



# **COURT RECORDING & TRANSCRIPTION MANUAL**

**USAID Rule of Law Program**

**June 2009**

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## Disclaimer

The views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development (USAID) or the United States Government.

## **PROJECT SUMMARY**

The USAID Rule of Law Program (ROLP), implemented by DPK Consulting, a Division of ARD Inc., works with 10 pilot courts of the Republic of Albania and aims to improve court efficiency, transparency and accountability. For this purpose, ROLP has achieved some operational improvements at each pilot court while supporting rigorous monitoring of courts by civil society and media.

The project on realization of audio recording of court sessions is one of important components of ROLP. A way to manage the judicial process, it directly affects the efficiency of court activity. Use of audio recording is authorized by the Albanian procedural laws and is further elaborated in the regulations on judicial administration. Based on the applicable legislation, the Rule of Law Program has already the audio recording project by initially installing the audio recording equipment in the Durrës Judicial District Court and in the First Instance Court of Serious Crimes. After installed audio recording equipment has been tested for several months, implementation of audio recording is planned to be extended to other pilot courts.

In order to obtain an overall view and gather input from all stakeholders related to audio recording, ROLP established a work group made up of representatives from pilot courts, Ministry of Justice, High Council of Justice, Judicial Budget Administration Office, Rule of Law Program, and ROLP consultant on audio recording.

The contribution of the work group included presentation of the current court recording system, discussion on recommendations on best use of audio recording, and application of applicable procedural legislation. The main contribution of the work group was the preparation of this manual on audio recording.

During the preparation of this manual, the work group considered the experience of several international courts and other USAID programs on court session recording and transcription.

For more information on this project, please contact Mr. Fred Yeager, Rule of Law Program Chief of Party, at [fyeager@rolp.org](mailto:fyeager@rolp.org) or by phone: +355 4 248724, ext. 102.

## **PILOT COURTS OF THE RULE OF LAW PROGRAM**

1. Judicial District Court of Mat
2. Judicial District Court of Durres
3. Judicial District Court of Elbasan
4. First Instance Court for Serious Crimes
5. Judicial District Court of Pogradec
6. Judicial District Court of Sarande
7. Judicial District Court of Shkoder
8. Judicial District Court of Vlore
9. Appeals Court of Tirana
10. Appeals Court of Gjirokaster

## **COMPOSITION OF WORK GROUP ON AUDIO RECORDING**

1. Judicial District Court of Durres
  - Ervin Metalla – Chief Justice
2. First Instance Court for Serious Crimes
  - Dritan Hallunaj – Chief Justice
3. Ministry of Justice
  - Zamir Hoxha – Director of Information Technology
4. High Council of Justice
  - Erlis Themeli – Director of Legal Department
5. Consultant on Audio Recording
  - Florian Canga
6. ROLP
  - Prof. Assoc. Dr. Zef Brozi – Legal Expert
  - Ariola Molla, LL.M – Legal Expert

## **ACKNOWLEDGMENT**

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Mr. Fred Yeager, Chief of Party of the Rule of Law Program provided continuous support to the work group.

Views expressed in this manual do not constitute legal assistance.

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# SECTION I – COURT RECORDING PROCEDURES

## **Introduction**

This manual is intended to familiarize court staff with the general procedures for audio recording of court proceedings, logging the audio record, and preparing transcripts of recorded proceedings. This manual is divided into three sections: instructions for court recording, instructions for transcription, and additional reference materials for use by court staff. In addition to the information in this manual, employees should refer to user's manuals for instructions on using specific recording and transcription equipment.

## **Equipment**

Court recording equipment is designed to capture the verbatim record of court proceedings in a manner that allows for easy playback and transcription. Modern court recording equipment is equipped with several features that make this possible:

***Continuous Monitoring*** – The recorder is able to continually monitor recording of courtroom events to ensure a complete record is made.

***Speaker Isolation*** – Separate microphones are recorded on one of four tracks on the cassette tape. This allows the transcriber to identify speakers for better transcription even when two individuals overlap in their speaking.

***Playback*** – Using the log as a reference, the recorder can playback any portion of the record as requested by courtroom participants.

Individuals responsible for operating court recording equipment should familiarize themselves with the features and functionality of the equipment available in their courtroom by thoroughly reviewing the operations manual and operating the machine under practice conditions prior to recording a court session.

## **Duties of the Recorder**

The recorder is responsible for faithfully recording all proceedings as directed by the court. In order to accomplish this, the recorder must monitor the recording process and maintain a log of the proceedings in accordance with the procedures described in this manual. To ensure a complete and accurate record, the recorder should:

1. Ensure that equipment is in working order and that necessary supplies are on hand before the beginning of the court session.
2. Monitor the equipment to ensure that it is working properly during proceedings.
3. Maintain necessary documentation on the courtroom logging system.

4. Notify participants when they need to speak louder or more clearly, spell names or terms, refrain from shuffling papers, or speak into the microphone.
5. Provide for safe and secure storage of the audio record at the conclusion of the court session.

### **Duties of Judges**

The judges play an important role in preserving the record by maintaining courtroom decorum and being aware of the conditions necessary to ensure a clear record. This includes:

1. Advising participants that the proceedings are being recorded and requiring each speaker to clearly state (and spell if necessary) their name the first time they speak during a proceeding.
2. Speaking clearly and reminding participants to do the same.
3. Asking participants, if necessary, to refrain from making extraneous noises such as shuffling papers or tapping on the tables.
4. Requesting that participants move away from speakers when having conversations that are not intended for the record.

### **Duties of Attorneys, Witnesses & Parties**

The orderly presentation of testimony and evidence by attorneys, and cooperation of other individuals appearing before the court is also important to the preservation of the court record. As needed, participants should be reminded to:

1. Speak clearly into the microphone at the location that they are speaking.
2. Spell their name and the names of any other persons or places that will aid in later transcription.
3. Avoid making extraneous noises.
4. Speak in turn.

### **Pre-Session Procedures**

#### **Equipment Hook Up**

All recording and transcription equipment should be connected to a UPS (uninterrupted power supply), voltage regulator, and voltage converter. The UPS provides backup power in the event

of a power outage, the regulator provides even voltage, and the converter is used to convert the line voltage from 220 volts to 110 volts for machines manufactured for use in the United States.

### **Pre-Hearing Equipment Check**

Prior to the beginning of each day's court session the recorder should go through the following steps to ensure that the equipment is working properly:

1. Check to see that all equipment is plugged in to the power source and all microphones are plugged into the proper channel. Turn on the UPS (uninterrupted power supply) and then the recording equipment.
2. Open a new log sheet in the Log Notes software.
3. Turn on the recording equipment and test each microphone by lightly scraping the surface of the microphone and talking in a normal voice indicating the microphone number.
4. After checking all microphones, stop the recording and return to where the test record started. Listen to the recording to make sure each channel is working.
5. Stop the test recording. This will become the starting point for the day's session.

### **Microphone Set Up**

In facilities with simultaneous transcription equipment, there is virtually no limit to the number of microphones which may be included in the configuration; all microphones will be recording on the same channel, with up to three additional channels available for translation of the proceedings. Where simultaneous translation equipment is unavailable, but consecutive translation is required, the current configuration allows for connection of up to 8 microphones on four channels, with one channel each assigned to (1) the defendant table; (2) prosecutor; (3) bench and witness stand (shared), (4) translator. Absent the need for translation, separate channels may be assigned to the bench and witness. [Where more than 8 microphones are required for a proceeding not involving the use of simultaneous translation equipment, a supplemental amplifier may be purchased to allow additional microphones to be used on the four designated channels]

### **Equipment Problems**

If the machine is on but not recording properly during the testing process repeat the procedures. Other suggestions include:

1. Re-check all connections for the microphones and headset.
2. Check the volume control.
3. Make sure power cord is connected; UPS is connected and switched on.

4. Check the UPS breaker, reset if needed.
5. Check VOLUME control levels, adjust as needed.

In addition, refer to the section in the equipment user manual on trouble shooting. If these procedures fail to correct the problem, consult the presiding judge on how to proceed.

### **Power Failure**

In the event of power failure the UPS power backup system will provide power to the equipment for a period of time. The operator should be familiar with the capacity of the UPS in the event of extended power outage so that the recording session can be completed before backup power expires.

### **Supplies**

The necessary supplies should be on hand at the start of the day to ensure uninterrupted recording. These include:

- ✓ Blank CD's
- ✓ List of cases for the session

## **Courtroom Recording Procedures**

### **The Log Sheet**

The maintenance of an accurate and complete recording log is important to providing an accurate transcript of the proceedings. The log serves as a map for the transcriber in locating specific proceedings or portions of proceedings. Logging also makes it easier for the recorder to locate a portion for playback for the judge or litigants. A new log sheet is opened using the Log Notes software for each recording session. The recorder should be prepared to begin recording as soon as the judge is ready to call the first case and to the extent possible maintain a verbatim record on the log sheet.

### **Opening the Court Session**

Prior to beginning the session the recorder should be familiar with the cases and types of activities that will occur. This may include reviewing the court calendar or case files scheduled for the session. To begin the recording, session open Log Notes from the desktop or Start menu. Indicate the case title and number, date, and location (presiding judge/court name) in the header. Header information should be entered based on the type of proceeding as follows:

1. Transcript of investigation
2. Transcript of the witness testimony
3. Transcript of the hearing session regarding the detention
4. Transcript of the confirmation hearing
5. Transcript of the main hearing
6. Transcript of deliberations and voting process

## Recording Testimony

### Witness Testimony

Record the name of each individual as they speak, using abbreviations as necessary. As much as possible type the verbatim testimony as it occurs. If a portion is not typed indicate this with three or more periods (...) so that this portion can be reviewed and updated after the proceeding is complete. Major sections of the main trial or proceeding should be captioned in Log Notes with ( ) to distinguish these entries from verbatim testimony. This will make it easier to index the transcript.

### Equipment Check Start of Case and Examination in Chief of First Witness

In the sample log entries below the recorder has performed an equipment check prior to start of court. The case name and time the case started are indicated. Testimony begins with direct examination of the first witness in this example:

Time	Speaker	Note
8:45:49		(Equipment check)
9:05:00	PJ	(____(State) v. ____ (Defendant) / case called) Mr. ____ (Prosecutor) please begin your examination of the witness.
9:05:29	P ____(Prosecutor)	(Dir Ex) Mr. ____ (Witness), , where were you on the night of February 10 at approximately 1 in the morning when the robbery occurred?
9:05:55	W ____(Witness)	I was sleeping on the couch at my mother's apartment. I decided not to go home that night.

### Quotations & Materials Read Into the Record

When another source or individual is quoted, or materials are read into the record by parties or witnesses, “ “ marks are used to designate this portion of the testimony.

Time	Speaker	Note
13:25:06	P	In your previous statement to the police you said “I never met the defendant before the night of the robbery.”

### Admission of Evidence

The log should identify when evidence is admitted or documents submitted to the court. The log should briefly describe the item or document, as well as the evidence number if one is assigned.

Time	Speaker	Note
10:11:43		(Prosecutor's exhibit A, plastic bag containing heroin, introduced as evidence)

## **Special Situations**

### **Restricted Testimony**

During court proceedings the presiding judge may request that a portion of testimony be taken in secret for purposes of security, confidentiality or anonymity. The recorder will continue to record and transcribe the testimony, but clearly indicate on the log sheet the portion which will not be available on the regular (public record) transcript. The recorder should record the request or directive by the presiding judge to go off-record, indicating the time when off-record activity begins and ends.

### **Audio or Videotape Evidence**

Audio or video tape evidence may be introduced during a hearing. If such evidence is to be recorded, follow these procedures:

1. Describe on the log sheet the type of evidence being recorded.
2. Position a microphone near the speaker to record the material to be played.
3. Resume logging and transcription.
4. Note the conclusion of the evidence on the log sheet.
5. Reposition the microphone to its original location, resume recording and notify the judge and parties to proceed.

### **Telephone Conversations**

On occasions a telephone conference call may be allowed by the court for the purpose of taking testimony. Place a recording microphone next to the speaker and log the time and index number at the beginning of the conversation. Request that all persons speaking to the court via phone identify themselves before speaking and that they speak in turn. Note each speaker in the log. Time stamp the conclusion of the call, and replace the microphone to its original position.

### **Playback of Testimony**

At times during the proceedings judges or attorneys may request playback of previous testimony for clarification. The recorder should be prepared to locate and playback the relevant portions of testimony as quickly as possible while still maintaining the integrity of the recording process. When playback is requested follow these procedures:

1. Stop the recording equipment.
2. Review the log notes to determine the time when the testimony to be reviewed starts.
3. Enter the time stamp of the portion to be played back.
4. Play the requested portion.

5. Record on the log sheet what portion of the proceeding was played by indicating the beginning and ending time stamp and a brief description.
6. Return to the point at which the record was stopped.
7. Continue recording and indicate to the judge and litigants that they may resume.
8. Note that is it not necessary to transcribe the played back portion.

Time	Speaker	Note
12:05:00		(Begin playback of W.____ statement beginning at 11:30:08)
12:11:06		(Conclude playback of statement ending at 11:35:56)

### **Concluding the Hearing / End of Day**

At the conclusion of the hearing the recorder should enter the time stamp. If the case is set for further proceedings, indicate the time and date. At the conclusion of the day's court session the recorder should:

1. Indicate the conclusion of the proceedings and the next hearing date, if any:

Time	Speaker	Note
12:58:00		(Case concludes – next hearing 28/08/05)

2. Turn off the recorder and UPS unit.
3. Place the dust cover on the recording unit.

# SECTION II – TRANSCRIPTION OF COURT PROCEEDINGS

## **Introduction**

The court transcriber plays an important role in the administration of justice by providing judges and litigants with an accurate written record of court proceedings. Accurate and timely transcription gives judges a firm basis on which to render orders and judgments. The procedures and policies outlined in this section provide guidelines for the preparation and preservation of transcribed court proceedings.

## **Transcription of Court Proceedings**

### **Preparation of Transcript**

At the conclusion of a case the court recorder will have a rough transcript of the court proceedings. If a full transcript is to be prepared, the recorder should open Log Notes and retrieve the log sheets for the case. If proceedings occurred in more than one session, the recorder should combine the log sheets for each portion of the proceedings and merge them into a single document using the merge feature in Log Notes. The recorder will proceed to review the audio record and fill in or correct the rough transcript to create a complete and accurate transcript of the proceedings. Once the review and correction is complete, the recorder may enter the certification, print the log notes, prepare an index, and sign the certification.

### **Contents & Format of Transcribed Court Proceedings**

The transcribed court record is presented in a question and answer style that clearly identifies each speaker in turn, as well as documents the introduction of evidence in the case. In addition to the general text of the transcript, a cover page, index and certification are prepared:

**Cover Page**– The transcript cover page shall include the following information:

Introduction:

1. The court in which the proceeding is held
2. The venue and the time of the session
3. The names of the presiding judge of the panel, the trial panel members, recording clerk, prosecutor, the accused and his/her/their defense counsel, the injured party(ies) and his/her/their legal representative(s) or authorized representative(s), and the name(s) of the interpreter(s), and
4. The criminal offence in question and whether the proceeding trial was open to the public or the public was excluded.

In addition, the cover page of the transcript shall include the following details:

1. Identification of the indictment, including whether the public prosecutor has changed or expanded the original indictment

2. Motions filed by the parties and decisions of the presiding judge or the panel regarding them
3. Evidence presented, and whether certain records and other writings were read, or sound or other recordings played, and comments of the parties thereon; and.
4. If the public was excluded from the main trial, the record shall indicate that the presiding judge warned those present of the consequences of unauthorized disclosure of confidential information which they learned at the main trial.

***Index*** – A brief index follows the cover page which provides page numbers of important sections of the proceedings for easier reference by the reader. Exhibits introduced into evidence are also listed in the index. If the transcript contains proceedings from more than one date, these should be indexed chronologically.

***Certification of Official Transcript*** - Upon completion of the recorded proceedings, the recorder shall correct any misspellings or missing portions of the draft transcript, and as necessary, compare the completed draft transcript against the audio record. If proceedings were interpreted, the interpreter(s) shall also review the accuracy of the transcript and compare the final draft with the audio record. The transcriber and interpreter(s) involved in the proceedings shall certify the accuracy of the transcript by signing the last page of the official transcript.

Time	Speaker	Note
11:03:45		(Proceedings concluded)
		<p>I certify that the preceding transcript represents a complete and accurate record of the proceeding(s).</p> <p>_____</p> <p>(Recorder name)                      Date                      Signature</p> <p>I certify that translated portions of the transcript are complete and accurate.</p> <p>_____</p> <p>(Interpreter name)                      Date                      Signature</p>

**Review and Correction of the Official Transcript**

Upon written request of the prosecutor, defendant or the defendant’s counsel, the court shall provide a copy of the official transcript and corresponding audio record for review. If the prosecutor, defendant or defendant’s counsel wishes to challenge the accuracy of the transcript, he/she shall do so in writing and indicate specifically by time and date stamp those portions of the record which are in dispute. Upon receiving the written request for correction, the individual

responsible for preparing the official transcript shall review the record and make any corrections to the transcript.

The corrected or amended transcript shall be considered the final official version, and shall be labeled as a corrected official version, with the date of revision indicated as part of the certification. The prosecutor, defendant or defendant's counsel shall be provided with the corrected copy upon request. If copies of the original official transcript were provided to other parties or filed with the registrar or higher instance court, these shall be replaced with the corrected copy. When disputed portions of the transcript include translations, the recorder shall request review by the translator prior to making corrections. If the recorder finds upon review that the disputed portions of the transcript are accurate as originally prepared, the transcriber shall provide written notification to the requestor.

### **Inaudible Portions & Transcription Errors**

For a variety of reasons it may not always be possible for the transcriber to accurately transcribe the audio record. Poor microphone placement, background noise, and speech patterns of participants may be the cause. When the transcriber cannot understand a portion of the tape, this should be indicated with the entry [INAUDIBLE] in the text of the transcript.

Transcribers are encouraged to proofread the transcript while listening to the record prior to printing. The judge may also wish to review a draft copy of the transcript for accuracy prior to certification. If errors are noted by the judge and changes are made to the final certified (official) version of the transcript, these corrections should be noted on the certification.

### **Priority of Preparation**

Transcripts should be prepared in chronological order based on the date of the proceeding or as otherwise directed by the presiding judge.

### **Storage & Security**

Once a certified transcript has been prepared it is filed in the judge's notes file. The transcriber may maintain a separate copy as directed by the presiding judge. The transcriber will save an electronic version of the transcript.

### **Requests for Copies of Transcripts & Tapes**

Copies of transcripts may be provided to parties and counsel in a case. Transcripts provided to parties other than the prosecutor are billed at Euro .10 /page or other rate established by the court. If the defendant is determined by the court to be indigent, the presiding judge may order that the transcript be furnished without charge.

### **Saving Files, Backup & Archiving**

Draft transcripts prepared on a personal computer will be saved using the Log Notes default file naming convention. Once the final transcript is completed and a certified copy filed with the judge, the file should be saved to a CD for permanent retention.

## **Recording and Transcription of Examinations**

In addition to the general procedures for audio recording and transcription, the following procedures apply to the recording and transcription of examinations.

### **Transcript Format**

The following information will be entered in the transcript of the examination and time stamped:

- An opening statement that the person examined is informed that the examination is being recorded, and the person's response.
- The verbatim testimony, questions and answers of each participant in turn.
- Each time the recording is interrupted and re-started during the proceeding, and the reason(s).
- Playback of any previously recorded portions of the proceeding.
- A closing statement that the person being examined has been offered the opportunity to clarify anything he or she has said and add any additional testimony, and that person's response.
- The conclusion of the proceeding.
- Any individuals present during the examination who requested and read, or had the record read to them.

### **Cover Page and Certification**

The cover page of an examination transcript should contain the following information:

- Date and location of the proceeding
- Name and relationship to the case of all parties present
- Name of the recorder
- Location and file name of the original recording

Upon preparation of the official copy of the examination the transcriber will certify the transcript is a correct and accurate version of the sound recording. If a translator was present during the examination, the translator shall review the completed transcript and certify to the accuracy of the official copy. Additionally, any witnesses whose presence was compulsory during the examination shall sign the official copy.

<b>Time</b>	<b>Speaker</b>	<b>Note</b>
10:30:45		(Examination concluded)
		I certify that the preceding transcript represents a complete and accurate record of the examination:  _____

		(Recorder name)	Date	Signature
		I certify that translated portions of the transcript are complete and accurate:		
		_____	_____	_____
		(Interpreter name)	Date	Signature
		Witnesses Present:		
		_____	_____	_____
		(Witness name)	Date	Signature

**Preservation of Original Recording**

The complete original recording of an examination shall be saved to CD “read only” format and the CD plainly marked as the “sealed copy” in the presence of the person examined and his or her defense counsel or legal or authorized representative. This copy shall be filed with the court and retained as long as the criminal file is maintained by the court.

**Copy of Transcript and Recording**

Upon request of the person being examined, a copy of the corrected and final transcript, along with a recording of the proceeding on CD shall be furnished to the person at the earliest opportunity.

## SECTION III – REFERENCE

### **CONTENT**

**Code of Ethics for Recordors & Transcribers**

**Log Sheet Abbreviations (Glossary)**

**Criminal Procedures Code**

**Civil Procedures Code**

**Order of Minister of Justice, No. 1830, dated April 3, 2001 “On Organization and Functioning of Judicial Administration”**

**Format of Transcript**

## Code of Ethics and Professionalism For Court Recorders and Transcribers

1. The recorder or transcriber should be punctual and dependable in the performance of his/her duties.
2. Conversations with the judge are to be treated with confidentiality.
3. Be respectful of judges, attorneys, witnesses, court employees, and members of the public.
4. Be aware of potential conflicts of interest regarding cases and report any conflict to the presiding judge.
5. Do not accept payments, gifts, incentives or rewards to or from attorneys, witnesses, litigants, or other members of the public for special favors or information.
6. Prepare and preserve tapes, documents, and all records or evidence entrusted to you in accordance with established storage and retention rules.
7. Do not offer advice, legal counsel, or personal opinions regarding any matter of the court or that might end up in court to the public or parties in litigation.
8. Do not disclose case information or discuss the merits of a case with parties or members of the public.
9. Do not purport to speak or act for a judge or judicial officer regarding matters of the court.
10. Be fair and impartial to all persons coming into contact with the court
11. Give priority to the work of the court over any other outside work.
12. Prepare transcripts, logs and other documents in accordance with guidelines established by the court.
13. Advise the presiding judge and relevant court officials as soon as possible when a substitute recorder or transcriber is needed.
14. Notify the presiding judge of any irregularities in the record.

## Log Sheet Abbreviations

Affidavit	AFF
Answer	A
Attorney	ATT
Counter Affidavit	CA
Cross Examination	CX
Defendant Witness	DW (1, 2, etc.)
Examination in Chief	XC
Evidence	EV
Interpreter	I
Presiding Judge, Judge	PJ, J
Motion	MO
Motion Ex Parte	MXP
Objection	OB
Plaintiff Witness	PW (1, 2, etc.)
Prosecutor	P
Question	Q
Re-Examination	RX
Respondent	R
Respondent Reply	RR
Statement of Defense	SOD
Statement of Prosecution	SOP

# CRIMINAL PROCEDURES CODE OF THE REPUBLIC OF ALBANIA

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## **Article 115**

### **The minutes**

1. The documentation of the actions is made by minutes.
2. The minutes is compiled by the secretary of the court, in full or in summarized form, by steno typing, by other technical means and, when these means are missing, by handwriting.
3. When minutes are compiled in a summarized form, it must be reproduced phonographically, and, if conditions allow for it, it must even be audio-visually reproduced, as required.

## **Article 118**

### **Transcription of records kept by stenographic means**

1. The tapes with stenography symbols are transcribed into ordinary writing not later than five days from the date when they were typed and they are attached to the documents along with the transcription.
2. When the person who has typed the tapes is prohibited to perform the transcription, the court orders that the transcription be entrusted to an appropriate person, even outside from state administration.

## **Article 119**

### **Phonographic or audio-visual reproduction**

1. Phonographic or audio-visual reproduction is made by technicians, who may be outside from state administration, under the supervision of the court secretary.
2. In case of phonographic reproduction, the commencing and ending time of reproduction is noted down in the records.
3. In case phonographic reproduction is incomprehensible, the records kept in a summarized form shall be used as evidence.
4. Phonographic or audio-visual records shall be attached to the documents.

## **Article 120**

### **Forms of recording in particular cases**

1. The court may decide to keep the records in a summarized form when actions to be recorded are simple in content or when mechanical means for their reproduction or technical assistants are unavailable.
2. When the records are kept in a summarized form, the court takes care to note down the essential parts of statements and circumstances under which they have been made.

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## **Article 345**

### **The minutes of the hearing**

1. The secretary keeps the minutes of the hearing, which contains:
  - a) the place, the date, the hour of the opening or of the closer of the hearing;

- b) the composition of the court;
  - c) the name and the family name of the prosecutor and the injured accuser;
  - ç) personal data of the defendant or other personal data which help to identify him, the personal data of the defense lawyers, private parties and their attorneys.
2. Immediately after the closure of the hearing, the minutes, signed at the foot of each page by the keeper, shall be submitted to the chairman to confirm it.
  3. The minutes of the hearing shall be put in the file of the court examination.

#### **Article 346**

##### **The content of the minutes**

1. The minutes describe the actions performed in the hearing and in a summarized form describe the requests and the conclusions of the prosecutor, injured accuser, defense lawyers and attorneys of private parties.
2. The oral orders of the president are entirely reproduced. The orders announced in the hearing by means of reading are attached to the minutes.

#### **Article 347**

##### **The request of parties regarding the minutes**

1. The parties have the right to request that in the minutes are written any statement they have an interest in. The written memorial presented by the parties supporting their requests and conclusions are attached to the minutes.
2. The chairman may, even ex-officio, order that the secretary reads special parts of the minutes in order to verify its entirety and accuracy. The requests for correction or cancellation and also those provided by paragraph 1 are subject to the decision of the chairman.

# CIVIL PROCEDURES CODE OF THE REPUBLIC OF ALBANIA

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## **Article 18**

No party can be tried without being heard or without being summoned to trial.

## **Article 115**

### **Form and language of act's drafting**

Procedural acts, for which the law does not require specific forms, may be made in the most beneficial form to achieve their aim.

## **Article 116**

Procedural acts are written in the Albanian language.

The court calls a translator when persons giving their testimony do not know the Albanian language or for the translation of documents written in a foreign language.

The translator who does not appear without legitimate grounds is enforced to come. He has civil and criminal responsibility like the expert.

## **Article 118**

The court record should indicate the persons that participate in the actions on which the act is made, the circumstance of the place and time in which the act is made, description of the activity carried out and produced results as well as declarations. The record also includes the content of recording tapes, slides, filming, which are attached to the documents of the case.

The court record is signed by the secretary and the judge. If there are other persons present and unless otherwise provided for in this Code, the secretary reads to them the record and invites them to sign it. When anyone of them cannot or does not wish to sign it, he expresses this position in writing.

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## **Article 172/2**

Minutes are held in the court session in which are reflected the explanations of parties, the evidence taken, as well as the orders announced by the court.

## **Article 177 / 2**

When any of the parties makes remarks on the actions of the chairman of the court session, by claiming that their rights are being limited or violated, these must be reflected in the minutes.

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## **Article 291**

### **Content of the minutes of examination**

Minutes are held on examination in place and on any other examination, which is made outside the court, in which are indicated the parties that have participated, their claims and remarks about

the examination and the conclusions of the examinations. As the case may be, the minutes are signed by all judges or by the single judge as well as by parties and other persons present during this examination.

Order of Minister of Justice, No. 1830, dated April 3, 2001  
“On Organization and Functioning of Judicial  
Administration”

**Article 21**

Duties of Secretary of Session

The secretary of the session performs the following duties:

1. Takes for temporary operation and administration all fascicles of cases for trial appointed to the judge for which he/she will work;
2. Reception of fascicle is performed with a written report reflected in the delivery book, where date and time of delivery and name of parties as well as the object must not be missed. Fascicles are kept in a safe or in secured metallic file cabinets.
3. The secretary performs all the technical and procedural operations for each judicial fascicle, makes the notification for the announcement of the trial date decided by the judges and takes safety measures for a normal trial.
4. Makes the notifications to parties through announcement.
5. Obeys the orders of the judge or judges of the case to pass the case to preliminary operations, to the trial and intermediate decision during the session, with the exception of those that are under the authority of the judicial secretary or other persons anticipated in the law or in this regulation.
6. The secretary of the session is prohibited to deliver acts of whatever type included in the judicial fascicle to parties or their lawyers, other persons interested in the case under trial. The secretary can reproduce acts, issue extracts or photocopies of the documentation included in the file only with the order or decision of the judge or judges by abiding to the rule defined in this regulation.
7. The secretary of the session is completely responsible to keep the minutes of the trial. During the trial session, he/she must obtain full information on the accused or on the parties in the civil trial, the date, time, and place of trial sessions, declarations of parties, of attorney, lawyers, witnesses, experts, by registering everything important to the case, all orders of the judges and their intermediate decisions.
8. Keeps the minutes of the trial session, in conformity with the requirements of the article 115-118 of the Criminal Procedure Code and of article 118 of the Civil Procedure Code.
9. Keeps the minutes of the trial session by steno typing, typing in a computer or typewriter, and, if unable to use them, writes them down.
10. Takes measures that in the minutes of the trial session written down to not use abbreviations, corrections or empty spaces. Above unnecessary words, ‘omitted words’ must be written in brackets and the writer must sign it.
11. When the minutes are written down, the secretary must use lined paper with boxes with margins of 3 cm in the left and 2 cm in the right, top and bottom.
12. Reproduces the statements of participants in the process with reliability. If, for various reasons, it is impossible to reflect them and audiovisual equipment is missing, asks from the chairman of the session to order the repetition of statement for a full reflection in the notes.

13. The secretary of the session (the writer) binds the documentation in a chronological order, according to the time of submission, and the procedural acts according to the time of creation.
14. Takes measures that the judicial fascicle is bound and its pages are numbered at any time. Pages are bound and numbered after any operations with the acts, usually at the end of the session or with the introduction of a new act.
15. Develops the list of trials, which is signed by the judge.
16. Makes the calculation of the trial expenses, and writes them down in the first copy of the decision.

## Format of Transcript

To date, there is no uniform format of transcript. The process of unifying transcript forms will be one of the other duties of the work group.

**The job description for Judicial Secretary / person responsible for the audio recording once the new Regulation on Judicial Administration is completed.**