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UNIFIED COURT SYSTEM
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BUDGET BULLETIN	NUMBER 309	May 4, 1998
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TO: Holders of the Financial Planning and Control Manual

SUBJECT: State Funded Transcript and Per Diem Court Reporter Expenses

This supersedes Budget Bulletins 210 and 278 dated November 20, 1989 and August 1, 1995, respectively, and all other bulletins relating to the expenditure of State Funds for transcripts and/or per diem court reporter appearance fees.

This bulletin is being issued to clarify those instances in which State funds shall be expended for court reporting transcription services provided to the Unified Court System by law or statute, and the maximum per page rates to be paid for such transcription services:

State-Funded Transcript Expenditures

The expenditure of State funds for transcripts is expressly limited to the following circumstances only:

1. For sentencing minutes ordered pursuant to Section 380.70 of the Criminal Procedure Law (one transcript required by law; additional copies to be ordered and paid for on an as-needed basis only, in the event of an appeal).
2. For plea minutes ordered pursuant to Section 70.02(5)(c) of the Penal Law (one transcript only).
3. For transcripts pertaining to appeals ordered pursuant to Section 460.70 of the CPL which provides that the State is obligated to provide payment for two transcripts when the defendant is granted permission to proceed as a poor person.

In no event shall UCS funds be expended for more than two transcripts in those instances where multiple defendants are tried simultaneously pursuant to CPL Section 200.40. **Nor shall UCS funds be expended for the one (1) transcript required to be prepared and filed with the court when the defendant is nonindigent (L.1995, c.83, section 207).**

4. For transcripts to be provided to the Division of Criminal Justice Services (DCJS) pursuant to Section 720.10(3) of the Criminal Procedure Law (one transcript only).
5. For transcripts to be provided to the Family Court pursuant to Section 725.05(8) of the Criminal Procedure Law (one transcript only).
6. As provided in Alweis v. Evans (69 N.Y.2d 199), for transcripts expressly ordered by judges which impose the extraordinary demand of daily or expedited copy ordered pursuant to Section 302 of the Judiciary Law. **When regular transcripts are provided to judges under ordinary circumstances, such transcripts are to be supplied pursuant to section 299 of the Judiciary Law without charge (see chart below).**

All vouchers for transcripts on appeals in criminal matters must be accompanied by the notice of appeal; a written request from the defendant or his/her attorney for a copy of the transcript; and where applicable, a copy of the order granting the defendant permission to proceed as a poor person.

Authorized Transcript Page Rate

In situations Nos. 1 through 5, above, where a specific statute makes the UCS responsible by law for payment to the court reporter for the transcript and the transcript has not been ordered by a judge for the court's use under sections 299 or 302 of the Judiciary Law, the only authorized rate of UCS payment is \$1.375 per page, regardless of delivery time. See section 108.2 of the Rules of the Chief Administrator [22 NYCRR].

In situation No. 6, above, where a transcript has been expressly ordered by a judge for the court's own use pursuant to section 299 or section 302 of the Judiciary Law, the underlying PERB proceedings and the decision of the court in Milonas v. PERB, 225 A.D.2d 57 (3d Dept.), motion for leave to appeal denied, 89 N.Y.2d 811 (1997), has confirmed that regular transcript copy must be provided to the judge or court at no charge, and that the

\$1.375 per page rate is to be paid for expedited and daily copy delivery times only, in accordance with the following chart:

	Regular Copy		Expedited Copy		Daily Copy	
	Delivery Time	Rate of Payment	Delivery Time	Rate of Payment	Delivery Time	Rate of Payment
Supreme Court (NYC)	Ordinary circumstances after the conclusion of proceedings actually transcribed, and including any production and delivery times that exceed those for daily, expedited or rush copy.	None	3 calendar days for each day of testimony	\$1.375 per page	Overnight or within 18 to 24 hours.	\$1.375 per page
Family Court (NYC)			5 working days /1			
Surrogate's Court (NYC)			3 calendar days			
Civil Court (NYC)			3 calendar days			
Criminal Court (NYC)			5 working days /2			
Judicial Districts Three through Ten			3 working days			

/1 In Family Court in New York City a transcript ordered as "rush copy" is the same as expedited copy and must be produced and delivered within 5 working days from the time it is ordered to qualify for payment at the rate of \$1.375 per page.

/2 In Criminal Court in New York City a transcript of a judicial hearing officer proceeding that is ordered by a Judicial Hearing Officer to be produced and delivered within 5 working days must be paid for at a rate of \$1.375.

The rates and delivery times set forth in this Bulletin apply to both salaried UCS-employed court reporters and court reporters serving as independent contractors on a per diem basis.

Appearance Fee - Per Diem Court Reporters

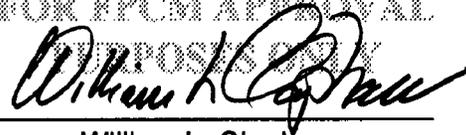
Depending upon the qualifications required, the following maximum rates shall be applied for the payment of per diem court reporter appearance fees. Appearances of three and one-half (3.5) hours or less shall be paid at one-half of the per diem rate:

Maximum Per Diem
Appearance Fee

Court Reporter	\$120.00
Senior Court Reporter	\$140.00

Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who be responsible for the processing of, or the monitoring of internal controls relating to, State-funded transcript expenditures.

NYS UNIFIED COURT SYSTEM
FOR FPCM APPROVAL

A handwritten signature in black ink, appearing to read "William L. Clapham", written over a horizontal line.

William L. Clapham