

# Creating the Best Record Possible

Revised from a presentation by the District of Utah Court Reporters, October 2012

Creating the most accurate and complete record possible is part of an attorney's obligation to the client. Federal Court Reporters serve as coaches to help provide the best permanent record of court events. An audio recording system does not alert you when the record is not clear. A court reporter exercises quality control at the moment the record is made. If the reporter cannot hear and understand, the jury and Judge cannot hear and understand.

## Before Trial or Hearing

- Discuss all the points in this document with your witness and trial team.
- Provide technical terms and names specific to the trial so the Court Reporter may add them to their dictionary. Witness lists, exhibit lists, and expert reports are also useful.
- Prepare your witness to speak slowly and clearly.
- Prearrange daily copy and/or realtime when desired. Reporters must make arrangements in advance when special services are required.
- If you are appearing before a magistrate judge and know you will need a transcript, ask the courtroom deputy *the week before the hearing* to schedule a court reporter.

## While in Court

- Speak directly into the microphone. Do not move a mounted microphone away from your mouth. Move unmounted microphones on the table as near to you as possible.
- Stay near the podium microphone or use a lavalier or hand mike.
- Be precise when giving directions to a witness. "In the lower left hand corner" is easier to understand in a transcript than "over there." Refer to exhibit numbers.
- When the witness is at an easel, position the witness facing the reporter.
- Remember that an interpreter needs to hear you speak.
- Slow down, especially when reading printed material.
- Don't talk over your witness, opposing counsel or the Judge.
- Don't be a "mush mouth," blurring words, and do not allow your voice to trail off at the end of questions or statements.
- When the reporter says you speak "too fast," this is not a compliment.
- "Please repeat that" does not mean rephrase or explain; it means "Repeat exactly what you said because it was unclear and I want the record to be accurate."
- When making an objection, stand up to alert the reporter and the Judge.
- Magistrate judge hearings may be electronically recorded. Speaking clearly and slowly during digital recording ensures a better transcript. Stay near the microphone. State your name at the start of the hearing so the transcriptionist can identify you.
- Remember the five identifiers that require redaction. Transcript redactions are the responsibility of counsel and can be time-consuming. To avoid redaction, use the suggestions below. Unredacted transcripts are available under most circumstances to anyone who orders a public record of proceedings.
  - Social Security numbers: last four digits only.
  - Financial account numbers: last four digits only.
  - Names of minor children: initials only.
  - Dates of birth: year only.
  - Home addresses: city and state only.