

## TRANSCRIPT REQUESTS

28 U.S.C. §1915  
Fed.R.App.P. 10, 24

### CRIMINAL CASES

#### A. Ordering the Transcript

##### 1. Transcript request.

- Counsel must electronically file on CM/ECF a “Request for Transcript” (form found on our external website at <https://www.nynd.uscourts.gov/forms/transcript-request>) indicating the date of the proceeding, the type of proceeding, the case number/judge and the court reporter who transcribed the proceeding using the event “**Transcript Request**” found under **Criminal** → **Other Documents**.
- **CJA Counsel** must also submit a CJA-24 Form in eVoucher to obtain preapproval from the presiding judge **AND** the CJA-24 must also be filed on the docket in CM/ECF using the “Transcript Request” event. It can be attached to the “Transcript Request” form referenced above.
- Upon the filing of the transcript request, the Court Reporter will receive the request via ECF and contact counsel to make arrangements for payment, if applicable.
- A **pro se defendant** should file a transcript request traditionally with the Clerk’s office which should be filed using “Transcript Request” event.

##### 2. Transcripts for an Appeal:

- Appellant must electronically file [Form B](#) with both the 2nd Circuit Court of Appeals and the District Court using the "transcript request" event no later than 14 days after the filing of the Notice of Appeal.
- A pro se defendant should traditionally file Form B with both the 2nd Circuit Court of Appeals and the District Court Clerk’s office.
- Form B can be found on the 2nd Circuit website at <https://www.ca2.uscourts.gov>. [See 2nd Circuit LR 10\(b\)\(1\)](#).
- The Court Reporter will receive notification of the request as soon as it is filed on ECF.

\*\*\*Pursuant to [2<sup>nd</sup> Circuit Court of Appeals Local Rule 4.1](#), when a convicted defendant wishes to appeal, trial counsel, whether retained or appointed, is responsible for representing the defendant unless counsel is relieved by the 2nd Circuit. The District Court has no authority to relieve counsel from representation on appeal. Please note that unless and until counsel is relieved by the 2nd Circuit, counsel will be held responsible for pursuing the appeal even if the Notice of Appeal is filed by Defendant, *Pro Se*.

3. **CJA Counsel:**

- Except during a trial, expedited or daily copy is discouraged.
- Any request for expedited or daily copy must be justified and preapproved by the presiding judge.
- Where appropriate, only essential portions of the transcript should be ordered.
- Justification should be made in a letter to the presiding judge explaining the need for any special authorization requested in Box 13 of the CJA Form 24.

4. **CJA Counsel appointed by the 2nd Circuit.**

- If CJA counsel has been appointed by the 2nd Circuit, counsel must obtain approval from the 2nd Circuit for payment of the transcripts and forward a signed CJA-24 by Circuit Judge directly to the Court Reporter.

**B. Payment for the Transcript**

1. **Defendant has CJA Counsel.**

- Defense counsel must file a CJA-24 in eVoucher.
- Defense counsel must also electronically file a completed CJA-24 form on the docket using the “transcript request” event for review and authorization by the District Judge for payment for the transcripts.
- Upon approval by the District Judge, the signed CJA-24 form will be forwarded by the Court to the Court Reporter to begin transcription.

2. **Defendant has retained counsel.**

- At the time of ordering the transcript, retained counsel must establish a mutually agreeable arrangement with the court reporter for payment.
- The court reporter will not begin transcribing until payment terms are established and payment is received.
- It is important that the dates on the request reflect the exact dates of the required transcripts.

3. **Defendant has retained counsel, but now seeks IFP status with free transcripts.**

- Defense counsel must electronically file a motion for in forma pauperis (IFP) status in the District Court and request that transcripts be provided free of charge. See [28 U.S.C. §1915](#).
- Upon the granting of IFP status and approval of free transcripts, defense counsel must electronically file a CJA-24 in eVoucher **and** also file the CJA-24 on the docket for the Judge's approval.

4. **Defendant's Motion for IFP status has been denied or revoked.**

Defendant must either pay for the transcripts or make a motion in the Court of Appeals for IFP status. See [Court of Appeals' Local Rules](#) for proper procedure to file motion for IFP in that Court.

C. **Acknowledgment to 2nd Circuit.**

- Upon the filing of the [Form B](#) on the District Court's docket, the Court Reporter will complete the acknowledgment portion of Form B and forward a copy to the Court of Appeals.
- If the Court Reporter has not completed the transcript within 30 days of receipt of Form B, the reporter must seek from the Court of Appeals an extension of time to complete the transcript. The request must be served on all parties to the appeal. See [2nd Circuit Court of Appeals LR 11.3](#).
- In addition, an appellant who has not received the transcript within 30 days of the date the transcript was paid for must inform the Court of Appeals in writing and explain all efforts the appellant has made to obtain the transcript.
- Thereafter, the appellant is required to update the Court of Appeals in writing in 14-day intervals about the status of the transcript until the transcript has been completed. During this time, the Clerk's Office will attempt to facilitate delivery of the transcript.

## CIVIL CASES

### A. Ordering the Transcript

1. **Transcript Request.**

- Counsel must electronically file on CM/ECF a "Request for Transcript" (form found on our external website at <https://www.nynd.uscourts.gov/transcript-policy>) indicating the date of the proceeding, the type of proceeding, the case number/judge and the court reporter who transcribed the proceeding using the event "**Transcript Request**" found under **Civil** → **Other Documents**.

- Upon the filing of the transcript request, the Court Reporter will receive the request via ECF and contact counsel to make arrangements for payment, if applicable.
  - A **pro se party** should file a transcript request traditionally with the Clerk's office using the "transcript request" event.
2. **Transcript Request for an Appeal.**
- Appellant must electronically file [Form D](#) with both the 2nd Circuit Court of Appeals and the District Court using the event "transcript request" no later than 14 days after the filing of the Notice of Appeal.
  - The Court Reporter will receive notification of the request as soon as it is filed on ECF for the District Court.
  - Form D can be found on the 2nd Circuit website at <https://www.ca2.uscourts.gov>. See [2nd Circuit LR 10\(b\)\(1\)](#).
  - A pro se party must traditionally file Form D with both the 2nd Circuit Court of Appeals and the District Court Clerk's office.

## **B. Payment for the Transcript**

1. **Party has counsel.**
- At the time of ordering the transcript, counsel must establish a mutually agreeable arrangement with the court reporter for payment.
  - The court reporter will not begin transcribing until payment terms are established and payment is received.
  - It is important that the dates on the request reflect the exact dates of the required transcripts.
2. **Party has IFP status.**
- **IFP status does not automatically qualify the party for free transcripts.** A party who was permitted to proceed *in forma pauperis* in the District Court action may proceed on appeal *in forma pauperis* without further authorization unless the District Court, before or after the notice of appeal is filed, certifies that the Appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. See [28 U.S.C. §1915](#); [FRAP 24](#).
  - **To obtain free transcripts**, a party with IFP status must file a letter request to the presiding judge requesting an order authorizing the payment for the transcripts and certifying that the appeal is not frivolous.

- Upon approval by the District Judge, the Court will forward a copy of the Order authorizing payment and certifying that the appeal is not frivolous to the Court Reporter to begin transcription.
- Upon completion of the transcript, the Court Reporter will electronically file the Transcript on ECF and mail a physical copy to any pro se litigant.
- After docketing the transcript, the Court Reporter must submit **ALL** of the following forms and supporting documents to the procurement email address for payment:
  - Complete a [Standard Form 1034 - Public Voucher for Purchases and Services other than personal](#) for payment.
  - Complete [AO-44 Invoice](#). Court Reporter must sign for certification of completion. Electronic signature is sufficient.
  - Attach a copy of the Order or Text Order authorizing payment. NOTE: if a Text Order was issued, the Judge must sign off on the Text Order, either electronically or in ink.
  - Attach a copy of the Order/Text Order granting IFP, if separate from authorizing order.
  - Include a copy of the docket entry for “TRANSCRIPT of Proceedings” showing transcript was filed on the docket.

01/19/2023 140 TRANSCRIPT of Proceedings: Jury Trial held on 10/25-27/2021 before Judge Christian F. Hummel, Court Reporter: Jacqueline Strofolino. Telephone number: 518-257-1894. **IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:** In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). Read this policy carefully. If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/9/2023. Redacted Transcript Deadline set for 2/21/2023. Release of Transcript Restriction set for 4/19/2023. Notice of Intent to Redact due by 1/24/2023 (Attachments: # [1](#) Transcript Jury Trial - day 2, # [2](#) Transcript Jury Trial - day 3) (jrs.) (Entered: 01/19/2023)

**3. Party did NOT have IFP status but is now seeking IFP status for purposes of Appeal and free transcripts.**

- Counsel must electronically file a motion for *in forma pauperis* (IFP) status in the District Court and also request an order authorizing the payment for the transcripts and certifying that the appeal is not frivolous. See [28 U.S.C. §1915](#); [FRAP 24](#).
- Pro se litigant who previously paid the filing fee, but now seeks IFP status for purposes of appeal and/or free transcripts must traditionally file a motion for *in forma pauperis* (IFP) status in the District Court and also a letter requesting an order authorizing the payment for the transcripts and certifying that the appeal is not frivolous.
- Upon approval by the District Judge, the Court will forward a copy of the Order authorizing payment and certifying that the appeal is not frivolous to the Court Reporter to begin transcription.

- Upon completion of the transcript, the Court Reporter will electronically file the Transcript on ECF and mail a physical copy to any pro se litigant.
- After docketing the transcript, the Court Reporter must submit **ALL** of the following forms and supporting documents to the procurement email address for payment:
  - Complete a [Standard Form 1034 - Public Voucher for Purchases and Services other than personal](#) for payment.
  - Complete [AO-44 Invoice](#). Court Reporter must sign for certification of completion. Electronic signature is sufficient.
  - Attach a copy of the Order or Text Order authorizing payment.  
NOTE: if a Text Order was issued, the Judge must sign off on the Text Order, either with an electronic signature or in ink.
  - Attach a copy of the Order/Text Order granting IFP, if separate from authorizing order.
  - Include a copy of the docket entry for “TRANSCRIPT of Proceedings” showing transcript was filed on the docket.

01/19/2023	140	TRANSCRIPT of Proceedings: Jury Trial held on 10/25-27/2021 before Judge Christian F. Hummel, Court Reporter: Jacqueline Stroffolino, Telephone number: 518-257-1894. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at <a href="http://www.nycourts.gov">www.nycourts.gov</a> . <u>Read this policy carefully.</u> If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/9/2023. Redacted Transcript Deadline set for 2/21/2023. Release of Transcript Restriction set for 4/19/2023. Notice of Intent to Redact due by 1/24/2023 (Attachments: # 1 Transcript Jury Trial - day 2, # 2 Transcript Jury Trial - day 3) (Gss, ) (Entered: 01/19/2023)
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4. **Party's Motion for IFP status has been denied or revoked.** Defendant must either pay for the transcripts or make a motion in the Court of Appeals for IFP status. See [Court of Appeals' Local Rules](#) for proper procedure to file motion for IFP in that Court.

#### C. **Acknowledgment to 2nd Circuit.**

- Upon the filing of the [Form D](#) on the District Court's docket, the Court Reporter will complete the acknowledgment portion of Form D and forward a copy to the Court of Appeals.
- If the court reporter has not completed the transcript within 30 days of receipt of Form D and payment, the reporter must seek from the Court of Appeals an extension of time to complete the transcript. The request must be served on all parties to the appeal. See [2nd Circuit Court of Appeals LR 11.3](#).
- In addition, an appellant who has not received the transcript within 30 days of the date the transcript was paid for must inform the Court of Appeals in writing and explain all efforts the appellant has made to obtain the transcript.
- Thereafter, the appellant is required to update the Court in writing in 14-day intervals about the status of the transcript until the transcript has been completed. During this time, the Clerk's Office will attempt to facilitate delivery of the transcript.