

REPORT OF THE *Ad Hoc* COURT REPORTERS' COMMITTEE

Overview

The Honorable Robert M. Bell, Chief Judge of the Court of Appeals, formed the *Ad Hoc* Court Reporters' Committee at the behest of officials of the Maryland Court Reporters Association, to address their desire to maintain a high level of professionalism among those serving the courts of Maryland.

By letters dated May 9, 2000, the Chief Judge solicited nominees from, *inter alia*, the Conference of Circuit Judges, the Chief Judge of the District Court, the Conference of Circuit Court Clerks, the Attorney General, the Public Defender, the President of the Maryland State's Attorneys Association, and the President of the Maryland Court Reporters Association. The Chief Judge wanted the membership of the Committee to be kept reasonably small, with the well-founded hope, and anticipation, that court reporters would be willing to assist the Committee by serving on, or as advisors to, subcommittees.

Under the chairmanship of the Honorable Maurice W. Baldwin, Jr., Judge of the Circuit Court for Harford County, the Committee formed subcommittees to tackle, with the assistance of volunteers from the court reporting community, various issues of interest. Appendix I contains the Committee and subcommittee rosters.

The Committee held its organizational meeting on July 13, 2000. At that meeting, a number of issues were identified, including: certification; hiring practices; qualifications; disciplinary authority; re-employment of unqualified reporters; continuing education; ethics; current statutes and rules; transcription by another for an unavailable or unwilling reporter; difficulty in locating reporters and/or notes for postconviction proceedings; ownership and safe storage of notes; lack of input from the party requesting a transcript on choice of transcriber; standardization of parentheticals and other reporting aspects; difficulties associated with tape transcription such as identifying speakers; education of judges and attorneys as to certification and reporting protocols; inflation of page rates; absconding court reporters; and updating of the 1982 *Court Reporters' Manual*.

The Committee met again on September 21, 2000, to consider the preliminary reports of its subcommittees and approved proposed surveys. Additional meetings were held on January 16, 2001, September 17, 2002, and October 28, 2002. Reports of subcommittees were considered at those meetings. All members and advisors were invited to all Committee and Subcommittee meetings.

Survey Subcommittee

The Committee members felt that comments should be solicited from court reporters and persons using court reporting services. A survey subcommittee was formed, with the Honorable Patricia L. Mitchell serving as Chair.

The Survey Subcommittee met initially by conference call, on August 22, 2000. Draft questions, formulated by the Honorable Sandra K. Dalton, based on discussion of the Subcommittee on Manual Revision, had been distributed. The Subcommittee on Manual Revision had expressed the sentiment that judges should answer a survey designed

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specifically for them. To accomplish that, several survey forms were designed – for appellate and trial judges, court reporters, and users such as the Attorney General’s and Public Defender’s offices. The Survey Forms are attached as Appendix II.

On May 1, 2001, the Subcommittee convened to consider a compilation of the survey responses.

The Chair summarized the responses from lawyers, including some appellate and trial judges. Some reflected a lack of familiarity with technology with which recent Bar admittees and judges are more familiar – that is, some reflect a comfort level with a particular form of court reporting. Particular note was made of the variations among respondents as to ownership of notes and responsibility for their maintenance and disposition. Although there are different preferences, ease of reading and provision of the greatest detail possible in identifying witnesses and exhibits are matters universally considered critical. Some local bar associations had been particularly helpful, either disseminating copies of the survey directly or including an electronic form on their respective websites.

The Honorable Sandra K. Dalton, with the help of her daughter-volunteer, Karen Dalton, compiled the responses of County and District Administrative Judges. Availability of more modern equipment, at State expense, was a particular request. Discussion of the disparate practices of court versus reporter supplied equipment was a topic that received considerable attention.

Mrs. Kukk summarized the compilations of the responses by court reporters, audiographers, and transcriptionists. It was noted that only a small number of the more than 500 surveys mailed to this group, including to persons in contiguous states who practice in Maryland, were returned.

In order to encourage responses to the survey, Committee staff forewarned judges at the September 18, 2000 Conference of Circuit Judges’ meeting, while Clerk Dalton addressed the Conference of Circuit Court Clerks on September 19, 2000. Members of the Committee participated on a panel at the October 2000 convention of the Maryland Court Reporters Association. Chief Judge Bell, along with Judge Baldwin and several Committee members and staff present, spoke at the October 2001 convention. Chief Judge Robert M. Bell sent a reminder to appellate judges to respond to the survey. Staff spoke with the Chair of the Conference of Court Administrators. Additionally, articles were included in *Justice Matters*, in the September 2001 Edition at pp. 6 and 9.

Certification Subcommittee

By letter dated January 17, 2000, James J. Doyle, III, Esquire, on behalf of the Maryland Court Reporters Association, forwarded to Chief Judge Bell draft legislation for licensing of court reporters, in contemplation of introduction during the 2000 session of the General Assembly. Mr. Doyle’s letter indicated that certification was a nationwide issue and proposed a licensing board be established in Maryland. The proposal was forwarded to the Executive Committee of the Conference of Circuit Judges and the Maryland Judicial Conference’s

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Legislative Subcommittee. In a response dated February 7, 2000, Chief Judge Bell stated that “we are not at all sure that licensing and its attendant administration is necessary”, noting a study of issues related to licensing in connection with court interpreters and reservations about licensing or certification of court employees by an Executive Branch agency. At Chief Judge Bell’s suggestion, Mr. Doyle subsequently met with the State Court Administrator, Frank V. Broccolina.

Chief Judge Bell then met with representatives of the Maryland Court Reporters Association and resolved to form a committee. By letter of March 23, 2000, David R. Dawson, RPR, informed the Chief Judge that certification would be discussed at the October convention of the Maryland Court Reporters Association, to which the Judiciary was invited to send speakers.

The Subcommittee met initially on August 24, 2000 and again on November 1, 2000 and September 18, 2001.

The Subcommittee was informed that, based on data of the National Court Reporters Association, a majority of states have mandatory certification for all court reporters. Other states have mandatory certification of reporters employed by the court and/or voluntary certification for other reporters. Rules and statutes from Alabama, Arizona, Arkansas, Connecticut, Florida, California, Georgia, Maine, Massachusetts, Michigan, Mississippi, Missouri, and Texas were considered. Transcribers, videographers, audio-monitors, and anyone else involved in the transcript process are encompassed in some of them.

For clarification, distinction was made between “licensing”, denoting a ban on practicing an occupation absent a license; “certification”, denoting recognition of an entity, such as the National Court Reporters Association, that set standards for court reporters; and employment standards. Licensing, as opposed to certification, requires an infra-structure, like the State Board of Bar Examiners, and require legislative funding. The Subcommittee decided to recommend certification and focus on categories of various reporting associations. For this purpose, a continuing committee should be formed.

The Subcommittee discussed, and concurred in, a recommendation that reporters be certified prospectively, with currently enrolled students having three years to become certified. The Maryland Court Reporters Association had not wanted to depress further the number of available court reporters. There would be, however, a continuing education component and grievance procedures.

Although the Subcommittee concluded that the recommendation on certification should be limited to in-court proceedings, at the appropriate time, some thought should be given to encouraging the Office of Administrative Hearings and other agencies to use qualified reporters and transcribers.

Manual Revision Subcommittee

The discussion with Chief Judge Bell focused on revision of the *Court Reporters Manual*,

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as “an excellent tool for our new reporters and, also, our older reporters.”

The Subcommittee held its initial meeting on August 9, 2000, at which tasks were identified and assigned. Subsequent meetings were held on November 6, 2000, September 18, 2001, February 19, 2002, in addition two meetings of workgroups in May and June 2001. The Subcommittee also had the benefit of the thoughts of the Honorable Alan M. Wilner, who reviewed some of the draft materials and met with Committee advisor, Patricia Cirasole, and Committee staff.

The Subcommittee was faced with a host of issues, including preservation of notes – retention schedule; expungement; priority in assignment for initial reporters; dissemination of administrative orders; statutes; standardized protocols for, *e.g.*, numbering of pages and volumes and spacing of parentheticals; condensed format; indigent requests; informality of transcription of master hearings; logs for audio/video – judges’ directives to counsel; application of standards to District Court transcripts; dress codes; and codes of conduct.

The Subcommittee also considered dissemination of the revised *Manual*, with members of the Maryland Court Reporters Association meeting with MICPEL, Inc. to ascertain its interest in making the *Manual* available for attorneys.

Recommendations

Certification

Individuals used to provide court reporting services in connection with court proceedings, whether employed by or a contractor of a court, should meet minimal qualification standards set by the Administrative Office of the Courts in consultation with a standing committee and evinced by certification. Certification should cover not only those who make a record of a proceeding, by whatever means, but also those who transcribe, or assist in transcription of, the record.

The Committee recognizes that court reporting services are provided in a variety of formats and that a number of certifying entities currently exist. Given technological advances, additional forms of reporting and certifying entities can be anticipated. Accordingly, the Committee recommends that the Administrative Office of the Courts be given the authority to set qualification standards from time to time as reasonable in light of the evolution of court reporting techniques and in consultation with a standing committee.

The Committee gave serious consideration to the scope of this recommendation, debating the need to cover reporters participating in, *e.g.*, administrative hearings and depositions. The Committee decided against such an approach at this time, noting the difficulties inherent in such regulation given the geographic dispersion of, *e.g.*, scopists who assist in transcription of records. Additionally, the Committee felt that some of the issues with transcripts could be addressed in the context of evidentiary rules. Should the need for additional regulation become apparent, consideration needs to be given to the breadth of the Chief Judge’s authority under the rules. The Committee believes, however, that some thought should be

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given to contacting, at the appropriate time, the Office of Administrative Hearings and other agencies to encourage use of qualified reporters and transcribers.

With regard to the standing committee, this Committee believes that the membership should include representatives of the various certifying entities and professional associations for the disparate types of reporting now available. Terms may be appropriate to allow changes in composition from time to time.

Attorneys

Information, in the form of a brochure or website, should be available to instruct attorneys on the protocols for ordering a transcript.

The Committee believes that confusion and inconvenience could be lessened if attorneys had access to information about ordering transcripts. This information could be in a brochure made available to attorneys by clerks of court when notices of appeal are filed, by court reporters, by employing agencies and by bar associations or through information available online. Examples of extant sites include the sites for: the Circuit Court for Anne Arundel County (www.circuitcourt.org/Administration/court%20reporters.htm); the Circuit Court for Montgomery County (www.montgomerycountymd.gov/mc/judicial/circuit/services/crtadmin/techsrv); and the Circuit Court for Prince George's County (www.co.pg.md.us/Government/JudicialBranch/Circuit/transcripts.asp?h=20&n=30).

The Committee was informed of problems that arise from time to time due to bad communication among the attorney, clerk, and/or transcriber and hopes that these difficulties could be lessened, if not eliminated, by instituting standard forms for transcript orders. These forms are intended to ensure that all persons have the information needed for timely preparation of transcripts. Samples are included in Section 13 of the revised *Court Reporting Manual* accompanying this report.

Audio- or Video-Taped Evidence

The rules should be amended to preclude the introduction of audio- or video-taped evidence without a transcript.

Some circuits within Maryland have adopted individual policies urging judges to ask parties to agree to allow a transcript, if available, to be the official record of the tape introduced into evidence, in lieu of a reporter's notes. This practice recognizes the difficulty that reporters frequently have in trying to make an accurate, verbatim record of poor quality tape during a proceeding. Often, however, a transcript is not available. The Committee believes that a rule change would put attorneys on notice of their responsibility to the court for ensuring a useable record.

Notes and Evidence

Statewide policies should require each court to have a single identifiable individual

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responsible for the preservation and disposition of notes and evidence and to have expungement notices forwarded to the appropriate court reporters.

Only some public local laws expressly state that notes, and transcripts, of grand jury proceedings are to be retained in the custody of the prosecutor. The Committee believes that a prosecutor should be responsible for retention of grand jury notes and security of physical evidence presented before the grand jury and, to this end, has prepared draft legislation for consideration by the appropriate committees of the Judicial Conference. *See* Appendix III. The Committee was aware that Pennsylvania Code § 229 imposes responsibility on a court but concluded that is not consistent with the current practice, and limited law, in Maryland.

The Committee observes that there seem to be some other discrepancies in custody of notes. For example, in some counties the court reporter retains the notes with the clerk apparently not involved in the process. However, the Administrative Orders and statutes dealing with disposition of notes seem to contemplate the clerk of court as custodian. The Committee believes there should be a single identifiable individual responsible for the preservation and disposition of notes and believes that this should be the clerk of court rather than, *e.g.*, a contractual person providing court reporting services on an *ad hoc* basis. This recommendation does not preclude delegation of custodial responsibilities in, for example, large jurisdictions with numerous court reporters under the supervision of a supervisory court reporter. Nor is this recommendation intended to relieve any county of the responsibility to provide for appropriate storage at county expense.

The Committee also notes that some organizations specifically recognize retention of a computer disk, cartridge or other electronic storage device in lieu of retention of paper notes. *See, e.g.*, the Nevada fast track appeal outline, attached as Appendix IV. Problems have been associated with the fragility and deterioration of computer disks, as opposed to CD-ROM. Consideration might be given to copies that create cyber “vaults”.

The Committee was informed of concern as to compiling notes from various court reporting services in instances when cases are removed from county to county and even when assigned amongst various judges within a court. While docket entries allow a court reporter to be tracked, the desirability of having notes compiled or having a directory and a mechanism for notifying a reporter was mentioned so that materials will be forwarded to the correct prosecutor when a case is removed.

The Committee recognizes that notices of expungement must be forwarded to the appropriate court reporters in order to implement an order of expungement effectively.

The Committee is aware of the considerable debate about access to a variety of court records with the Conference of Chief Justices and the Conference of State Court Administrators, in collaboration with the National Center for State Courts, working on a model policy. The Maryland Court of Appeals’ Subcommittee has prepared a draft being circulated for comment before presentation to the Court. Therefore, the Court Reporters Committee is not offering any additional comments, other than to ask that the Court and the various other committees, including Retention Schedule Committee, keep court reporters notes in mind in

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promulgating policies.

Manual

Court reporters be required to adhere to the standards set out 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 should pertain not only to professional conduct but also to transcription formatting and other procedural matters.

The Committee is aware that, notwithstanding the concerted effort to standardize matters with the previous edition of the *Manual*, nevertheless a number of local practices still exist. Considerable effort has been expended to gather, and consider, all written protocols now in use in Maryland courts and to include “best practices”, from this and other states, in the proposed *Manual*. The Committee is mindful that changes in procedures may have, on occasion, unintended effects and, in any event, manuals become outdated. Therefore, the *Manual* should be revised, from time to time, thereby allowing changes in procedure to be implemented more quickly than, for example, by rule change.

This recommendation would necessitate widespread dissemination of the Manual, in both paper and electronic formats. The Court Information Office has offered to include the Manual on the Judiciary’s website. It is recommended that a paper or disk copy of the Manual be made available to each court reporter and judge, in accordance with personal preference.

The draft *Manual* accompanying this report includes draft sections on audio- and video-recording. Despite the Committee’s attempts to solicit views from as many interested persons as possible, the materials available for drafting these sections may be of limited utility because of changing technology. Hence, the Committee believes that, unlike the other provisions, these draft sections should not be binding requirements. Rather, the standing committee, recommended elsewhere, should be charged with developing current materials useful for each of the affected courts.

Continuing Education

Newly appointed court reporters should be required to participate in an orientation program.

Officials of the Maryland Court Reporters Association indicate that it has developed or is developing orientation programs in cooperation with other professional organizations. The Committee’s concept is that the program would focus on professional responsibilities and Maryland practices, using the revised *Manual* as a teaching tool.

Additionally, the Committee believes that the standing committee, described above, should assist the Administrative Office in developing guidelines for continuing education programs.

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One state, for example, has collaborated with its law school to develop a program on forensics, an idea that may be particularly workable in Maryland because of the number of law schools in the State and contiguous areas.

Laws

Statutes relating to court reporters should be consolidated in the public general laws, and rules and statutes should use more current terminology relating to court reporting.

A number of public local laws relate to court reporters – in some instances, in manners inconsistent with the more recent, public general law. In any event, the public local laws are difficult for reporters and others not versed in legal research to locate. Accordingly, obsolete or inconsistent public local laws should be deleted and the remaining public local laws should be recodified in the public general laws. The Committee has prepared draft legislation for consideration by the appropriate committees of the Judicial Conference. *See* Appendix III.

As noted above, terminology related to court reporting has changed with technological advances. Thus, inclusive terms should be substituted for, *e.g.*, the obsolete “stenomask”.

Payment

Memoranda on preparation and delivery regardless of deposit or payment should be rescinded.

The Chief Judge of the Court of Special Appeals issued administrative memoranda dated March 11 and 14, 1997, to require a court reporter to begin work on preparation of a transcript immediately after receipt of a written request under Maryland Rule 8-411(a), regardless of whether the reporter has received a deposit and, on completion of a transcript, to deliver it to the appropriate clerk or register for inclusion in the record on appeal, regardless of whether the reporter has been paid in full. The Chief Judge of the Court of Special Appeals may waive these requirements for any reason. A reporter may do so if, in the past, an attorney has been unreasonably slow to pay for a transcript or has failed to pay in full for a completed transcript or the person ordering the transcript is not a member of the Maryland Bar.

The reporter members of the Committee, with specific reference to non-payment by lawyers, urged that this policy be rescinded in light of the hardship it can impose on court reporters for which reason the policy is not being observed or enforced, in practice. The Committee also notes that, by administrative regulation, the Chief Judge of the District Court requires deposits prior to transcription of proceedings in that Court and public local laws in Allegany, Carroll, and Howard Counties at least require prepayment. *See also Harryman v. State*, 359 Md. 492, 501-02 and n. 4 (2000) (motion to dismiss exceptions to master’s findings with reference to memorandum stating, in part, “transcript has not truly been ‘ordered’ until deposit has been paid”.)

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Disks

Standards should be developed by the Administrative Office of the Courts, in consultation with the standing committee, to ensure that electronic versions of transcriptions are usable.

The Committee believes, for example, that an official reporter should use a software compatible with computers being used by parties. Inclusion of an ASCII text file disk, with a hard copy of a transcript, is particularly helpful to appellate judges and clerks to avoid the need to have quotations from the transcript retyped and to allow for search or word(s).

Exhibits

The rules should address whether a court reporter is to make a record of computer graphic and other technologically generated evidence and, if so, how.

The Committee notes that, in *Ringe v. State*, 94 Md. App. 614, 625 (1993), the Court recommended that the Rules Committee address the problems that appellate courts “have in dealing with audio or video tapes, computer graphic evidence, and other emerging technologies that are fast becoming a part of the trial process.” Rules 2-504.3(f) and 4-322(b) require the party offering computer-generated evidence to furnish it to the clerk in a manner suitable for transmittal as a part of the record on appeal. The Committee note following Rule 4-322 states:

This section requires the proponent of computer-generated evidence to reduce the computer-generated evidence to a medium that allows review on appeal. The medium used will depend upon the nature of the computer-generated evidence and the technology available for preservation of that computer-generated evidence. No special arrangements are needed for preservation of computer-generated evidence that is presented on paper or through spoken words. Ordinarily, the use of standard VHS videotape or equivalent technology that is in common use by the general public at the time of the hearing or trial will suffice for preservation of other computer generated evidence. However, when the computer-generated evidence involves the creation of a three-dimensional image or is perceived through a sense other than sight or hearing, the proponent of the computer-generated evidence must make other arrangements for preservation of the computer-generated evidence and any subsequent presentation of it that may be required by an appellate court.

Conclusion

The Committee believes that an already high standard of court reporting can be enhanced by the recommendations set out in this report and expresses its appreciation to the Chief Judge for forming the Committee.

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APPENDIX I

Committee

Hon. Maurice W. Baldwin, Jr., Chair
Judge, Circuit Court for Harford County

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Salomon Reporting Service, Inc.

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Assistant Attorney General
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Hon. Joseph I. Cassilly
Past President
Maryland State's Attorneys' Association
State's Attorney for Harford County

Patricia Cirasole, RPR
Court Reporter
Circuit Court for Baltimore County

Shirley Jones Dail, RMR
President (2000-2001)
Maryland Court Reporters Association

Hon. Sandra K. Dalton
Clerk
Circuit Court for Frederick County

David R. Dawson, RPR
Treasurer (2001-2002)
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Court Reporter
Circuit Court for Worcester County

Valerie M. Dawson, RMR
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Maryland Court Reporters Association
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Leslie D. Gradet, Esq.
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Diana Kukk, RPR
President (2002-2003)
Maryland Court Reporters Association
retired Court Reporter
Circuit Court for Harford County

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Circuit Court for Prince George's County

Hon. Patricia L. Mitchell
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Hon. Sandra K. Dalton

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Hon. Sandra K. Dalton

Appendix II

To be completed by Appellate Judges, Staff Attorneys and Appellate Law Clerks

TRANSCRIPTS

Binding

Compressed Format

Covers

Diskettes

Exhibits

Headings

Indices (Master and Volume)

 Contents

 Format

 Numbering

Page

 Headings

 Line Numbers

 Line Spacing

 Margins

 Page Numbers (Single/Multiple Volumes)

 Size

 Text/Page

 Weight

Parentheticals (Court Reporter's Notations)

Print

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Font

Ink Color/Toner

Pitch (Character Spacing)

Set Up

Paragraphs

Punctuation

Speaker Identification

Spelling

Tabulations

Terminology

Time Stamping

Volume(s)

Court Reporter's Certification(s)

Division of Multiple Volumes

Numbering

Thickness

Title Page(s)

Other

Survey Responder

Name:

Court

Date:

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To be completed by the County/District Administrative Judge or judge designee

I. Court Information.

State the number of active and recalled judges who sit on your Circuit or District Court?(resident judge(s)) _____ (cross-designated judge(s)) _____
(recalled judge(s)) _____.

Circuit Court for _____ District Court in _____

II. Court Reporting.

A. As to the form(s) of court reporting used in your Circuit or District Court, check each type, state the number of courtrooms and hearing rooms in which used, and, where applicable, identify the manufacturer of the system

audio taping? (number) _____
(manufacturer) _____.

digital recording? (number) _____
(manufacturer) _____.

steno-type court reporter? (number) _____
(manufacturer) _____.

videotaping? (number) _____
(manufacturer) _____.

B. Does your Bench believe another form of reporting, or combination of forms, would be more accurate? yes (specify) _____ no.

C. If your Circuit or District Court uses audio taping, digital recording, or videotaping:

— who operates the equipment? judge courtroom clerk other (specify) _____

— who keeps the log? judge courtroom clerk other (specify) _____

— is the operator(s) certified? yes no some (explain) _____

— if yes, what is/are the certification(s)? _____

— is the log keeper(s) certified? yes no some (explain) _____

— if yes, what is/are the certification(s)? _____.

— Attach a list of the names and mailing addresses of operators and log keepers, other than judges.

D. If your court uses steno-type court reporters:

— state the number of full or part-time employees and independent contractors (employed part time) _____ (employed full time) _____ (Independent contractor) _____.

— is there a supervisory court reporter? yes no.

— is/are the court reporter(s) certified? yes no some (explain) _____

— if yes, what is/are the certification(s)? _____.

— Attach a list of the names and mailing addresses of all steno-type court reporters,

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whether certified or not.

E. With respect to computer aided real-time transcription (CART) in your Circuit or District Court:

- have you knowledge of? seen (number of times)_____ used (number of times)_____ no.
- is CART used in the courtroom(s)/hearing room(s)? in every case never only if requested for a particular case.
- would you like to have CART available? in every case never only if requested for a particular case.
- would judge(s) on your court like CART with a computer aided note-taking function for their individual use? yes (number) _____ no (number) _____.

F. Do the judge(s) on your court allow a party to have a non-official court reporting service in the courtroom/hearing room at the party's expense?
 yes no some (number) _____.

G. Does your Circuit or District Court receive:
 the newsletter from the Maryland Court Reporters Association?
 other publications on court reporting? (specify)_____.

H. Do you have a protocol for court reporting as to: (specify or, if written, attach)
 the manner in which each speaker identifies himself/herself for the court reporter? _____.
 the manner in which your court reporter notifies you of a problem with, *e.g.*, the recording equipment or the speed of the proceedings? _____.
 deposit of the court reporter's dictionary with the court? _____.
 other? _____.

I. When judge(s) on your Circuit or District Court sit in another court, are they informed of the protocol(s), if any, for court reporting in that court? yes no sometimes (specify) _____.

III. *Notes.*

A. Who:

- owns the notes from a court proceeding? State county court reporter other (specify) _____
- is responsible for storage of notes? judge clerk court reporter other (specify) _____
- is responsible for disposition of notes? judge clerk court reporter other (specify) _____
- is responsible for storage of evidence? judge clerk court reporter other (specify) _____.

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- B. Do you have a protocol for court reporting as to: (specify or, if written, attach)
- preservation of notes?
 - destruction of notes?
 - other matters with regard to notes? _____.

- C. In what format are notes stored?
- disk
 - paper
 - other (specify) _____.

IV. *Transcripts.*

- A. In your estimation, how many minutes/hours does a transcriber need, on average, to transcribe an hour-long proceeding? _____.

- B. In your estimation, how many days/months does a transcriber need, on average, to comply with a request for a transcript? _____.

- C. How would you rate, on a scale of 1 to 10, the frequency with which transcribers used by your Circuit or District Court request an extension of the time to prepare a transcript?

Never
1 2 3 4 Rarely 6 7 8 9 Frequently
10

- D. Specify how your Bench would like pages of a transcript numbered to indicate:
— volume? _____
— different types of proceedings (e.g., motions and sentencing)? _____.

- E. Does your Circuit or District Court have specific procedures for billing the State for transcripts under Maryland Rule 1-325? (specify or, if written, attach)
_____.

- F. Do you receive complaints as to:
- the accuracy of transcripts? yes (specify how often) _____ no
 - the adequacy of transcripts? yes (specify how often) _____ no
 - delay in preparation of transcripts? yes (specify how often) _____ no
 - other aspects of reporting? (specify) _____.

- G. Specify how are complaints handled (if written protocol, attach)
- referred to supervisory court reporter?
 - handled by you directly?
 - other? _____.

V. *Performance.*

- A. Are there any particular areas of court reporting that you would like to see

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improved? (specify) _____.

B. What do you believe would improve reporting in your court:

equipment?(specify) _____

more personnel?(specify) _____

training for court reporter?(specify topics) _____

training for attorneys (specify topics) _____

training for judges (specify topics) _____

written protocols?(specify topics) _____.

Other comments? _____.

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To be completed by Audiographers, Steno-type Court Reporters, Videographers and Other Persons Who Participate in Producing Transcripts

I. *Professional Status and Qualifications.*

A. Are you certified? yes no. If yes, please state:
— the certifying authorit(y/ies) _____
— the certification categor(y/ies) _____
— the date(s) on which you became certified _____
— renewal requirements _____

B. Are your court reporting/transcription functions performed:
— for a court as full time employee part time employee?
— for a court reporting agency as full time employee part time employee?
— for an attorney as full time employee part time employee?
— as an independent contractor full time part time?

C. Do you belong to, or attend conferences offered by, professional organizations? yes no
If yes, please
— specify the organization(s) _____
— the frequency with which you participate in its continuing education programs biennially annually monthly other _____

D. Do you receive read
 the newsletter from the Maryland Court Reporters Association?
 other publications on court reporting? (specify) _____

E. Who pays for:
professional dues? me employer
publications? me employer

II. *Court Reporting.*

H. As to your colleagues (*e.g.* audiographers, steno-type reporters, videographers):
— state the number your employer has _____
— is there a supervisor? me another (position) _____ none
— are they certified? yes no some
— if yes, what are their certification(s)? _____
— does your employer use independent contractors from time to time? yes (how often) _____ no.

B. Does your employer use:
 audio taping? (specify) _____
 digital recording? (specify) _____

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- steno-type recording? (specify) _____
- videotaping?(specify) _____
- combination of the above: (specify) _____

C. Do you believe a combination of forms would be more accurate? yes
(specify) _____ no.

- D. With respect to the equipment/supplies that you use:
- what type of equipment is it? (specify) _____
 - who pays for the equipment? me employer both (specify) _____
 - who pays for supplies? me employer both (specify) _____.

- E. With respect to computer aided real-time transcription (CART):
- have you knowledge of? seen (number of times) ___ used (number of times) ___ no.
 - do you use CART? always never only if requested for a particular case
 - would you like to use CART? always never only if requested for a particular case.

- F. Does the court(s) in which you work have a protocol for court reporting as to:
(please attach if written)
- the manner in which each speaker identifies himself/herself for the court reporter? _____
 - time limits on uninterrupted proceedings? _____
 - the manner in which you notify the court of, *e.g.*, a problem with the recording equipment, a problem with audibility, or the need for a break? _____

G. If you are assigned to another court, do you have an opportunity to discuss with the judge the protocol(s), if any, for court reporting in that court?
 yes no not applicable

III. *Court Reporters' Manual.*

A. Do you have a copy of the *Manual*? yes no

B. Is your copy of the *Manual* complete? yes no

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C. How would you rate, on a scale of 1 to 10, the frequency with which you refer to the *Manual* in the course of your employment?

| | | | | | | | | | |
|-------|---|---|---|--------|---|---|---|---|------------|
| Never | | | | Rarely | | | | | Frequently |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

D. Do you have any additions or other changes you would like to see made to the *Manual*? (specify or attach annotated pages) _____

E. If the *Manual* were kept current, how would you rate the *Manual* on a scale of 1 to 10, as a tool for professional development?

| | | | | | | | | | |
|---------------------|---|---|---|---|---|---|---|---|--------------------|
| Least Valuable Tool | | | | | | | | | Most Valuable Tool |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

IV. *Notes.*

- A. Who:
- owns the notes from a court proceeding? State county court reporter employer party requesting transcript other (specify) _____
 - is responsible for storage of notes? judge clerk court reporter employer other (specify) _____
 - is responsible for disposition of notes? judge clerk court reporter employer party requesting transcript other (specify) _____

- B. Does the court(s) in which you work have a protocol as to: (specify or, if written, attach)
- preservation of notes? yes no some (specify) _____
 - how long must you keep notes? (specify) _____
 - destruction of notes? yes no some (specify) _____

- C. In what format are your notes stored:
- disk?
 - paper?
 - other? (specify) _____

V. *Transcripts.*

- A. What information do you need to prepare a transcript
- jury list?
 - court reporter's dictionary?
 - other? (specify) _____

- B. How do you number the pages of a transcript to indicate:
- volume? (specify) _____
 - different types of proceedings (e.g., motions hearings, trials and sentencing)

proceedings)? (specify) _____.

C. How do you divide volumes (*e.g.*, one day/one volume or page count)? (specify)
_____.

D. Do you use different terms to distinguish the reasons for being unable to transcribe portions of a proceeding (*e.g.*, "inaudible", "unintelligible" "---")? (specify or attach a list of parentheticals you commonly use) _____.

E. With respect to an extension of the time for preparing a transcript:
— Does the court(s) in which you work have specific procedures for requesting an extension? yes (specify or, if written, attach) _____ no
— On a scale of 1 to 10, how often do you request an extension?
Never Rarely Frequently
1 2 3 4 5 6 7 8 9 10
— To avoid requesting an extension, do you use others to help you prepare transcripts?
 yes (how often) _____ no.

F. Does the court(s) in which you work have procedures for referral of notes for transcription when you are unable to do the transcription? (please attach, if written)
_____.

G. If notes are referred to another person for transcription:
— do you use? another reporter at the court the judge's secretary a scopist from a court reporting service other (specify) _____
— how is an outside service identified? website referral other (specify) _____
— are the credentials of the transcriptionist verified? yes (specify by whom) _____ no
— what information do you provide to the transcriptionist? (specify) _____
— who certifies the transcript? me transcriptionist.

H. When you transcribe another reporter's notes or an audio/video tape:
— do you need the reporter's dictionary? yes no
— would an information sheet be helpful? yes no
— what should an information sheet contain? (specify) _____.

II. In cases such as Child in Need of Assistance or Termination of Parental Rights cases:
— can you block out last names of a part(y/ies) to protect confidentiality? yes no
— do you do so? never on request always.

J. As to evidence read into the record, or a tape recording played for the record:
— does the court(s) in which you work require an attorney to have a transcript admitted into evidence?
— if not, do you transcribe it verbatim? never on request always.

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- K. As to proofreading transcripts
Do you proof? yes no sometimes (specify) _____
- What is the most common method by which you proof transcripts: hard copy, alone? hard copy, with another person? on computer screen?
- L. Does the court(s) in which you work have specific procedures for billing the State for transcripts under Maryland Rule 1-325? (specify or, if written, attach) _____
- N. As to expedited transcripts (specify or, if written, attach):
— what you consider to be “expedited”? _____
— how you arrive at the per page cost? _____
- O. Do you include in your transcript:
— a table of contents? yes no sometimes (specify) _____
— a volume index? yes no sometimes (specify) _____
— a transcript index? yes no sometimes (specify) _____
- P. Do you, or does the court(s) in which you work, have specific procedures to identify original and copies of transcripts? (specify or, if written, attach) _____
- Q. Please attach a sample(s) transcript that shows the format you most frequently use for positioning references to opening statements, exhibits, and closing arguments. (number) _____ attachment(s) no attachments.

VI. *Performance.*

- A. Are there any particular areas of court reporting that you would like to see improved? (specify) _____
- B. What do you believe would improve your reporting:
- equipment? (specify) _____
 - more personnel? (specify) _____
 - training for court reporter? (specify topics) _____
 - training for attorneys? (specify topics) _____
 - training for judges? (specify topics) _____
 - written protocols? (specify topics) _____

Other comments? _____

Name: _____

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Mailing Address: _____

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To be completed by attorneys and other users of court reporter services

I. Professional Experience.

- A. Are you a member of the Bar? yes no (specify your position)_____.
- B. Do you appear most often before: appellate court(s) Circuit Court(s) District Court administrative agencies?
- C. Is your practice primarily civil criminal other (specify) _____.

II. Court Reporting.

- A. As to your use of court reporting services:
 - how frequent? daily once a month other _____
 - purpose? deposition appeal other _____
 - what type? audio taping steno-type court reporter digital recording videotaping other _____
 - do you have control over the form of reporting? yes no
 - do you have control over the choice of personnel? yes no
 - what percentage of your budget is spent on court reporting services? _____ %.

- B. What form of reporting do you prefer: audio taping? digital recording? steno-type court reporter? videotaping? combination of the above?
Why? (state relative advantages and disadvantages in detail) _____

- C. With respect to computer aided real-time transcription (CART):
 - have you knowledge of? seen (number of times) ___ used (number of times) ___ no.
 - do you request CART? never for a particular case in every case
 - would you like to have CART available? never only for a particular case in every case.

- D. Does the court(s) in which you appear have a protocol as to:
 - the manner in which each speaker identifies himself/herself for the court reporter? _____.
 - the manner in which a court reporter/clerk notifies the court of a problem with, e.g., the recording equipment or inaudibility? _____.

II. Notes.

- A. Who:
 - owns the notes from a court proceeding? party requesting transcript State county court reporter other (specify) _____
 - is responsible for storage of notes? judge clerk court reporter other (specify) _____
-

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— is responsible for disposition of notes? judge clerk court reporter other
(specify) _____

- B. Do you know of any protocol as to: (specify or, if written, attach)
- preservation of notes?
 - destruction of notes?

III. *Transcripts.*

A. In ordering a transcript:

- what directions do you give? (*e.g.*, format or completion date) _____
- why? _____
- are the directions written? yes (if form, attach) no sometimes (specify) _____.

B. What is your preference as to the format of transcripts:

- maximum number of pages that a volume should contain? _____
- placement of parenthetical (court reporter's notation — *e.g.*, recess)? centered flush left
 other (specify) _____
- condensed standard format? Why? _____
- page and volume numbering of multi-day transcripts — *e.g.*, identification of motions
hearings, trials, sentencing proceedings? (specify) _____
- other format features? _____.

C. With respect to time:

- How many days/months do you allot, on average, for a transcriber to comply with a
request for a transcript? _____
- How would you rate, on a scale of 1 to 10, the frequency with which transcribers used
by request an extension of the time to prepare a transcript?

| | | | | | | | | | |
|-------|---|---|---|--------|---|---|---|---|------------|
| Never | | | | Rarely | | | | | Frequently |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

D. If a proceeding is taped, are you afforded an opportunity to designate the
transcriber? yes no sometimes (specify how often) _____.

E. Have you complained as to:

- the accuracy of transcripts? yes (specify how often) _____ no
- the adequacy of transcripts? yes (specify how often) _____ no
- delay in preparation of transcripts? yes (specify how often) _____ no
- other aspects of reporting? (specify) _____.

F. To whom and in what manner did you complain:

- transcriber? in writing orally
- supervisory court reporter? in writing orally
- judge? in writing orally
- other? (specify) _____.

G. Has the complaint(s) been resolved to your satisfaction? yes no (specify)
_____.

IV. *Performance.*

Are there any particular areas of court reporting that you would like to see improved?
(specify) _____
.

What do you believe would improve court reporting:

- equipment?(specify) _____
- more personnel?(specify) _____
- training for court reporter?(specify topics) _____
- training for attorneys (specify topics) _____
- training for judges (specify topics) _____
- written protocols?(specify topics) _____.

Other comments? _____.

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APPENDIX III

BILL ORDER

AN ACT concerning

Courts – Court Reporting

For the purpose of recodifying and restating certain public local laws as to court reporting and court stenographers and other reporters as public general laws; making provisions as to skill, status as sworn officers of the court, duties and responsibilities, and tenure Statewide; repealing certain redundant provisions as to competence, tenure, compensation, and secrecy of grand jury proceedings; clarifying compensation provisions; repealing certain obsolete provisions on transcript rates, appointment of substitutes for official stenographers, and payment of additional compensation in Wicomico County during fiscal year 1967; establishing a Statewide standard for custody, preservation, access to, and disposition of court reporting notes of grand jury proceedings; clarifying the power of a court with respect to disclosure of grand jury transcripts; expanding the scope of a misdemeanor to encompass breaches in security secrecy of a grand jury in addition to that by a stenographer in violation of an oath; clarifying provisions as to attendance at a grand jury proceeding; updating terminology with regard to the individual appointed to take and transcribe grand jury and other proceedings, the form of transcript, and the filing of transcripts in proceedings; and generally relating to court reporting.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 2-503(b) and (c)

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)

BY renumbering

Article – Courts and Judicial Proceedings

Section 2-503(d) and (e)

To be Section 2-503(e) and (f), respectively

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,

The Public Local Laws of Allegany County

Section 32-1 and 32-6

Article 1 – Public Local Laws of Maryland

(1983 Volume, as amended)

BY repealing and reenacting, without amendment,

The Public Local Laws of Carroll County

Section 2-102 and 2-103210

Article 7 – Public Local Laws of Maryland

(2000 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Dorchester County

Section 7-6

Article 10 – Public Local Laws of Maryland

(1984 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Howard County

Section 7.301 and 7.302

Article 14 – Public Local Laws of Maryland

(1977 Volume, as amended)

By repealing

The Public Local Laws of Howard County
Section 7.303 through 7.306, both inclusive
Article 14 – Public Local Laws of Maryland
(1977 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Montgomery County
Section 12-12 and 12-13
Article 16 – Public Local Laws of Maryland
(1994 Volume, as amended)

By repealing

The Public Local Laws of Montgomery County
Section 12-21 through 12-24, both inclusive
Article 16 – Public Local Laws of Maryland
(1994 Volume, as amended)

By repealing

The Public Local Laws of Somerset County
Section 1-101 and 1-103
Article 20 – Public Local Laws of Maryland
(1994 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Somerset County

Section 1-102, to be under the amended subtitle “Court Reporters”

Article 20 – Public Local Laws of Maryland

(1994 Volume, as amended)

By repealing

The Public Local Laws of Wicomico County

Section 13-5, 13-7, and 13-8

Article 23 – Public Local Laws of Maryland

(2002 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Wicomico County

Section 13-6

Article 23 – Public Local Laws of Maryland

(2002 Volume, as amended)

By repealing and reenacting, with amendments,

The Public Local Laws of Worcester County

Section 1-201

Article 24 – Public Local Laws of Maryland

(1994 Volume, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Courts and Judicial Proceedings Article

2-501.

(b) [Each] **EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SECTION, EACH** employee of the court shall receive the compensation provided in the [appropriate] budget **FOR THE APPROPRIATE COUNTY, AS SET BY THE JUDGES OF THE COURT**, and perform the duties directed by the judge.

(C) (1) **EACH INDIVIDUAL APPOINTED AS A COURT REPORTER SHALL BE SKILLED IN THE PRACTICE OF THE ART AND SHALL BE A SWORN OFFICER OF THE COURT.**

(2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN SOMERSET COUNTY, A COURT REPORTER HOLDS THE POSITION FOR A TERM OF ONE YEAR.**

(II) **A COURT REPORTER SHALL HOLD THE POSITION DURING THE PLEASURE OF THE JUDGES OF THE COURT.**

(3) **A COURT REPORTER:**

(I) **FOR THE USE OF A COURT, SHALL TAKE FULL NOTES OF, OR OTHERWISE RECORD, PROCEEDINGS AND TESTIMONY IN, AND THE OPINION OF, THE COURT THROUGH USE OF AN ELECTRONIC DEVICE, STENOMASK EQUIPMENT, STENO TYPE MACHINE, WRITTEN SYMBOLS, OR OTHERWISE AS APPROVED BY THE COURT;**

(II) **SHALL PREPARE AND FILE A TRANSCRIPT OF A PROCEEDING WHENEVER THE COURT DIRECTS;**

(III) **SHALL PREPARE AND PROVIDE TO A PARTY TO A PROCEEDING A TRANSCRIPT OF THE PROCEEDING; AND**

(IV) **SHALL CARRY OUT OTHER DUTIES AS REQUIRED BY THE COURT, A JUDGE, OR LAW.**

(D) **IN THE FIRST CIRCUIT, THE SALARY OF A COURT REPORTER SHALL BE \$8,500 PER YEAR, PAYABLE BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY, SOMERSET COUNTY AND WORCESTER COUNTY AND THE COUNTY COUNCIL OF WICOMICO COUNTY MONTHLY, ON PRESENTATION OF CERTIFICATION FROM THE JUDGES OF THE COURT AS TO THE SERVICES OF THE COURT REPORTER.**

[(c)] (F) (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) 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.

(3) [If directed by the court, the reporter shall attend and take full

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stenographic notes of, or otherwise record the oral testimony and judicial opinions in all proceedings in the court.

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

[(5) 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.]

2-503.

(a) The jury judge of the circuit court for a county may appoint a [stenographer] **COURT REPORTER** to take and transcribe the testimony given before the grand jury [for the exclusive use and benefit of the grand jury and the State's Attorney of the county unless otherwise ordered by the court].

(b) [(1) Any stenographer] **EACH COURT REPORTER** appointed to record testimony before a grand jury shall take and subscribe an oath that [he] **THE REPORTER** will keep secret all matters and things occurring before the grand jury.

[(2) A stenographer who violates the oath of secrecy is guilty of a misdemeanor and is subject to a fine of \$1,000 or imprisonment for not more than one year, or both.]

(c) A [stenographer] **COURT REPORTER** appointed under this section may be present at the sessions of the grand jury **ONLY AS REQUIRED BY THE STATE'S ATTORNEY.**

(d) (1) **A COURT REPORTER APPOINTED UNDER THIS SECTION SHALL:**

(I) **TRANSCRIBE TESTIMONY BEFORE THE GRAND JURY AS THE GRAND JURY OR STATE'S ATTORNEY DIRECTS; AND**

(II) **DELIVER THE TRANSCRIPT TO THE STATE'S ATTORNEY.**

(2) **A STATE'S ATTORNEY:**

(I) **SHALL KEEP CUSTODY OF ALL NOTES TAKEN BY A COURT REPORTER UNDER THIS SECTION OTHER THAN WHEN THE REPORTER NEEDS THE NOTES TO TRANSCRIBE TESTIMONY AND AS OTHERWISE PROVIDED IN A WRITTEN AGREEMENT WITH THE COUNTY ADMINISTRATIVE JUDGE;**

(II) **SHALL KEEP CUSTODY OF ALL PHYSICAL EVIDENCE SUBMITTED TO THE GRAND JURY;**

(III) **SHALL KEEP CUSTODY OF A TRANSCRIPT DELIVERED UNDER THIS SUBSECTION AND OF EACH COPY OF THE TRANSCRIPT;**

(IV) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, MAY NOT ALLOW EVIDENCE OR A TRANSCRIPT OR COPY TO BE TAKEN FROM THE STATE'S ATTORNEY'S OFFICE OTHER THAN FOR THE USE OF A GRAND JURY OR PRODUCTION IN COURT; AND**

(V) **ON APPLICATION TO AND WRITTEN ORDER OF THE COURT, MAY DISPOSE OF EVIDENCE, NOTES, TRANSCRIPTS, OR COPIES AS**

PROVIDED BY LAW.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A COURT REPORTER MAY NOT:

(I) ALLOW ANY PERSON OTHER THAN THE STATE'S ATTORNEY OR A MEMBER OF THE GRAND JURY TO READ OR HAVE A COPY OF A TRANSCRIPT OR ANY PART OF IT; OR

(II) DISCLOSE THE CHARACTER OF ANY TESTIMONY OR OTHER EVIDENCE TO ANY PERSON OTHER THAN THE STATE'S ATTORNEY OR A MEMBER OF THE GRAND JURY.

(4) AFTER HEARING A STATE'S ATTORNEY, A COURT MAY PASS A WRITTEN ORDER FOR DISCLOSURE OF TESTIMONY OR DISSEMINATION OF A TRANSCRIPT IN ADDITION TO THAT ALLOWED IN THIS SECTION.

(E) (1) [The stenographer shall receive the] A COURT REPORTER APPOINTED UNDER THIS SECTION IS ENTITLED TO compensation set by the judges of the APPOINTING court. [If the stenographer]

(2) A COUNTY SHALL PAY THE COMPENSATION OF A COURT REPORTER APPOINTED UNDER THIS SECTION BY THE CIRCUIT COURT FOR THE COUNTY OR, IF THE COURT REPORTER serves in more than one county, [his salary shall be shared by] the counties in which [he] THE COURT REPORTER serves SHALL SHARE THE COMPENSATION AS PROVIDED BY LAW OR, IF NOT SO PROVIDED, in proportion as agreed by the COUNTY administrative judges [of the counties].

(F) ANY PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.

Article 1. Allegany County Code

32-1.

There shall be two (2) annual terms of the Circuit Court for Allegany County held at Cumberland, both of which shall be jury terms. The two (2) terms shall commence on the first Monday in April and the first Monday in October, respectively, in each year, and to each of said terms, juries shall be summoned and returned in the mode and manner prescribed by law; provided, however, that, when any of the above-mentioned days shall fall on a day set apart by the laws of Maryland as a legal holiday, the term of court so falling thereon shall begin on the day next succeeding, and writs and processes and appearances to writs and processes issued out of said Court shall be returnable accordingly. [In the trial of any case in said Court on either the law or equity side thereof, the Judges or Judge presiding shall have the power and authority to employ a stenographer or shorthand reporter to take down the proceedings, including the testimony and opinion of the Court, for the use of the Court, and the County Commissioners shall levy such compensation for the service of said stenographer or shorthand reporter as the Court or Judge thereof shall approve.]

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32-6.

A. [The Judges of the Fourth Judicial Circuit of Maryland are hereby authorized and directed to appoint an Official Court Reporter for the Circuit Court for Allegany and Garrett Counties, who shall be a sworn officer of the courts of said circuit. The Official Court Reporter so appointed for the Circuit Court for Allegany and Garret Counties shall receive such salary as said Judges of the Fourth Judicial Circuit may authorize, in writing to be paid to him by the County Commissioners of Allegany and Garrett Counties, respectively, in regular monthly installments.

B.] The County Commissioners of Allegany and Garrett Counties shall levy and pay to [said Court Reporter so] **COURT REPORTERS** appointed for the Circuit Courts for Allegany and Garrett Counties such salary as said Judges of the Fourth Judicial Circuit may authorize, in writing, in monthly installments as long as the [Official Court Reporter] **REPORTER** is performing [the] official duties [herein provided for] or [until said] **THE JUDGES OF THE CIRCUIT NOTIFY THE** County Commissioners [are notified by the Judges of said circuit] to the contrary.

[C.] **B.** [The Official Court Reporter so appointed for the Circuit Courts for Allegany and Garrett Counties shall be skilled in the art and practice of stenography and typewriting and shall hold said position until removed by the Judges of said circuit, or a majority of them, and in case of a vacancy in said office, said Judges are authorized and directed to appoint a suitable person in conformity with this subsection to fill such vacancy. It shall be the duty of the Official Court Reporter, at the discretion of said Court, to take full stenographic notes of all oral testimony and judicial opinions orally delivered at the regular terms and at all trials of cases in law or in equity of said Court when the testimony is taken in open court and any other judicial opinions or judicial matters pertaining to the business of the Fourth Judicial Circuit of Maryland, when requested by any of the Judges thereof. It shall be the duty of the Official Court Reporter to furnish] **A COURT REPORTER SHALL PROVIDE** to any party to [such proceedings] **A PROCEEDING** or [his] **THE PARTY'S** attorney, promptly upon request, a [typewritten copy] **TRANSCRIPT** of the notes of testimony and judicial opinions [so] delivered in open court and recorded [stenographically] or so much thereof as may be requested, on payment by such party of the expense of said copy at the rate [in accordance with the schedule of fees adopted by the Court] **SET BY LAW**. When any Judge of [said] **THE** Court shall pass an order requesting a [typewritten copy] **TRANSCRIPT** of all or any part of [the notes of the Official Court Reporter taken as aforesaid to be made, it shall be the duty of the Official Court Reporter to make such copy] **A PROCEEDING, THE REPORTER SHALL PROVIDE THE TRANSCRIPT** without charge, and [said] **THE** transcript [and also the transcript of all testimony taken as provided in equity cases] shall be filed in the [proceedings in which said notes were taken] **PROCEEDING**.

[D. It shall be the duty of the Official Court Reporter for Allegany and Garrett Counties to be in attendance daily to do all the work required of him or her by the Chief Judge or any of the Associate Judges of said circuit.

E. In case of a vacancy in the office of Official Court Reporter or in case said Official Court Reporter shall be ill or incapacitated or for some sufficient reason be unable to be present, the Judges of said circuit may employ a substitute Official Court Reporter, who shall also be a sworn officer of the Court, and said substitute Official Court Reporter so appointed shall receive such compensation as said Judges of the Fourth Judicial Circuit may

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authorize, in writing, to be paid him or her by the County Commissioners of Allegany and Garrett Counties for taking testimony and shall also be entitled to the fees herein provided for transcripts.

F. In all equity cases when the testimony is taken in open court and in all cases which shall be appealed by any court to the Court of Appeals of Maryland, the costs of said Reporter for making the original transcript in said case shall be taxed and paid as other court costs are paid in said circuit.

G. It shall be lawful for the Official Court Reporter, upon and at the special request of the Circuit Court for Allegany and Garrett Counties, to attend and be present at the session of any Grand Jury empaneled in said counties, and it shall be his duty to take, in shorthand, the testimony introduced before such Grand Juries and to furnish to the Grand Jury and the State's Attorney of said counties a full copy of all such testimony as such Grand Jury or State's Attorney shall require, and he shall not permit any other person to take a copy of the same nor any portion thereof nor to read the same nor any portion thereof nor shall he disclose the character of any of the contents of the same to any person or persons other than the Grand Jury or State's Attorney for said counties, except upon the written order of the court duly made after hearing the State's Attorney. All said stenographical transcripts shall be kept in the custody of said State's Attorney, and neither the same nor a copy of the same shall be taken from the office of said State's Attorney, except for the use of a Grand Jury for said counties or for production in court, without an order of court first had and obtained as above provided.

H. The Official Court Reporter, in the event that he shall violate any of the provisions of Subsection G of this section with regard to secrecy, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not exceeding one thousand dollars (\$1,000.) or shall be imprisoned in jail not exceeding one (1) year, or be both fined and imprisoned, in the discretion of the court.]

Article 7. Carroll County Code

2-102.

[The Circuit Court for Carroll County shall appoint a competent court stenographer and whenever in its opinion the circumstances justify may appoint one or more additional court stenographers on either a full or part-time basis. The court stenographer or stenographers shall be sworn officers of the Court, shall hold office at the Court's pleasure, and shall be entitled to the salary that the Court from time to time may prescribe, to be levied annually by the] **THE** County Commissioners of Carroll County [and to be paid] **ANNUALLY SHALL LEVY THE AMOUNT NEEDED FOR COMPENSATION OF EACH COURT REPORTER APPOINTED BY THE CIRCUIT COURT JUDGES AND PAY THE COMPENSATION** in the installments and at the times as the other county employees are paid. [The Court also from time to time, whenever deemed expedient, may appoint special court reporters and prescribe the duties and compensation of the court reporters, with the compensation to be paid by the County Commissioners.]

2-103.

- [(a) It shall be the duty of the court stenographer or stenographers:
- (1) to take full stenographic or stenotypic notes of all proceedings and

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testimony in the Court;

(2) to prepare and file a typewritten transcript of such notes whenever so directed by the Court;

(3) to prepare and furnish to any party to any proceeding in the Court a typewritten transcript of such notes;

(4) to act as secretary to the Judge of the Fifth Judicial Circuit of Maryland who is a resident of Carroll County;

(5) to act as librarian of the bar library of Carroll County; and

(6) to perform such stenographic and stenotypic and secretarial work as the Court or any judge of the Court may require, or which may be prescribed by law.

(b) Before the] A court [stenographer or stenographers shall be] **REPORTER IS** required to [furnish] **PROVIDE** a [typewritten] transcript [of the court stenographer's or stenographers' notes] to a party to a proceeding[, the court stenographer or stenographers shall be entitled to demand of, and receive] **ONLY AFTER THE REPORTER RECEIVES** from[,] the party compensation for preparing the transcript at a rate [as the Court from time to time may prescribe] **ALLOWED BY LAW**, which shall be in addition to the salary provided under [§ 2-102 of this subtitle] **THE COURTS ARTICLE**.

Article 10 – Dorchester County Code

7-6.

A. [The Judges of the First Judicial Circuit of this state are hereby authorized and empowered to employ competent stenographers to serve in the respective courts of said Circuit.

B. (1) The salary of said stenographer shall be determined and set by the Judges of the First Judicial Circuit, said salary to be paid as follows:

(a) [The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County [shall] each [pay an amount of the salary specified as directed and certified by the Judges of the Circuit.

(b) Said payments shall be made in monthly installments during the service on the presentation of the certificate of the Judges of said Court to the County Commissioners certifying to the services of said court stenographer.

(2) The County Commissioners or County Council of the several counties are hereby directed and empowered to] **SHALL** provide for the payment of their several portions of the salary of [said stenographer] **COURT REPORTERS APPOINTED BY THE CIRCUIT COURT JUDGES** at once on presentation of [said] certificates **OF SERVICE, AS PROVIDED BY LAW**.

[(3) The several Judges of the respective Circuit Courts are authorized to provide for the employment of an additional court stenographer or court stenographers when, in their joint discretion, the volume of work requires and at the same compensation as provided above.

C. The stenographer so to be appointed shall be an officer of the Court and shall perform such duties as may be imposed upon him by the Judges of said Court, or either of them, and shall be required to furnish typewritten or printed copies to the attorneys of the Court as the Court may prescribe and direct.]

Article 14 – Howard County Code

7.301.

[The Circuit Court for Howard County shall appoint as many competent court stenographers, hereinafter to be designated court reporters, to serve either on a full- or part-time basis, as said court shall deem necessary for the conduct of the business of said court. Said court reporter or reporters, who shall be sworn officers of said court, shall hold office at said court's pleasure, and shall be entitled to such salary as said court may, from time to time, prescribe, to be levied annually by] Howard County[,] **ANNUALLY SHALL LEVY THE AMOUNT NEEDED TO COMPENSATE COURT REPORTERS APPOINTED BY THE COURT** and [paid] **SHALL PAY THE COMPENSATION** in such installments, and at such times, as the other county employees are paid. [Said court may, also, from time to time, whenever, in its opinion, the same is expedient, appoint special court reporters and prescribe their duties and compensation; and the compensation, so prescribed, shall be paid by said Howard County.]

7.302.

[The court reporters shall:

(a) Record all proceedings and testimony in court. The recording may be made by any device approved by the court or may consist of full stenographic or stenotypic notes.

(b) Prepare and file a typewritten transcript of the recording or notes upon the request of the court.

(c) Furnish a typewritten transcript of the recording or notes to any party to a proceeding in the court.] No party requesting a transcript may receive it before paying the court reporter(s) for the preparation[. The fee for preparation of the transcript shall be set at a rate prescribed by the court] **AT THE RATE SET BY LAW**. The court reporter(s) shall receive the fee for preparation of the transcript in addition to the salary provided for in section 7.301 of this subtitle.

[(d) Perform any stenographic, stenotypic or secretarial work requested by the court, its judges or which may be prescribed by law.]

[7.303.

At every session of the grand jury, as now provided by law, and whenever requested by the grand jury, or the state's attorney, it shall be lawful for a duly appointed court reporter to attend and be present with the state's attorney at the sessions of every grand jury and take full stenographic notes or recordings of all oral testimony introduced before the grand jury, and at the request of the court, or state's attorney, to furnish a typewritten transcript of the notes of the testimony so taken by him, or such part thereof, as may be requested.]

[7.304.

A court reporter, before entering the grand jury room, shall take, before the clerk of the circuit court, an oath that he will keep secret all matters and things occurring before the grand jury.]

[7.305.

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The court reporter shall not make available to any other person the notes or recordings so taken in the grand jury room, or any part thereof, nor shall he reveal or disclose the character of any of the contents of the same to any person, or persons, other than the grand jury, or a member thereof, and the state's attorney, except when required to do so by the order of the circuit court; all of said original notes or recordings shall be kept in the custody of the state's attorney, and neither a copy, or memorandum nor recording of the same shall be taken from the office of the state's attorney, except for the use of the grand jury of said county, or for production in court, excepting, however, when otherwise ordered by said circuit court; and all of said notes and transcripts of testimony may be destroyed by the state's attorney upon his application to and written authority of said court first obtained.]

[7.306.

Any reporter, as aforesaid, who shall violate, or permit to be violated, in any manner, any of the provisions of sections 7.303 through 7.305 as to secrecy, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or be confined in jail for a period of not more than one year.]

Article 16 – Montgomery County Code

12-12.

(A) [The judges of the circuit court for the county are hereby authorized to appoint two (2) court reporters, who shall be sworn officers of such court.] The **JUDGES OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY SHALL SET THE** salary of [such] **COURT** reporters [shall be fixed by order of the judges of such court] **APPOINTED BY THE COURT** within the limits of amounts appropriated therefor, and **THE SALARY** shall be paid by the county.

[12-13.

The reporters so appointed shall be skilled in the practice of their art and shall hold their positions during the pleasure of the judges of such court. It shall be their duty to perform such stenographic and typing work, connected with the business of such court, at law and in equity, as they may be directed to perform by the judges of such court. Section 12-12 and this section shall not be construed as preventing the]

(B) **THE** same person **IS NOT PRECLUDED** from holding the positions of "court reporter" and "examiner in chancery" at the same time.

[12-21.

Upon the organization of each grand jury the judge of the circuit court for the county may and is hereby authorized and empowered to appoint a clerk who shall be a competent stenographer, at a compensation to be determined from time to time by the judge of the circuit court for the county making such appointment, to be paid by the council. Such clerk shall have authority to take and transcribe the testimony given before any grand jury in such county, and, whenever required by the state's attorney, shall attend upon and take and transcribe the testimony given at the coroner's inquest, and all of such testimony so taken and transcribed shall be for the exclusive use and benefit of the grand jury and the state's attorney

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of such county, unless otherwise ordered by the court.]

[12-22.

Any clerk appointed under the provisions of the preceding section shall, before he enters upon the duties of his office, take and subscribe before the clerk of the circuit court for the county, an oath that he will keep secret all matters and things occurring before such grand jury.]

[12-23.

It shall be lawful for any stenographer duly appointed and qualified as herein provided to attend and be present at the session of every grand jury empaneled in the county, and it shall be his duty to take in shorthand the testimony introduced before such grand jury, and to furnish to the grand jury and the state's attorney of the county a full copy of all such testimony as such grand jury or state's attorney shall require. He shall not permit any other person to take a copy of the same nor any portion thereof, nor to read the same, nor any portion thereof, nor shall he disclose the character of any of the contents of the same to any person other than the grand jury, or state's attorney for the county, except upon the written order of the court duly made after hearing the state's attorney. All of the original minutes shall be kept in the custody of the state's attorney, and neither the same nor a copy of the same shall be taken from the office of such state's attorney, excepting for the use of the grand jury for the county, or for production in court, without an order of the court first had and obtained as above provided.]

[12-24.

Any stenographer appointed under this article who shall violate any of the provisions of the three (3) preceding sections with regard to secrecy shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined not exceeding one thousand dollars (\$1,000.00), or imprisoned in jail not exceeding one (1) year or both fined and imprisoned in the discretion of the court.]

Article 20 – Somerset County Code

Subtitle 1. Court [Stenographers] REPORTERS.

[1-101.

The judge of the Somerset County Circuit Court may employ a stenographer to serve in the Circuit Court.]

[1-102.] **1-101.**

(a) The salary of the stenographer shall be set by the judge of the Circuit Court and shall be paid by the] **THE** County Commissioners of Somerset County[, payments to be made in monthly installments during the service, on the presentation of the certificate of the judge of the court, to the County Commissioners certifying to the services of the court [stenographer] **SHALL PAY THE COUNTY'S SHARE OF THE COMPENSATION OF EACH COURT REPORTER APPOINTED FOR THE FIRST CIRCUIT IN THE MANNER PROVIDED BY LAW.**

[(b) The judge of the Circuit Court may employ an additional court stenographer or court stenographers, when in the judge's discretion the volume of work requires, at the

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same compensation as provided in (a).]

[1-103.

The stenographer appointed under this subtitle serves for one year or until the stenographer's successor is appointed by the judge, but serves at the judge's pleasure. The stenographer is an officer of the court and shall perform the duties required by the judge of the court. The stenographer shall furnish typewritten or printed copies to the attorneys of the court as prescribed and directed by the court.]

Article 23 – Wicomico County Code

[13-5.

The Judges of the First Judicial Circuit of the state are hereby authorized and empowered to employ a competent Stenographer to serve in the respective courts of said Circuit.]

13-6.

[A. The salary of said Stenographer shall be \$8,500 per year, said salary to be paid as follows:] The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County shall each pay an amount of the salary specified as directed and certified by the Judges of the Circuit, said payments to be made on monthly installments during the service, on the presentation of the certificate of the Judges of said Court to the County Commissioners or County Council certifying to the services of said Court Stenographer; and said County Commissioners or] **THE** County Council of [the several counties are hereby directed and empowered to] **WICOMICO COUNTY SHALL** provide for the payment of [their several portions] **ITS SHARE** of the [salary of the said Stenographer at once on presentation of said certificates. The several Judges of the respective Circuit Courts are authorized to provide for the employment of an additional Court Stenographer or Court Stenographers, when, in their joint discretion, the volume of work requires, at the same compensation as provided above] **COMPENSATION OF EACH COURT REPORTER APPOINTED FOR THE FIRST CIRCUIT IN THE MANNER PROVIDED BY LAW.**

[B. Said Judges are hereby authorized and empowered to employ such additional competent stenographic assistance as may, in their sound discretion, be deemed necessary. The County Commissioners or County Council of the county for the benefit of which such additional employment is made shall pay the cost thereof at once upon the presentation of the certificate of the Clerk or Administrative Director of such county or of either of said Judges of said Court certifying to the services of such additional Court Stenographer.]

[13-7.

The Stenographer appointed under this chapter shall serve for one year or until his successor shall be appointed by the Judges aforesaid, but shall be removable at any time at the pleasure of said Judges. The Stenographer so to be appointed shall be an officer of the Court and shall perform such duties as may be imposed upon him by the Judges of said Court, or either of them, and shall be required to furnish typewritten or printed copies to the attorneys of the Court as the Court may prescribe and direct.]

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[13-8.

The County Council of Wicomico County is hereby authorized and directed to pay unto each of the three Court Stenographers that are now serving in the Circuit Court for Wicomico County by appointment of the Judges of the First Judicial Circuit of Maryland the sum of \$1,000 annually, said sum being payable in 12 monthly installments beginning July 1966, to be paid in addition to the salaries provided for under § 13-6 of this chapter, and said additional compensation shall be payable for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and no longer.]

Article 24 – Worcester County Code

1-201.

[(a) The Judges of the First Judicial Circuit of this state are authorized and empowered to employ competent stenographers to serve in the respective courts of the circuit. The stenographer or stenographers employed by the Judge of the Circuit Court for Worcester County shall serve at the pleasure of the Judge of the Circuit Court for Worcester County.

(b) The salary of each of said stenographers shall be determined and set by the Judges of the First Judicial Circuit, said salary to be paid as follows: The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County shall each pay an amount of the salary specified as directed and certified by the Judges of the circuit, said payments to be made in regular installments during the service, on the presentation of the certificate of the Judges of said court to the County Commissioners certifying to the services of said Court Stenographer. And said] County Commissioners [or County Council] of [the several counties are hereby directed and empowered to] **WORCESTER COUNTY SHALL** provide for the payment of [their several portions] **THE COUNTY'S SHARE** of the [salary of said Stenographer at once on presentation of said certificates. The several Judges of the respective circuit courts are authorized to provide for the employment of an additional Court Stenographer or Court Stenographers, when, in their joint discretion, the volume of work requires, at the same compensation as provided above] **COMPENSATION FOR EACH COURT REPORTER APPOINTED FOR THE FIRST CIRCUIT IN THE MANNER PROVIDED BY LAW.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Act shall be effective October 1, 2004.

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APPENDIX IV

Nevada Fast Track