

- (2) In the event a separated court reporter may be unavailable to produce transcripts (due to illness, death, or the court's decision not to refer transcript orders to that reporter), the dictionary will assist another court reporter or transcriber with translating the original reporter's notes if a transcript is required.

## **§ 520 Transcript Format**

### **§ 520.10 Introduction**

The Judicial Conference first adopted the uniform transcript format in 1944 to assure that each party is treated equally throughout the country. JCUS-SEP 44, Appendix.

- (a) Although the Conference has made some adjustments from time to time, the format has remained substantially the same.
- (b) The format requirements must be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference.
- (c) The per-page transcript rates are based on strict adherence to the prescribed format.
- (d) The format standards incorporate government standards for archival materials and assure that all transcripts produced in federal courts are produced on the same basis.

### **§ 520.15 Electronic Transcripts**

- (a) Transcripts may be sold via electronic media in PDF, ASCII, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.
- (b) Each page of transcript sold via electronic media must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and electronic media transcripts may not contain any protection or programming codes that would prevent copying or transferring the data. JCUS-SEP 91, p. 65 and JCUS-SEP 12, p 26.

### **§ 520.16 Compressed Transcript**

- (a) A compressed transcript captures two or more standard pages of transcript and reproduces them on a single page.

- (b) As with electronic media, court reporters and transcribers who have the capability may sell compressed transcripts on a per standard transcript-page basis, regardless if two or more standard transcript pages are compressed onto a single page of paper.
- (c) There is no requirement to provide such service.

### **§ 520.20 Realtime Translation**

The transcript format guidelines prescribed by the Judicial Conference apply to realtime translation with the exceptions outlined in § 320.50.30 (Production).

### **§ 520.23 Paper**

- (a) Size  
Paper size is to be 8-1/2 X 11 inches.
- (b) Weight  
The weight of paper is to be at least 13 pounds for both originals and copies.
- (c) Type  
The paper type for both originals and copies is to be of chemical wood or better quality.
- (d) Color  
White paper is to be used for both originals and copies.

### **§ 520.30 Margins**

- (a) The use of preprinted solid left and right marginal lines is required.
- (b) The use of preprinted top and bottom marginal lines is optional.
- (c) All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

### **§ 520.33 Line Numbers**

Each page of transcription is to bear numbers indicating each line of transcription on the page.

## **§ 520.36 Typing**

### **§ 520.36.05 Ink Color**

Black ink is to be used for both originals and copies.

### **§ 520.36.10 Type Size**

The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

### **§ 520.36.15 Number of Lines Per Page**

#### (a) Line of Text Per Page Requirement

- (1) Except as provided in (b) below, each page of transcription is to contain 25 lines of text.
- (2) The last page may contain fewer lines if it is less than a full page of transcription.
- (3) Page numbers or notations cannot be considered part of the 25 lines of text.

#### (b) Exception

- (1) An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer.
- (2) The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions.
- (3) Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript that includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break.
- (4) This exception as defined above will make it easier for a judge to provide portions of a transcript to a jury for review. JCUS-MAR 96, pp. 26-27.

### **§ 520.36.25 Spacing**

Lines of transcript text are to be double spaced.

### **§ 520.36.30 Upper and Lower Case**

Upper and lower case is preferred, but all upper case may be used.

### **§ 520.36.35 Indentations**

- (a) Question and Answer (Q and A)
  - (1) All Q and A designations must begin at the left margin.
    - (A) A period following the Q and A designation is optional.
    - (B) The statement following the Q and A must begin on the fifth space from the left margin.
    - (C) Subsequent lines must begin at the left margin.
  - (2) Since depositions read at a trial have the same effect as oral testimony, the indentations for Q and A must be the same as described above.
    - (A) In the transcript, each question and answer read from a deposition must be preceded by a quotation mark.
    - (B) At the conclusion of the reading, a closing quotation mark must be used.
- (b) Colloquy
  - (1) Speaker identification must begin on the tenth space from the left margin followed directly by a colon.
  - (2) The statement must begin on the third space after the colon.
  - (3) Subsequent lines must begin at the left margin.
- (c) Quotations

Quoted material other than depositions must begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

### **§ 520.36.40 Interruptions of Speech and Simultaneous Discussions**

- (a) Interruptions of speech must be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.

- (b) At the discretion of the transcriber, simultaneous discussions may also be noted in this manner.

#### **§ 520.36.45 Punctuation and Spelling**

Punctuation and spelling must be appropriate standard usage. For example, if a question in Q and A is indeed a question, it must be followed by a question mark.

#### **§ 520.36.50 Page Heading**

- (a) A page heading (also known as a “header”) is brief descriptive information noted to aid in locating a person or event in a transcript.
- (b) A page heading must be provided on each page of witness testimony; it is optional for other types of persons and/or event notations.
- (c) Listing the last name of the witness or other party and the type of examination or other event is sufficient.
- (d) Page headings must appear above line 1 on the same line as the page number.
- (e) This information is not to be counted as a line of transcript.

#### **§ 520.36.55 Parenthetical Notations**

- (a) Parenthetical notations are generally marked by parentheses; however, brackets may be used.
- (b) Parenthetical notations must begin with an open parenthesis or bracket on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- (c) Parenthetical notations are used for:
  - (1) customary introductory statements such as call to order of court or swearing in a witness, and
  - (2) indicating non-verbal behavior, pauses, and readback/playback.

For types of parenthetical notations, **see:** § 520.40.20(a).

#### **§ 520.36.60 Legibility**

The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

## § 520.40 Content

### § 520.40.10 Verbal

Except as noted below, the transcript must contain all words and other verbal expressions uttered during the course of the proceeding.

(a) Striking of Portions of the Proceeding

No portion of the proceeding must be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript.

(b) Editing of Speech

(1) The transcript must provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences must be transcribed as spoken.

(2) In the interest of readability, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

(c) Reporting of Audio/Video Recordings

Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

(d) Private Communications and Off the Record Conversations

Private communications and off the record conversations inadvertently recorded must not be included in the transcript.

(e) Call to Order, Swearing in, or Affirmation of Witnesses or Jurors

(1) Standard summary phrases must be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.

(2) These must appear in parentheses or brackets and begin with an open parenthesis or bracket on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

(3) The following phrases can be employed:

- (Call to Order of the Court),
- (The Jury Is Sworn),
- (The Witness Is Sworn), and
- (The Witness Is Affirmed).

(f) Identification of Speaker

- (1) All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:
- (2) Proper Transcript:

<b>Speaker</b>	<b>Identification</b>
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS + (last name)
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

(g) Testimony Through Interpreter

When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical “(in English)” is inserted.

**§ 520.40.20 Nonverbal**

(a) Designation of Portions of Proceedings and Time of Occurrence (Parenthetical Notations)

- (1) Parenthetical notations in a transcript are a court reporter’s or electronic court recorder operator’s own words, enclosed in parentheses or brackets, recording some action or event. Parenthetical notations should be as short as possible but consistent with clarity and standard word usage.

(2) The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(A) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate

(i) Examples:

- (Recess at 11:30 a.m.)
- (Recess at 12:30 p.m., until 1:30 p.m.)
- (Proceedings concluded at 5 p.m.)

(B) Jury In/Out

(i) Examples:

- (Jury out at 10:35 a.m.)
- (Jury in at 10:55 a.m.)

(ii) If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred:

- in the presence of the jury,
- out of the presence of the jury,
- out of the hearing of the jury,
- prior to the jury entering the courtroom, or
- after the jury left the courtroom.

(3) Defendant Present/Not Present

In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences

(A) This designation must note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation must so indicate.

(B) Examples:

- (Bench conference on the record)
- (Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)
- (At side bar on the record)

- (At side bar)
- (End of discussion at side bar)

(5) Discussions off the Record

This designation must note where the discussion took place.

(6) Chambers Conferences

(A) This designation must note the presence or absence of parties in chambers.

(B) Examples:

- (Discussion off the record in chambers with defendant not present)
- (Discussion on the record in chambers with defendant present)

(b) Speaker/Event Identification

(1) References to speakers and events that occur throughout proceedings must be properly noted in capital letters and centered on the appropriate line.

(2) Examples:

- AFTER RECESS
- DIRECT EXAMINATION
- CROSS EXAMINATION
- REDIRECT EXAMINATION
- RECROSS EXAMINATION
- FURTHER REDIRECT EXAMINATION
- PLAINTIFF'S EVIDENCE
- PLAINTIFF RESTS
- DEFENDANT'S EVIDENCE
- DEFENDANT RESTS
- PLAINTIFF'S EVIDENCE IN REBUTTAL

(c) Nonverbal Behavior and Pauses

(1) It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (i.e., physical gestures, and lengthy pauses on the part of a witness.)

(2) If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

(3) Examples:

- (Nods head up and down)
- (Shakes head from side to side)
- (Indicating)

(d) Readback and/or Playback

All readbacks and/or playbacks and the party requesting must be noted parenthetically as follows:

(1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical must be used:

(The last question and/or answer was read/played back)

(2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

(e) Indiscernible or Inaudible Speech on Electronic Sound Recording

(1) Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."

(2) Every effort must be made to produce a complete transcript. The use of "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

## **§ 520.43 Title Page**

### **§ 520.43.10 Contents**

Each transcript is to include a title page indicating:

- (a) court name;
- (b) district;

- (c) case name;
- (d) civil or criminal docket case number;
- (e) name and title of judge or other judicial officer presiding;
- (f) type of proceeding;
- (g) date and time of proceeding;
- (h) volume number (if multi-volume);
- (i) name and address of each attorney and name of party represented;
- (j) whether a jury was present;
- (k) court reporter's name, address, and telephone number, if steno based;
- (l) audio operator's name, plus name, address, and telephone number of transcription company, if electronic sound recording equipment based;
- (m) method by which the proceedings were recorded; and
- (n) method by which the transcript was produced.
- (o) Examples of this statement include the following:
  - (1) Proceedings recorded by mechanical stenography, transcript produced by notereading.
  - (2) Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.
  - (3) Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
  - (4) Proceedings recorded by electronic sound recording, transcript produced by transcription service.

#### **§ 520.43.20 Record of Appearance**

Beginning on the title page, the court reporter is to include the complete record of appearances.

#### **§ 520.43.30 Cost**

The court reporter may charge for the title page as a full page of transcript.

## **§ 520.46 Indexes**

Each volume is to contain an index that is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

### **§ 520.46.10 Requirement**

- (a) The index must indicate the pages at which each of the following begins:
  - DIRECT EXAMINATION,
  - CROSS EXAMINATION,
  - REDIRECT EXAMINATION,
  - RECROSS EXAMINATION,
  - FURTHER DIRECT EXAMINATION, and
  - RECALL OF EACH WITNESS.
- (b) The index must also indicate on behalf of whom the witness or witnesses were called, such as:
  - PLAINTIFF'S WITNESSES,
  - WITNESSES FOR THE GOVERNMENT,
  - DEFENDANT'S WITNESSES, and
  - WITNESSES FOR THE DEFENSE
- (c) A separate table in the index must indicate the page at which any exhibit was marked for identification and received in evidence.

### **§ 520.46.20 Master Index for Longer Transcripts**

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index in a separate volume that compiles all of the individual indexes.

### **§ 520.46.30 Keyword Indexing Service**

- (a) Keyword indexing services provide an index of key words in the transcript and corresponding page number(s) in which the words appear.
- (b) No charge is permitted in addition to the normal page rates for keyword indexing services.
- (c) If the keyword indexing service is provided via electronic media, no additional charge is permitted for the cost of the electronic media itself.

## **§ 520.50 Numbering**

### **§ 520.50.10 Pages**

- (a) The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved.
- (b) The court reporter must place the page number at the top right corner of the page flush with the right margin above the first line of transcription.
- (c) The page number does not count as a line of transcript.
- (d) The pagination of the transcript of the further proceedings in the same matter must follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

### **§ 520.50.20 Multi-Volumes Transcripts**

Multi-volume transcripts must be numbered in either of the following ways:

- (a) Each volume of transcript must be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings.
- (b) Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples:

- 1-14 (Volume 1, page 14)
- 2-54 (Volume 2, page 54)

- (c) If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples:

- 56 (Volume 1, page 56)
- 521 (Volume 3, page 521)

## **§ 520.53 Cover**

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

## § 520.56 Punched Holes

If the court reporter punches transcript with three holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

## § 520.60 Fastener

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

## § 520.63 Certification

### § 520.63.10 Requirement

- (a) The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page.
- (b) The certification is to appear on the last page of each volume of transcript. If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certifications of each court reporter or transcriber involved must be required at the end of each volume. (**Note:** The contents of the title page should not be repeated as part of the certification.)
- (c) A rubber stamp with the certifications may be used to save time and space. A sample certification is provided in § 520.63.30.

### § 520.63.20 Reporter's Charge for Certification

- (a) If the reporter places the certification on a separate page from any transcript text, then the reporter may NOT charge for the certification page.
- (b) If the court reporter includes the certification on the last page of a transcript that contains actual transcript text, the reporter can charge for that page of text.

### § 520.63.30 Certification Examples

- (a) Stenography/Stenomask

"I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter."

\_\_\_\_\_  
Signature of Court Reporter/Transcriber

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

(b) Transcriber’s Certification for Another’s Notes.

“I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the \_\_\_\_\_ [court name], of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.”

\_\_\_\_\_  
Signature of Transcriber

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

(c) Electronic Sound Recording

“I (we), court-approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.”

\_\_\_\_\_  
Signature of Approved Transcriber

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

(d) Redacted Transcripts

At the end of the redacted transcript, and without causing a “page roll-over” (a smaller font may be used) the redacted transcript must be certified by the court reporter/transcriber stating:

“I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on day/mo/year, and incorporating redactions of personal identifiers requested by the following attorneys of record: \_\_\_\_\_, in accordance with Judicial Conference policy.

Redacted characters appear as an “x” (or a black box) in the transcript.”

\_\_\_\_\_  
Signature of Approved Transcriber

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

### **§ 520.66 Copies**

- (a) Transcript copies may be reproduced by any method of reproduction which produces black text on single-sided white paper.
- (b) There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

### **§ 520.70 Redaction**

- (a) There are various software programs that are available to assist court reporters and transcribers in the redaction process. The use of these programs is permissible, as long as page and line integrity remains intact.
- (b) If a court reporter does not have access to 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 or transcriber can charge for providing redacted transcripts to the court for the electronic records of the court.

## § 530 Fees

### § 530.10 Authority

- (a) Pursuant to 28 U.S.C. § 753(f), 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. JCUS-MAR 80, pp. 17-18. **See:** Current maximum transcript rates on the Court Reporting page of JNet.
- (b) Each district court must adopt a schedule of transcript fees for reporters and transcribers, subject to maximum rates established by the Judicial Conference.
  - (1) The Conference has established six transcript categories (**see:** § 510.17) based on delivery times and whether the transcript is certified or a realtime translation, and has set a maximum rate for each.
  - (2) The parties, court reporter, transcriber, and the court may not 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 (**see:** § 530.40).
  - (3) Fees may be negotiated lower than the court approved rates. In setting the transcript rates to be charged by the court reporters in each area, the district court may 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.

### § 530.15 Scope

The maximum rates adopted by the Judicial Conference are the maximum rates that can be charged by:

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