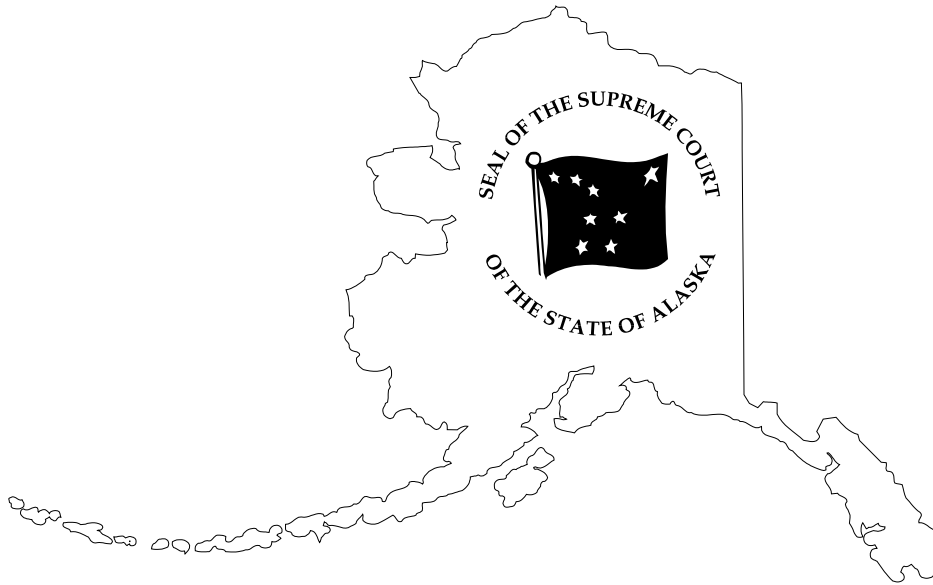


ALASKA COURT SYSTEM

MANUAL OF TRANSCRIPT PROCEDURES



March 2016

Appellate Court
303 K Street, 4th Floor
Anchorage, AK 99501

TF-410 (3/16)(cherry cvr)

INTRODUCTION

This Manual of Transcript Procedures (TF-410) consists of two parts. Part I applies to all transcripts filed with the Alaska Court System. **All transcripts filed with the Alaska Court System must be prepared in the form set out in this manual.**

Part II applies to transcripts prepared for the Alaska Court System by transcribers employed by the court system or under contract with the court system.

Transcribers under contract with the Alaska Court System must submit a completed Transcriber Audio Evaluation form for each assignment in which there were any issues with the recordings that hindered transcription; however, all transcribers are encouraged to submit the applicable form (Appendix X) that can be found here: <http://courts.alaska.gov/forms/ap-810.pdf>

The Alaska Court System reserves the right to duplicate any transcript filed with the court without payment of fees to the transcriber.

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PART I

Part I of this manual applies to all transcripts filed with the Alaska Court System.

CHAPTER I
SPECIFICATIONS

A. PAPER

1. Size: Paper size shall be 8-1/2 x 11 inches.
2. Weight: The weight of paper shall be at least 20 pounds for both originals and copies.
3. Color: Good quality white paper is required.

B. INK COLOR

Black ink shall be used for both originals and copies.

C. PREPRINTED MARGINAL LINES

Solid left and right marginal lines on all pages are required. The marginal lines are to be placed on the page so that **text** begins 1.62 inches from the left side of the page and ends .5 inches from the right side of the page. The use of top and bottom marginal lines are optional.

D. LINE NUMBERING

Each page of a transcript shall contain 25 numbered lines.

E. PAGE NUMBERING

The pages of a transcript shall be numbered in a single series of consecutive numbers regardless of the number of days or number of proceedings involved. The page number shall be placed at the bottom right corner. The page number does not count as a line. The transcript, whether consisting of one or more volumes, shall be numbered in a single chronological sequence throughout all volumes.

1. Volume pages are counted but **not physically numbered**.
2. Tables of Contents pages are numbered consecutively to the volume page, 2, 3, 4, etc.
3. Day pages are numbered in sequence. Use the page number on the day page (Appendix E) for the table of contents and the volume pages (Appendix B).
4. Each page after the day page is numbered with consecutive numbers.
5. The certificate is always the last page of every transcript and is numbered. If there are multiple volumes, it would be the last page of the last volume. **The certificate page number is not shown on the volume page**. Example of page numbering:

Single volume

Volume I is Page 1
Table of Contents is Page 2
Day Page is Page 3
Proceedings Page is Page 4
Certificate is last numbered page

Multiple volumes

Volume II is Page 785
Day Page is Page 786
Proceedings Page is Page 787
Certificate is last numbered page

F. TYPING

THE FOLLOWING CRITERIA APPLY TO TRANSCRIPTION PARAMETERS PRIOR TO CONDENSING

1. **Letter Quality:** The type shall be letter quality. Use of script or dot matrix is not acceptable.
2. **Type Size:** The letter character size shall be 10 characters to the inch. This provides for approximately 63 characters to each line.
3. **Number of Lines Per Page:** Each page of transcription shall contain 25 lines of text, except the last page, which may contain fewer lines of text, but must have 25 numbered lines in any event. Page numbers or notations are not to be considered part of the 25 lines of text.
4. **Margins:** Text is to begin on each page at the 1.62 inch left margin and continue to the .5 inch right margin. This provides for 6.38 inches of text per line inside the left and right marginal lines.
5. **Spacing:** Lines of transcript text shall be double spaced.
6. **Hyphenation/Word Division:** Commonly accepted rules for proper hyphenation are to be followed. Hyphens are to be used when words or names are spelled out. Words are not to be hyphenated at the end of a line and hyphens are not to be separated at the end of a line.
7. **Paragraphing:** The purpose of paragraphing is to make reading easier, clearer, and smoother. One sentence paragraphs are undesirable and shall be avoided when possible, as well as paragraphs comprised of one or more pages of transcript. Paragraphing must remain consistent throughout the transcript. There shall be a new paragraph for each new speaker.
8. **Indentations:**
 - a. **Q and A.** All Q and A designations shall begin at the left margin. The statement following the Q and A begins on the sixth space from the left margin. Subsequent lines begin on the sixth space from the left margin.
 - b. **Colloquy.** Speaker identification begins on the sixth space from the left margin followed directly by a colon. The statement begins on the third space after the colon. Subsequent lines begin at the left margin.
9. **Legibility:** The original transcript and each copy is to be legible without any interlineation materially defacing the transcript.

G. FORM

The court system uses a condensed form for transcripts. A party who is responsible for preparation of a transcript is required to use the condensed form described below. We will not accept a transcript volume comprised of more than 240 sheets of paper (960 condensed pages).

Remember: Do not split a day's proceedings between two volumes.

1. **Condensed Form** The following specifications apply to condensed form transcripts:

a. Condensing software must first be approved by ACS with respect to its legibility and must produce a page layout arranged as follows:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 2	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 4
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 3	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 5

b. The following pages must be full-size: volume title page, table of contents, and certificate. These pages are to be counted in the 240 page total of condensed transcripts.

c. If an electronic version of the transcript is required, the electronic version must be in the original, non-condensed form. This will allow anyone who has difficulty reading the condensed form to print a full-size version of the transcript.

The following section is applicable to transcripts prepared by private transcribers (not on contract with the Alaska Court System):

- d. Condensed pages must be duplexed, that is, copied on both sides of the paper. Non-condensed pages (the volume title page, table of contents, and certificate) must be single-sided and are counted in the total 120 pages of condensed, duplexed transcript.
- e. Tape binding is preferred for condensed transcripts; however, if the transcript is tape-bound, the front and back covers must be yellow cover stock (at least 65 lb. weight) and **each volume must be limited to 120 sheets of paper**, including front and back covers. Covers may be heavyweight transparent plastic, yellow cover stock (at least 65 lb. weight) or another material approved in advance by the Alaska Court System. Multiple volumes should be approximately equal in size.

Each volume must be separately secured on the left side with a permanent fastener or binding, such as an ACCO fastener, staples, a report cover, or a spiral binding, comb (GBC) binding, or tape binding. Other fasteners or bindings must be approved in advance by the Alaska Court System.

It is preferable to have one large volume consisting of several days' proceedings, rather than several small volumes each consisting of only one day. Do not split one day's proceedings between two volumes.

H. COPIES

Pursuant to Appellate Rule 210(b)(5), in cases on appeal to the Alaska Supreme Court or the Court of Appeals, a transcriber must file with the court one hard copy of the transcript in condensed format and an electronic version.

1. HARD COPIES

Condensed transcript copies are to be reproduced by any method of reproduction that produces black text on white paper. There shall be no markings on the original or copies that would hinder clear reproduction by mechanical means by any court official or party.

2. ELECTRONIC COPIES

Electronic copies must be submitted on a CD-R disc. A transcript shall be formatted in: WordPerfect for Windows or Microsoft Word. The electronic version of a transcript may not be in condensed format.

I. MEDIA LABELING

The CD-R disc must be labeled as follows:



Use CD labeler or permanent marker to label CD

CHAPTER II

FORMAT

A transcript may include more than one proceeding in a case held on separate days. For example, if instructed to transcribe several separate proceedings in one case, such as the arraignment, evidentiary hearing, the trial, and sentencing, each held on separate days, the four proceedings would be one transcript volume, provided that the combined days do not exceed 240 single sheets of paper. (Section G)

A. VOLUMES

More than one day of proceedings may be contained in a volume. Follow guidelines for number of pages in a volume. Do not split a day's proceeding between two volumes. Each volume must contain:

1. Volume title page (Appendix B).
2. Day page (Appendix E).
3. Transcribed proceedings (Appendix G).
4. First volume must contain a table of contents (if required) for all volumes (Appendix C and D).
5. Last volume must contain a certificate (Appendix H).

B. VOLUME TITLE PAGE

The volume title page (Appendix B) is an introductory page showing the following information:

1. Court name
2. District
3. Case caption
4. Case number
5. Volume number
6. The line TRANSCRIPT OF PROCEEDINGS centered in caps and underlined.
7. Dates of proceedings contained in the volume and the page numbers for each date beginning with each day page number and ending with the last page number of each day. In some instances, the volume title page and the day page may be combined (Section E).
8. Alaska Court System Disclaimer

C. TABLE OF CONTENTS

The table of contents is a list of important events in a transcript and lists the page number in the transcript on which they appear (Appendix C and D). If a witness testifies on redirect, recross and redirect again, the first page number is shown, a slash bar, then the second page number (Appendix C). A transcript must include a table of contents whenever a transcript contains any of the following:

1. Any witnesses;
2. Any exhibits admitted; or
3. More than one day of proceedings of a different nature

Multi-volume transcripts contain only one table of contents for the entire transcript and it follows the first volume page immediately preceding the first day page. The table of contents must indicate:

- (a) Each proceeding in a transcript (for example, arraignment, bail hearing, trial by jury, sentencing, etc.). The title of the proceedings for the table of contents must

read the same as it appears on the day page. Only the first day of trial should be listed if multiple days. See Appendix C for example.

- (b) Examples of important events in each proceeding are:
- (1) Jury selection
 - (2) Opening statements
 - (3) Witnesses
 - (4) Exhibits
 - (5) Closing arguments
 - (6) Verdict
- (c) The names of witnesses, on whose behalf the witnesses were called, the type of examination (direct, cross, redirect, recross, rebuttal, surrebuttal), and the **page number where the witness's name appears**. A witness's name is to be typed on the table of contents exactly as it appears in the transcript; i.e., middle initial/no middle initial, full name, Jr., etc. Rebuttal and surrebuttal witness set-ups are also listed on the table of contents (Appendix C).
- Voir dire examination is not shown on the table of contents. If a witness's testimony is interrupted by voir dire and the original examination is continued, there is no need to show the interruption on the table of contents. If a witness is interrupted by another witness and the original examination is then resumed, show the first page number, followed by a slash bar, then show the second page number on the table of contents where the examination is continued (Appendix C).
- (d) A list of exhibits admitted into evidence. The list is to indicate the exhibit number, a brief description of the exhibit, and the page number where the exhibit was admitted. Exhibits identified but not admitted are not shown on the table of contents or in the transcript. If exhibits 1 through 10 are all photographs and are admitted on the same page, combine the exhibits 1 through 10 on the table of contents and show one brief description and only one page number (Appendix C).
- (e) The page number for the table of contents showing the verdict is the page number where the court comes back on record after deliberations and receives the verdict from the foreperson.

D. DAY PAGE

Information for the day page (Appendix E) is obtained from the in-court clerk's log notes or tags (Appendix Z and AA). Each day of proceedings must begin with a day page indicating:

1. Nature of proceeding
2. Name and title of judge or other official presiding
3. Location of proceeding, date and beginning time
4. Appearances for the parties (name and address of each attorney and for whom they appear). When typing the day page, do not use abbreviations; for example, West Fourth Avenue, not W. 4th Ave or Anchorage, Alaska, not Anchorage, AK. A private person who acts as his own attorney is designated as *In Propria Persona*. This term is listed in place of *Attorney at Law* or *Assistant Public Defender*, etc. (Appendix A). If no parties are present, indicate *none* on the day page (Appendix F).
5. Also Present. For example, Department of Corrections, Social Workers, etc. Use the in-court clerk's log notes to indicate the names of persons present. If someone other than a witness or a party speaks for the record, they shall be identified on the day page (Appendix P) from information contained in the log notes. If an attorney appears on behalf of a witness testifying in a trial, the attorney's name is shown as *also present* for witness X (Appendix E).
6. Notation of (telephonically) for any party or the court appearing as such.

Type of Proceeding: If an entire trial lasting several days is to be transcribed, but jury selection or other portions are excluded, the title for all day pages shall contain the word *EXCERPT* in parentheses, underlined, and in caps. The words *TRANSCRIPT OF* do not precede the title on day pages.

10 11 12	<u>TRIAL BY JURY (EXCERPT)</u>	
----------------------	--------------------------------	--

When the nature of the proceedings is the same for several days, the second and all subsequent day pages shall contain the word *CONTINUED* immediately after the nature of the proceedings but before the word *EXCERPT*. The verdict is not an excerpt.

10 11 12	<u>TRIAL BY JURY, CONTINUED (EXCERPT);</u> <u>VERDICT</u>	
----------------------	--	--

E. COMBINATION VOLUME TITLE/DAY PAGE

If a volume consists of a proceeding that is no longer than one day in length, and there are no witnesses or exhibits, a combination volume title/day page is used that includes all the information required for a volume title page and all the information for a day page. No separate day page is required and no table of contents is required. If a combination volume title/day page is used, the words *TRANSCRIPT OF* precedes the nature of the proceedings (Appendix A).

F. CONTENT

1. **Verbal**

Except as noted below, the transcript shall be verbatim and contain all words and other verbal expressions uttered during the proceeding:

- a. **Striking Portions of the Proceeding:** No portion of the proceeding is to be omitted from the record by an order to strike. Regardless of the requesting party, material ordered stricken and the order to strike must all appear in the transcript.
- b. **Editing of Speech:** The transcript shall provide a verbatim record of words spoken in the proceedings. All grammatical errors, changes of thought, contractions, misstatements and poorly constructed sentences shall be transcribed as spoken. In the interest of readability, however, stutters, ums, ahs and uhs, and other verbal tics are not normally included in transcripts, but such verbalizations shall be transcribed whenever their exclusion could change a statement's meaning.

Examples of Exceptions:	<u>Type:</u> going to kind of got to because them must have could have that will	<u>Instead of:</u> gonna kinda gotta 'cause 'em musta coulda that'll
-------------------------	--	--

- c. **Reporting of Audio/Video Recordings:** Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed *unless otherwise instructed to do so*. Indicate the beginning log number where the recording starts, the summary phrase (Audio played) or (Video played) and the ending log number where the playing of the recording stops.

If a recording is started and one small portion or sentence is played, then stopped, questions and answers, then playing of another small section, do not show log numbers in that instance, but rather at the beginning and end of the audio playing. (Appendix W).

If a witness narrates a video as it is being played, show log numbers at the beginning and conclusion of the video only.

- d. **Private Communications and Off the Record Conversations:** Private communications and off the record conversations inadvertently recorded are not to be included in a transcript. Any whispered conversations other than bench conferences are shown by typing the summary phrase (*Whispered conversation*) on the sixth space from the left margin.
- e. **Laughter:** Do not use the parenthetical expression of (laughter).
- f. **Jury Instructions:** Do not transcribe the actual reading to the jury of the preliminary or final jury instructions, unless specifically requested to do so.

2. **Summary Phrases**

Summary phrases shall be used for the following events. Summary phrases shall appear in parentheses and begin on the sixth space from the left margin. **Summary phrases such as jury present, jury not present, defendant present, etc., following recesses or off record shall not be used unless it is not clear from reading the transcript.** The following summary phrases are examples when log numbers are not included:

- a. (Oath administered)
- b. (Witness summoned)
- c. (Jury excused)
- d. (Jury recalled)
- e. (Whispered conversation)
- f. (Defendant fingerprinted)
- g. (Off record) - *except at the end of a day*
- h. (Court recessed) - *except at the end of a day*
- i. (Bench conference as follows:)
- j. (End of bench conference)
- k. (In-chambers conference as follows:)
- l. (End of in-chambers conference)

Whispered conversations at the bench are to be transcribed and are to be set out as follows:

1		MR. SMITH: Your Honor, may we approach the bench?
2		THE COURT: You may.
3		(Bench conference as follows:)
4		MR. SMITH: Your Honor, I'd like to move for the exclusion of
5		witnesses. I failed to do that earlier. I need to (indiscernible) until
6		then.
7		THE COURT: Any objection?
8		MR. JONES: No, Your Honor.
9		(End of bench conference)
10		THE COURT: You may proceed, Mr. Smith.
11		THE COURT: You may proceed, Mr. Smith.

Log numbers before and after summary phrases are included when a portion of the recordings are not transcribed within the requested portion. The log numbers before and after show which portion was not transcribed. The following summary phrases are examples when log numbers are included:

- a. (Court reads preliminary jury instructions)
- b. (Court reads jury instructions)
- c. (Court reads final jury instructions)
- d. (This portion not requested)
- e. (This portion not requested - jury selection)
- f. (This portion previously transcribed)
- g. (Other matters)
- h. (This portion not transcribed - under seal)
- i. (Audio played)
- j. (Video played)

3. **Identification of Speakers**

All speakers are properly identified throughout the transcript by using MR. or MS. and their last name. The judge is identified as *THE COURT*, the in-court clerk is identified as *THE CLERK*, the bailiff as *THE BAILIFF*, and the officer responsible for escorting in-custody defendants to the courtroom as *JUDICIAL SERVICES OFFICER*.

During examination of a juror or a witness under oath, the juror or witness is identified only as A. The attorney who is conducting the questioning is identified only as Q. There is no punctuation following Q or A.

Before a jury has been selected, they are identified as *THE PANEL*. After a jury has been selected and sworn, the jury is identified as *THE JURY*.

When a juror speaks whose name is not ever spoken, he should be identified as *UNIDENTIFIED JUROR*.

All other unidentified persons speaking on the record are identified as *UNIDENTIFIED VOICE*, not *UNIDENTIFIED MALE* or *FEMALE*. If an unidentified voice is later identified for the record, once you learn that person's identification you should replace the unidentified voice with the person's name throughout the entire transcript.

Sometimes the defense or prosecution agency attorneys are not identified on the record or in the log notes. You should first contact the Statewide Transcript Office to see if they have or can obtain that information for you. If, however, the name cannot be obtained, the attorney would then be identified in the transcript as *UNIDENTIFIED DISTRICT ATTORNEY*, *UNIDENTIFIED PUBLIC DEFENDER* or *UNIDENTIFIED MUNICIPAL ATTORNEY*.

4. Examination of Witnesses

a. **Witness Identification**

When a witness testifies, the witness setup is as follows:

- (1) Use the parenthetical (Oath administered) instead of typing out the oath and then identify the witness by name and type their response as shown below. The witness's name is then centered and in caps. Do not bold or underline.
- (2) On the next line, starting at the left margin, is a brief statement indicating *called as a witness on behalf of the plaintiff/defendant, testified as follows on:*
- (3) If a party testifies on his/her own behalf, type the phrase *called as a witness on his/her own behalf, testified as follows on:* For each type examination thereafter, this line is abbreviated to indicate *testified as follows on:*
- (4) On the next line centered and in caps is the type of examination such as *DIRECT*, *CROSS*, *REDIRECT*, *RECROSS* or continued examination.
- (5) On the next line starting at the left margin, identify the person questioning.

1 (Oath administered) 2 MR. DOE: I do. 3 JOHN DOE 4 called as a witness on behalf of the plaintiff, testified as follows on: 5 DIRECT EXAMINATION 6 THE CLERK: State your name for the record. 7 A John Doe. 8 THE CLERK: Thank you. 9 BY MR. JONES: 10 Q 11 A
--

1 JOHN DOE 2 testified as follows on: 3 CROSS EXAMINATION

- (6) If, after the defense rests, the plaintiff wishes to reopen his case in chief and call further witnesses, this type of examination is called rebuttal. The witness setup is typed: *called as a rebuttal witness on behalf of the plaintiff, testified as follows on:* If the defendant calls further witnesses this is called surrebuttal and would follow the setup above, substituting surrebuttal in place of rebuttal.

b. **Types of Examination**

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

- (a) If there is more than one attorney representing a party, or if two or more attorneys are questioning on the same type of examination, in this case only the attorney introduction line is shown.
- (b) If a witness is called a second time on behalf of the opposing party.
- (c) During an offer of proof. However, an offer of proof is only identified in a transcript when it is so referenced on record.

If a witness testifies telephonically, indicate in the initial witness setup called as a witness on behalf of the plaintiff, testified telephonically as follows on. The word (*telephonically*) is also to be noted on the table of contents (Appendix C).

(2) **Cross Examination** is questioning by the opposing attorney. A witness is usually questioned only once on cross examination with the same exceptions as noted for direct examination.

(3) **Redirect Examination** is questioning again by the first attorney re-examining the witness on matters raised on cross examination.

(4) **Recross Examination** is questioning by the opposing attorney re-examining the witness on matters raised on redirect. Attorneys may question in turn several times on redirect and recross. If this occurs, page numbers on the table of contents are indicated using slash bars for each page number (Appendix C). While you may have redirect examination of a witness without recross examination, there cannot be recross examination without redirect examination. Example: If a witness testifies on direct examination, cross examination and there is no redirect examination, but the attorney questioning on cross has further cross, this is shown in the set-up as cross examination continued, and would be listed on the table of contents with a slash.

(5) **Continued Examination** is used in the following circumstances. The word *CONTINUED* is included on the examination line when:

- (a) Questioning of a witness has been interrupted by one or more pages of argument, voir dire examination, or offer of proof. The full witness setup need not be repeated except after an offer of proof. The type of continued examination and the attorney's introduction line is included.

1	THE COURT: Do you want to be heard further,
2	Mr. Smith?
3	MR. SMITH: No, Your Honor.
4	THE COURT: You may continue with cross.
5	CROSS EXAMINATION CONTINUED
6	BY MR. SMITH:
7	Q
8	

- (c) At the beginning of a new day when questioning under the same type of examination as the end of the previous day is resumed or if a witness's testimony has been interrupted by testimony of another witness. In this instance, the entire witness setup is required with the words *previously sworn* preceding *called as a witness*.

1	JOHN DOE
2	previously sworn, called as a witness on behalf of the
3	plaintiff, testified telephonically as follows on:
4	DIRECT EXAMINATION CONTINUED
5	BY MR. SMITH:
6	Q

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

Witness Setup for Offer of Proof

1	JOHN DOE
2	called as a witness on an offer of proof, testified as follows
3	on:
4	DIRECT EXAMINATION
5	BY MR. SMITH:

If the same witness testifies for the first time after the offer of proof, the entire witness setup is required as shown in the sample on page 10(5).

If the offer of proof interrupted ongoing examination of the same witness, set the witness up as follows:

Witness Setup Following Offer of Proof

1	JOHN DOE
2	testified as follows on:
3	DIRECT EXAMINATION CONTINUED
4	BY MR. SMITH:
5	Q

The witness's name is to be shown as direct examination on the table of contents with the notation (*by offer of proof*) on the line below the witness's name (example following). If the offer of proof has interrupted ongoing testimony, the witness's name would appear twice on the table of contents, separated by a slash bar (example following).

		TABLE OF CONTENTS				
WITNESSES:		VOL	DIRECT	CROSS	REDIRECT	RECROSS
FOR THE PLAINTIFF:						
4	John Doe	I	25/35	69	75	100
5	John Doe	I	30	--	--	--
6	(by offer of proof)					
7	Mary Johnson	I/II	175	325	--	--
8						

- (7) **Voir Dire Examination** is used during jury selection when a prospective juror is questioned as to her qualifications. In this instance, the words *VOIR DIRE OF MARY JOHNSON* is to be centered and in caps. The next line is the attorney/judge identification line as in any examination. When the second attorney or judge questions the juror, only the attorney/court introduction line is shown.

Voir dire examination is used when the court questions a witness for one or more pages or when the testimony of a witness is interrupted by the opposing attorney who wishes to question the witness on a particular subject. It is usually referred to as voir dire but not always. The jury may or may not be excused, however, if the jury is excused and questioning continues out of their presence this is voir dire examination.

5		DIRECT EXAMINATION
6	BY MR. JONES:	
7	Q	Did you say that you saw the defendant at noon?
8	A	Yes, he was on Hanover Street at noon.
9	MR. SMITH:	Your Honor, may I voir dire the witness?
10	THE COURT:	You may.
11	VOIR DIRE BY MR. SMITH:	
12	Q	Where is Hanover Street in relation to your store?
13	A	North.
14	MR. SMITH:	That's all I have, Your Honor.
15		DIRECT EXAMINATION CONTINUED
16	BY MR. JONES:	
17		

As in the above example, at the conclusion of voir dire examination, the original examination is set up as *continued*, along with the attorney identification line.

Page numbering for the table of contents will show the page number of the original examination, a slash bar, and the page number where the original examination is resumed after the voir dire examination. Voir dire is **NOT** shown on the table of contents.

If the court or counsel conduct voir dire examination of a witness that has not been set up as a witness at the beginning of a new day, set the witness up as follows:

1		JOHN DOE
2		called as a witness, testified as follows on:
3		VOIR DIRE EXAMINATION
4	BY THE COURT:	
5	Q	
6	A	

If the same witness (1) testifies following voir dire examination as in the above example, or (2) the witness was testifying at the end of the previous day and is now resuming continued examination, or (3) the witness's testimony has been interrupted by another witness, the entire witness setup is required using the phrase *previously sworn*.

1		JOHN DOE
2		previously sworn, called as a witness on behalf of the
3		plaintiff, testified as follows on:
4		DIRECT EXAMINATION CONTINUED
5	BY MR. SMITH:	
6	Q	
7	A	

5. **Breaks in Speech**

Often a speaker will break speech mid-sentence. This is indicated in the transcript in one of several ways described below.

a. **Dashes**: A series of two dashes (--) is used to show:

- (1) **Changes of Thought**: When the speaker has a change of thought leaving a sentence unfinished to begin a new one:

Q *Now, Mr. Smith, what did you -- where were you at the time in question?*

- (2) **Repetition**: When a speaker repeats a word or phrase:

A *When I left the house -- when I left the house that day, I was running late for work.*

- (3) **Mid-word**: When a speaker leaves a word unfinished or starts another word:

Q *Abou -- approximately what time of day do you believe that was?*

- (4) **Interruptions**: Occasionally a speaker will be interrupted by another speaker before completing the sentence. Should this happen, the interrupted sentence would end with two dashes with one space between the last word and the beginning of the dashes. If the speaker resumes the sentence after the interruption has ended, two dashes would appear at the beginning of the resumed sentence with one space after the dashes and before the next word:

MR. JOHNSON: Our company's promise is to produce a high --

MR. WILLIAMS: Tell me how --

MR. JOHNSON: -- quality, inexpensive product, finished on time.

- (5) **Fade Out**: If a speaker fades out before ending a sentence, the two dashes are used:

MR. JOHNSON: When we concluded yesterday you were explaining --

- (6) **Change of Addressee**: When an attorney who is questioning a witness interrupts a question mid-sentence to address the court or any courtroom participant other than the witness, this is shown by the two dashes. When addressing the witness, type Q. When addressing the court or any other courtroom participant, type the introduction line of Mr., Ms., etc.:

Q *You were explaining to us yesterday how --*

MR. JOHNSON: Mr. Williams, may I have that exhibit you were using yesterday?

Q *Would you explain what's illustrated on this exhibit, Exhibit 2?*

Do not use punctuation before or after the dash:

Incorrect: *Okay, sir, -- okay. Then what?*

Correct: *Okay, sir -- okay. Then what?*

Do not split the two dashes at the end of a line.

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

- (1) "Did -- did you -- did you know" and "Did you -- did you know" are transcribed as "Did you know."
- (2) "Did you go -- well, let me ask you this" involves a whole phrase and is transcribed as it is spoken.
- (3) Do not edit stress points or words repeated for emphasis. For example, "Only then, only then did he admit he had a problem."

6. **Indistinct Portions**

Occasionally when transcribing, there may be a word or words that cannot be heard or are garbled. Make every effort to transcribe it, but **do not guess.** If the phrase still cannot be deciphered, use one of the following summary phrases to clearly show the portion not transcribed.

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

- (1) (*indiscernible - away from microphone*)
- (2) (*indiscernible - interrupted*)
- (3) (*indiscernible - simultaneous speech*)
- (4) (*indiscernible - cough*)
- (5) (*indiscernible - voice lowered*)
- (6) (*indiscernible - recording malfunction*)

- b. Inaudible Reply: Occasionally a witness may answer by a shake or nod of the head that obviously is not recorded. If a question has clearly been asked and there is no audible answer, this is shown as a summary phrase (*No audible response*).

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

7. **Pauses**

Often there will be silence during proceedings. Unless these pauses are at least **one minute** or more in duration, they are not indicated in the transcript. Pauses are depicted in two ways. If the pause occurs while a person is speaking, type the word (*pause*) on the same line and resume transcribing after the pause. If the pause occurs between speakers, type the word (*Pause*) on a separate line. If the pause occurs because a witness is being summoned, type the summary phrase (*Witness summoned*) on a separate line.

MR. SMITH: I'd ask you to turn to page 10 in particular. (Pause) I'm going to continue my examination while they review that document.

*MR. SMITH: I'd ask you to turn to page 10 in particular.
(Pause)*

THE COURT: You may continue your examination while they are reviewing that document.

8. **Exhibits**

Items used as evidence in a trial:

- a. Whenever an exhibit is ordered admitted by the court, the following phrase, in parentheses, is typed on a separate line, flush with the right margin:

1		THE COURT: 1 is admitted.	
2			(Plaintiff's exhibit 1 admitted)
3		MR. SMITH: Thank you, Your Honor.	

- b. Occasionally an exhibit may be admitted with no obvious verbal proof in the oral record, but the clerk will indicate admission in the log notes or in the exhibit list. If the admission is only reflected in the exhibit list, note (per exhibit list) in the table of contents instead of the page number. If noted in the log notes, show the admission of the exhibit in the transcript at whatever point the log notes indicate:

Example: (Plaintiff's exhibit 2 admitted - see clerk's log notes)
(Plaintiff's exhibit 2 admitted off record)

- c. If other actions are taken after an exhibit is admitted, note them as follows:

(Plaintiff's exhibit 2 re-admitted)
(Plaintiff's exhibit 2 withdrawn)
(Plaintiff's exhibit A re-admitted as plaintiff's exhibit 2)

- d. Any exhibits admitted during a recess are noted in the log notes and must be noted in the body of the transcript as shown below. This is to be located immediately following the recess notation.

1		(Court recessed)	
2			(Plaintiff's exhibit 3 admitted during recess)
3		THE CLERK: This court resumes its session.	

9. **Word Usage**

- a. Phonetic: If the correct spelling of a word or name cannot be ascertained after a diligent search using available resources such as Internet search engines, CourtView or other research materials, type the word as it sounds phonetically, followed with (ph). Use the (ph) each time the word or name is transcribed.

- b. Sic: If a non-existent word is used, type the non-existent word with the word *[sic]* in brackets immediately following the word.

Example: John was told by his doctor that what he was suffering from rheumatic [sic] arthritis.

Witness's name is Christine, but she is constantly referred to as Christina [sic].

Case number 3AN-12-00011CR; misstated as 3AN-11-00012CR [sic].

- c. Incorrect term: Should a speaker use a term that is known to be incorrect, type the term as spoken followed by the word *[sic]* in brackets.

Example: Harry and Tom is [sic] two of my best friends.

While explaining to a group of scholars his theory of relativity Einstein misinterpret [sic] part of his theory.

- d. Colloquialisms: The following is a brief list of colloquial terms frequently heard on record. (Exceptions on page 7, F. 1. b.) They are typed as follows:

(1) *Yeah.*

- (2) *Uh-huh (affirmative).*
- (3) *Unh-unh (negative).*
- (4) *Huh?*
- (5) *Yep.*
- (6) *Ain't*

10. **Grammar and Punctuation**

- a. **Capitalization:** To simplify format uniformity, capitalization is limited as closely as possible to proper nouns, such as: names, dates, addresses, direct personal titles, company names, countries, states, races, nationalities and acronyms instead of organization names such as FBI, CIA, DA, OPA, and PD.

Examples: When the judge was handing down his sentence, Mr. Smith did not seem surprised.

When Judge Greene announced Mr. Smith's sentence, he did not seem surprised.

My name is Mr. Howard, Judge, and I'm here for Mr. Smith.

Mr. Howard is present with his client, Mr. Smith, and Mr. Ford is present for the state.

Present for the State of Alaska is Mr. Ford and Mr. Howard is here for Mr. Smith.

We received a call from the District Attorney's Office that Mr. Kyle was ill and Ms. Schlock, another assistant district attorney, will be substituting for him.

- b. **Numbers:**

- (1) Numbers written out are the figures one through nine, fractions less than one (e. g., two-thirds, three-quarters) and numbers at the beginning of a sentence except those listed below. All numbers 10 and above are to be written in figures (e. g., 10, 11, 12). If a speaker says the word *number* preceding one through nine, type *number 1*, *number 2*. If a speaker says *a hundred*, type *a hundred*; but if a speaker says *one hundred*, type *100*.

- (2) The following numbers are written in figures even at the beginning of a sentence:

- (a) Exhibit numbers, e.g., 1, 2, 3, 4, etc.:

THE COURT: 1 is admitted.

- (b) Legal citations, e.g., 28.35.030(a)(3):

28.35.030(a)(3) says, failure to yield right-of-way to pedestrians.

- (c) Counts in an indictment are Roman numerals, I, II, III, IV, V, etc.:

There are five counts in this indictment: Count I is Driving While Under the Influence of Alcohol; II is Failure to Stop; III is Hit and Run; and IV is Reckless Endangerment.

- (d) Time: Type the word "o'clock" only if stated.

*1:00 is when we arrived at the airport.
11:00 o'clock on the dot, we boarded the plane.*

(e) Dates and years:

*What date in January did you say that happened?
14th, and I think it was on a Monday.*

(f) Case numbers:

3AN-13-00054CR., is the case number for the fraud charge.

(g) Addresses:

303 K Street, Suite 110.

(h) Money:

\$1.95, \$100, or \$100.50.

(i) Height and weight: *5' 6" and 140 pounds*

(j) Caliber of gun:

.22 Winchester automatic, .35, .44 Magnum, 30-06

c. **Quotation marks:**

Use quotation marks **only if the quoted material is available to verify a direct quotation**. This scenario rarely occurs, so if the speaker says quote/unquote, type as follows:

*Example: And then she said, quote, stop right there, unquote.
And then she said, quote/unquote, stop right there.*

11. **Interpreters**

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

a. **Literal Translation:** A literal translation is when the attorney asks questions and the interpreter answers the question for the witness in the first person. The witness setup is as follows in the text box below.

b. **Non-literal Translation:** At times an attorney will lapse into third person when asking questions, or the interpreter will lapse into the third person when translating a witness's answer. When this occurs, the non-literal translation is transcribed as shown in the sample in the following text box:

10		JOHN DOE	
11		called as a witness on behalf of the defendant, testified by and through	
12		his interpreter, Ralph Smith, as follows on:	
13		DIRECT EXAMINATION	
14		BY MR. JONES:	
15		Q How old are you, Mr. Doe?	
16		A I'm 29.	
17		MR. JONES: Ask him where he was born.	
18		INTERPRETER: He says Mexico.	
19		MR. DOE: Yeah, Mexico City.	

12. **Miscellaneous**

a. **Requested Portions:** If a transcript request indicates a portion of a proceeding is NOT requested, transcribe to the last requested log number and note the following:

- (1) Starting at the left margin, type the log number where transcribing stops.
- (2) On the next line starting on the sixth space from the left margin, type the words *(This portion not requested)*.
- (3) On the next line starting at the left margin, type the log number where transcribing begins again. Start transcribing on the next line following the log number.

```
1 || 11:32:45
2 || (This portion not requested)
3 || 1:10:11
```

b. **Previously Transcribed Portions:** Occasionally a transcript request may include a portion that has previously been transcribed. When this occurs, type the words *(This portion previously transcribed)*.

```
1 || 11:32:45
2 || (This portion previously transcribed)
3 || 1:10:11
4 ||
```

c. **Interrupted Proceedings:** If a proceeding in a case is continued to a time later the same day, the in-court clerk may start a new title page log sheet for the continued hearing. Indicate off record, court recessed, other matters, etc. A new day page is not required if the nature of the continued proceeding, the judge, and appearances are the same as the earlier proceeding. If any of the above is different, a new day page is required.

```
1 || THE COURT: I'll now excuse you to deliberate.
2 || 3:13:38
3 || (Other matters)
4 || 3:32:49
```

d. **Off Record/On Record:** Each time the proceedings go off record, note it in the transcript by typing the words *(Off record)* in parentheses on the sixth space from the left margin. Follow the same procedure if a recess is taken in the middle of the proceedings. Transcribe the court saying "Let's go off record" and/or the clerk saying "Off record." Do not type log numbers when proceedings go off record and then resume if nothing is omitted from the transcribed portion. There is no need to type the phrase *On record* in parentheses when proceedings resume.

```
1 || THE COURT: Madam Clerk, you may now go off record.
2 || THE CLERK: Off record.
3 || (Off record)
4 || THE CLERK: On record.
5 ||
```


- e. **Change of Media During a Hearing:** Whenever there is a media or courtroom change during a hearing, type the ending log number or time at the left margin on a line and the words *Courtroom change* or *CD change* in parentheses on a separate line starting on the sixth space from the left margin. On the next line, indicate the new courtroom or cd number and the log number or timestamps.

1		<u>PROCEEDINGS</u>
2	3AN1504-27	
3	8:35:23	
4	THE COURT: We're on record. The parties are present.	
5	(Court reads preliminary jury instructions)	
6	10:01:07	
7	(CD change)	
8	3AN1504-28	
9	10:01:08	
10	THE COURT: We'll take a short break before opening statements.	
11		

If the requested portion of a transcript is an excerpt of a proceeding, do not show media changes in portions not requested.

1		<u>PROCEEDINGS</u>
2	Courtroom B	
3	8:11:14	
4	(This portion not requested)	
5	10:38:12	
6	THE COURT: You may make your opening statement.	
7		
8	MR. SMITH: Thank you, Your Honor.	

- f. **Depositions or Other Documents Read Into the Record:** Whenever a deposition or other document is read into the record, use the following format.

1	MR. TORT: Your Honor, I have the deposition of John I. Palmer, which
2	I'd like to read into the record, if Mr. Law will assist me.
3	MR. LAW: Be glad to.
4	THE COURT: All right. Go ahead.
5	(Whereupon a portion of the deposition of John I. Palmer was read;
6	questions by Joe Tort and answers by John Law as follows:)
7	Q Now, Mr. Palmer, you say you were sitting by your window.
8	A Yes, sir.
9	Q Did you observe anything unusual?
10	MR. LAW: (Interjecting) And then there was an objection.
11	THE COURT: All right. (End of interjection)
12	A Yes, I saw a man running down the alley.
13	(Whereupon the reading of a portion of the deposition of John I. Palmer
14	was concluded)
15	MR. TORT: That's the end of the portion I wanted to read, Your Honor.
16	

- g. **End of Transcript:** At the end of every transcript, type the last log number on a separate line at the left margin. On the next line, centered, in caps, and in bold, type the words *END OF REQUESTED PORTION*. This phrase is typed at the end of the last volume only, not at the end of each day's proceedings.

14	THE COURT: Having heard all the arguments, if there is nothing further,
15	we'll be in recess, subject to call.
16	(Court recessed)
17	3:13:35
18	END OF REQUESTED PORTION
19	

- h. **Testimony/Event Reference:** A testimony/event reference is a brief description noted in a header to aid in finding a witness and/or event in a transcript. The use of testimony/event references is optional.
- i. **Oath to Jury:** At the beginning of jury selection when a jury panel is sworn to answer questions as to their qualifications, type the summary phrase (*Oath administered to panel*) in parentheses on the sixth space from the left margin. When the panel as a group responds to the oath, type the words *THE PANEL* in caps on the sixth space from the left margin followed by (*Affirmative responses*). After members of the panel are selected to serve as jurors and they are administered the oath, type the summary phrase (*Oath administered to jury*) in parentheses on the sixth space from the left margin. When the jury as a group responds to the oath, type the words *THE JURY* in caps on the sixth space from the left margin followed by (*Affirmative responses*).
- j. **Polling of Jury:** After the verdict is read, there may be a request to poll the jury. Do not transcribe the polling. Simply type on the sixth space from the left margin in parentheses (*Clerk polls jury*). Do not use log numbers before or after the summary phrase.
- k. **Case Citations:** The practice of underlining or typing in Italics case names and citations is optional.

CHAPTER III

GRAND JURY PROCEEDINGS

A. Grand Jury Proceedings

The format for a grand jury transcript varies slightly. The only participants in a grand jury proceeding are the district attorney, the in-court clerk, and the members of the grand jury. There is no judge, defense counsel, or defendant present. The district attorney and the grand jurors question the witnesses on direct examination. There is no cross examination.

Grand jury proceedings are usually short, lasting one day or less. Though there is a limited table of contents, a combination Volume Title/Day Page (Appendix J) is used unless the proceeding is more than one day, in which case a Volume Page and a Day Page would be required (Appendix K and L).

There is a limited table of contents for grand jury listing the witness's name and the page number where the name appears in the transcript. Exhibits are not shown on a grand jury table of contents.

	<u>TABLE OF CONTENTS</u>	
1		
2	<u>WITNESSES</u>	<u>DIRECT</u>
3	John Smith	5
4	Joan Jones (telephonically)	10
5	Joe White	15/20
6	Paul Jensen	35
17	7	

In a grand jury proceeding, the clerk is administered an oath by the foreperson of the jury to keep secret the proceeding. This oath is to be shown in the transcript as a summary phrase (*Oath administered to clerk*) in parentheses. On the next line, type the words *THE CLERK* followed by the clerk's response. The clerk or the foreperson may swear in the witnesses.

After the clerk is sworn in, the district attorney will introduce the case and read the indictment, the statutes, and the definitions contained in the statutes.

The district attorney is referred to as *MR. SMITH* or *MS. SMITH*. The clerk is referred to as *THE CLERK*. The foreperson is referred to as *THE FOREPERSON*. The jurors are referred to as *UNIDENTIFIED JUROR*, unless the name has been previously stated: *JUROR SMITH*:

Witnesses called to testify before a grand jury are not testifying on behalf of any party. The witness shall be set up as follows:

5		JOHN DOE	
6	called as a witness, testified as follows on:		
7		DIRECT EXAMINATION	
8	BY MR. SMITH:		
9	Q		
10	A		

The district attorney questions the witness first. When questioning has concluded, the district attorney will ask the grand jurors if they have any questions. (Page 15, Editing) There is no cross examination. When the grand jurors ask questions, do not set the witness up again. Simply type *BY UNIDENTIFIED JURORS* and continue with Q and A.

13		JOHN SMITH	
14		called as a witness, testified as follows on:	
15		DIRECT EXAMINATION	
16		BY MR. ATTORNEY:	
17		Q All right. Thank you, Mr. Smith. That's all the questions I	
18		have for you.	
19		A You're welcome.	
20		MR. ATTORNEY: Do members of the grand jury have any	
21		questions?	
22		BY UNIDENTIFIED JURORS:	
23		Q Did you see anything else?	
24		A No.	

A witness may testify, be excused, another witness testify, and then the first witness recalled to testify again. Should this occur, the witness is set up as *previously sworn* and he would be on *direct examination continued*. List both page numbers on the table of contents separated with a slash bar where the witness's name appears (Appendix C).

1		JOHN SMITH	
2		previously sworn, called as a witness, testified as follows on:	
3		DIRECT EXAMINATION CONTINUED	
4			
5		BY MR. JONES:	
6		Q	
7		A	

If the district attorney states that an exhibit is admitted, transcribe the district attorney stating the exhibit is admitted, but do not designate the admission on a separate line as in a trial. Grand jury exhibits are not shown on the table of contents.

At the conclusion of all testimony before the grand jury, the district attorney will submit the case to the jury for deliberations and go off record. After deliberations, everyone will come back on record. The district attorney will ask if the grand jury has reached a decision. The foreperson will state whether the grand jury has voted a true bill or no true bill on each of the counts in the indictment. Count numbers in an indictment are written in Roman numerals; Count I, Count II, Count III.

At the conclusion of the grand jury proceedings, type a summary phrase (*Off record*) in parentheses beginning on the sixth space from the left margin. On the next line, type the ending log number/time at the left margin. On the following line, centered, in caps, and in bold, type the words *END OF REQUESTED PORTION*

14		MR. SMITH: That concludes this case. I'll withdraw the exhibits	
15		and we can go off record.	
16		THE CLERK: Off record.	
17		(Off record)	
18		0382	
19		END OF REQUESTED PORTION	
20			

A grand jury transcript contains a certificate as the last numbered page in the transcript (Appendix H).

CHAPTER IV
SEARCH WARRANTS

A. Applications for Search Warrants

The format for search warrant transcripts is the same as any other transcript. (Appendix M and N)

CHAPTER V

CERTIFICATION

Each transcript prepared for the Alaska Court System must contain an certificate for each person who transcribed any portion of it and must bear original signatures. (Appendix H) The certificate may not be in condensed form and may not be duplexed.

In completing the certificate, the page numbers of the foregoing pages (Appendix H, line 3) are from the first day page through the last page of proceedings and the certificate page is the next page number following the last page of proceedings. The certificate page number is not shown on the last volume page.

PART II

Part II of this Manual applies only to transcripts prepared for the Alaska Court System by transcribers employed by the court system or under contract with the court system.

CHAPTER VI

CLASSIFICATION OF TRANSCRIPT ERRORS

Transcripts prepared for the Alaska Court System by transcribers employed by the court system or under contract with the court system must comply with Part I and Part II of this manual. Some deviations from the manual are acceptable. Others are not. These standards were developed for transcribers under contract with the Alaska Court System to explain what the court system regards as minor errors that can be overlooked and what it regards as major errors that compromise the quality of the transcript. Transcripts prepared for the court system must be at least 99.95 percent accurate. To determine the accuracy rate of a transcript, the court system considers the allowable number of major errors in a random sample.

A. FORMAT

The Alaska Court System (ACS) expects contractors to follow the format requirements set out in this manual including all amendments thereto. A transcript that contains any of the following format errors will be returned for correction:

1. Information on volume title page or day page is inaccurate;
2. No table of contents;
3. Table of contents does not contain all required information or contains inaccurate information (e.g., incorrect page numbers, etc.);
4. Page numbering does not comply with the manual or with special instructions given by the transcript coordinator (or another ACS employee);
5. Tape and log numbers in the transcript are omitted or are incorrect;
6. Any errors contained in the certificate, or no certificate;
7. Any other significant departures from the format required by the manual.

B. VERBATIM ERRORS

The Manual of Transcript Procedures (TF-410) requires that a transcript contain all words and other verbal expressions uttered during the course of the proceeding. Limited exceptions to this requirement are listed in Part I of this manual II (F) (1) and II (F) (5) (c).

The following minor verbatim errors are also acceptable; however, the major verbatim errors listed on pages 30, 31 and 32 are counted when determining the accuracy rate of a transcript.

1. **MINOR** verbatim errors are defined as follows:

- a. Omission of a spoken word that does not affect the meaning of the sentence:

Example:	Recorded: Transcribed:	Okay. I saw the man. I saw the man.
	Recorded: Transcribed:	All right. And then what happened? And then what happened?
	Recorded: Transcribed:	And I saw the man outside the window. I saw the man outside the window.
	Recorded: Transcribed:	I would move for the introduction. I would move for introduction.
	Recorded: Transcribed:	He thought that he had been there. He thought he had been there.
	Recorded: Transcribed:	That's all I have, Your Honor. Thank you. That's all I have, Your Honor.

- b. The omission of *uh-huh* (*affirmative*) when used by someone who is merely following what another person is saying is correct; however, the omission of *uh-huh* (*affirmative*) when used as an expression of assent is a major verbatim error:

Example: **Acceptable omission:**

Recorded:

WITNESS: And then I went into the store --
ATTORNEY: Uh-huh.
WITNESS: -- and I saw the man with the gun --
ATTORNEY: Uh-huh.
WITNESS: -- and the ski mask --
ATTORNEY: Uh-huh.
WITNESS: -- and he points the gun at me.
ATTORNEY: Uh-huh.

Transcribed:

WITNESS: And then I went into the store and I saw the man with the gun and the ski mask and he points the gun at me.

Unacceptable omission:

Recorded:

ATTORNEY: And then you went into the store --
WITNESS: Uh-huh (affirmative).
ATTORNEY: -- and you saw the man with the gun --
WITNESS: Uh-huh (affirmative).
ATTORNEY: -- and the ski mask --
WITNESS: Uh-huh (affirmative).
ATTORNEY: -- and he points the gun at you.
WITNESS: Uh-huh (affirmative).

Transcribed:

ATTORNEY: And then you went into the store and you saw the man with the gun and the ski mask and he points the gun at you?
WITNESS: Uh-huh (affirmative).

c. Incorrect word that does not affect the meaning of the sentence:

Example: Recorded: Thank you, Judge.
Transcribed: Thank you, Your Honor.

Recorded: I don't know whether you want to.
Transcribed: I don't know if you want to.

Recorded: She stated there was not.
Transcribed: She said there was not.

Recorded: She wouldn't have done that.
Transcribed: She would not have done that.

d. Improper editing:

Example: Recorded: That -- there should have been.
Transcribed: There should have been.

Recorded: And I want an instr -- an explanation of that.
Transcribed: And I want an explanation of that.

e. Incorrect verb tense:

Example: Recorded: You each had the opportunity.
Transcribed: You each have the opportunity.

Recorded: I worked there in the winter.
Transcribed: I work there in the winter.

2. **MAJOR** verbatim errors are defined as follows:

- a. Inclusion or exclusion of a negative or affirmative that is not in the electronic record:

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

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

- b. Omission or inclusion of a spoken word or phrase that affects the meaning of the sentence:

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

Recorded: Do you understand **what you're** being charged with?
Transcribed: Do you understand who is being charged with this?

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

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

Recorded: Your Honor, it's my **motion**.
Transcribed: Your Honor, it's my **mission**.

Recorded: They are excused from their **subpoenas**.
Transcribed: They are excused from these **proceedings**.

Recorded: Anything in the wallet or **concealed** anywhere.
Transcribed: Anything in the wallet or **sealed** anywhere.

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

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

- d. Failure to recognize legal terms or phrases:

Example: Recorded: -- **motion in limine filed** by the defense.
Transcribed: -- **motion to eliminate a file** by the defense.

Recorded: That would justify the **warrantless** search.
Transcribed: That would justify the **warrant was** search.

Recorded: The **plain touch** doctrine is being adopted.
Transcribed: The **play and touch** doctrine is being adopted.

- e. Wrong dates, days of weeks, years, times, exhibit numbers:

Example: Recorded: It was Wednesday, February 5, 2014.
Transcribed: It was Tuesday, March 4, 2013.

Recorded: It was at 10:30 in the morning.
Transcribed: It was at 11:30 in the morning.

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

- f. Omission of **uh-huh (affirmative)** when used as an expression of assent.

Omission of *uh-huh* when used by someone other than the witness who is merely following what another person is saying is not an error. For examples, see section B1b.

g. Incorrect speaker:

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

If the transcriber is uncertain who is speaking after listening to the tape a reasonable amount of time, one minute maximum, the transcriber should type the words **UNIDENTIFIED VOICE**.

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

C. PUNCTUATION

The Alaska Court System expects transcribers to use commonly accepted rules for punctuation. In determining the accuracy rate of a transcript, the court system only counts punctuation errors that alter the meaning of the record as a major error.

D. SPELLING

A transcript that has an average of more than **two spelling errors per page will be returned for correction**. A word phonetically spelled will not be classified as a misspelled word. A typographical error will be classified as a misspelled word. Transcribers are to use the 'Spell Check' feature on computer software.

Correct spelling of homonyms is required: Example: To, too, and two; there, their and they're; principal and principle, etc.

Transcribers are expected to refer to specialty dictionaries such as medical, legal, etc., and to use other reference material such as phone directories, CourtView, online maps, et cetera, when necessary to achieve correct spellings.

E. INDISCERNIBLE

The Alaska Court System expects transcribers to tune in to individual channels on transcribing equipment to assist in clarifying INDISCERNIBLES. In determining the accuracy rate of a transcript, the court system counts as a major error an indiscernible that is discernible to the transcript coordinator (or another ACS employee) when listening to the same recordings used by the transcriber, except in the circumstances listed below:

1. **Bench Conferences.** Until the recording quality of bench conferences improves, transcribers are only required to transcribe what is discernible to them after listening a minimum of one minute. Transcripts will not be rejected because of INDISCERNIBLE in a bench conference unless the transcriber failed to transcribe speech that was discernible to the transcript coordinator (or another ACS employee) after listening to the conference no less than one minute.
2. **Speech Away from a Microphone and Telephonic Speech.** Transcribers must attempt to transcribe what is said by speakers who have stepped away from a microphone and by speakers who are participating telephonically. However, if after a reasonable time, one minute minimum, the transcriber cannot discern what was said, the transcriber must type a summary phrase in parentheses; such as (*Indiscernible - away from microphone*) or (*Indiscernible - telephonic speech*). Transcripts will not be rejected because of INDISCERNIBLES that are marked in this manner unless the transcriber failed to transcribe speech that was discernible to the transcript coordinator (or another ACS employee) after listening to that portion of the audio no less than one minute.

F. TRANSCRIBER AUDIO EVALUATION

All transcribers employed by the Alaska Court System or under contract with the court system must submit a completed Transcriber Audio Evaluation form (Appendix X).

APPENDIX

SAMPLE PAGES:

Combination Volume Title Page/Day Page	A
Volume Title Page	B
Table of Contents	C-D
Day Page	E
Day Page with No Appearances	F
Proceedings Page	G
Certificate	H
Correction Certificate	I
Grand Jury Combination Volume Title Page/Day Page	J
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SAMPLE COMBINATION VOLUME PAGE/DAY PAGE

Use this volume/day page when there are no witnesses or exhibits, and only one day of proceedings.

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
JOHN DOE,)
)
Defendant.)

No. 3AN-13-00192 CR

VOLUME I

TRANSCRIPT OF SENTENCING

BEFORE THE HONORABLE JAMES M. WHITE
Superior Court Judge

Anchorage, Alaska
May 28, 2014
2:30 p.m.

APPEARANCES:

FOR THE PLAINTIFF: JOSEPH M. TORT
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

FOR THE DEFENDANT: JOHN DOE
In Propria Persona

ALSO PRESENT: JACK SMITH
Department of Corrections

DISCLAIMER

Transcripts Prepared for the Alaska Court System
The Alaska Court System accepted this transcript based on either review of a random sample or without review because the transcriber's work has consistently met Court System Standards. Because it is possible that this transcript may contain some errors, the Court System encourages parties to listen to the recordings of critical portions of the proceedings and bring any significant errors to the ACS Transcript Coordinator's attention immediately. Audio played in court has been completed to the best of the transcriber's knowledge.

SAMPLE VOLUME PAGE

Use this volume title page when there are one or more witnesses and/or exhibits and when there is more than one day of proceedings.

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
JOHN DOE,)
)
Defendant.)

No. 3AN-13-01200 CR

VOLUME II

TRANSCRIPT OF PROCEEDINGS

June 1, 2014 - Pages 54 through 152

June 2, 2014 - Pages 153 through 250

DISCLAIMER

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SAMPLE TABLE OF CONTENTS

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2	TRIAL BY JURY (EXCERPT)					Page 2
3	JURY VOIR DIRE					Page 3
4	OPENING STATEMENT BY PLAINTIFF					Page 74
5	OPENING STATEMENT BY DEFENDANT					Page 97
6	<u>WITNESSES:</u>	<u>VOL</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	
7		<u>REXCROSS</u>				
8	<u>FOR THE PLAINTIFF:</u>					
9	Mary Smith (telephonically)	I	103	144/246	263	268
10	Peter Jones	I/II	309	355/438	510	528
11	<u>FOR THE DEFENDANT:</u>					
12	Ann Citizen	I	359	364	372	379
13						
14	John Doe (by offer of proof)	II	542	--	--	--
15	John Doe	II	558	--	--	--
16	<u>REBUTTAL WITNESSES:</u>					
17	<u>FOR THE PLAINTIFF:</u>					
18	Edward Smith	II	560	--	--	--
19	<u>SURREBUTTAL WITNESSES:</u>					
20	<u>FOR THE DEFENDANT:</u>					
21	Jane Resident	II	562	--	--	--
22	<u>EXHIBITS:</u>					
23	<u>ADMITTED</u>					
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TABLE OF CONTENTS, CONTINUED

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<u>WITNESSES:</u>	<u>VOL</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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SAMPLE DAY PAGE

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TRIAL BY JURY, CONTINUED (EXCERPT)

BEFORE THE HONORABLE JAMES M. WHITE
Superior Court Judge

Anchorage, Alaska
May 29, 2014
1:30 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

JOSEPH M. TORT
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

FOR THE DEFENDANT:

MARY T. LAW
Public Defender Agency
900 West Fifth Avenue
Suite 200
Anchorage, Alaska 99501

FOR THE WITNESS TOM ADAMS:

JOHN S. DOE
(telephonically)
Attorney at Law
123 Seventh Avenue, Suite 101
Anchorage, Alaska 99501

SAMPLE DAY PAGE WITH NO APPEARANCES

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COURT'S DECISION ON RECORD

BEFORE THE HONORABLE JAMES M. WHITE
Superior Court Judge

Anchorage, Alaska
January 2, 2014
3:30 p.m.

APPEARANCES :

NONE

SAMPLE PROCEEDINGS PAGE

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P R O C E E D I N G S

Courtroom 304

8:30:17

THE CLERK: On record.

THE COURT: Good morning, counsel. Let's bring the prospective panel in now and begin jury selection.

8:32:11

(This portion not requested - jury selection)

12:32:10

(Jury summoned)

THE COURT: Good morning, ladies and gentlemen. I have a few preliminary instructions that I need to read before we get started.

12:51:13

(Court reads preliminary jury instructions)

1:00:19

THE CLERK: We're back on record.

THE COURT: Mr. Tort, you may make your opening statement.

MR. TORT: Ladies and gentlemen of the jury, the state intends to prove that this man is guilty. Thank you.

THE COURT: Ms. Law, you may proceed.

MS. LAW: I wish to reserve my opening statement, Judge.

(Off record)

1:20:18

END OF REQUESTED PORTION

SAMPLE TRANSCRIBER'S CERTIFICATE

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TRANSCRIBER'S CERTIFICATE

I, Jane Smith, hereby certify that the foregoing pages numbered 3 through 250 are a true, accurate, and complete transcript of proceedings in Case No. 3AN-14-01200 CR, State of Alaska versus John Doe, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

Date

Jane Smith, Transcriber

A certificate is required with every transcript. Each volume does not need a certificate. The certificate is the last page of the transcript and appears in the last volume. All grand jury transcripts require a certificate.

SAMPLE CORRECTION CERTIFICATE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

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STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN DOE,)
)
 Defendant.)
)

No. 3AN-14-01200 CR

TRANSCRIBER'S CERTIFICATE

Page 108 of the transcript in the above case was checked by me at the request of Robert Smith, Attorney at Law, on December 14, 2013. In listening to the electronic recording, I am of the opinion the word *immense* appearing on Line 15, Page 108 of the transcript is incorrect, and the following Line 15, Page 108 should be substituted for the original transcription:
Courtroom 304
10:12:44
.....that both show *advanced* osteoarthritis of the joint.

Date

Sally Steno, Transcriber

SAMPLE GRAND JURY COMBINATION VOLUME TITLE PAGE/DAY PAGE

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
JOHN DOE,)
)
Defendant.)

CONFIDENTIAL

No. 3AN-14-00313 CR

VOLUME I

TRANSCRIPT OF GRAND JURY PROCEEDINGS

Anchorage, Alaska
February 14, 2014
8:30 a.m.

APPEARANCES:

JOSEPH M. TORT
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

DISCLAIMER

Transcripts Prepared for the Alaska Court System

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SAMPLE GRAND JURY VOLUME PAGE

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN DOE,)
)
 Defendant.)
)

CONFIDENTIAL

No. 4FA-13-11522 CR

VOLUME I

TRANSCRIPT OF GRAND JURY PROCEEDINGS

February 14, 2014 - Pages 3 through 152
February 15, 2014 - Pages 153 through 250

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SAMPLE GRAND JURY DAY PAGE

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GRAND JURY

Anchorage, Alaska
February 15, 2014
1:30 p.m.

APPEARANCES :

JOSEPH M. TORT
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

SAMPLE SEARCH WARRANT VOLUME PAGE

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IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

In the Matter of)
)
APPLICATION FOR SEARCH WARRANT)
_____)
No. 3AN-13-00085 SW

TRANSCRIPT OF PROCEEDINGS

January 25, 2013 - Pages 2 through 27

DISCLAIMER

Transcripts Prepared for the Alaska Court System

The Alaska Court System accepted this transcript based on either review of a random sample or without review because the transcriber's work has consistently met Court System Standards.

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SAMPLE SEARCH WARRANT DAY PAGE

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APPLICATION FOR SEARCH WARRANT

BEFORE THE HONORABLE RONALD SEARS
Magistrate Judge

Anchorage, Alaska
January 15, 2014
2:30 a.m.

APPEARANCES :

DONALD S. LAW
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

SAMPLE VOLUME PAGE FOR CHILDREN'S PROCEEDINGS

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

In the Matter of:)
)
)
R.C.,)
)
A Minor Under the Age of 18.)
)
)

CONFIDENTIAL

No. 4FA-13-00356 CN

VOLUME I

TRANSCRIPT OF PROCEEDINGS

January 5, 2014 - Pages 4 through 78

February 12, 2014 - Pages 79 through 114

March 5, 2014 - Pages 115 through 148

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SAMPLE DAY PAGE FOR CHILDREN'S PROCEEDINGS

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TRIAL ON PETITION FOR TERMINATION OF PARENTAL RIGHTS

BEFORE THE HONORABLE GERALD S. JUSTICE
Superior Court Judge

Anchorage, Alaska
January 5, 2014
8:30 a.m.

APPEARANCES:

FOR THE STATE OF ALASKA: JAMES A. DEAN
Attorney General's Office
1031 West Fourth Avenue
Suite 200
Anchorage, Alaska 99501

FOR THE MOTHER: THOMAS B. STEIN
Attorney at Law
107 West Fourth Avenue
Anchorage, Alaska

FOR THE FATHER: HELEN L. SMITH
Office of Public Advocacy
900 West Fifth Avenue
Suite 525
Anchorage, Alaska 99501

FOR THE MINOR: JULIA ANN DOWNS
Attorney at Law
600 East Ninth Avenue
Anchorage, Alaska 99501

GUARDIAN AD LITEM: KAREN WILSON
Office of Public Advocacy
900 West Fifth Avenue
Suite 525
Anchorage, Alaska 99501

FOR THE LARSEN BAY TRIBAL COUNCIL: ELIZABETH GREEN
Attorney at Law
2323 East Second Avenue
Anchorage, Alaska 99501

ALSO PRESENT: JANIE JONES
Office of Children's Services

SAMPLE WORKERS' COMPENSATION VOLUME TITLE PAGE

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STATE OF ALASKA

ALASKA WORKERS' COMPENSATION BOARD

ANCHORAGE, ALASKA

JOHN DOE,)
)
Employee/Applicant,)
)
vs.)
)
SMITH AND SONS,)
)
Employer/Defendant,)
)
and)
)
JONES INSURANCE,)
)
Insurer/Defendant.)
)

AWCB No. 201232145

VOLUME I

TRANSCRIPT OF PROCEEDINGS

February 19, 2014 - Pages 2 through 218

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SAMPLE DAY PAGE FOR WORKERS' COMPENSATION BOARD HEARINGS

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BOARD HEARING

BEFORE MARA K. JONES, DESIGNATED CHAIRPERSON
AND BOARD MEMBERS JOHN SMITH AND RICHARD HOWARD

Anchorage, Alaska
February 19, 2013

APPEARANCES :

FOR THE EMPLOYER :

STEVEN D. MOORE
Attorney at Law
235 Cordova Street
Anchorage, Alaska 99501

FOR THE EMPLOYER/INSURER :

PAUL H. BLACK
Attorney at Law
459 Eagle Street
Anchorage, Alaska 99501

SAMPLE VOLUME PAGE FOR
ALASKA BAR ASSOCIATION
DISCIPLINARY MATTERS

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BEFORE THE ALASKA BAR ASSOCIATION
AREA HEARING COMMITTEE
THIRD JUDICIAL DISTRICT

In the Disciplinary Matter)
Involving)
)
 JOHN DOE,)
)
 Respondent.)
_____)

ABA Membership No. 1313131
ABA File No. 2013D131

TRANSCRIPT OF FORMAL HEARING

July 5, 2014 - Pages 2 through 78

DISCLAIMER

Transcripts Prepared for the Alaska Court System

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SAMPLE DAY PAGE FOR
ALASKA BAR ASSOCIATION
DISCIPLINARY MATTERS

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FORMAL HEARING
BEFORE AREA HEARING COMMITTEE
Martin Smith, Chairman
Jan B. Jones
Mary A. Johnson

Anchorage, Alaska
July 5, 2014
8:30 a.m.

APPEARANCES :

FOR THE ALASKA BAR ASSOCIATION:	ROBERT W. BROWN Assistant Bar Counsel 510 L Street Anchorage, Alaska 99501
FOR THE RESPONDENT:	JOHN L. LAW Attorney at Law 330 Karluk Street Anchorage, Alaska 99501

SAMPLE VOIR DIRE EXAMINATION

1 Q And have you been found to be an expert witness in that
2 field numerous times?

3 A Yes, I have.

4 MR. SCOTT: Your Honor, we'd offer Dr. Lee as an expert
5 witness in the field of forensic pathology.

6 THE COURT: Mr. Ford?

7 MR. FORD: I just have a few questions, Judge.

8 VOIR DIRE BY MR. FORD:

9 Q Dr. Lee, when you hire a consultant, that's because they
10 have expertise that you do not have?

11 A May have, yes.

12 Q The same with an anthropologist, you're not an
13 anthropologist?

14 A That is correct.

15 Q So an anthropologist has expertise that you do not have?

16 A That is correct.

17 MR. FORD: Your Honor, I don't object to Dr. Lee as an
18 expert limited to his area of expertise.

19 THE COURT: So he will be qualified as an expert that can
20 rely on other experts. Mr. Scott, you may proceed with your
21 direct examination of Dr. Lee.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. SCOTT:

24 Q Please describe for the jury the circumstances in which
25 you first became involved with this case.

SAMPLE MULTIPLE PARTY VOLUME TITLE PAGE

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
MICHAEL GEIGER and)
CATHY FLETCHER,)
)
Defendants.)
_____)

Nos. 1KE-13-08600 CR
1KE-13-08601 CR

VOLUME I

TRANSCRIPT OF PROCEEDINGS

May 16, 2014 - Pages 2 through 118
May 17, 2014 - Pages 119 through 125

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SAMPLE PAGE WITH AUDIO OR VIDEO PLAYED INTO THE RECORD

(Use only if audio/video NOT requested to be transcribed)

1 Q Mr. Jones, when you said that you were a witness to the
2 accident, were you in sight and sound of the accident?

3 A Yes, sir.

4 MR. TORT: At this time, Your Honor, I would like to play
5 the police field recording of the night in question.

6 THE COURT: Okay. You may proceed.

7 1:10:08

8 (Audio played)

9 Q Did you hear that?

10 A Yes, I heard the tires screeching.

11 (Audio playing resumes)

12 Q Did you also see the solid white line?

13 A Yes, sir.

14 (Audio playing resumes)

15 1:15:14

16 Q You just heard the taped interview of Officer Carter, is
17 that correct?

18 A Yes.

19 Q I'm now going to play a video that was taken from the
20 patrol car's video camera. I'll have a few questions for
21 you when it's done.

22 A Okay.

23 11:16:20

24 (Video played)

25 11:28:03

SUBMIT

ALASKA COURT SYSTEM
Appellate Court Records Office
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This evaluation **MUST** be completed and submitted with the transcript in order for the assignment to be considered received.

Case Caption:

Case No.:

Judge/DA:

Clerk:

Media or Courtroom:

Transcriber:

Audio Evaluation (Based on the severity of the issue: 1=minimal; 2=occasional; 3=frequent, 4=constant)

ISSUE	RATING	COMMENTS (include date issue occurs)
Volume		
Buzz		
Static		
Echo		
Audio cuts out		
Telephonics		
Bench conferences		
Other:		
Other:		

Additional Comments:

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ALASKA COURT SYSTEM
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Date

Transcriber's Signature

Printed Name

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT FAIRBANKS

~Ctrm: 808~

STATE OF ALASKA

Judge: M. Ipsa

~Date: September 16, 2014~

vs.

Clerk: Smith~

JANE E. DOE

~Case: 4FA-13-00700CR~

4FA-14-02030CR

PROCEEDINGS: CHANGE OF PLEA, SENTENCING AND ADJUDICATION HEARING

COUNSEL PRESENT

Plaintiff: Samuel Res, Assistant District Attorney

Defendant: Erika Loquitur, Assistant Public Defender

Defendant: Present/In Custody

02:41:55 Court in session

Court: A representation hearing is set for Sept. 24 w/Judge Gavel.

Loquitur: COP and adjudication, vacate rest of hearings. Agreement:
guilty plea to Theft IV in 14-2030 45 days flat.
In 13-700 all remaining time revoked, one year.

02:42:41 Defendant: I'd like to proceed but would you explain everything to me.

02:44:26 Res: Theft IV

02:50:40 Court advises of rights and maximum penalties.

02:47:24 Defendant: guilty plea to Theft IV

Counsel discuss the agreement

02:50:43 Loquitur: One year is revoked - not all the time.

02:51:44 **COURT: Accept guilty plea(s), find it's knowing & voluntary.
Find there's a factual basis.**

02:52:12 Sentencing Comments by Mr. Res

02:53:01 **COURT IMPOSES SENTENCE**

14-1830 45 days flat. Serve now.

\$50 police training surcharge due in 10 days.

Jail surcharge \$50 due in one year.

02:55:00

12-0700

Probation revoked. Time to serve is consecutive.

(Defendant fingerprinted)

02:56:04 Off record

CourtSmart Tag Report

Room: 2NO INCourt B
Caption: Nabor vs. Neighbor

Case: 2NO-14-03111CI

Type: **MOTION HEARING**
Judge: Accola

Started: 8/8/2014 8:31:27 AM

Ends: 8/8/2014 9:54:05 AM Length: 01:22:39

8:31:41 AM **On record**
8:31:55 AM Court – identifies case and parties

8:32:27 AM **Mark Vera, Esq. - Opening argument**
8:32:51 AM - gives parameters of the case; neighborhood dispute
8:34:17 AM - rural dog community
8:35:53 AM - talks about dog mushing
8:38:28 AM - discusses dismissal with prejudice
8:40:16 AM - speaks to where the team is located
8:42:13 AM - troublesome lawsuit – Mr. Neighbor was not represented in the first case

8:44:14 AM **Harold Justus, Esq. – Opening argument**
8:44:34 AM - not an indictment of dog mushing - this case; this is about noise
8:45:36 AM - disputes between property owners do not get better, usually gets worse
8:46:12 AM - ask the court to look at the cease and desist order
8:46:38 AM - violation of the covenant
8:47:16 AM - references the prior complaint
8:48:05 AM - reference no compliant for nuisance
8:48:41 AM - two types of parties
8:49:46 AM - refers to the demand letter to my client
8:51:09 AM - owner of property waive enforcement of covenant
8:52:25 AM - covenants are there to make life acceptable to all that live in the community
8:53:56 AM - references the Seavey case as well
8:54:36 AM Court - questions removing the dogs 6 months of the year
8:54:48 AM Vera - addresses the nuisance and the court's role to stop it
8:55:29 AM - agree with military case; issue court cannot stop the nuisance
8:55:51 AM - referencing a Los Angeles case; court had no authority to move airports
8:56:23 AM - explains how that case was resolved
8:56:50 AM - factor is to abate the noise
8:57:06 AM - cannot stop the dogs from barking; there are methods
8:57:41 AM - repetitive nature offending on the property
8:58:00 AM - lives in a community that benefits dog mushing; if majority may like something, not an excuse to have tyranny on some
8:58:43 AM - 30-dog kennel is an operation
8:59:05 AM Court - ask about 30 dogs not being a business - covenants prohibit dog operations

8:59:43 AM **Mark Vera, Esq. - Closing argument**

9:46:01 AM **Harold Justus, Esq. - Closing argument**

9:51:57 AM **Court – Will take under advisement and issue written order**
9:52:32 AM - hope of the court to make this all get better
9:53:32 AM - want to encourage parties life goes beyond this lawsuit; this may go to trial

9:53:55 AM **Off record**