

## **Part 4 Court Reporter Act**

### **78A-2-401 Title.**

This part is known as the "Court Reporter Act."

Renumbered and Amended by Chapter 3, 2008 General Session

### **78A-2-402 Definitions.**

As used in this part:

- (1) "Certified court reporter" means a state certified court reporter as described in Title 58, Chapter 74, State Certification of Court Reporters Act.
- (2) "Official court transcriber" means a person certified and authorized in accordance with rules of the Judicial Council to transcribe into written form an audio or video recording of court proceedings.

Amended by Chapter 376, 2020 General Session

### **78A-2-403 Appointment of court reporters -- Eligibility.**

A person may not be appointed to the position of court reporter nor act in the capacity of a court reporter in any court of record of this state, or before any referee, master, board, or commission of this state unless the person is a state certified court reporter in accordance with the provisions of Title 58, Chapter 74, State Certification of Court Reporters Act.

Amended by Chapter 379, 2019 General Session

### **78A-2-404 Contract restrictions.**

- (1)
  - (a) Any contract for court reporting services, not related to a particular case or reporting incident, is prohibited between a court reporter or any other person with whom a court reporter has a principal and agency relationship and any attorney, party to an action, or party having a financial interest in an action.
  - (b) Negotiating or bidding reasonable fees, equal to all the parties, on a case-by-case basis is not prohibited.
- (2) A certified court reporter is an officer of the court, authorized to administer oaths, whose impartiality shall remain beyond question.
- (3) This section does not apply to the courts or the administrative tribunals of this state.
- (4) Violation of this section shall be considered unprofessional conduct as provided in Section 58-74-102 and 58-74-502, and shall be grounds for revocation of state certification only.

Amended by Chapter 376, 2020 General Session

### **78A-2-405 Record of court proceedings.**

The Judicial Council shall by rule provide for the means of maintaining the record of proceedings in the courts of record by official court reporters or by electronic recording devices.

Amended by Chapter 34, 2010 General Session

**78A-2-408 Transcripts and copies -- Fees.**

- (1) The Judicial Council shall by rule provide for a standard page format for transcripts of court proceedings.
- (2)
  - (a) Except as provided in Subsections (2)(c), (2)(e), and (2)(g), the base rate for a transcript of a court session, or any part of a court session, may not be more than:
    - (i) \$6.00 per page for the body of the transcript, which includes the initial preparation of the transcript and one certified copy; plus
    - (ii) \$0.50 per page for the word index.
  - (b) The preparer shall:
    - (i) deposit the original text file with the clerk of the court by means of an approved electronic filing service provider; and
    - (ii) provide the person requesting the transcript with an electronic certified copy.
  - (c) The cost of additional copies of the transcript shall be \$0.50 per page.
  - (d) The transcript for an appeal shall be prepared within the time period permitted by the Utah Rules of Appellate Procedure.
  - (e) The fee for a transcript that is guaranteed to be prepared:
    - (i) within one business day of the request shall be double the base rate;
    - (ii) within three business days of the request shall be 1.75 times the base rate;
    - (iii) within one calendar week shall be 1.5 times the base rate; and
    - (iv) within two calendar weeks shall be 1.25 times the base rate.
  - (f) Payment for a transcript under this section is the responsibility of the party requesting the transcript, except for a court ordered transcript as provided in Subsection (3)(a), and the time for production of the transcript begins once financial arrangements are made with the certified court transcriber.
  - (g) Child welfare cases shall be billed at the two calendar week rate to meet the deadlines of the Utah Appellate Courts.
- (3)
  - (a) When a transcript is ordered by the court, the fees shall be paid by the parties to the action in equal proportion or as ordered by the court.
  - (b) The fee for a transcript in a criminal case in which the defendant is found to be an indigent individual, as defined in Section 78B-22-102, shall be paid in accordance with Subsection 78B-22-203(3).

Amended by Chapter 198, 2024 General Session

**78A-2-409 Certified transcripts prima facie correct.**

A transcript of a certified court reporter's notes, written in longhand or typewritten, certified by the court reporter as being a correct transcript of evidence and proceedings, is prima facie a correct statement of the evidence and proceedings.

Amended by Chapter 34, 2010 General Session

**78A-2-410 Transcripts taxed as costs.**

A transcript may not be taxed as costs, unless the preparation of the transcript is ordered either by a party or by the court.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-411 Crimes.**

Any violation of the provisions of this chapter, except Section 78A-2-404, is a class B misdemeanor.

Amended by Chapter 148, 2018 General Session