

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE: COURT REPORTING PROTOCOL

The purpose of any court reporting system is to create a timely, accurate, verbatim record of court proceedings which may be transcribed for use in subsequent proceedings. The service of court reporting is a vital and inherent aspect of due process within the court. This protocol is intended to provide Official Court Reporters reporting in the courts of the Blue Ridge Judicial Circuit with a quick reference as to job duties and responsibilities, and proper protocol to be followed in the performance of those duties and responsibilities. Each court reporter is expected to become familiar with the contents of this protocol in order to apply it effectively to his/her daily work.

**I.
DUTIES AND RESPONSIBILITIES**

It is the responsibility of the court reporter to become thoroughly familiar with the Judicial Council of Georgia Board of Court Reporting Resource Guide for Georgia Certified Court Reporters. It is the duty and responsibility of the court reporter to maintain certification in good standing in order to practice the profession of court reporting in the State of Georgia. Each court reporter is required to attend a minimum of ten (10) hours of approved continuing education training per calendar year, as directed by the Georgia Certified Court Reporters Training Council.

All court reporters are expected to maintain their professionalism at the highest level by complying with the Board of Court Reporting mandatory Code of Professional Practice. While the Guidelines do not exhaust the moral and ethical considerations with which the court reporter should conform, it does provide the framework for the practice of reporting. Not every situation a court reporter may encounter can be foreseen, but fundamental ethical principles are always present. Common sense and professional courtesy should guide the court reporter. At all times the court reporter should maintain the integrity of the reporting profession and the position of Official Court Reporter.

**II.
COURT ADMINISTRATION AND COURT REPORTERS**

The judges of the Blue Ridge Judicial Circuit share with the Court Administrator the responsibility for court reporters.

A court reporter serves at the pleasure of the judge by whom they are employed as the official court reporter and is accountable to that judge regarding all matters of job performance, as monitored by the Court Administrator. Court reporters must conform to each judge's courtroom schedule and method of courtroom management. The court reporters can best support the judicial process and the judge by proper preparation and

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punctual attendance at all proceedings, and by performing all duties in accordance with the standards established by the Judicial Council of Georgia.

The Court Administrator supervises and monitors the court reporters at the direction of the appointing judges, and serves as the liaison between the court reporters and the other agencies within the county, including but not limited to the Indigent Defense office. Matters of compensation and benefits should be addressed by the court reporter to the Court Administrator. The coordination of payroll, accrued tenure, leave, and fringe benefits is performed through the court administrator's office.

The Court Administrator shall:

- A. Develop and maintain records regarding use of substitute court reporters, and may require official reporters to substitute for one another from time to time, subject to the approval of the appointing judge^[1], in order to distribute workload equitably and manage the substitute budget responsibly.
- B. Verify certification records for all court reporters working in the court's jurisdiction.
- C. Review the work and work product of court reporters and report regularly to the chief judge and the judge by whom the official reporter is appointed.
- D. Manage the preparation of transcripts of proceedings.
- E. Coordinate requests and orders for transcripts and review related invoices for payment.

III.

TRANSCRIPT FORMATS

All transcripts are to conform to guidelines of the Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases, adopted September 25, 2014, and effective with court attendance and transcripts ordered after January 1, 2015, and as may be revised thereafter.

IV.

TAKEDOWN AND TRANSCRIPT FILING IN CRIMINAL PROCEEDINGS

A. Takedown

1. The following shall be taken down:
 - (1) All proceedings in death penalty cases.
 - (2) All habeas corpus proceedings.

¹. Court Administration may contact the Official Court Reporter directly regarding substitutions/fill-ins. If the Official Court Reporter needs to be removed from the on-call list when their judge is not on the bench due to mandatory transcript requests and deadlines, the Official Court Reporter will submit a request in writing, at least 7 days prior, to the Court Administrator with a copy to the assigned Judge. Any other removal from the on-call list is made by submitting the request for personal time (sick, vacation, etc.) to the Court Administrator's office.

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- (3) Felony cases:
 - (a) Guilty pleas and nolo contendere pleas.
 - (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
 - (c) Motion for new trial hearings.
 - (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.
2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant. Court reporters shall take down all proceedings on Superior Court criminal non-jury days.
 3. No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
 - (1) All death penalty case proceedings.
 - (2) Felony trials, jury or non-jury, **resulting in a guilty verdict.** This shall include the sentencing hearing in felony cases.
2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

V.

DOCUMENTATION OF EVIDENCE

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender unless otherwise ordered by the court.

VI.

CERTIFIED TRANSCRIPT IS A PUBLIC RECORD

A. Certificating and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court **immediately** upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendant(s) of the date the transcript is filed with the clerk of court and provide each with a digital copy of the transcript at no charge.

Once filed, the transcript is a public record (O.C.G.A. § 50-18-70), and copies may be provided at the rate determined by the Clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period of Filing Transcript

1. Other than in a death penalty case governed by the Unified Appeal procedures, any transcript **required to be prepared** shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared. Transcripts for felony trials which resulted in a guilty verdict shall be prepared and filed in accordance with Uniform Superior Court Rule 41.2.
2. Any transcript **to be prepared only upon request** shall be filed with the clerk of court no later than 120 days from the date of the request for a transcript. The request for transcript shall be made in writing to the court administrator's office and a copy sent to the court reporter and the clerk of court by the requesting party. The form must specifically designate the proceedings, or portion thereof, for which a transcript is requested. A court reporter shall not complete, or assist in completion of, any request for a transcript.
3. A judge may grant extensions of time for filing transcripts pursuant to the policies and standards of the Judicial Council of Georgia and the Uniform Superior Court Rules.

VII. BUSINESS CONTINUITY

In accordance with the Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases, each court shall maintain a record of court

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proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In the interest of preserving the business continuity of the court, court reporters shall create and retain a digital audio recording of all court proceedings. Court reporters shall deposit copies of all digital audio recordings with the Court Administrator's office as follows:

1. On the 1st court date of each month each official court reporter shall create and deliver to the Court Administrator's office a backup external hard drive (supplied by the Court Administrator's office) of the prior month's digital recordings. The backup should be labeled as follows:

A. Courtroom #; yyyy-mm; initials of the court reporter making the backup

Example: "Courtroom 1-A; 2019-01; SLE"

VIII. UNASSIGNED DAYS - AVAILABILITY

Court reporters whose services are not otherwise being used by the appointing judge will be subject to assignment to courtrooms where the official court reporter is absent due to illness or leave. Such assignment will be made to assure that such assignments are fair and workload is equally distributed over the course of time. The Court Administrator may contact the Official Court Reporter directly regarding substitutions/fill-ins. If the Official Court Reporter needs to be removed from the on-call list when their judge is not on the bench due to mandatory transcript requests and deadlines, the Official Court Reporter will submit a request in writing, at least 7 days prior, to the Court Administrator with a copy to the assigned Judge. Any other removal from the on-call list is made by submitting the request for personal time (sick, vacation, etc.) to the Court Administrator's office. To efficiently facilitate this process, an official court reporter needing a substitute will contact the Court Administrator's office at the earliest possible time to allow an assignment without delaying any scheduled court proceeding.

If the Court Administrator is unable to secure a substitute from the Blue Ridge Judicial Circuit reporters, a substitute from the private sector will be engaged and compensated at the rate established by the Judicial Council of Georgia. The substitute court reporter will preserve reported proceedings and evidence as set forth above, and transfer such recordings and evidence on written receipt to the Official Court Reporter for the appointing judge.

Unless specifically assigned to other duties, or accrued annual leave (sick/vacation time) has been requested, every court reporter is subject to assignment

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as a substitute court reporter. To facilitate the assignment of substitute court reporters and ensure compliance with the foregoing processes, every court reporter is required to provide a means by which he/she can be reached within a reasonable time frame.

IX. SECURING RECORDINGS AND EVIDENCE

The Court Administrator and the court reporters will develop a protocol for daily storage of recordings and evidence in secure facilities provided by the courts of the Blue Ridge Judicial Circuit. The Blue Ridge Judicial Circuit Court Administrator and Official Court Reporter will maintain possession, control and ownership of the recordings and evidence.

The recordings and evidence will be indexed and maintained for ready access by the Court Administrator if, for any reason, the court reporter who reported the proceedings is unavailable or no longer employed by the Blue Ridge Circuit. Any equipment, recordings, evidence, or other property that has come into the possession of the court reporter in the course of their employment by the Blue Ridge Judicial Circuit must be surrendered to the Court Administrator, and a proper accounting conducted by the court reporter and the Court Administrator upon termination of employment.

X. COMPENSATION

Court Reporter I - State, Juvenile, Magistrate

An annual salary applicable to all court reporters in this category, plus benefit package offered to all Cherokee County employees. Normal supplies including, but not limited to: printing, paper, copying, transcript supplies, and postage. Salary includes all fees for services that would be chargeable to the County.

Court Reporter II - Superior Court

An annual salary applicable to all court reporters in this category, plus benefit packaged offered to all Cherokee County employees. Normal supplies including, but not limited to: printing, paper, copying, transcript supplies, and postage. Salary includes all fees for services that would be chargeable to the County.


When a Court Reporter I temporarily serves in Superior Court hearing criminal cases involving indigent defendants (**other than those days calendared when the Juvenile Court Judge is on the bench hearing Superior Court cases), the court reporter will be compensated an additional \$81.80 per day. **Court reporter's salaries in Juvenile Court have been set based on their working the days in Superior Court their judges are scheduled on the bench at the beginning of the calendar year. Days in addition to those scheduled days will be paid at \$81.80 per day.

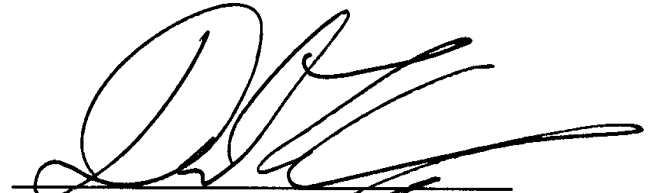
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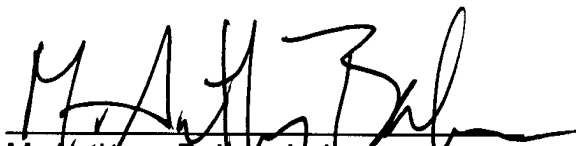
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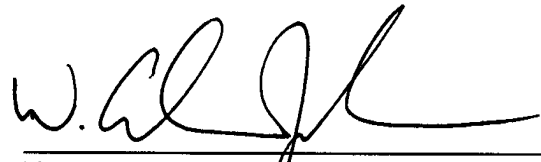
Any request for additional compensation must be submitted to the Court Administrator.

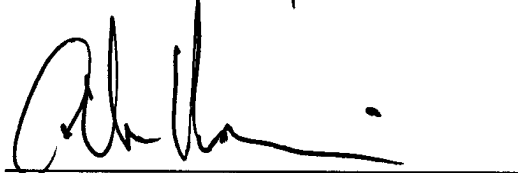
This 13th day of May, 2019.



Ellen McElyea, Chief Judge
Superior Court of Cherokee County

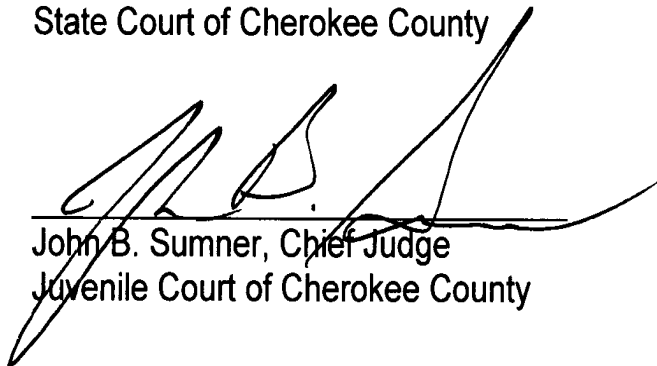

David L. Cannon, Jr., Judge
Superior Court of Cherokee County

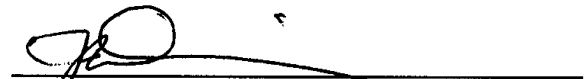

M. Anthony Baker, Judge
Superior Court of Cherokee County


W. Alan Jordan, Chief Judge
State Court of Cherokee County


A. Dee Morris, Judge
State Court of Cherokee County


Michelle L.H. Homier, Judge
State Court of Cherokee County


John B. Sumner, Chief Judge
Juvenile Court of Cherokee County


Jennifer L. Davis, Judge
Juvenile Court of Cherokee County