

**FORMBOOK
FOR
OFFICIAL COURT REPORTERS
OF
ILLINOIS**

**PREPARED BY THE
ILLINOIS OFFICIAL COURT REPORTERS
FORMBOOK COMMITTEE
with approval of
COURT REPORTING SERVICES**

February 1, 2008

ILLINOIS OFFICIAL COURT REPORTERS

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FOREWORD

This basic formbook for the Official Court Reporters of the State of Illinois offers a possible solution to the perplexing problem of the court reporter in the preparation of uniform transcripts throughout the State of Illinois. The last formbook was prepared over 25 years ago and your new Formbook Committee felt it was time for an updated version. This formbook serves merely as a guideline. The Committee understands situations will arise that are not covered within the four corners of this formbook, and the individual Official Court Reporter is expected to rely on his or her own knowledge, expertise, and sound judgment in deciding how to handle those situations.

The formbook consists of forms covering the following parts of a transcript: Index page, title pages, witness set-ups, voir dire or jury selection, parenthetical remarks, and reporter's certificate. The Administrative Regulations for Court Reporting Services in the Illinois Courts, effective July 1, 2007, contains the requirements for format of transcripts. Those can be found on Page 16 under Article II, Section F, Paragraph 7. Additional format guidelines are contained in Section 8.

A considerable amount of discussion, compromise and willingness to change produced this formbook. Our final decisions were not always unanimous but were done in the best interest of producing a guideline for everyone to follow. We hope you will find this formbook helpful and useful, whether you are a long-time or new reporter.

We would like to take this opportunity to thank each of our Chief Judges for allowing us to participate in this project and would like to thank the Court Reporting Services staff for their cooperation.

Your Formbook Committee

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1. TITLE PAGE

Five title page forms are provided which should cover all transcript situations. The long title page is used as the first page for transcripts, and the short title page used for afternoon session, continuances, and adjournments. Form 1:1 contains the sample criminal long title page; Form 1:2 contains the sample civil long title page, and Form 1:3 contains the sample short title page. Form 1:4 contains the sample long title page for proceedings transcribed from electronic recording. Form 1:5 contains the sample long title page for proceedings conducted via videoconferencing. It is recommended that Line Numbers not be used on the Title Page and that the Page Number not be included on the Long Title Page, although it should be considered Page 1 when paginating the remainder of the transcript. Due to a lengthy case caption or appearances by multiple attorneys, it may at times be necessary for the Title Page to constitute two pages.

The circuit and county names are entered on the first two lines. This heading should be followed by the title of the case, which can be obtained from the case file or taken down at the commencement of the case. In some instances where very lengthy titles of cases exist, it may be necessary to shorten the title using “et al.”

On the right margin opposite the title of the case, indicate the number of the case.

In the middle of the transcript, centered, underlined and bold typed, indicate the type of proceedings in a particular transcript such as Hearing on Motion to Suppress, Arraignment, Proof of Heirship, etc.

Where excerpts are transcribed as part of the full report of the proceedings indicate:
EXCERPT(S) OF REPORT OF PROCEEDINGS.

The appearances portion on the long title page is self-explanatory. It is not necessary to include addresses or firm names of attorneys in the appearances section.

The short title page should be used upon commencement of proceedings after a noon recess or adjournment. Note that on the short title page, the word “Present” is used in place of “Appearances.”

The name of the official court reporter along with their CSR number is indicated in the lower left-hand margin of the long title page or may be centered as a footer on the page. On transcripts prepared from electronic recording, it shall be so noted as per the example in 1:4, and the reporter shall not include his or her CSR number.

1:3 SHORT TITLE PAGE

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	No. 2007-CF-124
Plaintiff,)	Before Judge Loren P. Lewis
)	(and a Jury)
vs.)	
)	Tuesday, January 30, 2007
JOHN DOE,)	2:00 P.M.
)	
Defendant.)	

Court convened pursuant to (recess.)
(continuance.)
(adjournment.)

PRESENT:

MR. WAYNE MORRIS,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. ERIC J. DIRNBECK,
Public Defender,
for the Defendant.

J. W. Reporter, CSR
CSR# 55-5555
Official Court Reporter
P.O. Box 555
Benton, IL 62812

1:4 LONG TITLE PAGE – PREPARED FROM ELECTRONIC RECORDING

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

IN RE THE MARRIAGE OF:)
)
JANE SMITH,)
)
 Petitioner,)
)
vs.) No. 06-D-76
)
JOHN SMITH,)
)
 Respondent.)

SECOND STAGE HEARING

REPORT OF PROCEEDINGS of the electronic recording of the ^trial ^hearing before
CIRCUIT JUDGE JAMES JOHNSON on May 16, 2007.

APPEARANCES:

MR. JACK JACKSON,
Attorney at Law,
for the Petitioner;

MR. ADAM M. MILLER,
Attorney at Law,
for the Respondent.

Electronically Recorded Proceedings transcribed by:

J. W. Reporter
Official Court Reporter
P.O. Box 555
Benton, IL 62812

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	No. 2007-CF-124
vs.)	
)	
JOHN DOE,)	
)	
Defendant.))	

(CAPTIONS - SEE APPENDIX A)

REPORT OF PROCEEDINGS of the hearing held via videoconferencing before
^CIRCUIT JUDGE ^ASSOCIATE CIRCUIT JUDGE LOREN P. LEWIS, on January 29, 2007.

APPEARANCES:

MR. THOMAS J. DINN,
State’s Attorney of _____ County, by
MR. WAYNE MORRIS,
Assistant State’s Attorney,
for the People of the State of Illinois.

Defendant appears pro se in custody.

J. W. Reporter, CSR
CSR# 55-5555
Official Court Reporter
P.O. Box 555
Benton, Illinois 62812

2. WITNESS SET-UPS

There are seven probable, basic witness set-ups in a report of proceedings: (2:1) general witness set-up; (2:2) litigant or party takes the stand on his own behalf; (2:3) adverse witness; (2:4) court's witness; (2:5) witness recalled; (2:6) witness resuming the stand; (2:7) rebuttal and surrebuttal witness.

The reporter should rely upon the preceding colloquy in the actual report of proceedings in order to ascertain which party is calling the witness and which type of set-up applies.

The distinct categories being self-explanatory, all examination commences with direct examination and follows with cross, redirect, recross, redirect, recross, etc., except (2:3) adverse witness, (2:4) court's witness, and possible (2:6) witness resuming stand.

A court's witness (2:4) is normally called in the following type cases: dissolution, criminal, probate, civil (hostile witness), and sometimes when minors are called to testify.

The commencement of examination of an adverse witness (2:3) by the various counsel is indicated:

CROSS EXAMINATION

BY MR. SMITH:

However, the commencement of examination of a court's witness (2:4) is indicated:

EXAMINATION

BY THE COURT:

Following the court's examination of its witness, cross examination is conducted by the

various counsel involved in the case, and this is indicated:

CROSS EXAMINATION

BY MR. JONES:

A witness is shown as resuming the stand (2:6) only if his testimony was interrupted during the proceedings, such as for a noon recess or adjournment. Usually, when a short recess is taken during the morning or afternoon session, it is not necessary to set the witness up as having resumed the stand and continuing on with examination by the same counsel as follows:

Q [By Mr. Brown] Did you answer my last question prior to the recess?

A Yes.

However, if a witness resumes the stand (2:6) and continues direct, cross, redirect, or recross examination, which was being conducted prior to the interruption of that examination, indicate:

DIRECT EXAMINATION CONT'D

BY MR. SMITH:

Otherwise, if the direct examination had been completed prior to the interruption, for example, indicate:

CROSS EXAMINATION

BY MR. JONES:

Rebuttal and surrebuttal evidence may be offered after each side has presented its case in chief. (2:7)

2:1 GENERAL WITNESS SET-UP

JOHN CLARK

called as a witness on behalf of the ^People ^Plaintiff ^Defendant ^Petitioner ^Respondent,
being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

2:2 LITIGANT OR PARTY TAKES THE STAND ON OWN BEHALF

JOE SMITH

the ^Plaintiff ^Defendant ^Petitioner ^Respondent herein, called as a witness on ^his ^her own
behalf, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

2:3 ADVERSE WITNESS

MARTY JONES

called as a witness by the ^Plaintiff ^Defendant ^Petitioner ^Respondent pursuant to 735 ILCS
5/2-1102, being first duly sworn, was examined and testified as follows:

CROSS EXAMINATION

BY MR. JONES:

2:4 COURT'S WITNESS

SHIRLEY JONES

called as a Court's witness, being first duly sworn, was examined and testified as follows:

EXAMINATION

BY THE COURT:

2:5 WITNESS RECALLED

JOHN CLARK

recalled as a witness on behalf of the ^People^Plaintiff ^Defendant ^Petitioner ^Respondent, having been previously duly sworn (or being first duly sworn), was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

2:6 WITNESS RESUMING THE STAND

JOHN CLARK

resumed the stand, having been previously duly sworn, was further examined and testified as follows:

DIRECT EXAMINATION

BY MR. SMITH

2:7 REBUTTAL AND SURREBUTTAL WITNESS

JOHN CLARK

called (recalled) as a (rebuttal or surrebuttal) witness on behalf of the ^People^Plaintiff ^Defendant ^Petitioner ^Respondent, ^having been previously duly sworn ^ being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

3. INDEX PAGE

Each transcript should have an index page showing witnesses' names, the nature of the testimony and page numbers. The index page immediately follows the title page. The index must also indicate where exhibits have been marked for identification and introduced in evidence.

The reporter should strive to limit the index page to one sheet, or when absolutely necessary, to two. It is permissible to deviate on the index page only from double-line spacing to single-line spacing in order to place the entire index on one page.

There are two sample index pages included. 3:1 is the basic index page and 3:2 is a CAT-generated index page. Both forms are acceptable.

If there are no witnesses or exhibits, you may include an index page indicating:

WITNESSES: (None)

EXHIBITS (None)

3:1 INDEX PAGE

	INDEX			
WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Mary Smith	65	72/79	101	111
Judy Jones	131	134	143	
Sam Myers	144	170	173	180

EXHIBITS

NUMBER	MARKED	RECEIVED
P-X-1	100	101
P-X-2	146	153
P-X-3	159	161
D-X-1	164	170
D-X-2	180	181

3:2 INDEX PAGE – CAT SOFTWARE GENERATED

INDEX		
WITNESSES		PAGE
JANE DOE	DIRECT EXAMINATION	14
	CROSS EXAMINATION	38
	REDIRECT EXAMINATION	46
CHARLES WATSON	DIRECT EXAMINATION	48
	CROSS EXAMINATION	52
SHAWN TALLUTO	DIRECT EXAMINATION	53
	CROSS EXAMINATION	62
	REDIRECT EXAMINATION	64
GERALD MCCALLEN	DIRECT EXAMINATION	69
JOHN DOE	DIRECT EXAMINATION	77
	CROSS EXAMINATION	87
EXHIBITS		
NUMBER		PAGE
People's Exhibits 1-4 Admitted		62

4. VOIR DIRE OR JURY SELECTION

Voir dire examination or jury selection may or may not be taken down by the reporter.

The reporter should ascertain prior to trial from counsel representing each side, and the court, whether or not the reporting of voir dire is waived.

Even though the reporting of voir dire may be waived, the reporter may be required to take down opening remarks by the court and/or preliminary matters.

If voir dire examination of prospective jurors is transcribed, it may be typed in colloquy form. Jurors are identified in colloquy as “PROSPECTIVE JUROR JONES:” in the transcript.

When feasible, prospective jurors are set up in the transcript for examination by the Court or counsel as indicated in 4:4.

4:1 VOIR DIRE NOT REPORTED

(The voir dire examination was not reported.)

4:2 VOIR DIRE REPORTED BUT NOT TRANSCRIBED

(The voir dire examination was conducted and reported but not transcribed.)

4:3 PROSPECTIVE JURORS SWORN - VOIR DIRE TRANSCRIBED

(Prospective jurors sworn to answer questions.)

4:4 VOIR DIRE EXAMINATION

THE COURT: Do any members of your immediate family work in law enforcement?

PROSPECTIVE JUROR JONES: No.

-OR-

JOHN JONES

a prospective juror, was examined as follows:

EXAMINATION

BY THE COURT:

Q. What is your name?

A. John Jones

-OR-

In jurisdictions where the prospective jurors are identified by number and not name:

THE COURT: Do any members of your immediate family work in law enforcement?

PROSPECTIVE JUROR NUMBER 1103: No.

4:5 VOIR DIRE CONCLUDED - JURY SWORN

(The jury was sworn to try the issues.)

4:6 PROCEEDINGS CONDUCTED IN THE PRESENCE OF THE VENIRE

(The following proceedings were had in the presence of the prospective jurors.)

5. PARENTHETICALS

Parentheticals are placed in a transcript to explain what is happening in the court proceedings.

A parenthetical is enclosed in parenthesis and is typed on the transcript page beginning at fifteen spaces from the left margin except in instances where there is a physical indication by the witness (see 5:13).

Among the more important parentheticals are those indicating proceedings within or outside the presence and/or hearing of the Jury.

5:1 EXHIBITS MARKED FOR IDENTIFICATION

(People's Exhibit ___ was marked for identification.)

- OR -

(Plaintiff's Exhibits ___ through ___, inclusive, were marked for identification.)

5:2 EXHIBITS RECEIVED IN EVIDENCE

(People's Exhibit ___ was received in evidence.)

-OR-

(Defendant's Exhibits ___ and ___ were received in evidence.)

5:3 EXHIBITS MARKED BY COUNSEL BEFOREHAND

(Petitioner's Exhibit _____ was previously marked by
counsel for identification.)

5:4 PROCEEDINGS HELD OUT OF PRESENCE OF JURY IN COURTROOM

(The following proceedings were had out of the presence of
the jury.)

5:5 PROCEEDINGS HELD OUT OF THE PRESENCE OF JURY IN CHAMBERS

(The following proceedings were had in chambers out of the presence
of the jury.)

5:6 PROCEEDINGS HELD AT THE BENCH WITH JURY IN THE BOX

(The following proceedings were had at the bench.)

5:6A PROCEEDINGS AT CONCLUSION OF BENCH CONFERENCE

(The following proceedings were had in open court.)

5:7 PROCEEDINGS HELD IN THE PRESENCE OF JURY

(The following proceedings were had in the presence of the jury.)

5:8 WITNESS SWORN

(Witness sworn.)

-OR-

(Witnesses sworn.)

5:9 WITNESS EXCUSED

(Witness excused.)

5:10 RECESS TAKEN

(A recess was taken.)

-OR-

(The noon recess was taken.)

5:11 OFF THE RECORD

(Discussion held off the record.)

-OR-

(Conference held off the record.)

5:12 RECORD READ BACK

(The reporter read back the question.)

-OR-

(Record read back by the reporter.)

-OR, when necessary -

(The reporter read back the following: “<quoted material>.”)

5:13 PHYSICAL INDICATION BY WITNESS

A (Indicating)

-OR-

A (Nodding)

-OR-

A (Shaking head)

-OR-

A (No response)

-OR-

A (No audible response)

5:14 PORTION OF PROCEEDINGS REPORTED BUT NOT TRANSCRIBED

(The opening statements were reported but not transcribed.)

-OR-

(The closing arguments were reported but not transcribed.)

-OR-

(The jury instructions were read to the jury by the Court and reported but not transcribed.)

5:15 PORTION OF PROCEEDINGS NOT REPORTED AND NOT TRANSCRIBED

(The opening statements were neither reported nor transcribed.)

-OR-

(The closing arguments were neither reported nor transcribed.)

-OR-

(The jury instructions were read to the jury by the Court but neither reported nor transcribed.)

5:16 PROCEEDINGS HELD IN OTHER CASES NOT TRANSCRIBED

(Whereupon proceedings were had in other cases.)

5:17 EXCERPTS OF PROCEEDINGS

On Line 1:

(The following is an excerpt of the report of proceedings.)

On the Last Line:

(End of excerpt.)

5:18 CONTINUANCE TO CERTAIN DATE

(The trial was continued to 10:00 a.m., September 1, 2007.)

-OR-

(The hearing was continued to 10:00 a.m., September 1, 2007.)

5:19 ADJOURNMENT AT END OF DAY'S PROCEEDINGS

(The trial was adjourned to 10:00 a.m., September 1, 2007.)

-OR-

(The hearing was adjourned to 10:00 a.m., September 1, 2007.)

5:20 CONCLUSION OF ENTIRE PROCEEDINGS

(End of proceedings.)

6. INTERPRETER

A unique situation is created for the reporter when an interpreter is used to translate for a non-English speaking witness or hearing impaired witness.

Prior to the appropriate witness set-up, an interpreter set-up should be used, as well, indicating that the interpreter was sworn to translate all questions and answers and statements by the witness, court, and counsel.

The normal Q and A form is followed eliminating the foreign language questions and answers and showing the English translation answer as if the witness answered in English.

If the interpreter deviates from a literal translation and says, "He said his name is Jose Rodriquez," indicate the interpreter speaking rather than the witness by indicating:

THE INTERPRETER: He said his name is Jose Rodriguez.

When first person answers resume, return to Q and A.

If the witness answers in English, indicate the witness speaking in English:

Q Did you go to the store?

THE WITNESS: Yes, I did.

THE INTERPRETER: Yes, I did.

6:1 INTERPRETER SET-UP

MARIA GOMEZ

official court interpreter, was duly sworn to translate for Jose Rodriguez, ^Petitioner ^Respondent ^Plaintiff ^Defendant, from English to ^sign ^Spanish and from ^sign ^Spanish to English to the best of ^his^her ability.

6:2 INTERPRETER-WITNESS SET-UP

JOSE RODRIGUEZ

called as a witness on behalf of the People, being first duly sworn, was examined and testified through a Spanish-language interpreter as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q What is your name?

A Jose Rodriguez.

Q Where do you live?

THE INTERPRETER: He says he lives in Guadalajara, Mexico.

Q [By Mr. Brown] Where do you live now?

A Chicago, Illinois.

THE INTERPRETER: He was confused.

MR. BROWN: Okay.

Q How old are you?

A Twenty-five.

7. COURT REPORTER'S CERTIFICATE

The court reporter's certificate is included as the last page of every transcript, whether it consists of a three-page excerpt of proceedings or a single transcript of a three day trial not exceeding 250 pages.

Where multiple reporters participate in a trial or hearing and make up a complete transcript, one reporter's certificate shall be prepared by modifying certificate form 7:1 incorporating the plural rather than the singular and shall provide for multiple signatures.

When applicable, the certificate should be modified to indicate that the transcript contains only excerpts rather than the complete report of proceedings.

7:1 CERTIFICATE FORM

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, _____, CSR# _____, an Official
Court Reporter for the Circuit Court of _____ County, _____ Judicial Circuit
of Illinois, reported in **^machine** shorthand the proceedings had on the **^trial ^hearing** in the
above-entitled cause and transcribed the same **^by Computer Aided Transcription**, which I hereby
certify to be a true and accurate transcript of the **^excerpt of** proceedings had before **^Circuit
Judge ^Associate Circuit Judge** _____.

Official Court Reporter

Dated this _____ day
of _____, 20 ____.

7:2 CERTIFICATE FORM – TRANSCRIPT PREPARED FROM ELECTRONIC
RECORDING

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

CERTIFICATE

I, _____, **^a Court Specialist ^an Official Court
Reporter** for the Circuit Court of _____ County, _____ Judicial Circuit of
Illinois, transcribed the electronic recording of the proceeding in the above-entitled cause to the best
of my ability and based on the quality of the recording, and I hereby certify the foregoing to be a
true and accurate transcript of said electronic recording.

Official Court Reporter

Dated this _____ day
of _____, 20 ____.

8. FORMAT

Pursuant to Page 16 of the Administrative Regulations for Court Reporting Services in the Illinois Courts dated July 1, 2007, the Format of Transcripts should be, as follows:

Type size shall not be larger than 9 pitch pica or 12 point Courier font, doubled spaced, with not less than 24 lines per page. The Left margin shall be 1.5 inches and the Right Margin shall be .75 inches.

In addition to these format requirements, the Committee makes the following suggestions for spacing:

COLLOQUY: Indent 5 spaces (two spaces after the colon before text)
Q&A: Indent 5 spaces (all formats for Q&A created by CAT software
are acceptable)
New Paragraph: Indent 10 spaces
Parentheticals: Indent 15 spaces

In order to maintain a professional appearance for the transcript, it is suggested that a text box be used on each page. Line Numbers should be used on all pages except the Title, Index and Certificate Pages. Page Numbers should be included on all pages except the Title Page. Also, where there are an insufficient number of lines on a page to accommodate the entire witness set-up, Examination set-up, or parenthetical, blank lines should be inserted and the entirety of the set-up or parenthetical should be placed on the following page.

8:1 QUOTED MATERIAL

When an attorney is reading Questions and Answers from a deposition into the record, it is recommended that the quoted material be surrounded by quotes and each line be indented 15 spaces.

Q. And were you asked this question and did you give this response at that time:

“Question: Did you see him immediately following the accident?

Answer: Yes, I did.”

-OR-

MR. JONES: Well, Your Honor, in his deposition he gave the following response to the question:

“Question: Did you see him immediately following the accident?

Answer: Yes, I did.”

If the attorney does not read the words “Question” and “Answer” but merely reads the material in paragraph form, it is recommended that this material not be indented but transcribed as part of the Question or colloquy, whichever may apply.

Q. And were you asked this question and did you give this response at that time: “Did you see him immediately following the accident? Yes, I did.”

- OR-

MR. JONES: Well, Your Honor, in his deposition, and I quote, the question and answer was: “Did you see him immediately following the accident? Yes, I did.”

APPENDIX A

TYPES OF HEARINGS

FIRST ADVISEMENT

ARRAIGNMENT

PRELIMINARY HEARING

JURY TRIAL

BENCH TRIAL

CHANGE OF PLEA

NEGOTIATED PLEA

SENTENCING HEARING

MOTION HEARING

HEARING ON <Name of Pleading>

FIRST STAGE HEARING (*Dissolution proceeding*)

SECOND STAGE HEARING (*Dissolution proceeding*)

SHELTER CARE HEARING (*Juvenile proceeding*)

ADJUDICATORY HEARING (*Juvenile proceeding*)

DISPOSITIONAL HEARING (*Juvenile proceeding*)

APPENDIX B

The following are suggested terminology to indicate on whose behalf a witness may be called in a general witness set up:

Plaintiff - to be used in trials, post-trial motions.

Defendant - to be used in trials, post-trial motions.

People - to be used in trials, post trial motions.

Petitioner - to be used in pre-trial motions, dissolutions, probate, mental health, or juvenile.

Respondent - to be used in pre-trial motions, dissolutions probate, mental health or juvenile.

Petitioner - Counter Respondent - to be used in dissolutions, law cases.

Respondent - Counter Petitioner - to be used in dissolutions, law cases.

APPENDIX C

The following are suggested terminology to indicate on whose behalf a witness may be called if witness is called on own behalf:

Plaintiff - to be used in trials, post-trial motions.

Defendant - to be used in trials, post-trial motions.

Petitioner - to be used in pre-trial motions, dissolutions, orders of protection, probate, mental health or juvenile.

Respondent - to be used in pre-trial motions, dissolutions, orders of protection, probate, mental health or juvenile.

Petitioner-Counter Respondent - to be used in dissolutions, law.

Respondent-Counter Petitioner - to be used in dissolutions, law.

APPENDIX D

The following are suggested terminology to indicate on whose behalf an adverse witness may be called pursuant to 735 ILCS 5/2-1102:

Plaintiff - to be used in trials, post-trial motions.

Defendant - to be used in trials, post-trial motions.

Petitioner - to be used in pre-trial motions, dissolutions, probate, mental health or juvenile.

Respondent - to be used in pre-trial motions, dissolutions, probate, mental health or juvenile.

Petitioner-Counter Respondent - to be used in dissolutions, law.

Respondent-Counter Petitioner - to be used in dissolutions, law.

APPENDIX E

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT

SANGAMON COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
vs.)
)
JOHN J. SMITH,)
)
Defendant.)

No. 79-CF-123

JURY TRIAL

REPORT OF PROCEEDINGS of the trial before Circuit Judge John Q. Justice, and a jury, on the 2nd day of April, 1999.

APPEARANCES:

MR. EDWARD V. WASHBURN,
State's Attorney of Sangamon County, by
MR. WILLIAM BLOOM,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. GEORGE RAY,
Assistant Public Defender,
for the Defendant.

J. W. Reporter, CSR# _____
Official Court Reporter
305 County Building
Springfield, Illinois 62704

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1 (The following proceedings were had in the
2 presence of the prospective jurors.)

3 THE COURT: The Court calls the case of the People versus
4 John J. Smith, Number 99-CF-123, for jury trial. Are the People
5 ready?

6 MR. BLOOM: Ready, Your Honor.

7 THE COURT: Is the defense ready?

8 MR. RAY: Ready, Your Honor.

9 THE COURT: We will now commence the jury selection.

10 (The voir dire examination was conducted and
11 reported but not transcribed.)

12 (The following proceedings were had in the
13 presence of the jury.)

14 THE COURT: Swear the jury to try the issues.

15 (The jury was sworn to try the issues.)

16 THE COURT: Mr. Bloom, you may make an opening statement
17 on behalf of the People.

18 MR. BLOOM: Thank you, your Honor.

19 Very briefly, ladies and gentlemen of the jury, the
20 State will prove to you beyond a reasonable doubt that the
21 defendant knowingly, without authority, entered the building
22 owned by Joe Jones, being his residence located at 2112 North
23 Twelfth Street, Springfield, Sangamon County, Illinois, with the
24 intent to commit therein a theft, and that this occurred on

1 January 1, 1979.

2 THE COURT: Thank you, Mr. Bloom.

3 Mr. Ray, do you wish to make an opening statement?

4 MR. RAY: No, your Honor. We will reserve our opening
5 statement until the start of our case.

6 THE COURT: Mr. Bloom, you may call your first witness.

7 MR. BLOOM: Thank you, your Honor.

8 Call Mr. Franks to the stand.

9 (Witness sworn.)

10 FRED FRANKS

11 called as a witness on behalf of the People, being first
12 duly sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BLOOM:

15 Q State your name and address, please.

16 A Fred Franks, 106 North Third Street, Springfield,
17 Illinois.

18 Q What is your business or occupation?

19 A (No audible response.)

20 Q On the 1st day of January, 1999 did you have a
21 conversation with the defendant relating to a burglary of the
22 residence of Joe Jones located at 2112 North Twelfth Street,
23 Springfield, Sangamon County, Illinois, which had occurred
24 earlier that day?

1 MR. RAY: I object to the question in that it is leading.

2 MR. BLOOM: I think it's preliminary, Your Honor.

3 THE COURT: Objection overruled.

4 You may answer.

5 THE WITNESS: Yes, I did.

6 Q [By Mr. Bloom] Would you point to the person with
7 whom you had this conversation?

8 A (Indicating)

9 Q Would you describe something he is wearing.

10 A The one with the red tie and pink shirt.

11 THE COURT: The record will indicate the witness has
12 identified the defendant.

13 MR. BLOOM: Thank you, your Honor.

14 Q Did the defendant admit to you that he committed the
15 burglary at said time and place in your conversation with him?

16 A Yes, he did.

17 MR. BLOOM: I will ask the reporter to mark this
18 document as People's Exhibit 1, for identification.

19 (People's Exhibit 1 was marked for
20 identification.)

21 Q [By Mr. Bloom] Is this the written statement he
22 gave you at that time and signed and is witnessed by you?

23 A Yes.

24 MR. BLOOM: Thank you, Mr. Franks.

1 Move that People's Exhibit 1, for identification, be
2 received in evidence.

3 MR. RAY: No objection.

4 THE COURT: It will be received.

5 (People's Exhibit 1 was received in evidence.)

6 MR. BLOOM: That is all the questions on direct, Your
7 Honor.

8 THE COURT: Cross examination, Mr. Ray?

9 MR. RAY: No questions.

10 THE COURT: You are excused, Mr. Franks.

11 (Witness excused.)

12 THE COURT: Let's take a short recess.

13 Mr. Bailiff, please take the jury.

14 (A recess was taken.)

15 (The following proceedings were had out of
16 the presence of the jury.)

17 THE COURT: Before we bring the jury back in, do you have
18 any motions, Mr. Ray?

19 MR. RAY: Yes, your Honor.

20 I understand the People are resting their case at
21 this time.

22 Is that correct, Mr. Bloom?

23 MR. BLOOM: Yes, we rest.

24 MR. RAY: I will make a motion for directed verdict at

1 the close of the People's case.

2 THE COURT: Do you wish to argue?

3 MR. RAY: No.

4 THE COURT: The motion for directed verdict at the
5 close of the People's case is denied.

6 Bring in the jury, Mr. Bailiff.

7 (The following proceedings were had
8 in the presence of the jury.)

9 THE COURT: Ladies and gentlemen of the jury, the
10 People have rested their case, and the defense will now
11 present its case.

12 Mr. Ray, you may make your opening statement.

13 MR. RAY: Your Honor, I will waive the opening
14 statement and call the defendant to the stand.

15 (Witness sworn.)

16 JOHN J. SMITH

17 the defendant herein, called as a witness on his own behalf,
18 being first duly sworn, was examined and testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. RAY:

22 Q State your name.

23 A John J. Smith.

24 Q Are you the defendant in this cause?

- --

1 A Yes, I am.

2 Q Mr. Smith, showing you what has been marked and
3 received in evidence as People's Exhibit 1, will you look at
4 it, please.

5 Is that your written statement?

6 A No.

7 Q Have you ever seen it before?

8 A No.

9 Q Did you have a conversation with Mr. Franks on
10 January 1, 1999 regarding a burglary on that day of Joe Jones'
11 residence located at 2112 North Twelfth here in Springfield?

12 A No, I didn't.

13 Q Let me read a few of the questions and answers in
14 this statement and ask you if you were not asked those
15 questions and if you did not give those answers.

16 Question, by Mr. Franks: "Did you burglarize Joe
17 Jones' residence on January 1, 1999?"

18 Answer, by you: "Yes."

19 "Question: Was anyone with you at the time?"

20 "Answer: No."

21 Are you still saying that you did not make those
22 statements that appear on this People's Exhibit 1?

23 A I never saw Mr. Franks before, and I didn't make
24 those statements.

1 MR. RAY: No further questions.

2 THE COURT: You may cross, Mr. Bloom.

3 CROSS EXAMINATION

4 BY MR. BLOOM:

5 Q You say you never saw Mr. Franks before today?

6 A That's right.

7 Q Haven't you known him for years and even known his
8 wife?

9 A No.

10 MR. BLOOM: No further questions.

11 MR. RAY: No questions.

12 THE COURT: You're excused.

13 (Witness excused.)

14 MR. RAY: The defense rests.

15 THE COURT: Ladies and gentlemen of the jury, we
16 have some matters to take up outside your presence, and then
17 when you return, the attorneys will make the closing arguments
18 and the Court will give you the law that applies to this case,
19 and then you will retire to consider your verdict.

20 Mr. Bailiff, take the jury.

21 (The following proceedings were had in
22 chambers out of the presence of the
23 jury.)

24 MR. RAY: Your Honor, I wish to make a motion now at the

1 close of all the evidence, and I do not care to argue the
2 motion.

3 THE COURT: Motion for directed verdict at the close
4 of all the evidence will be denied.

5 We will now proceed to our jury instruction
6 conference.

7 MR. RAY: Your Honor, Mr. Bloom has prepared all of the
8 instructions applicable to this case, and I have read them and
9 have no objections to any of them.

10 THE COURT: Show People's Instructions Number 1 through
11 Number 20 given without objection.

12 You do not have any instructions to offer, Mr. Ray?

13 MR. RAY: No, Your Honor. Mr. Bloom has offered all of
14 the instructions applicable to this case.

15 THE COURT: Are you ready to argue the case to the jury?

16 MR. RAY: Yes.

17 MR. BLOOM: Yes.

18 (The following proceedings were had in the
19 presence of the jury.)

20 THE COURT: Mr. Bloom, you may make the closing argument
21 for the People.

22 MR. BLOOM: Thank you, Your Honor.

23 (The closing arguments were reported but not
24 transcribed.)

1 THE COURT: Ladies and gentlemen of the jury, I will now
2 read the instructions of law to you.

3 Mr. Reporter, you do not have to take the reading of
4 the instructions down.

5 (The jury instructions were read to the jury by
6 the Court but not reported nor transcribed.)

7 (The jury retired to consider their verdict at
8 4:45 P.M.)

9 (The jury returned to the courtroom at 5:15 P.M.,
10 and the following proceedings were had in the
11 presence of the jury.)

12 THE COURT: MR. Foreman, have you reached a verdict?

13 FOREPERSON OF THE JURY: We have, Your Honor.

14 THE COURT: Would you hand the verdict to the bailiff,
15 and the bailiff will hand it to the Court.

16 The Court will read the verdict.

17 "We, the jury, find the defendant, John J. Smith,
18 guilty of Burglary."

19 Is that your verdict?

20 FOREMAN OF THE JURY: Yes, Your Honor.

21 THE COURT: Do you want the jury polled?

22 MR. RAY: No, Your Honor.

23 THE COURT: Judgment is entered on the verdict.

24 The jury is excused.

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This matter will be set for sentencing on May 2, 1999
at 2:00 P.M.

That is all for now.

The defendant will be remanded to the custody of the
Sheriff.

(End of proceedings.)

IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT

SANGAMON COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, J. W. Reporter, CSR# 55-1515, an Official Court Reporter for the Circuit Court of Sangamon County, Seventh Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the trial in the above-entitled cause and transcribed the same by Computer Aided Transcription, which I hereby certify to be a true and accurate transcript of the proceedings had before Circuit Judge John Q. Justice.

Official Court Reporter

Dated this 15th day
of June, 2007.

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