



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA GUIDE FOR OFFICIAL REPORTERS PRO TEMPORE

Court Reporter Appointment Process

Pursuant to the policy of the Santa Clara County Superior Court, when an official court reporter is not available, parties may by stipulation arrange for the appointment of a privately retained certified shorthand reporter to serve as an official court reporter pro tempore for a hearing or trial. Before the private reporter can serve in this capacity, the judge presiding in the department where the trial or hearing will occur must approve the reporter's appointment by way of an order. All parties/counsel must sign the stipulation. If the judicial officer has not received the stipulation in time to approve it before the hearing, the Court has the discretion to deny the request. It is the parties' responsibility to pay the reporter's fee for attendance at a hearing or trial. A copy of the [Request for Appointment of Official Reporter Pro Tempore \(CV-5100\)](#) is available on the Court's website, and in the clerk's office.

Locating the Courthouse, Judge and Courtroom

You can find a listing of all courthouses, judges and departments in Superior Court in Santa Clara County-along with addresses and phone numbers-on the court's website (www.scscourt.org) under the tabs for "judicial officers" and "locations."

Familiarize yourself with public parking facilities around the courthouse as it is usually not possible to park on the street for extended hours. There is no discounted parking rate for court reporters. For larger courthouses, parking may be difficult to locate at certain hours of the day, especially early in the morning. Arrive early.

Courtroom Layout

All courtrooms have a similar layout. What follows describes a typical layout, but courtrooms vary depending on the courthouse. You should familiarize yourself with a typical courtroom layout, courtroom staff and related terminology *prior* to your assignment. If possible, you should observe proceedings in a courtroom before your first assignment.

As you enter the courtroom, you will be in the audience section, where everyone but lawyers and their clients sit. The fence-like structure in front of this section,

which usually has a gate, is the "bar." In front of that are "counsel tables" for the lawyers and their clients.

The judge usually sits behind a raised desk opposite the entrance to the courtroom; this is the "bench." The area between the bench and counsel tables is called "the well." The judge's private office is called his or her "chambers." You should not enter the judge's chambers or the well unless you have the permission of the judge or courtroom staff.

The jurors sit in the "jury box," which is the separate section of 12 seats on the right or left wall. The jury room is through a door next to the jury box. That is where jurors deliberate, and often they are asked to go there when the judge is handling matters outside the jury's presence (see below).

Witnesses testify from the "witness stand," which will be on the side of the bench nearest the jury box. Court Reporter work stations are usually in front of the witness stand.

The courtroom clerk's desk is usually situated perpendicular to the judge's bench, on the side opposite the jury box. The clerk is generally responsible for the clerical part of the court's work. The clerk is familiar with the judge's practices and preferences and can be an invaluable source of information for you.

The bailiff or courtroom assistant is usually seated next to the bar on the same side of the courtroom as the clerk. The courtroom assistant is responsible for keeping order and security in the courtroom and for taking care of the jurors or potential jurors.

At counsel table, the plaintiff's lawyer is usually on the side closest to the jury box and the defendant's lawyer is on the other side. These tables are usually labeled.

Getting To The Courtroom (On Time)

It is essential that you be on time. Court proceedings cannot begin without a reporter. In the unlikely event that you must be late, you must inform the attorneys who have hired you and, only when that is not possible, the clerk of the court. Make sure you have at hand the phone number for the courtroom to which you have been assigned.

It is advisable that you be at the courthouse at least 30 minutes in advance of your scheduled appointment. You will need extra time to go through security at the entrance of the courthouse. You must have your CSR pocket certificate with you and be prepared to show it if requested. You will need to pass your equipment through the security machines. At the larger courthouses, it may take a long time to go through security, especially early in the morning. At some courthouses, you also need to allot extra time to use elevators to get to your floor.

Also, you need to arrive early to set up your equipment and to check in with the judge and courtroom staff (discussed below). If the courtroom door is locked when you get there, knock on the door and introduce yourself as the court reporter and ask to be let in so that you can set up.

Checking In

In addition to setting up your equipment, there are a number of things you should do before the commencement of the proceedings:

- When you get to the courtroom to which you have been assigned, introduce yourself to the clerk and courtroom assistant or bailiff. Give the clerk your business card with your CSR number on it.
- If possible, introduce yourself to the judge before the commencement of proceedings.
- Ask the judge or clerk if there are any special procedures or practices of which you should be aware. Make sure you know the following at a minimum: (1) how the judge handles sidebars or bench conferences (discussed below) and how you should know whether to report them; and (2) how the judge prefers that you stop proceedings when you cannot follow or understand the witness or attorneys.
- If you are reporting a law and motion matter, look at the calendar that is posted outside the courtroom door to see when your case will be heard. The judge, however, may change at any time the order in which the cases will be heard and so you need to stay in the courtroom. There could be several court reporters there to report other matters. Ask the clerk where you should wait in the courtroom until your turn comes up. If for any reason you leave the courtroom, you should inform the attorney(s) who hired you of your whereabouts.

- All attorneys addressing the court are supposed to first check in with the clerk or courtroom assistant and provide their business cards or contact information. Make sure that you have this information before the proceedings commence so that you may correctly identify the attorneys in your notes. If multiple attorneys are seated at a table, it is possible that all will speak in the course of the proceedings. (Clerks/bailiffs often get extra business cards for the reporter; if this isn't their practice, ask the lawyers yourself.)
- Give your business card to the lawyers appearing on your case.
- Read and sign the [Request for Appointment of Official Reporter Pro Tempore \(CV-5100\)](#) form as required.

Courtroom Schedule

Courtroom hours are usually from 8:30 a.m. to 5 p.m. The court will take a number of breaks during the day and will close for lunch. You normally cannot stay in the courtroom during the lunch break.

Courtroom Etiquette and Protocol

You must dress professionally in businesslike attire suitable for the courtroom environment—shirt and tie, slacks, dress, blouse, skirt, sweater, business suit attire.

No food or drink should be consumed in the courtroom. Some judges make an exception for water.

No cell phone use is permitted in the courtroom. Make sure that you turn off your cell phone or put it on silent mode.

You should not tell anyone to contact the court in order to reach you or to leave you a message.

Always address the judge as "Your Honor" or "Judge [last name]," unless the judge indicates otherwise.

Jurors

You should minimize contact with jurors or potential jurors, while remaining polite and cordial. If a juror or potential juror insists on having substantive contact or conversation with you, beyond routine greetings, report the situation to the

courtroom bailiff or courtroom clerk. When having conversations in or outside of the courtroom (including in public restrooms, courthouse hallways and Court Cafe), remember that you may be in the earshot of a juror or potential juror and that you should not discuss any matter related to the case before the court-neither the substance of the case nor anything about the parties or lawyers.

Although you are not an employee of the court, the jurors or potential jurors view you as an official of the court. It is imperative that you not act in a way that may create the appearance that you favor one party over the other, or one party's attorney over the other party's attorney. You must appear at all times to be impartial.

Opening of Trial Court Proceedings

There are two ways in which trial court proceedings are commenced depending on the circumstances and the judge's preference.

A formal opening is usually done at the beginning of trial when the judge enters the courtroom and the jurors are present. The courtroom bailiff will ask all to rise (including the reporter) and face the flag. You do not need to report this.

An informal opening is when the judge enters the courtroom and everyone remains seated. This is usually done when jurors are not present.

In either case, either the clerk or the courtroom bailiff will announce what is happening.

Hearings on Motions

You may be appointed to report a hearing on a motion.

There are many types of motions. A motion is basically a procedural device used by counsel to bring an issue in front of the judge. Motions are set for hearing once the parties have had a chance to file papers in support of or in opposition to the motion. The judge may rule on a motion from the bench immediately after counsel's arguments or may issue a written ruling sometime after the hearing.

You should report all the statements made by the judge or counsel during a hearing.

Stages of Trial

There are two types of trials-court trials and jury trials. Some trials are "Bifurcated" so that some issues are tried to the court and others to the jury.

In a court trial, there is no jury; the judge decides everything. In a jury trial, the jury decides the facts, while the judge makes legal decisions.

Trial usually commences with counsel arguing motions in limine-parties bring these motions when they want to prevent their opponents from presenting certain evidence at trial. Then come opening statements by counsel. The plaintiff presents his or her case first through witness testimony and presentation of exhibits. For each witness, there will be direct examination, cross-examination, redirect examination, and re-cross-examination until questioning is complete. At the close of the plaintiff's case, defense may make motions upon which the court will rule including a motion to dismiss. If the judge does not dismiss the case, the defendant presents his or her case in the same manner as the plaintiff. Counsel will make their closing arguments, and then the judge or the jury will decide the case.

If you are there for a jury trial, the following steps are added to the foregoing proceedings. Before the case commences, a jury is selected through a process called "jury voir dire." At different junctures in the case, the judge will read instructions to the jury. After counsel present closing arguments, the jury will start deliberating the case. There is no way to predict how long jury deliberations will take. It may take a few hours or span over a number of days. While the jury is deliberating, your services may be required to read back testimony to the jury, or to report questions posed by the jury or issues that arise with the jury. Once the jury reaches a verdict or is unable to reach a verdict (this is called a "hung jury"), you will return to court to report the result.

Reporting of Trial Proceedings

With the exception of testimony presented by audio or video recording (see below), unless you are told otherwise you must report everything that happens from the beginning of the trial until the end. Look to the judge for guidance; only the judge can tell you whether to go off the record. If you are unsure, ask. It is better to report something that does not need to be reported than to fail to report something that is necessary.

➤ ***Jury Voir Dire***

Jury voir dire is the process by which jurors are selected to serve in a trial. Potential jurors are questioned as a group or individually by the judge and/or counsel. You normally will be required to report jury voir dire, but get confirmation from the judge beforehand.

Obtain a copy of the prospective juror list from the courtroom clerk prior to commencement of jury voir dire (both the Random and Alphabetical lists). Verify with the clerk where juror #1 will be seated and the order of seat assignments. The lists contain the prospective jurors' names and the juror identification (JID) numbers. Keep the jury lists in a secured place as they may contain confidential information.

➤ ***Bench And Chambers Conferences***

A "bench conference" is basically a conversation between the judge and counsel outside the presence of the jury. They are generally held at "side-bar"-counsel approach the bench and speak with the judge in close proximity with soft voices, so the jury can't hear anything they say. A "chambers conference" is another private conversation between the judge and counsel, but held in chambers. Before trial commences, ask the judge or courtroom clerk about how the judge conducts these conferences.

Not all bench and chambers conferences need to be reported. You will need to take instruction from the judge whether to report a conference. If in doubt whether you should report, ask the judge.

You are responsible for bringing with you whatever special equipment you may need to report bench conferences. Many court reporters have their own pocket sized microphone/amplifier with a headset so they may stay seated and connected to their laptop while the judge and counsel conduct a bench conference. The headset will require an extra-long headset cord. Some electronics stores carry this equipment.

If your computer screen will be within any juror's sight during a bench conference, be sure to toggle your screen off while the conference is taking place.

➤ ***In Camera Proceedings***

"In camera" literally means "in chambers," but it's different from a chambers conference. A legal proceeding is "in camera" when the public, jury and sometimes even a party and his/her counsel are excluded from the proceedings. In camera proceedings may involve disclosure of sensitive, confidential or attorney-client privileged information. Depending on the judge's practice, these proceedings may take place in the courtroom (once it has been emptied of all individuals who are not entitled to participate in the proceedings) or in chambers. You may be required to report these proceedings, but you need to be careful to whom you may release a transcript of these proceedings. If you are not clear on who is entitled to have access to a transcript of these proceedings, ask the judge.

➤ ***Sealed Proceedings***

Sometimes, the judge will order that certain proceedings be sealed. In such a circumstance, the reporter's notes may only be transcribed with a Court order, and the reporter is required to segregate that portion of his/her notes.

➤ ***Judge's Reading of Jury Instructions***

The judge reads instructions to the jury at two junctures in the course of a trial: (1) at the commencement of the case once a jury has been impaneled, before any evidence is presented and before counsel's opening statements; and (2) after all evidence is presented, and either before or after counsel's closing arguments and before the jury commences its deliberations.

You normally will report the judge's reading of the jury instructions, but you should get confirmation from the judge.

➤ ***Swearing of Witness***

The judge or clerk administers the oath to the witness-not you. The swearing of the witness is reported verbatim and is included in the transcript.

➤ ***Deposition Readings/ Video Depositions***

At trial, counsel will at times read testimony from deposition transcripts. You must report verbatim what the counsel reads from the deposition transcript. Video or audio recordings are subject to California Rules of Court, Rule 2.1040, under which ordinarily you do *not* report what is said in the recording. Check with The judge to be sure whether he or she expects you to report that part of the trial.

➤ ***Attorney Objections***

Counsel will voice objections for various reasons throughout the trial court proceedings, including during witness testimony. The judge usually immediately rules on each objection from the bench. You must report all objections being made by counsel and the judge's ruling on the objections. If you are having difficulty reporting because multiple people are speaking at the same time, you should stop the proceedings and inform the judge.

Court Reporter Read-Back

➤ ***During Trial***

During trial, you will take direction from the judge whether to read back a question or answer.

➤ ***During Jury Deliberations***

Once the jury commences its deliberations, it may request to have a read-back of testimony. You may need to make yourself available on very short notice for reading back to the jury. The judge will determine whether you should read back to the jury in open court or in the jury room. Counsel may or may not be present during read-back. You may read back testimony from a printed transcript, your computer or your notes.

While in the jury room, you should not talk with the jurors or offer your opinions. You are there only to read back testimony. The jurors should not be deliberating while you are in the jury room. It is permissible for the jury to ask that you repeat your read-back.

Make sure that you make note of the testimony you read to the jury for the purposes of appeal.

When reading back testimony, abide by the following:

- Do not read any testimony that was stricken
- Do not read questions or answers to which objections were sustained
- Do not read overruled objections
- Read only testimony or stipulations presented to the jury; do not read any portion of a bench or chambers conference or of an in camera proceeding

If more than one reporter worked on the case, all reporters must be available for a read-back or, alternatively, one reporter can read back if the testimony has already been edited for correctness by the reporter who reported the proceeding.

Reporting Equipment and Supplies

You are responsible for bringing with you all the equipment and supplies that you will need to perform your work. The court does not provide any steno paper or other court reporter supplies and will not have any copying equipment available to Reporters Pro Tempore.

You may leave your equipment in the courtroom during breaks and lunch recess. You should not leave your equipment in the courtroom overnight. Janitorial staff cleans the courtroom nightly and the court is not responsible for court reporter equipment left overnight.

Trial Exhibits: Identification and Admission into Evidence

Unlike in depositions, in which exhibits are only identified, at trial two distinct things can happen with exhibits: They are identified, and then-assuming the judge has not sustained an objection-they may be admitted into evidence. You must note *both* occurrences in the body of the transcript. The rules of court require that they both be included in the index in the record on appeal.

The clerk, not you, is responsible for handling and labeling the trial exhibits.

Transcripts Generated in the Course of Trial or After a Hearing

Counsel may request reporter's transcripts immediately after a hearing on a motion or in the course of trial. Depending on the purpose for which the transcripts will be used, counsel may request non-edited daily transcripts or final edited transcripts. Final transcripts should contain 28 lines per page.

Pursuant to California Code of Regulations, Professional Standards of Practice 2475, you are required to promptly notify-when reasonably possible- all known parties or their attorneys who were in attendance at a civil court proceeding of a request for preparation of all or any part of a transcript, including a rough draft, in electronic or paper form.

Real Time Transcription

The parties may require that you provide real time reporting. The court provides judges with LiveNote software on all judicial officer computers. You do not have access to wireless connections in the courtroom but there should be a 9-pin serial port cable available in each courtroom to allow you to connect your equipment with the judge's computer. For more detailed information regarding real time configuration in the courtroom, check the Court Reporter Realtime Software Requirement link under the Court Reporter information at www.scscourt.org.

Depositing Notes Or Electronic Copy of Notes With the Court

You must leave an electronic copy of your raw notes with the Court as directed by the Court's Director of Court Services. Government Code §69955 provides that reporting notes are "official records of the court," and must be kept by the reporter in a place designated by the court, or, if ordered by the court, delivered to the clerk.

Santa Clara County Superior Court requires you to deliver a copy of the raw stenographic notes generated by your machine during reporting as directed by the Director of Court Services within 48 hours of the conclusion of the proceedings for which you were contracted. You may do so: (1) in person; (2) by mail; or (3) via e-mail. Please label them with the following:

- Name
- CSR number
- Date(s) of proceeding
- Number of files
- Type of stenographic machine and CAT software used
- Current telephone number and
- E-mail address

Personal or mail delivery:

Superior Court of California, County of Santa Clara
Court Reporter Supervisor
191 N. First Street
San Jose, CA 95113
Attn: ACORN

E-mail delivery:

- scsnotes@scscourt.org and attach the raw stenographic note file(s);
- The subject line must reference ACORN, and
- Your email must include your name, CSR number, date of the proceedings of the attached file(s), number of files transmitted, type of stenographic machine and software used, and current telephone number.

If you have any questions regarding this requirement, or you have paper notes with no electronic copy available, please contact the Court Services Office at (408) 882-2515.