

# Business Transition Unit Workgroup

Supplemental Report to the  
Universal Transcript Format  
and Compensation Plan  
Final Report (includes  
Business Processes)

May 2009

# Business Transition Unit (BTU) Workgroup

## Supplemental Report to the Universal Transcript Format and Compensation Plan Final Report (includes Business Processes)

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# Introduction

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The Universal Transcript Format (UTF) Project was constituted in the fall of 2008 for the purposes of examining the existing forms of transcripts and appeal books/record, and recommending one universal format for all three Courts.

The report of the Business Transition Unit Workgroup (BTU), *Universal Transcript Format and Compensation Plan Final Report*, dated March 2009 (UTFPCR) (see Appendix “D”), addressed the Universal Transcript Format and Compensation Plan. The report indicated that the Implementation Strategy and Benchmarks needed to be developed.

In addition to the Implementation Strategy and Benchmarks, this supplemental report outlines Business Processes, amends the Universal Transcript Format, further addresses Compensation Plan issues, outlines software requirements in order to implement the UTF, and includes recommendations to the Change Management Team (CM), the Technology Team (T3), and Fees and Legislation Committee (FLC).

The BTU dedicated a considerable amount of time to harmonize business processes for the three Transcript Management Services (TMS) offices. Attached as Appendix “A” is the manual prepared by the BTU outlining the Universal Transcript Format, which is divided into two parts: Part 1 – Transcript Production Manual (includes the Universal Transcript Format and instructions on producing transcripts); and Part 2 – Harmonized Business Processes. Part 1 of the manual will be posted on the TMS external website to allow transcriptionists access to the instructions for production requirements. This report outlines the decisions made on the harmonized business processes, to be included in Part 2 of the manual, which will be an internal document and available to staff on the intranet portal. The manual will be a “living document” and the TMS managers have agreed that no changes will be made to their business processes, without prior consultation and agreement. This will ensure the business processes within TMS will continue to be harmonized.

For ease of reference, this report is divided into the following four sections:

- Amendments/Updates/Clarification on the Universal Transcript Format;
- New Issues (referred to in the UTFPCR);
  - Compensation Plan
  - Implementation Strategy (Change Management)
  - Benchmarks
  - Business Processes
  - Software
- Summary of the BTU Recommendations; and
- Appendices.

# Amendments/Updates/Clarification of the Universal Transcript Format

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## Amended Universal Transcript Format

Effective on the implementation date, BTU recommends all transcript requests be produced in the new universal transcript format and be compensated in accordance with the new Schedule E. All transcript requests received prior to this date will be produced in the old format and compensated under the previous Schedule E. If a portion of the transcript was produced prior to implementation, it will be subject to a reformatting fee.

Based on the results of the harmonization and optimization process, and recommendations provided by the three Courts, the BTU is now recommending amendments to the previous UTF recommendations outlined in the UTFPCR. The following outlines the new Universal Transcript Format recommendation (note the prior recommendation was outlined on pages 5-6, pages 15-19, and pages 31-32 of the UTFPCR):

- ❖ **Universal Transcript Format for all three Courts** (these settings are based on settings created in Microsoft Word):
  - Font - General, Times New Roman (TNR) 13 pt.;
  - Title Page, TNR 13 pt.:
    - Action Number – Title Case, Right Aligned;
    - Directly below Action Number, include E-file name \_\_\_ and Appeal No. \_\_\_, Title Case, Right Aligned;
    - The Court Designation, Upper Case, Centered;
    - The Judicial District of (Location), Upper Case, Centered;
    - Style of Cause – Upper Case, Center;
    - Plaintiff(s), Defendant(s), etc. – Right Aligned, Title Case;
    - Set out, between two solid horizontal lines (with a line space before and after each horizontal line), the type of proceeding, volume number and specific pages included within each volume, Upper Case, Centered. Each volume shall contain no more than 200 pages per volume, and where any volume would otherwise exceed 200 pages, be split into separate volumes of approximately equal length;
  - Table of Contents as set out in Universal Transcript Format Sample (see Appendix “C”);
  - Speakers, TNR 13 pt., Upper Case;
  - Headings (identified through mark-ups, which are specific key strokes entered by transcriptionist, and used by the software to build the Table of Contents), Title Case, TNR 13 pt., Bold. The only exception is Witnesses’ names, the word “exhibit” and associated exhibit number will be in Upper Case, the exhibit description will be Title Case.
  - Justification - Transcript Text (evidence), Full Justify;

- Horizontal Line – solid;
- Page Margins – Top 1.0”, Bottom 1.0”, Right 1.0”, and Left .75”;
- Tabs - set at .25”, .50”, 1.0”, 1.25”, 1.5” and 3.25”;
- Line Numbers - on every line, TNR 13 pt., .15” to left of the left margin;
- Line Spacing, 41 lines per page fitted equally between the margins (Line Spacing 1.05);
- Line Height 1;
- Page Number – Centered with text, .5” from top of page, TNR 13 pt.;
- 1 blank line between paragraphs;
- 1 space only after periods preceding the next sentence;
- No bolding (other than the bolding identified in “headings” above), underlining, or coloured font;
- Acts, Statutes, and Citations will be italicized (identified through mark-ups);
- No supporting documents included in transcripts<sup>1</sup>;
- Electronic .pdf (Adobe Acrobat) version must have electronic bookmarks and each item in the Table of Contents must be linked; and
- See Appendix “C” – Universal Transcript Format sample.

The following chart outlines the complete Universal Transcript Committee (UTC) recommendations, the BTU recommendations, and the reasons for change:

UTC Recommendation	BTU Recommendation	Reasons for change
Font - General, TNR 14 pt.	Font - General, TNR 13 pt.	After reviewing various court reporting and word processing software, it was determined that instituting one standard font size would maintain consistency and accommodate software limitations.
Speakers, Bold TNR 12 pt.	Speakers, TNR 13 pt., Upper Case	Instead of being bold and 12 pt. the speakers would be in upper case and 13 pt. which would maintain consistency, be easily identified within the transcript, and reduce production time.

<sup>1</sup> Supporting documents may be filed separately from the transcript, in any format specified by the Court.

UTC Recommendation	BTU Recommendation	Reasons for change
Headings identified through asterisks, TNR 14 pt. (electronic version blue)	Headings (identified through mark-ups - which are specific key strokes entered by transcriptionist, and used by the software to build the Table of Contents), Title Case, TNR 13 pt., Bold. The only exception is Witnesses' names, the word "exhibit" and associated exhibit number will be in Upper Case, the exhibit description will be Title Case.	The use of mark-ups replaces the use of the asterisk in the new software. Blue font has been eliminated from Court of Appeal's electronic transcript, to maintain consistency and reduce production time.
Action Number - Bold, Left Aligned, TNR 12 pt.	Action Number – Title Case, Right Aligned, TNR 13 pt.	With the font being increased, bolding is unnecessary. Having action number right aligned provides needed space to manually insert an appeal number when required.
	Directly below Action Number include: - E-file name _____ - Appeal No. _____ TNR 13 pt., Title Case, Right Aligned	In creating a universal transcript the requirement will be to provide an electronic version to the ordering party. Each electronic file will be named using an established naming convention (to be developed and included in the amendments to the <i>Rules of Court</i> ), which will be recorded on the transcript title page so users can easily locate the electronic file.
	The Judicial District of (Location), TNR 13 pt., Upper Case, Centered	To maintain consistency, the Judicial District will be included in all transcripts for the Court of Queen's Bench and Provincial Court.

UTC Recommendation	BTU Recommendation	Reasons for change
Style of Cause, Title Case, Centered	Style of Cause – TNR 13 pt., Upper Case, Centered, at top of first page of transcript and on Title Page	Upper case is the current standard used and the BTU recommends maintaining that standard.  The Style of Cause must appear on the title page which is the first page of each electronic transcript. This requirement will make all transcripts e-ready and maintain consistency for all three Courts.
	Table of Contents – TNR 13 pt., (see sample in Appendix “C”)	Transcripts will contain a Table of Contents which follows the title page and is linked to each heading for effective electronic navigation. This requirement will make all transcripts e-ready and maintain consistency for all three Courts.
	Set out, between two solid horizontal lines (with a line space before and after each horizontal line), the type of proceeding, volume number and specific pages included within each volume, TNR 13 pt., Upper Case, Centered. Each volume shall contain no more than 200 pages per volume, and where any volume would otherwise exceed 200 pages, be split into separate volumes of approximately equal length.	The 200 page limit makes the hard copy volumes easier to handle, and the information identified on each volume makes it easier to determine which volume a reference can be found in. This format will maintain consistency for all three Courts.
Plaintiff(s), Defendant(s) – Right Aligned, Title Case	Plaintiff(s), Defendant(s), etc. – TNR 13 pt., Right Aligned, Title Case	No change.
Justification – Transcript Text (evidence) Full Justify	Justification - Transcript Text (evidence), Full Justify	No change.
Vertical Line - 2” from right hand edge of page	No Vertical Line	Not required.

UTC Recommendation	BTU Recommendation	Reasons for change
Horizontal Line - broken line	Horizontal Line - solid	Consistent professional look throughout the transcript.
Page Margins - Top 1", Bottom 0.69", Left 1.5", Right 2.19"	Page Margins – Top 1.0", Bottom 1.0", Right 1.0" and Left .75"	Positioning accommodates 41 lines of text and provides maximum words per page to eliminate undue scrolling or page turning while still maintaining maximum readability.
Tabs – set at 0.69", 1.88", 2.8", and 3.5"	Tabs - set at .25", .50", 1.0", 1.25", 1.5" and 3.25"	Setting standard tabs of .25", .50", 1.0", 1.25", 1.5" and 3.25" provides optimum spacing for improved readability. The .25" represents the hanging indent and where the Q & A's start. The .50" represents where the text following the Q & A's start. The 1.0" represents the first quote which is block indented. The 1.25" is where a quote within a quote starts. The 1.50" is where a third quote (within a double quote) starts. The 3.25" represents the speaker start point and lines up with the page number.
Line Numbers - on every line, TNR 12 pt., 1" from left edge of page	Line Numbers - on every line, TNR 13 pt., .15" to the left of the left margin	13 pt. TNR for line numbering will maintain the font size consistency in the transcript. The text is closer to the line numbers for ease of reference.
Line Spacing 18 pt.	Line Space = 1.05 in Word. Line Spacing, 41 lines per page fitted equally between the margins	18 pt. is a Word reference which is not identifiable in all software programs, and only produces 36 lines per page.
	Line Height 1	Provides optimum amount of space between lines of text and ensures maximum readability.
Page Number – Centered with text, top of page, TNR 14 pt.	Page Number – Centered with text, .5" from top of page, TNR 13 pt.	Positioning accommodates 41 lines of text.

UTC Recommendation	BTU Recommendation	Reasons for change
	Add one blank line between paragraphs	Text is easier to read and provides a visual break for the reader.
	One space after a period	Complies with the new standard and less jarring to a speed reader's eyes.
Bolding	No bolding (other than the bolding identified in "headings" above), underlining, or coloured font	Previous transcripts did not consistently contain these style features. Additionally, Court of Appeal electronic transcripts have never contained these style features (other than blue font). Elimination of these features will reduce transcript production time.
	Italicize Acts, Statutes, and Citations through the use of mark-ups	References will be easily identified in transcripts at all levels of court.
	Supporting documents should not be included in transcripts. The service of providing photocopies of documents from the official court file be returned to the Clerk's office.	There is no legislative requirement to include these documents in transcripts. Returning the service to the Clerk's office will reduce costs to the requesting party as TMS charges \$2.00 per page for photocopies, whereas the Clerk's office charges only \$1.00 per page.
	The electronic .pdf version must have electronic bookmarks and each item in the Table of Contents must be linked.	The bookmarks and links will allow users to effectively navigate through the electronic transcript, making transcripts e-ready for all Courts, and eliminating the need to manipulate transcripts for Court of Appeal purposes.
	See Appendix "C" – Universal Transcript Format sample.	This sample demonstrates the format BTU is recommending.

# New Issues (referred to in the UTF CPR)

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As discussed in the UTF CPR, there were a number of issues that needed to be addressed during the business process phase of the project. These issues are addressed below:

## **Compensation Plan**

### **Sample Transcripts for Compensation Review and Average Per-Page Character Counts**

As discussed on page 7 of the UTF CPR, it is the BTUs' understanding that the Technology Team (T3) had produced sample transcripts using the new software and previous recommended format. These samples were provided to the Fees and Legislative Changes (FLC) to assist them with their compensation review and average per-page character count. Based on BTUs' revised recommendations, further samples need to be produced using the new software and recommended format and provided to FLC to ensure their decisions are based on the most up-to-date information.

### **Black Character Counting Method**

As discussed on pages 20-21 of the UTF CPR, BTU is now supporting the recommendation to alter character count from key stroke method to count black characters only which will be easier for the customer to understand and confirm, as the character count report will be provided to customers with all transcripts. The "black character count" method only counts characters that are visible to the reader. This includes any printed letter, number, symbol, and punctuation mark, but excludes spaces, table structures, and font formatting such as bold, underline, and italics. The BTU agrees that the revised rates using this approach will need to be higher in order to compensate for the hidden labour by the transcriptionists, i.e., tagging. The BTU recommends FLC ensure compensation rates are based on test results using visible black characters only.

### **Reformatting Rate**

BTU recommends any transcript requests that had parts produced prior to the UTF implementation date be subject to a per-page reformat/tagging fee. Reformat/tagging is required in order to allow the previously produced portions to be inserted into a transcript produced in the new universal transcript format. BTU recommends that FLC create a fair compensation rate for this service, keeping in mind that the new tagging process may require more work from the transcriptionists than the previous reformatting process which was compensated at \$1.85 per page.

## **Implementation Strategy (Change Management)**

As discussed on page 8 of the UTFPCR, the BTU is committed to assisting the Change Management Team (CM) in the development of a training and communication plan. This process will encompass the communication of the harmonized business processes in the TMS offices such as developing appropriate QuickBooks rate changes to comply with the new Tariff of Fees; developing new forms and processes; reviewing and revising the TMS website; and ensuring implementation is seamless.

## **Communication/Training**

BTU recommends the following to CM:

- Trial courts should be made aware of the importance of providing documents requested by TMS in a timely manner. As supporting documents will no longer be attached to transcripts, it is equally important that document requests from counsel/parties also be completed in a timely manner. This will become even more important should TMS move away from producing Appeal Digests. BTU will rely on CM to communicate this message to all trial courts.
- Training should include specific training for TMS staff on the TMS Administrative Home Space and separate training for transcriptionists on the TIS e-Prep software. Prior to implementation, training for all TMS staff should include initiating and completing orders in the test environment, as this has been an invaluable training tool.
- TMS external website will need to be updated with items such as frequently asked questions, new rates, implementation date and strategies, definition of black character count, estimate calculations, etc.

## **Stakeholders**

As there are significant changes to the process, BTU recommends the following stakeholders be advised of the changes:

- Judiciary;
- Bar/Crown;
- Public;
- TMS office staff;
- Court staff (clerks, judicial assistants, legal counsel, etc.);
- LInC/FLIC staff;
- Contract transcriptionists;
- Contract court reporters;
- Private court reporters;
- Parole Board;
- Justice Communications;
- All Alberta Justice staff (not listed above), and
- Any others CM may identify.

### **Transcript Estimates**

As of April 8, 2009, TMS offices are advising customers that estimates being given at this time are subject to change without notice and that they confirm estimated amount on the date of order. The Request for Transcript form will be updated to include the new average character per-page count (used for providing estimates) once those are determined by FLC.

## **Benchmarks**

As discussed on page 8 of the UTF CPR, BTU gathered information that will be used to measure the benefits of the implementation of the UTF, software, and the harmonized business processes. See Appendix “B” for a copy of the Benchmarks collected.

## Harmonized Business Processes

The BTU dedicated a considerable amount of time to harmonize business processes for the three Transcript Management Services (TMS) offices. Appendix “A” is Part 1 - Transcript Production Manual, prepared by the BTU outlining the Universal Transcript Format procedures. The TMS managers will continue to work together to develop a comprehensive manual outlining Part 2 - Harmonized Business Processes which will include the following:

### Request for Transcript Form

The Request for Transcript form must be amended to include the new rates, the new average character per-page count (used for providing estimates), and other items such as the ordering party being required to provide initiating documents, official amendments to style of cause, and their email address.

### New Software Instructions

The documentation which explains the use of the new software for both TMS Admin ([www.tms.albertacourts.ca](http://www.tms.albertacourts.ca)) and transcriptionists ([www.ePrep.albertacourts.ca](http://www.ePrep.albertacourts.ca)) will be incorporated into the Business Process manual.

### Quality Control Checklist

A quality control checklist will be created and implemented by TMS, so that transcripts can be reviewed for requirements prior to printing. The checklist will include confirming that electronic bookmarks and links from the table of contents are operational, along with all other UTF requirements.

### QuickBooks/Accounting Procedures

QuickBooks accounting software will have to be updated once the new fees are known. The accountants within the TMS offices have harmonized and optimized their processes, which will be incorporated into the manual. The new process will be implemented on all new transcript orders upon implementation of the UTF.

### Transcripts (Hard copy and Electronic)

Hard copy transcripts will be produced double-sided. As electronic transcripts used by the courts cannot contain blank pages, no blank pages will be included in transcripts. The title page will be printed face-up on the right, the first page of the table of contents will be face-up on the right, and all pages thereafter will be double-sided. There will be no supporting documents included in any transcripts. Hard copy transcripts which are 30 double-sided pages or less, will be stapled in the left corner and will not have stock covers on the front or back. In the top right corner above the Action Number, all transcripts will be marked “Official Transcript” or “Original Transcript” in blue or black ink, and “Ban on Publication” in red ink, if applicable.

### Appeal Digests

For the purposes of appeals to the Court of Appeal, the Appeal Digest will continue to contain a title page complying with the requirements of Form R of the *Alberta Rules of Court*. The title page and table of contents will be printed face-up on the right, all other

documents and transcript portions will be face-up on the left, and all pages in the Appeal Digest including the transcript portions will continue to be printed single-sided. The charge to the jury, or any transcript pages thereafter, will be printed directly from the .pdf file for a clear and concise product. Appeal Digests will be cerlox bound. In the top right corner above the Action Number, the original transcript will be marked “Original Transcript” in blue or black ink.

As mentioned on page 8 of the UTF CPR, the BTU has considered whether or not TMS should be involved in the production of the Appeal Digest for the Court of Appeal, or if the appellant should be responsible for the production of same. After receiving numerous questions and concerns from the Appeals Branch, BTU is not recommending any changes to the current procedures at this time. Instead, BTU recommends a separate project be undertaken in early 2010 to review this process in order to find an appropriate solution. Suggested members should include stakeholders such as the TMS Managers, representatives from Court of Appeal, Court of Queen’s Bench, Provincial Court, and the Federal and Provincial Appeal Branches.

### **Appeal Processes**

With the creation of a universal transcript format, there is no longer a need to reformat a transcript for appeal purposes as the UTF addresses the requirements of all three Courts. Instead, when filing a transcript in the Court of Appeal, the customer will be required to write the appeal number on the front of the evidence volumes (on the line provided) and file them along with their Appeal Digest.

Where parts of a transcript have been ordered after implementation date and prior to appeal, TMS has agreed to concatenate all parts at no cost to the original ordering party, producing one electronic copy of the transcript with consecutively numbered pages and a complete table of contents. This will eliminate the problem of having counsel/parties file separate transcript excerpts which are not consecutively numbered or captured in one table of contents. Requests to TMS for extra hard copies would continue to be provided based on the applicable fee.

Private reporters who produce a transcript and are not able to comply with the full justification requirement, must obtain a fiat from the Court of Appeal prior to filing their Appeal Record.

### **Electronic Transcripts (.pdf and ASCII)**

An electronic .pdf version will be provided to the ordering party at no extra charge at the time the hard copy transcript is received. The style of cause will appear on the first page (title page) of the electronic transcript for identification purposes. Upon written request from an Officer of the Court, an ASCII file will also be provided which will allow users to cut and paste for document preparation. An Officer of the Court includes the judiciary, or lawyers in good standing with the Law Society of Alberta. Electronic files will be provided via email or compact disk.

With the implementation of UTF, TMS will no longer be providing separate .pdf files for conviction and/or sentence appeals to the Court of Appeal. The .pdf file will contain both

parts and the user will be able to navigate to the required section using electronic bookmarks or links in the table of contents.

### **Retention of Transcripts within TMS**

IT Services has confirmed that electronic transcripts and all audio will be available and producible for a term of 25 years. Therefore, with the implementation of electronic certification, TMS offices will no longer keep a hard-copy of all transcripts, which will result in cost-savings and storage reduction.

### **French Transcripts**

Requests for French transcripts are currently outsourced to private companies and TMS offices are obligated to pay the “going rate”. As these companies are not contracted, they are not governed by Schedule E, or the *Mechanical Recording of Evidence Regulation*.

The new software should be programmed to produce transcripts in the French language.

Schedule E does not provide a French translation rate. However, it would be difficult to find a private company to produce French transcripts if TMS were not able to compensate the company at their “going rate”.

Currently, TMS employees are unable to verify the accuracy of French transcripts. Therefore, French training for key TMS staff should be considered in order to verify accuracy of transcripts within the TMS offices, and/or consideration should be given to hiring staff fluent in both official languages into future positions.

### **Forms/Website**

Forms will be updated to reflect new procedures and requirements and will be available in the manual and on the TMS website located at:

<http://www.albertacourts.ab.ca/CourtServices/TranscriptManagementServices/tabid/110/Default.aspx>

BTU recommends TMS be allowed to create their own webpage located on the intranet portal for the purposes of posting internal forms and documents, which will help them to maintain the harmonized business processes and seeks support from T3 for same.

### **Electronic File**

The electronic .pdf (Adobe Acrobat) version must have electronic bookmarks which shall automatically open and display on the left side of the screen and each item in the table of contents must be linked. These features will encourage users to utilize the bookmarks and links as navigational tools.

### **Electronic File Naming Convention (E-File Name)**

In order to manage and quickly locate electronic files, BTU recommends a new electronic file naming convention. The E-File name should be created based on the items set out on the following chart:

E - Edmonton C - Calgary R - Regional	V - Civil C - Criminal F - Family Y - Youth O - Other	P - Provincial Q - Queen's Bench	Last two digits of year produced "09"	Person's full last name followed by first initial of first name
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The electronic file shall be named in accordance with the following UTF naming conventions:

- i. The first character shall coincide with the first letter of the location where the transcript is being produced: 'E' for Edmonton, 'C' for Calgary (includes Airdrie, Banff, Canmore, Cochrane, Didsbury, and Okotoks), and 'R' for Regional (includes all other locations);
- ii. The second character shall coincide with the type of proceeding: 'V' for Civil, 'C' for Criminal, 'F' for Family, 'Y' for Youth, and 'O' for Other;
- iii. The third character shall coincide with the name of the trial court: 'P' for Provincial Court of Alberta, and 'Q' for Court of Queen's Bench;
- iv. The next two characters shall be the last two digits of the year the transcript is produced: '09' for 2009;
- v. The next characters shall coincide with the full last name of the first plaintiff/accused;
- vi. The last character shall coincide with the first initial of the first name of the first plaintiff/accused:

For example: For an Edmonton, Criminal, Queen's Bench, 2009 file, where the accused name is John Doe, the UTF electronic file name would be: ECQ09DOEJ.pdf

- vii. If the electronic file already exists, the naming convention would be altered to include the full last name followed by the full first name:

For example: ECQ09DOEJOHN.pdf

- viii. If the electronic file already exists, the naming convention would be altered to include a sequential number:

For example: ECQ09DOEJOHN1

- ix. In cases where a style of cause contains a party name that is so common that confusion could result (such as the City of Edmonton), the least common name in the style of cause should be used.

- x. In cases where a style of cause contains two company names, use the least common name in the style of cause.

BTU recommends that FLC takes steps to amend legislation to reflect this new naming convention and recommend the repeal of Part B4(b) of the Court of Appeal Consolidated Practice Direction.

When the E-File name is entered into the software by TMS staff, the software must insert it on the title page in the “E-File Name” location.

### **Access to Software and Database**

Salaried court reporters must be given access to the database and both the TMS Administration and E-Prep systems for the purposes of producing after hour transcripts. Without this functionality, there will be a delay in producing overnight transcripts.

### **Turnaround Times**

The following turnaround times shall govern transcript production, and must be complied with unless otherwise agreed upon by TMS.

Turnaround times begin when the order is sent to the transcriptionist:

- Transcripts produced within two working days – turnaround time within 24 hours;
- Transcripts produced within five working days – turnaround time within 3 working days;
- Transcripts produced within 10 working days – turnaround time within 5 working days; and
- Transcripts produced within 30 calendar days – turnaround time within 15 calendar days.

## Software Identifiers/Requirements

Once the software is programmed with the new format, BTU will need access to the test environment in order to produce samples for the Transcript Production Manual. These samples need to be prepared prior to implementation in order to complete the manuals for training purposes.

BTU is recommending the following changes be made to the software:

- multiple count entry for numbers – flush right (no wrap);
- add fields for E-File Name and Appeal No.;
- endless free field for style of cause without needing manual manipulation;
- an automatic certification pop up for Certificate of Transcript be available, with a drop down box containing a list of the approved certificates, a Certificate of Transcript must appear after each part, and the typist’s electronic certification be inserted after each certificate and be based on the transcriptionist’s user id;
- need to ensure software lists all the categories (e.g., Alberta Review Board Hearing, Emergency Protection Order);
- software needs to pull “morning” or “afternoon” session to Table of Contents;
- the software must allow for flexibility to copy the Table of Contents to a software application in order to produce the Table of Contents for the Appeal Digest; and
- the new software must be able to process French transcripts.

The Transcript Production Manual (see Appendix “A”) outlines specifics with respect to the new UTF requirements which must be incorporated into the new software. For example, the following fields would need to be revised: Category and Subcategory, Order Type, Action No., E-File Name, and Appeal No. The BTU will continue to work with T3 to ensure that all the requirements set out in the manual are captured in the software programming.

## **Miscellaneous Action Items**

### **Certificates of Transcripts/Electronic Certification**

Concerns were raised regarding altered, incomplete or missing oral certificates of record from court officials. This concern has been forwarded to the Chair of the Digital Recording Committee to be addressed.

BTU recommends the elimination of the requirement for transcriptionists to provide original or scanned signatures on certificates of transcripts. Instead, BTU recommends the legislation be amended to allow for an electronic certification, which should be based on the transcriptionists' log-in identification, and upon upload, the software should automatically insert the electronic certification of the transcriptionist immediately following each Certificate of Transcript.

BTU has discussed the contents of the Certificate of Transcripts with FLC but has been unable to find a satisfactory solution to the certification process on transcripts where judgments have been reviewed by the Court. BTU will continue to work with FLC to find an appropriate solution.

### **Appeal Record Forms**

The Deputy Registrar, Court of Appeal, will review all appeal record forms and processes and make amendments accordingly to reflect and capture the new UTF.

### **Contracts for transcriptionists**

#### **Turnaround Times**

BTU recommends the following turnaround times be incorporated in the transcriptionists' contract. These turnaround times must be complied with unless otherwise agreed upon by TMS. Government court reporters will also be governed by these turnaround times.

Turnaround times begin when the order is sent to the transcriptionist:

- Transcripts produced within two working days – turnaround time within 24 hours;
- Transcripts produced within five working days – turnaround time within 3 working days;
- Transcripts produced within 10 working days – turnaround time within 5 working days; and
- Transcripts produced within 30 calendar days – turnaround time within 15 calendar days.

#### **Review of Contracts**

BTU recommends contracts and fees be reviewed every two years and that they no longer be handled by the individual TMS offices. Instead, contracts should be handled through Head Office, similar to how mediator and legal counsel contracts are handled.

### **Private Companies/Companies Hired to Produce French Transcripts**

BTU recommends that FLC determine if private companies should be allowed to sign certificates of transcript on behalf of all of their transcriptionist employees, or if each transcriptionist should be required to certify the certificates themselves, have individual criminal record checks completed, sign confidentiality oaths, and be appointed as Court Reporters under the *Recording of Evidence Act*.

# Summary of the BTU Recommendations

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Note: The summary includes all BTU recommendations including revisions from the UTF CPR.

## Universal Transcript Format

BTU recommends the following UTF format for all three Courts (these settings are based on settings created in Microsoft Word):

- Font - General, Times New Roman (TNR) 13 pt.;
- Title Page, TNR 13 pt.:
  - Action Number – Title Case, Right Aligned;
  - Directly below Action Number, include E-file name \_\_\_ and Appeal No. \_\_\_, Title Case, Right Aligned;
  - The Court Designation, Upper Case, Centered;
  - The Judicial District of (Location), Upper Case, Centered;
  - Style of Cause – Upper Case, Center;
  - Plaintiff(s), Defendant(s), etc. – Right Aligned, Title Case;
  - Set out, between two solid horizontal lines (with a line space before and after each horizontal line), the type of proceeding volume number and specific pages included within each volume, Upper Case, Centered. Each volume shall contain no more than 200 pages per volume, and where any volume would otherwise exceed 200 pages, be split into separate volumes of approximately equal length;
- Table of Contents as set out in Universal Transcript Format Sample (see Appendix “C”);
- Speakers, TNR 13 pt., Upper Case;
- Headings (identified through mark-ups, which are specific key strokes entered by transcriptionist, and used by the software to build the Table of Contents), Title Case, TNR 13 pt., Bold. The only exception is Witnesses’ names, the word “exhibit” and associated exhibit number will be in Upper Case, the exhibit description will be Title Case.
- Justification - Transcript Text (evidence), Full Justify;
- Horizontal Line – solid;
- Page Margins – Top 1.0”, Bottom 1.0”, Right 1.0”, and Left .75”;
- Tabs - set at .25”, .50”, 1.0”, 1.25”, 1.5” and 3.25”;
- Line Numbers - on every line, TNR 13 pt., .15” to left of the left margin;
- Line Spacing, 41 lines per page fitted equally between the margins (Line Spacing 1.05);
- Line Height 1;
- Page Number – Centered with text, .5” from top of page, TNR 13 pt.;

- 1 blank line between paragraphs;
- 1 space only after periods preceding the next sentence;
- No bolding (other than the bolding identified in “headings” above), underlining, or coloured font;
- Acts, Statutes, and Citations will be italicized (identified through mark-ups);
- No supporting documents included in transcripts<sup>2</sup>;
- Electronic .pdf (Adobe Acrobat) version must have electronic bookmarks and each item in the Table of Contents must be linked; and
- See Appendix “C” – Universal Transcript Format sample.

## Compensation Plan Recommendations

BTU recommends:

### ❖ **Black Character Counting Method**

- The “black character count” method is easier for the customer to understand and confirm. The software will produce a character count report which will be provided to customers. The black character count method only counts characters that are visible to the reader.

### ❖ **Review or create rates for:**

- Transcript produced within 30 calendar days;
- Transcript produced within 10 working days;
- Transcript produced within five working days;
- Transcript produced within two working days;
- Real-time service rates;
- Each additional hard copy for first ordering party;
- Each additional hard copy for subsequent ordering party; and,
- Each additional electronic copy

A .pdf version of the transcript will be provided, at no extra charge, to the ordering party at the time the hard copy transcript is received. Should the ordering party request that only an electronic version be provided it would be provided based on the full production rate and on how quickly their request must be completed.

All rates should be reviewed, as rates have not been increased since 1986, which in turn were decreased in 2000 (in addition, court reporters lost copy fees at this time) and again in 2003 when rates for oral judgments were reduced. The loss of reformatting rates should be taken into consideration by FLC and an automatic review provision added so the rates can be reviewed every two years.

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<sup>2</sup> Supporting documents may be filed separately from the transcript, in any format specified by the Court.

Further testing needs to be conducted using the new software and recommended format in order to obtain accurate and up-to-date data for FLC's use in determining appropriate rate increases.

All transcripts ordered prior to implementation date be produced using the previous format and compensated under the previous fee schedule, including reformatting rates.

Any transcript requests that had parts produced prior to the UTF implementation date be subject to a per-page reformat/tagging fee.

Private companies hired to produce French transcripts not be governed by Schedule E, or the *Mechanical Recording of Evidence Regulation* as it would be difficult to find a private company to produce French transcripts if TMS were not able to compensate the company at their "going rate".

## Harmonized Business Processes Manual

BTU recommends:

- the TMS offices continue to work together on the creation of the Part 2 – Harmonized Business Processes manual which will include items identified previously in this report and others that will help to standardize their processes; and
- that T3 assist the TMS offices in the creation of their own webpage on the intranet portal for the purposes of posting internal forms and documents, which will ensure the harmonized business processes are maintained.

## Electronic Transcripts

BTU recommends:

- upon receiving a written request from an Officer of the Court, an ASCII file be provided which will allow users to cut and paste for document preparation, an Officer of the Court includes the judiciary, or lawyers in good standing with the Law Society of Alberta;
- electronic files be provided via email or compact disk;
- where the electronic transcript has been previously produced, the electronic file not be manipulated to separate conviction from sentence for appeal purposes;
- all audio and electronic transcripts be available and producible for a term of 25 years;

- in order to manage and quickly locate electronic files, a new electronic file naming convention be implemented for all electronic files, and the E-File name should be created based on the items set out on the following chart:

E - Edmonton C - Calgary R - Regional	V - Civil C - Criminal F - Family Y - Youth O - Other	P - Provincial Q - Queen's Bench	Last two digits of year produced "09"	Person's full last name followed by first initial of first name
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The electronic file should be named in accordance with the following UTF naming conventions:

- i. The first character shall coincide with the first letter of the location where the transcript is being produced: 'E' for Edmonton, 'C' for Calgary (includes Airdrie, Banff, Canmore, Cochrane, Didsbury, and Okotoks), and 'R' for Regional (includes all other locations);
- ii. The second character shall coincide with the type of proceeding: 'V' for Civil, 'C' for Criminal, 'F' for Family, 'Y' for Youth, and 'O' for Other;
- iii. The third character shall coincide with the name of the trial court: 'P' for Provincial Court of Alberta, 'Q' for Court of Queen's Bench;
- iv. The next two characters shall be the last two digits of the year the transcript is produced: '09' for 2009;
- v. The next characters shall coincide with the full last name of the first plaintiff/accused;
- vi. The last character shall coincide with the first initial of the first name of the first plaintiff/accused:

For example: For an Edmonton, Criminal, Queen's Bench, 2009 file, where the accused name is John Doe, the UTF electronic file name would be: ECQ09DOEJ.pdf

- vii. If the electronic file already exists, the naming convention would be altered to include the full last name followed by the full first name:

For example: ECQ09DOEJOHN.pdf

- viii. If the electronic file already exists, the naming convention would be altered to include a sequential number:

For example: ECQ09DOEJOHN1

- ix. In cases where a style of cause contains a party name that is so common that confusion could result (such as the City of Edmonton), the least common name in the style of cause should be used.
- x. In cases where a style of cause contains two company names, use the least common name in the style of cause.

## **Fees & Legislation Change Recommendations**

BTU recommends:

The following turnaround times be incorporated in the transcriptionists' contract and these turnaround times be complied with unless otherwise agreed upon by TMS. Government court reporters will also be governed by these turnaround times:

- Turnaround times begin when the order is sent to the transcriptionist:
  - Transcripts produced within two working days – turnaround time within 24 hours;
  - Transcripts produced within five working days – turnaround time within 3 working days;
  - Transcripts produced within 10 working days – turnaround time within 5 working days; and
  - Transcripts produced within 30 calendar days – turnaround time within 15 calendar days.

Contracts and fees be reviewed every two years be handled through Head Office, similar to how mediator and legal counsel contracts are handled.

FLC take steps to amend legislation to reflect the new electronic file naming convention and recommend the repeal of Part B4(b) of the Court of Appeal Consolidated Practice Direction. See body of report for full details.

FLC determine if private companies should be allowed to sign certificates of transcript on behalf of all of their transcriptionist employees, or if each transcriptionist should be required to certify the certificates themselves, have individual criminal record checks completed, sign confidentiality oaths, and be appointed as Court Reporters under the *Recording of Evidence Act*.

Elimination of the requirement for transcriptionists to provide original or scanned signatures on certificates of transcripts. Instead, amend the legislation to allow for electronic certification, which should be based on the transcriptionists' log-in identification. Upon upload, the software should automatically insert the electronic certification of the transcriptionist immediately following each Certificate of Transcript.

That further research be done by FLC to find a satisfactory solution to the certification process on transcripts where judgments have been reviewed by the Court.

## Implementation Strategy (Change Management)

BTU recommends:

Trial courts be made aware of the importance of providing documents requested by TMS in a timely manner. As supporting documents will no longer be attached to transcripts, it is equally important that document requests from counsel/parties also be completed in a timely manner. This will become even more important should TMS move away from producing Appeal Digests. BTU will rely on CM to communicate this message to all trial courts.

Specific training for TMS staff on the TMS Administrative Home Space and separate training for transcriptionists on the TIS e-Prep software be provided. Prior to implementation, training for all TMS staff including initiating and completing orders in the test environment, be provided as this has been an invaluable training tool.

TMS external website be updated with items such as frequently asked questions, new rates, implementation date and strategies, definition of black character count, estimate calculations, etc.

As there are significant changes to the process, the following stakeholders be advised of the changes:

- Judiciary;
- Bar/Crown;
- Public;
- TMS office staff;
- Court staff (clerks, judicial assistants, legal counsel, etc.);
- LInC/FLIC staff;
- Contract transcriptionists;
- Contract court reporters;
- Private court reporters;
- Parole Board;
- Justice Communications;
- All Alberta Justice staff (not listed above); and
- Any others CM may identify.

## Software

BTU recommends:

That once the software is programmed with the new format, that BTU work with T3 to produce the required samples for the Transcript Production Manual using the software. This process will ensure samples are accurate and help identify programming issues prior to training and implementation.

The software allow for flexibility to copy the Table of Contents to a software application in order to produce the Table of Contents for Appeal Digests.

The electronic .pdf (Adobe Acrobat) file have electronic bookmarks which automatically open and display on the left side of the screen and each item in the table of contents be linked. These features will encourage users to utilize the bookmarks and links as navigational tools.

Salaried court reporters be given access to the database and both the TMS Administration and E-Prep systems for the purposes of producing after hour transcripts. Without this functionality, there will be a delay in producing overnight transcripts.

The following changes be made to the software:

- allow multiple count entry for action numbers – flush right (no wrap);
- add fields for E-File Name and Appeal No.;
- provide endless free field for style of cause without needing manual manipulation;
- an automatic certification pop up for Certificate of Transcript be available, with a drop down box containing a list of the approved certificates, a Certificate of Transcript must appear after each part, and the typist’s electronic certification be inserted after each certificate and be based on the transcriptionist’s user id;
- populate fields with all available selections (e.g., Alberta Review Board Hearing, Emergency Protection Order), refer to Transcript Production Manual;
- when “morning” or “afternoon” session information appears in the transcript, those entries be automatically inserted into the Table of Contents;
- when the E-File name is entered into the software by TMS staff, the software must insert it on the title page in the “E-File Name” location; and
- if possible, be able to process French transcripts.

The Transcript Production Manual outlines specifics with respect to the new UTF requirements which must be incorporated into the new software. For example, the following fields would need to be revised: Category and Subcategory, Order Type, Action No., E-File Name, and Appeal No. The BTU will continue to work with T3 to ensure that all the requirements set out in the manual are captured in the software programming.

## **Miscellaneous Action Item Recommendations for TMS Subcommittee**

BTU recommends:

### **CART Reporting Services**

Certified Communication Access Real-time Translation (CART) Reporting Services (services for late-deafened, oral deaf, hard-of-hearing or Deaf people) be requested through Witness Central/Witness and Interpreter Services, and a contract CART Reporter be assigned to provide the service, instead of requiring TMS Court Reporters to provide real-time reporting, which is the way this service is handled now.

### **Verifying French Transcripts**

As TMS employees are unable to verify the accuracy of French transcripts, that French training for key TMS staff be considered in order to verify accuracy of transcripts within the TMS offices and/or consideration be given to hiring staff fluent in both official languages into future vacant positions.

### **Production of Appeal Digests**

A separate project be undertaken in early 2010 to review the production of Appeal Digests and whether or not TMS should continue to be involved in this process. Suggested members should include stakeholders such as the TMS Managers, representatives from Court of Appeal, Court of Queen's Bench, Provincial Court, and the Federal and Provincial Appeal Branches.

### **Complying with Universal Transcript Format**

With the implementation of UTF, there will no longer be a need to reformat transcripts for appeal purposes. The two issues which arise should be addressed as follows:

- where parts of a transcript have been ordered after implementation date and prior to appeal, TMS concatenate all parts at no cost to the original ordering party, producing one electronic copy of the transcript with consecutively numbered pages and a complete table of contents; requests to TMS for extra hard copies would continue to be provided based on the applicable fee; and
- where private reporters are not able to comply with the full justification requirement, that a fiat be sought from the Court of Appeal prior to filing their Appeal Record must be obtained.

# Appendices

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- A. Transcript Production Manual**
- B. Benchmarks**
- C. Sample Transcript (Universal Format)**
- D. Universal Transcript Format and Compensation Plan Final Report dated March 2009**
- E. Clearance Sheet**

# Appendix A - Transcript Production Manual

# Appendix B - Benchmarks

## **Appendix C - Sample UTF Transcript**

# **Appendix D - Universal Transcript Format and Compensation Plan Final Report**

# Appendix E – Clearance Sheet