

AO 40A USCRA Instructions *(Rev. 12/31/15)*

This review of the AO 40A instructions will be focused on Boxes 7 through 9, which seem to be the most troublesome for reporters when trying to decide how best to define the duties and responsibilities of the daily activities of a Federal Official Court Reporter. As a reminder, the new form still does not include boxes for any type of leave (administrative, holiday, annual or sick), as the Administrative Office will use a predetermined formula to approximate all leave time taken by FOCRs.

Category 7 is entitled "Time Spent Recording Court Proceedings." It is broken down into days and hours. Section 7a provides space for all of the locations in which you have reported during the quarter. Many reporters work at one courthouse and would only list that courthouse in this section; however, there are many official reporters who travel to satellite courthouses and report, and the location of each of those courthouses would be listed separately. Section 7b would include the number of days the reporter has written in each courthouse. Section 7c is the total number of those days. If your form is done electronically, the software performs the addition for you and will fill in Section 7c automatically.

Section 7d asks for the hours you work for the three different types of judicial officers: Judges, Magistrates, and Other. Hours worked for full-time Article III judges and senior judges are both included under Judges. Hours worked for all magistrates are included under Magistrates. Hours worked for other judicial officers, such as Masters, are included under Other, as are reporting special ceremonies such as courthouse dedications. Each day's hours should be kept in a convenient method determined by the FOCR, and rounding to the next 5-, 10- or 15-minute interval has been suggested. For submission of the quarterly report, official reporters may round the sum obtained to the nearest whole hour.

7d data collection should include time spent doing the following:

1. Writing
2. Courtroom set-up time, including realtime hook-ups and troubleshooting
3. Standby or wait time while in the courtroom or chambers (unless you perform other duties while waiting, such as transcript preparation where the time would be included in Box 9a or 9b, Transcript Preparation Hours.)
4. Reviewing pleadings
5. Building realtime dictionaries
6. Updating realtime dictionaries for ongoing proceedings
7. Rewriting proceedings from Magistrate audio recordings. (This time would be included in Other.)

You may NOT include time spent doing the following unless you are performing a job duty simultaneously. Such time then would be entered in 7d, 8a, 8b, 9a, or 9b, as appropriate:

1. Eating breakfast, lunch or dinner
2. Time during recesses
3. Waiting for the jury

Section 7e asks for the same information as 7d, except for substitutes hired by official reporters to work for them during absences from the court. However, reporters who are under the Leave Act (in other words, on a 40-hour tour of duty) are prohibited from employing substitutes for any absences from the court. The Administrative Office will extrapolate from approved invoices the hours of work performed by contract reporters

hired by the Court and add those hours into their final calculations. If your figures for 7d and 7e are entered electronically, the software will perform the addition and automatically fill in Boxes 7f and 7g.

Box 8 is labeled "Total Administrative Hours" and is broken into 8a, "Court Reporting" and 8b "Other Duties." A non-inclusive list of 8a activities follows:

1. Billing for transcripts
2. Administering travel, including arrangements, vouchers, and the like
3. Delivery, mailing or e-mailing of transcripts
4. Docketing transcripts
5. Financial and other recordkeeping
6. Preparation and filing of all local and AO reports
7. Answering work-related telephone calls, including transcript-related calls
8. Responding to work and transcript-related correspondence
9. Training, research, and other skills development/maintenance activities, including practicing and activities performed to maintain certifications
10. Buying and maintaining equipment and software
11. Purchasing supplies
12. Providing cost estimates
13. Making backups of steno notes on external storage devices
14. Backing up audio, if any
15. CJA-24 or e-voucher submission and follow-through
16. Calendaring courtroom proceedings
17. Supervising court reporters

8b duties relate ONLY to clerk's office duties such as staffing the intake desk, docketing filings other than transcripts, and quality control of docket entries when performed by an official court reporter.

Box 9 is designated as "Total Transcript Preparation Hours" and is divided into 9a, "Hours with Non-Salary Compensation" and 9b, "Other Hours." As in all previous versions of the AO 40A, hours spent performing private reporting activities such as grand jury reporting or the taking of depositions are specifically barred from inclusion on any part of the form.

9a asks for the numbers of hours the FOCR spent transcribing proceedings for which compensation was received under the Maximum Transcript Rate Grid as approved by the Judicial Conference. All time spent on transcribing proceedings, whether in the courthouse or outside of the courthouse, should be included. All hours of transcribers, scopists and other supporting personnel (but NOT other officials) employed by you should also be included. The term "transcribing" includes the following list of activities:

1. Typing
2. Dictating
3. Scoping (for yourself or another while in your official capacity)
4. Proofreading (for yourself or another while in your official capacity)
5. Checking and verifying case citations, medical and technical terms
6. All other aspects of transcribing proceedings.

9b asks for the numbers of hours the FOCR spent transcribing proceedings for which no compensation was received. All other instructions included in 9a above apply to 9b. Additionally, time spent preparing rough drafts would be included in 9b.

When accessing the form on a government computer, the AO's instructions will appear if you click on the question marks on the form. The form can be found at jnet.ao.dcn/sites/default/files/pdf/AO_040A_0315.pdf. You can also access the written instructions and the form at <http://www.uscourts.gov/forms/court-reporter-forms/attendance-and-transcripts-united-states-court-reporters>.

We hope this brief explanation of the most difficult to understand sections of the AO 40A has been helpful to you. If you have questions about where times for activities are entered or if you have suggestions to improve data collection, please contact your Circuit Rep or USCRA's Executive Committee and your communication will be addressed.