

Procedures for Designating Court Approved Video Transcribers

Established Pursuant to RAP 9.2(a)

Procedures to RAP 9.2(a), as amended by the Supreme Court at 122 Wn.2d 1121 (1993), only a court-approved transcriber can prepare a verbatim report of proceedings from a proceeding that was videotaped. The rule delegates the Administrative Office of the Courts (AOC) the authority to develop procedures for a court-approved transcriber to prepare the transcript. The procedures for selecting a court-approved transcriber are as follows:

1. Each county that uses videotape to record proceedings is delegated the authority to designate court-approved transcribers, subject to complying with the following provisions:
 - a. An application form should be available for all applicants interested in being designated a court-approved transcriber. A sample application is attached and is a part of the procedures. The purpose of the application is to screen interested persons to ensure that only those with appropriate experience receive the court-approved designation. Each county shall evaluate applications and determine which applicants can be designated. At a minimum, all applicants must have some experience in typing legal documents and in transcribing material.
 - b. Only applicants who agree to transcribe directly from the videotape will be considered for designation as a court-approved transcriber. Court-approved transcribers will not be permitted to re-record the videotape on audio equipment and will not be permitted to play back the video and key in the testimony on court reporter equipment. A county may grant exceptions to this restriction on a case-by-case basis.
 - c. The application should ask applicants what their fees are for ordinary and expedited transcription. The court is responsible for determining if these rates are within the standard range charged in the county for similar work. A court-approved transcriber must charge rates that are no more than the rates that are charged in the county. For a criminal indigent appeal, the court-approved transcriber will receive the same rate as other transcribers and court reporters and the rate is set by the Supreme Court.
 - d. If a county receives several applications, the county has the authority to determine whether to rate assignments or to select, on the basis of qualifications, one or more court-approved transcribers.
 - e. If a county elects to use county employees to provide a transcript, the employees can be designated a court-approved transcriber if they meet the minimum qualifications as listed in section 1.a. above. The county can then bill either the party or the Office of Public Defense (OPD), if the transcript is being prepared under an Order of Indigency, and can retain the income. The county is subject to the same restrictions as other transcribers, and can charge no more than the prevailing rates currently being charged in that county.

2. All court-approved transcribers must agree to comply with the Rules of Appellate Procedure (RAP). These rules include the following:
 - a. RAP 9.2 sets forth the format and content requirements for the verbatim report of proceedings.
 - b. RAP 9.5(a) requires the transcriber to file the verbatim report of proceedings within 60 days after review is accepted by the appellate court. It also states that failure to timely file the transcript may subject the transcriber to sanctions as provided in rule 18.9.
 - c. RAP 9.5(b) requires the transcriber to provide a copy of the verbatim report of proceedings to the party who arranged for the transcript and serve and file the notice of the filing on all other parties and the appellate court.
 - d. RAP 15.4 requires the transcriber to submit an invoice to the OPD if the transcript was authorized under the Order of Indigency. The invoice can be obtained on OPD's web site at www.opd.wa.gov.