

PRACTICE NOTE 22

TRANSCRIPTS AND TAPES OF EVIDENCE

1. Court clerks do not prepare transcripts of evidence but will provide CD's/tapes of the evidence to any party who makes a request for same.
2. The following procedure is to be followed when requesting copies of the evidence:
 - (a) Counsel, or a party, if unrepresented, puts a request in writing, for a CD or tape to the Trial Coordinator;
 - (b) The Trial Coordinator estimates the cost of the CD or tape, and if the cost will exceed \$25.00, counsel or a party must pay the estimated cost before the evidence is copied;
 - (c) Upon payment of the fee referred to in (b), the CD or tape shall be provided to counsel or a party making the request;
 - (d) If the transcript of the CD or tape is to be used on an appeal or for any other court purpose, the parties must comply with s. 55(3) of the *Evidence Act*;
 - (e) If the parties are unable to reach an agreement under s. 55(3), a judge of the Court shall be immediately informed and the parties shall seek directions from a judge;
 - (f) Where the parties have reached an agreement under s. 55(3), the transcripts shall be produced forthwith.
3. An audio recording of court proceedings may be used only:
 - (a) for the preparation of a typed transcript;
 - (b) to permit the solicitor or party of record to review the testimony; or
 - (c) to verify or supplement notes made for the purpose of preparation of material for broadcast or publication.
4. An audio recording of a court proceeding shall not, either in whole or in part, be used for broadcast, audio reproduction or re-taping.