

## Section 5: Transcript Format

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## **Section 5: Transcript Format**

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## Section 5: Transcript Format

### Chapter 1: General Information on Format

#### A. Scope of Transcript

##### 1. Verbatim Record

###### a. General Rule

Court reporters and recorders are bound to make a verbatim record of the proceedings. A judge should not in any way interfere with or cause alteration of the true record as reported by the court reporter or recorder. In addition, a court reporter or recorder should not, even on the order of a judge, strike from the record that which actually took place. Any deviation in a transcript or certified record stultifies appellate review. (*McLouth Steel v Anderson Corp*, 48 Mich App 424, 429 n 1 [1973])

###### b. Previous Testimony Read or Played at the Trial or Hearing

When testimony, transcribed or recorded at a previous deposition or proceeding, is read or played back at the trial or hearing in lieu of live testimony, the court reporter or recorder shall ask the judge on the record whether that testimony, as presented, must be included in the typed record of the proceeding. If the judge authorizes that the record not include presentation of the previous testimony, the reporter or recorder must append to the official transcript and file with the court a copy of the verbatim testimony and colloquy presented. The court reporter or recorder should obtain that copy from the party offering the testimony. If the judge does not authorize exclusion of the previous testimony, the official transcript must include a verbatim record of the testimony and colloquy presented. This provision does not apply to testimony taken during the same proceeding, or read or played back at the request of the jury or a party.

##### 2. Stricken Testimony

Stricken testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please strike that last answer, and the jury is to disregard what the witness said," the reporter transcribes the entire proceeding exactly as it took place. (*McLouth Steel v Anderson Corp, supra*)

##### 3. Expunged Testimony

Expunged testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please expunge that last answer, and the jury is to disregard what the

witness said," the reporter transcribes the entire proceeding exactly as it took place. (*McLouth Steel v Anderson Corp, supra*)

#### **4. Suppressed Transcripts**

There appears to be no statute, court rule, or case law that sets forth the procedure to be followed with respect to the preparation and filing of a transcript of a closed hearing. As a practical matter, the best procedure for the judge is to identify on the record at the beginning and end of the record, the portion of the transcript that is to be suppressed. The suppressed transcripts should not be filed with the other transcripts. Rather, it should be sent directly to the appellate court with a letter of explanation. A copy of the letter should be maintained in the court reporter's or recorder's records. ([Michigan Court Administration Reference Guide, Section 4-24, page 4-24-04](#))

### **B. Form of Transcript**

All court reporters and recorders, whether official, per diem, or freelance, must follow the format prescribed by the State Court Administrative Office as published in this manual. Compensation is contingent upon compliance with these standards. ([MCL 600.2510\[2\]](#))

#### **1. Assembling the Transcript**

The transcript must be filed in one or more volumes under a hard-surfaced or other suitable cover, stating the title of the action, and prefaced by a table of contents showing the subject matter of the transcript with page references to the significant parts of the trial or proceedings, including the testimony of each witness by name, the arguments of the attorneys, and the jury instructions. The pages of the transcript must be consecutively numbered on the bottom of each page.

#### **2. Page Format** ([MCL 600.2510](#), [MCR 1.109\[A\]](#))

Pursuant to MCL 600.2510(2), a page prepared in accordance with the format prescribed by the State Court Administrative Office shall be counted, billed, and paid for as a full page. See Chapters 2 through 6 for examples of various page formats.

- a. A page consists of 25 lines written on paper 8 ½" by 11" in size, prepared for binding on the left side, with 1 3/8" margin on the left side and 3/8" margin on the right side.
- b. Only transcript pages are prepared on paper with numbered lines.
- c. Indentations from the margins apply only to the transcript page.
- d. Print must be 12-point type.

### 3. Transcripts of Videotape Proceedings

If an appeal is taken in an action which has been videotaped, a transcript of the proceedings must be prepared in the same manner as in the case of proceedings recorded in other ways. However, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true, and correct rendition of the videotape of the proceeding as recorded.

Transcripts of videotape recordings of 25 pages or less must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, and minute at which the reference begins as recorded on the videotape. For example: (Tape No. 1, 10-1-87, 13:12). Transcripts of 26 or more pages must contain this reference on the first page, on every 25 pages thereafter, and on the last page.

### 4. Title Page ([MCR 2.113\[A\]\[B\]\[C\]](#), [7.210\[B\]\[3\]\[d\]](#))

- a. A title page is the first page of every transcript and shall be so numbered at the bottom center of the page.
- b. Each day of proceedings begins a new volume of transcript. Each volume begins with a title page.
- c. A title page includes the following information:
  - 1) the name of the court;
  - 2) the names of the parties or the title of the action, exactly as appears on the caption filed with the court;
    - a) the names of the parties are to be capitalized in their entirety;
    - b) for words like "Plaintiff," "Defendant," and "In the matter of," only the first letter is capitalized;
  - 3) the case number, including a prefix containing the last two digits of the year of filing and the case type code ([MCR 8.117](#); [Michigan Trial Court Case File Management Standards, Components 1 and 2, pages 3 and 4](#));
  - 4) the nature of the proceedings transcribed and the date held;
  - 5) the name and title of the person who presided over the proceedings;
  - 6) the names, business addresses, telephone numbers, and state bar numbers of all attorneys, and the name, address, and telephone number of any party appearing in pro per; and

- 7) the name, certification designation and number, and telephone number of the reporter, recorder, or operator who has taken and/or transcribed, or caused to be transcribed, the proceedings.
- d. For depositions, when a caption is lengthy and appearances will start on a second page, place the deponent's name on the title page.

See Chapter 2 for examples of the content.

**5. Table of Contents Page** ([MCR 7.210 \[B\]\[3\]\[d\]](#))

- a. Each transcript on appeal must include a table of contents page (not an index page). The table of contents should be as specific as possible and should include references to all the events that took place. Each table of contents page must list the witnesses and the exhibits. Including a description of each exhibit is preferred but not required. Even if there are no witnesses or exhibits, a table of contents page must be included.
- b. Each day of proceedings begins a new volume of transcript. Each volume must include its own table of contents.
- c. Each exhibit should be identified by page number when offered and either admitted or denied into evidence.
- d. When a deposition transcript is read into the record in lieu of the personal appearance of a witness, it should be included in the table of contents, including the name of the witness and the page number at which the reading began.

See Chapter 3 for examples of the content.

**6. Transcript Page** ([MCL 600.2510](#))

- a. A transcript page contains 25 typed lines on standard 8 1/2" by 11" paper with numbered lines.
- b. Typing must be 12-point type.
- c. The left-hand margin of all transcripts is set at 1 3/8". The right-hand margin is set at 3/8" except as otherwise stated below.
  - 1) Left-hand margin
    - a) Q and A begins at the left-hand margin. There are 5 spaces from the margin to the text; that is, the text begins on the 6th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.

- b) Colloquy begins 15 spaces from the left-hand margin; that is, it begins on the 16th space. A carry-over line begins 5 spaces from the left-hand margin; that is, it begins on the 6th space.
  - c) Quoted material and readback begins 15 spaces from the left-hand margin and ends 5 spaces in from the right-hand margin. A carry-over line begins 10 spaces from the left-hand margin. A new paragraph of quoted material begins 15 spaces from the left-hand margin.
  - d) Parenthetical material begins 15 spaces from the left-hand margin. A carry-over line begins 15 spaces from the left-hand margin.
  - e) New paragraphs begin 15 spaces from the left-hand margin.
- 2) The right-hand margin is observed in every instance except for quoted materials and readbacks.
- d. The time that certain events take place is to be included in every transcript. Those events are:
- 1) the time the proceedings begin and conclude;
  - 2) the time each witness is sworn and excused;
  - 3) the time of any adjournments/recesses;
  - 4) the time each exhibit is offered and admitted; and
  - 5) the time a jury is sworn, charged, excused to deliberate, or returns to the courtroom for any reason.

See Chapter 4 for examples of content.

## **7. Transcript Certificate Page**

All transcribed cases must end with a transcript certificate page. The purpose of the certificate is to signify the end of the transcript and to indicate that the transcript is a complete and accurate record of the court proceeding. The certificate page may be included on the last transcript page if there is adequate room.

See Chapter 5 for examples of content.

## C. Style of Transcript

### 1. Standard Record

Transcribed material consists of two basic styles or forms.

#### a. Colloquy

Colloquy is conversation between anyone other than a witness and the examining attorney. The typical court hearing begins with colloquy between the judge and the attorneys. The witness is then sworn, and one attorney begins questioning the witness. In colloquy, the judge is always identified as THE COURT, an attorney is always identified by his or her name, and the witness is identified as THE WITNESS. An unidentified speaker is identified as UNIDENTIFIED SPEAKER.

#### b. Question and Answer

Question and answer (Q and A) testimony is conversation between the witness and examining attorney. Whenever a witness is sworn, the questioning is set up as Q and A. It is optional to type a period (.) after each "Q" and "A." Any answer following the designation "A" must be preceded by a question, "Q." Q and A must be a sequence. Whenever Q and A is interrupted by any colloquy, tab to the "colloquy stop" (15 spaces from the margin), identify the speaker, follow the name with a colon, and begin typing the statement.

If the witness answers a question during colloquy, the response is colloquy. Q and A is always preceded by the name of the questioning attorney, i.e., "BY MR. SMITH: ."

If the witness asks a question of someone other than the examining attorney, the question is considered an interruption by colloquy. Tab to the "colloquy stop" (15 spaces from the margin), identify the speaker as THE WITNESS, follow the name with a colon, and begin typing the question.

### 2. Separate (or Special) Record

Separate records are transcribed as any other testimony. A judge may say "Reporter/Recorder, this is a separate record." A separate record is a part of the original day's proceedings, and must be bound with that day's proceedings. A separate record is prepared as follows.

- a. When you have determined the last spoken word of the regular record, place three dashes in the center of the page.
- b. Use no parenthetical remark.
- c. Start a new page.

- d. Continue pagination through the separate record.
- e. Place the words SEPARATE RECORD in all caps above line one, with one space between each letter, at the center top of each page of the separate record.
- f. At the top of the first page of the separate record, below the words SEPARATE RECORD, use the following parenthetical remark: "(At [time] Beginning of Separate Record)."
- g. Continue the separate record for as long as necessary.
- h. At the end of the separate record, use the parenthetical remark "(At [time] End of Separate Record)."
- i. Put three dashes in the center of the page.
- j. Start a new page.
- k. Use no parenthetical remark to resume the regular record.
- l. Continue pagination from the separate record when going back into the regular record.
- m. The table of contents page must show the separate record as follows: "Separate Record - pages 26 through 35."

#### **D. Parenthetical Expressions**

Parenthetical expressions are brief descriptions of events happening in the courtroom. They are preceded by the time of the occurrence, if applicable, and enclosed in parentheses. All parenthetical expressions begin 15 spaces from the left-hand margin. Any carry-over line is to begin 15 spaces from the left-hand margin.

Examples:

(At 9:15 a.m., prospective jury panel sworn)  
(At 10:00 a.m., court recessed)  
(At 10:30 a.m., court reconvened)  
(At 10:45 a.m., PX#1 marked)  
(At 11:00 a.m., bench conference on the record)  
(At 11:05 a.m., bench conference concluded)  
(At 11:45 a.m., conference in chambers)  
(At 11:50 a.m., court reconvenes, all parties present)

(At 1:00 p.m., witness excused)

(At 3:00 p.m., proceedings concluded)

(Voir Dire of prospective jurors reported [recorded], not ordered transcribed;  
12 jurors seated)

(Court's instructions to jury reported, but not ordered transcribed)

(At 4:15 p.m., bailiff sworn to take charge of the jury)

(At 4:30 p.m., jury returned)

## Chapter 2: Title Page Examples

The following are various examples of the format to follow in preparing title pages. Please note that these are examples only. Requirements and any allowable variances in style are specified in the following: (1) list each case name exactly as it appears on the file, do not make corrections and do not use *et al*; (2) if more than one case is heard at the same proceeding, list each case name and file number, one right after the other; (3) always use the full names of the attorneys and the reporter or recorder or transcriber, indicating whether they are Mr. or Ms; (4) include the firm name of an attorney, if one; (5) Street, Drive, Avenue, cities, and states must be spelled out; (6) it is optional whether the style of the telephone number is a series of dashes or dots or whether the area code is surrounded by parentheses, but it must always contain the area code; (7) use upper- and lower-case exactly as shown in the examples.

When the court is a circuit court, the location of the court will always be the name of the county. When the court is a district or municipal court, the location of the court will be the name of a city, township, or village instead of a county. When the court is a probate court, there is no court number; instead the name of the court is the name of the county (i.e., IN THE PROBATE COURT FOR THE COUNTY OF WAYNE).

The naming convention for circuit, district, and municipal court civil cases (including domestic relations) is plaintiff versus defendant. The naming convention for criminal cases is “THE PEOPLE OF THE STATE OF MICHIGAN” (or if it’s not a state case, the name of the city, township, village) versus defendant. The naming convention for proceedings under the juvenile code is “In the Matter of” followed by the name of the minor. The naming convention for probate court cases is “In the Matter of,” followed by an identifier as to the type of matter (such as “THE ESTATE OF”) and the name of the individual and his or her condition (such as “Deceased”). The naming convention for family division cases other than those under the juvenile code are “In the Matter of” followed by an identifier as to the type of matter (such as “THE ADOPTION OF” or “THE EMANCIPATION OF”) and the name of the individual and his or her position (such as “Adoptee” or “Minor”). Each of the various types of case names is shown in at least one of the following examples.

The examples show a general title page (most commonly used in civil and domestic relations cases), a title page for excerpts of proceedings, a title page for probate matters, a title page for proceedings that are heard in the family division (except domestic relations), a title page that can be used for either multiple defendants or consolidated cases, a title page for multiple volumes, and a title page for depositions.

**NOTE: These examples are content only.** For specific formatting requirements such as page numbering, margins, indentations, etc., see above and on page 2.

**A. Civil and Domestic Relations Proceedings**

This example can be used for proceedings in civil and domestic relations cases. This particular example is for a civil case filed in a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN

THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

JOHN DOE,

Plaintiff,

v

File No. 84-01234-NI

MARY JONES,

Defendant.

\_\_\_\_\_ /

JURY TRIAL

BEFORE THE HONORABLE JUSTUS STEARN

Detroit, Michigan - Wednesday, October 4, 2006

APPEARANCES:

For the Plaintiff: MR. BUSY MAN (P-00000)  
MAN & MAN  
0000 Whatever Street, Suite 0  
Nowhere, Michigan 00000  
313-000-0000

For the Defendant: MS. BUSY WOMAN (P-11111)  
ATTORNEY AT LAW  
0000 Someplace Drive, Room 2  
Somewhere, Michigan 11111  
313-111-1111

RECORDED BY: Ms. Qualified Person, CEO-3333  
Certified Operator  
313-222-2222

TRANSCRIBED BY: Mr. So and So, CSR-1212  
Certified Reporter  
313-111-1212

**B. Excerpts of Proceedings**

This example is for excerpts of proceedings in a circuit court case. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

JAMES JORDAN,  
Plaintiff,

v File No. 84-12345-DM

CAROL JORDAN,  
Defendant.

---

EXCERPTS OF PROCEEDINGS  
ELEMENTS OF CHARGES  
PREPARED FOR THE JURY DURING JURY DELIBERATIONS  
BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE  
Detroit, Michigan - Monday, September 1, 2006

APPEARANCES:

For the Plaintiff: MR. RICHARD E. SMITH (P50006)  
Smith & Harrison, P.C.  
2000 Orange Grove  
Detroit, Michigan 48226  
(313) 555-3333

For the Defendant: MR. RICHARD R. JONES (P50007)  
Jones & Jones, P.C.  
3333 Plum Tree  
Detroit, Michigan 48226  
(313) 555-3434

RECORDED BY: Mary Wilson, CER 0238  
Certified Electronic Recorder  
(313) 555-6868

**C. Probate Court Matters**

This example is for a decedent estate matter filed in a probate court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN  
IN THE PROBATE COURT FOR THE COUNTY OF INGHAM

In the Matter of

THE ESTATE OF JOHN JONES, Deceased.

File No. 84-2098-DE

\_\_\_\_\_ /

PETITION FOR PARTITION OF PROPERTY  
BEFORE THE HONORABLE JAMES R. JUSTICE, PROBATE JUDGE

Lansing, Michigan - Thursday, November 12, 2006

APPEARANCES:

Attorney for the Estate: MS. MARY WILSON (P50009)  
Wilson & Thomas Law Offices  
100 Lane Drive  
Lansing, Michigan 48933  
(517) 555-1440

Appearing in Pro Per: MR. JOHN J JAMES  
200 Country Blvd.  
Lansing, Michigan 48911  
(517) 555-2121

Appearing in Pro Per: MRS. ELSIE Q. JAMES  
5 City Building, Suite 14  
Lansing, Michigan 48933  
(517) 555-5222

REPORTED BY: Judith Kane, CSR 0128  
Certified Shorthand Reporter  
(517) 555-3405

**D. Family Division of Circuit Court Proceedings**

This example is for a juvenile delinquency proceeding filed in the family division of a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter. Keep in mind, that family division cases can be heard before circuit or probate judges even though the case is a circuit court case.

STATE OF MICHIGAN

THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

In the Matter of

JONATHAN JONES, a juvenile.

File No. 84-2098-DL

\_\_\_\_\_ /

PETITION REGARDING DELINQUENCY

BEFORE THE HONORABLE JAMES R. JUSTICE, PROBATE JUDGE

Lansing, Michigan - Thursday, November 12, 2006

APPEARANCES:

Attorney for the Juvenile: MS. MARY WILSON (P50009)  
Wilson & Thomas Law Offices  
100 Lane Drive  
Lansing, Michigan 48933  
(517) 555-1440

REPORTED BY: Judith Kane, CSR 0128  
Certified Shorthand Reporter  
(517) 555-3405

**E. Criminal Cases and Multiple Defendants/Consolidated Cases**

This example is for a criminal case filed in a district court. Use the appropriate style for naming this court as stated in the first page of this chapter. In criminal cases, "Plaintiff" is not typed after "People of the ...".

STATE OF MICHIGAN

95-A JUDICIAL DISTRICT (MENOMINEE COUNTY)

THE PEOPLE OF THE STATE OF MICHIGAN,

v

GUS BAKER and JEAN NOLAN,

File No. 84-10678-OM

Defendants.

\_\_\_\_\_ /

THE PEOPLE OF THE STATE OF MICHIGAN,

v

GUS BAKER,

File No. 84-10682-OM

Defendant.

\_\_\_\_\_ /

JURY TRIAL

BEFORE THE HONORABLE JAMES R JUSTICE, DISTRICT JUDGE

Menominee, Michigan - Monday, September 1, 2006

APPEARANCES:

For the People: MR. JOHN B. JONES (P50001)  
Assistant Prosecuting Attorney  
4000 South Street  
Menominee, Michigan 49999  
(906) 555-1222

For Defendant Baker: MR. J. B. JACKSON (P50002)  
1400 North Street  
Menominee, Michigan 49999  
(906) 555-2222

For Defendant Nolan: MR. RICHARD SMITH (P50003)  
2800 East Street  
Menominee, Michigan 49999  
(906) 555-2333

REPORTED BY: Betty Thomas, CSR 0124  
Certified Shorthand Reporter  
(906) 555-2444

**F. Multiple Volumes**

This example is for a civil case filed in a circuit court. Use the appropriate style for naming this court as stated in the first page of this chapter.

STATE OF MICHIGAN

SIXTH JUDICIAL CIRCUIT COURT (OAKLAND COUNTY)

SALLY ANN JONES,

Plaintiff,

v

File No. 84-30201-CK

EVERYMAN'S INSURANCE CO., INC.,  
a Michigan Corporation,

Defendant.

\_\_\_\_\_ /

JURY TRIAL

BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE

Pontiac, Michigan - Tuesday, October 4, 2006

APPEARANCES:

For the Plaintiff: MR. JOHN B. JONES (P50004)  
Jones & Adams, P.C.  
123 State Street  
Royal Oak, Michigan 48084  
(313) 555-4321

For the Defendant: MR. JAMES R. SMITH (P50005)  
Smith & Smith, P.C.  
321 Court Street  
Royal Oak, Michigan 48084  
(313) 555-1234

RECORDED BY: William C. Jones, CER 1026  
Certified Electronic Recorder  
(313) 555-7868

**G. Deposition**

This example is for a deposition taken in a circuit court civil case. Use the appropriate style for naming this court as stated in the first page of this chapter. The name of the judge may be included under the file number but is not required.

STATE OF MICHIGAN

34TH JUDICIAL CIRCUIT COURT (ROSCOMMON COUNTY)

JOHN R. DOE,

Plaintiff,

File No. 82-0234-NI

v

SAMUEL I. SMITH,

Defendant.

\_\_\_\_\_ /

DEPOSITION OF SAMUEL I. SMITH

Taken by the Plaintiff on the 3rd day of June, 2006, at the offices of Terrence H. Bloomquist, 1010 Michigan Avenue, Grayling, Michigan, at 3:00 p.m.

APPEARANCES:

For the Plaintiff: MR. TERRENCE H. BLOOMQUIST (P88888)  
P.O. Box 708  
Grayling, Michigan 49738  
(517) 555-1888

For the Defendant: MR. JOHN B. JONES (P99999)  
Jones & Jones, P.C.  
125 First Street  
Grayling, Michigan 49738  
(517) 555-1999

REPORTED BY: Susie Sullivan, CSR 9898  
Certified Shorthand Reporter  
(517) 555-8456

### Chapter 3: Table of Contents Page Examples

The following are various examples of the format to follow in table of contents pages. Please note that these are examples only. Requirements and any allowable variances in style are specified in the following: (1) use upper- and lower-case exactly as shown in the examples, (2) use underlining as shown in the examples, (3) numbering style for exhibits varies. See the *Michigan Trial Court Case File Management Standards*, Component 20, for standards and procedures regarding receipt of exhibits.

The examples show a table of contents page for situations where there are no witnesses or exhibits, a general table of contents page, a table of contents page for situations where special hearings are held during examination (i.e. *Walker* Hearing), and a table of contents page for a jury trial.

**NOTE: These examples are content only.** For specific formatting requirements such as page numbering, margins, indentations, etc., see above and on page 2.

#### A. No Witnesses, No Exhibits

In a situation where there are no witnesses or exhibits, a Table of Contents must still be included as follows:

#### TABLE OF CONTENTS

##### WITNESSES:

None

##### EXHIBITS:

None

**B. General**

This example is for a criminal case. For other types of cases, use the proper naming conventions. For example, if this was for a civil case, the first witness might be "Plaintiff" instead of "People."

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<u>WITNESSES:</u> <u>PEOPLE</u>	PAGE
MARY SMITH	
Direct Examination by Mr. Thompson	5
Cross-Examination by Mr. Jones	16
Redirect Examination by Mr. Thompson	21
Recross-Examination by Mr. Jones	25
JUDY SMITH	
Direct Examination by Mr. Thompson	27
<u>WITNESSES:</u> <u>DEFENDANT</u>	
ROSE JACKSON	
Direct Examination by Mr. Jones	30
Cross-Examination by Mr. Thompson	35
MIKE FISH	
Direct Examination by Mr. Jones	38
Cross-Examination by Mr. Thompson	50
<u>EXHIBITS:</u>	IDENTIFIED      RECEIVED
PX#1    Glasses	10                  10
DX#2    Photographs	30                  37
<u>WITNESSES:</u> <u>PEOPLE</u>	
MARY SMITH	
Direct Examination by Mr. Thompson	5
Cross-Examination by Mr. Jones	16
JUDY JONES - (deposition read, not reported/recorded)	
MIKE WELLS	
Direct Examination by Mr. Thompson	20
Cross-Examination by Mr. Jones	38
<u>EXHIBITS:</u>	IDENTIFIED      RECEIVED
PX#1    Statement	7                    8

**C. Hearing During Examination**

When a hearing is held during an examination, insert the hearing as follows:

## TABLE OF CONTENTS

PRELIMINARY EXAMINATION

<u>WITNESSES:</u>	<u>PEOPLE</u>	PAGE
MARY SMITH		
	Direct Examination by Mr. Thompson	3
	Cross-Examination by Mr. Roe	12
JEFFREY JONES		
	Direct Examination by Mr. Thompson	20
	Cross-Examination by Mr. Roe	25

WALKER HEARING

JEFFREY JONES		
	Direct Examination by Mr. Thompson	28
	Cross-Examination by Mr. Roe	35
	Redirect Examination by Mr. Thompson	42

PRELIMINARY EXAMINATION (continued)

JEFFREY JONES		
	Cross-Examination continued by Mr. Roe	44
JUDY JONES - (deposition read)		
	Direct Examination by Mr. Thompson	131
	Cross-Examination by Mr. Roe	134

<u>EXHIBITS:</u>		<u>IDENTIFIED</u>	<u>RECEIVED</u>
PX#1	Glasses	28	29
DX#2	Photograph	65	66

(page #)

**D. Jury Trial**

When a jury trial is held, the table of contents is much like the general table of contents shown previously, except that there may be other material in the transcript such as: (1) jury voir dire, (2) jury impeached, (3) plaintiff's opening statement, (4) defendant's motion for directed verdict, (5) defendant's opening statement, (6) separate record, (7) closing arguments, (8) rebuttal arguments, (9) jury instructions, (10) verdict, and (11) motion for new trial.

## Chapter 4: Transcript Page Examples

The following are examples of the format to follow in preparing various portions of transcript pages.

**NOTE: These examples are content only.** For specific formatting requirements such as line numbering, page numbering, margins, indentations, etc., see page 2.

### A. Administration of Oath

The transcript must be a verbatim record of the proceedings. **The oath administered to a witness must be included.**

Allegan, Michigan

Wednesday, December 2, 1984 - 10:24 a.m.

THE COURT: Ronald Whetstone, Case File 84-0978-FH. This matter was set today for a preliminary hearing on a charge of possession of a pistol in a motor vehicle.

The record shall indicate the appearance of Mr. John Smith on behalf of the Defense; Mr. Stone on behalf of the Prosecutor's Office. Counsel, you may proceed.

MR. STONE: Thank you, your Honor. I would first call Officer Rick Hoyer to the stand.

THE COURT: Do you solemnly swear or affirm that the answers you are about to give in this matter are true?

MR. HOYER: I do.

THE COURT: Fine. Be seated.

RICHARD JOSEPH HOYER

(At 10:26 a.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. STONE:

Q. Would you state your name for the record?

A. Richard Joseph Hoyer.

## B. Colloquy Before Examination

1. From time-to-time the court may talk to the witness or counsel in colloquy before direct examination begins. The identification of the witness and direct examination heading is placed where the attorney begins the examination.

MR. LADD: I would call Tammy Erickson to the witness stand.

MR. BERGMAN: Your Honor, could we approach the bench for one second, please?

THE COURT: Yes. This is off the record.

(At 3:19 p.m. to 3:21 p.m., conference at bench)

THE COURT: Back on the record. Tammy? You may have a seat up there. Do you want me to conduct it?

MR. BERGMAN: If you would, please.

THE COURT: Tammy, how old are you?

MISS ERICKSON: Thirteen.

THE COURT: Tammy, the clerk is going to give you what we call an oath. Do you know what an oath is?

MISS ERICKSON: Yes.

THE COURT: Could you explain it to me?

MISS ERICKSON: It's a thing that you have to take. Well, I know what it is, but I can't explain it.

THE COURT: If you take an oath, does it mean that you swear to tell the truth?

MISS ERICKSON: Yeah. You can't tell a lie.

THE COURT: Fine. Please stand, and the clerk will administer the oath.

2. The witness is not "THE WITNESS" until the witness states, "I DO."

THE CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth in the matter before the Court?

MISS ERICKSON: I do.

THE COURT: If you'll just speak up, Tammy, because these microphones don't amplify, and we have to hear the answers.

THE WITNESS: Okay.

TAMMY ERICKSON

(At 3:25 p.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION:

BY MR. LADD:

Q. Would you state your name, please?

A. Tammy Erickson.

## C. Examination by the Court

### 1. Colloquy

If the court examines a witness called by a party to the case, set the examination up as colloquy.

THE COURT: And did you say that you remembered seeing this person at an earlier time in the evening?

THE WITNESS: Yes, I saw him once before at about eight o'clock.

THE COURT: And where did you say that was?

THE WITNESS: At the party store in the middle of town.

THE COURT: Thank you. Anything further of the witness, Counsel?

### 2. Q and A

If the court calls a witness and examines that witness, set the examination up as "Q and A".

EXAMINATION

BY THE COURT:

Q. State your name.

A. Mary Smith.

Q. Now, I understand that you were present at the party that took place on August 14th.

A. Yes, that's correct.

## D. Party as a Witness

As soon as the party is sworn, that party becomes "THE WITNESS." When the party is excused from the stand as a witness, the title of "THE DEFENDANT" (or "PLAINTIFF") returns to that party.

THE COURT: Does the Defendant wish to call any witnesses?

THE DEFENDANT: I wish to testify myself, your Honor.

THE COURT: Raise your right hand. Do you solemnly swear that you will give true answers to any questions put to you concerning this matter?

THE DEFENDANT: I will.

WILLIAM JOHNSON

(At 3:30 p.m., sworn as a witness, testified as follows)

DIRECT TESTIMONY

THE WITNESS: I just want to tell you, Judge, and also everybody here that what all these witnesses have been saying just ain't true. It wasn't me that they saw. I don't know nothing about no robbery. It's all just a mistake. That's all I have to say.

CROSS-EXAMINATION

BY MR. WILLIS:

Q. You are the Defendant in this action, is that correct?

## E. Quoted Materials

### 1. In General

"Quoted materials begin 15 spaces from the left-hand margin.

Carry-over lines of quoted materials begin 10 spaces from the left-hand margin. The right-hand margin ends 5 spaces in from the right-hand margin.

A new paragraph begins 15 spaces from the left-hand margin."

### 2. Partial Quote

MR. RICE: It's mandatory. It says, "...shall prescribe rules and regulations," and other matters.

### 3. Quoted Material with Narratives

MR. GREEN: May it please the Court, I wish to read from *People v Hampton*, found at 407 Mich 354, and I direct the Court's attention to page 373 of the volume, in support of my position which states as follows:

"Even the defendant, who argued that this Court..., " meaning the Supreme Court, "...should adopt a directed verdict standard similar to the one required by *Jackson...*," being 443 US 307, "concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials. In his brief, it is argued that:

'Here, the record shows that the trial judge is passing upon defendant-appellee's motion' "--

THE COURT: I have that case in front of me and I will read it.

### 4. Uncertainty About Quoted Versus Narrative Material

MR. GREEN: May it please the Court, I wish to read from a case in support of my position which states as follows:

"Even the defendant, who argued that this Court, meaning the Supreme Court, should adopt a directed verdict standard similar to the one required by *Jackson*, being 443 US 307, concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials."

In his brief, it is argued that:

"Here, the record shows that the trial judge in passing upon defendant-appellee's motion--"

THE COURT: I am very familiar with that case and I will read it before ruling.

MR. GREEN: Very well.

### 5. Interpolation and Quote

MR. WHITE: An exhibit is attached to this document. It says, "Plaintiff was a bus driver for nine months."

THE COURT: It says it right there, "...bus driver for nine months."

## F. Deposition Read into Record

### 1. Direct Examination

(At 1:30 p.m., the deposition of Dr. James Smith, M.D., was read at this point in the proceedings)

#### DIRECT EXAMINATION

BY MS. JONES:

Q. Witness, will you state your name?

A. My name is James Smith.

Q. And you are a medical doctor, is that correct?

A. Yes, that is correct.

(At 2:10 p.m., the reading of the deposition was concluded)

### 2. Portions of Depositions Read to the Witness

BY MR. WHITE:

Q. This appears in the deposition on page 23, line 10, I asked:

"Question: Were there energy-absorbing concepts involved on the work of the expandable nozzle?

Answer: The work on the expandable nozzle was to work--

Question: Answer yes or no.

Answer: No."

Do you remember giving those answers to the questions as I just read them?

A. It was so long ago that I do not remember, but if it is written there, that must have been my answer.

BY MR. SMITH:

Q. Mrs. Jones, the question was asked of you, "Do you recall a situation where your--"

MR. WHITE: Would you state the page please.

MR. SMITH: Page 2, line 12.

BY MR. SMITH:

Q. "Question. Do you recall a situation where your son had sprayed some substance in your face?" Do you recall that question?

A. No.

### G. Interpreter

The witness may understand some questions well enough to answer without an interpreter. In that case, put the answer in colloquy form. Type in the oath administered to the interpreter.

(At 1:30 p.m., Irene B. Relleno sworn by the Clerk to interpret English into Spanish and Spanish into English)

JOSEPH RODRIGUEZ

(At 1:31 p.m., sworn as a witness through the interpreter, testified as follows)

DIRECT EXAMINATION

BY MR. MARKS:

Q. What is your name?

THE WITNESS: Juan Carlos.

A. Juan Carlos.

Q. Where do you live?

A. 1325 Linville Road, Romulus.

Q. Do you remember the night of February 17th of this year?

THE WITNESS: Yes.

A. Yes.

### H. Witness Recalled

MS. ZUZICH: We would like to recall Mr. Goodwin for some questions, your Honor.

THE COURT: Mr. Goodwin, you're still under oath.

MR. GOODWIN: Yes, sir.

JOHN GOODWIN

(At 11:35 a.m., recalled by the Defendant, previously sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MS. ZUZICH:

Q. You previously testified...

**I. Adverse Witness**

When a witness is called for cross-examination under the adverse witness statute, that witness is under cross-examination by all parties until examination is completed. (MCL 600.2161) Recross-examination is any examination subsequent to cross-examination by the same party.

JOHN GOODWIN

(At 10:30 a.m., called by the Plaintiff (Defendant) under the adverse witness statute, sworn by the Court (Clerk), testified as follows)

CROSS-EXAMINATION

BY MS. ZUZICH:

Q. . . . .

CROSS-EXAMINATION

BY MR. GREENFIELD:

Q. . . . .

RE-CROSS-EXAMINATION

BY MS. ZUZICH:

Q. . . . .

RE-CROSS-EXAMINATION

BY MR. GREENFIELD:

Q. . . . .

**J. Jury Matters**

Whenever jurors are speaking or being spoken to, use colloquy format and use the jurors' last names. Do not use seat numbers.

**1. Jury Voir Dire**

THE COURT: Members of the jury panel, whether in the jury box or not, I am going to address some questions to all prospective jurors. Do any of you have members of your immediate family who are police officers for this city?

JUROR BAKER: I do.

THE COURT: Okay, fine. Is there anyone else?

JURORS: (No verbal response)

## 2. Juror Identification During Trial

JUROR NELSON: Your Honor, I cannot hear the witness.

## 3. Jury Verdict

(At 1:00 p.m., the jury returned to the court room)

THE COURT: Ladies and gentlemen of the jury, have you reached a verdict, and if so, would the foreperson please rise and announce that verdict?

FOREPERSON SMITH: We have, your Honor. We, the jury, find the Defendant guilty as charged.

## 4. Jury Polling

THE CLERK: As your name is called, will you please answer? Juror Nelson, is this and was this your verdict?

JUROR NELSON: It is.

## K. Deposition

Grayling, Michigan

Tuesday, June 3, 1986 - 3:10 p.m.

SAMUEL I. SMITH

HAVING BEEN CALLED BY THE PLAINTIFF AND SWORN:

REPORTER: Please state your name and spell your last name for the record.

THE WITNESS: Samuel I. Smith. S-m-i-t-h.

MR. BLOOMQUIST: Mr. Smith, would you first of all, if you do not understand my question, please say so. If you don't hear me, please say so. Otherwise, I'll assume you've heard me, you understand the question, that your answer is responsive to the question. Okay?

THE WITNESS: Right.

MR. JONES: Could I just indicate, we've done it already. The court reporter's got to get everything in yes, no, I don't understand. Uh-huh and uh-uh is going to make a confusing record. So try to think about that.

MR. BLOOMQUIST: She does not take shaking of your head, so yes or no--you've got to say it. Do you understand that?

THE WITNESS: Right. Yes.

DIRECT EXAMINATION

BY MR. BLOOMQUIST:

Q. Where do you live, sir?

A. 7000 Mayfield, Gaylord, Michigan 49735.

### Chapter 5: Transcript Certificate Page Examples

When only a portion of the proceedings has been transcribed, indicate that it is an "excerpt of the proceedings."

Certification designations are: Certified Shorthand Reporter (CSR)  
Certified Voice Writer/Stenomask Reporter (CSMR)  
Certified Electronic Recorder (CER)

#### A. Transcript Certificate Page for Entire Proceedings

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct transcript of the [insert name of proceedings] and testimony taken in this case on [list all dates for which reporter or recorder is responsible].

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name [print or type], certification designation, and number

\_\_\_\_\_  
Business address

\_\_\_\_\_  
City, state, and zip

**B. Transcript Certificate Page for Excerpt of Proceedings**

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct transcript of the [insert name of excerpt of proceedings] and testimony taken in this case on [list all dates for which reporter or recorder is responsible].

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name [print or type], certification designation, and number

\_\_\_\_\_  
Business address

\_\_\_\_\_  
City, state, and zip

**C. Transcript Certificate Page for Deposition**

This example is used when the transcriber is the same person who recorded/reported the deposition. See MCR 2.304(C) and MCR 2.306(F) for further information. A deposition transcribed and certified in accordance with MCR 2.306(F) need not be submitted to the witness for examination and signature.

Certification Designation: Certified Shorthand Reporter (CSR)  
Certified Voice Writer/Stenomask Reporter (CSMR)  
Certified Electronic Recorder (CER)

I certify that this transcript, consisting of [insert #] pages, is a complete, true, and correct record of the testimony of [insert name of deponent] held in this case on [insert date of completion].

I also certify that prior to taking this deposition, [insert name of deponent] was duly sworn to tell the truth.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name [print or type], certification designation, and number

\_\_\_\_\_  
Business address

\_\_\_\_\_  
City, state, and zip