



# COURT REPORTERS BOARD OF CALIFORNIA



## Best Practice Pointer No. 12 Use of Backup Audio Media

Backup Audio Media (BAM) is the generic term for any auxiliary audio recording, including the audio synchronization tool built into computer-aided translation (CAT) software.

For the purposes of these guidelines, “party” is defined as a named person or entity in a case and/or their attorney.

**The duties and responsibilities of the certified shorthand reporter (CSR) regarding preservation of the official record are not changed by the use of BAM.**

### **STENOGRAPHIC/VOICE NOTES ARE THE OFFICIAL RECORD.**

- It is the obligation of the certified shorthand reporter (CSR) to interrupt the proceedings when the record is in jeopardy for any reason, per [Code of Regulations \(CCR\) 2475 \(b\)\(3\)](#).
- It is the duty of the CSR to read back from the stenographic/voice notes, which are the official record, and playback of the backup audio media in lieu of readback is not allowed.
- CSRs must comply with all applicable local, state, and federal rules and/or laws to ensure the integrity of the record, including [California Penal Code 632](#).
- When a backup recording is made by a CSR at his or her own discretion and not otherwise ordered for preservation by any federal, state, or local law and/or rule, it is the personal property of the CSR and there is no public entitlement to these recordings.

- The BAM file may be provided at the request of an attorney and/or a party to a proceeding at the discretion of the CSR.
- If the BAM is going to be released, the following best practices should be followed:

### **PROVIDING BAM AT THE REQUEST OF AN ATTORNEY OR PARTY TO A PROCEEDING:**

- If the BAM is made available to any court reporting firm or party in a case, it is the responsibility of the CSR to ensure that no confidential or off-the-record discussions are contained in the released recording.
- If the CSR decides to release the BAM, the CSR and/or reporting firm should release a copy and not the original (unless ordered otherwise by a court.) The original should be maintained for no less than one year.
- If the CSR and/or reporting firm makes available a copy of the BAM to one party, the same offer must be made at the same time to the other party(ies) to the proceeding, in accordance with [Code of Civil Procedure \(CCP\) 2025.320\(b\)](#).



# BEST PRACTICE POINTER USE OF BACKUP AUDIO MEDIA

- CSRs and/or reporting firms should check all applicable local, state, and federal laws, rules, and regulations to ensure that creating backup audio media is in compliance with those laws, rules, and regulations, including but not limited to **California Penal Code 632**, which prohibits eavesdropping on or recording confidential communications.
- If the CSR and/or reporting firm offers BAM as a value-added service, all parties should be advised prior to the start of the proceeding.
- If the transcript or any portion thereof is designated confidential or sealed, the BAM file shall be clearly labeled as such and the reporter must comply with all applicable local, state, and federal laws, rules, and regulations.

***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.***



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