

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 4.01 COURT REPORTER POLICY AND PROCEDURE

EFFECTIVE DATE: 09/22/2009

REVISED DATE: 01/10/2013

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	A.R.S. §32, Chapter 40, Article 1, 2 and 3	
	ACJA, Section 1-302 'Education and Training'	
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	ACJA, Section 6-103 'Transcript Procedures'	
	ACJA, Section 7-206 'Certified Reporter'	

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A. GENERAL INFORMATION

1. SCOPE

The purpose of this manual is to establish uniform policies and practices for Reporters employed by the Mohave County Superior Court. This does not constitute an employment contract, nor does it provide a comprehensive guide to all superior court policies. This manual supersedes all previous rules and policies which applied to Reporters. However, all rules, policies, and procedures adopted by the judicial divisions will remain in full force and effect, except to the extent that the same are in conflict with this manual. To the extent that any judicial division's rules or policies conflict with this manual, this manual shall prevail. If any provision of this manual or its application to any person(s) or circumstances is held invalid, the remainder of the manual or the application of such provisions to other persons or circumstances shall not be affected.

In addition to court and county policies and procedures, the Arizona Statutes and Court Rules, many of which are included as an attachment to this manual, also govern Reporters. (Note: Statutes and Rules may change from year to year; please refer to the most recent version for up-to-date information).

Subsequent changes, deletions or additions to these policies and practices will be discussed and reviewed by staff and court reporters and approved by the Judicial Officers of the court prior to implementation.

Reporters are responsible for compliance with all applicable statutes and rules, whether or not included in these attachments.

2. STATEMENT OF RESPONSIBILITIES

Reporters employed by Mohave County Superior Court will cover assigned court proceedings and prepare and protect the legal record of court proceedings. They will take a verbatim record of the proceedings; transcribe and certify such parts of the record as may be required by rule or order of the court; complete and file all requested transcripts on or before the transcript due date; and follow statutes and rate guidelines for billing. They will abide by the Court Reporter's Code of Professional Ethics, Arizona Code of Conduct for Judicial Employees, and Section 7-206 (J) Arizona Code of Judicial Administration (ACJA). Reporters shall be certified in Arizona, in accordance with A.R.S. §32-4001–4008, 4021-4025, 4041 & 4042 and ACJA, Section 7-206 and must provide continuing proof of current certification to Superior Court Human Resources for filing in the Reporter's master personnel file.

Reporters shall notify their judge and the court administrator any time a complaint has been filed against them with the Board of Certified Reporters, and must keep the court administrator advised of actions taken by the Board.

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In accordance with the ACJA and the Arizona Revised Statutes, reporters who separate from service with the Superior Court have a professional obligation to prepare transcripts for trials, hearings, etc. for which they reported during their employment with the Superior Court.

3. CODE OF PROFESSIONAL CONDUCT

Reporters shall:

- a. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services to all parties in a proceeding.
- b. Reporters may engage in freelance reporting activities provided they meet the requirements of ACJA Section 7-206 (J)(5) as follows:
 - (1) The reporter has submitted a request for approval to work outside employment and the presiding superior court judge or designee has given express authorization; the Reporter's official work is up to date and there are no transcripts the Reporter is preparing for which a court has granted an extension of time; and
 - (2) The presiding superior court judge or designee has authorized the Reporter to take annual leave during the time the freelance work is scheduled unless:
 - (a) the freelance work is scheduled during hours the court is not open for business; or
 - (b) the presiding superior court judge or designee has granted the Reporter time off in compensation for overtime previously worked.
- c. Recognize and adhere to the Arizona Code of Conduct for Judicial Employees, ACJA Section 7-206 (J) which outlines the Code of Conduct for Certified Reporters.
- d. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Reporter by any of the parties in a proceeding.
- e. Guard against not only the fact of impropriety but also the appearance of impropriety.

B. EMPLOYMENT POLICIES / SCHEDULING

1. WORKING HOURS/CONDITIONS

Reporters shall be available to report proceedings from 8:00 a.m. to 5:00 p.m., Monday through Friday, except recognized legal holidays. During a court hearing the judge may request that the Reporter work into the lunch hour and/or later than 5:00 p.m. To ensure a positive/healthy work environment exists for Reporters the following guidelines shall be encouraged:

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- a. Rest breaks of at least (5) minutes every hour or at least fifteen (15) minutes every hour and thirty minutes.
- b. During rest breaks Reporters should not perform typing, keyboarding and/or reporting.
- c. Court schedules will be established to avoid unnecessary marathon court sessions such as working through lunch time or after 5:00 p.m.
- d. Judges and commissioners should establish good communication with Reporters regarding their workload, transcriptions, any backlog and work habits. If transcription backlogs occur, Reporters are encouraged to contact the Court Administrator to arrange for assistance, if needed.
- e. As new furniture and equipment are purchased, ergonomic chairs and attachments to writers will be provided by the court. Compliance with proper use will be required.

2. REPORTER DUTY LOCATION

Reporters are unclassified at-will employees who serve at the pleasure of their Superior Court Judge. Reporters are expected to faithfully report all court events for which they are assigned at such locations as the court shall prescribe. From time to time, Reporters may be assigned to cover for Reporters in Bullhead City, Kingman and Lake Havasu City Superior Court locations.

While the Court does not have a "court reporter pool", it is expected that Reporters will accept assignments to provide coverage for all courtrooms as needed and according to availability.

3. REPORTER COVERAGE

A Reporter's primary duty is to record court proceedings in the courtroom. When court proceedings are not underway Reporters are to be available to record any court proceeding or to perform other duties as may be needed which may include taking the record and preparing transcripts for other Mohave County Superior Court Judges.

All requests for Reporter coverage will be handled by the judicial assistants (JA) who will coordinate amongst themselves to work out a schedule in the order received and according to the priorities set by the presiding judge or associate presiding judge. When a JA is unable to acquire coverage from in-house Reporters they should contact court administration who will contact outside Reporters to ensure coverage is available.

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A Reporter who is unable to cover their assigned courtroom during their regular assigned forty (40) hour work week and who requests backup coverage from another Reporter is considered to be working on their own time (i.e. PTO, off work hours) unless duties are at the request of the superior court judge or court administration.

A Reporter who has no court required work to perform but is still required to be present and available for court duties, may engage in the production of transcripts not ordered by a superior court judge (i.e. grand jury, appeal, private, etc.). Transcripts not ordered by a superior court judge remains a separate contracted function, for which Reporters are compensated solely by the per page rate. In no case may a Reporter work overtime hours above forty (40) in a workweek for the purpose of completing transcripts not ordered by a superior court judge.

Grand Jury – On grand jury days, it is the responsibility of the Reporter to notify the JA of their assignment and coordinate any coverage if needed.

Reporters are encouraged, but not required, to coordinate time off and schedule vacations when their judge is gone. Reporters may take up to 10 days of their allotted PTO per year apart from their divisions; however, these requests must be coordinated with their judge and the Reporter should notify court administration. During the assigned Reporter's absence for vacation the coverage in the Reporter's assigned division will be covered by another division reporter, per diem Reporters or electronic recording, whichever is available and appropriate. If an assigned Reporter has taken vacation apart from his/her assigned division, he/she shall be available to work those days the division is on vacation but the Reporter is not.

4. TIMESHEET REPORTING

Reporters are non-exempt employees covered by the overtime and reporting provisions of the Fair Labor Standards Act (FLSA).

Full-time Reporters are scheduled to work forty (40) hours per week, generally from 8:00 a.m. to 5:00 p.m. Monday through Friday with a non-paid one hour lunch period. Any variation in a Reporters work schedule, including leave which reduces a Reporters hours below forty (40) per week, or overtime which increases a Reporters hours above forty (40) hours per week must be approved by the Reporter's judge.

Reporters may be required to work more than eight (8) hours per day in a work week. In such case, judges and commissioners shall make every effort to allow the Reporter to flex the extra time off later in the week at straight time so as to avoid working overtime in excess of forty (40) hours per week. The Court understands, however, that the court calendar may prohibit the ability of a judge to allow the Reporter to flex the extra hours worked in the work week.

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A Reporter's court-assigned work is to be completed within their regular forty (40) hour work week. A Reporter is not authorized to work overtime hours in excess of forty (40) hours per week for the purpose of completing work including transcripts not ordered by a Superior Court Judge (appeal, non-appeal, grand jury, private, etc.) Transcript work not ordered by a Superior Court Judge remains a separate contracted function, for which the Reporter is compensated solely by the per page rate. Any per page fees a Reporter earns for preparing transcripts on the Reporters own time are not considered in calculating the overtime pay owed to a Reporter for other work performed by the Courts.

A Reporter who is required to work overtime by the court is entitled to overtime compensation at the rate of one and one-half (1.5) times the Reporter's current hourly rate of pay or by compensatory time off at the rate of 1.5 hours time off for each hour of overtime worked and not paid. Use of compensatory time off must be taken in accordance with applicable Court and County policy.

As non-exempt employees, Reporters are responsible for:

- a. Accurately recording all hours worked for the Superior Court and leave taken daily on their timesheet. Reporters who work overtime should make a notation on their timesheet as to the reason for the necessary overtime (e.g. jury trial in session to 6:00 p.m., etc.);
- b. Not work overtime hours except as may be authorized by their judge; and
- c. Signing their timesheet attesting to its accuracy, prior to submitting it to their judge for review and approval.

5. CONTINUING EDUCATION REQUIREMENTS

Reporters are responsible for meeting annual continuing education requirements pursuant to A.R.S. §32-4023(D), ACJA 1-302(F).

Depending upon funding availability, seminars and training may be paid by the superior court for the Reporter to meet annual COJET or annual certification requirements. The court will impose a reasonable limit on the amount of registration fees and/or related travel expenses.

6. WORK ATTIRE

Reporters are expected to report to work dressed in a professional and appropriate manner at all times.

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C. TRANSCRIPT REQUIREMENTS

1. TRANSCRIPTS

Transcript business is conducted as a private enterprise and shall be done on the reporters own time. Transcripts shall be prepared in accordance with ACJA, Section 7-206(M).

Generally, an original and one copy of a transcript are prepared. The copy is provided to the ordering party and the original is filed with the Superior Court. Civil Appeal and Family Law transcripts shall be prepared pursuant to Arizona Statutes and the Rules of Civil Appellate Procedure. Criminal appeals are to be processed upon written notice from the Arizona Supreme Court, Arizona Court of Appeals, or the Clerk of Superior Court's appellate division. It is noted that transcripts must be completed within established time-frames or appropriate extensions of time must be obtained.

All Reporters shall provide court administration with a current mailing address which shall be the address utilized by any court personnel or parties for service of any notice upon such Reporter required under the rules of court.

It is expected that Reporters will assist with the preparation of transcripts for other reporters who may be unavailable due to illness or other legitimate reasons. Requests for assistance in such cases will be coordinated through court administration.

2. PAYMENT PROCEDURES FOR TRANSCRIPTS NOT ORDERED BY A SUPERIOR COURT JUDGE

A Court Reporter who creates transcripts for a third party including County Attorney, Public Defender, Court of Appeals and Grand Jury and which are not at the direction of a Superior Court Judge shall submit a completed W9 to Finance in order to be set up as a vendor to be paid via Form 1099. When requesting payment for the above referenced transcripts, the Court Reporter shall submit an invoice, transcript invoice summary sheet (copy below) and documentation from the requesting party ordering the transcript. Invoices for grand jury, court of appeals, Rule 32, etc. shall be provided to Superior Court Administration for processing. Invoices for transcripts requested by the County Attorney's Office and/or Public/Legal Defender's Office shall be forwarded to the respective office for processing.

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COURT REPORTER TRANSCRIPT INVOICE SUMMARY SHEET				
CODE	DESCRIPTION	RATE PER PAGE	# OF PAGES	AMOUNT DUE
1100-06	CRIMINAL APPEAL (0+2)	\$2.80		
1100-21	CIVIL APPEAL (0+2)	\$3.10		
1100-24	NON-APPEAL CRIMINAL (0+1)	\$2.80		
1100-08	NON-APPEAL CRIMINAL Copies (1)	\$1.50		
1100-23	NON-APPEAL CIVIL (0+1)	\$3.50		
1100-22	NON-APPEAL CIVIL Copies (1)	\$1.50		
1100-07	COPIES (1)	\$0.30		
1000-06	GRAND JURY ORIGINALS (0+1)	\$2.50		
	EMPANELMENT (0)	\$2.50		
1000-07	GRAND JURY COPIES (1)	\$0.30		
			TOTAL AMOUNT DUE	

3. NOTES AND STORAGE

Every year Reporters shall file their notes with court administration. The notes shall be dated and properly identified. Those Reporters who have electronic notes must also include a copy of their dictionary along with the notes. Court IT will work with the Reporter to store their notes on a court server. *Notes from a Capital murder case must be identified separately.

Upon retirement or separation, Reporters shall be responsible for the prompt preparation for filing and transmittal to court administration, of all stenographic notes in dated boxes or electronically. Said notes shall remain the property of the court and will remain in storage unless needed for the preparation of appeal transcripts.

All Reporters shall provide the court with a copy of their dictionary, in RTF format, on an annual basis. The dictionary will be used only in the event a Reporter is unavailable to prepare a transcript.