

ADMINISTRATIVE ORDER #3, 2nd SERIES

State of Minnesota

District Court

Fifth Judicial District

**Administrative Order No. 3, 2nd Series
Date of Implementation: March 26, 2008**

In Re: Order Establishing Policies Governing Official Court Reporters

I. Court Reporter Expenses

Court Reporter expenses and personal equipment allowances are determined pursuant to the applicable, current Labor Agreement between the Minnesota Judicial Branch and the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local 320, Official Court Reporters. See Court Reporter Agreement posted on [Courtnet/Human Resources/Court Reporter Agreement](#).

II. Transcript Preparation.

A. Guideline for Transcript Preparation.

The guidelines for preparation of transcripts are as provided by the Supreme Court.

B. Transcript Rates.

Transcript rates are determined according to procedures promulgated by the Supreme Court or Judicial Council.

III. Per Diem Reporters

A. Minimum Qualifications for Substitute Reporters.

As provided by law and the presiding judge.

B. Arranging for Substitute Reporters.

For budgetary reasons, per diem Court Reporters shall be used only when deemed necessary by the judge. When a substitute reporter is required, official reporters shall take the following steps:

1. Check with Official Court Reporters via e-mail in the same and/or adjacent assignment districts to see if another reporter is available due to a judge's leave, calendar change, etc. A carbon copy of the e-mail requesting assistance shall be sent to the court administrator, judge and district administration.

2. If another official reporter is not available, the court reporter shall contact the judge so the judge can determine whether the hearing/trial can be recorded by an Electronic Recording Equipment Operator or, if it requires, an Official Court Reporter to be present. If the judge determines an official court reporter is not required, the court reporter will then request that the Court Administrator have an Electronic Recording Equipment Operator operate the taping equipment, if the official reporter is using "normal" vacation or sick leave time.
 - a. The Electronic Recording Equipment Operator will only operate the taping equipment and will not be allowed to prepare transcripts. If transcripts are required, they would be prepared by the Official Court Reporter when the Official Court Reporter returns from leave.
 - b. "Normal" is defined as typical short-term sick leave or vacation leave.
3. If the judge determines an Official Court Reporter is required and a substitute Court Reporter is not available, then the court reporter shall obtain a per diem reporter to cover in their absence. Upon retaining a per diem Court Reporter, the court reporter shall immediately notify the District Office. This notice should include the name(s) of the per diem Court Reporter and the dates their services will be needed.

C. Per Diem Rates for Substitute Per Diem Reporter

1. The per diem rate for substitute stenographic and electronic reporters shall be \$180 per full day or \$90 per half day.
2. For each hour in excess of eight (8) hours (excluding lunch), the rate shall be \$19 per hour.
3. The per diem payments are a district expense and will be paid upon submission of a Statement of Reporter Expense approved by the appointing judge.

D. Transcript Rates

Transcript rates are the same as those for Official Court Reporters. Transcript costs are paid by the county of the case's venue upon submission of a Statement of Reporter Expenses to the Court Administrator of the case's venue approved by the appointing judge.

E. Expenses

Mileage, meals and lodging expenses for case-related work and other allowable expenses are the same as those for Official Court Reporters and shall be reimbursed upon submission of a Statement of Reporter Expenses approved by the appointing judge.

F. Postage and Copying Costs

Postage and copying costs for per diem reporters shall be paid by the county of venue if the transcript is a non-paid transcript and by the reporter if for a paid transcript.

G. Guideline for Transcription Preparation

Guidelines for transcript preparation are the same for those for official court reporters.

IV. Workers Compensation

- A. The Official Court Reporter shall use electronic recording equipment to tape the types of calendars or cases as suggested in the minimum standards set out below or as the judge determines is appropriate.

Non- enhanceable arraignments
Petty misdemeanor traffic cases
Non-contested probate cases
Juvenile status offenses
Jury voir dire on civil cases, if counsel agrees
Jury voir dire on non-enhanceable misdemeanors if counsel agrees
Read depositions
Video depositions
Unlawful detainers initial appearance
Non-enhanceable misdemeanor pre-trials and pleas
Civil motions

- B. When a stenographic court reporter uses electronic court reporting equipment pursuant to this policy, it will not result in that court reporter's reclassification to that of electronic reporter.

- C. The court reporter must personally operate and monitor the recording equipment and maintain a detailed log of the recorded proceedings as promulgated by the Supreme Court. This will not free a court reporter for reassignment, nor is the court reporter responsible for duties normally performed by a Deputy Court Administrator.

- D. Every judge using a stenographic court reporter shall take a 20-minute work break after approximately ninety (90) minutes of continuous, uninterrupted court session. A stenographic court reporter shall not engage in typing or key-stroking during breaks from a court session.
- E. Judges retain the right to hire their own reporter; whether electronic, stenographic, CAT equipped or not. All newly hired certified stenographic reporters shall be responsible for purchasing CAT and shall be CAT equipped and trained within a reasonable period of time. Present official stenographic court reporters are grand-fathered in; however, they are encouraged to become CAT trained and equipped.
- F. The Judicial District Administrator's office, in collaboration with appropriate state organization, shall take the lead in assuring training sessions are required and provided for all judges, court reporters, law clerks, and appropriate court administrative employees on the dangers of repetitive stress injuries, the role of proper ergonomic furniture and equipment, exercise and the need for periodic breaks.
- G. Every courtroom in the Fifth Judicial District shall be equipped with Supreme Court approved electronic recording equipment.

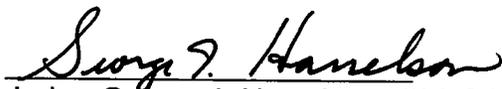
NOTE: Presently every primary courtroom has the required equipment. Secondary courtrooms may need to be updated and additional transcribing equipment may need to be purchased.

- H. All stenographic court reporters should be trained on the operation of the electronic recording equipment.

V. Education Expense Reimbursement

Education expense reimbursement determined pursuant to the applicable, current Labor Agreement between the Minnesota Judicial Branch and the Union representing the court reporters.

Date: March 26, 2008



Judge George I. Harrelson, Chief Judge
Fifth Judicial District

Source: This order is adopted from Administrative Order No. 5, originally issued on December 1, 2004.