

COURT REPORTER MANUAL

STATE OF SOUTH CAROLINA



South Carolina Court Administration

As approved August 16, 2011

(Amended March 1, 2017)

(Updated May 1, 2018)

THIS MANUAL IS ISSUED PURSUANT TO ORDER OF THE SUPREME COURT.
IT SUPERSEDES ALL PREVIOUSLY-ISSUED MANUALS. THE STANDARDS OF
CONDUCT OF ALL COURT REPORTERS IN THE SOUTH CAROLINA JUDICIAL
SYSTEM ARE ESTABLISHED BY THIS MANUAL. VIOLATIONS OF
THESE STANDARDS ARE SUBJECT TO THE COURT'S CONTEMPT POWERS.

I. PURPOSE AND APPLICABILITY

The purpose of any court reporting system is to create a timely, accurate, verbatim record of lower court proceedings which may be transcribed for use in subsequent proceedings.

This manual provides court reporters employed by the South Carolina Judicial Department (“Department” or “Court Administration”) with a workable, day-to-day guide for the proper conduct of court reporting. The manual also includes all required forms. See Appendix 1 and § II(A). It is intended to be a comprehensive, consistent, and clear-cut description of roles, responsibilities and duties of state court reporters.

Because it is meant to be a user’s manual, comments and suggestions for improvement will be appreciated. Such comments or suggestions should be directed to Court Administration. As the court reporters' responsibilities and duties may change from time to time, the Department reserves the right to revise the contents of this manual, in whole or in part, to keep abreast of such changes. Each court reporter is required to become thoroughly familiar with the content and to actively apply this manual to his/her daily work.

The willful failure of a court reporter to comply with the provisions of this manual may constitute contempt of court enforceable by Order of the Supreme Court.

II. COURT REPORTER CONDUCT, DUTIES, ROLES AND RELATIONSHIPS.

A. Court Administration and Court Reporters

Court Administration shares with the judges the responsibility for the supervision of court reporters. Court Administration is the primary point of contact for court reporters and serves as the liaison between the South Carolina Supreme Court and the court reporters.

Court reporters are required to submit forms and reports online in the Court Reporter Transcript Tracking System to Court Administration for use in assignment of court reporters and for submission to the Chief Justice. Effective May 15, 2018, court reporters are required to email copies of all correspondence related to transcript orders to transcripts@sccourts.org, and beginning on that date, all transcript extension requests are to be made by emailing a completed Notice of Request for Extension form to extensionrequest@sccourts.org.

B. Judge and Court Reporter

The Circuit and Family Court judges, along with Court Administration, are responsible for the supervision of court reporters. A court reporter is primarily accountable to the judge to whom he/she is assigned during a particular assignment. Court reporters must conform to each judge's courtroom schedules. The court

reporter can best support the judicial process and the judge by remaining alert and prepared at all times.

C. Court Reporter Conduct, Demeanor, and Appearance

1. Court Reporter Conduct

A court reporter is always a neutral, third party observer to proceedings in the courtroom. A court reporter must pay attention throughout the proceeding, show respect to all participants, refrain from gossip, and not be influenced by personal attitudes. A court reporter's demeanor in the courthouse should be professional at all times. The court reporter must never attempt to influence a trial.

A court reporter, like any other court employee, should be aware of the need for good public relations and thus should make every attempt to work efficiently and cooperatively with all people who come into contact with the judicial system. Court reporters should always maintain the dignity of the judicial process. The conscientious court reporter sets a model by example and is a constructive force for improvement of the image of the entire judicial process.

Court reporters are expected to conduct themselves in a businesslike manner at all times. The performance and demeanor of the court reporter reflects not only on the reporter but on the judicial system.

2. Dress Code

All court reporters are required to dress in a professional manner. Business attire must be worn at all times in the courthouse.

3. Promptness

Court reporters are required to arrive at work early enough to set up all equipment and to prepare properly for court. If unavoidably detained, the court reporter must notify the clerk of court or the judge to whom he/she is assigned.

4. “Sound Discipline”

Court reporters are expected to maintain “sound discipline” in the courtroom. Unfortunately, the acoustics are not what they should be in all courtrooms. When understanding a witness or an attorney is difficult, the court reporter should indicate this to the judge and ask that the judge instruct the party to speak louder and more distinctly. The word "inaudible" has no place in a transcript. However, unless the accuracy of the record is in jeopardy, the court reporter should remain silent during proceedings; except, for example, to clarify exhibit numbers or perform requested read backs.

5. Necessary Recesses

Court reporters need to take an occasional brief recess, particularly in lengthy proceedings. If the court reporter finds that he/she cannot continue, he/she should feel free to ask the presiding judge for a recess. Prior to taking a recess the court reporter should ensure all tapes and court records are secure.

D. Duties

The family court reporter serves primarily the family court, which has limited jurisdiction, mostly hearing domestic and juvenile cases. When the needs of the Department dictate, family court reporters are also assigned to circuit court terms. The circuit court reporter serves primarily the circuit court which has general jurisdiction in civil and criminal cases. When the needs of the Department dictate, circuit court reporters are also assigned to family court terms. The court reporter is responsible for attending court sessions and other assigned proceedings; procuring all necessary materials and supplies needed to produce the record; recording and transcribing verbatim testimony of court hearings; transcribing and delivering records to requesters within prescribed time limits; providing appellants and other parties with a timely, accurate, verbatim record of court proceedings; maintaining all notes, tapes and records of proceedings as stipulated by this manual; and assisting judges and court personnel with reasonable requests while working in and out of the courtroom. The court reporter must be able to work independently while exercising good judgment and discretion.

E. Assignment of Court Reporters

The assignment of court reporters is made by Court Administration at the direction of the Chief Justice. Assignments are made by Order. Court reporters are expected to remain in the court with the judge in the county to which they are assigned unless a change in assignment is directed by Court Administration. A court reporter may not switch assignments with another court reporter without prior approval from Court Administration in accordance with the current procedures.

It is the responsibility of the court reporter to thoroughly read each monthly schedule and to identify his/her court assignments. It is the responsibility of the court reporter to contact the judge or the clerk of court to determine the time and location of court.

In the event the court reporter becomes available because court breaks down for all or part of the week, the court reporter is required to notify Court Administration via phone call to the CR Hotline (1.877.695.5771 or 803.734.1858) or by email to CRHotline@sccourts.org so that court reporter assignments may be adjusted to assist as needed.

F. Unassigned Days/Weeks - Availability

Court reporters are scheduled "unassigned" days/weeks when they are not assigned to terms of court for the purpose of preparing transcripts. When unassigned, a court reporter is "on call" and thus must be readily available for court assignment should the need arise. Court Administration must be able to speak with any court reporter within 30 minutes of a telephone call between the hours of 7:00 a.m. and 5:00 p.m.

If the need to schedule an unassigned court reporter arises and, for any reason, Court Administration is unable to reach the court reporter within the prescribed time period, he/she is subject to disciplinary action and will be required to submit an annual leave slip. Accordingly, every court reporter is required to maintain a working voice messaging system, or cell phone so that he/she may immediately

receive or retrieve messages to ensure that calls are returned within the applicable time frames.

If a court reporter is not available for any reason, including illness, when unassigned, Court Administration must be notified immediately and the appropriate leave requested. Disciplinary action may be taken if, when contacted, the court reporter indicates he/she is unavailable for assignment and sick or annual leave has not been requested and approved in advance. The court reporter will be required to submit a leave slip at that time.

When a court reporter is unassigned, he/she is expected to be prepared to leave home promptly after receiving notification of an assignment in order to avoid unnecessary delay in court proceedings. Court assignments to replace court reporters who are sick or unavailable for work are made beginning at 7 a.m. on workdays once the Hotline is checked. If called after 8:30 a.m. on a workday, the court reporter should be dressed and have all necessary equipment in his/her possession and be prepared to report to court immediately.

All unassigned court reporters are subject to court assignment during “in chambers” weeks unless annual or sick leave has been **approved in advance**.

III. JOB QUALIFICATIONS:

The job of court reporter is important to the judicial process and a court reporter must be able to accept and carry out responsibilities in a pressured environment.

All applicants must meet the following eligibility qualifications:

A. *Education*: Applicants must possess a high school diploma or its equivalent.

B. *Certification*: Applicants must meet a minimum of one of the following qualifications:

- 1) an associate degree or a certificate in court reporting from an accredited or approved program/institution; or
- 2) a Registered Professional Reporter (RPR) certificate or a Certified Verbatim Reporter (CVR) certificate.

C. *Experience*: Actual trial courtroom experience is preferred.

The method of reporting used in qualifying as a court reporter must be the method used to report all court proceedings unless the court reporter has successfully demonstrated to Court Administration proficiency in a different method.

A court reporter employed by the Department is a full-time employee and is not allowed to accept outside employment as a court reporter. Transcription of courtroom proceedings as addressed herein is not regarded as outside employment.

IV. BENEFITS

Court reporters employed by the Judicial Department are entitled to certain salary and non-salary benefits.

A Information About Benefits

Specific information regarding salary, annual leave, sick leave, Family and Medical Leave Act leave, holidays, pay days, payroll deductions, travel reimbursement, insurance, savings bonds, deductions for charitable contributions,

deferred compensation plans, worker's compensation benefits, and retirement plans is available from the Office of Finance and Personnel. Please contact that office for such information.

B Leave

The same leave benefits are available to court reporters as are available to other state employees. The Department's Employee Leave Policy is set out in Appendix 2. Contact the Office of Finance and Personnel for details. Application for Leave forms must be submitted for any leave that is taken. (See Appendix 1, Form 4). These slips must be completed to the nearest quarter hour.

Because of the factors involved in scheduling terms of court and the assignment of court reporters to those terms, requests for annual leave made by court reporters must be submitted to Court Administration for approval at least 30 days in advance of schedule release date, except in unusual circumstances. Approval of leave is dependent upon many factors; most importantly, adequate coverage of scheduled court terms. Therefore, Court Administration reserves the right to offer alternative dates, if the leave requested cannot be approved.

In case of illness, Court Administration must be notified as soon as possible on the Hotline, but no later than the first day of illness or the resulting absence. A Request for Leave form must be completed upon return to work and forwarded to Court Administration. When more than three consecutive sick days are taken, a physician's statement is required.

If there is reason to believe that sick leave is being abused (*e. g.*, taken as soon as accumulated, a pattern of Monday/Friday requests, absences, *etc.*) Court Administration may, before approving the use of sick leave, require a certificate of a physician or other acceptable documentation describing the infirmity and stating the inclusive dates.

Court reporters should schedule all routine doctor appointments in advance during “in-chambers” weeks. Sick leave requests for doctor appointments must be submitted in advance for not less than a half-day (3.75 hours).

V. HARASSMENT POLICY

The Judicial Department is an equal opportunity employer. It is the Department's policy to comply with all state and federal laws which prohibit discrimination on the basis of race, color, religion, national origin, gender, pregnancy, age, disability, or any other protected category. In accordance with this policy, the Department has adopted a policy prohibiting discrimination and harassment in the workplace and requiring that any such harassment be immediately reported. These guidelines may be amended from time to time. (See Appendix 2). **If a court reporter feels he or she or another court reporter is the victim of harassment, especially but not limited to sexual harassment, the court reporter has an obligation to report such harassment to one of the officials referenced in the Department’s policy AND to one of the following in the Department: the Director of Court Administration, the Deputy Director of**

Court Administration, the Director of Finance and Personnel, or to the Human Resources Manager.

VI. DISCIPLINARY POLICY AND TERMINATION OF EMPLOYMENT

Although Court Administration may refer to the Progressive Discipline Model Policy promulgated by the Budget and Control Board Office of Human Resources for guidance in disciplinary matters, the degree of disciplinary action imposed in particular situations will be determined by Court Administration and/or the Supreme Court, in their sole discretion. Neither body is obliged to use any particular form, level or step of discipline prior to discharging court reporters. The appropriate level of discipline, up to and including termination and/or a contempt of court finding, will be determined by Court Administration and/or the Supreme Court in their sole discretion.

VII. EMPLOYEE GRIEVANCE PROCEDURE

Whenever a court reporter feels that he/she has been subjected to treatment which is unlawful or otherwise in violation of Judicial Department policies, the court reporter may utilize the procedure adopted by the Supreme Court in its Order of July 24, 2017 (as hereafter altered or amended). (See Appendix 2.)

VIII. REQUIRED BACKUP EQUIPMENT

Court reporters are required to use a digital backup recorder for capturing the record and must preserve the record for the five-year period referred to in Rule 607

(i). Court reporters may receive a one-time reimbursement of up to \$100 from the Department for the purchase of a backup recorder as an allowable expense as long as funds are available. Records should be backed up daily and stored monthly, and are subject to a random audit for compliance.

X. RETURN OF RECORDS AND EQUIPMENT

All court records and any state-supplied items are the property of the Department. When a court reporter's employment with the Department ends, all primary and back-up recordings, trial notes, and log sheets must be properly labeled, dated, and transmitted in person to Court Administration in Columbia, South Carolina, no later than the last day of employment.

Also upon termination of employment, any court reporter to whom the Judicial Department has issued furniture or equipment which has been placed in his/her residence must return all such items in person to the Judicial Department in Columbia, South Carolina, on or before the date of termination.

In the event of noncompliance with this section, the Department may withhold from any outstanding pay checks or other remuneration due the value of such unreturned records and equipment until such time as the court reporter complies with this section.

XI. PRESERVING THE RECORD

A. Circuit Court

1. Roll Call

Verbatim testimony of the jury venire roll call proceeding is not required.

2. General Sessions

Every proceeding of a criminal case must be recorded verbatim. Case information should be obtained from the solicitor's office prior to commencement of the trial.

3. Common Pleas

All aspects or phases of proceedings in civil cases must be recorded verbatim. Opening statements and closing arguments are part of the record and must be taken verbatim, unless all parties, on the record, agree otherwise. The roster of civil cases should be obtained from the clerk of court's office as a matter of standard procedure. Roster meetings should not be recorded unless required by the presiding judge.

B. Family Court

All court proceedings and such other hearings as the Family Court judge directs must be recorded verbatim.

C. Pre-Trial/Hearing Preparation

Always ensure that an adequate supply of necessary materials such as cassettes, CD's, paper, pads, pencils, evidence stickers, *etc.*, is on hand and that all primary electronic recording devices and back-up equipment are functioning properly.

Court reporters should ask attorneys to furnish the following information:

1. A copy of all material they intend to read verbatim into the record. A copy of motions and citations is also helpful.
2. The case names, case numbers, and correct spelling of witness and attorney names involved in the action.

A court reporter should provide his/her name and address to attorneys or parties to facilitate transcript requests.

D. Equipment Check/Malfunction

The court reporter is responsible for obtaining a clear, complete, and understandable record of the court proceedings. Before a proceeding begins, the court reporter should check equipment to ensure it is functioning properly. This check should be done both before and after people enter the courtroom and prior to the judge's entry, so that all necessary adjustments can be made without disturbing the proceeding. The court reporter should maintain a constant check to ensure that the equipment functions during the course of the proceeding.

Prior to the court's convening, the court reporter and judge should agree on a signal which will indicate that equipment has malfunctioned and that no record is being made of the proceeding. If a malfunction occurs, the court reporter must signal or verbally request the judge to stop the proceedings. Do not be afraid to say there is a malfunction of equipment. Court proceedings must stop if malfunctions of primary equipment cannot be remedied.

Many minor malfunctions can be corrected immediately by the court reporter if the court reporter has a good understanding of the equipment being used and is

familiar with trouble-shooting guides. For example, two very common malfunctions are lack of power and loose connections. All power connections should be checked before doing anything else. Next, all cables should be checked for loose connections, especially microphone cables. Court reporters must use a power surge protector on all electrical equipment and are strongly advised to have additional backup equipment.

XII. DOCUMENT CONTROL

A. Trial Logs

During the course of proceedings, the court reporter should maintain a complete trial log. This is a brief longhand description of all essential events, providing identification of speakers and any clarifying information.

Trial logs should contain the following essential items: case number, case title, tape control number, nature of the proceedings, name of the judge, name of the court reporter, counsel of record, names of witnesses, date and time, and a listing of exhibits identified and received. This record keeping can be facilitated by the use of various forms (See Appendix 3).

In all criminal jury cases, the court reporter should maintain a record of all proceedings during the jury selection process and obtain or create a list of the jury panel. The list should indicate each juror's name, race, and sex and should include those jurors seated as well as those stricken. (See Exhibit 2, voir dire/Batson form, Appendix 3). The jury panel list should be included when it is specifically requested as part of the transcript.

All audio recordings should be numbered and dated. Log sheets should show corresponding audio recording dates. The court reporter should log all key events, speaker identifications, and clarification of any words or series of words which could be misunderstood by the transcriber. Trial notes serve as a detailed chronological guide to the electronic record, and are helpful in the effective and rapid use of that record (See Exhibit 1, Appendix 3). Marking Exhibits

Court reporters are responsible for marking exhibits. The court reporter should securely affix either a stamp or an adhesive label to identify exhibits. The stamp or label must contain the following information: identity of the party introducing the exhibit, *i.e.*, The State, plaintiff or defendant; exhibit number; court reporter's initials; and date of the hearing. When a stamp or label cannot be used, the court reporter should attach to the exhibit a tag which lists the required information.

B. Retention and Disposition of Exhibits

All exhibits, whether marked for identification or in evidence, shall remain in the custody of the court reporter throughout the proceedings.

In proceedings which last more than one day, it is the court reporter's responsibility to see that exhibits marked for identification or evidence are secure at the end of the day. Items such as weapons, drugs, cash, *etc.*, must be secured with the clerk of court for safekeeping if the court reporter exits the courtroom.

At the conclusion of the proceedings, the court reporter should **not** retain custody of any exhibits that have been marked for identification or received in

evidence. Unless otherwise directed by the court, the clerk of court shall retain possession of all exhibits admitted into evidence or marked for identification during a hearing or trial before the circuit or family court. (Rule 606(a), SCACR) (See Appendix 4). A receipt should be obtained from the clerk of court to acknowledge possession of exhibits. (See Appendix 3, Exhibit 3). Do not release any exhibit to any person other than the clerk of court unless directed by the court on the record.

XIII. CUSTODY AND CONTROL OF THE RECORD

A. Record Maintenance

All courtroom records including steno notes, backup materials, and logs should be kept in a secure and safe manner in chronological order. All court records in the courtroom must be kept in a secure place whenever the court reporter is not present.

All audio recordings, steno notes, trial logs, and jury lists should be filed and maintained together in chronological order on a weekly basis in an expandable folder. The cover and index tab of the folder should be clearly marked with the date, docket numbers, county and judge. All audio recordings must be dated.

In addition, voice writers must clearly label audio recordings as primary or backup and number each in chronological order.

In the case of computer assisted transcription, (CAT), all steno notes, along with all audio recordings, must be retained.

The following items should be left for court reporters assigned to replace you in court:

1. Case information sheet, witness list, docket sheet;

2. Exhibit list reflecting those marked for i.d. and entered in evidence;
3. Digital files with instructions for use;
4. Court reporter trial log and other helpful information;
5. Court reporter contact information in case there are questions.

B. Requests to Listen to Audio Recordings/Read Steno Notes

Court reporters **shall not** grant any request to listen to audio recordings or to read steno notes unless the requestor has received written authorization from the presiding judge or, in his/her absence, the chief judge for administrative purposes in that circuit.

C. Retention of Primary and Back-up Tapes

Rule 607(i), SCACR governs the retention of tapes. It provides that a court reporter shall retain the primary and back-up tapes of a proceeding that has not been transcribed for a period of at least five years after the date of the proceeding. Only after the expiration of that period may the court reporter reuse or destroy the tapes. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial.

In any proceeding which has been transcribed, the court reporter shall retain the primary and back-up tapes which have been transcribed for a period of at least one year after the original transcript is sent to the requesting party to allow any party to challenge the accuracy of the transcription. When there is a challenge to the accuracy of a transcript, the court reporter will respond to the challenger in writing. The court

reporter will then review the record and report the findings in writing to the challenger, with a copy to all parties and Court Administration. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost. Copies of correspondence relating to a challenge to a transcript's accuracy must be provided to Court Administration in accordance with Rules 207 and 607, SCACR. Further review of the record may be permitted by the presiding judge upon written request with good cause shown. If no challenge is received by the court reporter within the one-year period the tapes may be reused or destroyed. (Rule 607(i), SCACR) (See Appendix 4).

If a transcript is requested by an individual who is not a party to the case, primary and back-up tapes should not be destroyed or reused after the transcript is prepared until the required time periods are satisfied. This requirement is necessary because the transcript produced for a non-party may not otherwise be available if an appeal is taken.

In a death penalty case where the defendant is sentenced to death, a transcript is generally requested. Court reporters must notify Court Administration as soon as a death penalty transcript is requested.

XIV. TRANSCRIPTS

A. Requests for Production of Transcripts

All transcript requests must be submitted in writing or via email to the court reporter and state with specificity the portion of the transcript desired and whether a particular format (.rtf, pdf., txt.) is requested in addition to the hard copy original transcript. The written request must include the case caption, case number, date(s) of proceeding, county and judge. A court reporter should provide attorneys and

parties with his/her name and address to expedite transcript requests. Court reporters are required to acknowledge transcript requests, indicate whether or not they are able to provide the additional format requested, and provide an estimate of the cost to produce the transcript within five business days after receipt of the request. If a request is received in error, court reporters should advise the requester in writing. A copy of all correspondence related to transcript requests must be provided to Court Administration via electronic means as specified in Rules 207 and 607, SCACR. If a court reporter does not wish to disclose his/her home address, the court reporter must maintain a post office box address and must provide that information to Court Administration.

Transcript requests by Circuit or Family court judges for use in their judicial capacity may be provided at no cost to the judge in rough draft form by ASCII disk, email, by providing a copy of audio recording for the judge to listen to at his/her convenience, or by other arrangement between the court reporter and the judge.

All transcripts must be prepared in the order in which the requests for transcripts are received, provided, however, that requests to transcribe post-conviction relief proceedings challenging a sentence of death must be given priority pursuant to S.C. Code Ann. § 17-27-160(E) (See Appendix 4). Requests to transcribe proceedings challenging decisions concerning a minor's right to obtain an abortion must be given priority pursuant to S.C. Code Ann § 44-41-34 (See Appendix 4).

The production of the transcript, and one copy, of any proceeding before Judicial Department Boards and Commissions also takes priority. To make efficient use of

short periods of available work time, a court reporter may produce transcripts that do not exceed a total of fifty pages each, such as short proceedings involving motions, guilty pleas, post-conviction relief, and Rules to Show Cause, provided that deadlines for previously ordered transcripts can be met.

The court reporter shall transcribe and deliver all transcripts no later than 60 days after the date of the request unless an extension has been approved by Court Administration. (See § XIV (D), and Rules 207 and 607, SCACR) (See Appendix 4). The due date will be determined by the date the court reporter receives the request. It is therefore recommended that the requestor's original email or the envelope showing the postmark be retained. In the case of court reporters who require advance payment, the due date will be 60 days after payment is received by the court reporter.

Attorneys may order any portion of a transcript which they desire but the court reporter will not be required to transcribe with greater specificity than the following examples: voir dire by juror; jury selection; plaintiff's or defendant's opening statements or closing arguments; the entire direct, cross, redirect or records examination of a particular witness by a particular attorney or the ruling of the court.

Court reporters may prepare transcripts for individuals who are not parties to a case or attorneys involved in a case if the court reporter secures the approval of the trial judge. This approval is necessary because certain court proceedings are confidential.

Whenever it appears to Court Administration, based on the number of pending pages, or extension requests or any other reason, that a court reporter cannot prepare a transcript within a reasonable period of time, Court Administration may require the court reporter to turn over primary and back-up tapes to another court reporter for production of the transcript.

Court reporters who voluntarily seek transcript production assistance may contact Court Administration for names of court reporters who are interested in assisting them. Court reporters are required to advise Court Administration of the name of the court reporter who is assisting them in order for the transcript to be transferred appropriately to that court reporter in the Court Reporter Transcript Tracking System.

B. Payment

In addition to salary, court reporters are entitled to charge fees set for producing transcription of a proceeding upon request. The current fees are set forth in Rule 607(h), SCACR, as amended by Order of August 14, 2006. (See Appendix 4). A court reporter may not charge the higher rates for expedited (overnight or daily) delivery of transcripts unless the requesting party or parties have asked for expedited treatment.

No fees may be charged for transcripts of proceedings before Judicial Department Boards and Commissions; however, transcripts of hearings shall be

made available to the respondent at respondent's expense. (See Rule 26(c) (5), Rule 413, SCACR and Rule 26(c) (5), Rule 502, SCACR). (ADD LINK)

Compensation for transcripts requested shall be paid by the requestor at the existing rate according to such payment/delivery arrangements as the court reporter and the requesting party find mutually agreeable. Generally, court reporters collect transcription fees from the requestor upon delivery of the transcript. Before any transcribing is begun, court reporters may require advance payment. The date such advance payment is received will be considered the transcript request date. (See Prepayment Request letter, Appendix 3, Exhibit 4).

Attorneys will be billed for entire portions requested and supplied but may not be compelled to pay for portions which are supplied in error. It is the court reporter's responsibility to clarify ambiguous transcription requests in writing in advance.

When more than one party requests a transcript or a portion of a transcript the date of the request will determine which party pays for the preparation of the original transcript. The first party requesting a transcript will pay for an original and the second will pay for a copy. If the first request is for a portion, then the original price is charged for that portion. A subsequent request for additional portions will be an original request for that material and will be charged the price for originals. A subsequent request for the same portion plus additional portions will be charged at the copy price for the duplicated portion and the original price for the additional portions.

When two or more requests for the same transcript are received on the same day, the request for the most pages will be treated as the original request and the other request as the copy. When the State and a private litigant make a request on the same day, the private litigant will pay the original price and the State will pay for a copy. If the State is requesting portions not requested by the other party, then the State will pay the original price for those additional portions and the copy price for the remainder.

When privately retained attorneys handle the appeal in a death penalty case, the State pays for the original transcript and the attorneys shall be charged at the copy rate for any transcript or portion thereof ordered to perfect the appeal.

In the event that the court appoints an attorney to represent an indigent party and no source for payment of a transcript exists, the attorney should submit the matter of payment to the court having jurisdiction. The judge may then order one of the parties to the proceeding to bear all or part of the expense for the production of the record.

C. Collection of Overdue Payments

An invoice should accompany the transcript when it is delivered to the requesting party. The invoice should state that payment for transcripts is due upon receipt of the transcript. If such notice has been given, and a court reporter has not received payment within thirty (30) days after delivery to the party or the attorney requesting same, the court reporter should send another invoice, marked “overdue,” to the party or attorney who requested the transcript. If payment is not received

within forty-five (45) days from the original due date, a third invoice, marked “overdue-third request,” should be sent. If payment still has not been received after sixty (60) days from the original due date, a fourth invoice and notice should be sent and copies of all invoices and correspondence should be forwarded to Court Administration for further action via email to transcripts@sccourts.org. The fourth notice should indicate that a copy has been sent to Court Administration.

D. Extension Requests

A court reporter has 60 days in which to prepare a transcript. After this initial 60-day period, extension requests must be made in 30-day increments. Extensions should be requested only during the 10-day period preceding the applicable deadline. After May 14, 2018, all requests are to be made by transmitting a completed a Notice of Request for Extension form to Court Administration via electronic means as specified in the current Supreme Court Order. (See Appendix 1, Form 2; Rules 207 and 607, SCACR; Order ###, In Re: Electronic Means.) This form must be completed in its entirety. Court Administration may grant a maximum of three 30-day extensions. Additional requests for extension will not be allowed except by order of the Chief Justice.

Unless otherwise controlled by order, which has been promptly forwarded to Court Administration, a court reporter may not agree to expedite a transcript if the court reporter has pending any transcripts for which an extension has been requested.

XV. PRODUCTION OF THE TRANSCRIPT

In the appeal process, the transcript is the official document which provides the appellate court reliable information regarding trial court proceedings. All transcripts must reflect a professional work product to ensure uniformity and adhere to the standardized format which is described below. Examples of transcripts which use the required format are included for clarification. Court rules are referenced where pertinent.

A. Preparation Responsibility

The court reporter is responsible for the preparation of the transcript. This is a significant responsibility. The requested transcript must be verbatim and prepared in upper and lower case and in accordance with the standardized format described below. (See Appendix 3, Exhibit 5-15).

B. Materials and Organization Required

1. Paper

Transcripts of record shall be printed on 8½ by 11-inch opaque and unglazed paper. The paper must be at least 20-pound weight. Do not use onionskin paper or anti-copy paper. If so desired, the court reporter may have his/her name printed on the bottom of the page.

2. Printer Ink or Cartridges

The use of high quality black ink or cartridges is required on all transcribed documents. Under no circumstances should any ink or cartridge which smudges or flakes be used to prepare a transcript of record.

3. Binding a Volume

To bind a volume, use evenly spaced, 3-hole punched paper, and secure the document in a binder using a clear acetate front cover, unless otherwise specified. The use of the binder with a clear acetate front cover allows the title page to be seen immediately.

If the total number of pages is more than enough for one volume, the court reporter should divide the material into equal-sized volumes, with a title page on each volume and each volume being numbered.

C. Format Requirements

1. Print Size

Print size shall be 10 cpi, 6 lines per vertical inch, or a font size of 12. Lines of text in the document are to be double-spaced unless otherwise authorized in this manual.

2. Margins

The margins for transcripts shall be one and three quarters (1 3/4) inches on the left of the page and one-half (1/2) inch on the right of the page.

3. Lines per Page

The transcript of record must have twenty-five (25) lines per full printed page

of text.

4. Numbering of Pages

The title page is considered page 1, but must not be numbered. Numbering will begin on the first page of the index as page 2, and continue consecutively thereafter, with numbers placed in the upper right-hand corner or at the bottom middle of the page. Consecutive numbering must be used throughout all volumes, regardless of the number of volumes involved.

D. Body of the Transcript of Record

1. Title Page

The title page shall be typed in upper and lower case and include state, county, full case title, case number, applicable court, date, and location of proceeding, full name of the presiding judge, full names of appearances, and the court reporter's name. (See Appendix 3, Exhibit 5).

2. Index

The index to the transcript is included after the title page. (See Appendix 3, Exhibits 6 and 7). This must be a chronological index and should be compiled by the court reporter as the body of the transcript is being transcribed. Upon completion of the body, the index must be prepared. The index must cross reference the witnesses, exhibits, opening statements, closing arguments, charge of the court, jury's verdict, court sentence, and certificate of the court reporter. In those transcripts containing

more than one volume, a master index is to be compiled and placed in volume one of the transcript.

3. Listing of Exhibits

The index page must also contain an exhibit index which lists all exhibits that were entered into the proceedings. In this listing, each exhibit will be cross referenced to the page number(s) where the exhibit was first marked for identification and/or received into evidence. (See Appendix 3, Exhibits 8 and 9). In the case of audio or video tape exhibits played in open court, a court reporter should clearly indicate whether or not the audio or video tape was transcribed in the listing on the index page. If no exhibits are introduced during the proceeding, this must be noted on the index page. (See Appendix 3, Exhibit 10).

Preparation of the exhibit list will be expedited by maintaining a running compilation of the exhibits as they are encountered.

4. Spacing

Label all examination questions as (Q), and answers as (A) and print flush with the left-hand margin. Using this format, only one tab stop at 5 spaces from the margin is required. This tab at 5 is the beginning point for all indented text except for identification of witnesses, which is in the center of the line. (See Appendix 3, Exhibits 11.1 - 11.5).

5. Break in Thought

Sometimes a participant will have a change in thought in the middle of a sentence and continue his/her statement with a new sentence; this should be indicated by 2 hyphens (--). (See Appendix 3, Exhibits 11.1 - 11.5).

If a participant is interrupted, this should be indicated by 3 hyphens (---). See Appendix 3, Exhibits 11.1 - 11.5).

Should the participant complete the sentence after being interrupted, then the beginning of the sentence should start with 3 hyphens (---). (See Appendix 3, Exhibits 11.1 - 11.5).

If a participant does not complete a sentence but was not interrupted, this should be indicated by three periods (. . .). (See Appendix 3, Exhibits 11.1 - 11.5).

6. Colloquy

Colloquy is defined as an on-the-record dialogue between the court and another individual. To transcribe a colloquy, the line begins at the tab stop; print the speaker's name in all caps followed by a colon, and followed by two spaces. Then print the dialogue and continue to the right-hand margin; succeeding lines return to the left-hand margin and continue until the next speaker is introduced. (See Appendix 3, Exhibit 12).

7. Parenthetical

The parenthetical is a remark added to the transcript by the court reporter to ensure a clear understanding of the record (*e.g.*, the fact that an event transpired, times relating to jury actions, a witness responds by physical gesture rather than verbally). All parenthetical remarks by the court reporter must be enclosed within

parentheses. (See Appendix 3, Exhibits 11.1 - 11.5). However, parentheticals should only be added when necessary.

E. Bench Conferences

A judge may wish to hold a bench conference in the presence of the jury to avoid having the jury enter and leave the courtroom numerous times. If the bench conference is on the record, it is to be included in the transcript. However, if the bench conference is held off the record, this should be noted. A parenthetical should be used by the court reporter in preparing the transcript to indicate the nature of such a conference.

F. Witnesses

During transcription, to indicate when a witness is called, indent to the center of the page, print the name in all caps, followed by a statement similar to "being first duly sworn, testifies as follows:" (See Appendix 3, Exhibits 11.1 - 11.5).

G. Types of Examination

There are four (4) major types of examination which may be conducted during the course of a trial: (1) direct examination -- conducted by the attorney who called the witness; (2) cross examination -- witness questioned by opposing counsel; (3) redirect examination -- first attorney questions witness again; and (4) re-cross examination -- opposing counsel questions witness again.

It is necessary to note a change from one kind of examination to another. Beginning at the left-hand margin, transcribe in all caps the type of examination

about to be commenced, along with the identity of the speaker conducting the examination; double space, moving to the left-hand margin, and begin transcribing in Q and A form. (See Appendix 3, Exhibits 11.1 - 11.5).

H. Headers

Every transcript shall include a "header" at the top of each page of testimony that clearly and concisely describes the contents of that page. Headers should appear in the top left column at least three to four lines before the numbered text begins, and with the type of examination conducted. (See Appendix 3, Exhibits 11.1 - 11.5).

I. Presentation of Exhibits

The presentation of exhibits for identification and admittance is noted in the body of the transcript. The exhibit should be marked when directed by the court. Some exhibits may be marked for identification only and may be entered later officially as an exhibit. (See Appendix 3, Exhibit 11.2).

J. Motions and Objections During Trial

When requested, a motion or an objection must be included as part of the transcript. (See Appendix 3, Exhibit 12). If the motion is argued outside the presence of the jury, this should be noted. The format for including these objections will conform to the standards specified earlier for colloquy.

K. Special Requests to Charge

When a special request to charge is presented to the court, the court reporter should enter the fact of the request in the record as a parenthetical.

Each special request is given to the court in writing. The judge will mark each special request as charged or not charged and then give the written request to the court reporter. The requests that are accepted and charged should be printed as part of the charge and not included as an exhibit. The requests not charged should be numbered with a consecutive exhibit number and must be included as an exhibit attachment to the transcript.

L. Judge's Charge to the Jury

The charge is often cited by counsel as grounds for a motion for a new trial. The charge must be included in the transcript of record. It is transcribed in narrative form, with each paragraph indented to the tab and all continuation lines starting flush with the left-hand margin. (Appendix 3, Exhibit 13).

M. Time Indications for Jury Actions

The court reporter is required to enter the following in parenthetical form: the times the jury enters and exits the courtroom for any reason, begins deliberations, and returns the verdict. (See Appendix 3, Exhibit 12).

N. Verdict of the Jury

The jury's verdict must be transcribed according to the standards for colloquy. (See Appendix 3, Exhibit 12).

O. Sentence of the Court

The sentence is a part of the record and must be transcribed according to the standards for colloquy. (See Appendix 3, Exhibit 14).

P. Certificate of Court Reporter

A statement must be made by the court reporter certifying the accuracy of the transcript. The certificate must be signed by the reporter; it does not need to be notarized. The completion date of the transcript must be included in the certificate. (See Appendix 3, Exhibit 15).

XV. REQUIRED REPORTS

The court reporter shall furnish information requested in the Court Reporter Transcript Tracking System supplied online by Court Administration. Accurately recording time worked is the responsibility of every court reporter. Altering, falsifying, tampering with time records, or recording or tampering with another employee's time record, may result in disciplinary action, up to and including termination of employment or a finding of contempt. It is the court reporter's responsibility to sign time and work records.

A court reporter's signature on any required report constitutes a certificate by him/her that the information entered online into the Court Reporter Transcript Tracking System on all reports, including all time and work recorded therein, is true and accurate to the best of the court reporter's knowledge.

A. "Hours Worked" Recorded on Weekly Time Sheets (Monthly Report)

Time sheets detailing all “hours worked” (as that term is defined below) and leave taken shall be recorded daily on the Weekly Time Sheet or other forms as directed by Court Administration.

1. Hours Worked in Assigned vs. Unassigned Weeks/Days

a. Assigned Weeks/Days

During assigned weeks/days, “hours worked” are those actually spent on the job performing assigned duties. The “hours worked” to be reported in a day begin upon the court reporter’s arrival at the assigned courthouse and end when Court has adjourned or recessed or the judge has otherwise indicated that the court reporter may depart. “Hours worked” do not include early arrival or any meal period of more than one-half hour, nor do they include any leave taken, time spent away from the courthouse (except at meal periods of less than ½ hour), or time spent at the courthouse after Court has adjourned or recessed or the judge has otherwise indicated that the court reporter may depart.

A court reporter is encouraged to prepare transcripts at the courthouse when his/her services are not required in the courtroom but he/she has not been released from services for the day. Therefore, during assigned weeks/days, when a court reporter’s presence is not required in the courtroom, he/she may prepare transcripts at the courthouse during normal working hours. Although such work may also be compensated under the fee-per-page provisions of Rule 607(h), SCACR (see section XIV(B) herein), it will also constitute “hours worked” for purposes of time to be reported on weekly reports.

Such time may not be reported as hours worked, however, when court has adjourned or recessed for the day **unless** the judge to whom the court reporter is assigned requires that the court reporter remain at the courthouse.

b. Unassigned Weeks/Days

“Hours worked” also include those hours during unassigned weeks/days, when a court reporter, otherwise ready and available for work, is preparing transcripts at home or elsewhere. During such working hours in unassigned weeks/days, a court reporter is “on call” (See section II (F) herein). If not called to work elsewhere, a court reporter is expected to engage in transcription services or the preparation of required reports to Court Administration for 7.5 hours per day. A court reporter may not earn overtime compensation during unassigned weeks/days.

2. Time Not Reported as Hours Worked on Weekly Time Sheets

a. Leave Taken

Leave taken is not “hours worked.” Annual leave, sick leave or other leave taken is to be reported as such on the weekly time sheet. This time may not be reported as hours worked on the weekly time sheet.

a. Preparing Transcripts Away from the Courthouse or After Court Has Recessed or Adjourned When the Judge Has Not Indicated that the Court Reporter Must Remain

Time spent preparing transcripts away from the courthouse or at the courthouse after court has adjourned (unless the judge has indicated the court reporter must remain) is not to be reported as “hours worked.” Because time spent preparing transcripts away from the courthouse (or, for resident court reporters, at

the courthouse during times his/her services are not otherwise required) is compensated on a per page basis, this time is not reported on the weekly time sheet.

B. Monthly Report and Time Spent Preparing Transcripts

The Monthly Report is an essential document which provides information on court reporter workload and production of transcripts. This portion should be updated as transcripts are delivered. The portion containing the weekly time sheet must be completed on a daily basis to ensure the accuracy of reported information. This report must be completed fully and information entered online into the Court Reporter Transcript Tracking System no later than the tenth of each month. This information is monitored closely by Court Administration. (See Appendix 1, Forms 3 & 3a). Failure to do so subjects the court reporter to disciplinary action.

C. Quarterly Report

Rule 508, SCACR requires that court reporters submit to Court Administration the gross income from fees collected during the preceding quarter on January 1, April 1, July 1 and October 1 each year. (See Appendix 1, Form 4). This report must be entered into the Court Reporter Transcript Tracking System no later than the tenth of the month following the close of the quarter. Failure to do so subjects the court reporter to disciplinary action.

D. Compensatory Time / Overtime Pay

For hours over forty worked in any workweek (Monday through Sunday), a court reporter will receive, in lieu of overtime compensation, compensatory time off

at the rate of one and one-half hours for each hour over 40 worked in any workweek. This time may be used within a reasonable period (reasonable is defined as within one year of earning compensatory time) after making a written request if the use of the compensatory time does not unduly disrupt the operations of the Department or the court. A court reporter may accrue only 240 hours of compensatory time off. Court Administration may schedule compensatory weeks/days which will offset accrued compensatory time at the rate of 7.5 hours per day or 37.5 hours per week. Court reporters are required to submit the timesheet reflecting the days where this compensatory time was earned, a memo outlining the days you are requesting and reflecting the balance remaining, along with the original leave slip for approval to Court Administration. This will ensure that compensatory time off is credited correctly and used within the required reasonable period. Any hours over forty worked in any workweek during which a court reporter maintains a balance of 240 or more hours of unused compensatory time will be paid at the rate of one and one half the court reporter's regular rate (weekly pay divided by forty).

Example: Court reporter Mary Smith's annual salary is \$26,000.00. On Monday, May 1, Ms. Smith has accrued a balance of 240 hours of unused compensatory time. Ms. Smith works 45 hours that week. During the weeks of May 8 and May 15, however, Court Administration assigns Ms. Smith to two compensatory weeks in which she is not required to work. The week of May 22, she returns to work and

works 50 hours. The week of May 29, she works 37.5 hours. How much overtime pay does she receive for the month of May and at what rate is it paid?

Answer: In addition to her regular salary, Ms. Smith receives pay for 5 hours of overtime at 1.5 times her regular hourly rate, an extra \$93.75.

In the first week, she worked 5 hours overtime during a period in which she maintained a 240-hour balance of unused compensatory time. During the following two compensatory weeks to which the Department assigned her, this balance was reduced by compensatory time taken, at the rate of 37.5 hours per week, for a total debit of 75 hours. At that time, her balance of unused compensatory time came to 165 hours. Because during the week of May 22, her balance of unused compensatory time was less than 240 hours, the 10 hours overtime she worked that week would not be paid at the overtime rate, but rather would be added to the balance of her unused compensatory time at the rate of 1.5 hours per hour overtime worked, or an additional 15 hours, bringing her balance of unused compensatory time to 180 hours.

For the week of May 1 only, Ms. Smith would be paid for 5 hours overtime work at an overtime rate of \$18.75 per hour. The overtime rate is 1.5 times her regular rate of \$12.50 per hour; her regular rate is determined by dividing her weekly pay, \$500.00 per week, by 40 hours.

Any questions about overtime pay or compensatory time accrual or use should be directed to the Department's Office of Finance and Personnel.

XVII. TRAVEL EXPENSE REIMBURSEMENT

While traveling on assigned duties, court reporters will be allowed reimbursement for mileage and actual subsistence expenses subject to the Travel Reimbursement Guidelines issued by the Judicial Department as amended periodically. (See Appendix 2, Form 6). Travel support documents must be completed to obtain reimbursement for allowable travel expenses. The original of the travel support document and accompanying travel verification forms should be mailed to Court Administration for processing. (See Appendix 1, Form 5).

AGREEMENT, RECEIPT AND ACKNOWLEDGMENT

I HAVE RECEIVED A COPY OF THE DEPARTMENT'S COURT REPORTER MANUAL AND HAVE READ THE POLICIES AND RULES CONTAINED IN IT. I AGREE TO CONFORM TO THESE POLICIES AND RULES. I UNDERSTAND THEY ARE ENFORCEABLE BY THE SUPREME COURT PURSUANT TO ITS CONTEMPT POWERS.

I UNDERSTAND THAT THIS COURT REPORTER MANUAL AND THE POLICIES, RULES AND BENEFITS TO WHICH IT REFERS MAY BE AMENDED, MODIFIED OR DISCONTINUED AT ANY TIME BY THE DEPARTMENT OR BY THE COURT IN ITS COMPLETE DISCRETION.

I ALSO AGREE AND UNDERSTAND THAT IN LIEU OF OVERTIME COMPENSATION, I WILL RECEIVE COMPENSATORY TIME OFF AT THE RATE OF ONE AND ONE-HALF HOURS FOR EACH HOUR OF WORK OVER 40 IN ANY GIVEN WORKWEEK, UP TO THE MAXIMUM OF 240 HOURS.

FINALLY, I ACKNOWLEDGE RECEIPT OF THE JUDICIAL DEPARTMENT'S EMPLOYEE GRIEVANCE PROCEDURE. I FURTHER ACKNOWLEDGE AND UNDERSTAND THAT THE HARASSMENT POLICY PROVIDED IN THIS COURT REPORTER MANUAL REQUIRES THAT ANY HARASSMENT THAT I EXPERIENCE OR OBSERVE MUST BE REPORTED IMMEDIATELY TO COURT ADMINISTRATION PERSONNEL AS WELL AS TO THOSE INDIVIDUALS DESIGNATED IN THE JUDICIAL DEPARTMENT'S ANTI-HARASSMENT POLICY.

Date

Court Reporter Signature

AGREEMENT, RECEIPT AND ACKNOWLEDGMENT

I HAVE RECEIVED A COPY OF THE DEPARTMENT'S COURT REPORTER MANUAL AND HAVE READ THE POLICIES AND RULES CONTAINED IN IT. I AGREE TO CONFORM TO THESE POLICIES AND RULES. I UNDERSTAND THEY ARE ENFORCEABLE BY THE SUPREME COURT PURSUANT TO ITS CONTEMPT POWERS.

I UNDERSTAND THAT THIS COURT REPORTER MANUAL AND THE POLICIES, RULES AND BENEFITS TO WHICH IT REFERS MAY BE AMENDED, MODIFIED OR DISCONTINUED AT ANY TIME BY THE DEPARTMENT OR BY THE COURT IN ITS COMPLETE DISCRETION.

I ALSO AGREE AND UNDERSTAND THAT IN LIEU OF OVERTIME COMPENSATION, I WILL RECEIVE COMPENSATORY TIME OFF AT THE RATE OF ONE AND ONE-HALF HOURS FOR EACH HOUR OF WORK OVER 40 IN ANY GIVEN WORKWEEK, UP TO THE MAXIMUM OF 240 HOURS.

FINALLY, I ACKNOWLEDGE RECEIPT OF THE JUDICIAL DEPARTMENT'S EMPLOYEE GRIEVANCE PROCEDURE. I FURTHER ACKNOWLEDGE AND UNDERSTAND THAT THE HARASSMENT POLICY PROVIDED IN THIS COURT REPORTER MANUAL REQUIRES THAT ANY HARASSMENT THAT I EXPERIENCE OR OBSERVE MUST BE REPORTED IMMEDIATELY TO COURT ADMINISTRATION PERSONNEL AS WELL AS TO THOSE INDIVIDUALS DESIGNATED IN THE JUDICIAL DEPARTMENT'S ANTI-HARASSMENT POLICY.

Date

Court Reporter Signature

SIGN AND RETURN THIS PAGE TO COURT ADMINISTRATION.

Revised August 16, 2011