

# Appellate Transcript Procedures

Revised August 2017

**Appellate Court Services Division**

Supreme Court Building  
1163 State Street  
Salem, OR 97301-2563



## Table of Contents

CONTACT AND WEBPAGE INFORMATION .....	4
TRANSCRIPT COORDINATOR RESPONSIBILITIES .....	5
Reviewing Designation of Record Section of Notice of Appeal .....	5
Assigning Transcriber or Court Report to Prepare Transcript .....	6
Notifying the Appellate Court and the Parties.....	7
Transcript Due Date; Motion for Extension of Time to Prepare Transcript .....	8
Motion for Extension of Time .....	8
TRANSCRIBER RESPONSIBILITIES.....	11
Confidentiality Requirement.....	11
Motion for Extension of Time .....	12
Financial arrangements.....	14
Transcript Content, Specifications, and Format (See Appendix E) .....	19
Naming Conventions for Transcripts in Electronic Format .....	21
Service of Certificate of Preparation and Service .....	22
Correcting or Adding to the Transcript .....	22
Settling the Transcript.....	23
Service & Filing of Certificate of Filing Transcript .....	24
FREQUENTLY ASKED QUESTIONS (FAQ).....	25
APPENDICES .....	27
Appendix A – Certificate of Compliance for Transcribers.....	27
Appendix B Transcriber’s Request for Time Extension for Preparation of Transcript.....	29
Appendix C – Transcript Coordinator’s Request for Time Extension for Preparation of Transcript.....	31
Appendix D ORAP 3.33 PREPARATION, SERVICE, AND FILING OF TRANSCRIPT .....	32
Appendix E ORAP 3.35 FORM OF TRANSCRIPT ***(This is a repeat – page 18).....	36
Appendix F ORS 19.370 CERTIFICATION OF TRANSCRIPT; EFFECT OF REFERRAL TO APPELLATE MEDIATION; CORRECTION OF ERRORS; SETTLEMENT ORDER .....	39
Appendix G ORS 8.350 TRANSCRIPT OF TESTIMONY.....	41
Appendix H ORS 21.345 TRANSCRIPT FEES; RULES.....	42

Appendix I – Letter Requesting Advance Payment..... 44

Appendix J – Letter Notifying No Payment Arrangements Made..... 45

Appendix K Certificate of Preparation and Service of Transcript ORAP APPENDIX 3.33-1..... 46

Appendix L – ORAP 3.40 ADDITION TO OR CORRECTION OF TRANSCRIPT ..... 47

Appendix M – ORAP 3.10 DUTIES OF TRIAL COURT ADMINISTRATOR REGARDING JUDGMENTS AND  
ORDERS ENTERED AFTER NOTICE OF APPEAL ..... 48

Appendix N Certificate of Filing of Transcript ORAP APPENDIX 3.33-2 ..... 49

Appendix O – ORAP 15.05 APPELLATE SETTLEMENT CONFERENCE PROGRAM..... 50

Appendix P Naming Conventions for Electronic Transcripts ORAP APPENDIX 3.35 - Illustration for  
ORAP 3.35(2)(b) ..... 51

## CONTACT AND WEBPAGE INFORMATION

Contact Transcript Clerk  
for transcript matters: 503-986-5555 (extension 5)  
[appealsclerk@ojd.state.or.us](mailto:appealsclerk@ojd.state.or.us)

Contact person for  
webpage information: [Coty.M.Llerenas@ojd.state.or.us](mailto:Coty.M.Llerenas@ojd.state.or.us)

### Appellate Court Services Division (ACSD)

Appellate Court  
Administrator: Rebecca J. (Becky) Osborne  
(503) 986 5589  
[Rebecca.J.Osborne@ojd.state.or.us](mailto:Rebecca.J.Osborne@ojd.state.or.us)

Mailing address: Appellate Court Services Division  
Supreme Court Building  
1163 State Street  
Salem, Oregon 97301-2563

# TRANSCRIPT COORDINATOR RESPONSIBILITIES

The transcript coordinator serves a vital role in the timely processing of appeals. Generally, the transcript is due within 30 days of the date the notice of appeal is filed with the appellate court. It is important that the transcript coordinator carry out the responsibilities of that position promptly.

## Reviewing Designation of Record Section of Notice of Appeal

### A. Being Served with Copy of Notice of Appeal; “Designation of Record”

1. The appellant (or cross-appellant) must serve a copy of the notice of appeal on the transcript coordinator for the court from which the appeal is taken. The notice of appeal usually contains a “designation of record” in which the party identifies all or part of the trial court record the party wants to be part of the record on appeal, including oral proceedings to be transcribed.
2. Sometimes an appellant (or cross-appellant) will file an amended notice of appeal or an amended designation for the purpose of changing the designation of record.
3. Where an appellant designates only part of the record, a respondent on appeal may file and serve a designation of additional parts of the record.
4. Sometimes the appellate court, by order, will order that the record on appeal be supplemented with a transcript of oral proceedings.

B. The transcript coordinator must review the designation of record part of the notice of appeal, or other designations of the record described in Part A, to determine whether the parties have designated (or the appellate court has ordered) all or part of the record of oral proceedings in the trial court as part of the record on appeal.

C. The transcript coordinator then must review the trial court register to determine whether the oral proceedings so designated were recorded by a court reporter or by audio or video recording equipment.

## Assigning Transcriber or Court Report to Prepare Transcript

- A. If the oral proceedings were recorded by a court reporter, the transcript coordinator must assign responsibility to prepare a transcript of the proceedings to the court reporter.

**Note:** If the court reporter has retired or is otherwise unavailable, it may be necessary to arrange with another court reporter, using the former court reporter's notes, to prepare the transcript.

- B. If the oral proceedings were recorded by audio or video recording equipment, the transcript coordinator must select a transcriber from the list of transcribers maintained by the Appellate Court Administrator. That list is found at this webpage:<https://intranet.ojd.state.or.us/OJDIntra/docs/osca/acsd/transcribercompliance.pdf>
1. Some court proceedings are confidential. Before a transcriber is placed on the list by the State Court Administrator, the transcriber must sign a confidentiality agreement with OJD. If you want to assign a transcript to someone who is not on the list, send them a copy of the confidentiality agreement, have them complete it, sign it, and send it to the Appellate Court Administrator via the [appealsclerk@ojd.state.or.us](mailto:appealsclerk@ojd.state.or.us) mailbox. After receipt of the completed form, the Appellate Court Administrator will add that person to the list.
  2. The list shows transcribers statewide. In selecting a transcriber, the transcript coordinator may choose any transcriber on the list.
  3. Before choosing a transcriber, the transcript coordinator should consult the current Transcript Report. The Transcript Report is found at this webpage:  
<https://ojdsp/osca/acsd/TranscriberWorkload/Forms/AllItems.aspx> This report shows the appellate cases already assigned to each transcriber, when those cases were assigned, and whether the transcripts have been finalized. If the list shows that a transcriber already has several transcripts assigned, especially if those are expedited cases, the transcript coordinator should consider whether the transcriber will be able to timely complete the transcript or whether the transcriber will have

to request one or more extensions of time, which ultimately delays the progress of the appeal. Be aware that the report does not show the length of the transcripts assigned. The “Proof of Filing” column on the report shows those transcripts that have been prepared but not yet submitted to the appellate court, pending completion of the transcript correction process.

4. The transcript coordinator may assign more than one transcriber to prepare parts of the transcript. That can be useful, for instance, if the oral proceedings are unusually lengthy and no one transcriber is likely to be able to prepare the entire transcript timely, or if a court reporter records part of the proceedings but other parts of the proceedings were recorded by audio or video recording equipment.
5. Although rare, sometimes the party designating an oral proceeding as part of the record on appeal will want a specific transcriber selected. If the transcriber is on the list of transcribers, the transcript coordinator may honor the request, but is not required to do so, and should consider the transcriber’s workload before honoring the request.

### **Notifying the Appellate Court and the Parties**

- A. After selecting a transcriber (as used in Part 3, “transcriber” includes a court reporter), the transcript coordinator must:
  1. Forward a copy of the notice of appeal, a copy of the exhibit list(s), a copy of the witness list, and a certified copy of the audio or video record to the transcriber, and inform the transcriber of the due date of the transcript. If the party has designated an audio or video recording played in court as part of the record on appeal, and if the party has specifically requested preparation of a transcript of the recording, please be sure to collect those and forward them to the transcriber.
  2. Notify the parties to the appeal and the appellate court of the assignment of transcriber. The notice must include the name, address, telephone number, and email address of each transcriber assigned to prepare the transcript, and the due date of the transcript.

- B. If, before the due date of the transcript, the transcript coordinator is unable to assign a transcriber or forward a copy of the notice of appeal and a certified copy of the audio or video record, the transcript coordinator must notify the appellate court. See Appendix C.

### **Transcript Due Date; Motion for Extension of Time to Prepare Transcript**

#### **A. Due Date of the Transcript**

Subject to one exception, under ORS 19.370(2), the transcript is due 30 days after the filing of the notice of appeal.

**Note:** The date of filing of the notice of appeal can be determined by looking at the appellate court case register for the case number of the appeal. The register contains two dates: the date the document was filed and the date the document was entered in the register. The controlling date is the date in the first column -- the date the notice of appeal is filed or deemed filed. When a notice of appeal is filed by mail, the mailing date can be deemed to be the date of filing. If you are uncertain, call the transcript clerk, whose number is shown on page 4.

#### **B. Appellate Settlement Conference Program (ASCP) Exception**

The appellate courts have an Appellate Settlement Conference Program (ASCP). If the ASCP accepts assignment of an appeal, the appeal is suspended for 90 days. In that event, the transcript will be due 30 days after the 90-day period expires, for a total of 120 days after the date of assignment of the appeal to the ASCP. However, the ASCP sometimes terminates a referral early or sometimes extends an assignment. If either of those events happen, the ASCP will notify the transcript coordinator and the transcriber. Further, the date can be verified by contacting the transcript clerk whose name and number is shown on page 4.

### **Motion for Extension of Time**

- A. The court does not automatically grant motions for extension of time to file transcripts, particularly in cases where a first extension of time has already been granted. A transcriber who files a motion for extension of time should



- (1) keep in mind that timeliness is critically important to the court and the litigants, (2) explain in the extension motion why the transcriber could not complete the transcript within the initial 30-day period, and (3) file a first motion for extension of time that is based on the transcriber's good-faith estimate of the total amount of additional time that the transcriber will need to complete the transcript.
- B. Transcribers should also bear in mind the strictly limited timelines for appeals in juvenile-dependency and termination-of-parental-rights cases, and should expect that the court will grant no more than a single 14-day extension of time for the transcripts in those cases, except in extraordinary circumstances.
  - C. When the transcript is not going to be prepared timely, either the party designating the transcript, the transcript coordinator, or the transcriber must file a written motion for extension of time before expiration of the due date of the transcript. The appellate court will place the appeal in default status if a motion for extension is not filed timely.
  - D. An extension of time is necessary to cover all gaps of time between the transcript due date and the date the transcriber files notice of preparation of the transcript. For instance, if the transcript was due on June 5, but not submitted until June 6, a motion for extension of time would need to be filed and granted to cover the period until June 6.
  - E. A transcript coordinator or transcriber may file a motion for extension of time without paying a filing fee. In civil cases and other cases in which the state is not paying the cost of the transcript, a party who files a motion for extension of time must pay \$50 filing fee.

**Note:** Sometimes a party may ask the transcript coordinator or transcriber to file a motion for extension of time to avoid the party having to file the motion and incur the \$50 filing fee. Use your discretion in accommodating any such request. Generally, a transcript coordinator or transcriber should file a motion for extension of time only when the transcript coordinator or transcriber is responsible for the delay in getting the transcript prepared.

- F. Appendix B contains a form that a **transcriber** should use to request an extension of time. Appendix C contains a form that a **transcript coordinator** should use to request an extension of time.

# TRANSCRIBER RESPONSIBILITIES

## Becoming a Transcriber; Assignment of Transcripts for Preparation; Due Date of Transcript

**Note:** As used in this section, “transcriber” includes, where appropriate, a court reporter responsible for preparing a transcript on appeal.

### Confidentiality Requirement

- A. Effective May 1, 2012 all transcribers interested in performing appellate transcription work must complete a confidentiality agreement with the Appellate Court Administrator. The Appellate Court Administrator maintains the list of transcribers who have signed and returned the form and who are, therefore, available for appellate case transcription. The presence of a transcriber’s name on the list does not mean that the Appellate Court Administrator guarantees the quality or timeliness of the transcriber’s work product. Appendix A
  
- B. Transcriber contact information is available to all transcript coordinators statewide via the Oregon Judicial Department’s (OJD) intranet website: <https://intranet.ojd.state.or.us/OJDIntra/docs/osca/acsd/transcribercompliance.pdf> Transcriber email-only contact information is available to self-represented persons.
  1. Assignment of Transcript.

The transcript coordinator from each court assigns preparation of the transcript, as designated by the parties or as ordered by the appellate court, to one or more transcribers from the list maintained by OJD.
  2. Due Date of Transcript. The legislature has prescribed the due date of transcripts. ORS 19.370(2) Appendix E
  3. Upon receipt of the assignment, please immediately review the exhibit list(s). If the party has designated an audio or video recording played in court as part of the record on appeal, and if the party has specifically requested preparation of a transcript of the recording, it must also be transcribed. If you did not receive those recordings, contact the transcript

coordinator immediately so that those may be provided as soon as possible.

Generally, the transcript is due within 30 days from the date the notice of appeal is filed with the appellate court.

**Note:** If you have access to the Appellate Case Management System (ACMS) register, the date of filing of the notice of appeal can be determined by looking at the appellate court case register for the case number of the appeal. The register contains two dates: the date the document was filed and the date the document was entered in the register. The controlling date is the date in the first column -- the date the notice of appeal is filed or deemed filed. When a notice of appeal is filed by mail, the mailing date can be deemed to be the date of filing. If you do not have access to ACMS, you may wish to call the transcript clerk whose telephone number is shown on page 4.

C. However, if the appellate case is assigned to the Appellate Settlement Conference Program (ASCP) before the transcript is prepared and filed, preparation of the transcript will be held in abeyance. The referral to the ASCP typically is for 90 days. If the case is assigned to the ASCP during the initial 30 days of the appeal, the transcript will become due 120 days after the notice of appeal is filed (the initial 30-day period plus the additional 90-day abeyance period). However, the ASCP may terminate the referral early or may extend the referral. In any event, when the ASCP terminates the referral, the ASCP will send a notice to the appellate court, the parties, and the transcribers regarding the due date of the transcript.

## **Motion for Extension of Time**

A. If the transcript is not prepared timely, either the party designating the transcript, the transcript coordinator, or the transcriber must file a written motion for extension of time before expiration of the due date of the transcript. The appellate court will place the appeal in default status if a motion for extension is not filed timely.

B. An extension of time is necessary to cover all gaps of time between the transcript due date and the date the transcriber files notice of preparation of the transcript.

For instance, if the transcript was due on June 5, but not submitted until June 6, a motion for extension of time would need to be filed and granted to cover the period until June 6.

- C. A transcript coordinator or transcriber may file a motion for extension of time without paying a filing fee. In civil cases and other cases in which the state is not paying the cost of a transcript, a party who files a motion for extension of time must pay a \$50 filing fee.

**Note:** Sometimes a party may ask the transcript coordinator or transcriber to file a motion for extension of time to avoid the party having to file the motion and incur the \$50 filing fee. Use your discretion in accommodating such a request. Generally, a transcript coordinator or transcriber should file a motion for extension of time only when the transcript coordinator or transcriber is responsible for the delay in getting the transcript prepared.

## Financial arrangements

The fees a transcriber may charge for transcripts on appeal are set by the legislature. Per ORS 21.345, a transcriber may not charge more than \$3.00 per page for the original transcript

- A. In criminal, habeas corpus, post-conviction relief, civil commitment, and juvenile dependency and delinquency cases, the appellant typically will be represented by a court-appointed attorney and will receive a transcript at state expense.<sup>1</sup> If a transcript is to be prepared at state expense, the transcript coordinator will receive from the Office of Public Defense Services a copy of authorization to prepare the transcript at state expense or a copy of a trial or appellate court order authorizing preparation of the transcript at state expense. The transcript coordinator must forward a copy of the authorization or appellate court order to the transcriber.
- B. In all other cases, including civil cases, it is the responsibility of the party designating a transcript of oral proceedings as part of the record on appeal to make financial arrangements directly with the transcriber.

**Exercise caution in beginning work on the transcript before financial arrangements have been made.**

1. When the appellant may be entitled to a transcript at state expense (for instance, criminal, post-conviction relief, habeas corpus, civil commitment, and juvenile court cases):

---

<sup>1</sup> But not always; appellants in those cases are not always indigent and occasionally will be represented by retained counsel. Additionally, the State of Oregon sometimes is the appellant, in which case the Department of Justice will pay for the transcript.

- a. If the appellant is indigent:<sup>2</sup> Exercise Caution: The trial court, the appellate court, or the Office of Public Defense Services, must pre-authorize preparation of the transcript at state expense.

Questions about authorization for transcripts at state expense should be directed to the Office of Public Defense Services (OPDS):

Office of Public Defense Services  
Contract & Business Services  
1175 Court Street NE  
Salem, Oregon 97301  
Telephone: 503-378-2478

Or email to: [accounts.payable@opds.state.or.us](mailto:accounts.payable@opds.state.or.us)

**Note:** Transcripts for indigent appellants are paid for by the Office of Public Defense Services using state funds. Bill for preparing the transcript only after you complete the transcript. OPDS requires a specific form for billing: *Public Defense Provider's Fee Statement for Transcripts on Appeal*. OPDS will provide the form to the transcript coordinator, and the transcript coordinator will provide that form to the transcriber when the transcript is assigned. If you have not received the form from the attorney, please feel free to request it. Upon completion of the transcript, the transcriber should send the completed fee invoice to:

Accounts Payable  
Office of Public Defense Services  
1175 Court Street NE  
Salem, Oregon 97301

---

<sup>2</sup> The “appellant” may be the defendant in a criminal case, the petitioner in a post-conviction relief case, the plaintiff in a habeas corpus case, the defendant in a civil commitment case, or the parent, child, or other natural person in a juvenile court case.

Or email to: [accounts.payable@opds.state.or.us](mailto:accounts.payable@opds.state.or.us)

Contact OPDS directly for more information. The phone number for OPDS' Contract & Business Services Division is 503-378-2478.

- b. If the appellant is not indigent, upon receipt of notice of assignment of responsibility to prepare the transcript, the transcriber must estimate the cost of preparing the transcript and should request advance payment – or other financial arrangements acceptable to the transcriber -- from the party or the party's attorney. See Appendix H

**NOTE:** The appellant has the right to proceed without an attorney and may be indigent or may be able to pay for the transcript. In criminal, post-conviction relief, habeas corpus, juvenile, or civil commitment cases, if the self-represented party is indigent, the party may seek authorization from the court or OPDS for preparation of the transcript at state expense. In any case type, including civil cases, if the self-represented party does not have authorization for preparation of the transcript at state expense, the party must make financial arrangements with the transcriber for preparation of the transcript.

- c. If the appellant is the state or state agency represented by the Attorney General, no advanced payment is required. Billing occurs after the transcript is complete, and both the transcript and billing should be sent to:

Appellate Division  
Department of Justice  
1162 Court Street NE  
Salem, Oregon 97310  
Telephone: 503-378-4402

Or email to: [e-transcripts@doj.state.or.us](mailto:e-transcripts@doj.state.or.us)



## 2. Civil cases

- A. In civil cases, generally the transcriber deals with privately-retained attorney or self-represented party. Upon notice of assignment of responsibility to prepare the transcript, the transcriber should estimate the cost of preparing the transcript, then contact the attorney or party and request advanced payment or make arrangements for payment of the cost of preparing the transcript.
- B. The appellate courts have authority to authorize preparation of a transcript in a civil case at state expense. However, the appellate courts rarely exercise that authority. If an appellate court authorizes a transcript at state expense in a civil case, the transcriber will receive a copy of the court's order. The transcriber must include a copy of that order with their billing, after preparation of the transcript, and send both of those items to this address:

Business and Fiscal Services Division  
Mandated Payments  
State Court Administrator  
1163 State Street  
Salem, Oregon 97302

## 4. Failure to Timely Make Financial Arrangements

- A. If financial arrangements for payment of the transcript have not been made within 14 days after receiving notice of assignment of a transcript, the transcriber should send a letter to ACSD (sample at Appendix I) advising that the transcriber has not begun preparation of the transcript because no payment agreement has been reached. Include with that letter a copy of the letter sent to the attorney(s) or party(s) requesting payment for the transcript. See the '*Contact Information*' section at the beginning of this manual for ACSD's mailing address.
- B. If acceptable financial arrangements for payment have been made *after* the 14-day letter has been sent to the ACSD, the transcriber should file a written request for an extension of time (sample at Appendix B) with the

ACSD stating that financial arrangements now have been made. Include the date of the payment or arrangement and request a new due date for the transcript.

If the payment or arrangement is not made by the attorney(s) or party(s) requesting the transcript on appeal, a transcript will not be prepared and the appeal may go forward without a transcript or the case may be dismissed.

## **Transcript Content, Specifications, and Format (See Appendix E)**

### **A. Title page**

An appropriate title page will have the appellate case number and caption, the lower (circuit) court case number, and indicate volume number (if applicable).

### **B. Index of Trial or Hearing, and Exhibits**

The trial/hearing index shall note the first page of each: direct, cross, redirect and re-cross testimony of each witness. Exhibits shall be noted with its type (for example: Plaintiff's Exhibit 1, Defendant's Exhibit 101, etc.), and the page of the record where the exhibit was offered and where received in evidence (if received in evidence). Other proceedings should be indexed when appropriate: motions for involuntary dismissal and directed verdict, requested jury instructions and jury instructions, opinion of the court, and other matters of special importance.

### **C. Appearance**

The transcript shall be a uniform document, with one-inch margins, uniformly spaced type at 10 characters per inch. Proportionally spaced type from a computer shall be no smaller than 12 point font. The same sized font shall be used throughout the document. Each page must contain 25 numbered lines of double-spaced text (except for the last page). A printed transcript should be on white paper, 8.5 x 11 inches, and double-sided.

Rules of grammar shall be observed (for example, a transcript shall not be prepared using all uppercase letters). The following shall begin no more than 15 character spaces from the left margin: colloquy, parenthetical phrases, exhibit marking, quoted material. Quoted material that carries to the next line shall begin no more than 10 character spaces from the left margin.

### **D. Organization**

#### **1. All formats**

Questions and answers shall be prefaced by 'Q' and 'A' as appropriate, and each question and answer will begin on its own line. Pagination of the entire document shall be placed in the top right corner. To the left of the page number, at the top of the page,

shall be the witness' name (as applicable) and whether the testimony is: direct (D), cross (X), redirect (ReD), or recross (ReX) examination.

## 2. Paper format

Conventionally filed transcripts shall be bound to lie flat when open. A plastic comb binding, set within three-eighths of an inch from the left paper edge of the transcript, shall bind each hard copy transcript volume. If a transcript exceeds 200 pages, it shall be bound into volumes of approximately equal size (and not more than 200 pages each). Volumes must be consecutively numbered on their covers. Covers of transcripts shall be either a clear plastic sheet or 65-pound weight paper.

### E. Electronic format

Electronically filed transcripts shall be in Portable Document Format (PDF) that allows text searching and copy/paste function. Transcript pagination, whether hard copy or electronic, must all be the same for briefing purposes later in the case chronology. This is achieved by converting transcripts to PDF format prior to printing. If a PDF file contains more than one proceeding date, the beginning of each proceeding date must be bookmarked.

If a transcript exceeds 450 pages, it must be submitted in volumes of approximately equal size (and not more than 450 pages each).

## Naming Conventions for Transcripts in Electronic Format (see Appendix P):

### A. Non-confidential cases

[Appellate Case Number]\_transcript-[year-month-day, of hearing-am/pm if appropriate]\_[court reporter or transcriber last, first name]

*Example:* A123456\_transcript-2002-02-15-am\_johnsonerin

If the transcript spans several dates, then the date span should be indicated, such as:

SC012345\_transcript-2002-02-15to2002-02-20\_johnsonerin

### B. Confidential cases

[Appellate Case Number]\_transcript-confidentialcase-[year-month-day, of hearing-am/pm if appropriate]\_[court reporter or transcriber last, first name]

*Example:* CA123456\_transcript-confidentialcase-2002-02-15-am\_johnsonerin

Transcribers shall use optical disks to send transcripts containing more than two volumes to ACSD. The naming convention shall follow the guidelines above; labeling software may be used to burn the naming convention directly onto the disk, however, the preferred method is to write directly onto the disk with a permanent marker. Conventional, paper labels are not to be used because they degrade over time and separate from the disk. The electronic transcript shall comply with ORAP 3.35(1)(a), (c), (d), (e), (f), (g), and (h). Notwithstanding ORAP 3.33(5)(b), the electronic transcript filed with the court shall be prepared in the one page of transcript per one standard page format.

## Service of Certificate of Preparation and Service

- A. After completing the transcript, the transcriber must serve the transcript in electronic format on each attorney representing the parties, and must serve the transcript in paper format on each self-represented party (unless a self-represented party has filed notice that the party wishes to receive the transcript in electronic format). Attorney or parties and transcribers may make arrangement for service of the transcript in a different formats (such as a thumb drive), but the aforementioned are the default service methods in absence of specific arrangements to the contrary.
- B. The transcriber must file with the appellate court and serve on each party to the appeal, the transcript coordinator, and the trial court administrator a Certificate of Preparation and Service of Transcript. See Appendix K. The transcriber may file the certificate either by email or by conventional Postal Service mail (but not both!). The transcriber must not file the transcript with the appellate court at this time.

## Correcting or Adding to the Transcript

- A. After the transcriber has served copies of the transcript on the parties, the parties determine whether any corrections or additions need to be made. The parties have 15 days after service of the transcript to file a motion in the circuit court asking for additions or corrections, unless the transcript is served during a period in which the case is being held in abeyance pending a referral to the Appellate Settlement Conference Program. In that event, the 15-day period does not begin to run until the referral to the ASCP ends. ORS 19.370(6) (see Appendix O).
- B. A party who files a motion to correct or add to the transcript must serve a copy of the motion on the Appellate Court Administrator and the transcript coordinator. ORAP 3.40(1) The Appellate Court Administrator will hold the appeal in abeyance pending the trial court's disposition of the motion. ORS 19.370(6); ORAP 3.40(2) (see Appendices L and O)
- C. A transcript may be prepared in multiple parts by different transcribers. Although parties may choose to file a motion to correct or add to the transcript as each part of the transcript is filed, 15-day deadline to move to correct or add to the

transcript does not begin to run until all parts of the transcript are served. ORAP 3.40.

- D. If the trial court grants the motion to correct or add to the transcript, the trial court must provide a copy of the trial court's order to the transcriber. The transcriber must make the corrections or additions as ordered by the trial court, then file with the appellate court and serve on the parties and the transcript coordinator a new Certificate of Preparation and Service of Modified Transcript.

### **Settling the Transcript**

- A. If no party files a motion to correct or add to the transcript, the transcript will be deemed settled 15 days after the transcript – or the last part of the transcript, if the transcript was prepared in different parts – is served on the parties.
- B. If, however, a party has moved to correct or add to the transcript and the trial court has granted the motion, the transcript does not settle until after the transcriber makes any necessary corrections or additions and the transcriber files a certificate of preparation on the corrected or additional transcript.
- C. If a party files a motion to correct or add to the transcript and the trial court denies the motion, the transcript becomes settled.
- D. The appeals clerk will notify the transcriber(s) when the transcript settles and will request that the transcript be filed. Only after receiving notice that the transcript is settled should the transcriber file the transcript with the appellate court.

## Service & Filing of Certificate of Filing Transcript

- A. When the transcript settles or is deemed settled and the transcriber receives notice from the appellate court to file the transcript, the transcriber must file the transcript with the appellate court along with a *Certificate of Filing of Transcript*. See Appendix N. The transcriber may file the transcript and the Certificate with the appellate court either by optical disk or email.
1. If the transcript exceeds 450 pages (roughly two volumes of about 200 pages each), the transcriber must submit the entire transcript via optical disk.
  2. If the transcript does not exceed 450 pages, the transcriber may file the transcript via email. If emailed, the transcript must be emailed to [appealsclerk@ojd.state.or.us](mailto:appealsclerk@ojd.state.or.us)
- Note:** If the appellate court rejects the submission (for instance, because of virus or malware issues), the appeals clerk will notify the transcriber of the reason for the rejection, and instruct as to how to resubmit the transcript.
- B. The transcriber must serve the Certificate of Filing Transcript on each party to the appeal. The same rules apply as in section A on page 21. See ORAP 3.33 (Appendix C)



## FREQUENTLY ASKED QUESTIONS (FAQ)

**Do I need Adobe to make a PDF (portable document format)? Can I use another software program?**

*We do not endorse one program over another. Transcribers may use any software program capable of saving the transcript in PDF.*

**Do I have to serve an electronic version of the transcript on the party?**

*After January 1, 2011, the default service method on parties represented by attorneys is by electronic media and the default service method of service on self-represented parties is by print media. However, a self-represented party may request service by electronic media. Any party and the transcriber may make arrangements to change the service delivery method. Email addresses identified in the notice of appeal shall be used for service when appropriate.*

**Can we print labels for optical disks?**

*Permanent marker is best. The permanent marker ensures that the optical disk (CD/DVD) remains marked and the information is available for easy identification. Labeling software may also be used, because the software produces a reliably adherent label. Conventional labels will degrade over time and can separate from the optical disk.*

**How many pages can I transmit via disk?**

*There is no page limit if the transcript is submitted via optical disk. The page limitation applies to email submission and conventional transmission.*

**How do I combine the index, the transcript, and the service certificate into one document?**

*We recognize that many transcribers formerly saved their index, transcript and certificate in separate electronic documents. We now need these as one pdf. The copy and paste function may be used to combine all the documents into one, before saving as a pdf. Software programs can combine separate pdf documents into one pdf. A local, technical resource may be able to assist with more options.*

**Can transcribers submit requests for extensions of time via email?**

*No. Requests for extension of time must be submitted conventionally to ensure proper service and so that the extension requests can ultimately be combined into our case management system. Email does not lend itself to this process.*

**Are there any changes in the amounts transcribers can bill for their services?**

*The transcript fees are set by the legislature. Many billing questions concern OPDS, because that office is a large user of transcriber services for its Appellate Division's case load. If you are preparing a transcript for use by appointed counsel, you may wish to contact OPDS's Business Services Division at 503-378-2478.*

**Why does the naming convention include an AM/PM distinction? What does the naming convention look like on transcripts spanning dates?**

*The AM/PM distinction is only for cases in which multiple transcribers are responsible for the same date of transcripts. If one transcriber has transcribed the entire date, omit the AM/PM distinction. Cases spanning multiple dates should be saved as a single pdf file, with the date span included in the name file, such as: **SC012345\_transcript-2002-02-15to2002-02-20\_johnsonerin**. The same naming convention should also be used when labeling the optical disk.*

**Why can't all transcripts be submitted via email to save mailing expense and time?**

*Our email system is unable to receive very large transcript files resulting in the restriction on the size of the transcript that may be transmitted by email.*

**Do the separate days of a transcript need to be separate pdfs?**

*No. The transcript **MUST** be combined into one document, regardless of the number of days of testimony. Please refer to the Electronic Format section on page 19 regarding transcripts that exceed 450 pages.*

## APPENDICES

### Appendix A – Certificate of Compliance for Transcribers

OREGON JUDICIAL DEPARTMENT, APPELLATE COURT SERVICES DIVISION

NOTICE OF REQUIREMENT and

CERTIFICATE OF COMPLIANCE FOR PREPARATION OF TRANSCRIPTS ON APPEAL

NOTICE: To prepare appellate transcripts, you must agree to meet the following requirements.

1. You must not discuss the proceedings with anyone other than state court officials, except to make arrangements for preparation, copying, or delivery of the transcripts.
2. You must not show or give materials relating to state court proceedings to anyone except
  - a. employees of the trial court or Appellate Court Services Division,
  - b. the people preparing or proofreading the transcripts,
  - c. the people copying the transcripts,
  - d. the people delivering the transcripts to you or the court system.
  - e. the attorneys or parties ordering the copies.
3. You must not leave materials relating to the proceedings unattended and must store them using a secure storage method.
4. If you know any person or persons involved in the proceedings, you must immediately notify the Transcript Coordinator. After giving that notice, you must STOP work on the transcripts unless the Transcript Coordinator authorizes you to continue.
5. When you complete the transcript, you must return to the court all the materials related to the proceeding that the court initially provided to you.
6. Within 90 days after the court settles the transcript, you must
  - a. deliver to the court an electronic copy of the final transcript;
  - b. delete and erase all computer files relating to the transcripts; and
  - c. shred or otherwise destroy all materials that you created that are related to transcript preparation and that you do not return to the court (pursuant to item 5 above), including drafts and unofficial copies of the transcript, to ensure that no one can read any electronically stored images or copies.

The following certificate covers all transcripts for as long as you are listed on the OJD Transcriptionist List kept by the Appellate Court Services Division Records Office.

Certificate of Compliance

I certify that I will meet these requirements when preparing, proofreading, copying, and delivering transcripts and handling related materials in Oregon state court proceedings. I understand that my failure to comply with this obligation may disqualify me and anyone for whom I work from transcribing Oregon state court proceedings in the future. I also understand that I am responsible to file a signed Certificate of Compliance for each of my employees or contractors involved in the preparation, edit function, duplication, or delivery of any transcript.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Transcriber's Signature

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Mailing Address

Return by scan, fax (503.986.5560), or mail to Appellate Court Services Division Records Section Attn: Transcript Compliance, 1163 State Street, Salem, OR 97301

## Appendix B Transcriber's Request for Time Extension for Preparation of Transcript

IN THE COURT OF APPEALS (SUPREME COURT) OF THE STATE OF OREGON

---

Plaintiff-Appellant (or Plaintiff-Respondent), v.

---

Defendant-Respondent (or Defendant-Appellant).

County Circuit Court No.  
CA A

### TRANSCRIBER'S REQUEST FOR TIME EXTENSION FOR PREPARATION OF TRANSCRIPT

I reported all (or a part) of the proceedings identified in the designation of record. I am responsible for preparing a transcript for days of proceedings and a transcript of those proceedings will be approximately pages. The transcript was ordered on [date].

I request an extension of time of \_\_\_\_\_ days, from \_\_\_\_\_ through \_\_\_\_\_, within which to prepare, serve, and file the transcript. This is the request for a time extension and is sought because:

- I have not received payment for the transcript and a satisfactory arrangement for payment has not been made. [or]
- I have now received payment for the transcript. [or]
- a satisfactory arrangement for payment has been made. [or]
- [Other reason:].

On order from me, and undelivered to date, are transcripts in the following cases: [Attach additional sheet(s) if necessary.]

[For each case, include the following information: Case caption, circuit court, date ordered, whether or not an extension has been allowed, date now due, and the estimated number of pages.]

I have served copies of this request on: [List names and complete addresses of all counsel, parties, and, when appropriate, the trial court judge(s)]

Date:

---

[Transcriber Name]

[County]  
[Phone]

[Email]

**Appendix C – Transcript Coordinator’s Request for Time Extension for Preparation of Transcript**

IN THE COURT OF APPEALS (SUPREME COURT) OF THE STATE OF OREGON

---

Plaintiff-Appellant (or Plaintiff-Respondent), v.

---

Defendant-Respondent (or Defendant-Appellant).

County Circuit Court No.  
CA A

TRANSCRIPT COORDINATOR REQUEST FOR TIME EXTENSION FOR PREPARATION OF TRANSCRIPT

The notice of appeal was filed in this case on \_\_\_\_\_;  
The original due date of the transcript was \_\_\_\_\_ (30 days from notice of appeal);  
I assigned the above-entitled case to transcriber \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_ days from when this trial court received the notice of appeal.;  
I estimate the length of the transcript in this case to be approximately \_\_\_\_\_ pages;  
I hereby request an extension of time for \_\_\_\_ days, from \_\_\_\_ to \_\_\_\_\_;  
This is the \_\_\_\_\_ request for extension of time;  
I am making this request because \_\_\_\_\_;  
\_\_\_\_\_;  
As of the date of this request, I also have \_\_\_\_ cases to assign to transcribers. The case numbers are listed below:

Date:

---

[Transcript Coordinator Name]      [County]      [Email]      [Phone]

cc: Trial Court Administrator

## Appendix D ORAP 3.33 PREPARATION, SERVICE, AND FILING OF TRANSCRIPT

1. Upon being served with a copy of a notice of appeal, the transcript coordinator shall examine the notice of appeal and determine:
  1. Whether the party has designated a record of oral proceedings as part of the record on appeal;
  2. Whether preparation of a transcript of the designated proceedings is required by law or these rules; and
  3. Whether the proceedings were reported by a court reporter or recorded by audio or video recording equipment, or both.
2. When a party has designated as part of the record on appeal a transcript of oral proceedings reported by:
  - a. A court reporter, the transcript coordinator shall forward a copy of the notice of appeal to the court reporter or reporters who reported the proceedings designated as part of the record on appeal and inform the reporter(s) of the due date of the transcript.
  - b. Audio or video recording, the transcript coordinator shall identify one or more qualified transcribers, forward a copy of the notice of appeal to the transcriber(s) along with a certified copy of the audio or videotape recording, and inform the transcriber(s) of the due date of the transcript.
  - c. Except as provided in paragraph (c) of this subsection, the party shall make financial arrangements with the court reporter(s) or transcriber(s) for preparation of the transcript.
  - d. When the appellant is eligible for court-appointed counsel on appeal, authorization for the preparation of the transcript at state expense is governed by the policies and procedures of the Office of Public Defense Services.



- e. If the transcript coordinator has not forwarded the notice of appeal to the court reporter(s) or has not forwarded the notice of appeal and a certified copy of the audio or videotape recording to a transcriber before the transcript due date, the transcript coordinator shall notify the appellate court of that fact.
3. After making arrangements with the court reporter(s) or transcriber(s) as provided in subsection (2) of this rule, the transcript coordinator shall notify the appellate court and the parties to the appeal of the name, address, telephone number, and email address of each court reporter or transcriber, or both, as appropriate, who will be preparing all or a part of the transcript.
4. It shall be the responsibility of each court reporter or transcriber with whom arrangements have been made to prepare a transcript to:
  - a. Cause the transcript to be prepared in conformity with ORAP 3.35.
  - b. Serve a copy of the transcript on each party required by ORS 19.370 and file with the Administrator and serve on each party, the trial court administrator, and the transcript coordinator a certificate of preparation and service of transcript within the time provided in ORS 19.370. In a criminal case, the state's copy of the transcript shall be served on the Attorney General. If the transcript is not served and the certificate is not served and filed within that time, the court reporter or transcriber shall move for an extension of time.
  - c. Upon notice from the Administrator of the settlement of the transcript, file with the Administrator an electronic version of the transcript in the form required by ORAP 3.35(2) and file with the Administrator and serve on each party a certificate of filing of transcript. Filing an electronic version of the transcript with the Administrator is in lieu of filing a paper transcript and shall be in the form provided in ORAP 3.35(2).
5. The court reporter or transcriber shall serve the appellant and the respondent each with a copy of the transcript as follows:
  1. If a party is represented by an attorney, unless the attorney has made other arrangements with the court reporter or transcriber, the court

reporter or transcriber shall serve the transcript in electronic form on the attorney at the email address identified in the notice of appeal as required by ORAP 2.05(5). If a party is not represented by an attorney, unless the party has made other arrangements with the court reporter or transcriber, the court reporter or transcriber shall serve a paper copy of the transcript on the party. In addition to or in lieu of service by email or by paper copy, an attorney or party may make arrangements with the court reporter or transcriber to provide a copy of the transcript to that attorney or party on an optical disk or USB drive, or in other comparable medium.

2. If two or more respondents not represented by attorneys must be served by paper copy as provided in clause (5)(a)(i) of this rule, the court reporter or transcriber shall provide one copy of the transcript to the trial court administrator for use by all such respondents. The copy of the transcript provided to the trial court administrator under this clause shall be in the medium (e.g., paper or optical disk) requested by the trial court.
3. If a party or attorney negotiates with a court reporter or transcriber to provide the transcript in a medium other than paper or email, provided by the court reporter or transcriber, the court reporter or transcriber may request payment of no more than \$5.00 per optical disk, USB drive, or other comparable medium.
4. A party may specify in the party's designation of record or other request for preparation of a transcript on appeal that the version of the transcript to be provided to that party be prepared by reducing the pages of the transcript in such a manner as to fit up to four pages of transcript onto a single 8-1/2 x 11 inch page or in the one page of transcript per one standard page format. If a party not responsible for arranging for preparation of a transcript is served with a transcript containing four reduced pages of transcript on one standard page, that party may arrange with the court reporter or transcriber, at the party's own expense, for preparation of a transcript in the one page of transcript per one standard page format.
6. The court reporter or transcriber may not charge for preparing more than one original transcript and may charge only at the rate for copying a transcript for any additional transcript that may be needed for an appeal or appeals:

- a. When two or more cases are heard simultaneously in the circuit court from which one or more appeals are taken, either as consolidated cases or otherwise; or
- b. When two or more cases not heard simultaneously in the circuit court are consolidated on appeal before the transcripts are prepared.

**Appendix E ORAP 3.35 FORM OF TRANSCRIPT** \*\*\*(This is a repeat – page 18)

1. A transcript shall meet these specifications:
  - a. It shall be prepared using either uniformly spaced type (such as produced by typewriters) or proportionally spaced type (such as produced by commercial printers and many computer printers). Uniformly spaced type shall be 10 characters per inch (cpi). If proportionally spaced type is used, it shall be 12 point type. The font size shall be uniform and not vary from line to line or within the same line. Uppercase and lowercase letters shall be used according to rules of grammar; a transcript shall not be prepared using all uppercase letters.
  - b. It shall be prepared on good quality white, opaque, unglazed paper, 8-1/2 x 11 inches in size, with numbered lines, and printed on both sides of each page. It shall be double-spaced and each page shall contain 25 lines of text, no more and no less, except for the last page of the transcript. The margins of each page shall be one inch on each side, at the top, and at the bottom.
  - c. Each question shall be prefaced by “Q” and each answer shall be prefaced by “A.” Each question and answer shall begin on a separate line no more than five spaces from the left margin and no more than five spaces from the “Q” and “A” to the beginning of the text. Text that carries on to the next line shall begin at the left margin.
  - d. Colloquy, parenthetical, and exhibit markings shall begin no more than 15 spaces from the left margin. Text that carries on to the next line shall begin at the left margin.
  - e. Quoted material shall begin no more than 15 spaces from the left margin. Text that carries on to the next line shall begin no more than 10 spaces from the left margin.
  - f. Each page shall be consecutively numbered at the top right corner, and to the left thereof shall be given the name of the witness followed by a notation indicating whether the testimony is on direct, cross, redirect or recross examination, indicated by “D,” “X,” “ReD,” or “ReX.”
  - g. Appropriate notation similarly shall be made of other proceedings, such as a motion for dismissal or a directed verdict, requested jury instructions, jury instructions, any opinion by the court, and other matters

of special importance.

- h. It shall be preceded by an appropriate title page followed by an index noting:
    - (i) the first page of the direct, cross, redirect, and recross testimony of each witness;
    - (ii) all exhibits, with notation of the nature thereof and of the page of the record where offered and, when appropriate, where received in evidence; and
    - (iii) appropriate notations of other proceedings such as motions for involuntary dismissal and directed verdict, requested jury instructions, jury instructions, opinion of the court and other matters of special importance.
  - i. Each transcript volume shall be bound in a manner that allows the pages of the transcript to lie flat when the transcript is open, as provided in this paragraph. The transcript volume shall be bound with a plastic comb binding, with the binding within 3/8 inch from the left edge of the transcript. A transcript volume may be bound by stapling if the transcript does not exceed 20 pages (10 pieces of paper), excluding the cover. A transcript volume bound by stapling shall be secured by a single staple placed as close to the upper left-hand corner as is consistent with securely binding the transcript.
  - j. It shall have a cover sheet of clear plastic or 65-pound weight paper, front and back.
  - k. If a transcript exceeds 200 pages, it shall be bound into volumes of approximately equal size of not more than 200 pages each. Volumes shall be consecutively numbered on their covers.
2. The electronic version of the transcript filed with the Administrator as required by ORAP 3.33(4)(c) shall be in the following form:
- a. The electronic transcript shall be in Portable Document Format (PDF) that allows text searching, and copying and pasting into another document. The pagination of the transcript served on the parties shall correspond to the pagination of the electronic transcript filed with the court.
  - b. If the transcript exceeds 450 pages, the electronic transcript shall be broken into separate PDF files of approximately equal length not to exceed 450 pages. Regardless of whether a disk contains one or more

PDF files, each file shall be named in accordance with the file naming conventions set out in Appendix 3.35. If a PDF file contains more than one proceeding date, the beginning of each proceeding shall be bookmarked.

- c. If the transcript is in two volumes or less, it may be filed by attaching the electronic transcript to an email directed to [appealsclerk@ojd.state.or.us](mailto:appealsclerk@ojd.state.or.us). If the Administrator determines that an electronic transcript must be rejected for security reasons (e.g., virus or malware), the court reporter or transcriber shall resubmit the transcript as directed by the Administrator. If the transcript is more than two volumes, it shall be filed by optical disk.
- d. The electronic transcript shall comply with ORAP 3.35(1)(a), (c), (d), (e), (f), (g), and (h). The electronic transcript also shall comply with ORAP 3.35(1)(c), except that it will not be printed. Notwithstanding ORAP 3.33(5)(b), the electronic transcript filed with the court shall be prepared in the one page of transcript per one standard page format.

## **Appendix F ORS 19.370 CERTIFICATION OF TRANSCRIPT; EFFECT OF REFERRAL TO APPELLATE MEDIATION; CORRECTION OF ERRORS; SETTLEMENT ORDER**

1. If a transcript is prepared from audio records by a person other than the reporter, then the reporter shall certify the audio records and the transcript shall be certified by the person preparing it. In all other cases the transcript shall be certified by the reporter or the trial judge.
2. Except as provided in subsection (3) of this section, the person preparing the transcript shall file the transcript with the trial court administrator within 30 days after the filing of the notice of appeal. The person preparing the transcript shall give immediate notice in writing to the parties that the transcript has been filed. Except as provided in subsection (4) of this section, the person preparing the transcript shall serve the respondent with a copy of the transcript and shall, at the time of filing the original transcript, file proof of such service with the trial court administrator, and with the State Court Administrator.
3. If an appeal is referred to mediation under the rules of the appellate mediation program established by the Court of Appeals pursuant to ORS 2.560, the transcript must be filed within 30 days after expiration of the period of time specified in the rules during which the appeal is held in abeyance, or within 30 days after the court directs that the appeal no longer be held in abeyance, whichever occurs first.
4. If there are two or more parties in addition to the appellant who have appeared in the trial court and who are represented by different attorneys, the person preparing the transcript shall at the time of filing the original transcript deposit a copy thereof with the trial court administrator for use by all such other parties. The person preparing the transcript shall serve notice of such deposit upon all such parties and file proof of such service with the trial court administrator and with the State Court Administrator.
5. Except as provided in subsection (6) of this section, within 15 days after the transcript is filed, any party may move the trial court for an order to correct any errors appearing in the transcript or, where the interests of justice require, to have additional parts of the proceedings included in the transcript. If two or more persons are preparing parts of the transcript, the motion must be filed within 15 days after the last part of the transcript is filed. A copy of any such motion shall be filed with the court to which the appeal is made. The trial court shall direct the making of such corrections

and the adding of such matter as may be appropriate and shall fix the time within which such corrections or additions shall be made.

6. If an appeal is referred to mediation under the rules of the appellate mediation program established by the Court of Appeals pursuant to ORS 2.560, and the transcript is filed during any period of time specified in the rules during which the appeal is held in abeyance, a motion under subsection (5) of this section must be filed within 15 days after expiration of the period of time the appeal is held in abeyance, or within 15 days after the court directs that the appeal no longer be held in abeyance, whichever occurs first.
  
7. Upon the denial of a motion to correct or add to the transcript under subsection (5) of this section, or upon the making of such corrections or additions as may be ordered, whichever last occurs, the trial court shall enter an order settling the transcript and send copies thereof to each of the parties or their attorneys and to the State Court Administrator. In the absence of a motion to correct or add to the transcript, the transcript shall be deemed automatically settled 15 days after it is filed. [Formerly 19.078; 1999 c.367 §13; 2001 c.341 §1; 2001 c.962 §62]



## Appendix G ORS 8.350 TRANSCRIPT OF TESTIMONY

When a report of the proceedings, or any part thereof, has been made in any case as provided in ORS 8.340, if the court or either party to the suit or action or the party's attorney requests transcription of the notes or audio records into longhand, the official reporter shall cause full and accurate typewritten transcripts to be made of the testimony or other proceedings, which shall, when certified to as provided in ORS 8.360, be filed with the clerk of the court where the cause was tried or heard, for the use of the court or parties. [Amended by 1955 c.497 §3; 1985 c.496 §10; 1985 c.540 §43; 2009 c.11 §3]

## Appendix H ORS 21.345 TRANSCRIPT FEES; RULES

1. A transcriber may not charge more than \$3 per page for preparation of a transcript. A transcriber may not charge a fee in addition to the fee established under this subsection for:
  - a. An electronic copy required to be served on a party;
  - b. A paper copy required to be served on an unrepresented party under ORS **19.370** (**Certification and service of transcript**) (4)(a) or (b); **or**
  - c. A paper copy required to be filed with the trial court under ORS **19.370** (**Certification and service of transcript**) (4)(d).
2. Except as provided in subsection (3) of this section, a reporter employed by one of the parties may charge fees as agreed to between the reporter and all of the parties to the proceeding for preparing transcripts on appeal. The reporter and the parties must agree to the fees to be charged before the commencement of the proceeding to be recorded. A share of any fees agreed upon shall be charged to parties joining the proceeding after the commencement of the proceeding.
3. A reporter employed by one of the parties may not charge a public body, as defined by ORS **174.109** (**"Public body" defined**), fees for preparing transcripts on appeal that exceed the fees established by subsection (1) of this section.
4. Each page of the original transcript on appeal prepared under this section must be prepared as specified by rules for transcripts on appeal adopted by the Supreme Court and the Court of Appeals.
5. Except as otherwise provided by law, the fees for preparing a transcript requested by a party shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case. The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the state from funds available for the purpose.

6. When the court provides personnel to prepare transcripts from audio records of court proceedings, the fees provided in subsection (1) of this section to be paid by a party shall be paid to the clerk of the court.
7. For purposes of this section, "transcript" has the meaning given that term in ORS **19.005 (Definitions)**. [Formerly **21.470**; 2013 c.685 §7]

## Appendix I – Letter Requesting Advance Payment

[Date]

[Addressee's Mailing Address]

RE: [Case Name]  
[Name] County  
Case No. [Number]  
CA A123456  
(Appellate Case  
No.)

Dear [Name]:

The Transcript Coordinator for [County Name] County designated me as the transcriber of record in the matter of [Short Title of Case], [County Case Number].

It is my policy to request payment in advance for transcript preparation. I estimate the transcript will be approximately [Number] pages. Per statute, the cost to prepare the transcript is \$3.00 for the original. The estimated cost to prepare and file this transcript is \$[Dollar Amount].

Payment should be made as soon as possible to avoid undue delay in the appellate process. Checks should be made payable to [Name/Business Name] and mailed to [Address]. Please feel free to contact me at [Phone Number], or email [Email Address]. Transcripts are not prepared until or unless payment in advance is received. This transcript is due [Date], so your immediate attention is appreciated.

Please keep in mind the number of pages is an estimate and an adjustment will be made, as needed, upon completion of the transcript.

Sincerely,

[Transcriber]

## Appendix J – Letter Notifying No Payment Arrangements Made

[Date]

Appellate  
Court  
Administrator  
Supreme  
Court Building  
1163 State  
Street  
Salem, OR 97301-2563

RE: [Case Name]  
[Name] County  
Case No. [Number]  
CA A123456  
(Appellate Case  
No.)

To Whom It May Concern:

Please be advised the transcript in this matter has not been produced because appellant has not responded to my requests to make the financial arrangements necessary for transcript preparation.

Sincerely,

[Transcriber]

Enclosure

**Appendix K Certificate of Preparation and Service of Transcript ORAP APPENDIX  
3.33-1**

IN THE COURT OF APPEALS (SUPREME COURT) OF THE  
STATE OF OREGON

---

Plaintiff-Appellant (or  
Plaintiff-Respondent), v.

---

Defendant-Respondent (or Defendant-Appellant).

County Circuit Court No.

CA A

CERTIFICATE OF PREPARATION AND SERVICE OF TRANSCRIPT

I certify that I prepared:

All of the transcript designated as part of the record for  
this appeal. [or] These parts of the transcript designated  
as part of the record for this appeal:

I certify that the original of this Certificate was filed with the Appellate Court  
Administrator and copies were served on the trial court administrator and transcript  
coordinator on [date].

I certify that on [date] a copy of the transcript or part thereof prepared by me and a  
copy of this Certificate were served on:

[name and address of each person served]

Date:

---

[Reporter/Transcriber Name]

[County]

[Telephone No.]

## Appendix L – ORAP 3.40 ADDITION TO OR CORRECTION OF TRANSCRIPT

1. A party desiring to correct or add to the transcript shall file a motion in the trial court within 15 days after the service of the transcript and serve a copy of the motion on the Administrator and on the transcript coordinator. When multiple parts of the oral record have been designated as part of the record on appeal or if more than one court reporter or transcriber is preparing the transcript, the transcript is not deemed filed until the last part of the transcript due on appeal is filed.
2. The Administrator will hold the appeal in abeyance pending the trial court's disposition of the motion and the occurrence of one of the events specified in paragraph (5)(b) or (c) of this rule.
3. After the filing of a timely motion to correct or add to the transcript, the trial court shall have the authority to grant an extension of time for making the corrections or additions to the transcript.
4.
  - a. If the trial court allows a motion to correct the transcript, after the filing of the corrected transcript, the moving party shall request that the trial court enter an order settling the transcript. The appeal will remain in abeyance until transcriber files certificate of preparation on the corrected transcript.
  - b. 4bIf the trial court allows a motion to add to the transcript, the appeal will remain in abeyance for a period of 15 days after the filing of the additional transcript. If a motion to correct the additional transcript is filed timely, the appeal will continue in abeyance pending disposition of the motion to correct and receipt of an order settling the transcript as provided in paragraph (5)(b) of this rule.
  - c. 4cIf the trial court denies the motion, the appeal will be reactivated as provided in paragraph (5)(c) of this rule.
5.
  - a. If no motion to correct or add to the transcript is filed, the transcript shall be deemed settled 15 days after it is served, and the period for filing the appellant's opening brief shall begin the next day.
  - b. If a motion to correct or add to the transcript is filed and allowed, the period for filing the appellant's opening brief shall begin from the file date of the certificate of preparation on corrected transcript.
  - c. If a motion to correct or add to the transcript is filed and denied, the period for filing the appellant's opening brief shall begin the day after entry by the trial court administrator of the order settling the transcript.

## **Appendix M – ORAP 3.10 DUTIES OF TRIAL COURT ADMINISTRATOR REGARDING JUDGMENTS AND ORDERS ENTERED AFTER NOTICE OF APPEAL**

1. The trial court administrator shall promptly send to the Administrator and to each party to the appeal a copy of any order settling the transcript. If the date of entry in the register is not apparent from the order, the trial court administrator shall state on the order the date of entry.
2. In criminal and other cases in which the trial court appoints an attorney to represent a party or authorizes preparation of a transcript at state expense, the trial court administrator shall promptly send to the Administrator and provide to the transcript coordinator a copy of any order appointing an attorney on appeal or authorizing preparation of a transcript at state expense.
3. In a criminal case, after a notice of appeal is filed, if the trial court, on motion of a party or on its own motion, enters a judgment or a modified, corrected or amended judgment, the trial court administrator promptly shall send a copy of the judgment to the Administrator, to the defendant or to the attorney for the defendant if the defendant is represented by counsel, to the district attorney, and to the Solicitor General of the Department of Justice.
4. If a case is transferred to another circuit court after a notice of appeal is filed, the trial court administrator in the originating circuit court shall promptly notify the Administrator of the date of the transfer and the circuit court to which the case has been transferred.



**Appendix N Certificate of Filing of Transcript ORAP APPENDIX 3.33-2**

IN THE COURT OF APPEALS (SUPREME COURT) OF THE STATE  
OF OREGON

---

Plaintiff-Appellant (or Plaintiff-  
Respondent), v.

---

Defendant-Respondent (or Defendant-Appellant).

County Circuit Court No.

CA A  
CERTIFICATE OF FILING OF TRANSCRIPT

I certify that I prepared:

All of the transcript designated as part of the record for  
this appeal. [or] These parts of the transcript designated  
as part of the record for this appeal:

The transcript is now settled.

I certify that on [date] the transcript or part thereof prepared by me was filed with the  
Appellate Court Administrator in electronic form in the form required by ORAP  
3.35(2).

I certify on [date] a copy of this Certificate

was served on: [name and  
address of each person  
served]

Date:

---

[Reporter/Transcriber Name]

[County]

[Telephone No.]

## Appendix O – ORAP 15.05 APPELLATE SETTLEMENT CONFERENCE PROGRAM

### Abeyance of Appeal

1. On assignment of a case to the program, the court will hold preparation of the transcript (including correcting it or adding to it), preparation of the record, and briefing, in abeyance for a period of 120 days after the date of the notice of assignment of the case to the program. During that time, a party to the appeal may file an amended designation of record. A party wishing to hold in abeyance any other aspect of the appeal or seeking an extension of time to complete any other task required by law or by the Oregon Rules of Appellate Procedure must file an appropriate motion with the court.
2. At the end of the 120-day abeyance period, if the parties have engaged in settlement negotiations and need more time to reduce the settlement to writing or to implement a settlement, any party may request the program director to order, and the program director may order, an extension of the abeyance period for up to 60 days. If all parties to an appeal agree to an extension for longer than 60 days, the program director may extend the abeyance period for as long as reasonably necessary to implement a settlement.

**Appendix P Naming Conventions for Electronic Transcripts ORAP APPENDIX  
3.35 - Illustration for ORAP 3.35(2)(b)**

File Naming Conventions for Electronic

Transcripts Transcripts, Nonconfidential

Case:

[Appellate Case Number] transcript-[year-month-day, of hearing-am/pm if appropriate] [court reporter or tran-scriber last, first name]

**Example:** CA123456 transcript-2002-02-15-amjohnsonerin

If the transcript spans several dates, then the date span should be indicated,

such as: SC012345 transcript-2002-02-15to2002-02-20 johnsonerin

Transcripts, Confidential Cases (juvenile, adoption, mental commitment):

[Appellate Case Number] transcript-confidentialcase-[year-month-day, of hearing-am/pm if appropriate] [court reporter or transcriber last, first name]

**Example:** CA123456 transcript-confidentialcase-2002-02-15-am johnsonerin