



# Memorandum

Office of the Assistant Deputy Minister  
Court Services Branch

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All Transcription Contractors  
and Court Reporters

**Re: Preparing Transcript of Witness's Evidence to be given to a Jury**

While transcripts of witness's evidence are very infrequently provided to juries during ongoing deliberations, there are occasions when judges do allow this. In order to ensure that juries are given only transcribed evidence that is appropriate for them to read, Court Services Branch has consulted with the Office of the Chief Justice to develop the following practices for transcription contractors and court reporters to follow.

When asked to produce a transcript of a witness' evidence (or portion of a witness' evidence) given in the presence of the jury, the transcription contractor or court reporter will:

- By listening to the audio recording, identify whether any part(s) of the recording were made when the jury was not present in the courtroom; and
- Produce a transcript that contains only the witness' evidence (excluding any exchanges between counsel and the judge that were made in the absence of the jury).

The trial judge may carefully inspect the transcript before giving it to the jury, to ensure that nothing improper goes before them. However, transcription contractors and court reporters must not rely on the judge's review of the transcript to identify and excise parts of the recording that are not the witness' evidence given in the presence of the jury.

Yours sincerely,

Helen V. Pedneault  
Assistant Deputy Minister

cc: Bill Grandage