

# TRANSCRIBING

## TRANSCRIBING

Thus far, we have discussed the duties surrounding the actual recording of proceedings. Now what you have recorded must be transcribed.

You have several types of reference materials at your disposal which offer an enormous amount of forms and information that you will find helpful. Please familiarize yourself with the data contained in the RECORDERS folder/Spellings. Consult them when necessary to find correct spelling of terms and phrases, names, and case law.

Your job as a transcriber is a difficult one requiring patience and skill. A great part of your work day may be spent at your desk typing and listening to a recording so make yourself as comfortable as you can. Adjust your chair in the position that is easiest for you; arrange your work materials so they are within easy reach. Make sure you have earphones that you can adjust the volume. See the Senior Recorder if you need to order. Every so often you should stop for a moment, take off your earphones, stretch and relax; then begin again, refreshed.

Although this manual is designed to give you a clear, concise explanation of proper form, it cannot cover every possible situation, so if you have questions, don't be afraid to ask.

Speed is important, certainly, but not nearly as important as accuracy. Don't be discouraged if you seem to be transcribing very slowly. It is expected that you will be slow at first. It takes time to grow accustomed to the format and for a while you will have to look things up as you go along until you have learned all the hundreds of details a good transcriber keeps in her/his head. Eventually, of course, you will be able to transcribe smoothly and efficiently, incorporating appropriate form automatically.

## TYPING

We have reached one of the most interesting and arguably the most controversial portion of your job as a Court Recorder/Transcriber. It is your job to type exactly what you hear verbatim on any given CD or through the JAVS Archives. The "controversial" part comes in the HOW to type what you hear.

The proper formatting of the typewritten page is governed by Nevada law, which you will find below in the "Basic Formatting" section. Other than that, HOW you type what you hear becomes a matter of how long you have been a recorder/transcriber and what you are most comfortable with.

In order to achieve some semblance of uniformity and consistency between all recorders and transcribers employed by Clark County, it is recommended that everyone utilize the suggestions outline in this section. Do remember one very important statement when transcribing. THOU SHALL NOT ASSUME. When in doubt, double check. Contact whoever was speaking on the recording to verify what they said. Check dictionaries for the correct spelling.

Remember that you must type exactly verbatim what you hear on the CD or JAVS Archives. There is an exception to that rule. When the speaker is citing a specific chapter and paragraph of the Nevada Revised Statutes (NRS), you would not type NRS 16 point 20, even if in fact the speaker says "point." You are allowed to type this as NRS 16.20.

### **BASIC MARGINS AND FORMATTING**

In order to be uniform between all court recorders and transcribers, the following format should be used. These instructions were designed using Microsoft WORD, and comply with NRS 3.370, Section 2 wherein the margins and tabs are established by law.

For ease of reading NRS 3.370, Section 2 states:

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches and does not include a condensed transcript. The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

Pre-formatted transcript shells can be found in the RECORDERS folder on the U drive. There is a starter shell for a criminal transcript, civil transcript, probate transcript, as well as an example of rough drafts and an errata. Change all highlighted areas for your use. See Transcriptions Shells and Typing Examples.

Shells are pre-numbered paper with 25 lines, and is already formatted with the proper top, bottom, left, and right margins. It is set to use Univers font size 13, and should not be altered. In the event your caption page is not set to Univers, you can change it by right clicking the mouse; choose FONT and then type in Univers in the first box and chose 13 in the second box.

Below is an example of a transcript. Please note the placement of the margins. These should not be changed. They are set to comply with the statute.

The tabs to be used are the default of WORD. Tab twice (1 inch) for the first line of speech of each individual, and for each additional paragraph of that same speaker. Tab once (half inch) for Q&A.

Each typed line should correspond to the numbered lined on the left hand side of each page. If the alignment is off, check Format/Paragraph to be sure the *Line Spacing* still says "exactly" at "25.4 pt".

Right margin justification should not be used, pursuant to NRS 3.370 Section 2 which states that there should be no more than one space between words and no more than two spaces between sentences. [See statute quoted above.]

The type size must not be larger than ten (10) characters per inch.

### **PAGE NUMBERING**

Pages are to be numbered at the bottom center of each page with Arabic numerals.

### **PAGE ONE OF THE TRANSCRIPT**

This page is referred to as the Caption Page and should contain the case style, department and case designations, type of proceedings, the judge presiding in the matter, the day, date, and time of commencement, names of the parties present and the recorder's name.

Some information on the Caption Page should be single spaced; some should be double spaced

Follow the title of the case as described by the Court Clerk on the Court Calendar or to be more exact, check Odyssey for the actual document.

Always include the Judge's full name with middle initial if they use one and full title.

Add ADDITIONAL APPEARANCES for interpreters, probation officers, victim impact speakers, etc. Anyone who speaks on the record during a proceeding should be listed here unless it's a trial with jurors and witnesses. Witnesses are identified in the Witness Index. Jurors are typically referred to individually by Juror Number or type out their name.

If there is more than one attorney for either side, then each representation should be shown. In a case where there are too many representations to show on the Caption Page, then an Additional Appearance page will need to constitute Page 2. See Example of Additional Appearances

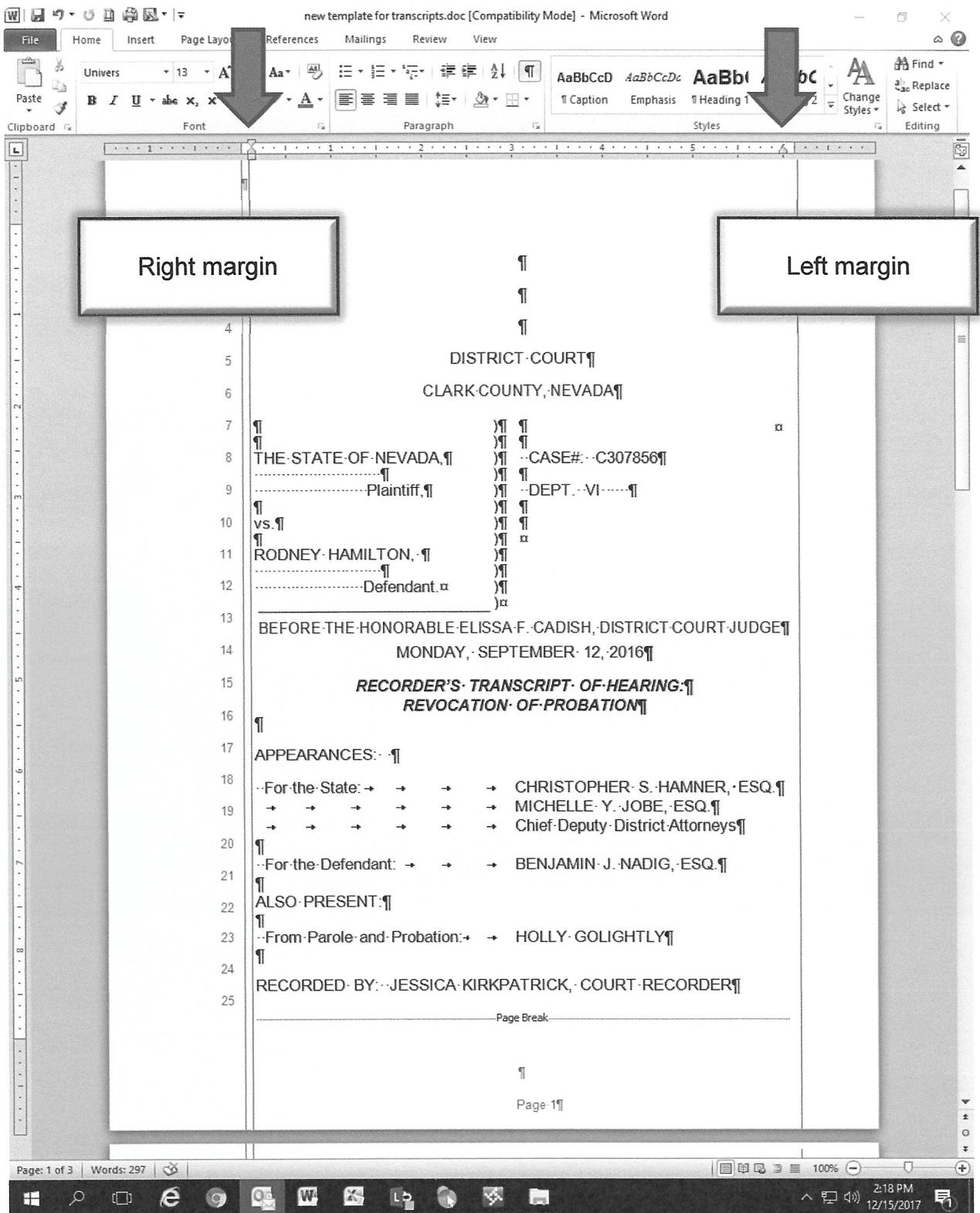
In criminal transcripts, always show the title of the attorneys appearing.

For example:

MARY KAY HOLTHUS, ESQ,  
Chief Deputy District Attorney

JOHN JONES, ESQ.  
Federal Public Defender

In a trial transcript which spans more than one day, each day of the trial should have a separate Caption Page, and each day of the trial should be numbered starting with page one.



new template for transcripts.doc [Compatibility Mode] - Microsoft Word

File Home Insert Page Layout References Mailings Review View

Font Paragraph Styles

Clipboard

1 Las-Vegas, Nevada, Monday, September 12, 2016¶

2 [Hearing began at 10:00 AM]

3 → → THE COURT: Good morning. ¶

4 → → THE DEFENDANT: Good morning. ¶

5 → → MR. HAMNER: Good morning, and Michelle Jobe for the State. ¶

6 → → MR. NADIG: Good morning, Your Honor, Ben Nadig for the

7 Defendant who is present in custody. ¶

8 → → THE COURT: Okay, we're on for a revocation hearing. ¶

9 Counsel, do you stipulate to the violations in the violation report? ¶

10 → → Mr. Hamilton, you'll get your opportunity to speak. ¶

11 → → Hearing no stipulation, let's call the officer. ¶

12 → → MS. JOBE: Holly Golightly. ¶

13 HOLLY GOLIGHTLY ¶

14 [having been called as a witness and being first duly sworn, testified as follows:] ¶

15 → → THE CLERK: Please state your name, spelling your first and last name for the record. ¶

16 → → THE WITNESS: Holly Golightly, H-O-L-L-Y-G-O-L-I-G-H-T-L-Y. ¶

17 → → THE CLERK: Thank you. ¶

18 → → MS. JOBE: May I proceed, Your Honor? ¶

19 → → THE COURT: Go ahead. ¶

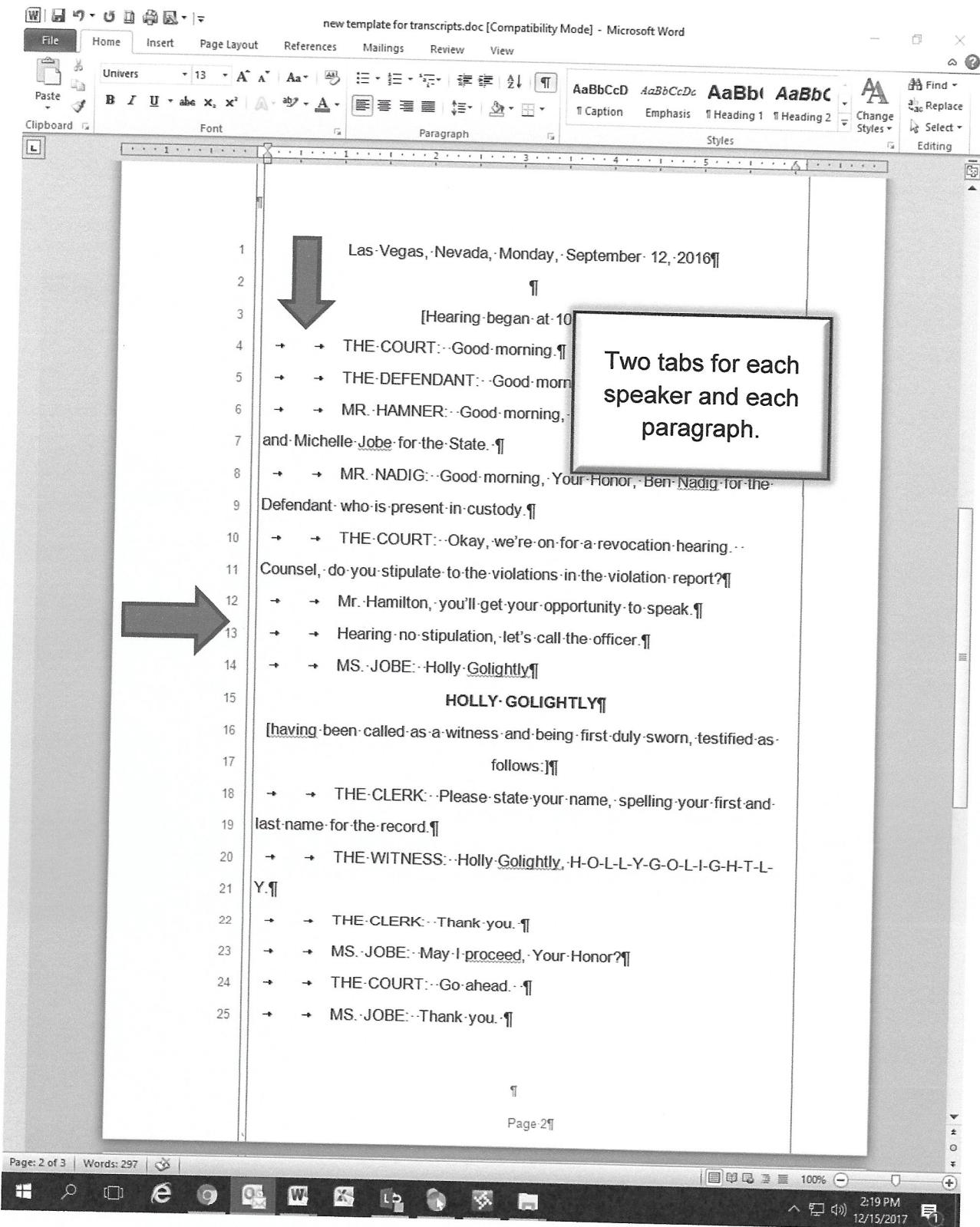
20 → → MS. JOBE: Thank you. ¶

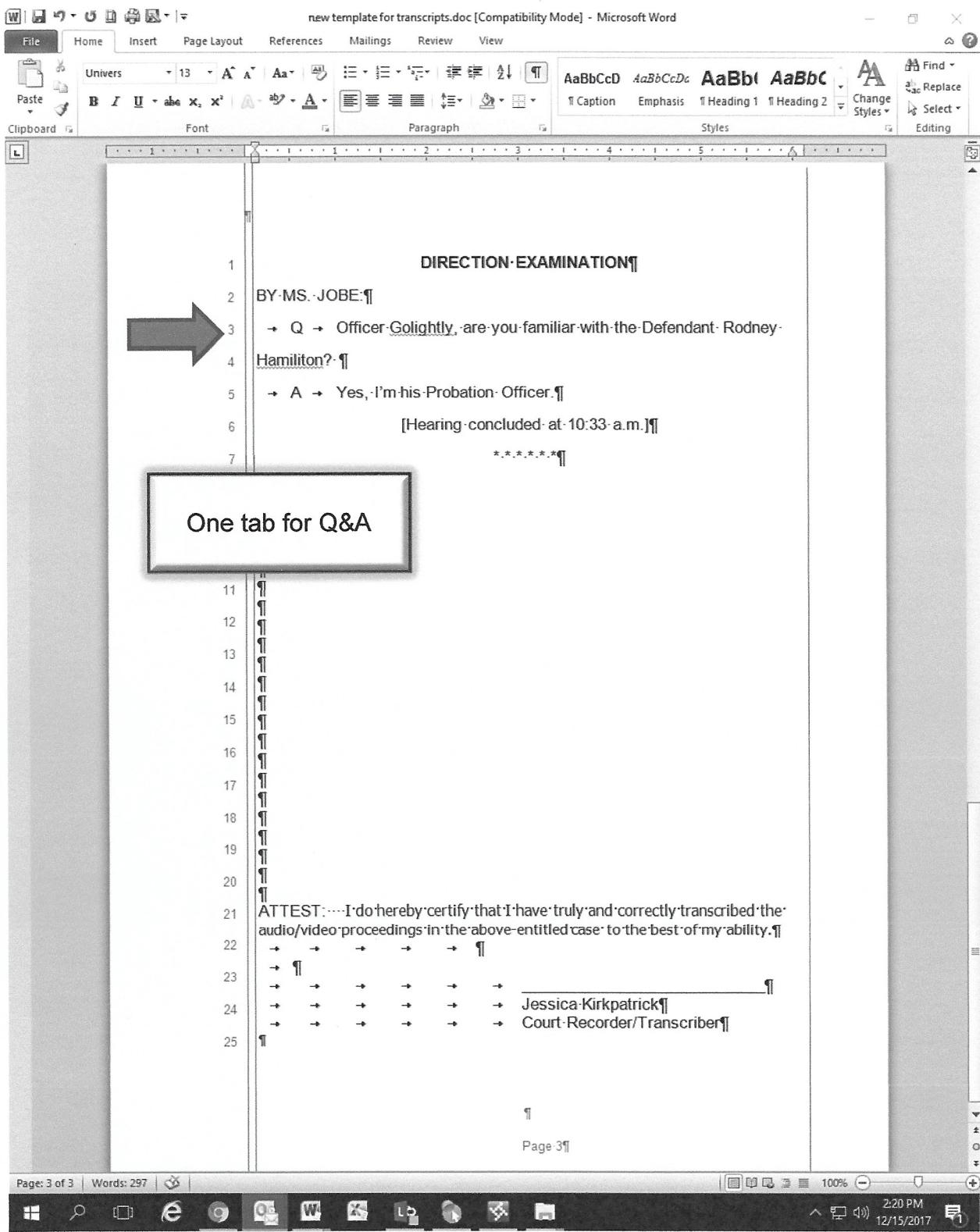
21 ¶

22 Page 2 ¶

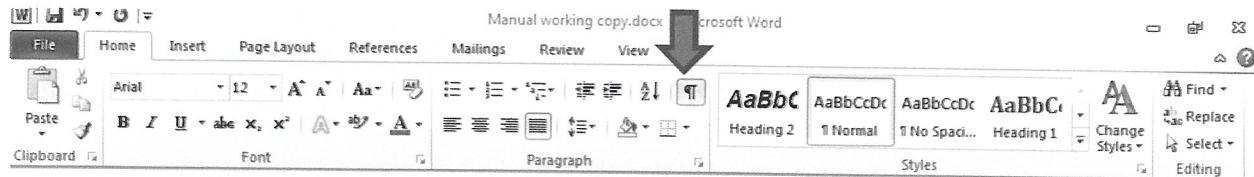
Page: 2 of 3 | Words: 297 | 100% | 2:19 PM 12/15/2017

Two tabs for each speaker and each paragraph.





You may notice the shells have the codes displaying which make it useful to see when there is a code error. This may be distracting to some. You can get rid of the codes by clicking on the paragraph symbol on the top menu. The codes do not show up on e-filed or print versions.



## **PAGE TWO OF THE TRANSCRIPT**

Assuming the proceeding being transcribed is not a trial or a proceeding wherein witnesses are called and/or exhibits are presented, page 2 will begin the transcript. The only other exception to this is when you have a large number of attorneys appearing as is the case in a Construction Defect cases. In that case the second page will be "Additional Appearances" and will list the parties on the left with their respective counsel on the right. See Example of Additional Appearances

The body of the transcript should be double spaced throughout. The first line (line 1) of the transcript body should be the day, date and time of the proceeding. Then double space and begin the transcript at line 3.

If the proceeding being transcribed is a trial or a proceeding wherein witnesses are called and/or exhibits are presented, then Page 2 should be titled "Index of Witnesses" See Sample Witness Index, and page 3 should be titled "Index of Exhibits" See Sample Exhibit Index. If there are no exhibits, say "NONE" at the top of Page 3 so anyone reading the transcript will know that there were no exhibits within the Index and Exhibit pages should be single spaced. If the witness and exhibit index can fit on one page, that is acceptable.

## **DESCRIPTIVE PHRASES (a/k/a "BLURBS")**

This might be one of the most contentious subjects. Many years ago -- long before computers -- typewriters offered parenthesis ( ) and nothing more. With the advent of computers, we now have the ability to utilize parenthesis ( ) or brackets [ ] for "parenthetical remarks." Recorders that have been at this for years will argue that parenthesis are the proper way to distinguish "parenthetical remarks." Those of us who came to the profession since the advent of the computer disagree, and with good cause.

In order to type parenthesis, it requires the extra keystrokes of using the SHIFT key to type the open and close parenthesis. To utilize brackets, one merely has to use the open and close brackets located directly to the right of the letter P key on the keyboard. It just makes it quicker because less key strokes are required.

The other and possibly more important reason for using brackets as opposed to parenthesis can be found in the Gregg Reference Manual, which you should have at your desk. ¶296(b) and (c) read as follows:

- b. When a parenthetical element falls within another parenthetical element, enclose the smaller element in brackets and enclose the larger element in parentheses.

Scalzo said on television yesterday that prices would begin to fall sharply. (However, in an article published in the *Times* [May 15, 2007], he was quoted as saying that prices would remain steady for the foreseeable future.)

- c. Do not italicize brackets even if what they enclose is in italics.

His final request was this: "Please keep me apprised [*sic*] of any new developments."

This would indicate for the purposes of transcribing that the use of brackets for "parenthetical remarks" is more acceptable than the use of parenthesis. For those who would like to compare, you may want to look at ¶218 through ¶226 of the Gregg Reference Manual for the explanations of the proper use of parenthesis.

## COLLOQUY

When people are speaking, but not in a formal question and answer format, this is referred to as "colloquy." Colloquy is commonly used through jury voir dire and motions of counsel, as shown in the examples that follow. When typing colloquy, the speaker's name should be in capital letters and indented two (2) tabs followed by a colon and two spaces. (NOTE: All references to tabs utilize the preformatted tabs in Microsoft Word.) For example:

THE COURT: Calling now State versus Farquhar.

MR. JOHNSON: Yes, Your Honor. This is my motion to withdraw as attorney of record.

When typing colloquy, new paragraphs should be indented two (2) tabs. Same as the speaker. For example:

THE COURT: Based upon the reasoning stated by the Court, your motion to withdraw as attorney of record will be denied.

Now, turning to your motion in limine as to the Defendant's prior record, do you have argument to present, Mr. Johnson?

As noted, the names of the parties are always fully capitalized when they appear on the cover page or when they introduce speech.

When a surname contains an intermediate capital with a prefix (i.e., MacDonald, LeMarr, DiGiacomo, etc.) the first letter is capitalized, and the balance of the prefix is typed in lower case, such as: MacDONALD, LeMARR, DiGIACOMO.

### **QUESTIONS AND ANSWERS**

When persons are speaking in a formal question and answer format, this is referred to as Q & A. Q & A should be indented one tab followed by another tab. Note there is no period after the Q or A:

Q      Where was the gun when you saw it?

A      It was on the floor next to the deceased.

## **WITNESS TESTIMONY**

After first being introduced, testimony of witnesses, whether in trial, an evidentiary hearing or other procedure, should always be in Q & A format. The actual verbatim swearing in of the witness by the Clerk of the Court does not need to be typed. Instead use the words in the example below to show that the Clerk did in fact swear in the witness. Example of a newly called witness to the stand.

**JOHN Q. PUBLIC**

[having been called as a witness and being first duly sworn (or affirmed) testified as follows:]

THE CLERK: Please state your name and spell your last name for the record.

THE WITNESS: John Q. Public, J-O-H-N-P-U-B-L-I-C.

**DIRECT EXAMINATION**

BY MR. JOHNSON:

Q      Where were you on December 21, 2016?

A      I was playing baseball at Paradise Park.

Example of a previously called witness to the stand:

**JOHN Q. PUBLIC**

[having been recalled as a witness and previously sworn, (or affirmed) testified as follows:]

**FURTHER DIRECTION EXAMINATION**

BY MR. JOHNSON:

Example of another accepted way:

**JOHN Q. PUBLIC**

[resumed the stand and testified further as follows:]

BY MR. JOHNSON:

When a person must testify through an interpreter, it should be typed as follows:

[Julio Huevas was sworn by the Clerk to interpret English into Spanish and Spanish into English.]

**MARIA LOPEZ SANTIAGO**

[having been called as a witness and being first duly sworn, testified through the interpreter as follows:]

**DIRECT EXAMINATION**

BY MR. JOHNSON:

Q Ms. Lopez Santiago, where do you currently reside?

A 2345 Holly Lane.

You need only mention [through the interpreter] at the beginning of questioning. However, if there is an interruption of any kind, it is suggested that you renew that bracketed remark if there could be any doubt as to how the examination is being done.

**NOTE:** Interpreters that are listed with Court Interpreter's Office do not have to be sworn in by the Clerk. If an outside interpreter is brought in that is not listed with the Court Interpreter's office, they must be sworn and the proper notations made of such in the transcript.

## **TITLES OF EXAMINATIONS OF WITNESSES IN ORDER**

- ▶ Direct Examination
- ▶ Cross-Examination
- ▶ Redirect Examination
- ▶ Recross Examination
- ▶ Further Redirect Examination
- ▶ Further Recross Examination
- ▶ Additional Redirect Examination
- ▶ Additional Recross Examination

## **SHOWING PHYSICAL INDICATIONS**

Sometimes it is necessary for the sake of clarity, to show physical indications demonstrated by the witnesses on the stand. For example:

THE WITNESS: He slapped me twice, right here [indicating her left cheek].

-or-

Q Did you ever see the defendant again before today?  
A [The witness shook her head in the negative.]

These should be kept to a minimum, however, to avoid sloppiness in a transcript. When it is obvious from verbal statements what motions or gestures are being made by a witness or counsel, then showing it with a bracketed descriptive phrase becomes redundant. Also try to avoid anything that might be up for interpretation. We are not to be putting in our opinion.

There are times that a witness may indicate a physical gesture and the Judge or the attorney might state: The record shall reflect the witness touched her cheek. If that is said, the bracketed descriptive phrase would not be necessary.

## **PUNCTUATION WHILE TRANSCRIBING**

Basically you should follow accepted grammatical rules for punctuation. [See also Punctuation while Proof Reading. You should have a grammar manual to refer to when in doubt. First and foremost, your job is to create a readable, understandable record. Sometimes speakers do not necessarily speak with proper grammar. It is your job to transcribe exactly what is spoken, whether proper grammar is used or not.

When a speaker changes thought in mid-sentence use two dashes to show this. Use your best judgment to tell if a sentence makes sense as it is verbalized, or if you need to use dashes to separate it from the next thought. When using two dashes to indicate a change in thought, do NOT capitalize the first letter of the word following the dashes. For example:

MR. JOHNSON: Tell me, how did you happen to -- well, before we get into that, let me ask you another question.

Use 2 dashes for interruption. For example:

MR. JONES: But would you have gone --

MR. KYLE: Objection.

MR. JONES: -- to the store if you knew she was there?

Following are a few rules for quotations. Refer to your Gregg Reference Manual for advice in more complicated situations. In a document which will be included as part of the official record, such as a deposition, it is read into the record in its entirety, or if a specific portion is read verbatim, then a bracketed remark may be substituted for the reading. For example:

[The Deposition of Molly Coddle was read into the record.]

or

[The Deposition of Harry Dickens, from line three on page one through line fifteen on page six, was read into the record.]

Whenever possible, quoted material should be referenced when typing a transcript containing it. For example, when quoting from a Q & A document, type:

MR. JOHNSON: I am now reading from the Deposition of Phyllis Steen, lines five and six at page forty-two.

Question: What time was it when you arrived home?

Answer: I got home at about midnight.

Notice that quotation marks are not used. Generally speaking quotation marks are not used when transcribing. If the speaker says quote/unquote, type it that way, but do not place quotation marks around what you believe is being quoted. There is always the possibility that you could be in error as to where the quotation marks should be placed. Better to error on the side of caution and omit them. Example. The Witness said, quote: I will not do that, unquote.

## **EXAMPLES OF COMMONLY USED DESCRIPTIVE PHRASES**

Over the years these bracketed descriptive phrases (f/k/a parenthetical remarks) have become short and to the point, often not written as complete sentences. Do not use subjective words such as "brief" recess. "Brief" is open to interpretation. It is better to say exactly what time court recessed and what time the case resumed. The entity/person reviewing the record can describe whether the recess was "brief" or not. Following are some examples of the most commonly used phrases. They are always centered.

[Recess taken at 12:04 p.m.]

[Proceeding resumed at 1:15 p.m.]

[Bench conference - not transcribed]

[Bench conference -- not recorded]

[The previous question was played back for the jury by the recorder.]

[The videotape was shown to the jury.]

[The Clerk read the Information aloud.]

[Proceeding concluded at 5:00 p.m.]

You must use your common sense when transcribing to note any other type of action that occurs during the proceeding in order to assist the reader in understanding what occurred.

## **JURY PROCEEDINGS**

When typing a proceeding involving a jury, the record should always clearly show whether or not the jury is present. Also, there are certain special bracketed comments that are commonly used to describe certain actions which take place during jury proceedings.

Jury Voir Dire is the part of the trial where the judge and the attorneys question the prospective jury panel. If the Request for Transcript does not request jury voir dire or jury selection, then you add a bracketed phrase to that effect. We never transcribe the Clerk calling the roll of the prospective jury panel; just use a bracketed phrase to make note of it.

### **EXAMPLES OF DESCRIPTIVE PHRASES DURING JURY PROCEEDINGS**

[In the presence of the jury]

or

[Outside the presence of the jury]

[Clerk calls roll of prospective jury panel]

Voir dire is Not Requested in the Transcript:

[Jury voir dire -- not transcribed]

[The jury panel was sworn in by the Clerk.]

[The Court read the instructions to the jury.]

As the hardcopy of the jury instructions are a part of the record, it is not necessary to transcribe that portion of the proceedings.

[The Clerk swore in the officers to take charge of the alternate jurors.]

or

[The Clerk swore in the officers to take charge of the jury during deliberations.]

[The Clerk swore in the officers to take charge of the alternate jurors.]

[The jury retired to deliberate at 4:45 p.m.]

[The jury retired for further deliberations at 8:00 p.m.]

### **When the Jury is polled**

Type the polling of the jury by the Clerk in colloquy form. For example:

THE CLERK: James Snodgrass, is this your verdict as read?

MR. SNODGRASS: Yes.

### **Jury Verdict**

The verdict **MUST** be transcribed as read by the Clerk in colloquy form.

## **TYPING THE JURY VOIR DIRE**

Counsel and/or the Court will determine if jury voir dire should or should not be included when a trial transcript is typed and it should be noted in the transcript order. When voir dire is requested, it should be typed in colloquy form. As prospective jurors are questioned, before they are sworn and seated as jurors, they should be referred to as PROSPECTIVE JUROR # \_\_\_\_\_. {Use the last three digits of their Badge Number.] Once the juror is sworn and seated, he then becomes JUROR #1, #2, etcetera, or ALTERNATE JUROR #2.

## **ADMONISHMENT TO THE JURY**

The words used in admonishments to the jury vary slightly between judges. Although the following example is single-spaced, when typing the transcript, it should be double-spaced. You must type the admonishment in its entirety every time it is given by the judge to the jury, and you must type it exactly as the judge says it.

During this recess that you have during the lunch break, you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial; or to read watch or listen to any report of, or commentary on, the trial or any person connected with this trial by any medium of information including, without limitation, newspapers, television, the internet and radio. And you're also admonished not to form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

## **OPENING STATEMENTS AND CLOSING ARGUMENTS**

Opening statements and closing argument by counsel should be noted in the transcript as follows:

### **OPENING STATEMENT BY THE STATE**

BY MR. JOHNSON:

-or-

### **CLOSING ARGUMENT BY THE DEFENSE**

BY MR. SMITH:

Opening statements and closing arguments should be typed as colloquy and does not need to be indexed. The proper titles for these opening and closing statements are:

- Opening Statement (By the Plaintiffs/State and the Defense)
- Closing Argument (By the Plaintiffs/State and the Defense)
- Rebuttal Argument (By the Plaintiffs/State)

## **SPEAKERS AT A CRIMINAL SENTENCING**

People whose lives have been affected by the acts of a Defendant who is being sentenced are encouraged to speak at the sentencing of the Defendant. They are called "Speakers." Normally a speaker is sworn in by the Clerk and then reads his/her own statement. In your transcript, please type it as follows:

### **JANE SMITH**

[having been called as a speaker and first duly sworn, testified as follows:]

THE COURT: What is your name? State your name and spell your first and last name.

THE SPEAKER: My name is Jane Smith, J-A-N-E S-M-I-T-H

THE COURT: Please go ahead.

Sometimes the Judge may ask counsel if they would like the speaker sworn. If they do not want them sworn you would indicate that they were called and testified but would not type "first duly sworn."

## **EVIDENTIARY HEARINGS**

In an evidentiary hearing if witnesses testify, the format is the same as with witness testimony during a trial: Q and A (Question and Answer).

## **CAPITALIZATION AND BOLD TYPE**

The first letter of the Court, the Judge, the Clerk or Court Clerk, the Marshal, the Recorder when referenced in the transcript should be capitalized. Also, when referring to the Ladies and Gentlemen of the jury, in order to show respect for the panel, it is suggested that the first letters (L and G) also be capitalized.

The name of the witness when being sworn in by the Clerk should be in ALL CAPS and in **bold** type, centered in the page. In the previous examples showing DIRECT EXAMINATION, CROSS EXAMINATION, et cetera, these words should also be in ALL CAPS, in **bold** type and centered on the page.

When Exhibits are admitted, it is recommended that they also be in ALL CAPS, **bold** type and centered on the page. For example:

[EXHIBIT 45 ADMITTED]

## **ITALICS**

There are certain things that should be placed in italics. Whenever anyone cites to a case that has been published, that case citing should be in italics. Latin words and phrases should also be printed in italics.

## **CASE CITES**

Attorneys will often cite case law. It is recommended that you check to be sure you have spelled and cited the case correctly when transcribing. The speaker may mention a case by *ABC Company v. XYZ Corporation*. If the speaker says the word versus, you should type it as versus, even if the cite itself would only use the v. On the other hand, if the speaker actually says *ABC Company v. XYZ Company*, then you would type v.

## **STUTTERED SENTENCES**

A stuttered sentence is when the speaker begins a sentence and sort of continues to stumble and stutter to get it out, such as: I -- I -- I want to ask you. Your job as a transcriber is to type what you hear; it is not to make the speaker look bad. In this situation you would type just one I. On the other hand, if the speaker started with I and perhaps stuttered it several times and then changed the word to "it," you would transcribe that as you heard it. For example: I -- it was not what you expected; correct?

## **STITCHING**

When a witness spells his/her name for the record, you should type it in what is known as "stitching." For example, the witness states: My name is Jane Brown, J-A-N-E B-R-O-W-N. That is what is known as stitching. It is recommended that the letters be typed in uppercase.

## **PARTIAL TRANSCRIPTS**

There may be times that someone will request just a portion of a proceedings, such as only the cross-examination of a witness. On the Caption Page you should make sure that you signify RECORDER'S PARTIAL TRANSCRIPT: CROSS-EXAMINATION OF JOHN SMITH ONLY. If the request is only for a portion of Mr. Smith's testimony, you should signify as much: RECORDER'S PARTIAL TRANSCRIPT OF THE CROSS-EXAMINATION OF JOHN SMITH'S TESTIMONY AFTER LUNCH ONLY. See Example of Partial Transcript

## **ATTEST**

At the end of each and every transcript, the transcriber must ATTEST to the work contained therein. It is preferred that the ATTEST appear immediately following the end of the transcript, preferably on the last page of the transcript. When possible, put the attest on line 21 of the last page. Do not put the attest on a page alone because of the fear that anyone could take your signature page and attach it to another document. When it does not fit, use "..." or "/ / /" on the last three lines of the second to last page, moving three lines of the transcript to the last page. This will allow you to put the attest at line 21 and have it not stand alone. Use the appropriate ATTEST statement depending upon the circumstances. The attest is single spaced.

A final transcript prepared from a proceeding using JAVS:

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

---

Becky Jones  
Court Recorder/Transcriber

## Rough Draft Transcript for the Supreme Court

ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

---

Becky Jones  
Court Recorder/Transcriber

Please see the Senior Court Recorder to get an electronic signature set up to complete your attest for efiling your transcripts.

## **TRANSCRIPT SITUATIONS AND PROBLEMS**

### **Reciting Punctuation Marks**

Occasionally speakers will recite punctuation marks aloud. Standard practice is simply to USE the mark instead of spelling it out, especially when the speaker is reading from a document.

AUDIO: *This paragraph says quote whereas comma all votes have been counted comma the motion is agreed to period close quote.*

ON PAPER: This paragraph says: Whereas, all votes having been counted, the motion is agreed to.

However, it may be that the speaker is reciting the punctuation to emphasize it for some important reason. In such a case, it is acceptable to write out the punctuation mark AS WELL AS USE IT:

AUDIO: *Pay close attention here quote I know I saw him unquote.*

ON PAPER: Pay close attention here, quote: I know I saw him, unquote

People often interrupt themselves to comment on their own quotations, thus creating a seesaw effect. Standard punctuation suffices:

John, I told him, John, I said real nice, don't do that again.

### **Dialogues**

People may recite dialogues. You can transcribe it in one paragraph, or separate each statement on different lines.

A      "John" I told him. "John," I says, "did you shoot at that bird?" "Yeah." Why would you want go and do a darn thing like that for?" I asked and he said, "Just did."

## Quoting Prior Transcripts

Often times an attorney may quote directly from a witness' prior testimony. It should be transcribed as follows:

Q Let me now read from page 11 of your deposition:

Question: Did you believe the contract was valid?

Answer: I had no reason not to.

Question: But had he signed it?

Answer: I was sure he did.

Are those your words? Did you say that?

A If that's what it says, that's what it says.

## Indiscernible/Inaudible Speech

When a word or phrase appears impossible to discern, this may not necessarily be the case. It may be simply that you have never heard the expression before and, therefore, cannot make it out. Have another person listen to get a second opinion. Make every effort to complete the transcription. Using a descriptive phrase [indiscernible] or [inaudible] is highly undesirable and should be used rarely, and only when it is truly impossible to transcribe the record.

Make sure you use the correct term. Indiscernible means you can hear something being said and you just can't make out what is being said. Inaudible means you heard nothing.

When a witness is asked to read a document to him/herself, and does so with occasionally murmured sentence fragments, this is merely a private internal conversation, inadvertently recorded and should not be typed.

## Non-Verbal Considerations

Because we are not preparing screenplays, we do not generally take it upon ourselves to provide bracketed commentaries on the physical activities of a witness or attorney, unless brought to the attention of the Recorder. It is the responsibility of the Court and attorneys to insure an understandable record in this regard.

Q Look at the map an show us what you did.

A Well, I started out here [indicating] and then --

THE COURT: Let the record reflect the witness is pointing to the circled A  
on State's Exhibit 22.

## Striking From the Record

When a judge orders a portion of testimony stricken from the record, the material is not deleted from the physical transcript. "Striking" testimony merely means that it will not be considered when judging facts.

Why is the material not physically deleted? Because the ruling may be an erroneous one, and upon appeal the stricken material may be ordered "reinstated" as valid evidence. If you actually go back and take the "stricken" portion out, the appellate court will have nothing upon which to base a possible reversal of the trial judge's ruling.

What to do? Nothing, except transcribe all the words into the transcript just as though they were in any other portion of courtroom proceedings.

## Numbers

There are several systems for handling numbers in text. Although each has its own advocates, none is more "right" than another. The basic rule of thumb is conformity and consistence. The most common system is to write out numbers zero through ten, and use Arabic notation for numbers 11 and higher. There are exceptions.

1. Any number that begins a sentence should always be spelled out; however, there is an exception to that rule.

A Which exhibit did you say?  
Q 119-B, please.

It would be awkward if you typed that as:

Q One hundred and nineteen B, please.

2. Hundred, thousand, and any round number may be spelled out, if done consistently.

Correct: We saw four hundred, six hundred, and then eight hundred zebras on three successive days in Kenya.

Incorrect: We saw four hundred, 600, and then 800 zebras.

3. In a series of numbers where anyone is above 10, use numerals for the entire series.

They burned, respectively, 7, 127, and 40 homes during the raid.

4. Use numerals if the number includes a decimal point.

He bought his shares for 4.50 and sold them at 7.25.

5. Where material repeatedly refers to percentages of dollars, use numerals for those amounts.

Apprentices make 9 an hour, journeymen make 12, and supervisors a whopping 15.

6. Use numerals for section and other subdivision numbers.

Refer to section 3, paragraph (a), subparagraph (2).

7. If the speaker actually says dollar or percent and numbers are used, include the dollar sign [\$] or the percent [%] symbol; but if you spell out the amounts, spell out dollar or percent as well.

She sold it for \$500.

She sold it for five hundred dollars.

The rocket reached 200% of its estimated thrust.

The rocket reached two hundred percent of its estimated thrust.

When dealing with things that actually bear numbers, use Arabic numbers wherever money, percentages, or things which have numbers actually appearing on them are involved. References to numbered pages and lines should be actual numerals (and watch out for Roman numerals in some documents).

Please turn to page 5, line 22 in your deposition.

Go to paragraph 8

Go to paragraph Roman VIII (Speakers won't say vee-eye-eye-eye).

Go to paragraph small Roman viii.

References to exhibits are also best shown as actual numerals.

I would like this marked as Respondent's Exhibit 6.

It is important to distinguish between cardinal numbers (1 through infinity) and order numbers (first, second, third, etc.). Generally, use the actual words for ordinal references.

Please turn to the fifth page of your deposition, the twenty-second line.

Dates, whether actual or implied, may require some thought.

Come on the 3<sup>rd</sup>; we'll have just enough time to buy fireworks for the 4<sup>th</sup>.

We must have our bills paid by the 15<sup>th</sup>.

Oh, I think it happened somewhere near the first of the year.

In the last sentence, the speaker probably means early January, not the actual 1<sup>st</sup> of January. This is similar to speaking of the first [part] of the week or the generic first [part] of the month. The context will aid your decision.

Years which are abbreviated use initial apostrophes.

AUDIO: *It was about ninety three or ninety four no three.*

ON PAPER: It was about '93 or '94 -- no, '3.

When years are in the plural, the plural forms are generally shown by adding s without an apostrophe, as 's would show a possessive or a contraction, not a plural.

AUDIO: *in the forties and fifties we used to eat there.*

ON PAPER: In the '40s and '50s we used to eat there.

It would also be acceptable to spell out forties or fifties, as long as you remain consistent throughout the transcript.

If the speaker said, "I received one hundred of the page," you could type it as one hundred or 100. However, if the speaker said, "I received a hundred pages," the only proper way to type it would be as 'a hundred.'

### **THINGS NOT ACTUALLY NUMBERED**

Distinguish numbers from words in phrases such as: Number one, I was at home when it happened. Number two, I was asleep. The speaker clearly isn't referring to anything that ears a numerical 1 or 2.

Another example would be: In the first place, I was at home when it happened; and in the second place, I was asleep. You wouldn't type 1<sup>st</sup> or 2<sup>nd</sup> place because there is no reference with actual numbers.

**HOWEVER YOU CHOSE TO HANDLE NUMBERS,  
BE CONSISTENT THROUGHOUT THE TRANSCRIPT.**