

Court Reporter Rules

Rule 4001. Scope of Rules and Policy.

(A) These rules shall govern the making, preserving and transcribing of the record of proceedings in the judicial districts within the Unified Judicial System.

(B) Because complete and verbatim notes of testimony and transcripts are integral to the official record of court proceedings, it is the policy of the Unified Judicial System to ensure that (1) qualified court reporting services are available in each judicial district and that court reporters are fairly compensated, (2) transcripts are timely produced and are affordable to all parties, and (3) efficient technologies are employed to reduce litigation costs and conserve public resources.

Comment

These rules are promulgated pursuant to the administrative and supervisory authority granted to the Supreme Court by Article V, § 10 of the Pennsylvania Constitution. *See also* 42 Pa.C.S.A. § 1724(a)(10).

Pursuant to Order No. 466 Judicial Administration Docket (August 12, 2016), Pa.R.J.A. Nos. 4001—4016 shall become effective in the First Judicial District on July 1, 2017. For the period from January 1, 2017 through July 1, 2017, the First Judicial District shall be governed by Pa.R.J.A. Nos. 5000.1—5000.13, which are rescinded as to all other judicial districts as of January 1, 2017.

Note: Amended May 25, 2018, effective July 1, 2018.

Rule 4002. Definitions.

Condensed transcript means a miniaturized copy of the original transcript printed in such a way as to place more than one page of transcript on a single sheet of paper.

Court Administrator means the Court Administrator of Pennsylvania.

Court recorder means an individual employed, contracted or utilized by a court to record testimony by electronic means (audio or audio-visual).

Court reporter means an individual employed, contracted or utilized by a court to record testimony whether through use of a stenotype machine, stenomask equipment, written symbols, or otherwise.

Court reporter's dictionary is a computer file that matches a court reporter's steno strokes with English text. A court reporter's dictionary is an essential part of a computer aided transcription (CAT) system.

Court reporting personnel includes court reporters, court recorders, transcriptionists and any others whether employed or contracted who make the court record for use in any Pennsylvania court.

Daily transcript means a transcript delivered within eighteen (18) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is a daily transcript only if it is in fact delivered within the above time limit.

Digital audio files are those files created by digital recording systems and saved in a format that allows storage and playback through computer applications.

District Court Administrator means the County Court Administrator.

Electronic transcript means a transcript delivered in an electronic, non-paper medium.

Expedited transcript means a transcript delivered within seventy-two (72) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is an expedited transcript only if it is in fact delivered within the above time limit.

Filing office refers to an office without regard to title that has the responsibility and function in each judicial district to maintain the official dockets and case files of the court.

Notes of testimony means the official recording of an oral proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

Ordinary transcript means a transcript necessary for an appeal or to otherwise advance litigation and required under a time frame set by a Pennsylvania Rule of Court regarding the delivery of court transcripts or by court order. An example of a non-ordinary transcript is one requested by a party when no matters are open before the court or where the transcript is ordered by a non-party.

Original transcript means the transcript prepared and certified by the court reporter for filing with the court.

President Judge means the president judge in each judicial district, his or her designee, or any judicial officer recognized by the Court Administrator as having administrative authority.

Same day delivery means transcripts delivered within 6 hours of the close of the court session, divided by morning and afternoon with the line of demarcation being lunch or mid-day recess.

Transcript means a certified, written, verbatim record of a proceeding.

Transcriptionist means any person employed, contracted or utilized by a court to prepare a transcript of a proceeding from an electronic or other recording. A court recorder and a court reporter may also serve as a transcriptionist.

Note: Amended May 25, 2018, effective July 1, 2018.

Rule 4003. Committee on Court Reporting and Transcripts.

Note: Rescinded by order dated December 12, 2019, effective immediately.

Rule 4005. Approval of Transcriptionists.

No person or organization shall be employed or utilized by a court as a transcriptionist unless approved by the president judge.

Rule 4006. Employment and Duties of Court Reporting Personnel.

(A) The president judge or his or her designee shall select, appoint, and supervise court reporting personnel for the district. The number of court reporting personnel in any district shall be adequate to support the full and unrestricted operation of the courts.

(B) The president judge or his or her designee shall assign court reporting personnel in a manner as to

- (1) cover all proceedings and timely produce all transcripts; and
- (2) substantially equalize the workload of recording testimony, and of transcript production and generating fees.

(C) All court reporting personnel are officers of the court with a duty to comply with all court regulations and orders and to maintain the highest standards of professional and ethical conduct.

(D) No court reporting personnel shall work outside his or her official duties unless such work is permitted under the Code of Conduct For Employees of the Unified Judicial System (see Section VI (F)) and he or she is in substantial compliance with these rules regarding timeliness of transcripts as determined by the president judge.

(E) All court reporters must ensure that the court will have access and the ability to obtain the notes of testimony and all other record proceedings of the court in the event of the inability, unavailability, or unwillingness of the court reporter to do so within the time frame established by these rules.

Comment

Court reporters assure, in the event of unavailability or incapacity, that the court is able to access court reporter notes or work product so that all transcripts can be recovered. Each court reporter should provide certification every 6 months that at a minimum, the court reporter has provided one of the following methods or mechanisms for recovering transcripts:

- (1) contracting with an available scopist capable of translating the court reporter's notes;
- (2) generating court reporter notes on a software program recognized by the court/district court administrator;
- (3) providing the district court administrator with a current copy of the court reporter's dictionary; and/or
- (4) providing translated steno notes in ASCII format.

(F) Court reporters, court recorders and transcriptionists shall file a monthly report with the district court administrator of all ordered or requested transcripts for matters of appeal, in chronological order indicating the date of each order or request, the case name and number, whether the transcript requires rapid completion (e.g., a Children's Fast Track appeal), the approximate length of the record to be transcribed, the status of the transcription, and the expected date of the filing of the transcript. A court reporter, court recorder or transcriptionist must

coordinate with the district court administrator or his or her designee whenever courtroom coverage must be arranged in order to timely deliver the transcript.

(G) The president judge shall determine the internal procedure in his or her judicial district for tracking the timely fulfillment of all other requests and orders for transcript of court proceedings in matters not under appeal. It is the duty of each president judge or his or her designee to assure compliance with the timely delivery of all transcripts as required by these rules.

(H) The district court administrator shall prepare a summary statistical report of all cases under appeal including the number of transcripts requested, delivered and pending, as well as the age of all pending transcripts, which shall be forwarded to the Administrative Office quarterly on forms designed by the Court Administrator.

(I) All court reporting personnel and county administrative personnel are required to comply with all standing and special requests of the Administrative Office for information, including information on transcript cost and fee payments and data relative to transcript production, delivery, and delay.

Note: Adopted December 4, 2014, effective June 1, 2015. Effective date extended May 12, 2015, from June 1, 2015 to January 1, 2017. Amended August 12, 2016, effective January 1, 2017, except in the First and Fifth Judicial Districts, effective July 1, 2017. *Comment* amended December 12, 2019, effective immediately.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator or a form prepared by the judicial district and approved by the Court Administrator. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator or other appropriate filing office of the court. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the district court administrator or his or her designee (if not filed with the district court administrator); and
- (4) opposing counsel, but if not represented, the opposing party.

The provisions of subsection (B) do not apply to requests by the Judicial Conduct Board.

(C) In courts where daily, expedited, or same day transcripts are available, requests for these transcripts shall be made as provided for in local rule. In the event of an emergency, a party may request by oral motion a daily, expedited, or same day transcript.

(D) When a party requests a transcript,

- (1) the party ordering a transcript shall make partial payment in an amount established by local rule. Deposit checks are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.
- (2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee.

(3) the court reporter, court recorder or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.

(E) When a party requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript without the necessity of a deposit.

Comment: Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs shall be left to the discretion of the president judge and district court administration. Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript.

It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests.

Requests for transcripts of sentencing hearings required by law under 42 Pa.C.S.A. § 9764(b)(5)(ii) are not subject to the transcript request provisions of this Rule.

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Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

- (1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for an original transcript in an electronic format shall not exceed:
 - (a) for a transcript for which an accelerated delivery is not requested, \$2.50 per page;
 - (b) for an expedited transcript, \$3.50 per page;
 - (c) for a daily transcript, \$4.50 per page; and
 - (d) for same day delivery, \$6.50 per page.
- (2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

Comment

The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate if the requestor desires a personal copy (subject to any cost sharing with additional parties.)

Many attorneys/parties prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Rule 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcript on the sheet.

There is no entitlement to expedited, daily, or same day delivery of transcripts. Those services are only available where provided by the judicial district and when the court reporter has that capability.

(B) *Economic hardship—minimum standards*

- (1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a party who has been permitted by the court to proceed *in forma pauperis* or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.
- (2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a party whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.
- (3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.
- (4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

Comment

Transcript costs can be quite expensive. By establishing minimum standards, subdivision (B) is intended to ensure that costs do not effectively deny access to the court system to impoverished persons and persons of limited financial means when further proceedings necessitate a transcript.

The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests. Procedures for waiving or reducing transcripts costs must be published by the court and clearly communicated to parties.

Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost.

Note: Amended May 25, 2018, effective July 1, 2018.

(C) *Assignment and allocation of transcript costs*

(1) *Assignment of costs.* The requesting party or the party required by general rule to file a transcript shall be responsible for the cost of the original transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party is to receive the transcript, or is required by general rule to file the transcript, the cost of the original transcript shall be divided equitably among the parties, taking into account any reduced fee or free transcripts.

Comment

It is the intent of this provision that all parties who receive a transcript should share equitably in the costs. If two parties receive the transcript, they would each pay their share of the cost of the original transcript that is filed with the court, with each party paying for their copy. In cases where a party qualifies for a free or reduced price transcript, any other party paying full price pays only their proportionate share of the full price, with the judicial district absorbing the cost of the free or reduced price transcript.

(D) *Copies of transcript*

(1) request for a copy of any transcript previously ordered, transcribed and filed of record shall not exceed:

- (a) \$0.75 per page bound, paper format; and,
- (b) \$0.50 per page electronic copy.

(2) A request for a copy of an expedited transcript shall not exceed:

- (a) \$1.00 per page bound, paper format; and,
- (b) \$0.75 per page electronic copy.

(3) A request for a copy of a daily transcript shall not exceed:

- (a) \$1.25 per page bound, paper format; and,
- (b) \$1.00 per page electronic copy.

(4) A request for a copy of a same day transcript shall not exceed:

- (a) \$1.50 per page bound, paper format; and,
- (b) \$1.25 per page electronic copy.

Comment

With respect to a non-party (i.e., general public) request for a copy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D)(1) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored. The copy rates in Rule 4008(D)(2), (3), and (4) reflect the additional work necessary to deliver a transcript on an expedited schedule, but once the original transcript is filed with the appropriate filing office, the copy rate in (D)(1) is to apply.

(E) *Additional Costs*

No transcript or related costs may be charged to the parties or the public other than those listed in subdivisions (A), (B) and (D) without the written approval of the Court Administrator, except that a judicial district may enact a local rule that permits a trial judge to impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for a court reporter to significantly expand his/her dictionary.

Comment

Pursuant to local rule, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device via cable, wifi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the court for such a connection.

(F) *Requests for Rate Increases*

The president judge of a judicial district may request an increase in the rates prescribed in subdivision (A) or (D) by submitting a written request to the Court Administrator. Prior to submission, notice of the proposed increase shall be published for public comment for at least thirty days. Any comments received must be forwarded to the Court Administrator with the request. The request shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates and that the requested rates are reasonable. If the Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these rules take precedence.

Adopted December 4, 2014, effective June 1, 2015. Effective date extended May 12, 2015, from June 1, 2015 to January 1, 2017. Amended August 12, 2016, effective January 1, 2017, except in the First and Fifth Judicial Districts, effective July 1, 2017. Amended May 25, 2018, effective July 1, 2018; December 12, 2019, effective immediately.

Rule 4009. Fees and Procedures. Local Rule.

Each judicial district shall promulgate and publish a local rule establishing the fees to be paid for all court reporting products, the procedure for requesting a transcript, and the procedure for requesting a full or partial fee waiver pursuant to Rule 4008(B).

Official Note

For rules governing the promulgation of local rules, see Pa.R.J.A. No. 103.

Rule 4010. Format of Transcript.

(A) The format of paper transcripts shall be as follows:

- (1) No fewer than 25 typed lines on standard 8-1/2 x 11 paper.
- (2) No fewer than nine or 10 characters to the typed inch.

- (3) Left-hand margin to be set at no more than 1-3/4 inches.
 - (4) Right-hand margin to be set at no more than 3/8 inch.
 - (5) Each question and answer to begin on a separate line.
 - (6) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text.
 - (7) Carry-over Q & A lines to begin at the left-hand margin.
 - (8) Colloquy material to begin no more than 15 spaces from the left-hand margin, with carry-over colloquy to the left-hand margin.
 - (9) Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin.
 - (10) Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin.
- (B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (10) for paper transcripts and, in addition, shall be in PDF format with the following settings:
- (1) *functions disabled*: content changes; and
 - (2) *functions enabled*: search, select, copy, paste and print.

Comment

Rule 4010 standards for both paper and electronic transcripts, which follow the standards of the National Court Reporters Association, assure that all transcripts of proceedings before the Pennsylvania courts are formatted in the same way, whether prepared by official court reporters or transcriptionists, contract or per diem personnel, or by transcription companies.

Rule 4011. Deadline for Delivery of Transcript.

- (A) Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the district court administrator or the court's designee, as required by Pa.R.A.P. 1922(a).
- (B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the district court administrator or the court's designee, as provided by Rule 4007, unless an accelerated time frame is mandated by court order, law or local rule.
- (C) For requests made by a party required to post a deposit under Rule 4007, the 30-day period for delivery of the transcript shall not commence until the Rule 4007 deposit is received by the court. In those cases involving economic hardship under Rule 4008, the 30-day period for delivery of the transcript shall not commence until disposition of the application for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.
- (D) The court reporter or transcriptionist, upon a showing of good cause to the president judge, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.

(E) Transcripts prepared pursuant to the Children’s Fast Track Appeal program shall be given priority.

Official Note

For rules governing children’s fast track appeals, see Pa.R.A.P. 102 *et seq.*

(F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, in any event such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the President Judge.

Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such Rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these Rules take precedence.

Rule 4012. Sanctions for Delayed Transcript.

(A) The president judge may take disciplinary action against any court reporter, court recorder, or transcriptionist where noncompliance with these Rules impedes the prompt administration of justice, whether by protracted delinquency in a single case or by engaging in a pattern of delinquency in a number of cases.

(B) The Court Administrator shall notify the Supreme Court of Pennsylvania of instances of unreasonable delay in preparing transcripts. The Court Administrator may recommend imposition of sanctions, including disqualification of individual court reporters, court recorders or transcriptionists.

(C) The president judge shall ensure that the number, proficiency and organization of court reporting personnel in any district are adequate to support the full and unrestricted operation of the courts. When transcript delay is caused by an insufficient supply of qualified court reporters or other resources, or inefficient management of the court reporting operation, the Supreme Court may direct the president judge to take immediate corrective actions.

(D) An appellate court may enter an order to compel the preparation, filing and transmission of the transcript and may take disciplinary action including contempt of court or reduction of fees when the failure of a court reporter, court recorder, or transcriptionist to complete the transcript within the time imposed by these rules or by court order, delays transmission of the complete record to the appellate court.

Note: Amended May 25, 2018, effective July 1, 2018.

Rule 4013. Certification of Transcript.

Court reporting personnel who take the notes, record or transcribe a proceeding shall certify that the transcript of proceedings is true and correct and meets the format specifications established by the Supreme Court of Pennsylvania in Rule 4010. When more than one person was engaged in the production of the transcript, each shall certify as to his or her contribution.

Rule 4014. Redaction of Personal Data Identifiers.

(A) On its own motion, or upon motion of any party, the court may order the court reporter, court recorder, or transcriptionist preparing the transcript to redact confidential, personal and/or financial data and other identifiers and any information listed in Section 7.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

(B) Information that is redacted shall, unless otherwise directed by the court, appear in transcripts that are provided to the court and to the parties, but not in any transcript filed in the appropriate filing office or provided to any other requestor. The unredacted version of the transcript shall be filed under seal in the appropriate filing office.

Note: Amended May 25, 2018, effective July 1, 2018.

Rule 4015. Ownership of Notes.

Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by court reporting personnel to record or monitor a proceeding in or for a court as well as any transcriptions thereof, are the exclusive property of the judicial district.

Comment

Nothing in these rules prohibits someone who has lawfully obtained a transcript from making a copy.

The ownership of court reporting software and equipment, when purchased by the court reporter, shall remain the property of the court reporter, unless the terms of employment with the district court provide otherwise.

Rule 4016. Storage and Retention.

(A) Each judicial district shall make provision for the archiving, storage and retention of transcribed and untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools or dictionaries necessary for proper transcription.

(B) Notes of testimony and other materials specified in subdivision (A) shall be retained in compliance with the *Record Retention and Disposition Schedule with Guidelines* adopted by the Supreme Court.

Comment

Each judicial district is responsible for the preservation of the transcript production materials listed in Rule 4016(A) in a form that guarantees their accuracy, authenticity, and accessibility. These materials must be protected from loss arising from personnel turnover in the court, environmental hazards, or unsecured access.

Credits

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