



STATE OF NEW MEXICO

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Judiciary

# Court Monitor Manual

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Revised 2018

STATE OF NEW MEXICO JUDICIARY  
**Court Monitor Manual**

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## Preface / Instructions

The Supreme Court of New Mexico, through the Board Governing the Recording of Judicial Proceedings, which is sometimes referred to as the “CCR Board,” trains and certifies court monitors.

This revised Court Monitor’s Manual is published by the Board Governing the Recording of Judicial Proceedings. It is designed to provide an outline and material for training new monitors as well as provide information for existing monitors. The manual also provides samples of court monitor forms and various format suggestions for preparing court monitor documents.

Judicial Districts in New Mexico are using digital recording equipment to capture judicial proceedings. All certified court monitors are responsible for knowing the contents of this manual as well as all applicable rules and regulations pertaining to court monitors in the State of New Mexico.

The New Mexico Rules Governing the Recording of Judicial Proceedings can be found in 22-101 through 22-701. You will find reference to specific rule numbers in this manual. The complete set of Rules Governing the Recording of Judicial Proceedings can be found on the CCR Board website; [www.ccrboard.com](http://www.ccrboard.com).

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

## **Court Monitor Manual**

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## Chapter 1

# Overview of the Court Monitor Position

*Job Description, Court Monitor Training, Requesting Certification, Renewing Monitor Licenses, Definitions*

### Rule 22-101

#### A. Scope.

(1) The examination, certification, supervision, conduct, and proficiency of court reporters and court monitors engaging in court reporting or monitoring services are matters that are integrally related to the effective, impartial, and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.

Court Monitors employed by the State of New Mexico work as an unclassified employee working for individual District Court judges, or are classified employees working in a monitor pool under the supervision of a managing reporter or other authority.

Court monitors are trained by chief monitor trainers working in each district. The chief monitor trainer is appointed by the Chief Judge of each judicial district and is responsible for training and providing guidance through the certification process.

Each court monitor is responsible for following all rules governing the recording of judicial proceedings as well as all local court rules pertaining to court monitor duties.

The current job description, approved by the Administrative Office of the Courts, governs the duties and responsibilities of the court monitor employee working for the judiciary.



## Job Description

### NEW MEXICO JUDICIAL BRANCH CERTIFIED COURT MONITOR (At-Will and Classified)

This job description is ILLUSTRATIVE ONLY and is not a comprehensive listing of all functions performed.

#### **SUMMARY**

Under general supervision, ensure accurate, significant, audio/digital recording of judicial proceedings.

#### **QUALIFICATIONS**

**Education:** A high school diploma or GED.

**Education Substitution:** None

**Experience:** One (1) year of court or legal experience.

**Experience Substitution:** None

**Certification:** Court Monitor Certification must be obtained within six (6) months of hire.

**Other:** Completion of a post offer background check may be required.

**Knowledge:** Knowledge of digital recording and word processing software; legal terminology; courtroom practices and procedures; the difference between providing information and legal advice; safety and security issues; filing systems and general office practices and equipment (i.e., telephone, printer, copier, fax, scanner, and calculator).

**Skill & Ability:** Skill in concentrating and paying attention to detail for prolonged periods of time; maintaining confidentiality; communicating in a courteous and professional manner with judges, the public, attorneys, jurors and all other parties involved in cases; operating and troubleshooting software and hardware (i.e. PA systems, microphones, hearing impaired devices, video conferencing equipment and telephonic conferencing equipment); active listening; recognizing and logging important events in the court proceeding in order to create accurate logs; log activities in a concise and logical manner; understanding written and oral instructions; managing time effectively while handling a high-volume workload in an environment subject to frequently changing priorities and high stress; knowing when to seek assistance; providing good

customer service; using common sense and diplomacy; maintain accurate records, filing, typing and entering information. Ability to understand and follow the Rules Governing Recording of Judicial Proceedings and Code of Conduct; control all aspects of recording judicial proceedings including keeping time; process work in a timely, prompt, accurate and complete manner; communicate effectively both orally and in writing with diverse parties; respond appropriately to stressful situations involving distraught, angry or emotional persons; when necessary to call security in dangerous situations; be informative without giving legal advice; remain neutral in court proceedings; use a computer and computer software including: digital recording software, word processing, case management and report systems; troubleshoot PA systems, microphones, hearing impaired devices, video conferencing equipment and telephonic conferencing equipment; multi-task; accept management guidance; meet deadlines under pressure; be organized; work as a member of a team and assist in the flow of documents from judges to associated parties; establish and maintain cooperative working relationships; be flexible; show diplomacy; receive and follow directions; maintain patience; learn quickly and train court monitoring tasks to others; and apply relevant policies and procedures to assigned work.

#### **EXAMPLES OF WORK PERFORMED**

Monitor and record judicial proceedings operating an audio recording machine or digital recording system to provide litigants, attorneys, Special Commissioners/Hearing Officers and Judges access to the record for appellate review, trial preparation and preparation of orders; set-up and ensure recording equipment is working properly; verify recordings of proceedings are audible; document and time-stamp events occurring in courtroom by generating accurate log outlining pertinent events/appearances of the judicial proceeding and/or case notes; responsible for equipment used in court room or by remote operating location; gather, deliver and file the compact disk recording, receipt for log and disc, receipt for exhibits, and exhibits to provide accurate record keeping procedures; responsible for retention of all case material; mark for identification, log, file, and account for court exhibits to safeguard evidence as a public, sequestered or sealed exhibit; act as a liaison between court personnel, litigants or attorneys to advance court proceedings; review court file, prepare next day's hearings, including picking up all files for the day from judges and clerks; conduct research utilizing computer retrieval system; and conduct training and certification/recertification for other monitors/employees. May be required to travel to other locations to record hearings; calendar and set hearings; process documents for filing; make copies of: tapes/compact discs, logs and files; draft and prepare orders, legal correspondence and documents for judge; act as Trial Court Administrative Assistant; process appeals for the Court of Appeals; and perform other associated duties as assigned.

#### **WORK ENVIRONMENT AND PHYSICAL DEMANDS**

The following functions are representative of the work environment and physical demands an employee may expect to encounter in performing tasks assigned to this job.

Work is performed in an often fast paced and stressful work environment in an office, court



setting or hospital setting. The employee is expected to be punctual and to adhere to assigned work schedule. The employee must regularly interact positively with co-workers, supervisor, managers, judges and the public; work under severe time constraints and meet multiple demands from several people. The work performed requires frequent use of computers, repetitious hand, arm and finger motions as well as manual/finger dexterity. The employee must be able to walk, talk, hear, climb ladders, kneel, stoop; move, lift, pull and carry up to 25 pounds, work overtime and flexible work hours including weekends and holidays and travel occasionally.

The employee may be required to sit or stand for long periods of time. The employee may be exposed to fluctuating building and outdoor temperatures; mental fatigue; hostile or violent situations that may arise when dealing with individuals involved in court cases; exposed to disturbing or hazardous court exhibits and contagious health conditions.

## **Court Monitor Training**

Certified Court Monitor training consists of the following:

1. Instruction on operating the digital recording equipment provided. Some recording vendors provide training videos on their websites, which is an excellent source for training, along with hands-on training on the equipment.
2. Instruction on creating a log of a recording using the equipment provided.
3. Instruction on the procedures involved in preparing in advance of a proceeding, procedures during the proceeding, and procedures at the conclusion of the proceeding.
4. Ensuring the applicant is knowledgeable in courtroom procedure.
5. Ensuring the applicant knows how to mark and handle exhibits.
6. Ensuring the applicant has read and can follow the Monitor Code of Ethics.
7. Ensuring the applicant will preserve confidentiality and ensure the security of information, oral or written.
8. Ensuring the applicant has read and can follow this Court Monitor Manual and pass the Courtroom Monitor Exam included in this manual.
9. Ensuring the applicant is proficient in performing all monitoring duties.
10. Answering all questions and ensuring the quality of the recordings and logs created.

## Requesting Certification

Following the initial training by the designated chief trainer and once the trainer is confident the applicant is ready for temporary certification, the following procedure should be followed:

1. The Designated Monitor Trainer or Supervisor is to ask their financial department for a purchase order number for the applicant prior to emailing a request for temporary monitor application. The fee for temporary monitor certification is \$100.
2. Once a purchase order number is issued for the monitor application, the Monitor Trainer or Supervisor is to send an email to [ccr@ccrboard.com](mailto:ccr@ccrboard.com) requesting a Temporary Certified Monitor Application. Include in this email the name of the applicant, along with their email address. The applicant will need the last four digits of the PO number and also the email address of your financial contact who is to receive the invoice in order to include that information in the temporary monitor application.
3. Once the email requesting temporary certification is received by the Board Administrator, the applicant will receive an email containing an online application link.
4. The applicant will fill in the blanks of the application, click "File," then "Print" to print the form for their supervisor, if needed. After printing the application, the applicant will click "Submit" and the application will be sent to the Board Administrator for review.
5. The Board Administrator will then process the application. This process may take anywhere from a few days to a couple of weeks. If you do not receive confirmation within two weeks, please email the CCR Board Administrator at [ccr@ccrboard.com](mailto:ccr@ccrboard.com) to inquire about the status of the application.
6. Once the application is processed, the applicant will receive an email regarding their temporary monitor certification. A copy of this email will also be sent to the monitor trainer or supervisor, and an invoice will be sent to the designated financial contact provided.
7. The new temporary monitor will have a period of up to six months in which to continue training to become a fully certified court monitor. During this period, the monitor trainer shall oversee the work of the temporarily certified monitor to ensure that the monitor is performing their job with proficiency. The temporarily certified monitor may work individually during this six-month training period as long as their work is checked for accuracy by the trainer.
8. Full certification may be requested by email to [ccr@ccrboard.com](mailto:ccr@ccrboard.com) when the trainer is

fully satisfied the temporary monitor is ready for full certification. The Board Administrator will process the full certification request and send a written confirmation of certification via email to the applicant and also the trainer or supervisor. An official certificate will be mailed to the applicant within 30 days of the granting of full certification.



## MONITOR RENEWAL FEES

Monitor fees are renewed each year by completing the following process:

1. A renewal email is sent by the Board Administrator to each Designated Trainer and Financial Contact as a reminder that Certified Court Monitor renewals are due in July of each year. If a renewal email is not received by June 30, it is the responsibility of the Designated Trainer to contact the Board Administrator at [ccr@ccrboard.com](mailto:ccr@ccrboard.com). It is important to keep the Board Administrator informed as to changes in designated trainers and financial contact information.
2. The designated monitor trainer, supervisor, or financial contact will follow the directions in the renewal notification email and communicate to the Board Administrator the names of all certified monitors whose licenses are to be renewed for their district and also the names of any certified monitors whose licenses will not be renewed by the district.
3. The Board Administrator will prepare one invoice for each district, based on the information provided regarding licenses to renew. Once a purchase order or payment is received by the Board, an email will be sent to each Certified Court Monitor confirming their license renewal.
4. Each Certified Court Monitor will be instructed, in the confirmation email, to update their contact information in their profile at [ccrboard.com](http://ccrboard.com) to ensure the CCR Board has current employment and contact information.

### Rule 22-203C

**C. Renewals.** A person holding a certificate as a New Mexico certified court reporter or court monitor shall be responsible for applying for an annual renewal of that certificate, on forms approved by the board. Upon receipt of the appropriate renewal application, continuing education activities reporting form, the annual certification fee and the continuing education reporting fee, the board shall issue the applicant a one-year renewal certificate or other appropriate document evidencing that the applicant is licensed as a New Mexico certified court reporter or court monitor unless the applicant:

- (1) is found by the board to be, or to have been in violation of these rules or any rules or regulations of the board;
- (2) has not been actively practicing for three (3) years;
- (3) cannot demonstrate reasonable proficiency, if required to do so;
- (4) has not complied with the Parental Responsibility Act [40-5A-1 to 40-5A-13 NMSA

1978], if applicable; or

(5) has failed to comply with continuing education requirements, if applicable.

The board shall revoke the license of a court reporter or court monitor who has failed to comply with the annual renewal requirements.



## DEFINITIONS

**Court Monitor:** A person who records judicial proceedings by audio or digital recording.

**Official Court Monitor:** A person who is directly employed by the courts as a judicial employee as a certified court monitor.

**Freelance Court Monitor:** a person who is not a judicial employee but is a certified court monitor employed as an outside monitor to cover judicial-related hearings, as well as other businesses or agencies.

All judicial proceedings shall be recorded by a trained and certified court monitor on equipment approved by the Administrative Office of the Courts. To ascertain what equipment is approved by the AOC, the chief trainer or court administrator is to contact the AOC prior to purchase. The actual media shall serve as the official record unless otherwise ordered by the court.

## Rule 22-201C

If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a court monitor who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript, unless otherwise ordered by the Court.

## Courtroom Procedures and Protocol

*Procedures and protocols that a Court Monitor should follow that are not clearly defined in the job description.*

Each district court judge will conduct courtroom proceedings in slightly different ways. Court monitors are to follow courtroom procedure and protocol as outlined by the judge.

### Monitor Responsibilities

1. The court monitor is to remain in the hearing room at all times during the recording of judicial proceedings.
2. The court monitor is to wear audio headsets at all times while the proceeding is recording to ensure a clear and accurate recording.
3. The court monitor is considered a member of the courtroom “team” and follows the instructions and directives of the judge, hearing officer, special commissioner, pro tem judge, or the individual appointed to preside over the proceedings. The court monitor is the silent member of the courtroom staff.
4. Facial expressions, gestures and verbal comments are prohibited during courtroom proceedings.
5. The court monitor is responsible for a clear audio recording.
6. If the audio is not projecting clearly in the headsets, the monitor is to inform the court immediately with the proper log notation showing audio failure at the specific time and place in the proceedings.
7. Should the equipment malfunction at any time, the monitor is to inform the court and make the proper log notation at the specific time and place in the proceedings.
8. If the monitor is unable to hear a response of the party or a witness, the monitor is to notify the court immediately. The court will then instruct the parties to answer appropriately.
9. If attorneys are talking over each other and talking at the same time, the monitor is to inform the court so that the court can advise the parties to speak one at a time and to

Speak clearly into the microphone.

10. The court monitor is to remain alert at all times so as to be able to follow the instructions of the court.

11. Permission to go off the record can only be given by the court.

12. The court monitor is to consult with the designated trainer on any and all questions pertaining to the duties of the court monitor within his/her court. Duties and responsibilities may vary from district to district.

13. The court monitor is the only certified court personnel authorized to operate recording equipment both in and out of the courtroom.

14. The court monitor is responsible for all gaps or blank recording spots in the Recording. During long periods of silence, the monitor is to make a special entry in the log denoting that there is a long silence taking place.

15. The court monitor is to pay special attention to bench conferences and ensure a good audio record.

## Digital Recording

### *Daily Expectations for the Court Monitor*

While most district courts in New Mexico use a digital recording system called FTR (For the Record) there are also other digital systems in the market. The recording procedures contained in this manual are designed to provide specific instruction and guidance in using the FTR system; however, digital recording systems are often very similar and the features vary slightly from system to system. Portions of this Users Manual may not be applicable to some systems. Designated Monitor Trainers shall provide the Monitor with an equipment users manual specific to their system. The Monitor Trainer shall review that manual as part of the certification process.

### Recording Procedures for Each Day

1. The FTR Unit should be checked for proper audio and ensure that the timestamp is functioning properly. Once the FTR is booted up, test for audio by clicking on the start button and listen for audio input. To test the timestamp, place the mouse arrow on the log and depress the macro key ( F-6). The timestamp should appear.
2. Following the timestamp, and boot up steps, all required information needed for the cover sheet should be complete.
3. You are ready for court.

### Duties during Recording of Proceedings Each Day

- Monitors shall monitor audio at all times during any hearing to ensure a proper recording.
- Monitors shall wear headsets at all times.
- Monitors shall be aware of any and all interferences, noise, distractions, and loss of audio during the proceedings.
- Monitors shall advise the court immediately of any interruptions.

### Maintenance of Digital Recording Equipment

Monitors should find that the FTR units require very little, if any, maintenance. Routine



checks of the FTR equipment consist of making a visual check for proper connections and all microphones are functioning properly. Some minor software problems may be encountered from time to time, and monitors are encouraged to become familiar with the software and know how to correct minor errors.

## Digital Playback Procedures

When playback requests are made to either the Court or the Monitor, the Monitor will follow the directions of the Court.

FTR playbacks can be performed at the same time while recording. It is not necessary to stop recording during playbacks.

With your mouse, point and click on the reversal icon located to the left end of the upper toolbar. Once the playback screen is presented, click on the file icon to open the audio. Select the date of the hearing you are recording and click on open. This selects the audio portion you are currently recording and the monitor can bracket-select any portion previously recorded and play it back for counsel or court.

When playback screen is completed, the monitor simply clicks on the reversal icon again and the FTR is returned to the recording mode and the monitor should continue creating a log.

Note: Always enter in the log the fact a playback was conducted.

## Equipment Malfunction

Monitors will find that the FTR Units are relatively trouble free. Minor software glitches may be encountered from time to time. Anything other than minor software problems should be referred to your local computer technicians for corrections or call the equipment vendor.

Note: Monitors are especially encouraged to resolve all FTR problems as soon as possible. It is important to keep the hearing moving along with as little interruption as possible.



## Special Conditions – Precautions

As the court monitor, special attention is to be given to the recording of judicial proceedings when demonstrative evidence is being presented and referred to in the courtroom. Below are different instances where special attention is required so that the audio is clear and unobstructed by references to exhibits or demonstrative evidence.

- **Demonstrations** at a board or easel create audio difficulties when the speaker keeps his/her back to the microphones.
- **Demonstrative** exhibits create audio difficulties when the record does not verbally define what is being referred to during the proceeding. The attorney or court are to ensure that what is being referred to has a name and is defined verbally for the record.
- **Excessive pointing or gesturing** for the record cannot be reflected in an audio record. It is the attorney's responsibility to define verbally what is being referred to by either the witness or the party for the record.
- **Shuffling papers, exhibits, or books** can muffle the audio and can cause delays in recording. The monitor is to monitor for sound at all times so that if the voice is obstructed by shuffling papers, the monitor can notify the court and counsel to remedy the situation by asking the witness to repeat the answer.
- **Witnesses or parties** must be careful not to turn their backs to the microphones while speaking in the courtroom. When this happens, a good audio record is not received. Should this occur, the court is to be notified by the monitor.
- **Individuals who are soft spoken** are often difficult to record. Should this occur, the monitor should notify the court so that the court can give instructions to the witness on answering so that the voice can be recorded.
- **Private conversations** between an attorney and his/her client can easily be recorded. The monitor is to notify the attorney when a private conversation is being recorded. The attorney is to be instructed that the privacy button on the equipment should be pressed during these conversations. If the equipment does not have a privacy button, the attorney is to be reminded that he/she is to turn away from the microphone while speaking.
- **Emotional outbursts** will cause an interruption in the recording of testimony and interferes with a good audio recording.
- **All special conditions** are to be noted on the log and the court is to be informed if the audio is unintelligible.

## Chapter 4

# Digital Logging and Filing Procedures

### *The monitor log, an overview of events.*

The log is designed to assist attorneys and the parties with locating important events which occur during the proceeding. It is second in importance only to the audio itself.

The log is used as an index for locating important portions of testimony on the audio recording which can assist the court and counsel with preparation of motions, briefs, opinions, rulings, etc.

The court and counsel can expect a written overview of events, identification of speakers and notations regarding dialogue and events which occur during the court proceeding.

FTR Recording events and entries are designated by the timestamp which shows the exact hour, minutes, and seconds.

**TIP:**

Remember to always check the function of the **TIMESTAMP** during your start up procedures. Place the cursor on any line of the monitor's log and depress the macro key, set up to provide the timestamp ( F-6).

The log events are to correspond to the recorded portions of testimony by use of the timestamp. In other words, the timestamp will indicate, within seconds, the locations in the log where an event or remark transpired.

These timestamps and log entries will enable anyone to find an exact location of a spoken word or event on the audio recording.

The FTR court monitor should create entries as often as necessary to comply with the examples of entries as found in this manual. Entries should be short, succinct descriptions of the events or remarks as they happen.

It is better to be inclusive rather than exclusive when deciding whether or not to create an entry for any dialogue taking place in a hearing or court. You can always take something out, but you cannot usually put something back in.

It is never appropriate to use ditto marks, nor is it appropriate to merely write Continued

DEX. When making notations that the direct or cross is continuing, the court monitor shall note the subject matter being discussed rather than a repeating of an entry.

Monitors should avoid direct quotes as a log entry.

Each new and significant event shall be logged as an entry.

The monitor shall note all on and off the record discussions.

Whenever expert witnesses are called to testify, the witnesses' education, training, background, history, diagnosis, and prognosis should be logged as an entry.

All interruptions in the proceedings should be noted as a log entry.

All hearings outside the presence of the jury should be noted as a log entry.

The monitors log should indicate the arrival time and departure time of all parties in the hearing.

Various types of cases are to be recorded and filed separately, e.g., criminal, civil, and sequestered hearings, and grand jury proceedings.

## **Log Title Sheet / Cover Sheet**

The first page of the log is the title sheet or the top sheet. It is to contain the following information:

- The full and correct caption; the appearances for each party, the cause number, the judge, hearing officer or commissioner.
- Type of proceeding that is taking place; time of the proceeding.
- The court monitor's full name.



## The Legend

It is recommended that the court monitor use the legends as depicted in the abbreviation box as well as include any new legends created by the court monitor during the logging process. The legend appears on the cover sheet of the log. The following abbreviations are the more common abbreviations used by court monitors:

<b>Abbreviations Used by Court Monitors</b>	
J	Judge
P	Plaintiff's Attorney
D	Defendant's Attorney
Pf	Plaintiff
Df	Defendant
W	Witness
DEX	Direct Examination
XEX	Cross Examination
DRX	Direct Examination
CRX	Cross Examination
RDEX	Redirect Examination
RXEX	Recross Examination
VD	Voir Dire
RB	Rebuttal Examination

<b>Case Number Prefixes Used by Court Monitors</b>	
CR	Criminal
CV	Civil
PB	Probate
GJ	Grand Jury
SA	Adoption
MS	Miscellaneous Civil
JS	Juvenile Misc.
CS	Criminal Misc.
DM	Domestic Matters
DV	Civil Domestic Matters
SW	Search Warrant
JR	Juvenile Delinquency
SQ	Sequestered CV
LR	Criminal Lower Court Appeal
ER	Extradition/Fugitive
JQ	Juvenile Sequestered

It is important to note that when an additional abbreviation is used by the court monitor, it must appear in the legend box. The court monitor can merely write in the new legend.



## Log Entries

The following terms represent a list of generally required log entries for covering motions, merits, and jury trials. Trainers are to expand on this list to incorporate other important entries necessary to clarify the record in other types of proceedings.

### **Court is in Session**

- Note time in entry if not already indicated automatically.

### **Court admonitions**

- Entry made anytime admonition given to anyone.

### **Court Instructions**

### **Jury Selection**

- Show questioning of jurors by counsel.
- Show jury sworn with the time.
- Show all questions asked of jurors during deliberations.

### **Opening Statements**

- Enter name of the attorney presenting.

### **Witnesses called**

- Show full name of the witness.
- Show that witness has been sworn.

### **Subject matter**

- Show all changes of subject matter.

### **Changes of examinations**

- Show all direct, cross, redirect, recross.
- Note all rebuttal examination.
- Note attorneys presenting examinations.

### **All objections by counsel**

- Note counsel making the objection.
- Note grounds for objection.

### **All rulings by the court**

### **Off the record discussions**

### **Sequestered/Closed Proceedings**

**Sidebar Conferences/Bench Conferences**

- Show beginning/ending times.

**Exhibits**

- Note all references to exhibits; marked, received, withdrawn, admitted.
- Note all references to documents discussed on the record.

**Motions**

- Note type of motion being heard.
- Ruling on motion by the court.

**Plaintiff rests his/her case**

**Defendant rests his/her case**

**Closing arguments/closing statements**

- Note name of the attorney presenting.

**Court is in recess**

- Note time of recess.

## **Verification process when a CD is requested**

After burning CD on a digital recorder, the monitor must verify the CD to ensure audio, log, and receipts are properly stored on the CD.

1. The monitor shall insert the CD into the proper computer and proceed to open the CD and actually click on the audio file to listen to the audio at the beginning; once at midpoint, and once at the end of the CD to ensure good quality audio was recorded.
2. The monitor should then click on the log generated and see that it was properly burned onto the CD.
3. The monitor should then click on the log receipt, and after ensuring that it is complete and correct, print the receipt for filing with the court clerk.

Monitors should be familiar with the local rules governing the filing of CDs and logs. Most judicial districts require that the CDs and logs be filed within five (5) working days.

## CD Label

**Warning:** Use special marker designed for CD disks.

The following information is to be on each CD filed:

- The caption/style of the case.
- The cause number with the case prefix (CR-CV-DR-SQ-JV-MR, etc.)
- The type of proceeding (motion, bench trial, merits, etc.)
- The date of the proceeding.
- Judge's name and division.
- The monitor's printed name.

**The Monitor must print. Signatures are not permitted on the label.**

## Filing of Logs Procedures

The Clerk monitor's logs shall be filed with the District Court Clerk or proper division within the Court. The court monitor is to follow the time limit set for filing logs. In most districts, the monitor is to file logs within five working days.

It is the monitor's duty to know the local court rules as they apply to recording judicial proceedings. Local court rules may vary from district to district.

## Exhibits

### *Procedures and proper handling of exhibits introduced during judicial proceedings.*

Procedures may vary from district to district and court monitors are to follow the procedures and rules specifically adopted by their individual district.

The handling of exhibits, and tracking of exhibits, is an important duty and responsibility of the court monitor. It is very important that monitors carefully document each exhibit marked for identification in the record and for filing purposes.

Monitors are responsible for the custody and safekeeping of all exhibits marked and admitted during court proceedings.

Monitors are to ensure exhibits are safe and secure during all breaks, recesses, and when court adjourns at the end of the day.

All exhibits are to be filed with the District Court within five working days at the conclusion of the proceeding.

If the proceeding is adjourned on one day, and will reconvene another day -- several days or weeks away, the court monitor is to file exhibits with the District Court.

Local court rules may vary. It is the monitor's responsibility to follow all local court rules that pertain to custody of exhibits.

Monitors are to mark all Plaintiff/Petitioner/State exhibits with the number designation and all Defendant/Respondent/exhibits with the letter designation.

The monitor is to follow the court's directives with regard to the return of exhibits, the copying of exhibits, or any other instructions given by the court.

If an exhibit is to be returned to counsel, the court is to instruct the monitor, on the record, of that fact. All other instructions regarding exhibits are to be placed on the record by the court with the appropriate log notation by the monitor.



## Marking Exhibits

The procedure for marking exhibits will vary from district to district. We have provided generally followed procedures for handling exhibits. The monitor is required to follow rules and procedures established by each individual district.

1. Court monitors are to mark all exhibits and note the same in the monitor log.
2. The Plaintiff/Petitioner is designated by using the number system; the Defendant/Respondent is designated by using the letters of the alphabet.
3. A judge, hearing officer or special commissioner, may give special permission to the attorney to mark exhibits prior to the hearing. Attorneys are then to provide to the monitor a document outlining all marked exhibits and a brief description of the exhibit. The monitor will then track what is offered, admitted, denied, refused, or withdrawn and shall make a specific log entry showing what has been offered, admitted, denied, refused, or withdrawn.
4. With the court's permission, attorneys may also come in prior to the hearing and have the court monitor pre-mark exhibits immediately prior to the hearing. The monitor will prepare a list of marked exhibits and track what is marked, offered, refused, denied and admitted.
5. Court monitors are to track all exhibits by using the Exhibit Form and by writing a brief description of each exhibit.
6. Exhibit labels are to show the case number.
7. Once the exhibit is identified in the hearing on the record, the exhibit is maintained by the court monitor.
8. Exhibits that are marked, identified and then withdrawn or denied, are also filed by the court monitor in Special Services Division or in compliance with the district court's local rules. With the court's permission, exhibits may be returned to counsel. If possible, this should be done on the record.
9. Should the court, hearing officer, or special commissioner direct that exhibits be returned, for whatever reason, the court monitor is to make a notation on the log and return the exhibits to the appropriate parties. It is best to have the attorney taking the exhibits sign a receipt saying that he/she has possession of the particular exhibits.
10. All exhibits are to be filed by the Court monitor in accordance with the Local Rules.



11. Notes made by the judge, hearing officer or special commissioner during a hearing are to be retained by the judge, hearing officer or commissioner. Court monitors are not to file notes.
12. Should the judge, hearing officer or special commissioner wish to retain exhibits, the monitor is to file all exhibits first and then instruct the judge, hearing officer, or special commissioner that exhibits can then be checked out of Special Services or designated exhibit vault. This ensures a safe and well-documented paper trail.
13. If a hearing is continued from one day to a date in the future, exhibits are to be filed and checked back out of Special Services or designated exhibit vault prior to the next hearing date by the monitor assigned to the new date. This information is usually announced from the bench.
14. The monitor is to instruct the Trial Court Assistant or appropriate person that exhibits have been filed and will be needed for the next hearing date, if that information is known. If that information is not known by the court monitor, the court monitor is to file all exhibits and not wait for the continuation hearing.
15. Court monitors are to handle only those exhibits which are to be filed with the court. If an exhibit has not been marked during a proceeding, the attorney is to keep the exhibit until it is marked.
16. When ordered by a judge, hearing officer, or special commissioner, to store items (e.g. documents, papers, etc.) not listed on the itemized exhibit receipt, the court monitor will take said items and give them to Special Services Division or designated personnel for storing purposes only. These items shall be stored with the filed exhibits from the court case, but will have no paper trail in Odyssey or the Special Services' database.
17. If the Court monitor is filing a black binder containing exhibits, the binder is to be marked as an exhibit as well as each document in the binder that is marked as an exhibit.
18. Exhibit receipts must have the name of the judge, hearing officer or special commissioner, date of hearing, and monitor's name.
19. A separate procedure has been established for handling, marking and filing the test results of a urinalysis exam.
20. The size of all exhibits must comply with the district court's local rules.
21. The attorney is responsible for the reduction of exhibits.
22. If there are any questions by the court monitor about what is to be filed and what is

not to be filed, the judge, hearing officer, or special commissioner will have the final say.

23. When denominations of money are being filed, the court monitor is to denote on the exhibit receipt each type of currency that is being filed; i.e. nickels, quarters, etc.

## Sealed Exhibits

### RECEIPT FOR FILING EXHIBITS

- The court monitor is to file exhibits within five days, accompanied by the exhibit receipt.
- The exhibit receipt is to accurately list all exhibits being filed.
- The exhibit receipt is to have a brief description of each exhibit.

Sealed exhibits are to be filed in the exhibit envelope and clearly marked “sealed” by the court monitor. Sealed exhibits are not to be released without approval by the court. Sealed exhibits are to be filed with the Clerk of the Court or designated authority.

## Definition of Log Terms

**Caption:** The heading, or introductory part of legal documents or instruments, which names the parties and the Court and the case number.

**Appearance:** The naming of the counsel of record or the parties pro se, who have formally entered a document filed with the Court stating their name and who they represent.

**Opening/Closing Statements:** The opening or final (closing ) remarks or statements by counsel or pro se parties to the court presenting the nature of the case and summarizing what they intend to prove, or with closing, what they have proven by way of evidence.

**Motions:** The application or request by counsel or Pro Se parties to the court, asking the court to take some action or make a ruling.

**Objections:** A statement in opposition or opposing, or adverse to the other party about some matter or proceeding during the course of the hearing. Used to call the court’s

attention to a specific matter or proceeding.

**Sworn / Oath:** To place a person under an obligation to tell the truth or suffer legal consequences.

**Plaintiff / Respondent Rests:** The ending or conclusion of one parties' evidence to the court.

**Remarks / Rulings:** An administrative or judicial interpretation of a statute, order, regulation, or directive put forth by the court.

**Admonishment:** Any authoritative oral communication or statement by way of advice or caution by the court to another person or persons.

**Exhibits:** Anything presented for show or display, by way of evidence, and which is marked and identified for use by the court.

**Sequestered:** To isolate and set aside, set apart from others.

**Side-Bar/Bench Conference:** A discussion between counsel or Pro Se parties and the court at a position to the side of the court's bench; outside the hearing of the public.

**Instructions:** To convey information from the court to the parties or counsel to a client, or judge to a jury.

**Verdict:** A true declaration. The formal decision or finding made by a jury impaneled and sworn for trial.

**True Bill:** An endorsement made by a grand jury upon a bill of indictment with sufficient truth of the accusation and finding evidence sufficient to warrant a criminal charge against a target.

**No Bill:** An endorsement made by a grand jury upon a bill of indictment that in the opinion of the grand jury, there was NOT sufficient evidence to warrant a criminal charge against the target.



## Code of Ethics

### *Code of Professional Ethics*

#### I. Conduct

- A. Always conduct yourself in a manner reflecting the highest integrity of the electronic reporting and transcribing profession. Be fair and impartial toward each participant in a proceeding. Be truthful and accurate at all times.
- B. Be respectful of judges, commissioners, attorneys, witnesses, clerks, members of official organizations, and all others associated with your assigned proceeding.
- C. Be alert to situations that may present the possibility of conflicts of interest. Guard against not only the fact, but the appearance of impropriety.
- D. Avoid giving or receiving any gift, incentive, or reward of substance to or from attorneys, clients, witnesses, or any persons associated with the proceedings, other than businesslike payment for professional services rendered.
- E. Determine fees independently, except when established by statute or court order.
- F. Prepare the record in accordance with the transcript-preparation guidelines established by statute or court order, or, if not applicable, then by local custom and usage.
- G. Preserve the notes and tapes of the record in accordance with statute or court order, or for a period of no less than three years, through storage of the original paper notes and tapes, as well as a paper or computer disk version of the verbatim transcript.
- H. Meet promised delivery dates. Make timely delivery of transcripts when no date is specified, and provide immediate notification of delays, and truthful assessment to client of reasons why.
- I. Do not offer counsel, advice, or personal opinions.
- J. Know your software and hardware system and be able to do simple troubleshooting.

#### II. Confidentiality

- A. Preserve the confidentiality and ensure the security of information, oral or written. Do not discuss remarks heard on or off the record with anyone. Keep all assignments strictly confidential.
- B. In instances of transcripts that are not intended for public distribution, do not make public any part of the proceeding.
- C. Do not disclose any transcription ordering or other information that is provided by one party to anyone else without express permission of that party. When in doubt, decline to discuss anyone's special ordering or delivery arrangements.
- D. Strive to be helpful to all parties if they express a need, but do not orally communicate



any substance of the proceedings to any party or non-party.

### III. Commitment

- A. Strive to become and remain proficient in electronic court reporting and/or transcribing professional skills.
- B. Keep abreast of current literature, technological advances and developments, and participate in continuing education programs. Strive to further knowledge and skill through participation in workshops, professional meetings, and interaction with colleagues.
- C. Assist in improving the electronic reporting profession by participating in national, state, and local association activities that advance the quality and standards of the reporting profession.
- D. Cooperate with the Bench and Bar in improvement of the administration of justice.<sup>1</sup>

Note: 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.

*Every job is a self-portrait of the person who did it.*

*Autograph your work with excellence.*

*(Anonymous)*

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<sup>1</sup> The American Association of Electronic Reporters & Transcribers Code of Professional Ethics, as published by the National Center for State Courts.

# A1

## Supreme Court Rules For Certified Court Monitors

**22-201. Licensing of court reporters and monitors; power to administer oaths.**

A. **Court reporters.** Except as provided in Paragraph C of this rule, no person shall engage in court reporting services in this state unless such person is licensed as a New Mexico certified court reporter issued either by the New Mexico Supreme Court or by the Board Governing the Recording of Judicial Proceedings.

B. **Waiver of examination.** Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon a showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.

C. **Court monitors.** If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a court monitor who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript unless otherwise ordered by the court.

D. **Oath.** Certified court reporters may administer oaths to witnesses in judicial proceedings anywhere in this state.

[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-50, effective December 31, 2008.]

## **22-203. Application; qualifications; renewal of certification.**

A. **Application.** An applicant seeking certification as a certified court reporter or certified court monitor shall apply on forms approved by the board and obtainable from the board.

B. **Qualifications.** Prior to the issuance of a certificate as a New Mexico certified court reporter or court monitor, an applicant must meet the following minimum qualifications:

(1) be of good moral character;

(2) possess a certificate or diploma evidencing graduation from high school;

(3) if the applicant is a court reporter, the applicant must demonstrate reasonable proficiency in making verbatim records of judicial or related proceedings by means of machine shorthand. If the applicant is a court monitor, the applicant must demonstrate reasonable proficiency in the operation of audio recording devices. "Reasonable proficiency" must also be demonstrated in the creation of tapes or other audio logs. For the purpose of this rule, the applicant's demonstration of "reasonable proficiency" shall be determined by the applicant's ability to pass an examination for certification approved by the board pursuant to these rules;

(4) be in compliance with the Rules Governing the Recording of Judicial Proceedings and any rules and regulations adopted by the Supreme Court;

(5) be in compliance with all support obligations as provided in the Parental Responsibility Act, Sections [40-5A-1](#) through [40-5A-13](#) NMSA 1978; and

(6) pay the appropriate annual certification fee.

Once the applicant has met and satisfied the above qualifications, the board shall issue the applicant a certificate as a New Mexico certified court reporter or court monitor. The reporter certificate shall be valid until December 31 of the year of its issuance. The court monitor certificate shall be valid until July 31 of the year following the year of issuance.

C. **Renewals.** A person holding a certificate as a New Mexico certified court reporter or court monitor shall be responsible for applying for an annual renewal of that certificate, on forms approved by the board. Upon receipt of the appropriate renewal application, continuing education activities reporting form, the annual certification fee and the continuing education reporting fee, the board shall issue the applicant a one-year renewal certificate or other appropriate document evidencing that the applicant is licensed as a New Mexico certified court reporter or court monitor unless the applicant:

(1) is found by the board to be, or to have been in violation of these rules or any rules or regulations of the board;

(2) has not been actively practicing for three (3) years;

(3) cannot demonstrate reasonable proficiency, if required to do so;

(4) has not complied with the Parental Responsibility Act [[40-5A-1](#) to [40-5A-13](#) NMSA 1978], if applicable; or

(5) has failed to comply with continuing education requirements, if applicable.

The board shall revoke the license of a court reporter or court monitor who has failed to comply with the annual renewal requirements.

[Adopted, effective August 1, 1977; as renumbered and amended effective January 1, 1983; as amended, effective February 15, 1986; April 1, 1989; December 1, 1993; January 1, 1996; June 8, 1998; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012.]



**22-204. Temporary certification for court monitors.**

A. **Requirements.** Temporary certification to engage in the verbatim recording of in-court proceedings or other proceedings specifically ordered by the court in any of the courts of New Mexico may be granted by the board, upon application on forms approved by the board, under the following circumstances:

- (1) the applicant is of good moral character;
- (2) the applicant possesses a certificate or diploma evidencing graduation from high school;
- (3) the applicant demonstrates reasonable proficiency in the recording of an audible proceeding and the operation of audio recording devices used by the courts. Reasonable proficiency must also be demonstrated in the creation of tape or other audio logs; and
- (4) the applicant is in compliance with these rules and any rules and regulations adopted by the board or the Supreme Court and has paid the appropriate certification fee.

B. **Expiration.** The temporary certificate shall be valid for six (6) months following the date upon which the temporary certificate is issued, provided the holder of the temporary certificate shall progress towards final certification by the chief trainer. A maximum of one temporary certificate may be issued to an individual. A temporary certificate may be extended once for not more than ninety (90) days.

[Adopted, effective December 29, 1975 and February 28, 1977; as renumbered and amended effective August 1, 1977; as amended, effective January 1, 1979; January 1, 1983; February 15, 1986; December 1, 1993; February 16, 2004.]

## **22-205. Examination and certification fees.**

A. **Exam fee.** Prior to the taking of any examination administered by the board, the applicant shall pay the appropriate examination fee fixed by the board and approved by the Supreme Court.

B. **Annual fee.** Every New Mexico certified court reporter or court monitor shall pay an annual renewal certification fee in an amount to be fixed by the board and approved by the Supreme Court.

C. **Fines.** Every New Mexico certified court reporter or certified court monitor shall pay any fines assessed by the board before certification or renewal shall be granted. The board may suspend the license of any court reporter or court monitor who fails to pay a fine within the time ordered by the board.

D. **Annual fee; firm license.** Every New Mexico firm engaging in the business of court reporting as described in Rule [22-202](#) NMRA shall pay an annual renewal registration fee in an amount to be fixed by the board and approved by the Supreme Court.

E. **Time of payment.** All examination and certification and registration fees shall be paid within the times and at the place designated by the board.

F. **Deposit of funds.** All funds of the board shall be deposited in an interest-bearing account in the name of the board. All financial obligations of the board over five hundred dollars (\$500) will be approved, prior to payment, by the signature of the chairperson or the vice chairperson of the board on the request for payment form.

G. **Budget.** The board shall submit on or before November 1 of each year to the Supreme Court a proposed budget for the ensuing fiscal year. The budget shall be for a fiscal year beginning January 1 and ending December 31 of the same year.

H. **Audit.** The board shall submit on or before August 1 of each year to the Supreme Court an audit of all funds received and disbursed during the prior fiscal year.

[As amended, effective February 15, 1986; October 1, 1986; April 1, 1989; December 1, 1993; February 16, 2004.]



**22-206. Official court reporters and court monitors; appointment; duties; records; termination of contract.**

A. **Appointment.** Subject to Rule 22-301 NMRA, each district court may appoint official court reporters or court monitors. The Supreme Court or the district court may, by order, approve pooling by reporters and monitors within a judicial district under the supervision of a managing reporter who shall be responsible for supervision of the court reporters and court monitors within the district. A contract reporter shall not serve as a managing reporter.

B. **Court monitor duties.** Official court reporters may also serve as court monitors and record judicial proceedings in those cases in which an audio recording is permitted and shall comply with all court rules and directions and all board-approved manuals in preparing the tape or audio logs.

C. **Office.** The official court reporter or court monitor shall be provided with the office space, equipment and supplies necessary for the reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for free-lance reporting or recording is prohibited.

The provision of necessary office space, equipment and supplies shall be subject to standardized contract approved by the Supreme Court with official court reporters who perform services under contract.

D. **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 Administrative Office of the Courts. Disposition of such records shall be in accordance with the disposition schedules approved by the records retention and disposition schedule approved by the Supreme Court.

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. Court monitors leaving employment with the district court are to have all audio recordings and logs bound 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 or monitor shall leave a current telephone number and address with the district court clerk and the court administrator. It is the reporter's or monitor's responsibility to inform the district court clerk of changes of address or telephone number. Arrangements for transcript production by reporters no longer employed with 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.

F. **Other duties.** Any time that an official court reporter or court monitor is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or managing reporter, the court reporter or court monitor may be assigned other court duties as required by Section ~~34-6-20~~ NMSA 1978, unless the reporter or court monitor has been granted approved leave. The chief judge, presiding judge, court administrator or managing reporter of the district court shall have the authority to reassign temporarily the official court reporter or court monitor within the judicial district to act as reporter or monitor for another judge or to perform duties required by Subsection B of Section ~~34-6-20~~ NMSA 1978.

G. **Outside reporting.** Subject to the licensing requirements of these rules, an official court reporter or court monitor may engage in outside reporting or recording duties 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 or monitor'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 or monitor 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.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004.]



**22-208. Surety bond.**

A. **Official court reporters and court monitors.** Pursuant to the provisions of the Surety Bond Act, the clerk of the district court shall assure that the applicable premium is paid to the Risk Management Division of the General Services Department for official court reporters and court monitors employed by the district.

B. **Named insured.** The State of New Mexico shall be named in the bond as the insured.

C. **Independent contractors.** Official court reporters who are independent contractors shall be bonded as provided in their contracts.

[Adopted, effective January 1, 1983; as amended, effective March 1, 1983; December 1, 1993; February 16, 2004.]

1 22-303. Audio recording of judicial proceedings.

2 A. Official record. When an audio recording is  
3 authorized to be used for the creation of the official  
4 record of any judicial proceeding, the following procedures  
5 shall be followed by the certified court monitors in  
6 recording the proceedings, storing the recording and making  
7 copies of the recording.

8 (1) A separate master tape or other recording may  
9 be used for each case. The tape or other recording shall at  
10 all times be kept secure in the court clerk's office. If  
11 more than one case is to be included on a master tape or  
12 other recording, a cross-reference system shall be developed  
13 by the judicial district, which will assure that all  
14 proceedings in a case are easily located and available for  
15 purposes of an appeal or other judicial proceedings.

16 (2) On appeal, the master (original) recording  
17 and two (2) copies of the master recording and log shall be  
18 transmitted to the appropriate appellate court in accordance  
19 with the Rules of Appellate Procedure. One (1) copy shall  
20 be retained in the court file until final disposition of the  
21 case. The log shall be typewritten in accordance with the  
22 court monitors manual upon the filing of the notice of

1 appeal and shall be filed with the district court clerk  
2 within ten (10) days after the filing of the notice of  
3 appeal.

4 (3) Upon final disposition of the appeal, the  
5 appellate court clerk may return the duplicates to the clerk  
6 of the district court for erasure and reuse.

7 B. **Cases not appealed.** If the case is not appealed,  
8 the clerk of the district court shall retain the master copy  
9 of the tape in a place and manner approved by the Supreme  
10 Court.

11 C. **Minimum standards for audio recordings.** When an  
12 audio recording is authorized to be used for the creation of  
13 the official record of any judicial proceeding, the audio  
14 cassette tapes, discs or other media used to store the  
15 recording, shall be compatible with equipment used by the  
16 courts.

17 [Adopted, effective January 1, 1983; as amended, effective  
18 December 1, 1993; February 16, 2004.]

A2

# Certified Court Monitor Test



Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
District: \_\_\_\_\_  
Trainer: \_\_\_\_\_

### COURTROOM MONITOR EXAM

#### Part 1: Fill in the Blank

1. Monitors shall be aware of any interferences, noise, distraction and loss of audio during the proceedings and shall advise the \_\_\_\_\_ immediately of any interruptions.
2. All \_\_\_\_\_ are to be noted on the log and the court is to be informed if the audio is unintelligible.
3. The \_\_\_\_\_ is designed to assist the court, attorneys and the parties with locating important events which occur during the proceeding.
4. FTR recording events and entries are designated by the \_\_\_\_\_ which shows the exact hour, minutes and seconds.
5. The \_\_\_\_\_ appears on the cover sheet of the Log.
6. Special \_\_\_\_\_ are designed for CD disks.
7. The Monitor's CD and logs shall be filed with the \_\_\_\_\_ or proper division within the Court.
8. The Court Monitor is to follow the time limit set for filing CDs and logs and in most district the monitor is to file CDs and logs within \_\_\_\_\_ working days.
9. The handling of exhibits, and tracking of exhibits, is an important duty and the responsibility of the \_\_\_\_\_.
10. The \_\_\_\_\_ is the heading or introductory part of legal documents or instruments, which names the parties and the Court and the Case Number.
11. The formal decision or finding made by a jury impaneled and sworn for trial is a \_\_\_\_\_.
12. The monitor will report any special requests of the parties directly to the \_\_\_\_\_ in a professional and polite manner.

13. As an officer of the court, the court monitor is to be officially \_\_\_\_\_.
14. The court monitor will be \_\_\_\_\_ at all times.
15. All certified monitors are responsible for knowing the \_\_\_\_\_ and regulations pertaining to courts monitors in the State of New Mexico.

**Part 2: True or False**

1. \_\_\_\_\_ Clerks are responsible each day for checking the proper function of the PA system as well as checking the audio microphones to ensure clear audio is present.
2. \_\_\_\_\_ Routine checks of the FTR equipment to ensure proper function are not required.
3. \_\_\_\_\_ FTR playbacks can be performed at the same time while recording.
4. \_\_\_\_\_ Always enter in the log the fact a playback was conducted.
5. \_\_\_\_\_ Remember to always check the function of the Time Stamp during your start up procedures.
6. \_\_\_\_\_ The monitor shall not note all on and off the record discussions.
7. \_\_\_\_\_ The monitors log should indicate the arrival time and departure time of all parties in the hearing.
8. \_\_\_\_\_ The Monitor should not complete both the date line and cause number for each page of the logged proceedings.
9. \_\_\_\_\_ Monitors should be familiar with the local rules governing the filing of CDs and logs.
10. \_\_\_\_\_ Clerks are responsible for the custody and safekeeping of all exhibits marked and admitted during court proceedings.
11. \_\_\_\_\_ Court monitors are to mark all exhibits and note the same in the monitor log.
12. \_\_\_\_\_ The monitor will not take sides or secretly assist either party or anyone, especially in regard to the court or the judge.

13. \_\_\_\_\_ The Court Monitor does not need to speak up about mechanical difficulties he/she is experiencing.
14. \_\_\_\_\_ Going to lunch or spending time during your break with someone involved in a case where you are the monitor is permissible.
15. \_\_\_\_\_ The rule of thumb to follow is that the court monitor, as an officer of the court, is neutral and impartial when dealing with all individuals that may come in contact with.

**Part 3: Name six entries that would be considered a significant event during a courtroom proceeding and should constitute an entry on the monitor's log.**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**Part 4: Matching**

- |    |                  |       |   |
|----|------------------|-------|---|
| a. | Caption          | _____ | To place a person under an obligation to tell the truth or suffer legal consequences  |
| b. | Appearance       | _____ | A discussion between counsel or Pro Se parties and the Court at a position to the side of the court's bench; outside the hearing of the public        |
| c. | Motion           | _____ | The formal decision or finding made by a jury impaneled and sworn for trial.  |
| d. | Sworn/Oath       | _____ | To isolate and set aside, set apart from others.  |
| e. | Bench Conference | _____ | The naming of counsel of record or parties pro se who have formally entered a document filed with the Court stating their name and who they represent |

- f. Verdict \_\_\_\_\_ The request by counsel/parties to the Court asking to take some action or make a ruling
- g. Sequestered \_\_\_\_\_ The heading or introductory part of legal documents

**Part 5: The first page of the log is the title sheet or top sheet, list 5 items that should be contained on this title sheet.**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_



# A3

## Log Examples

Description CR

DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF

STATE OF NEW MEXICO,

Plaintiff,

vs.

Defendant,

PROCEEDINGS: SENTENCING

Attorney for Plaintiff:  
Attorney for Defendant:

JUDGE: .

COURT MONITOR:

NOTICE: This log is not the official record. The official record is the CD. The log is created to assist in locating information on the CD. The log is not the verbatim record of the proceedings.

RESULT CODE: HELD

Date

1/23/2018

Location:

COURTROOM

Description	Judge	/ May 14, 2019/ Court Monitor:	
Date	5/14/2019	Location	[BERD92PG8C2-PC]
Time	Speaker	Note	
8:36:41 AM	BEGIN AUDIO TEST		
8:36:45 AM	END AUDIO TEST		
8:36:48 AM		<i>Please note that the names have been whited out on these example logs.</i>	
8:36:48 AM			
8:36:48 AM			
9:10:24 AM			
9:10:34 AM	COURT IN SESSION		
9:10:37 AM	Court calls case	D-1329-DM-2018-000 v.	
9:10:53 AM	Appearance	Pet Pro Se; ; Atty & Resp	
9:11:29 AM	Judge	Re: AC objections	
9:12:08 AM		SWORN: Pet and Resp	
9:13:01 AM		Witnesses to testify	
9:13:58 AM	SILENCE	(Audio adjustment)	
9:14:52 AM	SILENCE	(Audio adjustment)	
9:15:54 AM	Pet	Objection to sole custody recommendation	
9:20:38 AM		Re:Restraining Order	
9:21:57 AM		Reasons for dismissal	
9:24:51 AM		Reasons resp doesn't want boyfriend around child	
9:27:06 AM		Medical records	
9:33:10 AM		Evidence of past abuse	
9:35:41 AM		Employment	
9:39:01 AM		Support from boyfriend	
9:40:27 AM		Relationship with current boyfriend and new child	
9:41:34 AM		Deviation from CS	
9:43:45 AM		Recommendation to # 9 and 11	
9:45:33 AM		Incident between boyfriend and Pet	
9:46:58 AM		Recommendation # 13 & 15	
9:50:28 AM	Resp's Atty	Response to physical abuse claims	
9:51:57 AM		Injuries to child	
9:55:09 AM		Information disclosed to AC	
9:58:02 AM		Pending motion for OTSC	
10:01:39 AM		Police contact	
10:03:50 AM		Proposal for TS	
10:04:58 AM		Child's schooling	



<u>10:05:42 AM</u>	Resp	Communication to mom about child's missed schooling
<u>10:07:25 AM</u>	Resp's Atty	Police intervention
<u>10:10:24 AM</u>	Pet	Work days off
<u>10:12:01 AM</u>	SILENCE	
<u>10:12:16 AM</u>	Resp's Atty	Concern for child's knowledge about court case
<u>10:13:54 AM</u>	SILENCE	
<u>10:16:19 AM</u>	Judge	RULINGS
<u>10:17:42 AM</u>	Pet	Current counseling for herself
<u>10:18:30 AM</u>	Judge	Will hold AC rec's in abeyance pending motion OTSC and report back
<u>10:19:01 AM</u>		Temp sole custody to father
<u>10:19:09 AM</u>		Nightly phone calls to mother
<u>10:20:39 AM</u>		Mother shall have children Sunday to Tues night/ Exchanges at Family Services
<u>10:22:13 AM</u>		Parties to sign up for OFW by Monday May 20th
<u>10:26:03 AM</u>		Father to send a weekly update through OFW about the children
<u>10:27:45 AM</u>		Parties to complete co-parenting class with Terry Ashcom
<u>10:30:17 AM</u>		Court will set a report back hearing
<u>10:31:17 AM</u>		Child's play therapy
<u>10:33:44 AM</u>		Order by Atty
<u>10:34:13 AM</u>	Pet	Child's immunizations
<u>10:35:33 AM</u>	Resp's Atty	Response to child's immunizations
<u>10:35:50 AM</u>	RECESS	
<u>10:35:53 AM</u>		
<u>10:35:53 AM</u>		
<u>10:35:53 AM</u>		
<u>10:45:26 AM</u>	COURT IN SESSION	
<u>10:45:32 AM</u>	Court calls case	D-1329-DM-2013-00 v
<u>10:45:43 AM</u>	Appearances	Atty & Pet; , Atty & Resp
<u>10:47:11 AM</u>	Pet's Atty	Status of meet and confer/ No agreements or stipulations
<u>10:49:03 AM</u>		Children's therapist
<u>10:51:38 AM</u>		Re: Objections
<u>10:52:12 AM</u>		Re: Motion for OTSC
<u>10:53:54 AM</u>		Children's ages
<u>10:55:01 AM</u>		Children's TS
<u>10:57:09 AM</u>		Concerns from
<u>11:00:24 AM</u>	Resp's Atty	Pet's compliance with court orders



<u>11:01:45 AM</u>		CYFD investigations/ unsubstantiated
<u>11:03:34 AM</u>		Response to mental/physical concerns for children
<u>11:04:26 AM</u>		Children's schooling
<u>11:06:18 AM</u>		Requesting enforcement of court orders
<u>11:07:30 AM</u>		50/50 TS has not been followed / K.P. doesn't follow that schedule
<u>11:09:19 AM</u>	Judge	SWORN:
<u>11:09:50 AM</u>	DRX Witness	Employment/ Mental Health Therapist
<u>11:10:45 AM</u>		Referral in 2018
<u>11:12:11 AM</u>		Re: testimony before Hearing Officer in Oct 2018
<u>11:14:17 AM</u>		Assistance with TS and exchanges
<u>11:16:07 AM</u>		New Year's Day exchange
<u>11:18:51 AM</u>		Con't testimony re: New Year's Day exchange
<u>11:20:37 AM</u>		Identifies Exhibit 1
<u>11:23:45 AM</u>		Identifies unmarked document
<u>11:24:42 AM</u>	Pet's Atty	Marks Exhibit 2
<u>11:25:02 AM</u>		Offers Exhibit 2
<u>11:26:48 AM</u>	Judge	Exhibit 2 Admitted
<u>11:26:59 AM</u>		Exhibit 1 Admitted
<u>11:27:33 AM</u>	DRX Witness	Identifies Exhibit 3
<u>11:29:17 AM</u>	Judge	Exhibit 3 Admitted
<u>11:29:29 AM</u>	DRX Witness	Documentation prepared
<u>11:32:06 AM</u>		Efforts to assist children to go see father
<u>11:33:54 AM</u>		Observations regarding child K.P.
<u>11:37:20 AM</u>		Disclosures by school
<u>11:37:25 AM</u>		Children's current status
<u>11:40:02 AM</u>		K.P. current status
<u>11:42:11 AM</u>		K.P. school status
<u>11:45:09 AM</u>		K.P. absences
<u>11:47:07 AM</u>		Status of S.P.
<u>11:48:50 AM</u>		Re: Preparation of April 7th document
<u>11:56:01 AM</u>		Status of child J.P.
<u>11:58:14 AM</u>		J.P. schooling
<u>11:58:35 AM</u>		Recommendations re TS
<u>11:59:05 AM</u>	Resp's Atty	Objection to therapist making recommendations
<u>12:00:07 PM</u>	Judge	RULINGS
<u>12:01:18 PM</u>	DRX Witness	Recommendations would not be regarding custody
<u>12:04:32 PM</u>		Reintegration recommendations
<u>12:05:43 PM</u>		Recommendations of every other weekend

<u>12:07:31 PM</u>	CRX Witness	Sessions with children
<u>12:11:47 PM</u>		Court documentation received
<u>12:13:51 PM</u>		Re: Recommendation
<u>12:14:21 PM</u>	Pet's Atty	Children are currently exercising 50/50 TS
<u>12:16:57 PM</u>	Judge	RULINGS
<u>12:20:10 PM</u>		RULINGS / Court considering a GAL or Special Master
<u>12:21:40 PM</u>	Pet's Atty	Response to courts proposal
<u>12:23:02 PM</u>	Judge	RULINGS
<u>12:27:44 PM</u>	Resp's Atty	Response to court proposal
<u>12:29:06 PM</u>	Judge	RULINGS
<u>12:29:30 PM</u>		Court appointing SM
<u>12:29:55 PM</u>		Parties to sign up on OFW by Monday May 20
<u>12:31:53 PM</u>		Objections are denied
<u>12:32:39 PM</u>		RULINGS
<u>12:33:54 PM</u>		Medical decisions are to be made jointly
<u>12:35:03 PM</u>		RULINGS
<u>12:37:03 PM</u>		Order by Atty
<u>12:37:47 PM</u>	Pet's Atty	Clarification of rulings fro minute order
<u>12:38:44 PM</u>	Pet	Reasons for child missing school
<u>12:39:36 PM</u>	Judge	Re: child's missed school
<u>12:40:59 PM</u>		RULINGS
<u>12:48:22 PM</u>	RECESS	
<u>12:48:24 PM</u>		
<u>12:48:24 PM</u>		
<u>12:48:24 PM</u>		
<u>2:13:11 PM</u>	COURT IN SESSION	
<u>2:13:20 PM</u>	Court calls case	D-1329-DM-2008-00
<u>2:13:27 PM</u>	Appearances	, Atty & Pet; Atty & Resp
<u>2:14:04 PM</u>	Judge	Re: Meet and confer
<u>2:14:25 PM</u>		Re: Motion
<u>2:15:37 PM</u>		Intentions of grandparents and paid trip
<u>2:16:25 PM</u>		March 2018 Father was notified
<u>2:17:23 PM</u>		Grandmother's reasons for selecting dates
<u>2:18:13 PM</u>		Mother's communication to Pet about trip via OFW
<u>2:21:32 PM</u>		Child's extended family
<u>2:22:27 PM</u>	Pet's Atty	History of case
<u>2:23:30 PM</u>		Father's plans for holiday weekend
<u>2:25:37 PM</u>	Judge	SWORN;



<u>2:26:14 PM</u>	DRX Witness	Response to motion
<u>2:27:35 PM</u>		Re: Response
<u>2:28:01 PM</u>		Notified in March of 2018 by Resp
<u>2:28:17 PM</u>		Identified Exhibit B
<u>2:28:39 PM</u>	Judge	Exhibit B Admitted
<u>2:28:41 PM</u>	DRX Witness	Response to request for trip
<u>2:29:53 PM</u>		Identifies Exhibit D
<u>2:30:46 PM</u>	Judge	Exhibit D Admitted
<u>2:31:02 PM</u>	DRX Witness	Response in Exhibit D
<u>2:33:14 PM</u>		Con't Response in Exhibit D
<u>2:34:34 PM</u>		Identifies Exhibit A
<u>2:36:53 PM</u>	Judge	Exhibit A Admitted
<u>2:36:55 PM</u>	DRX Witness	Re: Grandfather's burial
<u>2:39:32 PM</u>		Re: Grandfather's burial
<u>2:40:13 PM</u>		Identifies Exhibit C
<u>2:40:57 PM</u>	Resp's Atty	Withdrawals line of questioning pertaining to Exhibit C
<u>2:42:40 PM</u>	DRX Witness	Offers of switching holidays
<u>2:45:54 PM</u>		Identifies Exhibit E
<u>2:47:55 PM</u>	CRX Witness	Response to
<u>2:48:55 PM</u>		Adjustment to out of town visit for grandfather's passing
<u>2:49:47 PM</u>		Grandfather's funeral and memorial
<u>2:50:36 PM</u>		Mother/ Child's trip to Belize
<u>2:51:13 PM</u>		Holiday exchanges
<u>2:51:52 PM</u>		Communication with daughter about trip
<u>2:52:49 PM</u>	RDRX Witness	Exchange of child on date of funeral and return from Belize
<u>2:54:34 PM</u>	Judge	SWORN;
<u>2:54:51 PM</u>	DRX Witness	Request for family vacation
<u>2:55:58 PM</u>		Communication to Pet about trip
<u>2:56:51 PM</u>		Father's passing March 2016
<u>2:59:10 PM</u>		Time exchange deviation
<u>2:59:41 PM</u>		OFW communication
<u>3:00:38 PM</u>		Counseling and schooling
<u>3:02:35 PM</u>		Child's extended family
<u>3:03:42 PM</u>		Meaning of trip, memorial trip for grandfather
<u>3:04:30 PM</u>	CRX Witness	Re: Out of travel plans documented in PP
<u>3:09:02 PM</u>		Communication
<u>3:09:37 PM</u>	RECESS	
<u>3:18:23 PM</u>		
<u>3:18:23 PM</u>		

<u>3:18:23 PM</u>	COURT IN SESSION	RECALLS D-1329-DM-2008-00
<u>3:18:44 PM</u>	CRX Witness	Response to Pet's response to re-evaluate trip
<u>3:19:28 PM</u>	SILENCE	
<u>3:19:53 PM</u>	CRX Witness	Identifies Exhibit 1
<u>3:21:41 PM</u>	Judge	Exhibit 1 Admitted
<u>3:21:44 PM</u>	CRX Witness	Communication about trip to father
<u>3:22:49 PM</u>		Communication to daughter if she is unable to make trip
<u>3:24:08 PM</u>		Identifies Exhibit 2
<u>3:26:22 PM</u>		Doesn't recall exhibit 2
<u>3:27:28 PM</u>		Child's out of country travel
<u>3:28:28 PM</u>	RDRX Witness	OFW and mediation
<u>3:29:02 PM</u>		Costs for mediation
<u>3:29:51 PM</u>	Resp's Atty	Closing remarks
<u>3:31:04 PM</u>		Grandfather's funeral/memorial
<u>3:35:09 PM</u>		Costs of mediation
<u>3:35:58 PM</u>		Tone meter function in OFW
<u>3:38:11 PM</u>		OFW Wizard fee
<u>3:38:22 PM</u>	Pet's Atty	Closing remarks
<u>3:40:47 PM</u>		Pet's knowledge of trip being in honor of grandfather
<u>3:42:36 PM</u>		Father's day planned trip
<u>3:45:04 PM</u>		Request for denial of motion
<u>3:46:32 PM</u>	Pet	Mediation
<u>3:47:51 PM</u>		Communication with Resp
<u>3:48:02 PM</u>	Resp's Atty	Communication to Pet about trip being a memorial
<u>3:48:35 PM</u>	Pet	Mediation in Dec 2018 and March 2019
<u>3:49:04 PM</u>		Employment / Sourcing and contracting manager at Presbyterian
<u>3:49:52 PM</u>	Judge	RULINGS
<u>3:54:44 PM</u>		RULINGS
<u>3:57:56 PM</u>		RULINGS
<u>4:01:58 PM</u>		RULINGS
<u>4:06:17 PM</u>		RULINGS
<u>4:09:11 PM</u>		RULINGS
<u>4:11:27 PM</u>		RULINGS/ Child may take trip in June
<u>4:12:37 PM</u>		Parties take a co-parenting class with Terry Ashcom
<u>4:13:43 PM</u>		Father's request for make up time
<u>4:15:19 PM</u>		Father will have child from May 24-June 7th
<u>4:17:59 PM</u>		Father shall get child back on June 23rd @ noon
<u>4:24:54 PM</u>		Atty : to contact



<u>4:25:59 PM</u>		Order by Atty
<u>4:27:59 PM</u>		Clarification of exhibits
<u>4:28:28 PM</u>	RECESS	

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