

OREGON COURT SYSTEM

TRANSCRIPT PROCEDURES MANUAL



July 2008

STATE COURT ADMINISTRATOR'S OFFICE
1163 State Street
Salem, OR 97301-2563

CHAPTER 1

TRANSCRIPTIONISTS STANDARD FORM

- A. A transcript shall meet these specifications: (See Oregon Rules of Appellate Procedure (ORAP) Rule 3.35)
1. It shall be typewritten or printed. Type shall be standard pica or equivalent size or, if word processing equipment is used, 12 point print, **no fewer than 9 or 10 characters to the typed inch**, first impression and clear and legible. The font size shall be uniform and not vary from line to line or within the same line. Uppercase and lowercase letters shall be used according to rules of grammar; a transcript shall not be prepared using all uppercase letters.
 2. It shall be prepared on good quality white, opaque, unglazed paper, 8-1/2 x 11 inches in size, with numbered lines, and printed on both sides of each page. It shall be double-spaced and each page shall contain 25 lines of text, no more and no less, except for the last page of the transcript. The margins of each page shall be one inch on each side, at the top, and at the bottom.
 3. Each question shall be prefaced by "Q" and each answer shall be prefaced by "A." Each question and answer shall begin on a separate line no more than five spaces from the left margin and no more than five spaces from the "Q" and "A" to the beginning of the text. Text that carries on to the next line shall begin at the left margin.
 4. Colloquy, parentheticals, and exhibit markings shall begin no more than 15 spaces from the left margin. Text that carries on to the next line shall begin at the left margin.

Parentheticals should be short, concise, one-line parentheticals designating:
(as examples)

(Jury out) or (Jury in)
(Sidebar) or (Bench conference)
(Bailiff duly sworn) or (Spanish interpreter duly sworn)
(Off the record) or (Recess)
(Whispered conversation)

5. Quoted material shall begin no more than 15 spaces from the left margin. Text that carries on to the next line shall begin no more than 10 spaces from the left margin. Private communications and off-the-record conversations inadvertently recorded are not to be included in a transcript.

6. Each page shall be consecutively numbered at the top right corner, and to the left thereof shall be given the name of the witness followed by a notation indicating whether the testimony is on direct, cross, redirect or recross examination, indicated by "D," "X," "ReD," or "ReX."
7. Appropriate notation similarly shall be made of other proceedings, such as a motion for dismissal or a directed verdict, requested jury instructions, jury instructions, any opinion by the court, and other matters of special importance.
8. It shall be preceded by an appropriate title page followed by an index (the sample index is only an example, no set format is prescribed. Multi-volume transcripts should contain only one index which should appear after the first volume caption page) noting:
 - a. the first page of the direct, cross, redirect and recross testimony of each witness;
 - b. all exhibits, with notation of the nature thereof and of the page of the record where offered and when appropriate, where received in evidence; and
 - c. appropriate notations of other proceedings such as motions for nonsuit and directed verdict, requested jury instructions, jury instructions, opinion of the court and other matters of special importance.
9. Each transcript volume shall be bound in a manner that allows the pages of the transcript to lie flat when the transcript is open, as provided in this paragraph. The transcript volume shall be bound with a plastic comb binding, with the binding within 3/8 inch of the left edge of the transcript. A transcript volume may be bound by stapling if the transcript does not exceed 20 pages (10 pieces of paper), excluding the cover. A transcript volume bound by stapling shall be secured by a single staple placed as close to the upper left-hand corner as is consistent with securely binding the transcript.
10. It shall have a cover sheet of clear plastic or 65-pound weight paper, front and back.
11. If a transcript exceeds 200 pages, it shall be bound into volumes of approximately equal size of not more than 200 pages each. Volumes shall be consecutively numbered on their covers.

A transcript must contain the following:

12. Title page (which must contain):
 - a. Case caption (to include court and county)
 - b. Nature of the proceeding (pretrial hearing, jury trial, sentencing, et cetera)
 - c. Name and title of the judge
 - d. Location of the proceeding
 - e. Date of proceeding (and beginning time if available)
 - f. Volume number and page numbers included therein if a multiple-volume transcript
 - g. Appearances of parties
 - h. Also present, when applicable (social workers, etc.)
 - i. Name, address and telephone number of transcriber
13. Index of trial proceeding(s) or hearing(s) (to include):
 - a. All proceedings to include, but not limited to, pretrial motions, discussion/argument about jury instructions, opening and closing statements, stipulations, motions, verdict, exceptions, etc.
 - b. Names of witnesses, who they are called by, and the first page of direct, cross, redirect and recross examinations, all offers of proof and questions in aid of objection examination.
 - c. All exhibits with a brief description thereof and the record on which they are identified, offered and received, where appropriate, or offered and a notation that they were not received or withdrawn, as appropriate.
 - d. Objections by counsel, nature of the objection and whether overruled or sustained.

14. Transcript of the hearing or trial (to include everything designated in the notice of appeal as the designation of record)
 15. Certificate of Transcriber (to include):
 - a. Name of transcriber
 - b. Name of judge
 - c. Inclusive pages of transcript
 - d. Date signed by transcriber
 - e. Transcribers signature, name, and telephone number
- B. 1. When a transcript in excess of one volume is prepared by reducing the pages of the transcript in such a manner as to fit up to four pages of transcript onto a single 8-1/2 x 11 inch page, the print font size for the original transcript shall be at least 14 point.
- C. If a court reporter or transcriptionist prepares a transcript in a manner suitable for storage on computer diskette or compact disk, at the request of a party and on payment of a fee of no more than \$5.00 per diskette or disk, the court reporter or transcriptionist shall furnish the transcript, or as much of the transcript as has been requested by the party, on computer diskette or compact disk in a format convenient for the court reporter or transcriptionist. A transcript furnished to a party under this subsection is not in lieu of a written transcript.
- D. Transcript fees and format of transcript: **ORS 21.470 Transcript fees.**
1. The fees of the official reporter of the circuit court for preparing transcripts on appeal as provided in ORS 8.350 shall be not more than \$2.50 per page for the original copy, such page to consist of 25 lines with margins of one and one-half inches on the left-hand side and one-half inch on the right-hand side, not more than 25 cents per page for one copy of the original, and not more than 25 cents per page for each additional copy.
 2. Where the court provides personnel to prepare transcripts from audio records of court proceedings, the transcript fees provided in subsection (1) of this section to be paid by a party shall be paid to the clerk of the court. [Amended by 1959 c446 s.1; 1971 c.565 s.15; 1973 c.195 s.1; 1979 c.833 s.11; 1981 s.s. c.3 s.86; 1987 c.796 s.1]

CHAPTER 2

GUIDELINES FOR TRANSCRIPT PREPARATION

A. Receipt of the Notice of Appeal and/or audio tapes from Transcript Coordinator

Before beginning transcript:

1. **Criminal Cases**

- a) Indigent defense cases: Do not begin work on the transcript until an order requesting payment for the production of the transcript is signed by the trial judge in the county of origin. (Sample form available)
- b) Appellants represented by the Public Defender's Office: The transcripts are paid from the Public Defense Services Commission (PDSC) funds. Questions about the Notice of Appeal can be directed to that office.

Office of Public Defense Services
1320 Capitol Street NE, Suite 200
Salem, OR 97303-6469
telephone: 503-378-3349
Web site: www.opd.state.or.us.

- c) Appellants represented by retained attorney or pro se: Upon receipt of the Notice of Appeal and/or audio tapes, send a letter (sample form available) requesting advance payment or make arrangements for payment with the attorney(s) or party(s) requesting appeal.

Do not begin work on the transcript until arrangements for payment have been made.

If arrangements have not been made within 14 days, send a letter to the Appellate Court Records Section (ACRS), letting them know that you have not begun preparation of the transcript because no agreement has been reached. Include with that letter a copy of the letter sent to the attorney(s) or party(s) requesting payment for the appeal transcript. The address is:

Appellate Court Records Section
Supreme Court Building
1163 State Street
Salem, OR 97301-2563
telephone number: 503-986-5555.

If the payment or arrangement for payment has been made after the 14-day letter has been sent to the ACRS, file a request for an extension with the ACRS informing them that arrangements have now been made. Include the date of the payment or arrangement and request a new due date for the transcript. The address is:

Appellate Court Records Section
Supreme Court Building
1163 State Street
Salem, OR 97301-2563
telephone number: 503-986-5555.

If the payment or arrangement is not made by the attorney(s) or party(s) requesting the appeal transcript, a transcript is not prepared and the appeal will go forward without a transcript.

2. **Civil Cases** (Review attached Settlement Program Process)

- a) Appellants represented by retained attorney or pro se: Upon receipt of the Notice of Appeal and/or audio tapes, send a letter (sample form available) requesting advance payment or make arrangements for payment with the attorney(s) or party(s) requesting appeal.

Do not begin work on the transcript until arrangements for payment have been made.

If arrangements have not been made within 14 days, send a letter to the ACRS, letting them know that you have not begun preparation of the transcript because no agreement has been reached. Include in that letter a copy of the letter sent to the attorney(s) or party(s) requesting payment for the appeal transcript. The address is:

Appellate Court Records Section
Supreme Court Building
1163 State Street
Salem, OR 97301-2563
telephone number: 503-986-5555.

If the payment or arrangement for payment has been made after the 14-day letter has been sent to the ACRS, file a request for an extension with the ACRS stating that arrangements have now been made. Include the date of the payment or arrangement and request a new due date for the transcript. The address is:

Appellate Court Records Section
Supreme Court Building
1163 State Street
Salem, OR 97301-2563
telephone number: 503-986-5555.

If the payment or arrangement is not made by the attorney(s) or party(s) requesting the appeal transcript, a transcript is not prepared and the appeal will go forward without a transcript.

3. **Juvenile Cases: (Civil Case)**

- a) Department of Justice representing appellant: No advance payment is required. Billing will be done when the transcript is completed and should be mailed to:

Department of Justice, Appellate Division
1162 Court Street
Salem, OR 97310
telephone number: 503-378-4400
email address: doj.info@state.or.us or web site: www.doj.state.or.us.

- b) Appellants represented by retained attorney or pro se: Same procedure as described in other civil cases in Section 2 above.
- c) Indigent defense cases: Must receive a signed order from the Transcript Coordinator requesting payment for production of transcript.

4. **Post-Conviction Relief Cases:**

- a) Indigent cases: The request for transcript is usually filed in the county where the defendant is incarcerated. The attorney representing the defendant is appointed by a judge in that county. The signed order by the judge in that county should be sent with the request for a transcript from the attorney. The billing is done after the transcript is completed. The delivery of the completed transcripts and the method of billing will be covered under Upon Completion of the Transcript and Billing for Work Performed.

- b) Retained cases or pro se cases: (These are handled in the same method as civil cases.)

B. Transcript Time Lines

1. **Due Date** is 30 days from the date an Order for Transcript is entered in OJIN.
2. **Notices for Extension of Time for Preparation of Transcript:**

A motion requesting an extension of time (Appendix A) to produce and file the appeal transcript must be sent and received at ACRS a week before the due date of the transcript. Request time extensions in seven-day increments. (For example, 7, 14, 21, 28 days)

If, due to extenuating circumstances, the request is not received a week before the transcript due date, please call or email ACRS to inform them that you will be requesting an extension and that the request will be in writing and mailed promptly. The appeal will be placed in default if a motion for extension of time is not filed in writing.

Questions regarding appeal transcripts, due dates or extensions of time can be directed to the Transcript Coordinator in the county of origin or by contacting the Records Section/Court of Appeals at: telephone number: 503-986-5541 or email Nancy.S.Grayum@ojd.state.or.us.

C. Beginning Transcript Production

Follow the Transcript Format Guidelines in ORS 21.470 and ORAP 3.35 [or] *the Transcriptionist's Standard Form* in Chapter 1 of this manual. For current ORS and ORAP, refer to www.state.or.us.

1. **Transcript Content:**
 - a) Title Page (sample available)
 - b) Index of trial or hearing (sample available)
 - c) Exhibit index (sample available)
 - d) Transcript of the hearing or trial
 - e) Last page: Certificate of Stenograph Court Reporter or Court Transcriptionist (sample available)

Follow the guidelines for assembling the transcript according to ORS 21.470 or ORAP 3.35.

D. Upon Completion of the Transcript

Prepare an **original** Certificate of Preparation, Filing and Service (sample Appendix B) to be sent in an envelope addressed to:

Appellate Court Records Section - Transcripts
Supreme Court Building
1163 State Street
Salem, OR 97301-2563

After preparing four signed **copies** of the Certificate, staple one copy to the back copy of the original and one copy each to the two copies of the appeal transcript. Retain one copy for your records.

1. **Filing and Delivery of Completed Transcripts**

File the **Original** transcript with the Transcript Coordinator of the county of origin on or before the due date. The copies are to be mailed to the appropriate attorneys listed on the Notice of Appeal on the same date as the filing of the original transcript.

2. **Post - Conviction Relief Transcripts:** The original and all copies are sent to the attorney(s) or party(s) who requested the transcript.

Make a **back-up copy** of the transcript on a diskette or CD to have available if needed at a later time for research by an attorney.

E. Billing for Work Performed

1. **Indigent Defense billing and Post-Conviction Relief billing:** A billing form and instructions are available from the Transcript Coordinator. Attach a copy of the order requesting the appeal transcript signed by the judge. Send or deliver the bill to the Transcript Coordinator or Indigent Defense Verifier in the county of origin. (Sample available) The bill then is sent to the trial judge for signature and payment is sent for the transcript approximately 30 days after receipt of the billing.

2. **Department of Justice billing for Juvenile cases:** (Sample form available)

Department of Justice, Appellate Division
1162 Court Street
Salem, OR 97310
telephone: 503-378-4400
email address: doj.info@state.or.us or web site: www.doj.state.or.us.

3. **Billing for retained attorneys or pro se appellants:** (Sample form available)

NOTE: The transcriber's certificate page is not a billable page.

Please contact Nancy Grayum at the Records Section/Court of Appeals at telephone number: 503-986-5541 or email Nancy.S.Grayum@ojd.state.or.us if additional information is needed.