

Authorized Court Transcriptionist Association | NOTES FROM FIRST 2019 ANNUAL CONVENTION

Meeting date | time October 26, 2019 | 10:00 A. m. | Meeting location Cranberry Golf Club Collingwood, Ontario

Meeting called by	Directors
Type of meeting	First annual member meeting
Facilitator	Karen Bilodeau, Shelley Smith, Joan MacPherson
Note taker	Karen Bilodeau, Tracy Thompson

AGENDA TOPICS

Opening comments:

Opening comments by Karen Bilodeau. Introduction of directors present, Shelley Smith and Joan MacPherson and the agenda.

Formation of association:

Shelley Smith spoke and explained the formation of the association:

The Authorized Court Transcriptionist Association of Ontario was incorporated under the Canada Non-for-profit Corporations Act on February 19, 2019. It was created by and inspired by Shelley Smith recruiting a small group of ACTS who felt a formal professional association would enhance ACTS' ability to work with government and government agencies and work together towards improvements to the authorized court transcriptionist profession and maintaining the integrity of the court record.

All ACTS are eligible to join the Association. Membership dues were considered, but it was decided that at least initially we should try to cover the Association's expenses through voluntary dues. Initial expenses have been covered by Shelley Smith in the form of a loan to the association.

Mentorship:

Joan commenced a discussion on a mentorship program. She explained that prior to 2014 ACT's were assigned a mentor and that in her experience, the mentor determined when the ACT no longer needed a mentor. Although the Facebook page has a mentorship page the Association should also work towards helping new ACTs find mentors

Ideas were proposed:

1. A mentor would be paid \$0.55/page to review transcripts of mentees.
2. It was also suggested approaching/contacting MAG about paying mentors.
3. New ACTs pay a monthly fee (\$25 was suggested) then mentors get paid from that "fund" for mentoring. It was asked if this could be run by MAG. The association is not in a position to run it right now as there are not enough people/volunteers to organize it.

Further Discussion....

- Pay new act a fee to edit mentor work so they can see how it is done, then charge a fee to edit their work

It was also suggested to new ACTS to go to court several times, different courts, to see how things run.

There was also a suggestion to post one of the old Court Reporter Training Manuals on the Association's website because it contains more detail than the current ones

Recording/Annotation/Monitor issues:

Discussion on this topic was commenced by Sharon Joliat. At issue:

- microphones not working.
 - microphones being voice activated so not picking up everything.
 - not all microphones being used.
 - not doubling up on microphones by people in court.
 - annotations lacking, missing spellings names, case law etc.
1. In-court reporters need to experience what it is like to type a transcript, even if it is not in the approved format. New in-court reporters need further training on how their annotations and notes are used by transcriptionists.
 2. By seeing first-hand how the annotations are used in a transcript they will be more aware of the need for annotations, by trying to type a poor audio recording they will see firsthand the value of ensuring people remain by the microphones and don't speak over each other.
 3. Typing a transcript should be part of an in-court reporters mandatory training. Even if they don't have to conform to the formatting requirements, just the experience of typing a transcript would help them understand how the annotations assist the transcriptionist.

4. There are still audits done by Court Reporting Services but the audits do not necessarily cover the information that is crucial to the transcriptionist.
5. Part of the problem is with the hiring process; the people who are hired don't want to be there; they just want this entry level job as a stepping off point to a government career.
6. We need to push harder to have case law and other supporting documents attached to the recording and/or annotated at least.
A recording annotation deficiency form to be sent to supervisors has been added to the www.actao.ca website, some ACTs have used it. A standardized letter about what details were missing on recordings and find out from MAG where they want it sent, i.e. to the supervisor but also to someone in Court Reporting Services; Could we ask RMO to design the form so that it definitely met their needs?
7. This is a subject where the Association could approach MAG and offer assistance in understanding the extent of the problem and working together with MAG to improve the quality of the recordings and the annotations. It was suggested that ACTs continue to report deficiencies to the supervisors of court support, recording management and Court reporting services.
8. It was also suggested that the deficiency forms accompany the TPP and recordings sent to ACTs and then the ACT can fill out the report and send it back – sort of like a report card.

Court Monitors

- New ACTs not sitting in court
- New reporters want other government positions and don't care about reporting position.
- MAG did not build quality control
- placement of the mics in the courtrooms
- Eight mics not always used
- Monitors not properly checking and isolating each mic to ensure they all work
- Recording Annotation and Deficiency Report on ACTAO.CA website – fill in and return to supervisor at that courthouse, Court reporting services, (courtreportingservices@ontario.ca) recording management office where the recording was obtained from..

Unauthorized copies of transcripts:

Discussion on this topic was commenced by Sharon Joliat.

Crowns have been "caught" making copies of transcripts instead of requesting another copy from the ACT resulting in lost income for ACTs.

Discussions covered were that if the transcript is not bound with a back cover, it should not be referenced in court.

Shelley has indicated there are two letters from MAG, directing ACTs to ensure the transcripts have the original "inked" signature on the certification page. MAG's latest letter (posted on www.actao.ca website) indicates all transcripts presented as evidence to the Court; filed/applications/put to a witness/ must be affixed with the certification page with the original "inked" signature of the ACT to be accept as original certified transcripts only.

These letters are posted on the ACTAO.ca website.

ACTs should always sign in blue ink; photocopies will easily be detected.

Some ACT's didn't mind counsel making a copy for use in their office, preparation purposes etc., but not for use in Court, as per the directive from MAG.

Some ACTs felt by confronting the offending party, they may lose future work as the OP would just use another ACT.

At issue is how is it policed?

We need to seek MAG's assistance to stop the use of unauthorized copies. The court would not accept an uncertified document from a breath tech or other professional.

Do we seek an increase per page and let them produce copies as they will?

Do we add watermarks to the electronic copies?

Do we add "unauthorized copy" to the electronic copy?

Do we disable the print/edit function on the electronic copy?

A couple of programs were suggested – Adobe, PDF create, Nuance; PDF 2 Go.

Legal Aid "rates"

LAO policy on expedited and daily rates is unworkable because counsel is required to write a letter to LAO stating why they need the transcripts daily or expedite; there is not enough time to get written authorization from Legal Aid, so counsel often state "legal aid will not pay the daily/expedite rate" which is not accurate and does not follow the regulation fees for court transcripts.

The transcript order form should include the rates. ACT may add that themselves to the order form.

Legal Aid will only pay one \$20 minimum per date, then \$0.55/page after. However, the regulation states \$20 per transcript, not per date, as LAO states. ACTs are literally losing thousands of \$\$ due to legal aid "rates"

Legal Aid telling co-counsel to copy the transcript they get and share with co-counsel – ACT doesn't get paid for these additional copies made.

Concerns were voiced as to the implementation of Crown "rates" for transcripts.

Legal Aid Rates

- Their rates do not follow the regulation
- ACTs working for less/so are lawyers
- Set up so everyone can access justice
- Regulations have the force of law – so why is legal aid exempt from following the regulation and setting their own rates. What's stopping the Crown from setting their own rates for transcript fees?

Copies of transcripts to Ontario Court of Appeal and Divisional Court

Clarification on COA/divisional Court and use of QP – still outstanding per Watt's decision

Ongoing issue/not resolved as per Justice Watt's ruling, MAG has yet to "fix the discrepancy between what the regulation says (.55 per page) and what the manual says (send to QP for printing/ACTs are not paid for copies – yet still do the work)

Discussion on this topic was about getting clarification of the regulation wording.

ACTs STILL seeking clarification between what the manual says and what the regulation say regarding rates.

Prior to 2014 ACTs were paid a higher rate for COA/Divisional Court transcripts when sent to the QP, old rate 3.20 pp – for those transcripts sent to QP 3.75. the fee is now harmonized. We work for free on these transcripts. All other transcripts we are paid for all copies. MAG has not taken into account the work we still have to do, and the added expense since 2014, to produce, certify and deliver those transcripts.

Some members are fine with not charging for any copies when they are printed at the Queen's printer;; others are charging \$0.55/page per copy and are not using the QP

Per page rate increase:

It has been 26 years since the per page rate was increased, but for the 1.10 per page increase in 2014 when the new transcript model was increased.

Sample letter with calculation of per page rate increase to be posted on the actao.ca website.

It was agreed to approach MAG on this issue, but not in a confrontational way. Maybe ask if there are any plans in the works for an increase and if so when, and if not seek an increase.

Regulation clarification/interpretation: (This topic of discussion was not on the agenda)

Some members are charging \$20 for an electronic copy regardless of whether the OP has ordered a certified copy. Others will charge .55 per page for copy as the regulation states if the OP has never ordered a copy.

By-laws:

A copy of the proposed by-laws was handed out. No one had any issues, comments, suggestions as to the content of the by-laws. To be posted on the www.actao.ca website

Election of Directors:

It was suggested an email be sent out to all members to see who would like to volunteer to be a director. The articles of incorporation call for 1 – 10 directors. It was suggested that 5 seemed like a good number. The term was also discussed – 1, 2 or 3 years. It was suggested that if an election was held and the top five were appointed, the remaining volunteers could be placed on a standby list to be appointed if any director becomes unavailable to complete their term.

Association Business:

Shelley Smith, as acting treasurer, has been paying all expenses for association; incorporation fee, admin fees, bank fees, website fees, as a loan to the association, which is to be paid back to Shelley by members who have made voluntary dues payments to the association.

Shelley provided a financial report: Since its formation, the association has raised \$755 in voluntary dues. After expenses to date there was \$218.21 left in the account.

The topic of raising more funds was discussed. Members were and are encouraged to make voluntary donations, of any amount, by sending an e-transfer to: hello.actao@outlook.com

An annual membership due was also discussed. \$10 - \$20 a year was an amount was discussed. New ACTs could be given a grace period for 1 year where they don't have to pay the dues their first year out. It would be nice to raise sufficient funds to pay for the website's upkeep annually, as opposed to monthly, as it would be cheaper. Also, if sufficient funds were raised, the cost of the annual convention might be able to be covered. Some members felt dues should be mandatory.

There was also discussion about getting new members – contact the teachers about introducing the association to the students during the course.

Process of transcripts sent for judicial edits:

Main concern is delays often occurring when ACTs are waiting for those types of transcripts to be returned for release by the judiciary, particularly when transcripts are required by the OPs urgently.

Discussion was to ensure OPs are aware that the transcripts are completed and out of ACTs hands, the delay and in the judiciary hands, any delay is on the judiciary – clearly advising the OP that the ACTs are not responsible for any delays. Prove if necessary, to OP and judiciary/assistants.

It was discussed seeking a higher rate for these transcripts, given they can often be time consuming.

Some ACTs have added date sent for review and date released to the Table of Contents page.

The requirement to send these via EATS is not easily done because you have to have a specific person's name and email, and not the generic recording management emails. Clarification required on process from MAG.

It was suggested the judiciary colour code the changes for better clarity and/or provide viewable changes made.

Is the disclaimer enough? Can the judiciary change more than grammar and syntax? What if they do change more than grammar and syntax? Discussion on case law: *R. v. Hannemann* where it was decided judiciary should never make changes other than grammar and syntax and that the decisions are permanent. Any changes other than grammar and syntax put the reporter, as were at the time the decision was rendered, in an invidious position.

Committees:

The formation of the committees as listed on the agenda were discussed and the much need for volunteers. It was discussed that @ 3 volunteers per committee would be a good number. It was also emphasized to the members that if you do volunteer to please be committed to it

Committees – Discussions on various committees the Association should have:

- Convention planning
- Membership increase

- Voluntary dues
- Per page rate increases,
- Court of Appeal /divisional Court copies and use Queen's Printer for copies
- Legal Aid "rates"
- Group discounts
- Website maintenance; and
- Communications to members.

Open mic topics:

1. There should be a central repository for all transcripts, so they are available after an ACT ceases to be authorized. It was noted that MAG/Arkley advised that the transcripts could not be certified in that case as the current policy is that the transcripts must have the original inked signature to be certified and that the ACT must be on the list of authorized ACTs to do so.
2. It was also noted that MAG; Court support internal orders and the Crown attorney orders mandatorily order an e-copy of all transcripts they order and keep/file them. Basically, all transcript e-copies ordered by the Crown and MAG are kept on file (although not "certified" with original inked signature)
3. Electronic copies of transcripts are being forwarded to many parties and are also being printed out and used. How can we ACTs produce transcripts while continuing to protect our livelihood and profession with the increased use of technology (e-copies as opposed to paper copies/recordings being ordered rather than transcripts - in our profession?
4. A yearly meeting will be held at a different location to suit ACTs from across the province.
5. Throughout the meeting Joan MacPherson read out comments "My two cents" from ACTs who provided their comments for the meeting but were not able to attend
6. Attendees and directors were thanked for their efforts, support and participation.
7. Members were encouraged to put their names forward to serve as directors at the upcoming election and/or to serve on the committees to be formed.
8. Members were encouraged to send any amount in voluntary dues to hello.actao@outlook.com
9. Great gratitude was extended to Karen Bilodeau for taking the initiative to bring the convention to fruition.
10. Some ACTs attended the meet and greet the previous night.

Conclusion of meeting at approx.. 4:00 p.m.
