

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

GUIDE FOR OFFICIAL REPORTERS PRO TEMPORE

Pursuant to Administrative Order no. 2024-0322, the Santa Barbara Superior Court does not provide court reporters for evidentiary hearings, court trials and jury trials in civil, family law and probate matters. The following information is provided to official reporters pro tempore concerning their appearance in court.

1. Court Reporter Appointment Process

When an official court reporter is not provided by the court, parties may, by stipulation*, arrange for the appointment of a privately retained certified shorthand reporter to serve as an official court reporter pro tempore for a proceeding. Before the reporter can serve in this capacity, the judicial officer presiding in the department where the proceeding will occur must approve the reporter's appointment by way of an order. It is the parties' responsibility to pay the reporter's fees for attendance at a proceeding.

***Note:** a stipulation is not needed if the reporter is on the court's Pre-Approved Official Court Reporters Pro Tempore List.

2. Locations

The Santa Barbara Superior Court has 3 divisions: Santa Barbara, Santa Maria, and Lompoc. A listing of all courthouses, judicial officers, and departments, along with addresses and phone numbers, may be found on the court's website at www.santabarbara.courts.ca.gov/.

Familiarize yourself with public parking facilities around the courthouses. There are no discounted parking rates for court reporters in Santa Barbara.

3. Reporting Equipment and Supplies

You are responsible for bringing with you all the equipment and supplies you will need to perform your work. The court does not provide stenographic paper or other court reporter supplies and will not have any copying equipment available for pro tempore reporters. You may or may not have access to power in the courtroom, so be prepared to operate solely on battery power.

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

4. When You Arrive at the Courthouse

Arrive at the courthouse in advance of your scheduled proceeding and allow for time to pass through security at the entrance of the courthouse. You will need to pass your equipment through the security machines.

5. When You Arrive at the Courtroom

Arrive to the courtroom at least 20 minutes before the proceeding is scheduled to begin. The set-up for your equipment will be different in every courtroom, so allow ample time for this. The court does not provide technical support. It is essential that you be on time and be ready to report the proceeding because the court will not continue a matter or wait for you to be ready. 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 proceeding.

When you arrive at the courtroom, if the doors are locked, wait outside until the doors are unlocked. Upon entering the courtroom, introduce yourself to the courtroom clerk and bailiff. Sit in the audience section until the clerk or bailiff directs you where to go.

- There may be several reporters in the courtroom to report other matters. Ask the clerk or bailiff where you should wait until your matter comes up. If for any reason you leave the courtroom, inform the attorney(s) or party(ies) who hired you of your whereabouts.
- Give your business card to the lawyers appearing on your matter and the courtroom clerk.
- Read, complete, and sign your portion of the *Agreement and Order Re Appointment of Official Reporter Pro Tempore* (SC-1045). This form must be turned in to the clerk before the proceeding begins. The parties must stipulate* and the judicial officer must appoint you as an official court reporter pro tempore before you may report the proceeding.

*Note: a stipulation is not needed if the reporter is on the court's Pre-Approved Official Court Reporters Pro Tempore List.

- Do not cross the "well" (the space in front of the bench) without permission of the judicial officer or the bailiff.
- Do not enter the secured back hallways of the court, unless specifically authorized by the clerk or the bailiff, or the judicial officer, to report a matter in chambers.
- Ask the judicial officer or clerk if there are any special procedures or practices about which you should be aware.
- Restroom facilities are available in the public areas of the courthouse.

6. Courtroom Schedule

The court will take several breaks during the day and will close for lunch. You may not remain in the courtroom during the lunch break.

7. 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, or business suit attire. No food or drink is permitted in the courtroom. Some judicial officers may make an exception for water. Cell phone use is typically not permitted in the courtroom. Make sure you turn off your cell phone or put it in silent mode. You should not tell anyone to contact the court to reach you or to leave you a message.

Always address the judicial officer as "Your Honor," "Judge [last name]," or "Commissioner [last name]" unless he or she indicates otherwise.

8. Real-Time Transcription

Any real-time transcription requested by the parties is the sole responsibility of the court reporter pro tempore.

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 judicial officer decides everything.
- **In a jury trial**, the jury decides the facts, while the judicial officer makes legal decisions.

Order of trial proceedings:

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

10. Reporting on Trial Proceedings

Unless you are told otherwise, you must report everything that happens from the beginning of the trial until the end. Look to the judicial officer for guidance. Only the judicial officer can tell you whether to go off the record. If you are unsure, ask the judicial officer. It is better to report something that does not need to be reported than fail to report something that is necessary.

11. 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 judicial officer. The judicial officer 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 judicial officer or counsel during a hearing.

12. Opening of Trial Court Proceedings

There are two ways in which trial court proceedings are commenced depending on the circumstances of the case and the judicial officer’s preference. In either case, the bailiff will announce what is happening. You do not need to report the openings.

- **A formal opening** is usually done at the beginning of trial when the judicial officer enters the courtroom, and the jurors are present. The bailiff will ask all to rise (including the reporter) and may direct everyone to face flag.
- **An informal opening** is when the judicial officer enters the courtroom, and everyone remains seated. This is usually done when jurors are not present.

13. 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 judicial officer and/or counsel. You normally will be required to report jury voir dire but get confirmation from the judicial officer beforehand. Obtain a copy of the alphabetical juror list from the clerk prior to commencement of jury voir dire. Verify with the clerk and 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 numbers. Keep the jury lists in a secured place as they may contain confidential information.

14. Swearing of Witnesses

The judicial officer or clerk administers the oath to the witness. The swearing of the witness is reported verbatim and is included in the transcript.

15. Trial Exhibits: Identification and Admission into Evidence

The clerk is responsible for handling and labeling the trial exhibits. Exhibits are identified, and then – assuming the judicial officer 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.

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 California Rules of Court, rule 2.1040, under which ordinarily you do *not* report what is said in the recording. Check with the judicial officer to be sure whether he or she expects you to report that part of trial.

17. Attorney Objections

You must report all objections being made by counsel and the judicial officer'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 judicial officer.

18. Bench and Chambers Conferences

A "bench conference" is basically a conversation between the judicial officer and counsel outside the presence of the jury. They are generally held at "side-bar" – counsel approach the bench and speak with the judicial officer in close proximity with soft voices, so the jury cannot hear anything they say. A "chambers conference" is another private conversation between the judicial officer and counsel but held in chambers.

Before the trial commences, ask the judicial officer or court clerk about how the judicial officer conducts these conferences. Not all bench and chambers conferences need to be reported. You

will need to take instruction from the judicial officer whether to report a conference. If in doubt whether you should report, ask the judicial officer.

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 judicial officer and counsel conduct a bench conference.

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.

19. 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 judicial officer.

20. Sealed Proceedings

Sometimes the judicial officer 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. All transcripts, including sealed transcripts, must be uploaded through YesLaw, unless otherwise directed by the judicial officer.

Refer to California Rules of Court, rule 2.551 for more detailed requirements regarding sealed transcripts.

21. Court Reporter Read-Back

During trial, you will take direction from the judicial officer whether to read-back a question or answer. Once the jury commences its deliberations, it may request to have read-back of testimony. Be prepared to make yourself available within 30 minutes of a request by the court.

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.
- You may read-back testimony from a printed transcript, your computer, or your notes.
- Make sure that you make note of the testimony you read to the jury for the purposes of appeal.

If more than one reporter worked on the case, all reporters must be available for read-back, or alternatively, one reporter can read-back the testimony if it has already been edited for correctness by the reporter who reported the proceeding. The court reporter(s) will be contacted for read-back as directed by the court.

22. (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, report the situation to the clerk or bailiff. When having conversations in or outside of the courtroom (including in public restrooms or court hallways), 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 always appear and remain impartial.

23. Judicial Officer's Reading of Jury Instructions

The judicial officer reads instructions to the jury at two junctures during 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 judicial officer's reading of the jury instructions but should get confirmation from the judicial officer.

24. While the Jury is Deliberating

The jury may have questions during deliberations that need to be reported, and there may be requests for read-back of testimony. Be prepared to make yourself available within 30 minutes of a request by the court. Read-back may be conducted in the jury deliberation room (you must be escorted to the jury room by the bailiff or the clerk) 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. Simply inform the jurors that any questions they have must be directed to the bailiff. If the jurors begin discussing matters, step out of the deliberation room and inform the bailiff or clerk.