

Ministry of Justice

British Columbia Court Transcription

Manual

April 19, 2006

The Transcript Format Requirements apply to both Supreme and Provincial Court, unless otherwise stated. The Ministry may amend the Transcript Format Requirements Manual on instructions from the Judiciary.

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SCHEDULE A - Proceedings (47-Lines) Cover
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PROCEEDINGS (47-LINE) TRANSCRIPT

Proceedings transcript is produced in 47-line format and includes evidence and argument heard during a trial or hearing. The following sections set out formatting requirements that must be met for this style of transcript.

1. BINDING

All proceedings transcripts must be bound, with the exception of excerpts of 10 pages or less, which may be bound or unbound. (See Excerpts section)

METHOD: Proceedings transcripts must be bound with plastic coil binding strips (e.g., Cerlox).

DIRECTION: The cover, frontispiece, index, and copy of information or indictment, if applicable, are bound face up; the remainder of the transcript pages are bound on opposite side, facing down.

2. VOLUMES

More than one day of court proceedings may be incorporated into one transcript volume, provided:

MAXIMUM: One volume should be limited to approximately 200 pages of transcript text.

CONTIGUOUS: The proceedings must be contiguous and flow from day to day.

MINIMUM: A single date should not be split between volumes.

Court of Appeal requirement is separate volume is required if there is more than 300 pages. Breaks for additional volumes would normally occur at approximately 200 pages.

3. COVER

Transcript covers should be prepared in a style consistent in format, text alignment, and capitalization with the sample set out in Schedule A, and in particular must comply with the following specific requirements:

COLOUR: Transcripts must have matching hard front and back protective covers using "Exact Vellum Cover/Bristol Tan" cover stock for Supreme Court (or an equivalent) and white cover stock for Provincial Court.

FONTS: Courier New or Courier or other larger legible font sizes may be used on the cover. Any font size used must not be smaller than 12 points (other than the registrant's name and address located at the bottom of the cover, mentioned below).

INFORMATION: The front cover of bound transcript must contain at least the following information, spaced to fit on a single page, in this order:

- Court file number, right-justified.
- Registry of the court file, right-justified.
- Level of court (Provincial or Supreme) in UPPER CASE letters, may be in bold letters, and may be in a larger typeface. The line is centre justified. Where appropriate, the words YOUTH COURT or CIVIL DIVISION are centred underneath in a smaller font.
- Title and surname of the presiding judicial officer in UPPER CASE letters, centre-justified. An initial is included if there is more than one judicial officer with the same surname at the same level of court. The following titles are acceptable:

SUPREME COURT/COURT OF APPEAL:

THE HONOURABLE MR. JUSTICE
 THE HONOURABLE MADAM JUSTICE
 THE HONOURABLE CHIEF JUSTICE
 THE HONOURABLE ASSOCIATE CHIEF JUSTICE
 MASTER

PROVINCIAL COURT:

THE HONOURABLE JUDGE
 THE HONOURABLE CHIEF JUDGE

OTHER:

JUDICIAL JUSTICE OF THE PEACE
 REGISTRAR (Registrar of a court)

- Location where the court proceeding took place, right-justified and in upper and lower case letters.
- Date(s) of the court proceeding contained in the volume.
- Style of proceeding or name of case, in UPPER CASE letters. Abbreviations are not to be used unless it is part of the official name of the case. If the full style of proceeding will not conveniently fit on the cover, a shortened version that includes the words "AND OTHERS" after the first named party in a class may be used.
- In criminal proceedings, "Regina v." is used in both Supreme and Provincial Court proceedings, even though the indictment reads HMTQ.
- Where there are several accused, paragraph format for entry of accused names is acceptable.
- If a Family proceeding held ex parte, the ex parte notation is to be made on the front cover.
- Type of transcript, centred, including whether an excerpt, voir dire, *in camera*. Some examples:

**PROCEEDINGS AT TRIAL
 (IN CAMERA)
 (EXCERPT - TESTIMONY OF JOHN BROWN)**

PROCEEDINGS AT PRELIMINARY INQUIRY

PROCEEDINGS AT HEARING

**PROCEEDINGS
(FIRST APPEARANCE)**

- IF the information is provided, day number(s) contained in the volume if a court proceeding encompasses more than one court date
- Whether this is the original or a copy.
- Any bans or sealing orders, enclosed in a box (see Bans section).
- Name, address, and telephone number of court reporter, court reporter firm, court transcriber, or court transcription firm who prepared the transcript. Facsimile and email information is optional. This information must only appear at the bottom of the cover page.

GRAPHICS: The cover is not to include any graphics or logos used by the registrant.

SPELLING: All items contained on the cover should be spelled accurately.

4. FRONTISPIECE

A frontispiece is only required when the length of the Style of Cause requires an addition of a second page. When a frontispiece is added, a notation should appear on the bottom of the cover indicating that additional information is on the following page.

Transcript frontispieces should be prepared in a style consistent in form, text alignment, and capitalization with the sample set out in Schedule B. The frontispiece follows in order after the front cover. The frontispiece must include *all* the information required for the cover listed previously, plus:

FULL STYLE: The full style of proceedings must be used, even if the frontispiece becomes two or more pages long. A shortened version that includes the words "and others" is not to be used.

APPEARANCES: Names of counsel, described in next section under Appearances.

5. APPEARANCES

Names of counsel appearing and descriptions of parties they represent are listed as the last item on the frontispiece, just above the name of the registrant.

ALIGNMENT: Descriptions of the parties being represented are left-justified, pluralized if necessary. Names of counsel or people who appear on their behalf are right-justified.

Crown Counsel: C. Smith

Counsel for the Plaintiffs: J. Campbell

LAYPERSON: The word "counsel" is only used when a lawyer is appearing; otherwise, the words "Appearing for the ..." should be used:

Appearing for the Crown: Constable Jones
 Appearing for the Plaintiff: R. Campbell

SURNAME: Only the surnames and initials of counsel and other people appearing are shown, unless initials do not provide sufficient differentiation among people. Then a given name may be used.

TITLES: Titles such as Mr., Mrs., Ms., Miss, or Esq. are not used. Special designations such as Q.C., Native Court Worker, Articled Student are added after the surname, separated by a comma reference for persons charged in criminal matters is Accused.

AGENT: A notation may be added if counsel is appearing as an agent:

Counsel for the Accused: A. Brown
 (Agent for W. Smith)

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

Counsel for the Accused: A. Brown
 M. Wright

When two or more persons or entities share the same class (e.g., there are three accused or three defendants) and the person appearing does not represent them all, then who is represented by whom must be specified. It is not necessary to record the full name of the parties in this section, only enough to identify:

Counsel for the Accused Smith: A. Brown
 Counsel for the Accused Green: G. Jones

If counsel represents more than one party, both descriptors are used, separated by "and":

Counsel for the Plaintiffs and
 Third Party: H. Green

NON-PARTY: If there is a representative for a person or entity that is not listed in the style of proceeding, then the full name of the person or entity is required.

OWN BEHALF: If a party is representing himself or herself, the name of the party is recorded:

Appearing on his own behalf: J. Jones
 Appearing for ABC Welding: J. Spratt,
 a company representative

BLANK LINES: There is a single blank line between each appearance.

6. INDEX

A transcript should contain an index of the full proceedings, including the page number of parenthetical notations for non transcribe proceedings. The index follows in order after the frontispiece and should index the full proceedings, including page numbers of Parenthetical Notations for non transcribed proceedings, set out in a style consistent with the sample set out in Schedule C.

- PAGE #: When the index consists of more than one page, each page of the index is to be numbered with lower case Roman numerals (i, ii, iii). Separate pages are not used to set out witnesses, exhibits, and rulings; the entries should follow one another.
- EVENTS: The first part of the index is to include a chronological list of all happenings in the transcript, including:
- Description of each day of proceedings in a multi-date volume.
 - Heading indicating which party is calling the witnesses that follow (e.g., Witnesses called for the Crown; Witnesses called for the Accused; Witnesses called for the Plaintiff Brown; Witnesses called for the Crown in Rebuttal)
 - Names of witnesses called, followed by type of examination, including name of person conducting the examination, and page number where examination starts.
 - Submissions by counsel, if transcribed.
 - Any other significant happenings in the court proceedings.
- EXHIBITS: List of exhibits, including the exhibit number, a description of the exhibit, and the page number where the exhibit is entered into evidence. Exhibits entered on voir dire or items marked for identification are entered as separate lists after the exhibits. Descriptions must be as complete as possible, including such details as dates of documents, names of people involved on letters, dollar amounts.
- RULINGS: Listing of all orders, rulings and excerpted judgment.
- FONTS: Legible fonts other than Courier New or Courier may be used within the index. Font size must be 12-point.

7. COPY OF INFORMATION/INDICTMENT

A copy of the Provincial Court Information is required in a transcript of a Preliminary Hearing that is being produced for the Order to Stand Trial (OST) at Supreme Court. This document comes after the frontispiece and index.

8. TRANSCRIPT PAGE LAYOUT

Transcript layout should be in a style consistent with the sample set out in Schedule D. A clear plastic mask is available for comparison of margins, shoulder notes, and indent settings. In particular, the general layout must comply with the following requirements:

- PAPER:** Transcripts must be produced on 8 1/2 x 11 inch paper of good quality. Text must be printed on one side of the paper only.
- LINES:** Transcript pages must not contain vertical lines.
- MARGINS:** Margins are 1 inch from paper edge on top, bottom, and left sides. Margin on right is 1 1/2 inches. No typing should be outside of these margins.
- SPACING:** Transcript text is to be single-spaced, 6 lines per inch. Top 7 lines are to be used for shoulder notes. Each transcript page must have 47 lines of text in the body of the transcript. Each line in the body of the transcript must be consecutively numbered from 1 to 47 at the left margin, including blank lines.
- BLANK LINES:** Blank lines are only used in the body of the transcript before and after Parenthetical Notations, Transcript Headings, quotations, swearing of witnesses, and on the first page of proceedings (after the date of hearing). Blank lines are not to be added between paragraphs. It is permissible to add an extra blank line(s) at the bottom of the transcript page to force text to the next page if there are not sufficient lines available to keep the following text together on one page: (a) witness heading; (b) examination heading and first question; (c) an exhibit entry.
- WIDTH:** The entire text width, including line numbers, must be 60 spaces. All letter spaces should be used unless a paragraph has been completed or filling all spaces involves improperly breaking a word.
- INDENTS:** Text is to be indented at half-inch intervals from the left:
- **LEFT MARGIN:** Line numbering (1-47).
 - **1ST INDENT:** Q, A, Transcript Headings, identification of speakers.
 - **2ND INDENT:** Verbatim transcript of what was said in the courtroom.
 - **3RD INDENT:** Parenthetical Notations, quotations, marking of exhibits.
 - **4TH INDENT:** Quotations within quotations.
 - **5TH INDENT:** Three spaces to the left of centre of the page for location and date on first page and swearing/affirming of witness.
- ALIGNMENT:** Right-hand margin is not to be indented for any reason. All text in the body of the transcript is to be left-justified. Text is not to be full-justified.
- FONTS:** All transcripts must be prepared using 12-point font size in the following typeface or equivalent: Microsoft Word (Courier New).
- FOOTER:** Footer area below the body of transcript must be blank and in particular not used for advertising purposes.

9. FIRST PAGE NOTATION

The first lines of each date of proceedings transcript must be the place and date of the proceeding:

1	Vancouver, B.C.
2	September 15, 2003
3	
4	THE CLERK: Calling the matter of . . .

INDENT: Indented to the 5th indent (3 spaces to left of centre).

CAPITALS: Typed in upper and lower case letters.

BLANK LINES: Line 3 will be blank.

MULTI-DAY: Each day of proceedings in a multi-day volume is to commence on a new page with the information mentioned above at the top.

10. SPEAKERS

All speakers must be properly identified throughout the transcript. Except for Q and A, speakers are referred to with their designation or courtesy titles as follows:

CAPITALS: Names are typed in ALL CAPS.

FORMAT: Names are followed by a colon and two spaces before text.

INDENT: Speakers are indented to the 1st indent (next indent after line number).

STAFF: THE COURT, THE SHERIFF, and THE CLERK (for *all* proceedings) are to be used. The presiding Judicial; Officer may refer to the clerk as a Register, but the transcript should reflect the correct title of the Clerk..

COUNSEL: Titles of MR., MRS., MS., or MISS are acceptable, combined with the surname. The first name must be included if two counsel in a proceeding share the same last name.

PARTY: When a party to the action speaks, they are described with their class description. For example, THE ACCUSED, THE PLAINTIFF, THE CLAIMANT. If there are multiple persons sharing the same class, the surname should be added, THE ACCUSED BROWN. If two parties share the same surname, THE ACCUSED JOHN BROWN.

POLICE: When a police officer speaks, other than as a witness, their rank and surname should be used (e.g., CONSTABLE SMITH). If the rank is unknown, they may be referred to simply as OFFICER SMITH.

UNKNOWN: An unknown voice is shown as UNIDENTIFIED SPEAKER.

OTHER: Other speakers not included in the above list should be shown with their first and last names in upper case letters.

FAMILY: See Family Court Hearings section for special instructions for when parties speak in a family court proceeding.

11. TRANSCRIPT HEADINGS

To maintain a consistent and orderly appearance throughout the transcript, all Transcript Headings, which are used to set off different types of examination of witnesses as well as submissions by counsel, must be:

CAPITALS: Typed in UPPER CASE.

BLANK LINES: Single blank line both before and after the heading.

INDENT: Indented to the 1st indent (same indent as Q and A):

THE COURT: Yes, please proceed.

EXAMINATION IN CHIEF BY MR. SMITH:

Q How old are you?

12. PARENTHETICAL NOTATIONS

Parenthetical Notations are used throughout the transcript to note happenings in the courtroom, such as adjournments, or to indicate that a portion of proceedings has been omitted from the transcript. The index should include a page number of Parenthetical Notations for non transcribed proceedings.

CAPITALS: Parenthetical Notations are typed in UPPER CASE.

ROUND: Round brackets are used to note happenings in the courtroom.

(PROCEEDINGS ADJOURNED)
(PROCEEDINGS RECONVENED)

SQUARE: Square brackets are used to note where evidence or proceedings are omitted from the transcript:

[RULING ON VOIR DIRE]
[SUBMISSIONS BY COUNSEL]

INDENT: Indented to 3rd indent (10 spaces to right of Q and A).

SPACING: Each notation to be typed on a separate line, without any blank lines between them, but a blank line before and after a group of notations.

13. SHOULDER NOTES

Shoulder notes provide some brief descriptive information about the content of the page of transcript, appearing above the body of the transcript.

OF LINES: The top 7 lines on each page are reserved for shoulder notes. Shoulder notes are not to be counted in the 47 lines of the body of the transcript.

- BLANK LINE:** No blank lines should appear within the shoulder note text. There must be at least one blank line between the shoulder note and text of the transcript.
- ALIGNMENT:** All lines in shoulder notes are to be justified to the left margin of the page.
- CAPITALS:** Text in shoulder notes should not be in upper case except to indicate a voir dire, bans, or *in camera* proceedings.
- DRAFT** Uncertified transcript produced pending final edit checks should contain the word DRAFT.
- ORDER:** Items in the shoulder note should appear in the following order:
- First line: Page number in Arabic numerals.
 - Next line: VOIR DIRE, applicable to Provincial Court only.
 - Note: In Supreme Court all Voir Dire transcript must be excerpted from proceedings transcript. Provincial Court transcript may include Voir Dire, but should include the notation in the Shoulder Note.
 - Next two lines: descriptive information about content of page: name of witness as set out in the witness heading (but not to include titles such as Dr., Cst., Mr., Mrs., etc.), followed by party on whose behalf the witness was tendered; type of examination (in chief, cross-exam, re-exam, exam by court); name of counsel conducting examination, including titles such as Mr., Ms., or Miss; submissions of counsel; openings, charge to jury. "Proceedings" is acceptable if none of the foregoing apply.

32
 Ralph Brown (for Plaintiff)
 Cross-exam by Mr. Campbell

54
 Submissions By Mr. Smith (for Crown)

10
 Opening for Plaintiff

1
 Proceedings

- MULTI-PARTIES:** If a witness is being tendered on behalf of only one accused or one defendant, then the name of that party who called the witness should be included. It is not necessary to record the full name of the parties in this section, only enough to identify.

32
 Ralph Brown (for Accused Smith)

The last line of the shoulder note is used to note any bans (see Bans section).

14. WITNESSES

When a witness is called, a witness heading is inserted into the transcript.

- INDENT: Witness headings are indented to the 5th indent, 3 spaces to left of page centre.
- BLANK LINE: One single blank line precedes and follows the witness heading.
- HEADING: The name of the witness will be in UPPER CASE followed by a caption in lower case:

JAMES TALBOT, a witness called
for the Crown, sworn.

Only the first name (or preferred middle name) and surname of the witness is shown in the heading, unless these names do not provide sufficient differentiation among people. Then an additional given name may be used. Any requests made to the witness to state and/or spell their full name on the record should be included in the transcript.

- CALLED BY: The class of party calling the witness is sufficient in most cases (e.g., a witness called for the Crown, called for the Accused, a witness called for the Plaintiffs). If there is more than one party named in a class, the surname or enough information to identify the person must be added (e.g., a witness called for the Plaintiff Smith, sworn).
- SWORN: The word "affirmed" is to be substituted for "sworn" if the witness affirms to tell the truth. The transcript should include any discussion regarding preference by witness for affirming or swearing to tell the truth. Transcript also should include the witness stating their name and spelling it for the record.
- EXCUSED: The transcript must use a Parenthetical Notation to indicate the proper status of the witness when he or she leaves the stand, using one of three possible headings:

(WITNESS EXCUSED) Witness is dismissed, will not be required again.
(WITNESS STOOD DOWN) Witness will be returning. Also used if status of the witness is uncertain.

- RECALLED: When a witness returns to the witness stand, the witness name is set out again in the transcript and the examination heading repeated, if necessary:

JAMES TALBOT, a witness,
recalled.

EXAMINATION IN CHIEF BY MR. SMITH, continuing:

If the clerk/recorder reminds the witness they are still under oath, those words should be included in the transcript.

15. EXAMINATION HEADINGS

Oral testimony by a witness is divided into three main categories: examination in chief, cross-examination, and re-examination. A Transcript Heading identifying the type of examination and the name of counsel or person conducting the examination is inserted into the transcript just before the first question.

IN CHIEF: Examination in chief is testimony given by a witness in response to questions by counsel representing the party who called the witness:

EXAMINATION IN CHIEF BY MR. SMITH:

CROSS-EXAM: Cross-examination is testimony given in response to questions by counsel representing the party adverse in interest to the party who called the witness:

CROSS-EXAMINATION BY MR. GREENE:

RE-EXAM: After cross-examination, counsel for the party who called the witness may re-examine the witness:

RE-EXAMINATION BY MR. SMITH:

CONTINUING: When the examination is continuing after an adjournment or when the witness is recalled to the stand at a later time, the examination heading is repeated with the word "continuing" added:

CROSS-EXAMINATION BY MR. SMITH, continuing:

There is no such thing as re-cross-examination. It should be shown as cross-examination continuing.

COURT: If the court asks questions after examination by counsel, the following heading is used:

QUESTION BY THE COURT:

If the court simply asks questions during counsel's examination, it does not require a new heading. The speaker should be shown as THE COURT and A at the margin for answers for the duration of the questioning.

EXPERTS: Expert witnesses are often examined on their qualifications so the court can rule on whether to accept their expert testimony. These are separate examination headings, with the words "ON QUALIFICATIONS" added at the end:

EXAMINATION IN CHIEF BY MR. SMITH ON QUALIFICATIONS:

Once the witness is qualified, the normal examination heading is inserted.

16. CHILD WITNESS

A child or a mentally-challenged person that is questioned to ascertain if he or she can understand the oath is not a witness until sworn. A special witness heading and examination heading is used for this purpose:

SHERRY SMITH, a proposed witness
to be called for the Crown.

QUESTIONS BY THE COURT ON CAPACITY:
Q Hi, Sherry. How old are you?
A Five.

In some circumstances, the court may also invite counsel to ask questions. The following Transcript Heading is used:

EXAMINATION BY MR. SMITH ON CAPACITY:

A special Parenthetical Notation is inserted into the transcript if the oath is later administered to the witness:

(WITNESS SWORN)

Instead of an oath, the court may decide to ask the witness to simply promise to tell the truth. In such cases, the transcript should include the exact words spoken without any Parenthetical Notation:

THE COURT: Sherry, can you promise to tell us
the truth today?
A Yep.

17. QUESTIONS AND ANSWERS

Q and A are used to denote a question being asked of and an answer being given by a witness.

- START: Each Q and A must start on a new blank line.
- PERIOD: The Q or A must not include a period after the Q or A.
- INDENT: Each Q and A will begin on a new line, indented to the 1st indent (first indent to right of line number). The text of the question or answer is indented to the 2nd indent (five spaces to right of Q and A).
- NUMBERING: The Q and A are not numbered.
- BLANK LINES: Blank lines are *not* to be added between questions and answers.

ANSWER: The letter A should be used consistently to indicate all replies or comments made by a witness while in the witness box. It is not necessary to use THE WITNESS (except as described in the Interpreter section).

INTERRUPTIONS: After an interruption, the name of the examiner should be repeated in the margin before the next "Q" if he or she was not the last named speaker:

Q And what did you do next?
 A I drove from my home to work.
 THE COURT: What time did you leave your home?
 A At about 6:15 p.m.
MR. BROWN:
 Q What time did you arrive at your work?

If the last speaker was the examiner, the name is not repeated:

Q And what did you do next?
 A I drove from my home to work.
 THE COURT: What time did you leave your home?
 MR. BROWN: He didn't say yet.
 A 6:15 p.m.
 Q What did you do next?

18. ADJOURNMENTS

Parenthetical Notations are required for all adjournments (where the adjournment is articulated in Court on the audio tape or in the Clerk's logging notes) and reconvening of a court proceeding, as shown below.

- MORNING: (PROCEEDINGS ADJOURNED FOR MORNING RECESS)
(PROCEEDINGS RECONVENED)
- NOON: (PROCEEDINGS ADJOURNED FOR NOON RECESS)
(PROCEEDINGS RECONVENED)
- AFTERNOON: (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)
(PROCEEDINGS RECONVENED)
- OTHER: (PROCEEDINGS ADJOURNED)
(PROCEEDINGS RECONVENED)
- END OF DAY: (PROCEEDINGS ADJOURNED TO MAY 15, 1998, AT 9:30 A.M.)
- NO DATE: (PROCEEDINGS ADJOURNED GENERALLY)
- CONCLUDED: (PROCEEDINGS CONCLUDED)

OTHER CASES: If the proceeding is stood down while other matters are dealt with, the following Parenthetical Notation is added:

(OTHER MATTER(S) SPOKEN TO)

19. INTERPRETERS

On occasion interpreters are called to assist a witness in giving testimony in court or to assist a party in understanding the proceedings.

OATH: An interpreter is usually sworn or affirmed prior to translating the spoken word. This should be shown in the transcript at the 5th indent (3 spaces to the left of centre) as follows:

JACQUES LA FEVRE, French
interpreter, sworn.

All answers are through the witness unless otherwise noted. Should appear by way of parenthetical Notation immediately after the swearing of an Interpreter.

NOTE: The transcript must accurately reflect when a witness is responding or asking a question without the aid of an Interpreter.

ENGLISH: The transcript should include only the English voice.

Q AND A: If the answer to a question is given by the interpreter, the transcript would be no different than the usual transcript in the Q and A format:

Q How old are you?
A Thirty-seven.

If the question is interpreted to the witness and the witness answers in English, the speaker should be shown as THE WITNESS:

Q How old are you?
THE WITNESS: Thirty-seven.

SPEAKER: When the interpreter speaks on behalf of a party, the transcript would be no different than if the party had spoken:

THE ACCUSED: I plead guilty, Your Honour.

When the interpreter speaks on their own behalf, the speaker is shown as:

THE INTERPRETER: Your Honour, I would request
that the Crown repeat that question.

20. QUOTATIONS

Quoted passages from documents, case law, or other transcripts must be indented.

INDENT: Indented to 3rd indent (10 spaces to the right of Q or A). There are no right indents. Quotations within quotations are indented to the 4th indent.

Q/A: In quotations from other transcripts that include Q and A (e.g., examinations for discovery or preliminary inquiries) the Q and A are indented to the 2nd indent and the text to the 3rd indent:

Q I am now going to put to you some questions from the prelim, page 2, line 1:

Q Where did you say you were going?

A I was going to the beer parlour.

Were you asked that question and did you give that answer?

When the quoted material is in Q/A formatting, it's easy to decipher what is in quotes and what is not. In the following example, the quoted passages are the submissions from the transcript, sometimes with the name of the speaker included in the quotation and other times not.

MR. WEATHERILL: I am going to direct you to start with, if I could, to page 2 of Tab 7 of the plaintiff's submission which is the transcript, and this is the start of Your Lordship's charge, second paragraph:

It is now my responsibility to instruct you on the law. You must accept my instructions in this respect. You should not deal with this case on the basis of what you think the law is or what you think it should be.

Now, you are telling this jury, "All right, jury, I'm the judge of the law. I will tell you what the law is." You can't decide this case, without knowing what the law is, effectively is what you are saying.

So, if you go to the next paragraph, you talk about the reason for that.

There is a good reason for this procedure. If I should err in directing you on the law, I can always be corrected by the Court of Appeal because what I say is taken down by a recording device. It will be available in the form of a transcript if either side decides to appeal. On the other hand, your deliberations are conducted in secret. There is no record of them. If you should

misapply the law, the party who is wrong has no transcript upon which he or she can rely if the case should go to an appeal.

So, you told the jury, in my submission, absolutely clearly and quite rightly that they have to listen to you, and that was their duty to listen to you on what the law is.

So, if we could jump ahead then to where that started, where it came up. To me it opens everyone's eyes up to what we are dealing with and why, if there is only decision that can be made, and that is to take this decision out of the hands of the jury.

Okay, page 50, and I'd like to just deal with this in some detail, page 50 of the transcript after the adjournment.

THE COURT: Gentlemen, we have some questions from the jury.

And then we go through the questions. And I say, line 38:

MR. WEATHERILL: They are obviously split on some issue.

MR. KIRPATRICK: Well, that might be true or it might not. We don't know.

MR. WEATHERILL: They are split on an issue and they have to decide. I think Your Lordship is right. They have to try and do their best to decide that issue.

And then we go down to page 51 and we are dealing with the question, so the -- well, question 1 is back on page 50 right underneath where you say:

Gentlemen, we have some questions . . .

Question 2, this is line 33:

Three agree, five disagree on an issue. Do we go with disagree due to balance?

All right, so they are split on an issue.

And I say:

No. They have to be unanimous.
They have to stay there until they
are unanimous."

And then you agree.

You must be unanimous to find on any
issue on the balance of
probabilities.

MARKS """: Quotation marks are not used for indented passages unless quotation
marks occur inside the quoted material.

SHORT: Short passages taking 3 lines or less of space may be incorporated into the
text of the transcript and set off by quotation marks rather than indented.

21. EXAMINATION FOR DISCOVERY READ IN

During trial, questions from an Examination for Discovery transcript may be read into the
record, forming part of the case for the plaintiff or defendant. In this case the proceeding
transcript should indicate that Examination is read in for evidence. In addition to the
format requirements set out in the preceding Quotations section, the following additional
changes are required in the transcript:

SHOULDER NOTE: Shoulder note is only used when Examination of Discovery evidence
involves witness testimony. Where the examination for discovery
evidence read is of appropriate length, a shoulder note is added:

32
Examination for Discovery of John Doe
by Mr. Campbell (for Plaintiff)

INDEX: An entry is required in the index:

Examination for Discovery of John Doe,
dated May 5, 2003, read in146

NOTE: Examination of Discovery that is read in on the record, in the absence of
a witness would be noted in the transcript by way of Parenthetical Notation.

22. PLAYBACK OR READBACK

From time to time, the court, counsel, or a jury may ask that a portion of the testimony of
a witness be read back or played back. Unless specifically requested, read back and
playback is not transcribed.

If it is requested, it should follow a similar format to that set out in the preceding Examination for Discovery Read In and Quotations sections.

23. EXHIBITS

Documents and other items accepted by the court and entered as exhibits are marked in the transcript.

FORMAT: The exhibit number or letter is followed by a colon and two spaces and a concise description of pertinent data garnered from the text of the court proceedings (e.g., figures, dates, numbers, names). It may or may not be the same as the clerk/recorder's description on the exhibit list. The word "Number" should not appear between the word "Exhibit" and the exhibit number.

EXHIBIT 16: Letter to Raymond Smith from Paul
Goddard, dated February 14, 2003

INDENT: The notation for exhibits and marked items in proceedings transcript is indented to the 3rd indent (10 spaces to the right of Q and A).

CAPITALS: The exhibit number portion should be in UPPER CASE. The description portion should be in lower case.

MARKED: Items marked for identification rather than being entered as exhibits are marked in the transcript as:

B FOR IDENTIFICATION: White envelope addressed
to Paul Smith, and contents

If it is apparent that an exhibit was formerly marked for identification, it can be beneficial to add a notation linking the two items in the exhibit description, both on the transcript page as well as in the index:

EXHIBIT 2: White envelope addressed to Paul
Smith, and contents (formerly marked as B for
Identification)

24. AUDIO OR VIDEO PLAYED

A Parenthetical Notation is added to the transcript if audio or audio-visual recordings are played in court:

(AUDIO/VIDEO BEING PLAYED)

COMMENTS: If the court proceedings are recorded during the playing of the tape, any comments made in the courtroom during playback must be transcribed.

OMIT: Only the live voices in the courtroom need to be transcribed unless the court directs that the entire audio from the audio of the tape be transcribed.

25. DISCUSSION RE OTHER MATTER

On occasion there may be brief discussion regarding another case that occurs in the middle of a proceeding. If appropriate, the discussion may be omitted, using the Parenthetical Notation [DISCUSSION RE OTHER MATTER]. For clarity, it is sometimes necessary to include the opening words to put the matter in proper context.

26. COUNSEL ADDRESSING THE COURT

Counsel, or if a party is not represented, the party, will be expected to address the court on several occasions during the course of a court proceeding, including opening statements, submissions on voir dire, submissions at the end of a trial, submissions at sentence. Counsel addresses to the court are not to be transcribed unless specifically requested. Shoulder note may indicate submission by Crown. If there is more than one accused, or Crown, the Shoulder Note will need to contain the name of the speaker.

INCLUDED: When transcribed, a Transcript Heading identifying the type of address must precede the address of counsel:

SUBMISSIONS FOR CROWN:

MR. SMITH: Your Honour has heard three witnesses from the Crown describe the accused in the bar. . .

EXCLUDED: A Parenthetical Notation is added to the transcript to indicate where submissions or address are omitted:

[SUBMISSIONS FOR CROWN]
 [SUBMISSIONS FOR ACCUSED]
 [SUBMISSIONS ON VOIR DIRE]
 [OPENING STATEMENT FOR CROWN]
 [OPENING STATEMENT FOR ACCUSED]
 [OPENING STATEMENT FOR PLAINTIFF]

If submissions by all counsel are being omitted in one location, it is not necessary to use a separate Parenthetical Notation for each submission. Instead, the following Parenthetical Notation is acceptable:

[SUBMISSIONS BY COUNSEL]

27. CITATIONS

Names of case law, statutes, or acts mentioned during the course of submissions or colloquy do not need to be in proper citation format unless the speaker gives the full citation.

FORMAT: Case law and statute names should be typed in **bold** and *italics*. The citation and statute number references, if given, are not bolded or italicized.

MR. SMITH: I now turn to the case of **R. v. Rahey**, [1987] 1 S.C.R. 588, which deals with the **Charter**, s. 11(b).

28. VOIR DIRE

A voir dire is requested when counsel wants the court to determine whether the evidence about to be adduced is admissible. Several changes occur in the transcript when a voir dire has been declared:

HEADING: A new examination heading is inserted into the transcript just prior to the first question on the voir dire:

EXAMINATION IN CHIEF BY MR. THOMPSON ON VOIR DIRE:

SHOULDER NOTE: The words VOIR DIRE in UPPER CASE are inserted into a new line in the shoulder note just below the page number:

78
 VOIR DIRE
 Patricia Smythe (for Crown)
 In chief by Mr. Smith

EXHIBIT: Any exhibits entered as part of the voir dire are shown as:

EXHIBIT 1 (on voir dire): Photograph of
 accident scene

EXCERPT: Voir dire proceedings from Supreme Court must be produced as an excerpt if:

- there is a jury involved and the trial is still ongoing;
- any of the evidence adduced during the voir dire is not accepted by the court;
- the court has not yet made a ruling on a voir dire.

COVER: When the transcript is an *excerpt* of voir dire court proceedings, the words "VOIR DIRE" must be identified on the front cover:

PROCEEDINGS AT TRIAL

**(VOIR DIRE)
(EXCERPT - SUBMISSIONS FOR CROWN)**

When proceedings transcript includes voir dire proceedings that have been accepted by the court, no notation is required on the front cover.

29. IN CAMERA

In camera hearings are held in a closed courtroom and may be a separate court proceeding or part of an ongoing trial.

EXCERPT: *In camera* proceeding must be prepared as an excerpt if it forms part of an ongoing proceeding. It must not be included in the same volume as other proceedings transcript. Supreme Court Voir dire must always be in separate transcript from proceedings. Voir Dire that is In camera in non jury proceedings may be in the same volume.

COVER: All *in camera* transcript must be identified on the front cover. This information is placed on the second line of the type of court proceeding. It is also placed, along with information about other bans or sealing orders, on a separate line after the line containing the words COPY or ORIGINAL, enclosed in a box:

**PROCEEDINGS AT TRIAL
(IN CAMERA)
(EXCERPT - TESTIMONY OF JOHN DOE)**

ORIGINAL

IN CAMERA

SHOULDER NOTE: The last line of the shoulder notes must include a notation that the hearing is *in camera*:

83
Michael Talbot (for Crown)
In chief by Ms. Wong
IN CAMERA

30. SEALING ORDER AND BANS

Information regarding sealing orders/bans on publication or disclosure or where file access is restricted must be clearly noted in the transcript. If in doubt, registrants should confirm the existence of bans with the registry, particularly in cases where a ban would normally exist (e.g., sexual assault cases).

COVER: Details on sealing orders/bans, including the Act and section number, if available, are to be enclosed in a box on the cover, just below the word ORIGINAL or COPY: If both a Sealing Order and a Ban are ordered by the Court, two separate boxes with appropriate information should appear on the cover. The box containing the sealing information should appear first.

ORIGINAL

If the Ban section number is the cover, then the ban number to be reproduced in the Shoulder

<p>BAN ON DISCLOSURE s. 486(3) CCC</p> <p>BAN ON PUBLICATION s. 539(1) CCC</p>
--

produced on does not have Note.

FRONTISPIECE: The frontispiece should contain the identical information regarding the ban as noted under Cover above.

SHOULDER NOTE: Bans are noted in the last line of all shoulder notes. The Act and section should be in upper case. The Act and Section number does not need to be include if it is included on the cover page:

83
Michael Talbot (for Accused)
In chief by Ms. Wong
BAN ON DISCLOSURE 486(3) CCC

Multiple bans can be separated with either a semicolon or by starting a new line.

INDEX: A notation should be added to the index when the judge has ordered a ban.

INITIALS: The court may order that initials be used in place of names to protect the identities of the parties involved.

31. REASONS FOR JUDGMENT, RULINGS

Reasons for judgment or formal rulings are not produced as part of the proceedings transcript. Instead, they are prepared in a separate format described in detail in the "Judge-approved Transcript" section. A Parenthetical Notation using square brackets is included in the transcript to identify where rulings or reasons have been excerpted from the proceedings transcript:

[RULING ON VOIR DIRE]

[REASONS FOR JUDGMENT]

NO

REASONS: Rulings or orders given by the court without reasons are not to be excerpted from proceedings transcript.

THE COURT: I am satisfied that Dr. Shaw is entitled to give the court opinion evidence in the field of his specialty.

MR. BROWN: Thank you, My Lord.

32. JURY PROCEEDINGS

The following additional information must be added to a transcript heard before a judge and jury:

- COVER: The words "AND JURY" must be added after the name of the presiding judicial officer on the cover and frontispiece.
- INDEX: The transcript index must include a page reference for all significant happenings related to the jury, including: opening comments to the jury by the court, opening or closing addresses to the jury by counsel, charge to the jury, verdict.
- EMPANELLED: Empanelling is the process used in jury trials to select the members of the jury from a jury panel. If these proceedings are ordered, juror names are to be replaced by Summons Number.
- JURY IN: Once a jury has been selected, a Parenthetical Notation indicating the presence or absence of the jury must be added at the start of each day's proceedings, after the city and date, and the time whenever the jury enters or leaves the courtroom:

(JURY IN)
(JURY OUT)

Parenthetical Notations as noted above are not required in a transcript until such time as the jury has been selected.

- ADDRESSES: Opening or closing addresses made by counsel to the jury are normally excluded from the transcript, using the following Parenthetical Notations:

[OPENING ADDRESS TO THE JURY BY COURT]
[OPENING ADDRESS TO THE JURY FOR CROWN]
[OPENING ADDRESS TO THE JURY FOR PLAINTIFF]

Alternatively, opening or closing addresses *included* in the transcript should be preceded by the following Transcript Headings:

OPENING ADDRESS TO THE JURY BY COURT:
OPENING ADDRESS TO THE JURY FOR CROWN:
OPENING ADDRESS TO THE JURY FOR ACCUSED:

CHARGE: Once the charge to the jury has been returned as approved by the justice, it should be inserted into the transcript, preceded by the following Transcript Heading:

CHARGE TO THE JURY:

The shoulder note would be "Charge to the Jury" at the top of the page.
DELIBERATES: A special Parenthetical Notation is inserted into the transcript when the jury commences deliberations. It includes the time as noted by the clerk:

(JURY COMMENCES DELIBERATIONS AT 10:10 A.M.)

Each time the jury returns or leaves the courtroom after deliberations have commenced, a new Parenthetical Notation is added that includes the time as noted by the clerk:

(JURY OUT AT 10:35 A.M.)
(JURY IN AT 2:55 P.M.)

JUROR NAME: When a juror speaks in the transcript, the speaker in the margin is shown as A JUROR. When the foreperson speaks in the transcript, it should be shown as THE JURY FOREPERSON. If the juror's name or other identifying information is mentioned in the transcript, it should be replaced with the juror number: "<Juror Number 9>"

33. TELECONFERENCE/VIDEOCONFERENCE/CLOSED CIRCUIT TV

Technology is available in some court locations to allow persons to participate from a remote location, either through teleconferencing, videoconferencing, or closed circuit TV technology. The following additional information must be added to a transcript when a participant is located at a remote location:

APPEARANCE: Where counsel (or a party on their own behalf) is appearing via telephone or videoconference, a notation is made in the appearances section on the frontispiece:

Counsel for the Defendant
appearing by teleconference: A. Brown

Appearing on his own behalf
by videoconference: J. Jones

NOTATION: The transcript must contain Parenthetical Notations to indicate the start and end of the videoconference, teleconference, or closed circuit TV portion of the court proceeding, including a listing of which participants are located at the remote site:

(VIDEOCONFERENCE COMMENCES)

(WITNESS JOE SMITH AT SEATTLE, WASHINGTON, U.S.A)

...

(VIDEOCONFERENCE CONCLUDES)

(TELECONFERENCE COMMENCES)

(COUNSEL JANE DOE AT FORT ST. JOHN, B.C.)

...

(TELECONFERENCE CONCLUDES)

(ACCUSED JOHN DOE ON CLOSED-CIRCUIT TELEVISION)

...

(CLOSED-CIRCUIT TELEVISION CONCLUDES)

If the remote participants are already connected when the court convenes or reconvenes, the Parenthetical Notation starts one blank line after the city and date on the first page or after the proceedings reconvened Parenthetical Notation.

EXCERPT: For an excerpt transcript where videoconference or teleconference is in progress at the start of the excerpt, the word "continuing" is to be substituted for "commences" in the above examples, at the start of the excerpt. No such modification is required to the Parenthetical Notation for closed-circuit TV.

JUDGE: It is not necessary to indicate on the cover or frontispiece if the judge is appearing from a remote location. The following Parenthetical Notation should be added one blank line after the city and date on the first page:

(VIDEOCONFERENCE COMMENCES)

(THE HONOURABLE MR. JUSTICE SHABBITTS AT NANAIMO,
B.C.)

34. EXCERPTS

BINDING: Excerpts of 10 pages or less do not need to be bound, but may be. Unbound proceedings are stapled in the top left corner.

COVERS: If an excerpt is bound, then both a cover and protective back cover must be included. If an excerpt is not bound, then a standard back cover is required.

FRONTISPIECE: All excerpts, bound or unbound, require a standard frontispiece.

INDEX: Bound or Unbound excerpts if significant (i.e.; exhibits, rulings, change of witness or type of examination, should contain an index.

FIRST PAGE: The following Parenthetical Notation is inserted on the first page:

WITNESS:

JANE DOE, a witness called
on her own behalf, sworn.

SALLY SMITH, a witness called
for Jane Doe, sworn.

SHOULDER NOTE:

32
Jane Doe (on her own behalf)
in chief by Mr. Smith

39
Sally Smith (for Jane Doe)
in chief by Mr. Smith

INDEX:

Witnesses called for Jane Doe:

Jane Doe
in chief by Mr. Smith.....32

Sally Smith
in chief by Mr. Smith.....39

36. CFCSA PROCEEDINGS

Transcript frontispieces/covers for proceedings heard pursuant to the *Child, Family and Community Service Act* should be prepared in a style consistent in form, text alignment, and capitalization with the sample set out in Schedule K.

COVER: The following words are to be added to the ban box on the cover, just below the word ORIGINAL or COPY:

ORIGINAL

**CFCSA MATTER
RESTRICTION ON ACCESS
s. 3.2 Provincial Court Act**

37. YOUTH COURT PROCEEDINGS

All transcripts from youth court must indicate a general restriction on access provided under s. 118 of the *Youth Criminal Justice Act* (in addition to any other types bans on publication or disclosure specifically ordered by the court).

COVER: The following words are to be added to the ban box on the cover, just below the word ORIGINAL or COPY:

ORIGINAL

<p>YOUTH MATTER RESTRICTION ON ACCESS s. 118 & s. 110 YCJA</p>

FRONTISPIECE: The frontispiece should contain the identical information regarding the access on restriction as noted under Cover above.

SHOULDER NOTE: The following wording is to be added to the last line of all shoulder notes:

83
Michael Talbot (for Accused)
In chief by Ms. Wong
Youth Matter - Restriction on Access, s. 118 YCJA

38. ELECTRONIC VERSIONS

SOFTWARE: Word 97 or later.

DATES: All dates in transcript must be in a 'hard' or 'text' format. Dates must not be in 'soft' format (i.e. must not be a computer date code).

SIGNATURE: Electronic copies may include a reproduced or electronic signature on the certification.

DISK LABEL: The disk label must include the following information:

- Action number
- Registry and location where the court proceeding took place
- Judge
- Date(s) of proceedings
- Style of cause
- Type of transcript: Reasons/Ruling/Trial, etc.
- Number of pages
- Reporting/transcription firm name

39. CERTIFICATIONS

All proceedings transcript must be certified by the court transcriber, court reporter, or real time court reporter who prepared the transcript.

REPORTER'S CERTIFICATE

I, _____, Official Reporter in the Province of British Columbia, Canada, BCSRA No. XXX, do hereby certify:

That the proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed, and the same is a true and correct and complete transcript of said proceedings to the best of my skill and ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name and seal this ____ day of _____, 200X.

Official and Real time-Certified Reporter

LOCATION: Certification by a court reporter or real time court reporter must be on the last page of each proceedings transcript. Certification by a court transcriber may either be on the last page of each proceedings transcript or may be on an attached page at end of each proceedings transcript. It is not acceptable to have all the certifications at the end of the transcript volume.

SIGNATURE: The certification on the original transcript filed with the registry must have the original signature of the person who prepared the transcript. Printed copies may have either an original signature or photocopied or reproduced signature. However, all copies provided to the registry for Reciprocal Enforcement of Maintenance Orders or Interjurisdictional Support Orders require original certification signatures.

MULTIPLE: If more than one transcriber has transcribed portions of a transcript, then the certification must appear on the last page of each portion transcribed or, alternatively, certifications can be placed at the end of the proceeding, providing the page and line numbers are described for each transcriber.

WORDING: Wording of certification must be one of the following:

Transcribed from audio tape by a Court Transcriber:

I certify that this is a true and accurate transcript of these proceedings recorded on sound recording apparatus, transcribed to the best of my skill and ability in accordance with applicable standards.

<signature of registrant>
<name of registrant>,
Court Transcriber

Transcribed from audio tape by a Court Reporter:

I certify that this is a true and accurate transcript of these proceedings recorded on sound recording apparatus, transcribed to the best of my skill and ability in accordance with applicable standards.

<signature of registrant>
<name of registrant>,
Court Reporter, Certificate Number ###

Transcribed from stenotype notes:

I certify that this is a true and accurate transcript of these proceedings, transcribed to the best of my skill and ability in accordance with applicable standards.

<signature of registrant>
<name of registrant>,
Court Reporter, Certificate Number ###

Transcribed from stenotype notes (real time):

I certify that this is a true and accurate transcript of these proceedings, transcribed to the best of my skill and ability in accordance with applicable standards.

<signature of registrant>
<name of registrant>,
Real Time Court Reporter, Certificate Number ###

NOTE: Unedited or uncertified transcript produced by a Realtime Reporter is to contain the word DRAFT in the Shoulder Notes and should not be signed.

COURT OF APPEAL (CIVIL)

Transcripts for a civil appeal to the Court of Appeal have requirements in addition to those set out for 47-line Proceedings Transcript. The Court of Appeal Rules also apply.

40. VOLUMES

- LIMIT:** Where the number of pages does not exceed 300 pages (not including the frontispiece and index), the entire transcript is contained in a single volume. Where the transcript exceeds 300 pages, the transcript must be split into volumes that do not exceed 200 pages each (not including the frontispiece and index).
- PAGE #'S:** Appeal proceedings transcript is prepared with consecutive page numbering for the entire multi-volume transcript.
- MARKING:** Where there are two or more volumes, the front cover of each volume shall contain the volume number and range of page numbers for that specific volume. In addition, a small label containing the volume number is to be affixed to the spine of the Cerlox binding.

41. COVER

- COLOUR:** The official description and colour of Court of Appeal proceedings transcript covers is Exact Vellum Cover/Red. The format of the cover should be prepared in a style consistent in format, text alignment, and capitalization with the samples set out in Schedule E.
- STYLE:** If the full style of proceeding will not conveniently fit on the cover, a shortened version that includes the words "AND OTHERS" after the first named party in a class may be used.
- APPEARANCES:** The appearances can be omitted if they will not conveniently fit on one page.

42. FRONTISPIECE

The frontispiece is required only when the Style of Cause and attending counsel information exceed one page.

43. INDEX

Each transcript volume requires a comprehensive index that covers all volumes of transcript. The index is inserted after the frontispiece. Where the transcript is more than five volumes, the index will be contained in a separate volume.

44. EXCERPTS

For a partial transcript, the index must cover the full transcript of the proceedings at the lower court and indicate the portions that are excluded. No Parenthetical Notations are required in the transcript to indicate the excluded portions. Each portion of the partial transcript will start on a new page.

45. DISK

An electronic transcript must be filed in addition to the hard copy of the transcript.

STRUCTURE: The electronic version must display on the screen exactly the same as the printed hard copy.

MEDIA: Must be submitted on a CD or 3.5-inch floppy disk.

LABEL: Each CD or disk must be labelled, such label to contain the information set out in the sample shown in Schedule G. If the full style of proceeding will not conveniently fit on the label, a shortened version may be used.

FILES: Each volume of transcript must be contained in a separate file. Files are to be contained in a folder named the Court of Appeal number (e.g., CA 012345) and each transcript volume within that folder named TR Vol1.doc, TR Vol2.doc, etc.

COURT OF APPEAL (CRIMINAL)

Transcripts for a criminal appeal to the Court of Appeal have requirements in addition to those set out for 47-line Proceedings Transcript. The Court of Appeal Rules also apply.

46. VOLUMES

- LIMIT:** Where the number of pages does not exceed 300 pages (not including the frontispiece and index), the entire transcript is contained in a single volume. Where the transcript exceeds 300 pages, the transcript must be split into volumes that do not exceed 200 pages each (not including the frontispiece and index).
- PAGE #'S:** Appeal proceedings transcript is prepared with consecutive page numbering for the entire multi-volume transcript.
- MARKING:** Where there are two or more volumes, the front cover of each volume shall contain the volume number and range of page numbers for that specific volume. In addition, a small label containing the volume number is to be affixed to the spine of the Cerlox binding.

47. COVER

- COLOUR:** The official description and colour of Court of Appeal proceedings transcript covers is Exact Vellum Cover/Red. The format of the cover should be prepared in a style consistent in format, text alignment, and capitalization with the samples set out in Schedule F.
- STYLE:** Each accused's name is typed on a separate line. If the full style of proceeding will not conveniently fit on the cover, a shortened version that includes the words "AND OTHERS" after the first accused's name may be used. **APPEARANCES:** The appearances can be omitted if they will not conveniently fit on one page.

48. INDEX

Each transcript volume requires a comprehensive index that covers all volumes of transcript. The index is inserted after the frontispiece. Where the transcript is more than five volumes, the index will be contained in a separate volume.

49. LOWER COURT FRONTISPIECE

A frontispiece is required only when the Style of Cause and attending counsel information exceed one page.

50. EXCERPTS

For a partial transcript, the index must cover the full transcript of the proceedings at the lower court and indicate the portions that are excluded. No Parenthetical Notations are required in the transcript to indicate the excluded portions. Each portion of the partial transcript will start on a new page.

51. DISK

An electronic transcript may be filed in addition to the hard copy of the transcript, but is not required.

STRUCTURE: The electronic version must display on the screen exactly the same as the printed hard copy.

MEDIA: Must be submitted on a CD or 3.5-inch floppy disk.

LABEL: Each CD or disk must be labelled, such label to contain the information set out in the sample shown in Schedule G. If the full style of proceeding will not conveniently fit on the label, a shortened version may be used.

FILES: Each volume of transcript must be contained in a separate file. Files are to be contained in a folder named the Court of Appeal number (e.g., CA 012345) and each transcript volume within that folder named TR Vol1.doc, TR Vol2.doc, etc.

JUDGE-APPROVED (27-LINE) TRANSCRIPT FOR SUPREME COURT

Judge-approved transcript for the Supreme Court is produced in 27-line format and encompasses oral rulings, reasons for judgment, and charges to the jury. The transcripts are forwarded to the judicial officer so that he or she may peruse the draft to correct grammar, punctuation, and syntax before the transcript is released.

52. FIRST PAGE TITLE INFORMATION

Judge-approved (27-line) transcript for the Supreme Court must be produced using the current Word template as distributed by the Supreme Court judiciary. Examples of the first page title information produced from this template are set out in Schedules H (criminal) and I (civil). In particular, the following format requirements apply:

- DATE:** The date in first line to be shown in metric format as YYYYMMDD. For example, the date January 12, 2003, would appear as "20030112."
- FILE NAME:** As directed by the *Canadian Guide to the Uniform Preparation of Judgments*, the file name should appear in an accurate mix of upper and lower case fonts. The full style of proceedings must be used, even if the title information becomes two or more pages long. A shortened version that includes the words "and others" is not to be used.
- BANS:** Any bans on publication or disclosure or restricted access orders, including the Act and section number, if available, should appear following the file name. In particular, the following wording is required for s. 486(3) bans on disclosure:

An order has been made in this case directing that the identity of the complainant and any information that could disclose the identity of the complainant should not be published in any document or broadcast in any way pursuant to section 486(3) of the Criminal Code.

- JUDGE:** The title and name of presiding judicial officer must follow the same requirements as set out in Cover section in Proceedings (47-Line) Transcripts. The words (In Chambers) must be added in chambers applications.

Before: The Honourable Mr. Justice Smith
(In Chambers)

- TITLE:** Rulings must include a reference to the nature of the ruling. The word "Ruling" without explanatory information is not acceptable. Some examples of titles:

Oral Reasons for Judgment
at Judicial Interim Release Hearing

Oral Ruling on Voir Dire

Oral Ruling on Admissibility of
Wiretap Evidence

Oral Reasons for Judgment

Oral Reasons for Sentence

53. TRANSCRIPT PAGE LAYOUT

Transcript page layout is governed by the Word template mentioned above, which sets the desired page margins, fonts, spacing, etc., resulting in a page layout similar to the sample set out in Schedule I. In particular, the following formatting requirements apply:

PARA#: Paragraphs consisting of original text delivered by the judge are consecutively numbered using Arabic numbers enclosed in square brackets and followed by one tab.

[43] The defendant was responsible for all damages.

Headings, subparagraphs, quotations, lists, addenda, and appendices attached to the judgment are not numbered.

SPACING: Judge-approved transcripts are double-spaced. Quotations are single-spaced. One additional single space is added between paragraphs.

INDENTS: All paragraphs extend to the left-hand margin of page, except for quotations, described in the Quotations section. Tabs and indents must not be replaced with multiple spaces.

54. SHOULDER NOTES

All pages following the first page must contain a shoulder note that sets out the name of the case and page number.

SIZE: The entire shoulder notes information must fit on a single line.

CASE NAME: The name of the case is left-justified. Lower case characters are used except where capitalization is appropriate. Only the first person or entity of each class of parties is referred to. Individuals are referred to by surname only. Company names are shortened. Several abbreviations are used, including: "R." (for Regina); "v." (for versus); "and others" (if there is more than one party in a class).

R. v. Jones and others

Page 2

PAGE #: Page numbers are shown opposite the case name, right-justified, in Arabic numerals. The page number appears as page 2 on the second page.

55. QUOTATIONS

SPACING: Quotations are single-spaced with blank line before and after.

INDENT: Indented 1/2 inch from both margins. Quotations within quotations are indented another 1/2 inch on each side.

STYLE: The Word template provided by the judiciary contains a special style for Quotations which should be applied to quoted material.

56. CONTRACTIONS

In transcribing draft reasons for judgment, contractions are to be converted to full words (e.g., *you're* to *you are*).

57. CITATIONS

Names of case law, statutes, or acts referred to in judge-approved (27-line) transcript must be transcribed with the proper case or statute citation, even if what the court said is not complete. The word *supra* may be used when the citation is subsequently referred to.

BOLD/ITALICS: Case law and statute names should be typed in **bold** and *italics*. The Word template provided by the judiciary contains a special bold/italics style that should be applied. The citation and statute number references, if given, are not bolded or italicized.

[15] I now turn to the case of ***R. v. Rahey***, [1987] 1 S.C.R. 588, which deals with the ***Charter***, s. 11(b).

58. SIGNATURE LINE

At the end of Supreme Court ruling and reasons for judgment transcript there should be a signature line, right-justified, for the presiding judicial officer to sign:

The Honourable Mr. Justice Shaw

59. CHARGE TO THE JURY

A draft charge to the jury is to be submitted to the justice for approval in the exploded 1 and half line spacing format. It does not, however, require a final signature line. The draft is to be 27 lines at “space and a half” The final version must be produced in 47-line format (following the formatting details for 47-line Proceedings Transcript).

60. EXCERPTS

It is not permissible to prepare an excerpt or a portion of reasons for judgment. The full judgment must be prepared.

JUDGE-APPROVED (27-LINE) TRANSCRIPT FOR PROVINCIAL COURT

Judge-approved transcript for the Provincial Court is produced in exploded 1 and half line spacing format and encompasses oral rulings and reasons for judgment. The transcripts are forwarded to the judicial officer so that he or she may peruse the draft to correct grammar, punctuation, and syntax before the transcript is released. Transcribers may use the Supreme Court template as the format standard.

61. BINDING

Judge-approved transcript is stapled in the top left corner.

62. FIRST PAGE TITLE INFORMATION

The first page title information should be prepared in a style consistent in format, text alignment, and capitalization with the sample set out in Schedule J, and in particular must comply with the following specific requirements:

- FILE NAME:** Style of proceeding or name of case should be typed in UPPER CASE. The full style of proceedings must be used, even if the title information becomes two or more pages long. A shortened version that includes the words "and others" is not to be used.
- JUDGE:** The title and name of presiding judicial officer must follow the same requirements as set out in Cover section in Proceedings (47-Line) Transcripts.
- TITLE:** Rulings must include a reference to the nature of the ruling. The word "Ruling" without explanatory information is not acceptable. Some examples of titles:

Oral Reasons for Judgment
at Judicial Interim Release Hearing

Oral Ruling on Voir Dire

Oral Ruling on Admissibility of
Wiretap Evidence

Oral Reasons for Judgment

Oral Reasons for Sentence

- BANS:** Any bans on publication or disclosure or restricted access orders must be enclosed in a box, positioned just above paragraph [1].

63. TRANSCRIPT PAGE LAYOUT

Transcript page layout should be in a format similar to the sample set out in Schedule J:

MARGINS: Margins are one inch from paper edge on top, bottom, and both sides. No text should appear outside of these margins, with the exception of the shoulder note at the top of the page.

PARA#: Paragraphs consisting of original text delivered by the judge are consecutively numbered using Arabic numbers enclosed in square brackets and followed by one tab.

[43] The defendant was responsible for all damages.

Headings, subparagraphs, quotations, lists, addenda, and appendices attached to the judgment are not numbered.

SPACING: Judge-approved transcripts are double-spaced. Quotations are single-spaced. One additional single space is added between paragraphs.

INDENTS: All paragraphs extend to the left-hand margin of page. Quotations are indented one inch from the left. Quotes within quotes are indented a further 5 spaces. There are no right indents. For quoted material, the text must extend to the right margin of the paper. Tabs and indents must not be replaced with multiple spaces.

ALIGNMENT: All text in the transcript body is to be left-justified (not full-justified).

FONTS: All transcripts must be prepared using 12-point font size in the following typeface or equivalent: Microsoft Word (Courier New).

FOOTER: Footer area below the body of transcript must be blank and not used for advertising purposes.

64. SHOULDER NOTES

All pages following the first page must contain a shoulder note that sets out the name of the case and page number.

LOCATION: Shoulder notes appear above line 1 of the body of the transcript, with a horizontal line between the shoulder notes and the body of the transcript.

SIZE: The entire shoulder notes information must fit on a single line.

CASE NAME: The name of the case is left-justified. Lower case characters are used except where capitalization is appropriate. Only the first person or entity of each class of parties is referred to. Individuals are referred to by surname only. Company names are shortened. Several abbreviations are used, including: "R." (for Regina); "v." (for versus); "and others" (if there is more than one party in a class).

Smith v. A.B.C. Welding Ltd.

1

PAGE #: Page numbers are shown opposite the case name, right-justified, in Arabic numerals. The page number starts as page 1 on the second page.

65. QUOTATIONS

SPACING: Quotations are single-spaced with blank line before and after.

INDENT: Indented one inch from the left margin. Quotations within quotations are indented another 1/2 inch on left side only. Right-hand margin is not to be indented for any reason.

66. CONTRACTIONS

In transcribing draft reasons for judgment, contractions are to be converted to full words (e.g., *you're* to *you are*).

67. CITATIONS

Names of case law, statutes, or acts referred to in judge-approved (27-line) transcript must be transcribed with the proper case or statute citation, even if what the court said is not complete. The word *supra* may be used when the citation is subsequently referred to.

BOLD/ITALICS: Case law and statute names should be typed in **bold** and *italics*. The citation and statute number references, if given, are not bolded or italicized.

[15] I now turn to the case of ***R. v. Rahey***, [1987] 1
S.C.R. 588, which deals with the ***Charter***, s. 11(b).

68. CONCLUSION

A Transcript Notation is added to the end of Provincial Court reasons: (REASONS FOR JUDGMENT CONCLUDED) or (RULING CONCLUDED), indented 1 inch from the left margin.

69. EXCERPTS

It is not permissible to prepare an excerpt or a portion of reasons for judgment. The full judgment must be prepared.

PUNCTUATION, GRAMMAR, AND SPELLING

Transcript text should demonstrate that reasonable diligence has been used in applying recognized rules for grammar and punctuation. Transcript text should also be free of spelling errors. New paragraphs should be used where appropriate to avoid pages of solid text. In addition to the foregoing, the following specific styles are preferred:

70. CAPITALIZATION

- PEOPLE:** Do not capitalize general references to courtroom participants (e.g., judge, court, master, sheriff, registrar, clerk, accused, plaintiff, defence counsel). Exception: Crown counsel. Capitalize formal titles (e.g., Judge Smith, Mr. Sheriff, Madam Registrar, Accused Brown, My Lord, Your Honour).
- DOCUMENTS:** Do not capitalize general references to common court documents or proceedings (e.g., trial, sentence, exhibit, statement of defence, indictment, information, reasons for judgment). Capitalize documents followed by a number (e.g., Indictment 45678-1, Information 65423, Exhibit 1).
- PAGE REF:** Do not capitalize the following page references: page 1, paragraph 10, section 4. Use capital letters for Question 109, Chapter 2, Tab 3.
- COURTS:** Do not capitalize general references to courts (e.g., court, appellate court, family youth, youth court). Capitalize names of specific courts (e.g., Court of Appeal, Supreme Court of British Columbia, Provincial Court of British Columbia).

71. NUMBERS

- ORDINARY:** Spell out single digit numbers in words (e.g., seven capsules). Transcribe double digit and larger numbers using numerals (e.g., 54 envelopes). Use words when necessary to transcribe exactly as spoken (e.g., a hundred miles). Use words for very large numbers (e.g., five million, ten billion).
- MONEY:** Money amounts may be transcribed using numerals (e.g., \$150 for "one hundred and fifty dollars") but words should be used if required to transcribe exactly as spoken (e.g., four thousand and fifty, a hundred and ten dollars).
- TIMES:** Use figures for times, unless it begins a sentence. Do not include o'clock unless spoken: 4:14 p.m, 11 a.m., 2300 hours, 12 noon, 6 o'clock. Use words if necessary to transcribe exactly as spoken (e.g., half past six).
- DATES:** The day of the month and year are transcribed as numbers (e.g., August 23, 1997). Ordinals, if spoken, should be included (e.g., June 1st).

72. SPELLING

- CANADIAN:** Canadian spellings are required (e.g., judgment, program, jail, licence, defence, centre, litre, offence).
- CRIM. CODE:** Criminal Code spellings are required (e.g., breathalyzer, marihuana).

ABBREVIATIONS: Do not use periods for common abbreviations: RCMP, ICBC.
(exception: B.C.). Spell in full: et cetera, okay, all right.

ACCURACY

All transcripts should accurately reflect what was said in the court proceeding.

73. INDISCERNIBLE

Sounds that cannot be distinguished by the transcriber on the recording are referred to as indiscernibles. The transcriber is required to make every effort to eliminate indiscernibles from the transcript. When it is not possible to determine the missed word(s), the notation [indiscernible] is inserted:

A I worked for [indiscernible] & Company.

REASON: The reason for the indiscernible portion should be added, if possible:

[indiscernible - background noise] [indiscernible - accent]
 [indiscernible - overlapping speakers] [indiscernible - rapid speech]
 [indiscernible - away from microphone]

74. PHONETIC SPELLING

The transcriber must make every effort to determine the correct spelling of all words in the transcript. When it is not possible to determine the correct spelling, the word (phonetic) may be used, as follows:

He worked for the Wing-Wa (phonetic) Distribution
 Centre in Hong Kong.

75. RECORDING MALFUNCTION

A special note must be added to the transcript to indicate if a word(s) has been missed from the audio recording (e.g., no overlap in tapes, a machine malfunction):

A And then I [recording malfunction] . . .
 THE CLERK: We are recording again now.
 THE COURT: Just repeat your last question for
 the record.

76. TRANSCRIPT ERRORS

Any amendment required in a proceedings transcript or a judge-approved transcript after it has been filed at the registry or released to an ordering party must be made by way of corrigendum (certified by the court transcriber or the transcription company), such corrigendum to be attached to the original transcript and all distributed copies.

Schedule A - Sample Proceedings (47-line) Cover

**19542-2
Prince Rupert Registry**

**In the Provincial of British Columbia
(BEFORE THE HONOURABLE JUDGE GREEN)**

ONLY SURNAME
UNLESS TWO JUDGES
SHARE LAST NAME

**Prince Rupert, B.C.
April 10, 11, 2003**

REGINA

v.

ALAN DAVID CAMPBELL

STYLE OF CAUSE IN UPPER CASE
WITH EACH ACCUSED ON
SEPARATE LINE. STYLE CAN BE
ABBREVIATED IN ORDER TO FIT

**PROCEEDINGS AT PRELIMINARY INQUIRY
DAYS 1 AND 2**

TYPE OF PROCEEDING,
CENTRED, INCLUDING IF VOIR
DIRE OR IN CAMERA. DAY
NUMBER IF COURT
PROCEEDING ENCOMPASSES
MORE THAN ONE DAY.

MUST INDICATE
WHETHER AN
ORIGINAL OR
COPY

ORIGINAL

ANY BANS OR SEALING
ORDERS MUST BE ENCLOSED
IN A BOX

BAN ON PUBLICATION 539(1) CCC

NO APPEARANCES ON FRONT
COVER

**Transcription Firm/Court Reporter
Address, City, Postal Code
Telephone Number
(Fax and E-mail optional)**

**19542-2
Prince Rupert Registry**

**In the Provincial Court of British Columbia
(BEFORE THE HONOURABLE JUDGE GREEN)**

FULL STYLE OF
CAUSE REQUIRED
ON
FRONTISPIECE.

**Prince Rupert, B.C.
April 10, 11, 2003**

REGINA

v.

ALAN DAVID CAMPBELL

**PROCEEDINGS AT PRELIMINARY INQUIRY
DAYS 1 AND 2**

ORIGINAL

BAN ON PUBLICATION 539(1) CCC

Crown Counsel:

T. Jamieson

Counsel for the Accused:

J. Pearson

APPEARANCES ON FRONTISPIECE ONLY.
PARTY DESIGNATION ON LEFT; FIRST INITIAL
AND LAST NAME OF COUNSEL ON RIGHT.

**Transcription Firm/Court Reporter
Address, City, Postal Code
Telephone Number
(Fax and E-mail optional)**

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INDEX SHOULD INCLUDE ALL SIGNIFICANT ORDERS,
RULINGS, OR FINAL REASONS FOR JUDGMENT MADE BY
THE COURT. (Rulings excerpted from the transcript are noted
with square brackets.)

Schedule D - Sample Proceedings(47-line) Transcript Text

1
Proceedings
BAN ON PUBLICATION 539(1)

1 Prince Rupert, B.C.
2 April 10, 2003
3

4 THE CLERK: In the Provincial Court of British
5 Columbia, held in Prince Rupert, Monday, this 10th
6 day of April 2003. Calling the matter of Alan
7 David Campbell, for preliminary inquiry.

8 MR. JAMIESON: Your Honour, for the record, my name is
9 Jamieson, spelled J-a-m-i-e-s-o-n, first initial
10 T. I appear for the Crown.

11 THE COURT: Thank you, Mr. Jamieson.

12 MR. PEARSON: Yes, Your Honour, Justin Pearson. I
13 appear with Mr. Campbell, seated to my left.

14 THE COURT: Thank you, Mr. Pearson.

15 MR. PEARSON: Actually, Your Honour, before my friend
16 begins, I would seek an order excluding witnesses
17 and the usual ban on publication.

18 THE COURT: You may have both orders.
19

20 OPENING STATEMENT FOR THE CROWN:
21

22 MR. JAMIESON: So, if I could just give you a brief
23 overview of the evidence that you can expect.

24 As I mentioned, this is an allegation of
25 armed robbery at "the bank" -- and I'll describe
26 that in a minute, what that means -- at Sanddown
27 Park, a harness-racing track north of town, just
28 north of the airport. Sandown features live
29 harness racing and it also offers something called
30 simulcast betting, meaning that one can bet on
31 horses at the track that are being run elsewhere
32 and simultaneously broadcast into the clubhouse.

33 On the 3rd of September, after the main
34 crowds that had come to see that live racing had
35 left, there was a smaller crowd left in the
36 lounges, and that's when the robber came into the
37 clubhouse.

38 At about five o'clock on that day the accused
39 walked into the area where the track counts its
40 money and stores its money. That is known as "the
41 bank," so it operates as a bank, in a sense, for
42 that small audience. Using a shortened rifle, the
43 staff were held up and the robber took slightly
44 over twenty thousand dollars.

45 The robber drove away in a car that had been
46 parked at the rear of the clubhouse. The car was
47 later found at Holes Bay, which is a short

Schedule D - Sample Proceedings(47-line) Transcript Text

2

Opening Statement for Crown
BAN ON PUBLICATION 539(1)

1 distance from the clubhouse. It's on the --
2 you'll be seeing a map, it's on -- would be on the
3 east side of the inlet.

4 At that point the Crown alleges the evidence
5 will show that the robber took the boat that was
6 moored there -- abandoned the car, took the boat
7 and proceeded over to the other side of the inlet
8 to an area called Power Bay. The robber then made
9 arrangements to be picked up there, along with the
10 boat.

11 The Crown alleges that the robber is the
12 accused before the court, and that he executed
13 this robbery in accordance with a plan that had
14 been prepared in the days and weeks leading up to
15 September 3rd.

16 I anticipate calling the two main witnesses,
17 a Mr. Donald Wilson, manager of Sanddown Park, and
18 Detective Constable Trina Stacey. She will
19 testify and identify a number of exhibits and maps
20 and this type of thing.

21 I am going to be entering, with my friend's
22 permission, a diagram of the racing park.

23 THE COURT: All right. Thank you. All right. That
24 will be Exhibit 1.

25
26 EXHIBIT 1: Diagram of Sanddown Racing Park
27 and surrounding area

28
29 MR. JAMIESEN: So, those are all of the preliminaries
30 which I hope will make it a little easier as we go
31 through in terms of having witnesses tell
32 their -- tell what happened and testify. Thank
33 you.

34 THE COURT: Thank you.

35 MR. JAMIESEN: Call Donald Wilson to the stand.

36
37 DONALD WILSON, a witness
38 called for the Crown,
39 sworn.

40
41 THE CLERK: Please state your full name and spell your
42 last name for the record.

43 A Donald Harold Wilson, W-i-l-s-o-n.

44
45 EXAMINATION IN CHIEF BY MR. JAMIESON:

46
47 Q Mr. Wilson, I understand that you are the manager

Schedule D - Sample Proceedings(47-line) Transcript Text

3

Donald Wilson (for Crown)

In chief by Mr. Jamieson

BAN ON PUBLICATION 539(1)

- 1 of operations for Sandown Park Raceway, is that
2 correct?
- 3 A Yes.
- 4 Q How long have you been doing that job?
- 5 A Since '99.
- 6 Q And how long have you been associated with Sandown
7 Park Raceway?
- 8 A Since 1996.
- 9 Q Just tell us a little bit about Sandown Park. I
10 understand that there are really two main
11 components. You have live harness racing there?
- 12 A Correct.
- 13 Q And the season is relatively short, is that
14 correct?
- 15 A Yes.
- 16 Q And when does it typically run from and until?
- 17 A This is our shortest season this year. From March
18 until July.
- 19 Q The other aspect of the betting out at the park is
20 simulcast?
- 21 A Yes.
- 22 Q I understand that the way that works is there's
23 simultaneous broadcast of tracks -- track races
24 from other areas in North America?
- 25 A Yes.
- 26 Q And people can bet at them while they're at
27 Sandown clubhouse, correct?
- 28 A Yes, and that's -- that's Wednesday through Sunday
29 and holidays.
- 30 Q Do you recognize that as being a diagram of the
31 clubhouse?
- 32 A Yes.
- 33 Q We can't really see the track. The track itself
34 would be to the top of this picture, out of the
35 diagram --
- 36 A Yes.
- 37 Q -- correct?
- 38 A Yes.
- 39 Q And we're going to see some photographs, but in
40 essence this diagram shows the public area?
- 41 A Yes.
- 42 Q And the betting area wickets?
- 43 MR. PEARSON: I was just inquiring if my client was
44 concerned about not being able to see.
- 45 MR. JAMIESON: I apologize for that.
- 46 Q Could you hold up the diagram so we can see it?

COURT OF APPEAL

ON APPEAL FROM THE SUPREME COURT OF BRITISH COLUMBIA,
FROM THE JUDGMENT OF THE HONOURABLE MR. JUSTICE CAMPBELL,
PRONOUNCED ON THE 7TH DAY OF NOVEMBER 2003.

BETWEEN:

BLAIR ALLEN SMITH

**Respondent
(Plaintiff)**

AND:

DAWN LYNN SMITH

**Appellant
(Defendant)**

TRANSCRIPT
Volume 1 (Pages 1 - 106)

Dawn Lynn Smith, Appellant

Blair Allen Smith, Respondent

C. Thompson
Thompson & Thompson
Barristers and Solicitors
302 - 939 Fort Street
Victoria, B.C. V8V 3K3
Phone: (250) 386-2333

J. McDonald
Fleetwood & McDonald
Barristers and Solicitors
301 - 920 Burdett
Victoria, B.C. V8V 3K3
Phone: (250) 387-8167

ORIGINAL

COURT OF APPEAL

ON APPEAL FROM THE SUPREME COURT OF BRITISH COLUMBIA,
BEFORE THE HONOURABLE MR. JUSTICE SHABBITS, SITTING WITH A
JURY, FROM THE VERDICT PRONOUNCED ON THE 24TH DAY OF APRIL
2003, AND FROM THE SENTENCE PRONOUNCED ON THE 30TH DAY OF
APRIL 2003.

BETWEEN:

REGINA

RESPONDENT

AND:

SCOTT MELVIN CAMPBELL

APPELLANT

TRANSCRIPT
Volume 2 (Pages 190 - 299)

Criminal Appeals and Special Prosecutions

Solicitors for the Respondent
1st Floor, 850 Burdett Avenue
Victoria, B.C. V8W 9J2
Phone: (250) 387-5199

M. DeWitt-Van Oosten

Pearson McDonald, Solicitors for the Appellant
2nd Floor, 900 Broughton Street
Victoria, B.C. V8W 1E1
Phone: (250) 387-3939

R. McDonald, Q.C.

ORIGINAL

Schedule G - Sample Court of Appeal labels

Court of Appeal 12345

On Appeal from the Judgment of Mr. Justice Shaw
Pronounced on June 6, 2003

John Brown, Respondent (Plaintiff)

v.

Kim Campbell, Appellant (Defendant)

Transcription Firm/Court Reporter

Address, City, Postal Code
Telephone Number
(Fax and E-mail optional)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20031016
Docket: 22496-2
Registry: Prince Rupert

Regina

v.

Hubert John Doe

An order has been made in this case directing that the identity of the complainant and any information that could disclose the identity of the complainant should not be published in any document or broadcast in any way pursuant to section 486(3) of the Criminal Code.

Before: The Honourable Mr. Justice Macaulay

Oral Reasons for Judgment

October 16, 2003

Counsel for the Crown:

C. Ducluzeau

Counsel for the Accused:

D. O'Byrne

Place of Trial/Hearing:

Prince Rupert, B.C.

[1] THE COURT: The accused is charged with two counts of sexual intercourse with a female person who was under the age of 14 years and not his wife. The two complainants are sisters and were children at the time of the alleged events, whom I will refer to respectively as LMA and DES

IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20021010
Docket: 11844
Registry: Smithers

Between:

Laura Lynn Charlene Doe

Plaintiff

And:

Darren Edgar Doe

Defendant

Before: The Honourable Mr. Justice Slade

Oral Reasons for Judgment

October 10, 2002

Counsel for the Plaintiff:

S. Loney

Counsel for the Defendant:

W. Chapman

Place of Trial/Hearing:

Smithers, B.C.

[1] THE COURT: By way of overview, the primary issues in this matter are around custody and access arrangements for the children of the marriage, three young daughters, aged six, four, and two, pursuant to the ***Family Relations Act***.

[2] There is also an issue concerning a family asset in the form of residential property now registered in the name of Mr. Doe. They resided in a fifth-wheel mobile trailer, and I take notice of the exceedingly small living space

[3] On December 31st, 2000, while the parties were visiting Darren's father in Salmon Arm together with the children, there was an incident where Laura was alone with the children, where Tanis was not settling down. Laura, inappropriately by her admission, slapped Tanis on the face and was immediately remorseful for her actions. On his return, Darren saw the mark. Laura admitted what had happened, and Darren called the police.

[4] On January 11th, 2001, a Dr. Eckfeldt saw Laura and prescribed anti-depressants, in particular Zoloft, on a trial basis to determine whether this might assist her in coping. Reading from the third page of Dr. Eckfeldt's report, he says this of this attendance:

We talked about a trial of anti-depressants, and I advised her to seek counselling and community counselling services, both of which she was agreeable with. She felt that her irritability towards Darren and lack of patience and usual ability to cope with stress of the children seemed to be her main problem since the birth of Tanis, in which I would concur.

[5] Put succinctly, Dr. Eckfeldt attributed Laura's behaviours to external factors, and when he testified at trial as to his present assessment, he did not change that opinion, despite extensive cross-examination.

**File No: 51288
Registry: Nanaimo**

In the Provincial Court of British Columbia

REGINA

v.

**DEBORAH MARY SMITH
SHARON ANNE FORD**

**REASONS FOR JUDGMENT
OF
THE HONOURABLE JUDGE JOE**

COPY

Crown Counsel:	J. Carpenter
Counsel for the Accused May:	C. Sadlemyer
Counsel for the Accused Elford:	R. Long
Place of Hearing:	Nanaimo, B.C.
Date of Judgment:	February 5, 2003

Transcription Firm/Court Reporter
Address, City, Postal Code
Telephone Number
(Fax and E-mail optional)

Schedule J - Provincial Court Reasons for Judgment (Criminal)

R. v. Smith and Ford

1

[1] THE COURT: This is a difficult case. For the record, we are dealing with an information in which both accused face two counts, the first being a charge of theft under the value of \$5,000, and the second being a charge of fraud, basically with respect to the same items, having a value less than \$5,000.

[2] The evidence is that Ms. Ford was a cashier at the Village Food Market on Tenth Street and had been so employed since 1990. The incident giving rise to these charges occurred on November 6th, 2001. The Crown's case was led through David Davidson, who is a fifty percent owner of Village Food Market and the manager of that store. He indicated that as a result of information which he had been receiving, he had certain suspicions regarding Ms. Ford and Ms. Smith.

[3] On the date in question he saw Ms. Ford arrive to do some shopping, and he said at that point he decided that he would bring this matter to a head. He said that he then followed her into the main part of the store, where he milled around and watched Ms. Ford put a number of items into her cart and then saw Ms. Ford move towards Ms. Smith's till.

[4] At that point Mr. Davidson went into his office and asked another employee to come into that office so that she could be an additional witness to the transaction that was about to occur

FC12345
Vancouver Registry

In the Provincial Court of British Columbia
(BEFORE THE HONOURABLE JUDGE GREEN)

Vancouver, B.C.
April 10, 2003

IN THE MATTER OF
THE CHILD, FAMILY AND COMMUNITY SERVICE ACT, R.S.B.C 1996 c. 46
AND THE CHILD:
MARY SMITH, born May 14, 1999

BETWEEN:

DIRECTOR OF FAMILY AND CHILD SERVICES

APPLICANT

AND:

MARJORIE JANE SMITH

PARENT

PROCEEDINGS AT HEARING

ORIGINAL

Counsel for the Director:

T. Jamieson

Counsel for the Parent:

J. Pearson