



United States District Court Eastern District of Washington

ATTORNEY NEWSLETTER

Tips for effective practice in the Eastern District

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YOUR DAY IN COURT - Tips to Assist in Capturing the Verbatim Record

Ensure Proper Sound Quality—Do Your Part

- ***Speak into the microphone***—Judges, attorneys, defendants, interpreters, probation officers, and witnesses speaking on the record should ensure that their microphones are on, that they are positioned directly in front of the microphone and that their voice is heard throughout the courtroom.
- ***Use a headset with microphone***—When appearing by video, wear a headset with a microphone. It cuts down on feedback, garbled responses, and problems that occur when people turn their head away from the microphone on their desktop (if they are sitting too far away; turn to look at papers or a different screen, etc).
- ***Avoid extraneous noise near microphone***—Moving papers or other items in front of a microphone can distort the words spoken.

When reporters have to strain to hear, real-time transcription suffers and that moment of inaudibility may become a gap in the permanent record of these proceedings. ***Simple test:*** If you had trouble hearing someone in the courtroom, the reporter almost certainly did too. That moment of inaudibility may become a gap in the permanent record of these proceedings.

Yield to Right of Way—One Voice at a Time

Overlapping voices are one of the greatest threats to an accurate record. When counsel, a witness, and the judge are all speaking simultaneously, the reporter faces an impossible task — and gaps or inaccuracies in the record are the result.

Pause a beat before responding. The judge controls the pace of the proceedings and works to ensure optimal conditions for court reporting. All participants are reminded to give witnesses and other parties the time to finish their answers before speaking.

Remember: Every time a new person begins speaking, the reporter must identify who that speaker is before continuing. This is not a continuous transcription of words — it is an attributed, speaker-identified record. Each transition costs the reporter a moment of cognitive overhead. ***Practical habit:*** Think of it like a radio call — one speaker at a time, with a clear break in between. Your proceedings will feel more controlled, the record will be more accurate, and everyone in the room will follow more easily.

Clarity in Numbers, Exhibits, and Dollar Amounts

When reading from documents, reciting exhibit numbers, or stating dollar amounts, your pace matters more than at any other point in the proceeding. Numbers run together, digits get dropped, and a single transcription error in a financial figure can create a significant record problem.

Examples — The Difference Clarity Makes:

Instead of this...	Say this...
"Exhibits 110, 11, 12, 13, 14"	"Exhibits 110, 111, 112, 113, 114 "
"One oh two thirty four"	" One hundred two dollars and thirty-four cents — \$102.34"
Reading without announcement	Announce: "I am reading from Paragraph 3, Line 7" — then pause — then read

Best practice: When reciting any sequence of numbers or exhibit references, pause briefly between each one. State dollar amounts in full. When reading from a document, announce what you are doing before you begin reading, and return to your normal speaking tone when you finish.

Breaks in the Action

In controlling the proceedings, the judge will have a schedule of breaks in mind, normally occurring every hour and a half of courtroom proceedings activity. It is important that you plan your presentation of matters in alignment with this break schedule, as the breaks are beneficial not only to you and your client, but to all participants in the proceedings;

- Jurors are not trained listeners. They are sitting, concentrating, and processing complex information in an unfamiliar environment. Frequent breaks allow them to move, reset, and return ready to absorb more testimony.
- Court reporters are the guardians of the record. A reporter who has been writing continuously for two or more hours is more likely to experience decreased quality and accuracy of the court record.
- Due to the cognitive demand of their work, interpreters routinely work in pairs, rotating every 20 to 30 minutes, and take structured breaks to maintain accuracy.

Remember: Fatigue is the enemy of accuracy.

Everything *On the Record* Gets Written

Unless the judge indicates a matter is "***off the record***," the court reporter is expected to transcribe everything — including the judge's aside to the jury, a comment to the marshals or to a client at the counsel table, or a quick note to counsel at the bench. What feels like a throwaway remark to you is a professional obligation for the reporter.

Speaking quickly and conversationally may feel natural in the moment, but it creates significant accuracy challenges. Casual, fast speech — the way we talk at dinner — is genuinely difficult to capture verbatim at speed.

YOUR DAY IN COURT (Cont.) - *Tips to Assist in Capturing the Verbatim Record*

Provide the Narrative

Remember: To ensure a comprehensive and accurate court record, counsel should clarify on the record any non-verbal information arising as part of the court proceedings. This can happen when someone is gesturing (counsel needs to make a record of the type of gesture – e.g., a reference to size). And it also happens when a witness marks up a photo exhibit. Anyone requiring a transcript after the proceeding will have no point of reference about what was noted by the witness unless counsel captures what the witness does and creates a new exhibit (this is preferred) or describes in the record what the witness is doing (e.g., may the record reflect the witness is circling the white car in the upper left-hand corner of the photo).

Quick Reference — The Short Version

✓	Best Practice
✓	Speak directly and clearly into a live mic — every speaker, every time, no exceptions
✓	One voice at a time — pause before responding or inviting responses; no overlapping
✓	Ensure "off the record" is clearly stated/directed — otherwise, everything gets written
✓	Slow down for numbers — read exhibits and amounts in full; pause between each
✓	Control your pace — conversational speed $\neq$ verbatim-transcription speed
✓	Be mindful of break schedule — normally every ~90 minutes
✓	Provide the Narrative — describe on the record any non-verbal information arising