TCRA MEMBER

COURT REPORTER'S HANDBOOK

Revised March/2012

INTRODUCTION

It is our goal that all Tennessee court reporters will provide accurate, timely transcripts in an unbiased, professional manner. This handbook is part of achieving that goal.

We recognize there are many different formats used in transcript preparation, and there may likewise be several ways of handling the same situation, depending on the custom and practice in your area. This handbook is intended to be used as a reference in the absence of local practice or instruction by another reporter with whom you work.

We hope this manual will provide guidance and will help in establishing consistency in court reporting in Tennessee. As a member of TCRA, your input is a valuable part of that process. We welcome your criticisms and suggestions.

COURT REPORTER'S CREED

My profession stems from man's desire and his necessity to preserve the happenings of yesterday and today for tomorrow.

My profession was born with the rise of civilization in ancient Greece.

I was known as a scribe in Judea, Persia and the Roman Empire.

I preserved the Ten Commandments for posterity and was with King Solomon while building the temple.

I was with the founding fathers of The United States when they drafted the Declaration of Independence. My hand labored upon the scroll that set forth the Bill of Rights.

The immortal Abraham Lincoln entrusted me to record the Emancipation Proclamation.

I was commissioned to be with Roosevelt at Yalta. I was with Eisenhower on D-Day and with MacArthur at Tokyo.

I have kept confidence reposed with me by those in high places, as well as those in lowly positions.

My profession protects the truthful witness, and I am a nemesis of the perjurer. I am a party to the administration of justice under the law and the court I serve.

I discharge my duties with devotion and honor. Perhaps I haven't made history, but I have preserved it through the ages.

In the past I was called a scribe. Today I am the court reporter that sits in the courts of our country. I am the stenographer that sits in the United States Congress.

I am the verbatim Court Reporter!

CODE OF PROFESSIONAL ETHICS
TENNESSEE COURT REPORTERS ASSOCIATION

The Code of Professional Ethics defines the ethical relationship the public, bench, and the bar have a right to expect from a TCRA member. The Code sets out the conduct of the Member when dealing with the user of reporting services and acquaints the user, as well as the Member, with the following guidelines for professional behavior.

A Member shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services to all parties in a proceeding.

2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict as soon as reasonably possible.

3. Guard against not only the fact but the appearance of impropriety.

4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Member by any of the parties in a proceeding.

5. Be truthful and accurate when making public statements or when advertising the Member's qualifications or the services provided.

6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.

8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except (1) items that do not exceed $25.00 in the aggregate per recipient each year; or (2) pro bono services as defined by any applicable state and local laws, rules, and regulations.

9. Maintain the integrity of the reporting profession.

10. Abide by the Constitution and Bylaws of the Tennessee Court Reporters Association.

I N D E X

1.	Administering the Oath	8
2.	Marking Exhibits	10
3.	TBCR Uniform Transcript Guidelines	11
4.	Transcript, Format, Punctuation	13
5.	Reading Back	16
6.	Parenthetical Expressions	18
7.	Strike/Off Record	21
8.	Access to Transcripts	22
9.	Notes Storage	24
10.	Depositions – Discovery and Evidentiary Depositions	25
11.	Certification of Questions	42
12.	Errata Sheet	47
13.	Nonappearance of Witness Certification	49
14.	Court Transcripts	50
15.	Uncertified transcript disclaimer	56
16.	Samples of Reporter’s Certificate	57
17.	CCR Program	59

ADMINISTERING THE OATH

You will be expected to swear the witness at depositions. When the attorneys are ready to begin, ask the witness to raise their right hand. You can demonstrate for the witness with your own hand. If the witness is unable to raise their right hand, administer the oath without asking the witness to raise their hand.

Although a deponent may swear or affirm, it might be easier to include both ways in your oath, such as:

Do you solemnly swear, or affirm, that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

If you should forget to swear the witness before the proceedings begin, do so as soon as you realize the omission. You may administer an oath such as:

Do you solemnly swear, or affirm, that the testimony you have given and will give [if testimony is not completed] in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

Because the Tennessee Rules of Civil Procedure could be interpreted to require that the person administering the oath be in the physical presence of the deponent, that is the safer practice, unless, of course, the parties agree or the court orders otherwise. See State of Tennessee Office of the Attorney General Opinion Number 01-159, issued April 16, 2001, concerning oaths for telephone depositions to be used in the courts of Tennessee. Pursuant to Rule 28.01 of the Tennessee Rules of Civil Procedure, a judge can commission any person who is already a notary public in the State of Tennessee to administer an oath to a witness who is

testifying anywhere in the United States in a case pending in his court.

In a courtroom setting, the clerk (or judge) will probably swear the witness. If you are requested to swear the witness, you can use the same oath as you do in a deposition. The oath for an interpreter translating a witness' testimony is:

Do you solemnly swear, or affirm, that you will well and truly translate from English to [foreign language] and from [foreign language] to English the questions propounded and the answers given in this case, so help you God?

MARKING EXHIBITS

In depositions, you will be expected to mark exhibits. Since attorneys often forget that you cannot mark exhibits and write shorthand at the same time, it may be necessary to stop them. It would be a good idea to have some stickers made up in advance to save time. Jot a simple explanation onto your list so you can keep track of exhibits during the deposition. It will be helpful for the attorneys if you write the witness' name on the exhibit sticker. It should also reflect the date, exhibit number, and your initials. Exhibit stickers may be purchased from court reporter supply vendors.

If an exhibit is bulky, ask the attorney taking the deposition to retain it. You may want to carry some cardboard tags with strings to attach exhibit stickers to certain exhibits which are not easily marked. Make a note in your index that the exhibit was retained by counsel. (Be sure to list the attorney's name so there will be no question who has the exhibit.)

When you prepare the transcript, you will attach the original exhibits to the original transcript and copies of them to the transcript copies. You should list the exhibits in the transcript index, and a parenthetical expression should reflect the exhibit's inclusion into the record. If a document is requested but not available at the time, it will be listed as a late-filed exhibit. (See Depositions for examples.)

In a courtroom setting, you will probably mark the exhibits. You will want to keep a list for your records. Sometimes court exhibits are marked for identification and later received into evidence. Some courts number all exhibits consecutively, but some of them mark Plaintiffs' and Defendants' exhibits separately. Be sure to use simple parentheticals such as:

(Plaintiff's Exhibit 1 was received into evidence.)

TENNESSEE BOARD OF COURT REPORTING
UNIFORM TRANSCRIPT GUIDELINES

1. 25 lines per page.

2. Minimum 9 characters per inch.

3. Left-hand margin at 1 ¾ inches, with minimum 55 characters per line.

4. Each question and answer to begin on a separate line.

5. "Q" and "A" designations at left margin OR no more than 5 spaces from left margin. Text to begin no more than 10 spaces from left margin. Paragraphing 10 spaces from left-hand margin.

6. Carry-over Q & A lines at left margin.

7. Colloquy material 15 spaces from left-hand margin. Text begins 2 spaces after Speaker "ID" colon, with carry-over lines to begin 5 spaces from left-hand margin.

8. Quoted material begins 15 spaces from left-hand margin, with carry-over lines at 10 spaces from left-hand margin.

9. Parentheticals and exhibit markings 10 spaces from left-hand margin, with carry-over lines 10 spaces from left-hand margin.

10. Redacted portions of transcript shall retain original integrity of transcript format.

Redact Policy

Requires all spaces in redacted material to be noted with*** or blacked out using the same number of spaces being replaced. This allows words and lines to remain the same and not moved from one line to another. Most new court reporting systems have "redact" capability.

Recommendations

These Guidelines present a model transcript format to follow in those situations in which federal, state, or local laws or rules are silent, and local custom and usage is unclear or nonexistent with respect to transcript format.

The Guidelines are not intended to supplant applicable federal, state, local laws, or to undermine or usurp local custom and usage. If federal, state, and local laws and custom and usage are not applicable, the reporter is free to decide the appropriate transcript form with the agency.

TRANSCRIPT FORMAT/PUNCTUATION

All transcripts should be on white 8-1/2”x11” paper with black ink. Lines should be numbered 1 through 25. There should be no blank lines in the body of the transcript except where it is necessary to avoid breaking up lines which should be kept together, such as Direct Examination/By Mr. Smith. All pages after the title page should be numbered. The type should be letter quality, double-spaced with no fewer than 9 or 10 letters per inch. The margins should provide between 55 to 60 spaces per line with black marginal lines. (left, 1-3/4”; right, 3/8”). Top and bottom marginal lines (or box form) are optional.

Each question and answer should begin on a separate line and should be designated by a Q or A, respectively. Periods following the Q and A are optional. Spaces between the left margin and the beginning of text of Q and A should be no more than 12 spaces (10 blank spaces plus Q or A and period).

For example:

Q. XXXXXXXXXXState your name.
A. John Smith.

OR

XXXXXQ. State your name.
A. John Smith.

Subsequent lines should return to the left margin.

You may be asked to number each question in a deposition. Many types of court reporting software will accommodate that. Example:

Q.12345 What is your name?
A. David Jones.
Q.12346 What is your occupation, Mr. Jones?

Colloquy speaker identification should be indented no more than 15 spaces with subsequent lines beginning at the left margin.

Transcripts cannot always follow the regular punctuation rules since the spoken word can vary greatly from the written word. Two court reporters can punctuate a sentence differently and both be correct. Consistency within a transcript is important.

Paragraphing should be used to show change in subject but may also be used for clarity.

Quotation marks may be used when you are certain the speaker is quoting. It is often difficult to determine what is part of the quote and what is not. It is acceptable to simply write the words said, such as “quote,” or to delineate quoted material with a colon or comma followed by initial capital letter.

For example:

She told me, Do not come back.

You may also use (as read) with quoted material in the transcript when someone is reading from material that the reporter does not have access to or if the speaker stumbles over words while reading.

A dash should be used to show an interruption by another speaker or an interruption of train of thought by the speaker himself.

For example:

A. I wasn't going to just –
Q. Did you go back to work after that?
A. Yeah, I went the first – the second day after that.

Ellipses should be used to show trailing off. For example:

A. You know, we just couldn't keep…
Q. The marriage was over at that point?

Since the objective is to make the transcript verbatim yet easy to read, it is okay to begin a new sentence with "and" or "but" when a sentence seems to run on and on.

If the speaker uses a word that you know is not correct, you may use (sic) or (as stated) to let the reader know that you have transcribed the testimony verbatim even though it may appear to be an error.

If you are unsure of the spelling of a word or name and are unable to verify the proper spelling, you should use (phonetic) after the word.

For example:

A. Her name was Lakisha (phonetic).

Of course, if the word you are struggling with is the name of a street or business, there are references available which list such things in books or on the internet by using different search engines or websites.

READING BACK

When you are asked to read back, read in a loud, clear voice, but not too rapidly. If you read too fast, the least hesitation on a word leaves a bad image. If you are speaking rather slowly, but obviously because you want to be clearly understood, you will have time to read a word or phrase that requires a second glance. If you have realtime capabilities, you can find the portion of the proceedings quickly on your computer.

When you are asked to read in court, you should not read the objections. However, do not edit the testimony in any fashion. Use voice inflection to indicate breaks in thought.

If you are asked to read to a jury, ascertain exactly which portion you are to read. Never read more to a jury in the jury room than has been specified by the court. A court reporter should not be present for nor take part in any jury discussions or deliberations.

Always keep track of what you have read back so that your transcript can indicate the proper portion. A parenthetical regarding reading back testimony that appears on the same page of the transcript could be:

(The last question was read.)

(The last question and answer was read.)

OR

(The last three questions and answers were read.)

If the testimony which was read back by the court reporter appears on a previous page of the transcript, restate the testimony in your parenthetical, such as:

(The last question was read as follows: "Q. When did this accident happen?"_

OR

(The testimony was read as follows: "Q. When did this accident happen? A. I don't know. Q. You can't remember? A. No, I can't.")

PARENTHETICALS

Parenthetical remarks in a transcript reflect the court reporter's explanation of some action which has taken place in the proceedings. The action may not otherwise be evident from reading the record. It is not the court reporter's job to interpret things, but your transcript should make it possible for someone reading the transcript to grasp what was going on in the deposition/hearing.

If the answer is not verbal, it is best not to indicate that a witness has answered affirmatively, since he may just be nodding his head to indicate that he understands the question. Simply reflecting a nod or shake of the head is sufficient. The attorney should ask the witness to answer verbally or clarify any unclear answers.

Examples:

(Witness moves head up and down.)

(Witness moves head from side to side.)

Use a parenthetical when a witness responds to a question with a gesture and does not accompany the gesture with words.

Examples:

Q. Please point to the spot on the chart where you saw the glove.
A. (Indicating.) OR
A. (The witness indicated.)

Q. Please write your signature on this paper.
A. (Witness complies.) OR
A. (The witness wrote on the paper.)

Some court reporters use (No verbal response) rather than (Witness complies) since they cannot see that the witness actually complied with the request. Whatever wording you use, make sure that you are consistent.

Sometimes it may be necessary to show that time has gone by if nothing is said in the transcript which reflects the pause. Perhaps the witness is taking a long time answering a question or an attorney, witness, or judge is reviewing an exhibit, etc.

Examples:

(Pause in proceedings.)

A. (Reviewing document.) or
A. (Examining document.)

Normally you should write everything down unless you are told to go off the record by the judge or, in the case of a deposition, all of the attorneys are agreeable that the discussion can be off the record. It is much easier to leave something out of the transcript when editing than it would be to insert something that you haven't recorded in your notes.

Use parentheticals for explanatory notations that are not spoken but are included as necessary for the record.

Examples:

(Discussion off the record.) OR
(A discussion was had off the record.)

(Court was adjourned at 4:50 p.m.)

(The jury retired to deliberate at 2:15 p.m.)

Be sure to indicate the time that the jury goes in and out so that the transcript will indicate the total deliberation time.

A parenthetical is helpful when a beeper or alarm goes off, cell phone, etc., and neither the attorneys nor the judge says anything to explain what is going on for the record.

Example:

(Interruption occurred.)

For further information, see English Guide for Court Reporters, Second Edition, by Lillian I. Morson.

STRIKE/OFF RECORD

Sometimes it is difficult for a reporter to determine whether something should be put in a transcript or left out. Keep in mind that it is always easier to keep writing and leave something out later than it would be to reconstruct what was said if you did not write it down.

In a deposition setting, you should probably consider everything is on the record unless all of the attorneys agree to go off the record. If a witness tells you to strike something or go off the record, simply continue to write everything until the attorneys tell you differently. If something seems to be off the record but you are unsure, ask for clarification.

In a courtroom setting, consider that everything is on the record that you are able to hear unless the judge tells you otherwise. If anyone, including the judge, says that something should be stricken, simply write what they say. Anything that is heard by a jury should be included in the transcript so the appellate court can see what the jury heard, since it may have affected their verdict.

ACCESS TO TRANSCRIPTS

Depositions:

Any attorney who pays for your appearance at a deposition should have access to the transcript (provided they pay for it). In most depositions, the attorney taking the deposition will hire you to report it and will purchase the original transcript. Any other attorneys who attend the deposition may order copies at your copy rate. If someone who is not involved in the proceedings requests a transcript from you, you should get the approval of all counsel and the witness before releasing the transcript. If the deposition is not ordered by the taking attorney and another attorney involved in the case wants it transcribed, he/she will need to be aware that he/she will have to purchase the original transcript.

Also, it is acceptable for you to split the cost of the per diem and original transcript with other counsel at deposition if they agree to such fee arrangement.

Court:

In a civil court setting, the attorney who hires you has agreed to pay your per diem. When you arrive at court, you should ask the opposing counsel if they wish to share the per diem. If so, they will have access to the transcript following the hearing if they wish to purchase it.

If opposing counsel does not choose to share the per diem, they may not have access to a transcript. If they call you later wishing to purchase a transcript, you should tell them that it will be up to the attorney who hired you and that he/she should check with them. Sometimes the original attorney will be willing to let the other attorney have access to the transcript if they reimburse him

for one-half of the per diem he paid. Also, the appeal process will be simpler if the transcript is available. However, if the attorney who paid for your time in court does not want you to release the transcript to the attorney who did not pay, you should not do so.

Also, it is acceptable for you to split the cost of a copy and original equally between the parties ordering a transcript if they agree to such fee arrangement. If they do not, whoever calls to order first will pay for the original and the other party will pay the copy rate.

In a criminal court setting, official reporters may sell copies of any court proceeding where there has been a finding of guilt to anyone (unless the matter is under seal). If there has been no finding of guilt, you will need a court order or approval of the trial judge to release criminal court transcripts.

NOTE: You should always notify all counsel involved whenever a transcript is ordered so that they can order a copy. This applies to excerpts, daily copy, etc., (unless you are in a courtroom setting where the opposing counsel is not splitting the per diem).

For further information, see the Advisory Opinions by the National Court Reporters Association, http://ncraonline.org/AboutNCRA/cope/Advisory.

NOTES STORAGE

For those of you still using stenographic notes, you should always store them, even though you may have computer records of your notes. If you have computer failure, you will always be able to read your paper notes. You may want to keep your notes for as long as you have space in which to store them. It is recommended that you retain all of your court reporter notes for at least five (5) years.

In criminal court cases, Tenn. Code Ann. Section 40-14-307 requires the clerk to retain possession of all audio recordings and stenographic notes of proceedings by the court reporter. Tenn. Code Ann. Section 18-1-202 allows the clerk to dispose of these records after the passage of ten years following the final disposition of the case.

DISCOVERY DEPOSITIONS

A deposition is sworn testimony recorded verbatim. The purpose of a discovery deposition is for the attorney to discover what the witness knows and what he or she will testify in court.

List under Appearances all of the attorneys who are present and who they are representing. If another person is sitting in on the deposition who is not an attorney of record (such as a party or expert), list him/her as Also Present.

See the attached discovery deposition (pages 1-7) for examples.

PAGE	LINE	EXAMPLE OF
4	13	Uh-huh
5	5	shaking head
5	11	trailing off
5	16	court reporter question (transcribed because of further statement by witness)
5	25	nodding
6	3	interruption
6	7	time
6	16	quotation

IN THE CIRCUIT COURT OF HAMILTON COUNTY

STATE OF TENNESSEE

AT CHATTANOOGA

JOHN SMITH,	)	
	)	
Plaintiff,	)	NO. 11C1234
	)	
vs.	)	
	)	
JOHN JONES,	)	
	)	
Defendant.	)	

Chattanooga, Tennessee
February 3, 2012

DEPOSITION OF JOHN SMITH

APPEARANCES:

FOR THE PLAINTIFF: JOHN DOE, ESQUIRE
Attorney at Law
123 Main Street
Chattanooga, Tennessee 37402

FOR THE DEFENDANT: JANE WILLIAMS, ESQUIRE
Williams & Williams, P.C.
123 First Avenue
Chattanooga, Tennessee 37402

ALSO PRESENT: John Jones

JOHN SMITH:
Examination by Ms. Williams 4

INDEX TO EXHIBITS

No.	Description	Page
1	Copy of driver's license	4

- - -

The deposition of JOHN SMITH, a witness called at the instance of the Defendant, for purposes of discovery, pursuant to the Tennessee Rules of Civil Procedure, taken on the 3rd day of February, 2012, at the offices of John Doe, Esquire, 123 Main Street, Chattanooga, Tennessee, before (Name of reporter), LCR #, Court Reporter and Notary Public.

S T I P U L A T I O N S

It is agreed that Patricia A. Gildea, Court Reporter and Notary Public, may swear the witness, report his deposition in machine shorthand, and afterwards reduce the same to typewriting.

All objections, except as to form of the questions, are reserved until the time of trial.

It being further agreed that all formalities as to notice, caption, certificate, transmission, et cetera, including the reading and signing of the completed deposition by the witness, are expressly waived.

JOHN SMITH,

called as a witness at the instance of the Defendant, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. WILLIAMS:

Q State your name, please.

A John Smith.

Q Mr. Smith, my name is Jane Williams and I represent Mr. Jones in this case, and I'll be asking you some questions today. Are you still residing on Park Avenue?

A Uh-huh.

Q As I said, I'll be asking you some questions about your background and about this accident between you and my client. Do you understand that?

A Yes.

Q Do you have your driver's license with you today?

A Yes.

Q We'll make a copy of that an exhibit to your deposition.

A Okay.

(Exhibit 1 was marked for identification.)

Q Where did this accident take place?
A At the intersection of Walker Drive and Second Avenue.
Q Do you know Mr. Jones?
A (Witness moves head from side to side.)
Q Where were you immediately before the accident?
A Home.
Q Did you go straight to the accident scene?
A No. I was taking my cousin...
Q Taking your cousin where?
A To his house.
Q What is your cousin's name?
A James Westerly.
COURT REPORTER: What is James' last name?
THE WITNESS: Westerly.
BY MS. WILLIAMS:
Q Then where did you go, after taking Mr. Westerly home?
A Then the accident happened.
Q Did you see Mr. Jones' car prior to the accident?
A (Witness nods head up and down.)

Q Where was Mr. Jones' car when you first saw it?

A He was in the turn lane --

Q Where was your car at that time?

A In my turn lane.

Q What time did the accident occur?

A I can't remember. Maybe between 4:00 and 4:30.

Q Where were you planning on going?

A Turn left into the shopping center.

Q What happened then?

A Mr. Jones changed lanes and came straight ahead as I was turning.

Q After the accident, did Mr. Jones say anything?

A Yes. He said, "Why did you hit my car"?

MS. WILLIAMS: That's all I have.

AND FURTHER DEPONENT SAITH NOT

(Signature waived.)

REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

I, (Name of reporter), Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the deposition of JOHN SMITH, called as a witness in the above-styled cause; that the said witness was duly sworn by me; that the foregoing pages, numbered from 1 to 7, inclusive, were transcribed under my personal supervision and constitute a true record of said deposition.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 6th day of February, 2012.

_____

(Name of reporter), LCR #
Court Reporter and Notary
Public. My Commission
Expires: April 7, 2012.

EVIDENTIARY DEPOSITIONS

An evidentiary deposition is one in which the attorneys have agreed may be read in court as evidence.

Depositions of medical doctors are usually stipulated to be evidentiary depositions. The doctor must be qualified as an expert, and his credentials need to be included in the deposition, either by making his curriculum vitae (resume) an exhibit by the attorney asking the questions or by you typing it in a question-and-answer form. Therefore, when you arrive at a doctor's office for a deposition, you should obtain a copy of his C.V.

If you are requested to do so, simply type questions and answers from the C.V. as if the attorney had asked the doctor about his qualifications. Make sure to include what year he was licensed to practice medicine in the state of Tennessee. (See page 4, line 6, through page 4, line 12 of attached evidentiary deposition for a sample of questions and answers included by the court reporter from the C.V.)

Also, evidentiary depositions are often videotaped. The videographer will provide either a copy of the audio or a copy of the DVD of the depositions for you to ensure that your transcript matches the video.

CURRICULUM VITAE
Mark A. Jackson, M.D.

Born: Livermore Falls, Maine, April 27, 1945
B.S.: Springfield College, Springfield, Massachusetts, 1967.
M.D.: Temple University School of Medicine, Philadelphia, PA, 1972
License to practice Medicine, April, 1978.
Diplomat of National Board of Medical Examiners, 1974.
Intern in Surgery, Vanderbilt University Hospital, 1972-73.
Assistant Resident in Surgery, Vanderbilt University Hospital, 1973-74.
Resident Neurosurgeon, Vanderbilt University Hospital, VA Hospital, and General Hospital, 1974-78.

HOSPITAL APPOINTMENTS:

Clinical Instructor Vanderbilt University Medical School	1978
Consultant Nashville VA Hospital	1978

ORGANIZATIONS & AWARDS:

Alpha Omega Alpha Honor Society	1970
Roche Pharmaceutical Company Award for Academic Achievement	1970
Babcock Surgical Honor Society	1971
Meacham Neurological Society	1978
Nashville Academy of Medicine	1978

MEMBER OF HOSPITAL STAFF:

Nashville Memorial Hospital	1978
St. Thomas Hospital	1978
Vanderbilt University Hospital	1978
Parkview Hospital	1978
Westside Hospital	1978
Nashville General Hospital	1978
Nashville VA Hospital	1978

IN THE CIRCUIT COURT OF HAMILTON COUNTY

STATE OF TENNESSEE

AT CHATTANOOGA

JOHN SMITH,)
)
Plaintiff,) NO. 11CV5432
)
vs.)
)
JOHN JONES,)
)
Defendant.)

Chattanooga, Tennessee
February 3, 2012

EVIDENTIARY DEPOSITION OF MARK A. JACKSON, M.D.

APPEARANCES:

FOR THE PLAINTIFF: JOHN DOE, ESQUIRE
Attorney at Law
123 Main Street
Chattanooga, Tennessee 37402

FOR THE DEFENDANT: JANE WILLIAMS, ESQUIRE
Attorney at Law
123 First Avenue
Chattanooga, Tennessee 37402

PREPARED BY:

Jane Smith, LCR #
ABC Reporters

The evidentiary deposition of MARK A. JACKSON, M.D., a witness called at the instance of the Plaintiff, for use in evidence, pursuant to the Tennessee Rules of Civil Procedure, taken on the 3rd day of February, 2012, at the offices of Mark A. Jackson, M.D., Erlanger Hospital, Chattanooga, Tennessee, before (name of reporter), LCR # , Court Reporter and Notary Public.

S T I P U L A T I O N S

It is agreed that Patricia A. Gildea, Court Reporter and Notary Public, may swear the witness, report his deposition in machine shorthand, and afterwards reduce the same to typewriting.

All objections, except as to form of the questions, are reserved until the time of trial.

It being further agreed that all formalities as to notice, caption, certificate, transmission, et cetera, including the reading and signing of the completed deposition by the witness, are expressly waived.

MARK A. JACKSON, M.D.:
Direct Examination by Mr. Doe #
Cross Examination by Ms. Williams #
Redirect Examination by Mr. Doe #
Recross Examination by Ms. Williams #

INDEX TO EXHIBITS

No.	Description	Page
1	description	
2	description	
3	description	
4	description	
5	description	
6	description	

- - -

MARK A. JACKSON, M.D.,
called as a witness at the instance of the Plaintiff, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DOE:

Q Doctor, would you state your name for the record?

A Mark A. Jackson.

Q Dr. Jackson, what is your educational background?

A I received a B.S. from Springfield College in Massachusetts in 1967 and my M.D. from Temple University School of Medicine in 1972.

Q When were you licensed to practice medicine?

A In April of 1978.

Q What was your affiliation between 1972 when you graduated from medical school and 1978 when you were licensed to practice medicine?

A In 1972-73 I was an intern at Vanderbilt University Hospital; and in 1973-74 I was an assistant resident in surgery there. From 1974-78 I was a resident neurosurgeon at Vanderbilt University, Veteran's Administration and Nashville General

hospitals.

Q Where do you practice?

A Suite 539, Medical Arts Building. I am a member of the staff of Nashville Memorial, St. Thomas, Vanderbilt University, Parkview, Westside, Nashville General and Nashville VA hospitals.

Q In what professional societies or organizations are you a member?

A Babcock Surgical Honor Society, Meacham Neurological Society, and the Nashville Academy of Medicine.

Q Have you received any awards or special appointments?

A I received the Roche Pharmaceutical Company Award for Academic Achievement in 1970. In 1978 I served as Consultant to Nashville VA Hospital and Clinical Instructor at Vanderbilt University Medical School.

Q Doctor, have you had an occasion to see and to treat a patient by the name of John Smith?

A I have.

Q When did you first see Mr. Smith?

A On May 11, 1989.

MR. DOE: That's all I have. Thank you, Doctor.

CROSS EXAMINATION

BY MS. WILLIAMS:

Q Doctor, could Mr. Smith's complaints also be consistent with a fall from a ladder?

A They could.

MS. WILLIAMS: That's all.

AND FURTHER DEPONENT SAITH NOT

(Signature waived.)

REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

I, (Name of reporter), Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the deposition of MARK A. JACKSON, M.D., called as a witness in the above-styled cause; that the said witness was duly sworn by me; that the foregoing pages, numbered from 1 to 8, inclusive, were transcribed under my personal supervision and constitute a true record of said deposition.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 6th day of February, 2012.

_____
(Name of reporter), LCR #
Court Reporter and Notary
Public. My Commission
Expires: April 7, 2012.

CERTIFICATION OF QUESTIONS

Occasionally an attorney in a deposition will say, “certify that question,” so that he/she can ask the court for a ruling. Always include the question, the objection, and any answer given.

If the certified portion can be delivered after you have prepared the full transcript, note the page and line in the transcript where the question appeared and attach the certificate to the back of the deposition.

Example on next page.

CERTIFICATION OF QUESTIONS

STATE OF TENNESSEE

COUNTY OF HAMILTON

In the foregoing transcript, the following questions were requested to be certified by counsel for the Plaintiff:

Beginning at page 20, line 20:

"Q. (By Mr. Riley) Had you ever been detained by any juvenile authorities prior to April 29 of 1984?

"MR. JONES: I instruct my client not to answer that question."

Beginning at page 21, line 9:

"Q. Prior to April 29, 1984, have you ever appeared in the juvenile court?

"MR. JONES: Don't answer that."

And these were all of the questions requested to be certified at said deposition.

WITNESS my hand and seal this _____day of February, 1989.

_____
(Name of Reporter), LCR #___
Notary Public in State of Tennessee
My commission expires:_____

If the certification is requested prior to your completing the transcript, simply transcribe the excerpt and attach your certification.

Example on next page.

IN THE CIRCUIT COURT FOR HAMILTON COUNTY

STATE OF TENNESSEE

CAROLYN THOMPSON	)	
	)	
vs.	)	NO. 12345
	)	
WAYNE JONES	)	

CERTIFICATION OF QUESTIONS

I, (Name of reporter), court reporter and notary public for the State of Tennessee, County of Hamilton, do hereby certify that on the 24th day of January, 1990, beginning at 9:00 a.m. at 305 Main Street, Suite 200, Chattanooga, Tennessee, there appeared before me WAYNE JONES for the purpose of having his oral deposition taken.

Certain oral questions were propounded which were not answered, as follows:

"Q. (By Mr. Riley) What are the policy limits on your policy?

"THE WITNESS: Am I supposed to tell him that, too? Ever since I have been an adjuster, you don't ever tell anybody policy limits.

"MR. SMITH: I have stated my objection to the whole line of questioning. Let's let him certify that question to the Judge.

"MR. RILEY: I think this information is discoverable, although it may not be admissible at trial. I would, therefore, certify the question.

"Q. Will you agree to provide me with a copy of the policy of insurance that you have with Employers Reinsurance?

"MR. SMITH: Well, I am going to object and ask that that be certified, too.

"MR. RILEY: Okay."

And these were all of the questions requested to be certified at said deposition.

WITNESS my hand and seal this 24th day of January, 1990.

_____
(Name of reporter), LCR # ___
Notary Public in State of Tennessee
My commission expires:_____

ERRATA SHEET

In most cases deponents will waive signature. However, if they wish to sign their deposition, they have 30 days within which to fill out an errata sheet and sign the deposition in front of a notary public. Explain to him that the errata sheet is to make corrections, not additions or changes. You will not want to let the original transcript out of your possession. You can ask the witness to come to your office to sign the deposition if he is not purchasing a copy. If the witness has ordered a copy through his attorney, you can attach the original errata sheet to his copy and ask them to return it to you (or directly to the person who purchased the original).

Example on next page.

ERRATA SHEET

I, JOHN SMITH, do hereby certify that I have read the foregoing transcript of the deposition given by me on the 3rd day of February, 2012, and that the foregoing transcript (pages 1 through 7) is a true and accurate record of the testimony given by me except for the following changes, if any, which I believe should be made.

PAGE	LINE	CHANGE	REASON FOR CHANGE

_____
JOHN SMITH

State of Tennessee)
County of _____)

Sworn to and subscribed before me this _____ day of _____, 2012.

_____
Notary Public

My commission expires: _____

IN THE CIRCUIT COURT OF TENNESSEE

FOR THE THIRTIEETH JUDICIAL DISTRICT OF MEMPHIS

ABC CORPORATION,	)	
	)	
Plaintiff,	)	
Vs.	)	NO. 12345
	)	
JOHN DOE COMPANY,	)	
	)	
Defendant.	)	

CERTIFICATE OF NONAPPEARANCE OF WITNESS

STATE OF TENNESSEE

COUNTY OF SHELBY

I, JOHN HANCOCK, LCR # , do hereby certify that I was present at the offices of Smith & Smith, P.C., 123 Main Street, Suite 1100, Memphis, Tennessee, at 11:30 a.m. for the purpose of reporting the deposition of JANE DOE and that the deponent failed to appear.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office on February 6, 2012.

JOHN HANCOCK, LCR #
Licensed Court Reporter and
Notary Public for the State of
Tennessee at Large

My commission expires: August 15, 2013

COURT TRANSCRIPTS

A court transcript should include an index of witnesses and exhibits. If it is more than one volume, the volume number should appear on the title page.

It will not be your responsibility to list each name of prospective jurors who respond to a question with a raised hand, but you will need to know their name if they answer verbally. You will need to make yourself a chart of prospective jurors as they are being seated. Then if you are requested to type voir dire, use the prospective juror's name, such as Prospective Juror Smith.

If portions of the transcript are not ordered, you can include a parenthetical in the transcript such as:

> (A jury of twelve was impaneled and sworn.)
>
> (Opening statements were made by counsel for each party.)
>
> (Plaintiff's proof continued with the testimony of Ann Smith.)

IN THE CIRCUIT COURT OF HAMILTON COUNTY

STATE OF TENNESSEE

AT CHATTANOOGA

JOHN SMITH,)
)
Plaintiff,) CASE NO. 12 C 45
)
vs.)
)
JOHN JONES,)
)
Defendant.)

Chattanooga, Tennessee
March 20, 2012

TRANSCRIPT OF PROCEEDINGS

VOLUME II OF IV - PAGES 150-298

APPEARANCES:

FOR THE PLAINTIFF: JOHN DOE, ESQUIRE
Attorney at Law
123 Main Street
Chattanooga, Tennessee 37402

FOR THE DEFENDANT: JANE WILLIAMS, ESQUIRE
Williams & Williams, P.C.
123 First Avenue
Chattanooga, Tennessee 37402

PREPARED BY:
Betsy Bennett, LCR #
ABC Reporting

INDEX

PLAINTIFF'S WITNESS

JOHN SMITH
Direct Examination by Mr. Doe 155
Cross Examination by Ms. Williams 188

DEFENDANT'S WITNESS

JOHN JONES
Direct Examination by Ms. Williams 200
Cross Examination by Mr. Doe 255

EXHIBITS

NO.	DESCRIPTION	IDENTIFICATION PAGE	EVIDENCE PAGE
P1	Heater	153	158
D2	Instruction Booklet	205	230

BE IT REMEMBERED, the above-entitled cause came on for hearing this 20th day of March, 2012, before the Honorable Robert Evans, Judge of said Court. The following proceedings were had, to wit:

THE COURT: Call your next witness.

MR. DOE: I'd call John Smith.

JOHN SMITH,

a witness called at the instance of the Plaintiff, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DOE:

Q State your name, please.

A John Smith.

Q Did you purchase a heater from the Home Depot?

A Yes, I did.

Q Is this the heater that you purchased?

A Yes, it is.

MR. DOE: I'd like to have that marked for identification for now.

MS. WILLIAMS: No objection.

THE COURT: It's admitted.

(Exhibit P1 was marked for identification.)

TRIAL JUDGE'S APPROVAL

I, (the undersigned Trial Judge), do hereby approve this transcript and do hereby authenticate all exhibits herein as required by Rule 24 (f) of the Tennessee Rules of Appellate Procedure.

This _____day of _____, 2012.

_____
TRIAL JUDGE

REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

I, (Name of reporter), LCR #, Court Reporter and Notary Public, do hereby certify that I was the court reporter in the foregoing cause; that the foregoing pages, numbered from 1 to 5, inclusive, were transcribed under my personal supervision and constitute a true and correct transcript of the proceedings had and evidence introduced.

I further certify that the exhibits annexed to the Record on Appeal is a true and correct filing of the exhibits introduced upon the trial of said cause.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 20th day of March, 2012.

_____
(Name of Reporter), LCR #,
Court Reporter and Notary
Public. My Commission
Expires:

SAMPLE DISCLAIMER

UNCERTIFIED TRANSCRIPT DISCLAIMER IN THE MATTER OF

_____

v.

_____

The following transcript(s) of proceedings, or any portion thereof, in the above-entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the official court reporter at the request of _____.

The purchaser agrees not to disclose this uncertified and unedited transcript in any form (written or electronic) to anyone who has no connection to this case. This is an unofficial transcript, which should NOT be relied upon for purposes of verbatim citation of testimony.

This transcript has not been checked, proofread, or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript, resulting in differences in content, page and line numbers, punctuation, and formatting.

This realtime uncertified and unedited transcript contains no appearance page, certificate page, index, or certification.

_____ _____

Signature of Purchaser Date

_____ _____

Signature of Reporter Date

SAMPLE

The following is a recommendation for a request for transcription of tapes provided to a court reporter of another individual's stenographic notes and/or electronic recordings.

Notary information option in bold

REPORTER'S CERTIFICATION

STATE OF TENNESSEE
COUNTY OF _____

I, (NAME OF REPORTER), LCR #_____, (other designations), licensed court reporter (**and notary public**), in and for the State of Tennessee, do hereby certify that the above (deposition or hearing) was transcribed by me from the (notes and/or tapes) provided to me by (name of attorney or court), of the proceedings taken on the date previously stated in the above matter to the best of my knowledge, skills, and ability.

I further certify that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 20__.

_____
(Name of reporter), LCR # _____
Expiration date 6/30/2012
Notary Public Commission expires:
_____, (name and address of firm or individual)

SAMPLE

The following is a recommended reporter's certificate for depositions and/or court hearings.

Notary information option in bold

REPORTER'S CERTIFICATION

STATE OF TENNESSEE)
COUNTY OF _____)

I, (Name of reporter), LCR # _____, (other designations), licensed court reporter (**and notary public**), in and for the State of Tennessee, do hereby certify that the above (deposition/hearing) was reported by me and that the foregoing _____ pages of the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 20__.

_____
(Name of reporter), LCR #_____
Expiration Date 6/30/2012
Notary Public Commission expires:
_____, (name and address of firm or individual)