

## **Top Ten Tips for an Accurate Record**

1. **Make sure to state appearances** and the name of the case that is being presented before the court at the beginning of each and every proceeding.
2. **Make sure the record is clear** during testimony when responses like uh-huh and uh-uh or head nods and shakes are the response from the witness.
3. **Make sure that attorneys' responses to the judge's questions are verbal** when asked something like, "Do you have any objection to..."
4. **Be careful that the record reflects indications** made by witnesses to questions (Q. How big was it? A. About this big.) and reflects non-verbal testimony like pointing to or marking spots on a diagram or a picture.
5. **Make sure the record reflects *where in the video*** a witness is testifying about when a video or audio exhibit is played for a witness and testimony is given by noting the timestamps of the video or audio file when you are eliciting testimony or playing a portion for your audience.
6. **Make sure to note for the record which parts** of a video deposition are played for a jury. (Do the same if it's simply read to them.)
7. **Spell unfamiliar terms or names**, give case cites to the OCR to help with more timely transcript production. Rule of thumb: Anything you hand up to the judge or the clerk, give a copy to the court reporter, the person who is responsible for the transcript.
8. **State clearly and slowly** numbers of rules, statutes, and the like -- particularly if they include letters, since so many letters sound very similar.
9. **Make sure you're creating a record the higher courts can use** if you're asking for jury selection to be captured by the OCR so it's possible to understand what actually happened in the courtroom during the selection of the jury.
10. **Aid in ensuring your record is captured correctly** by speaking loudly, clearly, and enunciating. Avoid false starts, which are confusing and prevent the transcript from flowing smoothly for clear review and full utilization by higher courts. Being sure that your record is captured accurately includes limiting background noise like extraneous conversations, clicking pens, rustling papers. Make sure the record is not obscured by continuing to speak when there is too much extraneous noise for your audience to hear well. Be sure to be loud enough to be easily heard in general. Avoid interrupting or speaking over the judge, co-counsel, and the witness.