

COLORADO COURT REPORTERS MANUAL

Prepared by

The Colorado Court Reporters Association

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FORWARD

The COLORADO COURT REPORTERS MANUAL is designed to advise court reporters on reporting procedures and practices. It has not been promulgated by statute or court rules and does not have the force and effect of law. It is not regulatory in function or purpose. It should not discourage court reporters from making innovations or following procedures which they have found to expedite the performance of their duties.

At the same time, it is hoped that the manual in its present form and the form in which it will evolve from year to year will:

1. Make available to court reporters the statutory and procedural requirements of court reporting in a manner that is understandable, factual, and complete;
2. Encourage substantial uniformity among court reporters in format, record maintenance, and procedures, resulting in greater uniformity of practice throughout the state; and,
3. Establish a medium through which prompt changes in format and procedure can be effected as changes in law occur by statute, rule, or decision of the Supreme Court.

The manual will be updated as the need arises. With the experience that we gain from its use and the continuing attention of court reporters, and others, to its improvement, the manual should grow in value as a vehicle by which court reporters may improve in their job performance and responsibilities. This manual replaces the previous Court Reporters Manual dated July 1982. This update was requested by the Court Reporters Association to provide a more contemporary document for new court reporters in the Colorado Judicial Branch of government. It is also intended to be an ongoing vehicle for training and reference for all levels of court reporter in the state court system.

The Colorado Judicial Branch would like to thank Susan Becker, Court Reporter, Denver District Court, Division 3, and members of the Colorado Court Reporters Association, for preparing this manual. Special thanks to Caroline Castle, Court Reporter in Division 9, Arapahoe District Court, and members of the Realtime Committee, for adding the New Technology Section to this manual. We also thank Carol Feldman and Ed Zimny of the Office of the State Court Administrator, for proofing and editing the manual. Any comments or suggestions may be directed to the Colorado Court Reporters Association, or to the Office of the State Court Administrator, Attn. Carol Feldman, at the address on the cover page.

SECTION I

1. COLORADO COURT RULES RELATING TO OFFICIAL REPORTERS

A. APPOINTMENT OF REPORTER:

1. Each judge of the District Court shall appoint an official reporter to record and preserve evidence in all cases in which he or she is requested to do so by the appointing judge. (See 13-5-124, 6A C.R.S. 1987, as amended:)

2. The reporter so appointed shall be charged with reporting all proceedings in such court, unless unable to perform those duties by reason of illness, disability, or other temporary circumstance, in which event a qualified reporter may be substituted.

3. Each reporter so appointed shall serve at the pleasure of the judge.

B. GENERAL QUALIFICATIONS AND DUTIES:

1. Each reporter shall be trained and experienced in shorthand verbatim reporting, meeting specifications established by the State Court Administrator.

2. The court reporter, on the direction of the court, shall take down in shorthand all the testimony, rulings of the court, exceptions taken, oral instructions given, and other proceedings during the trial of any cause, and in such causes as the court may designate. (See 13-5-127, 6A C.R.S. 1987, as amended.)

C. REPORTERS' NOTES: CUSTODY, USE, OWNERSHIP, RETENTION:

1. All reporters' notes shall be the property of the state. Reporters' notes shall be retained by the court for such period as may be prescribed by Supreme Court Rule (see C.R.C.P. 80(d), 7A C.R.S. 1990) and as currently listed in the Colorado Judicial Department Records Management Manual:

SECTION A
Reporter Notes and Recorded Proceedings*

RECORD TITLE	RETENTION PERIOD	AUTHORIZED DISPOSITION
District Court		
Civil	5 years**	Destroy
Criminal	50 years	Destroy
Domestic	5 years**	Destroy
Juvenile	5 years**	Destroy
Mental Health	5 years**	Destroy
Probate	5 years**	Destroy
Water	5 years**	Destroy
Grand Jury	10 years	Destroy

* Cases must be closed with no appeals pending. Retention period runs from date of creation of record.

** Criminal notes must be separate from all other district court matters in order to destroy after 5 years.

2. During the period of retention, reporters' notes shall be made available to the reporter of record, or to any other reporter or person the court may designate. During the trial or the taking of other matters on the record, the notes shall be considered the property of the state, even though in the custody of the reporter. After the trial and appeal period, the reporter shall list, date, and index all notes and shall properly pack them for storage. The state shall provide the storage containers and space. (See Rule 80(d), Colorado Rules of Civil Procedure.)

D. RULES GOVERNING QUALIFICATIONS FOR COURT REPORTERS IN THE STATE OF COLORADO (Pursuant to Section 13-3-101[3], 6A C.R.S.1987, as amended.)

Article 1: WHO MUST TAKE THE EXAMINATION:

a. Any person who desires employment in the Colorado state court system as a court reporter and who was not certified by the Colorado State Board of Shorthand Reporters prior to June 19, 1977 is required to take an examination to determine proficiency in court reporting.

b. The examination requirements may be met by (1) taking and passing the semi-annual examination offered by the State Court Administrator's Office, or (2) presenting proof of satisfactorily passing the National Court Reporters Association written knowledge test and the certificate of proficiency test, consisting of literary matter at 180 words per minute, jury charge at

200 words per minute, and testimony at 225 words per minute, and designation as a Registered Professional Reporter, subsequent to June 30, 1975, or (3) proof of possession of the National Court Reporters Association Certificate of Merit.

c. Any person presently employed as a verbatim reporter in the Colorado judicial system who commenced employment prior to January 1, 1980, and who was not certified by the Board, may continue employment as an unqualified reporter.

Article 2: APPLICATION FOR OUALIFICATION:

Application for qualification by the state examination as a court reporter shall be made to the State Court Administrator on the prescribed form. Applications shall be filed with the State Court Administrator at least 30 days prior to the next regular examination date. Applicants shall be notified of the time and place at least ten working days prior to the examination.

Article 3: EXAMINATIONS:

a. Applicants must pass the examination administered by the State Court Administrator to become qualified. Examinations may be scheduled at the discretion of the State Court Administrator. Statements made and information provided on any application are under oath. Any false statement or false information provided by an applicant is grounds for disqualification or immediate dismissal from employment in the system.

b. To be eligible to take an examination, the applicant must either (1) be a graduate of a court reporting school and have 120 days actual work experience as a court reporter or (2) have 240 days of actual work experience as a court reporter.

c. The examination consists of an oral dictation section and a written section. The oral dictation section is administered at speeds of at least 225 words per minute for questions and answers, 200 words per minute for jury charges, and 180 words per minute for literary material. Each portion will be dictated at these speeds for five minutes. At the end of the dictation, the applicant will transcribe the notes taken on a computer or typewriter. The applicant will be allowed three and a half hours to complete the transcription. The use of a dictionary is permitted during transcription of this section. The written section consists of objective questions on elementary aspects of court reporting, spelling, and grammar. The use of a dictionary is not permitted during the written section.

d. An applicant must transcribe each portion of the dictation section. Failure on any portion is considered failure of the entire dictation section. Any applicant passing the dictation section will receive credit on any future examination, and will not be required to retake it. A passing grade on the written section is 75 percent or better. Any applicant passing the written section will receive credit on any future examination, and will not be required to retake it.

e. An error will be charged for: (1) each incorrect word; (2) each added word not dictated; (3) each contraction where read as two words; (4) two words where read as a contraction; (5) each misplaced word; (6) each misplaced period that would materially alter the sense of a group of words or a sentence; (7) each misspelled word; (8) each plural or singular where the opposite was dictated; (9) each wrong number; and (10) each omitted word.

f. Cheating on any part of the examination shall be immediately disqualifying. Any applicant disqualified for cheating shall not be eligible for reapplication or re-examination.

g. Upon passing both the written and dictation sections, the applicant shall be considered qualified to report in the courts of Colorado.

h. The State Court Administrator shall maintain an official qualification list containing the names and other identification of all persons certified as qualified court reporters. Included on the list shall be those court reporters qualified by examination under Article 3 of these rules and those court reporters previously certified under Section 12-63-101, et seq., 58 C.R.S. 1991, as amended, prior to June 19, 1977, and those court reporters who produce CP or CM certification by the National Court Reporters Association who apply for state recognition as a qualified court reporter. A list of qualified court reporters shall be available for court employment when vacancies occur in the Colorado Judicial System.

Article 4: APPEAL AND REVIEW OF EXAMINATION:

An examinee may appeal the results of the examination to the State Court Administrator. The State Court Administrator or designee shall review the appellant's examination with the person who graded the examination, and the Human Resources Director of the Colorado Judicial System. The determination of this review committee shall be final.

Article 5: RE-EXAMINATION LIMITATION:

An applicant who fails the examination may apply for re-examination. There is no limit on the number of times an applicant may take the examination.

Article 6: EMPLOYMENT OF A NON-QUALIFIED REPORTER:

Any person who has not qualified under Article 1 of these rules may be employed as an unqualified court reporter in courts of the Colorado Judicial System, and shall be classified as a Court Reporter I.

Article 7: SUSPENSION OR REVOCATION OF QUALIFICATION:

A qualified verbatim reporter may have his/her privilege to report in the courts of the State of Colorado revoked under the guidelines established in the Colorado Judicial System Personnel Rules.

Article 8: CLASSIFICATION OF COURT REPORTERS:

Court reporters employed in the Colorado judicial system shall be classified in the following manner:

a. Court Reporter I. Any reporter who has not qualified or who has been granted exemption from qualification by Article I of these rules.

b. Court Reporter II. Any reporter who has qualified according to Article 1 of these rules.

SECTION II

II. TRIAL PROCEDURE

A. BEFORE THE TRIAL:

Review the court file, making special note of the pleadings, proper names that might be used in the trial, any technical or medical terms that might be used, and generally get an idea of the nature of the trial. Be familiar with the caption (the name of the cause of action) and the names of the attorneys of record, and for whom they are appearing.

Prior to the trial, go into the courtroom and check to see that all supplies needed during the trial are in the courtroom.

Check the record of appearances against the attorneys present in the courtroom. Any variations should be checked, and any necessary corrections should be made in the appearances as previously ascertained from the court file.

Everything is reported in criminal cases. In civil cases everything is reported, unless otherwise directed by the Court. The Court and counsel may agree that it is not necessary to report any one or all of the following: jury voir dire, opening statements, closing arguments, reading of the instructions to the jury by the Court, reading of depositions or videotape depositions, and the rendering of the jury's verdict. It is not necessary to transcribe the instructions given to the jury, unless specifically requested to do so in the Designation of Record on a transcript on appeal. They are in the case file and can be copied by the clerk for appeal purposes.

B. BEFORE YOU BEGIN TRANSCRIBING:

In order to prepare to transcribe, you should have the following items:

1. REQUEST FOR TRANSCRIPT: A request for transcription of a portion or all of the proceedings can come at any time after completion of the trial. You may be asked to supply only a certain portion or portions of the proceedings during trial.

2. CASE FILE: Whenever possible, the file should be immediately available. It will be most beneficial to you for the correct spelling of names, places, or technical terminology.

3. OTHER NECESSARY ITEMS: Be sure to have a standard and a legal dictionary at hand, or a medical dictionary if medical testimony or terminology is involved in the case. As rapidly as possible, you should accumulate a library on various subjects, professions, occupations, so that you will have reference material on hand when needed. This library should be continuously added to and updated. In larger and metropolitan areas, the reference department of your local library provides an excellent source of assistance. If you live in a metropolitan area, the law library can also be very helpful. Telephone books and road atlases are indispensable reference books.

C. TRANSCRIPT FORMAT GUIDELINES:

1. No fewer than 25 typed lines on standard 8 ½ x 11 paper of no less than 13# weight.

2. No fewer than 10 characters to the typed inch.

3. Left-hand margin to be set at no more than 1 ½ inches.
4. The right margin shall be ¼ inch.
5. Page numbering for transcripts shall be at the upper right, above line 1.
6. Each question and answer to begin on a separate line.
7. Each question and answer designation (Q & A) to begin five spaces from the left-hand margin, with no more than five spaces from the Q and A to the text.
8. Carry-over Q and A lines to begin at the left-hand margin.
9. Colloquy material to begin no more than 10 spaces from the left-hand margin with the carry-over colloquy to the left-hand margin.
10. Quoted material to begin no more than 15 spaces from the left-hand margin, with the carry-over colloquy to the left-hand margin.
11. Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin with carry-over lines to begin no more than 15 spaces from the left-hand margin.

D. COVER PAGE:
(See Page 15 for a complete example.)

The cover page will be the outermost page and will identify the transcription. The general format is always the same, although the case title and other information will vary.

1. VENUE: The venue is typed in all caps, beginning at the left-hand margin, and containing the court title, the county, and state. Double spaced below the venue is the action number: capitalize only the first letter of each word. Following the action number will be the words REPORTER'S TRANSCRIPT.

2. CASE TITLE: The names of the parties are always in capital letters. The party designations (i.e., Plaintiff and Defendant) are simply capitalized first letter only. The case title will begin at the left-hand margin. Other designations (Petitioner, Respondent, Co-defendant, Intervenor, etc.) may be used where applicable. The ordinary rule to follow is to use the original petition or complaint as a guide to the proper case title.

3. OTHER RELEVANT DATA: The type of proceeding may vary. In addition to a complete trial, you may be called upon to prepare a transcript consisting of a hearing, motion, or other proceeding. Simply title these REPORTER'S TRANSCRIPT.

4. JUDGE, JUDGE AND JURY, PLACE AND DATE: This details before whom the case was tried or the proceedings were held, the place, and the date or dates of the hearing. Do not use abbreviations in the date. The judge's name is preceded by HONORABLE. The type of hearing held, if not a complete trial, may be identified here. Some examples are:

The trial in this matter commenced on Wednesday, August 18, 1991, before the HONORABLE WILLIAM L. WEST, Judge of the District Court, and a jury of twelve, (six).

(If a partial transcript is requested, add the following paragraph:
This transcript is an excerpt of the sworn testimony of Plaintiff, Jane C. Doe.

-or-

The above-entitled matter came on for hearing on defendant's motion for summary judgment (for hearing on plaintiff's motion to compel answers to interrogatories) on Wednesday, August 18, 1991, before the HONORABLE WILLIAM L. WEST. Judge of the District Court.

5. APPEARANCES: Listing the address and firm name of the attorney is no longer required. (See the Cover Sheet example for appearances.)

COVER PAGE (Example)

DISTRICT COURT, WELD COUNTY, COLORADO

Civil (Criminal) Action No. 91CY235, Division (Courtroom) IV

REPORTER'S TRANSCRIPT

JANE C. DOE and JOHN A. DOE, Individually and Doing Business as SCREEN WRITERS' GUILD.

Plaintiffs.

v.

ABC DRILLING COMPANY and MODERN SCREEN WRITERS' GUILD ALLIANCE,
Defendants.

The trial (hearing) in this matter commenced on Wednesday, August 18, 1991, before the HONORABLE WILLIAM L. WEST, Judge of the District Court, and a jury of six (twelve).

This transcript is an excerpt of the sworn testimony of Plaintiff, Jane C. Doe.

FOR THE PLAINTIFFS: Edward H. Keller, Esq.

FOR THE DEFENDANTS: John W. Smith, Esq.

E. INDEX:

You will need to make an index of your transcript. Contained in the index will be:

1. **WITNESSES:** Witnesses in the order in which they were called, and for whom called, and the initial page of the direct, cross, redirect, recross, etc., and by whom examined. If a witness is called out of turn by the defendant during the plaintiff's case, this witness then is indexed as the first witness under witnesses for the defendant after you complete the index of the plaintiff's witnesses. Also, if the plaintiff rests subject to calling an additional witness later during the defendant's case, this witness then is indexed as the last witness for the plaintiff.

2. **EXHIBITS:** All exhibits, with a description, and the initial page where marked and admitted.

3. **MOTIONS AND STIPULATIONS:** Motions to dismiss or to direct a verdict, any other motions of major import, and stipulations, together with the Court's rulings and the page or pages where made and ruled on, may be indexed at the discretion of the reporter.

An example index page follows.

INDEX (Example)

<u>WITNESSES:</u>	<u>PAGE</u>
<u>For the Plaintiffs:</u>	
<u>THOMAS J. REGAL</u>	
Direct Examination by Mr. Keller	26
Cross-Examination by Mr. Smith	34
Redirect Examination by Mr. Keller	42
Recross-Examination by Mr. Smith	43
 <u>For the Defendants:</u>	
<u>W. JAMES METZ</u>	
Direct Examination by Mr. Smith	93
Cross-Examination by Mr. Keller	97
Redirect Examination by Mr. Smith	99

<u>EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>For the Plaintiffs:</u>		
Exhibit 1 - Deed of Trust	6	7
Exhibit 2 - Balance Sheet dated 3/12/79	6	7
 <u>For the Defendants:</u>		
Exhibit A – Bill of Sale	93	93
Exhibit B - Letter from Plaintiff to Defendant	94	97

<u>MOTIONS:</u>	<u>MADE</u>	<u>DENIED</u>	<u>GRANTED</u>
Defendant's Motion to Dismiss	100		110

F. OATH TO WITNESS:

1. OATHS: When a witness is called before the court, an oath is administered by the clerk or by the Court. As witnesses are called, make a notation on the log sheet. (See "Log Sheet Notations" Page 19.) The oath can be referred to without the actual typing of the oath.

Following are some examples, given varying circumstances, of the manner in which you set up the witness before proceeding with transcribing testimony:

1. A party to the action is called as a witness:

JOHN JOHNSON

was called as a witness and, having been sworn, was examined and testified as follows:

2. A party to the action, who is representing himself:

JOHN JOHNSON

appearing as a witness in his own behalf, having been sworn, testified as follows:

3. A person who testifies as a witness for a party to the action:

JOHN JOHNSON

was called as a witness on behalf of the plaintiff (defendant) and, having been sworn, was examined and testified as follows:

4. A witness is recalled after having testified:

JOHN JOHNSON

was recalled as a witness on behalf of the plaintiff and, having been previously sworn, was examined further and testified as follows:

5. A witness is called back a second time on behalf of another party:

JOHN JOHNSON

was recalled as a witness on behalf of the defendant and, having been previously sworn, was examined further and testified as follows:

6. A witness is called as an adverse witness:

JOHN JOHNSON

was called as an adverse witness for cross-examination under Rule 611 and, having been sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. JONES:

(Note: Although the attorney calling the witness will state that the witness is being called as an adverse witness for cross-examination under the Rule, it should still be set up as direct examination, cross-examination, etc.)

7. A witness is called on rebuttal, who has not previously testified:

JOHN JOHNSON

was called as a rebuttal witness and, having been sworn, was examined and testified as follows:

8. A witness is recalled on rebuttal, who has previously testified:

JOHN JOHNSON

was called as a rebuttal witness, and having been previously sworn, was examined further and testified as follows:

9. (Follow the same procedure in 7 and 8 for surrebuttal.)

10. A person placed under oath for initial examination by the Court, whether or not represented by counsel:

JOHN JOHNSON

was called as a witness and, having been sworn, was examined and testified as follows:

EXAMINATION

BY THE COURT:

2. AFFIRMATIONS: If a witness declares that he or she has conscientious scruples which prohibit taking an oath, the following form should be used:

JOHN JOHNSON

was called as a witness on behalf of the plaintiff and, having been affirmed, was examined and testified as follows:

"Affirmed" may be used in the place of "sworn" in examples 1 through 11 above, as appropriate.

When completing the testimony of a witness and the witness steps down from the witness stand, the following parentheticals may be used, although not necessary:
(The witness was excused.)

-or-

(The witness stepped down.)

Unless you are very near the bottom of the page, start the next witness on that same page. Do not start a witness on a new page unless there is not enough room on the prior

page to set up the witness. The only exception to this should be in a case where you may be concluding one volume and then starting a new volume. USE COMMON SENSE.

G. VOIR DIRE ON EXHIBITOR WITNESS OUALIFICATIONS:

At times during the trial, when an exhibit is offered into evidence or a witness is offered as an expert, counsel for the other side may request to voir dire. The following setup should be used:

VOIR DIRE EXAMINATION

BY MR. JONES:

When the voir dire examination is completed and the Court has ruled on the admissibility of the exhibit or witness, the following setup should be used:

DIRECT EXAMINATION (CONT.)

BY MR. SMITH:

H. REBUTTAL-SURREBUTTAL:

1. REBUTTAL: Rebuttal testimony occurs when all parties, such as plaintiff and defendant or petitioner and respondent, have rested and the party or parties on the side who first produced witnesses then call an additional witness or witnesses. (See Oath to Witness for the proper setting up of this testimony.) You then proceed with direct, then cross, redirect and recross examinations, if such examinations occur. Indexing of witnesses called on rebuttal follows the indexing of witnesses called by the parties in their cases in chief.

2. SURREBUTTAL: Surrebuttal testimony follows rebuttal, and is produced by the party or parties on the other side, i.e., the one or ones who did not first produce witnesses. You may have rebuttal testimony without having surrebuttal, but you will never have surrebuttal without first having rebuttal. Set up surrebuttal in the same form as rebuttal. Indexing of witnesses called on surrebuttal follows the indexing of witnesses called on rebuttal.

1. CLOSING OUT THE TRANSCRIPTION:

When you have completed the last line of the entire testimony or proceedings in your transcript, the closing statement is:

(The proceedings concluded at 4:45 p.m.)

-or-

(At 5:00 p.m., court was adjourned for the day.)

-or-

(At 5:00 p.m., the court recessed until 9:00 a.m., Monday, August 23, 1991.)

-or-

(At 4:45 p.m., the trial was concluded.)

Note: The opening and closing on each day of the transcript should include the time

of the day, and other notations as to time, such as recesses, etc. However, if it is your practice not to include the time of day in your transcript, the closing statement may be as follows:

(End of proceedings.)

or

(The court adjourned.)

-or-

(Trial concluded.)

When you have completed the last line of a requested portion of testimony or proceedings, the closing statement is:

(End of proceedings as requested by attorney for the plaintiff and/or defendant.)

J. CERTIFICATES:

1. JUDGE'S CERTIFICATE:

I, WILLIAM L. WEST, Judge of the District Court in and for the County of Weld, State of Colorado, who presided at the trial (or hearing) of this cause, certify this transcript to be all the portions of the record designated or agreed upon by the parties and not certified by the clerk.

Dated at Greeley, Colorado, March ____, 1992.

JUDGE

2. REPORTER'S CERTIFICATE:

The certificate of the reporter sets forth that you are the official court reporter, and the judicial district for which you were appointed; that the transcript is true and correct; and the date and place where it was signed. The certificate for a partial transcript contains the same information as a certificate for a full transcript.

An example of a Reporter's Certificate follows:

REPORTER'S CERTIFICATE

This document is a true and complete transcription of my stenographic notes taken in my capacity as Official Reporter of Division IV, District Court, Weld County, Colorado, at the time and place noted.

Dated at Greeley, Colorado, March _____, 1992.

John Doe, RPR

K. EXHIBITS:

1. MARKING EXHIBITS: Exhibits are marked in numerical order, irrespective of the party producing them. Some districts use numbers to designate exhibits for the

people, plaintiff or petitioner, and letters for the defendant or respondent. After the exhibits have been marked, the reporter adds the appropriate comment in the transcript. Example:

(Exhibits 1, 2 and 3 marked for identification.)

-or-

(Plaintiffs Exhibits 1, 2 and 3 marked for identification.)

. Later on, the defendant may wish to produce exhibits. Example:

(Exhibits A, Band C marked for identification.)

-or-

(Defendant's Exhibits A, Band C marked for identification.)

In many districts, the attorneys are required to premark all of their exhibits. In that case, the above parentheticals are not necessary, and the notation on the index page under "For Identification" should read: (Previously Marked).

Once exhibits have been offered into evidence by the attorney, they are ordinarily either received or rejected by the Court. After the Court rules on the offer, and if the exhibit or exhibits are received in evidence, the reporter adds the appropriate comment in the transcript. Example:

(Exhibits 1, 2 and 3 received in evidence.)

-or-

(Plaintiff's Exhibits 1, 2 and 3 received in evidence.)

-or-

(Defendant's Exhibits A, B, and C received in evidence.)

Exhibits are generally marked for identification by using labels provided by the district. Labels should include the exhibit number or letter, the action number, date of marking and reporter's initials.

All offered exhibits must be retained by the reporter (or clerk in some districts) whether received or rejected. However, in some judicial districts, the judge will direct the attorneys to withdraw exhibits at the end of the trial, with an order to retain pending appeal. All received and rejected exhibits must be made a part of any record on appeal, unless the designation of record states otherwise. Those exhibits offered but not received in evidence are not to be given to the jury during its deliberation.

Storage space at the Court of Appeals is limited, and large, bulky exhibits, such as weapons and drugs are not accepted by the Court of Appeals. In that situation, the reporter should make arrangements with the attorneys of record to photograph the exhibit and submit a photograph in lieu of the original item.

2. OFFER OF AN EXHIBIT WITHDRAWN: There may be an occasion when counsel will withdraw the offer of an exhibit. This may occur either before or after it has been received or rejected or a ruling on it was reserved by the Court. If the request to withdraw the offer of the exhibit is not objected to and is allowed by the Court, then you do not include such exhibit with the record on appeal. When you make out your index, indicate that such an exhibit was marked, by stating the exhibit number and a brief description of the exhibit, and then in parenthesis indicate (Exhibit Withdrawn).

However, if after an exhibit has been received, counsel withdraws the offer, but the withdrawal of the exhibit is objected to by other counsel, and the Court allows the exhibit to be withdrawn, then such exhibit is included in the record on appeal. The reason for this is that the appellate court must have before it the withdrawn exhibit in order to determine whether the trial judge's ruling was correct.

3. LOG SHEET NOTATIONS WHERE EXHIBITS ARE MARKED, OFFERED, AND RULED ON: For the purposes of your index, it is essential that your shorthand notes reflect the points in the proceedings at which each exhibit was marked, offered, and ruled on. A notation of each of these occurrences should also be made on the log sheet which you will be maintaining during the trial. This notation should always be made, since sometimes an attorney will merely hand an exhibit to the reporter to be marked without making the customary verbal request.

At the time the exhibit is marked, the reporter should indicate on the log sheet the exhibit number or identification given and a brief description of the item marked. Do not overdo the description; merely identify the exhibit with a few details. These notations as to the marking, offering, and ruling are so that the reporter may be prepared at all times to remind the Court of a reserved ruling, or to assist counsel in ascertaining exhibit status before resting.

When marking exhibits, you may want to make notations on your shorthand notes and/or log sheet before actually marking the exhibit and returning it to counsel. This is to preclude counsel from propounding a question to the witness when you are in the process of making the necessary notations concerning that exhibit.

As the witnesses are called, write their names on your log sheet, and if you are in doubt as to the spelling of their names, ask for them before the attorney starts questioning.

You will also keep a record of the exhibits on your log sheet by number or letter, a description, and whether or not they have been admitted. The attorneys often rely on the reporter's record to determine whether or not their exhibits have been offered and admitted.

An example log sheet follows:

CASE NO.: _____ DATE(S): _____

CAPTION: _____

ATTORNEYS: For the Plaintiff(s): _____

For the Defendant(s): _____

WITNESSES:

TERMS:

MOTIONS:

EXHIBITS:

MARKED

OFFERED

ADMITTED

Plaintiff's:

Defendant's:

MARKED

OFFERED

ADMITTED

L. INTERPRETER:

The following oath should be given to an interpreter: You do solemnly swear that you will truly and impartially interpret to this witness the oath about to be administered and the testimony given relative to the cause now under consideration.

The transcript should then contain the following:

(Harvey Keck, the Interpreter, was sworn.)

If the administration of the oath is reported by the reporter and transcribed as given by the Court or the clerk, then the parenthetical should not be included in the transcript.

At this point in the proceedings, the witness will then be sworn by the Court or the clerk through the Interpreter. When preparing the transcript, set up the caption in the following manner on a witness who will be interpreted:

ADOLPH MARTINEZ

was called as a witness on behalf of the defendant and, having been sworn, testified by and through the Interpreter, Harvey Keck, as follows:

When a witness speaks little or no English, an interpreter will be used. The sole purpose of an interpreter is to literally translate the questions from English into the foreign language and the answers to English. The foreign language will not be accounted for in any way in the transcript.

When the witness speaks English and the Interpreter gives a literal translation of the witness' remarks, the answers will always appear as A, as follows:

A I did not go over there that day.

At times the Interpreter will lapse into the third person when translating a witness' answers. When this happens, the answers will always appear as follows:

THE INTERPRETER: He says he did not go over there that day.

Sometimes a witness will understand and speak some English, and if the question is understood, he or she may answer directly before the Interpreter has a chance to restate the question in the foreign language. An example is as follows:

Q What is your name?

THE WITNESS: Adolph

Sometimes the Interpreter will ask a question or make a statement on his or her own behalf to the Court or counsel. An example is as follows:

Q Were you going down Townsend Avenue when the accident happened?

THE INTERPRETER: I'm sorry, what street did you say?

There may be situations when none of these suggested forms seem to fit. When and if that happens, the thing to do is to USE COMMON SENSE in devising a form which will fairly and accurately set forth the proceedings, and when read, will be immediately clear and understandable to the reader.

M. PROCEEDINGS AT THE BENCH:

Frequently during a trial before a jury, the Court may request counsel to approach the bench for a discussion on some issue and a record is not made of their discussion. The following entry should be noted:

(The Court and counsel had a discussion off the record out of the hearing of the jury.)

There are times when the Court may request counsel to approach the bench and either the Court or counsel will request that their discussion be on the record. The following entry should be noted:

(The following proceedings were conducted at the bench out of the hearing of the jury.)

-or-

(Counsel for the parties and the reporter approached the bench and the following record was made out of the hearing of the jury:)

After the record of the bench conference has been completed, the following entry should be noted:

(The following proceedings were conducted in the presence and hearing of the jury.)

N. PROCEEDINGS IN CHAMBERS:

On occasion during a trial, matters will be taken up in chambers out of the presence of the jury. The following entry should be noted:

(The following proceedings were conducted in chambers out of the presence and hearing of the jury:)

When returning back into open court, the following entry should then be noted:

(The following proceedings were conducted in the presence and hearing of the jury:)

O. TESTIMONY/EXHIBIT STRICKEN FROM THE RECORD:

Frequently a question is answered before an objection can be made or counsel may move to strike an improper question, or for some other reason counsel may move that certain testimony or evidence be stricken. The Court may then order the testimony or evidence stricken. It is not the reporter's duty to take this order literally. The material stricken and the judge's direction to strike remain a part of the record. Upon appeal, either the appellant or appellee may contend that the Court was in error in ordering the material stricken. The appellate court must have before it the testimony or evidence stricken in order to determine whether the trial judge's ruling in striking was correct.

In the case of a jury trial where a motion may be made to strike an exhibit and the Court orders the exhibit stricken over objection from the other counsel, the exhibit then does not go to the jury but is made part of the record on appeal, for the same reason as stated above. Likewise, in a nonjury trial, the exhibit stricken would be made a part of the record on appeal.

If no objection is made to a motion to strike an exhibit, then the exhibit is neither sent to the jury nor in any case made a part of the record on appeal.

P. PORTIONS OF DEPOSITIONS USED AT TRIAL:

If portions of a deposition are read into the evidence as if the witness were present and testifying, it is typed as any other testimony and set out in quotes.

Objections made during the reading of all or part of any deposition must be set out as they occur, but the objection and ruling by the Court are taken out of the quotes to show that they are not a part of the deposition.

Portions of depositions that are quoted at trial are set out as follows:

Q Was your deposition taken on January 10, 1995?

A Yes, sir.

Q Would you read page 5 of your deposition beginning at line 24.

A Yes, sir.

"QUESTION: Were you home on the night of the accident?

" ANSWER: I was there the whole night."

Q. PROCEEDINGS OCCASIONALLY NOT REPORTED OR INCLUDED IN A TRANSCRIPT:

1. OPENING STATEMENTS - CLOSING ARGUMENTS: Ordinarily, opening statements and closing arguments are reported, unless a specific request for them to not be reported is made by counsel or the Court. By receiving a notice of appeal and designation of record, you will then be informed as to whether or not you are to include the opening statements or closing arguments in your transcript. If the opening statements or closing arguments were reported and not transcribed, the following parenthetical should be used:

(Opening statements (or closing arguments) of counsel on behalf of plaintiff and defendant were made and reported but are not here transcribed pursuant to direction of ordering counsel.)

If the opening statements or closing arguments were not reported, the following parenthetical should be used:

(Opening statements (or closing arguments) of counsel on behalf of plaintiff and defendant were not reported pursuant to agreement of the Court and counsel.)

2. DEPOSITIONS AND VIDEOTAPE DEPOSITIONS: When a deposition is read to the jury or a videotape deposition is shown to the jury, the Court and counsel may have made a record on any objections prior to the presentation of such testimony and may agree that the reporter's presence is not necessary. In such cases, the deposition or videotape should be marked as either a trial exhibit or Court's exhibit and does not go with the jury when they retire to deliberate, but should be included in the record on appeal. The following notation may be made in the transcript:

(Plaintiffs Exhibit 4 was read to the jury.)

-or-

(Court's Exhibit 1 was shown to the jury.)

3. JURY VOIR DIRE: Voir dire examination of the jury is reported unless a specific request is made for them not to be reported by counsel or the Court. Again, the notice of appeal and designation of record will determine whether or not the voir dire examination of the jury will be included in your transcript.

MR. SMITH: Ms. Jones, what is your occupation?

MS. JONES: I'm a school teacher.

-or-

MR. SMITH: Ms. Jones, what is your occupation?

PROSPECTIVE JUROR JONES: I'm a school teacher.

If the jury voir dire is reported but not transcribed, the following parenthetical should be used:

(prospective jurors, having been summoned, were sworn, interrogated, and a jury of six (or twelve) was impaneled and sworn. The voir dire was reported and is not here transcribed pursuant to direction of ordering counsel.)

If the jury voir dire is not reported, the following parenthetical should be used:

(prospective jurors, having been summoned, were sworn, interrogated, and a jury of six (or twelve) was impaneled and sworn. The voir dire was not reported pursuant to agreement of the Court and counsel.)

4. JURY INSTRUCTIONS AND JURY VERDICT: The reading of the jury instructions and jury verdict are to be reported, unless there is an agreement by the Court and counsel that they need not be reported. When the jury instructions are reported but not transcribed, the following parenthetical should be used:

(Jury Instructions 1 through 28 were read to the jury and reported but not here transcribed pursuant to direction of ordering counsel.)

When the jury instructions are not reported, the following parenthetical should be used:

(Jury Instructions 1 through 28 were read to the jury and not reported pursuant to agreement of the Court and counsel.)

When the jury verdict is reported but not transcribed, the following parenthetical should be used:

(The verdict (or verdicts) were read by the Court and reported but not transcribed pursuant to direction of ordering counsel.)

When the jury verdict is not reported, the following parenthetical should be used:

(The verdict (or verdicts) were read by the Court and not reported pursuant to agreement of the Court and counsel.)

R. STORING SHORTHAND NOTES:

The reporter should put enough information on the front of a pad of notes or include the docket sheet to identify what has been reported, i.e., caption of the case, case number, parties and attorneys present, nature of the hearing, the judge's name, and reporter's name. Put the date of the hearing on the end of the pad and store the notes upright, so you can see the date, whether in a box, file drawer, or whatever container is provided. When storing notes, the container should bear identification on the outside as to the reporter and the beginning and ending dates of the notes stored inside. Criminal and civil notes must be stored separately. (If civil notes are contained within the same pad as criminal notes, such as motion docket hearing dates, the civil notes must not be discarded until the deadline for storing the criminal notes has passed.)

The notes are the property of the state, although in the custody of the reporter, and shall be retained for such period as may be prescribed by Supreme Court directive or by instructions in the Records Management Manual of the Colorado Judicial Department. Also see Section I, page 6.

S. OFF THE RECORD:

Sometimes, during a trial or proceedings, the Court or counsel will request that something be off the record. If an attorney asks to go off the record, keep writing. The judge may not want to go off the record. The only time you stop writing is when the judge says, "Off the record." Always take your instructions from the judge. The following parenthetical should be noted in the transcript:

(Discussion off the record.)

When you go back on the record, just resume the format previously employed, unless the nature of the proceedings at that point requires a different format.

The reporter is often in a quandary about reporting conversations between counsel at the counsel table or between counsel and the Court at the bench. If the conversations seemingly occur in low tones, or if you are in doubt as to whether these should be on the record, ask, "Is this for the record?"

Ideally, the Court and counsel should make it clear to the reporter when to go off and when to go back on the record. However, this is often not the case. Again, if you are unsure whether something is for the record, ask, "Is this for the record?"

T. OFFERS - MOTIONS - STIPULATIONS:

Offers, motions and stipulations may be set out in the following manner:

1. OFFERS:

MR. JONES: Plaintiff offers in evidence Exhibit 6.

MR. BROWN: No objection.

THE COURT: Exhibit 6 is received.

2. MOTIONS:

MR. BROWN: The defendant moves the Court to dismiss plaintiff's petition for the reason that the plaintiff has not established any negligence on the part of the defendant under which plaintiff could recover any damages.

THE COURT: Overruled.

3. STIPULATIONS:

MR. JONES: Your Honor, I am willing to stipulate that this accident happened in Lancaster County, Nebraska, on January 15, 1992.

MR. BROWN: So stipulated, Your Honor.

THE COURT: The stipulation will be received.

U. OBJECTIONS:

Objections frequently occur during a question and answer session. Objections and the rulings of the Court may appear as follows:

Q Why did you think you shouldn't do that?

MR. BROWN: That's objected to, Your Honor, as calling for a conclusion on the part of the witness, and speculative.

THE COURT: Sustained.

Q (By Mr. Smith)

Objections made to the offer of an exhibit or any other objections made to any evidence, and the rulings of the Court, may be set out in the same fashion.

In the event an objection to a question is overruled and the witness then answers the question, the answer is set out in the following manner:

Q Were you there on Friday, the 23rd of December?

MR. BROWN: Objected to as incompetent, irrelevant, immaterial.

THE COURT: Overruled. You may answer.

A Yes.

Q (By Mr. Smith)

V. REPEATING THE RECORD:

Reporters are often asked to repeat a question, answer or some other parts of a trial or proceeding. In preparing the transcript, use one of the following parentheticals:

(The pending question was read.)

(The last question was read.)

(The last question and answer were read.)

(The last two questions and the intervening answer were read.)

(The last sentence of the last answer was read.)

(The pending objection was read.)

(The proceedings contained on page 86, lines 3 through 15, were read.)

(The above proceedings, contained on line 6 through 10, were read.)

W. PARENTHETICAL STATEMENTS:

1. MORNING AND AFTERNOON SESSIONS: In preparing your transcript, following the completion of the cover page and those pages necessary for the indexing of the transcript, the next typewritten page will begin in the following manner (with a parenthetical included if the voir dire examination of the jury panel is not to be transcribed):

MORNING SESSION, WEDNESDAY, JANUARY 10, 1995

(At 9:00 a.m., the following proceedings were conducted and entered of record:)

-or-

(At 9:00 a.m., the following proceedings were conducted in open court in the presence of the jury:)

-or-

(At 9:00 a.m., the following proceedings were conducted in open court out of the presence of the jury:)

The afternoon session should begin on a new page with the following notation:

AFTERNOON SESSION. WEDNESDAY. JANUARY 10. 1995

The above parentheticals may be used for the afternoon session also.

2. RECESSES: Recesses should be noted as follows:
(A recess was taken.)

-or-

(At 10:35 a.m., a recess was taken.)

-or-

(A recess was taken from 10:10 to 10:30 a.m.)

-or-

(At 12:15 p.m., a luncheon recess was taken.)

-or-

(A luncheon recess was taken from 12:15 p.m. to 1:30 p.m.)

3. NONRESPONSES: On occasion, a witness may not respond verbally to a question, and the following parenthetical may be used:

A (Witness nods head.) -or- (Witness shakes head.)

COMMENT: The common use of "Witness nods head affirmatively" (or negatively) may be regarded as interpretation by the reporter and should be avoided.

If a witness is asked to perform some task, such as marking something on a chart or diagram, and does so without a verbal response, the following parenthetical may be used:

A (Witness complies.) -or- (Witness drawing.)

If a witness, in answer to a question, makes a physical motion to describe an object or points to something, the following parenthetical may be inserted:

A It was a very large component that was about this big (indicating) that was placed into the machine.

-or-

A She was over on this side of the room (indicating) when the door was opened.

Also, at times the Court will ask a question of counsel or the jury, and there will be no response or a nonverbal response. An example is as follows:

THE COURT: Do any of the jurors have a problem with working a little late?

(The jury responded in the negative.)

-or-

THE COURT: I don't seem to have a copy of that pleading in the court jacket, counsel.

(Document handed to the Court.)

-or-

THE COURT: If anyone has a problem with working a little late, please speak up.

(No response.)

4. ADMONITIONS-DELIBERATIONS-DISCHARGE OF THE JURY: The following parentheticals may be used (if a verbatim transcript of these occurrences is not requested by ordering counsel) when the jury is admonished and excused or retires to deliberate or is polled or discharged:

(The jury, having been admonished by the Court, was excused, and the following proceedings were conducted out of the presence of the jury:)

-or-

(The Court having read the final instruction and the alternate juror discharged, the jury retired at 2:15 p.m.)

-or-

(The jury was discharged with the thanks of the Court.)

-or-

(Jury polled.)

X. INTERRUPTIONS:

Whenever a speaker or witness is interrupted by another speaker, a dash (-) is to be used to show the interrupted sentence, followed by a dash at the start of where the sentence is completed, if such is the case. For example:

A I told Mr. Gray not to go over there --

Q Why not?

A -- to look at the damage.

Then if the witness continues to answer the question, "why not," continue with that answer.

Interruptions are also shown in this manner when they occur during times other than examination by counsel:

THE COURT: Tell me why you went on --

THE WITNESS: Because I was scared.

THE COURT: -- instead of stopping.

Another example of an interruption could be as follows:

Q Why did you do that?

A I thought if I --

Q I didn't ask you what you thought. I asked you why you did that.

A Because it was the only thing I could do.

If the witness is interrupted by the reporter and does not resume the answer at the point interrupted, the reporter may want to add a parenthetical statement in order to make the transcript make sense. For example:

A We noted the patient had nephrocalcinosis --

(Proceedings interrupted by the reporter.)

A (Continued) I'm sorry, I forget where I'm at. Do you need me to spell that? N-e-p-h-r-o-c-a-l-c-i-n-o-s-i-s. That's the presence of calcium deposits in the kidney. We noted the patient had nephrocalcinosis caused by overactivity of the parathyroid glands.

Y. INDENTATIONS:

The name of speakers are in caps, indented 10 spaces. with each succeeding line returned to the left margin.

The reporter's comments for off the record, recess, adjournment, etc., are indented 10 spaces but no more than 15 spaces, double spaced, and enclosed in parenthesis.

For the reporter's notation about marking exhibits and receiving exhibits in evidence, they are indented 10 spaces but no more than 15 spaces, typed to the right margin, double spaced, with succeeding lines also indented 10 spaces but no more than 15 spaces and enclosed in parenthesis.

Z. INCOMPLETE SENTENCE:

Sometimes a witness will simply stop in midsentence. When this is done, a dash is used to show this stop. For example:

A It may never be --

The same also applies to any other speaker stopping in midsentence. For example, if Mr. Jones is questioning the witness:

Q I thought you said -- well, okay.

MR. JONES: That's all the questions I have of this witness, Your Honor.

AA. BREAKS IN SPEECH:

Often a speaker will break speech in midsentence. When this occurs, a dash is used to indicate this break. Generally speaking, this occurs in one of the following ways:

1. CHANGE OF THOUGHT: When a speaker has a change of thought, leaving a sentence unfinished to begin a new one, or when amplifying or expanding on what has immediately preceded. (Examples: The color of the car was -- actually, when I last saw it, it was heading east. The color of the car was -- of the plaintiffs car was green.)

2. REPETITION: When a speaker repeats a word or phrase. (Example: It was close to four -- four hours later.)

3. MIDWORD: If a speaker leaves a word unfinished and states a new .. word. (Example: Yester -- January 5th was the day.)

4. PARENTHETICAL THOUGHT: When a speaker temporarily suspends a thought so that a parenthetical thought may be introduced. (Example: Speaking of June 6, I had a bad accident on -- I still suffer from some of the effects -- that day.)

BB. WORD USAGE:

1. CALIBER: The period is always used before the number.

(a) It was a .22 caliber rifle.

(b) It was a .22 Winchester automatic.

2. CAPITALIZATION: To simplify format uniformity, capitalization is limited as closely as possible to names, dates, addresses, direct personal titles, company names, countries, states, races and nationalities, and initials in lieu of organization names, such as FBI.

3. COLLOQUIALISMS: The following are the recommended forms for a few of the most often heard colloquial terms used by a witness in responding to questions:

- (a) Yeah, or yep, or yup.
- (b) Uh-huh (for the affirmative sound).
- (c) Huh-uh (for the negative sound).
- (d) Huh (for the interrogative sound)?

4. COURT: Court refers to the judge or judges themselves, as distinguished from the counsel or jury.

- (a) In the opinion of the Court. . .
- (b) May it please the Court. . .
- (c) The Court stated. . .

In a, b, and c, the Court is written with a capital because it is personified when it stands for the judge.

The word court is used occasionally to refer to the chamber, hall, or place where court is being held. Thus, a spectator is present "at court," in the courtroom, but the defendant is "in court" because he or she is part of the assembly.

The name of a specific court always includes the word court, which is capitalized; e.g., District Court, Lancaster County. Neither district nor court is capitalized if reference is made to district courts generally. For example: "Petitions for claims over a certain figure are filed in the district court."

5. DATES: Always in figures.

- (a) The 15th of May, 1987.
- (b) June 1st of '86.
- (c) 12th of June.
- (d) 1989, around May or June.
- (e) It was on 6/12/90. Or, it was on 6-12-90.

6. DIRECTIONS: Do not capitalize north, south, east, or west when they refer to direction. When they refer to a section of the country, they are capitalized: The North, the South, the East, the West. Also, the West Coast, the Coast, the Pacific Coast.

7. DOLLARS AND CENTS:

(a) Definite, unequivocal amounts are written in figures only. Omit the period after sums of money in dollar denominations, unless cents are added.

- (1) It cost \$15.75.
- (2) This item is worth \$2,150.35.
- (3) It's \$9 you owe me, isn't it?
- (4) Somewhere around \$10 or \$15, maybe more.
- (5) Close to a \$100,000.

- (6) Close to \$100,000.
- (7) Worth 3 grand.
- (8) Worth 5 or 10 bucks.
- (9) Around 15 or 20 cents.

(b) Figures may also be used if there is no question as to the true meaning.

- (1) It cost 15.75.
- (2) It cost 1575.
- (3) It cost fifteen seventy-five.

Extreme care should be exercised when using figures in this fashion. Unless it is perfectly clear to you that the party speaking meant fifteen dollars and seventy-five cents or fifteen hundred and seventy-five dollars, this should be written as spoken; i.e., fifteen seventy-five or one five seven five.

(4) Watch for the following: Someone uses the figure twenty eight one six or twenty eight sixteen. Is that 28.16, 2816, 20,816 or 28,016? Also, "the cost of that was nineteen hundred twenty-five" meaning 1925 or 1900.25?

(c) Such amounts as the following should always be written out:

- (1) Twenty-two thousand and some odd dollars.
- (2) Quarter of a million dollars.
- (3) Two-bits.

(d) If, in stating a figure of 1,000 up to and including 9,999, the word hundred or thousand is used, this may be indicated by writing the figure as follows:

- (1) 1575 -- meaning fifteen hundred and seventy-five.
- (2) 1,575 -- meaning one thousand five hundred and seventy-five.

(e) In any figure of 10,000 or over, the comma is always used.

8. FRACTIONS AND EQUATIONS: In figures only when part of a larger numerical unit or as a mathematical equation:

- (a) It was 23 1/2 miles.
- (b) The size is 5 1/2 times 7. Or, 5 1/2 by 7.
- (c) You take 10 times 9 divided by 1/8.

9. HEIGHT:

- (a) I am 5 feet 6 inches.
- (b) I am five-six.

10. LAND DESCRIPTION AND MEASUREMENTS:

(a) South half of the southeast quarter of Section 34, Township 11 North. Range 6 East, of the 6th P.M. (If not quoting from a document in which it is written out, it may be written

as S 1/2 SE 1/4, Sec. 34, T 11 N, R 6 E, of the 6th P.M. It may also be said as S 1/2 SE 1/4, 34-11-6.)

(b) 02 degrees 01 minutes
42 degrees 59 minutes
63 degrees 00 minutes

(c) 515.0 feet
136.2 feet

(d) 0.09 acres
1.10 acres
14.0 acres
108.6 acres

11. NUMBERS:

(a) Numbers one through nine are written out, unless in a series or when preceded by page, paragraph, size, number, etc.

(1) Items 1, 2, and 3 are notes.

(2) I said that (1) I didn't want to go; (2) I wouldn't go; and (3) no one could make me go.

(b) All other numbers are written in figures, unless at the beginning of a sentence. (Eighteen days ago, she left. But, she left 18 days ago.) Exceptions:

(1) 9 o'clock in the morning.

(2) 18th of December.

(3) 1984 was the first year.

(4) 108 Coldstream Drive.

(5) 4, 5, and 6 are exhibit numbers.

12. PHONETIC: If you hear a word, usually a name, whose proper spelling you cannot ascertain either by checking the case file or looking it up elsewhere, type it as it sounds and follow it with the word, in parenthesis, phonetic. For example:

Q Did you see Mr. Smuch (phonetic) at the store?

13. POUNDS AND OUNCES:

(a) 10 pounds 6 ounces.

(b) Ten-six.

14. PUNCTUATION: The comma is used predominantly to indicate the speaker's phraseology or pattern of speech, as well as to give the proper meaning to the speech. Further punctuation, such as semi-colon, colon, dash, etc., is used at the reporter's discretion, and minimally, although when appropriately used, does much to give the proper meaning to the speech.

15. QUOTATION MARKS: Use quotation marks only if you are certain the material is a direct quote. If a speaker interjects a phrase or a comment of his or her own, you

must break the quote, taking it up again where the speaker resumes quoting. Similarly, sometimes a speaker will begin with a direct quote and then drift off into the substance of what was said, but not as a direct quote. If you are unsure and cannot verify the quote, do not use quotation marks.

(a) "This option to purchase," it says here in paragraph 1, "shall be exercised within one year from today."

(b) He said to me, "You better not do that" because he'd see to it that I got what was coming to me.

16. SEASONS: Seasons of the year should never be capitalized unless personified.

(a) The Winter at Valley Forge.

(b) Where Spring her verdant mantle cast.

(c) She bought her new spring coat in the fall.

17. SIC: Once in a while you will hear a nonexistent word, or a speaker will say something you know to be incorrect. The proper notation to be used if either of these situations arises is the word, in parenthesis, sic. For example:

Q How did he get in?

A He snucked (sic) in through the window.

It is proper to use (sic) to indicate that that is what the witness said. By using this method, you make it clear that what you type is what you meant to type, and that it is not a mistake.

The word "sic" may also be used in this fashion when copying from some document or pleading in which there is an obvious error. This indicates that you are copying the primed word or passage exactly as it is printed and that it exactly reproduces an original, and is not the reporter's error.

Great discretion should be exercised in the use of this word. If you are at all uncertain as to whether or not something said is incorrect, eliminate this parenthetical expression and let the record speak for itself.

18. SPELLING OUT: Usually, when a witness is first brought to the stand, the initial question asked is his or her name and address. Counsel who called the witness, or the judge, should ask for the spelling of the witness name. The following form is used to show anything that is spelled out:

Q How do you spell your last name?

A J-o-h-n-s-o-n.

19. TIME: Time is always written in figures, even at the beginning of the sentence, followed by o'clock, if so stated. Use a colon to indicate clock time, unless the time indicated is on the hour.

- (a) We met at 9 o'clock.
- (b) We met at 9:30.
- (c) I go to work at 10:00 a.m.
- (d) It was half past 7:00 when he called.
- (e) Military time: 0300.

20. TIME ZONES: Time zone designations are capitalized, preferably without periods or spaces.

- (a) 12:15 a.m. EST (Eastern Standard Time).
- (b) 3:05 CST (Central Standard Time).

21. YOUR HONOR: Your Honor refers to the judge.

- (a) Thank you, Your Honor.
- (b) If Your Honor please.

SECTION III

III. NEW TECHNOLOGY

A. REALTIME

Realtime translation is the instantaneous translation of the reporter's stenographic notes to English on a computer screen for use by attorneys, parties or the judge.

A Computer-Integrated Courtroom (CIC) begins with a reporter with the capability of doing realtime and adds computer terminals at each attorney's table and also on the judge's bench. A Total Access Courtroom (TAC) takes CIC a step further by utilizing additional technology to allow access of the written record to those who otherwise would not be able to participate in the judicial system. That might include, but is not limited to, hearing-impaired attorneys, judges, parties, or even jurors.

In order to write realtime, a reporter needs a computer with software which offers realtime capabilities, and a writer. To enhance this scenario to become a CIC, you will need computers loaded with realtime-receiving software for each attorney's desk and for the judge's bench, and cabling or radio-frequency modems to link all components together.

A comment made by many reporters before launching into writing realtime is: I don't think I write well enough to do realtime. How do you know whether you are indeed writing well enough to let the "world" see your work? Most software programs exhibit the percentage of your translation as you are writing. Although this isn't a tell-all of how well you are actually writing, it can be a useful guide. You should keep in mind that while perfection is your goal, 100-percent translation will never be attained. A good beginning point might be 96 percent translation. Although this isn't optimum every day that you write realtime, you will see your translation percentage increase.

For long trials or hearings, peruse the court file in advance to pick up witnesses' names and pertinent vocabulary items. If possible, include in your judge's standing pretrial order a provision mandating the submission of word lists in advance of trial. You might want to have programmed in several generic speaker identifications (i.e., Plaintiff's Counsel, Guardian Ad Litem, Unidentified Speaker, etc.) so that you will be prepared to write for any occasion, even if you are unsure of counsel's names.

You should have developed a familiarity with your equipment by previous practice. At the beginning of a session, activate the system and write a line or two to see that transmission to the CIC receive side is occurring, and check each monitor. Now you can offer to train the attorneys involved in how to utilize the system throughout the hearing. This can be accomplished quickly and should be tailored to fit their specific computer literacy and comfort levels. At this point, you are ready to write.

Take the opportunity at breaks to access your file and define words which are misdefined or that appear in steno. When you encounter an undefined name used repeatedly and you are not near a break, you may wish to finger-spell it, or you may wish to approximate it (write it in word parts so, while still incorrect, it may at least be read through, as for instance "jew-dishal" for "judicial," which is still preferable to "SKWRAOU/TKEUGS"). Many software programs allow for definitions to be made directly from the writer, and this can be done in a few seconds. For purposes of bench conferences--or if things get out of control in the courtroom--it is possible to blank the screen completely. Commands for this differ with the software used.

At the end of a hearing, counsel may wish to purchase a rough copy of the proceedings with their notations and/or marked text. You then need to create a file containing what they are requesting on ASCII for them. Any party requesting a copy of this rough draft needs to be made aware that it is an unedited and uncertified transcript; that it may contain untranslated steno, misspelled proper names, and/or nonsensical English word combinations; and that it cannot be substituted, in any manner, for the official record.

Many reporters also add a "Rough Draft" or similar language header or footer to their real time transcripts, delete page and line numbers, attach no certificate page, and add an "Uncertified Rough Draft Transcript" designation on the computer disk label, all in an attempt to distinguish the real time record from the official record.

To accomplish this education process and to protect all concerned, the reporter may elect to utilize a written disclaimer, signed by the receiving party, acknowledging their understanding of, and consent with, the above-mentioned terms. A listing of all rough draft realtime files disseminated and identification of the parties in receipt of them should be maintained.

While per-page prices are established by Chief Justice directive, there is no policy currently in existence regarding unedited pages. The prevailing practice is to charge half the page rate (\$1.00/page) to all requesting parties.

NCRA has recently implemented a method of certifying reporters for realtime competency called the CRR (Certified Realtime Reporter). The test consists of five minutes of material dictated between 180 and 200 words per minute. At the end of the dictation, the reporter must produce an ASCII diskette without editing the file. The total accuracy rate for this exam is 96 percent.

Finally, since so much of realtime and CIC practice is uncharted territory, the best advice for a reporter new to this arena is to utilize common sense. Although new questions arise practically every day (whether technical, policy, or writing problems), remember that if you apply your common sense, you will be able to resolve most difficulties relatively painlessly.

SECTION IV

IV. APPEALS

A. DISTRICT COURT APPEALS:

1. CIVIL: An appellant shall file a notice of appeal with the appellate court, with an advisory copy served on the clerk of the trial court, within 45 days after the date of the entry of a final judgment. A copy of the notice should be made available to the Court reporter(s) by the clerk of the trial court. (See Rule 4(a) Colorado Appellate Rules.)

It then becomes the duty of the appellant to order a transcript or a portion of one from the court reporter(s). The appellant, within 10 days after filing the notice of appeal, shall file with the clerk of the trial court and Court reporter(s) a designation of record. The designation of record, among other things, is to advise the court reporter(s) of the parts of the proceedings deemed necessary for inclusion in the record on appeal. (See Rule 10(b), C.A.R.) If the appellant does not designate the entire transcript to be included but only portions of it, the appellee shall have 10 days after the filing of the designation of record by appellant to file appellee's designation of record on appeal (copy to the court reporter(s)).

Within 14 days after receiving the designation of record, the Court reporter(s) shall provide a written notice of estimates to all counsel and pro se parties. An example of a notice of estimates follows:

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

Case No. 9ICVIO68, Courtroom 2

C.A.R. 10(b) NOTICE OF ESTIMATES

JOHN JONES, Plaintiff,

v.

SANDRA JOHNSON, Defendant.

This notice is provided to you pursuant to the requirements of C.A.R. 10(b):

1. The date on which the designation of record was received by the court reporter was: _____

2. Estimated number of pages to be transcribed: _____

3. Estimated completion date: _____

4. Estimated cost of transcription: _____

5. Terms of payment: Cash in advance; no exceptions.

Pursuant to the express terms of Colorado Appellate Rule IO(b): "The designating party shall immediately make arrangements for payment for the designated transcript. Each party shall advance the cost of preparing that part of the record designated by such party."

Date

Karen Smith, CSR

CERTIFICATE OF MAILING

I certify that I have mailed a copy of this Notice of Estimates by depositing it in the United States Mail, postage prepaid, on _____, addressed to the following: _____ (date)

All counsel, all pro se litigants.

Karen Smith, CSR

The record on appeal, including the transcript, shall be transmitted to the appellate court within 90 days after filing of the notice of appeal. Any request for extension of time for filing after the 90 days will be lodged with the appellate court. (See Rule 11(a) and (d) C.A.R.) If the reporter is unable to complete the transcript within 90 days, it is the duty of the reporter to notify counsel for the appellant and provide an affidavit stating the reasons why the transcript cannot be completed within 90 days. Counsel for the appellant shall then attach the affidavit to their motion for extension of time in which to file the record on appeal.

2. **CRIMINAL:** Appeals in criminal cases are very similar to appeals in civil cases. The same procedures are followed in preparing a criminal transcript for appeal as in a civil transcript. In the case of an indigent appeal where the state is paying for the transcript, a written notice of estimates is not necessary.

3. **COMPENSATION OF REPORTER:** Pursuant to the authority contained in Section 13-5-128, 6A C.R.S. 1987, as amended, the Supreme Court establishes and promulgates the rates to be paid to court reporters in courts of record. For payment for the preparation of a record on appeal in a criminal case where the defendant is found to be indigent, the court reporter shall submit a statement to the clerk of the district court, together with an order from the judge authorizing payment.

Payment for the preparation of a record on appeal in a civil case will be between the court reporter and the party or parties ordering the appeal, with the ordering party or parties making a deposit in full before the court reporter begins transcribing. When the appellant designates only portions of the transcript to be included in the record on appeal and the appellee designates other portions, each party shall advance the cost of preparing those portions of the record designated by the party. (See Rule 10(b) C.A.R.)

Pursuant to the executive authority vested in the Chief Justice of the State of Colorado under Article VI, Section 5(2), of the Colorado Constitution, it is ordered that: Effective March 1, 1985, all reporters' transcripts and records on appeal shall conform to the standards contained in Chief Justice Directive 85-10. (See Court Reporter Standards/Reporter's Transcript Preparation in this section of the manual.) Effective February 20, 1985, for transcripts ordered on or after February 20, 1985, the rate for each original 25-line page shall be \$2.00. The full page rate applies to partial pages, title pages, and index pages. The copy rate shall be \$.50 per page.

If a reporter is requested by the judge to prepare a transcript for the judge, it is the duty of the reporter to prepare the transcript at no charge to the state.

B. INTERLOCUTORY APPEALS:

The state may file an interlocutory appeal in a superior court from a ruling granting a motion made by the defendant in advance of trial for return of property and to suppress evidence or granting a motion to suppress an extrajudicial confession or admission.

When an interlocutory appeal occurs, the reporter has three days from the notice of the appeal to file the transcript with the clerk. (See Rules of Criminal Procedure, Rule 41.2.)

C. COURT REPORTER STANDARDS/TRANSCRIPT PREPARATION:

1. The transcript on appeal shall be prepared in accordance with Section II, page 7 of this manual.

2. Transcripts shall be bound at the left. Binding should normally be in daily volumes, not over 1 inch thick. Discretion is allowed if a volume can be completed by slightly exceeding this thickness or if two or more days can be included in one volume of this thickness. Binder covers (both) shall be not less than 20-point pressboard weight. (Smead BE129 or something similar.)

3. If more than one volume is required, the reporter may number all volumes under a consecutive number sequence, or may begin each volume with page 1. Since citations will be by volume, page, and line number, the beginning number for each volume is not critical.

4. If more than one reporter is involved in preparing the transcript, for ease of coordination, each day should be bound in a separate volume and each volume should begin with page 1. If more than one reporter reported the same day's proceedings, each reporter should bind the transcript in separate volumes with separate certificates and may number consecutively or begin each volume with page 1.

5. Reporters shall deliver transcripts to the trial court appeals clerk at least two full working days prior to the date the record is due in the appellate court. Clerks may establish earlier due dates based upon local conditions.

D. RECORD ON APPEAL:

Colorado Appellate Rule 10, RECORD ON APPEAL, reads as follows:

(a) COMPOSITION OF THE RECORD ON APPEAL.

(1) The final pleadings which frame the issues in the trial court; the findings of fact, conclusions of law and judgment; the judgment entered upon any jury verdict, the jury verdict, and answers by the jury to any special interrogatories; motions for new trial and other post-trial motions, if any, and the trial court's ruling; together with any other documents which by designation of either party or by stipulation are directed to be included shall constitute the record on appeal in all cases.

(2) The reporter's transcript, or such parts thereof as provided under section (b) of this rule is relevant depositions and exhibits may be made a part of the record.

(3) The records and files of the clerk shall be certified by the trial judge.

(4) The original papers in all instances shall be in the record submitted. Except on written request by a party, the trial court need not duplicate or retain a copy of the papers or exhibits included in the record. The party requesting that a duplicate be retained shall advance the cost of preparing the copies.

(5) The record shall be properly paginated and fully indexed and shall be prepared and bound under the direction of the clerk of the court.

(b) RECORD OF PROCEEDINGS; DUTY OF APPELLANT TO ORDER; NOTICE OF APPELLEE IF PARTIAL IS ORDERED; COSTS. Within ten days after

filing the notice of appeal, the appellant shall file with the clerk of the trial court either: (1) a statement that no other portions of the record other than those enumerated in section (a) are desired, or (2) a detailed designation of the record setting forth specifically those portions of the record to be included and all dates of proceedings for which transcripts are requested and the name(s) of the court reporters who reported the proceedings which the appellant directs to be included in the record. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless the entire transcript is to be included, the appellant shall include in the designation of record a description of the part of the transcript which the appellant intends to include in the record and a statement of the issues to be presented on appeal. If the appellee deems to be necessary a transcript of other proceedings, or other parts of the record, the appellee shall, within ten days after the service of the statement or the appellant's designation of the record, file and serve on the appellant and on any court reporter who reported proceedings of which the appellee desires additional transcript a designation of additional items to be included. Service on any court reporter of the appellant's designation of record or the appellee's additional designation of record shall constitute a request for transcription of the specified proceedings. Within fourteen days after service of any such designation of record, each such court reporter shall provide in writing to all counsel and pro se parties in the appeal: (1) the estimated number of pages to be transcribed; (2) the estimated completion date; (3) the estimated cost of transcription; and (4) the proposed terms of payment for the transcript. The designating party shall immediately make arrangements for payment for the designated transcript. Each party shall advance the cost of preparing that part of the record designated by such party; provided however, that upon a showing by any party that such allocation of costs would be inequitable, the trial court may order that costs be allocated in some other way.

(c) STATEMENT OF THE EVIDENCE OR PROCEEDINGS WHEN NO REPORT WAS MADE OR WHEN THE TRANSCRIPT IS UNAVAILABLE. If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be served on the appellee, who may serve objections or propose amendments thereto within ten days after service. Thereupon the statement and any objections or proposed amendments shall be submitted to the trial court for settlement and approval and as settled and approved shall be included by the clerk of the trial court in the record on appeal.

(d) AGREED STATEMENT AS THE RECORD ON APPEAL. In lieu of the record on appeal as defined in section (a) of the Rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the trial court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the issues raised by the appeal, shall be approved by the trial court and shall then be certified to the appellate court as the record on appeal and transmitted thereto by the clerk of the trial court within the time provided by Rule 11.

(e) CORRECTION AND MODIFICATION OF THE RECORD. If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the trial court, either before or after the record is transmitted to the appellate court, or the appellate court, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the appellate court.