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court reporters, LLC

What Court Reporters Wish
New Attorneys Knew . . .
and a Few Seasoned
Attorneys as Well!

By Martha Davis

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About Martha Davis

Martha Davis is a co-owner and managing partner of Cleeton Davis Court Reporters, LLC, a court reporting firm in Nashville, Tennessee. She has been a court reporter since 1974. Martha is experienced in all types of litigation.

She has been tested and holds the following designations from the National Court Reporters Association: Registered Professional Reporter, Registered Merit Reporter, Registered Diplomate Reporter, Certified Realtime Reporter, and Certified Cart Provider. She is also a Registered Certified LiveNote Provider and a CaseViewNet Provider.



Martha is a past director of the Tennessee Court Reporters Association. She is involved in her church and likes to read, travel and socialize with family and friends.

About Cleeton Davis Court Reporters, LLC

Cleeton Davis Court Reporters was formed in 1986 with the mission to distinguish itself by providing high-quality, state-of-the-art court reporting services to Nashville and the Middle Tennessee area.

At Cleeton Davis Court Reporters, we pride ourselves in maintaining a staff with the highest qualifications.

Our offices, including conference rooms, are conveniently located near the Nashville airport and I-40.

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Introduction

In this guide, we are going to cover what we, as court reporters, wish new and seasoned attorneys knew about the 3 stages of depositions:

- When booking the deposition
- During the deposition
- After the deposition

Let's dive in!

When booking the deposition

Schedule the hearing or deposition with the court reporting agency at the earliest opportunity. Remember that they are a part of your team and include them from the time the deposition is first scheduled. Keeping them informed of changes in the date and time, or cancellation, of the deposition will also be appreciated.

If you are preparing a notice and/or subpoena, send a copy to the court reporting agency. Any information they receive about the deposition in advance helps the court reporter to prepare for the deposition and saves time at the deposition. This is especially important when the reporter is going to provide realtime. For realtime depositions, sending an electronic file of prior depositions and pleadings helps the court reporter build a dictionary so that the rough draft is cleaner and more useful to the attorney.

Let the agency know an estimated length of time for the deposition or court, especially if you think it might go into the evening hours. This allows the court reporter to make any necessary childcare arrangements, etc., and also prevents having to take a recess in the proceedings while those arrangements are made. If you know you will be pushed for time and plan not to take a lunch break, inform the court reporter ahead of time.

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When booking the deposition (continued)

Make the reporting agency aware of any special needs such as whether you need a videographer and/or an interpreter. Let them know if it is a technical witness or one with a heavy accent. This information helps the agency to match your deposition needs to the skill level of the court reporter.

This is also a good time to specify what format you prefer as far as the transcript. There are many options: hard copy, condensed transcripts, and the various digital formats such as ASCII, PDF and E-transcript. Consult your paralegal if you are not sure. At Cleeton Davis we try to keep our clients' preferences noted to ensure they receive what they are expecting no matter which court reporter covers the job.

If you will need a rough draft of the transcript or an expedited transcript, you should let the reporting agency know when you book the job so the court reporter can arrange their schedule in order to accommodate your needs.

Be aware when scheduling early morning video depositions that the videographer will need access to the location at least 30 to 40 minutes prior to the start of the deposition in order to set up their equipment.

If you need a court reporter in another city/state, consult with your local reporter first. Many firms will network with reporters in other cities and will be happy to set the deposition up for you at no extra cost.

During the deposition

It is the court reporter's responsibility to preserve the record, to take down the proceedings and transcribe them with accuracy and impartiality. The attorney has the responsibility to make the record, ensuring that the transcript will be clear. There are several things you, as the record maker, can do to better meet that responsibility.

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16 Ways Attorneys Can Make the Record Better During the Deposition

When you arrive, give the court reporter your card and write which party you represent on the back of the card. Attorneys change firms and firms move, so this helps ensure that the court reporter has your current contact information. When there are multiple attorneys and parties, it also aids the court reporter in remembering who represents whom if you have written it on your card. If you did not send a copy of the notice to the court reporting agency when you booked the job, bring an extra copy for the court reporter to the deposition so they don't have to spend time copying all the information down.

When speaking, keep your hands away from your mouth and avoid turning away from the reporter while talking. This sometimes happens when the attorney turns away to get a document out of his file, but he is continuing to ask the question.

Be sure and speak distinctly and clearly. Many names sound alike, such as White and Wyatt. Acronyms can be hard to understand, too. Was it CNN or C&N? SAT or SAP? And you may be very familiar with the medical terms in a case, but the court reporter is usually walking in cold and if you rush through the phrase "left ventricular hypertrophy and hypertrophic cardiomyopathy," you will leave your court reporter wishing she was on the seashore selling seashells. Enunciate clearly so they understand what is being said. It is better to ask the witness to pronounce a technical term if you are unsure than to quickly mumble it, thinking the court reporter will magically understand which term you meant.

Ask the witness for spellings when there is an unusual name or a name that can be spelled multiple ways. The name White can also be spelled Whyte, Weit, Whidt, Wyatt, Wight or Wite. When spelling, be mindful of letters that sound alike such as S and F, T and P, M and N, and D, V and B. Use words for clarity when spelling, such as D as in David, P as in Paul.

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16 Ways Attorneys Can Make the Record Better During the Deposition (continued)

Be precise when using numbers. If you ask the question, “When did the meeting take place,” and the witness answers, “Twelve fifteen,” you need to clarify for the record and the court reporter. Was that 12:15 or 12/15? Figures should be stated in full with their subject. Eighteen thirty-five could be 1835 or 18.35. Saying “Eighteen dollars thirty-five cents” clears up any confusion.

Remember that the written record will only show what is spoken, so gestures or pointing by the witness will need to be described in words. Likewise, you will need to clarify if the witness uses head nods or “uh-huh” or “huh-uh.”

Control Cross-talking. Most attorneys will caution the witness at the beginning about answering before the question is completed, but when the questions and answers begin to overlap, your court reporter will appreciate it if you stop talking until the witness finishes, then caution them again about answering prematurely and repeat the question. When the attorney and the witness continually talk over each other and other counsel start objecting, it becomes a free-for-all and what we call an “unreportable” situation. The court reporter should interrupt to try to bring the proceedings under control, but words could be lost as they were not heard in the crossfire.

In normal conversation we tend to utter words like “Yes,” “Okay,” or “I see” as the witness is answering as a way of indicating that you are processing and hearing their answer. Not only does this make a very choppy looking transcript, but it may appear later that you are agreeing with the witness even though that was not your intention.

Remember when asking to go off the record that all counsel must agree before the court reporter will go off the record.

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16 Ways Attorneys Can Make the Record Better During the Deposition (continued)

Give the court reporter time to mark exhibits. It is frustrating when the attorney directs that a document be marked and then proceeds with the next question before the court reporter has time to mark it. When exhibits pile up without being marked at the time, mistakes in marking them can occur. If a document is designated to be late-filed, give the court reporter a few seconds to note it so he doesn't have to keep a running list in his head.

When reading quoted material, take your time and read slowly and clearly so the witness, and the court reporter, can understand. Include the words "quote" and "unquote" when reading quoted material and the words "question" and "answer" when reading testimony. If you are quoting an excerpt from a case cited in court, do your court reporter a favor and provide them a copy of the quoted material. This takes little extra effort on your part but saves the court reporter time in transcription, helps them ensure they maintain the original punctuation, and they will appreciate your thoughtfulness.

Speak your objections loud enough for the court reporter to hear them and, preferably, not at the same time as the question or answer. A nod or hand gesture at the court reporter will not suffice. I once had an attorney tell me that, rather than interrupt the deposition, if he tapped his glass with his pen, I was to note an objection in the record. I was a fairly new reporter and intimidated by all the attorneys in the room, but, thankfully, self-preservation kicked in and I told him I could not do that, that he would have to speak his objection.

Nip it in the bud! It's time to get those little annoying habits in check. Rustling papers, clicking your pen constantly, playing the drums with your coffee cup and pen, jingling keys in your pocket and playing with those plastic wrappers from the conference room candy dish are very distracting to the court reporter who is trying to catch every word.

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16 Ways Attorneys Can Make the Record Better During the Deposition (continued)

Avoid having private conversations during a deposition with co-counsel or your client which are loud enough to be heard. It not only makes it difficult for the court reporter to concentrate on taking the testimony, but sometimes opposing counsel or the witness may comment on the content of such conversations and the record is now confused because the court reporter did not report the original comments which were meant to be off the record. Keep any necessary conversations very quiet or have them outside the conference room.

Hold On, Speedy Gonzales! People talk faster now than they used to, but talking too fast, consistently above 200 words a minute, increases the likelihood that words will be slurred and, as a result, misheard. Court reporters who have attained the Registered Professional Reporter designation have passed five-minute exams dictated at 180, 200 and 225 words per minute. Court reporters who hold the Registered Merit Reporter designation have passed exams dictated for five minutes each at 200, 240 and 260 words per minute. These skills, however, are not meant to be used at top speed for the duration of the proceedings. If the court reporter cannot understand you, chances are the witness and the jury will also have trouble comprehending. Speaking clearly at a slower speed will make you look and sound better and ensure a better record.

Remember that court reporters are to be unbiased guardians of the record. Please refrain from asking them questions about co-counsel or conversations they may have heard during a recess or what they think about the case.

Be sure to take a break every 1 ½ to 2 hours. It is difficult for the court reporter mentally and physically to write for eight hours straight.

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After the Deposition

Make sure you, nor the witness, have any of the exhibits in your possession unless it has been agreed among counsel that someone other than the court reporter is retaining the exhibits. Sometimes while the court reporter is making sure he has everyone's transcript order, the exhibits can inadvertently "walk away" in someone's file before he is aware of it.

If you know you are going to need the transcript expedited, let the court reporter know at the earliest possible time. Prior to the deposition is ideal, but we know that sometimes you don't know whether you will need it quickly until you have heard what the witness has to say. Waiting until the next morning or even a few days later, then calling and needing it "yesterday" leaves everyone frustrated. The court reporter wants to provide you with the best service possible, so communicating your needs is important.

Respond promptly to any requests from the court reporter for spellings or clarification.

After you've received the transcript, if you have any concerns about the reporter or problems with the transcript, be sure to let the reporting agency know. They will want to know about such concerns so they can address them.

Conclusion

Thank you for reading *What Court Reporters Wish New Attorneys Knew...and a Few Seasoned Attorneys as Well*. We hope it will help you with future depositions and hearings. Some of these tips and more can be found in *Making the Record, A Guide for Attorneys*, published by the National Court Reporters Association. While our supplies last, we will send you a complimentary copy. If you would like one, give us a call.

If you have depositions in the Greater Nashville, TN area, you can trust us with all of your court reporting needs. If you would like to schedule with us, you may do so with our [online scheduling](#) or by calling [\(615\) 726-2737](tel:6157262737).