

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 1-603:)	<u>No. 2006 - 93</u>
TRANSCRIPT PROCEDURES)	
)	
)	
)	

The above captioned provision having come before the Arizona Judicial Council on October 12, 2006, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 1st day of November, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 6: Records
Section 1-603: Transcript Procedures

A. Applicability. Pursuant to Rule 30, Rules of the Supreme Court, authorized transcribers shall prepare official transcripts of court proceedings in accordance with the standards set forth in this section.

B. Specifications.

1. Paper. Transcript paper shall be of good quality, white in color, eight and one-half by eleven inches in size and at least twenty pounds in weight for both originals and copies.
2. Covers. Each transcript cover shall be made of good quality, heavy weight transparent plastic or similar material.
3. Fastening. Transcripts shall be bound in a professional manner.
4. Ink color. Black ink shall be used for originals and copies of transcripts.
5. Line numbering. Each page of a transcript shall contain twenty-five numbered lines of text; however, one blank line of text may be left before transitional events or hearings to ensure readability. If applicable, the last page of the transcript may contain fewer than twenty-five lines of text. Page numbers, headers and footers shall not be part of the twenty-five lines of text.
6. Page numbering. Unless otherwise requested, begin at page one for each day of proceedings. The page number shall appear in the upper right-hand corner. The page number does not count as a line. On a single-day transcript, the pagination of the transcript, whether consisting of one or more volumes, shall be numbered in a single chronological sequence throughout all volumes. On a multi-day transcript, each day shall be a separate transcript and is not consecutively numbered.
 - a. Title pages. Title pages shall be counted but not numbered.
 - b. Certification page. The certification page shall be the last page of every transcript.
7. Type size. The letter character size shall be at least nine characters to the inch.
8. Margins. Combined margins shall not exceed two and one-eighths of an inch. The left-hand margin shall be measured from the left edge of the paper to the first character of text. The right-hand margin shall be measured from the right edge of the paper to the last character of text.

9. Indentations.

- a. Question and Answer. Begin question and answer (Q and A) designations no more than five spaces from the left-hand margin. Begin text following Q and A designations no more than ten spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.
- b. Speaker identification. Begin speaker identification for colloquy no more than fifteen spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.
- c. Quoted material. Begin quoted material no more than fifteen spaces from the left-hand margin, with carryover lines beginning no more than ten spaces from the left-hand margin.
- d. Parentheticals and exhibit markings. Begin parentheticals and exhibit markings no more than fifteen spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.

10. Line spacing. Text in the body of the transcript shall be double spaced.

11. Copies. Transcript copies shall be reproduced by any method of reproduction that produces black text on white paper. There shall not be markings on the original or copy of the transcript that would hinder its clear reproduction.

12. Electronic version. Copies of transcripts shall be provided to an ordering party in PDF or TIFF format unless the ordering party determines an originally printed, executed and bound transcript is necessary for further court proceedings.

C. Contents.

1. Transcript components. In addition to the transcript of the hearing or trial, a transcript shall contain the following:

- a. Title page. The title page shall begin on a separate page and display the following information, as applicable:
 - Case caption;
 - Type of proceedings, i.e. grand jury, jury trial, type of motion, etc.;
 - Date of proceedings;
 - Volume number for multi-day proceedings;
 - City and state where proceedings were held;
 - Name of judicial officer;
 - Name of transcriber or certified reporter and reporter's certificate number;
 - Clear indication that a transcript is a partial transcript or excerpt;

- Clear indication that the proceeding was recorded electronically; and
 - All other applicable information.
- b. Table of contents or index page. The table of contents or index page, if applicable, shall begin on a separate page and display the following information:
- Witness' names typed on the index page as they appear in the transcript;
 - Page numbers for direct, cross and redirect examination of each witness;
 - Page numbers for other important events such as jury selection, opening statements, closing arguments, verdict, etc.; and
 - Page numbers showing when exhibits are marked, introduced, admitted or excluded.
- c. Appearance page. The appearance page shall begin on a separate page and contain the following information, as applicable:
- The names and addresses of the attorneys and which party they represent;
 - The names of the parties and whether they are appearing in propria persona; and
 - The names of the grand jurors present.
- d. Certificate page. The certificate page shall begin on a separate page and contain the following information, as applicable:
- An indication whether the transcript is a full, true and accurate record of the proceeding;
 - The signature and date of the authorized transcriber responsible for preparing the transcript; and
 - The reporter's certificate number.
2. Volumes. A transcript shall not contain more than one day of proceedings held over a period of several days. Proceedings held on separate days shall be bound in separate volumes. Unless otherwise requested, the transcript pagination should begin at page one for each volume. For single-day transcripts, the pagination of the transcript, whether consisting of one or more volumes, shall be numbered in a single chronological sequence throughout all volumes. On a multi-day transcript, each day is considered a separate transcript and is not consecutively numbered. Each volume shall include all components identified in subsection (B). If all volumes are prepared by the same transcriber/reporter, the first volume should include a master table of contents/index showing the contents of all volumes.
3. Transcripts of excerpted proceedings.
- a. Omitted portion of a proceeding. If a portion of the proceedings is not transcribed as provided in court rules or by the person requesting the transcript, the portion not transcribed shall be indicated with a parenthetical such as the following:

(JURY SELECTION NOT TRANSCRIBED)
(OPENING STATEMENTS NOT TRANSCRIBED)

- b. Omitted testimony. If a portion of a witness's testimony is not transcribed, the following parenthetical/format shall be used:

1	
2	(End of portion designated for transcription.)
3	* * *
4	THE COURT: Call your next witness.
5	
6	MR. JONES: Jason Smith.

- c. Title page notation. When transcribing an excerpted proceeding, the transcript title page shall state that it is an excerpt of the proceeding.

D. Style.

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 shall 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. All grammatical errors, changes of thought, contractions, misstatements and poorly constructed sentences shall be transcribed as spoken. In the interest of readability, however, "uhms" and "uhs," and other verbal tics may be omitted from the transcript, but such verbalizations shall be transcribed whenever their exclusion could change a statement's meaning.
 - 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 the authorized transcriber is specifically instructed to do so. The transcriber is to place a parenthetical in the transcript at the start of the media being played as follows:
 - (EXHIBIT __ PLAYED);
 - (VIDEOTAPE PLAYED BEGINNING AT [TIME] AND ENDING AT [TIME]);
 - or
 - (AUDIOTAPE PLAYED BEGINNING AT [TIME] AND ENDING AT [TIME]).
2. Parenthetical summary phrases. Summary phrases are to appear in parentheses and begin no more than fifteen spaces from the left-hand margin, with carryover lines to begin at

the left-hand margin. The following is a list of common parentheticals and their usual interpretations:

- a. (SIMULTANEOUS CONVERSATION.) - Everyone speaks at once, making it impossible to hear any one voice.
- b. (OFF THE RECORD.) - Attorneys indicate that they are taking the case "off the record" to discuss an issue.
- c. (JURY SWORN.) - A jury has been sworn in.
- d. (PROCEEDINGS CONTINUED OUTSIDE PRESENCE OF JURY.) - The case continues with no jury present.
- e. (PROCEEDINGS CONTINUED IN THE PRESENCE OF JURY.) - The case continues with jury present.
- f. (SIDEBAR CONFERENCE.) - Attorneys hold a conference with the judge at his bench.
- g. (RECESS.) - When they say "Let's have a recess" or "We'll take a recess," a pause in proceedings.
- h. (WHEREUPON, A DISCUSSION WAS HELD OFF THE RECORD AT THE BENCH.)
- i. (WHEREUPON, THE PROCEEDINGS CONCLUDED AT 10:42 A.M.)
- j. (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)
- k. (WHEREUPON, THE COURT RECESSED AT 10:00 A.M.)
- l. (WHEREUPON, THE FOLLOWING DISCUSSION WAS HELD AT SIDE-BAR, OUTSIDE THE PRESENCE OF THE JURY :)
- m. (PROCEEDINGS BEFORE THE JURY.)
- n. (WHEREUPON, THE WITNESS, JAMES MCCORMACK, WAS DULY SWORN BY THE CLERK OF THE COURT.) Parenthetical is changed to reflect judge swearing in witnesses.
- o. (THE FOLLOWING IS A PARTIAL TRANSCRIPT OF THE PROCEEDINGS HELD ON DECEMBER 10, 2004 :)
- p. (WHEREUPON, VOIR DIRE OF THE JURY WAS CONDUCTED.)

- a. During examination of a witness under oath, the witness is identified only as A.
 - b. The attorney, or any pro per party, who is conducting the questioning is identified only as Q. There is no punctuation following Q or A.
 - c. Before a jury has been selected, the group of prospective jurors is identified as PROSPECTIVE JURY PANEL.
 - d. After a jury has been selected, the jury is identified as THE JURY.
5. Examination of witnesses.
- a. Witness identification. When a witness testifies, the witness setup is as follows:
 - The witness' name centered and in caps.
 - On the line following the witness' name starting at the left-hand margin is a brief statement indicating CALLED AS A WITNESS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:. If a party testifies on his or her own behalf, type the phrase CALLED AS A WITNESS ON HIS OWN BEHALF, HAVING BEEN SWORN, TESTIFIED AS FOLLOWS ON:.
 - On the next line centered and in caps, indicate the type of examination such as: DIRECT, CROSS, REDIRECT, RECROSS or CONTINUED EXAMINATION, if known. If unknown, use EXAMINATION.
 - On the next line starting at the left margin, identify the person doing the questioning.
 - b. Types of examination.
 - (1) Direct examination is typically 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. If a witness testifies telephonically, indicate in the initial witness setup CALLED AS A WITNESS, HAVING BEEN DULY SWORN, TESTIFIED TELEPHONICALLY AS FOLLOWS.
 - (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 reexamining 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.
 - (5) Continued examination is used in the following circumstances. The word CONTINUED is included on the examination line when:
 - (i) 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.

- (ii) 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' testimony has been interrupted by testimony of another witness. In this instance, the entire witness setup is required with the words **HAVING BEEN PREVIOUSLY SWORN**.
- (6) Voir dire examination is used primarily during jury selection when a prospective juror is questioned as to the juror's qualifications as a juror or in expert testimony to test the qualifications and knowledge of an expert witness. Voir dire should be transcribed in colloquy format. For witness voir dire, the words **VOIR DIRE EXAMINATION** shall be centered and in caps. The next line is the attorney identification line as in any examination. For example:

1	
2	MR. SMITH: Your Honor, may I voir dire the witness?
3	THE COURT: You may.
4	VOIR DIRE EXAMINATION
5	
6	BY MR. ATTORNEY:
7	Q
8	A

- (7) Voir dire examination is used in most instances when the testimony of a witness is interrupted by the opposing attorney who wishes to question the witness on a particular subject. It is usually referred to as voir dire but not always. The jury may or may not be excused. At the conclusion of voir dire examination, the original examination is set up as continued along with the attorney identification line. For example:

1	
2	DIRECT EXAMINATION (Continued)
3	BY MR. ATTORNEY:
4	Q
5	

- 6. Breaks in speech and use of dashes. Often a speaker will break speech mid-sentence. This is identified in the transcript as described below.
 - a. Changes of thought. Use a dash to indicate when the speaker has a change of thought leaving a sentence unfinished to begin a new one.

- b. Repetition. Use a dash when a speaker repeats a word or phrase.
- c. Mid-word. Use a dash when a speaker leaves a word unfinished or starts another word.
- d. Interruption. Use a dash when a speaker has left a sentence incomplete due to an interruption. Frequently, another speaker will interrupt a speaker before completing the sentence. Should this happen, the interrupted sentence would end with two dashes. If the speaker resumes the sentence after the interruption has ended, two dashes would appear at the beginning of the resumed sentence.
- e. Fade out. Use two dashes when a speaker fades out before ending a sentence.
- f. Change of addressee. Use two dashes when an attorney or any pro per party who is questioning a witness interrupts a question mid-sentence to address the court or any courtroom participant other than the witness. Use a Q when addressing the witness. Use an introduction such as MR. or MS. when addressing the court or any other courtroom participant.

1	
2	Q Let me show you --
3	MR. SMITH: Your Honor, may I approach?
4	THE COURT: You may.
5	
6	BY MR. ATTORNEY:
7	Q Let me show you Exhibit 1.
8	

- 7. Indistinct portions. Transcribers preparing transcripts from electronic recordings shall isolate individual channels on transcribing equipment to assist in clarifying indistinct portions of the recording. There may be instances when a word or phrase cannot be heard or is unintelligible. Transcribers shall make every effort to transcribe the phrase without guessing. If the phrase cannot be deciphered, use one of the following summary phrases to identify the phrase not transcribed.
 - a. Indiscernible. When a word or phrase is unintelligible and cannot be transcribed, it is indicated by the word INDISCERNIBLE in parentheses. Capitalize the indiscernible phrase if it is the first word in a sentence. A description may be used explaining why the word or phrase was indiscernible. For example:
 - (INDISCERNIBLE);
 - (INDISCERNIBLE - AWAY FROM MICROPHONE);

- (INDISCERNIBLE - INTERRUPTED); or
- (INDISCERNIBLE - SIMULTANEOUS SPEECH).

b. Inaudible reply. Rather than providing an audible response to a question, a witness will sometimes respond to a question by shaking or nodding their head in the negative or affirmative. An inaudible response shall be identified by the following phrase, in parentheses: NO AUDIBLE RESPONSE. Use the phrase INDISCERNIBLE in parentheses to identify an audible sound interpreted as the witness' reply, but that is indistinct.

8. Word usage.

- a. Phonetic. Words that cannot be ascertained from available resource material shall be typed phonetically followed by the word PHONETIC in parentheses. It is not necessary to identify the word each time it is transcribed.
- b. Sic. Type the word SIC in parentheses when the speaker uses an incorrect or non-existent word or phrase. For example:

6	A I thunk (sic) to myself --
7	

- c. Sic throughout. If an incorrect or non-existent word or phrase is consistently used throughout a transcript, place SIC THROUGHOUT in parentheses immediately after the initial occurrence.
- d. Colloquialisms and sounds intended to convey meaning. The following is a brief list of colloquial terms frequently used. Type the terms as follows:
- YEAH;
 - UH-HUH or UM-HUM – Affirmative; and
 - HUH-UH – Negative.

9. Grammar and punctuation.

- a. Capitalization. Avoid capitalizing words unnecessarily. Limit capitalization to names, dates, addresses, direct personal titles, company names, countries, states, races and nationalities. Use initials instead of organization names when identifying agencies such as the FBI and CIA.
- b. Numbers. Spell out numbers from one to ten, fractions less than one and numbers that begin a sentence, except those listed below. All numbers eleven and higher shall be written as numerals. If a speaker says “number” preceding one to nine, type NUMBER followed by the numeral one to nine. The following numbers are written in numerals even at the beginning of a sentence:

- (1) Exhibit numbers - 4 IS ADMITTED
- (2) Legal citations - A.R.S. SECTION 12-341.01; P.2D
- (3) Counts in an indictment are Roman numerals - COUNT I, COUNT II, COUNT III
- (4) Time followed by the word o'clock, if stated - 11 O'CLOCK
- (5) Dates and years - JANUARY 1, 1997
- (6) Case numbers - 3AN-95-54 CR
- (7) Addresses - 303 K STREET
- (8) Money - \$1.95 or \$100
- (9) Height and weight - 5'6" AND 140 POUNDS
- (10) Caliber - .22 WINCHESTER AUTOMATIC, .357, .44 MAGNUM, 30-06

- c. Hyphenation and word division. Follow commonly accepted rules for proper hyphenation. Use hyphens when words or names are spelled out. Do not use hyphens for word division. Do not hyphenate words at the end of a line.
- d. Quotation marks. Use quotation marks only when quoted material is available to verify a direct quotation. When a speaker says "quote," transcribe it as follows:

10	A And then she said, quote, stop right there.
11	

- e. Transcribers shall use commonly accepted rules for punctuation.

10. Interpreters. An interpreter is used when a witness speaks little or no English. An interpreter translates the questions from English to another 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:

4	
5	JOHN DOE
6	called as a witness on behalf of the defendant, having been sworn, testified by and through an interpreter, as follows :
7	DIRECT EXAMINATION
8	
9	BY MR. JONES:
10	Q How old are you, Mr. Doe?
11	A I'm 29.

- 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' response. When this occurs, the non-literal translation is transcribed as shown in the following example:

8	
9	MR. JONES: Ask him where he was born.
10	THE INTERPRETER: He says Mexico.

11. Miscellaneous.

- a. Depositions or other documents read into the record. Whenever a deposition or other document is read into the record, a parenthetical shall be used to identify the reader, such as:

8	(WHEREUPON THE DEPOSITION OF JOE SMITH WAS READ INTO
9	THE RECORD, QUESTIONS READ BY JOHN ALLEN AND ANSWERS
	READ BY SUZY JONES, AS FOLLOWS:)
10	Q
11	A
12	
13	(WHEREUPON THE READING OF THE DEPOSITION OF JOE SMITH
	WAS CONCLUDED.)

- b. Jury polling. Transcribe jury polling as colloquy.
- c. Case citations. Case cites are underlined. Italics are not used.

E. Rough Drafts.

1. A rough draft transcript shall not contain a title page, appearance page, certificate page, any mention of the swearing in of a witness, footer with firm name or transcriber name or reporter's certificate number, index page, page numbers, line numbers, borders around the text on each page, or time stamping.
2. When a transcriber is requested to provide a rough draft transcript, each page must contain a header or footer stating **UNCERTIFIED ROUGH DRAFT TRANSCRIPT**. The phrase **UNCERTIFIED UNEDITED ROUGH DRAFT TRANSCRIPT** shall be included in the body of the text occasionally.
3. In lieu of a title page, each rough draft shall begin with a disclaimer stating the uncertified rough draft transcript cannot be quoted in any pleading or for any other

purpose and may not be filed with any court. The disclaimer shall contain a brief identification of the contents, for example, HEARING ON MOTION TO SUPPRESS 6/18/06. The transcriber should keep a copy of the disclaimer.

F. Transcript Errors. Transcribers shall produce transcripts with a 98% accuracy rate and of a quality acceptable to the court for which the transcript is being produced. These standards were developed to explain what the court system regards as major errors that compromise the quality of the transcript. The accuracy rate of a transcript is determined by the number of major errors in a transcript.

1. Formatting errors. Major formatting errors include, but are not limited to:

- a. Inaccurate information on title page;
- b. Missing table of contents;
- c. Inaccurate or missing information from table of contents;
- d. Inaccurate page numbering;
- e. Errors in the certificate;
- f. Any other significant departures from the format required by this section.

2. Verbatim errors. Major verbatim errors are those that affect the quality of the transcript, including but not limited to:

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

Recorded: I did not commit the murder.

Transcribed: I did commit the murder.

Recorded: I wouldn't care if you did.

Transcribed: I would care if you did.

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

Examples:

Recorded: Mr. Smith possessed a handgun.

Transcribed: Mr. Smith knowingly possessed a handgun.

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

Transcribed: Do you think you're being charged with?

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

Examples:

Recorded: A small package was simulating marijuana.

Transcribed: A small package was assumably marijuana.

Recorded: The officer observed illegal conduct.

Transcribed: The officer was served illegal conduct.

Recorded: Your Honor, it's my motion.

Transcribed: Your Honor, it's my mission.

Recorded: They are excused from their subpoenas.

Transcribed: They are excused from these proceedings.

Recorded: Anything in the wallet or concealed anywhere.

Transcribed: Anything in the wallet or sealed anywhere.

Recorded: In reference to our motion for judgment of acquittal on Counts 1, 2, and 3 --

Transcribed: In reference to our motion for judgment and put them on Count 1, 2, and 3 --

d. Failure to recognize legal terms or phrases.

Examples:

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.

Examples:

Recorded: It was Monday, February 5, 1996.

Transcribed: It was Tuesday, March 4, 1995.

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

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

Recorded: Exhibit D is admitted.

Transcribed: Exhibit B is admitted.

- f. Omission of UH-HUH when used as an expression of assent.
 - g. Any error that alters the meaning of the record.
3. Punctuation errors. Punctuation errors that alter the meaning of the record shall be considered major errors.
4. Spelling errors.
- a. A transcript that has two or more spelling errors per page may be returned for correction.
 - b. A typographical error shall be classified as a misspelled word.
 - c. Transcribers shall use their computer software's spell check feature, but should not rely solely on spell check to ensure correct spelling and use of words in the transcript.
 - d. Correct spelling of homonyms is required.
 - e. Transcribers are expected to refer to specialty dictionaries and other reference material to ensure correct spelling.
5. Incorrect indiscernibles. A word or phrase that is transcribed as INDISCERNIBLE is a major error if it is discernible to another person when listening to the same audio used by the transcriber, except in the circumstances listed below:
- a. Bench conferences. Due to the nature of bench conferences, transcribers are only required to transcribe what is discernible to them. Transcripts will not be rejected because of indiscernibles in a bench conference unless the transcriber failed to transcribe speech that would be easily discernible to another person.
 - b. Speech away from a microphone and telephonic speech. Transcribers must attempt to transcribe what is said by a speaker who has stepped away from a microphone and by a speaker who is participating telephonically. However, if the transcriber cannot discern what was said, the transcriber must type a summary phrase in parentheses INDISCERNIBLE - AWAY FROM MICROPHONE or INDISCERNIBLE - TELEPHONIC SPEECH. Transcripts will not be rejected because of indiscernibles that are marked in this manner unless the transcriber failed to transcribe speech that would be easily discernible to another person.

G. Duty to Report Problems with an Electronic Recording. Transcribers encountering gaps in the recording or other audio difficulties when preparing transcripts from electronic recordings shall report such problems to the court.