

**ALBERTA SHORTHAND REPORTERS ASSOCIATION**  
**RULES OF COURT COMMITTEE**  
**November 9, 2010**

**MANDATE**

**To find out what the changes are in the new Rules of Court, as it relates to Court Reporters and the preparation of their transcripts, and report back to the ASRA.**

**COMMITTEE MEMBERS**

Sandra Burns, Committee Chair; Linda Hallworth, ASRA Council Representative; Cindy James, ASRA Council Representative; Shelley Becker; Chelsea Funk; Amanda Hegge; Litsa Konicki; and Garry Moore.

**INITIAL FINDINGS**

1. New Alberta Rules of Court came into effect on November 1, 2010; however, there is a 60-day transitional grace period. After January 1, 2011, deviations from the new rules, forms, and procedures will not be allowed. The new Rules may be viewed online at [www.qp.alberta.ca](http://www.qp.alberta.ca) by clicking on the tab "Laws Online/Catalogue", search by title "Rules of Court", select "Alberta Rules of Court (Download Version) Chapter/Regulation: 124/2010". The direct link can be accessed by [clicking here](#).
2. The appointment process for examiners has been abolished. Those members with an examiner's appointment pursuant to Alberta Rules of Court AR 390/68 may continue to use that designation and employ those duties as outlined in Rules 5.26, 5.27, and 6.20.
  - The committee recommends that the ASRA remove the examiner details and appointment process from its website. (completed)
3. Appointments for Questioning (formerly known as Appointments for Examination) will now be the responsibility of counsel, using Form 29, according to Rules 5.21 and 6.15. Questioning of experts may be conducted as per Rules 5.37 and 6.42.
4. Certificates of Non-Appearance may now be issued by individual court reporters and need not be signed by examiners.
  - The Certificate of Non-Appearance form, while not prescribed in the new Rules, should reflect the Style of Cause provided by counsel, using the new left-hand margin format, and be single-sided.
5. The Rules of Court do not prescribe a set format, number of lines per page, font, page layout, or transcript fees for pre-trial or quasi-judicial matters (with the exceptions of title page and certificates, as applicable). Private firms may use customized layouts and set their rates according to their own discretion.
6. The title page form for pre-trial and quasi-judicial matters shall reflect the left-hand margin new style as set out in Schedule A, Forms 10 and 29, as well as new terminology, including:
  - "Court File Number" in place of "Action Number"
  - "Judicial Centre" in place of "Judicial District"
7. New title page Style of Cause may include a short Style of Cause where the first four plaintiffs and defendants are listed, followed by "et al."
8. Other changes to the title page for pre-trial matters include:
  - "Questioning for Discovery" in place of "Examination for Discovery"
  - "Questioning on Affidavit" in place of "Cross-examination on Affidavit"
  - "Questioning in Aid of Enforcement" in place of "Examination in Aid of Enforcement"
  - "Questioning in Aid of Execution" in place of "Examination in Aid of Execution"
  - "Questioning on Undertakings" in place of "Examination on Undertakings", etc.

9. All pre-trial and quasi-judicial Certificates of Transcript must use the terms “complete and accurate” in place of “true and faithful” in compliance with Rule 5.26 and 6.20. Amendments to the Recording of Evidence Act certificates and rules only apply to court transcripts where a digital recording was made.
10. Transcript preparation during the grace period:
  - During the 60-day transitional grace period after November 1, 2010, the ASRA Rules of Court Committee recommends that freelance court reporters consult with counsel regarding Style of Cause preferences.
  - Back order transcripts ordered after November 1, 2010, should use the new style for the title page.
11. Unless counsel agree otherwise, both the old and new Rules make provision for exhibits to be attached to the transcript. Given liability and storage issues, the committee recommends court reporters carry a copy of Rule 5.26 (3), so counsel may note that they are still allowed to retain their exhibits for pre-trial and quasi-judicial matters under the new Rules (Rules 5.26 attached).
12. A sample transcript has been provided for member reference. Please note that this sample is provided as a transcript production aid to members. As noted in Point 5, **transcript formats may vary** according to the preferences of each firm and court reporter; however, Points 1 through 11 provide the details as to what is **REQUIRED** under the new Rules. If the transcript example varies from your format, please refer to the written instructions in this document and the Rules of Court.
13. ASRA is still awaiting clarification on some issues, such as the requirements for civil court matters, and ASRA will forward that information to members once it becomes available.

### **Transcript of oral questioning**

- 5.26(1)** Oral questioning under this Part must be recorded word for word by a person qualified to do so
- (a) by a method that is capable of producing a written transcript, and
  - (b) in a manner agreed on by the parties or directed by the Court.
- (2)** The questioning party must make necessary arrangements to record the questioning.
- (3)** Exhibits produced at the questioning must, **unless otherwise agreed by the parties** or ordered by the Court,
- (a) be incorporated in or attached to the transcript, or
  - (b) be produced at the trial of the action without a notice to produce.
- (4)** The person recording the oral questioning must
- (a) keep in safe custody the recorded questioning,
  - (b) if required to do so, honestly and accurately transcribe the recorded questioning and deliver a copy of the transcript, as required, and
  - (c) on or attached to any transcript
    - (i) state the person’s name,
    - (ii) specify the date and place where the questioning occurred, and
    - (iii) certify the transcript, or the portion of the questioning transcribed, as complete and accurate.
- (5)** A person is qualified to record and transcribe oral questioning under this Part if the person is
- (a) an official court reporter,
  - (b) a person appointed by the Court as an examiner under the *Alberta Rules of Court* (AR 390/68), or
  - (c) a shorthand writer, sworn to record the questioning word for word and to impartially fulfill the duties imposed by subrule (4), who
    - (i) is an agent or employee of an official court reporter or an examiner, or
    - (ii) has been approved by the parties.