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Certified Shorthand Reporters

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cause he knows a part of it can be denied, although he is aware that another part is true. He will now have to specify so much of the request as is true, and deny only the rest.

Admissions are admissible and binding only in the particular action. They cannot be used against the admitter for any other purpose or in any other place.

Under the amended rule, objections to requests must be filed within the time specified for answering them, or such objections will be waived.

Many lawyers mistakenly think that requests for admissions may go only to the genuineness of documents or of facts stated in *those documents*. This is erroneous. They may relate to any relevant facts whatever. The amended rule makes this clear, although the courts had already so held. *Smyth v. Kaufman*, 2 Cir., 114 F. (2d) 40.

Let me repeat that the trial court is given ample power under rule 30(b) to protect adverse parties against harassment and unfairness of any kind in the matter of depositions, and that this protection is extended by the amendments to interrogatories and demands for production and inspection.

Conclusion

Every case should be eyed with a view to summary judgment. Analysis may, of course, show that it is impossible to eliminate all controversial issues, but in any event, by thorough use of the discovery procedure and the motion for summary judgment, you probably can dispose of a great part of your case before trial.

(Note: in *Schreffler v. Bowles*, 10 Cir., 153 F. (2d) 1, *Avrick v. Rockmont Envelope Co.*, 10 Cir., 155 F. (2d) 568, and *Doehler Metal Co. v. United States*, 2 Cir., 149 F. (2d) 130, note 6, will be found cited the principal cases on summary judgment.)

Certified Shorthand Reporters

By C. P. GEHMAN*

In 1929 there was added to the statutes of Colorado an act the avowed purpose of which was to "encourage proficiency in the practice of shorthand reporting as a profession; to promote efficiency in court reporting and to extend to the courts and to the public generally the protection afforded by a standardized profession, by establishing a standard of competency for those engaged in it."

The act had the merit that the moderate amount collected as examination fees bore all the expenses in connection with it. As a matter of fact the members of the board of examiners generally go into their own pockets for

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small incidental expenses rather than undertake to get anything back from the more ample but even tighter pockets of the state.

The state board of shorthand reporters consists of three members "skilled in the art and practice of shorthand reporting." They hold office for three years, the term of one member expiring each year. The members of the board receive no compensation, except the gratification sometimes of seeing applicants show excellent qualification for certificates. But this gratification is badly damaged on occasion by the necessity of telling ambitious applicants that they fail to come within the requirements.

There is a reciprocity clause for certification of persons in Colorado similarly certified in other jurisdictions.

Section 19 of the act provides:

"From and after January 1, 1931, no person shall be appointed to the position of shorthand reporter in any of the courts of record of this state or on any state commission requiring the services of a shorthand reporter for any hearing or trial, unless such person be the holder of a certificate from the state board of shorthand reporting, created under and by virtue of sections 1 to 18 of this chapter."

This section does not apply to county courts in counties of the third, fourth or fifth class. It will be noted that the use of certified shorthand reporters is mandatory as to the other bodies.

What is the effect of this law? That it is a desirable law is attested by the enactment of similar laws in many of the states. There are a number of benefits, direct and indirect.

It encourages to a certain extent stability of employment by giving encouragement to those of proved ability. But perhaps the mere fact that it is on the statute books brings the greatest benefit. Why is that so? It is notice to those desiring to obtain employment with the bodies mentioned in the act that certain standards of competency are required. This has caused a very considerable dusting off of the technical books of the profession. Much more effort is made to acquiring the knowledge and skill needed for official appointments. Grammars, dictionaries, wordbooks and phrase lists have been brought forth from their hiding places.

Thus the courts, and the public generally, are the more efficiently served; and after all that should be the chief aim of most human endeavor.

Applicants for certification ask many questions, answers to which they think may be helpful. For instance, there is that delicate problem of "when should the reporter undertake to correct a speaker's diction?" Here is a situation illustrating the point. A learned member of the legal profession used the expression that "the right of action is *predicated* upon" so-and-so. He used the expression not only once but a number of times. But Webster's New International Dictionary, second edition, says the use of *predicate* in

any such sense has no warrant in good usage. To correct or not to correct, that is the question.

It has been the uniform policy of the members of the board of shorthand reporters to give every proper encouragement to persons seeking certification. In a community not larger than ours it is generally not difficult to learn of the general reputation and standing of applicants. That would be more difficult in the larger centers of population.

Examinations are held, generally in one of the divisions of the district court in the City and County Building in Denver, on the last Saturday of June and November of each year.

It is a rather strange fact that shorthand reporting, and even less strenuous types of shorthand work, very commonly creates a real sort of stage fright. This often creates embarrassment, especially, of course, to younger people. To write shorthand in any sort of a test is trying to most temperaments. The boards have uniformly considered this fact, and examinations have been conducted in a spirit of friendliness and helpfulness, not forgetting the necessities of the situation.

Of the applicants for certification perhaps about half are able to show themselves qualified. Two pairs of applicants in Colorado showing excellent qualifications have been, perhaps, unusual. One of these pairs was a man and his wife; the other pair was two sisters.

Personals

ROBERT T. KINGSLEY, assistant district attorney of Denver since 1941, has resigned to enter private practice with Ammons and Bromley. Mr. Kingsley graduated from Denver University law school in 1936, and is a veteran of World War II.

JOHN C. VIVIAN, former governor of Colorado, has opened offices for the practice of law at 326-7 First National Bank Bldg., Denver.

HAROLD B. NEWROCK, assistant city attorney of Denver for the past year and a half has resigned to enter private practice with Means and Isbill in the Midland Savings Bldg., Denver. Mr. Newrock formerly practiced in Louisville, Lafayette and Erie, and is a veteran of World War II.

STANLEY W. PRISNER, formerly with Bannister, Bannister and Weller, has now opened his own offices for private practice at 407 University Bldg., Denver.

ERSKINE R. MYER has withdrawn from the firm of Brock, Akolt, Campbell & Myer and has opened his own office at 301 Equitable Bldg., Denver. John R. Coen, Fred E. Neef and Donald C. McKinlay have moved their offices to the same suite. Brock, Akolt & Campbell will continue practice under that name at 1300 Telephone Bldg., Denver.