

*Uniform Format Manual
for Texas Court Reporters*



Approved by Supreme Court: XXXXX

PREFACE

By Supreme Court Order dated [INSERT DATE], in Misc. Docket No. 09-[INSERT NUMBER], the following *Uniform Format Manual for Texas Court Reporters* governs the form of Official Reporters' Records and Freelance Reporters' Records in paper and electronic form. This manual supersedes the manual in the Supreme Court Order dated July 8, 2003, in Misc. Docket No. 03-9070, which superseded the Supreme Court Order Directing the Form of the Appellate Record in Civil Cases and the Court of Criminal Appeals Order Directing the Form of the Appellate Record in Criminal Cases. The requirements of this edition of the manual apply to any official reporter's record or freelance reporter's record within the scope of the manual that is begun to be transcribed or prepared on or after XXXXX.

A court reporter or court recorder must prepare and file the Official Reporter's Record in accordance with Texas 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 or recorder should prepare only one record in a case. In the event of a flagrant violation of the requirements 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 reporter or court recorder to amend or prepare a new Official 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 or court recorders 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 Uniform Format Manual Committee, the Uniform Format Manual Task Force, and the Texas Appeals Management and E-Filing System (TAMES) Task Force. Questions or comments regarding the manual should be directed to the Court Reporters Certification Board.

The editors of this manual have set certain parts of its content into boxes with a smaller font. Such content does not narrowly prescribe the format or content of the record, but instead provides explanation and reference to statutes and other court rules.

This 2009 revision of the manual is intended to provide the new instructions needed for court reporters, court recorders, and transcribers to file the Official Reporter's Record and Freelance Reporter's Record electronically, while still providing the necessary guidance for paper filing. As part of the revision process, the content of the manual has been reorganized to clearly delineate requirements for paper and electronic filing and, to the extent possible, to combine related requirements. Because various references to paper media existed throughout the manual, the reorganization affects most parts of the manual. While the reorganization is extensive, there are very few substantive revisions to the paper-filing requirements. Finally, another noteworthy change is the direct inclusion of the figures that were previously in a separate, standalone document. The figures are now referred to as appendices at the back of the manual. [TO BE DONE UPON CRCB APPROVAL] This change is intended to facilitate the location of the figures and to reflect their authority as an Order of the Supreme Court of Texas.

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 reporters' records.

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Uniform Format Manual for Texas Court Reporters

Reporter's Record Format

Section 1 - Uniform Terminology

1.1 Definitions.

- (a) *Administrative pages* means the title, appearance, index, correction, and certificate page(s) in a Official Reporter's Record or Freelance Reporter's Record.
- (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 paper.
- (h) *Footer* means the bottom line(s) on an Official Reporter's Record or Freelance Reporter's Record, which appears below line 25.
- (i) *Freelance court reporter* means a CSR who practices shorthand reporting other than in the capacity of an Official Court Reporter or Deputy Official Court Reporter.
- (j) *Freelance Reporter's Record* means all transcriptions other than Official Reporter's Records.
- (k) *Header* means the top line(s) on a page of an Official Reporter's Record or Freelance Reporter's Record that briefly describes the testimony of witnesses and/or events.
- (l) *Index* means a listing of the contents of an Official Reporter's Record or a Freelance Reporter's Record.
- (m) *Margin* means the space around printed matter on a page.

- (n) *Master index* means the compilation of multiple indexes in an Official Reporter's Record or Freelance Reporter's Record, which is only required for records with more than one volume and will always be numbered "Volume 1."
- (o) *Nonstenographic Record* means an audio or visual recording.
- (p) *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).
- (q) *Official 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) *Proceedings* means events or happenings in the courts, legislature, state agencies, depositions, grand juries, referees and court commissions.
- (s) *Shorthand reporter* means a person who engages in shorthand reporting.
- (t) *Shorthand reporting* means the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of any court proceeding, deposition, or proceeding before a grand jury, referee or court commissioner using written symbols in shorthand, machine shorthand or oral stenography. *See* Tex. Gov't Code § 52.001(5).
- (u) *Sic* means "as spoken."
- (v) *Sotto voce* means "soft voice."
- (w) *Style* means the name of the lawsuit or matter pending before an agency of the state.
- (x) *Text* means the main body of matter in a manuscript.
- (y) *Title page* means the first page of the Official Reporter's Record or Freelance Reporter's Record, listing pertinent information included within the record.
- (z) *Transcriber* means one who engages in transcription.
- (aa) *Transcription* means the act or process of transcribing, or something transcribed (i.e., a transcript).
- (bb) *Venire* means an entire panel from which a jury is drawn.
- (cc) *Venireperson* means a member of venire.

Section 2 - Page Formatting

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

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

2.2 Text/Page Color. Solid black text on an opaque, white background page must be used, except with realtime unedited rough drafts. *See also* Section 4.2, *infra*.

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

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

2.5 Margins. The distance between the left and right marginal lines must be no less than six and one-half (6½") inches. The left margin text must be set one character from the left marginal line, and the right margin text must be set one character from the right marginal line (not justified).

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

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

2.8 Quotations. Quoted material must follow the general format guidelines in this manual with respect to marginal and tab settings. The use of quotation marks is optional. *See Figure 17.*

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

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

2.11 Use of Tab Settings. The first tab setting must be used for "Q." or "A." The second tab setting must be used for the beginning of text after the "Q." or "A." All subsequent lines must return to the left margin. *See Figure 18.*

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

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

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

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

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

The requirement that deposition officers keep time in oral depositions, imposed by the 1999 civil discovery rules revisions, is discussed below in the comment following Section 3.5.

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

2.17 Page Numbering. The pages must be numbered consecutively beginning with page “1” for each volume. Except when specifically provided otherwise in this manual, each volume of the Reporter’s Record must begin with page “1”. Index pages may be numbered with lowercase Roman numerals.

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

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

Section 3 - Content

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

3.1 Beginning Page. Each Official Reporter's Record and Freelance Reporter's Record shall include a style/title page indicating and including the following:

- (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 (within Official Reporter's Record only).
- (f) Type of proceedings.
- (g) Date and location of proceedings for Official Reporter's Records. Time, date and location for Freelance Reporter's Record. *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, etc.
- (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). (If the above information is too lengthy to fit on one page, additional pages may be used immediately following the style/title page). (Columnar format on appearances is optional.)

See Figures 1-4.

3.2 Certification of Official Reporter's Record. The court reporter, court recorder, or transcriber must authenticate the original Official Reporter's Record and each copy thereof with a certification page on the last page of each volume. If more than one court reporter, court recorder, or transcriber is involved in the production of the Official Reporter's Record being certified, then the certifications of each court reporter, court recorder, or transcriber involved will be required at the end of each volume. The party responsible for the costs must be identified in 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 the Official Reporter's Record Certification Page for Texas CSRs and for Exhibits.

If the court reporter, court recorder, or transcriber is working for a freelance firm he/she shall provide the firm registration number issued by the Court Reporters Certification Board.

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

The certification page must include the firm registration number issued by the Court Reporters Certification Board pursuant to Section 52.013(a)(7) of the Government Code.

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

Texas Rule of Civil Procedure 203 sets forth the requirements governing presentment, signature, certification, and delivery of oral and written depositions. These requirements apply to any “deposition officer,” who, for purposes of the discovery rules, is defined as any person responsible for recording a deposition. There may be more than one “deposition officer” in an oral deposition. For example, if a party notices an oral deposition to be recorded non-stenographically, another party may notice the deposition to be recorded stenographically by a CSR. *See* Tex. R. Civ. P. 199.1(c), 199.2(b)(3). In such a case, both the person responsible for recording the deposition non-stenographically and the person responsible for recording the deposition stenographically would be a “deposition officer” required to comply with Rule 203 with respect to the form of recording for which that person was responsible. 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 2,15) may facilitate the completion of this task, it is not required; rather, the deposition officer may simply use a stopwatch or other time-keeping device. The time credited to a party obviously should not include recesses or off-the record discussion, and it should not include protracted lapses, such as when a witness is reviewing a stack of documents. But the time would include ordinary pauses by the interrogator or the witness.

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

3.4 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/her 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. The court reporter or transcriber should type the testimony and any colloquy in the record in the usual manner. If the attorney has requested a separate booklet, then the court reporter or transcriber must excerpt a copy of the pertinent testimony from the final transcript into a separate booklet. All certified questions must be listed in the index.

3.5 Transcriber’s Certification of Another’s Notes. When a court reporter prepares a record from the notes of another, the court reporter must include a certification indicating so, as well as a true statement of their neutrality in the case, and an indication of the amount and payor of the transcription fee. **See Figure 30 E. & F**

3.6 Transcriber’s Certification of Nonstenographic Record. When a court reporter prepares a record from a nonstenographic record, the court reporter must include a certification indicating so, as well as a true statement of their neutrality in the case, and an indication of the amount and payor of the transcription fee. For transcriber or non CSR, **see Figure 13**. A freelance court reporter must include a cover page for a transcription of a nonstenographic record giving the names of the parties, the court of record, the date of the testimony, the method of recording, and the names of the witnesses for each party.

For example cover pages for transcribing audio recordings, **see Figure 30**.
For an example of a CSR’s Certification of Audio Transcription of Deposition, **see Figures 30E & F**.

Comment Concerning Non-Stenographic Depositions

Whether and when an oral deposition may be recorded non-stenographically is governed primarily by statute. Section 52.021(f) of the Government Code generally requires that all depositions taken in this state must be recorded stenographically by a CSR. Exceptions to this requirement, however, include depositions on written questions (which are governed by Section 20.001 of the Civil Practice and Remedies Code) and depositions recorded by a party to the action, their lawyer, or a full-time employee of either. *See* Tex. 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.

3.7 Language and Verbal Expressions. Except as noted below, the Official Reporter’s Record and Freelance Reporter’s Record must contain all English words and other verbal expressions uttered during the course of the proceedings.

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

3.9 Witness and Examination Setup Examples.

(a) Official Reporter’s Record. At the beginning of a witness’ testimony, the record must indicate the witness’ name, indicate that the witness was sworn in, indicate the type of examination performed on the witness, and show who conducted the examination. *See* Figure 14.

(b) Freelance Reporter’s Record At the beginning of a witness’ testimony, the record must indicate the witness’ name, indicate that the witness was sworn in, indicate the type of examination performed on the witness, and show who conducted the examination. *See* Figure 15.

3.10 Witness Sworn Through Interpreter: When a witness testifies through an interpreter, at the beginning of a witness' testimony, the record must indicate the witness' name, indicate that the witness was sworn in, and include the interpreter's oath required by the Texas Rules of Appellate Procedure. **See Figure 16.**

3.11 Testimony Through Interpreter. In interpreted depositions, court reporters and transcribers must use Q&A sequencing in order to reflect the question asked in English by the attorney and the answer of the witness given through the interpretation process in English. 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.

Experienced interpreters will speak in the first person. Inexperienced interpreters may at times speak in the third person. The attorney and court reporter or transcriber should caution the interpreter to give verbatim translation in the first person if it is not their normal practice to do so.

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

3.12 Punctuation and Spelling. Punctuation and spelling must be consistent with generally accepted standards. See, for example, the standards in *The Elements of Style* by William Strunk, Jr. and E.B. White; *The Gregg Reference* by William Sabin, 10th edition or later; and *The Merriam-Webster Dictionary*, 11th Edition or later.

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

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

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

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

- (Call to order of the court)
- (Jury not present)
- (The witness was sworn)
- (Interpreter sworn)
- (Recess from ^ to ^)
- (At the Bench, on the record)
- (Moving head up and down)
- (Indicating)
- (Snapping fingers)
- (Writing)
- (Weeping)
- (No verbal response)
- (Discussion off the record)
- (Interruption)
- (Witness complies)
- (Sotto voce discussion between ^ and ^)
- or (^ and ^ whispering)
- (The jury was sworn) or (The jury panel was sworn)
- (Jury present)
- (The witness was affirmed)
- (Discussion between interpreter and witness)
- (Lunch recess from ^ to ^)
- (At the Bench, off the record)
- (Moving head side to side)
- (Pointing)
- (Drawing)
- (Pausing)
- (Descriptive sound)
- (Exhibit ^ marked)
- (Proceedings concluded / recessed at ^)
- (Sotto voce discussion)
- (Sotto voce discussion off the record).
- (Requested portion was read)

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

- (Open court, defendant and 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)

3.16 Headings. The following headings may be used where appropriate in the body of the Official Reporter's Record and Freelance 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

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

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

1. a parenthetical note reflecting the volume, page(s) and line number(s) read to the jury; and/or

2. a transcription of the excerpted testimony requested by the jury will be attached to the jury's note and the court's response and will become part of the Clerk's Record.

3.18 Readback - Freelance Reporter's Record. Readback of Freelance Reporter's Record may be addressed as set out in 3.17 for clarity purposes or in the following manner: (Requested portion was read).

3.19 Audio/Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in the proceedings. When the audio/visual recordings are played in court, a contemporaneous verbatim record of the proceedings must be made pursuant to the Texas Rules of Appellate Procedure.

3.20 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).

3.21 Identification of Speakers. All speakers must be properly identified throughout the Reporter's Record in capital letters. Speakers must be identified using their last name only unless there are attorneys of the same gender and last name involved in the proceedings. In that event only will it be necessary to use both first and last name. After colloquy interruptions and "Q." and "A." designations are resumed, the "Q." may be followed by speaker identification on the same line to remind the reader who is conducting the examination. This designation may also be used after a parenthetical notation and colloquy. If a by-line is used, it shall be as set out as shown in **Figure 21**.

SPEAKER

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

PROPER IDENTIFICATION

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

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

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

(b) Alphabetical Index. The alphabetical index must include an alphabetical listing of the witnesses. *See Figure 23.*

(c) Exhibit Index. The exhibit index must include a complete description of the exhibits and the page at which the exhibit was presented during the court proceeding and, if applicable, offered and received into evidence.

(d) Master Index. When the Official Reporter’s Record consists of more than one volume, in addition to the individual indexes, there must be a master index in a separate volume labeled “Volume 1”, consisting of a compilation of all of the individual indexes (listing all chronological occurrences, witnesses in the order of their appearance and alphabetically, and the exhibits). A column for the volume number must be included for each entry in the master index. *See Figures 24 and 26.*

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

EXAMPLE OF MASTER INDEX THAT IS NOT ACCEPTABLE FOR FILING:

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

(e) Index Format. A columnar format is required for listing the exhibits and alphabetical listing of witnesses and/or venirepersons. (See Section 3.25 for further details on capital murder transcriptions and indexes.) The index must be single-spaced for the direct, cross-examination, etc. of the witnesses; however, it must be double-spaced between topic changes (i.e., arraignment, opening statements, plaintiff rests, defendant rests, etc.). When the chronological index is complete, the alphabetical index must begin immediately on that same page, if space allows. Then the exhibit index must begin immediately on that same page, if space allows. The index must indicate the pages at which each of the following, if applicable, occurred:

- 1) jury voir dire examination;
- 2) opening/preliminary instructions by the court;

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

3.23 Index for Freelance Reporter's Record. All major portions of a Freelance Reporter's Record must be indexed. Indexes for depositions may appear at the beginning of the transcription after the title/administrative pages or at the end. **See Figure 11.**

(a) Content of Index. The index for a Freelance Reporter's Record must 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) Format of Deposition/Freelance Reporter's Record Index. There is no required format for a Freelance Reporter's Record index.

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

3.25 Capital Murder Official Reporter's Record. The Official Reporter's Record in capital murder cases must include an index in columnar format for the general voir dire

of the proceedings wherein the court hears statutory excuses, claims for exemption or challenges for cause from the prospective jurors. See Figure 27. The Master Index shall include a column containing the volume number for each entry. See in Figure 26.

Section 4 Unedited Rough Draft

4.1 Unedited Rough Draft Not Certified. When preparing a rough draft transcription, 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.

4.2 Colored Pages. Any CSR may provide unedited rough draft if it is submitted on a colored page.

4.3 Page Labeling of Rough Draft. The transcription must be labeled with the words, “UNEDITED ROUGH DRAFT ONLY”, and with a header or footer on each page as follows: “UNEDITED, UNPROOFREAD, UNCORRECTED, UNCERTIFIED ROUGH DRAFT”.

4.4 Content of Unedited Rough Draft. (Real-time*) unedited rough drafts must not include a format box, title page, an appearance page, line numbers, a certification, or an index.

4.5 Suggested Disclaimer for Unedited Transcription. The following suggested disclaimer should appear at the beginning of the 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.

Section 5 Exhibits in Official Reporter's Record

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

5.2 Original Exhibit Included Only Under Order of Trial Court. When a legible copy of a photograph or any other exhibit cannot be made, the original exhibit will be included in the Official Reporter's Record under order of the trial court made pursuant to Rule of Appellate Procedure 34.6(g).

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

EXAMPLE:

STATE'S EXHIBIT NO. 1
9mm Glock semi-automatic pistol, Model P280, Serial No. 665543

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

Section 6 – Volumes and Volume Numbering

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

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

6.2 Official Reporter's Record.

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

(b) Multiple volumes for record of different days. For each day of the trial, there must be a new volume, starting with page 1, unless there are multiple pretrial hearings that can be incorporated into one volume that complies with the size requirements in 6.4. A hearing after the commencement of jury selection or the trial on the merits relating to a pretrial motion must appear in sequence.

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

6.3 Freelance Depositions and Reporter's Records. The testimony of each witness must be in a separate volume. The pages of multiple volumes of a particular witness may be numbered consecutively, following the pagination of the earlier proceeding. The volumes may also be numbered consecutively, in the same manner.

6.4 Size of Volumes. A volume must be no more than 500 pages long or 2" thick (as measured in paper form). For each day of the trial, there must be a new volume, starting with page 1, unless there are multiple pretrial hearings that can be incorporated into one volume that is less than 500 pages long or 2" thick. A hearing after the commencement of jury selection or the trial on the merits relating to a pretrial motion must appear in sequence.

6.5 Exhibits. Copies of exhibits may be grouped together at the end of the Official Reporter's Record or Freelance Reporter's Record. Generally, the exhibits must be in a separately tabbed volume or volumes. But the exhibits may be in the same volume as the preceding parts of the record if the volume size requirements in 6.4 are not exceeded.

Section 7 Reporter's Record in Paper Form for Appellate Court

7.1 Paper Volumes. Each volume, as defined in Section 6, must be bound separately.

7.2 Paper. Paper size must be 8 ½ x 11 inches. The paper weight must be at least 13 pounds.

7.3 Tabs. Any piece of paper containing a protruding tab must include within the main area of the paper the same text that is on the protruding tab. Alternatively, the page immediately behind the tabbed page must include the same text that is on the tab, and no other content. Within volumes containing exhibits, tabs must be used to separate each exhibit.

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

7.5 Binding. The court reporter must bind the Official Reporter's Record for each volume separately. The documents must be bound with a side- or top bound, two-inch capacity, removable prong fastener. No glued, spiral, or locking bindings are allowed.

Section 8 Official Reporter's Record in Electronic Form for Appellate Court (Electronic Reporter's Record)

8.1 Equivalence of Electronic Form. An Official Reporter's Record filed in electronic form must be equivalent page by page to the record provided in paper form.

8.2 Computer File Size. A computer file may contain only one volume, as defined in Section 6, and must not exceed 40 MB.

8.3 Computer File Type. Each computer file must be prepared in a full-text-searchable Portable Document Format (PDF), as defined by the International Organization for Standardization, ISO 32000-1:2008. The computer file must not have passwords enabled for use of the file.

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

- 1) county name without spaces between words;
- 2) a hyphen;
- 3) the trial-court cause number;
- 4) a hyphen;
- 5) "RR-Vol";
- 6) the volume number as three digits with leading zeroes for numbers below 100;
- 7) a period; and
- 8) "pdf".

EXAMPLE: JimHogg-D-1-GN-08-003658-RR-Vol003.pdf

If filing a supplement to the Official Reporter's Record or Freelance Reporter's Record, the computer file name must contain the term "Supp" and a hyphen before the phrase "RR-Vol" (e.g., JimHogg-D-1-GN-08-003658-Supp-RR-Vol003.pdf). If filing an amendment to the Official Reporter's Record or Freelance Reporter's Record, the computer file name must contain the term "Amend" and a hyphen before the phrase "RR-Vol" (e.g., JimHogg-D-1-GN-08-003658-Amend-RR-Vol003.pdf).

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

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

Section 9 Official Reporter's Record and Freelance Reporter's Record Provided to Parties

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

9.2 Official Reporter's Records in Compressed Form. The Official Reporter's Record may be prepared in a compressed format to be provided to a party requesting such format. The compressed form may be single-sided or duplex format, with multiple pages of proceedings printed on each page. The multiple format boxes should be adjoined utilizing the full page with no spaces between the boxes. Bold or boldface font on text should not be used. The title and index pages should be printed in full page (not compressed or condensed). The volumes in compressed paper format need not be bound separately if the volumes of the record are separated by index tabs labeled with the volume numbers.

9.3 Freelance Reporter's Record in Compressed Form. The Freelance Reporter's Record may be prepared in a compressed, single-sided or duplex format, with multiple or more pages of the proceedings printed as specified by the parties. Compressed records may be bound together as long as the bound records do not exceed 500 pages or 2 inches in thickness. In the event the compressed records are bound together, the volumes must be separated by index tabs labeling the volume numbers.

Section 10: Miscellaneous

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

10.2 Case Log For Deputy Officials. Pursuant to Texas Rule of Procedure 13.5, Deputy Official Reporters (substitute reporters) must file a separate case log for each case reported with the Clerk of the Court. **See Figure 31.**