

POST-TRIAL REVIEW & COURT REPORTING (TAB E)

Inspector: _____ Date: _____

001 - Does the office have an established billet description for each billet?
MCO P1610.7F

002 - Do all trial services personnel have access to a printed or electronic
version of the following publications?

- MCM 2013
- JAGINST 5800.7F (JAGMAN)
- SECNAVINST M-5210.2

003 - Are all files properly maintained or destroyed? SECNAVINST M-5210.2

004 - Is the information that the review section is responsible for
accurately reflected in the CMS data base, and does it match the information
in the files? MARADMIN 062/10

005 - Are post trial records forwarded to NAMARA within specified processing
times? Did CA's action take place within 120 days of the date of trial? Are
cases docketed at NAMARA within 30 days of CAA? U.S. V. MORENO, 63 M.J. 129
(CAAF 2006)

006 - Are there procedures in place to ensure that the CAA is accomplished
within the standard set in U.S. v. Moreno (120 days) in every Special and
General Court-Martial? Does the section use a checklist? MARADMIN 062/10;
U.S. v. Moreno, 63 M.J. 129 (CAAF 2006)

007 - Are all General, Special, and Summary Courts-Martial records of trial
properly prepared and assembled [LSSS/LSST]? R.C.M. 1103, AND APP 13, 14 AND
15 OF THE MCM (2013)

008 - Is the Review Section using DD Form 490 as a guide to ensure proper
assembly of Special and General Courts-Martial records of trial? APP 14, MCM
(2013)

009 - Are verbatim and summarized records of trial routed properly and in a
timely manner for authentication and then forwarded to the accused/defense
counsel, SJA and CA as appropriate? R.C.M. 1104, 1105 AND 1106, MCM (2013)

010 - Are appropriate records of trial sent directly to the Navy-Marine Corps
Appellate Review Activity (Code 40), 1254 Charles Morris Street, SE, Suite
B01, Washington Navy Yard, D.C., 20374-5124 via the most expeditious means
(e.g., Express mail, Federal Express, or similar means)? JAGINST 5800.7F, PAR
0153

011 - In cases where the CA did not take action within 120 days from the date
of trial, did the CA provide the reasons for delay in writing to CMC (JAM)

COURT REPORTING

Inspector: _____ Date: _____

1. **Background.** Court reporters (NMOS 4422) digitally record and capture the proceedings of special and general courts-martial, formal investigations, administrative boards, and other hearings, as directed, through real-time speech recognition dictation or capture, known as voice writing. Court reporters also prepare or supervise the assembly of summarized or verbatim transcripts and review records of proceedings for format and technical accuracy. Court reporters are required to produce verbatim transcripts of special and general courts-martial in a timely manner (Ref: RCM 1103(b) and (c), MCM (2012); *U.S. v. Moreno*, 63 M.J. 129, 142 (2006); SECNAVINST 5430.27D).

1. **Formal Training.** Closed-mask dictation of proceedings and transcript production through the use of speech recognition technology is the new method of capturing court-martial hearings and has replaced stenography. The formal training for Marine Corps voice writers consists of the following:

a. Speech Recognition (Dragon Naturally Speaking, Computer-Aided Transcription (CAT) software). Students are introduced to the Dragon Naturally Speaking software and are taught the basic voice writing skills needed to perform the closed-mask capture of the spoken word. Speech recognition software has three phases that require continued development and maintenance to ensure the capture and efficient transcription of any proceeding, which include dictation style, vocabulary/profile management (VPM), and grammatical model management (GMM). CAT software incorporates Dragon Naturally Speaking software and utilizes the same phases identified below.

(1) Dictation. The court reporter must ensure that he or she speaks clearly and accurately for the speech recognition software to provide accurate transcription results.

(2) VPM. Vocabulary and profile management encompass training mistranslated text to ensure fewer mistranslations in the future and creating backups of the court reporter's speech recognition software profile at least once a month.

(3) The grammatical model should be refined by using a document analysis function within the speech recognition software. Document analysis identifies grammatical and word patterns within analyzed documents, which improves the accuracy and translation speed of RTC. Due to the repetitive formatting and specific terminology followed from the Military Judge's Handbook, document analysis is a key component to the accurate and timely production of a record of trial.

b. Speed Building. Students are required to demonstrate the ability to capture the "spoken word" of courts-martial proceedings. The area specifically evaluated for the number of words per minute (WPM) include

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testimony, jury charge, and literary. Testimony includes the questions by judge advocates and the answer of the witness. Jury charge includes the instructions provided by the military judge to the courts-martial members. Literary includes argument by counsel, the presentation of motions to the military judge, and colloquy of courts-martial members, counsel, the accused, and the military judge. To graduate the formal school, students must demonstrate proficiency for each area as follows: Testimony (200 wpm), Jury Charge (200 WPM), and Literary (180 WPM).

c. English Grammar. Students receive approximately four weeks of English grammar instruction. Grammar instruction focuses on the punctuation of verbatim transcripts from the "spoken word."

d. Records of Trial. Students receive multiple practical applications surrounding the production of a record of trial. These include the following: Court reporter worksheet, court-martial proceedings, cover pages, indexing, MCM standardization, witness testimony, exhibits, summarized and verbatim transcripts, and report of results of trial.

e. Courtroom Recording Equipment. Students receive instruction on how to properly employ the FTR Touch digital audio recording system.

f. Typing. Students are required to demonstrate a typing proficiency of at least 40 wpm with 80% accuracy.

2. **Management.** Voice writing is a technical and perishable skill that requires continual development and evaluation. The critical component to successful court reporter management is supervision. Establishment and supervision of an inexperienced court reporter's MOJT is vital for further development and efficiency of every court reporter section.

a. MOJT. The first six months after initial training is a critical time period for court reporters. They must continue developing voice writing skills in order to accurately capture the spoken word. MOJT must include continued development and maintenance of dictation style, vocabulary/profile management (VPM), and the grammatical model management (GMM).

b. Transcription ratio. A court reporter's transcription ratio directly affects the amount of time required to produce an accurate verbatim record of trial. The technical voice writing skill and the ability of the court reporter to capture the spoken word is the critical capability that impacts the production of a record of trial. Additionally, the length of the proceeding and complexity of terminology affects the court reporter transcription ratio. The formal training prepares a court reporter to achieve a transcription ratio of 1:6 or less. Court reporters must maintain a transcription ratio between 1:2 and 1:6 in order to produce a verbatim record of trial in a timely manner.

c. Equipment. The court reporter section has three functional areas: Capture, Record, and Transcription. In order to effectively employ a Court Reporter and to meet the legal requirements for an accurate and timely production of a verbatim ROT, court reporters require equipment with specific hardware and software components for each functional area. This includes the requirement to maintain the latest virus protection software on court

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reporter computers that are not connected to an enterprise network. Without the appropriate equipment, court reporters' skills degrade, which subsequently negatively affects the accurate and timely production of ROT. The recommended equipment list for each Court Reporter can be located on the JAD, HQMC secure web site.

3. **Training Plan.** The Regional Review Officer is responsible for the development, implementation, and evaluation of the court reporter training plan for the LSSS and LSSTs. Training must focus on the court reporter capturing the spoken word, accurate translation, and the goal of an initial real-time capture accuracy percentage of 85% or higher. By focusing on the RTC accuracy, the court reporter will rely less on the digital audio backups and leave the initial courts-martial or hearing proceeding with a viable and editable product, thereby reducing the amount of transcription time required to produce a verbatim record of trial.

a. Requirements. At a minimum, the court reporter training plan will include court reporter MOJT of the following skills and capabilities: Speech recognition, speed building, English grammar, CAT software utilization, CMS, report of results of trial, and courts-martial record of trial formatting.

01 GENERAL

01 001 - Does a court reporter training jacket exist for each court reporter?

01 002 - Has a court reporter with less than six months experience been assigned in writing an experienced court reporter as a mentor?

01 003 - Has the mentor "shadowed" the mentee for at least three (3) special or general courts-martial guilty plea judge alone forums?

01 004 - Has the mentor "shadowed" the mentee for at least one (1) special or general courts-martial members forum?

01 005 - Does the court reporter chief detail qualified court reporters to complex cases?

01 006 - Does the court reporter chief identify and communicate transcription errors and trends to court reporters on a weekly basis?

01 007 - Has the court reporter chief identified candidates assigned to the LSSS/LSST for assignment to the court reporter section?

01 008 - Has the court reporter chief established a training plan to evaluate potential court reporter candidates' ability to utilize speech recognition software?

01 009 - Has the court reporter chief assured court reporter candidates have completed the English Grammar MCI 0120, if required?

01 010 - Does each court reporter have the appropriate equipment identified on the JAD, HQMC secure web site?

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01 011 - Does each laptop or desktop computer used for court reporter capture or courtroom digital recording utilize the USMC Symantec virus protection software? If so, has the software been updated with the latest software virus definitions?

01 012 - Is the Regional Review Officer engaged with the oversight of the Court Reporter Section?

01 013 - Is the LSSS Court Reporter Chief engaging with the LSST leadership when a court reporting issue arises at an LSST?

02 SPEECH RECOGNITION

02 001 - Does the court reporter transcribe their own proceeding at least once per month to assist in identifying speech dictation errors and VPM maintenance?

02 002 - Does the court reporter perform document analysis at least once per quarter?

02 003 - Does the court reporter chief analyze the speech dictation of each court reporter once per quarter to identify deficiencies, if any, and recommend corrective action, if needed?

03 SPEED BUILDING

03 001 - Is a library of speed building materials available for court reporters to assist in the maintenance and improvement of RTC?

03 002 - Does the library provide speed building speeds ranging from 120 wpm to at least 280 wpm?

03 003 - Does the library at a minimum provide speeding building exercises in the following categories: Testimony (Q&A), Jury Charge, Literary, Medical and Testimony?

03 004 - Does a log exist that identifies the utilization of the speed building materials by each court reporter?

03 005 - Does a log exist that ensures accountability for the speed building materials?

03 006 - Has the court reporter chief identified the current speech dictation/capture capability for each court reporter for Q&A, JC and Literary?

03 007 - Has the court reporter chief developed a schedule for training for each court reporter to maintain or improve speech recognition skills?

03 008 - Does the training plan include the following?

- Testimony practice material at 200 wpm once per month;
- Jury Charge practice material at least 200 wpm once per month;
- Literary practice material at least 180 wpm once per month;

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- Medical Testimony practice material at 180 wpm once per quarter;
- Technical Testimony practice material at 160 wpm once per quarter;
- Real-time capture (RTC) and transcript production of a special or general court-martial guilty plea of at least one-hour duration once per quarter;
- Real-time capture of Literary practice material of at least five (5) minutes duration at 180 wpm or greater to evaluate the capture accuracy once per quarter;
- Real-time capture of Jury Charge practice material of at least five (5) minutes duration at 200 wpm or greater to evaluate the capture accuracy once per quarter; and
- Real-time capture of Testimony practice material of at least five (5) minutes duration at 200 wpm or greater to evaluate the capture accuracy once per quarter?

04 ENGLISH GRAMMAR

04 001 - Has the court reporter chief identified punctuation error trends noted by counsel or the military judge?

04 002 - Is an English Grammar PME conducted and documented at least once per month?

05 CAT SOFTWARE

05 001 - Is CAT software utilization and maintenance PME conducted at least once per quarter?

05 002 - Are CAT software profile settings reviewed at least once per quarter to ensure the standard formatting of a ROT?

06 CASE MANAGEMENT SYSTEM

06 001 - Does everyone assigned to the Court Reporter section have access to CMS?

06 002 - Does the data in CMS match the court reporter worksheet?

06 003 - Does the data in CMS match the RROT?

06 004 - Does the data in CMS match the ROT?

06 005 - Does the CMS NCO/SNCOIC know how to pull reports?

07 REPORT OF RESULTS OF TRIAL

07 001 - Does the RROT properly record the sentence awarded by the military judge or the members of the court?

07 002 - Is the date correct for automatic forfeitures and reduction, if applicable?

08 COURTS-MARTIAL RECORD OF TRIAL

