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Subject : Rules and guidelines for court reporters

Facts about court reporting and types of deposition transcripts we need to know...

From my reading of various literature there are only 3 legally correct forms of deposition transcripts:

- 1) Original transcript
- 2) Certified copy of transcript
- 3) Uncertified rough draft of transcript

Dulberg has been mistakenly referring to the doctors depositions as "uncertified copies" or "unsigned copies". This is wrong. He should only refer to them as "uncertified rough drafts".

The term "uncertified copy" is an oxymoron. If it is uncertified how do you know it is a copy? There cannot be such a thing as an "uncertified copy". It should be correctly called an "uncertified rough draft". If we refer to deposition transcripts in only the 3 legally correct categories listed above, Dulberg won't be making the mistake of believing an uncertified transcript can be called a 'copy' anymore.

Illinois Supreme Court Rules 200-235 cover the rules for depositions and the making of transcripts. A nice link to them is given below:

<https://casetext.com/rule/illinois-court-rules/illinois-supreme-court-rules/article-ii-rules-on-civil-proceedings-in-the-trial-court/part-e-discovery-requests-for-admission-and-pretrial-procedure>

Note that there are no rules about 'uncertified rough drafts' because they can never enter court records anyway. The court is only concerned with original deposition transcripts and certified copies of deposition transcripts because they are the only 2 types of deposition transcripts that legally exist.

What about rules covering uncertified rough drafts?

There are no explicit rules but there are strong recommendations given to court reporters through the following sources:

Federal:

NCRA (National Court Reporters Association)

COPE - Guidelines for Professional Practice are listed at this link:

https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics/cope---guidelines-for-professional-practice

These guidelines advise on how to handle rough drafts. Section 3 is titled "Guidelines On Providing Uncertified Draft Transcripts". These are direct quotes from that section:

6) A court reporter shall take steps to ensure that no one would mistake the uncertified draft for a final, certified copy of the transcript. An uncertified draft transcript should not include a completed title page, appearance page, certificate page, any mention of the swearing in of a witness by name, footer with firm name or reporter name or CSR #.

7) An uncertified draft transcript should include a header or footer on each page stating "uncertified draft transcript only." A brief disclaimer may be included in the body of the text occasionally. Uncertified draft transcripts may be provided in condensed format only. Page numbers may be included.

8) A disclaimer and/or order form, such as the one attached, should be transmitted as a cover sheet or cover sheets with each uncertified draft transcript stating that the uncertified draft transcript cannot be quoted for any purpose and may not be filed with any court. A copy of the signed disclaimer and/or order form should be retained by the court reporter.

Note: The doctors depositions break every one of these rules. They are legally "uncertified rough drafts" but were presented to Dulberg as if they were actual copies, just unsigned. This is a clear intent to deceive Dulberg.

State of Illinois:

ILCRA (Illinois Court Reporters Association)

<https://www.ilcra.org/code-of-ethics>

Direct quote from webpage:

"Section IV

Guidelines on Providing Uncertified Rough Draft Transcripts

...

D. An uncertified rough draft transcript should not include a title page, appearance page, certificate page, any mention of the swearing in of a witness (in depositions), footer with firm name or reporter name or CSR#, index page, line numbers starting with 1 for each page, borders around the text on each page, or time stamping.

F. A disclaimer and/or order form should be transmitted as a cover sheet or cover sheets with each uncertified rough draft transcript stating that the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. A copy of the disclaimer and/or order form should be retained by the court reporter."

[illegible]

The basic process is described at this link:

The following steps are taken by the court reporter:

- By looking at these stages it is clear why an uncertified deposition can only be considered a "rough draft". Before the original is certified the rough draft could be in any stage of development.

The process listed above produces a transcript called an "original". There is only one original produced. All certified copies must be exact copies of the "original". The word "copy" means "copy of the original". It has no other legal meaning in this case. This is also why the term "uncertified copy" is an oxymoron.

During our investigation it is very important to find who possesses the "original" of each deposition. If we cannot locate the original of any deposition that is a big, big red flag.

Also, the original certified transcript is given to the attorney who ordered the deposition. If the attorney who ordered the deposition in each case is not in possession of the "original", that is another big, big red flag.