MAKING THE RECORD

Importance of an Accurate Record

- Property, freedom, and life all can depend on a clear and accurate record.
Many cases lost in trial courts are won on appeal because a good record was carefully made.

Methods for Capturing the Record (SCR Ch. 71)

- **Stenographic Court Reporter**
    - Makes a verbatim stenographic recording of the proceedings
    - Interrupts speaker for clarification when response is inaudible or unintelligible
    - Reads back of the proceedings upon request
    - Oversees transcription production
    - Provides realtime services if available. The goal is that all on-the-record spoken words are converted to text. Transcript production is approximately 90+ percent completed at the end of each hearing

- **Digital Court Reporter**
    - Utilizes digital audio recording (DAR) equipment to record the proceedings
    - Annotates and monitors hearings to ensure an audible record
    - Interrupts speaker for clarification when response is inaudible or unintelligible
    - Plays back audio of proceedings when requested
    - Oversees transcript production when hearings are requested

The Written Record - (SCR Ch. 71.03(2))

"The transcript, and not the verbatim record, is the official record of the proceedings."

Transcript Tips from the Court Reporter

- **The Good**
    - Real examples of a clean record - Let's take a look at how you literally look on paper, Attorneys!
- **The Bad**
    - Examples of a bad record

        - **DITTO** - Please don't repeat.
        New attorneys will oftentimes repeat the answer as they formulate the next question.
        Unless there's a specific purpose, the transcript will read clearer with those recitations omitted.

        - **DASH** - Take a second to gather your thoughts.
        Not only are you losing the witness on the stand or the Judge on the bench; but excessive false starts and dashes in the transcript won't get your point across on appeal either.

        - **SIMPLE** - Keep it short, sweet, and to the point.
        Compound questions are objectionable due to the potential to confuse the witness.

- **OVER HERE** - Over where?
  There are no pictures in transcripts and reporters cannot add gestures, comments,
  or your tone to the record. Use descriptive words or the record won't reflect anything.

- **VIDEOS** - Court reporters in WI are not required to write audio/video into the court record.
  Remember to bring transcripts of the recording you are going to play.
  Reference the timestamp and exhibit number before you hit PLAY.

- **EXHIBITS** – You need to state your references, especially if you want something quoted.
  Be specific.

- **OKAY** - Starting every Question with "Okay." is not okay.
  Testimony is not a conversation, okay? Review your transcripts to find ways to improve your record.

- **ONE AT A TIME** - The formality of court proceedings is for the record.
  Slow down, and don't speak over each other.

Making Your Record

Strategies and Input from the Bench - Hon, Rhonda L. Lanford, Branch 16

- **Trial Court Procedures**
  - Objections
    - Objections should be concise – state grounds only and wait for the Court to respond. If you wish to be heard, ask the Court for a sidebar. A rambling objection and a rambling argument are not only not persuasive to the judge, but the court of appeals decides evidentiary issues on an "erroneous exercise of discretion" standard. Your argument needs to be clear.

    - If you need to make a further record or offer of proof, be sure to ask the judge after the jury has left the courtroom and before adjournment

  - Citations

    - It's not "Wis 2 Dee" it's "Wis Second" –

    - State case name, and citation; not presenting full case name and citation not only makes more work for the court reporter, it is impossible for the judge sometimes to make sense of your arguments if citations are not clear, especially if decision is made at a later time

  - Clarity
    - Drop legalese "please state your name for the record" versus "please tell the jury (or judge) your name"

    - Concise, one fact questions

Technology Tips for Evidence Presentation

Must-have shortcuts and instructions on how to make those **PDFs** and **PowerPoints** shine for the Court and Jury!

Display Settings

- Don't forget to change your desktop picture/background!

- Is the projector not working when you hook it up?
  While not always necessary, some laptops prefer that you reboot after attaching a peripheral display.

- Mouse Settings
  A simple way to enhance your presentation is to change the appearance of your mouse (enlarge/color)
  Settings / Mouse / Adjust mouse & cursor size

- Extend Display or Duplicate Display?
  https://support.microsoft.com/en-us/windows/set-up-dual-monitors-on-windows-3d5c15dc-cc63-d850-aeb6-b41778147554

  If you would like to be able to use your laptop and not show the Court or Jury what you're working on, **EXTEND** your display to utilize the projector just like you would use 2 monitors at your desk.
  If you would like to show exactly what's on your screen, **DUPLICATE** your display.
 *Settings / Display*

Windows Shortcuts

- Open File Explorer: **Windows logo key + E**
- Maximize Window: **F11 or Windows logo key + Up arrow**
- Display and hide the desktop: **Windows logo key + D**
- Choose a presentation display mode: **Windows logo key + P**
- Open Magnifier and zoom in: **Windows logo key + Plus (+)**
- Zoom out in Magnifier: **Windows logo key + Minus (-)**
- Close Magnifier: **Windows logo key + Esc**

- Switch between open apps: **Alt + Tab**
- Close the active item, or exit the active app: **Alt + F4**
- Perform the command for that letter: **Alt + underlined letter**

- Close the active document (in apps that are full-screen and let you have multiple documents open at the same time).
  Ctrl + F4
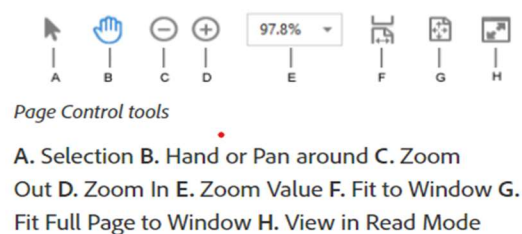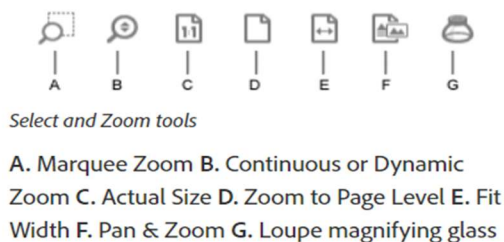
Setting up PDFs for Presentation View https://helpx.adobe.com/uk/acrobat/using/setting-pdfs-presentation.html

- Follow these steps to make the most out of displaying your exhibit to the Court or Jury.
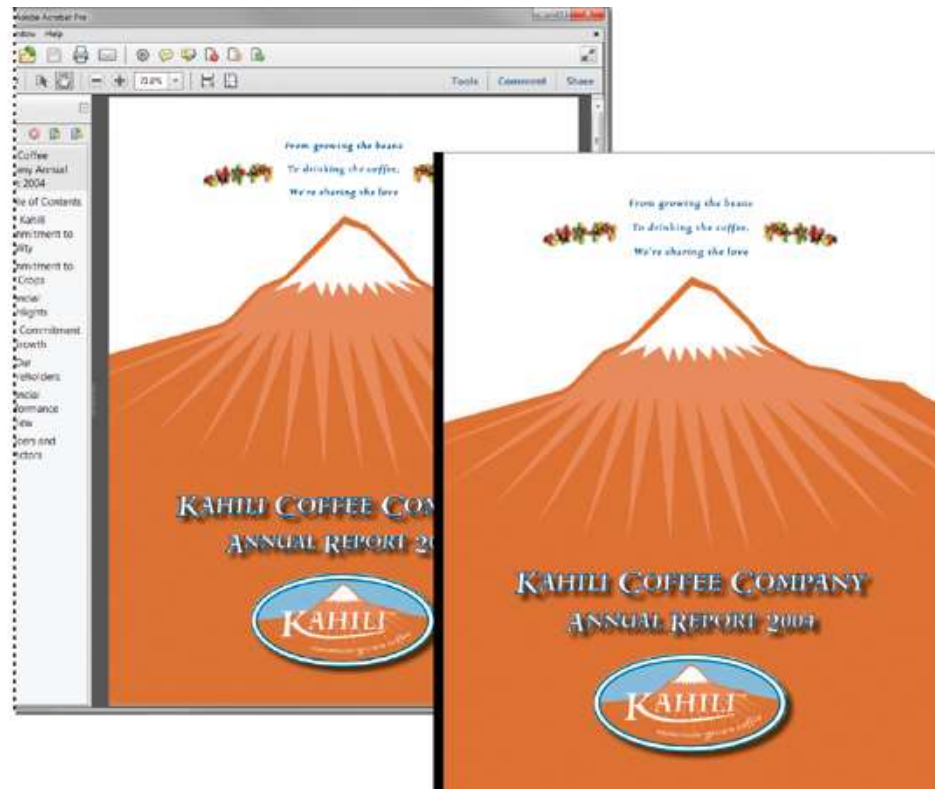
Adjust Page Magnification
https://helpx.adobe.com/acrobat/using/adjusting-pdf-views.html

- **Tools on the Select & Zoom toolbar can change the magnification of PDF documents.**
Only some of these tools appear on the default view of the toolbar. You can see all the tools by right-clicking the toolbar and choosing either individual tools or Show All Select & Zoom Tools.

Select and Zoom tools

A. Marquee Zoom B. Continuous or Dynamic Zoom C. Actual Size D. Zoom to Page Level E. Fit Width F. Pan & Zoom G. Loupe magnifying glass

Page Control tools

A. Selection B. Hand or Pan around C. Zoom Out D. Zoom In E. Zoom Value F. Fit to Window G. Fit Full Page to Window H. View in Read Mode

- The **Marquee Zoom** tool works in a few different ways. You can use it to drag a rectangle around a portion of the page that you want to fill the viewing area. Or, simply clicking the Marquee Zoom tool increases the magnification by one preset level, centering on the point where you clicked. To decrease the magnification by one preset level, Ctrl-click the Marquee Zoom tool.
- The **Continuous Zoom** or **Dynamic tool** zooms in when you drag it up the page and it zooms out when you drag down. If you use a mouse wheel, this tool zooms in when you roll forward and zooms out when you roll backward. Zoom In and Zoom Out buttons change the document magnification by preset levels.   **USE +/- SHORTCUTS!!**

Dane County Courthouse AV System

- **ELMO**

  Here's a link to the manual in case you want to learn more.
  http://elmousa.com/wp-content/uploads/2016/03/MO-1_Instruction-Manual.pdf

    - Review of Helpful Functions on the ELMO

        - Adjusting the size, layout, brightness, and focus

- **Counsel Table**

    - **VGA or HDMI**

    - **Windows or Mac**