

# **TWENTIETH JUDICIAL CIRCUIT COURT**

## **MANUAL OF TRANSCRIPT PROCEDURES**

**Lee County**

**Collier County**

**Charlotte County**

**Hendry County**

**Glades County**

# MANUAL OF TRANSCRIPT PROCEDURES

## Table of Contents

I.	Introduction	5
A.	Uniformity of Transcripts Required	5
B.	Why Transcript Uniformity is Important	5
1	Non-Disparate Treatment of Parties	5
2	Transcriptionist Payment	5
C.	Disclaimer	5
D.	Subject to Change	5
II.	Transcriber Duties	6
A.	Provision of Transcripts to the Court	6
B.	Transcriber Qualifications	6
C.	Transcriber Certification	6
III.	Materials	7
A.	Paper	7
B.	Ink Color	7
C.	Transcript Covers and Accessories	7
IV.	Transcript Format Guidelines	8
A.	Transcript Format	8
1	Preprinted Marginal Lines	8
2	Line Numbers	8
3	Title/Appearance Page	8
4	Table of Contents	9
5	Volumes	10
6	Page/Volume Numbering	10
B.	Page Formatting	10
1	Font	10
2	Margins	10
3	Alignment	10
4	Line Spacing	10
5	Number of Lines Per Page	11
6	Punctuation and Spelling	11
7	Upper/Lowercase Text	11
8	Word Usage	11
9	Capitalization	12
10	Hyphenation/Word Division	12
11	Typing Numbers	12
12	Paragraphing	12
13	Legibility	13
C.	Tabs and Indentations	13
1	Colloquy	13
2	Testimony (Q & A)	13
3	Parentheticals	13
4	Quotations	13

5	Depositions Read During Court Proceedings	14
D.	Court Proceedings	14
1	Speaker Identification	14
2	Event Identification	15
3	Testimony (Q & A) Setup	15
4	Types of Examination	16
5	Testimony Through an Interpreter	21
6	Exhibits	21
E.	Typing – Verbal	22
1	Editing of Speech	22
2	Interruptions of Speech and Simultaneous Discussions	23
3	Breaks in Speech	23
4	Indiscernible or Inaudible Speech on Electronic/Digital Sound Recording	24
5	Private Communications and Off-the-Record Conversations	25
6	Striking of Portions of the Proceeding	25
7	Non-Verbal Responses and Gestures	25
8	Pauses	25
9	Read back/Playback	26
F.	Parentheticals	26
1	Customary Parentheticals	26
2	Electronic Court Recorder’s Parentheticals	28
3	Excerpts	29
G.	Certification	30
V.	Use of Real-Time Court Reporters	34
A.	Real-Time Court Reporting Services in Capital Cases	34
B.	Real-Time Unedited Transcripts	34
VI.	Court Records	35
A.	Definition of “Court Records”	35
B.	Possession of Court Records	35
C.	Retention of Court Records	35
VII.	Acceptance of Transcripts	36
A.	Time Period for Court Acceptance of Transcript	36
B.	Random Sample	36
C.	Acceptance of Transcript	36
D.	Unacceptable Transcript	36
E.	Major Errors	36
1	Format Errors	37
2	Verbatim Errors	37
3	Punctuation Errors	38
4	Spelling Errors	38
5	Indiscernibles	38
6	Examples	39
F.	Minor Errors	41
1	Omission of a Spoken Word	41
2	Omission of uh-huh	41
G.	Confidentiality	41
H.	Timeliness Required	41
I.	Deadlines for Transcript Completion	42

Appendices	43
Appendix A – Title Page	44
Appendix A1 – Title Page Criminal Proceeding	45
Appendix B – Table of Contents	46
Appendix C – Transcriptionist Certification	48
Appendix D – Owner/Manager/Supervisor Certification	49

## **I. Introduction**

### ***A. Uniformity of Transcripts Required***

All transcripts of judicial proceedings, including depositions, shall be uniform as to format; transcribing procedures; paper size, color, and quality; ink color; and transcript covers for all Twentieth Judicial Circuit Courts in Lee, Collier, Charlotte, Hendry, and Glade Counties.

### ***B. Why Transcript Uniformity is Important***

#### **1 Non-Disparate Treatment of Parties**

The transcript format prescribed in these procedures will ensure that each party is treated equally. It is essential that the format requirements be followed because minor changes in transcript formatting requirements may result in significant monetary losses to parties.

#### **2 Transcriptionist Payment**

The per-page transcript rates are based on strict adherence to the Manual of Transcript Procedures prescribed herein.

### ***C. Disclaimer***

Deviation from the standards hereinafter set forth shall not constitute grounds for limiting the use of transcripts in the trial or appellate courts.

### ***D. Subject to Change***

This manual is subject to change and will be updated as necessary.

## **II. Transcriber Duties**

### ***A. Provision of Transcripts to the Court***

Proceedings or depositions electronically recorded at public expense and pursuant to Administrative Order 2.2 will be transcribed by court personnel employed by the Administrative Office of the Courts within the Electronic Court Recording Office or by independent contract transcriptionists at the discretion of the Court Administrator or the Court Administrator's designee.

Transcription firm or transcriber shall submit an original transcript, clearly stamped ORIGINAL at the top of the title page, and invoice to the requesting party by the specified due date. If extra copies are ordered, each extra copy shall also be clearly stamped COPY at the top of the title page and shall be billed to the requesting party. Transcription firm or transcriber shall also provide the transcript on a CD-ROM or diskette (CD-ROM is preferred) upon request. Transcription firm or transcriber shall return to the requesting party all materials provided for use in preparation of the transcript.

### ***B. Transcriber Qualifications***

All persons transcribing electronically recorded proceedings or depositions, whether court personnel or independent contract transcriptionists, shall meet the qualifications established by the Chief Judge or the Court Administrator or the Court Administrator's designee to ensure the person's ability to transcribe the proceedings and to certify the correctness of the transcripts.

### ***C. Transcriber Certification***

All persons transcribing electronic or digital recordings, whether court personnel or independent contract transcriptionists, shall certify the transcript as a true and accurate text of the electronic or digital recording of the proceeding or deposition (see Appendices C and D for samples).

### **III. Materials**

#### ***A. Paper***

Paper size is to be 8-1/2 by 11 inches. Paper color is to be white. Paper weight is to be 20 pound (copy paper) for both originals and copies. Paper content is to be of chemical wood or better quality. Transcript paper shall be three-hole punched in the left margin, with the holes being 4-1/4-inch center to center, and the middle hole to be centered vertically in the left margin of the page.

#### ***B. Ink Color***

Black ink is to be used for both original transcripts and copies.

#### ***C. Transcript Covers and Accessories***

Transcription firm shall provide, at no additional charge, a transcript cover, consisting of both front and back covers, for both original transcripts and copies. Transcription firm may use no-tang covers with separate fasteners, or covers can be purchased with pre-sized fasteners. Fasteners shall be of adequate quality to securely bind the transcript. Covers shall be of good quality, consisting of black back covers, 140-pound index paper, #1 sulphite paper and heavyweight transparent plastic front covers, or similar material as approved by the court.

## **IV. Transcript Format Guidelines**

### ***A. Transcript Format***

The transcript shall be prepared in accordance with the following Transcript Format Guidelines:

#### **1 Preprinted Marginal Lines**

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and 3/8 inches from the right side of the page.

#### **2 Line Numbers**

Each page of transcription shall contain double-spaced line numbers from 1 through 25 that shall correspond to the lines of text in the body of the transcript.

#### **3 Title/Appearance Page**

##### *Title Page*

Each transcript is to include a title page indicating:

- Court name.
- Circuit
- City and state
- Case name
- Civil or criminal docket case number
- Name and title of judge or other judicial officer presiding.
- Type of proceeding.
- Date and time of proceeding.
- Volume number (if multi-volume).
- Original transcript shall be clearly stamped ORIGINAL at the top of the title page, and copy shall be clearly stamped COPY at the top of the title page. Extra copies shall be clearly stamped COPY at the top of the title page.



### Appearances

Beginning on the title page, the court reporter is to include the complete record of appearances.

- Name, address, and phone number of each attorney and party represented.
- Name, address, and phone number of court reporter/court recorder and/or transcription firm.

### Recording/Reporting of Proceedings and Transcript Preparation Methods

The method by which the proceedings were recorded and the method by which the transcript was produced shall be noted. Examples:

- Proceedings recorded by digital sound recording; transcript produced by transcription service.
- Proceedings recorded by electronic sound recording; transcript produced by transcription service.
- Proceedings recorded by mechanical stenography; transcript produced by computer.
- Proceedings recorded by mechanical stenography; transcript produced by note reading.
- Proceedings recorded by shorthand/stenomask; transcript produced from dictation.

### Cost

The court reporter may charge for each page of the title page as a full page of transcript.

## **4 Table of Contents**

Each transcript that has witness testimony and/or exhibits is to contain a Table of Contents. Each volume of a multi-volume proceeding shall contain an individual Table of Contents. Each page of the Table of Contents shall be numbered using small Roman numerals at the right margin of the header line of each page. The Table of Contents shall be placed after the title page and before the first page of transcript. The court reporter/recorder may charge for each page of the Table of Contents as a full page of transcript.

The Table of Contents shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross examination, further redirect examination, further recross examination, continued examination, voir dire examination, proffered examination, and the recall of each witness begins. The Table of Contents shall also

indicate on behalf of whom the witness or witnesses were called, such as "Plaintiff's Witness," "Defendant's Witness," "Petitioner's Witness," "Respondent's Witness." A separate section in the Table of Contents shall indicate the page at which any exhibit was marked for identification and received in evidence.

In a protracted case (i.e., a transcript of one thousand (1,000) pages or more), in addition to the individual Table of Contents for each volume, a master Table of Contents shall be prepared which will be set forth in its own separate volume, consisting of a compilation of all of the individual Tables of Contents and entitled Master Table of Contents.

## **5 Volumes**

Individual volumes of transcripts, including depositions, shall be no more than 200 pages in length, inclusive of the Table of Contents

## **6 Page/Volume Numbering**

The pages of a transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days and/or volumes involved. The page number shall be placed in the top right corner of each page, flush with the right margin or one space away from it, in a header or at least one double-space above the first line of transcription. Multi-volume transcripts should be numbered as follows: The title page should contain the volume number centered above the type of proceeding line on the page (see sample title pages, Appendices A and A-1). Each page of transcript shall be numbered with the volume number followed by a hyphen and the page number, i.e.: 1-21 in the upper right corner of each page. Pages are to be numbered consecutively throughout the entirety of a multi-volume transcript, i.e.: V-532 would be Volume 5, page 532.

## ***B. Page Formatting***

### **1 Font**

The font size is to be 10 characters per inch. Font shall be Times New Roman or Courier New, with no less than 56 characters per line, margin to margin. Type must be letter quality.

### **2 Margins**

Typing is to begin on each page at the 1-3/4-inch left margin and continue to the 3/8-inch right margin, with no less than 56 characters per line.

### **3 Alignment**

Page alignment is to be left justified (ragged right).

### **4 Line Spacing**

Transcript proceedings shall be double-spaced. Transcript title pages, Table of

Contents, and court reporter's certification shall be single-spaced.

## **5 Number of Lines Per Page**

Each page of transcript shall contain 25 double-spaced lines of text per page, with lines numbered 1 through 25, respectively. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers, headers, and notations cannot be considered part of the 25 lines of text.

## **6 Punctuation and Spelling**

Punctuation and spelling shall be appropriate standard usage. For example, if a question in Q&A is indeed a question, it should be followed by a question mark. If the Q is a statement, it should be followed by a period. Word processing spell checkers should be turned on, or a spell check run on the entire document once the transcript is completed. Appropriate dictionaries should be used when needed.

## **7 Upper/Lowercase Text**

Appropriate upper and lowercase text shall be used. Transcripts will not be accepted and will be returned for correction if typed in all uppercase text.

## **8 Word Usage**

### Phonetic

If the correct spelling of a word or name cannot be ascertained from available resource material, type the word as it sounds phonetically followed with (phonetic). Use the (phonetic) each time the word or name is transcribed.

### Sic

If a non-existent word is used, type the non-existent word with the word (sic) in parentheses immediately after the word. If a word is used that obviously has the wrong meaning for the context of the sentence, use the word (sic) in parentheses immediately after the misused word. If a sentence does not make sense, use the word (sic) in parentheses at the end of the sentence. NOTE: Do not confuse the use of (sic) with the proper use of a dash (two hyphens) if a speaker changes thought in mid-sentence.

### Incorrect Term

Should a speaker use a term that is known to be incorrect, type the term as spoken followed by the word (sic) in parentheses.

### Colloquialisms

The following is a brief list of colloquial terms frequently heard on record. They are typed as follows:

Yeah	Mm hm
Uh-huh	Hm mm
Uh-uh	Hmm
Huh, hum – Interrogative sounds	Uh, um

## 9 Capitalization

To simplify format uniformity, capitalization is limited as closely as possible to names, dates, addresses, direct personal titles, company names, countries, states, races and nationalities, and acronyms (initials instead of organization names) such as FBI, CIA.

## 10 Hyphenation/Word Division

Commonly accepted rules for proper hyphenation are to be followed. Required hyphens are to be used when words or names are spelled out (twenty-one) so that if the word falls at the end of the line, it will not break at the hyphen, but the entire word will drop down to the next line. Do NOT use hyphens for word division (turn it off in your word processing program). Words are NOT to be hyphenated at the end of a line.

## 11 Typing Numbers

Numbers written out are the figures one through nine, fractions less than one (e.g., two-thirds, three-quarters) numbers at the beginning of a sentence, except those listed below. All numbers 10 and above are to be written in figures (e. g., 10, 11, 12). If a speaker says the word *number* preceding one through nine, type *number 1*, *number 2*. Use required spaces so that the word number (or other word preceding a number, that goes with the number) is not split from the number so that the word *number* is at the end of one line and the number 1 starts at the beginning of a new line. The following numbers are written in figures even at the beginning of a sentence:

- Exhibit numbers, e.g., "4 is admitted."
- Legal citations, e.g.: F.S. 28.35.030(a)(3); So.2d.
- Counts in an indictment are Roman numerals, e.g., Count I, Count II, Count III.
- Time: With o'clock, use a required space and figures, i.e., 3 o'clock, 12 noon, 12 midnight. To express hours and minutes with o'clock, use this style: half past 4 o'clock, 20 minutes to 4 o'clock, or 10 o'clock in the morning. Without a.m./p.m. or o'clock, type times as 20 minutes to four, five after six, a quarter to five, 9:42, 7:30, etc. Times with a.m. and p.m. are typed 7 a.m., 10 p.m., using a required space between the number and a.m. or p.m.
- Dates and years, e.g., January 1, 1997.
- Case numbers, e.g., 03-009554 DR-A.
- Addresses, e.g., 2303 Hendry Street.
- Money, e.g., \$1.95 or \$100.
- Height and weight, e.g., 5'6" and 4.6 pounds.
- Caliber, e.g., .22 Winchester automatic, .357, .44 Magnum, 30-06 (spoken "30-ought-6").

## 12 Paragraphing

The purpose of paragraphing is to make reading easier, clearer, and smoother.

Indentations of no more than 10 spaces may be used for paragraphs, and all spaces on a line as herein provided shall be used unless the text of the speaker ends short of marginal requirements. One-sentence paragraphs are undesirable and are to be avoided when possible. There is to be a new paragraph for each new speaker.

### **13 Legibility**

The original transcript and each copy are to be legible, without any interlineations materially defacing the transcript.

## ***C. Tabs and Indentations***

### **1 Colloquy**

Speaker identification in colloquy shall begin on the tenth space from the left margin followed directly by a colon (:). Colloquy shall begin on the third space after the colon. Carry-over lines of colloquy shall begin on the fifth space from the left margin.

### **2 Testimony (Q & A)**

Each question and answer shall begin on a separate line on the fifth space from the left margin. The text following the Q and A shall begin on the fifth space from the Q or A. There is no period after the Q and A. Carry-over question and answer lines shall return to the left margin.

### **3 Parentheticals**

One-line parentheticals may begin at any indentation. Parenthetical notations are marked by parentheses. Parentheticals exceeding one line shall begin no more than 10 spaces from the left margin, with carry-over lines being returned to the left margin.

### **4 Quotations**

Quoted material shall begin 10 spaces from the left margin with carry-over lines beginning 10 spaces from the left margin. Use quotation marks only if the quoted material is available to verify a direct quotation. In long quotations, the quotation marks are placed at the start of each paragraph of the quoted material, and the quotation concludes with an ending quotation mark at the end of the last paragraph of the quoted material. Example:

MR. DOE: Your Honor, may I cite from Schultz again?

"If there is any fixed star in our constitutional firmament, it is this: No official, exalted or petty, may ordain what citizens must think or believe.

"Accordingly, we find Robards overstepped his administrative authority in suspending Schultz.

"Judgment for plaintiff Schultz affirmed."

## 5 Depositions Read During Court Proceedings

Since depositions read during court proceedings have the same effect as oral testimony, the indentations for Q&A should be the same as described in paragraph IV(C)(2) above. In the transcript, each question and answer should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used. Examples:

Q "How old are you?"  
A "I am 21 years old."  
Q "Where were you born?"  
A "I was born in Germany."

### ***D. Court Proceedings***

#### **1 Speaker Identification**

All speakers must be properly identified throughout the transcript, initially (on the title page) by their full name, and thereafter by the following designations or courtesy titles, which shall be typed in capital letters beginning on the tenth space from the left margin:

<u>Speaker</u>	<u>Identification</u>
the judge	THE COURT
attorney	MR. SMITH or MS. JONES
witness (in colloquy)	THE WITNESS
interpreter (in colloquy)	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT
the clerk	THE CLERK
the bailiff	THE BAILIFF
the marshal	THE MARSHAL (-> <b>ONE L</b> )
the sheriff	THE SHERIFF

## 2 Event Identification

References to events that occur throughout the proceedings should be properly noted in capital letters and centered on the appropriate line:

OPENING STATEMENT FOR THE PLAINTIFF

OPENING STATEMENT FOR THE DEFENDANT

DIRECT EXAMINATION

CROSS-EXAMINATION  
(**ALWAYS** hyphenated)

REDIRECT EXAMINATION

RECROSS EXAMINATION

FURTHER RECROSS EXAMINATION

CONTINUED CROSS-EXAMINATION

VOIR DIRE EXAMINATION

PROFFERED TESTIMONY

FURTHER REDIRECT EXAMINATION

CONTINUED DIRECT EXAMINATION

PLAINTIFF RESTS

PETITIONER RESTS

DEFENDANT RESTS

RESPONDENT RESTS

CLOSING ARGUMENT FOR THE PETITIONER

CLOSING ARGUMENT FOR THE RESPONDENT

JURY INSTRUCTIONS

## 3 Testimony (Q & A) Setup

During examination of a juror or a witness under oath, the juror or witness is identified only as A. The attorney who is conducting the questioning is identified only as Q.

There is no punctuation following Q or A. You type the clerk's instruction to please stand and raise your right hand, but you do not type the administering of the oath. You do type the witness' response if you hear it. If you do not hear the witness' response, type nothing; the witness may have indicated by nodding his/her head. When a witness testifies, the witness setup is as follows:

MR. SMITH: Your Honor, I would call John Doe to the stand.

THE CLERK: Please raise your right hand.

JOHN DOE, PLAINTIFF'S WITNESS, SWORN – OR –  
JOHN DOE, DEFENDANT, SWORN

THE WITNESS: Yes, I do.

THE CLERK: Please state your name for the record.

THE WITNESS: John Doe.

THE CLERK: Thank you.

THE COURT: Counsel, you may proceed.

MR. SMITH: Thank you, Your Honor.

#### DIRECT EXAMINATION

BY MR. SMITH:

Q Mr. Doe, how old are you?

A I'm 29 years old. Actually, I was born in 1974, and my birthday is in May, so I will be 30 years old on May 15th.

## 4 Types of Examination

### Direct Examination

Direct examination is questioning by the attorney who has called the witness. Usually a witness is questioned only once on direct examination during proceedings of the same nature. Exceptions:

- If there is more than one attorney representing a party, or if two attorneys are questioning on the same type of examination, only the attorney introduction line is shown. (BY MS. SMITH: / BY MR. JONES: -- both attorneys are on the same side, plaintiff/petitioner or defendant/respondent.)
- If a witness is called a second time on behalf of the opposing party.
- During an offer of proof (proffered testimony). However, an offer of proof is only used in a transcript when it is so stated on record.



Cross-Examination

Cross-examination (ALWAYS use a required hyphen in cross-examination) is questioning by the opposing attorney. A witness is usually questioned only once on cross-examination with the same exceptions as noted for direct examination.

Redirect Examination

Redirect examination is questioning again by the first attorney re-examining the witness on matters raised on cross-examination.

Recross Examination

Recross examination is questioning by the opposing attorney re-examining the witness on matters raised on redirect. Attorneys may question in turn several times on redirect and recross. If this occurs, the centered heading in all caps for the examination should be FURTHER REDIRECT EXAMIINATION or FURTHER RECROSS EXAMINATION.

Voir Dire Examination

Voir dire examination is used during jury selection when a prospective juror is questioned as to their qualifications as a juror. In this instance, the words VOIR DIRE EXAMINATION OF MARY SMITH, PROSPECTIVE JUROR, are to be centered and in caps. The next line is the attorney identification line as in any examination. When the second attorney questions the juror, only the attorney identification line is shown. Example:

VOIR DIRE EXAMINATION OF MARY SMITH, PROSPECTIVE JUROR

BY MR. ATTORNEY:

Q

A

BY MR. SECOND ATTORNEY:

Q

A

However, voir dire examination of prospective jurors may be set up in colloquy if the attorneys are talking to the jury and asking questions of the prospective jury panel as a whole or randomly amongst the prospective jurors. Example:

MR. SMITH: Now, when the Judge instructs you on the law, the question is, if you do not agree with the law, will you still be able to abide by the law and

follow the Judge's instructions? Is there anyone here who does not think they will be able to do that?

(No audible response)

MR. SMITH: Ms. Lancaster, do you think you will have any problem with that?

PROSPECTIVE JUROR LANCASTER: No, I don't think I'll have a problem with that.

MR. SMITH: Mr. Jones, how about you? Will you be able to follow the Judge's instructions on the law even if you do not agree with them?

PROSPECTIVE JUROR JONES: Yes, I would be able to follow the Judge's instructions even if I don't particularly agree with them.

Voir dire examination is also used when the court questions a witness for one or more pages or when the testimony of a witness is interrupted by an opposing attorney who wishes to question the witness on a particular subject. It is usually referred to as voir dire but not always. The jury may or may not be excused. Example:

MR. SMITH: Your Honor, may I voir dire the witness?

THE COURT: You may.

#### VOIR DIRE EXAMINATION

BY MR. SMITH:

Q

A

At the conclusion of voir dire examination, the original examination is set up as continued along with the attorney identification line.

#### DIRECT EXAMINATION (CONTINUED)

BY MS. JONES:

Q

A

Page numbering for the Table of Contents will show the page number of the original examination, a slash bar, and the page number where the original examination is continued after the voir dire examination. Voir dire is shown on the Table of Contents as follows:

VOIR DIRE

WITNESSES:

VOL. DIRECT CROSS REDIRECT RECROSS

For the Petitioner:

Louis Fish

I

59/64

75

99

103

By Mr. Fontelle

### Continued Examination

Continued examination is used in the following circumstances. The word (CONTINUED) is included on the examination line when questioning of a witness has been interrupted by one or more pages of argument, voir dire examination, or proffered testimony. The full witness setup need not be repeated except after an offer of proof. The type of continued examination and the attorney's introduction line is included. Example:

THE COURT: Do you want to be heard any further, Mr.

Smith?

MR. SMITH: No, Your Honor.

THE COURT: You may continue with cross.

### CROSS-EXAMINATION (CONTINUED)

BY MR. SMITH:

If an attorney has not completed his/her examination of a witness when court recesses for the day, and the examination resumes at the beginning of a new day, or if a witness's testimony has been interrupted by testimony of another witness, the entire witness setup is required, using the words previously sworn in the witness line. Example:

JOHN DOE, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

### DIRECT EXAMINATION (CONTINUED)

BY MR. SMITH:

Proffered Testimony

Proffered testimony (offer of proof) is testimony through questions and answers of a witness, or through an attorney's own narrative description. It usually occurs outside the presence of the jury. An offer of proof differs from voir dire examination only by the fact that it is referred to as an offer of proof by the judge or one of the attorneys. If an offer of proof comes in through testimony, the witness is set up on direct examination as follows:

JOHN DOE, PROFFERED TESTIMONY  
DIRECT EXAMINATION

If the same witness testifies for the first time after the offer of proof, the entire witness setup is required for the regular examination. If the offer of proof interrupted ongoing examination of the same witness, set the witness up in the Table of Contents as follows: The witness's name is to be shown as direct examination on the table of contents with the notation (By Offer of Proof) in parentheses under the witness's name. If the offer of proof has interrupted ongoing testimony, the witness's name would appear twice on the Table of Contents. If the interrupted testimony is continued after the offer of proof, the two page numbers appear on the Table of Contents separated by a slash bar.

Interruption of Witness Examination

Interruption of witness examination by voir dire examination or offer of proof of another witness: If the examination of a witness has been interrupted by the voir dire examination or proffered testimony of another witness and the examination of the original witness is now resuming, the entire setup for the original witness is required, using the phrase *previously sworn*.

JOHN DOE, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN  
DIRECT EXAMINATION (CONTINUED)

BY MR. SMITH:

Telephonic Testimony

If a witness testifies telephonically, the witness setup is as follows:

JOHN DOE, PLAINTIFF'S TELEPHONIC WITNESS, SWORN  
DIRECT EXAMINATION

The phrase (*Telephonic*) shall also be noted in the Table of Contents under the witness' name.

## 5 Testimony Through an Interpreter

When a witness speaks no English, or only partial English, an interpreter is used whose sole purpose is to literally translate from English to the foreign language and the answers back to English.

### Response in English

When interpreters are used, it is assumed that answers are made in a foreign language and interpreted into English unless the parenthetical "(in English)" is used after the witness' response, e.g.:

Q Were you born in Mexico?

A Yes (in English).

The witness answered in English either before or after the interpreter translated the question.

### Literal Translation

A literal translation is when the attorney asks questions and the interpreter answers the questions for the witness in the first person. The witness setup is transcribed as shown in the sample below (Q/A):

Q How old are you, sir?

A I'm 29.

The interpreter translated the question from English to Spanish for the witness, waited for the witness' answer in Spanish, and then responded: "I'm 29," giving the witness' response in English.

### Non-Literal Translation

At times, an attorney will lapse into third person when asking questions or the interpreter will lapse into the third person when translating a witness's answer. When this occurs, the non-literal translation is transcribed as shown in the sample below (MS. SMITH/INTERPRETER):

MS. SMITH: Would you ask him where he was born?

INTERPRETER: He says Mexico.

The attorney asked the question to the interpreter in the third person, and the interpreter, after putting the question to the witness in Spanish and, receiving the response in Spanish, relayed the answer in English in the third person.

## 6 Exhibits

Items used as evidence in a trial. When an attorney asks the witness to identify the exhibit, it is "Identified." An attorney may ask that an exhibit be admitted following

identification, and if there are no objections, or over objections, the court orders the exhibit admitted, or it may be denied. The setup for each of these events is as follows:

Q Ms. Smith, what is this item I've just handed you?

A This is a photo of me in my garage.

(Plaintiff's Exhibit No. 1 identified)

MR. SMITH: Your Honor, we'd move the admission of Plaintiff's Exhibit 1.

THE COURT: Any objections?

MS. JONES: Yes, Your Honor. We'd object on the grounds of relevance.

THE COURT: Overruled. Exhibit No. 1 is admitted.

(Plaintiff's Exhibit No. 1 admitted)

Occasionally an exhibit may be admitted with no obvious verbal proof in the oral record, but the clerk will indicate admission in the log notes or tag reports. Show admission of the exhibit in the transcript at whatever point the log notes or tag report indicate.

## ***E. Typing – Verbal***

### **1 Editing of Speech**

The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. In the interest of readability, however, stutters, uhms, ahs, and other verbal tics are not normally included in transcripts, but such verbalizations must be transcribed whenever their exclusion could change the meaning of the statement or question. Phrases such as "going to" and "kind of" should be typed as spoken; however, slang expressions of the same phrases should be typed as spoken, such as:

<u>Type</u>	<u>Not</u>
gonna	going to
kinda	kind of
gotta	got to
'cause	because

With the exception of a judge or an attorney, all speakers are to be transcribed verbatim. If a judge or an attorney repeats words or partial phrases, only the first repeated word or partial phrase need be transcribed. Changes of thought containing whole phrases are transcribed in full. If spoken by a judge or counsel, edit as follows:

- Did you go -- well, let me ask you this." This sentence involves a whole phrase and is transcribed as it is spoken.
- Do not edit stress points. For example, "Only then, only then did he admit he had a problem."
- Did – did – did you know" and "Did you -- did you know" are transcribed as "Did you know" if spoken by a judge or counsel.
- However, if a witness says "Did -- did -- did you know" or "Did you -- did you know," it should be transcribed verbatim as "Did -- did -- did you know" or "Did you -- did you know."

## **2 Interruptions of Speech and Simultaneous Discussions**

Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner.

## **3 Breaks in Speech**

Often a speaker will break speech mid-sentence. This is indicated in the transcript with a dash for one of several reasons as described below. A dash is a required hyphen, or two hyphens may be used to form a dash, with a space before and after the dash. If two hyphens are typed together to form the dash, do not allow a split of the two hyphens at the end of a line. A dash is used to show:

### *Changes of Thought*

When the speaker has a change of thought, leaving a sentence unfinished to begin a new one.

### *Repetition*

When a speaker repeats a word or phrase. Mid-word: When a speaker leaves a word unfinished or starts another word.

### *Incomplete Sentence*

The speaker has left a sentence incomplete due to interruption or fadeout. Occasionally a speaker will be interrupted by another speaker before completing the sentence. If the speaker resumes the sentence after the interruption has ended, the dash should be used to denote where the beginning of the resumed sentence. If a speaker fades out before ending a sentence, a dash should be used.

### *Change of Address*

When an attorney who is questioning a witness interrupts a question mid-sentence to address the court or any courtroom participant other than the witness, this is shown by a

dash. When an attorney interrupts witness testimony to address the court or any other courtroom participant, this should be set up in colloquy. Example:

Q Did you say you were going to --

MR. SMITH: Oh, before I forget, Your Honor, I would move to admit Exhibit No. 2 at this time.

#### **4 Indiscernible or Inaudible Speech on Electronic/Digital Sound Recording**

Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible." Every effort must be made to produce a complete transcript. Occasionally when transcribing, however, there may be a word or words that cannot be heard or are garbled. Make every effort to transcribe it, but do not guess. If the phrase still cannot be deciphered, use one of the following summary phrases to clearly show the portion not transcribed. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

##### *Indiscernible*

When a word or phrase is unintelligible and cannot be transcribed, it is indicated by the word *indiscernible* in parentheses. If the indiscernible phrase is the first word in a sentence, it should be capitalized. A description may be used for why the word or phrase was indiscernible. Example:

- (Indiscernible - Away from microphone)
- (Indiscernible - Interrupted)
- (Indiscernible - Garbled speech)
- (Indiscernible - Simultaneous speech)

If any sound is heard that may be interpreted as the witness's reply but it is indistinct, type the word (*indiscernible*) in parentheses.

##### *Inaudible Reply*

Occasionally a witness may answer by a shake or nod of the head that obviously is not recorded. If a question has clearly been asked but no sound is heard, this is shown as a summary phrase (Inaudible reply.) in parentheses if something is heard indicating that the witness might have responded but there was no audible response, or (No audible reply.) in parentheses if a question was clearly asked and nothing is heard in response.



If a question has been asked and no sound is heard in response but the clerk has indicated in log notes or tag report that the witness nodded or shook his/her head in the affirmative or negative, the following parentheticals may be used:

- (Nods head up and down.)
- (Shakes head from side to side.)
- (Indicating.)

## **5 Private Communications and Off-the-Record Conversations**

Private communications and off-the-record conversations that are inadvertently recorded should not be included in the transcript.

## **6 Striking of Portions of the Proceeding**

Pursuant to the Rules of Judicial Administration 2.070(c) No part of the proceeding shall be omitted from the record unless all of the parties agree to do so and the court approves the agreement. In other words, regardless of an order or instruction to strike, the material ordered stricken must appear in the transcript unless all of the parties agree to omit the material and the court approves the agreement.

## **7 Non-Verbal Responses and Gestures**

It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior, i.e., physical gestures, on the part of a witness. If counsel or the court refers to the witness's affirmative or negative gesture, an appropriate parenthetical phrase, as indicated in the paragraph above entitled *Inaudible Reply*, may be used to indicate physical gestures.

## **8 Pauses**

Often there will be a silence of several seconds, or even minutes, during proceedings. These pauses are not indicated in a transcript unless they are very long. If the pause occurs while a person is speaking, type a dash (two hyphens), the word (*pause*) in parentheses on the same line, a dash (two hyphens), and then resume transcribing after the pause. If the pause occurs between speakers, type the word (*Pause*) in parentheses on the tenth space from the margin on a separate line. If the pause occurs because a witness is being summoned, type the appropriate parenthetical on a separate line. Other parentheticals may be used to indicate lengthy pauses and the reason for the pause such as:

- (Pause - Witness summoned)
- (Pause as the jury exits the courtroom)
- (Pause - Witness crying)

- (Pause as the witness composes herself)

## **9 Read back/Playback**

All read backs and/or playbacks, and the party requesting such should be noted parenthetically as follows:

If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical should be used:

- (10:29 a.m.)
- (The last question was read back)
- (10:31 a.m.)

OR

- (2:32 p.m.)
- (The last answer was played back)
- (2:34 p.m.)

If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

- (The record was replayed)

## ***F. Parentheticals***

### **1 Customary Parentheticals**

Parentheticals are used to denote customary introductory or explanatory statements, such as (Call to order of the court) or to indicate court recess or adjournment. Parentheticals are also used to indicate non-verbal behavior, pauses, read back/playback, and other events and activities that take place in the court/hearing room. Parenthetical notations are marked by parentheses. One-line parentheticals may begin at any indentation. Parentheticals exceeding one line shall begin on the tenth space from the left margin, with carry-over lines being returned to the left margin. The following parentheticals may be used in transcripts:

*Proceedings Started, Recessed, Adjourned*

- (Call to order of the court at 8:02 a.m.)
- (In recess at 12:00 noon)
- (On record at 10:11 a.m.)
- (Whereupon, the proceedings adjourned at 4:55 p.m., to be reconvened on Tuesday, January 29, 2004 at 8:00 a.m.)

*General Event Parentheticals*

- (Pause)
- (Simultaneous speech)
- (Witness excused)

*Defendant Present/Not Present*

- (Defendant present)
- (Defendant not present)

*Jury Parentheticals*

- (Prospective jurors enter the courtroom)
- (Prospective juror dismissed)
- (The jury is sworn)
- (Jury in at 8:05 a.m.)
- (Jury out at 12:02 p.m.)
- (Jury panel excused)
- (Jury panel excused for lunch)
- (Alternate juror dismissed)
- (Jury panel dismissed)

### Recorded Bench/Side Bar Conferences

This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

- (Bench conference on the record at 12:00 p.m.)
- (End of bench conference at 2:34 p.m.)
- (At side bar on the record at 9:39 a.m.)
- (End of discussion at side bar at 9:46 a.m.)

### Off the Record Discussions and Unrecorded Bench/Sidebar Conferences

This designation should note where the discussion took place.

- (Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams at 2:32 p.m.)
- (End of bench conference at 2:34 p.m.)
- (Side bar not recorded at 9:44 a.m.)
- (End of discussion at side bar at 9:46 a.m.)

### Chambers Conferences

This designation should note the presence or absence of parties in chambers.

- (Discussion off the record in chambers without defendant present)
- (Discussion on the record in chambers with defendant present)

## **2 Electronic Court Recorder's Parentheticals**

Electronic court recorder operator's parenthetical notations in a transcript are the court reporter's own words, enclosed in parentheses, recording some action or event. Court recorder parenthetical notations should be as short as possible, consistent with clarity and standard word usage in customary parentheticals. Example:

- (10:29 a.m.)
- (This portion not recorded due to technical difficulties)
- (10:44 a.m.)

THE COURT: Well, as I understand it, our court reporter was having some technical difficulties with her recording equipment, but she has indicated to me that she has resolved the problem. So let's proceed. We were discussing the change of venue motion of the defendants.

### **3 Excerpts**

Sometimes only a portion of a proceeding will be ordered. In this case, the title page must indicate "EXCERPT," and the portion requested may be indicated as well, "Testimony of John Smith," or "Closing Arguments" (see sample).

#### *Requested/Not Requested Portions*

If a transcript request indicates a portion of a proceeding is NOT requested, transcribe the requested portion, indicating the beginning of the requested portion with the log time (if not requested from the beginning of the proceedings, and indicate the ending of the requested portion with the log time (unless the requested portion goes to the end of the proceedings) as follows:

EXAMPLE: The portion being requested is the testimony of Joe Smith, which starts at 10:05 a.m. and ends at 11:32 a.m.

- (This portion not requested)  
  
(10:05 a.m.) Joe Smith's testimony begins  
  
JOE SMITH, DEFENDANT'S WITNESS, SWORN  
<Type Joe Smith's testimony here>
- (11:32 a.m.) Joe Smith's testimony ends  
  
(This portion not requested)

#### *Previously Transcribed Portions*

Occasionally a transcript request may include a portion that has previously been transcribed. When this occurs, type the words (This portion previously transcribed) as a parenthetical:

Transcribing from the beginning point DOWN to the previously transcribed portion:

<START TYPING HERE>

- (10:05 a.m.) Ending time

(This portion previously transcribed)

Starting after the previously transcribed portion to the ending point:

- (This portion previously transcribed)

(10:05 a.m.) Starting time

<START TYPING HERE>

### Interrupted Proceedings

If a proceeding in a case is continued to a time later the same day, indicate off record, in recess, court recessed to take up other matters, at whatever time a.m./p.m. etc., and then indicate on record at whatever a.m./p.m.

- (Off record at 3:39 p.m.)
- (In recess at 3:39 p.m.)
- (On record at 4:30 p.m.)
- (Court recessed to take up other matters at 10:39 a.m.)
- (On record at 1:02 p.m.)

### **G. Certification**

Each transcript prepared for the Twentieth Judicial Circuit Court System must be certified by the person who transcribed it and bear an original signature. The certificate may not be in condensed form and may not be duplexed.

In completing the certificate, the page numbers of the foregoing pages are from the first page of the title page through the last page of proceedings, and the certificate page is not numbered. Each transcript of a multi-transcript proceeding shall contain a certificate page. The certification must state that the transcriptionist is not counsel to, employed by, or related to any of the parties involved in the proceedings and has no interest, financial or otherwise, in the proceedings.

The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and the certification. The certification is to appear as the last page of each volume of transcript.

The contents of the title page should not be repeated as part of the certification. The certification is not included in the Table of Contents.

The owner, manager, supervisor, or other employee of a transcription firm may provide the transcript certification for employees or contractors of the transcription firm as follows:

I, SUE SMITH, do hereby certify that the foregoing pages numbered 1-100 contain a full, true, and correct transcript of proceedings in the above-entitled matter, transcribed by me, or at my direction and supervision, to the best of my knowledge and ability.

If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certification of each court reporter or transcriber involved shall be required at the end of each volume. Examples:

*Digital (Electronic) Sound Recording.*

I, SUE SMITH and JILL JONES, court approved transcribers, do hereby certify that the foregoing is a correct transcript from the official digital (electronic) sound recording of the proceedings in the above-entitled matter.

_____	_____
Signature of Court Reporter/Transcriber	Date
_____	
Type or print name here	
_____	_____
Signature of Court Reporter/Transcriber	Date
_____	
Type or print name here	

*Stenography/Stenomask.*

I, SUE SMITH, do hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

---

Signature of Court Reporter/Transcriber

---

Date

---

Type or print name here

*Transcriber's Certification for Another's Notes.*

I, SUE SMITH and JANE DOE, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by <the court name(s)>, of the proceedings taken on the date and time previously stated in the above matter. I further certify that I am not counsel for, related to, or employed by any of the parties to the action in which this hearing was taken, and further, that I am not financially or otherwise interested in the outcome of the above-entitled action.

---

Signature of Court Reporter/Transcriber

---

Date

---

Type or print name here

---

Signature of Court Reporter/Transcriber

---

Date



Type or print name here

See Appendices C and D for sample transcriber and principle certifications.

## **V. Use of Real-Time Court Reporters**

### ***A. Real-Time Court Reporting Services in Capital Cases***

In all trials in which the State seeks the death penalty, and in capital post-conviction proceedings, all measures necessary to expedite the preparation of the transcript will be used, including but not limited to the following:

- Where available, a court reporter will be used who has the capacity to provide real-time transcription of the proceedings.
- If Real-time transcription services are not available, a computer-aided transcription qualified court reporter may be used.
- Scopists, text editors, alternating court reporters, or other means necessary to expedite the finalization of the certified transcript may be used.
- Reasonable restrictions on work assignments of employee or contract court reporters may be imposed to ensure that transcript production in capital cases is given priority.

### ***B. Real-Time Unedited Transcripts***

Real-time unedited transcripts sold on computer disk may be in ASCII format or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during proceedings. Disks may not contain any protection or programming codes that would prevent copying, printing, or transferring the data. The Manual of Transcript Procedures guidelines prescribed by the Twentieth Judicial Circuit apply to real-time unedited transcripts with the following exceptions:

- Real-time unedited transcripts must be clearly marked as such with a header or footer at the top or bottom of each page of transcript stating: "Real-Time Unedited Transcript Only."
- The real-time unedited transcript should not include a title page, table of contents or certification.
- The disk label may be of a different color than that used on disks containing the text of certified transcripts and must be hand-stamped with the words "Real-Time Unedited Transcript Only."

## **VI. Court Records**

### ***A. Definition of "Court Records"***

Pursuant to Rule 2.075, "Court Records" is defined as follows:

"Court Records" means the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, and electronic records, video tapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes or stenographic tapes of court proceedings.

Transcription contractors will be provided copies of electronic or digital recordings for the purpose of preparing the transcript. Other materials, including but not limited to a Case Information Record, copies of docket sheets, and spelling lists, that will be helpful in preparing the transcript will also be provided.

### ***B. Possession of Court Records***

Pursuant to Rule 2.072, Possession of Court Records, no person other than judges and authorized court employees shall remove court records as defined in Rule 2.075 from the clerk's office except by order of the chief judge or chief justice upon a showing of good cause.

### ***C. Retention of Court Records***

Pursuant to Rule 2.075, Retention of Court Records, (f) Court Reporters' Notes, court reporters/recorders or persons acting as court reporters/ recorders for judicial or discovery proceedings shall retain the original notes and/or electronic or digital records of court proceedings and depositions until the times specified below:

- Two (2) years from the date of preparing the transcript for judicial proceedings, arbitration hearings, and discovery proceedings when an original transcript has been prepared.
- Ten (10) years for judicial proceedings in felony cases when a transcript has NOT been prepared.
- Five (5) years for all other judicial proceedings, arbitration hearings, and discovery proceedings when an original transcript has NOT been prepared.

Pursuant to Rule 2.075(k), Sealed Records:

- No record which has been sealed from public examination by order of court shall be destroyed without hearing after such notice as the court shall require.

## **VII. Acceptance of Transcripts**

### ***A. Time Period for Court Acceptance of Transcript***

Acceptance of the transcript will be determined by the Electronic Court Recording (ECR) Department or the Requesting Party within twenty-five (25) days of receipt of the completed transcript. A random check of the transcript may be made to assure that the finished product is at an acceptable level of quality.

### ***B. Random Sample***

A random sample will be made of not less than 3% of the total transcript by checking the transcript against the media (digital or electronic sound recording). ECR staff may choose to mark all errors in the random sample, and all errors marked must be corrected. However, only major errors will be counted in determining the accuracy rate of the transcript.

### ***C. Acceptance of Transcript***

If the sample is at least 95% accurate, ECR staff or the Requesting Party will accept the transcript as is, provided that there are no format errors. Court Administration or its designee may accept a transcript without review if the contractor's prior work has consistently met the court's standards.

### ***D. Unacceptable Transcript***

If a transcript is unacceptable, ECR staff or the Requesting Party will promptly notify the contractor, and the transcript, invoice, media, and other materials will be returned to the contractor. The contractor must correct all major transcribing and format errors, as well as any other marked errors, and resubmit a corrected transcript within five working days. A transcript is considered returned to the contractor on the date the contractor is notified that the transcript is unacceptable and is available to be picked up for correction. If a transcript is returned to the contractor for correction, the contractor must pay any costs associated with the correction of the transcript and resubmitting the corrected transcript to the court.

Upon receipt of the corrected transcript, ECR staff or the Requesting Party will verify the corrections and make another random check of the total transcript. If the sample does not meet the 95% accuracy rate, the transcript will be rejected and the contractor will not be paid.

Two rejected transcripts within a one-year period may result in termination of the use of contractor's services.

### ***E. Major Errors***

These standards were developed to explain what the court system regards as minor errors that can be overlooked and what it regards as major errors that compromise the quality of the transcript. Transcripts prepared for the court system must be at least 95% free of any major errors. A major error is any error that alters the meaning of the record.

## **1 Format Errors**

Contractors shall follow the format requirements set out in this manual including all amendments thereto. A transcript that contains any of the following format errors will be returned for correction:

- Information on the title page, including appearances and the recording/reporting of proceedings and transcript preparation methods, is inaccurate.
- Table of Contents not provided when required.
- Table of Contents does not contain all required information or contains inaccurate information (e.g., incorrect page numbers, etc.).
- Page numbering does not comply with the manual or with special instructions given by the Court Administrator, Electronic Court Recording Supervisor, Requesting Party or designee.
- On/Off record times in the transcript are omitted or are in error.
- Any errors contained in the certificate.
- Any other significant departures from the format required by the manual.

## **2 Verbatim Errors**

The Manual of Transcript Procedures requires that a transcript contain all words and other verbal expressions uttered during the course of the proceeding, except for the limited exceptions referred to earlier in this manual. Major verbatim errors are counted when determining the accuracy rate of a transcript. Major verbatim errors are defined as follows:

- Omission of a spoken word that DOES affect the meaning of the sentence.
- Omission of uh- or huh-uh when used as an expression of assent or in response to a question is a major verbatim error. However, omission of uh-huh when used by someone who is merely following what another person is saying is a minor verbatim error. Example:

- Q And then you went into the store –
- A Uh-huh.
- Q -- and you saw the man with the gun –
- A Uh-huh.
- Q -- and the ski mask --
- A Uh-huh.
- Q -- and he points the gun at you.
- A Uh-huh.

### **3 Punctuation Errors**

Transcribers shall use commonly accepted rules for punctuation. In determining the accuracy rate of a transcript, the court system only counts punctuation errors that alter the meaning of the record as a major error. A punctuation error that affects the meaning of the sentence will be counted as a major error.

### **4 Spelling Errors**

A transcript that has an average of more than two spelling errors per page will be returned for correction. A word phonetically spelled will not be classified as a misspelled word. A typographical error will be classified as a misspelled word. Transcribers shall use the spell check feature on computer software. Correct spelling of homonyms is required. Transcribers shall refer to specialty dictionaries such as medical, legal, etc., and to use other reference material such as a phone book, atlas, etc., when necessary to achieve correct spelling.

### **5 Indiscernibles**

Transcribers shall tune in to individual channels on transcribing equipment to assist in clarifying indiscernibles. In determining the accuracy rate of a transcript, the court system counts as a major error an indiscernible that is discernible to the ECR staff person, the Requesting Party, or another court employee when listening to the same recording used by the transcriber, except in the circumstances listed below:

#### **Bench Conferences**

If the recording quality of a bench conference is poor, transcribers are only required to transcribe what is discernible to them after all reasonable attempts to discern the speech have been exhausted. Transcripts will not be rejected because of indiscernibles in a bench conference unless the transcriber failed to transcribe speech that was easily discernible to court staff after listening to the recording for no more than one minute.

### Speech Away from a Microphone and Telephone Speech

Transcribers must attempt to transcribe what is said by people who have stepped away from a microphone and by people who are participating telephonically. However, if after a reasonable time the transcriber cannot discern what was said, the transcriber must type a summary phrase in parentheses (*Indiscernible - away from microphone*) or (*Indiscernible - telephonic speech*). Transcripts will not be rejected because of indiscernibles that are marked in this manner unless the transcriber failed to transcribe speech that was easily discernible to court staff after listening to that portion of the recording for no more than one minute.

Except as noted in the two paragraphs above, an indiscernible that is discernible to the ECR staff or the Requesting Party when listening to the same recording as used by the contractor will be counted as a major error.

## **6 Examples**

The following are examples of major errors:

### *Inclusion or exclusion of a negative or affirmative that is not in the electronic record*

Recorded: I did not commit the murder.  
Transcribed: I did commit the murder.

Recorded: I wouldn't care if you did.  
Transcribed: I would care if you did.

### *Omission of a spoken word or phrase that affects the meaning of the sentence*

Recorded: Mr. Smith possessed a handgun.  
Transcribed: Mr. Smith knowingly possessed a handgun.

Recorded: Do you think you understand what you're being charged with?  
Transcribed: Do you think you're being charged with?

### *Incorrect word that affects the meaning of the sentence or whose usage is obviously wrong to a person familiar with legal terms and proceedings*

Recorded: A small package was simulating marijuana.  
Transcribed: A small package was assumably marijuana.

Recorded: The officer observed illegal conduct.

Transcribed: The officer was served illegal conduct.

Recorded: Your Honor, it's my motion.

Transcribed: Your Honor, it's my mission.

Recorded: They are excused from their subpoenas.

Transcribed: They are excused from these proceedings.

Recorded: Anything in the wallet or concealed anywhere.

Transcribed: Anything in the wallet or sealed anywhere.

Recorded: In reference to our motion for judgment of acquittal on Counts I, II, and III....

Transcribed: In reference to our motion for judgment and put them on Count I, II, and III....

#### *Failure to recognize legal terms or phrases*

Recorded: ...motion in limine filed by the defense.

Transcribed: ...motion to eliminate a file by the defense.

Recorded: That would justify the warrantless search.

Transcribed: That would justify the warrant was searched.

Recorded: The plain touch doctrine is being adopted.

Transcribed: The plain and touch doctrine is being adopted.

#### *Wrong dates, days of weeks, years, times, exhibit numbers*

Recorded: It was Monday, February 5, 1996.

Transcribed: It was Tuesday, March 4, 1995.

Recorded: It was at 10:30 in the morning.

Transcribed: It was at 11:30 in the morning.

Recorded: Exhibit D is admitted.

Transcribed: Exhibit B is admitted.

#### *Incorrect speaker*

Recorded: MR. SMITH: Yes, Your Honor.

Transcribed: MR. JONES: Yes, Your Honor.



If the transcriber is uncertain who is speaking after listening to the recording a reasonable amount of time, the transcriber should type the words *UNIDENTIFIED MALE SPEAKER* or *UNIDENTIFIED FEMALE SPEAKER*.

## ***F. Minor Errors***

The Manual of Transcript Procedures requires that a transcript contain all words and other verbal expressions uttered during the course of the proceeding. Limited exceptions to this requirement are listed in VII(E) of this manual. Minor verbatim errors are defined as follows:

### **1 Omission of a Spoken Word**

Omission of a spoken word that DOES NOT affect the meaning of the sentence. The following minor verbatim errors are tolerable and will not be counted when determining the accuracy rate of a transcript:

Recorded: Okay. I saw the man.  
Transcribed: I saw the man.

Recorded: All right. And then what?  
Transcribed: And then what.

Recorded: And I saw the man.  
Transcribed: I saw the man.

Recorded: I would move for the introduction.  
Transcribed: I would move for introduction.

Recorded: He thought that he had been there.  
Transcribed: He thought he had been there.

Recorded: That's all I have, Your Honor. Thank you.  
Transcribed: That's all I have, Your Honor.

### **2 Omission of uh-huh**

Omission of *uh-huh* when used by someone who is merely following what another person is saying. However, omission of *uh-huh* when used as an expression of assent or in response to a question is a major verbatim error.

## ***G. Confidentiality***

Transcribers must agree to comply with confidentiality guidelines on any transcripts of confidential court proceedings. Transcribers must exercise discretion when discussing court cases or court work with anyone.

## ***H. Timeliness Required***

Transcripts must be submitted within the specified deadlines. A contractor will be paid

for a late transcript if it is otherwise acceptable; however, the late transcript will be treated as a rejection. Two rejected transcripts within a one-year period may result in termination of the contract.

### ***I. Deadlines for Transcript Completion***

Orders with a 30-day turnaround are due within thirty (30) calendar days and orders with a 7-day turnaround are due within seven (7) calendar days. These deadlines are measured from the date the transcript is assigned to the contractor or the date the electronic recording, log notes or tag reports, or other materials are mailed to the contractor, whichever is later. A transcript is assigned on the date the contractor is notified that an order is ready for pick-up and the contractor accepts the assignment. If the contractor does not pick up the assignment until the following day, the date of notification of and acceptance by the contractor is the assignment date. ECR staff or the Requesting Party may determine that an exception to this rule will be made when the contractor is notified too late in the workday to be able to pick up the assignment from the court.

A transcript is timely if the completed transcript is delivered to the court or the Requesting Party, if applicable, on or before the due date or if mailed to the address specified no later than three calendar days before the due date. The postmark date will be treated as the date of mailing. If the due date falls on a weekend or court system holiday, the transcript is due the next business day. Otherwise, no additional time will be allowed for holidays.

To take an extension under this section, the contractor must contact the ECR Department or the Requesting Party before the date the transcript is due and schedule a new due date for the transcript. Otherwise, the transcript will be treated as late. As stated above, a late transcript is treated as a rejection.

## Appendices

	<u>Page</u>
<i>Appendix A – Title Page</i>	44
<i>Appendix A1 – Title Page Criminal Proceeding</i>	45
<i>Appendix B – Table of Contents</i>	46
<i>Appendix C – Transcriptionist Certification</i>	48
<i>Appendix D – Owner/Manager/Supervisor Certification</i>	49

# APPENDIX A

1 IN THE COUNTY COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
2 IN AND FOR LEE COUNTY, FLORIDA

3 SARAH JOHNSTON-RICHARDS, ) Case No. 03-008253 DR-B  
4 )  
5 Petitioner, )  
6 ) Lee County Justice Center  
7 vs. ) 1700 Monroe Street  
8 ) Fort Myers, Florida 33901  
9 )  
10 DAVID RICHARDS and )  
11 DORIS BEACHAM-MILLER, )  
12 )  
13 Respondents. ) Monday, January 12, 2004  
14 ) 9:00 a.m.  
15 )  
16 \_\_\_\_\_ )

17 VOLUME 1

## 18 **DOMESTIC VIOLENCE HEARING**

19 BEFORE THE HONORABLE JOHN R. DURYEYEA, JR.  
20 County Judge

### 21 APPEARANCES:

22 For the Petitioner: MARY R. KENNELLY, ESQ.  
23 Sheridan & Fox, S.C.  
24 49 East Midland Street, Suite 7  
25 Naples, FL 34102  
(239) 258-9625

For the Respondents: MICHAEL P. FONTELLE, ESQ.  
State Attorney General's Office  
Lee County Justice Center  
1700 Monroe Street, Room 3200  
Fort Myers, FL 33901  
(239) 479-9500

Also Present: LUPE DELASHMET  
Interpreter

Transcription Service: ABC TRANSCRIPTION SERVICE  
319 Lake Drive  
Fort Myers, FL 33916  
(239) 555-2222

# APPENDIX A-1

IN THE COUNTY COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR COLLIER COUNTY, FLORIDA

1  
2 STATE OF FLORIDA, ) Case No. 04-4121-MMA  
3 )  
4 Plaintiff, ) Collier County Courthouse  
5 ) 3301 East Tamiami Trail  
6 vs. ) Naples, Florida 34112  
7 )  
8 RAMON L. NIEVES, ) Monday, May 24, 2004  
9 ) 1:08 p.m. - 1:54 p.m.  
10 Defendant. )  
11 )  
12 )  
13 )  
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TRIAL/SENTENCING  
BEFORE THE HONORABLE EUGENE TURNER,  
County Court Judge

APPEARANCES:

For the Plaintiff: NEIL SNYDER, ESQ.  
CHRISTOPHER KLINK, ESQ.  
Office of the State Attorney  
Collier County Courthouse  
Administrative Bldg. F, 6<sup>th</sup> Floor  
3301 East Tamiami Trail  
Naples, FL 34112-  
(239) 774-8470

For the Defendant: LAURA FARRELL, ESQ.  
Office of the Public Defender  
Collier County Courthouse  
Administrative Bldg. L, 4<sup>th</sup> Floor  
3301 Tamiami Trail East  
Naples, FL 34112-4975  
(239) 774-8397

Transcription Service: Transcription Service  
111 Del Prado Boulevard  
Cape Coral, FL 33990  
(239) 555-1212

Proceedings recorded by digital sound recording; transcript produced by transcription service.

# APPENDIX B

## TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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19  
20  
21  
22  
23  
24  
25

OPENING STATEMENT:	Page	
FOR THE PETITIONER BY MS. KENNELLY		3
FOR THE RESPONDENTS BY MR. FONTELLE		7

		VOIR				
WITNESSES:		VOL. DIRECT CROSS REDIRECT RECROSS DIRE				
For the Petitioner:						
Bernard A. Kleiber	I	9	21	43		
Louis Fish	I	59/64	75	99	153	
By Mr. Fontelle					162	
For the Respondents:						
Rebecca Kingsley	II	221	233	252	259	

EXHIBITS:		VOL. IDENTIFIED ADMITTED				
For the Petitioner:						
1. Letter to Ms. Johnston-Richards from Mr. Richards Dated June 30, 2003	I	9			10	
2 Photo	I	60			61	
3 September 2003 Phone Bill	I	72			73	
4 September 2003 Electric Bill	I	74			75	
.						
.						
.						
10. Ms. Johnston-Richards' Dental Records	II	206			207	

# APPENDIX B

EXHIBITS (Continued):	VOL. IDENTIFIED ADMITTED		
For the Respondents:			
A Photo	II	224	227
B Letter from Dave Beibeck, Mr. Richards' Supervisor, Dated September 22, 2003	II	228	

CLOSING ARGUMENT	PAGE
FOR THE PETITIONER BY MS. KENNELLY	II-263
FOR THE RESPONDENTS BY MR. FONTELLE	II-279
REBUTTAL FOR THE PETITIONER BY MS. KENNELLY	II-280
SURREBUTTAL FOR THE RESPONDENTS BY MR. FONTELLE	II-289

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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# APPENDIX C

1 STATE OF FLORIDA )  
 2 TWENTIETH JUDICIAL CIRCUIT )  
 \_\_\_\_\_ )

3  
 4 I, SUE SMITH, do hereby certify that:

5 (1) The foregoing pages numbered 1-100 contain a full, true, and  
 6 correct transcript of proceedings in the above-entitled matter, transcribed by me to the  
 7 best of my knowledge and ability from the digital recording provided by the court.  
 8

9 (2) I am not counsel for, related to, or employed by any of the parties in  
 10 the above-entitled cause.

11 (3) I am not financially or otherwise interested in the outcome of this  
 12 case.

13 (4) I am an approved transcriber for the Twentieth Judicial Circuit  
 14 Court.

15  
 16 SIGNED AND CERTIFIED:

17  
 18 \_\_\_\_\_  
 19 (Type your name here) Sue Smith, CERT  
 Court-Approved Transcriber\*

\_\_\_\_\_ Date

20  
 21 \* or Certified Transcriber, if certified by a recognized court reporting association  
 22  
 23  
 24  
 25



# APPENDIX D

1 STATE OF FLORIDA )  
 2 TWENTIETH JUDICIAL CIRCUIT )  
 \_\_\_\_\_ )

3  
 4 I, SUE SMITH, do hereby certify that:

5 (1) The foregoing pages numbered 1-100 contain a full, true, and  
 6 correct transcript of proceedings in the above-entitled matter, transcribed by me, or at  
 7 my direction and supervision, to the best of my knowledge and ability from the digital  
 8 recording provided by the court.

9 (2) I am not counsel for, related to, or employed by any of the parties in  
 10 the above-entitled cause.

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 12 case.

13 (4) I am an approved transcriber for the Twentieth Judicial Circuit  
 14 Court.

15  
 16  
 17 SIGNED AND CERTIFIED:

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 19 \_\_\_\_\_  
 (Type your name here) Sue Smith, CERT  
 Court-Approved Transcriber\*

\_\_\_\_\_ Date

20  
 21 \* or Certified Transcriber, if certified by a recognized court reporting association  
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