

Court Reporters

Staffing Formula development

Committee on Judicial Resources (JRC)

JRC

Overview of Work Measurement

- Principles;
- Purpose;
- Players;
- Current Court Reporter Allocation;
- Process;
- Schedule;
- Study Plan Review;
- Work Center Description Review; and
- Administration

Principles

- Integrity;
- Transparency;
- Continuous improvement;
- Accuracy;
- Empirically-derived results;
- Functional involvement;
- Formula currency;
- Required resources; and
- Workload-driven distribution.

Purpose

- To develop an empirically derived formula, or formulas, to define accurately and equitably the staffing requirements of the aggregate and individual district courts for court reporter services.
- The judiciary defines most of its staffing requirements through a statistically based process generically referred to as work measurement.
- In lay terms, the judiciary needs a data-based assessment of how many court reporters it requires to take the record.

Purpose (2)

- This initiative is neither:
 - An initial step in re-evaluating the compensation levels or system of court reporters;
 - Part of an effort to begin moving the reporting process to a different technology; nor
 - An effort to identify a block of court reporter hours for use in support of requirements in the clerks' offices.

Players

- Judicial Conference of the United States (JCUS);
- Committees: Executive, Judicial Resources (JRC), Case Administration and Court Management (CACM), Budget;
- Subcommittees: Economy;
- AO: Departments/Offices: HRO, CSO;
- Councils and advisory groups: HRAC, CRAG, DCAG, etc.;
- Steering group;
- Subject matter experts (SME) – in this case, the CRAG;
- Court reporters and clerks of court; and
- JRC support staff.

Current Court Reporter Allocation

- The judiciary allocates one court reporter per:
 - Active onboard district judge;
 - Senior district judge certified by the respective circuit judicial council as performing essentially the same caseload as its active district judges; and
 - Cumulative 650 hours in court for senior district judges not so certified by the circuit judicial council.
- The JNET provides FY2016 CR allocation information.

Process

Basics

- For court reporters (CRs), the process will use data submitted through the AO 40A which will provide detailed information about the work performed by CRs.
- The AO 40A has been slightly modified to accommodate work measurement.
- The AO will provide options to the JRC in June 2017 based on data provided through AO 40A for calendar 2016.
- The AO will use data from the financial reporting system to identify District Clerks Offices expenditures on contract Court Reporters.
- The AO will use data from AO 40B forms to identify additional costs associated with providing court reporting and transcription services to the Judiciary and official transcript requestors. Also, the AO will use data from the AO 40B to identify additional costs borne by CRs attendant to providing court reporting and transcription services in their official capacity.

Process

Basics (2)

- The basic work measurement questions:
 - What work does the office perform?
 - How often does the office perform the work?
 - How long does it take to perform the work once?
- Modification for CRs:
 - What work do CRs perform? (Extracted from AO 40A and ACRA)
 - How often do judges require services? (Extracted from AO databases of judicial activity)
 - How many court reporter resources are needed for a given court? (Statistically derived from the answers above)

Process

AO 40A Modifications

- There have been some slight modifications to the AO 40A. A copy of the instructions has been provided.
- The contents/instructions for the items 7d and 7e have changed, but the form itself has not.
 - **7d:** List the number of hours you were in attendance reporting official proceedings before judges, magistrate judges, or other judicial officers. Reporting time does not include lunch periods or recesses. Include courtroom set-up time (including for realtime), standby, or wait time while in the courtroom or chambers. But, do not include waiting for the jury or other standby time during which you attended to any other task. Time spent performing other tasks while waiting should be included in another category. Include reviewing pleadings, building realtime dictionaries, and updating realtime dictionaries for ongoing proceedings. “Judges” includes Active, Senior and Visiting Article III Judges. “Magistrate Judges” includes CVB proceedings. “Other” includes reporting of Magistrate Judge proceedings initially recorded electronically (report time spent preparing the transcript in 9a), reporting for Special Masters, investitures, or other special ceremonies at the court.

Process

AO 40A Modifications (2)

- The contents/instructions for the items 7d and 7e have changed, but the form itself has not.
 - **7e:** List the number of hours your paid substitutes were in attendance reporting official proceedings before judges, magistrate judges, or other judicial officers. Reporting time does not include lunch periods or recesses. Include courtroom set-up time, standby, or wait time while in the courtroom or chambers. But, do not include waiting for the jury or other standby time during which you attended to any other task. Time spent performing other tasks while waiting should be included in another category. Also list the number of hours substitute reporters were employed by you to assist in the production of expedited, daily and hourly transcripts as well as the number of hours your paid substitutes were employed by you for absences due to illnesses, vacations, or other reasons. Round all hours up to the next whole number. Include reviewing pleadings, building realtime dictionaries, and updating realtime dictionaries for ongoing proceedings. “Judges” includes Active, Senior and Visiting Article III Judges. “Magistrate Judges” includes CVB proceedings. “Other” includes reporting of Magistrate Judge proceedings initially recorded electronically (report time spent preparing the transcript in 9a), reporting for Special Masters, investitures, or other special ceremonies at the court.

Process

AO 40A Modifications (3)

- The key form modifications to support WM are:
 - Item 8 includes two fields:
 - 8a is for listing time spent on administrative duties as described in the instructions, and
 - In field 8b, include such other duties as required by the court or the clerk's office not included in 8a.

Process

AO 40A Modifications (4)

- Item 9 includes two fields:
 - List the number of hours you spent transcribing official proceedings as required by rule or order of the court for which you received compensation in addition to your judiciary salary. This includes all time you personally spent typing, dictating, scoping, proofreading, checking and verifying case citations, medical and technical terms, and all other aspects of transcribing proceedings. Include all time spent on these activities during and outside of your regular tour of duty. You may include the hours of transcribers, note readers, scopists or other supporting personnel employed by you. Include time spent on the preparation of rough drafts.
 - List the number of hours you spent transcribing official proceedings as required by rule or order of the court for which you DID NOT receive compensation outside of your judiciary salary. This includes all time you personally spent typing, dictating, scoping, proofreading, checking and verifying case citations, medical and technical terms, and all other aspects of transcribing proceedings. Include all time spent on these activities during and outside of your regular tour-of-duty. You may include the hours of transcribers, note readers, scopists or other supporting personnel employed by you provided the work performed would have been compensated by your salary had you performed it. Include time spent on the preparation of rough drafts.

Reminder: Item 9 excludes time spent on private reporting

Process

AO 40A Modifications (5)

- Item 8 changes to 8a. and 8b.

8. TOTAL ADMINISTRATIVE HOURS:		?	250
8a. Court Reporting:	150	8b. Other Duties:	100

- Item 9 changes to 9a. and 9b.

9. TOTAL TRANSCRIPT PREPARATION HOURS:		?	300
9a. Hours with Non-Salary Compensation:	200	9b. Other Hours:	100

Process

AO 40A Modifications (6)

4. DISTRICT * Florida - Northern		5. OFFICIAL DUTY STATION Pensacola		6. 40-HOUR TOUR OF DUTY <input type="checkbox"/> ? <input checked="" type="checkbox"/> ④ Yes <input type="checkbox"/> No	
7. TIME SPENT REPORTING COURT PROCEEDINGS (All days and hours should be rounded up to the next whole number.)	7a. PLACE (CITY) OF ATTENDANCE			OTHER SPECIFY:	7b. NUMBER OF DAYS
	Pensacola				34
			7c. TOTAL REPORTING DAYS		
			NUMBER OF HOURS		
REPORTING BEFORE			7d. OFFICIAL REPORTER	7e. SUBSTITUTE REPORTERS	7f. SUB TOTAL
			68	0	
MAGISTRATE JUDGES			34	0	
OTHER (SPECIFY)			17	0	
			7g. TOTAL REPORTING HOURS		
8. TOTAL ADMINISTRATIVE HOURS: ? 250		9. TOTAL TRANSCRIPT PREPARATION HOURS: ? 300		10. TOTAL TRAVEL HOURS: ?	
8a. Court Reporting: 150	8b. Other Duties: 100	9a. Hours with Non-Salary Compensation: 200	9b. Other Hours: 100	0	

No changes to the form, but changes to definitions for 7d and 7e.

Only changes are in 8 and 9.



Schedule

Event	Planned Start Date	Completion Date
Meeting of subject matter expert group	08/04/15	08/04/15
Internal (AO) exposure period for draft study materials, e.g., training materials and Frequently Asked Questions	06/19/15	07/01/15
Exposure period for draft study materials, e.g., training materials and Frequently Asked Questions (subject matter expert group)	07/01/15	09/16/15
Finalize and post Study Plan and Training Materials to Quickr (CSO distribution to CR community)		09/18/15
CSO provides access to revised AO 38 (AO 40A supporting form)		10/01/15
HRO will host many WebEx orientations/trainings about the WM study (CSO will provide testing and training for the revised AO40A)	11/09/15	11/20/15
CSO provides access to revised AO 40A		TBD
Test data collection, HRO and CSO, in consultation with CRAG, will solicit feedback from CR community	10/01/15	12/31/15
Data entry HRO and CSO will monitor the data throughout this period	01/01/16	12/31/16

Schedule

Continued

Event	Planned Start Date	Completion Date
Draft surveys/questionnaires	06/01/16	06/30/16
Exposure period for surveys/questionnaires (CRAG/DCAG)	07/01/16	07/31/16
Provide trainings and infrastructure for surveys/questionnaires	08/01/16	08/31/16
Surveys/questionnaires open to users	09/01/16	09/30/16
Initial reporting on survey/questionnaire responses	10/15/16	10/30/16
If needed, CRAG in person meeting		TBD
ACRA Reporting complete for CY 2016, CSO provides AO 40A data to PSI		01/21/17
CSO provides AO 40B data to PSI		03/15/2017
Steering Group meets to discuss options	02/29/17	03/04/17
HRO and CSO work with steering group to publicize options	03/07/17	03/31/17
Presentation to JRC		06/17
Deliberation by JCUS		09/17

Administration

Most Important Points

- Please be sure to submit the AO 40A and AO 40B on time and encourage other CRs to do so.
- Carefully review the AO 40A to ensure you understand the modifications to the instructions and the form.
- Read through the Frequently Asked Questions document. It contains detailed information that will assist in the completion of the form.
- Enter all the time you spend completing required duties in items 7 to 10 of the form. These are the most important data for the WM study.

Administration

Most Important Points (6)

- The AO will work with the CRAG and other groups to develop a questionnaire to lend context to the data.
- If you have suggestions for good questions to ask, contact Carolyn Peake.

Administration

CRAG Members

- **Nalene Benavides**, Court Reporter, Texas Western, nalene_benavides@txwd.uscourts.gov
- **Shannon Bishop**, Court Reporter, Florida Middle, shannon_bishop@flmd.uscourts.gov
- **Kim Criswell**, Administrative Analyst (Court Reporter Supervisor), West Virginia Northern, kim_criswell@wvnd.uscourts.gov
- **Anthony Frisolone**, Court Reporter, New York Eastern, anthony_frisolone@nyed.uscourts.gov
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- **Shirley Hall**, Court Reporter, Pennsylvania Western, representing U.S. Court Reporters Association, shirley_hall@pawd.uscourts.gov
- **Marianne Matherly**, District Clerk, California Eastern, mmatherly@caed.uscourts.gov
- **Bruce Matthews**, Court Reporter, Ohio Northern, representing National Court Reporters Association, bruce_matthews@ohnd.uscourts.gov
- **Randall W. Schnack**, Chief Deputy Clerk, California Central, randall_schnack@cacd.uscourts.gov
- **Scott L. Wallace**, Court Reporter/Court Reporter Supervisor, District of Columbia, scott_l_wallace@dcd.uscourts.gov

Administration

AO Contacts

- Workforce Analysis
 - Carolyn Peake, 202-502-1308
 - Clifford E. Johnson, 202-502-1194
- Court Reporting/ACRA
 - Julie Neville, 202-502-3414