



OPERATIONAL DIRECTIVE #3

Official Transcript Format

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PART ONE: Certificate of Record and Certificate of Transcript

An orally certified Certificate of Record and a Certificate of Transcript **must be included** in **all transcripts** produced from digital recordings.

1. CERTIFICATE OF RECORD (Oral Certification by a Court Official)

A **Certificate of Record**, also known as an **Oral Certification by a Court Official**, is required where:

- There has been a **digital audio-recording** of the proceedings made by the Court

In these cases, the “court official” is required to certify the contents of the digital recording by recording a verbal statement at the end of **each morning and afternoon session**.

A “court official” can be a clerk or a judge.

This verbal certification must be transcribed verbatim (word-for-word) from the audio. Do not include a Certificate of Record if one was not recorded.

Certificate of Record

I, (insert name of person making certification), certify that this recording made of the evidence in the proceeding in the (insert either Nunavut Court of Justice or Nunavut Court of Appeal, depending on which applies) held in courtroom (number) at (Hamlet/City), Nunavut on the (insert date) day of (insert month), (insert year), and that (choose one of the following options, do not include all three):

- (a) I was the court official in charge of the sound-recording machine during the proceedings.
- (b) Myself and (insert other names if necessary) were the court officials in charge of the sound-recording machine during the proceedings.
- (c) I was the judge during the proceedings.

Choose either (a), (b) or (c) to include in the certificate, do not include more than one.

2. CERTIFICATE OF TRANSCRIPT

A **Certificate of Transcript** is produced at the end of each session. It must include:

- A digital certification or signature
- Notification within the certificate as to whether or not it was orally certified

Where there has been a **digital recording**, include the following text at the **end of each session**:

Certificate of Transcript (typist)

I, (insert your name), certify that:

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a true and faithful transcript of the contents of the record, and

(b) The Certificate of Record for these proceedings:

a) Was included orally on the record and is transcribed in this transcript

b) Was not included orally on the record

Digitally Certified: Tues Apr 28 2009 00:25:05
J. Smith, Transcriber

Choose either (a) or (b) to include in the certificate, do not include both

Do not include commas or periods between the date, month, day or year.

Write the day and month in short form.

Write the time in hour:minute:second format.

e.g.:
Tues NOT Tuesday
Apr NOT April

Your name, title and signature

Where there has been a **live court proceeding** transcribed by a court reporter, include the following at the **end of each session**:

Certificate of Transcript (Court Reporter)

I, (insert your name), certify that the foregoing is a true and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

J. Smith, Court Reporter

Your name, title and signature

PART TWO:**General Specifications**

The following specifications are to be applied throughout the transcript, unless otherwise directed by this Operational Directive.

1. COURT TRANSCRIPTS TO BE PRODUCED VERBATIM (“Word-for-Word” Transcription)

Court transcripts are to be produced verbatim, meaning “word-for-word”. This means that, where there is a speaker that may have a speech impediment or a dialect and is unable to pronounce certain words properly or uses the incorrect word, you must transcribe the word as it is spoken. **Do not interpret for witnesses.**

EXAMPLE:
Witness says: “I got my nails did that day”.

You transcribe: “I got my nails did that day”.

 **CORRECT**

Do not “fix” the witnesses’ statement.
For example, do not write something like “I had gotten my nails done that day” instead.

 **WRONG**

2. FONT

Font should be in TIMES NEW ROMAN and size 13.

a. SPEAKERS NAMES should also be written in UPPER CASE:

THE COURT: I did not hear
the witness.

The Court: I did not hear
the witness.

b. ACTS, STATUTES & CITATIONS should also be *italicized*:

THE COURT: The case of *R. v. Smith* further explains this section of the *Criminal Code*.

THE COURT: The case of R v. Smith further explains this section of the Criminal Code.

- c. **HEADINGS** should also be in Title Case and **bolded**. They should also be in the left margin with one blank line above and one blank line below:

11 12 The Court Questions the Witness 13 14 Q What is your name?	✓	11 11 THE COURT QUESTIONS THE WITNESS 12 Q What is your name?	✗
---	---	---	---

3. USE OF BOLDED FONT

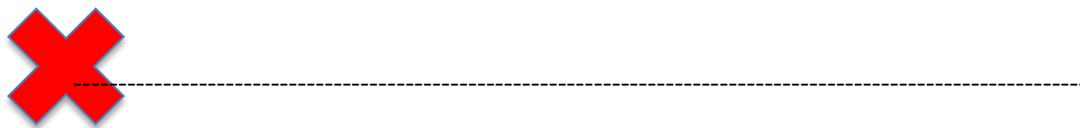
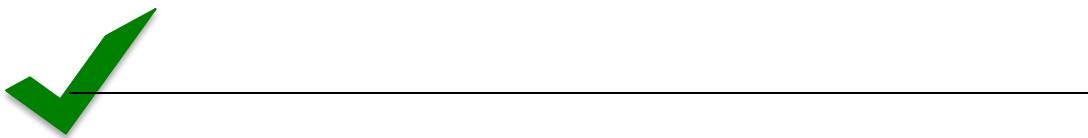
Only **headings** should be **bolded** throughout the document.

The exceptions to this rule are:

- Witness names, and
- The word “exhibit” & the associated exhibit number. These should be in UPPER CASE, with the exhibit description in Title Case.

4. HORIZONTAL LINES – HOW TO FORMAT WHEN USED

Any horizontal lines that are required to be inserted into the transcript by this Operational Directive must be solid, as shown below:



5. PAGE SIZE

Pages should be 11 x 8½.

6. MARGINS

Margins should be set at 1.0” on each side except for the left. The left margin should be set at 0.75”.

7. PAGE NUMBERS

Page numbers should be centred with the text and should be located 0.5” from the top of the page. They should be in TIMES NEW ROMAN font and size 13.


The **Table of Contents** should be numbered using roman numerals (e.g. i, ii, iii, etc.) and the body of the transcript should be numbered numerically, starting at “1” (e.g. 1, 2, 3, etc.).

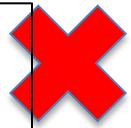
8. SPACING

There should be **one blank line** between paragraphs. There should be **two spaces** between a period and a new sentence.


9. USE OF NUMBERS

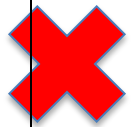
- a. If it is a number **below 11**, write it in **words**. Do not write it in numerical format.

11 Q	She had three	
12	marbles, not four?	
13 A	Yes.	
14		

11 Q	She had 3	
12	marbles, not 4?	
13 A	Yes.	
14		


- b. Use **numerical format** when referring to “**technical**” data, such as measurements, times, ages, speeds, ratios, percentages, dates, etc. (NOTE: this is not a complete list of all types of applicable technical data).

11 Q	She was driving 70	
12	kilometres per hour?	
13 A	Yes, when she was 17.	
14		

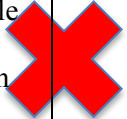
11 Q	She was driving	
12	seventy kilometres per hour?	
13 A	Yes, when she was	
14	seventeen.	

- c. When placed at the **beginning of a sentence**, write the number in **words** if it is relatively short when written.

11 MR. SMITH:	Eighteen
12	people were in attendance.
13 THE COURT:	1990 is
14	when this happened?




11 MR. SMITH:	18 people
12	were in attendance.
13 THE COURT:	Nineteen
14	Ninety is when this happened?

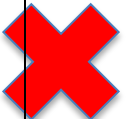


- d. When an “**ordinal**” (i.e. 12th, 3rd) is spoken, it should be transcribed but should not be in superscript.


11 MR. SMITH:	It was his
12	12th birthday party.
13 THE COURT:	Wasn't he
14	born on the 5th?



11 MR. SMITH:	It was his
12	12 th birthday party.
13 THE COURT:	Wasn't he
14	born on the 5 th ?

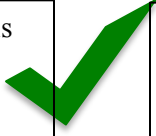


11 MR. SMITH:	It was his
12	twelfth birthday party.
13 THE COURT:	Wasn't he
14	born on the fifth?

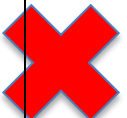


- e. **Ages** are expressed in **numerals** except when beginning a sentence.

11 MR. SMITH:	Eighteen is
12	the age of majority in Canada.
13 THE COURT:	She was 2
14	years old, Counsel.




11 MR. SMITH:	18 is the age
12	of majority in Canada.
13 THE COURT:	She was two
14	years old, Counsel.



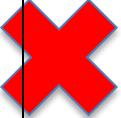
- f. Where a number follows a noun, the number should be written in numeral format. Do not capitalize the noun.

EXCEPTION: You must capitalize the word “Exhibit” when it is followed by a number (e.g. “That was entered as Exhibit 5” or “That was entered as Exhibit number 5”).


11 MR. SMITH: The theft
12 charge is count 6 of the indictment.
13 THE COURT: Is that on
14 page 5?



11 MR. SMITH: The theft
12 charge is on Count 6 of the indictment.
13 THE COURT: Is that on Page
14 5?




11 MR. SMITH: The theft
12 charge is on count six of the indictment.
13 THE COURT: Is that on Page
14 five?




g. If there is a **sequence of numbers**, write the numbers in **numerical format**.

11 MR. SMITH: If you would
12 turn to pages 1, 2, 3, and 4.



11 MR. SMITH: If you would
12 turn to pages one, two, three and
13 four.



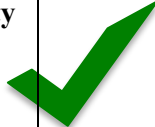
10. FORMATTING FOR REFERENCES TO TIME

Time of day should be **written in numerals**. It should be transcribed exactly as spoken. **Do not use the word “o’clock”**. Instead, write out the time (e.g. 5:00 instead of 5 o’clock).


If a number begins a sentence, it should be written out, unless it is very lengthy.

AM and PM should be written in UPPER CASE with no periods.

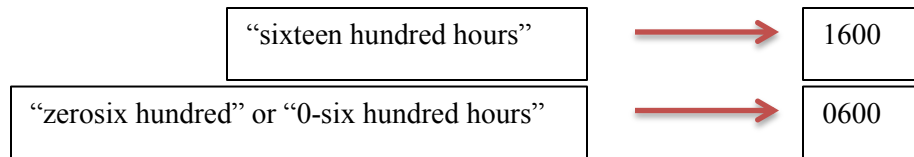
11 MR. SMITH: **Eight-thirty**
12 was her bedtime, but they all eat
13 dinner at **10:30 PM**.
14 THE COURT: We will
15 adjourn until **3:00** tomorrow then.



11 MR. SMITH: **8:30 p.m.**
12 was her bedtime, but they all eat
13 dinner at **ten-thirty**.
14 THE COURT: We will
15 adjourn until **3 o’clock** tomorrow



If using **military time**, it should be transcribed using the **24 hour clock**.



11. PHONETIC SPELLING

If you are unable to confirm spelling, and a word or name must be phonetically spelled, place the word "phonetic", in brackets, following the word you are spelling.

You only need to do this the first time you spell the word.

Example:

11 MR. SMITH:	I think the lady's name was Elizabeth
12 Tumsewich (phonetic).	
13 THE COURT:	Was Ms. Tumsewich present that
14 day?	

12. INCORRECT STATEMENTS ("SIC")

If something has been said incorrectly, use the word "sic", in brackets immediately following what has been incorrectly said.

"Sic" is used to indicate an incorrect or unusual spelling, phrase, or other quoted material in a verbatim reproduction of original quoted material.

13. CAPITALIZATION

a. The following **should be capitalized**:

- i. Titles when referring to the judges or justices of the Court:

EXAMPLES:

Your Honour, My Lady, Your Lordship, Sir, Madam Justice, Your Worship, Ccourt

- ii. Titles of prominent persons when used in place of their actual names.

EXAMPLES:

The Prime Minister will be arriving.
Thank you, Sir, for your assistance.

- iii. The title “Crown” when counsel is referring to the prosecution as the representative for the Queen.

EXAMPLES:

I am appearing as Crown counsel on this matter.
My friend is appearing for the Crown.

- iv. Names of acts, laws, bills or treaties.

EXAMPLES:

He was charged pursuant to the Traffic Safety Act.
The applicable sections are found in the Criminal Code of Canada.

- v. The words “Information” and “Indictment” when referring specifically to those documents.

EXAMPLES:

The accused’s name is spelled correctly on the Information and on the certificate of analysis.
There is no Information in the file.

- vi. The word “Exhibit”, but only when followed by a number.

EXAMPLES:

This will be entered as Exhibit 5, which I believe is the next exhibit number.

- vii. The Court designation, or name.

EXAMPLES:

This matter will be heard in the Nunavut Court of Justice.
The Supreme Court of Canada made the decision yesterday.

- viii. Names of nations, nationalities, races, and languages.

EXAMPLES:

Inuit, Canadian, Englishwoman, Americanism

- ix. Short forms of national or international bodies.

EXAMPLES:

Canada Customs and Revenue Agency → the Agency

Department of Justice → the Department

- x. Names of religious books.

EXAMPLES:

The Bible, the Koran, the Torah

- xi. Street addresses or areas of the country.

EXAMPLES:

He is travelling to Eastern Canada soon.
He lives at 323 Ranchview Drive North West.

b. Do not capitalize the following:

- i. “clerk”, “plaintiff”, “respondent” and “accused”, UNLESS they begin a sentence.

Examples:

The **p**laintiff walked through the door.
Accused SMITH did not make it in time for his hearing.

- ii. Titles of documents EXCEPT FOR “Indictment” and “Information”.

Examples:

The accused’s name is spelled incorrectly on the certificate of analysis.
Did you file the notice of motion?

- iii. Proper nouns that have already been established as common nouns.

Examples:

Was there a kleenex found in the room?
She used the xerox machine immediately after she got to work.
Has counsel seen the results from the breathalyser?

- iv. General directions that are not referring to a part of the country or to an address.

Examples:

He was going **s**outhwest on Centre Street.
The vehicle was **n**orthbound on Macleod Trail.

14. ADDRESSES

When writing addresses, use **numerical figures**.

If you are indicating a suite number, **do not use “no.” or “#”**.

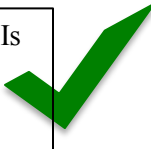
If ordinals are said, transcribe them as directed under the “Numbers” section of this Directive. **Do not use superscript.**


Examples:

He lives at House Number 510, 10th Street, Iqaluit.
She was living at 323 Ranchstreet Crescent, in Iqaluit.


15. HYPHEN USE

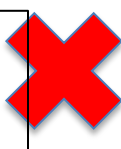
Hyphens do not have a space before or after they are used:

11 THE COURT:	Is	
12 that on the four-count		
13 information?		

11 THE COURT:	Is	
12 that on the four - count		
13 information?		

Words that are spelled out in proceedings (for example, last names, street names) are to be **typed in UPPER CASE and hyphenated**.

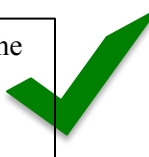
11 MS. SMYTHE:	My	
12 name is Jane Smythe,		
13 S-M-Y-T-H-E.		

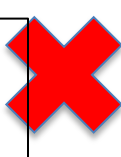
11 MS. SMYTHE:	My	
12 name is Jane Smythe,		
13 S - M - Y - T - H - E.		

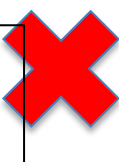
16. USE OF DASHES

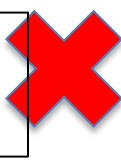
A dash is a series of two hyphens (- -) typed together without a space in-between (--). There is typically a space placed before and after the dash (i.e. "She went to -- did you say something?").

Dashes are used to show an interruption of a speaker, a change of thought, or a false start.

11 MS. SMYTHE:	She	
12 went to -- did you say		
13 something?		

11 MS. SMYTHE:	She	
12 went to - - did you say		
13 something?		


11 MS. SMYTHE:	She	
12 went to- -did you say		
13 something?		

11 MS. SMYTHE:	She	
12 went to--did you say		
13 something?		


19. USE OF ABBREVIATIONS

Use abbreviation sparingly in transcription. Below are commonly used terms and acceptable abbreviations:

<u>Acceptable Abbreviations:</u>
<u>Dr.</u> Smith
<u>Mr.</u> Jones
<u>Mrs.</u> Brown
<u>Ms.</u> Jackson



<u>DO NOT Abbreviate:</u>
Constable
Corporal
Sergeant
Staff Sergeand
Detective
Streets or Avenues, when used in addresses
Hamlets, when used in geographical names
Directions (i.e. South West, North East), when used in addresses



20. NON-VERBAL RESPONSES

a. Typist

Include the appropriate notation after or in the transcribed speech, depending on which placement is more appropriate and which non-audible response has been received:

i. No audible response

(NO AUDIBLE RESPONSE)

- ii. **Audio cannot be transcribed** (e.g., if people are speaking over each other or speakers are not near enough to the microphone). The following notation should only be used in rare circumstances.

(INDESCERNIBLE)

- iii. **Unusual sound made** (e.g. clapping hands, banging on table, sound effects, etc.)

(UNREPORTABLE SOUND)

- iv. **Language other than English spoken**

(OTHER LANGUAGE SPOKEN)

b. Official Court Reporters

- i. **Non-verbal response**

(NO AUDIBLE RESPONSE)

- ii. **Facial expressions:** if these are obvious to the court reporter, they should be included in the official transcript, as they are part of the Inuit languages. Proceedings may be interrupted in order to clarify, if necessary. Two important facial expressions to note are:

YES - expressed by **raised eyebrows** or a **nod of the head**.

(FACIAL EXPRESSION – YES)

NO - expressed by a **scrunched nose** and a **shake of the head**.

(FACIAL EXPRESSION – NO)

- iii. **Unusual sound made** (e.g. clapping hands, banging on table, sound effects, etc.)

(UNREPORTABLE SOUND)

iv. **Language other than English spoken**

(OTHER LANGUAGE SPOKEN)

NOTE: **COURT REPORTERS SHOULD NOT USE** the “Indiscernible” notation, as it is the Court Reporter’s responsibility to interrupt proceedings in order to clarify the indiscernible portion of the procedure before proceedings.

EXAMPLES:

11	Q	What happened after that?
12	A	Then I heard this (UNREPORTABLE
13		SOUND) that scared us all.
14		
15	Q	Are you feeling all right?
16	A	(NO VERBAL RESPONSE)

PART TWO:**Page Layout****a. LINE NUMBERS**

Line numbers should be placed **on every line** and numbered **consecutively** (e.g. 1, 2, 3, 4, etc.).

They should be in the margins, in TIMES NEW ROMAN and size 13 font. They should be placed 0.15” to the left of the left margin.

b. TABS

Tabs should be set at 0.25”, 0.50”, 1.0”, 1.25”, 1.50”, and 3.25” from the left margin.

c. JUSTIFICATION

With the exception of the last line of the paragraph, each line of a paragraph must be fully justified from the left margin, or from the applicable tab, to the right margin.

d. LINE SPACING

There should be no more than **41 lines per page**, excluding the line containing the page number, evenly spaced.

e. LINE SPACING FOR DIFFERENT ENTRIES

Insert a single blank line (a space):

- between speakers,
- between exhibits,
- between paragraphs
- between question and answer pairs,
- between distinct portions of the examination of a witness, such as cross-examination or re-examination,
- between the examination of different witnesses, and
- between different parts of the case (i.e. between Crown’s closing submissions and the decision).

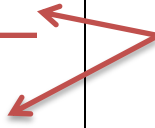
There should not be a blank line or space inserted between a question and its corresponding answer.

Example:

Q: What is your name?
A: John Doore.

Q: Where do you live?
A: In Iqaluit.

Q: How long have you lived here?
A: 10 years



Insert a single blank line (“space”)

f. LINE HEIGHT

This should be set to 1 (single-spaced):

EXAMPLE:

10
11 JOHN SMITH: My client has done a
12 lot of time in jail and there should be some kind of
13 benefit for his good behaviour while there.

g. HEADINGS

Headings are used to indicate a change in the transcript. For example, they can be used to indicate a change of witness, an examination (cross-examination or exam-in-chief), when a new witness is sworn, etc. For a non-exhaustive list of possible headings, see Appendix A.

9
10 **JOHN ALLAN DOE, Sworn, Examined by Mr. Smith**
11
12 Q How many times did you go to the corner store that
13 week?

8. HEADLINES

Headlines should be placed on every page, stating the nature of the immediately following material.

The headline should include:

- The name of the witness;
- The party for whom the witness was called; and
- Whether it was an examination-in-chief, a cross-examination, or a re-examination.

9. QUESTIONS AND ANSWERS

If the questions start immediately after a witness is sworn in, the line following the witnesses swearing in in the transcript should start with a ‘Q’ at the 0.25” tab.

The body of the question should start at the 0.5” tab.

If the question takes up more than one line, the second line should start at the 0.5” tab.

<p>9 JOHN ALLAN DOE, Sworn, Examined by Mr. Smith 10 11 Q Tell me about where you were that night, Mr. Doe.</p>
--

The answer should be formatted the same way as the questions, but using the designation ‘A’ before each question starts.

<p>9 JOHN ALLAN DOE, Sworn, Examined by Mr. Smith 10 11 Q Tell me about where you were that night, Mr. Doe. 12 A I told you that I was at my friend’s place.</p>
--

The answer should be written immediately under the question, with no blank line between the two.

Separate each question and answer pair by inserting a blank line in between, as shown below:

<p>9 JOHN ALLAN DOE, Sworn, Examined by Mr. Smith 10 11 Q Tell me about where you were that night, Mr. Doe. 12 A I told you that I was at my friend’s place. 13 14 Q What time did you get to your friend’s place? 15 A Seven in the evening. 16 17 Q How long did you stay there?</p>	<p>←</p> <p>←</p>	<p>Insert a blank line between question and answer pairs</p>
---	-------------------	--

The name or description of the person by whom the question is asked or answered, if required to identify the speaker, should be written at the beginning of the appropriate line, except for when a new part of the examination begins.

a. Returning to Questions after an Interruption by another Speaker

If a speaker is interrupted, identify the interrupting party by name. Format the interrupting speaker's name in accordance with the formatting guidelines for transcribing witnesses:

9	JOHN ALLAN DOE, Sworn, Examined by Mr. Smith
11	Q Tell me about where you were that night, Mr. Doe.
12	A I told you that I was at my friend's place.
13	
14	MR. TOMAS: I believe that was
15	already answered, Your Honour.
16	
17	Q I'll ask a different question, how long did you stay
18	there?
19	A All night.

b. Returning to Questions after the Entry of an Exhibit

On the line after the exhibit entry, write the letter 'Q', in accordance with the formatting requirements laid out above, to indicate a return to questioning.

After the 'Q', write the name of the questioning party at the next tab and format this line as you normally would for a speaker's name:

9	EXHIBIT 1 – Certificate of Analysis
10	
11	Q MR. JONES: Tell me about
12	where you were that night, Mr. Doe.
13	A I told you that I was at my friend's place.

c. Transcribing Applications for Orders – No 'Q & A' Format

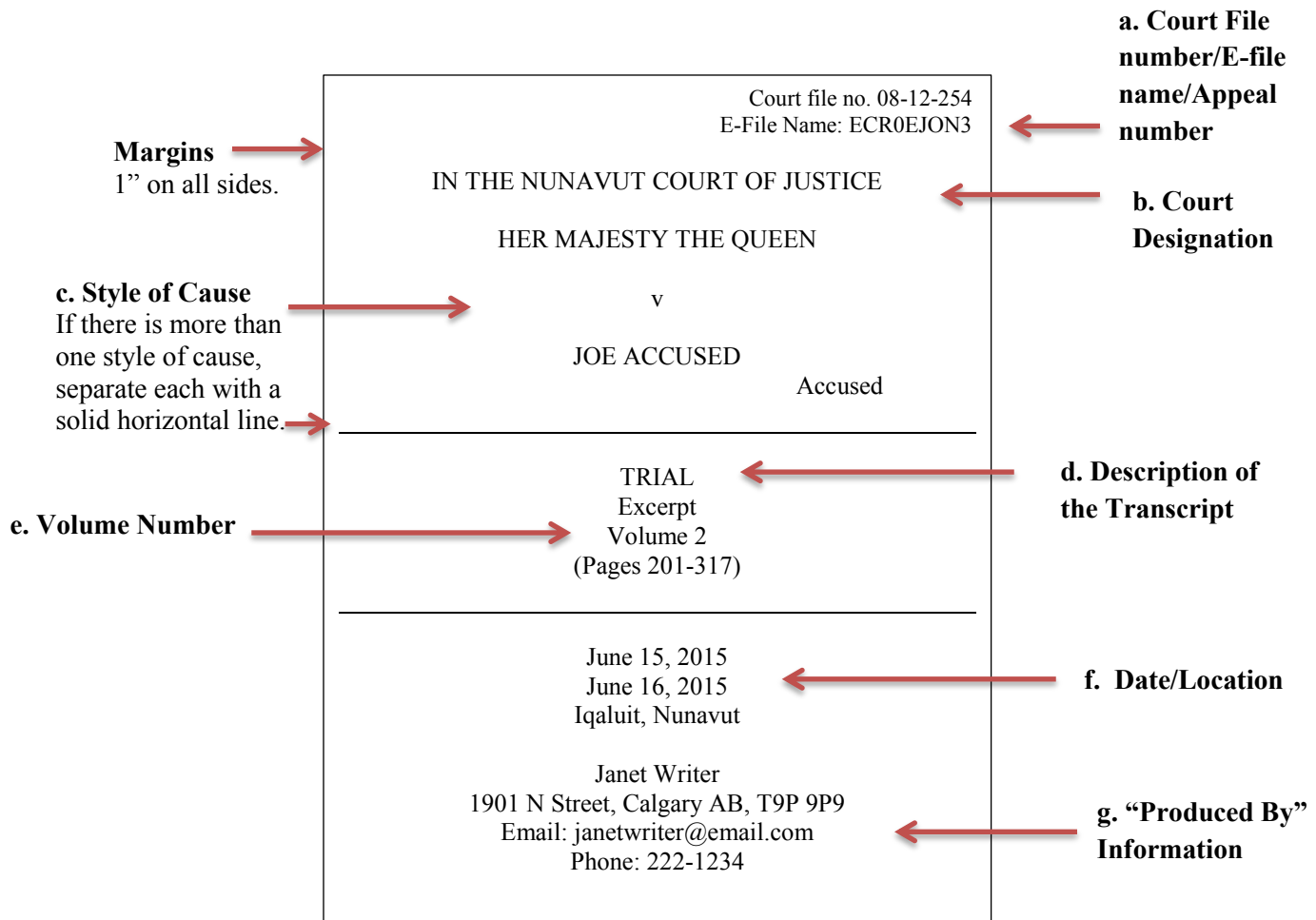
In applications for orders, transcribe the conversation as a conversation, and not as question and answer. Use the speakers' names and tab appropriately.

Applications for orders can include, but is not limited to, applications for

- Emergency Protection Orders,
- Child Apprehension orders,
- Search of Feeney warrant, or
- Judicial Interim Release (bail).

EXAMPLE:

11 THE COURT:	What is your application?
12	
13 CST JAMES:	I am applying for an
14 Emergency Protection Order, Sir.	
15	
16 THE COURT:	What is the basis for your
17 application, Sir?	

PART THREE:**Section Layout****1. TITLE PAGE****a. Court File Number/E-File Name/Appeal Number**

All applicable docket numbers related to specific dates should be listed here. It should be Title Case and right aligned.

i. More than one Style of Cause

Create a split cover, on which you will indicate the appropriate court file number respective to each referenced style of cause.

ii. Creation of E-File Name

When naming an e-file, you must follow the *Electronic File Naming Convention* laid out in Appendix C.

b. Court Designation

Must be all in UPPER CASE, centred, and must be placed immediately following the Court File No./E-file Name/Appeal Number.

Potential court designations in Nunavut would be:

IN THE NUNAVUT COURT OF JUSTICE

or

IN THE NUNAVUT COURT OF APPEAL

c. Style of Cause

This immediately follows the court designation. The information contained in the style of cause must match the details in the initiating or commencing document. This includes any *official* amendments that may have been made.

An amendment is official if, by example, it is made by order of the Court.

i. Misspelled Names

Type names as they are shown on initiating or commencing documents. If the name has been misspelled, type as shown and write (sic) beside the name to highlight the misspelling.

ii. Formatting

Should be in UPPER CASE and centred. Plaintiff and Defendant, accused etc. should be right aligned and in Title Case.

iii. More than One Style of Cause

Where there is more than one style of cause, each one should be separated by a solid horizontal line.

d. Description of Transcript

This should be placed immediately after the style of cause, separated from the style of cause by a solid horizontal line. There are four main categories and four subcategories that can be used to describe the transcript.

i. First Category

The applicable description from this category should immediately follow the style of cause, separated by a single, solid horizontal line. The description from this category should be written in UPPER CASE.

Choose only one of the following four categories, as appropriate:

<input type="checkbox"/> TRIAL
<input type="checkbox"/> HEARING
<input type="checkbox"/> PRELIMINARY INQUIRY
<input type="checkbox"/> PROCEEDING

ii. Second Category

The descriptions from this category should immediately follow the description from the first category, and should be written in Title Case.

Some examples of descriptions that would fall into this category are:

- **Child Apprehension Order**
- **Emergency Protection Order**
- **Excerpt**
- **Judicial Interim Release**

e. Multiple Volumes

Each volume should contain no more than 100 double-sided pages (200 pages total). Where a volume exceeds 2000 pages, the transcript should be split into separate volumes of approximately equal length.

Where there are multiple volumes, the volume number and page numbers included in that volume should be written immediately underneath the description of transcript.

Volume numbers should be written in numeric format (e.g. Volume 1, Volume 2, Volume 3, etc.).

f. Date/Location

This information immediately follows the description of the transcript and/or volume number, separated only by a single, solid horizontal line.

If there is more than one date, it should be entered in chronological order. The location of the proceedings must also be inserted on the line following the list of all dates on which the matter was heard.

This information must be centred and written in Title Case.

g. “Produced By” Information

This information immediately follows the date/location information on the title page. There is no horizontal line separating this section from the section immediately preceding.

The name, address, e-mail address and phone number of the court reporter or transcriptionist should be laid out here.

This information should be centred and in Title Case.

2. TABLE OF CONTENTS

Margins 1" on all sides	i	a. Page Number
	TABLE OF CONTENTS	b. Title
c. Headings	Description	Page
d. Session Date and Time	December 18, 2014 Afternoon Session	5
f. Transcript Headings	JANICE BLACK , Previously Sworn, Examined By Ms. Jackson	5
	JANICE BLACK , Previously Sworn, Cross-Examined By Mr. Brown	7
	JOHN DOE , Sworn, Examined by Mr. Brown	10
	Certificate of Record Certificate of Transcript	
	EXHIBITS	e. Exhibits
g. Exhibit Headings	No. Description	Page
	1 Seven Photographs	12
	S-1 Record of Accused Wright	19

a. Page Number

The Table of Contents pages should be numbered consecutively and starting at page (i), using small Roman numerals. They should be centred and placed 0.5" from the top edge of each page.

b. Title

Should read "TABLE OF CONTENTS", written in UPPER CASE and centred.

c. Headings

Following the title, insert the headers "Description" and "Page" on the same line. "Description" should be Left Aligned and "Page" should be tabbed to the far right. These headers should be written in Title Case.

d. Session Date and Time

For every half-day session, insert the Session Date, Left Aligned, and the Session Indicator (e.g. Morning or Afternoon Session), at the 3.25" tab on the same line. The Session indicator should line up with the page numbers listed on the right side of the Table of Contents.

Insert this information at the beginning of each respective session as listed in the Contents. Write the session date and time in Title Case, between two blank lines as shown above.

e. Transcript Headings

These should all be listed sequentially in the Table of Contents. They should be in Title Case and Left Aligned. Witness names will be in UPPER CASE and **bolded**. The corresponding page numbers for each heading should be tabbed right, to the 3.25" tab.

f. Exhibits

A list of all exhibits entered at trial should follow the "Description" section of the Table of Contents, under a header titled 'EXHIBITS'. The exhibits header should be centred and in UPPER CASE.

Insert one blank space after the header, and then insert the following three headings on one line: "No.", "Description", and "Page".

"No." should be on the far left, "Description" should be one tab over and Left Aligned, and "Page" should be tabbed to the far right.

g. Exhibit Headings

The exhibits and their respective decisions should be written in Title Case, and should be listed in the order in which they were entered.

3. PREAMBLE AND APPEARANCES

i. Session Date and Indicator	Proceedings taken in the Nunavut Court of Justice		← a. Preamble
	January 3, 2014	Morning Session	
ii. Judge's Name and Court Designation	The Honourable Justice Sharkey	Nunavut Court of Justice	← b. Appearances
	R. Kilabuk	Elder	
iii. Parties Present in Court	A. Jackson (by telephone)	For the Crown	
	B. Henri, Q.C.	For the Accused	
	C. Phillips (Student-at-Law)	For the Accused (by video)	
	J. Brown	Court Clerk	
	A. Jaw	Interpreter	
	J. Blue Official	Court Reporter	
iv. Designations for Represented Party			

a. Preamble

This will be inserted at the beginning of each morning and afternoon session. It should set out the court, courthouse, and location (where the proceeding took place).

The Preamble should be followed by a solid horizontal line. Insert a line space before and after the horizontal line.

b. Appearances

All appearances must be included at the beginning of each session. This information should be inserted after the Preamble, as shown above. It should be written in Title Case, and should be followed by another solid horizontal line.

i. Session Date and Indicator

The session date should be inserted after a blank space line following the Preamble. The session indicator (e.g. Afternoon Session, Morning Session) should be on the same line as the session date, at the 3.25” tab. Insert a blank space line following this information.

ii. Judge’s Name and Court Designation

The Judge’s name and court designation should be written on the same lines. Both the name and designation will have to be split into two lines, as shown in the diagram. The court designation should be at the 3.25” tab. Insert a blank space line following this information.

iii. Parties Present in Court

All of the parties appearing in court, and/or their representatives of departments and agencies, should be listed following the blank space line after the judge’s name and court designation. The representative party should be listed on the left and the name of the party they are representing should be written at the 3.25” tab.

Names of Court Clerks, Court Interpreters and Court Reporters, if in attendance, should be listed, and their titles should be listed on the same line as their name, at the 3.25” tab.

Elders, when sitting with the Judge, should be recorded in the Appearance list. Their name should be recorded with the designation of “Elder” written at the 3.25” tab.

Where a party attends by video conference or telephone, this information must be noted in brackets, following that person’s name or designation.

iv. Designations for Represented Party (e.g. the Accused)

For Adult files, use the designation “For the Accused”.

For Youth files, use the designation “For the Young Person”.

Additional or alternative designations may be used, where appropriate, for example, “For the Receiver”, “For the Claimant”, “For the Informant”, etc.

v. **Titles and Salutations**

Salutations such as Esq., Mrs., Ms., Mr., etc., **will not be used.** There are two exceptions: Q.C. (Queen’s Counsel), which will follow immediately after a surname (see diagram), or Doctor (Dr.), appearing on a Nunavut Review Board hearing.

Other designations, such as Student-at-Law, Friend of the Court, Agent, or Duty counsel, will be added in brackets on a separate line below the name, as shown in the diagram.

vi. **Where there is one Counsel for Several Accused**

Write each accused on separate lines at the 3.25” tab, using their last names to identify them.

For example,

W. Brown	For the Accused Smith
W. Brown	For the Accused Bayer

vii. **Where there are Separate Counsel for Several Accused**

Where there are co-accused in the same proceedings, write each accused on separate lines at the 3.25” tab, using their last name to identify them.

For example,

W. Brown	For the Accused Smith
I.M. Smart	For the Accused Black

viii. **Where there are Separate Counsel Acting for One Accused**

If there is two or more Counsel appearing for a single party, the names of each Counsel should be listed on a separate line, and

each should be accompanied by the appropriate designation, e.g. “For the Accused”, at the 3.25” tab.

For example,

W. Brown	For the Accused
X. Smith	For the Accused

ix. Where there is a Self-Represented Party

Where there is a self-represented party in a **civil proceeding**, use the following to identify them as such:

(No Counsel)	For the Plaintiff
--------------	-------------------

Where there is a self-represented party in a **criminal proceeding**, use the following to identify them as such:

(No Counsel)	For the Accused
--------------	-----------------

x. Where a Party is not Present

When the Accused, Plaintiff, Defendant, etc. and/or their agent(s) or Counsel is not present, indicate the absence as follows:

(No Appearance)	For the Accused
-----------------	-----------------

1. PUBLICATION BANS

If a publication ban is granted in any proceeding, insert the appropriate heading, such as:

Ban on Publication,
Ban on Publication – Evidence, or
Ban on Publication – Identity of Complainant

A notice should also be included on the front cover in **bold**, TIMES NEW ROMAN, size 13 font.

For example,

**RESTRICTION ON PUBLICATION: BY COURT ORDER
UNDER SECTION 486.4 OF THE *CRIMINAL CODE***

If it is a matter under the *Youth Criminal Justice Act*, the transcript **must** have the following notice on the front cover in **bold**, TIMES NEW ROMAN, size 13 font:

**RESTRICTION ON PUBLICATION: SECTION 110(1) OF THE
YOUTH CRIMINAL JUSTICE ACT PROHIBITS THE PUBLICATION
OF THE NAME, OR IDENTIFYING INFORMATION, OF A YOUNG
PERSON DEALT WITH UNDER THE *ACT*.**

2. EXHIBITS

Exhibits are to be left aligned, at the margin.

“Exhibit” and the related exhibit letter/number (e.g. “S-1”), as well as a description of the exhibit, should be written on the same line.

Certain types of exhibits will have a letter identifier before the exhibit number, to identify the category it is in. **The letter identifier must be used even if it is not referred to on the record.**

EXHIBIT CATEGORIES AND RELATED LETTER IDENTIFIERS:

EXHIBIT P-1, P-2, P-3, etc. – used for Preliminary Inquiry exhibits

EXHIBIT V-1, V-2, V-3, etc. – used for *Voir Dire* exhibits

EXHIBIT S-1, S-2, S-3, etc. – used for Sentencing exhibits

The word exhibit and accompanying letter/number, e.g. **EXHIBIT S-1**, is to be written in UPPER CASE and be **bolded**.

The **Description of the Exhibit** should be written in Title Case and be **bolded**.

EXAMPLE:

11
 12 **EXHIBIT S-1 – Description of the Exhibit**
 13
 14
 15 **EXHIBIT 2 – Description of the Exhibit**
 16

If the exhibit has been entered for identification purposes, the heading should be written as follows:

FORMAT:

EXHIBIT S-1 – FOR IDENTIFICATION – Description of the Exhibit

EXAMPLE:

EXHIBIT S-1 – FOR IDENTIFICATION – Birth Certificate of Accused

If an exhibit that has previously been marked for identification subsequently becomes a full exhibit, the following heading should be inserted thereafter:

EXAMPLE:

EXHIBIT 2 – Description of the Exhibit (Formerly EXHIBIT A – FOR IDENTIFICATION)

If an exhibit was not formally marked in court, it should still be identified in the transcript, but the fact that it was not formally marked should be noted:

EXAMPLE:

EXHIBIT 7 – Description of Exhibit (Not Formally Marked on the Record)

If an exhibit was previously entered, and the description is amended thereafter, included the word “Amended” in brackets, immediately before the revised description, as shown below:

EXAMPLE:

EXHIBIT 1 – (Amended) Revised Description of Exhibit

PLEASE NOTE:

The phrase “Description of the Exhibit” and the exhibit letter/number used in these examples should be replaced by the **actual description of the exhibit and the actual exhibit number** when the transcript is being prepared, as shown below.

EXAMPLE:

11
 12 **EXHIBIT S-1 – Victim Impact Statement**
 13
 14
 15 **EXHIBIT 2 – Photos of Injuries to Face**
 16

PART FIVE:**Body of Transcript - Identifying Speakers****1. SPEAKER'S NAME – GENERAL FORMAT**

Speakers' names are to be written at the left margin, in UPPER CASE, immediately followed by a colon.

EXAMPLE:

11 THE COURT:
12
13

2. TRANSCRIPTION - FORMAT

The text of the transcription begins at the 3'25" mark, on the same line as the speaker's name

The text should continue on the next line, starting at the 0.25" tab. Each new paragraph by the same speaker will begin at the 0.25" tab and continue on to the next line. Each line begins at the 0.25" tab.

Line numbers at
the 0.15" mark

Text begins at
the 3.25" tab

EXAMPLE:

11 THE COURT: Mr. Lawyer, can
12 you explain what has happened here today please. I am
13 having a hard time trying to understand exactly what you
14 are asking me to do here today.

When text continues on
to the next line or when
the same speaker
begins a new
paragraph, continue
transcribing on the new
line at the 0.25" tab

Insert a **blank line** after one speaker has finished speaking.

EXAMPLE:

11 THE COURT: Mr. Lawyer, can
12 you explain what has happened here today please. I am
13 having a hard time trying to understand exactly what you
14 are asking me to do here.
15 _____
16 MR. LAWYER: Your Honour my
17 client just wants what is fair.
18 _____
19 THE COURT: And what is fair in
20 this case is the question, I suppose.

Blank line (a
"space") is
inserted to
separate speakers.

3. WHERE THERE IS A SELF-REPRESENTED LITIGANT SPEAKING

If it is a **criminal proceeding** with **one accused**, use the following:

11 THE ACCUSED:
12

If it is a **youth file** with the Youth Justice Court of Nunavut (YJCN):

11 THE YOUNG PERSON:
12

If it is a **criminal proceeding** with **several** self-represented litigants, use their last names to identify them:

11 THE ACCUSED BENNETT:
12
13 THE ACCUSED WALTER:

If it is a **criminal proceeding** with more than one accused with the **same last name**, use their first initial or first name to identify them:

11 THE ACCUSED BENNETT:
12
13 THE ACCUSED S. BENNETT:
14
15 THE ACCUSED SAM BENNETT:
16

4. WHERE THE COURT REPORTER READS BACK TESTIMONY

If the court reporter is required to read back testimony, it should be indented and written in quotation marks:

11 THE COURT REPORTER: (By reading)
12
13 "Q I'm going to give you a chance to come clean because this is very
14 -- you understand this is a very serious matter?
15 A Yes.
16 Q Isn't it true that Mr. Inglis never touched you?
17 A Yes."

5. WHERE THERE IS AUDIO PLAYBACK

Video and audio recordings that are played in court as exhibits or as evidence **are not reported or transcribed.**

Playbacks of testimony, recorded on an approved sound recording device and from earlier in that day's proceedings, shall be reflected in the transcript:

11	THE COURT REPORTER:	(By playback)
12		
13	“Q I’m going to give you a chance to come clean because this is very	
14	-- you understand this is a very serious matter?	
15	A Yes.	
15		
16	Q Isn’t it true that Mr. Inglis never touched you?	
17	A No.”	

If the playback is from a different day, and is not from that day's proceedings, it should not be transcribed. It should be referenced in the transcript as follows:

11	(FTR PLAYBACK – [month day, year]; [hh:mm:ss AM/PM to hh:mm:ss
12	AM/PM]) (Provide as much detail as is available)
13	

EXAMPLE:

11	(FTR PLAYBACK – April 1, 2013; 10:15:30 to 10:36:15 AM) (Asking
12	witness about whether she understands that this is a serious matter.
13	Tells witness that she is being given a chance to tell the truth.
14	Witness says she understands. Asks witness if it is true that the
15	accused never touched her. Witness disagrees, answering in the
16	negative.)
17	

If there is audio playback, live voices that interrupt the recording must be transcribed:

11	THE COURT REPORTER:	(By playback)
12		
13	“Q I’m going to give you a chance to come clean because this is very	
14	-- you understand this is a very serious matter?	
15	A Yes. “	
16		
17	MRS. JONES:	Can you turn up the
18	volume?	
19		
20	THE COURT REPORTER:	(By playback)
21		
22	“Q Isn’t it true that Mr. Inglis never touched you?	
23	A No.”	

6. WHERE THERE IS AN INTERPRETER SPEAKING

a. Interpreter Directly Addresses the Court

If the **interpreter addresses the court directly**, the following speaker designation should be used:

EXAMPLE:		
10		
11	THE INTERPRETER:	I can’t hear what the witness is
12	saying.	
13		
14	THE COURT:	Mr. Accused, speak into the
15	microphone please.	

b. Interpreter Speaks for Witness

When a witness speaks through an interpreter, insert the interpreter’s answer where the witness’s answer would normally be transcribed. Write what the interpreter says as the answer, even if the interpreter is speaking in third person.

EXAMPLE:

9 **EMILIE ALLURUT, Sworn through Interpreter, Examined by Mr. Nice, Testifies through Interpreter**
 10
 11 Q Were you starting to feel pretty happy?
 12 A She said she was feeling good.
 13

c. Witness Switches Back to English

If the witness or accused switches back to using English, then **treat them as the speaker** and transcribe what they say beside the applicable speaker notation (e.g. the Accused, the Plaintiff, the Young Person, etc.)..

EXAMPLE:

9 **EMILIE ALLURUT, Sworn through Interpreter, Examined by Mr. Nice, Testifies through Interpreter**

10

11 Q Were you starting to feel pretty happy?

12 A She said she was feeling good.

13

14 Q Did that happy feeling last all day?

15 A THE ACCUSED: Yes.

16

7. OTHER SPEAKER DESIGNATIONS

Below you will find several examples of different speaker designations that may be used in the transcript.

Bail Office – Justice of the Peace	MR. TAKADA:
Bail Office Telewarrant	THE INFORMANT:
Multi-Offender Youth Court Criminal	THE YOUNG PERSON SMITH:
Multi Offender Youth Criminal Court (same last name)	THE YOUNG PERSON TOM SMITH:
The Judge in all proceedings	THE COURT:
Emergency Protection Hearing	THE CLAIMANT: (or, if party's name is known, insert that)
Court Clerk	THE COURT CLERK:
Court Reporter	THE COURT REPORTER:
Sheriff	THE SHERIFF:
Jury Officer	THE JURY OFFICER:
Juror	A JUROR:
Juror – numbered	JUROR NO. 1: (etc.)
Foreperson	THE FOREPERSON:

Headings indicate a **change of witness, examination, proceeding, etc.**

Headings are to be written in Title Case, **bolded**, and inserted at the left margin. There should be a blank space above and below the heading.

1. WHERE THERE IS AN INTERPRETER SPEAKING

If an interpreter is sworn on the record, write the language they are interpreting in Title Case and **bold**. Include the phrase “Sworn as a/an...” immediately following their name. If they are not sworn on the record, remove the phrase “Sworn as a/an” from the below example:

EXAMPLE:

10
11 **EMILIE ALLURUT, Sworn as an Interpreter in the Inuktitut language**
12
13

When a witness is **sworn through the interpreter**, use the following heading format:

EXAMPLE:

10
11 **EMILIE ALLURUT, Sworn through Interpreter, Examined by Mr. Nice, Testifies through Interpreter**
12
13

Where a **self-represented** accused is conducting examination or cross-examination through an interpreter, use the following heading format:

EXAMPLE:

10
11 **The Accused Cross-examines the Witness through Interpreter**
12
13

2. WHERE THERE IS A WITNESS SPEAKING

When entering a witness into the transcript, write the **complete legal name** of the witness in UPPER CASE, **bolded**, at the left margin. **Do not include rank, title, or other qualifications.**

Following the full legal name of the witness, write **one of the following** as applies to that witness:

- | | |
|--|--|
| <input type="checkbox"/> Sworn | <input type="checkbox"/> Sworn through Interpreter |
| <input type="checkbox"/> Affirmed | <input type="checkbox"/> Resworn |
| <input type="checkbox"/> Unsworn | <input type="checkbox"/> Reaffirmed |
| <input type="checkbox"/> Previously Affirmed | |

This should be followed by what **stage of the procedure** the witness is at:

- Examined by,
- Cross-examined by,
- Re-examined by,
- Re-cross-examined by,

Finally, follow the stage of procedure with the **name of the individual who is questioning the witness.**

EXAMPLES:

JOHN ALLAN DOE, Sworn, Examined by Mr. Smith

MARY JANE JOSEPH, Previously Sworn, Cross-examined by Mr. Jones

3. WHERE THERE IS A CHILD WITNESS SPEAKING

A child witness may be questioned by the court or by counsel in order to determine whether they understand the meaning of an oath. Following all questions and

submissions, the court will make a ruling on whether the child understands the oath. During this process, the following headings should be used:

MELODY JANE NEWMAN Takes the Stand

The Court Questions the Witness (Oath)

Mr. Smith Questions the Witness (Oath)

Submissions by Mr. Blake (Oath)

Ruling (Oath)

Once the court **rules that the child understands** the oath, and the court asks for the child to be sworn in, the child witness shall be referred to in the transcript as a regular witness.

EXAMPLE:

MELODY JANE NEWMAN, Sworn, Examined by Mr. Smith

If, however, the court **rules that the child does not understand** the oath, the child must be referred to in the transcript as an unsworn witness.

EXAMPLE:

MELODY JANE NEWMAN, Unsworn, Examined by Mr. Smith

4. CHANGE OF EXAMINER

Insert a new heading where there is a change of examiner. The change of examiner heading will state the name of the party questioning the witness and the stage of the procedure.

EXAMPLES:

**Mr. Jones Cross-examines the Witness
The Accused Cross-examines the Witness,
Mr. Smith Re-examines the Witness**

5. QUESTIONS FROM THE COURT

The Court may question the witness after the examination, the cross-examination, and the re-examination. The heading should be written in Title Case and **bolded**, and should read “The Court Questions the Witness”, followed directly by questions and answers.

EXAMPLES:

9
 10 **The Court Questions the Witness**
 11
 12 Q What is your name?
 13 A Joe Accused.
 14
 15 Q Do you understand what
 16 happened today?
 17 A Yes.

6. SELF-REPRESENTED WITNESS GIVING TESTIMONY

Where the witness is not represented by counsel and gives testimony **uninterrupted by the court**, the following heading format should be used:

10
 11 **BETTY LOU KILLABUK, Sworn, Testifies**
 12

If the **court prompts the witness** to assist when the witness is giving their evidence, use the following heading format:

10
 11 **BETTY LOU KILLABUK, Previously Sworn, Questioned by the Court**
 12

Even though the witness is not truly being “questioned”, **write the court’s prompts as ‘Q’ and the witness’s responses as ‘A’**.

10
 11 **BETTY LOU KILLABUK, Previously Sworn, Questioned by the Court**
 12
 13 Q Can you explain where you were that night?
 14 A I can’t remember.
 15

7. SIGNIFICANT PROCEDURAL CHANGES DURING WITNESS TESTIMONY

If there is a significant procedural change during the witness's testimony, for example, where the testimony is interrupted by Counsel's submissions, this should be noted in the transcript by inserting a new heading.

The heading should include the type of procedure (for example, "Submissions) followed by the name of the person or Counsel speaking:

10			
11	Submissions by Mr. Jones		
12			
13	MR. JONES:		Your Honour, I believe
14			my client's personal circumstances should be examined

When questions are resumed, a heading indicating the resumption of the examination is required:

24			
25	Mr. Jones Examines the Witness		
26			
27	Q	MR. JONES:	How did you
28			know the Accused?
29	A		From school.

8. QUALIFYING OF EXPERTS

When either the court or counsel is qualifying an expert witness, each heading must be followed by the word "Qualification", written in brackets.

EXAMPLES:

Mr. Jones Examines the Witness (Qualification)
DR. JOHN DOC, Sworn, Examined by Mr. Jones (Qualification)
Submissions by Mr. Jones (Qualifications)
The Court Questions DR. DOC (Qualification)
Ruling (Qualification)

Once a witness has been successfully qualified, it is no longer required to note "Qualification" in the heading:

EXAMPLE:

56	Mr. Jones Examines the Witness		
57			
58	Q		How long have you worked as an expert in this field?
59	A		15 years

9. WITNESS UNAVAILABLE

If the witness is unavailable to testify and the court grants permission, insert the following heading:

JOE ACCUSED – Read-In

10. REBUTTALS

If counsel is granted permission to call rebuttal evidence and witnesses are called, the headings used during rebuttal must be followed by the word “Rebuttal”, written in brackets.

EXAMPLES:

Submission by Mr. Jones (Rebuttal)
Submissions by the Accused (Rebuttal)
Mr. Jones re-examines the Witness (Rebuttal)
Ruling (Rebuttal)

11. TYPE OF PROCEEDINGS

a. *Voir Dire*

A *voir dire*, which is like a trial within a trial, is usually made up of the following parts:

- Witnesses
- Submissions
- Ruling

Unless previously sworn in the trial, a witness called in a *voir dire* must be sworn in.

Each heading during the *voir dire* proceedings must be followed by the words “*Voir Dire*”, written in brackets.

EXAMPLES:

JANET SMIT, Sworn, Examined by Ms. Fisher (Voir Dire)
JANET SMIT, Previously Sworn, Examined by Ms. Fisher (Voir Dire)
Mr. Claus Cross-examines the Witness (Voir Dire)
Submissions by Ms. Fisher (Voir Dire)
Submissions by Mr. Claus (Voir Dire)
Ruling (Voir Dire)

Once a ruling is made in the *voir dire*, it is no longer necessary to note the “*Voir Dire*” in the headings.

EXAMPLE:

56 **Mr. Jones Examines the Witness**
57
58 Q How long have you worked as an expert in this field?
59 A 15 years

b. *In Camera*

If the public is excluded from the proceedings or from a part of the proceedings, insert the following heading:

In Camera – Public Excluded

If the public is re-admitted, insert the following heading:

In Camera Proceedings Concluded – Public Re-admitted

PART SEVEN: Body of Transcript - Close of Proceedings**1. AT THE CLOSE OF EXAMINATION OR CROSS EXAMINATION**

Each time counsel completes an examination, counsel conducting the exam should be identified by name in the transcript as the speaker.

98	Q	And when was the last time you saw him?
99	A	The night before he disappeared.
100		
101	MR. BROWN:	Thank you, those are my questions.
102		
103	THE COURT:	Mr. James?
104		
105	MR. JAMES:	Just a few Sir, thank you.

At the **conclusion of the witness's evidence**, insert the following:

(WITNESS STANDS DOWN)

2. FINAL SUBMISSIONS

Final submissions are made after all the evidence has been given and the case has been closed to the presentation of any more evidence. These submissions help the judge make a decision, and the heading should be formatted as follows:

EXAMPLES:

Final Submissions by Mr. Doe
Final Submissions by Mrs. Ray

3. SPEAKING TO SENTENCE

These are exchanges between counsel and the court, regarding the sentence, after the decision has been given.

EXAMPLES:

Speaking to Sentence by Mr. Doe
Speaking to Sentence by Mrs. Ray

4. DECISIONS

EXAMPLES:

**Reasons for Judgment
Ruling
Finding**

When only the Reasons for Judgment or the Rulings of the court are ordered to be transcribed, they should be produced in the format provided in the *Special Proceedings* format (Appendix F).

5. SENTENCE

The judge's adjudication on the matter follows the header shown below:

EXAMPLE:

Sentence

6. TRANSCRIPT ENDINGS

The appropriate endings must be inserted between two solid horizontal lines. A blank space should be left before and after each horizontal line. The endings should be written in UPPER CASE.

A list of different transcript headings is listed in Appendix D.

78
101
102 THE COURT: Thank you
103 we will resume after lunch.
104
105 COURT CLERK: All rise,
106 Nunavut Court of Justice adjourned
107 until 1:30 PM.

PROCEEDINGS ADJOURNED UNTIL 1:30 PM

PART EIGHT:**Special Proceedings/Hearings/****1. JURY TRIAL**

A jury trial is the same in all proceedings, save for the following exceptions:

- a. When a **jury is selected**, the proceedings must be reported but not transcribed, unless specifically requested. If requested, jury selection is to be transcribed verbatim. However, if a juror's proper name is used in proceeding, replace the name with the notation (name given).

EXAMPLE:

"Juror number 8, Janet Smith, please come forward."

would be transcribed as

Juror number 8, (name given), please come forward.

- b. In a **Challenge for Cause** jury selection, proceedings are transcribed verbatim. The speaker designations are:

TRIER 1:

TRIER 2:

TRIER 3:

- c. When a **jury is sworn**, the proceedings are to be reported but not transcribed. The notation is to be:

(JURY SELECTED)

(JURY SWORN)

- d. Should a member of the jury need to appear on the record during the proceedings, do not name them. Instead, identify them as shown below and treat them as any other speaker:

<p>A JUROR:</p> <p>JUROR NO. 2:</p> <p>etc.</p>

- e. After the charge to the jury, the only difference from above is that the foreperson is identified as THE FOREPERSON, as shown below:

10		
11	THE FOREPERSON:	We
	have come to a decision	
12		

- f. In a jury trial (after the jury is sworn), the jury may be **polled**. The polling should be reported but not transcribed. The notation is to be:

(JURY POLLED – ALL PRESENT)

When the jury is **being polled** as to their verdict and **all agree**, use the following notation:

(JURY POLLED – ALL AGREE)

- g. There may be occasions when the judge dispenses with this formal procedure by asking counsel to accept attendances. This procedure is to be reported and transcribed. Upon the jury entering the courtroom, the notation is to be:

(JURY ENTERS)

When the jury retires, the notation is to be:

(JURY RETIRES)

- h.** After the charge to the jury, when the jury retires and enters the courtroom, in addition to the notation (JURY RETIRES) and (JURY ENTERS), the time is to be noted:

(JURY ENTERS 11:00 AM)

(JURY RETIRES 10:00 PM)

2. REAL-TIME TRANSCRIPTS

When a request is made for an unedited transcript in a real-time trial, use the following **footer**:

****ROUGH EDIT ONLY. NOT CRETIFIED AS
VERBATIM. DO NOT SHARE OR
DISTRIBUTE****

This Operational Directive shall be effective December 1st, 2015.



Mr Justice R. Kilpatrick
Senior Judge
Nunavut Court of Justice

APPENDICIES

4.

Appendix A
LIST OF POSSIBLE HEADINGS

Stage of Procedure Headings		
<ul style="list-style-type: none"> <input type="checkbox"/> Opening <input type="checkbox"/> Arraignment <input type="checkbox"/> Re-arraignment <input type="checkbox"/> Election <input type="checkbox"/> Re-election <input type="checkbox"/> Plea <input type="checkbox"/> Particulars <input type="checkbox"/> Discussion <input type="checkbox"/> Swearing in of the Jury <input type="checkbox"/> Opening by the Court <input type="checkbox"/> Opening by the Lawyer's Name <input type="checkbox"/> Admitted Statement of Facts <input type="checkbox"/> Final Submissions by Lawyer's Name <input type="checkbox"/> Address to the Jury by Lawyer's Name <input type="checkbox"/> Charge to the Jury <input type="checkbox"/> Submissions by Lawyer's Name <input type="checkbox"/> Questions by the Jury <input type="checkbox"/> Response to Questions 	<ul style="list-style-type: none"> <input type="checkbox"/> Verdict <input type="checkbox"/> Directed Verdict <input type="checkbox"/> Judgment Reserved <input type="checkbox"/> Reasons for Judgment <input type="checkbox"/> Finding of Guilt by the Jury <input type="checkbox"/> Speaking to Sentence by Lawyer's Name <input type="checkbox"/> Sentence <input type="checkbox"/> Submission by Lawyer's Name (Admissibility of Evidence) <input type="checkbox"/> Submission by Lawyer's Name (Oath) <input type="checkbox"/> Submission by Lawyer's Name (Qualification) <input type="checkbox"/> Submission by Lawyer's Name (Rebuttal) <input type="checkbox"/> Submission by Lawyer's Name (Sentence) 	<ul style="list-style-type: none"> <input type="checkbox"/> Submission by Lawyer's Name (Voir Dire) <input type="checkbox"/> Submission by Lawyer's Name (Other) <input type="checkbox"/> Ruling (Admissibility of Evidence) <input type="checkbox"/> Ruling (Oath) <input type="checkbox"/> Ruling (Qualification) <input type="checkbox"/> Ruling (Voir Dire) <input type="checkbox"/> Ruling (Other) <hr/> <p style="text-align: center;"><u>Special Heading Identifiers</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> In-camera <input type="checkbox"/> Proceedings Not Recorded <input type="checkbox"/> Read-In - Witness Unavailable <input type="checkbox"/> Ban on Publication

Appendix B NOTATIONS

A notation must be made to reflect any occurrence that interrupts or affects the proceedings. This does not include exhibit entry. It also does not include entry at end of an individual take (see Transcript Endings).

Notations begin at the left margin, in brackets, Upper Case. Each notation is followed by a blank line. A list of possible notations is below.

List of Possible Notations

(ADJOURNMENT)	When an adjournment is taken by the court
(AUDIO/VIDEO PLAYED)	For wiretap, video, or audio recorded evidence (other than that recorded during the court proceeding). When audio/video is played, insert notation. Only words spoken by those present in court need to be reported/recorded or transcribed while the audio/video is played. Video or audio recordings played in court as exhibits or evidence are not reported or transcribed
(DISCUSSION OFF RECORD)	Discussion between the parties off the record with permission of the court
(JURY RETIRES) or (JURY ENTERS)	A notation must be made when the jury leaves the courtroom and when it re-enters during a trial
(JURY RETIRES - 4:30 PM) (JURY ENTERS - 7:15 PM)	After the charge to the jury, times must be included with the notation
(THE FOLLOWING JURY, HAVING BEEN SELECTED, SWORN)	After jury selection where the jury is sworn in
(OTHER LANGUAGE SPOKEN)	When a foreign language is spoken
(OTHER MATTERS SPOKEN TO)	Break in proceedings, where other matters are referred to but proceedings remain in session
(PORTION OF PROCEEDINGS NOT RECORDED)	When a portion of proceedings is not recorded (for any number of reasons)

(PORTION OF PROCEEDINGS OMITTED BY REQUEST)	When a request is made to exclude a portion of the proceedings
(THE FOLLOWING OATH ADMINISTERED AND SWORN)	In a swearing-in ceremony of a judge or justice
(WITNESSES EXCLUDED)	An order for exclusion of witnesses
(WITNESS STANDS DOWN)	When a witness leaves the stand
(WITNESS RE-TAKES THE STAND)	After a short break, if a witness returns to the stand without being resworn or asked to acknowledge they are still under oath

Appendix C
ELECTRONIC FILE NAMING CONVENTION

The electronic file shall be named in accordance with the following naming conventions:

V - Civil C - Criminal F – Family Y - Youth O - Other	CJ – Court of Justice CA – Court of Appeal	Last two digits of year produced “14”	Person’s full last name followed by first initial of first name
---	---	---	--

A. The first character shall coincide with the **type of proceeding**:

- i. “V” for civil,
- ii. “C” for Criminal,
- iii. “F” for family,
- iv. “Y” for youth,
- v. “O” for other.

B. The second character shall coincide with **the name of the court**:

- i. “CJ” for the Nunavut Court of Justice, and
- ii. “CA” for the Nunavut Court of Appeal;

C. The next two characters shall be the **last two digits of the year** the transcript is produced:

EXAMPLE: “14” for 2014

D. The last characters shall coincide with the **full last name** followed by the **first initial** of the first name of the first plaintiff/accused:

EXAMPLE: For a criminal Court of Justice 2014 file, where the accused name is John Doe, the electronic file name would be:

CCJ14DOEJ.pdf

If an electronic file with that name already exists, the naming convention would be altered to include the full last name followed by the full first name:

CCJ14DOEJOHN.pdf

If an electronic file already exists with the full first and last name, the naming convention would be altered to include a sequential number:

CCJ14DOEJOHN1.pdf

Common or Multiple Names

- A. In cases where a style of cause contains a party name that is so common that confusion could result (such as the Government of Nunavut), the least common name in the style of cause should be used.
- B. In cases where a style of cause contains two company names, use the least common name in the style of cause.

**Appendix D
TRANSCRIPT ENDINGS**

The appropriate ending must be written in UPPER CASE and inserted between two solid horizontal lines. Insert a line space before and after each horizontal line.

For example:

A. When proceedings continue on the same day (lunch adjournment):

PROCEEDINGS ADJOURNED UNTIL 2:00 PM

B. When proceedings continue on a different day:

PROCEEDINGS ADJOURNED UNTIL 10:00 AM, SEPTEMBER 20, 2005

C. When civil proceedings are adjourned to an unspecified date:

PROCEEDINGS ADJOURNED SINE DIE

D. When proceedings are concluded:

PROCEEDINGS CONCLUDED

E. When the portion of a day's proceedings are produced (e.g., one witness):

EXCERPT CONCLUDED

F. When only the Reasons for Judgment are transcribed:

JUDGMENT CONCLUDED

G. When proceedings are completed:

PROCEEDINGS CONCLUDED

Appendix E

APPEAL BOOK FORMAT

Appeal Books are not required for an appeal before a single judge sitting on the Nunavut Court of Justice or Nunavut Court of Appeal. In the case of a single judge only transcripts with all attached exhibits are required.

The Nunavut Court of Appeal follows the Appeal Book standards set out in the *Criminal Appeal Rules* and *Civil Appeal Rules* that came into force under the *Judicature Act* on January 1, 2012. The Rules are posted on the Court's website. The *Civil Appeal Rules* contain the bulk of the Appeal Book formatting instructions.

http://www.nucj.ca/rules/1999_CRNu_794_Court_of_Appeal_Criminal_Rules.pdf [Criminal Rules]

http://www.nucj.ca/rules/NUCA_CivilAppealRules.pdf [Civil Rules]

Appendix F TRANSCRIPTS OF JUDGMENT FORMAT

The Nunavut Court of Justice follows the Nunavut Court of Appeal judgment reporting templates (The Felsky Template).

1. **Date:** YYYYMMDD (flush right on the cover)
2. **Docket # (Court file number) :** ____ - ____ - __ (flush right on the cover)
3. **Paragraph Numbering:** All reasons should be combined in one file. Paragraphs are continuously numbered from the beginning of the reasons to the end of the last paragraph.
4. **Paper Size:** 11 by 8 ½ inch paper shall be used.
5. **Margins:** Left and right, top and bottom margins shall be no less than .5”.
6. **Font:** Font size shall be 12; font style shall be Times New Roman. Characters can be italicized, bolded, or underlined.
7. **Line Spacing:** The body of the judgment shall be single spaced, with double spacing between paragraphs.
8. **Justification:** Standard Left justification.
9. **Spacing after Final Punctuation:** One space shall be used after periods or other final punctuation.
10. **Paragraph Formatting:** Paragraphs shall begin with a single tab in the left margin. All paragraphs shall be consecutively numbered, located in the left margin in a square bracket (e.g. [1]). Quotations, headings, lists are not paragraphs and must not be numbered.
11. **Quotations:** Quotations shall be set off by quotation marks and indented.
12. **Tabs:** All tabs and indents are .5”. Do not use tabs other than for the start of a paragraph. Use flush right or single indent.
13. **Page Numbers:** Page numbers shall be located at the top right corner of every page, except the cover page.
14. **Footnotes:** Footnotes, headers and endnotes can be used.
15. **Hyphens:** Left justification hyphenation should not be used.
16. **Lines:** For lines, use the underscore key; do not use graphics lines.
17. **No Columns:** Do not use columns. Use tables and then remove the lines.

18. **No Dot Leader:** Dot leader is not recognized, so use flush right with dot leader.
19. **Case Names:** Preference is to bold and italicize case names.

Prior to completing a transcript it must be sent to the judge for review. The judge will edit the transcript as necessary. Transcripts for the judges shall be sent electronically to Denise Murphy, the Judicial Administrator, at dmurphy@gov.nu.ca who will ensure the transcript is provided to the proper judge and return the judge's feedback to the proper Court Reporter.

Appendix G

EXPLANATIONS OF VARIOUS PROCEEDINGS

Below is a list of various hearings and a brief description of each:

A. Bail Review Hearing

Heard by a judge to review previously granted bail order or order of detention, or change conditions of bail that were previously imposed.

B. Child Apprehension Hearing

Heard in family court by a judge or presiding justice of the peace regarding apprehension of a child. A court order is required before release of the transcript.

C. Confirmation Hearing

Interjurisdictional hearing held to confirm an interjurisdictional support order.

D. Dangerous Offender/Long Term Offender Hearing

Heard by a judge to determine whether an individual should be kept in prison indefinitely.

E. Dependent Adult

Heard by a judge to determine matters relating to a dependent adult.

F. Emergency Protection Hearing

Heard in family court in front of a judge or by a Justice of the Peace. Court approval required before release of transcript.

G. Estate Hearing

Heard by a judge to determine matters relating to estates.

H. Interjurisdictional Hearings

Heard in family court to confirm out-of-province information and financial issues, regarding maintenance.

I. Judicial Interim Release Hearing (often referred to as Show Cause Hearing or Bail Hearing)

These proceedings are to determine release/detention of an accused/young person.

J. Jury Selection

Proceeding where prospective jurors are selected for a jury.

K. Jury Selection - Challenge for Cause

Challenge for cause jury selection is a specialized jury selection where counsel has the ability to question prospective jurors.

L. Jury Trial

Proceeding that occurs when an election is made to proceed by judge and jury.

M. Sentence Hearing

Heard in Nunavut Court of Justice or Youth Justice Court of Nunavut. Occasionally, either Crown or defence wishes to call witnesses before sentence is passed. The individual has already been found guilty or pled guilty. This evidence helps the judge determine what type of sentence will be imposed upon an individual.

N. Telewarrant Hearing

Heard by a judge or a presiding justice of the peace, conducted over the telephone regarding the application for search warrants, blood warrants, or Feeney warrants.

Appendix H COMMONLY USED INUKTITUT WORDS

<u>English</u>	<u>Inuktitut</u>	<u>Phonetics</u>
How are you?	Qanuipit?	Ka-nwee-peat?
I am fine	Qanuingittunga	Ka-nweeng-ni-toon-ga
What is your name?	Kinauvit?	Kee-nau-veet?
Do you understand?	Tukisiviit?	Too-kee-see-veet?
Thank you	Qujannamiik	Coo-yan-na-mee-ick
That's all	Taima	Tay-ma
You are welcome	Ilaali	Ee-lah-li
Yes	Ii	Ee
No	Aakka or Aagaa	Ah-ka or ah-gah
Maybe	Atsuuli	At-soo-lee
What is it?	Una suna?	Oo-na soo-na?
Goodbye(to one person)	Tavvauvutit	Tah-vow-voo-teet
Goodbye to you all	Tavvauvusi	Tah-vow-voo-see
Good Morning	Ulaakut	Oo-lah-coot
Good Afternoon	Unusakut	Oo-nah-sa-coot
Good Evening	Unukut	Oo-new-coot
Spouse or partner	Aippaq	Eye-puck
Son	Irniq	Ear-nick
Daughter	Panik	Pa-nick
Sled	Qamutik	Caw-moo-tick
Boots	Kamik	ka-mik

To learn more about the Inuit dialects and pronunciation, consult: <http://www.tusaalanga.ca/>.

APPENDIX I

TIME FRAMES FOR TRANSCRIPT REQUESTS

Below is the expectation of time frames to which Reporters are expected to adhere in providing transcripts.

Regular Transcript Request – Provided within 20 working days of the request

Expedited Transcript Request – Provided within 10 working days of the request

Rush Transcript Request – Provided within 5 working days of the request

Daily Transcript Request – Provided within 24 hours of the request

Real Time Transcript Request – “dirty” transcript provided at the time of the request