LEGAL TRANSCRIBER COURSE WORKBOOK

INDEX OF COURSE

WELCOME!
What is legal transcription?

Transcription is just the act of converting the spoken word to typed words. Legal transcription is the field that covers legal cases and the interviews, depositions, hearings and trials that occur during the criminal or civil cases.

What is the difference between court reporters and transcriptionists?

Court reporters are the official staff that record the proceedings either with a digital recorder, or typing the proceedings as they happen with a stenography machine. They are there in person and record not only the actual discussions but who is there, what capacity they are acting in, and hopefully any other useful information such as spellings of names that may be unusual.

How do they work together?

Court reporters send the digital recordings along with any notes to a transcriber so they can do the actual transcription work. Some court reporters act as their own transcribers in some cases and use outside transcribers for overflow work or help on fast turnarounds.

Who else can I work for as a legal transcriber?

In today's complex world, most court reporters work for large agencies. These agencies schedule the court reporters and then assign the transcript work to their transcribers. Legal transcribers are also used by police stations for interrogations, insurance companies for claim interviews, individual attorneys for office work, TV companies for closed captioning, video companies and even universities for help converting lectures to transcripts for online learning.

Step 1

EQUIPMENT NEEDED

Honestly there is very little equipment needed to start transcribing. The equipment we list and link to is the actual equipment we use as a team at ALM Transcription LLC. There are many other options that you can research.

Computer

If you are reading this course, chances are you already have a computer with Internet access. Your computer should have the ability to store audio files and transcripts for a short period of time. Most transcribers use an external hard drive to store files so they don't slow down their computer, but it is not necessary if you have enough storage space on your computer. Some transcribers also store files and work from Dropbox, which is an option discussed more throughout this course.

Whether to use a laptop or desktop is up to you. We use a combination of both and have employees that even use netbooks. Having multiple screens can be useful, and some swear by an ergonomic keyboard. Standing desks are also getting more popular, we have created two of them in the office to help with back and neck issues. Most people are not used to typing for hours straight, so listen to your body and make adjustments as needed.

Word

You must have Word. We cannot stress this enough. Yes with the advent of Google Drive and other online sources to write, Word is still what is needed for the majority of transcripts. This is due to spacing, margin and template issues for processing that occurs after you send your transcript file to the court reporter or agency. The files are processed into formats such as a mini-script which shows 4 pages on 1 page, and breaks down the transcript into keywords to make it easier for attorneys to flip to relevant parts of the transcript. An index is made that lists the keywords and what pages they are mentioned on, so if an attorney is looking for every time a specific company is discussed, they turn right to page 42 and 57.

Software

Transcription Buddy is the audio player we use 95% of the time. It can be used with or without a foot pedal and we will cover both of those options. We have found that most new transcribers can start faster with the use of a foot pedal because you can focus more on typing without having to also worry about stopping the audio with the keyboard.

Transcription Buddy provides a complete range of playback controls for transcribing audio on a PC. When transcribing, the program allows a text editing program, such as Microsoft Word, to remain the active program, during playback. This allows the user to type, at the same time that the recording is played back. Additionally, playback functions such as Pause, Resume, and Rewind, may also be used, without the user getting out of the text edit program.

VEC Infinity USB Foot Pedal Support

The programs support foot pedal control of the playback functions through a USB connected foot pedal. To access the foot control options, go to View=>Options=>Foot Control. In order to use foot pedal support, you must enable this function, by checking the "Enable foot control" box in this Window. You must also have a USB port foot pedal. Transcription Buddy and Dictation Buddy support the VEC Infinity foot pedal from VEC Electronics. If you already have an Infinity pedal, you may use it with Transcription Buddy.

Users may customize the foot pedal controls according to their individual requirements. The pedals have a 3-pedal configuration. A large, center pedal is used to Play / Pause the playback. Depress the pedal to cause playback to begin. Release the pedal, and playback will stop. Optionally, the playback can Step-Back on pause, so the typist has a moment to determine where they are in the recording.

The left pedal can either Rewind the recording at a previously specified speed, or jump the recording back, a specified number of seconds. The right pedal can either FF the recording at a previously specified speed, or jump the recording forward, a specified number of seconds.

Installing the Foot Pedal

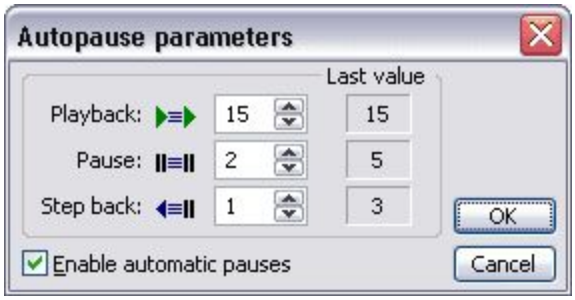
1. Your first step should be to plug the foot pedal into the USB port. Windows should immediately report that New Hardware has been found.
2. Windows will automatically add the appropriate drivers. There is no need to download and install special drivers or another software.

You have now successfully installed the foot pedal. You must now enable support for the pedal in the program configuration. Go to View => Options => Foot Control and check the Enable Foot Control checkbox. You should then use the Foot Control Wizard to confirm the pedals on the control. You may also alter pedal functions on the Set Pedal Functions Window.

Play / Pause / Play Feature

The Play / Pause / Play feature that allows a user to play a recording and have the playback intermittently pause. This feature allows the typist to periodically catch up to the playback. This feature has three associated parameters.

The Playback Duration parameter indicates how long playback should continue, prior to the occurrence of a Pause. The Size of Pause parameter indicates the duration of each pause. The Step Back parameter causes play to begin some seconds prior to the point at which it stopped. All of these parameters are specified in seconds. These parameters are set in the following Window. In this example, Play Duration is set to 15 seconds, the Size of Pause is 2 seconds and the Step Back is set to 1 second. These can be adjusted to fit your needs.



To set these parameters, go to View => Options => Playback or to Audio => Auto Pause Parameters. To start this mode of Playback, click the Auto Pauses button on the toolbar, or go to the Audio pull down menu and select Automatic Pauses.

Additional Transcription Features

Variable Speed Playback with Automatic Pitch Control

The ability to vary the speed at which playback occurs. The software will automatically adjust the pitch associated with the altered speed, to eliminate the high-pitched tones usually associated with advanced play-back speeds. Once a file has begun playing, the Play button changes to a speed button as illustrated here: . As either the double left or double right arrows are clicked, the speed is altered according to the Speed Settings in the View => Options => Playback Window settings. Hot Keys are also available to alter the playback speed. See View => Options => Hotkeys for more information about the Hotkeys controlling playback speed.

Audio File Compression Support

The programs can playback many types of audio files. Supported audio files are: RIFF-WAV (compressed and uncompressed); MP3; WMA; Olympus DSS (with restrictions); Dialogic VOX; BCB TrueSpeech. Follow this link for more information about compressed audio files.

Always On Top
This feature places the application window on top of other windows on your desktop. The window will never be "behind" other applications and it will always be seen. Go to the View pull down menu and select Always on Top to activate this feature.

Thin View

This feature presents a very small Buddy Window that will only use a small portion of the available desktop space. This view has only the most important controls and information. You can enter into Thin View by clicking the Thin View icon  on the application taskbar, or you can go to the View pull down menu and select Thin View. You can drag the thin view around on your desktop, by clicking on the first icon on the display.

The view will look like this Window:

Use the expand icon  to return to full view.

Auto Stepback on Pause

There are three separate "Step-Back" options within the program. When used with a pause, each of these settings causes the current point of playback to be reset. This feature allows the last few seconds of the recording to be replayed, so the transcriptionist can "find their place" and resume typing.

- One Step-Back setting is used with a foot pedal. When the "play" pedal is released, and the playback is paused, the playback position may be reset to begin playback from just prior to where the playback stopped. The setting for this parameter can be found in the Window with the other settings for the pedal functions. See View => Options => Foot Control => Set Pedal Functions to set this amount of time to Step-Back.
- Another Step-Back setting is associated with the Play-Pause-Play facility. This automatic facility allows the playback to continually play and pause. The Step-Back setting associated with this feature can be found on the same Window

as other Play-Pause-Play settings. See Audio => AutoPause Parameters to set this Step-Back parameter.

- The final Step-Back parameter is associated with the Pause setting that is available on the primary Window. Set this Step-Back parameter on the View => Options => Playback Window.

Hot-key Support

The program also supports Hot-keys to control playback. With hot-keys, a person can control playback at the same time that they type text into their word processor. Prior to using the hot-key function, it must be enabled. To enable this function, go to View==>Options==>Hot-keys==>Enable Hot Keys. Once you have Applied this change, the default hot-keys will become active. The default hot-keys include:

Default Hot-keys

Hot-key Function	Keystrokes
Play	Ctrl+Alt+P
Pause / Resume	Ctrl+Alt+U (once to pause, again to resume)
Stop	Ctrl+Alt+T
Jump back*	Alt+Pg Dn
Jump forward*	Alt+Pg Up
Jump to beginning	Alt+Home
Jump to end	Alt+End
Minimize / Restore	Ctrl+Alt+F10 (once to minimize, again to restore)
Record	Ctrl+Alt+R
Decrease Play Speed	Ctrl+Alt+D

Normal Play Speed	Ctrl+Alt+N
Increase Play Speed	Ctrl+Alt+I
New BookMark	Ctrl+Alt+F2
AutoPause Parameters	Ctrl+Alt+Q

*the jump back (rewind) and jump forward (FF) options are modified by the Step Value option that can be found on the main menu Window.

The keystrokes associated with the various playback controls, may be modified by the user. Use the View=>Options=>Hotkeys parameter box to alter the keystrokes.
Once the hot-key function has been activated and the appropriate hot-keys selected, the user may begin working with the program and a word processing program, such as Microsoft Word. To begin transcription, the user should:

- Open our program and select an audio file to transcribe,
- Minimize our program so it doesn't take up space on the desktop,
- Start your word processing application, Microsoft Word for example
- Type Ctrl+Alt+P to begin playback
- Type Ctrl+Alt+U to pause and then resume playback

File Notes

The programs support embedding file notes within an audio file. The notes may be accessed by clicking on the File Notes icon  , on the Main Window toolbar. When accessed, the text notes may be added, updated or deleted using the text edit window that becomes active.

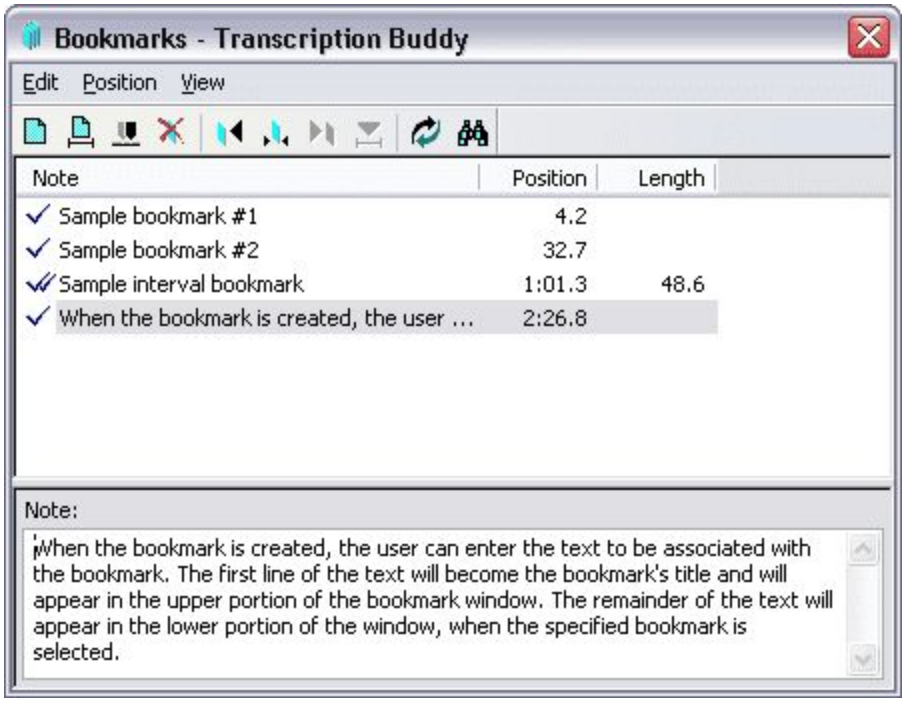
Notes and bookmarks could be handy when you have a problem hearing a portion of the audio, we will show you later how to mark this in the transcript, but learning how to bookmark a spot in the actual audio file can help you return to that portion of the audio for a re-listen at a later time.

Opening the Bookmark Interface Window

The programs support embedded bookmarks and associated text notes. This support is provided through an additional Window, used to enter, update and delete the bookmark entries. The Bookmark Window can be opened by clicking on the bookmark icon , on the primary toolbar. The Bookmark Window can also be opened by using the Alt+F2 keys on the keyboard. Once opened, the Bookmark Window may be resized, according to user requirements.

Bookmark Window Interface

The Bookmark Window feature supports the insertion of bookmarks "on-the-fly" as the recording is being made as well as after the recording has been completed. The top portion of the Bookmark Window displays all of the bookmarks within the file. The first line of the bookmark's associated text notes is displayed as well as the bookmark's position within the file. The complete text for the "selected" bookmark is displayed in the lower portion of the window. According to the scroll parameter setting, bookmarks can automatically scroll through the entries or alternatively, the user may choose to remain at one bookmark entry, throughout audio playback.



Entering a Positional Bookmark

A Positional Bookmark is associated with a specific point within the sound file. To create a positional bookmark, the user clicks on the Create Bookmark icon , found on the

Bookmark Window toolbar. The user can also create a positional bookmark by using the F2 function key.

Positional bookmarks can be created during the recording process or subsequent to the completion of recording.

When the bookmark is created, the user can enter the text to be associated with the bookmark. The first line of the text will become the bookmark's title and will appear in the upper portion of the bookmark window. The remainder of the text will appear in the lower portion of the window, when the specified bookmark is selected.

Entering an Interval Bookmark

An Interval Bookmark is one that pertains to an interval or fragment of the wav file. To define an Interval Bookmark, the user must first mark the beginning and the end of the interval. Use the Markers icons on the Primary Window to mark both the beginning and the end of the Interval Bookmark. Once the interval is marked, create an Interval Bookmark by using the interval bookmark icon  .
A double check in the bookmarks display of the Bookmark Window distinguishes an interval bookmark from a positional bookmark.

Other Transcription Software

While we won't go in depth on these options, these other software systems have been used by our office at various points in time.

Express Scribe
InqScribe

Headphones

It is imperative that you purchase a good set of transcription headphones. They are not that expensive but they do an excellent job of eliminating background noise in audio and protecting your ears. We have seen too many transcriptionists suffer from tinnitus, a ringing in the ears, from using standard headphones. This is not only painful, it can affect your ability to continue transcribing.

STEP 1 ASSIGNMENT

Order your equipment and set it up. Practice playing audio with Transcription Buddy and using the foot pedal or hot keys to start, pause and rewind.

Step 2

TYPING SKILLS

Being a touch typist isn't a prerequisite, but it is certainly going to help you earn more money. Typing with one finger is not going to help you much.

What is a touch typist?

A touch typist is someone that can type without looking at their keyboard. Each keyboard has two little bumps on the J and F keys. These are there so you can always tell where your fingers are on the keys. Each key on the board is then arranged to be reached from specific fingers. Once these are memorized and practiced, you can type without looking at the keyboard. This allows you to type faster, which means you earn more money. Pretty simple! Yes you can start even if you type slowly, practice each day for 30-60 minutes and your speed will pick up pretty quickly.

Typing Speed

While you are practicing, try to get your speed up to at least 70-90 words per minute or more.

Here are a few resources to learn and practice touch typing:

Typing Test - Let's see how fast you are right now:
http://www.typingtest.com
http://10fastfingers.com/typing-test/english

Keyboard Tutorials:
http://www.sense-lang.org/typing/tutor/keyboarding.php

Combining Audio with Touch Typing:
http://www.sense-lang.org/typing/tutor/audioStart.php

Typing Games:
http://www.freetypinggame.net/play.asp

Split Screen Practice Skills

A lot of our transcribers use dual screens or split screens. If your computer has this capability you can practice this, or you can use a magazine or a book as your second screen. All you are going to do is open a file on your right screen (any type of file with lots of words), or place a book there, open to a page you will type. Any file or book will do. You will just be copying whatever you see. Complete 5-10 pages per session each day. Check the screen you are writing on in order to see where you are making most of your mistakes as you make them in order to fix any issues while focusing on not looking at your finger placement on the keyboard.

When you start practicing with actual audios you would keep your template you are typing in on the main screen and transcription buddy and any helpful documents on your other screen so you can do research or see times on the tape when needed easily. Or use the thin view in Transcription Buddy if you are working on one screen.

The Two Space Rule

Depending on how old you are, you will fall into one of two categories. You will either type one space after a sentence, or two. You will notice that throughout the written portions of this workbook there is only one space after a period. However, in the sample transcripts there are two. Why? Because we are a company divided! Our clients want TWO spaces at the end of a sentence, but in my everyday life, I only place one space.

As you are practicing typing on your own, practice two spaces at the end of sentences as that is how your work will be done. The online typing tests leave space for only one space, so practice speed on those tests, but then when doing split screen practice make sure you are doing two spaces.

STEP 2 ASSIGNMENT

Learn and practice touch typing skills until you can type at least 70 words per minute. You can move on in this workbook as you practice.

http://www.learnlegaltranscription.com/wordpress/wp-login.php

Step 3

WRITING AND GRAMMAR SKILLS

Being able to identify and type the correct word while transcribing is paramount to your success. If you do not know the difference between to, too and two you will not be hired by anyone because your transcripts will look unprofessional. This is simply something that must be studied and learned. There are many words that sound similar in the English language, and it is up to you to use context to determine which word the speaker intended to use. Here are some words to be aware of and some sample problems we have seen.

Accept, Except
Accept is a verb meaning to receive. Except is usually a preposition meaning excluding. I will accept all the packages except that one. Except is also a verb meaning to exclude. Please except that item from the list.

Adverse and averse

Adverse means harmful or unfavorable: "Adverse market conditions caused the IPO to be poorly subscribed." Averse refers to feelings of dislike or opposition: "I was averse to paying $18 a share for a company that generates no revenue." But you can feel free to have an aversion to adverse conditions.

Affect and effect

Verbs first. Affect means to influence: "Impatient investors affected our roll-out date."Effect means to accomplish something: "The board effected a sweeping policy change." How you use effect or affect can be tricky. For example, a board can affect changes by influencing them, or can effect changes by implementing them. Use effect if you're making it happen, and affect if you're having an impact on something someone else is trying to make happen.

As for nouns, effect is almost always correct: "Once he was fired he was given 20 minutes to gather his personal effects." Affect refers to an emotional state, so unless you're a psychologist, you probably should not be using it.

Allusion, Illusion

An Allusion is an indirect reference. An illusion is a misconception or false impression. Did you catch my allusion to Shakespeare? Mirrors give the room an illusion of depth.

Capital, Capitol

Capital refers to a city, capitol to a building where lawmakers meet. Capital also refers to wealth or resources. The capitol has undergone extensive renovations. The residents of the state capital protested the development plans.

Climactic, Climatic

Climactic is derived from climax, the point of greatest intensity in a series or progression of events. Climatic is derived from climate; it refers to meteorological conditions. The climactic period in the dinosaurs' reign was reached just before severe climatic conditions brought on the ice age.

Compliment and complement

Compliment is to say something nice. Complement is to add to, enhance, improve, complete, or bring close to perfection. So, I can compliment your staff and their service, but if you have no current openings you have a full complement of staff. And your new app may complement your website.

Criteria and criterion

"We made the decision based on one overriding criteria" sounds pretty impressive but is wrong.

Remember: one criterion, two or more criteria, although you could always use "reason" or "factors" and not worry about getting it wrong.

Discreet and discrete

Discreet means careful, cautious, showing good judgment: "We made discreet inquiries to determine whether the founder was interested in selling her company."

Discrete means individual, separate, or distinct: "We analyzed data from a number of discrete market segments to determine overall pricing levels." And if you get confused, remember you don't use discretion to work through sensitive issues; you exercise discretion.

Elicit and illicit

Elicit means to draw out or coax. Think of elicit as the mildest form of extract or, even worse, extort. So if one lucky survey respondent will win a trip to the Bahamas, the prize is designed to elicit responses.

Illicit means illegal or unlawful. I suppose you could "illicit" a response at gunpoint ... but you best not.

Emigrate from, Immigrate to

Emigrate means to leave one country or region to settle in another. In 1900, my grandfather emigrated from Russia. Immigrate means to enter another country and reside there. Many Mexicans immigrate to the U.S. to find work.

Hints:

Emigrate begins with the letter E, as does Exit. When you emigrate, you exit a country.

Immigrate begins with the letter I, as does In. When you immigrate, you go into a country

Farther and Further

Farther involves a physical distance: "Florida is farther from New York than Tennessee." Further involves a figurative distance: "We can take our business plan no further." So, as we say in the South, "I don't trust you any farther than I can throw you." Or, "I ain't gonna trust you no further."

Imply and Infer

The speaker or writer implies. The listener or reader infers. Imply means to suggest, while infer means to deduce (whether correctly or not). So, I might imply you're going to receive a raise. You might infer that a pay increase is imminent. (But not eminent, unless the raise will be prominent and distinguished.)

Insure and Ensure

This one's easy. Insure refers to insurance. Ensure means to make sure. So if you promise an order will ship on time, ensure it actually happens. Unless, of course, you plan to arrange for compensation if the package is damaged or lost--then feel free to insure away.

Irregardless and Regardless

Irregardless appears in some dictionaries because it's widely used to mean “without regard to” or “without respect to”... which is also what regardless means.

In theory the ir-, which typically means "not," joined up with regardless, which means "without regard to," makes irregardless mean "not without regard to," or more simply, "with regard to."

It's and Its

It's is the contraction of it is. That means it doesn't own anything. If your dog is neutered (the way we make a dog, however much against his or her will, gender neutral), you don't say, "It's collar is blue." You say, "Its collar is blue." Here's an easy test to

apply. Whenever you use an apostrophe, un-contract the word to see how it sounds. In this case, turn it's into it is: "It's sunny" becomes "It is sunny."

Precede and Proceed

Precede means to come before. Proceed means to begin or continue. Where it gets confusing is when an ing comes into play. "The proceeding announcement was brought to you by..." sounds fine, but preceding is correct since the announcement came before.

If it helps, think precedence: Anything that takes precedence is more important and therefore comes first.

Principal and Principle

A principle is a fundamental: "We've created a culture where we all share certain principles." Principal means primary or of first importance: "Our startup's principal is located in NYC." (Sometimes you'll also see the plural, principals, used to refer to executives or (relatively) co-equals at the top of a particular food chain.)

Principal can also refer to the most important item in a particular set: "Our principal account makes up 60 percent of our gross revenues."

Principal can also refer to money, normally a sum that was borrowed, but can be extended to refer to the amount you owe--hence principal and interest.

If you're referring to laws, rules, guidelines, ethics, etc., use principle. If you're referring to the CEO or the president (or the individual in charge of the high school), use principal.

Than, Then

Than is a conjunction used in comparisons; then is an adverb denoting time. That pizza is more <u>than</u> I can eat. Tom laughed, and <u>then</u> we recognized him.

Hints:

Than is used to compare; both words have the letter a in them.

Then tells when; both are spelled the same, except for the first letter.

They're, there, and their

They're is the contraction for they are. Again, the apostrophe doesn't own anything. We're going to their house, and I sure hope they're home. There is a place, they are going there.

To, Too, Two

To is a preposition; too is an adverb; two is a number. <u>Too</u> many of your shots slice <u>to</u> the left, but the last <u>two</u> were right on the mark.

Who's and Whose

"Whose password hasn't been changed in six months?" is correct. "Who is (the non-contracted version of who's) password hasn't been changed in six months?" sounds silly.

You're and Your

You're is the contraction of you are. Your means you own it; the apostrophe in you're doesn't own anything. For a long time a local nonprofit had a huge sign that said "You're Community Place."

Hmm. "You Are Community Place"? Probably not.

Confusing Words

Lie, Lay

Lie is an intransitive verb meaning to recline or rest on a surface. Its principal parts are lie, lay, lain. Lay is a transitive verb meaning to put or place. Its principal parts are lay, laid.
Hint: Chickens lay eggs. I lie down when I am tired.

Set, Sit

Set is a transitive verb meaning to put or to place. Its principal parts are set, set, set. Sit is an intransitive verb meaning to be seated. Its principal parts are sit, sat, sat. She set the dough in a warm corner of the kitchen. The cat sat in the warmest part of the room.

Who, Which, That

Do not use which to refer to persons. Use who instead. That, though generally used to refer to things, may be used to refer to a group or class of people. I just saw a boy who was wearing a yellow banana costume. I have to go to math next, which is my hardest class. Where is the book that I was reading?

Problem Phrases

Supposed to: Do not omit the d. Suppose to is incorrect.
Used to: Same as above. Do not write use to.
Toward: There is no s at the end of the word.
Anyway: Also has no ending s. Anyways is nonstandard.
Couldn't care less: Be sure to make it negative. (Not I could care less.)
All walks of life: Not woks of life. This phrase does not apply to oriental cooking.
Chest of drawers: Not chester drawers.
For all intents and purposes: Not intensive purposes.

STEP 3 ASSIGNMENT

Study the notes above and complete the grammar and punctuation quizzes in the member section.
http://www.learnlegaltranscription.com/wordpress/wp-login.php

Step 4

PARAGRAPHING

The hardest part about transcribing, beyond just the listening, is the writing. Now you are probably thinking to yourself "I don't have to write! I'm just copying what they say!" While you are correct, you are also, very, very wrong!

When you listen to speech you don't see sentences and paragraphs. But when you write that speech down, you have to formulate all of those words into neat, tidy, readable text, with punctuation and paragraphs.

So, you hear two people speaking and they say this:

raise your right hand please do you solemnly swear that the testimony that you're about to give will be the truth the whole truth and nothing but the truth yes thank you

As a transcriber, you have to be able to:

- separate out who is speaking
- identify that person
- make their speech look great using sentences, paragraphs and punctuation

And you have to do this ALL AT THE SAME TIME!

VIDEOGRAPHER: Raise your right hand, please.
Do you solemnly swear that the testimony that
you're about to give will be the truth, the whole
truth and nothing but the truth?
THE WITNESS: Yes.
VIDEOGRAPHER: Thank you.

Probably not as easy as it looks, right?

The sample audios you will complete in this section will help you transcribe letters, briefs and other notes from attorneys or work with clients that need lectures, interviews, speeches, focus groups and other types of transcription work.

As you go through your day, you can also practice this easily, just think about the conversations you hear around you. If you are sitting at home you can practice typing all the things you hear:

- Your kids talking and playing
- The show that is on TV
- A song you hear

STEP 4 ASSIGNMENT

Complete the audio samples of speeches online in the assignment section.
http://www.learnlegaltranscription.com/wordpress/wp-login.php

Step 5

LEGAL TERMS, COURT PROCEDURES, ETC

It should not be surprising that as a legal transcriber you will come across a lot of legal terms in your cases! Being familiar with them and knowing the spellings will increase your typing speeds and understand the context of cases. Knowing the hierarchy of the court system and protocols will also be helpful.

Types of Objections

Argumentative – The tone or words of the question asked by the opposing attorney are geared toward arguing with the witness, or the question does not really seek information but challenges the truthfulness or credibility of the witness.

Asked and answered – The lawyer asks a question over and over again, either for emphasis or because he is not getting the answer he wants.

Calls for a conclusion – The lawyer has asked a question that will elicit a response in the form of an opinion, rather than the facts.

Compound question – The lawyer has combined more than one question into what seems to be a single question asked of a witness during a trial or deposition.

Harassing – The attorney appears to be harassing the witness (on direct or cross).

Hearsay – Evidence offered is based not on a witness's personal knowledge but on another's statement not made under oath; second-hand evidence in which the witness is not telling what he or she knows personally, but what others have said to him or her.

Improper opinion – The witness is not qualified to answer the question asked by counsel.

Irrelevant/immaterial/incompetent – The question, or the answer (to be) elicited from the question, is not important, pertinent, or germane to the matter at hand or to any issue before the court.

Lack of foundation – The lawyer asks a witness for a conclusion without laying a foundation on which to base the conclusion.

Leading – Short for "leading the witness," in which, during a trial or deposition, the attorney asks questions in a form in which he or she puts words in the mouth of the witness or suggests the answer. Leading is improper if the attorney is questioning a

witness called by that attorney and presumably friendly to that attorney's side of the case. (Leading questions are permissible in cross-examination of a witness called by the other party or if the witness is found to be hostile or adverse to the position of the attorney conducting the questioning.)

Narrative – The attorney is eliciting an answer through a long-winded statement rather than through a direct question.

Offer of proof – The attorney must explain to the judge during trial why a question or line of questioning that has been objected to as immaterial or irrelevant would be relevant to the case and will lead to evidence of value to proving the case of the attorney's client.

Out of scope – A question on redirect is not within the scope of the questions on the cross examination, or a question on re-cross is not within the scope of the redirect. The objection is often not used when a cross-examination question is out of the scope of the direct testimony.

Speculation – The witness is speculating; i.e., testifying his opinion and offering it as fact.

Vague – The question that the lawyer asked is vague and unclear. Usually the lawyer just re-words the question.

Common Legal Terms

Action – conduct; behavior; in the usual legal sense, a suit brought in court; a formal complaint within the jurisdiction of a court of law
Addendum – a thing added; a supplement
Ad hoc – literally, "for this"; a special purpose
Adjudicate – to settle in the exercise of judicial authority; to determine finally
Ad litem – for the purposes of the legal action, pending the legal action
Admissible – pertinent and proper; to be considered in reaching a decision
Admonition – any authoritative oral communication or statement by way of advice or caution
Adverse – opposed; contrary; in resistance or opposition to a claim
Adverse party – a party to an action whose interests are opposed to or opposite the interests of another party to the action
Affiant – the person who makes and subscribes an affidavit
Affidavit – a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it
Affirmation – a solemn and formal declaration that an affidavit is true or that the witness will tell the truth; substituted for an oath in certain cases

Agency – relation in which one person acts for or represents another by the latter's authority, either in the relationship of principal and agent, master and servant, employer or proprietor and independent contractor
Agent – a person authorized by another to act for him or her
Allegation – the assertion, claim, declaration, or statement of a party to an action, made in a pleading, setting out what he or she expects to prove
Allege – to state, recite, assert, or charge; to make an allegation
Amicus curiae – literally, "friend of the court"; a person with strong interest in, or views on, the subject matter of any matter of action may petition the court for permission to file a brief, ostensibly on behalf of a party, but actually to suggest a rationale consistent with his or her own views
Annulment – to nullify; to abolish; to make void by competent authority
Answer – in chancery pleading, a defense in writing made by a defendant to the allegations contained in a bill or information filed by the plaintiff against him or her
Appeal – resort to a court of review to challenge the decision of a lower court
Appearance – a coming into court as party to a suit, either in person or by an attorney, whether as plaintiff or defendant
Arbitration – the reference of a dispute to an impartial (third) person chosen by the parties to the dispute who agree in advance to abide by the arbitrator's award issued after the hearing at which both parties have an opportunity to be heard
Assign – to transfer or set over to another
Assignment – a transfer or making over to another of the whole of any property, real or personal, in possession or in action, or of any estate or right therein
Assumption of risk – a plaintiff may not recover for an injury to which he or she assents, i.e., that a person may not recover for an injury received when voluntarily exposing himself or herself to a known and appreciated danger
Attest – to bear witness to; to bear witness to a fact; to affirm to be true or genuine
Attorney/client privilege – the privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between client and attorney
Authenticated – witness testifying that evidence fairly and accurately portrays what it purports to portray

B

Bequeath – to give personal property by will to another
Bequest – a gift by will of personal property; a legacy
Best evidence rule – prohibits the introduction into evidence of secondary evidence unless it is shown that the original document has been lost or destroyed or is beyond jurisdiction of court without fault of the offering party
Bias – inclination; bent; a preconceived opinion
Bifurcated trial – trial of the liability issue in a personal injury or wrongful death case separate from and prior to trial of the damages question
Boilerplate – language which is used commonly in documents having a definite meaning in the same context without variation; used to describe standard language in a legal document that is identical in instruments of like nature

Bona fide – in or with good faith; honestly, openly and sincerely; without deceit or fraud
Breach of contract – failure, without legal excuse, to perform any promise that forms the whole or part of a contract
Brief – a written document; a written statement prepared by counsel arguing a case in court, containing the facts of the case, the pertinent laws, and an argument of how the law applies to the fact supporting counsel's position
Burden of proof – in the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between parties in a cause
Bylaws – regulations, ordinances, rules, or laws adopted by an association or corporation or the like for its government

C

Caption – the heading or introductory part of a pleading, motion, deposition, or other legal instrument that indicates the names of the parties, name of the court, docket or file number, and title of the action
Case – a general term for an action, cause, suit, or controversy at law or in equity
Cause of action – the fact or facts that give(s) a person a right to judicial relief
Caveat emptor – literally, "let the buyer beware"; summarization of the rule that a purchaser must examine, judge, and test for himself or herself
Cede – to yield up; to assign; to grant; to surrender; to withdraw
Certify – to authenticate or vouch for a thing in writing; to attest as being true or as represented
Certiorari – literally, "to be informed"; a writ of common law origin issued by a higher court to a lower court requiring the latter to produce a certified record of a particular case tried therein
Change of venue – the removal of a suit begun in one county or district to another county or district for trial
Citation – a writ issued out of a court of competent jurisdiction, commanding a person therein named to appear on a day named and do something therein mentioned or show cause why he or she should not
Cite – to summon; to command the presence of a person; to notify a person of legal proceedings against him or her and require the person's appearance thereto; to read or refer to legal authorities in an argument to a court
Claimant – one who makes a claim
Class action – provides a means by which, in circumstances where a large group of persons are interested in a matter, one or more may sue or be sued as representatives of the class without needing to join every member of the class
Client – a person who employs or retains an attorney
Code – a systematic collection, compendium, or revision of the laws, rules, or regulations
Codicil – a supplement or an addition to a will; it may explain, modify, add to, subtract from, qualify, alter, or revoke provisions in the existing will

Collateral – (adj.) by the side; at the side; attached upon the side; additional or auxiliary; (n.) property that is pledged as security for the satisfaction of a debt
Comparative negligence – negligence measured in terms of percentage, and any damages allowed shall be diminished in proportion to the amount of negligence attributed to the person for whose injury, damage, or death recovery is sought
Complainant – one who applies to the courts for legal redress by filing a complaint
Complaint – the original or initial pleading by which an action is commanded under codes or rules of civil procedure
Conservator – a guardian, protector, or preserver appointed by the court to manage affairs of an incompetent person
Contingent – possible, but not assured; doubtful or uncertain; conditioned upon the occurrence of some future event that is itself uncertain or questionable
Continuance – the adjournment or postponement of a session, hearing, trial, or other proceeding to a subsequent day or time
Contract – an agreement between two or more persons that creates an obligation to do or not do a particular thing
Contributory negligence – a doctrine of common law that if a person was injured in part due to his/her own negligence (i.e., his/her negligence "contributed" to the accident), the injured party would not be entitled to collect any damages (money) from another party who supposedly caused the accident
Convey – to transfer or deliver to another; to pass or transmit the title to property from one to another
Conveyance – transfer of title to land from one person to another by deed; an instrument by which some estate or interest in lands is transferred from one person to another, such as a deed, mortgage, etc.
Corpus – literally, "body"; an aggregate of laws or articles
Corroborate – to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence
Council – an assembly of persons for the purpose of concerting measures of state or municipal policy
Counsel – attorney or counselor; advice and assistance given by one person to another in regard to a legal matter
Counterclaim – a claim presented by a defendant in opposition to or deduction from the claim of the plaintiff
Covenant – an agreement or promise of two or more parties in writing, signed and delivered, by which either of the parties pledges to the other that something is either done, or shall be done, or shall not be done, or stipulates to the truth of certain facts
Cross-examination – the examination of a witness upon trial or hearing by the party opposed to the one who produced him or her; the opportunity for the attorney (or an unrepresented party) to ask questions in court of a witness who has testified in a trial on behalf of the opposing party
Cumulative – additional; heaping up; increasing; forming an aggregate
Custodian – anyone who has charge or custody of property, papers, etc.
Custody – the care and control of a thing or a person

D

Damage – loss, injury, or deterioration caused by the negligence, design, or an accident of one
person to another, in respect to the latter's person or property
Damages – a pecuniary compensation or indemnity that may be recovered in the courts by any person who has suffered a loss, detriment, or injury, whether to person or property
De bene esse – conditionally; provisionally; in anticipation of the future need; *Examination de bene esse*: a provisional examination of a witness whose testimony is important and might otherwise be lost, held out of court and before trial, with the proviso that the deposition so taken may be used on the trial in case the witness is unable to attend in person at that time or cannot be produced
Declaration – the first of the pleadings on the part of the plaintiff in an action at law; an unsworn statement or narration of facts made by a party to the transaction
Declaratory – explanatory; designed to fix or elucidate what before was uncertain or doubtful
Decree – the judgment of a court of equity or chancery, answering for most purposes to the judgment of a court of law
De facto – literally, "from the fact"; in fact; in deed; actually
Default – a failure to do something required by duty or law
Defendant – the person defending or denying; the party against whom relief or recovery is sought in action or suit
Defense – a general term for the effort of an attorney representing a defendant during trial and in pre-trial maneuvers to defeat the party suing or the prosecution in a criminal case; a response to a complaint, called an affirmative defense, to counter, defeat or remove all or a part of the contentions of the plaintiff
Demeanor – behavior toward others; outward manner, outward bearing, or behavior; in respect to a witness, relates to a physical appearance
De minimis – very small or trifling matters
Demonstrative evidence – the evidence addressed directly to the senses without intervention of testimony; evidence apart from the testimony concerning the thing, maps, diagrams, photographs, videotapes, models, charts, medical illustrations, x-rays, etc.
Demur – to take an exception to the sufficiency in point of law of a pleading or state of facts alleged
Denial – a traverse in the pleading of one party of an allegation of fact set up by the other; a defense; under Rules of Civil Procedure, denials must be specific and directed at the particular allegations controverted
De novo – anew; afresh; a second time; from the beginning
Deponent – one who deposes (testifies) to the truth of certain facts; one who gives testimony under oath, which is reduced to writing; one whose deposition is given
Depose – to make a deposition; to make statements that are written down and sworn to

Deposition – a discovery device by which one party asks questions of the other party or of a witness for the other party
Direct examination – the first examination of a witness by the party on whose behalf he or she is called
Discovery – the ascertainment of that which was previously unknown; a device that can be used by one party to obtain facts and information about the case from the other party in order to assist the party's preparation for trial
Dismiss – to discharge; to discontinue; to dispose of; to dismiss an action or suit without any further consideration
Disposition – the parting with, alienation of, or giving up of property
Diversity jurisdiction – reference to jurisdiction of the federal courts, which, under the Constitution, extends to cases between citizens of different states, designating the condition of each citizen (party) from different states or between a citizen of a state and an alien
Docket – a formal record, entered in brief, of the proceedings in a court of justice; sometimes refers to the list or calendar of causes set to be tried at a specific term
Duces tecum – literally, "you shall bring with you"; requiring a party to bring some document or piece of evidence

E

En bloc – as a unit; as a whole
Equitable – just; conformable to the principal of justice and right
Equity – justice administrated according to fairness, as contrasted with the strictly formulated rules of common law
Estop – to stop, bar, or impede; to preclude
Estoppel – a bar or impediment that precludes allegation or denial of a certain fact or state of facts, in consequence of a previous allegation or denial or conduct or admission, or in consequences of a final adjudication of the matter in a court of law
Et al. (*et alii* [masc.]) – and others
Ethics – of or relating to moral action, conduct, motive, or character
Et ux. (*et uxor*) – and wife
Evidence – any species of proof or probative matter legally presented, such as testimony, writings, etc.
Evidentiary – having the quality of evidence
Examination – an investigation; search; interrogation
Execute – to complete; to perform; to do; to carry out
Executor – a person appointed by a testator to carry out the directions and requests in his or her will
Executrix – a female executor
Exhibit (n.) – an item produced and exhibited during trial or deposition and made part of the case
Ex parte – one side only; by or for one party; motions, hearings, or orders granted on the request of and for the benefit of one party only
Expedite – to hasten; to make haste; to speed

Expert testimony – opinion evidence of some person who possesses special skill or knowledge
Expert witness – one who by reason of education or specialized experience possesses superior knowledge regarding a subject
Expunge – to destroy; blot out; obliterate; erase

F

Falsify – to counterfeit or forge; to make something false
Fault – negligence; an error or defect of judgment or of conduct
FRCP – Federal Rules of Civil Procedure

G

Germane – in close relationship; appropriate; relative; pertinent
Gravamen – the material part of a grievance; the burden of a charge
Guardian ad litem – guardian appointed by the court on behalf of a minor child or incompetent person to represent his or her interests in litigation

H

Habeas corpus – literally, "you should have the body"; the primary function of a habeas corpus writ is to produce a prisoner before a judge or court
Hearsay – a statement, other than the one made by the declarant while testifying, offered in evidence to prove the truth of the matter asserted
Heir – one who inherits property, whether real or personal
Holographic will – written entirely by the testator with his or her own hand and not witnessed
Hostile or adverse witness – witness who manifests hostility or prejudice under examination; party may be allowed to cross-examine by use of leading questions
House counsel – lawyer who acts as attorney for a business though carried as an employee of that business
Hypothetical question – combination of assumed or proved facts stated in form to constitute a coherent and specific situation calling for an opinion

I

Immaterial – not essential or necessary; not pertinent
Impartial – favoring neither; disinterested; unbiased
Impeach – to accuse; to dispute; deny or contradict
Inadmissible – that which, under the established rules of law, cannot be admitted or received
In camera – before a judge in chambers; in private; outside the presence of a jury

Incompetent evidence – evidence that is not admissible under established rules of evidence
Indemnify – to restore the victim of a loss, in whole or in part, by payment, repair, or replacement
Indemnity – compensation given to make whole from a loss already sustained
Independent contractor – one who, in exercise of an independent employment, contracts to do a piece of work according to his or her own methods and is subject to the employer's control as to the final result of the work
Indictment – an accusation in writing found and presented by a grand jury
Infra – below, under, beneath, underneath; also, within
Injury – any wrong or damage done to another
In lieu of – instead of; in place of; in substitution of
In limine – on or at the threshold; at the very beginning
In propria persona – literally, "for one's self"; in one's own proper person; acting as one's legal counsel
In re – in the matter of; concerning; regarding
Interlocutory – provisional; temporary; not final
Interpleader – when two or more persons claim the same thing of a third; when two parties are involved in a lawsuit over the right to collect a debt from a third party, who admits the money is owed but does not know which person to pay, the debtor deposits the funds with the court, asks the court to dismiss him/her/it from the lawsuit, and lets the claimants fight over it in court.
Interrogatories – a set or series of written questions submitted by one party to the other party or witness
Intestate – without making a will
Ipso facto – literally, "by the fact itself"; by the mere fact
Irrelevant – not relevant; immaterial; not relating or applicable to the matter in issue
Irrevocable – that which cannot be revoked or recalled

J

J.D. – Juris Doctor
Judge pro tempore – one appointed for the term of some part thereof, functioning as a regular judge; a judge who is sitting temporarily for another judge or an attorney who has been appointed to serve as a judge as a substitute for a regular judge
Judgment – generally, the final decision by a court in a lawsuit, criminal prosecution, or appeal from a lower court's judgment
Jurat – certificate of officer before whom writing was sworn to
Juridical – relating to administration of justice, or office of a judge
Juris – of right; of law
Jurisdiction – areas of authority
Jurisprudence – the philosophy of law, or the science, which treats of the principles of positive law and legal relations
Just cause – a cause outside of legal cause, which must be based on reasonable grounds, and there must be fair and honest cause or reason, regulated by good faith

L

Lawsuit – an action or proceeding in a civil court
Lawyer – any person who prosecutes or defends causes in court
Leading question – one which instructs a witness how to answer or puts into his mouth words to be echoed back
Leave of court – permission obtained from a court to take some action which, without such permission, would not be allowable, as to receive an extension of time to answer a complaint
Liability – all character of debts and obligations
Libel – defamation expressed by print, writing, pictures, or signs
Lien – a claim, encumbrance, or charge on property for payment of some debt, obligation, or duty
Lis pendens – literally, "a suit pending"
Litigant – a party to a lawsuit; one engaged in litigation
Litigate – to dispute or contend in form of law; to engage in legal action; to settle a dispute or seek relief in a court of law
Locus – literally, "place"; the place where a thing is done

M

Magistrate – a judicial officer, generally in lower courts as opposed to higher courts
Malfeasance – evil doing; ill conduct; intentionally doing something either legally or morally wrong that one had no right to do
Mandamus – literally, "we enjoin"; we command; compels performance (see writ of mandamus)
Mandate – a command, order, or direction, written or oral, which the court is authorized to give and the person is bound to obey
Material – important; more or less necessary; going to the merits
Minor – a person under the age of legal competence (18 years)
Moot – of no practical significance
Motion – an application made to a court or judge for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant
Motion to dismiss – a motion generally made before trial to attack the action on the basis of insufficiency, etc.
Motion to strike – a motion to have stricken from the record any insufficient defense, or any redundant, immaterial, or improper evidence or testimony

N

Negligence – the omission of doing something that a reasonable person, guided by those ordinary considerations that ordinarily regulate human affairs, would do, or the doing of something that a reasonable and prudent person would not do

No-fault auto insurance – insurance in which claims for personal injury and/or property damage are made against the claimant's own insurance company, no matter who was at fault, rather than the insurer of the party at fault
Non-suit – action in form of a judgment taken against a plaintiff who has failed to appear to prosecute his or her action or failed to prove his or her case
Notary public – one who is authorized by state or federal government to administer oaths and to attest to the authenticity of signatures
Notice of motion – a notice in writing, entitled in a cause, stating that on a certain day designated, a motion will be made to the court for the purpose or object stated; such notice is required to be served upon all parties
Notice to appear – shorthand expression for the form of summons or order of notice in which the defendant is ordered to appear and show cause why judgment should not be entered against him or her
Nullification – the state or condition of being void; without legal effect or status
Nunc pro tunc – literally, "now for then"; a thing done now that shall have same legal force and effect as if done at the time when it ought to have been done

O

Oath – an affirmation of the truth of a statement, which renders one willfully asserting untrue statements punishable for perjury
Objection – the contention that the matter or proceeding objected to is improper or illegal; used to call the court's attention to improper evidence or procedure; a lawyer's protest about the legal propriety of a question which has been asked of a witness by the opposing attorney, with the purpose of making the trial judge decide if the question can be asked
Offer of proof – at trial, a party's explanation to a judge as to how a proposed line of questioning, or a certain item of physical evidence, would be relevant to its case and admissible under the rules of evidence; at a trial or hearing, when an objection to a question has been sustained, the party aggrieved by the ruling may indicate for the record, out of the hearing of the jury, the answer that would have been given if the question had not been excluded
Order – a mandate; command or direction authoritatively given
Order to show cause (OSC) – an order to a person or corporation to appear in court and explain why the court should not take a proposed action
Overrule – to annul; reverse; make void; reject by subsequent action or decision

P

Per se – literally, "by itself"; taken alone; inherently; unconnected with other matters; in its own nature
Petition – a formal written request addressed to some authority
Petitioner – one who presents a petition to a court
Plaintiff – a person who brings an action; the party who complains or sues in a civil action and is so named

Plead – to deliver in a formal manner the defendant's answer to the plaintiff's declaration
Pleadings – the formal allegations by the parties of their respective claims and defenses
Polling the jury – where the jurors are asked individually whether they assented and still assent to the verdict
Power of attorney – an instrument authorizing another to act as one's agent or attorney
Prayer – the specific request for judgment, relief, and/or damages at the conclusion of a complaint or petition
Preamble – a preliminary statement, especially the introduction to a formal document, that explains its purpose
Precedence – the act or state of going before
Precedent – an adjudged case or decision of a court, considered as furnishing an example or authority for an identical or similar case
Prejudice – a forejudgment; bias; preconceived opinion
Preponderance of evidence – evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it
Pretrial conference – procedural device used prior to trial to narrow issues to be tried, to secure stipulations as to matters of evidence to be heard, and to take all other steps necessary to aid in the disposition of the case
Pretrial discovery – those devices which may be used by the parties to an action prior to trial such as interrogatories, depositions, requests for admission of fact, etc., provided for under rules of procedure and statutes
Prima facie – on the face of it; a fact presumed to be true unless disproved by some evidence to the contrary
Privileged communications – statements made by certain persons within a protected relationship, such as husband-wife or attorney-client, which the law protects from forced disclosure
Probate – court procedure by which a will is proved to be valid or invalid; also includes all matters and proceedings pertaining to administration of estates, guardianships
Probative – as applied to evidence, that which furnishes, establishes, or contributes toward proof
Pro bono – literally, "for the good"; used to describe work or services (i.e., legal) done or performed free of charge
Produce – to bring forward; to show or exhibit
Product liability – legal liability of manufacturers and sellers to compensate buyers, users, and even bystanders for damages or injuries suffered because of defects in goods purchased
Proof – establishment of a fact by evidence
Proponent – the propounder of a thing; one who offers for discussion or consideration
Proprietary – belonging to ownership; made and marketed by a person or persons having the exclusive right to manufacture and sell such
Pro rata – proportionately; according to a certain rate, percentage, or proportion
Prorate – to divide, share, or distribute proportionally

Proscribe – to condemn or forbid as harmful or unlawful
Pro se – person who represents him or herself
Pro tem (pro tempore) – for the time being; temporarily; provisionally
Proximate cause – the last negligent act contributory to an injury, without which such injury would not have resulted
Proxy – a person who is substituted by another to represent and act for him or her
Punitive – relating to punishment; having the character or punishment or penalty
Purge – to clear or exonerate from some charge
Purport – meaning conveyed, professed, or implied; import; substance; legal effect

Q

Quash – to overthrow; to abate; to vacate; to make void
Quid pro quo – something for something; used in law for giving one valuable thing for another

R

Rebut – in pleading and evidence, to defeat, refute, or take away the effect of something
Rebuttal – a statement made in rebutting; argument
Receiver – a person appointed by a court to manage property in litigation or the affairs of a bankrupt party or business or corporation
Record – a written account of some act or court proceeding
Redirect examination – an examination of a witness by the direct examiner subsequent to the cross-examination of the witness
Reporter – a person who manually records and transcribes a verbatim report of court proceedings and depositions
Represent – to stand in a person's place; to speak or act with authority on behalf of such person
Rescind – to abrogate, annul, void, or cancel a contract
Respondent – the party who makes an answer to a bill or other proceeding in equity; in appellate practice, the party who contends against an appeal
Restitution – act of restoring; restoration of anything to its rightful owner; the act of making good or giving equivalent for any loss, damage, or injury
Rule – an established standard, guide, or regulation
Sanction – that part of law that is designed to secure enforcement by imposing a penalty for its violation

S

Sequester – to separate or isolate
Settle – to reach an agreement
Settlement – act or process of adjusting or determining an adjustment between persons concerning their dealings or difficulties

Severally – distinctly, separately, apart from others
Show cause order – an order to appear as directed and present to the court such reasons and considerations why a particular order should not take effect, as the case may be
Sic – thus; so; in such manner
Sotto voce – literally, "under the voice"; softly, so as not to be overheard
Spoliation – destruction of evidence; any changes made on a written instrument by a person not a party to the instrument
Standard of care – the degree of care that a reasonably prudent person should exercise under the same or similar circumstances
Statute – an act of the legislature declaring, prohibiting, or commanding something; a particular law enacted and established by the will of the legislative department of the government
Statute of limitation – a certain time allowed by law for bringing litigation
Statutory – relating to a statute; required by a statute; conforming to a statute
Stipulate – arrange or settle definitely, as an agreement
Stipulation – an agreement made by the attorneys or parties engaged on opposing sides of a case
Strict liability – liability without fault; a concept applied in product liability cases in which a seller is liable for any and all defective or hazardous products that unduly threaten a consumer's personal safety
Subcontractor – one who takes a portion of a contract from a principal contractor or another subcontractor
Subpoena – commands a person to appear at a certain time and place to give testimony upon a certain matter
Subpoena duces tecum – literally, "under penalty you shall bring with you"; commands a witness, who has in possession or control some document or paper that is pertinent to the issues of a pending controversy, to produce it at trial or a deposition
Subrogation – the substitution of one person in the place of another with reference to a lawful claim, demand, or right, so that he or she who is substituted succeeds to the rights of the other in relation to the debt or claim and its rights, remedies, or securities
Sub rosa – confidential; secret; not for publication
Substantive – an essential part or constituent or relating to what is essential
Summary judgment – procedural device available for prompt and expeditious disposition of controversy without trial when there is no dispute as to either material fact or inferences to be drawn from undisputed facts, or if only question of law is involved; permits any party to a civil action to move for a summary judgment on a claim when he or she believes that there is no genuine issue of material fact and that he or she is entitled to prevail as a matter of law
Summons – instrument used to commence a civil action or special proceeding and is a means of acquiring jurisdiction over a party; a document issued by the court at the time a lawsuit is filed, stating the name of both plaintiff and defendant, the title and file number of the case, the court and its address, the name and address of the plaintiff's attorney, and instructions as to the need to file a response to the complaint within a certain time

Supra – above; earlier in this writing; upon; occurring by itself in a book, refers the reader to a previous part of that book
Surrebuttal – a reply to a defendant's rebuttal
Sustained – to affirm or approve; to grant, as when a judge sustains an objection to testimony or evidence; the judge agrees with the objection and gives it effect
Swear – to put on oath; to administer an oath to a person

T

Tangible evidence – evidence that consists of something that can be seen or touched, in contrast to testimonial evidence
Temporary restraining order – emergency remedy of brief duration that may be issued only in exceptional circumstances and only until the trial court can hear arguments or evidence on the subject matter of the controversy and determine what relief is appropriate
Testamentary – pertaining to a will or testament
Testate – one who has made a will; one who dies leaving a will
Testatrix – a woman who makes a will; a female testator
Testify – to bear witness; to give evidence as a witness
Testimony – evidence given by a competent witness under oath
Third party – one not a party to an agreement or transaction, but who may have rights therein
Tort – a private or civil wrong or injury
Tort-feasor – a wrong-doer; one who commits or is guilty of a tort
Trial – a judicial examination and determination of issues between parties to action
Trier of fact –includes the jury and the court; commonly refers to the judge in a jury-waived trial

U

Ultra – beyond; outside of; in excess of
Uninsured motorist coverage – protection afforded an insured by first-party insurance against bodily injury inflicted by an uninsured motorist, after the liability of the uninsured motorist for the injury has been established

V

Venireman – a member of a panel of jurors; a prospective juror
Venue – the particular county or geographical area in which a court with jurisdiction may hear and determine a case
Veracity – truthfulness; accuracy
Verdict – the formal decision or finding made by a jury
Verification – confirmation of correctness, truth, or authenticity, by affidavit, oath, or deposition
Verify – to confirm or substantiate by oath or affidavit

Versus – against; toward; so as to face; in the title of a cause, the name of the plaintiff is put first, followed by the word "versus," then the defendant's name; commonly abbreviated vs. or v.
Voir dire examination – examination of the background of a witness, expert witness, or jurer to assess their qualification

W

Waive – to abandon; throw away; surrender a claim, privilege, right, or the opportunity to take advantage of some defect, irregularity, or wrong; to give up right or claim voluntarily
Waiver – intentional or voluntary relinquishment of a known right, or such conduct as warrants an inference of the relinquishment of such right
Will – wish; desire; choice; inclination; an instrument by which a person makes a disposition of his or her property, to take effect after death
Witness – one who, being present, personally sees or perceives a thing; one who testifies to what he or she has seen, heard, or otherwise observed
Workman's or workers' compensation – statutes that provide for fixed awards to employees in case of employment-related accidents, etc.
Work product rule – a party may obtain discovery of documents prepared in anticipation of litigation only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means
Writ – an order issued from a court requiring the performance of a specified act, or giving authority to have it done
Writ of attachment – writ employed to enforce obedience of an order or judgment of the court
Writ of execution – writ to put in force the judgment or decree of a court
Writ of mandamus – see "mandamus"
Wrongful – injurious; heedless; unjust; reckless; unfair
Wrongful act – any act that in the ordinary course will infringe upon the rights of another to his or her damage, unless it is done in the exercise of an equal or superior right
Wrongful-death action – type of lawsuit brought on behalf of a deceased person's beneficiaries that alleges that death was attributable to the willful or negligent act of another

The Court System - Federal Courts

The federal court system has three main levels: district courts (the trial court), circuit courts which are the first level of appeal, and the Supreme Court of the United States, the final level of appeal in the federal system. There are 94 district courts, 13 circuit courts, and one Supreme Court throughout the country.

Courts in the federal system work differently in many ways than state courts. The primary difference for civil cases (as opposed to criminal cases) is the types of cases that can be heard in the federal system. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes. The federal district court is the starting point for any case arising under federal statutes, the Constitution, or treaties. This type of jurisdiction is called "original jurisdiction." Sometimes, the jurisdiction of state courts will overlap with that of federal courts, meaning that some cases can be brought in both courts. The plaintiff has the initial choice of bringing the case in state or federal court. However, if the plaintiff chooses state court, the defendant may sometimes choose to "remove" to federal court.

Cases that are entirely based on state law may be brought in federal court under the court's "diversity jurisdiction." Diversity jurisdiction allows a plaintiff of one state to file a lawsuit in federal court when the defendant is located in a different state. The defendant can also seek to "remove" from state court for the same reason. To bring a state law claim in federal court, all of the plaintiffs must be located in different states than all of the defendants, and the "amount in controversy" must be more than $75,000. (Note: the rules for diversity jurisdiction are much more complicated than explained here.)

Criminal cases may not be brought under diversity jurisdiction. States may only bring criminal prosecutions in state courts, and the federal government may only bring criminal prosecutions in federal court. Also important to note, the principle of double jeopardy – which does not allow a defendant to be tried twice for the same charge – does not apply between the federal and state government. If, for example, the state brings a murder charge and does not get a conviction, it is possible for the federal government in some cases to file charges against the defendant if the act is also illegal under federal law.

Federal judges (and Supreme Court "justices") are selected by the President and confirmed "with the advice and consent" of the Senate and "shall hold their Offices during good Behavior." Judges may hold their position for the rest of their lives, but many resign or retire earlier. They may also be removed by impeachment by the House of Representatives and conviction by the Senate. Throughout history, fourteen federal judges have been impeached due to alleged wrongdoing. One exception to the lifetime appointment is for magistrate judges, which are selected by district judges and serve a specified term.

District Courts

The district courts are the general trial courts of the federal court system. Each district court has at least one United States District Judge, appointed by the President and confirmed by the Senate for a life term. District courts handle trials within the federal court system – both civil and criminal. The districts are the same as those for the U.S. Attorneys, and the U.S. Attorney is the primary prosecutor for the federal government in his or her respective area.

District court judges are responsible for managing the court and supervising the court's employees. They are able to continue to serve so long as they maintain "good behavior," and they can be impeached and removed by Congress. There are over 670 district court judges nationwide.

Some tasks of the district court are given to federal magistrate judges. Magistrates are appointed by the district court by a majority vote of the judges and serve for a term of eight years if full-time and four years if part-time, but they can be reappointed after completion of their term. In criminal matters, magistrate judges may oversee certain cases, issue search warrants and arrest warrants, conduct initial hearings, set bail, decide certain motions (such as a motion to suppress evidence), and other similar actions. In civil cases, magistrates often handle a variety of issues such as pre-trial motions and discovery.

Federal trial courts have also been established for a few subject-specific areas. Each federal district also has a bankruptcy court for those proceedings. Additionally, some courts have nationwide jurisdiction for issues such as tax (United States Tax Court), claims against the federal government (United States Court of Federal Claims), and international trade (United States Court of International Trade).

Circuit Courts

Once the federal district court has decided a case, the case can be appealed to a United States court of appeal. There are twelve federal circuits that divide the country into different regions. The Fifth Circuit, for example, includes the states of Texas, Louisiana, and Mississippi. Cases from the district courts of those states are appealed to the United States Court of Appeals for the Fifth Circuit, which is headquartered in New Orleans, Louisiana. Additionally, the Federal Circuit Court of Appeals has a nationwide jurisdiction over very specific issues such as patents.

Each circuit court has multiple judges, ranging from six on the First Circuit to twenty-nine on the Ninth Circuit. Circuit court judges are appointed for life by the president and confirmed by the Senate.

Any case may be appealed to the circuit court once the district court has finalized a decision (some issues can be appealed before a final decision by making an "interlocutory appeal"). Appeals to circuit courts are first heard by a panel, consisting of three circuit court judges. Parties file "briefs" to the court, arguing why the trial court's

decision should be “affirmed” or “reversed.” After the briefs are filed, the court will schedule “oral argument” in which the lawyers come before the court to make their arguments and answer the judges’ questions.

Though it is rare, the entire circuit court may consider certain appeals in a process called an “en banc hearing.” (The Ninth Circuit has a different process for en banc than the rest of the circuits.) En banc opinions tend to carry more weight and are usually decided only after a panel has first heard the case. Once a panel has ruled on an issue and “published” the opinion, no future panel can overrule the previous decision. The panel can, however, suggest that the circuit take up the case en banc to reconsider the first panel’s decision.

Beyond the Federal Circuit, a few courts have been established to deal with appeals on specific subjects such as veterans claims (United States Court of Appeals for Veterans Claims) and military matters (United States Court of Appeals for the Armed Forces).

Supreme Court of the United States

The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. For example, if a First Amendment freedom of speech case was decided by the highest court of a state (usually the state supreme court), the case could be appealed to the federal Supreme Court. However, if that same case were decided entirely on a state law similar to the First Amendment, the Supreme Court of the United States would not be able to consider the case.

After the circuit court or state supreme court has ruled on a case, either party may choose to appeal to the Supreme Court. Unlike circuit court appeals, however, the Supreme Court is usually not required to hear the appeal. Parties may file a “writ of certiorari” to the court, asking it to hear the case. If the writ is granted, the Supreme Court will take briefs and conduct oral argument. If the writ is not granted, the lower court’s opinion stands. Certiorari is not often granted; less than 1% of appeals to the high court are actually heard by it. The Court typically hears cases when there are conflicting decisions across the country on a particular issue or when there is an egregious error in a case.

The members of the Court are referred to as “justices” and, like other federal judges, they are appointed by the President and confirmed by the Senate for a life term. There are nine justices on the court – eight associate justices and one chief justice. The Constitution sets no requirements for Supreme Court justices, though all current members of the court are lawyers and most have served as circuit court judges. Justices are also often former law professors. The chief justice acts as the administrator of the court and is chosen by the President and approved by the Congress when the position is vacant.

The Supreme Court meets in Washington, D.C. The court conducts its annual term from the first Monday of October until each summer, usually ending in late June.

Federal Courts VS State Courts

The Federal Court System	The State Court System
Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.	The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the state trial courts. Some are referred to as Circuit or District Courts.
Congress has used this power to establish the 13 U.S. Courts of Appeals, the 94 U.S. District Courts, the U.S. Court of Claims, and the U.S. Court of International Trade. U.S. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters.	States also usually have courts that handle specific legal matters, e.g., probate court (wills and estates); juvenile court; family court; etc.
Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, and/or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.	Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals.
A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.	Parties have the option to ask the highest state court to hear the case.

	Only certain cases are eligible for review by the U.S. Supreme Court.

Selection of Judges

The Federal Court System	**The State Court System**
The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate. They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.	State court judges are selected in a variety of ways, including ● election, ● appointment for a given number of years, ● appointment for life, and ● combinations of these methods, e.g., appointment followed by election.

Types of Cases Heard

The Federal Court System	The State Court System
● Cases that deal with the constitutionality of a law; ● Cases involving the laws and treaties of the U.S.; ● Cases involving ambassadors and public ministers; ● Disputes between two or more states; ● Admiralty law; ● Bankruptcy; and ● Habeas corpus issues.	● Most criminal cases, probate (involving wills and estates) ● Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc. State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.

Statutory Law VS Common Law

At both the federal and state levels, the law of the United States can be traced back to the common law system of English law, which was in force in the American colonies during the time of the Revolutionary War. Since then, U.S. law has diverged greatly from its English roots both in terms of substance and procedure. The main departure occurred when the United States ratified the Constitution in 1789. In effect, the Constitution and federal statutes and laws made in furtherance of the Constitution were established as "the supreme Law of the Land." From that point on, the law of the land was no longer based on legal practices in England but became distinctly American and home grown.

When the individual states ratified their state constitutions, the state legislatures obtained the power to establish state law, or the "Law of the State." Together, this collection of federal and state laws constitutes something we often refer to as the "body of law." This body of law governs the behavior of individuals, businesses, and even governments. Just like the human body, the "body of law" is comprised of multiple parts, each performing an individual function while simultaneously working together as

a whole. In this section, we will examine two of the most fundamental types of laws, followed by nearly every nation in the world: statutory law and common law.

A statute is a law passed by a legislature; and statutory law is the body of law resulting from statutes. A statute—or the statutory law—may also be referred to as legislation. One of the benefits of statutory law is that whether it's federal or state law, it's a written law that you can locate and read at the law library or online. This is not true of common law, which is also known as "unwritten law, because it's not collected in a single source.

Suppose you are headed over to a friend's house to watch football on Sunday, and on your way you stop in at the local supermarket to buy some beer and pretzels for the gang. You carry your six-pack and snacks up to the counter to pay, and the clerk tells you that she's sorry, but she can't sell you the beer. At first you think it's because she suspects you're underage, but before you can show her your ID, she explains that she can't sell alcohol before noon because (1) it's Sunday and (2) you are in the State of North Carolina. Shocked, you think she's joking until she refers you to the following NC Statute: N.C. General Statute 18B-1004(c) states, "It shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 noon on that day." No amount of begging or pleading will get you the beer, because the owner of the supermarket knows that if she violates N.C. General Statute 18B-1004(c), the store's ABC license could be revoked and its alcohol sales ended permanently. This is an example of statutory law.

However, when the federal and state constitutions were written, it wasn't possible to anticipate and include every possible law in those documents. For instance, in 1789 there was no reason to write laws prohibiting people from operating motor vehicles while intoxicated, because there were no motor vehicles yet—people still rode horses. Instead, the Constitution made provisions for law to evolve as society evolved. In 1803, U.S. Supreme Court Chief Justice John Marshall stated that "[i]t is emphatically the province and duty of the Judicial Department to say what the law is." This kind of judge-made law is common law. Case law is developed by judges, courts, and similar tribunals, and, over time, the decisions in individual cases establish precedents for future cases. Precedent means that the decisions judges have made in earlier cases guide how future cases are decided. In common law systems, this principle is called stare decisis, and it has a binding effect on judges and courts: Stare decisis holds that cases should be decided according to consistent principled rules so that similar facts will yield similar results. If the court finds that the current dispute is fundamentally distinct from previous cases, judges have the authority and duty to make law by creating precedent. Thereafter, the new decision becomes precedent and will bind future courts.

Civil VS Criminal Law

To put it simply, civil law deals with disputes between one entity and another. The guidelines for these disputes are outlined in official documents like the Business and

Professions Code, the Health and Safety Code and other governmental rules and regulations. The cause of action in these cases can be initiated by private as well as public parties.

Criminal law, on the other hand, deals with an individual's offenses against the state or federal government. It may sound literal—like someone assaulting a government official—but an offense against the state essentially means breaking a criminal law established by the government.

"In simple terms, the difference between civil and criminal laws lies in the codes and statutes used in the practice of each," Odell says. He goes on to explain that criminal law, which deals with offenses against the government—crimes like murder, theft, drunk driving—is guided by the penal code. Only the government can initiate the prosecution in criminal cases.

Civil law vs. criminal law: Conduct at issue

Since the rules or laws being violated vary between civil and criminal law, the specific conduct at issue also differs.

"The conduct at issue in criminal cases is generally more serious than civil cases and frequently involves intent," says Peter Anderson, a Washington, D.C. civil litigation attorney. "Civil cases frequently involve negligent conduct."

For example, a person intentionally killing another person is a criminal offense. A civil offense, on the other hand, often looks more like someone failing to follow city code—not clearing snow from a sidewalk that results in someone slipping and getting hurt, for example. Failing to shovel, in most cases, doesn't live up to the standard of a criminal act, but it is against the rules and gives the person harmed an avenue for seeking justice for damages.

Civil and criminal law examples

While the following examples are by no means comprehensive, they should give you a better idea of the subjects and types of cases you may find in either branch of law.

Civil law examples	Criminal law examples
Custody disputes	Homicide
Bankruptcy	Conspiracy
Defamation	Obstruction of justice
Breach of contract	Assault
Property damage	Possession of a controlled substance

Civil law vs. criminal law: Punishment

Another important distinction between civil and criminal law is the type of penalty paid for being found guilty. In a criminal case, if the individual charged with a crime loses the case, they're likely facing incarceration or some type of probation. For civil cases, the resolution to a case doesn't result in the "losing" party going to jail. Often the judgement results in a financial penalty or an order to change behavior.

Civil suits are also often settled outside of the courtroom. This typically includes a substantial payment to the accuser in exchange for the suit being dropped, and the defendant admitting to limited or no wrongdoing.

Civil law vs. criminal law: Burden of proof

Another significant distinction between civil and criminal cases is what it takes for a party to win a case. In either trial, the accuser must meet a burden of proof—essentially an obligation to prove or back up the claims being made. Criminal cases, and the serious penalties that can accompany them, require a higher bar to be met than civil cases. In criminal law, the standard is that the accused are guilty of committing a crime "Beyond a reasonable doubt."

For civil cases, the burden of proof is lower—usually based on the "Preponderance of evidence" or "Clear and convincing" standards. These different standards can seem a bit frustrating to those who aren't familiar with them. You've likely heard of criminal cases where the evidence makes the accused seem like they're probably guilty but they were not convicted. In these cases, criminal defense attorneys worked to poke holes in the credibility of the evidence and witnesses presented to create reasonable doubt among jurors.

Civil law vs. criminal law: Mindset

How an attorney approaches a case can also vary greatly in the two different fields, according to Braden Perry, a former federal enforcement attorney.

"The burden of proof, rules of evidence, litigation strategy and overall philosophy of a case is different between the two," Perry explains.

He notes one of the biggest differences is the approach to negotiating a deal. Civil suits have much more flexibility in how they are resolved. He explains that negotiations in criminal law require you to think beyond the scope of a typical civil case; factors like potential incarceration and the rights of an individual after a plea agreement can make things complicated. Additionally, plea agreements in criminal cases aren't just between the two parties involved, since judges can reject agreements for a variety of reasons.

“In criminal law, you are the mercy of the court, even in a plea deal, as opposed to a typical civil settlement that is ordinarily outside judicial review,” Perry says.

In civil cases, there’s much more latitude to find an acceptable solution for the parties involved—and that’s reflected in the number of cases that are actually resolved within court. Studies have shown over 90 percent of civil suits are settled and never even make it to trial.

Civil law vs. criminal law: Statute of limitations

There can also be significant differences in the amount of time in which a prosecutor or plaintiff has after an incident to press charges or bring a claim against a defendant. These rules are intended to protect defendants from unreasonable demands. Think of it this way—if someone accused you of a crime that occurred 20 years ago, would you be able to provide evidence to the contrary after that much time has passed?

Each state has their own set of guidelines for these, but it is worth noting that many serious crimes like murder, major theft, kidnapping or sexual assault may not have a statute of limitations.

Civil law and criminal law in the same case

In some instances, both a civil suit and a criminal case can stem from the same incident. Likely the most prominent example of this scenario is the OJ Simpson case—his criminal charges were dismissed, but the family of the victim was able to successfully sue him in civil court.

This may seem like an uneven application of justice, but remember the standards for burden of proof. A civil case doesn’t need to be as airtight as a criminal case to win a decision. So in this scenario, the jury in the criminal case thought there was at least some doubt about Simpson’s guilt, but in the civil case, a jury felt it met the standard of a preponderance of evidence.

Criminal Justice Steps

Investigation

In the Federal Government, there are agencies that employ criminal investigators to collect and provide information to the United States Attorneys in the respective district.

You may already know some of the agencies, such as:

Federal Bureau of Investigation (FBI)
Drug Enforcement Administration (DEA)

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
United States Secret Service (USSS)
Homeland Security Investigation (DHS/HSI)

The investigators at these agencies investigate the crime and obtain evidence, and help prosecutors understand the details of the case. The prosecutor may work with just one agency but, many times, several investigating agencies are involved.

Part of the investigation may involve a search warrant. The Fourth Amendment of the Constitution usually requires that police officers have probable cause before they search a person's home, their clothing, car, or other property. Searches usually require a search warrant, issued by a "neutral and detached" judge. Arrests also require probable cause and often occur after police have gotten an arrest warrant from a judge.

Depending on the specific facts of the case, the first step may actually be an arrest. If police have probable cause to arrest a suspect (as is the case if they actually witnessed the suspect commit a crime), they will go ahead and make an arrest.

Direct Evidence

A prosecutor evaluates a case, and uses all the statements and information he has to determine if the government should present the case to the Federal Grand Jury — one in which all the facts lead to a specific person or persons who committed the crime. However, before the prosecutor made that conclusion, he had to look at both direct and circumstantial evidence. Direct evidence is evidence that supports a fact without an inference. Testimony of an eyewitness to a crime would be considered direct evidence because the person actually saw the crime. Testimony related to something that happened before or after the crime would be considered circumstantial.

Circumstantial Evidence

The second type of evidence is circumstantial evidence — statement(s) or information obtained indirectly or not based on first-hand experience by a person. Circumstantial evidence includes people's impressions about an event that happened which they didn't see. For example, if you went to bed at night and there was no snow on the ground but you awoke to snow, while you didn't actually see it snowing, you assume that it snowed while you slept.

Charging

After the prosecutor studies the information from investigators and the information he gathers from talking with the individuals involved, he decides whether to present the case to the grand jury. When a person is indicted, he is given formal notice that it is believed that he committed a crime. The indictment contains the basic information that informs the person of the charges against him.

For potential felony charges, a prosecutor will present the evidence to an impartial group of citizens called a grand jury. Witnesses may be called to testify, evidence is shown to the grand jury, and an outline of the case is presented to the grand jury members. The grand jury listens to the prosecutor and witnesses, and then votes in secret on whether they believe that enough evidence exists to charge the person with a crime. A grand jury may decide not to charge an individual based upon the evidence, no indictment would come from the grand jury. All proceedings and statements made before a grand jury are sealed, meaning that only the people in the room have knowledge about who said what about whom. The grand jury is a constitutional requirement for certain types of crimes (meaning it is written in the United States Constitution) so that a group of citizens who do not know the defendant can make an unbiased decision about the evidence before voting to charge an individual with a crime.

Grand juries are made up of approximately 16-23 members. Their proceedings can only be attended by specific persons. For example, witnesses who are compelled to testify before the grand jury are not allowed to have an attorney present. At least twelve jurors must concur in order to issue an indictment.

States are not required to charge by use of a grand jury. Many do, but the Supreme Court has interpreted the Constitution to only require the federal government to use grand juries for all felony crimes (federal misdemeanor charges do not have to come from the federal grand jury).

After the defendant is charged, he can either hire an attorney or if he is indigent he may choose to be represented by an attorney provided by the Government — a public defender — at no or minimal charge. The defendant's attorney is referred to as the defense attorney. He assists the defendant in understanding the law and the facts of the case, and represents the defendant just as the prosecutor will represent the Government.

Venue

The location where the trial is held is called the venue, and federal cases are tried in a United States District Court. There are 94 district courts in the United States including the District of Columbia and territories. Many states have more than one district court so the venue will depend on where you live in the state. Within each district, there may be several courthouse locations.

Initial Hearing / Arraignment

Either the same day or the day after a defendant is arrested and charged, he is brought before a magistrate judge for an initial hearing on the case. At that time, the defendant learns more about his rights and the charges against him, arrangements are made for

him to have an attorney, and the judge decides if the defendant will be held in prison or released until the trial.

In many cases, the law allows the defendant to be released from prison before a trial if he meets the requirements for bail. Before the judge makes the decision on whether to grant bail, he must hold a hearing to learn facts about the defendant including how long the defendant has lived in the area, if he has family nearby, his prior criminal record, and if he has threatened any witnesses in the case. The judge also considers the defendant's potential danger to the community.

If the defendant cannot "post bail" (pay the money), the judge may order him remanded into the custody of the U.S. Marshals pending trial.

The defendant will also be asked to plead guilty or not guilty to the charges.

Discovery

Before a prosecutor begins a trial, there is much work to be done. The prosecutor has to become familiar with the facts of the crime, talk to the witnesses, study the evidence, anticipate problems that could arise during trial, and develop a trial strategy. The prosecutor may even practice certain statements he will say during trial.

Meanwhile, the defense attorney is preparing in the same way.

One of the first steps in preparing for trial is talking to witnesses who could be called to testify in court. A witness is a person who saw or heard the crime take place or may have important information about the crime or the defendant.

Both the defense and the prosecutor can call witnesses to testify or tell what they know about the situation. What the witness actually says in court is called testimony. In court, the witness is called to sit near the judge on the witness stand. In order to testify, witnesses must take an oath to agree or affirm to tell the truth.

There are three types of witnesses:

A lay witness — the most common type — is a person who watched certain events and describes what he/she saw.

An expert witness is a specialist — someone who is educated in a certain area. He testifies with respect to his specialty area only.

A character witness is someone who knew the victim, the defendant, or other people involved in the case. Character witnesses usually don't see the crime take place but they can be very helpful in a case because they know the personality of the defendant or

victim, or what type of person the defendant or victim was before the crime. Neighbors, friends, family, and clergy are often used as character witnesses.

To avoid surprises at trial and to determine which of the witnesses to call to testify, the prosecutor talks to each witness to find out what they may say during trial. These conversations will help the prosecutor decide whom to call as a witness in court.

Another important part of trial preparation is reading every report written about the case. Based on information in the reports and the information from witnesses, the prosecutor determines the facts of the case.

Prosecutors must also provide the defendant copies of materials and evidence that the prosecution intends to use at trial. This process is called discovery, and continues from the time the case begins to the time of trial. A prosecutor has a continuing obligation to provide the defendant documents and other information which may reflect upon the case. A failure of the prosecutor to do so can expose the prosecutor to fines/sanctions by the court. Further, the prosecutor is required to provide the defense with evidence that may hurt his case, called exculpatory evidence. This evidence could show the defendant's innocence. If the prosecution does not provide it to the defense, it may require a new trial.

Plea Bargaining

When the Government has a strong case, the Government may offer the defendant a plea deal to avoid trial and perhaps reduce his exposure to a more lengthy sentence.

A defendant may only plead guilty if they actually committed the crime and admits to doing so in open court before the judge. When the defendant admits to the crime, they agree they are guilty and they agree that they may be "sentenced" by the judge presiding over the court — the only person authorized to impose a sentence. Sometimes the Government will agree, as part of a plea agreement, not to recommend an enhanced sentence (such as additional time in prison for certain reasons) but it is left up to the judge to determine how the defendant will be punished.

If a defendant pleads guilty, there is no trial, but the next step is to prepare for a sentencing hearing.

Preliminary Hearing

Once the defendant has entered a plea of not guilty, a preliminary hearing will often be held. The prosecutor must show that enough evidence exists to charge the defendant. Preliminary hearings are not always required, and the defendant can choose to waive it.

It must be held within 14 days of the initial appearance if the defendant is being held in jail. If the defendant is out on bail, it must be scheduled within 21 days of the initial appearance.

The preliminary hearing is like a mini-trial. The prosecution will call witnesses and introduce evidence, and the defense can cross-examine witnesses. However, the defense cannot object to using certain evidence, and in fact, evidence is allowed to be presented at a preliminary hearing that could not be shown to a jury at trial.

If the judge concludes there is probable cause to believe the crime was committed by the defendant, a trial will soon be scheduled. However, if the judge does not believe the evidence establishes probable cause that the defendant committed the offence, he will dismiss the charges.

Pre-Trial Motions

One of the last steps a prosecutor takes before trial is to respond to or file motions. A motion is an application to the court made by the prosecutor or defense attorney, requesting that the court make a decision on a certain issue before the trial begins. The motion can affect the trial, courtroom, defendants, evidence, or testimony.

Only judges decide the outcome of motions.

Common pre-trial motions include:

Motion to Dismiss – an attempt to get the judge to dismiss a charge or the case. This may be done if there is not enough evidence, if the alleged facts do not amount to a crime.

Motion to Suppress – an attempt to keep certain statements or evidence from being introduced as evidence. For example, if police conducted a search without probable cause (in violation of the Fourth Amendment), it may be possible to suppress the evidence found as a result of that search.

Motion for Change of Venue – may be made for various reasons including pre-trial publicity. If the local news has covered the case a great deal, it may be necessary to move the trial to another venue to protect the defendant's right to an impartial jury.

Trial

After many weeks or months of preparation, the prosecutor is ready for the most important part of his job: the trial. The trial is a structured process where the facts of a case are presented to a jury, and they decide if the defendant is guilty or not guilty of the charge offered. During trial, the prosecutor uses witnesses and evidence to prove to the

jury that the defendant committed the crime(s). The defendant, represented by an attorney, also tells his side of the story using witnesses and evidence.

In a trial, the judge — the impartial person in charge of the trial — decides what evidence can be shown to the jury. A judge is similar to a referee in a game, he's not there to play for one side or the other but to make sure the entire process is played fairly.

Jury Selection

At trial, one of the first things a prosecutor and defense attorney must do is the selection of jurors for the case. Jurors are selected to listen to the facts of the case and to determine if the defendant committed the crime. Twelve jurors are selected randomly from the jury pool (also called the "venire"), a list of potential jurors compiled from voter registration records of people living in the Federal district.

When selecting the jury, the prosecutor and defense attorney may not discriminate against any group of people. For example, the judge will not allow them to select only men or only women. A jury should represent all types of people, races, and cultures. Both lawyers are allowed to ask questions about their potential biases and may excuse jurors from service. Each side is allowed to excuse certain potential jurors without providing a reason by using a limited number of "peremptory challenges."

The defendant may also choose to have a non-jury trial, also known as a bench trial where the judge is the final authority rather than a jury.

Opening Statements

Opening statements allow the prosecutor and the defense attorney to briefly tell their account of the events. These statements usually are short like an outline and do not involve witnesses or evidence. The prosecutor makes an opening statement first because the Government has the burden of proving that the defendant committed the crime.

Presentment of Cases

Witness Examination

Following opening statements, the prosecutor begins direct examination of his first witness. This is the prosecutor's initial step in attempting to prove the case, and it can last from a few minutes to several days. During direct examination, the prosecutor can introduce evidence such as a weapon or something from the crime scene.

Following the prosecutor's examination of a witness, the defense attorney has an opportunity to cross examine or ask questions to the same witness. The purpose of cross examination is to create doubt as to the credibility of the witness.

After the defense attorney cross examines the witness, the prosecutor asks the witness final questions to clarify any confusing testimony for the jury. This is called redirect examination. Once the process of direct examination, cross examination, and redirect of all the witnesses is complete, the prosecutor rests his case. After the prosecutor rests, no more witnesses can be called to the stand or evidence introduced by the government.

After the Government rests, the defense has the opportunity to present witnesses and evidence to the jury. The defense also has the option of not having the defendant testify. There is no burden upon the defendant to prove that he is innocent. It is the government's responsibility to prove the defendant committed the crime as detailed in the indictment. The fact that a defendant did not testify may not be considered by the jury as proof that the defendant committed the crime. The defense may also waive his case. If the defense does not put on any evidence, the jury cannot assume that the defendant is guilty simply because they did not put on a defense. The decision to put on a defense is solely up to the defendant and the defense attorney. However, the defense will usually present its own version of the case.

Objections

During direct or cross examination, either attorney can make an objection to a question or a piece of evidence to the judge. For example, a prosecutor or defense attorney may object to the wide range of the direct examination because it is beyond the knowledge of the witness, the attorney may be arguing with the witness rather than asking questions, or the witness may be talking about things irrelevant to the case.

Common objections include:

Hearsay – Statement by a witness who did not see or hear the incident in question but learned about it through secondhand information such as another's statement, a newspaper, or a document.

Relevance – Testimony and evidence presented at trial must be relevant to the case. The judge decides the outcome of an objection, sometimes after allowing attorneys on both sides to comment before making a ruling. The judge either "sustains" the objection so that the action stops, or he "overrules" the objection and allows the action to continue.

Closing Arguments

After the defense's direct testimony and cross examination by the prosecutor of all the witnesses, the defense rests, and the prosecutor and defense attorney prepare for closing arguments.

Closing arguments are the final opportunity for the prosecutor and the defense attorney to talk to the jury. These arguments allow both attorneys to summarize the testimony and evidence, and ask the jury to return a verdict of guilty or not guilty.

Jury Instructions

Following the closing arguments, the judge "charges the jury," or informs them of the appropriate law and of what they must do to reach a verdict.

Jury Deliberations & Announcement of the Verdict

After being charged, the jury goes into deliberation, the process of deciding whether a defendant is guilty or not guilty. During this process, no one associated with the trial can contact the jury without the judges and lawyers. If the jury has a question on the law, they must write a note to the judge, which the judge will read in court with all parties present. In federal criminal trials, the jury must reach a unanimous decision in order to convict the defendant.

After they reach an agreement on a verdict, they notify the judge, the lawyers, and the defendant in open court. Everyone is present in court for the reading of the verdict. The United States Marshals Service is present during trial to protect the judge and prosecutors from potential harm. If the defendant is found not guilty, they are usually free to go home.

Post-Trial Motions

If the defendant is convicted, there are several motions that can be filed after the trial is over.

Common post-trial motions include:

Motion for a New Trial – The court can vacate the judgment and allow for a new trial. This is rarely granted, but may be done "if the interest of justice so requires."

Motion for Judgment of Acquittal – Court may set aside the jury's verdict and allow the defendant to go free.

Motion to Vacate, Set Aside, or Correct a Sentence – Often successful for the purpose of correcting a clerical error in the sentence.

Sentencing

A few months after the defendant is found guilty, he returns to court to be sentenced.

The judge receives guidance and assistance from several sources in order to sentence a defendant. Congress has established minimum and maximum punishments for many crimes which the judge uses to craft a sentence. The United States Sentencing Commissions has produced a set of sentencing guidelines that recommend certain punishments for certain crimes while considering various factors. Further, the judge will look at a presentence report and consider statements from the victims as well as the defendant and lawyers.

The judge may consider a variety of aggravating or mitigating factors. These include whether the defendant has committed the same crime before, whether the defendant has expressed regret for the crime, and the nature of the crime itself.

Death Penalty

The death penalty can only be imposed on defendants convicted of capital offenses – such as murder, treason, genocide, or the killing or kidnapping of a Congressman, the President, or a Supreme Court justice. Unlike other punishments, a jury must decide whether to impose the death penalty. Many states have stopped using the death penalty, though the federal government may still use it. The Supreme Court has found that imposing the death penalty on those under age 18 at the time of the crime or the mentally challenged to be "cruel and unusual punishment" under the United States Constitution.

Appeal

Even after a defendant is found guilty, he can appeal to the Circuit Court if he believes he was wrongly convicted or the sentence was too harsh. An appeal is not another trial but an opportunity for the defendant to try to raise specific errors that might have occurred at trial. A common appeal is that a decision from the judge was incorrect – such as whether to suppress certain evidence or to impose a certain sentence. Appeals are complicated and sometimes result in the case going back to the trial court. A specific conviction may be reversed, a sentence altered, or a new trial may be ordered altogether if the Appeals Court decides that particular course of action.

Even after an appeal is decided by a circuit court judge, a defendant can try to appeal that decision to the United States Supreme Court in Washington, D.C.

The United States Supreme Court — the highest appellate court in the American court system — makes the final decision concerning a defendant's appeal. The Court is not required to hear an appeal in every case and takes only a small number of cases each year.

Depositions

A deposition is a witness's sworn out-of-court testimony. It is used to gather information as part of the discovery process and, in limited circumstances, may be used at trial. The witness being deposed is called the "deponent."

Oral Depositions

Depositions usually do not directly involve the court. The process is initiated and supervised by the individual parties. Usually, the only people present at a deposition are the deponent, attorneys for all interested parties, and a person qualified to administer oaths. Sometimes depositions are recorded by a stenographer, although electronic recordings are increasingly common. At the deposition, all parties may question the witness. Lawyers may not coach their clients' testimony, and the lawyers' ability to object to deposition questions is usually limited.

Depositions are usually hearsay and are thus inadmissible at trial. There are, however, three exceptions to the hearsay rule that are particularly relevant to deposition testimony. The first is when a party admits something in a deposition that is against his or her interest. The second is when a witness's testimony at trial contradicts their deposition. The third is when a witness is unavailable at trial.

Written Depositions

Depositions may also be conducted by written questions. In this kind of deposition, the parties submit questions in advance. At the deposition, the deponent answers those questions and only those questions. Depositions by written questions are cheaper than depositions by oral questions, because parties' lawyers need not attend. However, this method is typically seen as less useful, because it is difficult to follow up on a witness's answers when the witness simply writes down his/her statements. Usually, parties use interrogatories instead of depositions by written questions.

De Bene Esse Deposition

A deposition taken for the sole purpose of preserving a witness’s testimony for use at trial, instead of discovery. Parties frequently take de bene esse depositions:

- After discovery has closed.
- When they anticipate that a witness will be unavailable for trial.

For example, counsel may request a de bene esse deposition where a witness is terminally ill and may not survive to testify at trial.

De bene esse depositions are generally videotaped and follow the format of trial testimony. Counsel may make objections as though the deposition were a trial. The trial

judge then rules on any objections. A party may edit the videotape based on the judge's rulings and show it to the jury at trial.

STEP 5 ASSIGNMENT

Complete quizzes in student portal.
http://www.learnlegaltranscription.com/wordpress/wp-login.php

Step 6

LISTENING AND RESEARCH SKILLS

As you are transcribing, you will come across words you do not know. Some of these will be easy to hear and you will be able to figure them out, others will be harder and you will have to do some research.

A lot of legal terms will come up which is why we have included the glossary of the most common you will hear. Other terms will appear depending on the type of case you are working on, medical terms may come up in an insurance case, local yiddish words may come up or people may have an accent that makes things hard to understand. Spellings of names are often one of the biggest things you will have to research. Luckily today, we have Google!

Context - Using context will often help you in your research, if someone is discussing a medical case and you suddenly hear a word that you believe has something to do with a test they were scheduled to have, you have someplace to start. If someone is discussing a book and brings up a term it may be related to the book.

Location - Also, think about the locations you know in any given proceeding. If Mytzylplick Rehab is in Hallandale, but you don't know the spelling of Mytzylplick, type in a phonetic spelling and "Hallandale Florida" and you're very likely to find it. Same with the names of physicians. A fictional example would be something like Dr. Rassicoe. You may Google that phonetically with Florida Orthopedic Doctor and get a return of "Dr. Racicot." A real-life example that would fail is "Dr. Heymay" in Florida. It's actually spelled "Dr. Hejmej" and you could Google that phonetically until the cows come home and never find it.

In order to move through the audio, listen to any problem areas three times, if you still can't figure out what they are saying, put a notation in your transcript along with the time of the audio. A quadruple XXXX plus the audio time will work and help make it easy to find anything you need to go back to later. This helps for a couple of reasons. It keeps you moving, the word or phrase may come up later and be easier to understand, and the context of the upcoming discussion may be a help. Sometimes you just get used to someone's speech and are able to understand it when you go back to it.

COURT CASE CITATION FORMAT - IMPORTANT AND HELPFUL WITH RESEARCH, TOO!

Many times in hearings you will hear attorneys cite other court cases. For example, you will hear in your ears: "The first one is A.J. versus State cited at 677 southern second 935." The specific way to type that case id is as follows:

"The first one is A.J. versus State cited at 677 So. 2d 935"

Southern = So.

Second = 2d

Spaces between all.

ALSO -- a great way to google to make sure you heard the case name correctly or anything read into the record from the case accurately is to google: 677 So. 2d 935 (with and/or without what you think is the case name) This can be a HUGE help. And if that doesn't work, if you google a meaningful segment of what is read into the record, that will often bring up the case as well. You will get correct spellings of the case names, too. This works almost without fail!

Sometimes you'll hear something like, "Out of the third DCA." or first, or second, or eleventh. That will read: 3rd DCA (DCA stands for District Court of Appeals)

You can learn more about citing court cases here:
https://www.law.cornell.edu/citation/2-200.htm

Research Resources

http://www.google.com
http://www.uscourts.gov/

Practice Audios

At this point you have enough information to start practicing putting together transcripts without templates. The sample audios for this section consist of 2-4 speakers. Assign the number 1 to the first speaker, number 2 to the second, etc. and then try to keep them straight as the audio goes on, typing out what they say using sentences, paragraphs and punctuation. Research anything you may need answers to as you go. Your simple transcript should look something like this:

1 He said he was going to the store, but I didn't see which way he went.
2 What kind of car was he driving?
1 It was an SUV, black I think, but not sure of the model. It could have been a Dodge.

Concentrate on being able to quickly identify the speaker, and format the speech. This will take practice!

STEP 6 ASSIGNMENT

Complete the audio practice assignments online for this section.
http://www.learnlegaltranscription.com/wordpress/wp-login.php

Step 7

PARTS OF A TRANSCRIPT

As you read through the descriptions of the parts of a transcript, look at the complete transcripts that are loaded in the training section so you can identify the parts.

NOTICE

In order to be called as a witness in a hearing or trial, or be deposed, someone has to be notified. This notice will name them, let them know what case they are being called to be a witness for, where and when it will take place. It will include the full caption of the case, the court that it is being processed by, and the attorney sending the notice.

All of this information will be helpful to you as a transcriber as it will give you most of the information you need to complete parts of the transcript. Below is a sample of a notice for deposition.

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

SARAH FOSTER - Plaintiff
v
CHARTWOOD HOMEOWNERS - Defendant,
CASE NO. 05-C-05-095553

NOTICE OF PARTIES' ORAL DEPOSITIONS AND DEPOSITIONS DUCES TECUM

Sarah Foster, Plaintiff, by her attorneys, pursuant to the Maryland Rules of Procedure, will take the depositions upon oral examinations of the following persons on the dates and at the times indicated, in the Office of Miller & Zois, LLC, 1 South St, #2450, Baltimore, MD 21202.

DEPONENT: Steve Sellinger
TIME: 2:00 p.m.
DATE: September 10, 2005

The deponents is to produce the following documents at the above-listed time and place:

1. Any contract, correspondence, or downloaded communications regarding any maintenance and/or snow removal service in effect at the time of Plaintiff's injury.
2. Any contract between the Defendant and any person or entity responsible for caring for the premises at the time of Plaintiff's injuries.
3. Any indemnity agreement between any of the parties to this case.
4. Any indemnity agreement between any party to this case and nonparty which is relevant to the accident and injuries which have been made the basis of this suit.
5. Any rules, management guidelines, operating guidelines, or other similar writing or document that purports to show operating procedures for the management, care, maintenance, repair, and service of the premises in question.

6. Any and all photographs that Defendant has of the scene of the accident or the resulting injuries to the Plaintiff.
7. Any and all expert reports which have been obtained from any expert and if a report has not been prepared, the preparation of a report is hereby requested.
8. Copies of any and all statements previously made by Plaintiff or any other witnesses concerning the subject matter of this lawsuit, including any written statement signed or otherwise adopted or approved by the Plaintiff hereto and any stenographic, mechanical, electrical or other type of recording or any transcription thereof made by any person hereto and contemporaneously recorded.
9. Any and all drawings, maps or sketches of the scene of the accident which has been made the basis of this lawsuit.
10. A copy of any surveillance movies or photographs which have been made of the Plaintiff.
11. All materials including, but not limited to, employee manuals, memoranda, and correspondence pertaining to safety rules and/or regulations to be followed by the employees to ensure homeowner safety on common space areas. This includes any training films and/or videotapes used by Defendant concerning homeowners' spills and/or falls.
12. All premises inspection reports or other documents relating to observation of common areas safety by any person or entity, including Defendants, for the premises in question, for a period of one (1) years prior to, and all dates subsequent to February 21, 2005.
13. Copies of any and all documentation, including but not limited to clean-up orders, log books, journals, and service orders relating to the cleaning and maintenance of Defendant's common areas, which set forth all requests for clearing of snow and ice verification that each request was completed, including the name of the employee who requested the work and the name of the person who carried out the service on February 21, 2005.
14. Copies of any interviews or statements with alleged witnesses to the incident.
15. Copies of all documents, communications, records and other tangible things relied upon and/or referred to in your response to Plaintiff's Interrogatories.
16. All documents that relate to monies spent by Aspen Park Homeowners Association between 1999 and 2005 regarding snow removal and common area maintenance.
17. All documents that identify past and current members of the Board of the Aspen Park Homeowners Association between 1999 and 2005.
18. All documents that relate to decision making process for expenditures or assessments between 1999 to 2005.
19. Copies of any memoranda, correspondence, or minutes from any meetings regarding the snow removal budget from 2002 - 2005.
20. Any documents regarding complaints made by any homeowners regarding the snow removal before February 21, 20035

Respectfully submitted,
MILLER & ZOIS, LLC
Ronald V. Miller, Jr.

1 South St, #2450
Baltimore, MD 21202
(410)779-4600
(410)760-8922 (Fax)
Attorney for the Plaintiff

INDEX

The transcript index is simply a listing of the parts of the transcript by type of questioning and the name of witnesses or part of the proceedings so that parties can find sections easier. The index can be simple or more complex depending on if it is a simple deposition with one deponent or a trial with many witnesses. The formatting for the index is determined by the agency. Below is a sample of an index for a large trial with many witnesses.

ROSENBERG TRIAL TRANSCRIPT INDEX

Charges: 29-34
Jury Selection: 15-190
Motion to Dismiss (by E. Bloch) : 193-215
Motion to Revoke Bail (by Saypol) : 216
Opening Argument (Prosecution/Saypol): 218-230
Opening Argument (Defense for Rosenbergs): 231-237
Opening Argument (Defense for Sobell): 237-242
Prosecution's Witnesses:
Max Elitcher: 250-540
Direct: 250-351
Cross: 351-431; 446-519
Redirect: 520-532
Recross: 533-540
David Greenglass:
Direct: 541-599; 611-653; 686-703; 721-738; 741-765
Cross: 765-912; 915-974
Redirect: 974
Walter S. Koski: 654-683
Direct: 654-672
Cross: 672-677
Redirect: 677-680
Recross: 680-683
Discussion of the inclusion of the press (atomic bomb details): 703-721
Ruth Greenglass: 975-1142
Direct: 975-1032
Cross: 1032-1092; 1095-1142
Dorothy Abel: 1142-1149
Direct: 1142-1146
Cross: 1146-1149
Louis Abel: 1150-1158
Direct: 1150-1154
Cross: 1154-1158
Harry Gold: 1159-1243
George Bernhardt: 1245-1260
Direct: 1245-1251
Cross: 1252-1260
William Danziger: 1260-1274
Candler Cobb: 1290-1300
John Lansdale, Jr.: 1301-1339

Direct: 1301-1331
Cross: 1331-1339
John Derry: 1340-1362
Direct: 1340-1355
Cross: 1355-1362
Manuel Giner de Los Rios: 1367-1378
Minerva Bravo Espinosa: 1379-1384
Jose Broccado Vendrell: 1385-1386
Dora Bautista: 1388-1391
Glenn Dennis: 1391-1395
R.B. Walklett's testimonial exhibit: 1407-1410
Lan Adomian: 1412-1414
Elizabeth Bentley: 1443-1540
Direct: 1443-1496
Cross: 1496-1518
Redirect: 1518-1522
Recross: 1523-1536
Redirect: 1538-1540
James S. Huggins: 1541-1560
Direct: 1541-1552
Cross: 1552-1560
Defendant's motions to dismiss, strike testimony, etc. : 1560-1585

Defense's Witnesses
Julius Rosenberg: 1587-1992
Direct: 1587-1615; 1619-1754
Cross: 1755-1798; 1809-1950
Redirect: 1950-1956, 1989
Recross: 1991-1992
John Gibbons: 1957-1958
Thomas V. Kelly: 1960-1967
Direct: 1960-1963
Cross: 1964-1965
Redirect: 1965-1967
Ethel Rosenberg: 1967-2139
Direct: 1967-1989; 1999-2049
Cross: 2050-2133
Redirect: 2133-2136
Recross: 2136-2139

Prosecution Rebuttal Witnesses
Evelyn Cox: 2147-2168
Direct: 2147-2155
Cross: 2156-2168
Helen Pagano: 2168-2173
Direct: 2168-2171
Cross: 2171-2173
Ben Schneider: 2175-2197
Direct: 2175-2181
Cross: 2181-2195
Redirect: 2195
Recross: 2195-2197
Defendant's motions for dismissal and mistrial: 2199-2208

Discussion of possible jury instructions: 2210-2218

Closing Arguments
Defense for Rosenbergs (Bloch) : 2219-2292
Defense for Sobell (Kuntz): 2293-2320
Prosecution (Saypol): 2321-2372

Defendants' requests for charging the jury: 2373-2384
Court's instructions to the jury: 2385-2429
Discussion of handling the jury deliberations: 2430-2450
Verdict: 2451-2462
Motion for new trial: 2466-2491
Sentencing:
Statement by Prosecution (Saypol): 2491-2498
Statement for the Rosenbergs (Bloch): 2498-2515
Sentencing by the Court: 2515-2523
Sentencing for Morton Sobell: 2527-2530
Sentencing for David Greenglass: 2532-2563

Title Page

A title page is included for each transcript, it includes the following information most of the time:

- Court name
- District
- Case name
- Civil or criminal docket case number
- Name and title of judge or other judicial officer presiding
- Type of proceeding
- Date and time of proceeding
- Volume number (if multi-volume)
- Name and address of each attorney and name of party represented
- Whether a jury was present
- If steno based, court reporter's name, address, and telephone number
- If electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company
- Method by which the proceedings were recorded and the method by which the transcript was produced

In order to produce the title page, you will find most of the information on the Notice, and any court reporter notes. Typically as a transcriber, the court reporter will provide the information needed, or even provide the actual title page. A sample of a title page is below:

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

Transcript

The actual portion of the transcript will be covered in detail further below in this manual.

Certificate

The transcribers certificate just certifies that you completed the transcript and it is accurate to the best of your knowledge.

SAMPLE TRANSCRIBER'S CERTIFICATE

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

Exhibit Index

Very similar to the main index, the exhibit index simply lists the page where each exhibit was admitted into evidence so that it can be easily found within the transcript.

TEMPLATES

There is some universal formatting in legal transcripts and some that is company specific. The parts of the transcripts discussed above are universal, you will see them in all transcripts. This helps courts and attorneys keep things straight throughout the country.

However, the specific formatting as far as how many spaces, which margins are used, etc, can be different between agencies, courts and individual attorney preferences. You may even get small clients that have no formatting standard set that will request you use whatever you typically use. This is especially true if you end up doing transcripts for meetings, interviews, lectures, etc.

What we will be going over in the templates can be reworked depending on what your client requests. The main points are standard across the country as far as listing who is in attendance, how to label transitions during the testimony and more. By practicing the templates you will be better prepared to change as needed for clients.

The formatting we will be teaching is the format that most of our clients use, HOWEVER not all clients use this formatting. You will see practice transcripts that have different uses. We have not identified the practice samples that are different, if you notice them, then that means you are learning appropriately and you can study the differences. Being able to recognize and switch back and forth between types of speech will help you be a better transcriber, even if you must change formats for a specific client.

You can see a samples of court specific formatting instructions here:
http://www.nced.uscourts.gov/pdfs/TranscriptFormatting.pdf
http://www.mass.gov/courts/docs/admin/ots/uniformtranscriptformat.pdf

START OF A TRANSCRIPT

The first portion of a transcript for a deposition is the read in, where the court reporter or videographer will state who is being deposed, for what case, location of deposition, and will then swear in the witness.

The page will start with the title which is simply DEPOSITION OF NAME followed by the date on the next line. This will section will look something like this:

DEPOSITION OF NAME IN CAPS
DATE

Thereupon:

VIDEOGRAPHER: Okay. We are now on the video record. Today's date is DATE and the time is approximately TIME p.m.

This is the video deposition of NAME taken in the matter of CASE CAPTION, Case Number NUMBER.

We are located at NAME OF BUSINESS AND ADDRESS.

Please raise your right hand, ma'am, and state your full name for the record.

THE WITNESS: NAME NOT CAPS.

VIDEOGRAPHER: Do you solemnly swear or affirm that the testimony that you're about to give today in this matter will be the truth, the whole truth and nothing but the truth?

THE WITNESS: Yes.

VIDEOGRAPHER: Okay.

NAME IN CAPS,

was called as a witness, and after having been first duly sworn, testified as follows:

You can see this sample in the files for Step 7, titled "Sample Video Deposition Read-In." From here the main portion of the transcript will begin.

There are two main types of conversation in a legal transcript: question and answer, and colloquy.

The main template you use will start in Question and Answer.

Question and Answer

Question and Answer is anytime an attorney is asking the witness a question and the witness is answering. It is as simple as that. This happens in depositions, interviews, hearings, and trials. An attorney or interviewer asks a witness questions and the witness answers.

At the first question you will type who is asking the question in all caps, followed by a colon, the remaining time it is simple Q and A at the beginning of each line. You will notice in the sample below that only the attorney's name is included, the witness's name is not included. The witness has been stated on the first page, so it is not repeated afterwards unless another witness is called.

BY MR. MAHONEY:

Q Please state your name for the record.
A Eleni Malaria.
Q Please state your address for the record.
A 325 Overlook Dr.

You will notice that the Q and A are indented. There are FOUR spaces after the Q and FOUR spaces after the A. Of course, you don't want to have to type out a capital letter and four spaces every time an attorney asks a question and the witness answers, right? Of course not! So, here is the key to saving time and what will help us type faster going forward. Autocorrect.

Did you just wince? Autocorrect can be annoying sometimes, but when used correctly it will improve your typing speed immensely. In Word, you can program your own autocorrects, and this is how we will get the correct spacing every time. We will create shortcuts, typically 2-3 codes that will automatically turn into the words we program. In this case they will turn into a simple capital letter followed by the correct amount of spaces. But these shortcuts will later be programmed to replace much larger words and phrases in order to save you more time.

(NOTE: We do not use the Tab key. Some programs used to format and index transcripts do not play well with tabs. We will show you shortcuts to move between margins when needed without having to do it manually. When starting work for a new client, this can be an important question to ask about their templates, whether spaces are preferred or you can use the tab feature.)

In Word, go to File, then Options, then Proofing. You will see AutoCorrect Options, click on the button. Go to the AutoCorrect tab, and make sure the checkbox next to "Replace text as you type" is checked.

Under there you will see a box with "Replace" above it and then a box next to it that says "With."

In the first box type qq. In the second box type Q and then THREE spaces after it. You MUST type the spaces. Now click Add.

Clear out the boxes and type aa in the first box, and A and then THREE spaces after it in the second box and click Add.

You now have your formatting for the Question and Answer section of a transcript. Close out of there, open the blank practice template in Word and type the following using your shortcuts.

For the Q just type qq and then the space bar and watch what happens. For the A just type aa and then the space bar and watch what happens.

BY MR. MAHONEY:

Q Please state your name for the record.
A Eleni Malaria.
Q Please state your address for the record.
A 325 Overlook Dr.

COLLOQUY

Colloquy is any other time there is conversation. This can happen in depositions, hearings, trials, but is not always used in other types of transcripts such as for speeches, classes, lectures or meetings.

Examples of colloquy include:

- when exhibits are entered
- when the other attorney objects or asks the witness for clarification
- when attorneys are speaking to each other or the judge
- the judge is speaking to the witness.

So for instance when an attorney makes an objection, you will need to switch from question and answer formatting to colloquy formatting. This involves a change in margins. Instead of manually dragging the margins, or using a tab key, there is a simple shortcut you can use:

Ctrl + M moves top and bottom margins half inch to the right, going from Q and A to colloquy

You can try this in the sample template where you were just practicing the Q and A typing. Just hit Ctrl + M and watch your margins change.

Once you hit your margin shortcuts to go into colloquy, you then state the attorneys name followed by a colon and the resulting objection.

MR. VINCENT: Objection to form.

Any responses in colloquy will state each person's name or title before each statement in all caps followed by a colon and TWO spaces. Your shortcuts, if programmed before each job, will be ready for you when you start, you will learn these below.

MR. VINCENT: Objection to form.
MR. MORELLI: That is bullshit.
MR. VINCENT: I don't like your tone sir.

RETURNING TO Q AND A AFTER COLLOQUY:

When the attorney and witness return to questioning you will need to adjust your margins back to Q and A and possibly to a parenthetical margin which will be discussed in a bit.

Let's take those one at a time.

Moving from Colloquy back to Q and A shortcut:

Ctrl + Shift + M moves margins back to Q and A locations from colloquy

So, let's put this in action. After the attorney has stated an objection or submitted an exhibit, they will either come back to another question or the answer to the question that was asked before going into colloquy. These are handled differently.

If they return on an answer you simply type your A and then the answer, and on the next question that is asked you restate the attorney's name in parentheticals asking the question.

Q (By Mr. Mahoney) Okay. Would you be concerned about a glucose level of 395?
MR. VINCENT: Objection to form.
A I would if it was persistent.
Q (By Mr. Mahoney) Mm-hmm. When you say persistent, for how long of a period of time are you talking about?

If they return directly on a question, you state the attorneys name in parentheticals immediately.

Q And at the top you put the most ominous diagnosis, correct?
MR. VINCENT: Objection to form.
Q (By Mr. Mahoney) The most life threatening or one with the most morbidity?

As you can see, you will be typing the attorneys names quite a bit throughout a transcript. While attorneys names will change with each job, the formatting will remain the same. This means you can use the same autocorrect codes and just update the autocorrect in Word before each job for what the codes will be replaced with. Notice that the witness, court and court reporter names are not used, just their titles. You can program Word now with these autocorrects for your upcoming practice sessions with the examples below.

Before each file you start you will look for the attorney names to update the autocorrects.

Attorneys Names for Colloquy:

111 = MR/MS ATTORNEY NAME (ALL CAPS (1 space))

222 = MR/MS OPPOSING ATTORNEY NAME (ALL CAPS (1 space))

333 = THE WITNESS (NOT NAME, JUST THE WITNESS) (1 space)

444 = COURT REPORTER (NOT NAME, JUST COURT REPORTER) (1 space)

555 = THE COURT (1 space)

Attorney Identifiers for Transitioning back into Q and A:

BBM1 = (By Mr./Ms. Attorney (not all caps)) plus 1 space

BBM2 = (By Mr./Ms. Opposing Attorney (not all caps)) plus 1 space

ORDER OF OPERATIONS

Each deposition, hearing or trial is conducted in a similar manner. If you watch any legal television shows you have probably heard many of the legal terms.

Each time a new section of the proceeding begins you will put the name of the section. It will always be centered, all caps followed by a hard return:

1. DIRECT EXAMINATION (the first line of questioning).

2. CROSS EXAMINATION (the opposing counsel's turn).

3. REDIRECT EXAMINATION (the original attorney gets another turn).

4. RECROSS EXAMINATION (the opposing attorney gets another turn).

5. FURTHER REDIRECT EXAMINATION

6. FURTHER RECROSS EXAMINATION

7. (Repeat 5 and 6 if they continue. It's a very rare occurrence it goes beyond 6, but it can happen.)

Rare Exceptions: When there are multiple attorneys on either side (or both), there may be multiples of any one of the above.

Hearings, you will not see this unless there is a witness, which sometimes occurs. Trials and depositions, expect to utilize this as there are always witnesses testifying. Though they may not progress through all of the examinations and there are more that can occur.

CLAUSES AND PARENTHETICALS

We saw parentheticals used earlier for the attorneys names when transitioning between Q and A and colloquy. Parentheticals are also used for standard language when certain things happen like exhibits are admitted, breaks are taken, the court reporter reads back part of the record or other events. You will always use the margin shortcut below to make sure the parenthetical is in the correct format.

The following is the language used in parentheticals of the most common type. You will sometimes see the words Thereupon or Whereupon before these statements. Some companies prefer this and others believe it is outdated.

Moving from Q and A to parentheticals and back:

Ctrl + T	moves margins over for parentheticals
Ctrl +Shift + T	moves margins back to Q and A locations from parentheticals

DEPOSITION Examples

(Marking exhibits, taking breaks, occasional "custom" ones we handle on a case by-case basis.)

If they refer to an Exhibit as a"Composite" -- you will capitalize the word Composite and it will read, for example:

Defendant's Composite Exhibit 1... (Thereupon, Plaintiff's/Defendant's Exhibit 1 was entered into the record.)

This you will use for marking when they announce an exhibit. They may say "Defense" -- in the parenthetical, always use "Defendant's".

Marking multiple exhibits at the same time would look like:

(Thereupon, Plaintiff's Exhibit 1, Plaintiff's Exhibit 2, and Plaintiff's Exhibit 3 were entered into the record.)

More than a few will generally be:

(Thereupon, Defendant's Exhibits 1 through 15 were entered into the record.)

It's rare, but it can happen.

(Thereupon, a brief recess was taken.)

We've also seen/used (Thereupon, a short break was taken.), but I prefer "brief recess" because that is what is always used in hearings. This is generally done when they take an actual break. Whichever you choose in a given proceeding, keep it consistent. If they break for lunch or, in rare cases dinner, you would use:

(Thereupon, a lunch/dinner recess was taken.)

Picking the appropriate meal, of course.

(Thereupon, a brief discussion was had off the record.)

When the attorneys announce to go off the record to sort something out, argue, fight, what have you.

NOTE:
After any break for any reason, it is always accompanied by: (Deposition resumed.)

This is done after a <u>hard return for the break and is centered</u>.

HEARINGS/TRIALS

Essentially, all of the same, with one notable exception.

(Thereupon, Defendant's Exhibit A was entered into evidence.)

During hearings/trials, you may hear BOTH the marking of exhibits for identification and subsequently, a motion to move them into evidence, if granted, will be noted with the above parenthetical.

(Thereupon, Jury In.)
(Thereupon, Jury Out.)
(Thereupon, a Sidebar Conference was held.)
(Thereupon, the Sidebar Conference concluded.)

Read-backs or playbacks of a question/answer: Do not transcribe what the court reporter says as it may differ from the actual record which you have previously typed in some small way. The parentheticals are:

(Thereupon, the record was played back.) FOR PLAYBACK OF THE TESTIMONY.
(Thereupon, the record was read back.) FOR READBACK OF THE TESTIMONY

OFF THE RECORD

Occasionally during depositions, hearings, and trials the attorneys and or judge will go off the record. When this occurs, the tape will still be recording so you may hear what is said off the record. Some agencies will have you indicate what time they went off the record and what time they returned, but you will NOT type anything that is said during the time they are off the record.

Because this is colloquy, you will hit your margin shortcuts to get to the right place and then type:

(Thereupon, a brief recess was taken.)
(Deposition resumed.)

ENDING A DEPOSITION

At the end of a deposition you will add the clause that the deposition has ended along with the time which is typically included in the file notes or stated on the transcript:

(Deposition concluded at 1:04 p.m.)

At the end the witness is asked if they would like to read the transcript of the deposition to correct any errors. If they waive this choice, you will add a clause in colloquy:

(Reading and signing of the deposition by the witness have been waived.)

If the witness says they want to read the transcript you will add this clause:

(Reading and signing of the deposition by the witness have been reserved.)

MISCELLANEOUS FORMATTING

The following is the formatting we use for specific words, phrases and other parts of speech. These may change based on your agency's preferences.

NUMBERS:

1 - 10 are written out: *one, two, three*, etc. (Exceptions: Money and exhibits. There may be others, but ask and we'll address them on a case-by-case basis. There ARE many exceptions to this rule that we'll use as discussion points.)

11 and above are numerals.

DATES:

Dates use slashes, not dashes: 7/7/77 or 7/7/1977 however it is spoken.

Abbreviated dates get the apostrophe in front: '77, '83, '14, etc.

SPELL IT OUT:

"Okay" is spelled out
"All right" is spelled out
Spell "percent" and do not use "%".

CAPITALIZATION:

Your Honor (capital Y, capital H), the Court (capital C), Plaintiff, Defendant, Counsel, Claimant, Respondent, Petitioner, Employer/Carrier, et cetera are capitalized (if used in proper form).

MONEY:

$$$$$ has no .00 unless they define actual change (cents).

UNSURE SPELLINGS:

If you don't have a spelling, spell it out phonetically and put (phonetic) after the *first time* only and then spell that word the same way consistently throughout the transcript.

[SIC]:

If you think someone misspoke [sic] goes next to the misspoken word. (Ask for clarification from us if needed.)

SOMEONE SPELLS A WORD ON THE RECORD:

When someone is spelling something, it's done as: S-P-E-L-L

WHEN YOU CAN'T HEAR SOMETHING:

When you simply cannot identify the spoken word/words, use XXX and the time location of the area in question: for example - (XXX-5:15.07)

Don't spend too much time in frustration trying to figure the audio out. Take a couple of cracks at it. If you don't get it, mark it as detailed above, and continue. You can come back to it at the end and this will keep your speed up for what you actually can understand.

INCORRECT GRAMMAR:

Don't be afraid to start sentences as they have been spoken. You'll hear a lot of "And" and "But" and the like to start sentences. Write it that way.

MM-HMM'S AND UH-UHHS:

Despite being told not to do so, witnesses will often still revert to using normal "grunts" and such to indicate yes or no. Each company will want you to write this in a different way. We tend to use one phrase for a yes and one for a no even if they use another type of grunt. For instance we will use mm-hmm for a yes even if they grunted uh-huh.

Beyond that, do not type any other sounds, bodily noises, farts, belches, grunts, groans. Pretend they don't exist.

MENTIONS OF TIME:

All times are written numerically. No "o'clocks." If they say a.m. or p.m. they are lower case followed by periods. If they say "eight" and you know it's indicating time, type 8:00. Eight o'clock = 8:00. Eight p.m. = 8:00 p.m.

STUTTERS AND FALSE STARTS:

Type them as said on the record, unless given other directions.

EXHIBITS:

Keep side notes of EXHIBITS - a brief note of what the exhibit is, for the index, and the time of the entry in case you have to go back for a re-listen. Some agencies will have you submit the list of exhibits and they will put the index together, others will have you put the index together. Practice keeping a list so you are prepared to do either scenario.

When marking exhibits, the THEREUPON parenthetical is always the last thing as part of the colloquy in which they announce they want to mark an exhibit, no matter what else is spoken, discussed or for how long they talk in colloquy. Then it's back to Q&A.

INTERRUPTED TESTIMONY:

Interrupting testimony ends with a double dash after the last word:

In your AutoCorrect, under "AutoFormat" and "AutoCorrect as You Type" you need to *un-check* the hyphen box. It will stop turning your double dashes into a single long one. Uncheck the box for "ordinals as superscript" as well.

DOUBLE-DASHES: When people have false starts or they change the topic of their sentence in the middle of a sentence, you would use a double dash --. For example: My name is Caroline – my date of birth is 6/6/66. Or: What do you do for -- what is your job title?

If they are interrupted, you would use a double-dash. There are two kinds of interruptions. The first is when someone is interrupted and then they continue speaking after the interruption. For example:

Q. When did you decide --
A. I decided --
Q. -- to go to the grocery store?
A. -- to go around 1:00 p.m.

The second type of interruption is where the person does not get to finish speaking. For example:

Q. When did you decide to--
A. I decided to go around 1:00 p.m.

The difference is this: If they pick up speaking, you put a space between the dash and the last/first letter of the word before/following. If they do not pick up speaking and are simply cut off, the -- goes immediately after the last letter with no space between.

"STRIKE THAT"

Different agencies will deal with this in different manners. Some will give direction not to type the "strike that" and to delete the portion prior. However, other clients will stipulate that this should actually be on the record and the determination of whether or not it's relevant to the record is something that the parties can hash out in court. Therefore, we shall show you how to include it and you can change directions based on your client's preference:

Q Back when you were first in the accident, well -- strike that.

Tell us how the accident occurred, please.

A The accident occurred when we had the accident accidentally, crashing into one another.

Q Will you, can you tell us what the police -- strike that.

Did somebody call the police?

As taught, treat the "strike that" as a complete change of direction with the double dash, do a hard return, and start the fresh question on a new line.

ACRONYMS:

Acronyms are letters that stand for terms, typically the first letter of each word in the term, or some shortened form. In transcripts we type the actual acronym, we do not spell out the words unless specifically directed to do so by a client. Samples you will come across often include:

PIP -- personal injury protection

HCFA -- sounds like "hickfa."

HIPAA -- sounds like "hippa."

AOB -- assignment of benefits.

AOR -- assignment of rights.

SDA -- standard disclosure and acknowledgement.

LOP -- letter of protection.

NDA -- non-disclosure agreement.

EUO -- examination under oath.

EOB -- explanation of benefits.

EOR -- explanation of review.

IOT -- initiation of treatment.

IME -- independent medical examination.

CPT code and CPT codes.

SOAP notes -- (SOAP is all caps).

TENS unit

CMS-1500 Form

MPC -- also often referred to as MedPay Coverage or MedPay Benefits.

AHCA -- sounds like "ackah" is the Florida Agency for Healthcare Administration. You'll often hear a reference to said registration or an exemption from AHCA registration.

Plurals of these just add a lowercase "s" -- not an apostrophe "s". This holds true for ALL plural acronyms.

The apostrophe would denote either a possessive or a contraction.

CLEANING UP TESTIMONY

(Use very careful judgment when doing this and ask for clarification from clients.)

No attorney likes to see what they've spoken in print make them look, for lack of a better term, "stupid." Therefore, most transcribers are told to carefully "polish up" what they say. That does not mean changing anything substantive. It means, eliminating entirely aforementioned stutters. It means if they false start early in their question and catch themselves, you can drop the false start (less appropriate if they get deeper into a question and then change direction).

YOU CANNOT change what the witness says with the only exception being literal stutters like "I, I, I" and "and, and, and" and "but, but, but" and the like.

The goal is not to create a polished written essay. It's to create a "cleaner-reading" transcript and nothing is gained/lost from having "I, I, I" and "and, and, and" and "but, but, but" and the like in the record.

PUNCTUATION FORMATTING:

Punctuation formatting can change based on APA style, MLA, Chicago and other guidelines, and become very client specific, especially if you do work for large agencies. The following punctuation formats are what MOST of our clients request.

BEGINNINGS OF SENTENCES:

(USE COMMA AFTER) Yes, No, Well, Now.
(NO COMMA AFTER) But, And, Or, So.

Yes, he did do that.

Well, I was going approximately 40 miles per hour.

Now, you previously testified that...

But you said you were not there.

And if you were not there, where were you?

So what you're saying is...

BEGINNING, INSIDE, END OF SENTENCES:

With few exceptions, commas almost always set off proper names and salutations: proper name, sir, ma'am, Your Honor, Counsel, et cetera.

Tell me, sir, where were you on that night?

Ma'am, what is your date of birth?

I've asked you before, Counsel, please do not offer speaking objections.

If you take a look, Your Honor, at Page 3 of the transcript.

END OF SENTENCES:

(USE COMMA BEFORE) correct? right? true? agree? ...and similar.

(USE SEMI-COLON BEFORE) is that correct? is that right? is that true? do you agree? ...and similar.

Examples:

So you were in the car at the time, correct?

So you were in the car at the time; is that correct?

It says so right there on the report, agree?

It says so right there on the report; do you agree?

But you're saying that it was your right shoulder that was injured and not the left, true?

But you're saying that it was your right shoulder that was injured and not the left; is that true?

OUR FAVORITE PUNCTUATION USAGE LINK:

http://www.grammarbook.com/punctuation/commas.asp

STEP 7 ASSIGNMENT

Download all samples under the assignment tab, and the blank transcription template. Complete practice transcripts using instructions learned above.
http://www.learnlegaltranscription.com/wordpress/wp-login.php

GETTING FILES FROM CLIENTS

Working with mostly digital files means most work will be sent over the Internet. Digital files can be extremely large, so most people use a service such as Dropbox. Some agencies have their own systems created that assign and send files to transcribers.

If you are working on depositions, hearings, trials, or other legal proceedings you will likely receive the notice, possible other case information and an order sheet that list things like the names and addresses of the attorneys that were present, the witnesses name, when the proceeding started and ended and other information that you will need to complete the transcript.

Notes can vary from clients, some will send nothing and you will need to do a lot more research to determine the parties involved, spellings of names, etc. Some digital reporters take notes throughout the proceeding. These notes will be time stamped so you can find what note they were taking at specific times on the tape. These notes can include who is speaking, keywords, spellings of hard words to hear or other information that seemed important to the court reporter.

SENDING FILES BACK TO CLIENTS

Depending on the type of processing that will need to be done with the transcript file you may have to send the final product in word, as a text file or even as a PDF. Typically you will also send a note about any issues you had such as spots that you could not hear and have marked as such in the transcript for review.

The agency or court reporter you work for will then produce the transcript and print it if hard copies have been ordered. This process involves specific software that formats the transcript for printing or linking to video, links the indices to the corresponding pages, produces a keyword index, and more.

FINAL ASSIGNMENT

Complete the final practice transcripts online in step 8!
http://www.learnlegaltranscription.com/wordpress/wp-login.php

Congrats on finishing the course!