BIVR GUIDANCE

Revised August 2020

TABLE OF CONTENTS

INTRODUCTION

CODE OF PROFESSIONAL ETHICS

Privacy Policy as on BIVR website
SOCIAL MEDIA POLICY
HEALTH AND WELLBEING GUIDANCE

Reporting Services

AMERICAN DEPOSITIONS
ARBITRATIONS
CAPTIONING AND SPEECH-TO-TEXT REPORTING
Court and other legal proceedings
DAILY TRANSCRIPTS
DISCIPLINARY/REGULATORY HEALTH HEARINGS
MEDICAL REPORTING
REALTIME REPORTING

SCOPING
Transcribing from Audio

GRAMMAR and PUNCTUATION

- ABBREVIATIONS
- APOSTROPHE
- BOLD
- BRACKETS and Parentheses
- CAPITAL LETTERSCOLON
- COMMA
- DASH
- EDITING
- ELLIPSIS
- EXCLAMATION MARK
- FIGURES/NUMBERS
- FULL STOP/PERIOD
- HYPHEN
- PARAGRAPHS
- PARENTHESES
- PROOFREADING
- QUESTION MARK
- QUOTATION MARKS
- SEMICOLON
- SPELLING

PROOFREADING your work

Appendices

(*Click on link above to access separate appendices document*)

Appendix A - Crown Court transcript (specimen only)

Appendix B - Front pages of other work (specimens only)

Appendix C - Glossary of common terms (*with suggested short forms/briefs*) – American depositions

Appendix D - Glossary of common terms (*with suggested short forms/briefs*) - Arbitrations

Appendix E - Glossary of common terms (*with suggested short forms/briefs*) - Captioning/STT

Appendix F - Glossary of common terms (*with suggested short forms /briefs*) - Courtroom

Appendix G - Glossary of common terms (*with suggested short forms/briefs*) - Disciplinary hearings

Appendix H - Commonly confused words

Appendix I - Latin words and phrases

Appendix J - Medical terminology

Appendix K - Notes on transcripts in criminal proceedings

Appendix L - Reference material/websites

Top of the Document

INSTITUTE GUIDANCE

1 INTRODUCTION

BIVR promotes and protects the interests of the profession and its members, sets high professional standards for verbatim reporters, speech-to-text reporters (STTRs), broadcast captioners, editors/scopists and audio transcribers and encourages and provides continuing professional development opportunities.

CODE OF PROFESSIONAL ETHICS

Members of BIVR shall:

- Uphold the reputation of the profession at all times and avoid any action that will adversely affect the good standing of the profession
- Always declare a personal or prejudicial interest which may affect any party
- Maintain confidentiality and treat any information obtained in the course of an assignment as privileged, not to be communicated to any third party without authority
- Do not derive any gain from privileged information acquired in the course of work undertaken
- Act in an impartial manner, not giving advice or personal opinion in relation to topics discussed or people present
- Make every effort to maintain and develop professional skills and knowledge
- Practise only in situations where you have sufficient skill, experience, competence and qualifications to do so
- Agree terms and conditions *before* accepting work and honour all professional commitments
- Be respectful at all times towards colleagues and members of other professions
- Privacy Policy as on BIVR website

Top of the Document

SOCIAL MEDIA POLICY Top of the Document

This policy provides guidance when using all platforms of social media in connection with BIVR

Members should:

- Adhere to BIVR's Code of Ethics and Privacy Policy
- Refrain from the use of obscene language or profanities
- Not identify any client, attendee, agency, vendor or supplier
- Maintain integrity and professionalism when posting
- Ensure that any post is neither defamatory nor libellous
- Maintain client confidentiality
- Adhere to GDPR requirements
- Withdraw from any antagonist or hostile dialogue
- Respect other Members' rights to privacy

HEALTH AND WELLBEING GUIDANCE Top of the Document

When working, whether at your machine or on your computer, regular breaks are essential. Stand, stretch, walk away from your machine/computer at regular intervals.

AMERICAN DEPOSITIONS: Top of the Document

What is a deposition? A deposition is the taking of oral evidence of a witness in a lawsuit. This procedure of questioning a witness before trial is unique to the American legal system and takes place in the pre-trial discovery process. In Canada, it's usually referred to as a discovery examination and has slight differences to the US process.

Formalities and Legalities - For federal court cases, the US Federal Rules of Criminal or Civil Procedure govern the taking of depositions. Each state, however, has its own rules which apply.

Depositions are often required to take place outside of the United States and, to that end, certain procedures must be followed. For example, certain countries require a Letter of Request, pursuant to The Hague Evidence Convention, before a deposition can be taken in that country. If a country has no treaty with the US, a Letters Rogatory must be sought, and this can be quite a lengthy process.

A Notice of Deposition will have been served upon the parties in the case by the party wishing to depose the witness. This notice will have the caption of the case, the name of the witness, the date, time, location of the deposition.

Swearing in a witness - In the US, one of the roles of the court reporter is to administer the oath to a witness and/or interpreters. The majority of deposition court reporters in the US have Notary Public status, which gives them the authority to administer such an oath to the witness to swear to tell the truth, the whole truth and nothing but the truth; however, once a US reporter steps outside of the state(s) in which they have notary status, that status becomes null and void. Conversely, in the UK, notary status is not something easily attainable and, more importantly, UK-based reporters do not hold this authority. More often than not, the reporting firm booking the stenographer will have informed the attorneys of this extremely important fact and the parties will agree to the UK reporter administering the oath.

If the parties do not wish to stipulate, then a local notary should be hired or, alternatively, a US consular official can be retained to administer the oath. Sometimes, in order to protect the record which they are about to take down in shorthand, a UK reporter will ask the US attorneys to stipulate on the record to her/him administering the oath to the witness/interpreter and, additionally, counsel should stipulate to waiving an objection to the validity of the deposition based on the UK reporter administering the oath.

Exhibits - Another role of the court reporter in a deposition is to mark and remain the custodian of the exhibits. Having access to these documents also allows the reporter to be able to refer to them for terminology, case-specific spellings, quotations, etc. Exhibits will be sent by the reporter to the booking firm as soon as is reasonably practicable after the deposition and in good time before the transcript's due date. If you are required to send them before you have produced your final transcript, you can request an electronic version from the firm so that you may complete your transcript with the aid of the exhibits.

Video depositions - Roughly 98% of depositions nowadays are videoed. The witness is the only person who appears on the video. Sometimes documents and other exhibits will also be shown on the video, and a process called Picture-in-Picture (PIP) is being used more and

more. Put simply, this allows the witness to be captured in the video alongside the document which he/she is viewing, for example. Most UK-based videographers have this capability.

Before going on the record, the videographer will sync their camera's time with the reporter's laptop time so that the final certified transcript can be synced to the video. This allows for portions (sometimes the whole of the testimony) to be played in court should the case get to trial in the US. The videographer will introduce the case at the commencement of the deposition and announce the time when going on/off the record. Other than that, it is rare for the videographer to speak on the record.

It must be understood that the sworn evidence taken by the court reporter and the transcript which is ultimately produced (with a very specific layout) is the official record of the testimony, and not the video recording of the deposition.

A deposition conducted in front of an Examiner - Sometimes depositions are conducted before an Examiner. The Examiner, usually a Master of the High Court, will administer the oath rather than the reporter. It is helpful to see a copy of the order appointing the Examiner as this has relevant information as to the jurisdiction which appointed the Examiner, as well as the date of the order, all of which should appear on the front page of the deposition (also known as the caption). The order also contains the Examiner's name and instructions for signing and forwarding of the transcript. The witness usually attends before the Examiner; so an extra signature page is needed for the Examiner to sign stating that the witness has attended before them and read and signed his deposition testimony. The Examiner should not be making any amendments/corrections to the transcript.

US spellings should be used - As all depositions are taken for proceedings in the US, care should be taken to us American spellings. For example, *favor* instead of *favour*; *realize* instead of *realise*, etc.

When covering a Canadian discovery examination, it is advisable to ask which spellings they prefer; the answer may be different every time.

ARBITRATIONS: Top of the Document

An arbitration is a form of dispute resolution in which a disagreement between two or more parties is resolved by impartial individuals called arbitrators. There are a number of varying jurisdictions/rules in arbitrations, such as International Chamber of Commerce, ICSID and UNCITRAL, to name a few.

The arbitral panel can be composed of a single arbitrator or a three-person panel. In the case of a sole arbitrator, the parties try to agree between themselves who will hear the matter.

Where a three-person panel is used, each party elects a co-arbitrator and the co-arbitrators, through agreement, elect the chairman. If agreement cannot be reached, the body in charge of the arbitration will appoint the member(s).

Evidence is taken similar to that in a courtroom, although rarely under oath/affirmation in the same way. Where an oath/affirmation is not administered, witnesses will be warned that they should tell the truth and the consequences of not doing so.

Experts are usually called to give evidence, and they can cover a number of subjects; for example, delay, quantum, or law. Expert witness conferencing (colloquially known as 'hot-tubbing') is a feature of arbitration that can prove a challenge to the court reporter, with a number of experts being questioned simultaneously.

Arbitrations frequently feature participants from many countries and it is not unknown for the court reporter to be the only native English speaker in the room. Both simultaneous and consecutive interpretation are used, as are foreign language court reporters on occasion.

Like depositions, arbitrations have a unique layout where the Q&A format is not actually used.

Corrections and amendments – In European international arbitrations, the transcript you initially send is technically a draft. This is because the parties are entitled, unless it is agreed to waive this right, to go through the transcript word by word, with the assistance of the audio, and make corrections. Some corrections will be agreed, and some will not. This is where you have to use your professional judgment and experience to stand by your original transcript or change to the correction. Please note this is an entirely normal process in the UK and in Europe.

CAPTIONING AND SPEECH-TO-TEXT REPORTING: Top of the Document

What is it? Captioning (also known as Speech-to-Text Reporting) is an area of realtime work providing communication support for the D/deaf and hard-of-hearing communities, as well as people whose first language is not English. Hearing people also benefit from the services of an STTR. Captioning assignments include meetings, conferences, festivals, museums, seminars, lectures, or one-to-one support. The captioner can be either onsite or remote.

An STTR is often known as a palantypist or stenographer. The majority of current palantypists and stenographers started their careers in court as verbatim reporters. Nowadays, this is not possible as our courts have been digitised, but within the Institute we are able to help new, as well as seasoned, reporters on a pathway into the arena of STT.

STTRs are often confused with Electronic Notetakers, although the two perform entirely different functions. The latter uses an ordinary QWERTY keyboard and produces a précis of what is said rather than a verbatim record. As they use an ordinary keyboard they cannot type at the same speed as spoken language.

Providing a transcript - An STTR may sometimes be asked to provide a draft transcript at the conclusion of the meeting/conference/proceedings; however, it should be noted this is not the primary role of the STTR. The primary role is communication support.

It is imperative to point out the difference between the services of, and a transcript produced by, an STTR and a verbatim reporter. The verbatim reporter is booked to attend, say, a court hearing to provide an official legal transcript (which could be realtime and/or a daily or delayed) and a reporter who is booked to attend as an STTR is there to provide communication support. The verbatim reporter will produce their transcript within the

deadline agreed with their client. The STTR, on the other hand, providing communication support to usually one individual in the instance of a legal proceeding is able to provide a draft of his/her initial output, and this, too, is usually agreed to beforehand.

To this end, the products delivered have two different statuses: the verbatim reporter's transcript can be used in legal proceedings and quoted from, for example to bolster a legal argument or submission; the STTR's transcript cannot be used in any way other than as an aide-memoir for the service user. It has no legal effect because the STTR is there in a communication support role, not a legal role. The STTR's transcript will have a disclaimer to that effect added to the transcript, and sometimes a running header/footer.

The Institute has members who do, in fact, carry out both types of assignments but the type of end product, which is produced, if requested, will be totally dependent upon which service type they have been booked to provide. It is important to remember this fact because, to reiterate, one type of transcript has legal standing and the other does not.

The Association of Speech-to-Text Reporters has a link to the Standards of Services for STTRs and clients alike -
http://avsttr.org.uk/wp-content/themes/avsttr/forms/Standards-of-Service-August-2012.doc

COURT AND OTHER LEGAL PROCEEDINGS: Top of the Document

Any legal jurisdiction where a verbatim transcript is required, including boards of inquiry, Crown Court, civil proceedings, Coroner's Court, High Court, parliamentary sessions, public inquiries, etc.

See Appendix K for notes transcripts in criminal proceedings.

DAILY TRANSCRIPTS: Top of the Document

Daily transcripts are provided in cases where the parties require the edited transcript either at the end of the day, usually within two to three hours of adjourning, or first thing the next morning. Either a team of stenographers or a stenographer and scopist/editor team are used on daily transcript assignments.

Check in advance the arrangements in the hearing room. For example, where you will be seated in the room, the type of chair you will be sitting in (ask for a secretary's chair, if necessary), whether you will be able to hear perfectly from your position, if you will be near electrical sockets.

Check transcript requirements with client (e.g. email addresses, pdf format, ASCII format, Word format, word index).

Check information for front pages of transcript (e.g. appearances, addresses, emails).

Keep a glossary of names and technical terms, aka a job dictionary.

Back up your files.

DISCIPLINARY/REGULATORY HEALTH HEARINGS: Top of the Document

The stenographers attending these hearings may be using pen or machine. Many professional bodies hold Fitness to Practise hearings, for example General Dental Council, General Pharmaceutical Council, General Chiropractic Council, Health & Care Professions Council and Nursing & Midwifery Council, having the transcript delivered within a set period of time, ranging from five up to ten working days. These hearings may be done by one reporter (or several when a daily transcript is required.)

Attending a hearing:

Before the hearing - Before attending a regulatory tribunal, first make sure you know the rules regarding procedure, for example whether or not you need to record times of breaks and adjournments.

It might help to look at the website of the regulator in question to find the Notice of Allegation, which contains the list of charges, and the venue address if you need to see that. This will also give you the registrant's full name and registration number, if the registrant has one, which can be used to start creating the front page of the transcript to complete later.

To assist you with the transcript later, it is a good idea to print out the list of charges as it appears on the website because often it is amended during the hearing or even removed from the website later if the registrant is exonerated.

Attending the venue – Arrive in good time. On arrival, first check in with the receptionist, who will tell you where the hearing is being held.

At the hearing – You will be provided a list of parties by the Committee Secretary.

You are not permitted to remove documents from the hearing room and data must be protected at all times. Do not leave any papers in public areas where people can read them, or switch on digital recordings that people can hear.

If you are talking to people outside the hearing room, remember that there are often other hearings taking place in other rooms, so keep your voice down so you do not disturb them.

Conflicts and confidentiality – If you happen to know or have been treated by the registrant, you need to tell the Committee Secretary, who will deal with it appropriately.

If your hearing involves a registrant who has had multiple cases before the same tribunal in the past, be careful not to mention this to anyone. It is likely that the panel hearing the present case does not know of this history and has been chosen because that is the case. Also, if you have read an article in a local newspaper which deals with a registrant's involvement in another dispute or a police matter, do not mention this to anyone.

Never pass on personal details like phone numbers of colleagues for counsel to contact

directly. Refer them to the contract-holder.

Do not discuss the case with witnesses, past or potential. If you find yourself near to a witness, do not strike up a conversation. Leave the area if possible. If you meet other people in other hearings not connected with yours, do not tell them about your hearing.

Requests from counsel - If, during the hearing, counsel on either side asks you for a transcript, always refer them to the contract-holder. Sometimes counsel might ask you to expedite a transcript. Expedite rates are different from normal rates and counsel should know this and not try the back-door method of asking you directly. Politely tell them that they should contact the contract-holder, otherwise it is the usual turn around for transcripts, e.g. 10 days.

Do not hand counsel a written transcript of any part of the proceedings without first consulting the contract-holder.

Keep your opinions of the case to yourself. If counsel on either side asks how you think the hearing is going, do not say what you think but give a non-committal reply such as it will depend on what the Committee thinks.

Queries - If you have any queries for any parties, e.g. case references or spelling of names, raise these with the Committee Secretary, who will deal with them appropriately but bear in mind that they may appear in the documents that are sent afterwards so there may be no need to bother the Committee Secretary.

At the end of your day's work - Leave a proper handover note for the colleague following on. It is desirable to include the correct spelling of witnesses' names and uncommon words or expressions used. Also, if the proceedings have gone into private and are continuing in private the next day, remember to point this out because it may not be announced again the following day. If the hearing has been in private up until the adjournment and will be back in public the next morning, point this out so that your colleague can annotate this in their transcript.

Telephone the contract-holder and email and/or telephone the colleague following on tell them what stage the case has reached and what time they are required the next day. It is helpful also to give a brief synopsis of the case.

Dress code - Even in very hot weather, dress smartly and discreetly. Avoid revealing clothing.

MEDICAL REPORTING:_ Top of the Document

As any verbatim reporter who has taken medical testimony will know, medical terminology delivered by a knowledgeable medical expert, either fast or slow, at times can be exceedingly difficult to follow.

In Western medicine words came into being as the need for them arose. They were built, in a logical way, on already known Greek or Latin stems, prefixes and suffixes. Thus, many words have the same stem. For instance, the prefix *hyper* means *excessive* or *above*. Conversely, *hypo* means *below*. *Hyperacidity* means an excess of acid; *hyperventilation*, an

excessive rate or depth of breathing, or both; *hypertension*, a condition in which a patient has tension or blood pressure above normal.

The suffix *ectomy* means *removal of*. *Appendicectomy* means removal of the appendix. Similarly, you can tag *ectomy* onto practically any organ or gland in the body and the word thus formed will mean removal of that particular part. *Thyroidectomy* means removal of the thyroid gland; *adenoidectomy*, removal of the adenoids; *sympathectomy*, removal of a portion of the sympathetic nervous system. (Note that *appendectomy* is the US spelling.)

The root of a medical word often gives an indication of the part of the body to which it refers. *Rhin*, for example, refers to the nose. *Rhinitis* means inflammation of the nose; *rhinoscope*, an instrument for examining the nose; *rhinorrhea*, a runny nose.

In medical usage many words denote position or direction and are applied to various parts of the body. *Superior* means *higher than* or *situated above* something else. The opposite is *inferior*, which means *beneath* or *lower than*. For example, the superior vena cava receives the blood which is conveyed to the heart from the upper half of the body; the inferior vena cava returns to the heart the blood from all the parts below the diaphragm. *Anterior* describes the front part of the body, limbs or organs; *posterior*, that which is situated at or near the back of the body or an organ.

At Appendix J is a list of root terms which form the basis of 4,500 medical words. Careful study of them will allow the meanings of medical terms to become clear without having to spend many hours studying and remembering long lists of medical terms. The list is by no means exhaustive and may easily be extended by the purchase and study of a good medical dictionary, or even reference to a good standard dictionary, e.g. *Oxford Concise Medical Dictionary*; *Oxford Dictionary of Medicines*. Top of the Document

REALTIME REPORTING & QUALIFIED REALTIME REPORTER (QRR):

Realtime reporting is the instant display of the spoken word on to a variety of devices, e.g. a laptop, tablet, mobile phone. Participants need not be in the same room; this is called off-site streaming and allows the output in real time to be accessed by a receiving party virtually anywhere in the world.

Skills required – The realtime user needs text which is as full and as readable as possible. Conflicts or untranslated steno outlines are confusing to the eye. You need a strong dictionary, and fast and accurate input. Suffixes and prefixes are invaluable, particularly in complex medical or pharmaceutical cases. A job dictionary, i.e. preparation work, is absolutely essential, as are the names of the speakers, and it is also helpful to have definitions for speakers whose names you do not know but can check later. Read your reporting software manual and learn how to define directly from your steno keyboard, and at speed.

Fingerspelling is an extremely useful and necessary skill to hone.

A question of confidence - Confidence grows with experience, but probably the hardest thing for a newcomer to realtime to do is to relax. Remember that you are doing something nobody else in the room can do, and at the end of the day, when they express their appreciation of your unique skills, as they almost invariably do, you will be glad you

made the effort.

Qualified Realtime Reporter - The QRR exams consist of 5 minutes' dictation at the below speeds. Candidates are not permitted to edit/scope their file and must achieve a 98% pass mark:

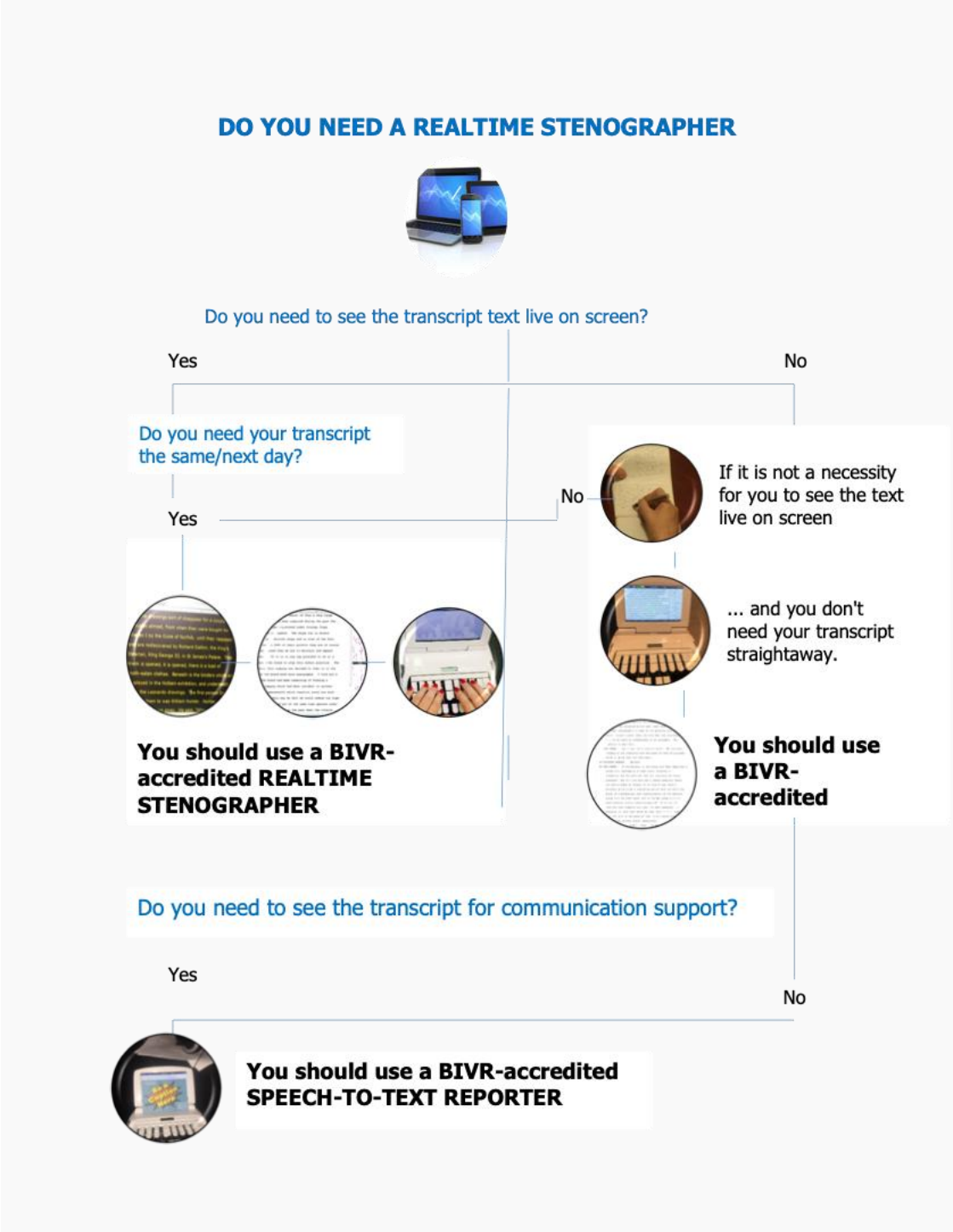
- QRR1 = 160/170/180 wpm
- QRR2 = 180/190/200 wpm
- QRR3 = 200/210/220 wpm
- QRR4 = 220/230/240 wpm

Once you have successfully passed a QRR, you are permitted to use the QRR designations after your name for as long as you have current BIVR membership. See the marking criteria on the BIVR website:

https://bivr.org.uk/wp-content/uploads/2020/08/QRR-MARKING-GUIDELINES-UPDATED-NOVEMBER-2019.pdf

Top of the Document

To assist prospective clients as to which BIVR Reporter Service would be best suited to their needs, we provide this diagram on our website on the Find a Professional page



SCOPING: Top of the Document

A scopist, also known as an editor, is someone who is working behind the reporter in order to help produce the polished, final transcript. The scopist can either be working on the transcript in real time with the stenographer (*using bespoke software features – Connection Magic in Eclipse or RealTeam in Case CATalyst*) or the scopist could be working on the transcript after the fact. The words *scopist* and *editor* are interchangeable, but we prefer to use the word *scopist* which is more common in the verbatim reporting field globally.

Remembering that regardless how fast and accurate a reporter may be, there can be times when the speech gets away from them, or they may mishear a strong accent, or, frankly, drop the punctuation to get down the words, and this is why the scopist will almost always be checking the reporter's note against the audio.

What do you need to be a successful scopist?

- good knowledge of English (spelling, punctuation, grammar)
- reliability
- good communication skills
- keyboard/typing skills
- good listening skills
- a dependable computer
- noise-cancelling headphones
- up-to-date software
- a good work ethic
- some knowledge of the various machine shorthand systems and/or CAT (*computer-aided transcription*) softwares available is helpful.

It is worth noting that a scopist is not proofreading as they are going through the transcript against the audio. The tasks of scoping and proofreading are two entirely separate processes, both of which are integral to producing an accurate, high-quality transcript.

Further, a scopist is not a transcriptionist (*see next section*). Whilst the scopist produces a transcript from the machine shorthand notes of a stenographer (quite often in real time), the transcriptionist produces a typewritten document direct from an audio recording.

TRANSCRIBING FROM AUDIO: Top of the Document

Transcribing downloaded, pre-recorded digital media, including MP3, MP4, opus or wav formats, for example from the Ministry of Justice's Digital Audio Recording Transcription and Storage (DARTS), Medical Practitioners Tribunal Service (MPTS), etc.

See Appendix K for notes on transcripts in criminal proceedings.

GRAMMAR and PUNCTUATION Top of the Document

ABBREVIATIONS

Abbreviations generally don't require full stops anymore, but please check with the agency you are covering as to their in-house style.

APOSTROPHE (')

The main use of the apostrophe is to denote the possessive case of nouns. It is not correct to use it in such pronouns as:

e.g. *its, his, hers, ours, yours, theirs,* etc.

However, it is correct to use it in *one's*.

For singular and plural nouns which do not end in s the apostrophe must precede the s as in:

e.g. *Mr Smith's car*
e.g. *The bricklayer's trowel*
e.g. *The men's hats*

For singular nouns that end in s the possessive is formed by adding 's as in:

e.g. *St. James's Street*
e.g. *Mr Jones's book*
e.g. *The Clerk of Works's records*
e.g. *The witness's testimony –*

For plural nouns that end in s the apostrophe follows the s as in:

e.g. *The boys' games*
e.g. *The ladies' choir*

Where words end in the sound of es or s-vowel-s an apostrophe is usually added without a further s as in:

e.g. *Moses' law*
e.g. *Ulysses' adventures*

Note exceptions to use of apostrophe for proper names:

e.g. *St Thomas' Hospital (NB: Guy's and St Thomas' Foundation Trust)*

It is also used to indicate the omission of letters as in:

e.g. *don't, didn't, wouldn't, they're, we're, I'd, I'll, it's*

but note *shan't and won't*

In instances involving two nouns or in compound nouns or phrases the apostrophe is placed upon the last word only:

e.g. *Brown and Green's defence*
e.g. *His father-in-law's house*
e.g. *The Lord Chief Justice's speech*
e.g. *My learned friend Miss Smith's case*

BOLD

Bold is usually used for headings within a transcript, for example when examination/cross-examination. It can also be used in other ways and it is best to check in-house style.

BRACKETS and PARENTHESES Top of the Document

The terminology used (brackets, parentheses, square brackets) can get a little confusing for some. For our industry in Britain, the first two are the same thing.

The use of parentheses and dashes is closely allied to the use of the comma, in that they are used to isolate a parenthetical phrase, such as an aside or additional information, in the middle of a complete sentence.

Parentheses are used when the phrase to be isolated, although running grammatically with the sentence, is at the same time introducing a separate thought, allowing the sentence to run straight on with the least interruption and without disturbing the existing punctuation.

It is important to note that the only punctuation appropriate in parentheses is that which is proper to the matter contained therein.

Parentheses are also used in transcripts to enclose explanatory statements not part of the spoken matter, and also to enclose references to cases, in the following ways:

e.g. *Q. Will you read that to yourself carefully.*

A. (Pause) I have now done so.

(The witness withdrew)

Case citations/authorities - When lawyers cite authorities, both brackets/parentheses and square brackets are used in the full citation, with the square brackets always surrounding the year of the citation.

e.g. *R v Jones (ex parte Smith)* [2019] UKSC 2
A v B [2018] ECHR 86

CAPITAL LETTERS Top of the Document

The basic rule to be followed when using capital letters is that they are used: to begin a new sentence after a full stop; generally, to introduce a quotation; for proper names; days and months. It is when one is dealing with instances outside the above cases that confusion arises and opinions differ as to when capital letters are used. In circumstances such as this, the verbatim reporter should always bear in mind that whatever system is used it should be logical, unambiguous and systematically applied. To this end, it is hoped that the following paragraphs will be of assistance.

Remember that consistency is key. Sometimes you might begin capping certain terms but then find you need to cap other things unnecessarily. When in doubt, lowercase is best.

Capital letters are used as follows:

a. As the first letter of a word beginning a new sentence.

b. For the pronoun "I".

c. For "H", "His", "Lord" when referring to God.

d. At the beginning of a passage of direct speech.

e. For the proper nouns (particularly persons, places, things) and months of the year and of the week, e.g. Jayne, Everest, Liverpool, July, Monday.

f. For the first word and all main words within <u>any</u> kind of title, e.g. books, plays, poems ("Far from the Madding Crowd"); historical and geological periods (the Iron Age); films, television programmes (Panorama); newspapers and magazines ("The Times", "The Guardian"); names of ships, houses, inns (s.s. ORIANA, Fox and Hounds); person's title (the Attorney-General); titles of institutions and businesses (the Law Society); and abbreviations of titles (ASLEF); but not where part of the title only is given, i.e. "the drivers' union".

Most of the above examples will be self-evident; however, some verbatim reporters may experience difficulty with the question: when is a noun a proper noun? The basic rule is to capitalise the particular, but not the general. For example:

Minister of Justice	judge
Attorney-General	magistrate
Master (of the High Court)	counsel
Registrar	attorney
High Court	defendant
Court of Appeal	plaintiff
Act of Parliament	magistrates' court
Exhibit 1	the exhibit

It is practice to use a capital letter when referring to the Government of this country and Acts of Parliament of the United Kingdom or England or Wales, but not for government when it refers to the government of other countries and their acts, e.g.

The Government is involved with other governments.

An Act of Parliament was passed on this subject.

In transcripts, capital letters are used in the following form when addressing the court, e.g. my Lord, your Honour, etc.

COLON (:) Top of the Document

This is a stop with a value slightly stronger than a semicolon but slightly less than a full stop. Its present-day use is put most succinctly in Fowler as "that of delivering the goods that have been invoiced in the preceding words". It is a substitute for such expressions as "that is", "that is to say", "for example".

It has certain other functions. One is to provide a strong contrast between two antithetical statements, as in the following:

"Man proposes: God disposes."

Counsel for the plaintiff has argued with great force that the principle of *res ipsa loquitur* is decisive of this case: counsel for the defendant relies equally confidently on the statement of Baron Pollock in *Doe v Re*.

The colon is also used to introduce a quotation, as in the following examples:

In his judgment the Lord Chief Justice said on page 123: "I do not think for one moment …"

The officer then went on: "I chased the accused down the alley."

However, it would not be appropriate in the following example as this is an indirect quotation and therefore does not require to be set off with a colon.

The officer approached the defendant said good morning and then cautioned him.

Similarly, it should not be used where the quoted words form an integral part of the sentence or where the quoted passage is picked up in the middle of a sentence. In the following examples it will be seen that the use of a colon, or indeed a comma, before the quoted matter is unnecessary:

e.g. *Taking the words "public authorities and other similar bodies" as they appear in section 32 …*

e.g. *The learned judge said that "this was a monstrous misuse of the magistrates' powers" and went on to deal with the interpretation of the section.*

Another use is to put a colon after an introductory phrase before an unquoted statement in the following way:

e.g. *Mr Brown for the prosecution puts his case in this way: this was not self-defence at all.*

e.g. *Mr Jones, who appeared for the plaintiff, put his case in this way: under section 9 it is unnecessary for us to consider liability at all.*

NOTE: *The symbol ":-" should never be used in transcripts.*

COMMA (,) Top of the Document

This is mainly used for breaking a sentence into its component parts; its correct use is closely bound up with an understanding of what comprises a sentence (See FULL STOP/PERIOD). It is also used to introduce quoted material (see QUOTATION MARKS).

The comma is used at the end of an introductory clause,

e.g. *Although it is a matter for you, I would recommend that you take no notice of that matter.*

And to enclose a separate clause in the middle of an otherwise complete sentence.

e.g. *The plaintiff, notwithstanding a shortening of some one and a half inches of his left leg, is still able to walk reasonably well.*

Care should be taken not to use commas around defining clauses. Briefly, a defining clause is one which is part and parcel of a preceding word or phrase, as in the following examples:

The man with the black moustache picked up the bottle.

The statement which is contained in that authority is utter nonsense.

Thus the form *"my learned friend, Mr Smith, agrees" is* incorrect. The correct form is*, "my learned friend Mr Smith agrees."*

As distinct from this, there are non-defining clauses, which convey something incidental to or about the preceding word or phrase, where commas are necessary.

e.g. *The accused, who had then stopped running, turned down the alleyway***.**

e.g. *That statement, which is enshrined in our common law, you may think to be sound common sense.*

The comma is also used between two long main clauses joined by "and" or "but" especially when the subjects of the clauses are different.

When using commas around a qualifying clause in the middle of a sentence, always ensure that a grammatical sentence is left if this clause is removed and not something of the following nature:

e.g. *Smith told you that, although it took him five minutes, that he ran all the way.*

The second "that" should of course be removed.

Avoid the pointless insertion of commas round such phrases as "in fact", "of course", etc; generally, they serve no useful purpose and often obscure the punctuation that should tell the reader what the form of the sentence really is. On the other hand, it is generally accepted practice to use commas after or either side of the names or titles of those to whom remarks are addressed.

e.g. *Mr Smith, do you really tell the jury that?*

e.g. *That is not a matter, my Lord, to which I attach much importance.*

Commas are used between items in a series.

e.g. *Members of the jury, take with you the mackintosh, the bloodstained brick, the tress of human hair …..*

but are best omitted between the last pair in the series and at the end of the series so that the preferred form is,

… *brick, the tress of human hair and the prisoner's statement when you retire.*

and not,

… *brick, the tress of human hair, and the prisoner's statement, when you retire.*

A comma is never used between two sentences not joined by a conjunction. Thus, the following is wrong:

e.g. *I lost my temper, he should not have said what he did.*

Note: In this connection, the remarks on the full stop (under the section FULL STOP) and the semicolon (under the section SEMICOLON) should be studied.

A comma is used before "tagging on" phrases such as,

e.g. *They played well, did they not?*

and in such sentences as,

e.g. *No, thank you, your Honour.*

But it is not used when the "tagging on" phrase forms a complete sentence, as in the following example,

e.g. *They played well; is that right?*

But it is used when it is a fragment, as in:

e.g. *You went to the shop, right?*

DASH (--) Top of the Document

Modern CAT software uses the two dashes, but other software will use what's known as the long dash. An element of personal preference comes into play, as well as in-house style of who you are working for. The dash is used in a similar way to commas and parentheses, but where the interpolated phrase, etc., is not grammatically part of the sentence and a more staccato effect is required, as in the following examples:

e.g. *Then into the box came Smith -- he was the accused with the particularly long and unkempt hair -- and he gave a completely different story.*

e.g. *Q. You then turned to your right -- do pay particular attention to this question -- and saw the glass, did you not?*

Or to enclose an interpolated list, as in the following example.

e.g. *The burglar, with the tools of his trade in his pocket -- a jemmy, swag bag, mask and gloves -- entered the premises through the window.*

A dash can also be used to add point to a comment placed at the end of a sentence where this seems to suit the inflection of the speaker.

e.g. *Smith gave you his version and then Jones added his -- and you may have thought that they made a very fine pair.*

e.g. *Take each charge and consider it carefully, weighing up the evidence you have heard -- and do not leave your common sense behind you.*

Two hyphens should be used to indicate an interrupted sentence, a typical instance being when a further question is put before the witness has completed his answer.

e.g. *Q. Tell us what you did.*
A. I went down the road and stopped. My passenger said --

MR BROWN: You are not allowed to tell us that.

e.g. *I now come to the incident on the following day when you --*

MR SMITH: My Lord, my friend knows very well that he should not lead as to this aspect of the matter.

This last use is known to verbatim reporters as "the dash of interruption". Its use is dissimilar from that of the three stops used to indicate an hiatus.

NOTE: For the use of the ellipses/hiatus see below.

EDITING Top of the Document

Editing begins with the insertion of punctuation. It is when the verbatim reporter takes the next steps in editing that difficulty can begin. This subject is dealt with in greater detail in later paragraphs. The following general principles are intended as a guide to this subject.

Know your client - The degree of editing permissible is governed by the nature of the proceedings, i.e. courtroom or arbitration, for example. Whereas in past years, the practice of judicious editing was common, for example in the Court of Appeal, nowadays a more strictly verbatim approach is taken. Having said that, with the rise of realtime, broadcasting and streaming services, a heavily edited transcript (as was the norm in the past) can now be subject to scrutiny. Therefore, you need to be aware of who your "audience" is and edit accordingly.

Elided words (*I'm, won't, don't*) are now treated as acceptable in most circumstances; however, please check in-house guides.

False starts, except in answers in a criminal matter, may be omitted, but there does come a time when a false start has developed into a thought that may have been suppressed before the sentence is broken off. Thus, it may then be proper to omit the first words of:

Q. Now let me take you -- first look at Exhibit No. 2.

Whereas it would be wrong to do so in:

A. I was about to hit -- he came at me waving a knife.

ELLIPSIS (...) Top of the Document

Strictly, an ellipses, also known as a hiatus, is a break or a gap, especially in a series, but the term is used by verbatim reporters for the succession of three stops used to indicate that something has been left out or to indicate a definite "drying up" on the speaker's part. For example, in quoting from a letter, document, law report, statute, etc., a judge or counsel may omit passages irrelevant to the present purpose. In the following examples A represents the material being quoted and B the same material with the omitted part indicated by an hiatus as it would appear in a transcript.

e.g. *A. Thank you for your letter, reference PQ/123/71/A dated 1 November 1981, which we did not receive until today. I think that you are wrong in insisting on your alleged right to use this footpath.*

B. Thank you for your letter … I think that you are wrong in insisting on your alleged right to use this footpath.

e.g. *A. The plaintiff, whose evidence I heard in great detail, was, in my judgment, a man of integrity. His evidence, given over several days in the witness box, was detailed and his memory of events obviously clear.*

B. The plaintiff … was … a man of integrity. His evidence … was detailed

and his memory of events obviously clear.

e.g. *A. The power to rectify the register conferred by this section shall include power to remove a registration in Part A of the register to Part B.*

B. The power to rectify the register ... shall include power to remove a registration in Part A … to Part B.

A hiatus may also be used in transcripts to indicate a definite "drying up" on the speaker's part.

e.g. *You asked me if I could remember, and I …*

EXCLAMATION MARK (!) Top of the Document

The use of exclamation marks differs depending on the arena you are working in.

For example, in a legal transcript, whether in a courtroom, an arbitration or an American deposition, it is advisable to refrain from using this punctuation mark for reasons such as it could be thought you, as the reporter, are placing your own emphasis on proceedings, and thereby not remaining neutral.

However, if you are providing communication support as a captioner/STTR, then the exclamation mark will come in very useful in order that you can convey, for example, the tone in which something was spoken.

FIGURES/NUMBERS Top of the Document

Confusion often arises as to the form in which to reproduce numbers when transcribing. Some guidance may be provided by the following general guidelines.

It is good practice to use the Latin abbreviation "No." for number when appearing before a figure, but not as a word standing in its own right.

e.g. *Specification No. 1,119,999*
e.g. *At the house in question, No. 77*
e.g. *There are any number of people who ….*
e.g. *I cannot read that number clearly*

As with general prose, commas which do not make the meaning clearer when used with numbers can be omitted.

e.g. *9 The Ridings, Cleckheaton.*

No comma is used after the number, but the second comma is necessary to avoid confusion between the name of the house and the place. Commas are a useful aid in figures over 1,000 when inserted after each three digits counting from the right.

e.g. £10,000, No. 1,222,234.

In descriptive matter numbers under 10, should be typed in words, but do not use figures and words together, type: 10 to 20, not ten to 20.

Type in words when used adjectivally,

e.g. *a three-storey building*;

definite statements,

e.g. *there were three people present*;

and indefinite or approximate figures,

e.g. *about a hundred cases of meat*.

When an indicative figure precedes a word they are separated by a hyphen:

e.g. *a 22-storey building.*

Fractions should be typed as words and hyphenated.

e.g. *three-quarters.*

If words rather than figures are called for, use a hyphen.

e.g. *forty-six.*

Figures should be used when the matter consists of all units of measurement (tons, cwt., feet, age, etc.), lists of property, terms of imprisonment, previous convictions.

e.g. *The defendant has 24 previous convictions consisting of: 10 burglaries, 4 attempted thefts, 6 offences of driving whilst disqualified, 2 offences of going equipped to steal and 2 offences of being drunk and disorderly.*

For times, type as follows:

e.g. *It was 7 o'clock; the time was 08.00 hours.*

Use figures when reference is made to a particular year or date, or when financial accounts and statistics are being dealt with. No comma intervenes between the date, month or year in dates, but a comma intervenes between the day and the date.

e.g. *16 January 2003; Monday, 18 January 2003; January 18, 2003*

When making reference to numbers of paragraphs, sections, sub-sections, etc., care should be taken to use the method adopted in the document being referred to and not the loose form sometimes used by the speaker:

e.g. *I refer your Lordship to section 1(4)(a)(iii)*

instead of:

e.g. *I refer your Lordship to sub-section (4) of section 1, paragraph little (a), sub-paragraph little (iii).*

or:

e.g. *paragraph 2(1)(a),* and not *21a.*
e.g. *11.1(a); or 2.1.A.*

FULL STOP/PERIOD (.) Top of the Document

This is the principal mark of punctuation used to indicate the end of a sentence.

Sentences range from the simple, "I went into the house", or even the answer, "That is so", to the most complex structures containing several clauses, but they all conform to the above definition.

When a polite request is made, as in the following examples, a full stop is the correct choice of punctuation, as opposed to a question mark.

e.g. *Can you state your name for the jury.*
e.g. *Can you please turn to page 4.*

HYPHEN Top of the Document

Pairs of words used in close association go through three separate states: separate words; becoming hyphenated; finally becoming one word. The present-day use of the hyphen is to join two or more words so as to form a single expression.

e.g. non-hyphenated; up-to-date magazine; far-fetched idea.

This use is determined very much by usage and convention and follows no formal rules. Whenever in doubt as to whether a combination of words should be typed as separate words, with a hyphen or as one word, the verbatim reporter should consult a dictionary. For no apparent reason, some words which equally form one expression do not have hyphens.

e.g. motor car, public house, ice cream.

Whether to use a hyphen is often a matter of judgment.

e.g. cooperate, coordinate

Another use of the hyphen is to convert what would otherwise be two separate words into a single one acting as one adjective.

e.g. glass-type oven (but it should be "an oven of the glass type);
e.g. a well-known statement (but it should be "a statement that is well known");
e.g. a take-it-or-leave-it situation (but it should be "he can take it or leave it").
e.g. face-to-face meeting (but "the meeting was face to face")

To assist with the task of deciding how to treat pairs of words in close association a few basic rules are given below.

Hyphens are used:

a. Between nouns joined to make new words or other compounds.

e.g. *non-use.*

b. When two adjectives come together and the first refers to the second adjective rather than to the noun.

e.g. *dark-red rose; cast-iron pan.* But *the rose was dark red*; *the pan was cast iron*.

c. When separate syllables in the word have the same vowel joining, i.e. "re-e".

e.g. *re-establish, re-sent.*

d. Points of the compass; however, one word is acceptable as well.

e.g*. north-east, north-west, south-east, south-west.*

e. When a prefix is attached to a proper noun.

e.g. *ex-Lieutenant Jones, mid-July.*

f. To avoid confusion between instances such as, fifty-odd people: fifty odd people.

Words with the prefix "de" do not take a hyphen.

(i) Decentralise, declassification*,* except for the reason stated in paragraph 15.3(e) above, such as de-escalation*.*

(ii) A compound word which through familiar usage has become one word does not take a hyphen.

e.g. *blackbird, schoolboy, policeman.*

A few examples of words which are generally recognised as being in one or other of their various stages of evolution follow:

a. As separate words (but see **f (ii)** above):

coal miner	half a dozen	coal owner
half an hour	ice cream	farm worker

ill will	playing field	so far

b. With hyphens:

Attorney-General	day-to-day *(adj.)*	by-election
half-hour	well-being	by-path
shop-breaking		

c. As simply words:

airfield	crossroads	ironworks
airport	easygoing	inasmuch
commonplace	tomorrow	weekend
today	bylaw	midday
weekday	bypass	nevertheless
coastguard	timetable	goodbye

Proper names, titles etc., should not be split at the end of a line of text; always carry them over to the next line. Above all, a word should never be split at the bottom of a page and the remainder carried over to begin the next (use a "glue" or "stitch" key to keep words together).

For an explanation of how to treat whole numbers, fractions and indicative figures with hyphens see FIGURES/NUMBERS above.

PARAGRAPHS Top of the Document

A paragraph can be indented or blocked and so it is best to check the in-house style for the agency you are working for. Either method is acceptable; however, it must be remembered that whichever system is chosen, consistency must be maintained throughout the transcript. It is advisable not to adopt the blocked method when using either one and half or double line spacing.

In deciding where a new paragraph should start, the verbatim reporter must watch carefully for a change of subject matter or at a different stage on the same topic. When in doubt a useful guide is to look ahead in your transcript to see when the next new paragraph will be inserted and in this way try to avoid lengthy blocks of unparagraphed matter.

The excessive use of the word "and" to start a sentence should be avoided as it can make the transcript appear stilted. Further, "and" is often used where a full stop would suffice; however, when used correctly as a conjunction, no full stop is necessary.

For example:

> "*I went to the shop and I bought some beans.*"

PROOFREADING Top of the Document

When completed, all transcripts must be carefully read through with a view to finding and correcting any errors: mistypes, omitted words, mistakes in the reading of shorthand, etc. The importance of this almost-final step in transcript preparation cannot be over-emphasised, nor can the ease with which errors can be overlooked on a mere cursory reading over.

In addition to reading over critically to spot errors, verbatim reporters should read and follow the sense of the material carefully. It is up to the individual member as to how they proofread, i.e. printed copy or on the screen. Perceived wisdom of seasoned reporters find that proofreading on paper, albeit time-consuming, makes it is easier spot errors.

Please remember: You are only as good as your last transcript. Every single transcript you produce should be proofread.

QUESTION MARK (?) Top of the Document

This mark of punctuation is used at the end of direct questions. When transcribing evidence, remarks by counsel or a judge to a witness (indirect questions) do not necessarily end with a question mark every time. It is wrong, for instance, to use it in the following examples.

e.g. *Now tell the jury what you did next.*

e.g. *Q. What did you do next? Think carefully before you answer.*

On the other hand, it is helpful to the reader (if not grammatically correct) to use a question mark at the end of statements put in the form of questions, perhaps indicated by the inflection in the speaker's voice, as in the following.

e.g. *Q. You say you next picked up the poker?*

e.g. *Q. You then crossed the road?*

However, it would not be used in, say, the first example below where the sentence is used to form the introduction to a following question and the statement is being repeated to bring the witness's mind to the point.

e.g. *Q. You say you next picked up the poker. Did you endeavour to defend yourself with it?*

QUOTATION MARKS ("…") ('…') Top of the Document

Verbatim reporters use double quotation marks in the first instance to denote quoted material or reported speech.

e.g. *He then said to me, "I am going to hit you."*

Single quotation marks are used for quoted matter inside an already quoted passage in the following way:

> **e.g.** *This witness said to you, "My recollection is clear that he said, 'I am going to hit you' in an aggressive manner."*

In copying quoted material into a transcript invariably keep to this rule, remembering that the first quotation within double quotation marks will need single quotation marks but that a further quotation within that will need double quotation marks again, so that in the transcript it will appear thus:

Let me read to you my note of Jones's evidence on this point, members of the jury. This is Jones speaking:

"I was shown the letter from my solicitor by the police sergeant who said, 'Your solicitor says in his letter, "Do not say anything until I have seen you", but you will answer my questions.'"

Do not be misled when copying matter which has followed the system of using single quotation marks first and double quotation marks for quotations within the first quoted matter. They should be notionally transposed so that in fact they are copied as they are.

If the quotation is of a complete sentence, then the passage should end with the full stop, followed by the ending quotation mark; if merely a phrase is being quoted, then the quotation marks should come before the full stop.

> **e.g.** *The witness said, "I do not think I saw him."*

> **e.g.** *You may think that that does not give full effect to the words "within the meaning of the Act".*

When both single and double quotation marks occur at the end of a sentence, then the full stop should occur before both quotation marks as at the end of the example in the previous paragraph above.

Similarly, the question mark is placed before the ending quotation mark if it is part of the quoted passage in the following manner:

Mr Brown asked, "Why did you hit him?"

but outside the quotation mark where it relates to the complete sentence,

Did Mr Brown say, "Let us go home now"?

Although two question marks could strictly be placed at the end of the following example, only one is necessary and occurs thus:

Did Mr Brown ask, "Why did you hit him"?

As in the above example, where an indirect question is contained within a direction question, the direct question takes precedence and the question mark is placed outside the

closing quotation marks.

When copying quoted material, quotation marks are placed at the beginning of each paragraph and at the beginning of the page where quoted material is carried over the page; however, where quoted material is indented it is usual to simply put quotation marks at the beginning and end of the quoted passage.

SEMICOLON (;) Top of the Document

The semicolon has a similar function to the full stop, so that it must be preceded and followed by grammatically complete sentences. It is used between sentences where their subject matters are so closely related that a full stop would separate them too abruptly. Sometimes the second sentence, although grammatically complete, may rely on the first sentence for its full meaning.

The following are examples of its use:

a. Where the second sentence or clause expands the first.

> *You may think that the witness Smith was a man of violence; certainly his behaviour in the witness box would not indicate anything to the contrary.*

b. Before sentences beginning with "even so", "so", "therefore", "for instance", "nevertheless, etc.

> *It would be wrong to let these unguarded admissions play too great a part in your deliberations; therefore, I am sure I can rely on your good sense to give them such weight as they deserve.*

c. Where the clauses describe a sequence of actions or aspects of the same topic.

> *You will remember how Mr Smith put this part of the case to you, saying that his client was a man of good character; he had never seen the inside of a police station before.*

d. To suggest a contrast.

> *I took hold of his legs; he took hold of his arms.*

Note that the sentence, clause or phrase immediately following the semicolon always begins with a lowercase letter.

SPELLING Top of the Document

Nowadays, with the spellchecking functionality of software, there is no real excuse for spelling errors appearing in transcripts. Don't rely on the squiggly red/blue line as your grammar/spellchecker -- watch out for homophones.

Ensure you are using a reputable dictionary and have it bookmarked in your browser: *The Concise Oxford Dictionary*, *Chamber's Twentieth Century Dictionary* or *The Pocket Oxford Dictionary.*

When in doubt, utilise the internet but please be careful about taking as correct the very first thing you see on a search engine. Usually the first will be correct but not always, especially when it comes to company names or employees, for example. Ensure you do a little more digging to give yourself peace of mind.

CONTRIBUTORS: Top of the Document

Leah Willersdorf
Nicole Harrison
Georgina Ford
Ian Roberts
Alan Bell
Miriam Weisinger
Christine Lawton
Mary Sorene

The Council of BIVR would like to thank each of the above contributors for their efforts in revising and updating this guidance in order to reflect current best practice.

We are also grateful to have permission to use briefs from Mark Kislingbury's Magnum Steno theory.