

IFP TRANSCRIPT PILOT

FAQ

1. Where did the idea for a Pilot to bring IFP Transcripts into the workday come from? Why is this being considered at this time?

The idea came about via Judicial Council discussion about transcript per page rates. Ultimately, the decision to pilot IFP transcripts in the workday was made in alignment with the decision to significantly increase per page rates for third-party transcripts.

There were several factors supporting the decision to have a pilot project to bring IFP transcripts into the workday:

- Support fiscal responsibility with public funding.*
- Past weighted caseload studies demonstrate there would be enough time in the workday to complete this work.*
- Pilots allows flexibility, adaptability, development of best practices*
- In 2018 after the Court Record Workgroup Report and Recommendation was presented to Judicial Council, pilots were being considered for purpose of determining if transcripts could be done during the workday.*

2. Who is ordering the IFP transcript?

The judge who granted the supplemental IFP order for transcript on behalf of the person who requested the IFP transcript.

3. What are the criteria for evaluating the effectiveness of the pilot?

We are currently developing the evaluation metrics, they may include timely completion of transcripts, cost-savings, continuity of court reporter work, and meeting customer needs.

4. How will decisions be made about which IFP requires a transcript?

As occurs now, decisions will be made about which transcripts are IFP as follows: A judge determines whether a party applying to proceed in forma pauperis meets the criteria in Minn. Stat. §563.01 or 563.02. If the party is granted an order to proceed in forma pauperis and requests a transcript be paid by the state, the judge also must determine whether a transcript is necessary for the party to adequately prepare, present or decide an issue presented by the action. Minn. Stat. §563.01, subd. 7.

If the judge does find that a transcript is necessary for the party to adequately prepare, present or decide an issue presented by the action, and grants a Supplement Order for Proceeding IFP, the transcript is an IFP transcript. If the judge does not find that a transcript is necessary for the party to adequately prepare, present or decide an issue presented by the action, but the party still wants the transcript, the transcript is not an IFP transcript and the party pays the court reporter for the transcript.

5. Will there be additional compensation for Court Reporters for completing IFP transcripts during the workday?

Court reporters will be paid their hourly wage for preparing IFP transcripts during the workday. Court Reporters are hired to perform a job, and this will be part of the job they are hired and compensated to perform.

6. What equipment will be used to complete IFP transcripts during the workday?

Currently Court Reporters use their own equipment for transcripts ordered by their judge; IFP transcripts in the workday will be handled the same way. For Court Reporters who do their work stenographically, possessing necessary equipment will continue to be a job requirement. Prior to 2015, the Court Reporter Contract contained language providing allowances for personal equipment and association dues. These allowances were negotiated out of the contract in exchange for an additional increase to wages in the FY16-17 contract.

7. What if the request comes in at the end of the day? Is the CR expected to stay late to complete the transcript?

No, court reporters are not expected to stay past the end of their normal work day to complete an IFP transcript. Generally, IFP transcripts do not need to be prepared on the same day as requested. The time in which to prepare the transcript will depend on if it is for an appeal or other purpose. IFP transcripts are to be worked on only during the court reporter's normal work schedule. The preparation of a judge ordered transcript is work that can be done during the workday when the court reporter is not in the courtroom taking the record for a court proceeding.

8. What if an IFP transcript is not completed timely?

IFP transcripts prepared for an appeal must be completed within the time required by Minn. Rules of Civil Appellate Procedure or other applicable court rule. Minn. R. Civ. App. P. 110.02, subd. 3 applies to overdue transcripts.

To ensure the timely completion of IFP transcripts and recognizing the backlog of cases due to the pandemic, for purpose of the pilot, the court administrator or designee is authorized to make arrangements for the production of a transcript if the official court reporter responsible for preparing the transcript:

- Notifies the court administrator within 5 business days of the filing of the Supplemental IFP order that they have reviewed the court calendar and determined they will not have time during the workday to timely produce the IFP transcripts because of the need to be in the courtroom taking the record in other cases, and*
- Has tried but was unsuccessful in making arrangements with another official court reporter to prepare the transcript during the workday.*

9. What if a Court Reporter does not have time to complete the IFP Transcript, what is the process?

Upon the filing of the Supplemental IFP order granting the IFP transcript, the official court reporter who took the record must review the court calendar and determine if they will have time during the workday to produce the IFP transcript within the required time. If the IFP transcript cannot be produced within the required time due to the court calendar, the court reporter is responsible for making alternate arrangement for the production of the transcript with another official court reporter, as required in Judicial Council Policy 523, [Storage of Captured Records of Court Proceedings](#), section III. D. If the court reporter is unable to find another court reporter to prepare the transcript within the time required, then the court reporter who took the record must notify the court administrator or designee within five business days of the filing of the Supplemental IFP order. The court administrator or designee will make arrangements for the transcript to be prepared.

*If the court reporter who took the record is **unavailable** as provided in Judicial Council Policy 523, [Storage of Captured Records of Court Proceedings](#), section III. D., the court administrator or designee will make arrangements for the transcript to be prepared.*

Our goal is for existing Court Reporters to complete the work, as time studies indicate is feasible. If the work cannot be completed, the Branch may use outsourced transcription resources to meet the demand.

10. Does preparation of IFP Transcripts take priority over capturing the record and/or providing court coverage?

Capturing the record and/or providing court coverage for the appointing authority and other judicial officers shall take priority over preparing IFP transcripts during the workday.

11. Does the Judicial Council decision comport with -Minn. Stat § 486.06 Charge for Transcript?

Yes, Minn. Stat § 486.06 says the court reporters may charge a rate set by the Chief Justice, and the Chief Justice has delegated that authority to the Judicial Council. The Judicial Council has decided court reporters will not be allowed to charge additional fees for IFP transcripts, because court reporters will be allowed to work on IFP transcripts during the workday, therefore are already paid for their time during the workday.

12. Does the Judicial Council decision comport with the 2019 arbitration award?

Yes, the arbitration award clarified that third-party transcripts are outside work. However, under the Judicial Council decision IFP transcripts will be court ordered, not third party ordered, and therefore will be done as part of their daily work assignment.