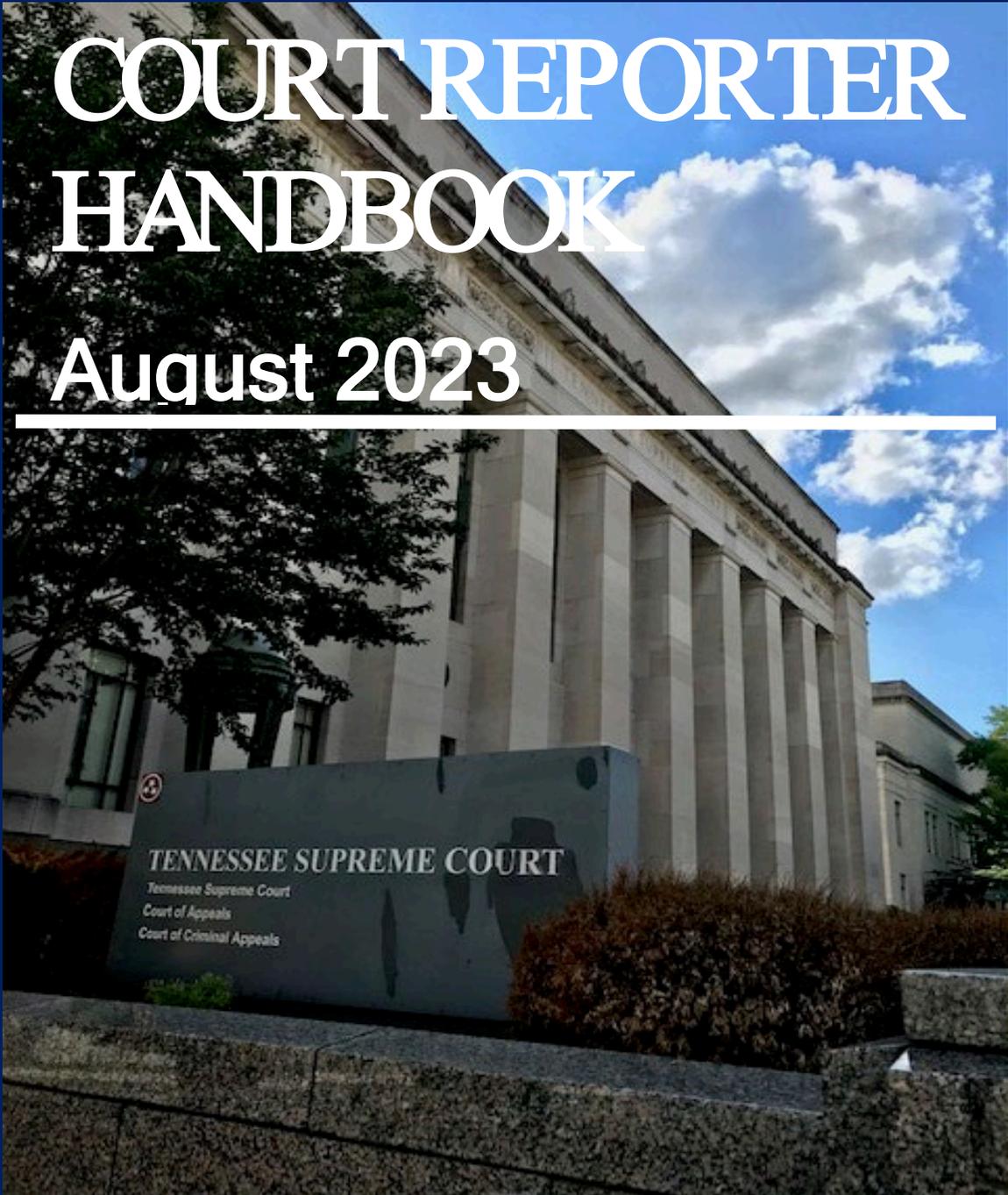


# COURT REPORTER HANDBOOK

August 2023

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## TN Administrative Office of the Courts

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# INTRODUCTION

In accordance with T.C.A. § 40-14-313, the Administrative Office of the Courts, (AOC) sets forth these policies and procedures for the function of capturing verbatim proceedings while working in the criminal courts of Tennessee. All court reporters are expected to comply with the information contained within this handbook while in the service of the courts.

The AOC recognizes the important contribution that court reporters make to the judicial community and hopes to ensure the continued success of the relationship between court reporters and other professionals in the judicial system.

# CONTACT INFORMATION

The court reporter manager is the primary contact for all court reporter related matters and to whom all communications should be directed.

Connie D. Turner  
Court Reporter Manager  
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# GENERAL INFORMATION

## Eligibility:

- Candidates must possess a high school diploma or equivalent.
- Candidates must be able to operate a computer, use associated software, and operate other electronic recording equipment.
- Candidates must be able to prepare a timely verbatim transcript, thus, time management and the ability to type are essential.
- Familiarity with legal/medical terminology and basic office skills are preferred.
- Notaries public are preferred.

*\*Preference is given to candidates who have practical court reporting experience or who have completed court reporter training (formal or informal).*

New digital court reporters who have never worked in criminal court are required to complete a mentorship with a veteran reporter before being assigned to work in criminal court. Mentorship requirements will be provided.

## **Licensure**

Licensure is not required for court reporters working exclusively in criminal court. However, if services are provided outside of the court reporter's scope of specific responsibilities in criminal court, Tennessee licensure is required. Examples include taking depositions and attending civil hearings (when not required to be in criminal court).

The Board of Court Reporting, now housed with the Tennessee Department of Commerce & Insurance (TDCI), oversees court reporter licensure and disciplinary matters. All questions pertaining to licensure should be directed to TDCI (615-741-2241; [Regulatory Boards - Main \(tn.gov\)](https://www.tn.gov/regulatory-boards)).

## **TYPES OF COURT REPORTERS**

### **Official Court Reporter**

A court reporter who has been hired by the state as an employee and receives a salary.

### **Contract Court Reporter**

A court reporter who provides contract services and receives compensation via a per diem.

### **Designated Court Reporter**

The court reporter who has been designated/appointed "officially or "unofficially" either by the judge or the AOC as the primary reporter for a judge or district.

The designated court reporter may be an official court reporter or a contract court reporter and assumes the responsibilities of ensuring that the needs of the court, courtroom(s), and judge(s) are met.

## **ESSENTIAL RESPONSIBILITIES**

This list highlights some of the primary responsibilities of the criminal court reporter and may not represent an exhaustive list of all responsibilities relative to the position. Responsibilities may vary per district and additional tasks may be assigned by the judge or AOC.

- Continuous operation and maintenance of the recording system provided by the AOC or the county.

- Making and preserving a verbatim record of all required proceedings in accordance with the policies, guidelines, and procedures set out by the AOC, the applicable rules of court, local rules, appellate rules, Tennessee Code Annotated, and any code of ethics or ethics opinion adopted by the AOC and/or presiding judge relative to the performance of the duties of the position.
- Read back/playback of the record when requested by the judge.
- Tactfully interrupt proceedings whenever unable to hear or understand to clarify the record.
- Prepare a log of each day's events using the recording system's bookmarking feature or another effective logging method.
- Systematic marking/labeling of recordings and notes.
- Save/burn each day's proceedings onto approved storage media, file burned original recording with the clerk of the court or store, and maintain in a location that has been approved by the AOC. *Refer to the AOC's "Procedures for Digital Recording of Criminal Court Proceedings".*
- Retrieval of tapes, CDs, and notes for transcript preparation.
- Prepare a timely verbatim transcript of all or part of the court record upon proper request of the parties and as ordered by the court in accordance with the policies, guidelines, and procedures set out by the AOC, the applicable rules of court, local rules, appellate rules, and Tennessee Code Annotated.
- Perform research necessary to ensure appropriate case documentation and accuracy of all text within the transcript.
- Maintain a calendar of appeals, correspondence, or communications with attorneys and/or the court concerning requests for same and filing of any appropriate paperwork.
- Keep abreast of the schedule of the court through communication with the clerk and other court personnel.
- Maintain state-allocated equipment.
- Maintain accurate records and files of work performed, including submission of required reports and/or forms to the AOC.
- Maintain confidential information where legal standards require.

All questions regarding work responsibilities should be directed first to the judge. The reporter should contact the AOC if questions cannot be answered by the judge.

## **ABSENCES**

At times it may be necessary to be absent from court. The AOC has compiled a list of court reporters who have been authorized as substitutes. If a substitute court reporter cannot be secured, the court reporter needing relief should contact the court reporter manager for assistance.

## **Leave for Official Court Reporters**

- Sick leave is based on a court reporter's unavailability to cover court due to medically-related reasons (i.e., illness, disability, appointments, etc.). The period of time a court reporter is not available should be reflected on the monthly work report.
- Bereavement leave days are in accordance with the policy that is utilized by the AOC. The standard number of bereavement leave days that may be taken is 3 days in the event of death of one's immediate family member (i.e., spouse, child, stepchild, parents, siblings, etc. Bereavement leave for non-immediate family members should be reflected as sick leave.
- Work relief is leave that is needed specifically for typing.
- Court-approved leave is defined as personal leave that does not include any of the above and must be approved by the judge.

## **COMPENSATION**

Compensation for official court reporters is determined by salary and by transcript fee.

Compensation for contract court reporters is determined by per diem fees (appearances & transcripts) reflected within the contract.

### **Page Rate**

The current per page rate for transcripts for all court reporters is \$4.00 per page (effective 7/1/19), which consists of one (1) original and one (1) copy (included as a set).

### **Court Appearances**

The current per diem fee for licensed contract court reporters or those who have 10 or more years of court reporting experience, is \$350/full day; \$175/half day. The per diem fee for unlicensed reporters with less than 10 years is \$250/full; \$125/half (per T.C.A. §40-14-311).

NOTE: The "Total Number of Hours Worked in Court" refers to the hours worked that do not include a lunch period.

**Example 1:** Susie began working in court at 9:00 a.m.  
Susie's court day ended at 6:30 p.m.  
Judge did not allow a lunch break.

From 9:00 a.m. to 6:30 p.m. equals a total of 9.5 hours. Since Susie was not allowed a lunch break, the **total** number of hours worked in court is 9.5 hours, which should be reflected on the court appearance form in the column "Total Number of Hours Worked". "Hours Worked in Excess of 8 Hours" equals 1.5 hours. The "Fee for Additional Hours Worked" equals \$37.50 ( $\$25 \times 1.5$ ).

**Example 2:** Ryan began working in court at 8:00 a.m.  
Ryan's court day ended at 8:00 p.m.  
Judge allowed a 1- hour lunch break.

From 8:00 a.m. to 8:00 p.m. equals a total of 12 hours. Since Ryan was allowed a 1-hour lunch break, the total number of hours worked in court is 11 hours, which should be reflected on the court appearance form in the column "Total Number of Hours Worked". "Hours Worked in Excess of 8 Hours" equals 3 hours. The "Fee for Additional Hours Worked" equals \$75 ( $\$25 \times 3$ ).

**Example 3:** Jenny began working in court at 9:00 a.m.  
Jenny's court day ended at 6:00 p.m.  
Judge allowed a 1-hour lunch break.

From 9:00 a.m. to 6:00 p.m. equals a total of 9 hours. Since Jenny was allowed a 1-hour lunch break, the **total** number of hours worked in court is 8 hours, which should be reflected on the court appearance form in the column "Total Number of Hours Worked". No claim for excess time worked applies.

**Example 4:** Tina began working in court at 8:30 a.m.  
Tina's court day ended at 5:45 p.m.  
Judge allowed a 1.5-hour lunch break.

From 8:30 a.m. to 5:45 p.m. equals a total of 9.25 hours (9 hours & 15 minutes). Since Tina was allowed a 1.5-hour lunch break, the **total** number of hours worked in court is 7.75 hours (7 hours & 45 minutes), which should be reflected on the court appearance form in the column "Total Number of Hours Worked". No claim for excess time worked applies.

## **Invoices/Pay Requests**

The AOC is authorized by statute to pay for transcripts that are ordered by a state trial or appellate judge and those that are necessary for the appellate record in the case of an indigent defendant.

In an indigent criminal case, the AOC will pay for one (1) original and one (1) copy of a transcript for the defendant. In non-indigent criminal cases, payment arrangements are to be determined by the court reporter, the defendant, and/or the defendant's attorney. If the court reporter is asked to prepare a transcript (indigent or non-indigent cases) by an employee of another state agency, payment arrangements are to be determined by the reporter and the employee of the state agency.

*The AOC is not responsible for transcripts prepared for and provided to the DA's Office, regardless of whether a judge has ordered it or not.*

When submitting a request for payment (in a single-defendant case) for additional sets beyond the one (1) original and one (1) copy, the court reporter should provide a brief explanation of the payment request.

Invoices/pay requests should be filled out completely and accurately and should be emailed to the court reporter manager.

## **TN Supreme Court Rule 13**

These matters require attorneys to submit a request to the AOC for prior approval of court reporting services. Court reporters should be AOC-approved (official or contract). Follow the procedures below if requested to appear in one of these proceedings or if asked to prepare a transcript.

1. Ask the attorney for a copy of the AOC-approved order **before** accepting the work.
2. If attorney has provided a copy of the order, the order must be attached to the court reporter's invoice upon submission.
3. The attorney must sign the invoice (for appearance and for transcript).
4. The court reporter reflected in the order should be the same court reporter on the invoice.
5. If the transcript pages are more than the number of pages references in the judge's order, the attorney is required to submit a supplemental request to the AOC for additional funds.

# PREPARING AND FILING THE RECORD

## **Best Practices**

While each court reporter may have specific methods by which they prepare the transcript, we suggest that all court reporters adopt the best practices recommended by the professional organizations for the court reporting profession [National Court Reporters Association (ncra.org); American Association of Electronic Reporters and Transcribers (aaert.org); National Verbatim Reporters Association (nvra.org)].

## **Filing the Transcript and Audio Record**

Tennessee Code Annotated §40-14-307 specifies that the record of the court's proceedings should be certified by the court reporter and filed with the clerk of court. All court reporters in the service of Tennessee courts are required to comply with this statute.

(a) A designated reporter shall attend every stage of each criminal case before the court and shall record verbatim, by a method prescribed or approved by the administrative director, all proceedings had in open court and such other proceedings as the judge may direct. The reporter shall attach the reporter's official certificate to the records so taken and promptly file them with the clerk of court, who shall preserve them as part of the records of the trial.

If there are plans to leave the position as designated court reporter, the AOC should be notified immediately.

## **Procedures for Digital Recording of Criminal Court Proceedings**

### **ALL COURT REPORTERS**

- All proceedings shall be saved (burned) to the recording file on the hard drive of the computer and also to a CD-R or DVD-R. This CD-R or DVD-R shall be considered the original recording.
- At the end of each day's proceedings, the reporter shall verify that the saving/burning of the proceedings has been successful by initiating playback of the audio recording and the CD-R or DVD-R.
- A new CD-R or DVD-R should be used each day, regardless of whether or not the previous CD-R or DVD-R used was completely filled. Additional CD's or other AOC-approved storage media may be utilized for transcription purposes.

## **SUBSTITUTE COURT REPORTERS**

- The original CD-R or DVD-R shall be provided immediately to the trial court clerk or filed in a location designated by the clerk.

## **REGULARLY DESIGNATED REPORTERS**

- On the last work days in March, June, September, and December of every year, or as close to that date as possible, the regularly designated reporter shall delete from the hard drive of the recording system computer all proceedings that have been saved to a CD-R or DVD-R and previously filed with the clerk of court or in the designated location. This should be done only after it has been verified that the recordings of the proceedings have been saved successfully. If there is more than one regularly designated reporter for a district or a courtroom, it should be determined well in advance who will be the responsible party to perform this task for each courtroom in the district.

## **Retention of Audio Recordings**

The trial court clerk is the official keeper of the record; therefore, court reporters should confer with the clerk and judge regarding the policy for retaining and disposition of records.

## **Transcript Extensions**

The timeline for preparation of transcripts in all cases is 60 days after the filing of the notice of appeal. If a court reporter has difficulty meeting this deadline, the attorney should be notified immediately.

# **EQUIPMENT & SUPPLIES**

## **Equipment Maintenance and Repair**

The AOC has installed digital recording systems in many of the courtrooms that are used for criminal proceedings. For problems with these systems, court reporters should first contact Business Information Systems (BIS) at 1-800-715-1234. If BIS determines that the problem should be addressed by the AOC, submit a request through the AOC's ITSD portal <https://support.tncourts.gov/request>. The state tag number should be provided.

Refer to BIS's troubleshooting guide when issues are first discovered.

The recording equipment provided by the state shall be used solely for authorized judicial proceedings in which the state is required to provide court reporting services. All court reporters providing service for these proceedings are required to use the state-provided equipment, unless directed otherwise. The recording equipment shall remain with the court should a court reporter leave state employment.

**Supplies:**

Court reporters may request “general” supplies as necessary. The AOC general supply list includes stenopads, transcript covers, storage envelopes, CDs, DVDs, exhibit labels, headsets, and foot pedals. These general supply items should only be used for the purpose of criminal court work. A request may be made via email or by using the supply requisition form and should be sent to the court reporter manager.

## FREQUENTLY ASKED QUESTIONS

1. What is the difference between a contract and per diem court reporter?

**Contract reporters are those who have signed a contract to provide services to the judicial branch. Per diem reporters are those who have signed a contract and will appear in court to record proceedings. Some contract reporters only provide transcription services.**

2. What does the AOC pay for transcripts?

**The current standard per page rate for transcription is \$4.00. Additional copies of transcripts are paid at \$.50 per page.**

3. Does the AOC pay for expedited cases?

**No.**

4. The district attorney asked me to provide him/her with a copy of a transcript. Do I bill the AOC for this?

**No. The AOC is not responsible for paying for transcripts provided to the district attorney. The local district attorney's office should be contacted for the proper procedure for securing payment.**

5. A new attorney was appointed to a case, and she now wants me to provide her with a transcript that I have already prepared. What should I do?

**A copy of the transcript may be provided at the AOC copy rate. A brief explanation of the charge should be included.**

6. What is the procedure for obtaining a court reporter for a termination of parental rights or abuse/neglect hearing and to transcribe a preliminary hearing tape?

**The attorney should motion the judge including specific findings for the necessity of court reporting services. Once the judge approves the motion and issues an order, the attorney should submit the order to the AOC for pre-approval. The attorney will be notified of the approval. The court reporter should not accept or begin work until the attorney has provided a copy of the AOC-approved order. The court reporter should then attach the order to the invoice, that includes the attorney's signature, and email to the court reporter manager. If the court reporter begins work and has not been approved to do so via an order, any invoice submitted will not be paid.**

**The AOC provides the attorney with a list of court reporters who have agreed to accept the standard rates for transcript production and court appearances.**

7. What are the approved methods for recording criminal proceedings?

**Each criminal court is equipped with a digital recording system as the primary recording method. Stenomachine, voice writing, and shorthand/pen are approved as secondary recording methods.**

8. The judge has asked me to record a misdemeanor case. Am I required to record this case?

**Misdemeanor proceedings do not entitle any party to services of a court reporter. If a regularly designated or substitute court reporter is requested to record an indigent misdemeanor proceeding while present to record felony proceedings, no prior approval is required. However, if a court reporter is specifically requested to appear to record only misdemeanor cases, this will be treated as a TN Supreme Court Rule 13 matter. The attorney is required to secure prior approval.**

9. Are there any professional organizations for court reporters to join in Tennessee?

**The Tennessee Court Reporters Association (TCRA) is the professional court reporting organization for Tennessee court reporters. Court reporters may also become members of the National Court Reporting Association (NCRA), National Verbatim Reporters Association (NVRA), and American Association of Electronic Reporters and Transcribers (AAERT).**

10. Who do I contact if I have problems with the digital recording system?

**Notify BIS immediately (1-800-715-1234). If BIS determines the issue is hardware related and directs the reporter to contact the AOC, the reporter should use the AOC's ITSD portal (<https://support.tncourts.gov/request>).**

11. What is the procedure for deleting audio files from the digital system?

**Prior to deletion of audio files, the reporter should verify at the end of each day's proceedings, that the saving/burning of the proceedings has been successful.**

**On the last work days in March, June, September, and December of every year, or as close to that date as possible, the official court reporter or regularly designated reporter shall delete from the hard drive of the recording system computer all proceedings that have been saved to a CD-R or DVD-R and previously filed with the clerk of court or another designated location.**

12. I haven't been paid for my work in criminal court. When will I be paid?

**There is no designated timeline for distribution of payments. When an invoice is submitted, please allow 30 days after acknowledgment from the court reporter manager before inquiring about the status of payments.**

13. I have been waiting for payment on a TN Supreme Court Rule 13 matter for a very long time. When am I going to be paid?

**These matters are processed in accordance with TN Supreme Court mandates, so payment distribution takes longer. Please allow at least 45 days after acknowledgment from the court reporter manager before inquiring about the status of payments.**

14. I have received a request for an audio recording. What should I do?  
**Consult with the judge and the trial court clerk.**
15. I would like to work more in court than I currently do and have more transcripts. How can I get more work?  
**Contact the court reporter manager for possible work opportunities.**
16. What is the current mileage rate?  
**Effective January 1, 2023, the new rate is .655.**
17. I submitted an invoice that was more than what I was paid. Why wasn't my invoice paid as I submitted it?  
**All invoices should be carefully and cautiously completed to ensure that the information included is correct. Adjustments will be made accordingly and without notification to the reporter.**
18. I have moved. What do I need to do?  
**A new W-9 form must be completed and submitted to the AOC. In addition, all subsequent invoices that are submitted must reflect the correct address as noted on the new W-9. If not, payment will be delayed.**
19. Why does the AOC have all these rules? I just don't understand.  
**The AOC is the recipient of taxpayer funds and is held accountable for all processes through our office. Therefore, effective policies and procedures must be in place and strictly upheld. The AOC must maintain accountability and be good stewards of the State's funding.**
20. I'm being sued by the defendant. What should I do?  
**Contact the court reporter manager as soon as possible.**

# STATUTES AND RULES

The statutes that pertain to reporters working specifically in criminal courts are contained in Title 40, Chapter 14, Part 3 of the Tennessee Code Annotated. The statutes pertaining to court reporting licensure are contained in Title 20, Chapter 9, Part 6. (<http://www.lexisnexis.com/hottopics/tncode/>).

## **Trial Process:**

The rules governing the process of a criminal trial may be found in the Tennessee Rules of Appellate Procedure, and the Tennessee Rules of Criminal Procedure. To answer questions that fall in this category, a reporter may find the current edition of the Rules at <http://www.tncourts.gov/courts/rules>.

## **Rules of Practice in a Particular Court:**

There are certain rules of practice that may be determined by individual courts. A court reporter should always check with the clerk of court to determine if any local rules are in effect that may affect the court reporter. Local Rules of Practice are available at <http://www.tncourts.gov/courts/court-rules2/local-rules-practice>.