

## 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.

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*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.*