

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CHS. 40 AND 50 ]

### Proposed Recommendation Regarding Rescission of Rules of Judicial Administration 5001 through 5014 and Promulgation of New Rules 4001 through 4015

The Advisory Committee on Court Reporting and Transcripts is proposing that the existing Pennsylvania Rules of Judicial Administration governing court reporting and transcripts be rescinded and new rules be promulgated as set forth in this recommendation.

The proposed recommendation is being submitted to the bench, bar and public for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

The Committee's *Comments* and explanatory *Remarks* accompanying the proposed rules do not constitute part of the rules and will not be promulgated or adopted by the Supreme Court.

The communications in reference to the proposed recommendation should be sent no later than May 1, 2009 to:

Advisory Committee on Court Reporting and Transcripts  
c/o Administrative Office of Pennsylvania Courts  
Supreme Court of Pennsylvania  
1515 Market Street, Suite 1414  
Philadelphia, Pennsylvania 19102

*By the Advisory Committee on  
Court Reporting and Transcripts:*

HONORABLE ROBERT A. FREEDBERG,  
*Chair*

#### *Introduction*

In 2007, the Supreme Court of Pennsylvania, through the Judicial Council of Pennsylvania and the Administrative Office of Pennsylvania Courts, established the Advisory Committee on Court Reporting and Transcripts. The Honorable Robert A. Freedberg, judge of the Superior Court of Pennsylvania, has served as Committee Chair. Committee membership has included trial judges, court administrators, and prominent members of the Pennsylvania bar. Several of the members have had many years of experience in court reporting.

Most of the existing Rules of Judicial Administration (Chapter 5000) governing court reporting were promulgated in 1981. The Committee was charged with the review of these rules in light of changes since that time in court reporting economics, management practices and technology.

To facilitate the research work and drafting, the Committee was organized into three subcommittees: (1) the Compensation Subcommittee, chaired by Hon. Paula Francisco Ott, President Judge of the Chester County Court of Common Pleas; (2) the Management Subcommittee, chaired by Hon. John C. Uhler, Judge of the Court of Common Pleas of York County; and (3) the Technology Subcommittee, chaired by Michael R. Kehs, Esquire, District Court Administrator of Montgomery County. Each subcommittee undertook extensive analysis of local, state

and national practices. The Committee also sought the input from the Pennsylvania Court Reporters Association and other court reporting professionals, both regional and national. The Committee is grateful for those opportunities to exchange information and views.

The present proposal is the culmination of the work of the Committee.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 40. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule	Scope of Rules. Policy.
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4003.	Qualifications and Certification of Court Reporters and Court Recorders.
4004.	Approval of Transcriptionists.
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4006.	Requests for Transcripts.
4007.	Transcript Fees Payable by a Requesting Party other than the Commonwealth or a Subdivision Thereof.
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#### **Rule 4001. Scope of Rules. Policy.**

(A) These rules shall govern the making, preserving and transcribing of the record of proceedings before any trial court of record 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; (2) transcripts are produced timely and are affordable to all litigants; and (3) efficient technologies are employed to reduce litigation costs and conserve public resources.

#### **Rule 4002. Definitions.**

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

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

*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 copy* means a transcript delivered within eighteen (18) hours of an official request, not including weekends. For the purposes of additional payment, a transcript is a daily copy 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.

*Electronic copy* means a transcript delivered via any electronic, non-paper media.

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

*Expedited copy* means a transcript delivered within seventy-two (72) hours of an official request, not including weekends. For the purposes of additional payment, a transcript is an expedited copy 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 copy* means a transcript ordered for delivery within the time limits set forth in Rule 4011.

*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.

*Transcript* means a copy of the verbatim record of a proceeding.

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

**Rule 4003. Pennsylvania Advisory Committee on Court Reporting and Transcripts.**

(A) The Pennsylvania Advisory 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) The district court administrator of the Philadelphia County Court of Common Pleas;
- (5) The district court administrator of the Allegheny County Court of Common Pleas;
- (6) Two district court administrators chosen from among the judicial districts of the Commonwealth other than Philadelphia and Allegheny;
- (7) Two providers of court reporting services representing the various methods currently in usage within Pennsylvania; and
- (8) Two members of the Pennsylvania Bar.

(B) The Committee shall review current rules and practices, and, upon concurrence of the Court Administrator of Pennsylvania, recommend revisions to the Uniform

Rules Governing Court Reporting and Transcripts as may be necessary to effectuate the policy of these rules.

(C) The Administrative Office of Pennsylvania Courts shall provide staff support to the Committee.

**Rule 4004. Qualifications and Certification 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 he or she is certified by their president judge or 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) a court reporter who holds and maintains a professional certification.

(B) The minimum criteria for certification of a court reporter are:

(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 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) Minimum criteria for certification of a court recorder. The court recorder

- (a) is fully familiar with the controls of the electronic audio or audio-visual equipment;
- (b) has adequate hearing acuity to assure a high quality recording;
- (c) will insist on clarity of the recording;
- (d) can quickly diagnose and correct routine malfunctions;
- (e) is proficient in note taking; and
- (f) understands courtroom procedures and vocabulary.

(D) All persons employed or utilized by a court as a court reporter, including those employed or utilized prior to the adoption of these rules, shall be recertified as meeting the above criteria at least every three (3) years. Any person who fails to meet the minimum criteria at the time of recertification 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.

(E) The president judge shall certify annually to the Court Administrator of Pennsylvania compliance with this rule on forms developed by the Administrative Office.

**Rule 4005. Approval of Transcriptionists.**

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

**Comment**

The American Association of Electronic Reporters and Transcribers (AAERT) recommends the following criteria

for transcriptionists: (a) scores at least 70% on an examination with a timed, 100-question, written examination on technical aspects of electronic reporting, courtroom procedures, and vocabulary; and (b) scores at least 98% accuracy on at least ten text pages produced during a half-hour AAERT-prepared audiotape in ASCII, Word, WordPerfect, or WordStar.

**Rule 4006. Employment and Duties of Court Reporting Personnel.**

(A) The president judge of each judicial district or 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 designee shall assign court reporting personnel in a manner as to

(1) cover all proceedings and timely produce all transcripts

(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.

(D) No court reporting personnel shall work outside his or her official duties unless in full compliance with all rules regarding timeliness of transcripts.

(E) All court reporters are required to submit to the president judge, or his or her designee, a copy of the reporter's electronic dictionary upon employment or contractual engagement. An updated electronic dictionary must be provided to the president judge or his or her designee at least quarterly.

**Rule 4007. Requests for Transcripts.**

(A) Where a litigant is responsible for the costs, all requests for transcripts shall be set forth on a standardized form provided by the Court Administrator of Pennsylvania. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(B) For ordinary copy, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court. Copies of the formal request shall be delivered to:

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

(C) A written request for daily, expedited or rough draft transcripts shall be filed 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 of the transcript.

(D) Where a private litigant who is responsible for the costs requests a transcript,

(1) the litigant ordering a transcript shall make partial payment of the estimated cost of the transcript to the court's designee

(2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee

(3) the court reporter 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

(4) upon payment of any balance owed, the court reporter or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties.

(E) When a transcript is requested for which the court or county is responsible for the cost, the court reporter or transcriptionist shall prepare the transcript upon receipt of the request.

(F) Court reporters or transcriptionists shall file a monthly report with the district court administrator of all ordered or requested transcripts in chronological order indicating the date of each order or request, 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 or transcriptionist must inform the district court administrator or designee whenever courtroom coverage must be arranged in order to timely deliver the transcript.

(G) The district court administrator shall prepare a summary statistical report of 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 of Pennsylvania Courts quarterly on forms designed by the Court Administrator of Pennsylvania.

(H) All court reporting personnel and county administrative personnel are required to comply with all standing and special requests of the Administrative Office of Pennsylvania Courts for information, including transcript fee collections and data relative to transcript production, delivery, and delay.

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

**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 fees is left to the discretion of the president judge and district court administration.

**Rule 4008. Transcript Fees Payable by a Requesting Party other than the Commonwealth or a Subdivision Thereof.**

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

- (a) for ordinary copy, \$2.25 per page,
- (b) for expedited copy, \$3.25 per page, and
- (c) for daily copy, \$4.25 per page.

(2) Where the transcript is prepared in bound paper format, the fees 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 should result in reduced costs for preparing and distributing transcripts. The ability to store transcripts and reporters' notes on disks and networks should also greatly reduce the courts' storage costs. Unlike paper transcripts, electronic transcripts can offer features such as keyword searches, copy and paste functions, and speedy transmission. Electronic systems support the business trend of moving toward paperless operations and also respond to ecological concerns by reducing paper waste.

#### (B) Economic hardship—minimum standards

(1) Transcript fees shall be waived for a litigant who has been permitted by the court to proceed *in forma pauperis* or whose income is below the poverty line as defined by the U. S. Department of Health and Human Services (HHS) poverty guidelines for the current year

(2) transcript fees shall be reduced by one-half for a litigant whose income is less than 200 percent of poverty as defined by the HHS poverty guidelines for the current year

(3) the court shall advise litigants of the procedure for requesting a fee waiver or reduction.

### Comment

Transcript fees can be quite costly. By establishing minimum standards, subdivision (B) is intended to ensure that fees do not effectively deny equal access to the court system to impoverished persons and persons of limited financial means. Procedures for waiving or reducing transcripts fees must be published by the court and clearly communicated to litigants.

#### (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. Fees 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

(1) An electronic copy of the transcript shall be provided without charge to all parties other than the requesting party. A paper copy may be purchased at the surcharge rate specified in Rule 4008(A)(2).

(2) The cost of copies prepared for the court or filing office are included in the fees set forth in Rule 4008(A) and shall not be charged to any party.

(3) The fee charged to the public for a copy of a transcript that has been filed of record shall not exceed \$0.25 per page.

### Comment

As no additional effort is needed to produce a copy of an electronic transcript, no copy charges may be levied upon the parties. 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)(3) provides that the fee charged to the public for a transcript copy that has been filed of record shall not exceed \$0.25 per page, regardless

of the form or location in which the transcript is filed or stored. At this time, the rules do not require the sale of electronic transcripts to the public.

#### (E) Additional fees

No transcript-related fees 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 of Pennsylvania.

#### Rule 4009. Fees Payable to the Court Reporter or Transcriptionist by Employing Judicial District. Local Rule.

The president judge of the judicial district shall promulgate a local rule establishing the fees to be paid by the judicial district to court reporting personnel for all court reporting products and services.

**Official Note:** For rules governing the promulgation of local rules, see R.J.A. 103(c), Pa.R.C.P. 239 and Pa.R.Crim.P. 105.

### Comment

The compensation of court reporters—which includes salary, benefits and fees, as well as per diems for temporary reporters—lies within the discretion of the employing judicial district. By local rule, the president judge shall set forth a comprehensive schedule of fees to be paid by the judicial district to the court reporter for all transcripts and related services. While the maximum fees that may be charged to litigants or the public is fixed by Rule 4008, and may not be exceeded, the president judge has the discretion to pay court reporters a differing amount, greater or lesser, to ensure the overall compensation of court reporters is equitable and proper.

In sum, these rules provide that litigants pay the transcript fees to the court according to the statewide fee schedule set forth in Rule 4008. The court, in turn, pays transcript fees to the court reporter according to the fee schedule set by the president judge of the judicial district. Thus, transcript fees paid to court reporters need not be the same as the amounts charged to parties and the public.

The fee schedule set by the president judge must specify the fees that court reporters and transcriptionists are paid for both transcripts requested by litigants and transcripts requested by the Commonwealth or a subdivision thereof. Therefore, at a minimum, the local rule required in Rule 4009 must include the fees payable to court reporters and transcriptionists for: (1) private-party transcripts; (2) transcripts ordered by governmental entities; (3) indigency and economic hardship cases; (4) accelerated delivery surcharges; and (5) fee reductions due to transcription delay.

#### Committee Remarks on the Proposed Fee Rules (Rules 4008 and 4009).

*Logic of the proposed fee rules:* In Pennsylvania, litigants are charged for a range of services offered by the courts, generally in the form of user fees. Fee schedules serve a variety of objectives: raising revenue to help cover the cost of the services provided, enhancing access to justice by protecting low-income litigants from these costs, and efficiency by deterring frivolous cases or appeals. However, the goals of cost recovery, access to justice, and efficiency, are intrinsically incompatible, and so “trade-offs” are necessary when setting user fee amounts. Both for constitutional and ethical reasons, unimpeded access to the courts must always be the cardinal consideration, a fact which places firm limits on

the cost recovery and, perhaps to a lesser extent, efficiency. Thus, fees charged to litigants for transcripts are not intended to recover the full cost of making the court record, either in terms of salaries, benefits, equipment or overhead, or the time costs of transcribing notes of testimony. In this regard, an important distinction should be kept in mind. Under the proposed rules, the transcript fees paid by litigants are the property of the county—not a passthrough to the court reporter—just as other fees paid into court are (e.g., the fees for a commencement of a civil action or a praecipe for trial). As an employee or contractor to the court, court reporters are paid by the county court at rates set by the president judge. This is not to suggest that court reporters should receive less (or more) fees than they currently do—the proposed rules are silent on that question; rather, the scope of a court reporter's work that is fee based (which differs from county to county), and the fees paid to court reporters for that work, are properly determined by the president judge of the judicial district.

*Why change the current fee structure?* Several reasons. First, the transcript fees and copy charges imposed on litigants are widely disparate from county to county and, in several cases, disparate from reporter to reporter within a county (i.e., reporters are setting their own fee rates). Second, the high cost of transcripts can impose an economic hardship restricting access to the courts (see Committee Remarks on economic hardship, below). Third, the “purchased product”—court transcripts in terms of words per page—are notably inconsistent throughout the Commonwealth (see, proposed Rule 4010 which specifies the transcript format, below). And fourth, the efficient practice of law and judicial administration now entail the use of electronic transcripts and copies.

*Will the proposed rules allow president judges the freedom to adjust fee compensation to local labor market conditions?* Yes. The president judge's order required under Rule 4009 covers all aspects of transcript and related fees payable to court reporters, whether full-time, part-time, contract or per diem. Note, in this regard, that the proposed rules are more flexible than the current rules (e.g., the ceiling on county-paid transcript fees is eliminated). Flexibility at the local level is important for county budgetary reasons, especially in light of the enormous variability across the state in levels of court reporter compensation, including transcript fees.

Proposed Rule 4009 encourages a thorough and rational examination of fees, allowing the president judge to properly balance budgetary concerns with compensation equities (court reporter salaries, benefits, fees) in light of court reporter workloads, courtroom staffing needs, and technology choices. To assist in this process, the Committee has developed a recommended standardized local rule listing all of applicable fee categories; the determination of the fee amounts payable to court reporters for each category is left to the sound discretion of the president judge.

*Economic Hardship.* The Committee found that some jurisdictions in Pennsylvania did not provide for a waiver of fees for impoverished litigants in civil and family law cases, and none provided fee discounts for litigants of limited means (“the working poor”) on an organized basis. However, the Committee has also learned that some court reporters may, on their own motion or at the suggestion of the trial judge, reduce their fees on grounds of compassion. While laudable, such actions tend to be *ad hoc*, discretionary, unsubsidized by the court or county and, therefore, unfair to reporters.

The HHS federal poverty guidelines for 2009 are presented below. Given: (1) the still modest income amounts that define poverty under the current guidelines (e.g., \$22,050 for a four-person family); and (2) the fact that transcript fees occasionally reach \$1,500 or more, the Committee finds the minimum standards of proposed Rule 4008(B) to be necessary to ensure that a party's economic status is not a determining factor in securing access to trial court or appellate review.

#### 2009 HHS Poverty Guidelines

<i>Persons in Family</i>	<i>48 Contiguous States and D.C.</i>
1	\$10,830
2	14,570
3	18,310
4	22,050
5	25,790
6	29,530
7	33,270
8	37,010
For each additional person, add	3,740

#### Source

*Federal Register*, Vol. 74, No. 14,  
Friday, January 23, 2009, p. 4200.

Proposed Rule 4008(B) references the Federal poverty guidelines as minimum standards. Courts may employ other eligibility criteria which are at least equivalent to, but not less than, the current year HHS benchmarks.

#### Rule 4010. Format of Transcript.

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

- (1) *Size.* Paper size shall be 8-1/2 × 11 inches.
- (2) *Paper.* Paper shall be opaque, white, archival quality paper, at least 13 pounds for both originals and copies.
- (3) *Preprinted Marginal Lines.* Pages shall contain preprinted solid left and right marginal lines. Preprinted top and bottom marginal lines are optional.
- (4) *Line Numbers.* Each page shall bear numbers indicating each line of transcription on the page.
- (5) *Number of Lines per Page.* Each page shall contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations (e.g., page headers) shall not be considered part of the 25 lines of text.
- (6) *Margins.* Typing shall begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.
- (7) *Type Size.* The letter character size is to be 12 points with 10 letters to the inch. This type size provides for approximately 63 characters to each line. Courier 12 pt. type is recommended.

(8) *Spacing.* Lines of text shall be double-spaced.

(9) *Indentations.*

(a) *Q and A.* All “Q” and “A” designations shall begin at the left margin. The statement following the “Q” and “A” shall begin on the fifth space from the left margin.

Subsequent lines shall begin at the left margin. Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

(b) *Colloquy*. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

(c) *Quotations*. Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

(d) *Interruptions of Speech and Simultaneous Discussions*. Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.

(e) *Page Heading (Also Known as "Headers")*. A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. Page headings shall appear above line 1 on the same line as the page number. This information shall not to be counted as a line of transcript.

(f) *Parentheses*. Parenthetical notations shall be marked by parentheses. They shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback.

(B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (9) for paper transcripts and, in addition, shall be in PDF format with the following settings:

- (1) *functions disabled*: content changes
- (2) *functions enabled*: search, select, copy and print.

#### **Comment**

Rule 4010 standards for both paper and electronic transcripts, which closely follow Federal court standards, 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) The court reporter or transcriptionist shall deliver the transcript within 21 days of receiving the direction to prepare the transcript, unless an accelerated timeframe is mandated by law. The court reporter or transcriptionist, upon a showing of good cause to the president judge or designee, may request an extension of the deadline for a period of time not to exceed an additional twenty-one days. In no case shall more than one extension be granted.

(B) A district court administrator or designee may cause a transcript to be prepared by another court reporter or transcriptionist from notes in the event of the

inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

(C) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.

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

#### **Rule 4012. Sanctions for Delayed Transcript.**

(A) In the event that a court reporter or transcriptionist shall fail to comply with the 21 day deadline for delivery of transcripts, fees paid to the court reporter shall be reduced pursuant to the following schedule:

- (1) from day 22 to day 30: 10% reduction in fees;
- (2) from day 31 to day 45: 20% reduction in fees; and
- (3) from day 46 onward: 25% reduction in fees.

(B) If the delay in delivering a transcript is egregious, the presiding judge may impose additional sanctions and hold the court reporter or transcriptionist in contempt of court.

(C) The President Judge may take disciplinary action, including decertification, against any court reporter or transcriptionist who has severely impeded 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. The Supreme Court may also take disciplinary action, where appropriate.

#### **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 minimum specifications established by the Supreme Court of Pennsylvania. Where more than one person was engaged in the production of the transcript, each shall certify as to his or her contribution.

#### **Rule 4014. Ownership of Notes.**

Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by a 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.

#### **Rule 4015. 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 Administrative Office of Pennsylvania Courts Record Retention and Disposition Schedule with Guidelines.

**Comment**

Each judicial district is responsible for the preservation of the transcript production materials listed in Rule 4015(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.

Exhibits admitted into evidence are part of the court record and must be maintained with the official court record in the appropriate filing office. Original materials shall not be maintained in the personal files of court reporting personnel.

[Pa.B. Doc. No. 09-462. Filed for public inspection March 13, 2009, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Disbarment**

Notice is hereby given that Leon Alexander Swinson having been disbarred by consent from the Bar of the District of Columbia by Order of the District of Columbia Court of Appeals filed May 8, 2008, the Supreme Court of Pennsylvania issued an Order on February 25, 2009, disbaring Leon Alexander Swinson from the Bar of this Commonwealth, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-463. Filed for public inspection March 13, 2009, 9:00 a.m.]

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**Notice of Suspension**

Notice is hereby given that Wilfrid LeBlanc, Jr., having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated February 4, 2008, the Supreme Court of Pennsylvania issued an Order dated February 25, 2009, suspending Wilfrid LeBlanc, Jr., from the practice of law in this Commonwealth for a period of 3 months, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-464. Filed for public inspection March 13, 2009, 9:00 a.m.]

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**Notice of Suspension**

Notice is hereby given that Scott J. Wood having been suspended from the practice of law in the State of New Jersey for a period of 1 year by Order of the Supreme Court of New Jersey dated February 13, 2008, the Supreme Court of Pennsylvania issued an Order dated February 25, 2009, suspending Scott J. Wood from the practice of law in this Commonwealth for a period of 1 year, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-465. Filed for public inspection March 13, 2009, 9:00 a.m.]

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