



## Tips and Tricks for Working With Court Reporters

# AS

a court reporter for more than 20 years, I have learned quite a bit about what it takes to make a good record. There are steps you can take to work well with court reporters and to obtain the best record for your client.

First, let me lay some foundation.

Court reporters are professionals who have gone to college or vocational school to obtain their degrees or certificates. Most states, but not all, require certification. In Arizona, state certification is required; national certification is voluntary. Certified court reporters are required to obtain continuing education annually and to comply with a code of ethics. Court reporters are unbiased and independent keepers of the record.

In addition to writing what you say, we are writing punctuation and identifying speakers. We also write notes to ourselves (perhaps to note the marking of an exhibit, correct a misstroke or make a note to check

a spelling, or to get that exhibit from which the deponent was reading). If you have any questions about what we do or how we do it, feel free to ask the reporter.

There is no magic to obtaining the best possible record—and to becoming your court reporter's favorite client. Here are some suggestions.

### Pre-Deposition Preparation

- ▶ Schedule the deposition as far in advance as practicable.
- ▶ If the deposition is cancelled, notify the court reporter (CR) as soon as possible. It will save that person a trip, it could potentially allow the CR to accept another job, and it very well could save you money if your CR charges an appearance fee or cancellation fee.
- ▶ When scheduling the deposition, CRs crave as much information as you can

provide, such as the case caption; date, time and location of the deposition; name(s) of deponent(s) (correct spelling much appreciated); subject matter to be discussed; estimated length of proceedings.

- ▶ Other information that will help the CR to be prepared include: Will the proceeding be videotaped? Will there be an interpreter? If so, what language? Will you require realtime? Will there be any unusual circumstances? For example, will there be very technical material? A deponent with a thick accent or one who is severely disfigured? Sensitive matters to be discussed, such as sexually explicit matters or a child killed or maimed?
- ▶ If there will be graphic matters discussed or graphic exhibits/photographs shown, forewarn the CR. I recall one time during a murder trial, photographs of the victim were shown in court. I

like to think I'm a professional and that I was able to maintain a poker face, but the photographs were graphic and gruesome. Because I was facing the jury, they were able to see whatever reaction I had. I would have appreciated an opportunity to see the photographs beforehand.

- ▶ If rush or expedited delivery is needed, notify the CR as far in advance as possible.
- ▶ If the proceedings are expected to be quite lengthy, the CR needs to be informed, as it may require a second reporter to relieve the first one.

#### At the deposition, the court reporter will need:

- ▶ The caption.
- ▶ The correct spelling of deponent's name and the name of everyone present.
- ▶ Your business card (it is helpful if you note on the card the party you represent).
- ▶ Time to set up (15–30 minutes for CR; an hour for videographer). The CR will need to determine where to set up and will need to have a reasonably comfortable chair. Tip: The CR sits closest to the deponent, because the CR needs to clearly hear him or her.
- ▶ Electronic devices should be turned off (BlackBerry, cell phone, PDA). Sometimes they can interfere with the reporter's or videographer's equipment. Mute/silent mode often does not prevent interference, so they must be off. It is, of course, perfectly OK to use the devices on breaks.

### Getting the Best Possible Record

- ▶ Speak clearly, and don't speak too fast. If the CR asks you to slow down, speak up, not mumble, not cover your mouth when speaking, etc., please comply. CRs would prefer not to interrupt proceedings and your train of thought, but our obligation is to the record.
- ▶ When you announce your name and whom you represent at the beginning of the proceedings, enunciate clearly, speak slowly and keep your voice up. In court or proceedings where microphones are used, speak into the micro-

phone at all times. Do not wander away from the mike, and do not get so close to it that your voice is distorted.

- ▶ If there are many people who will be speaking or if you are appearing telephonically, state your name each time you speak. The CR needs to keep track of many names and faces and, in the case of telephonic conferences, voices, so it is helpful when you identify yourself several times. If there are several male (or female) voices and the voices are as dissimilar as Arnold Schwarzenegger, Mike Tyson and Barry White, then perhaps identifying yourself the first half dozen times will suffice. Otherwise, each time you speak, start by stating your name. If you are all in the same room together, the CR will likely create a seating chart to note who is sitting where and the steno outline designated for that person. Don't change seats during the proceedings.
- ▶ Avoid trailing off at the end of a sentence, and do not swallow little words.
- ▶ Start off slowly and relaxed. Give your opening spiel and introductory instructions slowly, clearly and efficiently. This will help the deponent relax, and it allows the CR to warm up. It often will set the pace of the entire deposition.
- ▶ Speak one at a time. Do not speak when someone else is speaking. Do not allow someone else to speak when you are speaking.
- ▶ Spell unusual names, terms and case

citations. Even better, provide a list to the CR beforehand. (This will win you serious brownie points!)

- ▶ Have an extra set of exhibits for the CR, if practical.
- ▶ When reading, SLOW DOWN! The natural tendency is to speed up. Everyone does it; be the exception.
- ▶ If the deponent has a thick accent or speech impediment, slow down your rate of speech. Repeat the answer back to the deponent if the CR looks puzzled. Allow the CR time to get used to the speech pattern and absorb what is being said. If you did not understand, do not assume the CR did. Work together. Often, understanding the gist of what is being said will enable you to move on to the next question. However, the CR needs to write every single word, not just the gist.
- ▶ If the proceedings will be interpreted, check with the interpreter to determine if simultaneous translation will occur. Work with the interpreter to determine the pace of the proceeding, and the frequency and length of breaks. Interpreters need breaks just as CRs do. Speak in first person to the deponent: "What is your name?" "Did you see the color of the light?" If you say "Ask him to state his name" or "Ask him what color the light was," then the interpreter will interpret it just as you say it, in third person, and the CR will have to put the transcript in colloquy rather than Q and A format.

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## Working With Court Reporters

- ▶ Speak loudly and clearly when objecting.
- ▶ Remember, CRs write what is said, so it helps to be aware of how the record will look in when written. If there are things that you would like in the record that are not being said, describe them. For example, if the deponent says, “It hurt here and here, and I had a bruise here,” it is counsel’s job to describe that by saying something like “Let the record reflect the witness is pointing to her right temple, right elbow and the right side of her jaw.” If you feel it is important to note that the deponent made a physical gesture or was conferring with his counsel, then make a verbal notation for the record. For example, “Let the record reflect that the witness is rolling his eyes.” “Let the record reflect that the witness and her counsel conferred before responding to my question.” “Let the record reflect that opposing counsel’s tie clashes with his shirt and it hurts my eyes to even look his direction.” Be particularly aware of describing vague references such as “here” or “that one” or gestures when referring to electronic exhibits or demonstratives.
- ▶ Similarly, be aware how the questions and answers will look in writing. “Question: You did run the red light; is that correct?” “Answer: No.” No what? No, he didn’t run the red light, or no, it is not correct and, thus, yes, he did run the red light?
- ▶ Along the same lines, be careful about using too many pronouns, and direct the deponent to use names rather than pronouns. Imagine a judge reading an answer like this: “She said she saw her and she didn’t like her attitude.” Huh? The record is much clearer when you and the deponent use names rather than pronouns.
- ▶ Allow the CR enough time to mark exhibits before continuing.
- ▶ If you notice the CR coughing so much he or she is about to hack up a lung, or is otherwise in distress for some reason, stop talking and allow him or her to take a drink, get a lozenge or take a brief break.
- ▶ Do not click your pen incessantly. Do not jingle your pocket change. If you

- have an uncontrollable urge to click a pen or jingle change, substitute a quiet alternative. Leave a single coin in your pocket and “jingle” to your heart’s content. Get a paperclip and twist and untwist it as much as you like. Whatever your alternative, make sure it is quiet.
- ▶ Numbers can be very challenging for a CR. As unnatural as it is, the CR will forever be in your debt if you say the whole number and any identifying adjectives that will help the CR understand how to transcribe the digits. For example, rather than saying “one thirty two five” (which may be how it will look in the transcript), say “one hundred and thirty two thousand, five hundred” (which will look like this: 132,500). If you need a dollar sign in front of it, then say the word “dollars.” I once took the deposition of a man who was discussing dates, account numbers, dollar amounts and check numbers. As the CR, I could not see what the attorney and the deponent were referring to, so when they said “ten twelve ninety nine” I had no idea if it was a date, an account number or a dollar amount—so I had to transcribe it as words. The transcript was very tedious for the attorney to read, I’m sure. I tried explaining to counsel at the time that he needed to be more specific when listing numbers. If counsel had identified whether it was a date, an account number, a dollar amount or a check number, I would have been able to transcribe the numbers as digits with proper punctuation—10/12/99 or \$10,012.99 or 10-1299.
  - ▶ If there is a deaf or hard-of-hearing participant who needs to see the words as they are spoken (called CART—Communication, Access, Realtime Translation), the CART provider and the official CR for the proceedings usually cannot be the same person, because the roles are different and because there are rules and ethical considerations that usually require different people to perform each of those jobs. Think of the CR as an official, verbatim record keeper and the CART provider as an interpreter of sorts.

## Some Final Points

- ▶ Court reporting is a physically demanding job. It may not look like it because we are sitting at a keyboard, but it is. Many CRs face repetitive stress injuries in their hands, arms, shoulders, necks and backs. That’s why the chair matters. Regular breaks and time to eat a decent lunch during lengthy proceedings are appreciated.
- ▶ Do not provide to the other side a copy of the transcript that you have purchased, nor request a copy of a transcript from an opponent who has purchased a transcript. It cheats us out of a transcript sale, and there are ethical considerations.
- ▶ Our equipment is expensive; please be careful around it.
- ▶ If you receive a “rough draft” transcript, be aware it is not an official record. It is not certified. It cannot be quoted from in court or in pleadings. If you do need to quote from it, order an official, certified transcript. Often, the CR can provide a partial transcript if that is all you need. This is not for one page here and one page there, but, for example, the direct examination of a witness or the judge’s ruling after oral argument.
- ▶ Order every transcript. Well, at least let the CR know whether the transcript will be ordered. And pay your CR invoices promptly.
- ▶ If you need help speaking slowly or enunciating properly, for the sanity of your CR, you might want to consider speech therapy or a speech coach or diction classes.

As court reporters, we want to work well with you, our client. We want to help you obtain an accurate, usable record, and we want to provide you with the best possible transcript. We want to have a partnership that works for all parties concerned. We are a dedicated, hardworking group of professionals who are proud to be working with you in the legal system. Let’s make the most of our collective skills, abilities, resources and talents, and let’s work together to be an outstanding team. 