



COURT REPORTERS BOARD OF CALIFORNIA



Best Practice Pointer No. 11 Videoconference/Remote Reporting

With the increase in remote reporting, the Board would like to make licensees aware of the following best practices:

PLEASE NOTE: Any suggestions regarding paper face masks, face shields, etc., should be considered in connection with your county's current public health order.

A. LOGISTICAL ISSUES:

- Encourage counsel to be on camera.
- Reporter should be on camera, if possible. Request counsel to add you to their gallery/grid view to aid in communicating to counsel when there are issues.
- Gallery/grid view is preferred over speaker view.
- Request remote participants not use a mask if safe to do so. If a mask is required for safety, a paper mask is preferred. Consider the use of a face shield as an option.
- Turn off multiple microphones to avoid feedback issues.
- Request participants use no virtual background.
- Use of term "virtual" is discouraged as it may imply "simulated." Preferred practice is use of "videoconference" or "remote."

B. REPORTING PROCEEDINGS:

Reporters are reminded they are the guardian of the record and their responsibilities with regard to the record do not change while reporting a remote proceeding.

- Interrupt as needed to protect the record (see Best Practice Pointer No. 1). The use of "inaudible" is for use in a transcript only where a court reporter did not report the proceedings.
- Create a one-stroke brief for inclusion of a parenthetical such as "(Reporter interrupted for clarification of the record.)," and interrupt as much as needed for an accurate record.
- Ask for identification of everyone for the appearance page. What is obvious when participants are all in the same room can be misleading via a remote platform.

C. TRANSCRIPT PRODUCTION:

- The transcript should clearly indicate that the proceeding was held on a remote platform (i.e., via videoconference).
- It is appropriate to include a "technical difficulty" parenthetical when that issue interrupts the proceedings or a "failure of transmission" parenthetical.
- Lack of speaker identification should be noted, although all efforts should be made to obtain speaker identification. Recommend inclusion of parenthetical such as "(Reporter interrupted to request speaker identification.)" Use "UNIDENTIFIED SPEAKER" as speaker.
- There is no "modified" or "partial" certification page allowed.

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D. RECORDING CONSIDERATIONS:

- **Depositions**—Reporters should be aware of increased ability for surreptitious recording of the deposition. Before going on the record, reporters may want to remind participants that, unless included in the notice of deposition or with the consent of all parties, audio or video recording is not permissible.
- **Court**—Courtroom proceedings may not be recorded without the express permission of the Court.

CONSIDERATIONS FOR POST-COVID-19 IN-PERSON PROCEEDINGS:

- Face masks may make it more difficult to hear. Suggest using paper masks and have supply to offer.
- Use physical distancing.
- Consider using plexiglass shields.
- Do not share objects (pens, papers, supplies).
- Sanitize equipment between jobs.
- Wash hands frequently.

On September 18, 2020, Governor Newsom signed SB 1146 (Umberg) making the following amendment to the Code of Civil Procedure effective immediately:

2025.310.

- (a) At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.
- (b) Subject to Section 2025.420, any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent.
- (c) The procedures to implement this section shall be established by court order in the specific action or proceeding or by the California Rules of Court.
- (d) An exercise of the authority granted by subdivision (a) or (b) does not waive any other provision of this title, including, but not limited to, provisions regarding the time, place, or manner in which a deposition shall be conducted.
- (e) This section does not alter or amend who may lawfully serve as a deposition officer pursuant to this title or who otherwise may administer oaths pursuant to sections 2093 and 2094 of this code or section 8201 of the Government Code.

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

