

United States District Court  
for the  
Western District of New York



Second Amended Plan for the  
Management of Court Reporters

(Replacing the First Amended Plan adopted August 25, 1988 )

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## COURT REPORTER MANAGEMENT PLAN FOR THE WESTERN DISTRICT OF NEW YORK

### I. Introduction

This plan for the effective utilization of court reporting services in the United States District Court for the Western District of New York has been adopted by the Court and is subject to final approval by the Second Circuit Judicial Council, pursuant to Judicial Conference Policy, JCUS-MAR 82, p. 8, and JCUS-SEP 87, p. 63.

The Court desires through this Plan to achieve effective management of the court reporting services (stenographic, computer assisted and electronic sound recording operators hereinafter referred to as ECR operators) through proper supervision and control, which ensures reportorial services for judges including visiting and senior judges, magistrate judges, and other judicial officers as needed. By designation of the Chief Judge, the Clerk of Court (Clerk) is fully authorized administratively to supervise and control the combined court reporting operations of the court. JCUS-MAR 82, p. 8.

This plan is applicable to all court reporters employed by the Court, including contract reporters.

### II. Appointment, Assignment, and Dismissal of Court Reporters

#### A. General

The Court shall appoint and dismiss court reporters, and in connection therewith, the Court shall consider the recommendations of the Clerk of Court. Court reporters shall be appointed in accordance with the provisions of the Court Reporters Act (28 U.S.C. § 753) and the Policies and Procedures of the Administrative Office of the U.S. Courts and the Judicial Conference of the United States. Only fully-qualified court reporters shall be appointed as court reporters of the Court. Qualifications for official court reporters require that an applicant:

1. Must possess at least four years of prime court reporting experience in the freelance field of service or in other courts or a combination thereof; and
2. must have qualified by testing for listing on the registry of professional reporters of the National Court Reporters Association (NCRA) or passed an equivalent qualifying examination (JCUS-SEP 77, p. 55).
3. Equivalent Qualifying Examinations:

- (a) The NCRA examination for listing on the registry of professional reporters (RPR) consists of a written knowledge section plus a skills section. The skills section requires the ability to record 180 words per minute for literary matter, 200 words per minute for jury charge, and 225 words per minute for testimony and transcribe the recorded material at 95% accuracy within 75 minutes.
  - (b) Professional associations (other than the NCRA) and state license examinations may be acceptably equivalent to the NCRA testing, but the requirements for the examinations at the time of administration should be evaluated on a case-by-case basis as the requirements change from time-to-time.
4. The qualifications do not require that court reporters have active membership in the NCRA or another association to qualify for appointment or promotion in the federal courts. The only requirement is that the reporter have attained the credential by passing the qualification examination.
5. In the absence of any fully-qualified applicants, the most qualified applicant may be appointed at the discretion of the Court. In connection therewith, the Court shall take into consideration the recommendation of the Clerk of Court.

B. Probationary Appointment

1. Judicial Conference Policy

“All initial appointments shall be on a probationary basis to be fixed by the employing court.” (Report of the Proceedings of the Judicial Conference of the United States, September 1977 page 56.)

2. Probationary Period

The probationary period for newly appointed court reporters shall be 180 days.

The court reporter's performance will be reviewed by their assigned judge on or after the 180-day period. The judge may recommend to the clerk of court that the court reporter:

- a. be reviewed again in another thirty days, thereby extending the 180-day probationary period, for reasons set forth in the performance appraisal form and related discussion; or

- b. be terminated for reasons set forth in the performance appraisal form and related discussion.

C. Assignment of Court Reporters

Court reporters are not in the employ of a particular judge, but are employed by the Court *en banc*. Court reporters shall be assigned to particular judges as a matter of convenience. The Chief Judge, or his designee, shall determine the availability of court reporters at all times for additional assignments. When necessary, and depending upon availability and subject to the approval of the judge to whom that reporter ordinarily is assigned, a court reporter may be temporarily reassigned to another judge of the Court, to a visiting judge, to a senior judge, to a magistrate judge, or to another judicial officer as required, for reporting purposes.

D. Duties or Conditions of Employment

1. Recording Proceedings

A court reporter is to attend and record verbatim by shorthand or mechanical means such court sessions or other proceedings as are specified by statute, rule, or order of court.

2. Transcribing

A court reporter is to transcribe promptly those proceedings when requested by any party who has agreed to pay the fees established by the Judicial Conference, or any and all proceedings as a judge or court may direct. It is also the duty of the court reporter to transcribe all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases, or provide to the court an electronic sound recording of same, without charge.

3. Certifying and Filing Transcripts and Notes

It is the duty of an official, substitute, or contract court reporter to certify and file promptly with the clerk of the court all original shorthand notes and other original records of proceedings the reporter has recorded, identifying in the certification the court in which the proceedings were conducted. The reporter also shall provide to the clerk of court an electronic copy, in pdf format, of all transcripts prepared. The electronic copy shall be delivered by the court reporter to the clerk of court, or his designee, no later than 3 working days after delivery to the requesting parties; the transcript shall be inspected as to format and filed. Whether a transcript is ordered or

not, the court reporter shall retain the original records in the court reporter's office.

Parties or members of the public may make a request to the court reporter to review the original notes on file in the court reporter's office.

4. Administrative

Administrative duties include billing for official transcripts ordered and prepared; delivery and/or mailing of transcripts; financial and other record keeping, preparation and filing of all required local and Administrative Office reports; answering telephone calls from other court personnel, attorneys, and litigants; responding to official correspondence; reading notes to the court, counsel, or a jury; and such other official duties as may be required by the court.

E. Hours of Attendance

Reporters, as court employees, should be available in the courthouse during normal work hours. Court reporters in this district are on the Leave Act and are assigned to a regularly scheduled 40-hour work week with starting and ending times specified. When not actually recording court proceedings, reporters should devote their time to preparing transcripts, if there are any on order, and performing all administrative duties required of them.

Leave records for official court reporters shall be maintained in the same manner as those maintained for deputy clerks employed in the Clerk's Office. All requests for annual and planned sick leave shall be submitted in advance through the HRMIS Leave Tracking program and must be approved by the reporter's direct supervisor. All annual leave and planned sick leave (e.g., appointments, treatments, etc.) must be requested far enough in advance to permit the scheduling of an alternate reporter. The clerk of court is responsible for maintaining leave records of court reporters under the Leave Act.

F. Availability of Reporter

The court reporting supervisor is responsible for determining the availability of court reporters and ECR operators. Whether a reporter is available to cover proceedings for judicial officers depends on the extent of the reporter's commitments for actual in-court/chambers services. Transcript preparation requirements do not free a reporter from the responsibility to devote a proper portion of time to recording proceedings for visiting judges, senior judges, magistrate judges, or other judicial officers as required.

G. Job Security

Court reporters are employed by the court *en banc*. A reporter should continue to be employed at the pleasure of the court *en banc*, regardless of the death, resignation, or retirement of a judge or other judicial officer.

H. Staff Reductions

All reporters serve at the pleasure of the court *en banc*. The court is entitled to make changes in the reporting staff at will. There is no requirement, moreover, that a court give preference to a reporter with seniority. In the case of a staff reduction, competence should be a primary consideration in deciding which reporters are to be retained.

I. Termination

Staff reporters have no vested right of employment. Staff reporters who do not perform in a competent and satisfactory manner shall be subject to dismissal. The clerk may terminate a staff reporter's employment with or without cause, with the approval of the court *en banc*. If the overall work volume of the court does not justify retention of the full complement of staff reporters, the court will reduce the number of staff reporters through relocation, attrition, or by giving reasonable notice of termination.

J. Retired or Separated Court Reporters' Responsibility to Provide Transcripts

Upon retirement or separation from the court, court reporters are responsible for providing transcripts to ordering parties at the currently established page rate. Court reporters must make every effort to serve the ordering party by producing the transcript according to the delivery schedule established by the Judicial Conference.

Court reporter notes are the property of the court and must remain in the custody of the clerk of court. The notes may be removed only for purposes of providing a transcript. The court reporter must file a free copy of the transcript with the clerk of court within three days of delivery to any party.

The retired or separated court reporter will be paid for transcripts ordered by the court at the page rate currently in effect.

K. Travel

Intra- and inter-district travel by court reporters is discouraged. Inter-circuit travel is severely circumscribed. The court which is visited by a judge has the responsibility to provide reportorial services, preferably from its normal complement of reporters, or through a contractor.

### III. Court Reporter Supervision

#### A. Supervisory Responsibilities

The responsibility of the supervisor is to implement the elements of the Court Reporter Management Plan, including the day-to-day management and supervision of all official court reporters, so that the court's mission is furthered by the effective and efficient utilization of court reporting services. The Chief Judge or Clerk of Court shall coordinate and supervise the court reporters and their activities by means of, among other things:

1. assignment and reassignment of court reporters for the purpose of assuring the best utilization of reporting personnel;
2. supervising the relationship between litigants and reporters;
3. reviewing transcripts to assure full compliance with formal requirements of the Administrative Office of the U.S. Courts and the Judicial Conference of the United States;
3. reviewing transcript billings to assure that authorized transcript rates are charged and that billing is in proper form and in accord with the recommendations and requirements of the Judicial Conference of the United States and adopted by order of this Court;
4. determining compliance by all court reporters with the provisions of 28 U.S.C. Section 753 concerning the recording, certifying and filing of transcripts or tapes of all criminal arraignments, pleas and proceedings in connection with the imposition of sentence;
5. reviewing the time records of the court reporters to assure proper maintenance and accuracy;
6. ensuring the timely filing of all reports required by the Administrative Office of the U.S. Courts and the Judicial Conference of the United States;
7. acting as liaison to the Court of Appeals regarding matters pertinent to court reporters and transcript production;
8. performing such other activities relating to court reporters as shall be directed by the Court.

#### IV. Transcripts

##### A. General

One of the primary responsibilities of the court reporter is to provide a transcript of court proceedings upon the request of a party or order of court. The reporter must also provide a transcript or an electronic sound recording of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases.

##### B. Arraignments, Pleas, and Sentences

1. The statute requires the court reporter to transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases without additional compensation, unless an electronic sound recording is made by the reporter.
2. The court reporter must file with the clerk of court a certified electronic sound recording or a transcript copy, furnished at no expense to the Court, of all arraignments, pleas, and proceedings in connection with the imposition of sentence in every criminal case.
3. The Congress and the Judicial Conference have insisted that the requirements of 28 U.S.C. § 753 as to the transcribing or recording of pleas and sentences in criminal cases be carefully and promptly observed. The reporter should file a transcript within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment. If an electronic recording device was utilized, the electronic court recording operator shall certify the recording and file it as soon as the recording media has been used to capacity.
4. A judge shall consider whether the clerk's copy is sufficient before approving the production of another copy at government expense for transcripts of arraignments, pleas, and sentences that are requested by a defendant proceeding under the Criminal Justice Act who attacks the validity of the conviction under 28 U.S.C. § 2255 and desires for use on the motion transcripts of the plea and proceedings in connection with the imposition of the sentence. Since this motion is made in the trial court, there is always available in the clerk's files a certified electronic sound recording or a transcript copy of these proceedings (which the reporter must file for free pursuant to 28 U.S.C. § 753) which is available to the defendant and to the court with other papers in the case, for consideration in connection with the motion.

C. Court Reporter's Transcript Responsibilities

In court reporter's dealings with parties requesting transcripts, court reporters must maintain a professional relationship and provide timely quality service. Court reporters should:

1. Adhere to the transcript format established by the Judicial Conference.
2. Adhere to transcript page rates per category established by the court and approved by the Judicial Conference.
3. Not require parties to purchase more pages than they want or need.
4. Provide (whenever possible) the type of service requested such as ordinary, expedited, daily, or hourly transcript.

D. Routine Apportionment of Accelerated Transcript Rates Prohibited

The furnishing of accelerated transcript services in criminal proceedings should be discouraged. However, it is recognized that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both. In those circumstances, accelerated transcript services may be provided.

In those cases where accelerated transcript services are provided, the party from whom the request or order emanates shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel shall be entitled to a copy at the copy rate.

Court reporters are prohibited from routinely apportioning accelerated transcript costs among parties in criminal proceedings.

E. Transcript Format

The Judicial Conference prescribed the transcript format in order to assure that each party is treated equally throughout the country. It is essential that the format requirements be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference. The per-page transcript rates are based on strict adherence to the prescribed format.

F. Inspection of Transcripts

The original transcript for filing with the clerk of court will be inspected for compliance with all regulations regarding format. If a transcript is not in compliance with the regulations, it will not be filed and will be returned to the court reporter for corrections.

G. Copyright laws

Transcripts produced from records of proceedings in United States courts are not protected by copyright. This applies whether the transcript was produced by a court employee, a contractor, or a transcriber. Because transcripts are in the public domain, they may be used, reproduced, and sold by attorneys, parties, and the general public without additional compensation to the court reporter, contractor or transcriber.

V. Transcript Fees

A. General

The Judicial Conference has established five transcript categories based on delivery times, and a separate category for realtime transcripts, and has set a maximum rate for each. Neither the parties, nor the reporter, nor the transcriber, nor the court may negotiate a higher rate without Judicial Conference approval; however, in exceptional circumstances the Director of the Administrative Office may authorize higher transcript rates. The Western District of New York has adopted the maximum rate authorized by the Judicial Conference as the acceptable schedule of fees.

B. Notice of rates established

A notice of the rates established by the district court and of the reporter's obligation to furnish transcripts at those rates is posted prominently in the clerk's office and on the District's public website, so that parties are apprised of them.

C. Certification of court's rates

Certification of the court's rates has been forwarded to the Court Reporting and Interpreting Section of the Administrative Office.

D. Sanctions for Overcharging

1. Monitoring

The clerk of court shall monitor fees charged for transcripts including reviewing invoices and vouchers for compliance with the court's approved fee schedule.

2. Refunding

If court reporters and transcribers bill accurately and supervisors monitor attentively, fees should always be correct. However, in the case of mistakes or failure to comply with the maximum rates established by the Judicial Conference and the district court, reporters or transcribers shall refund overbillings to the ordering party.

3. Termination

Reporters who intentionally overcharge should be terminated.

E. Transcript Order Cancellations:

No fee may be charged by official staff reporters on transcript orders if pages have not been produced at the time the reporter learns that the transcript order is canceled. The ordering party is expected to pay for all transcript pages which have been produced at the time the order is canceled. The reporter will stop production immediately upon notification of cancellation and title the transcript, "Excerpt of Proceedings."

F. Items for Which No Fee May Be Charged

1. Copy Filed with the Court
2. Judge's Copy
3. Viewing the Record by a Party
4. Postage
5. Keyword Indexes
6. Cover
7. Certification

VI. CJA Transcripts

A. General

Transcripts provided for parties proceeding under the Criminal Justice Act are to be paid from funds appropriated for that purpose. The court reporter

must prepare such transcript in the format prescribed by the Judicial Conference. Also, the court reporter may not exceed the rates for transcripts established by the Judicial Conference in effect at the time authorization was made. In the absence of prior special authorization, trial transcripts shall exclude prosecution and defense opening statements, prosecution argument, defense argument, prosecution rebuttal, voir dire, and the jury instructions.

B. Commercial Duplication in Multi-Defendant Cases

1. In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed counsel or the clerk of court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation. The court reporter is not precluded from furnishing duplication services. It has been determined that the acceptable rate of reimbursement is \$.10 per page.
2. In individual cases involving requests for accelerated transcripts, the court may grant an exception to the policy set forth in paragraph B(1) above, based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. Such finding should be reflected on the transcript voucher.

C. Payment

Transcripts for panel attorneys are paid from the current fiscal year on the payment date without regard to the date ordered. Requests for payments must be supported on Form CJA 24 (Authorization and Voucher for Payment of Transcript), approved by a judicial officer. Transcripts ordered by eligible pro se defendants will be processed in the same manner as those ordered by panel attorneys. Transcripts ordered by federal public or community defenders will be by means of a Form AO 435 (Transcript Order) or equivalent document. The Criminal Justice Act Panel Attorney Payment System provides the process for payment of transcripts ordered under CJA and the checks are issued by the AO, not the district court's disbursing office. All payments are subject to audit by the Administrative Office.

## VII. Cases on Appeal

### A. Transcript Due Dates

Transcripts for appealed cases should be delivered within 30 days from the date ordered or from the date satisfactory arrangements for payment have been made. If the customary practice of the court reporter is not to require prepayment, the 30-day period begins upon acceptance of the transcript order by the court reporter.

### B. Required Forms

Court reporters must complete and submit a Transcript Purchase Order form indicating acceptance of the order as may be required by the court of appeals. (Transcript Purchase Order)

### C. Late Delivery of Transcripts

#### 1. Penalties

Late delivery of transcripts impedes the work of the courts. Each circuit council decides the due dates for the delivery of transcripts and the amount of penalties to be applied when such dates are not met. Therefore, reporters and transcribers may not charge the full fee if they do not produce appellate transcript within the time limits required by the circuit councils. Additionally, the district courts or circuit councils may impose other penalties. One such penalty would be to require the reporter to compensate a courtroom substitute while the reporter prepares the overdue transcripts.

#### 2. Waiver by Clerk of the Court of Appeals

While true hardship cases may arise occasionally, the clerk of the court of appeals should grant exceptions to the fee reductions sparingly. Only the clerk of the court of appeals may waive this requirement for good cause. Otherwise, the fee discount must be given. Approval of an extension by the court of appeals pursuant to Rule 11(b) of the Federal Rules of Appellate Procedure does not constitute a waiver of the penalty by the clerk of the court of appeals. A waiver must be granted separate and apart from the request for an extension of time by the court reporter or transcriber.

#### 3. Overcharging

If overcharges occur, by virtue of a late delivery, the reporter or transcriber shall make a refund to the ordering party.

#### D. Use of Substitute Reporters

In the event that a court reporter is not available to provide transcripts in a timely fashion i.e., within 30 days, the judge may appoint a substitute reporter at the expense of the official staff reporter. A reporter shall not use a substitute reporter without the prior approval of the clerk or the judge to whom the reporter is assigned at that time. Substitutes, when authorized, shall possess the qualifications of court reporters.

The work of court reporters shall be "note readable," such that the stenographic notes of one court reporter can be read by another in the event of an emergency.

The marking, filing, and storing of reporters' notes shall be standardized in order to assure the prompt location of notes and withdrawal of the notes in the event the reporter-author of the notes is not available.

#### VIII. Private Reporting Activities

Court reporters who are under the Leave Act, by being placed on a regular tour of duty, may not perform any private work during normal court hours, and shall not use the facilities of the court to perform any private work. If a reporter's transcripts are current (none over thirty days old) and is on annual leave or leave without pay, he or she may engage in private reporting during court hours, but may not use facilities of the court for such purpose. Court reporters must make sure that they do not neglect their official reporting duties, particularly the preparation of transcript for cases on appeal, in order to engage in private reporting business ventures. Whenever there is a conflict between official and private reporting work, the court reporter must postpone private reporting work.

#### IX. Record Keeping

##### A. Required Records and Reports

Each staff reporter is responsible for maintaining the records and for timely submitting the reports that the Judicial Conference requires. These records and reports must be in the format that the AO prescribes, and must be prepared using the Automated Court Reporter Application (ACRA) reporting system.

##### B. Review of Reports by Court

The clerk of court shall review for accuracy and completeness forms AO 40A and 40B, the reports which all court reporters must submit to the Judicial Conference.

C. Penalty For Not Submitting Reports

Court reporters shall file their reports when due. When reports are not timely received, the Court Reporting and Interpreting Section of the Court Administration Division of the Administrative Office of U.S. Courts is responsible for ensuring that the reporter's salary is withheld for as long as the reporter fails to submit the required reports. Withheld salaries are released upon receipt of the delinquent reports.

D. Safekeeping of Records

The clerk of court is responsible for the safe keeping of all such filed records. Court reporters are physically to turn over their original notes and electronic sound recordings to the clerk of court within 90 days after the conclusion of the proceeding or within 90 days after the expiration of the contract, whichever comes first. The original notes, electronic sound recordings or other original records and the copy of the transcript in the clerk's office are available during normal office hours for inspection by any person without charge.

The clerk of court has designated that the notes and electronic sound recordings be maintained in the court reporters' offices.

X. Contract Court Reporting

A. General

Contract reporters shall be utilized only pursuant to the policies and procedures of the Administrative Office of the U.S. Courts. Contract reporters will not be used or paid for by the Court to help official reporters alleviate transcript backlogs.

Contractual reporting services are provided as a supplement to the services of official staff and electronic court recorder operators. Contractual services will only be used after it has been determined by the clerk of court that no court reporter is available and that all official court reporters are fully engaged in serving the court's reporting needs. The use of contractors will be minimized to every extent practicable.

Some of the needs for which contract court reporting services may be employed include substituting for a court reporter on approved leave and reporting for visiting judges, provided that, in both cases, one of the court's reporters is not available.

Contractual services paid for by the courts may not be used to assist the court's reporters in the production of expedited, daily, or hourly transcript, nor to replace the court's reporters to allow them to engage in transcript

production or in private reporting work. Contractual attendance fees cannot be levied against parties.

B. Amendment to the Policy on Hiring of Contract Court Reporters

During its March 1992 session, the Judicial Conference approved an amendment to its policy on the hiring of contract court reporters. A court is allowed to hire a contract court reporter when all of the following conditions exist:

1. The official court reporter has requested relief because a judge has scheduled more than one trial per day, and the reporter is reporting for at least five hours on each such day;
2. The chief judge of the district certifies that a judge has scheduled more than one trial per day requiring reporting services for five or more hours per day and the court's other official court reporters are unable to cover the proceedings because they are scheduled to report other proceedings or are on leave;
3. The purpose for considering and approving the relief is not to allow the official court reporter to work on transcript production;
4. An official court reporter not under a tour of duty who is provided relief is prohibited from engaging in private reporting work on those days relief is provided.

C. Requirements of Contract Reporting Services

Contract reporting services must abide by the requirements of 28 U.S.C. § 753 and requirements of the Judicial Conference. The contractor must certify the original notes and file them with the clerk of court, comply with the Judicial Conference requirements for transcript format, properly bill the parties for transcript, and produce transcripts within the time guidelines of the Judicial Conference.

XI. Realtime Reporting

Realtime reporting technologies allow the record to be electronically transcribed in the courtroom using software that translates the shorthand instantaneously and displays it on a monitor in front of the reporter, the Judge, and the attorneys,

All parties requesting realtime services shall be responsible for providing their own personal computers and monitors. The certified realtime reporter shall provide wiring and data communications connections needed to provide realtime services to these persons. Parties should coordinate and pre-test their equipment with the court reporter before official proceedings begin.

Technical Standards for realtime reporting are published in the *Guide to Judiciary Policies and Procedures*, Volume 6, Chapter 3.

## XII. Electronic Sound Recording

The U.S. District Court Electronic Sound Recording Management Manual and the Electronic Court Recorder Operators' Manual provide specific information and forms which electronic court recorder operators should follow when court proceedings are recorded by electronic sound recording systems.

### A. Responsibilities of the Clerk of Court

The clerk of court is responsible for the efficient and effective functioning of electronic sound recording. These responsibilities include:

1. Supervising electronic court recorder operators.
2. Preserving the audio records according to records disposition schedules established by law or the Judicial Conference (See: Guide, Vol 10, Ch 6). Audio is automatically stored to a shared drive for both Buffalo and Rochester. The shared drive is backed up nightly.
3. Assigning operators to record proceedings as needed.
4. Cross-training personnel so that operators are available as needed.
5. Reproducing audio recordings and making them available as required by law, at the rates prescribed by the Judicial Conference.
6. Establishing a system for listening to the audio recordings in the courthouse.
7. Arranging for the transcription of the record, or such parts thereof, as may be requested by the court or a party.
8. Monitoring transcripts produced by transcription services to ensure that they conform to the transcript format requirements of the Judicial Conference.

## XIII. Miscellaneous Provisions

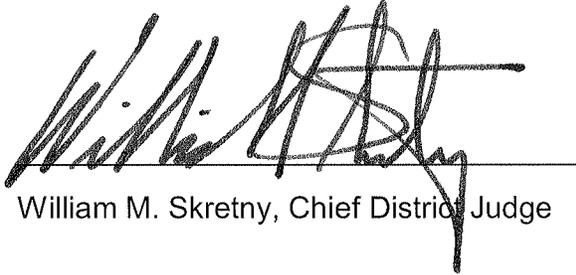
Access to the Judiciary Data Communications Network (DCN). Official court reporters in the Western District are authorized access to the DCN for the purposes of accessing judiciary electronic mail, the J-Net, on-line queries of case management/docketing systems, on-line calendaring systems used by the Courts, automated forms, and the ACRA reporting system. However, access to the DCN must be through government-owned equipment. Official court reporters are strictly prohibited from using any government-owned computer hardware or any automated systems accessed through the DCN to generate transcript income. Contract

reporters, typists and scopists must not be allowed access to the DCN at any time.

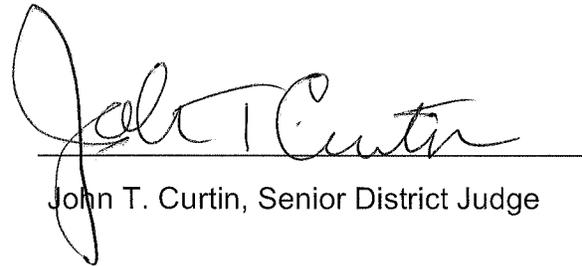
XIV. Authority of the Chief Judge

Any violation of this plan shall be referred to the Chief Judge for appropriate action.

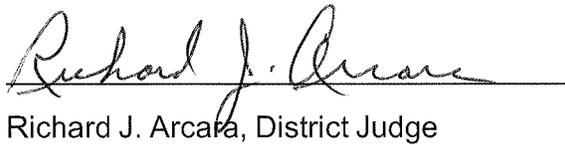
Approved and Adopted by the Court.



William M. Skretny, Chief District Judge



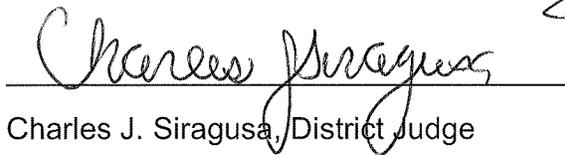
John T. Curtin, Senior District Judge



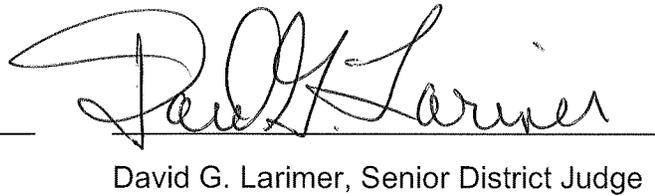
Richard J. Arcata, District Judge



Michael A. Telesca, Senior District Judge



Charles J. Siragusa, District Judge



David G. Larimer, Senior District Judge

June, 2011

Buffalo, New York