

Trial Court and Clerk Employee Conference 2019: Court Reporters

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Changes to Service of Notice of Appeal

How you currently receive the Notice of Appeal:

- (1) By mail
- (2) By email
- (3) From the trial clerk

Proposed Changes

Party no longer serves Notice of Appeal.

Instead, Appellate Clerk will serve.

How This Will Work

Court Reporters must provide updated info.

* Email Address

Appellate Clerk serves through E-Notice system.

Go to lunch!

Benefits

Receive Notice same day it is filed.

Not reliant on party.

Don't have to give email address to party.

Direct communication.

Current Status

Approved by Supreme Court.

Out for public comment now.

Proposed to take effect January 1, 2020.

Strategies for Dealing with the 45 Day Deadline

Payment for the Transcript

Payment arrangements within 10 days of the filing of the Notice of Appeal.

If payment arrangements are not made, let the Court of Appeals know immediately.

Payment for the Transcript

The Court of Appeals will order the party to make payment arrangements.

If the party does not pay, the appeal will be dismissed.

Motions for Extension of Time

May be requested pursuant to Appellate Rule 11(C).

Disfavored in certain cases.

Farming it Out

Court Reporter may engage the services of outside transcribers to assist in the transcription.

Court Reporter remains responsible for preparation of documentary exhibits.

Check with your judge before farming it out.

Preparing Exhibit Volumes

Nondocumentary and Oversized Exhibits

Do not send!

Remain in custody of trial court during appeal.

May include photo in documentary exhibit volume.

Audio and Video Recordings

File with transcript and documentary exhibits.

Submit on CD, DVD, or flash drive.

Place in an envelope stapled into a conventional volume.

Documentary Exhibits

May be submitted in electronic or paper format.

Expect changes!

Index of Exhibits

A list of all the exhibits.

Placed at the front of the first volume of exhibits.

Exhibit Volume Formatting

If submitted electronically . . .

Each volume should be its own separate PDF file.

Exhibit Volume Formatting

Each volume should have a cover page.

Cover page always page #1.

Exhibit Volume Formatting

Volume may contain up to 250 pages.

Pages should be numbered.

Volumes should be numbered.

Transcript Formatting



CLERK
SUPREME COURT, COURT OF APPEALS, AND TAX COURT
State House, Rm. 216
200 West Washington Street
Indianapolis, IN 46204

TELEPHONE (317) 232-1930

FAX (317) 232-8365

October 12, 2016

Clark County Clerk
501 E. Court Avenue
Jeffersonville, IN 47130

RE: Transcript tendered in Melvin Wolf v. State of Indiana
Appellate Case Number: 10A01-1607-CR-1560
Trial Court Number: 10C04-1306-FC-164

Dear Clerk:

The Clerk's Office received your electronic transmission of the transcript, tendered on October 11, 2016, for the above-referenced appeal. The transcript has not been accepted because you have not submitted the transcript in accordance with Appendix A of the Rules of Appellate Procedure.

Please submit the transcript in compliance with the standards set forth for electronic transcripts within ten (10) business day.

The following issues were noted:

- Transcript not submitted in PDF Format
- Separate Table of Contents Volume Not Submitted
- Volumes of Transcript are not numbered Properly
- Pages within each Volume are not numbered properly – there appears to be a partial/incomplete page between pages 91 and 92. The PDF page count and the page count for the document do not match.
- Volumes of Transcript, Exhibits and Table of Contents must be submitted as separate PDF attachments
- Volumes do not have proper cover pages
- Court Reporter's Certificate is not signed

Transcript Formatting

True or False: The transcript must be submitted in electronic format?

True.

Transcript Formatting

True or False: Each volume of the Transcript, including the Table of Contents and Exhibits, should be submitted as a separate PDF file.

True.

The Table of Contents must be in its own separate volume.

Transcript Formatting

True or False: Each volume of the transcript should be numbered.

True.

The Table of Contents should always be the first volume.

Appellate Case No. 49A05-1606-CT-
 49G10-1503-CM-
 State of Indiana v.
 Marion Superior Court, Criminal Division 10
 The Honorable Carol Ann Terzo, Senior Judge

The Transcript
 Volume 2 of 2
 Pages 1 through 250

Jack McCoy 1234 Main Street Fictitious City, IN (123) 456-7890	Perry Mason Mason Law Office 5678 Main Street Fictitious City, IN (234) 567-8901
Attorney for Plaintiff	Attorney for Defendant

Transcript Formatting

Each volume of the Transcript must have what?

A cover page.

The cover page should always be page one.

Transcript Formatting

Each volume of the Transcript may contain a total of how many pages?

250 pages or 50 megabytes of data.

Court Reporter's Certificate

STATE OF INDIANA)	IN THE _____ COURT
) SS:	
COUNTY OF _____)	CASE NO.: _____
_____)	
) Plaintiff,)	
v.)	FILE MARK
_____)	
) Defendant.)	

REPORTER'S CERTIFICATE

I, _____, Reporter of the _____ Court, _____ County, State of Indiana, do hereby certify:

1. I am the Official Court Reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.
2. Upon the trial (by jury) of this cause, beginning on the ____ day of _____, 20__, I recorded and transcribed all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon and
3. The foregoing transcript, as prepared, is full, true, correct and complete.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal, this _____ day of _____, 20 ____.

Official Court Reporter

Common Transcription Problems

Problems that affect the clarity of your transcript.

What do you do in the moment?

What do you do when you prepare the transcript?

Inaudible

Prepare parenthetical identifying something is missing.

Examples: (Indiscernible), (unintelligible), (inaudible).

Simultaneous Speech

Consult with judge immediately.

Question, answer, or objection may need to be repeated.

Parenthetical if inaudible.

Gestures

Responsibility of judge or counsel to clarify.

If not clarified, use parenthetical to provide general description of gesture.

Foreign Language Translation

Translation should be noted through use of parenthetical.

Example: [Translation English to (language)].

Off the Record

Talk with your judge.

Find out if judge and/or counsel want it recorded/transcribed.

Strike That!

Often said by counsel.

Ignore!

Record and transcribe everything said by counsel.

Rephrased Question

Record and transcribe it all.

Transcribe initial question and rephrased version.

Motions to Strike

If granted . . .

Stricken testimony remains part of the record AND

Should be transcribed.

Confidentiality

What is Confidential?

General Rule: Court records should be accessible to the public.

Confidential documents should be the exception, not the rule.

What is Confidential?

In some cases, all court records are confidential.

Examples:

- (1) Termination of Parental Rights
- (2) Child in Need of Services
- (3) Adoption

What is Confidential?

Individual case records excluded from public access.

Admin. Rule 9(G)(2) provides a list.

List is not exhaustive.

What is Confidential?

Most common types of information excluded from public access:

- (1) Social Security numbers.
- (2) Bank and credit card account numbers.
- (3) Names of juveniles who are victims of sex crimes
- (4) Pre-Sentence Investigation Reports

Confidential Documents

Confidential documents should be filed in compliance with:

Administrative Rule 9(G)(5) and

Trial Rule 86(M).

Notice of Exclusion from Public Access

A standalone document.

Identifies the confidential information.

States the specific grounds for why the information should be excluded from public access.

Non-Public Access Version

If confidential information is not necessary to the disposition of the case, then only the public access version is required.

Non-Public Access Version

But, if confidential information is necessary to the disposition of the case, then attorney must file non-public access version.

Non-Public Access Version

First page labelled “Confidential”.

Complete replication of public access version.

But includes the omitted or redacted confidential information.

Green paper unless it is e-filed.

Confidential Testimony

Give the Court Reporter notice that the testimony contains confidential information.

State the specific grounds for why the information should be excluded from public access.

Written notice not required.

Confidentiality in the Appellate Courts

Confidential documents should be filed in compliance with:

Administrative Rule 9(G)(5) and

Appellate Rule 23(F).

Public Access Version

Document on white paper.

Confidential information omitted or redacted.

Insert placeholder page for each page omitted.

Non-Public Access Version

If confidential information is not necessary to the disposition of the case, then only the public access version is required.

Non-Public Access Version

But, if confidential information is necessary to the disposition of the case, then must file non-public access version.

Non-Public Access Version

First page labelled “Confidential”.

Complete replication of public access version.

But includes the omitted or redacted confidential information.

Non-Public Access Version

Green paper unless it is e-filed.

If e-filed, use a header on each page containing confidential info.

Header reads: “Confidential Per A.R. 9(G)”.

What Happens if the Attorney Does it Wrong

Court Reporter does not have to comply with confidentiality rules when preparing transcript.

Confidential information remains accessible to the public.

But confidentiality is not waived.

Fixing Mistakes

If the Transcript is not complete or has been completed but not yet sent to the Appellate Court:

- (1) File written notice with trial court and serve Court Reporter.
- (2) Identify confidential information and state grounds for why it should be excluded from public access.

Fixing Mistakes

If the Transcript has been sent to the Appellate Court:

- (1) File motion with the Appellate Court.
- (2) Identify confidential information and state grounds for why it should be excluded from public access.