TRANSCRIPT MANAGEMENT SERVICES MANUAL

UNIVERSAL TRANSCRIPT FORMAT FOR ALL COURTS IN ALBERTA

TRANSCRIPT PRODUCTION

Government of Alberta

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A Universal Transcript Format and Sample

1 Foreword

This manual has been approved by the Transcript Management Services Managers as the official Universal Transcript Format production manual.

2 Purpose

This manual is created to assist transcriptionists and TMS office staff in the production of transcripts.

3 Contents

The procedures in this manual have been agreed upon by the Calgary, Edmonton and Regional Transcript Management Services Managers. Any changes to this manual must be submitted to the TMS subcommittee for review and consideration.

4 Definitions

Official Record
The official record commences when the clerk calls court to order and adjourns/concludes court. Exceptions include:

1) Solicitor/client conversations
2) Recordings during adjournments
3) Side-bar conversations between the Court/Counsel/Clerk.

Official Court Reporter
Government or contract court reporters

Transcriptionist
Court reporters and typists

Title Case
This means each word in the title begins with an uppercase letter, except for prepositions, conjunctions, and articles shorter than five letters each (with the exception of through). They should appear in lowercase in text which is in title case. For example:

a, an, the, and, if, then, else, when, up, at, from, by, on, off, at, for, from, in, of, out, over, through, and to.

Upper Case
All Capitals - All letters in the word are capitalized.

5 Universal Transcript Format for all three Courts

(These setttings are based on settings created in Microsoft Word)

Font - General, Times New Roman (TNR) 13 pt.;

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 0.25", 0.50", 1.0", 1.25", 1.5" and 3.25" from left margin;

Line Numbers - on every line, TNR 13 pt., located .15" to left of the left margin;

Line Spacing, 41 lines per page fitted equally between the margins (line spacing 1.05); blank lines between speakers, exhibits, paragraphs, and Q and A pairs;

Line Height - 1;

Page Number - Centered with text, 0.5" from top of page, TNR 13 pt.;

1 blank line between paragraphs;

1 space only after periods preceding the next sentence;

Title Page, TNR 13 pt.;

Action Number - Title Case, Right Aligned;

Directly below Action Number, include E-file name ____ Title Case, Right Aligned;

Directly below E-file name, include 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, Centered;

Plaintiff(s), Defendant(s), etc. - Right Aligned, Title Case;

Set out between two solid horizontal lines, 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, section 6 (Schedule A) which follows.

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 exceptions are witness names, the word "exhibit" and associated exhibit number will be in Upper Case, the exhibit description will be Title Case;

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 (if required, they shall be filed separately from the transcript, in any format specified by the Court); and

Electronic .pdf (Adobe Acrobat) version must have electronic bookmarks and each item in the Table of Contents must be linked.

6 Sample Universal Transcript

[See Schedule A Attached]

7 Electronic File Naming Convention (E-File Name)

[See Schedule B Attached]

B Title Page

1 Action No:/E-File Name:/Appeal No:

Title page to have 1" margin on top, bottom, left, and right. Located in the upper right-hand corner, Title Case, Right Aligned, no word wrap. For example:

Action No: 091234567Q1
E-File Name: ECQ09DOEJOHN3
Appeal No: (Line Provided in Order to Insert Manually)

For JOIN generated action number(s), end at P1, Q1, Y1, F1, etc.

List all applicable docket number(s) related to the specific date(s).

Where there is more than one style of cause, a split cover must be created, indicating the appropriate action number to the referenced style of cause.

2 Court Designation

Following Action No:/E-File Name:/Appeal No:, in Upper Case, Centered, insert:

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF <LOCATION>

or

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL DISTRICT OF <LOCATION>

Insert appropriate judicial district location in place of <LOCATION>.

3 Style of Cause

Following court designation, insert the style of cause which must match the initiating/commencement document, including any official amendments (e.g. by Order of the Court). For example:

HER MAJESTY THE QUEEN

v.

JOHN DOE

Accused

Note: When a name is misspelled on initiating document, type as shown until amended by the Judge.

This information will be provided to transcriptionists.

Style of cause is Upper Case, Centered. Plaintiff(s), Defendant(s), Accused, etc., are Right Aligned, Title Case.

When the proceedings deal with more than one style of cause, each style of cause will be separated by a solid horizontal line. For example:

IN THE MATTER OF JAMES DOE

A CHILD WITHIN THE MEANING OF THE
CHILD, YOUTH AND FAMILY ENHANCEMENT ACT

BETWEEN

JOHN DOE

Applicant

and

JANE DOE

Respondent

4 Description of the Transcript

Following the style of cause set out between two solid horizontal lines, the appropriate selections as follows:

In upper case, one of the following four categories:

TRIAL,
HEARING,
PRELIMINARY INQUIRY, or
PROCEEDING.

In title case, immediately below the above category, subcategories such as:

Child Apprehension Order,
Emergency Protection Order,
Excerpt, or
Judicial Interim Release.

See section entitled *Explanation of Various Proceedings* for further information.

Separating Large Transcripts Into Volumes

If the transcript is more than 200 pages, subcategories would be followed by Volume number (numeric), and page numbers included within each volume. Each volume shall contain no more than 100 double-sided pages, and where any volume would exceed 200 pages, the transcript will be split into separate volumes of approximately equal length. For example:

PROCEEDINGS
Judicial Interim Release
Volume 2
(Pages 201 - 397)

---

5 Date(s)/Location

Following the solid line, the date(s) and location must be inserted, title case, centered. If there is more than one date, all dates are to appear in chronological order. For example:

June 15, 17, and 19, 2009
Edmonton, Alberta

or
May 1, 2009
August 23 - 25, 2009
September 12, 2009
Peace River, Alberta

6 Produced By

Following Date(s)/Location, the name, address, and phone/fax numbers of the producing office must be identified, Title Case, Centered. For example:

Transcript Management Services, Edmonton
5th Floor North,10365 - 97 Street
Edmonton, Alberta T5J 3W7

Phone: (780) 427-6181 Fax: (780) 422-2826

or

Transcript Management Services, Calgary
1901-N, 601 - 5 Street SW
Calgary, Alberta T2P 5P7

Phone: (403) 297-7392 Fax: (403) 297-7034

or

Transcript Management Services, Regional
4909 - 48 Avenue
Red Deer, Alberta T4N 3T5

Phone: (403) 340-5235 Fax: (403) 340-7986

C Table of Contents

When a transcript is prepared using the E-Prep software, a Table of Contents will be created automatically based on markups.

1 Proceedings

Table of Contents must have 1" margins on top, bottom, left, and right.

The Table of Contents pages must be page numbered consecutively in small Roman numerals, centered.

Insert a header called TABLE OF CONTENTS, Centered, Upper Case.

On one line in Title Case, insert headers for the following two columns, "Description", Left Aligned and "Page", tabbed to the far right.

For every half-day session, on one line in Title Case, insert Session Date, Left Aligned, and session indicator (e.g. Morning or Afternoon Session) at the 3.25" tab (lines up with the page number). Insert a blank line before and after this notation.

All transcript headings are to be listed sequentially in the Table of Contents, Title Case, Left Aligned. The only exception being witness names, which will be Upper Case, Bold.

See Section 3, which follows, for other line spacing requirements.

2 Exhibits

If exhibits are entered in the trial, they are to follow the Description portion of the Table of Contents.

Insert a header called EXHIBITS, Centered, Upper Case.

On one line in Title Case, insert headers for the following three columns "No.", followed by one tab and the word "Description", Left Aligned, and "Page", tabbed to the far right.

All exhibits and descriptions must be listed in the order they were entered, title case.

3 Sample

i

TABLE OF CONTENTS

Description		Page
December 18, 2008	Afternoon Session	1
JANICE BLACK, Previously Sworn, Examined by Ms. Jackson		1
Mr. Brown Cross-examines the Witness		3
JOHN DOE, Sworn, Examined by Ms. Jackson		5
Mr. Brown Cross-examines the Witness		8
Certificate of Record		13
Certificate of Transcript		14

No.	Description	Page
1	Seven Photographs	6
S-1	Record of Accused Wright	8

D Markups Required in Universal Transcript Format Software

Mark-ups are specific key strokes entered by transcriptionists, and used by the software to build the Transcript and the Table of Contents which is bookmarked and linked within the transcript.

[See Schedule C Attached]

E Body of Transcript

Each page shall be numbered consecutively with the page number placed 0.5" from the top edge of each page, centered between the left and right margins and starting with page "1" using numeric numbers.

1 Preamble

At the beginning of each morning and afternoon session, set out the court, courthouse, and location of where the proceedings took place, followed by a solid horizontal line. Insert line space before and after each horizontal line. For example:

Proceedings taken in the Provincial Court of Alberta, Law Courts, Edmonton, Alberta

---

2 Appearances

Following the preamble and horizontal line, insert the following, Title Case, followed by another solid horizontal line:

Session date, and at the 3.25" tab, session indicator (e.g. Morning Session or Afternoon Session), followed by a blank line.

Judge's name, and at the 3.25" tab, court designation, followed by a blank line (each will have to be split onto two lines).

Names of all parties appearing to an action, or representatives of departments/agencies, and at the 3.25" tab, the designation of who they represent.

Note: Salutations (e.g., Esq., Ms., Mrs., etc.) will not be used. The only exceptions are designations such as Queen's Counsel (Q.C.), or a Doctor (Dr.), appearing on an Alberta Review Board hearing.

Names of Court Clerk(s) and Court Reporter if in attendance, and at the 3.25" tab, their titles.

Note: All appearances must be included at the beginning of each session.

For example:

January 3, 2008	Morning Session
The Honourable Judge Stanley-Cook	Provincial Court of Alberta
A. Jackson	For the Crown
B. Phillips (Student-at-Law)	For the Accused
J. Brown	Court Clerk
J. Blue	Official Court Reporter

Anyone appearing by telephone or video conference must be identified in the appearances. For example:

January 3, 2008	Morning Session
The Honourable Judge Stanley-Cook (by video)	Provincial Court of Alberta
A. Jackson	For the Crown
B. Goode (by telephone)	For the Accused (by video)
J. Brown	Court Clerk
J. Blue	Official Court Reporter

2.1 Titles

The special designation of Q.C. follows immediately after the surname. For example:

P.J. Wright, Q.C.	For the Accused

Other designations such as Native Counselling, Student-at-Law, Friend of the Court, Agent or Duty Counsel, are added in brackets on a separate line below the name. For example:

P.L. Littlefoot (Native Counselling)	For the Accused
R.P. Shivers (Student-at-Law)	For the Plaintiff
W. Brown (Agent for B. Smith)	For the Accused

When two or more counsel appear for a single party, their names are listed on separate lines:

W. Brown	For the Accused
S. Smith	For the Accused

When one lawyer appears for two separate accused, use the following example:

W. Brown	For the Accused Smith
W. Brown	For the Accused Bayer

When there are co-accused in the same proceedings, use the following example:

W. Brown	For the Accused Smith
I.M. Smart	For the Accused Black

Note: Use “For the Accused” for Adult files, and “For the Young Person” for Youth files.

Also note additional designations “For the Receiver”, “For the Claimant”, “For the Informant”.

2.2 Self-Represented Parties

If a party is self-represented use the following example:

Civil:
(No Counsel) For the Plaintiff

Criminal:
(No Counsel) For the Accused

2.3 No Appearance of Parties

When Accused, Plaintiff, Defendant, etc. is not present, use the following example:

(No Appearance) For the Accused

3 Body

3.1 Evidence/Proceedings

The body of the transcript consists of the evidence and/or proceedings, and are to be produced verbatim. See sections entitled *English/Grammar*, *Punctuation*, *Word Usage*, *Quotations*, and *Citations* for further information.

3.2 Speakers

Based on the margins set in the universal transcript format, each speaker starts at the left margin, Upper Case, followed by a colon, and on the same line, the text begins at the 3.25" tab and wraps around to the next line, starting at the 0.25" tab. Each new paragraph under the same speaker starts at the 0.25" tab and wraps around to the next line, starting at the 0.25" tab.

Each speaker is followed by a blank line. For example:

```
 5  MR. DOE:                    Have you reviewed the material recently?
 6
 7  MR. SMITH:                  Yes, before our break. I was asking you
 8      about the analysis, you took us through phases one, two and three.
 9
10      My Lord, please turn to page seven in the blue report so that I can
11      demonstrate what I'm speaking of.
```

3.2.1 Self-Represented Parties

In a criminal proceeding, when an accused speaks on his behalf, use the following example:

THE ACCUSED: or

THE YOUNG PERSON: (Youth files only)

If several self-represented accused speak on their own behalf, use the following example:

THE ACCUSED BENNETT:

THE ACCUSED LAYTON:

If more than one accused has the same last name, identify or distinguish by first initial or full name. For example:

THE ACCUSED SMITH:

THE ACCUSED W. SMITH:

THE ACCUSED WALTER SMITH:

3.2.2 Court Reporter Readback

When a court reporter is requested to read back testimony, use the following:

```
1  THE COURT REPORTER:          (By reading)
2
3      Q  I'm going to give you a chance to come clean
4         because this is very -- you understand this is a
5         very serious matter?
6      A  Yes.
7
8      Q  Isn't it true that Mr. Inglis never touched you
9         in the wrong ways like you've suggested?
10     A  Yes.
```

3.2.3 Audio Playback

Recordings, both video and audio, played in court as exhibits or evidence are not reported or transcribed, with the exception of playbacks, which shall be reflected in the transcript. When a court clerk is requested to play back testimony recorded on an approved sound recording device from that day's proceedings, use the following:

1 THE COURT CLERK: (By playback)
2
3 Q I'm going to give you a chance to come clean
4 because this is very -- you understand this is a
5 very serious matter?
6 A Yes.
7
8 Q Isn't it true that Mr. Inglis never touched you
9 in the wrong ways like you've suggested?
10 A Yes.

Note: If the playback is from a date other than the current day's proceedings, it is not transcribed. Use the following:

(FTR PLAYBACK - April 1, 2009; 10:15:30 to 10:36:22 AM) (Provide as much detail as available)

When a request is made to play back audio, live voices need to be reported/recorded or transcribed throughout the playback. For example:

1 THE COURT CLERK: (By playback)
2
3 Q I'm going to give you a chance to come clean
4 because this is very -- you understand this is a
5 very serious matter?
6 A Yes.
7
8 MR. JONES: Can you turn up the volume?
9
10 THE COURT CLERK: (By playback)
11
12 Q Isn't it true that Mr. Inglis never touched you
13 in the wrong ways like you've suggested?
14 A Yes.

3.2.4 Interpreter

Interpreters may be used to interpret court proceedings. The interpreter is sworn, naming the language, title case, bold. For example:

JOSE AMIGO, Sworn as an Interpreter in the Spanish Language

Refer to section 3.4.2 for further interpreters information.

3.2.5 Other Speaker Designations

Bail Office – Justice of the Peace – MR. TAKADA:

Bail Office Telewarrant – THE INFORMANT:

Adult Criminal – THE ACCUSED:

Multi Accused Adult Criminal – THE ACCUSED SMITH:

Multi Accused Adult Criminal (same last name) – THE ACCUSED TOM SMITH:

Youth Court Criminal – THE YOUNG PERSON:

Multi Offender Youth Court Criminal – THE YOUNG PERSON SMITH:

Multi Offender Youth Court Criminal (same last name) – THE YOUNG PERSON TOM SMITH:

The Judge/Justice in all proceedings – THE COURT:

The Commissioner in Traffic Court – THE COMMISSIONER:

Taxation Hearing – THE TAXING OFFICER:

Bankruptcy – THE REGISTRAR:

The Interpreter – THE INTERPRETER:

Emergency Protection Hearing – THE CLAIMANT: (or insert party's name if known)

THE COURT CLERK:

THE COURT REPORTER:

THE SHERIFF:

THE INTERPRETER:

THE WITNESS:

THE JURY OFFICER:

A JUROR:

JUROR NO. 1: (etc.)

THE FOREPERSON:

Alberta Review Board - THE CHAIRPERSON:

3.3 Headings

Headings must be placed throughout the body of the transcript to indicate where there is a change of witness, examination, and so forth. For example, headings may be designations indicating where a new witness is sworn or where a lawyer commences cross-examination. Headings are Title Case, Bold, inserted at the left margin.

Opening
Arraignment
Re-arraignment
Election
Re-election
Plea
Particulars
Discussion
Swearing in of the Jury
Opening by the Court
Opening by the Lawyer's Name
Admitted Statement of Facts
Final Submissions by Lawyer's Name
Address to the Jury by Lawyer's Name
Charge to the Jury

Submissions by Lawyer's Name
Questions by the Jury
Response to Questions
Verdict
Directed Verdict
Judgment Reserved
Reasons for Judgment
Finding of Guilt by the Jury
Speaking to Sentence by Lawyer's Name
Sentence
Submission by Lawyer's Name (Admissibility of Evidence)
Submission by Lawyer's Name (Oath)
Submission by Lawyer's Name (Qualification)
Submission by Lawyer's Name (Rebuttal)
Submission by Lawyer's Name (Sentence)
Submission by Lawyer's Name (Voir Dire)
Submission by Lawyer's Name (Other)

Ruling (Admissibility of Evidence)
Ruling (Oath)
Ruling (Qualification)
Ruling (Voir Dire)
Ruling (Other)

Special Heading Identifiers (for further explanations, see section Special Heading Identifiers)
In-camera
Proceedings Not Recorded
Read-In - Witness Unavailable
Ban on Publication

Note: This is not a complete list of headings. It will be updated periodically.

3.4 Witnesses

The procedure for entry of witnesses in a transcript is treated the same in all judicial proceedings. The complete legal name of the witness is typed in Upper Case, Bold at the left margin (rank, title, or qualifications are omitted).

Followed by, in Title Case, Bold:

Sworn,
Affirmed,
Unsworn,
Previously Affirmed,
Previously Sworn,
Sworn through Interpreter, (see Interpreter section which follows) or
Resworn,
Reaffirmed,

Followed by what stage of the procedure the witness is at and who is questioning him/her:

Examined by,
Cross-examined by,
Re-examined by, or
Re-cross-examined by.

For example:

JOHN ALLAN DOE, Sworn, Examined by Mr. Smith
MARY JANE DOE, Previously Sworn, Cross-examined by Mr. Jones

When there is a change of examiner, a new heading would be inserted. For example:

Mr. Jones Cross-examines the Witness,
The Accused Cross-examines the Witness, or
Mr. Smith Re-examines the Witness.

After examination, cross-examination, or re-examination has been completed, the court may question the witness. For example:

The Court Questions the Witness

Q What is your name?
A John Doe.

However, if the procedural change is more significant whereby the testimony is interrupted by a procedure such as submissions, the heading "Submissions" would be inserted, and the heading indicating the resumption of the examination would be required as follows.

Mr. Jones Examines the Witness
Submissions by Mr. Jones
Mr. Jones Examines the Witness

If a witness is one of the parties and is unrepresented and proceeds to give evidence uninterrupted by the court, then use the following heading:

BETTY LOU ANDERSON, Sworn, Testifies

If the court prompts the witness with questions to assist the witness to give their evidence, then use the following heading:

BETTY LOU ANDERSON, Sworn, Questioned by the Court

Although the court is not 'questioning the witness', treat the court as 'Q' and witness as 'A'.

In applications for orders such as Emergency Protection, Apprehension, Mental Health, Search or Feeney warrants or Judicial Interim Release, the proceedings should be transcribed as discussion, using the speakers' names, rather than Q & A.

For example:

THE COURT: What is your application?

CST JONES: I am applying for an Emergency Protection Order, Sir.

The transcript should reflect the name as given by the witness when sworn in.

At the conclusion of a witness's evidence, make a notation (WITNESS STANDS DOWN).

3.4.1 Child Witness

A child witness may be questioned by the court or counsel to determine if they understand the meaning of an oath. Counsel may also question the child. Following all questions, the court gives a ruling. The following headings would be used:

MELODY JANE NEWMAN Takes the Stand
The Court Questions the Witness (Oath)
Mr. Smith Questions the Witness (Oath)
Submissions by Mr. Blake (Oath)
Ruling (Oath)

If the court rules that the child does understand the oath and the court asks for the witness to be sworn, treat the child witness as a regular witness. For example:

MELODY JANE NEWMAN, Sworn, Examined by Mr. Smith

If the court rules that the child does not understand the oath, treat the child witness as unsworn. For example:

MELODY JANE NEWMAN, Unsworn, Examined by Mr. Smith

3.4.2 Interpreters

Interpreters may be used to interpret a witness's testimony or to aid a party.

The interpreter is sworn, naming the language. For example:

JOSE CUERVO, Sworn as an Interpreter in the Spanish Language

If the witness is sworn through the interpreter, use the following headings:

MARIA GONZALES, Sworn through Interpreter, Examined by Mr. Nice, Testifies through Interpreter

When a witness testifies through an interpreter, the interpreter's answer is inserted where the answer is usually transcribed.

If the witness/accused reverts to English, treat them as a speaker. For example:

THE WITNESS:
THE ACCUSED: or
THE YOUNG PERSON:

If an accused represents himself and examines/cross-examines a witness through the interpreter, use the following heading:

The Accused Cross-examines the Witness through Interpreter

If the interpreter answers, even in the third person, continue to use 'A'. For example:

Q Were you starting to feel pretty happy?
A She said she was feeling good.

If the interpreter addresses the court, use the following speaker designation:

THE INTERPRETER:

3.4.3 Special Witness Identifiers

a) Qualification

Qualification is the procedure for qualifying a witness as an expert in a particular field. Counsel may question witnesses regarding his/her qualifications and then the court gives a ruling either accepting the witness as an expert or not. Each header during this procedure must be followed by (Qualification). For example:

Mr. Jones Examines The Witness (Qualification)
The Accused Cross-examines The Witness (Qualification)
Mr. Jones Re-examines The Witness (Qualification)
Submissions by Mr. Jones (Qualification)
Submissions by the Accused (Qualification)
Ruling (Qualification)

Once a ruling has been given with respect to qualification, the next heading would be:

Mr. Jones Examines the Witness

b) Voir Dire

A voir dire is a trial within a trial and is treated as a separate proceeding. A voir dire is usually made up of the following parts:

Witnesses
Submissions
Ruling

When a witness is called in a voir dire, they are sworn unless they were previously sworn in the trial proper. Each heading during the proceedings must be followed by (Voir Dire). For example:

JANE SMITH, Sworn, Examined by Ms. Fisher (Voir Dire), or
JANE SMITH, Previously Sworn, Examined by Ms. Fisher (Voir Dire)
Mr. Doe Cross-examines the Witness (Voir Dire)
Submissions by Ms. Fisher (Voir Dire)
Submissions by Mr. Doe (Voir Dire)
Ruling (Voir Dire)

Once a ruling has been given, the next heading would be:

Ms. Fisher Examines the Witness

c) Rebuttal

At the conclusion of the defence evidence, application may be made to call rebuttal evidence and upon the court granting permission, witnesses may be called. During these proceedings, each heading must be followed by (Rebuttal). For example:

Submissions by Mr. Jones (Rebuttal)
Submissions by the Accused (Rebuttal)
Ruling (Rebuttal)
JOHN DOE, Sworn, Examined by Mr. Jones (Rebuttal)
The Accused Cross-examines the Witness (Rebuttal)
Mr. Jones Re-examines the Witness (Rebuttal)

3.4.4 Special Heading Identifiers

The following headings were previously entered as notations. However, as these headings must be captured in the Table of Contents, they must now be identified as headings, Title Case, Bold.

a) In Camera

When the public are excluded from the proceedings, or a portion thereof, insert the following heading:

In Camera - Public Excluded

If the public is re-admitted to the proceedings, insert the following heading:

In Camera Proceedings Concluded - Public Re-admitted

b) Ban on Publication

If a Ban on Publication is granted, insert the appropriate heading. For example:

Ban on Publication,
Ban on Publication - Evidence, or
Ban on Publication - Identity of Complainant

c) Proceedings Not Recorded

If audio has not been recorded, insert the following heading:

Portion of Proceedings Not Recorded

d) Read-in - Witness Unavailable

If the witness is unable to testify, and the court grants permission, insert the following heading:

JOHN DOE - Read-in

3.4.5 Special Proceedings/Hearings

See section entitled *Special Proceedings/Hearings* for further information.

3.5 Final Submissions

Final submissions are the verbal representations and exchanges between counsel/court, made after all evidence has been given and the case has been closed for presentation of evidence. These submissions assist the judge in making his/her decision. For example:

Final Submissions by Mr. Doe
Final Submissions by Mrs. Ray

3.6 Decisions

Decisions are the judge's findings with respect to the matter. For example:

Reasons for Judgment
Ruling
Finding

When only the Reasons For Judgment or Rulings are ordered to be transcribed, they will be produced in the same manner that an excerpt would be produced.

Refer to internal policy for judgments which are three pages or less.

3.7 Speaking to Sentence

Speaking to sentence is the verbal representations and exchanges regarding sentence between counsel/court made after a decision has been given. For example:

Speaking to Sentence by Mr. Doe
Speaking to Sentence by Mrs. Ray

3.8 Sentence

The sentence is the judge's adjudication with respect to the matter. For example:

Sentence

3.9 Exhibits

Use the following steps when entering exhibits in any proceedings:

1. Exhibits are left aligned at the margin.

2. The word EXHIBIT and associated number/letter is Upper Case, Bold, followed by the description of the exhibit in Title Case, Bold. The exhibit number must be followed by one space, one hyphen, and one space before the description of the exhibit one space after. This strict spacing must be followed. For example:

   EXHIBIT 1 - Description of Exhibit

3. Exhibits for identification are treated as above except the words FOR IDENTIFICATION are to be typed immediately after the letter designation, Upper Case, Bold. Insert "space hyphen space" before and after "for identification". For example:

   EXHIBIT A - FOR IDENTIFICATION - Description of the Exhibit

4. If an exhibit marked for identification becomes a full exhibit, insert the following heading:

   EXHIBIT 2 - Description of Exhibit (Formerly EXHIBIT A - FOR IDENTIFICATION)

   For certain types of exhibits a letter identifier is used before the number to identify its category. The letter identifier must be used even though it may not be referred to on the record. For example:

   EXHIBIT P-1 - Description of Preliminary Inquiry Exhibit
   EXHIBIT V-1 - Description of Voir Dire Exhibit
   EXHIBIT S-1 - Description of Sentencing Exhibit

5. If an exhibit was not formally marked in court, the exhibit will be identified in the transcript. For example:

   EXHIBIT 7 - Description of Exhibit (Not Formally Marked on the Record)

6. If an exhibit was previously entered and the description is subsequently amended, the word (Amended) must be inserted prior to the revised description. For example:

   EXHIBIT 1 - (Amended) Revised Description of Exhibit

3.10 Questions and Answers

The first line after the swearing in of a witness starts with a 'Q', at 0.25" from the left margin, if the questions start immediately.

The body of a question starts at the 0.5" tab.

If the question is more than one line, the second line continues at the 0.5" tab.

The answer is treated in the same manner using the designation 'A'.

Interruption of a speaker by another speaker is identified by name. For example:

MR. SMITH:

During examination/cross-examination when addressing someone other than the witness, or upon returning to the questioner, the letter 'Q' appears in the appropriate space with the speaker identified at the first tab. Each Q and A is followed by a blank line. New paragraphs commence on the second tab. For example:

```
1      Q  MR. JONES:                    Okay.  So you have seen all the
2         material that's before us?
3      A  That's correct.
4
5      Q  Have you reviewed the material recently?
6      A  Yes, just last night.
7
8  MR. SMITH:                           Can we have a break?
9
10     Q  MR. JONES:                    Before our break, I was asking
11        you about the analysis, you took us through phases one and two.
12
13        Did you apply those phases in this case in relation to the material
14        you have before you?
15     A  Yes, sir.
```

3.10.1 After Entry of Exhibits

Upon returning to the questioner, after the exhibit is entered, the letter 'Q' appears in the appropriate space with the speaker identified at the first tab. For example:

8 **EXHIBIT 1 - Certificate of Analysis**
9
10 Q MR. JONES: Before our break, I was asking you about the
11 analysis, you took us through phases one, two and three.

3.10.2 After Identification of Accused

After identification of accused, it is not necessary to repeat the speaker's name with the next question. For example:

8 MR. BROWN: For the record, indicating the accused.
9
10 Q What did you do when you saw the accused running?
11 A I immediately got out of my vehicle and started chasing him.

3.10.3 At Close of Examination/Cross-examination

When counsel has completed their examination, identify counsel as speaker. For example:

1 MR. BROWN: Thank you, those are my questions.
2
3 THE COURT: Mr. James?
4
5 MR. JAMES: Just a few, Sir. Thank you.

3.10.4 Non-Verbal Responses

1) Typist:

a) when there is no audible response, indicate:
(NO AUDIBLE RESPONSE),

b) when audio cannot be transcribed (e.g., people speaking over each other, speakers not close enough to the microphone, etc.), indicate (INDISCERNIBLE),

Note: Typist must isolate each channel in an attempt to determine what is being said. The notation (INDISCERNIBLE) should only used in rare circumstances.

c) when an unusual sound is made (e.g., clapping of hands, banging on table, sound effects, etc.), indicate (UNREPORTABLE SOUND) in the appropriate place, and

d) when a language other than English is spoken, indicate (OTHER LANGUAGE SPOKEN).

2) Official Court Reporters:

a) when an non-verbal response is given (e.g., shaking head or nodding), indicate (NO VERBAL RESPONSE),

b) should not use the (INDISCERNIBLE) notation as it is his/her responsibility to interrupt proceedings in order to clarify the indiscernible portion before proceedings,

c) when an unusual sound is made (e.g., clapping of hands, banging on table, sound effects, etc.), indicate (UNREPORTABLE SOUND) in the appropriate place, and

d) when a language other than English is spoken, indicate (OTHER LANGUAGE SPOKEN).

For example:

A Then I heard this (UNREPORTABLE SOUND) that scared us all.

Q Are you feeling all right?
A (NO VERBAL RESPONSE)

3.10.5 Interruptions

All Interruptions must be included as they may be crucial to an appeal. The transcript must be identical to what is on the audio as both may be available to the public.

3.11 Notations

A notation must be made to reflect any occurence that interrupts or affects the proceedings. This does not include exhibit entry or entry at end of an individual take (see Transcript Endings). Notations begin at the left margin, in brackets, Upper Case. Each notation is followed by a blank line. For example:

(ADJOURNMENT)	When an adjournment is taken by the court
(AUDIO/VIDEO PLAYED)	For wiretap, video, or audio recorded evidence (other than that recorded during the court proceeding). When audio/video is played, insert notation. Only words spoken by those present in court need to be reported/recorded or transcribed while the audio/video is played. Video or audio recordings played in court as exhibits or evidence are not reported or transcribed
(DISCUSSION OFF RECORD)	Discussion between the parties off the record with permission of the court

(JURY RETIRES) or (JURY ENTERS)	A notation must be made when the jury leaves the courtroom and when it re-enters during a trial
(JURY RETIRES - 4:30 PM) (JURY ENTERS - 7:15 PM)	After the charge to the jury, times must be included with the notation
(THE FOLLOWING JURY, HAVING BEEN SELECTED, SWORN)	After jury selection where the jury is sworn in
(OTHER LANGUAGE SPOKEN)	When a foreign language is spoken
(OTHER MATTERS SPOKEN TO)	Break in proceedings, where other matters are referred to but proceedings remain in session
(PORTION OF PROCEEDINGS NOT RECORDED)	When a portion of proceedings is not recorded (for any number of reasons)
(PORTION OF PROCEEDINGS OMITTED BY REQUEST)	When a request is made to exclude a portion of the proceedings
(THE FOLLOWING OATH ADMINISTERED AND SWORN)	In a swearing-in ceremony of a judge or justice
(WITNESSES EXCLUDED)	An order for exclusion of witnesses
(WITNESS STANDS DOWN)	When a witness leaves the stand
(WITNESS RE-TAKES THE STAND)	After a short break, if a witness returns to the stand without being resworn or asked to acknowledge they are still under oath

3.12 References to Acts, Statutes and Citations

All references to Acts, Statutes and Citations must be italicized. See section entitled Citations for further information.

3.13 Transcript Endings

The appropriate ending must be inserted between two solid horizontal lines, insert a line space before and after each horizontal line, Upper Case. For example:

When proceedings continue on the same day (lunch adjournment):

PROCEEDINGS ADJOURNED UNTIL 2:00 PM

When proceedings continue on a different day:

PROCEEDINGS ADJOURNED UNTIL 10:00 AM, SEPTEMBER 20, 2005

When civil proceedings are adjourned to an unspecified date:

PROCEEDINGS ADJOURNED SINE DIE

When proceedings are concluded:

PROCEEDINGS CONCLUDED

When the portion of a day's proceedings are produced (e.g., one witness):

EXCERPT CONCLUDED

When only the Reasons for Judgment are transcribed:

JUDGMENT CONCLUDED

When proceedings are completed in Provincial Court, and the proceeding is further dealt with in Queen's Bench (e.g., Preliminary Inquiry, EPO):

PROCEEDINGS CONCLUDED

3.14 Certificates

The Certificate(s) of Record, if orally certified by the court official, and the certificate(s) of transcript must be included in all transcripts.

Certificate of Record (Oral Certification by Court Official)

The court official (e.g., clerk) is required to certify the contents of the digital recording by recording a verbal statement at the end of each morning and afternoon session. This verbal certification must be transcribed verbatim from the audio. For example:

Certificate of Record
I, (your name), certify that this recording made of the evidence in the proceedings in (Provincial / Queen's Bench) Court held in courtroom (number) at (Town/City), Alberta on the (date) day of (month), (year), and that (record the applicable statement)

I was the court official in charge of the sound-recording machine during the proceedings.

myself and (other name(s)) were the court officials in charge of the sound-recording machine during the proceedings.

I was the judge during the proceedings

Note: If a Certificate of Record has not been recorded, or if the Certificate of Record deviates greatly from the following example, the typist or court reporter is to advise the manager of Transcript Management Services who will advise the trial court of the required wording.

If a Certificate of Record was not recorded, it cannot be included in the transcript.

Certificates of Transcript

The certificate of transcript will be produced at the end of each session. The transcriptionist will have to type the correct notation below as to whether the oral certification was done or not.

Certificate of Transcript
I, (your name), certify that

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a true and faithful transcript of the contents of the record, and

(b) the Certificate of Record for these proceedings (include the appropriate statement)

was included orally on the record and is transcribed in this transcript.

was not included orally on the record.

Digitally Certified:Tue Apr 28 2009 00:25:05
J. Smith,Transcriber
Order No. AT02-09-4

F Explanation of Various Proceedings

Below is a list of various hearings and a brief description of each.

Alberta Review Board Hearing
When an accused is found not criminally responsible, he is entitled to a review of his assessment. A hearing is held by the Review Board to make a disposition.

Attendance Hearing
These are school truancy hearings heard in Queen's Bench. Parties attending may be the justice, the young person, parent(s)/guardian(s), representatives from school board and civil law.

Bail Forfeiture Hearing
Heard in Court of Queen's Bench by a justice to determine if bail should be forfeited after a breach of the release conditions.

Bail Review Hearing
Heard in Court of Queen's Bench by a justice to review previously granted bail order or order of detention, or change conditions of bail that were previously imposed.

Bankruptcy Hearing
Heard in front of a Registrar in the Court of Queen's Bench.

Bar Admission
When a lawyer is called to the bar, a ceremony is held and may be recorded and transcribed by a private transcriber.

Case Management Conference
Pre-trial conferences heard in the Court of Queen's Bench to facilitate and expedite the trial process. Approval required before release of transcript.

Child Apprehension Hearing
Heard in family court by a judge or presiding justice of the peace regarding apprehension of a child. A court order is required before release of the transcript.

Confirmation Hearing
Interjurisdictional hearing held to confirm an interjurisdictional support order.

Dangerous Dog Hearing
Heard in Traffic Court after an initiating document is served, requesting a dog be declared a dangerous dog.

Dangerous Offender/Long Term Offender Hearing
Heard in Provincial Court or Court of Queen's Bench to determine whether an individual should be kept in prison indefinitely.

Dependent Adult
Heard in the Court of Queen's Bench in front of a justice to determine matters relating to a dependent adult.

Emergency Protection Hearing
Heard in family court in front of a judge or heard at the hearing office by a Justice of the Peace via telephone or by walk-ins. Extremely confidential matters. Court approval required before release of transcript.

Estate Hearing
Heard in the Court of Queen's Bench in front of a justice to determine matters relating to estates.

Faint Hope Hearing (Judicial Review of Life Sentence)
Heard in the Court of Queen's Bench where a person serving a life sentence may present evidence to a jury after they have served 15 years of their sentence. The jury may make a recommendation regarding the remaining sentence of the offender. The ultimate decision for parole is up to the Parole Board.

Fatality Inquiry
The Minister of Justice may order that a Provincial Court Judge conduct a public Fatality Inquiry. The inquiry will determine the identity of the deceased; the date, time and place of death; and the circumstances of death. The judge may make recommendations in a written report for the prevention of similar incidents, however cannot make any findings of legal responsibility. Note: there is no cross-examination, all questions are examinations.

Firearms Hearing
Heard in Provincial Court to determine disposition of firearms or suitability of candidate to hold a Firearms Acquisition Certificate.

Interjurisdictional Hearings
Heard in family court to confirm out-of-province information and financial issues, regarding maintenance.

Judicial Interim Release Hearing (often referred to as Show Cause Hearing or Bail Hearing)
These proceedings are to determine release/detention of an accused/young person.

Jury Selection
Heard in the Court of Queen's Bench where prospective jurors are selected for a jury.
Jury Selection - Challenge for Cause
Challenge for cause jury selection is a specialized jury selection where counsel has the ability to question prospective jurors.

Jury Trial
Heard in the Court of Queen's Bench after an election is made to proceed by judge and jury.

Mental Health Hearing
Heard under the Mental Health Act in family court to determine mental fitness of an individual.

Peace Bond Hearing
Heard in Provincial Court in front of a judge to determine if an individual should be released on recognizance with conditions. It has the same effect as a probation order, and if conditions are breached, may be required to answer to a criminal charge.

PChAD (Protection of Children Abusing Drugs)
Hearing held in family court after which the judge may make an order permitting the child to be held in a safe house for period of time. A court order is required before release of the transcript.

PChIP (Protection of Children Involved in Prostitution)
Hearing held in Family Court after which the judge may make an order permitting the child to be held in a safe house for period of time. A court order is required before release of the transcript.

Pre-Trial Conferences
Heard in the Provincial Court. Proceedings heard prior to trial to determine what issues in law will be addressed at the trial. A court order is required before release of the transcript.

Process Hearing
This is a hearing where the judge looks into the allegation of an informant to determine if there is sufficient evidence after a private Information is sworn, to determine if process (such as a summons or warrant) should be issued. Crown counsel does not appear representing the Crown, however may assist the judge as a friend of the court in questioning the informant.

Residential Tenancy Board Hearing
Hearing for landlord and tenant disputes. Parties in attendance may be the landlord (or representative), the tenant (or representative), the chairperson. The hearing does not take place in a courtroom.

Sentence Hearing
Heard in Provincial Court Criminal, Youth Court, or Court of Queen's Bench. Occasionally, either Crown or defence wishes to call witnesses before sentence is passed. The individual has already been found guilty or pled guilty. This evidence helps the judge/justice determine what type of sentence will be imposed upon an individual.

Swearing-In Ceremony
When a judge/ justice/master is appointed, or an appointment is made to Assistant Chief Judge/Justice or Chief Judge/Justice, a ceremony is held and may be recorded and transcribed.

Taxation Hearing
Heard before a taxation officer of the Court of Queen's Bench to determine the account of a lawyer. A court order is required before release of the transcript.

Telewarrant Hearing
Heard by a Provincial Court Judge or a presiding justice of the peace, conducted over the telephone regarding the application for search warrants, blood warrants, or Feeney warrants.

G Special Proceedings/Hearings

1 Jury (Trial)

A jury trial is handled exactly the same as all proceedings.

EXCEPTIONS
When a jury is selected the proceedings must be reported but not transcribed, unless specifically requested.

If requested, jury selection is to be transcribed verbatim, however, if a juror's proper name is used in proceeding replace the name with the notation (name given). For example:

"Juror number 7, Jane Doe, please come forward" would be transcribed as:

Juror number 7, (name given), please come forward.

In a Challenge For Cause jury selection, proceedings are transcribed verbatim as above. The following speaker designations are:

TRIER 1:

TRIER 2:

When a jury is sworn the proceedings are to be reported but not transcribed. The notation is to be:

(JURY SELECTED)

(JURY SWORN)

Should a member of the jury need to appear on the record during the proceedings, identify as:

A JUROR: (do not give name), and then treat as any speaker
or
JUROR NO. 2: (do not give name)

After the charge to the jury, the only difference from above is that the foreperson is described in the speaker section as THE FOREPERSON:

In a jury trial (after the jury is sworn), the jury may be polled. The polling should be reported but not transcribed. The notation is to be:

(JURY POLLED – ALL PRESENT)

When the jury is being polled as to their verdict and all agree, use the following notation:

(JURY POLLED – ALL AGREE)

There may be occasions when the judge dispenses with this formal procedure by asking counsel to accept attendances. This procedure is to be reported and transcribed.

Upon the jury entering the courtroom the notation is to be

(JURY ENTERS)

When the jury retires, the notation is to be

(JURY RETIRES)

After the charge to the jury, when the jury retires and enters the courtroom, in addition to the notation

(JURY RETIRES) and (JURY ENTERS)

The time is to be noted:

(JURY RETIRES 10:00 PM)

(JURY ENTERS 11:00 PM)

2 Real-Time

When a request is made for an unedited transcript in a real-time trial, use the following footer:

**ROUGH EDIT ONLY. NOT CERTIFIED AS VERBATIM.
DO NOT SHARE OR DISTRIBUTE**

H English / Grammar

1 Verbatim

Court transcripts are to be produced verbatim (word for word). When a speaker, due to speech impediment/dialect, is unable to pronounce certain words correctly or use incorrect word, transcribe the word as spoken. Care must be taken not to interpret for the witness.

Eg. I got my nails did that day.

2 Oxford English Preferred

Oxford English is preferable, but any good dictionary may be used as long as the spelling form is consistent throughout.

3 British / American Spellings

A mixture of British and American spellings are used in transcript production. Consistency within the transcript is of ultimate importance. Please see the chart below for examples. Please note these are not exhaustive lists. In the event of discrepancy, refer to spelling as in the Criminal Code.

British spellings	American spellings
"ou" words – colour, neighbour, vapour, behaviour, honour	"ize" words – organize, realize, authorize, memorize
"re" words – theatre, centre, kilometre, millilitre	pedophile hematoma
offence, defence	
gaol (jail)	

4 Numbers

a. Numbers below 11 should be written as words.

Eg. She had three marbles.

b. Numerals should be used in “technical” data (measurements, times, ages, speeds, ratios, percentages, dates).

Eg. She was driving at 70 kilometres per hour.
Was it a 2 x 4 that was used?
She will be 9 years old on her next birthday.
It was about 20 after 8, I think.

c. A number which can be written in words in a short fashion should be used at the beginning of a sentence

Eg. Eighteen people were in attendance.
1990 was the year I was born.

d. When an ordinal is spoken, it should be transcribed. It should not be formatted in superscript format.

Eg. It was his 12th birthday party.
He was supposed to arrive on the 5th.

e. Commas should separate numbers in a date.

Eg. March 14, 2002, was the date of the play.

f. Ages are expressed in numerals except when they begin a sentence.

Eg. She was 2 years old.
Eighteen is the age of majority in Canada.

g. A noun followed by a number should be expressed in the form of a numeral. The noun should not be capitalized.

Eg. The recipe is found on page 5 of the book.
The theft charge is count 6 on the Indictment.
Please read paragraph 10 to begin with.
The quote is contained at line 25.

h. The only exception to g. above is capitalize "Exhibit" when followed by a number.

Eg. That was entered as Exhibit 5.
That was entered as Exhibit number 5.
That was entered as Exhibit A for Identification.

i. In a sequence of numbers, numerals should be used.

Eg. I'm showing you 1, 2, 3, 4 pages.

5 Time

Times of day should be written in numerals and transcribed exactly as they are spoken. The term "~:00" should replace the word "o'clock". When a number begins a sentence, the number should be written out, unless it is very lengthy. The capitalization and punctuation of AM (ante meridiem) and PM (post meridiem) should be Upper Case with no periods.

Eg. We will eat lunch at 12:30 PM
Did you meet each other at 12:30?
Was the appointment at 2 or 4?
Eight-thirty was her bedtime.
We will adjourn until 3:00.

Military time is transcribed using the 24 hour clock.
For example: Sixteen hundred hours would be transcribed as 1600 hours, or zero-six hundred or 0-six hundred hours would be transcribed as 0600 hours.

6 Phonetic

It is sometimes necessary to type (phonetic). When you are unable to confirm spellings and a word or name must be phonetically spelled, the word (phonetic) should appear in brackets after the word, the first time it is used. It is not necessary to include (phonetic) each time the word is used on subsequent pages.

Eg. I think the lady's name was Elizabeth Tumsewich (phonetic).

7 Sic

When something is obviously said incorrectly, use (sic) notation in the appropriate place. However, care must be taken in ensuring that it is actually incorrectly said. Sic is a Latin word meaning "thus" or "so". It is to be placed in rounded brackets immediately after a word to indicate that an incorrect or unusual spelling, phrase, or other preceding quoted material is a verbatim reproduction of the original quoted material and is not a transcription error. For example:

7 Q MS. JACKSON: Before our break, I was asking you
8 about the analysis, you took us through phases one, two and three.
9
10 Did you apply those phases in this case in relation to the material
11 you have before you?
12 A Yes, sir (sic).

8 Capitalization

Capitalize the following:

a. Titles such as Your Honour, My Lady, Your Lordship, Sir, Madam Justice, Court when addressing the judge. Titles of prominent persons when used in place of proper name. For example:

The Prime Minister will arrive in court shortly, Sir.
Thank you, Sir, for hearing this matter.

b. Crown when referring to the prosecution as they are representatives of Her Majesty the Queen. For example:

I am appearing as Crown counsel on this matter.
My friend is appearing for the Crown.

c. Only capitalize “clerk”, “plaintiff”, “respondent”, and “accused” when that word begins a sentence.

d. Names of Acts, Laws, Bills or Treaties which would also be italicized. For example:

He was charged pursuant to the *Traffic Safety Act* and the *Criminal Code of Canada*.

e. The only documents to be capitalized are Information and Indictment. Do not capitalize when used in a general sense. For example:

He also had the traffic ticket to be spoken to.
The accused's name is spelled correctly on the Information and in the certificate of analysis.

f. Do not capitalize proper nouns when they have become established as common nouns (e.g., kleenex, xerox, breathalyzer).

g. Capitalize Exhibit only when followed by a number. For example:

That will be entered as Exhibit 5, which I believe is the next exhibit number.

h. Court designations when used as a proper noun (Supreme Court of Canada, The Court of Appeal of Alberta). For example:

The Provincial Court of Alberta includes both civil and criminal courts.

i. Names of nations, nationalities, races, languages (e.g., Vietnamese, Quebecer, Englishwoman, Americanism).

j. Short forms of names of international and national bodies. For example:

The Agency (referring to Canada Customs and Revenue Agency).
The Department (referring to Justice Canada).

k. Names of religious books (e.g., the Bible, the Koran, the Torah).

9 Addresses

Use figures to express addresses. Never use # or No. to indicate suites. Use ordinals when said, but do not use superscript. For example:

Eg. Suite Number 10, 2234 - 10th Avenue South East, Calgary.

When referring to street addresses or to an area of the country. For example:

Eg. He will be going to Eastern Canada soon.
He lives at 323 Ranchview Drive North West.

When general directions are referred to, directions are not capped. For example:

Eg. He was going southwest on Centre Street.
The vehicle was northbound on Macleod Trail.
The streets run north/south at that location.

10 Hyphens

Words which are actually spelled in the proceedings are typed in caps and hyphenated.

Eg. My name is Jane Smythe, S-M-Y-T-H-E.

11 A Letter Standing Alone

A letter standing alone, unless it is from a citation or a document, should be in caps with single quotation marks.

Eg. The first 'A' on the diagram is the location of the gun.
The only exception is do not put single quotation marks around 'A' in the exhibit description heading.

12 Abbreviations

Abbreviations are used very sparingly in court transcripts. The following chart outlines commonly used terms and acceptable abbreviations.

Acceptable Abbreviations With Proper Name	Do Not Abbreviate
Dr. Smith	Constable
Mr. Jones	Corporal
Mrs. Brown	Sergeant
Ms. Jackson	Staff Sergeant
	Detective
	Street/Avenue (in addresses)
	Fort (in geographical name)
	South West (in addresses)

I Punctuation

Note: Transcriptionists are to produce a verbatim transcript. Do not “clean up” entries such as contractions. The use of sounds “um” and “ah” should be transcribed with discretion. Further clarification may be obtained from the TMS office.

1. Transcriptionists punctuate in accordance with verbatim evidence, using correct punctuation.

2. Transcriptionists must never use exclamation marks.

3. Transcriptionists should err on the light side in punctuation so that individual biases are not shown.

4. A dash is a series of two hyphens typed together with a space before and after. It signifies an interruption of speaker, a change of thought, or a false start.

   Eg. Was it west or east of the --
   She went to -- did you say something?

5. A hyphen does not have a space before and after.

   Eg. Does she have a full-time job?
   Is that on the four-count Information?

6. A dash used as a form of punctuation has a space before and after. A single dash may be used like a comma, but with a longer pause.

   Eg. He drove the car - a Pontiac.

7. A series of three periods (ellipsis) typed together with a space before and after indicates omitted words or an incomplete thought. Ellipsis is used when a speaker trails off a sentence and does not complete the thought.

   Eg. What did he say when ...

8. Commas

   a. Use commas to set off the year from the month and day when written in a sentence.

      Eg. The deadline for submitting the bid is May 10, 1984, which is a Tuesday.

b. Use commas to set off the names of a city and province; country and city; city, country, and province; or province and country.

Eg. The trial was held in Edmonton, Alberta, Canada.

c. Use a comma to separate the clauses of a compound sentence. (A compound sentence contains two or more independent clauses connected by “and”, “but“, “or“, or “nor“.)

Eg. We have ordered this style in several colours, but we have only received the shipment of green sweaters.

d. Use commas to set off a direct address. A direct address is a specific referral to the person’s name, title, or other designation.

Eg. Should I take the stand, Your Honour?
Sir, how old were you when you went to gaol?
Madam clerk, please give the witness exhibit number 6.

Commonly used titles that should always be capitalized are: Your Honour, My Lord, My Lady, Your Lordship, Your Ladyship

e. Use commas to set off expressions that interrupt the flow of the sentence. These expressions may be afterthoughts or words inserted for special emphasis.

Eg. He was, I suppose, entitled to the promotion.
I would like to see something, you know, that shows me that.
She went to the show, if I recall correctly.

f. Use commas to set off introductory phrases.

Eg. In the meantime, the sky had become very dark.
During the night, there was a terrible storm.
In other words, they might have heard something?

g. Use commas to set off each part of a series (including the last object in the series).

Eg. She bought milk, eggs, butter, and bread.

h. Use a comma to set off the words “please“, “yes“, and “no“ (in appropriate circumstances).

Eg. State your name for the record, please.
No, I don’t want to go to the store.
She did say that, yes.

i. Use a comma as a separator when writing large numbers.

Eg. The car cost $5,215.
(Note: This is not written as $5,215.00. The “.00” is omitted in even dollar amounts.)

j. Money amounts may be transcribed using numerals (eg. $150 for “one hundred and fifty dollars”, $5 for “five dollars”). If they say “one hundred and fifty” and don’t use the word “dollars”, do not use the dollar sign (eg. 150).

J Word Usage

1. **Preferred Usage of Words:**

   M-hm, m-mm, uh-huh, uh-uh, marihuana, okay, gaol, yeah, all right

2. **Commonly Misused Words**

   Accept/Except - Although these two words sound alike (they're homophones), they have two completely different meanings. Accept means to willingly receive something (accept a present). Except means to exclude something (I'll take all of the books except the one with the red cover.)

   Affect/Effect - The way you affect someone can have an effect on them. Affect is usually a verb and effect is a noun.

   Allude/Elude - When someone alludes to something in conversation (indirectly references). If you aren't paying attention the meaning may elude you.

   Capital/Capitol - Capitol generally refers to an official building. Capital can mean the city which serves as a seat of government or money or property owned by a company. Capital can also mean punishable by death.

   Complement/Compliment - I often must compliment my wife on how her love for cooking perfectly complements my love for grocery shopping.

   Desert/Dessert - A desert is a hot, dry patch of sand. Dessert is the sweet you eat at the end of your meal.

   Discreet/Discrete- We can break people into two discrete (separate) groups, the discreet (secretive) and indiscreet.

   Emigrate/Immigrate - If I leave this country to move to Europe, the leaving is emigrating and the arriving is immigrating.

   Elicit/Illicit - Some people post illicit things on message boards to elicit outrageous reactions from others.

   Farther/Further - Farther is used for physical distance, whereas further means to a greater degree.

   Flair/Flare - A flair is a talent, while a flare is a burst (of anger, fire, etc.)

   Its/It's - It's is a contraction for the phrase it is. Its is possessive. It's going to be a nice day so the dog will be able to leave its doghouse.

Lie/Lay - After you lay the books on the table, go lie down on the couch.

Lose/Loose - If your pants are too loose you may lose them.

Moral/Morale - Morals are something you want to teach your kids. If your team's morale is low, you need to do something to boost their confidence.

Past/Passed - Past is time gone by. Passed is to go beyond.

Stationary/Stationery - You are stationary when you aren't moving. Stationery is something you write on.

Then/Than - Then is another word for after. Than is a comparative word.

There/Their/They're - There are few things as frustrating as when I look at my students' writing and they're misusing these words in their writing.

To/Too/Two - Two is a number. To is used in instances such as, I am going to the store. If you are supposed to use the word too, try inserting the word extra or also.

Your/You're - Your shows ownership and you're is a contraction meaning you are.

Whose/Who's - Whose is the possessive form of who. Who's is a contraction meaning who is.

3. **Commonly Used Words**

AADAC - Alberta Alcohol and Drug Abuse Commision
actus reus
Alco-sur
ALERT (portable breathalyzer)
all right
assault simpliciter
autrefois acquit
autrefois confict
Borkenstein
breathalyzer
carte blanche
can-say statement
CASES - Civil and Sheriff Entry System
CAP - Court Automated Program
CAPS - Court and Prisoner Security

CJIS - Criminal Justice Information System
CPIC - Canadian Police Information Centre
CPS - Calgary Police Service
certificate of analysis
certificate of analyses
certificate of analyst
certiorari
Charter of Rights and Freedoms
constitutional rights
counsel
curriculum vitae
CYOC - Calgary Young Offender Centre
delict
DNA - deoxyribonucleic acid
eh
Ekweskeet Healing Lodge
EPS - Edmonton Police Service
et cetera
EYOC - Edmonton Young Offender Centre
FACS assessment - Forensic Assessment and Community Service
FAOS - Forensic Assessment Outpatient Service
habeas corpus
hearsay
inter alia
Intoxilyzer
Intoxilyzer 1400
Intoxilyzer 4011AS
JIMS - Justice Information Management System
JOIN - Justice Online Information Network
KGB statement
malfeasance
m-hm
mandamus
marihuana
MOVES - Motor Vehicle System
mens rea
okay
onus
per se
preliminary inquiry

Pe Sakastew
PDR - Predisposition Report
PIRS - Police Information Retrieval System
predisposition report
plenary
PSR - Presentence Report
peremptory
presentence report
RCMP
res judicata
res gestae
uh-huh
ultra vires
vis-a-vis
voir dire
viva voce
will-say statement
yeah

K Quotations

All references to Citations must be italicized in the transcript.

Effort must be made to research the speaker's quoted material.

Care must be taken to ensure that quoted material is formatted correctly.

Where reference material is available
If the transcriptionist has access to the reference material that the speaker is quoting from, such as case citations, acts, statutes, regulations (eg. *Criminal Code)*, quoting from transcripts, use the following:

1. When the quotation is a few words (less than a line of text), place double quotation marks at the beginning and end of the quotation. This quotation should be kept within the paragraph.

2. When the quotation is longer than a line of text, indent 1" from the left and right margins, leaving one blank line before and after the quotation. Block indenting alleviates the necessity for quotation marks.

3. When there is a quotation within the quotation, indent 1.25" from the left and right margins, leaving one blank line before and after the quotation.

4. When there is a second quotation with the quotation, indent 1.50" from the left and right margins, leaving one blank line before and after the quotation.

Where material is not available
Where material is not available by the transcriptionist to compare against the quotation, use one of the following methods:

1. When the quotation is a few words (less than a line of text), do not indent or use quotation marks at the beginning and the end of a quotation, but capitalize the first letter of the quoted material preceded by a comma. For example:

   She said something like, Get out of here now.
   He said, Get me out of here now, I think.

2. When the quotation is longer than a line of text, indent 1" from the left and right margins, leaving one blank line before and after the quotation. Before the quotation commences, place the notation "(as read)". For example:

> I wish to read you the following excerpt which I found in a very old textbook which might be helpful: (as read)
>
> > Winston Churchill was a brilliant orator and courageous war leader. As Prime Minister, he led Britain alone against Germany and Italy, mobilizing national spirit of resistance.

3. Playbacks and Readbacks

When court clerks or court reporters are required to play back or read back material in court, from the current day's proceedings, that material becomes quoted material in a transcript. The following notation should be used:

THE COURT CLERK: (By playback)
THE COURT REPORTER: (By reading)

The material should then be transcribed into the transcript based on the format used depending upon the length of the playback or readback.

4. When question and answer material from another transcript is quoted in court, the format will generally be to use the notation "(as read)" and to indent the material. If a series of questions and answers are being quoted, each question should be preceded by a blank line. A blank line is inserted above and below the entire quotation. For example:

> Q MR. DOE: Do you remember the following questions being asked and the following answers being given: (as read)
>
> > Q What is your name?
> > A Jane Smith.
> >
> > Q Do you remember being at home the night of the incident?
> > A Yes, I was there.
> >
> > Q Were you home alone?
> > A I think so.

L Citations

Citations are often used in legal proceedings. A citation is a valuable and concise source of information which includes the name of the parties involved in the action, the date the decision was handed down, the jurisdiction and the court in which the case was heard. It also provides information on where a specific case may be found; i.e., in what reporter(s) the case in its entirety is located. Lawyers use cases to make claims about the strength of their cases and about the law itself, and other legal professionals -- judges, clerks, opposing counsel -- are required to determine whether those claims are accurate by finding and reading those cases. As a result, legal professionals are expected to know how to cite cases correctly.

As format for citations periodically change, the ultimate authority will be the McGill Law Journal - Canadian Guide to Uniform Legal Citations.

How Does One Cite A Case? - Building the Citation
The following is the standard formula for properly citing a case in Canada: style of cause, date, law report volume number, law report series, page number, court (if applicable)

This is how a cite will typically appear:

Hopp v. Lepp, [1980] 2 S.C.R. 192.

Tommy Hilfiger Licensing, Inc. v. International Clothiers Inc., [2005] 1 F.C.R. 148 (F.C.A.).

Let's break down and examine each part of the cite to understand how it is constructed:

1 Style of Cause

A case is identified by the names of those who were parties to the litigation

In general, one uses only the last name of the first mentioned party on each side as an example; "*John Smith et al. v. Mary Jones*" becomes *Smith v. Jones*

"v." is an abbreviation for versus and is pronounced "and" in civil cases

Reference to the Crown:

As an element of constitutional monarchy, a Canadian executive government

authority is formally vested in the Queen, hence the use of italics "*R.*" for the Latin word for queen, Regina, in legal citations. This is used mainly for criminal cases prosecuted by the State, although you may also see *R*. as part of a citation for a civil case, in place of such terms as "*The Queen*", "*The Queen in right of*" etc. For example:

R. v. Smith (criminal case brought by the Crown)
Smith v. R. (a private case brought against the State)

2 Date

The year in which the case is decided (and/or published) follows the style of cause and must be in brackets

The brackets will either be round for year of decision or square for reporter volume designation

Round brackets are used when the reporter volume numbering is continuous from year to year

For example:

R. v. Carosella (1995), 26 O.R. (3d) 209 (C.A.).

Square brackets are used to indicate that the law reporter numbers its volumes within the calendar year. For such reporters, the date becomes integral to the volume numbering. This system is less common but it is important to note that the Canada Supreme Court Reports (S.C.R.) uses this method.

For example:

Hopp v. Lepp, [1980] 2 S.C.R. 192.

(Note: the comma follows directly after the style of cause)

Note: Round brackets refer to the date the reasons for judgment were handed down.

Square brackets refer to the date on the spine of the reporter.

A comma follows round brackets but comes before square brackets
For example:

Swiss Bank Corp. v. Air Canada, [1988] 1 F.C. 71.

While this case is reported in the 1988 *Canada Federal Court Reports*, the decision was actually handed down in 1987.

Note: *Swiss Bank Corp. v. Air Canada* (1987), [1988] 1 F.C. 71.

In this example, the round brackets clarify that the decision was handed down in 1987. The square brackets refer to the law report volume in which the case appears. Note that this type of detailed citation is not required and is only used when it is necessary to convey the actual date of the decision; otherwise, the first form is acceptable.

In most cases, the year of publication coincides with the year the decision was handed down. Sometimes, however, there is a time lag between when a case was decided and when it was reported. Be aware that it is possible for a 1987 case to appear in a 1988 court reporter. To be sure of the year of the decision, look at the first page of the case itself.

3 Law Report Volume Number

As indicated above, there are two ways a reporter series may be numbered:

Consecutive volume numbers are used by the majority of series and simply begin at volume one and continue on indefinitely.

For example:

Ontario Hydro v. Ontario (Labour Relations Board) (1993), 107 D.L.R. (4th) 457 (S.C.C.)

(This cite indicates that the case will be found in volume 107 of the fourth series of the *Dominion Law Reports* at page 457. The date is not integral to locating the case.)

Volume designated first by year, then by volume within the year is the second possibility which requires the use of SQUARE BRACKETS; there is a new sequence of volume numbers which begins with each year.

For example:

> *Ontario v. Ontario* (Labour Relations Board), [1993] 3 S.C.R. 327.
> (This cite indicates that the case can be found in Volume 3, of the 1993 volumes of the *Supreme Court Reports* at page 327. The date is critical to locating the case.)

4 Law Reporter Abbreviation

A law reporter is always referred to in the citation by a standard abbreviation of its title.

There are a great many court reporters. It is not necessary to memorize the abbreviations for each; the *McGill Guide* provides a list of reporter names and abbreviations used for citation purposes in Canada.

The reporter series number is also abbreviated and placed in brackets directly following the report title. The abbreviations used are (2d), (3d), (4th), (5th) and so on.

Note that (2d) and (3d) are used in lieu of (2nd) and (3rd).

For example:

> *Masson v. Kelly* (1991), 85 D.L.R. (4th) 214 (Ont. C.A.).
> (This case can be found in volume 85 of the fourth series of *Dominion Law Reports*.)

5 Court

As a general rule, one must always be able to discern both the jurisdiction and court level from the citation. This information will either be implicit in the title of the law reporter or expressly indicated in round brackets at the end of the cite.

For example:

> *R. v. Carosella* (1995), 26 OR (3d) 209 (C.A.).
>
> (In this case, it is obvious from the court reporter that the decision was handed down by the Ontario Court of Appeal. Had this not been obvious, the court level would have read (Ont. C.A.))
>
> *Hopp v. Lepp*, [1980] 2 S.C.R. 192.
>
> (Implicit in the reporter title is the information that this case was heard by the Supreme Court of Canada. As a result, it is not necessary to list the court in brackets at the end of the citation.)

6 Citations In Criminal Proceedings

In hopes of simplifying the above information, there are several forms of citations that will be repeated often in criminal proceedings. When a speaker refers to *Regina versus Smith*, or the *Queen versus Smith*, or *Her Majesty the Queen versus Smith*, the transcriptionist should transcribe all of those statements as "*R. v. Smith*". This does not follow the strict "verbatim" preparation of a transcript, but is the proper way to note a citation.

Listed below are a few examples of the format which most common citations used in criminal proceedings follow.

Reporter citation using round brackets:	*R. v. Smith* (2004), 154 C.C.C. (3d) 405 (Alta.C.A.)
Reporter citation using square brackets:	*R. v. Smith*, [2004] 3 S.C.R. 195
Database citation using square brackets:	*R. v. Smith*, [2004] A.J. 10
Database citation using no brackets:	*R. v. Smith*, 2004 CarswellAlta 10
Neutral citation using no brackets:	*R. v. Smith*, 2004 ABPC 185

Below is a list of the more commonly used reporters that one may encounter in criminal proceedings:

Law Reporters Using Square Brackets [ ] For Year:

Eg. *R. v. Smith*, [2006] 1 S.C.R. 10

Reporter Name	Abbreviation
Supreme Court Reports	S.C.R.
Federal Court Reports	F.C.R.
Western Weekly Reports	W.W.R.
All English Reports	All E.R.

Electronic Database Using Square Brackets [ ] For Year:

Eg. R. v. Smith, [2005] A.J. No. 10

Location	QuickLaw Abbreviation
Alberta Judgments	A.J.
British Columbia Judgments	B.C.J.
Manitoba Judgments	M.J.
New Brunswick Judgments	N.B.J.
Newfoundland Judgments	N.J.
Northwest Territories Judgments	N.W.T.J.
Nova Scotia Judgments	N.S.J.
Nunavut Judgments	Nu.J
Ontario Judgments	O.J.
Prince Edward Island Judgments	P.E.I.J.
Quebec Judgments	Q.J.
Saskatchewan Judgments	S.J.
Yukon Judgments	Y.J.

Electronic Databases Using No Brackets For Year:

Eg. R. v. Smith, 2005 CarswellAlta 10

Location	Carswell Abbreviation	Neutral Citation Abbreviation
Alberta Judgments	CarswellAlta	ABPC
British Columbia Judgments	CarswellBC	BCSC
Manitoba Judgments	CarswellMan	MBCA
New Brunswick Judgments	CarswellNB	NBQB
Newfoundland Judgments	CarswellNfld	NLTD
Northwest Territories Judgments	CarswellNWT	NWTSC
Nova Scotia Judgments	CarswellNS	NSCA
Nunavut Judgments	CarswellNun	NUCJ
Ontario Judgments	CarswellOnt	OJ
Prince Edward Island Judgments	CarswellPEI	PEIJ
Quebec Judgments	CarswellQue	QJ
Saskatchewan Judgments	CarswellSask	SKQB
Yukon Judgments	CarswellYukon	YKTC

Law Reporters Using Round Brackets ( ) For Year:

Eg. R. v. Smith (2006), 54 C.C.C. (3d) 10

Reporter Name	Abbreviation
Alberta Law Review	Alta. L.R.
Alberta Reports	A.R.
Atlantic Provinces Reports	A.P.R.
British Columbia Law Reports	B.C.L.R.
Canadian Bankruptcy Reports	C.B.R.
Canadian Cases on Employment Law	C.C.E.L.
Canadian Cases on the Law of Insurance	C.C.L.I.
Canadian Criminal Cases	C.C.C.
Carswell's Practice Cases	C.P.C.
Criminal Reports	C.R.
Dominion Law Reports	D.L.R.
Federal Tax Reports	F.T.R.
Manitoba Law Reports	Man. R.
Motor Vehicle Reports	M.V.R.
Ontario Appeal Cases	O.A.C.
Ontario Reports	O.R.
Ontario Weekly Notes	O.W.N.
Personal Property Security Act Cases	P.P.S.A.C.
Real Property Reports	R.P.R.
Reports of Familiy Law	R.F.L.
Saskatchewan Reports	Sask. R.
Upper Canada Queen's Bench Reports	U.C.Q.B.R.

General Information Regarding Levels of Court in Canadian Provinces and Territories

Location	Appeal Division	Higher Division	Lower Division
Alberta	Court of Appeal	Court of Queen's Bench	Provincial Court
British Columbia	Court of Appeal	Supreme Court	Provincial Court
Manitoba Judgments	Court of Appeal	Court of Queen's Bench	Provincial Court
New Brunswick	Court of Appeal	Court of Queen's Bench	Provincial Court
Newfoundland	Court of Appeal	Supreme Court	Provincial Court
Northwest Territories	Court of Appeal	Supreme Court	Territorial Court
Nova Scotia	Court of Appeal	Supreme Court	Provincial Court
Nunavut (unified court)	Court of Appeal	Court of Justice	Court of Justice
Ontario	Court of Appeal	Superior Court of Justice	Court of Justice
Prince Edward Island	Supreme Court (Appeal Division)	Supreme Court (Trial Division)	Provincial Court
Quebec	Court of Appeal	Superior Court	Court of Quebec
Saskatchewan	Court of Appeal	Court of Queen's Bench	Provincial Court
Yukon	Court of Appeal	Supreme Court	Territorial Court

Glossary of Latin Words and Phrases in Common Legal Use
Common Legal Terms

ab extra	from without
ab initio	from the beginning(eg. agreement void ab initio)
ab intra	from within
absente reo	the accused being absent
abuntantia cautelae	abundance of caution
non nocet	does no harm
action	action
actio per quod servitium amisit	action for loss of services
actio personalis moritur cum persona	a personal action dies with the person
actus non facit reum an	act does not make a person guilty
nisi mens sit rea	unless he has a guilty mind
actus reus	criminal act
ad colligenda bona	to protect property of the estate pending appointment of an administrator
ad finem	to the end; at or near the end
ad hoc	for this (special) purpose
ad hominem	directed to the individual person
ad idem	at one
a die	from that day
ad infinitum	to infinity; without limit
ad interim	for the meanwhile; in the meantime
adjourn	postpone

adjudge	to decide; give judgment
ad litem	a guardian appointed by the Court to defend a suit on behalf of an infant (eg. guardian ad litem)
ad referendum	for further consideration
ad valorem	according to the value
aequitas	equity
aequitas sequitur legem	equity follows the law
affiant	person who makes and executes an Affidavit (see deponent)
affidavit	he asserts (statement of oath)
a fortiori	from a stronger reason; all the more
alias	otherwise; also known as (indicating alternative name)
alibi	elsewhere (a defence to a criminal charge)
aliter	otherwise
aliunde	from another source
allegation	a statement of what one can prove (a charge)
allocutus	the demand put to a person convicted of treason or felony whether he has anything to say why sentence should not be passed
alter ego	one's other self
a mensa et thoro	from bed and board
amicus curiae	a friend of the Court (one who assist the Court by obtaining for it or giving to it information required in a certain area of law); one who calls attention to a point of law or fact which has been or may be overlooked
ancillary	complementing, auxillary to (eg. relating to an action in another Court)
anglice	in English
animus contrahendi	intention of contracting
animus (animo) furandi	(with) the intention of stealing

animus (animo) manendi	(with) the intention of staying
animus revertendi	intention of returning
animus revocandi	intention of revoking (a will)
animus testandi	intention of making a will
Anno Domini	A.D. In the year of our Lord
ante	before
ante litem motam	before litigation was initiated
a priori	an argument derived from considerations of an abstract character; from the former
arguendo	in argument
assumpsit	"he undertook", form of pleading used to enforce contractual promises
attach	seize property and take into custody
attestation, the	the clause in an agreement, or deed beginning "Signed (Sealed) and . . ."
audi alteram partem	hear the other side
autrefois acquit	previously acquitted (pronounced "oh-terfoiz akwit")
autrefois convict	previously convicted (pronounced "oh-terfoiz konvikt")
aver	allege; plead
a vinculo matrimonii	from the bond of matrimony (cf. a mensa et thoro)
axiom	an indisputable truth
bias	undue friendship or favoritism toward one party
bona	goods
bona fide	acting in good faith; honest

bona fides	good faith (plural; bonae fides)
bona mobilia	moveable goods
bona vacantia	goods found without any apparent owner (literally; abandoned goods)
cadit quaestio	the question falls
capias ad satisfaciendum (ca.sa)	take in satisfaction (opening words of a write empowering the arrest of a debtor)
casus omissus	a case of omission
causa causans	causing cause
causa effective	effective cause
causa sine qua non	indispensable cause
cause of action	fact(s) which give one person a right of action against another, or to judicial relief
caveat	warning; a document that is filed at Land Titles
caveat actor	let the doer beware
caveat emptor	let the buyer beware
caveat venditor	let the seller beware
certiorari	a procedure taken in a superior Court questioning the jurisdiction of an inferior Court, tribunal or officer
certum est quod certum redid potest	that is certain that can be rendered certain
cessante ratione cessat ipsa lex	when the reason ceases, so does the law itself
cestui que trust	person for whose benefit a trust is created (plural; cestuis que trust) ie: the beneficiary
ceteris paribus	other things being equal
chance-medley	casual affray
chattel	property which is movable; not real estate; personal property
chaud-medley	killing in the heat of blood
cognovits	acknowledgement that one has no defence to an action

cohabit	live together as man and wife
colore officii	by colour of office
common law	system of rules from which judicial decisions are derived and expanded upon
communis error facit jus	common error makes law
competency	capability
compos mentis	of sound mind
confere (cf)	compare
consensus (ad idem)	agreement (in the same terms)
consortium	the rights and duties of husband and wife to each other
contest	oppose
contra	against
contra bonos mores	against moral codes
contra proferentem	against the proferror (i.e. one who prepares a document)
coram (cor.)	in the presence of
corpus delicti	substance of the offence
cuius est dare eius est disponere	he who gives can also direct the disposition of the gift
cuius est solum, eius est usque ad inferos	whoever owns the soil owns up to the sky and down to the centre of the earth (“to heaven and hell”)
culpa	fault
curia advisari vult	the court takes time for consideration (“wishes to be advised”)
damnum sine (or absque) injuria	loss without legal cause of action

de bene esse	temporary validity (where it appears necessary, a Court may order a person to be examined "de bene esse" – under oath before an officer of the Court in advance of trial where there is a danger that person will not be able to give evidence required at trial, eg. due to death or leaving jurisdiction)
de bonis sportatis	in respect of goods carried away
de bonis non	of the goods not (administered)
de bonis non administratis	in respect of goods not administered
de facto	actually so; in point of fact
default	failure to perform an obligation
de jure	legally so (by law); by right
de minimus non curat lex	the law does not care about trifles
de novo	anew
delegatus non potest delegare	a delegate cannot delegate
deponent	a person who gives evidence under oath whether by Affidavit or deposition (written testimony)
dictum	a saying
dissentiens (in absolute phrases only, dissentiente)	dissenting
donatio mortis causa	gift in contemplation of death
donatio	gift
dubitans	doubting
Duces Tecum	bring with you (of subpoenas)
dum se bene gesserint	during good behavior
dum (sola et) casta	while (single and) chaste

ei qui affirmat, non ei qui negat, incumbit probatio	the burden of proof lies on him who affirms, not on him who denies a fact
eiusdem generis	of the same class
ejusdem generic	of the same kind, class or nature
el alii, or et alios (accusative), et al	and others
eo instanti	at that instant
eo nominee	by that name
et al (abbreviation of “et alios”)	and others
et alius, et alium	and another
et uxor (et ux)	and wife
ex abundanti cautela	from excessive cautio
ex aequo	equitably
ex aequo et bono	on a fair and equitable basis
ex cathedra	from the throne (authoritatively)
exceptio confirmat(or probat) lum	the exception proves the rules
excerpta	extracts
ex concessis	from what has been conceded
ex contractu	founded on contract
ex curia	out of Court
ex debito justitiae	by debt of justice
ex delicto	founded on tort
exeat	“let him go” (i.e. permission to leave)
ex gratia	from kindness (i.e. voluntarily)
ex improviso	unforeseeable, unforeseeably
ex Juris	out of the jurisdiction

ex mero motu	from a mere motion; from his own impulses; of his own accord
ex nudo pacto non oritur actio	no action arises from a bare promise
ex officio	by virtue of an office
ex opera operato	by outward acts
ex parte	of one party
ex post facto	by a subsequent act
expressis verbis	in express terms
expressum facit cessare tacitum	the express displaces the implied
ex proprio motu	of his own motion
ex rel	on the information of (short for “ex relatione”)
ex turpi causa (or ex dolo malo) non oritur actio	from an evil cause no action arises
ex usu	by use
facsimile	an identical copy (literally; “made the same”)
factum	act or deed
falso demonstratio non nocet	a false example does not impair the principle
felo de se	suicide
feme-covert	married woman
feme-sole	unmarried woman
ferae naturae	of wild nature
fiat	let it be done, command

fiat justitia ruat caelum	let justice be done though the heavens fall
fieri facias	writ for seizure and sale of property of Judgment Debtor
filius nullius	bastard
fons et origo	source and origin
forum	court
forum (non) conveniens	(in)convenient forum
fraus omnia vitiate	fraud vitiates everything
fractus industrials	industrial crops (i.e. grown by industry)
fructus naturales	natural fruits
functus officio	having fulfilled an office
generalia specialibus non derogant	general provisions do not detract from particular
gravamen	the serious aspect or matter of something
habeas corpus	a writ used to deliver a person from custody; “you must have the body” (opening words of a writ to test the legality of imprisonment)
habendum et tenendum	to have and to hold
ibidem	in the same place; commonly abbreviated to ibid
idem (or id.)	the same
idem sonans	sounding alike
ignoramus	“we do not know”, word formally used to reject a bill of indictment
inter vivos	among the living

ignorantia juris non (haud, neminem excusat)	ignorance of the law is no excuse
imperitia culpae adnumeratur	lack of knowledge is counted as fault
in absentia	in absence
in banco	in bank (i.e. the whole court sitting together)
in banco Regis	in the King's Bench
in camera	closed court
in capite	in chief
inclusio unius exclusio alterius	the inclusion of one thing is the exclusion of the other
incrementum	increase
indicium (plural indicia)	sign
in esse	in actual being
in extenso	in full
in extremis	at the point of death
in fieri	in course of accomplishment
in flagrante delicto	in the very act of committing a crime; red-handed
infra	below
in futuro	in future
in invitum	against an unwilling person

injuria absque (or sine) damno	injuria absque legal injury without actual loss
in limine	at the threshold
in loco parentis	in place of a parent
in medias res	into the middle of things
in pari delicto potior est condition defendentis (or possidentis)	in equal fault the defendant's (or possessor's) position is the stronger
in pari materia	analogous ("in equal material")
in personam	personal (cf. in rem)
in posse	that which may be (but does not yet exist)
in propria	in person
in re	in the matter
in rem	directed to an actual piece of property (cf. in personam)
in situ	in its original situation
in specie	in specific form (as opposed, usually to a monetary equivalent)
in statu quo	as it was
inter alia	among other things
inter alios	among other persons
interesse termini	the interest in a term (i.e. a lessee's interest in land before taking possession)
interest reipublicae ut sit finis litium	it is in the public interest to put an end to lawsuits
interlocutory	not deciding the cause, but determining a matter relating to the cause
inter nos	between ourselves
inter se	among ourselves
in terrorem	as a threat

in toto	in the whole
in totidem verbis	in so many words
in toto	entirely
in transitu	on the passage, in transit
in vacuo	in a vacuum
intra vires	within the powers
ipso facto	by the fact itself
ipse dixit	"he himself said" (i.e. a bare assertion)
item	also
jurat	the evidence that an Affidavit has been duly sworn by the affiant
jurisdiction	power to hear and determine
jus	right, law
jus accrescendi	right of accretion (e.g. succession to property by joint tenant)
jus civile	civil law
jus gentium	the law of nations
jus naturale	natural law
jus quaesitum tertio	right asserted by a third person
jus spatiendi	right of walking about
jus tertii	rights of a third party
jus venandi et piscandi	right of hunting and fishing
laesio enormis	great "harm", hence, discrepancy between price and value in contract
lapsus calami	slip of the pen
lapsus linguae	slip of the tongue
lec cit.	abbreviation of "loco citato" – at the place mentioned
lex	law
lex causae	the law of the cause

lex domicillii	the law of the domicil
les fori	the law of the forum (i.e. the domestic court)
lex loci actus	law of the place of the act
lex loci celebrationis	llaw of the place of celebration
lex loci contractus	lthe law of the place of the contract
lex loci delicti	lex loci delicti the law of the place of the tort
lex loci solutionis	law of the place of performance
lex non cogit ad impossibilia	the law does not compel the impossible
lex situs	law of the place (e.g. of land)
lis alibi pendens	lawsuit pending elsewhere
lis pendens	pending suit; notice for advision persons that title to certain property is in litigation
lite pendente	while the suit is pending (more usually pendent elite)
loco citato (loc.cit.)	in the place cited
locus delicti	place of the tort
locus paenitentiae	room for repentance
locus regit actum	the place governs the act
locus standi	“place of standing”, a right to be heard before a court
mala fide (note the nominative is fides)	in bad faith
mala in se	thing
malus (plural mala) in se	evil in itself
malum (plural mala) prohibitum(a)	evil only because forbidden

mandamus	direction of a superior Court to an interior Court, tribunal or officer to do or not do a specific act, or restoring rights which have been taken away
mansuetae naturae	mansuetae naturae of tame nature
mare clausum	closed sea (i.e. within a single state)
mens rea	an evil intent; a guilty mind
meum et tuum	mine and yours
mobilia sequuntur personam	moveables follow the person
modus oporandi	the mode of operation; manner of working; a way or working
mora	delay
moto proprio	of his own accord
mutatis mutandis	altered as necessary
ne exeat regno	let him not depart from the realm (opening words of a writ to prevent a defendant from leaving the jurisdiction)
nec vi nec clam precario	neither by force, not secretly, nor by permission
negotiorum gestio	conduct of affairs
nemo dat quod non habet	no one gives what he does not have
nemo debet bis vexari pro eadem causa	no one should be twice troubled by the same cause
nemo judex (debet esse) in sua causa	no one (should be) judge in his own cause
nemo suam turpitudinem allegans andiendus est	no one is to be heard alleging his own wrongdoing
nemo tenetur seipsum accusare	no one is compelled to incriminate himself
ne plus ultra	the utter limit
nihil (nil)	nothing
nihil ad rem	irrelevant
nisi	unless
nisi prius	literally “unless before”; means of a case, ‘at first instance’

nolle prosequito be unwilling to prosecute	nolle prosequito be unwilling to prosecute
nolo contendere	I do not wish to dispute (i.e. an admission of guilt)
non compos mentis of	unsound mind
non constat	it does not appear; it is not certain
non est	it is not
non est factum	it is not (my) deed; (with respect to someone who signed a document and wants to get out of it
non obstante	notwithstanding
non obstante veredicto (N.O.V.)	notwithstanding the verdict
non possumus	we are unable
non sequitur	it does not follow
noscitur a sociis	it is known by its associates
Nota Bene (N.B.)	mark well
novus actus interveniens	new act intervening (i.e. to break a chain of causation)
nudum pactum	bare pact (i.e. a promise without consideration)
nulla bona	no goods (eg. Sheriff unable to make seizure of Judgment Debtor; a plea by Garnishee denying indebtedness to Defendant)
nulla poena sine lege	no punishment without a law
nullity	of no effect (null and void); not binding
nullum tempus	time does not run against the King
occurrit regi nunc pro tunct	now for then
obiter	in passing; “by the way” (opinion given that has no bearing on decision)
obiter dictum	thing said by the way
omnia praesumuntur contra spoliatorem	all is presumed against a wrongdoer
omnia	everything is presumed to have been properly done

onus	burden
onus probandi	burden of proof
op. cit.	abbreviation for 'opere citato' – in the work mentioned
pacta sunt servanda	pacta sunt servanda
parens patriae	father of the state
pari passu	without preference (eg. where creditors are entitled to receive funds)
particeps criminis	accessory to a crime
passim	throughout
pendent elite	pending the suit
per	through, by
per annum	by the year
per capita	by the head; share and share alike
per contra ide	on the other s
per curiam (no connection with per incuriam)	by the court (no connection with per incuriam)
per diem	by the day
per incuriam (no connection with per curiam)	by carelessness
per saltum	by a jump
per se	by or in itself
per stirpes	according to the original stock
persona designata	person designated or appointed for a special function
personal (non)grata (un)welcome person	personal (non)grata (un)welcome person
placito (abbr. pl.)	at the placitum; placitum; a reporter's summary of a legal point in a case
post factum	after the deed

post facto	after the fact
post hoc, ergo propter hoc	after this therefore because of this (logical fallacy)
post litem motam	after litigation was initiated
post mortem	after death
potior est conditio defendentis (or possidentis)	the defendant's (possessor's) position is stronger
precis	synopsis; resume; summary
prima facie	adequate as it appears; on the face of it
pro bono publico	for the public
pro forma	as a matter of form
pro hac vice	for this occasions
prohibition	direction by a superior Court to an interior Court or tribunal restraining it from acting (eg. where matter exceeds jurisdiction)
pro rata	proportionately; in proportion
pro tanto	for so much
pro tempore	for the time being
proviso	"provided", an exception or condition in a document
qua	relating to, as in the capacity of
quaere	question, query
quaeritur	the question is asked
quamdiu se bene gesserint	during good behaviour
quantum meruit	the amount deserved (eg. reasonable value of services rendered)
quantum valebat	how much it was worth
quare clausum fregit	whereby he broke the close (i.e. trespassed on land)

quasi	as if it were (eg. a judicial act performed by one not a judge)
quia timet	"because he fears" an injunction in anticipation of wrongful conduct
quid pro quo	one thing for another; compensation
qui facit per alium facit per se	he who acts through another acts himself
qui prior est tempore potior est jure	first in time is stronger in law
qui sentit commodum sentire debet et onus	he who reaps the benefit of anything should bear the burden
quis custodiet ipsos custodies?	who will guard the guards themselves
Quo jure?	by what right?
quo warranto	by what authority (eg. a remedy against a person who claimed or seized any office, franchise or liberty to determine the right of doing so)
quoad	as regards
quorum	"of whom", the minimum number needed for a valid meeting
ratio decidendi	reason for deciding
rebus sic stantibus	things remaining as they are
Regina	queen
remanet	"it remains", case left over in a court list from a previous term
replevin	action to recover goods wrongfully taken
re ipsa loquitur	the thing speaks for itself (eg. Defendant had to be negligent for accident to happen)
res	thing, matter, substance
res gestae	things done; the acts constituting the offence or act complained of
res integra	a point that is undecided by authority
res inter alios acta	things done between others

res ipsa loquitur	the thing speaks for itself
res judicata	the things has been decided (eg. once a matter has been decided, it cannot be raised again between the same parties.
res nullius	nobody's thing
res perit domino	the owner of a thing bears the risk of its loss
respondeat superior	let the employer respond (i.e. be liable)
restitution in integrum	restoration to a former state
Rex	king
Rex non potest peccare	the king can do no wrong
rigor mortis	stiffening of death
sciens	knowing
scienter	knowingly
scilicet (sc)	that is to say
Scire facias	term of order; cause it to be known
Sed quaere	but this is open to question
seriatim	separately; one by one
sic	thus
sic utere tuo ut alienum non laedas	use your own property so that you do not harm another
simpliciter	in a simple manner
sine die	without further time set (eg. an adjournment of a motion in chambers)
sine prole	without issue

sine qua non	'without which not'; prerequisite
situs	place
solatium	solace
spes	hope, expectation
sponte sua	of one's own accord
stare decisis	to abide by (principle that Courts should stand by precedent and not disturb decision)
status quo	the state in which
sub judice	before the courts
sub nom. (sub nomine)	under the name of
subpoena	sub poena – under penalty (plural in Latin would be subpoenas, but this is pedantic in English, so write 'subpoenas'. Never on any account 'subpoenae' for 'poena' is not nominative); (opening words of a writ, and hence an order to appear in court)
subpoena duces tecum	"under penalty bring with you" (opening words of a writ requiring a person to bring evidence to court)
suggestio falsi	see suppressio veri
sui generis	of its own kind
sui juris	a person who is under no legal disability (eg. infancy, lunacy etc.) of his own right
suppressio veri	the suppression of truth is the suggestion of falsehood
supra	above mentioned
tabula rasa	clean slate
terminus ad quem	limit
tertium quid	a third something

Testatum, the	the clause in a deed or agreement beginning “Now this Agreement witnesseth. . . “
Testimonium, the	final clause in deed or will, beginning “In witness whereof . . .”
Titulo (abbr. tit:)	at the title
Turpis causa	evil cause
uberrima fides	the utmost good faith
uberrimae fidei	of the utmost good faith
ubi jus, ibi remedium	where there is a right there is a remedy
ultra vires	beyond the power of (eg. contract entered into by body without power to bind itself by such agreement)
unusquisque spondet peritiam artis suae	everyone warrants the skill of his own artee
ut res magis valeat quam pereat	that the matter may rather be strengthened than perish
venire de novo	new trial
venire facias	cause to come (opening words of a writ to summon a jury)
venue	the place of trial
verba chartarum fortius accipiuntur contra proferentem	words of documents are more strongly construed against one who profers the document
verba ita sunt intelligenda ut res magis valeat quam pereat	words are to be understood to give effect to rather than to destroy the transaction or object
verbatim	word for word
versus	against
vice versa	the terms being reversed
vide	see
videlicet (or viz)	to wit, namely
vi et armis	by force of arms

vigilantibus non dormientibus lex succurrit	the law aids the watchful, not the sleepy
vis-à-vis	in relation to
vis major	main force
viva voce	by word of mouth (evidence given in person); with living voice (i.e. orally)
volenti non fit injuria	he who consents cannot receive an injury (eg. taking part in boxing match - watching an event such as car racing, sport)

M Commonly Cited Criminal Cases

R. v. Askov (delay of case)
R. v. B. (K.G.) (statements under oath) – Sometimes referred to a K.G.B. statement
R. v. Bernardo (famous Ontario trial)
R. v. Brydges (impaired driving)
R. v. Collins (Charter breaches)
R. v. Corbett (exclude criminal record)
R. v. Darville (application for adjournment)
R. v. Ewanchuk (famous Alberta sexual assault case)
R. v. Garofoli (Charter breaches)
R. v. Gladue (aboriginal considerations)
R. v. Homolka (famous Ontario plea bargain)
R. v. Keegstra (famous Alberta trial – Red Deer)
R. v. Khan (capacity to testify)
R. v. Kienapple (duplication of charges)
R. v. Laberge (manslaughter cases)
R. v. Lifchus (charge to the jury)
R. v. Mellenthin (Charter breaches)
R. v. Mills (application for documents)
R. v. O'Connor (production of records)
R. v. Oickle (voluntariness of statements)
R. v. Proulx (conditional sentences)
R. v. Starr (standard of proof in cases)
R. v. Stilllman (Charter breaches)
R. v. Therens (Charter breaches)
R. v. Trang (large complex trial – Edmonton)
R. v. Vetrovec (unsavory witness statements)
R. v. W. (D.) (charge to the jury)
U.S.A. v. Sheppard (preliminary inquiries)
Browne v. Dunn (contradictory evidence)
Milgaard Application (application to cross-examine own witnesses)

N Sites to Visit – Research

Legislation - Alberta
http://qpsource.gov.ab.ca
www.assembly.ab.ca
www.gov.ab.ca

Case Law – Alberta
www.albertacourts.ab.ca

Other Legal Resources
http://legalresearch.org/docs/bookmark.html
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Other Reference links

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