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## **Section 4: Reporting/Recording the Proceedings and Depositions**

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## **Section 4: Reporting/Recording the Proceedings and Depositions**

### **Chapter 1: Mandatory Logging of the Proceedings**

#### **A. Purpose and Content of Log Notes**

Detailed, legible log notes are essential for preparing a complete and accurate transcript. The operator should remember that the transcriber must rely solely on the recording media and the log notes to produce an accurate transcript. Errors, omissions, misspellings, or inconsistencies make transcript preparation more difficult.

In general, log notes serve three purposes: (1) to locate a specific proceeding, (2) to locate a specific portion of the proceeding, and (3) to aid the transcriber in preparing the transcript. The content of log notes includes: (1) the tape recorder counter number or digital time that correspond to the beginning of the specific portions of proceedings, (2) the times of specific events, (3) the names of speakers, (4) correct spellings of names and other uncommon words or phrases, (5) a description of the activity taking place, and (6) any other pertinent notes.

#### **B. General Procedures**

##### **1. Preparing Log at Beginning of Day**

Some information necessary for a complete log is available before proceedings begin each day. This information should be obtained from the court clerk and entered on the log before court sessions begin to ensure that log notes are not inadvertently misfiled and so that the operator can more readily identify the speakers when sessions begin. Courts will have different docketing systems, so the operator must determine how recording is accomplished in his or her particular court. Some type of calendar or list of the scheduled cases can be obtained from the court clerk. At the end of each day, the operator should make certain the log contains all necessary information.

Basic case information which should be included at the beginning of the log for each proceeding is as follows and is described in more detail in this chapter:

- a. case name,
- b. case number,
- c. court name,
- d. full name of judge and abbreviation,
- e. date,
- f. time,



- g. type of hearing,
- h. full name and "P" number of attorney for plaintiff and abbreviation,
- i. full name and "P" number of attorney for defendant and abbreviation,
- j. full names of witnesses and abbreviations,
- k. name of court recorder or operator and certification number,
- l. tape or CD number, and
- m. microphone channels (tracks) and name of speaker on each channel.

In addition to providing the full name of each speaker, an abbreviation should be developed for identifying the speakers throughout the remainder of the proceeding and log. See item 2 below for details.

## 2. Developing Abbreviations

Abbreviating the names of the speakers saves the operator time during logging. However, it is essential that each speaker still be identified by his or her full name at least once at the beginning of the log notes. It can be helpful to list the names and relevant abbreviations for the speakers at the beginning of the log notes. **Abbreviations should be used consistently throughout the log for each proceeding** and should be as different as possible from one another so the transcriber will assign the correct names to each speaker.

Use the last name or a recognizable abbreviation rather than a single initial or a number. For example, District Attorney John Beauchamp could appear as "Beau" or "Bea," or Defense Attorney Maria Hanson could appear as "Han" or "Hans."

There are four exceptions to not using a single initial or number:

- a. court, which is "C,"
- b. judge, which is "J,"
- c. interpreter, which is "I," and
- d. witnesses, which are "W1," "W2," "W3," etc.

Even if only one witness - you have to indicate W1

## 3. Counter Numbers or Digital Clock

Counter numbers or digital time are logged for two main reasons:

Only Counter # needed during Exam.

- a. they are essential for playback of testimony in the courtroom, and
- b. they enable the transcriber to locate and identify specific parts of the proceeding on the recording media.

On an analog system, when the tape changes to another tape on the recording equipment, the operator must indicate the tape number on the log, reset the counter, and insert a clean tape. Be sure to let the tape overlap and record until the end of the tape. On a digital system, the digital time will be inputted into the log as the operator keys in the notes.

#### 4. Indicating Courtroom Events

In addition to logging digital time or counter numbers, the operator must log the times for the following:

- a. when the proceeding begins,
- b. when the proceeding ends,
- c. beginning and ending times of each recess, Tab Here - Movements
- d. each time the jury enters the courtroom,
- e. each time the jury leaves the courtroom, Add: Identify the Witness
- f. beginning and ending times of noon recess,
- g. beginning and ending times of each off-the-record event and sidebar conferences,
- h. when a witness is sworn and excused, and
- i. when exhibits are marked, identified, and admitted.

The importance of indicating case event times and counter numbers in the log cannot be overemphasized. These events must be included in a prepared transcript. If a transcript of all or a portion of a proceeding is ordered, the transcribers will need this information to produce an accurate and timely transcript.

#### 5. Identifying Multiple Speakers

The transcribers will be able to identify speakers by the channel or track on which they have been recorded only **when there is no more than one speaker per track.** Because the recording system will routinely have tracks on which more than one

speaker is recorded, transcribers will depend on the operator's log for accurate speaker identification.

Court cases involving multiple attorneys will result in many speakers being recorded on a single channel. In such instances, it will be necessary to make certain that each attorney is clearly recorded and that proper speaker identification is marked in the log next to the counter number corresponding to the beginning of that speaker's recording.

There are numerous times during the course of a hearing where one microphone may be used by several attorneys, for instance, at the lectern or in front of the bench. For this reason, it is imperative that speaker identifications are clear, concise, and uniform throughout the log sheets in order to ensure accurate transcription.

### C. Specific Procedures

The following are instructions for logging specific types of events in a proceeding.

#### 1. Voir Dire (Jury)

Voir dire is logged the same as other proceedings. The words "voir dire" should be written on the line opposite the counter number for the beginning of voir dire. Remember to verify spellings of all names, and use juror numbers or names when they are speaking. It is imperative that the recorder knows the seating chart/numbering arrangement of the jurors so as to properly identify any juror that may speak during the proceeding.

#### 2. Witness Called

As each witness is called, clearly mark on the log sheet the witness' name and the time he or she was called. Example: Witness: Joseph Smith

#### 3. Examination of Witnesses

For examination of witnesses, indicate on the log the type of examination, the name of the person conducting the examination, the time the examination began and concluded, and the key points of the testimony. Direct, cross-, redirect, and recross-examination should all be designated in the log with the corresponding times and counter numbers. Example: Direct - by Mr. Mazur.

The following are definitions of the type of examinations.

##### a. Direct Examination

Direct examination is the first questioning of a witness by the party on whose behalf the witness is called. If an in pro per party calls himself or herself as a witness, the proper title for that is "direct testimony" rather than direct

DX BY MM  
DX BY DA  
DX BY MR. MAZUR  
CX BY DA  
REDX BY MM

DX OR DE  
CX OR CE  
RDX OR RDE  
RCX PR RCE

NFQ - NO FURTHER QUESTIONS

NFW - NO FURTHER WITNESSES



examination.

**b. Cross-Examination**

Cross-examination is the first questioning of a witness by the party opposed to the party who called the witness. A witness may be called as an adverse witness under MCL 600.2161 for cross-examination. That witness is then cross-examined by all parties.

**c. Redirect Examination**

Redirect examination follows cross-examination. Redirect examination is the subsequent questioning of a witness by the party on whose behalf the witness is called.

**d. Recross-Examination**

Recross-examination follows redirect examination and is the subsequent questioning of a witness by the party opposed to the party who called the witness. This procedure is followed with every witness until the prosecutor or plaintiff rests. The defendant may, at that time, call witnesses on his/her behalf and the above procedure is again followed with every witness until the defendant rests.

**e. Rebuttal**

If a new matter is brought out by the defense attorney during the presentation of the defendant's case, the prosecution or plaintiff may introduce evidence intended to contradict or rebut this new matter.

**f. Voir Dire Examination of a Witness or Exhibit**

Voir dire is the examination of a witness by the opposing attorney on the admissibility of an exhibit or on the witness's qualifications to testify as an expert or give opinion testimony in court. Voir dire examination can happen during direct, cross, redirect, recross, or rebuttal examinations

**4. Testimony**

- a. The content of testimony is logged by writing down key words. Below is an example of a question and three ways the question might be logged.

(Question asked by Attorney Hanson): "Where were you on the night of May 5th when you heard Louis tell you that he didn't want to work for the company any more?"



<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
2:07	<del>123</del>	Hans	Q Where/May 5/Louis/work
2:07	<del>123</del>	Hans	Q Where were you/heard Louis/company
2:07	<del>123</del>	Hans	Q /May 5/Louis/work

The slashes (/) in the above examples indicate there is a break in the sentence where the testimony was not logged.

- b. If there are long periods of question and answer examination, it is not necessary to log every exchange. Periodic notations throughout these long examinations will at least provide various points for searching for a particular section when playback is requested from the court.

Instead of logging the speaker identification for every question and answer, simply draw an arrow pointing downward beside the speakers' names where they are initially logged. This arrow indicates that everything following represents questions by the same attorney and answers from the same witness. The "Q" and "A" can also be omitted after the first exchange. Of most importance is logging counter numbers and key words or phrases.

For example, if an attorney is questioning a witness about the theft of an automobile, the attorney may start by asking a series of questions about when and where the auto was last seen, then a series of questions on the condition of the auto, and then a series of questions about who stole the auto. This example could be logged as follows.

<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
3:32	<del>250</del>	Hans	Q Where/auto/last time
		W1	A Afternoon/home
	<del>330</del>		Chipped paint/dented
	<del>495</del>		thief/blonde/30's

- c. Any time a person other than the original persons indicated in the continued "Q" and "A" period speaks, the counter number, person speaking, and a few key words must be noted. This is especially important with objections.

<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
3:50	<del>499</del>	Hans	Q Yesterday/worked

X = not used during exam.

W2      A No/it was/Friday  
 3:55    546    Beau      Objection/Leading

You must have obj/reason/ruling

When an objection is posed, it is important to log the reason for the objection and the court's ruling on that objection.

## 5. Colloquy

At times there may be extensive colloquy between two persons, and it may be difficult to log each exchange. This is especially true when attorneys are arguing about an objection or some other legal point. Use the same format used with continued "Q" and "A" in this instance.

<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
1:34	235	Hans	How/acres/place
OR 134	281	Beau	No/further
			Visit/place
			Problem/time

This example applies only when the exchange is between two persons. Any time there are more than two persons speaking, the abbreviations of each individual should be marked in the log along with as many key words as the operator is able to write down.

At times the discussion will be moving so quickly that it will be difficult to write down key words. In this event, the most important logging element is the individuals' names in the order in which they have spoken. During "fast" discussions, it is advisable to write down the speaker's abbreviation and the first words of the attorney or judge who is speaking to aid the transcriber in keeping track of the exchange.

## 6. Interruptions

There will be occasions when the judge will interrupt one of the attorney's examinations and ask a few questions of the witness. This usually occurs when the judge wants to clarify something. It should be logged as follows.

<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
1:45	225	Hans	Q What day/say
		W2	A Monday

245

J

Was that 24 days?

W2

No/28

## 7. Interpreters

When the court is using an interpreter, the interpreter is sworn in. Log only what the interpreter says in English. If the person being interpreted from says something in English, it should be logged as well.

## 8. Objections

Mark all objections in the log. Write down the counter number, attorney abbreviation, and either "objection" or "obj." The basis of the objection should also be noted, such as "hearsay," "irrelevant," etc. Judges will respond differently to objections.

## 9. Guttural Utterances

Guttural utterances such as "uh-huh" or "uh-uh" may be marked on the log as such if the attorneys or judge fail(s) to clarify the record. However, **this should not become a common practice.** The operator is encouraged to ask the judge to instruct the witness to answer with a yes or no response. The operator should never interpret the proceedings: a verbal response should be requested by the judge, the attorneys, or the operator.

## 10. Conversations that are not Part of the Proceedings

There will be occasions when personal conversations among people at the counsels' tables are inadvertently picked up on the recording that are not to be recorded as part of the proceedings. If this should happen, a notation should be made in the log that this exchange is not part of the record and should not be transcribed. The attorneys should be instructed to move away from the microphones when they are conferring privately.

## 11. Exhibits

It is important to clearly note on the log each time an exhibit is identified, admitted/received, rejected, or withdrawn. Clearly mark the exhibit number and particular status as indicated by the judge. In some courts, exhibits are marked for identification prior to trial. In other courts, the court recorder is responsible for marking exhibits during the trial. Ordinarily, one of the attorneys states, "I would like to have this document (or this exhibit) marked for identification." At this point, the operator would note in the log that an exhibit was marked for identification. Below is an example.



<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>
10:03	<del>293</del>	PX 22 (Glasses) – marked
12:20	<del>599</del>	DX 29 (Letter) - admitted or received

Sometimes the identification of a document may not be this clearly indicated, or a judge will admit several exhibits at once. The operator must pay close attention to the proceedings. If the log is unclear, the operator may need to verify the identification with the clerk of the court after the court session is closed or get a list of exhibits before or after the proceeding.

Objections or arguments by the attorneys may be stated regarding the admissibility of exhibits. The judge will make his/her ruling on the admissibility of the exhibit and may say, "PX 1 will be admitted into evidence at this time," etc. Again, the operator will need to note on the log that the exhibit was admitted into evidence and the time that occurred.

See also *Michigan Trial Court Case File Management Standards*, Component 20, pages 33 and 34 for standards on receipting and storing exhibits.

## 12. Special Terms and Proper Names

The operator must always note in the log the initial use of any special term or proper name for which the spelling will need to be verified. There may be many of these terms or names used in a technical, medical, or drug case. When possible, the operator should ask the attorneys to supply a list of names and terms prior to the court session. **Incorrectly spelled terms or names should never appear in the log.**

The operator is responsible for verifying the spelling of these special terms or proper names at the time of the proceeding. Most spellings can be verified by the individual who mentioned the terms or names. The operator should approach the person (such as an expert witness or the attorney) during a break in the court proceedings. If the person is not available, check with the keeper of the exhibits. If the term or phrase is one used by a foreign speaking person and it is to be included in the record in the foreign language, the best source for the correct spelling is the interpreter.

## 13. Bench and Sidebar Conferences

If a conference is off-the-record, the operator should make certain to record the judge announcing that it is off-the-record. The judge is the only person who can order an off-the-record discussion. The recording equipment should then be turned off. Note the counter number where the recording was interrupted, and indicate next to the counter number that an off-the-record conference occurred at that point and the time it occurred. When the conference is over, the recording equipment should be turned



on, the time noted, and logging resumed. If it is not practical to turn the recording off and on during a proceeding for off-the-record conferences, make a notation in the log when the conference began and ended, but do not make any other notes about the conference.

If a conference is on-the-record, it must be recorded and logged. The operator should indicate in the log when a conference is on-the-record. The following are the steps in recording and logging an on-the-record sidebar or bench conference.

- a. Note the counter number at the beginning of the conference and identify the event in the log.
- b. The operator must log all of the bench conference and keep the headphones on. Make certain that the judge's microphone is suitably close to all speakers.
- c. Note on the log the name of each person who speaks at the bench conference, and as thoroughly as possible, indicate what they say. The operator will not be able to log counter numbers if he or she is away from the recording equipment. Therefore, transcribers will need to rely exclusively on the log. All speakers will be recorded through a single microphone onto a single channel and the transcriber will be more dependent on the log for identifying the speaker. **Remember that all voices tend to sound the same when whispered,** so write their name (abbreviation) and the first words they say in order to identify the speaker.
- d. The judge's microphone should be repositioned after the conference ends if it was moved. In an analog system, the operator should note the counter number at which open-court proceedings resume, and indicate to the right of the counter number that proceedings have resumed.
- e. Resume normal recording and logging procedures.

#### **14. Audiotape and Videotape Sources**

Attorneys may on occasion play audio or videotaped materials during the course of the proceedings. In such instances, the operator should follow these procedures.

##### **a. Audiotape or Videotape Recorded**

If the playback of the audiotape or videotape is to be recorded:

- 1) mark the counter number and time and note on the log "videotape (or audiotape) of (whatever it is) played in court,"
- 2) move a microphone to a position near the speaker through which the recorded material will be played,

- 3) log as much as possible to help the transcriber with speaker and content identification, and
- 4) mark on the log the counter number and time at which the playback of the audiotape or videotape concludes, note that the playback concluded, reposition the speaker microphone, and resume normal recording and logging procedures.

**b. Audiotape or Videotape Not Recorded**

If the playback of the audiotape or videotape is not to be recorded:

- 1) log the counter number preceding the playback of the audiotape or videotape,
- 2) make a note describing the material played back and turn the recording equipment off,
- 3) when the playback of the audiotape or videotape is completed, make certain that the recording equipment is turned back on and resume logging, and
- 4) note the time in the log that the playback of the tape began and ended.

**15. In-Chambers Proceeding**

Mark on the log the counter number and time at which the in-chambers proceeding began and identify the proceeding. Identify all parties and attorneys present for the conference at the beginning of the log. The operator must be particularly conscientious in noting counter numbers and key words and phrases for each speaker. Several speakers will use one or two channels and the transcriber will be dependent on the log for correct speaker identification.

Make certain to note the counter number at the end of the proceeding and the time the proceeding concluded in the log.

**16. Telephone Conversations**

Telephone conversations should be fed into the courtroom or chambers through a speaker box. The microphone should be placed next to the speaker. Log the counter number and the time at which a telephone conversation begins, and identify the person in the log. For example, "phone call between Judge Benjamin and Defense Attorney Rebecca Wilson regarding ...." Log the proceedings as you would any other proceeding, noting the speakers, times, and counter numbers, as appropriate.

If more than two persons are involved in a telephone conversation, ask each party to

identify himself or herself before speaking. It is crucial to note the counter number corresponding to each change of speaker. The operator may need to remind people to speak one at a time.

#### **D. In-Court Playback of Testimony**

There are a number of circumstances where the operator may be asked to play back testimony or some other portion of the recording. Most frequently, playback will be requested in open court. Discussion by an attorney and the judge over an objection to a particular question may result in a request to play the question back. In such instances, the operator's ability to quickly locate the question for playback will depend on the precision of the operator's log. The operator's goal should be to locate and play back requested portions of testimony as quickly as possible. This is another reason logging is so important.

To play back a certain portion of the proceedings from an analog recording, it is first very important to make the parties aware that you cannot record and playback at the same time; therefore, the operator must make sure nobody speaks into the record. Procedures are as follows.

1. Stop recording equipment and note the time on the log sheet.
2. Note the counter number on the log sheet.
3. Determine from the log the location of the starting counter number for the requested testimony.
4. Rewind tape until counter number is at location of the requested playback and listen through the headset to make sure you have the appropriate portion requested.
5. Play the requested portion.
6. Mark on the log sheet that a specific portion of the recording was played and note the time the playback ended.
7. Advance the tape in fast forward mode to just past the counter number where the recording was interrupted.
8. Return the equipment to record mode.
9. Inform the judge or attorneys to resume.

**The operator should not let the attorneys, judge, or witness begin the proceeding before the recording equipment is in the record mode and the operator is ready to continue logging.**



Samples:

PX#1 - Marked - Police Report

PX#1 - Admitted - Police Report

## Chapter 2: Marking Exhibits

Exhibits shall be marked with an exhibit sticker containing the number of the exhibit, the party's name, date exhibit marked, and reporter's initials. See the Michigan Trial Court Case File Management Standards, Component 20.

Exhibits are marked consecutive.

Example:

PX#1 - Admitted - Police Report

DX#2 - Admitted - Photo of Car

## Chapter 3: Depositions

A deposition is a pretrial discovery procedure whereby parties or witnesses are examined by asking questions. (MCR 2.306.) A court reporter or recorder is present and records all questions and answers. Counsel for all parties are normally at a deposition. The person being examined is called the "deponent."

### A. Taking Depositions

At a deposition, there is no judge to preside over the proceedings and the reporter or recorder is in control. The reporter or recorder may arrange the equipment and the parties in whatever fashion he or she deems appropriate.

1. Obtain the complete case caption and name of the court in which the transcript is to be filed.
2. Obtain the name and address of the deponent and all attorneys present.
3. Administer the oath to the deponent. [You must be a notary if you conduct depositions.](#)
4. Unlike courtroom proceedings, you may go off the record at any time for any party if all parties agree to go off the record. A reporter or a recorder shall continue to report unless there is agreement among all parties present that they will go off the record.
5. After the deposition is completed, obtain orders for copies of the deposition transcript from the parties.

### B. Producing the Transcript

Court reporters and recorders must follow the format prescribed by the State Court Administrative Office as published in Section 5 of this manual. (MCL 600.2510[2])

1. Furnish the transcript as timely as possible.
2. Prepare title page.
3. Prepare table of contents page (optional in depositions).



4. Prepare transcript page.
5. Prepare certificate page. This certificate page must include the reporter or recorder's notary information.

**C. Delivering the Deposition Transcript**

1. On payment of reasonable charges, the person conducting the examination shall furnish a copy of the deposition to a party or to the deponent.
2. If a party requests that the transcript be filed, the certified deposition shall be securely sealed in an envelope endorsed with the title and file number of the action and marked "Deposition of [name of witness]" and promptly filed with the court in which the action is pending or sent by registered or certified mail to the clerk of that court for filing. Notice of filing of the deposition shall be given to all other parties, unless the parties agree otherwise by stipulation in writing or on the record.

PLEASE PRACTICE, PRACTICE, PRACTICE

PLEASE REVIEW THE RED LINE ITEMS ON THE MECRA STUDENT PORTAL

## **Section 5: Transcript Format**

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## Section 5: Transcript Format

### Chapter 1: General Information on Format

#### A. Scope of Transcript

##### 1. Verbatim Record

###### a. General Rule

Court reporters and recorders are bound to make a verbatim record of the proceedings. A judge should not in any way interfere with or cause alteration of the true record as reported by the court reporter or recorder. In addition, a court reporter or recorder should not, even on the order of a judge, strike from the record that which actually took place. Any deviation in a transcript or certified record stultifies appellate review. (*McLouth Steel v Anderson Corp*, 48 Mich App 424, 429 n 1 [1973])

###### b. Previous Testimony Read or Played at the Trial or Hearing

When testimony, transcribed or recorded at a previous deposition or proceeding, is read or played back at the trial or hearing in lieu of live testimony, the court reporter or recorder shall ask the judge on the record whether that testimony, as presented, must be included in the typed record of the proceeding. If the judge authorizes that the record not include presentation of the previous testimony, the reporter or recorder must append to the official transcript and file with the court a copy of the verbatim testimony and colloquy presented. The court reporter or recorder should obtain that copy from the party offering the testimony. If the judge does not authorize exclusion of the previous testimony, the official transcript must include a verbatim record of the testimony and colloquy presented. This provision does not apply to testimony taken during the same proceeding, or read or played back at the request of the jury or a party.

##### 2. Stricken Testimony

Stricken testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please strike that last answer, and the jury is to disregard what the witness said," the reporter transcribes the entire proceeding exactly as it took place. (*McLouth Steel v Anderson Corp*, *supra*)

##### 3. Expunged Testimony

Expunged testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please expunge that last answer, and the jury is to disregard what the witness said," the reporter transcribes the entire proceeding exactly as it took place. (*McLouth Steel v Anderson Corp*, *supra*)



#### 4. Suppressed Transcripts

There appears to be no statute, court rule, or case law that sets forth the procedure to be followed with respect to the preparation and filing of a transcript of a closed hearing. As a practical matter, the best procedure for the judge is to identify on the record, at the beginning and end of the record, the portion of the transcript that is to be suppressed. The suppressed transcript should not be filed with the other transcripts. Rather, it should be sent directly to the appellate court with a letter of explanation. A copy of the letter should be maintained in the court reporter's or recorder's records. (*Michigan Court Administration Reference Guide*, Section 8-04)

### B. Form of Transcript

All court reporters and recorders, whether official, per diem, or freelance, must follow the format prescribed by the State Court Administrative Office as published in this manual. Compensation is contingent upon compliance with these standards. (MCL 600.2510[2])

#### 1. Assembling the Transcript

The transcript must be filed in one or more volumes under a hard-surfaced or other suitable cover, stating the title of the action, and prefaced by a table of contents showing the subject matter of the transcript with page references to the significant parts of the trial or proceedings, including the testimony of each witness by name, the arguments of the attorneys, and the jury instructions. The pages of the transcript must be consecutively numbered on the bottom of each page. Begin each volume of a transcript with page 1.

#### 2. Page Format (MCL 600.2510, MCR 1.109[D][1][a])

Pursuant to MCL 600.2510(2), a page prepared in accordance with the format prescribed by the State Court Administrative Office shall be counted, billed, and paid for as a full page. See Chapters 2 through 6 for examples of various page formats.

- a. A page consists of 25 lines written on paper 8 1/2" by 11" in size, prepared for binding on the left side, with 1 3/8" margin on the left side and 3/8" margin on the right side.
- b. Only transcript pages are prepared on paper with numbered lines.
- c. Indentations from the margins apply only to the transcript page.
- d. Print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional). (See MCR 1.109[D][1][a])

*Courier new*

### 3. Transcripts of Videotape Proceedings

If an appeal is taken in an action which has been videotaped, a transcript of the proceedings must be prepared in the same manner as in the case of proceedings recorded in other ways. However, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true, and correct rendition of the videotape of the proceeding as recorded.

Transcripts of videotape recordings of 25 pages or less must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, and minute at which the reference begins as recorded on the videotape. For example: (Tape No. 1, 10-1-87, 13:12). Transcripts of 26 or more pages must contain this reference on the first page, on every 25 pages thereafter, and on the last page.

### 4. Title Page (MCR 2.113[A][B][C], MCR 7.210[B][3][d])

- a. A title page is the first page of every transcript and shall be so numbered at the bottom center of the page.
- b. Each day of proceedings begins a new volume of transcript. Each volume begins with a title page.
- c. A title page includes the following information:
  - 1) the name of the court,
  - 2) the names of the parties or the title of the action, exactly as appears on the caption filed with the court,
    - a) the names of the parties are to be capitalized in their entirety,
    - b) for words like "Plaintiff," "Defendant," and "In the matter of," only the first letter is capitalized,
  - 3) the case number, including a prefix containing the last two digits of the year of filing and the case type code (MCR 8.117; Michigan Trial Court Case File Management Standards, Components 1 and 2),
  - 4) the nature of the proceedings transcribed and the date held,
  - 5) the name and title of the person who presided over the proceedings,
  - 6) the names, business addresses, telephone numbers, and state bar numbers of

all attorneys, and the name, address, and telephone number of any party appearing in pro per, and

- 7) the name, certification designation and number (and if applicable, the firm registration number), and telephone number of the reporter, recorder, or operator who has taken and/or transcribed, or caused to be transcribed, the proceedings.
- d. For depositions, when a caption is lengthy and appearances will start on a second page, place the deponent's name on the title page.

See Chapter 2 for examples of the content.

**5. Table of Contents Page (MCR 7.210 [B][3][d])**

- a. Each transcript on appeal must include a table of contents page (not an index page). The table of contents should be as specific as possible and should include references to all the events that took place. Each table of contents page must list the witnesses and the exhibits. A description of each exhibit is preferred, but not required. Even if there are no witnesses or exhibits, a table of contents page must be included.
- b. Each day of proceedings begins a new volume of transcript. Each volume must include its own table of contents.
- c. Each exhibit should be identified by page number when offered or identified and admitted into evidence.
- d. When a deposition transcript is read into the record in lieu of the personal appearance of a witness, it should be included in the table of contents, including the name of the witness and the page number at which the reading began.

See Chapter 3 for examples of the content.

**6. Transcript Page (MCL 600.2510)**

- a. A transcript page contains 25 typed lines on standard 8 1/2" by 11" paper with numbered lines.
  - 1) The body of the transcript may only include verbatim transcript of the proceeding and parentheticals.
  - 2) Additional headings must be placed in the header or footer and cannot take up any of the 25 lines in the body of the transcript.



- b. Print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional). (See MCR 1.109[D])
- c. Capitalization – The proceedings should be transcribed in upper and lower case unless directed otherwise in this manual. The use of upper case throughout is prohibited.
- d. The left-hand margin of all transcripts is set at 1 3/8". The right-hand margin is set at 3/8" except as otherwise stated below.
  - 1) Left-hand margin
    - a) Q and A begins at the left-hand margin. There are 5 spaces from the margin to the text; that is, the text begins on the 6th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.
    - b) Colloquy begins 15 spaces from the left-hand margin; that is, it begins on the 16th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.
    - c) Quoted material and readback begin 15 spaces from the left-hand margin and ends 5 spaces in from the right-hand margin. A carry-over line begins 10 spaces from the left-hand margin. A new paragraph of quoted material begins 15 spaces from the left-hand margin.
    - d) Parenthetical material begins 15 spaces from the left-hand margin. A carry-over line begins 15 spaces from the left-hand margin.
    - e) New paragraphs begin 15 spaces from the left-hand margin.
  - 2) The right-hand margin is observed in every instance except for quoted materials and readbacks.
- e. The time that certain events take place is to be included in every transcript. Those events are:
  - 1) the time the proceedings begin and conclude,
  - 2) the time each witness is sworn and excused,
  - 3) the time of any adjournments/recesses,
  - 4) the time each exhibit is offered and admitted, and
  - 5) the time a jury is sworn, charged, excused to deliberate, or returns to the

Tab



courtroom for any reason.

See Chapter 4 for examples of content.

## **7. Transcript Certificate Page**

All transcribed cases must end with a transcript certificate page. The purpose of the certificate is to signify the end of the transcript and to indicate that the transcript is a complete and accurate record of the court proceeding. The certificate page may be included on the last transcript page if there is adequate room. If the transcript is a deposition, the reporter or recorder must include his or her notary information.

See Chapter 5 for examples of content.

## **C. Style of Transcript**

### **1. Standard Record**

Transcribed material consists of two basic styles or forms.

#### **a. Colloquy**

Colloquy is conversation between anyone other than a witness and the examining attorney. The typical court hearing begins with colloquy between the judge and the attorneys. The witness is then sworn and one attorney begins questioning the witness. In colloquy, the judge is always identified as THE COURT, an attorney is always identified by his or her name, and the witness is identified as THE WITNESS. An unidentified speaker is identified as UNIDENTIFIED SPEAKER.

#### **b. Question and Answer**

Question and answer (Q and A) testimony is conversation between the witness and examining attorney. Whenever a witness is sworn, the questioning is set up as Q and A. It is optional to type a period (.) after each Q and A. Any answer following the designation A must be preceded by a question, Q. Q and A must be a sequence. Whenever Q and A is interrupted by any colloquy, tab to the "colloquy stop" (15 spaces from the margin), identify the speaker, follow the name with a colon, and begin typing the statement.

If the witness answers a question during colloquy, the response is colloquy. Q and A is always preceded by the name of the questioning attorney (i.e., "BY MR. SMITH:").

If the witness asks a question of someone other than the examining attorney, the question is considered an interruption by colloquy. Tab to the "colloquy stop" (15

spaces from the margin), identify the speaker as THE WITNESS, follow the name with a colon, and begin typing the question.

## **2. Separate (or Special) Record**

Separate records are transcribed as any other testimony. A judge may say "Reporter/Recorder, this is a separate record." A separate record is a part of the original day's proceedings and must be bound with that day's proceedings. A separate record is prepared as follows.

- a. When you have determined the last spoken word of the regular record, place three dashes in the center of the page.
- b. Use no parenthetical remark.
- c. Start a new page.
- d. Continue pagination through the separate record.
- e. Place the words SEPARATE RECORD in all caps above line one, with one space between each letter, at the center top of each page of the separate record.
- f. At the top of the first page of the separate record, below the words SEPARATE RECORD, use the following parenthetical remark: "(At [time] Beginning of Separate Record)."
- g. Continue the separate record for as long as necessary.
- h. At the end of the separate record, use the parenthetical remark "(At [time] End of Separate Record)."
- i. Put three dashes in the center of the page.
- j. Start a new page.
- k. Use no parenthetical remark to resume the regular record.
- l. Continue pagination from the separate record when going back into the regular record.
- m. The table of contents page must show the separate record as follows: "Separate Record - pages 26 through 35."



**D. Parenthetical Expressions**

Parenthetical expressions are brief descriptions of events happening in the courtroom. They are preceded by the time of the occurrence, if applicable, and enclosed in parentheses. All parenthetical expressions begin 15 spaces from the left-hand margin. Any carry-over line is to begin 15 spaces from the left-hand margin.

Examples:

(At 9:15 a.m., prospective jury panel sworn)  
 (At 10:00 a.m., court recessed)  
 (At 10:30 a.m., court reconvened)  
 (At 10:45 a.m., PX#1 marked)  
 (At 11:00 a.m., bench conference on the record)  
 (At 11:05 a.m., bench conference concluded)  
 (At 11:45 a.m., conference in chambers)  
 (At 11:50 a.m., court reconvenes, all parties present)  
 (At 1:00 p.m., witness excused)  
 (At 3:00 p.m., proceedings concluded)  
 (At 4:15 p.m., bailiff sworn to take charge of the jury)  
 (At 4:30 p.m., jury returned)

*\*Tab\**

*(At 10:26 a.m., called by Mr. Stone, and sworn by the Court, testified as follows)*

**Chapter 2: Title Page Examples**

*See Page 10 of Section 5*

The following are examples of the format to follow when preparing title pages. Please note that these are examples only. Requirements and any allowable variances in style are specified in the following: (1) list each case name exactly as it appears on the file, do not make corrections and do not use *et al.*, (2) if more than one case is heard at the same proceeding, list each case name and file number, one right after the other, (3) use the full names of the attorneys and the reporter or recorder or transcriber, indicating whether they are Mr. or Ms., (4) include the law firm name for an attorney, if one, (5) spell out street, drive, avenue, cities, and states, (6) it is optional whether the style of the telephone number is a series of dashes or dots, or whether the area code is surrounded by parentheses, but it must always contain the area code, and (7) use upper-case and lower-case exactly as shown in the examples.

When the court is a circuit court, the location of the court will always be the name of the county. When the court is a district or municipal court, the location of the court will be the name of a city, township, or village. When the court is a probate court, there is no court number; instead, the name

of the court is the name of the county (i.e., IN THE PROBATE COURT FOR THE COUNTY OF WAYNE).

The naming convention for circuit, district, and municipal court civil cases (including domestic relations) is plaintiff versus defendant. The naming convention for criminal cases is “THE PEOPLE OF THE STATE OF MICHIGAN” (or if it’s not a state case, the name of the city, township, village) versus defendant. The naming convention for proceedings under the juvenile code is “In the Matter of” followed by the name of the minor. The naming convention for probate court cases is “In the Matter of” followed by an identifier as to the type of matter (such as “THE ESTATE OF”) and the name of the individual and his or her condition (such as “Deceased”). The naming convention for family division cases other than those under the juvenile code is “In the Matter of” followed by an identifier as to the type of matter (such as “THE ADOPTION OF” or “THE EMANCIPATION OF”) and the name of the individual and his or her position (such as “Adoptee” or “Minor”). Each of the various types of case names is shown in at least one of the following examples.

The examples show a general title page (most commonly used in civil and domestic relations cases), a title page for excerpts of proceedings, a title page for probate matters, a title page for proceedings that are heard in the family division (except domestic relations), a title page that can be used for either multiple defendants or consolidated cases, a title page for multiple volumes, and a title page for depositions.

**NOTE: These examples are for content only.** For specific formatting requirements such as page numbering, margins, indentations, etc., see above.

**A. Civil and Domestic Relations Proceedings**

This example can be used for proceedings in civil and domestic relations cases. This particular example is for a civil case filed in a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
<sup>DS</sup>  
 THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

JOHN DOE,

Plaintiff,

v

MARY JONES,

Defendant.

File No. 84-01234-NI

JURY TRIAL

BEFORE THE HONORABLE JUSTUS STEARN, CIRCUIT JUDGE

Detroit, Michigan - Wednesday, October 4, 2006

**APPEARANCES:**

For the Plaintiff:

MR. BUSY MAN (P00000)  
 Man & Man  
 0000 Whatever Street, Suite 0  
 Nowhere, Michigan 00000  
 313-000-0000

For the Defendant:

MS. BUSY WOMAN (P11111)  
 Attorney at Law  
 0000 Someplace Drive, Room 2  
 Somewhere, Michigan 11111  
 313-111-1111

RECORDED BY:

Ms. Qualified Person, CEO 3333  
 Certified Operator  
 313-222-2222

TRANSCRIBED BY:

Mr. SoandSo, CSR 1212  
 Certified Reporter  
 313-111-1212

Be sure to spell out words like Street, Michigan, Suite, Room, etc.  
 Be consistent on how your format phone #'s. Example (313) or 313-  
 (page #)

**Tab**  
**Title Page**  
**Circuit**



**B. Excerpts of Proceedings**

This example is for excerpts of proceedings in a circuit court case. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

JAMES JORDAN,  
Plaintiff,  
v  
CAROL JORDAN,  
Defendant.

File No. 84-12345-DM

---

EXCERPTS OF PROCEEDINGS  
ELEMENTS OF CHARGES  
PREPARED FOR THE JURY DURING JURY DELIBERATIONS

BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE

Detroit, Michigan - Monday, September 1, 2006

APPEARANCES:

For the Plaintiff: MR. RICHARD E. SMITH (P50006)  
Smith & Harrison, P.C.  
2000 Orange Grove  
Detroit, Michigan 48226  
(313) 555-3333

For the Defendant: MR. RICHARD R. JONES (P50007)  
Jones & Jones, P.C.  
3333 Plum Tree  
Detroit, Michigan 48226  
(313) 555-3434

RECORDED BY: Ms. Mary Wilson, CER 0238  
Certified Electronic Recorder  
(313) 555-6868

**C. Probate Court Matters**

This example is for a decedent estate matter filed in a probate court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
IN THE PROBATE COURT FOR THE COUNTY OF INGHAM

In the matter of

THE ESTATE OF JOHN JONES, Deceased.

File No. 84-2098-DE

PETITION FOR PARTITION OF PROPERTY  
BEFORE THE HONORABLE JAMES R. JUSTICE, PROBATE JUDGE  
Lansing, Michigan - Thursday, November 12, 2006

APPEARANCES:

For the Estate: MS. MARY WILSON (P50009)  
Wilson & Thomas Law Offices  
100 Lane Drive  
Lansing, Michigan 48933  
(517) 555-1440

Appearing in Pro Per: MR. JOHN J. JAMES  
200 Country Boulevard  
Lansing, Michigan 48911  
(517) 555-2121

Appearing in Pro Per: MS. MRS. ELSIE Q. JAMES  
5 City Building, Suite 14  
Lansing, Michigan 48933  
(517) 555-5222

REPORTED BY: Ms. Judith Kane, CSR 0128  
Certified Shorthand Reporter  
(517) 555-3405

(page #)

Tab  
Probate  
Title  
PAGE

**D. Family Division of Circuit Court Proceedings**

This example is for a juvenile delinquency proceeding filed in the family division of a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter. Keep in mind that family division cases can be heard before circuit or probate judges even though the case is a circuit court case.

STATE OF MICHIGAN

THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

In the matter of

JONATHAN JONES, a juvenile.

File No. 84-2098-DL

PETITION REGARDING DELINQUENCY

BEFORE THE HONORABLE JAMES R. JUSTICE, PROBATE JUDGE

Lansing, Michigan - Thursday, November 12, 2006

APPEARANCES:

For the Juvenile:

MS. MARY WILSON (P50009)  
Wilson & Thomas Law Offices  
100 Lane Drive  
Lansing, Michigan 48933  
(517) 555-1440

REPORTED BY:

Ms. Judith Kane, CSR 0128  
Certified Shorthand Reporter  
(517) 555-3405

(page #)



Tab  
DISTRICT**E. Criminal Cases and Multiple Defendants/Consolidated Cases**

This example is for a criminal case filed in a district court. Use the appropriate style for naming this court as stated in the first page of this chapter. In criminal cases, "Plaintiff" is not typed after "People of the ...."

STATE OF MICHIGAN  
95-A JUDICIAL DISTRICT (MENOMINEE, MICHIGAN)

THE PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 84-10678-OM

GUS BAKER and JEAN NOLAN,  
Defendants.

THE PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 84-10682-OM

GUS BAKER,  
Defendant.

One defendant sample.

JURY TRIAL  
BEFORE THE HONORABLE JAMES R. JUSTICE, DISTRICT JUDGE  
Menominee, Michigan - Monday, September 1, 2006

**APPEARANCES:**

For the People: MR. JOHN B. JONES (P50001)  
Assistant Prosecuting Attorney  
4000 South Street  
Menominee, Michigan 49999  
(906) 555-1222

For Defendant Baker: MR. J. B. JACKSON (P50002)  
1400 North Street  
Menominee, Michigan 49999  
(906) 555-2222

For Defendant Nolan: MR. RICHARD SMITH (P50003)  
2800 East Street  
Menominee, Michigan 49999  
(906) 555-2333

REPORTED BY: Ms. Betty Thomas, CSR 0124  
Certified Shorthand Reporter  
(906) 555-2444

**F. Multiple Volumes**

This example is for a civil case filed in a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
SIXTH JUDICIAL CIRCUIT COURT (OAKLAND COUNTY)

SALLY ANN JONES,  
Plaintiff,

v

File No. 84-30201-CK

EVERYMAN'S INSURANCE CO., INC.,  
a Michigan Corporation,  
Defendant.

\_\_\_\_\_ /

JURY TRIAL - VOLUME II of IV  
BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE  
Pontiac, Michigan - Tuesday, October 4, 2006

APPEARANCES:

For the Plaintiff: MR. JOHN B. JONES (P50004)  
Jones & Adams, P.C.  
123 State Street  
Royal Oak, Michigan 48084  
(313) 555-4321

For the Defendant: MR. JAMES R. SMITH (P50005)  
Smith & Smith, P.C.  
321 Court Street  
Royal Oak, Michigan 48084  
(313) 555-1234

RECORDED BY: Mr. William C. Jones, CER 1026  
Certified Electronic Recorder  
(313) 555-7868

RECORDED AND  
TRANSCRIBE BY:

**G. Deposition**

This example is for a deposition taken in a circuit court civil case. Use the appropriate style for naming this court as stated in the first page of this chapter. The name of the judge may be included under the file number but is not required.

STATE OF MICHIGAN  
34TH JUDICIAL CIRCUIT COURT (ROSCOMMON COUNTY)

JOHN R. DOE,  
Plaintiff,  
v  
SAMUEL I. SMITH,  
Defendant.

File No. 82-0234-NI

\_\_\_\_\_ /

DEPOSITION OF SAMUEL I. SMITH

*lower case* Taken by the Plaintiff on the 3rd day of June, 2006, at the offices  
of Terrence H. Bloomquist, 1010 Michigan Avenue, Grayling, Michigan,  
at 3:00 p.m.

APPEARANCES:

For the Plaintiff: MR. TERRENCE H. BLOOMQUIST (P88888)  
P.O. Box 708  
Grayling, Michigan 49738  
(517) 555-1888

For the Defendant: MR. JOHN B. JONES (P99999)  
Jones & Jones, P.C.  
125 First Street  
Grayling, Michigan 49738  
(517) 555-1999

REPORTED BY: Ms. Susie Sullivan, CSR 9898  
Certified Shorthand Reporter  
(517) 555-8456



**H. Appearances**

This example reflects the proper method to indicate that counsel for a party is not in attendance at a proceeding. Only the names of those attending the proceeding are listed in the "Appearances" section of the title page.

STATE OF MICHIGAN  
*JUDICIAL*  
THIRD CIRCUIT COURT (WAYNE COUNTY)

PEOPLE OF THE STATE OF MICHIGAN,

*Lower Case*  
V

File No. 14-12345-CF

SAMUEL K. WILLIS,

Defendant. /

SENTENCING HEARING

BEFORE THE HONORABLE ROBERT J. COLOMBO, JR., CIRCUIT JUDGE

Detroit, Michigan - Friday, March 28, 2014

APPEARANCES:

For the People:

NONE

For the Defendant:

MS. CYNTHIA STELLER (P12345)  
Steller and Steller, PLLC  
123 South Street  
Detroit, Michigan 48226  
(313) 987-6543

Recorded and Transcribed by:

Ms. Sally Smith, CER 7295  
Certified Electronic Recorder  
(313) 123-4567

*↑*  
*CARS*

### Chapter 3: Table of Contents Page Examples

The following are various examples of the format to follow for table of contents pages. Please note that these are examples only. Requirements and any allowable variances in style are specified in the following: (1) use upper- and lower-case exactly as shown in the examples, (2) use underlining as shown in the examples, (3) numbering style for exhibits varies. (See the *Michigan Trial Court Case File Management Standards*, Component 20, for standards and procedures regarding receipt of exhibits.)

The examples show a table of contents page for situations where there are no witnesses or exhibits, a general table of contents page, a table of contents page for situations where special hearings are held during examination (i.e. *Walker* Hearing), and a table of contents page for a jury trial.

**NOTE: These examples are for content only.** For specific formatting requirements such as page numbering, margins, indentations, etc., see above and page 2 of this section.

#### A. No Witnesses, No Exhibits

In a situation where there are no witnesses or exhibits, a table of contents must still be included as follows.

#### TABLE OF CONTENTS

##### WITNESSES:

None

##### EXHIBITS:

None

(page #)

If there are only one witness, then you need to add "None" for plaintiff.

**B. General**

This example is for a criminal case. For other types of cases, use the proper naming conventions. For example, if this was for a civil case, the first witness might be "Plaintiff" instead of "People."

## TABLE OF CONTENTS

WITNESSES: PEOPLE

MARY SMITH

Direct Examination by Mr. Thompson  
 Cross-Examination by Mr. Jones  
 Redirect Examination by Mr. Thompson  
 Recross-Examination by Mr. Jones

JUDY SMITH

Direct Examination by Mr. Thompson  
 Voir Dire Examination by Mr. Jones  
 Direct Examination by Mr. Thompson, continuing  
 Cross-Examination by Mr. Jones

WITNESSES: DEFENDANT

ROSE JACKSON

Direct Examination by Mr. Jones  
 Cross-Examination by Mr. Thompson

MIKE FISH

Direct Examination by Mr. Jones  
 Cross-Examination by Mr. Thompson

EXHIBITS:

PX#1 Glasses  
 DX#2 Photographs

PAGE

5  
 16  
 21  
 25

27  
 28  
 28  
 30

30  
 35

38  
 50

MARKEDRECEIVED

← 10  
 ← 30

10  
 37

Center



**C. Hearing During Examination**

When a hearing is held during an examination, insert the hearing as follows.

## TABLE OF CONTENTS

PRELIMINARY EXAMINATION - NO BOLD

<u>WITNESSES:</u>	<u>PEOPLE</u>	<u>PAGE</u>
MARY SMITH		
	Direct Examination by Mr. Thompson	3
	Cross-Examination by Mr. Roe	12

## JEFFREY JONES

Direct Examination by Mr. Thompson	20
Cross-Examination by Mr. Roe	25

WALKER HEARING - NO BOLD

## JEFFREY JONES

Direct Examination by Mr. Thompson	28
Cross-Examination by Mr. Roe	35
Redirect Examination by Mr. Thompson	42

PRELIMINARY EXAMINATION (continued) - BOLD

## JEFFREY JONES

Cross-Examination continued by Mr. Roe	44
--	----

EXHIBITS:

PX#1 Glasses  
DX#2 Photograph

MARKED

← 28  
← 65

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29 →  
66 →

center

(page #)

## D. Jury Trial

When a jury trial is held, the table of contents is much like a general table of contents (see page 18 of this chapter), except there may be other material in the transcript such as: (1) jury voir dire, (2) jury impaneled, (3) plaintiff's opening statement, (4) defendant's motion for directed verdict, (5) defendant's opening statement, (6) separate record, (7) closing arguments, (8) rebuttal arguments, (9) jury instructions, (10) verdict, and (11) motion for new trial.

## Chapter 4: Transcript Page Examples

The following are examples of the format to follow when preparing various portions of transcript pages.

**NOTE: These examples are for content only.** For specific formatting requirements such as line numbering, page numbering, margins, indentations, etc., see page 2 of this section.

### A. Administration of Oath

The transcript must be a verbatim record of the proceedings. **The oath administered to a witness must be included.**

Allegan, Michigan  
 Wednesday, December 2, 1984 - 10:24 a.m.  
 THE COURT: ✓ Ronald Whetstone, Case File 84-0978-FH. This matter was set today for a preliminary hearing on a charge of possession of a pistol in a motor vehicle.

The record shall indicate the appearance of Mr. John Smith on behalf of the Defense; Mr. Stone on behalf of the Prosecutor's Office. Counsel, you may proceed.

MR. STONE: Thank you, your Honor. I would first call Officer Rick Hoyer to the stand.

THE COURT: Do you solemnly swear or affirm that the answers you are about to give in this matter are true?

MR. HOYER: I do.

RICHARD JOSEPH HOYER

(At 10:26 a.m., called by Mr. Stone and sworn by the Court, testified as follows)

THE COURT: Fine. Be seated.

2 spaces

left margin

5 spaces or 1 tab

15 spaces or 3 tabs

2 space in a sentence

caps center from left line

BY MR. STONE:

Q. Would you state your name for the record?

A. Richard Joseph Hoyer.

## B. Colloquy Before Examination

1. From time-to-time the court may talk to the witness or counsel in colloquy before direct examination begins. The identification of the witness and direct examination heading is placed where the attorney begins the examination.

MR. LADD: I would call Tammy Erickson to the witness stand.

MR. BERGMAN: Your Honor, could we approach the bench for one second, please?

THE COURT: Yes. This is off the record.

(At 3:19 p.m. to 3:21 p.m., off-record bench conference)

THE COURT: Back on the record. Tammy? You may have a seat up there. Do you want me to conduct it?

MR. BERGMAN: If you would, please.

THE COURT: Tammy, how old are you?

MISS ERICKSON: Thirteen.

THE COURT: Tammy, the clerk is going to give you what we call an oath. Do you know what an oath is?

MISS ERICKSON: Yes.

THE COURT: Could you explain it to me?

MISS ERICKSON: It's a thing that you have to take. Well, I know what it is, but I can't explain it.

THE COURT: If you take an oath, does it mean that you swear to tell the truth?

MISS ERICKSON: Yeah. You can't tell a lie.

THE COURT: Fine. Please stand, and the clerk will administer the oath.

2. The witness is not "THE WITNESS" until the witness states, "I DO."

THE CLERK: Do you swear to tell the truth, the whole truth, and



nothing but the truth in the matter before the Court?

MISS ERICKSON: I do.

TAMMY ERICKSON

(At 3:25 p.m., called by Mr. Ladd and sworn by the Court,  
testified as follows)

THE COURT: If you'll just speak up, Tammy, because these  
microphones don't amplify, and we have to hear the answers.

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. LADD:

Q. Would you state your name, please?

A. Tammy Erickson.

## C. Examination by the Court

### 1. Colloquy

If the court examines a witness called by a party to the case, set the examination up as colloquy.

THE COURT: And did you say that you remembered seeing this person  
at an earlier time in the evening?

THE WITNESS: Yes, I saw him once before at about eight o'clock.

THE COURT: And where did you say that was?

THE WITNESS: At the party store in the middle of town.

THE COURT: Thank you. Anything further of the witness, Counsel?

### 2. Q and A

If the court calls a witness and examines that witness, set the examination up as Q and A.

EXAMINATION

BY THE COURT:

Q. State your name.

A. Mary Smith.

Q. Now, I understand that you were present at the party that took place on  
August 14th.

A. Yes, that's correct.

#### D. Party as a Witness

As soon as the party is sworn, that party becomes "THE WITNESS." When the party is excused from the stand as a witness, the title of "THE DEFENDANT" (or "PLAINTIFF") returns to that party.

THE COURT: Does the Defendant wish to call any witnesses?

THE DEFENDANT: I wish to testify myself, your Honor.

THE COURT: Raise your right hand. Do you solemnly swear that you will give true answers to any questions put to you concerning this matter?

THE DEFENDANT: I will.

WILLIAM JOHNSON

(At 3:30 p.m., called by himself and sworn by the Court, testified as follows)

DIRECT TESTIMONY

THE WITNESS: I just want to tell you, Judge, and also everybody here that what all these witnesses have been saying just ain't true. It wasn't me that they saw. I don't know nothing about no robbery. It's all just a mistake. That's all I have to say.

CROSS-EXAMINATION

BY MR. WILLIS:

Q. You are the Defendant in this action, is that correct?

#### E. Voir Dire Examination

If the opposing attorney asks to voir dire the witness regarding an exhibit or the witness's qualifications as an expert or give opinion testimony in court, it should be set up as follows:

JUDY SMITH

(At 10:10 a.m., called by the People and sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MR. THOMPSON:

Q. Ms. Smith, do you recognize what's marked as People's Exhibit 1?

A. Yes.

Q. What is it?

A. It's a picture of my house.

1. MR. THOMPSON: Your Honor, I move for admission of People's Exhibit

MR. JONES: May I voir dire, Your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. JONES:

Q. Ms. Smith, did you take this picture?

A. Yes, I did.

Q. When did you take it?

A. The day of the incident.

MR. JONES: No objection.

THE COURT: People's Exhibit 1 is received.

(At 10:12 a.m., PX#1 is received)

DIRECT EXAMINATION (CONTINUING)

BY MR. THOMPSON:

Q. ...

## F. Quoted Materials

### 1. In General

"Quoted materials begin 15 spaces from the left-hand margin. Carry-over lines of quoted materials begin 10 spaces from the left-hand margin. The right-hand margin ends 5 spaces in from the right-hand margin.

A new paragraph begins 15 spaces from the left-hand margin."

### 2. Partial Quote

MR. RICE: It's mandatory. It says, "...shall prescribe rules and regulations," and other matters.

*italic only  
for case  
citations*  
↓

### 3. Quoted Material with Narratives

MR. GREEN: May it please the Court, I wish to read from *People v Hampton*, found at 407 Mich 354, and I direct the Court's attention to page 373 of the volume, in support of my position which states as follows:



"Even the defendant, who argued that this Court...", meaning the Supreme Court, "...should adopt a directed verdict standard similar to the one required by *Jackson*...", being 443 US 307, "concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials. In his brief, it is argued that:

'Here, the record shows that the trial judge is passing upon defendant-appellee's motion' *← extra space*

THE COURT: I have that case in front of me and I will read it.

#### 4. Uncertainty about Quoted Versus Narrative Material

MR. GREEN: May it please the Court, I wish to read from a case in support of my position which states as follows:

"Even the defendant, who argued that this Court, meaning the Supreme Court, should adopt a directed verdict standard similar to the one required by *Jackson*, being 443 US 307, concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials."

In his brief, it is argued that:

"Here, the record shows that the trial judge in passing upon defendant-appellee's motion--" *← extra space*

THE COURT: I am very familiar with that case and I will read it before ruling.

MR. GREEN: Very well.

#### 5. Interpolation and Quote

MR. WHITE: An exhibit is attached to this document. It says, "Plaintiff was a bus driver for nine months."

THE COURT: It says it right there, "...bus driver for nine months.

### G. Deposition Read into Record

#### 1. Direct Examination

(At 1:30 p.m., the deposition of Dr. James Smith, M.D., was read at this point in the proceedings)

DIRECT EXAMINATION

BY MS. JONES:

Q. Witness, will you state your name?

A. My name is James Smith.

Q. And you are a medical doctor, is that correct?

A. Yes, that is correct.

(At 2:10 p.m., the reading of the deposition was concluded)

## 2. Portions of Depositions Read to the Witness

BY MR. WHITE:

Q. This appears in the deposition on page 23, line 10, I asked:

"Question: Were there energy-absorbing concepts involved on the work of the expandable nozzle?

Answer: The work on the expandable nozzle was to work --

Question: Answer yes or no.

Answer: No."

Do you remember giving those answers to the questions as I just read them?

A. It was so long ago that I do not remember, but if it is written there, that must have been my answer.

BY MR. SMITH:

Q. Mrs. Jones, the question was asked of you, "Do you recall a situation where your -- "

MR. WHITE: Would you state the page please.

MR. SMITH: Page 2, line 12.

BY MR. SMITH:

Q. "Question. Do you recall a situation where your son had sprayed some substance in your face?" Do you recall that question?

A. No.

## H. Interpreter

The witness may understand some questions well enough to answer without an interpreter. In that case, put the answer in colloquy form. Type in the oath administered to the interpreter.

(At 1:30 p.m., Irene B. Relleno sworn by the Clerk to interpret English into Spanish and Spanish into English)

JOSEPH RODRIGUEZ

(At 1:31 p.m., called by Mr. ~~Jones~~ <sup>Marks</sup> and sworn by the Court,  
testified as follows through the interpreter)

DIRECT EXAMINATION

BY MR. MARKS:

Q. What is your name?

THE WITNESS: Juan Carlos.

A. Juan Carlos.

Q. Where do you live?

A. 1325 Linville Road, Romulus.

Q. Do you remember the night of February 17th of this year?

THE WITNESS: Yes.

A. Yes.

**I. Witness Recalled**

MS. ZUZICH: We would like to recall Mr. Goodwin for some  
questions, your Honor.

THE COURT: Mr. Goodwin, you're still under oath.

MR. GOODWIN: Yes, sir.

JOHN GOODWIN

(At 11:35 a.m., recalled by Ms. Zuzich and previously sworn by the  
Court, testified as follows)

REDIRECT EXAMINATION

BY MS. ZUZICH:

Q. You previously testified...

**J. Adverse Witness**

When a witness is called for cross-examination under the adverse witness statute, that witness is  
under cross-examination by all parties until examination is completed. (MCL 600.2161)  
Recross-examination is any examination subsequent to cross-examination by the same party.

JOHN GOODWIN

(At 10:30 a.m., called by the Plaintiff (Defendant) under the  
adverse witness statute and sworn by the Court (Clerk),  
testified as follows)



## CROSS-EXAMINATION

BY MS. ZUZICH:

Q. . . . .

## CROSS-EXAMINATION

BY MR. GREENFIELD:

Q. . . . .

## RE CROSS-EXAMINATION

BY MS. ZUZICH:

Q. . . . .

## RE CROSS-EXAMINATION

BY MR. GREENFIELD:

Q. . . . .

**K. Jury Matters**

When jurors are speaking or being spoken to, use colloquy format and **use the jurors' last names. Do not use seat numbers.**

**1. Jury Voir Dire**

THE COURT: Members of the jury panel, whether in the jury box or not, I am going to address some questions to all prospective jurors. Do any of you have members of your immediate family who are police officers for this city?

JUROR BAKER: I do.

THE COURT: Okay, fine. Is there anyone else?

JURORS: (No verbal response)

**2. Juror Identification During Trial**

JUROR NELSON: Your Honor, I cannot hear the witness.

**3. Jury Verdict**

(At 1:00 p.m., the jury returned to the courtroom)

THE COURT: Ladies and gentlemen of the jury, have you reached a verdict, and if so, would the foreperson please rise and announce that verdict?

FOREPERSON SMITH: We have, your Honor. We, the jury, find the Defendant guilty as charged.

#### 4. Jury Polling

THE CLERK: As your name is called, will you please answer? Juror Nelson, is this and was this your verdict?

JUROR NELSON: It is.

#### L. Deposition

Grayling, Michigan

Tuesday, June 3, 1986 - 3:10 p.m.

SAMUEL I. SMITH

HAVING BEEN CALLED BY THE PLAINTIFF AND SWORN:

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

THE WITNESS: Samuel I. Smith. S-m-i-t-h.

MR. BLOOMQUIST: Mr. Smith, would you first of all, if you do not understand my question, please say so. If you don't hear me, please say so. Otherwise, I'll assume you've heard me, you understand the question, that your answer is responsive to the question. Okay?

THE WITNESS: Right.

MR. JONES: Could I just indicate, we've done it already. The court reporter's got to get everything in yes, no, I don't understand. Uh-huh and uh-uh is going to make a confusing record. So try to think about that.

MR. BLOOMQUIST: She does not take shaking of your head, so yes or no--you've got to say it. Do you understand that?

THE WITNESS: Right. Yes.

#### DIRECT EXAMINATION

BY MR. BLOOMQUIST:

Q. Where do you live, sir?

A. 7000 Mayfield, Gaylord, Michigan 49735.

## Chapter 5: Transcript Certificate Page Examples

When only a portion of the proceedings has been transcribed, indicate that it is an "excerpt of the proceedings."

Certification designations are: Certified Shorthand Reporter (CSR)  
Certified Voice Writer/Stenomask Reporter (CSMR)  
Certified Electronic Recorder (CER)

### A. Transcript Certificate Page for Entire Proceedings

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct transcript of the [insert name of proceedings] and testimony taken in this case on [list all dates for which reporter or recorder is responsible].

Date

Signature

Name [print or type], certification designation, and number

Business address

City, state, and zip

On all certificate pages: add case name, case #, and name of proceeding



**B. Transcript Certificate Page for Excerpt of Proceedings**

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct transcript of the [insert name of excerpt of proceedings] and testimony taken in this case on [list all dates for which reporter or recorder is responsible].

---

Date

---

Signature

---

Name [print or type], certification designation, and number

---

Business address

---

City, state, and zip

**C. Transcript Certificate Page for Deposition**

This example is used when the transcriber is the same person who recorded/reported the deposition. (See MCR 2.304(C) and MCR 2.306(F) for further information.) A deposition transcribed and certified in accordance with MCR 2.306(F) need not be submitted to the witness for examination and signature.

Certification Designation: Certified Shorthand Reporter (CSR)  
Certified Voice Writer/Stenomask Reporter (CSMR)  
Certified Electronic Recorder (CER)

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct record of the testimony of [insert name of deponent] held in this case on [insert date of deposition].

I also certify that prior to taking this deposition, [insert name of deponent] was duly sworn to tell the truth.

\_\_\_\_\_  
Date of completion of  
transcript

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name [print or type], certification designation, and number  
Notary Public, State of Michigan, County of [insert name of county].  
Acting in the County of [insert name of county].  
My commission expires [insert expiration date].

\_\_\_\_\_  
Business address

\_\_\_\_\_  
City, state, and zip

Jessica at LCC direct number is 517-483-1561. Per one our students. She is great!