

**PROCEDURES FOR
ORDERING
A COURT TRANSCRIPT**

INTRODUCTION

The reporter's/monitor's transcript is an important document before, during and after a trial. The paper transcript is used for trial preparation, briefs, and, of course, for appellate review. Property, freedom, and life all can depend on the record.

The purpose of this booklet is to provide the people of Connecticut with a quick reference of current laws, rules, regulations, policies, and procedures for ordering a transcript. This booklet will be reviewed and revised periodically.

We hope this booklet will be useful to you when ordering a transcript.

If you have any questions, please contact the official court reporter or you can write to:

Program Manager
Transcript Services
Superior Court Operations Division
90 Washington Street
Hartford, CT 06106

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IMPORTANT INFORMATION BEFORE REQUESTING A TRANSCRIPT

Under no circumstances without a written court order can a transcript be provided in the following situations:

- ◆ **Juvenile court proceedings.** All juvenile matters are closed to the public. Strict confidentiality is maintained. As set forth in Connecticut General Statute 46b-124, records of cases of juvenile matters are confidential and shall not be disclosed to the public. Certain exceptions regarding disclosure apply, including, but not limited to, disclosure to the attorney representing the child, the child's parents or guardian until such time as the child or youth reaches the age of majority or becomes emancipated, employees and authorized agents of state agencies involved in the proceedings, and their counsel.
- ◆ **Transcripts of any matter involving a youth adjudged a youthful offender.** Proceedings in such matters are closed to the public and require a court order for transcript release. Any person making such a request must have a legitimate interest in the information and be identified in the court order.
- ◆ **Closed hearing in family relation's matters.** Pursuant to Practice Book Section 25-59, subject to the provision of Section 11-20, any family matter may be heard in chambers or in a courtroom from which the public and press have been excluded, and the records and other papers in any family matter may be ordered by the court to be kept confidential and not to be open to inspection except under order of the court or a judge thereof.
- ◆ **Records sealed by court order.** At times during any court proceeding, the court may order the records sealed. This means that no transcript can be provided without a proper court order.

ERASURE OF RECORDS

Effective October 1, 1996, C.G.S. 54-142a(h), which does not apply retroactively, excludes transcripts from the definition of court record for the purposes of the erasure statute. A criminal defendant who has been acquitted or whose charges have been dismissed does not have a right to have the transcripts of the criminal proceedings erased. Consequently, a transcript can be made available to any party upon request. However, if a criminal defendant has satisfied all the conditions for erasure prior to October 1, 1996, a transcript shall not be provided.

By statute, clerks of court are prohibited from disclosing the existence of certain cases and may not provide any information pertaining to these cases. These records are considered “erased” or are referred to in the statutes as being “erased.” Erasure does not necessarily mean that the file is destroyed, but rather that court staff must treat the matter as if it never occurred.

Generally, police, court and prosecutorial records must be erased when:

1. More than 20 days have elapsed after a defendant is acquitted or the dismissal of a criminal case, unless an appeal is taken, or 13 months have elapsed after a nolle is entered;
2. A defendant is granted an absolute pardon;
3. The offense for which the defendant was convicted is later decriminalized; or
4. The matter pertains to a person who has been adjudicated a youthful offender and has been discharged from the supervision of the court.

Pursuant to §54-76o and §54-142a, a youthful offender whose record has been erased, or the subject of an erased record may obtain information about their record, including a transcript, if it has not been destroyed, upon submission to the Clerk of the Court of one of the following:

- ◆ the subject’s current Connecticut driver’s license;
- ◆ the subject’s current driver’s license from another state (if the license contains a photograph of the subject);
- ◆ any official, current valid photo I.D. issued by a municipality, employer, college or university;
- ◆ the subject’s current passport;
- ◆ the subject’s current identity card issued by the Department of Motor Vehicles (C.G.S. §1-1h)
- ◆ the subject’s submission of a request, in writing, which contains an acknowledgement authorized by CGS §1-34.

The Clerk of the Court, in turn, will notify the Official Court Reporter that “erased” information, if available, may be released to the individual.

SEALED RECORDS:

Only those portions of the file that the judge has ordered sealed are unavailable to the public. In the event of a partial sealing, certain information in the court file will continue to be available for transcript requests.

Materials ordered sealed by the court are disclosable once the sealing order expires. News professionals or members of the public should make a note of the date when the sealing order will expire. Please be aware that in many cases the information may not be disclosable at any point in the future.

Generally, communications and records of a party to the action between the following individuals are sealed automatically by statute:

- ◆ psychologist and patient;
- ◆ psychiatrist and patient;
- ◆ battered women's or sexual assault counselor and victim;
- ◆ judicial branch employee and employee assistance program counselor;
- ◆ physician, surgeon or health care provider and patient;
- ◆ marital and family therapist and person consulting such therapist;
- ◆ social worker and person consulting such social worker.

Anyone impacted by court orders to seal or limit disclosure of materials on file in connection with a court proceeding may petition the Appellate Court for review of that order within 72 hours of its issuance, **except** that the following types of matters will not be reviewed:

- ◆ orders under the family matters or search warrant statutes;
- ◆ any statutory provision authorizing the court to seal or limit disclosure of materials at a pretrial or trial stage; or
- ◆ a court rule that seals or limits disclosure of affidavits in support of arrest warrants.

REQUEST FOR TRANSCRIPT IN YOUTHFUL OFFENDER MATTER:

Pursuant to Connecticut General Statute sec. 54-761, the records of any youth adjudged a youthful offender shall be confidential and shall not be open to public inspection or disclosure. Certain exceptions allowing disclosure apply to persons adjudged a youthful offender on or after October 1, 1995, including, but not limited to, disclosure to employees of state agencies providing services directly to the youth including law enforcement officials, the attorney representing the youth, in any proceedings in which such records are relevant, to the youth's parent or guardian, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon the youth's attainment of the age of majority.

ORDERING AND FILING APPEAL TRANSCRIPTS

On or before the date of filing the appeal, the appellant shall, subject to Section 63-6 or 63-7 of the Connecticut Practice Book if applicable, order from the official reporter, using Form JD-ES-38 obtained from the clerks' office, a transcript of the parts of the proceedings not already on file which the appellant deems necessary for the proper presentation of the appeal.

As the ordering party, please complete section one of the Notice of Appeal Transcript Order form, and forward the entire form, intact, to the official court reporter. A copy will be returned to you upon further processing.

Such order shall specify the case name, docket number, judge's name(s), and hearing date(s), and include a detailed statement describing the parts of the proceedings of which a transcript has been ordered. For example, "the voir dire on Monday, May 25, 1995," or "the entire sentencing proceeding before Smith, J., on June 4, 1997." If any other party deems other parts of the transcript necessary, that party shall, within twenty days from the filing of the appeal, similarly order those parts in writing from the official reporter.

Practice Book Section 63-8(b) provides, in part, that a party must make satisfactory arrangements for payment of the costs of the transcript, pursuant to guidelines established by the chief court administrator. After those arrangements have been made, the official reporter shall send the party who ordered the transcript a written acknowledgement of the order, including an estimate of the date of delivery of, and the number of pages in, the transcript.

The appellant is required, either before or simultaneously with the filing of the appellants' brief, to file with the appellate clerk one unmarked non-returnable copy of the transcript, including a copy of the court reporter's/monitor's certification page.

All other parties are likewise required, either before or simultaneously with the filing of their briefs, to file those additional portions ordered but shall not include the portions already filed by the appellant.

SUPREME COURT TRANSCRIPTS:

Transcripts of Supreme Court proceedings are available by contacting the Official Reporter at 101 Lafayette Street, Hartford, CT.

PROCEDURES FOR REQUESTING A TRANSCRIPT

The term, *court proceedings*, refers to any action, hearing, investigation, inquest, or inquiry in which testimony or other evidence may be presented. Transcripts of these proceedings are generally available to the public upon request and payment.

Pursuant to Connecticut General Statutes, however, the court will exclude members of the public from obtaining transcripts from various matters, including juvenile matters and youthful offender issues. The court may exclude members of the public from obtaining transcripts from family relations matters.

Requests must be put in writing and submitted to the Official Court Reporter's office at the judicial district where the case was heard. Be sure to include the following in the letter of request:

- ◆ case caption
- ◆ the judge's name(s)
- ◆ where the case was heard
- ◆ the date(s) the case was heard
- ◆ docket number
- ◆ your name, address, and phone number
- ◆ a brief description of the proceedings you are ordering (e.g. the testimony of a particular witness, the entire hearing, the Court's order, etc.)

Following are the addresses for each judicial district in the State of Connecticut. Be sure to send your request to the attention of the Official Court Reporter:

Ansonia-Milford JD
14 W. River Street
Milford, CT 06460
Phone: 203 874-8523

Danbury JD
146 White Street
Danbury, CT 05810
Phone: 203 207-8729

Fairfield JD
1061 Main Street
Bridgeport, CT 06604
Phone: 203 579-7232

Hartford JD
101 Lafayette Street
Hartford, CT 06106
Phone: 860 566-3400

Litchfield JD
15 West Street
Litchfield, CT 06759
Phone: 860 567-4263

Middlesex JD
One Court Street
Middletown, CT 06457
Phone: 860 343-6515

New Britain JD
20 Franklin Square
New Britain, CT 06051
Phone: 860 515-5380

New Haven JD
235 Church Street
New Haven, CT 06510
Phone: 203 503-6825

New London JD
70 Huntington St.
New London, CT 06320
Phone: 860 444-8173

Stamford JD
123 Hoyt Street
Stamford, CT 06095
Phone: 203 965-5278

Tolland JD
20 Park Street
Rockville, CT 06066
Phone: 860 870-3216

Waterbury JD
300 Grand Street
Waterbury, CT 06702
Phone: 203 591-3337

Windham JD
120 School Street
Danielson, CT 06226 phone: 860 779-8508

If you would like an estimate of the cost and/or the delivery date before your transcript request is processed, please so state in your letter and you will be contacted.

In order to be granted a waiver of fees due to indigency, a motion must be filed with the court. If granted, the Court signs an order stating the transcripts will be provided. A party deemed by the court to be indigent and granted a waiver of transcript fees is not responsible for said fees. Please attach a copy of the granted fee waiver to your written request, and your order will be processed as soon as possible.

Please note:

Court reporters/monitors are responsible for recording legal proceedings and for completing requested transcripts in a timely fashion. To facilitate this process, it is recommended that those requesting transcripts make every effort to give the reporter/monitor sufficient time to respond to requests. Connecticut General Statute § 51-61© provides that when requested, a transcript will be furnished to an ordering party within a reasonable time.

Only those transcripts required by law or ordered by the court, litigants, or other individuals are prepared by the reporter/monitor, and are done so in order by date requested.

TRANSCRIPT FEES

The Connecticut General Assembly determines, by statute, the fee court reporters/monitors can charge for transcripts. Currently, reporters/monitors may charge **\$3.00** per page for preparation of the original court transcript. The fee for state officials and other entities listed in C.G.S. 51-63(c) is **\$2.00** per page.

By statute, The Chief Court Administrator determines the fees court reporters/monitors can charge for transcripts requested to be delivered overnight or expedited (within five business days). If requested overnight, the page rate is **\$6.35**. If requested expedited, the page rate is **\$4.75**. Further, if a transcript is requested overnight by a state official or other entity listed in C.G.S. 51-63(c), the maximum page rate is **\$4.45**, and for expedited delivery the maximum page rate is **\$3.50**.

The court reporter/monitor will determine the method of payment for a transcript which may be by personal check, certified check, or money order made payable to the reporter/monitor. Cash payments are not recommended, and payment in advance may also be required.

A sales tax of 6% of the total cost of the transcript will be collected by the reporter/monitor on all transcripts. State agencies and municipalities are exempt from this sales tax.

GENERAL INFORMATION

The following is a pertinent quote from C.G.S. § 51-63(c) as it relates to transcript format:

“...for purposes of this subsection, ‘transcript page’ means a page consisting of twenty-seven double spaced lines on paper eight and one half by eleven inches in size, with sixty spaces available per line...”

Transcripts placed in a court file are the work product of the reporter/monitor who prepared them. Unless the Court has ordered that a transcript be placed in the court file, the clerk of the Court will direct you to the appropriate reporter/monitor to purchase a transcript.

Generally, court reporters’ notes, and monitors’ tapes are destroyed subsequent to the issuance of a destruction order by the court seven years after they are recorded.

Although reporters/monitors have the responsibility to produce a transcript of a proceeding upon request, they are precluded from interpreting those materials.

