

FREELANCE COURT REPORTER TRANSCRIPT FEES

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House Bill 4552 as introduced
Sponsor: Rep. Douglas C. Wozniak
Committee: Judiciary
Revised 6-4-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4552 would amend the Revised Judicature Act (RJA) to revise provisions regarding the fees that court reporters or recorders may charge for a transcript of a criminal or civil court case. Among other changes, the bill would allow freelance court reporters or recorders to set their own fees for a transcript ordered by person that is not a governmental entity. It should be noted that, although the bill would amend provisions governing circuit court reporters or recorders, any change in the fee schedule for transcripts provided by a circuit court reporter or recorder would also become the fees that could be charged by court reporters and recorders in the probate and district courts under sections 878 and 8631 of the RJA.

In Michigan, a court reporter or recorder may be either a county employee or a freelance reporter or recorder who is self-employed or employed by a freelance firm. The RJA authorizes circuit court reporters or recorders, whether county employees or freelancers, to be paid by any person requesting a transcript of a criminal or civil court case. Unless a lower fee is agreed on, the current fee, established over 30 years ago, is \$1.75 per original page and 30 cents per page for each copy. However, 2004 PA 328 amended the RJA to allow a higher fee, of \$3.00 per original page and 50 cents per page for each copy, for transcripts ordered and timely filed as part of a program of *differentiated case management* for appeals of civil cases, and then only for cases in which the circuit court either grants or denies summary disposition. If such a transcript is not timely filed, the court reporter is not entitled to receive the increased rate for the transcript. (*Differentiated case management* refers to a technique a court can use to process a case in accordance with the time frame and judicial resources required for the case rather than by using a “wait in line” process.)

House Bill 4552 would eliminate the provision allowing a higher fee for transcribing records of summary dispositions of civil cases that are part of a differentiated case management program. The bill would also eliminate the reference to the fee that could be charged for a transcript ordered by *any person*. Instead, the bill would provide that, unless a lower rate is agreed on, circuit court reporters or recorders may demand and receive per page for a transcript ordered by *the circuit court and paid for by the county* the current fee of \$1.75 per original page and 30 cents per page for each copy. This provision appears to apply both to court reporters and recorders who are employed by the court or the county and also to freelance reporters and recorders.

However, this provision would not apply to the rate that a court reporter or recorder who is not an employee of the court or the county could demand and receive for a transcript ordered by a person other than a governmental entity. In addition, neither the state nor a county could otherwise set a rate that a court reporter or recorder who was not an employee of the court or county could demand and receive for a transcript. The bill appears silent as to the fee a court

reporter or recorder employed by a court or county could charge for a transcript that was requested by a person or entity that is not a circuit court.

The bill would take effect 90 days after its enactment.

MCL 600.2543

FISCAL IMPACT:

House Bill 4552 would have no fiscal impact on the state, but could have a fiscal impact on local units, likely minimal. Courts that contract with freelance reporters to produce transcripts could see an increase in their costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.