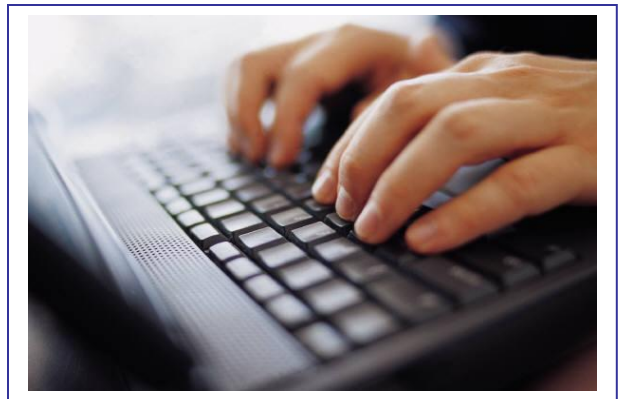


# TRANSCRIPT MANUAL



## TABLE OF CONTENTS

### SECTION 1 - OVERVIEW

- 1.1 [What is a Transcript?](#)
- 1.2 [Why Are Transcripts Produced?](#)
- 1.3 [How Are Transcripts Produced?](#)
- 1.4 [Who Can Produce a Transcript?](#)
- 1.5 [What is the Purpose of Certification?](#)
- 1.6 [When is a Transcript Produced?](#)
- 1.7 [What is Included in the Transcript?](#)
- 1.8 [Overview of Transcript Production](#)

### SECTION 2 - BEGINNING THE TRANSCRIPTION PROCESS

- 2.1 [Transcript Orders](#)
- 2.2 [Orders for Restricted Transcripts](#)
  - 2.2.1 [Court Orders Restricting Access](#)
  - 2.2.2 [Youth Criminal Justice Act Proceedings \(YCJA\)](#)
  - 2.2.3 [Young Offenders Act Proceedings](#)
  - 2.2.4 [Parental Responsibility Act Proceedings](#)
  - 2.2.5 [Intake Court Proceedings](#)
  - 2.2.6 [Pre-enquête Proceedings](#)
  - 2.2.7 [Pardons](#)
  - 2.2.8 [Absolute and Conditional Discharges](#)
  - 2.2.9 [Child Protection Proceedings](#)
  - 2.2.10 [Adoption Proceedings](#)
  - 2.2.11 [Conferences](#)
  - 2.2.12 [Small Claims Court Debtor Examination Hearings](#)
  - 2.2.13 [In Camera or Excluded Proceedings](#)
- 2.3 [Automatic Transcripts](#)
  - 2.3.1 [Mental Health Disorder Disposition Hearings](#)
  - 2.3.2 [Proceedings under the \*Interjurisdictional Support Orders Act\*](#)
  - 2.3.3 [Proceedings under Section 44 of the \*Family Law Act\*](#)
  - 2.3.4 [Proceedings under Section 18 and Section 19 of the \*Divorce Act\*](#)
  - 2.3.5 [Incarceration in a Federal Penitentiary](#)
  - 2.3.6 [Dangerous Offender and Long-term Offender Convictions](#)
  - 2.3.7 [Reviews of Parole Eligibility](#)
  - 2.3.8 [Incarceration in a Provincial Correctional Institution - Level 1 Offences](#)

### SECTION 3 – PREPARING THE TRANSCRIPT

- 3.1 [Safekeeping of Records](#)
  - 3.1.1 [Safekeeping of \*Youth Criminal Justice Act\* Records](#)
  - 3.1.2 [Safekeeping of Adoption Records](#)
  - 3.1.3 [Removal of in-Court Recordings for Transcription Purposes](#)
  - 3.1.4 [Instructions for Operating Recordex Duplicating Machines](#)
  - 3.1.5 [Copying from a Digital Recording Device CD](#)

- 3.2 [Timeframes for Transcript Production](#)
  - 3.2.1 [Timelines for Completing Transcripts](#)
- 3.3 [Requests for Deposits](#)
- 3.4 [Examining the Form 1 Prior to Certification](#)
- 3.5 [Transcript Formatting Rules](#)
  - 3.5.1 [Page Layout](#)
  - 3.5.2 [Headings](#)
  - 3.5.3 [Time Notations](#)
  - 3.5.4 [Format of Questions and Answers](#)
  - 3.5.5 [Format for All Other Text](#)
  - 3.5.6 [Page Numbers](#)
  - 3.5.7 [Page Header](#)
  - 3.5.8 [Cover Page](#)
  - 3.5.9 [Table of Contents](#)
  - 3.5.10 [Font](#)
  - 3.5.11 [Format and Wording for Transcribing a Readback/Playback](#)
  - 3.5.12 [Format for Other Specific Situations or Proceedings](#)
  - 3.5.13 [Multiple Volumes](#)
  - 3.5.14 [Front and Back Covers](#)
- 3.6 [Printing/Reproducing and Binding the Transcript](#)
- 3.7 [Preparing Transcripts with Publication Bans](#)
  - 3.7.1 [Warning for Youth Criminal Justice Act \(YCJA\) Transcripts](#)
  - 3.7.2 [Warning for Transcripts of Child Protection and Adoption Proceedings](#)
  - 3.7.3 [Warning for Transcripts Subject to Court-Ordered Publication Bans](#)
- 3.8 [Preparing Transcripts for Appeal](#)
  - 3.8.1 [Criminal Appeal Routes](#)
  - 3.8.2 [Civil and Family Appeal Routes](#)
  - 3.8.3 [Issuing Certificates/Proof of Ordering Transcripts for Appeal](#)
    - 3.8.3.1 [Appeals from Provincial Offences Court](#)
    - 3.8.3.2 [Appeals to Divisional Court](#)
    - 3.8.3.3 [Summary Conviction Appeals to the Superior Court of Justice](#)
    - 3.8.3.4 [Appeals to the Court of Appeal for Ontario](#)
  - 3.8.4 [Requirement for the Appeal Number on the Certificate](#)
  - 3.8.5 [Requesting Deposits for Court of Appeal Transcripts](#)
  - 3.8.6 [Certificates/Agreements to Minimize Civil and Family Transcripts for Appeal to the Court of Appeal](#)
  - 3.8.7 [Suspending Transcript Production for Transcripts to the Court of Appeal for Ontario](#)
  - 3.8.8 [Front and Back Covers for Appeal Transcripts](#)
  - 3.8.9 [Reproducing Transcripts for the Court of Appeal for Ontario and Divisional Court](#)
  - 3.8.10 [Title Page for Court of Appeal Transcripts](#)
  - 3.8.11 [Issuing a Certificate of Completion](#)
  - 3.8.12 [Inmate Appeals to the Court of Appeal](#)
- 3.9 [Preparing Transcripts Involving Multiple Court Reporters](#)
- 3.10 [Jury Trials](#)
  - 3.10.1 [Jury Selection Process](#)
- 3.11 [Neutral Case Citations](#)

### 3.12 Other General Transcription Instructions

## **SECTION 4 – INCLUSIONS AND EXCLUSIONS**

- 4.1 Introduction to Inclusions & Exclusions
  - 4.1.1 Objections and Submissions
- 4.2 Inclusions and Exclusions in Transcripts of Bail Hearings/Review
- 4.3 Inclusions and Exclusions in Transcripts of Preliminary Inquiries
- 4.4 Inclusions and Exclusions in Criminal Transcripts for Appeal
  - 4.4.1 Inclusions and Exclusions in Provincial Offences Act Appeals
  - 4.4.2 Review or Appeal of Bail Applications
  - 4.4.3 Appeals against Conviction for Indictable Offences
  - 4.4.4 Appeals against Conviction for Summary Conviction Offences
  - 4.4.5 Appeals against Conviction and Sentence for Summary Conviction Offences and Indictable Offences
  - 4.4.6 Appeals against Sentence only for Indictable Offences
  - 4.4.7 Appeals against Sentence only for Summary Conviction Offences
- 4.5 Inclusions and Exclusions in Civil/Family Transcripts for Appeal
  - 4.5.1 Appeals of Assessments of Costs or Taxations
- 4.6 Inclusions and Exclusions in Automatic Transcripts
- 4.7 Inclusions and Exclusions in Other Transcripts

## **SECTION 5 – PROOFREADING AND CERTIFYING THE TRANSCRIPT**

- 5.1 Proofreading the Transcript
- 5.2 Judicial Corrections
- 5.3 Certifying the Transcript
  - 5.3.1 Open Microphone Certification and Examining the Form1
  - 5.3.2 Certification for Stenograph Reporters
  - 5.3.3 Giving Evidence as to a Transcript

## **SECTION 6 – PREPARING THE INVOICE AND DISTRIBUTING THE TRANSCRIPT**

- 6.1 Introduction to Invoices and Distribution
- 6.2 Transcript Fees
  - 6.2.1 Use of Ministry Photocopiers and Printers
  - 6.2.2 Fees for Transcript Copies on Diskette
- 6.3 Invoice Format and Instructions
  - 6.3.1 Invoices to Court Services Division
  - 6.3.2 Invoices to the Provincial Crown or Provincial Government Offices
  - 6.3.3 Invoices to Ordering Parties other than Court Services Division and the Provincial Crown
- 6.4 Distribution Restrictions
  - 6.4.1 Distribution Procedure for Youth Criminal Justice Act Transcripts
  - 6.4.2 Distribution Restrictions for YOA Transcripts
  - 6.4.3 Distribution Restrictions on Parental Responsibility Act matters
- 6.5 Invoicing and Distribution of Automatic Transcripts

- 6.6 [Invoicing and Distribution of Criminal Appeals to the Court of Appeal](#)
- 6.7 [Invoicing and Distribution of Civil Appeals to the Court of Appeal](#)
- 6.8 [Invoicing and Distribution of Transcript Orders from the Judiciary](#)
- 6.9 [Invoicing and Distribution of all other Transcript Orders](#)

## **SECTION 7 – APPENDIX A**

### [Appendix A](#)



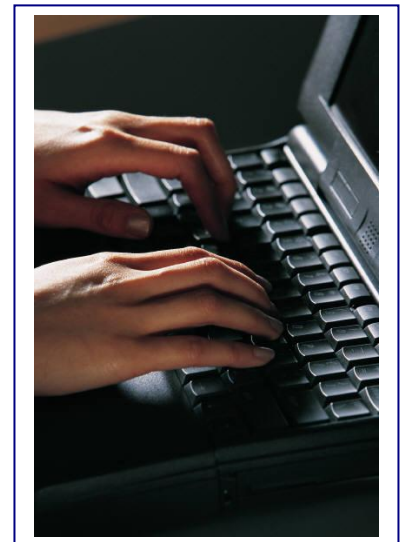
# TRANSCRIPT MANUAL

This manual is the authoritative reference for transcript policies and procedures in Ontario courts. Court reporters are to comply with the policies and procedures of the Ministry of the Attorney General set out in this manual.

Reference to court reporters in this manual includes any person responsible for the preparation of court transcripts.



Note: This manual does not discuss the policies or procedures for making recordings of court proceedings. For these policies and procedures, please refer to the [Courtroom Procedures Manual, Part III, Procedures for Court Reporters](#).



## SECTION 1 - OVERVIEW



- 1.1 [What is a Transcript?](#)
- 1.2 [Why Are Transcripts Produced?](#)
- 1.3 [How Are Transcripts Produced?](#)
- 1.4 [Who Can Produce a Transcript?](#)
- 1.5 [What is the Purpose of Certification?](#)
- 1.6 [When is a Transcript Produced?](#)
- 1.7 [What is Included in the Transcript?](#)
- 1.8 [Overview of Transcript Production](#)

### **Note:**

The policies and procedures regarding the general responsibilities for court reporters with regard to in-court records are set out in the **Courtroom Procedures Manual, Part III, Procedures for Court Reporters**.

[Courtroom Procedures Manual, Part III, Procedures for Court Reporters](#)

### **1.1 What is a Transcript?**

A transcript is a certified written record of an in-court proceeding.

### **1.2 Why Are Transcripts Produced?**

Transcripts are produced for a variety of reasons. Examples of common reasons for requesting transcripts are:

- to document court proceedings for future reference
- to provide a written record of evidence of a trial for appeal purposes
- for publication in legal books to be used for the purpose of case law
- to refresh a witness' memory or to impeach their earlier testimony, etc.

### **1.3 How Are Transcripts Produced?**

Transcripts are produced by authorized persons who transcribe, proofread, edit and certify from recordings produced by the following court-reporting methods:

- Open-microphone audio recording, supplemented by comprehensive annotations
- Stenomask recordings, supplemented by comprehensive annotations
- Stenotype notes
- Shorthand notes

### **1.4 Who Can Produce a Transcript?**

[Ontario Regulation 158/03](#) (amended by Ontario Regulation 92/04) pursuant to the [Evidence Act](#), provides that a person who is trained and qualified to transcribe court recordings, and is a member of a class of persons authorized by the Attorney General, may transcribe the recording and certify the transcript.

The [Approval and Authorization](#) made under the above authority and signed by the Attorney General on April 4, 2011 authorizes the following two classes of persons to transcribe and certify transcripts of court recordings:

A qualified individual authorized to prepare and certify a transcript from a certified sound recording must:

- Have successfully completed prescribed training and be authorized on a list as maintained by the Manager of Court Operations or Municipal Court Manager;
- Demonstrated knowledge and appropriate application of the policies and procedures detailed in the Ministry of the Attorney General Transcript Manual as required by the Manager of Court Operations or a Municipal Court Manager.

**Authorization to certify transcripts of sound recordings is rescinded at the discretion of the Manager of Court Operations or Municipal Court Manager.**

[Qualification Standards \(Appendix A\)](#)

### 1.5 What is the Purpose of Certification?

The certification process is in place for establishing the authenticity of the transcript produced from the record of proceedings. It is a signatory oath by an authorized person formally attesting that the transcript is a true and accurate record of the proceedings.

See [Section 5.3 Certifying the Transcript](#) for further information respecting certification.

### 1.6 When is a Transcript Produced?

Not all recorded proceedings are transcribed. Transcription is only initiated when:

- An order for the transcript of proceedings is received
- When a proceeding meets the criteria for an automatic transcript order

Transcripts must be completed in compliance with established timelines.

[Section 3.2 - Timeframes for Transcript Preparation](#)

### 1.7 What is Included in the Transcript?

Depending on the type of case and the purpose of the transcript order, certain portions of the proceedings may or may not be included in the transcript. [Section 4](#) of this manual outlines the rules for inclusions and exclusions in transcripts.

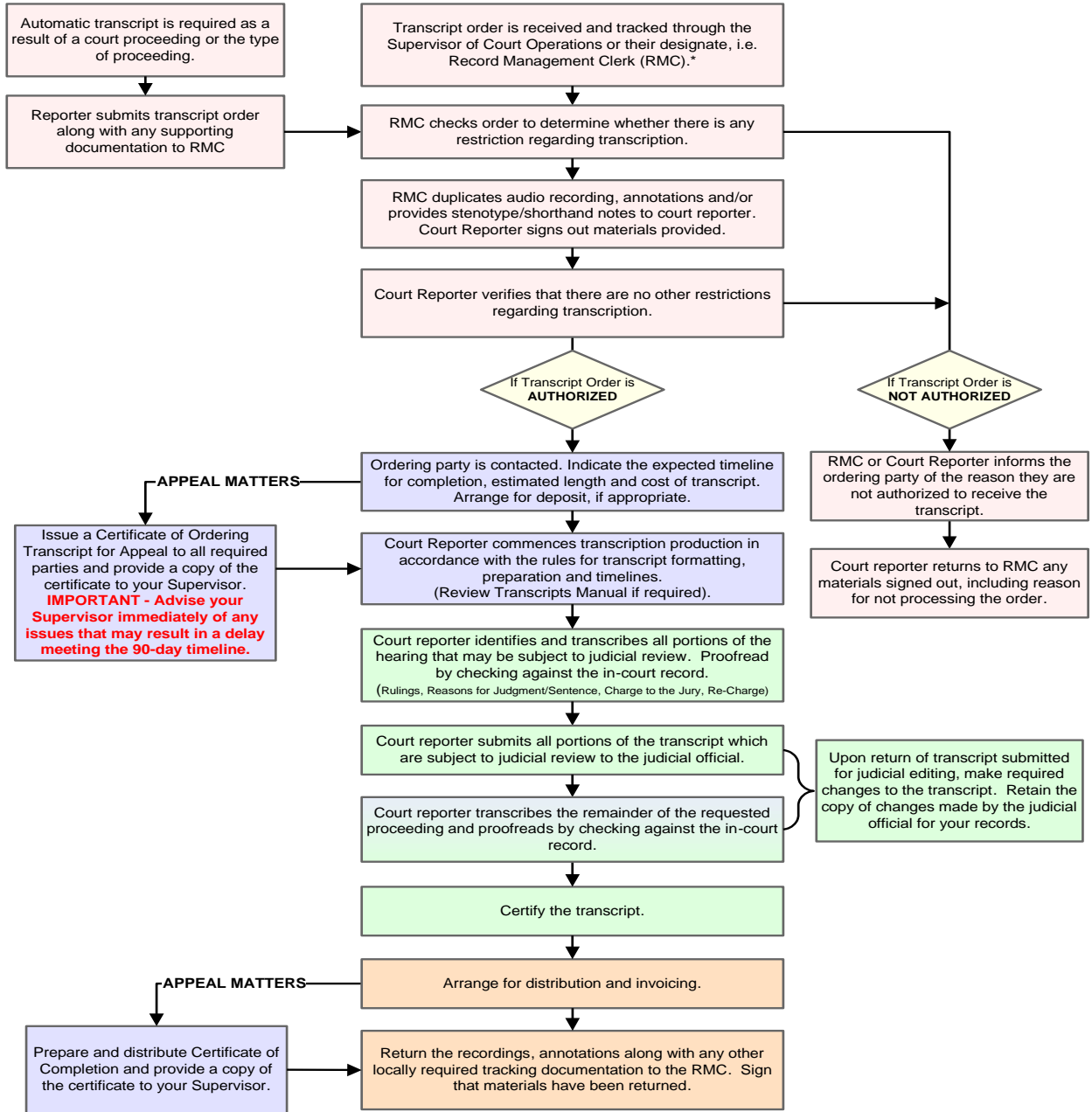
Unless specifically governed by the rules set out in [Section 4](#), the content of the transcript may be determined by the specifics set out in the transcript order. For instance, an ordering party may request the entire transcript, or a specific portion of the transcript.

If an excerpt or a specific portion of a proceeding is requested, the ordering party must be precise as to what they are requesting be transcribed and provide a definitive frame of reference. For example, they may order the evidence of a witness, a specific portion of the proceeding such as the "Reasons for Judgment" or the "Charge to the Jury" or they may request that a specific time frame within the proceedings be transcribed (i.e. commencement of court until the morning recess).



**1.8 Overview of Transcript Production:** The following colour-coded diagram provides an overview of the transcript production process and indicates the sections of the Transcript Manual in which the processes are explained.

### Overview of Transcript Production



**Key**

<span style="background-color: #fce4d6; border: 1px solid black; padding: 2px;"> </span> Section 2: Beginning the transcription process	<span style="background-color: #e1bee7; border: 1px solid black; padding: 2px;"> </span> Section 4: Inclusions and exclusions	<span style="background-color: #ffe0b2; border: 1px solid black; padding: 2px;"> </span> Section 6: Preparing the invoice and distributing the transcript
<span style="background-color: #bbdefb; border: 1px solid black; padding: 2px;"> </span> Section 3: Preparing the transcript	<span style="background-color: #e8f5e9; border: 1px solid black; padding: 2px;"> </span> Section 5: Proofreading and certifying the transcript	

**Note:**  
\*Records Management Clerk (RMC) duties may be performed by other staff as designated by the Supervisor.

## SECTION 2 - BEGINNING THE TRANSCRIPTION PROCESS



- 2.1 [Transcript Orders](#)
- 2.2 [Orders for Restricted Transcripts](#)
  - 2.2.1 [Court Orders Restricting Access](#)
  - 2.2.2 [Youth Criminal Justice Act Proceedings \(YCJA\)](#)
  - 2.2.3 [Young Offenders Act Proceedings](#)
  - 2.2.4 [Parental Responsibility Act Proceedings](#)
  - 2.2.5 [Intake Court Proceedings](#)
  - 2.2.6 [Pre-enquête Proceedings](#)
  - 2.2.7 [Pardons](#)
  - 2.2.8 [Absolute and Conditional Discharges](#)
  - 2.2.9 [Child Protection Proceedings](#)
  - 2.2.10 [Adoption Proceedings](#)
  - 2.2.11 [Conferences](#)
  - 2.2.12 [Small Claims Court Debtor Examination Hearings](#)
  - 2.2.13 [In Camera or Excluded Proceedings](#)
- 2.3 [Automatic Transcripts](#)
  - 2.3.1 [Mental Health Disorder Disposition Hearings](#)
  - 2.3.2 [Proceedings under the \*Interjurisdictional Support Orders Act\*](#)
  - 2.3.3 [Proceedings under Section 44 of the \*Family Law Act\*](#)
  - 2.3.4 [Proceedings under \*Sections 18 and 19 of the Divorce Act\*](#)
  - 2.3.5 [Incarceration in a Federal Penitentiary](#)
  - 2.3.6 [Dangerous Offender and Long-term Offender Convictions](#)
  - 2.3.7 [Reviews of Parole Eligibility](#)
  - 2.3.8 [Incarceration in a Provincial Correctional Institution - Level 1 Offences](#)

### **Section 2: Beginning the Transcription Process**

#### **2.1 Transcript Orders**

The transcription process is initiated either by written request for a transcript or an "automatic" transcript order, which is generated by either the type of proceeding, or disposition of the proceeding. Transcript requests must be in writing, signed and dated by the ordering party. The transcript order may be made using a local transcript ordering form, a form specifically prescribed by Court Services Division, (i.e. Form [AG 1190](#), Request for Court Records/Transcripts for Dangerous/Long-term Offender Application proceedings) or by a letter setting out the particulars of the proceedings requested. Court reporters should speak to their supervisor regarding the specific local requirements for ordering transcripts. The transcript order form should also indicate the number of copies required.

The ordering party may request an entire proceeding, or a specific portion of the proceeding be transcribed. If ordering a portion only of the transcript, the ordering party must be precise as to what they are requesting be transcribed and provide a definitive frame of reference. For example, they may order the evidence of a witness, a specific portion of the proceeding such as the "Reasons for Judgment" or the "Charge to the Jury" or they may request that a specific time frame within the proceedings be transcribed (i.e. commencement of court until the morning recess).



All transcript orders must be provided to your supervisor or their designate. The transcript order information will be entered into a tracking system and the materials required for transcription will be provided to the authorized court reporter, unless there is a pre-existing restriction preventing transcription.

**All recordings, annotations and documents released to the authorized court reporter for transcription purposes must be securely stored and kept confidential at all times**

## 2.2 Orders for Restricted Transcripts



**Access to certain transcripts is restricted. Before preparing the transcript, ensure that the party ordering the transcript is authorized to receive it.** Consult with your supervisor if necessary. If the ordering party is not authorized to receive the transcript, contact the party immediately and inform them of the access restriction. **Do not prepare the transcript.** The procedures set out below for distribution of restricted transcripts must be adhered to. Note that a publication warning may be required on the title page and first page of each volume of transcript. Special procedures must be followed when [distributing restricted transcripts](#).

**Access to transcripts is restricted in the following situations:**

### 2.2.1 Court Orders Restricting Access

A court may make an order restricting access to information about a proceeding in order to protect the privacy and security of parties or witnesses, and the confidentiality of information provided during the proceedings. Any restrictions made by order of the court must be strictly adhered to when preparing transcripts. If a publication ban was ordered during the proceeding, details of the ban are required to be typed on the title page; table of contents and an indication of "Publication Ban" must be inserted as footer on each page of the transcript.

See: [Sample Transcript Cover Page with Publication Ban \(located in the CRS Forms and Examples Tab\)](#)

Note: A court ordered publication ban alone does not restrict access to the transcript; there must be a specific court order restricting access.

### 2.2.2 Youth Criminal Justice Act Proceedings (YCJA)



YCJA records are **NOT publicly accessible**. Access to youth transcripts are prohibited to everyone except designated persons under [Section 119 of the Youth Criminal Justice Act](#) AND only when the request is made within the legislated access period set out in s. 119(2) of the YCJA. Access to youth transcripts produced under the POA should be dealt with in the same manner as YCJA matters.

Unless a judge ordered the transcript, the court manager or supervisor must approve the preparation of the transcript by signing the original copy of the written transcript order. Requests for additional copies of these transcripts should also be referred to the court manager or supervisor for approval. Note that the [Youth Criminal Justice Act](#) restricted access warning must be included on the title page of these transcripts.

Warning for *Youth Criminal Justice Act* Transcripts:

INFORMATION CONTAINED HEREIN IS PROHIBITED FROM PUBLICATION PURSUANT TO SECTIONS 110 AND 111 OF THE *YOUTH CRIMINAL JUSTICE ACT*

IL EST INTERDIT DE DIFFUSER L'INFORMATION CONTENUE DANS LES PRÉSENTES, CONFORMÉMENT À L'ARTICLE 110 ET 111 DE LA *LOI SUR LE SYSTÈME DE JUSTICE PÉNALE POUR LES ADOLESCENTS*.

This warning is not required on transcripts for youths charged under the [Youth Criminal Justice Act](#) who have received an Adult Sentence, if the transcript is prepared after the 30-day time period for restricted access has elapsed and no appeal has been filed.

Transcripts of [Parental Responsibility Act](#) matters that use evidence or records pertaining to the [Youth Criminal Justice Act](#) must include the applicable warning required under the [Youth Criminal Justice Act](#).

See: [Cover of a Youth Criminal Justice Act Transcript \(located in the CRS Forms and Examples Tab\)](#)

#### **Parties Who May Have Access:**

On request, persons designated under [s. 119\(1\)](#) of the YCJA shall be given access to youth justice court transcripts, **as long as the access periods have not expired**. Access periods are set out in [s. 119\(2\)](#) (See [YCJA Access Table](#)). Court staff must seek assistance or judicial direction if it is unclear whether or not the requestor is a designated person. Where it cannot be determined whether the person is entitled to access the transcript they seek, the person should be directed to seek clarification from the Youth Justice Court by way of a Youth Justice Court order.

#### **Access Periods – Non-Disclosure Provisions:**

It is an offence under s. 138(1) of the [Youth Criminal Justice Act](#) to provide access or to disclose the records (including transcripts) without judicial authority after the time periods set out in s.119(2)(a) to (j) of the YCJA have expired. Once the access period has expired, access is restricted to everyone except for the young person. (Even the Crown cannot access the transcript after the access period has expired, unless a court order has been obtained). The court, Review Board, police or government agency may not use or disclose the records kept regarding a young person, unless a Youth Justice Court orders otherwise under s. 123(1).

See: [YCJA Access Table \(located in the CRS Forms and Examples Tab\)](#)

### **2.2.3 Young Offenders Act Proceedings**

The *Young Offenders Act* was repealed and replaced by the [Youth Criminal Justice Act](#). Under section 44 of the [Young Offenders Act](#), access to transcripts of proceedings against young offenders is restricted to specific individuals.

Unless ordered by a judge, the court manager or supervisor must approve the preparation of the transcript by signing the original copy of the written transcript order. Requests for additional copies of these transcripts should also be referred to the court manager or supervisor for approval.



### **2.2.4 Parental Responsibility Act Proceedings**

Transcripts of [Parental Responsibility Act](#) matters that use evidence or records pertaining to the [Youth Criminal Justice Act](#) or the [Young Offenders Act](#) must be treated like [Youth Criminal Justice Act/Young Offenders Act](#) transcripts. The transcript may only be provided to the claimant, the claimant's lawyer or agent, the child, the child's parents and the lawyer or agent for the child or the parents.



### 2.2.5 Intake Court Proceedings



Intake court is a forum for the police and private citizens to present information before a justice of the peace to initiate criminal proceedings, request orders for examination under the *Mental Health Act*, etc. The justice of the peace audio records intake court proceedings. Although court reporters are not present for intake court proceedings, authorized transcript orders are only transcribed by a court reporter.

**Note:** It is acceptable to insert "inaudible" or "indiscernible" in brackets in those areas of the transcript of an intake court proceeding where the court reporter is unable to hear what was said, or is unable to discern with certainty what was spoken.

The court reporter responsible for the transcription should certify a transcript from an intake court proceeding as follows:

THIS IS TO CERTIFY THAT the foregoing is a true and accurate transcription of the audio recording number (tape/disk number/year) to the best of my skill, ability, and understanding.

**Access to transcripts of intake proceedings is restricted as follows:** Generally, if legal process issues as a result of the hearing (i.e. charges have been filed) transcripts can be produced and distributed. If legal process does not issue as a result of the hearing you should not produce or distribute the transcript to anyone, including the accused, unless you are directly ordered to do so by the court.

[CSD Directive 2004/05 Access to Pre-enquête or Peace Bond Documents](#)

### 2.2.6 Pre-enquête Proceedings



Following an initial intake court interview, the justice of the peace may conduct a *pre-enquête* hearing to determine whether legal process should issue against someone on the basis of information provided (e.g. whether criminal charges should be filed.) This hearing takes place in a courtroom with a court reporter present.

*Pre-enquête* proceedings are conducted *in camera*. Transcripts of a *pre-enquête hearing* are restricted to the **public** as follows:

Where the justice of the peace has adjourned the hearing, access is denied unless ordered by the Court

**If Process is Issued:** For both private and Crown prosecutions, if process has issued, the documents and transcripts of the *pre-enquête* hearing become publicly accessible once the defendant has been arrested or the summons has been served, unless there are other legislative restrictions to access (i.e. YCJA), or a specific order of the court restricting access.

**If Process is Not Issued:** If process is not issued, the documents and transcript of the *pre-enquête* hearing are not publicly accessible.

**Where the justice of the peace has adjourned the hearing, access is denied unless ordered by the Court.**

[Directive 2002/20 Bill C15-A Private Prosecutions](#)

[CSD Directive 2004/05 Access to Pre-enquête or Peace Bond Documents](#)

### 2.2.7 Pardons



If a pardon has been granted, **any** proceedings relating to the original conviction are not publicly accessible without prior approval of the Federal Minister of Justice. The notes must be clearly marked as "PARDONED" for each proceeding for which the party has been granted a pardon.

Court staff must not allow access to the transcript, the proceeding, **or** disclose the existence of these proceedings to any person.

**Exception:** The person, who is the subject of the pardon, or counsel acting on his or her behalf, may request a transcript. Such request must be in writing, specifying the purpose for the request. Appropriate identification must also be provided. [Ministry policy reflects [s.6\(2\) Criminal Records Act](#), R.5, c.12, as amended by S.C. 1992, c.22.]

[Policy and Procedures on Public Access to Court Files, Documents and Exhibits](#)

### 2.2.8 Absolute and Conditional Discharges



If a discharge has been granted, the court reporter will have clearly noted the disposition in the annotations as either: "Absolute Discharge" or "Conditional Discharge".

An **Absolute Discharge** may only be transcribed within one year from the date the discharge was issued.

A **Conditional Discharge** may only be transcribed within three years from the date the discharge was issued.

Following these specified time periods, no further transcripts of the individual's case may be prepared without a court order [\[s.6.1\(1\) of the Criminal Records Act\]](#). Court staff must not allow access to the transcript, the proceedings, **or** disclose the existence of these proceedings to any person.

**Exception: The person who is the subject of the discharge may be provided a transcript if he or she (or a lawyer acting for him or her) provides appropriate identification, or if requested by an enforcement agency that requires the document for the purpose of investigation of another matter.**

### 2.2.9 Child Protection Proceedings



Under Section 45(4) of the [Child and Family Services Act \(CFSA\)](#), child protection hearings and appeals of child protection decisions are closed to the public unless ordered by the court. Under subsections 45(5) and 69(8) of the *CFSA*, members of the media may attend the hearings unless the court makes an order excluding them. Access to transcripts of *CFSA* proceedings may only be given to a party to the hearing or a party's solicitor. **Other persons, including legal publishers, may not be given transcripts of these proceedings unless the court orders otherwise.** Parties to these proceedings are usually the Children's Aid Society and the child's parents. Ensure you have the correct corporate name of the approved child protection agency on the title page.

### 2.2.10 Adoption Proceedings



Under 151(1) and 156(6) of the [Child and Family Services Act](#), an application for an adoption order or an appeal of an adoption order shall be heard and dealt with in the absence of the public. Under subsection 162(2) of the [Child and Family Services Act](#), documents and the in-court recordings and annotations are sealed and filed in the court office and must not be opened except by court order. A party requesting a transcript must make an application to the court to have the adoption envelope unsealed. If the applicant is successful, he or she must provide a copy of the order to court staff responsible for arranging for the transcript. Court staff must not unseal the adoption envelope without a court order.

### 2.2.11 Conferences

#### a) Superior Court of Justice Criminal Pre-trial Conferences



Rule 28.05 of the [Superior Court of Justice Criminal Proceedings Rules](#) made pursuant to s. 482 and s. 625.1 of the *Criminal Code of Canada* directs that unless otherwise ordered by the pre-trial conference judge, a pre-trial conference in a case where all parties are represented by counsel shall be conducted in a pre-trial conference room, judges' chambers or other suitable room in the courthouse where a full and frank discussion of the issues raised in the proceedings may take place. Where any party is not represented by counsel, the pre-trial conference shall be held in a courtroom closed to the public, and shall be recorded and the proceedings not published, broadcast or transmitted in any way, except by order of the pre-trial conference judge.

Pre-trial conference hearings in the Superior Court of Justice are subject to a publication ban. Transcripts cannot be ordered by either party without notice to all parties and the written approval of the pre-trial conference judge or another judge of the court. Should the release of any pre-trial conference transcript be granted, the transcript must include the publication ban warning.

#### b) Family Law Conferences



Rule 17 of the [Family Law Rules](#) provides for three types of conferences: case conferences, settlement conferences and trial management conferences. These conferences may be recorded at the request of the presiding judicial official. These recordings are for the judge's use only. Transcripts of these recordings cannot be provided to any party without a court order or the consent of the presiding judicial official.

### 2.2.12 Small Claims Court Debtor Examination Hearings



In Small Claims Court a creditor may request an examination hearing if there is a default under an order for the payment or recovery of money. An examination of the debtor takes place under oath, which gives both the court and the creditor information about the debtor's financial situation. The public is not allowed to attend these proceedings unless ordered otherwise by the court. Access to transcripts of these examinations in Small Claims Court is restricted to the parties only.

[Rule 20.10 \(6\) Rules of the Small Claims Court](#)

### 2.2.13 *In Camera* or Excluded Proceedings



When the public is excluded from a court proceeding (*in camera* proceeding), the public may not have access to records relating to that portion of the proceedings. This includes the portion of the transcript where the public was excluded, the Information or any order that may have resulted.

The *Criminal Code* provides an option for exclusion of the public (*in camera* proceedings) in a number of circumstances, including\*:

- Section 486(1) - Exclusion of the public in certain cases
- Section 486.5(6) - Judge may hold private hearing to determine whether a publication ban under s. 486.4 or 486.5 should be made
- Section 276.1(3) and s. 276.2(1) - Evidence of complainant's sexual activity
- Section 278.4(1) and s. 278.6(2) - Production of record to accused
- Section 462.34(5) - Hearing to determine reasonableness of expenses in relation to an application of review of special warrants and restraint orders
- Section 672.5(6) - Exclusion of public from all or part of disposition hearing re: Mental Disorder
- Section 672.5(10) and s. 672.51(6) - Exclusion of accused and/or certain persons from (Mental Disorder) disposition hearing.
- This list may not be exhaustive.

If the public (or specific persons) is excluded under one of these sections, or on any other basis where the court orders that the public be excluded, the court records relating to that part of the proceedings in which the public was excluded should not be made accessible to anyone other than those parties that were exempted from the order (i.e. those participating in the hearing). All other persons requesting access must obtain a court order permitting access.

If the public is excluded from a portion of the proceedings, no access shall be given to any transcript or record made in relation to that portion of the proceedings in which the public was excluded.

### 2.3 Automatic Transcripts

Automatic transcript orders are generated automatically either because of the type of the proceeding or the disposition of the proceeding. In these cases, you must provide your supervisor or designate with the required documentation in order to obtain the necessary records and documentation required to transcribe. Your supervisor will confirm your authorization to prepare the transcript.

Please see the Automatic Transcript Orders chart located on the Forms and Samples page of the Court Reporting Services tab for ease of reference. Access this chart for inclusions, exclusions, distribution and invoicing instructions, as well as transcript timelines.

**Transcripts must be automatically prepared in the following situations:**

#### 2.3.1 Mental Health Disorder Disposition Hearings

The court may make a finding that an accused is **not criminally responsible** due to mental disorder; or the court may make a finding that the accused is **unfit to stand trial**. If either of these findings is made, the court may hold an initial disposition hearing **or** refer the initial disposition hearing to the Ontario Review Board. Following are the four possible outcomes of a disposition hearing and the requirements for each:



(a) The court may decide not to make a disposition and defer the matter to the Ontario Review Board:

WHAT TO INCLUDE IN THE TRANSCRIPT	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings where referral to the Ontario Review Board was made and/or any other transcripts that the judge may order.	One	Submit an Invoice for Service to the Crown. Mark on the invoice that the transcript is an automatic order for a disposition hearing forwarded to the Ontario Review Board.	7 days

(b). The accused may be ordered detained in custody in a hospital:

WHAT TO INCLUDE IN THE TRANSCRIPT	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings and/or any other transcripts that the presiding judge may order.	One	Submit an Invoice for Service to Court Services Division. Mark on the invoice that the transcript is an automatic order for a disposition hearing forwarded to the Ontario Review Board.	30 days

(c). Conditional Discharge: The offender may be ordered discharged to the community with conditions:

WHAT TO INCLUDE IN THE TRANSCRIPT	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings and/or any other transcripts that the presiding judge may order.	One	Submit an Invoice for Service to Court Services Division. Mark on the invoice that the transcript is an automatic order for a disposition hearing forwarded to the Ontario Review Board	30 days

(4). Absolute Discharge: For findings of not criminally responsible only, the accused is discharged absolutely.

WHAT TO INCLUDE IN THE TRANSCRIPT	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings and/or any other transcripts that the presiding judge may order.	One	Submit an Invoice for Service to Court Services Division. Mark on the invoice that the transcript is an automatic order for a disposition hearing forwarded to the Ontario Review Board.	30 days

**Note:** At some court sites the Crown coordinates the gathering and delivery of documents required for the Ontario Review Board. Check with your Supervisor to confirm local practice respecting the method of delivery of transcripts to the Ontario Review Board. **The address for the Ontario Review Board is:**

The Ontario Review Board, 10th Floor, 151 Bloor Street West, Toronto Ontario. M5S 2T5	
Telephone:	(416) 327-8868
Fax:	(416) 327-8867

### 2.3.2 Proceedings under the *Interjurisdictional Support Orders Act*

The *Interjurisdictional Support Orders Act* (ISOA) sets out procedures for making and varying child or spousal support orders when one party lives in Ontario and the other lives in a reciprocating jurisdiction. The court reporter identifies ISOA matters from the case event list as requiring an automatic transcript, fills out a transcript order form and has the form signed by the family court supervisor or their designate.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings	Supervisor or authorized designate  (Check with your Supervisor for local practice)	Four	Reporter identifies ISOA matter from the case event list as requiring an automatic transcript, fills out a transcript order form and has form signed by family court supervisor or designate.  Submit Invoice for Service to CSD, mark as automatic ISOA order and attach a copy of the signed transcript order form.	21 days

### 2.3.3 Proceedings under *Section 44 of the Family Law Act*.

Section 44 of the *Family Law Act* deals with the making or variation of support by a provisional support order, where the responding party fails to appear and lives more than 150km from where the case is heard. If the court orders a “provisional” support order because the responding party did not appear and lives more than 150 km from where the case was heard, transcripts of the entire hearing must be automatically prepared.

The court reporter identifies section 44 *Family Law Act* proceedings from the order made (provisional support order) or from the case event list as requiring an automatic transcript, fills out a transcript order form and has the form signed by the family court supervisor or their designate.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings	Supervisor or authorized designate  (Check with your Supervisor for local practice)	Four	Reporter identifies <i>Section 44 Family Law Act</i> proceedings when an order is made, fills out a transcript order form and has it signed by supervisor or designate. Reporter submits Invoice for Service to CSD. Mark as an automatic order and attaches a copy of the signed transcript order form.	21 days

#### 2.3.4 Proceedings under [Section 18 and Section 19 of the Divorce Act](#)

Section 18 and Section 19 of the *Divorce Act* deals with the making or variation of support by a provisional support order, where the responding party lives in another province or territory.


The court reporter identifies these *Divorce Act* proceedings from the order made to be an automatic transcript order. (Note: The event may also appear as “Hearing Provisional” on the case event list). The court reporter completes a transcript order form and has it authorized by the family court supervisor or designate.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Transcript of Proceedings	Supervisor or authorized designate  (Check with your Supervisor for local practice)	Four	Reporter identifies Section 18 or Section 19 <i>Divorce Act</i> proceedings from the order made as an automatic transcript order, fills out a transcript order form and has it signed by family court supervisor or designate.  Reporter submits Invoice for Service to CSD. Mark as an automatic order and attach a copy of the signed transcript order form.	21 days

#### 2.3.5 Incarceration in a Federal Penitentiary

As a result of an agreement between the Ministry of the Attorney General and Correctional Services of Canada, all transcripts where offenders have been convicted and are sentenced to two years or more in a federal penitentiary become automatic transcript orders.

Note: See [addresses](#) and distribution requirements for Correctional Services of Canada below.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
<p>Reasons for Sentence</p> <p><b>Note:</b> If the offender has been convicted of First or Second Degree Murder, include the Charge to the Jury)</p> <p>Court Reporter may also be provided with a Form CSO 743.2.1 or Form CCO 743.2.2, Memorandum of Court to Correctional Services of Canada signed by a judge of the OCJ or SCJ, ordering the sentence and/or additional transcripts</p>	<p>Correctional Services Canada (See <a href="#">addresses</a> below.)</p>	<p> One</p> <p>(Note: If additional copies of transcripts are required by Correctional Services Canada, they will be ordered in writing on an individual case basis)</p>	<p>Submit a private invoice to CSC.</p> <p>Attach Form CSO 743.2.1 or CCO 743.2.2 if the court has ordered any additional transcripts.</p>	<p>15 days</p>

### 2.3.6 Dangerous Offender and Long-term Offender Convictions

As a result of an agreement between the Ministry of the Attorney General and Correctional Services of Canada, an automatic transcript order is initiated when an offender has been found to be a dangerous or long-term offender.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
<p>(1) A transcript of the evidence at the trial for which the offender was convicted and upon which the DO/LTO application was made; and</p> <p>(2) A transcript of the evidence provided by expert witnesses only, and the ruling on the DO/LTO application hearing.</p>	<p>Correctional Services of Canada (See <a href="#">addresses</a> below)</p>	<p>One</p>	<p>Submit a private invoice to Correctional Services of Canada.</p>	<p>30 days</p>

### 2.3.7 Reviews of Parole Eligibility

The *Criminal Code* provides that an offender who has been sentenced to 25 years without parole may apply for judicial review of the period of parole ineligibility to the Superior Court of Justice.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Entire transcript of the proceedings on the Judicial Review	Correctional Services of Canada (See <a href="#">addresses</a> below)	One	Submit private invoice to Correctional Services of Canada.	30 days

Following are the addresses for Correctional Services of Canada automatic transcript orders. The address is one of three, (depending which court site the offender was sentenced) as follows:

**Note:**

- If the transcript was faxed or e-mailed, the reporter must follow up by couriering a certified hard copy.
- **Transcripts for Correctional Services Canada are not to be Cerloxed. Please paper clip or clamp the transcript.**

**ADDRESSES FOR FORWARDING TRANSCRIPTS TO CORRECTIONAL SERVICES CANADA:**

**1. Transcripts for male and female offenders sentenced at the following court locations:**

- **Brampton**
- **Burlington**
- **Fort Erie**
- **Hamilton**
- **Milton**
- **Newmarket**
- **Oakville**
- **Oshawa**
- **St. Catharines**
- **Toronto**
- **Welland**

By e-mail, Purolator, mail or fax:

Correctional Services of Canada,  
Information Retrieval Unit,  
c/o Toronto Police Service  
Bail and Parole Enforcement Unit  
2440 Lawrence Avenue East  
Scarborough, ON M1P 2R5  
**Purolator Account: #4057277**  
**Email: [Gen-ont-irc@csc-scc.gc.ca](mailto:Gen-ont-irc@csc-scc.gc.ca)**  
**Fax Number: 416 615-2353**

**2. Transcripts for both male and female offenders that were sentenced in all Regions other than the North West Region and the court sites set out in 1 above.**

By e-mail, Purolator, mail or fax:

Correctional Services of Canada, Ontario Region,  
Information Retrieval Coordinator, Information Retrieval Unit,  
Millhaven Institution,  
P.O. Box 280,  
5775 Bath Road,  
Bath, Ontario, K0H 1G0  
Purolator Account #4057277  
[Gen-ont-iru@csc-scc.gc.ca](mailto:Gen-ont-iru@csc-scc.gc.ca)  
Fax Number 1-866-890-6083

**3. Transcripts for female offenders sentenced by court locations in the North West Region (i.e. Thunder Bay, Kenora, Dryden, Ft. Frances)**

By e-mail, Purolator, or mail (no fax):

Alana Coppola,  
Office Manager,  
Correctional Services of Canada  
Parole, Suite 100,  
244 Lincoln Street,  
Thunder Bay, Ontario, P7B 5L2  
Purolator Account #4057277  
Phone Number 1-807-683-4490  
[CoppolaAD@CSC-csc.gc.ca](mailto:CoppolaAD@CSC-csc.gc.ca)

**4. Transcripts for male offenders sentenced by court locations in the North West Region (i.e. Thunder Bay, Kenora, Dryden, Ft. Frances)**

By email, Purolator, mail or fax:

Lisa Basha,  
Information Coordinator,  
Correctional Services of Canada,  
Box 4500,  
Stony Mountain Institution,  
Winnipeg, Manitoba, R3C 3W8  
Purolator Account #4057277  
Phone Number 1-204-344-5111  
Fax Number 1-204-344-7105  
[bashalm@csc-scc.gc.ca](mailto:bashalm@csc-scc.gc.ca)

**2.3.8 Incarceration in a Provincial Correctional Institution - Level 1 Offences**

When an offender is sentenced to incarceration for longer than six months but less than two years for a Level 1 offence, they may be required to serve their sentence in a provincial correctional institution. A transcript of the judge's reasons for charge and reasons and recommendations for sentence must be prepared automatically and forwarded within 30 days to the local probation office.

A list of Level One offences is set out on Form [CAO M4](#) or CC 743.2.2, which may be provided by the Clerk Registrar.

WHAT TO INCLUDE IN THE TRANSCRIPT	DELIVER THE TRANSCRIPT TO	NO. OF COPIES	INVOICING INSTRUCTIONS	TRANSCRIPT REQUIRED WITHIN
Reasons for Sentence, and the Summary of Facts if ordered by the justice.	Local Probation Office	One	<p>Submit an Invoice for Service to Court Services Division. Mark invoice with budget code 546210.</p> <p>Note on the invoice that transcript is for an automatic transcript order for a sentence of six months to two years less a day.</p> <p>Attach a copy of the Form CC 743.2.2, or CAO M4 to the invoice.</p>	30 days

## **SECTION 3 – PREPARING THE TRANSCRIPT**



- 3.1 Safekeeping of Records
  - 3.1.1 Safekeeping of *Youth Criminal Justice Act* Records
  - 3.1.2 Safekeeping of Adoption Records
  - 3.1.3 Removal of in-Court Recordings for Transcription Purposes
  - 3.1.4 Instructions for Operating Recordex Duplicating Machines
  - 3.1.5 Copying from a Digital Recording Device CD
- 3.2 Timeframes for Transcript Production
  - 3.2.1 Timelines for Completing Transcripts
- 3.3 Requests for Deposits
- 3.4 Examining the Form 1 Prior to Certification
- 3.5 Transcript Formatting Rules
  - 3.5.1 Page Layout
  - 3.5.2 Headings
  - 3.5.3 Time Notations
  - 3.5.4 Format of Questions and Answers
  - 3.5.5 Format for All Other Text
  - 3.5.6 Page Numbers
  - 3.5.7 Page Header
  - 3.5.8 Cover Page
  - 3.5.9 Table of Contents
  - 3.5.10 Font
  - 3.5.11 Format and Wording for Transcribing a Readback/Playback
  - 3.5.12 Format for Other Specific Situations or Proceedings
  - 3.5.13 Multiple Volumes
  - 3.5.14 Front and Back Covers
- 3.6 Printing/Reproducing and Binding the Transcript
- 3.7 Preparing Transcripts with Publication Bans
  - 3.7.1 Warning for *Youth Criminal Justice Act* (YCJA) Transcripts
  - 3.7.2 Warning for Transcripts of Child Protection and Adoption Proceedings
  - 3.7.3 Warning for Transcripts Subject to Court-Ordered Publication Bans
- 3.8 Preparing Transcripts for Appeal
  - 3.8.1 Criminal Appeal Routes
  - 3.8.2 Civil and Family Appeal Routes
  - 3.8.3 Issuing Certificates/Proof of Ordering Transcripts for Appeal
    - 3.8.3.1 Appeals from Provincial Offences Court
    - 3.8.3.2 Appeals to Divisional Court
    - 3.8.3.3 Appeals to the Superior Court of Justice
    - 3.8.3.4 Appeals to the Court of Appeal for Ontario
  - 3.8.4 Requirement for the Appeal Number on the Certificate
  - 3.8.5 Requesting Deposits for Court of Appeal Transcripts
  - 3.8.6 Certificates/Agreements to Minimize Civil and Family Transcripts for Appeal to the Court of Appeal



- [3.8.7 Suspending Transcript Production for Transcripts to the Court of Appeal for Ontario](#)
- [3.8.8 Front and Back Covers for Appeal Transcripts](#)
- [3.8.9 Reproducing Transcripts for the Court of Appeal for Ontario and Divisional Court](#)
- [3.8.10 Title Page for Court of Appeal Transcripts](#)
- [3.8.11 Issuing a Certificate of Completion](#)
- [3.8.12 Inmate Appeals to the Court of Appeal](#)
- [3.9 Preparing Transcripts Involving Multiple Court Reporters](#)
- [3.10 Jury Trials](#)
  - [3.10.1 Jury Selection Process](#)
- [3.11 Other General Transcription Instructions](#)

## **SECTION 3 – PREPARING THE TRANSCRIPT**

### **3.1 Safekeeping of Records**

All in-court reporting records must be securely stored in the courthouse. In-court reporting records must be returned to the designated area at the end of each court day. Annotations/log notes and a completed Form 1 must be stored in the same area as the corresponding audio recordings.

When in-court reporting records are forwarded to the Records Centre, the relevant annotations/log notes must accompany those recordings.

#### **3.1.1 Safekeeping of Youth Criminal Justice Act Records**

In-court reporting records for *Youth Criminal Justice Act* matters or for proceedings, which use evidence obtained under the *Youth Criminal Justice Act*, are to be kept on a separate recording medium from other non-youth matters.

#### **3.1.2 Safekeeping of Adoption Records**

In-court reporting records of adoption proceedings are kept on a separate recording medium from all other matters and must be stored with the other adoption file materials in the area designated by your supervisor.

#### **3.1.3 Removal of in-Court Recordings for Transcription Purposes**

All relevant annotations/log notes, stenograph or shorthand notes, audio recordings (including back-up recordings), hard copy materials (such as copies of exhibits or case law), filed with the Records Management office will be provided for transcription once the manager/supervisor or designate has received an authorized transcript order

All original in-court recordings form part of the court record and should not be removed from the court office without the authority of the Manager of Court Operations or their designate. Any originals and/or copies of recordings, annotations/log notes, and accompanying materials must be signed in and out.

Note: Once a transcript has been prepared and certified and the annotations/log notes, recordings and any accompanying materials are returned to the court office, it must be noted in the logbook, on the stenograph notes or on the disk of the digital recording as to the portions of proceedings transcribed, the date of transcription, and the name of the court reporter who transcribed the proceedings.

### 3.1.4 Instructions for Operating Recordex Duplicating Machines

Follow the procedure below to create duplicate audiotapes using the Recordex system.

[See CSD Directive 2005/22](#)

Turn the Recordex unit on by pressing the “POWER” button. The red light will turn on.

Switch the “AUTO REWIND” button to “ON.” This feature ensures that both the master and copy cassette tapes are automatically rewound before and after the copying is completed.

Select a blank or reused cassette tape and label it “COPY”. Write the title from the master cassette tape onto the face of this copy cassette tape in red pen.

Fully insert the master cassette tape that you wish to copy (i.e. the original recorded audiotape) into the cassette slot marked “Master” on the top of the unit. Ensure that the exposed tape-path is facing you. Avoid touching the tape surface at all times. Press the bottom end (tape-path) down until you hear a click.

Caution: Never place the master cassette tape (original recorded audiotape) in the “COPY” slot or the recorded information will be lost.

Insert the copy cassette tape (i.e. the blank cassette onto which you want to copy the original) into the cassette slot marked “COPY”, located at the bottom of the unit. Ensure that the exposed tape-path is facing you. Avoid touching the tape surface at all times. Press the bottom end (tape-path) down until you hear a click.

Verify that the original recorded cassette tape has been placed in the slot marked “MASTER” and that a blank cassette tape has been placed in the slot marked “COPY” prior to proceeding to the next step.

Press the “COPY” button. Both the “MASTER” and “COPY” cassette tapes will rewind to the beginning of the cassette tape and the copy process will begin. Note: The Recordex unit will automatically erase any previously recorded material on the “COPY” cassette tape once you press “COPY”. After the copy cycle is complete, both “MASTER” and “COPY” cassette tapes will automatically rewind.

For additional copies, remove the copied cassette tape, reload another blank cassette tape into the “COPY” slot and repeat steps 5 and 6.

To ensure the best copy quality, frequently clean the heads of both “MASTER” and “COPY” slots by using cotton swabs with isopropyl alcohol.



### 3.1.5 Copying from a Digital Recording Device CD

Record Management Clerks will prepare copies of the recording and annotations by copying the proceedings from the local server. For those instances in the early DRD phase sites where the recordings were not backed up to the server, follow the instructions for [Copying from a Digital Recording CD](#) for duplicating recordings and annotations.



## 3.2 Timeframes for Transcript Production

### 3.2.1 Timelines for Completing Transcripts

Always verify that the ordering party is not restricted from ordering the transcript. Once authorized and the materials have been provided to the reporter from the Records Management staff, you should contact the ordering party to agree on a time frame for completion. Ensure that the time frames you provide are reasonable and realistic.

The attached chart provides an overview of the transcript timelines:

Type of Transcript	Timeline
Bail hearings ordered for the purpose of a bail review should be transcribed within 48 hours.  Pursuant to <a href="#">Section 520 and 520 (2) of the Criminal Code of Canada</a> a bail review is able to be scheduled with two days clear notice.	48 hours
Application for Stay	7 days
Reasons for Judgment or Sentence	7 days
Disposition Hearings (other than automatic transcripts)	7 days
All Other Transcripts (non-Court of Appeal)	30 days
Court of Appeal Transcripts (See the following Practice Directions): a) <a href="#">Court of Appeal Practice Direction</a> respecting the timely hearing of criminal appeals b) <a href="#">Practice Direction Concerning Civil Appeals in the Court of Appeal</a>	90 days
See Section <a href="#">2.3 Automatic Transcripts</a> for timelines and all other information regarding the following automatic transcript orders: <ul style="list-style-type: none"><li>▪ Sentence to a provincial correctional institution on level one offences</li><li>▪ <i>Interjurisdictional Support Order Act</i> hearings</li><li>▪ Section 44 <i>Family Law Act</i> hearings</li><li>▪ <i>Divorce Act</i> - Section 18 and 19 hearings</li><li>▪ Mental disorder disposition hearings</li><li>▪ Sentence to a federal penitentiary</li><li>▪ Dangerous offender/long-term offender applications</li><li>▪ Judicial review of parole eligibility</li></ul>	

Reasonable time frames for completion of a transcript depend on the length, type and purpose of the transcript. Make every possible effort to provide the certified transcript on or before the deadline you have agreed upon. Promptly return all phone calls or enquiries regarding the status of the transcript. If you are unable to meet a deadline, confer with your supervisor or court manager and contact the ordering party directly.

### 3.3 Requests for Deposits

Court reporters are entitled to receive regulated fees for preparing court transcripts. If the ordering party is not counsel or an officer of the court, it is acceptable to ask for a deposit prior to commencing the production of the transcript. For lengthy transcripts, it is also appropriate to ask counsel for a deposit. Note that you may not suspend production of a transcript ordered for appeal by counsel. If you are having difficulty securing a deposit from counsel with respect to an appeal to the Court of Appeal for Ontario, discuss the matter with your Supervisor who will commence the issues note process outlining the information.

When requesting a deposit, contact the ordering party; advise them of the per-page rate and the approximate length and cost of the transcript and request a reasonable deposit. The request for a deposit **should only occur once**. Be accurate when estimating the deposit required. Issue a receipt to the ordering party for the deposit. When the transcript is completed, issue an invoice to the ordering party for the final cost.



### 3.4 Examining the Form 1 Prior to Certification

When a sound recording is made during a court proceeding, the individual who made the recording must complete and sign a certificate in [Form 1 \(O. Reg. 158/03\)](#). This certification provides assurance that the recording is a reliable, accurate, and complete record of the referenced proceedings.

As of May 1, 2004, a certificate in [Form 2 \(O. Reg. 158/03\)](#) must be signed when you have completed the transcript to indicate the recording from which the transcript has been prepared has been certified in [Form 1](#). If you are preparing a transcript from a sound recording that you did not record, you must examine the original Form 1, or a certified true copy of the Form 1 that was completed for the sound recording, in order to confirm that the sound recording has been certified. The [Form 2](#) must contain the exact wording as regulated in [O. Reg. 158/03](#).

### 3.5 Transcript Formatting Rules

All transcripts must adhere to the specific formatting rules summarized below [[R. 4.09 Rules of Civil Procedure](#), [R. 4.08 of the Criminal Proceedings Rules](#)].

#### 3.5.1 Page Layout

Transcripts must be transcribed on approved, letter-sized transcript paper (216 x 279 mm) [[AG 0087](#)] with a vertical line 25 mm from the left side. The left margin of the transcript must be placed within the space delineated by the horizontal indicators at the top and bottom of this vertical line. Transcripts must have thirty-two lines of text per page, and every fifth line must be numbered in the margin.

See: [General Page Layout, In-Court Transcript](#) (located in the CRS Forms and Examples Tab)

#### 3.5.2 Headings

Capitalize and underline heading titles such as EXAMINATION IN-CHIEF or REASONS FOR SENTENCE and separate the heading title from the preceding text by two lines at 1.5 spacing.

See: [See Examples](#) (located in the CRS Forms and Examples Tab)

### 3.5.3 Time Notations

Time notations should only be included in transcripts of proceedings before a judge and jury. In these cases, the time of court opening, recesses, adjournment, jury entrances and jury exits must be placed in brackets on the right margin.

See: [Examples \(located in the CRS Forms and Examples Tab\)](#)

### 3.5.4 Format of Questions and Answers

Every question or answer should start on a new line. Begin the first line with a "Q." for question or "A." for answer, indented 35 mm from the left margin. The text of the question or answer should follow within 10 mm of the "Q." or "A." Because of these indents, the first line of questions and answers should be a maximum of 130 mm in length. Other than this first line, every other line of questions and answers are not indented, and therefore should be a maximum of 165 mm in length.

See: [Q. and A. Example \(located in the CRS Forms and Examples Tab\)](#)

### 3.5.5 Format for All Other Text

All lines of text that are not questions or answers should be indented 35mm from the left margin.

### 3.5.6 Page Numbers

The pages of the Table of Contents must be numbered using lower-case Roman numerals in parentheses (e.g. (i), (ii)). All pages in the body of the transcript, including the first page, must be numbered with Arabic numerals followed by a period (e.g. 1.) Page numbers should be centred at the top of the page.

See: [Table of Contents \(located in the CRS Forms and Examples Tab\)](#)

### 3.5.7 Page Header

Include a short page header describing the proceedings. The header is placed at the top of each page (e.g. witness and type of examination, *voir dire*, committal, reasons for judgment, and reasons for sentence). The page header should be centred immediately beneath the page number.

14. Reasons for Sentence
-----------------------------

When the examination of a witness is indicated in the header, the **full first name and last name** is to be set out, as follows:

7. Douglas Bell - in-Ch. Douglas Bell - Cr-ex.
--

Note: When the court allows further cross-examination after completion of examination in-chief, cross-examination and re-examination, the page header should indicate "cr-ex." and not "re-cr-ex."

Example of Header setting out witness testifying on a *voir dire*

22.  
Douglas Bell - Cr-ex.  
(Voir Dire)

**Note:** When the court allows further cross-examination after completion of examination in-chief, cross-examination and re-examination, the page header should indicate “Cr-ex.” and not “Re-cr-ex.”

### 3.5.8 Cover Page

Every transcript of evidence must have a cover page indicating:

- Court name
- Court file number or appeal number assigned by the appellate court (Ontario Court of Justice, Superior Court of Justice, Court of Appeal or Divisional Court) (in the top right-hand corner)
- Title of the proceeding (as documented in the court file)
- Nature of the hearing, if clear. If not, type "P R O C E E D I N G S" in expanded text, as shown
- Place and date of the hearing
- Name of the presiding judge or officer
- Names of counsel

See [General Layout, Cover Page, Criminal Transcript](#) (located in the CRS Forms and Examples Tab)  
See: [Cover Page, Civil Transcript with a Jury](#) (located in the CRS Forms and Examples Tab)

### 3.5.9 Table of Contents

Every transcript of evidence must have a table of contents including:

- Name of each witness with the page numbers at which the examination, cross-examination and re-examination of that witness commenced
- Page number at which the reasons for judgment commenced
- List of exhibits with the page number at which they were made exhibits. Note: descriptions of exhibits filed should mirror the description in the table of contents page
- For jury trials, the page number at which the charge to the jury, the objections to the charge and the re-charge commences
- Date the transcript was ordered, the date it was completed and the date the parties were notified of the completion (indicated at the bottom of the page)

See: [Table of Contents](#) (located in the CRS Forms and Examples Tab)

### 3.5.10 Font

The provincial standard font for transcripts is 12 point Courier with line spacing set at 1.5, which will produce the standard 32 lines per page.

### 3.5.11 Format and Wording for Transcribing a Readback/Playback

Include the following notification in the transcript if a readback/playback occurred during the proceedings:

... PLAYBACK/READEBACK PROVIDED AS REQUESTED BY THE COURT
... LECTURE/RELECTURE FOURNIE CONFORMÉMENT À LA DEMANDE DU TRIBUNAL

The playback or readback is not transcribed, however, if the ordering party wishes a transcript of the readback or playback, it must be set out in the transcript order because the readback/playback does not form part of the court record. The transcript should be produced from the original testimony and not the readback or playback.

### 3.5.12 Format for Other Specific Situations or Proceedings

Refer to the transcript samples set out on the [Court Reporting Forms and Examples](#) tab of the CSD intranet site for guidance regarding transcription of various types of proceedings and situations.

### 3.5.13 Multiple Volumes

Lengthy transcripts must be separated into volumes. The ideal number of pages per volume is 200 double-sided sheets, with a maximum of 250 double-sided sheets. Clearly number the volumes if there is more than one.

See: [Table of Contents with Multiple Volumes](#) (located in the CRS Forms and Examples Tab)

### 3.5.14 Front and Back Covers

Covers must be from 176g/m<sup>2</sup> cover stock, in the following colours:

COURT	TYPE OF PROCEEDING	FRONT COVER	BACK COVER	AUTHORITY
ONTARIO COURT OF JUSTICE	Criminal	None	Light Blue	Rule 4.07 (2) - <a href="#">Rules of the Ontario Court of Justice in Criminal Proceedings</a>
	Family	None	Light Blue	Note: Rules of the Ontario Court of Justice in Criminal Proceedings apply to OCJ Family transcripts.
SUPERIOR COURT OF JUSTICE	Criminal	None	Red	Rule 4.07 (2) - <a href="#">Superior Court of Justice Criminal Proceedings Rules</a>
	Civil	None	Light Grey	Rule 4.07 (4) - <a href="#">Rules of Civil Procedure</a>
	Family	None	Light Grey	
APPEAL TRANSCRIPTS	All	Red	Red	Rule 4.07 (4) - <a href="#">Rules of Civil Procedure</a> Rule 4.07 (4) - <a href="#">Superior Court of Justice Criminal Proceedings Rules</a>

### 3.6 Printing/Reproducing and Binding the Transcript

Use the electronic transcript page template [\[AG 0087\]](#). Transcripts may be printed double-sided unless otherwise instructed but must be printed consistently throughout each volume of the proceedings.

Transcripts for the Court of Appeal for Ontario may be printed double-sided unless otherwise instructed. The transcript may be reproduced in miniscript if so requested on the transcript order.

[\(Practice Direction - Dec 18, 1995\)](#)

Unless the transcript is for appeal purposes, it is the responsibility of the court reporter to have the transcript reproduced and bound locally. The number of copies required will be indicated on the transcript order.

There is a charge of \$0.05 per copy for use of Ministry photocopiers. Maintain a record book for any photocopies that are made on Ministry photocopiers. Each month-end or billing cycle, certify to the office manager the number of copies you have made and the appropriate charge will be deducted from your Ministry billing. Your transcript copy record book must be made available to office managers and auditors if requested.

Transcripts may be bound either by staple, Acco fastener or Cerlox binding. Some court locations provide a binding machine and supplies.

### 3.7 Preparing Transcripts with Publication Bans

Do not edit transcripts with publication bans to delete information that reveals the identity of the participants. The transcript must accurately reflect what occurred during the proceedings.

Reporters must ascertain whether there is a publication ban which has been ordered on a previous appearance when transcribing a continuing matter, i.e. preliminary inquiry, trial, etc.

Transcripts with publication bans must contain a warning on the cover page, on the Table of Contents and an indication of "Publication Ban" in the footer of each page of the transcript.

A publication ban does not imply a transcript may not be produced, nor does it place a restriction on who may receive a transcript. Even a member of the press may order a transcript with a publication ban; however, it is incumbent upon the ordering party to ensure that the ban is complied with unless and until the ban is lifted (usually at the conclusion of the trial).

See [CSD Directive 2008/06](#) regarding publication bans.

See: [Cover Page with Publication Ban](#) (located in the CRS Forms and Examples Tab)

See: [Table of Contents with Publication Ban](#) (located in the CRS Forms and Examples Tab)

See: [Publication Ban Noted in Footer](#) (located in the CRS Forms and Examples Tab)

#### 3.7.1 Warning for Youth Criminal Justice Act Transcripts

All youth court matters must have a warning designated by the *Youth Criminal Justice Act*. This warning prohibits the publication of the name of the youth and any evidence that may identify the youth. As well, it prohibits the publication of the name of a child or young person or any other information related to a child or young person that may identify the child or young person as having been a victim or a witness in connection with an offence committed by a young person.

The youth warning must be placed on the title page and table of contents page along with any publication ban warnings.

In addition to the warning under the *Youth Criminal Justice Act*, the justice may impose an additional publication ban, which would then ban publication of all, or specified parts of the evidence. As well, any proceedings under the *Parental Responsibility Act* that refer to a transcript of a youth proceeding must contain this warning.



INFORMATION CONTAINED HEREIN IS PROHIBITED  
FROM PUBLICATION PURSUANT TO SECTIONS  
110 AND 111 OF THE *YOUTH CRIMINAL JUSTICE ACT*

IL EST INTERDIT DE DIFFUSER L'INFORMATION  
CONTENUE DANS LES PRÉSENTES,  
CONFORMÉMENT AUX ARTICLES 110 et 111 DE LA *LOI  
SUR LE SYSTÈME DE JUSTICE PÉNALE POUR LES  
ADOLESCENTS*

See: [Cover Page, YCJA Transcript \(located in the CRS Forms and Examples Tab\)](#)

This warning is not required on transcripts for youths charged under the [Youth Criminal Justice Act](#) who have received an adult sentence, if the transcript is prepared after the 30-day time period for restricted access has elapsed, and an appeal has not been filed.

### 3.7.2 Warning for Transcripts of Child Protection and Adoption Proceedings

All transcripts produced for either a child protection and adoption hearing must have a warning placed on the title page and the table of contents of the transcript. There is a specific wording for *Child and Family Service Act (CSFA)* matters and another specific warning for an adoption hearing. The placement of the *CFSA* warning on the title page of the transcript is exactly the same as the placement of the publication ban warnings.

Pursuant to s.45 (10) of the *CFSA*, no person except a party or a party's solicitor shall be given a copy of a transcript of the hearing, unless the court orders otherwise. R.S.O. 1990, c. C.11, s. 45 (10).

#### Child Protection Proceedings:

INFORMATION CONTAINED HEREIN IS PROHIBITED  
FROM PUBLICATION PURSUANT TO  
SECTION 45 (7) and 45 (8) OF THE  
*CHILD AND FAMILY SERVICES ACT*

IL EST INTERDIT DE DIFFUSER L'INFORMATION  
CONTENUE DANS LES PRÉSENTES,  
CONFORMÉMENT AU PARAGRAPHE 45(7) ET 45(8)  
DE LA *LOI SUR LES SERVICES À L'ENFANCE ET À  
LA FAMILLE*

#### Adoption Proceedings:

INFORMATION CONTAINED HEREIN IS PROHIBITED  
FROM PUBLICATION PURSUANT TO SECTIONS  
151(1), 151(2), 156(6), 162(2) AND 165(1) OF THE  
*CHILD AND FAMILY SERVICES ACT*

IL EST INTERDIT DE DIFFUSER L'INFORMATION  
CONTENUE DANS LES PRÉSENTES,  
CONFORMÉMENT AUX PARAGRAPHES 151(1), 151(2),  
156(6), 162(2) ET 165(1) DE LA *LOI SUR LES  
SERVICES À L'ENFANCE ET À LA FAMILLE*

### 3.7.3 Warning for Transcripts Subject to Court Ordered Publication Bans

When the court imposes a publication ban, the transcript is still accessible to the public. It is important that the details of the publication ban are set out on the title page and table of contents of the transcript, as well as a notation of “Publication Ban” in the footer of each subsequent page.

**Note:** If the court orders a specific publication ban on a transcript of a proceeding under the [Youth Criminal Justice Act](#), this specific warning should be included in addition to the standard warning on all [Youth Criminal Justice Act](#) transcripts.

Attached is a link to the [Overview of Publication Bans](#) document on the Ministry website.

### 3.8 Preparing Transcripts for Appeal

Procedures with respect to transcripts prepared for appeal are governed by the following rules:

[R. 40.06 Criminal Proceedings Rules](#) (Applicable to summary conviction appeals to the Superior Court of Justice)

[R.8 Criminal Appeal Rules](#) (Applicable to criminal appeals to the Court of Appeal)

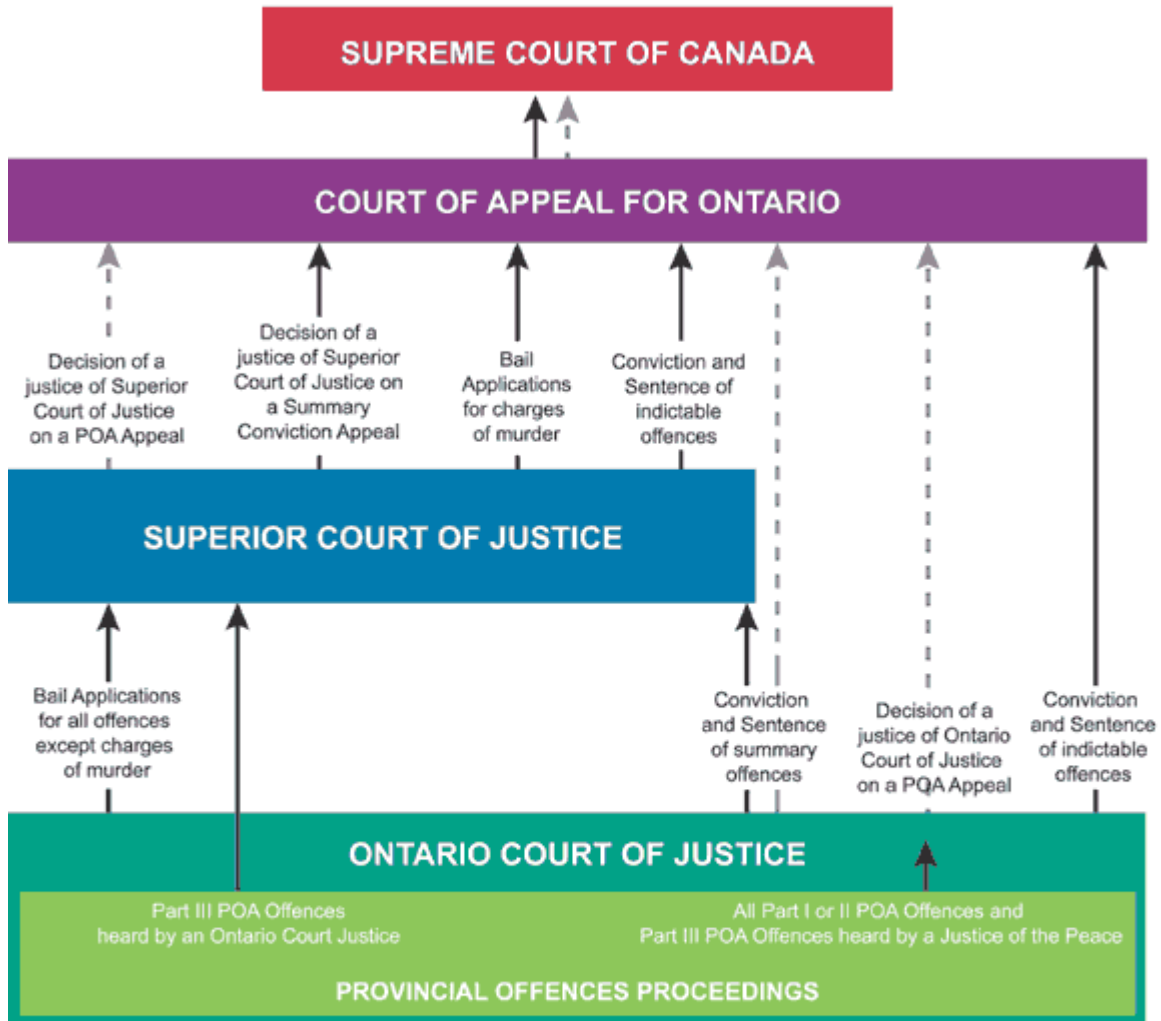
[R.61.05 Rules of Civil Procedure](#) (Applicable to civil and family appeals to the Divisional Court and the Court of Appeal)

[R. 38 Family Law Rules](#) (Applicable to appeals from Family Court).

### 3.8.1 Criminal Appeal Routes

Click on the diagram for a full screen view.

## Criminal Appeal Routes

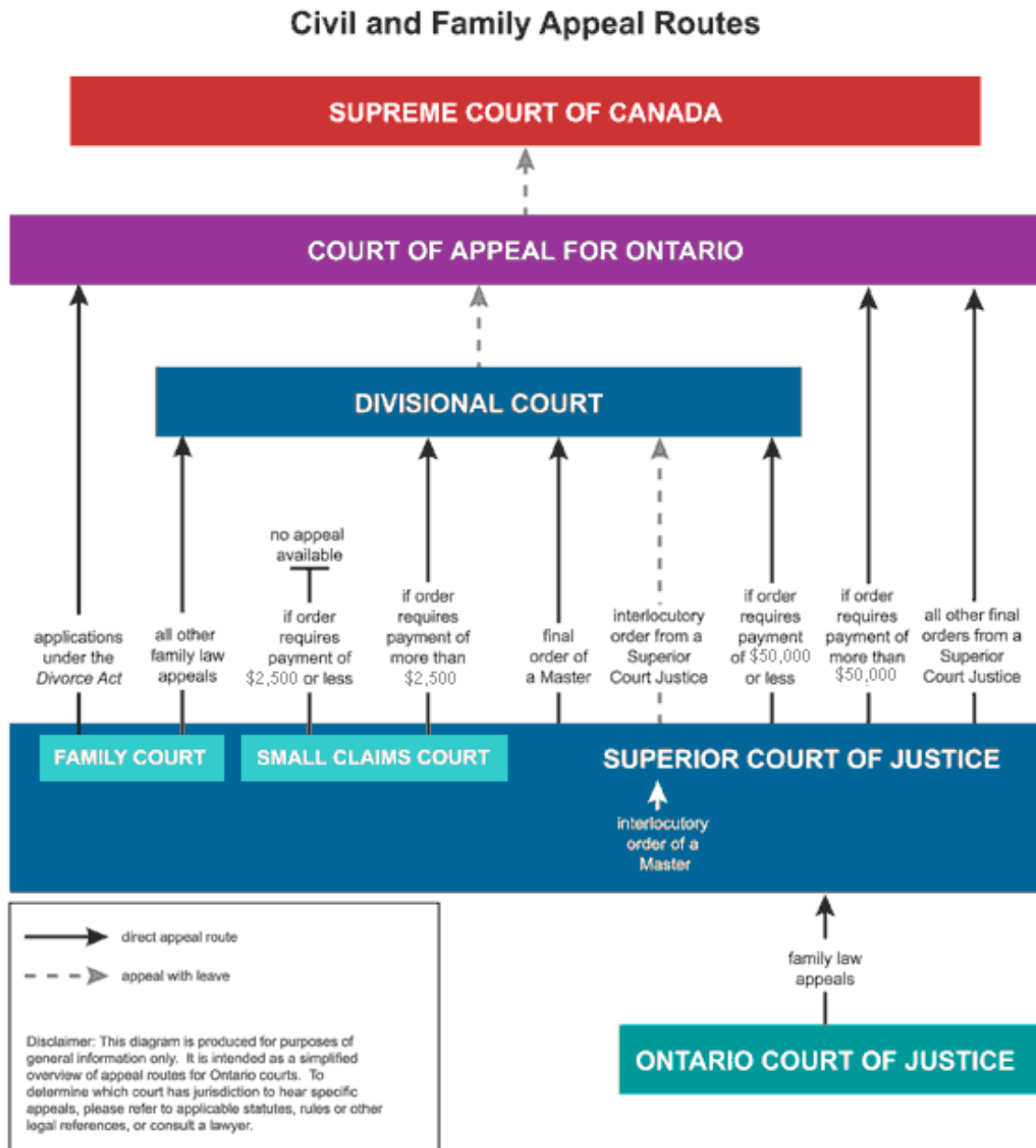


→ direct appeal route      - - - → appeal with leave

Disclaimer: This diagram is produced for purposes of general information only. It is intended as a simplified overview of appeal routes for Ontario courts. To determine which court has jurisdiction to hear specific appeals, please refer to applicable statutes, rules or other legal references, or consult a lawyer.

### 3.8.2 Civil and Family Appeal Routes

Click on the diagram for a full screen view.



### 3.8.3 Issuing Certificates/Proof of Ordering Transcripts for Appeal

#### 3.8.3.1 Appeals from Provincial Offences Court

The *Provincial Offences Act* (POA) establishes the procedures that govern the enforcement and prosecution of offences created by provincial statute or regulation and municipal by-law. Parts I, II and III of the POA govern the commencement of proceedings.

Part I and II POA appeals do not require a transcript, unless otherwise ordered by the court [O. Reg. 722/94; s.135, *Provincial Offences Act*].

In the case of Part III POA appeals, a transcript is required [O. Reg. 723/94; s.116, *Provincial Offences Act*]. You are required to issue a [Certificate of Clerk of Ontario Court of Justice as to Transcript of Evidence \(Form 2\) \[POA 0403\]](#) to the appellant when the transcript is ordered. Provide a copy of this certificate to your supervisor.

After the Ontario Court of Justice has heard an appeal from a Part I or II matter, or after the Ontario Court of Justice or Superior Court of Justice has heard an appeal from a Part III matter, the case may be further appealed to the Court of Appeal, with leave [ss.139, 131, *Provincial Offences Act*]. In these cases, follow the standard procedure for preparing a criminal transcript for appeal to the Court of Appeal.

#### 3.8.3.2 Appeals to Divisional Court

Upon receipt of a written request for a transcript, the Court Reporter must issue Form [RR 0384](#) - Certificate/Proof of Ordering Transcript for Appeal.

Regardless of the number of reporters assigned to the appealed matter, only one Certificate/Proof of Ordering Transcript for Appeal is issued. See [Section 3.8.4](#) regarding the requirement for an appeal number on the certificate.

Provide copies of the certificate to:

- The appellant or the appellant's counsel
- The appropriate Divisional Court - Note: the addresses of the Divisional court for each of the regions are located here on the [Ministry of the Attorney General website](#).
- Supervisor of Court Operations

#### 3.8.3.3 Summary Conviction Appeals to the Superior Court of Justice

Pursuant to [Rule 40.08](#) of the Criminal Proceedings Rules for the Superior Court of Justice (Ontario), upon receipt of a request for a transcript of proceedings for the purpose of appeal, **each** Court Reporter must issue a Form [CSR-2C-40.08](#) (Court Reporter's Certificate Respecting Evidence).



Certificate [CSR-2C-40.08](#) requires that court reporters identify specific additional portions of the proceedings to be included in the transcript if they pertain to a ground of appeal. **Consult with the appellant if you have any questions concerning what portions are required.**

The following sets out required contents of transcripts for summary conviction appeals:

Rule 40.08 (13): Unless otherwise ordered by a judge in accordance with rule 2.01, there shall be omitted from all transcripts of evidence:

- (a) all opening remarks by the prosecutor;
- (b) all argument on pre-trial motions or applications made at trial, excepting a notation that an application or motion was made (the ruling of the summary conviction court shall be transcribed), unless a ground of appeal to be argued relates to the pre-trial motion or application, in which case the

transcript of the argument must be included in the transcript;  
(c) all objections to the admissibility of evidence, excepting a notation that the objection was made (the ruling of the summary conviction court shall be transcribed), unless a ground of appeal to be argued relates to the ruling on the admissibility of evidence, in which case the transcript of the argument must be included in the transcript; and,  
(d) the closing argument of the parties, their agent(s) or counsel unless a ground of appeal involves the reasons for judgment including, but not limited to grounds alleging an unreasonable verdict, misapprehension of evidence, a failure to properly apply the judgment in *R. v. W.(D.)* (1991), 63 C.C.C. (3d) 397 (S.C.C.), a failure to consider relevant evidence and the inadequacy of the reasons given.

#### Additional Portions of Transcript

- (14) An order for the inclusion in the transcript of any portion of the proceedings referred to in subrule (13) may be made without the attendance of counsel of record, upon filing the written consent of counsel of record for all parties.
- (15) Any order for the inclusion in the transcript of any portion of the proceedings referred to in subrule (13) shall be sent to the court reporter within 5 days of the order having been granted, and a copy of the order shall be provided to the counsel of record for all parties, together with confirmation that the order has been sent to the court reporter.
- (16) Everything that occurred following a finding of guilt shall be transcribed for use on the hearing of the appeal whether the appeal is against the finding of guilt or conviction and sentence or is against the sentence only.

#### Completion of Transcripts

- (18) Upon signing a certificate, each court reporter shall proceed with reasonable diligence to prepare and certify the transcript. All transcripts shall be prepared no longer than 90 days after the date the transcript was ordered.
- (19) If the transcript has not been completed within 90 days from the date the transcript was ordered, the court reporter shall notify the parties to the appeal and the clerk of the appeal court, in writing, of the reason for the delay, and the date upon which the transcript will be prepared forthwith.
- (20) Upon completion of the transcript, the court reporter shall forthwith notify the parties to the appeal and the clerk of the appeal court, in writing, that the transcript has been completed, by filing a [Certificate in Form 2D](#), which shall include the date(s) to which the transcript relates.

See [Section 3.8.4](#) regarding the requirement for an appeal number on the certificate.

Provide copies of the [Certificate in Form 2D](#) to:

- All parties to the appeal
- The clerk of the Superior Court of Justice where the matter is being appealed. Addresses for the Superior Courts of Justice are located on the [Ministry of the Attorney General website](#).)
- Supervisor of Court Operations

#### 3.8.3.4 Appeals to the Court of Appeal for Ontario

Upon receipt of a written request for a transcript, the court reporter must issue Form [RR 0384](#) - Certificate/Proof of Ordering Transcript for Appeal.

Regardless of the number of reporters assigned to the appealed matter, only one Certificate/Proof of Ordering Transcript for Appeal is to be issued. See [Section 3.8.4](#) regarding the requirement for an appeal number on the certificate. Provide copies of the certificate to:

- |   |
|---|
| 1. The appellant or the appellant's counsel   |
| 2. Supervisor of Court Operations   |
| 3. Registrar, Court of Appeal for Ontario<br>Osgoode Hall, 1st Floor, 130 Queen St. W.<br>Toronto, ON M5H 2N5<br>Tel: (416) 327-5020<br>Fax: (416) 327-5032 |

**Note:** Prior to issuing the certificate, ensure that the instructions regarding deposits in [Section 3.8.5](#) and the inclusion/exclusion instructions (as set out in Section 4) have been followed.

### 3.8.4 Requirement for Court of Appeal Number on the Certificate

The appellant may or may not provide an appeal number from the appeal court. You may inquire from the ordering party whether they have filed a Notice of Appeal.

(a) If the Notice of Appeal has been filed at the appeal court by the appellant:

- |   |
|---|
| <ul style="list-style-type: none"><li>▪ The appeal court will have assigned an appeal number.</li><li>▪ If the ordering party has the appeal number available, that number should be added to the certificate; if not, the Court Reporter or appellant may contact the appeal court and the appeal number will be provided.</li></ul> |
|---|

(b) If the Notice of Appeal has not been filed by the appellant:

- |  |
|--|
| <ul style="list-style-type: none"><li>▪ Type the certificate and leave the "Appeal File Number" section blank.</li><li>▪ Advise the ordering party that that section of the certificate must be filled in before the appellant files the certificate with the appeal court.</li><li>▪ Advise the ordering party that they must also follow-up and advise the court reporter of the appeal court number once the Notice of Appeal has been filed, as the number must be added to the appeal transcript and to the Certificate of Completion.</li><li>▪ If the ordering party does not provide the appeal number, the court reporter should contact Court of Appeal staff, who will provide the appeal number.</li></ul> |
|--|

### 3.8.5 Requesting Deposits for Court of Appeal of Ontario Transcripts

When a deposit is required for a Court of Appeal transcript the following instructions must be adhered to:

1. Ensure you have a written request for the transcript ordered for appeal;
2. Advise the ordering party in writing of the deposit requested. (Note: The amount of deposit should never exceed the estimated cost of transcript). If it is an unrepresented party there is no requirement to commence the transcript without deposit.

3. Provide a form [RR 0384](#) - Certificate/Proof of Ordering Transcript for Appeal to the required parties.
4. If the deposit is not forthcoming within 30 days of the issuance of request for deposit, advise your supervisor who should begin the issues note process with the Court of Appeal, advising of the lack of deposit.
5. Upon receipt of a deposit, the reporter should note the date in writing and retain that information for their records.
6. If a deposit is not received, contact the ordering party in writing reminding of the request for a deposit. Retain copies of any written correspondence for your records and provide a copy to your supervisor for the purpose of updating the issues note for the Court of Appeal for Ontario.

This procedure ensures a paper trail of the request for deposit; the date the requested deposit was received and tracks the time period for transcription for an issues note for the Court of Appeal.

### **3.8.6 Certificates/Agreements to Minimize Civil and Family Transcripts for the Court of Appeal**

Pursuant to [R.61.05 Rules of Civil Procedure](#) the parties may agree to minimize the length of the transcript required for appeal.

(1) Provides that the appellant must serve a Notice of Appeal with an Appellant's Certificate Respecting Evidence (Form 61C), setting out only the portions of the evidence, that in the appellant's opinion are required for the appeal. O. Reg. 570/98, s. 5.

(3) - Provides that within 15 days after service of the Appellant's Certificate, the respondent must serve a Respondent's Certificate Respecting Evidence (Form 61D), either confirming the Appellant's Certificate, or setting out any additions or deletions from it. If the respondent fails to serve a Respondent's Certificate, they are deemed to have confirmed the Appellant's Certificate.

(4) - Provides that instead of complying with subrules (1) to (3), the parties may, within thirty days after service of the notice of appeal, make an agreement respecting the transcript required for the appeal. R.R.O. 1990, Reg. 194, r. 61.05 (4); O. Reg. 19/03, s. 12.

(5) -The appellant shall, within thirty days after filing the Notice of Appeal, file proof that the appellant has ordered a transcript of all oral evidence that the parties have not agreed to omit, subject to any direction under subrule 61.09 (4) (relief from compliance). R.R.O. 1990, Reg. 194, r. 61.05 (5).

(6) - A party who has previously ordered a transcript of oral evidence shall forthwith modify the order in writing to comply with the certificates or agreement. R.R.O. 1990, Reg. 194, r. 61.05 (6).

(7) - When the evidence has been transcribed, the court reporter shall forthwith give written notice to all parties and the Registrar. R.R.O. 1990, Reg. 194, r. 61.05 (7).

(8) The court may impose costs sanctions where evidence is transcribed or exhibits are reproduced unnecessarily. R.R.O. 1990, Reg. 194, r. 61.05 (8).

### **3.8.7 Suspending Transcript Production for Transcripts to the Court of Appeal for Ontario**

You may only suspend production of the transcript ordered for appeal if you receive an order from a judge, registrar or clerk of the appeal court, a Notice of Abandonment of Appeal, or, in the case of criminal appeals, a letter from either the appellant or his or her counsel indicating that the appeal has been wholly abandoned. If counsel files a letter indicating that the appeal has been wholly abandoned, immediately fax a copy to the appeal court and provide a copy to your supervisor.



### 3.8.8 Front and Back Covers for Appeal Transcripts

All transcripts for appeal must have a red front and back cover made from 176g/m<sup>2</sup> cover stock.

### 3.8.9 Reproducing Transcripts for the Court of Appeal for Ontario and Divisional Court

Transcripts prepared for the Ontario Court of Appeal and Divisional Court may be forwarded to the Ontario Shared Services, Printing Services, for photocopying and binding. These transcripts must be accompanied by the [Print Requisition \(Form 7540-2073\) Queen's Printer for Ontario](#) available through Government Mail and Print Services. Print sufficient copies for your records and as required by your Supervisor.

The court manager or supervisor must authorize the requisition. The form and transcripts should be forwarded to the address indicated on the form itself.

**Note:**

With respect to civil appeals, pursuant to Rule 61.09 (3) (b) (iii) of the [Rules of Civil Procedure](#), only **one copy** of the transcript is required to be filed with the Court of Appeal for Ontario. Government printing services should therefore be requisitioned to print only one copy for the Court of Appeal in addition to sufficient copies for the parties to the appeal.

With respect to all other appeal matters, seek direction from the appellant or appellants' counsel as to the number of copies required for purposes of the appeal. Unless otherwise ordered, it will be necessary to provide three copies of the transcript for the use of the court, in addition to sufficient copies for the appellant(s) and the respondent(s). There is a minimum of five copies required for the Court of Appeal of Ontario.

If you have not indicated how the transcript should be divided into volumes, the printer will exercise his or her discretion. If the table of contents is to be inserted in each volume, note this in the "special instructions" section of the printing requisition.

Transcripts consisting of 20 pages or less are not to be forwarded Ontario Shared Services, Printing Services for photocopying and binding. It is the responsibility of the court reporter to have them reproduced locally.

If a transcript of a proceeding was prepared for an appeal to the Superior Court, and the matter is then appealed to the Court of Appeal, the existing transcript may be photocopied and filed at the Court of Appeal [[R.8\(7\) Criminal Appeal Rules](#)].

### 3.8.10 Title Page for Court of Appeal Transcripts

Transcripts prepared for Court of Appeal purposes must have the title page contents printed on the red cover page with the Court of Appeal number located at the top right corner of each page.

[See Title Page of a Transcript for the Court of Appeal \(located in the CRS Forms and Examples Tab\)](#)

### 3.8.11 Issuing a Certificate of Completion

The following table sets out the Certificate of Completion to be filed for appeals as per the type of proceeding and court.

Criminal Appeals to the Court of Appeal for Ontario		
<p>On completion of the transcript, forward a Certificate of Completion <a href="#">[RR 0551]</a> via fax, mail or courier to the Registrar of the Court of Appeal and to the Crown at the appropriate address listed below. If the appellant is the accused, also forward the certificate to the accused or counsel for the accused. If the appellant is the Crown, it is not necessary to forward the certificate to the accused. The Crown will notify the accused of the transcript's completion. Provide a copy of this certificate to your supervisor.</p>		
Registrar, Court of Appeal for Ontario Osgoode Hall 1 <sup>st</sup> Floor, 130 Queen Street West Toronto, Ontario M5H 2N5	Provincial Crown Ministry of the Attorney General Crown Law Office – Criminal 720 Bay Street, 10 <sup>th</sup> Floor Toronto, Ontario M5G 2K1	Federal Crown Public Prosecutions Service of Canada Suite 3400, The Exchange Tower 2 First Canadian Place, Box 36 Toronto, Ontario M5X 1K6
<b>Certificate:</b> Certificate of Completion <a href="#">[RR 0551]</a>		
<b>Applicable Rule:</b> <a href="#">R.8(16) Criminal Appeal Rules</a>		

Civil Appeals to the Court of Appeal for Ontario - Issuing a Certificate of Completion
<p>On completion of the transcript, forward a Certificate of Completion <a href="#">[RR 0551]</a> via fax, mail or courier to the Registrar of the Court of Appeal and provide a copy of the certificate to all parties. A copy of this certificate must be provided to your supervisor.</p>
<b>Certificate:</b> Certificate of Completion <a href="#">[RR 0551]</a>
<b>Applicable Rule:</b> <a href="#">R.61.05(7) Rules of Civil Procedure</a>

Civil Appeals to the Divisional Court - Issuing a Certificate of Completion
<p>On completion of the transcript, forward a Certificate of Completion <a href="#">[RR 0551]</a> via fax, mail or courier to the Registrar of the Divisional Court and provide a copy of the certificate to all parties. A copy of this certificate must be provided to your supervisor. The addresses of the Divisional Court can be found on the reverse of the Certificate of Completion.</p>
<b>Certificate:</b> Certificate of Completion <a href="#">[RR 0551]</a>
<b>Applicable Rule:</b> <a href="#">R.61.05(7) Rules of Civil Procedure</a>

## Criminal Appeals to the Superior Court of Justice - Issuing a Certificate of Completion

On completion of the transcript, forward a [Court Reporter's Completion Certificate \(CRCC\) \[Form 2D\]](#) to the respective parties and to the Clerk of the Superior Court of Justice where the appeal is to be heard. Provide a copy of this certificate to your supervisor.

**Certificate:** [Court Reporter's Completion Certificate \(CRCC\) \[Form 2D\]](#)

**Applicable Rule:** [R. 40.08 of the Criminal Proceedings Rules](#)

### 3.8.12 Inmate Appeals Ordered by the Court of Appeal

[Section 25 \(1\) of the Criminal Appeals Rules](#) sets out the process regarding inmate appeals for which Court Services Division may be invoiced.

1. An inmate in any correctional facility identifies their desire to appeal.
2. The inmate advises administrative staff at the institution in which they are incarcerated of their intention to appeal.
3. The institution will provide the inmate with the required forms to fill out.
4. The institution then forwards the paperwork on the inmate's behalf directly to the Court of Appeal.
5. The Registrar of the Court of Appeal, upon being served with the Form A Notice of Appeal document completed by the inmate, will forward a request to the court site where the inmate was convicted specifying the portions of transcripts required for the hearing of the inmate appeal.

The portions of transcript required for an inmate appeal and the number of copies to be forwarded are set out in the letter from the Registrar of the Court of Appeal. In most instances, the Reasons for Sentence only are required for the appeal.

Transcripts ordered by the Registrar of the Court of Appeal are invoiced to Court Services Division. Please note that these transcripts are to be provided to the Court of Appeal within 30 days.

**Note:** **Transcripts ordered by any other party with respect to an appeal on behalf of an inmate of a correctional facility are invoiced to that ordering party and do not fall under [Section 25 \(1\) of the Criminal Appeals Rules](#).**

### 3.9 Preparing Transcripts Involving Multiple Court Reporters

If more than one court reporter is involved in producing a transcript of proceedings, one reporter should be designated as the "lead court reporter". Each reporter should certify the portion of the transcript that they have typed. The lead court reporter will coordinate the production of the transcript and ensure that the volume numbers and pagination are sequential. The lead court reporter is responsible for filing the Certificate of Ordering a Transcript for Appeal and the Certificate of Completion. A copy of these certificates must also be provided to your supervisor.

**Exception:** [Rule 40.06](#) of the Criminal Proceedings Rules pertaining to Summary Conviction Appeals to the Superior Court of Justice, requires **each** Court Reporter to issue a Form [CSR-2C-40.06](#), Court Reporter's Certificate Respecting Evidence.

### 3.10 Jury Trials

#### 3.10.1. Jury Selection Process

When a transcript of a jury selection process is ordered, jury panel members must be identified by their assigned jury panel identification number, however, should a jury panel member be addressed by his or her name, the name should be transcribed as stated and not edited in any way.

Example:

8.  
Jury Selection

CLERK REGISTRAR: Number 11445, Michael Smith.  
JUROR NUMBER 11445: Yes, I would ask to be excused from this panel, please.  
THE COURT: Mr. Smith, we will deal with your request once the Registrar has completed calling the names of the 20 potential jurors forward.  
JUROR NUMBER 11445: Yes, thank you, Your Honour.  
CLERK REGISTRAR: Number 31922, Adele Tompkins.  
JUROR NUMBER 31922: Yes, I'm here



#### 3.11 Neutral Case Citations

Neutral case citations are to be assigned to any rulings or reasons of the Superior Court of Justice (with the exception of Small Claims Court.) when directed to be so assigned by a Justice. Required procedures are set out in [Directive 2011/04 - Neutral Case Citation Assignment to Transcripts](#).

9.  
Reasons for Judgment  
Cowan J.

CITATION: Smith v. Crossways 2010 ONSC 6454

R E A S O N S   F O R   J U D G M E N T

5 COWAN, J. (Orally):  
In this case, I have been asked to construe a clause in a policy of insurance issued by the defendant to the plaintiff known as a homeowner's policy. The policy provides coverage to the insured for personal property.

10

### 3.12 Other General Transcription Instructions

1. Prepare reasons for judgment, sentence, rulings, and/or charges to the jury first, in order to allow for judicial review while the remaining portions of the transcript are being prepared (see Judicial Correction). It is imperative that a draft transcript of matters requiring judicial editing is never released until the judicial official approves them for release.
2. Familiarize yourself with the annotations/log notes of the proceedings prior to commencing transcription.
3. If a word is obviously misspoken in court, such as a name or date, insert [sic] in square brackets after the word.
4. If the correct spelling of a name has not been provided and it is impossible to check, insert (ph) after the name to indicate a phonetic spelling.
5. If you have inserted either (ph) or [sic] in a transcript, insert a legend on the Table of Contents page setting out what those terms indicate as follows:

#### English Version:

Legend
[sic] - Indicates preceding word has been reproduced verbatim and is not a transcription error.
(ph) - Indicates preceding word has been spelled phonetically.



#### French Version:

Légende
[sic] - Indique que le mot précédent a été reproduit tel quel et qu'il ne s'agit pas d'une erreur de transcription.
(ph) - Indique que le mot précédent a été épilé phonétiquement.

6. When checking the spelling of words in court documents or exhibits, the original documents or exhibits must not be removed from the court office.
7. While transcribing, maintain a readily accessible list of witnesses and exhibits for the Table of Contents. Do not insert the page numbers into the Table of Contents until the transcript has been completely proofread and printed as the page numbers may change with editing.
8. Check legal citations and quotations with the actual statute or case cited.

See: Citations ([located in the CRS Forms and Examples Tab](#))

## SECTION 4 – INCLUSIONS AND EXCLUSIONS



- 4.1 [Introduction to Inclusions & Exclusions](#)
  - 4.1.1 [Objections and Submissions](#)
- 4.2 [Inclusions and Exclusions in Transcripts of Bail Hearings/Review](#)
- 4.3 [Inclusions and Exclusions in Transcripts of Preliminary Inquiries](#)
- 4.4 [Inclusions and Exclusions in Criminal Transcripts for Appeal](#)
  - 4.4.1 [Inclusions and Exclusions in Provincial Offences Act Appeals](#)
  - 4.4.2 [Review or Appeal of Bail Applications](#)
  - 4.4.3 [Appeals against Conviction for Indictable Offences](#)
  - 4.4.4 [Appeals against Conviction for Summary Conviction Offences](#)
  - 4.4.5 [Appeals against Conviction and Sentence for Summary Conviction Offences and Indictable Offences](#)
  - 4.4.6 [Appeals against Sentence only for Indictable Offences](#)
  - 4.4.7 [Appeals against Sentence only for Summary Conviction Offences](#)
- 4.5 [Inclusions and Exclusions in Civil/Family Transcripts for Appeal](#)
  - 4.5.1 [Appeals of Assessments of Costs or Taxations](#)
- 4.6 [Inclusions and Exclusions in Automatic Transcripts](#)
- 4.7 [Inclusions & Exclusions in Other Transcripts](#)

### SECTION 4: INCLUSIONS AND EXCLUSIONS

#### 4.1 Introduction to Inclusions & Exclusions



Depending on the type of case, the purpose of the transcript, and the details of the transcript order, portions of the proceedings may or may not be included in the transcript. If the transcript order does not indicate which sections of the transcript to include or exclude, use the following charts as a guide. In all cases, the judicial official may order that a section be included in the transcript even though it would normally be excluded by the rules. The judicial official may also provide direction to omit part of the transcript that would otherwise be included.

**Note: In addition to what is set out above, the charts setting out those portions of the proceedings to be included/excluded for transcripts for appeal to the Court of Appeal must be adhered to unless: (a) there is consent of the respondent or the other party/parties, or (b) there is an order of the Court of Appeal specifying portions which are normally excluded to be included.**

#### 4.1.1 Objections and Submissions

Objections by counsel or unrepresented parties, and the submissions with respect to those objections, are not transcribed unless the ordering party specifically requests that they be transcribed. The ruling with respect to the objection, however, must be included in the transcript. Objections and submissions should be indicated as follows:

```
... OBJECTION BY MR.SMITH
... SUBMISSIONS BY MR.WILSHIRE
```

#### 4.2 Inclusions and Exclusions in Transcripts of Bail Hearings/Review

Bail Hearings/Review	Include	Exclude
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible)		✓
All Other Evidence	✓	
Rulings	✓	
Submissions by Counsel	✓	
Ruling on bail hearing/review	✓	

#### 4.3 Inclusions and Exclusions in Transcripts of Preliminary Inquiries

If the transcript of the preliminary inquiry is being ordered for the purpose of reference at trial in Superior Court, include/exclude the following sections:

Preliminary Inquiries	Include	Exclude
Arraignment, Election and Caution	✓	
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible) Note: If a <i>voir dire</i> , which has been ruled inadmissible, is requested to be transcribed, it should be bound separately and not included as part of the transcript of evidence ordered for purposes of a trial in Superior Court.		✓
All Other Evidence	✓	
Submissions on <i>Voir Dire</i>		✓
Submissions by counsel		✓
Rulings	✓	
Caution	✓	
Order to Stand Trial	✓	
<p><b>Exception:</b> If a transcript of the preliminary inquiry has been ordered for the purpose of an Extraordinary Remedies Application (<i>certiorari</i> or motion to quash committal) in the Superior Court of Justice, do not exclude any portion of the proceedings. Failure to produce the entire transcript may cause delay in the Superior Court.</p> <p><b>Note:</b> If the preliminary inquiry has already been transcribed when the order for <i>certiorari</i> or motion to quash committal is received, it is important that excluded portions be transcribed and incorporated where they occurred into the final transcript.</p>		

#### 4.4 Inclusions and Exclusions in Criminal Transcripts for Appeal

Portions of proceedings that are included or excluded varies according to the type and purpose of the transcript as set out in the various charts below for indictable matters, summary conviction matters, etc.

[Rule 8\(8\) Criminal Appeals Rules](#). Written consents or judicial orders for the inclusion of sections that would normally be omitted by the Criminal Appeal Rules must be signed and delivered to the court reporter within five days of the order being made.

Inclusions and exclusions in criminal transcripts for appeal of summary conviction matters depend on the type and purpose of the transcript, as outlined in [Rule 40 of the Criminal Proceedings Rules](#).

##### 4.4.1 Inclusions and Exclusions in POA Appeals

A Part I or II [POA](#) appeal does not require a transcript unless the court hearing the review orders otherwise.

In a Part III [POA](#) appeal against conviction or acquittal, the transcript should include the evidence at trial and reasons for judgment.

In a Part III [POA](#) appeal against conviction and sentence or sentence only the transcript should include the evidence at trial, reasons for judgment, submissions on sentencing and reasons for sentence.

Please see *Rules of the Ontario Court of Justice in Appeals* under [s.135](#), *Provincial Offences Act*, O. Reg. 722/24 and *Rules of the Superior Court of Justice and the Ontario Court of Justice in Appeals* under [s.116](#) of the *Provincial Offences Act*, O. Reg. 723/24.

##### 4.4.2 Review or Appeal of Bail Applications

Bail applications are generally heard by justices of the peace. For all matters **except** [Youth Criminal Justice Act](#) matters, a first review of the decision of the justice of the peace may be taken to the Superior Court of Justice. A subsequent review of the decision of the Superior Court of Justice may be taken to the Court of Appeal.

For [Youth Criminal Justice Act](#) matters only, a review of the decision of the justice of the peace may be taken to the Youth Court Judge of the Ontario Court of Justice. The Youth Court judge will hear the matter as an original application. A review of the decision of the Youth Court Judge may then be taken to the Superior Court of Justice. A review of the decision of the Superior Court of Justice may be taken to the Court of Appeal.

Including the following in transcripts prepared for review of bail applications:

Type of Matter	Level of Review	Inclusions in the Transcript
Bail Applications for YCJA matters	On review to the Youth Court Judge of the Ontario Court of Justice	Entire proceeding including evidence, submissions of counsel and ruling of the justice of the peace
	On further review to the Superior Court of Justice	Any transcript provided to the Youth Court judge will be provided to the SCJ by counsel. Any new evidence and submissions heard by the Youth Court judge Youth Court judge's ruling (...Continues on Next Page)



Type of Matter	Level of Review	Inclusions in the Transcript
	On further review to the Court of Appeal	Any transcript provided to the Superior Court justice will be provided to the Court of Appeal by counsel. Any new evidence and submissions heard by the Superior Court justice. Superior Court justice's ruling
Bail Applications for All Other Matters	On review to the Superior Court of Justice	Entire proceeding including evidence, submissions of counsel and ruling of the justice of the peace
	On further review to the Court of Appeal	Any transcript provided to the Superior Court justice will be provided to the Court of Appeal by counsel. Any new evidence and submissions heard by the Superior Court justice. Superior Court justice's ruling

#### 4.4.3 Appeals as to Conviction for Indictable Offences

**Note:** The chart setting out those portions of the proceedings to be included/excluded for transcripts for appeal to the Court of Appeal for Ontario must be adhered to unless: (a) there is consent of the other party/parties, or (b) there is an order of the Court of Appeal setting out which other portions to include or exclude.

The following guidelines for inclusions and exclusions apply to transcripts for appeal of conviction of indictable offences.

Appeals as to Conviction - Judge Alone	Include	Exclude
Arraignment & Plea	✓	
Opening Remarks Note: If Admissions of Fact are contained in the opening remarks by counsel, include the opening in the transcript.		✓
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible)		✓
Admissions	✓	
Submissions on <i>Voir Dire</i>		✓
All other evidence	✓	
Rulings	✓	
Objections and Submissions		✓
Any Agreed Statement of Facts	✓	
Facts	✓	
Reasons for Judgment	✓	
Submissions on Sentence	Transcribe upon request of ordering party	
Reasons for Sentence		

<b>Appeals as to Conviction - Judge Alone</b>	<b>Include</b>	<b>Exclude</b>
Arraignment & Plea	✓	
Opening Remarks Note: If Admissions of Fact are contained in the opening remarks by counsel, include the opening in the transcript.		✓
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible)		✓
Admissions	✓	
Submissions on <i>Voir Dire</i>		✓
All other evidence	✓	
Rulings	✓	
Objections and Submissions		✓
Any agreed statement of facts	✓	
Facts	✓	
Reasons for Judgment	✓	
Submissions on Sentence	Transcribe upon request of ordering party	
Reasons for Sentence		

<b>Appeals as to Conviction - Judge and Jury</b>	<b>Include</b>	<b>Exclude</b>
Arraignment & Plea	✓	
Opening remarks and/or addresses by court and counsel Note: If Admissions of Fact are contained in the opening remarks by counsel, include the opening in the transcript.		✓
Evidence before jury	✓	
Evidence on <i>Voir Dire</i>		✓
Objections in absence of the jury		✓
Rulings in Absence of the Jury	✓	
Submissions re: content of charge to jury	✓	
Closing addresses by counsel		✓
Charge to Jury	✓	
Questions from the Jury and submissions on questions	✓	
Objections to Charge to Jury	✓	
Verdict of Jury	✓	
Submissions on Sentence	Transcribe upon request of ordering party	
Reasons for Sentence		



#### 4.4.4 Appeals as to Conviction for Summary Conviction Offences

The following guidelines for inclusions and exclusions apply to transcripts for appeal of conviction on summary conviction offences. Additional portions to those listed may be included in the transcript upon:

- a) An order by a judge, with such order provided to the court reporter within five days of the order having been granted
- b) Filing of the written consent of counsel of record for all parties to include.

Appeals as to Conviction for Summary Conviction Offences	Include	Exclude
Argument on pre-trial Motions or Applications (Exclude arguments on pre-trial motions or applications, except a notation that an application or motion was made. <b>EXCEPTION - Unless a ground of appeal to be argued relates to the pre-trial motion or application, in which case the argument must be included in the transcript).</b>		✓ See Exception
Arrest & Plea	✓	
Opening Remarks of Counsel		✓
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible) <b>EXCEPTION - Unless a ground of appeal to be argued relates to the evidence and ruling on the <i>voir dire</i>, in which case the evidence must be included in the transcript)</b>		✓
All Other Evidence	✓	
Submissions on <i>Voir Dire</i> (Exclude all objections to the admissibility of evidence excepting a notation that the objection was made. <b>EXCEPTION - Unless a ground of appeal to be argued relates to the ruling on the admissibility of the <i>voir dire</i> evidence, in which case the argument must be included in the transcript)</b>		✓
Submissions on Objections (Exclude all objections to the admissibility of evidence excepting a notation that the objection was made. <b>EXCEPTION - Unless a ground of appeal to be argued relates to the ruling in which case the argument must be included in the transcript)</b>		✓ See Exception
Rulings	✓	
Submissions (Exclude all closing arguments of the parties, their agents or counsel. <b>EXCEPTION – Unless a ground of appeal involves the reasons for judgment, including but not limited to grounds alleging an unreasonable verdict, misapprehension of evidence, a failure to properly apply the judgment of <i>R v W. (D)</i> (1991), 63 C.C.C. (3d) 397 (S.C.C.), a failure to consider relevant evidence, and the inadequacy of the reasons given.)</b>		✓ See Exception
Any Agreed Statement of Facts	✓	

Reasons for Judgment	✓	
Submissions on Sentence	✓	
Reasons for Sentence	✓	

**Note:** These charts are only guidelines for inclusions and exclusions in transcripts and should only be used if the transcript order does not indicate which sections of the transcript to include or exclude. In all cases, a justice may order that a section be included/excluded in the transcript even though it may not normally be included/excluded by the rules.

#### 4.4.5 Appeals as to Conviction and Sentence for Summary Conviction and Indictable Offences

In addition to the regular inclusions and exclusions for appeals against conviction outlined above, transcripts for appeals against conviction and sentence for summary and indictable matters must also include counsel's submissions as to sentence and any evidence called at the sentence hearing.

[Criminal Appeals Rules](#) (Indictable offences)

[Criminal Proceedings Rules](#) (Summary Conviction offences)

#### 4.4.6 Appeals against Sentence Only for Indictable Offences

**Note:** The chart setting out those portions of the proceedings to be included/excluded for transcripts for appeal to the Court of Appeal must be adhered to unless: (a) there is consent of the other party/parties, or (b) there is an order of the Court of Appeal setting out which other portions to include.

If the original plea was "guilty" before any evidence was taken, the transcript must include the entire hearing before the court [Rule 8 \(11\) Criminal Appeal Rules](#).

If the plea was "not guilty" and evidence was taken the transcript should include:

Appeals Against Sentence Only: Judge Alone	Include	Exclude
Reasons for Judgment (Conviction)	✓	
Evidence called in respect of sentence	✓	
Submissions of counsel on sentence	✓	
Statement by the offender prior to the passing of sentence under section 668 of the <a href="#">Criminal Code</a>	✓	
Reasons for Sentence	✓	

Appeals Against Sentence Only: Judge and Jury	Include	Exclude
Charge to the Jury, Objections to the Charge and re-charge, if any	✓	
Verdict	✓	
Evidence on sentencing	✓	
Submissions on sentence	✓	
Statement by the offender prior to the passing of sentence under section 668 of the <a href="#">Criminal Code</a>	✓	
Reasons for Sentence	✓	

#### 4.4.7 Appeals against Sentence Only for Summary Conviction Offences

Plea of Guilty	Include	Exclude
Entire proceeding	✓	

Plea of Not Guilty	Include	Exclude
Any agreed statement of facts	✓	
Reasons for Judgment	✓	
Submissions on sentence	✓	
Reasons for Sentence	✓	

#### 4.5 Inclusions & Exclusions in Civil/Family Transcripts for Appeal

In order to eliminate transcription of evidence that is not required by the appellate court, the appellant and respondent in civil appeals may set out an agreement or serve Certificates Respecting Evidence setting out exactly which portions of the proceedings are required to be transcribed for appeal. Under the [Rules of Civil Procedure](#) the court reporter does not have to be provided with these certificates or agreements unless they impact transcript preparation. [[Practice Direction May 1, 1993](#)].

**Note: The chart setting out those portions of the proceedings to be included/excluded for transcripts for appeal to the Court of Appeal must be adhered to unless: (a) there is consent of the other party/parties, or (b) there is an order of the Court of Appeal setting out which other portions to include.**

Inclusions and exclusions in civil and family transcripts depend on whether the original case was heard before a judge alone, or a judge and jury, as follows:

Civil Appeal: Judge Alone	Include	Exclude
Agreed statement of facts	✓	
Opening Remarks of Counsel Note: If Admissions by counsel are addressed in the opening remarks; include the opening in the transcript.		✓
Evidence – <i>Voir Dire</i> (ruled admissible)	✓	
Evidence – <i>Voir Dire</i> (ruled not admissible)		✓
All other evidence	✓	
Submissions on <i>Voir Dire</i>		✓
Objections and Submissions		✓
Rulings	✓	
Reasons for Judgment	✓	

<b>Civil Appeal: Judge and Jury</b>	<b>Include</b>	<b>Exclude</b>
Opening Remarks of Counsel Note: If Admissions by counsel are addressed in the opening remarks, include the opening in the transcript.		✓
Evidence before jury	✓	
Evidence on <i>Voir Dire</i>		✓
Questions from the jury and submissions on questions	✓	
Submissions and Objections in the absence of the jury		✓
Rulings in absence of the jury	✓	
Submissions re: Charge to Jury	✓	
Closing addresses of counsel		✓
Charge to Jury	✓	
Objections to charge to jury and recharge if any	✓	
Verdict of jury	✓	

#### **4.5.1 Appeals of Assessments of Costs or Taxations**

On solicitor-client assessments of costs or taxations, the preceding inclusions and exclusions do not apply on appeal. In these cases, it is usually only necessary to provide the reasons for the order.

#### **4.6 Inclusions and Exclusions in Automatic Transcripts**

See the Automatic Transcripts chart located on the Court Reporting Services Forms and Examples tab for inclusions and exclusions.

#### **4.7 Inclusions and Exclusions in Other Transcripts**

For all other transcripts, transcribe the sections of the proceeding as indicated in the transcript order.

## SECTION 5 – PROOFREADING AND CERTIFYING THE TRANSCRIPT



### [5.1 Proofreading the Transcript](#)

### [5.2 Judicial Corrections](#)

### [5.3 Certifying the Transcript](#)

#### [5.3.1 Open Microphone Certification and Examining the Form1](#)

#### [5.3.2 Certification for Stenograph Reporters](#)

#### [5.3.3 Giving Evidence as to a Transcript](#)

## SECTION 5: PROOFREADING AND CERTIFYING THE TRANSCRIPT

### 5.1 Proofreading

1. Do not release a transcript before it has been proofread and certified.
2. Always proofread by listening to the recording while reading the transcript and using the annotations or log notes as a reference.
3. Transcribe and proofread rulings, reasons and charge to the jury immediately so they may be forwarded to the justice for review while preparing the balance of the transcript.
4. Ensure that the format is correct and that all relevant transcript rules have been followed.
5. When required, refer to the appendices in this manual for detailed information on legal conventions and terminology.
6. Have reference tools (e.g. access to internet, medical dictionaries, legal dictionaries) readily available.
7. Check legal citations and quotations against the actual statute or case cited. Whenever possible obtain a copy of any quoted passages from the parties during the in-court proceedings.
8. Do not rely on the computer's spell-check function to catch spelling errors. Spell-check may change words incorrectly.

#### Proofreading Tips:

- Enlarge the aspect of the transcript on the computer screen while proofreading to see each word more clearly.
- Proofread lengthy transcripts in sections rather than all at once.

### 5.2 Judicial Corrections

The judge or justice of the peace is entitled to review the ruling, the reasons for judgment, the reasons for sentence and the charge to the jury before they are released. You must provide the judge or justice of the peace with a draft for judicial review before incorporating it in the transcript. Type the draft first and submit it for approval.

As a courtesy to the reviewing judicial officer, double-space the draft to facilitate corrections. You must revert to the regulated transcript format of 1.5 spacing for the final transcript.

The judge or justice of the peace may correct grammar, spelling, and punctuation, formatting and case citations. Where it appears to the judge or the justice of the peace that there is a missing word or words, the reporter should check the original record. For future reference, always keep a copy of any judicial corrections in your files.

The reviewing judge or justice of the peace cannot make a change of substance and cannot correct what he or she believes is an unintended error, in order to have the written text comply with the intended

meaning of the court [Ref. *R. v. Hanneman* paragraph 157]. If a judge or justice of the peace makes a correction that compromises the accuracy of the transcript, consult with your manager.

**As a general rule, never release a draft of the transcript to anyone other than the presiding judge or justice of the peace who is entitled to review the draft.** This general rule is subject to one significant exception. Transcripts ordered by the Canadian Judicial Council, the Ontario Judicial Council and the Justices of the Peace Review Council for the purpose of investigating a complaint against a judge, justice of the peace or other judicial officer are not to be submitted for editing to the judge, justice of the peace or judicial officer who is the subject of the complaint. The supervisor may be required to provide the recordings of these proceedings to the councils. Copies of the audio recordings should be provided on request at no charge. The applicable transcript fees apply to any transcript that is ordered.



Transcripts which contain Rulings, Reasons for Judgment, Reasons for Sentence or a Charge to the Jury which have been judicially edited must be certified with a Form 2. The Reporter may add an indication beneath the Form 2 with respect to the portion that was judicially edited, as set out below.

<b>Form 2</b>	
Certificate of Transcript ( <i>Subsection 5(2)</i> )	
<i>Evidence Act</i>	
I, _____ certify that this document is a true and accurate transcript of the recording of _____, in the Superior Court of Justice, held at _____ taken from Recording(s) _____ which has been certified in Form 1.	
_____	_____
(Date)	Signature of Authorized Person(s))

**English:**

\*This certification does not apply to the (Rulings, Reasons for Judgment, Reasons for Sentence, or Charge to the Jury) which was/were judicially edited.

**French:**

\*La présente certification ne s'applique pas (aux décisions, aux motifs de jugement, aux motifs de détermination de la peine ou à l'exposé au jury) qui fait l'objet d'une révision par un juge.

**Note: Only set out the portion actually judicially edited in the notation below the certification; i.e. Ruling or Reasons for Judgment etc.**



**5.3 Certifying the Transcript**

Before submitting the transcript to the ordering party, you must sign an oath of certification to formally attest to the truth and accuracy of the transcript. Since the transcript must reflect what was said in the courtroom, this oath provides assurances that the transcript is a reliable, accurate, and complete record of the proceeding. **You are responsible for the accuracy and completeness of your certified transcripts.**



The importance of certifying transcripts honestly and faithfully cannot be overstated. Certification ensures a threshold level of confidence in the accuracy of the transcript and often spares the court reporter the inconvenience of attending court to prove the contents of the transcript. The certification should be single spaced and located on the last page of the transcript. If there is insufficient space, it may be typed on a separate page. For multi-volume transcripts, a certification must be included at the end of each volume.

**When certifying the transcript, a notation must be made in the logbook to indicate that you have prepared and certified the transcript. This notation will prevent two court reporters producing separate original transcripts of the same proceedings.**

### 5.3.1 Open-Microphone Certification and Examining the Form 1

Use [Form 2](#) to certify transcripts created from audio recordings.

On and after May 1, 2004, the certificate in [Form 2 \(O. Reg. 158/03\)](#) indicates that the recording from which the transcript has been prepared has been certified in Form 1.

When a sound recording is made, the individual who made the recording must complete and sign a certificate in [Form 1 \(O. Reg. 158/03\)](#). This certification provides assurance that the recording is a reliable, accurate, and complete record of the referenced proceedings.

When preparing a transcript from a sound recording that you did not record, **you must transcribe from a copy of the recording that has been certified in Form 1.**

**See [CSD Directive 2011/12](#) outlining the requirement for the court reporter to provide a verbal and annotated Form 1 as part of the digital record at the end of the day's proceedings.**

### 5.3.2 Certification for Stenograph Reporters

Use the following certification for English transcripts created using stenographic methods.

THIS IS TO CERTIFY THAT the foregoing is a true and accurate transcription of my stenographic recordings to the best of my skill and ability.

J. Doe, Court Reporter

Use the following certification for French transcripts created using stenographic methods.

LA PRÉSENTE ATTESTE QUE ce qui précède est une transcription conforme et exacte de mes enregistrements sténographiques, au mieux de mes aptitudes.

J. Doe, Sténographe judiciaire

### 5.3.3 Giving Evidence as to a Transcript

You may be subpoenaed to give evidence as to a transcript you have prepared.

Advise your supervisor immediately upon receipt of a subpoena. Review the transcript with the recording to ensure its accuracy.

There are two methods of proving the record:

1. The transcript may be introduced as typed and verified under oath, as follows: "I have reviewed the official record against the transcript, and it accurately reflects what is on the record."
2. The record may be played back from the open microphone recordings.

Always review the transcript against the record before appearing in court. You are required to bring all records of the portion of the proceedings in question into the witness box, including a file copy of the transcript and any relevant recordings, notes, logbooks and certification. Remember to bring a headset and a transcribing unit for playbacks.

## **SECTION 6 – PREPARING THE INVOICE AND DISTRIBUTING THE TRANSCRIPT**



- 6.1 [Introduction to Invoices and Distribution](#)
- 6.2 [Transcript Fees](#)
  - 6.2.1 [Use of Ministry Photocopiers and Printers](#)
  - 6.2.2 [Fees for Transcript Copies on Diskette](#)
- 6.3 [Invoice Format and Instructions](#)
  - 6.3.1 [Invoices to Court Services Division](#)
  - 6.3.2 [Invoices to the Provincial Crown or Provincial Government Offices](#)
  - 6.3.3 [Invoices to Ordering Parties other than Court Services Division and the Provincial Crown](#)
- 6.4 [Distribution Restrictions](#)
  - 6.4.1 [Distribution Procedure for Youth Criminal Justice Act Transcripts](#)
  - 6.4.2 [Distribution Restrictions for YOA Transcripts](#)
  - 6.4.3 [Distribution Restrictions on Parental Responsibility Act matters](#)
- 6.5 [Invoicing and Distribution of Automatic Transcripts](#)
- 6.6 [Invoicing and Distribution of Criminal Appeals to the Court of Appeal](#)
- 6.7 [Invoicing and Distribution of Civil Appeals to the Court of Appeal](#)
- 6.9 [Invoicing and Distribution of Transcript Orders from the Judiciary](#)
- 6.9 [Invoicing and Distribution of all other Transcript Orders](#)

## SECTION 6 – PREPARING THE INVOICE AND DISTRIBUTING THE TRANSCRIPT

### 6.1 Introduction to Invoices and Distribution

Distribution of transcripts and related invoicing procedures varies according to the type and purpose of the transcript. This section sets out the fees court reporters are to charge for transcript production, charges for reproduction of the transcript on Ministry photocopiers, the requirements regarding transcript invoicing procedures, distributing restricted transcripts, and the procedures for distributing and invoicing.

### 6.2 Transcript Fees

Court reporters are entitled to fees for transcripts as set out in [O. Reg. 587/91 as amended, Administration of Justice Act. Any variance from these set fees is unlawful.

	<b>For Appeal to the Court of Appeal or Divisional Court</b>	<b>All Other In-Court Transcripts</b>
First Copy Ordered	\$3.75 per page	\$3.20 per page
Additional Copies ordered at the time of the initial order	No charge for copies	\$0.55 per page
Additional Copies ordered at a later date	No charge for copies	\$0.55 per page

[[O. Reg. 587/91 as amended, Administration of Justice Act](#)].

#### 6.2.1 Use of Ministry Photocopiers and Printers

Check with your local supervisor regarding pre-authorization to use Ministry photocopiers or printers to reproduce transcripts. If authorized, there is a charge of \$0.05 per copy for use of Ministry equipment for transcript production. If authorized, the court reporter is required to maintain a record book for any copies that are made using Ministry equipment. For each month-end or billing cycle, it is to be deducted from your Ministry billing. Your transcript copy record book must be made available to office managers and auditors when requested (Ministry of the Attorney General Procedure outlined in the Manual of Administration.)

#### 6.2.2 Fees for Transcript Copies on Diskette

When an ordering party requests a copy of the transcript on diskette, a certified hardcopy of the transcript must also be provided. You may invoice the ordering party for the hard copy at the applicable per page rate. For the copy on diskette, if the ordering party did not provide a blank diskette, you may only charge a fee equal to the cost of the diskette.

Note: Stenograph writers or Stenomask voice-writers may utilize software, which enables them to produce a digital unedited draft of a transcript of proceedings. Should the court request the unedited draft transcript, it should be provided on diskette only at no charge. If a blank diskette was not provided, you may only charge a fee equal to the cost of the diskette. There is no requirement to provide a hard copy of the unedited draft. You are not allowed to charge a fee for the digital copy. The reporter must produce a certified, paper copy of the edited transcript in order to charge the regulated per page fee.

### 6.3 Invoice Format and Instructions

An Invoice for Service ([AG 0510](#)) must be used to invoice both Court Services Division and the offices of the provincial Crown. Form [AG 0510](#) may also be used to invoice for transcripts requested by other provincial government offices, such as, but not limited to: Office of the Children's Lawyer, Criminal

Compensation Board, Public Guardian and Trustee, Ministry of Finance, etc. Instructions for completing the form are noted on the form itself.

When submitting multiple invoices on the same date, add a number (1, 2, 3...) after your initials. As two invoices with the same information are rejected in the electronic payment system, distinguishing invoices submitted on the same date in this way facilitates timely payment.

Example of Two Invoices for Service Submitted on one Date:

Insert a number immediately following your initials to distinguish multiple invoices submitted to provincial government offices invoiced for the same date.

be used to invoice transcripts.		Invoice for Service	
Invoice No.	JEB- 4411200911	Invoice Date	20/09/2011 <small>(DD/MM/YY)</small>
Supplier No.	22120	HST Registration No.	N/A
<b>Claimant</b> (Please Print)			
Bradley, Julia Elizabeth			
Supplier Surname	First Name	Initials	
456 Main Street			
Address <input type="checkbox"/> Check this box <b>only</b> if this is a <b>new</b> address.)			
Ottawa	Ontario	N O A 1 V 5	
City	Province	Postal Code	

First invoice submitted September 20, 2011

used to invoice transcripts.		Invoice for Service	
Invoice No.	JEB1-4411200911	Invoice Date	20/09/2011 <small>(DD/MM/YY)</small>
Supplier No.	22120	HST Registration No.	N/A
<b>Claimant</b> (Please Print)			
Bradley, Julia Elizabeth			
Supplier Surname	First Name	Initials	
456 Main Street			
Address <input type="checkbox"/> Check this box <b>only</b> if this is a <b>new</b> address.)			
Ottawa	Ontario	N O A 1 V 5	
City	Province	Postal Code	

Second invoice submitted September 20, 2011

### 6.3.1 Invoices to Court Services Division

The following transcript orders are authorized to be invoiced to Court Services Division.

- |   |
|---|
| Transcripts prepared at the request of the judiciary or Court Services Division administration (Manager or Supervisor of Court Operations)  |
| Transcripts prepared automatically for mental health order dispositions for the Ontario Review Board  |
| Transcripts prepared automatically for periods of provincial incarceration (less than two years)  |
| Transcripts prepared automatically with respect to hearings under the <a href="#">Interjurisdictional Support Orders Act</a> , Section 44 and 45 of the <a href="#">Family Law Act</a> and Sections 18 of the <a href="#">Divorce Act</a>   |
| Preliminary Inquiry Transcripts as follows: <ul style="list-style-type: none"> <li>▪ When the Provincial Crown is the original ordering party, an invoice may be submitted to Court Services Division for the original as well as one copy of the transcript (to be used by the Superior Court of Justice at trial.)<br/>Additional copies ordered by the Crown must be invoiced directly to the Crown Attorney's office.</li> <li>▪ When the ordering party for the original is defence counsel; and the matter is being prosecuted by the Provincial Crown, the fee for the original should be invoiced to defence</li> </ul> |

counsel. Court Services Division may be invoiced for two copies, one copy for the Provincial Crown as well as one copy of the transcript (to be used by the Superior Court of Justice at trial).

Additional copies ordered by the Crown must be invoiced directly to the Crown Attorney's office

- When a Federal Crown is the assigned prosecutor on the case, the fee for the original is invoiced directly to whoever is the ordering party, either the Federal Crown or defence counsel. Court Services Division may be invoiced for one copy only of the transcript only (to be used by the Superior Court of Justice at trial.)

When submitting an invoice to Court Services Division include:

- A copy of the transcript order signed by the ordering party and the acknowledgement by the ordering party that the transcript has been received, and/or
- Specifics of the automatic transcript order and a signature acknowledging receipt of transcript (if requested by your manager).

### 6.3.2 Invoices to the Provincial Crown and Provincial Government Offices

The following transcript orders should be invoiced to the Provincial Crown Attorney:

- Transcripts prepared at the request of the Provincial Crown Attorney's office.  
**Note:** As set out in [Section 6.3.1](#) Court Services Division may be invoiced for two copies of the preliminary hearing when requested by the Crown; one for the Crown and the second copy for the Superior Court file. **Additional copies ordered by the Crown should be invoiced directly to the Crown Attorney's office.**

The following transcript orders should be invoiced on Form [AG 0510](#) and submitted to the respective ordering party:

- Transcripts prepared at the request of provincial government offices, i.e. transcripts ordered by the Office of the Children's Lawyer, Criminal Compensation Board, Public Guardian and Trustee, Ministry of Finance, etc.

### 6.3.3 Invoices to Ordering Parties other than Court Services Division and the Provincial Crown

For transcripts prepared for other parties, prepare a personal invoice. Clearly indicate your name, court address, contact information, transcript order details, amount of deposit received, number of pages transcribed, page rate, and total amount owing.

## 6.4 Transcripts with Distribution Restrictions

Access to certain transcripts is restricted. Prior to producing the transcript, authorization must be provided by your supervisor.

When delivering a restricted transcript and accompanying invoice, if you do not know the ordering party, you should request identification to satisfy yourself that the transcript is only delivered to the authorized party.

#### 6.4.1 Restrictions on Distribution for *Youth Criminal Justice Act* Transcripts



Unless the young person has been found guilty, has received an adult sentence, 30 days have elapsed since sentencing and no appeal has been filed, transcripts of proceedings under the [Youth Criminal Justice Act](#) may only be provided to the youth, his or her parents, counsel for the youth, the Crown and the court. For these transcripts, indicate on the written order for the transcript the delivery date and the name of the party to whom the transcript was delivered. Provide the completed written order to the court manager and keep a copy for your own records. Follow these same distribution requirements for transcripts of *Parental Responsibility Act* proceedings involving a youth charged under *the Youth Criminal Justice Act*.

If a youth receives an adult sentence, 30 days have elapsed since sentencing and no appeal has been filed, access to the transcript is permitted and no special distribution procedure is required.

#### 6.4.2 Restrictions on Distribution for *Young Offender Act* Transcripts



The *Young Offenders Act* was repealed and replaced by the [Youth Criminal Justice Act](#). Under section 44 of the [Young Offenders Act](#), access to transcripts of proceedings against young offenders is restricted to specific individuals. Unless ordered by a judge, the court manager or supervisor must approve the preparation of the transcript by signing the original copy of the written transcript order. Requests for additional copies of these transcripts should also be referred to the court manager or supervisor for approval.

#### 6.4.3 Restrictions on Transcripts of *Parental Responsibility Act* matters



Transcripts of [Parental Responsibility Act](#) matters that use evidence or records pertaining to the [Youth Criminal Justice Act](#) or the [Young Offenders Act](#) must be treated like [Youth Criminal Justice Act/Young Offenders Act](#) transcripts. The transcript may only be provided to the claimant, the claimant's lawyer or agent, the child, the child's parents and the lawyer or agent for the child or the parents.

#### 6.5. Invoicing and Distributing Automatic Transcripts

Refer to the **Automatic Transcripts Order Chart** for invoicing and distribution of automatic transcripts.

See [Automatic Transcripts Order Chart](#) (located in the CRS Forms and Examples Tab)

#### 6.6 Invoicing and Distribution of Summary Conviction Appeals to the Superior Court of Justice

Whether the appellant is the Crown or the defence, prepare three copies of the transcript and provide them to the ordering party along with your invoice.

Both the Federal and Provincial Crown have agreed to notify the defence of the completion of the transcript.

For the office of the Provincial Crown:

Ministry of the Attorney General  
Crown Law Office – Criminal  
720 Bay Street, 10th Floor  
Toronto, Ontario M5G 2K1

For the office of the Federal Crown:

Public Prosecution Service of Canada  
Suite 3400, The Exchange Tower  
2 First Canadian Place, Box 36  
Toronto, Ontario M5X 1K6

## 6.6 Invoicing and Distribution of Criminal Appeals to the Court of Appeal

Once appeal transcripts for criminal matters have been completed and are ready for distribution, submit an invoice to the appellant and arrange for payment.

Rule 8(16) of the [Ontario Court of Appeal Criminal Proceedings Rules](#) provides that:

"When the transcript has been completed, the court reporter shall forthwith notify the parties and the Registrar, and shall, upon payment, deliver the copies of the transcript **for use of the court** to the Registrar."

Note: Ordering parties may arrange to pick up and file copies of the transcripts **for use of the court** with the Court of Appeal. They are responsible for distribution of the remaining copies.

This direction is contained in the Criminal Appeal Rules and not the Civil Proceedings Rules.

## 6.7 Invoicing and Distribution of Civil Appeals to the Court of Appeal

In civil appeals, the Certificate of Completion must be forwarded to the Appellant, the Respondent, to the Registrar (Court of Appeal/Divisional Court/Superior Court), and a copy to the Supervisor of Court Operations as soon as the transcript is complete. It is the responsibility of the appellant to deliver copies of the transcript to the Court of Appeal for Ontario or Divisional Court within 60 days after the Registrar has received notice that the evidence has been transcribed.

R.61.09 (1) (b), R.61.09 (3) (b), [Rules of Civil Procedure](#)

Where the payment of the account appears to be unreasonably delayed, you may notify your supervisor. There is a reporting process in place between your supervisor and the Court of Appeal.

## 6.8 Invoicing and Distribution of Transcript Orders from the Judiciary

Ensure that the judicial official or designate has signed the original transcript order as well as an acknowledgement that they have received the transcript upon completion and delivery. If the transcript is ordered by a justice on the record, fill out a transcript order form and have it signed by the justice. The signature acknowledging receipt of the transcript should accompany your Ministry invoice for payment by Court Services Division. Confirm with your supervisor those persons who may be authorized to sign on behalf of the judiciary.

Transcripts prepared for the judiciary are to be invoiced to Court Services Division on a Ministry Invoice for Service [AG 0510].

## 6.9 Invoicing and Distribution of All Other Transcript Orders

For all other transcripts, arrange distribution in advance with the ordering party and submit a personal invoice to the ordering party. Subject to local practice, you may request that the transcript be picked up at the court office, together with payment, or you may agree to send the transcript after payment of the account.



When legal aid is involved, Legal Aid Ontario is prepared to pay interim invoices for transcripts ordered by a lawyer. Before beginning the transcription process, submit an invoice to the lawyer for two-thirds of the estimated cost of the transcript. The lawyer will submit the invoice to Legal Aid Ontario and the funds will be disbursed to the solicitor.

Under no circumstances should you use the Ministry Purolator service for the delivery of transcripts, without prior approval from your supervisor or manager. All courier costs are the responsibility of the court reporter preparing the transcript.

## Appendix A:

Individuals authorized to transcribe and certify court proceedings (as required by the [Approval and Authorization](#), pursuant to Section 5 of the *Evidence Act* and *Ontario Regulation 158/03*) must meet the following criteria:

### Qualification Standards – Certification of Transcripts from Sound Recordings:

A qualified individual authorized to prepare and certify a transcript from a certified sound recording must:

- Have successfully completed prescribed training and be authorized on a list as maintained by the Manager of Court Operations or Municipal Court Manager;
- Demonstrated knowledge and appropriate application of the policies and procedures detailed in the Ministry of the Attorney General Transcript Manual as required by the Manager of Court Operations or a Municipal Court Manager.

**Authorization to certify transcripts of sound recordings is rescinded at the discretion of the Manager of Court Operations or Municipal Court Manager.**

### Job Requirements:

Transcript production job requirements:

- Independently producing transcripts within Ministry timelines and following policies for the preparation and delivery of the transcript.
- Dealing directly with ordering parties with respect to the delivery of transcripts, normally without the assistance of the manager or supervisor.
- Knowledge of the operation of analogue and digital recording and transcribing devices. Proficiency with computer applications (word processing, databases, e-mail, Internet and management information systems etc) to prepare transcripts.
- Taking responsibility for the accuracy and certification of transcripts; and providing copies of same when requested for audit purposes.
- Safekeeping of records, sound recordings, logbooks and trial notes used during the transcription process.
- Demonstrated knowledge and application of access policies, legislated restrictions and publication bans.
- Working in accordance with established policies and procedures and satisfying review by both the Ministry and the judiciary as to accuracy and adherence to policies and procedures.

## Competencies

- Requires knowledge of legal, medical and technical terminology to accurately reproduce the official court record.
- Requires a high level of proficiency in grammar and spelling.
- Requires knowledge of the Ministry *Transcript Manual*, and specifically the regulations defining the production of transcripts, including areas such as format, binding, distribution, fee structure, and completion times.
- Requires knowledge of word processing equipment and related software, such as Microsoft Word, according to standards/established procedures in order to produce transcripts.
- Requires proficient use of both digital transcription software and analogue transcribers, including knowledge of multiple recording channels in order to access the clearest audio quality for transcription purposes.
- Requires the production of transcripts within Ministry timelines and following policies for the preparation and delivery of the transcript as required by the *Transcript Manual*.
- Requires dealing effectively, directly and independently with ordering parties respecting transcript orders, normally without the assistance of the manager or supervisor.
- Requires working with supervisor and other members of the court support team to ensure transcripts are delivered within required timeframes.