

Appeals from Video Courtrooms:

Ohio Appellate Rule 9(A), in part, provides as follows:

A videotape recording of the proceedings constitutes the transcript of proceedings other than hereinafter provided, and, for purposes of filing, need not be transcribed into written form When the transcript of proceedings is in the videotape medium, counsel shall type or print those portions of such transcript necessary for the court to determine the questions presented, certify their accuracy, and append such copy of the portions of the transcripts to their briefs.

Under this rule, in appeals arising from video courtrooms, the transcript consists of the videotape of all recorded trial court proceedings. If a proceeding is relevant to an appeal, the videotape recording must be filed in the appellate court record. Appellate Rule 9(A) explains that paper transcripts must be made only if needed for addressing questions raised to the court. The rule also says that you should attach paper transcripts to your brief instead of independently filing them in the record. This changes current practice, in which the Court Reporter's prepared transcript is separately filed in the appellate court.

Despite this change, the Second District Court of Appeals still allows parties to file paper transcripts, along with videotape transcripts, as independent parts of the appellate record, rather than as appendages to briefs. The Second District Court of Appeals includes time for preparing and filing paper transcripts within the time period allowed for the filing of briefs, pursuant to Appellate Rule 18(A).

Requesting Transcripts for Appeal:

You can request recorded transcripts for inclusion in an appellate record by filing a written request (in praecipe or motion form) with the Clerk of the Court of Common Pleas. Your request should specify, by date, courtroom, time and type of proceedings, and the portion of the videotaped proceeding(s) to be included in the record. You should also indicate whether a paper transcript will be filed. If a paper transcript will be filed, you must make arrangements for preparation and filing with a transcriptionist on the trial court's list or with a typist of your choice.

Time for Filing Video and Paper Transcripts:

Appellate Rule 10(A) requires the record on appeal, including the transcript, to be complete within forty-days of the filing of the appeal. Local Appellate Rule 6.1 permits parties to seek extensions of time for the filing of a transcript from the trial court until the eightieth-day after the filing of the notice of appeal, and from the Court of Appeals thereafter. In appeals arising from video courtrooms, parties must make arrangements for the filing of the videotape transcripts, in VHS form, within the forty-day record time frame. Further, the written transcripts must be filed within the twenty-day briefing time frame either as an appendage to the brief as set forth in Ohio Appellate Rule 9(A), or as a separate filing along with the brief. Please be aware that appellate counsel is responsible for obtaining extensions of time to file both videotape and paper transcripts.

Obtaining Transcripts from Video Courtrooms



***Montgomery County
Common Pleas Court,
General Division***

***41 North Perry Street
Dayton, Ohio 45422
937.225.6000***

Several Judges and Magistrates in the General Division employ state-of-the-art audio/video recordings of all courtroom and chambers proceedings. Recordings of judicial proceedings are now available in VHS videocassette, CD-ROM digital recording, and/or paper transcript formats. The Magistrate's Office only records on CD-ROM.

VHS Videotape: You can view VHS videotape recordings of trial court proceedings on any VHS video recorder player.

CD-ROM: You can view CD-ROM recordings of trial court proceedings on any personal computer capable of operating the Microsoft Media Player. The CD-ROM contains a log of proceedings with links to the associated video. If you use CaseViewer instead of the Microsoft Media Player, the CD-ROM includes the additional capability of viewing the court proceeding with the use of a standard foot pedal to control playback for transcription purposes. Jefferson Audio Video provides a CaseViewer that may be downloaded at no cost at the following website:

<http://www.javs.com/courts/support/caseviewer.html>

Paper Transcripts: You can obtain paper transcripts of recorded proceedings by purchasing a videotape or CD-ROM copy of the proceedings. You may then have the proceedings transcribed by a transcriptionist on the trial court's list or a typist of your choice.

Paper transcripts prepared by transcriptionists on the trial court's transcriptionist list will be formatted according to requirements set forth in the Transcript Manual. You can obtain a copy of the Transcript Manual in Court Administrative Services (Room 103) or on the Court's web page at www.montcourt.org. Paper transcripts will be billed at the following rates:

Civil:

- Original transcript: \$2.25/page
- Copies ordered @ same time by the same party pursuant to ORC 2301.25: \$1.13/page
- Additional copies: \$2.25/page

Criminal (Indigent Defendant):

- Original transcript: \$2.05/page
- Copies ordered @ same time by the same party pursuant to ORC 2301.25: \$1.03/page
- Additional copies: \$1.03/page

Criminal (Non-indigent Defendant):

- Original transcript: \$2.05/page
- Copies ordered @ same time by the same party pursuant to ORC 2301.25: \$1.03/page
- Additional copies: \$2.05/page

If a paper transcript is being prepared by a transcriptionist not on the trial court's list, we recommend the formatting guidelines in the Transcript Manual be followed. Again, you can obtain copies of the Transcript Manual in Court Administrative Services (Room 103) or on the Court's web page at www.montcourt.org.

If non-list transcriptionists are used, their charges should be in line with the costs stated above to ensure approval for payment at the state's expense.

Obtaining a Videotape or CD-ROM:

- You can obtain videotapes or CD-ROM recordings of proceedings with a written request to the trial court's Judicial Assistant or the Magistrate's staff. The written request must specify which format you wish to obtain (i.e., VHS or CD-ROM), the date, time, type of proceeding, and which portion of the proceedings is requested. Your written request can be made by praecipe, motion, or the Request for VHS Tape and/or CD-ROM Form provided by Court Administrative Services at www.montcourt.org. You will be

charged \$2.25 per VHS videotape and/or CD-ROM. A staff member in Court Administrative Services will contact you when your videotape and/or CD-ROM is ready for pick up.

Obtaining Paper Transcripts:

- **If you require paper transcripts of recorded proceedings, you must make all arrangements for transcript preparation, including obtaining a copy of the VHS or CD-ROM of the recorded proceedings. You must also make arrangements with a transcriptionist.** You can use a transcriptionist of your choice or one from the list provided below.

Jeanie Clark Elite Typing Connection 3108 Beaver Avenue Kettering, OH 45429 937-294-9994 (phone) 937-294-8890 (fax)	Linda Rapier 170 Eleanor Drive Springboro, OH 45066 937-748-2278 (phone) 937-748-2036 (fax)
Janice M. Grill, CVR 3400 Pavilion Lane Bellbrook, OH 45305 937-848-8457	Megen M. Russo-Elswick 4015 Atha Court Riverside, OH 45424 937-416-0968 (cell) 937-233-3371 (home)
Crown Personnel Serv., Inc. One East Stewart Bldg. P.O. Box 1848 Dayton, OH 45401 937-223-1010 (phone) 937-223-7552 (fax)	Talent Tree 8535 North Dixie, Suite D Dayton, OH 45414 937-264-0130 937-264-0132 (Fax)