

# For The RECORD

VOLUME 2006 No. 2

## Volume No. 2 Summer 2006

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**CONVENTION 2006**  
**JOIN US AT THE AMBASSADOR**  
**CONFERENCE CENTRE IN**  
**BEAUTIFUL HISTORIC**  
**KINGSTON**  
**ONTARIO**



**Next newsletter**  
**deadline:**  
**August 30, 2006**  
**For publication**  
**September 2006**

## **Court Reporters' Association of Ontario**

### ***Code of Ethics***

**Attain and maintain a high standard of reporting.**

**C**onformity of decorum and dress with dignity.

**O**pen mindedness and professionalism.

**U**tmost devotion to professionalism.

**R**ecord verbatim and

**T**ranscribe accurately.

**R**espect for all others

**E**xercise courtesy and integrity

**P**unctuality, perfection and pride

**O**ffer only honesty of purpose

**R**eputation and

**T**rust above all

**E**xcellent quality of service

**R**eflect merit upon our profession with the  
constant desire to improve.

## **HELP SUPPORT THE CRAO CONVENTION**

We are looking for items for the 2006 CRAO Convention gift bags. If you know of a company (including friends, colleagues and/or neighbours who work for or own their own business) who would be interested in advertising with the CRAO by donating items for the CRAO Convention gift bag, please let us know or refer them to us and we would be glad to contact them. (info@crao.ca).

If you are personally contacting these sponsors, the CRAO will likely need approximately 100 of each item. In the past, sponsors have donated pens, notebooks, coupons, packaged snacks (be mindful of expiry dates if they have any).

## About this Newsletter

Welcome to the second newsletter for the year. June 21st was the first day of summer, although we have been fortunate to enjoy some really nice weather since the cold winter days. The flowers are blooming, and the sun and wind are beckoning us to come out and play.

In the past year, a number of reporters have become seriously ill and/or succumbed to their illnesses. When we hear of such news, it can act as a reminder that we NEED to take time away from our busy (typing transcripts) lifestyle to enjoy hobbies, family and friendships in our own quality worlds.

Plans for the 2006 CRAO convention are under way. It is to be held at The Ambassador Conference Resort in Kingston. The hotel boasts some really nice features. The date has been set for October 13th and 14th, 2006.

Flip through the pages (or screens) and enjoy reading.

Fatima Conceicao  
Ruth McIver  
Newsletter Committee

### WEBSITE & EMAIL & SNAIL MAIL

[www.crao.ca](http://www.crao.ca)  
[info@crao.ca](mailto:info@crao.ca)

News articles and current events with respect to Court Reporter issues are usually placed on the website before they are be printed in our newsletter. Visit [www.crao.ca](http://www.crao.ca) website on a regular basis to keep up to date on the issues affecting your career and livelihood.

### Re e-mail and snail mail

It is the CRAO's policy to only send material, be it by way of regular mail or e-mail, to home addresses. As well, it is also the CRAO policy to only accept payment from the court reporter who is registering as a member of the CRAO.

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# Message from the President



June 2006

Hello everyone!

Summer is now here and once again, there have been many changes that have been happening and problems arising in many jurisdictions.

We need everyone to share information on what's happening in their courthouses, or in their business, so if these problems are arising in other areas, we can find out how the problems are being solved, if they are.

Convention is in October in Kingston. Watch our website for more detailed information. This is a very important convention as Reporters will want to discuss many of the latest issues at the General Meeting. Come out, support the Association, have a good time, meet fellow reporters from across the province, and best of all, deduct it all on your income tax.

*Linda Fudge, CCR, CVR - President, CRAO*

## What's New?

Testing and Certification - The CRAO. is currently working with personnel from Courtroom 21 to aid us in making a new testing video and tape for testing and certification. With the use of mock trials from Courtroom 21 it will enable us to test participants similar to that of a working environment. More news will follow in upcoming newsletters. Visit [www.courtroom21.net](http://www.courtroom21.net) and see what is new in court reporting technology in the courtroom. Thank you to Diane M. Gray, RPR, CRR, CCR, CVR who is the Court Records Manager at Courtroom 21 in Virginia.

## CRAO Telephone Conference (June 18, 2006)

A telephone conference was held on June 18, 2006. Discussions were had regarding the 2006 CRAO convention, Testing and Certification, and Newsletter.

### **CERTIFICATION:**

Court reporters inquiring about attending workshops and certification, please contact Gwen Grubb at [Gwen.Grubb@crao.ca](mailto:Gwen.Grubb@crao.ca).

### **NEW LINK:** [www.casst.net](http://www.casst.net)

The CRAO now has a link on the Canadian Association of Stenotype and Stenomask Technologists (CASST) web page, under "Links to Provincial Associations"! (See p.11 for more details on CASST)

## **FOR FUN:**

Need some clipart? Visit

<http://office.microsoft.com/clipart/default.aspx?lc=en-us>

## Judge slams court staff

THE MISSISSAUGA NEWS

Louie Rosella

May 26, 2006

The administration of justice is in jeopardy because of incompetent staff and other serious problems within the Peel court system, an Ontario judge said Friday. As a result, trials are being adjourned, delayed or repeated. "There's a serious cancer in this criminal justice system involving the incompetence of staff within this building who are responsible for transcripts from recordings in the courtroom," Superior Court Justice Ron Thomas said during a hearing inside a Brampton courtroom.

The judge ordered the hearing in response to serious concerns about recent court cases. Several mishaps have led to tapes containing verbal evidence being erased or lost, court heard yesterday. Court reporters, monitors and supervisors testified at the hearing. Last month, the Ontario Court of Appeal ordered a case, involving the sexual assault of a disabled girl, to be re-tried because a tape containing evidence given by a doctor was lost before it could be transcribed.

Court monitor Anne Pecaric testified she knew of four incidents in which technical difficulties have caused problems, including a recording of a police officer's testimony gone missing.

The judge said these are "disturbing examples" of "negligence, indifference and lack of training." The judge said his colleagues have expressed concern and several believe that serious trials, such as murder cases, will be in jeopardy if these issues aren't addressed.

The problems occur when recorded evidence is taken to the court's tape management group. There, originals are dubbed to make court copies. It's during this process that in-court staff say information is being erased or lost.

"We know that if there's a problem with the tape, it's a huge problem with the justice system," said Debbie Dunn, acting supervisor of court reporters. "We take this job very seriously." Dunn testified that 54 court reporters and monitors on staff are overworked and admitted that due dates to have tapes transcribed are passing without the transcripts being ready. This is causing trials to be adjourned or delayed, Dunn testified. "We miss many due dates," she said.

Thomas said methods for recording are outdated and need upgrading. In one incident, where the judge heard a court employee used his finger to wind back tape into a cassette that had spun out of control, Thomas said, "It sounds like something that might be done in The Flintstones." The hearing continues June 2.

*The website is being updated on a regular basis with news articles regarding the hearing in Brampton. Also, there is a forum for reporters to provide input.*

### THE FOLLOWING IS A PRESS RELEASE ISSUED BY THE CRAO.

Brampton, Ontario, Canada - (June 9, 2006)

The judiciary in the Province of Ontario has been misled by the Ministry of Attorney General into initially supporting the tape management directive that was implemented a number of years ago by the Ministry. Due to the interference of administration, judges are in jeopardy of losing control of their court of record.

Historically, seldom, if any, of these problems occurred before tape management was instituted. The duplicating machines used to copy tapes can stretch, break, tangle, damage, and even erase the record. The Ministry tried to fix something that wasn't broken.

The direct result of this directive is the reason a hearing was ordered recently by the Honourable Justice Ron Thomas of the Superior Court of Justice in Brampton. The Ministry has created a self-inflicted situation that is slowly eroding the court reporting profession. Our duty to the public, judges, and lawyers as professional court reporters is to be impartial and independent of all parties in a proceeding while taking the record verbatim and to ensure that the integrity of that record is preserved, protected, and kept safe from interference.

The Ministry of Attorney General should remain independent and at arm's length in order to allow the certified court reporter to fulfill his or her duties as "Guardians of the Record".

The Court Reporters' Association of Ontario (CRAO) is an association serving court reporters using various methods and technology in the Province of Ontario.



## Judge throws the book at transcripts

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THE TORONTO STAR

Bob Mitchell, Staff Reporter

May 29, 2006. 06:16 AM

Trials could be jeopardized because of incompetent court employees and outdated recording equipment, an angry Brampton judge has warned. "There's a serious cancer in the criminal justice system," Justice Ron Thomas said last week before starting a hearing into problems with staff and equipment involved in the production of transcripts at the A. Grenville & William Davis Courthouse. Fed up with delays in getting timely court transcripts produced and numerous instances of malfunctioning equipment, Thomas ordered several court reporters, court monitors and staff involved in the dubbing of tapes to appear before him to explain how the situation has gotten so out of hand. "There are disturbing examples of negligence, indifference and a lack of training," Thomas said before hearing testimony. He said concerns have been "red-flagged" by judges who fear convictions and trials, including first-degree murder cases, could be in jeopardy. In one recent case, Thomas said, a 14-year-old mentally challenged girl allegedly sexually assaulted by a relative must endure another trial because a tape of cross-examination of a doctor was lost before the court reporter could transcribe it.

The last straw for Thomas came last week when veteran court reporter Cathy Champagne couldn't provide him with a transcript of a police officer's evidence in a drug and weapons trial of an accused man named Vernon Khan. It's the second time that key evidence was lost in the Khan matter. In an earlier incident, another staffer accidentally erased 30 minutes of testimony when she tried to dub the tape. Last Wednesday, Champagne discovered a tape recorded on May 16-17 was blank when she sat down at home to type the transcripts. She later learned her master tape had become entangled while being copied by staff working in the court's Tape Management Group. She eventually got the tape but not before it took three people seven hours to manually rewind the original tangled and twisted tape that had been snagged during the dubbing process. Thomas described the manual rewinding as something "out of the Flintstones" and criticized the attorney general's ministry for using recording devices in court that were "from somewhere in the 1950s" instead of buying state-of-the-art machines that can produce "real-time instant transcripts."

Acting court reporter supervisor Debbie Dunn said 56 court monitors and reporters work out of the Brampton courthouse where 14,000 transcripts are typed each year and more than 40,000 tapes are copied. Unlike court reporters or steno mask reporters, which either type or repeat testimony into a mask and then produce transcripts when required, court monitors listen through hearing devices as testimony is being recorded by tape machines inside the courtroom, and later type the testimony. Dunn admitted six court reporters/monitors were recommended for retraining and mentoring after an audit found problems with accuracy. She also admitted backlog problems exist in the Brampton courthouse, adding "we are overworked," have "little typing time" and that there aren't enough reporters to handle all of the cases. Dunn admitted many due dates for transcripts to be completed are often missed, resulting in adjournments of trials. Tapes also often get jammed in the duplicating machines.

Anne Pecaric, a veteran court monitor, testified she was aware of four instances where technical difficulties caused problems with her tapes. In one, about 75 minutes of evidence presented by a police officer in a gun smuggling case disappeared. She insisted the tape was ruined during the dubbing process but court records clerk Sonia Blum blamed Pecaric for not properly recording the testimony. The hearing resumes Friday.

UPDATE: CONTINUATION OF THE HEARING WAS HELD ON JUNE 14, 2006. JUSTICE THOMAS RESERVED JUDGMENT.



## News from London re FPT Conversion

Only actual hours worked during the specified period were considered for the ratings or levels to be assigned. Absolutely nothing else. Seniority, qualifications, experience, didn't mean anything; and we were told this was done to help single moms get benefits and to be able to rely on a pay cheque. Everyone has to join the pension plan. Cannot work at other jobs because we have to be available to be called in whenever needed. In London, that means 7 days a week, because we do wash court. You can be called in 10% over your scheduled time, but you will not be paid for that time within that pay period. That money will be "banked" and at 10 months, your hours will be reviewed and you will then get that banked money. At eleven months on, you will be paid for any overtime you work.

In London, reporters work both in SCC and PCC, with a handful working mostly in SCC and others sort of backfilling when needed. All reporters here are Court Reporter 1. Our last staff reporter is retiring end of June (I thought it was May). There are three certified court reporters (and incidentally the most experienced). These three were all assigned Level One or 720 hours because: one takes the summer off - SCC is down in the summer as you know - the other takes off time for vacations during the year (she's been there 20 years) and the other booked off time to type a 62-day transcript which was requested ongoing during the trial. None of this was taken into consideration.

New reporters who started during that timeframe, their hours were prorated. They were assigned 1200 hours or Level 3 because of the extra hours they worked training. Actually, one even started in mid-March of 05 and her hours were prorated to June 21 of 05 and she was assigned Level 3. Her transcripts are still being proofed by the assigned proofreader or another senior reporter.

We cannot grieve this. The union has agreed to it and we apparently voted for this last time around. There is an "appeal" process we can go through - and most have - first the appeal is at local level involving management and union president; then, if it's not resolved, it then goes to a higher level to be resolved, hopefully.

The whole thing is absolutely crazy. There aren't enough hours assigned to cover the courts, especially SCC courts. It is going to be interesting to see what happens then.

### *Kingston Area Attractions*

The City of Kingston is renowned as the fresh-water sailing capital of North America and prides itself in being a major port for scenic entertainment cruises of the breathtaking Thousand Islands. Culture and the arts abound, along with fabulous shopping, dining and outdoor recreational experiences. From dawn until dusk and beyond, you'll be amazed at what Kingston has to offer. For more information on all that there is to see and do in Kingston visit [www.kingstoncanada.com](http://www.kingstoncanada.com).

## **Directions to Kingston and the Ambassador Conference Resort - 2006 CRAO Convention**

### **October 13th and 14th**

Centrally located in the Toronto, Montreal, Ottawa triangle and just over the border from the Northeastern United States.



#### *Directions*

Take exit #613 (Sydenham Road) off Hwy 401.

Follow Sydenham Road south until you reach the first set of lights.

Turn left on to Princess Street (Hwy 2).

The Ambassador Resort Hotel is located on the right, just after the overpass.



A great way to start your getaway to Kingston is with a romantic adventure on the rails. It's a great way to relax, enjoy a book, do the crossword or enjoy the beautiful scenery, traffic free! [VIA Rail Canada](http://VIA Rail Canada) travels to Kingston with frequent departures from stations in the Quebec City/Windsor Corridor, with a variety of fares that will suit your budget too. Train travel to Kingston is quick, comfortable and convenient. Treat yourself to VIA 1 known for its delicious meals and excellent service

## What to Do In Kingston

### **1000 Islands Skydeck (Gananoque)**

Season: mid-April to End of October, 7 days/week 9am-dusk

Rates: Adults \$7.95, Children 6-12 \$4.45, 5 & under free

Facilities: There are gift and souvenir shops, an ice cream and cheese shop and currency exchange, all wheel chair accessible.

### **Kingston Mills Block House**

Location: Kingston Mills Rd, North of Hwy 401, Kingston

613-283-5170

[www.parkscanada.gc.ca](http://www.parkscanada.gc.ca)

The sights, sounds and history of Canada's oldest continuously operating canal beckon you. Discover the military lifestyle of 1839 by visiting our restored Blockhouse, or bring a picnic lunch and watch boats pass through the locks.

### **Princess of Wales Own Regiment, Military Museum**

Location: The Armouries, 100 Montreal St, Kingston

613-542-3894

### **Pumphouse Museum**

Group Rate Fees (min. of 10) One Museum \$3.00/person Two Museums \$3.75/person Three Museums \$4.25/person

613-542-2261

### **Royal Military College of Canada**

Location: Kingston

613-541-6000 ext. 6652

[www.rmc.ca](http://www.rmc.ca)

Housed in the Fort Frederick Tower, which is the largest of Kingston's Martello Towers, this museum records the story of Canada's century-old seat of military educations, the exploits of its graduates and the story of the Royal Dockyard, which once occupied point Frederick.

### **Bellevue House National Historic Site of Canada**

Hours of Operation: Labour Day-October 31-10am-5pm

\*Open year round for groups by reservation

Fees: Adult: \$3.50 Senior: \$3.00 Youth: \$1.75 Commercial Group, per person \$2.25

### **Boiler Room (indoor rock climbing)**

The gym will open for groups of 8 or more outside regular hours (depending on availability). You must book your group at least 48 hours in advance.

Group Rates: Day Pass (includes harness rental) \$10.00 Climbing shoe rental: \$4.00

### **Ghosts of the Fort**

Haunted Tours of Fort Henry National Historic Site

To book a private tour, please contact 613-549-6366

Private tours are available for private groups any time in the day or evening, any day of the week, year round, in English or French.

### **Grand Theatre**

How To Reach Us

**By Telephone**

(519) 672-8800 or 1-800-265-1593 toll free within North America

### **Thousand Islands Charity Casino**

An Eastern Ontario community located on the banks of the St. Lawrence river and 10 minutes from a US border crossing, Gananoque has become the site for the fifth charity casino to open in the province. Along the 50 mile riverscape between Kingston and Brockville are 21 granite islands and numerous islets that contribute to the scenic beauty and attraction of vacationers in this area

380 Hwy 2 Gananoque, ON

613-382-6800

### **Special Events in October**

Napanee Artisan Guild Presents Fall Fringe Tour 2004 Sat., Oct. 16th to Sun., Oct. 17th

Guest Lecture Series: A Century of Mannerism Sun., Oct. 17th to Sun., Nov.

28th

**DON'T FORGET THERE IS GREAT DINING, NIGHTLIFE AND SHOPPING DOWNTOWN  
KINGSTON AND THE WATERFRONT!!**





1550 Princess Street, Kingston, ON K7M 9E3

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(613)548-3605 OR 1-800-267-7880

contact@ambassadorhotel.com

This year's CRAO convention will be located in picturesque Kingston, Ontario, at The Ambassador Conference Resort. This Kingston landmark boasts a new indoor water park with interactive splash pad, 100' waterslide and pool, eucalyptus steam room, hot tubs and European dry saunas. For those reporters who like to combine business, pleasure and "family" into this weekend, it is also a very child-friendly venue. Your loved ones will enjoy the amenities offered within the Resort or be within walking distance to much of Kingston.

**PLEASE BOOK YOUR ROOM EARLY TO AVOID DISAPPOINTMENT!  
ALSO PLEASE READ THE 24 HOUR CANCELLATION POLICY BELOW.  
TO SAVE COSTS, SHARE A ROOM WITH A REPORTER!! OR FAMILY MEMBER!**

The Ambassador Conference Resort is a smoke-free facility including ALL guestrooms (effective January 1, 2006)

#### **GROUP RATES**

Traditional 2 Queen Bed Room: \$120.00

Traditional 1 King Bed Room: \$120.00

Comfort Class 2 Queen Bed Room: \$140.00

Business Class King Bed Room: \$140.00

King Whirlpool Room (king bed and 2 person whirlpool): \$140.00

King Whirlpool Deluxe Room (king bed, sofa bed and 4 person whirlpool): \$160.00

*The above rates are quoted in Canadian funds and are subject to 7% GST, 5% PST and 3% DMF. The rate is per room, per night and is net, non-commissionable. Rates are based on single or double occupancy.*

**Nightly rates for triple and quad occupancy will be increased by \$20.00 per person + taxes.**

#### **RESERVATIONS**

**Method of Reservations:** Individual Call In

All reservations must be received by September 29, 2006. After this date, any remaining rooms will be released for general sale, and will be taken on a space available basis, however, guests may not benefit from the contracted rate.

Please note that all reservations must be accompanied by a first night's room deposit, be guaranteed with a major credit card, or be guaranteed to the corporation. Reservations can be made directly with the hotel by calling (613)548-3605 or 1(800)267-7880 during business hours, by fax at (613) 548-4673 or by email at reservations@ambassadorhotel.com.

Individuals with guaranteed reservations who fail to arrive on the confirmed date or to cancel their reservation without 24 hours notice will be charged at the event rate plus taxes/fees for one night. This cancellation policy also applies to early departures.

#### **CHECK-IN & CHECK-OUT TIMES**

Check-in time is after 4:00 pm, check-out is prior to 12 noon. Guests arriving before 4:00 pm will be accommodated as soon as rooms become available. Guest Services Department can arrange to check baggage for those arriving early when rooms are not available and for guests attending functions on their day of departure.

# CASST

**CASST** is a national body of court reporters, CART providers, and broadcast captioners. Its growing membership is comprised of professionals from each of Canada's provinces. Five of these, British Columbia, Alberta, Saskatchewan, Ontario, and Quebec, have provincial associations that address professional issues at a local level. CASST speaks for its members nationally and seeks full legislation in accordance with needs of the professional body. Bylaws are expected to become official at the first annual general meeting later this year. Currently CASST is funded by volunteer memberships of many who support national unity and the need for a Canadian standard. If you are among our reporting professionals or if you're a stakeholder in our industry, consider a charter membership with your voluntary, tax-deductible dues.

## **Why is CASST critical to the Canadian reporting profession?**

Here are just three points highlighting the philosophies that led to the creation of our national association.

*1. Political importance: Currently Canadian court reporters, CART providers, and captioners have no power to lobby provincial or federal government. And for each political struggle our professionals encounter, they face a lack of respect by bureaucrats. In essence we are seen as a small, divided group that is of little significance at election time.*

**CASST mandate:** To provide a unified political voice for all Canadian reporting professionals who support our organization and to lend consistency to the roles of both English and French members comprising the Canadian industry.

*2. Respect: In every Canadian province, our professionals lack the legal right to discipline their peers. Without CASST's presence, Canadian reporters may never satisfactorily demonstrate their value, integrity, and solidarity to those who use our services. Currently we cannot assure the Canadian public that we are accountable for our actions. This adversely affects the professional respect we receive.*

**CASST mandate:** To have our members and our stakeholders establish a standard that all Canadian reporters will follow and acquire recognition of that standard by federal government through an act of parliament.

*3. Hope for a better future: Any profession without a national body is without some highly important legitimacy. The entire future of reporting is filled with uncertainty. Laypeople will remain ignorant of the role our professionals perform in public service. Training facilities will continue to fight for funding in what is mistakenly seen as a dead profession.*

**CASST mandate:** To provide a foundation for public awareness and the education of new reporting professionals, and to assure the quality of our members through continuing education.

(Information reproduced from [www.casst.net](http://www.casst.net))

For more information on CASST, visit their website at [www.casst.net](http://www.casst.net) (Thanks to Lisa Cumber, (CRAO V-P) for negotiating and confirming the CRAO link on the CASST website.)



## *In Memoriam*

### **Sharon Fraites –**

January 4, 2006 - Sharon succumbed to a lengthy illness at Lakeridge Health Bowmanville, in her 57th year. She was the devoted wife of Lionel. Sharon was a court reporter in Newmarket for many years. A memorial service was held on March 9th at the Wheelhouse in Wilmot Creek. Sharon will be sadly missed by her many friends and colleagues. Memorial donations can be made to the Canadian Cancer Society through NEWCASTLE FUNERAL HOME, 1-877-987-3964 with whom arrangements have been entrusted. Expressions of sympathy may be e-mailed to [condolences@newcastlefuneralhome.com](mailto:condolences@newcastlefuneralhome.com)

## ***INQUIRING MINDS...***

### **PRELIMINARY HEARING TRANSCRIPTS**

**QUESTION:** Ordering of preliminary hearing transcripts -It used to be that the ordering party would get three copies of the pre-lim to distribute (paying for all three copies).

Now the ordering party (usually the defence) only pays for his own copy with the Crown and Court copies being paid by MAG. But who distributes the Crown and Court copies? I must have assumed (which I guess I shouldn't do) and I did distribute the copies to the Crown and the Superior Court of Justice. I just sent it care of Superior Court. In speaking with a Crown today he says that the Court never sees the preliminary transcript. If he did, it would be cause for dismissal. He says the defence picks out the pages from that court copy and gives the judge what the defence wants him to see. Help!

**COMMENT:** In Central West, it has been done as follows: One, the Crown orders two copies and are given two copies. They file one with Superior Court of Justice. In Walkerton, although the Crown orders two copies, they want reporters to file second copy with the Trial Coordinator.

**COMMENT:** I do not remember a time when the ordering party paid for three copies. Usually Crown orders original and court copy; defence their copy. It is Crown who files copy with next court, not reporter.

If used in next proceedings, Crown or defence can then point judge to portion referring to. That is my understanding all these years. (Martha the Mentor!)

*More "Questions" and "Comments" can be found on your CRAO website by clicking on "Members" on the Home page and then "Forums".*

**INQUIRY:** *A law office made the following inquiry with the CRAO, wishing to "log" a complaint for services of a court reporter. They make the following comments: "We have experienced delay in receipt of a transcript from an independent court reporter and she is now advising that she will not release the transcript until payment is received in full. Short of never using this reporter again, is there any process to make it clear to her that this behaviour is unprofessional and counter productive. I would appreciate any assistance you can provide."*

**COMMENT:** *The following response was sent to the law office by Linda Fudge, President, CRAO*  
We do not have a formal complaint process in place. However, I can tell you that it is common practice in the court system for lawyers and individuals to pay for transcripts in full before the transcript is released. It is entirely up to the individual whether they release transcripts without payment. With independent firms and freelance court reporters, it is advisable to have an agreement in place beforehand as to what your expectations are with respect to transcript production and payment. Without knowing who the reporter is and the circumstances of your dealings with her, I don't think I can help you any further. In the near future, however, if you need a freelance reporter, we are adding a feature to our website, "Find a Reporter" which will list firms and freelance reporters across the province.

Linda Fudge, CVR, CCR  
President, CRAO

## Preliminary Hearings

Ordered by Crown:

- Provide original and court copy
- Bill for original and copy using the [Invoice for Service \(AG 0510\)](#) to Court Services

Ordered by defence:

- Bill for original on personal invoice
- If either the Crown or defence counsel orders the original, contact the other side to see if they want the copy
- The Crown is responsible for providing the court copy
- If the Crown requires additional copies, they are billed on the

## Sentence over 2 years

- Bill on personal invoice to Correctional Services of Canada
- Include S.I.N. on invoice
- Reasons and invoice can be e-mailed to Corrections Canada at [GEN-ONT-IRU@csc-ccc.gc.ca](mailto:GEN-ONT-IRU@csc-ccc.gc.ca)
- Automatic order (Original only)
- Deliver transcript to Corrections Canada via Purolator

## Sentence 6 months to 2 years less a day

- Bill using the [Invoice for Service \(AG 0510\)](#) to Court Services
- Automatic order for designated offences (original only)
- Use code on invoice #5455259
- Deliver transcripts to local Probation Office

## Judiciary

- Bill using the [Invoice for Service \(AG 0510\)](#) to Court Services
- Indicate on invoice name of justice who ordered the transcript
- Deliver transcript to Judge's Office via Judge's Secretary

## Crown

- Bill using the [Invoice for Service \(AG 0510\)](#) to Crown
- Indicate on invoice name of Crown who ordered the transcript
- Deliver transcript to local Crown unless an appeal to the Court of Appeal, then forward transcript to Provincial or Federal Crown



## Pre-enquête Proceedings ordered by Justice of the Peace or Crown

- Bill using the [Invoice for Service \(AG 0510\)](#) to Court Services
- Indicate on invoice who ordered the transcript
- Deliver transcript to Justice of the Peace's Office via Judge's Secretary

## Interjurisdictional Support Orders

- Bill using the [Invoice for Service \(AG 0510\)](#) to Court Services
- Automatic order
- Deliver original and 2 copies to Interjurisdictional Support Unit
- Deliver 1 copy to court office

## Mental Disorder Disposition Hearings

- Bill using the [Invoice for Service \(AG 0510\)](#) to Crown
- Automatic Order (original only)
- Deliver transcript to Review Board

## Dangerous Offender Applications

- Bill using personal invoice to Correctional Services of Canada
- Automatic Order (Original only)
- Deliver transcript to Corrections Canada



# USE EMAIL JUDICIOUSLY - SOURCE: Miller Thomson LLP

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The speed and convenience of email has changed not only the way that we communicate, but the manner in which we do business. The immediacy of email communication has fostered an ever-increasing pressure for instantaneous response. This sense of urgency and the casual way in which email tends to be used means that messages are sent without the forethought and review that would accompany more formal communications.

To varying degrees, email has replaced almost every other form of communication. Issues that would, in the past, have been addressed through face-to-face or telephone Discussions now take place by email. At the same time, email is used in situations where formal letters or memos used to be written. This can be a dangerous trend; important messages are being fired off in a quick, casual manner without sufficient consideration of the content or the consequences. The reality is that electronic documents such as email messages are stored and archived, often in a number of places. They are extremely difficult to delete in an effective manner, and typically remain retrievable despite efforts to do so. And they are turning up in court proceedings with increasing regularity.

Perhaps the best Canadian example is the dispute between CIBC and Genuity Capital Markets, involving a group of departing CIBC employees. The employees seem to have been operating under the mistaken belief that their BlackBerry PIN messages could not be seen by their employer, and that simply deleting incriminating messages would remove all traces. CIBC is now relying upon these messages in their lawsuit. A few years ago, Merrill Lynch suffered significant embarrassment when New York's Attorney General found that stocks which the firm had publicly rated as "buy" had been referred to internally, by investment analysts, as "junk", "crap", "dog" and "disaster". The firm paid out \$100 million (U.S.) to avoid potential criminal charges.

Email has not only changed the pace of communication, as faxing did, it has also changed the way that we write. People do not take the time to structure the content of an email message as they would a letter or memorandum. They do not use proper grammar, punctuation, or spelling. They use slang, abbreviations, and "smileys" to convey their message. The messages tend to be shorter, with less introduction or explanation. Proof-reading is often a luxury that is dispensed with in favour of clicking "send" and moving on to the next message in their inbox.

The result is that many communications are sent with a decidedly unprofessional appearance, which can reflect poorly on the individual and the organization. For example, what would you think upon receiving this message from your accountant: "Ur tax return is ready 4 u 2 sign!!!"? In addition, the message that is conveyed is often quite different from what was intended. Even when the message is as intended, it may lead to problems. The casual nature of email has people writing things that they would never include in more formal documents. In the past, sensitive discussions would take place in person or by telephone. Courts were at the mercy of the less than reliable memories of those involved in the conversations. "He said" "She said" disputes were common, as there was no precise record of the exchange. Conversely, email messages detail exactly what was said, when, by whom and to whom. Hidden data can reveal even more about the document's history, including changes made in the course of drafting.

It is crucial that people understand two realities:

- 1) email messages do not simply disappear from their system when they press "send" or "delete", and
- 2) email messages are "documents" which must be produced in related court proceedings and can, therefore, be used against them. So how can we protect ourselves?

Organizations should educate management and staff on the dangers of email. They should encourage their employees to adopt a more cautious approach to the use of email and consider other methods of communication. Ideally, sensitive, controversial or confidential information should not be discussed via email. In those situations, talking face-to-face or by telephone should be encouraged. Where privacy concerns exist, other forms of correspondence should be favoured. When email is used, messages should be drafted prudently and professionally. The writer should consider the consequences if the message were to pop up in the newspaper or be read aloud in court. Email is a useful tool that can make all of us more accessible and efficient. Like any other tool, however, it must be used responsibly and judiciously. Just because you can send a quick email on your BlackBerry in between meetings doesn't mean that you should.

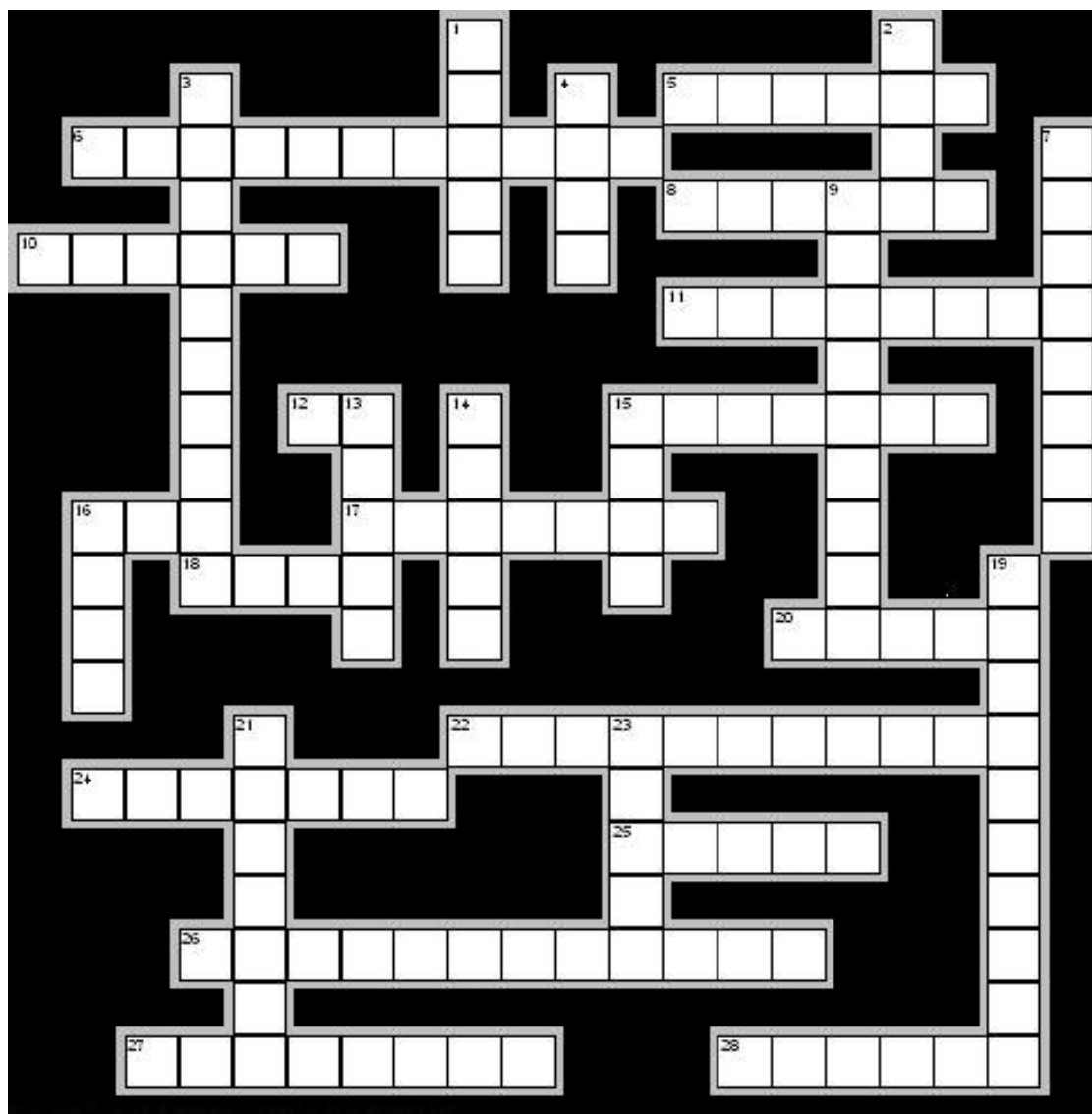
*(Reprinted with permission of author. This article originally appeared in the National Post. Stuart Rudner practices employment law and litigation at Miller Thomson LLP's Toronto office. He can be reached at 416.595.8672 [orsrudner@millerthomson.com](mailto:orsrudner@millerthomson.com))*

*(And thanks to Lisa Cumber for finding this article and sending it on to Newsletter committee)*

# COURT REPORTERS' BRAIN PUZZLE NUMBER 1

## LEGAL TERMS

### SKILL LEVEL - EASY



## Across

5. An application to a court for a ruling or order
6. An irresistible desire to steal
8. A court will consider a case based on its \_\_\_\_\_.
10. Wicked purpose
11. Agreement between persons to do a thing for value]
12. Abbreviation for counsel in Canada and England
15. The defendant in a criminal trial
16. Law or right
17. Defamation through words
18. A civil action excluding an action in contract
20. The place of a trial
22. A failure of justice
24. A barrister
25. A written defamatory comment on a person's character
26. An obligation for an accused to appear for trial at time and place set
27. One of the parties involved in a law suit
28. A person who agrees to satisfy an obligation of another person

## Down

1. Annul or make void
2. A point that is debatable
3. Habitual criminal
4. Payment in \_\_\_\_\_ or in services.
7. An erroneous trial due to a technicality
9. Without a will
13. An allowance given to the successful party in litigation for expenses
14. Meaning as if or almost
15. To encourage another in the commission of a crime
16. A group of men or women called to hear and decide on fact in matters before the Court
19. A final or determinate act
21. An inquiry held by a coroner into sudden, violent or unusual death
23. Negligence or fault

ANSWER KEY IN NEXT NEWSLETTER OR E-MAIL  
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