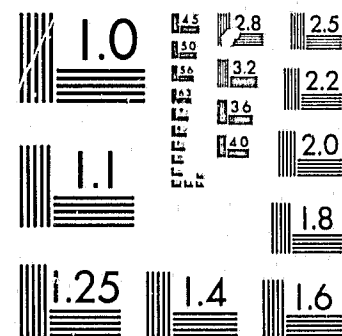


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4/4/84



## A STUDY OF SHORTHAND REPORTER TRANSCRIPT PRODUCTION COSTS

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### FORWARD

During 1980-81, several bills were introduced into state legislatures that, if passed, would have eliminated the fees that court reporters traditionally have received for producing transcripts. Payment of these fees in addition to the reporter's regular salary is predicated on the theory that most, if not all, transcript production activities are conducted beyond normal working hours -- nights, weekends, and holidays -- and that reporters are entitled to overtime compensation for this work. These bills sought to place all reporters on a flat-salaried basis and make the jurisdiction responsible for providing the personnel, equipment, and other resources necessary to produce the transcripts. It was the belief of the bills' sponsors that this would result in reduced costs to the jurisdictions while providing additional revenue through the states' sale of transcripts to litigants and attorneys.

The Board of Directors of the National Shorthand Reporters Association, in response to the proposed legislation, appointed a task force to assess the relative costs of the present bifurcated system of transcript payment and the costs associated with shifting to a flat-salaried, no-fee system. In addition to these primary tasks, the Task Force also identified the need for a cost-forecasting model which would allow any jurisdiction to conduct such a cost assessment taking that location's costs, transcript volume, and other peculiar characteristics into account.

NSRA contracted with Public Administration Service of McLean, Virginia, to develop this cost forecasting model, test its effectiveness, and prepare a report of their findings. Public Administration Service's personnel included Robert I. MacFarlane, Principal Associate and Project Director, Gerald Kuban, Senior Consultant, and Karyl Kinsey, Research Associate. The following document is their report.

### ACKNOWLEDGEMENTS

I would like to acknowledge the invaluable contributions of the NSRA-member task force appointed to oversee this project -- Frank O. Nelson, Chairman, Santa Barbara, CA; Kay Howell, Houston, TX; Alice Moell, Los Angeles, CA; Terrance Nagle, Minneapolis, MN; Frank Sarli, Orlando, FL; Otto Ulrich, Denver, CO; and Doris O. Wong, Boston, MA. I would also like to thank the

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Director of Research and Technology  
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August, 1982

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## EXECUTIVE SUMMARY

This is a report of a study of the costs of court reporting conducted by Public Administration Service (PAS) for the National Shorthand Reporters Association (NSRA). The study was initiated by NSRA in recognition of a general lack of sound data regarding personnel and equipment costs of court reporting and transcript production.

The study comprised several important tasks including: (1) a review of pertinent literature concerning court reporting methods, procedures, and costs; (2) the development of a generic cost forecasting model; (3) the test of the generic model in a court of general jurisdiction experiencing high transcript volume; and (4) the assessment of the likely costs of implementing a flat salary, no fee court reporting system in a court of general jurisdiction.

The impetus for this last project activity is due in part to recent legislative initiatives to change the traditional methods of court reporting by placing all reporters on a flat salary, eliminating the fee payment charged by reporters to parties requesting copies of transcripts, and instituting state or local governmental fee collection systems. Under this proposed legislation, all reporter work activity would be performed during the regular work day. Fees collected by the government would be used in part to supplement current reporter salaries as a means of providing compensation for the loss of transcript fees.

The cost forecasting model was implemented successfully in the Supreme Bench of Baltimore City, Maryland, a general jurisdiction court experiencing a transcript volume of approximately 170,000 pages per year. There are 30 court reporters assigned to the Supreme Bench. A variety of court reporting methods are used by these reporters including stenotype with dictation, personal typing of transcripts, and stenotype with computer-assisted transcription.

The field test of the model was performed by PAS by interviewing court officials and reporters, distributing an anonymous questionnaire to reporters seeking information regarding use of reporter time and transcript production activities, and reviewing court records regarding transcript requests and costs as well as court reporting costs.

The study considered the costs of four options for the implementation of a flat salary, no fee system in the Supreme Bench of Baltimore City. These options, all of which would result in managerial and organizational changes over present practices, were:



- I. The exclusive use of the conventional reporting system where dictation is the primary means of producing transcript.
- II. The combined use of the conventional reporting system and stenotype with computer-assisted transcription.
- III. The exclusive use of notereader/transcribers to produce transcript.
- IV. The exclusive use of stenotype with computer-assisted transcription for all transcript production.

The findings and conclusions resulting from this study are:

1. That given present operating conditions, court jurisdiction, and management practices, the implementation of a flat salary, no fee system in the Supreme Bench of Baltimore City would result in increased operating costs.
2. That with changes in methods of producing transcripts and managing reporters, the cost increase to be incurred through the implementation of a flat salary, no fee system would be lessened. Operating costs would, however, still increase even with the introduction of these changes.
3. The least expensive method of implementing a flat salary, no fee system in the Supreme Bench of Baltimore City would be to implement a computer-assisted transcript system for all reporters. This change would be advantageous in that the court could accommodate increased workload in future years without hiring additional reporters.
4. That under present court reporting methods, the expected influx of revenue from the state sale of transcripts to private parties would not produce sufficient income to offset the additional start-up costs to operate a flat salary, no fee system if the costs for purchasing transcripts is retained.
5. That there is no one solution for implementation of legislation requiring a flat salary, no fee system. Each court faced with this legislative mandate would be required to evaluate alternative options for implementing a flat salary, no fee system.

6. That even in a large metropolitan court with high transcript workload, there is opportunity to perform transcript production tasks during the regular work day.
7. That there is opportunity for improvement in court reporter productivity and net costs if in-courtroom time is maximized. This is largely due to the inefficiencies of dictating notes prior to notes being typed.

## I. INTRODUCTION

This report presents the results of a study of court reporter transcript production costs. The study was conducted in recognition of an absence of sound data regarding the costs of taking and producing the court record. The intent of this report is to present and analyze detailed data concerning transcript production costs under the traditional system wherein reporters prepare transcripts largely on their own time and receive a fee as compensation for this work, and under a system whereby reporters would receive only a flat salary, would produce all transcripts during the regular work day, and transcript fees would be collected by the state or local unit of government.

The study was conducted during the months of January-May, 1982, as a collaborative effort between a team of consultants from Public Administration Service (PAS), assisted by staff representatives of the National Shorthand Reporters Association (NSRA) and by court officials in several jurisdictions. The PAS team represented a wide range of skills and experience including research methodology and quantitative analysis, court management and organization, public administration, public personnel management, and legal and statutory analysis.

This study was conducted under the sponsorship and guidance of the Production Guidelines and Income Retention Task Force of the National Shorthand Reporters Association. This task force was composed of official as well as freelance reporters and also included in its membership representatives of the Conference of State Court Administrators, the National Association for Court Administration, and the National Association of Trial Court Administrators.

Scope and Purpose of the Study

The specific objectives of the study were to:

- Conduct a review of the literature concerning court reporting methods, procedures, and costs incurred in producing transcripts and collecting fees.
- Develop a generic cost forecasting model for projecting costs associated with court assumption of responsibility for transcript production and fee collection.
- Test the cost forecasting model in a court of general jurisdiction experiencing a high volume of transcript production.

- Assess the likely costs of a court of general jurisdiction assuming responsibility for and managing all transcript production and fee collection functions.

It was not the purpose of this study to assess the strengths and weaknesses of various court reporting methods and procedures. Nor was the study intended to recommend methods for improving court reporter productivity or specific cost reductions which could be attained through managerial or technological improvements.

This report contains meaningful information to assist public administrators, judges and court officials, and legislators contemplating changes in court reporting methods, organization, management, and statutory authority. The report presents analyses of transcript production costs in one court of general jurisdiction. The report does not suggest that these costs are representative of all courts or of any transcript production procedures or technology.

The cost forecasting model, however, is intended to be applicable to any court of general jurisdiction. It can, therefore, be used to assess transcript production costs in any such court.

#### Study Methods

This study was divided into two work phases. The first phase consisted of a review and analysis of pertinent research and literature regarding shorthand reporting methods, organization, and management. The purpose of this review was to synthesize significant information concerning the relationships between the costs of producing the record and the methods of managing court reporters, taking the record, and producing transcripts. The PAS team was particularly interested in empirical studies which would yield insight on costs of transcript production. This phase included a review of proposed legislation to alter current rules and statutes pertaining to methods of taking the record, producing transcripts, and paying fees for transcripts.

As a final task within Phase I, PAS developed a cost forecasting model to assess the costs of transcript production in any court. The model included those costs pertaining to reporter salaries and benefits, equipment and space, clerical and supervisory services, and government expenditures for transcript fees.

The second work phase was devoted to a field test of the cost forecasting model. NSRA and the Production Guidelines and Income Retention Task Force concluded that it would be most appropriate to test the model in a large court of general jurisdiction since such courts are more likely to generate large volumes of transcripts. PAS and the Task Force selected its field test site based on the following criteria:

- Cooperation of reporters, judges, and administrative staff of the selected court.
- A large court with a staff of 20-35 judges.
- Availability of and access to court records regarding number of appeals and financial information concerning reporter salaries and benefits and payments for equipment, furniture, and office space.

PAS conducted its field test in Baltimore, Maryland. In completing the field test several data collection and analysis methods were used including:

1. Interviews with management officials including the Court Administrator, the Administrative Judge, the Chief Court Reporter, representatives of the Court Clerk's Office, and the Assistant Public Defender for the State of Maryland.
2. Collection and analysis of information concerning the court's jurisdiction, organization, authority, budget, and staffing.
3. Interviews with court reporters to ascertain methods and procedures used in taking the court record and producing transcripts.
4. The distribution to reporters of a questionnaire soliciting information concerning the time required to produce transcripts and the time allocated to perform other required duties and responsibilities.
5. An examination of transcripts and records of appeals to determine transcript volumes, pages, and costs.

In sum, several sources were consulted to understand fully the transcript production function and costs thereof as well as to corroborate collected information. These efforts were instrumental in achieving an objective and comprehensive test of the forecasting model.

#### Organization of the Report

This report consists of seven separate chapters plus selected appendices which together present the results of work completed during Phases I and II. The seven chapters are organized as follows:



- Chapter I presents an introductory statement including a description of the study objectives, scope, and methods.
- Chapter II highlights the results of PAS' review and assessment of pertinent background information. Copies of legislation to place reporters on a full-time, flat salary, no fee system are included in this chapter.
- Chapter III presents the cost forecasting model and discusses important issues in applying the model.
- Chapter IV describes the court in which the field test was conducted. This chapter presents a description of the court reporter function and the transcript production process and workload in the field test site.
- Chapter V discusses the costs of transcript production in the field test court. It segregates the various cost elements of the transcript production process.
- Chapter VI presents an analysis of transcript production rates in the field test site. These productivity rates are derived from the PAS survey questionnaire and on-site interview data.
- Chapter VII presents various options to be considered in implementing legislation requiring a flat salary, no fee system in the field test court. The costs of each option are presented and analyzed. This chapter also includes a discussion of managerial and court reporter concerns to be addressed in implementing the legislation.
- Chapter VIII depicts the key findings and conclusions resulting from this study. This chapter also presents a discussion of additional considerations to be addressed in implementing a flat salary, no fee system.

## II. BACKGROUND AND PERTINENT ISSUES

This chapter presents a review of proposed legislation pertaining to transcript production and fee collection as well as an overview of issues and concerns germane to these subjects.

### Proposed Legislation

Within the past year, the legislatures of two states--New York and Maryland--have reviewed and considered bills which would significantly change present methods of court transcript production and fee collection. At least one additional state (Vermont) has held legislative oversight hearings concerning inefficiencies in present transcript production methods. Traditionally, court reporters have prepared transcripts on their own time and have collected fees as compensation for costs associated with transcript production. Reporters typically incur costs for much of the materials and equipment used in taking and producing the record. Fees are typically paid directly to reporters by appellants or, in the case of indigents, by the state. Proposed legislation would assign responsibility for all transcript production and collection of fees to the state.

This proposed legislation was defeated in each of these two states. Continuing concern, however, over rising court costs, and delays in transcript production as well as a general sense that the transcript production process is not well managed may precipitate the development of similar legislation in other states. The National Shorthand Reporters Association has commissioned this study in recognition of these concerns and in the interest of presenting the public policy implications of such a considerable departure in methods of producing and collecting fees for court transcripts.

The proposed legislation for the states of New York and Maryland is presented in Appendix A to this report. The legislation would have placed all court reporters on a full-time, flat salary, 9 a.m.-5 p.m. or similar schedule. All transcript production together with in-court taking of the record would be performed during these hours. Requests for transcripts would be processed through the court and all fees collected for such transcripts would be retained by the unit of government. The court would assume responsibility for the purchase of all transcription equipment and supplies.

This system of transcript production and fee collection has been implemented in selected courts of limited jurisdiction, such as the New York

Court of Claims and the California Office of Hearing Examiners.<sup>1/</sup> Courts of general jurisdiction, however, have not as yet adopted this system.

The proposed legislation was intended to introduce standardized administrative procedures for the production of transcripts. Such procedures would have been expected to reduce what might be called the current "inefficient approach" to transcript production, to facilitate a less costly and less labor-intensive system while providing greater flexibility in the assignment of court reporters, and to abolish what has been described as "the present unsound practice of allowing court reporters to sell transcripts for personal profit."<sup>2/</sup> Under such legislation, court reporters would receive no compensation from the state other than their annual salary. Reporter salaries would be reviewed to "adequately compensate the reporter for all duties performed for the court."<sup>3/</sup>

#### Efforts to Improve the Transcript Production Function

Concern over efficiency and equity in taking the court record, producing transcript, and collecting transcript fees is not new. Both the federal government and selected states have studied, experimented with, or implemented alternative methods of recording court testimony and producing the official record.

The impetus for such changes is based on several factors including: backlogs in transcript production; rising costs of producing transcripts; difficulty in recruiting and retaining qualified court reporters in certain jurisdictions; and ineffective management of the court reporting function.

Actual changes in transcript production systems have largely focused on methods of taking and producing the record rather than on alternative means of organizing and staffing the reporter function. Court reporters today still operate in a bifurcated job; they are salaried employees of the court for the function of taking notes and reporting, and individual entrepreneurs when producing and selling transcripts.

<sup>1/</sup>Although this study has not conducted a national survey of courts of general jurisdiction to verify this conclusion, the National Shorthand Reporters Association is not aware of any court of general jurisdiction adopting this system of transcript production and fee collection.

<sup>2/</sup>Memorandum in Support, Budget Bill #23-1981, State of New York, S. 3115, February 19, 1981, p. 2.

<sup>3/</sup>Proposed Senate Bill 631, "Salaries of Court Reporters," developed and submitted by the Joint Budget and Audit Committee, Maryland General Assembly, February, 1981, p. 3.

#### The Role of Technology in Improving Court Transcription Methods and Processes

The advantages of technology (e.g., computer-assisted transcription and electronic recording) to be used together with or in place of more traditional methods of transcribing from manual or machine shorthand (stenotype) have been espoused by national commissions and associations. The National Advisory Commission on Criminal Justice Standards and Goals, for example, encouraged the use of technology to achieve greater expediency in transcript production.<sup>4/</sup> The American Bar Association, moreover, has recommended the consideration of methods such as computer-aided stenotyping, sound recordings, and videotaping as means of producing trial transcripts speedily.<sup>5/</sup>

These recommendations have been premised on the recognition that delay in preparation of transcripts is one reason for appellate delay and that such delay is unnecessary and unacceptable. Participants at the National Conference on Appellate Justice in January, 1975, confirmed this conclusion. Over 95 percent of conference attendees were of the opinion that appellate courts should exercise greater control over transcript preparation.<sup>6/</sup> Interestingly, over 99 percent of these participants felt that appellate courts should also exercise greater control over reporters.<sup>7/</sup>

Concern over backlogs has also focused attention on judicial productivity and decision-making techniques. Judges have the power to control reporter workload and transcript production rates, but are often reluctant to do so because more expedient processing of appeals would require judges to alter their decision-making procedures. When judges "give cases all the traditional elements of appellate--scrutinizing briefs, hour-long arguments, at least one conference discussion, in-depth research, lengthy comments on other's drafts, and full published opinions," improvements in preparing transcripts may have little overall impact in reducing delay.<sup>8/</sup>

<sup>4/</sup>National Advisory Commission on Criminal Justice Standards and Goals, Courts. (Washington, D.C.: U.S. Government Printing Office, 1973) p. 140.

<sup>5/</sup>American Bar Association, Special Committee on Crime Prevention and Control. New Perspectives on Urban Crime. (Chicago: American Bar Association, 1972.)

<sup>6/</sup>National Center for State Courts and Federal Judicial Center, "Appellate Justice: 1975-Volume V, Supplement, Proceedings and Conclusions." (National Center for State Courts: Denver, Col., 1975), p. 70.

<sup>7/</sup>Ibid.

<sup>8/</sup>Thomas B. Marvell, Appellate Court Reduction: Judges First, Appellate Court Administrative Review, 1981, pp. 28-31.

Efforts to reduce delay have spurred considerable research concerning the costs and benefits of technology. Such studies have contributed significantly to the state of the art concerning the advantages and disadvantages of alternative methods of taking and producing the record.<sup>9/</sup> They have not, however, provided detailed information concerning costs and benefits of producing transcripts during the regular work day as opposed to non-duty hours.

#### Administrative Improvements in Transcript Production and Fee Collection Processes

Improvements in transcript production have also been sought through new management procedures. It has been suggested that management of transcript production should involve three components to be implemented through court rules and statutes. The institution of and adherence to management controls and standards will reportedly help minimize the abuses and inefficiencies which currently exist in the courts. The three elements necessary for improved management control are:<sup>10/</sup>

- Statewide standards and procedures for transcript ordering, production, and filing.
- Precisely defined and reasonable time limits and procedural controls (for attorneys, reporters, and court clerks) integrating transcript preparation with other related functions.
- Development of a monitoring capability to spotlight noncompliance with time limits or other standards.

These controls and standards are not likely to be achieved, however, until the court decides to adopt a delay reduction plan. Only when there is commitment from the bench to reduce backlogs will it be possible to implement partial or total court management control of the pace of litigation.

<sup>9/</sup>See for example, Ernest H. Short and Miles Ruthberg, A Study of Court Reporting Systems: Volume 1 Decision Factors. (Washington, D.C.: National Bureau of Standards, 1971), National Center for State Courts, Court Reporting: Lessons from Alaska and Australia. (Denver, Col.: National Center for State Courts, 1974), National Shorthand Reporters Association, A Financial Analysis of Electronic Recording in Alaska. (Arlington, Va.: National Shorthand Reporters Association, 1978), and National Center for State Courts, Computer-Aided Transcription in the Courts: Executive Summary. (Williamsburg, Va.: National Center for State Courts, 1981).

<sup>10/</sup>J. M. Greenwood and D. C. Dodge, Management of Court Reporting Services. (Denver, Col.: National Center for State Courts, 1976), pp. 3-4.

Standards and controls regarding appeals can then be applied in any of three case management programs: (1) total case management from commencement to disposition; (2) partial management through firm trial dates and limited continuances; and (3) partial management through special emphasis on the movement of older cases.<sup>11/</sup>

The issue of fee collection and income retention is addressed in recommended standards and controls. It has been recognized that the traditional transcript fee collection system offers certain advantages in supplying an economic incentive to complete transcripts expeditiously. Nevertheless, the fee system perpetuates a general lack of management control over the transcript process. Largely because of this system, reporters are unique among court employees. They receive direct assignments from individuals not affiliated with the court (i.e., attorneys requesting transcripts), perform these assignments at their own pace and with little management review of performance, and collect fees which may be unaccounted for within the court system. A lack of knowledge about reporter activities as well as certain abuses in the transcript production and fee collection process have contributed to movements to abolish the fee system.<sup>12/</sup> A number of options have been considered in place of the fee system:

- The hiring of additional reporters or the adoption of alternative reporting methods to permit the production of most transcripts during normal working hours.
- A continuing analysis of the variation in transcript demand among reporters by management to prevent windfalls.
- Court assumption of responsibility for the sale of transcripts, particularly to public agencies, with the revenues from such sales used for increased salaries for reporters.
- Elimination of the carbon copy typically prepared with an original transcript and the use of photocopying machines to produce additional copies.

To date, these recommendations have been implemented only in selected jurisdictions; there has not been a widespread effort to alter dramatically the court reporting function. The legislation described in this report represents the first known efforts of individual states to employ reporters on

<sup>11/</sup>These case management techniques are described fully in Larry L. Sipes, et al, Managing to Reduce Delay (Williamsburg, Va.: The National Center for State Courts, 1980), pp. 6-20.

<sup>12/</sup>J. M. Greenwood and D. C. Dodge, op cit, p. 11.

a full-time, flat salary, no fee basis. This concept has been proposed at the federal level as one option to rectify many reported abuses, such as overcharging of litigants, operating a private business out of court offices, and using substitutes to perform transcript production tasks, addressed in a recent study of the Federal Judiciary's court reporting system by the Government Accounting Office.<sup>13/</sup> This would require a major statutory change resulting in court reporters becoming full-time government employees without the right to sell transcripts. Sales of transcripts would be processed by the court clerk's office.

As suggested in testimony to place reporters on a full-time, flat salary, no fee system at both the state and federal levels, this new system would do away with the "profit motive" now inherent in court reporting. The motivation to produce transcripts quickly to increase income would be decreased by this system, according to reporters and judges.<sup>14/</sup> Similarly, typists and transcribers would reportedly lose any incentive to produce at peak levels and would perform at levels comparable to other government employees. These consequences of legislation intended to increase efficiency of transcript production purportedly may have the opposite effect. The loss of the page rate incentive would increase the time required to produce transcripts.

The impact of placing all reporters on a full-time, flat salary, no fee system has not been fully assessed. Although testimony at both the federal and state levels has suggested that this concept would require a significant increase in the size of the reporting staff as well as the hiring of additional typists and transcribers to produce the transcripts, this has not been verified. The only known study to estimate the costs of such a system was performed by the New York State Shorthand Reporters Association pursuant to the introduction of the previously described legislation in the New York State Legislature. This study is discussed below.

<sup>13/</sup>Testimony of Judge Levin H. Campbell before the subcommittee on Courts of the Committee on the Judiciary, United States Senate, Hearings on Improvements in Federal Court Reporting Procedures, June 26, 1981.

<sup>14/</sup>See, for example, testimony of the Maryland Shorthand Reporters Association before the Senate Committee on Budget and Taxation, Maryland General Assembly, Senate Bill 631, March 4, 1981, and testimony of Judge Thomas P. Griesa, U.S. District Court, Southern District of New York, N.Y., before the Subcommittee on Courts, Committee on the Judiciary, United States Senate, Hearings on Improvements in Federal Court Reporting Procedures, June 26, 1981.

Forecasting of Costs in Adopting a Flat Salary,  
No Fee System in New York State

The 1981 study of present and projected state costs for court reporting estimated the likely costs to be incurred by the State of New York if it assumed responsibility for transcript production and fee collection.<sup>15/</sup> This study was based on the system used by the New York State Court of Claims, a court of limited jurisdiction with responsibility for ruling on financial claims against the State. The study estimated the potential income to the State and deducted this amount from the total costs to be incurred in implementing the full-time, flat salary system.

The study indicates that under the proposed legislation the State would be responsible for purchase of all equipment necessary to produce transcripts and would be required to hire additional typists and administrative personnel for typing transcripts, supervising transcript production, and collecting and processing fees. The study suggests that the State would be required to hire an additional reporter for every existing reporter in order to take the record and produce transcripts.

The study concludes that the costs of adopting this system would be substantial, and that collected fees would not come close to reimbursing the State for costs incurred in implementation. It suggests that the proposed legislation "would result in extraordinary new costs to the State."<sup>16/</sup>

This study provides a methodology for calculating costs associated with adoption of this new system. It illustrates that any overall determination of costs must include the cost per page of transcript under both existing practices and the proposed system. The expected income from transcripts should be subtracted from overall implementation costs to derive an actual cost per page figure under the full-time, flat salary, no fee system.

The study stops short, however, of considering alternative reporting methods or management systems which might have been implemented to place the legislation into effect. The study's conclusions are premised on the notion that reporters would continue to work under the present arrangement and that administrators would not implement alternative reporting systems or management methods to increase productivity.

<sup>15/</sup>New York State Shorthand Reporters Association, "Analysis of Present and Projected State Costs Under the Legislative Proposal for the State to Assume Responsibility for Transcript Production and Collection of Transcript Fees." February, 1981.

<sup>16/</sup>Ibid.

Moreover, the study does not analyze present management systems or reporter activity to determine to what extent there is opportunity for performance of transcript production tasks during the regular work day. The study suggests that a flat salary, no fee system would necessitate the hiring of one reporter for every existing reporter. It is difficult to accept this conclusion without assessing current reporter workload.

Studies of transcript production should consider these issues. Since the proposed legislation was silent as to the means of implementing a flat salary, no fee system, court administrators would likely consider various options to institute this new process.

### III. A COST FORECASTING MODEL

Little is known concerning the actual costs and consequences of adopting a full-time, flat salary, no fee system of organizing and managing court reporters. It is apparent that several factors must be considered when computing costs associated with this system. This chapter presents these issues together with an actual forecasting model.

#### Issues for Consideration

Three key issues for consideration have been identified as having an effect on any computation of costs to be incurred in implementing the full-time reporter, flat salary system. These are: (1) methods of organizing and managing reporters; (2) type of court and volume of transcripts; and (3) methods and procedures for taking the record and producing transcripts. Each of these is discussed below.

#### Methods of Organizing and Managing Reporters

It has generally been concluded that alternative methods of organizing and managing reporters impacts court reporter productivity in preparing transcripts.<sup>17/</sup> The traditional system of assigning one reporter per judge, although still intact in many courts, may result in poor manpower utilization of reporters. Court reporters may function as secretaries to judges under this system and, typically, perform many duties not related to taking the court record or producing transcripts.

The "pooling" or "rotation" system is an optional method of organizing reporters. Under this system, reporters are rotated among different judges or parts of a court. Such rotation may even out variations in transcript workload demand and result in better utilization of reporter personnel. Pooling differs from rotation in that reporters are not assigned to any court, even on a temporary basis, but are assigned strictly according to workload needs and reporter availability.

Patterns of reporter utilization directly impact cost estimates in adopting a full-time, flat salary, no fee system. Those courts which use the one judge-one reporter system may find that there are significant opportunities for improving reporter productivity within the normal work day. It may, in fact, be possible under this system to produce a certain

<sup>17/</sup>J. M. Greenwood and D. C. Dodge, op cit, p. 21.



percentage of transcripts during the work day. This would reduce the number of new reporters needed once a flat salary system is adopted.

The important questions in this regard are: how are reporters currently using available time, and what opportunities for improvement exist? Secondly, can a proportion of transcripts be produced during the regular work day without any addition in staff?

#### Type of Court and Volume of Transcript Requests

The impact of legislation mandating a full-time, flat salary, no fee court reporter system will vary according to transcript volume. Courts of limited jurisdiction as well as courts of general jurisdiction situated in less populated areas may experience a lighter volume of transcript requests. The opportunity for producing transcripts during the normal work day may thus be greater in these courts.

The effect of transcript volume can be most easily determined by measuring the number of transcript pages produced annually and determining the amount of time required to produce transcripts. This information can then be analyzed in respect to reporter availability during the regular work day to determine the ultimate effect of a full-time, flat salary, no fee system.

#### Methods and Procedures of Transcript Production

Currently, there are seven known methods which are used by reporters to take the record and produce transcript. These methods are: (1) manual shorthand; (2) machine shorthand (stenotype); (3) stenomask; (4) electronic (multi-track) recording; (5) machine shorthand with computer-aided transcription; (6) Gimelli voice-writing; and (7) video recording. The most widely used system in courts of general jurisdiction is machine shorthand, although machine shorthand with computer-aided transcription and electronic recording are being used in an increasing number of jurisdictions. Because costs of these methods vary, it is important to consider the effect of different techniques on transcript production costs.

Both manual and machine shorthand are very labor intensive. The reporter must record the court testimony and then either type the record personally or dictate it onto an audio-machine for typing by a secretary. The dictation method is thus more expensive although many reporters have turned to this mode simply to keep pace with the volume of transcripts.

Machine shorthand with computer-aided transcription is relatively expensive from an initial start-up perspective and from an on-going operational standpoint. Reporter time involvement in this system, however, is lessened, and transcript is produced quite rapidly.

Electronic recording has been used effectively in low transcript demand proceedings. In such proceedings, electronic recording may be less expensive than the traditional shorthand reporting mode. In courts with significant transcript volume, electronic recording may not be cost efficient despite the fact that overall costs associated with shorthand reporting are high due to the degree of labor involved in producing the transcript and the fees charged by reporters.<sup>18/</sup> The costs associated with equipment purchase and maintenance and courtroom modifications escalates the cost efficiency of electronic recording.

Any calculation of transcript production costs must consider the costs of current methods of processing. The need for additional reporters stemming from an adoption of this full-time, flat salary, no fee system would most likely be greater in courts where machine shorthand is the predominant method of producing the transcript than in those utilizing either machine shorthand with computer-aided transcription or electronic recording. Moreover, the equipment costs to a jurisdiction changing to the flat salary, no fee concept would be greater where machine shorthand with computer-aided transcription is used extensively.

#### The Cost Forecasting Model

A generic model for determining the costs of transcript production is presented in Figure 1 and is discussed in this section. This model has been developed for use in any court. It can be used either for calculating current costs of transcript production or for computing the net costs of a full-time, flat salary, no fee system.

The model consists of six components or tasks. The model is sequential in that one task should be completed prior to moving to the next task. The six components are:

1. Determine Current Production Costs.
2. Determine Transcript Demand and Production Times.
3. Determine Reporter Availability.
4. Determine Required Administrative and Equipment Costs.

<sup>18/</sup> This conclusion is based on reviews of recent cost analyses of electronic recording vs. shorthand reporting in Florida and Wisconsin. See report presented to Judicial Coordinating Committee, State of Florida, December 18, 1981, and memorandum presented to Chief Justice Bruce Beilfuss, State of Wisconsin, June 11, 1979.

5. Compute Implementation Costs for Full-Time, Flat Salary, No Fee System.
6. Determine Net Costs for Full-Time, Flat Salary, No Fee System.

These components are described in detail below.

Task 1. Determine Current Production Costs

The objective of this task is to compute current transcript production costs. This task consists of six elements.

1.1 Salaries and Benefits. The current jurisdictional payments for reporter salaries and benefits must be calculated to determine existing personnel costs. These figures may be obtained from either the state or the local jurisdiction, depending on the type of court and its jurisdiction.

1.2 Equipment and Furniture. The actual governmental costs for reporter's equipment and furniture should be computed. This should not include costs of equipment purchased by the reporter. Computer equipment costs should be included in this category if the jurisdiction operates a computer-assisted transcript system supported by governmental funds.

1.3 Office Space. The actual square footage costs of reporters' work areas or offices should be extracted and included in this element. Where the courthouse is totally owned by the local jurisdiction and no lease charges exist, private rental fees for comparable office space should be obtained.

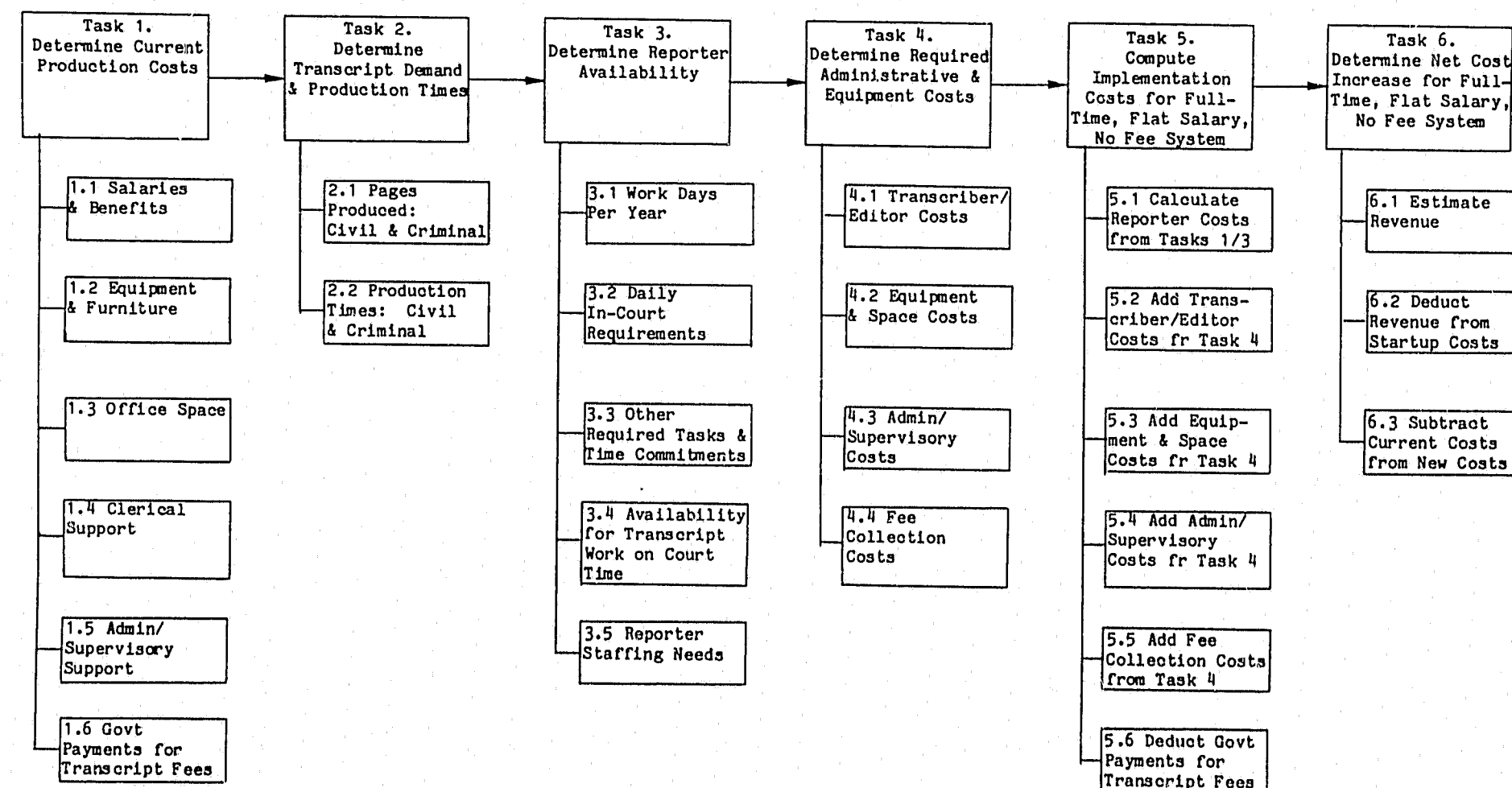
1.4 Clerical Support. Any and all clerical support costs funded by the government should be included in this data element. Clerical costs borne by the reporter should not be included.

1.5 Administrative/Supervisory Costs. This data element includes any salary and benefit costs for reporter supervision and/or management. In courts employing a Chief Court Reporter, this figure would be equivalent to a percentage of the Chief Court Reporter's salary based on the amount of time devoted to supervision. In other courts, the percentage of the Court Administrator's salary should be entered based on the amount of time contributed for reporter scheduling, personnel management, administrative reporting, and other tasks.

1.6 Governmental Payments for Transcript Fees. This data element calls for all transcript fee costs paid by either the state or the local jurisdiction. These costs may include costs of transcripts: (1) requested by judges in cases with guilty pleas; (2) requested for judges' opinions; (3) requested by indigents and paid for by the Public Defender's Office for

Figure 1

TRANSCRIPT COST FORECASTING MODEL



appealed cases; (4) required in grand jury hearings; (5) required in special investigations conducted by either the local or state prosecutor, and (6) incurred in producing depositions. Payments made by private parties are not included in this category.

Task 2. Determine Transcript Demand and Production Times

The purpose of this component is to derive an accurate picture of transcript workload.

2.1 Pages Produced: Civil and Criminal. This is a fundamental data element for determining transcript costs. It is the primary source for calculating transcript workload.

These data should be collected from actual cases filed in the court clerk's office. The data may also be available from management reports submitted by reporters.

Many jurisdictions may find that these data are not easily accessible. In this case, it may be appropriate to obtain transcript payment information and then divide this figure by the per page rate (original and two copies) as authorized by statute.

It is important to segregate pages produced in civil cases from criminal cases. Transcript payments in civil cases are almost always paid by private parties whereas costs for a large percentage of criminal transcripts are paid by the state.

2.2 Production Times: Civil and Criminal. This data element should incorporate the median production times per transcript page in fractions of an hour (rounded to the nearest quarter hour). This information is best obtained from reporters. A production time questionnaire can be used to track production times for a sample time period and a sample of transcripts. The questionnaire appearing in Appendix B contains a transcript production chart which can be used for this purpose. The number of pages of transcript should be divided by the total time consumed to arrive at an average consumed time per page.

Production time should include time expended in dictating and proofreading or, in the case of a computer-assisted transcript system, translating and editing. Time contributed by reporters both during the normal work day and during nonworking hours should be calculated.

It is important that civil cases be separated from criminal cases in computing production times. In most courts, the number of pages for civil cases is likely to be significantly different than for criminal cases.



Task 3. Determine Reporter Availability

This task is designed to identify ultimate reporter staffing needs under a full-time, flat salary, no fee system. This task consists of five elements.

3.1 Work Days Per Year. This item should depict the actual reporter working days per reporter per year. Days lost to holidays, sick leave, annual leave, compensatory leave, bereavement leave, military leave, and other related leave should be deducted from the total available work days per year (260 days) to derive this figure.

This information can be compiled from personnel or payroll records. In the event that such data are not available, this information can be estimated from reviewing management policies or personnel regulations regarding leave utilization.

A sample leave computation is shown below:<sup>19/</sup>

1. Work days per year	260.0
2. Leave utilization	33.0
a. Holidays	12.0
b. Sick leave	5.0
c. Annual leave	13.6
d. Personal	2.0
e. Other	0.4
	33.0 days
3. Actual work days	227.0 (260-33)

3.2 Daily In Courtroom Requirements. This data element represents the typical number of hours spent in the courtroom per working day and per year. All reporters are required to spend a considerable portion of their work day in the courtroom. In most courts, reporters are expected to be in the court shortly before court commences each day. They spend the remainder of the morning in court, breaking for lunch anywhere from 12 noon to 1 p.m.

<sup>19/</sup>This computation of leave time was produced from actual leave records in this study's field test site, The Supreme Bench of Baltimore City.

Courts usually begin their afternoon session between 1-2 p.m. and continue until 4-5 p.m. or, occasionally, into the evening. The reporter is required to be in court until court adjourns.

3.3 Other Required Reporter Tasks and Time Commitments. Because many reporters are required to perform tasks other than taking the court record, it is important to identify these activities and determine time expended per year for such activities. This information can be obtained through reporter interviews or conversations with judges.

Knowledge of how reporters are spending their time is also useful in determining the relative priority of each task or activity. Management should be apprised of this information in order to make the best use of existing resources.

3.4 Availability for Transcript Production During Normal Work Day. In many courts, reporters devote a portion of their day to performing certain transcript production tasks. Reporters may spend time available before court begins or at lunch hour completing transcript production-related tasks. Further, some reporters may complete proofreading tasks during court recesses.

It is essential that management identify current time expended in performing these tasks on a per day and per year basis. Once this information has been obtained and compared with time expenditure information for other necessary tasks, it is possible to derive reasonable time estimates for completing transcript work during the regular work day.

3.5 Reporter Staffing Needs. This data element denotes the actual reporting needs under the current court system. This figure is derived as outlined below. Reporter staffing needs under a full-time, flat salary, no fee system are calculated in this manner:

1. Determine the required number of reporter work hours to staff each operating court. This step is completed by multiplying the number of courts to be staffed per day times the number of work days per year. This result is then divided by the number of hours worked per year per reporter (number of work days times eight hours).
2. Determine the number of transcript pages which can be produced during the regular work day on a yearly basis by each reporter. This figure is derived by multiplying the available hours per work day for transcript work (sub-task 3.4) by the number of reporter work days per year to calculate the number of hours available per reporter per year. This total is then multiplied by the average pages produced per hour (sub-task 2.2) to compute the number of pages to be completed during the regular work day.



3. Calculate the total number of pages to be completed during the regular work day by multiplying the result from step 2 by the total number of reporters. In some courts with a low number of appeals reporters may be capable of producing all transcripts during the regular work day.
4. If applicable, compute the required number of reporter hours to complete remaining transcript production tasks by dividing the remaining number of transcript pages produced per year by the average page production rate per hour.
5. Determine the total number of required reporters per year by dividing the result from step 4 above by the total number of working hours per year (working days times eight hours) and then adding this figure to the result obtained in step 1 (reporters required to fill in-court staffing needs). This step will be completed only if transcript production cannot be completed by the number of reporters required to fill in-court staffing needs.

The application of this formula is best illustrated through a hypothetical example. Consider a court with 12 courts to cover on a daily basis and an annual transcript page total of 120,000 pages. The courts operate 250 workdays per year, excluding weekends and holidays. Reporters work 230 work days per year, are required to spend 5 hours per day in court, and have 1.5 hours available per day for transcript work. Reporters prepare transcripts (i.e., research, dictate, proof, and bind) at the rate of 20 pages per hour. Reporter staffing needs would be computed as follows:

1. The number of required court coverage hours per year = 21,000 (12 courts x 250 days x 7 hours per day).
2. The number of reporters required to staff each court on a daily basis = 13 reporters (21,000 hours divided by 1,610 actual work hours per year per reporter (230 days x 7 hours per day)).
3. Number of transcript pages to be produced during regular work day per reporter = 1.5 hours per day x 220 work days = 330 hours x 20 pages per hour = 6,600 pages.
4. Total number of pages produced during regular work day = 6,600 pages x 13 reporters = 85,800 pages.

5. Reporter work hours required to complete remaining transcript production tasks = 34,200 pages/20 pages produced per hour = 1,710 work hours.
6. Number of reporters required per year to complete remaining transcript production tasks = 1,710 hours/1,610 working hours per year per reporter = 1.06 or one reporter. Total staffing = 13 reporters for in-court requirements + 1 reporter for transcript production = 14.

#### Task 4. Determine Required Administrative and Equipment Costs

This task is completed to estimate the costs of a full-time, flat salary system wherein either the state, county, or city would be required to incur costs for necessary reporter equipment and supplies. These costs include all required governmental costs to produce transcripts other than reporter salaries and benefits. This task consists of four separate work tasks.

4.1 Transcriber/Editor Costs. This data element incorporates all supportive personnel costs under a full-time, flat salary system. Transcriber or typist costs are derived by dividing the number of transcript pages produced per year by the number of pages typed per hour by transcribers (normally between 5 and 10 pages per hour), dividing this figure by the number of work hours per year to determine the required number of typists, and multiplying by annual salary and benefit costs per typist.

Editor costs include both any costs incurred for note readers and scope editors for computer-assisted transcript equipment. Benefits should be computed for all editorial and clerical staff.

Transcriber and editor salaries should fall within the existing governmental classification system. Typist salaries should be equivalent to a mid-range secretarial position. Editor salaries should be 15 to 20 percent below salaries paid to shorthand reporters.

4.2 Reporter Equipment and Space. This sub-task requires the collection of data on necessary equipment costs as well as office space charges. Equipment includes items such as the stenotype machine, dictating machine, transcriber machine (for clerical staff), dictation tapes, typewriters or, in the event that a computer-assisted transcript system is used, costs for paper, ribbons, and other consumable supplies. Office furniture costs should also be calculated by allowing for one desk, one desk chair, and one filing cabinet per reporter and one secretarial desk and chair for typing personnel.

Office space costs are estimated by calculating the required square footage per reporter and per transcriber and then multiplying this figure by the square footage leasing costs for comparable commercial property in the vicinity.

4.3 Administrative/Supervisory Costs. This sub-task includes all necessary supervisory costs under a full-time, flat salary system. Supervisory costs computed under Task 1 (for current production costs) should be adjusted for any additional reporter staff increases or for supervision of required clerical support.

It is also important to determine if any additional supervisory costs are to be incurred in managing the fee collection process. Supervision for new fiscal clerks may already be available.

4.4 Fee Collection Costs. All direct costs incurred in establishing and operating a fee collection process should be identified for this data element. If the jurisdiction currently employs fiscal clerks within the court clerk's office, they may be able to absorb the required transcript fee collection function with no additional staffing costs. The volume of transcripts produced at the request of private parties will be a prime determinant of the administrative requirements to implement the flat salary, no fee system. Courts experiencing higher transcript volumes for appeals by private parties may incur greater fee collection start-up costs.

Task 5. Compute Implementation Costs for Full-Time, Flat Salary, No Fee System

The objective of this task is to summarize and compute all required implementation costs for the full-time, flat salary, no fee system. Information from Tasks 1, 3, and 4 are used in these computations. The task is composed of six sub-tasks.

5.1 Calculate Reporter Staffing Costs from Tasks 1 and 3. The first work task is the determination of total reporter staffing costs including salaries and benefits. This figure should be derived by: (1) determining a salary increment to be added to existing reporter salaries to make up for the loss of transcript income and adding this to the salary and benefit figures produced in sub-task 1.1 and (2) multiplying these figures times the number of required reporters as determined in sub-task 3.5.

The calculation of the salary increment should be completed by determining the percentage of total transcript pages per year and dividing this figure by the number of reporters to arrive at an average number of pages per year, and then multiplying this figure by the statutory payment rate per page to derive estimated reporter income for transcript production. A proportion of this figure equivalent to the income resulting from work

produced during nonregular working hours should then be added to the annual salary figure to arrive at an equitable salary level. Variations in salaries may be incorporated in the classification scheme if reporters are permanently assigned to certain courts that produce a significantly higher volume of transcript pages than others. The precise salary determination is, of course, a policy matter for each court.

5.2-5.5 Add Additional Staffing, Equipment, and Supervisory Costs from Task 4. The results obtained in sub-tasks 5.2-5.5 should be added to determine overall implementation costs.

5.6 Deduct Governmental Payments for Transcript Fees. Once the total start-up costs have been determined, it is necessary to subtract current city, county, or state payments for transcript fees incurred in appeals for indigent defendants or for other instances where the government orders a transcript. These totals are deducted because the government will no longer be required to pay fees for such transcripts.

Task 6. Determine Net Cost Increase for Full-Time, Flat Salary, No Fee System

The final task is the calculation of net costs to implement legislation requiring a flat salary, no fee system. Gross start-up costs are obtained in Task 5. The cost increase is determined by deducting from this total the revenue to be recouped and then deducting current transcript production costs.

6.1 Estimate Revenue. Transcript revenue is estimated by determining the number of transcript pages requested by private parties and multiplying this figure by the statutorily authorized payment rate per page. The number of transcript pages requested by private parties was calculated in sub-task 2.1.

6.2 Deduct Revenue from Implementation Costs. Estimated revenue should be deducted from overall implementation costs (Task 5) to determine net operating costs under a full-time, flat salary, no fee system.

6.3 Compare Current Costs to New Costs. The total cost difference of a full-time, flat salary, no fee system is obtained either by deducting current, operational costs (obtained from Task 1) from the total computed for Task 6.2 or, in the event that this new system is actually less expensive than the current system, by deducting the results from Task 6.2 from current operational costs.

#### IV. FIELD TEST SITE: COURT ORGANIZATION AND REPORTING FUNCTION

This chapter presents a description of the Supreme Bench of Baltimore City, the selected field test site. The chapter discusses the court's jurisdiction, organization, staffing, court reporting methods and procedures, and transcript production processes.

##### Court Organization and Jurisdiction

The state court system of Maryland consists of the Court of Appeals, the Court of Special Appeals, the Circuit Courts, the District Courts, and the Orphans' Courts. The State is divided into 23 counties and the independent City of Baltimore (population 2,152,400).<sup>20/</sup>

The constitution divides the State into eight judicial circuits. The independent City of Baltimore is designated the Eighth Judicial Circuit. The constitution provides for the Supreme Bench of Baltimore City rather than for a Circuit Court. In general, the Supreme Bench possesses the same jurisdiction as the Circuit Court (the trial court of general jurisdiction); that is, full common law and equity powers and jurisdiction in all civil and criminal cases, unless such jurisdiction has been conferred exclusively on another court. The court's jurisdiction excludes that which has been conferred on the District and Orphans' Courts of the State.<sup>21/</sup> District courts have jurisdiction for criminal matters below the class of felony, ordinance and traffic violations, civil matters up to \$5,000, replevin actions, grantee suits, landlord-tenant matters, and petitions of injunction by cities and counties for code enforcement.

The Supreme Bench is composed of the Superior Court, the Court of Common Pleas, the Criminal Court, the City Court and two Circuit Courts. A total of 226 employees (excluding judges) are employed in these courts.

The jurisdiction of the Supreme Bench is divided in the following manner among its six constituent parts. The Superior Court has jurisdiction of all civil common law cases. Rather than directly appeal to the Court of Special Appeals, a party may appeal the decision of the City's Orphans' Court to the Superior Court. Such appeals are heard de novo. The Court of Common Pleas has jurisdiction of all civil common law cases, plus exclusive jurisdiction of all matters relating to the Insolvent Laws of Maryland. The

<sup>20/</sup>National Center for State Courts. Maryland State Court Organization Profile (Williamsburg, Va., 1980) p. 1.

<sup>21/</sup>Ibid., p. 27-30.

Baltimore City Court has jurisdiction of all civil common law cases. The Baltimore City Court hears civil appeals from the District Court. The Criminal Court of Baltimore has exclusive jurisdiction of all criminal matters, except that jurisdiction vested in the District Court. The Criminal Court hears appeals from the District Court in criminal and contempt cases. The two Circuit Courts of Baltimore have exclusive jurisdiction of equity and juvenile matters.

#### The Judges of the Supreme Bench of Baltimore City

The Supreme Bench of Baltimore City is authorized 23 judges. When a vacancy occurs through death, resignation, removal, retirement, or expiration of a term, the governor appoints a successor from a list of names submitted by the appropriate Trial Court Nominating Commission. These appointments are not subject to senate confirmation. At the first general election occurring at least one year after the vacancy, the appointed judge stands for election. The judge may be opposed by one or more qualified members of the bar, with the successful candidate being elected to a 15-year term. These elections are by partisan ballot.<sup>22/</sup>

#### Administration of the Court

The Chief Judge of the Court of Appeals is constitutionally designated as the administrative head of the state judicial system and is appointed by the Governor.

A state court administrator is appointed by and serves at the pleasure of the Chief Judge of the Court of Appeals. The Administrator has numerous statutory duties, including preparing the state judicial budget and annual report and making recommendations regarding the improvement of the judicial system.<sup>23/</sup>

The chief judge of each circuit is the judge senior in length of service. The Chief Judge of the Supreme Bench of Baltimore City is appointed by the Governor. Administrative duties are not formally assigned to these positions.

The Circuit Administrative Judge is appointed by and serves at the pleasure of the Chief Judge of the Court of Appeals. Subject to the direction of the Chief Judge of the Court of Appeals, the Circuit Administrative Judge

<sup>22/</sup>Ibid., p. 43-45.  
<sup>23/</sup>Ibid., p. 9.

is generally responsible for the administration of the several courts within the circuit. A circuit court administrator is employed in the Eighth Judicial Circuit and is locally funded.<sup>24/</sup>

Each of the six courts of the Supreme Bench has a clerk, who is elected to a four-year term. There is not a separate clerk for the Supreme Bench itself; however, legislation has been enacted which will consolidate these courts on January 1, 1983.<sup>25/</sup>

#### Financing

Personnel expenses of the Supreme Bench are paid from filing fees, court costs, and commissions received by court offices, with any deficiency paid by the State. The State also finances the judges' salaries, fringe benefits, and travel expenses, as well as the Clerk's Office of the Baltimore City Juvenile Court and the automated criminal case scheduling system for the Supreme Bench. Other expenses of the Supreme Bench are paid by Baltimore City.<sup>26/</sup>

#### Supreme Bench Consolidation

Based upon legislation passed in 1980, a single Circuit Court will be created for Baltimore City on January 1, 1983. At that time, the six separate courts will be consolidated into one with a single elected Clerk of the Circuit Court. At that time, four court offices, including Domestic Relations, Pre Trial, Assignment, and Jury, employing 101 employees will become financed by the State. All remaining court employee positions will be locally funded.

#### The Court Reporting Function

This section is devoted to a description of the court reporting system in the Supreme Bench of Baltimore City.

<sup>24/</sup>Ibid., p. 69-71.  
<sup>25/</sup>Ibid., p. 59.  
<sup>26/</sup>Ibid., p. 21, 76-77.

Organization and Staffing

A total of 30 court reporters are employed by the Supreme Bench of Baltimore City. One of the 30 reporters functions as the Chief Court Reporter who is the supervisor of all remaining reporters. Approximately 95 percent of the Chief Court Reporter's time is spent in supervisory and management responsibilities with the remaining 5 percent of the time being spent performing court reporting tasks. The main areas of management responsibility for the Chief Court Reporter include: (1) assignment and transfer; (2) distribution of workload; (3) scheduling leave; (4) monitoring the transcript production process; (5) recordkeeping; (6) monitoring supply levels; (7) recruitment, testing, and hiring; and (8) liaison with the bench, bar, and public. A complete job description is attached to this report as Appendix C. The Deputy Chief Court Reporter functions in a supervisory/management capacity approximately 5 percent of the time while spending 95 percent of his time on court reporting activities.

Twenty-four court reporters are assigned to a court (not to a particular judge), four reporters are floaters who provide relief for backlog, illness, and vacation (this includes the Chief Court Reporter who acts in a back-up capacity), and two reporters are permanently assigned to grand jury work. Reporters work in two separate, but adjacent, courthouse locations.

Except for the reporters engaged in grand jury work, who rotate taking testimony weekly, and the Chief Court Reporter, other reporters are rotated twice a year in an attempt to spread transcript preparation workload as well as to deal with individual transcript preparation backlogs. This rotation is decided by the Chief Court Reporter based on periodic reports submitted by court reporters. These reports indicate, on a monthly basis, the estimated pages of appellate transcripts due. Cases are listed by case name, date of notice, and estimated completion date. An itemized list of cases completed during the prior month is also included. Summary reports of the total number of transcript pages are prepared by the Chief Court Reporter.

The 90-day time period for the monitoring of transcript preparation is particularly significant. Under administrative rules issued by the Maryland Court of Appeals, the clerk of a lower court has 60 days to transmit the record on appeal to the appellate court.<sup>27/</sup> These rules are described further in Appendix D. In actual practice, court reporters are routinely given extensions of time to complete transcript preparation. After the termination of a case an appellant has 30 days to file an order for appeal; within 10 days after filing such an order the appellant must place an order, in writing, to the court reporter for the preparation of the transcript. The clerk of the lower court has five days to prepare the record (including the transcript) for

<sup>27/</sup>See Rules 1025 and 1026, Rules and Statutes re Official Court Reporters, Maryland Rule of Procedure.

transmittal to the appellate court. This actual practice dictates that over the 60-day initial time period, a 30-day extension is normally given for the preparation of appellate transcripts.

Court Reporting and Transcript Production Methods and Procedures

The court reporting and transcript production process can be broken down into basically two major tasks: (1) reporting the proceedings and (2) producing the transcript.

Time Utilization. Before embarking upon a description of the various systems being used to complete these tasks, a brief description of the average work day of a court reporter is in order. Generally, court assigned reporters have the following schedule:

- 8:30 a.m.-10:00 a.m. - Arrive at work and begin dictation, proofing, and related tasks.
- 10:00 a.m.\*-12:30 p.m. - In court time.  
\*Five minute break.
- 12:30 p.m.-2:00 p.m. - Lunchtime (the majority of this time is usually spent in dictating, proofing, and related tasks).
- 2:00 p.m.\*-4:30 p.m. - In court time.  
\*Five minute break.
- 4:30 p.m.-5:00 p.m.\*\* - Office time spent dictating, proofing, and in related tasks.  
\*\*There is no one certain departure time for reporters; many leave immediately when court is adjourned while others work for one-half hour to one hour more before leaving for the day.

From the above it can be seen that five hours in court per day is the usual practice in this court.

Reporters indicate that depending on transcript preparation volume, their break time in court as well as other recesses and office time are spent mainly in dictating and proofing the record. At-home work on evenings and weekends varies, again depending on volume.



Table 1 presents data reflecting the actual number of hours spent per week performing transcript production tasks during the regular work day and during nonworking hours. These data were derived from individual interviews with reporters.

As these data depict, there is considerable variance in the amount of time allocated to transcript production tasks, both while working and while at home. This variance is due most likely to differences in the type of court to which the reporter is assigned and to the reporter's motivation to earn extra income.

Interestingly, however, these data suggest that reporters spend more time during the normal work day performing transcript production tasks (i.e., proofreading and dictating) than they do performing these tasks during nonregularly scheduled hours. The five-hour period for actual taking of the record in court obviously allows time for many reporters to complete many activities during the work day. Moreover, the ability of reporters to proofread and, in some instances, to dictate in court during recesses allows additional time for producing the record during the work day.

Court Reporting Methods. There are a variety of methods being used in the reporting and production of the court record in the Supreme Bench. By far the most popular method is the stenotype machine. After the record is taken in court, the reporter dictates it from the notes for typing by a private typist (one grand jury reporter, however, types his own transcripts). Typists generally receive 65 cents per page out of the \$2.50 per page (for original and two copies) authorized by administrative order 1224 of the Maryland Court of Appeals. Twenty of the thirty reporters use this method. Reporters are responsible for purchasing their own stenotype machine and dictating equipment; however, the City of Baltimore provides stenotype and transcript paper as well as machine ribbons and ink.

A total of six reporters use the BaronData Computer Aided Transcription System. With this system, the stenotype machine is equipped with a converter which records the record on computer readable cassette tape. The system requires that the reporter complete a basic 14,000 word "dictionary" in the reporter's unique style to facilitate transcription and editing. When a transcript is required, the cassette tape is read by the computer and translated into readable English. Words that are unable to be read by the computer are printed out in stenographic form for editing by the reporter. A scope editor is employed as an independent contractor by reporters to load tapes and perform editorial functions and is paid 25 cents per page for transcripts produced. The scope editor also binds reports.

Table 1

HOURS ALLOCATED PER WEEK TO TRANSCRIPT PRODUCTION  
TASKS DURING WORKING AND NONWORKING HOURS<sup>a/</sup>

Reporter	Hours Per Week During Regular Work Day	Hours Per Week Outside of Regular Work Day
"A"	8	26
"B"	4	6
"C"	10	0
"D"	20	4
"E"	16	7
"F"	5	17
"G"	18	8
"H"	15	0
"I"	15	4
"J"	12	0
"K"	10	20
"L"	15	15
"M"	5	7
"N"	10	8
"O"	9	7
"P"	10	3
"Q"	8	2
"R"	5	13
"S"	10	25
"T"	8	0
"U"	5	5
"V"	20	0
"W"	10	12
Total	248	189
Average	10.78	8.22
Median	10.25	5.93

<sup>a/</sup>Source: Interviews with reporters.

Approximately two years ago the Administrative Office of the Courts provided \$23,000 in "seed" money to purchase the necessary converters and supplies. The City of Baltimore pays approximately \$1,700 per month in lease and maintenance costs for the central processing unit and purchases cassette tapes for reporters. For the use of the system, reporters pay the City 65 cents for each page of transcript produced.

Two other reporters use a standard stenotype machine for creating the record but use a notereader to read their notes and type the transcripts. The notereader is paid \$1.00 per page of transcript produced.

Of the three remaining reporters, one is a pen writer who manually writes the record in shorthand and either types the transcript individually or forwards dictation tapes to a typist for preparation before giving the transcript to the grand jury.

Another grand jury reporter uses a stenotype machine but types all his own transcripts. Lastly, one reporter of the 30 uses a stenomask to record testimony and transcribes it by means of dictation. This reporter's tapes are then typed by a transcriber.

The transcript production and fee payment process may be initiated in a number of ways as indicated in Figures 2-4.

The transcript production and payment procedures are as follows:

1. For indigent defendants or in the case of a private appeal, a public defender, private counsel, or state attorney submits a written request to the appropriate reporter for preparation of a transcript. This process is diagrammed in Figure 2. A copy of this letter is sent to the Chief Court Reporter and the appropriate clerk of court. If the requesting party is private counsel, a deposit of up to 50 percent of the total estimated transcript fee may be required. The clerk of court transfers the case to the appeals section of the clerk's office to prepare the case record while awaiting completion of the transcript.

The court reporter either dictates the transcript for typing by a typist or transmits it to the computer room for initial transcription and editing by a scope editor. After proofing and correction, the transcript is collated and bound and is delivered to either the public defender, state attorney, or private counsel with the original delivered to the court. A billing is attached to the copy of the transcript delivered to the requesting party. In the case of fee payments made by the public defender or state attorney, a voucher is

Figure 2  
GENERAL PROCEDURE FOR REQUESTING, PREPARING, AND PAYING FOR TRANSCRIPTS:  
SUPREME BENCH OF BALTIMORE CITY

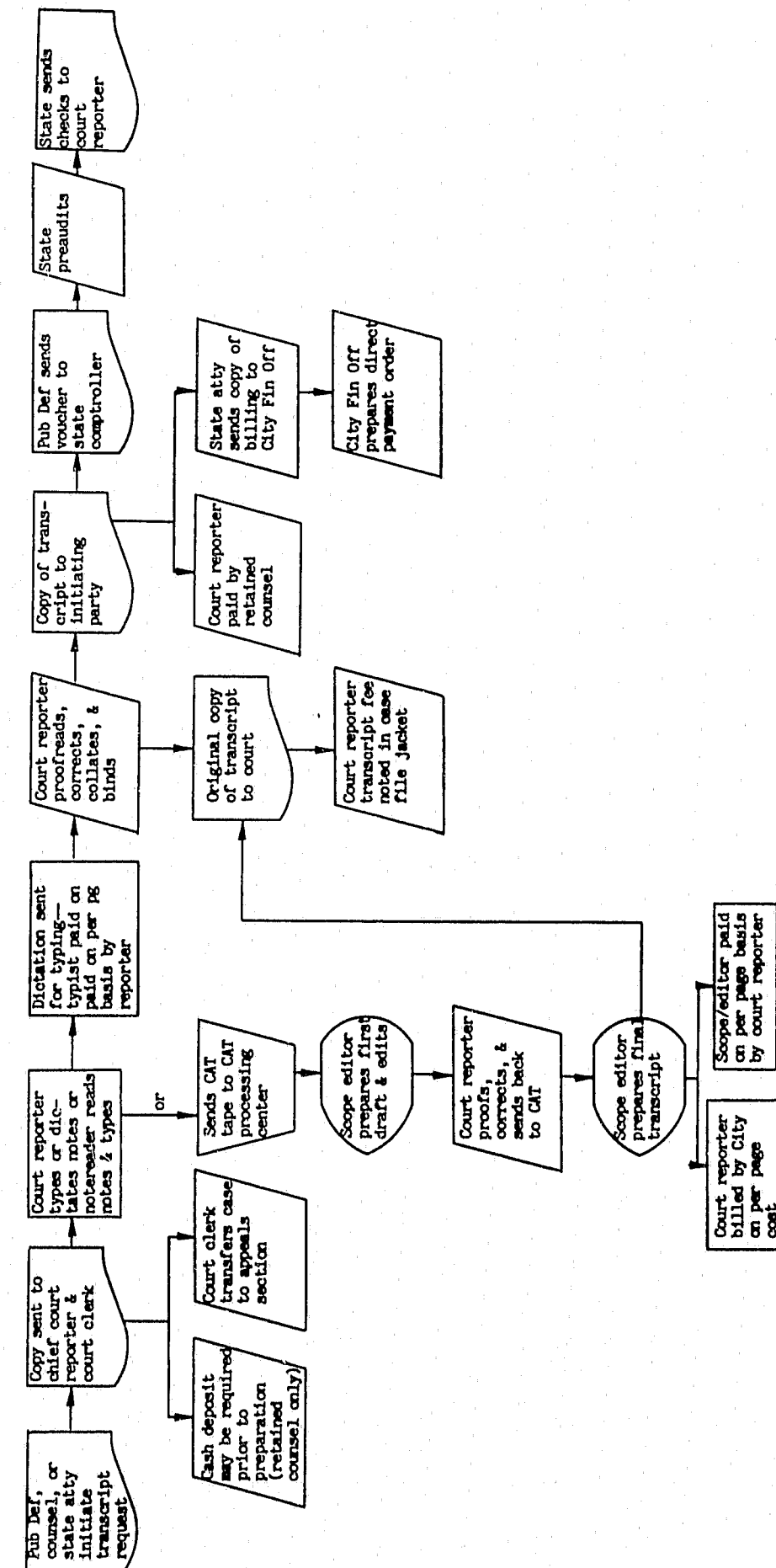


Figure 2

GENERAL PROCEDURE FOR REQUESTING, PREPARING, AND PAYING FOR TRANSCRIPTS:  
SUPREME BENCH OF BALTIMORE CITY

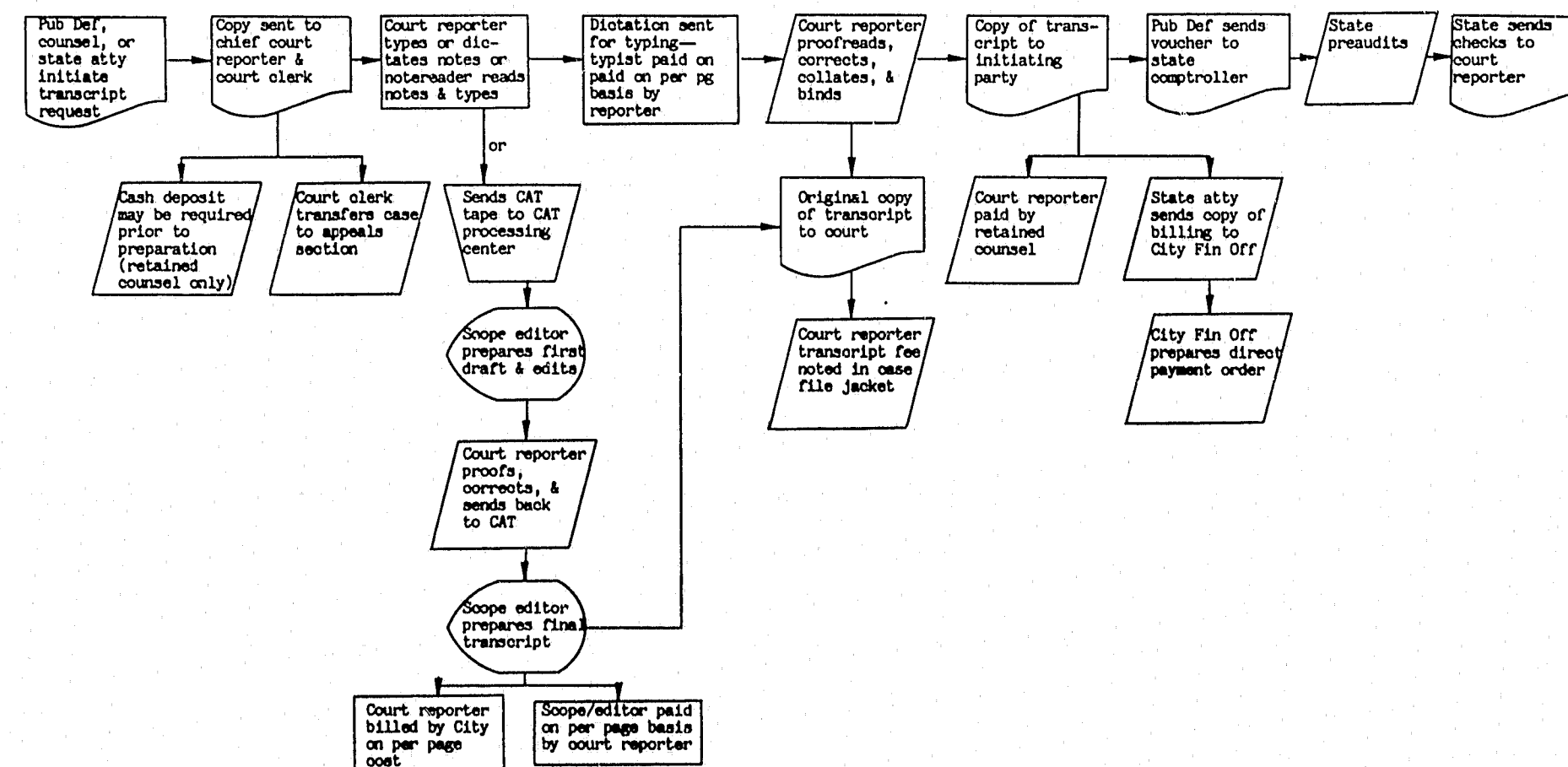


Figure 3

PROCEDURES FOLLOWED FOR REQUESTING, PREPARING, AND PAYING FOR  
TRANSCRIPTS UPON A JUDGE'S ORDER:  
SUPREME BENCH OF BALTIMORE CITY

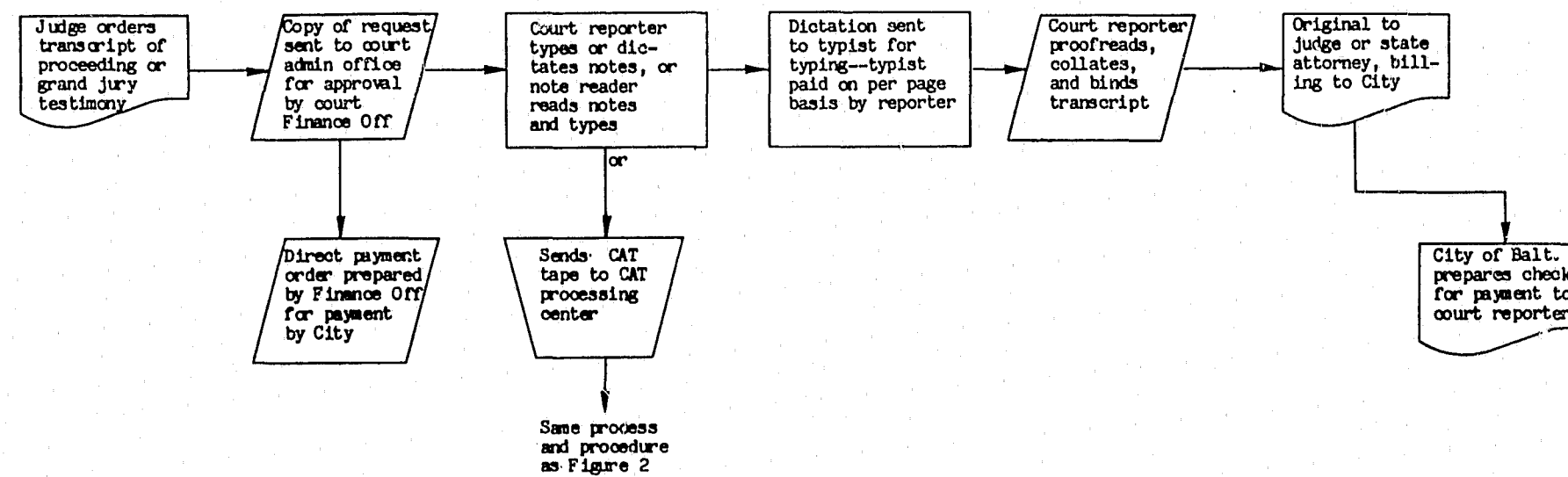
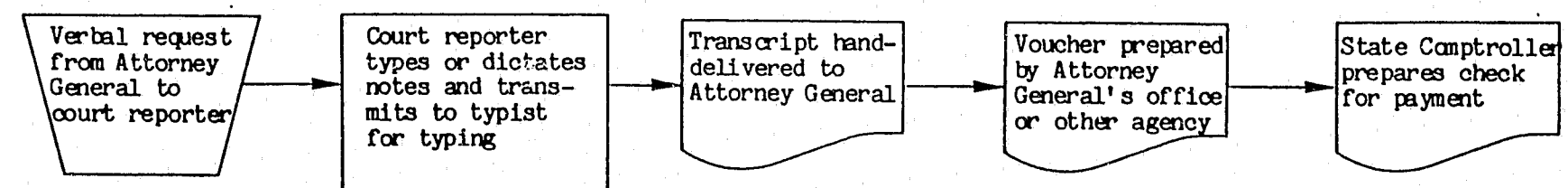




Figure 4

PROCEDURES FOR REQUESTING, PREPARING, AND PAYING  
FOR TRANSCRIPTS UPON A REQUEST BY THE ATTORNEY GENERAL:  
SUPREME BENCH OF BALTIMORE CITY





prepared and sent to the State Comptroller in Annapolis where it is audited and a state check is sent directly to the reporter.

2. A judge of the Supreme Bench may request a transcript by signing a written order, as indicated in Figure 3. A copy of the order is sent to the administrative office and approved for payment by the court finance officer. The transcript production process is the same as that outlined above. Payment for these transcripts is made by Baltimore City.

Grand jury testimony is routinely transcribed without a special order of the court and is also paid for by Baltimore City.

3. The two preceding methods of transcript request and payment cover the majority of transactions; however, one final procedure should be mentioned. There are instances where the State Attorney General's office requests transcripts based on its presentation of cases before the grand jury. This method is depicted in Figure 4. These cases may involve, for instance, Medicaid, hazardous waste, or criminal activities. Approximately 15 percent of all grand jury transcripts are paid for by the State of Maryland.

In order to determine the volume of transcript pages prepared and transcript fees collected, a number of data sources were consulted. It was determined early in the study that no single source of data for the information was available so the following sources were researched:

- Clerk of court records (six courts) for the calendar year 1979.
- Vendor files in the state public defender's office for calendar year 1979.
- Financial records of the Court Administrator's office for calendar year 1979, and for the period May 1981-April 1982.
- Records and reports maintained by the Chief Court Reporter for the period May 1981-April 1982.

As indicated previously, requests for transcripts may be initiated by a number of sources including public defender, state attorney, retained counsel, judges orders, attorney general, and routine grand jury transcription requests.

Transcript Demand

In order to calculate the costs of transcript production in Baltimore, PAS consultants were required to compute the number of transcript pages currently produced. Two data points were used in deriving page calculations.

Because of the variety of data sources and the unavailability of certain data, the year which presented the most complete picture of transcript volume was 1979. Estimates of transcript pages and fees paid for calendar year 1979 are depicted in Table 2. The analysis indicates that in 1979 a total of \$230,039 was expended for transcripts (at \$2 page) by all requestors. This represents 114,873 pages of transcript. Of this total, \$158,257 or 69 percent of total fees were requested and paid for by the State or by the City of Baltimore for requests by the public defender, attorney general, or judges. Thirty-one percent representing \$71,782 were requested by private counsel. Fifty-four percent of the total transcript fees or \$123,657 were for requests in cases involving indigent defendants.

Table 3 shows the most complete data available for transcript volume and fees for the period May 1981-April 1982. These data were obtained from monthly records of pages produced maintained by the Chief Court Reporter of the Supreme Bench and corroborated by the PAS survey of actual production as reported in Chapter V. Estimates of pages produced for indigent defendants are based on the 1979 audit of pages produced and fees paid as well as a review of transcripts bills within the State Public Defender's Office.

During this period, a total of \$421,315 was expended for transcript fees, an 83 percent increase over 1979. In November 1980, page rates for transcription increased from \$2 per page to \$2.50 per page, thus a percentage of the increase is attributable to this cost increase. Transcript volume from 1979 to 1981-82 increased by 47 percent.<sup>28/</sup> Of the total fees and pages produced, 81 percent were for criminal cases, 17 percent for civil cases and 1 percent for juvenile cases for the period May 1981-April 1982.

This increase is also explained in part by the increase in appeals. As shown in Table 4, there has been an average of a 14 percent increase in caseload in the past two years over the two prior years. Since appellate transcripts are filed in most every case, the appellate transcript workload should mirror the appellate caseload and reflect the increase.

<sup>28/</sup>The State Public Defender's Office confirmed this increase noting that to date, transcript bills have exceeded the authorized budget by over \$160,000 (\$400,000 was budgeted for fiscal year 1982).

Table 2

TRANSCRIPT REQUEST, FEES, AND PAGES BY SOURCE  
CALENDAR YEAR 1979

	Transcript Fees @ \$2 page	Transcript Pages
<u>State of Maryland</u>		
Indigent Transcripts <u>a/</u>	\$123,657	61,828
Grand Jury <u>b/</u>	<u>3,000</u>	<u>1,500</u>
Subtotal	126,657	63,328
<u>City of Baltimore <u>c/</u></u>	31,600	15,800
<u>Private</u>		
Criminal Court	35,155	17,577
Circuit Courts 1 and 2	6,312	3,094
Superior Court	9,656	4,870
City Court	15,199	7,599
Court of Common Pleas	<u>5,460</u>	<u>2,005</u>
Subtotal	71,782	35,145
Grand Total	<u>\$230,039</u>	<u>114,273</u>
<u>Recap</u>		
Governmental Transcripts	\$158,257	79,128
Private Transcripts	71,782	35,145

a/ Requests are all from criminal court proceedings.

b/ Estimated yearly state-paid grand jury transcript fees.

c/ Includes city paid fees for grand jury testimony and transcripts ordered by judges; figure adjusted to conform to 1982 policy of not automatically transcribing guilty pleas.

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Table 3

ESTIMATED TRANSCRIPT REQUESTS AND FEES PAID  
MAY 1981-APRIL 1982

	Transcript Fees @ \$2.50 page	Transcript Pages
<u>State of Maryland</u>		
Indigent Transcripts <u>a/</u>	\$227,510	91,004
Grand Jury <u>b/</u>	<u>3,750</u>	<u>1,500</u>
Subtotal	\$231,260	92,504
<u>City of Baltimore</u> <u>c/</u>	55,395	22,158
<u>Private</u> <u>d/</u>	<u>134,660</u>	<u>53,864</u>
Total	<u>\$421,315</u>	<u>168,526</u>
<u>Recap</u>		
Governmental Transcripts	\$286,655	114,662
Private Transcripts	\$134,660	53,864

a/Requests are all from criminal court proceedings.b/Estimated yearly state-paid grand jury transcript fees.c/Includes city-paid fees for grand jury testimony and transcripts ordered by judges; figure adjusted to conform to 1982 policy of not automatically transcribing guilty pleas.d/It was not possible to determine actual page lengths for current appeals since cases were out of file.

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Table 4

APPEALS FROM EIGHTH APPELLATE JUDICIAL CIRCUIT  
(BALTIMORE CITY)a/

	1976-77	1977-78*	1978-79*	1979-80*	1980-81*	1981 Term to Date 5/19/82
Court of Appeals	N/A	40	26	49	29	51
Court of Special Appeals		<u>402</u>	<u>385</u>	<u>453</u>	<u>442</u>	<u>N/A</u>
Total		<u>442</u>	<u>411</u>	<u>502</u>	<u>471</u>	

\*Term docket time period used (September through August).  
N/A--Not available by circuit for this reporting period.a/Source: Statistical Abstracts. Annual Report of the Maryland Judiciary and phone interviews with the State Court Administrator and the Clerk of the Court of Appeals and Special Appeals.

V. CURRENT COSTS OF TRANSCRIPT  
PRODUCTION IN FIELD TEST SITE

The current cost of transcript production in the Baltimore courts was computed as a first step in estimating the costs of a flat salary, no fee system. Current costs for 1979 and the period May 1981-April 1982 were calculated using the cost forecasting methodology presented in Chapter III.

Personnel Costs

The first element in the cost forecasting model is reporter salaries and benefits. Reporter salaries and benefits are paid by the City of Baltimore. Total salary payments for fiscal year 1982 (July 1, 1981-June 30, 1982) were \$716,450 for 30 reporters.<sup>29/</sup> Total benefit payments were \$111,952 or 15.6 percent of direct salaries.<sup>30/</sup> Reporters received a pay raise effective March 31, 1982. The above salary and benefit figures include the additional payments resulting from this raise.<sup>31/</sup> The salary scale for reporters subsequent to this adjustment in salaries is:

<u>Position</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Chief Court Reporter	\$26,600	\$30,700
Deputy Chief Court Reporter	24,200	27,900
Reporter	22,187	25,497

Total personnel costs to the City of Baltimore in 1979 were \$555,379 for 28 reporters. Total benefit costs paid for this year were \$100,707. These figures are used in computing current transcript production costs and costs in 1979.

<sup>29/</sup>Source: Fiscal year 1982 Budget and Budget Estimate Fiscal Year 1983, Supreme Bench of Baltimore City.

<sup>30/</sup>Ibid.

<sup>31/</sup>Source: Interview with Fiscal Officer, Supreme Bench of Baltimore City.

Space and Equipment Costs

Space and equipment expenditures represent direct costs associated with performance of the court reporting function. The current costs for each of these items are presented below. These cost figures were obtained from the Fiscal Office, Supreme Bench of Baltimore City.

Space Costs

In Baltimore, court reporters are physically located in two buildings, the Court House East and the Court House West. The latter of these two buildings houses the majority of the reporters (22) in one large room subdivided into offices approximately 10 feet by 12 feet. The total square footage for this room is 5,579 square feet.

The remaining eight reporters are located in seven offices in Court House East. The computer room which houses the Baron Computer Assisted Transcript System is also located in this courthouse. The total square footage used by reporters in this courthouse is 2,315 square feet.

Space costs were determined by identifying comparable rental rates for private office space in downtown Baltimore. The estimated rental rate for "Class B," an older building in a downtown location is \$12.50 per square foot.

The City does not actually pay this rate since one courthouse is totally paid for and the other is a converted postal building. It was necessary, however, to arrive at a space cost figure in order to determine the net cost difference of implementing a flat salary, no fee system. If reporters were to be hired under this new system, the courts would be required to find suitable office space. The above noted figure is an accurate estimate of the square footage cost which would be incurred.

The actual space costs are, thus, \$98,676 calculated as follows:

• Court House East--2,315 square feet x \$12.50	\$28,938
• Court House West--5,579 square feet x \$12.50	<u>69,738</u>
Total	<u>\$98,676</u>

Equipment Costs

The court pays for all reporter office furniture and incidental reporter supplies. Reporters and/or independent typists pay for stenotype

machines, dictating machines, stenorette tapes, transcribing machines, typewriters, postage, and all maintenance costs on reporting equipment. Furniture costs per reporter are:

• Desk	\$280
• Chair	110
• File cabinet	<u>190</u>
Total	<u>\$580</u> per reporter

Supplies other than those used for the computer-assisted transcription equipment include stenographic paper, tapes, ink, stenotype ribbons, audio tapes (for one reporter using stenomask equipment), reporting sheets (for one pen writer), and files for note storage. The annual cost for these items is:

• Transcript paper (three orders per year @ \$1,866)	\$ 5,598
• Stenotype paper	5,200
• Ink	220
• Ribbons (stenotype)	400
• Audio tapes	750
• Reporting sheets	250
• Storage files	<u>222</u>
Total	<u>\$12,640</u>

As discussed in Chapter IV, the court leases a BaronData Computer Assisted Transcript System for use by up to six reporters. The annual court costs for this system are \$22,135 as computed below:



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• Leasing and maintenance @ \$1,721 month	\$20,652
• Annual air freight incurred for maintenance on units	300
• Disk cleaning (twice annually)	150
• Supplies (at 5 percent of leasing fee) <sup>32/</sup>	<u>1,033</u>
Total	<u>\$22,135</u>

Clerical and Administrative Costs

This cost category includes any and all normal clerical costs incurred in support of the court reporting function as well as supervising costs contributed either by court reporters or by the Court Administrator. In Baltimore, no clerical costs are incurred by the court as all transcripts and related correspondence are typed by either the reporter or an independent typist. Supervisory costs include those attributed to the Chief and the Deputy Chief Court Reporter. The Court Administrator does not perform any direct supervisory activities for court reporters.

Supervisory costs were computed by estimating the percentage of time devoted to administrative tasks by the Chief Court Reporter and the Deputy Chief Court Reporter and determining the approximate salary and benefits incurred by the court for these functions. The Chief Court Reporter spends 95 percent of available time performing supervisory and administrative duties while 5 percent of the Deputy Chief Court Reporter's time is spent on these functions. The actual annual cost to the court for supervision is \$35,327 calculated as follows:

• Chief Court Reporter (95 percent of salary)	\$29,165
• Deputy Chief Court Reporter (5 percent of salary)	<u>1,395</u>
Subtotal	\$30,560
• Fringe benefits (15.6 percent of \$30,560)	<u>4,767</u>
Total	<u>\$35,327</u>

<sup>32/</sup>Source: Interview with BaronData Customer Services Representative.

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Governmental Payments for Transcripts

Total transcript pages produced and fees paid pursuant to requests by governmental agencies and for indigent defendants were presented in Chapter IV. As fees for these transcripts were paid by the government (either the City of Baltimore or the State of Maryland), such fees must be incorporated into the current actual expenses of the court reporting function. Total fees paid by the City and the State were estimated to be \$158,257 in 1979 and \$286,655 for the period May 1981-April 1982.

Summary of Governmental Costs

The individual cost elements above can be aggregated to produce a total governmental cost for transcript production. This aggregate is presented in Table 5.

Although the net costs of transcript production have increased significantly since 1979, the per page cost has decreased from \$8.53 per page to \$7.46 per page. This result is due to the substantial increase in transcript volume since 1979. Reporters have experienced a 46.7 percent increase in transcript pages over this period.

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Table 5

GOVERNMENTAL PAYMENTS FOR  
TRANSCRIPT PRODUCTION  
1979 AND MAY 1981-APRIL 1982

	1979	May 1981- April 1982
Personnel	\$555,739	\$ 687,930
Benefits	100,707	107,530
Space	98,676	98,676
Furniture	16,240	16,240
Office Equipment	12,640	12,640
Computer-Assisted Transcript System		22,135
Clerical and Administrative	33,561	35,327
Transcript Fees	158,257	286,655
Less Revenue from CAT Paid by Reporters <sup>a/</sup>		9,216
Total	\$975,820	\$1,257,917
Cost Per Page	\$8.53 <sup>b/</sup>	\$7.46 <sup>c/</sup>

<sup>a/</sup>14,178 pages x 65 cents.<sup>b/</sup>Based on annual transcript volume of 114,273 pages.<sup>c/</sup>Based on annual transcript volume of 168,526 pages.VI. ANALYSIS OF TRANSCRIPT PRODUCTION  
IN FIELD TEST SITE

This chapter focuses on the transcript production process. Various aspects which will be analyzed include production methods, workload, production rates, and equipment and business costs.

Two primary information sources were used in the analysis reported here. A major source consisted of responses to a questionnaire survey distributed by PAS and appearing in Appendix B. Some of the reported analyses utilize information collected during personal interviews with court reporters by PAS on-site personnel. In addition, supplemental data is used where appropriate.

The questionnaire was developed by PAS staff based on information gleaned from pertinent literature. A draft questionnaire was presented to the Chief Court Reporter of the Supreme Bench of Baltimore City for purposes of identifying ambiguities in questions.

Questionnaires were distributed among 29 court reporters working within the Supreme Bench of Baltimore City. The questionnaire was divided into three parts. In the first part, respondents were asked to indicate their methods of operation and equipment costs, as well as to provide estimates of yearly productivity. The second part asked reporters to keep track, by case, of the time they and support personnel spent in transcript production. The third part of the questionnaire asked the reporters to indicate daily over a period of 10 days (from May 12 to May 25) the amount of time spent in court or doing other activities. At the end of this two-week period, the reporters were instructed to mail their responses in an attached, self-addressed, stamped envelope to the PAS office in Chicago, Illinois.

PAS on-site personnel reviewed the questionnaire with individual reporters during personal interviews, and strongly encouraged participation in the survey. In addition, there were several telephone follow-ups to remind reporters to mail in their surveys. A total of 16 reporters have returned their questionnaires. These 16 respondents represent a 55 percent response rate.

Transcript Volume and Pages Produced

A response rate of 55 percent is fairly high for questionnaire surveys that require some effort from respondents. However, those who elected to do the amount of work required in completing this survey may not be representative of all court reporters at the Supreme Bench. There are some comparisons which can be made, though, which allow insight into the

representativeness of the survey respondents. Table 6 compares survey respondents with supplemental data obtained by PAS through audits of actual transcript production. It is apparent that survey respondents report proportions of work on criminal cases very similar to those found in an audit of 1979 court transcripts, with survey respondents reporting slightly lower percentages of criminal cases (74 percent versus 80 percent). However, PAS survey respondents appear to rank among the more productive court reporters. Using data culled from monthly page reports to the Chief Court Reporter, the average productivity is estimated to have been 6,077 pages during the past year. The estimate for the PAS survey respondents comes to 7,892, a difference of about 1,800 pages.<sup>33/</sup> This discrepancy between monthly report

Table 6

COMPARISON OF PAS SURVEY RESPONDENTS  
TO SUPPLEMENTAL DATA,  
THE SUPREME BENCH OF BALTIMORE CITY

	PAS Survey Respondents	Comparison Data
Proportion of criminal cases to all cases	74%	80% <sup>a/</sup>
Estimated average annual production in pages, unweighted	7,892 <sup>b/</sup>	6,077 <sup>c/</sup>
Weighted estimates of annual production	6,272	N/A

<sup>a/</sup>Computed from a PAS-conducted audit of 1979 cases.  
<sup>b/</sup>Estimated from data supplied by 13 respondents, since 3 respondents provided incomplete information.  
<sup>c/</sup>Estimated from monthly reports made by 26 court reporters from May, 1981 to April, 1982 to the Chief Reporter.

<sup>33/</sup>Estimates for each respondent's yearly production were computed using information supplied by the respondent on estimated cases the previous year, proportions of criminal and civil cases, and estimated average lengths of criminal and civil cases. A few respondents, however, had estimated transcript lengths that were two to five times higher than those of other respondents, and did not agree with the respondent's self-reported biweekly production either. For those responses, the median estimated transcript length (199 for criminal cases, 104 for civil cases) was substituted in the computations.

data and PAS survey data appears to be due to higher participation in the survey by more productive reporters. Fifty percent of reporters indicated annual rates of 6,000 or more pages in the monthly reports, compared to 77 percent of the PAS respondent estimates. The disproportionate participation of more productive reporters biases productivity estimates upward. In order to mitigate this problem, all data dealing directly with estimates of productivity were weighted so as to reduce the impact of the high producers to what it would have been had they been proportionately represented.<sup>34/</sup> Applying these weights to the survey respondents' annual production estimates results in an average of 6,272 pages per year, a figure much closer to the average of 6,077 computed from the monthly reports data.

Weighting the data corrects for one obvious source of bias. However, 16 respondents is not a very large case base from which to derive precise measures. In addition, the data are all based on self-reports, and may be affected by individual biases, lack of information, or errors of perception. The results reported here must, therefore, be interpreted with caution.

Production Methods and Resources

Various methods are used by different reporters in producing a court transcript. These include dictating for a typist, using Computer Assisted Transcription (CAT), using a notereader, or typing transcripts personally. Dictating for a typist is by far the most widely used method, with 14 of the 16 respondents (88 percent) mentioning use of this method. For eight of these respondents, dictation is the only method used, while the other six report using other methods as well. Five (31 percent) of the respondents report using CAT; however, only one reported the exclusive use of this method. Three respondents (19 percent) reported that they sometimes type their own transcripts, although none reported sole use of this method. In addition, one respondent reported using a notereader to read and type manuscripts.

For those reporters using the dictation method, the average amount paid to typists was 59 cents per page. Seven (47 percent) of the fifteen respondents reporting typing fees of 55 cents a page, while three (20 percent) pay 60 cents per page and five (33 percent) pay 65 cents per page. For the most part, use of support personnel other than typists was rarely reported. Two respondents reported paying 25 cents a page to scope editors or proofreaders, and one reported paying \$1 per page to a notereader.

<sup>34/</sup>The weights assigned were .65 for those with 6,000 or more pages per year, and 2.16 for the remainder. These weights were multiplied times reported number of transcripts produced and computed transcript lengths to correct for biases in the data.

Table 7 describes equipment and business costs for individual court reporters. Although some respondents reported owning more than one piece of equipment, the averages are based upon only one piece of equipment per respondent. This allows a view of the minimum capital costs for court reporters. Highest and lowest dollar amounts are also reported in Table 7 in order to provide information on the range of values. As the table shows, there is a great deal of variation in the respondents' expenses. The highest values often are 2 to 10 times larger than the lowest values. This is probably due to the purchase of used or discounted merchandise by some reporters.

Table 7

AVERAGE COURT REPORTER'S EQUIPMENT AND BUSINESS COSTS,  
THE SUPREME BENCH OF BALTIMORE CITY

	Average	Lowest	Highest	Number Responding
Stenograph machine	\$ 305.00	\$210.00	\$ 400.00	14
Dictating machine	345.00	150.00	500.00	14
Dictating tapes (per tape)	2.94	.65	5.00	14
Transcribing machine	245.00	180.00	400.00	4
Typewriter	471.00	250.00	700.00	16
Supplies	218.00 <sup>a/</sup>	75.00	1,638.00	15
Maintenance	217.00	150.00	300.00	3
Postage	83.00	20.00	225.00	15
CAT equipment	4,100.00	--	--	1
Average Total Costs	\$1,512.00 <sup>b/</sup>	580.00	3,803.00	16

<sup>a/</sup>The average reported here does not include the highest value, since that value involved administrative costs not directly related to transcript production.

<sup>b/</sup>Omits CAT equipment costs.

The total investment made by court reporters depends mainly upon their methods of operation, as well as personal preferences and sales opportunities. On the average, total costs come to \$1,512, with the lowest reported value being \$580 and the highest \$3,803. However, both of these values are extreme; 50 percent of the respondents had total costs falling within \$300 of the mean.

Reporter Transcript Production Rates

The analysis to follow focuses on the production of transcripts. It will begin by examining court reporters' average time in court, and how that relates to productivity. Then, average productivity will be examined, with a focus on the dictation method. These data will be used in Chapter VII to derive overall costs of various court reporting methods and organizational configurations.

Time in Court and Productivity

The more time a court reporter spends in the courtroom, the more transcript pages can be generated. This fact is illustrated in Table 8, which describes the average amount of time spent in and out of court by productivity levels. It should be noted that individual averages were computed using only those days in which at least some time was reported, since respondents' in-court time may have been affected by judges' days off.

Table 8

AVERAGE TIME SPENT IN THE COURTROOM,  
OVERALL AND BY ANNUAL PRODUCTION LEVELS,  
THE SUPREME BENCH OF BALTIMORE CITY

	Average Court Time in Hours	Average Hours in Other Activities <sup>a/</sup>
Overall	4.8 (N=15)	3.5 (N=10)
By Annual Production Levels: <sup>b/</sup>		
Less than 7,000 pages	4.2 (N=6)	3.3 (N=4)
Over 7,000 pages	5.4 (N=6)	2.2 (N=3)

<sup>a/</sup>Several respondents did not indicate other activities. In addition, one respondent who indicated heavy out-of-court administrative duties was dropped.

<sup>b/</sup>Annual production figures were unavailable for three respondents.

As Table 8 shows, those respondents whose annual estimated production exceeded 7,000 pages reported 1.2 more hours a day in the courtroom than those whose production was below 7,000. Furthermore, although the case base is small enough to warrant extremely cautious interpretation, it appears that more productive respondents spend less time doing other activities than do less productive reporters.

Rates of Transcript Production

The other activities which the respondents listed on their survey forms include: typing; proofreading; delivering transcripts; filing notes; dictating; scoping on the computer; doing corrections; collating; billing; checking spelling; editing; meeting typist; binding; obtaining court files; general correspondence; and doing research in the law library. It is apparent that most of these activities are integral to transcript production.

Respondents were asked to list by docket number each transcript that was produced over a 10-day period and to record the page length and amount of time they and support personnel spent on the transcript. Over the 10-day survey period, the 15 respondents reporting transcript data produced 61 transcripts, totaling 7,074 pages (unweighted). In five of these cases, the transcript information was unusable, so the analysis will focus on the remaining 56 transcripts.

Of the 56 transcripts, 41 (73 percent) were produced using the dictation method. The remaining 15 were produced using CAT, a notereader, or personal typing methods. Since there were few respondents in the latter categories, these will be grouped together for analysis purposes.

Table 9 presents production rates of two types, pages per hour and minutes per page, for reporters and other personnel. Overall, reporters produced an average of 23.4 pages per hour or, put another way, spent an average of 2.6 minutes producing each page of transcript.<sup>35/</sup> It is worth noting that the rate of production for other methods is higher than that for dictation. However, this should not be taken as evidence that dictation is necessarily an inferior method; there are only four reporters represented in the other methods category, and two of these are extraordinarily productive. The difference may be due less to method and more to individual ability and efficiency.

As noted earlier, there are many activities involved in the transcript production process. These include dictating, proofreading, collating, binding, delivering, filing notes, and making corrections. It would be

<sup>35/</sup>Production activities include dictating, proofing, researching, correcting, editing, and scoping.

helpful to try to separate which of these activities require a court reporter's skill and attention, and which can be delegated to others. In the dictation method, the most essential activity is the dictating itself. The following analysis examines the dictation method data more closely in order to obtain an estimate of how much time is spent doing activities other than dictating.

In several interviews conducted by PAS on-site personnel, reporters were asked how fast they dictate. Not all reporters were asked this question, but many who were seemed to have a firm grasp of their dictation speeds. Answers to these questions are used to create an estimate of average dictation speed.

Table 9  
RATES OF TRANSCRIPT PRODUCTION BY REPORTING METHOD,  
THE SUPREME BENCH OF BALTIMORE CITY

	<u>Pages per Hour</u>	<u>Minutes per Page</u>	<u>Number of Transcripts</u>
All reporters	23.4	2.56	56
Dictation method:			
Reporters	21.6	2.78	41
Typists	11.7	5.13	30 <sup>a/</sup>
Other methods:			
Reporters	35.1	1.71	15
Editors	41.9	1.43	2
Notereader	15.8	3.80	1

<sup>a/</sup>Typists' time were unreported for 11 transcripts.

Table 10 describes the dictating estimates obtained from the interviews. An examination of the right-hand column in Table 10 shows individual variations in dictating rates, with one reporter able to dictate up to two pages per minute while another reporter dictates at the rate of less than one page per minute.

It should be noted that these dictation rates are applicable when dictation is performed in concentrated, relatively brief time periods (e.g., one hour at a time), such rates may not be maintained if reporters were required to dictate for long time periods.



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Table 10

ESTIMATED DICTATION RATES,  
THE SUPREME BENCH OF BALTIMORE CITY<sup>a/</sup>

	<u>Number of Pages</u>	<u>Number of Minutes</u>	<u>Rate in Minutes per Page</u>
Reporter A	35	40	1.1
Reporter B	20	40	2.0
Reporter C	28	45	1.6
Reporter D	30	55	1.8
Reporter E	30	52	1.7
Reporter F	35	45	1.3
Reporter G	40	35	.9
Reporter H	40	40	1.0
All	258	352	1.4

<sup>a/</sup>Source: Personal interviews with reporters.

As Table 9 shows, it takes approximately 2.8 minutes to produce one page of transcript using the dictation method. Of that time, approximately one-half, 1.4 minutes, is actually spent dictating. Thus, it can be concluded that reporters dictate at the rate of 42.9 pages per hour. Activities which take up most of the remaining 1.4 minutes are most likely proofreading and making corrections. Given the relationship of time in court to productivity, the use of court reporter's time for essentially clerical and editing tasks may not be the most effective use of their abilities. In the next chapter several alternative forms of work organization will be presented and evaluated.

VII. IMPLEMENTATION OF A FLAT SALARY,  
NO FEE SYSTEM IN THE FIELD TEST COURT

This chapter presents several considerations in implementing a full-time, flat salary, no fee system in Baltimore. Four distinct options are outlined with costs presented for each. These options were developed based on personnel and financial issues facing management and reporters in the Supreme Bench of Baltimore City.

Implementation Considerations

The issues and considerations addressed below are based on interviews with management and reporters in Baltimore, as well as observations and analyses of current practices and procedures.

Managerial Concerns

If the legislation requiring straight salaries and no fees for court reporters was passed, court managers in the Supreme Bench would have been faced with the task of implementing such legislation with little or no administrative direction given by the legislature. The Circuit Administrative Judge, Chief Court Reporter, and Court Administrator would in concert be faced with a significant managerial task. In order to be as realistic as possible, PAS consultants addressed the same set of circumstances as would have been faced by the existing court management structure. Existing managers must deal with a number of circumstances including:

- The number one priority of having reporters available to take in court testimony.
- The desire to equalize court reporter workload and to conform to time requirements for transcript preparation.
- The desire to rotate reporters periodically.
- The variety of reporting systems including stenotype machines, pen writing, and stenomask.
- The variety of transcript production systems including dictation using outside typists, self-typing, use of notereaders, and editing and CAT translation.

- The desire to make the current CAT system self-sustaining in order to minimize city costs; or, in the absence of fees, the possible options available to pay for equipment lease and maintenance costs.
- The desire to implement changes at moderate cost in view of current fiscal constraints.

All of the above factors would impact both the implementation options and decision-making process under the legislative mandate.

#### Court Reporter Concerns

Reporters have expressed concern that the proposed legislation does not provide recognition for the uniqueness of the court reporting function including the following:

- Under a straight salary, no fee system, reporters would lose the economic incentive to work extra time on evenings and weekends in order to turn out transcripts in a timely fashion.
- Work habits would be substantially altered since dictation and proofreading are currently done before and after court and during court recesses while, under the proposed legislation, reporters feel their salary would be for in-court work only.
- It is felt that extra reporters would have to be hired to perform in-court work while the reporter transcribed his/her notes.
- The uniqueness of a reporter's note-taking style makes it necessary for each reporter to transcribe his/her own notes.
- If reporters are to be expected to produce the same number of transcripts without the per page fee system, reporters' salaries should be raised to take the place of fees.
- To a certain extent, the seniority of reporters impacts their earning power; as reporting slots turn over or open up in the various courts, an informal system which allows the most senior reporters a first choice is in operation. It is well understood that criminal courts provide the highest volume of transcript requests which generate fee income.

Reporters have reacted to the computer-assisted transcription system and many would not be supportive of its expansion to keep transcript production at current levels. Frequent system breakdowns after installation caused negative reactions. In addition, reporters feel that the scheduling of their time to use the equipment has necessitated extra evening and weekend trips to the courthouse. Although this problem was solved by contracting with a part-time scope editor to do initial editing, the additional 25 cents per page cost, over and above the 65 cents per page cost paid to the City for the use of the equipment for this service, does not make the system economically attractive to reporters.

Finally, reporters feel that it would be an unreasonable financial burden to require them to purchase a CAT converter for their stenotype machine at a cost of \$2,700-2,900.

Obviously, both the court reporters and court management have legitimate concerns when the implementation of the proposed legislation is considered. All of the foregoing factors were considered in constructing the options for implementation.

#### Options In Implementing Legislation

In order to estimate realistically the costs of implementing a flat salary, no fee system in the test site, the consultants set forth four options which should be plausible under the suggested legislation. It is felt that these options present a "real world" approach to the implementation of legislation which would mandate a flat salary, no fee system for reporters. There may be other options which could be constructed; however, these four represent PAS consultants' views of the most viable under the current organizational, staffing, financial, and equipment arrangements which exist in the court reporting function of the Supreme Bench. These four possible options are:

- I. The adding of additional court reporters to allow existing reporters time to transcribe their courtroom notes on court time once the fee system has been eliminated. This is referred to as the "conventional approach" and assumes that no CAT capability is available.
- II. The second option uses the conventional approach as in Option I but provides for the further enhancement of the CAT system to bring this system up to capacity.
- III. A third option considers adding sufficient notereaders and typists to the system to allow existing reporters

the time to be in court taking testimony while their notes are read and prepared by notereaders.

- IV. The final option considers the adoption of a computer-assisted transcription system for all courts.

It should be noted that no costs were added to either of these options for collection of transcript fees. This decision was based on: (1) the low number of transcripts requested by private parties wherein fees would be collected and (2) the availability of clerks within the court clerk's offices to process fee payments.

Option I. The Conventional Reporting and Transcript Production System

The conventional approach as an implementation option is based on a number of assumptions.

1. That there is no CAT capability in the court.
2. That because of the flat salary, no fee system reporters will no longer prepare transcripts on their own time.
3. That additional court reporters will be added to allow existing reporters enough time out of court to dictate their notes. The additional staff will not be, however, on a "one for one" basis.
4. That some salary increment will be added to the court reporter's salary to make up for the loss in income resulting from the no fee system.
5. That either the State of Maryland or the City of Baltimore will purchase the stenotype machines and dictating equipment which is currently purchased by each individual reporter at his/her own cost.
6. That a transcript typing pool will be set up at state expense to provide typing services.

A number of these assumptions deserve further comment. Reporters interviewed expressed reluctance in working extra time at home if the fee system is abolished. Further, reporters felt that their note-taking style is unique and that any translation of notes should be by the respective reporter who writes the record. Three questions arise under this implementation scenario: (1) in order to allow each reporter enough out of court time to dictate, edit, and prepare transcripts, how many additional reporters would be required; (2) what is a sufficient salary increment to compensate reporters

for their lost income; and (3) what is an appropriate staffing level for transcribers? These questions are addressed in the following sections.

Required Reporter Staffing Levels

There are 23 judges allocated to the Supreme Bench of Baltimore City. The court, however, has 25 courtrooms. Visiting judges are assigned to courtrooms not staffed by judges of the Supreme Bench. Thus, at any point in time there may be 25 active courtrooms.

The courts operate a maximum of 246 days per year after deducting for weekends and holidays. The number of required reporters to staff the courts can be determined using this figure. It is known that reporters work 227 days per year after deducting time lost to leave.<sup>36/</sup> As this figure is less than the number of days in which court is in session, the Supreme Bench will require more than one reporter per court. Specifically, the Supreme Bench will require 1.08 reporters per courtroom, determined by dividing the number of days court is in session by the number of days worked by reporter as shown below:

$$\frac{246 \text{ court days}}{227 \text{ work days per reporter}} = 1.08 \text{ reporters per courtroom}$$

Total reporter staffing levels to cover in-court requirements are determined by multiplying the number of reporters per courtroom times the total number of courtrooms. This results in a staffing complement of 27 reporters excluding the Chief Court Reporter (1.08 times 25).

Earlier sections of this report indicated that reporters spend an average of five hours per day in court taking the record. The remaining three hours of the day are used for lunch, breaks, proofing, editing, delivering transcripts, making phone calls, filing notes, preparing billings, and performing other job-related functions. If reporters are allotted 1 hour for lunch and two 5 minute breaks (1 each in the morning and the afternoon), they are left with 1.84 hours available per day outside of court for performance of transcript production tasks. Moreover, they typically have breaks throughout the court schedule for proofreading and correcting.

If one hour per day is used as a conservative figure for transcript production to allow for extraordinarily long court days and other unusual circumstances, what is the impact on reporter staffing? It is known that

<sup>36/</sup>PAS analyzed leave usage patterns for the period January 1, 1981-April 30, 1982. During this period, the typical reporter worked 227 days per year after deducting annual, sick, compensatory, and other leave. These leave figures are depicted in Chapter III.

reporters produce transcript at the rate of 21.6 pages per hour under the conventional approach.<sup>37/</sup> If 227 hours per year (one hour per day) is allotted for transcript work, each reporter would produce 4,903 transcript pages per year during the regularly scheduled work day (227 times 21.6).<sup>38/</sup> Using the transcript volume for the period of May 1981-April 1982 (168,526 pages), it can be determined that 132,381 pages would be produced during the regular work day (4,903 pages per reporter x 27 reporters). This would leave an additional 36,145 pages to be produced.

Additional reporters hired for purposes of producing transcript outside of the courtroom would work seven hours per day preparing transcripts. One such reporter could produce 34,322 pages of transcript per year (1,589 hours x 21.6 pages per hour). Thus, there would be a need for 1.05 or one additional reporter. The total staffing requirement would thus be 29 reporters including the Chief Court Reporter.

Reporter Salary Increments. During on-site interviews many reporters were asked to estimate the amount of additional income which would be required if the straight salary, no fee system were adopted and reporters were to be compensated fairly. The following represents a sampling of responses.

- Reporter "A" \$8,000-10,000
- Reporter "B" \$5,000-10,000
- Reporter "C" \$14,500
- Reporter "D" \$17,000
- Reporter "E" \$15,000
- Reporter "F" \$10,000-12,000
- Reporter "G" \$10,000-12,000
- Reporter "H" \$8,000-10,000

Obviously, reporters feel that under the no fee system they would be losing substantial amounts of income and their desire to be compensated in some manner for this loss of income is justified.

<sup>37/</sup>See Chapter VI for the calculation of the transcript production rate of 21.6 pages per hour.

<sup>38/</sup>The average number of pages produced per year per reporter was estimated to be 6,077 pages as shown in Chapter VI. This total included transcripts of guilty pleas which are no longer transcribed.

This factor must be considered when salary negotiations take place if the no fee system is implemented. The setting of court reporters' salaries under a straight salary, no fee system would be influenced by a number of factors including job class relationships of other classes within the new personnel plan, the State's ability to pay, and marketplace conditions. An attempt to set salaries for court reporters in the absence of information about these factors is hazardous. However, for purposes of estimating costs, transcript income and nonworking hours presently contributed will be used.

From the foregoing material, it can be concluded that the average reporter in the period May 1981-April 1982 earned a total of \$14,528 in gross income from transcripts (5,811 pages x \$2.50). As was shown in Chapter VI, each reporter spends an average of 8.22 hours per week outside of the regular work day producing transcripts. This is equivalent to 388.81 hours per year (based on 11 months' work).<sup>39/</sup> Reporters also spend an average of 10.78 hours per week or 509.89 hours per year in the courthouse during the regularly scheduled work day producing transcripts. By summing these figures, it can be determined that the average reporter spends 898.78 hours per year to earn transcript income. This is equivalent to a gross payment rate of \$16.16 per hour.

Based on the above, it can be concluded that \$6,285 of the average reporter's additional gross income is earned from work performed after hours. This figure can be used to calculate the additional salary required to compensate reporters for income lost from work performed outside the court.

If this figure (rounded to \$6,300) is added to the existing salary scales in Baltimore, new salary scales would be as follows:

	Minimum	Maximum
Chief Court Reporter	\$32,900	\$37,000
Deputy Chief Court Reporter	30,500	34,200
Court Reporter	28,487	31,797

Clerical Support Staffing and Costs. An additional cost of the flat salary, no fee system is clerical costs to be assumed by either the City or the State. This cost can be calculated by determining the required number of typists to produce 168,526 pages of transcript.

<sup>39/</sup>Reporters regularly are scheduled for a four-week vacation during the summer months.

From the transcript production survey reported in Chapter VI, it was determined that transcribers currently produce transcript at the rate of 11.7 pages per hour. This production rate, however, is based on the incentive system which now exists. It is unlikely that such a rate would continue under a flat salary system. A production rate of five pages per hour was selected based on input from reporters. At this production rate, the court would require 33,705.2 clerical hours or 21.2 or 21 typists (based on 1,589 work hours per typist per year<sup>40/</sup>). Clerical salaries would be approximately \$12,600 per year based on a review of the court's personnel classification system.

In addition, clerical supervisors would be required under this option to manage transcript production work. It is estimated that three supervisors would be required to manage 21 typists. Supervisors would be paid at 15 percent higher than typists, or at \$14,490 per year.

Summary Cost of Conventional System. A total cost for this option can be computed using the figures presented above. Total first year costs, presented in Table 11, would be \$1,464,711. The total costs per page under this system (\$8.69) is \$1.23 cents greater per page than the current system for a dollar difference of \$207,287 based on current workload.

Option II. The Conventional Reporting and Transcript Production System with Enhancement of the Computer-Aided Transcription Capability

This implementation option assumes the following conditions:

1. That the current CAT system will remain in place and two more reporters will be added to the system in order to use the equipment to its maximum capacity. This also assumes optimum transcript production by those reporters currently on the system.
2. That because of the flat salary, no fee system, reporters will no longer prepare transcripts on their own time.
3. That, with the exception of the reporters using CAT, the same salary increment used in Option I will be added to the current court reporter salary scale because of the loss of income under the no fee system. Reporters using the CAT equipment would be provided an additional increment of 10 percent in view of additional skills required to operate CAT equipment.

<sup>40/</sup>This yearly, hourly figure is based on the same leave patterns used by reporters.

Table 11

GOVERNMENTAL PAYMENTS OF  
COURT REPORTING--OPTION I

1. Personnel <sup>a/</sup>		\$ 876,456
a. 28 reporters at \$30,142	\$843,976	
b. 5% of Chief Reporter's Salary	1,748	
c. 95% of Deputy Chief Court Reporter's Salary	30,732	
2. Clerical--21 positions @ \$12,600		264,600
3. Clerical Supervisors--3 @ \$14,490		43,470
4. Benefits--15.6% of Direct Salaries (\$1,184,526)		184,786
5. Space <sup>b/</sup>		98,676
6. Furniture		
a. Reporters--29 sets @ \$580		16,820
b. Clerical and Clerical Supervisors-- 24 sets @ \$390 <sup>c/</sup>		9,360
7. Office Equipment and Supplies		64,952
a. Reporter Supplies @ \$421 per reporter x 29 <sup>d/</sup>	12,209	
b. Stenographic Machines--29 reporters x \$350	10,150	
c. Dictating and Transcribing Machines-- 29 typists x \$500	14,500	
d. Typewriters--21 typewriters x \$900	18,900	
e. Maintenance--29 reporters x \$217	6,293	
f. Postage--29 reporters x \$100	2,900	
8. Administrative		40,251
a. 95% of Chief Court Reporter's Salary	33,202	
b. 5% of Deputy Chief Court Reporter's Salary	1,617	
c. Benefits @ 15.6% of Direct (\$34,819)	5,432	
9. Gross Costs		\$1,599,371
10. Less Revenue from Private Parties for Transcripts (53,864 pages x \$2.50)		134,660
11. Net Cost		\$1,464,711
12. Cost Per Page (\$1,464,711/168,526 pages)		\$8.69

<sup>a/</sup>Personnel salaries are calculated at the middle of the range for each position.

<sup>b/</sup>Assumes existing space can accommodate five more reporters and typing pool as per the input of the court administrator.

<sup>c/</sup>Includes desk (\$280) and chair (\$110).

<sup>d/</sup>Includes paper, tapes, ink, ribbons, audio tapes, reporting sheets, and storage files. Based on current reporter supply costs.



4. That the State of Maryland will purchase the stenotype and dictating equipment which is currently purchased by each individual reporter at his/her own cost.
5. That a transcript typing pool will be set up at state expense to provide typing services.

Based on vendor estimates, the current BaronData CAT System configuration can accommodate 10 reporters at a total transcript production rate of 5,000 pages per month with one working shift per day. Production figures provided by the Court Finance Officer for the period May 1981-April 1982 indicate that for the six reporters currently on the system, only 1,000 pages per month are being produced for all reporters on the average.

Under the no fee system, the State would pay for the entire cost of the CAT system since there would be no transcript fees generated (except for privately-requested transcripts). Therefore, no per page cost would be incurred by the reporters using the system. Likewise, the scope editor would become a salaried, full-time employee who would no longer be paid by the individual reporters on a per page basis.

Required Reporter Staffing Levels. If this system were implemented, how many additional reporters would be required other than the 10 CAT reporters? The 10 CAT reporters would produce a total of 60,000 pages per year. This would leave a balance of 108,526 pages to be produced using conventional means.

As has been shown under Option I, the Supreme Bench requires 27 reporters to staff operating courtrooms. Thus, there would be a minimum of 17 additional reporters using methods other than CAT to produce transcripts. Each of these reporters would have available 1 hour per day or 227 hours per year to work on transcripts during the regularly scheduled work day. This results in 3,859 available hours.

Reporters using dictation methods produce transcript at the rate of 21.6 pages per hour. At this rate, the 17 reporters would produce 83,354 pages of transcript during the regular work day. This would leave a balance of 25,172 pages to be produced by additional staff.

Using the annual work day figure of 227 days, the number of additional reporters required can be calculated. These additional reporters would work 7 hours per day on transcripts; thus, there would be 1,589 potential hours per year. Therefore, each reporter would produce 34,322 pages of transcript per year. Consequently, there would be a need for one additional reporter to complete the remaining transcript production tasks.

In summary, the State would require a total staffing complement of 29 reporters including the Chief Court Reporter.

Reporter Salary Levels. With this option, reporters would have the same salary increment as with the prior option with the exception that those reporters who opt to work on the CAT system would be given an additional production incentive of a 10 percent increase in salary for recognition of additional skills. Thus the CAT range for a court reporter salary would be \$31,336-34,977. Reporters on the CAT system could be expected to be brought to the mid-range step of the salary range to facilitate implementation.

Supportive Staffing and Costs. As with the strictly conventional approach discussed in the first option, the State would purchase reporters' equipment and fund a typing pool. Because 60,000 pages would be produced on the CAT system, however, a smaller number of typists would be required. Using the production rate of 5 pages per hour, it can be concluded that 21,705 clerical hours or 13.6 (rounded to 14) typists would be required to meet production needs (108,526 additional pages divided by 5 pages per hour divided by 1,589 work hours per year per typist). The cost to the State for these typists would be \$203,918 including benefits.

A scope editor would be added to the staff to support the reporters. PAS consultants estimated a required annual salary of \$18,000 for a scope editor based on current income levels and considering reporter and clerical salaries. The scope editor would cost the government \$20,808 per year once benefits (at 15.6 percent) are added.

Two clerical supervisors would be added to the staff to manage the 14 typists. These supervisors would cost the State \$33,501 including benefits during the first year of operation.

Summary Cost of Option II. The total estimated net cost for this option as shown in Table 12 is \$1,429,858. This is equivalent to a per page cost of \$8.48. The implementation of this system would result in a net increase of \$1.02 per page or a net increase of \$171,897 in overall costs based on current demand.

#### Option III. The Use of Notereaders in Transcript Production

Although now used by only 2 of the 30 court reporters, the notereader system shows potential in dealing with the implementation of the no fee system.

This approach assumes the following:

1. That no additional court reporters will be added to the staff to implement the no fee system.
2. That because of the flat salary, no fee system, reporters will no longer prepare transcripts on their own time but will transmit their stenographic notes directly to notereaders for transcription.

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Table 12

GOVERNMENTAL PAYMENTS FOR  
COURT REPORTING--OPTION II

1. Reporter Salaries <sup>a/</sup>		\$ 906,596
a. 18 reporters at \$30,142	\$542,556	
b. 10 reporters at \$33,156	331,560	
c. 5% of Chief Court Reporter's Salary	1,748	
d. 95% of Deputy Chief Court Reporter's Salary	30,732	
2. Clerical--14 positions @ \$12,600		176,400
3. Scope Editor--1 position @ \$18,000		18,000
4. Clerical Supervisors--2 positions @ \$14,490		28,980
5. Benefits--15.6% of Direct Salaries (\$1,129,976)		176,276
6. Space <sup>b/</sup>		98,676
7. Furniture		21,900
a. Reporters--26 sets @ \$580	15,080	
b. Clerical and Supervisory--16 sets @ \$390 <sup>c/</sup>	6,240	
c. Scope/Editor--1 set @ \$580	580	
8. Office Equipment and Supplies		46,915
a. Reporter Supplies @ \$421 per reporter x 29 <sup>d/</sup>	12,209	
b. Stenographic Machines--18 reporters x \$350	6,300	
c. Dictating and Transcribing Machines-- 18 reporters x \$500	9,000	
d. Typewriters--14 typewriters x \$900	12,600	
e. Maintenance--18 reporters x \$217	3,906	
f. Postage--29 reporters x \$100	2,900	

<sup>a/</sup> Personnel salaries are calculated at the middle of the range for each position.

<sup>b/</sup> Assumes existing space can accommodate five more reporters and typing pool as per the input of the court administrator.

<sup>c/</sup> Includes desk (\$280) and chair (\$110).

<sup>d/</sup> Includes paper, tapes, ink, ribbons, audio tapes, reporting sheets, and storage files. Based on current reporter supply costs.

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Table 12 (continued)

9. Computer-Assisted Transcript System		50,524
a. Annual Lease	\$20,652	
b. Cleaning	300	
c. Recording Cassettes--10 reporters x 40 cassettes x \$8	3,200	
d. Maintenance (freight)	300	
e. Supplies--5% of Lease Charge	1,033	
f. Additional Converters--4 @ \$2,900	11,600	
g. Burster/Decollator	5,000	
h. Training--4 reporters <sup>e/</sup>	8,439	
10. Administrative		40,251
a. 95% of Chief Court Reporter's Salary	33,202	
b. 5% of Deputy Chief Court Reporter's Salary	1,617	
c. Benefits @ 15.6% of Direct (\$34,819)	5,432	
11. Gross Costs		<u>\$1,564,518</u>
12. Less Revenue from Private Parties for Transcripts (53,864 pages x \$2.50)		<u>\$ 134,660</u>
13. Net Cost		<u>\$1,429,858</u>
14. Cost Per Page (\$1,429,858/168,526 pages)		\$8.48

<sup>e/</sup> Based on 80 hours of training for four new reporters plus one trainer reporter at hourly rate of \$18.25 = \$7,300. An additional \$1,139 was added to this figure to pay for benefits at 15.6 percent of the total. The total training cost is thus \$8,439.

3. That a salary increment will be added to court reporters' salaries to make up for the loss of income resulting in the no fee system. The same increment as used in Option I would be used for this option.
4. That the State of Maryland will purchase the stenographic but not the dictating equipment which is currently purchased by each reporter at his/her own cost.
5. That notereader/transcribers would be hired and organized in a pool to provide notereading and typing services.

This option is not without its drawbacks, particularly the task of management hiring and training the notereaders. Persons with this skill are not readily available; thus, there would most likely be a substantial training period involved. PAS consultants concluded, however, that since the system is being used quite effectively by selected court reporters that such an approach should be considered.

Reporter Staffing Requirements. Since reporters would no longer be required to dictate notes under this system, available in-courthouse time during the regular work day could be used strictly for proofreading and correcting transcripts and performing other related production tasks. Reporters can perform this work at the rate of 42.9 pages per hour as was shown in Chapter VI. Using this figure and 227 work days per year per reporter, the number of required reporters can be calculated. As with previous options, reporters would schedule one hour per day during the regular work day for transcript production work. In this time, the 27 reporters required to staff the courtrooms could readily produce 262,934 pages per year (27 reporters x 227 hours x 42.9 pages per hour). As this figure is well above the current rate of transcript demand, no additional reporters would be required under this option.

Supportive Staffing Requirements. Under this option, the court would require a permanent staff of notereaders assigned to individual reporters. It is estimated that a ratio of .75 notereaders would be required per reporter for a total staffing complement of 20 notereaders. This staffing estimate was based on input provided by reporters in Baltimore. A salary of \$15,000 per notereader was calculated using present notereader income levels and considering the salary rates to be paid to typists. The total costs for notereaders would be \$346,800 including benefits.

This option would not require other clerical staff since the notereaders would actually be producing the transcripts. However, three notereader supervisors would be required to schedule workload and review performance. The supervisors' salaries would be 15 percent higher than

notereader salaries, or at \$17,250 per year. The total cost for the three supervisors would be \$59,823 for the first year.

Summary Cost of Notereader System. The total first year cost of this option would be \$1,473,855 as presented in Table 13. This expenditure represents a per page cost of \$8.74 or a net increase of \$1.28 per page equivalent to a total increase of \$215,713 considering current production rates and transcript demand.

Option IV. Adoption of the Computer-Assisted Transcript System for All Reporters

Since the Supreme Bench has already begun a pilot project using a BaronData CAT System, it was decided that the full implementation of this system should be pursued as a viable option. Currently six reporters are using the system; however, current transcript production is not up to the capacity of the equipment. Of the 168,526 pages of transcript produced during the period May 1981 to April 1982, only 14,178 pages or eight percent were produced on the CAT system.

Several assumptions were made in developing this option. These are:

1. That no additional reporter staffing beyond the staffing levels necessary for in-courtroom needs would be required. An additional 21 court reporters would be trained in the use of CAT technology. All testimony would be produced using CAT translatable cassettes.
2. That the court would add to its present CAT equipment by leasing one additional CPU, one additional letter quality printer, one rough draft printer, and two Atlas editing stations for a total configuration of two CPUs, two letter quality printers, one rough draft printer, and two Atlas stations.
3. That the State would purchase CAT converters for all reporters. The State would also purchase all necessary supplies used in producing transcripts.
4. That four scope editors would be employed on a full-time basis to assist in producing transcripts.
5. That no clerical staff would be required. The scope editors and reporters would produce the transcripts. Reporter involvement would be limited to proofing and correcting transcripts.

Table 13

GOVERNMENTAL PAYMENTS FOR  
COURT REPORTING--OPTION III

1. Reporter Salaries <sup>a/</sup>		\$846,314
a. 27 reporters at \$30,142	\$813,834	
b. 5% of Chief Court Reporter's Salary	1,748	
d. 95% of Deputy Chief Court Reporter's Salary	30,732	
2. Notereader Salaries--20 @ x \$15,000		300,000
3. Notereader Supervisors--3 @ \$17,250		51,750
4. Benefits--15.6% of Direct Salaries (\$1,198,064)		186,898
5. Space <sup>b/</sup>		98,676
6. Furniture		25,210
a. Reporters--28 sets @ \$580	16,240	
b. Notereaders and Supervisors-- 23 sets @ \$390 <sup>c/</sup>	8,970	
7. Office Equipment and Supplies		44,388
a. Reporter Supplies @ 421 per reporter x 28 <sup>d/</sup>	11,788	
b. Stenographic Machines--28 reporters x \$350	9,800	
c. Typewriters--20 notereaders x \$900	18,000	
d. Maintenance--20 notereaders (typewriters) x 100	2,000	
e. Postage--28 reporters x \$100	2,800	
8. Administrative		40,251
a. 95% of Chief Court Reporter's Salary	33,202	
b. 5% of Deputy Chief Court Reporter's Salary	1,617	
c. Benefits @ 15.6% of Direct (\$34,819)	5,432	

<sup>a/</sup>Personnel salaries are calculated at the middle of the range for each position.

<sup>b/</sup>Assumes existing space can accommodate five more reporters and typing pool as per the input of the court administrator.

<sup>c/</sup>Includes desk (\$280) and chair (\$110).

<sup>d/</sup>Includes paper, tapes, ink, ribbons, audio tapes, reporting sheets, and storage files.

Table 13 (continued)

9. Training for Notereaders <sup>e/</sup>	15,028
10. Gross Costs	\$1,608,515
11. Less Revenue from Private Parties for Transcripts (53,864 pages x \$2.50)	134,660
12. Net Cost	\$1,473,855
12. Cost Per Page (\$1,473,855/168,526 pages)	\$8.74

<sup>e/</sup>Based on 2-person weeks at \$577 (notereader daily salary for 10 days x 20 notereaders plus one reporter trainer at \$18.25 hour for 80 hours. Benefits at 15.6% of direct (\$13,000) or \$2,028 were added to depict total costs.

Required Reporter Staffing Levels. This option would require a total complement of 28 reporters including 27 CAT reporters and 1 Chief Court Reporter. This is the minimum staffing to meet in-courtroom requirements.

Each of the 27 CAT reporters would schedule one hour per day for research, proofing, and correcting. This would provide a total of 6,129 potential hours per year to perform these functions during the regularly scheduled work day (27 reporters times 227 work days). As reporters perform transcript production tasks other than dictating at 42.9 pages per hour, the 27 reporters could produce 262,934 pages per year during regular working hours. As this figure well exceeds current demand there would be no need for additional staff reporters.

Reporter Salary Levels. As was the case with Option II, reporters would be given an additional salary incentive to learn the CAT system. This increment would be equivalent to a 10 percent increase over the salary level used in previous options. Salary ranges for reporters would thus be \$31,336-34,977.

Supportive Staffing and Costs. All transcript production, rough editing, binding, and collating would be performed by scope editors. Given current workload demands, it is estimated that four scope editors would be required. This would provide maximum flexibility in completing rough editing and final transcript production tasks. Scope editors would be paid at the rate of \$18,000 per year.

To help assure smooth transcript production and the meeting of deadlines one of the four scope editors would be designated a working supervisor and be paid 15 percent higher than other scope editors. The salary for this staff person would be \$20,700. Total costs for the scope editors would be \$86,353 including benefits.

Summary Cost of Option IV. The net first-year cost of this option is \$1,379,757 as presented in Table 14. This cost is equivalent to a per page cost of \$8.19 or a net increase of 73 cents per page over current costs. This difference is equivalent to an increase of \$123,024 in court expenditures for the first year of implementation.

## Summary of Analyses

A summary presentation of the net first year costs, per page costs, and cost differences of Options I-IV is depicted in Table 15. Neither of the four options would result in a first year savings to the State over present operating costs.

Table 14

GOVERNMENTAL PAYMENTS FOR  
COURT REPORTING--OPTION IV

1.	Reporter Salaries <sup>a/</sup>		\$ 927,332
a.	27 reporters at \$33,156	\$895,212	
b.	5% of Chief Court Reporter's Salary	1,748	
c.	95% of Deputy Chief Court Reporter's Salary	30,372	
2.	Scope Editor Salaries--3 @ \$18,000	54,000	
	1 @ 20,700	20,700	74,700
3.	Benefits--15.6% of Direct Salaries (\$1,002,032)		156,317
4.	Space <sup>b/</sup>		98,676
5.	Furniture		18,560
a.	Reporters--28 sets @ \$580	16,240	
b.	Scope/Editors--4 sets @ \$580	2,320	
6.	Office Equipment and Supplies		24,388
a.	Reporter Supplies @ \$421 per reporter x 28	11,788	
b.	Stenographic Machines--28 reporters x \$350	9,800	
c.	Postage--28 reporters x \$100	2,800	
7.	Computer-Assisted Transcript System		138,750
a.	Estimated Lease Cost	45,000	
b.	Additional Lease Cost for 1 CRT and 1 Printer	4,740	
c.	Converters--21 additional sets @ \$2,900	60,900	
d.	Cassettes--40 cassettes @ \$8 x 28 reporters	8,960	
e.	Maintenance (freight)	600	
f.	Supplies--5% of Lease Cost (\$45,000)	2,250	
g.	Reporter Dictionaries--21 new sets @ \$300	6,300	
h.	Burster/Decollator--2 @ \$5,000	10,000	

a/ Personnel salaries are calculated at the middle of the range for each position.

b/ Assumes existing space can accommodate five more reporters and typing pool as per the input of the court administrator.



**CONTINUED**

**1 OF 2**

Table 14 (continued)

8. Training for CAT System		35,443
a. Salaries--21 reporters x 80 hours x \$18.25 hr	30,660	
b. Benefits--15.6% of salaries	4,783	
9. Administrative		40,251
a. 95% of Chief Court Reporter's Salary	33,202	
b. 5% of Deputy Chief Court Reporter's Salary	1,617	
c. Benefits @ 15.6% of Direct (\$34,819)	5,432	
10. Gross Costs		<u>\$1,514,417</u>
11. Less Revenue from Private Parties for Transcripts (53,864 x \$2.50)		<u>134,660</u>
12. Net Costs		<u>\$1,379,757</u>
13. Cost Per Page (\$1,379,757/168,526 pages)		\$8.19

Table 15  
SUMMARY OF ANALYSIS OF OPTIONS I-IV

<u>Option</u>	<u>Required Reporters</u>	<u>First Year Net Cost</u>	<u>Cost Per Page</u>	<u>Per Page Cost Difference (+, -) from Current System</u>	<u>Net Cost Difference (+, -) from Current System</u>
Current System	30	\$1,257,917	\$7.46	--	--
I	29	\$1,464,711	\$8.69	+\$1.23	+\$207,287
II	29	\$1,429,858	\$8.48	+\$1.02	+\$171,897
III	28	\$1,473,855	\$8.74	+\$1.28	+\$215,713
IV	28	\$1,379,757	\$8.19	+\$ .73	+\$123,024

VIII. STUDY FINDINGS AND CONCLUSIONS

This chapter considers this study's overall findings and conclusions and addresses several issues regarding implementation of the flat salary, no fee system.

Implementation Issues

A number of intangibles which would affect management's ultimate decision regarding the implementation of these options have not been considered in this cost comparison. These factors, some of which are itemized below, obviously would require careful consideration prior to implementing any of the previously described options.

1. Would the legislature be amenable to raising salaries to compensate reporters for loss of transcript income?
2. How would the additional required support staff positions be filled under the no fee system? Would existing personnel assigned to the Supreme Bench be eligible to file these positions?
3. What would be the ultimate impact of court reporter productivity under this no fee system?
4. How would workload variability affect these staffing and production scenarios?
5. Would reporters accept Options III or IV given that many current reporters would have to alter their work habits significantly? How many reporters might leave if such options were implemented and what would be the likelihood of replacing experienced reporters?
6. Is management willing to adopt a reporter rotation system to balance transcript workload? This would necessitate rotating reporters between criminal and civil courts.
7. What would be the bench reaction to these options? Which would be considered most feasible?

These questions cannot be answered fully in this study. Nevertheless, they raise pragmatic questions which will likely surface in courts where consideration is given to a flat salary, no fee system. Further research should be undertaken to derive answers to these and related questions.

Key Findings and Conclusions

This analysis has revealed many interesting findings concerning court reporting methods and procedures as well as the ultimate impact of a flat salary, no fee reporting system. While these findings may not be applicable to all courts, they are applicable to a large metropolitan court with high transcript volume. These findings and conclusions are:

1. That given present operating conditions, court jurisdiction, and management practices, the implementation of a flat salary, no fee system in the Supreme Bench of Baltimore City would result in increased operating costs.
2. That with changes in methods of producing transcripts and managing reporters, the cost increase to be incurred through the implementation of a flat salary, no fee system would be lessened. Operating costs would, however, still increase even with the introduction of these changes.
3. The least expensive method of implementing a flat salary, no fee system in the Supreme Bench of Baltimore City would be to implement a computer-assisted transcript system for all reporters. This change would be advantageous in that the court could accommodate increased workload in future years without hiring additional reporters.
4. That under present court reporting methods, the expected influx of revenue from the state sale of transcripts to private parties would not produce sufficient income to offset the additional start-up costs to operate a flat salary, no fee system if the costs for purchasing transcripts is retained.
5. That there is no one solution for implementation of legislation requiring a flat salary, no fee system. Each court faced with this legislative mandate would be required to evaluate alternative options for implementing a flat salary, no fee system.
6. That even in a large metropolitan court with high transcript workload, there is opportunity to perform transcript production tasks during the regular work day.

7. That there is opportunity for improvement in court reporter productivity and net costs if in-courtroom time is maximized. This is largely due to the inefficiencies of dictating notes prior to notes being typed.

Application of the Cost Forecasting Model

The field test of the cost forecasting model was conducted successfully. The model can be used in most any court to determine the net costs of transcript production. A certain degree of data collection is required; however, the net results justify this investment of effort to produce in-depth information concerning court reporting methods and procedures. The court reporting process is expensive. The bench court administrators and managing reporters should be alert to the cost of reporting and where possible initiate steps to optimize use of court reporting resources.

Public Administration Service

1497 Chain Bridge Road, McLean, Virginia 22101

Appendix A

LEGISLATION REQUIRING A FULL-TIME,  
FLAT SALARY, NO FEE SYSTEM



Public Administration Service

1497 Chain Bridge Road, McLean, Virginia 22101

Senate Bill 3115

Introduced in the New York Legislature  
February 19, 1981

STATE OF NEW YORK

S. 3115

A. 4015

SENATE—ASSEMBLY

February 19, 1981

IN SENATE—A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution—read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY—A BUDGET BILL, submitted pursuant to article seven of the Constitution—read once and referred to the Committee on Ways and Means

AN ACT to authorize the chief administrator of the courts to establish a system for the production of transcripts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any other provision of law, the chief ad-  
2 ministrator of the courts shall establish an administrative system for  
3 the production of transcripts, and the chief administrator shall promul-  
4 gate procedures for the collection thereof by such nonjudicial personnel  
5 of the courts as he may direct, including the clerk of the supreme court  
6 in each county. Effective on the dates specified, fees for transcripts  
7 of testimony and other proceedings in the following courts of the uni-  
8 fied court system shall be the property of the state: (i) court of  
9 claims, April first, nineteen hundred eighty-one; (ii) surrogate's  
10 court, July first, nineteen hundred eighty-one; (iii) family court, Oc-  
11 tober first, nineteen hundred eighty-one; (iv) city courts outside the  
12 city of New York, January first, nineteen hundred eighty-two; (v) dis-  
13 trict court, April first, nineteen hundred eighty-two; (vi) civil court  
14 of the city of New York, July first, nineteen hundred eighty-two; (vii)  
15 criminal court of the city of New York, October first, nineteen hundred  
16 eighty-two; and (viii) supreme court and county court, January first,  
17 nineteen hundred eighty-three. Effective April first, nineteen hundred  
18 eighty-one, no fee shall be collected from any state agency, court or

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD1-42-10-348

Budget Bill # 23 - 1981

MEMORANDUM IN SUPPORT

SENATE

ASSEMBLY

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to authorize the chief  
administrator of the courts  
to establish a system for  
the production of transcripts

Purpose: This bill would promote the efficient and economical  
operation of the Unified Court System by mandating a standard  
administrative system for the production of transcripts and  
by providing for a schedule of fees to be charged for trans-  
cripts.

Summary of Provisions: Effective April 1, 1981, this bill  
would mandate that the chief administrator of the Unified  
Court System establish an administrative system for the  
production of transcripts, including the introduction of  
automated devices for the recording of testimony and prepara-  
tion of transcripts.

On a phased basis, the chief administrator and the State  
Comptroller will establish fees to be charged for transcripts  
according to the following schedule:

April 1, 1981	Court of Claims
July 1, 1981	Surrogate's Court
October 1, 1981	Family Court
January 1, 1982	City Courts (outside New York City)
April 1, 1982	District Court
July 1, 1982	New York City Civil Court
October 1, 1982	New York City Criminal Court
January 1, 1983	Supreme Court and County Court

The income from such fees shall be general revenues of  
the State.

Additionally, effective April 1, 1981, State agencies and courts will be exempt from paying fees for transcripts.

Statement in Support: At present, there is no standard procedure for the production of court transcripts. Testimony is manually recorded by court reporters, some of whom are State employees and others who are private contractors. Court reporters either prepare their own transcripts, employ stenographic note readers, or dictate their notes. Individual reporters arrange for the production of transcripts themselves by hiring employees or contracting for the typing. Under this system, all fees charged for transcripts are retained as the personal income of the reporters.

To replace this inefficient approach, this bill would mandate a standard administrative procedure for the production of transcripts. Such a procedure would establish performance standards for the stenographic reporting and production of transcripts. This would facilitate a less costly and less labor-intensive system and provide increased flexibility in the assignment of court reporters.

Moreover, this bill would abolish the present unsound practice of allowing court reporters to sell transcripts for personal profit. State-employed court reporters should be fully compensated for all necessary work that exceeds the standard work week, but should not be allowed to profit at the expense of the State.

Finally, by exempting State agencies and courts from paying fees for transcripts, this bill recognizes the obvious equity that the State should not be required to pay for services provided by State employees, frequently on State-paid time.

Budget Implications: Enactment of this proposal is necessary to implement the 1981-82 Executive Budget which includes estimated revenues of \$4 million from the sale of transcripts. Although it is impossible to definitively determine the net savings from increased efficiency and new revenues, there is potential for substantial additional increases in 1982-83 and 1983-84 as the fee program is phased in.

Public Administration Service

1497 Chain Bridge Road, McLean, Virginia 22101

Bill Considered for Introduction by the  
Maryland Joint Budget and Audit Committee  
January, 1981

By the Joint Budget and Audit Committee

A BILL ENTITLED

AN ACT concerning

Courts - Salaries of Court Reporters

FOR the purpose of providing for the compensation to be paid by the Circuit Courts in the State or Supreme Bench of Baltimore City to court reporters; setting annual salaries and prohibiting other compensation; providing for reimbursement of salaries by the State and payment of fees charged to the State; providing for the effectiveness of this Act; and making other necessary changes.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 2-501(b) and (c)

Annotated Code of Maryland

(1980 Replacement Volume and 1980 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 2-501.1

Annotated Code of Maryland

(1980 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, that section(s) of the Annotated Code of Maryland be repealed, amended or enacted to read as follows:

Article - Courts and Judicial Proceedings

2-501.

(b) (Each) EXCEPT AS PROVIDED IN SECTION 2-501.1, EACH employee of the court shall receive the compensation provided in the appropriate budget and perform the duties directed by the judge.

(c) (1) The resident judge in each county of the seventh judicial circuit shall appoint one or more official court reporters for the circuit court in the county. A reporter shall be competent to record court proceedings and shall serve at the pleasure of the judge who appointed him. (The reporter shall receive the compensation set by the county government after consultation with the county administrative judge.

(2) In Charles County the County Commissioners are responsible for one third of the salary of the court reporter. The clerk of the court shall pay the salary to the reporter or reporters biweekly from the fees of his office. Prior to May 1 each year the clerk shall submit a voucher to the County Commissioners. They shall promptly reimburse him for one third of the amount of the reporter's salary.

(3) A court reporter shall be reimbursed for expenses as approved by the court. Reimbursement shall be made by the county treasurer or similar officer of the county in which the services were rendered as expenses of the court upon presentation of a certificate from the clerk showing the attendance and services of the reporter.)

(4) (2) If directed by the court, the reporter shall attend and take full stenographic notes of, or otherwise record the oral testimony and judicial opinions in all proceedings in the court.

(5) (3) The court may direct the reporter to transcribe the notes of a proceeding and the costs of transcription may be taxed as costs in the case or paid as part of the general expenses of the court.

(6) (4) On request by a party, a reporter shall furnish a typewritten transcript of any portion of his notes, upon payment of the expenses incident to the transcript at the rate fixed by the court.

2-501.1

(a) ON AND AFTER JULY 1, 1981, ALL PERSONS WHO ARE DESIGNATED AS COURT REPORTERS BY ANY CIRCUIT COURT, OR THE SUPREME BENCH OF BALTIMORE CITY, SHALL RECEIVE AS COMPENSATION AN ANNUAL SALARY. THE SALARY SHALL BE DETERMINED BY THE COURT, SUBJECT TO THE APPROVAL OF THE COURT OF APPEALS, IN AN AMOUNT TO ADEQUATELY COMPENSATE THE REPORTER FOR ALL DUTIES PERFORMED FOR THE COURT. NO OTHER COMPENSATION OF ANY KIND SHALL BE PAYABLE TO OR RECEIVED BY COURT REPORTERS.

(B) ON AND AFTER JULY 1, 1981, ALL FEES OR CHARGES OF ANY KIND PAYABLE TO OR RECEIVED BY A COURT REPORTER FOR ANY SERVICES PERFORMED FOR THE COURT SHALL BE PAYABLE TO THE STATE.

(C) ON AND AFTER JULY 1, 1982, ALL SALARIES OF COURT REPORTERS SHALL BE PAID BY THE COURT. THE AMOUNT OF ALL SALARIES PAID ON AND AFTER JULY 1, 1981 SHALL BE REIMBURSED BY THE STATE TO THE COURTS FROM MONIES APPROPRIATED IN THE STATE BUDGET TO THE JUDICIARY BRANCH.

(D) THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE ON AND AFTER JULY 1, 1981, NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Appendix B  
SHORTHAND REPORTER QUESTIONNAIRE

SHORTHAND REPORTER QUESTIONNAIRE

This questionnaire has been designed by Public Administration Service (PAS), a non-profit corporation currently completing a study of court reporting methods and procedures for the National Shorthand Reporters Association. The questionnaire is to be used exclusively to obtain information regarding the volume and nature of transcript production in your court.

The questionnaire responses will be anonymous. The questionnaire is to be returned directly to PAS in the attached postage paid envelope. Any and all data captured from the questionnaire will be used in the aggregate; no efforts will be made to focus on individual responses.

Thank you in advance for your support in responding to this questionnaire. Your support in completing this study is greatly appreciated.



I. TRANSCRIPT PRODUCTION SURVEY

A. Experience Survey

This section requests information regarding the volume of transcripts produced and the time required to produce transcripts. Please answer the questions below as completely and as honestly as possible.

1. Please estimate the number of cases for which you have prepared transcripts over the past year (May, 1981-April, 1982).

2. Of these transcripts, what percentage have been for criminal cases? What percentage for civil cases? What percentage for juvenile cases?

\_\_\_\_\_ Criminal Cases \_\_\_\_\_ Civil Cases  
\_\_\_\_\_ Juvenile Cases

3. What is the average length of criminal transcripts (in pages) which you have produced in the past year?

4. What is the average length of civil transcripts (in pages) which you have produced in the past year?

5. What is the average length of juvenile transcripts (in pages) which you have produced in the past year?

6. What is your primary method for producing transcripts?

\_\_\_\_\_ Typing transcripts personally  
\_\_\_\_\_ Using a note-reader to read and type transcripts  
\_\_\_\_\_ Dictating the record for production by a typist  
\_\_\_\_\_ Using Computer-Aided Transcription  
\_\_\_\_\_ Other (please describe)

7. If you utilize support personnel to assist you with transcript production:

a. Are these personnel paid by the hour or by the page?

\_\_\_\_\_ By the hour

\_\_\_\_\_ By the page

b. Please indicate the hourly or per page rates paid by you to these individuals.

\$ \_\_\_\_\_ Note-reader  
\$ \_\_\_\_\_ Typist  
\$ \_\_\_\_\_ Scope Editor or Proofreader  
\$ \_\_\_\_\_ Other

8. A listing of transcript production equipment is provided below. For each item which you currently use, and have purchased individually, please indicate the purchase cost.

\$ \_\_\_\_\_ Stenographic Machine  
\$ \_\_\_\_\_ Dictating Machine  
\$ \_\_\_\_\_ Dictating Tapes (cost per tape)  
\$ \_\_\_\_\_ Transcribing Machine  
\$ \_\_\_\_\_ Typewriter  
\$ \_\_\_\_\_ Computer-Aided Transcription Equipment  
\$ \_\_\_\_\_ Yearly cost of supplies (transcript paper, carbon, binders, covers, billing forms, envelopes, letterhead)

9. Please indicate your yearly expenses for postage for mailing transcripts.

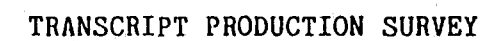
B.

This section asks for specific information regarding the amount of time required for transcript production. We would like you to track this time for a two-week period beginning May 12, 1982, and ending May 25, 1982. The purpose of this survey is to provide further verification of the time expended by reporters in transcript production.

Please indicate the amount of time expended in hours and minutes rounding off to the nearest quarter of an hour.

The questionnaire requests that you itemize time expended by support personnel as well as your own time. Please include time estimates for those categories which are applicable for each case. For sake of clarity, the heading labeled "Transcriber" refers to any personnel engaged in typing or transcribing the record. The heading labeled "Editor" refers to Scope Editors, Proofreaders, or any other editorial support staff.

This is a high-contrast, black and white image, possibly a film negative or a heavily degraded photograph. The image is framed by a thick black border on the left side, which appears to be a film strip edge. The main area is filled with dark, irregular shapes and speckles, suggesting significant damage or degradation. A faint, diagonal line runs across the lower half of the image. The overall appearance is grainy and noisy, with a lot of visual clutter.

[illegible]

## TRANSCRIPT PRODUCTION SURVEY

[illegible]

C. Time Management Survey

This section requests specific information on the amount of time expended each day in court in addition to performing other responsibilities. Please indicate the amount of time expended in these activities in hours and minutes (to the nearest quarter of an hour).

The survey requests that you describe activities other than taking the court record. These activities should be specified in the blocks provided. Please be as explicit as possible in describing these activities. Do not include time spent for lunch breaks.

If you are reporting the following proceedings: nonsupport; arraignments; juvenile; district court appeals; and jury trial requests, please indicate only total time in court rather than time per case

This survey should be completed for a two-week period (ten working days) starting May 12, 1982, and ending May 25, 1982.

# TIME MANAGEMENT SURVEY

[illegible]





Public Administration Service

1497 Chain Bridge Road, McLean, Virginia 22101

Appendix C

POSITION DESCRIPTION: CHIEF COURT REPORTER  
SUPREME BENCH OF BALTIMORE

Effective: 9/1/78

COURT REPORTERS

In accordance with Rule 1224, the Administrative Judge shall appoint a Chief Court Reporter "to serve at his pleasure". The Chief Court Reporter should have been continuously employed by the Supreme Bench for a minimum of five years, with a good record of attendance, and have demonstrated the ability to deal with personnel, Judges, and the public in a tactful and efficient manner.

The Chief Court Reporter shall appoint a Deputy Chief Court Reporter to assist in the daily work as directed, and to assume full responsibility in the absence of the Chief Court Reporter. Both the Chief Reporter and the Deputy will perform their administrative duties, in addition to their regular Court assignments, under the general supervision of the Court Administrator.

In carrying out his or her duties, the Chief Court Reporter shall:

1. Transfer Court Reporters, on a temporary basis, from any Court to another Court, for the purpose of distributing fairly and equitably the total workload of all reporters. Such temporary assignments shall not affect the permanent assignment of Court Reporters under the existing policy of choice of assignment by seniority.
2. Assure adequate staffing of each Court, on a daily basis, by assigning available Reporters to substitute temporarily for any Reporter who is absent on authorized leave.
3. In addition to use of the designated "floaters", assign

Reporters regularly assigned to any part of the Criminal Court, if the Criminal Reporter has an appellate transcript backlog, and the available Civil Reporter does not. Backlog is defined as any transcript which cannot be filed within sixty days from date of notice.

4. Assign Court Reporters to any special sessions or meetings of the Supreme Bench for which stenographic records are required.

5. Provide for the prompt replacement of any Court Reporter who may resign or retire, by appropriate testing procedures, and submission of written recommendation regarding such replacement, through the Administrator of the Supreme Bench, to the Personnel Committee.

6. Arrange for the taking of authorized leave by way of vacation, personal and compensatory days, and sick leave. If a reporter is absent on unauthorized leave, the Chief Reporter may charge the absence to accrued personal or vacation days. If a reporter has no accumulated leave, the Chief Reporter may recommend to the Administrator that such leave be taken without pay.

7. Maintain daily attendance sheets showing assignment of Reporters, and promptly respond to inquiries from counsel attempting to ascertain the Reporter on a given date.

8. Exercise continuous supervision over the status of all appellate transcripts due by Reporters in both civil and criminal courts.

9. Notify the Administrative Office when transcript paper,

stenographic paper, files, records, etc. should be reordered.

10. Respond to and attempt to resolve problems and complaints of Judges, attorneys and the public concerning conduct of Reporters.

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All Court Reporters shall observe the following rules in performance of their duties.

1. When the Judge of the Court to which a Reporter is regularly assigned is absent for any reason, is temporarily transferred to preside in another Court, or when the trial assignment in the Reporter's permanent Court breaks down and there are no cases transferred to it for trial, that Reporter shall promptly notify the Chief Court Reporter or Deputy Chief Court Reporter that he or she is available for work. In furtherance of the duties outlined above, such available reporters shall be assigned to another Court if and as needed. If such available Reporter's services are not needed, he or she will remain available in his or her office until 4:00 P.M. and work on transcripts or perform any other normal duties, unless excused by the Chief Court Reporter or Deputy.

2. Reporters will observe as nearly as possible the normal work hours for all personnel of the Supreme Bench, which are from 8:30 A.M. to 4:30 P.M. each day the Courts are in session. However, because Court sessions frequently extend beyond 4:30, requiring Reporters to remain on duty, strict observance of the 8:30 A.M. time will not be required.

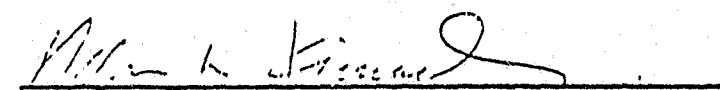
3. Each Court Reporter shall submit monthly reports to the Chief Court Reporter, on the prescribed form, which includes an itemized list of all appellate transcripts which are due in any appellate court, date of notice, estimated completion date, and itemized list of cases completed during the prior month.

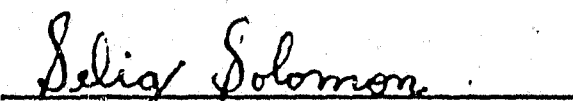
4. The Supreme Bench recognizes that there are times when Court Reporters must be absent from work because of genuine illness. However, the Chief Court Reporter is authorized to require medical evidence of any illness if, in his or her judgment, any Reporter may make unjustified use of sick leave privileges. Except in cases of prolonged illness, where an estimated time of return to work is known, Reporters who are ill must call in each day of their absence.

5. Reporters wishing to take personal or vacation leave must receive authorization from the Chief Court Reporter as far in advance as possible, so that arrangements may be made for a substitute. Unexpected absence of a Judge from the Court to which a Reporter is assigned does not permit the Reporter to absent himself or herself from the Courthouse without authorization, and may result in loss of accumulated leave time or salary.

6. Problems, complaints and suggestions should be discussed with the Chief Court Reporter. If satisfactory resolution cannot be accomplished, such matters will then be referred to the Court Administrator for further action.

APPROVED:

  
Robert L. Karwacki,  
Administrative Judge

  
Selig Solomon, Administrator

Public Administration Service

1497 Chain Bridge Road, McLean, Virginia 22101

Appendix D

RULES AND STATUTES RE OFFICIAL COURT REPORTERS,  
STATE OF MARYLAND

Rule 826. Record on Appeal.

a. Contents of Record.

1. Record in Court of Special Appeals.

The record on appeal filed in the Court of Special Appeals together with any proceedings had in the Court of Special Appeals, shall constitute the record for purpose of review by this Court.

(Added June 16, 1975, effective July 1, 1975.)

2. Record in Circuit Court.

(a) Original Papers.

Unless otherwise ordered by the lower court pursuant to section d of this Rule, all original papers filed in the action in the lower court, except a supersedeas bond and such other papers as the parties may stipulate shall be omitted, shall constitute the record on appeal. The clerk of the lower court shall append his certificate identifying such papers with reasonable definiteness.

(b) Transcript of Testimony.

Unless a copy of the transcript of testimony is already on file, the appellant shall promptly file with the clerk for inclusion in the record a transcript of all the testimony, and shall also promptly serve a copy of such transcript upon the appellee. Instead of serving and filing a transcript of the testimony, the parties by written stipulation filed with the clerk of the lower court may, or upon order of the lower court shall file with the clerk of the lower court for inclusion in the record only such part of the transcript as the parties or the lower court may deem necessary for the appeal.

(c) Docket Entries - Copies for Counsel - Statement of Costs.

With the record transmitted to this Court, the clerk of the lower court shall transmit a copy, certified by him, of the relevant docket entries in the lower court and shall furnish copies of said docket entries to counsel for each of the parties. He shall likewise transmit a statement of the cost of making up and certifying the record, and of the amount



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and defendant, respectively, to the time the order for appeal is filed, including the cost of the transcript of the testimony and a copy, if any, thereof for each of the parties.

(C. of A. 10 § 70; amended June 16, 1975, effective July 1, 1975.)

b. Form in Which to Be Transmitted.

The original papers shall be fastened together in one or more binders in the form of a transcript of record; the pages shall be numbered consecutively, except that the pages of a transcript of testimony need not be renumbered. A cover page and a complete table of contents of the record shall be attached at the beginning.

(C. of A. 10 § 3; amended June 16, 1975, effective July 1, 1975)

c. Approval of Record by Lower Court Not Necessary.

It shall not be necessary for the record on appeal to be approved by the lower courts except as provided in sections a 2 or e of this Rule, but if any difference arises as to whether the record truly discloses what occurred in the lower court, the difference shall be submitted to and settled by the lower court and the record made to conform to the truth.

(C. of A. 10, § 4; amended June 16, 1975, effective July 1, 1975.)

d. Transcript Instead of Original Papers When Circuit Court So Orders.

If the lower court is of the opinion that it is necessary that the original papers in the action be kept in the lower court pending the appeal for use in the trial of other litigation or for other valid reason, it may sign an order to that effect, and thereupon it shall be the duty of the clerk of the lower court to transmit to the Clerk of this Court a certified copy of the original papers which would otherwise have been transmitted to this Court in accordance with the provisions of section a of this Rule.

(C. of A. 10, § 5; amended June 16, 1975, effective July 1, 1975.)

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e. Statement of Case in Lieu of Pleadings and Evidence.

When the questions presented by an appeal can be determined by this Court without an examination of all the pleadings and evidence, the parties with the approval of the lower court may prepare and sign a statement of the case showing how the questions arose and were decided, and setting forth so much only of the facts alleged and proved, or sought to be proved, as is essential to a decision of such questions by this Court. Such statement, when filed with the clerk of the lower court shall be treated as superseding, for the purposes of the appeal, all parts of the record other than the judgment from which the appeal is taken and any opinion of the lower court and together with such judgment and opinion, shall be certified to this Court as the record on appeal.

(C of A. 22; amended June 16, 1975, effective July 1, 1975.)

f. Motion for Order to Correct Record - Contents.

1. In Writing - Affidavit.

A motion for an order of this Court to correct the record shall state the facts upon which the motion is founded and if such facts are not admitted by counsel for the other party they shall be verified by affidavit of counsel for the party making such motion.

2. Specification of Part of Record Omitted or in Error.

Such motion shall contain a specification of the parts of the record or proceedings in the circuit court requisite to be supplied or of the parts of the record alleged to be erroneous. Such specification of error or omission shall also be incorporated in the order to correct the record for the guidance of the circuit court.

(Art. 5, § 50; amended June 16, 1975, effective July 1, 1975.)

3. Necessary for Hearing on Merits - Not for Delay.

Such motion shall also state that the correction of the record is in the opinion of counsel for the party making the motion necessary for the proper consideration

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of the merits of the case on appeal, that such consideration cannot be had without said correction, and that the motion is not made for the purpose of delaying the argument of the case.

(C. of A. 45; amended June 16, 1975, effective July 1, 1975.)

g. Not to Delay Argument.

A case will not be postponed or continued because of an error or omission alleged to exist in the record unless this Court is satisfied that there was no unreasonable delay in filing the motion, and that the additional or corrected record cannot be supplied in time for argument. In such case, this Court may direct the argument to proceed, and permit the additional or corrected record to be filed subsequently, when it shall have the same effect as if transmitted with the original record. If this Court determines that the order was unnecessary the cost thereof will be imposed on the party at whose instance it was granted.

(C. of A. 46, art. 5, § 51; amended June 16, 1975, effective July 1, 1975.)

h. Issuance of Order to Correct Record - Duty of Clerk of Circuit Court

An order of this Court to correct the record shall be sent to the clerk of the circuit court who shall forthwith transmit to this Court so much of the proceedings remaining of record in the circuit court ~~who shall forthwith transmit to this Court so much of the proceedings remaining of record in the circuit court~~ as may be specified in such order.

(C. of A. 14, art 5, § 52, amended June 16, 1975, effective July 1, 1975.)

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Rule 1025 Record - Time for Transmitting.

a. Within Sixty Days

Within sixty days after the first order for appeal is filed, unless a different time shall be fixed by order entered pursuant to section b of this Rule, the clerk of the lower court shall transmit the record to this Court.

b. Court of Special Appeals May Shorten or Extend Time.

Upon application of any party and for sufficient cause shown, or upon its own motion, this Court may direct that the record be transmitted within such shorter or longer period of time as may be ordered. Any application for extension of time to file the record shall be made by filing such application with the clerk of this Court within the period of time for filing the record as prescribed by section a of this Rule or as extended by this Court pursuant to this section.

No order extending the time for filing the record may be entered if the application is made after the prescribed time for transmitting the record has expired unless it be shown that the failure to transmit the record was occasioned by the neglect, omission or inability of a judge of this Court, the clerk of the lower court, the court stenographer or the appellee.

c. Delay in Transmitting Due to Mistake.

An appeal shall not be dismissed because the record has not been transmitted within the time prescribed, if it appears to this Court that such delay was occasioned by the neglect, omission or inability of a judge of this Court, the clerk of the lower court, the court stenographer or the appellee; provided, however, that such neglect, omission or inability shall not be presumed but must be shown by the appellant.

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d. When Deemed Transmitted in Proper Time.

The record shall be deemed to have been transmitted within the time permitted under section a or under an order entered pursuant to section b of this Rule if, before the expiration of the time limited for its transmission, (i) it shall have been delivered to the clerk of this Court, or (ii) it shall have been deposited by the clerk of the lower court in the United States mail, as registered or certified mail, postage prepaid, return receipt requested, directed to the clerk of this Court. (Amended June 16, 1975, effective July 1, 1975.)

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Rule 1026. Record on Appeal

a. Contents of Record

1. Original Papers.

Unless otherwise ordered by the lower court pursuant to section f[d] of this Rule, all the original papers filed in the action in the lower court, except such papers as the parties may stipulate shall be omitted, shall constitute the record on appeal. The clerk of the lower court shall append his certificate identifying such papers with reasonable definiteness.

2. Transcript of Testimony.

Unless a copy of the transcript of testimony is already on file, within 10 days after filing the order for appeal, the appellant shall order, in writing, from the court stenographer a transcript of all the testimony. Thereafter he shall promptly file the transcript with the clerk of the lower court for inclusion in the record, and shall also promptly serve a copy of such transcript upon the appellee. Instead of serving and filing a transcript of the testimony, the parties by written stipulation filed with the clerk of the lower court may, or upon order of the lower court shall file with the clerk of the lower court for inclusion in the record only such part of the transcript as the parties or the lower court may deem necessary for the appeal.

3. Docket Entries; Copies for Counsel; State of Costs.

With the record transmitted to this Court, the clerk of the lower court shall transmit a copy, certified by him, of the relevant docket entries in the lower court, and shall furnish copies of said docket entries

to counsel for each of the parties. He shall likewise transmit a statement of the cost of making up and certifying the record, and of the amount of the costs taxed against the parties, respectively, to the time the order for appeal is filed, including the cost of the transcript of the testimony and a copy, if any, thereof for each of the parties.

b. Form in Which to Be Transmitted.

The original papers shall be fastened together in one or more binders in the form of a transcript of record; the pages shall be numbered consecutively, except that the pages of a transcript of testimony need not be renumbered. A cover page and a complete table of contents of the record shall be attached at the beginning.

c. Approval of Record by Lower Court Not Necessary.

It shall not be necessary for the record on appeal to be approved by the lower court except as provided in subsection a 2 or section e of this Rule, but if any difference arises as to whether the record truly discloses what occurred in the lower court, the difference shall be submitted to and settled by the lower court and the record made to conform to the truth.

d. Transcript Instead of Original Papers When Lower Court So Orders.

If the lower court is of the opinion that it is necessary that the original papers in the action be kept in the lower court pending the appeal for use in the trial of other litigation or for other valid reason, it may sign an order to that effect, and thereupon it shall be the duty of the clerk of the lower court to transmit to the Clerk of this Court a certified copy of the original papers which would otherwise have been transmitted to this Court in accordance with the provisions of section c of this Rule.

e. Statement of Case in Lieu of Pleadings and Evidence.

When the questions presented by an appeal can be determined by this Court without an examination of all the pleadings and evidence, the parties with the approval of the lower court may prepare and sign a statement of the case showing how the questions arose and were decided, and setting forth so much only of the facts alleged and proved, or sought to be proved, as is essential to a decision of such questions by this Court. Such statement, when filed with the clerk of the lower court shall be treated as superseding, for the purposes of the appeal, all parts of the record other than the judgment from which the appeal is taken and any opinion of the lower court, and, together with such judgment and opinion, shall be certified to this Court as the record on appeal.

(Amended July 1, 1974; June 16, 1975, effective July 1, 1975.)

Rule 1224. Administration of Circuit Court Reporters.

a. Establishment of Regulations and Standards.

The Chief Judge of the Court of Appeals shall from time to time prescribe regulations and standards regarding circuit court reporters and the system of reporting in the courts of the State. The regulations and standards may include provisions relative to:

- (1) The selection, qualifications and responsibilities of court reporters;
- (2) Procedures and regulations for court reporting;
- (3) Preparation, typing and format of transcripts;
- (4) Charges for transcripts and copies;
- (5) Preservation and maintenance of reporting notes, however recorded;
- (6) Equipment and supplies utilized in reporting.

b. Number of Court Reporters--Supervisory Court Reporter.

Each court shall have the number of court reporters recommended by the County Administrative Judge and approved by the Chief Judge of the Court of Appeals. In a county with more than one court reporter the County Administrative Judge shall designate one as supervisory court reporter, to serve at his pleasure. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

c. Supervision of Court Reporters.

Subject to the general supervision of the Chief Judge of the Court of Appeals and to the direct supervision of his Circuit Administrative Judge, the County Administrative Judge shall have the supervisory responsibility for the court reporters in his county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter, including the assignment of court reporters to attend and record at each

session of the court and every other proceeding as provided in this Rule or by order of the court.

d. Methods of Reporting--Proceedings to be Recorded.

Each court reporter assigned to record a proceeding shall record verbatim by shorthand, stenotype, mechanical or electronic sound recording methods, or any combination of these methods, subject to regulations and standards prescribed by the Chief Judge of the Court of Appeals.

1. Criminal Cases.

(a) Trial on Merits Other Than District Court Appeals.

In criminal cases, other than appeals from the District Court, the entire trial on the merits held in open court, including opening statements and closing arguments of counsel;

(b) Appeals From District Court.

In appeals from the District Court, upon specific request of the judge or a party, the entire trial on the merits held in open court, including opening statements and closing arguments of counsel;

(c) Motions and Other Proceedings.

Upon specific request of the judge or a party the entire or any designated part of the hearing on all motions or other proceedings before the court.

2. Civil Cases.

(a) Trial on Merits Other Than District Court Appeals.

In civil cases, other than appeals de novo from the District Court, the entire trial on the merits held in open court, excluding opening statements and closing arguments of counsel unless requested by the judge or a party;

(b) De Novo Appeals from District Court.

In appeals de novo from the District Court, upon specific request of the judge or a party, the entire trial on the merits held in open court, including, if requested opening statements and closing arguments of counsel;

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(c) Motions and Other Proceedings.

Upon specific request of the judge or a party, the entire or any designated part of the hearing on all motions or other proceedings before the court.

e. Maintenance and Filing of Administrative Records.

The Chief Judge of the Court of Appeals may prescribe procedures for the maintenance and filing of administrative records and reports with the Administrative Office of the Courts and the Circuit Administrative Judge.

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IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ESTABLISHING REGULATIONS FOR

COURT REPORTING IN THE CIRCUIT COURTS PURSUANT TO MARYLAND RULE 1224

These regulations are applicable to all transcripts requested on or after January 1, 1976.

1. Format for Transcripts

The format for the preparation of all transcripts of proceedings to be recorded verbatim pursuant to Rule 1224 a 4 in a circuit court shall be as follows:

(a) The size of a transcript page shall be eight and one-half inches by eleven inches (8-1/2" x 11");

(b) The size of the type shall be no larger than pica;

(c) There shall be double spacing between lines of the transcript;

(d) The lines of the transcript shall be numbered and there shall be no less than twenty-five (25) lines on a page;

(e) The margin on the left side of the page shall be one and one-half inch (1-1/2") and the margin on the right side shall be one-half inch (1/2");

(f) Questions and answers shall begin on separate lines and there shall be an indentation of five (5) spaces to the Q or A plus an additional five (5) spaces to the text of the paragraph;

(g) References to exhibits shall be set apart from the testimony in parenthesis at the right side of the page;

(h) Quotations after the first line of a paragraph shall be indented an additional five (5) spaces;

(i) Designations of "DIRECT EXAMINATION", "CROSS EXAMINATION",



"RE-DIRECT EXAMINATION", etc., shall be in block letters and centered on the page;

(j) There shall be no unnecessary blank lines on a page.

2. Transcript Charges for Regular Copy in Criminal and Civil Cases

The transcript charges for regular copies shall be as follows:

For the original of a transcript..... - \$2.00 per page 1.50

For each copy..... - \$ .25 per page .75

Total for original and two (2) copies..... - \$2.50 per page 2.50

3. Implementation of Regulations

The Administrative Office of the Courts is delegated the responsibility for coordinating the implementation of these regulations in the eight Judicial Circuits.

As revised by Administrative Order dated October 15, 1980.

(Effective November 1, 1980)

Robert C. Murphy  
Chief Judge

**END**