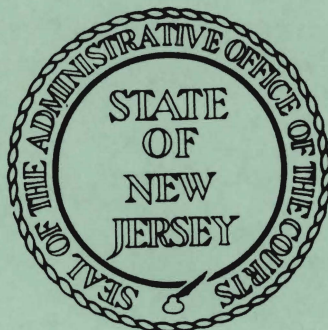


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SOUND RECORDING MANUAL
and
ADMINISTRATIVE REGULATIONS GOVERNING
SOUND RECORDING
in the
NEW JERSEY COURTS



EFFECTIVE SEPTEMBER 10, 1973

ADMINISTRATIVE OFFICE OF THE COURTS
STATE HOUSE ANNEX
TRENTON, NEW JERSEY 08625

F O R E W O R D

The regulations and instructions in this manual have been prepared to guide and instruct personnel of the New Jersey Courts in which electronic sound recording equipment has been installed in the recording of the proceedings by sound recorders, the maintenance of an accurate log sheet, and in the production of transcripts of the court proceedings. In the hands of a competent transcriber, the taped record of the proceedings can be quickly and faithfully transcribed into a written record which can be made readily available to an appellate court in connection with appeals, or to members of the Bench and Bar for reference, study, or other specific needs.

All Judges and Court Clerks using Sound Recording in their court, and all persons transcribing from the recordings, are urged to keep this manual at hand for ready reference. Any questions which it does not answer should be directed, either by writing or by phone, to the Administrative Office of the Courts, Attention: Reporting Services, State House Annex, Trenton, New Jersey 08625



Arthur J. Simpson, Jr.
Judge, Superior Court
Acting Administrative Director
of the Courts

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AUTHORITY FOR USE OF SOUND RECORDERS

By rule of the Supreme Court the Administrative Director of the Courts has provided for electronic sound recording in the Juvenile and Domestic Relations Court (R.5:10-6) and in the County District Courts (R.6:12-1).

The Supreme Court by orders dated April 1, 1969 and December 16, 1969 required the installation of sound recording in the Municipal Courts of certain municipalities with a population of over 10,000 according to population estimates published by the Division of Economic Development of the New Jersey Department of Conservation and Economic Development for 1967 and 1968. Also, by order of December 12, 1972, the Supreme Court has required Municipal Courts in municipalities with a population of over 5,000, according to the 1970 census, to install sound recording. The electronic sound recording equipment shall be supplied and operated at the expense of the municipality. The Administrative Director of the Courts must approve the equipment, and its installation.

The preparation of transcript of proceedings recorded by electronic sound recorders shall be in accordance with the appellate rules of court and in accordance with standards fixed by the Administrative Director of the Courts.

Even though the court has sound recording equipment, the defendant or his attorney may, at his expense, have a certified shorthand reporter make a record of the proceedings, however, the sound recording must be in operation since it is the official record of the court. If a transcript has already been prepared by the privately-retained reporter at the time an appeal is

taken, it may be utilized for appeal purposes so as to avoid the additional cost of having a second transcript made from the sound recording.

Second only to reliable audio equipment, the success of any recording system is dependent upon the operator-monitor. Besides maintenance of a proper log (speaker identification, beginning and ending of examinations and cross examinations, objections, rulings, exhibits), the monitor has the additional duties of prompting people to speak up, securing spelling of names, indicating inaudible happenings (nods, etc.) and informing the Judge of mechanical malfunctions.

JUDGE'S RESPONSIBILITY

The use of electronic recording equipment to record the proceedings in a court places on the trial judge the added responsibility of maintaining strict discipline and decorum during the progress of the trial to ensure that a good record is inscribed on the recording medium. The Judge should remind attorneys and others to identify themselves by name when they first speak during the proceedings. It may be necessary on occasion for the trial judge to remind witnesses to speak louder or speak toward the microphone so **their voices** can be recorded. He may have to remind counsel that interrupting opposing counsel or witnesses is not conducive to obtaining a good record. Or he may have to request witnesses to speak rather than use gestures in answering questions. The trial judge must also assure himself that his staff is thoroughly versed in their responsibilities with regard to the operation of the equipment and maintenance of an accurate log sheet. In addition, the trial judge must be adamant in maintaining absolute sound control within his courtroom so as to eliminate irrelevant noises from being recorded, as courtroom discipline is not lodged in the clerk, but is enforced by the trial judge. It is important that the Judge periodically have played back recorded proceedings to assure himself that good recordings are being made. The judge must periodically check on the performance of all clerical work to see that his rules and the requirements of the court rules and of the Administrative Director of the Courts are being carried out.

COUNSELS' RESPONSIBILITY

Counsel must at all times be aware that he is an officer of a court which relies on electronic recording for establishing the records of the proceedings. In the interest of the court and of the litigant, it is obviously unwise for counsel to move any considerable distance from the microphone, to mumble in an inaudible manner, or to demonstrate without speaking and elucidating his gestures by appropriate words. If counsel fails to live up to reasonable requirements for an adequate recording, the trial judge must remind counsel of the necessity to do so.

RESPONSIBILITIES OF COURT CLERK

Clerks of courts that have sound recording devices installed are responsible for the operation of the equipment, training of the personnel specifically charged with the operation of the equipment if not performed by the clerk, and with the proper maintenance and care of the sound recorder and its appurtenances. In addition, clerks are responsible for:

1. Keeping careful inventory and maintenance records of all electronic recording equipment used in the court. This includes individual maintenance logs for each machine.
2. Furnishing duplicates of all maintenance logs and records to the Administrative Office of the Courts on equipment owned by the Administrative Office.
3. Providing suitable storage space for all tapes and log sheets to prevent tampering with or loss of tapes and log sheets pertaining to the cases recorded on the tapes.
4. Maintaining close liaison with the Administrative Office of the Courts to ensure the resolving of all problems encountered regarding the care, maintenance and storing of equipment, spare parts, and tapes, belts, or discs.
5. Implementing all directives issued by the Administrative Office relating to the care, maintenance, and storage of electronic recording equipment.
6. Assuring that an adequate supply of magnetic tapes, belts, or discs is maintained for projected operations.
7. Notifying the appropriate person or office in the event of a malfunction, or the presence of a defective condition in the equipment, which makes it inoperable, to effect the

necessary repairs to place the equipment in working order.

8. Scheduling periodic inspections of equipment under his control to make necessary repairs to avoid undue delay or interruption of court business because of mechanical failures.

9. Processing of requests for transcripts to see they are properly acknowledged; a deposit is paid where required and that the tape, log, and all pertinent information is delivered to the transcriber promptly. Transcripts on appeal from Municipal Courts should be complete cases. Other than an appeal, any person may order any part of a matter transcribed.

NOTE: If deposit does not accompany request and/or appeal, immediately notify the person requesting, as to the amount of deposit required. Time for completion of transcript starts upon receipt of deposit. If on appeal, deposit is not received during time for appeal, notify Clerk of Court to which appeal is taken, that no deposit has been received and no transcript is being produced.

Before sending tape to transcriber, put the tape on the machine, find the start of the matter to be transcribed, place a small slip of paper in the tape reel and then rewind. This will show the transcriber where to find the starting point. This is very important as the transcriber's machine may have a different index counter. On cassettes, find start of case, then leave cassette set at that point, label it as set for start on side (A or B).

10. When completed transcripts are received from the transcriber, the clerk should see that they are filed and delivered to the proper parties along with the transcriber's bill. If the deposit is not sufficient to cover the cost, the Clerk must arrange for immediate payment in full to the transcriber. The transcriber is sub-contracting to the Court, not to the person requesting the transcript. Requests for transcripts and all business concerning the request, including payments, must be with the court, not with the transcriber.

11. The clerk is responsible for notifying the Administrative Office of the Courts when an order for a transcript is received and when the transcript has been completed.

12. Prevent persons from handling the microphones, rustling paper near the microphones, tapping or causing interference or unnecessary noises which would interfere with a good recording.

OPERATOR'S RESPONSIBILITY

The Operator is responsible to ensure the recording device is functioning properly before court begins. He must ensure that sufficient tape is available to permit him to record the full day's proceedings. Prior to the opening of court each morning he should turn on the recording machine and place a fresh reel of tape on the machine, unless there is tape left over from the previous day's recording to cover the morning's proceedings. After the fresh reel has been set, he should reset the numerical counter back to 000, or, if he continues with the previous tape, he should be certain that the index counter is properly set after checking the log sheet. He should then test each microphone, assuring himself that they are all in working order. He should then test the machine to see if it is functioning properly by switching on the recorder and announcing into each microphone the name of the court, the name of the judge presiding, the date the court is in session, and the number of the reel being used. The recording should then be played back to verify that the machine is recording.

The operator then commences recording as soon as the proceedings begin. Using the earphones he follows the proceedings by listening in from time to time. He can make further checks to ensure that the sound is being recorded by noting that the pilot light is burning at all times and that the volume indicator is registering.

If the operator notices that a malfunction is occurring he must advise the Judge immediately by an appropriate signal that no record is being made so that the judge may halt the

proceedings to permit the operator to correct the malfunction.

The operator should then check the microphone cables to ensure that they are plugged into the jacks on the recorder and he should also check the connections of the microphone extension cables. If a microphone is not functioning and no replacement is immediately available the judge should require the person or persons assigned to the inoperable microphone to use another in operating condition.

Occasionally, the operator will be requested to play back previously recorded testimony. When this occurs it is important that the operator jot down on his log sheet the number on the index counter at the point the machine is stopped in order that when the trial is resumed he can wind the tape back to the position at which the machine was stopped, adding a little extra space before beginning to record. When this happens, the witness should be instructed by the judge to hold his answer until the tape is wound back to a position where it can begin to record.

It is incumbent upon the operator while monitoring the proceedings to signal the judge when conditions exist that are inconsistent with the production of a satisfactory record. Conditions which may result in an unsatisfactory record are the existence of extraneous noises, shuffling of papers, mumbling of spectators or counsel, and simultaneous speaking of two or more persons. A judge who maintains strict discipline in his courtroom can aid immeasurably in the production of a satisfactory record.

THE RECORDING LOG

1. Purpose

The sound recording system of reporting the proceedings in a court of law have little value unless the medium on which the record is made is accompanied by a written record of all the essential events that took place in court. Without this written record of events, it is almost impossible for a transcriber to produce a complete and accurate transcript for purposes of an appeal, reference, or study. To achieve a meaningful result, the operator must make notations on a log sheet of the numbers on the index counter at which certain events such as the direct testimony of a witness, the cross-examination, a ruling by the court, or other significant event took place. In order to have a complete record of the important events that took place in the courtroom, the operator must follow a certain designated procedure.

2. The Log Sheet

Log sheets consist of a top sheet for each case which shows all the essential information relating to the proceedings such as the name of the judge, the parties involved in the litigation, the attorneys for each party, the location of the microphones, and lined space for inserting the index number shown on the recorder alongside of which is recorded the name of the person speaking or the phase of the case reached as it progresses to the final decision or ruling by the court. A continuation sheet of the same size may be added if necessary on which is recorded the log index number and the name of the person speaking or phase of the case. A sample log sheet with continuation sheet is shown as Appendix A,

and Appendix B.

In addition to providing a basis for a meaningful transcript, a log sheet should serve as a journal of the day's court proceedings, or constitute the minutes of a case depending on the system being used by the Clerk of the Court. A modified log sheet is shown as Appendix C which may be utilized as a "trial list" when numerous cases are heard in a single day that are of short duration, such as tenancy actions, small claims cases, and most district court actions. This form is suitable in situations where cases are concluded within a brief period of time and a clerk does not wish to delay the proceedings in court to prepare the heading of a new case. It is essential that the index number be recorded on the log sheet at the beginning of each new case before it is called, and also when the case is concluded. In that manner, if a case is appealed, the clerk can make an excerpt from the day's proceedings and provide the transcriber with all the essential information necessary to produce a transcript. Appendices A, B and C are suggested forms which may be changed to adopt local usages or requirements of a particular court.

3. Keeping the Log

As previously stated, the log sheet is an index record of all the essential events of a court proceedings with references to the exact portions of the recording medium to which the transcriber may refer to identify a speaker or label a section of her transcript as direct examination, cross-examination, etc. The log sheet is useful only to the extent the person keeping it marks accurately the significant actions

that transpire in the courtroom.

The operator of the sound recorder should be ready to begin recording on the log sheet as soon as the judge calls the case. Having entered the index number on the left margin, as the case begins the operator will enter the first significant event such as the notation - "Opening statement by PA". The PA being the abbreviation for Plaintiff's Attorney. To facilitate maintaining an accurate log it is advisable that each log sheet have printed on it a key or legend for abbreviations.

As the proceedings continue other notations will be made on the log sheet. It is important that as each person participating in the case speaks for the first time his name is entered on the log sheet alongside the index number at which the transcriber will first hear his voice. This will enable the person preparing a transcript from the tape to familiarize herself with the voices of the participants. The operator of the sound recorder must keep in mind the problem of the transcriber who must prepare a readable transcript from the tape. The operator should think of the log sheet as a "Table of Contents" which the transcriber will use as a guide when preparing the transcript.

In addition to noting the customary events taking place in the courtroom, unusual instances or events occurring should be noted. The handing over of exhibits to the clerk, the demonstration of events on the blackboard, and similar events or actions should be noted. An unusual interruption of the proceedings should be carefully noted. Where lengthy testimony

is being given it is proper to make occasional references to the subject matter to provide a ready reference by the index number in the event of a playback.

4. Unfamiliar and Technical Terms

During the recording process, the operator must take note of technical or other unusual and unfamiliar terms spoken by a witness which may create difficulty in transcribing. It is proper and advisable to ask the judge that a witness be made to spell such difficult words. The proper spelling of the unusual terminology must be set out in the log in order to assist the transcriber. Attention to spelling is always called for when personnel of specialized training, such as physicians, engineers, or scientists are offering expert testimony.

The operator must at all times realize that the record may be eventually transcribed and that the transcriber needs the assistance of a clearly audible record. If this is kept in mind, it is not likely that there will be difficulty in transcribing because of the lack of courtroom discipline.

Witness Identification: After the clerk has sworn in a witness, it shall be the operator's responsibility to obtain the witness' name in full, correctly spelled; plus his address and occupation.

As soon as the case is completed, the operator must begin inserting on a new log sheet the essential information necessary to begin the next case. The completed log sheet (and continuation sheets) must be filed with the case file

maintained by the clerk of the court.

Information on Log Sheet NEEDED for Transcribing:

- (a) Full name or title of case
- (b) Docket number
- (c) Name of Court
- (d) Name of Judge
- (e) Date heard
- (f) Tape number
- (g) Full names of attorneys and whom they represent
- (h) Full names of witnesses and for whom
- (i) Location of microphones in respect to speaker
- (j) Index number and name of person speaking or phase of case
- (k) Name of streets, place of employment, case citations, etc.

5. The Recording Medium

New reels of tape or other recording medium must be labeled by the operator before starting to record. The reel on which the tape is wound and the box in which the reel is encased must both be marked, identifying on both box and reel the name of the court, the number of the reel assigned by the operator of the machine and the inclusive dates when the tape was recorded. When a tape is completely used in recording court proceedings, it must be rewound to the original reel so it is ready to be transcribed if needed. The rewinding only applies to "one pass" recording, and not to tapes that are turned over and recorded again. It must be securely stored in the event a transcript of a particular case is required to form the basis of an appeal.

Clerks of the Court must assure themselves that they always have an adequate supply of tapes, belts, or discs for immediate use.

Cassettes - Those using Cassettes should use only C60 cassettes, as the longer playing tapes are thinner and will

tend to tangle on transcribing. It should also be noted that the double cassette system should use only cassettes with no leader tape, so as to avoid missing testimony when changing from one machine to the other.

Set first cassette of each case at start of case before sending to transcriber.

PREPARATION OF TRANSCRIPTS

Rule 5:10-6 of "Rules Governing the Courts of the State of New Jersey", as amended to September 10, 1973, pertaining to Juvenile and Domestic Relations Courts; R.6:12-1 pertaining to District Courts and R.7:4-5 pertaining to Municipal Courts provide that the preparation of transcripts shall be subject to the supervision and control of the Administrative Director of the Courts.

RESPONSIBILITIES OF THE TRANSCRIBER

The transcriber must be familiar with the operation of the recording machine, including the operation of the foot pedal for playback, in order to produce a faithful transcription of the record. The transcript produced must be neat and free from errors. It may be necessary to refer to dictionaries for the correct spelling of medical or scientific terms. The transcriber must not guess as to the spoken word but must replay the recording until the exact wording is determined.

Differences between Transcribing and Editing

Transcribing personnel are cautioned against any editing of material in the record. Human speech, even as delivered by advocates of great skill, in most cases falls short in sentence structure, grammatical accuracy, and composition of what is expected in a written argument or presentation.

It is not the transcriber's prerogative to edit the record or to make any decision as to relevancy of material recorded in a proceeding.

Occasionally, certain language or certain words may be indiscernible to the transcriber because of faulty diction, extraneous noises, low-speaking voices, or some other reason. In some cases it may be difficult to understand some of the utterances made while the disturbance lasted, but it is advisable to make a concentrated effort by repeated rehearing of the critical passages to ascertain at least some of the portions of the recorded speech. When this occurs the transcriber must not resort to conjecture to fill in the indiscernible language but must indicate on the transcript the particular part of the testimony which is indiscernible.

The transcript note to indicate such a gap is:

(Indiscernible.) "Indiscernible" means that sounds were uttered and recorded, but that whatever sounds the transcriber has heard cannot clearly and safely be distinguished or identified as a certain word or words. If the indiscernible word or words are in the middle of a statement, this appears in a transcript as: "And then the policeman came up to me and (indiscernible) to me that I was to get out of the car."

"Inaudible Speech". Occasionally the term "inaudible" instead of "indiscernible" is used in a transcript to describe the sound as something that cannot be heard at all. However, in most cases a statement by the transcriber that some part of the speech was inaudible would not be accurate. If nothing can be heard from the tape, the transcriber cannot

assume that anything was said. The gap may be in interruption of speech by a pause, and this should be set forth as a period of silence. This is different from the case where the operator has marked in the log that at a certain place on the tape there was inaudible speech in a participant's statement or testimony. In such cases the fact that something was said but could not be heard is a matter of record properly established in the log. In these circumstances the gap is shown in the transcript as (inaudible).

Extended portions Garbled and Indiscernible. The loss of extended portions of the record of a court proceeding is extremely unlikely.

Only total disregard of the simple manipulations in electronic recording, complete failure to observe minimum standards of reasonable courtroom discipline, or failure of the monitor to make timely notice of a malfunctioning of the recording equipment can produce such an occurrence.

However, the following procedure is provided to meet such a contingency:

A transcriber who finds that an extended portion of a tape is indiscernible to the extent that no proper and coherent typewritten transcript can be prepared from this record must immediately notify the clerk of the court.

The clerk of the court notifies the attorneys for the litigants, including especially the party who requested the transcript, that a portion of the tape cannot be transcribed. This will include an accurate identification of the portion of the record that cannot be transcribed, including date and stage of the proceedings. If counsel deem this a crucial portion of the record, a meeting of all parties concerned may be arranged, usually to be held in the office of the clerk of the court. The trial judge should also be present at this meeting.

At the meeting the indistinct portion of the tape is played back. An attempt is made to interpret the contents of the tape by reliance on memory of the participants.

The conference aims at achieving an agreement as to the inadequately recorded portion of the proceedings. The operator's log notes, memory, or notes taken by the trial judge or counsel in the course of the proceedings are likely to help reconstruct testimony. Often parties can agree to stipulate to a general resume condensing the events in the essential features. The proper purpose of the conference is achieved if the parties agree to a stipulation of such contents.

The stipulation must be certified by the clerk of the court and included in the transcript immediately preceding the resume or reconstruction agreed upon by the parties.

Situations in which no such agreement is reached between the parties will be decided by the judge under his inherent powers to settle the record. The transcriber is then advised as to how to proceed in completing the transcript.

Medical and Scientific Terminology. There is probably no other area in electronic recording where the transcriber may have to depend so much on the in-court work done by the operator as in the matter of medical, scientific, or technological terminology. Terminology of this type is encountered mostly in expert testimony. Where the operator promptly advises the court that no good record can be made of the difficult terminology used by the expert witness in his testimony, the court should require the witness either spell the words for the record, or if the witness is not sure of the proper spelling of such terms, to pronounce them by syllables for the record. The transcriber will then have little difficulty in transcribing the critical terminology for the record.

When the operator fails to log such terms or for some other reason the record does not spell out the critical word for the transcriber's full information, the transcriber must seek to discern the word as it can be heard from the record and to determine whether it can be identified sufficiently to spell it. Any effort merely to guess the meaning or the spelling is improper. Reference for spelling should be made to the latest available edition of Webster's International Dictionary; a medical dictionary, such as Dorland's Illustrated Dictionary, and Black's Law Dictionary.

It is proper (and of great help in many cases) for a transcriber to replay the record for the word or words not clearly or identified together with other transcribers or office personnel to clarify it. However, the transcription

which finally is produced must be a faithful reproduction of what the transcriber in charge of this transcript can genuinely certify is heard from the record. The assistance found in a dictionary or by a colleague can only be used as an aid to satisfy what the responsible transcriber hears is right. If not so satisfied, the transcriber must set out the word or words as (indiscernible) rather than to go outside of the record itself for conjecture.

Time for Producing a Transcript.

The transcript must be produced on time. A transcript required for an appeal from other than a Municipal Court proceeding must be produced within four weeks after it is ordered and a deposit made by the appellant. Transcripts for appeal from a Municipal Court must be produced and filed within twenty (20) days of the filing of the Notice of Appeal and deposit for transcript. A transcriber must not delay the production of a transcript on the suggestion of anyone involved in the case. Usually a delay may be obtained from the court if a transcript is lengthy and cannot be produced within the prescribed time. A request for extension of time should be made to the Clerk of the Court from which the appeal is taken and must state the reason for the delay.

TRANSCRIPTS

Transcripts of court proceedings shall be prepared in the following format: (See Appendix G for example)

- (1) Type size shall be not larger than pica.
- (2) Page size - 8-1/2 x 11 inches.
- (3) Spacing - double spaced

- (4) Lines per page - not less than 25 lines.
- (5) Side margins - one inch.
- (6) Answers must follow questions on the same line if there is space.

Unnecessary indentations and blank spaces should be avoided. If an actual word count is not made, each page of the transcript prepared in the foregoing manner (as per sample, Appendix F) may be deemed to contain 2.5 folios. (A folio contains 100 words.)

At the top of each page, the name of the witness should be shown with an indication of the nature of the testimony, such as direct -- cross examination -- redirect, etc. Every transcript must contain an Index showing the names of the witnesses, the nature of the testimony, and the page numbers. The index must also indicate at what stage of the proceedings exhibits have been marked for identification and introduced into evidence.

The statute on transcripts, N.J.S. 2A:11-15 has fixed the price of transcripts of the stenographic record in any court at 40 cents per folio for the original and 10 cents per folio for each copy and defines a folio as consisting of 100 words (N.J.S. 1:1-2). This also applies to transcripts from sound recordings.

In billing for transcripts it is important to note the number of folios, the number of copies, and to whom they are furnished. There is no such standard as a "minimum charge". It is recommended that unless the party ordering the transcript is a government agency that a deposit of \$200 be

required from the person ordering for each full day of proceedings, or at \$40 per hour of proceedings if less than a five (5) hour Court day.

All transcripts when completed, are to be returned to the Clerk of the Court which sent the tape. Transcribers are not to file transcripts as this is by Court Rule, the duty of the Clerk of the Court.

TIPS FOR IMPROVING RECORDINGS

1. Install carpeting, at least across front and down aisle where most walking is done. A substitute is rubber runner mats.
2. Oil and adjust door checks to eliminate banging doors.
3. Install acoustic baffle in front of window air conditioners.
4. Repair or replace florescent lights that hum or buzz.
5. Install window drapes.
6. Use no floor stand mikes. The counsel microphones should be on the counsel table.
7. Hear no cases directly at the bench, all parties should be required to speak from behind the counsel table.
8. Do not allow anyone to handle microphones.
9. Caution anyone rustling papers in front of microphones. Onion skin paper is extremely noisy.

REGULATIONS APPLICABLE TO JUVENILE
AND DOMESTIC RELATIONS COURTS AND COUNTY DISTRICT COURTS

REGULATIONS APPLICABLE TO LICENSES
AND DOMESTIC RELATIONS COURTS AND COUNTY CLERKS OFFICES

REGULATIONS APPLICABLE TO JUVENILE
AND DOMESTIC RELATIONS COURTS AND COUNTY DISTRICT COURTS

INSTALLATION

The installation of sound recorders in courtrooms shall be supervised by the Administrative Director of the Courts. Pursuant to Revised Rules 5:10-6 and 6:12-1, sound recorders have been provided for the Juvenile and Domestic Relations Courts and the County District Courts which are presided over by specially appointed judges.

OPERATOR

The judge or presiding judge of a court in which a sound recorder is installed shall designate the operator and standby operator of the recorder from among the personnel assigned to the court. The operation of the recorder shall be a part of the regular duties of the person so designated.

OPERATION

The sound recorder shall be in use at all times while the judge is on the bench so that a verbatim record is obtained of all proceedings.

RETENTION OF TAPES

Sound recording tapes of Domestic Relations cases and Civil cases out of the County District Courts shall be retained for a one year period and may be stored locally. At the end of a one year period they may be erased by a representative of the Administrative Office of the Courts.

Sound recording tapes of Juvenile and Criminal cases must be retained indefinitely.

STORAGE OF TAPES

The storage of tapes of Domestic Relations and District Court proceedings shall be provided locally by the Clerk of the Court. See Appendix E, Section II, under Procedure.

The tapes of Juvenile proceedings shall be stored centrally in facilities to be provided by the Administrative Office of the Courts. Appendix E sets forth the details of the storage procedures.

TRANSCRIPTS

THE ROLE OF THE CLERK CONCERNING PREPARATION AND FILING OF TRANSCRIPTS FOR APPEAL PURPOSES. (R.2:5-3) shall govern the ordering of transcripts of proceedings of the Juvenile and Domestic Relations and County District Courts.

The appellant shall on or before the date of filing of the notice of appeal serve upon the Clerk of the Court in which the sound recording was made, a written request for preparation of one original and at least one first carbon copy of the transcript of the proceedings. Except where the transcript is ordered by the State or any of its political subdivisions, the appellant shall deposit with the Clerk of the Court from whom the transcript was ordered a sum sufficient to pay such fees as may be required by law or the sum of \$200.00 for each day or portion thereof of trial. If the appellant is indigent and is entitled to have a transcript of the proceedings furnished without charge for use on appeal, on application, with notice to the treasurer and attorney of the governing body expected to pay for the

transcript, either the trial or appellate court may order the transcript prepared at public expense, setting forth the treasurers of the governing body which is to pay for the free transcript.

The Clerk of the Court shall, when possible, arrange for preparation of the transcript locally by the operator of the sound recorder or another typist. If it cannot be prepared locally, the Administrative Office of the Courts should be called for instruction.

When a transcript is requested for purposes other than for appeal, the request should be directed in writing to the Clerk of the Court with a copy to the Administrative Office of the Courts. The request shall include a deposit in a sum sufficient to pay such fees as may be required for such transcript. Checks made out to the Court should be deposited promptly. Upon completion of the transcript, the Court will pay the transcriber, and either return the overpayment or bill for additional cost. Checks may be made payable to the transcriber, and forwarded with the tape and log sheets. The transcriber will then either reimburse or bill the difference. In either instance, the Court is responsible for obtaining an adequate deposit, and payment to the transcriber.

Upon receipt of the request for transcript and the deposit, the Clerk shall forthwith make arrangements for preparation of the transcript. A transcript on appeal must be completed and filed within four (4) weeks of receipt of deposit. This should also be adequate time for completion of any transcript.

REGULATIONS APPLICABLE TO SOUND RECORDING
IN THE MUNICIPAL COURTS

REGULATIONS APPLICABLE TO SOUND RECORDING

IN THE MUNICIPAL COURTS

REQUIREMENTS FOR THE TYPE, INSTALLATION AND OPERATION
OF SOUND RECORDING EQUIPMENT

TYPE

The recorder shall meet the following specifications:

1. Be capable of courtroom or conference recording.
2. May be of the single-channel (track) or of the multi-channel (track) variety.
3. Have provision for at least four microphones.
4. Provide for playback over integral speaker.
5. Provision for transcription through the recording unit or through a separate transcribing unit purchased as part of the package. (Transcribing means a foot pedal operation that has back space provision as well as stop-start, and headset for listening.)
6. Where court is in session more than 15 hours or 3 days a week, a separate transcribing unit shall be provided.
7. Be equipped for indexing the recording, so that a log sheet can be maintained of the proceedings.
8. Provide for earphones for the operator to monitor the proceedings while the recording is taking place.
9. Provide a minimum of 3 hours of continuous recording without having to stop proceedings to change the recording medium.
10. Be capable of producing a recording clear enough to be accurately and completely transcribed.

On request, the Administrative Office will supply to prospective purchasers of equipment, a list of the vendors of recorders that have been previously approved for use in the Municipal Courts.

Each court should make arrangements for a year's supply of tape, as the recorded proceedings must be kept for one year, R.7:4-5a.

INSTALLATION

Four microphones should be provided and placed as follows:

1. Judge
2. Witness
3. Prosecutor
4. Defense Counsel

Microphones for counsel may be directional, however, the microphone for the judge should be one that will pick up from all directions. All wires laid across the floor should be encased in conduits affixed to the floor so as to prevent tripping over the wires and to prevent damage to the wires. The recording unit should be located in the courtroom at a place where the operator can see the judge and the parties to the proceeding. There shall be no remote stop or cut-off switches connected to the recorder.

All installation of sound recorders must be inspected and approved by the Administrative Office of the Courts. The basic courtroom setup is shown as Appendix F.

OPERATION:

The sound recorder shall be operated by the Clerk, or other court employee as designated by the judge. No additional employees need be hired for the purpose of operating the sound recorder.

The sound recorder shall be in use at all times while the judge is on the bench so that a verbatim record is obtained of all proceedings of the Court. It shall be operated in accordance with the regulations applicable to all Courts, set forth in this manual.

The judge, at the beginning of each case, will advise all parties that the proceedings are being sound recorded and that they should speak loud enough for their voices to be picked up by the recorder and to identify themselves the first time they speak. When they fail to identify themselves the judge should ask the party speaking for his name. It is the judge's responsibility to see that proper recordings are being made of the proceedings before him. A sample opening statement is included as Appendix D.

RETENTION OF SOUND RECORDING MEDIUM

The discs, tape or belt shall be retained by the Clerk of the Court for one year at the end of which time they may be erased and reused.

APPEAL PROCEDURE

PROCEDURE TO BE FOLLOWED IN CONNECTION WITH APPEALS TO THE COUNTY COURT FROM CONVICTIONS IN THE MUNICIPAL COURT.

1. DUTIES OF THE APPELLANT OR HIS ATTORNEY R.3:23-2.

- (a) The original of the Notice of Appeal must be filed with the Municipal Court Clerk within 10 days after entry of judgment.
- (b) Within 5 days after filing of the Notice of Appeal, one copy thereof shall be served upon the Prosecuting Attorney and one copy upon the County Clerk, together with the filing fee therefore and an affidavit of timely filing of said Notice of Appeal with the Clerk below and the Prosecuting Attorney.

ON FAILURE TO COMPLY WITH EACH OF THE FOREGOING REQUIREMENTS, THE APPEAL SHALL BE DISMISSED BY THE COUNTY COURT WITHOUT FURTHER NOTICE OF HEARING. R.3:23-2.

2. CONTENTS OF THE NOTICE OF APPEAL R.3:23-3.

- (a) The title of the action.
- (b) The name and address of the appellant and of his attorney, if any.
- (c) A general statement of the nature of the offense.
- (d) The date of judgment.
- (e) The sentence imposed.

Whether the defendant is in custody.

If a fine was imposed, whether it was paid or suspended.

Contents of the Notice of Appeal (Continued)

- (f) The name of the Court from which the appeal is taken.
- (g) A statement as to whether or not a stenographic record or a sound recording was made.
- (h) If a verbatim record or sound recording was made, the Notice of Appeal shall also contain the certification that the appellant or his attorney, has complied with R.2:5-3a, REQUEST FOR TRANSCRIPT, (order original and 2 copies; original to County Clerk, 1 copy to Prosecutor and 1 copy for appellant.), and R.2:5-3d, DEPOSIT FOR TRANSCRIPT, (either the estimated cost of the transcript or the sum of \$200.00 for each day or fraction thereof of trial or hearing.) (Estimate at \$40.00 per hour or fraction of trial.)

3. DUTIES OF THE MUNICIPAL COURT CLERK R.3:23-4a.

Upon the filing of the Notice of Appeal, the Clerk of the Court below shall forthwith deliver to the County Clerk,

- (a) The complaint
- (b) The judgment of conviction
- (c) The exhibits retained by him
- (d) A transcript of the entire docket in the action
- (e) Any recognizance or cash bail taken R.3:23-6.

And the County Clerk shall deliver copies thereof to the prosecuting attorney on his request.

4. TRANSCRIPT OF THE SOUND RECORDING MADE OF THE HEARING
R.3:23-8a.

If a verbatim record or sound recording was made pursuant to R.7:4-5 in the Court from which the appeal is taken, the original transcript thereof duly certified as correct shall be filed by the clerk of the court below with the county clerk, and a certified copy served on the prosecuting attorney by the clerk of the court below within 20 days after the filing of the Notice of Appeal or within such extension of time as the court permits.

5. DELAYS IN FILING TRANSCRIPT

If the transcript will not be filed within 20 days of the filing of the Notice of Appeal, the Municipal Court Clerk should notify the County Clerk in writing and send a copy to the Administrative Office of the Courts. (Page 59, Municipal Court Manual)

6. INDIGENTS, R.3:23-8a, Page 59, Municipal Court Manual

If the appellant, upon application to the county court, is found to be indigent, the county court shall order the transcript of the proceedings below furnished at the county's expense if the appeal involves violation of a statute and at the municipality's expense if the appeal involves violation of an ordinance.

7. DEPOSIT AND PAYMENT FOR TRANSCRIPT

Requests shall include a deposit in a sum sufficient to pay such fees as may be required for such transcript. Checks made out to the Court should be deposited promptly. Upon completion of the transcript, the Court will pay the transcriber, and either return the overpayment or bill for additional cost. Checks may be made payable to the transcriber, and forwarded with the tape and log sheets. The transcriber will then either reimburse or bill the difference. In either instance, the Court is responsible for obtaining an adequate deposit, and payment to the transcriber. Terms are upon receipt of the transcript.

8. PERMITTING ATTORNEYS TO LISTEN TO TAPES

Privately retained counsel and counsel representing indigents may request to listen to the recording of the municipal court hearing for the purpose of deciding whether an appeal should be taken. When an attorney makes such a request the court clerk should promptly arrange for the attorney to hear the recording under the court clerk's supervision.

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Recording Log

COURT Middlesex
 Tape No. 14 Log Page No. 1 Court Convened at 9:30 A.M.
 Date Oct. 8, 1971 Room No. _____
 PRESENT: Judge Robert Reedy Recorded By _____
 Case No. C-1234 Case Title State of N.J. vs. John J. Stone

LOCATION OF MICROPHONES: 1. Clerk 2. Judge 3. Witness 4. PA 5. DA 6. Jury

LEGEND: J - Judge D - Defendant WI - Witness #1, #2, etc.
 P - Plaintiff DA - Def's Atty DEX - Direct Exam
 C - Clerk PA - Pl's Atty XEX - Cross Exam

Log No.	Speaker, Phase of Case or Other Identification
050	Clerk calls case → IDENTIFY CASE ON TAPE
051	Judge → HAVE ATTY IDENTIFY SELF & CLIENT
052	PA open
054	W for State sworn Thos. K. Jones → GET FULL NAME ON TAPE
055	DEX by PA ← Q + A NEED NOT BE LOGGED
070	XEX by DA UNTIL INTERRUPTION
078	Objection by P.A. → NOTE INTERRUPTION BY WHOM
	J rules on objection
080	XEX Cont'd.
092	W for State sworn Dwayne T. Smith
	DEX by PA
098	XEX by DA
110	W for D sworn John D. Zastik
	DEX by DA
131	XEX by PA ← NOTE WHO DEX + XEX
147	Motion to discuss by DA ARE BY + WHOSE WITNESS
	J. Denies
156	Sworn by PA
166	J finds D. - 50 ⁰⁰ & 10 ⁰⁰ - 3 mv. emp. sent.
179	end → ALWAYS PUT LAST # ON LOG

Recording Log

COURT X
 Tape No. X Log Page No. X Court Convened at X M.
 Date X Room No. _____
 PRESENT: Judge _____ Recorded By X
 Case No. _____ Case Title _____ vs. _____

LOCATION OF MICROPHONES: 1. Clerk 2. Judge 3. Witness 4. PA 5. DA 6. Jury

LEGEND: J - Judge D - Defendant WI - Witness #1, #2, etc.
 P - Plaintiff DA - Def's Atty DEX - Direct Exam
 C - Clerk PA - Pl's Atty XEX - Cross Exam

Log No.	Speaker, Phase of Case or Other Identification
008	Court opens J remarks - calls calendar
021	State vs Jones - D plea Atty Robert Young for D Officer John Doe testified
036	J 15 ⁰⁰ + 10 ⁰⁰ 30 days susp. sent - Buildy plea - Traffic
042	Johnson 10 + 5
044	Jenkins 15 + 10
049	Bush 5 + 5
057	Xavier 20 + 10
055	State vs Davides - request for adj - set for 11/15/71
061	State vs Smith Wit for State Sgt. Wm. Johnson sworn
065	DEX for Pres.
081	XEX for DA - Joseph Williams
093	D sworn DEX by DA
106	XEX by PA
109	J - N.C.
111	State vs. Moore

SUGGESTED JUDGE'S OPENING REMARKS

The following is a suggested form for use by the Judge in his opening remarks. You are especially requested to see that any Acting Judges, particularly those who may not have sound recording in their own Courts, are supplied with this. The first sentence may be omitted if the Clerk has made this statement.

*"This is the Municipal Court of _____,
Judge _____ presiding.
All proceedings in this Court are being
recorded by an electronic recording device
pursuant to New Jersey Supreme Court
orders. All appeals from this Court will
be heard from a typewritten transcript
made from the recording. An accurate
recording will aid in the protection of
the rights of the litigants. All persons
speaking will please speak directly in
front of a microphone, and speak one at
a time. The Clerk of the Court will
remind anyone who is not being recorded
properly to speak more clearly or closer
to the microphone. The attorneys are
requested to identify themselves and
whom they represent at the start of each
case, and to conduct their examinations
in front of a microphone. There must
be quiet in the room, and everyone is
asked to be as quiet as possible when
entering or leaving the courtroom."*

LABELING AND STORING TAPES

The following procedure is set forth to facilitate compliance with the Supreme Court's directive regarding the retention of tapes from sound recording of Juvenile and Domestic Relations Court proceedings as outlined in memorandum #12-67, dated June 3, 1968.

General Rules (G.R.)

1. Juvenile matters and Domestic Relations matters must be recorded on separate tapes.
2. Each individual tape container and reel of tape should be identified as follows:
 - a. County. (May be abbreviated)
 - b. Indicate whether Juvenile or Domestic Relations. (Use J. or D.R. to signify.)
 - c. If there is more than one Juvenile or Domestic Relations Court within the County show the appropriate identification.
 - d. The last two digits of the calendar year (e.g. Use 68 during calendar year 1968).
 - e. Sequence number. Each court's tapes should be numbered separately starting with the number one each year and continuing consecutively throughout the year.
 - f. Date (s) recorded.

3. Tapes for Juvenile matters should be packed in the special cartons provided by the Administrative Office of the Courts (A.O.C.) and shipped to that officer after the appeal period for the most recently recorded tape in the carton has expired. Each carton will hold thirty-six (36) tapes.

4. When shipping tapes to the A.O.C. for permanent storage, each carton must contain two (2) Tape Transmittal Forms (Form #CR-JDR-1).

5. Tape logs for each case should contain the last two digits of the year and the sequence number of the tape(s) on which it is recorded and should be filed in the case folder. This will facilitate the locating of tapes for the preparation of transcripts.

6. The copy of the Tape Transmittal Form acknowledging receipt of tapes by the A.O.C. should be filed in year and sequence number order, each court separately.

PROCEDURE

I. Preparation and Temporary Storage of Tapes

Before recording court proceedings on a tape, note the identification information (G.R.#2) on both the tape reel and the tape container. As each matter is recorded a tape log will be prepared. This log must contain the year and sequence number(s) of the tape(s) on which the matter is recorded. The tape log will remain in the case folder.

When no further matters are to be recorded on a tape those tapes on which Juvenile matters are recorded should be filed in sequence number order in the special carton provided

by the A.O.C. or in some other place you may find more convenient. Tapes containing Domestic Relations matters should be filed in sequence number order in a place provided by the court.

When the carton is filled (36 tapes - Juvenile matters only), it should be retained until the appeal period for the most recently recorded matter contained on the tapes has expired so that they will be available for the preparation of transcripts during this period.

II. Retention and Disposition of Tapes on Which Domestic Relations Matters are Recorded.

Tapes on which proceedings of Domestic Relations cases have been recorded will be erased by the representative of the A.O.C. during his periodic visits. (Approximately six times each year.)

When notified of a visit, the court clerk should select those tapes on which no matter was recorded less than one year prior to the scheduled visit date. The court clerk will maintain a record of all tapes which have been erased. Once a tape has been erased, the old identification number should be removed from the tape reel and container and a new identification number assigned. The tape is then ready for re-use.

III. Tapes on Which Juvenile Matters are Recorded.

A. Preparing for Shipment

When the appeal period for all matters recorded on tapes contained in a carton has expired:

- 1) Prepare a Tape Transmittal Form
CR-JDR-1 (8/68) in triplicate.

- 2) Enclose the original and one carbon of the Tape Transmittal Form in the carton.
- 3) Seal the carton and complete the return address printed on the face of the carton. Also show on the face of the carton the year and sequence numbers of the tapes contained in the carton. Storage Location number will be filled in by the A.O.C.
- 4) File last copy of Tape Transmittal Form in year and sequence number order with other Tape Transmittal Forms for Juvenile matters.
- 5) Send carton to A.O.C. via Parcel Post.
- 6) When the copy of the Tape Transmittal Form is returned by the A.O.C., it will contain an acknowledgement of receipt of the tapes and show the storage location number of the carton. This copy should replace the copy you have previously filed.

B. Return of Tapes from Permanent Storage

If a particular tape is required for any reason:

- 1) Consult case folder to determine from the tape log the year and sequence number(s) of the tape(s) on which the matter is recorded.
- 2) Check file of Tape Transmittal Forms to determine the storage location number of the carton. (Upper right hand corner of the form.)

- 3) Send a request to the A.O.C. (Use the same address as that printed on the special cartons) showing the storage location number and the identification number(s) of the tape(s) desired.
- 4) Return tape(s) to the A.O.C. when no longer needed.

TAPE TRANSMITTAL FORM:

Prepare in duplicate and enclose both copies with tapes being shipped.

NOTE: Refer to this number → when requesting tapes or transcripts

A.O.C. Use Only
Storage Location

DATE _____

RETURN ADDRESS:

_____ Court
Location _____
City _____
County _____ N.J. _____ (Zip Code)

A.O.C. Use Only

Receipt of the tapes as listed below is hereby acknowledged by the Administrative Office of the Courts

_____ Date _____ Initials

ATTENTION: Tapes should not be shipped until appeal period has expired for most recently recorded tape in box.

---(Fold)---

The following tapes containing Juvenile Court proceedings are contained in this shipment.

Total number of tapes

First tape identification
Year

Sequence #	Date Recorded
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Last tape identification
Year

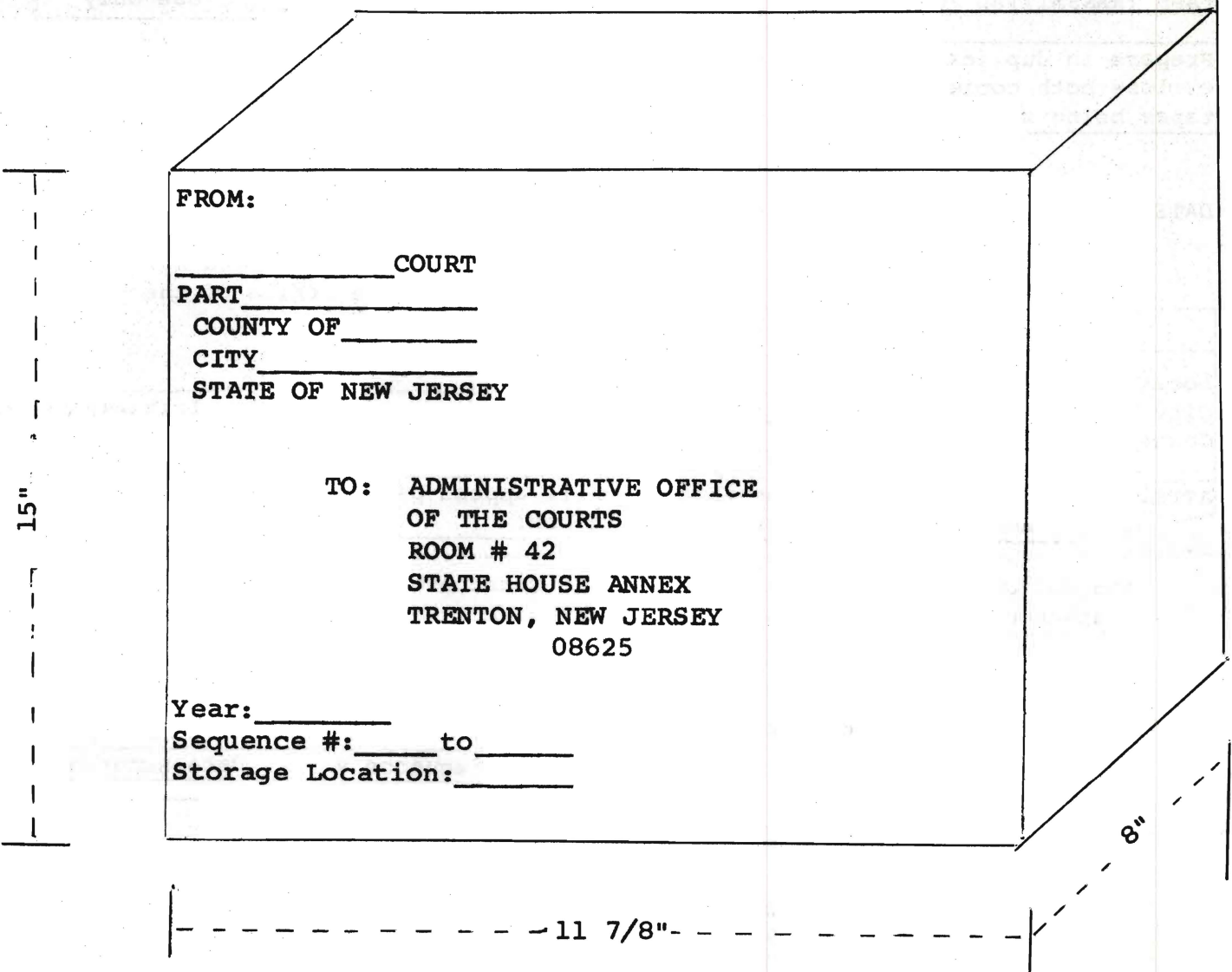
Sequence #	Date Recorded
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Tapes of all sequence numbers falling between the sequence numbers indicated above are enclose except: (Indicate "None" or show numbers of tapes not enclosed and explain.)

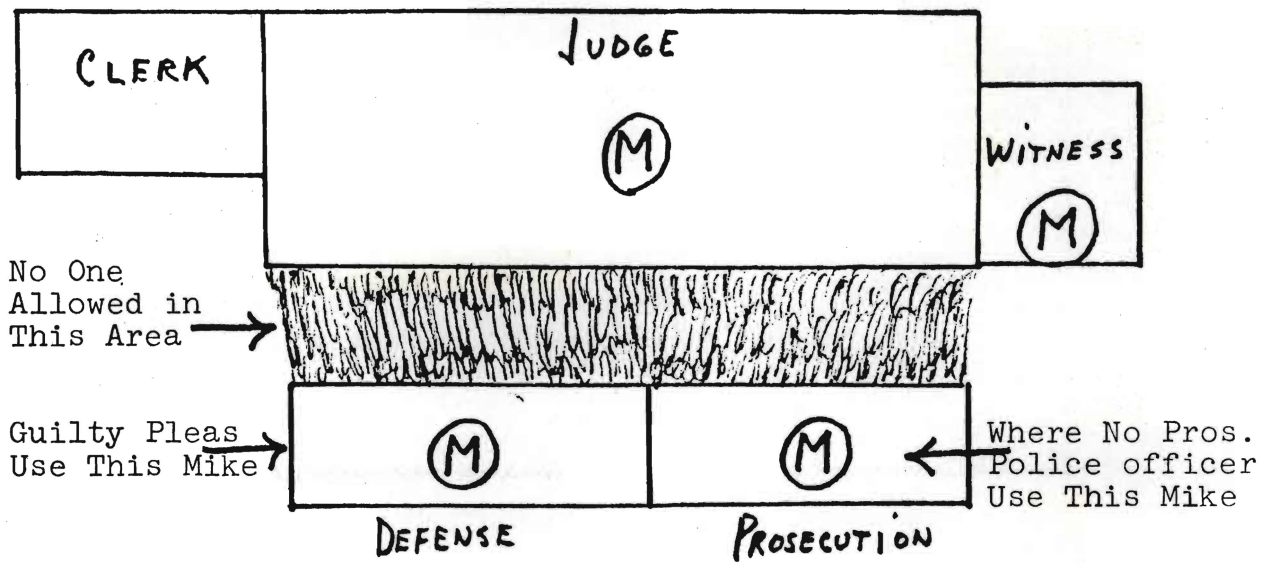
FORM # CR - JDR - 1 (8/68)

Signature of Sender

LABEL ON BOX - ONE SIDE ONLY.



RECOMMENDED SET UP FOR SOUND RECORDING
IN THE MUNICIPAL COURTS



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TRANSCRIPT FORMAT

1 Information on title page:

2 All transcript paper should contain numbered lines.

3 The space between the right and left margin lines should be
4 adequate to provide for at least a 60-space line. This
5 will be sufficient to allow for an average of 10 words per
6 line.

7 Tabulation should be set at every 5 spaces across the page.
8 This will facilitate setting up the format in a uniform
9 manner.

10 The portion of the title page which indicates the venue
11 appearing in the upper righthand corner starts at about
12 the center of the page. By hitting the tab key 6 times
13 the carriage will be in this position.

14 The title of the case appears in what is known generally as
15 the "box." The names of the principals are in caps. If
16 there are Third Party plaintiffs and Third Party defendants,
17 the "box" is extended downward to accommodate the additional
18 parties.

19 The box is closed to the right by either parentheses or
20 colons.

21 To the right of the box is placed a description of the mater-
22 ial contained in the transcript, i.e., testimony,
23 stipulation, motion, sentence, plea, retraction, bail
24 application, etc.

25 In the center of the page the notation is made as to the
name of the judge presiding, whether or not there is a jury,
the address of the court where the matter was heard, and the
date upon which the matter was heard.

In the lower third of the title page the names of the attor-
neys (in caps), the name of their law firm in parentheses,
and the party for whom they appear are noted. If there is
not sufficient space to list all the attorneys, continue to
the next page, noting on the first line thereof as follows:
"APPEARANCES (Continued):"

Page size is 8 1/2 x 11

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MERCER COUNTY
Docket No. L-23621-61

STATE OF NEW JERSEY, By the)
State Highway Commissioner,)
)
Plaintiff,)
)
vs.)
)
HILTON REALTY CO.,)
)
Defendant.)

STENOGRAPHIC TRANSCRIPT
of
TESTIMONY

BEFORE:

FRANK J. KINGFIELD, AJSC, and a Jury
State House Annex
Trenton, New Jersey

December 9, 1963

APPEARANCES:

ARTHUR J. SILLS, Attorney General, By
JOHN F. CANNON, Deputy Attorney General
Attorney for the Plaintiff

PETER BACSIK, Esq. (McCarthy, Bacsik & Hicks)
Attorney for Defendant

1 Index information:

2 This form of index is generally used when there are only
3 two attorneys trying the case. But in the event there are
4 three or more attorneys trying the case, it is recommended
5 that the name of each attorney be listed directly under
the witness, indented 5 spaces, and then follow the form
as indicated in the index.

6 Exhibits are listed to indicate first the page on which
7 they were offered for identification (Ident.) and then
8 if they are received in evidence (Evid.) "P" for plaintiff
9 or petitioner; "D" for defendant' "R" for respondent; and
10 in the event there are many defendants, the court may
11 indicate that the "D" be followed by the first initial of
12 the defendant who is offering the exhibit, i.e., if the
13 defendant Smith was the defendant who offered the exhibit,
14 the marking would be DS-1.

15 Also, the Index should contain the page number upon which
16 the court's charge commences.
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I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
John Jones	2	21	32 47	45 50
Mary Smith	52	60	70	72

<u>Exhibits</u>		<u>Ident.</u>	<u>Evid.</u>
P-1	Photo of property	7	18
P-2	Deed dated 4/6/67 - Smith to Jones	9	18
P-3	Sketch of property	10	19
D-1	Sketch of property	55	55
D-2	Photo of property	56	57
D-3	Mortgage dated 4/6/67	57	58

1 Page 2 information:

2 At the top left of the page, indicate the name of the
3 witness and the type of examination being conducted on
4 that page. Page number appears at the top right. This
information is not to be included as a line.

5 Left margin not more than 3 spaces from line numerals.
6 Statements (colloquy) by court and counsel (not Q and A)
are paragraphed 10 spaces with the left margin of the
paragraph 5 spaces.

7 Descriptive material within parentheses to be kept to a
8 minimum; one line, if possible.

9 The notation of placing the witness on the stand to be
concise.

10 Notations of Direct and Cross-examination, etc. to be
11 contained on one line. No additional spacing before or
after these designations.

12 Q and A to be considered as one paragraph except where
13 the Q and A contains additional paragraphs within themselves.
A maximum of 10 spaces from the end of the question to the
14 "A" for the answer.

1 THE COURT: The case of the State of New Jersey versus
2 Hilton Realty Co.

3 MR. CANNON: Ready for the plaintiff, your Honor.

4 MR. BACSIK: Ready for the defendant, sir.

5 THE COURT: We will now impanel a jury.

6 (A jury was duly impanelled and sworn)

7 THE COURT: Mr. Cannon.

8 (Attorneys for the plaintiff and defendant
9 opened the case to the jury)

10 THE COURT: You may call your first witness, Mr. Cannon.

11 MR. CANNON: Mr. Hartman, will you please take the stand?

12 A L F R E D H A R T M A N, called as a witness on behalf of
13 the plaintiff, being duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. CANNON:

15 Q Mr. Hartman, by whom are you employed?

16 A The New Jersey State Highway Department.

17 Q What is your position with the State Highway?

18 A Principal Senior Engineer.

19 Q How long have you been a Principal Senior Engineer
20 with the State Highway? A Eighteen years.

21 Q Are you familiar with the property owned by the
22 Hilton Realty Co., the subject of this suit?

23 A Yes, sir.

24 Q Where is this property located? A On
25 Route 206, Princeton Township, Mercer County, New Jersey.

1 Page 3 information:

2 Line 9 Incorporate parenthetical expressions
3 on the same line where possible.

4 Line 10-15 Colloquy paragraphed 10 spaces from
5 left margin of transcript; left margin
6 of colloquy 5 spaces from the left
7 margin of transcript.

8 Line 16-17 Entry of exhibits to contain brief
9 description of exhibits, by whom
10 offered, and the marking such as P-1
11 etc. for plaintiff; D-1 etc. for
12 defendant; S-1 etc. for the State;
13 DD-1 etc. for defendant where there
14 are more than one defendant, using
15 the first letter of the defendant's
16 last name, such as in the case of the
17 defendant's name being Doe. The
18 reporter should request instruction
19 from the judge as to what letter
20 designation to use in this situation.

21 Line 18 After colloquy, indicate the name of
22 the attorney conducting the examina-
23 tion in parentheses on the same line
24 with the question.
25

1 Q What is the size of this parcel before the taking?

2 A 3.325 Acres.

3 Q What is the State taking? A The State
4 is taking 2.129 acres, leaving to the owner .141 acres to
5 the south and .965 acres to the north.

6 Q Do you have a map which depicts the owner's pro-
7 perty and the taking by the State? A Yes, sir.

8 Q Do you have a copy of that map that can be intro-
9 duced in evidence? A Yes. (Producing map)

10 MR. CANNON: Your Honor, I offer in evidence a
11 map of this property. This is a copy of the map which is
12 attached to the Complaint in this matter and marked
13 Exhibit B.

14 MR. BASCIK: No objection, your Honor.

15 THE COURT: The map may be marked P-1.

16 (Map above referred to by Mr. Cannon received
17 in evidence and marked Exhibit P-1)

18 Q (By Mr. Cannon) Is the State also acquiring any
19 slope rights in addition to the taking? A No.

20 MR. CANNON: That is all I have for Mr. Hartman,
21 your Honor.

22 CROSS EXAMINATION BY MR. BACSIK:

23 Q Mr. Hartman, What is the road frontage for this
24 property? A 450 Feet along Route 206.

25 Q Does the owner have the right to enter his property

1 Page 4 information:

2 Line 7 Use this parenthetical indication when the
3 summations of counsel are not transcribed.

4 If summations are transcribed, then this
5 parenthetical indication is omitted.

6 Lines 8-12 Paragraphing of summations to be 5 spaces
7 in from left margin; left margin at extreme
8 left side of transcript.

9 Court's charge to be started on new page.
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1 at any point he selects along that frontage? A Yes.

2 MR. BACSIK: No further questions.

3 THE COURT: Does that complete the case?

4 MR. CANNON: Plaintiff rests.

5 MR. BACSIK: Defendant rests.

6 THE COURT: You may sum up your cases.

7 (Summations by counsel for plaintiff and defendant)

8 MR. BACSIK: Ladies and gentlemen of the jury, I wish

9 to express my appreciation for your attention to this case

10 etc.

11 MR. CANNON: Ladies and gentlemen of the jury, in this

12 condemnation case the State seeks to acquire etc.

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1 Page 5 information:

2 Line 1 Paragraph the court's charge 5 spaces.

3 Line 6-7 Sidebar conference noted parenthetically.

4 Line 8-10 Sidebar colloquy paragraphed 5 spaces.

5 Line 11-12 Note resumption of hearing before jury.

6 Line 15,16, & 17 Note these activities parenthetically.

7 Line 18-25 The script of this colloquy may vary in
8 different vicinages.

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1 THE COURT: Members of the jury:

2 This is an action brought to determine what the State
3 of New Jersey shall pay in order to acquire a parcel of land
4 for highway purposes from the Hilton Realty Company.

5 etc.

6 (The following is in the presence of, but out
7 of the hearing of the jury)

8 MR. CANNON: Your Honor, I object to your denial to
9 charge my Requests to Charge numbers 3, 5 and 7.

10 THE COURT: Your objection is noted.

11 (The hearing resumed in the presence and hearing
12 of the jury)

13 THE COURT: Will you swear in the attendants and see that
14 the jury gets all the exhibits.

15 (Jury attendants sworn)

16 (Jury retired at 11:20 a.m.)

17 (Jury returned to the courtroom at 3:10 p.m.)

18 THE CLERK: Ladies and gentlemen of the jury, have you
19 agreed upon a verdict?

20 THE JURY: We have.

21 THE CLERK: Who shall speak for you?

22 THE JURY: The foreman.

23 THE CLERK: Mr. Foreman, is the verdict of the jury
24 a unanimous verdict?

25 THE FOREMAN: Yes, it is.

1 Page 6 information:

2 Lines 1-12 The script of this colloquy may vary in
3 different vicinages.

4 Line 16 Note parenthetically the time trial ends.

5 Lines 17-25 Certification of the court reporter is to
6 be included, when possible, on the last
7 page. If this is not possible, add an
8 additional page containing the same infor-
9 mation from the title page, lines 1 thru 8
10 at the top of the page, followed by the
11 certification in about the center of the
12 page. (See page 16.)
13 If transcript is prepared by a non-certifi-
14 fied reporter, the certification should
15 be notarized. (See page 17.)
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1 THE CLERK: Mr. Foreman, what is the verdict of the
2 jury?

3 THE FOREMAN: We find in favor of the defendant
4 \$450,000.00.

5 THE CLERK: Ladies and gentlemen, harken to your
6 verdict as the Court will have it recorded. You find in
7 favor of the defendant, Hilton Realty Co. in the amount of
8 \$450,000.00 and so say you all?

9 THE JURY: Yes.

10 MR. CANNON: Your Honor, may I have the jury polled?

11 THE COURT: Yes.

12 The clerk will poll the jury.

13 (The Clerk polled the jury and the verdict was
14 12-0 in favor of the defendant in the amount of
15 \$450,000.00)

16 (Hearing closed at 3:15 p.m.)

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