

**EXHIBIT A4: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
COURT REPORTERS MANUAL - CONDENSED VERSION**

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**REPORTING EQUIPMENT AND SUPPLIES**

Court reporters are responsible for the purchase, maintenance and security of their personal computer equipment and supplies related to transcript preparation. Equipment and supplies should not be left in the courtroom or any location that would compromise its security. Reporting equipment or supplies shall not be borrowed without consent of the owner. The court provides steno paper for court proceedings in accordance with Government Code section 69955(i), and other standard office supplies not required for transcript preparation.

Penal Code section 190(b)(1) requires proceedings in death penalty cases be reported by court reporters using computer-aided transcription equipment. Any reporter unable to comply with this requirement must bring this to the attention of the court district manager or his/her designee.

**LICENSE**

All official court reporters must provide license renewal verification to the Court Executive Office-Personnel Department annually upon renewal. This verification must be received by the Court Executive Office by the last day of the renewal month.

**SEALED NOTES**

If a reporter's notes are ordered sealed by the Court, they may not be transcribed except by order of the Court. Sealed notes must be packaged and clearly marked as "sealed."

**TRANSCRIPT PREPARATION AND FILING**

Pro tempore court reporters must file all transcripts ordered by the court, the appeals division, or required by statute, in a timely manner.

Transcripts ordered by the court, or required by statute are to be filed in the district where the hearing occurred, unless otherwise directed by the court, court district manager, or his/her designee.

Transcripts of preliminary hearings where a defendant is held to answer must be filed on or before 10 days after the conclusion of the preliminary hearing. If the transcript is not filed timely, payment for the transcript will be cut by 50%.

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Appeal transcripts must be filed in the Superior Court Appeals Division located at 401 N. Arrowhead Avenue, San Bernardino, CA by the due date as follows:

- If the Notice to Reporter to Prepare Transcript on Appeal includes only one reporter, that reporter is required to complete the transcript, cover pages, indexes and certificates and file the transcript in the appeals division on or before the due date indicated on the notice. Refer to the Appeals section of this manual for detailed information on these requirements.
- If the Notice to Reporter to Prepare Transcript on Appeal includes more than one court reporter, a primary reporter will be designated on the notice. This is referred to as a “multiple reporter transcript”. In these appeals one consolidated transcript containing all dates included on the notice must be filed. Under no circumstances will an individual transcript be accepted.
- Each participating court reporter must:
  - Communicate to the primary reporter the number of pages in their portion of the transcript. The primary reporter will then assign page numbers to each participating reporter to accomplish the consecutive pagination requirements of rule 8.144 of the California Rules of Court.
  - Keep the primary reporter informed of any extensions requested. Any extension granted applies only to the reporter who requested the extension.
  - Make arrangements for timely delivery of their portion of the transcript to the primary reporter, allowing sufficient time for the primary reporter to assemble the transcript and prepare consolidated indexes.
  - Provide an index for their section to the primary reporter which contains:
    - Page number where morning and afternoon sessions begin
      - Page number at which direct examination, cross-examination, redirect examination, other examination, and recall of each witness begins
      - Page number at which exhibits are marked for identification or entered into evidence

Refer to the Appeals section of this manual for detailed information on multiple reporter transcript preparation procedures.

**NOTE:** If you need contact information for a court reporter, contact the appeals division as they maintain a current phone roster of official and pro-tem reporters.

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***Code of Civil Procedure 269. Superior court reporter's duties; Preparation of record on appeal.***

*269. (a) An official reporter or official reporter pro tempore of the superior court shall take down in shorthand all testimony, objections made, rulings of the court, exceptions taken, arraignments, pleas, sentences, arguments of the attorneys to the jury, and statements and remarks made and oral instructions given by the judge or other judicial officer, in the following cases:*

*(1) In a civil case, on the order of the court or at the request of a party.  
(2) In a felony case, on the order of the court or at the request of the prosecution, the defendant, or the attorney for the defendant.*

*(3) In a misdemeanor or infraction case, on the order of the court.*

*(b) If a transcript is ordered by the court or requested by a party, or if a nonparty requests a transcript that the nonparty is entitled to receive, regardless of whether the nonparty was permitted to attend the proceeding to be transcribed, the official reporter or official reporter pro tempore shall, within a reasonable time after the trial of the case that the court designates, write the transcripts out, or the specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify that the transcripts were correctly reported and transcribed, and when directed by the court, file the transcripts with the clerk of the court.*

*(c) If a defendant is convicted of a felony, after a trial on the merits, the record on appeal shall be prepared immediately after the verdict or finding of guilt is announced unless the court determines that it is likely that no appeal from the decision will be made. The court's determination of a likelihood of appeal shall be based upon standards and rules adopted by the Judicial Council.*

NOTE: The appeals division will send court reporters a Notice to Prepare Reporter's Transcript on Appeal if an appeal is filed.

## **PREPARATION OF TRANSCRIPTS**

The final or ultimate test of your expertise as a court reporter lies in the product you prepare: the

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transcript. They should look neat and professional; they should be punctuated properly; they should conform to all of the standards and guidelines set forth in the court reporter manual. **USE YOUR MANUAL AND FOLLOW THE PROPER FORMAT.** In most instances you will be preparing transcripts to be combined with other reporters' partial transcripts into one or more volumes. The judge, justice, attorney, or party who will read the transcript should not have to be distracted by various forms of format and print; all should look the same throughout.

**SEALED TRANSCRIPTS**

A sealed proceeding shall be transcribed only upon a court order (minute order or formal court order). Unless specifically ordered by the court, a transcript that is prepared and ordered sealed shall not be divulged to anyone. Proceedings that may be sealed include Marsden hearings, in camera proceedings, or ex parte hearings.

The reporter should file a sealed transcript and all ordered copies in a sealed envelope. The front of the sealed envelope should bear the cover page for the matter. The cover of a sealed transcript must indicate that it is a sealed transcript:

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

Thursday, October 7, 2004

**CONFIDENTIAL - MAY NOT BE EXAMINED WITHOUT COURT ORDER**

Each sealed proceeding must be processed as an individual transcript and is separated from the principle text of the transcript. It is bound, sealed and filed under separate cover. Pursuant to California Rules of Court, rule 8.144(c)(1) and Court of Appeal Miscellaneous Order 09-9 the sealed transcript should always begin with page 1, even if it is in the middle of an unsealed transcript. The unsealed portion of the transcript should show a parenthetical indicating there is a sealed transcript:

(Proceedings were taken down, transcribed, sealed  
and filed under separate cover as ordered by the court.)

The transcript should be delivered to the clerk's office or the courtroom clerk as instructed by the court for filing along with a Court Reporter's Claim form for signature by the appropriate court personnel.

**TRANSCRIPT ORDERS**

Court Ordered:

When a transcript is ordered by the Court, the original transcript and/or original transcript plus copies of it should be submitted to the Court for filing and processing of payment.

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Transcripts ordered by the attorneys, self-represented litigants and others:

If you prepare a transcript that is ordered by attorneys/private parties and not Court ordered, do not file the original transcript or copies of the transcript with the Court. Arrangements for delivery of original plus any copies that may have been ordered and payment for these transcripts should be made with the party placing the order.

Transcripts ordered by District Attorney, Public Defender, Conflict Panel or other Agencies:

If you prepare a transcript that is ordered by a government agency and not Court ordered, do not file the original transcript or copies of the transcript with the Court. Arrangements for delivery of original plus any copies that may have been ordered and payment for these transcripts should be made with the party placing the order.

Appeals Transcripts:

*Criminal/Juvenile*

When preparing transcripts ordered by the Appeals/Appellate Division prepare the original and copies as ordered and submit to the Appeals/Appellate Division for filing pursuant to the notice and processing of payment.

*Civil*

Upon receipt of a request for estimate from the Appeals/Appellate Division, communicate with the clerk regarding your fees to be deposited or waived. Once fees are deposited, if that is the case, you will receive notice to prepare the transcript. Deliver transcript pursuant to the notice to the Appeals/Appellate Division. Payment will then be process.

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**TRANSCRIPT FORMAT**

**TRANSCRIPT FORMAT SETUPS INSTRUCTIONS**

The Superior Court of California, County of San Bernardino Format Setups that all court reporters shall follow are:

**STANDARDS:**

PITCH:	10
CHARACTERS ON LINE:	58
SPACING:	DOUBLE
LINE NUMBERS	1-28
LOCATION OF LINE NUMBERS:	OUTSIDE BOX, LEFT-HAND SIDE
Q & A:	COLUMN 4 (3 spaces in from margin)
TEXT OF Q & A	COLUMN 7 (6 spaces in from margin)
PARAGRAPHS AND COLLOQUY	COLUMN 10 (9 spaces in from margin)
QUOTED MATERIAL:	COLUMN 14 (13 spaces in from margin)
BOX:	YES -- ON ALL TRANSCRIPTS EXCEPTION: REALTIME/ROUGH DRAFT TEXT

**PAGE NUMBERS:**

TRIAL/APPEAL TRANSCRIPTS:	UPPER RIGHT-HAND CORNER
ROUGH DRAFT TRANSCRIPTS	TOP MIDDLE OF PAGE

**CERTIFICATES AND TITLE PAGES:**

BOX:	YES
LINE NUMBERS:	YES

**APPEAL COVER:**

BOX:	NO
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LINE NUMBERS: NONE

PAGE NUMBERS: NONE

**INDEXES:**

BOX: YES

LINE NUMBERS: YES

PAGE NUMBERS: LOWER CASE ROMAN NUMERAL OR NONE

PRINT: UPPER AND LOWER CASE OR ALL CAPS

Instructions demonstrating the following format setups have been included in the Example section of this manual as example 42:

- Margins and indentations
- Examinations
- Witness set up
- AM and PM appearance headings
- Courtroom designations
- Proceedings through interpreter
- Jury information
- Parentheticals (blurbs)
- Physical indications
- Quoted material
- Page numbering

A completed transcript in abbreviated form is attached as example 39

**TRANSCRIPT FORMAT STANDARDS**

Effective October 1, 2006, the transcript format standards for the Superior Court of California, County of San Bernardino shall be as follows:

1. Transcripts shall be typed on 28-line transcript paper.
2. Transcripts will be paid at the following rate:
  - a. Transcripts of hearings are paid at the rate of 2.64 per folio.

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3. Covers, title page, index, and certificate pages will be paid.
  - a. The Court will reimburse \$ .50 per plastic cover for all transcripts
4. The typing format shall be uniform among all types of transcripts and be in conformance with the following standards:
  - a. All typewritten pages shall be opaque, unglazed white paper, not less than 13-pound weight, 8 ½ by 11 inches in size. Only one side of the paper shall be used, and the margins shall be 1 ¼ inch on the left side of the page; 1 inch on the top and bottom of the page; ½ inch on the right side of the page. The lines on each page shall be double spaced and number consecutively from 1 to 28. The type shall consist of 10 characters to the inch.
  - b. Each page shall contain 28 lines of typewriting except the cover, index, title page, and all necessary legal certificates.
  - c. There shall be one single, standard typewritten space between each word, figure or character, except after a colon, question mark, or period, in which event there shall be two single standard typewritten spaces.
  - d. All typing shall commence not more than two single standard typewritten spaces from the left margin (edge of box) except in the following circumstances:
    - 1) An identification of the same or another speaker shall commence not more than 10 single standard typewritten spaces from the left margin, and the subsequent proceedings shall commence not more than two additional single standard typewritten spaces thereafter.
    - 2) Identification of another paragraph shall commence not more than 10 single standard typewritten spaces from the left margin.
    - 3) The second line of the body of a question or answer shall begin at the left margin.
    - 4) Identification of the type of examination shall be centered between the left and right margins on one line, with no more than one line being skipped before that identification and no lines being skipped after the identification.
    - 5) Witness setups and identification of type of examination shall not begin on the last line of the transcript with the identification of counsel or the question starting on the next page. Those lines may be skipped and notation made by putting slash marks (///) at the beginning of each line on the page where the lines are skipped. No more than three lines may be skipped on any page.

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- 6) Parenthetical statement shall commence not more than 10 spaces in from the left margin. No lines shall be skipped before or after.
- 7) Quotations shall commence not more than 14 single standard typewritten spaces from the left margin and shall be indented from the right margin no more than 9 spaces. The second line of the quoted material shall come back out to 10 spaces in from the left margin.
- e. On all colloquy (argument of counsel, rulings, etc) the second line of such colloquy shall begin not more than two single standard typewritten spaces from the left margin.
- f. Billing for transcripts shall be done on the Court Reporter Transcript Claim [form number 13-21129-360]. Billing will be calculated at the rate of \$2.64 folio per page in accordance with section 2(a) or (b) of this policy. Each transcript must be submitted with a completed claim form.

6. Plastic covers shall be used for all transcripts.

Instructions for completing a claim form have been included in the Court Reporter Transcript Claims section of this manual.

A sample Court Reporter's Transcript Claim form has been included in the Example section of this manual as example 45.

**VIDEOTAPE OR AUDIOTAPES**

***California Rules of Court, rule 2.1040 -- Electronic Recordings Offered in Evidence-Transcripts***

*(a) [Transcript of electronic recording] Unless otherwise ordered by the trial judge, a party offering into evidence an electronic sound or sound-and-video recording must tender to the court and to opposing parties a typewritten transcript of the electronic recording. The transcript must be marked for identification. A duplicate of the transcript, as defined in Evidence Code section 260, must be filed by the clerk and must be part of the clerk's transcript in the event of an appeal. Any other recording transcript provided to the jury must also be marked for identification, and a duplicate must be filed by the clerk and made part of the clerk's transcript in the event of an appeal.*

*(b) [Transcription by court reporter not required] Unless otherwise ordered by the trial judge, the court reporter need not take down or transcribe an electronic recording that is admitted into evidence.*

Most judges will obtain a stipulation from the attorneys that the reporter not be required to report

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the sound from the videotape or audiotape, although it really is unnecessary to do so according to the above rule. A parenthetical must be included in the transcript indicating the playing of the audio or video tape.

Sample parentheticals have been included in the Example section of this manual as example 42.

**TITLE PAGES, INDEXES AND FIRST PAGE OF PROCEEDINGS**

Title pages and index pages are not numbered in any transcript, but are included in the billing of total pages.

Page number 1 of any transcript starts with the first page of the proceedings.

**PARTIAL TRANSCRIPTS**

Many requests are made for partial transcripts -- one day's proceedings out of a long trial; one witness' testimony; a half-day's proceedings; just the court's order; excerpts throughout a single witness' testimony that may have lasted for days, et cetera.

Format follows that which has previously been discussed. However, if one or more paragraphs are omitted, the omission may be indicated by four asterisks typed on a line by themselves and centered:

\* \* \* \*

Each partial transcript ordered should be numbered in the center of the page above the border beginning with page 1. If there are many partial transcripts, each should begin with page 1. They will be easily identifiable by date. These pages are to be renumbered in the proper place in the upper right-hand corner if later included in an appeal, which will be discussed.

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**MARSDEN MOTION /IN CAMERA PROCEEDINGS**

***California Rules of Court, rule 8.328 - Sealed Records***

***(a) Marsden hearing***

*(1) The reporter's transcript of any hearing held under People v. Marsden (1970) 2 Cal.3d 118 must be sealed. The chronological index to the reporter's transcript must include the Marsden hearing but list it as "SEALED" or the equivalent.*

***(b) Other in camera proceedings***

*(1) Any party may apply to the superior court for an order that the record include:*

*(A) a sealed, separately paginated reporter's transcript of any in camera proceeding at which a party was not allowed to be represented; and*

*(B) any item that the trial court withheld from a party on the ground that it was confidential.*

*(2) The application and any ruling under (1) must comply with rule 8.324.*

*(3) If the court grants the application, it may order the reporter who attended the in camera proceeding to personally prepare the transcript. The chronological index to the reporter's transcript must include the proceeding but list it as "SEALED" or the equivalent.*

An in camera proceeding is a trial or hearing held in a place not open to the public, whether in chambers or when all spectators are excluded from the courtroom.

A Marsden motion is a motion to relieve appointed counsel. It is held in camera, and when ordered transcribed, it is always ordered **sealed**. It is included as part of the normal record on appeal.

California Rule of Court 8.328 requires that the chronological index to a reporter's transcript containing a Marsden motion or other in camera proceeding include the Marsden or in camera proceeding but list it as "SEALED" or the equivalent.

A Marsden motion or in camera proceeding must have a cover page, title page and reporter's certificate and be placed in an envelope and **sealed**. On the outside of the envelope, affix a copy of the cover page with the following language:

**CONFIDENTIAL -- MAY NOT BE EXAMINED WITHOUT COURT ORDER**

If a Marsden motion is heard during other proceedings which are transcribed, you must put a

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parenthetical in the transcript indicating the Marsden motion has taken place and it is filed under separate cover. The following is an example of such a parenthetical:

(Whereupon, a Marsden motion was taken down,  
transcribed, sealed, and filed under separate cover.)

A sample title page has been included in the Example section of this manual as example 36.

## **TRIAL LOGS**

Reporters shall keep a trial log of all trials. The trial log should contain:

- Dates of the trial (am/pm session)
- The attorneys present on each date
- Case name and number
- Court reporter's name and CSR No.
- A summary of the proceedings and any other pertinent information.

A sample trial log has been included in the Example section of this manual as example 50.

## **REDACTION OF TRIAL JURORS' NAMES**

Pursuant to Rule 8.332 of California Rules of Court and Code of Civil Procedure Section 237(a)(2), the name of each trial juror or alternate sworn to hear a case shall be redacted from the record in criminal cases.

### ***California Rules of Court, rule 8.332 -- Juror-identifying information***

#### ***(a) Applicability***

*A clerk's transcript, a reporter's transcript, or any other document in the record that contains juror-identifying information must comply with this rule.*

#### ***(b) Juror names, addresses, and telephone numbers***

*(1) The name of each trial juror or alternate sworn to hear the case must be replaced with an identifying number wherever it appears in any document. The superior court clerk must prepare and keep under seal in the case file a table correlating the jurors' names with their identifying numbers. The clerk and the reporter must use the table in preparing all transcripts or other documents.*

*(2) The addresses and telephone numbers of trial jurors and alternates sworn to hear the case must be deleted from all documents.*

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***(c) Potential jurors***

*Information identifying potential jurors called but not sworn as trial jurors or alternates must not be sealed unless otherwise ordered under Code of Civil Procedure section 237(a)(1).*

**INSTRUCTIONS FOR REDACTING JUROR NAMES**

When preparing the redacted format, the court reporter shall replace the exact number of spaces contained in the name with the identifying juror number. In order to accomplish this, use the juror's original identifying number from the Jury Panel List plus the number of "X"s needed to account for the total number of characters in the juror's name. For example, if the juror's name is Mrs. Jones, you will need to replace 10 spaces. Mrs. Jones' juror number is 53. To redact her name, you would use 53XXXXXXXXX. By using this procedure when you have to prepare the required un-redacted transcript for a death penalty case or if the Court of Appeal orders an un-redacted transcript, the transcript format and layout will not be changed from the redacted version. Following are samples to further clarify:

**UN-REDACTED FORMAT:**

PROSPECTIVE JUROR 53: My name is Susan Jones. I live in Fontana. I am employed by the Postal Service. I am married. My husband is a mechanic with an airline.

**REDACTED FORMAT:**

PROSPECTIVE JUROR 53: My name is 53XXXXXXXXXX. I live in Fontana. I am employed by the Postal Service. I am married. My husband is a mechanic with an airline.

**UNREDACTED FORMAT:**

THE COURT: We will replace Ms. Jones with Mrs. Brown.

**REDACTED FORMAT:**

THE COURT: We will replace 53XXXXXXXX with 21XXXXXXXX.

**Note: Mrs. Brown's original juror identifying number is 21.**

**TITLE PAGES**

Title pages are used as an information and appearance page at the beginning of the proceedings. They are used as covers with plastic overlays for all partial, daily and other non-appeal transcripts both in civil and criminal.

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Title pages contain all information relative to the proceedings. The information shown on the title page should be taken from the Complaint, Indictment or Information. This information should include:

- The court and department number
- Judge's name
- Title of the case
- Superior court case number
- Proceedings within; i.e.:
  - REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS
  - REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING
  - REPORTER'S TRANSCRIPT OF MARSDEN HEARING
  - REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS
  - REPORTER'S TRANSCRIPT OF 995 MOTION
- Appearances of parties and their respective counsel
- Court reporters' names and CSR numbers

Sample title pages have been included in the Example section of this manual as examples 30 through 38.

**WITNESS INDEX**

The transcript index shall include a chronological index of examinations of all witnesses. This will include the page and volume number indicating the beginning of the examination.

A sample witness index has been included in Example section of this manual as example 17.

**EXHIBIT INDEX**

The transcript index shall include an exhibit index listing the exhibit number(s) with a brief description thereof, the page and volume at which the exhibit was marked for identification and entered into evidence.

A sample exhibit index has been included in the Example section of this manual as example 14.

**REPORTER'S CERTIFICATE**

All transcripts including appeals require certification by each reporter involved. Certificates are placed in the last volume following the last page of the actual transcript in the original and each copy. All Reporters' Certificates must contain the reporter's original signature.

A sample reporter's certificate has been included in the Example section of this manual as



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example 27.

**CRIMINAL MOTIONS AND CASE CITES**

There are various motions that can be heard in criminal courts. They are referred to by Penal Code or Evidence Code section number, case name, or actual name of the motion. A few of the most common motions heard are as follows:

170.1 thru 170.8 CCP	Motion to disqualify a judge for cause
352 Evidence Code	Discretion of court to exclude evidence when probative value is outweighed by prejudicial effect
402/403 Evidence code	Motion for determination of foundational and other preliminary facts
995 Penal Code	Motion to set aside the indictment or Information
1118 Penal Code	Motion for judgment of acquittal (court trial)
1118.1 Penal Code	Motion for judgment of acquittal (jury trial)
1385 Penal Code	Motion to dismiss in the interest of justice
1538.5 Penal Code	Motion to suppress evidence seized
Motion for Discovery	(Self-explanatory)
Castro, Collins,	Motion to exclude evidence of prior felony conviction
Beagle	Motion to exclude evidence of prior misdemeanor conviction
Wade-Gilbert	Motion to suppress lineup
Pitchess	Motion to acquire personnel records of officers (Usually held in camera and ordered sealed)
Romero	Motion to strike a strike (re three-strikes law)
Faretta	Motion of defendant to represent themselves
Marsden	Motion to relieve appointed counsel (in camera hearing, sealed)
Aranda-Bruton	Motion for severance of defendants/not admitting evidence as to codefendant
Vickers Hearing	Formal hearing to prove a violation of probation
Miranda	Advisal of rights
Cruz Waiver	Concerning release of defendant pending sentence
Vargas Waiver	Concerning release of defendant pending re-sentencing
Kelly-Frye	Scientific reliability
Hovey-Witherspoon	Cases relating to death penalty
Evans	Motion for lineup

A “Glossary of Terms” may be found at <http://www.nacmnet.org/glossary.html>.

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## **CIVIL**

### **CIVIL PROCEEDINGS**

In a civil calendar the clerk will give the reporter a calendar sheet which contains the captions and case numbers of the cases to be heard that day. The calendar will also state the type of proceedings to be conducted. Trials usually begin after the morning calendar.

In a civil trial the following proceedings may occur:

- Motions in Limine
- Jury voir dire
- Opening statements by plaintiff and defendant
- Plaintiff's case in chief
- Motion for directed verdict
- Defendant's case in chief
- Rebuttal
- Surrebuttal
- Jury instructions discussed off the record; court and counsel
- Final jury instructions discussed on the record
- Exhibits admitted into evidence, withdrawn or rejected
- Opening argument by the plaintiff
- Opening argument by the defendant
- Closing argument by the plaintiff
- Jury instructed
- Court attendant or bailiff sworn to take charge of the jury
- Jury deliberates
- Possible read back or testimony
- Verdict

Civil attorneys pay the court for the cost of reporting trials. If an attorney requests transcripts during the trial, the reporter is paid directly. An attorney can waive the presence of a reporter in civil proceedings.

### **TRIAL LOGS**

Reporters shall keep a trial log of all trials. The trial log should contain:

- Dates of the trial (am / pm session)
- The attorneys present on each date
- Case name and number
- Court reporter's name and CSR No.
- A summary of the proceedings and any other pertinent information.

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A sample trial log has been included in the Example section of this manual as example 50

**TRANSCRIPT ORDERS DURING TRIAL**

**PARTIAL TRANSCRIPTS**

A partial transcript is a transcript of any portion of a court proceeding. It may consist of one question and answer or various portions of the testimony of one or many witnesses. It is a transcript that does not contain all of the proceedings reported in a case.

**COURT-ORDERED TRANSCRIPTS**

A Court-ordered transcript may be a total or partial transcript. It is most generally ordered by the trial judge for his/her use. Many times it will be ordered if the judge is taking certain issues under submission. If the court orders the superior court to pay for the transcript, the reporter should bill the court at the statutory criminal rates on a Court Reporter Transcript Claim. Indicate on the billing which judge ordered the transcript, the date and case name and number. The claim form and the transcript should be turned in to the civil department in the courthouse where the transcript was ordered.

Find out before you prepare the transcript how many copies you should prepare. If the court orders the transcript and does not indicate how many, check with the clerk or the court as to the number of copies to prepare. If it is for the court's use only, prepare only the original.

**TITLE PAGES**

Title pages are used as an information and appearance page at the beginning of the proceedings. They are used as covers with plastic overlays for all partial, daily and other non-appeal transcripts both in civil and criminal.

Title pages contain all information relative to the proceedings. The information shown on the title page should be taken from the Complaint or Petition. This information should include:

- The court and department number
- Judge's name
- Title of the case
- Superior court case number
- Proceedings within; i.e.:
  - REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS
  - REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS
- Appearances of parties and their respective counsel
- Court reporters' names and CSR numbers

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A sample title page has been included in the Example section of this manual as example 31.

**WITNESS INDEX**

The transcript index shall include a chronological index of examinations of all witnesses. This will include the page and volume number indicating the beginning of the examination.

A sample witness index has been included in the Example section of this manual as example 17.

**EXHIBITS INDEX**

The transcript index shall include an exhibit index listing the exhibit number(s) with a brief description thereof, the page and volume at which the exhibit was marked for identification and entered into evidence.

A sample exhibit index has been included in the Example section of this manual as example 14.

**REPORTER'S CERTIFICATE**

All transcripts including appeals require certification by each reporter involved. Certificates are placed in the last volume following the last page of the actual transcript in the original and each copy. All Reporters' Certificates must contain the reporter's original signature.

A sample reporter's certificate has been included in the Example section of this manual as example 26.

**APPEALS**

**MISDEMEANOR/INFRACTION APPEAL TRANSCRIPTS**

*California Rules of Court, rule 8.866 – Preparation of Reporter's Transcript*

**(a) When preparation begins**

- (1) Unless the court has a local rule providing otherwise, the reporter must immediately begin preparing the reporter's transcript if the notice sent to the reporter by the clerk under rule 8.864(a)(1).

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(2) If the notice sent to the reporter by the clerk under rule 8.864(a)(1) indicates that the appellant is the defendant and that the defendant was not represented by appointed counsel at trial:

(D) The clerk must promptly notify the reporter to begin preparing the transcript when:

**(b) Format of transcript**

The reporter's transcript must comply with rule 8.144.

**(c) Copies and certification**

The reporter must prepare an original and the same number of copies of the reporter's transcript as rule 8.862 requires of the clerk's transcript and must certify each as correct.

**(d) When preparation must be completed**

The reporter must deliver the original and all copies to the trial court clerk as soon as they are certified but no later than 20 days after the reporter is required to begin preparing the transcript under (a).

**NORMAL RECORD ON APPEAL**

The normal record on appeal consists of the following:

- Proceedings on the entry of a plea other than a plea of not guilty
- Proceedings for all in limine motions
- All proceedings at trial [excluding voir dire and opening statements]
- All jury instructions
- Any oral communication between the court and jury
- Any oral opinion of the court
- Proceedings on any motion for a new trial
- Sentencing

If the appellant is the defendant, the reporter's transcript must also contain:

- 1538.5 hearings
- Closing arguments
- Any comment on the evidence by the court to the jury

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**NOTE:**

- In limine motions can occur during jury voir dire. They must be transcribed and included in the normal record.
- Jury voir dire and opening statements are **not** included in the normal record on appeal.

Any portions of the record that are not included in the normal record on appeal must be clearly identified in the transcript on appeal. For instance, if jury selection is not being transcribed, the following parenthetical should be made:

(Jury voir dire was taken down but not transcribed herein)

If opening statements or jury voir dire is requested by the appellate parties, you will receive a notice from the appeals division to prepare those proceedings as an augmented reporter's transcript on appeal.

***California Rules of Court, rule 8.320 -- Normal record***

***(a) Contents***

*If the defendant appeals from a judgment of conviction, or if the People appeal from an order granting a new trial, the record must contain a clerk's transcript and a reporter's transcript, which together constitute the normal record.*

...

***(c) Reporter's transcript***

*The reporter's transcript must contain:*

- (1) the oral proceedings on the entry of any plea other than a not guilty plea;*
- (2) the oral proceedings on any motion in limine;*
- (3) the oral proceedings at trial, but excluding the voir dire examination of jurors and any opening statement;*
- (4) all instructions given orally;*
- (5) any oral communication between the court and the jury or any individual juror;*
- (6) any oral opinion of the court;*
- (7) the oral proceedings on any motion for new trial;*
- (8) the oral proceedings at sentencing, granting or denial of probation, or other dispositional hearing;*
- (9) if the appellant is the defendant, the reporter's transcript must also contain:*
  - (A) the oral proceedings on any motion under Penal Code section 1538.5 denied in whole or in part;*
  - (B) the closing arguments; and*

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*(C) any comment on the evidence by the court to the jury.*

...

NOTE: Although the appeals division indicates in the Notice to Court Reporter to Prepare Transcripts on Appeal which dates are to be transcribed, if during preparation of the appeal transcript you discover that there are normal record proceedings that are not included on the notice, notify the appeals division so an amended notice can be prepared.

## **MARSDEN MOTION / IN CAMERA PROCEEDINGS**

An in camera proceeding is a trial or hearing held in a place not open to the public, whether in chambers or when all spectators are excluded from the courtroom.

A Marsden motion is a motion to relieve appointed counsel. It is held in camera, and when ordered transcribed, it is always ordered **sealed**. It is included as part of the normal record on appeal.

California Rule of Court 8.328 requires that the chronological index to a reporter's transcript containing a Marsden motion or other in camera proceeding include the Marsden or in camera proceeding but list it as "SEALED" or the equivalent. Therefore, list the Marsden or in camera proceeding and the date of the proceeding in the chronological witness index required by California Rule of Court 8.144(b)(2).

All Confidential Sealed Marsden/In Camera Hearings shall be separately paginated.

A Marsden motion or in camera proceeding must have a cover page, title page and reporter's certificate and be placed in an envelope and **sealed**. On the outside of the envelope, affix a copy of the cover page with the language.

## **CONFIDENTIAL -- MAY NOT BE EXAMINED WITHOUT COURT ORDER**

If a Marsden motion is heard during other proceedings which are transcribed, you must put a parenthetical in the transcript indicating the Marsden motion has taken place and it is filed under separate cover. The following is an example of such a parenthetical:

(Whereupon, a Marsden motion was taken down,  
transcribed, sealed, and filed under separate cover.)

A sample cover page has been included in the Example section of this manual as example 10.1

***California Rules of Court, rule 8.328 -- Sealed Records***

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***(a) Marsden hearing***

*(1) The reporter's transcript of any hearing held under People v. Marsden (1970) 2 Cal.3d 118 must be sealed. The chronological index to the reporter's transcript must include the Marsden hearing but list it as "SEALED" or the equivalent.*

***(b) Other in camera proceedings***

*(1) Any party may apply to the superior court for an order that the record include:*

*(A) a sealed, separately paginated reporter's transcript of any in camera proceeding at which a party was not allowed to be represented; and*

*(B) any item that the trial court withheld from a party on the ground that it was confidential.*

*(2) The application and any ruling under (1) must comply with rule 8.324.*

*(3) If the court grants the application, it may order the reporter who attended the in camera proceeding to personally prepare the transcript. The chronological index to the reporter's transcript must include the proceeding but list it as "SEALED" or the equivalent.*

**REDACTION OF TRIAL JURORS' NAMES**

Pursuant to rule 8.332 of California Rules of Court and Code of Civil Procedure Section 237(a)(2), trial jurors' names shall be redacted from the record in criminal cases.

Refer to the Criminal section of this manual for juror redaction instructions and examples.

**TRANSCRIPT FORMAT**

California Rules of Court, rule 8.320(g) requires the reporter's transcript be formatted in accordance with rule 8.144. Refer to the Appeal Transcript Format Requirements section on page 78 of this manual for detailed formatting requirements.

**TIME LINES FOR FILING REPORTER'S TRANSCRIPT ON APPEAL**

The following chart indicates the time allowed from the filing of the notice to reporter to prepare the transcript on appeal until the transcript is due. These timelines are governed by the California Rules of Court and in some case types the timeline has been extended by order of the



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Court of Appeal. Pursuant to the Court of Appeal order, all transcripts shall be filed in the appeals division at 401 N. Arrowhead Avenue, San Bernardino, CA on or before the due date. Any transcript sent via mail, courier, or any other delivery service, and not personally delivered by the court reporter to the appeals division, is done so at the court reporter's own risk. The court assumes no responsibility for the delivery or receipt of these transcripts.

**TRANSCRIPT FORMAT**

***California Rules of Court, rule 8.610(d) -- Form of record***

*The clerk's transcript and the reporter's transcript must comply with rule 8.144, but the indexes for the clerk's transcript must separately list all sealed documents in that transcript, and the indexes for the reporter's transcript must separately list all sealed reporter's transcripts with the date and the names of all parties present. The indexes must not disclose the substance of any sealed matter.*

Refer to the Appeal Transcript Format Requirements section of this manual for detailed formatting requirements.

**CONTENT OF THE RECORD**

The content of a reporter's transcript on appeal in a death penalty case is governed by California Rule of Court 8.610, which reads:

***California Rules of Court, rule 8.610(a) -- Contents and form of the record***

*(2) The record must include a reporter's transcript containing:*

*(A) all items listed in rule 8.320(c);*

Note: CRC, rule 8.320(c) reads as follows:

*The reporter's transcript must contain:*

*(1) the oral proceedings on the entry of any plea other than a not guilty plea;*

*(2) the oral proceedings on any motion in limine;*

*(3) the oral proceedings at trial, but excluding the voir dire examination of jurors and any opening statement;*

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- (4) all instructions given orally;*
- (5) any oral communication between the court and the jury or any individual juror;*
- (6) any oral opinion of the court;*
- (7) the oral proceedings on any motion for new trial;*
- (8) the oral proceedings at sentencing, granting or denial of probation, or other dispositional hearing;*
- (9) if the appellant is the defendant, the reporter's transcript must also contain:*
  - (A) the oral proceedings on any motion under Penal Code section 1538.5 denied in whole or in part;*
  - (B) the closing arguments; and*
  - (C) any comment on the evidence by the court to the jury.*

*(B) all items listed in rule 8.324(b)(2), whether or not requested;*

Note: CRC, rule 8.324(b)(2) reads as follows:

- 2) in the reporter's transcript:*
  - (A) the voir dire examination of jurors;*
  - (B) any opening statement; and*
  - (C) the oral proceedings on motions other than those listed in rule 8.320(c).*

*and;*

*(C) any other oral proceedings in the case, including any proceedings that did not result in a verdict or sentence of death because the court ordered a mistrial or a new trial.*

*(3) All exhibits admitted in evidence, refused, or lodged are deemed part of the record, but may be transmitted to the reviewing court only as provided in rule 8.634.*

*(4) The superior court or the Supreme Court may order that the record include additional material.*

***(b) Confidential records***

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*(1) All documents filed or lodged confidentially under Penal Code section 987.9 or 987.2 must be sealed. Documents filed or lodged under Penal Code section 987.9 must be bound separately from documents filed under Penal Code section 987.2. Unless otherwise ordered, copies must be provided only to the Supreme Court and to counsel for the defendant to whom the documents relate.*

*(2) All reporter's transcripts of in camera proceedings must be sealed. Unless otherwise ordered, copies must be provided only to the Supreme Court and to counsel for parties present at the proceedings.*

*(3) Records sealed under this rule must comply with rule 8.328.*

NOTE: Although the appeals division indicates in the Notice to Court Reporter to Prepare Transcripts on Appeal which dates are to be transcribed, if during preparation of the appeal transcript you discover that there are normal record proceedings that are not included on the notice, notify the appeals division so an amended notice can be prepared.

...

***d) Form of record***

*The clerk's transcript and the reporter's transcript must comply with rule 8.144, but the indexes for the clerk's transcript must separately list all sealed documents in that transcript, and the indexes for the reporter's transcript must separately list all sealed reporter's transcripts with the date and the names of all parties present. The indexes must not disclose the substance of any sealed matter.*

**REDACTION OF TRIAL JURORS' NAMES**

***California Rules of Court, rule 8.610(c) -- Juror-identifying information***

*Any document in the record containing juror-identifying information must be edited in compliance with rule 8.332. Unedited copies of all such documents and a copy of the table required by the rule, under seal and bound together, must be included in the record sent to the Supreme Court.*

An unredacted/unedited copy of all pages with redacted/edited juror information included in the reporter's transcript must be transmitted to the Supreme Court. The unredacted pages are to be assembled in chronological order in a sealed envelope. On the outside of the sealed envelope, you must put a copy of the cover page with the designation "UNREDACTED PAGES OF

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**REPORTER'S TRANSCRIPT."**

Refer to the Criminal section of this manual for juror redaction instructions and examples.

Examples of redacted and un-redacted transcript pages have been included in the Example section of this manual in example 42.

A sample cover page for sealed un-redacted pages has been included in the Example section of this manual as example 11.

**TIME LINES FOR FILING REPORTER'S TRANSCRIPT ON APPEAL**

The following chart indicates the time allowed from the filing of the notice to reporter to prepare the transcript on appeal until the transcript is due to be filed in the appeals division located at 401 N. Arrowhead Avenue, San Bernardino CA. Any transcript sent via mail, courier, or any other delivery service, and not personally delivered by the court reporter to the appeals division, is done so at the court reporter's own risk. The court assumes no responsibility for the delivery or receipt of these transcripts.

Requests for Extension of Time to prepare a reporter's transcript for a death penalty appeal are made to the trial judge. Any reporter making such a request shall notify the appeals division supervisor upon making the request and forward the original request and judge's order to the appeals division supervisor immediately after receiving the order.

**NOTICE TO REPORTER TO PREPARE TRANSCRIPTS ON APPEAL**

A Notice To Reporter to Prepare Transcripts on Appeal will be prepared and sent to each participating reporter when all fees have been collected from appellate parties. This notice will include:

- Name of each participating reporter
- Dates of proceedings designated for each reporter
- Primary reporter
- Number of copies to be prepared
- Due date for filing

**NOTE:** The primary reporter is responsible for coordinating page numbers among the various reporters, creating the indexes and cover pages, and binding the transcripts. The primary reporter essentially acts as a "project coordinator" so the transcript is completed and filed on time.

A sample Notice to Reporter to Prepare Transcript on Appeal has been included in the Example section of this manual as example 22.

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***California Rules of Court, rule 8.130(e) -- Contents of transcript***

*(1) The reporter must transcribe all designated proceedings for which a certified transcript has not been substituted under (b)(3), and must note in the transcript where any proceedings were omitted and the nature of those proceedings. The reporter must also note where any exhibit was marked for identification and where it was admitted or refused, identifying such exhibits by number or letter.*

*(2) If a party designates a portion of a witness's testimony to be transcribed, the reporter must transcribe the witness's entire testimony unless the parties stipulate otherwise.*

*(3) The reporter must not copy any document includable in the clerk's transcript under rule 8.120.*

**TRANSCRIPT FORMAT**

California Rules of Court, rule 8.144 governs the formatting requirements of the reporter's transcript on appeal. Refer to the Appeal Transcript Format Requirements section of this manual for detailed formatting requirements.

**TIME LINES FOR FILING REPORTER'S TRANSCRIPT ON APPEAL**

The following chart indicates the time allowed from the filing of the Notice to Reporter to Prepare Transcript on Appeal until the transcript is due. These timelines are governed by the California Rules of Court and in some case types the timeline has been extended by order of the Court of Appeal. Pursuant to the Court of Appeal order, all transcripts shall be filed in the appeals division at 401 N. Arrowhead Avenue, San Bernardino, CA on or before the due date. Any transcript sent via mail, courier, or any other delivery service, and not personally delivered by the court reporter to the appeals division, is done so at the court reporter's own risk. The court assumes no responsibility for the delivery or receipt of these transcripts.

***California Rules of Court, rule 8.130(f) -- Filing the transcript; copies; payment***

*(1) Within 30 days after notice is received..., the reporter must prepare and certify an original of the transcript and file it in superior court. The reporter must also file one copy of the original transcript, or more than one copy if multiple appellants equally share the cost of preparing the record (see rule 8.147(a)(2)). Only the reviewing court can extend the time to prepare the reporter's transcript (see rule 8.60).*

*(2) When the transcript is completed, the reporter must bill each designating party at the statutory rate and send a copy of the bill to the superior court clerk. The clerk must pay the reporter from that party's deposited funds and refund any excess deposit or notify the party of*

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*any additional funds needed. In a multiple reporter case, the clerk must pay each reporter who certifies under penalty of perjury that his or her transcript portion is completed.*

*(3) If the appeal is abandoned or is dismissed before the reporter has filed the transcript, the reporter must inform the superior court clerk of the cost of the portion of the transcript that the reporter has completed. The clerk must pay that amount to the reporter from the appellant's deposited funds and refund any excess deposit.*

NOTE: Because the appeals division secures written estimates from the court reporters and collects all estimated fees prior to sending notification to prepare the transcript, court reporters do not have to bill the designating parties as discussed in (2) above.

Upon filing of the reporter's transcript in the appeals division, each court reporter will be paid from the fees deposited by the appellate parties in accordance with the estimate provided by the court reporter.

## **INDEXES**

### ***California Rules of Court, rule 8.144(b) -- Indexes***

*At the beginning of the first volume of each:*

...

*(2) The reporter's transcript must contain alphabetical and chronological indexes listing the volume and page at where each witness's direct, cross and any other examination begins;*

*(3) the reporter's transcript must contain an index listing the volume and page where any exhibit is marked for identification and where it is admitted or refused.*

## **MASTER INDEX**

A master index of the entire appeal transcript (as outlined in the following pages) shall be prepared and placed only in the first volume. It shall be the duty of each reporter involved in the appeal to forward a copy of the index for their proceedings to the primary reporter. The primary reporter will bear the responsibility for compiling the master index.

## **SEPARATE MASTER INDEX**

In cases where there are four volumes or more of the appeal transcript, a master index may be bound separately, and the cover shall read "Master Index" and not be given a volume number.

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This is lieu of the Master Index in Volume 1.

**PROCEEDINGS INDEX**

This index is not required by the rules of court but would be greatly appreciated by the Court of Appeal in large trials. If a proceedings index is included in order that the record on appeal be clear, there would be included within the master chronological index a list of the major motions and/or hearings and the pages and volume at which they are found.

A sample proceedings index has been included in the Example section of this manual as example 16.

**APPEARANCE DATES INDEX**

The master index shall include a chronological list of the day, date, session (A.M. or P.M.), page and volume of all dates for which there are proceedings transcribed.

A sample appearance dates index has been included in the Example section of this manual as example 13.

**WITNESS INDEX**

The master index shall include a chronological and alphabetical index of examinations of all witnesses. This will include the page and volume number indicating the beginning of the examination.

A sample chronological witness index [example 18 and alphabetical witness index [example 19] has been included in the Example section of this manual.

**VOIR DIRE EXAMINATION OF WITNESS**

Should voir dire examination of a witness occur during the trial of a matter, a separate line should be set up to indicate such examination.

**EXAMINATION BY THE COURT**

At times during a trial there may be extensive examination by the judge. That examination should be set up in a separate line to indicate such examination.

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**EXHIBIT INDEX**

The transcript index shall include an exhibit index listing the exhibit number(s) with a brief description thereof, the page and volume at which the exhibit was marked for identification and entered into evidence or refused.

A sample exhibit index has been included in the Example section of this manual as example 15.

**SEALED PROCEEDINGS INDEX**

In accordance with California Rule of Court 8.610(d), the indexes for the reporter's transcript in a death penalty appeal must separately list all sealed reporter's transcripts with the date and the names of all parties present. The index must not disclose the substance of any sealed matter.

**SAMPLE INDEXES**

*This manual contains samples of each type of cover and index referenced in this section. Every possibility has not been included in these samples. They are merely set forth as a general guide.*

**BINDING and COVERS**

***California Rules of Court, rule 8.144(c) -- [Binding and Cover]***

*(1) The clerk's and reporter's transcripts must be bound in the left margin in volumes of no more than 300 sheets.*

*(2) Each volume's cover, preferably of recycled stock, must state the title and trial court number of the case, the name of the trial court and each participating trial judge, the names and addresses of appellate counsel for each party, the volume number, and the inclusive page numbers of that volume.*

*(3) In addition to the information required by (2), the cover of each volume of the reporter's transcript must state the dates of the proceedings reported in that volume.*

**NOTE:** As of February 19, 2008 The Court of Appeal will no longer accept Transcripts with volumes over 300 pages. The total page count includes the index pages.

**\*\* This exception does not apply to death penalty appeal transcripts\*\*.**



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**COVERS**

The word "cover" means the first page required for any transcript to be filed in the appellate courts. These covers must contain all information required by California Rules of Court, rule 8.144(c)(2) and (3), including:

- Name of each participating judge
- Names and addresses of appellate counsel for each party
- Volume number
- Inclusive page numbers in that volume
- Dates of proceedings in that particular volume
- All court reporters in the particular volume
- Superior court case number
- Name of Appealing Defendant
  - Per Miscellaneous Order 09-12 re Multi Defendant Cases, list all defendants, **BOLDING** name of appealing Defendant.

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The cover page **heading** for transcripts going to the Court of Appeal, which are all felony (non-capital) appeals and civil cases of unlimited jurisdiction, must read:

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION TWO**

The cover page **heading** for transcripts going to the California Supreme Court, which are death penalty appeals, must read:

The cover page **heading** for transcripts going to the California Supreme Court, which are death penalty appeals, must read:

**SUPREME COURT OF THE STATE OF CALIFORNIA**

In addition to the information required by the rules of court, the cover should also include the wording:

**REPORTER'S TRANSCRIPT ON APPEAL**

Cover page samples have been included in the Example section of this manual as follows:

- Civil appeal – example 4 [\[click here to view sample\]](#)
- Criminal appeal – example 5 [\[click here to view sample\]](#)
- Criminal appeal Multi Defendants – example 5-1 [\[click here to view sample\]](#)
- Marsden motion for appeal – example 10 [\[click here to view sample\]](#)
- Sealed un-redacted pages w/juror identity – example 11 [\[click here to view sample\]](#)
- Transcribing another reporter's notes – example 12 [\[click here to view sample\]](#)
- Limited jurisdiction/misdemeanor appeals – example 5-2 [\[click here to view sample\]](#)

**EXHIBIT A4: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
COURT REPORTERS MANUAL - CONDENSED VERSION**

**NOTE**

- Volume numbers on covers must be numbered sequentially and chronologically.
- Each reporter must communicate and coordinate his or her work with the primary reporter to assure the required information is available for the cover pages.

If the appellate court requires additional record on appeal, notification will come through the appeals division, and the reporter must give preference to this work. The cover should follow the same format for original appeal covers except the wording "REPORTER'S TRANSCRIPT ON APPEAL" should be changed to:

**REPORTER'S CERTIFICATE**

All transcripts including appeals require certification by each reporter involved. Certificates are placed in the last volume following the last page of the actual transcript in the original and each copy. All Reporters' Certificates must contain the reporter's original signature.

Sample reporter's certificates have been included in the Example section of this manual as follows:

- Civil proceeding – example 26
- Criminal proceeding – example 27
- Transcribing another reporter's notes – example 29