

CSR PREP PACKET

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1538. DE

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Dawn
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English

Directions (1-10): In each sentence there is an italicized part. If you think there is an error or errors in the italicized part, select the best correction and write its number in the space provided. If you think the sentence is correct as written, write the word *correct* in the space provided.

- 1 *It's* too bad that the dog hurt *its* paw, isn't it?
1 It's . . . it's
2 Its . . . it's
3 It's . . . its
- 2 The Court declared the local *statues* unconstitutional.
1 statutes
2 statures
3 status
- 3 Yesterday he *lay* down to rest.
1 laid
2 lied
3 layed
- 4 Many people *immigrated* from Europe in the last century.
1 imigrated
2 emigrated *to leave*
3 emmigrated
- 5 I don't know what to *counsil* in this case.
1 counsel
2 council
3 consul
- 6 There was a serious difference of opinion between *her and I*.
1 she and I
2 her and me
3 she and me
- 7 I *respectfully except* to your Honor's ruling.
1 respectively accept
2 respectfully accept
3 respectively except
- 8 They have difficulty *adopting themselves* to change.
1 adopting theirselves
2 adapting themselves
3 adopting thereselves
- 9 How much *has food costs raised* during the past year?
1 have food costs rose
2 has food costs risen
3 have food costs risen
- 10 We were not surprised at *him loosing* his way.
1 his losing
2 him losing
3 his loosing

1. 3

2. 1

3. C

4. 2

5. 1

6. 2

7. C

8. 2

9. 3

10. 1

Spoilation
Spoliation

Directions (11-20): In each set of sentences in questions 11 through 20, only one is correctly punctuated. Select the sentence that is correct and write its *number* in the space provided.

- 11 (1) I said there is no question, Catherine, that that is the best easter bonnet you have ever had.
(2) I said, "There is no question Catherine that that is the best easter bonnet you have ever had."
(3) I said, "There is no question, Catherine, that that is the best Easter bonnet you have ever had." 11... 3
- 12 (1) Johnson is one of the few sophomores who have ever made the varsity team.
(2) Johnson is one of the few sophomores, who have ever made the varsity team.
(3) Johnson is one of the few sophomores; who have ever made the varsity team. 12... 1
- 13 (1) Four years college training fits you for your lifes work.
(2) Four years' college training fits you for your lifes work.
(3) Four years' college training fits you for your life's work. 13... 3
- 14 (1) He bought several kinds of fruit oranges tangerines and bananas.
(2) He bought several kinds of fruit, oranges, tangerines, and bananas.
(3) He bought several kinds of fruit: oranges, tangerines, and bananas. 14... 3
- 15 (1) I was so frightened, Mary admitted, when I yelled I did it.
(2) "I was so frightened," Mary admitted, "when I yelled I did it."
(3) "I was so frightened," Mary admitted, "When I yelled I did it." 15... 2
- 16 (1) The man who had the aisle seat had to get up four times.
(2) The man who had the aisle seat, had to get up four times.
(3) The man, who had the aisle seat, had to get up four times. 16... 1
- 17 (1) When teeth are extracted, and not replaced immediately, there is nothing to prop the jaws apart.
(2) When teeth are extracted and not replaced immediately, there is nothing to prop the jaws apart.
(3) When teeth are extracted and not replaced immediately there is nothing to prop the jaws apart. 17... 2
- 18 (1) Did she say, "Please try to do it"?
(2) Did she say "Please try to do it"?
(3) Did she say, "Please try to do it?" 18... 1
- 19 (1) We dont usually need heavy clothing here but this year we surely do.
(2) We don't usually need heavy clothing here but this year we surely do.
(3) We don't usually need heavy clothing here, but this year we surely do. 19... 3
- 20 (1) They had to hurry, for their dinner had been long on the table.
(2) They had to hurry for their dinner had been long on the table.
(3) They had to hurry for their dinner, had been long on the table. 20... 1

Directions (21-25): In each of questions 21 through 25, only one of the words is misspelled. In each case correctly spell the misspelled word in the space provided.

- 21 civilian
~~primieval~~
 uncanny
 trigonometry
 bewitches

21. primeval

- 22 cadence
 millinery
~~lonliness~~
 caramel
 burglarize

22. loneliness

- 23 vindictive
 satchel
 transferable
~~preliminary~~
 obstinite - dogged, stubborn, mulish

23. obstinate

- 24 abyss
 imature
 scaffold
 corruption
 predicament

24. immature

- 25 specifically
 embarrassment
 colleague
 symbolic
 humorist

embarrassment

25. embarrassment

Directions (26-30): On the line after each term in Column B, write the number preceding the word in Column A that best defines that term.

Column A

- (1) font
~~(2) monologue~~
 (3) lonely
~~(4) absorb~~
~~(5) adversary~~
 (6) leading character
 (7) lacking originality
 (8) theoretical

Column B

- 26 assimilate 26... 4...
 27 protagonist 27... 6...
 28 hypothetical 28... 8...
 29 soliloquy 29... 2...
 30 stereotyped 30... 7...

PART II

PROOFREADING FOR PUNCTUATION, SPELLING, AND WORD USAGE

This part of the mock English exam consists of 12 sections of transcripts consisting of four lines each. Each line is considered a separate test item.

Read each line and determine whether it contains a punctuation error, a spelling error, a word usage error, or no error at all. Do not look for capitalization and grammar errors in this part of the examination.

Select the letter representing the type of response appropriate and mark the answer for that line in accordance with the following key.

- A. Punctuation error
- B. Spelling error
- C. Word usage error
- D. No error

Don't confuse WORD USAGE with SPELLING ERROR. Word usages are spelled correctly but wrongly used: may be/maybe; for/four; concord/conquered.

Because of the use of the apostrophe, the error in choice of its/it's is considered to be a PUNCTUATION ERROR.

- A 13. It was a quarter to, I was taking a biology class
D 14. ^Cthat I needed because I knew I wanted to go ~~into~~ ^{to} this
A 15. chiropractic college, and I was doing some prerequisite
B 16. work in the area of ^{anatomy} anatamy and physiology.
-

- C 17. I sure did. In the ^{course} coarse of this school we had two
C 18. national boards we had to ^{set} set for to pass basic sciences,
B 19. and at that point we had to do an ^{internship} enternship with the
D 20. school and then, you know, pass all the required courses.
-

- A 21. I want you to. Let me rephrase it for you. Was Tuesday
B 22. morning in your conference with Mr. Jacobs the first time
C 23. anyone asked you to or has informed you that you maybe
D 24. called upon to testify at the trial of this matter?
-

- A 25. Would you hand me your file? I'd like to go back over
D 26. some of the documents with you. We don't have a table
H 27. between us and it makes it difficult to do this, but I'll
D 28. hold it until I find what I want to preview with you.
-

- A 29. Okay. Now, if you could hand the file back to me again,
A 30. Doctor, I'm going to ask you to do this because I'm
B 31. having some trouble figuring out what goes with what in
B 32. here, which is normal since I'm not a chiropractor.
-

- C 33. The patient is lying on his stomach on the table, and
D 34. the doctor will attempt to just bend the knee back. A
B/C 35. test would be positive if he couldn't perform the test,
A 36. or if he experienced pain to the lower back region.
-

- A 37. I told him what phase his spine, how much his spine has
A 38. degenerated so far, based on my findings, and that's what
A 39. this page is all about. It's part internal, part between
D 40. me and the patient, part for the patient only.
-

- A 41. I would have scheduled him for an appointment, I would
D 42. have told him to come back for treatment. I don't do the
D 43. scheduling. I can't tell you that, but I would have
A 44. indicated to him to come back for another treatment, yes.
-

- B/C 45. Now, the reason it might be ^{germane} german, Doctor, is that you
B 46. have been declared as an expert witness for the plaintiff.
A/D 47. So ^{plaintiff} is it your testimony that you can't recall which one
A 48. was for the plaintiff or which one was for the defense.
-

- C 49. I think that -- To review the records, whether it's from
B 50. an insurance company or a ^{concerned} concerned individual, I think
D 51. I usually charge for an hour, hour and a half to begin.
D 52. That's usually \$300 to \$350, plus time to do the reports.
-

- A 53. ^{take out either} A widely displaced fracture would be a fracture of a
B 54. ^{forearm} forearm, for instance, or a fracture of a femur in which
A 55. the bone ends were widely displaced by inches, ^{if adj. can operate without either part} by two
D 56. ^{NO hyphen} inches, say, or an inch and a half. That's displaced.
-

- A 57. Well, it means that when you test the ears with warm and
C 58. cold water, you will ^{elicit} illicit a caloric response. ^{effect} If ^{effect} effect
C 59. both ears are functioning the same, the water will ^{effect} effect
D 60. the ears the same, and you'll get complementary responses.

ANSWER KEY
TEST # 2, VERSION 2-NN
PART II

- | | |
|-------|-------|
| 13. A | 38. A |
| 14. C | 39. A |
| 15. A | 40. D |
| 16. B | 41. A |
| 17. C | 42. D |
| 18. C | 43. D |
| 19. B | 44. A |
| 20. D | 45. C |
| 21. A | 46. B |
| 22. B | 47. D |
| 23. C | 48. A |
| 24. D | 49. C |
| 25. D | 50. B |
| 26. D | 51. D |
| 27. A | 52. D |
| 28. C | 53. A |
| 29. A | 54. B |
| 30. A | 55. A |
| 31. B | 56. D |
| 32. B | 57. A |
| 33. C | 58. C |
| 34. D | 59. C |
| 35. C | 60. D |
| 36. D | |
| 37. A | |

Dawn
May 3, 1999

PART I

THEORETICAL GRAMMAR, WORD USAGE, AND CAPITALIZATION

Each test item is composed of four sentences that are identical except for words or combinations of words which are in brackets ([]). You must select the letter of the sentence that contains all words used correctly and mark that letter on your separate answer sheet. Make no marks on this test.

1.

- A. Pete and Joan [has finished] [their] tests.
- B. Pete and Joan [have finished] [their] tests.
- C. Pete and Joan [have finished] [his and her] tests.
- D. Pete and Joan [has finished] [his and her] tests.

2.

- A. Shelley plays the piano [good] and also [have] a good voice.
- B. ~~Shelley~~ plays the piano [well] and also [have] a good voice.
- C. Shelley plays the piano [good] and also [has] a good voice.
- D. Shelley plays the piano [well] and also [has] a good voice.

3.

- A. Both [wives] followed the advice of the [Doctors Jackson].
- B. Both [wives] followed the advice of the [Doctor Jacksons].
- C. Both [wives] followed the advice of the [Doctors Jacksons].
- D. Both [wives] followed the advice of the [Doctor Jacksons].

4.

- A. Messrs. Cole and Potter became [president-elects] late in the [1970's].
- B. Messrs. Cole and Potter became [president-elects] late in the [1970s].
- C. Messrs. Cole and Potter became [presidents-elect] late in the [1970's].
- D. Messrs. Cole and Potter became [presidents-elect] late in the [1970s].

5.

- A. The [Honorable] Nelson A. Rockefeller was [Governor] of New York for many years.
- B. The [honorable] Nelson A. Rockefeller was [Governor] of New York for many years.
- C. The [honorable] Nelson A. Rockefeller was [governor] of New York for many years.
- D. The [Honorable] Nelson A. Rockefeller was [governor] of New York for many years.

(2)
left off

5.

- A. I attended [ohio state university] and [all most] earned a MS degree in French.
- B. I attended [Ohio State university] and [almost] earned a MS degree in French.
- C. I attended [Ohio State University] and [almost] earned a MS degree in French.
- D. I attended [Ohio State University] and [all most] earned a MS degree in French.

7.

- A. The prosecutor for the [Case] is a member of the [Bar Association].
- B. The prosecutor for the [case] is a member of the Bar Association].
- C. The prosecutor for the [Case] is a member of the [bar association].
- D. The prosecutor for the [case] is a member of the [bar association].

8.

- A. The [city of Milwaukee] is twice the size of [Long Island City].
- B. The [City of Milwaukee] is twice the size of [Long Island city].
- C. The [city of Milwaukee] is twice the size of [Long Island city].
- D. The [City of Milwaukee] is twice the size of [Long Island City].

9.

- A. The [United States army] recruitment office is in the [Bates Building].
- B. The [United States Army] recruitment office is in the [Bates building].
- C. The [United States Army] recruitment office is in the [Bates Building].
- D. The [United States army] recruitment office is in the [Bates building].

10.

- A. Did Mary feel [good] after her [heart surgery]?
- B. Did Mary feel [good] after her [Heart Surgery]?
- C. Did Mary feel [well] after her [Heart Surgery]?
- D. Did Mary feel [well] after her [heart surgery]?

in good spirits

11.

- A. Did Mr. Smith fall as he entered the [aisle] to the [south] of the auditorium?
- B. Did Mr. Smith fall as he entered the [isle] to the [south] of the auditorium?
- C. Did Mr. Smith fall as he entered the [aisle] to the [South] of the auditorium?
- D. Did Mr. Smith fall as he entered the [isle] to the [South] of the auditorium?

12.

- A. Mr. Jones made an [allusion] to that [effect].
- B. Mr. Jones made an [illusion] to that [affect].
- C. Mr. Jones made an [elusion] to that [effect].
- D. Mr. Jones made a [delusion] to that [affect].

13.

- A. What was the [carat] of the [Stoke Diamond]?
- B. What was the [caret] of the [stoke diamond]?
- C. What was the [carrot] of the [Stoke diamond]?
- D. What was the [karat] of the [Stoke Diamond]?

gold

14.

- A. Modern equipment [maybe] [different than] ours.
- B. Modern equipment [may be] [different from] ours.
- C. Modern equipment [may be] [different than] ours.
- D. Modern equipment [maybe] [different from] ours.

15.

- A. She acted [like] she [was] the president of the company.
- B. She acted [like] she [were] the president of the company.
- C. She acted [as if] she [was] the president of the company.
- D. She acted [as if] she [were] the president of the company.

16.

- A. What does management think of the committee that [make] [its] suggestions for company improvements?
- B. What does management think of the committee that [makes] [their] suggestions for company improvements?
- C. What does management think of the committee that [makes] [its] suggestions for company improvements?
- D. What does management think of the committee that [make] [their] suggestions for company improvements?

17.

- always wrong*
- (not including the ball)
- A. That ball is the [rounder] of [any] I have seen.
 - B. That ball is the [most nearly round] of [any other] I have seen.
 - C. That ball is the [most nearly round] of [any] I have seen.
 - D. That ball is the [rounder] of [any other] I have seen.

Taller than "my mother"
but
different from

ANSWER KEY
TEST # 1, VERSION 1-NN
PART I

1. B
2. D
3. B
4. D
5. A
6. C
7. D
8. A
9. C
10. D
11. A
12. A
13. A
14. B
15. D
16. C
17. B

WHOWHOM EXERCISES

Hints: (1) Use who or whoever when a verb immediately follows (in statements).
Example: Send the information to whoever makes the request.

(2) Use who or whoever with a linking verb. *Example:* Whoever that was remains a mystery.

(3) Use who or whoever to complete a main thought that might be separated by another main thought. *Example:* "I will call whoever you think will respond." "You think" interrupts "whoever will respond." You can't say, "Him will respond," so whomever would be incorrect. Also, a subject is required for "will respond"; whoever is a subject pronoun.

Try substituting other subject pronouns: he, she

(4) Use whom or whomever for everything else.

(5) Be careful with noun clauses when they act as subjects; the objective form (whomever) is used. *Example:* Whomever you choose, I will call (I choose him/her). "Whomever you choose" is the subject (noun clause). In other words, a clause instead of one word is the subject.

(6) When the sentence is in the form of a question, turn it into a statement to determine which form of the pronoun is to be used. *Example:* (Who/Whom) did he ask to the dance? Since you can say, "He asked her to the dance," the correct pronoun is whom.

1. (Who/Whom) is the person (who/whom) I saw you with last night?
2. (Who/Whom) did she call last night?
3. Give the information to (whoever/whomever) you think will be able to investigate it.
4. The woman (who/whom) works in my office is her sister.
5. With (who/whom) are you staying?
6. (Who/Whom) is going with that gentleman?
7. All persons (who/whom) have been elected will meet here.
8. I will give it to (whoever/whomever) is able to answer it.
9. To (who/whom) was the letter sent?
10. Anyone (who/whom) can persuade him to study English will be doing his teacher a favor.
11. (Who/Whom) did the association nominate for president?
12. Bill is the one (who/whom) some think will do it.
13. We can give (whoever/whomever) needs it a ride to the concert.
14. Please save it for (whoever/whomever) attends.
15. (Who/Whom) was it that delivered the message?
16. The company sent (whoever/whomever) is on the mailing list a copy of the most recent catalog.
17. (Whoever/Whomever) the association nominates for president I will support.
18. I am waiting for (whoever/whomever) is going to deliver it.
19. The lady (who/whom) I trust the most is moving away.
20. (Who/Whom) would you say is the most honest individual?

BASIC RULES FOR PUNCTUATION

The Comma

1. When a sentence consists of two independent clauses joined by a coordinating conjunction (and, or, but, nor, for, yet, so), place a comma before the conjunction.
 - a. I have worked in the construction business for many years, so I believe I am well qualified to serve as a consultant.
 - b. I'm sure your attorney has given you the rules for a deposition, but I will repeat them so that you will have them clearly in mind.
2. When three or more items are listed in a series and the last item is preceded by and, or, or nor, place a comma before the conjunction as well as between other items.
 - a. I've attended Sacramento City College, UC Davis, and Berkeley.
 - b. You may say "Yes," "No," or "I don't know."
3. When two consecutive adjectives modify the same noun, separate the adjectives with a comma.
 - a. Would you say the defendant was a helpful, cooperative employee?
 - b. I believed my employer to be a well-respected, generous individual.
4. Use a comma with an introductory dependent clause. (These often begin with the words when, if, as, etc., followed by a subject and verb.)
 - a. When I called my attorney last week, she suggested we settle out of court.
 - b. If I'm not mistaken, I asked you to bring certain documents to this deposition.
5. Use a comma after an introductory infinitive phrase (to + a verb).
 - a. To make things go more smoothly, please give us audible answers only.
 - b. To get to Woodland, you can take Interstate 5 going north.
6. Use a comma after an introductory prepositional phrase that contains a verb form.
 - a. In preparing for your deposition today, did you review any documents?
 - b. Before beginning the deposition, we will have the court reporter swear you in.
7. Use a comma after an introductory prepositional phrase if the phrase does not tell when or where.
 - a. In my opinion, I believe the defendant lied.
 - b. In any event, we will recess for lunch at noon.
8. If a relative clause (begins with the word who, whom, which, that) is nonessential to the meaning of a sentence, use commas to set it off. (Hint: In many cases a relative clause that is preceded by a proper noun requires a comma.)
 - a. Henry Lewis, who damaged my car, has promised to pay for all expenses.
 - b. The package was for my friend Donna, whom I was visiting.
9. Use a comma to set off a phrase that begins with such as if the phrase is nonessential to the meaning of the sentence.
 - a. Everyone in our family likes outdoor sports, such as tennis and swimming.
 - b. BUT: When going to a fancy restaurant, people should not wear clothes such as tank tops and halters. (The phrase such as is essential to the meaning of the sentence; therefore, no comma is required.)
10. Use a comma with two-word appositives.
 - a. Alex, my husband, likes outdoor sports. (But: My husband Alex likes outdoor sports.)
 - b. My best friend, Alice Rice, likes cats. (But: Alice herself likes cats.)
11. Use commas to set off the year when it follows the month and day.
 - a. On October 13, 2002, I plan to retire.
 - b. On Monday, December 7, 1970, my first child was born.
12. Use commas to set off the name of a state or a country when it directly follows the name of a city or county.
 - a. Last year we moved from Chico, California, to Reno, Nevada.
 - b. Isn't Sacramento County, California, the best place to live?

THE SEMICOLON

1. Use a semicolon when clauses are closely related.
 - a. My son is studying for his M.B.A.; my daughter already has hers.
 - b. You've served as an expert for both defendants and plaintiffs; is that correct?
2. If a conjunctive adverb (**however, therefore, then, etc.**) connects two independent clauses, use a semicolon before the adverb and a comma after the adverb if the adverb contains two or more syllables.
 - a. They have given us a verbal okay to proceed; however, we're still waiting for written confirmation.
 - b. We plan to wait for a written confirmation; then we will proceed with our plans.
3. Use semicolons to separate a series of items that contain commas.

I have lived in Spokane, Washington; Fairbanks, Alaska; and Dayton, Iowa.

THE COLON

1. Use a colon after a full sentence preceding a list.

The following bad habits may affect your health: smoking, driving too fast, and drinking too much.
2. Use a colon after a full sentence introducing a quotation:

Our attorney responded in this way: "We expect to win our case once all the facts are brought out in the trial."

THE DASH

1. Use a dash before such words as these, they, and all when these words stand as subjects summarizing a preceding list of details.

Bias, prejudice, and passion – all should be avoided by the jurors.
2. Use a dash to set off an appositive that contains commas.

Those attorneys – Mark Wangston, Sue Johnson, and Karl Barber – are best suited for this case.
3. Use a dash to indicate interruptions during a proceeding.
 - Q. Sir, I have asked you numerous times to –
 - A. But I have –
 - Q. Please wait until I've finished the question.
 - A. – answered that question several times.

ELLIPSIS MARKS

Use ellipsis marks, not a dash, to indicate when a witness trails.

- Q. Will you please explain why you were late to your meeting.
- A. Well, in the first place, I got up late, and then I just couldn't get going, and then . . .

THE PERIOD

1. Use the period for obvious statements.

Please give audible responses only.
2. Use a period to indicate a polite request.
 - a. State your full name for the record, please.
 - b. Tell me what you said to the defendant at that time.

QUOTATION MARKS AND PUNCTUATION

1. Commas and periods go inside quotation marks.
 - a. The defendant then said, "Give me your wallet and jewelry."
 - b. "Give me your wallet," the defendant said, "and your jewelry."
2. Colons and semicolons go outside quotation marks.

The defendant said, "Give me your wallet and jewelry"; isn't that correct?
3. A question mark goes inside the quotation mark when the quote itself is a question.

His first question was, "How long have you worked here?"
4. A question mark goes outside the quotation mark when the quote itself is not a question.

Did he say, "I've worked here for nine years"?

VOCABULARY STUDY LIST

1. abash: to surprise; to embarrass; *disconcert*
2. abate: to reduce; *wane*
- × 3. aberrant: abnormal; exceptional
- × 4. abeyance: temporary inactivity
5. abode: dwelling
6. abominable: wicked; evil; wrong; sinful
7. abrogate: abolish
- × 8. abstemious: moderate; sparing or moderate in eating and drinking
9. acquiesce: assent; agree; comply; submit
10. acrimonious: bitter; harsh; severe; *caustic*
11. acumen: shrewdness; keenness; the ability to understand and grasp quickly
12. adder: a common venomous snake found in Europe
13. adept: highly skilled or experienced; expert
14. adulterated: corrupted; debased; contaminated; polluted
15. advert: to pay attention; to refer casually
- × 16. aeolian: marked by a musical moan as if by the wind - *of the wind*
- × 17. affinity: inclination; propensity; preference; kinship; family resemblance; *attraction*
18. affront: indignity; humiliation; insult; offense
19. aggregation: collection of individuals or things comprising a group
20. alleviate: ease; relieve
21. allude: hint; refer
22. aloof: distant; reserved; indifferent
- × 23. ambiguous: ambivalent; vague; obscure
24. amenable: consenting; assenting; favorable; content; *agreeable*
25. amiable: affable; cordial; good-natured; easy to get along with
26. amicable: harmonious; friendly; understanding; empathetic
27. amiss: disorderly; disorganized; unsettled; disconcerted
28. amity: harmony; rapport; togetherness
- × 29. anachronism: chronological or historical error; misdating
30. analogous: similar; comparable
31. anarchistic: rebellious; violent; against authority
32. anathema: a person or thing detested or loathed
33. ancillary: subordinate; subsidiary; auxiliary
34. animate: invigorate; liven up; stimulate
35. anomaly: a deviation; an odd or peculiar condition
36. antecedent: precursor; forerunner; that which precedes
37. antipodal: situated at the opposite end
38. antonym: word with opposite meaning

(Turnage)

accrued - accumulate, grow
abasement - humiliation
abstruse - profound
acme - pinnacle; highest point
affable - friendly
aggrandize - intensify
agape - open mouthed
acquit - absolve
alienate - estrange

39. apathetic: indifferent; passive
- X 40. aplomb: levelheadedness; poise
41. apocryphal: unofficial; unauthoritative; unverified; unproved
42. appareled: adorned; dressed; clothed
43. ardent: fervent; amorous; passionate; diligent
44. aristocracy: nobility; elite; upper classes
45. artifice: inventiveness; crafty device; trickery
46. ascendancy: domination; governing or controlling influence
47. ascribe: to credit or assign; impute; attribute
48. askew: awry; crooked; disorganized
49. aspersion: insinuation; disparaging or uncomplimentary remark; slur
50. assuage: to lessen; relieve
51. attire: dress; clothing
52. attrition: reduction; decrease
53. audacious: bold or daring; brazen
54. augment: increase; enlarge; expand; reinforce
55. autonomy: independence; self-government
- X 56. auxiliary: helper; aide; serving; ancillary
57. ^{Irish} avaricious: greedy
58. axiomatic: self-evident; obvious;
59. azure: sky blue; clear
60. bagatelle: knickknack; trinket; something of little importance
61. baleful: harmful *sorrowful*
62. bellicose: inclined to start quarrels; belligerent ; *talkative*
63. bemoan: to express regret over
64. bemused: preoccupied; engrossed; lost in thought
65. benign: kind; harmless; innocuous
66. bigot: racist; chauvinist
67. blandish: coax or influence by flattery; cajole ; *blandishment*
68. blithe: cheerful; elated; exhilarated
69. bogus: not genuine; counterfeit; sham
70. bombastic: pompous; formal; inflated
71. boon: godsend; blessing; benefit; favor; *blessing*
72. brogan: heavy shoe
73. bucolic: rustic; rural; unsophisticated
74. burnish: polish; shine
75. buttress: support; encourage
76. cacophony: discord; harsh sounds
77. cajole: coax

awry - twisted
 ascetic - severe
 ascent - climb
 berate - scold
 assiduous - diligent
 blaspheme - curse
 baneful - deadly; ruinous
 assiduous - diligent
 bibulous - highly absor

; sprinkling with water
 as in religious
 ceremonies

Choleric - hot-tempered
Concise - using few words

78. caldron: a kettle
79. calk: a downward projection on a shoe or horseshoe to prevent slipping
80. calumniate: to defame; slander
81. camaraderie: fellowship; companionship
82. capacious: roomy
83. capitulate: surrender unconditionally
84. captious^{ishes}: fault-finding; quibbling; difficult to please
85. carte blanche: full authority; freedom to do as one wishes
86. casual: offhand
87. casuistry: dishonest application of ethical principles
lo/ Rash do is tre
88. cater: please; satisfy; pamper; wait on or upon
89. catholic: universal
- X 90. censor: (n) critic; (v) silence; expurgate; *cleanse*
- X 91. censure: condemn; denounce; reprimand; *reprove; criticize*
92. chagrin: embarrassment; humiliation
93. chauvinism: excessive patriotism; racism
94. chert: compact rock comprised of mostly quartz
95. chimerical: imaginary; visionary; improbable
96. chink: crack; crevice; weak link; soft spot
97. circuitous: indirect; roundabout
98. clandestine: secret; hidden
99. coagulate: clot; congeal; thicken
- X 100. codify: classify; formalize; standardize; index
101. cogent: pertinent; relevant; germane; appropriate; *convincing*
102. collateral: parallel; security; accompanying
103. colloquial: conversational
104. comfort: solace
105. complacent: smug; self-satisfied
106. complaint: grievance
107. complaisant: inclined or disposed to please; agreeable; compliant; obliging
108. complement: to enhance or complete
109. compliant: submissive
110. composite: combination; mixture; blend
111. compunction: contrition; remorse
112. concatenation: connection, as in a chain; a series of interdependent things or events
113. concession: surrender; evasion of responsibility
114. conciliatory: placating
115. concomitant: *Ken Kame tent* accompanying; concurrent
116. condone: forgive; *pardon; excuse*

contumacious - disol
convey - carry
degrade - debase
demur - delay
coterie - exclusive gr
depravity - wickedness

117. congeal: coagulate; thicken
118. consensus: general agreement
119. consonant: in agreement or harmony
120. constituent: component or element; one who authorizes another to act for him
121. constrained: confined; restricted; held back
122. contended: competed; asserted
123. contention: argument; competition
124. contravene: violate; infringe; transgress
125. contrite: repentant; humble; apologetic
126. convex: curved or rounded
127. copious: plentiful; abundant
128. corollary: something that logically follows; deduction
129. corporeal: material; tangible; pertaining to the body; *physical*
130. cosmopolitan: worldly; sophisticated; person of experience
131. countenance: demeanor, composure; expression
132. covenant: agreement; promise
133. covet: to desire; crave; envy; *wish for what belongs to another*
134. cudgel: short, thick stick used as a weapon; club; to strike; beat
135. cull: collect; pick; gather
136. culpable: blameworthy, indictable; at fault; *guilty*
137. cupidity: greed; strong desire, especially for wealth; avarice
138. cynicism: pessimism; distrust
139. dearth: scarcity; lack
140. decadent: decaying; deteriorating; *self-indulgence*
141. decimate: to kill every tenth man; to destroy a large part
142. decry: to belittle publicly; to censure
143. decreative: having the force of a decree; pertaining to a decree
144. defamation: slander; the act of disgracing or maligning another
145. defamatory: slanderous
146. defunct: extinct
147. delineate: to outline or describe in detail
148. deleterious: hurtful; harmful; injurious; pernicious
149. dementia: insanity
150. denizen: an inhabitant; resident
151. deploy: locate; situate; install; spread out; *arrange*
152. depredation: plundering; ravage; robbery
153. de rigueur: indispensable; compulsory
154. derision: mockery; an object of ridicule
155. descry: to discover; perceive; detect; discern

diminution - reduction -
disingenuous - crafty
disturbed - inconvenience

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156. despot: a ruler with unlimited absolute power; autocrat; any oppressor or tyrant
157. desultory: lacking in consistency or visible order; erratic; random
158. diadem: a crown; royal dignity or authority
159. didactic: instructive
160. digress: weave; turn aside; deviate
161. dilatory: tending to or intended to cause delay; tardy
162. din: noise; racket
163. disconsolate: without solace; hopelessly unhappy
164. discreet: careful about what one does or says; prudent; secretive
165. discrete: separate; distinct; isolated; unconnected
166. disdain: scorn; despise
167. disinter: to remove from a grave
168. disparaging: discredited; belittled
169. disperse: to scatter; distribute; diffuse; spread
170. dissension: disagreement; quarreling; discord
171. ditty: a short, simple song; a poem intended to be sung
172. divert: to turn aside; deviate; distract; deflect
173. divest: to strip of clothing; to deprive of anything; dispossess
174. dross: refuse; waste; foreign matter; impurity
175. duplicity: deception
176. duress: coercion; intimidation; scare tactics
177. ease: (n) rest; repose; comfort (v) alleviate; mitigate; facilitate
178. ebb: recede; diminish; decline; fade; sink
179. éclat: brilliance of success, reputation; showy or elaborate display; fanfare
180. efface: erase; wipe out; destroy
181. efficacious: having or showing the desired result or effect; effective
182. effluent: something that flows out or forth; flowing
183. effulgent: radiant
184. eleemosynary: charitable; nonprofit
185. emigrate: leave home; go from home
186. eminent: prominent; outstanding; lofty; famous; renowned
187. endemic: native; belonging to a certain people or region
188. enervate: weaken ; exhausted
189. enmity: unfriendliness; tension; personal conflict
190. ensuing: following
191. ephemeral: lasting for a short time; transient
192. epiphany: manifestation; appearance; revelation; insight
193. eponym: a person for whom something is named after
194. equanimity: balance; calmness; evenness of mind under stress

emolument - wages
emit - send forth
ennui - boredom
elucidate - make lucid
explain
effrontery - temerity

glib - smooth-tongued;
quick; facile

fracas - melee
hapless - unfortunate
hierarchy - sequence

195. equivocal: ambiguous; evasive; capable of two interpretations
196. ergo: therefore; hence
197. erudite: learned; scholarly; well-educated
198. eschew: to avoid; to shun
199. espouse: to advocate
200. etiquette: social code; manners; politeness; decorum
201. exculpate: to clear of guilt or blame; exonerate
202. exemplary: commendable; serving as an example
203. existent: present; existing now
204. exonerate: exculpate: to clear from blame or relieve from responsibility
205. expiate: atone; make amends
206. expurgate: expunge; edit; censor ; **cleanse**
207. extant: existing
208. extinct: no more; defunct; dead; obsolete
209. facetious: jocular; satiric; sarcastic; tongue-in-cheek
210. fallacy: deception; misinterpretation; false or mistaken idea
211. farthing: a former British coin; a thing of little value
212. fatuous: silly; foolish
213. final: ultimate
214. flaccid: flabby; lacking normal or youthful firmness
215. flotsam: derelict; castoff; jetsam; castaway; orphan
216. fortuitous: lucky in an accidental way; fortunate
217. franchise: a right by contract; a privilege
218. frenetic: frenzied; hectic; frantic
219. furtive: sly; stealthy; sneaky; surreptitious; clandestine; underhanded
220. galvanize: to startle into sudden activity; to excite by electrical current
221. germane: relevant; pertinent; applicable; apropos
222. glean: to collect; gather; harvest; reap
223. gregarious: sociable; social; affable; friendly
224. grotto: cave; shrine
225. hackneyed: trite; stale; corny; banal; common
226. heterogeneous: dissimilar; varied; multifarious; diverse
227. hiatus: break
228. histrionic: overacted; theatrical. artificial
229. hogshead: a huge barrel; cask
230. hoi polloi: the general populace; the masses
231. homogeneous: identical; alike
232. hone: sharpen; whet
233. hostelry: inn

234. hostility: maliciousness; bitterness
235. imminent: about to occur; impending
236. impasse: deadlock; dead end; stalemate; nowhere to turn
237. impeccable: faultless; without defect or error; flawless
238. impede: to bar or hinder the progress of; obstruct or delay
239. impervious: impenetrable; unpassable; unmovable
240. impetus: incentive; thrust; drive; momentum
241. implied: connoted; suggested; insinuated; alluded to
242. importune: demand with urgency or insistence; make improper advances toward; beg
243. impudent: impertinent; rude; disrespectful; insolent
244. impugn: to attack as false; to cast doubt upon
245. impute: to blame or ascribe to another; assign
246. inane: senseless; foolish; empty-headed; vacuous; fatuous
247. incendiary: inciting; instigative; agitative; inflammatory; fomenting; arsonous
248. incontrovertible: undisputed; conclusive; decisive; irrefutable; indisputable
249. incredulous: skeptical; suspicious; leery
250. inculcate: indoctrinate; teach persistently; imbue; impress upon the mind
251. inculcate: to charge with fault; blame; accuse; incriminate
252. indicia: an envelope marking substituted for a stamp; an indication; a token
253. indictment: charge; accusation; denouncement
- ~~254. indigenous: native, originating in a particular area or region~~
255. inditement: a composition or speech
256. indigenous: native; originating in a particular area or region
257. indigent: poor; needy; impoverished
258. indolent: lazy; slothful
259. inebriated: intoxicated; drunk
260. inept: incompetent; unqualified; unfit
261. inexorable: firm; inflexible; relentless; unyielding; not to be persuaded
262. innocuous: harmless; benign
263. inordinate: excessive; extreme
262. insurgent: rebel; agitator; revolutionary
263. intimate: (n) friend; confidant (adj) familiar; close
264. intrinsic: inherent; internal; ingrained
265. jeer: scoff; mock
266. jetsam: derelict; castoff; flotsam; castaway; throwaway; orphan
267. jocularly: facetiousness; pleasantry; joking
268. jocund: cheerful; jolly; pleasant
269. juxtaposition: nearness; proximity
270. lambent: softly bright or radiant; dealing lightly and gracefully with a subject

inviolable - pure
 innuendo - hint; insinuation
 hyperbole - exaggeration
 impiety - irreverence
 indubitable - unquestionable
 incipient - beginning

lacerate - tear
languid - listless; slow
laconic - terse, concise
laggard - slow

271. languish: ^{to} pine; to become weak or feeble; to fade
272. latent: present but invisible or inactive; concealed; unrealized; hidden
273. legacy: bequest; bequeathal; devise; inheritance; outgrowth; aftermath
274. lethargy: inaction; laziness; indifference; apathy
275. ligate: to tie or bind with a ligature (as an artery)
276. malign: to speak evil of; slander
277. malignant: virulent; noxious; malevolent; deadly; evil
278. mantle: cover; covering; screen; shroud; robe; cloak
279. mayhem: mutilation; crippling; maiming; destruction
280. mete: to give out or dole; administer; bestow; prescribe; impose by force
281. mitigate: lessen; alleviate; appease
282. mnemonic: ~~helping to~~ meant to help the memory
283. moot: unproved; undemonstrated; inconclusive; debatable; controversial
284. mores: etiquette; formalities; protocol; convention; social conduct
285. mulct: swindle; to punish by a fine or by depriving of something
286. nadir: boundary; lower limit; bottom
287. nebulous: indistinct; vague
288. negligible: insignificant; inconsequential; trivial
289. numismatist: coin collector
290. obdurate: stubborn; unyielding; inflexible
291. obsequious: overly submissive; servile; fawning
292. obstreperous: defiant; recalcitrant; unruly; wild
293. olfactory: pertaining to the sense of smell
294. ombudsman: elected official; troubleshooter; advocate; public investigator
295. ominous: threatening; sinister; portentous; foreboding
296. omnibus: pertaining to or dealing with numerous objects or items at once; bus
297. palate: sense of taste; intellectual or aesthetic taste; mental appreciation
298. pander: cater; beg; to exploit weaknesses of others; pimp
299. paradoxical: inconsistent; self-contradictory; oxymoronic
300. paraphernalia: things; stuff; belongings; accessories
301. pathos: woe; sadness; poignancy; depression; bleakness
302. paucity: fewness; sparsity; scarcity
303. pecuniary: monetary
304. penultimate: next to last
305. perfidy: treachery; deliberate breach of faith or trust
306. percipient: discerning; discriminating; perceiving
307. perfunctory: superficial; routine; dutiful; boring
308. permeate: penetrate; pervade; suffuse; fill
309. philatelist: stamp collector

nefarious - wicked
notarize - authentic
perdition - damnation
mendacious - dishonest
palatable - tasty

pseudo - false

plausible - seemingly true
purloin - steal
quixotic - impractical
recuse - disqualify

310. piebald: covered with spots of two colors, especially black and white
311. pilfer: to steal; purloin; filch
312. pine: grieve; sorrow; mourn; languish; fade away
313. pinnacle: limit; acme; peak
314. plenary: complete in all aspects or essentials; full; absolute; entire; complete
315. poignant: exquisite; acute; sharp; keen; vivid; intense; heartfelt; touching; *deeply affecting*
316. polemic: argumentation; argument; controversy; dispute; verbal contest
317. ponder: consider; contemplate; reflect; study; weigh
318. pontificate: to speak in a pompous or dogmatic manner
319. pragmatic: realistic; practical; unsentimental; down-to-earth
320. precipitant: unduly sudden or abrupt; hasty; rash; *disconcerting*
321. precursory: preliminary; introductory; indicative of something to follow
322. presage: (n) foreboding; omen (v) to predict; to portend
323. prescient: having knowledge of things before they exist or happen
324. pretentious: ostentatious; fancy; extravagant; showy
325. principal: sum; chief; most important; leading person
326. principle: rule; tenet; belief; axiom; cause; interest; issue
327. proffer: to tender; to extend an offer; *consideration*
328. profusion: abundance
329. prognosis: forecast; diagnosis; prediction; forecast
330. propagate: procreate; generate; breed; beget; engender; multiply; proliferate
331. protocol: rule; guideline; standard procedure; a treaty; an agreement between states; *etiquette*
332. provident: thrifty; frugal; saving; prudent
333. proximal: situated toward the point of origin or attachment
334. prurient: lascivious; tending to have lustful thoughts
335. pusillanimous: cowardly; timid; lacking courage or resolution
336. putative: supposed; alleged; reported; reputed
337. qualm: compunction; apprehension; misgiving; reservation
338. quandary: dilemma; a state of perplexity or doubt
339. quell: suppress; subdue; crush; overwhelm
340. querulous: complaining; whining; peevish
341. quorum: enough members to conduct business
342. raiment: attire; clothing; apparel
343. rancor: virulence; vitriol; acrimony; bitterness
344. raze: demolish; destroy
345. rebuke: (n) reprimand; scolding; upbraiding (v) scold; admonish; lecture
346. recalcitrant: defiant; contumacious; obstreperous; unruly; fractious
347. rectitude: rightness of principle or practice; moral virtue; correctness
348. redundant: superfluous; unnecessary; excess; needless

quixotic: impractical

secede - withdraw
squalid - neglected
sully - tarnish
solace - comfort
serendipity - chance

regimen - system
simulate - counterfeit
Somnambulist - sleepwalk
stigmatize - brand
sonorous - loud

349. reflect: to mirror; embody; personify; consider; contemplate; speculate; ponder
350. regimen: a regulated course of diet, exercise, or way of living; form of government
351. renaissance: revival; renewal; resurrection; rebirth
352. repine: to be fretfully discontented; to fret
353. replete: full; filled; plenary; ample; profuse; surfeited
354. reprehend: censure; criticize; find fault with something
355. reprobate: (v) to disapprove of strongly; condemn (n) a wicked, unprincipled person; scoundrel
356. repugnant: offensive; odious; revolting; contemptible; vile
357. repute: (n) esteem; reputation; honor (v) suppose; assume; believe; think; ascribe
358. requisite: essential; required; absolutely needed
359. reticence: reserve; restraint; discretion
360. reticent: silent; reserved; taciturn
361. retreat: (n) withdrawal; sanctuary; refuge (v) withdraw, retire; move back; stand back
362. revel: to make merry; celebrate; carouse
363. ribald: crude or offensive
364. robust: vigorous; full of health and strength; hardy
365. ruffian: rowdy; thug; bully
366. sagacious: perceptive; wise; having sound judgment and keen perception
367. salient: conspicuous; noticeable; prominent; outstanding; striking
368. sanguine: blood-red; blood-colored; gory; cheerful; hopeful; optimistic
369. scienter: (adv) knowingly; willing
370. scurrilous: insulting; offensive; ribald
371. semantics: the study of meaning or language
372. sentient: (adj) having the power of perception by the senses (n) the conscious mind; feel
373. sign: indication; trace; hint; suggestion; signal
374. sinecure: a position requiring little work
375. sophistry: false reasoning or argument
376. specious: spurious; ostensible; fallacious; deceptive
377. spurious: false; untrue
378. spurn: disdain; reject
379. squalid: sordid; wretched; shabby
380. stifle: smother; suppress; squash
381. strenuous: laborious; arduous; burdensome
382. sublime: lofty; elevated; noble; majestic; gorgeous; heavenly
383. subornation: bribery to induce committing perjury
384. subterfuge: secrecy; evasiveness; deception; trickery
385. suddenly: abruptly
386. sunder: to separate; divide
387. superficial: shallow; frivolous

388. supersede: supplant; replace; succeed
389. surrogate: substitute
390. sycophant: self-seeking, servile flatterer; toady; a fawning parasite
391. syllogism: deductive reasoning
392. symmetry: harmony; proportion; balance; equilibrium
393. tacit: implied; unspoken; unexpressed; implicit; understood
394. taciturn: untalkative; silent; laconic; being of few words
395. tawdry: cheap; gaudy; garish; flagrant; brazen; crude
396. tedium: boredom
397. temerity: foolish boldness; recklessness; rashness; audacity; effrontery
398. tempestuous: violent; stormy; turbulent; tumultuous
399. tenacious: persevering; persistent; unswerving; diligent
400. tenuous: thin; refined; ethereal; chimerical; unreal
401. tepid: indifferent; lukewarm
402. termagant: a violent, turbulent, or brawling woman; shrew
403. tout: promote; boost; plug; hype
404. transitory: temporary
405. trichinosis: disease marked by muscular pain, dyspnea, fever, and edema
406. tumultuous: loud; noisy; violent
407. turgid: swollen; tumid; pompous; bombastic
408. ubiquitous: omnipresent; everywhere; pervasive; universal
409. ultimate: (n) culmination; perfection; climax (adj) farthest; final
410. untenable: unacceptable; objectionable; inadmissible; unsupportable
411. usurp: seize; encroach; arrogate
412. vacillate: waver; fluctuate; oscillate; change
413. vagary: caprice; whim; an unpredictable action, occurrence, or course
414. venial: excusable; trifling; minor
415. veracity: correctness; truthfulness
416. verbose: wordy; talkative; loquacious
417. vertigo: dizziness
418. vicissitudes: changes; changing conditions; ups and downs
419. vilify: smear; denigrate; besmirch; call names
420. virulent: acrimonious; bitter; violent; infectious; toxic; pernicious
421. vociferous: noisy; loud; obstreperous
422. volatile: explosive; changeable
423. voracious: gluttonous; greedy; ravenous; insatiable
424. wane: decrease; decline; ebb; subside
425. whet: sharpen; stimulate; excite
426. wily: sly

tantamount - equivalent

terse - concise

truckling - servile, flatter
sycophant

unctuous - oily

vitiate - impair

wan - pale

turpitude - depravity

virile - manly; forceful

vitiate - to impair

427. winsome: endearing; lovable; charming; pleasant
428. xenophobe: one who fears or hates foreign things or foreign people
429. zealous: enthusiastic; eager; passionate
430. zephyr: soft, gentle breeze; light wind; a soft yarn or cloth

IRREGULAR VERB FORMS

<i>PRESENT</i>	<i>PAST</i>	<i>PAST PARTICIPLE (use with helping verbs: has, have, had, was, etc.)</i>
begin	began	begun
break	broke	broken
bring	brought	brought
burst	burst	burst
buy	bought	bought
cast	cast	cast
choose	chose	chosen
cost	cost	cost
do	did	done
drink	drank	drunk
drive	drove	driven
forget	forgot	forgot
freeze	froze	frozen
get	got	gotten
give	gave	given
go	went	gone
hang	hung	hung (objects)
hang	hanged	hanged (people)
know	knew	known
lay	laid	laid
lie	lay	lain
pay	paid	paid
ride	rode	ridden
rise	rose	risen
say	said	said
see	saw	seen
set	set	set
shine	shone	shone (i.e., the sun shines; the sun shone; the sun has shone)
shine	shined	shined (I shine my shoes; yesterday I shined my shoes)
sink	sank	sunk
sleep	slept	slept
speak	spoke	spoken
swim	swam	swum
take	took	taken
think	thought	thought
throw	threw	thrown

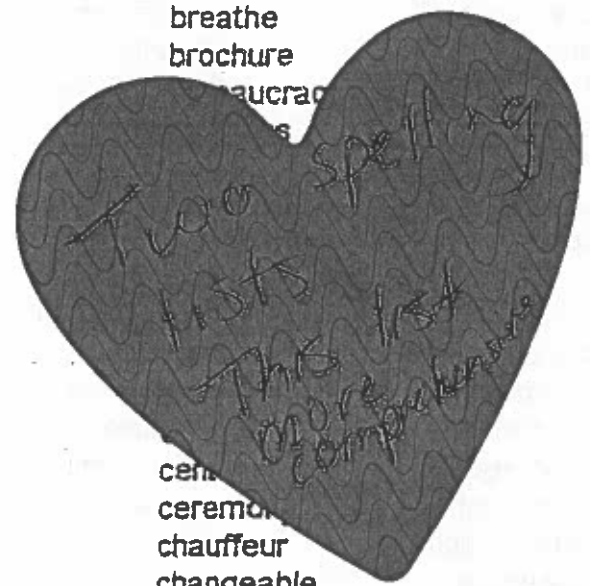
COMMONLY MISSPELLED WORDS

abandon
abbreviation
abhorrence
abscess
absence
academically
accede X
accelerated
acceptable
accessible
accessory X
accidentally
acclaim
accommodation X
accomplice
accrual
achievement
acknowledgment
acquaint
acquiesce X
acquire
acquisition
actuary
adequate
adherent
adhesive
adjacent
administrative
admirable
admissible
admittance
adolescence
advantageous
aeronautics
affidavit X
affirm
affirmative
affluent
agenda
aggravate
agreement
aisle
alien
adamant
adjourn
acquiescence

alignment
alkali
alleged X
allegiance X
alleviate
allocate
allotment
allotted X
already
aluminum
amateur
amendment
analyze
announcement
annuity
anonymous
antagonistic
antecedent
antedated
antenna
anticipate
anxiety
apathy
apparatus
apparel
appendage
applicable
appropriate
approximately
arbitration
architect
arguing
argument
articulate
artificial
assassinate
asterisk
atheist X
atrocious
attacked
auctioneer
auspices
authorize
anoint
athletic
antiquated

automation
auxiliary
awkward

baggage
bailments
bankruptcy
banquet
basically
battalion
beauteous
belligerent
beneficiary
benefited
binary
binocular
boisterous
bookkeeper
booster
bailiff
breathe
brochure
bureaucracy
ceremonies
chauffeur
changeable
chaplain
characterized
certificate
chargeable
chattel
chief
clientele
chiseler
category



circumference
code
coding
coherence
coincidence
collateral
collate
collectible
colonel
colossal
column
columnar
commemorate
commentator
committee
comparatively
competence
competitive
completely
composite
compromise
computer
compute
concealment
concede
conceive
conceivable
concession
condemn
condenser
confectionery
confidence
congratulate
congregate
congregation
conscientious
consensus
contract
controversial
conquer
conscience
consign
contagious
contingent
continuously
controlling
commitment
convertible
consensus

controversy
convenience
conversion
coolly
cooperative
coordinate
copyright
corduroy
corporation
correspondence
courteous
criteria
criticism
criticize
curriculum

deceive
decency
decision
deferred
defendant
deficiency
deficit
definitely
dehydrate
democracy
demonstration
dependent
depreciation
descendant
desire
desirable
desperate
deterrent
destination
dexterity
diagramming
dictionary
differential
digestible
digital
dilemma
diligence
disappointed
disbursement
discernible
development
dissension
despair²

dispel
disciple
discipline
discrepancy
disguise
discriminatory
disparate
dissatisfied
disseminate
distortion
distribution
docket
document
drunken
drunkenness
duly
duplicating
duress
druggist
easement
ecclesiastical
economics
economy
ecstasy
education
eight
either
electronic
elementary
eligible
embarrass
embezzlement
eminent
emphasize
employer
encumbrance
encyclopedia
endeavor
endorsement
enthusiastic
entree
entries
envelope
environmental
equality
equity
especially
enervate

escalation
escrow
exaggerate
excellent
exclaim
exclamation
excusable
exhilarate
existence
exorbitant
expensive
extemporaneous
extension
external
extraordinary
exuberant
fluorescent
fallacy
fascinate
fascinating
feasible
financier
fission
flexible
forcible
foreclosure
foreign
forward
forfeiture
fortieth
forty
fourth
frantically
fraud
frolicked
frustrate
fundamental
futurity
gauge
gaiety
gigantic
grammar
grateful
gratuity
gratuitous
grievance
grudge

guarantee
hemorrhage
harass
hazard
height
hereditary
heroine
heir
hiatus
hygiene
hypocrisy
habeas corpus
inane
idiosyncrasy
illegality
illegible
illiterate
illuminate
immediately
incidentally
incredible
incontestable
indefinable
indemnity
independent - (free)
indict
indispensable
inevitable
inexhaustible
initiation
inflammable
inoculate
installation
intercede
interfered
interpret
interrupt
intestate
interstate
intrastate
irreparable
irresistible
issuing
itinerary
inadvertent
insistent
jeopardy
judgment

journal
judicious
judicial
judiciary
justifiable
juvenile

knowledgeable

labeling
laboratory
lavender
ledger
legitimate
liaison
libel
license
lien
lightening
likelihood
liquefy
litigation
livelihood
lose
luxury
luxurious
millennium
marshal
maintenance
malignant
manageable
maneuver
manipulate
manufacture
manufacturer
mathematics
meant
mediocre
memorandum
memoranda
merge
merger
metallurgy
meticulous
miscellaneous
mischievous
misdemeanor
memento

misspell
monastery
monetary
moral
morale
mortgage
municipal
murmur
museum

necessity
necessarily
negotiation
nickel
nineteenth
ninety
ninth
nonessential
noticeable
notorious
nuclear
nucleus

oblige
oblivious
obstinate
obstreperous
occasion
occupant
occurred
offense
offset
omission
omniscient
option
output
oppose
occurrence
pageant
pamphlet
panicked
parallel
paralyze
parliament
parochial
partial
pasteurize

pavillon
peculiar
penalize
permanent
persist
perseverance
personal
personnel
pharmacist
picnicked
phenomenon
plaintiff
playwright
pneumatic
pneumonia
pollution
practically
precarious
premature
precedent
precede
prejudice
premises
prerequisite
prestige
prerogative
presumptuous
presumption
privilege
proceed
procedure
processing
professor
promissory
propellant
propeller
proprietor
prosecute
psychology
ptomaine
pursuant
pursue
preference
predilection
questionnaire
quiet
quandary

quite
quantitative
quorum
renaissance
ratification
reaffirm
recede
recession
receive
reciprocate
recommend
recommendation
reconcile
reconnaissance
recurrence
referendum
referred
regrettable
reimbursement
remunerate
rendezvous
repentance
repetitive
repudiate
requisition
reservoir
residence
retrieval
retroactive
reveal
rhythm
resuscitate
sacrilegious
satellite
scarcity
secede
securities
seize
seniority
sergeant
separate
serviceable
sheriff
siege
similar
simplified

sincerely
solely
solitaire
sources
souvenir
specialty
specifications
stamina
statistics
strategy
statement
supersede
superintendent
successful
successfully
subpoena
substantial
stewardesses
surgeon
susceptible
suspicion
synonymous
synthetic
threshold
tangible
tariff
technique
technology
temperature
tenacious
tenancy
thorough
toboggan
tranquil
transit
trivial
truly
turbine
twelfth
twentieth
typewriter
typewritten
tonsil
unanimous
undoubtedly
unique

upheaval
use
useful
using
usually
usury
utterance

vacancies
vaccinate
vacuum
vandalism
variable
veracity
verbatim
veto
vetoes
viaduct
vicinity
villain
visible
void
voluntary

waiver
warranty
wary
weird
withhold
witness
wholly
wholesale
wondrous
worrisome
wrought
willful
wield
yacht

zealous
zinc

COMMONLY MISSPELLED WORDS

abandon
abbreviation
abhorrence
abscess
absence
accede
accelerated
acceptable
accessible
accessory
accidentally
acclaim
accommodation
accomplice
accrual
achievement
acquaint
acquiesce
acquire
actuary
adherent
adhesive
adjacent
administrative
admirable
admissible
adolescence
aeronautics
affidavit
affirm
affirmative
affluent
agenda
aggravate
agreement
aisle
alien
alignment
alkali
alleged
allegiance
allocate
allotment
already
aluminum
amateur
amendment
analyze
announcement
annuity
anonymous
antagonistic

antecedent
antedated
antenna
anticipate
anxiety
apathy
apparatus
apparel
appendage
applicable
approximately
arbitration
architect
arguing
argument
articulate
artificial
assassinate
asterisk
athletic
atrocious
attorneys
auctioneer
auspices
authorize
automation
auxiliary
awkward

baggage
bailments
bankruptcy
barometer
basically
battalion
belligerent
beneficiary
benefited
binary
binocular
boisterous
bookkeeper
booster
bailiff
brochure
bureaucracy
business

calculate
calendar
cancellation
casualty

cemetery
census
ceremony
changeable
chaplain
certificate
chargeable
chattel
chief
clientele
circumference
code
coding
coherence
coincidence
collateral
collate
collectible
colonel
colossal
column
columnar
commemorate
commentator
committee
comparatively
competence
competitive
composite
compromise
computer
compute
concealment
concede
conceive
conceivable
concession
condemn
condenser
confectionery
confidence
congratulate
congregate
congregation
conscientious
contract
conquer
conscience
consign
contagious
contingent
controlling

controversy
convenience
conversion
cooperative
coordinate
corduroy
corporation
correspondence
courteous
cycle

deceive
decision
deferred
defendant
deficiency
deficit
definitely
dehydrate
democracy
demonstration
dependent
depreciation
descendant
desire
desirable
desperate
deterrent
destination
dexterity
diagramming
dictionary
differential
digestible
digital
disappointed
disbursement
discernible
discrepancy
disguise
discriminatory
disparate
dissatisfied
distortion
distribution
docket
document
drunken
drunkenness
duplicating
duress

easement
economics
economy

ecstasy
education
either
electronic
elementary
eligible
embarrass
embezzlement
eminent
employer
encumbrance
encyclopedia
endorsement
enthusiastic
entree
entries
envelope
environment
equality
equity
especially
escalation
escrow
excellent
exclaim
exclamation
excusable
exhilarate
existence
exorbitant
expensive
extemporaneous
external
extraordinary

fallacy
fascinate
fascinating
feasible
fission
flexible
forcible
foreclosure
foreign
forward
forfeiture
fortieth
frantically
fraud
frolicked
frustrate
fundamental
futuraity

gigantic

grammar
gratuity
gratuitous
grievance
grudge

hazard
height
hereditary
heir
hygiene
hypocrisy
idiosyncrasy
illegality
illegible
illiterate
illuminate
immediately
incidentally
incredible
incontestable
indemnity
independent
indispensable
inevitable
indefinable
inexhaustible
inflammable
installation
intercede
interfered
interpret
interrupt
intestate
interstate
intrastate
irreparable
irresistible
issuing
itinerary

jeopardy
judgment
journal
judicious
judicial
judiciary
justifiable
knowledgeable
labeling
laboratory
lavender
ledger

legitimate
liaison
libel
license
lien
lightening
likelihood
litigation
livelihood
lose
luxury
luxurious

maintenance
malignant
manageable
maneuver
manipulate
manufacture
manufacturer
mathematics
mediocre
memorandum
memoranda
merge
merger
metallurgy
meticulous
miscellaneous
misdemeanor
misspell
monastery
monetary
moral
morale
mortgage
murmur

negotiation
nickel
nineteenth
ninety
nonessential
noticeable
notorious
nuclear
nucleus

oblivious
obstinate
obstreperous
occasion
occupation

occurred
offense
offset
omission
omniscient
option
output
opposite
pageant
pamphlet
parallel
paralyze
parochial
partial
pasteurize
pavilion
penalize
permanent
persist
perseverance
personal
personnel
pharmacist
picnicked
phenomenon
plaintiff
pneumatic
pneumonia
pollution
practically
precarious
premature
precedent
precede
prejudice
premises
prerequisite
prestige
prerogative
presumptuous
presumption
privilege
proceed
procedure
processing
professor
promissory
propellant
propeller
proprietor
prosecute
psychology

ptomaine
pursue
preference

questionnaire
quiet
quite
quantitative
quorum

ratification
reaffirm
recede
recession
receive
reciprocate
recommend
recommendation
reconcile
reconnaissance
recurrence
referendum
referred
regrettable
reimbursement
remunerate
rendezvous
repentance
repetitive
repudiate
requisition
reservoir
residence
retrieval
retroactive
reveal
rhythm

sacrilegious
satellite
scarcity
secede
securities
seize
seniority
sergeant
separate
serviceable
sheriff
simplified
sincerely
solely
solitaire

sources
souvenir
specialty
specifications
stamina
statistics
strategy
statement
superintendent
successful
successfully
subpoena
stewardesses
surgeon
susceptible
suspicion
synonymous
synthetic

tangible
tariff
temperament
tenacious
tenancy
toboggan
tranquil
transit
trivial
turbine
twelfth
twentieth
typewriter
typewritten

unanimous
undoubtedly
unique
upheaval
use
useful
using
usury
utterance

vacancies
vaccinate
vacuum
vandalism
variable
veracity
verbatim
veto
vetoes

viaduct
vicinity
visible
void
voluntary

waiver
warranty
wary
weird
witness
wholly
wholesale
wondrous
worrisome
wrought
willful

yacht

zealous
zinc

List of Reference Books

Bartlett's Familiar Quotations: The most commonly used reference book used for quoted material.

Black's Law Dictionary: The most popular large-volume law dictionary of this type.

Dictionary of American Slang: This is a dictionary listing slang terms.

Dorland's Medical Dictionary: This is a commonly used medical dictionary.

Martindale-Hubbel: This book lists the names of lawyers, nationwide.

Merck Index: This is a one-volume encyclopedia of chemicals, drugs, and forensic chemistry. It is extremely technical.

Parker's Directory: This book lists California attorneys and court reporters.

Physicians' Desk Reference (PDR): This book is a good and very popular source for looking up prescription drugs. It contains indexes of drugs by the manufacturer, product name, and generic and chemical name.

Robert's Rules of Order: This book provides rules for conducting meetings, conventions, and conferences.

The Bible: The Bible can be used to reference passages that are taken from it.

The Congressional Directory: This book includes biographies of state and federal government notables and listings of Congressional committees.

The Hotel Red Book: This book lists hotels alphabetically, by city and state, giving managers' names, rates, services, and types of accommodations offered.

The Kelly Bluebook: This book lists automobiles and their value. It is commonly used to determine the value of a car that a person is buying or selling.

Shepard's citator series of books: This series cross-references federal and state statutes and case law citations.

**Shepardizing" a case means you are researching that the citation given has not been overthrown or amended by a later decision.

Stedman's Dictionary: This is a commonly used medical dictionary.

The United States Directory of Post Offices: This book contains all cities and towns having post offices. It lists the street names, zip codes, and essential postal information.

Witkin library - look at website www.witkin.com
405 (CA law)

Tami, we need to start making a list of reference books. The ones I have starred are ones that could be on the CSR.

RECOMMENDED REFERENCE LIBRARY

Bonnie

For a Beginning Court Reporter

1. Desk or table-sized Dictionary. \$15-90
- * 2. Black's Law Dictionary. \$30
- * 3. Dorlands Illustrated Medical Dictionary. \$30
(For doctors, academic compilation of terms and explanation.)
- * 4. Taber's Cyclopedic Medical Dictionary. \$30
(For nurses, excellent for symptoms and prognoses.)
- * 5. Physicians' Desk Reference, (PDR) a recent annual edition. \$50
A listing of drug and prescription items.
- * 6. A good Thesaurus, such as Roget (by category) or one of the new alphabetic listings. \$15-20
7. A complete World Atlas. \$20-30
8. A usable set of city maps of your local city and (recommended!) neighboring cities of your general geographic area. At AAA free.
9. Thomas Guide to your local county. \$10
10. The Telephone Directory and the Yellow Pages for your local area. Free
11. U.S. Zip Code Directory. If you use UPS regularly, free
12. Bartlett's Familiar Quotations. \$30
- * 13. Parker Directory of California Attorneys, Volumes 1 & 2, a recent edition. It also lists all California County (Superior and Municipal) Court addresses, plus their personnel. (\$30)
14. Proper Noun Speller, published by QuikRef of Los Angeles. \$13-15
Indispensible for trade mark names and famous people (lists them by either first or last name).
15. One Word, Two Words, Hyphenated? by NCRA. If member, \$5.50
16. Fairly Familiar Phrases, by NCRA. If member, \$7.50
If someone said "scot-free," the "real McCoy," or to be "on centerhooks;" would you know how to type those up?
16. Glossaries, Volumes 1 & 2, by NCRA. If member, \$6.75
Compilations of terms from many business fields, prison talk, foreign words, automobile models, firearm terminology, etc.
17. Style and Sense, Court Reporting-Transcribing-Legal \$12
A good general guide for formatting transcripts in California.

→ How a case comes to the U.S. Court

U.S. Court of Appeals for the Tenth Circuit

Public Education

Public Education Topics

Tenth Circuit Home

The U.S. Court of Appeals - Structure/Role

Supreme Court

United States Supreme Court

Appellate Courts

U.S. Court of Appeals

12 Regional Circuit Courts of Appeal
1 U.S. Court of Appeals for the Federal Circuit

Trial Courts

U.S. District Courts

94 judicial districts
U.S. Bankruptcy Courts

U.S. Court of International Trade

U.S. Court of Federal Claims

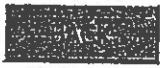
Military Courts (Trial and Appellate)

**Federal Courts and Other Entities
Outside the Judicial Branch**

Court of Veterans Appeals

U.S. Tax Court

Federal administrative agencies and boards



Superior court - court of general jurisdiction

How the Supreme Court Selects Cases

- **Congressional Order**

- Congress orders the court to hear a case

- **Discretionary Jurisdiction**

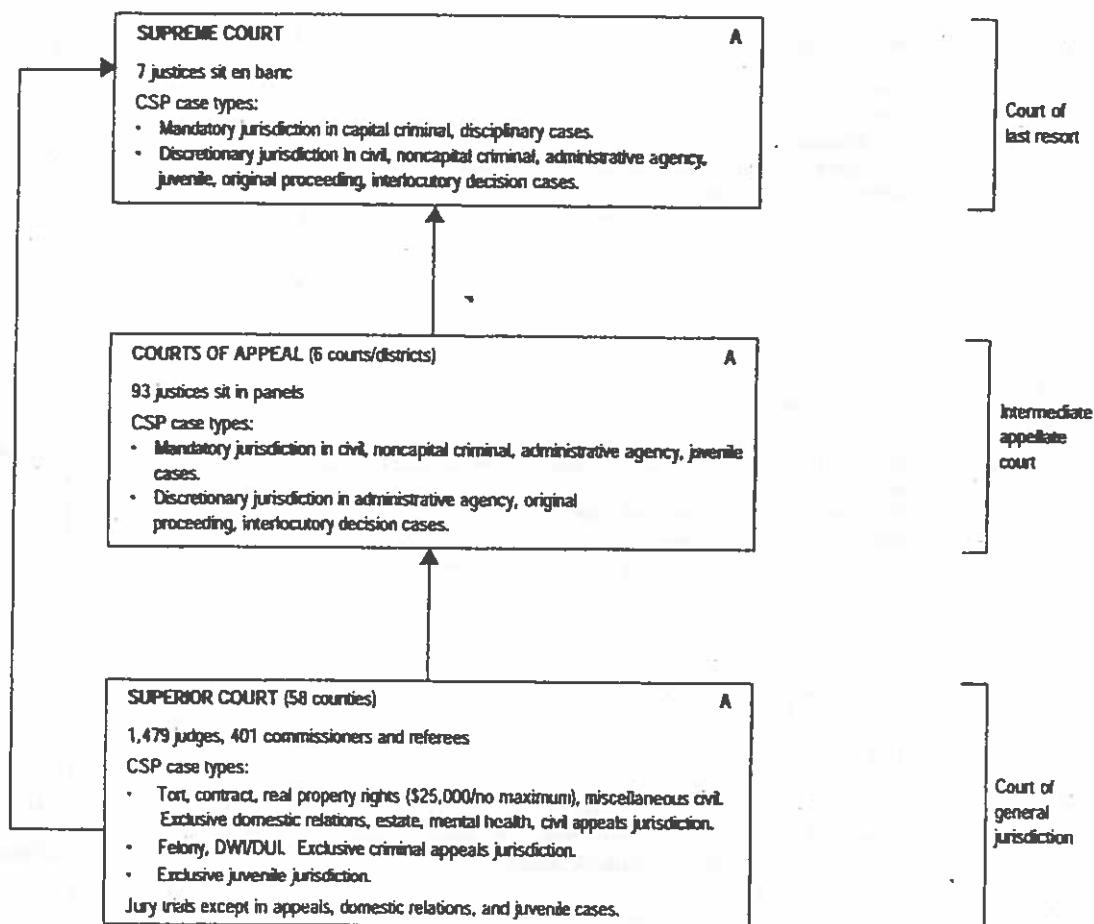
- The court has sole discretion to select cases
- Usually select cases to clarify a law
- 4 justices must agree to hear a case before it can reach the Supreme Court

[Previous slide](#) [Next slide](#)

[Back to first slide](#)

[View graphic version](#)

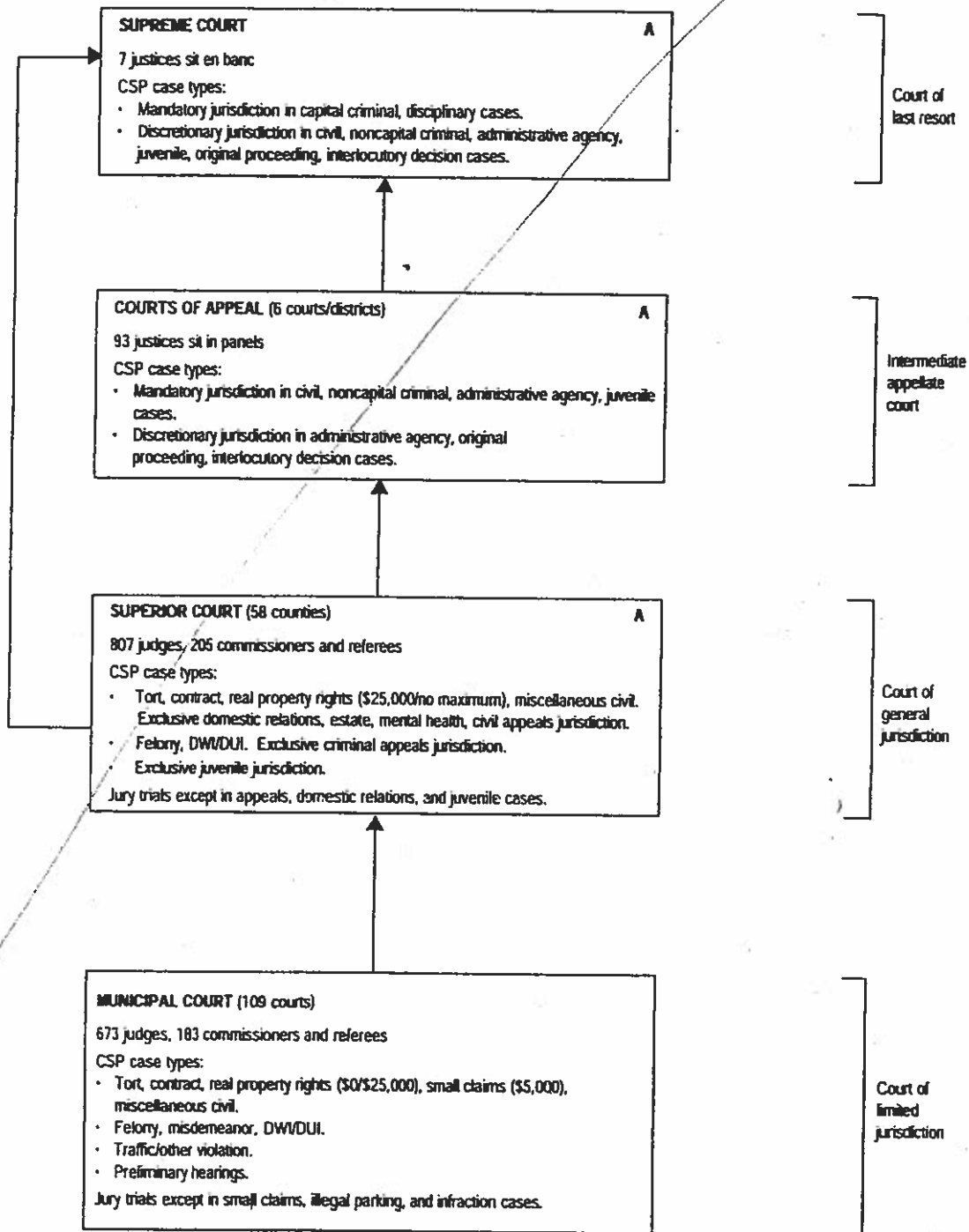
CALIFORNIA COURT STRUCTURE, 1999



Note: In 1998 Proposition 220 amended the state Constitution by providing for the voluntary unification of the superior (courts of general jurisdiction) and municipal (courts of limited jurisdiction) courts of a county into one county-wide superior court. Originating as Senate Constitutional Amendment 4, the measure was passed by the Legislature in June, 1996, appeared as Proposition 220 on a statewide ballot during a primary election on June 2, 1998, and was approved by 64% of the voters. Proposition 220 became effective June 1, 1998. As of July 1, 2000, unification was in effect in 56 of the state's 58 counties. Data for the remaining two counties have been merged into county-wide statistics and are included in this report.

* now consolidated

CALIFORNIA COURT STRUCTURE, 1998



Note: In 1998 Proposition 220 amended the state Constitution by providing for the voluntary unification of the superior (courts of general jurisdiction) and municipal (courts of limited jurisdiction) courts of a county into one countywide superior court. Originating as Senate Constitutional Amendment 4, the measure was passed by the Legislature in June, 1996, appeared as Proposition 220 on a statewide ballot during a primary election on June 2, 1998, and was approved by 64% of the voters. Proposition 220 became effective June 3, 1998.

From the 'Lectric Law Library's stacks

Functions And Structure Of The California Supreme Court

Jurisdiction

The Supreme Court of California is the state's highest court, and its decisions are binding on all other California state courts.

The Supreme Court, which consists of a Chief Justice and six associate justices, has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The court also has original jurisdiction in habeas corpus proceedings (Cal. Const., art. VI, § 10) and may review decisions of the Public Utility Commission (id., art. XII, § 5; Pub. Util. Code, § 1756 et seq.).

The state Constitution gives the Supreme Court the authority to review decisions of the state Courts of Appeal. (Cal. Const., art. VI, § 12.) This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law.

The state Constitution directs the Supreme Court to review all cases in which a judgment of death has been pronounced by the trial court. (Cal. Const., art. VI, § 11.) Under state law, these cases are automatically appealed. (Pen. Code, § 1239, subd. (b).)

In addition, the Supreme Court reviews the recommendations of the Commission on Judicial Performance and the State Bar of California concerning the removal and suspension of judges and attorneys for misconduct.

Decisions of the Supreme Court are published in the Official Reports.

Justices

Members of the Supreme Court are appointed by the Governor after review by the State Bar's Judicial Nominees Evaluation Commission. Justices also must be confirmed by the Commission on Judicial Appointments. To be eligible for appointment, a person must have been a member of the State Bar of California or a judge of a court of record in this state for at least 10 years immediately preceding appointment. (Cal. Const., art. VI, § 15.)

Supreme Court justices serve 12-year terms. They must stand for confirmation for the remainder of their predecessor's unexpired term on a statewide ballot at the first gubernatorial election following their appointment. (Cal. Const., art. VI, § 16 (a).)

Court Funding

The Supreme Court is operated entirely from state funds, as are the state Courts of Appeal, the Judicial Council of California, and the Commission on Judicial Performance.

In January 1989, the state also began assuming partial responsibility for funding all trial courts, under the provisions of the State Trial Court Funding Act. Until 1989, the trial courts were funded mainly at the county level, with a relatively small contribution from the state.

The Court's Workload

Supreme Court filings totaled 5,887 in fiscal year 1992-93. The majority of these filings were petitions for review in cases decided by the Courts of Appeal (3,976). Twenty-five years earlier, the court recorded about one-half as many filings (2,959) and half as many petitions for hearing (1,769).

Court Personnel and Offices

Court Administrator/Clerk

The Court Administrator/Clerk, appointed by the court, is the court's executive officer. The Court Administrator/Clerk is responsible for overseeing the administration and management of the court's nonjudicial functions, including supervising and directing the Clerk's Office and the Calendar Coordination Office, administering the court's personnel and budget systems, and overseeing activities relating to information systems, purchasing, and other business services. The Court Administrator/Clerk is also responsible for appointing counsel in capital appeals and other cases; preparing the court's calendar; docketing its cases; maintaining the court's public records, files, and documents; and advising litigants, counsel, and the public of the status of matters before the court.

The Court Administrator/Clerk is assisted by the Assistant Court Administrator/Clerk, the Chief Deputy Clerk, the Automatic Appeals Monitor, several deputy clerks, and support staff. The Court Administrator/Clerk's Office is headquartered in San Francisco, with branch offices in Los Angeles and Sacramento. The Supreme Court also accepts filing at the clerk's offices of state Courts of Appeal in Fresno and San Diego.

Calendar Coordination Office

The Calendar Coordination Office, headed by the Calendar Coordinator (also known as the secretary of the court), coordinates and expedites the flow of internal documents such as conference and calendar memoranda and circulating draft opinions.

This office advises the justices of action taken or scheduled to be taken on matters before the court; assists in setting up the schedule for hearing oral arguments; supervises the reproduction of internal documents; and maintains various lists and records by which the status of pending matters may be determined.

The Calendar Coordinator is assisted by three deputy clerks and a clerical staff.

Reporter of Decisions

The Reporter of Decisions, appointed by the court, supervises the preparation and publication of California appellate court opinions in the Official Reports.

The reporter ensures the editorial integrity of all opinions from filing through publication and reviews the accuracy of the editorial information included in the advance sheets and bound volumes. The standards for publication of opinions are established by the California Rules of Court, rule 976.

The Reporter of Decisions is assisted by the Assistant Reporter and a staff of attorney editors.

Bailiffs

The bailiffs are responsible for the security of the court and its justices. The bailiffs also prepare the courtroom for calendar sessions, staff the court's reception area to maintain security of the court's facilities, and perform various other support duties.

The Justices' Staffs

Each justice is supported by a staff of attorneys and a secretary. Associate justices have up to five staff attorneys, most of whom are long-term court employees. Traditionally, the Chief Justice has had additional staff positions to assist with administrative work. Some justices also make use of law student "externs" to augment their research staffs.

In addition, the court has two central staffs. The criminal central staff is composed of a director and 12 attorneys. It prepares conference memoranda in criminal matters (except automatic appeals) and State Bar proceedings. The civil central staff is composed of a director and 13 attorneys and prepares conference memoranda in civil matters.

Law Library

Established in 1868, the Supreme Court's law library serves as a repository for source materials that aid the court and its staff in legal research. The library's 150,000 volumes are supplemented by several computerized legal research systems.

The law library is staffed by a librarian, an assistant librarian, and two library assistants who are also responsible for maintaining and updating the 50,000 volumes that are kept in the offices of the justices and their staffs.

Brought to you by ~ The 'Lectric Law Library
The Net's Finest Legal Resource For Legal Pros & Laypeople Alike.
<http://www.lectlaw.com>

We've lots of related information, so wander around & explore. A few places to start are:

- [The Library Rotunda](#) Our Central Hub, Directory and Index... plus Lots More
- [The Reference Room](#) Dozens of Topic Areas & the Net's Best Law Dictionary
- [The Lay People's Lounge](#)
- [The Business Peoples's Lounge](#)

THE LEGAL PROCESS

The legal process begins with a grievance of one kind or another (an auto accident, a slip and fall on unsafe premises, an armed robbery) and ends with either the trial court or the appellate court's decision.

The stages are as follows:

THE GRIEVANCE

A grievance arises, but the individuals cannot settle the dispute between themselves. Therefore, the aggrieved party discusses the matter with an attorney, who examines the pertinent facts, identifies the relevant law, and ponders the probability of a successful suit.

THE COURT

The attorney then chooses the proper court system, state or federal. Once the attorney determines the appropriate court system, he (the District Attorney in criminal matters) chooses the correct court within that system. In criminal matters, the District Attorney bases his choice of courts on the magnitude of the crime charged. In civil matters, the plaintiff's attorney bases his choice on the amount of money or kind of relief sought.

THE LAWSUIT

A legal action begins when the plaintiff's attorney does two things: (a) puts in writing the plaintiff's accusations and the relief sought, called a "Complaint," and (b) takes steps to bring this Complaint to the defendant's attention. In a criminal action, the Complaint sometimes takes the form of an "Indictment."

The attorney in a civil case prepares a document called an "Answer," in which the defendant denies the plaintiff's accusations. THE COMPLAINT AND ANSWER ARE CALLED PLEADINGS and are open to the public and press for inspection.

PRETRIAL ACTIVITIES

(a) Judgment on the pleadings. Either the plaintiff or defendant makes a motion, asserting that with all the pleadings filed no factual dispute remains, no trial is needed, and the Court should decide the case on the law.

(b) Discovery. By taking depositions and by providing each other with physical evidence, both sides share information about the case.

(c) Conferences. The judge and attorneys explore possibilities of settling the case and agree on a trial date if the matter cannot be settled.

THE TRIAL

The plaintiff puts in his case and the defendant puts in his, including direct and cross-examinations, objections, motions, and rulings. Eventually the case goes to the jury, whose members decide questions of fact, not questions of law.

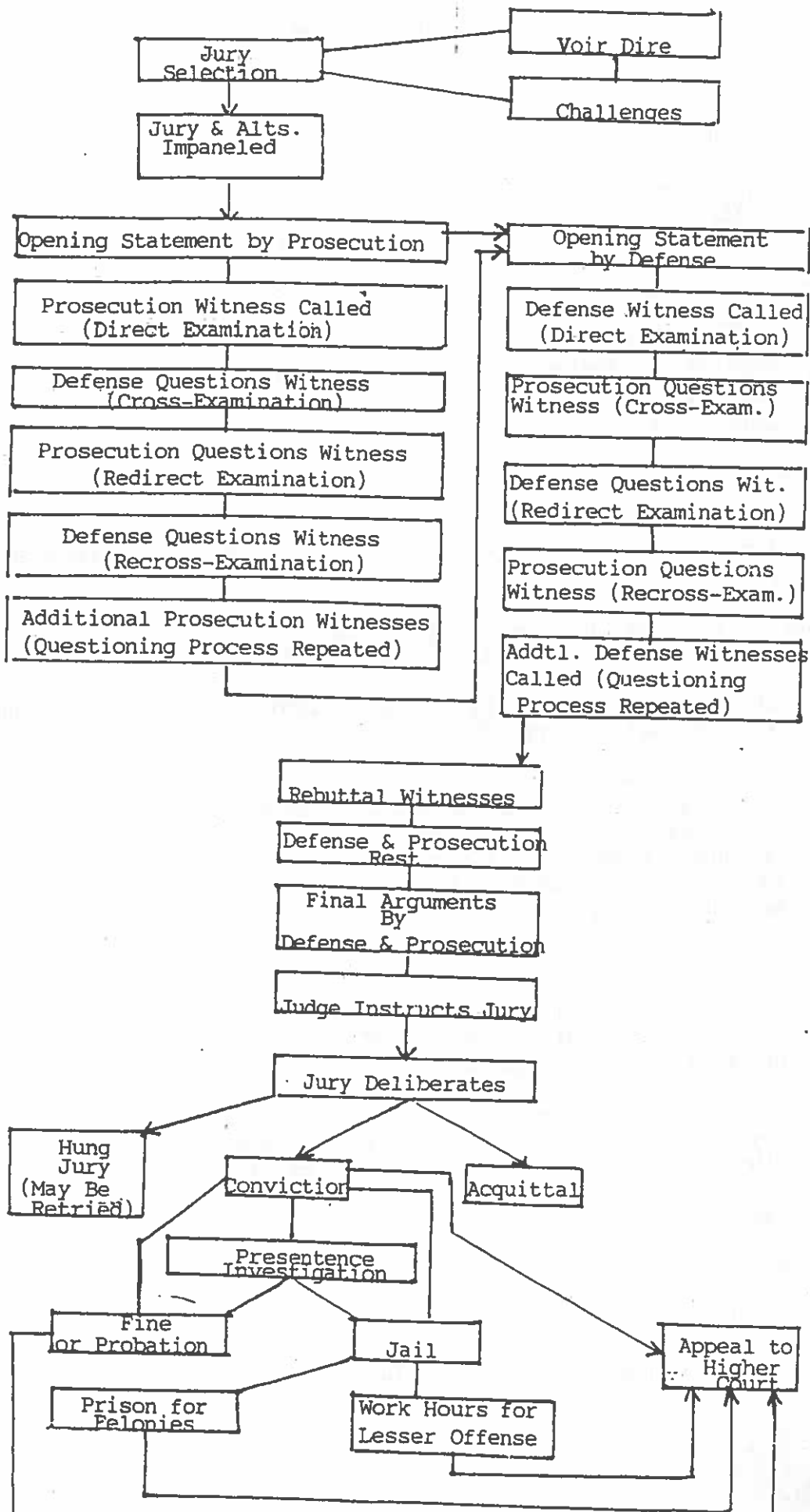
POST-TRIAL MOTIONS

THE JUDGMENT

THE APPEAL

Appeals from state trial courts go the intermediate courts. In the federal court system, the appeal goes from the District Court to the Circuit Court of Appeals to the United States Supreme Court.

THE CRIMINAL TRIAL PROCESS



SEQUENCE OF A TRIAL

#7
#2

1. Selection of Jury
VOIR DIRE
- II. Opening Statements
 - A. Plaintiff's
 - B. Defendant's
- III. Plaintiff's Case
 - A. Plaintiff's direct examination of first witness
 - B. Defendant's cross-examination
 - C. Plaintiff's redirect examination (if any)
 - D. Defendant's recross examination
 - E. Second witness, etc.
- IV. Plaintiff Rests
- V. Defendant's Motion to Dismiss
 - A. Appropriate motions for dismissal of plaintiff's complaint or cause of action
- VI. Court's Ruling on Defendant's Motion to Dismiss
 - A. If defendant's motion is granted, the trial ends here and the jury is excused.
 - B. If defendant's motion to dismiss is denied, the defendant then proceeds with his proof.
- VII. Defendant's Case
 - A. Defendant's direct examination of first witness
 - B. Plaintiff's cross-examination
 - C. Defendant's redirect examination
 - D. Plaintiff's recross examination
 - E. Second witness, etc.
- VIII. Defendant Rests
- IX. Plaintiff's Rebuttal Testimony
 - A. Plaintiff's direct examination of witness(es)
 - B. Defendant's cross examination of witness(es)
- X. Defendant's Rebuttal Testimony
 - A. Defendant's direct examination of witness(es)
 - B. Plaintiff's cross examination of witness(es)
- XI. Motions
- XII. Plaintiff's Summation to Jury
- XIII. Defendant's Summation to Jury
- XIV. Plaintiff's Rebuttal Summation to Jury
- XV. Jury Charge

Appeals

Where are the rules to be found that describe the procedures to be followed regarding appeals? California Rules of Court

2. In civil cases, the Notice to Prepare Reporter's Transcript is the document that actually directs the reporter to produce a civil transcript on appeal.

The reporter will prepare an estimate of the cost of preparation of the transcript and submit the estimate to the appellant within 10 days of Notice to Prepare Transcript.

4. The respondent should be informed of the cost of preparation of a copy of the transcript

5. Appellant must bear the cost of the original and one copy on appeal.

6. In civil cases, the original of the appeal transcript goes to the Court of Appeal (from the Superior Court).

7. The appellant must deposit with the reporter (or in some counties with the County Clerk), within 10 days of the estimate, the amount of the estimated cost of preparation of the transcript on appeal before the transcript is prepared.

8. Upon receipt of the estimate, the reporter has 30 days in which to file the civil transcript on appeal with the County Clerk.

9. One extension of 30 days is permissible upon application to the superior court (Superior Court cases).

10. The original is filed with the appeals clerk in the County Clerk's Office.

11. If the appellant or respondent is indigent, the CSR Board has provided for their needs by establishment of the Transcript Reimbursement Fund to reimburse the reporter for the costs of preparation of the transcript.

Criminal appeals:

12. The document which the reporter would receive that would start her preparing the transcript on appeal in a criminal case is called "Notice of Appeal."

13. The time for preparation of the transcript on appeal starts to run from the date stamped on said document.

14. The time is counted in calendar days. (all appeals)

15. The county pays for the appeal transcript in a criminal case.

16. Extensions may be requested in the aggregate of 60 days from the court of appeal (make two questions out of this.)

18. The "normal" record on appeal in a criminal case omits the voir dire of the jury and the opening statements.

19. Except that in death penalty cases (capital punishment cases) EVERYTHING must be included in the appeal transcript.

20. ~~The transcript is filed with the~~ A case appealed from the Municipal Court goes to the appellate department of the Superior Court.

21. A case appealed from the Superior Court goes to the Court of Appeal.

2. A case appealed from the Court of Appeal would petition for a writ of certiorari.
 3. ~~As in the majority case~~ A verdict of death means an automatic appeal to the Supreme Court. (bypasses the Court of appeal.)
 4. The first reporter to have a record to prepare, or the reporter with the "lion's share" of the record in appeals where several reporters are involved, is designated the "primary" or "lead" reporter, and is given the duty of binding, making the master indices.
 5. Each reporter involved in a multi-reporter case is responsible for seeing that the reporter who reported proceedings after she did gets a beginning page number to start her transcript with.
 6. The appeal must be numbered consecutively from one reporter's transcript to the next on a multi-reporter transcript.
 7. No transcript on appeal shall contain more than 300 pages in one volume.
 8. Each reporter's transcript must contain a certificate.
 9. In criminal appeals, the original goes to the Court of appeal.
 10. The first copy goes to the Attorney General.
 11. A copy goes to each defendant.
 12. The county pays for the original and all copies where the defendant/appellant is indigent.
 13. augmentation
 14. To whom does the reporter apply for an extension of time in a criminal appeal?
 15. What are the extensions available in a civil appeal?
90 from superior court; more from counsel by stipulation.
- TRANSCRIPT REIMBURSEMENT FUND IS PROVIDED FOR INDIGENT LITIGANTS
BY THE CSR BOARD
16. Who gets the copies of the transcripts in a civil appeal
 17. Extensions in a civil case are granted by the presiding judge of the superior court not to exceed 30 days, except that, upon acceptance of a written stipulation of the parties, such extensions may aggregate not to exceed 90 days.
 18. In a death penalty case, the time for preparation of the reporter's transcript on appeal runs from the date of sentencing. (the notice of appeal shall be deemed to have been filed at the time of rendition of the judgment.)
 19. Civil: Upon completion and filing of the reporter's transcript with the County Clerk, the clerk shall mail notice thereof to all parties, and within 10 days after mailing of such notice, any party may file a request for correction of such transcript. If no request for correction is filed within such time, the clerk shall certify the record as correct.

~~TEST 1~~
LATIN WORDS IN LEGAL STUDIES: TO WIT

page ref.

- 315 a mensa et thoro - (adj) from table and bed, relating to a separation in which the parties remain husband and wife without cohabitation. A legal separation.
- 322 a vinculo matrimonii - (adj) from the bond of marriage, of a divorce. An absolute divorce.
- 163 actio in rem - An action for or against a thing rather than against a specific person.
- 157 actio civilis - a civil action.
- 157 actio in personam - A civil action directed against a specific person.
- 65 ad damnum clause - "to the damage" It refers to that clause in a declaration, writ, or pleading which states the plaintiff's damages.
- 265 ad valorem - "According to value" Taxes which are based upon the value of the thing being taxed.
- 41 alias - "Otherwise" An assumed name by which one is also known.
- 121 alibi - "Elsewhere" An excuse. In a criminal case, if the defendant presents proof of being in another place at the time the crime was committed, the defendant has an alibi.
- 329 alimony pendente lite - Temporary alimony paid while the divorce action is pending.
- 121 amicus curiae - "Friend of the court." A person who has no interest in a case but is called in by the judge to give advice regarding some matter of law.
- 237 animus revocandi - "The intent to revoke".
- 207 animus furandi - The intention to steal the property of another and to permanently deprive the owner of said property. An essential element of larceny.
- 216 animus testandi - The intention to make a will. Essential to a valid will.
- 287 assumpsit - "A person promised." A written or oral promise made by one person to another.
-
- ST 358 bona fide - Genuine or real. In good faith without deceit or fraud.
- ST 277 caveat emptor - "Let the buyer beware." A legal maxim which means that a person is responsible for examining an article before purchasing it and the article is bought at that person's own risk.
- 149 certiorari - An order or writ of review or inquiry used in an appellate proceeding.
- 185 corpus delicti - "The body of a crime." The material evidence that indicates a crime has been committed.

- 173 *damnum absque injuria* - "Loss without injury." A loss which cannot be recovered in a court of law.
- 407 *de minimis non curat lex* - The law is not concerned with trifles. For example, an error involving a few cents will not be considered.
- 137 *decree nisi* - A decree which will take effect unless it is successfully contested.
- 386 *del credere agent* - An agent who guarantees or acts as a surety for the principal against the default of persons with whom the agent conducts business on behalf of the principal.
- 129 *dictum* - An authoritative opinion by a judge on points other than the actual issue in the case.
- 149 *error coram nobis* - A writ issued by an appellate court stating that an error was committed in the proceeding "before us."
- 149 *error coram vobis* - A writ issued by an appellate court to a lower court which states that an error was made in the proceedings "before you."
- 23 *et alius*
- 277 *ex contractu* - Emerging or coming from a contract.
- 372 *ex parte application* - An application by one side or one party. It is made by a creditor who is not a party to the bankruptcy proceeding but who has an interest in it.
- 157 *ex delicto* - A cause of action based on civil wrong or tort.
-
- 186 *habeas corpus* - A writ requiring someone holding a person to bring that person into court to determine if the person is being held justly or legally.
- 162 *in forma pauperis* - Permission granted by the court to a pauper or poor person to bring a suit without paying the court costs.
- 407 *in pari delicto* - "In equal fault." Equity relief will not be granted if both parties are at fault.
- 18 *in propria persona* - In one's own proper person. Representing oneself in a legal matter, rather than through an attorney, especially in a legal proceeding. Often shortened to "pro per." Same as *in persona*. Example: The defendant appeared pro per. Pleas must be entered in *propria persona*. So accused enters plea, not lawyer.
- 47 *ipso facto* - "By the fact itself."
- 17 *lex* - "Law." A system of written or unwritten law for a given jurisdiction.
- 88 *lis pendens* - Litigation pending. You file a notice of *lis pendens* with the county recorder, and it clouds the title of real property. A title insurance company won't issue the title to the property while there is a notice of *lis pendens* on the property. The property cannot be sold until the claim is cleared.

- 48 locus sigilli - In the place of the seal.
- 149 mandamus - A writ issued by a higher court to a lower court commanding that a certain thing be done.
- 57 mens rea - A guilty mind or a criminal intent.
- 31 narratio - The latin word for the first pleading filed in a civil action by the plaintiff in which the facts for the basis of the suit are stated.
- 194 nolo contendere - "I do not wish to contend." The plea of a defendant in a criminal action that means the punishment will be accepted but guilt will not be admitted.
- 195 non compos mentis - "Not of sound mind." Indicates that one is mentally unable to control one's own actions or to handle one's own affairs. Insanity.
- 287 nudum pactum - An agreement made without any consideration other than a promise.
- 143 nunc pro tunc - "Now for then." A decision or order of the court which is retroactive.

- 121 pendente lite - "Pending litigation." During the time the case is in court.
- 232 per stirpes - A method of dividing an estate. If an estate is to be divided between two persons and one has died leaving three heirs, then one half of the estate is given to the surviving person and the other half is divided among the heirs of the deceased person.
- 129 per curiam - "By the Court." Indicates an opinion by the entire court.
- 41 per se - "In itself or by itself."
- 120 prima facie - "At first view." Evidence which is sufficient to prove or establish a fact unless contrary evidence is presented.
- 287 pro tanto - As far as it goes. One may recover on a contract which was not completely fulfilled for the value of one's partial performance or pro tanto.
- 287 quantum meruit - "As much as one deserves." One may recover the reasonable value of one's performance on a contract.
- 237 guardian ad litem - A person designated by the court to conduct litigation on behalf of a minor.
- 56 quasi - Almost but not actually the same as. This term is usually used with another term. For example, quasi ex contractu which means "as if from a contract."
- 286 quid pro quo - "Something for something." The consideration in a contract.

TEST
Cif

- 149 remittitur - The sending back of a case by the appellate court to a lower court. Also, the plaintiff returning damages awarded in a case which were in excess of what the plaintiff requested.
- 129 res judicata - "A... thing decided." Something that has been decided in a court of law.
- 175 res ipsa loquitur - "The thing speaks for itself." A presumption that the thing that happened does not normally happen unless there is negligence involved. It is a rebuttable presumption that may be proven otherwise by the facts.
- 114 res gestae - "Things done." Things which are a part of the case. Hearsay evidence may be admitted if it can be shown that it is res gestae.
- 393 respondeat superior - "Let the master answer." The principal is responsible for the wrongful acts of an agent acting for the principal.
-
- 195 scienter - Knowingly, intent or knowledge.
- 47 scilicet - "To wit." "Namely."
- 121 sequestered - "Secluded." The seclusion of witnesses or evidence during a case, or the seclusion of the jury until a verdict is reached.
- 137 sine die - "Without a (set) day." Thus, adjournment sine die is a final adjournment, without a day set for reassembly.
- 195 sine qua non - Something that is essential.
- 137 stare decisis - "Let the decision stand." Pertains to the policy of a court to follow precedent when deciding cases.
- 143 status quo - The way things are or their existing state at a given time.
- 407 sua sponte - Of one's own will or voluntarily.
- 81 subpoena duces tecum - A writ commanding the person named to produce in court certain designated documents.
- 41 sui juris - One that is legally capable of managing one's own actions or affairs.
- 47 sui generis - "Of its own kind." "Unique."
- 144 supersedeas - A writ issued by a judge to stay a legal proceeding.
- 447 ultra vires - Acts which are not within the powers of a corporation as defined in its charter.
- 99 venireman - Jurors.
- 23 versus - "Against." When used in a case title, the plaintiff's name is first, followed by "versus," then the defendant's name; for example, Durand versus Selmar. May be abbreviated as "vs." or "v."

mine

LEGAL RESOURCES FOR RESEARCH

WITKIN

Books by Bernard E. Witkin, a California Supreme Court Clerk (a lawyer) who was good, had such a grasp of California law, that he published these and other books setting forth interesting facts about laws, to help lawyers understand them better. Many lawyers read Witkin like a bible, and citations from his volumes are considered to be excellent legal authority.

- THE SUMMARY OF CALIFORNIA LAW
- CRIMINAL PROCEDURE
- CALIFORNIA PROCEDURE
- CALIFORNIA CRIMES
- CALIFORNIA EVIDENCE

CITATORS

A citator is a text giving the researcher the history of cases, statutes, and other material subsequent to their effective date, e.g., has the case been overruled, modified, or otherwise commented upon in other texts? The primary citator is Shepard's Citations.

Their patented system of determining subsequent history has been so widely used that the word "shepardizing" has come to mean the principal way in which such history is uncovered.

ENCYCLOPEDIAS

A legal encyclopedia is a multi-volume treatise or commentary on the law. There are two major encyclopedias: American Jurisprudence and Corpus Juris Secundum. They attempt to cover every area of the law.

HORNBOOK

A primer; a book explaining the rudiments of any science or branch of knowledge. The phrase "hornbook law" is a colloquial designation of the rudiments or most familiar principles of law.

In the early days of the Colonies, a sheet of parchment with the alphabet and numbers on it was mounted on a small board with a handle and protected by a thin, clear plate of horn. This child's primer was called a hornbook. a hornbook is an elementary treatise.

- Uniform jury instructions
- BAL - Bar Approved Jury Instructions (for civil cases)
- CALJC - California Jury Instructions, Criminal

CODES

A code is a systematic compilation of statutes or regulations. As legislatures (state and federal) write statutes and as agencies write regulations, they are usually published chronologically without any topical order.

For anyone to study them coherently, they must be codified, e. g., statutes and regulations (with their amendments) covering the same subject are printed in the same section of the book.

Some California codes are:

- Penal Code
- Civil Code
- Code of Civil Procedure
- Health and Safety Code
- Welfare and Institutions Code
- Evidence Code
- Administrative Code
- Government Code
- Probate Code
- Business and Professions Code
- Labor Code
- Education Code
- Vehicle Code
- Financial Code

Two commonly used sets of codes in California are West's California Codes (published by West Publishing Co.) and Deering's California Codes (published by Bancroft-Whitney Publishing Co). Each publisher prints two different types of codes. The first and most simple type is known as the "desk copy" version. These are selected codes published without any significant amount of reference material included within them. This type of code serves only to state the law as the legislature has passed it. It doesn't include references to court decisions which may bear on the law's validity or which in some way restrict or modify the law as it is stated.

The desk copy codes are available only for the more commonly used codes. The typical desk copy set would normally consist of five codes: penal, civil, civil procedure, evidence, and probate. To locate other codes, the reader would have to use the "annotated codes."

The second and most voluminous type of codes are known as the "annotated" codes. These codes include historical notes of the coming of the statute and cases which have interpreted, modified, restricted, or broadened the code section that follows.

The only physical difference between the two types of codes are in color and size. The first (the annotated codes) consume considerably more space due to the added reference material.

West's California Codes are blue (annotated) and brown (desk copy), and Deering's California Codes are brown (annotated) and green (desk copy).

SHEPARDIZING

ANNOTATED CODES

Notes:

call city hall

Restatement volumes

- contracts, torts, agency, property, etc.

Find the restatements:

Westlaw.com
LEXUSNEXUS.com

Go to the second volume unless the lawyer specifically states "1st volume."

→ CA appellate/supreme is all that's published. not circuit court or district court.

Guitero ¹⁰⁰ Cal App third ¹⁰⁷⁶ (page)
calif. appellate court
↳ the 100th volume of this series

2 major Publishing co:

Westlaw - cal. reporter
Lexus - cal. ap.

Lawyers can cite from either & only have to cite from one if it's cited correctly.

citations from:

- CFR - code of federal regulations (50 vols) - establishing auth.
- (LH) USCS - u.s. code service
- (WL) USCA - u.s. code annotated (50 vols) } different vols
- USC - u.s. code

ca is easier to research codes because:

ca. divides their codes up into 43 different vols

if any code is cited, they'll give it to you.

if hearing a code # only, look to penal code first; otherwise they'll refer to that 1st.

"OFFICIAL" REPORTER - CALIFORNIA

The official publisher of the written opinions of the Supreme Court and the Courts of Appeal is Bancroft-Whitney in San Francisco.

The opinions are published first in Advance Sheets and then, a few months later, in bound volumes.

The decisions of the California Supreme Court Volume 220 was reached in 1934, a second series was started. When Volume 71 was reached in this second series in 1970, a third series was started.

It is necessary to distinguish which series is being referred to when citing cases. When referring to the second series of the Supreme Court and the Courts of Appeal, the citation will contain the number "2d"; when referring to the third series, the citation will contain the number "3d."

California Supreme Court decisions are cited as follows:

- or Jones v. Smith, 219 California 322 (1st series)
Jones v. Smith, 219 Cal. 322
- or Adams v. Raymond, 69 California 2d 400 (2nd series)
Adams v. Raymond, 69 Cal. 2d 400
- or Clark v. Stewart, 1 California 3d 354 (3rd series)
Clark v. Stewart, 1 Cal. 3d 354

California Courts of Appeal decisions are cited as follows:

- or Tilson v. Smith, 140 California Appellate 123 (1st series)
Tilson v. Smith, 140 Cal.App. 123
- or People v. Edwards, 68 California Appellate 2d 142 (2nd series)
People v. Edwards, 68 Cal.App.2d 142
- or Adams v. Stan, 4 California Appellate 3d 865 (3rd series)
Adams v. Stan, 4 Cal.App. 3d 865

Explanation of the following citation:

Brown v. Jones (1961) 63 California 2d 241, 246

The number in parentheses refers to the year the case decision came out.

California - means it's a California Supreme Court case

2d - second series

63 - volume 63

241 - the case begins on page 241

246 - refers to the page on which appears the particular point to which counsel wishes to bring the court's attention

"UNOFFICIAL" REPORTER - NATIONAL REPORTER SYSTEM

Publisher: West Publishing Company.

These are exactly the same state court decisions, only the headnotes and other editorial details are different. Since Mr. West was not given the "official" concession (in California, at least), he had to try harder to make his volumes more appealing to lawyers. West does publish the official reports in some states.

The entire country is reported in West's National Reporter System in eight reports: Atlantic, Northeastern, Northwestern, Pacific, California Reporter, Southeastern, Southwestern, Southern, and New York Supplement. Pacific covers Oregon, Washington, California, Alaska, Arizona, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Utah, and Wyoming. Pacific Reporter is a compilation of cases culled out of the Pacific Reporter embodying all reported appellate decisions from California.

advance sheets - pamphlets of recently written court opinions. After a number of them have been issued, they will be collected into bound volumes.

annotation - a systematic commentary on the law. Cases, statutes, and regulations are often annotated. The annotation can provide historical data, cross-reference case excerpts, etc.

case - a matter or dispute that has been (or that is currently) in litigation before the courts. The word "case" is usually used synonymously with the word "opinion," although the latter term more precisely is the written conclusions and analysis of a court. A case is "reported" when it is published. Most of the volumes in the large law library are reporters, both official and unofficial.

official/unofficial - An "official" text is one authorized by the author of the text. Judges, legislators, and administrators write (or author) opinions, statutes, and regulations, respectively. Normally, they are printed in an official edition, which means that the accuracy of the text is assured by the author.

Private publishing companies frequently take official editions and re-print them in a number of formats so that lawyers can use them and cross-relate them more effectively. The work product of these companies is usually labeled "unofficial." For example, most court opinions are printed in official and unofficial editions.

law/commentary on the law - The word "law" means constitutions, statutes, regulations, and court opinions. A second categorization of law books could be as follows:

1. Books containing only the law.
2. Books containing only commentary on the law.
3. Books containing a combination of law and commentary.

For example, when a court opinion is written, it may be found in the official reporter of the court. This reporter essentially contains nothing but court cases.

A law review article may be written by a law student or lawyer commenting on this case or on any other area of the law. The article is published in periodicals called Law Reviews. Normally, law reviews contain only commentary on the law and therefore would fall into category 2.

Finally, the case may be printed in a series of volumes called American Law Reports (ALR). This series will contain a combination of the law (the case or opinion itself) plus extensive commentary on the opinion. (Category 3.)

headnotes - summary of the points decided in the case, which are placed at the head or beginning of the report.

At the beginning of each decision, the publisher summarizes the points made in the decision by "headnotes," which may or may not reflect the thrust of the decision.

The headnotes serve two purposes. First, they are a summary of the points covered in the opinion and are a shorthand way of a researcher's finding out if it is worth his while to read or study the entire opinion.

Second, the researcher can find out what other courts have said about the same or similar points in the paragraph headnotes by going to the digest system, looking up the title and number of the headnote and reading summary paragraphs from other court opinions.

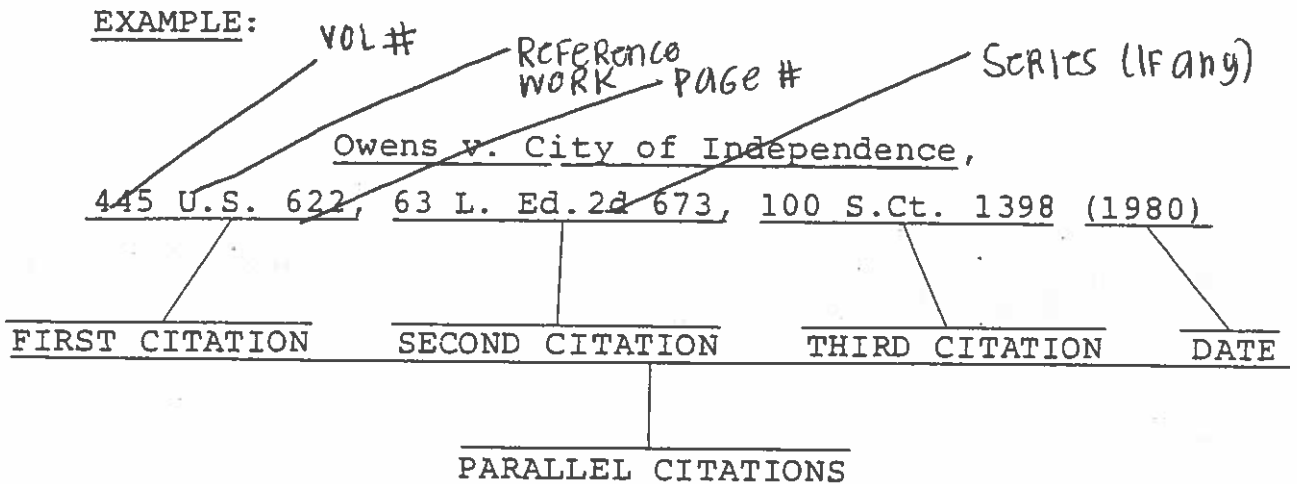
pocket parts - A pocket part is a pamphlet that fits into a specially devised "pocket" at the end of many bound books, which provides the reader with more current data than will be found in the body of the bound book. The pamphlets are always published after the bound book went into print.

CITATIONS - ORDER
VOL #
REFERENCE WORK
SERIES (IF any)
PAGE #

Parallel Citations

[REDACTED]

This is because of a duplication in publishing. When you see a supreme court case referred to ("cited"), you will often see three citations following the case name.



[REDACTED]

- CFR (CODE OF REGULATIONS)
- USC (U.S. CODE)
- USCA (U.S. CODE ANNOTATED)
- USCS (U.S. CODE SERVICE)

FEDERAL - OFFICIAL (Published by the Government) Int: Offic
For the U.S. Supreme Court:
United States Supreme Court Reports

For the U.S. Courts of Appeal:
no

FEDERAL - UNOFFICIAL - NATIONAL REPORTER SYSTEM - (West'
For the U.S. Supreme Court:
Supreme Court Reporter (two series)

Lawyers Edition (two series)

American Law Reports (four series)
(contains annotated articles indexed according to subject matter)

For the U.S. Courts of Appeal:
Federal Reporter (two series)

For the U.S. District Courts:
Federal Supplement
(only more noteworthy decisions are published)

USUAL WAY TO CITE A SUPREME COURT DECISION

List the official cite first, then the National Reporter System's volume (West's), and then other unofficial reports:

Miranda vs. Arizona (1966) 384 U.S.436, 86 S.Ct.1602, 16 L.Ed.2d 694, 10 L.R.3d 974

CASE CITATIONS

Frequently, an attorney or the Court will cite a case. It is not necessary to write out the entire citation verbatim, unless this is the practice in your court system. Always use surnames only or full company names for case citations. The underlining of the case cited is optional. Some states prefer to italicize or boldface case citations. The plaintiff's name is given first followed by the defendant's name. In a divorce action, the petitioner and the respondent are the parties.

21. Always use initial capitals for the case title. In running text, use v. for versus. (Note: In some jurisdictions, case citations are underlined.)
 - a. Sheridan v. Waite was a case involving a land dispute in Summer County.
 - b. In the case of Millborne v. Tweedy, there was absence of malice.
22. When a case has only one party, use one of the following expressions: "In re" or "In the matter of."
 - a. If the Court will refer to the case In re MacComb, the racial quota is an issue.
 - b. In the matter of Justine, we can learn a valuable lesson.
23. The reporter's source is always identified as follows: the volume number, the official abbreviation of the reporter (reference work), the series (if any), and the page number. (Note: Abbreviations of some reporters may vary slightly from state to state.)
 - a. 277 S.W. 541 means that the material is found in Volume 277 of the South Western Reporter on page 541.
 - b. 998 Fed. 2d. 112 means that the information is found in Volume 998 of the Federal Reporter, Second Series, page 112.
24. Occasionally, the court and the date will be included in the citation.
 - a. 19 Fed. 432 (6th Cir. 1987) would identify a specific circuit of the Court of Appeals and the date of the decision.
25. Citations to other sources such as codes, Federal and state statutes, constitutions, and administrative regulations are also common. Check with the style used in your court system.

STUDENT SELF-CHECK--CASE CITATIONS

Before proceeding with this Self-Check, review Special Tips for Court Reporters 23-25.
Then answer the following questions.

Waters v. Kaplan 588 Fed. 2d. 678

1. What reporter (reference book) is the above case found in? _____
2. What page is the case found on? _____
3. What is the volume number of the reporter (reference book)? _____
4. What does 2d. represent? _____
5. Who is the defendant in the case? _____

Alexander v. Premier, 223 N.W. 990 (5th Cir. 1982)

6. What page is the above case found on? _____
7. What does 5th Cir. indicate? _____
8. What volume is this case found in? _____
9. Who is the plaintiff in this case? _____
10. What does the year 1982 signify? _____

time a deaf person taps his or her heart and smiles at me. I have another "memory moment." It's mine to keep forever. Do you ever wish you could have these moments? Trust me; you can.

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REALTIMING

Your Dictionary

By Alan Schweitzer

Got thousands and thousands of words in your personal dictionary? Great! You'll need many thousands of words and phrases in your dictionary

to attain accurate translations. But wait. You say you've got *hundreds of thousands* of entries? Uh-oh, that could be a problem. Maybe it's time your dictionary went on a diet! The fact is accurate real-time translations can be achieved with an extremely *lean* main dictionary. By economizing on dictionary entries, many recurrent word-boundary errors are avoided, and the result is cleaner, more accurate translations.

Marybeth Everhart, contributing editor to the *JCR* and nationally known seminar presenter on realtime, points out that "the size of your dictionary should correlate to the powers of your CAT software and your knowledge thereof.

"In other words," she continues, "if your CAT software intelligently builds words by attaching prefixes and suf-

fixes, then spellchecks the words and modifies them accordingly, there is no need to put every form of every word in your dictionary."

Build Words

Here's a great idea: Why not put your CAT software to work for you by incorporating and refining a writing theory that "builds" words with prefixes and suffixes and, at the same time, begin to thin out that bulky dictionary of yours. For example, if you consistently come back to attach the suffix — e.g., *-s*, *-d* or *-ing*, then you don't need *wants*, *wanted* and *wanting* defined separately in your dictionary. You only need the root word, *want*, and you can build the other forms by attaching the appropriate suffix. Using this system, mis-translates, untranslates and word-

REPORTING

Citations

By Lynn Brooks

Citations are often tricky to take down. A published state or regional Reporter gives a brief summary of cases that have been decided, citing the facts and the decision. The new court reporter should visit the local law library to become familiar with the contents of the various Reporters. Other legal texts and papers cover rules, decisions and myriad other subjects. They also should be studied so the reporter is familiar with the legal research tools. Here are several general rules for handling them.

1. Do not underline the name of the case cited, as is done in legal papers. For example, *U.S. v. Pearce*.
2. There is always a number preceding the particular book and always a number following: 275 F.2d 381.
The first number (275) is the volume number, and the second number following the book (381) is the page number.
3. Sometimes an attorney will cite a case such as *King v. U.S.*, 282 F.2d 398 (7th Cir. 1960). The (7th Cir. 1960) is the circuit in which the case was decided, and the 1960 is the year in which the case was decided.
4. Parallel citations are when a citation appears in more than one Reporter. For example, *Aye v. Bee* appears in Volume 100 of the California Reports at page 100, and it is also reported in Volume 200 of the Pacific Reporter at page 200.
Aye v. Bee, 100 Cal. 100 [200 P. 200]

5. If there comes a time when you can't take down the name of the case and the citation both, always try to get the number of the citation. It is much easier to look up the case if you have the citation than if you just have the name of the case. Also, if it's an odd name, you may not know the correct spelling or you may have misheard the name, and it could take you longer to find the case.
6. Always double-check on the spelling of the case name. Regarding statutes and rules, you will just have to learn those over time. Usually attorneys will say "dash," and then you will know where to dash the numbers, but sometimes they don't. Some rules are written Rule 51(a), some are written Rule 10-A. When you come across a rule or a statute that you are not sure of, check it.
7. Attorneys may cite material extending over several pages and use the term *et seq.* For example, *People v. Ashley*, 42 Cal.2d 246, 259 *et seq.* [267 P.2d 271].
8. The term *supra* may be used in lieu of volume and page references when a named case or article has been previously cited in the same paragraph and it is desired to repeat the citation. For example, *People v. Ashley, supra*.

Lynn Brooks, RPR, is from Dallas, Texas.

Abbreviations

Pacific Reporter, 1st and 2d series	P., P.2d
North Western Reporter, 1st and 2d series	N.W., N.W.2d
South Western Reporter, 1st and 2d Series	S.W., S.W.2d
North Eastern Reporter, 1st and 2d series	N.E., N.E.2d
Southern Reporter, 1st and 2d series	So., So. 2d
Atlantic Reporter, 1st and 2d series	A., A.2d
New York Supplement, 1st and 2d series	N.Y.S., N.Y.S.2d
West's California Reporter	Cal. Rptr.
Supreme Court Reporter	S. Ct.
Federal Reporter, 1st and 2d series	F., F.2d
Federal Rules Decisions	F.R.D.
West's Military Justice Reporter	M.J.
Illinois Reports, 1st and 2d series	Ill., Ill. 2d
Illinois Appellate Court Reports	Ill. App., Ill. App. 2d Ill. App. 3d
Illinois Court of Claims Reports	Ill. Ct. Cl.
Indiana Supreme Court Reports	Ind.
Indiana Court of Appeals Reports	Ind. App.
Iowa Supreme Court Reports	Iowa
Kentucky Supreme Court (formerly called Kentucky Court of Appeals) Reports	Ky.
Missouri Supreme Court Reports 1821-1956	Mo.
Missouri Court of Appeals Reports 1871-1951	Mo. App.

ARGONAUT COURT REPORTING

Review

PROFESSIONAL PRACTICE

What is a depo also known as? Written declaration

To give an oath, you must be A CSR

What do you call a contract where only one person promises? Unilateral

A CSR license is renewed for how many years? ~~Three~~ One

If the noticing attorney says not to transcribe, before you destroy your notes you should keep your notes until the disposition of the case.

In a Workman's Comp case, the injured party is entitled to a copy of the case without charge.

What's another name for District Court? Federal or State App

Don't take a deposition pursuant to: 1/ stipulation 2/ bench warrant 3/ notice

What needs a recharger? CAT electric court reporting machine

When filing a transcript out of state, file according to the jurisdiction of that sta

If the party of the noticing deposition doesn't show up and the other side wants to put a statement on the record, take the statement.

A synopsis made by the judge at the beginning of the record is called a headnote.

If the Court says "stricken," it is transcribed.

In order to go "off the record" it is stipulated by all parties.

What doesn't belong in a current case? 1/ motion for cross complaint
2/ motion for dismissal
3/ motion for excluding witnesses
4/ request by attorney

A defendant who can recover damages against a plaintiff is called a cross-complainant

What is the questioning of a jurymen called? Voir dire

How many days do you have to file the transcript for a CRIMINAL APPEAL? 20

How many days do you have to notify the CSR Board of a change of address? 30

The rule that states that an agreement reduced to writing cannot be changed by verbal agreement is the PAROL EVIDENCE RULE.

What numerical system is used by libraries? Dewey Decimal System

What court would have the jurisdiction for a case involving more than \$25,000?
SUPERIOR COURT

When do you file a deposition? When ordered

Which is the best thing to have when preparing a transcript? 1/ work sheet 2/ route she
3/ billing

Who do you file an appeal from the Superior Court with?
1/ the judge 2/ the clerk of the DCA 3/ the Court Clerk

to assist, in order to assure that there is no miscarriage of justice due to litigants' shortcomings in representing themselves, are to be highly commended."

In the case at bar, although defendant was represented by counsel, he was groping for the proper manner in which to demonstrate the alleged lack of competence of his attorney, and the trial judge would have been well within the bounds of judicial propriety in giving any helpful suggestion which might have aided defendant in the presentation of his complaint. . Furthermore, the judge was not being called upon to offer advice, but only to listen to defendant's reasons for requesting different counsel.

Finally, we reach the question whether the error in the trial court was prejudicial to defendant. There can be no doubt it was. On this record we cannot ascertain that defendant had a meritorious claim, but that is not the test. Because the defendant might have catalogued acts and events beyond the observations of the trial judge to establish the incompetence of his counsel, the trial judge's denial of the motion without giving defendant an opportunity to do so denied him a fair trial. We cannot conclude beyond a reasonable doubt that this denial of the effective assistance of counsel did not contribute to the defendant's conviction. (*Chapman v. California* (1967) 386 U.S. 18 [17 L.Ed.2d 705, 87 S.Ct. 824, 24 A.L.R.3d 1065].)

The judgment is reversed.

Tobriner, Acting C.J., Peters, J., Burke, J., Sullivan, J., and Molinari, J., [fn*] concurred.

[fn*] Assigned by the Chairman of the Judicial Council.

McCOMB, J.

I dissent. I would affirm the judgment for the reasons expressed by Mr. Justice Caldecott in the opinion prepared by him for the Court of Appeal, First District, Division Three (*People v. Marsden*, 1 Crim. 7601, filed October 10, 1969, certified for nonpublication).

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cross-examine witnesses concerning bias or details not previously related. The trial judge would be no better equipped to determine the validity of such claim of inadequate representation than he would be to review any other out-of-court events, unless the defendant were permitted to explain the reasons for asserting his attorney's incompetence.

Further support for the defendant's contention that it was error to deny his motion without an opportunity for explanation comes from the line of authority beginning with *People v. Youders* (1950) 96 Cal.App.2d 562, 569 [215 P.2d 743]. (See, e.g., *People v. Monk* (1961) 56 Cal.2d 288, 299 [14 Cal.Rptr. 633, 363 P.2d 865]; *People v. Prado* (1961) 190 Cal.App.2d 374, Page 125 377 [12 Cal.Rptr. 141]; *People v. Hood* (1956) 141 Cal.App.2d 585, 589 [297 P.2d 52].) These cases hold that claims of incompetency of trial counsel must be raised by defendant at trial and generally may not be raised for the first time on appeal. "If defendant felt his counsel did not adequately represent him he should have complained to the trial court and given that court an opportunity to correct the situation. In the absence of such complaint the acts of defendant's counsel are imputed to him." (*People v. Youders* (1950) *supra*, 96 Cal.App.2d 562, 569.) If a defendant is required to complain of error at trial so that the error can be corrected at that level, he should be given ample opportunity to explain and if possible to document the basis of his contention. A right is vacuous indeed if it must be asserted at trial but may not be supported before the trial judge by more than the bare complaint.

We are unmoved by the rationale of the trial judge for his unwillingness to hear the defendant's basis for dissatisfaction with counsel. An expressed concern that defendant's evidence might "prejudice you before me as to the case," lacks substance. In a jury trial it is difficult to comprehend how a defendant's statement made out of the presence of the jury to support his claim that his counsel is inadequate could adversely affect a judgment on the merits of the case. During most trials, judges hear numerous motions and argument in chambers dealing with prior convictions, the voluntariness of confessions, the admissibility of evidence, and other procedural matters, without permitting such proceedings to jaundice their views on ultimate conclusions. Furthermore, if there were some remote prejudicial effect, it would be outweighed by the importance of replacing an incompetent attorney.

The trial judge also indicated that he was precluded by law from advising defendant how he might successfully show cause to justify the replacement of trial counsel. "[T]he Court is prohibited from giving legal advice to people, so I can't advise you as to legal procedures. I commit a misdemeanor, a criminal offense, if I give legal advice to anybody, whether defendant or anyone else." We are referred to no statute or authority which precludes a judge from advising a defendant as to the procedures for effectively challenging the competence of his attorney, and research has disclosed none. To the contrary, in *People v. Redmond* (1969) 71 Cal.2d 745, 758 [79 Cal.Rptr. 529, 457 P.2d 321], this court commended judges who consider it part of the judicial function to aid and advise defendants appearing before them without counsel. "Although a trial judge may not be required to aid a defendant who represents himself, it is a common practice in both civil and criminal cases for trial judges, by advice and suggestion, to assist persons who represent themselves. . . . It is in the highest tradition of
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American jurisprudence for the trial judge to assist a person who represents himself as to the presentation of evidence, the rules of substantive law, and legal procedure, and judges who undertake

sufficient showing . . . that the right to the assistance of counsel would be substantially impaired . . . in case the request is not granted, and within these limits there is a field of discretion for the court.'" (*People v. Mitchell* (1960) 185 Cal.App.2d 507, 512 [8 Cal.Rptr. 319], quoting 157 A.L.R. 1225, 1226; see *People v. Foust* (1968) 267 Cal.App.2d 222, 228 [72 Cal.Rptr. 675]; *In re Bunker* (1967) 252 Cal.App.2d 297, 311 [60 Cal.Rptr. 344]; *People v. Bourland* (1966) 247 Cal.App.2d 76, 84-85 [55 Cal.Rptr. 357]; *People v. Jackson* (1960) 186 Cal.App.2d 307, 315 [8 Cal.Rptr. 849].)

Defendant properly contends that the trial court cannot thoughtfully exercise its discretion in this matter without listening to his reasons for requesting a change of attorneys. A trial judge is unable to intelligently deal with a defendant's request for substitution of attorneys unless he is cognizant of the grounds which prompted the request. The defendant may have knowledge of conduct and events relevant to the diligence and competence of his attorney which are not apparent to the trial judge from observations within the four corners of the courtroom. Indeed, "[w]hen inadequate representation is alleged, the critical factual inquiry ordinarily relates to matters outside the trial record: whether the defendant had a defense which was not presented; whether trial counsel consulted sufficiently with the accused, and adequately investigated the facts and the law; whether the omissions charged to trial counsel resulted from inadequate preparation

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rather than from unwise choice of trial tactics and strategy." (*Brubaker v. Dickson* (9th Cir. 1962) 310 F.2d 30, 32.) (5) Thus, a judge who denies a motion for substitution of attorneys solely on the basis of his courtroom observations, despite a defendant's offer to relate specific instances of misconduct, abuses the exercise of his discretion to determine the competency of the attorney. A judicial decision made without giving a party an opportunity to present argument or evidence in support of his contention "is lacking in all the attributes of a judicial determination." (*Spector v. Superior Court* (1961) 55 Cal.2d 839, 843 [13 Cal.Rptr. 189, 361 P.2d 909].)

(1b) The People contend that there was no need to hear the defendant's examples of misconduct because he had limited the scope of his motion to the record before the court when he stated, "I think the transcript, court's transcript prior to this meeting here can reveal that fact." The People thus presume the defendant was referring to the reporter's transcript and was concerned only with occurrences within the trial judge's presence. However, such deduction disregards the defendant's lay status and his admitted ignorance of the law. His reference to the "transcript" may have been his fumbling method of describing the totality of occurrences in the course of his trial, and not a specific use of a term of art. The semantics employed by a lay person in asserting a constitutional right should not be given undue weight in determining the protection to be accorded that right. Indeed, the very reason we are compelled to resort to speculation as to the defendant's understanding of the word "transcript" is that he was not permitted to explain his meaning and to proceed with enumeration of asserted instances of inadequate representation. Such an explanation would have enabled the trial court to determine the extent to which defendant's claims were reflected in the "court's transcript." As it stands, we are unable to determine the basis for the defendant's motion or whether the defendant's showing could have been sufficient to justify ordering a substitution of attorneys.

Moreover, it is possible that defendant's reference to the transcript was designed to indicate significant omissions, such as failure to call percipient witnesses or to adequately

instances?

"THE COURT: I don't want you to say anything that might prejudice you before me as to the case, you see.

"THE DEFENDANT MARSDEN: I don't think it would.

"THE COURT: I don't want to take that chance.

"There are lots of times when a person - lots of times, and I emphasize that, where a defendant is represented by an attorney where he has just sufficient knowledge to be ignorant and lots of times people want to tell their attorneys how to run a case, which they are not qualified to do. I think possibly you are a bright person and who thinks a case should be conducted in a certain way, which you are not qualified to determine.

"THE DEFENDANT MARSDEN: Your Honor.

"THE COURT: Therefore the Court denies the motion. The Court is not going to have a case that has - where the prosecution has been completed and then a person raises this sort of thing where the Court doesn't feel it's appropriate. If this were done, and the Court has this type of thing come up from time to time, you never could complete a case, you'd get in the middle of the case, a defendant, particularly a bright one, raises some question and you never could come to the completion of a trial.

"THE DEFENDANT MARSDEN: Your Honor, I believe I can show cause. Would the Court show me how I could go about doing this?

"THE COURT: The Court -

"THE DEFENDANT MARSDEN: (Interrupting) I'm ignorant of the law.

"THE COURT: That's right, that's why you have lawyers. Mr. Marsden, the Court is prohibited from giving legal advice to people, so I can't advise you as to legal procedures. I commit a misdemeanor, a criminal offense, if I give legal advice to anybody, whether defendant or anyone else. That's all for this matter, the jury is waiting."

(1a) Defendant now contends that the denial of the motion for substitution of attorneys, without giving him an opportunity to enumerate specific examples of inadequate representation, deprived him of a fair trial.

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(2) We start with the proposition in *Gideon v. Wainwright* (1963) 372 U.S. 335 [9 L.Ed.2d 799, 83 S.Ct. 792, 93 A.L.R.2d 733] that criminal defendants are entitled under the Constitution to the assistance of court-appointed counsel if they are unable to employ private counsel. However, the decision whether to permit a defendant to discharge his appointed counsel and substitute another attorney during the trial is within the discretion of the trial court, and a defendant has no absolute right to more than one appointed attorney. (3) "A defendant's right to a court-appointed counsel does not include the right to require the court to appoint more than one counsel, except in a situation where the record clearly shows that the first appointed counsel is not adequately representing the accused. . . . (4)

The right of a defendant in a criminal case to have the assistance of counsel for his defense . . . may include the right to have counsel appointed by the court . . . discharged or other counsel substituted, if it is shown . . . that failure to do so would substantially impair or deny the right . . . , but the right to such discharge or substitution is not absolute, in the sense that the court is bound to accede to its assertion without a

"THE COURT: The Court doesn't recall hearing a motion made or asking

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any relief from the Court on the part of the defendant Marsden, that's why when he made his statement, the Court said your statement is noted in the record, however, in the interests of caution, the Court will consider it a motion that according to the defendant Marsden he claims his attorney is not representing him properly and therefore the Court will infer that he wishes another attorney or wishes to represent himself, I don't know which. What do you say on that, Mr. Marsden?

"THE DEFENDANT MARSDEN: Yes, sir, I don't feel that I am getting adequately represented or competently represented, I'd like to make a motion.

"THE COURT: For what?

"THE DEFENDANT MARSDEN: For proper counsel. I'm not adequate to give it myself and I don't feel I'm being adequately represented. I think the transcript, court's transcript prior to this meeting here can reveal that fact."

The court then questioned Mr. Antoncich and established that he had represented defendant since his arraignment in municipal court, and that he had also represented Miss Repine until the time of arraignment in the superior court when separate counsel was appointed for her to avoid a possible conflict of interest between the two defendants. The judge proceeded to interrogate defendant as to his background and learned that defendant had served time for burglary and escape in the state prison, that he had never completed high school, that he received a certificate of completion of a high school equivalency course in the Marine Corps, and that he was working before his arrest as a mathematician operating and programming digital computers. Then this discussion occurred between the court and defendant:

"THE COURT: You seem to be [an] intelligent sort of a person. In the times you have been before the court have you been represented by an attorney?

"THE DEFENDANT MARSDEN: Yes, I have.

"THE COURT: And during these previous occasions when you have been represented by an attorney, have you ever discharged your attorney?

"THE DEFENDANT MARSDEN: No, I haven't.

"THE COURT: Have you ever represented yourself without an attorney in any of these prior proceedings?

"THE DEFENDANT MARSDEN: No, I haven't.

"THE COURT: Well, the Court denies the defendant's motion. The Court

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feels Mr. Antoncich is alert and has raised questions during the course of this hearing that have been good questions to raise. The Court feels he has taken good care of his client to the present time, at least.

"THE DEFENDANT MARSDEN: Your Honor -

"THE COURT: (Interrupting) And so the Court - yes?

"THE DEFENDANT MARSDEN: Could I bring up some specific

PEOPLE v. MARSDEN, 2 Cal.3d 113 (1970)

465 P.2d 44

84 Cal.Rptr. 156

THE PEOPLE, Plaintiff and Respondent, v. MICHAEL JOHN MARSDEN, Defendant
and Appellant.

Docket No. Crim. 14119.

Supreme Court of California.

In Bank.

February 16, 1970.

Appeal from Superior Court of Monterey County, Gordon Campbell, Judge.
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[EDITORS' NOTE: THIS PAGE CONTAINED HEADNOTES AND HEADNOTES
ARE NOT AN OFFICIAL PRODUCT OF THE COURT, THEREFORE THEY ARE
NOT DISPLAYED.]

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COUNSEL

Stephen H. Silver, under appointment by the Supreme Court, and
Long & Levit for Defendant and Appellant.

Thomas C. Lynch, Attorney General, Jerome C. Utz and Joyce P.
Nedde, Deputy Attorneys General, for Plaintiff and Respondent.

OPINION

MOSK, J.

On August 22, 1968, the District Attorney of Monterey County
filed an information charging defendant and Laura Catheryn Repine
with five counts of forgery, a violation of section 476 Penal of the
Penal Code. It was asserted that defendant and Miss Repine
fraudulently cashed \$100 money orders at five different motels in
Monterey County on August 3 and 4. The money orders had been
stolen from a grocery store and were cashed by means of
fictitious identification. Defendant was arraigned on August 30,
and the court appointed Michael Antoncich as defense counsel.
Defendant pleaded not guilty, but was convicted on all five
counts after a two-day jury trial. He was sentenced to the state
penitentiary.

Defendant's only contention on this appeal is that he was
deprived of his constitutional right to the effective assistance
of counsel because the trial court denied his motion to
substitute new counsel without giving him an opportunity to state
the reasons for his request.

After the People completed the presentation of their case to
the jury, the following colloquy occurred in the judge's
chambers:

"THE DEFENDANT MARSDEN: I don't know how to go about making the
motion, Your Honor, but I don't feel that I am being competently
or adequately represented by counsel.

"THE COURT: All right. Any comment wished to be made by anyone
else on this point? All right. Well, the comment has been made
for the court so it's noted, it's on the record.

"THE DEFENDANT MARSDEN: Thank you.

"THE COURT: All right, that's all."

The next day at the instigation of the prosecutor the problem
relating to defendant and his counsel was again raised in the
judge's chambers and this colloquy ensued:

CODES AND MISC.

1. Section 776, examination of adverse party or witness, is in which code?
 - a. Evidence Code
 - b. California Rules of Court
 - c. Code of Civil Procedure
 - d. Government Code

2. In the citation 34 Cal.Rptr. 553, what does the "34" stand for?
 - a. page number
 - b. edition number
 - c. volume number
 - d. series number

3. What code tells where to file a deposition transcript?
 - a. Code of Civil Procedure
 - b. Government Code
 - c. Administrative Code
 - d. Evidence Code

4. Transcript fees which are charged by official and pro tem reporters are found in the
 - a. Business and Professions Code
 - b. Code of Civil Procedure
 - c. Evidence Code
 - d. Government Code

5. Who is the judicial officer of the Bankruptcy Court?
 - a. Superior Court judge
 - b. Municipal Court judge
 - c. Receiver
 - d. Referee

LEGAL TERMINOLOGY

1. A mutual or successive relationship is
 - a. tenure
 - b. seisin
 - c. title
 - d. privity

2. The term "quantum" means
 - a. as referred to
 - b. as much as
 - c. as stated in
 - d. as far as

3. To abrogate is to
 - a. repeal
 - b. divide
 - c. shorten
 - d. lengthen

4. Calumny is prompted by
 - a. fright.
 - b. threat
 - c. injury.
 - d. malice.

5. A contract based on a fortuitous event is
 - a. a unilateral contract.
 - b. an express contract.
 - c. an aleatory contract.
 - d. an implied contract.

4. A deposition reporter may destroy notes of a deposition not transcribed
- after 6 months.
 - after 1 year.
 - after 5 years.
 - after 8 years.
5. In a deposition, when do you go off the record?
- when stipulated by all attorneys.
 - when instructed to do so.
 - when noticing attorney say to.
 - when witness says to.

COURT

1. The fee for a second copy of a transcript on appeal in computer-readable format shall be compensated at _____ the rate set forth for a second copy.
- one-fourth
 - one-third
 - one-half
 - three-fourths
2. Official reporting notes shall be labeled with all of the following except:
- name of the reporter
 - name of the witness
 - department number of the court
 - date recorded
3. After a grand jury transcript has been delivered to the defendant or his attorney, how many days is it before the transcript is open to the public?
- 10
 - 15
 - 30
 - 45
4. Before a reporter can be paid for a grand jury transcript:
- the transcript must be written up and delivered.
 - an affidavit must be submitted to the superior court.
 - the court must order the payment.
 - all of the above.
5. If the judge decides that the plaintiff has not proved his case under the law, he may grant a motion for:
- summary judgment in favor of plaintiff.
 - directed verdict in favor of plaintiff.
 - summary judgment in favor of defendant.
 - directed verdict in favor of defendant.

MEDICAL

1. blepharoptosis refers to
 - a. surgical repair of the eyelid
 - b. suture of the eyelid
 - c. drooping of the eyelid
 - d. inflammation of the eyelid
2. What word mean "surgical repair of a vein"?
 - a. phleboplasty
 - b. venostasis
 - c. cheilotomy
 - d. phlebostasis
3. What word means "surgical fusion of a joint"?
 - a. arthrocentesis
 - b. arthrodesis
 - c. carpopptosis
 - d. otomycosis
4. Otorrhea refers to
 - a. inflammation of the ear
 - b. surgical repair of the ear
 - c. abnormal condition of fungus in ear
 - d. excessive discharge from the ear
5. What word means "weakness in a muscle"?
 - a. myasthenia
 - b. neuralgia
 - c. myringitis
 - d. myoma

DEPOSITION

1. Any objection to the qualifications of the deposition officer
 - a. must be made after the deposition is completed.
 - b. must be made in writing.
 - c. must be set out in the Notice of Deposition.
 - d. must be made as soon as the ground for the objection becomes known.
2. Any deposition testimony that is to be used as an exhibit is to be numbered
 - a. at the top of the page.
 - b. at the bottom of the page.
 - c. at the top right of the page.
 - d. at the bottom right of the page.

also - review minimum transcript format
3. A deposition transcript is filed with the court when
 - a. requested by the defendant.
 - b. the reporter certifies it.
 - c. they become relevant.
 - d. the deponent has reviewed and signed it.

TIME LIMITS: 1

To file a civil TS (60 days ⁱⁿ extensions)	30 days (O+1)
To file a Preliminary Hearing TS	10 days (O+2)
To file a criminal TS aft notice of appeal	20 days (O+2)
(80 total with no more than three extensions)	
To turn in a juvenile hearing TS	15 days
To turn in estimate of costs if a Pro Tem	10 days
To file TS from depo when citing the witness	5 days bf hrg.
For maintenance of depo notes	6 mos aft. fnl.
(recommended at least 5 years)	
To turn in estimate of costs for criminal appeal	10 days fr noit.
To file Death Penalty TS (auto appeal) no limit	Daily TS's (O+4)
Allowed for witness to sign deposition	30 days fr noit.
To turn in estimate of costs for a civil TS	10 days fr noit.
To file org. TS with Judge aft noit of appeal	
(includes 10 days for estimate of costs)	40 days
To correct a criminal appeal TS	10 days
To file a TS of a Grand Jury indictment	10 days
For Deft to be tried aft a GJ indictment	60 days
For accused to be arraigned after arrest	72 hours
For Preliminary Hrg after arraignment	10 days
To file a criminal deposition	10 days

~~What can a non-CSR take? 1/ a worker's comp case 2/ Bankruptcy Court 3/ deposit~~

When do you not file a Leave for Motion to a Cross-Complaint?
1/ criminal proceeding 2/ dissolution of marriage 3/ probate 4/ civil proceed
(no cross-complaint in a criminal proceeding)

After the opposing attorney finishes his initial exam and he wants to ask more questions, it is called: 1/ redirect 2/ recross 3/ cross 4/ rebuttal

What is not found on a caption page? 1/ names of attorneys 2/ case No. 3/ nature of damages

Where does an appeal go after the Municipal Court? SUPERIOR COURT

What is CALJIC? California Jury Instructions Criminal

What is BAJI? Bar-Approved Jury Instructions - Civil

What follows rebuttal evidence? 1/ impaneling of jury 2/ voir dire of jury
3/ polling of the jury

When held to answer for a criminal offense, the transcript from the preliminary hearing must be filed within how many days? 1/ 21 days 2/ 10 days 3/ 30 days

What is the first document filed by an appellant? NOTICE OF APPEAL

A list of California attorneys can be found in the PARKER DIRECTORY, California Edit

After completion of the deposition, the first thing the reporter does is SIGN CERTIF

Before an official court reporter works for the Supreme Court, she must TAKE THE
CONSTITUTIONAL OATH

If an injured party files a civil suit in what court would it be filed?
SUPERIOR or MUNICIPAL DEPENDING ON AMOUNT

Conversations between the judge and the court reporter are STRICTLY CONFIDENTIAL.

Proceedings in a judge's chambers are called IN CAMERA PROCEEDINGS.

Who appoints a Notary Public? THE SECRETARY OF STATE

What is Statute Law? RULES OF LAW ENACTED BY THE STATE LEGISLATURE

The CCRA (California Court Reporters Association) protects COURT REPORTERS.

When a Superior Court judge calls for the records and proceedings from an inferior court, it is called CERTIORARI.

What is the first thing a reporter does upon notice that a case has been appealed?
CIVIL: prepare estimate of cost of transcript
CRIMINAL: prepare transcript

Know the sequence of events in a trial.

~~Robert's Rules of Order~~ is a book on how to conduct a meeting -- Parliamentary Procedure

Who decides on the disposition of exhibits?

Where would you look for the definition of the word "mainframe"?
In a dictionary of computer terminology

What tax form do you file as a freelance reporter? 1099

Who do you report scopists' and transcribers' fees, salaries, and earnings to?

A ~~maritime~~ case is tried in Federal Court

QUESTIONS RELATING TO CODES:

Where do you find the "normal record" of a civil appeal from Superior Court?
California Rules of Court

48 CA1 App 2d 459. In this citation, "2d" refers to:
1/ series 2/ volume 3/ section 4/ district

What code covers the taking of depositions?
Code of Civil Procedure (CCP)

If you are related to someone in a lawsuit, what code covers it?
Code of Civil Procedure (CCP)

Violation of Section 13, B & P Code is 1/ infraction 2/ misdemeanor 3/ felony

Which code governs the time a reporter has to file a transcript in a criminal case?
Penal Code

Which code governs the number of days a reporter has to file a transcript on an appeal?
CA Rules of Court

What code governs transcript fees?
Government Code

What code governs the filing of Civil appeals?
California Rules of Court

What does "Shepardizing" mean? A/ Cross-referencing citations
B/ Going through your transcript
C/ Stacking notes on your computer

Know the purpose of WITKIN'S. (Legal reference? Case law?)

When an attorney gives the reporter a key word or words to search for in a transcript
 A/ Litigation support
B/ Transcript support
C/ Bench-marking
D/ Name-finding

What is the best way for freelance reporter to keep track of permanent information?
A/ Ledger
B/ Rolodex
 C/ Appointment book
D/ Stenoaid

What is the source of the Transcript Reimbursement Fund?
 A/ CSR license fees
B/ State Bar license fees
C/ Judicial Council
D/ City or State taxes

How do you store your notes?
By date

What must always be on the title page?
Your CSR number

How do you send a video through Air Express? How do you package it?
A/ Heat sealed
B/ Waterproofed
 C/ X-ray proofed
D/ Double-wrapped

With an interpreter, what if the witness speaks up in English?
Take it down

When administering a child the oath:
 A/ Give as you would to an adult
B/ Have parents give oath
C/ Have attorneys give oath

During divorce proceedings while Mr. Smith is being questioned, wife continues to make derogatory remarks. What should you do?
 A/ Take it down
B/ Admonish speaker
C/ Tell attorney to instruct wife not to speak
D/ Ignore it

Review
PROFESSIONAL PRACTICE, Page 5

What do you NOT need in a contract?

- A/ Mutual agreement
- B/ Subscribing witness
- C/ Legality
- D/ Consideration

In a civil action, if the Court needs a transcript who pays?

- A/ Defendant
- B/ Plaintiff
- C/ All parties
- D/ The Court

If in a deposition the deposing attorney doesn't want a copy but the opposing does, who pays?

- A/ Opposing attorney
- B/ Non-noticing attorney pays for 0+1
- C/ Noticing party pays for original only
- D/ Person who wants it

ARGONAUT COURT REPORTING

Review

LEGAL PROCEDURES AND TERMINOLOGY

- What is the opposite of "exculpate"? inculpate - INCrimINATION
- Nolo Contendere can be found where? Black's Law Dictionary
- A contract between two parties is BILATERAL
- The first paper filed in a civil action in the Superior Court is:
A/ complaint B/ summons C/ injunction D/ subpoena
- The paper containing the defendant's statement of his defense is:
A/ the answer B/ reports C/ bill of particulars
- Should the defendant allege a claim against the plaintiff, it would be known as: A/ the execution B/ the charge C/ the cross-complaint
- When the defendant's claim is denied by the plaintiff, the paper is known as: A/ the deposition B/ the motion C/ the reply D/ the li
- Conservator is one who ACTS AS A GUARDIAN FOR A PERSON
- A list of cases ready to be tried is the CALENDAR
- When referring to the "venue" in an action, one means THE PLACE OF TRIAL
- Judgment n.o.v. is a judgment NOTWITHSTANDING THE VERDICT
- To obtain more complete details of the plaintiff's claim, the defendant must obtain a BILL OF PARTICULARS.
- For the cessation of harmful acts, one applies for INJUNCTION.
- The term applied to a person appointed to represent an infant in an action in Superior Court is the GUARDIAN AD LITEM.
- A group of jurymen selected to serve during a term of court is known as a PANEL.
- In a trial by jury, questions OF FACT are decided by THE JURY.
- In a trial by jury, questions OF LAW are decided by THE JUDGE.
- SUBPOENA DUCES TECUM - When a party is told to bring books & records with him/her to court or a deposition.
- STATUTE LAW - Laws enacted by State Legislature
- When a person dies without a will, he/she is said to die INTESTATE.
- THEFT is to LARCENY like ASPORT IS TO KIDNAPPING.
- Law relating to common practice and usage would be COMMON LAW.
- The words "administratrix," "testatrix," "executrix," and "prosecutrix" are all feminine.
- MECHANIC'S LIEN refers to work performed on property.
- DUE PROCESS - The legal rights to protect an individual.

Review
Legal Procedures & Terminology, Page 3

ANTENUPTIAL	Contract before marriage
ATTACHMENT	Garnishment; attach property, income, etc.
CHATTEL	Personal property
DICTA	Opinion of the Court in summary.
DUE PROCESS	Legal rights to protect an individual
ESCHEAT	Property goes to the government; dying without heirs
FELONY	Crime punishable by death or prison
HEADNOTE.	Synopsis at beginning of the record stating summary of opinion
LACHES	Neglect to assert right of claim
MISDEMEANOR	Crime punishable by fine or imprisonment OTHER THAN PEN:
PAROL EVIDENCE RULE	Agreement in writing/can't be changed by a verbal agreeer
REPLEVIN	Recover goods unlawfully taken
LITIGANT	A party to an action
LEX LOCI	Law of the place
IPSO FACTO	By the fact itself
PEREMPTORY CHALLENGE	A challenge to a proposed juror
DOCKET	To abstract and enter in a book
BINDING OVER	Requiring a person to appear for trial
PENDENTE LITE	Pending suit
HOLOGRAPHIC WILL-	A will in the handwriting of the deceased
IN PARI DELICTO	In equal fault
SINE DIE	Without assigning a further hearing
INCORPOREAL	Not of material nature
ESTOPPEL	A bar which precludes a man from denying a certain fact
ANCILLARY	Auxiliary
IN HAEC VERBA	In these words
ET UX	And his wife
VENUE	Geographical jurisdiction
QUASI	Analogous to (relating to)
FAIT ACCOMPLI	A thing already done
PRIVITY	Successive relationship to the same rights of prop
RES GESTAE	Essential circumstances surrounding the subject
NUNC PRO TUNC	Now and for then

Review
Legal Procedures & Terminology, Page 4

AB INITIO	from the beginning
ACCRETION	land area acquired as a result of moving water
AMICUS CURIAE	a friend of the court
ANSWER	response by defendant to allegations made in complaint
AT BAR	before the Court
APPURTENANCES	attachments to land becoming part of the land itself
* ANTE LITEM MOTAM	supersede findings and conclusions of law
— BEQUEATH	a way of leaving <u>personal</u> property
CONSORTIUM	a joint partnership of financial institutions, capitalist, etc.
* COVENANT	name of a common-law form of action
DECEDENT	a deceased person
DEMURRER	a pleading attacking the legal sufficiency of a pleading on the other side
— DEVISE	a way of leaving ^{real} personal property
EASEMENT	the right which one person has to use the land another
* ESTOPPEL	a preclusion which prevents a man from denying a certain fact
EX PARTE	party not present
FAIT ACCOMPLI	fate accomplished
IN ESTREMIS	in the last illness
* IN HAEC VERBA	in the same words
IN PARI DELICTO	in equal fault
IN LIMINE	before the trial commences
INTER ALIA	among other things
IN TOTO	all together
* IPSO FACTO	by the fact itself
* LEX LOCI	law of the place
— LIQUIDATED DAMAGES	damages agreed upon before time
LIS PENDENS	a pending suit
MC NAUGHTEN RULE	use of insanity as a criminal defense
MENS REA	guilty mind
NON SEQUITUR	without sequence
NON SUI JURIS	not of your own legal right

Review
Legal Procedures & Terminology, Page 5

NON PRO TUNC	now for then
PRO SE	pro per; in his own behalf
PRIMA FACIE	at first view; on the surface
QUASI	analogous to
QUID PRO QUO	consideration in a contract
RECUSE	reject or challenge
RELICTION	loss of land by moving water
REMITTITUR	jury verdict too high; court reduces verdict
RIPARIAN	belonging or relating to the bank of a river
RES IPSA LOQUITUR	the thing speaks for itself
RES GESTAE	essential circumstances surrounding a crime; things done
SEVERALTY	sole ownership
SERIATIM	in succession; one after another
SINE QUA NON	without which the thing cannot be
STIPULATION	agreement between the parties to an action
SUBPOENA DUCES TECUM	document that requires a witness to bring forth certain papers
USUFRUCTUARY	water right consisting only of the right to use
VI ET ARMIS	trespass with force and arms
CORAM NOBIS	writ of error in our presence

NE... DEVE

Argonaut Court Reporting

Professional Practice & Ethics
 Quiz: Citations

NAME _____

1. Appellate courts report their decisions in the public press. These published decisions form the body of law called
 - a. statute law
 - b. case law
 - c. constitutional law
 - d. appellate law
2. Appellate decisions are first published in
 - a. headnotes
 - b. Points and Authorities
 - c. Advance Sheets
 - d. Book of Citations
3. A good source for prescription drugs would be
 - a. GRAY'S ANATOMY
 - b. any good unabridged dictionary
 - c. THE DICTIONARY OF SCIENTIFIC TERMS
 - d. PHYSICIANS' DESK REFERENCE
4. Where can one find the zip code of Columbus, Ohio?
 - a. ENCYCLOPEDIA BRITANNICA
 - b. THE UNITED STATES DIRECTORY OF POST OFFICES
 - c. THOMAS' REGISTER
 - d. PARKER'S DIRECTORY
5. Where would you find the location of a county in Wisconsin?
 - a. RAND McNALLEY ROAD ATLAS
 - b. THE HOTEL RED BOOK
 - c. THOMAS' REGISTER
 - d. MARTINDALE-HUBBELL
6. Where can you find the birthdate of Franklin D. Roosevelt?
 - a. THE RED BOOK
 - b. ROGET'S
 - c. WHO'S WHO IN AMERICA
 - d. THE CONGRESSIONAL DIRECTORY
7. Where is a list of court reporters for the state of California?
 - a. WHO'S WHO IN CALIFORNIA
 - b. PARKER'S DIRECTORY
 - c. MARTINDALE-HUBBELL
 - d. WHO'S WHO IN COURT REPORTING
8. Where would you find information on how to conduct a business meeting?
 - a. ROBERT'S RULES OF ORDER
 - b. GREEK MYTHOLOGY FOR EVERYONE
 - c. THE KELLEY BLUE BOOK
 - d. POINTS AND AUTHORITIES
9. To "Shepardize" a case means most nearly to
 - a. reverse a citation
 - b. research a citation
 - c. look up synonyms
 - d. look up slang words
10. List at least three items you would find in a good unabridged dictionary.
11. In People v. Doe, 42 Cal.2d 246, 259 et seq., what does "et seq." mean?
 and following
12. In People v. Doe, supra, what does the term "supra" mean?
 as stated above

13. In the following citation, what do the individual items mean:
32 Atl.2d 586

32 = Volume

Atl. = reporter

2d = series

586 = page #

14. What is the purpose for using the term "In re" ?

Regarding .

15. What does the abbreviation "Cal.App." stand for?

California Appellate Reporter

Circle T for "true" and F for "false" for the following statements.

16. T F In People v. Starr, "People" is the plaintiff in the case.

17. T F In PACIFIC REPORTER, one would find citations of cases decided in Utah.

18. T F California appellate court decisions may be found in both PACIFIC REPORTER and CALIFORNIA REPORTER.

19. T F You are unable to take down the name of a case and the citation both; try to at least get the number of the citation.

20. T F Regarding statutes and rules, they are always written with a dash: Rule 1+A.

PROFESSIONAL PRACTICE & ETHICS EXAM
CODES & REGULATIONS

NAME _____

Please indicate where the rulings on the following areas covering court reporting practices and procedures can be found.

- A. Rules of Court
 - B. Code of Civil Procedure
 - C. Business & Professions Code
 - D. Evidence Code
 - E. Government Code
 - F. Penal Code
 - G. Code of Regulations
1. A content of record on appeal
 2. E ruling on retention of notes of court trials
 3. B the "CSR" law
 4. B rules governing discovery
 5. C requirement to notify Board of address change
 6. C purpose of CSR Board
 7. D statute governing examination of adverse witnesses
 8. F definition of crimes as felony or misdemeanor
 9. G use of CSR license number
 10. B order of proceedings in a civil trial
 11. B laws governing depositions
 12. D scope of direct examination
 13. B payment for original copy of deposition
 14. A extension time for preparation of appeal transcript in a criminal matter
 15. B certification of the question
 16. C regulations on court reporting schools
 17. B jurisdiction of municipal courts
 18. A payment fee for transcript of appeals
 19. F production of transcript for preliminary hearings
 20. E retention of notes of official reporters
 21. G administrative rules written by the CSR Board
22. If a complaint of unlawful activity is brought against a licenseholder, the CSR Board
- A. must institute disciplinary action.
 - B. must investigate to determine whether action is necessary.
 - C. turns the matter over to the D.A. without taking any action.
 - D. has no authority to act.
23. Name four ways a person may qualify to take the CSR exam.
24. When must a court reporter renew his/her license?
25. Of whom is the CSR Board comprised? (In your answer, include how many members on the Board and how they are appointed.)

5 members
3 public members
2 CSRS
2 Governor
1 public

PROFESSIONAL PRACTICES
TEST QUESTIONS
(SAN DIEGO CITY COLLEGE)

⚠ CCP code #s
changed in 2006;
although much of the
code remained the same

1. If an attorney says, "Pass for cause," which part of a trial is transpiring?
 - a. opening statements
 - b. voir dire of the venire
 - c. cross-examination of defense witness
 - d. closing arguments

2. Preliminary examinations (for felonies) are heard in the
 - a. chancery court
 - b. grand jury court
 - c. municipal court
 - d. superior court

3. Which of the following is untrue about the superior court?
 - a. Defendants bound over from the appellate court are rearraigned here.
 - b. There are 58 superior courts in the state of California.
 - c. It is a court of general (or original) jurisdiction.
 - d. It has jurisdiction to try matters of equity.

4. Which of the following is untrue about grand jury proceedings?
 - a. There is the conspicuous absence of a defense attorney.
 - b. The grand jury must hand down an indictment.
 - c. The transcript is closed to the public until 10 days after delivery to the defendant.
 - d. The reporter is cautioned (per the Penal Code) not to talk about the proceedings.

5. Which of the following is untrue about a petit jury?
 - a. Its purpose is to determine the rules of law that apply to the case.
 - b. In civil matters three-fourths of the jury must be in agreement for a verdict for the plaintiff.
 - c. A petit juror must have resided in the county 30 days immediately previous to being called.
 - d. If unanimity is not reached in a criminal trial, a hung jury results.

6. If someone wanted information on whether symptoms were indicative of a certain psychiatric disorder, what would be a good source?
 - a. Merck Manual
 - b. PDR
 - c. a book by Freud
 - d. DSM-IV

7. The metatarsal bones are located in the
 - a. hand
 - b. leg
 - c. foot
 - d. skull

8. Listening for sounds within the body is called
 - a. osculation
 - b. oscillation
 - c. auscultation
 - d. percussion

9. Which of the following does not belong?
- a. fallopian tubes c. epididymis
 b. Graafian follicle d. chorion
- Any of the small, round, fluid-filled sacs in the ovary of higher mammals.* *The outermost of the two membranes that completely envelop the fetus.*
10. Which word is correctly spelled?
- a. dialation c. diaphram
 b. splenomegaly d. larnyx
11. Returning to criminal behavior is
- a. recrimination c. rehabilitation
 b. recidivism d. restitution
12. Which of the following does not belong?
- a. sui generis c. sua sponte
 b. pro se d. in propria persona
13. The Latin term res judicata means
- a. the ting speaks for itself c. already judicially decided
 b. previously erroneously stated d. the gist of things
14. Procuring another person to commit perjury is
- a. subrogation c. subornation
 b. supererogation d. subordination
15. The Statute of Frauds provides that
- a. all transfers of joint-tenancy property be court approved
 b. all land measurements be recorded in the county recorder's office
 c. no property be granted to a child under the age of 14
 d. all conveyance of real property be in writing
16. In which code would you look to find what must be contained in a deposition notice?
- a. CCP c. Penal Code
 b. B & P d. Evidence Code
17. Where do you find the procedures for filing transcripts in criminal appeals?
- a. Rule 4 of the California Rules of Court
 b. Rule 33 of the California Rules of Court
 c. Penal Code 1538.5
 d. Evidence Code 352
18. What does it usually mean in a deposition if an attorney states that the reporter is relieved of her duties under the code?
- a. she need not transcribe the deposition
 b. she need not worry about whether she got it all down since the attorneys spoke too fast
 c. she need not worry about contacting all parties about corrections to the transcript since the noticing attorney will be taking custody of it
 d. she need not submit an ASCII disk

19. Which of the following is not considered part of the normal record?
a. closing arguments
b. rebuttal
c. objections
d. Examination under 776
20. When should the reporter stop writing at a deposition?
a. never, she should always write everything
b. when the noticing attorney requests it
c. when the deponent requests it
d. when all parties stipulate
21. Whose approval must the court reporter get if she wants a time extension for the preparation of a criminal transcript for an appeal?
a. the superior court
b. the California Supreme Court
c. presiding judge of reviewing court
d. presiding judge of trial court
22. If an attorney does not object to any errors or irregularities at the deposition,
a. she may make objections at the time of trial.
b. such objections are waived.
c. the deponent can object later to a judge.
d. she can complain to the opposing attorney within 10 days after the deposition.
23. A subpoena duces tecum came with the deposition notice. The noticing attorney is very upset with the deponent. What is the probable reason?
a. The deponent won't answer the questions.
b. The deponent did not bring the appropriate documents.
c. The deponent cannot appear at trial.
d. The deponent can't remember important dates.
24. A defense attorney (the noticing attorney) is asking his questions at a deposition. He becomes irate at another defense attorney (representing another party) when she begins asking many questions. What is the probable reason?
a. The noticing attorney is losing his train of thought.
b. The other attorney has no right to ask her questions since she is not the noticing attorney.
c. The two attorneys have not agreed to split the deposition.
d. Once she begins to ask her questions, the noticing attorney does not have the right to continue asking questions.
25. You are a competent CSR who writes with self-confidence; however, you feel that the attorneys at the present deposition are speaking in speeds beyond 225 wpm. What should you do?
a. Just get what you can. After all, you are certified only at 200 wpm.
b. Ask for a recess so that you may call your firm and obtain advice.
c. As soon as possible, find a way to let them know tactfully how important it is for you to get all the testimony.
d. Smile and do the best you can because your boss told you that these attorneys do not like to be interrupted.

CSR MOCK Practice & Procedures Test

COURT PROCEDURES:

1. Small claims court has jurisdiction over the recovery of money if the amount does not exceed: {116.220}
 - A. \$ 1,000
 - B. \$ 2,500
 - C. \$ 5,000
 - D. \$10,000

2. The plaintiff in a small claims action may appeal: (116.710)
 - A. to Superior Court
 - B. to Appellate Court
 - C. has no right to appeal
 - D. to Municipal Court

3. Official reporter of a superior court must file transcripts with: (269(A))
 - A. the judge
 - B. the jury
 - C. the clerk
 - D. none of the above

4. Once jury has been sworn, unless the court otherwise directs, the trial must proceed beginning with: (607)
 - A. the plaintiff states the issue and case
 - B. the defendant states the issue and case
 - C. the plaintiff presents evidence
 - D. the court charges the jury

5. Unlawful detainer actions are heard in: (86(a4))
 - A. Appellate Court
 - B. Justice Court
 - C. Superior Court
 - D. Municipal Court

REPORTER IN DEPOS

6. A "special request" would be:
 - A. handled informally by the reporter and the attorney
 - B. handled by the reporter only
 - C. handled by the attorney only
 - D. always placed on the record

7. A duty of the reporter in a deposition would be:
 - A. marking exhibits
 - B. notice the deposition
 - C. swear in the parties to the deposition
 - D. set up video equipment

8. The party responsible for bearing the cost of the transcription of a deposition is: (2025.510 (b))
- A. the Court
 - B. the deponent
 - C. the noticing attorney
 - D. the reporter
9. When reporting with an interpreter:
- A. you must report all of what the witness and the interpreter says
 - B. you can paraphrase the interpreter's words
 - C. you swear in the interpreter
 - D. the interpreter does not need to be sworn
10. After deposition is made available, the parties have: (2025.520 (b))
- A. 10 days to make changes
 - B. 30 days to make changes
 - C. 60 days to make changes
 - D. unlimited time up until time of trial.

ETHICS

11. Appointment as a member of the Board shall be for a term of: (8001)
- A. one year
 - B. two years
 - C. three years
 - D. four years
12. A public member is appointed to the Board by: (8001)
- A. The Governor, the Senate Rules Committee, and the Speaker of the Assembly
 - B. The Governor, the Chief Justice, the Senate Rules Committee
 - C. The Chief Justice, the Governor, the Executive Officer
 - D. The Governor, the Executive Officer, and Speaker of the Assembly
13. A shorthand reporting corporation must register with: (8040)
- A. The Department of Consumer Affairs
 - B. The office of the Governor
 - C. The CR Board
 - D. The local Better Business Bureau

14. The Appellate Department of the Superior Court:
- A. operates in counties with a population of more than 500,000
 - B. has at least three judges
 - C. needs to have at least one judge from a neighboring county
 - D. has at least five judges
15. The boards, bureaus and commissions: (101.6)
- A. establish levels of competency
 - B. conduct investigations on unprofessional conduct
 - C. conduct periodic checks on licensees to ensure compliance
 - D. All of the above

TERMS

16. To abjure is to
- A. retract
 - B. accept
 - C. entreat
 - D. judge
17. The term "circa" means
- A. below
 - B. about
 - C. above
 - D. circular
18. An accumulation of land by natural causes, as of the sea or a river is:
- A. acclamation
 - B. accumulation
 - C. ad natural
 - D. accretion
19. An objection made to a juror based on a specified reason is a:
- A. challenge to the array
 - B. preemptory challenge
 - C. challenge for a wrong
 - D. challenge for cause
20. An unreasonable delay on the part of a plaintiff in asserting a right that causes a disadvantage to another and for which the court will not grant relief is referred to as:
- A. chancery
 - B. advisory
 - C. laches
 - D. maxims of equity

21. A body of jurors impaneled to hear a case in which the parties have no right to a jury trial (the parties may accept or reject the verdict) is a:
- A. council of judges
 - B. advisory jury
 - C. actum council
 - D. advisory council
22. Corpus juris
- A. a book containing several collections of law
 - B. the body of the crime
 - C. persons in a lawsuit
 - D. the main body or principle
23. A writ requiring someone holding a person to bring that person into court to determine if he or she is being held justly or legally is a writ of
- A. extradition
 - B. arraignment
 - C. habeas corpus
 - D. warrant
24. A dismissal that does not prevent the plaintiff from suing again on the same cause of action is a
- A. restraining order
 - B. dismissal with prejudice
 - C. dismissal with^{out} prejudice
 - D. decree nisi
25. A bill that provides that all persons who are interested in the same action will be joined together in a single lawsuit so as to prevent multiple suits for the same cause is a
- A. bill of interpleader
 - B. bill quia timet
 - C. bill of particulars
 - D. preventive jurisdiction

SAMPLE CERTIFICATE OF PROFICIENCY WRITTEN KNOWLEDGE TEST

1. A pleading titled "Smith vs. Jones, et al." indicates
 - (a) two plaintiffs
 - (b) two defendants
 - (c) more than two defendants
 - (d) unknown defendants
2. When referring to the venue in an action, one means
 - (a) the place of trial
 - (b) opening proclamation
 - (c) the scene of the crime
 - (d) residence of the witness
3. To bring a witness into court with his books and papers, he must be served with a (an)
 - (a) injunction
 - (b) subpoena duces tecum
 - (c) affidavit
 - (d) summons
4. The statement made by the judge to the jury is known as the
 - (a) accusation
 - (b) warrant
 - (c) order
 - (d) charge
5. The result of the jury's agreement is known as the
 - (a) verdict
 - (b) judgment
 - (c) plea
 - (d) opinion
6. In a trial by jury, questions of fact are decided by the
 - (a) clerk
 - (b) jury
 - (c) judge
 - (d) two opposing attorneys
7. In a trial by jury, questions of law are decided by the
 - (a) judge
 - (b) clerk
 - (c) court attendant
 - (d) jury
8. When the doors of a court are closed and only the persons involved in a case are admitted, the proceeding is called
 - (a) ex parte
 - (b) in camera
 - (c) coram nobis
 - (d) extra judicial
9. Which of the following cardiovascular conditions is characterized by an abnormally rapid heartbeat?
 - (a) arrhythmia
 - (b) palpitation
 - (c) tachycardia
 - (d) bradycardia
10. When looking up the spelling and meaning of the word "valium," which of the following sources would be the most likely to aid you?
 - (a) technical dictionary
 - (b) chemical dictionary
 - (c) drug reference book
 - (d) legal dictionary
11. The tibia is a bone located in the:
 - (a) chest
 - (b) back
 - (c) leg
 - (d) arm

12. A method of pretrial discovery which consists of a statement of a witness under oath, taken in question-and-answer form as it would be in court, with opportunity given to the adversary to be present and also examine, with all this reported and transcribed stenographically, is called
- (a) an acknowledgment (b) an affidavit
(c) a jurat (d) a deposition
13. The first ten Amendments to the United States Constitution are called the
- (a) Bill of Attainder (b) Bill of Review
(c) Bill of Rights (d) Bill of Discovery
14. The phrase "voir dire" means
- (a) preliminary examination (b) expert testimony
(c) openings of counsel (d) charge to the jury
15. A person is said to die "intestate" when he dies
- (a) without a will (b) indigent
(c) without heirs (d) insolvent
16. The word "quash" means
- (a) admit (b) consider
(c) overrule (d) set aside
17. The word "germane" means
- (a) incompetent (b) immaterial
(c) pertinent (d) compatible
18. A sibling is a
- (a) niece (b) nephew
(c) small child (d) brother or sister
19. The two foreign correspondence returned with a compliment of five assistance.
- (a) correct as is
(b) correspondents ... compliment ... assistants
(c) correspondence ... complement ... assistance
(d) correspondents ... complement ... assistants
20. He said, "proceed, sir," but I said, "no, you go ahead."
- (a) correct as is
(b) He said, "proceed, sir", but I said, "no, you go ahead".
(c) He said, "Proceed, sir," but I said, "No, you go ahead."
(d) He said proceed, sir, but I said no, you go ahead.

21. The bridegroom walked down the aisle with an awkward gait, reflecting not only his recent accident but also his reluctant assent to play such a role.
- (a) correct as is.
 - (b) isle ... gait ... ascent ... roll
 - (c) aisle ... gait ... assent ... role
 - (e) isle ... gate ... assent ... role
22. Which word is misspelled?
- (a) locale
 - (b) proceedure
 - (c) prerogative
 - (d) inheritance
23. Which word is misspelled?
- (a) mathematics
 - (b) advantageous
 - (c) boney
 - (d) bureaucrat
24. Which word is misspelled?
- (a) predecessor
 - (b) accommodate
 - (c) affluent
 - (d) perport
25. Which word or expression most nearly expresses the meaning of the word "probative"?
- (a) temporary
 - (b) organized
 - (c) agreeable
 - (d) substantiating
26. Which word or expression most nearly expresses the meaning of the word "absolve"?
- (a) acquit
 - (b) soften
 - (c) answer
 - (d) assign
27. Which word or expression most nearly expresses the meaning of the word "remand"?
- (a) send back
 - (b) retort
 - (c) demonstrate
 - (d) deny
28. The suffixes "algia" and "dynia" pertain to
- (a) movement
 - (b) inflammation
 - (c) nerve
 - (d) pain
29. The suffix "ectomy" means
- (a) cutting into
 - (b) removal
 - (c) creating an opening into
 - (d) inflammation

30. The question was whether it was theres or our's.
- (a) correct as is
(c) there's or our's
- (b) theirs or ours
(d) their's or ours
31. It was at the 12 jurors' request that the mother-in-law's testimon was read.
- (a) correct as is
(c) jurors' ... laws'
- (b) juror's ... laws'
(d) juror's ... law's
32. Which word is misspelled?
- (a) defendant
(c) acknowledgmet
- (b) descend
(d) consistent
33. Which word is misspelled?
- (a) annoyance
(c) stanchion
- (b) seperately
(d) critique
34. Which word or expression most nearly expresses the meaning of the word "preponderance"?
- ~~(a) unwavering belief~~
(c) lightness of approach
- (b) superior weight
(d) thoughtfulness
35. In the citation 188 F. Supd 683, the number 188 refers to
- (a) volume
(c) page
- (b) chapter
(d) shelf
36. The argument made by counsel to the jury at the conclusion of a case is called the
- (a) opening
(c) summation
- (b) charge
(d) interlocutory statement
37. Pediatrics is the branch of medical science that treats
- (a) men
(c) children
- (b) women
(d) adults
38. The patella pertains to the
- (a) foot
(c) sacrum
- (b) knee
(d) rib
39. That which has the character of pus is
- (a) epiphyseal
(c) anesthetic
- (b) purulent
(d) aseptic
40. Angina pectoris is marked by pain in connection with disease of th
- (a) liver
(c) lung
- (b) bladder
(d) heart

41. I will site three precedence.

- (a) correct as is
- (b) sight ... precedence
- (c) cite ... precedents
- (d) site ... precedents

42. If you want to except to my ruling, say so, counselor, because it will not effect the outcome.

- (a) correct as is
- (b) accept ... effect
- (c) except ... affect
- (d) accept ... affect

43. Having borne the burden, he could not bare to see it lifted.

- (a) correct as is
- (b) born ... bare
- (c) borne ... bear
- (d) born ... bear

44. I don't want to do it, in addition, it will not help matters.

- (a) correct as is
- (b) it;
- (c) it:
- (d) it --

45. Which word is misspelled?

- (a) grammatical
- (b) unconscionable
- (c) occured
- (d) penitentiary

46. The word verbose most nearly means

- (a) quiet
- (b) talkative
- (c) unpopular
- (d) none of the above

47. A trauma is a (an)

- (a) bone
- (b) nerve
- (c) muscle
- (d) injury

48. Vertigo is

- (a) a pinpoint hemorrhage
- (b) dizziness
- (c) a traumatic tear
- (d) the tip of the elbow

50. Et ux. means

- (a) and husband
- (b) and others
- (c) and wife
- (d) and children

51. A witness, who for religious or personal reasons does not wish to be sworn as a witness, may instead

- (a) agree that his testimony will be truthful
- (b) affirm that his testimony will be truthful
- (c) stipulate that his testimony will be truthful
- (d) contend that his testimony will be truthful

52. The word ubiquity means

- (a) omnipresence
- (b) nowhere
- (c) itinerant
- (d) on occasion

53. The legal phrase "statute of limitations" refers to the

- (a) time within which to perform a contractual obligation
- (b) restriction on the length of jury duty
- (c) specified time period within which a suit must be filed
- (d) restriction on the length of a sentence

54. The word nihilism means

- (a) subsistence
- (b) existence is useless
- (c) vegetation
- (d) baseless

55. The word quash means

- (a) admit
- (b) consider
- (c) overrule
- (d) set aside

56. Which of the following is the best definition of the term "peremptory challenge"?

- (a) challenge for cause
- (b) challenge without a reason
- (c) challenge to opposing counsel
- (d) challenge to the array

57. The term "habeas corpus" refers to

- (a) a corpse that the Court wants to see before a defendant is found guilty
- (b) the burden of proof
- (c) a writ that can be issued only by the Supreme Court of the United States
- (d) a writ commanding one who detains another to bring him before the Court issuing the writ

58. Martindale Hubbell is a reference book containing

- (a) case citations
- (b) names and addresses of lawyers
- (c) medical definitions
- (d) legal maxims

59. Which bone in the skeleton is unable to regenerate if a part of it is removed?

- (a) skull
- (b) femur
- (c) ulna
- (d) atlas

60. Which of the following bones form the forehead and help form orbital cavities?

- (a) frontal
- (b) occipital
- (c) temporal
- (d) parietal

61. The highest Court in the United States is

- (a) United States Supreme Court
- (b) United States Magistrate Court
- (c) United States District Court
- (d) United States Court of appeals

62. Muscles surrounding the eye are described as

- (a) orbicularis
- (b) externus
- (c) transversus
- (d) gracilis

63. The word tautology means

- (a) self-taught
- (b) conciseness
- (c) needless repetition of an idea or word
- (d) perpetuity

64. The word Cassandra refers to

- (a) a two-faced, deceitful, or unfaithful person
- (b) one who constantly predicts disaster, but is ignored
- (c) a person greatly desirous of sexual pleasures
- (d) a person possessing excessive love of self, especially of one's own appearance

65. A fiduciary is a

- (a) relative
- (b) priest
- (c) trustee
- (d) fortune-teller

66. A surrogate is

- (a) an inferior substitute
- (b) an electrical circuit
- (c) a distant relative
- (d) a type of scientific maze

67. The circular mass within the uterus that establishes communication between the mother and child by way of the umbilical cord is the

- (a) chorion
- (b) amnion
- (c) placenta
- (d) corpus luteum

68. A jury in a civil action is ordinarily the judge of the

- (a) law only
- (b) facts only
- (c) law and facts
- (d) admissibility of evidence

69. Perjury involves

- (a) doing good for others
- (b) a careful avoidance of mistakes
- (c) dressing in style
- (d) lying under oath

70. It is never part of the official duties of a court reporter to

- (a) read back to the jury
- (b) mark exhibits
- (c) interrupt a witness
- (d) enter judgment

71. Which of the following words is incorrectly spelled?

- (a) conglomerate
- (b) corobborate
- (c) supersede
- (d) moribund

72. The rudiments or most basic principles of law are known as

- (a) statutes
- (b) hornbook law
- (c) ordinances
- (d) common law

73. The word "gainsay" means

- (a) dispute
- (b) profit
- (c) maintain
- (d) jeopardize

74. Damages, the amount of which has been determined by an agreement between the parties, are called

- (a) treble
- (b) liquidated
- (c) punitive
- (d) ad damnum

75. A congenital condition

- (a) is never serious
- (b) exists from birth
- (c) is almost always fatal
- (d) is always inherited

76. Bail is set chiefly to

- (a) permit the accused freedom of movement pending the actual hearing of the case
- (b) increase the revenue of the court
- (c) encourage rehabilitation of criminals pending trial
- (d) give the prosecuting attorney time to prepare a case against the accused

77. Arraignment is best defined as

- (a) the placing of the accused in custody
- (b) the opportunity of giving bail
- (c) the calling of the accused before the Court to answer a charge

78. When one or more facts are communicated to the Court and jury by a witness who has actual knowledge of such facts by means of his senses, such evidence would be best described as

- (a) circumstantial
- (b) hearsay
- (c) direct
- (d) cumulative

79. A polygraph is a

- (a) camera
- (b) lie-detector device
- (c) burglar-alarm device
- (d) tape recorder

80. The word "qualm" means

- (a) misgiving
- (b) expectation
- (c) solitude
- (d) rectitude

81. The word "acrimonious" means

- (a) significant
- (b) bitter
- (c) agreeable
- (d) noteworthy

82. The term "sui juris" denotes

- (a) the breaking of an oath
- (b) a person having full social and legal rights
- (c) wrongdoing of a legal act
- (d) true identity disguised

83. The word "abjure" means

- (a) to insist a fact is true
- (b) to renounce under oath, as rights or opinions
- (c) to make less narrow
- (d) to deliberately give false information under oath

84. The power of the state to take private property for public use is called

- (a) eminent domain
- (b) rescission
- (c) conversion
- (d) ultra vires

85. When counsel in a trial takes exception to a court ruling, it means that

- (a) he formally objects to the court's ruling
- (b) an adjournment is required before additional evidence is introduced
- (c) he withdraws his original objection
- (d) he wishes to give reasons for his original objection

86. The action of a court in permitting a person convicted of a crime his freedom under supervision without sending him to prison is called

- (a) parole
- (b) commutation
- (c) pardon
- (d) probation

87. Sentences imposed by a court on a defendant convicted of several crimes, but with the provision that the sentences shall be served at the same time, are denominated

- (a) consecutive
- (b) cumulative
- (c) concurrent
- (d) intermittent

88. The surrender by one state to another of a fugitive from justice is called

- (a) extradition
- (b) remittitur
- (c) cloture
- (d) mala fides

89. The speaking of false and malicious words concerning another whereby injury results to his reputation is called

- (a) mayhem
- (b) battery
- (c) recusation
- (d) slander

90. A word which means sugar in the blood is
(a) suchrosis
(c) polyglyco
(b) glycohemia
(d) hemiplegia
91. The collarbone is the
(a) sternum
(c) clavicle
(b) scapula
(d) manubrium
92. The term meaning a matter already definitely settled by judicial decision is
(a) ipso jure
(b) ~~ipso~~ jus in rem
(b) res judicata
(d) res ipsa loquitur
93. A riparian owner possesses land
(a) in fee simple
(c) adjoining a natural watercourse
(b) under a warranty deed
(d) by quitclaim deed
94. The word ubiquity means
(a) omnipresence
(c) itinerant
(b) nowhere
(d) on occasion
95. Which of the following words is misspelled?
(a) retinue
(c) indigenious
(b) defendent
(d) precursor
96. To countermand is to
(a) offer support
(c) revoke with authority
(b) argue against
(d) compose
97. Those who suffer from logorrhea
(a) eat too much
(c) have to take drugs
(b) hate foreigners
(d) talk too much
98. Specious arguments are
(a) logical
(c) stilted
(b) redundant
(d) false
99. The combining form arthro means
(a) artery
(c) straight
(b) joint
(d) curving
100. An evocative statement seems to require
(a) courage
(c) common sense
(b) positive proof
(d) response

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Code of Professional Conduct for Freelance Reporters

California Court Reporters Association

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1. Turn in all work within specified period of time designated by firm or requested by client. Or earlier. Take responsibility when you miss a deadline for notifying the client and the reporting firm and giving them a new date. Then meet the new date, no exceptions.

2. Be at least 15 minutes early to all assignments; 30 minutes if it's an interactive realtime job. If a breakdown occurs and you won't be there on time, stop and call the client directly and let them know when you will be there. Then notify the firm.

3. Dress appropriately for all assignments. You are not only representing yourself and the reporting firm you're working with, but the court reporting profession as well.

4. Treat all the attorneys in the case as if he/she were your own client. Avoid being too friendly even if you are good friends.

5. Always have everything you need for an assignment (charged machine, paper, cables, laptop, cards, exhibit stickers, disks, power cords, etc.) Be prepared for a long day.

6. Proofread every transcript from a paper copy thoroughly before turning in. Check final after making corrections to ensure corrections were accurately made.

7. Call in at time agreed upon with firm daily for assignments with pen and paper. Carry a Thomas Brothers map book in your car and a cell phone in case of an emergency. Allow for that change of address that has not been communicated to the firm. If traveling to an unfamiliar area, ask firm for phone number of location of proceeding and call in advance to get directions.

8. Turn in complete work to the office - exhibits, worksheet (completely and clearly filled out), disk, etc. When emailing transcripts ensure file is complete before sending and arrange to have exhibits in the office so transcript can go out in a timely fashion. Don't wait till last minute to turn in an expedite and assume the office will have plenty of time to get it out.

9. Inform the firm of vacation and request for days off as soon as practically possible; avoid last-minute calls for time off. Be flexible in situations where the case is continuing and you're the natural choice to report it. If there is no way you can go back on a continuing witness/case, provide as much information as possible to the reporter assigned to the job. This may include job dictionaries, caption, exhibits.

10. Be familiar with all the services your agency provides so you can discuss the services and how it might benefit one or more of the parties in a case.

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STATUTE CODE AND REVIEW (1)

- | | |
|---------------------------------------|----------------------------|
| A. Code of Regulations | F. Government Code |
| B. Business & Professions Code | G. Penal Code |
| C. California Code of Civil Procedure | H. U.S. Constitution |
| D. Rules of Court | I. California Constitution |
| E. Evidence Code | |

Using appropriate letters from above, indicate where proper information can be found.

1. D rules on transcript on appeal
2. C structure of California court system
3. C rules on oral depositions
4. C duties of superior court reporter
5. E definition of examinations
6. F transcript fees
7. C small claims court
8. C civil court procedure
9. B purpose of CRBC Board
10. F retention of notes (official reporter)
11. B revocation or denial of license
12. C subpoena duces tecum
13. A use of CSR title
14. C certification of the question
15. F rules on daily copy
16. B filing of address change
17. B expiration of license
18. I Supreme Court of California
19. G classification of crimes
20. D record on civil appeal
21. H jurisdiction of federal court
22. E calling adverse witnesses

STATUTE AND CODE REVIEW

- A. Code of Regulations
- B. Business & Professions Code
- C. California Code of Civil Procedure
- D. Rules of Court
- E. Evidence Code

- F. Government Code
- G. Penal Code
- H. U.S. Constitution
- I. California Constitution

Using appropriate numbers from above, indicate where proper information can be found.

1. d rules on transcript on appeal
- C (2) I structure of California court system
3. c rules on oral depositions
- ~~C~~ c duties of superior court reporter
5. e definition of examinations
6. f transcript fees
7. c small claims court
8. c civil court procedure
9. b purpose of CSR Board
10. f retention of notes
11. b revocation or denial of license
- C (12) A subpoena duces tecum
- A (13) b use of CSR title
14. c certification of the question
15. f rules on daily copy
16. b filing of address change
17. B expiration of license
18. I Supreme Court of California
19. g classification of crimes.
20. d record on civil appeal
21. H jurisdiction of Federal Court -
22. e calling adverse witnesses
23. g grand jury transcript of indictment
24. g time for filing preliminary hearing transcript
25. H U.S. Supreme Court
26. d extensions on filing criminal appeals
27. c affirmation in lieu of oath
28. c location of taking deposition
29. e definition of phases of examination (direct, etc.)
30. g punishment for a felony
31. c rules on signing of deposition
32. c certification of deposit
- F (33) g reporter's transcript, criminal trial
34. d number of copies to be prepared on appeal
35. e scope of cross examination
36. F delivery of court notes on retirement or death
37. c letters rogatory
- C (38) I jurisdiction of municipal court
- B (39) A discipline hearings on reporters
40. c notice of deposition
41. d estimate cost of transcript on appeal
42. d content of record on appeal
- C (43) f rules on videotaping depositions

10-21-15

MOCK WRITTEN EXAMINATION

- 5. in limine a) preliminary b) at a stand still
- 376. id est a) primary b) that is
- 77. sui generis a) unique b) with consideration
- 78. ipso facto a) by fact itself b) by law itself
- 379. nisi a) beside b) without
- 80. abrogate a) substitute b) denounce c) nullify *abolish*
- 81. subrogate a) substitute b) denounce c) nullify
- 382. abnegate a) substitute b) denounce c) nullify
- 383. ad valorem a) because of bravery b) according to value
- 384. habeus corpus a) writ for examination b) writ for speedy release
- 385. de bene esse a) of the highest standard b) of temporary validity *provisionally*
- 86. et ux. a) and wife b) and all
- 87. abscond a) to leave and hide b) to free from charge
- 88. reprieve a) postponement of punishment b) to remand
- 89. M.O. a) method of operation b) multipartite order
- 89. recommit to prison a) remand b) rescind
- 90. fighting in public place a) moiety b) affray
- 91. offer a forged document a) utter b) debauch
- 92. forensic a) related to court b) related to science
- 93. written defamation a) libel b) slander
- 94. inchoate a) incomplete b) express
- 95. vitiate a) to slander b) to make legally defective
- 96. carte blanche a) no limits b) with additional charges
- 97. contract based on fortuitous event a) aleatory b) implied
- 98. person responsible for another's debt a) surety b) fiduciary
- 99. title held w/ right of survivorship a) joint tenancy b) tenancy in common
- 100. real property in a will a) devise b) gift
- 101. "in esse" a) alive b) in this instrument
- 102. buying property back after foreclosure a) redemption b) ademption
- 103. relationship w/ blood relatives of spouse a) miscegenation b) affinity
- 104. marriage between races a) miscegenation b) conciliation
- 105. eminent domain allows a) owner to expand property b) govt. to seize land for private use
- 106. enciente means a) with child b) between marriages
- 107. consanguinity a) blood relation b) marial relationship
- 108. a bequest a) legacy b) request
- 109. cognomen a) family name b) troubling situation

MOCK WRITTEN EXAMINATION

10. causa mortis a) in anticipation of approaching death b) cause of death
- B 111. an unintentionally omitted heir a) an s.o.l. b) pretermitted
- A 112. legatee a) one who receives bequest b) the executor of will
- A 113. dies without will a) intestate b) testatrix
- B 114. decrease in legacy because of insufficient funds a) residual b) abatement
- B 115. one managing property of incompetent person a) fiduciary b) conservator
- B 116. to combine a fiduciary's funds w/ his client's a) collusion b) commingle
- B 117. taking of property into legal custody a) redemption b) attachment
- A 118. producing a note for payment a) presentment b) maturity
- B 119. a note that must be paid upon request a) time note b) demand note
- B 120. receives priority in dividend payments a) common stock b) preferred stock
- A 121. proxy a) representative b) offer
- A 121. ultra vires a) beyond the powers b) highest authority
- A 122. note or bond backed by credit of a corp. a) debenture b) common stock
- A 123. veniremen a) jurors b) judges
- B 124. jurists a) jurors b) judges
- (125. turpitude a) inherent baseness b) confusion
126. body of law defining our rights and duties a) substantive b) common law
- A 127. sine qua non a) something that is essential b) without consideration
- A 128. escheat a) reversion of estate to the state b) right of survivorship
- A 129. to hypothecate a) pledge property for loan b) make an assumption
- A 130. adduce a) introduce evidence b) assume
- A 131. word meaning oral a) parol b) parole
- A 132. to repeal a) abrogate b) send back
- A 133. acquiescence implies a) silent consent b) contradiction
- A 134. fee simple a) clear inheritance b) direct compensation
- A 135. mulct a) defraud b) delay
- A 136. codicil a) addition to will b) addition to code
- A 137. robbery a) larceny by force b) embezzlement
- A 138. an axiom is a) accepted principle b) superficial comment
- A 139. something in abeyance is a) temporarily set aside b) restricted by law
- A 140. putative a) reputed b) confidential
- B 141. germane a) timely b) relevant
- (142. laches is a doctrine that states a) long-neglected rights can't be enforced
b) riparian land owners must allow the access to the state.
- B 143. Freedom of speech a) Eighth Amendment b) First Amendment

MOCK WRITTEN EXAMINATION

144. Prohibits double jeopardy a) Eighth Amendment b) Fifth Amendment
- B 145. Prohibits cruel & unusual punishment a) Fifth Amend. b) Eighth Amend
- A 146. in camera a) in chambers b) televised
- A 147. authoritative interpretation of statute a) legal opinion b) stare decisis
- A 148. estoppel a) preclusion b) delay
- A 149. best way to file your notes a) chronological b) by case name
- A 150. 3/4 verdict a) civil b) criminal
- B 151. change sheet a) worksheet b) errata
- A 152. certificate of person before whom a writing was sworn to a) jurat b) codicil
- NO 153. can a depo reporter be asked to mark exhibits in evidence? YES NO
- YES 154. is it necessary for plaintiff to prove damages in a default? YES NO
- B 155. How many Justices on the U.S. Supreme Ct? a) 10 b) 9
- B 156. How many Justices on Calif. Supreme Ct.? a) 8 b) 7
- B 157. What circuit of the U.S. Court of Appeal is Calif? a) 6th b) 9th
- A 158. Directory of California attorneys a) Parkers b) Martindale-Hubbel
- B 159. Directory of U.S. attorneys a) Parkers b) Martindale-Hubbel
- B 160. BAJI a) criminal jury instructions b) civil jury instructions
161. CALJIC a) criminal jury instructions b) civil jury instructions
162. Transcript:

	<u>Days</u>		<u>Extension</u>	
Preliminary Hearing:	10		0 50% penalty for being late	
Grand jury:	10	+	20	= 30
Civil Appeal	30	+	90	= 120
Criminal Appeal	20	+	60	= 80
Death penalty .	20	+	60	= 80
163. Days before trial defendant gets grand jury transcript? 10 days
164. Days before trial defendant gets prel. hearing transcript? 5 ~~10~~ days
- A 165. When can grand jury testimony be made public? a) 10 days after defendant gets transcript b) at no time
- A 166. How many members on CSR board? a) 5 b) 7
- B 167. Who appoints two of the members? a) executive officer b) governor
- A 168. CSR Board is under a) Dept. of Consumer Affairs b) Judicial Council
- A 169. Who can file an interlocutory appeal? a) D.A. b) the defendant
- B 170. An appellant has how many days after filing a notice of appeal to file a Notice to Prepare Reporter's Transcript? a) 30 days b) 10 days
171. Are confidential (in chambers) court proceedings included in the main text of a transcript? YES NO

MOCK WRITTEN EXAMINATION

72. An owner of a court reporting agency must be a) a CSR b) a notary
- A 173. CSR license expires a) last day of your birth month b) on the birthday
- A 174. Municipal court limit a) \$25,000 b) \$40,000
- YES 175. Is there an appeals division of superior court? YES NO
- B 176. Who files deposition transcript w/ the court? a) reporter b) noticing atty
- A 177. Depo treupts are held for review by deponent for a) 30 days b) 10 days
- B 178. A newly licensed reporter has how many days after test results to pay fees for license?
a) 90 b) 120
- A 179. An official reporter bills transcripts by a) folio b) page
- B 180. For what kind of transcript must a reporter submit an affidavit stating that transcript was prepared on time or suffer 50% less compensation? (penal code) a) grand jury transcript
b) preliminary hearing transcript
- A 181. When does a reporter prepare a transcript of a grand jury proceeding? (PC)
a) after a true bill (indictment) has been returned b) upon receipt of Request for Reporter's Transcript
- A 182. For how long must a reporter keep the transcript of a grand jury proceeding secret (providing the judge doesn't order it so) a) 10 days b) 30 days
183. The chief officer of the CSR board is: a) exec. officer b) president
- B 184. App. to take CSR test must be sent ___ days before exam? a) 30 b) 45
- B 185. Do you have to be a CSR to work as a hearing rptr for D.A. a) Yes b) No
- B 186. In the caption Smith v. Jones (1977) 356, Cal.3d, 242, 244, what is "356"
a) page b) volume What is "244" a) supplement # b) ending page #
- A 187. Syncope means a) fainting b) in assent
- A 188. b.i.d. means: a) twice a day b) at bedtime
- A 189. Inducing a witness to give false testimony: a) subornation b) blackmail
- A 191. Which is misspelled? a) innoculate b) privilege c) innocuous
- A 192. Which means a finite/countable amount? a) discrete b) discreet
- B 193. What is the relief requested in a complaint? a) atonement b) prayer
- B 194. In what court are probate matters heard? a) District b) Superior
- B 195. What is xeroderma? a) clammy skin b) dry skin
- B 196. What is inflammation of uterine lining? a) endometriosis b) endometritis
- A 197. What is TMJ? a) temporomandibular joint b) temporomaxilla joint
- B 198. non prosequitur a) an inference that does not follow b) judgment against plaintiff for not prosecuting his case
- 199. what is not required for a contract? a) legal instrument b) subscribing witness
c) consideration d) mutual consent

MOCK WRITTEN EXAMINATION

- E 200. Seriatim a) serial killer b) following in a series
- A 201. Aphorism a) adage; concise statement b) affinity for incarcerated person
- NO 202. When an in-camera (in judge's chambers) proceeding is held, and the judge orders it sealed, does it get transcribed in normal record? YES NO
- A 203. Intrinsic a) inherent b) outward
- B 204. morass a) reply to a question b) something that traps, confuses/ impedes
- A 205. correct spelling a) acquiescence b) acquiesence
- B 206. correct spelling a) reconnaissance officer b) reconaissance officer
- B 207. tacit a) terse b) silent
- A 208. palate a) flavor/taste b) platform
- B 209. feet-first delivery a) breach b) breech
- B 210. the punishment didn't _____ him a) phase b) faze
- B 211. When portion of record is sealed, what does reporter do with it?
a) give sealed envelope to Clerk b) retain sealed envelope in locked drawer
- A 212. Which is correct? a) You went there – isn't that right? – on Friday night?
b) You went there – isn't that right – on Friday night?
- FS 213. If Joe is being deposed and his soon-to-be ex-wife is in attendance at the depo and blurring out remarks, do you take that down? YES NO
- ES 214. If there are two sworn interpreters at a proceeding and they start talking to each other, do you take them down? YES NO
- D 215. If little Bobby want to "divorce" his parents, how does the caption read:
a) STATE OF CALIF. vs BOBBY B. (defendant)
b) STATE OF CALIF. vs BOBBY B.
c) MOMMY & DADDY (Pltfs.) vs. BOBBY B. (Def.)
d) IN RE THE MATTER OF BOBBY B.
- A 216. If the atty. ordering the depo says he doesn't want a transcript, but the opposing atty demands one, what do you do?
a) charge deposing atty. for 0+1 and charge opposing for his copy
b) charge opposing atty. for his copy and don't charge deposing atty
- A 217. languish a) to pine b) to accuse
- A 218. Which is correct? a) It is I who most people think am to do the project.
b) It is I who most people think is to do the project.
- B 219. Which is correct: a) Between the three of us, Sally is the smartest.
b) Among the three of us, Sally is the smartest.
- 3 220. Which is correct: a) Taking sleeping pills could have averse effects.
b) Taking sleeping pills could have adverse effects.

MOCK WRITTEN EXAMINATION

21. Which is correct: a) Mother was upset by Bob's entering the race. b) Mother was upset by Bob entering the race.
- B 222. Which is correct: a) You'll sure be happy with me passing the test. b) You'll surely be happy with my passing the test.
- A 223. Which is correct: a) I feel bad. b) I feel badly.
- B 224. Which is correct: a) The boy's broken nose made him smell badly. b) The boy's broken nose made him smell bad.
- A 225. Code covering loss of CSR license? a) B&PC b) Calif. Administrative Cd.
- B 226. To show off overtly a) flout b) flaunt
- B 227. Who/ what, along with the Governor, sets official reporters' transcript fees? a) Judicial Council b) state legislature
- A 228. If a Calif. reporter goes to another state to handle a California lawsuit, under what jurisdiction is it? a) California law b) law of the state traveled to
- A 229. curricula vitae: a) resume/work history/qualifications b) college transcripts
- A 230. to recuse a) to disqualify oneself for conflict of interest b) to accuse c) to resign
- A 231. CALJIC a) Calif. Jury Instruc.-Criminal b) Calif. Judicial Interest Committee
- C 232. What gland controls metabolism? a) adrenal b) pituitary c) thyroid
- A 233. ? If defendant sues another defendant a) cross-complaint b) demurrer
- B 234. After transcript has been available for 30 days for review by deponent, who retains original transcript? a) court clerk b) deposing attorney
- A 235. How much extra can official rptr charge for daily treupt? a) 50% b) 25%
- B 236. At a preliminary felony hearing, which is required to go forward? a) clear and convincing evidence b) sufficient evidence c) proof beyond a reasonable doubt d) a preponderance of the evidence
- B 237. What is the most important element in a crime? a) dead body b) intent
- 238. Storage of notes: Court: Criminal: 10yrs Death penalty: no limit/forever
Civil: 5yrs. Govt Code 69955(e)
- Deposition
Transcribed: 1yr Not transcribed: 8yrs.
- A 239. Which is correct? a) I can hardly believe that. b) I can't hardly believe that.
- B 240. Where would maritime matters be heard? a) Calif. court b) Federal Court
- A 241. Amity a) friendship b) horror
- B 242. Settled statement a) old case b) appellant's summary of missing factual record.
- A 243. supra a) previously cited b) above the law
- A 244. Which is correct: a) There are the pencil and book. b) There is the pencil and book.

MOCK WRITTEN EXAMINATION

CODES

Evidence Code	Code of Regulations	B&PC	CCP
Penal Code	Govt. Code	Rules of Court	

Place correct code:

- | | |
|---|--|
| <u>Evid</u> Cross-examination | ✓ <u>Code of Regs</u> Shareholders of CSR firm must be CSR |
| ✓ <u>Code of Reg</u> CSR exam rules | ✓ <u>Code of Regs</u> Fee for CSR license renewal |
| <u>Code of Reg</u> CSR name on stationery | ✓ <u>B&PC</u> Defines shorthand reporting |
| <u>B&PC</u> CSR board, who and how many | ✓ <u>B&PC</u> Loss and maintenance of license |
| <u>CCP</u> Discovery | ✓ <u>CCP</u> Chronological stages of court trial |
| ✓ <u>Govt.</u> Fees for court reporters' transcripts | ✓ <u>CCP</u> Duties of official reporter |
| <u>Evid</u> Swearing in the witness | <u>Penal</u> Defines felonies and misdemean. |
| <u>Code of Reg</u> aka Calif. Administrative Code | ✓ <u>Penal</u> Grand jury transcripts |
| ✓ <u>B&PC</u> Transcript Reimbursement Fund | ✓ <u>Govt.</u> Electronic recording |
| <u>CCP</u> deposition transcripts | <u>Penal</u> Felonies reduced to misdemean. |
| <u>Rules of Ct</u> Juvenile and death penalty appeals | <u>Govt.</u> Preservation of notes |
| <u>Evid</u> Adverse witness | ✓ <u>Govt.</u> Official reporter's oath |
| ✓ <u>Penal</u> Suppressing evidence | ✓ <u>CCP</u> 24-hour verdict |
| ✓ <u>Govt.</u> CSR board has right to reinstate license | <u>Penal</u> Prelim. Hearing treupts |

B & PC

!!!!!!!!!!!!!!GOOD LUCK!!!!!!!!!!!!!!

Code Regs

PART B

Select the correct definition.

1. De novo:
 - A. fictitious
 - B. ~~anew~~
2. Duces tecum:
 - A. proceed with caution
 - B. bring with you
3. Ad litem:
 - A. ~~pending the suit~~
 - B. in the light of day
4. Quid pro quo:
 - A. equal in weight
 - B. something for something
5. De facto:
 - A. actual
 - B. therefore
6. De jure:
 - A. by right
 - B. by contract
7. Modus operandi:
 - A. way of life
 - B. method of procedure
8. Prima facie:
 - A. as a matter of form
 - B. the most important issue
 - C. on the first view
 - D. the first in time
9. Ab initio:
 - A. the initial cause
 - B. ~~from the beginning~~
 - C. lapse of time
 - D. denial by law
10. In propria persona:
 - A. in one's own behalf
 - B. in one's own family
 - C. in one's own circumstances
 - D. in one's own locality
11. Et al.:
 - A. and everything
 - B. and descendants
 - C. and furthermore
 - D. and others
12. Corpus delicti:
 - A. a sensational crime
 - B. the body of the crime
 - C. the execution for the crime
 - D. a victim of the crime
13. Res ipsa loquitur:
 - A. the location itself is erroneous
 - B. the evidence contradicts itself
 - C. the thing speaks for itself
 - D. the charge itself is misleading
14. Res judicata:
 - A. Previously erroneously stated
 - B. mistakenly demonstrated earlier
 - C. subjectively interpreted later
 - D. already judicially decided
15. Inter alia:
 - A. among other things
 - B. among other partners
 - C. between two aliens
 - D. between two relatives

16. De bene esse:

- A. of the best ability
- B. of permanent quality
- C. of temporary validity
- D. of the highest standard

17. Quid pro quo:

- A. cause to effect
- B. quantity for quality
- C. effect to cause
- D. something for something

Select the correct response.

1. Punishment will be accepted, but guilt will not be admitted

- A. sine qua non
- B. ~~nolo contendere~~

2. The term de facto refers to

- A. facts excluded automatically
- B. something already existing in fact

3. Latin for let the buyer beware:

- A. ~~caveat emptor~~
- B. purchaser per quod
- C. accord and satisfaction
- D. quantum meruit

4. Inchoate:

- A. inaudible
- B. incomplete
- C. ineligible
- D. indecisive

5. Metes and bounds are

- A. excursions
- B. deeds of trust
- C. limits
- D. abstracts of title

6. One who dies without a will is said to be

- A. intestate
- B. in testate

7. A modification of a will is a

- A. ~~codicil~~
- B. chattel
- C. legacy

8. A person named by the testator to carry out instructions in a will is the
- ~~A. executor~~
 - B. administrator
 - C. testatrix
9. A handwritten will is
- A. ancillary
 - B. nuncupative
 - C. ~~holographic~~
10. The term per stirpes means
- A. with qualification
 - B. for payment
 - C. ~~by representation~~
11. The term ultra vires means
- A. beyond the powers
 - B. highest authority
12. An abatement is a
- A. brawl
 - B. commentary
 - C. ~~reduction~~
 - D. pleading
13. A chattel is
- A. land or anything affixed to land
 - B. a common-law crime
 - C. one's house, under French law
 - D. ~~an article of personal property~~
14. The Latin phrase compos mentis means
- A. A complete legal composition
 - B. meant for the masses
 - C. of sound mind; sane
 - D. contrary to good morals
15. The term forensic means related to
- A. the court,
 - B. medicine
 - C. a crime
 - D. chemistry

16. The term putative means
- A. ~~reputed~~
 - B. voidable
 - C. confidential
 - D. contemptible
17. A plea of nolo contendere says, in effect,
- A. "I am guilty."
 - B. "I am guilty but with an explanation."
 - C. "I refuse to enter a plea at all."
 - D. ~~"I do not wish to contest the charge."~~
18. In order to convict in a criminal case in most jurisdictions, the jury
- A. must not see exhibits
 - B. must have two alternates
 - C. ~~must be sequestered~~
 - D. ~~must be unanimous~~
19. Which would customarily come first in a jury trial?
- A. ~~swearing in the jury to try the case fairly,~~
 - B. rebuttal argument by plaintiff
 - C. testimony of expert witness for defendant
 - D. court's charge to the jury
20. An attorney's cross-examination is limited
- A. to questions which have been asked and answered
 - B. only by relevancy of the question
 - C. only by the form of the question
 - D. to the scope of the direct examination.
21. If counsel asks a reporter to certify a question, he wants the reporter to
- A. index the unanswered question
 - B. instruct the opposing counsel that the question is valid
22. Signature may be waived if
- A. the attorney taking the deposition states at the beginning of the deposition that she want it waived.
 - B. ~~the attorneys and witness agree~~
23. When depositions are taken on notice, it is required that the notice be given to
- A. ~~the parties~~
 - B. the court

24. If there is an interpreter at a deposition, a reporter should
- A. swear the interpreter to correctly translate before administering the oath to the witness
 - B. ask the interpreter to administer the oath to the witness since the interpreter is not testifying
25. In most jurisdictions, if one attorney says to go off the record and the other says to stay on the record, the reporter should
- ~~A. keep writing~~
 - B. stop writing
 - C. say that the court will have to decide
 - D. adjourn the deposition and leave
26. If a witness refuses to take the oath, the reporter
- A. must determine what religious sect the witness belongs to
 - B. must get the attorney's permission to affirm the witness
 - C. should request the certificate of authenticated noncompliance from the witness
 - D. should administer the affirmation to the witness
27. When the reporter arrives to take a deposition and discovers the witness is one of his best friends, he should
- A. tell the witness quietly not to mention that they know each other
 - B. tell the attorney who hired him but not tell the opposing counsel
 - C. say nothing about it at all
 - D. inform all counsel of the fact,
28. If an attorney says "Strike that" during a deposition, the reporter should
- A. physically expunge those portions from the record
 - B. write "Stricken out" in her notes and omit that portion when preparing that portion of the transcript
 - C. write "Strike that" in the record when the attorney says it, but leave everything in the record
 - D. ask the court where the action is filed what to do about it
29. To sequester means to
- A. isolate
 - B. waive
 - C. offer
 - D. publish

30. To exonerate means to
- A. hold blameless
 - B. denounce
 - C. elude
 - D. swear falsely
31. Subrogation is
- A. substitution
 - B. underlining
 - C. conveyance
 - D. illegality
32. A guardian ad litem is specifically a guardian
- A. for an orphan
 - B. during minority
 - C. during a lawsuit
 - D. for an estate
33. Nolo contendere is a
- A. plea that does not contest the charge
 - B. device or invention
 - C. writ issued to restrain
 - D. nonviolent possession of lands
34. A dictionary created by the computer vendor is a
- A. job dictionary
 - B. universal dictionary
35. To make a correction apply throughout an entire job, the reporter would
- A. decollate
 - B. global
36. The term LEXIS refers to
- A. a computer-assisted legal research system
 - B. the reporter's personal dictionary
37. The term hard copy refers to
- A. the information on disk files
 - B. the transcript
38. A cursor is a/an
- A. flashing indicator on a computer screen
 - B. emergency light indicating a full disk

39. The initials CAT stand for
- A. computer-aided transcription,
 - B. certified accurate transcript
 - C. computer terminal assignment
 - D. cathode activated tube
40. Realtime translation refers to translation
- A. while the reporter writes on his machine
 - B. as soon as the proceeding is completed
 - C. as soon as the scopist can edit the transcript
 - D. while the text is being edited by the scopist
41. The person who files a lawsuit based on tort is called
- A. ~~plaintiff~~
 - B. defendant
 - C. petitioner
 - D. tortfeasor
42. The person who files a motion with the court is called
- A. plaintiff
 - B. defendant
 - C. petitioner
 - D. respondent
43. The court where all the evidence is heard and evaluated is the
- A. appellate court
 - B. trial court
 - C. court of first hearing
 - D. supreme court
44. If a court can only hear cases involving less than \$25,000 in damages, this rule is called
- A. jurisdiction,
 - B. venue
 - C. hornbook law
 - D. substantive law
45. A friend of the court is called
- A. attorney (aide to the court)
 - B. certiorari
 - C. counsel (to the court)
 - D. amicus curiae

46. A basic, well-settled principle of law is sometimes called
- A. substantive laws
 - ~~B. hornbook law~~
 - C. procedural laws
 - D. dictum and procedure
47. The first document filed by the plaintiff in a civil case is called
- A. service of process
 - B. complaint
 - C. answer
 - D. summons
48. If the defendant raises separate legal grounds why he or she is not liable, and these are more than just a denial of the allegations in a complaint, these grounds are called
- A. affirmative defense
 - B. general denial
 - C. answer
 - D. specific denial
49. The part of the complaint that includes the title, case number, court and county is called
- A. docket
 - B. fictitious heading
 - C. caption
 - D. allegations
50. An attack on the pleading because of a defect on the face of the complaint, that holds that even if--for the sake of argument--everything in the pleading is true, it is still legally insufficient and should be thrown out, is called
- A. demurrer
 - B. motion to quash
 - C. motion to strike
 - D. summary judgment
51. If a defendant is sued, and then sues the plaintiff right back in the same complaint, the defendant is also called
- A. cross-plaintiff
 - B. cross-defendant
 - C. cross-complainant
 - D. counter-plaintiff

52. The actual court order or writ that directs a person to appear before the court to face judgment against them is
- A. proof of service
 - B. subpoena
 - C. service
 - D. summons
53. The statements, writings, material objects and other things that are offered to prove the existence or nonexistence of a fact are:
- A. testimony
 - B. evidence
 - C. exhibits
 - D. examination
54. The oral statements made by a witness while under oath is
- A. testimony
 - B. evidence
 - C. exhibits
 - D. examination
55. Documents and other physical items offered as evidence during a deposition or trial is _____
- A. testimony
 - B. evidence
 - C. exhibits
 - D. examination
56. Evidence that can be used at a trial is
- A. ~~admissible evidence~~
 - B. circumstantial evidence
 - C. inadmissible evidence
 - D. corroborating evidence
57. The initial examination of a witness by the attorney who called that witness is
- A. redirect
 - B. direct examination
 - C. cross-examination
 - D. examination
58. A question which asks an expert to form an opinion based on specific underlying facts is
- A. impeachment
 - B. corroborating statement
 - C. hypothetical question
 - D. rehabilitating question

59. On direct examination, asking a witness, "Isn't it true that the defendant started the fight by throwing the first punch," is an example of
- A. no foundation
 - B. privilege
 - C. hearsay
 - D. leading question
60. When an attorney disagrees with a judge's ruling and the attorney wishes this disagreement noted for the record, the attorney records an
- A. exception
 - B. expunge
 - C. overrule
 - D. sustain
61. A backup juror who only serves if a regular juror can't continue is
- A. the first juror picked
 - B. juror who is sick
 - C. special juror
 - D. alternate juror
62. The person who keeps the court calendar, issues documents, and maintains court records is the
- A. bailiff
 - B. court clerk
 - C. sheriff
 - D. court reporter
63. The person who keeps order in the court is the
- A. bailiff
 - B. court clerk
 - C. sheriff
 - D. court reporter
64. The attorney who sits closest to the jury in a civil trial is the
- A. defendant's attorney
 - B. defense attorney
 - C. plaintiff's attorney
 - D. prosecutor
65. The attorney who represents the state in criminal actions is the
- A. plaintiff's attorney
 - B. defense attorney
 - C. defendant's attorney
 - D. prosecutor

66. When a potential juror is asked questions about his or her objectivity and fairness, the process is called
- A. voir dire
 - B. peremptory challenge
 - C. challenge
 - D. challenge for cause
67. When a potential juror is excused because he or she can't be fair to one side, the juror is excused by
- A. general challenge
 - B. peremptory challenge
 - C. challenge
 - D. challenge for cause
68. When the jury is kept isolated from the public, it is
- A. impaneled
 - B. sequestered
 - C. challenged
 - D. voir dire
69. A specially selected jury whose job is to decide if there is probable cause to believe a crime has been committed and, if so, to issue an indictment or true bill, is a
- A. petit jury
 - B. inquest jury
 - C. grand jury
 - D. coroner's jury
70. A verbatim writing or recording of judicial proceedings is called
- A. trial
 - B. in camera recording
 - C. transcript
 - D. rebuttal
71. In a normal jury trial, which of the following events occurs first
- A. charge to the jury
 - B. closing arguments
 - C. rebuttal
 - D. opening statements
72. In a normal jury trial, which of the following events occurs last
- A. charge to the jury
 - B. closing arguments
 - C. rebuttal
 - D. opening statements

73. The portion of the trial where the defendant mounts his or her defense is called
- A. charge to the jury
 - B. closing arguments
 - C. ~~rebuttal~~
 - D. opening statements
74. When the jury reaches its decision, that decision is called the
- A. judgment
 - B. jury's decision
 - C. decree
 - D. verdict
75. If the grand jury has reasonable cause to believe a person committed a crime, it would issue
- A. true information
 - B. ~~indictment~~
 - C. inquest
 - D. complaint
76. In felony cases, the hearing where the judge determines if there is probable cause to hold a person to stand trial is
- A. preliminary hearing
 - B. arraignment
 - C. bound over
 - D. bail hearing
77. If a defendant agrees to plead guilty to a lesser crime or is negotiating for a more lenient sentence, that person is probably discussing
- A. bail (reduction)
 - B. ~~plea bargain~~
 - C. release on own recognizance
 - D. plea
78. If the trier of fact finds a person not guilty of the crime charged, that person is
- A. released on own recognizance
 - B. put on probation
 - C. acquitted
 - D. paroled

79. A motion to change the location of the trial to a different and more impartial county is called
- A. transfer
 - B. protective order
 - C. continuance
 - D. ~~change of venue~~
80. Written questions which a party must answer under penalty of perjury are called
- A. interrogatories
 - B. request for admissions
 - C. deposition by transcript
 - D. deposition by writing
81. When a witness to an accident, who is not a party to the lawsuit, is at a deposition, that witness was probably served with
- A. notice of deposition
 - B. summons
 - C. subpoena duces tecum
 - D. subpoena
82. An instrument that requests a person to bring certain documents under his or her control or custody to a deposition is called
- A. notice of deposition
 - B. summons
 - C. subpoena duces tecum
 - D. subpoena
83. If a plaintiff is required to attend a deposition and receives that notification in the mail, the plaintiff was presented with
- A. notice of deposition
 - B. summons
 - C. subpoena duces tecum
 - D. subpoena
84. Once a case has been assigned a trial date, it is listed on the court's
- A. short cause matters
 - B. master calendar
 - C. at issue calendar
 - D. civil active list

85. The attempt to and unjustified touching of another against their will is
- A. assault and battery,
 - B. robbery
 - C. felony attack
 - D. subordination
86. Breaking into another's house to steal its contents is
- A. disorderly conduct
 - B. ~~burglary~~
 - C. robbery
 - D. theft
87. A group of two or more people who plan to commit a crime and one of which does so is
- A. ~~conspiracy~~
 - B. accessory
 - C. disorderly conduct
 - D. disturbing the peace

Is the answer A or B?


1. If a person does a lawful act improperly, it is
- A. ~~misfeasance~~
 - B. malfeasance
2. It is customary, in reading back to the jury,
- A. to read back everything under all circumstances
 - B. to delete questions to which an objection has been sustained
3. The geographic division in which an action is brought for trial is the
- A. ~~venue~~
 - B. venire
4. Redirect examination immediately follows
- A. cross-examination
 - B. direct examination
5. A defendant would be found insane under the
- A. last clear chance rule
 - B. ~~M'~~M'Naghten rule

7/2/02

6. To research the spelling of a drug, a reporter would look in
A. ~~the P.D.R.~~
B. Dorland's
7. A cause sent from a lower court to a superior court is sent up on
A. respondeat superior
B. ~~certiorari~~
8. When an attorney excuses a prospective juror for cause,
A. he uses a peremptory challenge
B. ~~the reason must be apparent or stated~~
9. Shepardizing means
A. polling the jury
B. ~~tracing a case history~~
10. The person who appeals a case is called
A. the appellee
B. the appellant
-
11. In 78 U.S. 483, the number 483 refers to
A. the volume
B. the page

Darling's Corner

By Dawn Darling, CRBC Enforcement Coordinator



Question: *For nearly 20 years now, I have sent the 30-day witness letter through the deponent's attorney. Last week I received a phone call from an attorney saying I was negligent in my duties because I did not mail the letter directly to the deponent. Did the code change lately?*

Answer:

The code you are referring to is the Code of Civil Procedure 2025(q)(1). In part, it states, "If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent, and to all parties attending the deposition, when the original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing..."

If counsel represents the party, it is completely acceptable to send this notice through the deponent's attorney of record. In some cases, you may be dealing with a percipient witness or pro per and have no other alternative but to send the notice directly to the deponent. But in many cases, the witness has counsel and sending the letter through the attorney is completely acceptable, since counsel is the agent for the named party or deponent in the action.

The Court Reporters Board staff strongly recommends that the Certified Shorthand Reporter (CSR) obtain the address of every witness—regardless of where they send the 30-day witness letter. The staff also recommends that the witness letter be sent to the individual that was deposed, with copies of the letter sent to the attorneys, as a matter of practice. This way, the witness will be made aware of his/her rights to

review the transcript, even if the attorney chooses not to discuss this option with the client. However, the CSR is not required to notify the witness directly and may continue to send the 30-day notice via counsel.

One of the reasons the Board urges CSRs to obtain the witness's address is because of the change in Code of Civil Procedure 2025.5, effective January 1, 1998. When a nonparty requests a copy of a transcript (taken after 1/1/98), the CSR must contact all parties, including the deponent (who may or may not have been a party to the case). This request notice must be in writing and must be sent to the last known address of the witness, as well as to all parties that attended the deposition. Obviously, if the CSR does not obtain the addresses, the notices cannot be sent. If asking for the addresses makes an attorney uncomfortable, the CSR should explain why it is being done, and that it is necessary in order to comply with CCP.

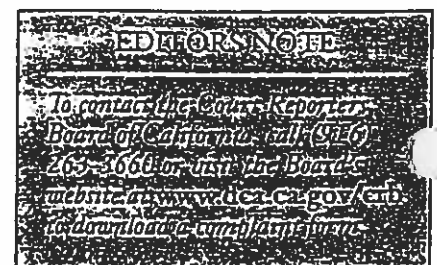
The Board has a form available by fax or e-mail that CSRs can provide to the witness before the deposition begins. It informs the witness of the law that allows a nonparty to obtain a copy of the transcript, and that in order for the CSR to make the deponent aware of such a request, the deponent

needs to provide the address to the CSR. A copy of the request should be provided to the attorneys to avoid any questions about the request. However, if the witness refuses to provide the information, the issue should not be forced. This form is especially helpful to those CSRs located in areas that typically stipulate away the CSR's duties. In these cases, the CSRs rarely have the witness's address.

If you would like a copy of this form to copy onto your own letterhead, call the Court Reporters Board office at (916) 263-3660 and request that the form be faxed or e-mailed to you.

If you have any questions that you would like to see addressed in our newsletter, send them to:

CRBC,
Attn: Darling's Corner
2335 Capitol Oaks Drive, Suite
230 Sacramento, CA 95833



PROFESSIONAL PRACTICE

PROCEDURES

- * 1. A CSR must notify the CSR Board in writing within 30 days of a change of:
- name
 - address
 - employer
 - marital status
- * 2. What code tells where to file a deposition transcript?
- Code of Civil Procedure
 - Government Code
 - Administrative Code
 - Evidence Code
3. Where would the instructions on how to conduct a meeting be found:
- Parker Directory
 - Robert's Rules of Order
 - Roget's Thesaurus
 - West's Annotated Codes
- * 4. Who sets the rates for transcripts which can be charged by Official and Pro Tem Court Reporters?
- local governments
 - individual judges
 - State legislature
 - Federal government
- ~~* 5. Transcript fees which are charged by Official and Pro Tem Court Reporters are found in the:~~
- ~~Business and Professions Code~~
 - ~~Code of Civil Procedure~~
 - ~~Evidence Code~~
 - ~~Government Code~~
6. Who sets rates which can be charged by Deposition Reporters:
- Legislature
 - Government Code
 - Individual firms
 - Local governments
7. When does the 10 days that an appellant has to file an appeal begin?
- at judgment
 - when verdict is read
 - when judgment is entered
 - when notice of appeal is mailed
- * 8. How long does a deponent have after notice of availability for reading, correcting, and signing a deposition?
- 10 days
 - 30 days
 - 20 days
 - 5 days

- * 9. If an Official Reporter will be absent more than 30 days, where are his/her notes filed?
- County clerk
 - Court clerk
 - Judge
 - Court itself
- * 10. Where would you look to find the address for an out-of-town attorney:
- PDR
 - Local phone book
 - Parker Directory
 - Bar Review Journal
- * 11. What else is needed after 5 years have elapsed to allow an official reporter to destroy notes taken in court?
- Disposition of the case
 - order of court
 - stipulation of attorney for defendant
 - defendant's consent.
12. In a grand jury indictment, how long does reporter have to prepare transcript (excluding extensions)?
- 10 days
 - 30 days
 - 20 days
 - 5 days
- * 13. After notice of appeal in a criminal case, how many days does the reporter have to produce the transcript (excluding extensions)?
- 20 days
 - 30 days
 - 10 days
 - 5 days
14. After receipt of fee in a civil case, how many days does the reporter have to get the transcript prepared?
- 20 days
 - 30 days
 - 10 days
 - 60 days
15. If a reporter needs an extension of time in preparing a criminal appeal transcript, where does he/she first apply?
- Superior Court
 - reviewing court
 - Court clerk
 - Judge
16. Who does the reporter file a criminal case on appeal from Superior Court with?
- Court clerk, superior
 - County clerk
 - Reporting firm
 - Reviewing court

- * 17. Taking a deposition without being certified is a:
- felony
 - misdemeanor
 - infraction
 - tort
18. If the reporter has a private conversation with the judge about a case:
- tell the clerk what he said
 - keep it in strict confidence
 - put it on the record
 - discuss it with other reporters only
- * 19. If the lawyer who noticed a deposition fails to appear and the other attorney does appear and wishes to make a statement as to that fact, the reporter should:
- leave the room immediately
 - wait for the other attorney
 - take the statement on the record
 - refuse until firm is notified
- * 20. What comes after rebuttal?
- voir dire of jurors
 - selection of jurors
 - swearing in of jurors
 - polling of jurors
21. Unless otherwise agreed, the original of a deposition transcript is kept with the:
- reporter
 - noticing attorney
 - court
 - defendant
22. Original transcript of a deposition must be retained:
- for 5 years
 - for 7 years
 - for 6 months
 - for 6 months after disposition of the case
23. Court may order video recording when:
- attorneys request and stipulate
 - there is no reporter available
 - it is not during business hours
 - the defendant prefers it
- * 24. Deposition transcripts are not filed with the court until:
- they become relevant
 - requested by the defendant
 - they are over 6 months old
 - they are complete
25. In a preliminary hearing, if defendant is held to answer, reporter files transcript with:
- county clerk
 - court clerk of Superior Court
 - judges
 - prosecuting attorney

- * 26. Transcript of grand jury indictment shall not be^u made public until:
- a. 10 days after defendant receives a copy
 - b. defendant is held to answer
 - c. 20 days
 - d. defendant's attorney consents
- * 27. In camera proceedings are to be transcribed:
- a. by stipulation of parties
 - b. by order of the Court
 - c. when requested by defendant
 - d. never
28. Storage and retention of notes of Official and Pro Tem Court Reporters are governed by:
- a. Government Code
 - b. California Rules of Court
 - c. Business and Professions Code
 - d. Evidence Code
29. When a transcript of court proceedings is completed the certificate is signed by:
- a. the defendant
 - b. the judge
 - c. the reporter
 - d. the District Attorney
- * 30. At a deposition when one attorney wants to go off the record the reporter should:
- a. go off the record
 - b. go off the record until he/she gets a stipulation from all parties
 - c. stay on the record
 - d. call the office
31. Attorneys are not allowed in:
- a. Supreme Court
 - b. Municipal Court
 - c. Small Claims Court
 - d. Bankruptcy Court
32. If transcript of preliminary hearing is not completed within the required time period the reporter's fee for that transcript is reduced by:
- a. 10 percent
 - b. 50 percent
 - c. 25 percent
 - d. 100 percent
- * 33. Duties of Superior and Municipal Court Reporters are set forth in the:
- a. Code of Civil Procedure
 - b. Government Code
 - c. Business and Professions Code
 - d. California Rules of Court

- * 34. Court Reporters are licensed under what Code?
a. Code of Civil Procedure
b. Government Code
c. Business and Professions Code
d. Penal Code
- *35. If a reporter hears a conference of the witness and an attorney during a deposition he/she should:
a. include it in the deposition
b. inform the court
c. inform the other parties
d. keep it in strict confidence
- *36. Preparation of transcripts of preliminary hearings is governed by the:
a. Business and Professions Code
b. California Rules of Court
c. Penal Code
d. Evidence Code
- * 37. Cover page and certificate page of court transcripts must include:
a. CSR number
b. witnesses' names
c. attorney's names
d. notary license number
38. In worker's compensation depositions, the injured worker is entitled to:
a. a free copy of his deposition
b. an attorney at no cost
c. full pay until case is settled
d. a copy of the employer's attorney's file
- * 39. The CSR Board is composed of how many members:
a. 5
b. 2
c. 3
d. 10
40. The CSR Board is composed of:
a. 2 CSRs and 3 public members
b. 3 CSRs and 2 public members
c. The Governor and 4 CSRs
d. none of the above
41. Members of the CSR Board are appointed for:
a. 4 years
b. 2 years
c. 10 years
d. 6 years
42. A CSR's license expires each year on:
a. April 15th
b. January 1st
c. April 30th
d. December 31st

43. Reporter's duties in filing transcripts on appeal are found in:
- Government Code
 - California Rules of Court
 - Business and Professions Code
 - Penal Code
44. When an Official Court Reporter quits or dies where do his/her notes go:
- filed with the county clerk
 - deliver to District Attorney
 - deliver to defendants
 - give to another reporter in the area
45. What appeals go automatically to the Supreme Court?
- arson
 - state penitentiary sentences
 - death penalty
 - kidnapping conviction
- *46. What does a court reporter do when the attorney says, "Certify the question"?
- type up a partial transcript
 - index the question
 - Ask the witness to answer the question
 - type up an affidavit
- *47. Where do you find information governing the taking of a deposition:
- Code of Civil Procedure
 - Business and Professions Code
 - Rules of Court
 - Evidence Code
- *48. Why does the CSR Board exist:
- to protect certified shorthand reporters
 - to protect deposition firms
 - to protect the public
 - to protect attorneys and judges
49. After the witness signs the deposition the reporter:
- files it with the Court
 - keeps it
 - gives it to the witness
 - gives it to the noticing attorney
- *50. Examination of a witness by the direct examiner subsequent to the cross-examination of the witness is called:
- redirect examination
 - direct examination continued
 - recross examination
 - rebuttal
- *51. In the citation *V R S P* 71 Cal App. 3d 972, what is the "3d"?
- volume
 - series
 - edition
 - page

ANSWERS

PROCEDURES

1. b
2. a
3. b
4. c
5. d
6. c
7. c
8. b (if notice of readiness is mailed, add 5 days)
9. b Govt. Code #69951
10. c
11. b Govt Code #69951(d)
12. a Penal Code #938.1(a)
13. a CA Rules of Ct Rule 35(b)
14. b CA Rules of Ct Rule 4(d)
15. b CA Rules of Ct Rule 35(d)
16. b CA Rules of Ct Rule 35(b)
17. b B & P Code #8019
18. b
19. c
20. d
21. b
22. d
23. b Govt Code #72194.5
24. a
25. a Penal Code 869
26. a Penal Code 938.1(b)
27. b
28. a
29. c
30. c
31. c
32. b Penal Code #869
33. a CCP #269 & 274c
34. c
35. d
36. c
37. a
38. a
39. a
40. a
41. a
42. c
43. b
44. a
45. c
46. b
47. a
48. c
49. d
50. a
51. c

PROFESSIONAL PRACTICE

LEGAL

- *1. Person who commits a tort is a:
 - a. tort feasor
 - b. torte callus
 - c. tort enfacto
 - d. tortious perpertrato

2. Contract that involves mutual promises, rights, duties:
 - a. nugatory contract
 - b. nudum pactum
 - c. bilateral
 - d. unilateral

3. Pending the suit is:
 - a. Pendente lite
 - b. ad litem
 - c. ad libitum
 - d. ad interim

4. Discussion held in the judges chambers is called:
 - a. callenge
 - b. enceinte
 - c. cloistered
 - d. in camera

- *5. A will written entirely in the author's handwriting is:
 - a. executed
 - b. administrated
 - c. holographic
 - d. idem

6. If the title to property is in dispute, it would be indicated in a notice of:
 - a. de novo
 - b. lis pendens
 - c. laches
 - d. execution

- *7. When a witness is required to bring hospital records, doctor's records, etc., it is called:
 - a. order to show cause
 - b. stipulation
 - c. subpoena duces tecum
 - d. writ of supersedeas

8. A person designated by the court to represent a child is:
 - a. gravamen
 - b. guardian ad litem
 - c. panderer
 - d. parente lite

9. A friend of the court is:
a. assignor
 b. amicus curiae
c. arbiter
d. garnishee
10. The time periods within which various actions should be commenced are:
a. pro tanto
b. promisso
 c. statute of limitation
d. prerogative
11. Bargain, provision, or condition between attorneys is:
 a. stipulation
b. restitution
c. option
d. novation
- *12. Memorandum of the time, place, and person before whom an affidavit is sworn:
 a. jurat
b. ipso facto
c. idem
d. devise
- *13. To admit something or declare to be true or genuine:
 a. acknowledgment
b. allegation
c. assumption of risk
d. subrogation
-
14. The person who gives testimony under oath at a deposition is called:
 a. lessor
 b. deponent
c. deposee
d. litigant
15. A peremptory challenge is:
 a. for cause
 b. without a reason required
c. held in camera
d. a legal objection to a question
- *16. Order or writ ordering a person to refrain from doing something:
 a. intendment
 b. injunction
 c. interpleader
d. complaint
- *17. Change of venue means a different:
a. attorney
b. line of defense
 c. geographical location
d. jurat

18. Transfer of real or personal property in a contract is:
 a. consideration
 b. benefit
 c. consignment
 d. acquisition
19. The transfer of something from one person to another is called:
 a. attachment
 b. assignment
 c. consideration
 d. award
20. A pending lawsuit is:
 a. lis pendens
 b. pendente lite
 c. ad litem
 d. interlocutory
21. To pledge something as security without delivering the item:
 a. hypothecate
 b. commiserate
 c. obligate
 d. matriculate
- *22. Decision of the court:
 a. verdict
 b. opinion
 d. judgment
 c. citation
- *23. Requires that certain contracts be in writing in order to be enforceable in court:
 a. parol evidence rule
 b. rule against perpetuities
 c. Statute of Frauds
 d. Penal Code
24. Judgment based on pleadings when no issues of fact and merely issues of law presented:
 a. directed verdict
 b. judgment nov
 c. summary judgment
 d. demurrer
- *25. A person who is given authority to act in place of another:
 a. fiduciary
 b. holder in due course
 c. proxy
 d. trustor
26. In law publish means:
 a. to make public or circulate
 b. to print
 c. to speak
 d. to write

27. Damages which are a presumed and necessary result of
a. harm:
a. general
b. special
c. nominal
d. liquidated
- *28. Writ which challenges a confinement:
a. certiorari
b. injunction
c. habeas corpus
d. mandamus
- *29. Person who makes and subscribes an affidavit:
a. deponent
b. devisee
c. affiant
d. declarant
30. A receiver is:
a. a neutral part appointed by court to protect and manage property pendente lite
b. person appointed to settle decedent's estate
c. person who distributes trust property
d. guardian ad litem
31. To make void or vacate:
a. quash
b. rescind
c. ratify
d. reformation
32. Recovery allowed for the reasonable value of services rendered -- "as much as he deserves":
a. nominal damages
b. quantum meruit
c. per stirpes
d. quasi damages
- *33. A fund to be divided among people:
a. dividend
b. share
c. quorum
d. stock
- *34. Defendant resists plaintiff's demand:
a. complaint
b. answer
c. replication
d. rejoinder
35. Legitimate or by law:
a. de facto
b. de jure
c. de bene esse
d. caveat emptor

*36. A question which really contains two questions:
a. irrelevant
b. compound
c. ambiguous
d. leading

37. Implied is:
a. expressly stated, either in writing or oral
b. intention is shown by conduct
c. constructive
d. not actual

*38. An assumption of fact that the law requires to be made from another fact already established:
a. assumption
b. reasonable doubt
c. presumption
d. in pari delicto

*39. Deduction of fact that may be drawn from another fact already established:
a. inference
b. circumstantial evidence
c. direct evidence
d. parol evidence

*40. Essential circumstances surrounding the subject:
a. res ipsa loquitor
b. de bene esse
c. res gestae
d. de facto

*41. "The thing speaks for itself":
a. res gestae
b. res verbum
c. res ipsa loquitor
d. ad valorem

*42. The first page of a legal opinion, the synopsis is called:
a. headnote
b. footnote
c. addicta
d. precedent

*43. Which term means "contractual consideration"?
a. quid pro quo
b. sine qua non
c. res ipsa loquitor
d. res gestae

*44. What is "inter alia"?
a. among other things
b. between the attorneys
c. within the courts
d. all of the above

- *45. Theft is to larceny as asportation is to:
- a. kidnapping
 - b. murder
 - c. felony
 - d. misdemeanor
- *46. In propria persona means:
- a. appearing in person
 - b. appearing on behalf of someone else
 - c. appearing on your own behalf
 - d. appearing outside of court
- *47. Oral testimony is:
- a. physical evidence
 - b. parol evidence
 - c. circumstantial evidence
 - d. in pari delicto
- *48. Defendant bringing an action against the plaintiff is:
- a. co-defendant
 - b. cross-complainant
 - c. plaintiff
 - d. co-plaintiff
- *49. Arraignment is best defined as:
- a. placing of the accused in custody
 - b. opportunity for giving bail
 - c. calling of the accused before the court to answer a charge
 - d. justification for an arrest
- *50. When one or more facts are communicated to the court and jury by a witness who has actual knowledge of such facts by means of his senses, such evidence would be called:
- a. circumstantial
 - b. direct
 - c. hearsay
 - d. cumulative
- *51. The caption "Smith vs. Jones, et al." indicates:
- a. more than one plaintiff
 - b. unknown defendants
 - c. more than one defendant
 - d. anonymous defendants
- *52. Hypothetical most closely means:
- a. affirmative
 - b. assumed
 - c. provocative
 - d. helpful
- *53. Impeaching a witness means:
- a. compelling a witness to testify
 - b. rejecting a witness as incompetent
 - c. attacking the credibility of a witness
 - d. holding a witness for the grand jury.

- *54. A defamatory writing is known as:
- a. slander
 - b. libel
 - c. abuse
 - d. slur
- *55. Which writ requires a person to do or not to an act?
- a. certiorari
 - b. mandamus
 - c. habeas corpus
 - d. attachment
56. A chattel is a:
- a. personal property
 - b. chose
 - c. fixture
 - d. norise
- *57. An oral will is:
- a. nuncupative
 - b. codicil
 - c. holographic
 - d. holistic
58. Another word for punitive damages is:
- a. peremptory
 - b. exemplary
 - c. ancillary
 - d. additional
-
- *59. Sentences given a defendant who has been convicted of several crimes, but with the provision that the sentences be served at the same time are:
- a. consecutive
 - b. concurrent
 - c. cumulative
 - d. intermittent
- *60. A civil wrong is a:
- a. misdemeanor
 - b. crime
 - c. breach
 - d. tort
- *61. When a matter is too complex for a lower court and must be moved to a higher court, you need a writ of:
- a. habeas corpus
 - b. mandamus
 - c. fellous jage
 - d. certiorari
- *62. Evidence that is acceptable unless successfully rebutted is:
- a. parol
 - b. prima facie
 - c. ambiguous
 - d. irrelevant

63. A pleading attacking the legal sufficiency of a pleading of the other side is a:
- a. demurrer
 - b. complaint
 - c. authority
 - d. summons
- *64. Voir Dire is:
- a. cross-examination at a deposition
 - b. the preliminary examination of a juror or witness to learn his competency
 - c. to speak falsely about a juror
 - d. the time when the judge instructs the jury
- *65. The proper place for trial of an action by virtue of the residence of the parties, the place of performance of the contract or the place of happening of an event is:
- a. jurisdiction
 - b. venue
 - c. mandamus
 - d. reciprocity
- *66. When a person dies without leaving a will he is said to have died:
- a. intestate
 - b. in the poor house
 - c. testate
 - d. insolvent
- *67. Truth or proposition drawn from another which is supported or admitted to be true is:
- a. inference
 - b. assumption
 - c. sub rosa
 - d. scienter
- *68. An accusation by the grand jury is:
- a. demurrer
 - b. in haec verba
 - c. indictment
 - d. complaint
69. Burden of proof is:
- a. the burden of the defendant
 - b. the presumption of innocence until proven guilty
 - c. the obligation of a party to produce a particular state of conviction in the mind of the trier of fact
 - d. only applicable in civil cases
70. Preponderance of evidence is:
- a. beyond a reasonable doubt
 - b. applicable only in civil cases
 - c. same as burden of proof
 - d. when each side has same number of witnesses

LEGAL

- 1. a
- 2. c
- 3. a
- 4. d
- 5. c
- 6. b
- 7. c
- 8. b
- 9. b
- 10. c
- 11. a
- 12. a
- 13. a
- 14. b
- 15. b
- 16. b
- 17. c
- 18. a
- 19. b
- 20. a
- 21. a
- 22. d
- 23. c
- 24. c
- 25. c
- 26. a
- 27. a
- 28. c
- 29. c
- 30. a
- 31. b
- 32. b
- 33. a
- 34. b
- 35. b
- 36. b
- 37. b
- 38. c
- 39. a
- 40. c
- 41. c
- 42. a
- 43. a
- 44. a
- 45. a
- 46. c
- 47. b
- 48. b
- 49. c
- 50. b

- 51. c⁰
- 52. b
- 53. c
- 54. b
- 55. b
- 56. a
- 57. a
- 58. b
- 59. b
- 60. d
- 61. d
- 62. b
- 63. a
- 64. b
- 65. a
- 66. a
- 67. a
- 68. c
- 69. c
- 70. b

PROFESSIONAL PRACTICE

MEDICAL

1. Gluteus maximus, trapezius, and sternocleido-mastoid are all examples of what?
 - a. bones
 - b. muscles
 - c. ligaments
 - d. joints

- *2. A partial dislocation of a joint is a:
 - a. subluxation
 - b. atrain
 - c. sprain
 - d. convolution

- *3. Which does not pass through the diaphragm?
 - a. aorta
 - b. esophagus
 - c. inferior vena cava
 - d. inferior bile duct

- *4. Which refers to removal of an organ?
 - a. ectomy
 - b. otomy
 - c. extasis
 - c. lysis

- *5. What is the weblike covering of the brain?
 - a. arachnoid
 - b. dura mater
 - c. meningitis
 - d. gray matter

- *6. Which is not a bone of the leg?
 - a. tibia
 - b. ulna
 - c. femur
 - d. fibula

- *7. TMJ refers to which joint?
 - a. tissue-muscle joint
 - b. temporomandibular joint
 - c. tympanicomaxillary joint
 - d. temporomedial joint

- *8. The last section of the small intestine is called:
 - a. ileum
 - b. duodenum
 - c. jejunum
 - d. ilium

- *9. When a person has back problems, he usually sees a:
- a. ophthalmologist
 - b. orthopedist
 - c. obstetrician
 - d. pediatrician
- *10. Which bone has no movable joint?
- a. femur
 - b. maxilla
 - c. cranium
 - d. radius
- *11. Which is not an ossicle?
- a. stapes
 - b. incus
 - c. malar
 - d. malleus
- *12. Which of these words means fat?
- a. myo
 - b. adipo
 - b. myelo
 - d. histo
13. A suture is a:
- a. mixture
 - b. stitch
 - c. sudor
 - d. wound
-
14. Which is tearing of the skin?
- a. laceration
 - b. abrasion
 - c. incision
 - d. ectomy
15. The word part "tachy" means:
- a. rapid
 - b. fat
 - c. slow
 - d. weakened
- *16. What is palpitation?
- a. listening to sounds in the body
 - b. feeling with the hands, tapping
 - c. fluttering heartbeat
 - d. all of the above
- *17. Which is the throat?
- a. pharynx
 - b. larynx
 - c. trachea
 - d. esophagus

- *18. The scintilla and sclera refer to the:
a. mouth
 b. eye
c. leg
d. small intestine
- *19. What type of fracture is partially broken:
a. compound
b. compacted
 c. greenstick
d. incomplete
- *20. Ramus refers to:
a. crown
 b. branch
c. brain
d. large intestine
- *21. What does carpal refer to:
 a. wrist
b. ankle
c. hand
d. foot
22. Nephro refers to:
a. liver
b. esophagus
 c. kidney
d. brain
-
- *23. What is the condition of kyphosis?
a. swayback
 b. humpback
c. S-curve
d. lordosis
- *24. Proximal is:
a. farthest from beginning point
 b. towards beginning point
c. in the middle
d. none of the above
- *25. Which is not a skull bone?
a. parietal
 b. hyoid
c. sphenoid
d. ethmoid
- *26. What is the clot in a vessel called?
a. stenosis
b. aneurysm
 c. embolism
d. hyoid

27. Reduce is to:
- a. lead back
 - b. lymph gland removal
 - c. inflammation of a gland near an artery
 - d. description of the state of blood
- *28. Which is not a part of the small intestine?
- a. cecum
 - b. ileum
 - c. duodenum
 - d. jejunum
29. The channel between the urinary bladder and the external orifice is the:
- a. urethra
 - b. ureter
 - c. vagina
 - d. vas deferens
- *30. Another word for jaundice is:
- a. icterus
 - b. oliguria
 - c. uremia
 - d. hematuria
31. The serous membrane which lines the abdominal wall is called the:
- a. peritoneum
 - b. pericardium
 - c. pleura
 - d. perineum
- *32. Dys means:
- a. change
 - b. abnormal
 - c. lack of
 - d. easy
- *33. Exudate from broken bone which helps in healing is:
- a. callus
 - b. marrow
 - c. formalin
 - d. crepitus
- *34. Reduction has to do with:
- a. misalignment
 - b. swelling
 - c. pain
 - d. mobility
35. The astragalus or talus, the tarsus, and the cuneiform are all part of:
- a. the skull
 - b. the hand
 - c. the foot
 - d. the pelvis

36. The zygomatic arch is in the:
a. pelvis
b. foot
c. hand
 d. skull
- *37. The os innominatum, ischium, ilium, and acetabulum all have to do with the:
 a. pelvis
b. small intestine
c. shoulder
d. skull
- *38. Myo means:
 a. nerve
b. muscle
c. fungus
d. bone marrow
39. Edema means:
a. not enough water
 b. water in the tissue
c. too many red blood cells
d. not enough red blood cells
40. The synovial membrane is the:
a. lining of the abdomen
b. lining of the heart
 c. lining of the joints
d. lining of the lungs
-
41. The covering of the bone is:
a. pericardium
 b. periosteum
c. peritoneal
d. perichondritis
42. All of the following are what: foramen, meatus, orbit
 a. bones
b. openings
c. muscles
d. fractures
43. The complete exchange of food and oxygen is called:
a. anabolism
b. embolism
 c. metabolism
d. catabolism
- *44. Which of the following means humpback?
 a. kyphosis
b. lordosis
c. scoliosis
d. phytosis

*45. Deglutition means:

- a. chewing
- b. swallowing
- c. urinating
- d. fainting

*46. Phlebo means:

- a. blood
- b. heart
- c. arteries
- d. veins

*47. A roentgenogram used for spinal x-rays could also be called a:

- a. myelogram
- b. myogram
- c. encephalogram
- d. electroencephalogram

*48. In which of the following would you look to find the name, cause and effect of a specific drug:

- a. Black's
- b. Parker's
- c. Taber's
- d. PDR

49. Which of the following means inflammation of the liver?

- a. cholecystitis
- b. hepatitis
- c. hemangiitis
- d. enteritis

*50. Which of the following does not belong?

- a. cephalo
- b. caput
- c. head
- d. capesio

*51. The Greek equivalent of "skin" is:

- a. derma
- b. cutis
- c. omos
- d. adipo

*52. Prognosis is:-

- a. forecast of outcome
- b. present condition
- c. past illness
- d. diagnosis

*53. Carpal Tunnel Syndrome affects the:

- a. ankle
- b. ear
- c. wrist
- d. vertebrae

- *54. The chest muscles are known as:
- a. pectoralis major and minor
 - b. brachialis major
 - c. rhomboid major
 - d. latissimus doris

55. Which does not belong in this group:
- a. tibia
 - b. fibula
 - c. ulna
 - d. femur

MEDICAL

- | | | | |
|-----|---|-----|---|
| 1. | b | 50. | d |
| 2. | a | 51. | a |
| 3. | d | 52. | a |
| 4. | a | 53. | c |
| 5. | a | 54. | a |
| 6. | b | 55. | c |
| 7. | b | | |
| 8. | a | | |
| 9. | b | | |
| 10. | c | | |
| 11. | c | | |
| 12. | b | | |
| 13. | b | | |
| 14. | a | | |
| 15. | a | | |
| 16. | c | | |
| 17. | a | | |
| 18. | b | | |
| 19. | c | | |
| 20. | b | | |
| 21. | a | | |
| 22. | c | | |
| 23. | b | | |
| 24. | b | | |
| 25. | b | | |
| 26. | c | | |
| 27. | a | | |
| 28. | a | | |
| 29. | a | | |
| 30. | a | | |
| 31. | a | | |
| 32. | b | | |
| 33. | a | | |
| 34. | a | | |
| 35. | c | | |
| 36. | d | | |
| 37. | a | | |
| 38. | b | | |
| 39. | b | | |
| 40. | c | | |
| 41. | b | | |
| 42. | b | | |
| 43. | c | | |
| 44. | a | | |
| 45. | b | | |
| 46. | d | | |
| 47. | a | | |
| 48. | d | | |
| 49. | b | | |

ENGLISH

GRAMMAR AND PUNCTUATION

Past tests have contained sections on error recognition in the following formats:

1. Where is the error in this sentence?

The two men were among^a the three members who arrived at the meeting and had brung^b the long-awaited^c test data.

(b is the correct answer)

2. Select the answer which makes the most correct sentence:

Jim is still afraid of the dark now that he is 18.

- a. now that he is 18.
b. even though he is 18.
c. being 18 now.
d. though his being 18.

(b is the correct answer)

3. Select the one sentence that is grammatically incorrect.

- a. It cannot be long until the summer is over.
b. His alternative was to stand or run.
c. His wish is that the house be finished by Christmas.
d. If you wait but ten minutes you will see her.

(b is the correct answer -- it should be "alternatives were.")

Following are some sentences which are grammatically correct but contain words or phrases which tend to cause confusion on the test. A thorough review of a good English textbook is recommended prior to taking the test.

In these sample sentences the words that tend to cause trouble are in all capital letters.

1. Breaking the adding machine and ITS stand should TEACH him a lesson.
2. I know your secretary to be HER WHO has been chosen for advancement.

3. He was ANGRY ^{with} AT the car because it would not start.
4. He was ANGRY WITH his wife because she forgot to buy gas.
5. Neither of the salesmen can quote HIS prices correctly, although we are now carrying FEWER items in stock.
6. Whenever I see a copy of his work, I wish I WERE ^{able} able to paint AS he can.
7. He is one of those men who DICTATE too RAPIDLY for too long a time.
8. WHOM did Mr. Robertson wish to see when he was here yesterday, the manager or ME?
9. The company DESIRES to see top-quality merchandise at a reasonable price and to FILL PROMPTLY all orders.
10. Because ONE HALF of the quarterly financial reporter looked so BAD, we did not submit it to the committee.
11. The cost of manufacturing these WOMEN'S coats will not permit OUR selling them at a lower price.
12. Neither Mr. Ellis nor Mr. Kenridge THINKS you would BE wise to return the television set now.
13. The report LAY on her employer's desk, but the carbon copy, as well as the original data, WAS in the file.
14. Since none of these typewriters IS entirely satisfactory, it does not look AS IF he will secure another order.
15. Miss Stevens types faster than ANY OTHER typist in the office.
16. Will you give me the name of the man WHO you believe can give me the information I need?
17. Mr. Vincent thought that your plan was the MORE practicable of the two that he studied.
18. I know you to be HIM who dented my car in the parking lot.
19. Redi-Kleen is better than ANY OTHER type cleaner I have ever used.
20. Mr. Meier said it would be ALL RIGHT for us to ship the merchandise by Inland Transit Lines.
21. I know more about the problem than SHE.
22. None of the people WERE clear about it.
23. Only one of the people WAS ready for the test.
24. How can you tell it was SHE?

25. They said that WE students were eligible.
26. John felt BAD about the damaged light.
27. I object to HIS working after dark.
28. Yesterday he LAY^{ied} down to rest.
29. There was a serious difference of opinion BETWEEN her and ME.
30. Johnson is one of the few sophomores WHO have ever made the varsity team.

--oOo--

The punctuation section on most past tests has consisted of the same sentenced punctuated differently. The examinee is instructed to select the properly punctuated sentence. These sentences also contain differences in capitalization.

Examples of the types of sentences given are as follows:

- 1.a. In Spring, he used the Chicago state railroads to visit his Mother.
- b. In spring, he used the Chicago state railroads to visit his mother.
- c. In Spring, he used the Chicago state railroads to visit his mother.
- d. In spring, he used the Chicago state railroads to visit his Mother.

(b is the correct answer, although "state" should probably also be capitalized, this is the most correct of the four selections given.)

2. a. It happened in the August 1978 event, which was unusual.
- b. It happened in the August, 1978, event -- which was unusual.
- c. It happened in the August 1978 event: which was unusual.
- d. It happened in the August, 1978, event, which was unusual.

(a is the correct answer.)

3. a. We looked at the Fahrenheits and were assured of warm, sunny weather on our company's anniversary -- which meant our employees would not miss the eagerly-awaited tradition of our yearly company picnic.
- b. We looked at the Fahrenheits and were assured of warm, sunny weather on our company's anniversary; which meant our employees would not miss the eagerly awaited tradition of our yearly-company picnic.
- c. We looked at the Fahrenheits and were assured of warm sunny weather on our companys' anniversary: Which meant our employees would not miss the eagerly-awaited tradition of our yearly company picnic.
- d. We looked at the Fahrenheits, and were assured of warm, sunny weather on our company's anniversary, which meant our employees would not miss the eagerly awaited tradition of our yearly, company picnic.

(a is the correct answer.)

4. a. The defense counsel -- do you know who I mean -- said he interviewed you.
- b. The defense counsel -- do you know who I mean? said he interviewed you.
- c. The defense counsel -- do you know who I mean? -- said he interviewed you.
- d. The defense counsel, do you know who I mean, said he interviewed you.

c is the correct answer)

5. a. The judge asked, "Did the officer ask you, 'Have you been drinking'?"
- b. The judge asked, "Did the officer ask you, "Have you been drinking?""
- c. The judge asked, "Did the officer ask you, 'Have you been drinking?'"
- d. The judge asked, "Did the officer ask you, 'Have you been drinking'?"

(c is the correct answer)

Following are some sentences with correct punctuation which have appeared in prior tests. Recent tests have seemed to emphasize the use of dashes and quotation marks.

1. The speakers were Miss Lois Smith, interviewer for American Air Lines, Houston, Texas; Mr. Lonnie Colins, president of United Fidelity, Dallas, Texas; Dr. Harold Conrad, professor, Tulsa, Oklahoma; and Mrs. Ruth Terry, Little Rock, Arkansas.

2. The airliner left on Friday, November 8, 1987, at 10:12 a.m.
3. He bought a two-third's interest in the business which, as everybody knows, is a controlling interest.
4. "Why does she want to see me?" he asked.
5. The Kellys had a two-months' grace period on their loan.
6. It is not possible," he said, "for Barry's secretary to go with us."
7. The lawyer for the hit-an-run driver was well know for his clever, emotional speeches to the jury.
8. Did he say, "Tell them to come in"?
9. "That's it," he murmured. "Pro and con were the champ's last words."
10. He is a top-notch student at National; therefore, he should have no difficulty in passing their employment test.
11. Mr. Kent, the president of Apex Machines Company, will address our assembly Friday.
12. After a two-hour delay, the plane left the runway on Saturday, November 23, 1977, at 2:10 p.m.
13. The Joneses' television set isn't as good as yours.
14. The children's books were picked by the teacher's assistant.
15. Their one-day's wages is worth our two-days' work.
16. "I was so frightened," Mary admitted, "when I yelled I did it."
17. The house has these attractive features: a fireplace, a two-car garage, two terraces.
18. Last Tuesday you said, "I will mail a check today"; however, it has not yet arrived.

Following is a sample Grammar and Usage test. If you are unsure of why a particular sentence is wrong, you should consult a good English textbook or schedule an appointment with an English instructor.

In each of the following groups of sentences select the one sentence that is grammatically INCORRECT.

1. a. He would not accept of my hospitality.
b. He is a pleasant person until challenged.
c. We still don't know to whom to turn.
d. It is the shutters swinging in the wind.
2. a. Why should he mind your having taken the stapler?
b. It has been functioning as a graduate school ever since.
c. He led his captors on a merry chase.
d. All sorority members declined except she.
3. a. Nothing is to be gained by further discussion.
b. No applicant has received a second chance.
c. He receives a gift when he takes home a good report card.
d. The noise of planes and bombers frightens children and adults.
4. a. Today, fewer pedestrians are guilty of jaywalking.
b. You look well today, after this illness.
c. The terrain of New Mexico is quite like Arizona.
d. The amount of money in American banks is increasing.
5. a. The professor finished the unit inside of a month.
b. After stealing the bread, he ran like a thief.
c. Swimming is more enjoyable than dancing.
d. The scouts walked a mile farther than they had intended.
6. a. You ought to begin, oughtn't you?
b. When she graduates college she will be twenty-one.
c. The law prescribed when and to whom the tax should be paid.
d. We would rather die than surrender.
7. a. He will continue his good work, being that we show appreciation.
b. I cannot drive somebody else's car.
c. He has but one aim, to succeed.
d. Everything would have turned out right if she had only waited.
8. a. The counsel anticipated part of this argument.
b. Bring all these books to the library.
c. We are desirous of serving you.
d. Anyone may attend.

9.
 - a. Amiable persons make amicable adjustments.
 - b. Being unable to hear the speaker, we fell asleep.
 - c. When Peter reached home, he found he lost his wallet.
 - d. It had lain there for many days.
10.
 - a. It cannot be long until the summer is over.
 - b. His alternative was to stand or run.
 - c. His wish is that the house be finished by Christmas.
 - d. If you wait but ten minutes you will see her.
11.
 - a. Everyone was present but him for whom the meeting was called.
 - b. The officer was wholly within his rights.
 - c. Not only did I eat too much, but I also drank to excess.
 - d. Let's meet around six o'clock.
12.
 - a. When I arrived, he was already there.
 - b. My diagnosis is worth more than a surgeon's.
 - c. I use all my pens without fear of them leaking.
 - d. When I arrived, they were all ready to go.
13.
 - a. I'll never agree to John changing his job.
 - b. He gained admittance to the ball park.
 - c. Please advise me what to do.
 - d. The wound was aggravated by rubbing.
14.
 - a. ~~The word was used as an adjective.~~
 - b. He administered medicine.
 - c. Such evidence is not admissible.
 - d. Sandburg's poems show force not unlike Frost.
15.
 - a. As many as want tickets should order now.
 - b. He didn't know as he would come.
 - c. The assumption is that he is innocent.
 - d. The facts create a presumption of guilt.
16.
 - a. "Which is the way to Paris?" asked the American soldier.
 - b. The physicist muttered in despair, "Will I always be surrounded by fools?"
 - c. I never feel badly if after trying hard I fail to win a prize; the effort gives me satisfaction.
 - d. Everywhere I go, I find grime and dirt in the air.
17.
 - a. Parents are the ones who we believe ought to insist upon their children's obeying orders.
 - b. The carpenters were lying on the ground and resting when I came in.
 - c. I do not understand why mother should object to me playing the piano at the party.
 - d. Lie in bed awhile until your aches and pains subside.

18. a. Students who plan to become physicians are advised to study biology, chemistry, and German.
b. The critic asked the author which of his plays he considered the best.
c. I, who am your best friend, should have at least a fair chance of winning the prize.
d. If you go past the library tomorrow, please bring this book to the librarian who sits at the desk in the children's room.
19. a. Writers no longer take for granted the mores of the society in which they live.
b. He is in this country now for five years, but he makes no attempt to speak our language.
c. The reason the child rebelled was that the order made no sense to him.
d. His written work has been done in so careless a manner that I refuse to read it.
20. a. "To eat sparingly is advisable," said the doctor.
b. When March winds blow, women's hats occupy a precarious perch.
c. While traveling through the Blue Ridge Mountains, the breath-taking scenes awed the travelers.
d. The doctor advised the patient to take two teaspoonfuls of the medicine daily.
21. a. My experience in South Africa taught me that the climate there is quite different from ours.
b. The class had been in session two weeks, yet it seemed like we had been listening to lectures for years.
c. He turned out to be a much better student than I had expected.
d. Any writer who can write the way he does is either a fool or a cynic.
22. a. Books of various kinds should be within easy reach of the pupils.
b. I expect that you want to see me.
c. Except a living man, there is nothing more wonderful than a book.
d. He plays a first-rate game of golf.
23. a. What kind of a teacher would you like to be?
b. The temperature has dropped so much that it is likely to snow.
c. The improvements in the plan enable the teacher to save much time.
d. Offering people advice is often wasting one's breath.

24. a. There are very good grounds for such a decision.
b. Due to bad weather, the game was postponed.
c. The door opens, and in walk John and Mary.
d. Where but in America is there greater prosperity?
25. a. Choose an author as you choose a friend.
b. Home is home, be it ever so humble.
c. You always look well in that sort of clothes.
d. We had no sooner entered the room when the bell rang.
26. a. Never before, to the best of my recollection, have there been such promising students.
b. It is only because your manners are so objectionable that you are not invited to the party.
c. I fully expected that the children would be at their desks and to find them ready to begin work.
d. A complete system of railroads covers the entire country.
27. a. Our vacation is over, I am sorry to say.
b. It is so dark that I can't hardly see.
c. Either you or I am right; we cannot both be right.
d. After it had lain in the rain all night, it was not fit for use again.
28. a. The day is warm.
b. It should be called to his attention.
c. The girl was an unusually beautiful child.
d. He performed the job easy and quick.
29. a. The company published its new catalogue last week.
b. The man who he introduced was Mr. Carey.
c. The Rolls-Royce is the fastest car in England.
d. He finished the job satisfactorily.
30. a. She saw the letter laying here this morning.
b. They gave the poor man some food when he knocked on the door.
c. The plans were drawn before the fight started.
d. He was here when the messenger brought the news.

ANSWERS

GRAMMAR

1. a
2. d
3. b
4. c
5. a
6. b
7. a
8. c
9. c
10. b
11. c
12. c
13. c
14. d
15. b
16. c
17. c
18. d
19. b
20. c
21. d
22. b
23. a
24. c
25. c
26. c
27. b
28. d
29. b
30. a

ENGLISH

USAGE

In both the November 1986 and November 1988 exams the first portion consisted of four sentences, each with two words underlined. You were to pick the sentence in which both words were used correctly.

EXAMPLE:

1. A. The miner took the gold to the essayer's office.
- B. The minor took the gold to the assayer's office.
- C. The minor took the gold to the assayer's office
- D. The minor took the gold to the essayer's office.

Examples of other combinations follow:

2. In an instants/instance he waved/waived his rights.
3. He was rational/rationale even though/thorough he didn't have to be.
4. He prophesied/prophecied to raise their moral/morale.
5. Her forte/fort was baking with egg yolk/yoke.
6. His facetious/factitious manner made his temper flair/flare.
7. The marshal/martial arts winner received a medal/metal.
8. The stock market crash has an effect/affect on the principal/principle in the bank.
9. He entered/interred his plea and was apprised/appraised of the sentence.
10. The wind is liable/libel to cause the bow/bough of the tree to bow/bough.
11. It's/Its easy to lose/loose small items.
12. We drove past/passed their/they're house.
13. The gorilla/guerrilla warfare may incite/insight others to riot.
14. His ascent/assent of the stairs was painful, which was obvious from his slow gait/gate.
15. She needed the colander/calendar to strain the dessert/desert before it would be ready to eat.
16. The car's brakes/breaks failed altogether/all together.
17. Who's/Whose going to sue for liable/libel?

ENGLISH

SPELLING

The following are examples of spelling questions from prior tests. Following these questions is a list of commonly misspelled words, many of which have appeared on past CSR exams.

In each of the following sets of words select the letter of the word which is misspelled.

1. a. prevalent
b. conceed
c. proceed
d. supersede
2. a. priviledge
b. fracas
c. affront
d. illicit
3. a. expurgate
b. mnemonic
c. existant
d. extant
4. a. auxiliary
b. vactuum
c. superfluous
d. corporeal
5. a. irrelevant
b. superintendant
c. occasional
d. operator
6. a. elicit
b. obstrepius
c. intrinsic
d. inherent
7. a. conscious
b. changable
c. gauge
d. liaison
8. a. panache
b. enigma
c. questionnaire
d. cumulative
9. a. appendege
b. inferred
c. foreign
d. fraudulent
10. a. lavatory
b. likable
c. lilihoo
d. liquefy
11. a. noticeable
b. ommission
c. opposite
d. indispensable
12. a. amateur
b. athlete
c. allottment
d. pastime
13. a. vendor
b. vague
c. decieve
d. benefited
14. a. pasteurize
b. acquiescence
c. millionnaire
d. naive
15. a. unscrupulous
b. traceable
c. ancillary
d. disatisfied
16. a. sensible
b. usable
c. wierdness
d. criticize
17. a. defensible
b. dilemma
c. canceling
d. conscienously
18. a. apostrophe
b. asterik
c. ellipses
d. lightning

ANSWERS

SPELLING

1. b
2. a
3. c
4. b
5. b
6. b
7. b
8. c
9. a
10. c
11. b
12. c
13. c
14. c
15. d
16. c
17. d
18. b

ENGLISH

VOCABULARY

The vocabulary section on past tests has tended to be very comprehensive and one of the most difficult portions of test for examinees. The following sample test includes more vocabulary than will probably be on the actual exam, however, it is recommended that you familiarize yourself with as many words as possible prior to taking the exam.

In each of the following numbered items, select the letter of the word that is closest in meaning to the word in capital letters.

1. **PROTOCOL**
a. formation
 b. etiquette
c. order
d. ordnance

2. **INDIGENT**
a. glib
b. indict
 c. poor
d. depressed

3. **REPUTE**
a. punish
b. encroach
c. enjoin
 d. ascribe

4. **LANGUID**
 a. pine
b. partly
c. pant
d. skinny

5. **DEPLOY**
a. trick
b. arrange
c. incite
d. quell

6. **SENTIENT**
a. feel
b. vigilant
c. prophet
d. wasteful

7. **CENSURE**
a. reprove
b. quash
c. clean
d. impel

8. **ASCENDANCY**
 a. domination
b. agreement
c. related
d. prevail

9. **EQUIVOCAL**
 a. ambiguous
b. certain
c. exalted
d. folly

10. **EXPURGATE**
 a. cleanse
b. export
c. inveigle
d. loathe

11. **MALIGN**
a. crooked
 b. evil
c. pseudo
d. quaff

12. **CAPTIOUS**
a. threatening
 b. faultfinding
c. putrid
d. ornate

13. **SAGACIOUS**
 a. perceptive
b. prescience
c. old
d. gracious

14. **EXONERATE**
a. vindicate
b. prolong
c. crush
d. suppress

15. HONE
 a. ordain
 b. sharpen
 c. scrimp
 d. skulk
16. SOLACE
 a. comfort
 b. frugality
 c. hale
 d. sullen
17. PANDER
 a. speculate
 b. sloth
 c. suave
 d. cater
18. ACQUIT
 a. accuse
 b. cut
 c. absolve
 d. correct
19. BLASPHEME
 a. emphasize
 b. curse
 c. shrink
 d. ascribe
20. ALIENATE
 a. prohibit
 b. weaken
 c. denounce
 d. estrange
21. DISPARAGE
 a. exaggerate
 b. belittle
 c. pledge
 d. discourage
22. SIMULATE
 a. counterfeit
 b. stain
 c. excite
 d. erase
23. NOTARIZE
 a. orate
 b. sign
 c. attend
 d. authenticate
24. TEMERITY
 a. abundance
 b. timidness
 c. rashness
 d. fear
25. WAN
 a. bright
 b. pale
 c. dark
 d. healthy
26. FRACAS
 a. melee
 b. enthusiasm
 c. entertainment
 d. expression
27. AGGRANDIZE
 a. intensify
 b. infuse
 c. stultify
 d. titillate
28. DEMUR
 a. delay
 b. retire
 c. prevaricate
 d. waste
29. SOMNAMBULIST
 a. userper
 b. sleepwalker
 c. agitator
 d. minister
30. BELLICOSE
 a. honest
 b. talkative
 c. sophisticated
 d. warlike
31. PERDITION
 a. miasma
 b. damnation
 c. euphoria
 d. melancholy
32. AGAPE
 a. suppressed
 b. unhappy
 c. openmouthed
 d. entrenched

33. DEPRAVITY
 a. honesty
 b. loss
 c. pharisaical
 d. wickedness
34. DISINGENUOUS
 a. crafty
 b. sophisticated
 c. intelligent
 d. wise
35. PERFUNCTORY
 a. thorough
 b. superficial
 c. profound
 d. official
36. HIERARCHY
 a. ranks
 b. royalty
 c. category
 d. sequence
37. BANEFUL
 a. poor
 b. ruinous
 c. sorrowful
 d. enthusiastic
38. PURLOIN
 a. cook
 b. preempt
 c. scarify
 d. steal
39. ENNUI
 a. alienation
 b. boredom
 c. repulsion
 d. attraction
40. HAPLESS
 a. unfortunate
 b. carefree
 c. itinerant
 d. sluggish
41. EXCULPATE
 a. cleared
 b. exiled
 c. prosecuted
 d. accused
42. RAZE
 a. lift
 b. cut
 c. insert
 d. destroy
43. STIGMATIZE
 a. brand
 b. ignore
 c. cleanse
 d. avoid
44. ACRIMONIOUS
 a. married
 b. caustic
 c. accusative
 d. soothing
45. IMPIETY
 a. carelessness
 b. waste
 c. avoidance
 d. irreverence
46. BERATE
 a. scold
 b. approve
 c. deny
 d. applaud
47. ASSIDUOUS
 a. putrid
 b. diligent
 c. cleansing
 d. lacking
48. LACERATE
 a. mend
 b. break
 c. tear
 d. heal
49. BLANDISHMENT
 a. flattery
 b. anger
 c. enthusiasm
 d. quackery
50. LAGGARD
 a. imprecise
 b. excited
 c. profound
 d. slow

51. SONOROUS
 a. marred
 b. resonant
 c. unclean
 d. loud
52. CHOLERIC
 a. saddened
 b. unhealthy
 c. hot-tempered
 d. slow
53. MITIGATE
 a. appease
 b. match
 c. implant
 d. avoid
54. PAUCITY
 a. fat
 b. parity
 c. unevenness
 d. scarcity
55. SQUALID
 a. fishy
 b. neglected
 c. tidy
 d. septic
56. ABASEMENT
 a. incurrence
 b. taxation
 c. ground floor
 d. humiliation
57. ABSTRUSE
 a. profound
 b. irrelative
 c. suspended
 d. protesting
58. ACME
 a. basement
 b. congestion
 c. pinnacle
 d. disease
59. INDOLENCE
 a. sloth
 b. proverty
 c. latitude
 d. aptitude
60. OMBUDSMAN
 a. private investigator
 b. private official
 c. public investigator
 d. birdwatcher
61. PERCIPIENT
 a. fluent
 b. exceptional
 c. discerning
 d. valuable
62. IMPUDENT
 a. indolent
 b. insolent
 c. respectful
 d. fearful
63. ENERVATE
 a. energize
 b. exhausted
 c. excite
 d. impudent
64. CORPOREAL
 a. physical
 b. essential
 c. squalid
 d. military
65. EMIT
 a. confess
 b. send forth
 c. suggest
 d. enter
66. CONVEY
 a. guide
 b. carry
 c. drive
 d. collect
67. DEGRADE
 a. debase
 b. deliver
 c. evaluate
 d. suspect
68. PALATABLE
 a. large
 b. smooth
 c. tasty
 d. bland

In each of the following numbered items, select the letter of the word that has most nearly the OPPOSITE meaning as the word in capital letters.

1. EXCULPATE
 - a. inculcate
 - b. inculcate
 - c. assume
 - d. purport
2. INCREDULOUS
 - a. argumentative
 - b. indifferent
 - c. believing
 - d. imaginative
3. PLACATE
 - a. amuse
 - b. antagonize
 - c. embroil
 - d. pity
4. COGNIZANT
 - a. afraid
 - b. ignorant
 - c. capable
 - d. aware
5. DISSONANCE
 - a. disapproval
 - b. disaster
 - c. harmony
 - d. disparity
6. TORSION
 - a. bending
 - b. compressing
 - c. stretching
 - d. straightening
7. ACCRUED
 - a. subtracted
 - b. incidental
 - c. special
 - d. unearned
8. EFFRONTERY
 - a. conceit
 - b. dishonesty
 - c. shyness
 - d. snobbishness
9. ACQUIESCENCE
 - a. advice
 - b. advocacy
 - c. opposition
 - d. friendliness
10. RETICENT
 - a. fidgety
 - b. repetitious
 - c. talkative
 - d. restful
11. PSEUDO
 - a. deep
 - b. obvious
 - c. honest
 - d. provoking
12. AWRY
 - a. straight
 - b. deplorable
 - c. odd
 - d. simple
13. NEFARIOUS
 - a. clever
 - b. necessary
 - c. negligent
 - d. kindly
14. GLIE
 - a. cheerful
 - b. dull
 - c. quiet
 - d. gloomy
15. PAUCITY
 - a. lack
 - b. ease
 - c. hardship
 - d. abundance
16. LUCRATIVE
 - a. debasing
 - b. fortunate
 - c. influential
 - d. unprofitable

17. INDUBITABLE
a. doubtful
b. honorable
c. fraudulent
d. safe
18. SAVANT
a. diplomat
b. inventor
c. moron
d. wiseacre
19. INCIPIENT
a. concluding
b. dangerous
c. hasty
d. secret
20. VIRILE
a. honest
b. loyal
c. effeminate
d. pugnacious
- ~~21. ASSIDUOUS~~
~~a. courteous~~
b. careless
c. discouraged
d. frank
22. ECLECTIC
a. brilliant
b. not choosing
c. conclusive
d. reproaching
23. TRUCULENT
a. brilliant
b. fawning
c. automotive
d. unruly
24. BIBULOUS
a. biblical
b. artistic
c. bookish
d. non-absorbent
25. DISCRETE
a. prudent
b. judicious
c. crooked
d. joined

ANSWERS

VOCABULARY

- | | | | |
|-----|---|-----|---|
| 1. | b | 51. | d |
| 2. | c | 52. | c |
| 3. | d | 53. | a |
| 4. | a | 54. | d |
| 5. | b | 55. | b |
| 6. | a | 56. | d |
| 7. | a | 57. | a |
| 8. | a | 58. | c |
| 9. | a | 59. | a |
| 10. | a | 60. | c |
| 11. | b | 61. | c |
| 12. | b | 62. | b |
| 13. | a | 63. | b |
| 14. | a | 64. | a |
| 15. | b | 65. | b |
| 16. | a | 66. | b |
| 17. | d | 67. | a |
| 18. | c | 68. | c |
| 19. | b | | |
| 20. | d | | |
| 21. | b | | |
| 22. | a | | |
| 23. | d | | |
| 24. | c | | |
| 25. | b | | |
| 26. | a | | |
| 27. | a | | |
| 28. | a | | |
| 29. | b | | |
| 30. | b | | |
| 31. | b | | |
| 32. | c | | |
| 33. | d | | |
| 34. | a | | |
| 35. | b | | |
| 36. | d | | |
| 37. | c | | |
| 38. | d | | |
| 39. | b | | |
| 40. | a | | |
| 41. | a | | |
| 42. | d | | |
| 43. | a | | |
| 44. | b | | |
| 45. | d | | |
| 46. | a | | |
| 47. | b | | |
| 48. | c | | |
| 49. | a | | |
| 50. | d | | |

OPPOSITES

- | | |
|-----|---|
| 1. | a |
| 2. | c |
| 3. | b |
| 4. | b |
| 5. | c |
| 6. | d |
| 7. | d |
| 8. | c |
| 9. | c |
| 10. | c |
| 11. | c |
| 12. | a |
| 13. | d |
| 14. | d |
| 15. | d |
| 16. | d |
| 17. | a |
| 18. | c |
| 19. | a |
| 20. | c |
| 21. | b |
| 22. | b |
| 23. | b |
| 24. | d |
| 25. | d |

WHAT BEGINNING REPORTERS SHOULD KNOW (EDITED BY BEA TURNAGE)

PLAINTIFF: The plaintiff is always the one who is suing.

DEFENDANT: The defendant is always the person being sued.

CROSS-COMPLAINANT: The cross-complainant is a defendant who sues the plaintiff (in other words, plaintiff sues defendant; defendant decides then to sue the plaintiff back).

CROSS-DEFENDANT: The cross-defendant is the plaintiff being sued by the defendant.

CLAIMANT: Similar to a plaintiff: may assert a right, demand, or claim (i.e., claim an estate by inheritance).

APPLICANT: An applicant (or petitioner) is one who is entitled to lost wages and files a petition asking for that money. Workers' comp. cases always have applicants asking for money lost because of injury on the job, stress, etc.

RESPONDENT: A respondent is the one who must answer the applicant or petitioner. A respondent is similar to a defendant.

THE PEOPLE: The People represent the entire body of citizens of a state.

DISTRICT ATTORNEY: The District Attorney represents the interests of the People in a criminal case or political issues.

DEPOSITION: A deposition is the testimony of a witness, given under oath by a court reporter, in an informal setting. Deposition testimony carries the same weight and penalties of perjury as in a court of law.

CIVIL PROCEEDING: A civil proceeding is a case involving a private dispute (usually noncriminal) between parties.

CRIMINAL PROCEEDING: A criminal proceeding is a case involving such acts as murder, rape, burglary, etc. When a crime is committed, the accused enters a plea: guilty, not guilty, or nolo contendere. A preliminary hearing is held in municipal court to determine whether probable cause exists to hold the accused to answer in superior court. If the case goes to superior court, the judge or jury determines the guilt or innocence of the accused. If the accused is determined to be guilty, then he or she is sentenced.

PLEADING: A pleading is a formal allegation made by a party of his or her respective claims and defense. It is basically a set of documents or a document that has to be filed with the County Clerk's office. It must contain a title page (caption page), the body of the pleading, and usually proof of service that contains all the names and addresses of people to whom the document has been sent.

NOTICE OF DEPOSITION: This document contains the caption, date, time, deponent's name, and place of the deposition. This document is very important to court reporters. The firm will usually have this document ready before the reporter goes out on a job.

COPIES: When an attorney schedules a deposition, that means he is the noticing attorney, i.e., the attorney who will pay for the original and a copy. Always know who the noticing attorney is and who is ordering the original and copy of the transcript. Always ask who wants a copy of the transcript, and unless it is contrary the firm's practice, put yourself on the record:

COURT REPORTER: Does everyone want a copy of the transcript?

MS. WALKER: No, not right now. I'll give you a call if I want a copy.

MR. HUMPHREYS: I'd like a copy, Kathryn.

ASCII: At the end of a deposition always ask who wants an ASCII. An ASCII is a copy of the transcript on a 3-by-5 disk.

CONDENSED TRANSCRIPT: If the firm offers this service, ask if anyone wants a condensed transcript. It's simply a condensed version of a transcript wherein a lot of questions and answers are put onto one page in smaller print so that attorneys don't have as much paperwork in court.

SPELLINGS: If you did not get all the spelling sometime during the deposition, make sure you get them immediately after the deposition. If it is not possible to interrupt the proceedings to obtain a spelling that has come up, use your hot key and get the spelling later:

PUNCTUATION: Try to put in as much punctuation as possible while writing, especially commas, periods, and dashes.

PAGE RATES: The page rate is what each court reporting firm pays you per page. Different rates exist for expedites, expert testimony, etc. Always be familiar with what each firm pays you. Always check your receipts. Court

reporting firms usually take anywhere from 20 to 30 percent. Official reporters who work in the courtroom are paid a folio rate.

APPEARANCE FEE: The reporter gets an appearance fee for coming to the deposition, even when a deposition is canceled. An appearance fee varies by the amount of time you spend at a job. It can be \$125 for an all-day job or \$75 for a half-day job, excluding the percentage the firm takes.

TIME TO TURN IN A TRANSCRIPT: Until a few years ago, court reporting firms allowed their reporters two weeks (14 work days) to turn in a transcript. The trend has been more recently to turn them in sooner (within 10 working days). It is important that transcripts never be turned in late.

DAILY: A daily is a job that is delivered the next day to the requesting parties.

HOLD JOB: If the attorneys do not want a transcript yet, it is called a hold job. They'll call you when they want it. When you get a hold job, turn in your worksheet to the firm within two days. Always keep a copy of the worksheet and keep all other information on that hold job so that when they do call for it, you have all the required information. Some reporters tab their hold jobs with a bright "sticky" on the outside so they can be easily spotted among other worksheets.

EXPEDITE: An expedite is a transcript that is needed as soon as possible by the attorneys (not necessarily a daily). This means they want the transcript before the normal two-week period. If one attorney says he/she wants a job expedited, make sure you ask all other attorneys if they wish the same service. This is very important. The others may not say anything, so don't assume everyone wants the job expedited.

ADMONITION: The admonition is the instructions the attorney gives the deponent at the beginning of each deposition. Through this process the attorney explains to the deponent (witness) that he or she has been sworn to tell the truth just as though the proceedings were in a court of law. The testimony has the same force and effect as in a court of law. The deponent is not to answer with "uh-huh" or "huh-uh," shrugs of the shoulders, or nods of the head. If the deponent does answer in such a manner, either the attorneys or the court reporter will ask the witness to clarify the answer. If the deponent does not know the answer to a question, that fact should be made known. When deponents respond to any questions, it is assumed they understood the questions posed. A deponent is allowed to say, "I don't understand," or something similar, if a question is not understood. Most attorneys say the admonitions quite fast, but they all pretty much say the same thing. Reporters usually become used to the various styles of different attorneys.

ADMINISTERING THE OATH: Here are different examples of administering the oath to a witness:

Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Do you swear to tell the truth, the whole truth, and nothing but the truth?

Do you affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

ADMINISTERING THE OATH TO AN INTERPRETER: Do you solemnly swear to interpret from English to Spanish and from Spanish to English to the best of your ability, so help you God? (Then the interpreter, through the court reporter, will swear in the witness.)

EXPERT WITNESS: An expert witness can be a doctor, an engineer, an architect, a psychologist, etc. Experts may be difficult to take: they can be fast, and their vocabulary tends to be dense. If you're taking an expert's deposition, that usually means that the trial date is near, and in a lot of cases, the transcript will be an expedite. Therefore, always ask the attorneys at the end of the expert's testimony whether the transcript is to be done on an expedited basis or when before the trial date.

When you take an expert's testimony, spellings and records are very important, because throughout the deposition, records will be referred to and read from. While you're transcribing, you are going to refer to those records often for correct spellings and quotations. Always ask for copies of records that the expert referred to during the deposition if those records aren't marked as exhibits.

PERSONAL INJURY CASES: These are cases where an injury has occurred and someone is suing for medical bills, loss of earnings, loss of earning capacity, etc.

WORKERS' COMP CASES: These are cases where an employee injures himself or herself while on the job and files for workers' compensation benefits. Usually the deposition lasts about an hour.

MARKING EXHIBITS: During a deposition, when an attorney turns to you and asks you to mark an exhibit, mark the exhibit with either a number or letter. Some reporters prefer to use numbers in depositions because that way they won't run out of letters. In court it is more formal: one side uses numbers; the other side uses letters. Whether you use professionally made exhibit stickers or "Post-it" type notes, the following information should be visible: the exhibit number, the deponent's last name, the date, and your initials.

Example: Defendant's Exhibit No. 1
Smith
10/1/96
BT

Do not allow the attorney or anybody to speak on the record until you are through marking the exhibit. Your notes might resemble the following:

MR. BROWN: Let's have this marked next in order.

(Defendant's Exhibit No. 1 was marked for identification.)

Q BY MR. BROWN: Do you recognize this letter, Mr. Smith?

Make sure you have all exhibits in your possession before you leave a deposition. Sometimes exhibits need to be copied before you leave, or they will be sent to you. Whatever the case, make sure you end up with those exhibits at your office and that they are attached to the transcript.

WHEN TO INTERRUPT DEPOSITION PROCEEDINGS: Never hesitate to stop somebody when you don't hear something or when the testimony or questioning is going too fast. If the attorney or witness refuses to cooperate, say the following (and make sure it's on the record): "I'm sorry, but the record will be in jeopardy if you refuse to cooperate" or anything similar to that. Be professional and courteous.

ALWAYS WRITE WHAT YOU SAY ON THE RECORD IF IT PERTAINS TO THE RECORD: As mentioned previously, always write at the end of a deposition:

THE COURT REPORTER: Does anyone want a copy of the transcript?

or

THE COURT REPORTER: Excuse me. I need to change paper.

DON'T STOP WRITING WHEN AN ATTORNEY SPEAKS TO YOU:

MR. BONDS: Would you read back the last question, please.

(Record read.)

MR. BONDS: Madam Reporter, how long will it take to get this transcript?

THE COURT REPORTER: Can we go off the record?

(Discussion off the record.)

TRANSCRIBING THE JOB: When you are transcribing, learn to make sense of what you are reading. Read for context. Don't be a machine and say, "Well, that's what I heard."

If something does not make any sense whatsoever, then you better stop that person and be sure you are getting down what they are saying, not what you think they are saying.

PROOFREADING: Proofread while on the computer, proofread the first printout, and proofread your final printout. If your transcript is in the hands of an attorney during a trial and he is trying to read your transcript and he is reading it aloud and sees errors, you are going to look really bad. He will likely not call on your services again. Even worse, he may tell others to avoid you!

EDITING WHAT AN ATTORNEY SAYS: If you work for different court reporting firms, some of them will encourage taking out attorneys' false starts and perhaps editing out bad grammar used by the attorneys. This is your judgment call, but be cautioned: attorneys are the ones who pay your bills.

REALTIME: Learn it well or perish! Do not be afraid to try something different. Try to get rid of all conflicts.

COMPUTERS: Use what is best for you. Some people work with older computers and get their jobs done quickly and efficiently. When buying a system, don't let anyone or anything overwhelm you. Research whatever you purchase. Do not believe anyone until you have researched what they are trying to sell you.

WORKSHEETS: Learn how to fill out worksheets. Each court reporting firm has its own type of worksheet. Keep copies of all worksheets and other job information, i.e., caption/title page, spellings, names, times, and addresses.

JOB RECORDS: Keep a record of your jobs by writing down in a logbook the following: the firm for whom you've done the job; date, place, type of job; name of deponent; case name; number of copies; number of pages; date completed; date delivered; date paid and amount paid.

COMPLETED JOBS: A complete job includes the following: the original transcript, the original certificate page (some firms ask that you include additional cert pages for each copy), the worksheet, and an ASCII disk if requested.

MAILING/DELIVERY OF JOBS: All jobs should be hand-delivered or sent certified mail (receipt requested) or Federal Express.

EXAMINATION IN A DEPOSITION: In a deposition, the headings are as follows:

EXAMINATION BY MS. REINDL

EXAMINATION BY MR. BODINE

FURTHER EXAMINATION BY MS. REINDL

FURTHER EXAMINATION BY MR. BODINE

EXAMINATION IN COURT: In court, the headings are as follows:

DIRECT EXAMINATION BY MS. DARE

CROSS-EXAMINATION BY MS. FINNEY

REDIRECT EXAMINATION BY MS. DARE

RECROSS-EXAMINATION BY MS. FINNEY

FURTHER REDIRECT EXAMINATION BY MS. DARE

FURTHER REDIRECT EXAMINATION BY MS. FINNEY

STATEMENT ON THE RECORD: A statement on the record occurs when the deponent does not appear for a noticed deposition. The attorneys will sometimes go on the record just to make a statement that the deposition was set and that no one appeared. This is also called a "STATEMENT ON THE RECORD OF NONAPPEARANCE."

WHEN AN ATTORNEY DOES NOT WANT A COPY OF THE TRANSCRIPT:
As mentioned before, get everything on the record when attorneys are talking about ordering copies. Attorneys can sometimes be unethical and turn to another attorney right in front of you and ask that attorney whether he can just get a copy from her. Put that in the record, and if the other attorney agrees to send him a copy, then she can pay double, since she's so eager to supply copies to people!

HOW TO DRESS: Do not dress in something that is too short or too low-cut. Attorneys do talk about court reporters! If you want to look attractive, be subtle. You can be professional and attractive at the same time.

TALKING WITH WITNESSES: Never talk about the case with a witness. If you do, the attorneys will catch you on that and reprimand you. It can be very embarrassing. If the witness is talking about the case, politely explain that you cannot discuss the case because you must remain impartial. Of course, along those same lines, never offer advice to the witness.

BUSINESS CARDS: Pass out business cards only for the firm that you are representing. Never distribute your own personal card. If a firm discovers that you are soliciting your own business, your reputation may be affected. Have integrity, and respect other people for whom you are working.

BE KIND: Be pleasant yet assertive with attorneys. Don't be intimidated. Don't be afraid to smile once in a while. Always be especially kind to secretaries. They can be your best friend or your worst enemy.

DIRECTIONS: Not only is it important to be early, it is especially critical to get directions to the deposition. If you are unfamiliar with an area, it is not a bad idea, if there is time, to drive to that area a day or two in advance of the deposition. Of course, always have a map handy.

PAGERS: Pagers are highly recommended, but do not have them on "beep" mode while you are at a deposition. Just check them every once in a while or have them on "vibration" mode.

CAR PHONES: These are highly recommended so that you may return calls promptly and obtain jobs before someone else gets them. A car phone can save you from going all the way to a job if it cancels.

CONFIRMING DEPOS: If you're scheduled to take a depo and no one from the court reporting firm has called you by 4:00 p.m., call them and confirm. Never assume they know you're on the job. Firms can make mistakes and schedule two people for the same job.

CALENDARS: Keep a clean calendar. Write down the time, place, address, and whatever else you can fit in. Get a calendar that you have room to write a lot of information for one day. Have a personal calendar and a business calendar if possible. Don't overbook. Don't assume a job in the morning will be done in time for a job in the afternoon. Always find out from the attorneys if the morning job will be one hour long or several hours long.

READ DEPOSITIONS: Read working reporters' depositions from different firms to learn the various styles. Get examples of deposition formats from each firm you work for.

DIFFICULTY IN UNDERSTANDING THE WITNESS: There are all kinds of people who have different ways of speaking. Always stop them when you are having trouble understanding them. Ask them to repeat, if necessary, by saying something like, "Could you repeat that, please."

(SIC): This parenthetical is used when the witness says something that you know is wrong, but you also know he/she said it. Example:

A. Well, I went to work because I was getting, you know, iller (sic).

(PHONETIC): Use this parenthetical when you have no idea how to spell a name or word and you have looked everywhere and asked everyone whom you can think of. Example:

A. His name is Xaviar Herverderferznak (phonetic).

(INDICATING): This parenthetical is useful when the witness says something like, "I hurt here and there." Example:

A. I was cut on my face here (indicating).

On the record, many reporters insert the parenthetical (indicating) at the end, middle, or beginning of their answer. You never know when a person is going to indicate, so just try to get the parenthetical in somewhere so that you know that they have indicated. It's best if you can try to get it in at the end.

REFERENCE BOOKS: The books most used are an unabridged dictionary, PDR, BLACK'S LAW DICTIONARY, and a good legal terminology book. Other reference sources are the phone book, slang book, newspaper (for names of automobiles), and people: pharmacist, mechanic, librarian, etc.

DASHES: Never insert dashes at the beginning of a line.

A. I went to the store because I just

-- I just needed some food. (Incorrect)

A. I went to the store because I just —

I just needed some food. (Correct)

PARENTHETICALS: Parentheticals should be short (but check with the firm: they may still like to use "whereupons" and whatnot)

Examples:

- (Record read.)
- (Discussion off the record.)
- (Recess taken.)

QUOTING: Only quote direct quotations. Example:

- A. I think it's strictly business.
- Q. What do you mean, "strictly business"?

The quotation must be exact; otherwise, do not use quotation marks. Example:

- A. I think it's strictly business.
- Q. When you say that you believe it's business only, what do you mean?

When a witness is reading from records, the excerpt is quoted. Example:

- Q. Doctor, please read the entry for the 9/30/96 visit.
- A. "The patient was seen on September 30, 1996." I don't know what they've written down here. It looks like, "Patient is severely" – I can't make out the other word.

PEOPLE ENTERING ROOM: If somebody enters the room while you are writing, try to do one of two things: Either stop the deposition and ask the person to identify himself or herself or mark the record with the hot key or put down something quick like, "man/man" or "wom/wom." Then when you get a chance, write down who "man/man" or "wom/wom" is and make a note of what was going on when you wrote that in your notes.

BEFORE, DURING, AND AFTER A DEPOSITION:

1. Introduce yourself:
 - a. Your name and/or court reporting firm
 - b. Case name and/or attorney

- c. If you do not already have the caption (title page) from the court reporting firm, try to get it from the attorney's secretary or from the attorney before or after the deposition.
2. Set up your machine and other necessary equipment.
 - a. Ink your machine if necessary.
 - b. Make sure you have enough paper.
 - c. Get out exhibit stamps.
 - d. On your note pad or sheet that has the caption, write down the date, day, court reporting firm you are representing, start time, and finish time.
3. When everyone arrives:
 - a. Get business cards from all attorneys.
 - b. If there is more than one attorney for the plaintiff and/or the defendant, you should make a list of their names and decide how you will identify them all, i.e., by names or numbers.
 - c. Always get the witness's name, address, and phone number – you're going to need it for the worksheet, for the witness letter, and if you need to ask for spelling of names, etc., at a later time.
 - d. If there are a lot of attorneys present and they represent different parties, ask them exactly whom they represent and write that information down on a piece of paper, on their business cards, or on the Proof of Service page.

Business and Professions Codes
2006 Compendiums

Timely Transcript Preparation (con't):

CCP269(c) 156
PC1203.01 133
CRC34.2 (all) 41-45
PC190.9(a)(1) 124
CRC35(a)(1)-(b)(1) 46
PC190.8(b) 122

Form of Record/Contents of Record:

CRC129 p. 81
CRC124 78
CRC9 29
CRC4(e) 22
CRC129(b)(c) 81, 82
CRC34.1(a)(2); (d) 40, 41
CRC35(b)(2) 46

Excerpts/Partial Transcripts:

CRC124(b) 78
CRC32(d)(4) 37
CRC31.1 33

Certification of Transcripts:

CRC34.2(e)(2) 43
PC190.8 122
CRC35(b)(3) 46
CRC35.2(b)-(d) 50
CRC35.1(d)-(f) 48-49
CCP273 156
CCP2025.540
EC1531
CRC30(f)(1)

Standard Court Procedures & Protocol:

GC69946 104
GC69944 104
GC69956 112
CCP2749
CCP269 155
PC704 125
PC94 121

Business and Professions Codes
2006 Compendiums

Archiving of Steno Notes:

GC69955(b) - (e) p. 111
CCP2025.550(b)
CCP2025.510(e)

When to go on/off record:

CCP2025.470
FR30(d)(3)

Citing a Witness:

CCP2025.480 (a) - (g)

Oath Administration:

CCP2093(b)
CCP2025.460(b)
CCP2094(a)
FR28(a) - (b)
FR30(c)
FR32(d)(3)(B)

Disclosure of Services/Products to all:

CCP2025.510(d)
CCP2025.320(b) - (d)
CCP2025.340(b)
CCP2025.320(f)

Exhibits Marking/Handling:

CRC316(a) - (c)

Waiver of Signature (depo):

CCP2025.520(a)
FR30(e)

Availability of and Signing of Transcript (depo):

CCP2025.520(a) - (f)
FR30(e)

Timely Transcript Preparation:

CRC124(d) p. 79
CRC4(a), (f) 21, 23
CCP269(b) 155
CRC32(a), (d)(3) 36, 37
CCP269(c) 156
PC869(e)

Business and Professions Codes
2006 Compendiums

Standard Court Procedures & Protocol (con't):

CRC324.5 91
CRC129 81
CRC30.2 9

Rules on Sealed and/or Confidential Trans.:

CRC34.1(b) 40-41
CRC31.2(a) - (b) 34

Changes/Correction on Certified Transcripts:

CRC128(a) - (b) 81
CRC12(c)(1) - (2) 28
CRC12(a) 27
CRC12(a)(c) 27, 28
CRC35.2(b) 50
CRC35.1(d) 48
CRC34.2(h) 44
PC190.8(c) 122
CRC30(e) ?
CCP2025.520(a) - (d)

Parties Responsible for Payment of Services:

CCP2025.510(b) - (d)
CCP2025.570(a)
CCP2020.440
CCP1985.3(g)
CCP1985.6(f)
CCP2025.220(a)(5)
GC69950 107
GC69951 108
GC69948 105
GC69953 109
CRC4 21-24
GC69954(b) 109
CRC35.1(e)(4) 49

GC = Gov't Code

CCP = Ca. Code of Civil Procedure

FR = Federal Rules of Civil Procedure

CRC = California Rules of Court

PC = Penal Code