



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

Appointment of Official Court Reporter Pro Tempore

Pursuant to policy of the Superior Court of Orange County, when an official court reporter is not available, parties may arrange for the appointment of a privately retained certified shorthand reporter to serve as an official court reporter pro tempore.

A Court-Approved List of Official Reporters Pro Tempore, which includes names and contact information of reporters who can be privately retained and appointed as official court reporter pro tempore without stipulation of the parties, is posted on the court's website: <http://www.occourts.org/directory/cris/>

Alternatively, by stipulation, parties may privately retain a certified shorthand reporter not on the Approved List to serve in a proceeding. Before the private reporter can serve in this capacity, the bench officer presiding in the department where the matter will occur must sign a Court-Approved Stipulation and Order allowing you to report the matter. This Stipulation and Order should be prepared by the attorney or the court reporter before arrival to the assigned department. Once you arrive in the department, please provide it to the opposing attorney for signature, if she/he has not already signed it; then hand it to the clerk for submission to the judicial officer.

It is the parties' responsibility to pay the reporter's fee for attendance at the proceedings. A copy of the Court-Approved Stipulation and Order form is available on the Court's website: <http://www.occourts.org/directory/cris/availability.html>

Courthouse Locations

Unlimited Civil Proceedings are generally heard in departments located at the Central Justice Center and the Civil Complex Center in Santa Ana, California; however, civil proceedings may periodically be heard at Harbor Justice Center, West Justice Center, and North Justice Center. A listing of all Orange County Superior Court locations and addresses may be found on the Court's website under the General Info tab: <http://www.occourts.org/locations/> and are included below:

Central Justice Center, 700 Civic Center Drive West, Santa Ana, CA 92701

Lamoreaux Justice Center, 341 The City Drive South, Orange, CA 92868-3205

Harbor Justice Center, 4601 Jamboree Road, Newport Beach, CA 92660-2595

North Justice Center, 1275 North Berkeley Avenue, Fullerton, CA 92832-1258

West Justice Center, 8141 13th Street, Westminster, CA 92683-4593

Costa Mesa Justice Complex, 3390 Harbor Blvd, Costa Mesa CA 92626

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 court reporter supplies (e.g., printer, copy machine, copy paper, etc.). You should come prepared with a fully charged battery because power outlets may not be available.

You should be prepared to provide Realtime reporting or litigation support services (Screen-sharing and CaseView). You are responsible for providing and connecting to the necessary equipment. The court does not provide technical support. See “Realtime (screen-sharing) and CaseView Connections.” <http://www.occourts.org/directory/cris/protempore.html>

Courtroom Layout

All courtrooms have a similar layout. You should familiarize yourself with a typical courtroom layout. As you enter the courtroom, you walk through the audience section. The fence-like structure in front of the audience section is the “bar.” In front of the bar are counsel tables for lawyers and their clients.

The bench officer 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 bench officer’s private office is called “chambers.” You should not enter the bench officer’s chambers or the well unless you have the permission of the bench officer or courtroom staff.

The area designated as the “jury box” is a separate section of 12 seats on the right side or left side of the wall.

Witnesses testify from the “witness stand” which will be on the side of the bench nearest the jury box.

The Court Reporter’s work area is 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 court attendant’s desk is located near the audience next to the bar on the same side of the courtroom as the clerk.

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 opposite side.

Courtroom Arrival and Protocol

Court reporters should arrive sufficiently in advance to ensure they are fully set up and ready to report by the time the proceeding is scheduled to commence. In the unlikely event that you will 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 attorney who hired you and 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 assignment. You will need extra time to go through security at the entrance to the courthouse. You will need to pass your equipment through the security machine. This includes removing your laptop from the carrying case and placing it in a tray onto the conveyor belt. You should also allow extra time to use the elevator to get to your location.

Check the calendar that is posted outside the courtroom to see when your case will be heard. The order in which cases will be heard may be changed at any time; so you need to stay in the courtroom. If for any reason you need to leave the courtroom, you should inform the attorney(s) who hired you of your whereabouts.

Read and sign the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860). Check in with the clerk and provide your business card, and give your business card to the attorneys appearing on your case. All attorneys addressing the court are supposed to first check in with the clerk or courtroom attendant and provide their business cards or contact information. Make sure that you have the appearances of counsel 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 proceedings.

All reporters who are not on the Approved List must complete the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860), available on the court's website <http://www.occourts.org/directory/cris/availability.html>, in advance of the proceeding. Such stipulations must be e-filed with the court at least 5 days prior to the hearing or filed with the clerk's office at least 5 days prior to the hearing if the party has obtained a waiver from e-filing. The reporter may wait until the day of the hearing to sign the Stipulation. If counsel did not prepare the Stipulation and Appointment form, you must fill one out and bring it with you for signature of counsel on both sides and submit it to the clerk to obtain the judicial officer's signature.

If there is more than one court reporter in attendance for matters on calendar, all court reporters should be prepared to wait in the courtroom and report from the jury box or other location designated by department staff. Reporters should come prepared with a fully charged battery because power may not be available in the jury box.

Courtroom Schedule

Courtroom hours are usually from 8:30 a.m. to 4:30 p.m. The court may take breaks during the session and will close for lunch, generally from 12:00 p.m. to 1:30 p.m. You may not enter the secured hallways during the breaks, and you may not remain in the courtroom during the lunch break.

Courtroom Etiquette

You must dress professionally in businesslike attire suitable for the courtroom environment.

If possible, introduce yourself to the judge and courtroom staff before the commencement of proceedings. Always address the bench officer as “Your Honor” or “Judge [last name].”

No food or drinks should be consumed in the courtroom. Some bench officers 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.

Hearings and Motions

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

There are many types of motions. A motion is a procedure used by counsel to bring an issue in front of a bench officer. 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 bench officer 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 statements made by the bench officer or counsel during a hearing.

Steno Note Collection

Per CA Government Code §69955, reporting notes are the official records of the court. All court reporters reporting an Orange County Superior Court matter, whether privately retained or as an employee or contractor of the court, are required to electronically archive their steno notes to (ACORN) within 48 hours of the date of the proceedings. Instructions for archiving your notes can be found on the Court’s website on the **Court Reporter Services** page.

RealTime and CaseView Connection

Bench officers may require basic RealTime (screen-sharing) or via CaseView. CaseView software is installed on the bench officer’s computer. 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 CaseView program on the bench officer’s computer. If the bench officer requests Realtime without CaseView, there should be a RealTime cable (HDMI connector or possibly a VGA connector) to allow the bench officer to view your Realtime screen on a secondary monitor on the bench. Please see “Realtime (screen-sharing) and CaseView Connections” at www.occourts.org/directory/cris/protempore.

GENERAL TRIAL INFORMATION AND PROCEDURES

(No) Contact with 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 assistant or court clerk. When having conversations in or outside of the courtroom (including in public restrooms, courtroom hallways and cafeteria), remember that you may be in the earshot of a juror or potential juror and should not discuss any matter related to the case before the court—neither the substance of the case nor anything about the parties or attorneys.

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 clerk 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, the clerk or the courtroom assistant will announce what is happening.

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 line outside of the presence of the jury. The 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 recross-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 several 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 Jury Case Information Sheet (prospective juror list) from the court clerk prior to commencement of jury voir dire (both the Random and Alphabetical lists). Verify with the clerk or courtroom assistant 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. While reporting, make sure to keep track of all comments made by prospective jurors with speaker identifications for each juror.

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 court 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. 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. A reporter cannot provide a sealed hearing transcript to a party until a motion has been filed by the party with the court. Once approved by the court the reporter will receive an order of approval to provide a transcript.

Juvenile Records

Juvenile records are confidential, as such court reporter transcripts should not be prepared/released without a court order by the Juvenile Presiding Judge. There are a few statutory provisions that govern the confidentiality of records including but not limited to Welfare and Institution Code (WIC) §347, WIC§677, WIC §827, and CRC 5.552. Anyone requesting juvenile records must petition the court. The court will respond to the petition and if granted indicate specific information regarding what portions of the record should be transcribed, if not all, and indicate who should incur the costs of the transcripts.

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.

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 in a professional manner 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. Do not automatically read back when the attorney asks for it. First look to the judge whether it's okay to proceed with the read-back request.

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 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.

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.

Processing Appeal Transcripts with multiple reporters

Due to the quick turnaround of appeal requests, it is important to inform the primary reporter of your page count as soon as possible. This will assist in providing the other reporters of their page numbers to produce their portion of the transcript timely. Keep in communication with the primary reporter by touching base to ascertain a time for transcript dropoff (e.g., a week prior to the due date). If there will be a delay it is very important to communicate with the primary reporter.

As a court reporter it is important to gather names of all parties and attorneys to ensure the cover page has accurate information to include specifying all attorney appearances (i.e., name and title of attorney to each party of the case). Before the hearing begins, request all names and titles. Ensure the margins are set at the appropriate court format (i.e., 8 spaces for new speaker and 12 spaces for new paragraph).

For more information regarding your duties, please contact the CRS Office at:

Court Reporter Services
700 Civic Center Drive West
Third Floor
Santa Ana, CA 92701
(657) 622-7306