



STATE OF NEW MEXICO

Court Reporter Forms/Information Manual

Revised 1/1/2024.

STATE OF NEW MEXICO

Court Reporter Forms/Information Manual

Table of Contents

Preface / Instructions	3
Introduction	5
Transcript Format Requirements	6
Format Elements	6
General Reporter Information for Official Court Reporters	10
General Courtroom Procedures and Protocol	10
Exhibits	13
Use Of {Sic} In Court Transcripts	13
Backup Tapes	14
Audio Sync Software Programs	14
Telephonic Proceedings	14
Stenographic Records	14
Retention Schedule	15
Termination of Employment	15
Outside Reporting	16
Parenthetical Remarks	16
Preparation Of Appellate Transcripts	17
Objection To Appellate Transcripts	17
Designation For Death Or Life Imprisonment Cases	18
Disagreement Over Costs	18
Extensions Of Time	18
Failure To File Transcript Of Proceeding	18
Guidelines For Uncertified Rough Draft Transcripts	19
Rough Draft Disclaimer	20
Unedited Realtime Services	20
Unedited Realtime Feed	20
Reading Depositions Into The Record	21
Audio Tapes/Digital Recordings Played in Open Court	21
Sealing The Stenographic Record	21
Sealing Exhibits	22
Reading Excerpts Of Depositions Into The Record	22

Sidebar Conferences/Bench Conferences	22
Off The Record Discussions	22
Certificate Of Deposition	22
Notary Requirements	22
General Reporter Information for Freelance Court Reporters	24
Exhibits	24
Use Of {Sic} In Court Transcripts	24
Backup Tapes	25
Audio Sync Software Programs	25
Telephonic and Video-Conferencing Depositions	25
Swearing In Witnesses	26
Parenthetical Remarks	26
Uncertified Rough Draft Transcripts	27
Reading Excerpts of Depositions into the Record	27
Off the Record Discussions	27
Certified Questions and/or Answers	27
Playing Of CD/Tapes Into The Record	27
Unedited Realtime Feeds	28
Reading and Signing	28
Certificate Of Deposition	28
Nonappearance Of A Witness	29
Sealing The Original	29
Sealing A Portion Of The Record	29
Sealing Exhibits	29
Retention Schedule	30
Notary Requirements	30
Sworn Statements and Examinations Under Oath	30
Inability To Obtain Exhibits	31
Providing Transcripts To Nonparties	31
Ethics – the Reporter’s Code	32
The Professional Code of Ethics	32
Ethical Scenarios	34
AntiContracting Language	34
Advisory Opinions	35
Advisory Opinions	35
Appendix A. Official	36
Appendix B. Freelance	37

Preface / Instructions

The Supreme Court of New Mexico, through the Board Governing the Recording of Judicial Proceedings (CCR Board), certifies New Mexico court reporters working as official court reporters and freelance court reporters.

**Rule 22-102 &
22-206(B)**

Each New Mexico certified court reporter is responsible for following all rules governing the recording of judicial proceedings as well as all local rules pertaining to official court reporters and freelance court reporters. Certified Court Reporters are also responsible for keeping up to date with changes to those rules by visiting the CCR Board website on a frequent basis. The complete set of Rules Governing the Recording of Judicial Proceedings can be found on the CCR Board website; www.ccrboard.com.

This revised manual is approved by the Supreme Court and published by the Board Governing the Recording of Judicial Proceedings. It is designed to provide information and transcript formats for both official court reporters and freelance court reporters working in the State of New Mexico.

Rule 22-505

ETHICS – A VERY IMPORTANT TOPIC

The issue of “Ethics” and other important topics are addressed in Chapter 5 of this revised manual. New Mexico reporters are asked to pay special attention to the information contained in this chapter which stresses the importance in handling all court reporter-related topics with the highest regard for ethics.

All certified court reporters are responsible for knowing the contents of this manual as well as all applicable rules and regulations pertaining to court reporters in the State of New Mexico.

The New Mexico Rules Governing the Recording of Judicial Proceedings can be found in Rules 22-101 through 22-701. You will find reference to specific rule numbers in the left margins in this manual.

Rule 22-201(C)

Judicial Districts in the State of New Mexico continue to use a combination of digital recording systems and the stenographic method to capture civil, criminal, and family court proceedings. Official court reporters are required to stay abreast of changes in the official arena pursuant to Supreme Court directive with regard to what method is used to capture proceedings in the courtroom. In the event judicial proceedings are tape recorded, the audio/digital recording shall be the official record of proceedings. These updates and directives can be obtained by visiting the CCR Board website. This Court

COURT REPORTER MANUAL

Monitor Manual which governs all certified court monitors in the State of New Mexico can also be found on the CCR Board website.

Rule 22-102

Failure to comply with the Rules Governing the Recording of Judicial Proceedings may result in disciplinary action by the CCR Board.

Questions regarding this manual are to go to the CCR Board Administrator.

A special thank you to those official and freelance court reporters who provided assistance in updating this manual.

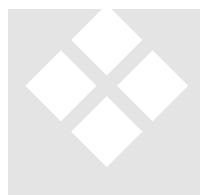
Questions regarding the CCR Board and this manual are to be addressed to:

CCR Board Administrator
P.O. Box 92648
Albuquerque, NM 87199-2648
Web site: www.ccrboard.com

Introduction

Rule 22-201(C)

This manual is designed to provide both New Mexico Official Reporters and Freelance Reporters with information, forms and transcript format required when preparing transcripts as New Mexico certified court reporters.



The CCR Board has attempted to provide complete and accurate information. However, should questions arise regarding information in this manual, reporters are asked to contact the CCR Board for guidance and additional information at www.ccrboard.com.

The Supreme Court, through the Board Governing the Recording of Judicial Proceedings, endeavors to establish uniformity in the preparation of transcripts produced by New Mexico Court Reporters by establishing clearly defined transcript formats and transcript information. Through this process, the CCR Board can lessen the complaints received regarding varying formats of transcripts produced in New Mexico while establishing and maintaining statewide reporter standards.

Compliance with the information and formats outlined in this manual is required as mandated by the Supreme Court of New Mexico.

The New Mexico Freelance Reporter is governed by the CCR Board. Noncompliance may subject the reporter to sanctions by the New Mexico CCR Board.

The current job description for official court reporters, approved by the Administrative Office of the Courts, governs the duties and responsibilities of official court reporters working for the judiciary. While duties and responsibilities may vary from district to district, the Supreme Court is currently working on statewide official reporter standards. (See Appendix A).

Transcript Format Requirements

This chapter outlines the transcript format details involved with producing certified transcripts in New Mexico.

Rule 22-302(A)&(B)

Since transcript formats may differ in the official and freelance environment, both are addressed in the specific topic area under the official title or freelance title.



Format Elements

PAPER SIZE -

Official/Freelance

Transcripts shall be produced on 8½ by 11 inch premium grade white paper.

LINES -

Official/Freelance

Each page shall have numbers on the left-hand margin with at least 25 numbered lines. A page is defined as 25 lines of text.

MARGINS -

Official/Freelance

Margins shall not exceed 1½ inches on the left and ½ inch on the right. If the box format is used to delineate the margins, the numbers 1-25 shall be to the left of the left margin line.

Q & A SETUP -

Official/Freelance

Each Q. and A. shall begin on a separate line. Each Q. and A. shall begin no more than five spaces from the left margin with no more than 5 spaces from the Q. and A. to the text. Carryover Q. and A. lines shall begin at the left margin.

COLLOQUY -

Official/Freelance

Colloquy material is to begin no more than 10 spaces from the left margin. As a matter of preference, reporters may use 5 or 10 spaces.

QUOTED MATERIAL -

Official/Freelance

Quoted material will begin no more than 15 spaces from the left margin with carryover lines to begin no more than 10 spaces from the left margin.

PARENTHETICALS -

Official/Freelance

Parentheticals will begin no more than 15 spaces from the left margin, with carryover lines to begin no more than 15 spaces from the left margin. Parentheticals are to be double spaced.

FONT SIZE -

Official/Freelance

The suggested print font size is to be 10 to 12. The suggested text style is serif.

TRANSCRIPT BINDING -

Official/Freelance

Transcripts shall be bound on the left side.

FRONT TRANSCRIPT COVERS -

Official/Freelance

Transcripts shall be bound with a clear plastic top sheet. The title page is the first official page to show through the clear top sheet.

PAGE NUMBERING -

Official

Transcripts shall be numbered at the bottom at the right margin. The first page of text in the transcript is TR-1. The title page is not to be numbered. Index pages are not to be numbered.

APPEARANCE PAGE -

Freelance

All depositions shall have an appearance page. Each counsel present shall be listed in the same order as the captions; i.e., plaintiff counsel, defense counsel, witness counsel, etc. Anyone other than counsel present should be listed under Also Present. This includes videographers, interpreters, etc.

PAGE NUMBERING -

Freelance

Deposition pages shall be numbered in the upper right-hand corner. The title page is numbered 1, the appearance page shall follow sequentially.

INDEX PAGE -

Freelance

All depositions shall have an index. It is preferred that the index appear on the same page as the Appearance Page. Each index shall have the witness' name; examinations by each person/attorney asking questions; certified questions, if any; Signature/Correction page and a Reporter's Certificate. It is at the reporter's discretion to put requests and recesses in the index.

VOLUME INDEX -

Official

The volume index is the index that goes with a specific volume. The volume index contains a listing of witnesses called or motions heard on a specific date contained in that particular volume. (See Appendix A).

MASTER VOLUME INDEX -

Official

Each hearing or day of trial is considered as a volume for purposes of an appeal. Volume 1 would be the first hearing designated; volume 2 would be the second hearing

designated and so on. The master volume index contains the hearing dates and trial dates of all hearings designated on appeal. (See Appendix A).

VOLUMES OF DEPOSITIONS - Freelance

Volume numbers will be used when subsequent depositions are taken of the same deponent in the same case.

CERTIFICATION PAGE - Official

Rule 22-301

The last page of each proceeding produced by the reporter is the reporter certificate page. The court reporter certificate must be signed by the certified reporter who produced the transcript. The reporter's certification number must appear on every certification page. The cost of the original transcript must appear on all transcripts produced on appeal. The cost is not required on nonappeal transcripts. A reporter shall not certify a transcript reported by another reporter. If a transcript is produced for another reporter, as a rough draft only, the certification page is to reflect the name and certification number of the reporter producing the rough draft transcript. The reporter who took the proceeding can then produce the final certified transcript with their original signature affixed to the certification page. (See Appendix A).

CERTIFICATE OF DEPOSITION PAGES - Freelance

The last page of all depositions shall have a Certificate of Deposition. The Certificate of Deposition must be signed by the certified reporter who produced the transcript.

The reporter's certification number must appear on the certification page. The cost of the transcript and exhibits must appear on the certification page. The certificate shall note all parties who will receive a copy of the certificate denoting the transcript's completion. The certificate must also contain the non-contracting language. (See Appendix B).

Rule 1-030(E)

SIGNATURE/CORRECTIONS PAGES - Freelance

The reporter shall not inquire about signature of the witness. It is to be requested by a deponent or a party before completion of the deposition.

The freelance reporter must indicate in the Certificate of Deposition whether any review was requested and, if so, shall append any changes made by the deponent to the Certificate of Deposition within 30 days after the deponent is notified. Copies of the Signature/Corrections page should then promptly be provided both to counsel and parties to the proceedings not represented by counsel appearing at the deposition.

If signature was waived, the reporter should fill in the date filed on the Certificate of Deposition page. Inasmuch as the Certificate of Deposition is attached to the transcript, it is considered provided to persons ordering the transcript. If they did not order a transcript, the Reporter must promptly provide copies of the certificate to appearing counsel and parties to the proceedings not represented by counsel.

No other additional pages are to be attached to the transcript, such as an Affidavit.

COURT REPORTER MANUAL

Original transcripts and exhibits are to be sealed with the title of the action and marked “Deposition of {Deponent’s name}” and sent to the ordering counsel. At the same time, the reporter will provide the Certificate of Depositions, with the “date filed” filled in, and any changes appended. (See Appendix B).

General Reporter Information for Official Court Reporters

This chapter contains information regarding topics pertaining to producing transcripts and working as an official court reporter in the State of New Mexico.

Official Court Reporters are responsible for providing a timely and accurate verbatim record of judicial proceedings. Procedures may vary from district to district. This chapter provides information on important areas specifically related to official court reporters working in the courtroom.

General Courtroom Procedures and Protocol

While working as an official court reporter, the types of proceedings will vary greatly from District to District. Some districts stenographically report all criminal and civil proceedings; some districts use a combination of stenographic reporting and digital reporting. In some districts, family court is digitally recorded and in some districts, it is stenographically reported. This information pertains to those districts that stenographically report civil and criminal proceedings.

The types of proceedings in both criminal and civil court will deal primarily with the following categories: jury trials, nonjury trials, motion calendars and “zoo” calendars.

Motions are heard in both civil and criminal court. There are many, many types of motions that are heard in civil and criminal court.

Zoo calendars are only conducted in criminal courts and consist of criminal motions dealing with many different defendants and many different cases. It is not uncommon to hear thirty or more different criminal motions involving thirty or more defendants

during one zoo calendar. It is recommended that the reporter track the cases on the computer-generated schedule that is prepared for these days.

A bench or nonjury trial is a trial with no jury. The judge is the tryer of the facts and makes the ultimate determination. Nonjury trials occur in both civil courtrooms and criminal courtrooms.

A jury trial is heard before a jury that is selected by a process known as “voir dire.” Usually this process begins with a panel of jurors who convene in the court in which the case is to be tried. Prospective jurors are selected according to statutory and constitutional provisions within each jurisdiction. The Court may conduct his/her voir dire examination. The attorneys will then conduct their voir dire examination of the prospective jurors. The attorneys may challenge or excuse the prospective juror members either for cause or peremptorily; that is, without cause. Depending on how many jurors are to be chosen, the first 12 or 14 jurors who are accepted as satisfactory by both sides constitute the jury. Jury selection is to be reported by the official court reporter. A final seating chart is prepared and provided to the court reporter.

Often, there can be pretrial motions heard immediately prior to the trial. Official reporters are to stenographically report these motions as well.

Once the jury has been selected, the following process occurs:

- Jury Sworn in by the Court
 - The Court Reporter is to note the time the jury is sworn.
- Opening Statements
 - The Plaintiff starts with his/her opening statement and is then followed by Defense Counsel’s opening statement.
 - Defense Counsel may then give their opening statement or reserve that right and provide an opening statement at the beginning of their case. The reporter is to report the opening statements.
- Examination of Witnesses
 - Plaintiffs will begin with their first witness and proceed with questioning of all witnesses.
 - The first examination of a witness called by the Plaintiff is known as Direct-Examination. The Defendant then conducts Cross-Examination of that witness. The Plaintiff may conduct Redirect Examination with the Court’s permission.
 - When the Plaintiff has completed their presentation of the evidence, the Plaintiff will rest.

- The Defendant may now proceed to call their witnesses. The first examination of a witness called by the Defendant is known as Direct-Examination. The Plaintiff then conducts Cross-Examination. The Defendant may conduct Redirect Examination with the Court's permission.
- The Defendant will then rest their case.
- Motions can be made throughout the course of a trial and most often occur at the close of the Plaintiff's case and at the close of the Defendant's case.
- At the close of the Defendant's case, the Plaintiff may choose to present Rebuttal testimony with the approval of the Court. Rebuttal evidence can be confined to presenting testimony that will refute the evidence of the other party. Rebuttal evidence may be presented only with the permission of the Court.
- Closing arguments are then offered by both parties and closings are stenographically reported by the official reporter.

Prior to closing arguments, the Court will read to the jury what are called instructions to the jury. Jury instructions are stenographically reported by the official reporter but are not often transcribed in the appellate record. Jury Instructions read by the Court are filed in the court file following the case.

The Court may then ask the court reporter and the attorneys to review the exhibits and to agree on a packet that will go to the jury. Once this has been done, the attorneys will inform the Court that the exhibits have been agreed upon and are ready to go to the jury.

At the point where the jury is excused from the courtroom to begin deliberations, the official reporter is to note the time the jury recessed to the jury room to begin deliberations.

Questions from the jury may or may not be addressed in open court. The official court reporter is to stenographically report discussions regarding jury questions. The actual jury note is to be marked as a Court exhibit and filed as an exhibit at the end of the case. It is also a good idea to note the time that jury questions are addressed by the court and Counsel.

Once the verdict is announced in open court, the official court reporter is to ensure that all exhibits are accounted for and are in the custody of the court reporter. This would be true of jury questions as well. The time the verdict was read in open court should also be noted by the official court reporter.

It is also possible in civil jury cases that additional motions may be heard following a verdict. In criminal cases following a verdict of guilty the judge will schedule a time for the sentencing proceeding.

Most importantly, Official Court Reporters are to defer to the directives of the judge in operating his/her courtroom. The courtroom procedure and protocol for each courtroom can vary from district to district. Should an official reporter be unclear or uncertain about any aspect of their position, the reporter is to ask questions of the judge to ascertain the correct answer.

Exhibits

Official court reporters are responsible for marking, tracking and filing exhibits admitted into evidence during judicial proceedings.

Plaintiff/Petitioner Exhibits are designated with numbers beginning with Plaintiff/Petitioner Exhibit 1. In some districts, official reporters also write the cause number on each exhibit sticker.

Defendant/Respondent Exhibits are designated with letters beginning with Defendant/Respondent A through Z. When all letters of the alphabet have been designated, the next exhibit letter system would begin with AA, AB, AC, etc. through AZ and then BA, BB, BC, BD, etc.

Court Exhibits are also marked and filed by the official court reporter.

Official court reporters utilize an exhibit work sheet during proceedings to track exhibits. (See Appendix A).

Official court reporters are to follow Local Court Rules with regard to size and type of exhibits that are acceptable for filing.

Official court reporters are to present an accurate receipt for filing exhibits in each case. It is advised that official court reporters keep copies of those receipts should questions arise with regard to what was and was not filed. (See Appendix A).

Rule 22-301(C)

If Depositions are read in open court, the court reporter shall mark the entire Deposition or excerpt as court exhibits and ensure the exhibits are filed with the appellate court regardless of request therefore.

Use Of {Sic} In Court Transcripts

The Latin word “sic” means “thus, so, in that manner,” and writers traditionally use it to show that an original manuscript or document that is being quoted contains an error in spelling or grammar or fact. In effect, the person who reproduces the quoted passage is saying, “I found this error as you see it. I did not create it. I am only rewriting what someone else wrote.”

Caution should be exercised before using {sic}, because one must be absolutely sure, first, that there is an error; second, that the record will not take care of the error itself by

the context around it; and third, that the person committing the error is not an immediate superior who will be outraged to see the errors highlighted.

The decision to use {sic} in official court transcripts rests with the official court reporter unless there is a division policy in the court where they are employed.

When using {sic}, it should have brackets around it.

Backup Tapes

The decision as to whether or not the official court reporter uses a backup tape to his/her stenographic notes remains with the individual official court reporter.

The backup tape is the personal property of the official court reporter and is not part of the “official record.” The official court reporter’s stenographic notes are the official record in each judicial proceeding which is taken stenographically.

Audio Sync Software Programs

Audio backup files can now be provided through the court reporter’s production software.

The official court reporter may or may not choose to use the audio sync feature of their software program.

At this time, there is no requirement which mandates that official court reporters use the audio sync feature of their software. The audio sync is considered the official reporter’s personal backup and belongs to the official court reporter. Official court reporters are not to provide copies of the audio sync file to requesting parties without Court permission.

Telephonic Proceedings

Should the court wish to have a proceeding done telephonically, the official court reporter is responsible for ensuring that an accurate record can be taken via the telephone. A parenthetical is also used to show when a telephonic hearing takes place.

The official record is to reflect that the proceeding is being taken telephonically as well as what parties are participating in the call.

The judge is the only one who can swear in a witness during telephone conferences.

Rule 22-206(D)

Stenographic Records

If stenographic notes, computer or audio tapes or other audio recordings containing the record of judicial proceedings and evidence taken by an official court reporter or court

monitor are to be transcribed, a copy of the record, in American Standard Code of Information Interchange (ASCII) format shall be filed with the court clerk of the court in which the proceeding is docketed. The record shall be stored on a compact disc capable of being read or accessed on a CD-ROM which meets ISO 9660 standards or on other data storage media used by the courts.

Video tapes filed with the court shall be in a format used by the courts. The maintenance, storage, distribution and reproduction of such notes, tapes, records, disks, discs and documents, including all exhibits and other evidence, shall be handled in the manner prescribed by the Administration office of the Courts. Disposition of such records shall be in accordance with the disposition schedules approved by the records and retention and disposition schedule approved by the Supreme Court.

Rule 22-504(A)

Retention Schedule

Retention of Notes

- (A) Retention Periods. Official court reporters shall retain their notes in accordance with the Supreme Court approved records retention schedule. All other certified court reporters shall retain: (1) untranscribed shorthand or tape or other recorded notes of depositions or other proceedings, other than trial proceedings, for not less than three (3) years; (2) notes of transcribed depositions or other proceedings described in paragraph (1) of this paragraph, shall be retained for not less than one (1) year by the certified reporter who recorded the judicial proceeding.
- (B) Storage of Notes. The original paper notes shall be retained or an electronic copy of either the shorthand notes or the English transcript of the notes shall be stored on computer disk, cassettes, back up tape systems or optical or laser disk systems. All such notes shall be safely stored and appropriately identified and dated by the court reporter. Notes of all trial or other courtroom proceedings, whether transcribed or not, shall be delivered to the clerk of the court or court administrator as provided under the Supreme Court's Record Retention Schedule.

Rule 22-206(E)

Termination of Employment

Official reporters leaving employment with the district court are to have all stenographic or electronic notes numerically logged by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on disks or on other data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be stored with the district court clerk.

All disks, stenographic notes and tapes or other recordings of district court cases are the property of the district court.

Upon termination from district court employment, the reporter shall leave a current telephone number and address with the district court clerk and the court administrator. It is the reporter's responsibility to inform the district court clerk of changes of address or telephone number. Arrangements for transcription production by reporters no longer employed with the district court shall be made through the district court clerk.

When the reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.

Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.

Rule 22-206(G)

Outside Reporting

Subject to the licensing requirements of these rules, an official court reporter may engage in outside reporting, if the following criteria are met:

1. the chief judge, presiding judge, court administrator or managing reporter has given express authorization;
2. the reporter's official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and
3. the reporter has been authorized to take annual leave during the time the outside work is scheduled unless:
 - a. the outside work is scheduled during hours that the court is not open for business; or
 - b. the reporter or monitor has been granted time off in compensation for overtime previously worked.

The official reporter is responsible for completing, and getting approved, the appropriate form regarding outside employment. The request must first be approved by the court administrator before outside work can be performed. Official court reporters are to use time outside of regularly scheduled work hours to produce freelance work. Official court reporters are not to use court resources to produce freelance work. Court resources would include, but not be limited to, computers, printers, copiers, paper, disks, and other supplies.

Parenthetical Remarks

Parenthetical remarks are notations in the official transcript that "clarify" the record. Parenthetical remarks are also known as "include" files.

While there is no mandatory list of parenthetical remarks, a list of those most commonly used in court can be found in Appendix A. of this manual.

Preparation Of Appellate Transcripts

Official Reporters prepare appellate transcripts that are assigned to the general calendar by the Supreme Court of the Court of Appeals. Cases assigned to a summary or legal calendar generally do not involve the preparation of transcripts.

While getting notice of the general calendar assignment to the official court reporter may vary from District to District, Official Court Reporters can refer to the Rules of Appellate Procedure for specific details on timelines and transcript procedures.

Also, in some districts the preparation of the certificate of satisfactory arrangements is done by the attorney and in other districts, it is prepared by the Official Court. Some reporters require a deposit on appeal transcripts and some do not.

The Rules of Appellate Procedure can be found in 12-201 through 12-215. Calendar assignments and particularly general calendar assignments can be found in 12-210. Rules with regard to the official transcript can be found in 12-211.

Official Court Reporters are encouraged to read and become familiar with the Rules of Appellate procedure and particularly the process for preparing transcripts once the case is assigned to the general calendar.

The Court Reporter can call the Appellate Courts to ascertain the status of an appeal or check the court file to see what pleadings have been filed in the case.

The Court of Appeals maintains a web site where reporters can locate information on cases assigned to the general calendar. This web site is : <http://coa.nmcourts.com>.

Rule 12-211(4)

Objection To Appellate Transcripts

Within fifteen days after service of the notice of the filing of the transcript of proceedings, any party may file with the district court clerk, and serve on the opposing party, objections to the stenographic transcript. A hearing on the objections shall be held by the district court within fifteen days after the filing of the objections. At the hearing the district court shall resolve the objections and, if necessary, order appropriate corrections to be made.

If no objections are filed, the district court clerk shall send the three copies of the appellate transcript to the appellate court when the time for filing objections has expired. If objections are filed, the district court clerk shall send the three copies of the transcript to the appellate court within ten days after the hearing on the objections.

Rule 12-211(5)

Designation For Death Or Life Imprisonment Cases

If an appeal is taken from the district court in which a sentence of death or life imprisonment has been imposed and the proceedings are not audio recorded, the parties shall proceed in accordance with this rule, except that the designation of proceedings shall be filed at the same time as the notice of appeal. The proceedings beginning with the opening statement and ending with the return of the verdict on the guilt phase shall be deemed to be designated in every case.

The appellant shall designate any other portions of the proceedings material to the consideration of the issues to be raised on appeal, but shall designate only those portions of the proceedings that have some relationship to those issues. If any other party to the appeal deems a transcript of other parts of the proceedings to be necessary, that party shall, within fifteen days after the service of the designation of the appellant, file in the district court and serve on the appellant a designation of additional parts to be included on appeal to the district court for an order requiring appellant to designate such parts.

Rule 12-212(D)

Disagreement Over Costs

In case of disagreement over the cost of a stenographic transcript or duplicates of an audio recording, a party may file with the district court a motion for determination by the district court of the amount of compensation to be paid. The district court may order the payment or collateral to be deposited in the registry of the district court to secure payment of the cost.

Rule 12-211(E)

Extensions Of Time

Each appellant shall be responsible for the timely preparation and filing of the transcript of proceedings. Any extension of time for filing a transcript of proceedings may be granted only by the appellate court. Any motion for extension of time must be supported by an affidavit from the responsible court reporter, court monitor, district court clerk or any other party whose duty it is to prepare the transcript of proceedings or to duplicate the master audio recording unless this affidavit is waived by the appellate court for good cause shown. The affidavit shall set forth the pending cases in which the reporter or court monitor has transcripts ordered, the estimated dates on which such transcripts will be completed and the reasons an extension is necessary in this case. If the transcript is computer-aided, the motion shall also be accompanied by a written statement signed by the managing court reporter stating the reasons why the managing court reporter supports or opposes the requested extension.

Rule 12-211(F)

Failure To File Transcript Of Proceeding

If the appellant fails to cause the transcript of proceedings to be filed in the appellate court within the time limit prescribed by this rule, the district court or the appellate court,

upon motion, shall make such orders as will prevent such default from prejudicing any other party's appeal in the same case.

Guidelines For Uncertified Rough Draft Transcripts

The following guidelines are to be followed when providing an uncertified rough draft transcript:

- 1.** A court reporter providing an uncertified rough draft transcript should perform the task undertaken by him/her in a professional manner observing all laws, rules and orders of the court relating to the proceeding.
- 2.** A court reporter providing an uncertified rough draft transcript should keep informed of technological and other advances and improvements in the skills and methods of his or her profession and strive constantly for self improvement.
- 3.** A court reporter providing an uncertified rough draft transcript should not perform any service under terms or conditions which will compromise, in any way, his or her impartiality or the exercise of good judgment and skill, or which will adversely affect the fair and impartial portrayal of the proceeding. Court reporters should offer comparable services to all parties in a litigation proceeding.
- 4.** An uncertified rough draft transcript should not include a title page, appearance page, certificate page, any mention of the swearing in of a witness (in deposition, footer with firm name or reporter name or CCR number, index page, line numbers starting with 1 for each page, borders around the text on each page, or time stamping.
- 5.** An uncertified rough draft transcript should include a header or footer on each page stating "UNCERTIFIED ROUGH DRAFT." A brief disclaimer such as "uncertified rough draft transcript" should be included in the body of the text occasionally. If provided on diskette, the label should be a different color than those used on disks containing the text of certified transcripts. It is suggested that uncertified rough draft transcripts should be provided in condensed format only, upon request.
- 6.** A disclaimer and or order form should be transmitted as a cover sheet or cover sheets with each uncertified rough draft transcript stating that the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. A copy of the disclaimer and/or order form should be retained by the court reporter.

Rough Draft Disclaimer

Reporters are to provide a disclaimer on all rough draft transcripts. (See Appendix A).

The rough draft transcript is not finalized, is uncertified and may contain misspelled names and/or nonsensical English word combinations or untranslated steno. All such entries will be corrected on the final certified transcript upon its delivery in accordance with standard delivery terms.

Due to the need to correct entries prior to certification, the rough draft is intended only for the purpose of augmenting counsel's notes and is not intended to be copied, used or cited in any court proceedings or distributed to any other parties.

Unedited Realtime Services

The New Mexico Judiciary has approved a job classification for certified realtime reporters. Certified realtime reporters are those official reporters who pass the National Court Reporter's Association Realtime Examination as the adopted standard for the judiciary.

In New Mexico, certified realtime reporters are paid a ten percent increase in their salary after successful completion of the national realtime examination. (See Appendix A).

Unedited Realtime Feed

The following guidelines are recommended for those officials who have not yet passed the national examination and are writing realtime in the courtroom:

1. Officials should ensure that the realtime is of good quality.
2. Conflict free writing is recommended. Untranslates of one percent or less; standard punctuation included; and speaker identification defined clearly.
3. It is recommended that the official reporter not provide realtime services, without final certification, without adhering to these basic minimum requirements. It is best to clearly mark the realtime as "Uncertified rough draft copy", so that all parties are clear on what they are receiving.
4. In most instances, written requests for realtime from attorneys, are handled by the certified realtime reporters. These are the only reporters who can certify the realtime as certified realtime reporters.

Reading Depositions Into The Record

When an entire deposition is read into the court record, the official reporter is not required to rewrite the reading of the deposition into the record. The entire deposition is to be marked as an exhibit and filed with the court.

However, the reporter is required to report any objections of counsel noting the page and line number from the deposition where the objection occurred and then must report the objection made on the record. This may require the reporter to ask counsel to state the page and line number into the record for the reporter.

Audio Tapes/Digital Recordings Played in Open Court

When the Court grants permission to a request to play an audio tape/digital recording in court, the official reporter will ensure that the tape or recording is marked and admitted as an exhibit. The reporter is not required to stenographically report the audio into steno while being played in open court. This would put the official reporter in the position of interpreting the voices on the audio tape/digital recording. Instead, the official reporter will place a parenthetical into the transcript showing the playing of the audio tape or digital recording during the proceedings. The same shall be done if a video tape is played during a judicial proceeding. The audio tape/video should be marked and admitted into evidence for future reference.

Sealing The Stenographic Record

Official court reporters may be directed by the Court to seal the stenographic record of a judicial proceeding. The Judge is the only individual who can direct that a record be sealed. Once it is ordered by the court, the official reporter is to place the stenographic notes into an envelope. On the outside of the envelope should be written: the caption of the case, the cause number of the case, the judge's name and names of counsel appearing at the hearing where the notes were sealed. The reporter is to write in large letters: "Stenographic notes sealed pursuant to the direction of the Court." The reporter is to sign the envelope with the reporter name and date and take to the clerk of the court or the court administrator. It is recommended that the reporter have a signed receipt showing the filing of the notes for future reference. The official reporter is to then make a notation in his/her records that the notes have been sealed and filed with this court. Should a request for this transcript be made to the official reporter, the official reporter can inform the requesting party that the notes have been sealed pursuant to the court's directive.

Sealing Exhibits

In some cases, the court may direct that exhibits be sealed in a case. If the court so directs, the reporter is to place the exhibits in an envelope or box that is clearly marked with the caption of the case, the cause number, the judge, and the attorneys of record. The box or envelope should then be marked “Sealed pursuant to directive of the Court” and then taken to the clerk of the court or the court administrator. The reporter is to have the clerk sign a receipt showing the filing of the exhibits. The reporter is to make a notation in his/her records, for future reference, that the exhibits have been sealed. Requests to unseal exhibits must be directed to the judge in the case.

Reading Excerpts Of Depositions Into The Record

The reporter is required to report excerpts of depositions read into the record by counsel. The reporter is also required to transcribe excerpts into the record, as read, if requested or designated by counsel.

Sidebar Conferences/Bench Conferences

Reporters are required to note all sidebar conferences by use of a parenthetical in the transcript where the sidebar conference occurred.

Off The Record Discussions

Reporters are required to note all off-the-record discussions by use of a parenthetical in the transcript where the off-the-record discussion occurred.

The reporter may only go off-the-record when the judge verbally gives permission, on the record, to go “off the record.”

Certificate Of Deposition

Reporters are to complete a Certificate of Deposition form for each stenographic nonappeal record produced. The Certificate of Deposition form contains the caption and cause number of the transcript produced. The Certificate of Deposition form is then filed in the court file to inform counsel and interested parties that a copy of the transcript is available by contacting the appropriate court reporter denoted on the certificate of Deposition form. (See Appendix A).

Rule 1-030(C) NMRA

Notary Requirements

New Mexico certified court reporters do not need to be notaries in order to administer the oath in New Mexico judicial cases.

Rule 22-201(D)

COURT REPORTER MANUAL

A certified New Mexico reporter may administer oaths to witnesses anywhere in the State of New Mexico.

In order for a New Mexico certified reporter to notarize documents, the reporter must become a notary public by applying to the Secretary of State.

General Reporter Information for Freelance Court Reporters

This chapter contains information regarding topics pertaining to producing transcripts and working as a New Mexico certified freelance reporter.

Freelance reporters are responsible for providing an accurate, verbatim record, with exhibits attached. While procedures may vary slightly from reporter to reporter, this chapter will provide an overview of information so that every freelance reporter will use a consistent format.

Exhibits



Freelance reporters are responsible for marking and tracking the exhibits identified in each deposition.

The original exhibits shall be attached to the sealed “Original” deposition. Copies of exhibits are to be attached to each copy ordered, unless otherwise requested by attorneys; for example, an “Exhibit Notebook” for each side or his/her attorney do not want exhibits attached.

Use Of {Sic} In Court Transcripts

The Latin word “sic” means “thus, so, in that manner,” and writers traditionally use it to show that an original manuscript or document that is being quoted contains an error in spelling or grammar or fact. In effect, the person who reproduces the quoted passage is saying, “I found this error as you see it. I did not create it. I am only rewriting what someone else wrote.

Caution should be exercised before using {sic}, because one must be absolutely sure that there is an error and that the record will not take care of the error itself by the context around it.

The use of {sic} in depositions is recommended when a party misreads quoted material or inadvertently misspeaks. This allows everyone to understand that this was what actually was said, and the reporter did not make the mistake.

If the error is corrected within the transcript it is not necessary to use {sic}.

When using {sic}, it should have brackets around it.

Backup Tapes

The decision as to whether or not the freelance reporter uses a backup tape to his/her stenographic notes, (tape recorder or computer-recorded) remains with the individual freelance reporter.

The backup tape is the personal property of the freelance reporter and is not part of the official record. The freelance reporter's transcript produced from the stenographic notes is the official record in each proceeding which is taken stenographically.

Audio Sync Software Programs

Most Computer-Aided Transcription (CAT) systems have the ability to create an audio backup file of the stenographic record taken by the freelance reporter.

The freelance reporter may or may not choose to use the audio sync feature of his/her software program.

There is no requirement at this time which requires freelance reporters to create an audio file in addition to their stenographic notes when preparing depositions/hearings, etc.

The audio sync file is the work product of the reporter and is not part of the official record.

Telephonic and Video-Conferencing Depositions

**N.M. Att'y Gen. Op.
88-81(1988)**

A transcript should not be designated "Telephonic" unless formally noticed, stipulated by counsel, or court ordered. Counsel choosing to attend by telephone does not constitute a formal telephonic transcript and should be merely indicated on the appearance page by a parenthetical that counsel appeared telephonically.

Should any party wish to have a proceeding done telephonically, the freelance reporter is responsible for ensuring that an accurate record can be taken via the telephone.

New Mexico Certified Court Reporters shall not swear in witnesses over the telephone. New Mexico Certified Court Reporters may not waive their notarial obligation in order to swear in witnesses over the telephone.

New Mexico certified court reporters are permitted to swear in witnesses in a video-conference deposition because the witness can be visualized by the officer during the administration of the oath. It is recommended that the witness hold up a form of ID to the camera and/or fax a form of ID to the deposition location and have it attached to the deposition.

The freelance reporter is to have reflected on the title page that the proceeding is being taken telephonically, as well as what parties appeared telephonically on the Appearance Page.

Swearing In Witnesses

Rule 1-030(C)
NMRA

The officer before whom the deposition is to be taken shall put the witness under oath or affirmation, and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. New Mexico certified court reporters do not need to be notaries in order to administer the oath in New Mexico judicial cases.

N.M. Att'y Gen. Op.
88-81(1988)

New Mexico Certified Court Reporters shall not swear in witnesses over the telephone. New Mexico Certified Court Reporters may not waive their notarial obligation in order to swear in witnesses over the telephone.

A notary public or attorney present at the witness's location should administer the oath. An affidavit with the notary public's name, notary expiration date, and original notary signature should be attached to the deposition. It is recommended that the original of this affidavit with original signature then be mailed back to the court reporter and, upon receipt, attached to the deposition. The notary public's name should be included on the Certificate of Deposition of Deposition page. (See Appendix B).

SWEARING THE WITNESS IN – A VERY IMPORTANT ISSUE:

All attorneys, as officers of the court, are permitted to swear in witnesses.

Parenthetical Remarks

Parenthetical remarks are notations in the official transcript that "clarify" the record. Parenthetical remarks are also known as "include" files.

While there is no mandatory list of parenthetical remarks, a list of those most commonly used are attached. (See Appendix B).

Uncertified Rough Draft Transcripts

If you provide one, the footer shall read “UNCERTIFIED ROUGH DRAFT COPY” on every page and a Rough Draft Disclaimer attached at the end. (See Appendix B).

Reading Excerpts of Depositions into the Record

Oftentimes attorneys use depositions to refresh or impeach the witness. When this is done, the reporter is required to quote them. (See Appendix B).

Off the Record Discussions

**NCRA Advisory
Opinion 6**

Reporters are required to note all off-the-record discussions by use of a parenthetical in the transcript where the discussion occurred. (See Appendix B).

**NCRA Advisory
Opinion 42**

Reporters are only allowed to go off the record when all attorneys concur.

Certified Questions and/or Answers

On occasion, the reporter is requested to certify a question and/or answer. The attorney will generally say “Certify that question/answer” on the record. Sometimes the attorney may be vague and say “Certify all that.” The reporter should ask for clarification to help with this process.

The reporter should only certify a question and/or answer when requested by an attorney.

Certified questions should always be noted on the index..

If an attorney requests the certified question/answer be excerpted in a separate transcript, the reporter should follow the same question-and-answer and colloquy format, noting all objections and argument following.

When placing certified questions in the index, note them by page and line number so it is easy for the reader to locate.

Playing Of CD/Tapes Into The Record

If an audio/video recording is played into the record, the reporter is not required to stenographically report the recording into steno. The recording should be marked as an exhibit for future reference. The reporter will place a parenthetical into the transcript indicating the playing of the audiotape or digital recording.

Unedited Realtime Feeds

Reporters should ensure that the realtime is of good quality.

The following guidelines are recommended:

1. Only court reporters who possess the capability of a substantially readable transcript should attempt to provide realtime.
2. Conflict-free writing is recommended. Untranslates of one percent or less, standard punctuation included, and speaker identification defined.
3. It is recommended that you not supply such services unless these minimum standards are met.

Reading and Signing

If requested to read and sign, the deponent shall have 30 days after being notified by the reporter/firm that the transcript or recording is available to review. If there are changes, in form or substance, the deponent can sign a statement reciting such changes and the reasons given by the deponent for making them.

The officer shall indicate in the certificate whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

The Signature/Correction Page may be placed before or after the reporter's Certificate of Deposition. (See Appendix B).

Certificate Of Deposition

The officer shall certify in the Certificate of Deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness.

The last page of all depositions shall have a Certificate of Deposition. The Certificate of Deposition must be signed by the certified reporter who produced the transcript.

The reporter's certification number must appear on the certification page.

The cost of the transcript and exhibits must appear on the certification page.

The certificate shall note all parties who will receive a copy of the certificate denoting the transcript's completion. (See Appendix B).

Nonappearance Of A Witness

Oftentimes reporters show up to report depositions and, for one reason or another, the deposition does not take place. The attorneys may ask for a Certificate of Nonappearance. This is a document acknowledging who appeared at the scheduled time for the deposition. This Certificate of Nonappearance is to be delivered to all attorneys attending and a copy filed with the appropriate district. (See Appendix B).

If a statement on the record is made on the failure of the witness to appear, transcribe the statement and modify the title page to indicate it is a Nonappearance instead of a deposition. A Certificate of Nonappearance can be attached at the end and filed with the appropriate district. (See Appendix B).

Sealing The Original

Unless otherwise ordered by the court, the officer shall securely seal the “Original” deposition and exhibits in an envelope or package with the title of the action and marked “Deposition of {Deponent’s Name}” and shall promptly send it to the attorney who took the deposition.

Sealing A Portion Of The Record

On occasion a reporter is asked to seal a portion of the transcript. The reporter should have a discussion with all parties on exactly what it is they want sealed. It is sometimes stipulated that the reporter keep it in the record and they, among themselves, will not disclose the sealed information.

If it is requested that you excerpt this portion of the transcript, then the reporter is to put in a brief parenthetical indicating that a portion was redacted. The excerpted portion is then transcribed by the reporter, with a modified Title Page showing that it is a “Sealed Portion of the Deposition of {Deponent’s Name.}”

The reporter should then keep that portion sealed, in a taped envelope, with the word “Sealed” written on it with the original transcript, until further notified in writing by all parties on what to do with the sealed portion of the record.

Sealing Exhibits

In some cases, the reporter may be asked to seal exhibits. The reporter is to place the exhibits in an envelope or box that is clearly marked with the caption of the case, the case number, and the attorneys of record. The envelope or box shall be taped with “Sealed” written over the tape. The reporter is to keep the sealed exhibits until instructed by all parties in writing on what to do with the sealed exhibits.

Retention Schedule

Retention of Notes

- (A) Retention Periods. Official court reporters shall retain their notes in accordance with the Supreme Court approved records retention schedule. All other certified court reporters shall retain: (1) untranscribed shorthand or tape or other recorded notes of depositions or other proceedings, other than trial proceedings, for not less than three (3) years; (2) notes of transcribed depositions or other proceedings described in paragraph (1) of this paragraph, shall be retained for not less than one (1) year by the certified reporter who recorded the judicial proceeding.
- (B) Storage of Notes. The original paper notes shall be retained or an electronic copy of either the shorthand notes or the English transcript of the notes shall be stored on computer disk, cassettes, backup tape systems, or optical or laser disk systems. All such notes shall be safely stored and appropriately identified and dated by the court reporter. Notes of all trial or other courtroom proceedings, whether transcribed or not, shall be delivered to the clerk of the court or court administrator as provided under the Supreme Court's Record Retention Schedule.

Notary Requirements

Rule 1-130-C

New Mexico Certified Court Reporters do not need to be notaries in order to administer the oath in New Mexico Judicial Cases.

Rule 22-201(D)

A certified New Mexico reporter may administer oaths to witnesses anywhere in the State of New Mexico.

In order for a New Mexico Certified Reporter to notarize documents, the reporter must become a notary public by applying to the Secretary of State.

Sworn Statements and Examinations Under Oath

These proceedings are not governed by the Rules of Civil Procedure. Therefore, it is not the reporter's responsibility to handle the reading and signing requirements.

Sworn Statements and Examinations Under Oath are used by the attorneys to find out information.

They are not cases filed within any district at this point in time; therefore, the time requirements for reading and signing the transcript do not apply.

If someone suggests reading and signing, the reporter should ask, on the record, if they would be handling this or if they would like the reporter to do so. If the reporter is asked to take care of it, then the time requirements for reading and signing would take effect.

Sworn Statements and Examinations Under Oath have slightly modified title pages and Certificate of Deposition pages. (See Appendix B).

Inability To Obtain Exhibits

Reporters are responsible to obtain exhibits after the deposition is completed or recessed. Sometimes it is difficult to obtain the exhibits timely or to have them released to the reporter. If the reporter is unsuccessful in obtaining the records and the transcript is ready, indicate in the index with a parenthetical that they were marked and not provided. (See Appendix B).

Rule 1-030(F)(2)

Providing Transcripts To Nonparties

The reporter shall furnish, upon payment of reasonable charges, a copy of the transcript, to any party or to the deponent.

Reporters are not allowed to provide copies of transcripts to nonparties without first obtaining written authorization from all counsel of record.

Ethics – the Reporter’s Code

This chapter provides the “Professional Code of Ethics,” a topic very important to official reporters and freelance reporters in the State of New Mexico.

Rule 22-505

This section of the manual provides an overview of a topic that impacts every court reporter. It provides basic information and possible ethical scenarios that may arise while performing the duties of a certified court reporter. There are many rules referred to in this manual. Court reporters in New Mexico are required to keep current with any changes and/or revisions to the Rules Governing the Recording of Judicial Proceedings.

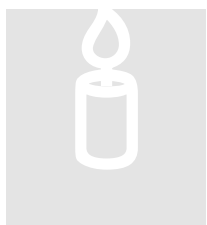
The Professional Code of Ethics

1. Be fair and impartial toward each participant in all aspects of reported proceedings.
2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the certified court reporter shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the certified court reporter by any of the parties in a proceeding.
5. Be truthful and accurate when making public statements or when advertising the certified court reporter’s qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.

8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year, or, (2) pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.
9. Maintain the integrity of the reporting profession.
10. Abide by the Rules Governing the Recording of Judicial Proceedings.

When we speak of ethics in a society, or of a person or group as having ethics, we are in effect speaking of that trust we repose in them to act morally, not to intentionally or wrongfully harm the public good. Our trust is that they will act with a sense of decency toward the best interest of our society.

As a court reporter that trust extends to many areas within the job description of the court reporter:



- Trust that the reporter will be the full custodian of the record and all exhibits during proceedings.
- Trust that the reporter will accurately and faithfully record the proceedings to the best of his/her ability.
- Trust that the reporter will report any special requests of the parties directly to the court in a professional and polite manner.
- Trust that the reporter will not take “sides” or secretly assist either party or anyone, especially in regard to the court or the judge.
- As an officer of the court, the court reporter is to be officially neutral.
- Trust that the court reporter will report timely to the proceedings and be prepared to perform all duties of the court reporter.
- Trust that the court reporter will speak up about mechanical difficulties he or she is experiencing and professionally work towards the resolution of such difficulties.
- Trust that the court reporter will be professional at all times.
- Trust that outside work and outside influences will not interfere with official duties.
- Trust that all entries captured by the court reporter are truthful and accurate.

Ethical Scenarios

A court reporter will come in contact with many types of individuals from many different walks of life. Below is a list of scenarios that could potentially have ethical implications if not handled properly. The rule of thumb to follow is that the court reporter, as an officer of the court, is neutral and impartial when dealing with all individuals they may come in contact with.



Ethical scenarios to avoid

- All appearances of impropriety.
- Providing information to one party and not the other.
- Withholding information from one party and not the other.
- Reporting proceedings involving a close friend or family member.
- Discussing the proceedings if going to lunch or spending time during your break with someone involved in a case where you are the reporter.
- Providing personal information to individuals involved in a case.
- Providing information about closed or sequestered proceedings to anyone.
- Sharing confidential information with others in and out of the court system.
- Giving legal advice.

Reporters are referred to the CCR Board website where they can receive detailed information regarding other ethical scenarios impacting our profession.

Rule 1-030(C) NMRA
Rule 1-028 NMRA

Rule 1-030(C) and Rule 1-028 are found in the Rules of Civil Procedure for District Courts. New Mexico court reporters are expected to keep up to date with the changes and revisions to this rule. This rule covers topics such as depositions upon oral examination, notice of examination, cross examinations, objections, failure to attend or serve subpoena, audio taped and video taped depositions, and approval of audio taped and video taped depositions.

AntiContracting Language

Rule 22-605(K)

Anticontracting language is found in 22-605(K). The purpose of this rule is to protect the integrity of the record and to avoid the appearance of partiality. Court reporters in New Mexico are required to keep current with changes and revisions to this rule.

Advisory Opinions

A useful guide for all court reporters.

Rule 22-505

This chapter provides information on how to request advisory opinions from the CCR Board. There are advisory opinions published by the National Court Reporters Association as well as advisory opinions published by the New Mexico CCR board. To view a complete list of these advisory opinions, go to www.NCRAonline.org or www.ccrboard.com.

Advisory Opinions



Advisory Opinions are prepared by the Board Governing the Recording of Judicial Proceedings as a result of a written question from a New Mexico certified court reporter. These requests are asking for guidance from the Board on how to handle a particular issue or question within the profession.

The New Mexico court reporter is to place the question in writing. This written request for information is to be sent directly to the CCR Board Administrator Linda McGee. The board will then determine whether the question poses an issue that is appropriate for an advisory opinion.

If the board determines that the question is well suited for an advisory opinion, then the board will prepare a written response to the question in the form of an Advisory Opinion. If the question is not well suited for an advisory opinion, then the board will respond to the question by communication directly with the individual posing the question. All advisory opinions are published on the CCR Board website.

New Mexico CCRs are required to keep current with the Advisory Opinions posted on the CCR Board website for guidance and direction in matters relating to the court reporting profession in New Mexico.

Appendix A.

Official

▪ Sample Civil Appeal Title Page	A-1
▪ Sample Colloquy/Witness Setup	A-2
▪ Sample Completion Certification	A-3
▪ Sample Court Reporter Job Description	A-4
▪ Sample Criminal Appeal Title Page	A-5
▪ Sample Criminal/Civil Nonappeal Title Page	A-6
▪ Sample Exhibit Index for Individual Volume	A-7
▪ Sample Exhibit Receipt	A-8
▪ Sample Master Index on Appeal	A-9
▪ Sample Oath Set up / Interpreter Sworn	A-10
▪ Sample Parentheticals	A-11
▪ Sample Quoted Material/Deposition Reads Into Record	A-12
▪ Sample Realtime Reporter Description	A-13
▪ Sample Reporter Certification	A-14
▪ Sample Rough Draft Disclaimer	A-15
▪ Sample Volume Index on Appeal	A-16
▪ Sample Witness Index	A-17

Note

Anywhere brackets appear on a “Sample,” a decision (replacement or deletion if not applicable) needs to be made by the reporter and the brackets deleted.

Appendix B.

Freelance

▪ Sample Reporter’s Certificate	B-1
▪ Sample District Court Reporter’s Certificate	B-2
▪ Sample Certificate of Nonappearance	B-3
▪ Sample Certified Questions Title Page	B-4
▪ Sample Appearance Page	B-5
▪ Sample District Court Title	B-6
▪ Sample Signature Page	B-7
▪ Sample Federal Court Certificate	B-8
▪ Sample Federal Court Title	B-9
▪ Sample Notary Public Affidavit	B-10
▪ Sample Parentheticals	B-11
▪ Sample Colloquy Format	B-12
▪ Sample Rough Draft Disclaimer	B-13
▪ Sample Sworn Statement/Examination Under Oath Certificate Page	B-14
▪ Sample Sworn Statement/Examination Under Oath Title Page	B-15
▪ Sample Tape Certificate (Reporter’s Certificate)	B-16
▪ Sample Tape Certificate (Typist Certificate)	B-17
▪ Sample Workers’ Compensation Title	B-18
▪ Sample Index Pages	B-19

Note

Anywhere brackets appear on a “Sample,” a decision (replacement or deletion if not applicable) needs to be made by the reporter and the brackets deleted.