



2010 Fall Seminar

San Francisco

Welcome!!

Forewarned is Forearmed

Rules and Codes for
Official Reporters to live by



- A well informed official is a prepared official
- Reporters are protected when they know the applicable Rules and Codes

http://www.courtinfo.ca.gov/

The image shows a screenshot of a web browser displaying the California Courts website. The browser's address bar shows the URL http://www.courtinfo.ca.gov/. The website's header features a navigation menu with links for opinions, forms, rules, courts, programs, careers, reference, and search. Below the header is the main title "CALIFORNIA COURTS" and the subtitle "THE JUDICIAL BRANCH OF CALIFORNIA". The main content area is divided into two columns. The left column contains a sidebar with links for Self-Help, Centro de Ayuda, Judicial Council, Court Administration, Jury Info, Invitations to Comment, Requests for Proposals, Press Center, Site Map, and Government Web Sites. The right column features a welcome message, a "In the News" section with three articles, and social media icons for YouTube, Twitter, and RSS. The first article is "Courthouse Opens in Portola", the second is "2010 Court Statistics Report", and the third is "Community Corrections".

California Courts

opinions | forms | rules | courts | programs | careers | reference | search

CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

Self-Help 

Centro de Ayuda

Judicial Council

Court Administration

Jury Info

Invitations to Comment

Requests for Proposals

Press Center

Site Map

Government Web Sites

Welcome to the California Judicial Branch

Committed to providing fair and equal access to justice for all Californians.

In the News

Courthouse Opens in Portola

This summer community members celebrated the completion of the state's first multijurisdictional courthouse, the new Plumas/Sierra Regional Courthouse in Portola. [View video](#) (3:36).

Media and the Courts

The Bench-Bar-Media Committee has released for public comment recommendations that will lead to the improvement of communications and working relationships among judges, attorneys, and the press. [News Release](#) (PDF).

2010 Court Statistics Report

The 2010 *Court Statistics Report* contains information about branch's annual caseload, and the numbers and types of cases that are filed and disposed in California's courts.

Community Corrections

One of the most important reforms in state sentencing and corrections practice taking place currently is the incorporation of principles of evidence-based practice (EBP). Learn more on this new webpage of the AOC's Community Corrections Program.

[More news...](#)

Local Rules of the Court of Appeal First Appellate District

State of California • Courts of Appeal
Appellate Districts



First Appellate District:

Alameda, Contra Costa,
Del Norte, Humboldt,
Lake, Marin,
Mendocino, Napa,
San Francisco,
San Mateo, Solano,
and Sonoma

Local Rules of the Court of Appeal First Appellate District

Rule 6. Contents of Reporter's Transcript in Criminal and Juvenile Delinquency Appeals

In addition to the normal record prescribed by the California Rules of Court, all records in criminal and juvenile delinquency appeals before the Court of Appeal, First Appellate District, are hereby augmented to include reporter's transcripts of the following proceedings:

Local Rules of the Court of Appeal First Appellate District

CRC Rule 6 (a) [Marsden Hearings]

Any hearing held pursuant to People v. Marsden (1970) 2 Cal.3d 118. The original and two copies of the sealed transcript shall accompany the record upon certification and delivery to this court. The court shall provide appellant's counsel with a copy of the transcript. If appellant raises a Marsden issue, a copy of the transcript shall then be provided to the Attorney General in the manner prescribed in the California Rules of Court.

Local Rules of the Court of Appeal First Appellate District

CRC 6 (b) [Pretrial Motions]

Pretrial motions as follows:

- (1) motion to suppress identification;
- (2) motion to suppress statements of defendant (Miranda)
- (3) motion to permit or preclude impeachment of defendant or witness with prior offenses (Castro);
- (4) motion to determine competence of defendant (PC 1368);
- (5) motion for severance or joinder;
- (6) motion for change of venue;
- (7) motion for discovery of police officer records (Pitchess);
- (8) motion for self-representation (Faretta);
- (9) in limine motions held by the trial judge immediately preceding the trial or impanelment of the jury.

Local Rules of the Court of Appeal First Appellate District

CRC 6 (b) [Pretrial Motions]

These motions shall be included only when denied in whole or in part, except for a People's motion for joinder or to impeach defendant, which shall be included only if granted in whole or in part.

Motions held in camera or under seal shall be transmitted to this court only, and no sealed copies shall be provided counsel for either party except on application to this court.

Local Rules of the Court of Appeal First Appellate District

CRC 6 (c) [Revocation of Probation—Plea Proceedings]

In appeals from revocation of probation:

- (1) the original sentencing proceeding at which probation was imposed;
- (2) the proceedings at the time of entry of a guilty plea or nolo contendere plea if the original judgment of conviction is based on such plea; and
- (3) the proceedings at which probation is revoked and the defendant is sentenced.

(Adopted, eff. October 16, 2006.)

Local Rules of the Court of Appeal First Appellate District

CRC Rule 7. Augmentation of Record

Rule 7 (a) [Material Inadvertently Omitted]

Counsel should not file a motion to augment the record when items have been inadvertently omitted by the clerk or certified shorthand reporter from the designated (civil) or normal (criminal) record. In such cases, counsel should immediately notify the clerk of the trial court who shall forthwith transmit the omitted item to this court and send a copy to counsel.

Rule 7 (d) [Reporter's Transcript]

A motion to augment the reporter's transcript shall identify the portion of the record with specificity, including the reporter and date of hearing. It shall establish with some certainty how the requested materials may be useful on appeal. Requests for jury voir dire should specify the exact questioning by which counsel of which juror together with the reason justifying the request.

Local Rules of the Court of Appeal Second Appellate District

State of California • Courts of Appeal
Appellate Districts



Second Appellate District:

Los Angeles

Ventura

Santa Barbara

San Luis Obispo

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1. Contents of reporter's and clerk's transcripts in criminal and juvenile appeals

In addition to the normal record prescribed by rules 8.320, 8.328, and 8.480(b)(1) and (2) of the California Rules of Court, all records in defendants' criminal appeals and minors' juvenile appeals before the Court of Appeal, Second Appellate District, are hereby augmented under rule 8.155(a) of the California Rules of Court to include reporter's and clerk's transcripts of the following:

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (1). [Jury examination and opening statement]

Except if a conviction was obtained by plea or admission, reporter's transcripts of

(a) jury voir dire whenever a motion regarding the composition of the jury or jury panel (for example, a motion under *People v. Wheeler* (1978) 22 Cal.3d 258 [148 Cal.Rptr. 890, 583 P.2d 748]) or a motion for a mistrial was made during the jury voir dire and decided in whole or in part adversely to the defendant; and

(b) opening statements.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (2) [Sealed and in camera hearings]

Except if a conviction was obtained by plea or admission, oral proceedings of all sealed and in camera hearings resulting in rulings adverse in whole or in part to the appellant. These transcripts shall be listed in the index to the reporter's transcript, and the original and two copies of the sealed transcripts shall be transmitted to this court in sealed envelopes marked "CONFIDENTIAL-MAY NOT BE EXAMINED WITHOUT COURT ORDER." This court shall provide a copy of the sealed transcripts, other than transcripts of a hearing from which the appellant and defense counsel were excluded, to the appellant's counsel on appeal, upon his or her application. If the appellant raises an issue on appeal relating to the sealed transcripts, copies of transcripts shall then be provided to the Attorney General upon their written request. Unless otherwise ordered by this court, the sealed transcripts of a hearing from which the appellant and defense counsel were excluded may be examined only by a justice of this court personally.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (3) [Waivers of constitutional rights]

Reporter's transcripts of oral proceedings at which the appellant's constitutional rights were waived.

CRC Rule 1 (4) [Guilty or nolo contendere pleas and admissions]

Proceedings at which the appellant moved to withdraw a guilty or nolo contendere plea or a juvenile admission, and proceedings at which sentence or disposition was imposed.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (5) [Pretrial Proceedings]

- (a) The following pretrial proceedings:
 - (i) proceedings to determine competence of the appellant (PC1368); and
 - (ii) motions for self-representation. (Faretta)

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (5) [Pretrial Proceedings]

- (b) Except if a conviction or sustained petition was obtained by plea or admission, the following pretrial proceedings which were decided in whole or in part adversely to the appellant:
 - (i) motions to suppress identification;
 - (ii) motions to suppress statements of the appellant;
 - (iii) motions to permit or preclude impeachment of the appellant or a witness with prior offenses (Castro);
 - (iv) motions for severance or joinder;
 - (v) motions for change of venue;
 - (vi) motions for discovery of police officer records (Pitchess); and
 - (vii) in limine motions.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 1 (6) [Revocation of Probation]

In appeals from revocation of probation:

- (a) the original sentencing or dispositional proceeding at which probation was imposed;
- (b) the proceedings at the time of entry of a guilty plea or nolo contendere plea or admission if the original judgment of conviction or sustained petition is based on such plea; and
- (c) the proceedings at which probation is revoked and the appellant is sentenced or disposition is imposed.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 2. Augmentation of record and correction of omissions from record

(d) [Reporter's transcript]

A motion to augment the reporter's transcript shall identify the portion of the record with specificity, including the reporter's name and the date of the hearing. The motion shall establish with some certainty how the requested materials may be useful on appeal.

Local Rules of the Court of Appeal Second Appellate District

CRC Rule 3. Designation of the record in civil appeals under California Rules of Court, rules 8.120, 8.122, and 8.130

(a) [Contents of the notice and designation of record]

The notice to prepare a reporter's transcript and the designation of the contents of a clerk's transcript required to be filed with the clerk of the superior court by the California Rules of Court, rules 8.130, 8.120, and 8.122 shall include the following information:

(1) [Reporter's transcript]

The notice to prepare the reporter's transcript shall state for each oral proceeding to be included in the record (1) the date, (2) the department number, (3) the name of the reporter or electronic recording monitor, and (4) the nature of the proceeding.

California Rules of Court

California Rules of Court

CRC 8.860 Normal record/Reporter's Transcript (Criminal)

(c) Reporter's transcript

The reporter's transcript must contain:

- (1) The oral proceedings on the entry of any plea other than a not guilty plea;
- (2) The oral proceedings on any motion in limine;
- (3) The oral proceedings at trial, but excluding the voir dire examination of jurors and any opening statement;
- (4) All instructions given orally;
- (5) Any oral communication between the court and the jury or any individual juror;

California Rules of Court

CRC 8.860 (c) Normal record/Reporter's Transcript

- (6) Any oral opinion of the court;
- (7) The oral proceedings on any motion for new trial;
- (8) The oral proceedings at sentencing, granting or denying of probation, or other dispositional hearing;
- (9) And, if the appellant is the defendant:
 - (A) The oral proceedings on any defense motion denied in whole or in part except motions for disqualification of a judge and motions under Penal Code section 995;
 - (B) The closing arguments; and
 - (C) Any comment on the evidence by the court to the jury.

California Rules of Court

CRC 8.130 (e) Contents of Transcript (Civil)

- (1) The reporter must transcribe all designated proceedings for which a certified transcript has not been substituted under (b)(3), and must note in the transcript where any proceedings were omitted and the nature of those proceedings. The reporter must also note where any exhibit was marked for identification and where it was admitted or refused, identifying such exhibits by number or letter.
- (2) If a party designates a portion of a witness's testimony to be transcribed, the reporter must transcribe the witness's entire testimony unless the parties stipulate otherwise.
- (3) The reporter must not copy any document includable in the clerk's transcript under rule 8.122.

California Rules of Court

California Rule of Court 8.144

(a) Paper and format

- (2) In the clerk's transcript only one side of the paper may be used; in the reporter's transcript both sides may be used, but the margins must then be 1 1/4 inches on each edge.

(Subd (a) amended effective January 1, 2007.)

California Rules of Court

California Rule of Court 8.144

(b) Indexes

At the beginning of the first volume of each:

- (2) The reporter's transcript must contain alphabetical and chronological indexes listing the volume and page where each witness's direct, cross, and any other examination, begins; and
- (3) The reporter's transcript must contain an index listing the volume and page where any exhibit is marked for identification and where it is admitted or refused. The index must identify each exhibit by number or letter and a brief description of the exhibit.

(Subd (b) amended effective January 1, 2008; previously amended effective January 1, 2007.)

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California Code of Civil Procedure

California Code of Civil Procedure

273 (a)

The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of that testimony and proceedings.

California Code of Civil Procedure

(Rough Draft Transcripts)

273 (b)

The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, distributed, or transcribed as the official certified transcript of the proceedings. A rough draft transcript shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings as provided by the official reporter or official reporter pro tempore. The production of a rough draft transcript shall not be required.

California Code of Civil Procedure

(Rough Draft Transcripts)

273 (c)

The instant visual display of the testimony or proceedings, or both, shall not be certified and cannot be used, cited, distributed, or transcribed as the official certified transcript of the proceedings. The instant visual display of the testimony or proceedings, or both, shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings as provided by the official reporter or official reporter pro tempore.

Rough Draft Transcript Disclaimer (Sample)

It is agreed by all parties receiving a copy of the realtime rough draft transcript, whether on paper and/or disk, that it be used only for the purposes of augmenting one's notes and that it is not to be used or cited in any way nor to be distributed in any form to any person or party outside of this litigation without the approval of the certified shorthand reporter.

Name of Case

Case Number

Attorney

Dated: _____

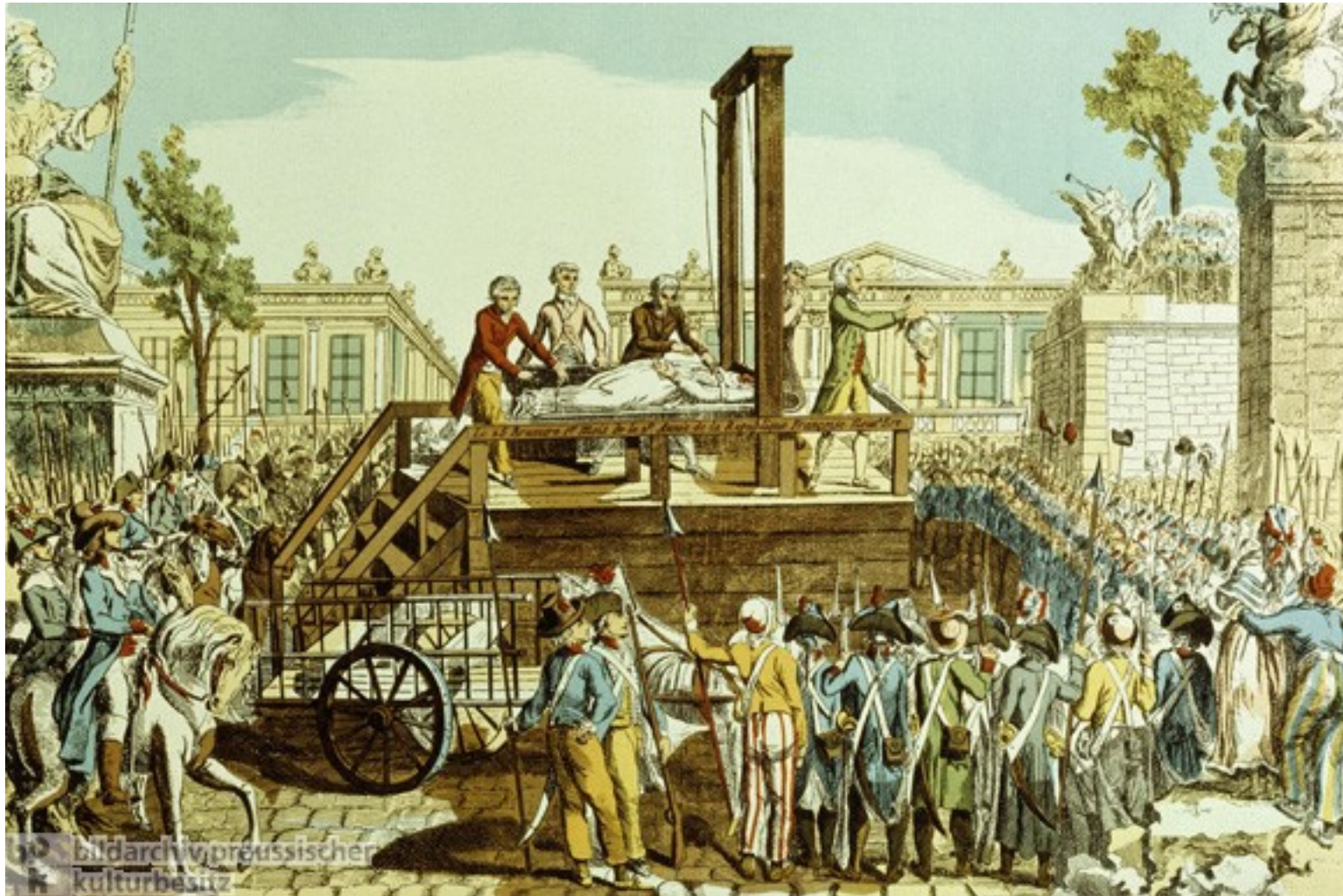
Attorney

Dated: _____

California Government Code

Folios

Audience Responds to Linda and Gordon's Position on Folios



California Government Code

Folio Rates

GC 69950

- (a) The fee for transcription for original ribbon or printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words.

California Government Code

Folio Rates

GC 69950

- (b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.

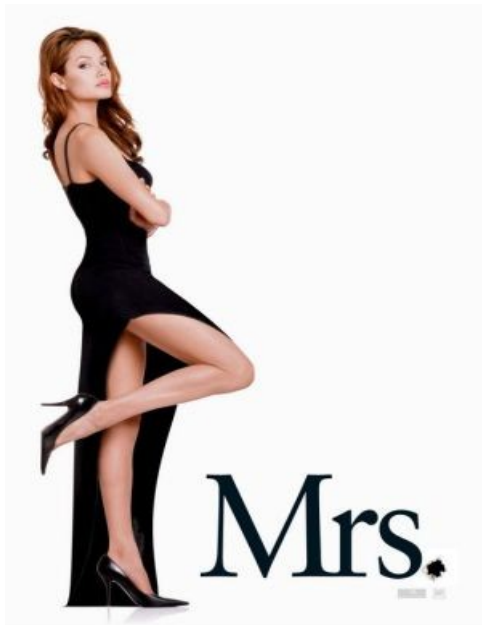
What Folio Rate Do You Charge?

Example A:

Mr. Smith orders a transcript of a proceeding

Mr. Smith should be charged for an original + one copy

**Original (.85) + One Copy (.15)
= \$1.00 per folio.**



Mrs. Smith orders transcript at the same time as Mr. Smith.

Copy rate of .15 per folio.

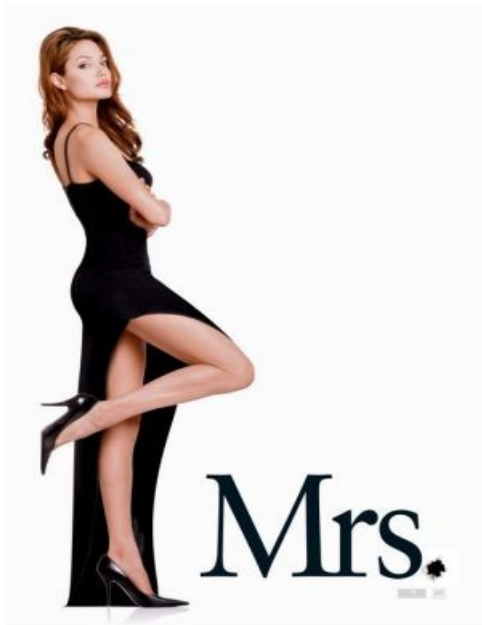
What Folio Rate Do You Charge?

Example B:

Mr. Smith orders a transcript of a proceeding

Mr. Smith should be charged for an original + one copy

**Original (.85) + One Copy (.15)
= \$1.00 per folio.**



Mrs. Smith orders the transcript **the following day.**

Copy rate of .20 per folio.

Again, refer to 69950 (b). ***“person who does not simultaneously purchase the original shall be (\$.20) for each 100 words.***

What Folio Rate Do You Charge?

Example C: An original and one copy has been ordered.

Mr. Jones orders the same transcript the following day, but orders an additional copy.

First transcript: Copy rate of .20 per folio

The additional copy: Copy rate of .15 per folio

Total: .35 per folio

Why?

(b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, ***and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.***

California Government Code

Daily Copy Service Rate Civil

GC 69951. For transcription, in civil cases, the reporter may charge an additional 50 percent for special daily copy service.

(There is no mention of expedited transcripts.)

California Government Code

When copying transcripts is permitted

GC 69954 (d) Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule, or for internal use, but shall not otherwise provide or sell a copy or copies to any other party or person.

A Balancing Act
Accommodating the Needs of the Bench, Bar, and Media
in the Pursuit of Justice

Declaration: Reducing the Cost of Trial Transcripts for the Media

The Bench-Bar-Media Committee has concluded that representatives of the California Newspaper Publishers Association and other media should meet with representatives of court reporters unions and/or associations and attempt to develop a special protocol and pricing formula, which could both provide court reporters with opportunities for additional income without jeopardizing their current right to compensation from litigants for preparing transcripts, and also give the media an opportunity to obtain limited partial transcripts at a reasonable cost to assist them in preparing accurate accounts of court proceedings for publication.

If those representatives meet and are able to reach agreement upon a modification of the current system that requires some change in rules of court and/or California statute, they should make an appropriate joint recommendation to the judicial branch and/or the Legislature.

Deadline for Comments: **Friday, October 29, 2010 (5 p.m.)**

California Government Code

Report to Legislature on ER Equipment Purchases

GC 69958 Each superior court shall report to the Judicial Council on or before October 1, 2004, and semiannually thereafter, and the Judicial Council shall report to the Legislature on or before December 31, 2004, and semiannually thereafter, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings, specifying all of the following:

- (a) The Superior Court in which the equipment will be used.
- (b) The types of trial court proceedings in which the equipment will be used.
- (c) The cost of purchasing, leasing, or upgrading the equipment.
- (d) The type of equipment purchased or leased.

Report on Purchase and Lease of Electronic Recording Equipment by Superior Courts (July 1-December 31, 2009)

The Superior Court of Kern County	\$ 124
The Superior Court of Lake County	\$4,733
The Superior Court of Monterey County	\$4,571
The Superior Court of San Benito County	\$3,982
The Superior Court of San Bernardino County	\$9,238
The Superior Court of Sonoma County	\$28,582
(purchased five ER recorders for misdemeanor proceedings)	
Total Spent on ER Equipment July 1-Dec 31, 2009	\$51,230

Report on Purchase and Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2010)

The Superior Court of Fresno County (16 ER devices were purchased)	\$123,723
The Superior Court of Imperial County	\$15,540
The Superior Court of Marin County (12 ER devices/software purchased)	\$50,127
Total Spent on ER Equipment January 1-June 30, 2010	\$189,390

Keep In Touch

Facebook: Like us, Because We Like You

California Official Court Reporters Association 

Wall **Info** **Photos** **Discussions**

Basic Info

Founded: 1999

Detailed Info

Website: <http://www.cocra.org>

Company Overview: The California Official Court Reporters Association is the only California court reporting association created by official reporters to address the complexity of issues facing official court reporters who work in the state Superior Courts. These issues include emerging technologies, court unification, state funding, public access, and labor relations.

The California Official Court Reporters Association was founded in 1999. The association's purpose is to provide specialized leadership in dealing with a complexity of issues facing our official court reporters who work in the state Superior Courts

Keep In Touch

www.cocra.org

