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TO: Assigned Counsel Contractors
Alternate Assigned Counsel

FROM: Charles S. Martin, Assigned Counsel Coordinator

SUBJECT: Depositions

DATE: February 1, 1990

The following statement lists the current policy for deposition transcripts.

1. V.R.Cr.P. 15(d) permits tape recorded depositions. Public Defenders and Assigned Counsel Contractors take all depositions by tape recorder except in extraordinary circumstances such as complicated testimony of a key witness in a major case or a language-impaired witness. Be prepared to justify a request for a stenographic deposition.

2. Prior approval is required to take any depositions, whether tape or recorded stenographically, if you intend to request any expense reimbursement or payment. This approval covers only the costs for the recording, witness fees and mileage, and service by the sheriff's department. Separate approval is required for transcription or service of the subpoena other than by a sheriff or deputy.

3. Taped depositions may be transcribed by anyone. This includes office personnel, private typists, or any of the Defender General's contract typists (a list follows). The transcription rate is \$10.00/hour maximum with a minimum of 8 pages per hour. If the service is provided by an employee of your firm, that person must submit a separate invoice. Prior approval for transcription must be requested. See Court Administrator's Directive 61 (below) for transcript format.

4. Stenographic reporters: The State of Vermont transcription rates are established by 4 V.S.A. Sec. 794, 12 V.S.A. App VIII A.O. 19, and the Court Administrator's Directive 61. The State rate is \$2.65 per original page and \$.85 per copy page. If you have permission to use a stenographic reporter, that is the maximum which the Defender General's Office will pay. You may not order an original and a copy. Order only an original and photocopy any portion you wish to retain for your file. Even when using a stenographic reporter, tape record the deposition to assist you to determine how much, if any, transcription is necessary. After all, is a full copy really necessary? Perhaps you can review another party's original or copy before deciding about your own order, if any.

5. Witness Deposition Forms: Please use these to obtain direct payment by the State to witnesses. Mail the completed forms to: Accountant, Defender General's Office, 6 Baldwin Street, 4th Floor, Montpelier, VT 05633-3301. Remember to attach the approved Expenditure Request Form for the deposition.

Service: Use the sheriff's department unless prior permission for another server is obtained from me. Sheriff's department personnel are not paid a service fee in criminal cases, which is why private service is discouraged except in extraordinary circumstances.