

CORE MESSAGES

1. *Court reporters - the best method yet devised for keeping the record!*

For accuracy, speed, security, reliability, efficiency and utility no form of capturing and preserving the record of a court or deposition proceeding can match that provided by realtime court reporters using a combination of skill and judgment, coupled with state-of-the-art technology. The realtime court reporter offers many advantages when compared to digital audio or video recording.

For example, a realtime court reporter's stenographic notes are translated instantly, and can be displayed on a computer screen in the courtroom or deposition suite, supporting a wide array of beneficial services to attorneys, witnesses, judges, jurors, court staff, and the public. The record is created and digitally archived to a computer in a text format, which is the most efficient and economical way to store, search, index and use. The text can even be synchronized with audio or video records, making these formats more usable. Only realtime court reporters create a verbatim text record of the proceedings for instant review and use by attorneys and judges. In fact, realtime is the only voice-to-text technology that meets the rigorous demand for accuracy that exists in the legal environment.

2. *Realtime court reporters – the better choice!*

Realtime court reporters can manage the proceedings to ensure that an accurate record is made. Realtime transcript text can be easily streamed over the Internet to allow participation by remote parties or consultants. It can be delivered in realtime to attorneys, judges, and jurors, enabling a long list of litigation support features. It can even be used to as an accessibility accommodation for a deaf or hard-of-hearing party, jurist, witness, judge or attorney.

While recording technology has certainly improved over old, analog tape recording systems, digital audio recording is still, simply an audio recording. And a recording has certain, inherent limits that may not meet all court record needs.

For example, digital audio records sounds, not words. This can limit the ability to efficiently search large records unless the recording has been diligently monitored and manually annotated while it is being made, which is often a more costly and labor intensive task than many court systems realize. A digital audio recording device does not make speaker identifications, which can lead to ambiguities in the record. When several participants in the proceeding speak at once, or there is a great deal of background noise, inaudibles are common, bringing the recording's value and integrity into question. The term "inaudible" refers to dropped words or phrases due to environmental disruptions such as coughing, sirens, clashing voices, etc. Similar problems arise because what a video camera will record depends on what sounds courtroom microphones acquire.

Most seriously, in many cases, ***even where digital audio recording is used, a written transcript must still be produced***, a cost that many court systems fail to include in their planning.

Before the commitment is made to invest in digital audio recording, questions need answering. When a transcript is to be prepared from the recording, how will it be prepared? How many people will be involved? How long will it take? Who will certify the accuracy if the transcribers were not present at the proceeding? What is the cost of not preparing a transcript but, instead, simply reviewing the tapes, when considering the time involved?

3. *Digital audio recording is still a labor intensive effort*

Contrary to what some believe, digital audio systems are not voice-to-text systems. Digital audio still requires human transcribers to create a paper or digital transcript. In most instances transcript production costs are similar regardless of the method used to take the record.

Due to variations in background, education, training, diligence, and other individual factors, transcripts prepared by different individuals from the same recording will be different. Differences may or may not be remedied by listening and re-listening to the recording. Transcriptions of audio recordings made by persons who were not present at the actual events can be prone to errors or misunderstanding.

To create a searchable log of a digital audio or video proceeding, someone, usually a monitor, annotates trial activities. An accurately annotated log will help find a particular event on the recording; but it does not produce the transcript.

4. *Often you don't know what you're missing until its gone ...*

Several courtrooms that replaced court reporters with alternative methodologies have discovered that the system fails to meet all their needs and have switched back to realtime court reporters. States such as New Mexico, New Jersey and Texas have found that their judicial system needs could not be adequately met by a mere audio record, backed up by manual, after-the-fact transcription, causing the courts in these states to return to the use of court reporters for major cases.

5. *When the outcome really matters, insist on today's tech savvy court reporter that uses realtime.*

Court reporters have been ahead of the rest of the legal system in applying digital technology in the workplace. Reporter-based technologies such as realtime enhance the functioning of the judicial system in both headline trials and everyday depositions. Embracing technology that supports and enhances the efficient operations of the courts is one thing; naïve dependence on technology and the elimination of human judgment and wisdom is quite another. Put simply, employing the services of a realtime court reporter in a well-managed courtroom ensures a complete, accurate, secure and instant record of what was said for immediate use by attorneys and judges. Digital audio or video may not be able to meet all the needs of a court in high stake and complex situations. In many circumstances, the importance of the judicial record and the public need for its accuracy demand the presence of an unbiased, impartial, professional keeper of the record – rather than an uncomprehending machine and transcribers who have no firsthand knowledge of the proceedings under review.

6. *Court reporters provide better value.*

Recording systems, both audio and video, have been offered for years as alternatives to court reporters. But there are many features and benefits that only a court reporter can provide that are missing from these alternatives. The following points outline different aspects of the value of court reporters.

1. Court reporters sort and discriminate between testimony and background noise, such as sirens, coughing, inaudible or heavily accented speech.

2. Court reporters clarify technical terms.
3. Court reporters do not inadvertently record attorney-client exchanges.
4. Court reporters can search for a word or phrase from any portion of their notes.
5. Court reporters can read back testimony instantly.
6. Court reporters certify the accuracy and integrity of the record and can testify to those points if necessary.
7. Court reporters undergo two or more years of academic and skills training.
8. Court reporters who are certified must demonstrate that they update their knowledge by earning continuing education units.
9. Court reporters produce proceedings digitally, as well as on paper, facilitating their use in litigation support systems.
10. Court reporter's realtime transcripts can be streamed to the Internet to allow participation by remote parties or consultants.
11. Court reporters may provide unofficial transcripts of testimony on paper or by electronic file virtually instantly.
12. Today, people demand fast access to information. That is what court reporters provide.
13. Court reporters can provide realtime translation of proceedings on computer screens in court, or in depositions. This service allows individual to follow along word-for-word with the proceedings. Audi & video systems produced only recordings.
14. Court reporters can provide CART (Communication Access Realtime Translation) for one-on-one captioning in the courtroom. This aids in reviewing testimony and provides access for attorneys, judges or witnesses who are hard-of-hearing meeting the requirements of the Americans with Disabilities Act. Audio and video systems produce only recordings.
15. Court reporters can provide continuity of operations – in the case of power outages, for example.
16. Court reporters have better back-up systems, with built in redundancies.
17. Court reporters have the ability to exclude off-the-record conversations from the transcript – such as side bar conversations.
18. Electronic recording can be subject to a loss of control or be less secure – as an example, when machinery is inadvertently left on.

7. *It still comes down to the person doing the job*

Unfortunately, there are bad court reporters and bad transcriptionists out there. There are court reporters and transcriptionists who fail to meet transcript deadlines, who provide poor transcripts, and who are hard to work with. That's why it's important to insist that the court reporter be certified in order to minimize these types of behavior.

NCRA works with its members to help them reach the highest standards as certified court reporters, and provide value-added service to their courts. Unlike some of the certifications you will find listed after individual names, NCRA certifications are all developed, administered and regulated meeting the highest (and independently verified) certification standards. For three-quarters of a century, NCRA has been a leading, national testing authority in the area of court reporting.

8. *Officials are not the only court reporters who are impacted by digital audio recording.*

Portable digital audio recording systems for freelancers do exist and are increasingly common in the deposition suite. It is incumbent upon every court reporter to stay on top of the field, to continuously improve and hone their skills, to provide a level and quality of service that no mere audio recording

device can match, and to aggressively market and promote the value they are uniquely qualified to deliver. In short: to make themselves truly indispensable.