



**King County  
Department Policies and Procedures**

**General Department  
Policies & Procedures**

Title

**TRANSCRIPTION OF RECORDED COURT PROCEEDINGS**

Document Code No.

**JSC-7-3-RA24**

Department/Issuing Agency

**Department of Judicial Administration / Caseflow and Court Clerks  
Division**

Signature Date

**12/28/12**

Approved

**Barbara Miner, Director and Superior Court Clerk**

1. **SUBJECT TITLE:** Official transcription of electronically recorded superior court proceedings
  - 1.1 **EFFECTIVE DATE:** Upon approval signature
  - 1.2 **TYPE OF ACTION:** Revision of policy JSC-7-2-RA24 dated 08/30/2011
  - 1.3 **KEY WORDS:** Recorded court proceeding, official transcript, court-approved transcriber, video recording
2. **PURPOSE:**
  - 2.1 To establish policies and uniform procedures to enable the completion of an official transcript of an electronically recorded superior court proceeding by a court-approved transcriber.
3. **ORGANIZATIONS AFFECTED:**
  - 3.1 King County Department of Judicial Administration (DJA)
    - 3.1.1 Caseflow and Court Clerk's Division
    - 3.1.2 Customer and Financial Services Division
    - 3.1.3 Maleng Regional Justice Center Division
    - 3.1.4 Juvenile Division
4. **REFERENCES:**
  - 4.1 RCW Chapter 18.145 Court reporting practice act (Washington State Official Court Reporter Certifications)
  - 4.2 RCW Chapter 2.32 Court clerks, reporters, and bailiffs: Sections 2.32.180 through 2.32.310
  - 4.3 Washington State Court Rules of Appellate Procedure (RAP)
    - 4.3.1 Title 9 – Record on Review:
      - 4.3.1.1 RAP 9.2: Verbatim Report of Proceedings

- 4.3.1.2 RAP 9.3: Narrative Report of Proceedings
- 4.3.1.3 RAP 9.4: Agreed Report of Proceedings
- 4.3.1.4 RAP 9.5: Filing and Service of Report of Proceedings - Objections
- 4.3.2 Title 15 – Special Provisions Relating to Rights of Indigent Party
  - 4.3.2.1 RAP 15.4: Claim for Payment of Expense for Indigent Party
- 4.3.3 Title 18 – Supplemental Provisions
  - 4.3.3.1 RAP 18.9: Violations of Rules
- 4.4 Washington State Court Rules: Superior Court Civil Rule (CR) 80 Court Reporters
- 4.5 King County Local Civil Rule (KCLCR) 80 Court Reporters and Transcripts

## 5. DEFINITIONS:

- 5.1 **Recorded court proceeding:** A King County Superior Court proceedings that is electronically recorded in lieu of having the official record reported by a court reporter, and includes videotape, audiotape and digital recordings.
- 5.2 **Official transcript:** a written verbatim report of a court proceeding completed by a court-approved transcriber in accordance with procedures developed by the Administrative Office of the Courts and the King County Superior Court.
- 5.3 **Court-approved transcriber:** a person approved by the Superior Court Clerk as qualified to prepare an official transcript of a recorded court proceeding.
- 5.4 **AAERT:** American Association of Electronic Reporters and Transcribers. This association provides testing and certification for court reporters and transcribers.

## 6. POLICIES:

- 6.1 A current list of court-approved transcribers will be maintained by the Clerk.
- 6.2 The Clerk shall receive from all persons prior to being added to the court-approved transcriber list, and annually thereafter, a declaration signed under penalty of perjury to include that s/he:
  - 6.2.1 Is currently a licensed court reporter in the State of Washington or an AAERT certified transcriber.
  - 6.2.2 Agrees to accept and perform an equitable share of requests for transcription at public expense from the Clerk, for which payment is fixed by State statute or regulations.
  - 6.2.3 Has a current general order allowing access to sealed records for transcription purposes and the removal of video “B copy” of court proceedings.

- 6.2.4 Will remain in full compliance with all requirements of the Clerk, set forth as statements on the Declaration in Support of the Request for Court-Approved Transcriber Status and signed as to be true and correct.
- 6.3 Transcription assignments from the Clerk for which payment is fixed by State statute or regulation will be rotated among all court-approved transcribers.
- 6.4 The Clerk may remove a transcriber from the list of court-approved transcribers with good cause, which may include but is not limited to, any violation or non-compliance with their signed Declaration Requesting Court Approved Transcriber Status document and/or:
  - 6.4.1 The production of unacceptable transcriptions not attributable to poor quality recording, including repeated errors or an unusual number of "inaudible" entries.
  - 6.4.2 Mishandling or loss of the recorded proceedings provided by the Clerk.
  - 6.4.3 Failing to protect the security and confidentiality of sealed records, including electronic recordings, entrusted by the Clerk for transcription purposes.
- 6.5 If a transcriber is denied court-approved status, or their status is revoked due to a violation of their agreement, the Clerk will provide a method for an appeal of the decision.

## **7. PROCEDURES:**

**Action By:**

**Action:**

### **7.1 *Requests for Court-Approved Transcriber Status***

Court Recording  
Program Manager

- 7.1.1 Receives declaration (Appendix 9.1) with supporting attachments: proof of license or certification, services and charges form, and a proposed general order allowing access to sealed court files and records on ECR from the transcriber.
- 7.1.2 Based on the declaration and supporting documents provided by the transcriber, approves or denies the request to be considered a court-appointed transcriber.
- 7.1.3 Notifies transcriber of the outcome of their court-approved status request.
- 7.1.4 Maintains a list of court-approved transcribers posted on the Clerk's website.
- 7.1.5 Sends an annual reminder to the court-approved transcribers to renew their general order, declaration, cost sheet and proof of license or certification.

- 7.1.6 Reviews refusal of public expense assignment(s) and/or any alleged violations of program requirements for possible revocation of court-approved status purposes and notifies transcriber if so decided.

## **7.2 Requests to Appeal Denial of Court-Approved Transcriber Status**

Court Recording  
Program Manager

- 7.2.1 Maintains appeal process instructions, form and FAQ's on the Clerk's website.
- 7.2.2 Responds to questions and refers transcribers to the appeal process as appropriate.

Appeals Review  
Committee

- 7.2.3 Reviews all appeals submitted.
  - 7.2.3.1 Appeals must be postmarked or received by DJA within thirty (30) days of the date of the denial or revocation letter. If an appeal is received after the 30 days, a letter will be sent to the party explaining the appeal deadline.
- 7.2.4 Responds in writing to all appeals within fifteen (15) days of receipt.
- 7.2.5 Forwards a copy of the decision to the Court Recording Program Manager for follow-up actions regarding decision.

## **7.3 Official Transcript Requests**

Records Access  
Clerk

- 7.3.1 Receives request for an official transcript of a recorded court proceeding(s) from customer.
- 7.3.2 Informs the customer that s/he is to make all arrangements for a transcript with the transcriber of her/his choice.
- 7.3.3 Provides customer with the current list of court-approved transcribers to make arrangements for an official transcript.
- 7.3.4 Provides a copy of the recorded court proceeding and minute sheets upon request from court-approved transcriber.
- 7.3.5 For video recordings, maintains a log showing that the "B" copy is checked out to the court-approved transcriber and indicating the expected return date.
- 7.3.6 Informs the court-approved transcriber if any part of the record is sealed. If sealed material is required for the completion of a transcript, arrange for security handling of the sealed record by the transcriber.

#### **7.4 *Requests for Official Transcripts at Public Expense***

- Records Access Clerk
- 7.4.1 Receives request for transcription of a recorded court proceeding from an agency or individual along with an Order of Indigency in lieu of payment.
  - 7.4.2 Determines which court-approved transcriber is up next to receive an assignment at public expense.
  - 7.4.3 Contacts the court-approved transcriber to make the assignment.
    - 7.4.3.1 If the transcriber refuses/temporarily declines the assignment, refers the transcriber to the Court Recording Program Manager to explain the reason, then contacts the next court-approved transcriber.
    - 7.4.3.2 If the transcriber accepts the assignment, forwards the appropriate materials required for transcription.
  - 7.4.4 Records the date, record information and transcriber assigned on the court-approved transcriber assignment log.

### **8. RESPONSIBILITIES:**

#### **8.1 Court Recording Program Manager:**

- 8.1.1 Receives declaration and supporting attachments from transcriber, accepts or denies request for court-approved transcriber status and notifies transcriber of status, and maintains a current list of court-approved transcribers.
- 8.1.2 Reviews lack of compliance and alleged violations of court-approved transcriber compliance with program requirements and notifies transcriber of status revocation.
- 8.1.3 Responds to call and correspondence regarding appeal process information and takes appropriate action upon decision of appeal.

#### **8.2 Records Access Clerk:**

- 8.2.1 Provides a list of court-approved transcribers to customers, reproduces hearings upon request, and documents court-approved transcriber assignments in log.

#### **8.3 Appeals Review Committee**

- 8.3.1 Reviews and responds to appeals of a denial of court-approved transcriber status within fifteen (15) days of receipt.
- 8.3.2 Forwards decision to the Court Recording Program Manager

**9. APPENDICES:**

- 9.1 Declaration Requesting Court Approved Transcriber Status
- 9.2 General Order Allowing Access to Sealed King County Superior Court Legal File and Removal of Video B Copy

**Appendix 9.1:****DECLARATION IN SUPPORT OF REQUEST FOR COURT APPROVED  
TRANSCRIBER STATUS**

TRANSCRIBER NAME: \_\_\_\_\_

AGENCY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of Washington the following statements are true and correct:

☐ I am a currently licensed court reporter in the State of Washington, verification attached; and/or

☐ I am a currently certified transcriber by AAERT, copy of certification attached.

I have submitted a current General Order authorizing access to sealed court records.

I possess the necessary transcription devices and software to be compatible with recordings received for transcription to produce as accurate and detailed verbatim transcript(s) as is possible given the quality of the recorded proceeding(s). The equipment permits review, sound enhancement, and other actions needed to produce a high quality transcript with minimal errors and inaudibles.

I agree to accept an equitable share of video, audiotape or digitally recorded transcription assignments from the Clerk for which payment is fixed by State statute or regulation, understanding such assignments are to be shared among all certified transcribers.

I have attached a current Services and Charges for Transcription form for rates I charge for producing transcripts and will not charge more than those rates as published with the Clerk for any party referred from the Clerk, and that my rates will be no higher than those fixed in accordance with costs as allowed in cost bills in civil cases by the Supreme Court of the State of Washington. I will provide the Court Recording Program Manager with an updated form whenever I change them.

I will observe all requirements and procedures set by the Clerk to assure the confidentiality of sealed or confidential court records and to assure the integrity and proper care of the recorded record of proceedings.

I will report to the Court Recording Program Manager any problems which, observed in the course of transcription, may indicate technical or other difficulties in the courtroom which may prevent or delay the accurate, complete, and audible recording of court proceedings, including and explanation of the frequency, magnitude, and causes of "inaudible" notations within the transcript.

I will prepare verbatim transcripts in accordance with the Rules of Appellate Procedure (RAP) in a timely fashion as required.

I will submit oral decisions to the Judge for correction prior to delivery of a final copy and will also provide the Judge with a final copy of such transcription pursuant to LCR 80. I will make any corrections identified by the judge and obtain approval prior to submitting for filing or transmittal to the Court of Appeals or Supreme Court.

Even though I may employ others to assist me in the production of transcripts, I will remain solely and completely responsible for them and for the final transcript.

I will not refuse a job without good cause and understand that doing so may result in suspension from the list of approved transcribers. Upon refusal of a job I will contact the Court Recording Program Manager immediately in writing.

I will notify the Court Recording Program Manager of any changes in the above information as soon as they may occur.

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(Signature)

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(Date and Place)



**Appendix 9.2**

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

IN THE MATTER OF:

SEALED RECORD ACCESS FOR [REDACTED], AND  
DESIGNATED EMPLOYEE(S) THEREOF, FOR  
TRANSCRIPTION PURPOSES

**NO. XX-X-XXXXX-X SEA**

**GENERAL ORDER ALLOWING ACCESS  
TO SEALED KING COUNTY SUPERIOR  
COURT LEGAL COURT FILE and Removal  
of Video B Copy**

**CLERK'S ACTION REQUIRED  
(ORAR)**

**I. BASIS**

- 1.1 The undersigned person, having been approved by the Superior Court Clerk as qualified to prepare an official transcript of a recorded court proceeding, has justified to the Court a need for access to sealed documents, videotapes, audiotapes, digital recordings and removal of video "B copy" of proceedings of the King County Superior Court legal file when a transcript is requested.

**II. ORDER**

- 2.1 The undersigned and person(s) listed below is/are hereby authorized to access sealed documents, videotapes, audio tapes and digital recordings of proceedings located in the office of the King County Superior Court Clerk.
- 2.2 This access will allow the undersigned to perform his or her duties as a court-approved transcriber when requested by State or County agencies.
- 2.3 It is further ordered that the undersigned and person (s) listed below shall maintain complete confidentiality as to the information contained within the said sealed file, except as permitted by court order. Violation of any of the above provisions could result in contempt of court proceedings.
- 2.4 This order shall expire **January 31, 20XX**. Any deletions or additions of names to this order will require the presentation of an amended order. All orders shall be presented by the Superior Court Clerk to be approved by the King County Superior Court Presiding Judge, or a judge designated by Presiding Judge to sign in his/her absence. The Clerk will file the order in the Administrative General Order file.

2.5 Prior orders allowing file access for (insert name) are hereby superseded.

I, in presenting this order to the Superior Court Clerk, take full responsibility for the integrity of the confidential case information and/or court records entrusted to me and the employees listed below and will ensure that they abide by the above stated restrictions.

Transcriber: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**LIST EMPLOYEES AND POSITION**

██████

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge

Presented By:

\_\_\_\_\_  
Barbara Miner  
Director and King County Superior Court Clerk