

2009

Manual of Transcript Procedures



Montgomery County
Common Pleas Court,
General Division

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PURPOSE

Transcripts of proceedings conducted in the Montgomery County Common Pleas Court, General Division, are primarily read by, and prepared for, the Ohio Second District Court of Appeals and General Division judges and their staffs, attorneys and their clients, and private and public law office personnel. While this manual is designed for all transcripts filed in our court, it is primarily intended to assist transcribers who are preparing transcripts of proceedings conducted in our electronic courtrooms¹.

Transcript preparation is a significant task, and the accuracy and readability of the record must be considered of great import. The very purpose of transcribing is to provide a reliable record for in-court or court-related proceedings for subsequent review by judges and lawyers. One measure of whether a trial court is performing in optimal fashion depends on the accuracy of its records. Therefore, *it is imperative* that “Records of all relevant court decisions and actions are accurate and properly preserved.”² Because the majority of transcripts are filed with the Court of Appeals, we have sought, and received, feedback from judges and staff attorneys of that court for portions of this Manual. For quick reference, we have inserted hyperlinks for immediate direction to the appendix pages. We have also provided samples throughout this Manual so that transcribers may have a visualization of how the printed page should appear.

It remains the General Division’s commitment to provide quality services and products to the citizens of Montgomery County. We encourage transcribers to ask questions when necessary and to always strive for excellence.

* * *

¹ Twelve of our 13 courtrooms, and two magistrate hearing rooms, are outfitted with digital audio-video recording equipment.

² Commission of Trial Court Performance Standards, *Trial Court Performance Standards, with Commentary (Performance Standards)*, p. 17 (Williamsburg VA: National Center for State Courts.1990.)

Contact Information

If you have any inquiries regarding this manual, or if you have general questions regarding transcript ordering and processing, please contact:

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DEFINITION OF TERMS

The following is a brief list of terms that you may see throughout this Manual or that you may hear used by participants in a court proceeding:

bailiff: a court officer who maintains order during court proceedings and performs a variety of administrative responsibilities on behalf of a judge, and serves at the discretion of the judge; duties include, but are not limited to, maintaining the judge's calendar, handling case flow and hearing processes, researching requested information, monitoring documents for the judge's signature, preparing orders, and obtaining hearing dates

complainant: the party who claims that a crime has been committed against him/her; the party who brings a legal complaint against another

Court of Appeals: an intermediate level appellate court whose primary function is to hear appeals from the common pleas, municipal and county courts; each case is heard and decided by a three-judge panel; the Ohio Second District Court of Appeals hears cases from Champaigne, Clark, Darke, Greene, Miami, and Montgomery counties; for more information, go to www.mcoho.org/SecondDistrictAppeals

Court of Common Pleas (General Division): a court which has jurisdiction over all civil and criminal cases, as well as violent misdemeanor cases filed in Montgomery County; civil cases arise out of claims for personal injuries, contract disputes, land appropriations, workers' compensation claims, and various administrative appeals; jurisdiction also exists for felony criminal cases involving charges against individuals carrying six months or more incarceration in jail as a penalty; for more information, go to www.montcourt.org

cross examination: questioning by the opposing attorney/pro se litigant

defense attorney: a lawyer who represents a defendant in a civil or criminal case; also termed *defense counsel*, *defense lawyer*

direct examination: questioning by the attorney/pro se litigant who has called the witness

docket: formal record in which a judge or court clerk briefly notes all the proceedings and filings in a court case

docket call: court session in which attorneys (and often the parties) appear in court to report the status of their cases

expert witness: witness qualified by knowledge, skill, experience, training, or education to provide a scientific, technical, or other specialized opinion about the evidence or a fact issue

hearing: judicial session, usually open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying

impaneled jury: group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them; also known as *empaneled jury*

judicial assistant: person who operates audio-video recording equipment for trials and other court proceedings requiring an official record; also provides word processing and administrative services

litigant: one engaged in a lawsuit or judicial process

petit jury: a jury (usually consisting of 6 or 12 persons) summoned and impaneled in the trial of a specific criminal or civil case

pro se: appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself or herself in court

prosecutor: a legal officer who represents the state or federal government in criminal proceedings

public defender: a lawyer or staff of lawyers, usually publicly appointed and paid, whose duty is to represent indigent criminal defendants

recross examination: questioning by the opposing attorney/pro se litigant re-examining the witness on matters raised on redirect examination

redirect examination: questioning again by the first attorney/pro se litigant re-examining the witness on matters raised on cross examination

venire: an entire panel from which a jury is drawn

voir dire: a French term meaning *to speak the truth*, it is an examination and selection of prospective jurors; examination consists of questioning as to a juror's qualifications or, in the case of testimony given by an expert, questioning to test the qualifications and knowledge of said expert witness

* * *

Specifications

(NOTE: This section pertains to original and copy transcripts.)

- I. Paper
 - A. 20-pound weight (original and copies)
 - B. Good quality
 - C. White
 - D. 8½ x 11 inches
 - E. There should be no markings³ (ink, pencil, or otherwise) on the paper except the signature, in ink, of the transcriber on the certificate page (pdf files with electronic signatures are acceptable).
- II. Ink color
 - A. Black ink only
- III. Type
 - A. 12-point font
 - B. Letter quality (script and dot matrix are not acceptable)
- IV. Font
 - A. Courier
- V. Covers
 - A. Heavyweight (at least 65-pound) with transparent plastic cover, or another material approved in advance by the court
 - B. Secured on the left side with a permanent fastener or binding -- ACCO fastener, staples, report cover, spiral binding, comb (GBC) or tape binding -- or another material approved in advance by the Court
- VI. Borders
 - A. Solid left and right margin lines, or a text box border, are required on all pages.

³ An exception is that the case number(s) may be corrected, in ink, on the title page, if necessary.

- B. Lines or border should be placed on the page so that the text begins 1½ inches from the left side of the page and ends ½ inch from the right side of the page.

VII. Line numbering

- A. Exactly 25 numbered lines of text on each page (see “C” below for an exception)
- B. Numbers should be in the left-hand margin, to left of the text box or margin lines, 1-25.
- C. Last page of transcript (before certificate page) may contain fewer than 25 lines of text.
- D. Page numbers shall not be part of the 25 lines of text.
- E. Headers and footers, if applied, shall not be part of the 25 lines of text.
- F. For a cleaner look, it is preferred that the title page, table of contents, index and certificate pages not contain line numbers.

VIII. Line spacing

- A. Text in body of transcript shall be double spaced.
- B. Table of contents is single spaced.
- C. Some text in title, index⁴ and certificate pages may be single spaced as appropriate.

IX. Page numbering

- A. Place in upper right-hand corner.
- B. Page number does not count as a line.
- C. Title page is not numbered but is counted.
- D. Multi-volume transcripts:
 - 1. Number pages in chronological sequence throughout all volumes; e.g., if the last page of Volume I is 182, the title page of Volume II is Page 183.

X. Margins

- A. Text shall begin 1½ inches from left edge of paper.
- B. Text shall end ½ inch from right edge of paper.

⁴ Index page(s) may be single spaced if doing so will reduce total number of index pages.

XI. Indentations

A. Speakers:

1. Testimony – When identifying an attorney/pro se litigant who is conducting the examination of a witness, type his/her name, in ALL CAPS, at the left-hand margin:

4	DIRECT EXAMINATION	
5	BY MR. JONES:	
6	Q Would you state your name for the record.	
7	A My name is Alexander Tosca.	

and

21	(Discussion held off the record.)	
22	BY MR. JONES:	
23	Q Mr. Tosca, I wanted to ask you about some	
24	documents I have here.	

2. Colloquy – When identifying an attorney/pro se litigant who is speaking during colloquy, type his/her name, in ALL CAPS, five spaces from the left line of the text box; actual text of speaker shall begin five spaces after the colon, with carryover lines beginning at left margin.

11	MR. JONES: Ladies and gentlemen, I have	
12	been practicing in this community for almost 25	
13	years. I was born and raised in the northwest,	
14	but I came to this area to attend law school, and	
15	I have a lot of family here, so I decided to stay.	

B. Q and A:

1. The Q and A is placed at the left margin.
2. Text is placed five spaces after the Q and A.

C. Paragraphs:

1. The first word of each new paragraph shall begin five spaces from left line of text box.

D. Parentheticals:

1. Most parentheticals stand alone and are centered on the page.
2. A few parentheticals are placed five spaces after the Q and A, as appropriate.
3. See Subsection XIII(C), below, for a listing of the most common parentheticals.

XII. Testimony headings

- A. Testimony headings (DIRECT EXAMINATION, CROSS EXAMINATION, REDIRECT EXAMINATION, RECROSS EXAMINATION) shall stand alone, typed in ALL CAPS, and centered on the page.
- B. It is preferred that the swearing in of the witness, the testimony heading, the "BY" line, and the first line of testimony, all be contained on the same page; i.e., if you are on Line 21 and are starting a new witness, go to the following page and type the witness's swearing in, testimony heading, "BY" line, and the first question, and leave the bottom lines of the previous page blank.
- C. Likewise, always place the testimony heading, "BY" line, and the first question on the same page, as well as the "BY" line and the first question.

XIII. Parenthetical summary phrases

- A. Information contained within parentheses give the reader necessary and helpful information regarding the proceedings *other than the spoken word*.
- B. Parentheticals are centered on the page unless otherwise indicated.
- C. The following is a list of common parentheticals:
 1. (Discussion held off the record.)
 2. (At sidebar.)
 3. (In open court.)
 4. (Jury entering courtroom.)
 5. (Jury exiting courtroom.)

6. (Recess taken.)
7. (Prospective jurors sworn.)
8. (Impaneled jury sworn.)
9. (Deposition read into the record as follows:)
10. (Juror(s) indicating.)
11. (Demonstrating.), (Complies.), (Witness drawing.), (Counsel drawing.)⁵
12. (Videotape/CD/DVD played from XX:XX a.m./p.m. to XX:XX a.m./p.m.)
13. (Proceedings adjourned at XX:XX a.m./p.m., recommencing under Volume X.)
14. (Proceedings concluded.)

XIV. Volume size

- A. Each volume should not exceed 250 pages; however, this limit may be exceeded if necessary in order to complete a day's proceeding.
- B. It is preferable to have one large volume consisting of several days' proceedings rather than several small volumes each consisting of only one day; do not split one day's proceedings between two volumes.

Components

(NOTE: This section pertains to original and copy transcripts.)

- I. Title page
 - A. For a cleaner appearance, it is preferred that the title page not contain line numbers.
 - B. The title page shall be the first page and contain the following information, as applicable:
 1. Case caption
 2. Type of proceedings (Jury Trial, Bench Trial, Motion to Suppress, Motion to Dismiss, Plea, Sentencing, etc.)
 3. Indication if it is an excerpt⁶

⁵ These parentheticals typically indicate a nonverbal response to a question or instruction, and they are indicated as an Answer.

⁶ An excerpt is generally defined as a passage or small component, such as a single witness's testimony or one or two sections of a proceeding (e.g., closing arguments or jury charge). If you are typing an entire proceeding except voir dire (which is often the case), that transcript would not be considered an excerpt.

4. All date(s) of proceedings; if multi-volume, list dates on each volume's title page for that volume only
5. Volume number (multi-day proceedings only)
6. Name of presiding judge
7. Name and full address of attorney/pro se litigant appearances
8. Clear indication that the proceedings were recorded electronically, and the name of the recorder (Judicial Assistant)
9. Name of Transcriber
10. Clear indication that transcript is an excerpt, if applicable

(see [Appendix A](#))

C. All items above the "PRESIDING" line should be in **bold** type.

II. Table of Contents⁷

- A. For a cleaner appearance, it is preferred that the table of contents not contain line numbers.
- B. The table of contents shall be the second page, after the title page.
- C. When preparing multiple volumes, a table of contents shall be prepared for each volume with a listing of the components for that volume only. If a volume contains testimony only, a table of contents need not be prepared for that volume.
- D. The table of contents should be single spaced and, ideally, should consist of no more than one page.
- E. The table of contents shall contain a list of the following components, with page numbers indicating the starting page of each applicable component:
 1. Each pre-trial hearing
 2. Welcome Remarks by the Court
 3. Voir Dire by the Court
 4. Voir Dire by the State
 5. Voir Dire by the Defense
 6. Peremptory Challenges
 7. Preliminary Instructions by the Court
 8. Opening Statement by the State
 9. Opening Statement by the Defense
 10. Testimony
 11. Rule 29 Motion

⁷ Unlike the Index, the Table of Contents provides information regarding the page location of large components (major events) within the transcript. A Table of Contents need only be prepared for Bench and Jury Trials because such proceedings contain multiple and distinct sections.

12. Closing Argument by the State
13. Closing Argument by the Defense
14. Rebuttal Closing Argument by the State
15. Instructions of Law
16. Verdict
17. Sentencing

(see [Appendix B](#))

III. Index page(s)

- A. For a cleaner appearance, it is preferred that the index page(s) not contain line numbers.
- B. An index page shall be prepared for each volume with a listing of all witnesses and exhibits for that volume only.
- C. The index page(s) may be single or double spaced; if it can be placed on one page but single spaced, that is preferred.
- D. The index page need not include volume numbers.
- E. The index page shall list all witness names with page numbers indicated for each examination; the examination headings may be abbreviated as follows:
 1. Direct Examination – DX
 2. Cross Examination – CX
 3. Redirect Examination – RDX
 4. Recross Examination – RCX
- D. The index page shall list each exhibit marked, regardless of its admission, a brief description, and the page number indicating the location of identification and admission. If a particular exhibit is not admitted, type two “XX” in that space.
- E. You may add three asterisks, centered and bolded, to separate sections of the index (this is a personal preference).

(see [Appendix C](#))

IV. Opening parenthetical

- A. Immediately prior to the first line of text, in each volume if multi-volume, (immediately following last Index page), type a centered parenthetical to inform the reader of the day, date and time the proceeding commenced:

1	(Wednesday, July 8, 2009, 10:06 a.m.)
---	---------------------------------------

- V. Voir dire, opening statements, closing arguments, sidebar conversations, jury charge, polling of the jury, and on-the-record discussions held in open court
 - A. These sections are prepared in colloquy format [see [Specifications XI\(A\)\(2\)](#), Pg. 11].
 - B. See [Specifications XI\(A\)](#), Pg. 11, for information regarding indentation of speakers in these sections.
 - C. See [Style V](#), Pg. 19, for information regarding paragraphing.

VI. Testimony

- A. All Q and A designations are to begin at the left margin, with the text beginning on the fifth space from the Q and A; subsequent lines are to begin at the left margin:

3	Q	What is your address, Mr. Smith?
4	A	8701 Red Maple Drive.
5	Q	And is that here in the city of Dayton and
6		state of Ohio?

VII. Certificate page

- A. For a cleaner appearance, it is preferred that the certificate page not contain line numbers.
- B. A certificate page shall be the last and final page of the entire transcript; when preparing a multi-volume transcript, it is not necessary to prepare a certificate page for each volume.
- C. The certificate page shall contain the following:
 1. An indication whether the transcript is a full, true and accurate record of the proceedings
 2. The caption and relevant case number(s)
 3. The signature and date of the authorized transcriber responsible for preparing the transcript

(see [Appendix D](#))

VIII. Components not requested to be transcribed

- A. Occasionally, there will be sections of a proceeding that are not requested to be transcribed; in such case, a parenthetical should be inserted at the point in the transcript where that particular section would otherwise be conducted.

1	(Thereupon, Voir Dire/Opening Statement/
2	Instructions of Law were conducted;
3	thereafter, the following proceedings were had:)

IX. Proceedings by telephone

- A. If a witness is testifying telephonically, indicate such using the following parenthetical:

1	(The following examination(s) was/were
2	conducted telephonically:)

Style

(NOTE: This section pertains to original and copy transcripts.)

I. Identification of speakers

- A. The judge presiding at the proceeding shall be identified as THE COURT:, followed by a colon.
- B. Attorneys/pro se litigants shall be identified by the designation MR. or MS., followed by their last name and a colon.
- C. The bailiff shall be designated as THE BAILIFF:, followed by a colon.
- D. Any witness, when not responding in Q and A format (i.e., during colloquy) shall be designated as THE WITNESS:, followed by a colon.
- E. If the transcriber is unable to determine who is speaking after making a reasonable effort to identify the speaker, such unidentified speaker shall be designated as UNIDENTIFIED SPEAKER:, followed by a colon.
- F. During examination of a witness under oath, the attorney/pro se litigant is identified only as Q at the left margin; there is no punctuation necessary following the Q.
- G. During examination of a witness under oath, the witness is identified only as A at the left margin; there is no punctuation necessary following the A.
- H. Voir dire examination of prospective jurors is formatted as colloquy, and all speakers are identified in ALL CAPS, using either MR. or MS., followed by the last name and a colon; see *Specifications* Sections XI(A)(2) and XI(C), Pgs. 11 and 12, for information regarding colloquy indentations and paragraphing.

- I. Voir dire examination of a witness⁸ is formatted as testimony; the title VOIR DIRE EXAMINATION is centered on the page in ALL CAPS before the “BY” line.

(see [Appendix E](#))

- II. Swearing of witnesses

- A. The witness’s name shall be centered on the page, typed in ALL CAPS, with the remaining language starting at the left margin as follows:

1	JOHN D. SMITH
2	a witness of lawful age, being first duly cautioned and
3	sworn ⁹ , was examined and testified as follows:

- B. If a witness is under 18 years of age, the text shall simply read “the witness, being first duly cautioned and [sworn/affirmed], was examined and testified as follows:”

- III. Oath of jury

- A. Citizens who appear as prospective jurors are sworn in on two occasions. The entire pool of jurors (the *venire*) is sworn in prior to the voir dire examination; afterwards, the selected jurors are sworn in and become the impaneled jury.
 - B. The actual oaths administered to the jurors do not need to be transcribed.
 - C. When the prospective jurors are sworn, indicate such with a centered parenthetical and the language, “Prospective jurors sworn.”
 - D. When the actual jury panel is sworn, indicate such with a centered parenthetical and the language, “Impaneled jury sworn.”

- IV. Continued examinations

- A. Occasionally, a witness’s testimony is interrupted and continued at a later time. This may occur when a voir dire examination is conducted, the examination is not complete at the end of the day, another witness is

⁸ Voir dire examination of a witness is used when the testimony of a witness is interrupted by the 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. At the conclusion of voir dire examination of a witness, the original examination continues in the usual format.

⁹ Most witnesses are sworn. If a witness requests to be affirmed, the Bailiff or Judge will administer the appropriate oath and the transcriber shall indicate whether the witness was sworn or affirmed.

examined because of his/her schedule, or if there is lengthy colloquy. If several pages (more than three) are used for such interruption, it is helpful to indicate the continuation of the original witness's testimony and indicate which examination is being conducted:

16	THE COURT: If we've covered everything you
17	would like to talk about, let's continue with the
18	witness's testimony.
19	MR. JONES: Thank you, Your Honor.
20	DIRECT EXAMINATION CONTINUED
21	BY MR. JONES:
22	Q Thank you for your patience while we got
23	our issues settled.

V. Paragraphing¹⁰

- A. Sufficient white space should be provided on each page, for ease of readability and for a cleaner look.
- B. It is preferred that there are no more than three to four paragraphs on a page with each paragraph consisting of no more than six to eight lines.
- C. Generally, a new paragraph should be created under the following circumstances:

1. When an idea or theme changes:

3	I explained to her that my lease would soon be
4	up, and I would be moving in with my sister. I told
5	her to start looking around for a new place. She
6	exploded and said that I didn't care about her.
7	But moving in with my sister was a lot easier
8	than I thought it would be, and my sister said I was
9	helping her out in many ways.

¹⁰ Paragraphing of verbatim English is an art that takes time to develop. Be patient. Note that good paragraphing requires active listening on the part of the transcriber in order to hear cues for theme, time and tense changes.

2. When quoted dialog is part of an answer, begin a new paragraph each time the speaker changes:

5	A	Well, then I said, "How long have you been here?"
6		And she said, "I've been here a half an hour."
7		Then Brian said, "But I thought you had to work."

3. When testimony is given in a list format:

1	Q	Check 8243 is for \$567.97.
2		Check 8467 is written in the amount of \$99.36.
3		Check 8470 is for \$9.07.
4		And finally, 8499 is in the amount of \$562.09,
5		and it also indicates "cabin rental" on the Memo line.

4. When time or tense changes:

1		For as long as I can remember, that store had a
2		reputation for honesty, fair dealing, and quality
3		merchandise. My family and friends traded there for
4		years.
5		Then last year, the Corbins sold the business and
6		everyone has had trouble with the new owners. They
7		don't want our kids in the store, and they call them
8		names and threaten them.

5. When phrases are used signaling a change in expression, such as *at the same time*, *by the same token*, *consequently*, *for example*, *in contrast*, *in general*, *on the other hand*, and *specifically*

- A. A proffer (also called an *offer of proof*) is a portion of evidence, usually presented outside the presence of the jury, where an attorney/pro se litigant will question a witness or state what that evidence or testimony would have consisted of had the witness been permitted to testify in the front of the jury.
- B. Usually the attorney or the judge will state on the record that such evidence is being offered as a proffer outside the presence of the jury, and the transcriber would simply type the proceedings verbatim and format the proffer as testimony or colloquy as appropriate.
- C. At the conclusion of the proffer, type a parenthetical, centered on the page, with the language "Conclusion of proffer; thereafter, the following proceedings were had in open court:".

VII. Parentheticals (miscellaneous)

- A. Discussions held off the record:
 - 1. There are often discussions held off the record during court proceedings; to indicate these, type a parenthetical, centered on the page, with the language "Discussion held off the record."
- B. Marking of exhibits
 - 1. Ideally, parties to a lawsuit will have marked all of their exhibits prior to the proceeding. If, however, a party requests that an exhibit be marked during the proceeding, such event is indicated with a one-line parenthetical. There should be no description of the exhibit in the parenthetical, and it should be indicated that the exhibit is being marked for identification.¹¹

8	(State's Exhibit 12 marked for identification.)	
---	---	--

- 2. Customarily, Plaintiff's and State's exhibits are indicated with Arabic numerals, Defense exhibits are indicated with letters, and Joint and Court exhibits are indicated with Roman numerals. While this is the custom, it is not always the case.

¹¹ During a proceeding, exhibits are marked for identification only; whether or not they are admitted into the record is a decision made by the judge at a later time.

3. It is often helpful to view an Exhibit Receipt. To see this document, go to the court's Public Records Online (PRO) website at www.clerk.co.montgomery.oh.us/pro and follow the instructions.

C. Pauses in proceedings:

1. Pauses in proceedings are slightly different from discussions held off the record in that they typically occur when a participant is looking for a document at his/her table or performing some other task without having a discussion. It is good practice to indicate these events because it allows the reader to know that these areas of the transcript are not simply indiscernible to the transcriber, but that there was truly a pause.
2. The following are two examples of how pauses can be indicated:

4	MR. SMITH:	I'm sorry, Your Honor. I can't
5		seem to find my next exhibit.
6	THE COURT:	No problem.
7		(Pause in proceedings.)
8	MR. SMITH:	Here it is.
9	BY MR. SMITH:	
10	Q	I'm sorry about the delay. Now, I wanted to...

and

2	Q	I wanted to ask you about this next exhibit,
3		but just give me a moment here. (Pause.) Okay,
4		here it is. On Page 64, have you ever seen that
5		language that I have highlighted?

D. Indicating, Demonstrating, Drawing, and Complying:

1. Occasionally, a witness, attorney, and even the judge will indicate a location, demonstrate a movement, draw a diagram, or comply with an instruction. These "events" are displayed through body

language and not the spoken word, and they should be indicated on the transcript so that the reader understands that something occurred even though the event is not vocalized.

2. When a witness indicates a location on his/her body, for example, or demonstrates how another person grabbed him/her, or draws a diagram for the jury, these events should be typed on the Answer line as (Indicating.), (Demonstrating.), or (Drawing.), as appropriate.

4	Q	Point again to where on your arm you were shot.
5	A	(Indicating.)
6	Q	So right below the elbow.

3. If a witness has left the stand (to draw a diagram, e.g.), the questioner will eventually request him/her to resume the stand, and this “event” should be indicated by simply typing (Complies.) in the Answer line.

7	A	And here is the master bedroom (indicating).
8	Q	I think that’s all I have on the diagram. Why
9		don’t you resume the stand, please.
10	A	(Complies.)

VIII. End of transcript

- A. In a multi-volume transcript, at the end of each volume, except the last volume, center a parenthetical with the language, “Proceedings adjourned at [enter time], recommencing under [insert next Volume number].”
- B. At the end of the text portion of the entire transcript, center a parenthetical with the language, “Proceedings concluded at [enter time].”

IX. Condensed/duplexed transcripts

- A. Condensed and/or duplexed transcripts may be provided to a customer if requested; however, only copy transcripts may be condensed or duplexed.
- B. Condensed and/or duplexed transcripts may not be filed with the court.

X. Verbatim nature

- A. Transcripts shall contain all words and other verbal expressions uttered during a proceeding.
- B. Subsection A, above, notwithstanding, there are some errors and omissions that will not be counted as major items (see the *Transcript Errors* section for more information). These items include, but are not limited to, examples such as:

RECORDED	TRANSCRIBED
Okay, I saw the man.	I saw the man.
I would move for the introduction.	I move for introduction.
He thought that he had been there.	He thought he had been there.
That's all I have, Your Honor.	That's all I have, Judge.
She wouldn't have done that.	She would not have done that.
There -- there should have been.	There should have been.
You each had the opportunity.	You each have the opportunity.

C. Motions to strike:

- 1. No portion of a proceeding shall be omitted from the record by a motion and/or order to strike.
- 2. Regardless of the requesting party, statements ordered stricken and the order to strike must all appear in the transcript.

D. Editing of speech

- 1. All grammatical errors, changes of thought, contractions, misstatements and poorly constructed sentences shall be transcribed as spoken.
- 2. Verbal tics such as "uh" and "uhm" may be omitted, but such verbalizations shall be transcribed whenever their exclusion could change a statement's meaning.
- 3. The following is a list of colloquialisms that may be edited for ease of readability:

Stated on record	Edit as follows
gonna'	going to
kinda'	kind of
gotta'	got to
'cause	because

E. Recordings played during a proceeding¹²

1. Generally, audio-video recordings played in court are entered as an exhibit in a proceeding.
2. Recordings played in court need not be transcribed unless specifically instructed to do so.
3. Indicate the playing of such recordings with a parenthetical [see *Specifications* Section XIII(C)(12), Pg. 13].

XI. Breaks in speech/use of dashes

A. Sometimes a participant in a court proceeding will break his/her speech mid-sentence, and these breaks are indicated by two dashes with one space before and after the dashes (--).

B. The list below indicates occurrences where dashes are properly used:

1. Changes of thought – The speaker has a change of thought leaving a sentence unfinished to begin a new one.
2. Repetition – The speaker repeats a word or phrase.
3. Mid-word – The speaker leaves a word unfinished or starts another word.
4. Interruption – The speaker has left a sentence incomplete due to an interruption, usually by another speaker interrupting the first speaker before he/she completes a sentence (in this event, the interrupted sentence should end with two dashes, and if the first speaker resumes the sentence after the interruption has ended, two dashes should appear at the beginning of the resumed sentence).
5. Fade out – The speaker fades out before ending a sentence.
6. Change of addressee – The speaker interrupts a question mid-sentence to address the Court or other courtroom participant.

(see [Appendix F](#) for examples of most of these)

C. NEVER leave dashes alone on a line:

1	A	I told you before that I didn't want to have	
2	--		
3	Q	I'm sorry, but I'm going to have to stop you.	

¹² Such recordings may include, but are not limited to, previously recorded depositions, 911 calls, recordings of personal conversations, and recordings of interviews of witnesses and other parties.

XII. Word usage

- A. Phonetic – Words that cannot be ascertained from available resource material shall be typed phonetically followed by the word “phonetic” in parentheses; it is only necessary to identify a word using the “phonetic” indication after the initial occurrence.
- B. Sic – When a speaker uses an incorrect or non-existent word or phrase, type the word “sic” in parentheses after the incorrect word or phrase; it is only necessary to identify a word using the “sic” indication after the initial occurrence.

6	A	I thunk (sic) to myself, he's going to kill me	
7		and my friend.	

- C. Colloquialisms/sounds intended to convey meaning – The following is a brief list of colloquial terms frequently used:
 - 1. Yeah
 - 2. Uh-huh
 - 3. Huh-uh
 - 4. M-hum
 - 5. Hum-m

XIII. Grammar/punctuation

- A. Capitalization – Avoid capitalizing words unnecessarily, limiting it to names, dates, addresses, direct personal titles, company names, countries, states, and nationalities.
 - 1. Always capitalize the term “Your Honor.”
 - 2. Capitalize “the Court” when the speaker is referring to the judge.
 - 3. Capitalize the term “Judge” when he/she is being addressed – “Good morning, Judge.”
- B. Numbers – Spell out numbers from one to ten, fractions less than one (e.g., one-half, two-thirds), and those numbers that begin a sentence, except those listed in Subsection C, below; numbers 11 and higher shall be written as numerals.
- C. Some numbers should always be typed as numerals, regardless of their denomination or if they are the first word of a sentence; the following numbers should always be typed as numerals:

1. Exhibit numbers (Exhibit 8)
2. Case numbers (08-CR-1234)
3. Addresses (806 Maple Avenue), unless it is the name of a street (Tenth Avenue)
4. Caliber (.22 Winchester)
5. Time (1:00, 2:45)
6. Legal citations (O.R.C. 2405.01)
7. Money (\$1.95 or \$100)
8. Height and weight (5'6" and 140 pounds)
9. Dates and year (March 28, 2006)

D. Hyphenation and word division:

1. Follow commonly accepted rules for proper hyphenation.
2. Use hyphens when words or names are spelled out (J-O-N-E-S).
3. Do not use hyphens for word division (i.e., do not hyphenate words at the end of a line).

E. Quotation marks:

1. Follow commonly accepted rules for using quotation marks.
2. Occasionally, previous testimony (in the form of a deposition transcript) will be read into the record. These sections are somewhat awkward to transcribe because the reader is quoting questions and answers from the prior testimony. The following is an example of a good method to transcribe such areas:

2	Q	I want to read a small portion of your
3		testimony from the motion to suppress that was
4		held several weeks ago. I want you to tell me if
5		what I read is, indeed, your testimony from that
6		hearing. I have a copy of the transcript for you
7		so that as I read, you can make sure I am reading
8		it correctly.
9		Starting on Page 27, Line 9, Question, "Did
10		you know they had cocaine on their persons when
11		they got in your car?"

12	Answer, "Well, I wouldn't have been
13	surprised because they're both users."
14	Question, "But you told the police that you
15	had no idea they would have drugs on them, didn't
16	you?"
17	Answer, "Yeah."
18	Question, "And you told them you didn't know
19	either one of them to have ever used drugs, didn't
20	you?"
21	Answer, "Yeah."
22	Now, did I read that correctly, and was that
23	your testimony?
24	A Yes, you did, and that's what I said then.

3. When a speaker says "quote", transcribe as follows:

4	A And he said, quote, you've got to be kidding
5	me.

F. Italicization – It is customary practice to italicize the following items:

1. Book, magazine, periodical and newspaper titles ("I've been subscribing to the *New York Times* since college.")
2. Ship titles ("We sailed on the *Queen Elizabeth II* for eight days.")
3. Case citations ("Your Honor, I'm citing from *Ohio State 3rd 468.*")
4. Television show and movie titles ("We watched *Law & Order* four times last weekend!")
5. To highlight a specific term ("She used the term *schizophrenic* every time she referred to her sister.")

G. Transcribers shall use commonly accepted rules for punctuation.

XIV. Indistinct portions

A. Transcribers preparing transcripts from electronic recordings shall isolate individual channels on transcribing equipment to assist in clarifying indistinct portions of the recording. There may be instances when a word or phrase cannot be heard or is unintelligible. Transcribers shall make every effort to transcribe the phrase without guessing. If the phrase cannot be deciphered, use one of the following summary phrases to identify the phrases not transcribed (this is an example where the parenthetical is not centered but is typed within the text between the discernible words):

1. Indiscernible – When a word or phrase is unintelligible and cannot be transcribed, it is indicated by the word “Indiscernible” in parentheses. A description may be used explaining why the word or phrase was indiscernible. For example:

- (Indiscernible)
- (Indiscernible – away from microphone)
- (Indiscernible – simultaneous speech)

2. Inaudible reply – A witness will sometimes respond to a question by shaking or nodding his/her head, or they may not respond at all (hopefully, this will be a rare occurrence), and sometimes attorneys and judges will respond to inquiries with a shake or nod of the head. When a participant nods or shakes his/her head, the transcriber must not indicate whether the response is negative or affirmative (it is not the transcriber’s role to make such determination). An inaudible response shall be identified by one of the following phrases, in parentheses, five spaces after the speaker identification:

- (Nodding head.)
- (Shaking head.)
- (No response.)

XV. Interpreters

A. An interpreter is utilized when a witness speaks little or no English. The interpreter translates the spoken word from English to another language, listens to the response, and repeats the response in English.

1. Literal translation – A literal translation occurs when the attorney/pro se litigant asks a question, the interpreter repeats the question addressing the non-English-speaking participant, and then

answers the question for the participant in the first person. The witness setup is as follows:

2	JOHN D. SMITH
3	a witness of lawful age, being first duly cautioned
4	and sworn, was examined and testified as follows, by
5	and through an interpreter:
6	DIRECT EXAMINATION
7	BY MR. JONES:
8	Q How old are you, Mr. Smith?
9	A I'm 32 today.

2. Non-literal translation – At times an attorney/pro se litigant may lapse into third person when asking questions, or the interpreter will lapse into the third person when translating a witness's response. When this occurs, the non-literal translation is transcribed as follows:

1	MR. JONES: Ask him how old he is.
2	THE INTERPRETER: He says he just turned 32.

XVI. Depositions read into the record

- A. When a deposition is read into the record, and is requested to be transcribed, a parenthetical shall be used to indicate such information to the reader; otherwise, the testimony is formatted exactly as that of witnesses who are appearing live.

9	(The Deposition of John D. Jones was read into
10	the record as follows:)

Rough Drafts

(NOTE: This section pertains to original and copy transcripts.)

- I. For budgetary reasons, the County will not pay for Rough Draft transcripts relating to indigent defendant cases; however, CD-ROMs of such proceedings may be obtained.
- II. A rough draft transcript shall not contain a title page, table of contents, index or certificate page.
- III. Each page of a rough draft transcript shall contain a header or footer stating UNCERTIFIED UNEDITED ROUGH DRAFT TRANSCRIPT.
- IV. In lieu of a title page, each rough draft shall begin with a disclaimer stating, “This uncertified rough draft cannot be quoted in any pleading or for any other purpose and may not be filed with any court.” The transcriber should keep a copy of the disclaimer.

Transcript Errors

(NOTE: This section pertains to original and copy transcripts.)

As stated previously, transcript preparation is considered a significant task; all transcripts must be prepared with a quality acceptable to those for which they are being produced. The standards in this section address what we regard as major errors that could compromise the quality of a transcript and result in a transcriber being removed from our list supplied to attorneys for transcription services. See [Expectations](#) section (Pg. 34) for information regarding quality control, duty to proofread, and random review.

- I. Formatting errors – include but are not limited to:
 - A. Inaccurate information on title page
 - B. Missing table of contents
 - C. Inaccurate or missing information from table of contents
 - D. Inaccurate/missing page numbers
 - E. Errors in certificate
 - F. Any other significant departure from the format required by this Manual

II. Verbatim errors – include but are not limited to:

- A. Inclusion or exclusion of a negative or affirmative expression that is not in the electronic record; for example:

Recorded: I did not commit the murder.

Transcribed: I did commit the murder.

- B. Omission of a spoken word or phrase that affects the meaning of the sentence; for example:

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?

- C. Incorrect word that affects the meaning of the sentence or whose usage is obviously wrong to a person familiar with legal terms and proceedings; for example:

Recorded: The officer observed illegal conduct.

Transcribed: The officer was served illegal conduct.

Recorded: They are excused from their subpoenas.

Transcribed: They are excused from these proceedings.

- D. Failure to recognize legal terms or phrases; for example:

Recorded: There was a motion in limine filed by the defense.

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

Recorded: That would justify the warrantless search.

Transcribed: That would justify the warrant was search.

- E. Incorrect dates, days of weeks, years, times, exhibit numbers; for example:

Recorded: It was 10:30 in the morning.

Transcribed: It was 11:30 in the morning.

Recorded: Exhibit D is admitted.
Transcribed: Exhibit B is admitted.

F. Incorrect speaker indicated¹³:

Recorded: MR. SMITH: Yes, Your Honor.
Transcribed: MR. JONES: Yes, Your Honor.

G. Any error that alters the meaning of the record.

III. Punctuation errors – include, but not limited to:

A. Any error that alters the meaning of the record.

IV. Spelling errors

- A. Two or more spelling errors per page may be returned for correction.
- B. Typographical errors shall be classified as misspelled words.
- C. Transcribers shall use their computer software's *Spell Check* feature, but should not rely solely on *Spell Check* to ensure correct spelling and use of words in a transcript.
- D. Transcribers are expected to refer to specialty dictionaries and other reference material to ensure correct spelling.

V. Incorrect indiscernibles

- A. A word or phrase that is transcribed as “indiscernible” is classified as a major error if it is discernible to another person when listening to the same audio used by the transcriber, except in the following circumstances:
 - 1. Bench conferences – Due to the nature of bench conferences, transcribers are only required to transcribe what is discernible to them; transcripts will not be rejected because of indiscernibles in a bench conference unless the transcriber failed to transcribe speech that would be easily discernible to another person.
 - 2. Speech away from a microphone and telephonic speech – Transcribers must attempt to transcribe what is said by a speaker who has stepped away from a microphone and by a speaker who is participating telephonically. However, if the

¹³ If the transcriber is uncertain who is speaking after listening to the CD-ROM a reasonable amount of time, the transcriber should type the words UNIDENTIFIED SPEAKER:.

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 would be easily discernible to another person.

Expectations

- I. Quality control – Digital recordings (CD-ROMs) of proceedings are filed with the Clerk’s Office whenever a case is appealed. Likewise, CD-ROMs are prepared when a transcript is ordered for a non-appeal case. Consequently, the court maintains a method by which to assess transcripts for accuracy. While it is not our expectation that every transcript will be 100 percent accurate, we require that transcribers strive for at least a 97-98 percent accuracy rate with no major errors as delineated in the ***Transcript Errors*** section of this Manual.
- II. Duty to proofread – The task of preparing a transcript must not involve simply typing and printing. There is an expectation that transcribers proofread their work. It is anticipated that all transcripts will be thoroughly proofread to ensure that the standards set forth in this Manual are complied with, that the transcript language matches that of the actual recording, and to make certain that there are no errors such that it is necessary to return the transcript for correction¹⁴.
- III. Random review – The court will conduct random reviews of transcripts, checking for, among other things, adherence to specifications in this Manual, percentage of indiscernibles, spelling errors, and general construction of the transcript.

Miscellaneous

- I. Duty to Report Problems with an Electronic Recording
 - A. Transcribers encountering gaps in the recording or other audio difficulties when preparing transcripts from electronic recordings shall report such problems to the court (see Contact Information, Page 5).
- II. Recording Evaluation Form
 - A. A Recording Evaluation Form shall be filled out for every transcript; the form can be filled out online at *[available August 17, 2009]*.

¹⁴ Returning a transcript for correction causes delays in filing the complete record, and creates difficulties for those who file pleadings, appeal and otherwise, with the Clerk’s Office and the Court of Appeals.

APPENDIX A - TITLE PAGE

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

CASE NO. 08-CR-0000

CA No. 12345

Plaintiff,

EXCERPT TRANSCRIPT OF PROCEEDINGS

-vs-

**(PRE-TRIAL HEARINGS, JURY TRIAL,
VERDICT and SENTENCING)**

JOHN JONES,

VOLUME I of IV

Defendant.

(Pages 1 - XXX)

PRESIDING: Hon. John Xavier Doe

APPEARANCES: ON BEHALF OF THE STATE
John Tort

Montgomery County Prosecutor's Office
301 West Third Street
Fifth Floor
Dayton, Ohio 45422

ON BEHALF OF THE DEFENDANT

Jane F. Smith
182 West Second Street
Suite 888
Dayton, Ohio 45402

DATES: January 5, March 8, 9, 10, May 5, 2009

ELECTRONICALLY
RECORDED BY:

[Insert name of Judicial Assistant]

TRANSCRIBED BY:

[Insert name of Transcriber]

* * *

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* * *

APPENDIX D - CERTIFICATE PAGE

C E R T I F I C A T E

I, [Insert your name here, in ALL CAPS],
Transcriptionist, do hereby certify that the foregoing pages, 1 -
[insert last page number], constitute a full, true, and accurate
transcript, from electronic recording, transcribed by me, of the
proceedings had in the foregoing matter, STATE OF OHIO vs.
[DEFENDANT'S NAME], Case No. 0X-CR-XXXX, CA No. XXXXX (if
provided), on the docket of the Montgomery County Common Pleas
Court, a court of record, and all prepared to the best of my skill
and ability.

SIGNED and dated this [insert date] day of [insert
month], [insert year].

[YOUR NAME HERE]
Transcriptionist

* * *

APPENDIX E - IDENTIFICATION OF SPEAKERS (MISCELLANEOUS EXAMPLES)

THE BAILIFF: All rise, please.

THE COURT: Good morning, ladies and gentlemen.

PROSPECTIVE JURORS: Good morning.

* * *

BY MR. SMITH:

Q Please state your name for the record.

A John Smith.

* * *

MR. SMITH: Mr. Doe, have you ever sat on a jury
before?

MR. DOE: Yes, one other time, several years ago.

* * *

VOIR DIRE EXAMINATION

BY MR. SMITH:

Q How many years of education have you had in the field of
chemistry?

A Eleven, including my Master's and Ph.D. degrees.

* * *

APPENDIX F - USE OF DASHES

Change of thought:

Q Did you see -- were you there when the defendant arrived?

Repetition:

A I told him -- I told him -- I told him I never wanted to see him again.

Mid-word:

Q I arrived at the base -- basketball game about 7:45.

Interruption:

Q What did John say when you --

MR. DOE: Objection, Your Honor, that's hearsay.

BY MR. SMITH:

Q -- told him Eric was shot?

Fade out:

A I told Monica that I was trying to meet with my pastor, but she wasn't paying any attention, and so I --

Q I'm sorry, could you speak up, please? You're trailing off.

Change of addressee:

Q So, did you see both of the defendants -- I'm sorry, Your Honor, did you want to tell me something?

THE COURT: Well, it looks like your coffee cup is going to tip over any minute, and I wanted to let you know that.