Oral Argument Transcript Checklist

Mark each item only when the transcript satisfies it in full, or N/A when the item cannot apply. Items follow the order of the work; the instruction opposite each item states the standard against which it is checked.

This form governs transcripts of recorded arguments made for quotation or citation in a brief bank entry. The recording is the authority. A transcript is a finding aid until the passages relied on have been heard.

CASE & DOCKET	DATE ARGUED	PANEL
RECORDING SOURCE	**DURATION**	**SHA-256 OF FILE USED**
REVIEWER	**DATE OF REVIEW**	**TRANSCRIPT FILE & VERSION**

1 — RECORDING

☐ 1.1 Identify the recording:
- court and docket number
- date argued and panel
- counsel who argued, and for which side
- source URL and duration
- SHA-256 hash of the file transcribed

The Ninth Circuit streams every argument and keeps an archive of the recordings, and its opinions cite them by timestamp. Counsel who argued are also recorded under Section 16 of Form FRCP-56.

☐ 1.2 Take timestamps from the court's own recording, or from a copy checked against it at two points, one near the start and one near the end.

A copy may be re-encoded or trimmed. A cited timestamp must land on the same words in the court's recording.

2 — MACHINE TRANSCRIPTS

☐ 2.1 Produce at least two machine transcripts from engines of different design, at least one with timestamps (SRT, VTT, or JSON). Record each engine, its version and settings, and the date run. For confidential audio, use only engines that run locally.

Engines fail differently. In the Healy argument (No. 24-3327), ChatGPT dropped a clause of Milliman's argument; whisper-1 dropped the premise of a judge's hypothetical and opened with a line not in the reviewed transcript; Resolve repeated a sentence. Transcripts that share their errors count as one. A third transcript helps decide where to listen.

☐ 2.2 Apply a correction table built from the briefs and the docket, by fixed replacement, and keep a log of every replacement:

- names of parties, counsel, and judges
- case names and reporter citations from the tables of authorities
- record-cite forms (*e.g.,* ER, SER)
- terms of art

A comparison of engines cannot find the errors they share. All three engines wrote "and bonk" for en banc, "SCR" for SER, and "induce" for what the reviewer heard as "adduce," and none spelled Coughenour or Frlekin. Reporter numbers often survive where names do not: the engines heard "Freakin" and "Freekin," but the citation that followed, 979 F.3d 644, identifies Frlekin v. Apple Inc.

3 — REVIEWER'S TRANSCRIPT

☐ 3.1 Read the best timestamped machine transcript, correct it, and flag every passage in doubt. Listen at each flag and record the resolution.

Transcribe verbatim: keep false starts, self-corrections, and interruptions. A cleaned-up transcript cannot support a verbatim quotation.

☐ 3.2 Label each turn with the speaker (judges by name; counsel by name and side) and mark overlapping speech.

Machine transcripts do not identify speakers reliably. Attribution is part of a quotation and is checked by ear under 5.1.

4 — COMPARISON

☐ 4.1 After the last edit, compare the reviewer's transcript with each machine transcript, word by word, and listen wherever:

- two or more engines have words the transcript lacks, or
- the transcript has words no engine has.

Settle each by ear or from the record, not by vote, and record the disposition.

Reading catches wrong words, not missing ones. In Healy the reviewed transcript still lacked a sentence all three engines had ("It's not a merits determination"), carried a "not" that no engine had, and read "30 some thousand" where the engines had "307,000" and "300 and some thousand" and the record has 311,226. Agreement is evidence, not proof: the engines also agreed on "induce." srt_qc.py produces the list.

5 — QUOTATIONS AND CITATIONS

☐ 5.1 Hear every passage the entry quotes, paraphrases, or relies on at its timestamp, whether or not anything flagged it. The words and the speaker must match the recording.

> The counterpart of item 14.3 of Form FRCP-56. Quote as spoken; mark alterations with brackets and omissions with ellipses, as with any quotation.

☐ 5.2 Cite the recording by a timestamp range that covers the passage.

> Ninth Circuit opinions cite ranges: "Oral Arg. at 3:36–3:41," Keebaugh v. Warner Bros. Ent. Inc., 100 F.4th 1005 (9th Cir. 2024); "Oral Arg. at 41:38–52," Tohono O'odham Nation v. U.S. Dep't of the Interior, 138 F.4th 1189 (9th Cir. 2025).

6 — FILE CHECKS

☐ 6.1 Check the transcript file mechanically:

- cue numbers are plain integers, in sequence
- timestamps are well formed
- no cue starts before the previous one ends, except where speech overlaps
- no cue carries more than about 10 words a second
- no gap longer than two seconds holds speech an engine heard
- the cues run from the first words to the end of the recording

> The Healy argument averaged about 3 words a second. In its transcript, flags had been typed into cue-number lines, one end time was a digit short, and four cues started 2 to 5 seconds early; a machine cue carrying 17 words in half a second was a repeated sentence. Keep flags in a separate column or file.

7 — PROVENANCE

☐ 7.1 Record:

- the recording's source and hash
- each engine, with its version, settings, and date run
- the correction table and its version
- the comparison tool and its version
- the reviewer and the dates of review
- the passages heard under 5.1

> So that the transcript can be regenerated and every change traced. A hosted engine cannot be pinned; record the product name and the date. Keep the machine transcripts, the replacement log, and the comparison output with the final transcript.

NOTES AND EXCEPTIONS

Record each unmarked item by reference number, the reason it could not be satisfied, and the disposition. An item left unmarked without an entry here is treated as unresolved.

SIGN-OFF

The reviewer certifies that each marked item was checked against the instruction opposite it and that every passage relied on in the entry was heard. The supervising attorney certifies that the transcript is fit for citation in the brief bank.

REVIEWER — SIGNATURE

DATE

SUPERVISING ATTORNEY — SIGNATURE

DATE