

VAN BUREN COUNTY – ALL COURT POLICY		
SUBJECT: CERs / CSRs AND TRANSCRIPTS OF COURT PROCEEDINGS	SECTION: 4- Video-Transcript-Media – Social Network	DATE: 5/11/2021
PREPARED BY: Frank Hardester	NUMBER: Policy 4.004	RESCINDS: 2/1/18, AD-1016-p

REFERENCES:

- [MCR 7.210\(B\)](#), [MCR 8.108](#), [MCR 8.110\(C\)\(3\)](#), [MCL 600.1104](#), [MCL 600.2543](#), [MCL 600.8602](#), [MCL 600.8411\(2\)](#)
- [Manual for Court Reporters and Recorders](#)
- Trial Court Services and Attendant Departments – Section 4-24 Court Reporter/Recorder,
- 2014-2015 Van Buren County Budget Policies
- General Employee Professional Standards Policy
- [Model Code of Conduct for Michigan Trial Court Employees](#)

DEFINITIONS AND ABBREVIATIONS:

- A/V: Audio/Video
- BIS: Business Information Systems – Courtroom Audio/Video Vendor
- CER: Certified Electronic Recorder
- CSR: Certified Shorthand Reporter
- DCR: Digital Court Recordings - Software used to record court proceedings
- DCR Player: Digital Court Recorders Player – Software used to play back court proceedings
- FTP: File Transfer Protocol (method to share large digital files online)
- Official CER/CSR: a person possessing active certification as a CER / CSR who is contracted with the court
- Official transcript: a transcript of court proceedings filed with the court which has been prepared by a CER/CSR authorized by the court to prepare transcripts

BACKGROUND:

Over the years, there has been a transition in transcript preparation.

- Circuit Court historically employed individuals as court reporters that were certified as Certified Shorthand Reporters (CSRs). CSRs prepared transcripts of proceedings at which they were present when requested by the court or a party in the case.
- Upon the inception of video recording, Circuit Court developed agreements with external transcription services for courtrooms using video recording.
- As the court made this transition, agreements were reached with the former court reporters that offered them first right of refusal for transcript requests. Agreements were established with Sandy Wyant in March 2011, Tamela Beam in December 2014, and Christina Carlsen in July 2015. With these agreements, AFSCME allowed the removal of transcription duties from bargaining unit work.
- On September 30, 2016, Sandy Wyant sent notification by email indicating she was no longer interested in receiving transcript assignments from the court.
- Van Buren County Courts became a concurrent jurisdiction court with one Chief Judge. In 2018, this policy incorporated all other courts related to transcript preparation.
- Pursuant to MCL 600.8602, each Van Buren County District Court Judge appoints their existing court recorders to complete transcripts out of their respective courts unless they are unavailable.

A policy was developed to provide a transcript assignment process and outline guidelines and expectations of CERs / CSRs.

POLICY STATEMENT:

- A. CERs / CSRs who prepare transcripts of court proceedings for the court will meet statutory requirements and will follow the rules established by the Michigan Supreme Court, the procedures set forth in this policy, and the Van Buren Courts Memorandum of Understanding for Transcription Services.

B. Transcripts for perfecting an appeal:
Official transcripts of court proceedings must be ordered from and prepared by the CERs / CSRs authorized by the court to prepare transcripts (see form VBC-2002). The request must be made in writing or online, specifying the case number, case name, date and type of hearing. The court recommends the attorneys / parties use form VBC-2006, *Transcript Request*, or the online portal at: <https://www.vanburencountymi.gov/211/Request-a-Video-or-Transcript-of-a-Heari> .

C. Transcripts of public proceedings that are not being appealed:
Official transcripts of court proceedings must be ordered from and prepared by the CERs / CSRs authorized by the court to prepare transcripts. The request must be made in writing, specifying the case number, case name, date and type of hearing. The court recommends the attorneys/parties use form VBC-2006, *Transcript Request* or the online portal at: <https://www.vanburencountymi.gov/211/Request-a-Video-or-Transcript-of-a-Heari> . All official transcripts must be filed with the court clerk's office.

A transcript may be prepared using private resources; however, it will not be considered the official transcript and will not be filed with the court. If private resources are used, the attorney/party must purchase copies of the relevant electronic record(s) from the court.

D. Transcripts for non-public cases may only be requested from parties authorized to have access by statute, court rule or otherwise.

E. Transcript Request for Criminal Cases

1. For Court Appointed Criminal Cases:

- a. If a transcript request is submitted as part of an appeal on a criminal case, the transcriptionist will prepare an original plus two copies. The original will be filed with the court, one copy to the appellant and the other to the appellee (Pros Office).
- b. If a preliminary exam transcript is requested by the defense attorney or the prosecutor's office, the transcriptionist will prepare an original plus two copies. The original will be file with the court, one copy to the defense attorney and the other to the Prosecutor's Office.
- c. If a transcript is requested for a hearing pre-judgement, the transcriptionist will prepare an original plus two copies. The original will be filed with the court, one copy to the defense attorney and the other to the Prosecutor's Office.

As part of the Due Process line item, the court will pay for invoices related to the above for the Court Appointed Attorney and Prosecutor's Office.

2. For Retained Attorney Criminal Cases:

- a. If a transcript request is submitted as part of an appeal on a criminal case, the transcriptionist will prepare an original plus two copies. The original will be filed with the court, one copy to the appellant and the other to the appellee (Pros Office).
- b. If a preliminary exam transcript is requested by the defense attorney or the prosecutor's office, the transcriptionist will prepare and original plus two copies. The original will be filed with the court, one copy to the defense attorney and the other to the Prosecutor's Office.
- c. If a transcript is requested for a hearing pre-judgement, the transcriptionist will prepare an original plus two copies. The original will be filed with the court, one copy to the defense attorney and the other to the Prosecutor's Office.

The requesting party/appellant will be billed for the entire invoice.

F. Transcript assignment agreements with Christina Carlsen, and Tamela Beam for Circuit Court matters will be followed until expiration.

G. Transcript requests for small claims proceedings will not be processed pursuant to MCL 600.8411(2).

PROCEDURES:

- A. Only CERs / CSRs certified under MCR 8.108 may prepare transcripts of court proceedings.
- B. All CERs / CSRs are independent contractors for preparation of court transcripts. They will provide and update the court with current business contact information.
- C. Van Buren County employees are not authorized to use county or court owned equipment, software, or supplies for the production of transcripts. CERs / CSRs employed by Van Buren County will not prepare transcripts or conduct any transcript related business during working hours.
- D. CER / CSR Unavailability.
 - 1. If the assigned CER / CSR does not wish to prepare the transcript or cannot timely prepare the transcript for any reason after he/she accepted the assignment, it is the responsibility of the assigned CER / CSR to find another approved CER / CSR (on the court's rotation list) who can complete the transcript. In doing so, it is the responsibility of the originally assigned CER / CSR to assure the transcript request is being fulfilled.
 - 2. If a CER / CSR anticipates being absent for a period of 14 calendar days up to 90 calendar days under the CER's / CSR's current one-year memorandum, the CER / CSR may submit a written request (email or hard copy) to the court services unit to temporarily remove her/his name from rotation list(s).
 - a. If Tamela Beam, or Christina Carlsen requests that transcripts not be assigned, they will continue on the rotation lists until they request in writing to be removed from the rotation list or until their specific union-authorized agreement expires.
 - b. If other Rotation List CERs / CSRs are unable to accept assignments for a period of more than 90 days, the CER / CSR will be removed from the rotation list(s), which will require submission of a new *Application to Serve on CER / CSR Transcript Rotation List (form VBC-2000)* to the court services unit, with no guarantee of being reinstated.
- E. Former Court Reporter / Recorder Agreements (for Circuit Court matters only – including Juvenile).
 - 1. Tamela Beam:
December 2014 Agreement Excerpt:
Starting 1/1/15 and continuing through 12/31/18 (or Ms. Beam's retirement/separation, whichever occurs sooner) Ms. Beam will be offered "right of first refusal" for video transcript preparation work, provided Ms. Beam remains qualified as required by State guidelines, proves proficient at video transcribing and provided Ms. Beam continues to perform satisfactorily and to submit work timely. Thereafter, Ms. Beam will be allowed to participate on any transcription rotation list. Ms. Beam will not be penalized or taken off the transcript list for reason of turning down transcript orders or if the DCR recording provided to her is of an inadequate quality.

While Ms. Beam is employed with Van Buren County, her agreement takes priority over all other agreements.
 - 2. Christina Carlsen:
July 2015 Agreement Excerpt:
Starting 8/1/15, Ms. Carlsen will be offered first right of refusal for transcript requests

second in line behind Tamela Beam while Ms. Carlsen remains employed by Van Buren County. Upon separation from her employment with Van Buren County / Court, Ms. Carlsen's first right of refusal option is void along with this agreement.

While Ms. Carlsen is employed with Van Buren County, her agreement takes priority over all other agreements, but is second to the agreement with Ms. Beam.

F. District Court Transcript Requests

1. The CER assigned to the South Haven District Court location will have first right of refusal for transcript requests out of the District Court West location and are District Court level cases as defined by MCR 8.117.
2. The CER assigned to the Paw Paw District Court location will have first right of refusal for transcript requests out of the District Court East location and are District Court level cases as defined by MCR 8.117.

G. Rotation List CERs CSRs.

1. Each CER / CSR is responsible for the cost of certification.
2. Application.
 - a. Any CER / CSR who wishes to be included on the court's approved transcript rotation list must complete and submit form VBC-2000, *Application to Serve on CER / CSR Rotation List*, to the court services unit.
 - b. The number of CERs / CSRs is unlimited.
 - c. CERs / CSRs approved for the court's rotation lists must sign the court's *Memorandum of Understanding for Transcription Services* (VBC-2001), and submit it to the court services unit.
 - d. The court services unit will:
 - 1) develop and maintain the approved lists of CERs / CSRs
 - 2) ensure that each approved CER / CSR has active certification
 - 3) ensure each approved CER / CSR signs the court's *Memorandum of Understanding for Transcription Services*
 - 4) remove the CER / CSR from transcript rotation list(s) if an annual renewal application with active CER / CSR certification is not received and approved by the court
 - e. CERs / CSRs must complete this application process annually by September 1 of each year to be retained on the court's transcript rotation list.
3. Assignment of Transcripts by the court services unit.
 - a. Preparation of transcripts will be assigned through the transcript rotation list (following applicable agreements and policies noted above).
 - b. The court services unit is appointed as the coordinator of the rotation assignment. Communications may be sent to the vbcourts@vanburencountymi.gov email address.
 - c. Approved CERs / CSRs will be added to the rotation list in numerical order of their CER / CSR number after any contractual agreement with others on the list.

- d. Transcripts will be assigned on a rotation basis. CERs / CSRs will be contacted by phone or email regarding an assignment. Expedited requests may result in the court calling those on the list until someone accepts the assignment regardless of the established rotation.
- e. Court services unit will ensure CERs / CSRs will be furnished with:
 - Instructions on how to access the court's case management system
 - Jury lists and seating charts
 - Witness lists
 - Other items upon request to assist them in the preparation of transcripts
- f. Court services unit will verify if a transcript has already been prepared for each transcript request prior to assigning a transcriptionist to avoid possible duplication. If a portion of a proceeding has already been transcribed and an additional request is received for the full proceeding, that request will be assigned to the transcriptionist who prepared the previous portion if they are available.

H. Supervision of CERs.

1. The chief judge is responsible for the overall effective management of the court's CERs / CSRs. It is the chief judge's responsibility to ensure that trial judges and court recorders/reporters comply with the requirements for preparing and filing transcripts. Transcripts must be filed timely. Court Rules and guidelines set forth in the Manual for Court Recorders and Reporters must be followed. (MCR 8.110)
2. Complaints regarding the quality or integrity of transcripts may be reported to the court services unit, who will immediately forward the complaint to the court administrator. The court administrator will then discuss the complaint with the chief judge.
3. If a CER / CSR is ordered by an appellate court to show cause why s/he should not be held in contempt of court for failing to file transcripts on a timely basis, the CER / CSR will immediately provide the chief judge and court administrator with a copy of the order.
4. The court administrator will receive notices from the State regarding overdue transcripts. This information will then be shared with the assigned transcriptionist and the chief judge or their designee.

I. Transcript Production.

1. Responsibility.

- a. MCR 8.108 governs the CER's / CSR's responsibility for preparing and furnishing transcripts.
- b. The CER / CSR assigned through the rotation process is responsible for:
 - 1) obtaining the appropriate recording.
 - a) The court services unit will provide electronic recording files to the CER / CSR upon assignment of the transcript. The court will also provide case caption and other case related information upon request by the transcriptionist.
 - b) Accessing electronic recording files on the FTP site:
 - (1) The court uses a file transfer website to send files to transcriptionists. Refer to the courts manual (TEC-781) on how download/retrieve digital court recordings electronically

- using this file transfer site.
 - (2) After 7 days, the a/v file on the FTP site will be deleted automatically. Transcriptionists should move file(s) to their local pc.
 - (a) The assigned CER / CSR is responsible for making arrangements to have another approved CER / CSR access/save the a/v file if s/he is not able to complete the transcript request.
 - (b) **Transcriptionists are responsible for deleting any a/v files from *their own* computer once the transcript is complete.**
 - c) Using the appropriate player to play back the recordings.
 - (1) The latest DCR Player can be downloaded from the BIS website at the following address:
<http://www.bisdigital.com/support/>
 - (2) Follow best practices manual for DCR Player that can be found by opening DCR Player software and select help topics.
- 2) contacting attorneys or individuals regarding the transcripts;
- 3) filing required certificates;
- 4) preparing transcripts under the requirements of the court rules and statutes governing CERs / CSRs;
- 5) filing transcripts with the court, with distribution of copies to appropriate parties;
- 6) update the court regarding the completion date or other information by emailing the court services unit at vbcourts@vanburencountymi.gov.
- 7) submitting invoice for payment; and
- 8) promptly returning any court property that may have been required (i.e. reporter notes) after filing the transcript.

2. Priority/Time Guidelines.

a. Appeals to the Court of Appeals:

- 1) Within 7 days after a transcript is ordered by a party or the court, the CER / CSR will furnish a certificate (MC 501 Reporter/Recorder Certificate of Order of Transcript on Appeal) stating that the transcript has been ordered, that payment for the transcript has been made or secured, that it will be filed as soon as possible or has already been filed, the estimated number of pages for each of the proceedings requested, and the name and certification number of the CER / CSR responsible for the transcript of each proceeding. MCR 7.210(B)(3)(a).
- 2) The CER / CSR will give precedence to transcripts necessary for interlocutory criminal appeals and custody cases. MCR 7.210(B)(3)(b).
- 3) Appeal transcripts must be filed within the time limits prescribed by MCR 7.101(F) and 7.210(B), unless the Court of Appeals extends or shortens time limits in an appeal pending in the court on motion filed by the CER / CSR or party. MCR 7.210(B)(3)(b).

- a) Time limits for filing appeal transcripts:
 - (1) Application for interlocutory appeal from an order granting or denying a motion to suppress evidence in a criminal case: 14 days after date transcript is ordered.
 - (2) Appeal of a criminal plea of guilty, guilty but mentally ill or nolo contendere: 28 days after date transcript is ordered
 - (3) Other interlocutory criminal appeal or custody case: 42 days after date transcript is ordered
 - (4) Termination of parental rights case: 42 days after date transcript is ordered
 - (5) All other cases: 91 days after date transcript is ordered

- 4) In the rare case where a time limit cannot be met, the CER / CSR will file a motion for an extension of time in the appellate court (MC 503, Motion to Extend Time for Filing Transcript on Appeal), and provide a copy to the chief circuit judge and circuit court administrator. Upon receiving a copy of said motion, the court administrator will instruct the court services unit to reassign any pending transcripts the CER / CSR has outstanding to another CER / CSR on the court's rotation list and not assign any future transcripts until the transcript that prompted the motion is filed with the court.

- 5) If a CER / CSR is ordered by an appellate court to show cause why he/she should not be held in contempt of court for failing to file transcripts on a timely basis, the CER / CSR will immediately provide the chief circuit judge and court administrator with a copy of the order.

b. Non-Appeal Transcripts.

Pursuant to the *Guidelines for Professional Practice*, the CER / CSR should:

- 1) Make timely delivery of transcripts, meet promised delivery dates, and make notification of delays.
- 2) Accept only those assignments when their level of competence will result in the preparation of an accurate, timely filed transcript.
- 3) Pursuant to MCR 8.108, the CER / CSR will furnish without delay, in legible English, a transcript of the records taken by him or her to any party upon request. Without delay means filing the transcript by the expected promised date.

c. Transcripts ordered by the court will be produced within the time frame requested by the court.

3. Fees.

- a. CERs / CSRs are entitled to receive per page for a transcript ordered by any person or a judge the sum of \$1.75 per original page and 30 cents per page for each copy (or a subsequent amended statutory rate), unless a lower rate is agreed upon.
- b. There is no authority to receive additional fees beyond the statutory rate for any type of transcript, including expedited requests.

4. Invoice.

The CER / CSR will prepare an invoice for payment of prepared transcripts and will submit the invoice to the appropriate party for billing.

5. Copies.

Once a transcript is filed with the court, requests for copies of transcripts will be provided by the court at the current copy rate fee as allowed by statute (\$0.30 per page for transcript copies).

J. Equipment/Supplies.

1. CERs / CSRs will use their own equipment and supplies for transcript preparation. The playback software can be obtained by the CER / CSR through the BIS website.

2. CERs / CSRs will not use county owned computers, copiers, printers, paper, ribbons/ink cartridges, transcript covers, envelopes, miscellaneous office supplies, postage, postal packaging, or any other court equipment or supplies for production of transcripts.

K. Court Employees.

CERs / CSRs who are also court employees are not permitted to process (docket, file stamp, scan, etc.) their own transcripts and are required to file them with the on-duty clerk in the clerk's office.

L. Disciplinary Action.

Violation of this policy may result in the CER's / CSR's removal from the rotation list. Van Buren County employees in violation of this policy may also be subject to progressive disciplinary action.

FORMS USED:

MC 501, Reporter/Recorder Certificate of Order of Transcript on Appeal

MC 502, Notice of Filing of Transcript and Affidavit of Mailing

MC 503, Motion to Extend Time for Filing Transcript on Appeal

VBC-2000, Application to Serve on Certified Electronic Recorder Rotation List

VBC-2001, Memorandum of Understanding for Transcription Services

VBC-2002, Authorized Van Buren County Courts Court Recorders / Reporters

VBC-2003, Notice Regarding Court Audio / Video Recordings – copying, viewing, & transcript requests

VBC-2006, Transcript Request

APPROVAL:

Effective Date: _____

Date: _____

Chief Judge Signature: _____

Cathy Munther

From: Sandra Wyant <sewyant2096@gmail.com>
Sent: Friday, September 30, 2016 5:38 PM
To: Cathy Munther
Subject: Re: You have been updated on our list

Yes, that's correct that I do not wish any requests for transcripts at this time until further notice. In my profession as a Certified Shorthand Reporter if ever I couldn't hear a word or phrase, I would interrupt the hearing at the time and request repeat and/or clarification. I almost never used the word 'inaudible' in my transcripts.

In typing transcripts from the audio/video tapes, I have found that there were too many times I could not hear and/or understand what was being said and it would require several times listening over and over to the same spot and then still have to put 'inaudible' and I don't feel comfortable doing that as a professional typist.

So perhaps when the audio/video equipment is improved I may be interested again.

Thanks -

Sandy Wyant
RPR CSR-2096

On Sep 29, 2016 2:12 PM, "Cathy Munther" <MuntherC@vbco.org> wrote:

Hi Sandy,

Could I get you to send me an email stating you do not want to take request at this time. Frank says I need something in writing again.

Cathy Munther
ADR Clerk/Court Clerk
Van Buren County Circuit Court
212 E. Paw Paw St. Suite 205
Paw Paw, MI 49079
Phone: [269-657-8260](tel:269-657-8260)
Fax: [269-657-2613](tel:269-657-2613)
Email: MuntherC@vbco.org

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