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To: Florida Attorneys, Court Reporters and Videographers
From: Stephen Presnell, General Counsel
Date: July 8, 2010
RE: Implementing statewide rates

In implementing the new statewide rates, there have been concerns raised by attorneys regarding obtaining court reporter services. JAC has posted on its website a listing of those court reporters and transcriptionists that have executed the Type I JAC Agreement for fiscal year 2010/2011. This spreadsheet lists the names of the court reporters and transcriptionists and the circuits for which the court reporters and transcriptionists are willing to provide services. This should assist attorneys in locating a court reporter or transcriptionist.

This list will be amended as more court reporters and transcriptionists execute the Type I Due Process Agreement. **If any court reporters or transcriptionists wish to amend the circuits for which they provide services, they will need to send JAC a corrected Addendum A to the JAC Agreement setting forth the changes.** It is not necessary to execute a new Agreement.

The amended Addendum A may be faxed to Christie Stanton at (866) 849-6903. The cover sheet to the fax should include sufficient information for JAC staff to identify the applicable contract including name of the court reporter or transcriptionist and tax identification number.

JAC would stress that the use of digital recording technology to take depositions may be an appropriate method to take discovery depositions rather than the use of traditional stenographic court reporters. When a deposition is digitally recorded, it is possible to use court reporters and transcriptionists from outside the county or circuit to transcribe the deposition rather than use a local court reporting firm. Although it may be preferable to use a local firm, if there are no local firms available, it may be necessary for an attorney to look outside the circuit for transcription.

In order to facilitate the payment process, it is critical that an attorney review any billing for direct payment to a court reporter or other due process vendor for accuracy and completeness as expeditiously as possible. For JAC to process a billing for payment, the attorney must certify that the work was satisfactorily performed. Similarly, if JAC issues a deficiency notice regarding any billing, the attorney or the due process provider must promptly resolve the deficiency so that JAC can process the billing for payment.

Historically, JAC has had a problem with some attorneys failing to review court reporter billings in a prompt fashion. This has resulted in delays in payment. Prompt payment of court reporters and other due process providers is essential for the proper functioning of the state judicial

system. When payment is delayed to a court reporter or other due process vendor, this may negatively impact the vendor's willingness to provide services in the future.

Under the terms of the JAC Agreement, the attorney is responsible for reviewing due process provider invoices in a prompt fashion and providing JAC with necessary documentation to process those billings for payment. It is the attorney's responsibility to verify that the services were provided in satisfactory fashion. The administrative responsibilities should be completed prior to the attorney's submission of his or her billing for attorney's fees. All billings for attorney's fees, due process costs and related expenses must be submitted within 90 days after the case reaches final disposition or the amount payable could be subject to a 15 percent contractual penalty for untimely billing.

Therefore, in court-appointed cases, JAC may elect to delay payment of attorney's fees until the attorney provides the documentation necessary to process any pending due process provider's invoices for payment. It can be viewed as inequitable for the attorney to get paid while the court reporters, investigators, and other due process vendors remain unpaid because of the attorney's failure to provide necessary documentation.

Moreover, the failure to provide documentation may result in JAC withdrawing the option for direct payment to due process vendors in which case the attorney will need to pay the vendor and then seek reimbursement from JAC. This applies to court-appointed and indigent for costs cases. Under the terms of the JAC Agreements, JAC offers direct payment to due process vendors as a courtesy and convenience for attorneys. This courtesy may be withdrawn for those attorneys whose ongoing neglect or inaction results in substantial delays in payment to due process vendors.

Lastly, JAC would stress that it is inappropriate for an attorney to sign a JAC Invoice/Voucher cover prior to completion of the work. For example, an attorney cannot sign an Invoice/Voucher cover for payment of a deposition transcript until the transcript is complete and the attorney or the attorney's agent has inspected the transcript to ensure that the work has been completed in a satisfactory fashion. If any attorney becomes aware of a due process vendor seeking to have the attorney sign blank JAC Invoice/Voucher covers, that attorney should notify JAC legal staff immediately so that corrective action may be taken.

If you have any questions or concerns, feel free to contact the JAC Help Desk at (866) 355-7902.