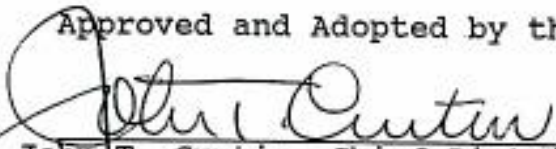


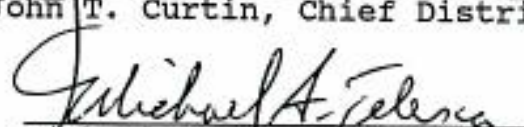
FIRST AMENDED PLAN FOR THE
MANAGEMENT OF COURT REPORTERS

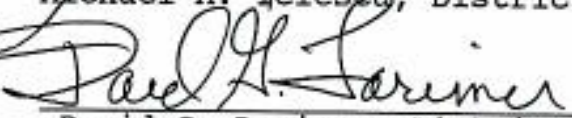
(Replacing the Plan adopted August 8, 1983)

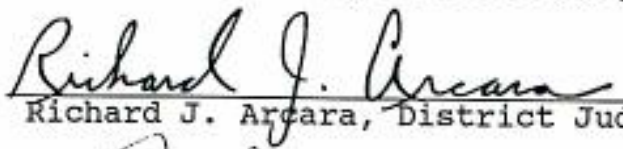
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

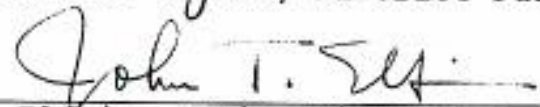
Approved and Adopted by the Court.


John T. Curtin, Chief District Judge


Michael A. Telesco, District Judge


David G. Larimer, District Judge


Richard J. Arcara, District Judge


John T. Elfvin, Senior District Judge

FILED

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U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

--COURT REPORTER MANAGEMENT PLAN--

A. Introduction. The court desires through this Plan to achieve effective management of the official court reporters. The Chief Judge or his designee is fully authorized administratively to supervise the court reporters.

The Plan is designed to:

1. obtain effective day to day management and supervision of an efficient reporting service within the court.
2. make clear that the court reporters serve the court en banc and not a particular judge.
3. obtain effective utilization of the services of court reporters and an equitable distribution of their workload.
4. avoid backlogs of transcripts and assure prompt delivery of transcripts.
5. assure appointment of fully qualified court reporters and dismissal of incompetent court reporters.
6. minimize the use of contract court reporters.
7. enhance efficient operation and service to the court and litigants.

B. Appointment and Dismissal of Court Reporters.

The Court shall appoint and dismiss court reporters, and in connection therewith the court shall consider the recommendations of the clerk. Court reporters shall be appointed in accordance with the provisions of the Court Reporters Act (28 USC Section 753) and the Policies and Procedures of the Administrative Office of the US Courts and the Judicial Conference of the United States. Only fully qualified court reporters shall be appointed as court reporters of the court. Court reporters who do not perform in a competent and satisfactory manner shall be subject to dismissal.

C. The Chief Judge.

The Chief Judge or his designee shall co-ordinate 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, subject to the provisions of paragraph D,

(2) periodically reviewing transcripts to assure full compliance with formal requirements of the Administrative Office of the US Courts and the Judicial Conference of the United States,

(3) periodically reviewing transcript billing 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 rules and regulations concerning the recording and filing of pleas and sentences,

(5) periodically reviewing the time records of the court reporters to assure proper maintenance and accuracy,

(f) periodically reviewing the records of the court reporters to assure the timely filing of all reports required by the Administrative Office of the US Courts and the Judicial Conference of the United States,

(g) requiring the court reporters to submit reports and information pertinent to this Plan.

(h) performing such other activities relating to court reporters as shall be directed by the court.

D. Assignment of Court Reporters.

1. Court reporters shall be assigned to particular judges as a matter of convenience. Court reporters are not in the employ of a particular judge but are employed by the court en banc. 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

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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, or to another judicial officer as required, for reporting purposes.

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

E. Hours of Attendance.

The court reporters stationed at Buffalo are assigned to a "regular tour of duty" within the purview of that phrase as used in pronouncements of the Judicial Conference of the United States and the Director of the Administrative Office of the US Courts relating to entitlement to full-time status for purposes of computation of retirement and other benefits.

The court reporters stationed at Rochester are not so assigned.

F. Terminations, staffing reductions.

1. Reporters Serve at Pleasure of the Court. Court reporters serve at the pleasure of the court en banc. The court may make changes in reporting staff at will, and without regard to seniority.

2. Death or Departure of Judge. Because 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.

3. Reduced Workload. Should it be necessary to reduce the reporting staff because of a reduced workload, and where reduction cannot be accomplished by voluntary or involuntary relocation, attrition, or reduction of one or more reporters to part-time status, the Court en banc shall decide which reporter is to be terminated and reasonable notice of termination will be given, and the Administrative Office will be contacted to determine whether other districts might be seeking a staff reporter.

4. Transcript Responsibility After Severance. A reporter who has resigned or been terminated remains responsible for producing requested transcript from the period of employment at

the rates in effect at the time the transcript was ordered.

G. Transcripts.

The Court Reporter shall advise the Chief Judge or his designee of any transcript order which cannot be delivered within 30 days; the Chief Judge or his designee may take appropriate action so that the transcript is produced when required. If a transcript is on order for more than 60 days, without good cause, the reporter shall take annual leave or leave without pay until this condition is cured.

Reporters shall not agree to "expedite" any transcript which will delay the preparation of transcripts for appeal. Any extension of time to file transcripts shall be obtained from the appropriate authority, i.e. the Clerk of the Court of Appeals in cases involving appeal transcripts and the Chief Judge or his designee in all other cases. Unless otherwise directed by the Chief Judge, his designee, or a judge, transcripts in civil cases generally should be prepared in the order in which requests for them are received. Preparation of criminal transcripts generally shall take precedence over preparation of civil transcripts. Reporters shall file with the clerk transcripts of proceedings within thirty days of their being prepared. If an electronic recording device was utilized, the reporter should certify the recording and file it as soon as the recording cassette, reel, etc. has been used to capacity.

H. Miscellaneous.

1. Court reporters who are assigned to a regular tour of duty shall not engage in private reporting 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 he or she 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 who are not assigned a "regular tour of duty" may engage in private reporting during normal court hours, but may not utilize the facilities of the court. Private work of any nature at all times shall be subordinate to court work.

2. 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.

3. The work of court reporters shall be "notereadable" so

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that the stenographic notes of one court reporter can be read by another in the event of an emergency.

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

I. Authority of the Chief Judge.

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