

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
OFFICIAL COURT REPORTER PRO TEMPORE POLICY

Court Reporter Appointment Process

Parties have the right to arrange, at their own expense, for the presence of a court reporter if the services of an official court reporter are not available for a proceeding (Government Code § 68086 & California Rules of Court, Rule 2.956). In accordance with California Rules of Court Rule 2.956, a party requesting an official court reporter must file the Request for an Official Court Reporter for any hearings and trials for which an official court reporter may not or will not be available. If the services of an official court reporter are not available for a hearing or trial, and the Court cannot provide one upon request, a party may arrange for court reporter pro tempore services at their own expense, pursuant to Gov. Code § 68086 and CRC Rule 2.956.

Locating the Courthouse, Judge and Courtroom

You can find a listing of all courthouses, judges and departments in San Mateo County Superior Court, along with addresses and phone numbers, on the Court's website (www.sanmateocourt.org) under the tab "General Information."

Familiarize yourself with public parking facilities around the courthouses. There is no discounted parking rate for court reporters, but the South San Francisco, San Mateo and Juvenile courthouses do have free parking. Parking may be difficult to locate at certain hours of the day, so you will want to arrive early to assure yourself a parking spot.

Courtroom Layout

All courtrooms have a similar layout. What follows describes a typical layout, but courtrooms vary depending on the courthouse. You should familiarize yourself with a typical courtroom layout, courtroom staff and related terminology *prior* to your assignment. If possible, you should observe proceedings in a courtroom before your first assignment.

As you enter the courtroom, you will be in the audience section, where everyone but lawyers and their clients sit. The fence-like structure in front of this section, which usually has a gate, is the "bar." In front of that are "counsel tables" for the lawyers and their clients. The judge usually sits behind a raised desk opposite the entrance to the courtroom; this is the "bench." The area between the bench and counsel tables is called "the well." The judge's private office is called his or her "chambers." You should not enter the judge's chambers or the well unless you have the permission of the judge or courtroom staff.

The jurors sit in the "jury box," which is the separate section of 12 seats on the right or left of the well. The jury room is through a door next to Judge's bench. That is where jurors deliberate, and often they are asked to go there when the judge is handling matters outside the jury's presence (see below).

Witnesses testify from the "witness stand," which will be on the side of the bench nearest the jury box. Court reporter work stations are usually in front of the witness stand.

The courtroom clerk's desk is usually situated perpendicular to the judge's bench on the side opposite the jury box. The clerk is generally responsible for the clerical part of the court's work. The clerk is familiar with the judge's practices and preferences and can be an invaluable source of information for you.

The bailiff is usually seated next to the bar on the same side of the courtroom as the clerk. The bailiff is responsible for keeping order and security in the courtroom and for taking care of the jurors or potential jurors.

At counsel table, the plaintiff's lawyer is usually on the side closest to the jury box and the defendant's lawyer is on the other side. These tables are usually labeled.

Getting To The Courtroom (On Time)

It is essential that you be on time. Court proceedings cannot begin without a reporter. In the unlikely event that you must be late, you must inform the attorneys who have hired you and, only when that is not possible, the Department of the Court for which you have been assigned. Make sure you have at hand the phone number for the courtroom to which you have been assigned.

It is advisable that you be at the courthouse at least 30 minutes in advance of your scheduled appointment. You will need extra time to go through security at the entrance of the courthouse. You must have your CSR pocket certificate with you and be prepared to show it if requested. You will need to pass your equipment through the security machines. At the larger courthouses, it may take a long time to go through security, especially early in the morning. At some courthouses, you also need to allot extra time to use elevators to get to your floor.

Also, you need to arrive early to set up your equipment and to check in with the judge and courtroom staff (discussed below). If the courtroom door is locked when you get there, knock on the door and introduce yourself as the court reporter and ask to be let in so that you can set up.

Checking In

In addition to setting up your equipment, there are a number of things you should do before the commencement of the proceedings:

- When you get to the courtroom to which you have been assigned, introduce yourself to the clerk and bailiff. Give the clerk your business card with your CSR number on it.
- If possible, introduce yourself to the judge before the commencement of proceedings.
- Ask the judge or clerk if there are any special procedures or practices of which you should be aware. Make sure you know the following at a minimum: (1) how the judge handles sidebars or bench conferences (discussed below) and how you should know whether to report them; and (2) how the judge prefers that you stop proceedings when you cannot follow or understand the witness or attorneys.
- All attorneys addressing the Court are supposed to first check in with the clerk or bailiff and provide their business card or contact information on it. 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 in the course of the proceedings. (Clerks/bailiffs often get extra business cards for the reporter; if this isn't their practice, ask the lawyers yourself.)
- Give your business card to the lawyers appearing on your case.

- Read and sign the Appointment of Official Reporter Pro Tempore (Local Form CV-68) form as required, and give it to the courtroom clerk to provide to the judicial officer to sign.

Courtroom Schedule

Courtroom hours are usually from 9:00 a.m. to 5 p.m. The Court will take a number of breaks during the day and will close for lunch. You normally cannot stay in the courtroom during the lunch break.

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, business suit attire.

No food or drink should be consumed in the courtroom. Some judges make an exception for water.

Make sure that your cell phone is put on silent mode.

In case of an emergency, please direct any questions to the attorney(s) that hired you, and not the Court.

Always address the judge as "Your Honor" or "Judge [last name]," unless the judge indicates otherwise.

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 courtroom clerk. When having conversations in or outside of the courtroom (including in public restrooms, courthouse hallways and Court Cafe), remember that you may be in the 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 may create the appearance that you favor one party over the other, or one party's attorney over the other party's attorney. You must appear at all times to be impartial.

Opening of Trial Court Proceedings

There are two ways in which trial court proceedings are commenced depending on the circumstances and the judge's preference.

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

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

In either case, either the clerk or the bailiff will announce what is happening.

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. Motions are set for hearing once the parties have had a chance to file papers in support of or in opposition to the motion. The judge may rule on a motion from the bench immediately after counsel's arguments or may issue a written ruling sometime after the hearing.

You should report all the statements made by the judge or counsel during a hearing.

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

Trial usually commences with counsel arguing motions in limine. Parties bring these motions forward when they want to prevent their opponents from presenting certain evidence at trial. Then come opening statements by counsel. The plaintiff presents his or her case first through witness testimony and presentation of exhibits. For each witness, there will be direct examination, cross-examination, redirect examination, and re-cross-examination until questioning is complete. At the close of the plaintiff's case, defense may make motions upon which the court will rule including a motion to dismiss. If the judge does not dismiss the case, the defendant presents his or her case in the same manner as the plaintiff. Counsel will make their closing arguments, and then the judge or the jury will decide the case.

If you are there for a jury trial, the following steps are added to the foregoing proceedings. Before the case commences, a jury is selected through a process called "jury voir dire." At different junctures in the case, the judge will read instructions to the jury. After counsel presents closing arguments, the jury will start deliberating the case. There is no way to predict how long jury deliberations will take. It may take a few hours or span over a number of days. While the jury is deliberating, your services may be required to read back testimony to the jury, or to report questions posed by the jury or issues that arise with the jury. 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.

Reporting of Trial Proceedings

With the exception of testimony presented by audio or video recording (see below), unless you are told otherwise, you must report everything that happens 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.

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 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 prospective juror list from the courtroom clerk prior to commencement of jury voir dire (both the Random and Alphabetical lists). Verify with the clerk where juror #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.

Bench and Chambers Conferences

A "bench conference" is basically a conversation between the judge and counsel outside the presence of the jury. They are generally held at "side-bar" where counsel approach the bench and speak with the judge in close proximity with soft voices, so the jury can't hear anything they say. A "chambers conference" is another private conversation between the judge and counsel, but held in chambers. Before trial commences, ask the judge or courtroom clerk about how the judge conducts these conferences.

Not all bench and chambers conferences need to be reported. You will need to take instruction from the judge whether to report a conference. If in doubt whether you should report, ask the judge.

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 judge and counsel conduct a bench conference. The headset will require an extra-long headset cord. Some electronics stores carry this equipment.

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.

Sealed Proceedings

Sometimes, the judge 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.

Judge's Reading of Jury Instructions

The judge 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 judge's reading of the jury instructions, but you should get confirmation from the judge.

Swearing of Witness

The judge or clerk administers the oath to the witness, not you. The swearing of the witness is reported verbatim and is included in the transcript.

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 California Rules of Court, 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.

Attorney Objections

Counsel will voice objections for various reasons throughout the trial court proceedings, including during witness testimony. The judge usually immediately rules on each objection from the bench. 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 inform the judge.

Court Reporter Read-Back

➤ *During Trial*

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

➤ *During Jury Deliberations*

Once the jury commences deliberations, they may request to have a read-back of testimony. You may need to make yourself available on very short notice for reading back to the jury. The judge will determine whether you should read back to the jury in open court or in the jury room. Counsel may or may not be present during read-back.

You may read back testimony from a printed transcript, your computer or your notes.

While in the jury room, you should not talk with the jurors or offer your opinions. You are there only to read back testimony. The jurors should not be deliberating while you are in the jury room. It is permissible for the jury to ask that you repeat your read-back.

Make sure that you make note of the testimony you read to the jury for the purposes of appeal.

When reading back testimony, abide by the following:

- 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 of an in-camera proceeding

If more than one reporter worked on the case, all reporters must be available for read-back or, alternatively, one reporter can read back if the testimony has already been edited for correctness by the reporter who reported the proceeding.

Reporting Equipment and Supplies

You are responsible for bringing with you all the equipment and supplies that you will need to perform your work. The Court does not provide any steno paper or other court reporter supplies and will not have any copying equipment available to Reporters Pro Tempore. Pro Tempore Court Reporters are responsible to bring their own 9-pin to USB cable in order to provide real time transcription.

You may leave your equipment in the courtroom during breaks, lunch recess and overnight if you are returning. Please be mindful that janitorial staff cleans the courtroom nightly and the Court is not responsible for court reporter equipment left overnight.

Trial Exhibits: Identification and Admission into Evidence

Unlike in depositions, in which exhibits are only identified, at trial two distinct things can happen with exhibits: They 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. The clerk, not you, is responsible for handling and labeling the trial exhibits. If you need a copy of any exhibit provided, you are to contact counsel to make that request.

Transcripts Generated in the Course of Trial or After a 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 daily transcripts or certified transcripts. Transcripts must follow the minimum transcript guidelines published by the CA Court Reporters Board. All Pro Tempore Court Reporters are expected to comply with the CA Rules of Court and other codes and statutes. Final transcripts should contain 26 lines per page. **See: <https://www.courtreportersboard.ca.gov/lawsregs/mtfs.pdf>.**

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.

Real Time Transcription

The Court provides judges with CaseViewNet software on all judicial officer computers. You do not have access to wireless connections in the courtroom, but there will be a 9-pin serial port cable available in each courtroom for you to provide real time to the judicial computer. Pro Tempore Court Reporters are responsible to bring their own 9-pin to USB cable in order to provide real time transcription.

Depositing Notes Or Electronic Copy of Notes With the Court

You must leave an electronic copy of your raw notes with the Court as directed by the Court Reporter Supervisor. 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.

San Mateo County Superior Court requires you to upload your notes to Archived Court Reporter Notes (ACORN) within 48 hours of the conclusion of the proceedings for which you were contracted.

Upon notification by counsel to the Court that you have been contracted to provide court reporter services, Court IT will create an account for you on ACORN. Your temporary username and password will be your CSR number. You are required to change your password when you make your initial login to ACORN.

Instructions for Uploading your Notes to ACORN

- All court reporters must transfer their electronic raw notes to the authorized site at least once per month. As data and diskettes may become unreliable over time, the court reporter must verify the raw electronic notes have been successfully transferred prior to the destruction of the paper notes.
 - Government Code Section 69955(g) requires that, upon the reporter's retirement, resignation, dismissal, termination of appointment, or in the case of any other absence for a period of more than 30 days, the notes are deemed ordered delivered to the Clerk of the Court and that the Clerk of the Court shall continue to store the notes at the authorized storage location, in the event they are to be transcribed pursuant to that section for the term prescribed by law. (See Govt. Code Section 69955 attached.) Under these circumstances, the court reporters are to deliver their notes to the court reporter supervisor.
 - In order to transfer files to the authorized storage location, court reporters should follow the instructions outlined below.
 - After the electronic transfer of court reporter notes to the authorized storage location, a court reporter may elect to maintain the paper notes off-site at the court reporter's expense. Court reporters will not store raw, paper notes on Court premises, past 90 days post trial.
 - Pursuant to Government Code Section 69955(a)-(d), in addition to the notes that will be stored on the authorized storage location, each reporter is responsible for maintaining a duplicate copy of the raw steno notes in another form of electronic media.
 - Reporters are reminded that provision of data storage by or through the court does not relieve a reporter of his/her primary obligation to produce a certified verbatim record of proceedings when required to so.
1. To login to the secured site, go to the following web url:
<https://acorn3.acornnotes.com/smsc/login.php>
(note: this is a secure web site, so please ensure that you use "https" if you are manually typing the web address.)
 2. The login screen will ask you for your credentials. Username is your "CSR" number. Initial login password is the same as your username.

ACORN
Archived Court Reporter Notes
Licensed for use to:
San Mateo Superior Court

Please Login:

Username:

Password:

3. Upon initial login, please change your password by selecting the “change password “ item on the dark gray toolbar.

San Mateo Superior Court
Tim Benton
(011656)

ACORN

Help Archive Files Search/Edit/Retrieve Change Password Logout

Welcome to ACORN 3!

*** IMPORTANT *** If you haven't already done so, please go to Java.com to update your Java.
This fixes a serious corruption issue when uploading floppy disks.

ACORN 3 is now completely web-based. All archiving of files, retrieval of files, indexing files, etc. will all be done through this site.

To upload a file, select the “archive files” item on the dark gray toolbar – then select the individual file selection.

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4. Select the “Browse” button and navigate to the location of the file you wish to upload/archive. The file could be located on your hard drive, on a floppy drive or on a USB thumb drive so ensure that you navigate to the appropriate drive letter.

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Archive Files

Use this page to archive your files. Any type of file can be archived. Use one entry line below per file. Use the **Browse** button to find your files. When completed, click the "Next" button below to archive the files. Depending on the file size and the speed of your connection, it may take a minute to upload, so please be patient.

D = Death Penalty Case, L = Life Without Parole, S = Sealed.

File	Case Date	Case #	Case Type	File Type	D	L	S	Comments
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>	Civil	Raw Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

- Highlight the file and select the "Open" button.
- Fill out the information specific to the file your are archiving: Case Date, Case #, Case Type, File Type, and check the boxes as appropriate D, L, S. Add any comments that you feel might be appropriate. You can add multiple files as needed, line by line.
- Complete this page by selecting the "Next" button.
- If all information is correct, select the "Ok to Archive button". This will then upload all of the information to the storage site.

San Mateo Superior Court
Tim Benton
(011656)

Archive Files

*** Please confirm the following data is correct. ***

NO FILES WILL BE STORED UNTIL YOU CLICK 'OK To Archive' BELOW.

File	Case Date	Case #	Case Type	File Type	D	L	S	Comments
andersen bakery san mateo.pdf	01/24/2011	12345	Civil	Raw Notes	-	-	-	

Appeals

All Pro Tempore Court Reporters are required to charge statutory rates for transcripts on appeal pursuant to Government Code Section 69950. San Mateo County Superior Court folio rate is 3.0. Instructions for e-filing appeal transcripts are:

- For non-Juvenile appeals, the Reporter shall send an email to the Appeals Clerk at appealsclerk@sanmateocourt.org with their transcript attached as a PDF. Juvenile appeals should be sent to Juvenile Appeals juvenileappeals@sanmateocourt.org.
- The subject line of the email shall read:
 - Superior Court Case Number/Appeals Court Number
- The body of the email shall read:
 - Superior Court Number/Appeals Court Number
 - Case Name
 - Dates Included

- Alert the clerk to block numbering
- Alert the clerk to if all or a portion of the transcript is sealed
- Any other pertinent information
- Reporters are to follow California Rule of Court 8.144 and Code of Civil Procedure 271 regarding formatting guidelines for appeals transcripts.
 - The Reporter's Master Index should be in a separate file and have no page numbers.
 - Reporters must only utilize electronic signatures.
- Naming convention to appeals transcript shall be:
 - CaseNo_CaseType_DocumentType_VolNo
- Examples:
 - Criminal: A146517_CR_RT_Vol1.pdf
 - Civil: A146517_CV_RT_Vols1to4.pdf
 - Juvenile: A146517_JV_RT_Vol1.pdf
 - Augment: A146517_CR_RT_AGMT.pdf
 - Sealed/Confidential – Should be separate volume(s).
 - A146517_CR_RT_CONFVol1.pdf (Confidential)
 - A146517_CR_RT_SEALEDVols1-3.pdf (Sealed)
 - Master Index: CR_RT_MASTER

Payment Instructions:

To submit your request for payment on an Appeal, you must complete the Court Reporter Claim for Transcript Payment form. Once completed, email a PDF to appealsclerk@sanmateocourt.org