



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

