

# **COURT REPORTING MANUAL**

**FEBRUARY 16, 2005  
REVISION**

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**SECTION 1**  
**JUDICIAL BRANCH**  
**OVERVIEW**

**FEBRUARY 16, 2005**  
**REVISION**

## **STATE OF MARYLAND JUDICIAL BRANCH OVERVIEW**

### **I. GENERAL.**

The Judicial Branch consists of the following courts: the Court of Appeals; the Court of Special Appeals; the Circuit Courts; the District Court of Maryland; and the Orphans' Courts.

The Chief Judge of the Court of Appeals is, by Constitution, the administrative head of the Judicial Branch. A Judicial Cabinet and a Judicial Conference acting, except during plenary sessions, through a Judicial Council assist the Chief Judge in governance of the Judicial Branch. The Cabinet, chaired by the Chief Judge, is comprised of the Chief Judge of the Court of Special Appeals, the Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, and the State Court Administrator and meets monthly to discuss matters affecting the judicial system and the administration of justice.

In addition, numerous units support judicial functions, including: the Commission on Judicial Disabilities; the Judicial Ethics Committee; the appellate and circuit court clerks' offices and District Court headquarters; the Administrative Office of the Courts, including the Judicial Information Systems; the State Board of Law Examiners; the State Law Library; the Court of Appeals' Standing Committee on Rules of Practice and Procedure; the Court Information Office; the Drug Treatment Court Commission; the Mediation and Conflict Resolution Office; and the Court Commission on Racial and Ethnic Fairness in the Judicial Process. Other standing and *ad hoc* committees provide advice as well.

### **II. COURT OF APPEALS.**

The Court of Appeals, the highest State tribunal in Maryland, was created by the Maryland Constitution of 1776. The Court sat in various locations throughout Maryland in the early years of its existence but has resided in Annapolis since 1851.

The Court is composed of seven judges, one from each of the Appellate Judicial Circuits defined by the Maryland Constitution.

Subdivisions in Appellate Judicial Circuit	Sitting Judge	Subdivisions in Appellate Judicial Circuit	Sitting Judge
1 <sup>st</sup> – Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	Hon. Dale R. Cathell	4 <sup>th</sup> – Prince George's	Hon. Glenn T. Harrell, Jr.
		5 <sup>th</sup> – Anne Arundel, Calvert, Charles, St. Mary's	Hon. Clayton Greene, Jr.
2 <sup>nd</sup> – Baltimore Co., Harford	Hon. Alan M. Wilner	6 <sup>th</sup> – Baltimore City	Hon. Robert M. Bell Chief Judge
3 <sup>rd</sup> – Allegany, Carroll, Frederick, Garrett, Howard, Washington	Hon. Lynne A. Battaglia	7 <sup>th</sup> – Montgomery	Hon. Irma S. Raker

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7 judges  
appointed by Governor and  
confirmed by Senate  
retention election  
10-year term

---

Members of the Court initially are appointed by the Governor and confirmed by the Senate. Subsequently, they run for office on their records, unopposed. If voters reject a judge's retention in office or there is a tie vote, the office becomes vacant and is filled by a new appointee. Otherwise, the incumbent judge has another ten-year term.

Since 1975, the Court of Appeals has heard cases almost exclusively by way of *certiorari*, a discretionary review process that has reduced the Court's formerly excessive workload to a more manageable level and allowed the Court to concentrate on the most important and far-reaching issues.

A party generally may file a petition for *certiorari* for review of a case or proceeding pending in, or decided by, the Court of Special Appeals on appeal from a Circuit Court, an Orphans' Court or the Maryland Tax Court.\* The Court of Appeals grants a petition when, in the Court's determination, it is desirable and in the public interest. The Court also may review cases on writ of *certiorari* issued on the Court's own motion. The Court of Appeals conducts a monthly review of appellants' briefs from cases pending in the Court of Special Appeals in an effort to identify cases suitable for consideration by the higher court.

*Certiorari* also may be granted in a case that has been appealed to a Circuit Court from the District Court or from the Motor Vehicle Administration, after the initial appeal has been heard in the Circuit Court, in order to obtain uniformity of decisions or where special circumstances make *certiorari* desirable and in the public interest.

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\*Notwithstanding its name, the Maryland Tax Court is not part of the Judicial Branch; rather, it is an administrative agency in the Executive Branch.

Additionally, the Court of Appeals has exclusive jurisdiction over such diverse areas as death penalty cases, legislative redistricting, removal of certain officers, and certification of questions of law.

The Court is empowered to adopt rules of judicial administration, practice, and procedure that have the force of law. The Court also admits individuals to the practice of law, on recommendation of the State Board of Law Examiners, and conducts disciplinary proceedings involving members of the bench and bar. Most recently, the Chief Judge established a Professionalism Commission, to develop a consensus about the definition of professionalism, to examine ways to promote professionalism among Maryland lawyers, and to provide sustained attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of client and public good.

The Governor designates a Chief Judge, who is provided staff to assist, in statutorily defined administrative duties, through the Administrative Office of the Courts. Additionally, the Chief Judge formed the Court Information Office under the aegis of the Court, to focus on increasing the public's awareness of the Judicial Branch's role in the community and promoting public trust and confidence, through sundry activities. These include: publication of the Judiciary's quarterly newsletter, *Justice Matters*; administration of a judges' Speakers Bureau; production of educational brochures and videos; issuance of press releases on newsworthy events; response to media requests for information, statistics, and photographs; and on-going fora with the media and press, to facilitate communication and share information. Personnel of the Judicial Institute of Maryland, which provides educational programs for judges, are located within this Office.

The Office also liaises for the Judiciary with the Executive and Legislative Branches of the Maryland State government and maintains contacts with court public information offices throughout the United States.

Maryland Rule 16-404 confers on the Chief Judge of the Court of Appeals the authority and responsibility for administering the system of court reporting in Maryland courts. This includes the authority to adopt qualification criteria for individuals engaged in court reporting, as well as formatting requirements and Statewide fees for transcripts.

### III. COURT OF SPECIAL APPEALS.

Maryland's intermediate appellate court, the Court of Special Appeals, was created in 1966 to reduce a substantial backlog in the Court of Appeals resulting from its rapidly growing caseload.

Its Chief Judge and 12 additional members are appointed by the Governor with one member from each Appellate Judicial Circuit and six members

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13 judges  
appointed by Governor and  
confirmed by Senate  
retention election  
10-year term

---

from the State at large. Appointees must be confirmed by the Senate and stand unopposed for election on their records for ten-year terms. Elections are held according to the same geographical distribution as appointment.

Subdivisions in Appellate Judicial Circuit	Sitting Judge	Subdivisions in Appellate Judicial Circuit	Sitting Judge
1 <sup>st</sup> – Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	Hon. Sally Denison Adkins	5 <sup>th</sup> – Anne Arundel, Calvert, Charles, St. Mary's	Hon. Timothy E. Meredith
2 <sup>nd</sup> – Baltimore Co., Harford	Hon. James R. Eyler	6 <sup>th</sup> – Baltimore City	Hon. Arrie W. Davis
3 <sup>rd</sup> – Allegany, Carroll, Frederick, Garrett, Howard, Washington	Hon. J. Frederick Sharer	7 <sup>th</sup> – Montgomery	vacancy
4 <sup>th</sup> – Prince George's	Hon. James Patrick Salmon	<b>At Large</b>	Hon. Joseph F. Murphy, Jr., Chief Judge Hon. Deborah Sweet Eyler Hon. Ellen Lipton Hollander Hon. James A. Kenney, III Hon. Peter Brunswick Krauser Hon. Mary Ellen Barbera

The Court of Special Appeals resides in Annapolis but, since October 1, 2002, it has been allowed to sit at the University of Maryland at Baltimore or University of Baltimore as the Court's Chief Judge designates in conjunction with the respective University's dean of law. The judges normally sit in panels of three, although a majority of the incumbent judges may order a hearing or rehearing before the Court *en banc*.

The Court originally had jurisdiction only in criminal cases; hence, the designation "Special" Appeals. Its jurisdiction has been expanded so that now it has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order, or other action of, and generally hears cases appealed directly from, a Circuit or Orphans' Court, unless otherwise provided by law. The Court also considers applications for leave to appeal in such areas as post conviction, *habeas corpus* matters as to denial of or excessive bail, continued commitment of or stay of execution for insane or incompetent defendants, inmate grievances, appeals from criminal guilty pleas, violations of probation, and denial of victim rights.

To manage civil cases, panels of judges attempt to identify cases suitable for resolution by the parties based on an information report, or summary of a case, filed when an appeal is noted. As stipulated in Maryland Rule 8-206(a), those appeals either proceed through the regular appellate process or are scheduled for prehearing conference, which may result in settlement, limitation of the issues, remand to a trial court or other disposition.

In the criminal area, the General Assembly has required, by statute, an application for leave to appeal certain actions noted above, thus granting the Court discretion either to place a case on the regular docket or to deny the appeal, in accordance with Maryland Rule 8-204.

#### IV. CIRCUIT COURTS.

In each county of Maryland and Baltimore City, there is a Circuit Court.\* The Courts are the highest common law and equity courts of record exercising original jurisdiction within Maryland, with full common law and equity powers and all of the additional powers conferred by Maryland Constitution or other law.

Except as jurisdiction is, by law, limited or conferred on another tribunal, a Circuit Court has jurisdiction in all civil and criminal cases within its county. Generally, the Circuit Courts handle the major civil cases and more serious criminal matters. The Circuit Courts also decide appeals from the District Court, from the Orphans' Courts in some instances, and from certain administrative agencies.

The Courts are grouped into eight geographical circuits\*\*, with each jurisdiction in a circuit having at least one resident judge. Currently, there are 146 circuit court judgeships authorized. The senior judge in length of service is the chief judge of the circuit, but there is no chief judge who is administrative head of all of the circuit courts. Rather, eight circuit administrative judges, appointed by the Chief Judge of the Court of Appeals, perform administrative duties in each of their respective circuits with assistance of county administrative judges and court administrators.

146 judges appointed by Governor &/or elected in contested election 15-year term	The Governor initially fills each Circuit Court vacancy. An appointee must stand for election at the next general election that follows, by at least one year, the date of the vacancy and may be opposed by one or more judges or lawyers. A successful candidate is elected to a 15-year term of office.
	Each Circuit Court has an elected clerk, who maintains the records of the court and performs other ministerial functions in accordance with policies, procedures and standards set by the Administrative Office of the Courts, pursuant to rules of the Court of Appeals.

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\*The former Supreme Bench became, on January 1, 1983, the Circuit Court for Baltimore City.

\*\*1<sup>st</sup>: Dorchester, Somerset, Wicomico, and Worcester; 2<sup>nd</sup>: Caroline, Cecil, Kent, Queen Anne's, and Talbot; 3<sup>rd</sup>: Baltimore and Harford Counties; 4<sup>th</sup>: Allegany, Garrett, and Washington; 5<sup>th</sup>: Anne Arundel, Carroll, and Howard; 6<sup>th</sup>: Frederick and Montgomery; 7<sup>th</sup>: Calvert, Charles, Prince George's, and St. Mary's; and 8<sup>th</sup>: Baltimore City.

The Conference of Circuit Judges, Conference of Circuit Court Clerks, and Conference of Circuit Court Administrators provide fora for discussion of issues of concern to circuit courts specifically and administration of justice generally.

V. DISTRICT COURT.

The District Court of Maryland was created as a result of the 1970 ratification of a Constitutional amendment, consolidating miscellaneous municipal courts, peoples' courts, and trial magistrates into a fully State-funded court of record of Statewide jurisdiction, arranged in 12 geographical districts.<sup>\*</sup> Operation began on July 5, 1971.

Each district contains at least one political subdivision, with at least one judge in each subdivision. Currently, 106 District Court judge-  
ships are authorized by statute. A District Court judge is appointed by the Governor and confirmed by the Senate and does not stand for election.

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106 judges  
appointed by Governor  
confirmed by Senate  
10-year term

---

The Chief Judge of the Court of Appeals appoints the Chief Judge of the District Court,<sup>\*\*</sup> who is that Court's administrative head and, subject to the approval of the Chief Judge of the Court of Appeals, appoints administrative judges for each

district. The Chief Judge of the District Court also appoints a Chief Clerk of the Court, administrative clerks for each district, and commissioners who perform such duties as issuing arrest warrants, setting bail or collateral, and issuing interim peace and protective orders.

The District Court has jurisdiction over criminal cases, including motor vehicle and boating violations, and civil cases. The exclusive jurisdiction of the District Court generally includes, as to criminal cases, motor vehicle and boating violations by individuals at least 16 years old and other misdemeanors and enumerated felonies for which the penalty is less than three years' imprisonment, a fine of \$2,500, or both and, as to civil cases, all landlord and tenant cases, replevin actions, and other cases involving amounts not exceeding \$5,000. The District Court shares concurrent jurisdiction with the Circuit Courts in criminal cases otherwise within its jurisdiction in which the penalty is three years' imprisonment or more or a fine of \$2,500 or more, in domestic violence cases and in most other civil matters that

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<sup>\*</sup>District 1: Baltimore City; District 2: Dorchester, Somerset, Wicomico, and Worcester; District 3: Caroline, Cecil, Kent, Queen Anne's, and Talbot; District 4: Calvert, Charles, and St. Mary's; District 5: Prince George's; District 6: Montgomery; District 7: Anne Arundel; District 8: Baltimore County; District 9: Harford; District 10: Carroll and Howard; District 11: Frederick and Washington; District 12: Allegany and Garrett.

<sup>\*\*</sup>The Court's first Chief Judge was a gubernatorial designee.



involve a claim for an amount generally between \$2,500 and \$25,000.\*

Since the District Court cannot try a case by jury, a person who is entitled to and makes a timely request for a jury trial in either a civil or criminal case proceeds in a Circuit Court. A civil litigant or criminal defendant who appeals a District Court decision is entitled to *de novo* or on-the-record review in a circuit court as specified by law.

## VI. ORPHANS' COURTS.

Orphans' Courts are, under the Maryland Constitution, courts of record exercising judicial power. Judges of the Orphans' Court are elected for four-year terms in each jurisdiction, except Harford and Montgomery Counties.\*\* Except in those two counties, the qualifications imposed on judges under the Maryland Constitution are not applicable to Orphans' Court judges. Vacancies are filled by the Governor, with the consent of the Senate.

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66 elected judges  
contested election  
4-year term +  
Circuit Court judges  
assigned in Harford &  
Montgomery

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Orphans' Courts have jurisdiction over judicial probate, administration of estates, and conduct of personal representatives. The Orphans' Courts also have concurrent, but not coextensive, jurisdiction with Circuit Courts to appoint guardians of the persons, and protect the estates, of unemancipated minors. An Orphans' Court's jurisdiction lies where neither a parent nor testamentary appointee is serving as guardian.

An appeal from an Orphans' Court generally may be to a Circuit Court, where the matter is tried *de novo* before a judge or jury, or to the Court of Special Appeals, where the matter is heard on the record. In Harford or Montgomery County, naturally, the appeal must be to the Court of Special Appeals.

The Chief Judge of the Court of Appeals created, by Administrative Order dated November 18, 2003, a 14-member Conference of Orphans' Court Judges, to exchange ideas and views on matters relating to the operation, management and leadership and advise the Chief Judge in all matters relating to the Orphans' Court.

The register of wills is an elected official who serves as the clerk for the Orphans' Court and

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\*With respect to civil penalty cases under Labor and Employment Article, Title 5 and forfeiture proceedings in connection with gambling or drugs under Criminal Law Article, Title 12 or 13, the cap is \$20,000; and with respect to civil actions under Courts and Judicial Proceedings Article § 3-1308 as to employee theft and shoplifting, the cap is \$10,000. Until March 1, 2002, the District Court sitting in Montgomery County also had jurisdiction over juvenile causes.

\*\*In Harford and Montgomery, Circuit Court judges sit as Orphans' Court judges.

performs other administrative duties in connection with estates of minors and administration of decedents' estates. There is a register in every county, including Harford and Montgomery Counties.

#### VII. MARYLAND JUDICIAL CONFERENCE.

The judges of the Court of Appeals, the Court of Special Appeals, the Circuit Courts, and the District Court of Maryland comprise the Maryland Judicial Conference, which was organized in 1946 by the Honorable Ogle Marbury, then Chief Judge of the Court of Appeals. The Conference now exists under Maryland Rule 16-802, which directs the Conference “to consider the status of judicial business in the various courts, appropriate legislation, and changes in rules and to exchange ideas with respect to the improvement of the administration of justice in Maryland and the judicial system in Maryland.”

The Conference normally meets in plenary session annually, with the Chief Judge of the Court of Appeals as Chair. As of July 1, 2001, a Judicial Council was formalized to “guid[e] the ... Conference in maintaining the cohesiveness, leadership, and efficacy of the judiciary” and to carry out the duties of the Conference between plenary sessions. The 16-member Council is comprised of seven *ex officio* members – the Chief Judge of the Court of Appeals, Chief Judge of the Court of Special Appeals, Chair of the Conference of Circuit Judges, Chief Judge of the District Court, State Court Administrator, Chair of the Conference of Circuit Court Clerks, and Chief Clerk of the District Court and nine appointees of the Chief Judge of the Court of Appeals – four Circuit Court judges, four members of the District Court’s Administrative Judges Committee, and one Circuit Court administrator.

The Council’s functions include establishment of other committees covering various subjects relevant to overall operation of the Judiciary. At present, the standing committees are the Committee on Civil Law and Procedure, Committee on Criminal Law and Procedure, Committee on Family Law, Committee on Mental Health, Alcoholism and Addiction, Committee on Public Awareness, Judicial Compensation Committee, Judicial Institute of Maryland, and Legislative Committee. Additionally, there are *ad hoc* committees such as the Bail System Task Force, Drug Treatment Court Commission, Foster Care Court Improvement Implementation Committee, Joint Committee on Parole Issues, and Public Trust and Confidence Implementation Committee. The Administrative Office of the Courts and Court Information Office provide staff support to each Conference committee.

#### VIII. CONFERENCE OF CIRCUIT JUDGES.

The Conference of Circuit Judges represents the interests of the Circuit Courts and is a policy advisory body to the Court of Appeals, its Chief Judge, and other Judicial Branch units in all Circuit Court matters, under Maryland Rule 16-108. Among the Conference’s powers is, working collaboratively and in consultation with the Chief Judge, to develop policies affecting the administration of the Circuit Courts.

Its 16 members include the eight Circuit Administrative Judges and one judge elected from each of the eight circuits for a two-year term. The Conference elects its Chair and Vice Chair, from among its members, every two years. In addition, there are *ad hoc* representatives from the Conference of Circuit Court Clerks and Conference of Circuit Court Administrators.

The Conference of Circuit Judges has an Executive Committee to act when the Conference is not in session. Rule 16-108d1 specifies that the Conference Chair, Vice Chair and such other members as the Conference designates (in practice, the Immediate Past Chair) comprise the Executive Committee.

#### IX. ADMINISTRATIVE JUDGES COMMITTEE OF DISTRICT COURT.

The Administrative Judges Committee of the District Court, unlike its counterpart, the Conference of Circuit Judges, exists not by rule but, rather, through creation of the Court's first Chief Judge in 1971, as inherent from the Constitutional and Courts and Judicial Proceedings Article dictate that the District Court is a single, Statewide entity.

The Chief Judge is responsible for administration, maintenance and operation of the District Court at all of its locations throughout Maryland, with Constitutional accountability to the Chief Judge of the Court of Appeals. In turn, the District Administrative Judges are responsible to the Chief Judge of the District Court for administration, maintenance and operation in their respective districts.

To enable these 13 Constitutional administrators to speak with one voice, the Chief Judge of the District Court formed the Administrative Judges Committee. In 1978, when the rule then governing the Conference of Circuit Judges was amended to provide for some elected members, the Chief Judge of the District Court provided for the biennial election of five District Court trial judges to serve on the Committee with the District Administrative Judges. The Chief Judge is *ex officio* Chair of this Committee.

#### X. ADMINISTRATIVE OFFICE OF COURTS.

The Maryland Legislature enacted statutory authority (Courts and Judicial Proceedings Article § 13-101) for administrative and professional staff to provide advice, information, facilities, and other assistance in carrying out the Constitutional administrative responsibilities of the Chief Judge of the Court of Appeals.

The Administrative Office of the Courts under the direction of the State Court Administrator, who is appointed by, and serves at the pleasure of, the Chief Judge, provides assistance in connection with human resources, preparation and administration of the Judiciary budget, planning, research, procurement, information technology, and court services in the areas of family administration and court interpretation and translation. Staff support is provided to the Maryland Judicial Conference and its committees, the Judicial Cabinet, the

Judicial Council, the Conference of Circuit Judges, the Conference of Circuit Court Clerks, the Conference of Circuit Court Administrators, the Select Committee on Gender Equality, and the Oversight Committee on the Circuit Court Real Property Records Improvement Fund. In addition, the Administrative Office serves as secretariat to the Appellate and Trial Courts Judicial Nominating Commissions. The Administrative Office also assists the Chief Judge in the assignment of active and former judges to cope with case backlogs or address shortages of judicial personnel in critical locations.

As a result of a Constitutional amendment in 1990, oversight of the clerks' offices of the circuit courts was transferred from the Comptroller's Office to the Judiciary and expanded, effective January 1, 1991. Responsibility for management of these offices now resides with the Court of Appeals. Daily management oversight is performed by the State Court Administrator using the resources of the Administrative Office of the Courts.

The Administrative Office also is responsible for the operation of data processing systems, collection and analysis of statistics, and compilation of other management information, through its Judicial Information Systems Unit (JIS). The Chief Judge of the Court of Appeals has created, and chairs, a 14-member Technology Oversight Board. Other members include: the Chief Judge of the Court of Special Appeals or a designee; two Circuit Court judges designated by the Conference of Circuit Judges; two District Court judges designated by the Chief Judge of the District Court; a Circuit Court Clerk designated by the Conference of Circuit Court Clerks; the Chief Clerk of the District Court or a designee; three court administrators, designated by the Chief Judge of the Court of Appeals; and as non-voting, *ex officio* members, the State Court Administrator, the Director of JIS and the Assistant Administrator in charge of Circuit Court Management Services. The Board provides counsel on the allocation of resources and direction in determining long-term needs and overall strategies for development and management of Judiciary-wide information technology.

## XI. RULES COMMITTEE.

Under Article IV § 18(a) of the Maryland Constitution, the Court of Appeals is empowered to regulate the practice and procedure in, and the judicial administration of, Maryland courts; and under Courts and Judicial Proceedings Article § 13-301, the Court of Appeals may appoint “a standing committee of lawyers, judges, and other persons competent in judicial practice, procedure or administration” to assist the Court in the exercise of its rule-making power. The Standing Committee on Rules of Practice and Procedure, often referred to simply as the Rules Committee, was appointed originally in 1946 to succeed an *ad hoc* Committee on Rules of Practice and Procedure created in 1940. Its members meet regularly to consider proposed amendments and additions to the Maryland Rules of Procedure and to submit recommendations for change to the Court of Appeals.

**XII. STATE LAW LIBRARY.**

The Maryland State Law Library, originally established by an act of the Legislature in 1827, supports legal and general reference research activities of the appellate courts and other units of the Judiciary. Its full range of information services, including a popular e-mail reference service, also are available to the other branches of the State government and to citizens throughout Maryland. The first state law library in the nation to offer a communication system for the deaf, hard of hearing and speech impaired, access is available by calling the law library @ (410) 260-1571 or in-state toll free @ 1-877-233-3871.

The Library is governed by a Library Committee whose powers include appointment of the director of the Library as well as general rule-making authority.

With a collection in excess of 400,000 volumes, including print as well as electronic resources, this facility offers researchers access to three distinct and comprehensive libraries of law, general reference/government publications, and Maryland history and genealogy. Of special note are the library's holdings of all early editions of Maryland codes and regulations, as well as holdings of state and federal government publications, which add tremendous latitude to the scope of research materials found in most law libraries. See the Library's website for much more information, including its on-line catalogue of holdings at [www.lawlib.state.md.us](http://www.lawlib.state.md.us).

**XIII. ATTORNEY GRIEVANCE COMMISSION.**

A 12-member Attorney Grievance Commission has supervised and administered the discipline and inactive status of Maryland lawyers since 1975 and of non-members of the Maryland Bar who practice law in Maryland since 1987.

The Court of Appeals appoints nine lawyers and three non-lawyers for three-year terms and designates a Chair and Vice Chair from among the lawyer-members.

The Commission appoints a lawyer to serve, with the approval of the Court, as Bar Counsel and may appoint a lawyer as Executive Secretary. The Commission supervises the activities of Bar Counsel, the Executive Secretary, and other staff. These include: investigation of possible professional misconduct or incapacity, including overdraft notifications of escrow accounts; prosecution of disciplinary and remedial proceedings and participation in reinstatement proceedings; monitoring of disciplinary and remedial orders of the Court of Appeals; and, in cooperation with the Attorney General, investigation of unauthorized practice of law. The Commission also investigates claims filed with Maryland's Client Protection Fund to determine which, if any, should be paid.

The Commission has a toll-free number for calls made within Maryland (800-492-1660).

The Commission meets monthly, receives reports on receipts and expenditures,

disciplinary statistics, and the flow of complaints at all stages within the disciplinary process and reviews personnel performance.

The Commission appoints a Peer Review Committee of the size the Commission believes needed to sit in panels in each circuit for disciplinary hearings. All members are volunteers ( $\frac{2}{3}$  lawyers (no judges) and  $\frac{1}{3}$  non-lawyers), each appointed for a two-year term that may be extended by the Commission for completion of a pending matter.

The Chair of the Peer Review Committee selects three or more Committee members, including at least one non-lawyer, to serve as a panel for non-adversarial, informal consideration of a statement of charges not disposed of after investigation of Bar Counsel. The Commission may act on, but is not bound by, the Committee's recommendation to dismiss charges, to approve a conditional diversion agreement to which the lawyer consents, to issue a reprimand, or to file with the Court of Appeals a petition for disciplinary or remedial action.

The Commission continues to provide financial support to the Lawyer Assistance Program of the Maryland State Bar Association, Inc., which educates and assists impaired legal professionals – those whose ability to complete law school or practice law with fitness and skill is impaired by substance abuse, depression, chronic stress or other emotional or physical disabilities. The program works through a Committee on Lawyer Assistance Programs and can be reached at 410-685-3993 or 1-800-492-1964.

#### XIV. MEDIATION AND CONFLICT RESOLUTION OFFICE.

In February, 1998, the Chief Judge of the Court of Appeals appointed a 40-member Alternative Dispute Resolution Commission, to encourage education in, and use of, such ADR processes as early neutral evaluation, mediation, non-binding arbitration and negotiated rule-making. A number of features unique to Maryland's Commission resulted in its choice as a pilot program for the development of a national ADR Court Consultation Service. Those features included use of an ADR process to advance ADR in Maryland, through a diverse membership engaged in a collaborative consensus-building process for practical actions. The ADR Commission, which the Chief Judge chaired, included court personnel, legislators and other State officials, local government officials, Bar association representatives, lawyer mediators, non-lawyer mediators, arbitrators, business and community representatives, academics, and other policymakers from across the State. To extend the consensus as widely as possible, the ADR Commission had four multi-disciplinary Regional Advisory Boards to provide input about regional needs and hosted public hearings in Western Maryland, Central Maryland, Southern Maryland and on the Eastern Shore. Second, the Commission addressed ADR comprehensively, both at every level of court and in business, the community, prisons, schools, and other State and local agencies.

After fact-finding through the Fall of 1998, the ADR Commission released a draft "Action

Plan” based on collaborative decision-making and consensus building process. The Chief Judge of the Court of Appeals co-hosted regional fora to solicit ideas on how to improve the plan and how to implement it in each region of the State, with the intent that the Commission and its committees plan would reconfigure themselves to implement the Plan. The final plan may be accessed at <http://www.courts.state.md.us/macro/actionplan.pdf>.

The work of the ADR Commission continues through the Mediation and Conflict Resolution Office, working collaboratively with groups of stakeholders that are organized around eight mutually supporting initiatives: education and school initiative; community mediation; District Court programs; circuit court programs; family mediation and conflict resolution; criminal and juvenile justice programs; government programs; and business programs. The office also supports the work of standing committees on grants, professional responsibilities, and public awareness and is working to ensure high quality mediation in Maryland through quality assurance and uniform evaluation systems for Maryland’s court-based ADR programs and community mediation centers.

#### XV. ADA COORDINATORS.

The Americans with Disabilities Act of 1990 (ADA) seeks to eradicate discrimination in the areas of employment, public accommodations that affect commerce, telecommunications, and conduct of State and local governmental activities. To help ensure the compliance of the Judicial Branch, various courts have designated an ADA coordinator for their facilities and services. See beginning at page 14 of this Section 1.

Current information about ADA coordinators can be obtained on the Maryland Judiciary’s homepage at [www.courts.state.md.us](http://www.courts.state.md.us).

**ADA COORDINATORS FOR  
MARYLAND JUDICIAL BRANCH**

**Court of Appeals**

Alexander L. Cummings, Esq.  
Clerk, Court of Appeals  
Murphy Courts of Appeal Bldg  
361 Rowe Blvd.  
Annapolis MD 21401-1662  
(800) 926-2583 (D. C. area)  
(410) 260-1500  
TTY: (410) 260-1554  
[Alexander.Cummings@courts.state.md.us](mailto:Alexander.Cummings@courts.state.md.us)

**Court of Special Appeals**

Leslie D. Gradet, Esq.  
Clerk, Court of Special Appeals  
Murphy Courts of Appeal Bldg  
361 Rowe Blvd.  
Annapolis MD 21401-1698  
(888) 200-7444  
(410) 260-1450  
TTY: (410) 260-1553  
[Leslie.Gradet@courts.state.md.us](mailto:Leslie.Gradet@courts.state.md.us)

**Administrative Office of the Courts**

Jeraldine Kavanaugh  
Manger, Fair Employment Practices  
1A Maryland Judicial Center  
580 Taylor Ave.  
Annapolis MD 21401  
(410) 260-1276\*  
[Jeraldine.Kavanaugh@courts.state.md.us](mailto:Jeraldine.Kavanaugh@courts.state.md.us)

**District Court Commissioners**

David W. Weissert  
Coordinator of Commissioner Activity  
911-A Commerce Rd.  
Annapolis MD 21401-2943  
(410) 260-1232\*  
[Dave.Weissert@courts.state.md.us](mailto:Dave.Weissert@courts.state.md.us)

**District Court Headquarters**

Diane Pawlowicz  
Assistant Chief Clerk  
Administrative Services  
1A Maryland Judicial Center  
580 Taylor Ave.  
Annapolis MD 21401  
(410) 260-1203\*  
[Diane.Pawlowicz@courts.state.md.us](mailto:Diane.Pawlowicz@courts.state.md.us)

**Allegany County Circuit Court**

Margaret A. Carter  
Chief Deputy Clerk  
30 Washington St.  
Cumberland MD 21502-2948  
(301) 777-5922  
TTY: (301) 777-5825  
[Margaret.Carter@courts.state.md.us](mailto:Margaret.Carter@courts.state.md.us)

**Allegany County - District Court**

Kathleen M. Stafford  
Administrative Clerk  
County Office Bldg, 2<sup>nd</sup> floor  
3 Pershing St.  
Cumberland MD 21502-3045  
(800) 946-3952  
(301)723-3104  
TTY: (800) 735-2258  
[Kathy.Stafford@courts.state.md.us](mailto:Kathy.Stafford@courts.state.md.us)

**Anne Arundel County Circuit Court**

Robert G. Wallace  
Court Administrator  
P. O. Box 2395  
72 Church Circle  
Annapolis MD 21404-2395  
(410) 222-1404  
TTY: (410) 222-1429  
[wallace@circuitcourt.org](mailto:wallace@circuitcourt.org)

\*May be reached through Maryland Relay Service (TT/Voice) 800-735-2258



**Anne Arundel County - District Court**

Rebecca A. Hoppa  
Administrative Clerk  
Sweeney District Court Bldg  
251 Rowe Blvd.  
Annapolis MD 21401-1518  
(800) 944-2688  
(410) 260-1365  
TTY: (410) 260-1344  
[Becky.Hoppa@courts.state.md.us](mailto:Becky.Hoppa@courts.state.md.us)

**Baltimore City Circuit Court**

Beverly B. Carter, Esq.  
Court Administrator  
200 Courthouse East  
111 N. Calvert St.  
Baltimore MD 21202-1908  
(410) 396-5188\*  
[Beverly.Carter@courts.state.md.us](mailto:Beverly.Carter@courts.state.md.us)

**Baltimore City - District Court**

Lonnie P. Ferguson, Jr.  
Administrative Clerk  
Borgerding District Court Bldg  
5800 Wabash Ave.  
Baltimore MD 21215-3330  
(800) 939-4523  
(410) 878-8010  
TTY: (410) 878-8945  
[Lonnie.Ferguson@courts.state.md.us](mailto:Lonnie.Ferguson@courts.state.md.us)

**Baltimore County Circuit Court**

Peter J. Lally  
Court Administrator  
421 County Courts Bldg  
401 Bosley Ave.  
Towson, MD 21204-4402  
(410) 887-2687  
TTY: (410) 887-3018  
[plally@co.ba.md.us](mailto:plally@co.ba.md.us)

**Baltimore County - District Court**

Michael P. Vach  
Administrative Clerk  
120 E. Chesapeake Ave.  
Towson MD 21286-5307  
(800) 944-1826  
(410) 512-2151  
TTY: (410) 512-2002  
[Mike.Vach@courts.state.md.us](mailto:Mike.Vach@courts.state.md.us)

**Calvert County Circuit Court**

Wanda L. Mudd  
Court Administrator  
175 Main St.  
Prince Frederick MD 20678  
(301) 855-1243\* ext. 2296  
[Wanda.Mudd@courts.state.md.us](mailto:Wanda.Mudd@courts.state.md.us)

**Calvert County - District Court**

Richard A. Parker  
Administrative Clerk  
2200 Goldstein Multi-Service Center  
200 Duke St.  
Prince Frederick MD 20678-4132  
(800) 941-3375  
(410) 535-8876  
TTY: (800) 735-2258  
[Richard.Parker@courts.state.md.us](mailto:Richard.Parker@courts.state.md.us)

**Caroline County Circuit Court**

Berl Lovelace  
Bailiff/Judicial Assistant  
109 Market St.  
Denton MD 21629  
(410) 479-2303\*  
via: [Sandy.Wood@courts.state.md.us](mailto:Sandy.Wood@courts.state.md.us)

\*May be reached through Maryland Relay Service (TT/Voice) 800-735-2258

**Caroline County - District Court**

Grace D. Achuff  
Administrative Clerk  
170 E. Main St.  
Elkton MD 21921-5943  
(800) 941-0408  
(410) 996-2720  
TTY: (800) 735-2258  
[Grace.Achuff@courts.state.md.us](mailto:Grace.Achuff@courts.state.md.us)

**Carroll County Circuit Court**

Bobbie L. Erb  
Court Administrator  
Historic Courthouse  
Court St.  
Westminster, MD 21157-5194  
(888) 302-8978  
(410) 386-2330\*  
[berb@ccq.carr.org](mailto:berb@ccq.carr.org)

**Carroll County - District Court**

Nancy E. Mueller  
Administrative Clerk  
3451 Courthouse Dr.  
Ellicott City MD 21043-4377  
(800) 944-8107  
(410) 480-7710  
TTY: (410) 480-7702  
[Nancy.Mueller@courts.state.md.us](mailto:Nancy.Mueller@courts.state.md.us)

**Cecil County Circuit Court**

Nancy C. Justice  
Legal Administrative Assistant  
Courthouse  
129 E. Main St.  
Elkton MD 21921  
(410) 996-5248\*  
[Nancy.Justice@courts.state.md.us](mailto:Nancy.Justice@courts.state.md.us)

**Cecil County - District Court**

Grace D. Achuff  
Administrative Clerk  
170 E. Main St.  
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(410) 996-2720  
TTY: (800) 735-2258  
[Grace.Achuff@courts.state.md.us](mailto:Grace.Achuff@courts.state.md.us)

**Charles County Circuit Court**

Donna G. Burch  
Court Administrator  
P.O. Box 3060  
La Plata MD 20646-3060  
(301) 932-3224\*  
[Donna.Burch@courts.state.md.us](mailto:Donna.Burch@courts.state.md.us)

**Charles County - District Court**

Richard A. Parker  
Administrative Clerk  
2200 Goldstein Multi-Service Center  
200 Duke St.  
Prince Frederick MD 20678-4132  
(800) 941-3375  
(410) 535-8876  
TTY: (800) 735-2258  
[Richard.Parker@courts.state.md.us](mailto:Richard.Parker@courts.state.md.us)

**Dorchester County Circuit Court**

Patricia S. Tolley  
P.O. Box 583  
206 High St.  
Cambridge MD 21613-0583  
(410) 228-6300  
TTY: (410) 228-3569  
[Patricia.Tolley@courts.state.md.us](mailto:Patricia.Tolley@courts.state.md.us)

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**Dorchester County - District Court**

Mary E. Kinnamon  
Administrative Clerk  
P. O. Box 547  
310 Gay St.  
Cambridge MD 21613-0547  
(800) 939-2872  
(410) 901-1436  
TTY: (800) 735-2258  
[Mary.Kinnamon@courts.state.md.us](mailto:Mary.Kinnamon@courts.state.md.us)

**Frederick County Circuit Court**

Nancy J. Bell  
Assignment Commissioner  
100 W. Patrick St.  
Frederick MD 21701-5578  
(301) 694-2563  
TTY: (301) 698-0692  
[Nbell@fredco-me.net](mailto:Nbell@fredco-me.net)

**Frederick County - District Court**

Dixie L. Scholtes  
Administrative Clerk  
100 W. Patrick St.  
Frederick MD 21701-5578  
(800) 945-2119  
(301) 694-2006  
TTY: (301) 662-4159  
[Dixie.Scholtes@courts.state.md.us](mailto:Dixie.Scholtes@courts.state.md.us)

**Garrett County Circuit Court**

John R. Toston  
Trust Clerk & Auditor  
203 S. 4<sup>th</sup> St., Room 205  
Oakland MD 21550-1535  
(301) 334-1934\*

**Garrett County - District Court**

Kathleen M. Stafford  
Administrative Clerk  
c/o Sue Hershman  
County Office Building, 2<sup>nd</sup> floor  
3 Pershing St.  
Cumberland MD 21502-3045  
(800) 947-1029  
(301) 334-8022  
TTY: (800) 735-2258  
[Kathy.Stafford@courts.state.md.us](mailto:Kathy.Stafford@courts.state.md.us)

**Harford County Circuit Court**

James J. Riley  
Clerk of the Circuit Court  
Courthouse  
20 W. Courtland St.  
Bel Air MD 21024-3747  
(800) 989-8296\*  
(410) 638-3246\*  
(410) 879-2000\* (Baltimore)  
[James.Reillyl@courts.state.md.us](mailto:James.Reillyl@courts.state.md.us)

**Harford County - District Court**

Arthur G. Ford, III  
Administrative Clerk  
2 S. Bond St.  
Bel Air MD 21014-3736  
(800) 943-6344  
(410) 836-4545  
TTY: (800) 735-2258  
[Art.Ford@courts.state.md.us](mailto:Art.Ford@courts.state.md.us)

**Howard County Circuit Court**

John F. Shatto  
Court Administrator  
Courthouse  
8360 Court Ave.  
Ellicott City MD 21043  
(410) 313-4851\*  
[jshatto@co.ho.md.us](mailto:jshatto@co.ho.md.us)

\*May be reached through Maryland Relay Service (TT/Voice) 800-735-2258

**Howard County - District Court**

Nancy E. Mueller  
Administrative Clerk  
3451 Courthouse Dr.  
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(800) 944-8107  
(410) 480-7710  
TTY: (410) 480-7702  
[Nancy.Mueller@courts.state.md.us](mailto:Nancy.Mueller@courts.state.md.us)

**Kent County Circuit Court**

Mark L. Mumford  
Clerk of the Circuit Court  
103 N. Cross St.  
Chestertown MD 21620-1553  
(800) 989-2520  
(410) 778-7414  
TTY: (410) 778-0608  
[Mark.Mumford@courts.state.md.us](mailto:Mark.Mumford@courts.state.md.us)

**Kent County - District Court**

Grace D. Achuff  
Administrative Clerk  
170 E. Main St.  
Elkton MD 21921-5943  
(800) 941-0408  
(410) 996-2720  
TTY: (800) 735-2258  
[Grace.Achuff@courts.state.md.us](mailto:Grace.Achuff@courts.state.md.us)

**Montgomery County Circuit Court**

Pamela Q. Harris  
Court Administrator  
301 Judicial Center  
50 Maryland Ave.  
Rockville MD 20850  
(888) 287-0593  
(240) 777-9103  
TTY: (410) 777-9340  
[pharris@mcccourt.com](mailto:pharris@mcccourt.com)

**Montgomery County - District Court**

Jeffrey L. Ward, Esq.  
Administrative Clerk  
27 Courthouse Sq.  
Rockville MD 20850-2325  
(800) 944-1341  
(301) 279-1520  
TTY: (301) 279-1286  
[Jeff.Ward@courts.state.md.us](mailto:Jeff.Ward@courts.state.md.us)

**Prince George's County Circuit Court**

Desheia Clagett  
Administrative Assistant  
268M Courthouse  
14735 Main St.  
Upper Marlboro MD 20773  
(301) 952-3356\*  
[ddclagett@co.pg.md.us](mailto:ddclagett@co.pg.md.us)

**Prince George's County - District Court**

Dr. Mary Jones Abrams, Esq.  
Administrative Clerk  
173B Bourne Wing  
14735 Main St.  
Upper Marlboro MD 20772-3042  
(800) 943-8853  
(301) 952-4240  
TTY: (301) 952-3719  
[Mary.J.Abrams@courts.state.md.us](mailto:Mary.J.Abrams@courts.state.md.us)

**Queen Anne's County Circuit Court**

Scott MacGlashan  
Clerk of the Circuit Court  
100 Court House Sq.  
Centreville MD 21617-1047  
(800) 987-7591  
(410) 758-1773 ext. 16  
TTY: (410) 758-6739  
[Scott.MacGlashan@courts.state.md.us](mailto:Scott.MacGlashan@courts.state.md.us)

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**Queen Anne's County - District Court**

Grace D. Achuff  
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170 E. Main St.  
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(410) 996-2720  
TTY: (800) 735-2258

[Grace.Achuff@courts.state.md.us](mailto:Grace.Achuff@courts.state.md.us)

**St. Mary's County Circuit Court**

William Tench  
Court Administrator  
P.O. Box 859  
Leonardtown, MD 20650-0859  
(800) 988-5052  
(301) 475-4791\*

[william\\_tench@co.saint-marys.md.us](mailto:william_tench@co.saint-marys.md.us)

**St. Mary's County - District Court**

Richard A. Parker  
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200 Duke St.  
Prince Frederick MD 20678-4132  
(800) 941-3375  
(410) 535-8876  
TTY: (800) 735-2258

[Richard.Parker@courts.state.md.us](mailto:Richard.Parker@courts.state.md.us)

**Somerset County Circuit Court**

D. Lynn Cain  
Court Administrator – 1<sup>st</sup> Circuit  
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30512 Prince William St.  
Princess Anne MD 21853-0279  
(410) 651-4110\*

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**Somerset County - District Court**

Mary E. Kinnamon  
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P. O. Box 547  
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Cambridge MD 21613-0547  
(800) 939-2872  
(410) 901-1436  
TTY: (800) 735-2258

[Mary.Kinnamon@courts.state.md.us](mailto:Mary.Kinnamon@courts.state.md.us)

**Talbot County Circuit Court**

Mary Ann Shortall  
Clerk of the Circuit Court  
P. O. Box 723  
11 N. Washington St.  
Easton MD 21601-0723  
(800) 339-3403  
(410) 822-2611  
TTY: (410) 819-0909

[MaryAnn.Shortall@courts.state.md.us](mailto:MaryAnn.Shortall@courts.state.md.us)

**Talbot County - District Court**

Grace D. Achuff  
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(410) 996-2720  
TTY: (800) 735-2258

[Grace.Achuff@courts.state.md.us](mailto:Grace.Achuff@courts.state.md.us)

**Washington County Circuit Court**

Eunice C. Plank  
Court Administrator – 4<sup>th</sup> Circuit  
Washington County Court House  
95 W. Washington St.  
Hagerstown MD 21740  
(240) 313-2545

[Eunice.Plank@courts.state.md.us](mailto:Eunice.Plank@courts.state.md.us)

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## **Court Reporting Manual**

Revision Date – 2/16/05

Overview 1-20

### **Washington County - District Court**

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TTY: (301) 662-4159  
[Dixie.Scholtes@courts.state.md.us](mailto:Dixie.Scholtes@courts.state.md.us)

### **Wicomico County Circuit Court**

Wendy M. Riley  
Judicial Administrator  
Courts Building  
P. O. Box 806  
101 N. Division St.  
Salisbury MD 21803-0806  
(800) 989-6592  
(410) 548-4822  
TTY: (410) 548-3268  
[Wendy.Riley@courts.state.md.us](mailto:Wendy.Riley@courts.state.md.us)

### **Wicomico County - District Court**

Mary E. Kinnamon  
Administrative Clerk  
P. O. Box 547  
310 Gay St.  
Cambridge MD 21613-0547  
(800) 939-2872  
(410) 901-1436  
TTY: (800) 735-2258  
[Mary.Kinnamon@courts.state.md.us](mailto:Mary.Kinnamon@courts.state.md.us)

### **Worcester County Circuit Court**

Theresa S. Jackson  
228 Courthouse  
1 W. Market St.  
Snow Hill MD 21863-1079  
(800) 340-0691  
(410) 632-0600\*  
[Terry.Jackson@courts.state.md.us](mailto:Terry.Jackson@courts.state.md.us)

### **Worcester County - District Court**

Mary E. Kinnamon  
Administrative Clerk  
P.O. Box 547  
310 Gay St.  
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(800) 939-2872  
(410) 901-1436  
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**SECTION 2**  
**MARYLAND CERTIFICATION**  
**REQUIREMENTS**

**FEBRUARY 16, 2005**  
**REVISION**

**IN THE COURT OF APPEALS OF MARYLAND**  
ADMINISTRATIVE ORDER  
SETTING MINIMUM REQUIREMENTS FOR  
COURT REPORTING AND TRANSCRIPTION IN MARYLAND COURTS

WHEREAS, The *Ad Hoc* Court Reporters Committee has recommended the need for minimum standards for court reporting, including certification, orientation and education requirements, and procedural guidelines; and

WHEREAS, Maryland Rule 16-404 grants to the Chief Judge of the Court of Appeals broad authority with respect to regulations and standards for *inter alia* the selection, qualifications and responsibilities of court reporters and relating to court reporting and transcription generally; and

WHEREAS, Exercise of this authority has been limited to requirements related to transcription format and charges; and

WHEREAS, Consolidation of the current requirements in a single Administrative Order would be beneficial;

WHEREAS, Creation of a standing committee to provide advice and assistance with regard to various aspects of court reporting has been recommended;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Constitution and Maryland Rule 16-404, do hereby order this 16<sup>th</sup> day of February, 2005, that:



1. Definitions.

a. In General. In this Order the following words have the meanings stated.

b. Committee. “Committee” means the Court Reporting Committee.

c. Court Reporting. “Court reporting”:

(1) means the act of making the official verbatim record – that is one that reflects accurately the spoken word and nonverbal communication and action in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the making of a transcript by a transcriber or other individual who certifies the transcript.

d. Disposal. “Disposal” means destruction or erasure.

e. Notes. “Notes”:

(1) means the official verbatim record of a proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

2. Scope.

a. Providers. This Order shall apply to all applicants for

employment and personnel employed or contracted for court reporting services.

b. Records. This Order does not apply to a record that is subject to disposition under Maryland Rule 16-818.

c. Unofficial Transcribers. Nothing in this Order is to be construed to prevent a party from retaining, at the party's expense, a reporter to preserve an unofficial record, or provide the party with an unofficial transcript, of all or part of a proceeding when the official reporter is unable to provide communication access realtime translation for a deaf or hard of hearing individual or realtime translation or expedited delivery of a transcript for a party.

3. Court Reporting Committee.

a. Created. There is a Court Reporting Committee.

b. Membership. The Committee shall consist of the following members:

(i) The Chief Clerk of the Court of Special Appeals, as Chair of the Committee;

(ii) A court administrator, appointed by the Chief Judge of the Court of Appeals in consultation with the Chair of the Conference of Circuit Judges;

(iii) The Chair of the Conference of Circuit Court Clerks;

(iv) The Chief Clerk of the District Court;

(v) A representative of the Judiciary's Department of Human Resources, appointed by the Chief Judge of the Court of Appeals;

(vi) Providers of court reporting services representing the various methods currently in usage within Maryland, as appointed by the Chief

Judge of the Court of Appeals;

(vii) Lawyers using court reporting services, as appointed by the Chief Judge of the Court of Appeals; and

(viii) Any other individual appointed by the Chief Judge of the Court of Appeals.

c. Advisors. The Committee may invite others to provide advice to or otherwise to participate in the Committee's work, through invitations to public fora, appointment to subcommittees or assignment of specific tasks such as statistical and academic research.

d. Meetings.

(1) The Committee shall meet at the call of the Chair.

(2) A majority of the members actually serving on the Committee shall constitute a quorum for the transaction of business.

e. Functions. The Committee shall:

(1) recommend, to the Chief Judge of the Court of Appeals, certification criteria, including continuing education requirements, appropriate for individuals, whether employed by or contracting with a court, providing court reporting services in connection with court proceedings;

(2) assist the Judiciary's Department of Human Resources in the development of appropriate application forms and other employment or contractual materials related to court reporting services;

(3) develop and recommend, to the Chief Judge of the Court of Appeals, an orientation program for providers of court reporting services;

(4) recommend, to the Chief Judge of the Court of Appeals, changes to the *Court Reporting Manual* necessary from time to time, with particular attention initially to draft Sections 7 and 9;

(5) from time to time, make recommendations to the Chief Judge of the Court of Appeals with regard to appropriate charges for transcripts; and

(6) develop and recommend, to the Court of Appeals, standards formulated with the goal of ensuring usable electronic versions.

f. Staff. The Administrative Office of the Courts shall provide staff assistance to the Committee.

4. Personnel Requirements.

a. Applicants and Providers. Each applicant, and individual selected, by a court to provide court reporting services shall:

(1) submit to the court a completed application on a form provided by the Department of Human Resources and other documentation of qualifications as may be required by that Department;

(2) have certification or formal qualification credentials recognized by the Chief Judge of the Court of Appeals and meet other qualification standards as set by that court; and

(3) complete an orientation program on matters such as the Maryland court system, professional and ethical conduct in court reporting, and legal terminology, as may be approved by the Chief Judge of the Court of Appeals.

b. Courts.

(1) Whenever a court requires court reporting services, the court shall employ or contract for the services of an individual who meets the qualifications set under this Order. A court may contract for these services either directly with an individual or with an agency undertaking to provide a qualified individual.

(2) If, notwithstanding subsection (1), a court must use an

individual who does not satisfy the qualifications set under this Order, the court shall establish that the individual is qualified to provide court reporting services.

5. Manual.

Each individual selected for court reporting must comply with requirements set forth in the *Court Reporting Manual*, as revised from time to time under the direction of the Chief Judge of the Court of Appeals. This requirement does not apply to draft Sections 7 and 9 of the *Manual*.

6. Ownership of Notes.

Notes compiled by an individual while employed by, or under contract with, a court or by a subcontractor of a court, are property of the State of Maryland.

7. Filing and Storage of Notes.

a. Filing. Each individual providing court reporting services shall file notes in accordance with the policy approved by the Circuit Administrative Judge in the case of a circuit court or by the Chief Judge of the District Court in the case of that Court.

b. Storage. Notes are to be stored in a manner that preserves them for future use, as needed.

8. Transcripts.

a. Preparation Protocol.

(1) Subject to paragraphs (2) and (3) of this subsection, a

court reporter shall begin work on a transcript immediately after receiving a written request and shall deliver the completed transcript to the appropriate clerk or register.

(2) This subsection does not prevent a court reporter from requesting a deposit from the person ordering a transcript and does not require a court reporter to give the person a copy of the transcript before payment in full.

(3) In consultation with each supervisory court reporter in a circuit, the Circuit Administrative Judge shall develop protocols whereby a court reporter may ask permission to defer preparation of a transcript, or its delivery to a court, until payment in accordance with a schedule approved by the Circuit Administrative Judge. The protocols shall provide for due consideration to the complexity of the request, the payment history of the attorney or other person requesting the transcript, and other factors affecting unnecessary delay in the appellate process and just compensation of the court reporter.

b. Charges. The transcript charges for regular copies shall be as follows:

- (1) For the original of a transcript ..... \$3 per page
- (2) For the first copy ..... 50¢ per page
- (3) For a second copy ..... 25 ¢ per page
- (4) Total for original and two (2) copies ... \$3.75 per page
- (5) For an original with a disk ..... \$3.75 per page

c. Itemization. An individual providing court reporting services shall provide, on request of the Administrative Office of the Courts, a court, or a party, a written itemization of all rates and charges as to each party to a proceeding.

d. Substitute Transcribers. A supervisory court reporter may cause a transcript to be prepared from notes in the event of the inability, unavailability, or

unwillingness of the individual who took the notes to do so within the time ordered by the court.

9. Disposition of Notes.

a. Scope. This Section does not apply to:

- (1) a recording of a grand jury proceeding; or
- (2) an electronic tape recording made by or for a master.

b. Retention Periods. Subject to the limitations in this Section, with the written approval of a Circuit Administrative Judge, a clerk of court may dispose of notes at any time after the expiration of the following periods:

- (1) in a civil case, 5 years after the notes are taken; and
- (2) in a criminal case, 12 years after the notes are taken.

c. Disposition Schedule.

(1) At intervals set by a Circuit Administrative Judge, each individual providing court reporting services in the circuit or a designee of the Circuit Administrative Judge shall draft a schedule for disposal of notes.

(2) The supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall submit:

(i) a schedule for a circuit to the State Archives for its recommendations; and

(ii) a schedule and the recommendations of the State Archives to the Circuit Administrative Judge.

(3) A Circuit Administrative Judge may approve or disapprove a schedule. Approval of a schedule shall be in writing and shall be deemed a court order for disposal of the notes in accordance with the schedule.

- (4) As approved, each schedule shall:
- (i) identify the notes, by case name and number, or by reference to permanent source documents such as the court's dockets and minutes of proceedings;
  - (ii) state the date on which, or the inclusive dates during which, the notes were taken;
  - (iii) state whether the State Archives accepts or declines to accept the notes for preservation;
  - (iv) state the manner in which notes that the State Archives has declined to accept will be disposed of; and
  - (v) state the place to which notes that the State Archives has accepted will be removed.

d. Removal. Notes that the State Archives accepts shall be removed in accordance with the procedures for the Archives.

e. Disposal Certificate. After disposal of notes, the supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall send a certificate of disposal to the State Archives.

10. Application.

a. Prospective. This Order shall apply to the employment of an individual to provide court reporting services and to the contracting for court reporting services entered into or renewed on or after the effective date of this Order.

b. Current Providers. This Order may not be construed to require



the termination of the services of any individual employed by a court to provide court reporting services, or under contract to provide court reporting services.

11. Rescission of Prior and Conflicting Orders.

The Administrative Orders dated November 21, 1975, October 15, 1980, June 20, 1986, December 10, 1987, January 10, 1990, and June 22, 1998, are hereby rescinded. The Administrative Memoranda of the Chief Judge of the Court of Special Appeals dated March 11 and 14, 1997, are hereby rescinded.

12. Effective Dates.

Sections 1 and 3 of this Order shall take effect immediately. The balance of this Order shall take effect on April 18, 2005.

/s/ Robert M. Bell  
Robert M. Bell  
Chief Judge of the Court of Appeals

Filed: February 16, 2005

/s/ Alexander L. Cummings  
Clerk  
Court of Appeals of Maryland

**SECTION 3  
DEFINITIONS &  
CERTIFICATION  
CATEGORIES**

**FEBRUARY 16, 2005  
REVISION**

## **DEFINITIONS & CERTIFICATION CATEGORIES**

### I. DEFINITIONS.

#### A. *Audiographer.*

“Audiographer” means an individual who preserves a verbatim record with audio equipment, whether digital or tape, without a video component.

#### B. *CART Reporter.*

“CART Reporter” means an individual who provides communication access realtime translation, by displaying a verbatim record in English on a computer terminal screen for viewing in, e.g., a courtroom or deposition suite.

#### C. *Certified Reporter.*

“Certified reporter” means an individual who has satisfied each requirement established by the Maryland Administrative Office of the Courts (see Section 2 of this Manual), to define a minimum acceptable level of competence, thereby ensuring proficiency by those practicing court reporting in the Maryland judicial system.

#### D. *Closed Captioner.*

“Closed captioner” means an individual who produces on-screen captions of broadcasts – whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise.

#### E. *Court Reporting.*

“Court reporting” means the act of making the official verbatim record – that is one that reflects accurately the spoken word and nonverbal communication and action in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise – and includes the making of a transcript by a transcriber or other individual who certifies the transcript.

#### F. *Freelance Reporter.*

“Freelance reporter” means an individual who practices court reporting in a freelance manner – *i.e.*, as an independent contractor.

G. *Official Reporter.*

“Official reporter” means an individual whom a court designates, and usually assigns to a specific judge, to make or transcribe an official verbatim record – whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise.

H. *Realtime Reporter.*

“Realtime reporter” means an individual who practices court reporting through a computer aided transcription (“CAT”) system, in the manner described under “CART Reporter” – whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise.

I. *Scopist.*

“Scopist” means an individual who, through use of a computer and CAT system, assists in transcript production.

J. *Transcriber.*

“Transcriber” means an individual who prepares a transcript of a proceeding from an audiotape, digital recording, or videotape or through other means and certifies the transcript.

K. *Videographer.*

“Videographer” means an individual who preserves a verbatim record with video equipment whether digital or tape.

L. *Voicewriter.*

“Voicewriter” means an individual who practices court reporting by means of stenomask, analog or digital recorder, microphone(s), and, in some systems, voice recognition technology for realtime transcription.

II. AMERICAN ASSOCIATION OF ELECTRONIC REPORTERS AND TRANSCRIBERS (“AAERT”) CERTIFICATIONS – [www.aaert.org](http://www.aaert.org).

A. *Certified Electronic Court Reporter (“CER”).*

“Certified Electronic Court Reporter” is an individual who:

- has:
  - ▶ two years' work experience;

- ▶ eligibility for notary public commissions in the individual's state; and
- ▶ at least a high school degree; and
- scores at least 70% on an examination with:
  - ▶ a timed, 100-question, written examination on technical aspects of electronic reporting including microphone protocols, courtroom procedures, and vocabulary; and
  - ▶ note-taking during a half-hour AAERT-prepared courtroom video, and for transcriber,

B. *Certified Electronic Court Transcriber ("CET")*.

"Certified Electronic Court Transcriber" is an individual who:

- has:
  - ▶ two years' work experience;
  - ▶ eligibility for notary public commissions in the individual's state; and
  - ▶ at least a high school degree;
- scores at least 70% on an examination with a timed, 100-question, written examination on technical aspects of electronic reporting, courtroom procedures, and vocabulary; and
- scores at least 98% accuracy on at least ten text pages produced during a half-hour AAERT-prepared audiotape in ASCII, Word, WordPerfect, or WordStar.

C. *Certified Electronic Court Reporter and Transcriber ("CERT")*.

"Certified Electronic Court Reporter and Transcriber" is an individual who has satisfied requirements for both CER and CET.

III. NATIONAL COURT REPORTERS ASSOCIATION ("NCRA") CERTIFICATIONS – [www.NCRAonline.org](http://www.NCRAonline.org).

A. *Certified Broadcast Captioner ("CBC")*.

"Certified Broadcast Captioner" means an individual who:

- is an NCRA member in good standing;
- has demonstrated ability, knowledge, and skill to produce accurate, simultaneous translation and display of a broadcast using realtime translation software by:
  - ▶ scoring at least 70% on the NCRA CBC written knowledge test, which is a 90-minute, 100-question, multiple choice test based, but not limited to:
    - 35% on writing realtime;
    - 25% on language skills;
    - 25% on realtime writing in the broadcast environment; and
    - 15% on research;
  - ▶ passing the NCRA CRR skills test or the NCRA CBC skills test, which consists of:

- setting up and operating equipment;
- accurately writing realtime for five minutes from professionally recorded straight matter ranging in speed from 180 words per minute; and
- converting the file to an ASCII text file; and
- meets NCRA continuing education requirements – *i.e.*, 3.0 CEU over a three-year period.

**B. Certified CART Provider (“CCP”).**

“Certified CART Provider” is an individual who:

- is an NCRA member in good standing;
- has demonstrated ability, knowledge, and skill to produce accurate simultaneous translation and display of a live proceeding using computer-aided transcription by:
  - ▶ scoring at least 70% on the NCRA CCP written knowledge test, which is a 90-minute, 100-question, multiple choice test based approximately:
    - 25% on writing realtime;
    - 15% on language skills;
    - 15% on research; and
    - 45% on communication access realtime translation; and
  - ▶ passing the NCRA CRR skills test or the NCRA CCP skills test, which consists of:
    - setting up and operating equipment;
    - accurately writing realtime for five minutes from professionally recorded literary matter at 180 words per minute; and
    - converting the file to an ASCII text file; and
- meets NCRA continuing education requirements – *i.e.*, 3.0 CEU over a three-year period.

**C. Certified Legal Video Specialist (“CLVS”).**

“Certified Legal Video Specialist” is an individual who:

- is an NCRA member in good standing;
- attends a requisite NCRA seminar;
- has demonstrated ability, knowledge, and skill to use video equipment and conduct a video deposition by:
  - ▶ scoring at least 70% on the NCRA CLVS written knowledge test, which is a 90-minute, 100-question, multiple choice test based, but not limited to, approximately:
    - 40% on video recording production;
    - 20% on post production;
    - 25% on judicial and legal procedures;
    - 10% on office and operating practices; and

- 5% on professional development and ethics; and
- ▶ scoring at least 70% on the NCRA CLVS production test as to ability and knowledge to handle video equipment and conduct a five to ten minute mock deposition; and
- renews the certificate annually.

D. *Certified Realtime Reporter (“CRR”).*

“Certified Realtime Reporter” is an individual who:

- is an NCRA member in good standing;
- is an RPR;
- has demonstrated ability, knowledge, and skill to produce accurate, simultaneous translation and display of live proceedings using computer aided translation by, scoring 96% on the three-part CRR skills examination based on:
  - setting up and operating equipment;
  - accurately writing realtime for five minutes from professionally recorded straight matter at 180 words per minute (with 36 allowable errors); and
  - converting the file to an ASCII text file; and
- meets NCRA continuing education requirements – *i.e.*, 3.0 CEU over a three-year period.

E. *Registered Diplomate Reporter (“RDR”).*

“Registered Diplomate Reporter” is an individual who:

- is an NCRA member in good standing continuously;
- qualifies at the time of the NCRA RDR written knowledge test, by:
  - ▶ having at least five, consecutive years’ experience as an RMR;
  - ▶ being an RMR and having a bachelor’s degree; or
  - ▶ being an RMR and having at least two other NCRA certifications;
- scores at least 70% on the written knowledge test, which is a 90-minute, 100-question, multiple-choice test covering approximately:
  - ▶ 35% on reporting;
  - ▶ 27% on transcript production;
  - ▶ 11% on management;
  - ▶ 10% on education;
  - ▶ 8% on marketing; and
  - ▶ 9% on professional issues; and
- maintains the RPR certification, including continuous education requirements.

F. *Registered Merit Reporter (“RMR”).*

“Registered Merit Reporter” is an individual who:

- is an NCRA member in good standing;
- qualifies for testing:

- ▶ at the time of the NCRA RMR written knowledge test, by:
  - having been an NCRA member for at least four consecutive years and being an RPR;
  - being an RPR for at least three consecutive years;
  - being an RPR and having at least six consecutive years' experience as a practicing reporter; or
  - being an RPR and having a bachelor's degree; and
- ▶ at the time of the skills test, by being an RPR;
- scores at least 70% on the written knowledge test, which is a 100-question, multiple-choice test covering approximately:
  - ▶ 47% on reporting;
  - ▶ 41% on transcript production;
  - ▶ 6% on administration; and
  - ▶ 6% on professional issues and continuing education;
- scores at least 95% each leg of the NCRA RPR skills test (not necessarily completed in one setting), which allots 75 minutes at the end of a leg for transcription:
  - ▶ literary at 200 wpm;
  - ▶ jury charge at 240 wpm; and
  - ▶ testimony/Q&A at 260 wpm; and
- maintains the RPR certificate.

G. *Registered Professional Reporter ("RPR").*

"Registered Professional Reporter" is an individual who:

- is an NCRA member in good standing;
- has demonstrated ability, knowledge, and skill to produce a verbatim record of a proceeding and basic knowledge of reporter-related technology and terminology, by:
  - ▶ scoring at least 70% on the NCRA RPR written knowledge test, which is a 90-minute, 100-question, multiple-choice test covering approximately:
    - 48% on reporting;
    - 44% on transcript production;
    - 4% on operating practices; and
    - 4% on professional issues and continuing education; and
  - ▶ scoring at least 95% on each leg of the NCRA RPR skills test (not necessarily completed in one setting), which allots 75 minutes at the end of a leg for transcription:
    - literary at 180 wpm;
    - jury charge at 200 wpm; and
    - testimony/Q&A at 225 wpm; and
- meets the NCRA continuing education requirements – *i.e.*, 3.0 CEUs over a three-year period.



H. *Educator and Manager Certificates.*

In addition to the certificates noted above, NCRA offers to certificates for educators – Certified Program Evaluator (“CPE”), Certified Reporting Instructor (“CRI”) and Master Certified Reporting Instructor (“MCRI”) – and a certificate for supervisors – Certified Manager of Reporting Services (“CMRS”).

IV. NATIONAL VERBATIM REPORTERS ASSOCIATION (“NVRA”) CERTIFICATIONS – [www.nvra.org](http://www.nvra.org).

A. *Certificate of Merit (“CM”).*

“Certificate of Merit” is an individual who has advanced from Certified Verbatim Reporter by:

- scoring at least a 97% accuracy rate on three five-minute tests of dictation and transcription:
  - ▶ literary at 225 wpm;
  - ▶ jury charge at 250 wpm; and
  - ▶ two-voice Q&A at 300 wpm; and
- meeting continuing education requirements.

B. *Certified Verbatim Reporter (“CVR”).*

“Certified Verbatim Reporter” is an individual who has demonstrated reporting skills by:

- attending a basic NVRA workshop on use and care of reporting equipment, basic courtroom procedures, read-back and silence testing;
- scoring at least 75% on a written test of *inter alia* definitions, grammar, legal terminology, punctuation, and spelling;
- scoring at least 95% on three five-minute tests of dictation and transcription, consisting of:
  - ▶ literary at 200 wpm;
  - ▶ jury charge at 225 wpm; and
  - ▶ two-voice Q&A at 250 wpm; and
- meeting continuing education requirements.

C. *Realtime Verbatim Reporter (“RVR”).*

“Real-Time Verbatim Reporter” is a Certified Verbatim Reporter who demonstrates realtime reporting skills by:

- scoring at least 96% on an unedited, five-minute, two-voice Q&A dictation at between 180 and 200 words per minute, while maintaining silence requirements; and
- meeting continuing education requirements.

V. SPECIALTY CERTIFICATING ORGANIZATION.

The American Association for Medical Transcription (“AAMT”) credentials Certified Medical Transcriptionists (“CMT”), with a two-part written and practical examination and continuing education requirement. See [www.aamt.org/agate/aamt\\_oms/content/index.asp](http://www.aamt.org/agate/aamt_oms/content/index.asp).

# **SECTION 4**

# **PROFESSIONAL CONDUCT**

**FEBRUARY 16, 2005**  
**REVISION**

## **PROFESSIONAL CONDUCT**

An official reporter is integral to the justice system; as such, she or he is subject to the requirements of court rules, statutes, and administrative orders (see Section 5 of this *Manual*) and this *Manual*.

Responsibility for making and maintaining an accurate and complete, verbatim, permanent record of all proceedings requires that an official reporter be competent, punctual, and willing to work long hours. Requisite skills include an ability to report or log accurately and quickly; expertise at grammar, punctuation, and spelling; neatness; proficiency at transcribing; organization; and speed.

An official reporter must be courteous, dignified, impartial, and patient and should conform his/her conduct to high personal and professional standards. An official reporter should be a respected citizen of good moral character and complete trustworthiness.

Whenever an individual acts as an official reporter, the individual is an officer of the court, is part of the court staff, and should display the same diligence, fidelity, and high, irreproachable standard of conduct to which a judge is obligated. The individual always should recognize that an independent and honorable court is indispensable to justice in our system. The judicial system is for the benefit of litigants and the public, not the court or its staff.

The justice system requires an understanding that each official reporter:

- Must abide by the United States and Maryland Constitutions and other laws.
- Must respect the justice system at all times.
- Must reflect, in his/her official and personal life, credit on the court, the judge, and the profession – *e.g.*, avoid being identified with a controversy that would reflect negatively on the justice system or the court reporting profession.
- Must guard against not only the fact but the appearance of impropriety – *e.g.*, be alert to a situation in which a conflict of interest, due to an existing or past business, family, financial, professional, social, or other relationship, or the appearance of such conflict could arise and disclose the conflict or potential conflict as soon as possible.
- Must be, in fact and appearance, fair and impartial toward each participant in all aspects of a proceeding – *e.g.*, avoid taking sides in a proceeding by expressing an opinion about how a case should be decided or what verdict a jury will return.
- Must observe the confidentiality of communications with a judge.

- Must provide, on request of the Administrative Office of the Courts, a court, or a party, a written itemization of all rates and charges as to each party to a proceeding.
- Should never purport to act or speak for a judge where a judicial matter is involved.
- Should never exercise a court's discretion without express permission – *e.g.*, excusing jurors or setting hearings.
- Should never leave anyone with the impression that the reporter could or would “talk to the judge” about a case or knows “what the judge is going to do”.
- Should never discuss the merits of a case.
- Should never interpose himself or herself improperly between a judge and another.
- Should never give advice to anyone as to a matter that currently is or could come before the court.
- Should never permit anyone to dictate anything into a court record out of the judge's presence and/or without the judge's knowledge.
- Should never produce an inaccurate or incomplete transcript.
- Should cooperate with the bench and bar for improvement of the administration of justice.

An official reporter is an officer of the court and, therefore, always should perform in a manner commensurate with that decorum necessary to preserve the sanctity of the courtroom.

Professional demeanor of an official reporter is of particular importance in a jury trial. Jurors, litigants, and the general public tend to be curious about an official reporter and the equipment. An official reporter must be conscious of facial expressions and other body language from which a juror might draw some inference – for example, a nonchalant attitude may be interpreted as belittling the importance of a case, an opinion that an official reporter is not entitled to express openly.

Common sense, professional courtesy, court rules, and statutes should guide official reporters in applying these guidelines. To this end, each official reporter should:

- Strive to become proficient in professional skills.
- Strive to remain proficient in professional skills – *e.g.*, keeping abreast of current literature and technological advances and developments; participating in continuing-education programs and professional organizations.
- Maintain a sincere and impelling interest in and support of the court reporting profession.
- Be truthful and accurate when making a public statement or advertising qualifications or services provided.
- Offer to provide comparable services to all parties in a proceeding.

- Accept an assignment only when his/her level of competence will allow preparation of an accurate transcript and remove himself/herself from an assignment should he/she believe his/her abilities to be inadequate, assigning or recommending another individual with the requisite competence.
- Whenever possible, notify each party of assignment of a substitute official reporter.
- Determine independently fees not set by court order, entering into no unlawful or biased agreements.
- Be efficient.
- Be punctual – *e.g.*, arriving before a recess ends so that, when the court is ready to resume, it need not have the official reporter located.
- Wear clothing that enhances a professional image – that is, ordinary business attire is recommended and provocative clothing is discouraged.
- Maintain audiotapes, stenographic notes, videotapes and other court materials in accordance with Maryland law and professional standards.
- Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the official reporter.
- Produce transcripts promptly.
- Prepare the record in accordance with transcript preparation guidelines established by administrative order, rule, statute, this Manual, and, to the extent not inconsistent, local custom and usage.
- Deliver transcripts in a timely manner, meeting appeal deadlines or promised delivery dates.
- Give notice of delays.
- On ceasing to be an official reporter, leave, with the court, audiotapes, stenographic notes, videotapes and other court materials in accordance with administrative orders, rules, statutes, this Manual, and other applicable requirements.
- Not neglect the work of a court in order to perform outside work.
- If an attorney, not practice law in the court where serving as an official reporter.

Official reporters should refrain from giving, directly or indirectly, to persons associated with litigation – *e.g.*, an attorney, client, insurance company, or witness, or to an agent or representative of such persons, anything of value other than nominal items. NCRA suggests that such items not exceed in one year \$25 per transaction or \$100 in total per recipient.

Official reporters are encouraged to provide *pro bono* services in appropriate situations and in accordance with the basic tenets of the profession: competence, impartiality, and integrity.

## **Court Reporting Manual**

Revision Date – 2/16/05

Professional Conduct 4-4

Opinion on, and discussion of, ethical issues can be found on the website of the National Court Reporters' Association – [www.ncraonline.org/infonews/ethics/advisory.shtml](http://www.ncraonline.org/infonews/ethics/advisory.shtml). Additional opinions may be found on websites such as that for the Texas Court Reporters Association – [www.tcra-online.com](http://www.tcra-online.com).

Source Materials: National Court Reporters Association Code of Professional Ethics; National Verbatim Reporters Association Member Handbook; Supreme Court of Texas' Standards and Rules for Certification of Certified Shorthand Reporters.

**SECTION 5**  
**SELECTED MARYLAND**  
**LAWS ON COURT**  
**REPORTING**  
**INCLUDING RULES OF PROCEDURE, ADMINISTRATIVE**  
**ORDER, & STATUTES**

**FEBRUARY 16, 2005**  
**REVISION**



## **SELECTED MARYLAND LAWS ON COURT REPORTING**

### I. MARYLAND RULES (2005 VOLUME).

#### Title 1. General Provisions

#### Chapter 200. Construction, Interpretation, and Definitions.

1-203.

(a) In computing any period of time prescribed by these rules, by rule or order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not included. If the period of time allowed is more than seven days, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is seven days or less, intermediate Saturdays, Sundays, and holidays are not counted. The last day of the period so computed is included unless:

(1) it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday; or

(2) the act to be done is the filing of a paper in court and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the day, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not open during its regular hours.

**Committee Note:** This section supersedes Code, Article 1, § 36 to the extent of any inconsistency.

**Cross references:** For the definition of "holiday," see Rule 1-202.

(b) In determining the latest day for performance of an act which is required by these rules, by rule or order of court, or by any applicable statute, to be performed a prescribed number of days before a certain day, act, or event, all days prior thereto, including intervening Saturdays, Sundays, and holidays, are counted in the number of days so prescribed. The latest day is included in the determination unless it is a Saturday, Sunday, or holiday, in which event the latest day is the first preceding day which is not a Saturday, Sunday, or holiday.

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#### Chapter 300. General Provisions.

1-325.

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(b) The court shall order the State to pay the court costs related to an appeal or an application for leave to appeal and the costs of preparing any transcript of testimony, brief, appendices, and record extract necessary in connection with the appeal, in any case in which (1) the Public Defender's Office is authorized by these rules or other law to represent a party, (2) the Public Defender has declined representation of the party, and (3) the party is unable by reason of poverty to pay those costs.

Title 2. Civil Procedure – Circuit Court

Chapter 400. Discovery.

2-401.\*

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(d) (1) For purposes of this section, the term "discovery material" means a notice of deposition, an objection to the form of a notice of deposition, the questions for a deposition upon written questions, an objection to the form of the questions for a deposition upon written questions, a deposition transcript, interrogatories, a response to interrogatories, a request for discovery of documents and property, a response to a request for discovery of documents and property, a request for admission of facts and genuineness of documents, and a response to a request for admission of facts and genuineness of documents.

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2-402.

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

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(e) A party may obtain a statement concerning the action or its subject matter previously made by that party without the showing required under section (d) of this Rule. A person who is not a party may obtain, or may authorize in writing a party to obtain, a statement concerning the action or its subject matter previously made by that person without the showing required under section (d) of this Rule. For purposes of this section, a statement previously made is (1) a written statement signed or otherwise adopted or approved by the person making it, or (2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, that is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

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2-403.

(a) On motion of a party or of a person from whom discovery is sought, and for good cause shown, the court may enter any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: ... (7) that a deposition, after being sealed, be opened only by order of the court, ...

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 2-401(d) but does not affect the provisions set out here. The amendment would require prompt filing of a notice of service of discovery materials.

2-412.

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(b) If the deposition is to be recorded by videotape or audiotape, the notice shall specify the method of recording. If a videotape deposition is to be taken for use at trial pursuant to [Rule 2-419\(a\)\(4\)](#), the notice shall so specify.

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2-414.

(a) In this State, a deposition shall be taken before any person authorized to administer an oath.

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(d) A deposition shall not be taken before a person who is a relative or employee or attorney of a party, or is a relative or employee of an attorney of a party, or is financially interested in the action.

(e) Any objection to the taking of a deposition because of the disqualification of the officer is waived unless made before the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

2-415.

(a) The deponent shall be put on oath by the officer before whom a deposition is taken, and the testimony of the deponent shall be recorded by the officer or by someone acting under the direction and in the presence of the officer. The testimony shall be recorded stenographically or, pursuant to Rule 2-416, by videotape or audiotape. The testimony shall also be transcribed unless the parties agree otherwise or unless the court orders otherwise to avoid expense, hardship, or injustice. The court may order one or more of the parties to pay the cost of transcription.

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(c) Any party may inspect and copy documents and other tangible things produced by a deponent and may require them to be marked for identification and attached to and returned with the transcript. However, if the person producing the materials requests their return, (1) the person producing the materials, upon affording each party an opportunity to verify the copies by comparison with the originals, may substitute copies to be marked for identification and attached to and returned with the transcript, or (2) the person producing the materials may offer the originals to be marked for identification, after affording each party an opportunity to inspect and copy them, in which event the materials may be used in the same manner as if attached to and returned with the transcript. Any party may move for an order that the originals be attached to and returned with the transcript to the court, pending final disposition of the case.

(d) Unless changes and signing are waived by the deponent and the parties, the officer shall submit the transcript to the deponent, accompanied by a notice in substantially the following form:

[Caption of case]

NOTICE TO [name of deponent]

The enclosed transcript of your deposition in the above-captioned case is submitted to you on [date of submission of the transcript to the deponent] for your signature and any corrections or other changes you wish to make. All corrections and other changes will become part of your sworn testimony.

After you have read the transcript, sign it and, if you are making changes, attach to the transcript a separate correction sheet stating the changes and the reason why each change is being made. Return the signed transcript and any correction sheet to [name and address of officer before whom the deposition was taken] no later than 30 days after the date stated above.

If you fail to return the signed transcript and any correction sheet within the time allowed, the transcript may be used as if signed by you. See Rules 2-415 and 2-501 of the Maryland Rules of Procedure.

Within 30 days after the date the officer mails or otherwise submits the transcript to the deponent, the deponent shall (1) sign the transcript and (2) note any changes to the form or substance of the testimony in the transcript on a separate correction sheet, stating the reason why each change is being made. The officer promptly shall serve a copy of the correction sheet on the parties and attach the correction sheet to the transcript. The changes contained on the correction sheet become part of the transcript. If the deponent does not timely sign the transcript, the officer shall sign the transcript, certifying the date that the transcript was submitted to the deponent with the notice required by this section and that the transcript was not signed and returned within the time allowed. The transcript may then be used as if signed by the deponent, unless the court finds, on a motion to suppress under section (j) of this Rule, that the reason for the failure to sign requires rejection of all or part of the transcript.

**Cross References:** See Rule 2-501 (e) for the consequences of filing an affidavit or other written statement under oath that contradicts deposition testimony that was not changed within the time allowed by this section.

(e) The officer shall attach to the transcript a certificate that the deponent was duly sworn and that the transcript is a true record of the testimony given. A transcript prepared from a certified videotape or audiotape may be certified by any person qualified to act as a deposition officer. The officer shall then securely seal the transcript in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of deponent)."

(f) Upon receiving payment of reasonable charges, the officer shall furnish a copy of the transcript to any party or to the deponent.

(g) All objections made during a deposition shall be recorded with the testimony. An objection to the manner of taking a deposition, to the form of questions or answers, to the oath or affirmation, to the conduct of the parties, or to any other kind of error or irregularity that might be obviated or removed if objected to at the time of its occurrence is waived unless a timely objection is made during the deposition. An objection to the competency of a witness or to the competency, relevancy, or materiality of testimony is not waived by failure to make it before or

during a deposition unless the ground of the objection is one that might have been obviated or removed if presented at that time. The grounds of an objection need not be stated unless requested by a party. If the ground of an objection is stated, it shall be stated specifically, concisely, and in a non-argumentative and non-suggestive manner. If a party desires to make an objection for the record during the taking of a deposition that reasonably could have the effect of coaching or suggesting to the deponent how to answer, then the deponent, at the request of any party, shall be excused from the deposition during the making of the objection.

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(j) An objection to the manner in which testimony is transcribed, videotaped, or audiotaped, or to the manner in which a transcript is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer is waived unless a motion to suppress all or part of the deposition is made promptly after the defect is or with due diligence might have been ascertained. In ruling on a motion to suppress, the court may grant leave to any party to depose the deponent further on terms and conditions the court deems appropriate.

2-416.

(a) Any deposition may be recorded by videotape or audiotape without a stenographic record, but a party may cause a stenographic record of the deposition to be made at the party's own expense. Except as otherwise provided by this Rule, the rules of this chapter apply to videotape and audiotape depositions.

(b) On motion of a party made prior to the deposition, the court may order that a videotape deposition intended for use at trial be postponed or begun subject to being continued, on such terms as are just, if the court finds that the deposition is to be taken before the moving party has had an adequate opportunity to prepare, by discovery deposition of the deponent or other means, for cross-examination of the deponent.

(c) The area to be used for recording testimony shall be suitable in size, have adequate lighting, and be reasonably quiet. The physical arrangements shall not be unduly suggestive or otherwise prejudicial.

(d) The operator of the recording equipment shall be competent to set up, operate, and monitor the equipment in accordance with this Rule. The operator may be an employee of the attorney taking the deposition unless the operator is also the officer before whom the deposition is being taken.

(e) The operator shall not distort the appearance or demeanor of participants in the deposition by the use of camera or sound recording techniques.

(f) The deposition shall begin by the operator stating on camera or on the audiotape: (1) the operator's name and address, (2) the name and address of the operator's employer, (3) the date, time, and place of the deposition, (4) the caption

of the case, (5) the name of the deponent, and (6) the name of the party giving notice of the deposition. The officer before whom the deposition is taken shall identify himself or herself and swear the deponent on camera or on the audiotape. At the conclusion of the deposition, the operator shall state on camera or on the audiotape that the deposition is concluded. When more than one tape is used, the operator shall announce the end of each tape and the beginning of the next tape on camera or on the audiotape. A videotape deposition shall be timed by a clock that shall show on camera whenever possible each hour, minute, and second of the deposition.

(g) The officer shall keep a log of all objections made during the deposition and shall reference them to the time shown on the clock on camera or to the videotape or audiotape indicator. Evidence objected to shall be taken subject to the objection. A party intending to offer a videotape or audiotape deposition in evidence shall notify the court and all parties in writing of that intent and of the parts of the deposition to be offered within sufficient time to allow for objections to be made and acted upon before the trial or hearing. Objections to all or part of the deposition shall be made in writing within sufficient time to allow for rulings on them and for editing of the tape before the trial or hearing. The court may permit further designations and objections as justice may require. In excluding objectionable testimony or comments or objections of counsel, the court may order that an edited copy of the videotape or audiotape be made or that the person playing the tape at trial suppress the objectionable portions of the tape. In no event, however, shall the original videotape or audiotape be affected by any editing process.

**Committee note:** This section supplements Rule 2-415(g).

(h) After the deposition has been taken, the officer shall review the videotape or audiotape promptly and attach to it a certificate that the recording is a correct and complete record of the testimony given by the deponent.

(i) The attorney for the party taking the deposition or any other person designated by the court or agreed to by the parties represented at the deposition shall take custody of the videotape or audiotape and be responsible for its safeguarding, permit its viewing or hearing by a party or the deponent, and provide a copy of the videotape or its audio portion or of the audiotape, upon the request and at the cost of a party or the deponent. A videotape or audiotape offered or admitted in evidence at a trial or hearing shall be marked and retained as an exhibit.

2-417.

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(b) A copy of the notice and copies of all direct, cross, redirect, and recross questions served shall be delivered by the party taking the deposition to the officer before whom the deposition is to be taken. The officer shall take the testimony of the deponent in response to the questions and prepare and certify the transcript of the

deposition in the manner provided by these rules.

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2-418.

The parties may stipulate in writing, or the court on motion may order, that a deposition be taken by telephone. The officer before whom the deposition is taken may administer the oath by telephone. For the purpose of these rules, a deposition taken by telephone is taken at the place where the deponent answers the questions.

2-419.

(a) ...

(4) A videotape deposition of a treating or consulting physician or of any expert witness may be used for any purpose even though the witness is available to testify if the notice of that deposition specified that it was to be taken for use at trial.

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2-432.

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(b) ...

(2) A motion for an order compelling discovery shall set forth: the question, interrogatory, or request; and the answer or objection; and the reasons why discovery should be compelled. Instead of setting forth the questions and the answers or objections from a deposition, the relevant part of the transcript may be attached to the motion. The motion need not set forth the set of interrogatories or requests when no response has been served. If the court denies the motion in whole or in part, it may enter any protective order it could have entered on a motion pursuant to [Rule 2-403](#). For purposes of this section, an evasive or incomplete answer is to be treated as a failure to answer.

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## Chapter 500. Trial.

2-541.

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(d) ...

(3) All proceedings before a master shall be recorded either stenographically or by an electronic recording device, unless the making of a record is waived in writing by all parties. A waiver of the making of a record is also a waiver of the right to file any exceptions that would require review of the record for their

determination.

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(e) ...

(2) Unless otherwise ordered, the report shall include findings of fact and conclusions of law and a recommendation in the form of a proposed order or judgment, and shall be accompanied by the original exhibits. A transcript of the proceedings before the master need not be prepared prior to the report unless the master directs, but, if prepared, shall be filed with the report.

\*\*\*\*

(g) ...

(2) Unless a transcript has already been filed, a party who has filed exceptions shall cause to be prepared and transmitted to the court a transcript of so much of the testimony as is necessary to rule on the exceptions. The transcript shall be ordered at the time the exceptions are filed, and the transcript shall be filed within 30 days thereafter or within such longer time, not exceeding 60 days after the exceptions are filed, as the master may allow. The court may further extend the time for the filing of the transcript for good cause shown. The excepting party shall serve a copy of the transcript on the other party. Instead of a transcript, the parties may agree to a statement of facts or the court by order may accept an electronic recording of the proceedings as the transcript. The court may dismiss the exceptions of a party who has not complied with this section.

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(i) Payment of the compensation, fees, and costs of a master may be compelled by order of court. The costs of any transcript may be included in the costs of the action and assessed among the parties as the court may direct.

2-542.

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(d) ...

(4) All proceedings before an examiner shall be recorded either stenographically or by an electronic recording device, unless otherwise ordered by the court.

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(f) Unless otherwise ordered by the court, all proceedings before the examiner shall be transcribed. A witness shall not be required to authenticate and sign the transcript of that witness' testimony unless requested by a party. When the examination has been completed, the examiner shall collect and arrange all transcripts and exhibits, certify that they are authentic and complete, and file them with the court. The examiner may also include a report of any special matters or irregularities that arose during or as a result of the examination. On the date the



record is filed, the examiner shall send written notice to all parties informing them of the date of filing. The examiner shall certify to the court that the required notices have been sent. For ten days thereafter, the record shall be available for inspection by the parties.

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(i) Payment of the compensation, fees, and costs of an examiner may be compelled by order of court. The costs of the transcript may be included in the costs of the action and assessed among the parties as the court may direct.

2-543.

\*\*\*\*

(d) ...

(3) All proceedings before an auditor shall be recorded either stenographically or by an electronic recording device, unless the making of a record is waived in writing by all parties and claimants. A waiver of the making of a record is also a waiver of the right to file any exceptions that would require review of the record for their determination.

\*\*\*\*

(g) ...

(2) A party or claimant who has filed exceptions shall cause to be prepared and transmitted to the court a transcript of so much of the testimony as is necessary to rule on the exceptions. The transcript shall be filed within 30 days after the filing of exceptions or within such longer time, not exceeding 90 days from the date of the filing of exceptions, as the auditor may allow. The court may further extend the time for the filing of the transcript for good cause shown. Instead of a transcript, the parties and claimants whose interest could be affected by the exceptions may agree to a statement of facts or the court by order may accept an electronic recording of the proceedings as the transcript. The court may dismiss the exceptions of a party or person who has not complied with this section.

\*\*\*\*

(i) Payment of the compensation, fees, and costs of an auditor may be compelled by order of court. The costs of any transcript may be included in the costs of the action and assessed among the parties as the court may direct.

2-551.

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(d) Promptly after the filing of memoranda, a judge of the panel shall determine, by reviewing the memoranda and, if necessary, by conferring with counsel, whether a transcript of all or part of the proceeding is reasonably required for decision of the questions presented. If a transcript is required, the judge shall order one of the parties to provide the transcript and shall fix a time for its filing. The expenses of the transcript shall be assessed as costs against the losing party, unless otherwise ordered by the panel.

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2-603.

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(c) When the court orders or requests a transcript ..., the court may assess as costs some or all of the expenses or may order payment of some or all of the expenses from public funds. On motion of a party and after hearing, if requested, the court may assess as costs any reasonable and necessary expenses, to the extent permitted by rule or law.

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### Title 3. Civil Procedure – District Court

#### Chapter 400. Discovery.

##### 3-401.\*

(a) Except as otherwise provided in this Title, a party may obtain discovery by written interrogatories and, if a written stipulation is filed in the action, by deposition upon oral examination or written questions. The taking and use of a deposition permitted under this Rule shall be in accordance with [Chapter 400 of Title 2](#).

(b) (1) For purposes of this section, the term "discovery material" means a notice of deposition, an objection to the form of a notice of deposition, the questions for a deposition upon written questions, an objection to the form of the questions for a deposition upon written questions, a deposition transcript, interrogatories, and a response to interrogatories.

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##### 3-421.

(a) Unless otherwise limited by order of the court in accordance with this Rule, the scope of discovery by interrogatories is as follows:

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(3) A party by interrogatory may request the party upon whom the interrogatory is served to attach to the response or submit for inspection the original or an exact copy of the following:

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(B) a statement concerning the action or its subject matter previously made by the party seeking discovery, whether a written statement signed

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 3-401(b) but does not affect the provisions set out here. The amendment would require prompt filing of a notice of service of discovery materials.

or otherwise adopted or approved by that party, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, that is a substantially verbatim recital of an oral statement by that party and contemporaneously recorded; and

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3-431.

With leave of court for good cause shown, a party to a pending action may perpetuate the testimony of any party or person by deposition upon oral examination or written questions. Unless otherwise ordered by the court, the taking and use of the deposition shall be in accordance with [Chapter 400 of Title 2](#).

**Committee note:** A person desiring to perpetuate testimony before an action is instituted may do so in accordance with Rule 2-404.

## Chapter 600. Judgment.

3-603.

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(b) When the court orders or requests a transcript ..., the court may assess as costs some or all of the expenses or may order payment of some or all of the expenses from public funds. On motion of a party and after hearing, if requested, the court may assess as costs any reasonable and necessary expenses, to the extent permitted by rule or law.

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## Title 4. Criminal Causes

### Chapter 200. Pretrial Procedures.

4-266.

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(c) Upon motion of a party or of the witness named in the subpoena filed promptly and, whenever practicable, at or before the time specified in the subpoena for compliance, the court may, for good cause shown, enter an order which justice requires to protect the party or witness from annoyance, embarrassment, oppression, or undue burden or expense, including one of the following:

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(5) That the transcript of any examination or matters produced or copies, after being sealed, not be opened or the contents be made public only by order of court; or

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## Chapter 300. Trial and Sentencing.

4-342.\*

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(i) At the time of imposing sentence, the court shall cause the defendant to be advised of any right of appeal, any right of review of the sentence under the Review of Criminal Sentences Act, any right to move for modification or reduction of the sentence, and the time allowed for the exercise of these rights. At the time of imposing a sentence of incarceration for a violent crime as defined in Code, [Correctional Services Article, § 7-101](#) and for which a defendant will be eligible for parole as provided in § 7-301(c) or (d) of the [Correctional Services Article](#), the court shall state in open court the minimum time the defendant must serve for the violent crime before becoming eligible for parole. The circuit court shall cause the defendant who was sentenced in circuit court to be advised that within ten days after filing an appeal, the defendant must order in writing a transcript from the court stenographer.

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## Chapter 400. Post Conviction Procedure.

4-407.

(a) The judge shall prepare and file or dictate into the record a statement setting forth separately each ground upon which the petition is based, the federal and state rights involved, the court's ruling with respect to each ground, and the reasons for the action taken thereon. If dictated into the record, the statement shall be promptly transcribed.

## Chapter 500. Expungement of Records.

4-501.

The procedure provided by this Chapter is exclusive and mandatory for use in all judicial proceedings for expungement of records whether pursuant to Code, [Criminal Procedure Article](#), §§ 10-101 through 10-109 or otherwise.

**Cross References:** Expungement of criminal charges transferred to the juvenile court, Rule 11-601.

4-502.

The following definitions apply in this Chapter and in Forms 4-503.1 through 4-508.3:

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 4-342 but does not affect the provisions set out here. The amendment would add a cross-reference after Rule 4-342(g).

(d) "Court records" means all official records maintained by the clerk or other personnel pertaining to any criminal action or proceeding for expungement. It includes indices, docket entries, charging documents, pleadings, memoranda, assignment schedules, disposition sheets, transcriptions of proceedings, electronic recordings, orders, judgments, and decrees. It does not include: records pertaining to violations of the vehicle laws of the State or of any other traffic law, ordinance, or regulation; written opinions of a court; cash receipt and disbursement records necessary for audit purposes; or a court reporter's transcript of proceedings involving multiple defendants.

(e) "Expungement" means the effective removal of police and court records from public inspection:

- (1) by obliteration; or
- (2) by removal to a separate secure area to which the public and other persons having no legitimate reason for being there are denied access; or
- (3) if effective access to a record can be obtained only by reference to other records, by the expungement of the other records or the part of them providing the access.

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(h) "Petition" means a written request for expungement of court and police records filed by a person pursuant to Code, [Criminal Procedure Article](#), § 10-105(a) and [Rule 4-504](#).

\*\*\*\*

(k) "Records" means "police records" and "court records."

\*\*\*\*

4-504.

(a) A petition for expungement of records may be filed by any defendant who has been charged with the commission of a crime and is eligible under Code, [Criminal Procedure Article](#), § 10-105 to request expungement. The petition shall be filed in the original action. If that action was commenced in one court and transferred to another, the petition shall be filed in the court to which the action was transferred. If an appeal was taken, the petition shall be filed in the circuit court that had jurisdiction over the action.

\*\*\*\*

(e) Upon the filing of a petition for expungement of records in any action in which the original file has been transferred to a Hall of Records Commission\* facility for storage, or has been destroyed, whether after having been microfilmed or not, the clerk shall retrieve the original case file from the Hall of Records Commission facility, or shall cause a reconstructed case file to be prepared from the microfilmed record, or from the docket entries.

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\*The Hall of Records Commission is an advisory body to the State Archivist, under whose direction the State Archives takes custody of records. Clarifying amendments have been recommended to the Rules Committee.

4-505.

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(d) The failure of a law enforcement agency or State's Attorney to file an answer within the 30 day period constitutes a consent to the expungement as requested.

4-508.

(a) An order for expungement of records shall be substantially in the form set forth at the end of this Title as [Form 4-508.1](#), as modified to suit the circumstances of the case. If the court determines that the procedures for expungement of court records set forth in [Rule 4-511](#) are not practicable in the circumstances, the order shall specify the alternative procedures to be followed.

**Cross references:** Code, Criminal Procedure Article, §§ 10-103(f) and 10-105(f).

(b) An order of court for expungement of records, or an order denying an application or petition for expungement, is a final judgment.

**Cross references:** Code, (1957, 1989 Repl. Vol.) Courts Article, § 12-301.

(c) Upon entry of a court order granting or denying expungement, the clerk forthwith shall serve a true copy of the order on all parties to the proceeding. Thirty days after the entry of an order granting expungement or upon expiration of any stay, the clerk shall serve on each custodian of records designated in the order and on the Central Repository a true copy of the order together with a blank form of Certificate of Compliance set forth at the end of this Title as Form 4-508.3.

Form 4-508.1.

(Caption)

### ORDER FOR EXPUNGEMENT OF RECORDS

The applicant/petitioner/defendant (name) of (address) having been found to be entitled to expungement of the police records pertaining to the arrest, detention, or confinement of the applicant/petitioner/defendant on or about (date), at \_\_\_\_\_, Maryland, by a law enforcement officer of the (Law Enforcement Agency) and the court records in this action, it is by the \_\_\_\_\_ Court for \_\_\_\_\_ City/County, Maryland, this \_\_\_\_\_ day of (Month), (Year)

ORDERED that the clerk forthwith shall serve a true copy of this Order on each of the parties to this proceeding; and it is further

ORDERED that 30 days after entry of this Order or upon expiration of any stay, the clerk shall serve on each custodian of police and court records designated in this Order and on the Central Repository a copy of this Order together with a blank form of Certificate of Compliance; and it is further

ORDERED that within 30 days after service of this Order the clerk and the following custodians of court and police records and the Central Repository shall (1) expunge all court and police records pertaining to this action or proceeding in their

custody, (2) file an executed Certificate of Compliance, and (3) serve a copy of the Certificate of Compliance on the applicant/petitioner/defendant.

(Custodian) \_\_\_\_\_ (Address) \_\_\_\_\_

\_\_\_\_\_

(Date)

(Judge)

4-509.

\*\*\*\*

(b) The filing of a notice of appeal stays the court order pending the determination of the appeal.

**Cross references:** Code, Criminal Procedure Article, § 10-105(g).

4-510.

Within 30 days after service of a court order for expungement, every custodian of police records and court records subject to the order shall comply with the order, file an executed Certificate of Compliance, and serve a copy of the certificate on the applicant or petitioner.

4-511.

Expungement procedures with respect to dockets and indices, case files, and other court records shall be as follows:

(a) (1) If the docket or index is maintained in a bound volume, any entry therein referring to the applicant or petitioner shall be expunged, either by the clerk's affixing over the docket or index entry an opaque, non-removable adhesive strip, or alternately by any other means of effective obliteration, and by endorsing on the strip or in the margin of the page the word "Expunged," the date of obliteration, and the clerk's initials.

(2) If the docket in the action is maintained on the cover or jacket of the case file, the file shall be removed and sealed in accordance with [Rule 4-512](#).

(3) If the docket, index, and case file or any of them has been microfilmed, whether the original has been destroyed or not, the procedure for expungement of records, including references to the applicant's or petitioner's name, shall be as follows:

(i) any unitized microform of case file and docket entries shall be removed from its usual and customary filing place, and shall be sealed with the case file, pursuant to [Rule 4-512](#).

(ii) any reference to the applicant or petitioner whose records have been ordered to be expunged, which appears in any index to microfilmed records, whether in writing, on microfilm, or recorded electronically or by any other means, shall be expunged by removal of any index card from the index; by effective obliteration of the reference from the index by affixing over the reference an opaque, non-removable adhesive strip endorsed "Expunged" and dated and initialed by the

clerk; or by removal of the index to a separate secure area to which the public is denied access, as the case may be.

(b) The original case file relating to the records to be expunged shall be removed from its usual and customary location in the files in accordance with [Rule 4-512](#) to a separate secure area to which the public is denied access, even if the case file contains matter relating to multiple defendants one or more of whom is not entitled to or has not requested expungement, and is required for further proceedings in the action with respect to the other defendant or defendants.

4-512.

Disposition of expunged records shall be as follows:

(a) The original of all court files and records ordered to be expunged and any unitized microform of record shall be removed from their usual and customary filing or storage location.

(b) The original case file, and all other court records in the clerk's custody relating or referring to the action or proceeding, including any unitized microform of records and certificates of compliance, shall be sealed in a manila envelope on which the docket or case file number, and a clerk's Certificate of Expungement and Caution, shall be endorsed or stamped as follows:

**CERTIFICATE OF EXPUNGEMENT AND CAUTION**

I HEREBY CERTIFY that this sealed envelope contains the case file relating to the action or proceeding docketed or filed under the above mentioned Docket or Case File Number, which records have been expunged pursuant to an Order of Court dated the . . . . . day of (month), (year).

CAUTION: This envelope is not to be unsealed or the contents or any part thereof disclosed to any person except pursuant to a written Order of Court, under penalty of a fine of up to \$1,000.00, imprisonment for up to one year, or both, and to dismissal from employment, as provided by Section 10-108 of the [Criminal Procedure Article](#) of the Annotated Code of Maryland.

DATED this . . . . . day of (month), (year)

.....  
Clerk/Deputy Clerk

Sealed expunged records may be unsealed on written order of court on good cause shown, and the court may by order permit access to expunged records in the interest of justice.

(c) A separate alphabetical listing of names of persons whose court records have been expunged shall be maintained by the clerk. The listing shall contain a reference to the docket or case file number of the action or proceeding in which expungement was ordered.

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(e) All expunged records shall be filed and maintained by the clerk in numerical sequence by docket or case file number, together with the Index of Expunged Records, in one or more locked filing cabinets to be located on the



premises of the clerk's office but in a separate secure area to which the public and other persons having no legitimate reason for being there are denied access. Expunged records shall not be transferred to any Hall of Records\* facility.

**Cross references:** Code, Criminal Procedure Article, § 10-101(e).

(f) Expunged records shall be retained by the clerk for a minimum period of three years after the date the order for expungement was entered. Expunged case files in multiple defendant cases shall be retained by the clerk until the prison terms, if any, of all co-defendants convicted in the action have been served.

(g) Upon the expiration of the minimum retention period provided in section (f) of this Rule, and unless otherwise ordered by the court, expunged records may be destroyed by the clerk by shredding or other method of complete destruction. Upon destruction of the expunged records, the name of the person whose court records have been destroyed shall be deleted from the listing maintained under section (c) of this Rule. Destruction of expunged records shall promptly be reported to the Records Management Division of the Hall of Records Commission\* on an appropriate destruction schedule.

## Title 5. Evidence

### Chapter 800. Hearsay.

#### 5-802.1.

The following statements previously made by a witness who testifies at the trial or hearing and who is subject to cross-examination concerning the statement are not excluded by the hearsay rule:

(a) A statement that is inconsistent with the declarant's testimony, if the statement was (1) given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding or in a deposition; (2) reduced to writing and signed by the declarant; or (3) recorded in substantially verbatim fashion by stenographic or electronic means contemporaneously with the making of the statement;

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\*The Hall of Records Commission is an advisory body to the State Archivist, under whose direction the State Archives takes custody of records. Clarifying amendments have been recommended to the Rules Committee.

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## Title 6. Settlement of Decedents' Estates

### Chapter 100. General Provisions.

6-114.

All hearings and plenary proceedings before the court shall be recorded verbatim either stenographically or by an electronic recording device provided by the court. Recording of proceedings shall be performed under the control and direction of the court.

**Cross references:** Code, Estates and Trusts Article, § 2-105.

## Title 7. Appellate and Other Judicial Review in Circuit Court

### Chapter 100. Appeals from the District Court to the Circuit Court.

7-102.\*

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(b) An appeal shall be heard on the record made in the District Court in the following cases:

(1) a civil action in which the amount in controversy exceeds \$2,500 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract;

(2) any matter arising under § 4-401(7)(ii) of the [Courts Article](#);

(3) any civil or criminal action in which the parties so agree;

(4) an appeal from an order or judgment of direct criminal contempt if the sentence imposed by the District Court was less than 90 days' imprisonment; and

(5) an appeal by the State from a judgment quashing or dismissing a charging document or granting a motion to dismiss in a criminal case.

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7-103.

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(b) Before the clerk transmits the record pursuant to section (d) of this Rule, the appellant shall pay to the clerk of the District Court the cost of preparation of a transcript, if a transcript is necessary to the appeal.

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 7-102, to substitute "\$5,000" for "\$2,500" in section (b)(1), to conform to Ch. 54 ([SB 4](#)), Acts of 2003.

(d) After all required fees have been paid, the clerk shall transmit the record as provided in Rules [7-108](#) and [7-109](#). The filing fee shall be forwarded with the record to the clerk of the circuit court.

7-105.

(a) On motion or on its own initiative, the District Court may strike a notice of appeal (1) that has not been filed within the time prescribed by Rule 7-104, (2) if the clerk of the District Court has prepared the record pursuant to [Rule 7-109](#) and the appellant has failed to pay for the record, (3) if the appellant has failed to deposit with the clerk of the District Court the transcript costs or filing fee required by Rule 7-103(c), or (4) if by reason of any other neglect on the part of the appellant the record has not been transmitted to the circuit court within the time prescribed in Rule [7-108](#).

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7-108.

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(c) On motion or on its own initiative, the District Court or the circuit court may shorten or extend the time for transmittal of the record. If the motion is filed after the prescribed time for transmitting the record has expired, the court will not extend the time unless it finds that the inability to transmit the record was caused by the act or omission of a judge, a clerk of court, the court stenographer, or a person other than the moving party.

7-109.

(a) The record on appeal shall include (1) a certified copy of the docket entries in the District Court, (2) a transcript, if required by [Rule 7-113](#), and (3) all original papers filed in the action in the District Court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted. The clerk of the District Court shall append a certificate clearly identifying the papers included in the record. The District Court may order that the original papers in the action be kept in the District Court pending the appeal, in which case the clerk of the District Court shall transmit only a certified copy of the original papers.

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(c) The clerk shall prepare and attach to the beginning of the record a certified copy of the docket entries in the District Court. The original papers shall be fastened together in one or more file jackets and numbered consecutively, except that the pages of a transcript of testimony need not be renumbered. The clerk shall also prepare and transmit with the record a statement of the costs of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, the costs of all transcripts and of copies, if any, of the transcripts for each of the parties. The clerk shall serve a copy of the docket entries on each party.

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7-113.

(a) This Rule applies only to appeals heard on the record of the District Court.

(b) (1) Unless a copy of the transcript is already on file, the appellant, within 10 days after the date the first notice of appeal is filed, shall order in writing from the clerk of the District Court a transcript containing:

(A) a transcription of (i) all the testimony or (ii) that part of the testimony that the parties agree, by written stipulation filed with the clerk of the District Court, is necessary for the appeal; and

(B) a transcription of any other proceeding relevant to the appeal that was recorded pursuant to [Rule 16-504](#).

(2) The clerk of the District Court shall cause the original transcript to be filed promptly for inclusion in the record, and shall advise the appellant when the transcript has been filed. The appellant shall promptly serve a copy on the appellee.

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7-114.

On motion or on its own initiative, the circuit court may dismiss an appeal for any of the following reasons:

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(d) the record was not transmitted within the time prescribed by [Rule 7-108](#), unless the court finds that the failure to transmit the record was caused by the act or omission of a judge, a clerk of court, a stenographer, or the appellee;

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## Chapter 200. Judicial Review of Administrative Agency Decisions.

7-201.

(a) The rules in this Chapter govern actions for judicial review of (1) an order or action of an administrative agency, where judicial review is authorized by statute, and (2) a final determination of the trustees of the Client Protection Fund of the Bar of Maryland.

(b) As used in this Chapter, “administrative agency” means any agency, board, department, district, commission, authority, commissioner, official, the Maryland Tax Court, or other unit of the State or of a political subdivision of the State and the Client Protection Fund of the Bar of Maryland.

7-206.

(a) The record shall include the transcript of testimony and all exhibits and other papers filed in the agency proceeding, except those papers the parties agree or the court directs may be omitted by written stipulation or order included in the record. If the testimony has been recorded but not transcribed before the filing of the petition for judicial review, the first petitioner, if required by the agency and unless

otherwise ordered by the court or provided by law, shall pay the expense of transcription, which shall be taxed as costs and may be apportioned as provided in Rule 2-603. A petitioner who pays the cost of transcription shall file with the agency a certification of costs, and the agency shall include the certification in the record.

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(c) Except as otherwise provided by this Rule, the agency shall transmit to the clerk of the circuit court the original or a certified copy of the record of its proceedings within 60 days after the agency receives the first petition for judicial review.

(d) Upon motion by the agency or any party, the court may shorten or extend the time for transmittal of the record. The court may extend the time for no more than an additional 60 days. The action shall be dismissed if the record has not been transmitted within the time prescribed unless the court finds that the inability to transmit the record was caused by the act or omission of the agency, a stenographer, or a person other than the moving party.

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## Title 8. Appellate Review in the Court of Appeals and Court of Special Appeals

### Chapter 200. Obtaining Review in Court of Special Appeals.

#### 8-204.\*

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(e) Before final disposition of the application, the Court of Special Appeals may require the clerk of the lower court to submit any portion of the stenographic transcript of the proceedings below and any additional information that the Court may wish to consider.

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#### 8-206.

(a) Within 20 days after the filing of appellant's information report, the Court of Special Appeals shall enter an order

(1) that the appeal proceed without a prehearing or scheduling conference; or

(2) that the parties, their attorneys, or both the parties and their attorneys appear before the Chief Judge or a judge of the Court designated by the Chief Judge at a designated time and place for a prehearing conference or a scheduling conference.

(b) The purpose of a prehearing conference is to discuss settlement,

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 8-204 that does not affect the provision set out here. The amendment would add a cross-reference following Rule 8-204.

dismissal of the appeal, limitation of the issues, contents of the record and record extract, continuance of the appeal, the time or times for filing the record and briefs, and other pertinent matters. Information disclosed at a prehearing conference shall be regarded as disclosed solely for purposes of settlement negotiations and shall not (1) be treated as admissions, (2) limit the disclosing party in presenting or arguing that party's case, or (3) be referred to except at a prehearing conference.

(c) The purpose of a scheduling conference is to discuss the contents of the record and record extract, the time or times for filing the record and briefs, and other administrative matters that do not relate to the merits of the case.

(d) On completion of any conference conducted under this Rule, the judge shall enter an order reciting the actions taken and any agreements reached by the parties. The judge may order additional conferences and may enter an order of remand pursuant to [Rule 8-602](#)(e). The Clerk shall serve a copy of the order on each party pursuant to Rule 1-321.

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8-207.\*

(a) (1) This section applies to every appeal to the Court of Special Appeals (A) from a judgment granting or denying a petition for adoption, guardianship terminating parental rights, or guardianship of the person of a minor or disabled person, (B) contesting a judgment granting, denying, or establishing custody of or visitation with a minor child, and (C) from an order entered pursuant to Code, Courts Article, § 12-303. Unless otherwise provided for good cause by order of the Court of Special Appeals or by order of the Court of Appeals if that Court has assumed jurisdiction over the appeal, the provisions of this section shall prevail over any other rule to the extent of any inconsistency.

(2) In the information report filed pursuant to Rule 8-205, the appellant shall state whether the appeal is subject to this section.

(3) Within five days after entry of an order pursuant to Rule 8-206(a)(1) or an order pursuant to Rule 8-206(d) directing preparation of the record, the appellant shall order the transcript and make an agreement for payment to assure its preparation. The court reporter or other person responsible for preparation of the transcript shall give priority to transcripts required for appeals subject to this section and shall complete and file the transcripts with the clerk of the lower court within 20 days after receipt of an order of the party directing their preparation and an agreement for payment of the cost. An extension of time may be granted only for good cause.

(4) The clerk of the lower court shall transmit the record to the Court of Special Appeals within thirty days after the date of the order entered pursuant to Rule 8-206(a)(1) or Rule 8-206(d).

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 8-207(b) but does not affect the provisions set out here. The amendment would correct a cross-reference.

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Chapter 300. Obtaining Appellate Review in Court of Appeals.

8-306.

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(c) ...

(3) Unless the parties have elected to proceed in accordance with Rule [8-413](#)(b), the clerk, upon docketing the notice of appeal, shall direct the court stenographer to prepare a transcript of both the trial and sentencing proceedings in conformance with [Rule 8-411](#)(a). Within 10 days after receipt of the transcript, the clerk shall transmit the record to the Clerk of the Court of Appeals. The statement of costs required by [Rule 8-413](#)(c) shall separately state the cost applicable to the sentencing proceeding. The State shall pay those costs.

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(d) In any proceeding under section (c) of this Rule, the parties, by agreement, may file with the Court 10 copies of a complete transcript of the proceedings under review instead of extracts from the transcript.

(e) [Rule 8-204](#) applies to all applications for leave to appeal subject to this Rule, except that

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(3) if the application for leave to appeal from a judgment granting or denying relief in a post conviction proceeding is granted, a transcript of the post conviction proceeding in the trial court shall be transmitted to the Court of Appeals not later than 60 days after the grant of leave to appeal unless a different time is fixed by order of the Court of Appeals on motion or on its own initiative.

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Chapter 400. Preliminary Procedures.

8-411.

(a) Unless a copy of the transcript is already on file, the appellant shall order in writing from the court stenographer a transcript containing:

(1) a transcription of (A) all the testimony or (B) that part of the testimony that the parties agree, by written stipulation filed with the clerk of the lower court, is necessary for the appeal or (C) that part of the testimony ordered by the Court pursuant to [Rule 8-206](#)(d) or directed by the lower court in an order; and

(2) a transcription of any proceeding relevant to the appeal that was recorded pursuant to [Rule 16-404e](#).

(b) The appellant shall order the transcript within ten days after:

(1) the date of an order entered pursuant to [Rule 8-206](#)(a)(1) that the appeal proceed without a prehearing conference, or an order entered pursuant to [Rule 8-206](#)(d) following a prehearing conference, unless a different time is fixed by that order, in all civil actions specified in Rule 8-205(a), or

(2) the date the first notice of appeal is filed in all other actions.

(c) The appellant shall (1) file a copy of the written order to the stenographer with the clerk of the lower court for inclusion in the record, (2) cause the original transcript to be filed promptly by the court reporter with the clerk of the lower court for inclusion in the record, and (3) promptly serve a copy on the appellee.

8-412.

(a) Unless a different time is fixed by order entered pursuant to section (d) of this Rule, the clerk of the lower court shall transmit the record to the Court of Special Appeals within sixty days after:

(1) the date of an order entered pursuant to [Rule 8-206](#)(a)(1) that the appeal proceed without a prehearing conference, or an order entered pursuant to [Rule 8-206](#)(d) following a prehearing conference, unless a different time is fixed by that order, in all civil actions specified in Rule 8-205(a); or

(2) the date the first notice of appeal is filed, in all other actions.

(b) Unless a different time is fixed by order entered pursuant to section (d) of this Rule, the clerk of the court having possession of the record shall transmit it to the Court of Appeals within 15 days after entry of a writ of certiorari directed to the Court of Special Appeals, or within sixty days after entry of a writ of certiorari directed to a lower court other than the Court of Special Appeals.

(c) For purposes of this Rule the record is transmitted when it is delivered to the Clerk of the appellate court or when it is sent by certified mail by the clerk of the lower court, addressed to the Clerk of the appellate court.

(d) On motion or its own initiative, the appellate court having jurisdiction of the appeal may shorten or extend the time for transmittal of the record. If the motion is filed after the prescribed time for transmitting the record has expired, the Court will



not extend the time unless the Court finds that the failure to transmit the record was caused by the act or omission of a judge, a clerk of court, the court stenographer, or the appellee.

8-413.

(a) The record on appeal shall include (1) a certified copy of the docket entries in the lower court, (2) the transcript required by [Rule 8-411](#), and (3) all original papers filed in the action in the lower court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted. The clerk of the lower court shall append a certificate clearly identifying the papers included in the record. The lower court may order that the original papers in the action be kept in the lower court pending the appeal, in which case the clerk of the lower court shall transmit only a certified copy of the original papers. The lower court, by order, shall resolve any dispute whether the record accurately discloses what occurred in the lower court, and shall cause the record to conform to its decision. When the Court of Appeals reviews an action pending in or decided by the Court of Special Appeals, the record shall also include the record of any proceedings in the Court of Special Appeals.

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(c) The clerk shall prepare and attach to the beginning of the record a cover page, a complete table of contents, and the certified copy of the docket entries in the lower court. The original papers shall be fastened together in one or more binders and numbered consecutively, except that the pages of a transcript of testimony need not be renumbered. The clerk shall also prepare and transmit with the record a statement of the cost of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the cost of all transcripts and of copies, if any, of the transcripts for each of the parties. The clerk shall serve a copy of the docket entries on each party.

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8-415.

(a) This Rule applies to an appeal from a judgment in any proceeding recorded by means of videotape recording pursuant to [Rule 16-405](#).

(b) (1) Unless the appellate court upon motion or on its own initiative orders otherwise, a transcript shall be ordered and prepared as in other appeals. The transcript shall be ordered from the person designated by the County Administrative Judge to arrange for the transcription of videotape recordings. If the appellate court orders that no transcript or less than a full transcript be filed, a party may obtain a transcript at the party's expense for use in preparing the appeal.

(2) The person preparing the transcript need not certify attendance at the proceeding, but shall certify that the transcript represents a complete and accurate rendition of the videotape.

(c) Unless the appellate court orders otherwise, the videotape shall not be transmitted to the appellate court as part of the record.

(d) If the appellate court has ordered that a transcript not be prepared, the parties shall, subject to [Rule 8-501](#), include in a record extract a designation of those parts of the videotape material to the questions presented. Upon receipt of the record extract, the appellate court may order a party to file as a supplement to the record extract a transcription of any part of the videotape directed by the court. The appellant's brief shall be filed within 60 days after the filing of the record.

## Chapter 500. Record Extract, Briefs, and Argument.

### 8-501.\*

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(g) The parties may agree on a statement of undisputed facts that may be included in a record extract or, if the parties agree, as all or part of the statement of facts in the appellant's brief. As to disputed facts, the parties may include in the record extract, in place of any testimony or exhibit, a stipulation that summarizes the testimony or exhibit. The stipulation may state all or part of the testimony in narrative form. Any statement of facts or stipulation shall contain references to the page of the record and transcript. The parties are strongly encouraged to agree to such a statement of facts or stipulation.

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(i) The numbering of pages, binding, method of referencing, and covers of the record extract, whether an appendix to a brief or a separate volume, shall conform to sections (a) through (c) of [Rule 8-503](#). Except as otherwise provided in this section and in section (g) of this Rule, the record extract shall reproduce verbatim the parts of the record that are included. Asterisks or other appropriate means shall be used to indicate omissions in the testimony or in exhibits. Reference shall be made to the pages of the record and transcript. The date of filing of each paper reproduced in the extract shall be stated at the head of the copy. If the transcript of testimony is reproduced, the pages shall be consecutively renumbered. Documents and excerpts of a transcript of testimony presented to the trial court more than once shall be reproduced in full only once in the record extract and may be referred to in whole or in part elsewhere in the record extract. Any photograph, document, or other paper filed as an exhibit and included in the record extract shall be included in all copies of the record extract and may be either folded to the appropriate size or photographically or mechanically reduced, so long as its legibility is not impaired.

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### 8-503.

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 8-501 that would not affect the provisions set out here. The amendments would add child in need of assistance, permanency planning proceedings, and termination of parental rights to the list of exceptions.

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(b) References to the record extract shall be indicated as (E .....), to any appendix to appellant's brief as (App .....), to an appendix to appellee's brief as (Apx .....), and to an appendix to a reply brief as (Rep. App .....). If the case falls within an exception listed in Rule 8-501(b), references to the transcript of testimony contained in the record shall be indicated as (T .....) and other references to the record shall be indicated as (R .....).

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8-504.

(a) A brief shall comply with the requirements of Rule 8-112 and include the following items in the order listed:

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(4) A clear concise statement of the facts material to a determination of the questions presented, except that the appellee's brief shall contain a statement of only those additional facts necessary to correct or amplify the statement in the appellant's brief. Reference shall be made to the pages of the record extract supporting the assertions. If pursuant to these rules or by leave of court a record extract is not filed, reference shall be made to the pages of the record or to the transcript of testimony as contained in the record.

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Chapter 600. Disposition.

8-602.\*

(a) On motion or on its own initiative, the Court may dismiss an appeal for any of the following reasons:

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(5) the record was not transmitted within the time prescribed by Rule [8-412](#), unless the court finds that the failure to transmit the record was caused by the act or omission of a judge, a clerk of court, the court stenographer, or the appellee;

(6) the contents of the record do not comply with [Rule 8-413](#);

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(8) the style, contents, size, format, legibility, or method of reproduction of a brief, appendix, or record extract does not comply with Rules 8-112, [8-501](#), [8-503](#), or [8-504](#);

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(b) Except as otherwise permitted in this section, a motion to dismiss shall be ruled on by the number of judges of the Court required by law to decide an appeal. The Chief Judge or a judge of the Court designated by the Chief Judge may rule on a motion to dismiss that is based on any reason set forth in subsections (2), (3), (5), (7), or (8) of section (a) of this Rule or on a motion to dismiss based on subsection (a)(4) of this Rule challenging the timeliness of the information report.

(c) (1) If an appeal was dismissed by the ruling of an individual judge pursuant to section (b) of this Rule, the order dismissing the appeal, on motion filed within ten days after entry of the order, shall be reviewed by the number of judges of the Court required by law to decide an appeal. The order dismissing the appeal (A) shall be rescinded if a majority of those judges decides that the motion to dismiss should not have been granted, (B) may be rescinded if the appeal was dismissed pursuant to subsection (4), (5), or (7) of section (a) of this Rule, and the Court is satisfied that the failure to file a report, transmit the record, or file a brief or record extract within the time prescribed by these Rules was unavoidable because of sickness or other sufficient cause, and (C) may be rescinded if the appeal was dismissed pursuant to subsection (a)(8) of this Rule and the Court is satisfied that a brief, appendix, or record extract complying with the Rules will be filed within a time prescribed by the Court.

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8-608.

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 8-602 that would allow an individual judge to dismiss an appeal for a reason listed in section (a) and provide generally for reconsideration of an order of dismissal, and reinstatement of an appeal on conditions set by the appellate court.

(a) The Clerk shall include in the costs the allowance determined pursuant to section (c) of this Rule for reproducing the briefs, the record extract, and any necessary appendices to briefs and any other costs prescribed by these rules or other law. Unless the case is in the Court of Appeals and was previously heard and decided by the Court of Special Appeals, the Clerk shall also include the amount paid by or on behalf of the appellant for the original and the copies of the stenographic transcript of testimony furnished pursuant to section (a) of Rule 8-411. If the transcript was paid for by the Office of the Public Defender, the Clerk shall so state.

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## Title 9. Family Law Actions

### Chapter 200. Divorce, Annulment, Alimony, Child Support, and Child Custody.

9-208.

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(c) ...  
(3) All proceedings before a master shall be recorded either stenographically or electronically, unless the making of the record is waived in writing by all parties. A waiver of the making of a record is also a waiver of the right to file any exceptions that would require review of the record for their determination.

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(g) At the time the exceptions are filed, the excepting party shall do one of the following: (1) order a transcript of so much of the testimony as is necessary to rule on the exceptions, make an agreement for payment to ensure preparation of the transcript, and file a certificate of compliance stating that the transcript has been ordered and the agreement has been made; (2) file a certification that no transcript is necessary to rule on the exceptions; (3) file an agreed statement of facts in lieu of the transcript; or (4) file an affidavit of indigency and motion requesting that the court accept an electronic recording of the proceedings as the transcript. Within ten days after the entry of an order denying a motion under subsection (g)(4) of this section, the excepting party shall comply with subsection (g)(1). The transcript shall be filed within 30 days after compliance with subsection (g)(1) or within such longer time, not exceeding 60 days after the exceptions are filed, as the master may allow. For good cause shown, the court may shorten or extend the time for the filing of the transcript. The excepting party shall serve a copy of the transcript on the other party. The court may dismiss the exceptions of a party who has not complied with this section.

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(i) ...  
(2) A hearing on exceptions, if timely requested, shall be held within 60 days after the filing of the exceptions unless the parties otherwise agree in writing. If a transcript cannot be completed in time for the scheduled hearing and the

parties cannot agree to an extension of time or to a statement of facts, the court may use the electronic recording in lieu of the transcript at the hearing or continue the hearing until the transcript is completed.

(j) The court, by order, may assess among the parties the compensation, fees, and costs of the master and of any transcript.

## Title 10. Guardians and Other Fiduciaries

### Chapter 200. Guardian of Person.

10-213.

(a) The court may issue an order authorizing the provision of protective services on an emergency basis after a finding on the record that the allegations required by Rule 10-210(c)(6) are established by clear and convincing evidence. An order shall either be in writing or, if dictated into the record, transcribed by the court reporter immediately and placed into the record.

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## Title 11. Juvenile Causes

11-110.

a. Hearings shall be conducted before a master or a judge without a jury. Proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.

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11-114.

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f. If the hearing is conducted by a judge, at its conclusion, he shall announce and dictate to the court stenographer or reporter, or prepare and file with the clerk, an adjudicatory order stating the grounds upon which he bases his adjudication. If the hearing is conducted by a master, the procedures set forth in Rule 11-111 (Masters) shall be followed.

## Title 15. Other Special Proceedings

### Chapter 200. Contempt.

15-203.

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(d) The record in cases of direct contempt in which sanctions have been summarily imposed shall consist of (1) the order of contempt; (2) if the proceeding during which the contempt occurred was recorded, a transcript of that part of the proceeding; and (3) any affidavits offered or evidence admitted in the proceeding.

### Chapter 300. Habeas Corpus.

15-311.

The judge to whom the petition is made or referred shall prepare and file or dictate into the record a memorandum setting forth the grounds of the petition, the questions involved, and the reasons for the action taken. A copy of the memorandum or a transcription of the dictation shall be sent to the petitioner and the person having custody of the individual confined or restrained.

15-312.

When an individual is released or discharged under a writ of habeas corpus on the ground that all or part of the statute or law under which the individual was convicted is unconstitutional, the memorandum or the transcription required by [Rule 15-311](#) shall be filed by the judge within five days after the judge orders the release or discharge. The clerk shall promptly transmit the record to the Clerk of the Court of Special Appeals for further proceedings.

## Title 16. Courts, Judges, and Attorneys

### Chapter 100. Court Administrative Structure, Judicial Duties, *etc.*

16-101.

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d. ....

2. Subject to the supervision of the Circuit Administrative Judge, a County Administrative Judge shall be responsible for the administration of justice and for the administration of the court for that county. The duties shall include:

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(iv) ordering the purchase of all equipment and supplies for the court and its ancillary services, such as master, auditor, examiner, court administrator, court stenographer, jury commissioner, staff of the medical and

probation offices, and all additional court personnel other than personnel comprising the Clerk of Court's office;

(v) supervision of and responsibility for the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files, unless a majority of the judges of the court disapproves of a specific action. However, each judge (subject to budget limitations) shall have the exclusive right to employ and discharge the judge's personal secretary and law clerk; and

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3. (i) A County Administrative Judge may delegate to any judge, to any committee of judges, or to any officer or employee any of the administrative responsibilities, duties and functions of the County Administrative Judge.

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4. In a county that has only one resident judge of the Circuit Court, that judge shall exercise the power and authority of a County Administrative Judge.

Chapter 400. Attorneys, Officers of Court and Other Persons.

16-404.\*

a. Section b of this Rule applies to court reporters in the circuit courts and the District Court. Sections c, d, and e apply in the circuit courts only.

b. The Chief Judge of the Court of Appeals shall prescribe regulations and standards regarding court reporters and the system of reporting in the courts of the State. The regulations and standards may include:

- (1) the selection, qualifications, and responsibilities of court reporters;
- (2) procedures and regulations;
- (3) preparation, typing, and format of transcripts;
- (4) charges for transcripts and copies;
- (5) preservation and maintenance of reporting notes and records, however recorded;
- (6) equipment and supplies utilized in reporting; and
- (7) procedures for filing and maintaining administrative records and reports.

**Cross references:** Rule [16-504](#).

c. Each circuit court shall have the number of court reporters recommended by the County Administrative Judge and approved by the Chief Judge of the Court of Appeals. In a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, who shall serve at the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

d. Subject to the general supervision of the Chief Judge of the Court of

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-404 that would substitute "audio" for "sound" and add a cross reference.



Appeals, the County Administrative Judge shall have the supervisory responsibility for the court reporters in that county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter, including the assignment of court reporters.

e. Each court reporter assigned to record a proceeding shall record verbatim by shorthand, stenotype, mechanical, or electronic sound recording methods, electronic word or text processing methods, or any combination of these methods, and shall maintain that record subject to regulations and standards prescribed by the Chief Judge of the Court of Appeals. Unless the court and the parties agree otherwise, all proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety.

16-405.\*

a. The Circuit Administrative Judge for a judicial circuit, after consultation with the County Administrative Judge for a county, may authorize the recording by videotape of proceedings required or permitted to be recorded by [Rule 16-404e](#) in courtrooms or hearing rooms in that county.

b. The clerk shall affix to the videotape a label containing the following information:

1. the name of the court;
2. the date on which the videotape was recorded;
3. the docket reference of each proceeding included on the tape;

and

4. any other identifying letters, marks, or numbers.

c. The clerk or other designee of the court shall keep a written log identifying each proceeding recorded on a videotape and, for each proceeding recorded on the tape, a log listing the tape references for the beginning and end of each witness's testimony and an exhibit list. The original logs and exhibit list shall remain with the original papers in the circuit court. A copy of the logs and the exhibit list shall be kept with the videotape.

d. 1. If circuit court proceedings are recorded by videotape, it is not necessary for a court reporter to be present in the courtroom.

2. In the event of a conflict between this Rule and another Rule, this Rule shall prevail.

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-405 that would to delete the word "videotape" from the title, add references to audio and audio-video recording throughout the Rule, add to section b the phrase "or other designee of the court," and provide for shielding of certain portions of electronic recordings.

16-406.\*

a. Videotape recordings made pursuant to [Rule 16-405](#) are under the control of the court having custody of them. Access to and copying of those recordings are subject to the provisions of this Rule.

b. No person other than a duly authorized court official or employee shall have direct access to or possession of an official videotape recording.

c. 1. Upon written request and the payment of reasonable costs, the authorized custodian of an official videotape recording shall make a copy of the recording, or any part requested, available to:

(A) a party to the action or the party's attorney; and

(B) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript from the recording.

2. Unless authorized by an order of court, a person who receives a copy of a videotape recording pursuant to this section shall not (A) make or cause to be made any additional copy of the recording or (b) except for a non-sequestered witness or an agent, employee, or consultant of the attorney, make the recording available to any person not entitled to it pursuant to this section.

d. 1. This section does not apply to the videotape of (A) a criminal proceeding, (B) a revocation of probation proceeding, or (C) any proceeding that is confidential by law. The right to obtain a copy of a videotape in those proceedings is governed solely by section c of this Rule.

2. A person not entitled to a copy of a videotape recording pursuant to section c of this Rule may file a request to obtain a copy pursuant to this section. The person shall file the request with the clerk of the circuit court in which the proceeding was conducted and shall serve a copy of the request pursuant to Rule 1-321 on each party to the action.

3. A party may file a written response to the request within five days after being served with the request. Any other interested person may file a response within 5 days after service of the request on the last party to be served.

4. The clerk shall refer the request and all responses to the judge who conducted the proceeding.

5. If the action is still pending in the court, the court shall deny the request unless (A) all parties have affirmatively consented and no interested person has filed a timely objection or (B) the court finds good cause to grant the request. If the action has been transferred to another circuit court, the court shall transfer the matter to that court. If judgment has been entered in the action, the court shall grant the request unless it finds good cause to the contrary, but the court may delay permission to obtain the copy until either all appellate proceedings are completed or

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-406 that would add references to audio recording in the title and throughout the Rule, expand the access provision in section b, add a new section c as to obtaining a copy of an audio recording or the audio portion of an audio-video recording, and make sections d and e applicable only to audio-video recordings.

the right to further appellate review has lapsed.

Chapter 500. Court Administration – District Court.

16-504.\*

All trials, hearings, and other proceedings before a judge in open court shall be recorded verbatim by audio recording device provided by the court. The Chief Judge of the District Court may authorize recording by additional means. The recording shall be filed among the court records.

**Cross references:** See Rule [16-404](#)b concerning regulations and standards applicable to court reporting in all courts of the State.

16-505.

a. In this Rule, unless the context or subject matter otherwise requires:

1. "Dispose" means to either destroy or remove records.

2. "Records" mean any original papers, official books, documents, and files, including but not limited to dockets, electronic recordings of testimony and exhibits within the custody of the clerk of the court.

**Cross references:** See Code, §§ 9-1009 and [10-639](#) through 10-642 of the State Government Article.

3. "Schedule" means the form known as the "Records Retention and Disposal Schedule" used by the Records Management Division of the Hall of Records Commission.\*\*

b. Subject to the provisions of this Rule, the clerk of the court, with the written approval of the Chief Judge of the District Court and in cooperation with the Hall of Records Commission\*, may dispose of records within his custody.

**Cross references:** See § 2-206 of the Courts Article.

c. 1. The clerk of the court shall prepare a schedule for the disposition of court records and submit it to the Hall of Records Commission\* for its recommendation.

2. The schedule, together with the recommendation of the Hall of Records Commission,\* shall be submitted for the written approval of the Chief Judge who may approve it in whole or in part, amend it or disapprove it.

3. Approval of the schedule by the Chief Judge shall be deemed an order of court providing for disposal of the records.

4. The schedule, as approved, shall set forth:

(i) The identification of the records.

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-504 that would make Rules 16-405 and 16-406 applicable to any audio-video recording authorized by the Chief Judge of the District Court, provide for shielding of certain portions of electronic recordings of proceedings and access to and copying of an audio recording, and add a Committee note as to *de novo* appeals.

\*\*The Hall of Records Commission is an advisory body to the State Archivist, under whose direction the State Archives takes custody of records. Clarifying amendments have been recommended to the Rules Committee.

(ii) The length of time the records are to be retained by the clerk of the court before disposition.

(iii) Whether the Hall of Records Commission\* declines to accept the records for preservation.

(iv) Whether the records are to be destroyed or removed.

(v) The place to which the records would be removed.

(vi) Whether the schedule shall be "standing" viz., operative until changed by further order of court.

5. In those cases where the Hall of Records Commission\* accepts records, they shall be removed according to the Hall of Records Commission\* procedures.

6. In those cases where the Hall of Records Commission\* declines records, disposition shall be according to the terms set forth in the schedule as approved. If the records are to be destroyed the clerk shall obtain the approval of the Board of Public Works and upon destruction shall file a certificate of destruction with the Hall of Records Commission.\*

**Cross references:** See Code, § 10-642 of the State Government Article.

**Committee note:** This Rule is meant to allow periodic destruction of records without the necessity of obtaining Board of Public Works approval each time if such destruction of records or classes of records had been clearly approved by the Board of Public Works in a standing schedule.

d. 1. The clerk shall retain permanently all indices, dockets, and books of account.

2. The clerk shall retain for a period of 12 years after the case is closed all original papers and exhibits in any case containing a petition for emergency evaluation or a petition for protection from domestic violence.

3. In any case in which a judgment for a sum certain is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after entry of the judgment and shall continue to retain all original papers and exhibits in the file after that three year period until the judgment expires or is satisfied.

4. (i) In any criminal case which is dismissed or in which a *nolle prosequi* or stet is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded.

(ii) In any criminal case in which judgment is entered or probation before judgment is granted, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded, and if within that three year period the defendant fails to comply with the order of court, the clerk shall continue to retain the original papers and exhibits in the file until the failure is cured or an arrest warrant issued as a result of the failure is invalidated as permitted by law.

(iii) In any criminal case for a misdemeanor in which an arrest warrant issued on the charging document or as a result of the defendant's failure to appear for trial remains unserved for three years after its issuance, the clerk shall retain all the original papers and exhibits in the file until the warrant is invalidated as

permitted by law.

5. Except as provided in subsection 1, 2, 3, or 4 of this section the clerk shall retain all original papers, exhibits, and electronic recordings of testimony in a case for a period of three years after the case is concluded by dismissal, settlement, or entry of judgment.

6. (i) Any of the records, except dockets, set forth in subsections 1 through 5 of this section may be disposed of at any time provided that the records have been photographed, photocopied, or microphotographed in accordance with the Hall of Records Commission<sup>\*</sup> procedures and copies have been substituted therefor, including a master security negative which shall be retained permanently.

(ii) Traffic and criminal dockets may be disposed of after a period of five years if copies are retained in accordance with subsection 6(i) above.

7. Whenever this section requires the clerk to retain records, the requirement may be satisfied by retention of the records by the Hall of Records Commission.\* When records retained by the clerk are twenty-five years of age, if not previously transferred to the Hall of Records Commission,\* they shall be transferred to that Commission,\* or disposed of according to schedule.

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<sup>\*</sup>The Hall of Records Commission is an advisory body to the State Archivist, under whose direction the State Archives takes custody of records. Clarifying amendments have been recommended to the Rules Committee.

Chapter 700. Discipline and Inactive Status of Attorneys.

16-723.\*

(a) All persons present at a peer review meeting shall maintain the confidentiality of all speech, writing, and conduct made as part of the meeting and may not disclose or be compelled to disclose the speech, writing, or conduct in any judicial, administrative, or other proceeding. Speech, writing, or conduct that is confidential under this Rule is privileged and not subject to discovery, but information otherwise admissible or subject to discovery does not become inadmissible or protected from disclosure solely by reason of its use at the peer review meeting.

(b) Except as otherwise provided in these Rules, the following records and proceedings are confidential and not open to inspection:

- (1) the records of an investigation by Bar Counsel;
- (2) the records and proceedings of a Peer Review Panel;
- (3) information that is the subject of a protective order;
- (4) the contents of a warning issued by Bar Counsel pursuant to Rule

16-735 (b), but the fact that a warning was issued shall be disclosed to the complainant;

(5) the contents of a prior private reprimand or Bar Counsel reprimand pursuant to the Attorney Disciplinary Rules in effect prior to July 1, 2001, but the fact that a private or Bar Counsel reprimand was issued and the facts underlying the reprimand may be disclosed to a peer review panel in a proceeding against the attorney alleging similar misconduct;

**Committee note:** The peer review panel is not required to find that information disclosed under subsection (b)(5) is relevant under Rule 16-743 (c)(1).

(6) the contents of a Conditional Diversion Agreement entered into pursuant to Rule 16-736, but the fact that an attorney has signed such an agreement shall be public;

(7) the records and proceedings of the Commission on matters that are confidential under this Rule;

(8) a Petition for Disciplinary or Remedial Action based solely on the alleged incapacity of an attorney and records and proceedings other than proceedings in the Court of Appeals on that petition; and

(9) a petition for an audit of an attorney's accounts filed pursuant to Rule 16-722 and records and proceedings other than proceedings in the Court of Appeals on that petition.

(c) The following records and proceedings are public and open to inspection:

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-723 that would bar disclosures by certain individuals and clarify the confidentiality of complaints.

(1) except as otherwise provided in subsection (b)(7) of this Rule, a Petition for Disciplinary or Remedial Action, all proceedings on that petition, and all documents or other items admitted into evidence at any hearing on the petition;

(2) an affidavit filed pursuant to Rule 16-772 that consents to discipline and an order that disbars, suspends, or reprimands the attorney by consent;

(3) a reprimand issued by the Commission pursuant to Rule 16-737;  
and

(4) except as otherwise provided by order of the Court of Appeals, all proceedings under this Chapter in the Court of Appeals.

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(e) (1) If the attorney has signed a written waiver of confidentiality, the Commission or Bar Counsel may disclose information to the extent permitted by the waiver.

(2) The parties to a disciplinary or remedial action may use confidential information other than the records and proceedings of a Peer Review Panel to the extent reasonably necessary to prepare for a public hearing in the action but shall preserve the confidentiality of the information in all other respects.

(3) Upon request of a complainant, Bar Counsel may disclose to the complainant the status of an investigation and of any disciplinary or remedial proceedings resulting from information from the complainant.

(4) Upon receiving a request that complies with this subsection, the Commission or Bar Counsel may disclose the pendency, subject matter, status, and disposition of disciplinary or remedial proceedings involving an attorney or former attorney that did not result in dismissal. The request must be made in writing by a judicial nominating commission, a bar admission authority, the President of the United States, the Governor of a state, territory, or district of the United States, or a committee of the General Assembly of Maryland or of the United States Congress. The requesting entity must represent that it is considering the nomination, appointment, confirmation, approval, or admission to practice of the attorney, or former attorney, and that the information will be treated as confidential and without the consent of the attorney may not be copied or disclosed to anyone other than the requesting entity.

(5) The Chair of the Commission may issue a brief explanatory statement necessary to correct any public misperception about actual or possible proceedings.

(6) If satisfied that an attorney has received prior notice and an opportunity to object or move for a protective order, Bar Counsel may comply with a subpoena or order of a court of this State or the United States to produce records and disclose confidential information concerning the attorney.

(7) With the approval of the Chair of the Commission, Bar Counsel may provide to law enforcement and prosecuting officials information involving criminal activity, including information requested by a subpoena from a grand jury pursuant to Rule 4-643.

(8) With the approval of the Chair of the Commission, Bar Counsel may provide to the disciplinary authority of any other jurisdiction in which an attorney is admitted to practice records and other confidential information concerning the attorney.

(9) In order to improve the administration of justice, the Commission and Bar Counsel may publish reports and summaries of confidential investigations, charges, and disciplinary or remedial proceedings, provided that the identity of attorneys, complainants, and witnesses is not revealed.

16-732.

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(f) Any paper filed in court with respect to a subpoena shall be sealed upon filing and shall be open to inspection only by order of the court. A hearing before the court on any motion shall be on the record and shall be conducted out of the presence of all persons other than Bar Counsel, the attorney, and those persons whose presence the court deems necessary.

(g) Everything said by the witness at the time and place specified in the subpoena shall be contemporaneously recorded stenographically or electronically, and the witness shall be placed under oath.

16-733.

Before a Petition for Disciplinary or Remedial Action is filed, Bar Counsel or an attorney who is or may be the subject of an investigation by Bar Counsel may perpetuate testimony or other evidence relevant to a claim or defense that may be asserted in the expected action. The perpetuation of evidence shall be governed by Rule 2-404 and the issuance of subpoenas and protective orders shall be governed by Rules 2-510 and [2-403](#). The Commission shall perform the functions that the court performs under those Rules.

16-752.

(a) Upon the filing of a Petition for Disciplinary or Remedial Action, the Court of Appeals may enter an order designating a judge of any circuit court to hear the action and the clerk responsible for maintaining the record. The order of designation shall require the judge, after consultation with Bar Counsel and the attorney, to enter a scheduling order defining the extent of discovery and setting dates for the completion of discovery, filing of motions, and hearing.

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16-757.

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(c) The judge shall prepare and file or dictate into the record a statement of the judge's findings of fact, including findings as to any evidence regarding remedial action, and conclusions of law. If dictated into the record, the statement shall be promptly transcribed. Unless the time is extended by the Court of Appeals, the written or transcribed statement shall be filed with the clerk responsible for the



record no later than 45 days after the conclusion of the hearing. The clerk shall mail a copy of the statement to each party.

(d) The petitioner shall cause a transcript of the hearing to be prepared and included in the record.

(e) Unless a different time is ordered by the Court of Appeals, the clerk shall transmit the record to the Court of Appeals within 15 days after the statement of findings and conclusions is filed.

16-761.

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(b) Costs of proceedings under this Chapter, including the costs of all transcripts, shall be taxed by the Clerk of the Court of Appeals and included in the order as a judgment. On motion, the Court may review the action of the Clerk.

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16-781.

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(n) In proceedings for reinstatement, unless the Court of Appeals orders otherwise, the petitioner shall pay all court costs and costs of investigation and other proceedings on the petition, including the costs of physical and mental examinations, transcripts, and other expenditures incurred by Bar Counsel that were reasonably necessary to evaluate the petition.

#### Chapter 800. Miscellaneous.

16-805.

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(d) Upon receiving information from any source indicating that a judge may have a disability or may have committed sanctionable conduct, Investigative Counsel may open a file and make an inquiry. Following the inquiry, Investigative Counsel shall (1) close the file and dismiss any complaint in conformity with section (b) of this Rule or (2) proceed as if a formal complaint had been filed and undertake a preliminary investigation in accordance with section (d) of this Rule.

**Committee note:** An inquiry may include obtaining additional information from the complainant, reviewing public records, obtaining transcripts of court proceedings, and communicating informally with the judge.

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16-808.

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(g) (1) Upon request of the judge at any time after service of charges upon the judge, Investigative Counsel shall promptly (A) allow the judge to inspect the Commission Record and to copy all evidence accumulated during the investigation and all statements as defined in Rule [2-402\(e\)](#) and (B) provide to the judge summaries or reports of all oral statements for which contemporaneously

recorded substantially verbatim recitals do not exist, and

\*\*\*\*

(i) ...

(6) The proceedings at the hearing shall be stenographically recorded. Except as provided in section (k) of this Rule, the Commission is not required to have a transcript prepared. The judge may, at the judge's expense, have the record of the proceedings transcribed.

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(k) If the Commission refers the case to the Court of Appeals, the Commission shall:

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(2) cause a transcript of all proceedings at the hearing to be prepared and included in the record;

(3) make the transcript available for review by the judge and the judge's attorney in connection with the proceedings or, at the judge's request, provide a copy to the judge at the judge's expense;

(4) file with the Court of Appeals the entire hearing record which shall be certified by the Chair of the Commission and shall include the transcript of the proceedings, all exhibits and other papers filed or marked for identification in the proceeding, and all dissenting or concurring statements by Commission members; and

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16-818.

a. In this Rule, unless the context or subject matter otherwise requires:

1. "Dispose" means to either destroy or remove records.

2. "Records" mean[s] any original papers, official books, documents, files, including but not limited to dockets, electronic recordings of testimony and exhibits within the custody of the clerk of the court.

3. "Schedule" means the form known as the "Records Retention and Disposal Schedule" used by the Records Management Division of the Hall of Records Commission.

b. Subject to the provisions of this Rule, the clerk of the court, with the written approval of the County Administrative Judge and in cooperation with the Hall of Records Commission,\* may dispose of records within his custody.\*

**Cross references:** See § [2-205](#) of the Courts Article.

c. 1. The clerk of the court shall prepare a schedule for the disposition of court records and submit it to the Hall of Records Commission\* for its recommendation.

2. The schedule, together with the recommendation of the Hall of

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\*The Hall of Records Commission is an advisory body to the State Archivist, under whose direction the State Archives takes custody of records. See Code, State Government Art. § 10-639. Clarifying amendments have been recommended to the Rules Committee.

Records Commission,\* shall be submitted for the written approval of the County Administrative Judge who may approve it in whole or in part, amend it or disapprove it.

3. Approval of the schedule by the County Administrative Judge shall be deemed an order of court providing for disposal of the records.

4. The schedule, as approved, shall set forth:

(i) The identification of the records.

(ii) The length of time the records are to be retained by the clerk of the court before disposition.

(iii) Whether the Hall of Records Commission\* declines to accept the records for preservation.

(iv) Whether the records are to be destroyed or removed.

(v) The place to which the records would be removed.

(vi) Whether the schedule shall be "standing" viz., operative until changed by further order of court.

5. In those cases where the Hall of Records Commission\* accepts records, they shall be removed according to the Hall of Records Commission\* procedures.

6. In those cases where the Hall of Records Commission\* declines records, disposition shall be according to the terms set forth in the schedule as approved. If the records are to be destroyed the clerk shall obtain the approval of the Board of Public Works and upon destruction shall file a certificate of destruction with the Hall of Records Commission.\*

**Cross references:** See Code, § 10-642 of the State Government Article.

**Committee note:** This Rule is meant to allow periodic destruction of records without the necessity of obtaining Board of Public Works approval each time if such destruction of records or classes of records had been clearly approved by the Board of Public Works in a standing schedule.

d. 1. Records which shall be retained permanently either by the clerks or the Hall of Records Commission:\*

(i) Permanent books of account.

(ii) Indices and dockets maintained by the clerks.

(iii) Other records as designated on a schedule as approved.

2. Records which shall be retained permanently by the clerk:

(i) Records affecting title to real estate.

3. Records which may be destroyed by the clerk after the following minimum periods of time:

(i) Motor vehicle and natural resources cases – three years after case is closed and audit performed, if required; except for convictions of offenses which carry subsequent offender penalties which cases shall be retained as permanent records.

(ii) Landlord/Tenant cases – three years in cases involving restitution of premises where there is no money judgment.

(iii) Other records – according to times designated on a schedule as approved – twelve years.

4. Any of the records set forth in subsections 1, 2, and 3 of this

section may be disposed of at any time provided that the records have been photographed, photocopied or microphotographed in accordance with the Hall of Records Commission\* procedures and copies have been substituted therefor.

### Form Interrogatories.

#### Form 7.

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23. State whether you have **possession** or knowledge of any recordings or transcripts of testimony in any proceeding arising out of the **occurrence**. If so, state the date and subject matter, and **identify** each **person** who recorded the testimony and the custodian of each recording or transcript. (Standard Motor Vehicle Tort Interrogatory No. 23.)

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### Appendix: Court Interpreter Inquiry Questions

Following is an excerpt from the October 20, 1998 Report of the Maryland Judicial Conference Advisory Committee on Interpreters.

#### Interpreter Voir Dire Questions\*

These questions are intended to elicit from a prospective interpreter, whether sign or spoken, the information that the Court needs to determine whether an individual is a competent court interpreter and whether the individual is the appropriate interpreter for the particular case. A few questions are appropriate only to a sign or a spoken language interpreter. In the event that the interpreter is considered "certified" in Maryland, the voir dire need not be as extensive.

- (1) State your full name and address.
- (2) Where are you employed currently?
- (3) How long have you known [sign/spoken language]?
- (4) Where did you learn [sign/spoken language]?
- (5) Can you communicate fluently in [sign/spoken language]?
- (6) What is your educational background?
- (7) What formal interpreter training have you undertaken?
- (8) What formal legal interpreter training have you undertaken?
- (9) What knowledge and skill areas did you study?
- (10) Have you attended the Maryland Judiciary's Orientation Workshop for Court Interpreters?

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\*Adapted from William Mitchell School of Law, Legal Interpreting Workshop, 1981, conducted by Anna Witter-Merithew and Jill Hartman. Revised in 1986 by the authors. Revised in 1994 by the Maryland Judicial Conference's Task Force on Interpreters. Revised in May, 1997 by the Advisory Committee on Interpreters' Subcommittee on Court Interpreter Fees, Qualification Standards and usage.

(11) Are you certified? By whom? What is your certification called?

(12) Please explain the certification process?

**Questions 13 through 19 need not be asked if the interpreter is "certified" for purposes of Maryland courts.**

(13) Have you spent time in a country where your spoken language is used?

(14) Are you active in any professional organization?

(15) What do "RID" and "NAJIT" mean?

(16) How many times have you interpreted in court and in what kinds of situations have you interpreted?

(17) Have you met \_\_\_\_\_ (the person for whom interpreter services are to be provided)?

(18) Were you able to establish communication?

(19) How could you determine that you were being understood and that communication was established?

(20) What language does the person use?

(21) How did you determine the language used?

(22) How long did it take you to determine the language used?

(23) In your opinion, is the deaf person American Sign Language-English bilingual?

**Questions 24 through 30 need not be asked if the interpreter is "certified" for purposes of Maryland courts.**

(24) Please explain the difference between interpreting and transliterating. Between interpreting and translation.

(25) Can you define "minimal language skills"?

(26) Is it possible to sign in American Sign Language at the same time you are speaking in English?

(27) Will the interpretation you provide today be verbatim?

(28) What process would you use to inform the Court of an error in your interpretation?

(29) Can you explain the difference between simultaneous and consecutive interpretation?

(30) What issues significantly affect your interpreting in court?

(31) Have you submitted to the Administrative Office of the Courts a completed information form, a statement swearing or affirming compliance with the Maryland Code of Conduct for Court Interpreters and a statement subscribing to the Interpreter's Oath?

(32) Have you, in a state or federal court of record, a pending criminal charge or criminal conviction on a charge punishable by a fine of more than \$500 or imprisonment for more than 6 months and not pardoned or expunged?

(33) Are you a potential witness in this case?

(34) Do you have any other potential conflicts of interests that you have not yet mentioned to the Court?

(35) Are you ready to take the oath for interpreters?

II. ADMINISTRATIVE ORDER OF CHIEF JUDGE OF COURT OF APPEALS.

IN THE COURT OF APPEALS OF MARYLAND  
ADMINISTRATIVE ORDER

SETTING MINIMUM REQUIREMENTS FOR  
COURT REPORTING AND TRANSCRIPTION IN MARYLAND COURTS

WHEREAS, The *Ad Hoc* Court Reporters Committee has recommended the need for minimum standards for court reporting, including certification, orientation and education requirements, and procedural guidelines; and

WHEREAS, Maryland Rule 16-404 grants to the Chief Judge of the Court of Appeals broad authority with respect to regulations and standards for *inter alia* the selection, qualifications and responsibilities of court reporters and relating to court reporting and transcription generally; and

WHEREAS, Exercise of this authority has been limited to requirements related to transcription format and charges; and

WHEREAS, Consolidation of the current requirements in a single Administrative Order would be beneficial;

WHEREAS, Creation of a standing committee to provide advice and assistance with regard to various aspects of court reporting has been recommended;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Constitution and Maryland Rule 16-404, do hereby order this 16<sup>th</sup> day of February, 2005, that:

1. Definitions.
  - a. In General. In this Order the following words have the meanings stated.
  - b. Committee. “Committee” means the Court Reporting Committee.
  - c. Court Reporting. “Court reporting”:
    - (1) means the act of making the official verbatim record – that is one that reflects accurately the spoken word and nonverbal communication and action in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and
    - (2) includes the making of a transcript by a transcriber or other individual who certifies the transcript.
  - d. Disposal. “Disposal” means destruction or erasure.
  - e. Notes. “Notes”:
    - (1) means the official verbatim record of a proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and
    - (2) includes the dictionary, media storage files, and other documentation needed to prepare a transcript.
2. Scope.
  - a. Providers. This Order shall apply to all applicants for employment and personnel employed or contracted for court reporting services.
  - b. Records. This Order does not apply to a record that is subject to disposition under Maryland Rule 16-818.
  - c. Unofficial Transcribers. Nothing in this Order is to be construed to prevent a party from retaining, at the party’s expense, a reporter to preserve an unofficial record, or provide the party with an unofficial transcript, of all or part of a proceeding when the official reporter is unable to provide communication access realtime translation for a deaf or hard of hearing individual or realtime translation or expedited delivery of a transcript for a party.
3. Court Reporting Committee.
  - a. Created. There is a Court Reporting Committee.
  - b. Membership. The Committee shall consist of the following members:
    - (i) The Chief Clerk of the Court of Special Appeals, as Chair of the Committee;
    - (ii) A court administrator, appointed by the Chief Judge of the Court of Appeals in consultation with the Chair of the Conference of Circuit Judges;
    - (iii) The Chair of the Conference of Circuit Court Clerks;
    - (iv) The Chief Clerk of the District Court;
    - (v) A representative of the Judiciary’s Department of Human Resources, appointed by the Chief Judge of the Court of Appeals;
    - (vi) Providers of court reporting services representing the

various methods currently in usage within Maryland, as appointed by the Chief Judge of the Court of Appeals;

(vii) Lawyers using court reporting services, as appointed by the Chief Judge of the Court of Appeals; and

(viii) Any other individual appointed by the Chief Judge of the Court of Appeals.

c. Advisors. The Committee may invite others to provide advice to or otherwise to participate in the Committee's work, through invitations to public fora, appointment to subcommittees or assignment of specific tasks such as statistical and academic research.

d. Meetings.

(1) The Committee shall meet at the call of the Chair.

(2) A majority of the members actually serving on the Committee shall constitute a quorum for the transaction of business.

e. Functions. The Committee shall:

(1) recommend, to the Chief Judge of the Court of Appeals, certification criteria, including continuing education requirements, appropriate for individuals, whether employed by or contracting with a court, providing court reporting services in connection with court proceedings;

(2) assist the Judiciary's Department of Human Resources in the development of appropriate application forms and other employment or contractual materials related to court reporting services;

(3) develop and recommend, to the Chief Judge of the Court of Appeals, an orientation program for providers of court reporting services;

(4) recommend, to the Chief Judge of the Court of Appeals, changes to the *Court Reporting Manual* necessary from time to time, with particular attention initially to draft Sections 7 and 9;

(5) from time to time, make recommendations to the Chief Judge of the Court of Appeals with regard to appropriate charges for transcripts; and

(6) develop and recommend, to the Court of Appeals, standards formulated with the goal of ensuring usable electronic versions.

f. Staff. The Administrative Office of the Courts shall provide staff assistance to the Committee.



4. Personnel Requirements.

a. Applicants and Providers. Each applicant, and individual selected, by a court to provide court reporting services shall:

(1) submit to the court a completed application on a form provided by the Department of Human Resources and other documentation of qualifications as may be required by that Department;

(2) have certification or formal qualification credentials recognized by the Chief Judge of the Court of Appeals and meet other qualification standards as set by that court; and

(3) complete an orientation program on matters such as the Maryland court system, professional and ethical conduct in court reporting, and legal terminology, as may be approved by the Chief Judge of the Court of Appeals.

b. Courts.

(1) Whenever a court requires court reporting services, the court shall employ or contract for the services of an individual who meets the qualifications set under this Order. A court may contract for these services either directly with an individual or with an agency undertaking to provide a qualified individual.

(2) If, notwithstanding subsection (1), a court must use an individual who does not satisfy the qualifications set under this Order, the court shall establish that the individual is qualified to provide court reporting services.

5. Manual.

Each individual selected for court reporting must comply with requirements set forth in the *Court Reporting Manual*, as revised from time to time under the direction of the Chief Judge of the Court of Appeals. This requirement does not apply to draft Sections 7 and 9 of the *Manual*.

6. Ownership of Notes.

Notes compiled by an individual while employed by, or under contract with, a court or by a subcontractor of a court, are property of the State of Maryland.

7. Filing and Storage of Notes.

a. Filing. Each individual providing court reporting services shall file notes in accordance with the policy approved by the Circuit Administrative Judge in the case of a circuit court or by the Chief Judge of the District Court in the case of that Court.

b. Storage. Notes are to be stored in a manner that preserves them for future use, as needed.

8. Transcripts.

a. Preparation Protocol.

(1) Subject to paragraphs (2) and (3) of this subsection, a court reporter shall begin work on a transcript immediately after receiving a written request and shall deliver the completed transcript to the appropriate clerk or register.

(2) This subsection does not prevent a court reporter from requesting a deposit from the person ordering a transcript and does not require a

court reporter to give the person a copy of the transcript before payment in full.

(3) In consultation with each supervisory court reporter in a circuit, the Circuit Administrative Judge shall develop protocols whereby a court reporter may ask permission to defer preparation of a transcript, or its delivery to a court, until payment in accordance with a schedule approved by the Circuit Administrative Judge. The protocols shall provide for due consideration to the complexity of the request, the payment history of the attorney or other person requesting the transcript, and other factors affecting unnecessary delay in the appellate process and just compensation of the court reporter.

b. Charges. The transcript charges for regular copies shall be as follows:

- (1) For the original of a transcript ..... \$3 per page
- (2) For the first copy ..... 50¢ per page
- (3) For a second copy ..... 25 ¢ per page
- (4) Total for original and two (2) copies ..... \$3.75 per page
- (5) For an original with a disk ..... \$3.75 per page

c. Itemization. An individual providing court reporting services shall provide, on request of the Administrative Office of the Courts, a court, or a party, a written itemization of all rates and charges as to each party to a proceeding.

d. Substitute Transcribers. A supervisory court reporter may cause a transcript to be prepared from notes in the event of the inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

9. Disposition of Notes.

a. Scope. This Section does not apply to:

- (1) a recording of a grand jury proceeding; or
- (2) an electronic tape recording made by or for a master.

b. Retention Periods. Subject to the limitations in this Section, with the written approval of a Circuit Administrative Judge, a clerk of court may dispose of notes at any time after the expiration of the following periods:

- (1) in a civil case, 5 years after the notes are taken; and
- (2) in a criminal case, 12 years after the notes are taken.

c. Disposition Schedule.

(1) At intervals set by a Circuit Administrative Judge, each individual providing court reporting services in the circuit or a designee of the Circuit Administrative Judge shall draft a schedule for disposal of notes.

(2) The supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall submit:

- (i) a schedule for a circuit to the State Archives for its recommendations; and
- (ii) a schedule and the recommendations of the State Archives to the Circuit Administrative Judge.

(3) A Circuit Administrative Judge may approve or disapprove

a schedule. Approval of a schedule shall be in writing and shall be deemed a court order for disposal of the notes in accordance with the schedule.

(4) As approved, each schedule shall:

(i) identify the notes, by case name and number, or by reference to permanent source documents such as the court's dockets and minutes of proceedings;

(ii) state the date on which, or the inclusive dates during which, the notes were taken;

(iii) state whether the State Archives accepts or declines to accept the notes for preservation;

(iv) state the manner in which notes that the State Archives has declined to accept will be disposed of; and

(v) state the place to which notes that the State Archives has accepted will be removed.

d. Removal. Notes that the State Archives accepts shall be removed in accordance with the procedures for the Archives.

e. Disposal Certificate. After disposal of notes, the supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall send a certificate of disposal to the State Archives.

10. Application.

a. Prospective. This Order shall apply to the employment of an individual to provide court reporting services and to the contracting for court reporting services entered into or renewed on or after the effective date of this Order.

b. Current Providers. This Order may not be construed to require the termination of the services of any individual employed by a court to provide court reporting services, or under contract to provide court reporting services.

11. Rescission of Prior and Conflicting Orders.

The Administrative Orders dated November 21, 1975, October 15, 1980, June 20, 1986, December 10, 1987, January 10, 1990, and June 22, 1998, are hereby rescinded. The Administrative Memoranda of the Chief Judge of the Court of Special Appeals dated March 11 and 14, 1997, are hereby rescinded.

12. Effective Dates.

Sections 1 and 3 of this Order shall take effect immediately. The balance of this Order shall take effect on April 18, 2005.

/s/ Robert M. Bell

Robert M. Bell

Chief Judge of the Court of Appeals

Filed: February 16, 2005

/s/ Alexander L. Cummings

Clerk

Court of Appeals of Maryland

III. PUBLIC GENERAL LAWS.

Courts and Judicial Proceedings Article  
(1974, 2002 Replacement Volume, 2004 Cumulative Supplement)

Title 2. Court Personnel.

Subtitle 1. Officers, Oaths, and Bonds.

2-102.

(a) If advisable in a specific proceeding, a court may appoint an auditor, surveyor, court reporter, assistant counsel for the State, counsel for a party if authorized by law or rule, accountant, master, examiner, or other officer, and may require his presence in court.

(b) A special officer shall receive the compensation provided by this subsection:

(1) Auditor – Reasonable compensation as set by the court, but not less than \$15 for stating an account.

(2) Assistant counsel for the State or counsel for a party – The amount set by the court but in Baltimore City no appearance fees in a criminal case unless taxed against and paid by the accused as costs.

(3) Surveyor or assistant surveyor – The fee charged by members of the Maryland Society of Surveyors in the county for similar services.

(4) Other officer – Reasonable compensation as set by the court.

(c) A special officer's fee may be taxed as costs or paid by the county.

Subtitle 2. General Duties of Clerk.

2-205.

(a) The clerk of a circuit court or the chief clerk of the District Court, under rules and regulations promulgated by the Court of Appeals, may authorize the destruction of pleadings, papers, and files in his custody which, because of their character, serve no useful purpose in being retained.

(b) Before any pleadings, papers, or files are destroyed, the proposed destruction shall be approved in writing by the judge exercising the functions of administrative judge in the county in the case of circuit court records or the Chief Judge of the District Court in the case of District Court records, and the records shall be disposed of in accordance with Title 10, Subtitle 6, Part V of the State Government Article.

2-213.

(a) Except as otherwise provided in this section, the clerk of a circuit court is entitled to 5% of all public money that the clerk receives, collects, and pays over.

\*\*\*\*

(e) (1) Notwithstanding subsection (a) of this section, the Clerk of the Circuit Court for Charles County shall:

(i) Deduct from collection fees for the tax collected under Title 12 of the Tax – Property Article the cost of two-thirds of the salaries and benefits of the court reporters for the Circuit Court of Charles County; and

(ii) Pay the amount deducted to the Charles County Treasurer.

(2) The Clerk shall make the payment promptly after receipt of a voucher from the Charles County Treasurer stating the amount of the salaries and benefits paid to the court reporters.

#### Subtitle 4. Appellate Courts.

2-402.

An appellate court may appoint the law clerks, stenographers, and other full or part time employees it deems necessary.

#### Subtitle 5. Courts of General Jurisdiction.

2-501.

(a) Except as provided for the Circuit Court for Baltimore City in Title 2, Subtitle 5A of this article, the judges of the circuit court for a county may employ the court administrators, assignment commissioners, auditors, masters, examiners, court reporters, messengers, bailiffs, court criers, librarians, clerks, secretaries, stenographers, jury commissioners, law clerks, and other employees necessary to conduct the business of the court.

(b) Each employee of the court shall receive the compensation provided in the appropriate budget and perform the duties directed by the judge.

(c) (1) The resident judge in each county of the seventh judicial circuit shall appoint one or more official court reporters for the circuit court in the county. A reporter shall be competent to record court proceedings and shall serve at the pleasure of the judge who appointed him. The reporter shall receive the compensation set by the county government after consultation with the county administrative judge.

(2) A court reporter shall be reimbursed for expenses as approved by the court. Reimbursement shall be made by the county treasurer or similar officer of the county in which the services were rendered as expenses of the court upon presentation of a certificate from the clerk showing the attendance and services of the reporter.

(3) If directed by the court, the reporter shall attend and take full stenographic notes of, or otherwise record the oral testimony and judicial opinions in all proceedings in the court.

(4) The court may direct the reporter to transcribe the notes of a proceeding and the costs of transcription may be taxed as costs in the case or paid as part of the general expenses of the court.

(5) On request by a party, a reporter shall furnish a typewritten transcript of any portion of his notes, upon payment of the expenses incident to the transcript at the rate fixed by the court.

(d) (1) The five counties comprising the second judicial circuit of Maryland shall provide a pension to any court stenographer of the circuit who has served in that capacity for 25 or more years.

(2) Each county shall share in a pro rata contribution to the pension in the following proportions:

- (i) Caroline County – 20.5 percent;
- (ii) Cecil County – 15.6 percent;
- (iii) Kent County – 19.9 percent;
- (iv) Queen Anne's County – 19.9 percent; and
- (v) Talbot County – 24.1 percent.

(3) The county commissioners or county council for each of those counties shall appropriate annually the necessary funds to pay its share of the pension.

(4) The pension shall be \$4,000 a year and shall be paid in monthly installments of \$333.33.

\*\*\*\*

2-503.

(a) The jury judge of the circuit court for a county may appoint a stenographer to take and transcribe the testimony given before the grand jury for the exclusive use and benefit of the grand jury and the State's Attorney of the county unless otherwise ordered by the court.

(b) (1) Any stenographer appointed to record testimony before a grand jury shall take and subscribe an oath that he will keep secret all matters and things occurring before the grand jury.

(2) A stenographer who violates the oath of secrecy is guilty of a misdemeanor and is subject to a fine of \$1,000 or imprisonment for not more than one year, or both.

(c) A stenographer appointed under this section may be present at the sessions of the grand jury.

(d) The stenographer shall receive the compensation set by the judges of the court. If the stenographer serves in more than one county, his salary shall be shared by the counties in which he serves in proportion as agreed by the administrative judges of the counties.

Title 3. Courts of General Jurisdiction – Jurisdiction/Special Causes of Action.

Subtitle 2. Arbitration and Award.

3-220.

\*\*\*\*

(b) The arbitrators may, and on application of a party shall, order that part or all of the proceedings be transcribed. The record made from the transcript shall be available to either side for purpose of appeal or otherwise.

Subtitle 7. Habeas Corpus.

3-707.

\*\*\*\*

(b) ...  
(3) If the Court grants the application, it may order the preparation of a transcript of any proceedings related to the habeas corpus petition.

\*\*\*\*

Title 7. Costs.

Subtitle 1. Court of Appeals and Court of Special Appeals.

7-101.

In this subtitle, "costs" means any cost other than counsel fees necessary for prosecution of an appeal, application for leave to appeal, or filing a petition for writ of certiorari including but not limited to clerk's fees, the cost of preparing a transcript of the testimony, the cost of preparing and transmitting the record, and the cost of the briefs, appendices, and printed record extract.

Subtitle 4. Miscellaneous.

7-401.

\*\*\*\*

(b) The plaintiff shall initially pay stenographic fees in supplementary proceedings. The fees shall be taxed as costs.

\*\*\*\*

Title 9. Witnesses.

Subtitle 1. Competence, Compellability, and Privilege.

9-118.

(a) The oath for a person testifying before the grand jury shall be administered in one of the ways specified in this section.

(b) It may be administered in the presence of the grand jury by the foreman or a member appointed by the foreman.

(c) It may be administered by the clerk or deputy clerk of court in the presence of the presiding judge or judges in open court.

(d) It may be administered by the clerk or deputy clerk of court in the presence of the presiding judge or judges, in the court house, but not in open court.

Criminal Law Article  
(2002 Volume, 2004 Cumulative Supplement)

Title 2. Homicide.

Subtitle 4. Review by Court of Appeals.

2-401.

\*\*\*\*

(b) The clerk of the trial court shall send to the Clerk of the Court of Appeals:

(1) the entire record and the transcript of the sentencing proceeding within 10 days after receiving the transcript;

\*\*\*\*

Criminal Procedure Article  
(2001 Volume, 2004 Cumulative Supplement)

Title 3. Incompetency and Criminal Responsibility  
in Criminal Cases.



3-115.

\*\*\*\*

(e) ...  
(2) The hearing shall be recorded, but the recording need not be transcribed unless requested. The requesting party shall pay the costs of the transcript and, if exceptions have been filed, provide copies to other parties and the court. If the court orders a transcript, the court shall pay the costs of the transcript.

\*\*\*\*

## Title 7. Uniform Postconviction Procedure Act.

### Subtitle 1. In General.

7-109.

\*\*\*\*

(c) The Court of Special Appeals shall direct the political subdivision in which an order is passed to pay the necessary costs and expenses associated with a review under this section, including all court costs, stenographic services, and printing, if:

- (1) a person seeks a review under this section within 30 days after judgment;
- (2) the Court of Special Appeals grants leave to appeal under this section; and
- (3) the Court of Special Appeals finds that the person is unable to pay the costs of the review.

## Title 10. Criminal Records.

### Subtitle 1. Expungement of Police and Court Records.

10-101.

(a) In this subtitle the following words have the meanings indicated.

\*\*\*\*

(c) (1) "Court record" means an official record of a court about a criminal proceeding that the clerk of a court or other court personnel keeps.

(2) "Court record" includes:  
(i) a record of a violation of the Transportation Article for which a term of imprisonment may be imposed; and  
(ii) an index, docket entry, charging document, pleading, memorandum, transcription of proceedings, electronic recording, order, and judgment.

\*\*\*\*

10-102.

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- (c) This subtitle does not apply to:
- (1) a record about a minor traffic violation;
  - (2) the published opinion of a court;
  - (3) a cash receipt or disbursement record that is necessary for audit purposes;
  - (4) a transcript of court proceedings made by a court reporter in a multiple defendant case;
  - (5) an investigatory file; or
  - (6) a record of the work product of a law enforcement unit that is used solely for police investigation.

Education Article  
(1978, 2004 Replacement Volume)

Title 26. Prohibitions and Penalties.

Subtitle 2. Sales of Academic Papers.

26-201.

(a) In this section "academic paper" means any theme, essay, term paper, book report, report, thesis, dissertation, or other written assignment.

(b) A person may not sell or offer for sale any assistance in the preparation, research, or writing of an academic paper if he knows that the buyer intends to submit the academic paper substantially unchanged to an educational institution as the original work of someone other than the author, in fulfilling the requirements for a degree, diploma, certificate, or course of study.

(c) This section does not prevent:

(1) An educational institution, or any of its faculty or staff, from offering courses, instruction, counseling, or tutoring in research or writing as part of a program authorized by the institution;

(2) Any person from offering tutorial assistance that does not include the preparation, research, or writing of an academic paper intended for submission to an educational institution in fulfilling the requirements for a degree, diploma, certificate, or course of study; or

(3) Any person from typing, transcribing, or reproducing a manuscript for a fee.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both.

Election Law Article  
(2003 Volume, 2004 Cumulative Supplement)

Title 11. Canvassing.

Subtitle 3. Vote Canvassing by Local Board.

11-304.

\*\*\*\*

- (d) ...
  - (2) The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case.
  - (3) The original papers and the transcript shall be transmitted to the Court of Special Appeals within 5 days from the taking of the appeal, and the appeal shall be heard as soon as possible.

Estates and Trusts Article  
(1974, 2001 Replacement Volume, 2004 Cumulative Supplement)

Title 2. The Court.

Subtitle 2. Register of Wills.

2-206.

- (a) The registers of wills are entitled to charge and collect for the performance of their duties the fees in this section.

\*\*\*\*

- (d) For affixing seal of office to a transcript or other paper, if expressly required by law or a person ..... \$1
- (e) For affixing seal of office to a certificate, transcript, or other paper exemplified under the act of Congress ..... \$2

\*\*\*\*

- (h) For transcribing papers filed in caveat or other controversial proceedings when taken to higher court, per page or part of a page ..... \$2

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Insurance Article  
(1997, 2003 Replacement Volume, 2004 Cumulative Supplement)

Title 4. General Requirements for Insurers.

Subtitle 4. Disclosure Requirements for Insurers.

4-405.

\*\*\*\*

(b) In addition to the information required under subsection (a) of this section, each insurer providing professional liability insurance to a health care provider in the State shall submit to the Commissioner the following information:

\*\*\*\*

(19) ...  
(ii) the amount of other allocated loss adjustment expenses, such as court costs and stenographer's fees; and

Labor and Employment Article  
(1991, 1999 Replacement Volume, 2004 Cumulative Supplement)

Title 9. Workers' Compensation.

Subtitle 7. Claims Procedure, Hearings, and Appeals.

9-718.

(a) The Commission may receive into evidence all or any part of a transcript of an investigation if the transcript was made by a stenographer appointed by the Commission and the stenographer certifies under penalties of perjury that the transcript is correct.

(b) A transcript introduced into evidence under subsection (a) of this section has the same effect as if the stenographer were present and testified to the facts certified.

(c) On request and payment of a fee in the amount set for a transcript from a circuit court, a copy of the transcript shall be provided to any party in interest.

9-739.

(a) A certified copy of the record of the proceedings of the Commission, including any transcript of testimony, a statement of facts in place of the record, or stipulations shall be filed with the circuit court in accordance with [Title 7](#) of the Maryland Rules.

(b) Subject to a final allocation of costs by the circuit court at the conclusion of the appeal, the cost of a certified copy of the record of the proceedings of the Commission, including a transcript of testimony, shall be paid:

- (1) if the court on its own initiative orders that a copy be filed, by the party that the court specifies in its order; or
- (2) unless the court orders otherwise, by the party that requests the copy.

Public Utility Companies Article  
(1998 Volume, 2004 Cumulative Supplement)

Title 3. Administrative and Judicial Procedure.

Subtitle 2. Judicial Review.

3-207.

(a) (1) (i) By stipulation of all parties to a proceeding for review under [§ 3-202](#) of this subtitle, the court may shorten the record to be transmitted to the court.

(ii) If the court determines that a party's refusal to stipulate to limit the record is unreasonable, the court may assess the additional costs against the refusing party.

(2) The court may require or allow corrections of the record before the Commission or the certification of additional parts of the record as the court considers appropriate.

(b) Notwithstanding any other provision of law or rule of court to the contrary, a transcript need not be filed until after the expiration of the period of time for the filing of an answer.

3-208.

(a) (1) Any party may introduce new evidence on judicial review.

(2) If the evidence presented on judicial review is materially different from the evidence presented at the hearing before the Commission, the court shall:  
(i) unless all parties stipulate in writing to the contrary, refer a transcript of the new evidence to the Commission; and  
(ii) stay the proceedings for a period of time that the court considers appropriate.

(b) (1) On receipt of a transcript in accordance with subsection (a)(2)(i) of this section, the Commission may modify its findings based on the new evidence.

\*\*\*\*

State Government Article  
(1984, 1999 Replacement Volume, 2004 Cumulative Supplement)

Title 10. Governmental Procedures.

Subtitle 6. Records.

10-638.

Except as expressly provided in § [10-642](#) of this subtitle, this Part V of this subtitle does not authorize:

- (1) the destruction of a permanent book of account;
- (2) the destruction of a land record of a clerk of a circuit court;
- (3) the destruction of any record that relates to the financial operation of a unit of the State government or to collection of State taxes until the requirements of [§§ 2-1220 through 2-1227](#) of this article are met;
- (4) the destruction of any record until the expiration of the period that a statute expressly sets for that record to be kept;
- (5) the destruction of any public record that a statute expressly requires to be kept permanently; or
- (6) the destruction of any record of a court of record unless:
  - (i) the destruction is authorized under [§ 1-605\(d\)\(6\)](#) or [§ 2-205](#) of the Courts Article;
  - (ii) an accurate transcript of the record is in use; or
  - (iii) the record relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

10-639.

(a) In accordance with the record retention and disposal schedules, a public official shall offer to the Archives any public record of the official that no longer is needed, such as:

- (1) an original paper;
- (2) a book;
- (3) a file;
- (4) a record of a court of record for which an accurate transcript is in use; or
- (5) a record that relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

(b) (1) With the written approval of the State Archivist, a public official may destroy the record that the public official offers under this section, but the Archives declines to accept.

- (2) After records are destroyed, the public official shall send to the Archives:
  - (i) a list of the records that were destroyed; and
  - (ii) a certificate of destruction.
- (3) The State Archivist shall keep each list of the records destroyed under this subsection. The list shall be available for public inspection at reasonable times.

State Personnel and Pensions Article  
(1993-94, 1997 Replacement Volume, 2004 Cumulative Supplement)

Title 21. State Retirement and Pension System.

Subtitle 3. Funding.

21-307.

\*\*\*\*

(h) For a court reporter for the Circuit Court for Charles County who is a member of the Employees' Retirement System or the Employees' Pension System, the County Commissioners of Charles County shall pay the employer contributions otherwise required to be made by the State on behalf of the member.

\*\*\*\*

Title 22. Employees' and Teachers' Retirement Systems.

Subtitle 2. Membership.

22-201.

(a) Except as provided in subsection (b) of this section, §§ [22-202 through 22-204](#) of this subtitle apply only to:

\*\*\*\*

(8) a court reporter for the Circuit Court for Charles County who is a member of the Employees' Retirement System on July 1, 1994; and

\*\*\*\*

(b) [Sections 22-202 through 22-204](#) of this subtitle do not apply to:

(1) an individual who is a member of any State system other than the Employees' Retirement System;

(2) an individual who is entitled to be a member of any State system other than the Employees' Retirement System or the Employees' Pension System;

(3) a contractual, emergency, or temporary extra employee;

(4) an individual who is employed under a federal public service employment program;

\*\*\*\*

Title 23. Employees' and Teachers' Pension Systems.

Subtitle 2. Membership.

23-201.

(a) Except as provided in subsection (b) of this section, §§ [23-202 through 23-205](#) of this subtitle apply only to:

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(12) a court reporter for the Circuit Court for Charles County who is a member of the Employees' Pension System on July 1, 1994, or transfers from the Employees' Retirement System on or after July 1, 1994;

\*\*\*\*

(b) [Sections 23-202 through 23-205](#) of this subtitle do not apply to:

(1) an individual who is or is entitled to be a member of any State system other than the Employees' Pension System;

(2) a contractual, emergency, or temporary extra employee;

(3) an individual who is employed under a federal public service employment program;

\*\*\*\*

(7) an employee who is not a member of a State system and who accepts a position for which the budgeted hours per fiscal year are less than 500 hours in the first fiscal year of employment; or

Transportation Article

(1977, 2002 Replacement Volume, 2004 Cumulative Supplement)

Title 12. Vehicle Laws – Motor Vehicle Administration.

Subtitle 2. Hearings.

12-207.

(a) Any party to a hearing may request that the testimony presented at the hearing be transcribed.

(b) The party requesting the transcription shall pay for its cost. However, if an appeal is taken under § [12-209](#) of this subtitle, the party need not pay the cost of the transcription if the court finds that the party is indigent.



Article 2B - Alcoholic Beverages  
(1957, 2001 Replacement Volume, 2004 Cumulative Supplement)

Title 16. Appeals, Consumers, Regulatory Powers,  
Enforcement, and Penalties.

Subtitle 1. Appeals.

16-101.

\*\*\*\*

(d) The clerk of the circuit court for Carroll, Charles, Howard, or Prince George's County, before docketing an appeal shall first collect, from the person or persons so appealing, all court costs and a statement from the clerk of the board of license commissioners that the costs for getting records and transcripts of proceedings of the hearing before the board have been paid. Costs may not be assessed against the board of license commissioners.

\*\*\*\*

IV. PUBLIC LOCAL LAWS.

Article 1. Allegany County Code  
(1983 Volume, Supplement No. 23)

32-1.

There shall be two (2) annual terms of the Circuit Court for Allegany County held at Cumberland, both of which shall be jury terms. The two (2) terms shall commence on the first Monday in April and the first Monday in October, respectively, in each year, and to each of said terms, juries shall be summoned and returned in the mode and manner prescribed by law; provided, however, that, when any of the above-mentioned days shall fall on a day set apart by the laws of Maryland as a legal holiday, the term of court so falling thereon shall begin on the day next succeeding, and writs and processes and appearances to writs and processes issued out of said Court shall be returnable accordingly. In the trial of any case in said Court on either the law or equity side thereof, the Judges or Judge presiding shall have the power and authority to employ a stenographer or shorthand reporter to take down the proceedings, including the testimony and opinion of the Court, for the use of the Court, and the County Commissioners shall levy such compensation for the service of said stenographer or shorthand reporter as the Court or Judge thereof shall approve.

32-6.

A. The Judges of the Fourth Judicial Circuit of Maryland are hereby

authorized and directed to appoint an Official Court Reporter for the Circuit Court[s] for Allegany and Garrett Counties, who shall be a sworn officer of the courts of said circuit. The Official Court Reporter so appointed for the Circuit Court[s] for Allegany and Garrett Counties shall receive such salary as said Judges of the Fourth Judicial Circuit may authorize, in writing to be paid to him by the County Commissioners of Allegany and Garrett Counties, respectively, in regular monthly installments.

B. The County Commissioners of Allegany and Garrett Counties shall levy and pay to said Court Reporter so appointed for the Circuit Courts for Allegany and Garrett Counties such salary as said Judges of the Fourth Judicial Circuit may authorize, in writing, in monthly installments as long as the Official Court Reporter is performing the official duties herein provided for or until said County Commissioners are notified by the Judges of said circuit to the contrary.

C. The Official Court Reporter so appointed for the Circuit Courts for Allegany and Garrett Counties shall be skilled in the art and practice of stenography and typewriting and shall hold said position until removed by the Judges of said circuit, or a majority of them, and in case of a vacancy in said office, said Judges are authorized and directed to appoint a suitable person in conformity with this subsection to fill such vacancy. It shall be the duty of the Official Court Reporter, at the discretion of said Court, to take full stenographic notes of all oral testimony and judicial opinions orally delivered at the regular terms and at all trials of cases in law or in equity of said Court when the testimony is taken in open court and any other judicial opinions or judicial matters pertaining to the business of the Fourth Judicial Circuit of Maryland, when requested by any of the Judges thereof. It shall be the duty of the Official Court Reporter to furnish to any party to such proceedings or his attorney, promptly upon request, a typewritten copy of the notes of testimony and judicial opinions so delivered in open court and recorded stenographically or so much thereof as may be requested, on payment by such party of the expense of said copy at the rate in accordance with the schedule of fees adopted by the Court. When any Judge of said Court shall pass an order requesting a typewritten copy of all or any part of the notes of the Official Court Reporter taken as aforesaid to be made, it shall be the duty of the Official Court Reporter to make such copy without charge, and said transcript and also the transcript of all testimony taken as provided in equity cases shall be filed in the proceedings in which said notes were taken.

D. It shall be the duty of the Official Court Reporter for Allegany and Garrett Counties to be in attendance daily to do all the work required of him or her by the Chief Judge or any of the Associate Judges of said circuit.

E. In case of a vacancy in the office of Official Court Reporter or in case said Official Court Reporter shall be ill or incapacitated or for some sufficient reason be unable to be present, the Judges of said circuit may employ a substitute Official Court Reporter, who shall also be a sworn officer of the Court, and said substitute Official Court Reporter so appointed shall receive such compensation as said Judges of the Fourth Judicial Circuit may authorize, in writing, to be paid him or her by the County Commissioners of Allegany and Garrett Counties for taking testimony and shall also be entitled to the fees herein provided for transcripts.

F. In all equity cases when the testimony is taken in open court and in all cases which shall be appealed by any court to the Court of Appeals of Maryland, the costs of said Reporter for making the original transcript in said case shall be taxed and paid as other court costs are paid in said circuit.

G. It shall be lawful for the Official Court Reporter, upon and at the special request of the Circuit Court[s] for Allegany and Garrett Counties, to attend and be present at the session of any Grand Jury empaneled in said counties, and it shall be his duty to take, in shorthand, the testimony introduced before such Grand Juries and to furnish to the Grand Jury and the State's Attorney of said counties a full copy of all such testimony as such Grand Jury or State's Attorney shall require, and he shall not permit any other person to take a copy of the same nor any portion thereof nor to read the same nor any portion thereof nor shall he disclose the character of any of the contents of the same to any person or persons other than the Grand Jury or State's Attorney for said counties, except upon the written order of the court duly made after hearing the State's Attorney. All said stenographical transcripts shall be kept in the custody of said State's Attorney, and neither the same nor a copy of the same shall be taken from the office of said State's Attorney, except for the use of a Grand Jury for said counties or for production in court, without an order of court first had and obtained as above provided.

H. The Official Court Reporter, in the event that he shall violate any of the provisions of Subsection G of this section with regard to secrecy, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not exceeding one thousand dollars (\$1,000.) or shall be imprisoned in jail not exceeding one (1) year, or be both fined and imprisoned, in the discretion of the court.

Article 2. Anne Arundel County Code  
(1985 Volume, Supplement No. 71)

Article 8. Personnel.

Title 2. Exempt Service.

2-102.

(a) This section applies to those employees in the exempt service who are appointed by and with the approval of the judges of the Circuit Court for the County or the State's Attorney for the County.

(b) (1) The following officers and employees of the Circuit Court and State's Attorney's Office are entitled to compensation at the indicated grade of the non-represented employee pay schedule:

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(xx) Court Reporter 1 NR 12

\*\*\*\*

(xxxiv) Court Reporter II NR 15

\*\*\*\*

(2) Authority for changing pay grades or titles shall be based on appropriations.

(3) The non-represented employee pay schedule is used to set pay levels only and confers no merit system rights on the officers and employees of the Circuit Court and State's Attorney.

(c) (1) Except as otherwise provided in this subsection, an employee shall be hired at the minimum pay of the grade.

(2) On finding and certifying in writing that extraordinary circumstances exist, the appointing authority may hire the employee at a pay within the grade if there are sufficient appropriations available.

(d) Except as provided in subsection (e) of this section, employees are entitled to all employment benefits applicable to classified employees provided sufficient appropriations exist.

#### Article 16. Licenses and Permits.

#### Title 4. Bail Bonds.

##### 4-303.

(a) A bondsman may not give, donate, lend, contribute, or promise to give, donate, loan, or contribute money, property, entertainment, or other thing of value to an attorney-at-law, police officer, sheriff, jailer, probation officer, clerk, or other attache of any court having criminal jurisdiction in the County, public official or employee of any character for procuring or assisting in procuring a person to employ the bondsman to execute as surety any bond for compensation in a criminal case.

(b) An attorney-at-law, police officer, sheriff, jailer, probation officer, clerk, bailiff, or other attache of any court having criminal jurisdiction in the County or public official or employee may not accept or receive from any such bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal court.

##### 4-401.

A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both.

Article 7. Carroll County Code  
(2004 Volume)

Title 2. Courts.

2-102.

The Circuit Court for Carroll County shall appoint a competent court stenographer and whenever in its opinion the circumstances justify may appoint one or more additional court stenographers on either a full or part-time basis. The court stenographer or stenographers shall be sworn officers of the Court, shall hold office at the Court's pleasure, and shall be entitled to the salary that the Court from time to time may prescribe, to be levied annually by the County Commissioners of Carroll County and to be paid in the installments and at the times as the other county employees are paid. The Court also from time to time, whenever deemed expedient, may appoint special court reporters and prescribe the duties and compensation of the court reporters, with the compensation to be paid by the County Commissioners.

2-103.

(a) It shall be the duty of the court stenographer or stenographers:

- (1) to take full stenographic or stenotypic notes of all proceedings and testimony in the Court;
- (2) to prepare and file a typewritten transcript of such notes whenever so directed by the Court;
- (3) to prepare and furnish to any party to any proceeding in the Court a typewritten transcript of such notes;
- (4) to act as secretary to the Judge of the Fifth Judicial Circuit of Maryland who is a resident of Carroll County;
- (5) to act as librarian of the bar library of Carroll County; and
- (6) to perform such stenographic and stenotypic and secretarial work as the Court or any judge of the Court may require, or which may be prescribed by law.

(b) Before the court stenographer or stenographers shall be required to furnish a typewritten transcript of the court stenographer's or stenographers' notes to a party to a proceeding, the court stenographer or stenographers shall be entitled to demand of, and receive from, the party compensation for preparing the transcript at a rate as the Court from time to time may prescribe which shall be in addition to the salary provided under § 2-102 of this subtitle.

Article 10 – Dorchester County Code  
(1984 Volume, Supplement No. 39)

7-6.

A. The Judges of the First Judicial Circuit of this state are hereby authorized and empowered to employ competent stenographers to serve in the respective courts of said Circuit.

B. (1) The salary of said stenographer shall be determined and set by the Judges of the First Judicial Circuit, said salary to be paid as follows:

(a) The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County shall each pay an amount of the salary specified as directed and certified by the Judges of the Circuit.

(b) Said payments shall be made in monthly installments during the service on the presentation of the certificate of the Judges of said Court to the County Commissioners certifying to the services of said court stenographer.

(2) The County Commissioners or County Council of the several counties are hereby directed and empowered to provide for the payment of their several portions of the salary of said stenographer at once on presentation of said certificates.

(3) The several Judges of the respective Circuit Courts are authorized to provide for the employment of an additional court stenographer or court stenographers when, in their joint discretion, the volume of work requires and at the same compensation as provided above.

C. The stenographer so to be appointed shall be an officer of the Court and shall perform such duties as may be imposed upon him by the Judges of said Court, or either of them, and shall be required to furnish typewritten or printed copies to the attorneys of the Court as the Court may prescribe and direct.

Article 14 – Howard County Code  
(1977 Volume, Supplement No. 48)

Title 7. Courts.

Subtitle 3. Circuit Courts.

7.301.

The Circuit Court for Howard County shall appoint as many competent court stenographers, hereinafter to be designated court reporters, to serve either on a full- or part-time basis, as said court shall deem necessary for the conduct of the business of said court. Said court reporter or reporters, who shall be sworn officers of said court, shall hold office at said court's pleasure, and shall be entitled to such salary as said court may, from time to time, prescribe, to be levied annually by Howard County, and paid in such installments, and at such times, as the other county employees are paid. Said court may, also, from time to time, whenever, in its opinion, the same is expedient, appoint special court reporters and prescribe their duties and compensation; and the compensation, so prescribed, shall be paid by said Howard County.

7.302.

The court reporters shall:

(a) Record all proceedings and testimony in court. The recording may be made by any device approved by the court or may consist of full stenographic or stenotypic notes.

(b) Prepare and file a typewritten transcript of the recording or notes upon the request of the court.

(c) Furnish a typewritten transcript of the recording or notes to any party to a proceeding in the court. No party requesting a transcript may receive it before paying the court reporter(s) for the preparation. The fee for preparation of the transcript shall be set at a rate prescribed by the court. The court reporter(s) shall receive the fee for preparation of the transcript in addition to the salary provided for in section 7.301 of this subtitle.

(d) Perform any stenographic, stenotypic or secretarial work requested by the court, its judges or which may be prescribed by law.

7.303.

At every session of the grand jury, as now provided by law, and whenever requested by the grand jury, or the state's attorney, it shall be lawful for a duly appointed court reporter to attend and be present with the state's attorney at the sessions of every grand jury and take full stenographic notes or recordings of all oral testimony introduced before the grand jury, and at the request of the court, or state's attorney, to furnish a typewritten transcript of the notes of the testimony so taken by him, or such part thereof, as may be requested.

7.304.

A court reporter, before entering the grand jury room, shall take, before the clerk of the circuit court, an oath that he will keep secret all matters and things occurring before the grand jury.

7.305.

The court reporter shall not make available to any other person the notes or recordings so taken in the grand jury room, or any part thereof, nor shall he reveal or disclose the character of any of the contents of the same to any person, or persons, other than the grand jury, or a member thereof, and the state's attorney, except when required to do so by the order of the circuit court; all of said original notes or recordings shall be kept in the custody of the state's attorney, and neither a copy, or memorandum nor recording of the same shall be taken from the office of the state's attorney, except for the use of the grand jury of said county, or for production in court, excepting, however, when otherwise ordered by said circuit court; and all of said notes and transcripts of testimony may be destroyed by the state's attorney upon his application to and written authority of said court first obtained.

7.306.

Any reporter, as aforesaid, who shall violate, or permit to be violated, in any manner, any of the provisions of sections 7.303 through 7.305 as to secrecy, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or be confined in jail for a period of not more than one year.

Article 16 – Montgomery County Code  
(1994 Volume, Aug. 2004 Supplement)

12-12.

The judges of the circuit court for the county are hereby authorized to appoint two (2) court reporters, who shall be sworn officers of such court. The salary of such reporters shall be fixed by order of the judges of such court within the limits of amounts appropriated therefor, and shall be paid by the county.

12-13.

The reporters so appointed shall be skilled in the practice of their art and shall hold their positions during the pleasure of the judges of such court. It shall be their duty to perform such stenographic and typing work, connected with the business of such court, at law and in equity, as they may be directed to perform by the judges of such court. Section 12-12 and this section shall not be construed as preventing the same person from holding the positions of "court reporter" and "examiner in chancery" at the same time.

12-21.

Upon the organization of each grand jury the judge of the circuit court for the county may and is hereby authorized and empowered to appoint a clerk who shall be a competent stenographer, at a compensation to be determined from time to time by the judge of the circuit court for the county making such appointment, to be paid by the council. Such clerk shall have authority to take and transcribe the testimony given before any grand jury in such county, and, whenever required by the state's attorney, shall attend upon and take and transcribe the testimony given at the coroner's inquest, and all of such testimony so taken and transcribed shall be for the exclusive use and benefit of the grand jury and the state's attorney of such county, unless otherwise ordered by the court.

12-22.

Any clerk appointed under the provisions of the preceding section shall, before he enters upon the duties of his office, take and subscribe before the clerk of the circuit court for the county, an oath that he will keep secret all matters and things occurring before such grand jury.

12-23.



It shall be lawful for any stenographer duly appointed and qualified as herein provided to attend and be present at the session of every grand jury empaneled in the county, and it shall be his duty to take in shorthand the testimony introduced before such grand jury, and to furnish to the grand jury and the state's attorney of the county a full copy of all such testimony as such grand jury or state's attorney shall require. He shall not permit any other person to take a copy of the same nor any portion thereof, nor to read the same, nor any portion thereof, nor shall he disclose the character of any of the contents of the same to any person other than the grand jury, or state's attorney for the county, except upon the written order of the court duly made after hearing the state's attorney. All of the original minutes shall be kept in the custody of the state's attorney, and neither the same nor a copy of the same shall be taken from the office of such state's attorney, excepting for the use of the grand jury for the county, or for production in court, without an order of the court first had and obtained as above provided.

12-24.

Any stenographer appointed under this article who shall violate any of the provisions of the three (3) preceding sections with regard to secrecy shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined not exceeding one thousand dollars (\$1,000.00), or imprisoned in jail not exceeding one (1) year or both fined and imprisoned in the discretion of the court.

Article 19 – St. Mary's County Code  
(2002 Volume)

19-2.

A. Any Judge of the Seventh Judicial Circuit resident in St. Mary's County may appoint a competent secretary who shall have had some previous experience in secretarial work, involving duties that demonstrate the ability to make rapid and accurate transcripts and to exercise independent judgment. The secretary may serve as a deputy to the Clerk of the Circuit Court for St. Mary's County.

B. The salary for the secretary shall be paid by the County Commissioners of St. Mary's County. The compensation paid by the County Commissioners shall be levied annually by the County Commissioners of said County and charged to the expense of the Circuit Court for St. Mary's County.

Article 20 – Somerset County Code  
(2003 Volume)

Title 1. Circuit Court.

Subtitle 1. Court Stenographers.

1-101.

The judge of the Somerset County Circuit Court may employ a stenographer to serve in the Circuit Court.

1-102.

(a) The salary of the stenographer shall be set by the judge of the Circuit Court and shall be paid by the County Commissioners of Somerset County, payments to be made in monthly installments during the service, on the presentation of the certificate of the judge of the court, to the County Commissioners certifying to the services of the court stenographer.

(b) The judge of the Circuit Court may employ an additional court stenographer or court stenographers, when in the judge's discretion the volume of work requires, at the same compensation as provided in (a).

1-103.

The stenographer appointed under this subtitle serves for one year or until the stenographer's successor is appointed by the judge, but serves at the judge's pleasure. The stenographer is an officer of the court and shall perform the duties required by the judge of the court. The stenographer shall furnish typewritten or printed copies to the attorneys of the court as prescribed and directed by the court.

Article 23 – Wicomico County Code  
(2002 Volume, Supplement No. 10)

13-5.

The Judges of the First Judicial Circuit of the state are hereby authorized and empowered to employ a competent Stenographer to serve in the respective courts of said Circuit.

13-6.

A. The salary of said Stenographer shall be \$8,500 per year, said salary to be paid as follows: The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County shall each pay an amount of the salary specified as directed and certified by the Judges of the Circuit, said payments to be made on monthly installments during the service,

on the presentation of the certificate of the Judges of said Court to the County Commissioners or County Council certifying to the services of said Court Stenographer; and said County Commissioners or County Council of the several counties are hereby directed and empowered to provide for the payment of their several portions of the salary of the said Stenographer at once on presentation of said certificates. The several Judges of the respective Circuit Courts are authorized to provide for the employment of an additional Court Stenographer or Court Stenographers, when, in their joint discretion, the volume of work requires, at the same compensation as provided above.

B. Said Judges are hereby authorized and empowered to employ such additional competent stenographic assistance as may, in their sound discretion, be deemed necessary. The County Commissioners or County Council of the county for the benefit of which such additional employment is made shall pay the cost thereof at once upon the presentation of the certificate of the Clerk or Administrative Director of such county or of either of said Judges of said Court certifying to the services of such additional Court Stenographer.

#### 13-7.

The Stenographer appointed under this chapter shall serve for one year or until his successor shall be appointed by the Judges aforesaid, but shall be removable at any time at the pleasure of said Judges. The Stenographer so to be appointed shall be an officer of the Court and shall perform such duties as may be imposed upon him by the Judges of said Court, or either of them, and shall be required to furnish typewritten or printed copies to the attorneys of the Court as the Court may prescribe and direct.

#### 13-8.

The County Council of Wicomico County is hereby authorized and directed to pay unto each of the three Court Stenographers that are now serving in the Circuit Court for Wicomico County by appointment of the Judges of the First Judicial Circuit of Maryland the sum of \$1,000 annually, said sum being payable in 12 monthly installments beginning July 1966, to be paid in addition to the salaries provided for under § 13-6 of this chapter, and said additional compensation shall be payable for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and no longer.

Article 24 – Worcester County Code  
(1994 Volume, Supplement No. 10)

Courts and Judicial Proceedings Article

Title 1. Circuit Court.

Subtitle II. Court Personnel.

1-201.

(a) The Judges of the First Judicial Circuit of this state are authorized and empowered to employ competent stenographers to serve in the respective courts of the circuit. The stenographer or stenographers employed by the Judge of the Circuit Court for Worcester County shall serve at the pleasure of the Judge of the Circuit Court for Worcester County.

(b) The salary of each of said stenographers shall be determined and set by the Judges of the First Judicial Circuit, said salary to be paid as follows: The County Commissioners of Dorchester County, Somerset County and Worcester County and the County Council of Wicomico County shall each pay an amount of the salary specified as directed and certified by the Judges of the circuit, said payments to be made in regular installments during the service, on the presentation of the certificate of the Judges of said court to the County Commissioners certifying to the services of said Court Stenographer. And said County Commissioners or County Council of the several counties are hereby directed and empowered to provide for the payment of their several portions of the salary of said Stenographer at once on presentation of said certificates. The several Judges of the respective circuit courts are authorized to provide for the employment of an additional Court Stenographer or Court Stenographers, when, in their joint discretion, the volume of work requires, at the same compensation as provided above.

# **SECTION 6**

# **PROCEEDINGS OVERVIEW**

**FEBRUARY 16, 2005**  
**REVISION**

## **PROCEEDINGS OVERVIEW**

### **I. PLEADINGS.**

To initiate a civil case, a party – the plaintiff – files a pleading called a complaint, to which the other party – the defendant – files a pleading called an answer. Additional legal documents, such as motions, are filed as the case proceeds towards trial. Maryland Rules, Titles 2 and 3 lay out the procedures for filing of such documents in a Circuit Court and the District Court, respectively.

To initiate a criminal case, a prosecutor files a charging document – such as an indictment of a grand jury or an information – that accuses the defendant of having committed a crime(s).

These documents afford an official reporter with information helpful in preparing for the proceeding to be recorded.

### **II. GRAND JURY PROCEEDING.**

The grand jury is an inheritance from the ancient Common Law of England. The grand jury decided whether there was sufficient evidence to warrant a trial of the facts in a felony and, so frequently stood as a barrier against royal persecution, it became regarded as an institution that secured the Monarch's subjects against the oppression of unfounded prosecutions by the Crown. The grand jury system was carried over in the United States with a similar intent to provide protection against unfounded accusations by the State.

Although a grand jury can take cognizance of any criminal activity that comes to the grand jury's attention, a prosecutor presents most cases. In Maryland, a State's attorney, or assistant State's attorney, prosecutes most criminal offenses. However, the Attorney General does so for some crimes. As well, the State Prosecutor handles cases referred to that office because political or other considerations mitigate against a State's attorney doing so.

Code, Courts and Judicial Proceedings Article § 2-503 enables a court to appoint a reporter to take and transcribe testimony given before a grand jury, for the exclusive use and benefit of the grand jury and prosecutor, unless the court orders otherwise. A criminal penalty of one year's imprisonment or \$ 1,000 fine, or both, is authorized for wrongful disclosure.\* If a court reporter is authorized by court order to act as grand jury reporter, the clerk of court will administer an oath, substantially as follows: "and that I will keep secret all matters and things occurring before said grand jury, except as to the [prosecutor], and I will not permit

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\*Various public local laws, which if superseded have not been repealed, provide differing penalties for such breach of secrecy.

any person or persons to take a copy of the testimony or portions thereof, nor will I disclose the character of any of the contents to any person or persons, other than the grand jury, except on a written order of Court only made after hearing the [prosecutor].”

The demands of grand jury duty vary from Baltimore City, in which all proceedings are reported and transcribed, to other jurisdictions, in which the reporting of these proceedings is a rarity.

As a general rule, a grand jury is presented with only one side of the evidence, the State’s, on the basis of which the grand jury decides whether there is sufficient evidence to warrant returning a true bill, or indictment, against the accused.

An official reporter will be present in the grand jury room to preserve testimony. Hence, at all times while a witness is in the grand jury room, the proceedings are on the record.

Witnesses are called one at a time before the grand jury. Since a prosecutor may want testimony preserved to allow a later perjury indictment, a reporter should include verbatim the oath and swearing of the witness and his/her answer, so that no question as to the form of oath or the response arises.

The prosecutor normally questions a witness. Usually after the prosecutor has completed examination of the witness, the grand jurors are allowed to ask questions, although the jurors may do so at any time. With no direct or cross-examination, Q and A is the simplest format for this part of the proceeding.

Between witnesses, there may be informal discussion among the jurors and prosecution. Unless otherwise specified, such discussion usually is not recorded, as it is not testimony. Some prosecutors require everything transpiring in a grand jury proceeding to be transcribed because the transcript provides a means of educating the attorney assigned to try the case about it.

After all of the testimony is completed and the grand jury is ready to commence its deliberations and vote, an official reporter should leave.

Due to the oath of secrecy, an official reporter must prepare the transcript, unless a typist is appointed and sworn under the same oath as the reporter.

A transcript is made solely for the benefit of the prosecutor and grand jury and, absent court order, is not to be provided to anyone else. Some public local laws expressly state that notes, and transcripts, of grand jury proceedings are to be retained in the custody of the prosecutor.

### III. INTERPRETER.

On occasion, a juror, party or witness may need an interpreter(s). For example, even if a Defendant speaks or understands some English, understanding all – not just some – of the testimony is critical. The Court will appoint, as an officer(s) of the court, one or more interpreters to interpret the on the record proceeding and the portion of the off record proceeding in which the juror, party or witness is entitled to participate.

A court must determine that a prospective interpreter is qualified, in the same manner that any expert witness is qualified. If so, the Clerk administers an oath calling for the interpreter to interpret faithfully and accurately.

Ideally, if counsel and the interpreter are experienced, questions will be asked, and answers given, in the first person, in which case the answers are set out normally. Unfortunately, this is not always the case. For example, an attorney will say, “Ask her who she works for,” and the interpreter will say, “She says she works for Mr. I. M. In trouble.” This is the incorrect format for interpretation and should alert a judge to investigate further the qualifications of the interpreter, but an official reporter has no control over the questioning.

### IV. HEARING OR TRIAL.

#### A. *In General.*

In most courts, a courtroom clerk, law clerk, or bailiff will be present to open court, swear interpreters and witnesses, mark exhibits, recess court, and adjourn court, but, as an officer of the court, an official reporter may be asked to do so from time to time and should be aware of local customs. It is incumbent on the presiding officer to prevent conversation while the official reporter is engaged in any of these duties and, by necessity, diverted from reporting duties. To administer an oath, an official reporter must be a notary.

A hearing or trial will proceed with two basic forms of conversation – the colloquy and the question and answer formats.

#### B. *Colloquy.*

Colloquy is conversation between anyone other than a witness and examining attorney. A typical court proceeding begins with colloquy between the judge and attorneys. In colloquy, the judge is always identified as “THE COURT”, while an attorney is identified by his or her name.

Whenever jurors are speaking or being spoken to, the format is colloquy.

If a witness answers a question during colloquy, the response is colloquy.



C. *Question and Answer.*

Question and answer (Q and A) testimony is conversation between a witness and examining attorney. Whenever a witness is sworn, the questioning is set up as Q and A. Q and A must be a sequence.

D. *Order of Proceeding.*

Subject to reasonable control of a court over the mode and order of interrogating witnesses, the following order generally is followed until the prosecutor or plaintiff rests his/her case and the defendant rests his/her case:

- Voir Dire of Interpreter(s): The questioning (*voir dire*) of an interpreter to determine qualification as an expert witness.
- Interpreter Oath: Swearing of an interpreter as required by Maryland Rule 5-604.
- Jury Selection: The period during which prospective jurors are questioned (*voir dire*), challenged by counsel, and sworn. See Jury Voir Dire below.
- Opening Statement of Prosecutor/Plaintiff: An overview of what counsel expects witness(es) and exhibit(s) to prove.
- Opening Statement of Defense: A defense overview, occasionally reserved until the prosecutor/plaintiff rests.
- Prosecutor/Plaintiff's Witness(es)/Exhibit(s):
  - ▶ Direct Examination: The first questioning of a witness by the prosecutor/plaintiff.
  - ▶ Exhibit: Material introduced as evidence, after laying of a proper foundation for introduction through testimony of a witness.
  - ▶ Cross-Examination: The first questioning of a witness by the defense or any questioning of an "adverse" witness – a witness obviously hostile to the party's interests, such as a defendant when called by a plaintiff.
  - ▶ Redirect Examination: The questioning of a witness by the prosecutor/plaintiff, after cross-examination of the witness.
  - ▶ Recross Examination: The questioning of a witness by the defense, after redirect examination.

A court may conduct an examination (*voir dire*) of a witness. For example, a party may make a proffer of what an individual will say, and the court will determine whether the individual is to be allowed to testify or is not because of, *e.g.*, lack of mental competence.

No matter how many “turns” counsel have, examination remains redirect and recross. There is no such thing as re-redirect or re-recross.

- Prosecutor/Plaintiff Rests: An announcement that the main portion of the prosecutor/plaintiff’s case is complete.
- Motion to Dismiss/Motion for judgment of acquittal: A request by the defense for a ruling by a court that the plaintiff/prosecutor’s case is insufficient to warrant continuation.
- Defense Witness(es):
  - ▶ Direct Examination: The first questioning of a witness by the defense.
  - ▶ Exhibits: Material introduced as evidence after proper laying of a foundation for introduction through testimony of a witness.
  - ▶ Cross-Examination: The first questioning of a witness by the prosecutor/plaintiff or any questioning of an “adverse” witness – a witness obviously hostile to the party’s interests.
  - ▶ Redirect Examination: The questioning of a witness by the defense, after cross-examination of the witness.
  - ▶ Recross Examination: The questioning of a witness by the prosecutor/plaintiff, after redirect examination.
- Defense Rests: Announcement that the main portion of the defense is complete.
- Rebuttal: The questioning of a witness by the prosecutor/plaintiff to contradict, or rebut, evidence presented as part of the defense, generally limited by the court to new matters with which the prosecutor/plaintiff’s case did not deal.
- Surrebuttal: The questioning of a witness by the defense to contradict rebuttal.

A witness questioned during rebuttal or surrebuttal may be a witness who testified earlier – *i.e.*, a recalled witness – or a witness who has not testified previously.

- Directed Verdict: A ruling by a court, on motion of the defense, deciding a case without its submission to the jury.

- **Conference on Instructions:** A conference in which the judge and counsel, out of the hearing of the jury, decide on instructions to be given to the jury, generally based on proposed instructions submitted by the parties and their respective objections.

A court will decide whether this conference is conducted on the record or very informally of the record with only the exception(s) to the court's decision and the reason(s) for the exception(s) stated on the record. Normally instructions requested but not given are filed in the case file. Final instructions usually are compiled in written form, for the court to read to the jury with, in some instances, a copy also given to the jury.

- **Closing Statement/Argument by Prosecutor/Plaintiff:** A summary of the case by the prosecutor/plaintiff.
- **Closing Statement/Argument by Defense:** A summary of the case by the defense.
- **Rebuttal:** The prosecutor/plaintiff's response to the defense's closing statement/argument.
- **Jury Retires:** Retirement of the jury to the jury room, for out of court deliberation.

The court will determine the need for an official reporter to remain in or near the courtroom, so as to be available should additional proceedings transpire because of a jury question or verdict. A jury sometimes will ask that portion(s) of a proceeding be read, in which case a court must decide whether doing so would emphasize that portion unduly – the alternative, reading of the entire proceeding generally being impracticable.

- **Verdict:** The decision of the jury, read by the Jury Foreperson in the courtroom.
- **Hearken:** The command for the jury to heed the verdict, to ensure that it reflects the decision of the jury accurately.
- **Poll:** The question, to the jury as a whole or each juror individually, as to agreement with the verdict as announced by the Jury Foreperson.

#### E. *Jury Voir Dire.*

The manner by which prospective jurors are to be summoned for service is set out in a juror plan adopted by each Circuit Court. Individuals passing an initial screening through juror qualification forms are summoned each day in numbers sufficient to provide juries in all jury trials scheduled for that day. Maryland juries are comprised, in civil cases, of six jurors and, in criminal cases, of 12 jurors. A court also may want alternate jurors, to serve should an original juror become sick or otherwise unavailable.

Counsel choose jurors for a particular case after the judge has asked prospective jurors questions agreed to by the judge and counsel and related to the qualification of prospective

jurors to serve as jurors generally and in the particular proceeding. This questioning is “voir dire”.

Unless the parties agree otherwise, all proceedings in open court are to be recorded. Therefore, the Court may question individual jurors on potentially embarrassing information in bench or chamber conferences. Some jurisdictions identify jurors by number and not by name. Use the designation appropriate for your court or identify the juror as “THE JUROR”.

Counsel eliminate prospective jurors through challenges accepted by the court as being for cause – e.g., relationship of the prospective juror to a party – and through a limited number of peremptory challenges, in which counsel need state no reason for eliminating a prospective juror. Counsel has, on occasion, used peremptory challenges in an unconstitutional, discriminatory manner to eliminate, for example, all prospective jurors of a particular race. Challenges to such exclusionary juries are known as *Batson* inquiries after the seminal case. Most recently, the United States Supreme Court reversed and remanded a death penalty case for review of a trial court’s denial of *habeas corpus* predicated on too rigorous an evidentiary showing for a *Batson* challenge. [Miller-El v Cockrell, U. S. \(2/25/03\)](#). A court may have such challenges made out of the hearing of the prospective jurors so that they will know neither the party who challenged a particular juror nor the basis of the challenge.

Once a jury is agreed to, the jury will be sworn. The identity of those sworn must be noted.

#### F. *Exhibits.*

A clerk of court is primarily responsible for marking and keeping custody of each exhibit. If, however, an official reporter is marking exhibits, the reporter is to:

- mark the proffered item.
- add the item to the list of exhibits.
- hand the item to the judge.
- note introduction of the exhibit for the record – if the judge allows receipt of the exhibit into evidence.

In some cases, a clerk will mark items to be offered as exhibits in advance for identification, and the official reporter will note the point of identification and, as appropriate, the point at which the judge grants or denies receipt into evidence. It is helpful to identify the item being offered and introduced.

G. *Conferences.*

There are various types of bench or chamber conferences.

In the course of a proceeding, particularly before a jury, counsel will ask permission to approach the bench or the judge will direct counsel to do so. An official reporter should approach as well, if necessary to adjust microphones or otherwise be at the bench to hear this part of the proceeding.\*

Nothing is off record unless the Court so directs. Therefore, if counsel indicates the conference is off record, get confirmation from the judge. The judge also should indicate when the proceeding is back on the record, but an official reporter should inquire if there is any doubt. Appreciation for the importance of having a complete record of all portions of a proceeding has reduced the instances in which a judge should hold an off record conference, and it is crucial that a reporter never assume that a conference is off record. See, e.g., *Wooten-Bey v. State*, 318 Md. 301 (1990) (discussion of judge's directive after court reporter ceases recording on "all rise".)

H. *Read Back.*

At times, an official reporter will be asked to read back previously recorded material. The official reporter should locate the material to be read back as quickly as possible and, if possible without too much delay, rehearse the read back to him/herself. A reporter should read confidently, distinctly, slowly, and neither dramatically nor in a monotone.

I. *Findings.*

An official reporter must ensure proper recording of an oral statement dictated by the Court on the record. Absence of such record may negate the finding. E.g., *Board of Liquor Licensing v. Fells Point Cafe*, 344 Md. 120 (1996) (dictated statement, entered on docket, is judgment for appeal purposes); *Smith v. State*, 306 Md. 1, 11 (1986) (dictated statement meets due process requirement as to probation violation); *Thomas v. State*, 99 Md. App. 47, cert. denied, 334 Md. 632 (1994) (dictated statement is sufficient basis for direct contempt proceeding).

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\*Some official reporters have amplifiers that enable them to record bench conferences without approaching the bench.

**SECTION 7**  
**AUDIO RECORDING**  
**PROCEDURES**

**FEBRUARY 16, 2005 REVISION**  
**(SEPTEMBER 9, 2003 DRAFT)**

## **Audio Recording Procedures**

### **I. INTRODUCTION.**

These procedures are recommended to help electronic operators (recorders/reporters) to achieve the best quality in recording. Therefore operators are to use these procedures.

### **II. DUTIES AND RESPONSIBILITIES OF OPERATOR.**

#### **A. *General.***

An operator is responsible for preserving a record of a proceeding. To do so, an operator must produce the clearest possible recording of the proceeding, together with a written log of events occurring during the proceeding. See, e.g., *Dingle v. Belin*, 358 Md. 354, 363-66 (2000), *rev'g* 127 Md. App. 68, 88 (1999) (discussing “apparent gaps” in transcription of an audio-visual record, static being characterized in a dissent by a Court of Special Appeals’ judge “as the predominant aural message conveyed on tape”).

Planning and preparation are critical. Satisfactory performance of a recording system depends almost entirely on the operator’s understanding, and conscientious application, of appropriate protocols during a proceeding. See Section 14 of this *Manual* for sample checklists.

#### **B. *Priority.***

An operator must give priority to recording the proceedings assigned to the operator. Thus, for example, an operator must be in the courtroom early enough to prepare for recording.

#### **C. *Supplies.***

An operator should establish the habit of having supplies adequate for preparation of an accurate recording, to avoid the need to leave the courtroom to retrieve forgotten or depleted supplies.

The necessary supplies include:

- the court calendar or other list of scheduled cases.
- cassette tapes or compact disks.
- log sheets.
- colored or highlighting pens.

- witness and exhibit lists.

D. *Pretesting of Equipment.*

An operator must test a recording system daily, before proceedings begin. Specific requirements will vary with the equipment and facilities available to the operator – e.g., some operators need to set up equipment in courtrooms while other have equipment permanently installed in courtrooms. Each operator should have a current checklist, based on the equipment and facilities in use.

- locate the electrical outlets in the courtroom and determine the need for a three-to-two prong adapter(s) or extension cord(s).
- ensure that the recording equipment is plugged into a functioning outlet, in a safe manner.
- ensure that all microphones are plugged into the equipment, in the proper channels (“tracks”).
- fill out label information on the tape.
- check the digital or index counter – to reset if a new tape is installed or to note the counter on the log sheet if the tape has been partially used during a previous court session.
- test recording by:
  - ▶ turning the recording equipment on and in the record mode.
  - ▶ saying into each microphone: “testing microphone #1”, “microphone #2,” etc.
  - ▶ scraping the microphone screen lightly.
  - ▶ rewinding the recorder to the digital or index counter number at which the test began (which would be on the log sheet).
  - ▶ listening to the test recording.
  - ▶ stopping the test recording.
  - ▶ logging the digital or index counter at which the test ended.

If a problem with the recording equipment occurs, repeat the test.



If the problem persists, try:

- repeating the test.
- checking the tape to ensure it has nothing on it or putting a fresh tape in the recorder.
- checking each connection for the microphones and headset.
- checking the volume control.
- checking whether the monitor is on “ALL”.

If the problem persists:

- contact the service representative.
- use a backup recorder.

E. *Preparation of Log.*

Detailed, legible log notes are essential for performance of an operator’s job, as well as that of a transcriber.

An operator may be asked to play back the recording of part of a proceeding in a number of situations, such as discussion by the Court and counsel as to an objection to a particular question. An operator’s ability to locate the appropriate part of the record with as little delay to the Court as possible will depend on the precision of the log.

Additionally, an operator should remember that a transcriber relies solely on the tape and log notes to locate a specific proceeding or specific portion of the proceeding and aid in preparation of the transcript. Errors, inconsistencies, misspellings, or omissions make transcription more difficult.

Log notes should include a notation of:

- the number of each tape.
- basic case information, including:
  - ▶ case name.
  - ▶ case number.

- ▶ name of court.
- ▶ date.
- ▶ time.
- ▶ type of hearing.
- the full name of the operator.
- each microphone channel (“track”).
- for each speaker, including the judge, jurors, interpreter(s), parties, counsel, and witnesses:
  - ▶ a full name – correctly spelled.
  - ▶ an abbreviation assigned by the operator for **consistent** use throughout the proceeding and made as distinctive as possible for other than the Court, Judge, Interpreter(s), and witnesses.
  - ▶ the “P” number, if any.
  - ▶ the channel used by each speaker, including each channel to which the speaker moves during the proceeding.
- the digital or index counter number and the time at which the proceeding began.
- as to the jury:
  - ▶ the digital or index counter number and the time at which the jury enters the courtroom.
  - ▶ the digital or index counter number and the time at which voir dire began, with an indication “voir dire.”
  - ▶ the identity (name or number) of a juror when speaking.
  - ▶ the digital or index counter number at which voir dire ended.
  - ▶ the digital or index counter number and time at which the jury left the courtroom.
- the correct spelling of any uncommon phrase, term, or word.

- the first use of information, such as the spelling of a name or term, that needs to be verified.
- as to each witness:
  - ▶ the digital or index counter number at which a witness is called, with the witness' identity in colored or highlighting pen.
  - ▶ the digital or index counter number and time at which each form of examination began.
  - ▶ the identity of (abbreviation for) the examiner.
  - ▶ the key points of the testimony.
- for each objection **A**
  - ▶ the digital or index counter number at which the objection was made, with an indication "objection" or "obj."
  - ▶ the identity of (abbreviation for) counsel making the objection.
  - ▶ the basis of the objection, such as "hearsay", "irrelevant," *etc.*, if stated.
- for a bench or side-bar conference to be recorded: **F**
  - ▶ the digital or index counter number at which the conference began, with an indication "on the record."
  - ▶ the time at which the conference was held.
  - ▶ the identity of (abbreviation for) each speaker, with the first words that the speaker says.
  - ▶ as thoroughly as possible, what the speaker says. **T**
- for a bench or side-bar conference not to be recorded:
  - ▶ the digital or index counter number and time at which the conference began, with an indication "off record."
  - ▶ the digital or index counter number and time at which the conference ended.

- ▶ the digital or index counter number at which the open-court proceeding resumes, with an indication, to the right of the number, that the proceeding has resumed.
- the digital or index counter number and time at which an off-the-record conversation between people at a counsel table or among counsel was recorded inadvertently.
- for an in chambers proceeding:
  - ▶ the digital or index counter number and time at which the proceeding began, with an indication “in chambers.”
  - ▶ the identity of (abbreviation for) each person present for the proceeding.
  - ▶ the digital or index counter numbers and key words for each speaker.
  - ▶ the digital or index counter number and time at which the proceeding ended.
- for audio- or video-taped material played during a proceeding for recording:
  - ▶ the decision of the Court as to the part(s) to be played and/or not played.
  - ▶ digital or index counter number and time at which playback began, with an indication “(audio/video) tape of (describe) played in court.”
  - ▶ as much other information as possible to help a transcriber to identify the speaker and content.
  - ▶ the digital or index counter number and time at which the playback ended.
- for audio- or video-tape material that is played during a proceeding but not to be recorded:
  - ▶ the digital or index counter number and time at which playback began.
  - ▶ a description of the material.
  - ▶ the digital or index counter number and time at which playback ended.
- for playback of the recording of part of a proceeding:
  - ▶ the digital or index counter number and time at which playback began.
  - ▶ the digital or index counter number at which the requested part began, with

- ▶ identification of the part played.
- ▶ the digital or index counter number and time at which the playback ended.
- for a telephone conversation in a courtroom or in chambers:
  - ▶ the digital or index counter number and time at which the conversation began.
  - ▶ the identity of (abbreviation for) each person present for the conversation.
  - ▶ the subject matter of the conversation – if not known before the conversation starts, logged as soon as possible after the conversation ends.
  - ▶ the digital or index counter number for each change of speaker.
  - ▶ the digital or index counter number and time at which the conversation ended.
- the digital or index counter numbers and times at which each recess began and ended.
- the digital or index counter number and time at which the proceeding ended.
- other information pertinent to transcription.

Before a court session begins, an operator should obtain from the court clerk and, if possible, from counsel, and enter on the log all information available at that time to ensure that log notes are not misfiled and to allow the operator to identify the speakers more readily.

An operator should assign as distinctive an abbreviation as possible – a last name or other recognizable abbreviation\* rather than an initial or number. Exceptions to not using an initial or number are: “C” for Court; “J” for Judge; “I” for Interpreter; and “W1”, “W2”, “W3,” *etc.* for witnesses.

To ensure the completeness of a log, an operator may need to ask people to speak louder or more directly into a microphone or to spell a name or other word. In addition to or in lieu of asking the speaker (interpreter) during the proceeding, an operator can verify most spellings by, *e.g.*, asking the speaker or counsel during a recess or checking with the keeper of exhibits.

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For example: “Beau” for Beauchamp; “Hans” for Hansen.

An operator should log the content of testimony using key words. Slashes indicate a break where the testimony is not logged.\* It is not necessary to log every exchange during lengthy periods of colloquy or Q and A. Rather, periodic notations will provide various points of reference should the court request playback. “Colloquy” or “Q and A” and a downward pointing arrow suffice to indicate that everything following represents colloquy or Q and A between the same two persons. If, however, there are more than two speakers, the operator should log the abbreviations of each with as many key words as the operator is able to write down. If a conversation moves too quickly, an operator may have difficulty noting key words, in which event, the identity of each speaker in the order in which they spoke, is most critical, although the first word(s) will help.

An operator should feed a telephone conversation into a courtroom or chambers through a speaker box and place a microphone next to the speaker.

A transcriber can identify a speaker by channel only if one, and only one, speaker uses a particular channel. When, e.g., a proceeding is conducted by telephone, a bench, in-chambers, or side-bar conference is held, or counsel use a lectern (speaker’s stand), multiple speakers will be recorded on a single channel and may be whispering. As often as possible during a proceeding in which multiple speakers are being recorded on a channel, an operator should log the identity of (abbreviation for) each speaker and each new channel to which a speaker moves.

An operator cannot log counter numbers while away from the recording equipment (e.g., during bench or side-bar conferences) so that a transcriber will need to rely exclusively on other, detailed identification information that the operator includes in the log.

At the end of each day, an operator should make certain that the log is complete and accurate.

F. *Recording.*

Record until the end of a tape and then insert a clean tape and reset the counter. Let the tapes overlap.

To ensure the quality of a recording, an operator may need to ask people to speak more

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An example of three ways in which an operator might log a question.

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

	<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
1)	2:07	123	Guo	Q Where/May 5/Louis/work
2)	2:07	123	Guo	Q Where were you/heard Louis/company
3)	2:07	123	Guo	Q /May 5/Louis/work

clearly, louder, or more directly into a microphone or to spell a name or other word. In addition to or in lieu of asking the speaker (interpreter) during the proceeding, an operator can verify most spellings by approaching the speaker or counsel during a recess or checking with the keeper of exhibits.

An operator should feed a telephone conversation into a courtroom or chambers through a speaker box.

During parts of a proceeding such as bench or side-bar conferences, playback of audio- or video-tape materials, or telephone conversations, an operator may need to reposition a microphone to ensure proper recording or turn off the recording equipment if this part is not to be recorded. In the latter case, an operator should be sure to record the judge's announcement that this part is off record and to turn the equipment back on after this part ends.

An operator should remind counsel to move away from microphones during off record conferences so that the conversation is not picked up on tape inadvertently.

For playback of the recording of part of a proceeding, an operator should, in addition to logging notations, stop the recording equipment, determine the counter number at which the requested part starts, rewind the tape to that number, play the requested part, advance the tape in fast-forward mode to just past the counter number where recording was interrupted, return equipment to record mode, and inform the judge that the proceeding can resume. An operator should not let the judge, counsel or witness begin before the equipment is in record mode and the operator is ready to continue logging.

An operator should ask each speaker to identify himself/herself as they begin speaking if confusion might result from multiple speakers. An operator also may need to remind people to speak one at a time.

#### G. *Monitoring.*

To ensure imprint of the tape, an operator must listen, with headphones, to the recording being produced (not the source) during the entire proceeding, including on the record bench or side-bar conferences and playback of audio- or video-tapes. Unless a judge's order to stop recording can be heard on the recording, the operator will be responsible for an interruption or gap.

### III. DUTIES AND RESPONSIBILITIES OF JUDGE.

A judge can facilitate the making of an adequate record by *inter alia*:

- speaking clearly and loudly.

- making participants and observers aware that a proceeding is being recorded electronically.
- reminding participants:
  - ▶ to speak clearly and loudly.
  - ▶ to identify themselves properly when making their initial appearance during a proceeding.
  - ▶ to remain close to or move back from the microphone, as appropriate.
  - ▶ to speak one at a time.
  - ▶ not to make any excessive noise that could interfere with recording, such as rustling papers or tapping fingers on microphones.
- maintaining decorum in the courtroom, to reduce background noise.
- calling each case by name, number, and type of proceeding.
- announcing on tape whether a side-bar conference is to be recorded or off record.
- allowing the operator time to reposition microphones and log notes.
- having a procedure by which the operator can alert the judge of a problem.

A sample checklist is provided in Section 14 of this *Manual*.

#### IV. DUTIES OF DEPOSITION OFFICER.

A deposition officer – who may but need not be the audiographer:

- is required, by Maryland Rule 2-416(g), to log objections and take evidence.
- is required, by Maryland Rule 2-416(h), to review the tape.
- is required, by Maryland Rules 2-415(e), 2-416(h), and 2-417(b), to attach a certificate (although Rule 2-415(e) refers to anyone qualified to be deposition officer certifying a transcript prepared from a certified audiotape).
- is required, by Maryland Rule 2-415(c), to provide the transcript to the deponent for correction and signing.
- is required, by Maryland Rule 2-415(d), to sign should a deponent not do so.



- is required, by Maryland Rule 2-415(f), to provide copies but specifies copies only for parties and the deponent with no provision for anyone else.

Counsel giving notice of the deposition, or someone agreed to by the parties or ordered by the court, is to take possession of the tape – allowing viewing by a party and the deponent and providing a copy at the party's or deponent's expense.

If a deposition is audiotaped, a party still may have a stenographic record made at the party's expense.

A court may order an edited version of an audiotaped deposition to be made to exclude comments or objections of counsel or objectionable testimony.

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**SECTION 8**  
**REALTIME REPORTING**  
**PROCEDURES**

**FEBRUARY 16, 2005**  
**REVISION**

## **REALTIME REPORTING PROCEDURES**

### **I. INTRODUCTION.**

These procedures are recommended to help an individual providing court reporting services through realtime reporting (hereinafter “realtime reporter”). Therefore such individuals are to use these procedures.

### **II. DUTIES AND RESPONSIBILITIES OF REPORTER.**

#### **A. *General.***

A realtime reporter has the same duty to create a verbatim record as any other individual providing court reporting services through other means. Therefore, a realtime reporter must ensure that all persons interested in a proceeding understand the role of court reporting, as distinct from the role of aiding communication for someone with a disability. The National Court Reporters Association recommends against performing the roles simultaneously and cautions that, if the circumstances so dictate, the individual must perform the court reporting, rather than communication enhancement, function.

#### **B. *Priority.***

A realtime reporter must give priority to recording the proceedings assigned to the reporter. Thus, for example, a realtime reporter must be in the courtroom early enough to prepare for reporting.

#### **C. *Supplies.***

A realtime reporter should establish the habit of having supplies adequate for accurate reporting, to avoid the need to leave the courtroom to retrieve forgotten or depleted supplies.

The necessary supplies include:

- the court calendar or other list of scheduled cases.
- disks.
- witness and exhibit lists.

#### **D. *Pretesting of Equipment.***

A realtime reporter must test his/her software and hardware daily, before proceedings begin. Specific requirements will vary with the equipment and facilities available to the

reporter – e.g., some reporters need to set up equipment in courtrooms while other have equipment permanently installed in courtrooms. Each reporter should have a current checklist, based on the equipment and facilities in use. The following is a sample:

- identify the electrical outlets in the courtroom.
- ensure that the equipment is plugged into a functioning outlet.
- fill out label information on the disk.
- turning the equipment on.
- preparing a test record.

If a problem with the equipment occurs:

- repeat the test.
- perform basic troubleshooting steps.

If the problem persists:

- contact the service representative.
- use backup equipment.

#### E. *Preparation of Dictionary.*

While every individual providing court reporting services should maintain a dictionary usable for particular proceedings, advance preparation is particularly important for a realtime reporter in order to provide an accurate record without the opportunity to verify spelling or other missing data. Errors, inconsistencies, misspellings, or omissions reduce the value of realtime reporting.

Therefore, a realtime reporter should obtain, before the start of a proceeding:

- basic case information, including:
  - ▶ case name.
  - ▶ case number.
  - ▶ name of court.

- ▶ date.
- ▶ time.
- ▶ type of hearing.
- for each speaker, including the judge, jurors, interpreter(s), parties, counsel, and witnesses, a full name – correctly spelled.
- as to the jury, the identity (name or number) of a juror when speaking.
- the correct spelling of any uncommon phrase, term, or word.
- other information pertinent to transcription.

Before a court session begins, a reporter should obtain from the court clerk and, if possible, from counsel, all information available at that time to ensure that the record is accurate. Once a proceeding begins, a reporter may need to ask people to speak louder or more directly into a microphone or to spell a name or other word, to ensure the accuracy of the record.

F. *Record of Proceedings.*

A realtime reporter must ensure that the realtime display identifies the proceeding.

A realtime reporter must ensure that on the record bench conferences and other similar parts of a proceeding are recorded in a manner that does not disclose proceedings not intended to be public. Files of such proceedings are to be handled as required for other court reporting notes.

A realtime reporter must transmit with a draft transcript, if any, a disclaimer that the draft cannot be quoted in a pleading or used in any other similar manner and may not be filed with a court. A reporter should retain a copy of each disclaimer.

III. DUTIES AND RESPONSIBILITIES OF JUDGE.

A judge can facilitate the making of an adequate record by *inter alia*:

- speaking clearly and loudly.
- making participants and observers aware that a proceeding is being recorded in realtime and that the reporter's role is providing court reporting services, rather than communication access.

- reminding participants to:
  - ▶ speak clearly and loudly.
  - ▶ identify themselves properly when making their initial appearance during a proceeding.
  - ▶ remain close to or move back from the microphone, as appropriate.
  - ▶ speak one at a time.
- calling each case by name, number, and type of proceeding.
- announcing whether a side-bar conference is to be recorded or off record.
- allowing the reporter time to reposition microphones.
- having a procedure by which the reporter can alert the judge of a problem.

A sample checklist is provided in Section 14 of this *Manual*.

**SECTION 9**  
**VIDEO RECORDING &**  
**PLAYBACK PROCEDURES**

**FEBRUARY 16, 2004 REVISION**  
**(SEPTEMBER 9, 2003 DRAFT)**

## **Video Recording and Playback Procedures**

### I. INTRODUCTION.

These procedures are recommended to help videographers and other operators of video equipment to achieve the best quality in recording and appropriate playback. Therefore video operators are to use these procedures.

### II. DUTIES AND RESPONSIBILITIES OF VIDEOGRAPHER.

#### A. *General.*

A videographer is responsible for preserving a record of a proceeding. To do so, a videographer must produce the clearest possible audio and video recording of the proceeding. Planning and preparation are critical. Satisfactory performance of a video system depends almost entirely on the videographer's understanding, and conscientious application, of appropriate protocols during a proceeding. See Section 14 of this *Manual* for sample checklists.

#### B. *Priority.*

A videographer must give priority to reporting the proceedings assigned to the videographer. Thus, for example, a videographer must be in the courtroom early enough to prepare for reporting. This is particularly true whenever a videographer is expected to mute portions of inadmissible testimony during playback, as playing such testimony can result in a mistrial.

#### C. *Supplies.*

A videographer or other operator of video equipment should establish the habit of having supplies adequate for accurate reporting and playback, to avoid the need to leave the courtroom to retrieve forgotten or depleted supplies.

The necessary supplies may include:

- the court calendar or other list of scheduled cases.
- tapes or disks.
- extension cord(s).
- three-to-two prong adapter(s).
- cables and connectors needed to interface equipment, as well as spare cables and



connectors.

- gaffer or appropriate tape for taping cables.

**D** lighting.

- head-cleaning cassette.

- for playback:

- ▶ compatible equipment – equipment able to play **all** speeds is recommended in case no speed is indicated on a tape to be played.

- ▶ test tape, if actual tape is not available.

- ▶ one monitor each for the Court, for counsel, and if applicable, for the jury, the latter with a color screen of at least 19 inches, measured diagonally, positioned for the jury at least 40 inches above floor level.

- ▶ stand(s) for positioning monitor(s) at appropriate height.

- ▶ blackout muting switch.

- ▶ for in-court muting, headphones.

- ▶ audio/video distribution amplifier.

- witness and exhibit lists.

**D. Pretesting of Reporting Equipment.**

A videographer must test the reporting equipment system daily, before proceedings begin. Specific requirements will vary with the equipment and facilities available to the operator – e.g., some operators need to set up equipment in courtrooms while other have equipment permanently installed in courtrooms. Each operator should have a current checklist, based on the equipment and facilities in use. The following is a sample:

- locate the electrical outlets in the courtroom and determine the need for a three-to-two prong adapter(s) or extension cord(s).

- ensure that the equipment is plugged into a functioning outlet, in a safe manner.

- ensure that all microphones are plugged into the equipment, in the proper channels (“tracks”).

- determine the illumination requirements to allow optimal adjustment with minimal inconvenience to the Court.
- **D** fill out label information on the tape/disk.
- test the equipment by:
  - ▶ turning the equipment on and in the record mode.
  - ▶ filming a test recording.
  - ▶ watching and listening to the test recording.
  - ▶ stopping the test recording.
  - ▶ identifying the counter number at which the test ended.

If a problem with the equipment occurs, repeat the test.

If the problem persists, try:

- repeating the test.
- **A** checking the tape to ensure it has nothing on it or putting a fresh tape in the video recorder.
- checking each connection for the microphones and headset.
- checking the volume control.

If the problem persists:

- ▶ **F** contact the service representative.
- ▶ use backup equipment.

E. *Pretesting of Playback Equipment and Tape.*

A videographer who is required to play back a videotape during a proceeding must:

- **T** ensure that the equipment available for playback is compatible with the tape to be played.
- set up equipment before a proceeding or otherwise so as to cause the least

inconvenience to the Court.

- determine whether an internal or external speaker(s) is needed and set up and adjust as appropriate.
- **D** run cables from the equipment's audio and video outputs or from the equipment's RF, to a mute switch, if needed.
- run cables from a mute switch to the first monitor, looping not more than three additional monitors, or to each monitor or to an RF splitter then monitor.
- if applicable, set switch on each monitor to the correct position – *i.e.*, the switch should be on only for the last monitor.
- **R** use an audio/video distribution amplifier, if needed.
- determine illumination requirements, avoiding, if practicable, the need to draw shades or turn off lights.
- test the equipment by:
  - ▶ adjusting the tracking for the tape to play correctly.
  - ▶ **A** turning the equipment on, in the play mode.
  - ▶ watching and listening to test playback.
  - ▶ adjusting the color, hue and saturation setting of each monitor.
  - ▶ stopping the test playback.

If equipment tests properly, tape cables to minimize hazards of tripping.

If a problem with the equipment occurs, repeat the test.

If the problem persists, try:

- repeating the test.
- rechecking the compatibility of the tape and equipment.
- checking the volume control.

If the problem in the equipment persists:

**T**

- contact the service representative.
- use backup equipment.

If someone other than the videographer is to operate the equipment during playback, give this individual the instructions needed on adjusting tracking, volume *etc.*

F. *Videotaping.*

Before a proceeding begins, the videographer must obtain:

- basic case information, including:
  - ▶ case name.
  - ▶ case number.
  - ▶ name of court.
  - ▶ date.
  - ▶ time.
  - ▶ type of hearing.
- the full name of the operator, if other than the videographer.
- each microphone channel (“track”).
- for each speaker, including the judge, jurors, interpreter(s), parties, counsel, and witnesses, a full name – correctly spelled.
- as to the jury, the identity (name or number) to be used for the juror.
- for audio- or video-taped material played during a proceeding for recording:
  - ▶ the decision of the Court as to the part(s) to be played and/or not played.
  - ▶ the digital or index counter number and time at which playback begins.
  - ▶ as much other information as possible to help a transcriber to identify the speaker and content.
  - ▶ the digital or index counter number and time at which the playback ended.

- for audio- or video-tape material that is played during a proceeding but not to be recorded:
  - ▶ the digital or index counter number and time at which playback began.
  - ▶ a description of the material.
  - ▶ the digital or index counter number and time at which playback ended.
- for playback of the recording of part of a proceeding:
  - ▶ the digital or index counter number and time at which playback began.
  - ▶ the digital or index counter number at which the requested part began, with identification of the part played.
  - ▶ the digital or index counter number and time at which the playback ended.
- for a telephone conversation in a courtroom or in chambers:
  - ▶ the digital or index counter number and time at which the conversation began.
  - ▶ the identity of (abbreviation for) each person present for the conversation.
  - ▶ the subject matter of the conversation – if not known before the conversation starts, logged as soon as possible after the conversation ends.
  - ▶ the digital or index counter number for each change of speaker.
  - ▶ the digital or index counter number and time at which the conversation ended.
- the digital or index counter numbers and times at which each recess began and ended.
- the digital or index counter number and time at which the proceeding ended.
- other information pertinent to transcription.

Before a court session begins, an operator should obtain from the court clerk and, if possible, from counsel, and enter on the log all information available at that time to ensure that log notes are not misfiled and to allow the operator to identify the speakers more

readily.

An operator should assign as distinctive an abbreviation as possible – a last name or other recognizable abbreviation\* rather than an initial or number. Exceptions to not using an initial or number are: “C” for Court; “J” for Judge; “I” for Interpreter; and “W1”, “W2” “W3,” etc. for witnesses.

To ensure the completeness of a log, an operator may need to ask people to speak louder or more directly into a microphone or to spell a name or other word. In addition to or in lieu of asking the speaker (interpreter) during the proceeding, an operator can verify most spellings by, e.g., asking the speaker or counsel during a recess or checking with the keeper of exhibits.

An operator should log the content of testimony using key words. Slashes indicate a break where the testimony is not logged.\*\* It is not necessary to log every exchange during lengthy periods of colloquy or Q and A. Rather, periodic notations will provide various points of reference should the court request playback. “Colloquy” or “Q and A” and a downward pointing arrow suffice to indicate that everything following represents colloquy or Q and A between the same two persons. If, however, there are more than two speakers, the operator should log the abbreviations of each with as many key words as the operator is able to write down. If a conversation moves too quickly, an operator may have difficulty noting key words, in which event, the identity of each speaker in the order in which they spoke, is most critical, although the first word(s) will help.

An operator should feed a telephone conversation into a courtroom or chambers through a speaker box and place a microphone next to the speaker.

A transcriber can identify a speaker by channel only if one, and only one, speaker uses a particular channel. When, e.g., a proceeding is conducted by telephone, a bench, in-chambers, or side-bar conference is held, or counsel use a lectern (speaker’s stand), multiple speakers will be recorded on a single channel and may be whispering. As often as possible during a proceeding in which multiple speakers are being recorded on a channel,

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\*

For example: “Beau” for Beauchamp; “Hans” for Hansen.

\*\*

An example of three ways in which an operator might log a question.

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

	<u>Time</u>	<u>Counter #</u>	<u>Speaker</u>	
1)	2:07	123	Guo	Q Where/May 5/Louis/work
2)	2:07	123	Guo	Q Where were you/heard Louis/company
3)	2:07	123	Guo	Q /May 5/Louis/work

an operator should log the identity of (abbreviation for) each speaker and each new channel to which a speaker moves.

An operator cannot log counter numbers while away from the recording equipment (e.g., during bench or side-bar conferences) so that a transcriber will need to rely exclusively on other, detailed identification information that the operator includes in the log.

The operator of equipment during playback must ensure that only the part(s) of the tape that the Court orders played is played. Playback of, e.g., an inadmissible part of a tape could result in a mistrial.

At the end of each day, an operator should make certain that the log is complete and accurate.

G. *Recording.*

Record until the end of a tape and then insert a clean tape and reset the counter. Let the tapes overlap.

To ensure the quality of a recording, an operator may need to ask people to speak more clearly, louder, or more directly into a microphone or to spell a name or other word. In addition to or in lieu of asking the speaker (interpreter) during the proceeding, an operator can verify most spellings by approaching the speaker or counsel during a recess or checking with the keeper of exhibits.

An operator should feed a telephone conversation into a courtroom or chambers through a speaker box.

During parts of a proceeding such as bench or side-bar conferences, playback of audio- or video-tape materials, or telephone conversations, an operator may need to reposition a microphone to ensure proper recording or turn off the recording equipment if this part is not to be recorded. In the latter case, an operator should be sure to record the judge's announcement that this part is off record and to turn the equipment back on after this part ends.

An operator should remind counsel to move away from microphones during off record conferences so that the conversation is not picked up on tape inadvertently.

For playback of the recording of part of a proceeding, an operator should, in addition to logging notations, stop the recording equipment, determine the counter number at which the requested part starts, rewind the tape to that number, play the requested part, advance the tape in fast-forward mode to just past the counter number where recording was interrupted, return equipment to record mode, and inform the judge that the proceeding can resume. An operator should not let the judge, counsel or witness begin before the

equipment is in record mode and the operator is ready to continue logging.

An operator should ask each speaker to identify himself/herself as they begin speaking if confusion might result from multiple speakers. An operator also may need to remind people to speak one at a time.

H. *Monitoring.*

To ensure imprint of the tape, an operator must listen, with headphones, to the recording being produced (not the source) during the entire proceeding, including on the record bench or side-bar conferences and playback of audio- or video-tapes. Unless a judge's order to stop recording can be heard on the recording, the operator will be responsible for an interruption or gap.

III. DUTIES AND RESPONSIBILITIES OF JUDGE.

A judge can facilitate the making of an adequate record by *inter alia*:

- speaking clearly and loudly.
- making participants and observers aware that a proceeding is being recorded electronically.
- reminding participants to:
  - ▶ speak clearly and loudly.
  - ▶ identify themselves properly when making their initial appearance during a proceeding.
  - ▶ remain close to or move back from the microphone, as appropriate.
  - ▶ speak one at a time.
  - ▶ not to make any excessive noise that could interfere with recording, such as rustling papers or tapping fingers on microphones.
- maintaining decorum in the courtroom, to reduce background noise.
- calling each case by name, number, and type of proceeding.
- announcing on tape whether a side-bar conference is to be recorded or off record.
- allowing the operator time to reposition microphones and log notes.



- having a procedure by which the operator can alert the judge of a problem.

A sample checklist is provided in Section 14 of this *Manual*.

#### **D** IV. DUTIES AND RESPONSIBILITIES OF COUNSEL.

Counsel is responsible for alerting the court when a videotape will be offered in evidence, so that appropriate equipment can be brought in with the least possible inconvenience to the court during a proceeding. Counsel must be prepared to provide the videographer with the information needed to determine whether compatible equipment is available or must be obtained specially and, on request, allow the videographer to pretest playback.

Counsel is responsible for providing a transcript of a videotape being offered in evidence and should be willing to agree to use of the transcript in lieu of having the individual providing court reporting services attempt to make a record. To this end, counsel should provide opposing counsel with an opportunity to review the videotape and transcript as appropriate, in advance of the proceeding.

#### V. DUTIES OF DEPOSITION OFFICER.

A deposition officer – who may but need not be the videographer:

- is required, by Maryland Rule 2-416(g), to log objections and take evidence.
- is required, by Maryland Rule 2-416(h), to review the tape.
- is required, by Maryland Rules 2-415(e), 2-416(h), and 2-417(b), to attach a certificate (although Rule 2-415(e) refers to anyone qualified to be deposition officer certifying a transcript prepared from a certified video-tape).
- is required, by Maryland Rule 2-415(c), to provide the transcript to the deponent for correction and signing.
- is required, by Maryland Rule 2-415(d), to sign should a deponent not do so.
- is required, by Maryland Rule 2-415(f), to provide copies but specifies copies only for parties and the deponent with no provision for anyone else.

Counsel giving notice of the deposition, or someone agreed to by the parties or ordered by the court, is to take possession of the tape – allowing viewing by a party and the deponent and providing a copy at the party's or deponent's expense.

If a deposition is videotaped, a party still may have a stenographic record made at the party's expense.

A court may order an edited version of a videotaped deposition to be made to exclude comments or objections of counsel or objectionable testimony.

D

R

A

F

T

# **SECTION 10**

# **TRANSCRIPTION**

**FEBRUARY 16, 2005**  
**REVISION**

## **TRANSCRIPTION**

### I. SCOPE OF TRANSCRIPT.

A transcript is to be a **verbatim record** of a proceeding.

No one, not even a judge, should interfere with or cause alteration of the true record as recorded/ reported by the official reporter. Any deviation in a transcript or certified record hinders appellate review.

### II. BINDING.

Each transcript volume should be bound along the left margin to allow side opening. Clerks of court prepare court files for appeals and are being encouraged to place transcripts in a separate envelope, rather than attempting to fasten the transcript to the other parts of the record. In the event that the clerk of court to whom an official reporter is delivering a transcript follows such practice, there is no need to have a filing tab on top of the cover.

### III. CAPITALIZATION.

#### A. *General.*

A transcript is not to be done in all capital letters. However, *e.g.*, designations for examinations are to be in block letters<sup>\*</sup>, as are party names on the title page.

#### B. *Title Page.*

##### 1. Parties.

On the title page, capitalize every letter in the names of the parties.

The record of a Child in Need of Assistance (“CINA”) or Termination of Parental Rights (“TPR”) case is not to disclose “the last name of the child, the natural parent of the child, and the adopting parents, whether in any opinion, oral argument, brief, record extract, petition, or other document pertaining to the appeal that is generally available to the public.” Maryland Rule 8-122. Likewise, the name of a child in other juvenile cases is not to be disclosed. Maryland Rule 8-121. Therefore, an official reporter should endeavor, in all transcripts of this nature, to block out the last name of each person who is not to be

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<sup>\*</sup>Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

identified in the record.\*

The record in a criminal investigation by a Grand Jury is not to disclose the name of the person under investigation in “any opinion, oral argument, brief, record extract, petition, or other document pertaining to the appeal that is generally available to the public.” Maryland Rule 8-123.

*Examples:*

*John S.*

*In re investigation no.*

*But not:*

*John Smith*

*In re investigation of John Smith*

2. Other Matters.

As to terms such as “Defendant”, “In the matter of”, and “Plaintiff”, capitalize only the first letter of the first word.

C. *Sentences and Fragments.*

Capitalize the first letter of the first word of a sentence or sentence fragment that represents a sentence.

*Examples:*

Q. *And when did you arrive?*

A. *About 6 p.m.*

Q. *On what day?*

A. *Saturday.*

D. *Adjectives.*

1. Derivatives of Proper Nouns.

Capitalize the first letter of an adjective that is derived from a proper noun, other than, *e.g.*, “congressional”, “constitutional”, and “senatorial”.

*Example:*

*We are American citizens.*

*But:*

*The congressional aide is a Marylander.*

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\*The referenced rules governing CINA, TPR and other juvenile proceedings specify the manner in which a case is to be captioned but not the manner in which other potentially identifying references in a record are to be redacted. A reporter may wish to track the rules on captions, using a first name and initial, or some other method of redaction and insert a parenthetical to alert the reader. See “Parentheticals”.

2. As Part of Title.

Do not capitalize such adjectives as “former”, “-elect”, or “late” appended to an official’s title.

*Examples:*

*The Governor-elect will take the oath in January, and the former Governor will attend.*

E. *Calendar Units.*

1. Days, etc.

Capitalize the first letter of a week day, holiday, or other special day and of a month.

*Examples:*

*Yes, I was there on Wednesday.  
I was in the hospital for all of February.  
The Fourth of July is a court holiday.*

2. Seasons.

Capitalize the first letter of a season only if the speaker uses the name of the season as a proper noun.

*Example:*

*John played the role of Winter in the spring play.*

*But:*

*I plan to begin school in the fall.  
I enrolled during the winter semester.*

3. Historical Events or Periods.

Capitalize the first letter of each word in the name of a historical event or period.

*Examples:*

*China’s Cultural Revolution spanned 10 years during the Sixties and Seventies.  
I wasn’t even born during World War II.  
My parents survived the Great Depression.*

*But:*

*Elvis caused a cultural revolution.*

F. *Names.*

1. Proper Name and Substitutes – People.

Capitalize the first letter of each word, and initial, in the proper name of an individual.

*Example: My name is John Q. Public.*

Capitalize the first letter in a word, or abbreviation, used as a substitute for a relative's proper name.

*Examples:*

*Sis is in the courtroom today*

*Mother and I spent the day with Dad.*

*But:*

*My sister never called.*

*I couldn't reach my father by phone.*

2. Proper Name – Organizations.

Capitalize the first letter in each part of the proper name of an entity, e.g., an association, board, club, college, committee, company, convention, church, foundation, fraternity, hospital, library, society, sorority, union, political party, religious body, or university and of a division within an entity.

*Examples:*

*I attend the University of Texas.*

*The doctor is on staff at Hopkins' Wilmer Eye Institute.*

*Staff of the State Law Library is so helpful.*

*But:*

*I do not attend university.*

*The hospital parking lot was full.*

*The library staff helped me find what I needed.*

Capitalize the first letter in each part of an organizational designation if the speaker is referring to a unit in the speaker's organization but, unless the speaker gives a designation special distinction or importance, not when the speaker is referring to an organization other than the speaker's.

*Example:*

*Our Legal Department was headed by William Jones.*

*But:*

*I believe he worked in the legal department of Wentworth, Inc.*

3. Proper Name – Places.

Capitalize the first letter in each part of a proper name for a place.

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*Example:*

*The Circuit Court for Baltimore City is located on Calvert Street.*

*But:*

*The court's closed.*

### 4. Proper Name – Thing.

Capitalize the first letter in each part of a proper name for a thing.

*Example:*

*Were you standing near Rodin's Thinker?*

*But:*

*The statue was off to my left.*

Capitalize the first letter in each word of the name of an academic course but not a general subject area.



*Example:*

*I earned an A in Accounting 101.*

*But:*

*I plan to study accounting.*

Capitalize the first letter of each word in an academic degree, when the complete term is written out or the degree, or its abbreviation, appears after the name of the degree holder but not when a general reference is made.

*Examples:*

*I hope to have my Master's degree by June.*

*You are a Doctor of Philosophy?*

*The sign read "Samuel Goldman, D.D.S."*

*But:*

*I've been working on my doctorate.*

*I'll never get a medical degree.*

*The job requires a bachelor's in sociology.*

Do not capitalize a grade or year in school.

*Examples:*

*I completed the sixth grade.*

*I am a sophomore.*

Capitalize the first letter of each word in a brand name of a drug or other product, but not a generic or slang name. As to beverages, capitalize the first letter in each word that, in its use, is a country or derivative of a country and any other specific word that, if not capitalized, would confuse a reader.

*Examples:*

*My doctor prescribed Valium.*

*I had to go to the store for Pampers.*

*We always drank French wine.*

*That day he drank a Tom and Jerry.*

*But:*

*The street value of coke keeps rising.*

*My secretary xeroxed the document.*

*She usually drank vodka and Squirt.*

**G. Titles.**

**1. Governmental Entities and Officials.**

Capitalize the first letter in each word in the proper name of a federal, state, or local governmental entity, including abbreviated forms of the name.

*Examples:*

*The FBI agent executed the warrant.  
I joined the Army after I graduated.  
Did the Workers' Compensation  
Commission notify you that benefits would  
cease?  
Did you file with Workers' Comp?  
The County Council meeting has been  
cancelled.*

*But:*

*Your comp benefits ran out when?  
Have you ever attended a council  
meeting?*

Capitalize the first letter of "state", "county", "city", "town", or "township" when the speaker is referring to a particular governmental entity.

*Examples:*

*The State of Maryland is plaintiff in this  
action.  
This agreement was entered into by the  
Mayor and City Council of Baltimore City.*

*But:*

*The governing bodies of the surrounding  
counties declined to enter into an  
agreement.*

Capitalize the first letter of each word in a title, when the title precedes a proper name. This includes the first letter of the word "acting". *But* see "Adjectives".

*Examples:*

*Will Sheriff Martin please come to the  
stand.  
Acting Clerk Doe had the papers served.*

*But:*

*Will the sheriff please come to the stand.*

Capitalize the first letter of each word in the title of a high-ranking official or other prominent individual, when the title replaces the individual's name. As to state dignitaries and officials, capitalize "Governor" and "Lieutenant Governor" but not titles such as attorney general, delegate, or senator.

*Example:*

*Did you see the CIA Director yourself?*

*But:*

*The Governor's schedule prevented a  
meeting with the distinguished Senator  
from Florida but our state senator  
attended.*

Capitalize the first letter of each word in the title of an exceptionally important official when the title follows a name.

*Example:*

*Did you see Mr. Cheney, the Vice  
President, on his visit to Baltimore?*

*But:*

*Mr. Doe, clerk of court, is to have the  
papers served.*

2. Other Positions.

Capitalize the first letter of “court” when used to refer to the judge.

*Example:*

*The Court has the responsibility of giving the jury charge.*

*But:*

*The jury returned to court.*

Capitalize the first letter of each word in a title that is used, in direct address, informally in place of a proper name, including “counsel” and “counselor” but not “sir” or “madam”.

*Examples:*

*Please, Doctor, explain the use of that term.*

*What is your expert opinion, Professor?*

*Please approach the bench, Counsel.*

*When did you meet the Defendant, Father?*

*But:*

*No, sir, I do not remember.*

Do not capitalize a noun that identifies a position other than a high governmental or exceptionally prominent position.

*Examples:*

*The doctor arrived within minutes.*

*The police officer arrived soon after.*

*Our state senator met with us yesterday.*

*But:*

*The Surgeon General issued a warning.*

*The Superintendent of Police is here.*

*An appointment of a new Archbishop of Canterbury is anticipated shortly.*

3. Nickname.

Capitalize the first letter of each word in a nickname or other imaginative name given to a movement or program.

*Examples:*

*The book names Commies.*

*The New Deal was crafted to end a depression.*

4. Published Work.

In the title of an artistic, literary, or other published work, capitalize the first letter of the first and last words of a title and of each other word not an article (“a”, “an”, “the”), short conjunction, or preposition with fewer than four letters.

*Examples:*

*You saw the juror with The Sun reporter?*

*The Daily Record is a local business and legal paper.*

H. *Hyphenated Words.*

Capitalize the first letter of the word appearing after the hyphen, unless the hyphenated word is capitalized only because it begins a sentence.

*Example:*

*The book is The Runner-Up.*

*But:*

*Follow-up information will be available on January 1<sup>st</sup>.*

IV. COLLOQUY.

Identify the speaker and type the statement.

As to jurors, some jurisdictions identify jurors by number and not by name. Use the designation appropriate for your court or identify the juror as “THE JUROR”.

V. CONDENSED FORMAT.

A. *Preferences.*

Wherever possible, a transcript filed with a circuit or orphans’ court under Rule 8-411 for transmission to the Court of Special Appeals shall be in the four-page-in-one condensed format substantially similar to the example in Section 14 of this *Manual*.

The Offices of the Attorney General and Public Defender still prefer to have their transcripts in regular page format.\* Parties ordering transcripts should specify the format they prefer.

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\*Memorandum dated August 29, 1996, from Dennis M. Henderson, then Chief Attorney, Appellate Division, to All Court Reporters and Transcription Services Producing transcripts for the Public Defender’s Office, reads as follows:

Earlier this year the Public Defender’s Office notified reporters and transcribers of the requirement that copies of transcripts submitted to this office and the Attorney General’s Office must continue to be in the full-page format. At the request of the Court the effective date of that requirement was delayed in order to address concerns expressed by some reporters about technical problems involved in providing the four-page-in-one format to the Court and full-page copies to counsel.

For the past several months this office has consulted the Court, with reporters who have examined the matter further and with other interested individuals and agencies. It now appears that the parties involved are satisfied that all significant concerns have been resolved. Therefore, beginning with transcripts ordered on September 3, 1996, copies

See Section 13 of this *Manual*.

B. *Font.*

Every effort should be made to ensure use of a single font consistently throughout a transcript.

Under Md. Rule 8-112, the Court of Appeals has suggested, but not required, use of the following fonts for briefs, petitions for writ of certiorari and other papers prepared by commercial printers or computer printers – Antique Olive, Arial, Arial Rounded, Book Antiqua, Bookman Old Style, Britannic, Century Gothic, Century Schoolbook, CG Times, Courier, Courier New, Footlight MT Light, Letter Gothic, MS LineDraw, Times New Roman, or Universal.\*

C. *Sequence.*

Pages are to be ordered as follows:

1	3
2	4

VI. COVER.

A transcript is to be filed under a hard surfaced or other suitable cover.

A front cover is to state the title of the action and other information, essentially that on the title page. The simplest method for obtaining this result is to use a transparent front cover.

A front cover is to bear the designation of the volume – e.g. “VOLUME I of I”; “VOLUME I of II”; “VOLUME II of II”. See “Volumes”, as to numbering.

VII. DEPOSITION.

A. *Duties of Deposition Officer.*

The deposition officer – who may but need not be the reporter/transcriber is required *inter alia*:

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provided to this office and the Office of the Attorney General must be in the full-page format. The Public Defender’s Office will accept and pay for copies prepared in the four-page-in-one format which were ordered prior to that date.

\*Dated July 23, 1997.

- by Maryland Rules 2-415(e), 2-416(h), and 2-417(b), to attach a certificate (although Rule 2-415(e) refers to anyone qualified to be deposition officer certifying a transcript prepared from a certified audio- or video-tape).
- by Maryland Rule 2-415(c), to provide the transcript to the deponent for correction and signing.
- by Maryland Rule 2-415(d), to sign should a deponent not do so.

B. *Power of Court.*

A court may order an edited version of an audio- or video-taped deposition to be made to exclude comments or objections of counsel or objectionable testimony.

VIII. DESIGNATIONS FOR EXAMINATION.

Examination is to be indicated as follows<sup>\*</sup>:

DIRECT EXAMINATION

BY MR. SUEYOU:

Q. ...

A. ...

CROSS-EXAMINATION

BY MS. GETUOUT:

Q. ...

A. ...

REDIRECT EXAMINATION

BY MR. SUEYOU:

Q. ...

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<sup>\*</sup>Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

A. ...

### RECROSS EXAMINATION

BY MS. GETUOUT:

Q. ...

A. ...

IX. EXHIBIT.

It is the responsibility of an attorney to provide a transcript of an audio- or video-tape being played in a proceeding and authentication of the transcribed statement. A Court should not order a reporter to transcribe the tape.

Whenever a tape is being played in a proceeding, the Court should ensure that the tape is introduced into evidence, along with a transcript of the tape, if any, prepared by a party. The Court should ask the parties to agree to the transcript being the official reporters' notes. Should the parties fail to so agree, the official reporter must record the playback in the same manner as other parts of the proceeding. See, e.g., *Ringe v. State*, 94 Md. App. 614, 623 (1993).

For examples of parentheticals to be used when an exhibit is marked for identification and received in evidence, see Section 14 of this *Manual*.

X. FILING.

A. *Auditor; Master.*

Maryland Rules 2-541(g)(2) and 2-543(g)(2) provide for transcripts of proceedings before, respectively, masters and auditors to be filed:

- within 30 days after the exception(s) is filed.
- such longer time, not exceeding 60 days after the exception(s) is filed, as the master or auditor allows.
- such longer time as the Court allows for good cause shown.

B. *Court of Special Appeals.*

Unless the Court of Special Appeals extends or shortens the time for filing, the clerk of a lower court is to transmit a transcript:

- in a civil action other than a juvenile cause or prisoner petition for relief from confinement, within 60 days after an order to proceed without a prehearing conference or an order issued pursuant to such conference.
- In other cases, within 60 days after filing of the first notice of appeal.

See Maryland Rule 8-412(a).

C. *Court of Appeals.*

Unless the Court of Appeals extends or shortens the time for filing, the clerk of a lower court is to transmit a transcript within:

- 15 days after entry of a writ of *certiorari* directed to the Court of Special Appeals.
- 60 days after entry of a writ of *certiorari* directed to another court.

See Maryland Rule 8-412(b).

D. *Priority Filings.*

Maryland Rule 8-207(b)(3) states expressly that a transcriber is to give priority to preparation of a transcript in an adoption or guardianship case. However, though not stated expressly, priority also must be given to other cases with expedited consideration. Numerous statutory provisions dictate special dates as to special types of cases – e.g., Maryland Code, Election Law Article, § 3-603(d)(2), which requires the Court of Special Appeals to hear an appeal as to denial of registry “as soon after the transmission of the record as practicable”; § 6-209, which requires expedition of a hearing on a petition “to the extent necessary in consideration of the deadlines established by law”; § 11-304(d)(3), which requires “the original papers and the transcript [to] be transmitted to the Court of Special Appeals within 5 days from the taking of the appeal” as to an absentee ballot, and “the appeal [to] be heard as soon as possible”; and § 12-203(b), which requires the Court of Appeals to hear an appeal as to the conduct of an election “as expeditiously as the circumstances require”; Environment Article, § 7-412(b), which gives an appeal in connection with the site of a hazardous waste facility “preference over other civil actions and proceedings in both trial and appellate courts”; and § 14-09(c), which requires “trial and appellate” courts to “give highest priority” to a challenge to the Secretary of the Environment’s action on an application for a coastal facility “in scheduling appropriate hearings and trials and in the respective court’s deliberation”; Financial Institution Article, § 9-712(d)(2), which requires the Court of Appeals to hear an appeal as to transfer of savings and loan assets by a conservator or receiver “on an expedited basis”; Health – General Article, § 5-612(c), which requires a trial or appellate court to give a proceeding on a petition on life-sustaining procedures “precedence on the docket” except as to “cases that the court considers of greater importance”, to hear the petition “at the earliest



practicable date and expedited it “in every way”; Insurance Article, § 20-605(c), which enables the Maryland Automobile Insurance Fund to ask “for an expedited hearing” on an unsatisfied claim.

For computation of periods of time, see Maryland Rule 1-203.

A record is considered filed when delivered to a clerk of an appellate court or sent, by certified mail, addressed to the clerk. See Maryland Rule 8-412(c).

XI. INDENTATION.

A. *Exhibit.*

A reference to an exhibit is to be set apart from the testimony in parentheses on the right side of a page.\*

B. *Questions and Answers.*

There is to be an indentation of five spaces to the Q or A plus an additional five spaces to the text of the Q or A.\*

C. *Quotation.*

After the first line of a paragraph, a quotation is to be indented an additional five spaces.\*

D. *Testimony.*

Designations of examinations are to be centered on a page.\*

XII. LINES.

A. *Alignment.*

Line numbers are to be aligned with the text, so that no text appears in between line numbers.

B. *Blanks.*

There are to be no unnecessary blank lines on a page.\*

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\*Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

C. *Minimum.*

There are to be no fewer than 25 lines on a page.\*

D. *Numbering.*

Each line of a transcript is to be numbered, and there are to be no fewer than 25 lines.\*

E. *Questions and Answers.*

Questions and answers are to begin on separate lines.\*

XIII. MARGINS.

A. *Left.*

1. *Depth.*

The margin on the left side of the page is to be 1.5 (1½) inches.\*

2. *Colloquy.*

A colloquy is to begin ten spaces from the left margin; that is, on the 11<sup>th</sup> space. A carry-over line is to return to the left margin.

3. *Questions and Answers.*

Q and A is to begin five spaces from the left margin. There are to be five spaces from the Q or A to the text – that is, the text is to begin on the 11<sup>th</sup> space from the margin. A carry-over line is to return to the left margin.

4. *Quotation.*

Each new paragraph of a quotation is to begin ten spaces from the left margin. A carry-over line is to begin five spaces from the left margin.

5. *Parenthetical Material.*

Each new paragraph of parenthetical material is to begin on the 11<sup>th</sup> space, and each carry-over line is to begin on the sixth space, from the left margin. Exhibit parentheticals

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\*Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

are exceptions.

B. *Right.*

The margin on the right side of a page is to be 0.5 (½) inches.\*

The right margin is set to ensure, for example, page numbers are not obscured when a two-sided copy of a transcript is bound.

XIV. NUMBERS.

Express the numbers “one” through “ten” in words, except the following are always to be stated in figures:

- After noun.

*Examples:*

*No. 3*

*Page 4*

*Room 310*

- Date.

*Examples:*

*May 10, 1982*

*the 10th of May*

- Measurement.

*Examples:*

*3 feet*

*18 gallons*

*4 degrees.*

- Monetary amount.

*Examples:*

*\$35*

*6 cents*

*\$5,300.10.*

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\*Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

- Percentage.

*Examples:*

*6 percent*

*500 percent*

Express numbers above “ten” in figures except the following are always to be stated in word:

- “One” in a house number

*Example:*

*One North 15<sup>th</sup> Street*

- First word(s) of a sentence.

*Example:*

*Thirty-five men were there.*

XV. PAGE.

A. *Certificate Page.*

The last page of every transcript is to be a separate, certificate page, to signify that the transcript is completed and is an accurate and complete record of the proceeding ordered transcribed.

An official reporter is to sign the original certificate in other than black ink to show that it is the original. A reporter also may wish to sign a copy in other than black ink to distinguish the signed copy from one with a signature reproduced by someone else and possibly inaccurate or incomplete.

B. *Duplexing.*

Double-sided copies save considerable paper and space. However, sufficiently heavy paper – e.g. 20lb – must be used to prevent bleed through; and a binder’s edge must be provided so that the binding does not cover any of the words. Even with these precautions, there is a danger that a copier will fail to copy both sides of the document. Accordingly, the issue of duplexing is still being discussed.

C. *Numbering.*

Each new Volume is to start with page 1.

D. *Size.*

Each transcript page is to be 8½ inches by 11 inches.\*

E. *Table of Contents Page.*

1. *Transcript and Volume.*

Every transcript, and each volume beginning a new day, is to have a table of contents page, even if there are no exhibits or witnesses.

2. *Exhibit.*

A table of contents page that gives the page number where an exhibit first is identified is helpful to a reviewer in indicating the first place in the transcript where the exhibit might have been mentioned. In any event, the table of contents page always is to give the page number on which an exhibit is marked for identification and marked into evidence or, if an exhibit is pre-marked, so state.

The Court should ensure that marking of items for identification and introduction into evidence are on the record.

3. *Motion.*

A table of contents page is to give the page numbers for motions that are made; for example, motion for judgment of acquittal.

4. *Witness.*

A table of contents page is to list:

- the starting page number for *voir dire* examination.
- as to a witness:
  - ▶ the witness' full name.
  - ▶ the starting page number for Direct Examination, Cross-examination, Redirect Examination, *etc.* of the witness.

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\*Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

- ▶ the starting page number for the reading of a deposition transcript into the record in lieu of the personal appearance of the witness.
- ▶ the starting page number for a videotape playback in lieu of the personal appearance of the witness.
- ▶ designation, as the Court's witness, of a witness called by the Court.

F. *Title Page.*

1. Transcript and Volume.

The first page of every transcript, and of each volume beginning a new day, is to be a title page.

2. Minimum Information.

A title page is to include all information pertinent to a proceeding, so that the reader can ascertain at a glance what he/she needs to know, including:

- the number of the volume.
- the court in which the proceeding is held.
- the city in which the proceeding is held.
- the name of each party or the title of the action.
- the case number.
- the nature of the proceeding.
- the date of the proceeding.
- the name and title of the person who presided over the proceeding.
- the names of all attorneys and the name of each party appearing in proper person.
- the name, certification designation, and telephone number of the official reporter who has taken a proceeding and/or transcribed it, or caused it to be transcribed.
- the method of recording the proceeding.
- a notation whether the transcript is an excerpt of, or the entire, proceeding.

An official reporter is to stamp “Original” or “Copy” on each title page in other than black ink to show that it is prepared by the official reporter and not reproduced by someone else.

XVI. PARENTHETICAL EXPRESSIONS.

A. *General.*

A parenthetical expression is a verbal cue to place the transcribed words in a proper context. As such, a parenthetical expression often provides information critical for appellate review. Thus, the issue on appeal may be whether a Defendant is present at the bench during *voir dire* of prospective jurors and, if not, whether the Defendant personally waived the right to be present. Similarly, notation that a jury has entered or exited from a courtroom would allow an appellate court to determine whether the jury was present when an outburst from a spectator occurred in the courtroom and assess the effect accordingly.

The description given in a parenthetical expression is to be a brief, factual notation and not an interpretation. The description is enclosed in parentheses.

A transcript is to identify the jurors actually impaneled.

B. *Event.*

A parenthetical expression describing an action in the proceeding should start with the time of the event, if applicable. These actions include the times at which a proceeding began and concluded, the time of each adjournment or recess, if any, and the times at which a jury is excused to deliberate and returned to the courtroom for any reason.

*Examples:*

*(Prospective jurors sworn on their voir dire.)\**

*(Counsel exercised the right of peremptory challenge and jury duly impaneled.)\**

*(Having been examined on voir dire, the Defendant being present at all bench conferences during which jurors were examined, or having waived his presence, counsel exercised the right to peremptory challenge, and the following jurors were impaneled: (insert juror names or numbers).)\**

*(Jury sworn.)\**

*(Counsel and Defendant(s) returned to trial tables, and the following occurred in open court:)*

*(At (time), off record (opening or closing) statement by (counsel) on behalf of (State/Plaintiff or Defendant).)\*\**

*(At (time), off record rebuttal argument by (counsel's name) on behalf of State/Plaintiff.\*\*) \*\**

*(At (time), on the record (opening or closing) statement by (counsel) on behalf of (State/Plaintiff or Defendant).)\*\*\**

*(At (time), on the record rebuttal argument by (counsel) on behalf of State/Plaintiff.)\*\*\**

*(Open Court.)*

*(At bench.)*

*(At (time), recess in proceeding.)*

*(Jury not present on reconvening.)*

*(Witness approached diagram.)*

*(Off record discussion between counsel and Defendant(s).)*

*(Off record bench conference with counsel.)*

*(Off record bench conference with counsel and Defendant.)*

*((Item) marked for identification as State's Exhibit No. 1.)*

*((Item) marked into evidence as Defendant's Exhibit No. 2.)*

*(At (time), witness entered room.)*

*((Name) was duly sworn according to law by the Clerk to interpret for the Defendant. The Defendant was questioned and responded through the interpreter as follows:)*

*((Name), an interpreter, was sworn by the Clerk.)\*\*\*\**

*(At (time), altercation erupted in courtroom between witness and Defendant.)*

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\*Only by agreement of the parties is an official reporter not to report the entire jury selection and empanelling process, and such should never occur in a criminal trial because of the importance of the process. Hence, these parentheticals should be used rarely, if ever.

\*\*Rule 16-404 requires that, unless the parties agree otherwise, opening and closing statements are to be reported in their entirety in civil and criminal cases. Hence, these parentheticals should be used only if the parties agree that the statements are not to be reported.

\*\*\*As noted above, unless the parties agree otherwise, opening and closing statements are to be reported in their entirety in civil and criminal cases. These parentheticals should be used only if the parties agree that the statements, while reported in their entirety, are not to be transcribed.

\*\*\*\*For use if interpreter is sworn other than for witness – e.g., spectator.



*(Pending question read by Official Reporter.)*  
*(Answer read by Official Reporter.)*  
*(Official Reporter read as follows: ... )*  
*(At (time), deposition of (deponent) read into record as follows:)*  
*(At (time), reading of deposition concluded.)*  
*(At (time), witness excused.)*  
*(At (time), jury excused from courtroom.)*  
*(At (time), luncheon recess taken.)*  
*(At (time), trial adjourned until (time/date).)*  
*(At (time), bailiff sworn to take charge of jury.)*  
*(At (time), jury retired to jury room to begin deliberations.)*  
*(At (time), jury returned to courtroom with question and the following occurred:)*  
*(At (time), jury returned with verdict.)*  
*(At time, proceeding concluded.)*

C. *Non-Verbal Response.*

On occasion, a witness will give a non-verbal response. It is the responsibility of counsel to follow up such response with a question to clarify the answer and to admonish the witness to answer audibly. More often than not, however, counsel accepts a nod for a “yes” and proceeds to the next question. An official reporter may use a parenthetical to describe the response or, if uncomfortable with interpreting a gesture, may interrupt, in the manner agreed on with the Court before the proceeding, to ask the witness to answer audibly. For example, it may be better to accept, as a “yes” or “no”, a small child’s nod or shake of the head, when the child already is frightened at taking the witness stand.

*Examples:*

*(No audible response.)*  
*(No response.)*  
*(Witness shaking head [side to side].)*  
*(Witness nodding head [up and down].)*

D. *Illustrations and Indications.*

It is not an official reporter’s prerogative to interpret gestures other than by insertion of a parenthetical remark “(indicating)”. If, for example, a witness is asked to draw, or point out something on, a diagram – such as the place of impact – counsel is responsible for having such gestures identified (perhaps by “A,” “B,” “C,” etc.) and having the diagram introduced as an exhibit for the record.

A reporter is, in effect, testifying when the reporter details the witness’ response based on what is, in fact, the reporter’s interpretation or best guess.

*Example:*

*I went from here to here, and they were there (indicating).*

*Not:*

*(indicating the center of the intersection/the northbound lane)  
(indicating about (number) inches)  
(indicating the (body part))*

E. Omissions.

A transcript is to signal omission of parts of a proceeding and give a brief explanation of the omission. The explanation should distinguish between no sound (“inaudible”) and sound that cannot be understood (“unintelligible”). Whenever possible, a transcriber should indicate how many word(s) or how much tape time, in terms of seconds or minutes, cannot be transcribed. Such information gives counsel, and the reviewing court, some sense whether the missing material is just a few words or more.

*Examples:*

*(Testimony of (Witness(es)' Names) omitted from transcript by agreement of Counsel.)*

*(Approximately (number) words inaudible.)*

*(Unintelligible for (number) minute(s) and (number) second(s).)*

*(Unclear for approximately (number) word(s).)*

A court may order an edited version of an audio- or video-taped deposition to be made to exclude comments or objections of counsel or objectionable testimony.

XVII. PUNCTUATION.

The importance of proper punctuation is illustrated in death penalty review in *Clermont v. State*, 348 Md. 419, *cert. denied*, 523 U. S. 1141 (1998) (declarative statement ended by period or question indicated by question mark).

A. *Apostrophe.*

1. Adjective.

Don't confuse an adjective with a possessive.

*Example:*

*The sales meeting was held yesterday.*

2. Compound Words.

Use an apostrophe followed by an "s", for a singular or plural possessive.

*Examples:*

*My sister-in-law's father came to town.*

*My sisters-in law's children were loud.*

3. Joint Possession.

Use an apostrophe only, after the last noun to show joint possession.

*Example:*

*Tom and Harry's car was wrecked.*

4. Name.

Use an apostrophe if a proper name includes the apostrophe.

*Example:*

*The National Shorthand Reporters' Association met.*

5. Omission.

Use an apostrophe to show an omission.

*Examples:*

*We will always remember the '80s.*

*Don't forget.*

6. Plural Figure, Letter, or Symbol.

An apostrophe may, but need not, be used.

*Example:*

*We will always remember the 1980s.*

*Or:*

*We will always remember the 1980's.*

7. Plural Possessive.

Determine the spelling of a plural, base word. If the word ends in “s”, add an apostrophe; if other than “s”, add an apostrophe followed by an “s”.

*Examples:*

*The three witnesses’ testimony was not correct.*

*Where was the children’s father at the time?*

8. Singular Possessive.

Add an apostrophe followed by an “s” to a singular, base word, but, if the extra syllable is not pronounced, you may add an apostrophe alone.

*Examples:*

*I talked to the attorney's secretary.*

*Mr. Peters's business is doing well.*

*Or:*

*Mr. Peters' business is doing well.*

B. Colon.

In colloquy and Q and A, follow the name of the speaker with a colon.

C. Comma; Semicolon.

1. Abbreviation.

Set off certain abbreviations with comma(s).

*Examples:*

*Include John Smith, Jr., in your group.*

*The entity is Smith and Sons, Inc.*

2. Address.

Use commas to separate each part of an address that would be placed on a separate line of an envelope.

*Example:*

*My address is 4131, 11th Street, Mt. Pleasant, Maryland.*

3. Appositive; Nonrestrictive; Parenthetical.

Set off, with commas, word(s) that explains further but is not necessary to the sense of a sentence.

*Examples:*

*Where were you on Friday, October 26, at 9 a.m.?*

*We, however, were aware of the police car.*

*Mary Smith, who is my landlady, knows.*

4. Compound Adjective.

Use a comma between two adjectives modifying the same noun when “and” is omitted. *But* see “Hyphens”.

*Example:*

*It was a cloudy, dark night.*

*But:*

*When does your six-year term end?*

5. Conjunction.

Use a comma before a conjunction joining independent clauses.

Use a semicolon between two independent clauses without a conjunction or, if the thoughts are not closely related, make two sentences.

*Example:*

*When did you arrive at the scene, and how many others were with you?*

*But:*

*He was late; therefore, we missed the bus.*

6. Contrasting Expression.

Set off a contrasting expression with a comma(s).

*Example:*

*He likes you, not me.*

7. Dependent Clause.

Use a semicolon to separate a series of dependent “that” clauses.

*Example:*

*We know that you were there; that you had driven up in a white car; that your sister was with you; and that you had a gun.*

8. Direct Address.

Set off words of direct address with commas on both sides.

*Example:*

*I would like to request a recess, Your Honor, if at all possible.*

9. Illustrative Phrase.

Use a semicolon before and a comma after a word(s) that introduces an illustrative phrase.

*Example:*

*We know what you are saying; that is, we understand.*

10. Introductory or Ending Clause or Phrase.

Use a comma after a clause or phrase at the beginning of a sentence but none if the clause or phrase is at the end of a sentence or the words constitute a complete sentence. Some uses of short slang words as an introduction to a statement constitute complete sentences. See "Period".

*Example:*

*When you left the bar, whom did you see?*

*But not:*

*Whom did you see, when you left the bar?*

11. Series.

Use a comma before a conjunction joining three or more items, although a semicolon may be used in a complicated series.



*Examples:*

*I was in the car with Peter, Paul, and Mary.*

*I know Sharon; her mother, Rose; and Beatrice.*

12. Verb.

Use a semicolon between two independent ideas when the verb is missing in the second idea and assumed to be carried over from the first. Use a comma in place of the missing verb.

*Example:*

*Sandra went shopping; John, to the bar.*

13. Verification Question.

Use a semicolon before a statement that is followed by a question asking for a verification of the statement.

*Example:*

*You saw the man enter the door; isn't that right?*

14. Yes or No Response.

Use a comma between a “yes” or “no” and the rest of the response, unless the rest adds something new. See “Period”.

*Example:*

*No, I did not see him running from the scene.*

*But:*

*Yes. We went back the next day, too, to see what happened.*

D. Dash.

Use two dashes to show an interruption of a speaker by himself/herself or another.

*Example:*

*We could not see the car - - the truck, until we were in the intersection.*

Some computer software automatically converts two dashes into an em – a line the length of a capital “M”.

E. *Hyphen.*

Hyphenate a compound adjective before a noun, unless “and” is omitted.

*Example:*

*When does your six-year term end?*

*But:*

*It was a cloudy, dark night.*

F. *Period.*

1. Colloquial Introductory Word.

Use a period to mark the end of an elliptical expression that represents a complete statement or command.

*Example:*

*All right. Tell me what happened.*

2. Possessive Without Noun.

Punctuate a possession without a noun as if a noun followed.

*Example:*

*We stayed at my mother's.*

3. Q and A.

It is optional to use a period after each “Q” and “A”.

4. Yes or No Response.

Use a period between a “yes” or “no” and the rest of the response, unless the rest adds nothing new. See “Comma; Semicolon”.

*Example:*

*Yes. We went back the next day, too, to see what happened.*

*But:*

*No, I did not see him running from the scene.*

XVIII. QUESTIONS AND ANSWERS (Q AND A).

The name of the questioner – e.g., “BY MR. SUEYOU:” – is always to precede Q and A.

A “Q” is always to precede an “A”.

Whenever Q and A is interrupted by colloquy, tab to the “colloquy stop” and type in that format.

XIX. SEALED TRANSCRIPTS.

While a transcript of a proceeding must be complete, there are instances in which the transcript is not to be open to anyone other than the Court. For example, the federal Child Abuse Prevention and Treatment Act (CAPTA) requires a court to exclude the general public during a proceeding that involves discussion of confidential information from a child abuse or neglect record or information obtained from a child welfare agency as to a child or family who is receiving Title IV-B child welfare services or Title IV-E foster care or adoption assistance, except in cases where abuse or neglect resulted in death or near death of a child. Additionally, Maryland Rule 2-403(a)(7) enables a court to order a deposition transcript to be sealed to protect a person from *inter alia* annoyance or embarrassment.

Unless by rule, statute or other law another procedure for preparation or filing of a transcript of a closed hearing is dictated, it is best if the judge identifies, on the record, the beginning and end of that portion of the transcript to be sealed and whether counsel are to be provided with copies.

An official reporter is to file, with the clerk of the trial court, the original and counsel's copies and provide notice that the transcript is sealed. A sample notice is provided in Section 14 of this *Manual*. An official reporter should keep a copy of the notice in the reporter's records. The court, if it so chooses, then can provide counsel with their copies.

XX. SPACING.

There is to be double spacing between lines of a transcript.\*

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\*Derived from the November 21, 1975, Administrative Order, the substance of which is being incorporated into the binding provisions of this *Manual*.

XXI. SPELLING.

*Examples:*

*Acknowledgment*

*All right*

*Allegedly*

*Appellant*

*Argument*

*Attorneys*

*Corroborate*

*Cross-examination*

*Defendant*

*Direct Examination*

*Judgment*

*Motion in limine*

*Voir Dire*

*But not:*

*Acknowledgement*

*Alright or alrite*

*Allegely*

*Appellent*

*Arguement*

*Attornies*

*Corobroate*

*Crossexamination*

*Defendent*

*Direct-Examination*

*Judgement*

*Motion in lemonade*

*Voi Dear or Voi Deer*

XXII. STRICKEN TESTIMONY.

Stricken testimony is transcribed in the same manner as other testimony. Even though a judge might direct a reporter to “strike that last answer” and the jury “to disregard what the witness said,” the reporter/transcriber transcribes the entire proceeding **exactly** as it took place. An appellate court needs to know what was said – even if stricken.

Counsel’s request to “strike that” – *i.e.*, a mis-start – should not be accommodated. An official reporter should not be editing dialogue in a proceeding, regardless of how “innocent” the editing seems. An official reporter is not, **even on the order of a judge**, to strike from the record that which actually took place.

XXIII. TAPES.

For procedures relating to audio- and video-tapes played in court, see “Exhibit”.

XIV. TYPE.

Type is to be 10 characters to the inch.\*

XXV. VOLUMES.

An official reporter is to bind each day of trial in a separate volume and number each

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\*This requirement is substituted for the obsolete reference to “pica” in the November 21, 1975, Administrative Order, the substance of which otherwise is being incorporated into the binding provisions of this *Manual*.

volume in Roman numerals.

Volumes are to be designated to show the volume number for each day and the number of days.

*Examples:*

“VOLUME I of I” denotes one volume for a one-day trial.

“VOLUME I of II” and “VOLUME II of II” denote the first and second volume of a two-day proceeding.

XXVI. PROOFREADING.

An official reporter is to proofread the draft transcript – checking not only format and spelling but completeness of the document.

XXVII. DUTY OF COUNSEL.

An appellant may, but is not necessarily, entitled to a new trial in the event that a complete transcript cannot be produced through no fault of the appellant. *See, e.g., Wilson v. State*, 334 Md. 469 (1994). “It is only when an adequate substitute cannot be made that most states will consider an appellant’s contention that he has been deprived of meaningful appellate review” so that “requiring the defendant to do his part in attempting to reconstruct portions of the record which are missing through no fault of the prosecution does not offend notions of criminal due process” *Smith v. State*, 291 Md. 125, 137 (1980) and to show that the “omissions are not merely inconsequential, but are in some manner relevant on appeal.” *Id.* at 136. *See also Bradley v. Hazard Technology Co.*, 340 Md. 202 (1995) (*Smith* reasoning applicable in civil case); *State v. Runge*, 317 Md. 613, 621 (1989) (judge gave *pro se* defendant options of making a new opening statement, supplementing original statement, or dictating unrecorded parts to court reporter).

The Court of Appeals and Court of Special Appeals have dismissed appeals when a transcript is unavailable on appeal due to negligence or inaction of an appellant. *See, e.g., Hohensee v. Hohensee*, 214 Md. 284, 134 A.2d 82 (1957); *Laukenmann v. Laukenmann*, 17 Md. App. 107, 299 A.2d 466 (1973).

# **SECTION 11**

# **NOTES**

**FEBRUARY 16, 2005**  
**REVISION**

## **NOTES**

### **I. STATE PROPERTY.**

Notes, including audio- or video-tapes, logs, computer disks, dictionaries, media storage files, and other documentation for transcription, compiled by an official reporter while employed by, or under contract with, a court or by a subcontractor for an official reporter are property of the State of Maryland.

### **II. Deposit and STORAGE.**

Each court shall have a policy, approved by the Circuit Administrative Judge or the Chief Judge of the District Court, as the case may be, for the filing of notes by official reporters and for preservation of the notes. Notes are to be stored in a manner that preserves them for future use as needed.

A Circuit Administrative Judge shall have supervisory court reporters of the circuit prepare the policy for approval. The supervisory court reporters are to consult with the court administrators, clerk of courts, and other court personnel as appropriate.

Transcripts of a grand jury proceeding are required, by some public local laws, to be held by the prosecutor.

### **III. EXPUNGEMENT.**

A clerk of court should provide the appropriate official reporter(s) with a copy of an expungement order that could affect records in the possession of the reporter or any subcontractor of the reporter. On receipt of the copy, an official reporter should stamp the date of receipt, as the certificate of expungement must be returned within 30 days after receipt, and should ensure that any subcontractor handling a record(s) covered by the order is aware of the need to expunge, and document, expungement of the record(s).

Records are to be expunged as provided by Maryland Rule 4-511 for the record-keeping system used in the expunging court.

### **IV. DISPOSITION SCHEDULE.**

#### **A. *Required.***

The Court of Appeals has adopted rules governing disposition of records, including electronic recordings of testimony, in accordance with statutory criteria for disposition of government records. See Maryland Rules 16-505 and 16-818.

These rules bar disposition other than as allowed in a Records Retention and Disposal



Schedule, prepared by the clerk of court. By Administrative Order dated February 16, 2005, approval of the Circuit Administrative Judge or Chief Judge of the District Court, as the case may be, is required. The State Archives' cooperation also is needed.

B. *Contents.*

An approved schedule is to:

- identify the records subject to the schedule.
- state the length of time that the court is to retain a record before disposition.
- state whether the record is to be:
  - ▶ removed by the State Archives, in accordance with its procedures.
  - ▶ destroyed with the approval of the Board of Public Works.
  - ▶ otherwise disposed of.
- state whether the schedule is to be operative until changed by further order of court.

V. MINIMUM RETENTION PERIODS.

A. *Circuit Court Records.*

Under Maryland Rule 16-818, a clerk of a circuit court is to retain records, including electronic recordings of testimony, for *at least* the period noted:

- a civil case other than a landlord-tenant case, five years after the notes are taken.\*
- a landlord-tenant case involving restitution of premises but no money judgment, three years after the notes are taken.
- a criminal case other than a motor vehicle case, natural resources case, or conviction with a subsequent offender penalty, 12 years after the notes are taken.\*
- a motor vehicle case with no subsequent offender penalty, three years after the case is closed and, if required, an audit performed.

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\*Derived from the June 20, 1986, December 10, 1987, and January 10, 1990 Administrative Orders, the substance of which is proposed for incorporation into an Administrative Order governing additional aspects of court reporting.

- a natural resources case with no subsequent offender penalty, three years after the case is closed and, if required, an audit performed.
- a conviction of an offense that carries a subsequent offender penalty, permanently.
- other record, 12 years.

B. *District Court Records.*

In accordance with Maryland Rule 16-505, a clerk of the District Court is to retain records for *at least* the following periods:

- a case containing a petition for emergency evaluation, all original papers and exhibits for 12 years after the case is closed.
- a case containing a petition for protection from domestic violence, all original papers and exhibits for 12 years after the case is closed.
- a case in which a judgment for a sum certain is entered:
  - ▶ all electronic recordings of testimony, for three years after entry of the judgment.
  - ▶ all original papers and exhibits until the judgment expires or is satisfied.
- a criminal case:
  - ▶ all original papers, exhibits, and electronic recordings of testimony, for three years after the case is dismissed.
  - ▶ all original papers, exhibits, and electronic recordings of testimony, for three years after a *nolle prosequi* is entered in the case.
  - ▶ all original papers, exhibits, and electronic recordings of testimony, for three years after a stet is entered in the case.
  - ▶ all original papers, exhibits, and electronic recordings of testimony, for three years after judgment is entered or, if the defendant fails to comply with an order of court, until the failure is cured or an arrest warrant issued as a result of the failure is invalidated in accordance with law.
  - ▶ all original papers, exhibits, and electronic recordings of testimony, for three years after probation before judgment is entered or, if the defendant fails to comply with an order of court, until the failure is cured or an arrest warrant issued as a result of the failure is invalidated in accordance with law.

- ▶ all original papers and exhibits in the case file for a misdemeanor in which an arrest warrant is issued on the charging document and remains unserved for three years, until the warrant is invalidated in accordance with law.
- ▶ all original papers and exhibits in the case file for a misdemeanor in which an arrest warrant is issued on the defendant's failure to appear for trial and remains unserved for three years, until the warrant is invalidated in accordance with law.
  
- ▶ in any other case, all original papers, exhibits, and **electronic recordings** of testimony, for three years after the case is dismissed, the case is settled, or judgment is entered.
  
- ▶ a traffic docket, for five years if copies are retained.
  
- ▶ any other criminal docket, for five years if copies are retained.
  
- any other docket, permanently.
  
- all indices, permanently.
  
- all books of account, permanently.

Transfer to the State Archives satisfies the requirement for retention. A District Court clerk is to dispose of any records still in the clerk's possession after 25 years.

#### C. *Copied Records.*

A record that has been microphotographed, photocopied, or photographed in accordance with the State Archives' procedures may be disposed of at any time, but a District Court clerk is to retain a master security negative permanently.

#### VI. RECORDS RETENTION COMMITTEE.

The Chief Judge of the Court of Appeals has created a committee to make recommendations with regard to outdated retention schedules, chaired by the Honorable Steven V. Hales, Clerk of the Circuit Court for Worcester County.

# **SECTION 12**

# **REFERENCE MATERIALS**

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## REFERENCE MATERIALS

The following is provided information only and is not to be considered an endorsement of any product or person.

### I. REPORTING MATERIALS.

- Alten, Stanley R., *Audio in Media*, 7<sup>th</sup> ed. (Belmont, CA: [Wadsworth Publishing Co.](#), 2005).
- American Judges Foundation and National Court Reporters Foundation, *Communication Access Realtime Translation (CART) in the Courtroom: Model Guidelines* (9/18/02) – online at [www.ncraonline.org/foundation/research/CART\\_guidelines.shtml](http://www.ncraonline.org/foundation/research/CART_guidelines.shtml) – under “Information for CART Consumers”.
- Benoit, V. Monette & Donnelly, Emmett J., *Realtime Vocabulary Workbook: The Advanced SAT, ACT; GMAT; LSAT* (San Antonio, TX: [Court Reporters Reference Books](#), 2000).
- Benoit, V. Monette & Donnelly, Emmett J., *Court Reporter Reference Workbook* (San Antonio, TX: [Court Reporters Reference Books](#), 2002).
- Boucke, Laurie, *Brief Encounters: A Dictionary of Briefs and Phrases for Court Reporting*, 3<sup>rd</sup> ed. (Lafayette, CO: White-Boucke Publishing, 2001) – <http://www.white-boucke.com>; also available in cd format.
- Boucke, Laurie, *CATegorically Speaking: A Reference Work and Study Guide for Realtime Writing* (Lafayette, CO: [White-Boucke Publishing](#), 1996).
- Boucke, Laurie, *Medically Briefed* (Lafayette, CO: [White-Boucke Publishing](#), 2001) – cd format.
- Chipkin, Dana, *Successful Freelance Court Reporting* (Albany, NY: Delmar Publishers/[Thomson Learning](#), 2001).
- Lovko, Rae & Myers, Susan, *Literature Review of Electronic Court Reporting Methods* (Williamsburg, VA: NCSC, 2002).
- McCormick, Robert W. & Knapp, Mary H., *Court Reporter's & CART Services Handbook*, 4th Ed. ([Prentice Hall](#): 2002) with [companion website](#).
- Utz, Peter Dr., *How-To Info and Books for Videography* – online at [videoexpert.home.att.net](http://videoexpert.home.att.net), including tips on lighting, microphone placement, and time codes.

- Weiss, Irwin, *Grammar for Court Reporters*, 2<sup>nd</sup> ed., (NCRA: 1993).
- Weiss, Nathaniel, *Punctuation for Court Reporters*, 2<sup>nd</sup> ed., (NCRA: 1994).
- Wyatt, Hillary & Amyes, Tim, *Audio Post-Production in Video and Film*, 3<sup>rd</sup> ed. (Woburn, MA: [Focal Press](#), 2004).
- *Word-for-Word* – online at [www.stenograph.com/publications/index.html](http://www.stenograph.com/publications/index.html).
- [Alabama Court Reporters Association](#).
- Alaska Court System, *Manual of Transcript Procedures* (May, 1997) – [www.state.ak.us/courts/transman.pdf](http://www.state.ak.us/courts/transman.pdf).
- Alaska Shorthand Reporters Association.
- [Alberta Shorthand Reporters Association](#).
- [American Association of Electronic Reporters and Transcribers, Inc.](#)
- [American Association of Medical Transcription](#).
- [American Guild of Court Videographers](#).
- [Arizona Court Reporters Association](#).
- [Arkansas Court Reporters Association](#).
- Association for Advancement of CAT Technology – [www.taact.org/no\\_quicktime.htm](http://www.taact.org/no_quicktime.htm).
- [Association of Reporter Training Schools, Inc.](#)
- [Audio Engineering Society](#).
- [Australian Caption Centre](#).
- [Bay Area Court Reporters Association of Texas](#).
- [British Columbia Shorthand Reporters Association](#).
- [Broadcast Education Association](#).
- [California Court Reporters Association](#).

- [California Court Reporters Board.](#)
- [California Official Court Reporters Association.](#)
- [CARTWheel Communication Access Realtime Translation.](#)
- Chicago Metropolitan Reporters Association.
- [Colorado Court Reporters Association.](#)
- [Connecticut Court Reporters Association.](#)
- [Dallas Court Reporters Association.](#)
- Delaware Court Reporters Association.
- [Deposition Reporters Association of California, Inc.](#)
- [Florida Association of Legal Videographers.](#)
- Florida Association of Verbatim Reporters.
- [Florida Court Reporters Association.](#)
- [Georgia Certified Court Reporters Association.](#)
- [Georgia Shorthand Reporters Association.](#)
- [Greater Washington Shorthand Reporters Association, Inc.](#)
- [Harford County Community College](#) – offers court reporting courses.
- [Hawaii Court Reporters & Captioners Association.](#)
- [Houston Court Reporters Association.](#)
- Idaho Court Reporters Association.
- [Illinois Court Reporters Association.](#)
- [Indiana Shorthand Court Reporters Association.](#)
- [Institute of Videography.](#)

- [Iowa Court Reporters Association.](#)
- [Kansas Court Reporters Association.](#)
- Kentucky Court Reporters Association, Inc. – [www.mcleancom.com/kcra.](http://www.mcleancom.com/kcra)
- Kentucky Shorthand Association – 606-846-4847.
- [Louisiana Court Reporters Association.](#)
- Louisiana Stenomask Verbatim Reporters Association.
- [Machine Shorthand Info Site.](#)
- Maine Court Reporters Association – [www.mainereporters.com.](http://www.mainereporters.com)
- Maryland Association for Medical Transcription.
- [Maryland Court Reporters Association.](#)
- [Massachusetts Court Reporters Association.](#)
- [Michigan Association of Professional Court Reporters.](#)
- [Michigan Electronic Court Reporters Association.](#)
- [Minnesota Association of Verbatim Reporters & Captioners .](#)
- [Mississippi Court Reporters Association.](#)
- [Missouri Court Reporters Association.](#)
- Montana Court Reporters Association.
- [National Captioning Center, Inc.](#)
- National Center for State Courts – [www.ncsconline.org](http://www.ncsconline.org) under “court reporting”
- [National Court Reporters Association](#), including *Journal of Court Reporting*.
- [National Legal Video Association.](#)
- [National Verbatim Reporters Association.](#)



- [Nebraska Court Reporters Association.](#)
- [Nevada Court Reporters Association.](#)
- New England Stenomask Verbatim Reporters Association.
- [New Hampshire Court Reporters Association.](#)
- New Jersey Certified Shorthand Reporters Association.
- [New Jersey State Board of Shorthand Reporting.](#)
- New Mexico Court Reporters Association – [www.nmcourtreporters.com.](http://www.nmcourtreporters.com)
- [New York State Court Reporters Association.](#)
- [North Carolina Association of Official Court Reporters.](#)
- North Dakota Shorthand Reporters Association.
- [Ohio Court Reporters Association.](#)
- [Oklahoma Court Reporters Association.](#)
- [Ontario Chartered Shorthand Reporters' Association.](#)
- [Oregon Court Reporters Association.](#)
- [Pennsylvania Court Reporters Association.](#)
- [Professional Videographers' Association of Greater Washington D. C.](#)
- Quad State Court Reporters & Captioners Association.
- Rhode Island Court Reporters Association.
- Saskatchewan Court Reporters Association.
- Scopists – [www.scopists.com.](http://www.scopists.com)
- [Shorthand Reporters Association of Australia.](#)
- [Society for Technological Advancement of Reporting.](#)

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- [Society of Broadcast Engineers.](#)
- South Carolina Court Reporters Association.
- South Carolina Shorthand Reporters Association.
- South Dakota Court Reporters Association.
- [Stenograph University Online.](#)
- [www.stenosearch.com](http://www.stenosearch.com), including *Verbatim Views*.
- [Tarrant County Court Reporters Association.](#)
- [Tennessee Court Reporters Association.](#)
- [Texas Court Reporters Association.](#)
- [Texas Court Reporters Certification Board.](#)
- [United States Court Reporters Association.](#)
- [Utah Court Reporters Association.](#)
- Vermont Court Reporters Association.
- *Video Guide* – glossary online at [www.pblmm.k12.ca.us/TechHelp/VideoHelp/aGoodStuffToKnow/Video Glossary.html](http://www.pblmm.k12.ca.us/TechHelp/VideoHelp/aGoodStuffToKnow/VideoGlossary.html)
- [Virginia Court Reporters Association.](#)
- Virgin Islands Court Reporters Association.
- [Washington Court Reporters Association.](#)
- Wedding and Event Videographers Association International – [www.weva.com](http://www.weva.com).
- West Virginia Court Reporters Association.
- Western Louisiana Professional Court Reporters Association – [www.westernreporters.com](http://www.westernreporters.com).
- [Wisconsin Court Reporters Association.](#)

- Wyoming Court Reporters Association.

A number of these websites provide links to online materials, including specialty glossaries. A few of those and some additional links are provided below.

## II. GENERAL.

### A. *Grammar; Style.*

A recorder/reporter/transcriber needs an eclectic selection of reference materials, and the Internet now provides access to an embarrassment of riches. The following lists highlight the types of materials you may wish to own or have book-marked on your computer. Mention of a particular publisher is intended to be illustrative and is not an endorsement of the publisher or product.

General reference materials include:

- Acronym finder – online at [www.acronymfinder.com](http://www.acronymfinder.com).
- Glossary finder – [www.glossarist.com/glossaries](http://www.glossarist.com/glossaries).
- Capital Community College, *Guide to Grammar & Writing* – online at [www.ccc.commnet.edu/grammar](http://www.ccc.commnet.edu/grammar).
- [www.onelook.com/?d=all\\_art&v=&sort=&langdf=all](http://www.onelook.com/?d=all_art&v=&sort=&langdf=all) – online dictionaries on topics including art, business, computing, medicine, religion, science, slang, sports, and technology in various languages.
- [www.howstuffworks.com](http://www.howstuffworks.com) – online articles on a wide range of topics.
- Strunk, Jr., William, *The Elements of Style* – online at [www.bartleby.com/141](http://www.bartleby.com/141).

### B. *Astronomical Events; Maps; Math; etc.*

- astronomy – [www.nasm.si.edu/research/ceps/etp/links/ASTROlinks.html](http://www.nasm.si.edu/research/ceps/etp/links/ASTROlinks.html)
- census materials – e.g., reference maps – online at <http://factfinder.census.gov/servlet/BasicFactsServlet>.
- calendars – [www.cjvlang.com/Dow](http://www.cjvlang.com/Dow).
- conversion tables – [www.onlineconversion.com](http://www.onlineconversion.com).
- patents & trademarks – [www.uspto.gov](http://www.uspto.gov).

- official U. S. times – [www.time.gov](http://www.time.gov).
- C. Geography.
- Central Intelligence Agency – [www.odci.gov/cia/publications/factbook](http://www.odci.gov/cia/publications/factbook) – information by country.
- U. S. Geological Survey – [www.usgs.gov](http://www.usgs.gov).
- zip codes – [www.usps.com/ncsc/lookups/lookup\\_zip%2b4.html](http://www.usps.com/ncsc/lookups/lookup_zip%2b4.html).

### III. ENGLISH REFERENCE MATERIALS.

It is helpful to have a good, unabridged, general dictionary – of which there are many of good repute. Additionally, specialized dictionaries of, e.g., slang terminology can be useful. Some are noted below as examples.

- *Bartlett's Familiar Quotations* – online at <http://www.bartleby.com/quotations>.
- Brains, Paul – online explanation of common errors in English at [www.wsu.edu/~brians/errors/errors.html](http://www.wsu.edu/~brians/errors/errors.html).
- [www.dictionary.com](http://www.dictionary.com).
- [www.m-w.com](http://www.m-w.com).
- [www.onelook.com](http://www.onelook.com).
- Richter, Alan, *Dictionary of Sexual Slang: Words, Phrases & Idioms from AC/DC to Zig-Zag* (New York, NY: [John Wiley & Sons, Inc.](http://www.johnwiley.com), 1992).
- Simpson, J. A. & Weiner, E. S. C., *The Oxford English Dictionary*, 2<sup>nd</sup> ed., (Oxford, England: Clarendon Press, 1989) – [www.oed.com](http://www.oed.com).
- Spears, Richard A., *NTC's Dictionary of American Slang & Colloquial Expressions* ([McGraw-Hill Companies](http://www.mcgraw-hill.com), 2000).
- Spears, Richard A., *Slang & Euphemism: A Dictionary of Oaths, Curses, Insults, Ethnic Slurs, Sexual Slang and Metaphor, Drug Talk, College Lingo & Related Matters*, 3<sup>rd</sup> ed. (Signet Books, 2001).
- [www.thesaurus.com](http://www.thesaurus.com).

IV. LEGAL REFERENCE MATERIALS.

- Maryland Rules of Practice and Procedure.
- Maryland Statutes – online at <http://mlis.state.md.us>.
- Federal Laws – online at [www.loc.gov/home](http://www.loc.gov/home)
- Materials from other states, etc. – online at:
  - ▶ [www.alllaw.com](http://www.alllaw.com).
  - ▶ [www.findlaw.com](http://www.findlaw.com)
  - ▶ [www.hg.org](http://www.hg.org).
  - ▶ [www.knowhow.com](http://www.knowhow.com).
  - ▶ [www.law.cornell.edu](http://www.law.cornell.edu).
  - ▶ [www.lawguru.com](http://www.lawguru.com).
  - ▶ [www.lawrunner.com](http://www.lawrunner.com).
  - ▶ [www.lawsources.com/also/index.htm#\[United%20States\]](http://www.lawsources.com/also/index.htm#[United%20States]).
- Garner, Bryan A., editor, *Henry Campbell Black's Law Dictionary*, 8<sup>th</sup> ed., (St. Paul, MN: [West Publishing Co.](http://www.westpublishing.com), 2004).
- *Want's Federal-State Court Directory, 2005* (New York, NY: [Want Publishing Co.](http://www.wantpublishing.com), 2005) – print and online subscriptions.
- Martindale-Hubbell's – online directory of lawyers at [www.martindale.com/php/aba/Lawyer.php3](http://www.martindale.com/php/aba/Lawyer.php3) includes number; schooling; degrees; address(es); phone number(s).

V. AIRCRAFT.

Society of Automotive Engineers, Inc. – various glossaries at [www.sae.org/servlets/index](http://www.sae.org/servlets/index), including: aerospace oxygen systems; aircraft starting and auxiliary systems.

VI. ALCOHOL.

Alcohol & Tobacco Tax & Trade Bureau – online at [www.ttb.gov/siteindex](http://www.ttb.gov/siteindex).

VII. ANIMALS.

- [www.cyberpet.com/cyberdog/geninfo](http://www.cyberpet.com/cyberdog/geninfo) – cat, dog, & horse breeds.
- [www.fao.org/fi/glossary](http://www.fao.org/fi/glossary) – fisheries.

VIII. CONSTRUCTION.

- [www.prooffrock.com/construction\\_terms.htm](http://www.prooffrock.com/construction_terms.htm).

IX. DRUGS.

Online descriptions of drugs:

- [www.addictions.org/slang.htm](http://www.addictions.org/slang.htm) – online slang terms.
- [www.dea.gov/concern/concern.htm](http://www.dea.gov/concern/concern.htm) – includes ever changing street names.
- [www.drugdigest.org/DD/Glossary/Search/1,5021,,00.html](http://www.drugdigest.org/DD/Glossary/Search/1,5021,,00.html).
- [www.druginfonet.com/phrminfo.htm](http://www.druginfonet.com/phrminfo.htm) – brand and generic names, manufacturers, *etc.*
- [www.fda.gov/cder/aers/default.htm](http://www.fda.gov/cder/aers/default.htm) – adverse reactions.
- [www.mayoclinic.com/findinformation/druginformation](http://www.mayoclinic.com/findinformation/druginformation).
- [www.mlanet.org/resources/medspeak/medshort.html](http://www.mlanet.org/resources/medspeak/medshort.html) – common abbreviations.
- [www.nida.nih.gov/NIDATOC.html](http://www.nida.nih.gov/NIDATOC.html) – commonly abused drugs.
- [www.rxlist.com](http://www.rxlist.com) – monographs with brand names, imprints, *etc.*

X. ENVIRONMENT.

- Environmental Protection Agency – [www.epa.gov/ocepa111/OCEPAterms/index.htm](http://www.epa.gov/ocepa111/OCEPAterms/index.htm).
- Oklahoma State University – [www.pp.okstate.edu/ehs/LINKS/Asbestos.htm](http://www.pp.okstate.edu/ehs/LINKS/Asbestos.htm) – compilation of asbetos-related sites.

XI. FIREARMS.

- [Association of Firearms and Tool Mark Examiners](http://www.firearmsandtoolmarkexaminers.com) – online guides to ammunition and firearms manufacturers, *etc.*, as well as links to innumerable forensic

organizations

- [Bureau of Alcohol, Tobacco, Firearms & Explosive](#) – online publications as to arson, explosives, firearms *etc.*

XII. INSURANCE.

- [Maryland Insurance Administration](#) – online glossary.
- [www.coverageglossary.com](http://www.coverageglossary.com).

XIII. MEDICINE.

- general health information with links – [www.healthfinder.gov](http://www.healthfinder.gov).
- [Andrews School of Medical Transcription](#) – online glossaries at [www.mtdesk.com/index.htm](http://www.mtdesk.com/index.htm).
- anatomy
  - ▶ *Gray's Anatomy of the Human Body* – online at [www.mic.ki.se/Anatomy.html](http://www.mic.ki.se/Anatomy.html).
  - ▶ human anatomy – online at [www.innerbody.com/htm/body.html](http://www.innerbody.com/htm/body.html); [www.vh.org/Providers/Textbooks/AnatomicVariants/AnatomyHP.html](http://www.vh.org/Providers/Textbooks/AnatomicVariants/AnatomyHP.html).
  - ▶ skeletons – online at [www.eskeletons.org](http://www.eskeletons.org)
- black lung – glossary for U. S. Department of Labor's Office of Administrative Law Judges's online at [www.oalj.dol.gov/public/blalung/refrnce/bbba2.htm](http://www.oalj.dol.gov/public/blalung/refrnce/bbba2.htm).
- Centers for Disease Control – online at [www.cdc.gov](http://www.cdc.gov).
- Chirobase – [www.chirobase.org/01General/chiroglossary.html](http://www.chirobase.org/01General/chiroglossary.html) – online glossary of chiropractic terms.
- [www.bracesinfo.com/glossary.html](http://www.bracesinfo.com/glossary.html) – online glossary of dental terms.
- Exhibits – [www.doereport.com](http://www.doereport.com).
- Mayo Clinic – online at [www.mayoclinic.com/findinformation](http://www.mayoclinic.com/findinformation).
- Medical Library Association – [www.mlanet.org/resources/medspeak](http://www.mlanet.org/resources/medspeak) – explanations of medical terminology.

- MedicineNet, Inc. – online medical dictionary at [www.medterms.com/script/main](http://www.medterms.com/script/main).
- *The Merck Manual of Diagnosis and Therapy*, 17<sup>th</sup> ed. – searchable online at [www.merck.com/pubs/mmanual](http://www.merck.com/pubs/mmanual).
- National Institutes of Health – online medical encyclopedia at [www.nlm.nih.gov/medlineplus/encyclopedia.html](http://www.nlm.nih.gov/medlineplus/encyclopedia.html).
- Surgical procedures – [www.yoursurgery.com/index.cfm](http://www.yoursurgery.com/index.cfm).
- World Health Organization – online library at [www.who.int/library](http://www.who.int/library).

XIV. MILITARY.

Department of Defense – online dictionary – [www.dtic.mil/doctrine/jel/doddict](http://www.dtic.mil/doctrine/jel/doddict).

XV. POWERLINES.

[www.powerlinecommunications.net/powerlineglossary.htm](http://www.powerlinecommunications.net/powerlineglossary.htm) under “Powerline Glossary”.

XVI. SCIENTIFIC TERMINOLOGY.

- computer terminology – online at [www.pcwebopaedia.com](http://www.pcwebopaedia.com).
- Giannelli, Paul C. & Imwinkelried, Edward J., *Scientific Evidence*, 3<sup>rd</sup> ed., (Charlottesville, VA: The Michie Co., 2000) – <http://bookstore.lexis.com/bookstore/catalog>.
- Glick, David M., *Glossary of Biochemistry and Molecular Biology* ([Portland Press](http://portlandpress.com), 1996).
- National Human Genome Research Institute, *Talking Glossary of Genetic Terms* – online at [www.nhgri.nih.gov/DIR/VIP/Glossary/pub\\_glossary.cgi](http://www.nhgri.nih.gov/DIR/VIP/Glossary/pub_glossary.cgi).

XVII. VEHICLES.

- [California Department of Motor Vehicles](http://www.cdps.ca.gov) – online glossaries for dementia, dismantlers, recreational vehicles, etc.
- [Society of Automotive Engineers, Inc.](http://www.sae.org) – various glossaries, including: automotive electronics; fluid filters and filter testing; inflatable restraint systems; and lubricated friction systems.
- [Utah Department of Transportation](http://www.utah.gov) – online motor carrier glossary.



## XVIII. INTERPRETERS.

In the event that a recorder/reporter will be recording a proceeding in which an interpreter(s) is used, the recorder/reporter can get an overview of the interpreter's job by perusing interpreter training material. See, e.g., [Edwards, Alicia Betsy, \*The Practice of Court Interpreting\*](#) (Philadelphia, PA: John Benjamins Publishing Co., 1995).

Dictionaries online for foreign words include – [www.dictionaries.travlang.com](http://www.dictionaries.travlang.com).

## XIX. MARYLAND GLOSSARIES.

A. *General Terms.*

Adjudication	A judgment or decision of a court or jury regarding a case
Affidavit	A written statement the contents of which are affirmed under the penalties of perjury to be true
Affirmed (Judgment)	A decision by an appellate court finding that the judgment of a lower court is correct and should stand
Annotation	A commentary on, or summary of, the law – cases, statutes, and rules – illustrating its interpretation
Appeal	A request to a higher court for review of a decision or ruling of a lower court
Appearance	A coming into the court in person or by filing a paper, as plaintiff, defendant, or legal representative
Appellant	A party who appeals a judgment of a court
Appellate Court	A court having jurisdiction to review the judgment or order of a lower court
Appellee	A party against whom an appeal is taken
Attorney of Record	An attorney who represents a party and has entered an appearance in an action (see “Counsel”)
Bench	The body of judges composing a court

Bench Conference	A meeting either on or off the record at the judge's bench between the judge, counsel and sometimes the defendant, out of the hearing of the jury
Bifurcated Trial	Separate hearings or trials in the same case to address different issues
Burden of Proof	The necessity of proving facts at issue; in Maryland, the criminal burden of proof is "beyond a reasonable doubt"; the civil burden of proof is "by a preponderance of the evidence" or, sometimes, "by clear and convincing evidence"
Case Law	Decisions of federal and state courts interpreting and applying laws in specific fact situations – opinions are reported in various volumes
Certified Copy	A copy of a document or record that the official custodian of the original certifies as a true copy
<i>Certiorari</i> (Writ of)	The discretionary process (order) by which a higher court calls for review of the records of a lower court; in Maryland, the process used by the Court of Appeals to review decisions of, or to take cases pending in, the Court of Special Appeals or circuit courts
Chain of Custody	An accounting for the continuous possession of evidence, such as narcotics in a drug trial, to ensure no substitution, tampering, or improper handling affects the credibility of the evidence
Chambers	Judge's office
Change of Venue	A transfer or removal of a civil or criminal case from one judicial district to another (compare "Removal")
Circuit	A geographical area including one or more counties over which the court's jurisdiction or a judge's representation extends; under Maryland Constitution, Article IV, §§ 14 and 19, there are seven circuits for appellate courts and eight circuits for circuit courts
Circuit Court	A trial court of general jurisdiction

Clerk	An officer of the court who maintains case files, makes docket entries, issues process, and generally serves as the ministerial arm of the court
Co-Defendant	One of multiple persons sued in a single civil case or charged in the same criminal charging document
Collateral Attack	An attack on a judgment other than a direct appeal to a higher court
Common Law	The case law developed by the Courts of England as it existed on July 4, 1776, except to the extent inconsistent with the Maryland Constitution and subject to being changed by statute
Commitment Order	A court order directing that an individual be kept in custody, usually in a mental health or penal facility
Concurrent Jurisdiction	Jurisdiction held by two courts over the same type of case (compare “Exclusive Jurisdiction”)
Confidential Record	An official record of which a statute or court rule prohibits public review, such as presentence investigation reports (compare “Public Record” and “Sealed Record”)
Contempt (Civil)	Noncompliance with a court order or rule that affects another person and that is punished to compel compliance
Contempt (Criminal)	An act or omission that obstructs the orderly administration of justice or impairs the dignity, respect, or authority of the court and that is punished to vindicate the honor of the court
Continuance	A break in a proceeding, with the proceeding to be continued on another court day; <i>compare</i> “postponement” and “recess”
Costs	Fees and charges required by law to be paid to the court, the amount of which is set by statute or court rule or by an administrator authorized by law to do so
Counsel	An individual who is admitted to practice in a court of law and gives legal advice (see “Attorney of Record”)
Court	A judge or body of judges whose task is to hear cases and administer justice

Court of Appeals	Maryland's highest appellate court, wherein review is ordinarily a matter of discretion
Court of Special Appeals	Maryland's intermediate appellate court wherein review is ordinarily a matter of right
Cross-examination	Examination of one party's witness by the other party
<i>De Novo</i>	Translated: "for new"; trying a matter anew as if it had not been heard before. In Maryland, most criminal charges are heard <i>de novo</i> when appealed from the District Court to a circuit court; in civil cases, <i>de novo</i> hearing is based on the amount in controversy
Default	The failure to appear, to defend, or to follow proper procedure in a lawsuit
Defendant	A person against whom a civil suit is filed or, in a criminal action, a person who has been charged with a violation of the law or criminal wrongdoing
Deposition	Pretrial examination of a witness on written or oral questions answered under oath, used to discover the witness' testimony in preparation for trial, and admissible at trial in lieu of live testimony if the witness is unavailable or refuses to testify
Discovery	Procedures used to obtain disclosure of evidence before trial, such as: depositions, by oral examination or written questions; written interrogatories; requests for production or inspection of documents; orders for mental or physical examinations; and requests for admissions of fact and genuineness of documents
District Court	Maryland's lowest trial court; a court of limited jurisdiction
Docket Number (aka Case Number)	A designation assigned to each case filed in a particular court
Docket	A list of cases to be heard in court (trial docket); a list of pleadings, papers, orders, <i>etc.</i> , filed in a particular case (docket entries)
En Banc Review	A review of a trial court's rulings or judgment by a panel of three circuit court judges, sometimes referred to as a "poor man's appeal"

Evanescent evidence	Evidence that can disappear relatively quickly, such as the amount of alcohol in a person's blood
Evidence	Proof presented at trial through witnesses, records, documents or physical objects to establish the truth or falsity of relevant facts
<i>Ex Parte</i>	On or from one side or party only; commonly used in civil proceedings to refer to proof of damages by a plaintiff after default judgment has been entered against a defendant for failure to answer or to refer to communications by one party with a court without notice to the other party
Exception	A formal objection to an action of a court during trial, evidencing an objecting party's disagreement with the court's ruling and preserving the matter for review on appeal
Exclusive Jurisdiction	Jurisdiction held by only one court over the type of case (compare "Concurrent Jurisdiction")
Exhibits	Documents and other tangible things that are attached to a pleading or offered as evidence in a case, after being marked for identification
Finding	A determination of fact by a judicial officer or jury
Forfeiture	The loss of money or property resulting from failure to meet a legal obligation or from the illegal nature or use of the money or property
Hearing	<p>In the broadest sense, any formal proceeding, whether in court, before a legislative committee, before an administrative agency, or elsewhere, for the determination of facts or law</p> <p>With respect to court proceedings, sometimes used as including trials and sometimes with reference only to proceedings before or after trial, such as motion hearings or sentencing hearing; <i>compare</i> "trial"</p>
Hearsay	Statement, other than one made by a declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted
<i>In Camera</i>	In chambers; in private

<i>In Forma Pauperis</i>	A term used in federal courts relative to permission given to a poor person to proceed without liability for court costs or fees and frequently used by inmates filing papers in State courts for which they are seeking waiver of prepayment of filing fees
<i>In Propria Persona Pro se</i>	Translated: “in one's own proper person; self-representation, generally without benefit of an attorney although a court may appoint standby counsel
Indigent	Unable by reason of poverty or insufficient financial means to pay
Instructions to Jury	Explanations that a judge gives to a jury as to which laws apply in a particular case
Jointly and Severally	Acting together and separately; anyone so liable can sue or be sued with or without others joining in the action
Judgment	The final order of a court; in a criminal case, the conviction and sentence constitute the judgment, so there is no judgment until sentence is imposed
Judicial Officer	A judge or a District Court commissioner
Judicial Notice	A court's recognition of the truth of basic facts without formal evidence
Jurisdiction	<p>The authority by which courts receive and decide cases</p> <ol style="list-style-type: none"><li>1. Appellate Jurisdiction – the authority that a higher court has to review cases decided or pending in a lower court; in Maryland, the Court of Appeals, the Court of Special Appeals, and the circuit courts</li><li>2. General Jurisdiction – the unlimited authority over cases brought before the court to decide rights and grant remedies available under the law; in Maryland, the circuit courts</li><li>3. Limited Jurisdiction – the authority over only particular types of cases or cases under a prescribed amount in controversy or seeking only certain types of relief; in Maryland the District Court and orphans' courts</li></ol>

Jury	A group of citizens qualified and selected according to law and impaneled to determine the guilt or innocence of a defendant in a criminal case or to decide a civil law case over a prescribed amount in controversy (see “Grand Jury”, “Hung Jury”, “Petit Jury”)
Jury List	A document stating information such as the name, age, sex, education, occupation and spouse's occupation of each prospective juror and provided to each party before examination of the prospective jurors
Mandamus	A court order compelling an individual to fulfill an official ministerial duty
Mandate	A judgment issued on the decision of an appellate court
Master	An attorney who is appointed by the judges of a circuit court with the approval of the Chief Judge of the Court of Appeals, to conduct hearings and to make findings of fact, conclusions of law, and recommendations as to an appropriate order
Merits	Strict legal rights of the parties; a decision “on the merits” is one that reaches the right(s) of a party, as distinguished from disposition of a case on a ground not reaching the right(s) raised in an action; for example, entry of <i>nolle prosequi</i> before a criminal trial begins is a disposition other than on the merits, allowing trial on those charges at a later time without double jeopardy attaching; similarly, dismissal of a civil action on a preliminary motion raising a technicality, such as improper service of process, does not result in <i>res judicata</i> of an issue
Microfilm	A photographic record of printed or other graphic matter, made on film
Minor	An individual under the age of 18 years
Mistrial	A trial that has been terminated and declared void due to prejudicial error in the proceedings or other extraordinary circumstances
Modification	A change or alteration

Moot	Adjective: No longer presenting a controversy capable of adjudication because the issue has ceased to exist and is unlikely to recur; debatable
Motion	A request to a court for specific action
Motion <i>in Limine</i>	A motion that usually is made before trial and asks a court for an interlocutory order to prevent an opposing party from introducing or referring to potentially irrelevant, prejudicial, or otherwise inadmissible evidence until the court rules on admissibility
<i>Non Est (inventus)</i>	Translated: “not to be found”; a sheriff's return of process when service is not made because the person to be served was not found
<i>Nunc Pro Tunc</i>	Translated: “now for then”; the phrase used when an order is issued on one date but is effective as if issued on an earlier date when it ought to have been issued
On Record Appeal	An appeal decided by an appellate court based on a transcript of the proceeding in the lower court, exhibits, and memoranda and, absent a specific request by a party (Md. Rule 7-113(e)), without oral argument
Opinion	The statement of a court's decision in a case, setting out the reasons for the decision
Order	A ruling of a court, on a motion, objection, or other matter relating to a preliminary point or some step in a proceeding
Ordinance	A statute, generally referring to a law passed by a county or municipality
Original Jurisdiction	The jurisdiction of the first court to hear a case
Paternity Suit	A suit initiated to establish the paternity of a child
Peremptory Challenge	The mechanism by which either the defense or prosecution (plaintiff) strikes a potential juror from the jury list without cause; cannot be used for an unconstitutional reason such as race or gender
<i>Per se</i>	In and of itself, inherently



Petit Jury	An ordinary jury for the trial of an action; in Maryland, generally 12 for criminal trials and 6 for civil trials, not including alternates (Compare “Grand Jury”)
Poll the Jury	A procedure by which jurors are asked individually to disclose their agreement with the announced verdict to ensure unanimity
Postponement	Deferral of the start of a proceeding, usually until another day
Presumption	An inference of the truth or falsity of a proposition or fact, that stands until rebutted by evidence to the contrary
<i>Prima Facie</i>	Translated: “on the first appearance”; sufficient on its face to prevail until contradicted and overcome by other evidence
Private Process Server	A private adult ( <i>i.e.</i> , not a party to a case and not a government official), used to deliver a summons, subpoena, or other court order
Privilege	A person’s right not to testify on a matter or communication protected by law
Procedural Law	The method, established normally by rules, to be followed in a case; the formal steps in a judicial proceeding
Proffer	An offer of proof as to what the evidence would be if a witness were called to testify or answer a question
Public Record	A record maintained in a government office, such as a court record, available for inspection by the general public (compare “Confidential Record” or “Sealed Record”)
Purge	To clean or clear, such as eliminating inactive records from court files; with respect to civil contempt, to cure the noncompliance that caused the contempt finding
Quash	To set aside or to make void; with respect to process, such as a summons or subpoena, to void on motion of the person served
Reader/Printer	Equipment used to view microfilm and to print a hard copy from the film

Rebuttal	The act of contradicting or overcoming the effect of a presumption or evidence
Recess	A relatively short break in a proceeding, such as a meal break
Record on Appeal	The case file and its contents, together with a transcript of all proceedings in the lower court
Related Cases	Two or more cases arising out of the same action but involving at least one question of law or fact not common to the related cases, such as separate trials of two or more defendants, all charged in connection with the same criminal event
Release of Lien	The cancellation of record of a declaration of trust or other recorded security instrument given to secure a bail bond that has been discharged
Remand	The return of a case by an appellate court to the trial court or agency for further proceedings
Removal	The change of location (venue) of a case on the grounds that a party cannot receive a fair and impartial trial in the jurisdiction where the action is pending
Reopened Case	A case in which post-judgment relief is requested
<i>Res Gestae</i>	Translated: “things done”; a rule under which a remark made spontaneously and concurrently with an incident carries an inherent degree of credibility and is admissible because of its spontaneous nature (excited utterance); an exception to the hearsay rule
<i>Res Judicata</i>	The matter already has been finally decided; a rule against relitigation of issues
Reset	To reschedule following a postponement
Restitution	The act of restoring or reimbursing due to an injury, damage or loss
Return	A report of action taken to serve or effectuate service of a summons, subpoena, writ of attachment, bench warrant, <i>etc.</i>

Sealed Record	A record closed by a court to further inspection <u>by anyone unless ordered by the court</u> (compare “Public Record” or “Confidential Record”)
Sequester	To separate or isolate; for example, to separate witnesses from each other, to isolate jurors from the public, to separate property from a party and place it in the custody of the court or a third person
Service of Process	The act of delivering an order, subpoena, summons, or other writ to person named
Show Cause	An order requiring a person to appear in court and present reasons why a certain order, judgment or decree should not be issued
Stipulation	An agreement between counsel on certain facts so those facts need not be proven, or on an issue so that the issue need not be litigated
<i>Sua Sponte</i>	Translated: “of its own will”; commonly used when a judge does something in a case without being asked to do so by a party
<i>Sub Curia</i>	Translated: “under the law”; the holding of a case by a court under consideration, sometimes to await the filing of a document, such as a presentence investigation report or memorandum of law, or to write an opinion
Subpoena	A writ issued by a governmental entity to compel a person to appear and to give testimony at a specified time and place
<i>Subpoena Duces Tecum</i>	Translated: “an order to bring it with him”; a writ issued by a governmental entity to compel a person to appear at a specified time and place with documents, records, or papers
Summons	A writ notifying the person named that an action has been filed against the person and <ol style="list-style-type: none"><li>1. in a criminal action, failure to appear may result in a bench warrant being issued for the person's arrest</li><li>2. in a civil action, failure to answer may result in entry of a judgment against that person</li></ol>

Suppress	To stop, prohibit, prevent, subdue; with respect to evidence, to prevent its use by showing it was obtained illegally or is irrelevant
Surety Bond	A bond that a surety insurer posts, promising to pay a penalty sum if all conditions of the bond are not satisfied
Transcript	An official, typed record of a proceeding, including word for word testimony of witnesses, statements by attorneys, rulings by and instructions of the judge, <i>etc.</i> , and prepared by a reporter from verbatim recordings made during the proceeding
Trial	A judicial determination of facts or law, either by a judge without the aid of a jury in a bench trial or by a jury in a jury trial
Trial <i>De Novo</i>	See “ <i>De Novo</i> ”
Trier of Fact	The judge or, in a jury trial, the jury
Triple Seal (aka Exemplified Copy)	A form of certification of the authenticity of a court document made under federal law (28 USC § 1738) by signature of the clerk of court and seal of the court and by certification of the authenticity of the signature and seal by a judge of the court; used to allow admission of a document in a proceeding in another state under the full faith and credit provision of the United States Constitution
True Test Copy	A copy of a court document given under the clerk's seal, but not certified
“Turncoat” witness	A witness who is expected to testify helpful to one side, usually the State, but who testifies favorably for the other side, usually the defendant
U.S. Court of Appeals	The federal appellate court with jurisdiction over actions decided in the U.S. District Court
U.S. District Court	The federal trial court having general jurisdiction
Venue	The county or other geographical area in which an action may be filed

Verdict	The decision of a jury or of a court pertaining to the merits of a case; in Maryland, a jury verdict generally must be unanimous
Verification	An oral or written statement that something is true, usually made under oath or affirmation
<i>Voir Dire</i>	Translated: “to speak the truth”; the preliminary examination of a prospective juror or witness (including an interpreter) to determine whether the person is competent, impartial, and unprejudiced
Waive	Relinquish; in Maryland, used commonly to refer to the giving up of a legal right voluntarily, intentionally, and with full knowledge of the consequences
Witness	A person who testifies as to what was seen, heard, or otherwise known
Writ	An order of court commanding performance of a specified act or granting authority to have the act done; for example, see “Certiorari”, “Habeas Corpus”, “Mandamus”, “Subpoena”, “Summons”, and “Warrant”

**B. Common Criminal Terms.**

ABA Plea	A guilty plea based on an agreement patterned on standards recommended by the American Bar Association (ABA), where the defendant and the State present to the court, on the record, an agreement that incorporates a specific sentence bound by the terms relating to sentence and disposition; if the court rejects the agreement, the defendant may withdraw the plea and stand trial before a different judge
Acquittal	The finding of a judge that the evidence is insufficient to support a conviction, or a verdict of a jury that the accused is not guilty
Accomplice	A person who knowingly and willingly assists the principal offender in the commission of a crime
Admission	A voluntary acknowledgment of some fact(s) needed, along with proof of other facts, to establish guilt, but short of a confession of guilt because not acknowledging all facts or elements of a charge (compare “Confession”)

Agreed statement of facts	A statement of all important facts, which all of the parties agree is true and correct and is submitted to a court for ruling
Alford Plea	A special type of guilty plea by which a defendant does not admit guilt but concedes that the State has sufficient evidence to convict; normally made to avoid the threat of greater punishment
Allocution	A defendant's statement in mitigation of punishment
Arraignment	A proceeding at which a criminal defendant is informed of the charge(s) and enters or has a plea entered; <i>compare</i> "initial appearance"
Bail	Security, in the form of a pledge, money, or other collateral, given to a court in exchange for the release of an accused from custody, to guarantee that the accused will appear in court
Bail Bond	A written obligation of a defendant, with or without a surety or collateral security, conditioned on the appearance of a defendant as required and providing for the payment of a penalty sum according to its terms; includes a surety bond posted by a surety insurer or bail bondsman and backed by the insurer's pledge; a cash bond secured by deposited cash; a property bond secured by pledged personal property or a lien on real property; and an unsecured bond
Bail Bond Forfeiture	The failure to satisfy the condition(s) of a bail bond, including appearance in court as required, causing the full penalty amount to become due
Bail Bondsman	The authorized agent of a surety insurer
<i>Batson</i> Challenge	A challenge to the composition of a jury based on exclusion based on, <i>e.g.</i> , race
Battery	An unlawful application of physical force to, or offensive touching of, another without his/her consent
Bench Warrant	A warrant issued by a judge for the arrest of a defendant for, <i>e.g.</i> , failure to appear in court as required

Bifurcate	To try issues separately, such as guilt and criminal responsibility in a criminal proceeding or liability and damages in a civil action
Bill of Particulars	A demand by a defendant in writing, unless otherwise ordered by the court, seeking specific factual details about a civil complaint or criminal charge. In a criminal case, the purpose of the bill of particulars is to guard against the taking of an accused by surprise, by limiting the scope of the proof
Body Attachment	A written order issued by a court directing a sheriff or peace officer to take custody of and bring before the court: <ol style="list-style-type: none"><li>1. A witness who fails to comply with a subpoena</li><li>2. A party who fails to comply with a court order in a civil action</li><li>3. A material witness in a criminal case</li></ol>
Booking	Police collection of information about an arrestee, including name, address, fingerprinting, photograph, and criminal record
Capital Case	A criminal case in which the allowable punishment includes death
<i>Cepi</i>	Translated: “I have taken”; the return on a warrant indicating that a defendant has been arrested
Charging Document	A written accusation alleging a defendant has committed an offense – includes a citation, indictment, information, and statement of charges
Citation	A charging document, other than an indictment, information, or statement of charges, that is issued to a defendant by a peace officer or other person authorized by law to do so
Concurrent Sentences	Sentences served at the same time (compare “Consecutive Sentences”)
Confession	A statement by an individual, either oral or written, admitting that he or she committed a certain offense (compare “Admission”)
Consecutive Sentences	Two or more sentences served continuously, one right after the other (compare “Concurrent Sentences”)

Conviction	The determination of guilt based on a plea, a jury verdict, or a finding of a judge
Count	A separate charge in a charging document or separate cause of action in a civil complaint
Detainer	A notice, usually a warrant, that an inmate is wanted to face charges in another jurisdiction
Double jeopardy	Constitutional prohibition against trying a person twice for the same crime
Electronic Surveillance	Interception of an oral or wire communication by use of an electronic device; wiretapping; eavesdropping
Exculpatory evidence	Evidence which tends to indicate that a defendant did not commit the crime alleged
Expungement	The effective removal from public inspection of police or court records
Extradition	The formal process of delivering an individual apprehended in one jurisdiction (e.g., a state or country) to the authorities of another jurisdiction in which that individual has been accused or convicted of a crime
Felony	The more serious of two categories to which criminal offenses are assigned (compare "Misdemeanor")
Felony-murder	A murder committed during the commission of a felony such as robbery, burglary, or kidnapping
Fine	A sum of money that a person must pay as punishment because of an illegal act or omission
Grand Jury	A jury composed of 23 individuals who receive and hear evidence to determine whether probable cause exists that a crime has been committed and to determine whether an indictment should be returned (compare "Petit Jury")
Guilty Plea	A formal admission of guilt to an offense charged in a charging document



<i>Habeas Corpus</i>	Translated: “you have the body”; a writ to bring a prisoner before a court for its determination whether the prisoner is being held lawfully
Hicks Waiver	A waiver of a defendant's statutory right to a speedy trial, which is 180 days from the defendant's initial appearance in person or by attorney
Home monitoring	An alternative to incarceration where an individual is confined to his or her home and monitored electronically
Hospital Warrant	See “Mental Health Proceedings”
Hung Jury	A jury that is unable to agree on a verdict after a suitable period of deliberation
Immunity from prosecution	Protection from prosecution in exchange for testimony that might not otherwise be forthcoming or as otherwise provided by statute
Impeach	To discredit a person or thing, especially by showing that a witness is not telling the truth
Incarcerate	To confine to a correctional facility
Incompetency	Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense
Indictment	A charging document returned by a grand jury and filed in a circuit court
Information	A charging document presented by a State's attorney, instead of a grand jury, and filed in a circuit court
Infraction (Civil)	A violation of a statute, ordinance, or regulation for which the only penalty authorized is a civil fine
Initial Appearance	The first appearance of a defendant before a judicial officer by reason of execution of a warrant or before the court, in person or by an attorney, in response to a summons at which appearance the judicial officer is to advise the defendant of the charge(s) and the defendant's right to counsel and, if applicable, preliminary hearing, and is to decide the eligibility of the defendant for pretrial release

Insanity Plea	See “Not Criminally Responsible”
Interstate Detainer	An arrest warrant issued on a charging document in another state and lodged with a Maryland correctional facility where a defendant is detained, to ensure continued detention until delivery to the custody of the other state for prosecution on the pending charges
Intrastate Detainer	An arrest warrant issued on a Maryland charging document and lodged with a Maryland correctional facility where a defendant is in custody for the same or another offense, to ensure continued detention until processing on the charges underlying the warrant
Judgment of Acquittal	A judgment entered by a court on a determination that the State's evidence is insufficient to support a conviction and, thus, insufficient to go to the jury
Juvenile Waiver	A procedure by which a charge(s) against a minor is transferred from a juvenile to circuit court (compare “Reverse Waiver”)
Lesser Included Offense	A crime composed of some, but not all, of the elements of a greater crime; commission of the greater crime automatically includes commission of the lesser included offense
Megan’s Law	A statute, adopted in Maryland and other states, to require that certain sex offenders register with law enforcement authorities. Currently under challenge in a number of states
<i>Mens rea</i>	Criminal intent
Merger	Incorporation of a lesser crime into a greater crime
Miranda Warning	A requirement based on a United States Supreme Court decision that a person be advised of certain Constitutional rights against self-incrimination at the time of arrest and before questioning
Misdemeanor	The less serious of two categories to which criminal offenses are assigned (compare “Felony”)
Mitigation	Circumstances suggesting that a lesser sentence is appropriate

<i>Nolle Prosequi</i> “ <i>Nol pros</i> ” “ <i>Nol prossed</i> ”	Translated: “will not further prosecute”; termination of prosecution and dismissal of a charge by a State's attorney on the record, in open court. A defendant need not be present in court when a <i>nol pros</i> is entered, but, in that event, the clerk of court must send notice to the defendant, if the defendant's whereabouts are known, and to the defendant's attorney of record
<i>Nolo Contendere</i>	Translated: “I will not contest”; a plea that has the effect of a guilty plea, although guilt is neither admitted nor denied, which plea may be used as an admission of guilt in a civil suit for the same offense. A defendant may plead <i>nolo contendere</i> only with the consent of the court
Non-Capital Case	A criminal case in which the allowable penalty does not include death
Offense	A violation of a criminal law
Pardon	Relief from a conviction (full pardon) or from any further punishment imposed by a conviction (particular pardon) granted by an executive official (governor or president)
Parole	A conditional release from imprisonment that is made by a parole board and entitles a defendant to serve the remainder of a sentence outside of prison as long as all of the conditions of release are met (compare “Probation”)
Personal Recognizance (aka Own Recognizance)	A guarantee of a defendant's appearance in court based solely on his/her signed promise (no bail bond required)
Petty Offense	An offense for which the authorized penalty does not exceed imprisonment for 3 months or a fine of \$500
Plea	An answer to a criminal charge including: not guilty, guilty, <i>nolo contendere</i> , not criminally responsible by reason of insanity
Plea Agreement	Agreement between a prosecutor and defendant to exchange a plea of guilty or <i>nolo contendere</i> for reduction in a charge(s) or leniency in sentencing
Post Conviction	A procedure by which a convicted defendant challenges the conviction and/or sentence on the basis of some alleged violation or error

Preliminary Hearing	A hearing held in the District Court, on timely request of a defendant who is charged other than by indictment, for determination of probable cause as to commission, by the defendant, of a felony not triable in the District Court
Presentence Investigation	A confidential report ordered by the Report judge and produced by the Division of Parole and Probation, prior to sentencing, to provide background information (job, finances, family status, community ties, <i>etc.</i> ) and prior criminal record of a defendant and, in certain cases, a victim impact statement
Presentment Before Grand Jury	Presentation of evidence, including jury testimony of witnesses, by a State's attorney to a grand jury to establish probable cause that a person committed an offense(s) and seeking issuance of an indictment
Probable Cause	Reasonable grounds for belief in the existence of facts that support a charge; the basis for issuing a charging document or search warrant
Probation	A conditional avoidance of some or all imprisonment granted by a judge after conviction of a defendant and before or as part of imposition of sentence
Probation Before Judgment (PBJ)	A conditional avoidance of imposition of sentence after conviction; failure to satisfy the conditions may cause imposition of sentence after a finding of violation of probation
Prosecuting Attorney; Prosecutor	A public officer whose duty is prosecution of criminal proceedings on behalf of the citizens of a jurisdiction; in Maryland, most often refers to a State's attorney or assistant State's attorney but, for some crimes, can be the State Prosecutor or Attorney General
Public Defender	Counsel provided at public expense, primarily to defend indigent defendants in criminal cases
Recall	Cancellation by a court of a warrant before its execution by the arrest of a defendant; also, a process by which a retired judge may be asked to sit on a particular case
Reverse Waiver	A procedure under Code, Criminal Procedure Article, § 4-202, by which charges against a minor are transferred from a circuit court to a juvenile court

Review of Sentence	Review of a criminal sentence that is made by a 3-judge panel (excluding the sentencing judge, who may be asked for advice) on application of a defendant and may result in increase, decrease, or no change to the sentence (compare “Revision of Sentence”)
Revision of Sentence	A procedure by which a trial court (ordinarily the sentencing judge unless unavailable) corrects or otherwise modifies a sentence (such as an illegal sentence) and that may result in a decrease or no change but cannot result in an increase unless done before the defendant leaves the courtroom at the original sentencing proceeding
Search & Seizure Warrant	An order that is issued by a judge, on application and supporting affidavit, and that permits specified premises to be searched or specified things expected to be found at the premises to be seized
Seizure	The taking of possession of property such a contraband, which in and of itself is unlawful to possess, or evidence of a violation of the law
Speedy Trial	The right of an accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution; in Maryland, the right to be tried within 180 days after initial appearance, unless waived
Split Sentence	A sentence imposing a fine and imprisonment with the imprisonment part suspended or imposing a period of imprisonment, part of which is suspended and a period of probation imposed
Standby counsel	Counsel appointed by the court to help an unrepresented person if the person requests assistance
Statement of Charges	A charging document, other than a citation, filed in the District Court by a peace officer or a judicial officer

<i>Stet</i>	Translated: “to stand”; a conditional, indefinite stay of all further proceedings on a charge, allowed by a court on motion of a State's attorney and marked “stet” on the docket; Md. Rule 4-248 requires that, when a charge is steted and unless the court orders otherwise, the clerk of court must act to <u>recall</u> or <u>revoke</u> any outstanding warrant or detainer that could lead to arrest or detention of the defendant because of the charge
Subsequent Offender	A defendant who, because of prior conviction, is subject to additional or mandatory statutory punishment for an offense
Surrender (by bail)	The return of a defendant again into custody by the surety on a bail bond
Suspend	To set aside all or part of a criminal sentence
<i>Terry stop</i>	A police stop of a person to investigate a crime based on reasonable suspicion
Tracking Number	A 12-digit number assigned to allow a defendant and incident to be followed throughout criminal proceedings, by identification of the year (first 2 digits), the origin of the charging document (next 4 digits) and the place of the charge(s) within the sequence of charges issued that year (last 6 digits)
Transfer	In a criminal case, a change of location (venue) of a case to another location in which charges are pending and to which the defendant has pled guilty or <i>nolo contendere</i> , to permit the defendant to plead similarly to the transferred charges and to have sentence imposed as to all the charges
Victim impact statement	A statement during sentencing which informs the sentencer of the impact of the crime on the victim or the victim's family
Violation of probation	When a defendant sentenced to probation acts in contradiction to a condition of probation
Warrant	A written order issued by a judicial officer directing a peace officer to arrest the person named or to search for and seize property described

C. *Abbreviations Commonly Used in Maryland Courts.*

AA	Alcoholics Anonymous
A&B	Assault and battery
B&E	Breaking and entering
CA	Court of Appeals
CDS	Controlled dangerous substance
CIC	Criminal Injuries Compensation
CID	Criminal Investigation Division
CINA	Child in need of assistance
CINS	Child in need of supervision
CJIS	Criminal Justice Information System
DCM	Differentiated case management
DDMP	Drinking driver monitor program
DJS	Department of Juvenile Services – formerly Department of Juvenile Justice (“DJJ”)
DOC	Division of Correction of the Department of Public Safety and Correctional Services
DSS	Department of Social Services
DUI	Driving under the influence
DWI	Driving while impaired
EWO	Earnings withholding order
FTA	Failure to appear
IAD	Interstate Agreement on Detainers

JSAP	Jail substance abuse program
JTP	Jury trial prayer; <i>also</i> PJT
MADD	Mothers Against Drunk Driving
MVA	Motor Vehicle Administration of the State Department of Transportation
NA	Narcotics Anonymous
NCR	Not criminally responsible
OPD	Office of the Public Defender
P&P	Division of Parole and Probation of the Department of Public Safety and Correctional Services
PBJ	Probation before judgment
PBT	Preliminary breath test
PJT	Prayer for jury trial; <i>also</i> JPT
PR	Personal recognizance
PS	Protective services
PSI	Presentence investigation report
QDRO	Qualified Domestic Relations Order
SADD	Students Against Drunk Driving
SCO	Show cause order
URESA	Uniform Reciprocal Enforcement of Support Act
VIN	Vehicle Identification Number
VIP	Victim Impact Program
VIS	Victim impact statement



VOP Violation of probation

D. *Juvenile Proceedings.*

Adjudicatory hearing A hearing to determine whether the allegation(s) in a petition, other than an allegation that a child requires assistance, treatment, guidance or rehabilitation, is true

Child An individual who is under the age of 18 years

Child in Need of Assistance (“CINA”) A child who requires court intervention because the child has been abused, has been neglected, has a developmental disability, or has a mental disorder and the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs

Child in Need of Supervision (“CINS”) A child who requires guidance, treatment or rehabilitation and who is required by law to attend school but is habitually truant, is habitually disobedient, ungovernable and beyond the control of the person with custody of the child, departs himself/herself so as to injure or endanger self or others or has committed an offense applicable only to children

Citation A written form that is issued by a police officer and that serves as the initial pleading against a child for a violation and is adequate process to give a court jurisdiction over the child cited

Compulsory School Attendance Law Maryland Code, Education Article § 7-301

Court Appointed Special Advocate (“C.A.S.A.”) A specially trained volunteer whom a juvenile court appoints to provide it with background information so that decisions are in a child's best interests and to ensure that the child is given appropriate case planning and services

Custodian A person to whom a court has given legal custody of a child but not including the child's parent or legal guardian

Delinquent Act An act that would be a crime if committed by an adult

Delinquent Child A child who has committed a delinquent act and who requires guidance, treatment or rehabilitation

Department of Juvenile Services (“DJS”)	The governmental entity, a cabinet-level agency in the Executive Branch, charged with providing intake services for the courts and maintaining services to children within the jurisdiction of the juvenile system (formerly the Department of Juvenile Justice (“DJJ”))
Detention	The temporary care of a child who, pending court disposition, requires secure custody for the protection of self or the community, in a physically restricting facility
Disposition Hearing	A hearing to determine whether a child needs a court's assistance, guidance, treatment or rehabilitation and, if so, the nature of the assistance, guidance, treatment or rehabilitation
Intake Officer	An individual whom the Department of Juvenile Services assigns to a court to provide intake services
Interstate Compact on Juveniles	Maryland Code, Article 83C §§ 3-101 through 3-110
Local Department of Social Services (“DSS”)	The government entity responsible for administering social services and public assistance activities in a county or Baltimore City, under the direction of a local board and the State Social Services Administration of the Department of Human Resources
Reverse Waiver	The waiving of jurisdiction by a criminal court, allowing adjudication and disposition by a juvenile court, even though the criminal court has been given jurisdiction over the child
Shelter Care	Temporary care of a child in physically unrestricting facilities but not including a State mental health facility
Victim	For purposes of being informed of certain rights and being allowed restitution, a person who has suffered direct or threatened physical, emotional or financial harm as a result of a delinquent act, including a family member of a minor, incompetent or homicide victim or the agent or designee of a person other than an individual
Violation	An act that violates Maryland Code, Criminal Law Article, § 10-101 <i>et seq.</i> or Maryland Code, Education Article, § 26-103

Waiver                                      The waiving of jurisdiction by a juvenile court allowing the trial of an individual in criminal court even though the individual is under the age of 18

Witness                                     For the purpose of being informed of certain rights, an individual who is or expects to be the State's witness

*E. Mental Health Proceedings.*

Capital case                                See “Definitions of Common Criminal Terms”

Central Repository                        A computerized system maintained by the Department of Public Safety and Correctional Services and including statutorily designated information relating to crimes and individual accused or convicted of those crimes, formally denominated the Central Repository of the Criminal Justice Information System

Committed individual                    An individual committed to the Department of Health and Mental Hygiene as not criminally responsible under the test for criminal responsibility

Community forensic screening program                    An entity that the Department of Health and Mental Hygiene designates for a competency examination of a defendant

Competency examination                An examination that a court orders to determine whether a defendant is incompetent to stand trial

Confinement                                The holding of someone in a correctional facility, including its medical wing or another isolated and secure unit, or at a designated medical facility

Developmental Disabilities Administration                    A unit of the Department of Health and Mental Hygiene responsible for services to individuals with developmental disabilities

Emergency evaluation                    An evaluation of an individual when a court finds probable cause to believe that either the individual has shown the symptoms of a mental disorder (general provision) or has a mental disorder (arrestee) and there appears to be a clear and imminent danger of the individual doing bodily harm to self or another

Hospital warrant	A warrant that a court issues under Maryland Code, Criminal Procedure Article § 3-121 after a probable cause determination that the named defendant has violated a conditional release under Title 3 of the Article
Incompetent to stand trial	Not able to understand the nature or object of the proceeding or to assist in one's defense
Insanity Plea	A plea alleging, in substance, that when the alleged crime was committed, the defendant was not criminally responsible by reason of insanity under the test for criminal responsibility
Mental disorder	<p>For purposes of competency, criminal responsibility, and a child's need of assistance: a behavioral or emotional illness that results from a psychiatric or neurological disorder, including a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another but not including mental retardation</p> <p>For purposes of emergency evaluation: a behavioral or other symptom that indicates to a layman a clear disturbance in the mental functioning of another individual or to certain health professionals at least one of the mental disorders that is described in the current version of the American Psychiatric Association's "Diagnostic and Statistical Manual – Mental Disorders"</p>
Not criminally responsible	A lack of criminal responsibility for criminal conduct because, at the time of that conduct, the defendant, due to a mental disorder or mental retardation, lacks substantial capacity to appreciate the criminality of the conduct or to conform that conduct to the requirements of the law
Release Hearing	A hearing held before an administrative official who is to make recommendations as to whether a committed individual is eligible for release
Writ of Habeas Corpus	See "Definitions of Common Criminal Terms"

# **SECTION 13**

# **TRANSCRIPT ORDERS**

**FEBRUARY 16, 2005**  
**REVISION**

## **TRANSCRIPT ORDERS**

### **I. REQUESTS.**

To prepare a transcript properly and in a timely manner, the transcriber must know whether the transcript is for, e.g., an appeal to the Court of Special Appeals or Court of Appeals.

### **II. AUDITOR'S HEARING.**

#### **A. *Duty of Claimant or Party.***

Maryland Rule 2-543(g)(2) requires that, absent agreement of the parties and claimants who could be affected or court order accepting the electronic filing, a party or claimant filing an exception(s) to an auditor's report order a transcript.

#### **B. *Filing.***

A transcript is to be filed with the court:

- within 30 days after the exception(s) is filed.
- within a longer period, not exceeding 90 days after the exception(s) is filed, as allowed by the auditor.
- within a longer period allowed by the court on good cause shown.

### **III. EXAMINER'S HEARING.**

#### **A. *Duties of Examiner.***

Maryland Rule 2-542(f) requires that, unless a court orders otherwise, a transcript be prepared.

An examiner is required to:

- collect, arrange, and certify the authenticity of the transcript and exhibit(s).
- file the transcript and exhibit(s) with the court.
- on the date of the filing:
  - ▶ send the parties written notice of the filing.
  - ▶ certify to the court that the notice has been sent.

B. *Authentication by Witness.*

Unless a party requests a witness to authenticate and sign a transcript of the witness' testimony, the witness need not do so.

C. *Challenge.*

A party has ten days to challenge the accuracy, authenticity, or completeness of the record.

IV. MASTER'S HEARING.

A. *Duty of Party.*

Maryland Rule 2-541(g)(2) requires that, absent agreement of the parties or court order accepting the electronic filing, the party filing an exception(s) to the master's report order, at that time, a transcript of the record pertaining to the exception(s) and not already transcribed. Failure to comply can result in dismissal.

B. *Filing.*

Unless the master orders otherwise, the transcript need not be prepared before the master's report is filed but, if prepared, is to be filed with the report.

A transcript, ordered when an exception(s) is filed, is to be filed with the court:

- within 30 days after the exception(s) is filed.
- within a longer period, not exceeding 60 days after the exception(s) is filed, as allowed by the master.
- within a longer period allowed by the court on good cause shown.

V. APPEAL TRANSCRIPTS.

A. *Duty of Appellant.*

Maryland Rules 8-207(a)(3)\* and 8-411 require that, unless a transcript already is on file, an appellant must place with the court reporter a written order for a transcript, and agree as to payment:

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 8-207 but does not affect the provisions set out here. The amendment would correct an internal cross-reference in Rule 8-207(b)(3).

- in an appeal as to adoption, child in need of assistance\*, custody, guardianship terminating parental rights, guardianship of the person, or visitation or an interlocutory order under Maryland Code, Courts Article § 12-303 (e.g., stay of arbitration; attachment; immunity; injunctions; insolvency; conveyance, delivery, dividends, income, interest, possession, sale of property subject to the action or payment (except to receiver); and receivers):
  - ▶ within five days after entry of an order to proceed without a prehearing or scheduling conference.
  - ▶ within five days after entry of an order for a record.
- in all other civil actions:
  - ▶ within 10 days after entry of an order to proceed without a prehearing or scheduling conference.
  - ▶ within 10 days after entry of an order after a prehearing conference.
  - ▶ by the time set by the order.
- in all other actions, 10 days after the date on which the first notice of appeal is filed.

A requestor should make every effort to give the transcriber sufficient time to respond to requests.

On occasion, an inmate will request a transcript independent of counsel. A transcriber should respond, in writing, with an estimate of the cost. For transcription of, e.g., a videotape, a court may need an estimate from a transcriber not employed by the court. See also Maryland Rule 1-325 as construed in *State v. Miller*, 337 Md. 71 (1994), *aff'd Miller v. Smith*, 115 F.3d 1136 (4th Cir. *en banc*), *cert. denied*, 522 U.S. 884 (1997), as to instances in which the State is to pay such costs.

**B. *Form and Contents of Request.***

An order requesting a transcript:

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\* Child-in-need-of-assistance cases are included in Rule 8-207(a)(1) as cases appropriate for expedited appeal. To ensure that parties, clerks, and court reporters are aware that expedited appeal alter the dates for ordering and delivering a transcript, the Standing Committee on Rules of Practice and Procedure agreed, at a meeting on February 11, 2005, to recommend amendments to Rules 8-411 and 8-412, to set out a five-day period for ordering and 30-day period for delivery, as is customarily ordered by the Court of Special Appeals as part of its order following a civil information report.



- is to be in writing.
- state:
  - ▶ the case name.
  - ▶ the case number.
  - ▶ the date of each proceeding to be transcribed.
  - ▶ the name of the individual presiding at the hearing.
  - ▶ in detail, the part(s) of the proceeding(s) to be transcribed.
- is to be filed with the appeals clerk for inclusion in the record.

Sample order forms for the Office of the Attorney General and Office of the Public Defender appear at the end of this Section 13.

*C. Payment Arrangements.*

A transcriber must make known to a private party the preparation costs, set in accordance with the Administrative Order, and the arrangements for payment. A transcriber may request a deposit but must begin work on a transcript immediately after receiving a written request and must deliver the completed transcript to the appropriate clerk or register, without regard to payment, absent written permission from the circuit administrative judge.\* A transcriber, however, need not give the requestor a copy of the transcript before payment in full.

A transcriber is never to prepare a transcript on a contingent fee basis.

In an appeal as to adoption, custody, guardianship terminating parental rights, guardianship of the person, visitation, or interlocutory order under Maryland Code, Courts Article § 12-303, the appellant must make an agreement as to payment, under Maryland Rule 8-

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\* The Administrative Order of the Chief Judge of the Court of Appeals, dated February 16, 2005, requires that, in consultation with each supervisory court reporter in a circuit, the Circuit Administrative Judge develop protocols whereby a court reporter may ask permission to defer preparation of a transcript, or its delivery to a court, until payment in accordance with a schedule approved by the Circuit Administrative Judge. The protocols are to provide for due consideration to the complexity of the request, the payment history of the attorney or other person requesting the transcript, and other factors affecting unnecessary delay in the appellate process and just compensation of the court reporter.

207(a)(3).\*

D. *Acknowledgment of Request and Payment Arrangements.*

A transcriber is to send the requestor written acknowledgment of the order, including the estimated date of delivery of, and the number of pages in, the transcript.

E. *Contents of Transcript.*

Maryland Rule 8-411(a) requires transcription of:

- - ▶ all of the testimony;
  - ▶ the part of the testimony agreed to be needed by the parties by written stipulation filed with the clerk of the lower court;
  - ▶ the part of the testimony ordered by the appellate court under Rule 8-206(c);

or

- ▶ the part of the testimony directed by the lower court in an order; and
- any proceeding that is relevant to the appeal and was recorded pursuant to Rule 16-404e.

F. *Minimum Number of Copies.*

An appeal transcript requires a minimum of one original and two copies. The transcriber will need to learn, from an appellant, whether there is more than one appellee. Maryland Rules require an appellant to provide a copy to each appellee.

G. *Delivery.*

In an appeal as to adoption, custody, guardianship terminating parental rights, guardianship of the person, visitation, or interlocutory order under Maryland Code, Courts Article § 12-303, a transcriber must deliver the transcript within 20 days after receipt of the order for the transcript and agreement for payment.

Unless the transcript is to be sealed, (see “Sealed Transcript”), a transcriber is to:

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 8-207 but does not affect the provisions set out here. The amendment would correct an internal cross-reference in Rule 8-207(b)(3).

- file with the appeals clerk of the appropriate court:
  - ▶ the original transcript.
  - ▶ a cost sheet (see sample at end of this Section 13) or the cost written on last page of transcript.
- provide a copy to the appellant.
- provide a copy to each appellee.

A transcriber should agree with the appellant whether the transcriber:

- is to send all copies to the appellant for distribution to the appellee(s).
- is to mail the copies to the appellant and appellee(s).
- is to send all copies to the appeals clerk (in the case of a sealed transcript).

If the transcriber is to mail copies to appellees, the transcriber will need the necessary names and mailing addresses. In a criminal case, the transcript copy goes to the Attorney General, not the State's attorney, although the State's attorney, if appellant, is billed.

H. *Invoice.*

As noted above, when the State appeals, an invoice is sent to an appellant State's attorney, even though the transcript goes to the Attorney General.

When the Public Defender appeals, submit an invoice to the Office of the Public Defender in the appropriate amount determined by the number of pages of the transcript(s).

I. *Supplemental Record.*

If, after transmittal of a transcript to an appellate court, the appellant needs additional transcript(s), the transcriber is to complete the transcript(s) as soon as possible with the original, and a cost sheet (marked "supplemental"), filed with the appellate clerk and copies sent to the appellant and appellee(s).

VI. TRANSCRIPTS OF VIDEOTAPE IN CIRCUIT COURT.

A. *Master Tape.*

Maryland Rule 16-406b<sup>\*</sup> bars direct access to the official recording by anyone other than an authorized official or employee of a circuit court.

B. *Copies in Civil Cases.*

Maryland Rule 16-406c1<sup>\*</sup> allows an official custodian to make a copy available to a party or the party's counsel and to the transcriber/transcription service.

Anyone else must file with the clerk of court, and serve on each party, a request. After a 5-day response period for parties and interested persons, the request is referred to the trial judge. The judge must deny a request during the pendency of a case, unless all of the parties and interested persons agree affirmatively or the judge finds good cause for access. After entry of judgment, the judge must grant a request, unless the judge finds good cause to deny access. However, the judge may delay access until appellate review, if any, is completed.

Absent court authorization, no one is to copy, or make available to an unauthorized person, any copy.

C. *Copies in Criminal Cases.*

Maryland Rule 16-406c1<sup>\*</sup> allows an official custodian to make a copy available to a party or the party's counsel and to the transcriber/transcription service.

Maryland Rule 16-406d<sup>\*</sup> bars dissemination to anyone else.

Absent court authorization, no one is to copy or make a copy available to an unauthorized person.

D. *Juror Information.*

With permission of a Circuit Administrative Judge, courtroom clerks may attach a copy of the jury list to a videotape being forwarded to a transcriber.

A transcriber who receives a jury list:

- is to use it only to transcribe a proceeding for a party or the court.
- is not to copy or disseminate the list to anyone else.
- is to return the list to the clerk of court with the videotape.

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<sup>\*</sup> The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-406 to *inter alia* add references to audio recording and expand access.

A court may sanction a transcriber who misuses or allows misuse of a jury list.

E. *Pickup and Delivery.*

A transcriber is responsible for picking up an audio- or video-tape, and delivering a transcript, as necessary to meet applicable deadlines.

F. *Judge-Ordered Transcript.*

Unless advised otherwise, a transcriber should prepare only an original transcript, when a judge requests preparation of the transcript.

A transcriber should make an invoice out to the appropriate circuit court and, at the bottom, should have a signature line and the typed name of the judge under that line.

The invoice should be included with the transcript and the tape(s) returned to the court. The invoice is to be submitted to the judge for signature and then forwarded to appropriate county office for payment.

Requested corrections are to be made at no cost.

G. *Delivery Date.*

A transcriber must file the original of a transcript being transmitted to an appellate court with the appeals clerk three working days before the transmittal date, unless a shorter time is required because of transmittal deadlines. See “Filing”. The transcriber is responsible for determining from the appeals clerk the correct transmittal date, even if the requestor has given the transcriber a date.

If a transcriber knows in advance that he/she cannot complete a transcript on time, the transcriber is to ask the requestor to seek from the appellate court a 30-day extension for filing. A transcriber is to send a letter to appellant’s counsel or a *pro se* appellant, stating the reason for the extension request with a copy to the lower court’s appeals clerk. See, e.g., *Sullivan v. Insurance Commissioner*, 291 Md. 277, 279 (1981) (motion asserting court reporter delay “evidenced ... by letter from the court reporter”).

If an emergency occurs on the day on which a transcript is due, the transcriber should call the lower court’s appeals clerk. In that case, the transcriber is to deliver the transcript before 4:30 p.m. on the day before transmittal so the clerk can complete the paperwork on the transmittal date.

When a transcript is not filed in a timely manner, the clerk is to transmit the record to the appellate court without the transcript. In that instance, the transcriber is to notify the requestor, so that the appellant may file a motion for permission to supplement the record with the transcript. If the appellate court grants the motion, it will sign an order, which will be sent to the lower court’s appeals clerk.

H. *Complimentary Copy for Trial Court.*

A transcriber is to return, with a videotape, jury list if any, and invoice, a copy of the transcript for a trial court, whether an appeal and non-appeal transcript, at no cost to the court or parties in the case.

VII. TRANSCRIPT OF AUDIOTAPE.

No rule comparable to Maryland Rule 16-406\* governs dissemination of copies of audio-tapes in the Circuit Court.

The Circuit Court for Anne Arundel County provides for online ordering of audio-record transcripts at its website [www.circuitcourt.org/Adminstration/court%20reporters.htm](http://www.circuitcourt.org/Adminstration/court%20reporters.htm) under "Transcript Information".

Under Maryland Rule 16-504\*\*, an audiotape of a District Court proceeding is filed among the court records.

VIII. ATTORNEY GRIEVANCE COMMISSION.

Maryland Rules 16-751 and 16-752(a) provide for Bar Counsel to file a petition for disciplinary or remedial action, in the Court of Appeals, which may enter an order directing a hearing by a circuit court judge. Maryland Rule 16-757(c) requires that, at the conclusion of the hearing, the judge prepare and file, or dictate into the record, a statement of findings. A statement dictated into the record is to be transcribed "promptly" and filed with the clerk within 45 days after the hearing concludes. The Commission ("petitioner") is to cause a transcript of the hearing to be made, for transmittal as part of the record. Unless the Court of Appeals orders otherwise, a record is to be transmitted within 15 days after the statement is filed.

IX. COLLATERAL REVIEW.

A. *Post Conviction Decision.*

Maryland Rule 4-407(a) requires that a judge prepare or dictate into the record a statement of each ground, the federal and State rights involved, and the ruling on each ground. If dictated, the statement is to be transcribed "promptly".

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\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-406 to *inter alia* add references to audio recording.

\*\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-504 to *inter alia* make Rules 16-405 and 16-406 applicable to a audio-video recording authorized by the Chief Judge of the District Court, to shield certain portions of electronic recordings, and provide for access to and copying of an audio recording.

B. *Office of Public Defender.*

Whenever the Collateral Review Division of the Office of the Public Defender orders a transcript, note carefully the number of copies and maximum amount authorized in payment.

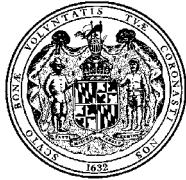
A transcriber is to forward the original to that Division with an invoice in the appropriate amount.

X. COPIES.

Unless a court orders placement of a transcript in the court file, the clerk of court should direct requests for copies to the appropriate transcriber.

XI. SAMPLE ORDER FORMS, MOTION, COURT ORDER, AND COST FORM.

STATE OF MARYLAND



ROBERT L. EHRLICH, JR.  
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER  
APPELLATE DIVISION  
WILLIAM DONALD SCHAEFER TOWER  
6 SAINT PAUL STREET, SUITE 1302  
BALTIMORE, MARYLAND 21202-1608  
Fax (410) 333-8801 Telephone (410) 767-8553  
Toll Free: 1 (877) 430-5187

NANCY S. FORSTER  
PUBLIC DEFENDER

CHARLENE D. DUKES  
DEPUTY PUBLIC DEFENDER

MICHAEL R. BRAUDES  
CHIEF ATTORNEY  
APPELLATE DIVISION

<Date>

Dear :

Please prepare the transcript of the trial, and disposition for the case indicated below and bill our office accordingly. This includes all arguments and statements of counsel as well as instructions to the jury and all pretrial hearings for the indicated dates. **We now require a complete transcript of voir dire in all cases tried by jury.** We require an original of your bill and ask that you include on that bill your social security number and each trial date covered.

Please deliver the original of the transcript to the Clerk's office, one copy to the Attorney General's Office and one copy to this office.

Should you have any questions, please contact me. **It is important that you contact this office if you require an extension of time.**

Very truly yours,

\_\_\_\_\_  
Chief Attorney

RE: .....  
INDICTMENT NO. (S): .....  
JUDGE(S): .....  
TRIAL DATE (S): .....  
APPEAL FILED: .....  
RECORD DUE TO BE TRANSMITTED: .....

cc: Appeals Clerk

(Dear Clerk: Please include this letter in the record on appeal in accordance with Rule 8-411(c).)

AAD/ \_\_



**OFFICE OF THE ATTORNEY GENERAL**

<<Date>>

<<name>>  
Court Reporter  
Circuit Court for Justice County  
<<address>>

**RE:** <<Case Name>>  
Case No.: <<\_\_\_\_\_>>  
Our File No.: <<\_\_\_\_\_>>

Dear <<name>>:

As a consequence of pending federal habeas corpus litigation in the United States District Court for the District of Maryland, this Office needs an original and one copy of the transcript of the <<type of>> hearing that was held on <<date>>, before Judge <<name>> in the above-captioned case by <<due date>>. Because of the nature of the pending proceedings in federal court, the transcript must be accompanied by a transcriber's certification, and both the original and copy should be sent to me.

Please inform me, at <<telephone number>>, as soon as possible if there are any problems in meeting this request. This Office is under a filing deadline imposed by the federal district court. Your effort in expediting this matter is appreciated. I have enclosed a self-addressed mailing label for your convenience when mailing the requested transcript.

We do not wish to pay the expedited rate for the transcript. Please send your invoice to this Office directly for the cost of the transcript.

Thank you for your time and assistance.

Very truly yours,

**CIRCUIT COURT FOR JUSTICE COUNTY  
COURT REPORTING SERVICES**

PH: \_\_\_-\_\_\_-\_\_\_\_ FAX: \_\_\_-\_\_\_-\_\_\_\_

**REQUEST FOR TRANSCRIPT**

DATE: \_\_\_\_\_

TO: <<name>>, Chief Court Reporter  
<<address>>

RE: CASE NAME: \_\_\_\_\_  
CASE NO.: \_\_\_\_\_  
DATE(S): \_\_\_\_\_  
JUDGE: \_\_\_\_\_  
FOR APPEAL: \_\_\_\_\_ OTHER: \_\_\_\_\_  
DATE DUE: \_\_\_\_\_\* NO. OF COPIES: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
BILL TO: NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_-\_\_\_-\_\_\_\_ FAX: \_\_\_-\_\_\_-\_\_\_\_

**\*In no event do we wish to pay the expedited rate. Please contact me if you have any questions or concerns.**

**\*\* Please do not use the 4-in-1 format in preparing the transcript.**

**SAMPLE MOTION FOR EXTENSION OF TIME TO TRANSMIT RECORD**

<<Name>>,	*	IN THE
Appellant	*	COURT OF SPECIAL
		APPEALS
	*	OF MARYLAND
v.	*	
	*	CIRCUIT COURT FOR
STATE OF MARYLAND,	*	JUSTICE COUNTY
Appellee	*	Indictment No. 03K00000
	*	
	*	
	*	
	*	
	*	

**MOTION FOR EXTENSION OF TIME TO TRANSMIT RECORD**

Pursuant to Maryland Rule 8-412, appellant, by counsel, ..... , Assistant Public Defender, moves for a further extension of time to transmit the record in the above captioned appeal for the following reasons:

1. By Order dated <<date>>, this Court extended the time to transmit the record to <<date>>, for reasons stated in the motion dated <<date>>. The facts stated in that motion are incorporated herein.
2. Additional time is required by the court reporter to file the transcript, and by the Clerk's office, after receipt of the transcript, to prepare the record.
3. Appellant requests an extension of time to permit the court reporter to

deliver the transcript to the Clerk of the Circuit Court for Justice County on <<date>>, and the Clerk to transmit the record or appeal with eight days thereafter.

WHEREFORE, appellant respectfully requests that this Court issue the attached order granting the foregoing motion.

Respectfully submitted,

.....  
<<name>>  
<<position>>  
<<address>>  
<<telephone number>>

Counsel for appellant

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that, on this \_\_\_ day of <month, year>>, a copy of the foregoing was delivered to the Office of the Attorney General, Criminal Appeals Division, <<address>>, and a copy to the Appeals Clerk, Circuit Court for Justice County Courthouse, <<address>>.

.....  
<<counsel's name>>

**SAMPLE COVER LETTER**

<<date>>

<<name>>, Clerk  
Court of Special Appeals  
<<address>>

**RE:** <<case name>>, Circuit Court for Justice  
County, No. 03K00000

Dear <<name>>:

Supplementing the Motion for Extension of Time to Transmit the Record, enclosed please find correspondence received from <<name>>, court reporter, as to the reasons for the delay and time needed for completing the transcript.

Sincerely,

<<name>>  
<<position>>

ENCLOSURE

**SAMPLE ORDER FOR EXTENSION OF TIME TO TRANSMIT RECORD**

<<Name>>,	*	IN THE
Appellant	*	COURT OF SPECIAL
		APPEALS
	*	OF MARYLAND
S v. M	*	
	*	CIRCUIT COURT FOR
STATE OF MARYLAND,	*	JUSTICE COUNTY
Appellee	*	Indictment No. 03K00000
	*	
	*	
	*	
	*	

**ORDER TO EXTEND TIME TO TRANSMIT RECORD**

This Court, having considered the foregoing Motion, this \_\_\_ day of <<month, year>>

**ORDERED**, that the court stenographer shall deliver the transcript of testimony in the above captioned case to the Clerk of the Circuit Court for Justice County on or before

<<date>>; and it is further

**ORDERED**, that the Clerk shall transmit the record on appeal to this within eight days thereafter.

.....  
Chief Judge

IN THE CIRCUIT COURT FOR JUSTICE COUNTY, MARYLAND  
OFFICE OF THE COURT REPORTER  
COURTHOUSE, ROOM 123  
789 CONVICTION STREET  
DESTINY, MARYLAND 12345  
301-000-0000

MEMORANDUM

DATE: <<date>>

TO: The Clerk of the Circuit Court for Justice County, Maryland  
Appellate Division

FROM: <<name>>, [Official Court Reporter/Transcriber]

Please file the attached original transcript(s) of proceedings in the following case with your records for transmittal to the Court of Special Appeals or the Court of Appeals.

Filing status: \_\_\_\_\_ Routine or Supplement

Case Caption: \_\_\_\_\_  
v.

Case Number: \_\_\_\_\_

Date(s) of proceedings: \_\_\_\_\_

TOTAL PREPARATION COST FOR THE LISTED TRANSCRIPT(S): \$ \_\_\_\_\_

**SECTION 14  
CHECKLISTS  
AND  
TRANSCRIPT EXAMPLES**

**FEBRUARY 16, 2005  
REVISION**



## **TRANSCRIPT EXAMPLES AND CHECKLISTS**

Please note that the margins, font, and other attributes of the samples contained in this Section 14 have been adjusted to accommodate the format of this Section and do not necessarily comport with the requirements set forth in this *Manual*. Electronic versions of the samples in the proper format will be available on the Judiciary's website at [www.courts.state.md.us](http://www.courts.state.md.us).

- I. SAMPLE TITLE PAGES.
  - Sample Title Page for Civil Proceeding Other Than Juvenile.
  - First Sample Title Page for Criminal Proceeding.
  - Second Sample Title Page for Criminal Proceeding.
  - Third Sample Title Page for Criminal Proceeding.
  - First Sample Title Page for Juvenile Proceeding.
  - Second Sample Title Page for Juvenile Proceeding.

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, MARYLAND
2	
3	<<Plaintiff's/Petitioner's name>>, <<Plaintiff/Petitioner>>
4	
5	vs. Civil Docket
6	<<Defendant's/Respondent's name>>, <<Defendant/Repondent>>
7	
8	OFFICIAL TRANSCRIPT OF PROCEEDINGS
9	(EXCERPT: TESTIMONY OF <<WITNESS' NAME>>)
10	VOLUME I OF I
11	<<City>>, Maryland
12	<<day, date>>
13	BEFORE:
14	THE HONORABLE <<NAME>>, JUDGE
15	APPEARANCES:
16	For the <<Plaintiff/Petitioner>>:
17	<<NAME>>, ESQUIRE
18	For the <<Defendant/Respondent>>:
19	<<NAME>>, ESQUIRE
20	Reported <<e.g., stenographically>> by:
21	<<Name>>, <<CERTIFICATION INITIALS>>
22	Official Court Reporter
23	<<address>>
24	<<telephone number>>

**SAMPLE TITLE PAGE FOR CIVIL PROCEEDING OTHER THAN JUVENILE**

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, 2	MARYLAND
3	STATE OF MARYLAND	
4	vs.	Criminal Docket
5	<<Defendant's name>>, 6	No. <<case number>>
	Defendant	
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS	
8	GUILTY PLEA	
9	VOLUME I OF I	
10		<<City>>, Maryland
11		<<day, date>>
12	BEFORE:	
13	THE HONORABLE <<NAME>>, JUDGE	
14	APPEARANCES:	
15	For the State of Maryland:	
16	<<NAME>>, ESQUIRE	
17	For the Defendant:	
18	<<NAME>>, ESQUIRE	
19	Transcribed from electronic recording by:	
20	<<Name>>, <<CERTIFICATION INITIALS>>	
21	Transcriber	
22	<<address>>	
23	<<telephone number>>	

**FIRST SAMPLE TITLE PAGE FOR CRIMINAL PROCEEDING**

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, 2	MARYLAND
3	STATE OF MARYLAND	
4	vs.	Criminal Docket
5	<<Defendant's name>>, 6	No. <<case number>>
	Defendant	
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS	
8	JURY TRIAL	
9	VOLUME I OF I	
10		<<City>>, Maryland
11		<<day, date>>
12	BEFORE:	
13	THE HONORABLE <<NAME>>, JUDGE	
14	and a Jury:	
15	APPEARANCES:	
16	For the State of Maryland:	
17	<<NAME>>, ESQUIRE	
18	For the Defendant:	
19	<<NAME>>, ESQUIRE	
20	Reported <<e.g., stenographically>> by:	
21	<<Name>>, <<CERTIFICATION INITIALS>>	
22	Official Court Reporter	
23	<<address>>	
24	<<telephone number>>	

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, 2	MARYLAND
3	STATE OF MARYLAND	
4	vs.	Criminal Docket
5	<<Defendant's name>>, 6	No. <<case number>>
	Defendant	
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS	
8	MOTION TO SUPPRESS	
9	VOLUME I OF I	
10		<<City>>, Maryland
11		<<day, date>>
12	BEFORE:	
13	THE HONORABLE <<NAME>>, JUDGE	
14	APPEARANCES:	
15	For the State of Maryland:	
16	<<NAME>>, ESQUIRE	
17	For the Defendant:	
18	<<NAME>>, ESQUIRE	
19	Transcribed from video recording by:	
20	<<Name>>, <<CERTIFICATION INITIALS>>	
21	Transcriber	
22	<<address>>	
23	<<telephone number>>	

**THIRD SAMPLE TITLE PAGE FOR CRIMINAL PROCEEDING**

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>,
2	MARYLAND
3	Sitting As A Juvenile Court
4	IN THE MATTER OF:
5	<<first name, initial of last name>>, Juvenile Action
6	Respondent No. <<case number>>
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	MERITS HEARING
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day/date>>
12	BEFORE:
13	THE HONORABLE <<name>>, Judge
14	APPEARANCES:
15	For the State:
16	<<name>>, ESQUIRE
17	For the Respondent:
18	<<name>>, ESQUIRE
19	Reported <<e.g., stenographically>> by:
20	<<name>>, <<certification initials>>
21	Official Court Reporter
22	<<address>>
23	<<telephone number>

**FIRST SAMPLE TITLE PAGE FOR JUVENILE PROCEEDING**

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>, MARYLAND
2	
3	Sitting As A Juvenile Court
4	IN THE MATTER OF:
5	<<first name, initial of last name>>, Respondent
6	Juvenile Action No. <<case number>>
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	DISPOSITION HEARING
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day/date>>
12	BEFORE:
13	THE HONORABLE <<name>>, Judge
14	APPEARANCES:
15	For the State:
16	<<name>>, ESQUIRE
17	For the Respondent:
18	<<name>>, ESQUIRE
19	Transcribed from <<video/audio>> recording by:
20	<<name>>, Transcriber
21	<<name of company>>
22	<<address>>
23	<<telephone number>>

## **Court Reporting Manual**

Revision Date – 2/16/05

Transcript Examples & Checklists 14-8

- II. SAMPLE TABLE OF CONTENTS.
  - First Sample Table of Contents.
  - Second Sample Table of Contents.



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3	Voir Dire Examination of Jurors				2
4	Opening Statements				
5	By Mr. Sueyou				5
6	By Ms. Getuout				--
7	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:
8	For the <<Plaintiff/State>>:				
9	Louise M. Quincy	10	13	--	--
10	Jonathan Telltruth	31	35	38	39
11	For the <<Defendant/Respondent>>:				
12	Jonathan U. Rabiggerliar	50	50	52	--
13	For the <<Plaintiff/State>> in rebuttal:				
14	Abraham Uraliar	53	54	--	--
15	EXHIBITS:	IDENTIFICATION:		EVIDENCE:	
16	For the <<Plaintiff/State>>:				
17	Exhibit No. 1	Pre-marked		50	
18	(Photograph)				
19	Exhibit No. 2	52		60	
20	(Map)				
21	For the <<Defendant/Respondent>>:				
22	Exhibit No. 1	61		65	
23	(Statement)				
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5	Closing Arguments:	
6	By Mr. Sueyou	90
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1					
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3	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:
4	For the <<Plaintiff/State>>:				
5	Louise M. Quincy	10	13	25	30
6	Jonathan Telltruth	31	35		
7	For the Defendant:				
8	None				
9	EXHIBITS:	IDENTIFICATION:	EVIDENCE:		
10	For the State:				
11	Exhibit No. 1	Pre-marked		50	
12	(Photograph)				
13	Exhibit No. 2	52	60		
14	(Map)				
15	For the Defendant:				
16	None				

**SECOND SAMPLE TABLE OF CONTENTS PAGE**

III. VOIR DIRE.

A. *Transcribed Jury Voir Dire.*

1	THE COURT: Members of the jury panel, whether in the jury box or not, I
2	am going to address some questions to all prospective jurors. We are calling
3	for trial the case of the State of Maryland v. I. M. Introuble. Mr. Introuble has
4	been indicted for first degree murder.
5	Mr. Introuble, will you stand so that the prospective jurors can see you.
6	Stand, please, and turn so the prospective jurors may see you.
7	Are any of you related by blood or marriage to the Defendant? If so,
8	please stand.

If no jurors rise, use the following parenthetical: (No response.) If one or more prospective jurors stand, use the colloquy format. Some jurisdictions identify jurors by number rather than name. Use "THE JUROR" or other designation appropriate for your court.

1	THE COURT: The Court recognizes the man in the front row. Your name,
2	please?
3	THE JUROR: <<name or number>>
4	THE COURT: And what is your answer?
5	THE JUROR: Mr. Introuble is my cousin.

On questions of a more personal nature, such as whether a juror has a family member who has been a victim of a crime or convicted of a crime, a court may ask a juror who stands to come to the bench for further questioning out of the public's hearing.

1	THE COURT: Everyone who answered yes, form a line to the left of the
2	bench, please.
3	(Counsel, Defendant(s), and Prospective Juror approached bench and the
4	following occurred:)
5	THE COURT: Give us your name, sir.
6	THE JUROR: <<name or number>>
7	THE COURT: You have a close relative who has been convicted of a
8	crime?
9	THE JUROR: Yes, sir. My child is doing time for armed robbery.
10	THE COURT: Were you present at the trial?
11	THE JUROR: Yes, I was.
12	THE COURT: Did you feel that the trial was fair?
13	THE JUROR: Oh, yes.
14	THE COURT: Any questions, Counsel?
15	MR. SUEYOU: I have none.
16	MS. GETUOUT: No, Your Honor.
17	THE COURT: <<Juror's name>>, do you feel that your child's conviction
18	would keep you from rendering in this case a fair and impartial verdict based
19	solely on the testimony and evidence?
20	THE JUROR: No, Judge.
21	THE COURT: You may take your seat.
22	The next juror, please.

When all prospective jurors waiting to approach the bench have been examined enter:

1		(Counsel and Defendant(s) returned to trial tables, and the following
2		occurred in open court:)

B. *Untranscribed Jury Voir Dire.*

1. Criminal Proceeding.

There are few instances – particularly in criminal cases – when the parties should agree that any part of the jury selection or impaneling not be reported. If, however, it is reported but the parties to a criminal case agree that the voir dire examination not be transcribed, use a parenthetical expression such as:

1		(Having been examined on voir dire, the Defendant(s) being present at all
2		bench conferences during which jurors were examined, or having waived
3		<<his/her>> presence, counsel exercised the right of peremptory challenge,
4		and the following jurors were impaneled: <<juror names or numbers>>.)

You must note each Defendant who is not present or waives the right to be present at a bench conference.

2. Civil Proceeding.

For voir dire examination not being transcribed in a civil case, use a parenthetical expression such as:

1		(The prospective jury panel was sworn and examined on voir dire, counsel
2		exercised strikes, and the following jurors were impaneled: <<juror names or
3		numbers>>.)

IV. OPENING STATEMENTS.

Rule 16-404\* requires that, unless the parties agree otherwise, opening statements be recorded in their entirety in civil and criminal cases.

1	THE COURT: Mr. Sueyou, state your case to the jury.
2	MR. SUEYOU: May it please the Court and members of the jury, my
3	name is David Sueyou. I am an Assistant State's Attorney, and I will be
4	prosecuting this case.
5	I would like to begin by reading the indictment in this case, since it is this
6	indictment that is the formal charge against the Defendant.

If the parties agree that opening statements are not to be reported, use parentheticals such as:

1	(At (time), off record opening statement by Mr. Sueyou on behalf of
2	<<State/Plaintiff>>.)
3	(At (time), off record opening statement by Ms. Getuout on behalf of
4	Defendant.)

If the opening statements are not to be transcribed, use parentheticals such as:

1	(At (time), on the record opening statement by Mr. Sueyou on behalf of
2	<<State/Plaintiff.>.)
3	(At (time), on the record opening statement by Ms. Getuout on behalf of
4	Defendant.)

---

\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 16-404 that does not affect the provision cited here.

V. TESTIMONY OF WITNESSES.

A. *Routine Setup for Witness.*

1	THE COURT: Is the State prepared to call its first witness?
2	MR. SUEYOU: The State calls Louise M. Quincy, Your Honor.
3	LOUISE M. QUINCY,
4	a witness, produced on call of the State, first having been duly sworn
5	according to law, was examined and testified as follows:
6	DIRECT EXAMINATION
7	BY MR. SUEYOU:
8	Q. State your name, please.
9	A. Louise M. Quincy.
10	MR. SUEYOU: I will have this marked for identification, Your Honor.
11	(<<Item>> was marked as State's
12	Exhibit No. 1 for identification.)
13	BY MR. SUEYOU:
14	Q. And did you later send the blood, the blood sample that you have there
15	marked for identification as State's Exhibit 1, did you send or direct that it be sent
16	to the lab at the University of Maryland?
17	A. Yes, sir, I did.
18	Q. And who transported that to the University for you?
19	A. Let me check. It was transported by Thomas Carriet of my office.
20	Q. And what were the results of your examination?

Reflect when a speaker is interrupted or clearly has a change of thought.



1	MR. TELLTRUTH: I would like to say --
2	MR. SUEYOU: The car is supposed to be -- I'm sorry, to jump back a little
3	bit.

**B. Adverse Witness.**

Examination of an adverse witness is designated in the record as Direct Examination.

1	ANTHONY ADVERSE,
2	a witness, produced on call of the Plaintiff, first having been duly sworn
3	according to law, was examined and testified as follows:
4	DIRECT EXAMINATION
5	BY MR. SUEYOU:
6	Q. ...
7	A. ...

**C. Court's Witness.**

The Court may wish to hear from a person not called by either side.

1	STEVEN P. EXPERT,
2	a witness, produced on call of the Court, first having been duly sworn
3	according to law, was examined and testified as follows:
4	EXAMINATION
5	BY THE COURT:
6	Q. ...

Counsel may be invited to question the witness when the Court is finished, as to those matters brought out by the Court. If so, indicate by:

1	EXAMINATION
2	BY MR. SUEYOU:
3	Q. ...
4	A. ...
5	EXAMINATION
6	BY MS. GETUOUT:
7	Q. ...

D. *Party-Witness.*

When sworn, a party is “THE WITNESS.” When excused, a party reverts to “THE DEFENDANT” or “THE PLAINTIFF.”

1	THE COURT: Does the Defendant wish to call any witnesses?
2	THE DEFENDANT: I wish to testify myself, Your Honor.
3	THE COURT: Raise your right hand to be sworn.
4	I. M. INTROUBLE,
5	the Defendant herein, first having been duly sworn according to law, was
6	examined and testified as follows:
7	DIRECT EXAMINATION
8	THE WITNESS: I just want to say to everyone here that what all these
9	witnesses have been saying just ain't true. It wasn't me. I don't know nothing
10	about a robbery. It's all just a mistake. That's all I have to say.
11	CROSS-EXAMINATION
12	BY MR. SUEYOU:
13	Q. ...

E. *Rebuttal and Surrebuttal Witnesses.*

1. Rebuttal – Not Previously Sworn.

1	ABRAHAM URALIAR,
2	a witness, produced on call of the Plaintiff, in rebuttal, first having been duly
3	sworn according to law, was examined and testified as follows:

2. Rebuttal – Previously Sworn.

1	ABRAHAM URALIAR,
2	a witness, produced on call of the Plaintiff, in rebuttal, previously having been
3	duly sworn according to law, was examined and testified as follows:

3. Surrebuttal – Not Previously Sworn.

1	JONATHAN U. RABIGGERLIAR,
2	a witness, produced on call of the Defendant, in surrebuttal, first having been
3	duly sworn according to law, was examined and testified as follows:

4. Surrebuttal – Previously Sworn.

1	JONATHAN U. RABIGGERLIAR,
2	a witness, produced on call of the Defendant, in surrebuttal, previously having
3	been duly sworn according to law, was examined and testified as follows:

F. *Recalled Witness.*

1	MR. SUEYOU: We would like to recall Mr. Telltruth for some questions,
2	Your Honor.
3	THE COURT: Mr. Telltruth, you're still under oath.
4	MR. TELLTRUTH: Yes, sir.
5	JOHN TELLTRUTH,
6	a witness, produced on call of the Plaintiff, previously having been duly sworn
7	according to law, was examined and testified as follows:
8	DIRECT EXAMINATION
9	BY MR. SUEYOU:
10	Q. You previously testified...
11	A. ...

**G. Non-Verbal Responses.**

An official reporter may ask for an audible response, in accordance with the Court's protocol, which should be established before the proceeding begins. As Section 10 of this *Manual* describes, a reporter may describe a non-verbal response in an appropriate instance with a parenthetical such as:

1	Q. Did you see anyone?
2	A. (No audible response.) <b>OR</b> (Witness shaking head side to side.) <b>OR</b>
3	(Witness nodding head up and down.)
4	Q. And how far were you from the impact?
5	A. I went from here to here, and they were there (indicating).
6	Q. Can you point to the Defendant, please?
7	A. (Indicating.)

H. *Interpreter.*

When a party or witness does not adequately communicate in or understand English, a Court may use one or more interpreters, after establishing each interpreter's expertise and having each interpreter sworn.

1. Qualifications.

Pursuant to the Court Interpreter Inquiry Questions, which appear as an appendix to Rule 16-819\*, a judge is to establish the qualifications of an interpreter as an expert through the following questions:

1	STEVEN P. EXPERT,
2	an interpreter, produced on call of the Court, was examined and testified as
3	follows:
4	EXAMINATION
5	BY THE COURT:
6	Q. State your full name and address. Where are you employed currently?
7	A. ...
8	Q. How long have you known <<sign/spoken language>>?
9	A. ...
10	Q. Where did you learn <<sign/spoken language>>?
11	A. ...
12	Q. Can you communicate fluently in <<sign/spoken language>>?
13	A. ...
14	Q. What is your educational background?
15	A. ...

---

\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes an amendment to Rule 16-819 that does not affect the provisions cited here.

1	Q.	What formal interpreter training have you undertaken?
2	A.	...
3	Q.	What formal legal interpreter training have you undertaken?
4	A.	...
5	Q.	What knowledge and skill areas did you study?
6	A.	...
7	Q.	Have you attended the Maryland Judiciary's Orientation Workshop
8		for Court Interpreters?
9	A.	...
10	Q.	Are you certified?
11	A.	...
12	Q.	By whom?
13	A.	...
14	Q.	What is your certification called?
15	A.	...
16	Q.	Please explain the certification process.
17	A.	...

The following questions need not be asked if the interpreter is "certified" for purposes of Maryland courts:

1	Q.	Have you spent time in a country where your spoken language is used?
2	A.	...
3	Q.	Are you active in any professional organization?
4	A.	...
5	Q.	What do "RID" and NAJIT" mean?
6	A.	...
7	Q.	How many times have you interpreted in court and in what kinds of
8		situations have you interpreted?
9	A.	...

Resume questions:

1	Q.	Have you met <<the person for whom interpreter services are to be
2		provided>>?
3	A.	...
4	Q.	Were you able to establish communication?
5	A.	...
6	Q.	How could you determine that you were being understood and that
7		communication was established?
8	A.	...
9	Q.	What language does the person use?
10	A.	...



1	Q.	How did you determine the language being used?
2	A.	...
3	Q.	How long did it take you to determine the language used?
4	A.	...
5	Q.	In your opinion, is the deaf person American Sign Language-English
6		bilingual?
7	A.	...

The following questions need not be asked if the interpreter is "certified" for purposes of Maryland courts:

1	Q.	Please explain the difference between interpreting and transliterating.
2		Between interpreting and translation.
3	A.	...
4	Q.	Can you define "minimal language skills"?
5	A.	...
6	Q.	Is it possible to sign in American Sign Language at the same time you
7		are speaking in English?
8	A.	...
9	Q.	Will the interpretation you provide today be verbatim?
10	A.	...
11	Q.	What process would you use to inform the Court of an error in your
12		interpretation?

1 A. ...

2 Q. Can you explain the difference between simultaneous and consecutive  
3 interpretation?

4 A. ...

5 Q. What issues significantly affect your interpreting in court?

6 A. ...

7 Q. Have you submitted to the Administrative Office of the Courts a  
8 completed information form, a statement swearing or affirming compliance with  
9 the Maryland Code of Conduct for Court Interpreters and a statement subscribing  
10 to the Interpreter's Oath?

11 A. ...

12 Q. Have you, in a state or federal court of record, a pending criminal charge  
13 or criminal conviction on a charge punishable by a fine of more than \$500 or  
14 imprisonment for more than 6 months and not pardoned or expunged?

15 A. ...

16 Q. Are you a potential witness in this case?

17 A. ...

18 Q. Do you have any other potential conflicts of interests that you have not  
19 yet mentioned to the Court?

20 A. ...

21 Q. Are you ready to take the oath for interpreters?

22 A. ...

2. Oath.

An interpreter is sworn to interpret faithfully and accurately, and the oath should be set out as follows:

1	STEVEN P. EXPERT,
2	first having been duly sworn to interpret faithfully and accurately the questions
3	propounded to and the answers given by John Telltruth, the proceedings
4	continued as follows:
5	THE COURT: Swear the witness.
6	JOHN TELLTRUTH,
7	a witness, produced on call of the Defendant, first having been duly sworn
8	according to law, was examined and testified as follows through the interpreter:
9	DIRECT EXAMINATION
10	BY MR. SUEYOU:
11	Q. What is your occupation?
12	A. Cook.

3. Testimony.

If counsel and the interpreter are experienced, questions will be asked and answers will be given in the first person, in which case, the questions and answers will be set out as they would for any other witness. Unfortunately, this will not always be the case. For example, counsel may say, “ask her whom she works for,” or an interpreter will say “she says she works for Mr. Paynot.” While this is the incorrect manner of proceeding through an interpreter, a reporter has no control over the matter.

A witness may understand some questions well enough to answer without an interpreter. In that case, put a notation that the answer is in English.

1	BY MR. SUEYOU:
2	Q. Do you remember what occurred on <<date>>?
3	A. (In English) Yes.
4	Q. Tell The Court what occurred.
5	A. I was in the kitchen preparing dinner ... .

4. Guilty Plea with Interpreter.

1	MR. GETUOUT: Your Honor, my client wishes to withdraw his plea of not
2	guilty and enter a plea of guilty to the second count of the indictment. We have
3	an interpreter for my client.
4	THE COURT: Madam Clerk, please swear the interpreter.
5	(Steven P. Expert was duly sworn according to law by the Clerk to interpret
6	for the Defendant. The Defendant was questioned and responded through the
7	interpreter as follows:)
8	THE COURT: Mr. Telltruth, your attorney has announced to this Court that
9	you desire to enter a plea of guilty to the charge of armed robbery, the second
10	count of the indictment. It is your right to plead guilty to this charge. Before the
11	Court can accept a plea of guilty, however, the Court must find that your plea is
12	made freely and voluntarily. It will, therefore, be necessary, that I ask you certain
13	questions. If you do not understand the questions or the words that I use, you
14	may ask that they be explained. You may consult with your lawyer about any
15	matter during the questioning and if you feel this is necessary, you may ask for
16	the chance to talk with your lawyer privately. Can you hear me distinctly?

1	THE DEFENDANT: Yes.
2	THE COURT: What is your full name?
3	THE DEFENDANT: (In English) John Telltruth.
4	THE COURT: Are you now under the influence of alcohol, drugs, narcotics
5	or other pills?
6	THE DEFENDANT: No.
7	THE COURT: How old are you?
8	THE DEFENDANT: Twenty-seven.
9	THE COURT: How many years of school have you completed?
10	THE INTERPRETER: Your Honor, the Defendant doesn't understand what
11	I am saying to him.
12	THE COURT: What doesn't the Defendant understand? Does he need to
13	speak with Counsel?
14	****

5. Non-Witness Party.

When an interpreter is sworn for a party who is not testifying, use the following parenthetical:

1	(Steven P. Expert, an interpreter, was sworn by the Clerk.)
---	---

I. *Reading Back by Official Reporter.*

To indicate an immediate request to read a question or answer, use the following:

1	(Pending question read by Official Reporter.)
2	(Answer read by Official Reporter.)

To indicate a request to read a part further back in the proceeding, use the following:

1	(Official Reporter read as follows:
2	“Question: You say you do not remember that?
3	“Answer: No.
4	“Question: Meaning no, you do not remember, or do you mean that it did
5	not occur?
6	“Answer: To the best of my recollection, it did not occur.
7	MR. GETUOUT: Objection, Your Honor.
8	THE COURT: What is the basis?”)

## VI. BENCH CONFERENCES.

There are various types of bench conferences, both on and off the record.

For conferences during which an official reporter is asked to come to the bench, use one of the following parentheticals and proceed in the colloquy form:

1	(Counsel approached bench, and the following occurred:)
---	---

1	(Counsel and Defendant(s) approached bench, and the following
2	occurred:)

A conference is followed by one of the following parentheticals:

1 || (Counsel returned to trial tables, and the following occurred in open court:)

1 || (Counsel and Defendant(s) returned to trial tables, and the following  
2 || occurred in open court:)

For conferences during which a reporter is not at the bench, use one of the following parentheticals:

1 || (Off record bench conference held with counsel.)

1 || (Off record bench conference held with counsel and Defendant(s).)

#### VII. PROCEEDINGS OUTSIDE JURY'S HEARING.

For comfort and convenience, a jury may be asked to go to and remain in the jury room until called, in which case use the following parenthetical:

1 || (Jury excused from courtroom, and the following occurred out of its  
2 || presence:)

#### VIII. EXCERPTS OF PROCEEDINGS .

When only a portion of a proceeding is transcribed, on both the title page and the first page after table of contents, use the following:

1 || EXCERPT OF PROCEEDINGS

Matters that counsel agree need not be transcribed are to be indicated by a parenthetical such as:

1 || (Testimony of Drs. Fixit, Missit, and Sewit omitted from transcript by  
2 || agreement of Counsel.)

IX. INAUDIBLE OR UNINTELLIGIBLE AUDIO- OR VIDEOTAPE PORTION.

Whenever possible, a transcriber should indicate how many word(s) are inaudible or how much tape time, in terms of seconds or minutes, cannot be transcribed. Such information gives counsel, and the reviewing court, some sense whether the missing material is just a few words or more.

If a videotape shows a person is speaking but there is no sound, use:

1 || (Approximately number words inaudible.)

If there is sound on a tape, but the word(s) cannot be distinguished, use:

1 || (Unintelligible for number minute(s) and number second(s).)

1 || (Unclear for approximately number word(s).)

X. QUOTATIONS.

A. *Normal Quotation.*



1       MR. SUEYOU: It's mandatory. It says, "The Committee shall prescribe  
2       rules and regulations and other matters."

**B.     *Partial Quotation.***

1       MR. SUEYOU: It's mandatory. It says, "... shall prescribe rules and  
2       regulations and other matters."

**C.     *Narrative Material.***

1       MR. SUEYOU: May it please the Court, I wish to read from State vs  
2       Convicted, found at 407 Md. 354, and I direct the Court's attention to page  
3       373, in support of my position which states as follows:  
4       "Even the defendant, who argued that this Court..." meaning the Court of  
5       Appeals, "...should adopt a directed verdict standard similar to the one required  
6       by Jackson..." being 443 U.S. 307, which "concludes that the trial judge's  
7       findings and order were consistent with the standard governing the ordering of  
8       new trials. In the defendant's brief, it is argued that 'here, the record shows that  
9       the trial judge is passing upon defendant- appellee's motion.'"  
10       THE COURT: I have that case in front of me, and I will read it.

**D.     *Uncertainty About Quoted Versus Narrative Material.***

1	MR. SUEYOU: May it please the Court, I wish to read from a case in
2	support of my position, which states as follows:
3	“Even the defendant, who argued that this Court, meaning the Court of
4	Appeals, should adopt a directed verdict standard similar to one required by
5	<u>Jackson</u> , being 443 U.S. 307, concludes that the trial judge’s findings and order
6	were consistent with the standards governing the ordering of new trials.”
7	In the Defendant’s brief, it is argued that: “Here, the record shows that the
8	trial judge in passing upon defendant-appellee’s motion --“
9	THE COURT: I am very familiar with that case, and I will read it before
10	ruling.

E. *Deposition Read into Record.*

When an entire deposition is read into the record, instead of using quotations, set up as follows:

1	(Deposition of Dr. James Fixit was read into record as follows:)
2	DIRECT EXAMINATION
3	BY MS. GETUOUT:
4	Q. Witness, will you state your name?
5	A. My name is James Fixit.
6	Q. And you are a medical doctor, is that correct? You specialize in internal
7	medicine?
8	A. Yes, that is correct.
9	(Reading of deposition concluded.)

F. *Part of Deposition Read to Witness.*

When part of a deposition is read into the record, use quotations as follows:

1	BY MR. SUEYOU:
2	Q. This appears in the deposition on page 23, line 10, I asked:
3	“Question: Were there energy-absorbing concepts involved or work of the
4	expandable nozzle?
5	“Answer: The work on the expandable nozzle was to work - -
6	“Question: Answer yes or no.
7	“Answer: No.”
8	Do you remember giving those answers to the questions, as I just read
9	them?
10	A. It was so long ago that I do not remember, but if it is written there that
11	must have been my answer.
12	Q. Mr. In trouble, the question was asked of you, “Do you recall situation
13	where your - -“
14	MS. GETUOUT: Would you state the page, please?
15	MR. SUEYOU: Page 2, line 12.
16	BY MR. SUEYOU:
17	Q. “Question. Do you recall a situation where your son had sprayed some
18	substance in your face?”
19	Do you recall that question?
20	A. No.

XI. RECESS DURING PROCEEDINGS.

Colloquy usually indicates the length of the recess, so that only a starting time in the parenthetical is necessary:

1 || (At (time), recess in proceeding.)

In a case continued after a luncheon recess, it is customary to make sure everyone else is in place and ready to proceed before bringing the jury into the courtroom.

1 || THE COURT: Bring in the jury, Mr. Bailiff.  
2 || (Jury entered courtroom, and the following occurred in open court:)

XII. CLOSING ARGUMENTS.

Rule 16-404\* requires that, unless the parties agree otherwise, closing arguments be recorded in their entirety in civil and criminal cases.

If the parties agree that closing arguments are not to be reported, use one of the following parentheticals:

1 || (At (time), off record closing argument by Mr. Sueyou on behalf of  
2 || <<State/Plaintiff>>.)

1 || (At (time), off record closing argument by Ms. Getuout on behalf of  
2 || Defendant.)

---

\*The 154<sup>th</sup> Report of the Standing Committee on Rules of Practice and Procedure, submitted to the Court of Appeals on January 10, 2005, proposes amendments to Rule 16-404 that do not affect the provision cited here.

1		(At (time), off record rebuttal argument by Mr. Sueyou on behalf of
2		<<State/Plaintiff>>.)

If the closing arguments are not to be transcribed, use one of the following parentheticals:

1		(At (time), on the record closing argument by Mr. Sueyou on behalf of
2		<<State/Plaintiff>>.)

1		(At (time), on the record closing argument by Ms. Getuout on behalf of
2		Defendant.)

1		(At (time), on the record rebuttal argument by Mr. Sueyou on behalf of
2		<<State/Plaintiff>>.)

XIII. JURY VERDICT.

When the jury returns with a verdict, use the following parenthetical:

1		(At (time), the jury returned to the courtroom, and the following occurred:)
---	--	--

XIV. ADJOURNMENT OR CONCLUSION OF PROCEEDING.

When a trial concludes or adjourns, use one of the following:

1 || (At (time), trial concluded.)

1 || (At (time), trial adjourned.)

1 || (At (time), trial adjourned until <<time/date>>.)

When a proceeding, such as a motion hearing or guilty plea, is concluded use one of the following:

1 || (At (time), proceedings concluded.)

1 || (At (time), end of proceedings.)

In a case continued from a previous day, it is customary to make sure everyone else is in place and ready to proceed before bringing the jury into the courtroom.

1 || THE COURT: Bring in the jury, Mr. Bailiff.  
2 || (Jury entered courtroom, and the following occurred:)

XV. TRANSCRIPT CERTIFICATE PAGE.

A. *Requirement.*

Circuit courts adopted the custom of requiring official reporters to certify to the completeness and accuracy of a transcript, primarily because they were being summoned

too frequently in post conviction and other subsequent proceedings solely to testify that the transcript was their work product and was a complete and accurate transcription. With the addition of the certificate, counsel customarily stipulate that, if called to testify, the official reporter would so testify – thereby calling to the Court’s attention the fact that it has before it a certified transcript. This reduces the need for a court to find a substitute while an official reporter responds to a summons.

**B. Sample Court Reporter’s Certificate.**

1	COURT REPORTER’S CERTIFICATE
2	I hereby certify that I reported verbatim by <<e.g., stenotype>> the
3	proceedings in the matter of <<case name>>, <<case number>>, in the Circuit
4	Court for <<Baltimore City/<<name>> County>>, Maryland, on <<date>>, before
5	the Honorable <<name>>, Judge, <<and Jury>>.
6	I further certify that the proceedings were transcribed by me to the best of
7	my ability in a complete and accurate manner, and page numbers <<number>>
8	through <<number>> constitute the official transcript of the proceedings.
9	In witness whereof, I have affixed my signature this ___ day of <<month>>,
10	<<year>>.
11	<<signature>>
12	<<printed or typed name>>
13	Official Court Reporter

C. *Sample Transcriber's Certificate.*

1	CERTIFICATE OF TRANSCRIBER
2	I hereby certify that the proceedings in the matter of <<case name>>,
3	<<case no.>>, heard in the Circuit Court for <<Baltimore City/<<name>>
4	County>>, Maryland, on <<date>>, were recorded by means of
5	<<videotape/audiotape>>.
6	I further certify that, to the best of my knowledge and belief, page numbers
7	<<number>> through <<number>> constitute a complete and accurate transcript
8	of the proceedings as transcribed by me.
9	I further certify that I am neither a relative to nor an employee of any
10	attorney or party herein, and that I have no interest in the outcome of this case.
11	In witness whereof, I have affixed my signature this ____ day of
12	<<month>>, <<year>>.
13	<u>&lt;&lt;signature&gt;&gt;</u>
14	<<printed or typed name>>
15	Transcriber



D. *Sample Transcript Certificate Page Prepared by Another.*

1	CERTIFICATE OF TRANSCRIPTION	
2	STATE OF MARYLAND	
3	<<BALTIMORE CITY/<<NAME>> COUNTY>> OF MARYLAND	
4	I hereby certify that this transcript, consisting of <<number>> pages, is a	
5	complete, true, and correct transcript, to the best of my ability, of the proceedings	
6	taken in <<case name>>, <<case number>> by <<name, title, certification	
7	designation of absent reporter>> on <<date for which reporter is responsible>>.	
8	I further certify that <name of absent reporter>> is unavailable to certify	
9	this transcript because the reporter:	
10	<input type="checkbox"/>	has died.
11	<input type="checkbox"/>	resigned.
12	<input type="checkbox"/>	was removed from office.
13	<input type="checkbox"/>	has left Maryland.
14	<<date>>	<u>&lt;&lt;signature&gt;&gt;</u>
15		<<printed or typed name>>
16		<<certification designation>>
17		<<business address>>

E. *Sample Grand Jury Certificate.*

1	REPORTER'S CERTIFICATE
2	I hereby certify that I reported verbatim by <<e.g., stenotype>> the
3	testimony of <<name of witness>> before the Grand Jury, Grand Jury No.
4	<<number>>, in the Circuit Court for <<Baltimore City/<<name>> County>>,
5	Maryland, on <<month/date/year>>.
6	I further certify that, to the best of my knowledge and belief, page numbers
7	one through <<last page number before certificate>> constitute a complete and
8	accurate transcript of the testimony as transcribed by me from my <<e.g.,
9	stenographic notes>>.
10	In Witness Whereof, I have affixed my signature this <<date>> day of
11	<<month>>, <<year>>.
12	
13	_____
14	<<name>> Official Court Reporter

XVI. SAMPLE GRAND JURY TRANSCRIPT.

1	SECRET
2	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>,
3	MARYLAND
4	GRAND JURY PROCEEDINGS
5	IN RE:
6	Special Investigation
7	Grand Jury No. 00000
8	OFFICIAL TRANSCRIPT OF PROCEEDINGS
9	Grand Jury Room
10	<<Baltimore City/<<County>> Courthouse
11	<<City>>, Maryland
12	<<Day, Date>>
13	The Grand Inquest for the State of Maryland for the Body of
14	<<Baltimore City/<<Name>> County>>, was convened at <<time>>, JANE
15	DOE, Foreperson, presiding.
16	PRESENT:
17	(A quorum of twenty-one members of the grand jury was present.)
18	DAVID SUEYOU, ESQ., Assistant State's Attorney for
19	<<Baltimore City/<<name>> County>>
20	DONALD F. SPEEDWRITE, Court Reporter to the grand jury
21	SECRET

1	PROCEEDINGS
2	MR. SUEYOU: Call Mr. Telltruth.
3	(Witness entered room.)
4	THE FOREPERSON: Will you raise your right hand and be sworn? You
5	do solemnly promise and declare under the penalties of perjury that the
6	testimony you shall give the grand inquest of the State of Maryland for the Body
7	of <<Baltimore City/<<name>> County>> shall be the truth, the whole truth, and
8	nothing but the truth?
9	MR. TELLTRUTH: I do, so help me God.
10	JOHN TELLTRUTH,
11	first having been duly sworn according to law, was examined and testified as
12	follows:
13	EXAMINATION
14	BY MR. SUEYOU:
15	Q. Mr. Telltruth, please state your full name for the ladies and gentlemen of
16	the grand jury.
17	A. John Telltruth.
18	Q. Where do you live?
19	A. Here in <<City>>.
20	THE FOREPERSON: Are you the Telltruth who operates Telltruth's Auto
21	Clinic?
22	THE WITNESS: That is correct.
23	A JUROR: That is Telltruth's Auto Supply, isn't it?

1	Auto Supply. One is operated by my brother.
2	BY MR. SUEYOU:
3	Q. Which one do you operate?
4	A. Telltruth's Auto Clinic. My brother Bob operates the Auto Supply.
5	Q. On last Monday, ( <u>date</u> ), did anything unusual happen at your place of
6	business?
7	A. Yes. We were held up and robbed.
8	Q. Was it your money that was taken without your permission?
9	A. Yes, it was.
10	MR. SUEYOU: Very well, I have no further questions.
11	THE FOREPERSON: Do any of the members of the grand jury have any
12	questions?
13	A JUROR: How much money did you lose in this robbery?
14	THE WITNESS: Two thousand dollars.
15	THE FOREPERSON: Thank you for coming, Mr. Telltruth. You may be
16	excused.
17	(Witness excused.)

**Sample Grand Jury Transcript – Page 3 of 3**

XVII. SAMPLE TRIAL TRANSCRIPT.

1	IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND
2	STATE OF MARYLAND
3	vs. Criminal Docket
4	I. M. INTROUBLE, No. K03-1234
5	Defendant
6	OFFICIAL TRANSCRIPT OF PROCEEDINGS
7	JURY TRIAL
8	VOLUME I OF I
9	Baltimore, Maryland
10	Wednesday, February 23, 2005
11	BEFORE:
12	HONORABLE EUSTICE P. PENNYPACKER, JUDGE
13	and a Jury:
14	APPEARANCES:
15	For the State of Maryland:
16	DAVID SUEYOU, ESQUIRE
17	For the Defendant:
18	IRMA GETUOUT, ESQUIRE
19	Transcribed from stenographic notes by:
20	DONALD F. SPEEDWRITE, RPR
21	Official Court Reporter
22	12345 S. Maryland St.
23	Baltimore, MD 21200
24	410-555-0000

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4	Opening Statements				
5	By Mr. Sueyou				7
6	By Ms. Getuout				--
7	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:
8	For the State:				
9	Doris E. Gaffney	8	10	--	--
10	Alexander G. Smith	12	15	--	--
11	For the Defendant:				
12	I. M. Introuble	17	18	18	19
13	For the State in rebuttal:				
14	John Telltruth	19	--	--	--
15	EXHIBITS:	IDENTIFICATION:	EVIDENCE:		
16	For the State:				
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15	By Mr. Sueyou		23
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17	By Mr. Sueyou		23
18	Verdict		24



1	P R O C E E D I N G S
2	THE COURT: All right. This is case number K03-1234, the State of
3	Maryland versus I. M. Introuble.
4	Are Counsel ready to proceed?
5	MR. SUEYOU: The State is ready, Your Honor.
6	MS. GETUOUT: The defense is ready, Your Honor.
7	THE COURT: Very good.
8	Madam Clerk, you may swear the jury on its voir dire.
9	THE CLERK: Ladies and gentlemen, please stand and raise your right
10	hands to be sworn. You and each of you solemnly promise and declare you will
11	true answers make to all questions propounded by the Court?
12	JURORS: (Answers in affirmative.)
13	THE COURT: Members of the jury panel whether in the jury box or not,
14	the Court will be asking you questions regarding your qualifications to serve as
15	jurors in this particular case. This part of the case is known as the voir dire
16	examination.
17	A voir dire examination is used to determine if your decision in this case
18	would be in any way influenced by opinions that you now hold or by some
19	personal experience or special knowledge that you may have concerning the
20	subject matter to be tried. The object of the examination is to obtain 12 persons
21	who will try impartially the issues of this case upon the evidence presented in this
22	courtroom without being influenced by any other factors.



1           Please understand that this questioning is not for the purpose of prying  
2 into your affairs for personal reasons but is only for the purpose of obtaining an  
3 impartial jury.

4           Each side has a certain number of peremptory challenges, by which I  
5 mean each side can ask that you be excused, usually without giving a reason for  
6 doing so. In addition, each side has challenges for cause, which means that  
7 each side can ask that you be excused for a specific reason. If you are excused  
8 by either side, please do not feel offended or feel that your honesty or integrity is  
9 being question. It is not.

10           This case is the State of Maryland versus I. M. Introuble. I will now  
11 summarize for you the pertinent portion of the indictment that sets for the  
12 charges against the Defendant. Mr. Introuble is charged with robbery with a  
13 dangerous weapon.

14           Mr. Introuble, will you stand so that the prospective jurors can see you?

15           Are any of you related by blood or marriage to the Defendant or do you  
16 know the Defendant from any business or social relationship? If so, please  
17 stand. The Court recognizes the Juror in the front row. Your number, please?

18           THE JUROR: Juror No. 5.

19           THE COURT: In what capacity have you known the Defendant?

20           THE JUROR: Mr. Introuble is my cousin.

21           THE COURT: Would that prevent you from acting with impartiality in this  
22 case?

23           THE JUROR: No.

1 THE COURT: Thank you. You may take your seat.

2 Counsel for the prosecution is David Sueyou. Counsel for the Defendant is  
3 Irma Getuout. Are any of you related by blood or marriage to either attorney,  
4 know either attorney from any professional, business, or social relationship, or  
5 ever been represented in a legal matter by either attorney?

6 (No response.)

7 (Having been examined on voir dire, the Defendant being present at all  
8 bench conferences during which jurors were examined, or having waived his  
9 presence, Counsel exercised the right of peremptory challenge, and the  
10 following jurors were impaneled: Juror No. 1; Juror No. 8; Juror No. 15; Juror  
11 No. 25; Juror No. 26; Juror No. 27; Juror No. 30; Juror No. 32; Juror No. 34;  
12 Juror No. 36; Juror No. 40; Juror No. 41.)

13 THE COURT: Counsel, will you advise the Court if you are satisfied with  
14 the jury currently seated in the jury box?

15 MR. SUEYOU: The State is satisfied.

16 MS GETUOUT: The defense is satisfied, Your Honor.

17 THE COURT: Very good. You may swear the jury.

18 THE CLERK: Ladies and gentlemen of the jury, please stand and raise  
19 your right hands to be sworn.

20 You and each of you solemnly promise and declare you shall well and truly  
21 try and a true deliverance make between the State of Maryland and I. M.

22 Introuble, whom you shall have in charge, and a true verdict give according to  
23 the evidence?

1 JURORS: (Answers in affirmative.)

2 THE CLERK: Please be seated in answer to your number.

3 Mr. Sheriff, will you please count them?

4 Juror No. 1

5 THE JUROR: Here.

6 DEPUTY SHERIFF: One.

7 THE CLERK: Juror No. 8.

8 THE JUROR: Here.

9 DEPUTY SHERIFF: Two.

10 \*\*\*\*\*

11 THE CLERK: Ladies and gentlemen, look upon the Defendant and  
12 hearken to this charge, you shall understand that I. M. Introuble stands charged  
13 by the State's Attorney on a charging document for robbery with a dangerous  
14 weapon. Upon this charging document, the Defendant has pleaded not guilty  
15 and for his trial has put himself upon his country, which country you are, so that  
16 your duty is to inquire whether he be guilty of the matter whereof he stands  
17 charged or not guilty.

18 The jury is all sworn.

19 THE COURT: Thank you.

20 Mr. Sueyou, state your case to the jury.

21 MR. SUEYOU: May it please the Court and members of the jury, my  
22 name is David Sueyou. I am an Assistant State's Attorney, and I will be  
23 prosecuting this case.

1 I would like to begin by reading the indictment, since it is this indictment  
2 that is the formal charge against the Defendant. The indictment is headed, "The  
3 State of Maryland, City of Baltimore, to wit:"

4 \*\*\*\*

5 THE COURT: Do you wish to make an opening statement to the jury at  
6 this time, Ms. Getuout?

7 MS. GETUOUT: The defense will reserve its opening statement at this  
8 time, Your Honor.

9 THE COURT: Very well. Is the State prepared to call its first witness?

10 MR. SUEYOU: The State calls Doris E. Gaffney, Your Honor.

11 DORIS E. GAFFNEY,  
12 a witness, produced on call of the State, first having been duly sworn  
13 according to law, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SUEYOU:

16 Q. State your name, please.

17 A. Doris E. Gaffney, 1234 Hightower Court, Apartment 202, Baltimore,  
18 Maryland.

19 Q. What do you do to make your living, Ms. Gaffney?

20 A. I am an official court reporter for the Circuit Court of Baltimore City.

21 Q. Calling your attention to December 2, 2002, would you tell the Court and  
22 jury, please, if you were present in the courthouse on that day, and if so, what  
23 you were doing at or about four o'clock on that day?

1 MS. GETUOUT: Objection.

2 THE COURT: Counsel, approach the bench.

3 (Counsel and Defendant approached bench, and the following occurred:)

4 THE COURT: Basis?

5 MS. GETUOUT: Mr. Sueyou is leading the witness, Your Honor.

6 THE COURT: Yes. Mr. Sueyou, you are leading the witness. I will  
7 sustain the objection.

8 (Counsel and Defendant returned to trial tables, and the following  
9 occurred in open court:)

10 THE COURT: Members of the jury, I have sustained the objection.

11 BY MR. SUEYOU:

12 Q. Calling your attention to December 2, 2002, at or about four o'clock,  
13 would you please tell the Court and the jury where you were?

14 A. I was present in the courthouse. At four o'clock on that day, the Court  
15 had just adjourned, and I was in my office working on a transcript that was due in  
16 the Court of Appeals within a couple of days, which would have necessitated my  
17 staying late that night. Then, without any warning, the door to my office burst  
18 open and a man carrying what appeared to be a gun ran into the room slamming  
19 the door behind him. He said, stay where you are and you won't - -

20 MS. GETUOUT: I object and move that the part of the answer referring to  
21 what he said be stricken.

1 THE COURT: The objection will be sustained, and that part of the answer  
2 as to what that person said to her will be stricken, and the jury will be instructed  
3 to disregard it.

4 BY MR. SUEYOU:

5 Q. Just tell us what you did and what he did, Ms. Gaffney.

6 A. Well, he came about that far into the room and pointed the gun at me  
7 and warned me to stay where I was.

8 MR. SUEYOU: No further questions, Your Honor.

9 THE COURT: Let's take a ten-minute recess.

10 (At 10:30 a.m., recess in proceeding.)

11 (Jury not present on reconvening.)

12 THE COURT: Before we begin, Mr. Sueyou, how many more witnesses  
13 will you be calling?

14 MR. SUEYOU: One more, Your Honor.

15 THE COURT: Thank you. Bring the jury in, Mr. Bailiff.

16 (At 10:32 a.m., jury entered courtroom, and the following occurred in open  
17 court:)

18 CROSS-EXAMINATION

19 BY MS. GETUOUT:

20 Q. Ms. Gaffney, do you remember being in the District Court at the time this  
21 case came in for preliminary hearing and testifying before the Court there?

22 A. Yes, I do.



1 MS. GETUOUT: Please mark this for identification.  
2 THE CLERK: Defendant's Exhibit Number 1.  
3 (Transcript marked as Defendant's  
4 Exhibit No. 1 for identification.)  
5 BY MS. GETUOUT:  
6 Q. And at that time, on December 17, 2002, were these questions asked  
7 and did you give these answers:  
8 "Question: Tell us what you were doing and where you were at that  
9 time, please.  
10 "Answer: I had just come from the courtroom and the judge had  
11 suggested to me --  
12 "Question: Just tell us what you did and where you were, not what the  
13 judge suggested.  
14 "Answer: I was sitting at my computer working on a transcript, and the  
15 door burst open and two men slipped into the room and warned me to  
16 keep quiet and I wouldn't get hurt."  
17 Do you remember those questions being asked of you at that time, and  
18 did you not give those answers in the District Court at that time when the State's  
19 Attorney was examining you?  
20 A. Yes, I do, but - -  
21 Q. You have answered the question.  
22 MS. GETUOUT: Your Honor, I offer this into evidence.  
23 MR. SUEYOU: I object.

1 THE COURT: Approach the bench.  
2 (Counsel and Defendant approached bench, and the following occurred:)  
3 THE COURT: What is the basis for your objection?  
4 MR. SUEYOU: Ms. Getuout has already read the pertinent portions. The  
5 rest of the transcript is irrelevant.  
6 THE COURT: Objection overruled.  
7 (Counsel and Defendant returned to trial tables, and the following  
8 occurred in open court:)  
9 THE COURT: Ladies and gentlemen, Defendant's Exhibit No. 1 will  
10 received into evidence.  
11 (Transcript marked as Defendant's Exhibit  
12 No. 1 into evidence.)  
13 BY MS. GETUOUT:  
14 Q. When did the Court adjourn for the day that day?  
15 A. Four o'clock p.m.  
16 MS. GETUOUT: No further questions.  
17 MR. SUEYOU: I have no further questions.  
18 I now call Officer Smith.  
19 ALEXANDER G. SMITH,  
20 a witness, produced on call of the State, first having been duly sworn  
21 according to law, was examined and testified as follows:  
22 DIRECT EXAMINATION  
23 BY MR. SUEYOU:

1 Q. State your name and organization.

2 A. Officer Alexander G. Smith, Baltimore City Police Department, Evidence  
3 Control Unit.

4 MR. SUEYOU: Your Honor, I have five photographs I would like to enter  
5 for identification. Defense counsel has already seen these.

6 (Photographs marked as State's Exhibit  
7 Nos. 1 through 5 for identification.)

8 BY MR. SUEYOU:

9 Q. Officer Smith, I hand you State's Exhibit Nos. 1 through 5, and ask if you  
10 can identify those?

11 MS. GETUOUT: If Your Honor please, I think this gets into a question that  
12 should be held out of the hearing of the jury.

13 THE COURT: Very well. Ladies and gentlemen of the jury, the Court is  
14 required to make a preliminary inquiry at this time, and you are therefore  
15 requested to go to the jury room for a brief period.

16 (At 10:45 a.m., jury excused from courtroom, and the following occurred  
17 out of its presence:)

18 THE COURT: All right. Mr. Sueyou, you may continue.

19 BY MR. SUEYOU:

20 Q. I will ask you again, Officer Smith, can you identify these five  
21 photographs?

22 A. Yes, sir, I can.

23 Q. What are they?



1 A. Yes, sir.

2 MR. SUEYOU: I have no further questions. Witness with you.

3 CROSS-EXAMINATION

4 BY MS. GETUOUT:

5 Q. Officer Smith, when did you make the arrest of the Defendant?

6 A. The same day as the occurrence.

7 Q. Did he give you a statement the same day as the arrest?

8 A. Yes, sir, about four hours later.

9 Q. Do you have a copy of that statement, Officer?

10 A. Yes, sir, I do.

11 MS. GETUOUT: I would ask that this be marked for identification and offer it  
12 into evidence.

13 MR. SUEYOU: No objection.

14 (Statement marked as Defendant's  
15 Exhibit No. 2 into evidence.)

16 BY MS. GETUOUT:

17 Q. Would you read this statement to the jury, Officer?

18 A. Yes, sir. It reads:

19 "I have never seen or met Ms. Gaffney in my life and if she insists --"

20 There is a portion here that is not very legible because I can't make out  
21 the Defendant's handwriting, but I will do the best I can.

22 "-- if she insists on saying I was in her office that night, all I can say is  
23 that it was not me, and the first thing I knew about anything was when the officer

1 stopped me in the corridor to get the handcuffs on me." That is the end of the  
2 narrative portion of the statement. And that is signed by the Defendant and  
3 witnessed by myself and the detective who investigated the case.

4 MS. GETUOUT: That is all I have.

5 MR. SUEYOU: No further questions.

6 THE COURT: I think this would be a convenient point to take a luncheon  
7 recess. Ladies and gentlemen of the jury, you are excused until 1:30 p.m.

8 (At 12:30 p.m., luncheon recess in proceeding.)

9 (Jury not present on reconvening.)

10 THE COURT: Before the jury comes in, does the Defendant intend to take  
11 the witness stand?

12 MS. GETUOUT: Yes, indeed, Your Honor.

13 MR. SUEYOU: Excuse me, Your Honor. I said that I would only have one  
14 more witness after Ms. Gaffney, but it seems I do have one other one. If it is all  
15 right with the Court, I would like to recall Ms. Gaffney to the stand for one or two  
16 brief questions.

17 THE COURT: All right, Mr. Sueyou. Bring the jury in.

18 (At 1:35 p.m., jury returned to courtroom and the following occurred in  
19 open court:)

20 MR. SUEYOU: Your Honor, we would recall Ms. Gaffney.

21 DORIS E. GAFFNEY,

22 a witness, produced on call of the State, previously having been duly sworn  
23 according to law, was examined and testified as follows:

1	THE CLERK: I remind you that you are still under oath.
2	THE WITNESS: I understand.
3	REDIRECT EXAMINATION
4	BY MR. SUEYOU:
5	Q. Ms. Gaffney, I would like to show you some photographs, State's Exhibit
6	Nos. 1 through 5. Have you ever seen these same photographs before today?
7	A. Yes. The detective showed them to me so I could pick out the men that
8	ran into my office.
9	Q. On that occasion, did you pick out the men?
10	A. Yes.
11	Q. Is one of them Mr. Introuble, the Defendant today?
12	A. Yes.
13	MR. SUEYOU: I have no further questions of this witness at this time.
14	MS. GETUOUT: I have no questions of Ms. Gaffney.
15	THE COURT: Thank you, Ms. Gaffney.
16	MR. SUEYOU: Your Honor, the State rests.
17	THE COURT: Ms. Getuout, call your first witness.
18	I. M. INTROUBLE,
19	the Defendant herein, first having been duly sworn according to law, was
20	examined and testified as follows:
21	DIRECT EXAMINATION

1 BY MS. GETUOUT:

2 Q. State your name and address.

3 A. I. M. Introuble, 4467 Guilty Street, Baltimore, Maryland.

4 Q. Did you illegally enter the office of Ms. Doris Gaffney on the 2nd of  
5 December, 2002, and make an assault on her by pointing a gun at her?

6 A. No, sir.

7 MS. GETUOUT: I have no other questions at this time.

8 CROSS-EXAMINATION

9 BY MR. SUEYOU:

10 Q. Mr. Introuble, are you saying that Ms. Gaffney picked the wrong picture  
11 from the photos that she was shown?

12 A. Yes, sir.

13 Q. Have you ever seen her before today?

14 A. No, sir. I am completely innocent of any wrongdoing in this case, and all  
15 I can say is that it is a case of mistaken identity. I have never seen Ms. Gaffney  
16 before in my life prior to stepping into this courtroom.

17 MR. SUEYOU: That's all.

18 MS. GETUOUT: I have some redirect, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. GETUOUT:

21 Q. If Ms. Gaffney says that you are one of the men that assaulted her, she  
22 is lying?

23 A. No, sir, I don't believe she is lying. I believe it is a case of mistaken



1 identity.

2 MS. GETUOUT: Nothing further.

3 RECROSS-EXAMINATION

4 BY MR. SUEYOU:

5 Q. If you were not at the Courthouse on the 2<sup>nd</sup>, can you tell us where you  
6 say you were?

7 A. I was home with my mother.

8 MR. SUEYOU: Nothing further.

9 MS. GETUOUT: The defense rests.

10 THE COURT: Is there any rebuttal?

11 MR. SUEYOU: Yes, sir. We would call Mr. John Telltruth. The witness  
12 will need an interpreter, so we would call Steven P. Expert for that purpose.

13 \*\*\*\*\*

14 STEVEN P. EXPERT,

15 first having been duly sworn to interpret faithfully and accurately the  
16 questions propounded to and the answers given by John Telltruth, the  
17 proceedings continued as follows:

18 THE COURT: Swear the witness.

19 JOHN TELLTRUTH,

20 a witness, produced on call of the State in rebuttal, first having been duly  
21 sworn according to law, was examined and testified as follows through the  
22 interpreter:

23 DIRECT EXAMINATION

1 BY MR. SUEYOU:

2 Q. What is your name?

3 A. John Telltruth.

4 Q. Where do you work?

5 A. I work for Baltimore City in the Courthouse.

6 Q. What type of work do you do?

7 A. I work as a cook in the cafeteria.

8 Q. Do you know Ms. Gaffney?

9 A. (In English) Yes.

10 Q. On the evening of December 2, 2002, did you see two men run down  
11 the hall in the Courthouse on the second floor?

12 A. Yes.

13 Q. Do you see one of those men in the courtroom today?

14 A. Yes, sir.

15 Q. Point to him.

16 A. (Indicating.)

17 MR. SUEYOU: For the record, Your Honor, the witness is pointing to the  
18 Defendant.

19 THE COURT: The record will so indicate.

20 BY MR. SUEYOU:

21 Q. Can you positively say that is one of the men you saw that night?

22 A. (In English) Yes.

23 MR. SUEYOU: No further questions, Your Honor.

1 MS. GETUOUT: No questions of this witness.  
2 THE COURT: That is all the rebuttal the State has.  
3 THE COURT: Any surrebuttal, Ms. Getuout?  
4 MS. GETUOUT: No surrebuttal, Your Honor.  
5 THE COURT: Very well. Counsel, will you approach the bench. We do  
6 not need the reporter.  
7 (Off record bench conference with counsel.)  
8 (Counsel returned to trial tables, and the followed occurred in open court:)  
9 THE COURT: Counsel, before I give my instructions, is there anything  
10 further?  
11 MR. SUEYOU: No, sir.  
12 MS. GETUOUT: No, sir.  
13 THE COURT: Members of the jury, the time has come for me to explain to  
14 you the law that applies in this case. These instructions are binding upon you.  
15 Will Counsel and the Defendant approach the bench?  
16 (Counsel and Defendant approached bench, and the following occurred:)  
17 THE COURT: The Court now invites Counsel to note any objections they  
18 may have to any portion of the Court's instructions or any exceptions to the  
19 Court's failure to give an instruction that you may feel should have been given.  
20 MR. SUEYOU: No objections or exceptions.  
21 MS. GETUOUT: The Defendant notes an objection and takes exception to  
22 the Court's instruction on burden of proof. We feel that the manner in which it

1 was given does not conform to the customary instruction, and we take exception  
2 to it.

3 THE COURT: Your objection is noted. Is there anything further?

4 MR. SUEYOU: No, sir.

5 MS. GETUOUT: We have nothing further.

6 (Counsel and Defendant returned to trial tables, and the following  
7 occurred in open court:)

8 \*\*\*\*\*

9 THE COURT: Very well. Mr. Sueyou, you may proceed with your  
10 argument to the jury.

11 MR. SUEYOU: Madam Foreperson, ladies and gentlemen of the jury, I will  
12 be brief in my closing statement. After hearing the testimony of the witnesses  
13 there should be no doubt in your minds that on December 2, 2002, Mr. I. M.  
14 Introuble did, in fact, unlawfully enter the office of Ms. Gaffney, did point a gun at  
15 her and did, in fact, rob her. All of the evidence in this case points to that  
16 conclusion. I ask that you bring back a verdict of guilty. Thank you.

17 THE COURT: All right. Ms. Getuout.

18 MS. GETUOUT: Madam Foreperson, ladies and gentlemen of the jury, if  
19 only everything were as crystal clear as Mr. Sueyou would have you believe.  
20 You have seen the evidence, heard the witnesses, and the determination of their  
21 believability is in your hands. Now, if you believe Ms. Gaffney when she said it  
22 was the Defendant who came into her office and pointed a gun at her - - and

1 | certainly I don't believe her when she said - -

2 |         MR. SUEYOU: I object and ask to approach the bench.

3 |         THE COURT: That will not be necessary. Ladies and gentlemen of the  
4 | jury, you are instructed to disregard what Ms. Getuout believes. You are the  
5 | judges of the facts in this case, and it is what you believe that counts, not what  
6 | Ms. Getuout believes.

7 |         MS. GETUOUT: Ladies and gentlemen, I think you will find that Ms.  
8 | Gaffney was mistaken in identifying the Defendant as her assailant. I think you  
9 | will conclude that my client, I. M. Introuble, is innocent. And I trust that you bring  
10 | back a verdict accordingly. I thank you for your attention in this case.

11 |         THE COURT: Mr. Sueyou, do you have rebuttal argument?

12 |         MR. SUEYOU: Thank you.

13 |         Members of the jury, you have heard the witnesses and seen the  
14 | evidence. I am confident that you will reach the guilty verdict.

15 |         THE COURT: Madam Clerk, swear the bailiff.

16 |         (At 4:40 p.m., bailiff sworn.)

17 |         THE COURT: Very well. Madam Foreman, and ladies and gentlemen of  
18 | the jury, you now may retire to the jury room to deliberate on your verdict.

19 |         (At 4:45 p.m, jury retired to jury room to begin deliberations.)

20 |         (At 5:00 p.m., jury returned to courtroom with verdict.)

21 |         THE COURT: All right. Madam Clerk, call to the jury and take its verdict.

22 |         THE CLERK: Ladies and gentlemen of the jury, have you agreed upon a

1 | verdict?

2 |       JURORS: We have.

3 |       THE CLERK: Who shall say for you?

4 |       JURORS: Our foreperson.

5 |       THE CLERK: What say you, is I. M. Introuble guilty or not guilty of robbery  
6 | with a dangerous weapon?

7 |       JURY FOREPERSON: Guilty.

8 |       THE CLERK: Hearken to your verdict as the Court has recorded it, your  
9 | foreperson say that I. M. Introuble is guilty of robbery with a dangerous weapon,  
10 | and so you say all?

11 |       JURORS: All.

12 |       THE COURT: All right. I want to commend the jury. It has not been a  
13 | very long one, but I do thank you for your attentiveness and the excellent manner  
14 | in which you have conducted yourselves throughout the entire trial.

15 |       Thank you very much. You may be excused. Court stands adjourned.

16 |       (AT 6:15 p.m., proceeding concluded.)

1	<b>COURT REPORTER'S CERTIFICATE</b>
2	I hereby certify that I reported verbatim by stenotype the proceedings
3	in the matter of the State of Maryland vs. I. M. Introuble, K03-1234, in the
4	Circuit Court for Baltimore City, Maryland, on February 23, 2005, before the
5	Honorable Eustice P. Pennypacker and a Jury.
6	I further certify that the proceedings were transcribed by me to the best
7	of my ability in a complete and accurate manner, and page numbers 1
8	through 10 constitute the official transcript of the proceedings.
9	In witness whereof, I have affixed my signature this ___ day of
10	<<month>>, <<year>>.
11	<<signature>>
12	Donald F. Speedwright, RPR
13	Official Court Reporter

**Sample Trial Transcript – Page 25 of 25**

XVIII. SAMPLE CONDENSED FORMAT.

**XIX. SAMPLE NOTICE OF SEALED TRANSCRIPT.**

If a court orders a transcript, or a portion of it, to be sealed, a notice such as the following should be filed with the clerk:

IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, MARYLAND NOTICE OF SEALED TRANSCRIPT	
DATE:	<<date>>
TO:	<<Appeals Clerk>>
FROM:	<<Name of Reporter or Transcriber>> <<Address>>
RE:	<<Case name>>, <<Case number>> <<Hearing or Trial Date(s) of Transcript(s)>>
As requested in the Transcript Order for Appeal in the above-named case, a transcript(s) is being filed for transmittal to the Court of Special Appeals.	
Pursuant to order of Judge <<Name>>, of the Circuit Court for <<Baltimore City/<<Name>> County>>, page numbers ( ) through ( ) of (date) have been sealed. In addition to the original, copies of that portion of the transcript are enclosed for counsel should the Court so order.	
cc:	<<Counsel>>

**XX. CHECKLISTS.**

Checklist for Official Reporter.

Checklist for Clerk of Court.

Checklist for Judge.



**CHECKLIST FOR OFFICIAL REPORTER**

PREPARATIONS BEFORE COURTROOM.

- Do you have the following basic case information:
  - case name .....
  - case number .....
  - name of court .....
  - date .....
  - time .....
  - type of hearing .....
  - copy of the Maryland Court Interpreter Inquiry Questions (See Subsection H1 of this Section 14).
- Do you have the current docket sheet(s) for the proceeding(s) to which you are assigned?
- Do you have the full – correctly spelled – name of each known participant – e.g., the judge, interpreter(s), parties, counsel, and witnesses:
  - judge .....
  - interpreter(s) .....
  - parties – additional \_\_\_\_\_ pages (s) attached

Plaintiff .....

Defendant(s) .....

.....

counsel

Prosecutor/Plaintiff's Counsel –  \_\_\_\_\_ card(s) attached.

.....

Defense Counsel –  \_\_\_\_\_ card(s) attached

.....

witnesses –  additional \_\_\_\_\_ page(s)

(1) .....

(2) .....

- (3) .....
- (4) .....
- (5) .....
- (6) .....
- (7) .....
- (8) .....

- Have you updated the dictionary with unusual terms *etc.* commonly used in this type of the proceeding?
- If a notary* – do you have a copy of the oath for:
  - witnesses.
  - interpreters.

**COURTROOM ARRANGEMENTS.**

An official reporter is to be in the courtroom early enough to prepare for reporting, as follows:

- Do you have adequate supplies of:
  - disks.
  - labels.
  - tapes, for backup taping.
- Do you have the court calendar or other list of scheduled cases.
- Do you have witness and exhibit lists?
- Have you pretested your equipment?

*A detailed equipment checklist should be developed to reflect equipment in use in your courtroom.*

- Have you labeled the disks?

**AT END OF DAY.**

- Have you labeled all reporting materials?
- Have you filed all reporting materials in appropriate courthouse location?

**CHECKLIST FOR CLERK OF COURT**

**BEFORE PROCEEDING(S).**

- Have you given the official reporter the following basic case information:
  - current docket sheet(s) for proceeding(s) to which assigned.
  - case name .....
  - case number .....
  - name of court .....
  - name of judge .....
  - date .....
  - time .....
  - type of hearing .....
  - name of interpreter(s) .....
  - name of counsel

Prosecutor/Plaintiff's Counsel –  \_\_\_\_\_ card(s) attached.

.....

Defense Counsel –  \_\_\_\_\_ card(s) attached

.....

- witness list.
- exhibit list.

**AT START OF PROCEEDING(S).**

- Ask counsel to state names for record.

## **CHECKLIST FOR JUDGE**

### **BEFORE PROCEEDING STARTS.**

Have a protocol for an official reporter to indicate need for assistance, clarification *etc.*

### **AT START OF PROCEEDING(S).**

- Make participants and observers aware that a proceeding is being recorded.
- Remind participants to:
  - ▶ speak clearly and loudly.
  - ▶ identify themselves properly when making their initial appearance during a proceeding.
  - ▶ remain close to or move back from the microphone, as appropriate.
  - ▶ speak one at a time.
  - ▶ not to make any excessive noise that could interfere with reporting, such as rustling papers or tapping fingers on microphones.
- Maintain decorum in the courtroom and the area immediately outside the courtroom, to reduce background noise.
- Have each case called by name, number, and type of proceeding.
- State affirmatively that the proceeding is to be off record.
- Allow the recorder/reporter time to reposition microphones, if necessary before and after *e.g.*, bench conferences, and to resume reporting.
- For bench conference(s) anticipated to be longer than a few minutes, send jury to jury room to facilitate reporting.
- State affirmatively when an off record proceeding is back on the record.