



**Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909**

July 13, 2017

TO: Court Reporters and Recorders
FROM: Matthew L. Walker, Forms and Manuals Analyst
RE: Updates to the Manual for Court Reporters and Recorders

The Manual for Court Reporters and Recorders has been updated. Please see the highlighted pages below for details of the changes.

Questions regarding this manual should be directed to CourtFormsInfo@courts.mi.gov.

Section 4: Reporting/Recording the Proceedings and Depositions

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examination.

b. Cross-Examination

Cross-examination is the first questioning of a witness by the party opposed to the party who called the witness. A witness may be called as an adverse witness under MCL 600.2161 for cross-examination. That witness is then cross-examined by all parties.

c. Redirect Examination

Redirect examination follows cross-examination. Redirect examination is the subsequent questioning of a witness by the party on whose behalf the witness is called.

d. Recross-Examination

Recross-examination follows redirect examination and is the subsequent questioning of a witness by the party opposed to the party who called the witness. This procedure is followed with every witness until the prosecutor or plaintiff rests. The defendant may, at that time, call witnesses on his/her behalf and the above procedure is again followed with every witness until the defendant rests.

e. Rebuttal

If a new matter is brought out by the defense attorney during the presentation of the defendant's case, the prosecution or plaintiff may introduce evidence intended to contradict or rebut this new matter.

f. Voir Dire Examination of a Witness or Exhibit

Voir dire is the examination of a witness by the opposing attorney on the admissibility of an exhibit or on the witness's qualifications to testify as an expert or give opinion testimony in court. Voir dire examination can happen during direct, cross, redirect, recross, or rebuttal examinations

4. Testimony

- a. The content of testimony is logged by writing down key words. Below is an example of a question and three ways the question might be logged.

(Question asked by Attorney Hanson): "Where were you on the night of May 5th when you heard Louis tell you that he didn't want to work for the company any more?"

Section 5: Transcript Format

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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., called by himself and sworn by the Court, 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. Voir Dire Examination

If the opposing attorney asks to voir dire the witness regarding an exhibit or the witness's qualifications as an expert or give opinion testimony in court, it should be set up as follows:

JUDY SMITH

(At 10:10 a.m., called by the People and sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MR. THOMPSON:

Q. Ms. Smith, do you recognize what's marked as People's Exhibit 1?

A. Yes.

Q. What is it?

A. It's a picture of my house.

MR. THOMPSON: Your Honor, I move for admission of People's Exhibit 1.

MR. JONES: May I voir dire, Your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. JONES:

Q. Ms. Smith, did you take this picture?

A. Yes, I did.

Q. When did you take it?

A. The day of the incident.

MR. JONES: No objection.

THE COURT: People's Exhibit 1 is received.

(At 10:12 a.m., PX#1 is received)

DIRECT EXAMINATION (CONTINUING)

BY MR. THOMPSON:

Q. ...

F. 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."

G. 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.

H. 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., called by Mr. Jones and sworn by the Court, testified as follows through the interpreter)

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.

I. 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 Ms. Zuzich and previously sworn by the Court, testified as follows)

REDIRECT EXAMINATION

BY MS. ZUZICH:

Q. You previously testified...

J. 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 and 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.

K. Jury Matters

When 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.

L. 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?