

# **AOC COURT REPORTER GUIDELINES FOR JUDGES**



**Authority: TCA §40-14-301 et. seq.**

Prepared by the Administrative Office of the Courts  
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## INTRODUCTION

The Administrative Office of the Courts (AOC) 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. To this end, the AOC has drafted these guidelines to provide judges with information about the court reporter processes in Tennessee for those court reporters the AOC serves pursuant to T.C.A. §40-14-301. et seq.

State court judges exercising jurisdiction over any criminal action punishable by confinement in the state penitentiary must designate one or more persons to act as court reporters to serve at the pleasure of the judge. These “designated” reporters are generally referred to as “official court reporters.” Official court reporters are full-time state employees. The administrative director will determine the number of reporters to be designated by such judge. Tenn. Code Ann. § 40-14-302. Whenever the administrative director and the judge or judges in a particular area determine that accurate verbatim transcripts could be more economically, expeditiously and efficiently provided in such area by entering into contracts for that purpose rather than by utilizing the designation of court reporters, then, in such instances, the administrative director is authorized to enter into such contracts. Tenn. Code Ann. § 40-14-315. These “contract” reporters are generally referred to as “auxiliary reporters” or “per diem” reporters.

If the judge deems it appropriate, a reporter must also report misdemeanor trials the judge requires. In most instances, litigants in civil proceedings are responsible for obtaining their own reporters.

The court reporter must attend every stage of each criminal case before the court and record verbatim proceedings held in open court and such other proceedings as the judge may direct. The reporter files the records with the clerk to be preserved as part of the record. Tenn. Code Ann. § 40-14-307(a).

The administrative director formulates standards determining qualifications of reporters, prescribes or approves the method for taking verbatim records and fixes compensation schedules within budgetary limitations. Tenn. Code Ann. §§ 40-14-303, -306, -311. The AOC also furnishes necessary supplies and recording systems used by official reporters. The administrative director is authorized to purchase recording equipment to use Tenn. Code Ann. § 40-14-314.

## CONTACT INFORMATION

The official court reporter's direct supervisor is the judge for whom the reporter works, and for most matters, the supervising judge should be the reporter's first contact. If the reporter works for multiple judges, the supervising judge will be the presiding judge. For administrative or benefit matters, the following staff at the AOC should be contacted.

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## **ALL COURT REPORTERS**

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Court reporters may receive payment from the Administrative Office of the Courts (AOC) via two sources: the Court Reporter Fund, which includes the majority of criminal proceedings or the Indigent Defense Fund, which includes some indigent criminal and civil proceedings. The payment process for each of these is different.

For payment of court reporter services out of the Court Reporter Fund, all requests for payment must include a judge's authorization.

For payment of court reporter services out of the Indigent Defense Fund, the appointing counsel for the indigent defendant/respondent must seek prior approval from the trial court and from the AOC. (See Supreme Court Rule 13, Section 4). This prior approval will ensure prompt payment to the court reporter.

In an indigent criminal case, the AOC will pay for one (1) original and one (1) copy of a transcript for the defendant out of the court reporter fund. In non-indigent criminal cases, if the reporter is asked to prepare a transcript by the defendant or the defendant's attorney, 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 (in 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.

If the reporter requests payment for additional sets, in a single-defendant case, beyond the one (1) original and one (1) copy, as authorized by statute, the reporter should attach a court order to the payment request. If a trial judge desires a personal copy (in addition to the original which is normally placed in the court file), he/she should take the original out of the court file and make a Xerox copy.

According to Appellate Rule 24 (b), "Within 15 days after filing the notice of appeal, the appellant in a criminal action shall order from the reporter a transcript of such parts of the evidence or proceedings not already on file as the appellant deems necessary." T.C.A. §40-14-312 states that "If the defendant prays and is granted an appeal, and is determined by the trial judge to be without sufficient funds to pay for the preparation of the transcript of the proceedings, the trial judge shall direct the court reporter to furnish the defendant a complete transcript of the proceedings, the fee for which shall be paid by the state of Tennessee out of money appropriated for that purpose." It appears that the attorneys (and not the clerks) should notify court reporters when the notice of appeal has been filed.

The recording equipment/system provided by the state shall be used solely for authorized judicial proceedings in which the state is required to provide court reporting services. In addition, the recording equipment/system shall remain the property of the state and shall remain with the court when court reporters change employment.

For maintenance and repair needs of the analog or digital recording systems and/or transcribing equipment, reporters or a member of the judge's staff are to contact the AOC.

## 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 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 discreet and confidential nature of court proceedings.

The AOC has adopted the Code of Professional Ethics from research on the National Court Reporters Association website [[www.ncraonline.org](http://www.ncraonline.org)]. These standards are mandatory for all court reporters while in the service of Tennessee courts. If you would like a copy of this code, please contact the court reporter coordinator at the AOC. Court reporters have been made aware of the Code of Professional Ethics, and they are expected to comply.

## **OFFICIAL COURT REPORTERS**

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### Administrative

The official court reporter is under the direct supervision of the hiring judge. The Administrative Office of the Courts functions as a support agency to the judges and courts of Tennessee. The court reporter should consult with the supervising judge on all issues related to the position. Once the court reporter has consulted with the judge, and the judge advises the reporter to seek further information, the reporter may contact the designated representative of the AOC. The official court reporter's employment is at will. The hiring judge may terminate the job relationship at any time with or without cause, as may the reporter.

It is the official reporter's responsibility to find a substitute reporter should it become necessary for the official to be absent from court for any reason. Official reporters shall contact other official reporters within their district or within a 50-mile radius prior to contacting a per diem reporter to substitute.

If a reporter is unable to perform duties for periods longer than two weeks, the Human Resources Division of the AOC should be notified in writing.

### Compensation

Compensation for official court reporters is determined by salary and by transcript fee. Salary is determined by the AOC director and is awarded on the basis of experience and proficiency levels.

### Benefits

Benefits include longevity, sick leave, bereavement leave, participation in the sick leave bank, and paid State holidays. Official court reporters are not eligible to receive annual leave, compensatory time, or overtime compensation.

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.

The reporter is to be available for court when court is or could be in session. (Generally 7.5 hours per day Monday through Friday) Should it become necessary for a reporter to leave court due to a medically-related reason 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 later typed on a transcript for 4.0 hours, the number of sick leave hours should be reflected on the work report as 5.0 hours. (Please note that in addition to

receiving a monthly salary, the reporter is compensated for the typing of transcripts at a per page rate.) If the reporter is not available on a particular day, due to illness, the reporter must claim 7.5 hours of sick leave whether court was in session or not. Since official court reporters earn sick leave, they must follow sick leave requirements. Hence, if the reporter is sick during the time when court is or could be in session, he/she must deduct the time he/she was not available for court. In addition, the amount of hours that another reporter substitutes **does not** represent hours worked for the reporter being relieved. The sick leave policy 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 that is presented by the AOC when it is held, and if unable to attend due to a medically-related reason, sick leave should be used. The reporter should submit a letter for approval to the AOC that provides an explanation of the anticipated absence.

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 other than immediate family members should be reflected as sick leave. All leave taken by the reporter must be approved by the supervising judge(s).

#### Work Relief

Work relief is defined as days that are needed for transcript preparation and are in addition to any other scheduled or nonscheduled days off during a particular month. If a reporter finds it necessary to take work relief, it is not necessary to submit a work relief request form if another official reporter will be used to relieve the court reporter. However, if the reporter needing the relief has contacted other official reporters, and none of them are available, and it becomes necessary to contact a per diem reporter, the work relief request form must be completed, approved by the supervising judge, and submitted to the AOC for approval, prior to taking relief.

## Reports

Official reporters are required to submit a monthly work report that identifies their work-related travel, reporting time in the courtroom, time performing tasks outside of the courtroom, (i.e., administrative tasks, transcription), associated expenses, and absences. The work reports are due on the 13<sup>th</sup> of the month following the reported month. For example, reports for July are due on August 13. If reports are late, payments for transcripts will not be processed until outstanding reports are received.

For each day of the month, with the exception of weekends and holidays - which shall be noted on the form - the work report must reflect the number of hours spent performing a work activity.

If the reporter worked for more than one judge during the month, the work report must reflect the initials of each judge for the dates on which the reporter appeared before him/her. The form may contain the signature of only one judge.

## Filing the Record

If an official 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.

## Supplies

As employees of the state, 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, exhibit labels, headsets, and foot pedals. These "general" supply items should be requested on the supply requisition form provided to the reporters.

Effective July 1, 2006, the AOC began reimbursing officials for additional "consumable" office supplies up to a maximum of \$500 per fiscal year. Consumable office supplies include calculator, steno notebooks, calculator tape, correction supplies, (i.e., liquid white-out), pens, pencils, post-it-notes, staples,

stapler, 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, and toner/printer cartridges. Reporters must use the consumable supply reimbursement form to make a request and original receipts must be attached to the request.

Prior AOC approval is required for all requests for reimbursement for items not included on the general or consumable office supply list. This includes items that are to be used with the state-provided equipment.

## **AUXILIARY/PER DIEM COURT REPORTERS**

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### Administrative

Auxiliary court reporters are designated when there is no official reporter designated for the district or when the regularly designated official reporter is unable to attend court. (T.C.A. §40-14-304)

The auxiliary reporter serves the Tennessee courts in accordance with the terms of the vendor authorization form, which is a contract between the AOC and the auxiliary reporter that authorizes the AOC to provide payment for court reporting services rendered. No reporter may function as an auxiliary reporter for the Tennessee courts without having a current signed vendor authorization form on file with the AOC. A new vendor authorization form must be signed and returned for each new fiscal year. The auxiliary reporter's relationship to the Tennessee courts and the AOC is that of an independent contractor.

A list of authorized per diem reporters is generated shortly after the vendor authorization forms have been mailed to reporters and then returned to the AOC. The list is updated periodically and will be provided to all official court reporters in the perspective districts. In districts where there is not a full-time official reporter, the list is provided to the judges.

### Compensation

Auxiliary reporters are paid a per diem in accordance to the rates established within their contract.

If a reporter works beyond 3.75 hours, the reporter will be paid at the full-day rate. If the reporter works 3.75 hours and below, the half-day rate will apply.

If the reporter worked for more than one judge during the dates for which payment is being requested, one request for payment form needs to be completed for each judge.

# **AOC FORMS**

- REQUEST FOR PAYMENT OF TRANSCRIPT IN INDIGENT MATTER  
(Official reporters & auxiliary reporters)
- WORK RELIEF REQUEST  
(Official reporter only)
- OFFICIAL COURT REPORTER MONTHLY WORK REPORT  
(Official reporters only)
- REQUEST FOR PAYMENT BY AUXILIARY COURT REPORTER  
(Contract reporters only)

\*Signature of the supervising/presiding judge is required on each of these forms.