

What has changed from the 4000 series as originally approved?

The changes are relatively minor and are intended to clarify various provisions that were ambiguous and give more discretion to the judicial districts on the procedures to be used to process transcript requests and payments. The basic paradigm of the Rules has not changed; the Rules govern the rates that the public is charged for a transcript but not the rate at which a judicial district pays the court reporter, and procedures and practices are structured with the idea that the request of and payment for a transcript is done with the court and not with a court reporter acting independently.

4001. Scope of Rules. A clarification was added so that the Rules only apply to the judicial districts. The Commonwealth Court had expressed concern about the Rules applying to them in their capacity as a court of original jurisdiction, which would be problematic since their functions and structure are such that the issues that occur in judicial districts concerning transcripts do not occur with the Commonwealth Court.

4002. Definitions. Added definitions for "court administrator" and "district court administrator" to clarify when references in the Rules are to the Court Administrator of Pennsylvania and when the reference is to a judicial district's court administrator. Added definition for "President Judge" to broaden the term so that it includes situations such as in the First Judicial District when a judge other than the president judge has authority to issue rules or adopt procedures. Added definitions for "Ordinary Transcript" and "Same Day Delivery" since those phrases are now used in Rule 4008. Removed definition of "financial institution account identifiers" as that phrase is eliminated by the amendment to Rule 4014.

4003. Committee on Court Reporting and Transcripts. Membership in the committee was expanded to include two members of the County Commissioners Association of Pennsylvania in light of the fiscal impact on county government of these Rules.

- 4004. Qualifications of Court Reporters and Court Recorders.** Changes were made to the wording throughout the rule, eliminating the use of certification and certify, as those terms have a specialized use in the field of court reporting and substituting qualification and qualify. Added language that continuing education be courses approved by the National Association for Court Reporters.
- 4005. Approval of Transcriptionists.** Eliminated comment regarding standards for transcriptionists promulgated by the American Association of Electronic Reporters and Transcribers as this comment was strictly informational, not advisory, and membership in that Association and adherence to the standards are not widespread.
- 4006. Employment and Duties of Court Reporting Personnel.** Subsection (D) was changed, making the prohibition on outside employment for court reporters with late transcripts outstanding at the discretion of the president judge and subject to the Code of Conduct of Employees of the Unified Judicial System. Subsection (E) was changed to eliminate the requirement that a reporter file his or her dictionary with the judicial district since that would not by itself ensure that a transcript could be created in the absence of the reporter. Instead, the Rule requires that measures be taken to ensure that capability. A Comment was added discussing various measures that might be used. Subsection (F) was changed to give priority to those transcripts necessary to file an appeal. Subsection (G) was changed, eliminating the requirement that each district court administrator submit a quarterly report to AOPC on the number of transcripts requested and pending. Instead, each judicial district must adopt internal procedures to ensure the timely delivery of transcripts. Subsection (H) was added requiring each district court administrator to provide a quarterly summary to AOPC of the number of transcripts requested, delivered and pending, that are necessary for an appeal
- 4007. Requests for Transcripts.** Subsections (B), (D) and (F) were changed to give each judicial district discretion in creating a process for requesting and paying for a transcript in place of the uniform process for requesting transcripts prescribed by the original Rules. Subsection (E) was added to

clarify that free or reduced cost transcripts are provided as of right only in those instances where the transcript is necessary for the furtherance of the litigation. In all other instances, it is within the discretion of the presiding judge. This recognizes that production of free or reduced price transcripts can create a financial burden on the judicial district, and thus should exist as a matter of right only to litigants. Language was added to the Comment recognizing the need to fairly compensate court reporters for transcript production as it is, in most courts, the source of a substantial portion of the reporter's income.

4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof. Changes were made in the rates in the Subsection (A), increasing each by 25 cents per page in recognition of the increase in costs since the Rule was originally drafted more than six years ago. Subsection (B) was amended to make the provision of free or reduced price transcripts consistent with the changes in Rule 4007. Subsection (D) was changed increasing rates for copies of transcripts, as the rates provided in the original Rule were below what most judicial districts are charging. Subsection (E) was changed to permit a transcript surcharge be made in certain highly technical cases that require extra work by the court reporter. A Comment was added that also permits a charge for an electronic connection in the courtroom. A Comment was added to Subsection (F) that gives deference to Rules of Procedure if any timelines in those Rules conflict with this Rule.

4009. Fees and Procedures. Local Rule. The original Rule 4009 required judicial districts to enact a local rule that spelled out the fees paid to court reporters and transcriptionists. The Rule has been amended to instead require that a local rule be enacted informing the public of the procedure to request a transcript, to request a fee waiver, and the costs charged for all court reporting products, since it is this information, not the remuneration of the reporter, that the public needs to know.

4010. Format of Transcript. The format requirements of the original rule were developed by the original drafting committee and not adopted from any particular source, and thus not in use anywhere else. They were long and

detailed. The revised Rule follows the format requirements of the National Court Reporters Association, which are widely accepted and used.

4011. Deadline for Delivery of Transcript. The time deadlines prescribed by the original rule were inconsistent with those of the Pennsylvania Rules of Appellate Procedure, so this Rule was amended to make it consistent with those deadlines. In addition, the Rule is amended giving priority to those transcripts necessary for the furtherance of the litigation.

4012. Sanctions for Delayed Transcript. Changes are recommended that clarify that sanctions are at the discretion of the president judge and also that eliminate the provision that would have allowed the reassignment by the district court administrator of production of a transcript from one court reporter to another.

4014. Redaction of Personal Data Identifiers. Instead of listing the various types of information, this Rule has been changed to permit the redaction of any confidential, financial, or personal information at the discretion of the presiding judge.

4015. Ownership of Notes. An addition is made to the Comment clarifying that any equipment purchased by a court reporter remains the property of that reporter.

4016. Storage and Retention. A paragraph of the Comment that deals with exhibits is eliminated as it outside of the scope of these Rules.

UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule 4001. Scope of Rules and Policy

- (A) These rules shall govern the making, preserving and transcribing of the record of proceedings in the judicial districts within the Unified Judicial System.
- (B) Because complete and verbatim notes of testimony and transcripts are integral to the official record of court proceedings, it is the policy of the Unified Judicial System to ensure that (1) qualified court reporting services are available in each judicial district and that court reporters are fairly compensated, (2) transcripts are timely produced and are affordable to all litigants, and (3) efficient technologies are employed to reduce litigation costs and conserve public resources.

Comment: These rules are promulgated pursuant to the administrative and supervisory authority granted to the Supreme Court by Article V, § 10 of the Pennsylvania Constitution. *See also* 42 Pa.C.S.A. §1724(a)(10).

Rule 4002. Definitions

Condensed transcript means a miniaturized copy of the original transcript printed in such a way as to place more than one page of transcript on a single sheet of paper.

Court Administrator means the Court Administrator of Pennsylvania.

Court recorder means an individual employed, contracted or utilized by a court to record testimony by electronic means (audio or audio-visual).

Court reporter means an individual employed, contracted or utilized by a court to record testimony whether through use of a stenotype machine, stenomask equipment, written symbols, or otherwise.

Court reporter's dictionary is a computer file that matches a court reporter's steno strokes with English text. A court reporter's personal dictionary is an essential part of a computer aided transcription (CAT) system.

Court reporting personnel includes court reporters, court recorders, transcriptionists and any other personnel whether employed or contracted who make the court record for use in any Pennsylvania court.

Daily transcript means a transcript delivered within eighteen (18) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is a daily transcript only if it is in fact delivered within the above time limit.

Digital audio files are those files created by digital recording systems and saved in a format that allows storage and playback through computer applications.

District Court Administrator means the County Court Administrator.

Electronic transcript means an official transcript delivered in an electronic, non-paper medium.

Expedited transcript means a transcript delivered within seventy-two (72) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is an expedited transcript only if it is in fact delivered within the above time limit.

Filing office refers to an office without regard to title that has the responsibility and function in each judicial district to maintain the official dockets and case files of the court.

Notes of testimony means the official recording of an oral proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

Ordinary transcript means a transcript necessary for an appeal or to otherwise advance litigation and required under a time frame set by a Pennsylvania Rule of Court regarding the delivery of court transcripts or by court order. An example of

a non-ordinary transcript is one requested by a litigant when no matters are open before the court or where the transcript is ordered by a third party.

President Judge means the president judge in each judicial district, his or her designee, or any judicial officer recognized by the Court Administrator as having administrative authority.

Rough draft transcript (computer diskette, hard paper copy, or electronically distributed) is an unedited and uncertified transcript that may contain untranslated or mistranslated stenotype symbols. This also includes notes that appear on paper, unedited electronic data, tapes or other media in the original state in which they existed when they were taken at the time of testimony.

Same day delivery means transcripts delivered within 6 hours of the close of the court session, divided by morning and afternoon with the line of demarcation being lunch or mid-day recess.

Transcript means a certified, written, verbatim record of a proceeding.

Transcriptionist means any person employed, contracted or utilized by a court to prepare a transcript of a proceeding from an electronic or other recording. A court recorder and a court reporter may also serve as a transcriptionist.

Rule 4003. Committee on Court Reporting and Transcripts

(A) The Committee on Court Reporting and Transcripts shall consist of the following members appointed by the Supreme Court of Pennsylvania, one of whom shall be designated as Chair and one of whom shall be designated as Vice-Chair:

- (1) One representative of the Superior Court of Pennsylvania;
- (2) One representative of the Commonwealth Court of Pennsylvania;
- (3) Two president judges of the courts of common pleas chosen from among the judicial districts of the Commonwealth;

- (4) Two members of the County Commissioners Association of Pennsylvania;
 - (5) The district court administrator of the Philadelphia County Court of Common Pleas;
 - (6) The district court administrator of the Allegheny County Court of Common Pleas;
 - (7) Two district court administrators chosen from among the judicial districts of the Commonwealth other than Philadelphia and Allegheny;
 - (8) Two providers of court reporting services representing the various methods currently in usage within Pennsylvania; and
 - (9) Two members of the Pennsylvania Bar.
- (B) Initial appointments shall be for one-, two- or three-year terms, and these members may serve one additional three-year term. Thereafter appointments shall be for three years and members shall serve no more than two consecutive three-year terms. A replacement appointee shall serve for the balance of the unexpired term.
 - (C) The Committee shall review current rules and practices, and, upon concurrence of the Court Administrator, recommend revisions to the Uniform Rules Governing Court Reporting and Transcripts as may be necessary to effectuate the policy of these rules.
 - (D) The Administrative Office shall provide staff support to the Committee.

Rule 4004. Qualifications of Court Reporters and Court Recorders

- (A) No person shall be employed or utilized by a court as a court reporter or court recorder unless approved by the president judge or his or her designee as meeting the minimum criteria set forth in subdivision (B)(1), (B)(2), or (C) except
 - (1) those persons already employed or utilized by a court at the time of

the adoption of these rules or

- (2) those court reporters who hold and maintain a professional certification.
- (B) The minimum criteria for qualification of a court reporter, for both stenographic and voice writing, are the following:
- (1) stenographic requirements: the court reporter is capable of recording proceedings at a 95% accuracy level at the following speeds:
 - (a) literary at 180 w.p.m.
 - (b) jury charge at 200 w.p.m.
 - (c) testimony and question and answer at 225 w.p.m.
 - (2) voice writing requirements: the court reporter is capable of recording proceedings at a 95% accuracy level at the following speeds:
 - (a) literary at 200 w.p.m.
 - (b) jury charge at 225 w.p.m.
 - (c) two-voice question and answer at 250 w.p.m.
- (C) The minimum criteria for qualification of a court recorder are the following:
- (1) full familiarity with the controls of the electronic audio or audio-visual equipment;
 - (2) adequate hearing acuity to assure a high quality recording;
 - (3) insistence on clarity of the recording;
 - (4) ability to quickly diagnose and correct routine malfunctions;
 - (5) proficiency in note taking; and
 - (6) understanding of courtroom procedures and vocabulary.
- (D) All persons employed or utilized by a court as a court reporter or court recorder, including those employed or utilized prior to the adoption of these

rules, shall be requalified as meeting the above criteria at least every three (3) years.

- (1) Court reporters shall be requalified every three (3) years upon completion of thirty (30) hours of continuing professional education which has been properly accredited or certified by the National Court Reporters Association. Proof of attendance shall be submitted to the president judge or his or her designee.
 - (2) Court recorders shall be requalified every three (3) years. The president judge may rely upon reports of the district court administrator and the judicial district's judges and quasi-judicial officers to determine whether the requirements set forth in subdivision (C) are satisfactorily met. Those reports must be based on recent courtroom experience and a review of work products (e.g., lists, log notes, CD recordings) for accuracy, timeliness and quality.
- (E) Any person who fails to meet the minimum criteria at the time of requalification shall be given six months to comply. Anyone who fails to comply with this subdivision shall be prohibited from serving as a court reporter or court recorder.

Rule 4005. Approval of Transcriptionists

No person or organization shall be employed or utilized by a court as a transcriptionist unless approved by the president judge.

Rule 4006. Employment and Duties of Court Reporting Personnel

- (A) The president judge or his or her designee shall select, appoint, and supervise court reporting personnel for the district. The number of court reporting personnel in any district shall be adequate to support the full and unrestricted operation of the courts.
- (B) The president judge or his or her designee shall assign court reporting

personnel in a manner as to

- (1) cover all proceedings and timely produce all transcripts; and
 - (2) substantially equalize the workload of recording testimony, and of transcript production and generating fees.
- (C) All court reporting personnel are officers of the court with a duty to comply with all court regulations and orders and to maintain the highest standards of professional and ethical conduct.
- (D) No court reporting personnel shall work outside his or her official duties unless such work is permitted under the Code of Conduct For Employees of the Unified Judicial System (see Section VI (F)) and he or she is in substantial compliance with these rules regarding timeliness of transcripts as determined by the president judge.
- (E) All court reporters must ensure that the court will have access and the ability to obtain the notes of testimony and all other record proceedings of the court in the event of the inability, unavailability, or unwillingness of the court reporter to do so within the time frame established by these rules.

Comment: The Committee recommends that court reporters assure, in the event of unavailability or incapacity, that the court is able to access court reporter notes or work product so that all transcripts can be recovered. The Committee recommends that each court reporter should provide certification every 6 months that at a minimum, the court reporter has provided one of the following methods or mechanisms for recovering transcripts:

- (1) contracting with an available scopist capable of translating the court reporter's notes;
- (2) generating court reporter notes on a software program recognized by the court/district court administrator;
- (3) providing the district court administrator with a current copy of the court reporter's dictionary; and/or
- (4) providing translated steno notes in ASCII format.

- (F) Court reporters, court recorders and transcriptionists shall file a monthly report with the district court administrator of all ordered or requested transcripts for matters on appeal, in chronological order indicating the date of each order or request, the case name and number, whether the transcript requires rapid completion (e.g., a Children’s Fast Track appeal), the approximate length of the record to be transcribed, the status of the transcription, and the expected date of the filing of the transcript. A court reporter, court recorder or transcriptionist must coordinate **with** the district court administrator or his or her designee whenever courtroom coverage must be arranged in order to timely deliver the transcript.
- (G) The president judge shall determine the internal procedure in his or her judicial district for tracking the timely fulfillment of all other requests and orders for transcript of court proceedings in matters not under appeal. It is the duty of each president judge or his or her designee to assure compliance with the timely delivery of all transcripts as required by these rules.
- (H) The district court administrator shall prepare a summary statistical report of all cases under appeal including the number of transcripts requested, delivered and pending, as well as the age of all pending transcripts, which shall be forwarded to the Administrative Office quarterly on forms designed by the Court Administrator.
- (I)** All court reporting personnel and county administrative personnel are required to comply with all standing and special requests of the Administrative Office for information, including information on transcript cost and fee payments and data relative to transcript production, delivery, and delay.

Rule 4007. Requests for Transcripts

- (A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator or other appropriate filing office of the court. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the district court administrator or his or her designee (if not filed with the district court administrator); and
- (4) opposing counsel, but if not represented, the opposing party.

(C) In courts where daily, expedited, same day or rough draft transcripts are available, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(D) When a litigant requests a transcript,

- (1) the litigant ordering a transcript shall make partial payment in an amount established by local rule. Deposit checks are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.
- (2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee.
- (3) the court reporter, court recorder or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter. Checks for the final balance are to be made payable to the judicial district or county.
- (4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate

filing office and copies to the parties. Checks for the final balance are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.

- (E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.
- (F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript without the necessity of a deposit.

Comment: Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs is left to the discretion of the president judge and district court administration. Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript.

It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, the Committee recognizes that in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional

services.

The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof

(A) Costs

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall not exceed:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page;
- (c) for a daily transcript, \$4.50 per page; and
- (d) for same day delivery, \$6.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

Comment: The rules encourage the use of electronic transcripts which will result in reduced costs for preparing and distributing transcripts. No-cost, user-friendly software is available for converting text files into PDF format (see Rule 4010(B)). Unlike paper transcripts, electronic transcripts can offer features such as keyword searches, copy and paste functions, and speedy transmission. Moreover, the ability to store transcripts and reporters' notes on disks and networks should greatly reduce the courts' storage costs. Electronic systems support the business trend of moving toward paperless operations and also respond to ecological concerns by reducing paper waste.

Many attorneys/litigants prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Rule 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcript on the sheet.

(B) Economic hardship – minimum standards

- (1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed *in forma pauperis* or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.
- (2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.
- (3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown
- (4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

Comment: Transcript costs can be quite expensive. By establishing minimum standards, subdivision (B) is intended to ensure that costs do not effectively deny access to the court system to impoverished persons and persons of limited financial means when further proceedings necessitate a transcript. The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a

significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests. Procedures for waiving or reducing transcripts costs must be published by the court and clearly communicated to litigants.

Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost.

(C) Assignment and allocation of transcript costs

- (1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.
- (2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) Copies of transcript

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

Comment: With respect to a non-party (i.e., general public) request for a photocopy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored.

(E) Additional Costs

No transcript or related costs may be charged to the parties or the public other than

those listed in subdivisions (A), (B) and (D) without the written approval of the Court Administrator, except that a judicial district may enact a local rule that permits a trial judge to impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary.

Comment: Pursuant to local rule, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device via cable, wifi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the court for such a connection.

(F) Requests for Rate Increases

The president judge of a judicial district may request an increase in the rates prescribed in subdivision (A) or (D) by submitting a written request to the Committee on Court Reporting and Transcripts. The request shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates and that the requested rates are reasonable. If the Committee approves the request by majority vote, it shall be forwarded to the Court Administrator for review. If the Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

Comment: These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these rules take precedence.

Rule 4009. Fees and Procedures. Local Rule

Each judicial district shall promulgate and publish a local rule establishing the fees to be paid for all court reporting products, the procedure for requesting a transcript, and the procedure for requesting a full or partial fee waiver pursuant to Rule

4008(B).

NOTE: For rules governing the promulgation of local rules, see Pa.R.J.A. No. 103

Rule 4010. Format of Transcript

(A) The format of paper transcripts shall be as follows:

- (1) No fewer than 25 typed lines on standard 8-1/2 x 11 paper.
- (2) No fewer than nine or 10 characters to the typed inch.
- (3) Left-hand margin to be set at no more than 1-3/4 inches.
- (4) Right-hand margin to be set at no more than 3/8 inch.
- (5) Each question and answer to begin on a separate line.
- (6) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text.
- (7) Carry-over Q & A lines to begin at the left-hand margin.
- (8) Colloquy material to begin no more than 15 spaces from the left-hand margin, with carry-over colloquy to the left-hand margin.
- (9) Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin.
- (10) Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin.

(B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (10) for paper transcripts and, in addition, shall be in PDF format with the following settings:

- (1) *functions disabled*: content changes; and

(2) *functions enabled*: search, select, copy, paste and print.

Comment: Rule 4010 standards for both paper and electronic transcripts, which follow the standards of the National Court Reporters Association, assure that all transcripts of proceedings before the Pennsylvania courts are formatted in the same way, whether prepared by official court reporters or transcriptionists, contract or per diem personnel, or by transcription companies.

Rule 4011. Deadline for Delivery of Transcript

- (A) Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the district court administrator or the court's designee, as required by Pa.R.A.P. 1922 (a)
- (B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the district court administrator or the court's designee, as provided by Rule 4007, unless an accelerated time frame is mandated by court order, law or local rule.
- (C) For requests made by a party required to post a deposit under Rule 4007, the 30-day period for delivery of the transcript shall not commence until the Rule 4007 deposit is received by the court. In those cases involving economic hardship under Rule 4008, the 30-day period for delivery of the transcript shall not commence until disposition of the application for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.
- (D) The court reporter or transcriptionist, upon a showing of good cause to the president judge, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.
- (E) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.

NOTE: For rules governing children's fast track appeals, see Pa.R.A.P. 102 *et seq.*

(F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, in any event such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the President Judge.

Comment: These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such Rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these Rules take precedence.

Rule 4012. Sanctions for Delayed Transcript

(A) The president judge may take disciplinary action against any court reporter, court recorder, or transcriptionist where noncompliance with these Rules impedes the prompt administration of justice, whether by protracted delinquency in a single case or by engaging in a pattern of delinquency in a number of cases.

(B) The Court Administrator shall notify the Supreme Court of Pennsylvania of instances of unreasonable delay in preparing transcripts. The Court Administrator may recommend imposition of sanctions, including disqualification of individual court reporters or transcriptionists.

(C) The president judge shall ensure that the number, proficiency and organization of court reporting personnel in any district are adequate to support the full and unrestricted operation of the courts. When transcript delay is caused by an insufficient supply of qualified court reporters or other staff resources, or inefficient management of the court reporting operation, the Supreme Court may direct the president judge to take immediate corrective actions.

Rule 4013. Certification of Transcript

Court reporting personnel who take the notes, record or transcribe a proceeding shall certify that the transcript of proceedings is true and correct and meets the format specifications established by the Supreme Court of Pennsylvania in Rule 4010. When more than one person was engaged in the production of the transcript, each shall certify as to his or her contribution.

Rule 4014. Redaction of Personal Data Identifiers

- (A) On its own motion, or upon motion of any party, the court may order the court reporter or transcriptionist preparing the transcript to redact confidential, personal and/or financial data and other identifiers.
- (B) Information that is redacted shall, unless otherwise directed by the court, appear in transcripts that are provided to the court and to the parties, but not in any transcript filed in the appropriate filing office or provided to any other requestor.

Rule 4015. Ownership of Notes

Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by court reporting personnel to record or monitor a proceeding in or for a court as well as any transcriptions thereof are the exclusive property of the judicial district.

Comment: Nothing in these rules prohibits someone who has lawfully obtained a transcript from making a copy.

The ownership of court reporting software and equipment, when purchased by the court reporter, shall remain the property of the court reporter, unless the terms of employment with the district court provide otherwise.

Rule 4016. Storage and Retention

- (A) Each judicial district shall make provision for the archiving, storage and

retention of transcribed and untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools or dictionaries necessary for proper transcription.

- (B) Notes of testimony and other materials specified in subdivision (A) shall be retained in compliance with the *Record Retention and Disposition Schedule with Guidelines* adopted by the Supreme Court.

Comment: Each judicial district is responsible for the preservation of the transcript production materials listed in Rule 4016(A) in a form that guarantees their accuracy, authenticity, and accessibility. These materials must be protected from loss arising from personnel turnover in the court, environmental hazards, or unsecured access.