

Patty Baker, Clerk of Superior Court - Cherokee County, GA

**IN THE SUPERIOR, STATE AND JUVENILE COURTS OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE: COURT REPORTING PROTOCOL

The purpose of any court reporting system is to create a timely, accurate, verbatim record of court proceedings which may be transcribed for use in subsequent proceedings. The service of court reporting is a vital and inherent aspect of due process within the court. This protocol is intended to provide Official Court Reporters reporting in the courts of the Blue Ridge Judicial Circuit with direction as to job duties and responsibilities, and proper procedures to be followed in the performance of those duties and responsibilities. Each court reporter is expected to become familiar with the contents of this protocol in order to apply it effectively to his/her daily work.

**I.
DUTIES AND RESPONSIBILITIES**

It is the responsibility of the court reporter to become thoroughly familiar with the Judicial Council of Georgia Board of Court Reporting Resource Guide for Georgia Certified Court Reporters. It is the duty and responsibility of the court reporter to maintain certification in good standing in order to practice the profession of court reporting in the State of Georgia. Each court reporter is required to attend a minimum of ten (10) hours of approved continuing education training per calendar year, as directed by the Georgia Certified Court Reporters Training Council.

All court reporters are expected to maintain their professionalism at the highest level by complying with the Board of Court Reporting mandatory Code of Professional Practice. While the Guidelines do not exhaust the moral and ethical considerations with which the court reporter should conform, it does provide the framework for the practice of reporting. Not every situation a court reporter may encounter can be foreseen, but fundamental ethical principles are always present. Common sense and professional courtesy should guide the court reporter. At all times the court reporter should maintain the integrity of the reporting profession and the position of Official Court Reporter.

A court reporter serves at the pleasure of the judge by whom they are employed as the official court reporter and is accountable to that judge regarding all matters of job performance, as monitored by the Court Administrator. Court reporters must conform to each judge's courtroom schedule and method of courtroom management. The court reporters shall support the judicial process and the judge by proper preparation of transcripts and punctual attendance at all proceedings, and by performing all duties in accordance with the standards established by the Judicial Council of Georgia.

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II.

COURT ADMINISTRATION AND COURT REPORTERS

The Court Administrator supervises and monitors the court reporters at the direction of the appointing judges and serves as the liaison between the court reporters and the other agencies within the county, including but not limited to the Indigent Defense office. Matters of compensation and benefits should be addressed by the court reporter to the Court Administrator. The coordination of payroll, accrued tenure, leave, and fringe benefits is performed through the court administrator's office.

The Court Administrator shall:

- A. Develop and maintain records regarding use of substitute court reporters and may require official reporters to substitute for one another from time to time, subject to the approval of the appointing judge¹, in order to distribute workload equitably and manage the substitute budget responsibly.
- B. Verify certification records for all court reporters working in the court's jurisdiction.
- C. Review the work and work product of court reporters and report regularly to the chief judge and the judge by whom the official reporter is appointed.
- D. Manage the preparation of transcripts of proceedings.
- E. Coordinate requests and orders for transcripts and review related invoices for payment.

III.

TAKEDOWN AND TRANSCRIPT FILING IN CRIMINAL PROCEEDINGS

Superior Court

A. Takedown

- 1. The following shall be taken down:
 - (1) All proceedings in death penalty cases.
 - (2) All habeas corpus proceedings.
 - (3) Felony cases:
 - (a) Guilty pleas and nolo contendere pleas.

¹ Court Administration may contact the Official Court Reporter directly regarding substitutions/fill-ins. If the Official Court Reporter needs to be removed from the on-call list when their judge is not on the bench due to mandatory transcript requests and deadlines, the Official Court Reporter will submit a request in writing, at least 7 days prior, to the Court Administrator with a copy to the assigned Judge. Any other removal from the on-call list is made by submitting the request for personal time (sick, vacation, etc.) to the Court Administrator's office

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- (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, charge conference, jury charge, closing arguments, sentencing, trial conferences and sidebars.
 - (c) Motion for new trial hearings.
- (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.
- 2. Court reporters shall take down all proceedings on Superior Court criminal non-jury days. Calendar call, attorney announcements, probation revocations and voir dire shall be taken down only at the direction of the Court.

B. Preparation and Filing of Transcript

- 1. **Mandatory transcripts:**
A transcript shall be prepared and filed in:
 - (1) All death penalty case proceedings.
 - (2) Felony trials, jury or non-jury, **resulting in a guilty verdict.**

This shall include the sentencing hearing in felony cases and the motion for new trial hearing, if any. No request for transcript from an attorney shall be required for mandatory transcripts. Transcripts shall be prepared and filed regardless of whether a defendant moves forward with an appeal.

- 2. **Nonmandatory (requested) transcripts:**
When requested by the court, counsel for the prosecution or defense, defendant if not represented by counsel, or other person or entity, a transcript shall be prepared and filed as otherwise described herein. All requests for criminal transcripts must be presented to court administration, who will forward the request to the appropriate court reporter. Court Administration will keep a log of transcript orders and completion dates. The request for transcript shall be made in writing to the court administrator's office and a copy sent to the court reporter and the clerk of court by the requesting party. The form must specifically designate the proceedings, or portion thereof, for which a transcript is requested. A court reporter shall not complete, or assist in completion of, any request for a transcript.

C. Transcript formats

All criminal transcripts are to conform to guidelines of the Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases, adopted September

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25, 2014, and effective with court attendance and transcripts ordered after January 1, 2015, and as may be revised thereafter.

State Court

A. Takedown

1. The following shall be taken down:
 - (1) All proceedings, including waivers, when requested by either party or the Judge presiding.
 - (2) Guilty pleas and nolo contendere pleas.
 - (3) All not guilty pleas (in Judge Morris' courtroom only), all waivers of jury trial, time to pay cases and pleas.
 - (4) All jury trials (all evidence, jury charges, motion for directed verdict and verdict).
 - (5) Fourth Amendment waivers (Helhoski), special conditions of bond (Helhoski) and probation revocation hearings (Helhoski).
 - (6) Appointed cases – evidence and verdict only (Morris).
2. All other proceedings in misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, calendar call, attorney announcements and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant. Court reporters shall take down all proceedings on State Court criminal non-jury days.
3. No proceedings shall be taken down in a civil case unless a party, Attorney, or the Court request such. No transcript shall be prepared and filed unless requested by a party, Attorney, or the Court.

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed upon request of the Court, the State, the Defendant or their Attorney.
2. Once a transcript is requested, the Court reporter shall prepare and file said transcript within 60 days unless unpracticable in which case an additional 60 days shall be given. For jury trials lasting 3 or more days, the Court reporter shall have a minimum of 120 days to prepare and file said transcript unless unpracticable, in which case an additional 30 days shall be given. Any additional time needed requires approval of the Judge.

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Juvenile Court

A. Takedown - the following shall be taken down:

1. Dependency Cases

- (a) All Preliminary Protective Hearings
- (b) All Adjudication/Dispositions Hearings
- (c) All Disposition Hearings if conducted separately from Adjudication Hearings
- (d) All Initial Judicial Review Hearings
- (e) All Permanency Hearings
- (f) All other review hearings and motions hearings concerning a dependency case
- (g) Any other proceedings when requested by the judge or a party

2. Termination of Parental Rights (TPR) Cases

- (a) All TPR Adjudication/Disposition Hearings
- (b) All TPR Disposition Hearings if conducted separately from TPR Adjudication Hearings
- (c) All post-TPR Review Hearings
- (d) All Motions for New Trial challenging entry of TPR Order
- (e) All other review hearings and motions hearings concerning a TPR case
- (f) Any other proceedings when requested by the judge or a party

3. Delinquency/Traffic/Children in Need of Services (CHINS) Cases

- (a) All Detention Hearings
- (b) All Adjudication/Dispositions Hearings
- (c) All Disposition Hearings if conducted separately from Adjudication Hearings
- (d) All Violations of Probation Hearings
- (e) All motions to transfer a delinquency case to Superior Court for prosecution
- (e) All Motions for New Trial
- (f) All other review hearings and motions hearings concerning a Delinquency case
- (g) Any other proceedings when requested by the judge or a party

4. Special Proceedings

(a) Permanent Guardianship

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- (1) All Petitions for Permanent Guardianship
- (2) All Modifications to Permanent Guardianship Petition
- (3) All reviews hearings concerning a Permanent Guardianship Petition
- (4) All other proceedings when requested by the judge or a party

(b) Transfers from Probate Court - Temporary Guardianship

- (1) All hearings involving cases transferred from Probate Court seeking Temporary Guardianship
- (2) All other review hearings and motions hearings concerning cases transferred from Probate Court seeking Temporary Guardianship
- (3) Any other proceedings when requested by the judge or a party

(c) Emancipation

- (1) All Petitions for Emancipation
- (2) All Petitions to Rescind Emancipation Order
- (3) Any other proceedings when requested by the judge or a party

(d) Parental Notification Act

- (1) All Petitions seeking waiver of Parental Notification of Abortion
- (2) Any other proceedings when requested by the judge or a party

B. Preparation and Filing of Transcript

1. Mandatory transcripts: none
2. Nonmandatory (requested) transcripts:
 - (a) transcripts from Adjudication/Disposition Orders when requested by a party after a timely filed Notice of Appeal
 - (b) transcripts from a Termination of Parental Rights Order when requested by party after a timely filed Motion for New Trial or Notice of Appeal
 - (c) transcripts from an order transferring a delinquency case to Superior Court for prosecution after a timely filed Notice of Appeal
 - (d) transcripts from an order denying petition waiving parental notification of abortion after a timely filed Notice of Appeal
 - (e) transcripts from all hearings involving emancipation petitions when requested by a party after a timely filed Notice of Appeal

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(e) transcripts from any other hearings when approved and directed by the judge

3. Any person requesting a transcript shall complete a Request for Release of Transcript of Juvenile Court Proceedings. The form shall be given to the Juvenile Court Judge's Office assigned to the case. If approved, the Judge's Office will forward the transcript request to the court reporter. The Judge's Office will also forward a copy of the Request for Release of Transcript of Juvenile Court Proceedings form to the Court Administrator's office.

C. Transcript formats

All criminal transcripts are to conform to guidelines of the Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases, adopted September 25, 2014, and effective with court attendance and transcripts ordered after January 1, 2015, and as may be revised thereafter.

Magistrate Court

No proceeding in magistrate court other than required by law shall be taken down, unless requested by the court, counsel or the defendant.

IV. DOCUMENTATION OF EVIDENCE

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender unless otherwise ordered by the court.

If providing evidence via thumb drives, the attorney or party should supply the court reporter. In State Court cases the Solicitor-General will retain the original evidence. Evidence shall be stored in the court reporters' offices and shall not be removed from the Justice Center.

In civil cases, if a transcript is not requested within forty-five (45) days of the hearing date, the court reporter shall notify any attorney or party who submitted exhibits that the exhibits will be destroyed if not retrieved from the court reporter within thirty (30) days of the notice.

V. CERTIFYING AND FILING OF TRANSCRIPTS

A. Certified Transcript is a Public Record

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In all criminal cases, any mandatory or requested transcript shall be filed electronically with the clerk of court immediately upon completion and certification and should provide notification to courtadmin@brjc.net. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendant(s) of the date the transcript is filed with the clerk of court and provide each with a digital copy of the transcript at no charge.

Once filed, the transcript is a public record (O.C.G.A. § 50-18-70), and copies may be provided at the rate determined by the Clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period of Filing Transcript

Other than in a death penalty case governed by the Unified Appeal procedures, any mandatory transcript shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared. The preparation of mandatory transcripts shall take priority over the preparation of nonmandatory transcripts, unless otherwise instructed by the judge.

Any nonmandatory criminal transcript shall be prepared and filed on a schedule as set forth by the judge, but no later than 120 days from the date of the request for a transcript.

A judge may grant extensions of time for filing transcripts pursuant to the policies and standards of the Judicial Council of Georgia and the Uniform Superior Court Rules.

VI. BUSINESS CONTINUITY

In accordance with the Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases, each court shall maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

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In the interest of preserving the business continuity of the court, court reporters shall create and retain a digital audio recording of all court proceedings.

A. At the beginning of each day, prior to the convening of court, the court reporter shall:

1. Daily Testing

1. Test the recording and log notes software for operating functionality.
2. Check the microphone placement in the courtroom.
3. Test the recording quality of each microphone and the wiring by speaking into each microphone and listening to the recorded result on each audio channel.
4. Immediately report any problems to the Court Administrator's Office.

2. Daily Operation

1. Notate on the system the name of the judge and type of calendar being called.
2. Begin recording upon the judge entering the courtroom.
3. Ensure notations are made between cases.
4. If possible, without disturbing or hindering the making of the official record by the court reporter, log notes as may be useful if transcription of recording becomes necessary.

B. In order to ensure the prompt commencement of courtroom proceedings, the court reporter must arrive at the designated courtroom sufficiently in advance of the assigned proceeding to complete those tasks noted above. In the event that compliance is impossible for any reason, the court reporter should contact the Court Administrator's office at the earliest possible time to avoid unnecessary inconvenience to the parties, counsel and the court.

If the backup system is not functioning, court reporters shall deposit copies of all digital audio recordings with the Court Administrator's office as follows:

1. On the 1st court date of each month each official court reporter shall create and deliver to the Court Administrator's office a backup external hard drive (supplied by the Court Administrator's office) of the prior month's digital recordings. The backup should be labeled as follows:

A. Courtroom #; yyyy-mm; initials of the court reporter making the backup

Example: "Courtroom 1-A; 2019-01; SLE"

VII. UNASSIGNED DAYS - AVAILABILITY

Court reporters whose services are not otherwise being used by the appointing judge will be subject to assignment to courtrooms where the official court reporter is

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absent due to illness or leave. Such assignment will be made to assure that such assignments are fairly and workload is equally distributed over the course of time. The Court Administrator may contact the Official Court Reporter directly regarding substitutions/fill-ins. If the Official Court Reporter needs to be removed from the on-call list when their judge is not on the bench due to mandatory transcript requests and deadlines, the Official Court Reporter will submit a request in writing, at least 7 days prior, to the Court Administrator with a copy to the assigned Judge. Any other removal from the on-call list is made by submitting the request for personal time (sick, vacation, etc.) to the Court Administrator's office. To efficiently facilitate this process, an official court reporter needing a substitute will contact another official or floater court reporter to request assistance in covering the date in question. If no substitute is available, the court reporter should notify the Court Administrator's office at the earliest possible time to allow an assignment without delaying any scheduled court proceeding.

If the Court Administrator is unable to secure a substitute from the Blue Ridge Judicial Circuit reporters, a substitute from the private sector will be engaged and compensated at the rate established by the Judicial Council of Georgia. The substitute court reporter will preserve reported proceedings and evidence as set forth above, and transfer such recordings and evidence on written receipt to the Official Court Reporter for the appointing judge.

Unless specifically assigned to other duties, or accrued annual leave (sick/vacation time) has been requested, every court reporter is subject to assignment as a substitute court reporter. To facilitate the assignment of substitute court reporters and ensure compliance with the foregoing processes, every court reporter is required to provide a means by which he/she can be reached within a reasonable time frame.

VIII. SECURING RECORDINGS AND EVIDENCE

The Court Administrator and the court reporters will develop a protocol for daily storage of recordings and evidence in secure facilities provided by the courts of the Blue Ridge Judicial Circuit. The Blue Ridge Judicial Circuit Court Administrator and Official Court Reporter will maintain possession, control and ownership of the recordings and evidence.

The recordings and evidence will be indexed and maintained for ready access by the Court Administrator if, for any reason, the court reporter who reported the proceedings is unavailable or no longer employed by the Blue Ridge Circuit. Any equipment, recordings, evidence, or other property that has come into the possession of the court reporter in the course of their employment by the Blue Ridge Judicial Circuit must be surrendered to the Court Administrator, and a proper accounting conducted by the court reporter and the Court Administrator upon termination of employment.

IX.

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COMPENSATION

The Courts of the Blue Ridge Judicial Circuit shall hire court reporters as employees and shall pay a salary and benefits as agreed upon, using the fee schedule set for the in the Policies and Fees for Court Reporting Services in Criminal Cases as a guide for said salaries. However, because the fee schedule applies to court reporters who are independent contractors, the court reporters may not charge fees for takedown or transcripts outside the compensation provided below. ²

Court Reporter I & II – Superior, State, Juvenile, Magistrate Courts

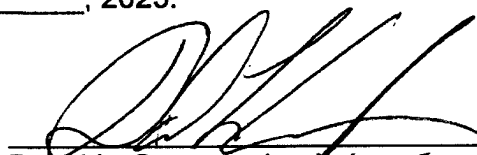
An annual salary applicable to all court reporters in these categories, plus benefit packaged offered to all Cherokee County employees. Normal supplies including, but not limited to: printing, paper, copying, transcript supplies, and postage. Salary includes all fees for services that would be chargeable to the County, including but not limited to, appearance fees in criminal and civil cases, transcript fees chargeable to the county, or mandatory transcripts to be produced as otherwise required herein. Nonmandatory transcripts requested by a defendant, his or her attorney (whether or not the defendant is indigent), Indigent Defense, or any prosecuting agency or law enforcement agency are also included in the salary. Should there be a request for a nonmandatory transcript made by an individual or agency other than those listed herein, the court reporter may document the same to court administration and request payment. Said salary does NOT include takedown or transcript fees in civil cases, and the court reporters shall be permitted to charge said fees at rates set forth in the fee schedules established by the Judicial Council of Georgia.

Any request for additional compensation must be submitted to the Court Administrator.

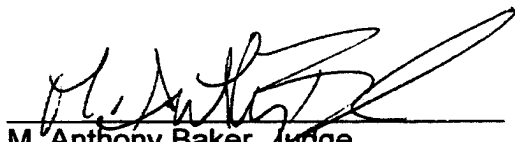
This 15th day of November, 2023.



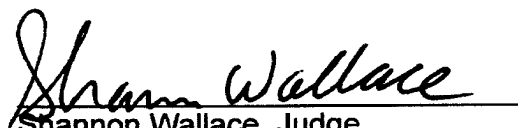
Ellen McElyea, Chief Judge
Superior Court of Cherokee County



David L. Cannon, Jr., Judge
Superior Court of Cherokee County



M. Anthony Baker, Judge
Superior Court of Cherokee County



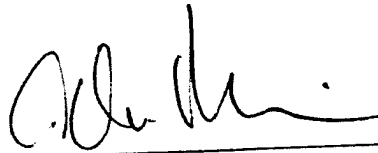
Shannon Wallace, Judge
Superior Court of Cherokee County

² Rule 1.1 of the Policies and Fees for Court Reporting Services in Criminal Cases promulgated by the Judicial Council of Georgia,

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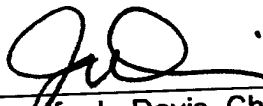


W. Alan Jordan, Chief Judge
State Court of Cherokee County



A. Dee Morris, Judge
State Court of Cherokee County

Michelle L.H. Helhoski, Judge
State Court of Cherokee County



Jennifer L. Davis, Chief Judge
Juvenile Court of Cherokee County



Richard A. Jones, Judge
Juvenile Court of Cherokee County