

STUDY GUIDE

for the

CERTIFIED COURT REPORTER EXAMINATION

**Supreme Court of Missouri
Board of Certified Court Reporter Examiners
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(Revised August 2011)

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INTRODUCTION

The Board of Certified Court Reporter Examiners has created this Study Guide to assist CCR examination applicants in preparing for the examination. Within these pages you will find:

1. **EXAMINATION GUIDELINES & SAMPLE QUESTIONS**
2. **RULES & REGULATIONS GOVERNING THE CCR BOARD**
3. **RELEVANT SUPREME COURT RULES AND MISSOURI STATUTES GOVERNING COURT REPORTERS & TRANSCRIPTS**
4. **SPECIAL RULES**
5. **GLOSSARIES OF LEGAL & MEDICAL TERMINOLOGY, PREFIXES AND SUFFIXES**

Reference sources used by the Board in developing the CCR examination are: Morson's English Guide for Court Reporters, Black's Law Dictionary, Merriam-Webster's Collegiate Dictionary, Taber's Cyclopedic Medical Dictionary, Dorland's Medical Dictionary, Supreme Court Rules and the Revised Statutes of Missouri.

This Study Guide contains information candidates must know to pass the CCR examination. However, test preparation should not be limited to the contents herein. CCR candidates are also expected to be familiar with courtroom procedure, deposition procedure, the duties of court reporters in Missouri and matters of general knowledge.

**THE BOARD WISHES YOU WELL IN THIS ENDEAVOR
AND IN YOUR CHOSEN PROFESSION.**

GENERAL INFORMATION FOR CANDIDATES OF THE CCR EXAMINATION

You must present a photo ID, your approval letter and your registration card to gain entrance to the exam. Candidates without these documents must present two forms of photo/signature ID to be considered for entrance to the exam.

Arrive at the specified reporting time. Candidates who arrive late will be denied entrance to the exam. If you have any questions, make those questions known prior to examination day by contacting Ms. Burch.

When you arrive at the exam site:

- 1. Present your photo ID, approval letter to the Registrar.**
- 2. Sign the sign-in roster. If your name does not appear on the roster, you will be denied entrance to the exam.**
- 3. An ID tag will be given to you at the time you register. This must be worn throughout the course of the examination.**

Detailed instructions regarding equipment setup, practice areas, examination schedule, et cetera, will be provided to candidates at the time of sign-in.

Each candidate will be supplied with an electrical outlet and an area to set up personal equipment in the transcription room. **The CCR Board provides NO equipment of any kind.**

Each candidate is responsible for providing and operating any equipment and software they need to take the exam, such as: steno writers, steno paper, ribbons, computers, court reporting programs, word processing programs, diskettes, computer discs, printers, toner cartridges, transcript paper, cassette tapes, typewriters, cables, extension cords, adapters, surge suppressor/power strips, No. 2 pencils, et cetera. Outside assistance in operating or setting up equipment in the testing room and the transcription rooms is not permitted.

Candidates must be knowledgeable in the operation of any equipment they bring to the examination site and should not expect instruction or assistance from the Board. **That knowledge MUST include the process for deleting all applicable files related to the examination from each candidate's own computer.** All equipment should be clearly and visibly labeled with the candidate's name and address. The CCR Board assumes no responsibility should equipment be damaged or stolen, or not function properly.

CCR EXAMINATION GUIDELINES

The examination is in two parts. Part I is dictation and transcription, known as the skills portion of the exam. Part II is a general knowledge test.

PART I - THE SKILLS EXAM

In Part I, dictation is given at speeds of **180, 200** and **225** words per minute with a syllabic density count of 1.4 . The dictation at 180 wpm is one-voice dictation. The dictation at 200 wpm is two-voice medical or technical Q&A. The dictation at 225 wpm is two-voice Q&A. **Only computers utilizing speech recognition software for the purpose of dictation are allowed in the dictation room.** If you are requesting an exception to allow the use of a computer in the dictation room, such special request must be presented to the Board for approval at least two weeks prior to the date of testing.

Applicants are allowed one hour and 15 minutes to transcribe each section of the dictation. Accuracy of at least 95 percent on each section of the skills exam is required to pass. Candidates are responsible for producing their own transcripts without assistance.

Transcripts must be produced with a typewriter or a computer word processing program, double-spaced, and printed on one side of the paper. Corrections must be made by the same system. No pen or pencil corrections are allowed. X-ing out is not permitted. Any rough draft or other papers must be turned over to a room monitor at the time final transcripts are submitted. In the event of any technical difficulties, a room monitor should be notified immediately.

Final transcripts **MUST** have the candidate's Examination ID number at the top of each page. This ID number may be handwritten. Each page of final transcript should also be labeled as follows: 180 - p. 1, 180 - p. 2, et cetera; 200 - p. 1, 200 - p. 2, et cetera.; and 225 - p. 1, 225 - p. 2, et cetera. Final transcripts will **NOT** contain a candidate's name or other personal identification.

Transcripts must be double-spaced. The use of ALL CAPS is not allowed. Each transcript should have 25 lines per page with line numbering included. The use of Courier New font size 12 or Times New Roman font size 13 is required.

One hour and 15 minutes will be allotted for transcribing each section, and each transcript must be printed and turned in at any time within that time period before continuing with the next section of the dictation. If two candidates share the use of a printer, a room monitor must be present during the printing of each test for both individuals. No additional time will be allowed for delays caused by sharing a printer. **All printing stops** at the end of each designated period.

Before leaving the transcription room, candidates must delete ALL forms of the skills exam from their equipment in the presence of a room monitor, including: computers, floppy disks, steno writers, word processors, realtime programs and/or typewriters with memory. **All notes from the dictation, whether printed or electronic (i.e., tapes, diskettes, or CDs) MUST be turned in at the end of the transcription period.**

If all three sections of the skills exam are *not completely* transcribed:

1. The Affidavit of Non-Transcription (on the bottom right side of the transcript folder provided) must be signed;
2. The initials "**NT**" (for non-transcription) **must** be written in the appropriate columns on the top left of the transcript folder; and
3. All transcripts must be turned in, completed or partial, before leaving the transcription room, (including paper notes, rough drafts, cassette tapes, and computer discs)

**THE NUMBER of ERRORS ALLOWED
on the SKILLS PORTION of the EXAM:**

Literary - 45

Medical/Technical Q & A - 50

Standard Q & A - 57

PART II - THE GENERAL KNOWLEDGE TEST

Part II of the examination consists of questions about English including grammar, spelling, punctuation; as well as questions related to: vocabulary, medical and legal terminology, court procedure, deposition procedure, transcript preparation, Supreme Court rules, Missouri statutes concerning duties of official and freelance court reporters, and matters of general knowledge.

Candidates should be familiar with the content of all rules, regulations and statutes reproduced in this study guide, but will **NOT** be tested on the specific identifying numbers (such as Rule 19.02, section 485.050 RSMo, et cetera.) Candidates will not be tested on the number of counties in Missouri or on county names.

Candidates have **one hour** in which to complete the General Knowledge Test. **NO** reference material of any kind is allowed, and communication with other applicants is not permitted. Remember to bring some No. 2 pencils, as they are not provided. A minimum score of **80 percent** is required to successfully pass the General Knowledge Test.

**WHAT IS NOT CONSIDERED an ERROR
on the SKILLS PORTION of the EXAM:**

1. A misplaced comma or period, unless it alters the meaning of a sentence.
2. Inaccurate paragraphing.
3. Optional capitalization.

**WHAT IS CONSIDERED an ERROR
on the SKILLS PORTION of the EXAM:**

1. Each incorrect word or name - 1 error
2. Each omitted word - 1 error
3. Each added word not dictated - 1 error
4. Each transposed word - 1 error
5. Each misspelled word (including typos or strikeovers)
6. Each misplaced period that materially alters the sense of a group of words or a sentence - 1 error
7. Each contraction transcribed as two words, and vice versa - 1 error
8. Each obvious question mark omitted from an interrogative sentence or added to a non-interrogative sentence - 1 error
9. Each omitted period at the end of a declaratory question or answer dictation - 1 error
10. Each singular (or plural) if the opposite was dictated - 1 error
11. Each omission of a Q. or A. symbol - 1 error
12. A wrong number - 1 error
13. Each omitted capital letter clearly required by the rules of English - 1 error
14. Each pen or pencil correction - 1 error

REMEMBER: All transcripts will be typed, double-spaced, on one side of paper only. Corrections must be made by typewriter or within the word processing program [no pen or pencil corrections]; no strikeovers and no x-ing out.

SAMPLE QUESTIONS
for the
GENERAL KNOWLEDGE TEST

Directions: *In the sentences below, some of the underlined expressions are incorrect. For each one that is incorrect, choose the best correction of those given and circle its letter.*

1. The doctor after a brief examination of the patient, gave orders to prepare her for surgery.
 - A. correct as is
 - B. doctor, after ... patient, gave ...
 - C. doctor, after ... patient gave ...
 - D. doctor after ... patient gave ...

2. His son enjoys the study of History, English, and Geography.
 - A. correct as is
 - B. ... history, English, and geography.
 - C. ... history, english, and geography.
 - D. ... history, English and Geography.

3. Every firm should live up to _____ promises.
 - A. its'
 - B. it's
 - C. its

Directions: *In each of the following, only one of the words is misspelled. Circle the letter preceding the word that is misspelled.*

4.
 - A. accomodate
 - B. conscience
 - C. prepare
 - D. recommend

5.
 - A. acquire
 - B. proffered
 - C. harrass
 - D. lawsuit

6. A. particular
 B. opportunity
 C. shining
 D. transferred

Directions: *Circle the letter preceding the word or expression that best completes the statement.*

7. Evidence given in a trial by a doctor, accountant or other professional in support of the contentions of either side in a lawsuit is commonly known as
- A. special testimony
 B. expert testimony
 C. lay testimony
 D. rebuttal testimony
8. At the conclusion of all cross-examination the party who originally called the witness may examine him further. This examination is called
- A. further direct examination
 B. recross-examination
 C. redirect examination
 D. voir dire examination
9. Typewritten transcripts on appeal shall be in type not smaller than
- A. elite
 B. pica
 C. script
 D. gothic

Directions: *Locate the incorrect word and write the correct word(s) on the blank line provided.*

10. You couldn't hardly expect him to agree. _____
11. Take the new stationery into the boss for his approval. _____
12. The papers are altogether on your desk. _____
13. The information laid on his desk awaiting his perusal. _____
14. Sharon was insighted to anger by the rude remark made to her by Carl. _____
15. The medicine did not effect me. _____

Directions: Select answer that most nearly expresses the meaning of the word or words that the following acronyms represent.

16. A.L.R.2d
- A. Alabama Legal Restitution, Second
 - B. American Legal Remedies, 2nd Department
 - C. Alaska Library Resources, Second Series
 - D. American Law Reports, Second Series
17. F.R.D.
- A. Federal Rural Delivery
 - B. Free Reporter Drafts
 - C. Federal Rules Digest
 - D. Federal Rules Decisions
18. S.W.
- A. Southern Writers
 - B. Supreme Writs
 - C. South Western Reporter
 - D. Single Women

Directions: Circle the letter preceding the word or expression that best completes the statement.

19. A trauma is a/an
- A. bone
 - B. nerve
 - C. injury
 - D. muscle
20. Neuritis is the inflammation of a
- A. muscle
 - B. gland
 - C. nerve
 - D. bone

CANDIDATE MISCONDUCT

During the examination, improprieties such as giving or obtaining unauthorized information or aid, as evidenced either by observation or subsequent analysis, or the handling of another applicant's exam, steno notes, tapes or computer discs **shall result in the automatic failure of the CCR exam.** Use of audio sync or any form of open microphone during the dictation also **shall result in the automatic failure of the CCR exam.** Said candidate will not be permitted to participate in another CCR examination unless and until granted permission to reapply by the Board of Certified Court Reporter Examiners.

FOR CCR CERTIFICATION TO REMAIN VALID

A certified reporter must comply with all rules, regulations and requirements of the CCR Board, and continue to use the method of verbatim reporting used when certification was attained.

If a court reporter adopts a new method of verbatim reporting, i.e., switching from steno machine to voice writing or vice versa), his or her certification is not valid when using the new method of verbatim reporting until the CCR examination is retaken and successfully passed using the new reporting method.

EXAMINATION SCHEDULE

The examination schedule is at the discretion of the Board of Certified Court Reporter Examiners, based on a variety of factors, and is always subject to change. Therefore, an advance schedule is no longer provided. It is the responsibility of the applicant to arrive at the examination site fully prepared. Unless you receive notification to the contrary, registration is at 8 a.m. The registrar and board members arrive early to complete their tasks related to registration and testing. Do not interrupt their duties with questions that should have been addressed well before examination day. Do not request or expect special consideration, such as registering early, because you arrived at 7:30 a.m. At any time that it is feasible to do so, the registrar may announce that registration may begin prior to 8 a.m., but this is strictly at the discretion of the registrar.

REMEMBER - - ARRIVE EARLY, RESTED, AND PREPARED.

DOUBLE-CHECK YOUR EQUIPMENT, MAKE SURE IT WORKS !!

Familiarity with equipment being used is YOUR responsibility.

MISSOURI RULES
RULES GOVERNING THE MISSOURI BAR AND THE JUDICIARY

RULE 14. CERTIFIED COURT REPORTERS

Adopted February 28, 2001

Effective January 1, 2002

14.01. MEMBERS OF THE BOARD

(a) The "Board of Certified Court Reporter Examiners" shall be composed of nine members who shall be appointed by this Court. Five members shall be judges of the circuit or appellate courts. Three of the members shall have been official court reporters in Missouri. One member shall be a practicing freelance court reporter in Missouri. The court reporter members shall be citizens of Missouri for at least five years prior to their appointment.

(b) Members shall be appointed for three-year terms and shall serve until their successors are appointed and qualified. This Court shall fill a vacancy by appointing a member for the duration of an unexpired term and may remove a member for cause.

(c) Each member shall take an oath to fairly and impartially and to the best of the member's ability administer this Rule 14.

14.02. OFFICERS OF THE BOARD – MEETINGS

The board shall elect one of its members chair and one secretary, each of whom shall serve for one year and until a successor is elected. The clerk of this Court shall serve as treasurer. The board shall have an office in Jefferson City and shall hold such meetings, not less than one a year, at such time and places as the board shall designate.

14.03. DUTIES OF THE BOARD

The board is charged with the duty and vested with the power and authority:

- (a) To determine the content of examinations to be given to applicants for certification as “Certified Court Reporters;”
- (b) To determine the applicant's ability to make a verbatim record of court proceedings by a recognized system designated by the board;
- (c) To issue certificates to those found qualified as certified court reporters;
- (d) To administer a continuing education program for certified court reporters; and
- (e) To promulgate, amend and revise regulations relevant to the above duties and to implement this Rule 14. The regulations shall be consistent with the provisions of this Rule 14 and shall not be effective until approved by this Court.

14.04. APPLICATION FOR CERTIFICATION

Every applicant for examination for certification as a certified court reporter or for certification as a certified court reporter without further examination as provided in Rule 14.06 shall file with the clerk of this Court a written application in the form prescribed by the board. The applicant shall pay a fee to the clerk of this Court at the time the application is filed. The fee shall be in an amount provided in the regulations of the board and shall not be subject to withdrawal by the applicant in the event the applicant decides not to take the examination or is denied the right to take the examination. Upon request, the clerk of this Court shall forward to any interested person application forms together with the text of this Rule 14 and copies of regulations promulgated by the board under the provisions of Rule 14.03(e).

14.05. ELIGIBILITY FOR CERTIFICATION

Applicants shall be at least eighteen years of age and be of good moral character.

14.06. ADMISSION WITHOUT EXAMINATION

(a) A certified court reporter certificate issued before December 31, 2001, and in good standing on that date shall remain in full force and effect unless thereafter revoked or suspended as provided by this Rule 14.

(b) Until July 1, 2002, upon application and payment of a \$100 fee, a court reporter who holds a certificate, as hereafter specified, that was valid and current on December 31, 2001, from any of the following organizations shall be issued a certificate without examination:

- (1) A Missouri certified shorthand reporter certificate from the Missouri Court Reporters Association;
- (2) A registered professional reporter certificate from the National Court Reporters Association;
- (3) A certified verbatim reporter certificate from the National Verbatim Court Reporters Association.

(c) A person shall be issued a certificate containing the designation "(G)" if the person:

- (1) Verifies upon written affidavit from three current members of The Missouri Bar in good standing that the person has been actively engaged in the practice of court reporting in this state in the 24 months preceding December 31, 2001; and
- (2) Makes application and pays a \$100 fee before July 1, 2002.

The "(G)" designation indicates that the person has not completed the testing requirement as a certified court reporter, but is permitted to continue the practice of court reporting.

No certificate pursuant to this Rule 14.06(c) shall issue after July 1, 2002.

(d) A person who has not been actively engaged in the practice of court reporting for a period of 24 months preceding December 31, 2001, has 24 months after December 31, 2001, to pass the certified court reporter examination. The person may be awarded a temporary certificate by the board upon application and payment of the required application fees. The temporary certificate shall be valid for a period of 24 months and shall not be renewable.

(e) A graduate of an accredited school of court reporting recognized by the board shall be awarded a temporary certificate upon initial application for certification testing to the board and payment of the required application fees. The temporary certificate shall be valid for a period of 24 months and shall not be renewable. This Court will not grant additional time beyond May 31, 2006, to meet the requirements of this Rule 14.06(e).

(f) A court reporter who has not successfully passed an examination for certification as designated in Rule 14.06(a) or Rule 14.06(b) shall not be appointed as an official court reporter in any circuit court in this state.

(Rule 14.06(e) amended December 5, 2005, effective January 1, 2006.)

14.07. APPOINTMENT OF OFFICIAL COURT REPORTER - TEMPORARY APPOINTMENT

No judge of any court of this state shall appoint an official court reporter who is not a certified court reporter.

In the absence of an official court reporter because of illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary reporter. The temporary reporter shall not serve more than six months without obtaining a certificate pursuant to this Rule 14. This Court will not grant additional time beyond May 31, 2006, to meet the requirements of this Rule 14.07.

(Rule 14.07 amended December 5, 2005; effective January 1, 2006.)

14.08. FUNDS - DISBURSEMENT OF

All fees and other monies accruing under this Rule 14 shall be deposited by the clerk of this Court in an account called "Certified Court Reporters." All expenses incurred by the board shall be paid out of this fund as authorized and directed by the board. The traveling and other necessary expenses of the members of the board shall be paid from said fund.

14.09. CONTINUING EDUCATION, ACCREDITATION OF PROGRAMS AND ACTIVITIES

(a) Each certified court reporter shall complete during each reporting year at least ten credit hours of continuing education from programs accredited by the board. A reporting year shall be from July 1 of each year through June 30 of the following year.

(b) A certified court reporter completing more than ten credit hours of accredited programs during one reporting year may receive credit in the next succeeding reporting year for the excess credit hours earned in the immediately preceding year.

(c) A certified court reporter is not required to complete any credit hours in the reporting year in which the reporter is initially certified as provided in this Rule 14. Upon written application and for good cause shown, waivers or extensions of time of the credit hours or reporting requirements of this Rule 14 may be granted by the board in individual cases or classes of cases involving hardship or extenuating circumstances.

(d) Continuing education programs for court reporters shall be developed, reviewed and accredited by the board. The court reporter education committee is an accredited sponsor of such programs.

(e) A person meeting the following requirements shall be excused from the continuing education requirement:

- (1) Has practiced court reporting for at least 40 years or has reached the age of 60 years;
- (2) Holds a certified court reporter certificate;
- (3) Is in good standing as a certified court reporter, and
- (4) Has been excused from payment of the annual fee required to maintain certification.

(Amended June 3, 2003, effective January 2, 2004.)

14.10. REPORTING REQUIREMENTS - SANCTIONS – REVIEW

(a) On or before July 31 of each year, each certified court reporter shall report to the board the number of credit hours of accredited programs the reporter completed in the preceding reporting year.

(b) Each certified court reporter failing to meet the continuing education requirements of this Rule 14 shall be notified by mail addressed to the reporter's last known address. The notice shall advise the reporter that he or she has not filed the required report or completed the required number of credit hours and that the reporter, if required to meet the continuing education requirements of this Rule 14, may file, within thirty days of the date the notice was mailed, information establishing compliance. Within thirty days of the receipt of any information establishing compliance with this Rule 14 submitted by the reporter, the board shall determine if the reporter completed the required number of credit hours of accredited programs or if the reporter is entitled to a waiver of the requirement or an extension of time to comply with the requirement. The board shall notify the reporter of its determination of compliance with this Rule 14.

(c) A certified court reporter may file a written request for reconsideration within fifteen days of the date of board's notice pursuant to Rule 14.10(b) that the reporter has not filed the required report or completed the required number of credit hours. The reporter requesting reconsideration shall submit written documentation accompanying the reporter's request for reconsideration in support of the request. The board shall reconsider its decision and shall make a decision within 45 days of the filing of any request for reconsideration. The reporter shall be notified of the decision within ten days of the board's decision regarding the request for reconsideration.

(d) Each certified court reporter to whom a notice is sent pursuant to Rule 14.10(b) shall pay a late filing fee of \$25. Payment of this fee shall accompany the late-filed information establishing compliance with the continuing education requirements of this Rule 14. Failure to pay the fee shall be considered a failure to comply with these requirements.

(e) The board annually shall report to this Court the name of each certified court reporter not meeting the continuing education requirements of this Rule 14 and may recommend, pursuant to Rule 14.11(a), revocation or suspension of the certification of any court reporter not meeting the continuing education requirements.

14.11. REVOCATION OR SUSPENSION

(a) This Court, for good cause shown after a hearing by the board, may revoke or suspend any certificate issued by the board.

(b) The clerk of this Court shall notify or cause to be notified the clerk of each circuit court, the court administrator of the circuit courts of St. Louis City and Jackson and St. Louis Counties, and the clerk of each district of the court of appeals of the name and certificate number of any court reporter whose certificate has been revoked or suspended. If a certificate that has been revoked or suspended is reinstated, the clerk of this Court shall notify or cause to be notified the clerk of each circuit court, the court administrator of the circuit courts of St. Louis City and Jackson and St. Louis Counties, and the clerk of each district of the court of appeals of the name and certificate number of any court reporter whose certificate has been reinstated.

(c) A certified court reporter who has allowed a certification to lapse due to nonpayment of the renewal fee may request reinstatement by the board upon payment of all back fees plus a penalty of \$25 for each year, to a maximum of \$100, of nonpayment and proof of compliance or request for waiver of the provisions of Rule 14.09 and Rule 14.10.

14.12. INTERPRETATION OF RULE

Nothing in this Rule 14 shall be construed as a limitation upon the powers of this Court, the court of appeals, or the circuit court to govern the conduct of and to discipline official court reporters. Nor shall this Rule 14 be construed as any limitation upon the rights of any individual to seek any remedy afforded by law, nor as an exclusive mode of regulating court reporters.

REGULATIONS
STATE OF MISSOURI

THE BOARD OF CERTIFIED COURT REPORTER EXAMINERS
UNDER PROVISIONS OF SUPREME COURT RULE 14.03(e)

The Board of Certified Court Reporter Examiners, hereinafter referred to as “the board,” hereby promulgates the following regulations, as directed by Supreme Court Rule 14.03(e), for implementation of the duties assigned herein.

1. Vacancies or newly established positions of official court reporters in courts of record of Missouri shall be filled by persons holding certificates as certified court reporter (C.C.R.) issued by the board of certified court reporter examiners (board).

2. Not later than 30 days prior to the next examination, applicants shall file with the clerk of the Supreme Court a written application in the form prescribed by the board together with a nonrefundable fee of \$100.00.

3. Any applicant who fails to pass any or all sections of Part I, the skills examination, or Part II, the general knowledge test, of the examination shall be permitted to take a subsequent examination upon the filing of a new application and a new nonrefundable fee of \$100.00 as provided in Regulation 2. The subsequent examination shall include only the sections previously failed by the applicant.

4. Upon request, the clerk of the Supreme Court shall forward to any person application forms, certificate of character forms (when applicable), and copies of Rule 14 and the regulations of the board.

5. Examinations for certification shall be held at least semiannually at times and places to be set by the board.

6. The C.C.R. certificate, once granted by the Board, shall remain in effect upon the payment to the clerk of the Supreme Court of an annual fee of \$100.00 on or before January 1 of each succeeding year unless suspended or revoked pursuant to Rule 14.10 or 14.11.

7. On July 1 of each year, all C.C.R. certificates that have not been renewed by the payment of the annual renewal fee shall expire. An expired C.C.R. certificate may be reinstated at any time by payment of all delinquent renewal fees, penalties, and requirements designated in Rule 14.11(c).

8. Persons in good standing holding a C.C.R. certificate who have practiced court reporting for 40 years or more or who have reached the age of 60 years shall be excused from the payment of the annual fee thereafter upon making a written application to the board showing such fact.

9. Each person who is issued a C.C.R. certificate shall be entitled to use the abbreviation "C.C.R." after their name. Such person shall be entitled to procure and use a seal, similar to seals provided for use of notaries public, upon which shall be engraved the name and C.C.R. number of the reporter and the words "Supreme Court of Missouri - Certified Court Reporter."

10. No certificate shall be valid for any system of verbatim reporting other than that for which it is issued.

11. Any C.C.R. who desires to employ a different system of verbatim reporting other than that system in which they have already been certified by the board shall become certified in said system pursuant to Rule 14 prior to employing said system.

12. The examination shall be conducted in two parts:

In Part I, each applicant shall satisfy the following accuracy and speed requirements in the system of verbatim reporting for certification is sought:

- (a) Five minutes of one-voice dictation at 180 words per minute;
- (b) Five minutes of two-voice medical or technical dictation at 200 words per minute; and
- (c) Five minutes of two-voice dictation at 225 words per minute.

Each five-minute dictation will include the requisite number of words with each 15-second segment having a 1.4 syllabic density.

Applicants will be given a maximum of one hour and 15 minutes to transcribe each section of the dictation. An accuracy of 95 percent or higher is required to pass.

Applicants may employ any stenographic or voisteno system of verbatim reporting by which a record is preserved, the accuracy of which shall be the personal responsibility of the court reporter. No system of direct electrical recording shall be considered a system of verbatim reporting for purposes of these regulations.

Applicants shall be required to furnish the equipment and supplies necessary for the reporting and transcription of dictated matter.

Upon completion of the examination, all verbatim notes or records, including tapes, diskettes or computer discs, transcripts, and other papers in connection with the examination, shall be retained in the custody of the board.

In Part II, each applicant shall be tested in the following subjects:

- (a) English, including grammar, vocabulary, punctuation, and spelling;
- (b) Medical and legal terminology;
- (c) Court and deposition procedures;
- (d) Transcript preparation;
- (e) Supreme Court rules and statutes concerning court reporter duties; and
- (f) Matters of general knowledge.

Applicants will be given one hour in which to complete the general knowledge test, with a minimum score of 80 percent required to pass.

The content and depth of the examination shall be a continuing subject of review and consideration by the board, and changes may be incorporated by means of amendments to these regulations.

13. The board shall maintain a roster, along with pertinent information, of all individuals who have been certified. The board, in its discretion, may publish a list of all C.C.R.s who are in good standing, suspended or revoked, or whose temporary certificates have expired.

[Amended March 23, 2011; effective July 1, 2011.]

COURT OPERATING RULE 5.04

REQUEST FOR PREPARATION OF TRANSCRIPT

(a) All requests for the preparation of a transcript shall be filed within the time prescribed by Supreme Court Rule 81.12.

(b) All transcripts of cases on appeal recorded on electronic sound recording shall be prepared by the Office of State Courts Administrator, an approved contractor or by an official court reporter.

(c) All transcripts of the preliminary examination recorded on electronic sound recording shall be prepared by the Office of State Courts Administrator or by an official court reporter. Pursuant to Supreme Court Rule 22.10, in all cases of homicide, a verbatim record of the testimony at the preliminary examination shall be made. It shall be transcribed upon the written request of the state or defendant. Costs for the preparation of a transcript shall be paid by the requesting party.

(d) The responsible clerk shall collect a deposit for the cost of preparation of a transcript plus copies plus postage, where applicable, based upon the current contract rate by the Office of State Courts Administrator.

State agencies shall pay the costs of preparing transcripts unless otherwise provided by law. State agencies are not required to make an advance deposit.

Upon receipt of the required deposit, the clerk shall promptly forward the original tapes of the proceeding with copies of the recording logs to the Office of State Courts Administrator or to the official court reporter. The deposit shall be accounted for by the clerk as other costs in the case.

(Amended June 1, 2004; effective July 1, 2004.)

COURT OPERATING RULE 19
COURT REPORTERS

19.01. CIRCUIT JUDGES SHALL APPOINT OFFICIAL REPORTERS

(a) Each circuit judge, except circuit judges who serve as judges of a probate division of the circuit court, shall appoint an official court reporter who shall be a certified court reporter as provided by Supreme Court Rule 14.

(b) Each circuit judge who serves as a judge of a probate division of the circuit court may appoint an official court reporter who shall be a certified court reporter as provided by Supreme Court Rule 14. In lieu of appointing an official court reporter, a circuit judge who serves as the judge of a probate division of the circuit court may utilize the services of a court reporter who is a certified court reporter on a part-time basis or may preserve the record in the manner provided in section 478.072, RSMo.

19.02. TERM OF OFFICE OF OFFICIAL COURT REPORTERS

Persons serving as official court reporters shall be officers of the court and shall hold office during the pleasure of the judge who appointed the reporter. On the death, resignation or retirement of that judge, the reporter shall retain the office of official court reporter until the judge's successor is sworn into office.

19.03. DUTIES OF OFFICIAL COURT REPORTERS

(a) Official court reporters shall attend all sessions of court under the direction of the circuit judge appointing the reporter and such other sessions of court to which the reporter is assigned.

(b) Each official court reporter shall make a verbatim record of the oral evidence offered in causes tried under the direction of the circuit judge appointing the court reporter and in such other sessions of court to which the reporter is assigned, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings.

(c) Each official court reporter shall preserve the notes, either printed or electronic, as utilized in the reporter's method of court reporting, for future use or reference and shall furnish to any person a transcript of all or any part of said evidence or oral proceedings upon payment to the reporter of the fee provided by law.

(d) The court reporter who serves as official court reporter in any court proceeding shall be responsible for transcribing the notes from that proceeding upon receiving a request to furnish a transcript thereof regardless of whether the reporter is an official court reporter at the time the transcript is requested. The reporter shall receive the fee that is provided by law for preparation of the transcript. *[See section 488.2250, RSMo.]*

(e) For court reporters using paperless machines or those using electronic storage:

(1) Within six months of each hearing, the court reporter shall provide the circuit clerk's office an electronic copy on media certified by the vendor as archival quality or shall place a copy of the hearing on a court-owned electronic repository. Multiple hearings can be stored on one archival quality media device.

(2) With the updates, the court reporter shall file an electronic log of the hearings recorded (date, time, description of case, case number).

(3) By July 1 of each year, each reporter shall file a copy of the reporter's dictionary with the circuit clerk's office on an archival quality media certified by the vendor or shall place a copy on a court-owned electronic repository.

(Rule 19.03(e) adopted January 27, 2009; effective July 1, 2009.)

RULES OF CRIMINAL PROCEDURE

RULE 24. MISDEMEANORS OR FELONIES - ARRAIGNMENTS AND PROCEEDINGS BEFORE TRIAL

24.03. FELONIES - GUILTY PLEAS - RECORD

When a defendant enters a plea of guilty to a felony, the court reporter shall:

- (a) Record accurately all court proceedings in connection with the plea;
- (b) Prepare a transcript of such proceedings when a motion is filed under Rule 24.035. The circuit clerk shall notify the court reporter that the motion has been filed, and the transcript shall be prepared within 30 days from the date the reporter receives the notice.
- (c) Certify the accuracy of the transcript of the proceedings and immediately deliver the certified transcript to the circuit clerk;
- (d) Receive for preparing such certified transcript the amount provided in section 488.2250, RSMo, for preparing an original transcript in a criminal case where the defendant is unable to pay the costs.

The circuit clerk shall note the filing of the certified transcript in his record and shall place the same, as a part of the permanent record of the case, in the file containing the indictment or information.

(Rule 24.03(b) amended May 19, 2010; effective January 1, 2011.)

24.035. CONVICTION AFTER GUILTY PLEA - CORRECTION

(c) **Clerk's Duties.** Movant shall file the motion and two copies thereof with the clerk of the trial court. The clerk shall immediately deliver a copy of the motion to the prosecutor. Upon receipt of the motion, the clerk shall notify the sentencing judge and shall notify the court reporter to prepare and file the complete transcript of the movant's guilty plea and sentencing hearing if the transcript has not yet been prepared or filed. If the motion is filed by an indigent pro se movant, the clerk shall forthwith send a copy of the motion to the counsel who is appointed to represent the movant.

(i) Presence of Movant - Record of Hearing - Continuance of Hearing - Burden of Proof. At any hearing ordered by the court the movant need not be present. The court may order that testimony of the movant shall be received by deposition. The hearing shall be on the record and shall be confined to the claims contained in the last timely filed motion. The court may continue the hearing upon a showing of good cause. The movant has the burden of proving the movant's claims for relief by a preponderance of the evidence.

(k) Appeal - Standard of Appellate Review. An order sustaining or overruling a motion filed under the provisions of this Rule 24.035 shall be deemed a final judgment for purposes of appeal by the movant or the state. If the court finds that a movant allowed an appeal is an indigent person, it shall authorize an appeal in forma pauperis and furnish without cost a record of all proceedings for appellate review. When the appeal is taken, the circuit court shall order the official court reporter to promptly prepare the transcript necessary for appellate review without requiring a letter from the movant's counsel ordering the same. If the sentencing court finds against the movant on the issue of indigence and the movant so requests, the court shall certify and transmit to the appellate court a transcript and legal file of the evidence solely on the issue of indigence so as to permit review of that issue by the appellate court. Appellate review of the trial court's action on the motion filed under this Rule 24.035 shall be limited to a determination of whether the findings and conclusions of the trial court are clearly erroneous.

RULE 29. MISDEMEANORS OR FELONIES - VERDICT, SENTENCE AND NEW TRIAL

29.15. CONVICTION AFTER TRIAL - CORRECTION

(c) Clerk's Duties. Movant shall file the motion and two copies thereof with the clerk of the trial court. The clerk shall immediately deliver a copy of the motion to the prosecutor. Upon receipt of the motion, the clerk shall notify the sentencing judge and shall notify the court reporter to prepare and file the complete transcript of the trial if the transcript has not yet been prepared or filed. If the motion is filed by an indigent pro se movant, the clerk shall forthwith send a copy of the motion to the counsel who is appointed to represent the movant.

(i) Presence of Movant - Record of Hearing - Continuance of Hearing - Burden of Proof. At any hearing ordered by the court the movant need not be present. The court may order that testimony of the movant shall be received by deposition. The hearing shall be on the record and shall be confined to the claims contained in the last timely filed motion. The court may continue the hearing upon a showing of good cause. The movant has the burden of proving the movant's claims for relief by a preponderance of the evidence.

(k) Appeal - Standard of Appellate Review. An order sustaining or overruling a motion filed under the provisions of this Rule 29.15 shall be deemed a final judgment for purposes of appeal by the movant or the state. If the court finds that a movant allowed an appeal is an indigent person, it shall authorize an appeal in forma pauperis and furnish without cost a record of all proceedings for appellate review. When the appeal is taken, the circuit court shall order the official court reporter to promptly prepare the transcript necessary for appellate review without requiring a letter from the movant's counsel ordering the same. If the sentencing court finds against the movant on the issue of indigence and the movant so requests, the court shall certify and transmit to the appellate court a transcript and legal file of the evidence solely on the issue of indigence so as to permit review of that issue by the appellate court. Appellate review of the trial court's action on the motion filed under this Rule 29.15 shall be limited to a determination of whether the findings and conclusions of the trial court are clearly erroneous.

RULE 30. APPELLATE PROCEDURE IN ALL CRIMINAL CASES

A. CRIMINAL PROCEEDINGS PENDING BEFORE A CIRCUIT JUDGE

30.01. RIGHT TO AND MANNER OF APPEAL

(a) Right to Appeal. After the rendition of final judgment in a criminal case, every party shall be entitled to any appeal permitted by law.

(b) Jointly or Separately. Codefendants may join in an appeal or any one or more of them may appeal separately.

(c) Designation of Parties. The party appealing shall be known as the appellant, and the adverse party as the respondent, but the title of the action shall not be changed in consequence of the appeal.

30.02. INTERLOCUTORY APPEAL BY STATE

If the state is permitted by law to appeal an order or judgment that is not a final judgment, the appeal shall be prosecuted in the same manner as an appeal from a final judgment, except as follows:

(a) no such appeal shall be effective unless the notice of appeal shall be filed within the time provided by the statute authorizing the appeal;

(b) the record on appeal shall be filed in the appellate court within fifteen days after the notice of appeal is filed in the circuit court.

30.04. RECORD ON APPEAL - CONTENTS - DESIGNATION - COMPILING, ORDERING, FILING AND SERVICE - ERRORS, OMISSIONS AND SUPPLEMENTAL RECORD

(a) Contents of Record on Appeal. The record on appeal shall contain all of the record, proceedings and evidence necessary to the determination of all questions to be presented, by either appellant or respondent, to the appellate court for decision. In order to reduce expense and expedite the preparation of the record on appeal, it is divided into two components, i.e., the "legal file" and the "transcript."

The legal file shall be so labeled with a cover page and contain clearly reproduced exact copies of the indictment or information and other portions of the trial record previously reduced to written form.

The transcript shall contain the portions of the proceedings and evidence not previously reduced to written form.

The legal file shall always include, in chronological order: the indictment or information on which defendant was tried, defendant's arraignment or waiver thereof and plea, the fact of defendant's presence at the trial, the verdict, any motion for new trial or other after-trial motion, the court's rulings thereon, the fact that allocution was accorded defendant, the judgment and sentence, and the notice of appeal with its date of filing. The parties may agree in writing upon an abbreviated or partial transcript of the record, proceedings, and evidence, with the evidence either in narrative form or in question and answer form.

(b) Matters Omitted. The record on appeal shall not include or set forth the original or any subsequent writ or the return thereof unless a question is raised as to the regularity of the process or its execution or as to the jurisdiction of the court. No matter touching on the organization of the court, or any continuance, motion or affidavit, not material to the questions presented for determination, shall be inserted in the record on appeal. Where there is no dispute as to the admissibility or legal effect of documentary evidence, such documentary evidence may be stated according to its legal effect. Formal parts not in dispute may be omitted. No part of the record when once set forth in the record on appeal is required to be repeated in any other part of the record on appeal.

The following items shall not be included in the record on appeal unless specifically requested and necessary to determination of issues on appeal: voir dire, opening statements, closing arguments, briefs and memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service and mailing notices of settings, depositions and notices, and jury lists.

(c) Duty of Appellant to Order the Transcript and Compile the Legal File. Within thirty days after the notice of appeal is filed, the appellant shall order the transcript from the reporter or from the clerk if there was no reporter. The written order shall designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. A copy of the written order shall be filed with the appellate court and served on the respondent.

The appellant shall also prepare the legal file and deliver a copy to the respondent. Documents that are needed for the legal file shall be ordered from the clerk within thirty days after the notice of appeal is filed.

If the respondent is dissatisfied with the appellant's record on appeal, the respondent may file within the time allowed for filing respondent's brief such additional parts of the record on appeal as respondent considers necessary.

(d) Form - Index and Page Numbers. The pages of both the legal file and the transcript shall be numbered consecutively and each shall contain a complete index at the front thereof, designating the specific volumes and pages where the particular records, pleadings, motions, verdicts, judgments, orders, instructions, evidence, exhibits and documentary evidence, may be found. If portions of the trial record, proceedings and evidence are omitted from the transcript, the

indices shall so indicate. If the transcript includes the testimony of witnesses, the index shall refer to the transcript pages where the several examinations (direct, cross, redirect, et cetera) of each witness may be found. Exhibits shall be identified in the index by number or letter and page and, in addition, shall be described so that the court can distinguish the exhibits.

(e) Form of Record on Appeal. The legal file shall be duplicated by any clear dry duplicating process, but may be typewritten or printed if the duplicating process is inadequate.

The transcript shall be typewritten or printed or prepared by any other clear or dry duplicating process. If typewritten, the legal file or transcript shall comply with the requirements of Rule 81.18. If duplicated, the legal file shall be a true copy of the original documents.

(f) Record on Appeal - When and Where Filed and Served. Within the time prescribed by Rule 81.19, the appellant shall cause the record on appeal to be prepared in accordance with the provisions of this Rule 30 and filed with the clerk of the proper appellate court and shall serve a copy thereof on the respondent. Proof of such service shall be filed with the appellate court. A copy of the transcript and the index of the legal file, with the caption of the case noted thereon, shall be filed with the clerk of the trial court. A copy of the complete legal file shall not be filed with the trial court except upon court order. Respondent may file within the time allowed for serving respondent's brief additional parts of the record. In the event of the filing of any additional or supplemental record, such additional or supplemental record shall be served, and copies thereof shall be filed with the clerk of the trial court as provided herein.

(g) Certification of the Record on Appeal. The transcript shall be certified by the court reporter as a true and accurate reproduction of the proceedings transcribed. If the trial proceedings are recorded by means of an electronic sound recording, the transcript thereof shall be certified by the transcriber as a true and accurate reproduction of the sound recording.

The legal file shall be certified by the clerk of the trial court to consist of true copies of portions of the trial record, proceedings, and evidence previously reduced to writing and filed in the trial court.

If the parties agree in writing as part of the record on appeal that either the legal file or the transcript is true and accurate, certification of that part of the record on appeal shall not be required.

If there is any dispute concerning the correctness of any legal file or transcript, or if the parties fail to agree within a reasonable time as to its correctness, the legal file or transcript shall be settled and approved by the trial court.

(h) Errors - Omissions - Supplemental Record on Appeal. If anything material is omitted from the record on appeal, the parties by stipulation, or the appellate court, on a proper suggestion or of its own initiative, shall direct that the omission or misstatement be corrected. The appellate court may, if it deems necessary, order that a supplemental record on appeal be prepared and filed by either party or by the clerk of the trial court including any additional part of the trial record, proceedings and evidence, or the clerk may be directed to send up any original documents or exhibits.

RULE 31. MISDEMEANORS OR FELONIES - PRESENCE OF DEFENDANT AND RIGHT TO COUNSEL

31.02 MISDEMEANORS OR FELONIES - RIGHT TO COUNSEL - APPOINTMENT BY COURT - ARRAIGNMENT - RECORD - APPEAL

(b) If a defendant in a felony case appears for arraignment without counsel, and if appointment of counsel is waived by the defendant, the reporter shall prepare a transcript of such proceedings and file it in the case.

31.03. MISDEMEANORS OR FELONIES - PRESENCE OF DEFENDANT - WHEN REQUIRED

(a) No trial shall be conducted or a plea of guilty entered unless the defendant is present, except that in a misdemeanor case the court, the prosecuting attorney, and the defendant may agree that the defendant need not be present.

(b) A verdict may be received by the court in the absence of the defendant when such absence is voluntary.

(c) If there is a record entry showing that the defendant was present at the commencement or at any stage of the trial, it shall be presumed, in the absence of any record entry to the contrary, that he was present during the entire trial.

RULES OF CIVIL PROCEDURE

RULE 55. PLEADINGS AND MOTIONS

55.29. PLACE OF HEARING AND ACTS IN CHAMBERS

All trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom. All other acts or proceedings may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials, and at any place either within or without the county where the action is pending, but no trial or evidentiary hearing, other than an authorized ex parte hearing, shall be conducted outside the county where the case is pending without the consent of all parties affected thereby.

RULE 57. INTERROGATORIES AND DEPOSITIONS

57.03. DEPOSITIONS UPON ORAL EXAMINATION

(c) Non-stenographic Recording - Video Tape. Depositions may be recorded by the use of video tape or similar methods. The recording of the deposition by video tape shall be in addition to a usual recording and transcription method unless the parties otherwise agree.

(1) If the deposition is to be recorded by video tape, every notice or subpoena for the taking of the deposition shall state that it is to be video taped and shall state the name, address and employer of the recording technician. If a party upon whom notice for the taking of a deposition has been served desires to have the testimony additionally recorded by other than stenographic means, that party shall serve notice on the opposing party and the witness that the proceedings are to be video taped. Such notice must be served not less than three days prior to the date designated in the original notice for the taking of the depositions and shall state the name, address and employer of the recording technician.

(2) Where the deposition has been recorded only by video tape and if the witness and parties do not waive signature, a written transcription of the audio shall be prepared to be submitted to the witness for signature as provided in Rule 57.03(f).

(3) The witness being deposed shall be sworn as a witness on camera by an authorized person.

(4) More than one camera may be used, either in sequence or simultaneously.

(5) The attorney for the party requesting the video taping of the deposition shall take custody of and be responsible for the safeguarding of the video tape and shall, upon request, permit the viewing thereof by the opposing party and if requested, shall provide a copy of the video tape at the cost of the requesting party.

(6) Unless otherwise stipulated to by the parties, the expense of video taping is to be borne by the party utilizing it and shall not be taxed as costs.

(d) Record of Examination; Oath; Objections. The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with Rule 57.03(c). If requested by one of the parties, the testimony shall be transcribed.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, to the conduct of any party, or any other objection to the proceedings shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition, and that party shall transmit them to the officer before whom the deposition is to be taken, who shall propound them to the witness, and the questions and answers thereto shall be recorded.

(f) Submission to Witness; Changes; Signing. When the testimony is fully transcribed, the deposition shall be submitted by the officer to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them; provided, however, that the answers or responses as originally given, together with the changes made and reasons given therefor, shall be considered as a part of the deposition. The deposition shall then be

signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found, or is dead or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness, or death or absence of the witness or the fact of the refusal to sign together with the reasons, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(g) Certification, Delivery, and Filing; Exhibits; Copies.

(1) *Certification and Delivery.* The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Upon payment of reasonable charges therefor, the officer shall deliver the deposition to the party who requested that the testimony be transcribed.

(2) *Filing.*

(a) *By the Officer.* Upon delivery of a deposition, the officer shall file with the court a certificate showing the caption of the case, the name of the deponent, the date the deposition was taken, the name and address of the person having custody of the original deposition, and whether the charges have been paid. The officer shall not file a copy of the deposition with the court except upon court order.

(b) *By a Party.* A party shall not file a deposition with the court except upon specific court order or contemporaneously with a motion placing the deposition or a part thereof in issue. The court may enact local court rules requiring a party who intends to use a deposition at a hearing or trial to file that deposition with the court on or prior to the date of the hearing or trial.

(c) *Return of Deposition.* At the conclusion of the hearing or trial the deposition that has been filed or delivered to the court shall be returned to the party that filed or delivered the deposition.

(d) *Retention of Deposition.* The original deposition shall be maintained until the case is finally disposed.

(3) *Exhibits.* Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification if the person affords to all parties fair opportunity to verify the copies by comparison with the originals and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court pending final disposition of the civil action.

(4) *Copies.* Upon request and payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(h) Failure to Attend or to Serve Subpoena; Expenses.

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving notice to pay to such other party the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

(2) If a witness fails to appear for a deposition and the party giving the notice of the taking of the deposition has not complied with these rules to compel the attendance of the witness, the court may order the party giving the notice to pay to any party attending in person or by attorney the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

57.05. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(a) In Missouri. Within the State of Missouri, depositions shall be taken before an officer authorized by the laws of this State to administer oaths, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

(b) Elsewhere in the United States. Within other States of the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before a person authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

(c) In Foreign Countries. In a foreign country, a deposition may be taken:

(1) On notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States, or

(2) Before a person commissioned by the court, and a person so commissioned has the power by virtue of his commission to administer any necessary oath and take testimony, or

(3) Pursuant to a Letter Rogatory. A commission or a letter rogatory shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter rogatory may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter rogatory may be addressed 'To the Appropriate Authority in [here name the country]'. Evidence obtained in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these Rules.

(d) Disqualification for Interest. No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

RULE 70. INSTRUCTIONS

70.02. INSTRUCTIONS TO JURIES

(e) Instructions Conference and Record. The court shall hold an instructions conference with counsel to determine the instructions to be given. The court shall inform counsel as to the instructions that are to be given prior to the time they are delivered to the jury. All instructions refused and all instructions given, including a record of who tendered them, shall be kept as a part of a record in the case. An opportunity shall be given for counsel to make objections on the record, out of the hearing of the jury, before the jury retires to deliberate.

RULE 81. APPEALS

81.03. DESIGNATION OF PARTIES ON APPEAL

The party appealing shall be known as the appellant and the adverse party as the respondent, but the title of the action shall not be changed in consequence of the appeal. Whenever the words "appellant" and "respondent" appear in these Rules, they shall be taken to mean and include other parties occupying like positions in a case.

81.04. APPEALS, WHEN AND HOW TAKEN - CROSS APPEALS - DOCKET FEES

(a) Filing the Notice of Appeal. When an appeal is permitted by law from a trial court, a party may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final.

(b) Cross Appeals. If timely notice of appeal is filed by a party, any other party may file a notice of appeal within ten days of the date the first notice of appeal was filed.

81.12. CONTENTS OF THE RECORD ON APPEAL - DESIGNATION OF THE RECORD ON APPEAL - COMPILING, ORDERING, FILING AND SERVICE OF RECORD ON APPEAL - ERRORS, OMISSIONS AND SUPPLEMENTAL RECORD ON APPEAL

(a) Contents of Record on Appeal. The record on appeal shall contain all of the record, proceedings and evidence necessary to the determination of all questions to be presented, by either appellant or respondent, to the appellate court for decision. In order to reduce expense and expedite the preparation of the record on appeal, it is divided into two components, i.e., the "legal file" and the "transcript."

The legal file shall be so labeled with a cover page and contain clearly reproduced exact copies of the pleadings and other portions of the trial record previously reduced to written form. The documents in the legal file shall be arranged with a docket sheet or case record on top numbered as page 1. The oldest document shall follow the docket sheet, with the remaining documents arranged in chronological order, ending with the notice of appeal at the bottom.

The transcript shall contain the portions of the proceedings and evidence not previously reduced to written form.

The legal file shall always include: the docket sheet or case record, which contains a complete summary of all events in the case; the pleadings upon which the action was tried, the verdict, the findings of the court or jury, the judgment or order appealed from, motions and orders after judgment, and the notice of appeal, together with their respective dates of filing or entry of record; except the parties may agree in writing upon an abbreviated or partial record on appeal or upon a statement of the case as provided in Rule 81.13.

(b) Matters Omitted. The record on appeal shall not include or set forth the original or any subsequent writ or the return thereto unless a question is raised as to the regularity of the process or its execution or as to the jurisdiction of the court. If any pleading be amended the record on appeal shall include the last amended pleading and shall not set forth any abandoned pleadings or abandoned part of the record not introduced in evidence. No matter touching on the organization of the court, or any continuance, motion, or affidavit, not material to the questions presented for determination, shall be inserted in the record on appeal. Documentary evidence, where there is no dispute as to its admissibility or legal effect, may be stated according to its legal effect. Formal parts not in dispute shall be omitted. No part of the record when once set forth in the record on appeal

should be repeated in any other part of the record on appeal.

The following items shall not be included in the record on appeal unless specifically requested and necessary to determination of issues on appeal: voir dire, opening statements, closing arguments, MAI 2.01, evidence regarding damages, briefs and memoranda, notices of filing, subpoenas, summonses, motions to extend time, affidavits and admissions of service and mailing, notices of settings, depositions and notices, and jury lists.

(c) Duty of Appellant to Order the Transcript and Compile the Record on Appeal.

Within ten days after the notice of appeal is filed, appellant shall order the transcript, in writing, from the reporter or from the clerk of the trial court if the proceedings were recorded by means of an electronic sound recording. Charges due for preparation of the transcript shall be paid as directed in section 512.050, RSMo. The written order shall designate the portions of the proceedings and evidence not previously reduced to written form that are to be included in the transcript. Appellant's certificate stating the date on which the transcript was ordered and the date on which the transcript charges were paid shall be filed in the appellate court within ten days after the payment of the charges. A copy of appellant's certificate shall be served on all other parties.

Appellant also shall prepare the legal file, including the index thereto, and serve a copy upon all other parties. Unless the parties file a written agreement regarding the legal file as provided in Rule 81.15(c), appellant shall order any documents that are needed for the legal file from the clerk of the trial court within thirty days after the notice of appeal is filed. Unless the parties file a written agreement regarding the legal file as provided in Rule 81.15(c), the clerk of the trial court shall certify copies of the documents needed for the legal file as provided in Rule 81.15(a). Appellant shall be responsible for preparing the legal file, including the index thereto, from the certified copies of such documents.

If a respondent is dissatisfied with appellant's record on appeal, that respondent may file within the time allowed for filing respondent's brief such additional parts of the record on appeal as respondent considers necessary. Respondent shall contemporaneously serve a copy of such supplemental record on all other parties.

(d) Record on Appeal - When and Where Filed and Served. Within the time prescribed by Rule 81.19, the appellant shall cause the record on appeal to be prepared in accordance with the provisions of this Rule 81 and to be filed with the clerk of the proper appellate court, and shall serve a copy thereof on the respondent or, in the case of multiple respondents, in the manner provided in

Rule 81.14(d). If a floppy disk is filed with the transcript, a copy of the disk also shall be served. Proof of such service shall be filed with the appellate court. A copy of both the index of the transcript and the index of the legal file, with the caption of the case noted thereon, shall be filed with the clerk of the trial court. A copy of the complete transcript and legal file shall not be filed with the trial court except upon court order. In the event of the filing of any additional or supplemental record pursuant to Rule 81.12(c) or Rule 81.12(f)*, such additional or supplemental record shall be served, and copies of the indexes thereto shall be filed with the clerk of the trial court as provided herein.

(Amended February 8, 2010; effective July 1, 2010.)

** Supreme Court Rules book reads 81.12(e) and has not been changed pursuant to order dated February 8, 2010.*

(f) Errors - Omissions - Supplemental Record on Appeal. If anything material is omitted from the record on appeal, the parties by stipulation, or the appellate court, on a proper suggestion or of its own initiative, shall direct that the omission or misstatement be corrected. The appellate court may, if it deems necessary, order that a supplemental record on appeal be prepared and filed by either party or by the clerk of the trial court including any additional part of the trial record, proceedings, and evidence, or the clerk may be directed to send up any original documents or exhibits.

(Amended June 27, 2006; effective January 1, 2007.)

81.13. AGREED STATEMENT AS THE RECORD ON APPEAL

When the questions presented by an appeal can be determined without an examination of all the pleadings, evidence and proceedings in the court below, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the trial court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the appellate court. The statement shall include a copy of the judgment or order appealed from, a copy of the notice of appeal with its filing date and a concise statement of the points to be relied on by the appellant. If the statement conforms to the truth, it, together with such additions as the Court may consider necessary fully to present the questions raised by the appeal, shall be approved by the trial court and shall then be certified to the appellate court as the record on appeal.

81.14. THE RECORD ON APPEAL, MULTIPLE APPEALS - FORM OF RECORD ON APPEAL

(a) **Multiple Appeals - The Record on Appeal.** If more than one appeal is taken from the same judgment, a single record on appeal may be prepared with each appellant sharing the cost.

(b) **Form - Index and Page Numbers.** The pages of both the legal file and the transcript shall be numbered consecutively and each shall contain a complete index at the front thereof designating the specific volumes and pages where the particular records, pleadings, motions, verdicts, judgment, orders, instructions, evidence, exhibits, and documentary evidence may be found. If portions of the trial record, proceedings, and evidence are omitted from the transcript, the indices shall so indicate. If the transcript includes the testimony of witnesses, the index shall refer to the transcript pages where the several examinations (direct, cross, redirect, et cetera) of each witness may be found. Exhibits shall be identified in the index by number or letter and page and, in addition, shall be described so that the court can distinguish the exhibits.

(c) **Form of Record on Appeal.** The legal file shall be duplicated by any clear dry duplicating process but may be typewritten or printed if the duplicating process is inadequate.

The transcript shall be typewritten or printed or prepared by any other clear dry duplicating process. If typewritten, the legal file or transcript shall comply with the requirements of Rule 81.18. If duplicated, the legal file shall be a true copy of the original documents.

(d) **Multiple Respondents.** In every case where there is more than one party respondent, and all of such parties respondent are not represented by the same counsel, the appellant shall serve a copy of the legal file on each respondent. The appellate court, on application therefor, may make such order respecting delivery of a copy of the transcript as may be just and equitable.

81.15. CERTIFICATION OF RECORD ON APPEAL

(a) Except as provided in Rule 81.15(c), the legal file shall be certified by the clerk of the trial court to consist of true copies of portions of the trial record, proceedings, and evidence previously reduced to writing and filed in the trial court.

(b) If the trial proceedings are recorded by a court reporter present at the time of such proceedings, the transcript thereof shall be certified by the court reporter as a true and accurate reproduction of the proceedings transcribed. If the trial proceedings are recorded by means of electronic sound recording, the transcript thereof shall be certified by the transcriber as a true and

accurate reproduction of the sound recording.

(c) The legal file certified as provided in Rule 81.15(a) and the transcript certified as provided in Rule 81.15(b) shall be filed by the clerk of the appellate court without need for the parties to approve them. The filing of the legal file or the transcript shall not operate as a waiver by the filing party of the right to dispute the correctness thereof as provided in Rule 81.15(d). If the parties agree in a writing filed with the appellate court that either the legal file or the transcript is, or that both the legal file and the transcript are, true and accurate, certification shall not be required of that part of the record on appeal on which such agreement is reached, and that part of the record on appeal shall be filed by the clerk of the appellate court.

(d) If there is any dispute concerning the completeness of the record on appeal, additional parts of the record on appeal may be filed pursuant to Rule 81.12(c), or the record on appeal may be supplemented pursuant to Rule 81.12(f). If there is any dispute concerning the correctness of any legal file or transcript, the party disputing the correctness thereof shall designate in writing to the appellate court those portions of the legal file or transcript that are disputed. Such designation shall be filed with the appellate court within fifteen days after the legal file or the transcript, whichever is in dispute, is filed. The appellate court, either on application or on its own motion, may enlarge the time within which any such designation shall be filed. The appellate court shall direct the trial court to settle the dispute and to certify the correct contents of such portion to the appellate court, and such certification by the trial court shall become a part of the record on appeal.

(e) The provisions of this Rule 81.15 relating to certification and correctness of the record on appeal shall apply also to any additional parts of the record filed pursuant to Rule 81.12(c) and to any supplemental record filed pursuant to Rule 81.12(f).

(Amended February 8, 2010; effective July 1, 2010.)

81.16. EXHIBITS - RECORDS ON APPEAL - TRANSCRIPT, EXHIBITS NEED NOT BE INCORPORATED

(a) If original exhibits are necessary to the determination of any point relied on, they shall be deposited in the appellate court.

(b) If it is impracticable to deposit any exhibit, it may be represented by photograph,

mechanical drawing, or other means that fairly depict the exhibit.

(c) Original exhibits shall be deposited with the appellate court on or before the day the reply brief is due or when the court so directs, whichever is earlier. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal.

(d) Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Exhibits shall not be destroyed or disposed of in post-conviction relief proceedings.

(Amended December 20, 2005; effective July 1, 2006.)

81.17. RECORD ON APPEAL - REVIEWING LEGAL EFFECT OF INSTRUCTIONS, EVIDENCE NOT NECESSARY, WHEN

When an appellant desires only to have reviewed legal questions with respect to instructions given or refused and a review of the evidence is unnecessary to pass on those legal questions it is not necessary for the appellant to include the evidence in the record on appeal. In such case the appellant shall serve upon the respondent and file in the appellate court, within thirty days after the filing of the last notice of appeal, a designation of the parts of the trial record, proceedings, and evidence which the appellant intends to include in the record on appeal and a statement of the issues the appellant intends to present on appeal. The statement shall show what material fact or facts the evidence tended to prove. If the respondent considers other parts of the trial record, proceedings, and evidence to be necessary, the respondent shall, within ten days after the service of the statement of appellant, serve upon the appellant and file in the appellate court a designation of additional parts which the respondent intends to include in the record on appeal and any additional issues the respondent intends to present on appeal. Failure of the respondent to serve and file such indication shall constitute an admission and agreement that the respondent agrees that the statement is correct and that a transcript of the evidence need not be included in the record on appeal.

81.18. FORM OF TYPEWRITTEN TRANSCRIPTS AND OTHER DOCUMENTS

(a) Typewritten documents shall be legible, on paper of size 8 1/2 x 11 inches, securely bound and paged at the bottom.

Documents shall be on bond paper weighing not less than nine pounds to the ream, shall be typed on one side of the paper, shall be double-spaced, and shall have a left margin of not less than one inch.

If a cover is required, the documents shall have a tan cover.

The type used shall be not less than a ten pitch and ten characters to the inch in a fixed space type. If a proportionally spaced type is used, it shall be not smaller than 13 font, Times New Roman on Microsoft Word.

(b) Typewritten transcripts shall conform to the provisions of Rule 81.18(a) except that:

- (1) There shall be no fewer than nine characters to the typed inch;
- (2) They shall be securely bound on the left side with either spiral binding or fasteners that extend a full one inch beyond the depth of the volume;
- (3) They shall have a left margin of not less than one and one-fourth nor more than one and three-fourth inches;
- (4) They shall have a right margin of not more than three-eighths of an inch; and
- (5) There shall be no fewer than 25 typed lines per sheet of paper.

Each question and answer must begin no more than five spaces from the left margin, with no more than five spaces from the "Q" and "A" to the text. Carryover questions and answers shall begin at the left margin.

A volume of transcript shall not exceed 200 sheets of paper.

(c) In lieu of filing a transcript as provided in Rule 81.18(b), a party may file a transcript in page reduction format. Page reduction transcripts shall conform with the provisions of Rule 81.18(b), except that not more than four pages of transcript may appear on each side of each sheet of paper in the page reduction format. The party filing a transcript in page reduction format shall file the full-page transcript with the court if ordered by the court to do so. Further, if a page reduction format transcript is filed, it shall be accompanied by floppy disks containing the transcript. The floppy disk shall be double sided, high density 1.44 MB, 3 1/2 inch size. An adhesive label shall be affixed to each disk legibly identifying the caption of the case, the disk number (e.g., "Disk 1 of 2"),

and the word processing format (e.g., Microsoft Word). Word format shall be used if available. If Word is unavailable, the material shall be formatted in WordPerfect 5.x or higher.

(d) Legal files shall conform to the provisions of Rule 81.18(a) except that they shall be securely bound on the top or left side. If fasteners are used to bind the legal file, they shall extend a full one inch beyond the depth of the volume. A volume of the legal file shall not exceed two hundred pages.

(Amended December 18, 2007, effective July 1, 2008.)

81.19. TIME FOR FILING OF RECORD ON APPEAL

The record on appeal shall be filed with the appellate court:

(a) If the record on appeal consists only of a legal file, within thirty days from the date of the filing of the notice of appeal in the trial court;

(b) In all other cases, within ninety days from the date of the filing of the notice of appeal in the trial court.

If more than one appeal is taken from the same judgment to the same appellate court, the time for filing shall date from the filing of the last notice of appeal in the trial court.

81.20. RECORD ON APPEAL - EXTENSION OR REDUCTION OF TIME FOR FILING

The appellate court, either on application or on its own motion, may enlarge or shorten the time for filing the record on appeal.

RULE 84. PROCEDURE IN ALL APPELLATE COURTS

84.18. COSTS OF APPEAL, WHEN ALLOWED

Except where the court for good cause shown directs otherwise, costs of the appeal shall be assessed as follows: If the appellant wins in the appellate court, that court shall tax the docket fee and the cost of the record on appeal in appellant's favor. If the appellant is the losing party, the appellant shall stand the cost of the record on appeal including the cost of any part thereof supplied by the respondent and found necessary. In those cases where the appellant takes an appeal to review only legal questions pertaining to instructions, given or refused, and the evidence is unnecessary to the determination of the cause, but the respondent requests the appellant to include the evidence in the record on appeal, then the cost of supplying such evidence shall be taxed against the respondent.

Counsel preparing the record shall certify the cost of preparing the legal file and any relevant subportions thereof and shall indicate which parties ordered the subportions thereof.

The cost of preparing the transcript shall be certified thereon by the reporter. Transcript costs will be allowed for all copies of transcripts required by these rules. *[See section 488.2250, RSMo.]*

RULES OF PRACTICE AND PROCEDURE IN JUVENILE AND FAMILY COURT DIVISIONS OF THE CIRCUIT COURT

RULE 116. PROCEDURE

116.01. RECORD OF PROCEEDINGS

A complete record of all testimony shall be kept by stenographic reporting, mechanical or electronic device, or by some combination thereof.

Exhibits and other tangible evidence shall be preserved by the party offering the same unless otherwise directed by the court.

(Adopted May 20, 2009; effective January 1, 2010.)

RULE 122. ACCESS TO HEARINGS AND RECORDS

122.02. OPEN RECORDS

(c) Confidential files, as defined in section 211.319.3, RSMo, and files and records specifically ordered closed by the court shall be accessible only to persons the court has determined to have a legitimate interest in such files and records.

(Adopted May 20, 2009; effective January 1, 2010.)

REVISED STATUTES OF MISSOURI

CHAPTER 211

JUVENILE COURTS

211.321. Juvenile court records, confidentiality, exceptions - records of peace officers, exceptions, release of certain information to victim.

1. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder or except as provided in subsection 2 of this section. In addition, whenever a report is required under section 557.026, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

CHAPTER 452
DISSOLUTION OF MARRIAGE, DIVORCE, ALIMONY,
AND SEPARATE MAINTENANCE

**452.395. Custody proceedings, priority of - judge to determine law and fact
- secrecy, when.**

1. Custody proceedings shall receive priority in being set for hearing.
2. The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the particular case.
3. If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

In the event the custody proceeding is appealed and the court enters its order sealing the record of the minor's testimony, it is suggested that the reporter transcribe the original only of that portion, have the judge sign it, seal it, and attach it to the original transcript on appeal. At the place in the transcript where it would ordinarily appear, the following parenthetical remark is suggested:

[Reporter's Note: The testimony (interview) of _____, the minor, which was heard in chambers, was ordered sealed by the trial court, pursuant to section 452.395, RSMo. The sealed transcript thereof is attached to the original transcript filed with the Missouri Court of Appeals, _____District.]

CHAPTER 478

CIRCUIT COURTS

478.072. Preserving record, case assigned to associate circuit judge, how, approval required - supreme court to prescribe procedures and forms.

1. In any case assigned to an associate circuit judge to be heard upon the record as authorized by law, the associate circuit judge shall utilize electronic, magnetic, or mechanical sound, or video recording devices, or a court reporter, or a stenographer for the purpose of preserving the record. The method of preserving the record in each such assigned case shall be specified by the assigning judge at the time he enters his order of assignment. Electronic, magnetic, or mechanical recording devices shall be approved by the office of state courts administrator prior to their utilization by any associate circuit judge.

2. The supreme court shall by order prescribe necessary and proper forms and procedures in addition to those specified herein.

3. Any circuit judge serving as judge of a probate division of the circuit court may also preserve the record in his court by using such approved electronic, magnetic, or mechanical recording devices.

CHAPTER 485
COURT REPORTERS AND STENOGRAPHERS

485.040. Judges of circuit courts to appoint reporters - qualifications.

1. For the purpose of preserving the record in all cases for the information of the court, jury and parties, and for expediting the public business, each circuit judge shall appoint an official court reporter who shall be a certified court reporter as provided by Rule 14 of the supreme court. Such court reporter shall be a sworn officer of the court, and shall hold his office during the pleasure of the judge appointing him, and on the death, resignation, or retirement of that judge, the reporter shall retain his office until the judge's successor is elected or appointed.

2. In lieu of a full-time court reporter, a circuit judge who serves as the judge of the probate division may utilize the services of a court reporter on a part-time basis or may preserve the record in the manner provided in section 478.072.

485.050. Duties.

It shall be the duty of the official court reporter so appointed to attend the sessions of the court, under the direction of the judge thereof; to take full stenographic notes of the oral evidence offered in every cause tried in said court, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings; to preserve all official notes taken in said court for future use or reference, and to furnish to any person or persons a transcript of all or any part of said evidence or oral proceedings upon the payment to him of the fee herein provided.

485.055. Reporters may be transferred, when - power and rights.

1. Whenever the supreme court makes an order temporarily transferring a circuit judge to a circuit court other than the court to which he was appointed or elected, or whenever any such judge is temporarily transferred or assigned in a manner other than by order of the supreme court, the supreme court, upon written notice from such transferred judge, shall, if the regular reporter is for any reason unavailable and the transfer is deemed necessary, order the temporary transfer of the official court reporter of the court of such transferred judge to accompany the judge and perform all the duties of the official court reporter of the court to which the judge is transferred in the matters heard or considered by the transferred judge while so transferred, and the official court reporter shall perform the same duties, make the same charges for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were the regularly appointed official reporter of the court to which he was temporarily appointed.

2. Upon the request made to the supreme court by a circuit judge whose official reporter is absent by reason of illness or physical incapacity, for the transfer of a reporter, the supreme court may, with the consent of the judge appointing him, or without such consent if said judge is absent or incapacitated, order the temporary transfer of another official reporter to said circuit court, and the official reporter shall perform the same duties, make the same charges for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were the regularly appointed official reporter of the court to which he was temporarily appointed.

3. In all judicial circuits having more than one circuit judge, in the absence or incapacity of one of the judges, the presiding judge may order the court reporter of said absent or incapacitated judge to act as court reporter of another division of said court when he shall deem such action necessary.

485.060. Compensation of reporters.

Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars. Such annual salary shall be modified by any salary adjustment provided by section 476.405, RSMo, payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. When paid by the state the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

485.065. Source of funds for reporter's salary.

The entire salary of each court reporter and the expense of part-time court reporters for circuit judges serving as judges of the probate division as provided in subsection 2 of section 485.040 shall be paid out of the state treasury.

485.075. Appointment of temporary court reporter, when - compensation - duration.

In the absence of the official reporter of any circuit judge because of illness or physical incapacity to perform his duties, the judge may appoint a temporary reporter, who shall perform the same duties and receive the same compensation as provided for the regular reporter for the time served by the appointee as temporary reporter, to be paid upon certification of the judge making such appointment. No temporary appointment shall continue through more than thirty court days in any calendar year unless so ordered by the supreme court of this state.

485.077. Certification of official court reporters required.

1. No judge of any court in this state shall appoint an official court reporter who is not a court reporter certified by the board of certified court reporter examiners, as provided in supreme court rule 14. In the absence of an official court reporter due to illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court reporter, but such temporary court reporter shall not serve more than six months without obtaining a certificate pursuant to the provisions of supreme court rule 14.

2. No testimony taken in this state by deposition shall be given in any court in this state, and no record on appeal from an administrative agency of this state shall include testimony taken in this state by deposition, unless the deposition is prepared and certified by a certified court reporter, except as provided in supreme court rule 57.03(c).

3. Deposition testimony taken outside the state shall be deemed to be in conformity with this section if the testimony was prepared and certified by a court reporter authorized to prepare and certify deposition testimony in the jurisdiction in which the testimony was taken.

4. This section shall not apply to depositions taken in this state in connection with cases not pending in a Missouri state court or administrative agency at the time the deposition was taken.

485.090. Reimbursement for expenses while attending court - how paid.

Every official court reporter of a circuit court of a judicial circuit comprised of two or more counties, in addition to his salary, shall be reimbursed for all sums of money actually expended by him in necessary hotel and traveling expenses while engaged in attending any regular, special or adjourned term of court at any place in the judicial circuit in which he is appointed, other than the county of his residence, or while engaged in going to and from any such place for the purpose of attending terms of court. All of such actual expenses shall be paid out of the state treasury.

CHAPTER 488

COURT COSTS

488.2250. Fees for transcript of notes - judge may order transcript, when - taxing of fees.

For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five line page for the original of the transcript, and the sum of thirty-five cents per twenty-five line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which he shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

CHAPTER 492
OATHS AND AFFIRMATIONS, DEPOSITIONS
AND PERPETUATION OF TESTIMONY

492.010. Officers and notary public authorized to administer oaths.

Every court and judge, justice and clerk thereof, notaries public, certified court reporters and certified shorthand reporters, shall respectively have power to administer oaths and affirmations to witnesses and others concerning any thing or proceeding pending* before them, respectively, and to administer oaths and take affidavits and depositions within their respective jurisdictions, in all cases where oaths and affirmations are required by law to be taken.

**Word “depending” appears in original rolls, an apparent typographical error.*

492.340. Deposition shall be submitted to witness for examination - signing of deposition.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found, or is dead or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness, or death or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign requires rejection of the deposition in whole or in part.

492.350. Certificate of officer taking depositions.

To every deposition or examination, taken by virtue of sections 492.080 to 492.400 shall be appended the certificate of the person or officer by or before whom the same shall be taken, showing that the deposition or examination was reduced to writing in his presence, and was subscribed and sworn to by the witnesses, and the place at which, and the days, and within the hours, when the same was taken.

492.360. Exhibits to be enclosed with depositions and directed to clerk.

Depositions or examinations taken by virtue of any of the provisions of sections 492.080 to 492.400 and all exhibits produced to the person or officer taking such examinations or depositions, and proved or referred to by any witness, together with the commission and interrogatories, if any, shall be enclosed, sealed up, and directed to the clerk of the court in which or the associate circuit judge before whom the action is pending.

492.540. Depositions, how certified and to whom delivered.

The officer taking such depositions shall attach thereto his certificate, stating the time and place when and where such depositions were taken, that the witnesses were duly sworn as to the truth of their depositions, and that they subscribed the same, and shall enclose them, together with the commission and the evidence of notice; and the whole, being carefully sealed up, shall be delivered by the officer to the recorder of the county in which the suit is pending, or in which the property or matter is situate or belongs, to which such depositions relate.

**492.590. Costs and expenses of taking depositions, how awarded and collected
- limitations.**

1. The costs and expenses of depositions, whether originals or copies, or related court reporter, notarial, or other fees of recording the same, shall be awarded as a judgment in favor of the party or parties requesting the same, and collected in the manner provided by section 514.460*, RSMo. Any party incurring any such costs or expenses may request the taxing of such costs or expenses actually incurred by that party whether or not such depositions were taken at the instance of that party or some other party to the suit or suits, provided, however, that any judgment awarded for copies of depositions shall be limited to the cost of one copy per party, except upon leave of court.

2. The costs and expenses so incurred shall be certified by the reporter taking the same and shall be further limited by the court in which the action is pending at the request of either party with said limitation based on:

- (1) The relevancy and probative value of the testimony offered by deponent;
- (2) The time required in the taking of the deposition;
- (3) The reasonableness of the charge made by the reporter;
- (4) The availability of stenographers or shorthand reporters in the area where the deposition is taken;
- (5) Charges made by other stenographers or shorthand reporters in the community.

** Transferred 2000; now section 488.432*

Effective 7-1-97

(1998) Word "incurred" in statute does not mean "paid". It means to "to become liable for". *Burwick v. Wood*, 959 S.W.2d 951 (Mo.App. S.D.).

CHAPTER 512
APPEALS AND APPELLATE PROCEDURE

512.050. Notice of appeal - when filed - court reporter to be paid, when.

When an appeal is permitted by law from a trial court and within the time prescribed, a party or his agent may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final. All charges due to the court reporter for preparation of the transcript of the record of the trial court shall be paid within ten days of the ordering of the transcript. In the event that actual charges due for the preparation of the transcript cannot be readily determined, a deposit in the amount of the estimated charges due for preparation of the transcript shall be paid within ten days of the written notification by the court reporter of the amount of such estimated charges. The court reporter shall provide such written notification within ten days of any request for transcript. After a timely filing of such notice of appeal, failure of the appellant to take any of the further steps to secure the review of the judgment or order appealed from does not affect the validity of the appeal, but is ground for such action as the appellate court deems appropriate, which may include dismissal of the appeal.

CHAPTER 540
GRAND JURIES AND THEIR PROCEEDINGS

540.105. Reporter to record testimony - oath.

An official reporter of the circuit court, when directed by the judge thereof, shall take down and transcribe for use of the prosecuting or circuit attorney any or all evidence given before the grand jury. Before taking down any such evidence, however, such reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting him in the prosecution of an indictment brought by such grand jury.

CHAPTER 552
CRIMINAL PROCEEDINGS INVOLVING MENTAL ILLNESS

552.045. Transcript of proceedings and preliminary letter to institution, when.

1. Whenever the court commits to a state institution for observation or detention the person afflicted with a mental illness or defect under authority of this chapter, the court shall also order a transcript of all, or any part, of the evidence or oral proceedings in the case to be given to the institution and the expense to be paid as authorized by section 488.100* [RSMo].

**Transferred 2000, now 488.2250*

CHAPTER 566
SEXUAL OFFENSES

566.226. Identifiable information in court records to be redacted, when - access to information permitted, when - disclosure of identifying information regarding defendant, when.

1. After August 28, 2007, any information contained in any court record, whether written or published on the Internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

SPECIAL RULES

WESTERN DISTRICT COURT OF APPEALS

RULE XV. EXTENSION FOR FILING RECORD ON APPEAL

(A) If an extension of time to file the record on appeal is requested on the ground that the transcript has not been completed, the appellant shall request from the court reporter or from the Central Transcribing Service of the Office of the State Courts Administrator if the proceeding was electronically recorded, a written statement in support of the request of such extension. The statement from the court reporter shall be prepared in accordance with Form 3 attached to and made a part of this rule. The statement from the Central Transcribing Service shall be on a form prepared by that office. The official reporter or the Central Transcribing Service shall promptly prepare and deliver to the appellant the supporting statement.

(B) It is Appellant's obligation to order the record on appeal within the time prescribed by Rule 81.12(c) and 30.04(c) and promptly pay any necessary deposits. Failure to do so shall be grounds for denying a request for extension of time to file the record.

(Adopted and effective July 27, 1979. Amended and effective Jan. 12, 1984. Amended December 18, 2003; effective April 1, 2004.)

RULE XXVII. FORM AND FILING OF PAGE REDUCTION TRANSCRIPTS

The transcript shall be prepared in accordance with Rule 81.18 but filed initially in page reduction format. Page reduction transcripts shall be legible, on paper of size 8 ½ x 11 inches, with four pages of transcript on one side thereof, and securely bound on the left side in such manner that all reduced pages and all print thereon are clearly visible. Page reduction transcripts shall be on bond paper weighing not less than nine pounds to a ream, and shall be bound in volumes of not more than 200 pages of reduced transcript sheets (800 pages full size transcript). The Court, at any time, on its own motion, may order the full page transcript transmitted, which shall be done within ten days of the date of such order.

(Amended December 18, 2003, effective April 1, 2004.)

RULE XXVIII. FILING TRANSCRIPT ON FLOPPY DISK

The transcript when filed shall be accompanied by a floppy disk or disks containing the transcript. The floppy disks shall be double sided, high density 1.44 Mb, 3 1/2 inch size. An adhesive label shall be affixed to each disk legibly identifying the caption of the case, the disk number ("Disk 1 of 2", et cetera) and the word processing format ("Word Perfect" et cetera). Microsoft Word or Word Perfect format must be used if available. If such formats are unavailable, the transcript shall be formatted in ASCII Text (Standard), (Stripped), or (Windows-ANSI).

(Amended Dec. 18, 2003, effective April 1, 2004.)

**RULE XXX. SCHEDULING ORDER – TERMINATION
OF PARENTAL RIGHTS, ADOPTION, GUARDIANSHIPS
AND OTHER APPEALS AFFECTING CUSTODY OF A CHILD**

(A) Record on Appeal. In all appeals from actions for termination of parental rights or adoption, the transcripts shall be ordered from the court reporter within ten days of the filing of the notice of appeal and the record on appeal shall be filed with this court within 30 days of the filing of the notice of appeal. In all other appeals from actions, including guardianships, where the Civil Case Information Form Supplement indicates that appellant anticipates raising an issue as to a provision in a judgment or order affecting custody of a child, the transcript shall be ordered from the court reporter within ten days of the filing of the notice of appeal and the record on appeal shall be filed with this court within 60 days of the filing of the notice of appeal.

(F) Extensions of Time for Filing Record on Appeal or Briefs. No extension of time exceeding 30 days shall be given for the filing of the record on appeal. No extension shall exceed 30 days for the filing of an appellant brief or 15 days for the filing of a respondent's brief.

(Amended January 24, 2002, effective July 1, 2002.)

EASTERN DISTRICT COURT OF APPEALS

RULE 336. FORM AND FILING OF PAGE REDUCTION TRANSCRIPTS

(a) The transcript shall be prepared in accordance with Rule 81.18 but filed initially in page reduction format. Page reduction transcripts shall be legible, on paper of size 8 ½ x 11 inches, with four pages of transcript on one side thereof, and securely bound on the left side in such manner that all reduced pages and all print thereon are clearly visible. Page reduction transcripts shall be on bond paper weighing not less than nine pounds to a ream, and shall be bound in volumes of not more than 200 pages of reduced transcript sheets (800 pages full size transcript). The Court, at any time, on its own motion, may order the full page transcript transmitted, which shall be done within ten days of the date of such order.

(b) In the event the court reporter lacks the technological means to comply with this Rule, a certificate from the court reporter shall be attached to the front of the transcript certifying that the court reporter does not have page reduction technology available with which to file the transcript in page reduction format as required by this rule. The certificate shall be prepared in accordance with the form attached to and made a part of this rule.

(c) This rule must be followed on or after January 1, 1998, and may be followed before that date.

RULE 337. FILING TRANSCRIPT ON CD-ROM OR FLOPPY DISK

(a) The transcript, either in page reduction format as required by Missouri Court of Appeals, Eastern District Special Rule 336, or in full page format, when filed shall be accompanied by a CD-ROM or floppy disk or disks containing the transcript. The floppy disks shall be double sided, high density 1.44 Mb, 3 1/2 inch size. Each CD-ROM or disk shall be legibly identified with the caption of the case, its number (“Disk 1 of 2,” et cetera), and the word processing format (“Word,” et cetera). Word, Adobe Acrobat PDF, WordPerfect, or any searchable WYSIWYG format must be used if available. If such formats are unavailable, the transcript shall be formatted to ASCII Text (Standard), (Stripped), or (Windows-ANSI).

(b) In the event that the court reporter lacks the technological means to comply with this rule at the time of filing the transcript, a certificate from the court reporter shall be filed certifying that the court reporter does not have the technological means with which to transmit the transcript on CD-ROM or disk as required by this rule. The certificate shall be prepared in accordance with the form attached to and made a part of this rule.

(c) The November 13, 2007 amendments to this Rule 337 must be followed on or after January 1, 2008, and may be followed before that date.

(Amended November 13, 2007; effective January 1, 2008.)

RULE 340. EXTENSIONS OF TIME FOR FILING RECORD ON APPEAL

If an extension of time to file the record on appeal is requested on the ground that the transcript has not been completed, the appellant shall request from the court reporter or from the Central Transcribing Service of the Office of the State Courts Administrator, if the proceeding was electronically recorded, a written statement in support of the request for such extension. The statement from the court reporter shall be prepared in accordance with the form attached to and made a part of this rule. The statement from the Central Transcribing Service shall be on a form prepared by that office. The official court reporter or the Central Transcribing Service shall promptly prepare and deliver to the appellant the supporting statement.

(Amended January 1, 1998.)

RULE 348. TERMINATION OF PARENTAL RIGHTS

(a) The record on appeal shall be filed within thirty days after the notice of appeal is filed in the circuit court.

SOUTHERN DISTRICT COURT OF APPEALS

RULE 2. FORM OF NUMBER OF COPIES TO BE FILED

(b) Record on Appeal. Only one copy of the legal file or supplemental legal file(s) shall be filed. The trial court docket sheets shall be included in the legal file. The documents in the legal file shall be arranged with the docket sheets on top with the first page of the docket sheets numbered as page one. The oldest document shall follow the docket sheets with the remaining documents arranged in chronological order ending with the Notice of Appeal at the bottom. Only the original transcript or supplemental transcript(s) shall be filed. The transcript, either in page reduction format or in full page format, when filed shall be accompanied by a floppy disk(s) or CD-ROM(s) containing the transcript, all in conformance with Supreme Court Rule 81.18(c).

RULE 3. MOTIONS TO EXTEND TIME FOR FILING RECORD ON APPEAL

(a) All motions or applications for an extension of time to file the record on appeal shall be verified, shall state good cause for granting said motion and shall be accompanied by the following if the record on appeal cannot be timely filed because of a delay in the preparation of the transcript:

- (1) unless previously filed under Supreme Court Rules 30.04 (c) or 81.12 (c), there shall be filed a copy of the written order in which the transcript was ordered if such was done;
- (2) an affidavit of the court reporter, if there was one, or if not, an affidavit or other written document from the office of State Court's Administrator stating why the preparation of the transcript has been delayed and the date on which it is reasonably contemplated that the transcript can be completed; and
- (3) if appellant has been authorized to appeal as a poor person, a certified copy of the trial court's order requiring preparation of the transcript.

(b) When the time for filing the record on appeal shall have been extended by this Court, all motions for additional extensions of time to file the record on appeal shall be verified, shall state good cause for granting said motion and if the delay in filing the record on appeal shall be because the transcript on appeal has not been prepared, there shall be included an affidavit of the court reporter, if there was one, or if not, an affidavit or other written document from the State Court's Administrator stating why the transcript has not been prepared within the time as extended by this court and the date on which it is reasonably contemplated that the transcript on appeal can be completed.

(c) The affidavit filed by the court reporter shall also certify that a copy of the affidavit was delivered to the judge for whom the court reporter regularly works. The name of said judge and the date the affidavit was delivered shall be noted.

RULE 17. APPEALS INVOLVING TERMINATION OF PARENTAL RIGHTS OR ADOPTION OF A CHILD - TIME FOR FILING THE RECORD ON APPEAL

In any appeal taken from a case in which the termination of parental rights or adoption of a child is contested by any person or agency, the complete record on appeal shall be filed with this Court within thirty days of the filing of the notice of appeal in the trial court.

(Adopted /effective January 9, 2007.)

NOTE

The reader should note that the content of this Study Guide is not inclusive of all Supreme Court Rules and Revised Statutes of Missouri governing matters associated with court reporters and the duties related to the profession.

CITATIONS:

Citations are not underlined in transcripts. Use "v." for citations and "vs." for the style of the case in transcripts.

The frequently used citations may be set up as follows:

Publication

American Jurisprudence
American Law Reports
American Law Reports, Second Series
Code of State Regulations
Federal Reporter
Federal Reporter, Second Series
Federal Reporter, Third Series
Federal Rules Decisions
Federal Supplement
Lawyer's Reports Annotated
Missouri Approved Changes-Criminal
Missouri Approved Instructions
Missouri Approved Instructions-Civil, Sixth Edition
Missouri Approved Instructions-Criminal, Third Edition
Missouri Law Review
Revised Statutes of Missouri
South Western Reporter
South Western Reporter, Second Series
South Western Reporter, Third Series
Supreme Court Reporter
United States Reports
Vernon's Annotated Missouri Rules
Vernon's Annotated Missouri Statutes

Abbreviation

Am Jur
A.L.R.
A.L.R. 2d
CSR
F.
F. 2d
F. 3d
F.R.D.
F. Supp.
L.R.A.
MACH-CR
MAI
MAI, Sixth
MAI-CR3d
Mo. L. Rev.
RSMo
S.W.
S.W. 2d
S.W. 3d
S.Ct.
U.S.
V.A.M.R.
V.A.M.S.

GLOSSARY OF SELECTED TERMS

It is urged that every reporter be familiar with and consult Black's Law Dictionary as an invaluable tool for obtaining definitions of legal terms as the need arises. The following are some of the words and phrases frequently encountered. Refer to Black's Law for definitions of legal terms. Refer to Dorland's Medical Dictionary for definitions of medical terms.

LEGAL TERMINOLOGY

A

a.k.a. or a/k/a	also known as (frequently used in captions)
abatement	a deduction in amount or intensity
abrogate	to annul, repeal, or destroy
abstract of title	excerpts from official records containing the essential information to show chain of title to real estate and the facts of record that bear upon its marketability
accomplice	a person who knowingly, voluntarily and with common intent with the principal offender unites in the commission of a crime
acquiesce	to give an implied consent to a transaction, to the accrual of a right, or to any one act by one's mere silence, or without express assent or knowledge
acquit	to set free, release or discharge as from an obligation, accusation or burden; to absolve from an obligation or a liability; or to legally certify the innocence of one charged with a crime
ad damnum	the clause of a writ or declaration containing a statement of damages claimed
adduce	to present, bring forward, offer, introduce (used with reference to evidence)
ad hoc	for only a particular case at hand

ad infinitum	to infinity, limitless
adjudication	rendering of a decision; sometimes the decision itself
ad litem	for the purpose of the suit
administratrix	a woman who administers, or to whom letters of administration have been granted
admonition	a reprimand from a judge warning the accused of the consequences of certain conduct; any authoritative oral communication or statement by way of advice or caution from the court to the jury regarding their duties or conduct as jurors; a reprimand or cautionary statement addressed to counsel by the judge
affiant	a person who makes and subscribes to a statement made under oath
affidavit	a written statement made under oath before a notary or other person authorized to administer oaths
affirmation	a solemn and formal declaration or assertion that an affidavit is true; or that a witness will tell the truth (made in place of taking of an oath)
affray	a violent engagement or action; to startle, frighten; the fighting of two or more persons in a public place, to the terror of the people
aggrieved	having suffered loss or injury
aid and abet	help, assist, or facilitate the commission of a crime, or encourage or incite its commission
Alford plea	defendant pleads guilty but does not admit to committing the crime
alienation of affections	the robbing of husband or wife of the conjugal affections, society, fellowship and comfort inherent in normal marriage relationships
aliunde	from another source; from outside
allegation	a claim of fact a party makes in his pleading

allocution	a court's formal inquiry of a prisoner as to whether he has any legal cause to show why judgment should not be pronounced against him upon verdict of conviction
ambit	a boundary line; an exterior or enclosing line
ambivalence	uncertainty
amicable	friendly; agreed or assented to by parties having conflicting interests (versus hostile)
amicus curiae	friend of the court; one who volunteers information, with the court's permission, on matters of law
ancillary	auxiliary; supplementary
annotation	a case summary following a statute
answer	the defendant's pleading made in response to plaintiff's petition or complaint
ante	prior in the same material; before, made or done
antenuptial	before marriage
appearance	the act of officially submitting oneself to the court (usually the attorney files an appearance)
appellant	the party seeking a change in a lower court's decision, or in an administrative order, by appeal to a higher court.
appellate court	the court which hears appeals from the decisions of lower courts (versus the trial court where the case was litigated)
arguendo	in the course of argument; an observation or illustration only incidentally involved in the case at bar
arraignment	a formal hearing where the defendant is called before a judge to plead the charge

artifice	an ingenious contrivance or device (when used in a bad sense, it means a trick or a fraud)
aspersion	criticism; a censure; a defaming report
asportation	a carrying away; felonious removal of goods
at bar	before the court (a person, an issue or a case)
attachment	a procedure whereby the plaintiff secures a lien against the property of the defendant to satisfy an obligation which may not yet be determined
attorney of record	the attorney officially representing a party
aver	to declare or assert; to formally set out; to allege

B

BAC	blood alcohol content
bad faith	implying fraud, or the intent to mislead or deceive another; the refusal to perform a duty or fulfill an obligation because of self-interest
bail	the taking of security to guarantee that an accused person will appear at a later date
bailiff	the courtroom attendant who maintains order and facilitates the conduct of the trial
bar	a partition or railing running across a courtroom, (intended to separate the public from the judge, counsel, the jury, etc.)
Batson objection	an objection made when counsel believes the jury strikes made by the other side are not race and gender neutral (Batson v. Kentucky, 476 U.S. 79)
best evidence	evidence from the most reliable source (the original versus a copy)
beyond a reasonable doubt	entirely convinced; satisfied to a moral certainty
bifurcate	to divide into two branches.
bill of sale	an instrument evidencing the transfer of property
binding over	to place under a legal obligation to appear for trial
boilerplate	standard language in legal documents which has the same meaning when used in the same context
bona fide	in good faith; real, actual, genuine
boundary	a separation marking the confines or lines of division of two contiguous properties
brief	a document filed with the court arguing the law and facts in support of a case

bring suit

the initiation of legal proceedings

burden of proof

the duty falling upon a party to prove a fact

burglary

breaking and entering an inhabitable structure with
the intent to commit a felony therein

C

C & I	careless and imprudent
canon	a system of correlated rules or standards
capital case	a case in which the death penalty is an option as punishment
caption	a document hearing showing the style of the case and the jurisdiction and judge where the case is to be heard, and the title of the document
carte blanche	unlimited authority (metaphorically)
case law	law evidenced by previously adjudged cases (versus statutory law)
Caucasian	of the white race
cause of action	the subject matter on which a plaintiff bases their right of recovery
caveat	warning
caveat emptor	let the buyer beware
CCW	carrying a concealed weapon
CDW	Children of Divorce Workshop
cease	stop; become extinct; pass away, end
certiorari	an appellate review proceeding examining action of a lower court; a writ of review or inquiry
challenge for cause	an objection to a juror for a specified reason
chambers	a judge's office
change of venue	moving a case from one county to another
chattel	an item of personal property so affixed to the real estate as to be considered a part thereof

circumstantial evidence	indirect evidence; evidence from which you can draw a conclusion but which in itself does not establish fact
cite	to notify a person of legal proceedings against them and require their appearance thereto; to read from, or refer to legal authorities
civil	relating to private rights and remedies sought by suit (versus criminal proceedings)
code	a compilation of all laws, rules and regulations in a particular jurisdiction
codicil	an addition to a will that changes, explains, revokes or adds provisions to it
colloquy	conversation, dialogue
collusion	secret cooperation for a fraudulent purpose
common law	law evolving from ancient custom, judicial decision and casual statutes
complainant	the party making complaint, thus instigating prosecution in a legal action
complaint	the first document filed in a lawsuit setting forth plaintiff's claim or case
condemnation	the taking of private property for public use upon the payment of compensation
consideration	in contract law, the value, given or received, of money, services, property or mutual performance; the factor that makes a contract binding
contempt of court	acts which impede the court, such as failure to carry out an order or disrespectful conduct
contingent fee	the lawyer must win to get paid a fee
contumacy	stubborn resistance to authority

conveyance	the transfer of title of real estate from one to another; the means by which real estate title is transferred
corpus delicti	the body of the crime (the physical object upon which the crime was committed)
corpus juris	the body of the law, all legal writings
corroboration	that which strengthens or confirms
costs	the expenses of a trial or proceeding that can be charged to one or both parties (usually does not include attorney fees)
count	a distinct statement of plaintiff's cause of action (a complaint/indictment may have several counts)
counterclaim	the claim a defendant may make against plaintiff in plaintiff's action against him
court of record	a court required to make and preserve the record of proceedings
credible	having reasonable grounds for being believed
Crime Victims' Compensation Fund	a fee which may be assessed as costs for certain violations; see section 595.045 RSMo
cross-examination	interrogation of a party or a witness by the other side to test knowledge, observation and credibility
cum laude	with distinction
curriculum vitae	a short account of one's career and qualifications (expert witnesses refer to their CV)

D

damages	the monetary redress one seeks to recover from another
d/b/a	doing business as
de facto	in fact; in reality
declaratory judgment	a judgment declaring the rights of parties or expressing the court's opinion on a question of law, but not requiring that any party do anything
decree	a decision or order of a court (often a dissolution of marriage decree)
deed	an instrument conveying title of real estate from one person or entity to another
defamatory	injuring the reputation of
default	failure to take a required step within a specified time (a default may result in a default judgment against one who failed to act)
defendant	one against whom an action is brought
deja vu	the illusion of having previously experienced something actually encountered for the first time
deliberation	discussion had by jurors in reaching a verdict
de minimis	insignificant, minute, frivolous
demurrer	a pleading admitting that claimed facts are true, but denying that those facts constitute the existence of a valid claim
de novo	anew; starting over as though not done before
deponent	one who gives testimony that is reduced to writing
deposition	testimony outside the courtroom, before a court reporter, with the other side present for purpose of

	preserving the testimony of the witness
dictum	a statement, remark or observation in a judicial opinion not necessary to the decision of the case
digest	a multi-volume collection of abbreviated case summaries arranged by subject matter
direct evidence	evidence offered by an eyewitness (versus conclusions drawn from circumstantial evidence)
direct examination	interrogation of one's own party or witnesses
directed verdict	a verdict decided by the judge
discovery	the pretrial process whereby one party seeks to discover facts known by the other party using depositions, interrogatories and/or the physical examination of books and records
dismissal with prejudice	dismissal without trial barring reassertion of the same claim against the same party
dismissal without prejudice	dismissal without trial but permitting reassertion of the same claim against the same party
disparate	not alike; unequal
disparity	inequality or indifference
dissent	the opinion of a judge who does not agree with the majority of the court
dissolution	termination (as in dissolution of a marriage)
DNA	deoxyribonucleic acid
domestic relations	the branch of law dealing with matters of the family, i.e., divorce, separation, custody, support
domicile	the place that is home to a person (you may have several residences simultaneously, but only one domicile)
double jeopardy	prosecuted twice for the same crime

due process

according a person all rights and privileges afforded by law

DUI

driving under the influence

DWI

driving while intoxicated

E

easement	the right of access onto, over, under or across real property
e.g.	for example (exempli gratia)
egregious	remarkable or extraordinary in a bad way; glaring; flagrant (an egregious mistake)
emancipation	freedom from the power and control of another
eminent domain	the power to take private property for public use through condemnation proceedings and compensation
en banc	full bench, referring to a session where the entire membership of the court participates in the decision rather than the regular quorum
enjoin	to require or command
equity (in trial work)	a system of justice for causes of action not governed by specific statutes or law (negligence is a law action; an injunction is an equity action)
equity (in property or contract law)	total amount of any liens or judgments thereon
ergo	therefore; hence
err	to go astray in thought or belief; to be mistaken
error	mistaken judgment, believing what is untrue
Error Coram Nobis	error committed in the proceedings, error as ground for review or vacating judgment in the same court it was rendered
escrow	money, stock, property, etc. is held by a third party until an agreed event takes place
estate	the total probate assets of a deceased person

et al.	and others (et alii)
et seq.	and the following (et sequentes)
et ux.	and wife (et uxor)
exception	a legal objection to a ruling of the court
exculpatory evidence	evidence which tends to clear, justify or excuse from alleged fault or guilt
ex officio	by virtue of an office
ex parte	by or for a person who is not adversary, one-sided, unilateral
ex post facto	after the fact
ex relatione	upon relation or information; legal proceedings brought on behalf of state, but at the instigation of an individual having a private interest in the matter, such person called the "relator." (State ex rel. Doe v. Roe)
extenuating	circumstances that render a crime less aggravated, heinous, or reprehensible than it would otherwise be, or tend to palliate or lessen its guilt
extortion	unlawful obtaining of money from another

F

felony	a serious crime established by statute and punishable by imprisonment; a felony is categorized as follows: class A, class B, class C, class D, class X or ungraded
fiat	an official endorsement; a decree
fiduciary	a broad term for one who has a trust to perform (trustees, guardians and agents are fiduciaries)
(in) flagrante delicto	in the very act of committing the crime
FOCIS	Focus on Children in Separation (a divorce education program)
foreclosure	action to take possession of mortgaged property and collect for amounts still due and owing thereon when conditions set forth in the mortgage have not been met
fraud	intentional perversion of the truth for purposes of persuading another to part with something of value

G

garnish	to take by legal authority
garnishment	an action compelling a third party (usually an employer) to pay a specified amount of defendant's money to the plaintiff
germane	genuine; appropriate, pertinent
grand jury	a jury that hears a criminal accusations and either issues an indictment or refuses to indict an accused person
gratuitous	given or granted without legal consideration, or without consideration of value
gravamen	the material part of a grievance or charge
guardian	one appointed by the court to be responsible for the person and/or property of another
guardian ad litem	a special guardian appointed by the court to represent the interests of an infant or incompetent in litigation

H

habeas corpus	a writ requiring a person to be brought before a judge or a court.
habeas corpus ad prosequendum	a writ removing a prisoner to the proper jurisdiction for prosecution
habitual criminal	a previously-convicted criminal; a repeat offender, a recidivist
HBP	Health Benefit Plan
headnote	paragraphed material preceding an opinion of the court and describing the issues in a decision
heir	one who inherits the property of another by operation of the law rather than by will
hornbook law	principles of law known generally to all, and which are free from doubt or ambiguity
hostile witness	one whose relationship to the opposing party is such that their testimony may be prejudiced (a hostile witness may be asked leading questions, and is subject to cross-examination by the party who called them)
hung jury	a jury that cannot agree on a verdict
hypothetical question	a question asking an expert witness to assume certain facts, and then eliciting an opinion based on those facts

I

i.e.	that is (id est)
impeachment	destruction of credibility; a demonstration that previous testimony was incorrect
in absentia	in absence
inadmissible	that which cannot be admitted or received under established rules of law
in camera	in chambers
incarcerate	imprison; confine in jail or the penitentiary
incendiary	causing a deliberate burning
inchoate	imperfect; partial; unfinished, not completed
inculpatory	that which tends to incriminate
indemnify	to protect another person against loss or damage
indictment	a formal written statement of the grand jury charging a person with an offense
indigent	one who is poor and needy
in forma pauperis	in the character or manner of a pauper; permission for a poor person to sue without liability for costs
information (criminal)	formally accusing one of committing a crime
infra	below; later in the document
injunction	a court order prohibiting an action
in lieu of	instead of; in place of; in substitution
in limine	at the threshold; at the beginning; preliminary
in re	referring to an action directed against an inanimate object

interlineation	amending a document by written insertion between words or lines already typed
interrogatory	a written question that must be answered under oath and in writing
inter vivos	among the living; done during a lifetime
in toto	totally; entirely; completely
ipso facto	by the act or fact itself
irreconcilable	unable to reconcile
irrelevant	not pertinent; not related to the matter at issue
irretrievable	unable to be retrieved
issue	a point of dispute between the parties to a lawsuit; to send out

J

J.D.	Juris Doctor; a doctor of law
J.N.O.V.	judgment notwithstanding the verdict (non obstante veredicto)
joinder	joining or coupling together
joint tenancy	ownership of property by two or more persons (when a joint tenant dies, their interest passes to the other tenants)
judge pro tem	an attorney appointed as judge when the regular judge is temporarily unable to be present
judgment	a formal decision given by court
judicature	the profession of those employed in administering justice; the judiciary
jurat	an acknowledgment; a line placed on documents where signatures are to be notarized
jurist	one versed or skilled in the law
justiciable	capable of being tried in a court of law

L

laches	negligence to do a thing at the proper time
lease (noun)	a document evidencing the transfer of the use of property for a limited time
lessee	one who leases property from another; a tenant
lessor	one who leases property to another; a landlord
levy	seizing of property through court order
levy	imposition of a tax
lex loci	the law of the place
liable	responsible; chargeable with
libel	defamation by writing
lis pendens	a pending lawsuit
litigate	to carry on a legal contest by judicial process
litigious	given to carrying on lawsuits; quarrelsome
LL.M.	master of laws; a master's degree in law

M

magna cum laude	with high distinction
MAI	Missouri Approved Instructions
mandamus	an order of a higher court directing a lower court to take certain action
MDC	Missouri Department of Corrections
mens rea	evil intent; guilty mind
Miranda rights, (waiver/warning)	the legal requirement that a person receive specific warnings of their right to remain silent and their right to the presence and advice of an attorney before any custodian interrogation (Miranda v. State, 384 U.S. 436)
misdemeanor	offenses lower than felonies, generally punishable by fine, penalty, forfeiture or imprisonment otherwise than in the penitentiary
mistrial	a trial terminated before conclusion of the case because of an error in the proceedings
mitigate	to make less severe or painful
modus operandi (m.o.)	usual or a mode of operation
moot	no longer a justiciable controversy (a moot point)
mortgagee	one who takes a mortgage
mortgagor	one who gives a mortgage (a lender)
motions (types of)	motion for directed verdict; motion for judgment of acquittal; motion to set aside judgment; motion for new trial; motion to suppress; motion to produce; motion for mistrial; motion in limine; motion to compel; motion to quash; motion in opposition
movant	one requesting a ruling or order of the court
mute	silent; refraining from speech (to stand mute)

N

next friend	the equivalent of a guardian but not appointed (often a parent suing on behalf of a minor)
nolle prosequi	an entry denoting that the plaintiff or prosecutor will proceed no further in an action ("nolle pros")
nolo contendere	the claim is not contested or denied
non compos mentis	insane, of unsound mind
non est	not found (a person to be served cannot be found)
non sequitur	a fallacy; it does not follow
null and void	having no validity or effect
nunc pro tunc	at a time subsequent but having retroactive effect
nuptial	pertaining to marriage

O

objection	a method of directing attention to an error in the course of a trial
occurrence	an incident or event
offer of proof	a statement to the court indicating what testimony would have been, had a witness's answer been allowed in evidence before the jury
on all fours	indicating that a case at bar is similar to another on all points
onerous	burdensome, oppressive, troublesome
open court	when court is in session
opening statement	a statement by counsel to the jury outlining the anticipated evidence
opinion	a statement by the court of a decision reached in a case which explains the basis of the decision
order	a mandate; a command or direction authoritatively given; a rule or regulation
ordinance	a municipal statute
ostensible	outwardly appearing as so professed; pretended; apparent; conspicuous (the ostensible truth)
overt act	in criminal law, an act from which criminality may be implied; outward act done with certain intent

P

panel	a list of jurors; a group of judges
paraphernalia	personal belongings, equipment, apparatus (drug paraphernalia)
parol evidence	spoken evidence (versus written)
parole	a conditional release from confinement
parties	the persons being prosecuted or defending in a legal proceeding, such as plaintiff and defendant (not including counsel)
PCR	post-conviction relief motion or hearing
pecuniary damages	damages such as can be estimated in, and compensated by money
pedophilia	sexual desire in an adult for a child
pendente lite	while suit is pending
per annum	by the year
per capita	by the head; per person
per curiam	including each member of the court
per diem	per day
peremptory challenge	a prospective juror is eliminated from the jury panel by counsel without explanation or reason
perjury	a willful assertion of an untrue fact, opinion or belief made by a witness in a judicial proceeding
perpetrator	the person who actually commits a crime
perpetuity	continuing forever
per se	by itself, of itself, in itself; such as
persona non grata	an unacceptable person

per stirpes	by the root; sharing of estates by descendants according to generations
petitioner	one making a written request for relief in court
petit jury	the jury that hears a trial (smaller in number than the grand jury or a jury panel)
plaintiff	the person or entity bringing a legal action
plea	a defendant's response to a charge
pleading	an instrument used to frame the issues in a lawsuit
poll (the jury)	after a verdict, to examine each juror individually as to their concurrence in the verdict
post	following, after
post-conviction relief hearing	an inmate's challenge to a plea of guilty or to a conviction after sentencing
postmortem	examination after death (a noun)
power of attorney	written authorization to act as one's agent
prayer	a request that the court grant the relief desired
preempt	to act before anyone else can
preliminary hearing	the first appearance before a judge to determine whether there are grounds for prosecution
preponderance	greater weight (preponderance of the evidence)
prerogative	an exclusive right, privilege
prescribe	to lay down a rule; to give medical prescriptions
pre-sentence investigation	an investigation of a defendant made by Probation & Parole prior to sentencing
prima facie	on the first appearance (a case that stands until contradicted and overcome by other evidence)

prior and persistent offender	a habitual criminal
prohibition	the order of a higher court ordering a lower court or an official to refrain from taking certain action
pro rata	in proportion
proscribe	to condemn or forbid as harmful; prohibit
pro se	for himself; on his own behalf
pro tempore	for the time being
PSI	pre-sentence investigation
punitive damages	money awarded in excess of compensation for property loss to compensate for mental anguish or to punish a party for bad behavior
putative	commonly accepted, supposed (putative damages)

Q

QDRO	qualified domestic relations order
quantum meruit	a count grounded on a promise that defendant would pay to plaintiff as much as he deserves
quash	to set aside as void
quasi	seemingly; almost
quasi judicial	partly judicial; of judicial character (said of administrative agencies)
quid pro quo	one being the equivalent of the other
quiet enjoyment	the right of an owner to the use of property without interference
quitclaim	to release or relinquish a claim (a quitclaim deed releases right or title to another without professing the validity of the title)
quorum	the minimum number of members required to be present before business can be validly transacted

R

rebuttal evidence	evidence given to explain or disprove facts previously placed in evidence by another party
recidivism/ recidivist	habitual or chronic relapse (especially into crime or antisocial behavior)
reciprocal	present or existing on both sides; each to the other; mutual
recognizance	a legal obligation entered into requiring the performance of an act, such as appearing in court
record	the official proceedings of a trial
recuse	to disqualify (a judge) from hearing a lawsuit because of interest, bias or prejudice
redundant	using more words than necessary; repetitive
reply	a pleading that responds to an answer
res	the thing ("trust res" is property held in trust)
res gestae	things done; acts and declarations admissible in evidence that form the environmental of a litigated issue (an exception to the hearsay rule)
res ipsa loquitur	the thing speaks for itself
res judicata	a matter previously decided by a court that cannot be litigated again by the same parties
respondent	a person from whom relief is asked and who opposes granting such relief
retainer	the fee a client pays to retain counsel
riparian rights	rights of owners of land bordering a waterway

S

security agreement	a lien on goods or personal property to secure payment on an installment plan
separate maintenance	an allowance granted for support of a spouse and children when husband and wife are separated
SES	suspended execution of sentence
shepardized	<i>Shepard's Citations</i> was used as a reference
show cause	to appear and present reasons to the court why an order or decree should not take effect
sic	Latin for "thus in the original" (the foregoing is an exact reproduction of the original)
side-bar rule	a rule granted as a matter of course, without formal application being made in open court
sine die	without assigning a day for a further meeting or hearing
sine qua non	the essential element
SIS	suspended imposition of sentence
slander	oral defamation
special judge	a judge selected from a panel to serve as judge in a particular case
stare decisis	the rule of precedent; that which is decided once will be applied in the future
statute	the written law as enacted by the legislature
statute of limitations	a statute specifying a time period within which something must be done or rights will be lost
stipulation	an agreement by counsel as to the existence of certain facts or circumstances
sua sponte	of its own will, on its own motion

subpoena	a written legal order directing a person to appear in court to give testimony, show records, etc.
subpoena ad testificandum	a writ commanding a person to testify
subpoena duces tecum	a subpoena to produce documents or records
subterfuge	deception; to conceal
summa cum laude	with highest distinction
summary judgment	a decision of a court without the delay or formality of a full proceeding
summons	notification requiring one to appear and defend
supra	above; earlier in this document

T

tenancy by the entirety	a joint tenancy between husband and wife; each is considered as owning the whole (if one dies, the other still owns all the property)
tenants in common	a joint tenancy of two or more people, but when one tenant in common dies, their interest passes to their heirs, not to the other tenants in common
tort	a civil wrong for which a suit for damages may be brought (as compared to a criminal wrong)
TPR	termination of parental rights (a juvenile court proceeding)
transcript	a certified, official record of proceedings
trauma	physical or mental injury to a person
TRO	temporary restraining order
trust	the placing of property in one person's hands for the benefit of another

U

U.C.C.

Uniform Commercial Code

ultra vires

outside the scope of authority to act

unclean hands

the principle that a party seeking equitable relief must not have done any dishonest act in the transaction upon which they maintain an action

unconscionable

not guided or controlled by conscience

usury

charging more than the legal rate of interest

V

vacate	to make null and void
V.A.M.S.	Vernon's Annotated Missouri Statutes
vendee	buyer
vendor	seller
venire	the entire panel from which a jury is drawn
venue	the place of jurisdiction
veracity	truthfulness
vexatious	causing annoyance or distress
vis-a-vis	face to face; compared with
viz.	namely, that is to say (videlicet)
voir dire	speaking the truth; a preliminary examination to determine the competency of a witness or a juror

W

wanton	grossly negligent or careless
ward	a person placed in the care of a guardian by a court order
warrant	a written order directing the arrest of a person (can be issued by a court or an official having the authority to issue warrants of arrest)
weight of the totality of the evidence	indicating the relative value of evidence presented on one side of a judicial dispute in light of evidence presented on the other side
whiplash injury	a neck injury resulting from the head being whipped around (commonly associated with rear-end type automobile collisions)
Wong Sun v. U.S.	fruit of the poisonous tree doctrine (371 U.S. 471)
work product	work done by an attorney in the process of representing his client (not subject to discovery)
writ	a court order commanding or authorizing an action
writ of certiorari	a writ from a superior court ordering the records of an inferior court in order to provide sure and speedy justice or to correct errors

MEDICAL PREFIXES

A

a(n)-	not; without; denoting absence
aden(o)-	gland; glandular
arthr(o)-	joint

B

bi-	two; in two parts
bi(o)-	living organisms or tissue
bis-	both; belonging to both; doubled

C

carcin(o)-	tumor; cancer
cardi(a)- cardio-	heart; heart action
cerebr(i)- cerebro-	brain; cerebrum
contra-	against; contrary
counter-	opposite, retaliatory; complimentary, corresponding
crani(o)-	pertaining to the cranium (skull)

D

derma-
dermat(o)
dermo-

skin

di-

double, apart

dys-

bad, difficult, painful

E

endo-

within

epi-

upon

esthesio-
(or aesthesio-)

sensation

F

facio-

facial

G

gaster(o)-
gastr(o)-

stomach

H

hem(a)-	
hemat-	
hemo-	blood
hemi-	half
hepat(o)-	liver
heter(o)	other than usual; different
histi(o)-	tissue
hydr(o)-	water; a water-loving organism
hyper-	over; above; beyond; excessive
hypo-	under; beneath; less than normal

I

infra-	below; lower in status; after; within
inter-	between; among; reciprocal
intra-	within; during; between layers

L

lyso-	loosening; dissolution; decomposition
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M

macr(o)-	long; large
mal-	bad; evil; irregular; abnormal
malac(o)-	soft
medi(o)-	the middle; intermediate
mega-	great; enlarged; a million of
megal(o)-	great; large; of giant size
micr(o)-	small; dealing with microscopy
mi(o)-	less; smaller; few
myel(o)-	bone marrow; of the spinal cord
my(o)-	muscle

N

narc(o)-	numbness; stupor; deep sleep
nephr(o)-	of or relating to the kidneys; renal
neur(o)-	neural tissue; nerve

O

ob-	inward; in reverse order
onco-	tumor; mass
orth(o)-	straight; parallel; corrective
oste(o)-	bone

P

par(a)-	alongside of; parallel; parasitic
ped(i)-, pedo-	of the foot; something involving the feet
peri-	all around; enclosing or surrounding
phleb(o)-	vein
pleur(i)-, pleuro-	membrane lining the lungs and inner wall of the chest
post-	after; behind
pro-	earlier than; prior to; in advance
pro-	prior to; in front of; siding with; advocating; supporting
pyel(o)-	of the pelvis; renal pelvis

R

ren(i)- reno-	of the kidney
retro-	backward; behind

S

sacr(o)-	sacrum (the vertebral column connected to the pelvis)
sangui-	blood
scler(o)-	hard; dry
spondyl(o)-	vertebra

super-	over and above; higher in quantity, quality or degree
supra-	above; situated on the dorsal, or upper side

T

tachy-	rapid; accelerated
tempor(o)-	relating to the temple or the sides of the skull and . . .
thromb(o)-	associated with the clotting of blood

U

ultra-	beyond the range or limits; beyond what is common, natural or moderate
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(END OF MEDICAL PREFIXES)

MEDICAL SUFFIXES

A

-aemia (or -emia , -hemia)	the condition of having blood; the condition of having something in the blood
-algia	pain; painful condition

C

-clasia	breaking; breaking up
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E

-ectomy	cutting out; surgical removal
-emia	having blood; having something in the blood

G

-gram	having drawn or written
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I

-iasis	morbid state or condition
-iatric	of or relating to medical treatment
-iatrist	physician; healer
-iatry	medical treatment; healing
-ism	condition; theory
-itis	inflammation of
-ize	to treat according to a specific method or process

L

-logy	doctrine; theory or science
-lysis	decomposition; disintegration; detachment

M

-megaly	abnormal enlargement
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O

-odynia	pain
-oid	resembling a specified object; having a specified quality
-oma	a tumor of a specified kind, or consisting of a specified kind of cell or tissue
-osis	disease, morbid state, abnormal increase
-ost	bone

P

-patho	a practitioner of a system of medicine emphasizing one aspect of disease and its treatment
-pathy	telling; suffering; a disease of a specific kind
-phobic	exhibiting an exaggerated and disabling fear
-pnea	breath; breathing

R

-(r)rhagia	abnormal or excessive discharge or flow
-(r)rhea	flow; discharge
-(r)rhexis	rupture, splitting

S

-stasis	slowing or stoppage of normal flow
-stat	an apparatus or agent keeping something stable or stationary
-stomy	a surgical operation establishing a permanent opening into a body part or between body parts

T

-tomy	incision; section
-trophic	relating to a specific type of nutrition or nutritional requirement
-trophy	nutrition; nourishment; growth
-tropic	attracted specifically to such tissue, organ or system

U

-ule	small
-ulum	small one

MEDICAL TESTS

Bender-Gestalt Test

CAT (computerized axial tomography)

Cheyne-Stokes respiration

CT (computerized tomography)

Fisher Finger Coordination Test

Gas Chromatograph Mass Spectrometer - GCMS

Grassi-Block Substitution

Kimmelstiel-Wilson syndrome

Laseque Test (to diagnose low back pain and sciatica)

Magnetic Resonance Imaging - MRI

Minnesota Multiphasic Personality Inventory - MMPI

Papanicolaou's smear test - Pap (to diagnose cancer)

Rorschach Test (a personality test using a set of ink blots)

Stanford Binet Test (tests mental ability by age)

Thematic Apperception Tests (used to detect subconscious personality)

Wechsler IQ Test (measures intellectual capacity)

Weigl-Goldstein-Scheerer Color Form Sorting Test

MEDICAL TERMINOLOGY

(FREQUENTLY HEARD BY COURT REPORTERS)

A

abduct	to draw away from the median or center line
abduction	to move a body part away from the midline of the body
abrasion	a wearing, grinding or rubbing away by friction, especially from the surface layer of the skin
abscess	a localized collection of pus surrounded by an area of inflamed tissue
adduction	to move a body part toward the midline of the body
AIDS	acquired immunodeficiency syndrome
Alzheimer's disease	senile dementia occurring at an early age characterized by emotional apathy and a marked decline in intellectual level
analgesic	an agent that produces insensibility to pain without loss of consciousness
anemia	a condition in which the blood is deficient in red blood cells; lack of vitality
anesthesia	loss of feeling or sensation; especially loss of the sensation of pain so as to permit surgery
anesthesiologist	a physician specializing in anesthesiology
anesthetist	one who administers anesthetics
aneurysm	the localized, abnormal dilation of a blood vessel, filled with fluid or clotted blood, which results from disease of the vessel wall
angina pectoris	a disease characterized by sudden attacks of substernal pain of short duration, precipitated by effort or emotion
anorexia	prolonged loss of appetite

anosmia	loss or impairment of the sense of smell
aorta	the chief artery that carries blood from the heart
apnea	temporary cessation of breathing
arteriosclerosis	thickening of the walls of arteries that is one state of arteriosclerosis, ultimately resulting in hardening and loss of elasticity of those arteries
atrophy	a wasting away or degeneration of body tissue or a body part
audiometer	an instrument that measures acuity of hearing
auricle	the cartilaginous, projecting portion of the external ear; an atrium of the heart

B

bilateral	affecting or relating to two sides
biopsy	removal of tissue, cells or fluid from the living body for examination
bradycardia	below normal heartbeat
bulimia	an abnormal and constant craving for food

C

cardiac arrest	cessation of heart action, usually caused by systole or ventricular fibrillation
cardiogram	a tracing made by an instrument that registers movement of the heart muscle
carotid artery	either of two main arteries that supply blood to the head
carpus	the eight bones of the wrist

cartilage	translucent elastic tissue
cauterize	to burn or sear by application of a heated instrument; to deaden
cervical vertebrae	the seven bones making up the neck region of the spine
Cesarean section	removal of a fetus through an incision into the uterus
chiropractor	a doctor specializing in spinal adjustments and the relationship between musculoskeletal, neurological, vascular and nutritional systems of the body
clavicle	the collarbone
coccyx	the lowermost part of the spine
cochlea	the cavity of the inner ear that contains the organ of hearing
Colles' fracture	a break in the lower third of the radius that displaces the hand backwards and outwards
colostomy	surgically creating a new opening of the colon accessible from outside the body
comminuted fracture	a fracture where bone is crushed, splintered or broken in several places
congenital	a condition existing from the time of birth
conjunctiva	the mucous membrane lining the inside of the eyelids and covering the front of the eye
contusion	a bruise; an injury with no break in the skin
craniotomy	a surgical opening made in the skull
crepitation	a grating or crackling sound or sensation

D

debility	weakness
defibrillator	an apparatus used to counteract atrial or ventricular fibrillation by the application of brief electro-shock to the heart
dermatologist	a doctor specializing in the diagnosis and treatment of skin disorders
diagnosis	identification of a disease or disorder
diaphragm	the muscle separating the thoracic and abdominal cavities
distal	situated farthest from the point of origin along the course of any structure; nearest the end
dysphonia	difficulty in speaking, hoarseness
dyspnea	shortness of breath

E

ecchymosis	a bruise; a discoloration of skin
endocrinologist	a doctor specializing in the diagnosis and treatment of disorders of the internal secretion glands - (the endocrine glands)
enteropathy	any disease of the intestines
enuresis	urinary incontinence
epistaxis	nosebleed
esophagus	the muscular tube extending from the pharynx to the stomach

F

Fallopian tube	uterine tube; the pair of tubes transporting ova from ovary to uterus
fascia	a band or sheet of tissue connecting muscles
femur	the bone extending from pelvis to knee; thighbone
fetus	an unborn child after the first three months of development
fibula	the long, thin, outer bone of the lower leg that extends from the ankle to the knee
flexion	bending of a joint

G

gait	the manner in which a person walks
gangrene	local death of soft tissues caused by the loss of blood supply
gastroenterologist	a doctor who specializes in treating diseases of the digestive tract
gingivitis	inflammation of gum tissue
glaucoma	abnormal accumulation of aqueous humor within the eye, resulting in increased intraocular pressure which, if untreated, leads to blindness
glossitis	inflammation of the tongue
gynecologist	a doctor who specializes in diseases affecting women and girls, particularly diseases affecting the reproductive system

H

hematocrit	a measurement of the volume of packed red cells in venous blood
hemorrhage	bleeding from a ruptured blood vessel either internally or externally
humerus	the bone of the upper arm that runs from the shoulder to the elbow
hypertension	high blood pressure; elevation of arterial pressure above normal levels
hypotension	abnormally low blood pressure
hypothermia	low temporary, especially a state of low temperature of the body
hysterectomy	surgical removal of the uterus

I

ileum	the last division of the small intestine, running between the jejunum and the large intestine
ilium	the dorsal and upper bone (one of three) composing either lateral half of the pelvis
infarction	the producing of a mass or area of dead tissue which results when circulation to that area is obstructed by a blood clot in a blood vessel
inguinal	the region of the groin
intervertebral disk	a disk sitting between adjoining vertebrae and consisting of an outer fibrous ring enclosing a pulpy nucleus

J

jaundice	yellowing of the skin and eyes from bile pigments
jugular	relating to the throat or neck (jugular vein)

K

keloid	a scar-like growth that rises above the skin surface (considered a benign tumor)
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L

labial	pertaining to the lips
lacrimal	pertaining to tears
laminectomy	excision of one or more laminae of the vertebrae; a method of approach to the spinal cord
ligament	a tough band of tissue that connects bones at a joint, or supports organs
lordosis	inward curvature of the spine towards the front
lumbar vertebrae	five vertebrae at the lower part of the back

M

magnetic resonance imaging	a non-invasive imaging procedure capable of providing very providing very precise images of the body's soft tissue - known as an "MRI"
malignancy	an abnormal growth tending to progress in virulence
mammary	relating to the milk-secreting glands; the breasts
mandible	lower jawbone

mastectomy	removal of a breast
maxillary	upper jaw
membrane	a thin layer of tissue that covers a surface or divides an organ
metacarpus	the five bones between the wrist and fingers
metatarsus	the five bones between the ankle and toes
myelogram	x-rays obtained with an MRI

N

necrosis	death of a cell resulting from disease or injury
nephritis	inflammation of the kidney
nephrologist	an expert interrogatory study of the kidney
neural	relating to nerves
neuroma	any tumor pertaining to the nervous system
nucleus pulposus	a pulpy mass in the center of an intervertebral disk
nystagmus	involuntary movement of the eyeballs which is present in disturbances of the equilibrium

O

obstetrician	one who specializes in the branch of medicine dealing with childbirth
occipital	referring to the back of the head/skull
occlusion	an obstruction or closing off
olfactory	pertaining to the sense of smell
oncology	study and practice of treating tumors

ophthalmologist	a person skilled or specializing in the branch of medicine devoted to the study and treatment of eye diseases
optometry	measurement of the powers of vision and the adaption of lenses to correct any vision deficiencies
orthopedics	the science of correcting deformities caused you disease of, or damage to bones and joints
otorhinolaryngology	that branch of medicine that treats the ear, nose, pharynx and larynx and their diseases

P

palate	the roof of the mouth
palpate	to feel with the fingers or hand
parietal	pertaining to the inner walls of a body cavity, or relating to the parietal bone
parietal bone	either of two large bones between the frontal and occipital bones that together form the sides and top of the skull
patella	the bone that forms the kneecap
pathologist	a specialist in pathology
pathology	the study of disease process with the aim of understanding its nature and cause
pediatrician	a physician specializing in child development and treating disease in children
pedodontist	a dentist specializing in the treatment of conditions of the teeth and mouth in children
pelvis	the basin-shaped ring of bones supporting the spinal column
periosteum	the outer covering of bone

peripheral	outer boundary; pertaining to, or located at or near the surface of the body or near the surface of an organ
phalanges (pl.)	any of the bones of the fingers or toes
phalanx (sing)	a single bone of the fingers or toes
phlebitis	inflammation of a vein
pilonidal cyst	containing hair nested in a cyst
podiatrist	a specialist in care and treatment of the foot
prognosis	the probable outcome of a disease process
prostate	a glandular body which surrounds the base of the male urethra
proximal	nearest the point of origin or point of reference; nearest to the body or to a point considered the center of a system
pulmonary	relating to the lungs
pyelitis	inflammation of the pelvis of a kidney
pyorrhea	a discharge of pus

R

radiologist	a physician who uses roentgen, radium and other forms of radiant energy for diagnostic and therapeutic purposes
radius radii (pl.)	the shorter bone of the forearm, on same side as the thumb
respiration	breathing; the process of gaseous exchange between an organism and its environment
resuscitation	restoration to life or consciousness of one apparently dead
rheumatologist	a specialist in rheumatic conditions
rhinopathy	disease of the nose

rib	any of the arched bones attached posteriorly to the spine and enclosing the chest cavity
rigor mortis	rigidity of the muscles that occurs after death
roentgenography	the study of the application of x-rays in medicine
roentgenologist	radiologist

S

sacroiliac	pertaining to the sacrum and ilium, also to their articulation
sacrum	a curved triangular bone composed of five fused vertebrae, situated between the last lumbar vertebra and the coccyx
salmonella	a bacteria causing food poisoning, acute gastrointestinal inflammation or diseases of the genital tract
sarcoma	a malignancy arising in connective tissue, especially in bone, cartilage or striated muscle, that spreads into neighboring tissue
scapula	shoulder blade
scoliosis	curvature of the spine toward the side
sequela sequelae (pl.)	a condition following as a consequence of a disease
skull	skeleton of the head; may be divided into four parts: the frontal, parietal, occipital and temporal
spasm	a sustained muscular contraction
spine	the backbone; consists of a series of small bones called vertebrae: 7 cervical, 12 dorsal and 5 lumbar
spondylolisthesis	a congenital deformity of the spine; the forward shift of one vertebra upon another
spondylolysis	a degenerative lesion of the spine

sprain	a joint injury causing partial rupture of attached ligaments
sternum	the breastbone; a flat chest bone extending from the base of the neck joining sets of ribs
stethoscope	an instrument for listening to sounds within the body
strain	excessive stretching of a muscle resulting in pain and swelling
stupor	partial or nearly complete unconsciousness
subcutaneous	something situated or occurring beneath the layers of the skin
subluxation	an incomplete or partial dislocation
syphilis	a contagious venereal disease that causes structural and cutaneous lesions
systole	contraction of the heart

T

tachycardia	an increase in heart rate above normal
tarsus	the ankle; the seven bones articulating between the foot bones and the leg bones
tendon	a cord of tissue attaching muscle to bone
thalamus	part of the brain that relays somatic, sensory and optic paths to the cerebral cortex of the brain
thrombosis	the formation or presence of a blood clot in a blood vessel
tibia	the shin bone, the inner and larger bone of the leg between the knee and ankle, articulating with the femur above and the talus below
tinnitus	ringing in the ears
trachea	windpipe; part of the air passage between the larynx and the

main bronchi

U

ulna

the inner and longer bone of the forearm

ureter

a narrow, muscular, foot-long tube that transports urine from the kidney to the bladder

urologist

a physician specializing in the urinary tract of males and females, and the genitals of the male

uvula

the fleshy lobe hanging at the back of the palate above the root of the tongue

V

vascular

relating to, or supplied with blood vessels

vertebra
vertebrae (pl.)

one of the 33 bones forming the spinal or vertebral column; the backbone

vertigo

dizziness

W

windpipe

the trachea

Z

zygoma

the horizontal arch of bone on either side of the face just below the eye

NUMBER PREFIXES

uni-, mono-	one
bi-, bin-, di-	two
ter-, tri-	three
quadri-, tetra-	four
quinque-, penta-	five
sex-, hex-	six
hepta-, septa-	seven
octo-, octa-	eight
non-, nona-	nine
deca-	ten
centi-	hundred

COLOR PREFIXES

alb(o)-	white
auro-	golden
chlor(o)-	green; yellowish green
cyano-	blue
erythr(o)	red; reddish
glauc(o)	pale yellow green; light bluish gray or bluish white
luteo-	yellowish
mel(a)-melo-	black
poli(o)-	gray
purpureo-	purple or purplish red
purpuri-	purple
verd(o)-	green-colored
xanth(o)-	yellow