



COURT REPORTERS BOARD OF CALIFORNIA



Best Practice Pointer No. 1 How to Interrupt Proceedings

WHY:

The fundamental duty of a court reporter is to protect the record, including interrupting if the accuracy of the record is jeopardized. California Code of Regulations Title 16, Division 24, Article 8, section 2475 requires the reporter to promptly notify the parties present or the presiding officer upon determining that one is not competent to continue an assignment. Business and Professions Code 8017 defines shorthand reporting as the making of a verbatim record.

Some common reasons for interruption include:

- Speaking too quickly
- Reporter didn't understand a word or phrase
- Overlapping speakers
- Attorneys resume questioning while reporter is still marking exhibit

HOW:

Timing is important. If possible, wait for a natural pause in the proceedings, such as marking an exhibit or changing topics.

Be polite, but firm and loud.

Raise your hands shoulder height so they are clearly away from the machine and say, "Stop. We are off the record."

RETURNING BACK ON THE RECORD:

One way is to say, "This is what I have right now," and read back the last clear portion you have in your notes.

Another way is to simply ask the speaker to repeat the last thing that was said.

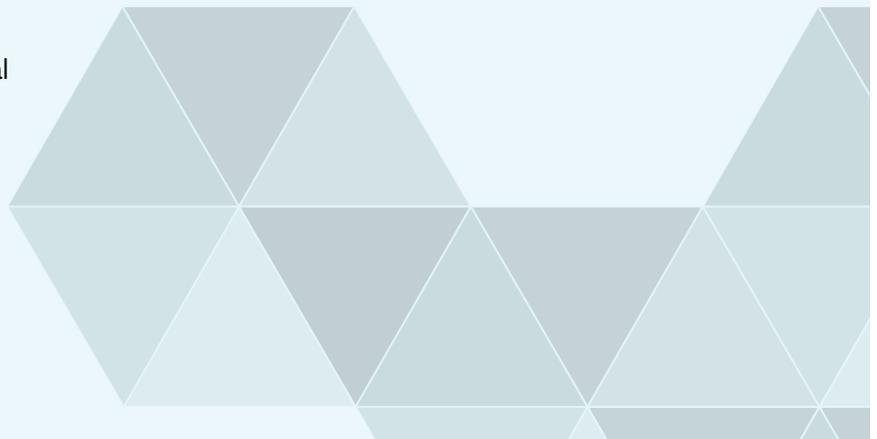
IN COURT:

All requests for clarification of the record should be addressed to the judge. For example: "Your Honor, could we have Ms. Smith repeat what she just said?"

TRANSCRIPT PRODUCTION:

When the reporter interrupts, a parenthetical may be included similar to (Reporter interrupts for clarification of the record.).

In the alternative, the reporter may add himself/herself as a speaker; but as it's extremely difficult, if not impossible, to write while speaking, this only works when what is said is short, such as, "Excuse me?"



BEST PRACTICE POINTER HOW TO INTERRUPT PROCEEDINGS

NOTE:

The stenographic notes are the official record. If a complaint is received as to the accuracy of the transcript, the Board looks to the transcript and the stenographic notes, not an audio file that may exist. In other words, do NOT rely upon your backup audio recording for transcript production.

Never use the parenthetical (Inaudible) because that is only used when transcribing audio recordings. A live court reporter is required to interrupt to protect the record.

Best practice pointers are not regulations or statutorily mandated. They are a way for the Board to provide guidance on situations not expressly set out in statute or regulation. Although the pointers may be used by licensees as a guide, the Board will not use them as a basis for discipline or enforcement of any type.



COURT REPORTERS BOARD
OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Phone: (916) 263-3660 / Toll Free: (877) 327-5272
Fax: (916) 263-3664

www.courtreportersboard.ca.gov





COURT REPORTERS BOARD OF CALIFORNIA



Best Practice Pointer No. 2 How to Go On and Off the Record

REASONS TO GO OFF THE RECORD:

Some common reasons include:

- All parties agree (pursuant to CCP 2025.470)
- Someone states he/she is going to move for a protective order (pursuant to CCP 2025.420)
- Marking exhibits
- Steno machine malfunction
- Personal safety (physical fight between parties)
- Deal with noise (outside distractions)

POINTERS:

CCP 2025.470 requires all parties present to agree to go off the record. Get the agreement on the record.

There is no code dealing with going back on the record. Since the reporter is present to report the record, if any single person wants to put something on the record, the reporter should go back on.

Be clear when you're off the record using the following techniques:

- State clearly, "We are off the record" or "We are on the record."
- Move away from the machine
- Stand up
- Raise hands to shoulder level

If unsure that a speaker's comments should be on or off the record, clarify. For instance, if the attorneys start talking about where to go for lunch, say "Counsel, is this for the record?"

When in doubt, KEEP WRITING.

Best practice pointers are not regulations or statutorily mandated. They are a way for the Board to provide guidance on situations not expressly set out in statute or regulation. Although the pointers may be used by licensees as a guide, the Board will not use them as a basis for discipline or enforcement of any type.



COURT REPORTERS BOARD
OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Phone: (916) 263-3660 / Toll Free: (877) 327-5272
Fax: (916) 263-3664

www.courtreportersboard.ca.gov



FRONT



COURT REPORTERS BOARD OF CALIFORNIA



Best Practice Pointer No. 3 Videotaped Depositions

REMINDER:

You, the court reporter, are creating the official record via your stenographic notes. It doesn't matter what the videographer is doing or not doing. You may go off the record while the video continues, as in the case of marking an exhibit. You may remain on the record while the video has stopped, as in the case of getting attorneys' orders at the end of the deposition.

BACK

Best practice pointers are not regulations or statutorily mandated. They are a way for the Board to provide guidance on situations not expressly set out in statute or regulation. Although the pointers may be used by licensees as a guide, the Board will not use them as a basis for discipline or enforcement of any type.



COURT REPORTERS BOARD
OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Phone: (916) 263-3660 / Toll Free: (877) 327-5272

Fax: (916) 263-3664

www.courtreportersboard.ca.gov





COURT REPORTERS BOARD OF CALIFORNIA



Best Practice Pointer No. 4 Rough Draft Transcripts

WHY:

Rough drafts are provided as a litigation support tool to litigants, their counsel and the court to aid in the administration of justice.

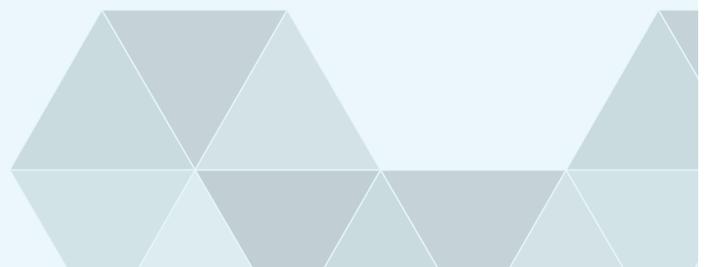
THE LAW (EMPHASIS ADDED):

- California Code of Civil Procedure section 273 (b) states: The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, distributed, or transcribed as the official certified transcript of the proceedings. **A rough draft transcript shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings as provided by the official reporter or official reporter pro tempore. The production of a rough draft transcript shall not be required.**
- California Code of Civil Procedure section 2025.540 (b) states: When prepared as a rough draft transcript, the transcript of the deposition may not be certified and may not be used, cited, or transcribed as the certified transcript of the deposition proceedings. **The rough draft transcript may not be cited or used in any way or at any time to rebut or contradict the certified transcript of deposition proceedings as provided by the deposition officer.**

- California Code of Civil Procedure section 2025.320 (b) states: Services and products offered or provided by the deposition officer or the entity providing the services of the deposition officer to any party or to any party's attorney or third party who is financing all or part of the action shall be offered to all parties or their attorneys attending the deposition. No service or product may be offered or provided by the deposition officer or by the entity providing the services of the deposition officer to any party or any party's attorney or third party who is financing all or part of the action unless the service or product is offered or provided to all parties or their attorneys attending the deposition. **All services and products offered or provided shall be made available at the same time to all parties or their attorneys.**

DIFFERENTIATION TECHNIQUES:

When a rough draft is provided, two versions of a transcript will result from one proceeding—the unofficial, uncertified rough draft and the official, certified transcript. As the rough draft may not be used in lieu of the certified transcript, it is important that every effort is made to eliminate any confusion as to whether the reader has the rough draft or the certified transcript. Following are several ways to prevent any confusion on the part of the reader:



BEST PRACTICE POINTER ROUGH DRAFT TRANSCRIPTS

1. Include a cover page or introductory paragraph to the effect:

**“UNCERTIFIED
ROUGH DRAFT TRANSCRIPT”
REPORTER’S STATEMENT**

The following transcript represents a realtime version of the [deposition of *deponent name* taken on *date*] or [proceedings taken in *court name* on *date*].

The realtime/rough draft text is unedited and uncertified and may contain untranslated stenographic symbols, an occasional reporter's note, a misspelled proper name and/or nonsensical word combinations. All such entries will be corrected on the final certified transcript which we will deliver to you in accordance with our standard delivery terms or on an expedited basis, should you desire faster delivery. This will serve as notification that the final certified transcript will have differences from the realtime/rough draft version, including differing page and line number references. Due to the need to proof and correct entries prior to certification, you agree to use this realtime/rough draft text only for the purpose of augmenting counsel's notes and not to use or cite it in any court proceeding or to distribute it to any other parties.

2. Include a header or footer on each page stating “uncertified rough draft transcript only.” The header and/or footer may be placed inside the page box.

3. Change the number of lines per page. Line numbers are optional.
4. A rough draft should never include a completed title page, appearance page, certification page, any mention of swearing in of a witness by name, a footer with the firm name, reporter's name or license number.
5. Include a “Draft” watermark.
6. Insert randomly throughout the transcript a paragraph to the effect: “This is an uncertified rough draft transcript and may not be used, cited or distributed as the certified transcript of the proceedings.”
7. If the rough draft is provided via electronic media, the media should be clearly labeled as a rough draft using a label of a different color than the official transcript.
8. Where possible, all untranslated steno strokes and conflicts should be resolved before delivery of a rough draft.

Best practice pointers are not regulations or statutorily mandated. They are a way for the Board to provide guidance on situations not expressly set out in statute or regulation. Although the pointers may be used by licensees as a guide, the Board will not use them as a basis for discipline or enforcement of any type.



COURT REPORTERS BOARD
OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Phone: (916) 263-3660 / Toll Free: (877) 327-5272
Fax: (916) 263-3664

www.courtreportersboard.ca.gov

