



Superior Court of California
County of Ventura

COURTROOM PROTOCOL
GUIDE
FOR THE
PRO TEMPORE
REPORTER

Ventura Superior Court
Court Reporting Services
Nan Richardson, Manager
Nicole Gerber, Administrative Assistant
800 South Victoria Ave., Room 313, HOJ
Ventura, California 93003
(805) 289-8989
courtreporting@ventura.courts.ca.gov

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Effective June 25, 2012, the Court does not provide Official Court Reporters for certain hearings in Family Law, Probate and Civil courtrooms. (See “Notice of Unavailability of Official Reporter Pursuant to Local Rule 18.00(F)”. The following information is being provided to Pro Tempore Reporters concerning their appearance at Court.

1. Locations

HOJ: Ventura Superior Court, 800 S. Victoria Avenue, Hall of Justice, Ventura, California 93009

JJC: Juvenile Justice Center, 4353 Vineyard Avenue, Oxnard, California 93036

Simi: East County Courthouse, 3855-F Alamo Street, Simi Valley, California 93036

Please note: Court Reporting Services is located at the Hall of Justice, Ventura, on the 3rd floor in Room 313. Phone number: (805) 289-8989.

E-mail: courtreporting@ventura.courts.ca.gov.

For forms, policies and sample transcripts, please go to the Ventura Superior Court website: www.ventura.courts.ca.gov.

2. When You Arrive at the Courthouse

Arrive at the courthouse in advance of your scheduled appointment. Plan on extra time to go through security at the entrance of the courthouse. Your equipment must pass through the security machines. It may take extra time to go through security, especially early in the morning.

Please arrive to the courtroom early. It is essential that you be on time. Court proceedings cannot begin without a reporter. 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 hearing. If you cannot reach the party or attorneys, contact the **Court Reporting Services office at (805) 289-8989**.

3. When You Arrive at the Courtroom

When you arrive at the courtroom, if the doors are locked, wait outside the courtroom until the doors are unlocked. Upon entering the courtroom, introduce yourself to the judicial assistant (JA) and bailiff. Please have your business card and the completed portion of the *Agreement and Order for Appointment of Official Reporter Pro Tempore*.

The JA will give you the oath if you do not have an oath on file. You must also sign a copy of the oath, if you have not already done so.

Check with the JA for direction on whether to wait in the audience section until your matter is called or to set up by the witness stand or in the jury box. At the time your hearing is to begin, you can stay in the location you are seated to report or move to the table below the witness stand. There may be more than one reporter set up at a time.

- ... Do not cross the "well" - - the space between the reporter's desk and the JA desk in front of the bench - - without permission by the judicial officer.
- ... Do not go into the secured wing of the Court (the hallway behind the judge's bench), unless specifically authorized by the JA, the bailiff or the judicial officer to report a matter in chambers.
- ... Restroom facilities are available in the public areas of the courthouse.

Ask the judge or JA if there are any special procedures or practices you need to know. If for any reason you leave the courtroom before your matter is heard, inform the party/attorney who hired you of your whereabouts.

All attorneys addressing the Court are requested to first check in with the JA and provide their business cards or contact information. Make sure that you have this information before the proceedings commence so that you may correctly identify the attorneys in your notes. If multiple attorneys are seated at a table, it is possible that all will speak during the course of the proceedings

If you have not already done so, give your business card to the lawyers appearing in your case.

4. Courtroom Schedule

Courtroom hours are usually from 8:30 a.m. to 5:00 p.m. The Court will take a number of breaks during the day and will close for lunch, typically 12:00 p.m. to 1:30 p.m. You cannot remain in the courtroom during the lunch break.

5. Courtroom Etiquette And Protocol

You must dress professionally in businesslike attire suitable for the courtroom environment -- shirt and tie, slacks, dress, blouse, skirt, sweater, business suit attire. No food or drink should be consumed in the courtroom, except water.

Cell phone usage: Actual phone calls are not permitted in the courtroom. Take a phone call in the hallway. Make sure that you turn off your cell phone or put it on silent mode while in the courtroom. You should not ask anyone to contact the court in order to reach you or to leave you a message. You may silently text in court if necessary.

Always address the judge as “Your Honor” or “Judge [last name],” unless he or she indicates otherwise.

6. (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, excuse yourself and report the situation to the bailiff or JA. When having conversations in or outside of the courtroom (including in public restrooms, courtroom hallways and cafeteria), 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.

7. Opening of Trial Court Proceedings

There are two openings used by the bailiffs when the judge is ready to begin.

A formal opening is usually announced at the beginning of a session or trial when the judge enters the courtroom and the jurors are present. The bailiff will ask all to rise (including the reporter) and face the flag. You do not need to report this.

An informal opening is when the judge enters the courtroom and everyone remains seated. This is usually used when jurors are not present.

8. 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 judge. The judge 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 judge and counsel during a hearing.

9. 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 judge makes decisions based on the evidence.

In a jury trial, the jury decides the facts of the case, while the judge makes legal decisions.

Order of trial proceedings:

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

10. Reporting of Trial Proceedings

With the exception of testimony presented by audio or video recording, unless you are told otherwise, you must report everything that is spoken from the beginning of the trial until the end. Look to the judge for guidance. Only the judge can tell you whether to go off the record. If you are unsure, ask. It is better to report something that does not need to be reported than to fail to report something that is necessary.

11. Jury Voir Dire

Jury voir dire is the process by which jurors are selected to serve on a trial. Potential jurors are questioned as a group or individually by the judge and/or counsel. You normally will be required to report jury voir dire, but get confirmation from the judge beforehand.

Obtain a copy of the alphabetical juror list from the JA prior to commencement of jury voir dire. Verify with the JA 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 (JID) numbers. Keep the jury lists in a secured place as they may contain confidential information.

12. Bench and Chambers Conferences

Not all bench and chambers conferences need to be reported. You will need to take instruction from the judge whether to report a bench conference. If in doubt whether you should report, ask the judge. Some courtrooms have a headset for the reporter to use during the bench conference. Place the headphones on your head and inform the judge if you need the volume turned up. (You may use your own headphones.) Other courtrooms do not use a headset, and you will be expected to take your machine to the side bar, hallway or in chambers.

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 or close your laptop to ensure the jurors cannot read the bench conference.

13. 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 judge.

14. Sealed Proceedings

Sometimes the judge will order 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.

If approved or directed by the Court to produce a sealed hearing, the completed transcript (with sealed notation on the cover and original and/or copy stamp) must be sealed in an envelope. Sometimes you will need to use a separate envelope for each copy of the transcript.

The transcript cover must have one of the following headings:

1. **Sealed by Order of the Court on (insert date)**
2. **Confidential – (Basis) – May Not Be Examined Without a Court Order**
 - a. Examples of a Basis: Marsden motion, Pitchess motion, Fee Waivers, Hobbs motion, Juvenile cases

Putting the transcript together:

1. Place the transcript cover that includes the sealed or confidential statement on top of the transcript(s)
2. Bind or staple the transcript(s)
3. Attach a copy of the sealed/confidential cover to the outside of an envelope
4. Place the transcript or transcripts inside the envelope
5. You may need to use separate envelopes for each transcript if you are instructed to deliver transcripts to multiple parties
6. Seal the envelope(s) with the transcript(s) inside
7. Stamp the outside cover on the envelope with “Original” and if all copies are in one envelope include + “Copy” so the Court or clerk know how many copies are included in the envelope
8. Deliver only as directed by the Court

See samples on the court internet site under Court Reporting Services:
www.ventura.courts.ca.gov.

Refer to CRC 8.130 for more detailed requirements regarding sealed transcripts.

15. Swearing of Witnesses

The JA administers the oath to the witness—not the reporter. The swearing of the witness is reported verbatim and is included in the transcript.

16. 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 CRC Rule 2.1040, under which ordinarily you do **not** report what is said in the recording. Check with the judge to be sure whether he or she expects you to report that part of the trial.

17. Attorney Objections

You must report all objections being made by counsel and the judge’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 ask counsel to repeat.

18. Court Reporter Read-Back

During trial, you will take direction from the judge whether to read back a question or answer.

When reading back testimony:

- ... 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

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 if the testimony has already been edited for correctness and provided by the reporter who reported the proceeding. The court reporter(s) will be contacted for read back as directed by the Court.

19. While the Jury is Deliberating

During jury deliberations there may be questions by the jury that need to be reported as well as requests for read back of testimony. Read back may be conducted in the jury deliberation room 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. (You must be escorted to the jury room by the bailiff or the JA). Simply inform the jurors that any questions they have must be directed to the bailiff. If the jurors begin discussing matters, simply step out of the deliberation room and inform the bailiff or JA.

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.

20. Reporting Equipment and Supplies

You are responsible for bringing all the equipment and supplies that you will need to perform your work. The court does not provide steno paper or other court reporter supplies and will not have any copying equipment available to pro tempore reporters.

You may leave your equipment in the courtroom during breaks and lunch recess if your matter is continuing, but note that if you do, the court will not be responsible for your equipment. You may not leave your equipment in the courtroom overnight.

21. Trial Exhibits: Identification and Admission Into Evidence

The JA is responsible for handling and labeling the trial exhibits. Exhibits are identified, and then—assuming the judge 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. If an exhibit is identified or admitted when the hearing is not on the record, you are not required to include that in the index.

22. 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. Depending on the purpose for which the transcripts will be used, counsel may request rough draft transcripts or final edited transcripts. **Final transcripts** should contain **28 lines per page, formatted in both upper and lower case**. Further information and sample formats are available at <http://www.ventura.courts.ca.gov/court-reporting.html>.

Pursuant to California Code of Regulations, Professional Standards of Practice 2475, you are required to promptly 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.

23. Realtime Reporting

The parties may require that you provide Realtime reporting. The court provides judges with CaseViewNet software on all judicial officer PCs. Wireless connections are not available in the courtroom, but there should be a 9-pin serial port cable available in each courtroom to allow you to connect your equipment with the judge's computer. You may need a USB to serial adapter to connect hard-wired to the judge's laptop.

24. Depositing Notes Or Electronic Copy of Notes With the Court

You must leave an electronic copy of your notes with the court as directed by the Court Reporting Services office.

1. Email the notes to courtreporting@ventura.courts.ca.gov
2. Include in the email your name, CSR number, date(s) of hearing, name of hearing, your machine type and software

Government 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.

Ventura Superior Court requires you supply an electronic copy of the stenographic notes of the proceedings for which you were contracted to the Court Reporting Services Office.

Send your notes electronically to courtreporting@ventura.courts.ca.gov.

- ... Please label the notes with the following:
- ... Your name
- ... CSR number
- ... Date(s) of proceeding
- ... Courtroom
- ... Type of stenographic machine and CAT software used
- ... Current telephone number
- ... E-mail address.

25. Contact Information

If you have any questions, please contact the Court Reporting Services Office at (805) 289-8989 or courtreporting@ventura.courts.ca.gov.

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