

Rules of the Chief Administrator Part 108

Section 108.2 Payment for transcript.

(a) Unless otherwise provided by law, this section shall apply where the Unified Court System or persons or parties other than the Unified Court System are responsible for payment to the court reporter for the transcript, or some portion thereof, that is furnished.

(b)

(1) For furnishing a transcript of court proceedings, or some portion thereof, a court reporter shall be paid at the following rates:

(i) Where the Unified Court System is responsible by law for payment to the court reporter--\$2.50 per page for an original plus \$1.00 per page for each copy, except that: for delivery as required by section 460.70 of the Criminal Procedure Law--\$3.50 per page for an original plus no charge for the first copy; and for Regular delivery to a judge pursuant to section 299 of the Judiciary Law--no charge.

(ii) Except as otherwise provided in subparagraph (i) of this paragraph, where payment to the court reporter is to come from public funds: for Regular delivery -- between \$2.50 per page and \$3.15 per page for an original plus \$1.00 per page for each copy; for Expedited delivery -- between \$3.15 per page and \$4.25 per page for an original plus \$1.10 per page for each copy; and for Daily delivery -- between \$3.75 per page and \$5.25 per page for an original plus \$1.25 per page for each copy.

(iii) In all instances not covered by subparagraphs (i) and (ii) of this paragraph: for Regular delivery -- between \$3.30 per page and \$4.30 per page for an original plus \$1.00 per page for each copy; for Expedited delivery -- between \$4.40 per page and \$5.40 per page for an original plus \$1.10 per page for each copy; and for Daily delivery -- between \$5.50 per page and \$6.50 per page for an original plus \$1.25 per page for each copy.

(2) For purposes of this subdivision and subdivision (e) of this section:

(i) "regular delivery" shall mean production and delivery of a transcript in ordinary circumstances after the conclusion of the proceedings, and including any production and delivery times that exceed those for expedited or daily delivery;

(ii) "expedited delivery" shall mean production and delivery of a transcript within five business days for each day's or partial day's proceeding;

(iii) "daily delivery" shall mean production and delivery of a transcript on the morning of the next business day;

(iv) a copy of a transcript or a portion thereof must be ordered within 30 days of the date on which the original of such transcript or portion thereof was ordered;

(v) delivery times are measured from the time the court reporter receives the order for the transcript or portion thereof;

(vi) where delivery of a transcript is ordered and this section specifies a range of rates for the category of such delivery (i.e., regular delivery, expedited delivery or daily delivery), the court reporter shall be paid at such rate, within such range, as he or she and the ordering party may agree upon based on consideration of the regional and market cost of transcripts and transcript production, complexity of the subject matter of the proceeding involved, and the court reporter's transcript volume. Where the court reporter and the ordering party cannot agree upon a rate, the court reporter shall not be required to produce and deliver the transcript, except where regular delivery has been ordered, in which event the rate of payment therefor shall be the lowest rate within the range of rates specified in this section for regular delivery; and

**APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT
ATTORNEYS FOR CHILDREN**

(vii) a court reporter may, upon agreement with the ordering party, deliver a transcript in the form of a file (in ASCII or other agreed-upon format) on a computer diskette. In such event, such file shall be designated as an original or copy as the court reporter and the ordering party shall agree, and the court reporter shall be entitled to be paid at the otherwise applicable per page rate prescribed hereunder for each page of such transcript included in such file unless the transcript is compressed in which case each quadrant of such transcript (i.e., one of four transcript pages electronically compressed into a single page) shall constitute a separate page for which the court reporter is entitled to be paid at the otherwise applicable per page rate prescribed hereunder.

(c)

(1) Notwithstanding the provisions of subdivision (b) of this section, no court reporter shall be entitled to receive payment for a transcript, or some portion thereof, at a rate specified in subdivision (b) unless the court reporter or his or her supervisor receives an authorized request therefor on or after the effective date of such rate. For purposes of this subdivision, an authorized request shall mean one that (i) is made in writing by an appellate court or by a judge or nonjudicial court employee acting at the judge's direction, (ii) is dated, and (iii) recites the statutory authority upon which it is made.

(2) The provisions of paragraph (1) of this subdivision shall not apply where preparation of a transcript, or some portion thereof, is not requested by an appellate court, a judge or a nonjudicial employee acting at the judge's direction, but is requested by a party to court proceedings or some other person entitled by law to obtain a copy thereof, or is required by operation of law. In such event, the court reporter who prepares the transcript, or some portion thereof, shall be entitled to receive payment therefor at the rate specified in subdivision (b) of this section in effect on the date the requirement for its preparation arose.

(d) For purposes of this section, a court reporter shall not be entitled to payment for a page of transcript unless the page complies with the standard transcript specifications set forth in section 108.3 of this Part and has at least 13 lines of material thereon. Where a court reporter is required to furnish only a portion of a transcript, the word transcript as used in this subdivision shall mean that portion.

(e) Notwithstanding the provisions of subdivision (b) of this section, a court reporter who has transcribed stenographic minutes of a proceeding prior to the effective date of this subdivision and who, on or after such effective date, receives an order for a transcript of such minutes shall be paid at the following rate if payment to the court reporter is to come from public funds:

(1) Where the Unified Court System is responsible by law for payment to the court reporter, at the applicable rate specified in subparagraph (b)(1)(i) of this section less 10 percent thereof.

(2) In all instances in which paragraph (1) of this subdivision does not apply:

For Regular delivery -- between \$2.25 per page and \$2.75 per page for an original plus \$1.00 per page for each copy.

For Expedited delivery -- between \$2.75 per page and \$3.85 per page for an original plus \$1.10 per page for each copy.

For Daily delivery -- between \$3.40 per page and \$4.75 per page for an original plus \$1.25 per page for each copy.