

CHAPTER 50. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

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Authority

The provisions of this Chapter 50 issued under Article V, section 10, of the Constitution of Pennsylvania, unless otherwise noted.

Source

The provisions of this Chapter 50 adopted April 28, 1981, effective July 15, 1981, 11 Pa.B. 1623, unless otherwise noted.

Rule 5000.1. Scope.

These rules shall govern, within the unified court system, both the employment and basic duties of all reporters and the production of transcripts, as defined in Rule 5000.2.

Rule 5000.2. Definitions.

For purposes of these rules:

Court administrator—Includes the president judge of the judicial district, where no district court administrator has been appointed or where such office is vacant.

Court reporter—Any person employed by a court to record testimony or other spoken material, whether by machine or manual shorthand, electronic recording or other means. Part-time, substitute and contract reporters are included, except where manifestly not appropriate.

Daily copy—Transcript delivery of which is requested within eighteen hours of the close of a session of a trial or hearing. For purposes of additional payment, transcript is daily copy only if it is in fact delivered within the above time limit.

Expedited copy—Transcript delivery of which is requested 72 hours after the close of a session of a trial or hearing. For purposes of additional payment, transcript is expedited copy only if it is in fact delivered within the above time limit.

President judge of a judicial district—Includes the President Judge of the Philadelphia Municipal Court.

Transcript in the ordinary course—Transcript ordered for delivery within the time limits set forth in Rule 5000.9.

Transcript of trial—The *voir dire* examination of jurors, opening or closing statements of counsel, or the reading into the record or for the benefit of the jury any written document which is also accepted into evidence as an exhibit, shall be recorded, but not transcribed, unless otherwise ordered.

Transcript ordered by the court—Includes an original or copy ordered by the judge for his or her own use, or a copy ordered for the use of a party entitled to proceed, in *forma pauperis*, which document shall be filed of record. All such transcripts shall be paid for by the county of original venue at the rates provided herein.

Source

The provisions of this Rule 5000.2 amended through September 25, 1986, effective September 25, 1986, 16 Pa.B. 3823. Immediately preceding text appears at serial pages (81590) to (63046).

Rule 5000.3. Qualifications of Reporters.

(a) After the effective date of these rules, no person shall be hired by a court as a shorthand reporter unless he or she is capable of recording proceedings at a 95% accuracy level at the following speeds:

- (1) Literary or jury charge at 180 w.p.m.
- (2) Medical testimony (two voices) 200 w.p.m.
- (3) Ordinary testimony (up to four voices) 225 w.p.m.

(b) Each applicant must have a minimum of two years practical experience in taking and transcribing legal material and shall be required to pass a test establishing at least the foregoing qualifications, conducted by the court seeking to employ the reporter, prior to employment. A shorthand reporter may be provisionally employed for a period of not more than six months or until the next convenient certification exam. A reporter who holds a NSRA Certificate of Proficiency or Certificate of Merit shall be deemed *prima facie* qualified and need not be examined.

(c) A person may be employed by a court to record testimony by electronic means, such as multi-track audio recording devices, provided that the equipment incorporates the features required by the Administrative Office of Pennsylvania Courts for such use, and has been approved by the president judge or his designee.

nee. Prior to the employment or assignment of any person to operate and monitor such equipment, the district court administrator shall require proof that the reporter:

- (1) is fully familiar with the controls of the equipment;
- (2) has adequate hearing acuity to assure a high quality recording;
- (3) will insist on clarity of the recording; and
- (4) can quickly diagnose and correct routine malfunctions.

Rule 5000.4. Employment and Duties of Reporters.

(a) The president judge of each judicial district or his designee shall select and appoint court reporters for his or her district. The number of reporters in any district shall be fixed from time to time by the funding authority and the president judge, but it shall be adequate to support the full and unrestricted operation of the courts.

(b) In any judicial district where ten or more court reporters are employed, they shall not be permanently assigned to a particular judge or type of proceeding. The president judge or his designee shall assign the reporters to judges or proceedings so as to substantially equalize among the reporters the work load of recording testimony and of transcript production.

(c) The primary task of each court reporter shall be to record or reduce to notes the proceedings before the judges or other factfinders appointed by the courts, and promptly to transcribe or arrange for transcription of such record or notes upon request for a transcript.

(d) No court reporter shall work outside his or her official duties unless he or she is in full compliance with all rules regarding timeliness of transcripts. No full-time reporter shall be permitted to perform other than official court duties during court hours. When doing outside work, reporters shall not use any supplies (such as paper, ribbons, binders, etc.) provided by the court.

Rule 5000.5. Requests for Transcripts.

(a) Copies of the formal request for a transcript of all or part of the testimony at a trial or other proceeding shall be in writing and delivered to:

- (1) The reporter.
- (2) The clerk of the trial court in which the proceeding took place, or in which the reporter is employed.
- (3) The district court administrator or his designee.
- (4) In the case of an appeal, to the clerk of the appellate court.

(b) For an appeal, the transcript request shall be made part of the notice of appeal. Where a transcript is required for a motion, the transcript request shall be made part of or annexed to the motion papers. A party or counsel, in addition to the notice provided above, may also request a transcript in open court.

Source

The provisions of this Rule 5000.5 amended July 7, 1997, effective in 60 days, 27 Pa.B. 3503. Immediately preceding text appears at serial pages (112917) to (112918).

Rule 5000.6. Deposit of Partial Transcript Fee.

Except where the Commonwealth or a subdivision is liable for the cost, the reporter may require a deposit of up to one-half the estimated charge for the transcript as a condition precedent to starting transcription. Local rules may provide that the advance payments be made to the reporters, held by the court administrator or clerk, or other suitable arrangement.

Source

The provisions of this Rule 5000.6 amended July 3, 1981, effective July 18, 1981, 11 Pa.B. 2548. Immediately preceding text appears at serial page (61092).

Rule 5000.7. Fees for Transcript.

(a) For each page of transcript produced from manual or machine shorthand notes, in the ordinary course and in accordance with the format standards set forth in these rules, where the Commonwealth or a subdivision thereof is liable for the cost, the court reporter shall be paid:

- (1) \$1.25 per page of original typescript; except where a court or county provides all the copies, then the rate shall be not in excess of \$2.00 per page of original typescript;
- (2) \$.30 per page for any complete and legible copy, if made at the reporter's own expense.

(b) A reporter who uses an electronic audio recording device from which the transcript is made shall be paid at a rate of \$.25 per page of original typescript. If such reporter provides the typist or stenographer who does the typing, the cost of such service will be added to the fee. No fee shall be paid to such reporter for copies.

(c) A stenotype or shorthand reporter shall be compensated at the rate of \$2.00 per page for daily copy and \$1.75 per page for expedited copy. Paragraphs (a)(2) and (d) shall apply to copies of transcripts produced on an accelerated schedule.

(d) Where a transcript is ordered by the court, and one or more parties orders the same transcript or is required by these or other general rules to obtain and file the transcript, the county of original venue shall be liable only for the copy rate provided in Rule 5000.7(a)(2), if any. The parties ordering and receiving copies, or required to file the transcript, shall share equally the cost of the original and of any additional photocopies required.

(e) Where a court provides a computer-aided transcription system or similar program, the court by local rule may establish reasonable fees for the use of such system or program and fix the method of collection thereof.

(f) Except as otherwise provided in this rule, the court may fix rates, subject to the approval of the Supreme Court, for all transcripts ordered by a party or required by any general rule to be filed by any party. Requests for approval of rates shall be forwarded to the Administrative Office of Pennsylvania Courts. Rate increases must be reasonable and based on good cause.

Source

The provisions of this Rule 5000.7 amended through September 25, 1986, effective September 25, 1986, 16 Pa.B. 3823. Immediately preceding text appears at serial pages (91135) to (91136).

Rule 5000.8. Format of Transcript.

All transcripts shall be typewritten on good quality, opaque, white, unglazed, 8 1/2 inch paper. There shall be 25 lines of material on each page.

Rule 5000.9. Deadline for Delivery of Transcript.

The reporter shall deliver the transcript within 14 days of receiving the order, where the transcript is required for a pre-trial proceeding or for a trial.

Rule 5000.10. Sanctions for Delayed Transcript.

(a) Where a reporter fails to deliver a transcript within the time limits in Rule 5000.9, he or she shall be ineligible for outside employment of any nature. If a transcript remains delinquent for more than thirty days, the reporter shall not be allowed to take further notes in any proceeding, until all such delinquent transcripts are completed.

(b) Should the exclusion from taking testimony of one or more reporters, as provided in paragraph (a), threaten the completion of any trial or court proceeding, the president judge shall arrange for additional or supplemental reporters.

(c) Extensions for completion of a transcript and excuses from sanctions provided by this rule may be granted only by the court in which the transcript is to be used.

(d) Other sanctions, including reduction of transcript fees in proportion to the delay, may be provided by local rule.

Rule 5000.11. Delivery of Transcript; Payment of Balance.

(a) The completed transcript shall be delivered to the court, agency, counsel or the party ordering it, unless another arrangement for delivery has been made.

(b) If any balance is due for transcript as provided in Rule 5000.6, the reporter may refuse to deliver the transcript until such balance is fully paid or adequate security is posted for payment.

(c) Delivery of the transcript may be acknowledged in writing filed with the agencies receiving copies of the transcript order pursuant to Rule 5000.5.

Rule 5000.12. Certification of Transcript; Transcription by Another.

(a) The reporter who takes the notes or monitors the recording of a proceeding shall certify in proper form the accuracy of the transcription.

(b) If a shorthand reporter leaves the jurisdiction of the court, dies, or becomes incapacitated before transcribing any notes, then or later ordered, the president judge of the district shall designate another shorthand reporter to transcribe such notes and certify the transcript. The latter reporter may indicate any reservations or qualifications in the certification.

Rule 5000.13. Ownership of Notes; Safeguarding; Retention.

(a) The stenographic notes, tapes, or other media used by a court reporter to record a proceeding in or for a court shall be public property, subject, however, to the vested property interest of the reporter described in these rules.

(b) Each judicial district shall make adequate and proper provision for storage and safeguarding of notes and tapes. Such provision may involve microfilming of paper tapes, duplication of electronic recordings, permitting the reporters to store and protect the materials, etc.