

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN RE: Preparation of Court)
Transcripts During work hours)

ADMINISTRATIVE ORDER 2023-2

WHEREAS, the Superior Court’s Court Reporters have requested that they be permitted to prepare daily trial transcripts in *Dominion v. Fox, et al.*, C.A. Nos. N21C-03-257 EMD, N21C-11-082 EMD (“*Dominion v. Fox*”), during work hours. The preparation of transcripts during work hours which are provided to counsel, the media, or the public for a fee is prohibited by the Judicial Personnel Rules¹ and the Code of Conduct for Judicial Branch Employees;²

WHEREAS, the Superior Court’s Court Reporters are not willing to take annual approved leave in order to prepare daily trial transcripts in *Dominion v. Fox*, during work hours;

WHEREAS, the Superior Court’s Court Reporters have indicated that if they are not permitted to prepare the requested daily trial transcripts during work hours, they will not provide the requested daily trial transcripts in *Dominion v. Fox*;

¹ JPR 4.3.1 Compensation Received From Other Sources. Employees on approved annual leave may receive additional compensation from another State agency, court/Judicial Branch agency, or other employer for work performed during normal duty hours, consistent with the Code of Conduct for Judicial Branch Employees and 29 *Del. C.* § 5821 et seq. When not on such leave, any additional compensation for work performed during normal duty hours shall be deducted from the employee’s normal compensation and, if appropriate, disciplinary action may be taken.

² Code of Conduct for Judicial Branch Employees, § III D. Outside Employment (1) Except as authorized by the appointing authority, Judicial Branch employees may not request or receive any compensation, gratuity, or services in addition to their regular State salary, for any work performed during their regular workday.

WHEREAS, the position of the Court Reporters regarding preparation of daily trial transcripts during work hours has limited the Superior Court's ability to administer its proceedings in compliance with the Judicial Branch's Judicial Personnel Rules and the Code of Conduct for Judicial Branch Employees;

NOW, THEREFORE, IT IS ORDERED that due to the unique nature of this trial and based on the benefit to the Court to have access to any bench rulings or positions of the parties as the trial progresses, the Superior Court will permit its Court Reporters to prepare the daily trial transcripts in *Dominion v. Fox* during work hours with the understanding that the Court Reporter will endeavor to utilize their real time court reporting ability³ and limit the number of work hours necessary to prepare the daily trial transcripts. The Superior Court is not ordering or requiring daily transcripts from its Court Reporters but is granting the Court Reporter's request to prepare daily trial transcripts in this case during work hours with the understanding that the Superior Court is not responsible for payment of any hours worked over the normal work week in preparation of such transcripts.

IT IS FURTHER ORDERED, that the position taken by the Superior Court in the instance matter shall not be used as a basis going forward for the Court Reporters to continue to prepare transcripts during work hours. The preparation of other transcripts during work hours may subject a Court Reporter to action pursuant

³ Real Time Court Reporters should be reporting at 96% accuracy. Admin. Dir. 2001-5.

to the Judicial Personnel Rules and the Code of Conduct for Judicial Branch Employees.

IT IS ALSO FURTHER ORDERED, that if the preparation of daily trial transcripts in *Dominion v. Fox* interferes with other operations of the Superior Court, this order may be rescinded.

IT IS SO ORDERED, this 12th day of April, 2023.

/s/ Jan R. Jurden
President Jan R. Jurden