

**Payment Policy for Court-Ordered Transcripts, Psychiatric or Other  
Evaluative Reports in Conjunction with the Presentence Investigation  
or V.R.F.P. 5(a) and Expert and Out-of-State Witnesses**

Pursuant to the Vermont Constitution, Chapter II, § 30 the Supreme Court hereby promulgates the following amendment to Administrative Directive No. 20 effective September 1, 2004 (new matter underlined):

**(1) Payment of court-ordered transcripts.**

The Court Administrator is no longer authorized to pay for the cost of transcripts requested by judicial officers or any other person unless prior approval for the request was obtained from the Administrative Judge for Trial Courts. The following rules shall apply for those transcript requests that are approved by the Administrative Judge for Trial Courts:

(a) In those instances where the record was kept by a permanent court reporter employed on a full-time or part-time basis by the state, the transcript shall be prepared within the employee's set work schedule at no additional cost to the state.

(b) In those instances where the record was kept on tape, the judicial officer shall be provided a copy of the tape of the proceeding.

(c) In those instances where a freelance reporter kept the record of the proceeding, the freelance reporter shall be paid the prevailing transcript fees for the service.

**(2) Payment of psychiatric or other evaluative reports ordered by the court in conjunction with a presentence investigation report.**

The Court Administrator is no longer authorized to pay for psychiatric or other evaluative reports ordered by a judge in conjunction with a presentence investigation or in addition to a presentence investigation report.

**(3) Payment for physical or mental evaluations or home studies ordered pursuant to V.R.F.P. 5(a), 15 V.S.A. § 594(d) or 33 V.S.A. § 5533(b).**

Any physical or mental evaluation or home study ordered by the court pursuant to V.R.F.P. 5(a), 15 V.S.A. § 594(d) or 33 V.S.A. § 5533(b) which requires payment by the state out of the Judiciary budget must be approved by the Administrative Judge for Trial Courts prior to the issuance of the order. The Administrative Judge for Trial Courts may approve such an expenditure only on finding:

(a) No party has the financial resources to pay for the evaluation or study; and

(b) The evaluation or study is necessary to decision making in the case before the court; and

(c) The cost is the lowest possible consistent with the nature and quality of the work to be provided; and

(d) The work to be done is adequately described to ensure unnecessary work is not being charged; and

(e) There are adequate funds available in the budget to support the expenditure. Payment will be made only upon receipt of a detailed, itemized bill.

#### **(4) Expert and out-of-state witnesses.**

All requests for extra compensation for expert and out-of-state witnesses must be approved by the presiding judge in consultation with the Administrative Judge for Trial Courts in advance of the witness being called to testify. The request for approval shall specify the rate of compensation and allowable expenses. Approval may be granted only upon finding that:

(a) The witness is shown to be necessary to the presentation of the case.

(b) The cost is the lowest possible consistent with the nature and quality of the work to be provided; and

(c) The testimony requested is specifically described to ensure that compensation will be paid only for necessary testimony.

In those instances where advance approval was not obtained, the witness shall receive a normal witness compensation as specified under 32 V.S.A. § § 1511 and 1552 and 13 V.S.A. § 6647. In the interests of fairness, the Administrative Judge for Trial Courts may approve extra compensation for these witnesses where prior approval was not received. Compensation will be paid only upon receipt of a detailed, itemized bill.

#### **(5) Assignment of Counsel in Family and Probate Cases**

The Court Administrator is no longer authorized to pay counsel assigned in Family and Probate cases pursuant to Administrative Order No. 32 unless prior approval for payment out of the Judiciary budget was obtained from the Administrative Judge for Trial Courts.

#### **(6) Payment to Interpreters**

The Court Administrator is authorized to pay language and sign interpreters in accordance with a protocol established by the Administrative Judge for Trial Courts.

Done in Chambers, Montpelier, Vermont this 19<sup>th</sup> day of August, 2004.

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice

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Paul L. Reiber, Associate Justice