

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10-9077

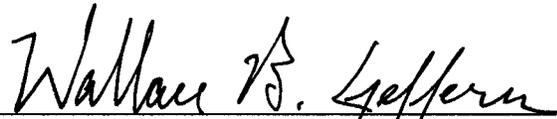
ORDER APPROVING REVISED UNIFORM FORMAT MANUAL FOR TEXAS REPORTERS' RECORDS

ORDERED that:

The Supreme Court of Texas approves the following, revised Uniform Format Manual for Texas Court Reporters, renamed the Uniform Format Manual for Texas Reporters' Records.

This Order supersedes and vacates the Order dated July 8, 2003, in Misc. Docket No. 03-9070, and the Order dated November 1, 2004, in Misc. Docket No. 04-9260. The following version of the Uniform Format Manual for Texas Reporters' Records takes effect July 1, 2010.

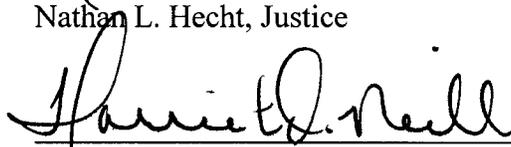
SIGNED this 25th day of May, 2010.



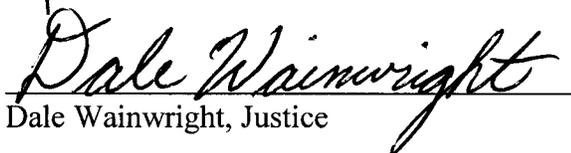
Wallace B. Jefferson, Chief Justice



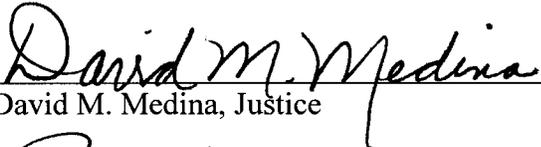
Nathan L. Hecht, Justice



Harriet O'Neill, Justice



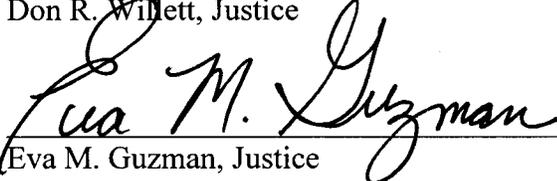
Dale Wainwright, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice

*Uniform Format Manual
for Texas Reporters' Records*



Approved by Supreme Court: May 25, 2010

PREFACE

By Supreme Court Order dated May 25, 2010, in Misc. Docket No. 10-9077, the following *Uniform Format Manual for Texas Reporters' Records* governs the form of Official Reporters' Records and, unless otherwise stated, Freelance Reporters' Records, in paper and electronic format. This manual supersedes the manual in the Supreme Court Order dated July 8, 2003, in Misc. Docket No. 03-9070, which superseded the Supreme Court Order Directing the Form of the Appellate Record in Civil Cases and the Court of Criminal Appeals Order Directing the Form of the Appellate Record in Criminal Cases. The requirements of this edition of the manual apply to any Official Reporter's Record or Freelance Reporter's Record within the scope of the manual that is transcribed or prepared on or after July 1, 2010.

A court reporter and court recorder must prepare and file the Official Reporter's Record in accordance with this manual; Texas Rules of Appellate Procedure 13, 34.6, and 35; and any other applicable rules and law. Even if more than one notice of appeal or request for preparation of the record is filed, the court reporter or court recorder should prepare only one Official Reporter's Record in a case. In the event of a flagrant violation of the requirements in the manual, on motion of a party or on the court's own initiative, the appellate court or presiding judge may require the court reporter or court recorder to amend or prepare a new record in proper form — and provide it to any party who has been provided a copy of the defective record — at the preparer's expense. Additionally, failure to comply with mandatory provisions of this manual by either official or freelance court reporters may be grounds for discipline through the Court Reporters Certification Board.

This manual was originally prepared primarily through a joint effort of the Court Reporters Certification Board, through its Ad Hoc Uniform Format Manual Committee, and the Uniform Format Manual Task Force. In 2010, this manual was revised primarily through a joint effort of the Court Reporters Certification Board, through its Certification/Uniform Format Manual Committee, the Office of Court Administration, and the Texas Appeals Management and E-Filing System (TAMES) Task Force. Questions or comments regarding the manual should be directed to the Court Reporters Certification Board.

The 2010 revision of the manual is intended to provide the new instructions needed for court reporters and court recorders to file the Official Reporter's Record electronically, while still providing the necessary guidance for paper filing. Because the prior version of the manual provides limited guidance for court recorders who prepare the Official Reporter's Record, the revised manual also contains new and enhanced provisions relating to these court recorders. The provisions are modeled after applicable rules, such as Texas Rules of Appellate Procedure 13.2 and 34.6(a)(2) and local rules governing the electronic recording of court proceedings. Also as part of the revision process, the content of the manual has been reorganized extensively to clearly delineate requirements for paper versus electronic filing and, to the extent possible, to group related requirements in the same section of the manual.

The editors of this manual have placed certain text in boxes with a smaller font. Such commentary does not prescribe the format or content of the record, but instead provides explanation and reference to applicable statutes and court rules.

Unless otherwise indicated herein, all requirements in this manual apply to both Official Reporters' Records and Freelance Reporters' Records.

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Uniform Format Manual for Texas Reporters' Records

Section 1 - Uniform Terminology

1.1 Definitions.

- (a) *Administrative pages* include the title, appearance, index, correction, and certification page(s) in an Official Reporter's Record or Freelance Reporter's Record.
- (b) *ASCII format* means the format of the American Standard Code for Information Interchange.
- (c) *Compressed* means a format that has been reduced and printed to accommodate two or four normal sized pages on one printed 8 ½- x 11-inch page.
- (d) *Court recorder* means a designated court employee who creates an electronic recording of court proceedings. See Tex. Gov't Code § 52.021(e); Tex. R. App. 3.1 (g).
- (e) *CRCB* means the Court Reporters Certification Board.
- (f) *CSR* means a Certified Shorthand Reporter certified by the Supreme Court of Texas.
- (g) *Duplex* means printed on both sides of a page.
- (h) *Footer* means the bottom line(s) on an Official Reporter's Record or Freelance Reporter's Record, which appears below line 25.
- (i) *Freelance court reporter* means a CSR who practices shorthand reporting other than in the capacity of an Official Court Reporter or Deputy Official Court Reporter.
- (j) *Freelance Reporter's Record* means all transcriptions by a Freelance Court Reporter other than Official Reporter's Records.
- (k) *Header* means the top line(s) on a page of an Official Reporter's Record or Freelance Reporter's Record that briefly describes the testimony of witnesses and/or events.
- (l) *Index* means a listing of the contents of an Official Reporter's Record or a Freelance Reporter's Record.
- (m) *Log* means a detailed, legible description of proceedings being recorded by a court recorder. See Tex. R. App. P. 13.2(b).
- (n) *Margin* means the space around the text on a page.

(o) *Master index* means the compilation of multiple indexes in an Official Reporter's Record, which is required only for records with more than one volume and will always be labeled "Volume 1."

(p) *Non-stenographic record* means an audio or audio-visual recording.

(q) *Official court reporter* or *deputy official court reporter* means a CSR appointed by a judge as the official court reporter. See Tex. Gov't Code § 52.001(3); Tex. R. App. P. 13.5.

(r) *Official Reporter's Record* means the transcription of so much of the proceedings and any of the exhibits that the parties to the appeal designate or, if the proceedings were electronically recorded, certified copies of all tapes or other audio-storage devices on which the proceedings were recorded, any exhibits that the parties to the appeal designate, and certified copies of the logs prepared by the court recorder. See Tex. R. App. 34.6(a).

(s) *Proceedings* means events or happenings in the courts, legislature, state agencies, depositions, grand juries, referees, and court commissions.

(t) *Shorthand reporter* means a person who engages in shorthand reporting.

(u) *Shorthand reporting* means the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of any court proceeding, deposition, or proceeding before a grand jury, referee or court commissioner using written symbols in shorthand, machine shorthand or oral stenography. See Tex. Gov't Code § 52.001(5).

(v) *Sic* means "as spoken."

(w) *Sotto voce* means "soft voice."

(x) *Style* means the name of the lawsuit or matter pending before a court or an agency of the state.

(y) *Text* means the main body of matter in a transcript.

(z) *Title page* means the first page of the Official Reporter's Record or Freelance Reporter's Record, listing pertinent information included within the record.

(aa) *Transcription* means the act or process of transcribing, or something transcribed (*i.e.*, a transcript).

(bb) *Venire* means an entire panel from which a jury is drawn.

(cc) *Venireperson* means a member of venire.

Section 2 - Page Formatting

Unless otherwise specifically provided in this manual, rules, or law, the following requirements apply equally to Official Reporters' Records and Freelance Reporters' Records.

2.1 Page Size. Each page must be formatted as 8½ x 11 inches.

2.2 Text/Page Color. Solid black text on an opaque, white background page must be used, except with Realtime unedited rough drafts. See also Section 4.3, *infra*.

2.3 Character Spacing. The pitch (characters per inch) must be 9 or 10.

2.4 Legibility and Font. The font must be mixed uppercase and lowercase and clearly legible. Interlineations are not permitted. The use of any product limiting the reproduction of a record is prohibited.

2.5 Margins. The distance between the left and right marginal lines must be no less than six and one-half (6 ½") inches or between fifty-six (56) and sixty-three (63) spaces or characters per line. The left margin text must be set one character from the left marginal line, and the right margin text, except for automatic word-wrapping, must be set one character from the right marginal line (not justified).

2.6 Format Box. A format box consisting of solid top, bottom, left, and right marginal lines is required to mark the margins of a transcription.

2.7 Questions and Answers (Q. & A.). "Q." and "A." must be used to signify questions and answers. The period following the "Q" and "A" designation is optional.

2.8 Quotations. Quoted material must follow the general format guidelines in this manual with respect to marginal and tab settings. The use of quotation marks is optional. See Figure 18.

2.9 Dashes. Interruptions of speech must be denoted by the use of dashes (--) at the point of interruption, and again at the point the speaker resumes speaking. See Figure 19.

2.10 Position of Tab Settings. Three tab settings are required for use on all transcriptions. The first tab setting must be on the fifth space from the left text margin. The second tab setting must be on the tenth space from the left text margin. The third tab setting must be the fifteenth space from the left text margin. These tabulations should be sufficient for all indentations that need to be made in any transcription.

2.11 Use of Tab Settings. The first tab setting must be used for "Q." or "A." The second tab setting must be used for the beginning of text after the "Q." or "A." All subsequent lines must return to the left margin. See Figure 17.

The third tab setting must be used for speaker identification, followed directly by a colon and two spaces. The third tab setting must also be used for a new paragraph or parenthetical. All subsequent lines must return to the left margin. See Figure 18. But when more than one line is necessary for a parenthetical, each subsequent line must also begin at the third tab setting.

2.12 Line Numbers. The line numbers 1-25 must be placed to the left of the format box.

2.13 Lines of Text. Each page of transcription must contain 25 lines of text, numbered 1 through 25, double spaced, except where appropriate on administrative pages. Page numbers or headers and footers are not considered part of the 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription.

2.14 Blank Lines. No blank lines will be permitted except when a witness setup carries over to the next page, for administrative pages, or when counsel requests blank lines.

2.15 Placement of Time Stamping. The use of time stamping is optional. When time stamping is utilized, it must be placed to the left of the line numbers or to the right of the right marginal line. It may be in a smaller pitch than the specified 9 or 10 pitch required for the text.

The requirement that deposition officers keep time in oral depositions, imposed by the 1999 civil discovery rules revisions, is discussed below in the comment following Section 3.3.

2.16 Placement of Page Number. The page number must be placed at the top right corner of the page — flush with the right margin — inside or outside the format box. The page number does not count as a line.

2.17 Page Numbering. The pages of the Official Reporter's Record must be numbered consecutively beginning with page "1" for each volume. Except when specifically provided otherwise in this manual, each volume of the record must begin with page "1". Index pages may not be numbered with Roman numerals.

2.18 Page Headings. The use of page headings (also known as headers) as brief descriptions to aid in locating the testimony of witnesses or events is optional.

2.19 Placement of Page Heading. If used, a page heading must appear above line 1, outside the format box. A page heading does not count as a line.

Section 3 - Content

Unless otherwise specifically provided in this manual, rules, or law, the following requirements apply equally to Official Reporters' Records and Freelance Reporters' Records.

3.1 Title Pages. Each transcription shall include the following information:

- (a) court name and number;
- (b) county and state of jurisdiction;
- (c) case style;
- (d) civil or criminal docket case number and appellate court cause number, if known and applicable;
- (e) name and title of judge or other judicial officer presiding (in Official Reporter's Record only);
- (f) type of proceedings;
- (g) date and location of proceedings for Official Reporter's Record, and time, date, and location for Freelance Reporter's Record;
- (h) volume number (no Roman numerals: Volume 1 of 1, Volume 1 of 2);
- (i) method by which the proceedings were recorded — e.g., machine shorthand, manual shorthand, or oral stenography (stenomask); and
- (j) name, address, State Bar number (in Official Reporter's Record only), and phone number of each attorney (in Official Reporter's Record only) and party represented.

If the above information is too lengthy to fit on one page, additional pages may be used immediately following the title page. Columnar format on appearances is optional.

See Figures 1-4.

3.2 Logs. Each log of a proceeding being recorded must be indexed by the date and location of each event being recorded and must include the following information:

- (a) the number and style of the case before the court;
- (b) the name of each person speaking;

(c) the event being recorded such as the voir dire, the opening statement, direct and cross-examinations, and bench conferences;

(d) the time of day of each event; and

(e) each exhibit offered, admitted, or excluded.

See Tex. R. App. P. 13.2(b). A court recorder must also comply with applicable local rules governing the log of a recorded proceeding.

3.3 Certification of Official Reporter's Record.

(a) Court Reporter. The court reporter must authenticate the original Official Reporter's Record and each copy thereof with a certification page on the last page of each volume. If more than one court reporter is involved in the production of the Official Reporter's Record being certified, then each court reporter involved must certify each volume that he or she produced. The party responsible for the costs must be identified in the certification page contained in the final volume. (Note: The contents of the title page should not be repeated as part of the certification page.) See Figures 5 and 6 for examples of the Official Reporter's Record Certification Page for Texas CSRs and for Exhibits.

If the court reporter is working for a freelance firm, the court reporter must provide the firm registration number issued by the CRCB.

(b) Court Recorder. The court recorder must authenticate each copy of an audio-storage device on which proceedings are recorded with a certification page that identifies clearly the subject audio-storage device. The court recorder must also authenticate each copy of a log with a certification page on the last page of the log. If more than one court recorder is involved in the production of the Official Reporter's Record being certified, then each court recorder must certify each audio-storage device or log that he or she produced. The party responsible for the costs must be identified in the final certification page contained in the Official Reporter's Record.

See Section 8 for certification requirements for electronically-filed records.

3.4 Certification of Freelance Reporter's Record. The court reporter must authenticate the original transcription with a certification page on the last page(s) of the record. The party responsible for the costs must be identified on the certification page. See Figures 7-9 for examples of Changes/Signature Page and Certification Pages.

The certification page must include the firm registration number issued by the CRCB, if applicable, pursuant to Section 52.013(a)(7) of the Texas Government Code.

**Comment Concerning Certification of Depositions, Timekeeping,
and Other Duties of Deposition Officers**

Texas Rule of Civil Procedure 203 sets forth the requirements governing presentment, signature, certification, and delivery of oral and written depositions. These requirements apply to any “deposition officer,” who, for purposes of the discovery rules, is defined as any person responsible for recording a deposition. There may be more than one “deposition officer” in an oral deposition. For example, if a party notices an oral deposition to be recorded non-stenographically, another party may notice the deposition to be recorded stenographically by a CSR. *See* Tex. R. Civ. P. 199.1(c), 199.2(b)(3). In such a case, both the person responsible for recording the deposition non-stenographically and the person responsible for recording the deposition stenographically would be a “deposition officer” required to comply with Rule 203 with respect to the form of recording for which that person was responsible.

A deposition officer responsible for a stenographic recording of an oral deposition must present the transcript for signature in accordance with Rule 203.1, although this requirement does not apply to non-stenographic recordings or depositions on written questions. *See* Tex. R. Civ. P. 203.1(c). Each deposition officer must also certify a deposition in accordance with Rule 203.2(a)-(g), although subparts (b), (c), and (e) obviously do not apply to depositions on written questions and subparts (b), (c), and (f) do not apply to non-stenographic recordings of oral depositions.

An important certification requirement applicable to oral depositions, however recorded, is that deposition officers must certify the amount of time used by each party at the deposition. *See* Tex. R. Civ. P. 203.2(e). This requirement is intended to aid enforcement of time limits on the examination and cross-examination of witnesses. *See* Tex. R. Civ. P. 190.2(c), 190.3(b)(2), 199.5(c). Although time-stamping may facilitate the completion of this task, it is not required; rather, the deposition officer may simply use a stopwatch or other time-keeping device. The time credited to a party obviously should not include recesses or off-the record discussion, and it should not include protracted lapses, such as when a witness is reviewing a stack of documents. But the time would include ordinary pauses by the interrogator or the witness.

Nothing in the timekeeping requirement provisions requires or even permits a deposition officer to referee attorney disagreements at depositions. If a dispute develops among counsel about how time is to be kept, the officer should not attempt to resolve it but should simply make a record of the disagreement so that it can be taken to the court if necessary. If an officer makes a mistake in keeping or certifying time, the court will treat it as any other mistake made by the officer and order any adjustments in discovery considered appropriate. Nothing in the rules requires an officer to keep track of the time remaining to an attorney during a deposition, nor should an officer cease recording the deposition if the officer or a party determines that the time limits have been exceeded. An officer’s responsibility is to make an accurate record, not to police counsel or witnesses. Deposition officers should not allow themselves to be injected into counsel’s disputes. If lawyers cannot agree on the peculiar details of counting time in a particular situation, they should make a record of their respective positions and let a judge sort it out.

3.5 Certified Questions. A certified question is a question that the witness has refused to answer or has been instructed by his or her counsel not to answer during the course of the deposition. The attorney may want to argue that particular question in front of the judge. The attorney will generally say, “Certify that question,” on the record. The court reporter must type the testimony and any colloquy in the record in the usual manner. If the attorney has requested a separate booklet, then the court reporter must excerpt a copy of the pertinent testimony from the final transcript into a separate booklet. All certified questions must be listed in the index.

3.6 CSR's Certification of Another's Notes. When a court reporter prepares a record from the notes of another, the court reporter must include a certification page to that effect — in the form in Figure 12 — and a statement of the amount and payor of the transcription fee.

3.7 CSR's Certification of Non-stenographic Record. When a court reporter prepares a transcription from a non-stenographic record, the court reporter must include a certification page to that effect and a statement of the amount and payor of the transcription fee. See Figure 13 for an example of the form, which may also be used by court-approved transcribers who are not court reporters. A freelance court reporter must include, to the extent known, a cover page for a transcription of a non-stenographic record giving the names of the parties, the court of record, the date of the testimony, the method of recording, and the names of the witnesses for each party. See Figures 30 through 30F for examples of cover pages for transcriptions of non-stenographic recordings.

Comment Concerning Non-Stenographic Depositions

Whether and when an oral deposition may be recorded non-stenographically is governed primarily by statute. Section 52.021(f) of the Government Code generally requires that all depositions taken in this state must be recorded stenographically by a CSR. Exceptions to this requirement, however, include depositions on written questions (which are governed by Section 20.001 of the Civil Practice and Remedies Code) and depositions recorded by a party to the action, their lawyer, or a full-time employee of either. *See* Tex. Gov't Code §§ 52.021(f), 52.033; Tex. Civ. Prac. & Rem. Code § 20.001. Thus, for example, a litigant or lawyer in a case may notice an oral deposition to be recorded non-stenographically and have their secretary record the proceeding by audiotape or videotape. *See Burr v. Shannon*, 593 S.W.2d 677, 677-78 (Tex. 1980) (orig. proceeding) (predecessor statute). But so long as some party has an oral deposition recorded stenographically by a CSR, another party may have any person record the deposition non-stenographically. *See* Op. Tex. Att'y Gen. No. DM-339 (1995), at 2.

If a party arranges to have an oral deposition recorded non-stenographically by someone other than a CSR, the party must arrange to have the witness sworn by a notary or other person competent to administer oaths. *See* Tex. R. Civ. P. 199.5(b); *see also* Tex. Gov't Code § 52.025(b) (CSR is competent to administer oaths).

A non-stenographic recording of an oral deposition may be used in a hearing or trial to the same extent as a traditional stenographic recording. *See* Tex. R. Civ. P. 203.6(a). Unlike the case under the former discovery rules, a party need not obtain a written transcription of a non-stenographic recording in order to use the deposition unless ordered by the court. *Id.*; *compare* Former Rule 202.1.e.

3.8 Language and Verbal Expressions. Except as noted below, a transcription must contain all English words and other verbal expressions uttered during the course of the proceedings.

3.9 Verbal and Nonverbal Expressions. Expressions such as “Uh-huh” and “Huh-uh” should be transcribed accordingly. “Uh-huh” is used when the speaker is answering affirmatively. “Huh-uh” is used when the speaker is answering negatively. In the instance where there is no verbal response to a query (*i.e.*, person nodding or shaking head), the court reporter may indicate in the transcription that the person is indicating either affirmatively or negatively.

3.10 Witness and Examination Setup Examples.

(a) Official Reporter's Record. At the beginning of a witness's testimony, the transcription must, consistent with Figure 14, include the name of the witness and the person conducting the examination and indicate that the witness was sworn in and the type of examination conducted.

(b) Freelance Reporter's Record. At the beginning of a witness's testimony, the transcription must, consistent with Figure 15, include the name of the witness and the person conducting the examination and indicate that the witness was sworn in and the type of examination conducted.

3.11 Witness Sworn Through Interpreter. When a witness testifies through an interpreter, at the beginning of a witness's testimony, the transcription must, consistent with Figure 16, include the witness's name and indicate that the witness was sworn in.

Suggested Oath to the Interpreter:

COURT REPORTER: "Do you solemnly swear or affirm that the interpretation you will give in this deposition will be from English to Spanish/Vietnamese/etc. and from Spanish/Vietnamese/etc. to English to the best of your ability?"

Suggested Oath to Sign Interpreter:

COURT REPORTER: "do you solemnly swear or affirm that the interpretation you will give in this deposition will be from English to American Sign Language/Signed English and American Sign Language/Signed English to English to the best of your ability?"

3.12 Testimony Through Interpreter. In interpreted testimony, court reporters must use Q&A sequencing to reflect the question asked in English by the attorney and the answer of the witness given in English through the interpretation process. When interpreters are used, it will be assumed, unless otherwise stated, that answers are in a foreign language and interpreted.

Sometimes a witness testifying through an interpreter will answer some questions in English. If part of the translation is given by the interpreter and the rest is in English by the witness, the parenthetical "(In English)" may precede the portion of the witness's remarks in English.

Sometimes attorney(s) are fluent in the native tongue of the witness and may speak to the witness directly without the interpreter. A parenthetical should be used in this situation. See Figure 22.

3.13 Punctuation and Spelling. Punctuation and spelling must be consistent with generally accepted standards. See, for example, the standards in *The Elements of Style* by

William Strunk, Jr. and E.B. White; *The Gregg Reference* by William Sabin, 10th edition or later; and *The Merriam-Webster Dictionary*, 11th Edition or later.

3.14 Striking from the Record. No portion of any proceeding may be omitted by a request or an order to strike. The material ordered stricken, as well as the order to strike, must all appear in any transcription.

3.15 Editing of Speech. Any transcription should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly-constructed sentences must be transcribed as spoken.

3.16 Parentheticals. Parenthetical notations in any transcription are a court reporter's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible and consistent with clarity and standard word usage. Blank lines before or after parenthetical notations are prohibited.

It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior (e.g., physical gestures and lengthy pauses on the part of a witness). If counsel or the court fails to refer to the witness's affirmative or negative gesture or other things occurring during the proceedings that may assist the reader, parenthetical notations may be used.

(a) Recommended Parentheticals. The following are recommended parenthetical notations to be used where appropriate:

- (Call to order of the court)
- (Jury not present)
- (Jury present)
- (The witness was sworn)
- (Interpreter sworn)
- (Recess from ^ to ^)
- (Lunch recess from ^ to ^)
- (At the Bench, on the record)
- (At the Bench, off the record)
- (Discussion off the record)
- (Moving head up and down)
- (Moving head side to side)
- (Indicating)
- (Descriptive sound)
- (Snapping fingers)
- (Writing)
- (Weeping)
- (No verbal response)
- (Interruption)
- (Witness complies)

- (Sotto voce discussion between ^ and ^)
- or (^ and ^ whispering)
- (Sotto voce discussion)
- (Sotto voce discussion off the record)
- (The jury was sworn) or (The jury panel was sworn)
- (The witness was affirmed)
- (Discussion between interpreter and witness)
- (Pointing)
- (Drawing)
- (Pausing)
- (Exhibit ^ marked)
- (Proceedings concluded / recessed at ^)
- (Requested portion was read)

(b) Parentheticals for Criminal Trials. In criminal trials, the defendant's presence or absence must be noted on the record. If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceedings occurred in the presence of the jury, out of the presence of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

- (Open court, defendant and jury panel present)
- (Open court, defendant present, no panel)
- (Open court, defendant present, no jury)
- (Open court, defendant and jury present)
- (Chambers, defendant present, no jury)
- (Discussion off the record)
- (Discussion off the record in chambers, defendant not present)
- (Discussion on the record in chambers, defendant present)
- (Crime scene, defendant and jury present)

3.17 Headings. The following headings may be used where appropriate in the body of the transcription and in the index:

- FINAL PRETRIAL HEARING
- JURY VOIR DIRE BY THE COURT
- JURY VOIR DIRE BY THE STATE
- JURY VOIR DIRE BY THE PLAINTIFF
- JURY VOIR DIRE BY THE DEFENDANT
- STATE'S OPENING STATEMENT
- PLAINTIFF'S OPENING STATEMENT
- DEFENDANT'S OPENING STATEMENT
- DIRECT EXAMINATION
- FURTHER DIRECT EXAMINATION
- VOIR DIRE EXAMINATION
- FURTHER VOIR DIRE EXAMINATION
- CROSS-EXAMINATION

- REDIRECT EXAMINATION
- RE-CROSS-EXAMINATION
- FURTHER REDIRECT EXAMINATION
- FURTHER RE-CROSS-EXAMINATION
- CONFERENCE ON JURY INSTRUCTIONS
- STATE'S CLOSING STATEMENT
- PLAINTIFF'S CLOSING STATEMENT
- DEFENDANT'S CLOSING STATEMENT
- JURY INSTRUCTIONS
- COURT'S FINDINGS
- JURY VERDICT
- PUNISHMENT PHASE
- SENTENCING

3.18 Readback - Official Reporter's Record. For clarity of the record, readback during proceedings must, consistent with Figure 20, be quoted in the transcription at the point read.

If readback of testimony is requested during jury deliberations, the Official Reporter's Record must reflect the judicially approved excerpted testimony in at least one of the following ways:

1. a parenthetical note reflecting the volume, page(s), and line number(s) read to the jury;
2. a transcription of the excerpted testimony requested by the jury will be attached to the jury's note and the court's response and will become part of the Clerk's Record; or
3. a transcription of the excerpted testimony requested by the jury will be inserted into the Official Reporter's Record.

3.19 Readback of Freelance Reporter's Record. Readback of a Freelance Reporter's Record may be addressed as set out in Section 3.18 for clarity purposes or in the following manner: (Requested portion was read).

3.20 Audio and Audio-Visual Recordings. Generally, audio and audio-visual recordings played in court are entered as an exhibit in the proceedings. When the audio or audio-visual recordings are played in court, a contemporaneous verbatim record of the proceedings will not be made unless the court so orders.

3.21 Private or Off-the-Record Communications. Private or off-the-record communications must be noted as follows: (Discussion off the record) or (Sotto voce discussion off the record).

3.22 Identification of Speakers. All speakers must be properly identified throughout a transcription in capital letters. Speakers must be identified using their last name only unless there are attorneys of the same gender and last name involved in the proceedings.

In that event only will it be necessary to use both first and last name. After colloquy interruptions and “Q.” and “A.” designations are resumed, the “Q.” may be followed by speaker identification on the same line to remind the reader who is conducting the examination. This designation may also be used after a parenthetical notation and colloquy. If a by-line is used, it must be as shown in Figure 21.

SPEAKER

court reporter
 unidentified juror
 identified juror
 unidentified prospective juror
 foreman
 the judge
 attorney
 witness (in colloquy)
 interpreter
 plaintiff
 defendant
 bailiff
 probation officer
 sheriff
 deputy sheriff
 clerk
 law clerk
 court coordinator
 secretary
 legal assistant
 court recorder

PROPER IDENTIFICATION

THE REPORTER
 JUROR
 JUROR ^LAST NAME
 VENIREPERSON
 THE FOREMAN (FOREPERSON, PRESIDING JUROR)
 THE COURT
 MR., MRS., MS., OR MISS (^LAST NAME)
 THE WITNESS
 THE INTERPRETER
 THE PLAINTIFF
 THE DEFENDANT
 THE BAILIFF
 PROBATION OFFICER (SUPERVISION OFFICER)
 THE SHERIFF
 DEPUTY SHERIFF
 THE CLERK
 LAW CLERK
 THE COORDINATOR
 THE SECRETARY
 LEGAL ASSISTANT
 THE RECORDER

3.23 Index for Official Reporter’s Record. Each volume of a transcription must contain a chronological index, an alphabetical index, and an exhibit index, which must appear immediately following the administrative pages. See Figure 10.

(a) Chronological Index. The chronological index must include a listing of all witnesses in the order of their appearance at trial. Follow the form in Figure 28 when preparing an index listing multiple attorneys conducting the examination. The chronological index must also include a listing of all events that occur.

(b) Alphabetical Index. Consistent with Figure 23, the alphabetical index must include an alphabetical listing of the witnesses.

(c) Exhibit Index. The exhibit index must include a complete description of the exhibits and the page at which each exhibit was offered and received into evidence. Note that local rules also govern the format of the exhibit index for a non-stenographic recording.

(d) Master Index. When the Official Reporter’s Record consists of more than one volume, in addition to the individual indexes, there must be a master index in a separate volume labeled “Volume 1,” consisting of a compilation of all of the individual indexes (listing all chronological occurrences, witnesses in the order of their appearance and

alphabetically, and the exhibits). A column for the volume number must be included for each entry in the master index. Follow Figures 24 and 26 when preparing the Master Index.

A listing of the volume numbers and type of proceeding for each volume is NOT sufficient for the master index.

EXAMPLE OF MASTER INDEX THAT IS NOT ACCEPTABLE FOR FILING:

Volume Two-----Jury Selection
Volume Three-----Case-in-Chief on Guilt/Innocence
Volume Four-----Punishment Phase
Volume Five-----Exhibits

(e) Index Format. A columnar format is required for listing the exhibits and alphabetical listing of witnesses or venirepersons. (See Section 3.26 for further details on capital murder transcriptions and indexes.) The index must be single-spaced for the direct, cross-examination, etc. of the witnesses; however, it must be double-spaced between topic changes (*i.e.*, arraignment, opening statements, plaintiff rests, defendant rests, etc.). When the chronological index is complete, the alphabetical index must begin immediately on that same page, if space allows. Then the exhibit index must begin immediately on that same page, if space allows. The index must indicate the pages at which each of the following, if applicable, occurred:

- 1) jury voir dire examination;
- 2) opening/preliminary instructions by the court;
- 3) motions in limine and other hearings on written motions occurring throughout the hearing, and rulings thereon;
- 4) opening statements by counsel representing all parties;
- 5) witnesses for both sides, listing direct, cross, redirect, recross, rebuttal, surrebuttal examinations, and witness voir dire;
- 6) motions for directed verdict;
- 7) summations of counsel;
- 8) charge to the jury;
- 9) objections to the court's charge;
- 10) verdict;
- 11) polling of the jury;
- 12) punishment phase;
- 13) sentencing;
- 14) adjournment; and
- 15) court reporter's certificates.

3.24 Index for Freelance Reporter's Record. All major portions of a Freelance Reporter's Record must be indexed. Consistent with Figure 11, indexes for depositions

may appear at the beginning of the transcription after the administrative pages or at the end.

(a) Content of Index. The index for a Freelance Reporter's Record must, if applicable, include the following:

- 1) appearances;
- 2) stipulations;
- 3) examinations;
- 4) reporter's certification page;
- 5) signature and correction page(s);
- 6) exhibits numbered with a description and page where formally referenced or marked;
- 7) certified questions; and
- 8) requested information.

(b) Format of Freelance Reporter's Record Index. There is no required format for a Freelance Reporter's Record index.

3.25 Special Venire Cases. In cases involving special venire (*i.e.*, individual voir dire for death penalty cases), the index must include a listing of the venirepersons, in the order of their appearance at trial, and an alphabetical index, which shall include a column containing the volume number for each entry. See Section 3.26. The Master Index shall also include a detailed listing when the special venire commences, the jury is qualified, and statutory excuses and claims for exemption or challenges for cause are heard. See Section 3.26 for further details on capital murder cases.

3.26 Capital Murder Official Reporter's Record. Consistent with Figure 27, the Official Reporter's Record in a capital murder case must include an index in columnar format for the general voir dire of the proceedings wherein the court hears statutory excuses, claims for exemption, or challenges for cause from the prospective jurors. Consistent with Figure 26, the Master Index shall include a column containing the volume number for each entry.

Section 4 – Unedited Rough Draft

Unless otherwise specifically provided in this manual, rules, or law, the following requirements apply equally to Official Reporters' Records and Freelance Reporters' Records.

4.1 Unedited Rough Draft Not Certified. When preparing a rough draft transcription or unedited electronic transcript, the transcript of the proceedings must not be certified and must not be used, cited, or transcribed as a certified transcription of the proceedings. The rough draft transcription may not be cited or used in any way or at any time to rebut or contradict the certified transcription of proceedings.

4.2 Page Labeling of Rough Draft. The unedited rough draft must be labeled or watermarked with the words, "UNEDITED ROUGH DRAFT ONLY", or with a header or footer on each page as follows: "UNEDITED, UNPROOFREAD, UNCORRECTED, UNCERTIFIED ROUGH DRAFT".

4.3 Printed on Color Paper. A CSR may provide an unedited rough draft if it is printed on colored paper.

4.4 Content of Unedited Rough Draft. Realtime unedited rough drafts must not include a format box, title page, an appearance page, a certification, or an index.

4.5 Suggested Disclaimer for Unedited Rough Draft. The following suggested disclaimer may appear at the beginning of the unedited transcription.

WARNING!

This unedited rough draft of the proceedings was produced in Realtime and is not certified. The rough draft transcription may not be cited or used in any way or at any time to rebut or contradict the certified transcription of proceedings. There will be discrepancies in this form and the final form, because this Realtime transcription has not been edited, proofread, corrected, finalized, indexed, or certified. There will also be a discrepancy in page numbers appearing on the unedited rough draft and the edited, proofread, corrected, and certified final.

4.6 Acknowledgment to Parties of Unedited Transcript. It is recommended that each court reporter request that parties acknowledge that receipt of a Realtime unedited transcript is not an official record of the court proceedings. See Figure 25.

Section 5 – Exhibits in Official Reporter’s Record

5.1 Exhibit Items Not Included in the Official Reporter’s Record. Unless ordered otherwise, neither physical evidence nor original exhibits may be included in the Official Reporter’s Record. Instead, to the extent possible, the Official Reporter’s Record must include a clear 8 ½ x 11” rendering of each photograph or document exhibit.

5.2 Original Exhibit Included Only Under Order of Court. When a legible copy of a photograph or any other exhibit cannot be made, the original exhibit may be included in the Official Reporter’s Record under order of the court. *See* Tex. R. App. 34.6(g).

5.3 Description of Physical Evidence. Each item of physical evidence must be described on a separate page in such a manner that it may be identified, including the exhibit number, unless a photocopy is included.

EXAMPLE:

<p>STATE’S EXHIBIT NO. 1</p> <p>9mm Glock semi-automatic pistol, Model P280, Serial No. 665543</p> <p>-----</p>

5.4 Sequence of Exhibit Items. Copies of the exhibits and the descriptions of physical evidence received in each separate proceeding must be placed in numerical order at the end of the Official Reporter’s Record.

Section 6 – Volumes and Volume Numbering in Official Reporters’ Records

6.1 Arabic Numerals. Arabic numerals must be used. Do not use Roman numerals for volume numbering.

6.2 Official Reporter’s Record - Transcription.

(a) Multiple volumes for same day’s record. If there is more than one volume for the same day, the volumes should be divided in a logical place, such as at the beginning of a new witness, at the end of one type of examination and the beginning of another, a recess, or at the beginning or end of motions, arguments, or court instructions.

(b) Multiple volumes for record of different days. For each day of the trial, there must be a new volume, starting with page 1, unless there are multiple pretrial hearings that can be incorporated into one volume that complies with the size requirements in Section 6.3. A hearing after the commencement of jury selection or the trial on the merits relating to a pretrial motion must appear in sequence.

(c) Master Index Volume Numbering. Volume “1” will always be the master index when the record consists of more than one volume.

6.3 Size of Volumes. A volume — in a regular or compressed record — must be no more than 300 8 ½ x 11 pages.

6.4 Exhibits. The exhibits must be in a separate volume or volumes.

Section 7 – Official Reporter’s Record in Paper Format for Appellate Court

7.1 Paper Volumes - Transcriptions. Compressed records may be bound together as long as they comply with the size limitations in Section 6.3. In the event they are bound together, the volumes shall be separated by tabs labeling the volume numbers and the record must also be provided electronically, as prescribed in Section 8 of this manual.

Otherwise, each volume must be bound separately.

7.2 Paper. Paper must be 8 ½ x 11 inches, with a weight of at least 13 pounds.

7.3 Tabs. Except as described in Section 7.1, there must be no tabs.

7.4 Cover. The court reporter must cover the original and each copy of the Official Reporter’s Record with front and back covers of good quality, consisting of white or colored 140-pound, No. 1 sulfite paper, heavyweight transparent plastic, or other similar material approved by the court.

7.5 Binding. The Official Reporter’s Record must be bound using flexible prongs that can be opened and that are passed through holes punched in the left side of the paper. No glued, spiral, or locking bindings are allowed.

Section 8 – Official Reporter’s Record in Electronic Format for Appellate Court

8.1 Electronic Format. An Official Reporter’s Record filed in electronic format must duplicate, page by page, the record as it would have been filed in paper format. In addition, the portion of the Official Reporter’s Record filed in electronic format that consists of a non-stenographic record must duplicate the content of each audio-storage device on which the proceedings were recorded and the content of each audio- or video-file exhibit.

8.2 Computer File Size. A computer file must contain only one volume as defined in Section 6 or, for a non-stenographic record, the content of one audio-storage device. Each computer file must not exceed 100 MB or, if a video file, 5 GB.

8.3 Computer File Type for Text Document. Each computer file of a text document, such as a transcription, must be prepared in text-searchable Portable Document Format (PDF), compatible with the latest version of Adobe Reader. The computer file must not be password-protected, encrypted, or protected by rights management. Because scanning creates larger file sizes with images of lesser quality, scanning must be avoided when possible. To the extent possible, each text document must be converted directly into a PDF file using Adobe Acrobat, the word processing program’s PDF conversion utility, or another software program. Exhibits, however, may be scanned if necessary. Any scanned materials must be made searchable using optical-character-recognition software, such as Adobe Acrobat.

8.4 Computer File Name. The computer file name must include the following elements:

- 1) county name without spaces between words;
- 2) a hyphen;
- 3) the trial-court cause number in the format the trial court uses for cause numbers;
- 4) a hyphen;
- 5) one of the following:
 - a. for a text document, “RR-Vol”; or
 - b. for an audio-storage device or other audio or video file, “RR-Part”;
- 6) the volume number of the text document or the part number of an audio-storage-device or other audio or video file as three digits with leading zeroes for numbers below 100;
- 7) a period; and
- 8) the computer-file extension, as follows:
 - a. “pdf” for a text document in PDF;
 - b. “mp3” for an audio file; or
 - c. “mp4” for a video file.

EXAMPLES: JimHogg-DC-09-29-RR-Vol003.pdf; JimHogg-DC-09-29-RR-Part010.mp3; JimHogg-DC-09-29-RR-Part011.mp4.

If there are multiple volumes in the Official Reporter's Record, the computer file name must identify the sequential order of the volumes or parts (e.g., JimHogg-DC-09-29-RR-Vol001.pdf, JimHogg-DC-09-29-RR-Vol002.pdf, etc.).

If filing a supplement to the Official Reporter's Record, the computer file name must contain a hyphen, the number of the supplement, the term "Supp", and another hyphen after the term "RR" (e.g., JimHogg-DC-09-29-RR-1Supp-Part003.mp3; JimHogg-DC-09-29-RR-2Supp-Part003.mp3).

If filing an amendment to the Official Reporter's Record, the computer file name must contain a hyphen, the term "Amend", and another hyphen after the phrase "RR" (e.g., JimHogg-DC-09-29-RR-Amend-Vol003.pdf).

8.5 Scanned Documents. Images of documents, such as exhibits or signed certification pages, must be included within the computer file as images scanned in black and white with a resolution of 300 dots per inch (dpi).

8.6 Photographs. Photographic images other than documents (e.g., photos of physical exhibits) must be included within the computer file as images with a resolution of not less than 2,048 x 1,536 pixels (approximately 3 megapixels). Higher resolutions are not encouraged. If a full color rendition is necessary, color depth should be between 12-bit and 18-bit. Otherwise, grayscale images are encouraged. Photographs may be captured directly with a digital camera or scanned from a photographic print.

8.7 Sealed Records. Any sealed documents that are filed electronically must be in a separate computer file. If the sealed portion of a transcription is part of a larger volume, an indicator page must be placed where the sealed file logically belongs. The computer file name for a sealed document must contain the applicable elements listed in Section 8.4 and a hyphen, the number of the sealed document, and the term "Sealed" after the phrase "RR" (e.g., JimHogg-DC-09-29-RR-1Sealed.pdf, JimHogg-DC-09-29-RR-2Sealed.pdf).

8.8 Separator Pages. If an exhibit number is not on the exhibit image, there must be a page preceding the image to show the exhibit number.

8.9 Audio Files. If a court reporter or court recorder electronically files an audio recording that is part of the record, the audio file must be included as an MPEG-1 Audio-Layer 3 file (usually referred to as .mp3). The preferred sampling rate for the file is 44.1 kHz and the preferred bit rate for the audio file is 64 kbits/second, though a court may request bit rates as high as 128kbits/second. The Mp3 audio files must use a constant bit rate. The files must not be password-protected, encrypted, or protected by rights management. Each audio file must not exceed 100 MB. If the recording is too long to fit in one file, it may be broken into multiple files. For an exhibit, each file name must include the applicable elements listed in Section 8.4 and, before the .mp3 designation, a hyphen, the word "Exhibit", the exhibit number, and, if there are multiple audio files, a

hyphen and the file sequence number (e.g., JimHogg-DC-09-29-RR-Part003-Exhibit1-1.mp3, JimHogg-DC-09-29-RR-Part003-Exhibit1-2.mp3).

Otherwise, physical media (e.g., cassettes or other audio-storage devices) may be sent to the appellate court if ordered by the court.

8.10 Video Files. If a court reporter or court recorder electronically files a video that is part of the record, the video file must be included as an MPEG-4 Part 14 file (usually referred to as .mp4). Data compression is encouraged, though the submitter must assure that the video and audio content have sufficient quality. The files should not be password-protected, encrypted, or protected by rights management. Each video file must not exceed 5 GB. If the recording is too long to fit in one file, it may be broken into multiple files. For an exhibit, each file name must include the applicable elements listed in Section 8.4 and, before the .mp4 designation, a hyphen, the word “Exhibit”, the exhibit number, and, if there are multiple videos, the file sequence number. See the examples in Section 8.9.

Otherwise, physical media (e.g., VHS, DVD, etc.) may be sent to the appellate court if ordered by the court.

Section 9 – Official Reporter’s Record and Freelance Reporter’s Record Provided to Parties

9.1 Electronic Format for Party. The court reporter or court recorder may provide the ordering party an electronic copy of the Official Reporter’s Record or the Freelance Reporter’s Record in any agreed-upon electronic format. If the court reporter or court recorder and the ordering party cannot reach agreement, the means for provision to the appellate court must be used.

9.2 Paper Format for Party. The court reporter or court recorder may provide the ordering party a paper copy of the Official Reporter’s Record or the Freelance Reporter’s Record in any agreed-upon format. If the court reporter or court recorder and the ordering party cannot reach agreement, the means for provision to the appellate court must be used.

Section 10 – Miscellaneous

10.1 Preparation and Compilation of Appellate Record. The court reporter or court recorder must compile, format, and file each appellate record in his or her assigned court, unless the appeal at issue is generated from an ancillary court (e.g., drug courts, impact courts). A court reporter or court recorder assigned to an ancillary court must coordinate the compilation, formatting, and filing of each appellate record following this manual and in a timely manner as provided in rules and law.

10.2 Case Document For Deputy Officials. Pursuant to Rule 13.5 of the Texas Rules of Appellate Procedure, deputy official reporters (substitute reporters) must file a separate case document for each case reported with the clerk of the trial court. See Figure 31.