



SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

GUIDE FOR OFFICIAL REPORTERS PRO TEMPORE

The Kern County Superior Court does not provide court reporters for certain proceedings (see *Policy Regarding Normal Availability and Unavailability of Official Court Reporters* [CtSup-2020-2]). The following information is being provided to official reporters pro tempore concerning their appearance at court.

Forms, policies, and sample transcripts are available on the court's website at www.kern.courts.ca.gov.

- 1. Court Reporter Appointment Process** Pursuant to policy of the Kern County Superior Court (see *Official Reporter Pro Tempore Policy* [CtSup-2020-1A]), when an official court reporter is not provided, parties may arrange for the appointment of a privately retained certified shorthand reporter to serve as an official court reporter pro tempore for a proceeding. It is the responsibility of the party or parties who arranged for the reporter to pay the reporter's fees for attendance at a proceeding. The options include:
 - a) Select their own reporter which requires a stipulation by the parties. A reporter can serve in this capacity, only if the judicial officer presiding in the department where the proceeding will occur has approved the reporter's appointment by way of an order; or
 - b) Select from the Court's Pre-Approved Official Reporters Pro Tempore List (KCSC Form # 1125) without a stipulation from the parties or an order from the Court (Gov. Code §70044).
- 2. Locations** The Kern County Superior Court has four divisions; Metropolitan (1415 Truxtun, 1215 Truxtun, Traffic, and Juvenile Justice Center), East Kern (Kern River, Mojave, and Ridgecrest), North Kern (Delano and Shafter), and South Kern (Lamont and Taft). A listing of all courthouses, judicial officers, and departments, along with addresses and phone numbers, may be found on the court's website at www.kern.courts.ca.gov.

Familiarize yourself with public parking facilities around the courthouses. Parking can be difficult to find, so plan accordingly.

- 3. Reporting Equipment and Supplies** You are responsible for bringing with you all the equipment and supplies you will need to perform your work. The court does not provide stenographic paper or other court reporter supplies and will not have any copying equipment available to pro tempore reporters. You will have access to power in the courtroom; however, please be prepared to operate solely on battery power if it becomes necessary.

Personal court reporting equipment should be removed from the courtrooms at the conclusion of proceedings for which the Court Reporter Pro Tem was contracted. You may not leave your equipment in the courtroom overnight.

- 4. When You Arrive at the Courthouse** Arrive at the courthouse in advance of your scheduled proceeding, and allow for time to pass through security at the entrance of the courthouse. You will need to pass your equipment through the security machines.
- 5. When You Arrive at the Courtroom** Arrive to the courtroom at least 20 minutes before the proceeding is scheduled to begin. The set-up for your equipment will be different in every courtroom, so allow ample time for this. The court does not provide technical support. You will have access to power in the courtroom; however, please be prepared to operate solely on battery power if it becomes necessary. It is essential that you be on time and be ready to report the proceeding, because the court will not continue a matter or wait for you to be ready. In the event of an emergency, you must inform the party or attorney who hired you that you will be late or unable to attend the proceeding.

When you arrive at the courtroom, if the doors are locked, wait outside until the doors are unlocked. Upon entering the courtroom, introduce yourself to the courtroom clerk and bailiff.

Sit in the audience section until the clerk or bailiff directs you where to go.

- If you are reporting a law and motion matter, look at the calendar posted outside the courtroom door to see when your case will be heard. However, the judicial officer may change the order in which the cases will be heard, so you need to stay in the courtroom. There may be several reporters there to report other matters. Ask the clerk or bailiff where you should wait until your matter comes up. If for any reason you leave the courtroom, inform the attorney(s) or party(ies) who hired you of your whereabouts.
- Give your business card to the lawyers appearing on your matter and to the courtroom clerk.
- If you are on the Pre-Approved Official Reporters Pro Tempore List (KCSC Form # 1125) you do not need a stipulation by the parties or further order of the court. (Gov. Code § 70044)
- If you are not on the Pre-Approved List: Read, complete, and sign your portion of the *Appointment of Official Reporter Pro Tempore* form (KCSC Form #1123B). This form must be turned in to the clerk before the proceeding begins and you must be appointed as official court reporter pro tempore before you may report the proceeding.
- Do not cross the “well” (the space in front of the bench) without permission of the judicial officer or bailiff.
- Do not enter the secured back hallways of the court, unless specifically authorized by the clerk, the bailiff, or the judicial officer, to report a matter in chambers.
- Ask the judicial officer or clerk if there are any special procedures or practices about which you should be aware.
- Restroom facilities are available in the public areas of the courthouse.

6. Court reporters on the Pre-Approved Official Reporters Pro Tempore List (KCSC Form # 1125) may participate telephonically in hearings in civil matters held in the Metropolitan Division, in courtrooms located at 1415 Truxtun Avenue, Bakersfield. Court reporters must make their own arrangements using CourtCall to create the record telephonically.

7. **Real-Time Transcription** The court provides judicial officers with a stand-alone laptop with case View Net or Case View II and Bridge Software loaded. Reporters may connect using one of the three following connectivity options:

- a. 9-Pin Serial Cable with USB adapter.
- b. 9-Pin Serial Cable with the following configuration:
 - Bits per second: 2400
 - Data bits: 8
 - Parity: None
 - Stop bits: 1
 - Flow control: None
- c. Bluetooth Receiver and Bluetooth USB device and Device driver software, if a wireless connection is available in the courtroom where the reporter will be reporting.

Be aware that it is the responsibility of the Reporter to configure the cable or Bluetooth receiver with the correct COM Port to connect to the court laptop. The court does not provide technical support, and the court is not responsible for viruses, malware, or adware that could be potentially transmitted between devices.

8. **Depositing Notes or Electronic Copy of Notes with the Court** Gov. Code §69955 provides that reporting notes are “official records of the court,” and must be kept by the reporter in a place designated by the court or, if ordered by the court, delivered to the clerk. The Kern County Superior Court requires you upload your electronic notes to ACORN in a timely basis in accordance with the court’s *Official Reporter Pro Tempore Electronic Notes Upload/Archiving Policy* (Policy #CtSup-2013-1C).

If you do not have an account established with ACORN, you must contact the Court Services Coordinator (www.kern.courts.ca.gov), as soon as possible to get a user name and password. You will need to provide them with your name, CSR #, email address, and CAT software.

Pursuant to Gov. Code §69955(d), court reporters are required to maintain an additional back-up copy of all notes.

9. Transcripts Generated in the Course of Trial or After Hearing Counsel may request reporter's transcripts immediately after a hearing on a motion or in the course of trial. All official court reporters pro tempore are required to follow the Kern County transcript format for all transcripts submitted to the Court and parties. The transcript layout as well as formatting information will be provided to you by the court reporter's office. In addition, you are required to file all transcripts electronically in each case for which a transcript is prepared. Payment of the e-file provider fees shall be the sole responsibility of each court reporter.

Pursuant to Cal. Code Regs, tit.16 §2475, you are required promptly to notify, when reasonably possible, all known parties or their attorneys who were in attendance at a civil court proceeding of a request for preparation of all or any part of a transcript, including a rough draft, in electronic or paper form.

10. Court Reporter Read-Back During trial, you will take direction from the judicial officer whether to read-back a question or answer. Once the jury commences its deliberations, it may request to have read-back of testimony. Be prepared to make yourself available within 30 minutes of a request by the court.

When reading-back testimony, unless directed otherwise by the Judicial Officer:

- Do not read any testimony that was stricken.
- Do not read questions or answers to which objections were sustained.
- Do not read overruled objections.
- Read only testimony or stipulations presented to the jury; do not read any portion of a bench or chambers conference or in camera proceeding.
- You may read-back testimony from a printed transcript, your computer, or your notes.
- Make sure that you make note of the testimony you read to the jury for the purposes of appeal.

If more than one reporter worked on the case, all reporters must be available for a read-back or alternatively, one reporter can read-back the testimony if it has already been edited for correctness by the reporter who reported the proceeding. The court reporter(s) will be contacted for read-back as directed by the court.

11. Courtroom Schedule The court will take a number of breaks during the day and will close for lunch. You may not remain in the courtroom during the lunch break.

12. Courtroom Etiquette and Protocol You must dress professionally, in business-like attire suitable for the courtroom environment -- shirt and tie, slacks, dress, blouse, skirt, sweater, or business suit attire. No food or drink is permitted in the courtroom. Some judicial officers make an exception for water. Cell phone use is typically NOT permitted in the courtroom. Make sure you turn off your cell phone or put it on silent mode. You should not tell anyone to contact the court in order to reach you or to leave you a message.

Always address the judicial officer as "Your Honor," "Judge [last name]," or "Commissioner [last name] unless he or she indicates otherwise.

13. (No) Contact with Jurors You should minimize contact with jurors or potential jurors, while remaining polite and cordial. If a juror or potential juror insists on having substantive contact or conversation with you, beyond routine greetings, report the situation to the bailiff or clerk. When having conversations in or outside of the courtroom (including in public restrooms or court hallways), remember that you may be in earshot of a juror or potential juror, and that you should not discuss any matter related to the case before the court, neither the substance of the case nor anything about the parties or lawyers. Although you are not an employee of the court, the jurors or potential jurors view you as an official of the court. It is imperative that you not act in a way that creates the appearance that you favor one party or attorney over another. You must remain impartial and appear impartial at all times.

14. Opening of Trial Court Proceedings There are two ways in which trial court proceedings are commenced depending on the circumstances of the case and the judicial officer's preference. In either case, the bailiff will announce what is happening. You do not need to report the openings.

- **A formal opening** is usually done at the beginning of trial when the judicial officer enters the courtroom and the jurors are present. The bailiff will ask all to rise (including the reporter) and may direct everyone to face the flag.
- **An informal opening** is when the judicial officer enters the courtroom and everyone remains seated. This is usually done when jurors are not present.

15. Hearings on Motions You may be appointed to report a hearing on a motion. There are many types of motions. A motion is basically a procedural device used by counsel to bring an issue in front of the judicial officer. The judicial officer may rule on a motion from the bench immediately after counsels' arguments or may issue a written ruling sometime after the hearing. You should report all the statements made by the judicial officer or counsel during a hearing.

16. Stages of Trial There are two types of trials: court trials and jury trials. Some trials are "bifurcated" so that some issues are tried to the court and others to the jury.

- **In a court trial**, there is no jury; the judicial officer decides everything.
- **In a jury trial**, the jury decides the facts, while the judicial officer makes legal decisions.

Order of trial proceedings:

- Pre-trial motions or motions in limine.
- Jury instruction conference (sometimes occurs after the presentation of evidence, at the discretion of the judicial officer).
- Jury voir dire.
- Jury instructions.
- Opening statements by counsel.
- Plaintiff's case is presented through witness testimony and exhibits.
- Defense case is presented through witness testimony and exhibits.
- Rebuttal evidence is presented.
- Closing arguments.
- Jury instructions.
- Jury deliberations.
- Verdict.

17. Reporting of Trial Proceedings Unless you are told otherwise, you must report everything that happens from the beginning of the trial until the end. Look to the judicial officer for guidance. Only the judicial officer can tell you whether to go off the record. If you are unsure, ask the judicial officer. It is better to report something that does not need to be reported than to fail to report something that is necessary.

18. Jury Voir Dire Jury voir dire is the process by which jurors are selected to serve in a trial. Potential jurors are questioned as a group or individually by the judicial officer and/or counsel. You normally will be required to report jury voir dire, but get confirmation from the judicial officer beforehand. Obtain a copy of the alphabetical juror list from the clerk prior to commencement of jury voir dire. Verify with the clerk or bailiff where Juror No. 1 will be seated and the order of seat assignments. The lists contain the prospective jurors' names and the juror identification numbers. Keep the jury lists in a secured place, as they may contain confidential information.

19. Bench and Chambers Conferences A "bench conference" is basically a conversation between the judicial officer and counsel outside the presence of the jury. They are generally held at "side-bar" – counsel approach the bench and speak with the judicial officer in close proximity with soft voices, so the jury cannot hear anything they say. A "chambers conference" is another private conversation between the judicial officer and counsel.

Before the trial commences, ask the judicial officer or court clerk about how the judicial officer conducts these conferences. Not all bench and chambers conferences need to be reported. You will need to take instruction from the judicial officer whether to report a conference. If in doubt whether you should report, ask the judicial officer.

You are responsible for bringing with you whatever special equipment you may need to report bench conferences. Many court reporters have their own pocket sized microphone/amplifier with a headset so they may stay seated and connected to their laptop while the judicial officer and counsel conduct a bench conference.

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

- 20. In Camera Proceedings** "*In camera*" literally means "in chambers," but it is different from a chambers conference. A legal proceeding is "*in camera*" when the public, jury, and sometimes even a party and his/her counsel are excluded from the proceedings. *In camera* proceedings may involve disclosure of sensitive, confidential or attorney-client privileged information. You may be required to report these proceedings, but you need to be careful to whom you may release a transcript of these proceedings. If you are not clear on who is entitled to have access to a transcript of these proceedings, ask the judicial officer.
- 21. Sealed Proceedings** Sometimes the judicial officer will order that certain proceedings be sealed. In such a circumstance, the reporter's notes may only be transcribed with a court order, and the reporter is required to segregate that portion of his/her notes. When a sealed hearing is transcribed, the transcript must be sealed in an envelope. The transcript cover must have the heading "Sealed Proceedings." Attach a copy of the transcript cover to the outside of the envelope and deliver only as directed by the court. Sample formats will be available on the court's website at www.kern.courts.ca.gov.
- 22. Judicial Officer's Reading of Jury Instructions** The judicial officer reads instructions to the jury at two junctures in the course of a trial: (1) at the commencement of the case once a jury has been impaneled, before any evidence is presented, and before counsel's opening statements and (2) after all evidence is presented, and either before or after counsel's closing arguments, and before the jury commences its deliberations. You normally will report the judicial officer's reading of the jury instructions, but should get confirmation from the judicial officer.
- 23. Swearing of Witnesses** The judicial officer or clerk administers the oath to the witness. The swearing of the witness is reported verbatim and is included in the transcript.
- 24. Deposition Readings/Video Depositions** At trial, counsel will at times read testimony from deposition transcripts. You must report verbatim what the counsel reads from the deposition transcript. Video or audio recordings are subject to Cal. Rules of Court, rule 2.1040, under which ordinarily you do *not* report what is said in the recording. Check with the judicial officer to be sure whether he or she expects you to report that part of the trial.
- 25. Attorney Objections** You must report all objections being made by counsel and the judicial officer's ruling on the objections. If you are having difficulty reporting because multiple people are speaking at the same time, you should stop the proceedings and inform the judicial officer.
- 26. While the Jury is Deliberating** The jury may have questions during deliberations that need to be reported, and there may be requests for read-back of testimony. Be prepared to make yourself available within 30 minutes of a request by the court. Read-back may be conducted in the jury deliberation room (you must be escorted to the jury room by the bailiff or the clerk) or in open court at the request of counsel. If you are reading-back in the jury deliberation room, it is imperative that you do not have any discussions with the jurors. Simply inform the jurors that any questions they have must be directed to the bailiff. If the jurors begin discussing matters, step out of the deliberation room and inform the bailiff or clerk.

There is no way to predict how long jury deliberations will take. They may take a few hours or span over a number of days. Once the jury reaches a verdict or is unable to reach a verdict (this is called a "hung jury"), you will return to court to report the result.
- 27. Trial Exhibits: Identification and Admission into Evidence** The clerk is responsible for handling and labeling the trial exhibits. Exhibits are identified, and then— assuming the judicial officer has not sustained an objection—they may be admitted into evidence. You must note *both* occurrences in the body of the transcript. The Rules of Court require that they both be included in the index in the record on appeal.