

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 99- 9067

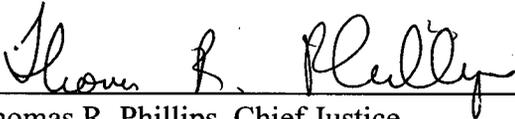
**ORDER ADOPTING THE UNIFORM FORMAT MANUAL
FOR TEXAS COURT REPORTERS AND
AMENDING SUPREME COURT ORDER DIRECTING
THE FORM OF THE APPELLATE RECORD IN CIVIL CASES**

IT IS ORDERED that:

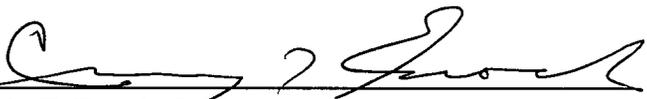
1. Pursuant to Section 52.002 of the Texas Government Code, the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS is adopted as attached, effective May 1, 1999.
2. Pursuant to Section 52.013(d) of the Texas Government Code, Section IV(B) of the Standards and Rules Governing Certification of Certified Shorthand Reporters is amended by adding the following, effective May 1, 1999:
 14. failing to comply with the requirements of the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS.
3. Section B of the Supreme Court Order Directing the Form of the Appellate Record in Civil Cases, Texas Rules of Appellate Procedure, Appendix, is amended to read as follows, effective May 1, 1999:
 1. The court reporter must prepare and file the reporter's record in accordance with Rules 34.6 and 35 and the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS. Even if more than one notice of appeal or request for preparation of the record is filed, the reporter should prepare only one record in a case.
 2. In the event of a flagrant violation of this Order in the preparation of a reporter's record, on motion of a party or on the court's own initiative, the appellate court may require the court reporter to amend the reporter's record or to prepare a new reporter's record in proper form — and provide it to any party who has previously made a copy of the original, defective reporter's record — at the reporter's expense. Failure of a reporter to comply with the requirements of the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS is also subject to discipline by the Court Reporters Certification Board.

4. The Clerk is directed promptly to file a copy of this Order with the Secretary of State and to cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.

By the Court, en banc, in chambers, this 8th day of April, 1999.

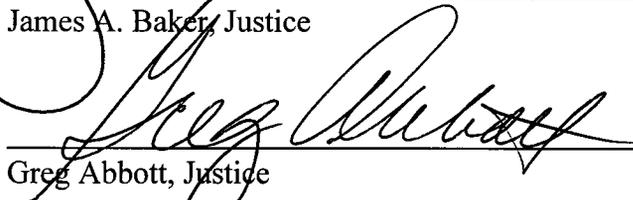

Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice

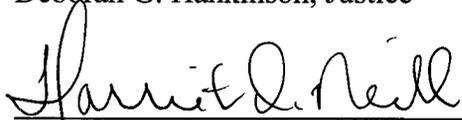

Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

*Uniform Format Manual
for Texas Court Reporters*



PREFACE

The following *Uniform Format Manual for Texas Court Reporters* governs the form of official reporters' records and, unless otherwise indicated herein, freelance transcriptions. This manual thus replaces the Order Directing the Form of the Appellate Record in Civil Cases issued by the Supreme Court and the Order Directing the Form of the Appellate Record in Criminal Cases issued by the Court of Criminal Appeals and, for the first time, regulates some aspects of the form of freelance transcriptions.

A court reporter must prepare and file the Reporter's Record in accordance with Rules of Appellate Procedure 34.6 and 35 and this manual. Even if more than one notice of appeal or request for preparation of the record is filed, the reporter should prepare only one record in a case. In the event of a flagrant violation of the guidelines set out 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 recorder, transcriber or court reporter to amend or prepare a new Reporter's 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 prepared primarily through a joint effort of the Court Reporters Certification Board, through its Ad Hoc Format Manual Committee, and the Uniform Format Manual Task Force. Questions or comments regarding the manual should be directed to the Certification Board.

Where applicable, the manual includes commentary concerning certain of the 1999 civil discovery rule revisions that impact court reporters.

Unless otherwise indicated herein, all requirements in this manual will apply to both official reporter's records and freelance transcriptions.

Uniform Format Manual for Texas Court Reporters

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Section 1 UNIFORM TERMINOLOGY

1.1 Definitions.

- (a) *Administrative pages* means the title, appearance, index, correction, and certificate page(s) in a Reporter's Record or Freelance transcription.
- (b) *ASCII format* means in the format of the American Standard Code for Information Interchange.
- (c) *Compressed* means a format which has been reduced and printed to accommodate at least four normal sized pages on one printed page.
- (d) *Court recorder/audio operator* means an official court reporter or court recorder. *See* 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 the paper.
- (h) *Footer* means the bottom line(s) on a Reporter's Record or Freelance transcription 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 Transcription* means all transcriptions other than official Reporter's Records.
- (k) *Header* means the top line(s) on a page of a Reporter's Record or Freelance transcription that briefly describes the testimony of witnesses and/or events.
- (l) *Index* means a listing of the contents of a Reporter's Record or Freelance transcription.
- (m) *Margin* means the space around printed matter on a page.
- (n) *Master index* means the merging of multiple indexes in a Reporter's Record which is only required in cases of more than one volume and will always be numbered "Volume 1."
- (o) *Official Court Reporter or Deputy Official Court Reporter* means a certified shorthand reporter appointed by a judge as the official reporter. *See* Government Code § 52.001(4).
- (p) *Proceedings* means events or happenings in the courts, legislature, state agencies, depositions, grand juries, referees and court commissions.
- (q) *Reporter's Record* means the transcription of the proceedings and the exhibits designated on appeal, *see* Tex. R. App. 34.6(a), or all proceedings produced by the official or deputy official reporter/recorder.
- (r) *Shorthand reporter* means a person who engages in shorthand reporting.
- (s) *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* Government Code § 52.001(5).
- (t) *Sic* means "as spoken."
- (u) *Sotto voce* means "soft voice."
- (v) *Style* means the name of the lawsuit or matter pending before an agency of the state.
- (w) *Text* means the main body of matter in a manuscript.
- (x) *Title page* means the first page of the Reporter's Record listing pertinent information included within the record.
- (y) *Transcriber* means one who engages in transcription.
- (z) *Transcription* means the act or process of transcribing.
- (aa) *Venire* means an entire panel from which a jury is drawn.
- (bb) *Venireperson* means a member of venire.

Section 2 PAPER / TONER / PRINTING

- 2.1 Paper Size.** Paper size is to be 8-1/2 x 11 inches.
- 2.2 Paper Weight.** The weight of the paper is to be at least 13 pounds for both originals and copies.
- 2.3 Toner/Ink Color.** Black ink on white paper is to be used for both originals and copies, except realtime unedited rough draft. *See* Section 23, *infra*.
- 2.4 Printing.** The original Reporter's Record and each copy are to be legible without any handwritten interlineations. Mixed uppercase/lowercase with a clearly readable font is required. Refer to the section on compressed format for printing compressed records. *See* Section 22, *infra*. The use of any paper product limiting the reproduction of a record (*e.g.*, Mylar strip/seal or copy-prohibitive paper) is prohibited.

Section 3 MARGINS

- 3.1 Format Box.** The use of solid top, bottom, left, and right marginal lines (format box) is required to mark the margins.
- 3.2 Line Numbers.** The line numbers, 1-25, will be placed to the left of the format box.
- 3.3 Margins.** The distance between the left and right marginal lines will be no less than six and one-half (6 ½ ") inches. The left margin text will be set one character from the left marginal line, and the right margin text will be set one character from the right marginal line (not justified).

Section 4 TIME STAMPING

- 4.1 Placement of Time Stamping.** The use of time stamping is optional. When time stamping is utilized with the Reporter's Record, it will be placed to the left of the line numbers or to the right of the right marginal line. It may be printed using a smaller font / pitch than the specified 9 or 10 pitch for the text.

The new 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 12.

Section 5 PITCH

- 5.1 Character Spacing.** The pitch (characters per inch) to be used is 9 or 10.

Section 6 PAGE NUMBERS

- 6.1 Location of Page Numbers.** The page number will be located 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 of the Reporter's Record.

6.2 OFFICIAL REPORTER'S RECORDS

(a) Preparation and compilation. The court reporter or the court recorder / transcriber will coordinate the compilation and filing of each appellate record in their assigned court. The exception to that would be those appeals generated from the ancillary courts (*e.g.*, drug courts, impact courts). The court reporter or court recorder/ transcriber assigned to those courts will be required to coordinate their appeals following this manual and in a timely manner as set out in the statutes, rules, and codes of the State of Texas.

(b) Page numbering. The pages of the Reporter's Record are to be numbered consecutively beginning with page "1" for each volume. Each volume of the Reporter's Record will begin with page "1". Index pages may be numbered with lowercase Roman numerals.

6.3 FREELANCE TRANSCRIPTIONS

(a) Multiple volumes of same witness with consecutive numbering. Multiple volumes of the same witness may be numbered consecutively following the pagination of the earlier proceeding.

Section 7 VOLUME NUMBERS

- 7.1 Arabic Numerals.** Arabic numerals will be used. Do not use Roman numerals for volume numbering.

7.2 OFFICIAL REPORTER'S RECORD

(a) Multiple volumes for same day's record. If there is to be 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) Thickness of volumes. A volume of the Reporter's Record will be no more than two inches (2") thick. Each day of the trial will be a new volume, starting with page 1, unless there are multiple pretrial hearings that can be incorporated into one volume of less than two inches (2"). A hearing after the commencement of jury selection or the trial on the merits relating to a pretrial motion will 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.

7.3 FREELANCE DEPOSITIONS

(a) Separate volumes for each witness. The testimony of each witness must be bound in a separate volume.

(b) Consecutive volume numbering. The pages of multiple volumes of a particular witness in a protracted case may be numbered consecutively, as well as the volume numbers.

Section 8 LINE NUMBERS AND SPACING

8.1 Lines of Text. Each page of transcription is to contain 25 lines of text, lined 1 through 25, double spaced, except where appropriate on administrative pages. *See* examples. Page numbers or headers and footers cannot be 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.

8.2 Blank Lines. No blank lines will be permitted (except when witness setup(s) carry over to the next page, for administrative pages, or where blank lines are requested by counsel.)

Section 9 TABULATIONS

9.1 Position of Tab Settings. Three tab settings are required for use on all transcriptions. The first tab setting will be on the fifth space from the left text margin. The second tab setting will be on the tenth space from the left text margin. The third tab setting will be the fifteenth space from the left text margin. These tabulations should be sufficient for all indentations that need to be made in any transcript. Refer to section on quotations for setting out quoted material. *See* Section 16.6.

9.2 Use of Tab Settings. The first tab will be "Q" or "A." The second tab will be the beginning of text after the "Q." or "A." The third tab will be the beginning of colloquy, for parentheticals and for the first line of all paragraphs.

Section 10 PAGE HEADINGS

- 10.1 Purpose of Page Headings.** Page headings (also known as headers) are brief descriptions noted to aid in locating the testimony of witnesses, and/or events in a Reporter's Record. Using page headings is optional.
- 10.2 Placement of Page Headings.** Page headings will appear above line one outside the format box. This information is not to be counted as a line of the Reporter's Record.

Section 11 STYLE / TITLE / APPEARANCE PAGE(S)

- 11.1 Beginning Page.** The beginning page of each volume will be a style / title page (s) with the following information:
- 11.2 REPORTER'S RECORD AND FREELANCE TRANSCRIPTIONS.** Each Reporter's Record and Freelance Transcription is to include a style / title page indicating the following. *See* Figures 1-4:

- (a) Court name and number.
- (b) County and State of jurisdiction.
- (c) Case style.
- (d) Civil or criminal docket case number.
- (e) Name and title of judge or other judicial officer presiding.*
- (f) Type of proceedings.
- (g) Date and location of proceedings for Official Reporter's Records. Time, date and location for Freelance Transcriptions. *See* Tex. R. Civ. P. 203.2(e).
- (h) Volume number. (No Roman numerals: Volume 1 of 1, Volume 1 of 2*).
- (i) Method by which the proceedings were reported / recorded; e.g., machine shorthand, manual shorthand, oral stenography (stenomask), audio/video recording.
- (j) Name, address, State Bar number* and phone number* of each attorney and party represented (will begin on page 2 unless it will fit on one page). *See* Figures 2 and 4. (If the above information is too lengthy to fit on one page, additional pages may be used immediately following the style / title page).

* Official Reporter's Record only.

Comment Concerning Non-Stenographic Depositions

Whether and when an oral deposition can 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 21.001 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. Govt. 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. Govt. Code § 52.025(b) (CSR is competent to administer oaths).

A non-stenographic recording of an oral deposition may be used in 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.

Section 12 CERTIFICATION PAGE OF REPORTER'S RECORD

- 12.1 OFFICIAL REPORTER’S RECORD.** The court reporter or court recorder/ transcriber is to authenticate the original Reporter’s Record and each copy thereof with a certification page on the last page of each volume. If more than one court reporter or court recorder / transcriber is involved in the production of the Reporter’s Record being certified, then the certifications of each court reporter or transcriber involved will be required at the end of each volume. The party responsible for the costs must be a part of the certificate contained in the final volume. (Note: The contents of the style / title page should not be repeated as part of the certification page). *See* Figures 5 and 6 for examples of Certification page of Official Reporter’s Record and Official Reporter’s Certification page for Exhibits.
- 12.2 FREELANCE TRANSCRIPTION.** The court reporter or court recorder / transcriber is to authenticate the original transcription with a certification page on the last page of the record. The party responsible for the costs must be a part of the certificate page. *See* Figures 7, 8, 9, and 10 for examples of Correction/Signature Page and Certification Pages.

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

New 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. Who may record a deposition non-stenographically is discussed above in the Comment Concerning Non-Stenographic Depositions following Section 11.

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 new 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 new 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 (*see* Section 4) 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 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 would 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.

**Section 13 TRANSCRIBER'S CERTIFICATION OF ANOTHER'S
NOTES* *See* Figure 13.**

Section 14 CERTIFICATION PAGE FOR TAPE RECORDING *See* Figure 14.

**Section 15 CERTIFIED QUESTIONS - DEPOSITIONS AND SWORN
STATEMENTS.** A certified question is a question(s) that the witness has refused to answer or has been instructed by his counsel not to answer during the course of the deposition. The attorney may want to argue that particular question(s) in front of the judge. The attorney will generally say, "Certify that question," on the record. You should type the testimony and any colloquy in the record in the usual manner. If the attorney has requested a separate booklet, then

excerpt a copy of the pertinent testimony from your final transcript into a separate booklet. Certified questions will be listed in the index.

Section 16 **CONTENT OF REPORTER'S RECORD.** Except as noted below, the Reporter's Record will contain all English words and other verbal expressions uttered during the course of the proceedings.

16.1 WITNESS AND EXAMINATION SETUP EXAMPLES

(a) **Official Reporter's Record:** *See* Figure 15.

(b) **Freelance Transcriptions:** *See* Figure 16.

16.2 Witness Sworn Through Interpreter: *See* Figure 17.

16.3 Questions and Answers (Q. & A.). "Q." and "A." will begin at the first tab setting with the text following at the second tab setting. A period following the "Q" and "A" designation is optional. All subsequent lines will return to the left margin. *See* Figure 18.

16.4 Colloquy. Speaker identification will begin at the third tab from the left margin, followed directly by a colon and two spaces. All subsequent lines will return to the left margin.

16.5 Paragraphs. Any new paragraph starts at the third tab from the left margin. All subsequent lines are returned to the left margin.

16.6 Quotations. Quoted material will follow the general format guidelines as set forth in this manual with respect to marginal and tab settings. The use of quotation marks is optional. *See* Figure 19.

16.7 Dashes. Interruptions of speech will be denoted by the use of dashes (--) at the point of interruption, and again at the point the speaker resumes speaking. *See* Figure 20.

16.8 Punctuation and Spelling. Punctuation and spelling will be appropriate standard usage.

16.9 Striking from the Record. No portion of any proceeding will 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.

16.10 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 should be transcribed as spoken.

16.11 Parentheticals. Parenthetical notations in any transcription are a court reporter's or transcriber's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage. Parenthetical notations will begin at the third tab setting. In the event more than one line is necessary for a parenthetical each subsequent line will begin also at the third tab setting. 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 fail 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)	(The jury was sworn) or (The jury panel was sworn)
(Jury not present)	(Jury present)
(The witness was sworn)	(The witness was affirmed)
(Interpreter sworn)	(Discussion between interpreter and witness)
(Recess from ^ to ^)	(Lunch recess from ^ to ^)
(At the Bench, on the record)	(At the Bench, off the record)
(Moving head up and down)	(Moving head side to side)
(Indicating)	(Pointing)
(Snapping fingers)	(Drawing)
(Writing)	(Pausing)
(Weeping)	(Descriptive sound)
(No verbal response)	(Exhibit ^ marked)
(Discussion off the record)	(Proceedings concluded / recessed at ^)
(Interruption)	(Sotto voce discussion)
(Witness complies)	
(Sotto voce discussion between ^ and ^) or (^ and ^ whispering)	

(b) Parentheticals for Criminal Trials. In criminal trials, the defendant's presence or absence should 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 prospective 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)

16.12 Headings. The following headings may be used where appropriate in the body of the Reporter's Record 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
 RECROSS-EXAMINATION
 FURTHER REDIRECT EXAMINATION
 FURTHER RECROSS-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

16.13 Readback - Official Reporter's Record. For clarity of the record, readback during proceedings will be quoted in the transcription at the point read. *See* Figure 21.

(a) **Readback of Official Reporter's Record during Jury Deliberations.** If

readback of testimony is requested during jury deliberations, the Reporter's Record will reflect the judicially approved excerpted testimony in the following manner:

- (1) a parenthetical note reflecting the pages and line numbers read to the jury; or
- (2) attachment of a transcription of the excerpted testimony as a part of the written supplemental charge to the jury.

16.14 Readback - Freelance Transcriptions. May be set out as described in 16.13 for clarity purposes or in the following manner:

(a) **EXAMPLE:** (Requested portion was read)

16.15 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 reporter/transcriber may indicate in the transcription that the person is indicating either affirmatively or negatively.

16.16 Audio / Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in the proceedings. When the exhibits are played in court, a contemporaneous record of the proceedings must be made, unless the Court orders that no recording shall be made because such recording is not feasible (such as where the recording contains no words to be transcribed or recorded or the quality of the recording is such that the court reporter cannot transcribe them or the court recorder cannot record them).

16.17 Private Communications / Off-the-Record. Private or off-the-record communications may be noted as follows: (*Discussion off the record*) or (*Sotto voce discussion off the record*).

16.18 Identification of Speakers. All speakers must be properly identified throughout the Reporter's Record in capital letters at the third tab setting. Speakers will 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 will be as set out as shown in Figure 22.

<u>SPEAKER</u>	<u>PROPER IDENTIFICATION</u>
court reporter	THE REPORTER
unidentified juror	JUROR
identified juror	JUROR ^LAST NAME
unidentified prospective juror	VENIREPERSON
foreman	THE FOREMAN (FOREPERSON, PRESIDING JUROR)
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS (^LAST NAME)
witness (in colloquy)	THE WITNESS
interpreter	THE INTERPRETER
plaintiff	THE PLAINTIFF
defendant	THE DEFENDANT
bailiff	THE BAILIFF
probation officer	PROBATION OFFICER (SUPERVISION OFFICER)
sheriff	THE SHERIFF
deputy sheriff	DEPUTY SHERIFF
clerk	THE CLERK
law clerk	LAW CLERK
court coordinator	THE COORDINATOR
secretary	THE SECRETARY
legal assistant	LEGAL ASSISTANT
court recorder	THE RECORDER

16.19 Testimony through Interpreter. When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless stated otherwise. 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 given in English. *See* Figure 23 and Section 16.2.

16.20 Index for Official Reporter’s Record. An index is required. Each volume is to contain an index which will appear immediately following the title / administrative pages. *See* Figure 11 and Sections 16.20(d) and (e) for examples.

(a) Content of Index. The index will include a chronological index, an alphabetical index and an exhibit index. The chronological must also include a listing of all witnesses in the order of their appearance at trial, and a separate listing of the witnesses alphabetically.

(b) Index Format. A columnar format is required for listing the exhibits and alphabetical listing of witnesses and/or venirepersons. *See* Section 16.20. The index is to be single-spaced for the direct, cross-examination, etc. of the witnesses; however, it is to 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 will begin immediately on that same page, if space allows, as will the exhibit index. The index will 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. *See* Figures 5 and 6.

(c) Index of Exhibits. An index of the exhibits must be included. The exhibit index is to include a complete description of the exhibits and the page at which the exhibit was offered and received into evidence. The volume number must also be included in the Master Index. *See* Section 16.20(d) and (e); Section 17.

(d) Alphabetical Index. The alphabetical witness index will include a column for the volume number in the Master Index. *See* Figure 24.

(e) Column for Volume Number in Master Index. The exhibit index will include a column for the volume number in the Master Index. *See* Figure 25.

16.21 Index for Freelance Transcriptions. All major portions of a deposition/freelance transcription will be indexed. Indexes for depositions may appear at the beginning of the transcription after the title / administrative pages or at the end. *See* Figure 12.

(a) Content of Index may include the following:

- (1) appearances;
- (2) stipulations;
- (3) examinations;
- (4) certificate of completion of the deposition;

- (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) The format for the Deposition/Freelance index is optional.

Section 17 MASTER INDEX - FOR OFFICIAL REPORTER'S RECORD ONLY

- 17.1 Content of Master Index.** In a protracted case (more than one volume), in addition to the individual indexes, there must be a master index set forth in its own separate volume labeled volume 1, consisting of a compilation of all of the individual indexes (listing all witnesses in the order of their trial and alphabetical, and the exhibits). *See* Figure 11 and Section 16.20 for examples.
- 17.2 Special Venire Cases.** In cases involving special venire (*i.e.*, individual voir dire for death penalty cases) the index will include a listing of the venirepersons, in the order of their appearance at trial, and an alphabetical index. *See* Sections 16.20(d) and (e).

Section 18 EXHIBITS - OFFICIAL REPORTER'S RECORD

- 18.1 Exhibit Items not Included in the Reporter's Record.** Unless ordered otherwise, neither physical evidence nor original exhibits are to be included in the Reporter's Record.
- 18.2 Original Exhibit Included Only Under Order of Trial Court.** When a legible copy of a photograph or any other exhibit cannot be made, the original exhibit will be included in the Reporter's Record under order of the trial court made pursuant to Rule of Appellate Procedure 34.6(g).
- 18.3 Description of Physical Evidence.** Each item of physical evidence must be described on a separate sheet of paper in such a manner that it may be identified, including the exhibit number, unless a photocopy is included.

(a) **EXAMPLE:**

STATE'S EXHIBIT NO. 1

9mm Glock semi-automatic pistol, Model P280, Serial No. 665543

- 18.4 Format of Exhibit Items.** Copies of the exhibits and the descriptions of physical evidence received in each separate proceeding or hearing must be placed in numerical order at the end of the Reporter's Record in a separate volume or volumes which are numbered sequentially following the last volume of the transcription of the proceedings and the indexes. If possible, copies of the exhibits will be on letter size (8½ x 11") paper and separated by numbered index tabs.
- Section 19 COVER.** The court reporter or transcriber is to cover the original and each copy of 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. (These specifications apply to official Reporter's Records only.)
- Section 20 BINDING.** The court reporter is to secure the Reporter's Record for each session separately, binding the Reporter's Record along the left edge. Do not use three-ring binders for official Reporter's Records.
- Section 21 REPORTER'S RECORD ON COMPUTER DISKETTE.** The Reporter's Record may be prepared in computer diskette form, ASCII format or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies. Each page of Reporter's Record on diskette must be formatted consistent with the approved Reporter's Record format guidelines.
- Section 22 REPORTER'S RECORD IN COMPRESSED FORMAT**
- 22.1 Official Reporter's Records.** The Reporter's Record may be prepared in a compressed, single-sided or duplex format, with four pages of proceedings printed on each page. The volumes need not be bound separately if the volumes of the record are separated by index tabs. Each printed copy of such a record must be accompanied by a computer diskette(s) containing the entire Reporter's Record in ASCII format.
- 22.2 Freelance Transcriptions.** The Reporter's Record may be prepared in a compressed, single-sided or duplex format, with four or more pages of the proceedings printed as specified by the parties.

Section 23 (REAL-TIME*) UNEDITED ROUGH DRAFT TRANSCRIPTION OR ASCII

- 23.1 Unedited Rough Draft Not Certified.** When preparing a rough draft transcription or ASCII disk, the transcript of the proceedings may not be certified and may not be used, cited or transcribed as a certified transcript of the proceedings. The rough draft transcript may not be cited or used in any way or at any time to rebut or contradict the certified transcription of proceedings.
- 23.2 Printed on Colored Paper.** Any Texas Certified Shorthand Reporter may provide unedited rough draft if it is printed on colored paper.
- 23.3 Labeling of Rough Draft.** The transcription or ASCII disk will be labeled with the words, "UNEDITED ROUGH DRAFT ONLY," and/or with a header and/or footer as follows: "UNEDITED, UNPROOFREAD, UNCORRECTED, UNCERTIFIED ROUGH DRAFT."
- 23.4 Content of Unedited Rough Draft.** (Real-time*) unedited rough draft will not include a format box, title page, an appearance page, line numbers, a certification, or an index.
- 23.5 Disclaimer for Unedited Transcription.**

WARNING!

This unedited rough draft of the proceedings was produced in (instant form*) and is not certified. The rough draft transcript 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 (instant form*) has not been edited, proofread, corrected, finalized, indexed, bound 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.

- 23.6 Acknowledgment to Parties of Unedited Transcript.** It is recommended that each court reporter request that parties acknowledge that receipt of a (real-time*) unedited transcript is not an official record of the court proceedings. See Figure 26.

EXAMPLE OF STYLE/TITLE PAGE FOR OFFICIAL REPORTERS - Figure 1

REPORTER'S RECORD
VOLUME ^ ## OF ^ ## VOLUMES
TRIAL COURT CAUSE NO(S). ^ ##-###, ^ ##-###

^ PLAINTIFF(S),) IN THE DISTRICT COURT
)
Plaintiff(s),)
)
VS.) ^ COUNTY NAME COUNTY, TEXAS
)
^ DEFENDANT(S),)
)
Defendant(s).) ^ ### JUDICIAL DISTRICT

^ TITLE OF PROCEEDINGS

On the ^ Date day of ^ Month, ^ Year the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable ^ Judge's Name, Judge presiding, held in ^ City, ^ County, Texas:

Proceedings reported by ^ Method.

EXAMPLE OF APPEARANCE PAGE FOR OFFICIAL REPORTERS - Figure 2

A P P E A R A N C E S

^ Mr./Ms. Lawyer1
 ^ FIRM/OFFICE NAME
 SBOT NO. ^ #####
 ^ Address
 ^ City, ^ State ^ ZIP
 Phone: ^ (###)###-####
 ATTORNEY FOR ^ PARTY

-AND-

^ Mr./Ms. Lawyer3
 ^ FIRM/OFFICE NAME
 SBOT NO. ^ #####
 ^ Address
 ^ City, ^ State ^ ZIP
 Phone: ^ (###)###-####
 ATTORNEY FOR ^ PARTY

^ Mr./Ms. Lawyer2
 ^ FIRM/OFFICE NAME
 SBOT NO. ^ #####
 ^ Address
 ^ City, ^ State ^ ZIP
 Phone: ^ (###)###-####
 ATTORNEY FOR ^ PARTY

-AND-

^ Mr./Ms. Lawyer4
 ^ FIRM/OFFICE NAME
 SBOT NO. ^ #####
 ^ Address
 ^ City, ^ State ^ ZIP
 Phone: ^ (###)###-####
 ATTORNEY FOR ^ PARTY

EXAMPLE OF APPEARANCE PAGE FOR FREELANCE TRANSCRIPTIONS - Figure 4**A P P E A R A N C E S****FOR THE PLAINTIFF(S):**

^ Mr./Ms. Lawyer1 ^ (Via Telephone)
^ NAME OF LAW FIRM
^ Address
^ City, ^ State ^ ZIP

FOR THE DEFENDANT(S) ^ DEFENDANT'S NAME:

^ Mr./Ms. Lawyer2 ^ (Via Telephone)
^ NAME OF LAW FIRM
^ Address
^ City, ^ State ^ ZIP

FOR THE DEFENDANT(S) ^ DEFENDANT'S NAME:

^ Mr./Ms. Lawyer3 ^ (Via Telephone)
^ NAME OF LAW FIRM
^ Address
^ City, ^ State ^ ZIP

ALSO PRESENT:

^ Mr./Ms. Person
^ Mr./Ms. Person
^ Mr./Ms. Person

OFFICIAL REPORTER'S RECORD - CERTIFICATION PAGE FOR TEXAS CSR's - Figure 5

THE STATE OF TEXAS)

COUNTY OF ^ COUNTY NAME)

I, ^ Reporter's Name, Official/Deputy Official Court Reporter in and for the ^ ### District Court of ^ County Name County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted by the respective parties.

*I further certify that the total cost for the preparation of this Reporter's Record is \$ _____ and was paid/will be paid by _____.

WITNESS MY OFFICIAL HAND this the _____ day of _____, _____.

^ REPORTER'S NAME, Texas CSR ^ #####
Expiration Date: ^ ##/##/##
Official Court Reporter, ^ ### District Court
^ County Name County, Texas
^ Address
^ City, ^ State ^ ZIP
^ (###)###-####

*See Figure 6

CHANGES / SIGNATURE PAGE - FREELANCE DEPOSITIONS - Figure 7

I, ^ WITNESS NAME, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

^ WITNESS NAME

THE STATE OF _____)
COUNTY OF _____)

Before me, _____, on this day personally appeared ^ WITNESS NAME, known to me (or proved to me under oath or through _____) (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____,
_____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

CERTIFICATION PAGE - FREELANCE TRANSCRIPTIONS - Figure 8

NO. ^ ##-####

^ PLAINTIFF(S))	IN THE DISTRICT COURT
)	
Plaintiff(s),)	
VS.)	^ COUNTY NAME COUNTY, TEXAS
)	
^DEFENDANT(S))	
)	
Defendant(s),)	^ ### JUDICIAL DISTRICT

REPORTER'S CERTIFICATION
DEPOSITION OF ^ WITNESS NAME
^ Month ^ Date, ^ Year

I, ^ Reporter's Name, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ^ WITNESS NAME, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on ^ Month ^ Now, ^ Year to the witness or to the attorney for the witness for examination, signature and return to me by ^ Month ^ Now + 20 days or whatever, ^ Year;

That the amount of time used by each party at the deposition is as follows:

- ^ Mr./Ms. Lawyer1 - ^ HRS:MIN
- ^ Mr./Ms. Lawyer2 - ^ HRS:MIN
- ^ Mr./Ms. Lawyer3 - ^ HRS:MIN

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

CERTIFICATION PAGE - FREELANCE TRANSCRIPTIONS - Figure 8

- ^ Mr./Ms. Lawyer1, Attorney for Plaintiff(s)
- ^ Mr./Ms. Lawyer2, Attorney for Defendant(s)
 - ^ Defendant Name
- ^ Mr./Ms. Lawyer3, Attorney for Defendant(s)
 - ^ Defendant Name

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule 203 of TRCP will be certified to after they have occurred.

Certified to by me this ^ Now day of ^ Month, ^ Year.

^ REPORTER'S NAME, Texas CSR ^ #####
 Expiration Date: ^ ####/###/
 ^ Address
 ^ City, ^ State ^ ZIP
 ^ (###)###-####

FURTHER CERTIFICATION PURSUANT TO RULE 203 - Figure 9

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on _____
_____ ;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to _____, Custodial Attorney;

That \$ _____ is the deposition officer's charges to the ^ Party for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this ___ day of _____, _____.

^ REPORTER'S NAME, Texas CSR ^ #####
Expiration Date: ^ ####/##/
^ Address
^ City, ^ State ^ ZIP
^ (###)###-#####

CERTIFICATE PAGE WHEN SIGNATURE WAIVED - FREELANCE TRANSCRIPTIONS - Figure 10

	NO. ^ ##-####	
^ PLAINTIFF(S),)	IN THE DISTRICT COURT
)	
Plaintiff(s),)	
)	
VS.)	^ COUNTY NAME COUNTY, TEXAS
)	
^ DEFENDANT(S),)	
)	
Defendant(s),)	^ ### JUDICIAL DISTRICT

**REPORTER'S CERTIFICATION
DEPOSITION OF ^ WITNESS NAME
^ Month ^ Date, ^ Year**

I, ^ Reporter's Name, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ^ WITNESS NAME, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That examination and signature of the witness to the deposition transcript was waived by the witness and agreement of the parties at the time of the deposition;

That the original deposition was delivered to ^ Lawyer's Name;

That the amount of time used by each party at the deposition is as follows:

- ^ Mr./Ms. Lawyer1 - ^ HRS:MIN
- ^ Mr./Ms. Lawyer2 - ^ HRS:MIN
- ^ Mr./Ms. Lawyer3 - ^ HRS:MIN

That \$ _____ is the deposition officer's charges to the ^ Party for preparing the original deposition transcript and any copies of exhibits;

CERTIFICATE PAGE WHEN SIGNATURE WAIVED - FREELANCE TRANSCRIPTIONS - Figure 10

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes all parties of record:

^ Mr./Ms. Lawyer1, Attorney for Plaintiff(s)

^ Mr./Ms. Lawyer2, Attorney for Defendant(s)

^ Defendant Name

^ Mr./Ms. Lawyer3, Attorney for Defendant(s)

^ Defendant Name

That a copy of this certificate was served on all parties shown herein on _____ and filed with the Clerk pursuant to Rule 203.3.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ^ Now day of ^ Month, ^ Year.

^ REPORTER'S NAME, Texas CSR ^ #####

Expiration Date: ^ ####/###

^ Address

^ City, ^ State ^ ZIP

^ (###)###-####

EXAMPLE OF INDEX (CHRONOLOGICAL) - OFFICIAL REPORTER'S RECORD - Figure 11

VOLUME ^ ##					
^ TRIAL ON MERITS					
^ MONTH ^ DATE, ^ YEAR				Page	Vol.
Arraignment.....				^ X	^ X
Opening Statement by ^ Mr./Ms. Lawyer1.....				^ X	^ X
Opening Statement by ^ Mr./Ms. Lawyer2.....				^ X	^ X
PLAINTIFF'S WITNESSES	Direct	Cross	Voir Dire	Vol.	
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X	
Plaintiff Rests.....				^ X	^ X
DEFENDANT'S WITNESSES	Direct	Cross	Voir Dire	Vol.	
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X	
Defendant Rests.....				^ X	^ X
Both Sides Close.....				^ X	^ X
Defendant's Motion for Instructed Verdict..				^ X	^ X
Court's Ruling.....				^ X	^ X
Closing Arguments by ^ Mr./Ms. Lawyer1.....				^ X	^ X
Closing Arguments by ^ Mr./Ms. Lawyer2.....				^ X	^ X
Jury Retired for Deliberations.....				^ X	^ X
Verdict Received.....				^ X	^ X
Adjournment.....				^ X	^ X
Court Reporter's Certificate.....				^ X	^ X

EXAMPLE OF INDEX - FREELANCE TRANSCRIPTIONS - Figure 12

INDEX

Appearances.....	^ X
Stipulations.....	^ X
^ WITNESS NAME	
Examination by ^ Mr./Ms. Lawyer1.....	^ X
Examination by ^ Mr./Ms. Lawyer2.....	^ X
Signature and Changes.....	^ X
Reporter's Certificate.....	^ X

EXHIBITS

NO. DESCRIPTION	PAGE
^ X.....	^ X
^ Description	
^ X.....	^ X
^ Description	
^ X.....	^ X
^ Description	

REQUESTED DOCUMENTS/INFORMATION

NO. DESCRIPTION	PAGE
^ X.....	^ X
^ Description	
^ X.....	^ X
^ Description	

CERTIFIED QUESTIONS

NO.	PAGE/LINE
^ X.....	^ X: ^ X
^ X.....	^ X: ^ X
^ X.....	^ X: ^ X
^ X.....	^ X: ^ X

TRANSCRIBER'S CERTIFICATION OF ANOTHER'S NOTES - Figure 13

I certify that the foregoing is a true and correct transcription, to the best of my ability, of the stenographer's notes of the proceedings held as provided to me by the ^ Court Name in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties of attorneys in the action in which this hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of \$ _____ was paid/ will be paid in full by _____.

Signature of Transcriber

Date

Typed or Printed Name

^ Address

^ City, ^ State ^ ZIP

^ (###)###-####

CERTIFICATION PAGE FOR TAPE RECORDING - Figure 14

I, _____, court-approved transcriber, certify that the foregoing is a correct transcription from the tape recording of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for, related to, not employed by any of the parties to the action in which this hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of \$ _____ was paid/ will be paid in full by _____.

Signature of Transcriber

Date

Typed or Printed Name
^ Address
^ City, ^ State ^ ZIP
^ (###)###-####

WITNESS AND EXAMINATION SETUP (OFFICIAL REPORTER'S RECORD) - Figure 15

^ WITNESS NAME,

having being first duly sworn, testified as follows:

^ DIRECT EXAMINATION

BY ^ MR./MS. ^ LAWYER:

Q. State your name, please.

WITNESS AND EXAMINATION SETUP (FREELANCE TRANSCRIPTION) - Figure 16

^ WITNESS NAME,

having being first duly sworn, testified as follows:

EXAMINATION

BY ^ MR./MS. ^ LAWYER:

Q. State your name, please.

WITNESS SWORN THROUGH INTERPRETER - Figure 17

^ WITNESS NAME,

having being first duly sworn, testified through the duly sworn interpreter as follows:

QUESTIONS AND ANSWERS - Figure 18

DIRECT EXAMINATION

BY ^ MR/MS. ^ LAWYER:

Q. Would you give your full name, Ann?

A. Ann D. Witness.

Q. And where do you live?

A. At 425 Rockaway Place, Lake Summit.

Q. And how have -- I mean, how long have you lived there?

A. For about 20 years. I lived in Minneapolis prior to that for about 10 years. I was very happy before I moved to Lake Summit.

Q. And what do you do for a living?

QUOTATIONS - Figure 19

^ MR./MS. ^ LAWYER: Your Honor, at this time I would like to call the Court's attention to the case of State v. Tilden, which states: "On June 20, 1969, the defendant was on his way home and was struck by an automobile which was traveling at an excessive rate of speed, and defendant sustained severe injuries and died an hour later."

(READING DEPOSITION)

Q. Do you remember the following question and answer in your previous deposition:

QUESTION: "Are you the person designated to answer questions about the practices in your firm?"

ANSWER: "I am unaware of that. Nobody told me that I would have to be the one to answer that question."

DASHES - Figure 20

^ MR./MS. ^ LAWYER: That is all I have --

THE COURT: All right.

^ MR./MS. ^ LAWYER: -- for this witness. If it please the Court -- excuse me,

Your Honor. I will call my next witness.

READBACK - OFFICIAL REPORTER'S RECORD - Figure 21

THE REPORTER: QUESTION: "What was the point in which he pointed in the air?"

ANSWER: "At the time the officer arrived."

QUESTION: "When did he get there?"

IDENTIFICATION OF SPEAKERS - Figure 22

THE COURT: Overruled, Counsel.

Q. (BY ^ MR./MS. ^ LAWYER) Please answer that again, sir.

TESTIMONY THROUGH INTERPRETER - Figure 23

A. (In English) Seven years.

-OR-

A. (In English) I saw the car.

(By the Interpreter) It was going very fast.

-OR-

THE WITNESS: I saw the car.

A. It was going very fast.

ALPHABETICAL INDEX - Figure 24

ALPHABETICAL WITNESS INDEX

	Direct	Cross	Voir Dire	Vol.
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X
^ WITNESS	^ X, X, X, X	^ X, X, X, X	^ X, X X, X	^ X

COLUMN FOR VOLUME NUMBER IN MASTER INDEX - Figure 25

EXHIBIT INDEX

STATE'S NO.	DESCRIPTION	OFFERED	ADMITTED	VOL.
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X
DEFENSE				
NO.	DESCRIPTION	OFFERED	ADMITTED	VOL.
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X
^ X	^ DESC ^ DESC CONT	^ X	^ X	^ X

SAMPLE OF DISCLAIMER FOR UNEDITED TRANSCRIPTION- Figure 26

(REAL-TIME*) UNEDITED TRANSCRIPTION DISCLAIMER IN THE MATTER OF

v.

The following transcript(s) of proceedings, or any portion thereof, in the above-entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the certified court reporter at the request of _____.

The purchaser agrees not to disclose this (real-time*) unedited transcription in any form (written or electronic) to anyone who has no connection to this case. This is an unofficial transcription which should NOT be relied upon for purposes of verbatim citation of testimony.

This transcription has not been checked, proofread or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcription, resulting in differences in content, page and line numbers, punctuation, and formatting.

This (real-time*) unedited transcript contains no appearance page, certificate page, index, or certification.

Signature of Purchaser

Date

Signature of Certified Court Reporter

Date

*if applicable



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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DEBORAH G. HANKINSON
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EXECUTIVE ASS'T
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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 8, 1999

Office of the Secretary
of State
Statutory Filings Division
1019 Brazos Street
Austin, Texas 78701

RE: Order of the Supreme Court of Texas No. 99-9067, Apr. 8, 1999.

Pursuant to the order of the Court, I am forwarding the attached copy of the referenced order for filing as appropriate.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.



THE SUPREME COURT OF TEXAS

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NADINE SCHNEIDER

April 8, 1999

Ms. Kelley King, Editor
The Texas Bar Journal
1515 Colorado Street
Austin, Texas 78701

RE: Order of the Supreme Court of Texas No. 99-9067, Apr. 8, 1999.

Pursuant to the order of the Court, I am forwarding the attached copy of the referenced order for publication in the Texas Bar Journal as soon as possible.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.