

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

WHEREAS, The *Ad Hoc* Court Reporters Committee has recommended the need for minimum standards for court reporting, including certification, orientation and education requirements, and procedural guidelines; and

WHEREAS, Maryland Rule 16-404 grants to the Chief Judge of the Court of Appeals broad authority with respect to regulations and standards for *inter alia* the selection, qualifications and responsibilities of court reporters and relating to court reporting and transcription generally; and

WHEREAS, Exercise of this authority has been limited to requirements related to transcription format and charges; and

WHEREAS, Consolidation of the current requirements in a single Administrative Order would be beneficial;

WHEREAS, Creation of a standing committee to provide advice and assistance with regard to various aspects of court reporting has been recommended;

NOW, THEREFORE, I, Robert M. Bell, 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 Constitution and Maryland Rule 16-404, do hereby order this 16th day of February, 2005, that:

1. Definitions.

a. In General. In this Order the following words have the meanings stated.

b. Committee. “Committee” means the Court Reporting Committee.

c. Court Reporting. “Court reporting”:

(1) means the act of making the official verbatim record – that is one that reflects accurately the spoken word and nonverbal communication and action in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the making of a transcript by a transcriber or other individual who certifies the transcript.

d. Disposal. “Disposal” means destruction or erasure.

e. Notes. “Notes”:

(1) means the official verbatim record of a proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

2. Scope.

a. Providers. This Order shall apply to all applicants for employment and personnel employed or contracted for court reporting services.

b. Records. This Order does not apply to a record that is subject to

disposition under Maryland Rule 16-818.

c. Unofficial Transcribers. Nothing in this Order is to be construed to prevent a party from retaining, at the party's expense, a reporter to preserve an unofficial record, or provide the party with an unofficial transcript, of all or part of a proceeding when the official reporter is unable to provide communication access realtime translation for a deaf or hard of hearing individual or realtime translation or expedited delivery of a transcript for a party.

3. Court Reporting Committee.

a. Created. There is a Court Reporting Committee.

b. Membership. The Committee shall consist of the following members:

(i) The Chief Clerk of the Court of Special Appeals, as Chair of the Committee;

(ii) A court administrator, appointed by the Chief Judge of the Court of Appeals in consultation with the Chair of the Conference of Circuit Judges;

(iii) The Chair of the Conference of Circuit Court Clerks;

(iv) The Chief Clerk of the District Court;

(v) A representative of the Judiciary's Department of Human Resources, appointed by the Chief Judge of the Court of Appeals;

(vi) Providers of court reporting services representing the various methods currently in usage within Maryland, as appointed by the Chief Judge of the Court of Appeals;

(vii) Lawyers using court reporting services, as appointed by the Chief Judge of the Court of Appeals; and

(viii) Any other individual appointed by the Chief Judge of the

Court of Appeals.

c. Advisors. The Committee may invite others to provide advice to or otherwise to participate in the Committee's work, through invitations to public fora, appointment to subcommittees or assignment of specific tasks such as statistical and academic research.

d. Meetings.

(1) The Committee shall meet at the call of the Chair.

(2) A majority of the members actually serving on the Committee shall constitute a quorum for the transaction of business.

e. Functions. The Committee shall:

(1) recommend, to the Chief Judge of the Court of Appeals, certification criteria, including continuing education requirements, appropriate for individuals, whether employed by or contracting with a court, providing court reporting services in connection with court proceedings;

(2) assist the Judiciary's Department of Human Resources in the development of appropriate application forms and other employment or contractual materials related to court reporting services;

(3) develop and recommend, to the Chief Judge of the Court of Appeals, an orientation program for providers of court reporting services;

(4) recommend, to the Chief Judge of the Court of Appeals, changes to the *Court Reporting Manual* necessary from time to time, with particular attention initially to draft Sections 7 and 9;

(5) from time to time, make recommendations to the Chief Judge of the Court of Appeals with regard to appropriate charges for transcripts; and

(6) develop and recommend, to the Court of Appeals, standards formulated with the goal of ensuring usable electronic versions.

f. Staff. The Administrative Office of the Courts shall provide staff assistance to the Committee.

4. Personnel Requirements.

a. Applicants and Providers. Each applicant, and individual selected, by a court to provide court reporting services shall:

(1) submit to the court a completed application on a form provided by the Department of Human Resources and other documentation of qualifications as may be required by that Department;

(2) have certification or formal qualification credentials recognized by the Chief Judge of the Court of Appeals and meet other qualification standards as set by that court; and

(3) complete an orientation program on matters such as the Maryland court system, professional and ethical conduct in court reporting, and legal terminology, as may be approved by the Chief Judge of the Court of Appeals.

b. Courts.

(1) Whenever a court requires court reporting services, the court shall employ or contract for the services of an individual who meets the qualifications set under this Order. A court may contract for these services either directly with an individual or with an agency undertaking to provide a qualified individual.

(2) If, notwithstanding subsection (1), a court must use an individual who does not satisfy the qualifications set under this Order, the court shall establish that the individual is qualified to provide court reporting services.

5. Manual.

Each individual selected for court reporting must comply with requirements set forth in the *Court Reporting Manual*, as revised from time to time under the direction of the Chief Judge of the Court of Appeals. This requirement does not apply to draft Sections 7 and 9 of the *Manual*.

6. Ownership of Notes.

Notes compiled by an individual while employed by, or under contract with, a court or by a subcontractor of a court, are property of the State of Maryland.

7. Filing and Storage of Notes.

a. Filing. Each individual providing court reporting services shall file notes in accordance with the policy approved by the Circuit Administrative Judge in the case of a circuit court or by the Chief Judge of the District Court in the case of that Court.

b. Storage. Notes are to be stored in a manner that preserves them for future use, as needed.

8. Transcripts.

a. Preparation Protocol.

(1) Subject to paragraphs (2) and (3) of this subsection, a court reporter shall begin work on a transcript immediately after receiving a written request and shall deliver the completed transcript to the appropriate clerk or register.

(2) This subsection does not prevent a court reporter from requesting a deposit from the person ordering a transcript and does not require a court

reporter to give the person a copy of the transcript before payment in full.

(3) In consultation with each supervisory court reporter in a circuit, the Circuit Administrative Judge shall develop protocols whereby a court reporter may ask permission to defer preparation of a transcript, or its delivery to a court, until payment in accordance with a schedule approved by the Circuit Administrative Judge. The protocols shall provide for due consideration to the complexity of the request, the payment history of the attorney or other person requesting the transcript, and other factors affecting unnecessary delay in the appellate process and just compensation of the court reporter.

b. Charges. The transcript charges for regular copies shall be as follows:

- (1) For the original of a transcript \$3 per page
- (2) For the first copy 50¢ per page
- (3) For a second copy 25 ¢ per page
- (4) Total for original and two (2) copies \$3.75 per page
- (5) For an original with a disk \$3.75 per page

c. Itemization. An individual providing court reporting services shall provide, on request of the Administrative Office of the Courts, a court, or a party, a written itemization of all rates and charges as to each party to a proceeding.

d. Substitute Transcribers. A supervisory court reporter may cause a transcript to be prepared from notes in the event of the inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

9. Disposition of Notes.

- a. Scope. This Section does not apply to:
 - (1) a recording of a grand jury proceeding; or
 - (2) an electronic tape recording made by or for a master.

- b. Retention Periods. Subject to the limitations in this Section, with the written approval of a Circuit Administrative Judge, a clerk of court may dispose of notes at any time after the expiration of the following periods:
 - (1) in a civil case, 5 years after the notes are taken; and
 - (2) in a criminal case, 12 years after the notes are taken.

- c. Disposition Schedule.
 - (1) At intervals set by a Circuit Administrative Judge, each individual providing court reporting services in the circuit or a designee of the Circuit Administrative Judge shall draft a schedule for disposal of notes.
 - (2) The supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall submit:
 - (i) a schedule for a circuit to the State Archives for its recommendations; and
 - (ii) a schedule and the recommendations of the State Archives to the Circuit Administrative Judge.
 - (3) A Circuit Administrative Judge may approve or disapprove a schedule. Approval of a schedule shall be in writing and shall be deemed a court order for disposal of the notes in accordance with the schedule.
 - (4) As approved, each schedule shall:
 - (i) identify the notes, by case name and number, or by reference to permanent source documents such as the court's dockets and minutes of proceedings;
 - (ii) state the date on which, or the inclusive dates

during which, the notes were taken;

(iii) state whether the State Archives accepts or declines to accept the notes for preservation;

(iv) state the manner in which notes that the State Archives has declined to accept will be disposed of; and

(v) state the place to which notes that the State Archives has accepted will be removed.

d. Removal. Notes that the State Archives accepts shall be removed in accordance with the procedures for the Archives.

e. Disposal Certificate. After disposal of notes, the supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall send a certificate of disposal to the State Archives.

10. Application.

a. Prospective. This Order shall apply to the employment of an individual to provide court reporting services and to the contracting for court reporting services entered into or renewed on or after the effective date of this Order.

b. Current Providers. This Order may not be construed to require the termination of the services of any individual employed by a court to provide court reporting services, or under contract to provide court reporting services.

11. Rescission of Prior and Conflicting Orders.

The Administrative Orders dated November 21, 1975, October 15, 1980, June

20, 1986, December 10, 1987, January 10, 1990, and June 22, 1998, are hereby rescinded. The Administrative Memoranda of the Chief Judge of the Court of Special Appeals dated March 11 and 14, 1997, are hereby rescinded.

12. Effective Dates.

Sections 1 and 3 of this Order shall take effect immediately. The balance of this Order shall take effect on April 18, 2005.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: February 16, 2005

/s/ Alexander L. Cummings
Clerk
Court of Appeals of Maryland