I.A.R. 24. Reporter's Transcript - Number - Estimate of Fees - Time for Preparation - Waiver of Reporter's Fee

Idaho Appellate Rule 24. Reporter's Transcript - Number - Estimate of Fees - Time for Preparation - Waiver of Reporter's Fee.

(a) Number and Use of Transcripts. The reporter shall prepare an original hard copy, one additional hard copy, and one electronic copy of the reporter's transcript for the Supreme Court, which shall be lodged with the district court and filed with the Supreme Court following settlement. In addition, the reporter shall prepare one copy of the reporter's transcript for the appellant and one copy for the respondent with each party electing whether to receive it in electronic format or in hard copy or both. If there are multiple appellants or respondents, they shall determine by stipulation which appellant or respondent shall be served with the transcript by the clerk and the manner and time and use of the transcript by each appellant or respondent. In the absence of such stipulation the determination shall be made by the trial court or agency upon the application of any party or the clerk. If a reporter's transcript has already been prepared for the appellant and/or respondent in an Idaho Public Utilities Commission appeal, when requested by the Supreme Court the reporter shall furnish two computer-searchable transcripts in electronic format to the Court, but additional copies need not be made for the parties.

(b) Additional Electronic Copy. Once an original transcript in either hard copy or electronic format has been paid for, any party may request an additional electronic copy of the transcript upon payment of $20.00 to the court reporter.

(c) Estimate of Reporter's Fees - Filing. Upon the conclusion of any trial in the district court, or proceeding in an administrative agency, the reporter shall estimate the number of pages or cost of preparing a transcript of the trial or proceeding and shall certify the amount thereof in writing which shall be delivered to the clerk and filed in the file of the action or proceeding. In the event the reporter fails to so estimate the fees for a transcript within two (2) days from the conclusion of the trial or proceeding, the estimated fees for pre-paration of the transcript shall be deemed to be the sum of $200.00, unless the reporter shall thereafter file the reporter's estimated fees before the filing of a notice of appeal; provided, the reporter's estimated fee may be included in the minute entry of the hearing or proceeding or stamped or endorsed thereon.

(d) Payment of Estimated Reporter's Fees to Clerk Before filing a notice of appeal, a party to a trial in the district court of a proceeding in the Public Utilities Commission must first serve a copy of the notice of appeal on the reporter, which may be made by mail to the reporter at the resident chambers of the reporter's judge or the office of the clerk of the Public Utilities Commission addressed to the reporter; and the appealing party shall pay to the clerk of the district court the estimated fees for the preparation of any requested transcript in the amount determined under subparagraph (b) of this rule. After the estimated transcript fees are paid to the clerk of the district court, the clerk shall hold the same in trust and pay the same to the reporter upon the lodging of the completed transcript by the reporter. The payment of the reporter's fee in appeals from the Industrial Commission or Public Utilities Commission shall be as ordered by the respective Commission.

(e) Time for Preparation of Transcript. The reporter of any trial or proceedings shall prepare and

lodge with the district court or with the administrative agency the requested transcript(s) according to the following:

(1) If the transcript is estimated according to section (c) of this rule to be less than 100 pages in length, the transcript shall be due within 30 days from the date the reporter is notified by the Supreme Court of the requested transcript.

(2) If the transcript is estimated according to section (c) of this rule to be more than 100 pages in length but less than 500 pages in length, the transcript shall be due within 63 days from the date the reporter is notified by the Supreme Court of the requested transcript.

(3) If the transcript is estimated according to section (c) of this rule to be more than 500 pages in length, and the court reporter estimates that additional time above the 63 days set out in section (d)(2) will be needed to complete the transcript, then the court reporter must file a proposed completion schedule with the Supreme Court. This motion for time to file a transcript estimated to be over 500 pages shall be filed on a form approved by the Supreme Court. The court will then determine the due date for the lodging of the transcript with the district court.

(4) In the event a court reporter fails to provide a written summary of the anticipated length of the reporterís transcript according to part (c) of this rule, the reporterís transcript shall be due within 30 days from the date the reporter is notified by the Supreme Court of the requested transcript.

(f) Extensions of Time for Preparation of Transcript. The reporter of any trial or proceeding shall prepare and lodge with the district court or with the administrative agency the requested transcript within the time limits set out in subsection (d) of this rule. If the reporter is unable to meet this deadline an extension of time must be requested from the Idaho Supreme Court. An extension of time for the preparation and lodging of the transcript may be obtained by filing a motion for extension of time with the Idaho Supreme Court at least five days before the transcript is due unless good cause is shown for the failiure to timely file a motion. The motion for extension of time shall be on a form approved by the Supreme Court.

(g) Past Due Transcripts. In the event a transcript is 14 days past due, the clerk of the Idaho Supreme Court shall notify the court reporter, trial court administrator, admin- istrative district judge and the district judge responsible for supervising the reporter, and the trial court administrator shall take appropriate action which may include

(1) imposing disciplinary action,

(2) identifying another official reporter in the district who can provide coverage for court proceedings while the transcript is completed,

(3) implementing a performance improvement plan that requires weekend and evening hours to complete the transcript(s),

(4) identifying an official or a freelance court reporter who will complete the transcript and be compensated as appropriate, or

(5) with approval of the Administrative Director of the Courts, removing the court reporter from the courtroom until the transcript is complete and hiring a different court reporter to provide coverage for court proceedings. In the event a transcript is reassigned to a different court reporter, the court reporter must immediately turn over all notes of the particular proceeding to the trial court administrator. The trial court administrator shall notify the clerk of the Supreme Court of the action taken regarding the transcript, including the anticipated date of filing and any reassignment.

(h) Waiver of Reporter's Fee. The payment of the reporter's fee as required by this rule may be waived by the district court pursuant to section 31-3220, Idaho Code, in accordance with the local rules of the judicial district of the district court.

(Adopted March 25, 1977, effective July 1, 1977; amended March 31, 1978, effective July 1, 1978; amended December 27, 1979, effective July 1, 1980; amended April 18, 1983, effective July 1, 1983; amended March 30, 1984, effective July 1, 1984; amended June 15, 1987, effective November 1, 1987; amended July 17, 1996, effective October 1, 1996; amended December 31, 1996, effective January 6, 1997; amended effective October 1, 1997 amended January 3, 2008, effective March 1, 2008; amended February 4, 2008, effective March 1, 2008; amended March 19, 2009, effective July 1, 2009; amended March 18, 2011, effective July 1, 2011.)

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