

PEOPLE

Vivien Spitz Inducted into the Colorado Women's Hall of Fame

In an evening of recognition and celebration, Vivien Spitz was inducted into the Colorado Women's Hall of Fame on March 9 at the Denver Center for the Performing Arts. Ten women were inducted, including singer Judy Collins and women's advocate Stephanie Allen. The event's sponsors included the National Jewish Medical and Research Center and the Junior League of Denver.

Spitz was only in her early 20s when she began her work as a courtroom reporter for the Nuremberg War Crimes Trials. She reported the trials for two years before returning to the U.S. and becoming a court reporter in the Denver court system. She became the first woman asked to substitute as an Official Reporter of Debates in the U.S. Senate. Later she was officially hired in that role and served there for 10 years.

Her work has opened the door for educating the world on the horrors of the Nazi experiments, and she urges audiences to not forget the lessons learned. Speaking engagements — including her presentation at NCRA's 2005 convention in Phoenix — have allowed her personal message to reach more than 47,000 people. Her book, *Doctors from Hell, The Horrific Account of Nazi Experiments on Humans*, was published in 2005 and highlights her experience reporting the Nuremberg trials and the nightmares she experienced as a result.

WHAT'S HAPPENING

Cerritos College Students Report UCLA Law School Mock Trial

BY VIKKI MORGAN

The story began to slowly unfold with the opening statements. The courtroom was quiet except for the voices of the law student and the muted clatter of about two dozen student court reporters taking down as best they could every audible word. The jury of four would never really decide the case, but nevertheless they paid rapt attention as the mock trial proceeded in the Cerritos College Student Center on a Saturday in February.

The event was the joint venture of a team from UCLA Law School and the Cerritos College Department of Court Reporting. The UCLA team presented the case before Michael G. Balmages, an experienced attorney and mediator, who acted as judge. Cerritos College Court Reporting Club President

Karen Woods arranged the event to improve the skills of student lawyers, who need to practice their trial skills in front of real people, and student court reporters, who need to practice taking down what lawyers say in judicial settings.

The student center stage was converted to a mock courtroom, complete with judge's bench, witness stand, counsel tables, jury box, and one lone student reporting the proceedings. The audience consisted of another 25 or so court reporter students from Cerritos (and guest students from surrounding schools) with their stenotype machines.

Sitting where Cerritos students normally eat lunch and hang out during the weekday, student court reporters practiced their skills as the UCLA Mock Trial Team of five members realistically presented a fictional civil trial about an allegedly defective hoist. The case began with pretrial motions and proceeded through opening statements, direct and cross-examina-

ETHICS

Off-the-Record Comments

An attorney asks a deponent certain questions. The deponent refuses to answer the attorney's questions upon instructions from the opposing counsel. After the deposition concludes, the opposing attorney makes several remarks that are overheard by the reporter and other people indicating that the witness knew of information or documents responsive to the attorney's questions. The deposing attorney asks the reporter to go back on the record so that the question can be asked again. The reporter does so, but the witness again declines to respond. The opposing counsel also refuses to confirm the comments that have been made "off the record."

The court reporter then refuses a request by the deposing attorney to prepare a record of the comments made by the opposing counsel off the record after the deposition concluded. Is this refusal appropriate?

According to NCRA Public Advisory Opinion No. 23, the reporter is not authorized to prepare a record of the comments made by the opposing counsel "off the record" after the deposition concludes. Nonetheless, the reporter, like any other witness to statements and events that occur in the reporter's presence, could testify about these statements and events if subpoenaed by the deposing attorney pursuant to a court order.

For this advisory opinion and others, please visit the NCRA Web site at www.NCRAonline.org.

This public advisory opinion reflects the status of the law in most jurisdictions. Members are required to conform to the accepted practices set forth in this public advisory opinion to the extent that such practices are consistent with their own applicable state and local laws, rules, and regulations.

tion of witnesses, and closing arguments. It was excellent practice for the UCLA law school team as well as for the student court reporters.

The Court Reporting Department shared with the UCLA team NCRA's pamphlet, "Making the Record: A Guide for Attorneys." This booklet was written to "help the bench and bar better understand the factors that help make a clear record." The booklet points out that the record is used before, during, and after trial for trial preparation, briefs, impeachment purposes, and appellate review, and that attorneys and court reporters work together to create the best record. Thus, attorneys and future attorneys need to be aware of how the record is created and how to make the best record (like reminding witnesses to answer out loud instead of just nodding their heads).

Judge Balmages ruled on objections and kept order in the trial and then gave the student attorneys feedback at the conclusion, after which everyone was

invited to stay for pizza and soft drinks. As the participants mingled and discussed the day's proceedings, it was agreed that this mutually beneficial activity should be repeated on a regular basis.

Vykki Morgan, RDR, CRI, CPE, is an instructor at Cerritos Community College in Norwalk, Calif.

MEDIA WATCH

ER GETS FAILING MARKS IN ILLINOIS

The February 25–26 edition of the Waukegan, Ill., *News-Sun* reported that courts in Illinois are seeking reporters after many digital audio installations in various suburban Chicago counties were found to be inadequate replacements.

Staff writer Art Peterson wrote that court administrators had reduced court reporter staffing to minimum levels in many courts as electronic recording sys-

tems were installed.

"However, the technology has proven to be a failure in some courts and mediocre in others, with bright spots only here and there, depending on which manufacturer's system is used," Peterson wrote. "On the McHenry County side of Circuit Court, half the courtroom systems were deemed failures; the Lake County side avoided installing the electronic systems.

"The Illinois Legislature recently removed court reporters from the oversight of the Supreme Court and shifted them to the chief judges of each circuit.

"Now the chief judges have the authority to bring staffing levels of human court reporters back up to at least adequate levels, and to use electronic recording where live court reporters are not available."

WHERE THOSE TV CAPTIONS COME FROM

The Glens Falls, N.Y., *Post-Star* published an article discussing the technical



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