

**EXHIBIT A1: CALIFORNIA RULES OF COURT RULE 2.952
ELECTRONIC RECORDING AS OFFICIAL RECORD OF PROCEEDINGS**



**California
Rules of
Court**

Rule 2.952. Electronic recording as official record of proceedings

(a) Application

This rule applies when a court has ordered proceedings to be electronically recorded on a device of a type approved by the Judicial Council or conforming to specifications adopted by the Judicial Council.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 1990.)

(b) Definitions

As used in this rule, the following definitions apply:

- (1) "Reel" means an individual reel or cassette of magnetic recording tape or a comparable unit of the medium on which an electronic recording is made.
- (2) "Monitor" means any person designated by the court to operate electronic recording equipment and to make appropriate notations to identify the proceedings recorded on each reel, including the date and time of the recording. The trial judge, a courtroom clerk, or a bailiff may be the monitor, but when recording is of sound only, a separate monitor without other substantial duties is recommended.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 1990.)

(c) Reel numbers

Each reel must be distinctively marked with the date recorded, the department number of the court, if any, and, if possible, a serial number.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 1990.)

(d) Certificate of monitor

As soon as practicable after the close of each day's court proceedings, the monitor must execute a certificate for each reel recorded during the day, stating:

- (1) That the person executing the certificate was designated by the court as monitor;
- (2) The number or other identification assigned to the reel;
- (3) The date of the proceedings recorded on that reel;
- (4) The titles and numbers of actions and proceedings, or portions thereof, recorded on the reel, and the general nature of the proceedings; and

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- (5) That the recording equipment was functioning normally, and that all of the proceedings in open court between designated times of day were recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 1990.)

(e) Two or more monitors

If two or more persons acted as monitors during the recording of a single reel, each monitor must execute a certificate as to the portion of the reel that he or she monitored. The certificate of a person other than a judge, clerk, or deputy clerk of the court must be in the form of an affidavit or declaration under penalty of perjury.

(Subd (e) lettered effective January 1, 2007; adopted as part of subd (d) effective January 1, 1976.)

(f) Storage

The monitor's certificate, the recorded reel, and the monitor's notes must be retained and safely stored by the clerk in a manner that will permit their convenient retrieval and use.

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective January 1, 1976.)

(g) Transcripts

- (1) Written transcripts of electronic recordings may be made by or under the direction of the clerk or a person designated by the court. The person making the transcript must execute a declaration under penalty of perjury that:
- (A) Identifies the reel or reels transcribed, or the portions thereof, by reference to the numbers assigned thereto and, where only portions of a reel are transcribed, by reference to index numbers or other means of identifying the portion transcribed; and
 - (B) States that the transcript is a full, true, and correct transcript of the identified reel or reels or the designated portions thereof.
- (2) The transcript must conform, as nearly as possible, to the requirements for a reporter's transcript as provided for in these rules.

(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective January 1, 1976.)

(h) Use of transcripts

A transcript prepared and certified under (g), and accompanied by a certified copy of the monitor's certificate pertaining to each reel transcribed, is prima facie a true and complete record of the oral proceedings it purports to cover, and satisfies any requirement in the California Rules of Court or in any statute for a reporter's transcript of oral proceedings.

(Subd (h) amended and relettered effective January 1, 2007; adopted as subd (g) effective January 1, 1976.)

(i) Original reels

A reviewing court may order the transmittal to it of the original reels containing electronic recordings of proceedings being reviewed by it, or electronic copies of them.

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(Subd (i) relettered effective January 1, 2007; adopted as subd (h) effective January 1, 1976; previously amended effective January 1, 1990.

(j) Record on appeal

(1) Stipulation and approval of record without transcription

On stipulation of the parties approved by the reviewing court, the original reels or electronic copies of them may be transmitted as the record of oral proceedings without being transcribed, in which case the reels or copies satisfy the requirements in the California Rules of Court or in any statute for a reporter's transcript.

(2) Request for preparation of transcript

In the absence of a stipulation and approval under (1), the appellant must, within 10 days after filing a notice of appeal in a civil case, serve and file with the clerk directions indicating the portions of the oral proceedings to be transcribed and must, at the same time, deposit with the clerk the approximate cost computed as specified in rule 8.130. Other steps necessary to complete preparation of the record on appeal must be taken following, as nearly as possible, the procedures in rules 8.120 and 8.130.

(3) Preparation of transcript

On receiving directions to have a transcript prepared, the clerk may have the material transcribed by a court employee, but should ordinarily send the reels in question to a professional recording service that has been certified by the federal court system or the Judicial Council or verified by the clerk to be skilled in producing transcripts.

(Subd (j) amended effective January 1, 2016; adopted as subd (i) effective January 1, 1990; previously amended effective January 1, 1993; previously amended and relettered as subd (j) effective January 1, 2007.)

Rule 2.952 amended effective January 1, 2016; adopted as rule 980.5 effective January 1, 1976; previously amended effective January 1, 1990, and January 1, 1993; previously amended and renumbered as rule 2.952 effective January 1, 2007.

**EXHIBIT A2: CALIFORNIA RULES OF COURT RULE 8.130
REPORTER'S TRANSCRIPT**



**California
Rules of
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Rule 8.130. Reporter's transcript

(a) Notice

- (1) A notice under rule 8.121 designating a reporter's transcript must specify the date of each proceeding to be included in the transcript and may specify portions of designated proceedings that are not to be included. The notice must identify any proceeding for which a certified transcript has previously been prepared by checking the appropriate box on *Appellant's Notice Designating Record on Appeal (Unlimited Civil)* (form APP-003) or, if that form is not used, placing an asterisk before that proceeding in the notice.
- (2) If the appellant designates less than all the testimony, the notice must state the points to be raised on appeal; the appeal is then limited to those points unless, on motion, the reviewing court permits otherwise.
- (3) If the appellant serves and files a notice designating a reporter's transcript, the respondent may, within 10 days after such service, serve and file a notice in superior court designating any additional proceedings the respondent wants included in the transcript. The notice must identify any proceeding for which a certified transcript has previously been prepared by checking the appropriate box on *Respondent's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-010) or, if that form is not used, placing an asterisk before that proceeding in the notice.
- (4) If the appellant elects to proceed without a reporter's transcript, the respondent cannot require that a reporter's transcript be prepared. But the reviewing court, on its own or the respondent's motion, may order the record augmented under rule 8.155 to prevent a miscarriage of justice. Unless the court orders otherwise, the appellant is responsible for the cost of any reporter's transcript the court may order under this subdivision.
- (5) Except when a party submits a certified transcript that contains all the designated proceedings under (b)(3)(C) with the notice of designation, the notice of designation must be served on each known reporter of the designated proceedings.

(Subd (a) amended effective January 1, 2014; previously amended effective January 1, 2005, January 1, 2007, and January 1, 2008.)

(b) Deposit or substitute for cost of transcript

- (1) With its notice of designation, a party must deposit with the superior court clerk the approximate cost of transcribing the proceedings it designates and a fee of \$50 for the superior court to hold this deposit in trust. The deposit must be either:
 - (A) The amount specified in the reporter's written estimate; or
 - (B) An amount calculated as follows:
 - (i) For proceedings that have not previously been transcribed: \$325 per fraction of the day's proceedings that did not exceed three hours, or \$650 per day or fraction that exceeded three hours.

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- (ii) For proceedings that have previously been transcribed: \$80 per fraction of the day's proceedings that did not exceed three hours, or \$160 per day or fraction that exceeded three hours.
- (2) If the reporter believes the deposit is inadequate, within 15 days after the clerk sends the notice under (d)(1) the reporter may file with the clerk and send to the designating party an estimate of the transcript's total cost at the statutory rate, showing the additional deposit required. The party must deposit the additional sum within 10 days after the reporter sends the estimate.
- (3) Instead of a deposit under (1), the party may substitute:
 - (A) The reporter's written waiver of a deposit. A reporter may waive the deposit for a part of the designated proceedings, but such a waiver replaces the deposit for only that part.
 - (B) A copy of a Transcript Reimbursement Fund application filed under (c)(1).
 - (C) A certified transcript of all of the proceedings designated by the party. The transcript must comply with the format requirements of rule 8.144.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007, January 1, 2010, and January 1, 2014.)

(c) Transcript Reimbursement Fund application

- (1) With its notice of designation, a party may serve and file a copy of its application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund under Business and Professions Code section 8030.2 et seq.
- (2) Within 90 days after the appellant serves and files a copy of its application to the Court Reporters Board, the appellant must either file with the superior court a copy of the Court Reporters Board's provisional approval of the application or take one of the following actions:
 - (A) Deposit the amount required under (b) or the reporter's written waiver of this deposit;
 - (B) File an agreed statement or a stipulation that the parties are attempting to agree on a statement under rule 8.134;
 - (C) File a motion to use a settled statement instead of a reporter's transcript under rule 8.137;
 - (D) Notify the superior court clerk that it elects to proceed without a record of the oral proceedings; or
 - (E) Serve and file an abandonment under rule 8.244.
- (3) Within 90 days after the respondent serves and files a copy of its application to the Court Reporters Board, the respondent must either file with the superior court a copy of the Court Reporters Board's provisional approval of the application or take one of the following actions:
 - (A) Deposit the amount required under (b) or the reporter's written waiver of this deposit; or
 - (B) Notify the superior court clerk that it no longer wants the additional proceedings it designated for inclusion in the reporter's transcript.

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- (4) If the appellant fails to timely take one of the actions specified in (2) or the respondent fails to timely make the deposit or send the notice under (3), the superior court clerk must promptly issue a notice of default under rule 8.140.
- (5) If the Court Reporters Board provisionally approves the application, the reporter's time to prepare the transcript under (f)(1) begins when the reporter receives notice of the provisional approval from the clerk under (d)(2).

(Subd (c) amended effective January 1, 2014; previously amended effective January 1, 2007.)

(d) Superior court clerk's duties

- (1) The clerk must file a party's notice of designation even if the party does not present the required deposit under (b)(1) or a substitute under (b)(3) with its notice of designation.
- (2) The clerk must promptly send the reporter notice of the designation and of the deposit or substitute and notice to prepare the transcript, showing the date the notice was sent to the reporter, when the court receives:
 - (A) The required deposit under (b)(1);
 - (B) A reporter's written waiver of a deposit under (b)(3); or
 - (C) A copy of the Court Reporters Board's provisional approval of the party's application for payment from the Transcript Reimbursement Fund under (c).
- (3) If the appellant does not present the deposit under (b)(1) or a substitute under (b)(3) with its notice of designation or does not present an additional deposit required under (b)(2):
 - (A) The clerk must promptly notify the appellant in writing that, within 15 days after the notice is sent, the appellant must take one of the following actions or the court may dismiss the appeal:
 - (i) Deposit the amount required or a substitute permitted under (b);
 - (ii) File an agreed statement or a stipulation that the parties are attempting to agree on a statement under rule 8.134;
 - (iii) File a motion to use a settled statement instead of a reporter's transcript under rule 8.137;
 - (iv) Notify the superior court clerk that it elects to proceed without a record of the oral proceedings;
or
 - (v) Serve and file an abandonment under rule 8.244.
 - (B) If the appellant elects to use a reporter's transcript and fails to take one of the actions specified in the notice under (A), rule 8.140(b) and (c) apply.
- (4) If the respondent does not present the deposit under (b)(1) or a substitute under (b)(3) with its notice of designation or does not present an additional deposit required under (b)(2), the clerk must file the notice of designation and promptly issue a notice of default under rule 8.140.
- (5) The clerk must promptly notify the reporter if a check for a deposit is dishonored or an appeal is abandoned or is dismissed before the reporter has filed the transcript.

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(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007, January 1, 2008, and January 1, 2014.)

(e) Contents of transcript

- (1) Except when a party deposits a certified transcript of all the designated proceedings under (b)(3)(C), the reporter must transcribe all designated proceedings that have not previously been transcribed and include in the transcript a copy of all designated proceedings that have previously been transcribed. The reporter must note in the transcript where any proceedings were omitted and the nature of those proceedings. The reporter must also note where any exhibit was marked for identification and where it was admitted or refused, identifying such exhibits by number or letter.
- (2) If a party designates a portion of a witness's testimony to be transcribed, the reporter must transcribe the witness's entire testimony unless the parties stipulate otherwise.
- (3) The reporter must not copy any document includable in the clerk's transcript under rule 8.122.

(Subd (e) amended effective January 1, 2014; previously amended effective January 1, 2007, and January 1, 2008.)

(f) Filing the transcript; copies; payment

- (1) Within 30 days after notice is sent under (d)(2), the reporter must prepare and certify an original of the transcript and file it in superior court. The reporter must also file one copy of the original transcript, or more than one copy if multiple appellants equally share the cost of preparing the record (see rule 8.147(a)(2)). Only the reviewing court can extend the time to prepare the reporter's transcript (see rule 8.60).
- (2) When the transcript is completed, the reporter must notify all parties to the appeal that the transcript is complete, bill each designating party at the statutory rate, and send a copy of the bill to the superior court clerk. The clerk must pay the reporter from that party's deposited funds and refund any excess deposit or notify the party of any additional funds needed. In a multiple reporter case, the clerk must pay each reporter who certifies under penalty of perjury that his or her transcript portion is completed.
- (3) If the appeal is abandoned or is dismissed before the reporter has filed the transcript, the reporter must inform the superior court clerk of the cost of the portion of the transcript that the reporter has completed. The clerk must pay that amount to the reporter from the appellant's deposited funds and refund any excess deposit.
- (4) On request, and unless the superior court orders otherwise, the reporter must provide the Court of Appeal or any party with a copy of the reporter's transcript in computer-readable format. Each computer-readable copy must comply with the format, labeling, content, and numbering requirements of Code of Civil Procedure section 271(b).

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2007, July 1, 2008, and January 1, 2014.)

(g) Disputes over transcript costs

Notwithstanding any dispute that may arise over the estimated or billed costs of a reporter's transcript, a designating party must timely comply with the requirements under this rule regarding deposits for transcripts. If a designating party believes that a reporter's estimate or bill is excessive, the designating party may file a complaint with the Court Reporters Board.

(Subd (g) adopted effective January 1, 2014.)

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(h) Agreed or settled statement when proceedings cannot be transcribed

- (1) If any portion of the designated proceedings cannot be transcribed, the superior court clerk must so notify the designating party in writing; the notice must show the date it was sent. The party may then substitute an agreed or settled statement for that portion of the designated proceedings by complying with either (A) or (B):
 - (A) Within 10 days after the notice is sent, the party may file in superior court, under rule 8.134, an agreed statement or a stipulation that the parties are attempting to agree on a statement. If the party files a stipulation, within 30 days thereafter the party must file the agreed statement, move to use a settled statement under rule 8.137, or proceed without such a statement; or
 - (B) Within 10 days after the notice is sent, the party may move in superior court to use a settled statement. If the court grants the motion, the statement must be served, filed, and settled as rule 8.137 provides, but the order granting the motion must fix the times for doing so.
- (2) If the agreed or settled statement contains all the oral proceedings, it will substitute for the reporter's transcript; if it contains a portion of the proceedings, it will be incorporated into that transcript.
- (3) This remedy supplements any other available remedies.

(Subd (h) amended effective January 1, 2016; adopted as subd (g); previously amended effective January 1, 2007; previously relettered as subd (h) effective January 1, 2014.)

Rule 8.130 amended effective January 1, 2016; repealed and adopted as rule 4 effective January 1, 2002; previously amended and renumbered as rule 8.130 effective January 1, 2007; previously amended effective January 1, 2005, January 1, 2008, July 1, 2008, January 1, 2010, and January 1, 2014.

Advisory Committee Comment

Subdivision (a). Subdivision (a)(1) requires that every notice designating a reporter's transcript identify which proceedings are to be included, and that it do so by specifying the date or dates on which those proceedings took place. Those proceedings for which a certified transcript has previously been prepared must be identified in the party's designation. If the appellant does not want a portion of the proceedings on a given date to be included, the notice should identify that portion by means of a descriptive reference (e.g., "August 3, 2004, but not the proceedings on defendant's motion to tax costs").

As used in subdivision (a)(1), the phrase "proceedings" includes all instructions that the court gives, whether or not submitted in writing, and any instructions that counsel orally propose but the court refuses; all such instructions are included in the reporter's transcript if designated under this rule. All instructions that counsel submit in writing, whether or not given to the jury, are lodged with the superior court clerk and are included in the clerk's transcript if designated under rule 8.122.

Under subdivision (a), portions of depositions read in open court but not reported, or not read but lodged with the superior court clerk, are included in the clerk's transcript if designated under rule 8.122.

Subdivision (b). Where a certified transcript has been previously prepared, subdivision (b) makes clear that the certified transcript may be filed in lieu of a deposit for the transcript only where the certified transcript contains all of the proceedings identified in the notice of designation and the transcript complies with the format requirements of rule 8.144. Otherwise, where a certified transcript has been previously prepared for only some of the designated proceedings, subdivision (b)(1) authorizes a reduced fee to be deposited for those proceedings. This reduced deposit amount was established in recognition of the holding in *Hendrix v. Superior Court of San Bernardino County* (2011) 191 Cal.App.4th 889 that the statutory rate for an original transcript only applies to the first transcription of the reporter's notes. The amount of the deposit is based on the rate established by Government Code section 69950(b) for a first copy of a reporter's transcript purchased by any court, party, or other person who does not simultaneously purchase the original.

To eliminate any ambiguity, subdivision (b)(3) recognizes, first, that a party may substitute a court reporter's written waiver of a deposit for part of the designated proceedings and, second, that in such event the waiver replaces the deposit for only that part.

Subdivision (b) and subdivision (f) refer to the "statutory rate" for reporter's transcripts. The fees for reporter's transcripts are established by Government Code sections 69950 and 69554.

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Subdivision (c). Under subdivision (c), an application to the Court Reporters Board for payment or reimbursement of the cost of the reporter's transcript from the Transcript Reimbursement Fund (Bus. & Prof. Code, § 8030.8) is a permissible substitute for the required deposit of the reporter's fee (subd. (b)(3)) and thereby prevents issuance of a notice of default (subd. (d)(5)).

Business and Professions Code sections 8030.6 and 8030.8 use the term "reimbursement" to mean not only a true reimbursement, i.e., repaying a party who has previously paid the reporter out of the party's own funds (see *id.*, § 8030.8, subd. (d)), but also a direct payment to a reporter who has not been previously paid by the party (see *id.*, § 8030.6, subs. (b) and (d)). Subdivision (f) recognizes this special dual meaning by consistently using the compound phrase "payment or reimbursement."

Subdivision (d). Under subdivision (d)(2), the clerk's notice to the reporter must show the date on which the clerk sent the notice. This provision is intended to establish the date when the period for preparing the reporter's transcript under subdivision (f)(1) begins to run.

Subdivision (e). Subdivision (e)(1) clarifies that: (1) when a certified transcript containing all of the proceedings identified in the notice of designation is submitted in lieu of a deposit, the court reporter will not prepare a reporter's transcript; and (2) that the court reporter will only transcribe those proceedings that have not previously been transcribed and will include a copy of those proceedings that have previously been transcribed in the reporter's transcript. Under rule 8.144, the full transcript, including the previously transcribed material, must meet the format requirements for a reporter's transcript.

Subdivision (e)(3) is not intended to relieve the reporter of the duty to report all oral proceedings, including the reading of instructions or other documents.

Subdivision (f). Subdivision (f)(1) requires the reporter to prepare and file additional copies of the record "if multiple appellants equally share the cost of preparing the record. . . ." The reason for the requirement is explained in the comment to rule 8.147(a)(2).

Subdivision (f)(4) is intended to implement Code of Civil Procedure section 271, which allows any court, party, or other person entitled to a reporter's transcript to request that it be delivered in computer-readable format (except that an original transcript must be on paper) and requires the reporter to provide the transcript in that format upon request if the proceedings were produced utilizing computer-aided transcription equipment. This subdivision establishes procedures relating to such requests and procedures for court reporters to apply to the superior court for relief from this requirement if the proceedings were not produced utilizing computer-aided transcription equipment. Government Code section 69954 establishes the fees for reporter's transcripts in computer-readable format.

**EXHIBIT A3: CALIFORNIA RULES OF COURT RULE 8.144
FORM OF THE RECORD**



**California
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Rule 8.144. Form of the record

(a) Paper and format

- (1) In the clerk's and reporter's transcripts:
 - (A) All documents filed must have a page size of 8 1/2 by 11 inches. If filed in paper form, the paper must be white or unbleached and of at least 20-pound weight;
 - (B) The text must be reproduced as legibly as printed matter;
 - (C) The contents must be arranged chronologically;
 - (D) The pages must be consecutively numbered, except as provided in (e);
 - (E) The margin must be at least 1 1/4 inches from the left edge.
- (2) If filed in paper form, in the clerk's transcript only one side of the paper may be used; in the reporter's transcript both sides may be used, but the margins must then be 1 1/4 inches on each edge.
- (3) In the reporter's transcript the lines on each page must be consecutively numbered, and must be double-spaced or one-and-a-half-spaced; double-spaced means three lines to a vertical inch.
- (4) The clerk's and reporter's transcripts must comply with rules 8.45-8.47 relating to sealed and confidential records.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007, and January 1, 2014.)

(b) Indexes

Except as provided in rule 8.45, at the beginning of the first volume of each:

- (1) The clerk's transcript must contain alphabetical and chronological indexes listing each document and the volume, where applicable, and page where it first appears;
- (2) The reporter's transcript must contain alphabetical and chronological indexes listing the volume, where applicable, and page where each witness's direct, cross, and any other examination, begins; and
- (3) The reporter's transcript must contain an index listing the volume, where applicable, and page where any exhibit is marked for identification and where it is admitted or refused. The index must identify each exhibit by number or letter and a brief description of the exhibit.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007, January 1, 2008, and January 1, 2014.)

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(c) Binding and cover

- (1) If filed in paper form, clerk's and reporter's transcripts must be bound on the left margin in volumes of no more than 300 sheets.
- (2) Each volume's cover must state the title and trial court number of the case, the names of the trial court and each participating trial judge, the names and addresses of appellate counsel for each party, the volume number, and the inclusive page numbers of that volume.
- (3) In addition to the information required by (2), the cover of each volume of the reporter's transcript must state the dates of the proceedings reported in that volume.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2014.)

(d) Daily transcripts

Daily or other certified transcripts may be used for all or part of the reporter's transcript, but the pages must be renumbered consecutively and the required indexes and covers must be added.

(e) Pagination in multiple reporter cases

- (1) In a multiple reporter case, each reporter must estimate the number of pages in each segment reported and inform the designated primary reporter of the estimate. The primary reporter must then assign beginning and ending page numbers for each segment.
- (2) If a segment exceeds the assigned number of pages, the reporter must number the additional pages with the ending page number, a hyphen, and a new number, starting with 1 and continuing consecutively.
- (3) If a segment has fewer than the assigned number of pages, the reporter must add a hyphen to the last page number used, followed by the segment's assigned ending page number, and state in parentheses "(next page number is ____)."

(f) Agreed or settled statements

Agreed or settled statements must conform with this rule insofar as practicable.

Rule 8.144 amended effective January 1, 2016; repealed and adopted as rule 9 effective January 1, 2002; previously amended and renumbered as rule 8.144 effective January 1, 2007; previously amended effective January 1, 2008, and January 1, 2014.

Advisory Committee Comment

Subdivisions (a) and (b). Subdivisions (a)(4) and (b) refer to special requirements concerning sealed and confidential records established by rules 8.45-8.47. Rule 8.45(c)(2) and (3) establish special requirements regarding references to sealed and confidential records in the alphabetical and chronological indexes to clerk's and reporter's transcripts.