

## TRANSCRIPT REQUESTS

### I. 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/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 **Criminal** → **Other Documents**.

**CJA Counsel** must also submit a CJA-24 Form in eVoucher to obtain preapproval of the presiding judge **AND** the CJA-24 must also be filed on the docket in CM/ECF using the “Transcript Request” event. It can also 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. The Court Reporter will receive notification of the request as soon as it is filed on ECF. Form B can be found on the 2nd Circuit website at <https://www.ca2.uscourts.gov>. [See 2nd Circuit LR 10\(b\)\(1\)](#). A pro se defendant should file Form B traditionally with both the 2nd Circuit Court of Appeals and the District Court Clerk’s office.

\*\*\*Please note that 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 the appeal even if the Notice of Appeal is filed pro se. [See 2nd Circuit LR 4.1](#).

3. **CJA Counsel:** Except during a trial, expedited or daily copy is discouraged. Any requests 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 electronically file on the docket a completed CJA-24 form using the “transcript request” event for review and authorization by the District Judge for payment for the transcripts. The CJA-24 form must also be filed in e-Voucher. 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 on CM/ECF **and** also in eVoucher to the Judge for 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 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.

## II. 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 **Criminal** → **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 file Form D traditionally 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.** 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](#). However, IFP status does not automatically qualify the party for free transcripts. The party must electronically file a letter requesting an order authorizing the payment for the transcripts and certifying that the appeal is not frivolous. Upon receipt of an Order authorizing payment for the transcripts, the Court Reporter must complete a [Standard Form 1034 - Public Voucher for Purchases and Services other than personal](#) for payment.
3. **Party did not have IFP status but is now seeking IFP status for purposes of Appeal.** 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](#). Upon receipt of an order granting IFP status and authorizing the payment for the transcripts, the Court Reporter must complete a [Standard Form 1034 - Public Voucher for Purchases and Services other than personal](#) for payment.
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.

Updated: 12/11/20