



**Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division**
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909

August 1, 2019

TO: Court Reporters and Recorders
FROM: Matthew L. Walker, Forms and Manuals Analyst
RE: Updates to the Manual for Court Reporters and Recorders

The Manual for Court Reporters and Recorders has been updated. Please see the highlighted pages below for details of the changes.

Questions regarding this manual should be directed to CourtFormsInfo@courts.mi.gov.

B. Probate Court

Upon appointment, probate court reporters and recorders shall take and subscribe the constitutional oath of office, which shall be filed with the court clerk. (MCL 600.835[1])

Chapter 6: Management of Court Reporter and Recorder Services

The chief or only judge of the court is charged with overall administrative responsibility for the employees of the court. This responsibility extends to effective management of the court's shorthand reporters or certified electronic recorders. The court should consider adopting written policies covering the following areas.

A. Transcript Production/Exhibits

1. Responsibility for Supervision of Court Reporters and Recorders

It is primarily the responsibility of every trial judge to make certain that the court reporter or recorder timely prepares and files transcripts and maintains exhibits. Ultimately, it is the responsibility of the chief judge pursuant to MCR 8.110 to make certain that trial judges and court reporters or recorders comply with the requirements for preparing and filing transcripts and maintaining and filing exhibits.

2. Responsibility of Court Reporter and Recorder

The court reporter's or recorder's responsibility for preparing and furnishing the transcript is set forth in MCR 8.108.

3. Priority of Transcript Production/Exhibits

Transcripts should be prepared in the order in which they were ordered. Transcripts should be filed within the time limits prescribed by the Michigan Court Rules. (MCR 7.109[B], MCR 7.210[B]) In the rare case where the time limit cannot be met, the reporter or recorder shall file a motion for an extension of time in the appellate court. A copy of any motion for extension of time shall be provided to the chief judge and the court administrator. See SCAO-Approved form [MC 503](#).

4. Show Causes

If a reporter or recorder is ordered by an appellate court to show cause why he or she should not be held in contempt of court for failing to file transcripts on a timely basis, the reporter or recorder shall immediately provide the chief judge and court administrator with a copy of the order.

A warning letter will be sent to any court reporter or recorder who has three or more show-cause orders issued by the Court of Appeals within any twelve-month period. The letter shall include notification that the Court Reporting and Recording Board of Review is instituting time management monitoring of that reporter or recorder and is requiring the

- e. Any candidate who is suspected of cheating may be removed from the examination by the test administration supervisor.

5. Reasons for Suspicion

In order for a candidate to be suspected of cheating, it would either be because the test administration supervisor or monitor witnessed something unusual or because another candidate registered a complaint.

K. Certified Electronic Operator (CEO) Renewal Application

(Adopted 06/28/88, Revised 1/05/94, Revised 6/10/94, Revised 6/06, Revised 12/14/12)

Upon application for renewal, in a designated area on the renewal form, the chief judge shall aver, by affixing his or her signature, that the renewing applicant has used the CEO skills for a minimum of 10 hours (during the previous year) and the individual has the requisite skills to continue certification. In another designated area of the renewal form, the applicant shall aver that the requisite skills have been maintained and that he or she continues to comply with the applicable sections of the *Manual for Court Reporters and Recorders*.

L. Certified Electronic Operator (CEO) Designation

(Adopted 01/25/89)

The CEO designation is restricted to persons employed by the court.

M. Transcript Fees

(Adopted 9/90, Revised 9/15)

Any reporter/recorder acting as an official reporter or recorder may only charge the statutory page rate for transcripts produced as a result of ordinary court work. (See Section 6, Chapter 1, page 3.)

N. Testing Limitation and Preservation of Examination Scores

(Adopted 3/12/93, Revised 6/09, Revised 3/10)

An individual who has failed to pass the certification examination after three attempts, whether consecutive or not, is prohibited from taking the examination for a period of one year following the last examination date taken. Examination passing scores for either the skills or written knowledge portion of the certification examination will be preserved for a period of no more than 18 months, except that no scores will be preserved for an individual who has failed to pass the examination after three attempts.

O. Skills Examination Grading Scale

(Adopted 3/94, Revised 6/06, Revised 3/12, Revised 9/12, Revised 12/12, Revised 6/16, Revised 6/19)

Effective January 2017, a passing score for the CER skills examination is 95 percent or better with the following breakdown: no title page, deduct 15 points; no table of contents, deduct 3 points; no certificate page, deduct 8 points; **incomplete log, automatic fail;** deduct 1 point for each critical punctuation error, misspelled word, each wrong word, or each missing word. Additionally, points will be deducted for deviation from the prescribed format as found in the *Manual for Court Reporters and Recorders*.

Effective as of the October 2012 examination, upon request of the chief judge, individuals who fail the transcription portion of the CER examination but: 1) pass the CER written examination; 2) score 80 percent or more on the logging portion of the examination; and 3) are current court employees will be granted full CEO certification.

P. Penalties for Taking Depositions When Noncertified

(Adopted 6/13/97, Revised 6/06)

Possible penalties for a noncertified reporter taking depositions after January 1, 1998 include:

1. publishing the reporter and firm name in *Michigan Lawyers Weekly* and possibly in the *Michigan Bar Journal*, as being in violation of MCR 8.108,
2. placing the certification of the firm owner in jeopardy for using uncertified reporters in contravention of MCR 8.108,
3. recommending to the bench that depositions prepared by uncertified reporters not be accepted for filing in court proceedings,
4. the reporter and/or firm owner repay the cost of the deposition taken by an uncertified reporter to the ordering party, or
5. any other disciplinary action appropriate to the circumstances.

Q. Adoption of *Manual for Court Reporters and Recorders* as Official Directive

(Adopted June 12, 1998, Revised 6/06)

Pursuant to the authority vested in the Court Reporting and Recording Board of Review by MCR 8.108, and in furtherance of its responsibility to provide criteria for the certification of court reporters practicing in the state of Michigan, the board hereby reaffirms adoption of the *Manual for Court Reporters and Recorders* as the official directives of the board for providing criteria for court reporters to be used in conjunction with any regulations imposed by statute or court rule.

R. Public Attendance at Board Meetings

(Adopted June 12, 1998, Revised 6/06)

The Court Reporting and Recording Board of Review observes Administrative Order 1997-

4. Suppressed Transcripts

There appears to be no statute, court rule, or case law that sets forth the procedure to be followed with respect to the preparation and filing of a transcript of a closed hearing. As a practical matter, the best procedure for the judge is to identify on the record, at the beginning and end of the record, the portion of the transcript that is to be suppressed. The suppressed transcript should not be filed with the other transcripts. Rather, it should be sent directly to the appellate court with a letter of explanation. A copy of the letter should be maintained in the court reporter's or recorder's records. ([Michigan Court Administration Reference Guide, Section 8-04](#))

B. Form of Transcript

All court reporters and recorders, whether official, per diem, or freelance, must follow the format prescribed by the State Court Administrative Office as published in this manual. Compensation is contingent upon compliance with these standards. (MCL 600.2510[2])

1. Assembling the Transcript

The transcript must be filed in one or more volumes under a hard-surfaced or other suitable cover, stating the title of the action, and prefaced by a table of contents showing the subject matter of the transcript with page references to the significant parts of the trial or proceedings, including the testimony of each witness by name, the arguments of the attorneys, and the jury instructions. The pages of the transcript must be consecutively numbered on the bottom of each page. Begin each volume of a transcript with page 1.

2. Page Format (MCL 600.2510, MCR 1.109[D][1][a])

Pursuant to MCL 600.2510(2), a page prepared in accordance with the format prescribed by the State Court Administrative Office shall be counted, billed, and paid for as a full page. See Chapters 2 through 6 for examples of various page formats.

- a. A page consists of 25 lines written on paper 8 1/2" by 11" in size, prepared for binding on the left side, with 1 3/8" margin on the left side and 3/8" margin on the right side.
- b. Only transcript pages are prepared on paper with numbered lines.
- c. Indentations from the margins apply only to the transcript page.
- d. Print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional). (See MCR 1.109[D][1][a])

- b. Print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional). (See MCR 1.109[D])
- c. Capitalization – The proceedings should be transcribed in upper and lower case unless directed otherwise in this manual. The use of upper case throughout is prohibited.
- d. The left-hand margin of all transcripts is set at 1 3/8". The right-hand margin is set at 3/8" except as otherwise stated below.
 - 1) Left-hand margin
 - a) Q and A begins at the left-hand margin. There are 5 spaces from the margin to the text; that is, the text begins on the 6th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.
 - b) Colloquy begins 15 spaces from the left-hand margin; that is, it begins on the 16th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.
 - c) Quoted material and readback begin 15 spaces from the left-hand margin and ends 5 spaces in from the right-hand margin. A carry-over line begins 10 spaces from the left-hand margin. A new paragraph of quoted material begins 15 spaces from the left-hand margin.
 - d) Parenthetical material begins 15 spaces from the left-hand margin. A carry-over line begins 15 spaces from the left-hand margin.
 - e) New paragraphs begin 15 spaces from the left-hand margin.
 - 2) The right-hand margin is observed in every instance except for quoted materials and readbacks.
- e. The time that certain events take place is to be included in every transcript. Those events are:
 - 1) the time the proceedings begin and conclude,
 - 2) the time each witness is sworn and excused,
 - 3) the time of any adjournments/recesses,
 - 4) the time each exhibit is offered and admitted, and
 - 5) the time a jury is sworn, charged, excused to deliberate, or returns to the

in the circuit court. No charge shall be made against the state for services rendered for furnishing copies of records, proceedings, or testimony or other papers to the attorney general.

E. Freelance Court Reporters/Recorders and Court Reporting/Recording Firms

MCL 600.1491. Fees and Compensation

(2) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not do any of the following:

(a) Give, directly or indirectly, any incentive, reward, or anything else of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$25.00 per transaction or \$100.00 in the aggregate per recipient each year.

(b) Charge more than $\frac{2}{3}$ of the price of an original transcript for a copy of that transcript.

Chapter 4: Maintaining Files and Records

A. Circuit Court

MCL 600.1428. Record management policies and procedures; establishment and maintenance; record retention and disposal

(3) The court shall keep sufficient index of the testimony and the court shall keep the index and the original notes for at least 10 years. The reporter or recorder need not transcribe the testimony unless a transcript is ordered by the court or a party. Except in those cases in which the testimony is transcribed and filed with the record of the case, notes pertaining to a hearing for the admission of any person to a hospital or other place of detention as a mentally ill or developmentally disabled person or as a person with a contagious disease shall be destroyed only after the discharge of the person from the hospital or facility.

(4) Notes may not be destroyed until after 10 years after the date of the hearing or as provided in subsection (3), whichever is longer.

State of Michigan Retention and Disposal Schedule General Schedule #15, indicates the period of time untranscribed stenographic notes, tapes, and recordings must be retained. Transcribed stenographic notes, tapes, and recordings (does not include videotapes) must be retained 1 year after being transcribed and filed with the court. See the [State of Michigan Retention and Disposal Schedule General Schedule #15 – Circuit Courts.](#)

B. District Court**MCL 600.1428. Record management policies and procedures; establishment and maintenance; record retention and disposal**

(3) The court shall keep sufficient index of the testimony and the court shall keep the index and the original notes for at least 10 years. The reporter or recorder need not transcribe the testimony unless a transcript is ordered by the court or a party. Except in those cases in which the testimony is transcribed and filed with the record of the case, notes pertaining to a hearing for the admission of any person to a hospital or other place of detention as a mentally ill or developmentally disabled person or as a person with a contagious disease shall be destroyed only after the discharge of the person from the hospital or facility.

(4) Notes may not be destroyed until after 10 years after the date of the hearing or as provided in subsection (3), whichever is longer.

State of Michigan Retention and Disposal Schedule General Schedule #13, indicates the period of time untranscribed stenographic notes, tapes, and recordings must be retained. Transcribed stenographic notes, tapes, and recordings (does not include videotapes) must be retained 1 year after being transcribed and filed with the court. See the [**State of Michigan Retention and Disposal Schedule General Schedule #13 – District Courts.**](#)

C. Probate Court**MCL 600.1428. Record management policies and procedures; establishment and maintenance; record retention and disposal**

(3) The court shall keep sufficient index of the testimony and the court shall keep the index and the original notes for at least 10 years. The reporter or recorder need not transcribe the testimony unless a transcript is ordered by the court or a party. Except in those cases in which the testimony is transcribed and filed with the record of the case, notes pertaining to a hearing for the admission of any person to a hospital or other place of detention as a mentally ill or developmentally disabled person or as a person with a contagious disease shall be destroyed only after the discharge of the person from the hospital or facility.

(4) Notes may not be destroyed until after 10 years after the date of the hearing or as provided in subsection (3), whichever is longer.

State of Michigan Retention and Disposal Schedule General Schedule #14, indicates the period of time untranscribed stenographic notes, tapes, and recordings must be retained. Transcribed stenographic notes, tapes, and recordings (does not include videotapes) must be retained 1 year after being transcribed and filed with the court. See the [**State of Michigan Retention and Disposal Schedule General Schedule #14 – Probate Courts.**](#)

D. Circuit Court - Family Division**MCL 712A.17a. Record of hearing, tape recordings, transcription**

In any case in which a record of the hearing is kept by a recording device, a transcription of the hearing need not be made in the absence of a request by an interested party. The recording of the hearing shall be maintained as prescribed by rules of the supreme court.

State of Michigan Retention and Disposal Schedule General Schedule #15, indicates the period of time untranscribed stenographic notes, tapes, and recordings must be retained. Transcribed stenographic notes, tapes, and recordings (does not include videotapes) must be retained 1 year after being transcribed and filed with the court. See the [State of Michigan Retention and Disposal Schedule General Schedule #15 – Circuit Courts.](#)

Chapter 5: Freelance Court Reporters/Recorders and Court Reporting Firms**A. Definitions****MCL 600.1490. Definitions**

(1) As used in this section and sections 1491, 1492, and 1493:

(a) “Blanket contract” means a contract under which a court reporter, court recorder, stenomask reporter, or court reporting firm agrees to perform all court reporting or court recording services for a client for 2 or more cases at a rate of compensation fixed in the contract.

(b) “Court reporting firms” means a business entity that provides the services of court reporters, court recorders, or stenomask reporters.

(c) “Owner” means a person who has any ownership interest in a court reporting firm.

B. Contractual Agreements**MCL 600.1490. Definitions; court reporter, court recorder, stenomask reporter, or owner of firm; familial relationship with party or attorney; disclosure required; financial interest**

(2) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not provide or arrange to provide court reporting or recording services if he or she is a relative, employee, attorney, or counsel of any of the parties, or is a relative or employee of an attorney or counsel of any of the parties, without disclosing that familial relationship.