

MANUAL FOR OFFICIAL
COURT REPORTERS

FULTON SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

2011 EDITION

B. TRANSCRIPTION AND BILLING PROCEDURES FOR ALL REPORTERS

1. Criminal Matters:

Always ascertain whether the attorney is retained (hired) or appointed, and require all retained attorneys to pay in advance for transcripts.

(a) Pleas and Probation Revocations: Pleas and probation revocations must be transcribed and filed with the Clerk's office, Criminal Division. Only one copy of a plea/probation revocation is to be filed, and it should be stapled at the top with no outer cover.

Pleas/probation revocations are to be charged at the fee schedule rate that is in place at the time of the taking. The County is not required to pay for pleas that are transcribed more than a year from the date of taking. The County will pay for probation revocations transcribed after one year. Fulton County will only pay for plea transcripts over one year old with documentation provided from the requesting party.

Although only one plea/probation revocation is filed, the payment for the plea includes a copy for the defendant. If defendant or counsel for defendant requests a copy, they are entitled to that copy at no extra charge.

Your goal should be to file these transcripts within six (6) months of takedown.

(b) Other Criminal Matters: All motions, hearings, trials, etc., the outcome of which is adverse to the Defendant, are to be transcribed and filed, except bond motions and preliminary hearings. Bond motions and preliminary hearings are only transcribed upon request. Bill for the original-plus-two copies rate as set forth in the prevailing fee schedule at the time of taking. File an original and one copy and set aside a copy for the Defendant.

If the attorney for the Defendant is a public defender, conflict defender, or appointed counsel, bill the County through Court Administration for the transcript. If the attorney is retained by the Defendant, the Defendant's attorney is responsible for payment. After a trial, the reporter needs to contact the attorney, if retained, and request a deposit before you begin the transcript, and it is permissible to ask for the total anticipated amount. If the Court appoints an attorney to represent the

Defendant after the trial, the transcript is to be billed to the County.

(c) Mistrials: If a transcript of a trial that ended in a mistrial or not guilty verdict is ordered, the rate to be charged for that transcript will be the prevailing rate at the time the transcript is ordered, and not the rate in place at the time it was taken down. These are sometimes ordered years later when the Defendant or a co-defendant is tried.

If a public defender or retained attorney orders a transcript from a mistrial or not guilty verdict, get the request in writing. If it is a long transcript, over 500 pages, get an Order from the Judge directing you to transcribe and the County to pay. File the Order with the Clerk's office and keep a stamped filed copy to attach to your invoice. Then transcribe as usual and bill the County through Court Administration for the original plus two, providing a copy to the Defendant's attorney.

If an Assistant District Attorney orders a transcript from a mistrial or not guilty verdict that would not otherwise be transcribed, get the request in writing. If it is a new ADA or the transcript is over 500 pages, make sure they are aware what the cost will be. Then transcribe and charge the District Attorney's Office for the original plus two, providing the copy to the ADA. Take the ADA's bill to the window on the third floor in old Superior Court building on Pryor Street. List the ADA's name who requested the transcript and your Fulton County Vendor Number and Tax I.D. Number on the invoice. Include a copy of the written request.

(d) ASCIIs and CD's to DA's Office: ALL guilty trial transcripts are to be put on non-rewritable (CD-R) CDs for the DA's office and billed at .35 per page (or current exhibit rate). Put the CDs in a paper sleeve with the cover page of the trial inside and deliver to the Third Floor window in the FCC building. Follow the log-in procedure for Sonia Santiago (or her position). She will forward your invoice for payment. Include your vendor number and tax I.D. no. on your invoice.

2. Civil Matters:

(a) Civil Takedown: The reporter bills takedown per hour, divided by the number of participating attorneys. Do not bill the hourly rate per party or per attorney. The hourly rate is multiplied by the number of hours of takedown and is prorated by quarter hours. For example: Per hour rate X hours. If two parties are sharing takedown, you would divide by 2. Divide the

total takedown by the number of parties or attorneys participating and charge them accordingly. It is a good idea to round to the nearest dollar, as the attorneys usually would rather not have to deal with change.

The takedown fee is due at the end of the matter being taken down. This needs to be conveyed to counsel before any takedown begins. The court reporter may bill for the takedown if desired, but it is customary for most reporters to request payment before the parties leave the courtroom.

For a trial you may want to advise that you expect takedown to be paid when the case goes to the jury, and give an estimate of the amount due the day before the jury is expected to get the case, so they can bring a check the next day. On trials that go on for weeks, you may request takedown be paid at the end of each week.

(b) Civil Transcripts: A civil matter is only transcribed if requested by one of the parties. The party must have participated in the takedown, and the takedown must have been paid. It is advisable to request a deposit before commencing work on the transcript. Some reporters request 100 percent of the transcript amount prior to working on it, which is acceptable, but it is the reporter's choice as to how to handle this.

The cost of the original plus two copies is determined by the fee schedule and is dictated by the fee schedule in place at the time the transcript is ordered and not the price at the time it was taken down.

Usually the party who is appealing will order the original (which means 0+2), and the other party orders a copy. If both parties or multiple parties wish to participate in the original transcript, add the extra copy costs to the 0+2 and divide accordingly, so that all parties pay the same amount and all receive a copy.

The original plus one copy are to be filed with the Clerk's office, Civil Division, 1st floor in the Slaton building (136 Pryor Street) and one copy goes to each party ordering the transcript.

3. Daily Copies:

(a) Criminal: If a judge orders that a transcript be prepared overnight in a criminal matter, the reporter will charge the prevailing daily copy rate and must submit an order signed by the judge along with the bill for the transcript.

The reporter should bill Fulton County for a daily copy rate for the original transcript provided to the defense attorney, if ordered by the Judge. If more than one Defendant, a copy rate (not daily) should be billed for each additional Defendant. A copy rate (not daily) should be billed to Fulton County for the State's copy. A copy rate (not daily) should be billed to Fulton County for the judge's copy, if one is requested. However, the Court should be aware that there will be a bill for their copy so they can take that into consideration. This will affect some judges' decision on whether to have their own copy.

See the Death Penalty section for more information on how to file daily copy transcripts.

(b) Civil: If an attorney who is retained or in a civil case requests overnight transcription, that attorney is required to pay the daily copy rate, and the reporter should request payment in advance.

4. Expedited Copies:

(a) If a transcript in a criminal matter is ordered by the court to be done over the weekend or within 48 hours of the close of court, then an order from the judge must be submitted with the bill for that transcript, and the expedited rate can be charged.

(b) If an attorney who is retained or in a civil case requests a transcript within 48 hours or over a weekend, that attorney is required to pay the expedited rate, and the reporter should request payment in advance.