

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS

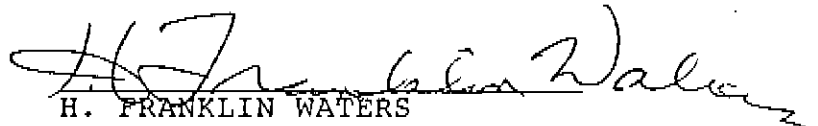
IN RE: COURT REPORTER PLAN

GENERAL ORDER NO. 12

Now comes on for consideration the matter of adopting a Plan for the Effective Utilization of Court Reporters as orally approved by the Judicial Council of the Eighth Circuit on August 30, 1985.

The Court, being advised in the premises, hereby adopts said plan, a copy of said plan being made a part of this order.

Dated September 10, 1985.

  
H. FRANKLIN WATERS

U. S. DISTRICT COURT  
WESTERN DIST. ARKANSAS  
FILED

SEP 10 1985

BEVERLY R. STITES, Clerk  
By *Beverly R. Stites*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS

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PLAN FOR EFFECTIVE UTILIZATION  
OF COURT REPORTERS

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1. Statement of Adoption of Plan by Court

This Plan for Effective Utilization of Court Reporters of the United States District Court for the Western District of Arkansas has been approved and adopted by the court subject to approval by the Eighth Circuit Judicial Council.

2. Number and Location of Official Court Reporters

The Western District of Arkansas encompasses the entire western side of the State of Arkansas with divisions in El Dorado, Texarkana, Hot Springs, Fort Smith, Fayetteville and Harrison. Presently, the district has only two district judges residing in the district actively trying lawsuits. The official stations of the two judges are El Dorado, Arkansas, and Fort Smith, Arkansas, and an official court reporter is presently assigned by the court to provide reporting services to each of such judges, with the official stations of such court reporters also being El Dorado and Fort Smith.

Because of the distance between the official stations of the two official court reporters in this district, and because of the travel time involved, it is not economically feasible to attempt to pool the services of these court reporters or to attempt to equalize their workloads, and it will be necessary for separate court reporters to be assigned to each of such judges for so long as they carry a full load and are actively trying lawsuits. In the event that an additional judgeship is created for this district, an additional court reporter will be appointed pursuant to the provisions of 28 U.S.C. § 753, and will be assigned to provide services to the judge appointed to fill such position. If it then becomes possible to pool reporter services or to otherwise attempt to equalize the workload, amendments to this plan will be made.

### 3. Supervision of Court Reporters

The judges of this court, at their resident locations, shall assume direct supervision of the court reporter employed at such location, and the Clerk of this court shall aid the judges in supervision. Such supervision shall include monitoring court reporter billings to assure that fees, page content and delivery schedules are met.

### 4. Assignment of Official Court Reporters

(a) Official reporters of this court will be appointed in accordance with the provisions of 28 U.S.C. § 753. An appointment as an official reporter shall constitute an appointment as an official reporter for the whole court. A reporter shall continue to retain employment at the will of the court en banc, regardless of the death, resignation or retirement of an individual judge. In the period between such an occurrence and the appointment of a new judge, reporters shall continue to serve other active judges, senior judges, bankruptcy judges and magistrates. If the volume of work does not justify retention of the full complement of reporters, a reduction shall be accomplished through relocation or by giving a reasonable notice for termination of the appointment of not less than 60 days.

(b) Each official court reporter, when not on duty with the district judge to whom assigned, may be assigned to serve a senior judge, magistrate, bankruptcy judge, or visiting judge, subject to the approval of the active resident judge to whom assigned. Reporting services needed by such individuals in the Texarkana, El Dorado or Hot Springs Divisions shall be provided by the official court reporter residing in El Dorado. Reporting services needed in the Fort Smith, Fayetteville and Harrison Divisions shall be provided by the official court reporter whose official station is Fort Smith.

Requests for assignment shall be made to the resident judge to whom each of such reporters is regularly assigned. Transcript production being considered by the Judicial Conference as outside work for which additional remuneration is received, time spent on transcripts, as well as transcript backlog, need not be considered when assigning reporters.

When an official reporter is not available for a court appearance, the presiding judge shall direct the Clerk to notify the Circuit Executive and initiate a funding request to the Administrative Office. Such request shall include the reason for the emergency employment, the period of time required and the estimated cost.

(c) Proceedings before United States Magistrates may be recorded by electronic sound recording or by court reporter. The magistrate

shall determine which technique is to be used as to each case or hearing, taking into account the provisions of 20 U.S.C. §§ 753(b) and 636(c)(7), and any other applicable authorities.

Should a magistrate feel that it is necessary that the services of a court reporter be utilized in a particular case, a request for assignment shall be made in the manner provided for in the immediately preceding subparagraph.

#### 5. Leave for Official Court Reporters

The policy of this district regarding annual and sick leave is that of the Judicial Conference.

Court reporters assigned regular tours of duty are to earn annual leave and sick leave in accordance with the Leave Act. A "regular tour of duty" consists of a set number of hours of work hours per week in the courthouse, specified in advance, during which hours the reporter may generate transcripts but may not perform any private (free lance) work of any kind.

Reporters not covered by the Leave Act must provide substitutes as needed at their own expense or be placed in a leave without pay status when taking vacations, leave for personal business or sickness. Reporters not covered by the Leave Act are considered to be on call every day court is in session, whether or not they are assigned primarily to one judge as a matter of convenience. If the court needs reporting services for senior judges, visiting judges, bankruptcy judges, magistrates or land commissioners, salaried reporters who are absent for whatever reasons are responsible for providing that coverage or providing a substitute.

#### 6. Free Lance Reporting

The duties of an official court reporter of this court shall be full time, and free lance reporting or other reporting not related to official duties shall be permitted only when specifically approved by the judge to whom a particular reporter is regularly assigned.

#### 7. Fees for Transcripts of Official Proceedings

(a) No court reporter, either official or contract, shall charge fees for transcripts of official proceedings exceeding those recommended from time to time by the Judicial Conference of the United States, and adopted by this court.

(b) The Clerk of the court shall post in the Clerk's office in each division in the district, in an area generally available to the public, a copy of the allowable fees.

(c) Production of daily or hourly transcript is not to be subsidized by the court. If extra reporters are required to provide such transcript, the cost of such reporters shall be paid by the official reporter out of the earnings derived from the higher transcript rates as established by the Judicial Conference. This provision does not, however, prohibit other official reporters from assisting in producing such transcript if there are no other official proceedings to record including those of senior judges and magistrates and when no substantial transcript backlog will result.

(d) A page of transcript shall consist of 25 lines written on paper 8-1/2 by 11 inches in size, prepared for binding on the left side, with 1-3/4 inch margin on the left side and 3/8 inch margin on the right side.

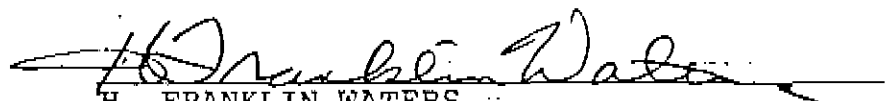
#### 8. Time Limits for Delivery of Transcript

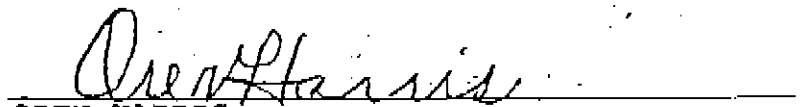
(a) All transcripts of official proceedings produced by the court reporters for this district for the purpose of appeal to the Eighth Circuit Court of Appeals shall be delivered to the ordering party and filed with the Clerk of this court within the time prescribed by the Eighth Circuit Court of Appeals. This schedule shall not be deviated from unless an extension has been obtained from the appropriate clerk of the court, i.e., the Clerk of the Court of Appeals in cases involving appeal transcripts. Late delivery of transcripts can result in a fee reduction of from 10 percent to 20 percent, depending upon the length of tardiness.

(b) Any violation of this plan shall be referred to the supervising judge for appropriate action including, but not limited to, dismissal, suspension, contempt charges, and/or restitution of overcharges.

This Plan for Effective Utilization of Court Reporters is hereby adopted and shall become effective upon the approval of the Judicial Council of the Eighth Circuit.

Dated this 30th day of July, 1985.

  
H. FRANKLIN WATERS  
Chief United States District Judge

  
OREN HARRIS  
Senior United States District Judge