated Fund

If a litigant has met the requirements to proceed in forma pauperis under [28 U.S.C. § 1915](#), in situations where appropriated funds are not authorized for transcript payment, and a transcript is deemed necessary, the court may authorize payment from the court's non-appropriated fund.

(6) Transcripts Provided under the Criminal Justice Act ([18 U.S.C. § 3006A](#), [28 U.S.C. § 2255](#), and *Habeas Corpus*)

[Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#) is used by court reporters or transcribers to obtain payment for transcripts ordered under the CJA, except for transcripts ordered by the federal public or community defenders. Payments for transcripts ordered by federal public or community defenders will be paid by means of a [Form AO 435 \(Transcript Order\)](#) or equivalent document. Only transcripts ordered on a Form CJA 24 require prior judicial approval. Payments to court reporters are subject to post audit by the Administrative Office. **See:** [§ 550 \(Criminal Justice Act and In Forma Pauperis Proceedings\)](#).

- (c) Using the Billing with Annotated Information in Lieu of [Form SF 1034 \(Public Voucher for Purchases and Services Other than Personal\)](#)
- (1) A general authorization has been provided to each court for transcripts which are required by the court from contract reporters or provided to parties proceeding in forma pauperis on appeal in non-CJA cases, without prior approval of the AO regardless of the cost of the transcript order. Funding codes information will be disseminated to each court at the beginning of every fiscal year in the Allotment Guidelines for General Authorizations. All payments must be made in compliance with the transcript payment regulations outlined in this chapter. The invoice used in lieu of [Form SF 1034](#) must include the:
- case number;
 - case name;
 - date of proceeding(s) transcribed; and
 - page rate — the transcript rate, which must not exceed the maximum rates approved by the Judicial Conference, must be stated.
- (2) Court-Ordered Transcript
- In addition to § 530.75(c)(1), above, if the transcript is court ordered from a contract reporter, state the name and title of the judicial official who ordered the transcript.
- (3) In Forma Pauperis
- In addition to § 530.75(c)(1), above, if the transcript is for a party proceeding in forma pauperis in civil cases on appeal, or for a party proceeding in forma pauperis in any civil or criminal case before a United States magistrate judge conducted under [28 U.S.C.](#)

[§ 636\(b\)](#) or [18 U.S.C. § 3401\(b\)](#), and is required by the district court, the following are required:

(A) Certified Copy of Court Order

The invoice (or alternative [Form SF 1034](#)) must be supported by a certified order of the court authorizing the party to proceed in forma pauperis and to receive the transcript at the expense of the United States.

(B) Certification

- (i) In cases appealed to a court of appeals, there must be attached to the invoice (or alternative [Form SF 1034](#)), a certification by the trial judge, or an appellate judge that "the appeal is not frivolous but presents a substantial question." This is not required for matters on appeal to the district judge from a magistrate judge.
- (ii) In a direct appeal in a case in which counsel is assigned under the CJA, neither the CJA nor [28 U.S.C. § 753\(f\)](#) requires the signing of a pauper's oath or certification by the Court that the appeal is not frivolous in order to obtain a transcript. **See:** [Guide, Vol 7A, § 320.30.10\(b\)](#).

(C) Civil Actions on Appeal

In the instance of civil actions on appeal (other than habeas corpus or Section 2255), the invoice (or alternative [Form SF 1034](#)) must include all items (A) and (B) above and:

- (i) Type of civil appeal (e.g., civil rights, prisoner's petition, private party)
- (ii) Number of copies chargeable to the federal judiciary and the distribution of such copies
- (iii) Condemnation Hearings and Proceedings

In addition to § 530.75(c)(1) above, in the instances of condemnation hearings and proceedings required

by [28 U.S.C. § 753](#), the invoice (or alternative [Form SF 1034](#)) must be supported by:

- (a) a certified copy of the court order allowing the transcript and specifying the number of copies to be furnished, and
 - (b) the number of copies chargeable to the federal judiciary and the distribution of such copies.
- (iv) Transcripts from State Court Proceedings Ordered by a Judicial Officer

Transcript fees for state court proceedings which have been ordered by federal judicial officers can be paid by appropriated funds upon receipt of an invoice from the court reporter or transcriber with verification of the request by the court.

(d) Filing the Invoice or Alternative Form SF 1034

- (1) The original and first copy must be submitted to the clerk of court or designated approving official with:
 - (A) an invoice billing the court and referencing the case number, category of transcript ordered, total number of pages, and page rate; and
 - (B) other supporting documentation required.
- (2) The second copy should be retained in the court reporter's files.

(e) Payment

- (1) Services claimed on the billing or [SF 1034](#) are usually paid by the clerk of court or designated disbursing officer who certifies and pays vouchers on the basis of the approving officer's prior approval. Payments may not be made in advance of the rendering of services. A single authorization may be used to support a series of vouchers.

(2) Payment to Contract Court Reporters

(A) Terms of Contract and Maximum Fee Rates

All fees are set by the terms of the contract, subject to the [maximum fee rates](#) established by the Judicial Conference.

(B) Transcripts Ordered by the Court

“Terms and Conditions” of the court reporter contract mandate that the court pay for an original transcript when ordered by the district or bankruptcy court and, with proper documentation, for a transcript ordered by a party proceeding in forma pauperis on appeal. Courts may not pay for a transcript ordered by and furnished to a party not proceeding in forma pauperis on appeal.

(B) Copy to the Clerk

When a contractor produces a transcript at the request of a party or a judge, the contract reporter must concurrently deliver a copy to the clerk of court at no charge.

§ 530.80 Routine Apportionment of Transcript Rates

§ 530.80.10 Judicial Conference Policy

- (a) “That the furnishing of accelerated transcript services in criminal proceedings should be discouraged, however, recognizing that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both, accelerated transcript services may be provided.” [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 90.
- (b) “That in those cases where accelerated transcript services are provided, the party from whom the request or order emanates shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel shall be entitled to a copy at the copy rate.” [JCUS-MAR 80](#), p. 19; [JCUS-SEP 86](#), p. 90.

§ 530.80.20 Court Action

Courts should ensure that the court reporting services management plan prohibits the routine apportionment of accelerated transcript costs among parties in criminal proceedings. **See:** [Guide, Vol 6, § 130 \(Court Reporting Management Plan and Court Reporting Supervisor\)](#).

§ 530.85 Electronic Sound Recording Files

§ 530.85.10 Introduction

- (a) The court may have transcripts prepared by professional transcription services. All format, delivery time schedule, and fee requirements adopted by the Judicial Conference apply as if the transcript were produced by one of the court's reporters. **See:** [Guide, Vol 6, § 380.20 \(Preparation of Transcripts from Electronic Sound Recordings\)](#).
- (b) Court employees, other than court reporters, may not retain fees for preparation of official transcripts even if prepared on their own time. If a court employee, other than court reporters, produces a transcript for a private party, the fees for such must be deposited into the United States Treasury.

§ 530.85.20 Judicial Conference Policy

- (a) "The Conference approved an amendment...of the regulations of the Director to provide that the rates and conditions for transcripts prepared by electronic recording of proceedings before magistrate judges be the same rates and conditions established by the Conference for transcripts prepared by an official court reporter." [JCUS-SEP 77](#), p. 64.
- (b) "For transcribing a record of any proceeding by a regularly employed member of the bankruptcy court staff who is not entitled by statute to retain the transcript fees for his or her own account, a charge shall be made at the same rate and conditions established by the Judicial Conference for transcripts prepared and sold to parties by official court reporters." [JCUS-MAR 81](#), p. 14.

§ 530.85.30 General Counsel Opinion

- (a) "Official court reporters are the only court employees who may receive compensation other than their salary for the performance of official duties, namely fees for the preparation of transcripts." OGC Memorandum, June 8, 1983.

- (b) “When the court designates a non-reporter employee to transcribe the record of a courtroom proceeding, that employee produces the transcript as part of his or her official duties.... That employee is entitled, therefore, to work on the transcript during regular working hours and to have all supplies furnished by the government. Any fee collected for the transcript represents a reimbursement to the government of the costs of having a non-reporter employee prepare the transcript and must be paid into the Treasury pursuant to [31 U.S.C. § 3302\(b\)](#). The retention of these fees by a non-reporter employee could offend the spirit if not the letter of the criminal statutes on conflict of interest.” [18 U.S.C. § 201\(g\)](#), [§ 209](#).

§ 530.85.40 Reproduction of Recordings of Proceedings

- (a) Upon request, the court may reproduce audio recordings of court proceedings on its own duplicating equipment or on commercial equipment and may sell copies of electronic sound recording files made as the official record to the public at the prevailing rate prescribed by the miscellaneous fee schedule in effect. **See:** [District Court Miscellaneous Fee Schedule](#) and [Bankruptcy Court Miscellaneous Fee Schedule](#) on the J-Net.
- (b) This provision does not apply to reporters’ backup audio recordings used to augment the court reporter’s steno notes.

§ 530.90 Certification of Transcript Rates

- (a) Judicial Conference Policy

“The reporter is required to certify on each invoice that the fee charged and the page format used conform to the regulations of the Judicial Conference.” [JCUS-MAR 82](#), p. 9.

- (b) Certification

[Form AO 44 \(Invoice\)](#), contains the following certification that the reporter must sign:

“I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.”

§ 530.95 Sanctions for Overcharging

(a) Judicial Conference Policy

“That to insure compliance with regulations of the Judicial Conference, each court may be directed to take any necessary action including, but not limited to, dismissal of the court reporter or restitution of overcharges, whether they arise out of a violation of page rates, page format, or time limits for delivery.” [JCUS-MAR 82](#), p. 9.

(b) Retention of Deposits

As part of its management responsibility, the clerk of court may receive and hold transcript fee deposits and other payments as an incentive to the court reporter to fulfill transcript orders on time.

(c) Monitoring

The court reporting supervisor must monitor fees charged for transcripts including reviewing invoices and vouchers for compliance with the court’s approved fee schedule and any fee reductions imposed for late delivery.

(d) Refunding

In the case of mistakes or failure to comply with the maximum rates established by the Judicial Conference and the district court, reporters or transcribers must refund over-billings to the ordering party.

(e) Termination

Reporters who intentionally overcharge should be terminated. Courts are advised to discontinue using transcription services which intentionally overcharge.

§ 540 Transcripts for Cases on Appeal

§ 540.10 Introduction

Cases appealed to the United States courts of appeals require the timely transmission of the record from the lower court. A transcript of the proceedings normally is a required part of the record to be transmitted to the court of appeals.