

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER
SETTING MINIMUM REQUIREMENTS
FOR COURT REPORTING AND TRANSCRIPTION
IN MARYLAND COURTS

WHEREAS, in 2003, the *Ad Hoc* Court Reporters Committee recommended the need for minimum standards for court reporting in Maryland Courts; and

WHEREAS, Maryland Rule 16-505 grants to the Chief Judge of the Court of Appeals broad authority with respect to regulations and standards relating to court reporting and transcription; and

WHEREAS, Maryland Rule 16-502(e) makes any regulations and standards adopted by the Chief Judge of the Court of Appeals pursuant to Maryland Rule 16-505 also applicable to the District Court of Maryland; and

WHEREAS, by Administrative Order on February 16, 2005, the Chief Judge of the Court of Appeals established a Court Reporting Committee to implement the recommendations of the *Ad Hoc* Court Reporters Committee; and

WHEREAS, in 2014, the Chief Judge of the Court of Appeals transferred the functions of the Court Reporting Committee to reside within the newly created Court Operations Committee; and

WHEREAS, the Court Operations Committee created a working group (the “Working Group”) to fulfill the functions of the former Court Reporting Committee; and

WHEREAS, the Working Group and the Court Operations Committee have recommended that the extant Administrative Order be rescinded, and a new order promulgated,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution and Maryland Rule 16-505, do hereby order this 9th day of September 2021, that, effective immediately,

(a) Definitions

As used in this Order, the following terms will be defined as follows:

(1) Court Reporting

- i. The act of making the official verbatim record – that is one that reflects accurately what was spoken by any participant during any on-the-record proceeding in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through the use of an electronic device, stenographic machine or equipment, written symbols, or otherwise; and
- ii. May include the making of a verbatim transcript by a transcriber or other individual who certifies the transcript.

(2) Court Reporter

- i. An individual employed, contracted, or utilized by a court to record testimony whether through use of a stenographic machine or equipment, written symbols, or otherwise; and
- ii. Who may also serve as the transcriber as defined in subsection (a)(4).

(3) Notes

- i. A verbatim record of a proceeding made whether through use of an electronic device, stenographic equipment or machine, written symbols, or otherwise; and
- ii. The dictionary, media storage files, audio or video files, and other documentation needed to prepare a transcript.

(4) Transcriber

An individual who prepares a transcript of a proceeding from an audiotape, digital recording, videotape, or other means, and who certifies the transcript.

(5) Transcript

The verbatim record of an oral proceeding that is prepared and certified by a transcriber and serves as the official record of that proceeding.

(6) Transcription Services

A vendor, employee, or contractor who transcribes the verbatim record of court or on-the-record chambers proceedings, or portions thereof, from audio or video files.

(b) Scope

- (1) Providers of Court Reporting or Transcription Services. Except as otherwise provided, this Order shall apply to all vendors, contractors, and employees providing court reporting or transcription services to a Maryland court.
- (2) Unofficial Transcribers. With the approval of the Circuit Court or District Court administrative judge, or designee, a party may retain, at the party's own expense, a reporter to preserve an unofficial record, or provide the party with an unofficial transcript of all, or part of, a proceeding.
- (3) CART Services. As an accommodation under the Americans With Disabilities Act, a communication access real-time translation (CART) provider is permitted to transcribe proceedings for a person with a hearing disability.

(c) Personnel Requirements.

- (1) A Maryland court, subject to the approval of its administrative judge, may use vendors, contractors, or employees for court reporting or transcription services so long as the vendor, contractor, or employee meets the qualifications set forth in this Order. A court may obtain these

services directly from qualified individuals, vendors, or contractors who provide qualified court reporters or transcriptionists.

- (2) Individuals, vendors, or contractors providing transcription services must meet or exceed industry quality standards, maintain certification records for reporters or transcriptionists, and provide proof of certification on demand.
- (3) Prior to commencing work as an employee or contractor, a court reporter or transcriptionist responsible for making the record shall provide proof of certification as a court reporter by a national or state certifying body, a copy of which shall be maintained by the Court Administrator. Thereafter, the court reporter must maintain his or her certification and submit proof of such certification annually. Although certification is preferred, an employee or contractor may, subject to the approval of the Court Administrator, substitute two years of relevant court reporting experience in lieu of certification.
- (4) The requirement for certification shall not apply to any employee or contracted employee already employed and in good standing as of the effective date of this administrative order.
- (5) As court reporters are Judicial Branch employees subject to the state ethics laws, all court reporters whose positions are classified as exempt under the Fair Labor Standards Act and who are compensated at a salary grade with a base equivalent to at least the State of Maryland Salary Schedule Grade Profile STD0016 employees shall file a Financial Disclosure Statement with the State Ethics Commission each year as required.

(d) Court Reporting Manual.

- (1) Providers of court reporting and transcription services shall comply with the requirements of the *Court Reporting Manual* published by the Maryland Judiciary, as amended from time to time.
- (2) To the extent that any provision of the *Court Reporting Manual* conflicts with this Order, the Maryland Rules or other law, the requirements of this Order, the Maryland Rules, or other law shall control.

(e) Notes.

- (1) Ownership. Notes, including the dictionary, compiled by a provider of court reporting services to a court are the property of the Maryland Judicial Branch.
- (2) Filing, Storage, and Disposal. Providers of court reporting services shall file, store, and dispose of notes in accordance with the Judiciary Records Retention and Disposal Schedule.

(f) Transcripts

(1) Preparation.

- i. Subject to subsections (ii) and (iii) below, a court reporter or transcriptionist shall begin work on a transcript after receiving a written request and any deposit, if requested, and shall deliver the completed transcript to the Clerk or Register of Wills within the timeframe determined by contract, policy, or agreement.
- ii. A court reporter or transcriptionist may request a deposit not to exceed twenty-five percent (25%) or consistent with the terms of any transcription contract prior to preparing a transcript and need not provide a copy to the ordering party prior to full payment for the transcript.
- iii. The administrative judge for each circuit court shall develop protocols, in conjunction with the court administrator or clerk, for prioritizing the work of the court reporters in each circuit court, but transcripts requested for appeals should be given the highest priority.
- iv. The Chief Judge of the District Court shall develop protocols for prioritizing the work of the court reporters for the District Court.

- (2) Charges. The maximum page rate cost for producing transcripts shall be as set forth in a separate Administrative Order, which may be amended from time to time.

- (g) The *Administrative Order on Setting Minimum Requirements for Court Reporting and Transcription in Maryland Courts*, filed February 16, 2005, shall be and hereby is rescinded, effective immediately.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: September 10, 2021

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk