

Cherokee Nation Code Annotated

Title 20: Courts

Appendix II. Court Rules for the District Court of Cherokee Nation

IX. Court Reporters

Rule 81. Duties of Reporter—Methods—Transcripts

Cite as: 20 CNCA app. II, r. 81

The Court Reporter shall make a full reporting by means of stenographic hand, steno-mask or machine notes, or a combination thereof, of all proceedings, including the statements of counsel and the Court and the evidence, in trials and other judicial proceedings to which the Court Reporter is assigned by the appointing Judge unless excused by the Judge who is trying the case with the consent of the parties to the action. A refusal of the Court to permit or to require any statement to be taken down by the Court Reporter or transcribed after being taken down, upon the same being shown by affidavit or other direct and competent evidence, to the Supreme Court, shall constitute a denial of due process of law. The Court Reporter may use an electronic instrument as a supplementary device. In any trial, hearing or proceedings, the Judge before whom the matter is being heard may, unless objection is made by a party or counsel, order the proceedings electronically recorded. A trial or proceedings may proceed without the necessity of a Court Reporter being present, unless there is objection by a party or counsel. Provided that if an official transcript is ordered then it shall be prepared by the certified Court Reporter.

Upon request of either party in a civil or criminal case the Reporter shall transcribe the proceedings in a trial or other judicial proceeding, or so much thereof as may be requested by the party, certify to the correctness of the transcript, and deliver the same as the Court may prescribe. The fee for an original transcript shall be Five Dollars (\$5.00) per page. Two (2) copies of the original transcript shall be furnished without additional charge. A charge of Seventy-Five Dollars (\$75.00) per hour if not transcribed provided that this amount shall be deducted if transcription is requested at a later date. Mileage is set at the government rate. Each page shall be at least twenty-five (25) lines to the page and typed in ten-point pica type. Said page as mentioned herein shall be no more than double-spaced and the margin on the left side of the page shall be no more than one and one-half (1 1/2) inches and the margin on the right side of the page shall be no more than one-half (1/2) inch from the edge of the paper. The fees for making the transcript shall be paid in the first instance by the party requesting the transcript and shall be taxed as costs in the suit.

When the Judge's own motion orders a transcript of the Reporter's notes, the Judge may direct the payment of charges therefor and the taxation of the charges as costs in such manner as may seem just. In a criminal action, if the defendant shall present to the Judge

an affidavit that defendant intends in good faith to take an appeal in the case and that a transcript of the Reporter's notes is necessary to enable defendant to prosecute the appeal, and that the defendant does not have the means to pay for the transcript, the Court, upon finding that there is reasonable basis for the averment, shall order the transcript made at the expense of the District Court Fund. The format preparation, delivery and filing of transcripts to be used in civil and criminal appeals may be regulated by the Supreme Court.

The Court Reporter shall file records of the evidence and the proceedings taken in any case with the Clerk of the Court in which the case was tried.

To the extent that it does not substantially interfere with the Court Reporter's other official duties, the Judge by whom a reporter is employed or to whom assigned may assign a Reporter to secretarial or clerical duties arising out of official Court operations.

Historical Data

SC-AD-13-02, adopted September 3, 2013.