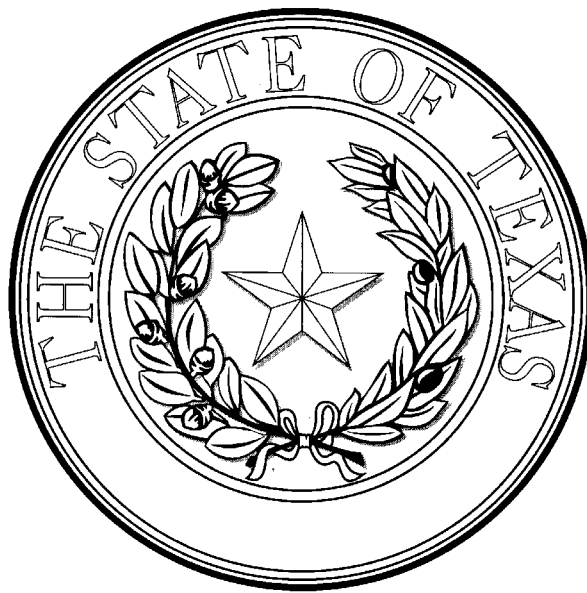


Uniform Format Manual for Texas Court Reporters



*The manual applies to any reporter's record or
freelance transcription within the scope of the manual
that is begun to be transcribed or prepared
on or after May 1, 1999.*

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PREFACE

The following *Uniform Format Manual for Texas Court Reporters* governs the form of official reporters' records and, unless otherwise indicated herein, freelance transcriptions. This manual thus replaces the Order Directing the Form of the Appellate Record in Civil Cases issued by the Supreme Court and the Order Directing the Form of the Appellate Record in Criminal Cases issued by the Court of Criminal Appeals and, for the first time, regulates some aspects of the form of freelance transcriptions.

A court reporter must prepare and file the Reporter's Record in accordance with Rules of Appellate Procedure 34.6 and 35 and this manual. Even if more than one notice of appeal or request for preparation of the record is filed, the reporter should prepare only one record in a case. In the event of a flagrant violation of the guidelines set out in the manual, on motion of a party or on the court's own initiative, the appellate court or presiding judge may require the court recorder, transcriber or court reporter to amend or prepare a new Reporter's Record in proper form — and provide it to any party who has been provided a copy of the defective record — at the preparer's expense. Additionally, failure to comply with mandatory provisions of this manual by either official or freelance court reporters may be grounds for discipline through the Court Reporters Certification Board.

This manual was prepared primarily through a joint effort of the Court Reporters Certification Board, through its Ad Hoc Format Manual Committee, and the Uniform Format Manual Task Force. Questions or comments regarding the manual should be directed to the Certification Board.

Where applicable, the manual includes commentary concerning certain of the 1999 civil discovery rule revisions that impact court reporters.

Unless otherwise indicated herein, all requirements in this manual will apply to both official reporter's records and freelance transcriptions.

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Section 1 UNIFORM TERMINOLOGY

1.1 Definitions.

- (a) *Administrative pages* means the title, appearance, index, correction, and certificate page(s) in a Reporter's Record or Freelance transcription.
- (b) *ASCII format* means in the format of the American Standard Code for Information Interchange.
- (c) *Compressed* means a format which has been reduced and printed to accommodate at least four normal sized pages on one printed page.
- (cc) *Computer Diskette* means a disk or compact disc (CD) or any other device upon which data for a computer can be stored.
- (d) *Court recorder/audio operator* means an official court reporter or court recorder. See Tex. R. App. 3.1 (g).
- (e) *CRCB* means the Court Reporters Certification Board.
- (f) *CSR* means a Certified Shorthand Reporter certified by the Supreme Court of Texas.
- (g) *Duplex* means printed on both sides of the paper.
- (h) *Footer* means the bottom line(s) on a Reporter's Record or Freelance transcription which appears below line 25.
- (i) *Freelance court reporter* means a CSR who practices shorthand reporting other than in the capacity of an Official Court Reporter or Deputy Official Court Reporter.
- (j) *Freelance Transcription* means all transcriptions other than official Reporter's Records.
- (k) *Header* means the top line(s) on a page of a Reporter's Record or Freelance transcription that briefly describes the testimony of witnesses and/or events.
- (l) *Index* means a listing of the contents of a Reporter's Record or Freelance transcription.
- (m) *Margin* means the space around printed matter on a page.
- (n) *Master index* means the merging of multiple indexes in a Reporter's Record which is only required in cases of more than one volume and will always be numbered "Volume 1."
- (o) *Official Court Reporter or Deputy Official Court Reporter* means a certified shorthand reporter appointed by a judge as the official reporter. See Government Code § 52.001(4).
- (p) *Proceedings* means events or happenings in the courts, legislature, state agencies, depositions, grand juries, referees and court commissions.
- (q) *Reporter's Record* means the transcription of the proceedings and the exhibits designated on appeal, see Tex. R. App. 34.6(a), or all proceedings produced by the official or deputy official reporter/ recorder.
- (r) *Shorthand reporter* means a person who engages in shorthand reporting.
- (s) *Shorthand reporting* means the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of any court proceeding, deposition, or proceeding before a grand jury, referee or court commissioner using written symbols in shorthand, machine shorthand or oral stenography. See Government Code § 52.001(5).
- (t) *Sic* means "as spoken."
- (u) *Sotto voce* means "soft voice."
- (v) *Style* means the name of the lawsuit or matter pending before an agency of the state.
- (w) *Text* means the main body of matter in a manuscript.
- (x) *Title page* means the first page of the Reporter's Record listing pertinent information included within the record.
- (y) *Transcriber* means one who engages in transcription.
- (z) *Transcription* means the act or process of transcribing.
- (aa) *Venire* means an entire panel from which a jury is drawn.
- (bb) *Venireperson* means a member of venire

Section 2 PAPER / TONER / PRINTING

- 2.1 **Paper Size.** Paper size is to be 8-1/2 x 11 inches.
- 2.2 **Paper Weight.** The weight of the paper is to be at least 13 pounds for both originals and copies.
- 2.3 **Toner/Ink Color.** Black ink on white paper is to be used for both originals and copies, except realtime unedited rough draft. *See* Section 23, *infra*.
- 2.4 **Printing.** The original Reporter's Record and each copy are to be legible without any handwritten interlineations. Mixed uppercase/lowercase with a clearly readable font is required. Refer to the section on compressed format for printing compressed records. *See* Section 22, *infra*. The use of any paper product limiting the reproduction of a record (*e.g.*, Mylar strip/seal or copy-prohibitive paper) is prohibited. Bold Font for Official Reporter's Records will not be accepted on the text for compressed / condensed records.)

Section 3 MARGINS

- 3.1 **Format Box.** The use of solid top, bottom, left, and right marginal lines (format box) is required to mark the margins.
- 3.2 **Line Numbers.** The line numbers, 1-25, will be placed to the left of the format box.
- 3.3 **Margins.** The distance between the left and right marginal lines will be no less than six and one-half (6 ½ ") inches. The left margin text will be set one character from the left marginal line, and the right margin text will be set one character from the right marginal line (not justified).

Section 4 TIME STAMPING

- 4.1 **Placement of Time Stamping.** The use of time stamping is optional. When time stamping is utilized with the Reporter's Record, it will be placed to the left of the line numbers or to the right of the right marginal line. It may be printed using a smaller font / pitch than the specified 9 or 10 pitch for the text.

The new requirement that deposition officers keep time in oral depositions, imposed by the 1999 civil discovery rules revisions, is discussed below in the comment following Section 12.

PITCH

5.1 Character Spacing. The pitch (characters per inch) to be used is 9 or 10.

Section 6 PAGE NUMBERS

6.1 Location of Page Numbers. The page number will be located at the top right corner of the page — flush with the right margin — inside or outside the format box. The page number does not count as a line of the Reporter's Record.

6.2 OFFICIAL REPORTER'S RECORDS

(a) Preparation and compilation. The court reporter or the court recorder / transcriber will coordinate the compilation and filing of each appellate record in their assigned court. The exception to that would be those appeals generated from the ancillary courts (*e.g.*, drug courts, impact courts). The court reporter or court recorder/ transcriber assigned to those courts will be required to coordinate their appeals following this manual and in a timely manner as set out in the statutes, rules, and codes of the State of Texas.

(b) Page numbering. The pages of the Reporter's Record are to be numbered consecutively beginning with page "1" for each volume. Each volume of the Reporter's Record will begin with page "1". Index pages may be numbered with lowercase Roman numerals.

6.3 FREELANCE TRANSCRIPTIONS

(a) Multiple volumes of same witness with consecutive numbering. Multiple volumes of the same witness may be numbered consecutively following the pagination of the earlier proceeding.

Section 7 VOLUME NUMBERS

7.1 Arabic Numerals. Arabic numerals will be used. Do not use Roman numerals for volume numbering.

7.2 OFFICIAL REPORTER'S RECORD

(a) Multiple volumes for same day's record. If there is to be more than one volume for the same day, the volumes should be divided in a logical place, such as at the beginning of a new witness, at the end of one type of examination and the beginning of another, a recess, or at the beginning or end of motions, arguments, or court instructions.

(b) Thickness of volumes. A volume of the Reporter’s Record will be no more than two inches (2") thick. Each day of the trial will be a new volume, starting with page 1, unless there are multiple pretrial hearings that can be incorporated into one volume of less than two inches (2"). A hearing after the commencement of jury selection or the trial on the merits relating to a pretrial motion will appear in sequence.

(c) Master Index Volume Numbering. Volume “1” will always be the master index when the record consists of more than one volume.

7.3 FREELANCE DEPOSITIONS

(a) Separate volumes for each witness. The testimony of each witness must be bound in a separate volume.

(b) Consecutive volume numbering. The pages of multiple volumes of a particular witness in a protracted case may be numbered consecutively, as well as the volume numbers.

Section 8 LINE NUMBERS AND SPACING

8.1 Lines of Text. Each page of transcription is to contain 25 lines of text, lined 1 through 25, double spaced, except where appropriate on administrative pages. *See examples.* Page numbers or headers and footers cannot be considered part of the 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription.

8.2 Blank Lines. No blank lines will be permitted (except when witness setup(s) carry over to the next page, for administrative pages, or where blank lines are requested by counsel.)

Section 9 TABULATIONS

9.1 Position of Tab Settings. Three tab settings are required for use on all transcriptions. The first tab setting will be on the fifth space from the left text margin. The second tab setting will be on the tenth space from the left text margin. The third tab setting will be the fifteenth space from the left text margin. These tabulations should be sufficient for all indentations that need to be made in any transcript. Refer to section on quotations for setting out quoted material. *See Section 16.6.*

9.2 Use of Tab Settings. The first tab will be “Q” or “A.” The second tab will be the beginning of text after the “Q.” or “A.” The third tab will be the beginning of colloquy, for parentheticals and for the first line of all paragraphs.

Section 10 PAGE HEADINGS

10.1 Purpose of Page Headings. Page headings (also known as headers) are brief descriptions noted to aid in locating the testimony of witnesses, and/or events in a Reporter’s Record. Using page headings is optional.

10.2 Placement of Page Headings. Page headings will appear above line one outside the format

box. This information is not to be counted as a line of the Reporter's Record.

Section 11 STYLE / TITLE / APPEARANCE PAGE(S)

11.1 Beginning Page. The beginning page of each volume will be a style / title page (s) with the following information:

11.2 REPORTER'S RECORD AND FREELANCE TRANSCRIPTIONS. Each Reporter's the following. *See* Figures 1-4:

- (a) Court name and number.
- (b) County and State of jurisdiction.
- (c) Case style.
- (d) Civil or criminal docket case number.
- (e) Name and title of judge or other judicial officer presiding.*
- (f) Type of proceedings.
- (g) Date and location of proceedings for Official Reporter's Records. Time, date and location for Freelance Transcriptions. *See* Tex. R. Civ. P. 203.2(e).
- (h) Volume number. (No Roman numerals: Volume 1 of 1, Volume 1 of 2*).
- (i) Method by which the proceedings were reported / recorded; e.g., machine shorthand, manual shorthand, oral stenography (stenomask), audio/video recording.
- (j) Name, address, State Bar number* and phone number* of each attorney and party represented (will begin on page 2 unless it will fit on one page). *See* Figures 2 and 4. (If the above information is too lengthy to fit on one page, additional pages may be used immediately following the style / title page).
(Columnar format on appearances is optional.)

* Official Reporter's Record only.

Comment Concerning Non-Stenographic Depositions

Whether and when an oral deposition can be recorded non-stenographically is governed primarily by statute. Section 52.021(f) of the Government Code generally requires that all depositions taken in this state must be recorded stenographically by a CSR. Exceptions to this requirement, however, include depositions on written questions (which are governed by Section 21.001 of the Civil Practice and Remedies Code) and depositions recorded by a party to the action, their lawyer, or a full-time employee of either. *See* Tex. Govt. Code §§ 52.021(f), 52.033; Tex. Civ. Prac. & Rem. Code § 20.001. Thus, for example, a litigant or lawyer in a case may notice an oral deposition to be recorded non-stenographically and have their secretary record the proceeding by audiotape or videotape. *See Burr v. Shannon*, 593 S.W.2d 677, 677-78 (Tex. 1980) (orig. proceeding) (predecessor statute). But so long as some party has an oral deposition recorded stenographically by a CSR, another party may have any person record the deposition non-stenographically. *See* Op. Tex. Att’y Gen. No. DM-339 (1995), at 2.

If a party arranges to have an oral deposition recorded non-stenographically by someone other than a CSR, the party must arrange to have the witness sworn by a notary or other person competent to administer oaths. *See* Tex. R. Civ. P. 199.5(b); *see also* Tex. Govt. Code § 52.025(b) (CSR is competent to administer oaths).

A non-stenographic recording of an oral deposition may be used in hearing or trial to the same extent as a traditional stenographic recording. *See* Tex. R. Civ. P. 203.6(a). Unlike the case under the former discovery rules, a party need not obtain a written transcription of a non-stenographic recording in order to use the deposition unless ordered by the court. *Id.*; *compare* Former Rule 202.1.e.

Section 12 CERTIFICATION PAGE OF REPORTER'S RECORD

12.1 OFFICIAL REPORTER'S RECORD. The court reporter or court recorder/transcriber is to authenticate the original Reporter's Record and each copy thereof with a certification page on the last page of each volume. If more than one court reporter or court recorder / transcriber is involved in the production of the Reporter's Record being certified, then the certifications of each court reporter or transcriber involved will be required at the end of each volume. The party responsible for the costs must be a part of the certificate contained in the final volume. (Note: The contents of the style / title page should not be repeated as part of the certification page). *See* Figures 5 and 6 for examples of Certification page of Official Reporter's Record and Official Reporter's Certification page for Exhibits.

If the Reporter is working for a freelance firm he/she shall provide the firm registration number issued by the Court Reporters Certification Board.

12.2 FREELANCE TRANSCRIPTION. The court reporter or court recorder / transcriber is to authenticate the original transcription with a certification page on the last page of the record. The party responsible for the costs must be a part of the certificate page. *See* Figures 7, 8, 9, and 10 for examples of Correction/Signature Page and Certification Pages.

Pursuant to Section 52.001, Government Code, subdivisions (6) and (7), a firm registration number issued by the Court Reporters Certification Board shall be included on the certification page.

Section 13 TRANSCRIBER'S CERTIFICATION OF ANOTHER'S NOTES* *See* Figure 30 E. & F.

**Comment Concerning Certification of Depositions, Timekeeping,
and Other Duties of Deposition Officers**

New Rule of Civil Procedure 203 sets forth the requirements governing presentment, signature, certification, and delivery of oral and written depositions. These requirements apply to any “deposition officer,” who, for purposes of the discovery rules, is defined as any person responsible for recording a deposition. There may be more than one “deposition officer” in an oral deposition. For example, if a party notices an oral deposition to be recorded non-stenographically, another party may notice the deposition to be recorded stenographically by a CSR. *See* Tex. R. Civ. P. 199.1(c), 199.2(b)(3). In such a case, both the person responsible for recording the deposition non-stenographically and the person responsible for recording the deposition stenographically would be a “deposition officer” required to comply with Rule 203 with respect to the form of recording for which that person was responsible. Who may record a deposition non-stenographically is discussed above in the Comment Concerning Non-Stenographic Depositions following Section 11.

A deposition officer responsible for a stenographic recording of an oral deposition must present the transcript for signature in accordance with Rule 203.1, although this requirement does not apply to non-stenographic recordings or depositions on written questions. *See* Tex. R. Civ. P. 203.1(c). Each deposition officer must also certify a deposition in accordance with Rule 203.2(a)-(g), although subparts (b), (c) and (e) obviously do not apply to depositions on written questions and subparts (b), (c) and (f) do not apply to non-stenographic recordings of oral depositions.

An important new certification requirement applicable to oral depositions, however recorded, is that deposition officers must certify the amount of time used by each party at the deposition. *See* Tex. R. Civ. P. 203.2(e). This requirement is intended to aid enforcement of new time limits on the examination and cross-examination of witnesses. *See* Tex. R. Civ. P. 190.2(c), 190.3(b)(2), 199.5(c). Although time-stamping (*see* Section 4) may facilitate the completion of this task, it is not required; rather, the deposition officer may simply use a stopwatch or other time-keeping device. The time credited to a party obviously should not include recesses or off-the-record discussion, and it should not include protracted lapses, such as when a witness is reviewing a stack of documents. But the time would include ordinary pauses by the interrogator or the witness.

Nothing in the timekeeping requirement requires or even permits a deposition officer to referee attorney disagreements at depositions. If a dispute develops among counsel about how time is to be kept, the officer should not attempt to resolve it but should simply make a record of the disagreement so that it can be taken to the court if necessary. If an officer makes a mistake in keeping or certifying time, the court would treat it as any other mistake made by the officer and order any adjustments in discovery considered appropriate. Nothing in the rules requires an officer to keep track of the time remaining to an attorney during a deposition, nor should an officer cease recording the deposition if the officer or a party determines that the time limits have been exceeded. An officer’s responsibility is to make an accurate record, not to police counsel or witnesses. Deposition officers should not allow themselves to be injected into counsel’s disputes. If lawyers cannot agree on the peculiar details of counting time in a particular situation, they should make a record of their respective positions and let a judge sort it out.

Section 14 CERTIFICATION PAGE FOR TAPE RECORDING

(for transcriber or non CSR). *See* Figure 13.

Example of cover pages for transcribing tapes. *See* Figure 30.

Example of Reporter’s(CSRs)Certification of Tape Transcription.

See Figures 30E & F.

Section 15 CERTIFIED QUESTIONS - DEPOSITIONS AND SWORN STATEMENTS.

A certified question is a question(s) that the witness has refused to answer or has been instructed by his counsel not to answer during the course of the deposition. The attorney may want to argue that particular question(s) in front of the judge. The attorney will generally say, “Certify that question,” on the record. You should type the testimony and any colloquy in the record in the usual manner. If the attorney has requested a separate booklet, then excerpt a copy of the pertinent testimony from your final

transcript into a separate booklet. Certified questions will be listed in the index.

Section 16 **CONTENT OF REPORTER'S RECORD.** Except as noted below, the Reporter's Record will contain all English words and other verbal expressions uttered during the course of the proceedings.

16.1 WITNESS AND EXAMINATION SETUP EXAMPLES

(a) Official Reporter's Record: *See* Figure 15.

(b) Freelance Transcriptions: *See* Figure 16.

16.2 Witness Sworn Through Interpreter and Suggested Oath to the Interpreter:
See Figure 17.

SUGGESTED OATH TO THE INTERPRETER

COURT REPORTER: "Do you solemnly swear or affirm that the interpretation you will give in this deposition will be from English to Spanish/Vietnamese/etc. and from Spanish/Vietnamese/etc. to English to the best of your ability?"

INTERPRETER: "I do."

SUGGESTED OATH TO SIGN INTERPRETER

COURT REPORTER: "Do you solemnly swear or affirm that the interpretation you will give in this deposition will be from English to American Sign Language and American Sign Language to English to the best of your ability?"

16.3 Questions and Answers (Q. & A.). "Q." and "A." will begin at the first tab setting with the text following at the second tab setting. A period following the "Q" and "A" designation is optional. All subsequent lines will return to the left margin. *See* Figure 18.

16.4 Colloquy. Speaker identification will begin at the third tab from the left margin, followed directly by a colon and two spaces. All subsequent lines will return to the left margin.

16.5 Paragraphs. Any new paragraph starts at the third tab from the left margin. All subsequent lines are returned to the left margin.

16.6 Quotations. Quoted material will follow the general format guidelines as set forth in this manual with respect to marginal and tab settings. The use of quotation marks is optional. *See* Figure 19.

16.7 Dashes. Interruptions of speech will be denoted by the use of dashes (--) at the point of interruption, and again at the point the speaker resumes speaking. *See* Figure 20.

16.8 Punctuation and Spelling. Punctuation and spelling will be appropriate standard usage.

16.9 Striking from the Record. No portion of any proceeding will be omitted by a request or an order to strike. The material ordered stricken, as well as the order to strike, must all appear in any transcription.

16.10 Editing of Speech. Any transcription should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly-constructed sentences should be transcribed as spoken.

16.11 Parentheticals. Parenthetical notations in any transcription are a court reporter's or transcriber's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage. Parenthetical notations will begin at the third tab setting. In the event more than one line is necessary for a parenthetical each subsequent line will begin also at the third tab setting. Blank lines before or after parenthetical notations are prohibited. It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (*e.g.*, physical gestures and lengthy pauses on the part of a witness). If counsel or the court fail to refer to the witness's affirmative or negative gesture or other things occurring during the proceedings that may assist the reader, parenthetical notations may be used.

(a) Recommended Parentheticals. The following are recommended parenthetical notations to be used where appropriate:

(Call to order of the court)	(The jury was sworn) or (The jury panel was sworn)
(Jury not present)	(Jury present)
(The witness was sworn)	(The witness was affirmed)
(Interpreter sworn)	(Discussion between interpreter and witness)
(Recess from ^ to ^)	(Lunch recess from ^ to ^)
(At the Bench, on the record)	(At the Bench, off the record)
(Moving head up and down)	(Moving head side to side)
(Indicating)	(Pointing)
(Snapping fingers)	(Drawing)
(Writing)	(Pausing)
(Weeping)	(Descriptive sound)
(No verbal response)	(Exhibit ^ marked)
(Discussion off the record)	(Proceedings concluded / recessed at ^)
(Interruption)	(Sotto voce discussion)
(Witness complies)	
(Sotto voce discussion between ^ and ^) or (^ and ^ whispering)	

(b) Parentheticals for Criminal Trials. In criminal trials, the defendant's presence or absence should be noted on the record. If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceedings occurred in the presence of the jury, out of the presence of the jury, prior to the jury entering the

courtroom, or after the jury left the courtroom.

(Open court, defendant and prospective jury panel present)
 (Open court, defendant present, no panel)
 (Open court, defendant present, no jury)
 (Open court, defendant and jury present)
 (Chambers, defendant present, no jury)
 (Discussion off the record)
 (Discussion off the record in chambers, defendant not present)
 (Discussion on the record in chambers, defendant present)
 (Crime scene, defendant and jury present)

16.12 Headings. The following headings may be used where appropriate in the body of the Reporter's Record and in the index:

FINAL PRETRIAL HEARING
 JURY VOIR DIRE BY THE COURT
 JURY VOIR DIRE BY THE STATE
 JURY VOIR DIRE BY THE PLAINTIFF
 JURY VOIR DIRE BY THE DEFENDANT
 STATE'S OPENING STATEMENT
 PLAINTIFF'S OPENING STATEMENT
 DEFENDANT'S OPENING STATEMENT
 DIRECT EXAMINATION
 FURTHER DIRECT EXAMINATION
 VOIR DIRE EXAMINATION
 FURTHER VOIR DIRE EXAMINATION
 CROSS-EXAMINATION
 REDIRECT EXAMINATION
 RECROSS-EXAMINATION
 FURTHER REDIRECT EXAMINATION
 FURTHER RECROSS-EXAMINATION
 CONFERENCE ON JURY INSTRUCTIONS
 STATE'S CLOSING STATEMENT
 PLAINTIFF'S CLOSING STATEMENT
 DEFENDANT'S CLOSING STATEMENT
 JURY INSTRUCTIONS
 COURT'S FINDINGS
 JURY VERDICT
 PUNISHMENT PHASE
 SENTENCING

16.13 Readback - Official Reporter's Record. For clarity of the record, readback during proceedings will be quoted in the transcription at the point read. *See* Figure 21.

(a) **Readback of Official Reporter's Record during Jury Deliberations.** If readback of testimony is requested during jury deliberations, the Reporter's Record will reflect the judicially approved excerpted testimony in the

following manner:

(1) a parenthetical note reflecting the Volume, page(s) and line number(s) read to the jury; and/or

(2) a transcription of the excerpted testimony requested by the jury will be attached to the jury's note and Court's response and will become part of the Clerk's Record.

16.14 Readback - Freelance Transcriptions. May be set out as described in 16.13 for clarity purposes or in the following manner:

(a) **EXAMPLE:** (Requested portion was read)

16.15 Verbal and Nonverbal Expressions. Expressions such as "Uh-huh" and "Huh-uh" should be transcribed accordingly. "Uh-huh" is used when the speaker is answering affirmatively. "Huh-uh" is used when the speaker is answering negatively. In the instance where there is no verbal response to a query (*i.e.*, person nodding or shaking head) the reporter/transcriber may indicate in the transcription that the person is indicating either affirmatively or negatively.

16.16 Audio / Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in the proceedings. When the exhibits are played in court, a contemporaneous record of the proceedings will not be made unless the Court so orders.

16.17 Private Communications / Off-the-Record. Private or off-the-record communications may be noted as follows: (*Discussion off the record*) or (*Sotto voce discussion off the record*).

16.18 Identification of Speakers. All speakers must be properly identified throughout the Reporter's Record in capital letters at the third tab setting. Speakers will be identified using their last name only unless there are attorneys of the same gender and last name involved in the proceedings. In that event only will it be necessary to use both first and last name. After colloquy interruptions and "Q." and "A." designations are resumed, the "Q." may be followed by speaker identification on the same line to remind the reader who is conducting the examination. This designation may also be used after a parenthetical notation and colloquy. If a by-line is used, it shall be as set out as shown in Figure 21.

SPEAKER

court reporter
 unidentified juror
 identified juror
 unidentified prospective juror
 foreman
 the judge
 attorney
 witness (in colloquy)
 interpreter
 plaintiff
 defendant
 bailiff
 probation officer
 sheriff
 deputy sheriff
 clerk
 law clerk
 court coordinator
 secretary
 legal assistant

PROPER IDENTIFICATION

THE REPORTER
 JUROR
 JUROR ^LAST NAME
 VENIREPERSON
 THE FOREMAN (FOREPERSON, PRESIDING JUROR)
 THE COURT
 MR., MRS., MS., OR MISS (^LAST NAME)
 THE WITNESS
 THE INTERPRETER
 THE PLAINTIFF
 THE DEFENDANT
 THE BAILIFF
 PROBATION OFFICER (SUPERVISION OFFICER)
 THE SHERIFF
 DEPUTY SHERIFF
 THE CLERK
 LAW CLERK
 THE COORDINATOR
 THE SECRETARY
 LEGAL ASSISTANT

16.19 Testimony Through Interpreter.

In Interpreted depositions court reporters use Q&A sequencing in order to reflect the question asked in English by the attorney and the answer of the witness given through the interpretation process in English. When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless stated otherwise.

Sometimes a witness testifying through an interpreter will answer some questions in English. If part of the translation is given by the interpreter and the rest is in English by the witness, the parenthetical "(In English)" may precede the portion of the witness's remarks given in English.

Experienced interpreters will speak in the first person. Inexperienced interpreters may at times speak in the third person. Interpreters should be cautioned by the attorney and court reporter to give verbatim translation in the first person if it is not their normal practice to do so.

Sometimes attorney(s) are fluent in the native tongue of the witness and may speak to the witness directly without the interpreter. A parenthetical should be used in this situation.

See Figure 22 and Section 16.2.

16.20 Index for Official Reporter's Record. An index is required. Each volume is to contain an index which will appear immediately following the title / administrative pages. *See* Figure 10 and Sections 16.20(d) and (e) for examples.

(a) Content of Index. The index will include a chronological index, an alphabetical index and an exhibit index. The chronological must also include a listing of all witnesses in the order of their appearance at trial, and a separate listing of the witnesses alphabetically. *See* Figure 28 for example index where there are multiple attorneys conducting the examination. The chronological index shall include a listing of all events that occur. The Master Index shall also include this information. A listing of volume numbers and type of proceedings for that volume is NOT sufficient.

EXAMPLE OF MASTER INDEX THAT IS NOT ACCEPTABLE FOR FILING:

Volume Two-----Jury Selection
 Volume Three-----Case-in-Chief on Guilt/Innocence
 Volume Four-----Punishment Phase
 Volume Five-----Exhibits

(See 16.20 (b) and 17.1 and Figure 26)

(b) Index Format. A columnar format is required for listing the exhibits and alphabetical listing of witnesses and/or venirepersons. *See* Section 16.20. (See Section 24 for further details on capital murder transcriptions and indexes.) The index is to be single-spaced for the direct, cross-examination, etc. of the witnesses; however, it is to be double-spaced between topic changes (*i.e.*, arraignment, opening statements, plaintiff rests, defendant rests, etc.). When the chronological index is complete, the alphabetical index will begin immediately on

that same page, if space allows, as will the exhibit index. The index will indicate the pages at which each of the following, if applicable, occurred:

- (1) jury voir dire examination;
- (2) opening/preliminary instructions by the court;
- (3) motions in limine and other hearings on written motions occurring throughout the hearing, and rulings thereon;
- (4) opening statements by counsel representing all parties;
- (5) witnesses for both sides, listing direct, cross, redirect, recross, rebuttal, surrebuttal examinations and witness voir dire;
- (6) motions for directed verdict;
- (7) summations of counsel;
- (8) charge to the jury;
- (9) objections to the court's charge;
- (10) verdict;
- (11) polling of the jury;
- (12) punishment phase;
- (13) sentencing;
- (14) adjournment; and
- (15) court reporter's certificates. *See* Figures 5 and 6.

(c) Index of Exhibits. An index of the exhibits must be included. The exhibit index is to include a complete description of the exhibits and the page at which the exhibit was offered and received into evidence. The volume number must also be included in the Master Index. *See* Section 16.20(d) and (e); Section 17.

(d) Alphabetical Index. The alphabetical witness index will include a column for the volume number in the Master Index. *See* Figure 23.

(e) Column for Volume Number in Master Index. The exhibit index will include a column for the volume number in the Master Index. *See* Figures 24 and 26.

16.21 Index for Freelance Transcriptions. All major portions of a deposition/freelance transcription will be indexed. Indexes for depositions may appear at the beginning of the transcription after the title / administrative pages or at the end. *See* Figure 11.

(a) Content of Index may include the following:

- (1) appearances;
- (2) stipulations;
- (3) examinations;
- (4) certificate of completion of the deposition;
- (5) signature and correction page (s);
- (6) exhibits numbered with a description and page where formally referenced or marked;

- (7) certified questions; and
- (8) requested information.
- (b) The format for the Deposition/Freelance index is optional.

Section 17 MASTER INDEX - FOR OFFICIAL REPORTER'S RECORD ONLY

- 17.1 Content of Master Index.** In a protracted case (more than one volume), in addition to the individual indexes, there must be a master index set forth in its own separate volume labeled volume 1, consisting of a compilation of all of the individual indexes (listing all chronological occurrences), witnesses in the order of their trial and alphabetical, and the exhibits). A column for volume number shall be included for each entry in the master index. *See* Figure 10 and Section 16.20 for examples.
- 17.2 Special Venire Cases.** In cases involving special venire (*i.e.*, individual voir dire for death penalty cases) the index will include a listing of the venirepersons, in the order of their appearance at trial, and an alphabetical index, which shall include a column for volume number for each entry. *See* Sections 16.20(d) and (e). The Master Index shall also include a detailed listing when the special venire commences, the jury is qualified and statutory excuses, claims for exemption or challenges for cause are heard. *See* Section 24 for further details on capital murder cases.

Section 18 EXHIBITS - OFFICIAL REPORTER'S RECORD

- 18.1 Exhibit Items not Included in the Reporter's Record.** Unless ordered otherwise, neither physical evidence nor original exhibits are to be included in the Reporter's Record.
- 18.2 Original Exhibit Included Only Under Order of Trial Court.** When a legible copy of a photograph or any other exhibit cannot be made, the original exhibit will be included in the Reporter's Record under order of the trial court made pursuant to Rule of Appellate Procedure 34.6(g).
- 18.3 Description of Physical Evidence.** Each item of physical evidence must be described on a separate sheet of paper in such a manner that it may be identified, including the exhibit number, unless a photocopy is included.

(a) EXAMPLE:

STATE'S EXHIBIT NO. 1

9mm Glock semi-automatic pistol, Model P280, Serial No. 665543

- 18.4 Format of Exhibit Items.** Copies of the exhibits and the descriptions of physical evidence received in each separate proceeding or hearing must be placed in numerical order at the end of the Reporter's Record in a separate volume or volumes which are numbered sequentially following the last volume of the transcription of the proceedings and the indexes. If possible, copies of the exhibits will be on letter size (8½ x 11") paper and separated by numbered index tabs. Copies of exhibits may be bound

together at the end of the Reporter's Record as long as they are a separately tabbed volume(s) and the binding together does not exceed the maximum thickness of 2".

Section 19 COVER. The court reporter or transcriber is to cover the original and each copy of Reporter's Record with front and back covers of good quality, consisting of white or colored 140-pound, No. 1 sulfite paper, heavyweight transparent plastic, or other similar material approved by the court. (These specifications apply to official Reporter's Records only.)

Section 20 BINDING. The court reporter is to secure the Reporter's Record for each session separately, binding the Reporter's Record along the left edge. Do not use three-ring binders for official Reporter's Records. *See* Section 22. (Compressed records may be bound together as long as they do not exceed the maximum thickness (2"). In the event they are bound together, the volumes shall be separated by tabs labeling the volume numbers.)

Section 21 REPORTER'S RECORD ON COMPUTER DISKETTE OR COMPACT DISC. The Reporter's Record may be prepared in computer diskette form, compact disc form or electronic transcript form, ASCII format or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies. Each page of Reporter's Record on diskette or compact disc must be formatted consistent with the approved Reporter's Record format guidelines.

Section 22 REPORTER'S RECORD IN COMPRESSED FORMAT

22.1 Official Reporter's Records. The Reporter's Record may be prepared in a compressed, single-sided or duplex format, with four pages of proceedings printed on each page. The four format boxes shall be adjoined utilizing the full page with no spaces allowed between the boxes. Bold or boldface font on text is not permissible and will not be accepted. The title and index pages shall be printed in full page (not compressed or condensed). The volumes need not be bound separately if the volumes of the record are separated by index tabs. (See Section 20.) Each printed copy of such a record must be accompanied by a computer diskette(s) containing the entire Reporter's Record in ASCII format or electronic transcript format.

22.2 Freelance Transcriptions. The Reporter's Record may be prepared in a compressed, single-sided or duplex format, with four or more pages of the proceedings printed as specified by the parties.

Section 23 (REAL-TIME*) UNEDITED ROUGH DRAFT TRANSCRIPTION OR UNEDITED ASCII OR UNEDITED ELECTRONIC TRANSCRIPT

23.1 Unedited Rough Draft Not Certified. When preparing a rough draft transcription or unedited_ASCII disk or unedited electronic transcript, the transcript of the proceedings may not be certified and may not be used, cited or transcribed as a certified

transcript of the proceedings. The rough draft transcript may not be cited or used in any way or at any time to rebut or contradict the certified transcription of proceedings.

23.2 Printed on Colored Paper. Any Texas Certified Shorthand Reporter may provide unedited rough draft if it is printed on colored paper.

23.3 Labeling of Rough Draft. The transcription or ASCII disk or electronic transcript will be labeled with the words, “UNEDITED ROUGH DRAFT ONLY,” and/or with a header and/or footer as follows: “UNEDITED, UNPROOFREAD, UNCORRECTED, UNCERTIFIED ROUGH DRAFT.”

23.4 Content of Unedited Rough Draft. (Real-time*) unedited rough draft will not include a format box, title page, an appearance page, line numbers, a certification, or an index.

23.5 Disclaimer for Unedited Transcription.

WARNING!

This unedited rough draft of the proceedings was produced in (instant form*) and is not certified. The rough draft transcript may not be cited or used in any way or at any time to rebut or contradict the certified transcription of proceedings. There will be discrepancies in this form and the final form, because this (instant form*) has not been edited, proofread, corrected, finalized, indexed, bound or certified. There will also be a discrepancy in page numbers appearing on the unedited rough draft and the edited, proofread, corrected and certified final.

23.6 Acknowledgment to Parties of Unedited Transcript. It is recommended that each court reporter request that parties acknowledge that receipt of a (real-time*) unedited transcript is not an official record of the court proceedings. *See* Figure 25.

Section 24 Capital Murder Reporter’s Record

The Reporter’s Record for capital murder cases shall be prepared in accordance with this Manual. Special / Individual Venire is also addressed in Section 17.2. Additionally, the Reporter’s Record in these cases shall include an index in columnar format for the general voir dire of the proceedings wherein the Court hears statutory excuses, claims for exemption or challenges for cause from the prospective jurors. *See* Figure 27. The Master Index shall include a column for volume number for each entry. *See* in Figure 26.

Section 25 Case Log For Deputy Officials

Deputy Official Reporters (substitute reporters) shall file a separate form for each case reported with the Clerk of the Court to be included in the case file, which includes the following (See Fig. 33):

Style and number of case reported;
Name;

CSR # and certification expiration date;
Firm registration #
Address and contact information, including phone, fax and if
available, email address; and
Date(s) reported.