



NEW YORK STATE
Unified Court System

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DFM Bulletin

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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 the provisions of Budget Bulletins 309 and 330, dated May 4, 1998 and October 18, 2000, respectively.

Transcripts Funded by the Unified Court System

The expenditure of New York State appropriations of the Unified Court System (UCS) for transcripts is expressly limited to the following circumstances:

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(4)(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 non-indigent (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. For transcripts ordered by counsel appointed for indigent adults in Supreme Court proceedings pursuant to Judiciary Law Section 35(8).
7. For transcripts filed with the court following a conditional examination pursuant to Section 660.60(2) of the Criminal Procedure Law.
8. 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.**

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.

Format of Court Transcripts and Rates of Payment Therefore When the Unified Court System is Responsible for Payment

The Rules of the Chief Administrator (22 NYCRR Part 108) govern the format of each page of transcript of court proceedings to be furnished by a court reporter who is an employee of the Unified Court System or who is an independent contractor, the rate of payment to which a court reporter is entitled when the UCS is responsible for payment and the requirements for the agreement between a court reporter and a private party requesting a transcript.

The provisions of Part 108 are applicable to each transcript of proceedings recorded in the New York State courts provided that: 1) for transcripts produced and delivered by employees represented by the Association of Surrogate's and Supreme Court Reporters within the city of New York; the Court Officers Benevolent Association of Nassau County; District Council 37, AFSCME, AFL-CIO and Local 710; the Ninth Judicial District Court Employees Association; and the Suffolk County Court Employees Association, such transcript is ordered on or after August 16, 2000; and 2) for transcripts produced and

delivered by employees represented by the Civil Service Employees Association, such transcript is ordered on or after November 18, 2008.

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 four (4) 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 are responsible for the processing of, or the monitoring of internal controls relating to, State-funded transcript expenditures.

NYS UNIFIED COURT SYSTEM
FOR ADMINISTRATIVE
PURPOSES ONLY


Charles J. Hughes