

Dear Court Reporter:

It is with pleasure that I send you the updated Handbook for Official Shorthand Reporters. The court reporter is a professional and integral part of the Oklahoma Justice system.

The Handbook is an instructional guide; it is not intended to be a mandatory book of required forms. It is prepared to help you and to provide information to you.

The Handbook's loose leaf format will make it possible to easily update and expand the contents. If you have need of information that is not contained in the book, please do not hesitate to contact Howard Conyers or Julie Rorie at (405) 521-2450.

Sincerely,

Joseph M. Watt
Chief Justice

**HANDBOOK FOR OKLAHOMA
CERTIFIED COURT REPORTERS**

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THE CERTIFIED COURT REPORTER

APPOINTMENT OF AN OFFICIAL COURT REPORTER

All court reporters serving as full-time official court reporters in the District Courts of the State of Oklahoma are employees of the State of Oklahoma. As employees of the judicial branch of Oklahoma government, they are subject to the administrative supervision of the judge for whom they work and the Oklahoma Supreme Court.

The day-to-day performance of these administrative duties rests with the Administrative Office of the Courts. The Court Administrator and his staff serve as the liaison between court reporters and the Supreme Court. The Court Administrator and his staff will be available to answer reporters' questions concerning the performance of their duties.

The appointment of court reporters is the subject of 20 O.S. § 106.2. A District Judge appoints his or her own court reporter. There are seventy-four District Judges. All other court reporters within a judicial administrative district are appointed by the Presiding Judge of the judicial administrative district. The Presiding Judge executes an Order of Appointment for each additional court reporter in the administrative district. Statutory provisions found at 20 O.S. § 106.3B require that the Chief Justice must approve the appointment of any official court reporter, whether appointed by a District Judge or the Presiding Judge.

The Oklahoma Legislature determines the number of court reporter positions. The Supreme Court, with the aid of the Administrative Director of the Courts, determines the number of full-time and part-time official court reporters that may be appointed to work in any judicial administrative district, (20 O.S. § 106.1). A map of the judicial administrative districts may be found at Appendix 2. The Supreme Court, in its consideration of the number of additional reporters to be authorized in any administrative district, will look at several factors:

1. Case loads in the administrative district;
2. The number of District, Associate District, and Special Judges in the administrative district;
3. The number of cities and towns within each administrative district in which regular court sessions are held and the distance in road miles between each; and,
4. Any other factor deemed relevant by the Supreme Court.

The Supreme Court may increase or decrease the number of court reporters authorized within a judicial administrative district. The Supreme Court certifies, in writing, to each of the nine presiding judges of the nine judicial administrative districts, the number of full-time and part-time court reporters that may be appointed within each judicial administrative district, (20 O.S. § 106.2).

A court reporter appointed as an official court reporter must take the official oath required of all state employees. The reporter will swear to "faithfully discharge the duties of his

office to the best of his [her] knowledge and ability...." (20 O.S. § 106.2). The oath is filed in the office of the Secretary of State.

There are statutory standards relating to the appointment of court reporters (O.S. § 106.3B). The statutory language is as follows:

Only the following persons may act and are eligible for appointment on a fulltime....basis as official court reporters for the courts...:

- a. Persons now certified or hereafter certified by the State Board of Examiners of Official Shorthand Reporters shall be given primary consideration for appointment;
- b. Persons who, prior to July 1, 1978, were licensed as licensed shorthand reporters by the State Board of Examiners of Official Shorthand Reporters shall be given secondary consideration for appointment;
- c. Persons, who, prior to July 1, 1978, were acting shorthand reporters under a certificate issued by the Chief Justice....
- d. When no person eligible for appointment as an official court reporter..., is available for appointment, a presiding judge or a district judge may make application to the Chief Justice who may issue a temporary certificate valid for not more than twelve (12) months, upon payment of a fee of Fifty dollars (\$50.00) and a fee... for the certified shorthand reporter examination... the temporary certificate shall be nonrenewable, except in emergency situations as determined by the Chief Justice and for no longer than ninety (90) additional days....

TRAVEL AND EXPENSE REIMBURSEMENT

Court reporters will be reimbursed for lodging, turnpike fees, per diem and mileage expenses incurred while on official duty in a court other than a court in the county where the reporter is regularly assigned. An official travel claim, currently OSF Form 19, must be filed. The rate of reimbursement will be in accordance with the State Travel Reimbursement Act (74 O.S. § 500.1 et seq.). All reimbursable items should be included on a travel claim. This form is to be filled out, signed, approved by the judge and forwarded with all supporting original documentation to the Finance Division of the Administrative Office of the Courts. You will receive your copy of the claim form, along with payment for same, by return mail. These claims should be submitted as quickly as possible. Mileage for service in the county in which the reporter regularly serves is paid by the Court Fund of the County, at the rate set by the State Travel Reimbursement Act, 20 O.S. §104.

Court reporters temporarily employed by the district courts may receive mileage when they are required to report outside of the county of residence. This is paid by the county court fund. Contact the Court Clerk's office in the county for their form and procedure.

TEMPORARY COURT REPORTERS

If a judge cannot find a certified or licensed reporter available for employment as an official reporter, a District or Presiding Judge may make application to the Chief Justice to appoint a shorthand reporter on a temporary basis (20 O.S. § 106.3B). The Chief Justice may issue a temporary certificate, valid for not more than twelve (12) months, for that reporter. The fees required for temporary certification are Fifty Dollars (\$50.00) for the certificate and Seventy-Five Dollars (\$75.00) for the certified shorthand reporter examination.

In emergency situations, the certificate is renewable for a term of no longer than ninety (90) additional days. The decision as to whether an emergency renewal will be granted rests with the Chief Justice.

A temporary court reporter, during or after the course of his/her appointment, shall transcribe any testimony and other proceedings taken by him/her during employment by the courts, and certify that the transcription is true and correct. A transcript certified by a temporary court reporter has the same effect as one certified by a certified or licensed shorthand reporter. It is imperative that any reporter temporarily licensed to report follow the procedures concerning custody of exhibits, notes and transcripts set out in this manual and the direction and guidance of their judge.

A temporary reporter may not take depositions. The provisions of 12 O.S. § 3228 provide that a deposition must be taken by a certified or licensed shorthand reporter:

- A. **DEPOSITIONS TAKEN WITHIN OKLAHOMA.** Within this state, depositions shall be taken before an officer authorized to administer oaths by the laws of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

The term officer as used in Sections [3230](#) through [3232](#) of this title includes a person appointed by the court or designated by the parties under Section [3229](#) of this title; except that on and after January 1, 1990, depositions taken within this state shall only be taken by an officer who is either a certified shorthand reporter (CSR) or a licensed shorthand reporter (LSR);....

THE STATUS OF COURT REPORTER

A court reporter must be at least eighteen years old and have a high school education or its equivalent, GED. Any person now or hereafter finally convicted of a criminal offense which indicates a clear and rational likelihood that the reporter will not properly perform the duties of office shall not be certified as a court reporter (20 O.S. § 1502). Reporters employed in the District Courts of the State of Oklahoma must be authorized to work in the courts by the Supreme Court by virtue of enrollment as a Certified Shorthand Reporter or a Licensed Shorthand Reporter. Holders of temporary certificates may be authorized to work in the District Courts for a limited term.

The Statutes and Rules governing the State Board of Examiners of Certified Shorthand Reporters are contained in Sections 26, 27 and 28 of the Handbook. The reporter is expected to be familiar with these statutes and rules, specifically those dealing with des and continuing court reporter education.

JUDICIAL SUPERVISION OF THE COURT REPORTER

The judge by whom the court reporter is appointed or the judge designated by the Presiding Judge is the immediate supervisor of the official court reporter. In counties in which there is a Trial Court Administrator, all or part of these supervisory duties may rest with the Trial Court Administrator. The court reporter's supervisory judge has the primary oversight responsibility over the quantity and quality of the court reporter's workload. The supervisory judge or trial court administrator will control the reporter's personnel matters such as work day and vacation scheduling.

When a reporter is employed, it is the responsibility of the reporter, the judge and/or the trial court administrator to determine the reporter's vacation and leave schedule. A formal leave arrangement should be established and leave records kept. As an employee of the State of Oklahoma, a court reporter is entitled to the same leave as any state employee.

The court reporter is an officer of the court whose neutrality must never be questioned. Neither the court reporter, nor the judge, must ever attempt or appear to attempt to influence any court proceeding. A court reporter must, as an officer of the court, be attentive and respectful to the trial judge and to the attorneys at trial. The reporter should not be personally influenced by conduct or attitudes held outside of the court setting. A reporter may not publicly comment on any court proceeding. A court reporter works in a public setting and will be viewed by the public as privy to all "inner workings" of the court system. The reporter must, therefore, remember that for many of the litigants and other persons involved in the court process, this is an uncommon situation in their lives. They may not fully understand the nuances of the legal system. The court reporter must make certain that his or her actions do not give rise to an appearance of impropriety within the court system. It is always better to err on the side of discretion.

POLITICAL ACTIVITY BY THE COURT REPORTER

Because of Oklahoma's judicial selection and retention process, a District or Associate District Judge in Oklahoma must campaign to remain on the bench. A reporter may be called on to support a judge's.

The judge and the court reporter should review the following provisions of the Code of Judicial Conduct, Canon 5, reproduced below, in part:

Canon 5. A Judge of Judicial Candidate Should Refrain From Inappropriate Political Activity.

A. All Judges and Candidates.

- (1) Except as authorized herein a judge or a candidate for election or appointment to judicial office should not:
 - (a) act as a leader of or hold an office in a political organization;
 - (b) publicly endorse or publicly oppose another candidate for public office;
 - (c) make speeches on behalf of a political organization or candidate or publicly endorse a candidate for public office; or
 - (d) solicit funds for, or pay an assessment to or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.....
- (3) A candidate for judicial office:
 - (a) should maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;
 - (b) should prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under the Sections of this Canon...;
 - (d) should not:
 - (i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

- (ii) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or
- (iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent;
- (e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Section 5A(3)(d).....

C. Judges and Candidates Subject to Public Election.

- by law:
- (1) A judge or candidate subject to public election may, except as prohibited
 - (a) speak to gatherings on his or her own behalf;
 - (b) appear in newspaper, television and other media advertisements supporting his or her candidacy;
 - (c) distribute pamphlets and other promotional campaign literature supporting his or her candidacy; and
 - (d) publicly endorse or publicly oppose other candidates for the same judicial office in a public election in which the judge or judicial candidate is running.
 - (2) A candidate should not personally solicit campaign contributions or personally solicit publicly stated support. A candidate may, however, establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate's committees may solicit and/or accept contributions and public support for the candidate's campaign no earlier than 90 days before an election filing period and no later than 30 days after the last election in which the candidate participates during the election year. A candidate should not use or permit the use of campaign contributions for the private benefit of the candidate or others....

In short, a court reporter who works as a member of a judge's staff, must follow the provisions of the Code of Judicial Conduct set forth above when campaigning for his/her judge.

Certain additional rules concerning a court reporter's political conduct must be observed:

1. The reporter may not use state supplies or equipment for any political purpose;
2. Political activities which give the potential appearance of prejudicial conduct of the court reporting function must be avoided; and,
3. A reporter must refrain from actively campaigning for any political candidate other than his/her own judge. Campaigning for such judge must be conducted entirely on the court reporter's own time.

GUIDELINES FOR ETHICAL CONDUCT

It is imperative that a court reporter adhere to the strictest of ethical standards. Since this statement provides very little practical guidance to a court reporter, the following guidelines may be of some help.

Honesty.

The reporter must take verbatim the proceedings and type the record exactly as reported. No changes in the record are to be made by the reporter, although some editing will naturally occur.

Confidentiality.

The court reporter must keep certain court proceedings confidential. The proceedings that must be kept confidential include adoptions and juvenile matters. This confidentiality extends to questions by members of the public concerning both court proceedings in general, and in specific cases. It may require great tact by the court reporters to deal with persons who insist upon asking questions best left unasked. In order to avoid any such question, a reporter may need to arrange his or her out-of-court activity to make certain this does not happen.

Integrity.

A court reporter must possess great integrity. Impropriety or even the appearance of such is to be avoided under all circumstances.

Promptness.

A court reporter must be punctual. The reporter must make every effort not to delay court proceedings. The reporter may occasionally be required to work irregular hours.

Impartiality.

The court reporter is the unbiased, impartial scribe and custodian of the official record. It is the reporter's responsibility to make certain that the trust bestowed on him or her as the custodian of a record is not misplaced. A record that is not completely accurate and unbiased destroys the system of justice.

Public Service.

A court reporter is a public servant. As such, the reporter will be expected to deal with attorneys, judges and members of the public in a courteous and cooperative manner.

Dress.

A court reporter must conform to the same standards of dress as that required for members of the bar. The reporter must present a dignified and business-like appearance. Blue jeans, halter tops, sport shirts or revealing clothing of any type is unacceptable. The chewing of gum in the courtroom is prohibited.

Use of State Equipment.

A court reporter must not use state equipment and supplies for personal gain.

Discipline and Termination of Employment.

Improper behavior or negligence of duty by any court reporter may result in termination of employment by the appointing judge. Such matters may be investigated by the State Board of Examiners of Certified Shorthand Reporters and a reporter's enrollment may be suspended, cancelled, or revoked by the Supreme Court at the conclusion of the matter. The statutes and rules concerning the State Board may be found at Sections 26, 27 and 28 of the Handbook. Please note that enrollment as a certified reporter may be suspended or cancelled if the reporter is adjudged guilty of fraud, gross incompetence, or gross or habitual neglect of duty.

SALARY AND JOB BENEFITS

The salaries of court reporters in the State court system are set by the legislature:

1. Certified Shorthand Reporters employed as full-time official court reporters, \$33,500;
2. Acting official court reporters (those holding a temporary certificate) \$21,962.

Certified or licensed official shorthand reporters are paid the sum of Four Hundred dollars (\$400.00) per annum for each year of service in the District Court, Worker's Compensation Court and the Corporation Commission, with a maximum of twenty (20) years of service to be used to compute longevity. The maximum payment is Eight Thousand, Six Hundred dollars (\$8,600), payable monthly. The computation is based on the following language of 20 O.S. § 106.9:

For the purpose of payment for longevity, 'Years of Service' is defined as all years served as a certified or licensed court reporter in the District Courts of Oklahoma including the Workers' Compensation Court and Oklahoma Corporation Commission, after June 30, 1978. Such longevity payments shall begin on July 1 of each year following completion of one (1) year's service as defined herein.

The statute cited above also provides for additional salary supplements for certain certified shorthand reporters. The statute also states:

In addition to their base salaries, official court reporters who are certified shorthand reporters shall be paid the following:

1. The sum of One Thousand Five Hundred dollars (\$1,500.00) per annum payable monthly to any official court reporter who is a holder of a certificate of proficiency, as certified by the State Board of Examiners of Official Shorthand Reporters. To qualify for a certificate of proficiency, an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred twenty-five (225) words per minute in taking a question-and-answer-type dictation, two hundred (200) words per minute in taking a jury charge and one hundred eighty (180) words per minute in taking literary material, all as determined by an examination administered by the Board or recognized by the Board.
2. The sum of Three Thousand dollars (\$3,000.00) per annum payable monthly to any official court reporter who is a registered merit reporter, as certified by the State Board of Examiners of Official Shorthand Reporters. To qualify for a certificate of merit, an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred sixty (260)

words per minute in taking a question-and-answer-type dictation, two hundred forty (240) words per minute in taking a jury charge, and two hundred (200) words per minute in taking literary material all as determined by an examination administered by the Board or recognized by the Board.

3. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Diplomat Reporter (RDR) as certified by the State Board of Examiners of Certified Shorthand Reporters.
4. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Certified Real-time Reporter (CRP), as certified by the State Board of Examiners of Certified Shorthand Reporters, or
5. Any official court reporter who is the holder of more than one certification shall be compensated in the additional amounts specified in paragraphs 1 through 4 of this subsection to each certification up to a maximum of Six Thousand Dollars (\$6,000.00) per year over and above the reporter's base salary, payable monthly.

Court reporters temporarily employed by the District Court, Workers' Compensation Court or Corporation Commission shall be compensated by the court which they serve at the rate of Fifty-Seven dollars and sixty cents (\$57.60) per day. If a reporter transcribes the proceedings in a criminal or civil trial or other judicial proceeding, the fee for the original transcript is Three Dollars and Fifty cents (\$3.50) per page. Two copies of the original transcript are furnished without additional charge.

SICK LEAVE AND ANNUAL LEAVE

Court reporters in the State court system are not subject to a statewide written leave policy. However, certain District Courts in Oklahoma have sick leave policies. If such a policy is not in place, the reporter must establish a policy concerning sick leave with his/her supervisory judge or the trial court administrator at the time of his/her employment. Per diem reporters are paid only for days worked. Per diem reporters do not accrue sick or annual leave.

It is necessary that the court reporter and his/her judge establish a vacation policy at the time of employment.

There is no payment for undocumented annual leave at the conclusion of the reporter's employment. No payment will be made for "unused" sick leave at the conclusion of the reporter's employment. Maternity leave is treated as a type of sick leave.

All state employees are provided with coverage under the state insurance and retirement system. If the reporter is an official court reporter and has questions concerning his/her insurance or retirement, he/she may contact a staff member of the Finance Division of the Administrative Office of the Courts.

Court reporters employed by the State may observe such holidays as approved by the Chief Justice. Reporters should, as a routine matter, keep records of their absences from a courtroom that they regularly cover and maintain a record of the dates that another reporter fills in for them, as well as the name of that reporter. If a reporter receives a designation of record and knows another reporter took all or part of a trial or hearing the reporter shall notify the attorney serving the designation of record and the other reporter.

The provisions of 74 O.S. § 840-2.20 provides the leave accrual rates:

- ...2. From the effective date of this act, the following accrual rates and accumulation limits apply to eligible employees as follows:

Accrual Rates			Accumulation Limits
Cumulative Years of Service	Annual Leave	Sick Leave	Annual Leave
0 – 5 yrs =	15 days/yr	15 days/yr	30 days
5 – 10 yrs =	18 days/yr	15 days/yr	60 days
10 – 20 yrs =	20 days/yr	15 days/yr	60 days
Over 20 yrs =	25 days/yr	15 days/yr	60 days

3. Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave **at the discretion of the appointing authority**.

SUPPLIES AND EQUIPMENT

The state and/or the county court fund will furnish many of the supplies necessary to create official transcripts. No supplies will be furnished for work performed outside the parameters of the duties required of an official court reporter. No supplies will be furnished for depositions. The equipment furnished to a reporter will be paid for by the county court fund.

The use by an official court reporter of a photocopying machine belonging to the court or the court clerk to produce copies of a transcript for which the reporter is to be paid is severely restricted. The use of said machine is at the discretion of the court clerk or the trial court administrator. A charge will be made to the reporter for the use of court copy equipment to produce a transcript for which a reporter is being paid. In a criminal case, in which the defendant is indigent, and a reporter is paid from the Court Fund, Administrative Directive 85-3, Appendix 1, requires that additional transcript copies beyond the first two are to be billed at a cost not to exceed seven (\$.07) cents per page.

USE OF SEAL/STAMP

Certified and licensed shorthand reporters whose fees are current and reside in Oklahoma are provided with a disposable stamp/seal. This stamp/seal is valid from January 1 of the dues year (odd-numbered year) through December 31 of the following year (next even-numbered year). It is to be stamped (imprinted) on each certification page by the court reporter.

The design of the stamp/seal may vary for each two year term.

If you have a metal seal, do not dispose of it.

Always notify the Administrative Office of the Courts of any change of address. Failure to do so may result in the suspension or revocation of your certificate.

TRANSCRIPTS AND EXHIBITS

Custody of Notes and Exhibits

Title 20 O.S. § 106.5 states that, "any transcript of notes, duly certified as correct by the reporter who took the evidence, ... shall be admissible as evidence in all cases...". The statute continues, "If any reporter ceases to be the official reporter of the court, and thereafter makes a transcript of the notes taken by him [her] ...[he/she shall verify] the transcript."

Each reporter must maintain his/her notes and exhibits in an orderly fashion. They should be filed in such a manner that another person could easily locate items. Each group of notes should be clearly marked either on the notes or on an information sheet with the reporter's name, personal number, the date, judge, case name, assigned case number, tape numbers, attorneys' names and the name of any other reporter(s) who took notes in the same case. Notes should be wrapped in rubber bands and stored in an upright manner in filing cabinets. Before being moved to long-term storage, all notes should be neatly boxed and identified. See the section of this handbook on exhibits for further information.

Title 20 O.S. § 106.4 requires that, "the court reporter shall file his records of the evidence and the proceedings taken in any case with the [court clerk]....in the county where the case was tried...."

The reporter, the supervising judge and the court clerk may wish to meet and discuss the long-term storage requirements for a reporter's notes and tapes. Local procedures vary as to storage of a court reporter notes and tapes.

If a reporter moves from a district, or terminates employment, that reporter is still responsible for seeing that transcripts of proceedings previously reported are produced. Notes and other materials are removed by the reporter at the termination of employment.

Title 20 O.S. § 1011 provides:

Each court reporter who has been employed by a district court of this state shall remove all exhibits, notes and other materials from the custody of the court clerk within thirty (30) days after termination of employment with that district court by the court reporter. In the event that the court reporter fails to remove the property in a timely manner, the court clerk shall be authorized to destroy the materials after six (6) months have elapsed since termination of the court reporter's employment, and the court reporter shall be responsible for any expenses for costs of reproduction.

- A. Unless otherwise ordered by a judge of the district court, each court reporter who has been employed by a district court of this state shall remove all exhibits, notes and other materials from the custody of the court clerk within thirty (30) days after termination of employment with that district court by the court reporter. In the event that the court reporter fails to remove the property in a timely manner, the court clerk shall be authorized to destroy the materials after six (6) months have elapsed since termination of the court reporter's employment.

- B. It shall be mandatory that the offering party in any case shall take possession of all exhibits offered in a case at the conclusion of an appeal, or after the appeal time has elapsed if no appeal is taken, except in capital murder and workers' compensation cases.
- C.
 - 1. The reporting notes of all certified shorthand reporters may be kept in any form of communication or representation including paper, electronic, or magnetic media or other technology capable of reproducing for transcription the testimony of the proceedings according to standards or guidelines for the preservation and reproduction of the medium adopted by the American National Standards Institute or the Association for Information and Image Management. Reporting notes shall be stored in an environment free from excessive moisture, temperature variation and electromagnetic fields if stored on a medium other than paper.
 - 2. If the reporting notes are kept in any form other than paper, one duplicate backup copy of the notes shall be stored in a manner and place that reasonably assures its preservation.
 - 3. A periodic review of the media on which the reporting notes are stored shall be conducted to assure that a storage medium is not obsolete and that current technology is capable of accessing and reproducing the records for the required retention period.

A reporter who maintains notes and tapes must inform the previous employer of any future address changes.

DESTRUCTION OF RECORDS

The destruction of a court reporter's notes is governed by 20 O.S. § 1006. A chief judge may direct a court reporter to destroy his/her notes in divorce cases in which there has been no activity for twenty (20) years, and in civil cases with no activity for ten (10) years. A reporter may be allowed to destroy his/her notes in misdemeanor cases in which there has been no activity for more than five (5) years.

In the event of a court reporter's death, 20 O.S. § 1010 provides, "A court reporter's notes may be destroyed by a person lawfully in possession of the notes after a five year period has elapsed following the death of the court reporter."

GENERAL ORGANIZATION OF TRANSCRIPTS

All transcripts shall be neat, clean and legible. Any appeal filed for submission to an appellate court must meet the requirements of the statutes governing such appeals. The statute relating to transcript format, 20 O.S. § 106.4, provides the following requirements:

1. **Size of Type.** Transcripts must be in ten-point pica type.
2. **Corrections.** All typographical errors are to be corrected so as not to be messy or noticeably visible. All corrections and additions must be on the same line as the rest of the typed line. No insertion is permitted in the space between two lines of type. Never write in corrections.
3. **Paper.** Use 8-1/2 x 11 paper. Margins should be one-half inch at the top, bottom and on the right side, and one and one-half inch on the left, which will leave a proper amount of space for margin and binding. There should be at least twenty-five lines to a page. Any stapling of pages together, such as Instructions, should be done in the upper left-hand corner. Please note 20 O.S. § 106.4.
4. **Numbering.** Each page after the cover page and ending with the certificate should be numbered in the upper right-hand corner. Although cover pages are included in the numbering, a reporter should never place numbers directly on these pages. Index pages should be numbered with Roman Numerals.
5. **Spacing.** All transcript lines, excluding title and index pages, should be no more than double spaced. Cover pages and index pages should be spaced appropriately.
6. **Cover Page.** The first two lines of the cover page should specify the court or division in which the proceedings were held and in which the transcript is to be filed. The caption includes the participants designated by party, and case number. The pertinent information as to the contents of said transcript should be capitalized and centered. Attorneys' appearances should be listed on the cover page, unless space prohibits. The reporter's appearance is listed at the bottom of the page. The cover page is included in the numbering, but the page itself is not numbered. See examples on page 25-15 thru 25-18.
7. **Appearance Page.** This will include appearances when there is not sufficient space on the cover page. See examples on pages 25-30 and 25-31.
8. **Index/Table of Contents.** The index should contain the names of the witnesses, the page number(s) where the testimony occurs, the exhibits, and when exhibits are offered and/or admitted into evidence. See examples on pages 25-28 and 25-32 thru 25-38.
9. **Certificate Page.** The certificate page should contain the style of the case, the reporter's name, and a statement verifying that all contents are accurate and

complete. It should be numbered sequentially in the upper right-hand corner. See examples on pages 25-19 thru 25-25.

10. **Swearing of Witnesses.** Although court reporters have the authority to swear witnesses, this is usually done by the judge or the court clerk. The reporter should always note this in the record and should further note whether the witness was sworn or affirmed.
11. **Introduction of Witnesses.** The names of witnesses should be centered, written in capitals and underscored. Please note these examples:

NAME

called as a witness on behalf of the State/Defendant, being first duly sworn/affirmed, testified as follows:

NAME

was called as a witness on behalf of the Plaintiff, after having been first duly sworn, and testified as follows:

NAME

was recalled as a witness, after having been previously duly sworn, and testified further as follows:

NAME (witness not sworn)

appeared as a witness and testified as follows:

NAME

called as a witness, after being first duly sworn, and testified through an interpreter as follows:

12. **Recalling of Witnesses.** When a witness is recalled to the stand, the name should be written and placed in the same manner as when the witness was first called and then to be shown as "recalled on behalf of ..."
13. **Types of Examination.** There are four principal appropriate types of examination of a witness: direct, cross, redirect and recross. The first examination by a party who calls them is denominated as "Direct Examination" and the first examination of that witness by an opposite party is denominated as "Cross Examination." Subsequent examination should be "Redirect" or "Recross" as the case may be. Examinations should be centered, written in capitals, and underscored.
14. **Names of Counsel Conducting Examination.** The name of the lawyer who is conducting the examination should be given immediately after the type of examination. It should be capitalized and underscored, followed by a colon. It is generally understood that the examination is still being conducted by the same lawyer until it is interrupted. For clarification,

the name of the examining counsel is again indicated at the point of resumption of the examination, as follows:

Q (By Mr. Smith)

15. **Witness Called by Opposite Party.** When a witness is called by the opposite party to testify, it should be denominated in the same fashion as before.
16. **Voir Dire Examination.** The voir dire examination, as it applies to the testimony of witnesses, is one conducted for the purpose of determining a witness's qualifications to testify. It should be set up in colloquy unless conducted extensively, in which case, it should be set up in regular question and answer fashion. This type of voir dire examination is not to be confused with voir dire of the jury.
17. **Voir Dire Examination of the Jury.** When a jury is questioned on voir dire, it is to ascertain their qualifications to serve as a juror. This should be set up in a colloquy format. See example on page 25-9.
18. **Transcript Format.** Questions and Answers should be indicated by the abbreviations "Q" and "A". Each question and answer should begin on a new line. The statutory requirements for transcripts are set forth in 20 OS. §. 106.4(b), "Each page shall be at least 25 lines to the page and typed ten characters per inch size. Said page as mentioned herein shall be no more than double spaced, and the margin on the left side of the page shall be no more than one and one-half inches, and the margin on the right side of the page shall be no more than one-half inch from the edge of the paper. The format for all transcripts shall be prescribed by the Supreme Court."

The prescribed format issued by the Supreme Court in 1981 states that the Q and A symbols shall be one (1) space from the margin with the questions and answers beginning five (5) spaces from the symbols. Second and succeeding lines go back to the margin. New paragraphs start after six spaces, at the same indentation of the Q and A text. See examples on page 25-5 and following.

19. **Parenthetical Recitations by Reporter.** All remarks and recitations by the reporter should be made in the past tense. (Example: Whereupon, recess was had.) The purpose of a parenthetical is to state in concise form what transpired at any given point in courtroom proceedings. The reporter never uses a parenthetical remark except when necessary to clarify, and should be very brief in any parenthetical remark. The reporter should refrain as much as possible from reciting conclusions. For example, when the witness indicates that the distance involved is about "from here to there", indicated an object in the courtroom, there should be no attempt on the part of the reporter to estimate the distance

as such would be their own conclusion. However, they may, in order to show more clearly what actually happened, insert the word "indicating" in parenthesis. Please note the examples at pages 25-10 thru 25-14.

20. **Colloquy.** Colloquy is an on-the-record conversational exchange between counsel and the court or initiated by the court. It includes any remarks not part of Q and A. Colloquy begins at the second tab stop or ten (10) spaces from the Q and A symbol to help contrast that from the point where the questions and answers begin. The speaker's name is typed in all caps, followed by a colon and two spaces. Typing continues to the right-hand margin, and succeeding lines return to the left-hand margin. New paragraphs start after ten spaces, at the indentation of the original colloquy. See example on page 25-6.
21. **Testimony by Deposition (Read or Video).** Before a deposition is read into evidence or a video taped deposition played for the jury, consult with your judge. There are basically four options:
 1. The reporter is absent from the courtroom.
 2. The reporter is present in the courtroom but only reports objections, noting page and line where they occur.
 3. The page and line number of objections and the court's ruling are dictated in the record prior to or following the deposition.
 4. The reporter is present and reports the entire deposition.

The reporter should inquire of the attorneys in advance whether or not the deposition has been edited or if the deposition will be presented in its entirety.

If presented in its entirety, it is appropriate to inquire if there are any objections to the reporter being excused during the reading/playing of the deposition. Insert a parenthetical in the transcript that the deposition was read to or played for the jury. Also reflect on the index page where the deposition was read or played.

There are two ways to reflect when a deposition is edited by the attorneys. The attorneys may elect to dictate into the record the page and line numbers omitted, or the reporter will simply report what was read and transcribe that in the record.

When transcribing several pages of a deposition or previously given testimony presented at a trial, use the standard format, and Q and A symbols. Indicate who read the questions and answers, and put a quote mark at the beginning and end of the quoted material. If there are

interruptions during the reading, repeat quotation marks. Reflect direct and cross examination in the index. See example on page 25-7.

- 22. Quoting Testimony. The quoting of testimony should be indicated by the use of quotation marks placed at the beginning and end of the quoted text. This may occur when an attorney attempts to impeach witnesses through their previous testimony. See example on page 25-8.**
- 23. Quoting Statutes. When statutes are quoted, they should be enclosed in quotation marks.**
- 24. Quoting Citations. Always underscore a citation. For example, Smith v. Jones, 444 P.2d 7.**
- 25. Reading Back by Court Reporter. Whenever the reporter reads back, whether it is only the last question or a day's proceedings, the facts should be noted in as simple, concise language as possible. Please note the examples listed in parentheticals.**
- 26. On-record and Off-record Discussion. The judge or attorneys may want to hold a conversation at the bench in the presence but out of the hearing range of the jury to avoid having the jury leave the courtroom an excessive number of times. Such conferences may be either on the record or off the record. A parenthetical should be used to indicated what transpired.**
- 27. Incomplete Sentences. When there is a break in thought by the speaker or if a witness, attorney or judge is interrupted, that interruption should be indicated by hyphens as follows: Smith -- Jones.**

FILING THE TRANSCRIPT - CIVIL APPEALS

An original transcript, indexed and certified as correct, together with two copies of the transcript should be filed in the trial court by the court reporter. Exhibits are filed with the original transcript. There should be prepared an original and one copy of a Notice of Filing for the clerk to sign. Please note that certain additional procedures may be required in criminal cases. Please note the examples at pages 25-26 thru 25-28. This notice should contain:

1. The style of the case;
2. The date the reporter filed the transcript;
3. How many copies were filed;
4. How many pages were contained therein, and, in a criminal case, the cost thereof;
5. Whether any exhibits and/or written questions from the jury were filed with the appeal, and where they are contained; and,
6. A signature line for the court reporter and a signature line for the clerk to verify receipt of same.

List the exhibits and questions from the jury to be filed in the Notice of Filing. Indicate where they are filed, such as in a manila envelope, in the original transcript, etc.. If exhibits are too numerous to be stored in a single envelope or container, make a separate list as part of the Notice of Filing, indicating where they are contained.

For protection, every time a reporter files a transcript, whether it is on appeal or not, it is wise to prepare and file a Notice of Filing or a receipt and keep a copy in the reporter's records. If, by some mistake, the transcript should be misplaced, this is proof that the transcript has been prepared and filed.

The reporter should file the original of this notice with the Court Clerk and retain a copy. The reporter should also have the clerk sign his/her copy as well.

Reporters should keep records of their absence from a courtroom they generally cover and maintain the name of the reporter filling in for them. If a reporter receives a designation of record and knows that the trial/hearing was reported in whole or in part by another reporter, he/she will notify the attorney serving the designation of record and the other reporters who reported the case.

Copies for Counsel

An original and two copies of the transcripts and the exhibits of any appeal are always filed with the Court Clerk. Attorneys may then withdraw a copy of the transcript with the permission of the trial court.

Rules 1.33 of the Rules of Appellate Procedures of the Oklahoma Supreme Court states, "...Any additional copies are to be paid for by individuals ordering same. Rule 1.33 of the Rules of Appellate Procedures also states:

....If any party desires a copy of a transcript for his or her sole use such party shall procure it from the court reporter upon payment of cost.

- (e) Access to the record by parties or counsel. Until a uniform rule of procedure has been promulgated by this court, the parties shall have access to the transcript... on file in the trial court on such terms as that court may impose.

Under no circumstances should a transcript for appeal be released to anyone other than the Court Clerk. When a transcript is completed, it is the reporter's duty to notify counsel of its completion and the amount due and owing. Never file any transcript before it is paid in full except in indigent cases

Filing of Claims

Per diem reporters should also submit a claim setting out the dates worked and the case numbers of cases reported and filed in the above manner. Local rules and procedures should be consulted.

BILLING AND PROCESSING PROCEDURES FOR APPELLATE TRANSCRIPTS

Indigent Transcripts (Please note Rule 2.2 of the Rules of Court of Criminal Appeals.)

The court reporter should receive from the appellant a Notice of Intent to Appeal (see page 25-39), indicating what portions of the trial proceedings should be transcribed for appeal purposes. This document will include a determination of the Defendant=s indigence. At the time of the transcript filing, a Notice of Filing, a copy of the Notice of Intent to Appeal and claim for payment should be submitted to the proper office for approval and payment out of the court fund. The reporter must send a written Notice of Filing to the District Attorney, Attorney General, the Clerk of the Court of Criminal Appeals, the Trial Court Clerk, and the defendant (by his attorney) of the date the transcript was filed.

The Notice of Filing must:

1. specifically describe all transcripts by volume number and date of hearing;
2. specifically describe all exhibits filed with the court clerk by number/letter and description).

If more than one reporter was involved with the proceedings at issue, each court reporter shall file a specific Notice of Filing.

If a transcript is ordered by the District Attorney's office, the reporter uses his/her own invoice head to indicate the style of the case, case number, etc., and submit that invoice to the District Attorney's office for approval and payment out of the District Attorney's fund. If the transcript is not a matter on appeal, a file - stamped copy of the transcript may be attached to the invoice.

If the reporter is required to transcribe an indigent defendant's preliminary hearing, the procedures are substantially similar to those listed above.

Civil Transcript Order Non-Indigent

Please note the Designation of Record form reproduced in the forms section of this handbook. Upon receipt of a Designation of Record from the appellant, the reporter should write a letter to the attorney of record informing him/her of the estimated amount due for the completed transcript and request a deposit before commencing preparation. A Counter Designation of Record must now be filed in each case if the appellee wishes to designate additional record. Check the terms of this document before submitting an estimate to the appellant attorney so the entire estimation can be included. The reporter should receive a copy of the Counter-Designation of Record from the designating party, or his/her attorney. (See reference, 12 O.S. Ch. 15, App. 2, Rules of Appellate Procedure In Civil Cases, Rules 1.28 and 1.33.) The cost of transcribing additional portions of the proceedings shall be advanced by the original party taking the appeal, unless the trial court designates otherwise.

Transcripts Not On Appeal

Records on appeal have priority; however, reporters should make every effort to accommodate requests for transcripts not on appeal and should prepare these records within a reasonable time. Reporters must consider their workload and judge the time accordingly.

The original transcript, as in all cases, must be filed with the clerk of the court in which said case was tried. The reporter should furnish the copies to the ordering party. The number of copies needed should be ascertained at the time of ordering. Two copies of the transcript shall be furnished the ordering party upon request. One copy is sufficient, if that is all that is requested. The page rate remains the same as if an original and two copies were ordered. The amount of deposit is left at the discretion of the reporter.

File any exhibits with the original transcript. It is to the reporter's benefit to prepare a Notice of Filing to show receipt of filing of the transcript and exhibits.

CIVIL EXHIBITS

In the District Courts of Oklahoma, the court reporter is responsible for the marking and maintaining of exhibits until such time as they are filed with the court clerk or released to the submitting party.

Rule 1.33 (c) in Rules of Civil Appellate Procedure, entitled Duties of Court Reporter to File Transcripts and to Assemble Exhibits reads as follows: " ... The trial exhibits shall be indexed and incorporated into the transcript either by reference or physical attachment, as the court reporter may deem advisable. However, only two dimensional exhibits no larger than 8 1/2 x 14" may be transmitted to the Supreme Court with the record, except upon order of the Court....@

In addition to keeping track of exhibits in the courtroom, the reporter will retain control of the exhibits, whether admitted or not admitted. At the conclusion of a day's proceedings, all exhibits should be in the custody of the reporter. Exhibits excluded from evidence by the court may raise an important issue on appeal, and therefore, they should likewise be retained, unless agreed by all parties that said exhibits may be withdrawn.

Upon conclusion of civil proceedings, exhibits are to be maintained in an orderly fashion, either chronologically or by case number. An exhibit information sheet should be kept with the exhibit file. If any exhibit is filed separately, due to size or volume, it must be clearly marked with its exhibit number, the case style, the date and the reporter's name. Make a note on the exhibit information sheet as to the location of same in order that it may be easily located.

Exhibits introduced in civil proceedings are not to be released to private individuals without order of the court. If the exhibits are not to be included as part of an appeal, the reporter may return the exhibits to the respective parties via their attorneys. The attorney should sign a receipt before receiving exhibits. Court reporters should consult with their submitting party. If the appeal time has not expired, always request an order signed by a judge allowing for the release of exhibits. Keep a copy of the release and/or order in the exhibit file.

Filing exhibits. When exhibits are few in number and not of voluminous or unwieldy size, they should be physically attached to the original transcript.

If the exhibits are too numerous to be filed in the original transcript, they shall be placed in a manila envelope, with the case style and exhibit contents listed on the front.

When a transcript is filed with the court clerk, regardless of whether or not it is on appeal, file all exhibits or photographs of exhibits in the case, even though some may not be admitted nor designated. They may be an important issue on appeal or further proceedings in the case. Information as to the filing of exhibits should be included in the Notice of Filing. See example pages 25-27 thru 25-28.

The court reporter must document when exhibits leave his or her custody. When exhibits are withdrawn, a copy of the receipt should be kept in the exhibit file. When exhibits are

filed with the court clerk, the filing should be documented on your information sheet. If a case is settled, the exhibit may be returned to the counsel for the parties.

In the Workers' Compensation Court, the reporter is not involved in the custody and maintenance of exhibits, as they are marked by the court at the time of trial and maintained in the court file.

EXTENSION OF CIVIL APPEAL TIME

When the last day of the appeal period falls on a day when the clerk's office is not open for the performance of public business, the appeal may be filed on the next day that the clerk's office is open for the performance of public business. (Rule 1.3 of the Rules on Perfecting a Civil Appeal)

The provisions of Rule 1.34 of the Oklahoma Supreme Court Rules of Appellate Procedure in Civil Cases governs the procedures required for the extension of time for the completion of record. It may become necessary for the reporter to prepare an affidavit for extension of appeal time in certain instances, for example:

1. An attorney did not serve the reporter in a timely fashion with a Designation of Record,
2. No deposit or late deposit provided to the reporter, therefore no transcript prepared, or
3. Extraordinary reporter workload.

Rule 1.34(g) of the Oklahoma Supreme Court Rules of Appellate Procedure in Civil cases governs the procedures required for the extension of time. The Rule states that good cause for an extension must be shown by a motion for extension of time prepared by the attorney prior to the due date for the filing of the notice of completion of record. A court reporter's affidavit showing good cause for the extension is to be attached to the application. The reporter may not request an extension of time. The reporter must present the facts and specific reasons for the extension in the affidavit. Always ask for sufficient time to allow for preparation of the transcript.

It is important that the reporter prepare his/her own affidavit. Be cautious of signing affidavits prepared by another party that may incorrectly state the reason for the extension. Some attorneys may want to assert that the extension is because of reporter workload, when, in reality, it may have been their failure to timely notify the reporter or to provide a deposit.

Provide the attorney with the affidavit and keep a file copy. The attorney will file his Application\Motion for Extension of time and the reporter's affidavit. The attorney should then notify the reporter if and when an extension is granted and the length of time allowed.

If the reason for the extension is extraordinary reporter workload, notify the appealing party far enough in advance so he may prepare an application and can submit it along with the reporter's affidavit before the due date. See example at page 25-2.

NO MORE THAN ONE THIRTY (30) DAY EXTENSION OF TIME SHALL BE GRANTED TO FILE A NOTICE OF COMPLETION OF RECORD.

CRIMINAL APPELLATE CASES

Filing the Transcript

At rule 1.13, the Court defined several terms with specificity and the definitions are noted below:

- c. Transcript of Evidence. The reported transcript of all proceedings designated on appeal, together with required copies or photos of all exhibits attached, prepared by a ... reporter.
- d. Notice of Intent to Appeal. A written instrument in the form prescribed by this Court filed by trial counsel serving notice to the trial court of the appealing party's intent to appeal the conviction or order....
- e. Designation of Record. A written instrument filed by trial counsel with the clerk of the trial court and the Clerk of the Court of Criminal Appeals designating the records to be filed on appeal. It shall include that portion of the original record and that portion of the transcript of evidence which the appealing party requests in order to perfect the appeal. It shall list, in specific terms, the items to be included on appeal.
- f. Record on Appeal. The record on appeal consists of the Petition in error, three certified copies of the transcript of evidence and the exhibits incorporated therein, if any portions of the proceedings or evidence were designated for inclusion. In capital cases the record on appeal consists of the Petition in Error, four (4) certified copies of the original record, and the original and three (3) certified copies of the transcript of evidence and the exhibits therein.

Notice of Appeal

The defendant must, within ten (10) days from the date the Judgment and Sentence is imposed, or an order grants the appeal out of time, file with the trial court clerk a Notice of Intent to Appeal and Designation of Record. A certified copy of the document is filed with the Clerk of the Court of Criminal Appeals. A copy of the Designation of Record is served on the trial judge and the district attorney. An additional copy is served on and receipt is acknowledged by the court reporter at the time of filing or immediately thereafter. The designation of record for the transcript of evidence must specify that part of the record transcribed by the court reporter is to be included in the original record on appeal. The defendant must specifically state in the designation that he requests the entire record be included, if that is his wish. In capital cases, the voir dire must be included.

Processing Procedures

If the defendant is indigent, the court reporter and counsel, at the time the designation of record is served on the reporter, should make arrangements for the payment of costs, unless the appeal is at public expense. If the appealing party's designation of record does not specify the entire record, then the opposing party or the trial judge has thirty (30) days after being served with the brief in chief to file a counter-designation of record. Unless the trial court orders otherwise, the cost for the counter-designation of record is borne by the appealing party.

APPEAL TIMES

CRIMINAL CASE - TRANSCRIPT OF EVIDENCE

As with civil appeals, the original transcript and two certified copies are filed with the trial court clerk. Three (3) certified copies are filed in a capital case. The original record is retained in the trial court. The court reporter indexes and incorporates the exhibits into the transcript by physical attachment. If an exhibit cannot be physically attached, the reporter must attach a clear and viewable photograph or photocopy accurately depicting the exhibit to both the original transcript (or separate volume) and copies as required below. If the exhibit is an audio or video tape or other electronically reproduced medium, the reporter will file an original and two copies of the medium with the transcripts. The trial court shall insure that the party introducing the exhibit shall be responsible for the cost of reproduction.

The original transcript shall be placed in volumes not to exceed three hundred pages of text per volume. The court reporter must file the transcript and the certified copies with the court clerk in time to permit the trial court clerk to file the Notice of Completion of Record.

In criminal proceedings, exhibits which could be illegal for the court reporter to possess (narcotics or firearms) or which could pose a health problem, may be released to the submitting parties upon order of the court. In the event the exhibit cannot be attached, a clear and viewable photograph or photocopy provided by the submitting party may be substituted for the exhibit. The party introducing the exhibit is responsible for the reproduction cost and delivery to the court reporter. Please note Rule 2.2 of the Rules of the Court of Criminal Appeals.

If the records cannot be transmitted within the required time frame, i.e. ninety (90) days for non-capital cases and six (6) months in capital cases, (both from the date the judgment sentence is imposed) then the trial court clerk files a report with the Clerk of the Court of Criminal Appeals stating the complete and incomplete portions of the record. If, through the fault of the court reporter, the transcripts are not timely filed, the reporter must submit an affidavit to the Court of Criminal Appeals showing why the transcripts were not timely filed and requesting an extension of not to exceed thirty (30) days. The reporter must show good cause for the request. The press of business is not good cause. If the reason the transcripts have not been timely filed is due to the fault of the Appellant, the court reporter shall set out with specificity the facts constituting Appellant's fault. The presiding judge of the Court of Criminal Appeals may grant additional extensions for a term not to exceed a total of sixty (60) days. A request for extension beyond sixty days will require an en banc hearing of the Court of Criminal Appeals.

If a transcript is prepared at State expense, the trial court shall order state access to those transcripts completed during trial proceedings. ANY TRANSCRIPTS PREPARED AT STATE EXPENSE ARE RETURNED TO THE COURT CLERK SO THAT THEY MAY BE FILED ON APPEAL.

Rule 1.15 of the Rules of the Court of Criminal Appeals governs the use of the court reporter's transcripts and notes by the Appellate Indigent Defender. The rule requires that, in the event partial transcripts have been prepared during trial, at the time judgment and sentence is imposed those transcripts must be filed with the trial court clerk, together with all transcripts of pre-trial motions and preliminary hearings.

CIVIL APPEAL TIME LIMITS

1. Appellate Procedure

Rule 1.34 of the Rules of the Oklahoma Supreme Court Rules of Appellate Procedure in Civil Cases deals with the time for completion of a record in a civil appeal. The record must be ready for transmission to the Supreme Court not later than six (6) months from the date of the judgment or order appealed.

2. County Budget

On an appeal from a final order of the court approving or disapproving the setting of a county budget the record shall be ready for transmission to the Supreme Court within thirty (30) days of the date of the judgment.

3. Driver License Appeals

An appeal prosecuted under the rules from a decision falling within the provisions of 47 O.S. § 6-211 Subdiv. (m) (Driver License Appeals), the record shall be ready for filing within thirty (30) days from the date of the decision sought to be reviewed. The record is filed with the petition in error.

4. Water Conservancy Appeals

In appeals involving water conservancy districts, 82 O.S. § 545 and 82 O.S. § 508, the record shall be ready for transmission within the time limits prescribed in those statutes for filing the appeal [one-hundred-eighty days (180) days].

5. Petition For Writ Of Certiorari

The record must be ready thirty (30) days from the grant of certiorari.

6. Probate

The record must be ready six (6) months from date of judgment.

7. Interlocutory Appeals

The record must be ready sixty (60) days from the filing of the order appealed (Rule 1.64 of the Rules of the Oklahoma Supreme Court Rules of Appellate procedure in civil cases).

8. Juvenile (deprived).

The record must be ready sixty (60) days from the date of the order appealed from. However, please note certain exceptions to the time requirement listed in the section concerning Criminal Appeals.

9. Adoption

The record must be ready no later than thirty (30) days from the date the petition in error is filed.

APPEALS TO THE COURT OF CRIMINAL APPEAL TIME LIMITS

1. Juvenile

Please note both Section VII of the Rules of the Court of Criminal Appeals and 10 O.S. § 7003-6.2. A juvenile appeal may go to either the Supreme Court or the Court of Criminal Appeals. Appeals taken from a trial court's decision in a proceeding for an adjudication of juvenile delinquency or in a proceeding certifying a juvenile to stand trial as an adult or denying such certification, and a conviction as a youthful offender are taken to the Court of Criminal Appeals in the same manner as other appeals. The record on appeal of an order of adjudication or of an order certifying or denying certification of a juvenile to stand trial as an adult, shall be completed and the appeal perfected within sixty (60) days after the date of the order, however, the reporter is required to complete his\her portion of the record and file it with the district court clerk within forty (40) days.

2. Misdemeanors

Records must be filed within ninety (90) days from the date the judgment and sentence is pronounced (Rule 1.4 of the Rules for the Court of Criminal Appeals).

3. Felonies

Records must be filed within ninety (90) days from the date the judgment and sentence is pronounced in non-capital cases and within six (6) months in capital appeals.

4. Appeal by Certiorari from a Plea of Guilty

The certified copy of the original transcript of the proceedings in which the plea of guilty was taken must be filed within ninety (90) days from the date the judgment and sentence is pronounced.

5. Appeal from Adverse Ruling or Order of Magistrate

The appeal is to be set for hearing in the District Court twenty (20) days from the filing of the application. If the State appeals the matter to the Court of Criminal Appeals, the time frames listed above under Misdemeanors and Felonies apply.

GRAND JURY

When chosen as the official reporter of a grand jury, the court reporter must read and/or sign an oath of secrecy.

Grand jury proceedings are secret and may not be divulged to anyone except by order of a court of appropriate jurisdiction. Grand juries, state and federal, may hear several cases in one day. Usually the state/government attorney presents cases to the grand jury and conducts the examination of witnesses.

In state court, counsel for witnesses may be present in the grand jury room during grand jury proceedings.

The reporter will be excused by the state/government attorney or the foreperson when discussion or voting on action is to take place.

Upon the completion of the grand jury proceedings, all of the reporter's notes, exhibits, electronic recordings, writer diskettes, and everything pertaining to the official record are secured, to be accessed by the reporter only or such other procedure as the court may direct. Any personal notes made or materials with any information pertaining to the grand jury that is not a part of the official record are to be shredded and disposed of as required in a particular jurisdiction.

Transcripts may not be sold or furnished to parties other than the state/federal agency handling the grand jury pursuant to 22 O.S. § 340. A person indicted by a grand jury may obtain a copy of his/her testimony. Indigent indicted witnesses may receive a transcript at the expense of the state. Some jurisdictions require a written permission by the presiding judge before a reporter may provide a transcript to anyone.

The foreperson and other grand jurors may ask questions of witnesses and are to be identified in the transcript only as "A Grand Juror:" or "The Foreperson:" when doing so.

The reporter should maintain a high degree of professionalism at all times when dealing with a grand jury and should not divulge information concerning anything to anyone outside of the grand jury room.

Should any indictments be issued and the proceedings are made public, a court reporter is not to discuss any involvement or information received in the grand jury proceedings.

Any court reporter divulging information and violating the oath of secrecy is subject to criminal charges and possible revocation of certification license by the Oklahoma Supreme Court.

When reporting or transcribing a grand jury proceeding:

Keep track of each case or matter, listing the case and the witnesses in each case. Oftentimes one witness will testify in several cases. Also, when several cases are handled during the day, witnesses may return throughout the day.

Be sure to identify in your notes and on a log what witnesses go with what case.

Double check and merge all the witnesses for each case together. Make an index for each case.

Swearing should be:

Margaret Jones, having been duly sworn by the Foreperson (or whomever), was examined and testified as follows:

EXAMINATION BY: *Use regular Q&A format except when a juror asks questions. Then use:*

A GRAND JUROR: *What do you mean late?*

It was past midnight. *(Do not designate which jurors ask questions).*

Additional information on grand juries in Oklahoma may be found in Oklahoma Statutes, Title 21, Section 583, and Title 22, Section 311-363.

FAMILIARITY WITH STATUTES AND RULES

Each reporter should be aware of his/her individual responsibility to be familiar with the statutes governing Oklahoma court reporting. The majority of the statutes can be found in Title 12 and Title 20 of the Oklahoma Statutes. (Please see the Appendix for copies of many of these statutes.) The remainder may be found by referring to the general index of the Oklahoma Statutes. As these may change with each session of the Legislature, the reporter should refer to not only the index but also the current pocket parts. Most of the more pertinent statutes are included at the end of this manual. Others are mentioned in the section on Appeals.

In some counties of the state of Oklahoma, local court rules have been adopted in addition to the Supreme Court Rules and the District Court Rules, as set out in the Statute. All reporters should familiarize themselves with these local rules, if applicable.

Each reporter must realize that he/she is an officer of the court and, as such, should conduct himself/herself in a professional manner at all times with strict adherence to the rules and statutes of the State.

FORMS AND EXAMPLES

The forms and examples in this section are included for your reference and may be changed to adapt to individual types of cases. The margins are set by statute, 20 O.S. §106.4. Margins should be one-half inch (1/2") at the top, bottom and on the right side, and one and one-half inch (1 1/2") on the left. The Statute requires that the transcript be typed in ten point Pica type. It is suggested that an equivalent type be used. There must be at least twenty five (25) lines per page.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
	)	Case Nos.
V.	)	CRF-88-0000
	)	CRF-88-0000
HOMER MUDD,)	
)	
Defendant)	

A F F I D A V I T

Comes now Karen S. Smith, Certified Shorthand Reporter and Official Court Reporter in the Revocation Hearing had in the above-styled case heard before the Honorable James M. Jones, and hereby states that no transcript has been prepared due to the failure of counsel to notify me prior to today's date, November 30, 2006, that any record has been requested. I have received no Designation of Record, telephone call, or any other form of notification.

At the request of Defendant's counsel, I hereby respectfully request the Court to grant an extension of time of sixty (60) days from November 30, 2006, in which to complete the transcript on appeal.

Karen S. Smith, CSR and Official
Court Reporter
Certificate No.

Subscribed and sworn to before me, the undersigned, this _____ day of November, 2006.

Notary Public

My Commission Expires: _____

This application is made directly to the presiding judge of the court of criminal appeals. Copies are mailed to the trial judge, trial court clerk and appellate counsel.

ORDER OF APPOINTMENT OF COURT REPORTER

Acting under the authority vested in me by 20 O.S. §106.2, I hereby appoint:

(Name)

(Home Address)

a (Certified, Licensed or Acting) Shorthand Reporter, as my official court reporter, in the District Court of _____ County subject to the approval of the Chief Justice of the Supreme Court. This appointment is effective _____, 20__.

Proper consideration of the statutory preferences accorded in 20 O.S. §106.3B has been given.

Dated _____.

District Judge

Approved this _____ day of _____, 200__.

CHIEF JUSTICE

ORDER OF APPOINTMENT OF COURT REPORTER

Acting under the authority vested in me by 20 O.S. §106.2, I hereby appoint:

(Name)

(Home Address)

a (Certified, Licensed or Acting) Shorthand Reporter, as my official court reporter, for the _____ Judicial District to regularly serve the District of _____, County subject to the approval of the Chief Justice of the Supreme Court. This appointment is effective _____, 200____.

Proper consideration of the statutory preferences accorded in 20 O.S. §106.3B has been given.

Dated _____, 200____.

PRESIDING JUDGE OF THE _____
JUDICIAL ADMINISTRATIVE DISTRICT

Approved this _____ day of _____, 200____.

CHIEF JUSTICE

EXAMPLE OF Q AND A:

(With all parties being present, the following proceedings were had in open court:)

THE COURT: All right, call your first witness on behalf of the Plaintiff.

DAVID CLARK

called as a witness on behalf of the plaintiff, after having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q For the record, would you state your name?

A David Clark.

Q Okay. And, Mr. Clark, what is your occupation?

A I am the general manager for Kit Manufacturing in McPherson, Kansas.

Q I'm going to hand you what's been marked as Plaintiff's Exhibit 1 for identification. Would you please identify that?

A It's a copy of the original invoice for the Smiths' house.

MR. DAVIS: Move that Plaintiff's Exhibit 1 be admitted into evidence.

MR. REECE: No objection, your Honor.

THE COURT: Plaintiff's Exhibit 1 is admitted in evidence.

Q (By Mr. Davis) How were you to be paid for this mobile home?

A We had contacted Fred Stewart for wholesale financing. He was having a problem with his wholesale flooring service at that time. Supposedly he had sent in the necessary paper work to Chrysler, another wholesale financing source, but the Smiths' house was ready to be shipped, and the Smiths were ready to consummate the deal.

A. We asked Mr. Stewart where the home was to be financed and retailed, and he told us that it was going to be financed through American Finance Services, another financial institution out of Tulsa, Oklahoma.

At that time American Finance contacted us to make sure that the home was going to be financed, that the Smiths were approved and would be financed, and to make sure that we could be paid out of the proceeds.

Q During all this time, was Stewart's Mobile Homes selling any other homes manufactured by your company?

MR. REECE: Your Honor, I'm going to object. We're dealing with one mobile home here. I don't see what the relevance of additional mobile homes has to do with this hearing.

MR. DAVIS: I believe we'll establish a pattern.

THE COURT: I'll overrule the objection.

EXAMPLE OF COLLOQUY FORMAT:

Mr. McLANE: That, Your Honor, is objectionable partly because its immaterial. The only materiality of any of this line is to see whether this is a serious purpose, to request the list of shares. And I think from the testimony to this point, that it is overwhelmingly established, and that their concern is not whether Mr. Smith is serious, but because he's serious.

We haven't objected to a lot of this testimony and sparring and all this, but at this point we want to object to anything that bears on the future strategies or intentions, the kinds of matters that one side would like to know about the other when you are in a takeover situation.

The cases that we submitted from the Delaware Courts indicate that this is a common sort of thing that comes up in these cases. The Defendants, who are being taken over, use the occasion of the summary litigation that is necessary to get the stockholders list to explore the strategies and intentions and financial capabilities of the parties who want to do the taking over.

It has no real purpose in the lawsuit, but it does give them a peek into the enemy camp, so to speak, to find out how much money can these folks really come up with, how much do they think this company is really worth.

EXAMPLE FOR TESTIMONY BY DEPOSITION

WILLIAM R. GOLD

was called as a witness, after being first duly sworn, and testified by deposition as follows:

DIRECT EXAMINATION

READ BY MR. BAILEY:

Q "State your name for the record, please.

A (Read by Ms. Odell) William R. Gold.

Q What is your occupation or profession?

A I am a police officer with the Oklahoma City Police Department.

Q How long have you been with the force?

A Seven and a half years.

Q Officer Gold, I understand that you're on a leave of absence from the Oklahoma City Police Department, is that correct?

A Yes, it is."

MR. BAILEY: Skip over to page 4 now, starting on line 7.

Q "Please tell us what kind of experience and training you have in working traffic accidents.

A I've been on the police department seven and a half years. I've worked approximately 4200 accidents, went through five months of basic training."

MR. BAILEY: Page 7, line 8.

EXAMPLE FOR QUOTING TESTIMONY

Q Mr. Jones, do you recall your deposition back in February of 1987?

I would call counsel and the Court's attention to page 38, lines 10 through 12 and 22 through 25.

Mr. Jones, I'd like to ask if you recall these questions and these answers being given:

"Question: All right. Did you have some medical care from the doctor for that after the hospital?

Answer: Just to take the wire out, I guess."

Down to line 22. "Question: And you had some wire put in?

Answer: Yes, sir, just to stabilize my jaw.

Question: And they were taken out later?

Answer: Yes, sir."

Do you recall that testimony, Mr. Jones?

A Yes, sir.

EXAMPLE OF VOIR DIRE OF JURY

THE COURT: If selected as a juror, could you, without doing violence to your conscience, recommend the death penalty? If anyone feels like they could not or would not, please raise your hand and let us know at this time.

(Several jurors raise their hands.)

THE COURT: Mr. Kennedy?

JUROR KENNEDY: Yes. I just don't think that I -- it's one of those things that's so uncertain in my mind, whether I could pass, in complete conscience, the death penalty.

MR. HALL: We are hoping this case can be tried in one week. We're hoping that it will be able to go to a jury later this week, but we fully anticipate that it will take at least all five days this week.

Will that cause any of you such personal or professional hardship that you could not give full time to this trial, full attention to this trial, during the five days this week? Do any of you have any problem with that?

(No response from jurors.)

MR. HALL: Have any of you had any personal contact with the District Attorney's Office?

JUROR BARKLEY: I think I might have.

PARENTHETICALS

(See page 14-3 for rules for parentheticals.)

Introduction

(The following proceedings were had in open court on March 7, 1987, all parties present with counsel:)

(All parties being present, the following proceedings were had in open court prior to commencement of voir dire:)

(A Jury of 12 having been impaneled and sworn and opening statements made, the following proceedings were had on the 4th day of February, 1988, Defendant present with counsel, counsel for the State present:)

(With voir dire proceedings in progress, the following transpired in chambers outside the hearing of the prospective jury panel, all counsel present:)

(On the 29th day of January, 1989, a 12-member jury was duly impaneled and sworn in the within cause and opening statements made by the respective parties, but the same were not stenographically reported and are not transcribed herein. Thereafter, the following transpired in open court:)

(A jury of 12 was impaneled and sworn and opening statements made by counsel.)

(On March 26, 1987, with all counsel present as indicated on the appearances, and after hearing testimony and evidence, the following ruling of the Court was made:)

(The following transcript contains only the testimony of Jane B. Doe, who testified on behalf of the Plaintiff, given during the jury trial of the aforesaid case on the 29th day of October, 1987. Said testimony commences during the Plaintiff's case in chief in open court:)

(The following is an excerpt of testimony from the jury trial in the aforesaid case:)

(The proceedings commenced with the court reporter being absent. After the court reporter was summoned into the courtroom, the following transpired:)

Jury Sworn

(Jury sworn.)

(The clerk administers the oath to the jurors.)

(The jury was here sworn by the court clerk.)

In-Camera Proceedings

(The following proceedings were had [in the Court's chambers] [in open court] outside the hearing of the jury, [with only the Court and counsel being present] [all parties being present]:)

(The following in-camera proceedings were had in the Court's chambers, Defendant present with counsel and counsel for the State present:)

(The following transpired in chambers outside the presence and hearing of the jury [and the Defendant]:)

(An in-camera hearing was had, after which the following proceedings were had in open court:)

(The following transpired in chambers, the jury having been dismissed for the evening recess:)

(Jury was dismissed, and the following proceedings had:)

Bench Conferences

(The following bench conference was had outside the hearing of the jury:)

(The following proceedings were had at the bench out of the hearing of the jury:)

(At bench, out of hearing of jury:)

(The following transpired outside the hearing of the jury:)

(The following transpired in open court:)

(The following transpired within the hearing of the jury:)

(The following proceedings were had in open court within the hearing of the jury:)

(Within hearing of the jury:)

Recesses

(A brief [the noon] recess was had. Thereafter, all parties [and the jury] being present, the following transpired in open court:)

([Noon] recess taken.)

(Following the recess, proceedings resumed as follows:)

(The noon recess was had, after which the following transpired in open court:)

(The overnight recess was had. Thereafter, on September 8, 1987, at 9:00 a.m., all parties [and the jury] being present, the following proceedings were had in open court:)

(Evening recess had. Proceedings had in open court on May 12, 1988, with same appearances heretofore noted:)

(After said night recess, the following proceedings were had in open court on the 26th day of September, 1987, the Defendant personally present with counsel, counsel for the State present, and the jury in the box [or outside the presence and hearing of the jury]:)

(Thereupon, court stood in recess until 9:00 a.m., June 24, 1987, at which time the following transpired in open court [in chambers outside the hearing of the jury]:)

(The evening recess was taken, after which the following proceedings were had on January 26, 1987, in open court:)

Off-The-Record

(Discussion off the record.)

(A brief conversation was had off-the-record [and outside the hearing of the jury].)

(A brief off-the-record discussion was had at the bench outside the hearing of the jury and court reporter.)

(A brief off-the-record discussion was had between the court and counsel [between counsel and the witness] outside the hearing of the jury and this reporter.)

(Counsel and witness confer.)

(A brief discussion ensued between counsel.)

Deliberations, Argument

(The instructions of the Court were read to the jury and closing arguments made by counsel, but the same were not requested to be stenographically reported and are not transcribed herein, after which the jury retired to deliberate at 10:05 a.m. and returned to open court at 12:25 p.m.)

(At this time closing arguments were presented. They are not part of this record, at the request of counsel.)

(Closing arguments were presented on the record by both counsel, but not made a part of this transcript.)

(The Court read the instructions and closing arguments were made by counsel.)

(The jury retired to begin their deliberations at 2:20 p.m.)

(The jury retired to deliberate at 11:35 a.m. and returned to open court at 12:45 p.m.)

(The jury retired to deliberate at 11:35 a.m., and at 12:45 p.m. the following transpired in chambers:)

(At this time the noon recess was had, and the jury returned and resumed deliberations at 1:30 p.m. At 5:15 p.m. the jury returned to open court.)

Multiple Volumes

(This concludes proceedings had on November 28, 1987. For further proceedings, see Volume ** of this transcription.)

(On January 5, 1988, all parties [and the jury] being present, the following transpired in open court. For prior proceedings, see Volume I of this transcript.)

(The proceedings were adjourned to the following day, September 26, 1987, contained in Volume II.)

(For further transcription, see Volume II.)

(For previous transcription, see Volume I.)

Reading Back

(The last question [and/or answer] was read by the reporter.)

(Whereupon, the reporter read the requested comment.)

(The court reporter read the indicated question [answer, comment, testimony, etc.])

Explanatory

(Indicating.) (Indicating on diagram.) (Demonstrating.)

Select one of the following parts and be consistent throughout your transcripts:

1. (Witness nodded head.) (Witness shook head.)
2. (Witness nods head.) (Witness shakes head.)
3. (Nodded head.) (Shook head.)
4. (Nodded head up and down.) (Shook head from side to side.)
5. (Nods head up and down.) (Shakes head back and forth.)

(Witness shrugs shoulders.)

(Witness complies.)

(Witness makes noise.)

(Witness walks to the chalkboard.) (Witness steps down from witness stand to address jury.) (Witness assumes position at exhibit, blackboard, etc.)

(Witness returns to the witness stand.) (Witness resumes stand.)

(No response.) [Used only when there is very long pause.]

Miscellaneous

(Information read to jury.)

(Jurors answer "yes" collectively.)

(All jurors answered in the affirmative.)

(Jury signifies.)

(At this time the deposition of John Doe was read in its entirety.)

(Testimony of the following witness, Jane Doe, has been previously transcribed and filed of record in this case.)

(At this time the video tape deposition of Dr. James Smith was shown to the jury.)

(State's Exhibit Number 1 marked.)

(The proceedings were concluded.)

(Exhibits filed under separate cover.)

JOHN SMITH,)	
)	
Plaintiff,)	
)	
VS.)	No. <u>CJ-2006-000</u>
)	
MARTIN DOE,)	
)	
Defendant,)	

HAD BEFORE THE HONORABLE JOHN JONES,
ON THE 5TH DAY OF JUNE, 2006.

Richard Lee, C.S.R., R.P.R.
Certificate No.
Official Court Reporter
100 County Courthouse
Wewoka, Oklahoma

Joan Doe, CSR, CP, CM
Certificate No.
305 County Courthouse
Pauls Valley, Oklahoma

BEFORE THE WORKERS' COMPENSATION COURT
OF THE STATE OF OKLAHOMA

KENNETH F. JONES,)	
)	
CLAIMANT,)	
)	
	)	NO. 2006-19810-A
VS.)	
)	
ACME WIDGET COMPANY,)	
)	
RESPONDENT,)	
)	
OWN RISK,)	
)	
INSURANCE CARRIER.)	

TRANSCRIPT OF PROCEEDINGS

ON FEBRUARY 21, 2006

IN TULSA, OKLAHOMA

HONORABLE JOHN A. ADAMS, JUDGE

APPEARANCES:

Mr. Arthur Cook, Attorney at Law, Suite 180, 4200 E. Bridge Drive, Chaucer, Oklahoma 74155

Appearing on behalf of Claimant,

Mr. R. H. Alexander, Jr., Attorney at Law, P.O. Office Box 1168, Altus, Oklahoma 74355.

Appearing on behalf of Respondent.

Reported By:

Jane Doe, C.S.R., R.P.R.
Certificate No.
Official Reporter
Workers' Compensation Court

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,	)	Case No.
	)	CRF-2006-0000
VS.)	
)	
STEVEN WAYNE SMITH,)	
)	
Defendant.)	

CERTIFICATE OF THE COURT REPORTER

I, Mary S. Doe, Certified Shorthand Reporter and Official Court Reporter for Oklahoma County, do hereby certify that the foregoing transcript in the above-styled case is a true, correct and complete transcript of my shorthand notes of the jury trial in said cause.

Date this _____ day of _____, 2006.

Mary S. Doe, CSR and
Official Court Reporter in and
for the State of Oklahoma
Certificate No.

My Commission expires: December 31, 2008

C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

I, Peter Doe, Certified Shorthand Reporter, within and for the State of Oklahoma, do hereby certify that the above and foregoing transcript of McGee vs. Liberty Glass Company, Case No. 2006-0000, is a true, correct and complete transcript of my machine shorthand notes taken in the above styled and numbered cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of this 19th day of September, 2006.

Peter Doe
Certified Shorthand Reporter No.

My Commission expires: December 31, 2008

CERTIFICATE

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

I, Patsy Doe, C.M., R.P.R., Official Court Reporter within and for the State of Oklahoma, do hereby certify that on the 16th day of December, 2006, the 28th day of January and the 9th day of February, 2006, before the Honorable James B. Blake, in the District Court of Oklahoma County, State of Oklahoma, I reported in machine shorthand the proceedings had and the evidence given, and the above and foregoing is a full, true, correct and complete transcript of the proceedings had and testimony given, together with the objections of counsel and the rulings of the Court thereto, taken at said time and place.

WITNESS my hand and seal this _____ day of April, 2006.

Patsy Doe, C.M., R.P.R.
Certificate No.
Official Court Reporter

I certify this is a true copy of the original transcript herein, and the same is valid only if it bears my seal.

My Commission expires: December 31, 2008

CERTIFICATE

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

I, Dorothy Doe, a Certified Shorthand Reporter within and for the State of Oklahoma, CSR No. 000, do hereby certify that the foregoing is a true and correct transcription of my shorthand notes of proceedings had in case number CRF-2006-0101, held on the 8th day of May, 2006, before the Honorable Sharon S. Black.

I further certify that I am neither related to, nor attorney for any interested party, nor otherwise interested in the event of said action.

WITNESS MY HAND AND SEAL this ____ day of November, 2006.

DOROTHY DOE, CSR, RPR-CP
CERTIFIED SHORTHAND REPORTER
CSR NO. 000

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 VS.) Case No. CRF 2006-00
)
 STANLEY E. BLACK)
)
 Defendant.)

My Commission expires: December 31, 2008

C E R T I F I C A T E

STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

I, KATHIE SMITH, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the foregoing is a true and correct partial record of my notes taken in Case No. CJ-88-000, heard on the 28th day of April 2006.

I further certify that I am not related to nor attorney for either of said parties nor otherwise interested in said action.

WITNESS MY HAND AND SEAL this ____ day of May, 2006.

Kathie Smith, CSR, CP-RPR, CM
Certificate No.
Official District Reporter

My Commission expires: December 31, 2008

BEFORE THE WORKERS' COMPENSATION COURT
OF THE STATE OF OKLAHOMA

KENNETH F. DOE,)	
)	
CLAIMANT,)	
)	
VS.	)	NO. 2006-00000-A
)	
B.F. GOOD COMPANY,)	
)	
RESPONDENT,)	
)	
OWN RISK,)	
)	
INSURANCE CARRIER.)	

CERTIFICATE OF COURT REPORTER

I, Barbara Black, a Certified Shorthand Reporter, and one of the official court reporters in and for the Workers' Compensation Court of the State of Oklahoma, do hereby certify that the within and foregoing is a full, true, correct and complete transcript of my stenographic notes of the trial proceedings had and heard in the above-styled and numbered cause on the 21st day of February, 2006, in Tulsa, Oklahoma, before Judge Samuel Tuttle.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 16th day of April, 2006.

BARBARA BLACK, C.S.R. within
and for the State of Oklahoma
Certificate No.

My Commission expires: December 31, 2008

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

RICHARD WHITE,)	
)	
Plaintiff,)	
)	
VS.	)	No. CJ-2006-0000
)	
A.B.C. INSURANCE COMPANY,)	
et. al.,)	
)	
Defendants.)	

NOTICE OF FILING

There is hereby filed this ____ day of _____, 2006, with the Deputy Court Clerk named below, an original and two copies of motion hearings had on September 2 and 6, 2006, consisting of 30 pages each, along with a manila envelope containing Plaintiff's Exhibits 1 and 2, for purposes of appeal in the above-styled cause.

Jane B. Doe, CSR
Official Court Reporter
Certificate No.

Deputy Court Clerk

IN THE DISTRICT COURT OF LINCOLN COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
	)	Case No.
VS.	)	CRF-2006-0000
)	
RONALD B. JONES,)	
)	
Defendant.)	

NOTICE OF FILING

There is hereby filed with the Deputy Court Clerk named below an original and THREE copies, Volumes, I, II and III, each copy consisting of 541 pages (8 index), of the Transcript of Trial Proceedings had on the 16th, 17th and 18th days of January, 2006, before the Honorable John R. Jones and a jury, along with the exhibits as per the attached sheet and two notes from the jury, for appeal in the above-styled case.

Dated this ____ day of _____, 2006.

Jane B. Doe, CSR
Certificate No.
Official Court Reporter

Filed By: _____
Deputy Court Clerk

EXHIBITS

State's Exhibits:

1. Drawing
2. Latent print card
3. Latent print card
5. Rolled print card
6. Rolled print card
7. Rolled print card
8. Enlarged fingerprint chart
9. Rolled print card
10. Photo lineup
- * 11. Photograph Withdrawn, not filed
12. Rape kit
13. Clothes Large box
14. Illustration
15. X-ray film
16. X-ray film
17. X-ray film
18. Photograph
19. J & S
20. J & S
21. Photograph
- * 22. (no exhibit) --
23. Photograph

Filed:

Manila envelope #1
Manila envelope #1
Manila envelope #1
Manila envelope #1
Manila envelope #1
Manila envelope #1
Separately
Manila envelope #1
Manila envelope #1

Manila envelope #1

Separately
Manila envelope #2
Manila envelope #2
Manila envelope #2
Manila envelope #2
Manila envelope #2
Manila envelope #2
Manila envelope #2
Manila envelope #2

Manila envelope #2

Also filed:

Two notes from the jury

Manila envelope #2

*These exhibits are not filed in the case.

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

**IN THE MATTER OF THE APPLICATION
OF ARKANSAS RED RIVER UTILITY
CO., A CORPORATION, FOR APPROVAL
OF AN APPROPRIATE PURCHASED GAS
ADJUSTMENT CLAUSE.**

**IN THE MATTER OF THE APPLICATION
OF ARKANSAS RED RIVER UTILITY GAS
CO., A DOMESTICATED CORPORATION,
FOR AN ADJUSTMENT IN ITS RATES
AND CHARGES FOR GAS UTILITY
SERVICE IN THE STATE OF OKLAHOMA**

)
) CAUSE NO. 00000
) ORDER NO. 000000

)
)
) CAUSE NO. 00000
) ORDER NO. 000000

and

ORDER NO. 000000

TRANSCRIPT OF TESTIMONY

Official Reporters:

Mary Doe
Janet Black
Vicky White
Bertha Smith

APPEARANCES

FOR THE STATE:

Mr. Ryan James
Assistant District Attorney
505 County Office Building
Oklahoma City, Oklahoma

FOR THE DEFENDANT CAREY:

Ms. Catherine Smith
Assistant Public Defender
611 County Office Building
Oklahoma City, Oklahoma

FOR THE DEFENDANT JONES:

Mr. Ronald Black
Attorney at Law
2827 Northwest 63rd
Oklahoma City, Oklahoma

A P P E A R A N C E S

WILLIAM L. WHITE, Attorney, Oklahoma City, appeared for the Applicant, Arkansas Red River Utility Company;

GLENN C. BLACK, Oklahoma City, appeared Pro Se and for Falling Rock Gas Company;

WALTON J. JONES, Attorney, Washington, D.C., appeared for the Department of Defense and other affected Federal Agencies;

JOHN J. GREEN, U.S. District Attorney of the Western District of Oklahoma, appeared with Walton J. Jones;

H. HAROLD DOE and VAL P. DOE, Attorneys, appeared for Sunset Oil Company of Nebraska;

ALLEN A. SMITH, CHARLES C. DOE, RICHARD R. RICH and STEPHEN S. JONES, Attorneys from the Office of the Attorney General, appeared for the rate payers;

LEE L. BLACK, General Counsel and JULIA BROWN, Assistant General Counsel, appeared for the Commission Staff.

This Cause Gen. 00000 came on for hearing on the 6th day of July, 2006, before Harold Doe, Referee for the Corporation Commission of the State of Oklahoma pursuant to Notice and Order Referring and Setting Cause for Hearing before the Referee for the purpose of taking testimony and reporting thereon to the Commission.

or

The Cause was called for hearing and the following proceedings were had:

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* * * * *

	Identified	Offered	Ruled
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*Exhibit not admitted in evidence.
(All exhibits filed under separate cover.)

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* * * * *

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*Exhibit not in evidence.

(All exhibits filed under separate cover.)

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	<u>Offered</u>	<u>Admitted</u>
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The Defendant intends to appeal the above conviction(s) to the Oklahoma Court of Criminal Appeals pursuant to _____ (*cite specific statute*). This Notice of Intent to Appeal and the Designation of Record, attached as Exhibit "A", pursuant to Rule 2.5 (A) of the Rules of the Court of Criminal Appeals, Ch. 18, App., of Title 22, was filed with the clerk of the trial court within ten (10) days of the date of the pronouncement of the Judgment and Sentence in this case and constitutes a valid initiation of a direct appeal in accordance with the Court of Criminal Appeals Rule 2.1(B). The Defendant further requests that the original record and transcripts be prepared in accordance with the completed Designation of Record, attached as Exhibit A. To assist in the expediting of the appeal, an advisory list of propositions of error, if any, deemed viable by trial counsel, signed by the trial counsel (if trial counsel will not be attorney on appeal), is attached as Exhibit "B".

Trial Counsel

☐ Retained

☐ Appointed

☐ Individual

☐ Oklahoma Indigent Defense System

☐ Oklahoma County Public Defender

Signature plus typed name

OBA No. _____

Address _____

Telephone No. _____

II. Application For Determination Of Indigency

In accordance with Rule 1.14 of the Rules of the Court of Criminal Appeals, 22 O.S., Ch. 18, App., the Defendant submits that he/she is indigent and cannot pay the costs of an appeal. Counsel states:

- ☐ Indigency has been previously determined by this Court of its designee, and a pauper's affidavit in accordance with Rule 1.14 (A) will be provided if this Court elects to review the Defendant's status.
- ☐ Indigency has not been previously determined by this Court or its designee, and a pauper's affidavit in accordance with Rule 1.14(A) is attached as Exhibit "C".

It is requested that appropriate counsel be appointed and transcripts be prepared at the expense of the State.

Trial Counsel

III. Determination of Indigency

Pursuant to Rule 1.14 of the Rules of the Court of Criminal Appeals, Ch. 18, App., of Title 22, this Court finds the Defendant

() IS () IS NOT currently indigent.

The Court Orders:

A. Preparation of the Appeal Record:

1. A record of this case () IS () IS NOT to be prepared at public expense.
2. The court reporter(s) listed below () SHALL () SHALL NOT be reimbursed at public expense out of the Court fund of _____ County for preparation of this record

Name: _____
Mailing
Address: _____

Transcript
Type: _____
Transcript
Date: _____

3. The return to the trial court clerk all transcripts prepared at state expense during the course of the trial proceedings. These transcripts shall be returned within ten (10) days from the date of sentencing. See Rule 3.2(E).

B. If Indigent:

1. _____, trial counsel for the Defendant, timely completed this Notice of Intent to Appeal and has timely filed a Designation of Record.
2. The court reporter(s) has been served with a copy of the Designation of Record.
3. Appropriate transcripts are ordered at public expense.
4. _____, () Chief, Capital Direct Appeals Division Of The Oklahoma Indigent Defense System (*if the death sentence was imposed*), () Chief Of The General Appeals Division Of The Oklahoma Indigent Defense System (*if the death sentence was not imposed*), () Public Defender Of Tulsa County, () Public Defender Of Oklahoma County, () A Private Attorney, Address _____, Telephone _____, is appointed to represent the Defendant on appeal. (The public defender of Tulsa

County and Oklahoma County may only be appointed if that office represented the defendant at trial unless a conflict of interest exists as determined).

5. Any Supplemental Designation of Record by the Oklahoma Indigent Defense System pursuant to Section 1362 of Title 22 must be filed and served upon the appropriate court reporter(s) within thirty (30) days from the date of appointment.
6. _____, trial counsel for the Defendant, is permitted to withdraw as counsel of record.

C. If Not Indigent:

1. _____, trial counsel for the Defendant, timely completed this Notice of Intent to Appeal and has timely filed a Designation of Record.
2. The court reporter(s) has been served with a copy of the Designation of Record.
3. _____ has entered his/her appearance and will represent the Defendant on appeal as retained counsel.
4. _____, trial counsel for the Defendant, has filed a Motion to Withdraw as Counsel. The Motion is granted and trial counsel is permitted to withdraw as counsel of record.

IT IS SO ORDERED.

This order signed this _____ day of _____, 20____.

Judge of the District Court

(Signature plus typed name and title)

NOTE: A NOTICE OF INTENT TO APPEAL AND DESIGNATION OF RECORD MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE THE SENTENCE IS PRONOUNCED IN OPEN COURT WITH THE CLERK OF THE TRIAL COURT. THIS NOTICE AND DESIGNATION IS JURISDICTIONAL AND FAILURE TO TIMELY FILE CONSTITUTES WAIVER OF THE RIGHT TO APPEAL. A CERTIFIED COPY OF THIS NOTICE AND DESIGNATION SHALL ALSO BE FILED BY TRIAL COUNSEL WITH THE CLERK OF THE COURT OF CRIMINAL APPEALS WITHIN TEN (10) DAYS FROM THE DATE THE NOTICE IS FILED IN THE TRIAL COURT. NO TRIAL ATTORNEY MAY BE GRANTED PERMISSION TO WITHDRAW, IF THE DEFENDANT DESIRES TO APPEAL, UNLESS THESE DOCUMENTS ARE FILED. IF THE DEFENDANT DOES NOT WISH TO APPEAL THIS CONVICTION, TRIAL COUNSEL MUST FILE AN AFFIDAVIT

SIGNED BY TRIAL COUNSEL AND ACKNOWLEDGED BY THE TRIAL JUDGE WITH THE CLERK OF THE DISTRICT COURT, BEFORE TRIAL COUNSEL IS ALLOWED TO WITHDRAW, ASSERTING THAT THE DEFENDANT HAS BEEN FULLY ADVISED OF HIS/HER APPEAL RIGHTS AND DOES NOT WISH TO PURSUE AN APPEAL OF THE CONVICTION. See Rule 1.14(D).

IV. Court Reporter's Acknowledgement

- A. The Designation of Record, attached as "Exhibit A", was received on _____, 20____.
- B. IF NOT INDIGENT, satisfactory arrangements () have () have not been made for payment of the transcript cost. These financial arrangements were completed on _____, 20____. If payment has not been made/arranged, explain why: _____

- C. Number of trial and/or hearing days:_____.
- D. Estimated number of transcript pages:_____.
- E. Estimated completion date:_____.
- F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: _____

Signature - Official Court Reporter

V. Notification Of Counsel, If Appointed

NOTE: No Designation of Record shall be accepted for filing by the trial court clerk unless it contains one of the following:

- A. A signed acknowledgement from the court reporter(s) who reported proceedings in a case indicated receipt of the request for transcript(s), the date received, and completed financial arrangements, or an order of the trial court directing the case be prepared at public expense; or,
- B. A signed statement by the attorney preparing the designation of record stating that transcripts have not been ordered and a brief explanation why. (Example, I, _____, attorney for the Appellant, hereby state that I have

not ordered a transcript because: (1.) A transcript is not necessary for this appeal;
(2.) No stenographic reporting was made.)

A true and correct certified copy of this Notice and Order and the Designation of Record
were mailed this _____ day of _____, 20____, to:

- () the Capital Direct Appeals Division, Oklahoma Indigent Defense System, 1660 Cross
Center Drive, Norman, Oklahoma 73019;
- () the General Appeals Division, Oklahoma Indigent Defense System, P.O. Box 926,
Norman, Oklahoma 73070-0926;
- () Public Defender of Oklahoma County, 611 County Office Building, 320 Robert S. Kerr
Avenue, Oklahoma City, Oklahoma 73102;
- () Public Defender of Tulsa County, 189 Courthouse, 500 South Denver Avenue, Tulsa,
Oklahoma 74103; () _____, privately retained counsel.

Deputy Court Clerk, _____ County

STATUTES AND RULES

Statutes And Rules Of The Oklahoma State Board Of Examiners Of Certified Shorthand Reporters

Section

1501. State Board of Examiners of Official Shorthand Reporters

1502. Duties of the Board

1503. Examination for Enrollment as Certified or Licensed Shorthand Reporter.

1503.1 Continuing Education Requirements for Certified Shorthand Reporters

1504. Repealed

1505. Licenses from Other States

1506. Fees

1507. Deposit of fees - Withdrawals

1508. Metal seals - Use of abbreviations - Powers of certified reporters

1512. Transcripts by Videotape

1513. Court Reporter Contracts

**1501. STATE BOARD OF EXAMINERS OF
CERTIFIED SHORTHAND REPORTERS**

There is hereby re-created, to continue until July 1, 2008, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 of Title 74 of the Oklahoma Statutes, the State Board of Examiners of Certified Shorthand Reporters which shall consist of five (5) members, all of whom shall be certified shorthand reporters. The members shall be persons who have been, for at least five (5) years prior to their appointment to the Board, residents of this state and certified shorthand reporters. All members shall be appointed by the Chief Justice of the Supreme Court and shall serve in staggered terms, each for a period of five (5) years except for the initial appointees. No member may serve more than one term in succession. The Board shall elect from its membership a chairman and a secretary. Three members shall constitute a quorum. The Board may adopt a seal for its official use. All actions of the Board shall be supervised by the Supreme Court and be subject to approval by the Court.

1502. DUTIES OF THE BOARD

A. The State Board of Examiners of Certified Shorthand Reporters shall:

1. Conduct preliminary investigations to determine the qualifications of applicants seeking to attain the status of certified shorthand reporters;
2. Conduct at least once a year, at a place and time to be published by ample notice as directed by the Supreme Court, an examination of those persons who seek to attain the status of certified shorthand reporter. The Board may also give examinations for a certificate of proficiency and for a certificate of merit;
3. Recommend to the Supreme Court for official enrollment as certified shorthand reporters those persons who, on their examination, have established the requisite proficiency as set forth in Section 1503 of this title;
4. Conduct proceedings, on reasonable notice, the object of which is to recommend to the Supreme Court the suspension, cancellation, revocation or reinstatement of the enrollment of a certified or licensed shorthand reporter or of the status of any acting shorthand reporter, regular or temporary, on the following grounds:
 - a. a final conviction of a criminal offense which indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of persons licensed under this act or Section 106.3B of this title,
 - b. misrepresentation in obtaining licensure,

- c. any violation of or noncompliance with any rule or directive of the Supreme Court,
 - d. fraud, gross incompetence, or gross or habitual neglect of duty,
 - e. engaging in the practice of shorthand reporting using a method for which the reporter is not certified,
 - f. engaging in the practice of shorthand reporting while certification is suspended,
 - g. nonpayment of renewal dues, h. failure to annually complete at least four (4) hours of continuing education approved by the State Board of Examiners of Certified Shorthand Reporters, or
 - i. a violation of Section 1 of this act;
- 5. Adopt, with the approval of the Supreme Court, examination standards and rules governing enrollment, discipline, suspension, cancellation and revocation proceedings and any other matter within the Board's cognizance; and
 - 6. Keep a current roll of certified shorthand reporters and a file on all disciplined certified shorthand reporters, official or unofficial, regular or temporary.
- B. In all hearings or investigations on revocation, cancellation or suspension of enrollment, each Board member shall be empowered to administer oaths and affirmations, subpoena witnesses, and take evidence anywhere in the state, after giving reasonable notice to the party whose status is sought to be affected.

**1503. EXAMINATION FOR ENROLLMENT
AS CERTIFIED OR LICENSED SHORTHAND REPORTER**

- A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the State Board of Examiners of Certified Shorthand Reporters that he or she:
 - 1. Is of legal age;
 - 2. Meets the requisite standards of ethical fitness; and
 - 3. Has at least a high school education or its equivalent.
- B. The examination for certification in one or more authorized methods of shorthand reporting consists of two parts, designated Part 1 and Part 2 as follows:
 - 1. Part 1 consists of proof of having passed the Registered Professional Reporter Examination of the National Court Reporters Association (NCRA) or an equivalent test as authorized by the Supreme Court consisting of the following requirements: demonstrated proficiency in reporting testimony and

proceedings at a speed of not more than two hundred (200) words per minute in taking a question-and-answer type dictation and at a speed of not more than one hundred eighty (180) words per minute in taking literary materials which shall be designed to test the ability of an applicant to accurately transcribe opening and closing arguments and in preparing an accurate transcription thereof that is reasonably free from spelling errors. The Board may not increase or decrease such minimum speed requirement, by rule or otherwise; and

2. Part 2 is the Oklahoma Written Knowledge test which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of certified shorthand reporters, and general court procedure. The examination shall be approved by the Supreme Court. A person who has tested with the Board and successfully completed the written knowledge portion of the examination shall be allowed to retain the credit for that portion for two (2) years from the date passed, and shall not be required to retake that portion during the two-year period.
- C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.
- D. A certification issued under this section must be for one or more of the following methods of shorthand reporting:
1. Written shorthand;
 2. Machine shorthand; or
 3. Any other method of shorthand reporting authorized by the Supreme Court.
- E. No person may engage in shorthand reporting in this state unless the person is a licensed or certified shorthand reporter or otherwise authorized by law or the Supreme Court.

1503.1 CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED SHORTHAND

- A. Every certified shorthand reporter and every court reporter temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission shall annually complete at least four (4) hours of continuing education approved by the State Board of Examiners of Certified Shorthand Reporters, which shall include at least one (1) hour which relates to Oklahoma court rules and procedures.
- B. A certified shorthand reporter or court reporter is exempt from the requirements of subsection A of this section if the reporter verifies under oath to the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Has attained the age of sixty-five (65) before or during the calendar year for which the reporter seeks an exemption;
2. Is a member of the armed forces on full-time active duty during the entire calendar year for which the reporter seeks an exemption; or
3. Has provided written verification by a licensed physician that a medical condition has prevented the court reporter from working in such capacity and completing continuing education for the calendar year for which the reporter seeks an exemption.

1504. REPEALED BY LAWS 1994, c. 130, § 5, eff. Jan. 1, 1996.

1505. LICENSES FROM OTHER STATES

A person holding a license from another state which is deemed by the Board to be equivalent to that of an Oklahoma certified shorthand reporter may be enrolled without examination as an Oklahoma certified shorthand reporter upon satisfying the Board that his credentials are in proper order and that he is a resident of Oklahoma.

1506. FEES

The State Board of Examiners of Certified Shorthand Reporters shall annually set and publish a fee schedule with approval of the Supreme Court.

1507. DEPOSIT OF FEES - WITHDRAWALS

All fees authorized to be charged shall be paid to the Clerk of the Supreme Court who shall deposit them in the State Judicial Fund. The Chief Justice shall be authorized to draw against the Supreme Court Revolving Fund such amounts as are lawfully claimed by the Board for its necessary supplies and expenses. When performing essential duties each Board member shall be entitled to his actual expenses and shall receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for each full day of service or a fraction thereof for less than a day's service.

1508. METAL SEALS - USE OF ABBREVIATIONS - POWERS OF CERTIFIED REPORTERS

Every person enrolled as a certified shorthand reporter shall be entitled to use the abbreviation C.S.R. after his name and shall receive from the Board, without additional charge, a metal seal with his name and the words "Oklahoma Certified Shorthand Reporter". Every person enrolled as a licensed shorthand reporter shall be entitled to use the abbreviation L.S.R. after his name and shall receive from the Board, without

additional charge, a metal seal with his name and the words "Oklahoma Licensed Shorthand Reporter". Court reporters holding a temporary certificate shall not be allowed the use of a seal. The determination of the format and construction of the seal shall rest with the Supreme Court of the State of Oklahoma. The Oklahoma Supreme Court shall determine the procedures to be used in the distribution of all shorthand reporter seals. Certified shorthand reporters shall be authorized to issue affidavits in respect to their regular duties, to subpoena witnesses for depositions, administer oaths and affirmations with authority equal to that of a notary public, and to take depositions or other sworn statements. Licensed shorthand reporters shall have the same authority while employed as official court reporters.

1512. TRANSCRIPTS BY VIDEOTAPE

The Supreme Court is authorized to establish a pilot project for use of videotape equipment in courtrooms for production of videotape records for transcripts where court reporters are not available, if the Supreme Court has funds available that can be used for this purpose. The Administrative Office of the Courts shall promulgate rules for the use of video equipment in courtrooms. Rules for use of video equipment in courtrooms must have the approval of the

1513. COURT REPORTER CONTRACTS

A. A court reporter or owner of a court reporting firm shall not:

1. Enter into any contract or relationship that compromises the impartiality of court reporters or that may result in the appearance that the impartiality of a court reporter has been compromised;
2. Enter into a blanket contract, other than with a court or governmental agency, under which the court reporter or owner of a court reporting firm agrees to perform all court reporting services in two or more cases at a rate of compensation fixed in the contract;
3. Enter into a contract that requires a court reporter to provide any service that is not available to all parties to an action; or
4. Enter into a contract that gives or appears to give an exclusive advantage to any party to an action.

B. A violation of this section shall be grounds for the State Board of Examiners of Certified Shorthand Reporters to refuse to renew the enrollment of a certified or licensed court reporter. A willful violation of this section shall be grounds for the Board to suspend, cancel, or revoke the enrollment of a certified or licensed court reporter.

**RULES OF THE OKLAHOMA STATE BOARD OF EXAMINERS
CERTIFIED SHORTHAND REPORTERS**

RULE

- 1. Administration**
- 2. Times and Place of Holding Examinations**
- 3. Eligibility**
- 4. Test Requirements**
- 5. Transcripts - Supplies**
- 6. Required Accuracy**
- 7. Time**
- 8. Identity of Candidates**
- 9. Turning in of Transcripts and Notes**
- 10. Property of the Board**
- 11. Standards for Scoring Transcripts**
- 12. Notification of Results of Examination**
- 13. Destruction of Papers**
- 14. Enrollment**
- 15. Certificates - Abbreviations - Seal**
- 16. Duplicate Certificates**
- 17. Change of Name**
- 18. Roll**
- 19. Reciprocity**
- 20. Renewal Fees**
- 21. Continuing Education**

Rule 1. Administration

The examination of a candidate who seeks enrollment as a certified shorthand reporter shall be under the direction and control of the Board.

Rule 2. Time and Place of Holding Examinations

- A. An examination for the qualification of candidates for certificates shall be conducted at least once a year at a specific time and location selected by the Board.
- B. Candidates who have been found by the Board to be qualified, pursuant to the statute(s) governing the practice of court reporting and these rules, to sit for examination, shall be notified in writing of the time and place of such examination not later than thirty (30) days prior to the examination date.

Rule 3. Eligibility

Every candidate who seeks to be examined for enrollment as a certified shorthand reporter shall:

- A. Prove to the satisfaction of the Board that he/she is:
 - 1. of legal age;
 - 2. meets the requisite standards of ethical fitness;
 - 3. and has at least a high school education, or the equivalent thereof.

This information shall be furnished to the Board by a sworn, notarized affidavit.

- B. Submit to the Secretary of the Board, or a designee, a properly completed application form provided by the Board, accompanied by such evidence, statements or documents as required by the Board, including an examination fee receipt from the Clerk of the Supreme Court showing payment of the fees required by the Board and approved by the Supreme Court.
- C. Declare that he/she is a writer of shorthand by one of the accepted methods set forth in 20 O.S.2003 §1503 and;
- D. Prove that he/she meets all other requirements set forth in 20 O.S.2003 §1503.
- E. Academic dishonesty during the examination process will result in the applicant's disqualification to take the examination again for two (2) years from the date of the examination at which the applicant was disqualified.

A candidate who has previously failed an examination may be re-examined at any subsequent regular examination upon giving the Board notice via the standard

application. The application must be accompanied by the examination fee as set by the Board and approved by the Supreme Court. Applicants are not allowed to rollover previous testing fees upon failure to pass an examination or any portion thereof.

A candidate who has successfully completed the written knowledge portion of the examination may retain this credit for that portion of the examination for two (2) years from the date passed and will not be required to retake that portion of the examination during the two (2) year period. There will be no reduction in examination fee for any applicant retaining credit for the written knowledge portion of the examination.

Rule 4. Test Requirements

The examination for certified shorthand reporter shall consist of:

- A. A two-voice question and answer dictation of testimony at 200 words per minute for five minutes. Questions and answers will not be read nor counted as words, but must be appropriately indicated in the transcript.
- B. A five-minute dictation of literary material at 180 words per minute. The applicant will have two hours to transcribe both the question and answer dictation and the literary dictation. One hour will be given for the transcription of the question and answer dictation and one hour will be given for the transcription of the literary dictation.
- C. Proof of Passing the Registered Professional Reporter Examination of the National Court Reporters Association or an equivalent test as authorized by the Supreme Court, pursuant to the requirements of 20 O.S. 2003 §1503B(1) may be substituted for the literary material and question and answer portions of the examination.
- D. A written knowledge test of not less than twenty-five (25) multiple-choice questions and/or true and false questions relating to Oklahoma law and court rules. This section of the examination will be administered in forty-five (45) minutes. Applicants will be provided with the study aids from which the test questions will be taken.

Rule 5. Transcripts - Supplies

- A. Each candidate shall furnish all supplies and equipment necessary to take and transcribe the test, with the exception of transcription paper. Prior to each examination the Board will advise applicants of the permitted computer and/or word processing equipment that may be used to transcribe the examination.
- B. A dictionary/electronic spell checker is permitted for use in transcribing the test but must be furnished by the applicant.

Rule 6. Required Accuracy

In order to pass the examination, applicant will be required to attain 95 percent accuracy, defined as a maximum of fifty (50) errors on the question and answer portion of the skills examination and a maximum of forty-five (45) errors on the literary portion of the skills examination. A passing score on the written knowledge portion of the examination is seventy (70) percent or better.

Rule 7. Time

Time for transcription of the skills portions of the test shall be two (2) hours. The time for the written knowledge portion of the examination will be forty-five (45) minutes.

Rule 8. Identity of Candidates

The identity of each applicant shall be and shall remain unknown to the Board until after the final results are announced. Before the commencement of the examination, an identifying number shall be assigned to each applicant. The applicant shall enter such number and date on each group of papers used in the examination and shall not enter his/her name at any place on the examination. Failure to follow these procedures will result in automatic failure of the examination.

Rule 9. Turning in of Transcripts and Notes

Each applicant, upon completion of the transcription of his/hers notes, shall turn in the transcript the diskette record, if any, and the notes to the Board. Each applicant who commences but does not finish the assigned examination shall turn in the notes, the diskette record, if any, and the portion of the transcript, that has been completed. An applicant who does not transcribe their notes shall turn in the notes and the diskette record, if any, before leaving the examination room. Computerized records not on diskette shall be erased by the applicant prior to leaving the examination room.

Rule 10. Property of the Board

Notes, examination papers, computer diskettes and transcripts shall become the property of the Board.

Rule 11. Standards for Scoring Transcripts

The following guidelines will be used by the Board in scoring transcripts:

- A. One error will be counted for,
 - 1. Each wrong word or wrong form thereof,
 - 2. Each omitted, added or misplaced word,

3. Each misspelled word or proper name in common use,
 4. Each omitted capital letter clearly needed,
 5. Each incorrect number as it is spoken,
 6. Each improper designation of either the Q or A,
 7. Each contraction error, unless the difference in sound is not easily discernible,
and
 8. Each transposition of one or more words.
- B. Five errors will be counted for an aggregate of punctuation errors, which reflect an absence of knowledge on the part of the candidate on the basic rules of punctuation.
- C. Each segment of a hyphenated word is subject to one error.
- D. Each error will be indicated by a (✓) right above it and in case of omitted or added words, the number of omissions or additions will precede the check mark.
- E. When five errors are assessed for an aggregate of punctuation errors, that fact shall be indicated by the Board at the top of the first page of the test.
- F. The following will not be counted as errors:
1. X-ing out of one or more complete words, if done by typewriter,
 2. Hyphenation errors, including wrong end-of-line word division,
 3. Spacing errors,
 4. Optional spelling of a word as indicated in a standard dictionary,
 5. Misspelling or phonetic spelling of unusual proper names, unless the correct spelling has been given prior to the test, and
 6. Punctuation errors not falling into the classification of 11(b.) above.

Rule 12. Notification of Results of Examination

- A. Each candidate who completes the test shall be notified in writing by the Secretary of the Board whether he/she has passed or failed within thirty (30) days from the date of the examination.
- B. A candidate who completes the test, but fails to pass and who desires to inspect his/her examination papers, shall address a request in writing to that effect to the Secretary of the Board within thirty (30) days of the date appearing on the notification of the results of the examination.
- C. If one of the skills examinations was a failing score, the second portion of the skills examination is not graded and will not be sent to the applicant.
- D. The written knowledge portion of the examination will not be returned to the applicant.

Rule 13. Destruction of Papers

The examination papers of all candidates shall be destroyed ninety (90) days following the date written notice of the result of the examination has been mailed to the examinees.

Rule 14. Enrollment

- A. Court for official enrollment as Registered Professional Reporters or Registered Merit Reporters. All persons who pass the one (1) element of the CRR (Certified Realtime Reporter) examination or the written knowledge element of the RDR (Registered Diplomate Reporter) examinations given All examinees who successfully pass the CSR examination and have otherwise been found and approved by the Board to be fit and proper persons, in accordance with the statutes and these rules, shall be recommended by the Board to the Supreme Court for official enrollment as certified shorthand reporters.
- B. All persons who successfully pass all four elements (three (3) skills elements and one (1) written knowledge element) of the RPR (Registered Professional Reporter) or RMR (Registered Merit Reporter) examinations given by the Board or recognized by the Board and who are certified shorthand reporters employed by the State of Oklahoma shall be recommended by the Board to the Supreme by the Board or recognized by the Board and who are certified shorthand reporters employed by the State of Oklahoma shall be recommended by the Board to the Supreme Court for official enrollment as Certified Realtime Reporters or Registered Diplomate Reporters.

Rule 15. Certificates - Abbreviations - Seals

Each person enrolled by the Supreme Court as a certified shorthand reporter shall thereupon receive an appropriate certificate signed by the Chief Justice of the Supreme Court and attested by the Clerk. In addition thereto, each person enrolled as a certified shorthand reporter shall be entitled to use the abbreviation C.S.R. after his/her name, and those who are residents of the State of Oklahoma shall receive from the Board, without additional charge, a stamp/seal with his/her name and the words "Oklahoma Certified Shorthand Reporter" embossed thereon. Each person enrolled as a licensed shorthand reporter shall be entitled to use the abbreviation L.S.R. after his/her name and those who are residents of the State of Oklahoma shall receive from the Board, without additional charge, a stamp/seal with his/her name and the words "Oklahoma Licensed Shorthand Reporter" embossed thereon.

Rule 16. Duplicate Certificates

Upon the written request of a certificate holder, accompanied by an affidavit showing to its satisfaction the loss, mutilation or destruction of his/her original certificate, the Board may authorize the issuance of a duplicate certificate.

Rule 17. Change of Name or Address

Whenever the certificate holder changes his/her name according to law and presents evidence satisfactory to the Board, upon surrender of the original certificate, the Board shall authorize the issuance of a duplicate certificate setting forth the name of the certificate holder as changed.

It is the responsibility of each certified, licensed or acting shorthand reporter to notify the Board or the Administrative Office of the Courts of any change of name or address.

Rule 18. Roll

The Secretary of the Board or the Administrative Office of the Courts shall keep a current roll of certified, licensed or acting shorthand reporters. All mailings by the Board or the Administrative Office of the Courts concerning certificate or license renewal fees, continuing education or a possible disciplinary violation shall be made to the most recent address that the license or certificate holder has provided to the Board or the Administrative Office of the Courts.

Rule 19. Reciprocity

It shall be the responsibility of the Board to recommend to the Supreme Court for approval the court reporter tests deemed equivalent to the Registered Professional Reporter Examination of the National Court Reporters Association (NCRA), pursuant to 20 O.S. § 1503. A person holding a current certificate indicating that he/she has passed an test approved by the Supreme Court or who is the holder of current Registered Professional Reporter (RPR) or Registered Merit Reporter (RMR) status with the National Shorthand Reporters Association, will not be required to take the skills examinations required by 20 O.S. 2003 § 1503 B. 1. The applicant must, prior to certification, pass the Oklahoma written knowledge portion of the examination.

Rule 20. Renewal Fees

- A. The renewal fee for all persons enrolled as certified or license shorthand reporters, which shall be due January 1st of each dues period or as determined by the Board,

with the approval of the Supreme Court. The amount of the renewal fee shall be set by the Board, with the approval of the Supreme Court and shall be paid to the Administrative Director of the Courts. Six months shall be allowed for the payment of the renewal fee by each certificate or license holder.

- B. On July 1st of each dues period, all certificates or licenses, which have not been renewed by the payment of the annual renewal fee, shall be suspended by the Supreme Court of Oklahoma.
- C. A suspended license may be reinstated at any time within the following four-months, up to and including October 31st, by payment of the delinquent renewal fees and any delinquent payment fee as set by the Board, with the approval of the Supreme Court. After that time, an expired certificate or license shall be revoked by the Supreme Court of Oklahoma and shall not be subject to reinstatement without examination.

Rule 21. Continuing Education

- A. All court reporters certified, licensed, or the holder of a temporary certificate as an acting court reporter by the Supreme Court of Oklahoma must complete a total of four (4) hours of continuing education per calendar year.

All official court reporters and all court reporters temporarily employed by the District Courts of Oklahoma, the Workers' Compensation Court and the Corporation Commission must complete one (1) hour of continuing education per calendar year on Oklahoma Court Rules and Procedures. This shall be included in the required four (4) hours of continuing education.

- B. Reporters are exempt from this requirement if they file a verified oath requesting exemption with the Board and said exemption is approved by the board. The oath shall include one of the following grounds for exemption:
 - 1. The reporter attained the age of sixty-five (65) before or during the calendar year for which the reporter seeks an exemption;
 - 2. The reporter is a member of the armed forces on full-time active duty during the entire calendar year for which the reporter seeks an exemption;
 - 3. The reporter has provided written verification by a licensed physician that a medical condition has prevented the court reporter from working as a court reporter and completing continuing education for the calendar year for which the reporter seeks an exemption.
- C. The following standards will govern the approval of continuing education programs by the Board.

- D. The program must have significant intellectual or practical content and its primary objective must be to increase the court reporter's professional competence as a reporter.
- E. The program must be offered by a sponsor having substantial, recent experience in offering continuing court reporter education of demonstrated ability to organize and present effectively continuing court reporter education. Demonstrated ability arises partly from the extent to which individuals with court reporter and/or legal training or educational experience are involved in the planning, instruction and supervision of the program.
- F. The program itself must be conducted by an individual or group qualified by practical or academic experience. The program including the named advertised participants must be conducted substantially as planned, subject to emergency withdrawals and alterations.
- G. Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the Board. A mere outline without citations or explanatory notations will not be sufficient.
- H. The program must be conducted in a comfortable physical setting, conducive to learning and equipped with suitable writing surfaces.
- I. Approval may be given for programs where audiovisual recorded or reproduced material is used. Television video programs and motion picture programs with sound shall qualify for CE credit in the same manner as a live CE program provided: (a) the original CE program was approved for CE credit as provided in these regulations or the visual recorded program has been approved by the Board under these rules, and (b) each person attending the visual presentation is provided written material as provided above and there are a minimum of five (5) persons enrolled and in attendance at the presentation of the visually recorded program.
- J. Programs that cross academic lines may be considered for approval except for that portion of the education that must be on Oklahoma Court Rules and Procedures.
- K. Continuing legal education programs sponsored by the following organizations are presumptively approved for credit, provided that the standards set out in these Rules are met:
 - The National Court Reporters Association. This shall include programs approved by the National Court Reporters Association for credit and not conducted by the Association
 - The Oklahoma Court Reporters Association.

- L. Approved seminars may be advertised in informational brochures and program materials provided by the sponsoring body. The organizations whose programs are presumptively approved shall give adequate notice that a program or seminar it conducts is not approved for CE credit in the event the program or seminar does not meet the standards set forth above. The Board may at any time re-evaluate and grant or revoke presumptive approval of a provider.
- M. Any organization not included paragraph k above, desiring approval of a course or program shall apply to the Board by submitting an application in letter form with supporting documentation at least ninety (90) days prior to the date for which the course or program is scheduled. The Secretary of the Board will advise the applicant in writing by mail whether the program is approved or disapproved.
- N. The application required by paragraph m, above, must contain the following information, in written form:
1. The location of the training;
 2. The date of the training;
 3. A complete agenda of the training, to include the faculty;
 4. The number of hours of training to be dedicated to Oklahoma Court rules and procedures must be clearly indicated in the request for approval of continuing education credit.
- O. A court reporter desiring approval of a course or program which has not otherwise been approved shall apply to the Board by submitting an application in letter form with supporting documentation as follows:
1. If approval is requested before the course or program is presented the application and supporting documentation shall be submitted at least sixty (60) days prior to the date for which the course or program is scheduled.
 2. If approval is requested after the applicant has attended a course or program the application and supporting documentation shall be submitted within ninety (90) days after the date the course or program was presented or prior to the end of the calendar year in which the course or program was presented, whichever is earlier.
- The Secretary of the Board shall advise the court reporter by mail whether the program is approved or disapproved. If the course is approved, the court reporter(s) attending the course for credit must arrange with the provider to provide directly to the Board a list of attendees as provided in paragraph q below. No verification of attendance will be accepted directly from the court reporter.
- P. The provider of an approved continuing education program may announce or indicate as follows:

This course has been approved by the State Board of Examiners of Certified Shorthand Reporters for _____ hours of CE credit.

- Q. The Board or the Administrative Office of the Courts, upon approval of a continuing education program or the announcement of a continuing education program by an approved sponsor, may submit to the program provider a list of name and address information for court reporters as listed on the Roll of Certified, Licensed or Acting Court Reporters or mailing labels for those reporters. It is the responsibility of the sponsor to notify court reporters of the training and to request the mailing labels.
- R. Within thirty days (30) days following an approved continuing education program the sponsor or accrediting entity shall furnish to the Board and/or the Administrative Office of the Courts an alphabetized list of attendees. No other verification of attendance at any continuing education program will be accepted. No verification of attendance may be made directly by the court reporter to the Board.
- S. On or before February 15th of each year, every person with the status of certified, licensed or acting court reporter granted by the Supreme Court of Oklahoma shall submit a report on a form as prescribed by the Board or the Administrative Office of the Courts all information concerning such court reporter's completion of, or approved substitute for, the minimum hours of instruction for the proceeding calendar year.
- T. Sponsors of the seminars or courses qualifying for Mandatory Continuing Court Reporter education credits shall keep records of attendance for a period of two (2) years following the date of the course or seminar.
- U. Failure to complete the continuing education and to document the completion of same may result in the suspension, revocation, or cancellation of the court reporters' license or certificate by the Board, upon approval of the Supreme Court.

**RULES GOVERNING DISCIPLINARY PROCEEDINGS OF
THE STATE BOARD OF EXAMINERS OF
CERTIFIED SHORTHAND REPORTERS**

Rule

1. Persons to whom rules apply
2. Grounds for discipline
3. Administrative suspension for nonpayment of renewal fee
4. Administrative Suspension for failure to obtain the required hours of Continuing Education
5. Complaints
6. Formal proceedings, how commenced
7. Hearings
8. Transmittal of recommendation and review by Supreme Court
9. Reinstatement

Rule 1. Persons to Whom Rules Apply

These rules shall apply to all persons certified or who are enrolled as court reporters under the rules of the Board of Examiners of Certified Shorthand Reporters, 20 O.S. § 2003, Ch. 20. App., all persons certified or licensed as court reporters by the Oklahoma Supreme Court, and all persons holding the status of acting court reporter, regular or temporary. 20 O.S. § 2003, Section 106.3B(c). All of the foregoing persons are collectively referred to as "court reporters."

Rule 2. Grounds for Discipline

The Board shall on complaint, or as otherwise hereafter provided, conduct proceedings, on reasonable notice, the object of which is to recommend to the Supreme Court discipline of any court reporter, where it shall be determined there exists any of the following grounds.

- A. Final conviction of a criminal offense which indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a person licensed or certified as a court reporter, pursuant to 20 O.S. 2003 § 1501 et. seq. or serving as a Court Reporter pursuant to 20 O.S. 2003 Section 106.3B;
- B. The misrepresentation of any fact in obtaining licensure;
- C. Any violation of, or noncompliance with any rule or directive of the Supreme Court;
- D. Fraud, gross incompetence, or gross or habitual neglect of duty;
- E. Engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- F. Engaging in the practice of shorthand reporting while certification is suspended;
- G. Nonpayment of renewal dues and/or delinquent fees;
- H. Failure to obtain the required number of hours of continuing education in any calendar year;
- I. A violation of 20 O.S. Section 1513.

Rule 3. Administrative Suspension for Nonpayment of Renewal Fee

Suspension of a court reporter for nonpayment of renewal fees shall be as provided in Rules of the State Board of Examiners of Certified Shorthand Reporters, and as set forth

below. The formal disciplinary procedures provided for by these rules have no application to suspensions based solely on nonpayment of renewal dues.

- A. The Board will administratively suspend by transmitting to the Supreme Court a list of those persons who have not paid their renewal dues by July 1st of each dues period, and further the Board will notify all such persons, by certified mail, return receipt requested, to the last known address of the person provided to the Secretary or the Board or the Administrative Office of the Courts that they have been suspended for nonpayment of renewal dues
- B. Payment of such renewal dues, and/or delinquent fees at any time within the next four (4) months shall entitle such person to reinstatement without hearing.
- C. At the end of the succeeding four (4) months, or October 31 of the same year, the licenses and certificates of those who have not paid their renewal dues and/or delinquent fees shall be revoked administratively without further notice. In order to obtain a reinstatement, all parties must comply with the provisions of Rule 9 hereof.
- D. Renewal fees shall be payable on or after the 1st day of January of each dues period, or as directed by the State Board of Examiners of Certified Shorthand Reporters and as approved by the Supreme Court, and as provided in the Rules of the State Board of Examiners of Certified Shorthand Reporters. Failure of a court reporter to pay renewal fees on or before the first day of July of each dues period, or as directed by the Board, shall result in the Board recommending to the Supreme Court the suspension of the court reporter's license or certificate. The order of the Supreme Court approving the recommendation of the Board shall operate to suspend the license or certificate of the court reporter without necessity of hearing. The court reporter shall be notified by certified mail to the last known address of the reporter as provided to the Secretary of the Board or the Administrative Office of the Courts, of the order of the Court. Within four (4) months of the order, but not later than the last day of October of each year in which dues are payable, should the court reporter suspended for nonpayment of renewal fees pay all renewal fees and delinquent fees then due, the court reporter shall be administratively reinstated without need for application or hearing. The continued delinquency of renewal fees beyond ten months shall result in the revocation of the court reporter's license or certificate without further action of the Board or the Supreme Court. Thereafter, reinstatement of the court reporter shall be as provided in Rule 9 hereof.

Rule 4. Administrative Suspension for Failure to obtain the required hours of Continuing Education

Suspension of a certified/licensed, or acting court reporter, pursuant to 20 O.S. 2003 § 106.3B for failure to obtain the required hours of continuing education in any calendar year, defined as January 1 through December 31 of any year, shall be as provided in Rules of the State Board of Examiners of Official Shorthand Reporters and as set forth

below. The formal disciplinary procedures provided for by these rules have no application to suspensions based solely on failure to obtain the required hours of continuing education.

- A. The Board will administratively suspend by transmitting to the Supreme Court a list of those persons who have not filed a compliance report concerning the previous year's continuing education by February 15 of each year, and further the Board will notify all such persons, by certified mail, return receipt requested, to the last known address provided to the Secretary of the Board or the Administrative Office of the Courts, that they have been suspended for failure to obtain the required hours of continuing education.
- B. Filing of a complete compliance report at any time within the next six (6) months shall entitle such person to reinstatement without hearing. In no case may continuing education hours be used for more than one calendar year's compliance report. The State Board of Examiners of Certified Shorthand Reports may set a reinstatement or delinquent filing fee with the approval of the Supreme Court.
- C. At the end of the six months, or no later than December 31 of the same year, the licenses, certificates or acting status as a court reporter of those who have not fulfilled their continuing education requirement and filed a compliance report shall be revoked administratively without further notice. In order to obtain a reinstatement, all parties must comply with the provisions of Rule 9 hereof.
- D. Continuing education compliance reports must be filed by February 15 of each year, setting forth the previous year's continuing education, as provided in the Rules of the State Board of Examiners of Official Shorthand Reporters. Failure of a court reporter to file a compliance report on or before the fifteenth day of February of each year shall result in the Board recommending to the Supreme Court the suspension of the court reporter's license or certificate. The order of the Supreme Court approving the recommendation of the Board shall operate to suspend the license or certificate of the court reporter without necessity of hearing. The court reporter shall be notified by certified mail to the last known address of the reporter as provided to the Secretary of the Board or the Administrative Office of the Courts of the order of the Court. Within six (6) months of the order, but not later than the last day of December of each year, should the court reporter suspended for failure to file a compliance report, file a documented and correct report, the court reporter shall be administratively reinstated without need for application or hearing. The continued delinquency in the filing of a compliance report beyond six months from the date of the order suspending the reporter's license or certificate shall result in the revocation of the court reporter's license or certificate without further action of the Board or the Supreme Court. Thereafter, reinstatement of the court reporter shall be as provided in Rule 9 herein.

Rule 5. Complaints

The procedure for filing a complaint against a court reporter and the investigation of such complaint shall be as follows:

- A. The Board shall furnish forms for a request for investigation to each person who alleges misconduct of a court reporter. Each complaint shall be in writing, although not necessarily in the prescribed form, and signed by the complainant. A complaint may be filed by any person, including other court reporters, who has knowledge or information of misconduct of a court reporter.
- B. Complaint shall be filed with the Secretary of the Board, who shall transmit copies to all members of the Board. The Board shall conduct preliminary investigation to determine whether there are facts sufficient to warrant formal disciplinary proceedings.
 - 1. The Board may, in its sound discretion, solicit additional information from the complainant;
 - 2. Interview or subpoena potential witnesses; and/or
 - 3. Inform the court reporter involved of the nature of the complaint and afford the court reporter an opportunity to respond thereto in writing.
- C. Should the Board vote not to commence formal disciplinary proceedings, the complainant and the court reporter involved shall be promptly so notified by the Secretary of the Board. The complainant may by Petition for Review filed with the Clerk of the Supreme Court not more than thirty (30) days from the date of the decision seek to have such decision reviewed, and such petition shall be processed by the Court as in other appeals from recommendations of the Board or as hereinafter provided.

Rule 6. Formal Proceedings, How Commenced

- A. Upon an affirmative vote of the Board to commence formal disciplinary proceedings, the Secretary of the Board shall prepare a formal complaint. The formal complaint shall be styled:

**BEFORE THE STATE BOARD OF EXAMINERS OF CERTIFIED
SHORTHAND REPORTERS**

The State of Oklahoma ex rel. State Board
of Examiners of Certified Shorthand Reporters,

Complainant,

No.

v.

(Name of Accused),
Respondent,

COMPLAINT

The Complaint shall state the specific facts constituting the alleged misconduct, whether prior misconduct has resulted in discipline, and whether prior investigations of misconduct are to be relied upon to enhance discipline. Any prior act or conduct relied upon to enhance discipline shall be so stated and set forth by specific allegation of fact. The complaint shall be attested by the Chairman of the Board.

- B. Should the complaint allege as grounds for discipline the final conviction of a court reporter, in any jurisdiction, of a criminal offense which indicates a clear and rational likelihood that the court reporter will not properly discharge his or her duties and responsibilities as a certified or licensed shorthand reporter, there shall be attached thereto a certified copy of the charges upon which such conviction was had and a certified copy of the judgment and sentence of conviction. Such documents, regardless of the pendency of an appeal, shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment is based and shall suffice as the basis for discipline in accordance with these rules. Thereafter, the issues in a formal proceeding shall be limited to whether the conviction falls within the requirement that the conviction of the said crime will preclude the court reporter from performing his or her duties under the statutes and rules relating to court reporters.

If an appeal is perfected from the judgment of conviction and such judgment is reversed, the disciplinary proceedings based on such conviction shall be dismissed immediately and the court reporter involved restored to his/her former status. Nothing contained herein shall prevent the Board from initiating and conducting formal disciplinary proceedings upon charges identical to those set forth in a criminal complaint, indictment, or information, notwithstanding the pendency or final disposition of the criminal action.

- C. The Secretary of the Board shall cause the complaint together with notice of a hearing before the Board thereon to be sent to the court reporter involved. Hearing before the Board shall not be set for earlier than thirty (30) days from date of mailing of the complaint and notice. The Board may in its discretion grant continuances for good causes shown.
- D. Upon timely written request therefore, but not less than ten (10) days prior to hearing date, the court reporter involved is entitled to be provided with a list of all witnesses the Board reasonably anticipates may be called as witnesses against the court reporter and copies of all documentary evidence supporting the allegations of

the complaint. (These will be submitted by the Attorney General or one of his staff.) The court reporter, not less than five (5) days prior to hearing, shall submit a list of all documentary evidence the court reporter intends to introduce as evidence in defense of the charges in the complaint or as to mitigation of discipline. The Board may in its discretion and for good cause shown modify time limits herein imposed.

Rule 7. Hearings

- A. The Board, under signature of the Chairman on behalf of the Board, shall have power to issue subpoenas to compel the attendance of witnesses on behalf of the State or the court reporter involved. The Chairman shall preside over formal disciplinary hearings and, if necessary, rule on questions of procedure. A complete stenographic record of formal disciplinary hearings before the Board shall be kept.
- B. The formal rules of evidence shall not apply to disciplinary hearings before the Board. Any evidence offered on behalf of the Complainant or the court reporter shall be received and considered unless clearly irrelevant to the proceedings. The court reporter shall have the right to appear personally or through counsel, cross-examine witnesses and present evidence on his/her own behalf. The Complainant shall have the burden of persuasion on the material elements of the Complaint. Hearings may be adjourned or continued to a date certain, as the Board in its discretion shall decide.
- C. All proceedings before the Board shall be open and conducted in full compliance with the Open Meeting Law (25 O.S.2003 § 301, et seq.), except that the Board, when acting in its capacity as a quasi-judicial body, may adjourn to an executive session for purposes of deliberations only. All votes of the Board on disciplinary matters shall be publicly cast and recorded.
- D. Decisions of the Board shall be in writing with findings of fact and conclusions of law as applicable. The decision of the Board shall reflect the votes of the members for or against the Board's recommendation. The written decision of the Board shall constitute its recommendation to the Supreme Court for or against discipline and shall state facts and circumstances of each case. If the recommendation is for discipline, the Board may recommend:
 - 1. Suspension for a period of time up to one year; or
 - 2. Cancellation of enrollment of a certified court reporter or revocation of the license of a licensed court reporter or of the status of acting court reporter.

Rule 8. Transmittal of Recommendation and Review by Supreme Court

- A. The decision of the Board, which constitutes its recommendation, shall be immediately transmitted to the Supreme Court, and copies thereof mailed to the

court reporter involved. The record of the proceedings before the Board relative to any decision shall be transmitted to the Clerk of the Supreme Court not later than forty-five (45) days after the date of the Board's decision, unless an extension of time for preparation of the record is granted by order of the Supreme Court. The Secretary of the Board shall promptly notify the court reporter involved and the complainant of the completion and transmittal of the record.

- B. Either the complainant or the court reporter may, within twenty (20) days of receipt of notice of completion and transmittal of the record, file their brief-in-chief contesting the Board's recommendation or any part thereof. Answer brief shall be filed ten (10) days after the filing of brief-in-chief. Reply briefs may be filed five (5) days after filing of answer briefs. Briefs shall be subject to the provisions of the Rules of the Supreme Court, Rules 10-24, 12 O.S., Ch. 15, App. 1, as amended and Rules of Appellate Civil Procedure, 12 O.S., Ch. 15, App. 2, Rule 1.28(b)-(f), as amended.
- C. After filing of briefs the decision and recommendations of the Board shall stand submitted to the Supreme Court which may, in its sole discretion, adopt or reject such recommendations in whole or in part, remand with instructions or make such other disposition as the Supreme Court may deem proper, with or without oral argument or formal written opinion. Either party aggrieved by the decision of the Supreme Court may make application for rehearing as provided by the Rules of the Supreme Court, 12 O.S., Ch. 15, App. 1, Rule 28.

Rule 9. Reinstatement

- A. Any court reporter who has been disciplined by suspension under order of the Supreme Court for a period of one (1) year or less shall be reinstated without further proceedings before the Board or order of the Supreme Court upon the filing of a verified application with the Secretary of the Board and a copy thereof with the Clerk of the Supreme Court, which shall state:
 - 1. That the term of the suspension as ordered by the decision of the Supreme Court has expired;
 - 2. That all costs of the formal disciplinary proceedings, including transcript costs, as well as renewal fees, have been paid by the applicant; and
 - 3. That there is not currently pending before the Board any complaint of misconduct against the applicant.
 - 4. That the applicant has not engaged in the practice of court reporting during the term of suspension.

Material deletions or misrepresentations in the application shall be grounds for discipline.

- B. Any court reporter who has been disciplined by having had his/her enrollment canceled, who has had his/her license revoked or who has had his/her status of acting court reporter revoked by order of the Supreme Court after formal disciplinary proceedings, may seek reinstatement by filing a verified application with the Secretary of the Board and a copy with the Clerk of the Supreme Court, which application shall state:
1. The applicant's current home and business address, together with a narrative of his/her residence and employment history during the period of cancellation or revocation;
 2. That the applicant has not, during the period of his/her cancellation or revocation, been finally convicted of a criminal offense which indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a person licensed pursuant to 20 O.S. §§ 1501 et. seq. and 20 O.S. §106.3B;
 3. The names of at least five (5) persons who will testify as to the good moral character of the applicant;
 4. That the applicant has paid all costs of the disciplinary proceedings resulting in his/her discipline, all renewal fees due but unpaid at the time of cancellation or revocation and will pay all costs attendant to processing of his/her application for reinstatement;
 5. That the applicant has not engaged in the practice of court reporting during the term of suspension; and
 6. That the applicant has taken and successfully passed the examination prescribed by the Board for certification of shorthand reporters.

Upon receipt of an application for reinstatement, the Secretary of the Board shall transmit copies of said application to all members of the Board. The Secretary shall thereafter cause said application to be set for hearing before the Board. Notice of hearing on the application shall be sent to the applicant and shall be published in the Oklahoma Bar Journal and in a newspaper of general circulation in the county of the residence of the applicant and, if different, also in the county of the applicant's residence at the time of his/her cancellation or revocation. The cost of such publication shall be included in the costs to be paid by the applicant. Said notice shall be published in one (1) issue of each such periodical and shall advise interested persons when and where the hearing will be conducted.

The Board shall conduct a full hearing on the application as in the conduct of hearings on formal disciplinary complaints. The Board shall make its written decision and recommendation to the Supreme Court and shall there be reviewed as in the conduct of hearings on formal disciplinary proceedings.

VOCABULARY

1. ABEYANCE: In expectation; the condition of a freehold property when there is no person in being in whom it is vested.
2. A FORTIORI: With greater reason.
3. AB INITIO: From the beginning.
4. ABROGATE: To abolish or annul by authority.
5. ACQUITTAL: Verdict of not guilty.
6. AD DAMNUM: To the damage.
7. AD LITEM: During the interim of an action or proceeding.
8. ADJUDICATION: A judgment or decree in a cause.
9. AFFIDAVIT: Voluntary oath in writing sworn to before one authorized to administer oaths or affirmations.
10. AMICUS CURIAE: Friend of the court.
11. APPELLANT: One who files an appeal.
12. APPELLEE: One against whom a cause is appealed.
13. ASSUMPSIT: A promise or agreement to undertake to do some act or pay something to another.
14. BAILEE: The party to whom personal property is delivered under a contract of bailment.
15. BAILMENT: Temporary possession of personal property by one who is not the owner.
16. BONA FIDE: In good faith.
17. CAVEAT EMPTOR: Let the buyer beware.
18. CANON: A law.
19. CEDE: To yield up; to assign; to grant; to surrender.
20. CHOSE IN ACTION: Any claim that can be pleaded in law or equity.

21. CERTIORARI: A writ issued by a superior court to an inferior court requiring the latter to produce a certified record of a particular case tried in the inferior court.
22. CODICIL: Amendment or addition to a will.
23. COGNIZANCE: Recognition.
24. COLLATERAL ESTOPPEL: A bar to relitigating an issue which has already been tried between the same parties or their privies.
25. COLORABLE: That which is in appearance only, and not in reality what it purports to be.
26. COMITY: Recognition by states and nations of each other's laws.
27. COMPOS MENTIS: Sound of Mind.
28. CONSANGUINITY: Blood Relationship.
29. CONSORTIUM: Right of conjugal fellowship between husband and wife.
30. CONTUMACY: Contemptuous disobedience of a court order.
31. CORPUS DELICTI: Remains of the committed crime.
32. CORPUS JURIS: Body of law.
33. DE BENE ESSE: Done conditionally.
34. DEFALCATION: Misappropriation of moneys.
35. DEMURRER: A denial by a defendant that the allegations of the complaint, even if true, would legally constitute a cause for action.
36. DICTUM: A remark or observation made by a judge in pronouncing an opinion which does not embody the resolution of the court.
37. EGRESS: The path by which a person goes out, exit.
38. EMINENT DOMAIN: The power to take private property for public use by the state municipalities and private persons or corporations authorized to exercise functions of public character.
39. EX OFFICIO: By virtue of the office.
40. EX PARTE: From one side only.

41. EX POST FACTO: After the fact.
42. EXECUTOR: One designated in a will to administer an estate.
43. EXECUTORY: Not yet completed.
44. EXTRAJUDICIAL: That which is done outside the course of regular judicial proceedings.
45. EXTRINSIC: Outside; foreign. External evidence or evidence in regard to the meaning of a document which is derived from a source other than the document itself.
46. FEASANCE: Performance.
47. GARNISHMENT: Statutory proceeding where property, money, or credits of a debtor in possession of another (the garnishee) is applied to the payment of the debtor.
48. HABEAS CORPUS: Name given to various writs having as their object to bring a party before a court.
49. HYPOTHECATION: A contract where specific property is pledged as security.
50. ILLUSORY: Deceiving by false appearance.
51. INGRESS: Entry.
52. IN FORMA PAUPERIS: Application to the court to pay legal expenses of an indigent litigant.
53. IN LIMINE: At the outset. A motion to prohibit introduction of irrelevant prejudicial evidence.
54. IN PARI DELICTO: Equally in the wrong.
55. IN PERSONAM: In the law of procedure, applied to an action which is instituted by giving notice to the party affected either by personal or by substituted service of process.
56. IN REM: An action instituted against a thing rather than a person.
57. INTER ALIOS: Between other persons. Between those who are strangers to a matter in question.
58. INTER VIVOS: Between the living. From one living person to another.
59. INTERLOCUTORY: Provisional; interim; temporary; not final.

60. **INTERLOPER:** Persons who interfere or intermeddle into business to which they have no right.
61. **INTERPLEADER:** Proceeding in equity in which a person in possession of property claimed by two or more persons adversely to each other, surrenders the property to the court to settle.
62. **INTERROGATORIES:** Written questions propounded by one party and served on an adversary before trial of the action and answered in writing.
63. **INTRA VIRES:** Applied to a person or corporation when acting within authority.
64. **INTRINSIC EVIDENCE:** Evidence derived from a document without anything to explain it.
65. **IPSO FACTO:** By the fact itself.
66. **JOINDER:** Uniting of several causes of action in one suit.
67. **JURAT:** Certificate stating the time and place of an affidavit and the person before whom it was sworn.
68. **JURISPRUDENCE:** The science of law.
69. **LACHES:** Unreasonable delay to claim a right.
70. **LEASEHOLD:** Tenancy under a lease.
71. **LIS PENDENS:** A pending suit.
72. **LOCO PARENTIS:** In place of the parent.
73. **MALFEASANCE:** Commission of a wrongful act.
74. **MANDAMUS:** A writ issuing from a court of higher jurisdiction commanding the performance of a public, official or ministerial duty.
75. **MANDATE:** An order of the court.
76. **MERITORIOUS:** Possessing or characterized by “merit” in the legal sense of the word.
77. **METES AND BOUNDS:** Boundary lines of land with determination of terminal points and angles.

78. MISJOINDER: Joining together of different causes of action which under the rules of procedure may not be litigated together. The improper adding of a litigant as a party plaintiff or defendant in a case.
79. MISNOMER: A mistake in a name.
80. MITIGATION: Reduction of damages or punishment by reason of extenuating facts.
81. MONDUS OPERANDI: The method of operation.
82. MOOT: Unsettled, undecided. Not settled by Judicial decisions.
83. NEGLIGENCE: Failure to exercise reasonable care.
84. NOLO CONTENDERE: A plea in a criminal prosecution by which the defendant announces his intention not to contest the action.
85. NON SEQUITUR: It does not follow.
86. NOVATION: Substitution for a new contract.
87. NUNC PRO TUNC: Now for then. Inherent power of the court to make its records speak the truth.
88. OBITER DICTUM: Words of an opinion entirely unnecessary for the decision of the case.
89. PENDENTE LITE: While suit is pending.
90. PER CURIAM: By the court.
91. PERJURY: Lying under oath.
92. PER DIEM: Daily.
93. PER SE: In itself.
94. PER STIRPES: By representation.
95. POSTMORTEM: After death; autopsy.
96. PREEMPTION: Doctrine adopted by the U.S. Supreme Court holding that certain matters are of such a national, as opposed to local, character that federal laws preempt or take precedence over state laws.

97. **PRIMA FACIE:** At first sight; on its face; a fact presumed to be true unless disproved by some evidence to the contrary.
98. **PRIVITY:** Mutual or successive relationship to the same rights of property. In its broadest sense, “privity” is defined as mutual or successive relationships to the same right of property, or such an identification of interest of one person with another to represent the same legal right.
99. **PRO HAC VICE:** For this occasion.
100. **PRO FORMA:** As a matter of form. Used to describe accounting, financial and other statements or conclusions based upon assumed or anticipated facts.
101. **PROBATE:** Court procedure by which a will is proved to be valid or invalid. Generally includes all matters and proceedings pertaining to administration of estates, guardianships, etc.
102. **PROXIMATE:** Immediate; nearest; direct, next in order. In its legal sense, closet in casual connection.
103. **QUANTUM MERUIT:** As much as deserved. An equitable doctrine based on the concept that no one who benefits by the labor and materials of another should be unjustly enriched thereby; under these circumstances the law implies a promise to pay a reasonable amount for the labor and materials furnished, even absent a specific contract therefore.
104. **QUASH:** To annul or make void.
105. **QUASI:** As; as if; as it were. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences.
106. **QUID PRO QUO:** What for what; something for something. Giving of one valuable thing for another.
107. **RECOGNIZANCE.** An obligation of record entered into before a court of record to do some particular act.
108. **REMAND:** To send back. The sending by the appellate court of the cause back to the same court out of which it came for purpose of having some further action taken on it there.
109. **REMITTITUR:** Reversal issued by an appellate court. An order by a court to remit a portion of damages awarded.
110. **REPLEVIN:** A personal action whereby the owner recovers possession of his own goods.

111. RES: Thing; object; subject matter of a suit; property; transaction.
112. RES GESTAE: Thing done; circumstances incidental to an act litigated.
113. RES IPSA LOQUITUR: The thing speaks for itself.
114. RES JUDICATA: A matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment.
115. RESPONDEAT SUPERIOR: Let the master answer.
116. SCIENTER: Knowingly.
117. SEQUESTER: To separate or isolate; e.g. to sequester jurors is to isolate them from contact with the public during the course of a trial.
118. SERIATIM: Severally; separately; individually; one by one.
119. STARE DECISUS: To abide by; the decision of the court should stand as precedents for future guidance.
120. STATUS QUO: Existing state of things at any given date.
121. SUA SPONTE: On his own motion.
122. SUBPOENA: Writ, process or mandate requiring a person to appear and testify in a certain case.
123. SUBPOENA DUCES TECUM: A process by which the court, at the instances of a party, commands a witness who has in his possession or control some document or paper that is pertinent to the issues of a pending controversy to produce it at trial.
124. SUBROGATION: The substitution of one person in the place of another with reference to a lawful claim, demand or right, so that he who is substituted succeeds the rights of the other in relation to the debt or claim, and its rights, remedies, or securities.
125. SUBORNATION: Procuring another to commit a crime.
126. SUB ROSA: Covertly; privately; confidentially.
127. SUI GENERIS: Of its own kind.
128. SUMMARY JUDGMENT: A judgment in an action which is entered by the court as a matter of law, without a trial, based upon the undisputed material facts set forth by the parties in affidavits and depositions.

129. SUPERSEDEAS: A writ containing a command to stay the proceedings at law.
130. TESTAMENTARY: Pertaining to a will or testament.
131. TESTATE: One who has made a will; one who dies leaving a will.
132. TORT: To twist. An act or omission which causes injury and which creates a claim for damage in the injured party; a private or civil wrong or injury.
133. TORTFEASOR: One who commits a tort.
134. TORTIOUS: Wrongful; injurious.
135. ULTRA VIRES: Acts beyond the scope of the powers of a corporation as defined by its charter or laws of state of incorporation.
136. VENIRE: To come; to appear in court. The list of jurors summoned to serve as jurors for a particular term.
137. VENUE: Neighborhood; area in which an injury is claimed to have occurred; geographical unit in which a trial court has jurisdiction.
138. VOIR DIRE: To speak the truth. Preliminary examination which the court may make of one presented as a witness or juror touching competency, interest, bias, etc.
139. WRIT: A court order directing a party to do a specific act.
140. WRIT OF ERROR CORAM NOBIS: Writ to correct errors of fact.

APPENDIX 1

Administrative Directives

APPENDIX 2

Map-District Court Judicial Districts