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A peek behind the court reporting methods in the technology age

By Constance Lee

The idea that technology spells the end of the court reporting industry is a common sentiment in this day and age.

That sentiment is rooted in misunderstanding. The court reporting profession is evolving, and technology is become a bigger part of the industry.

Many attorneys are familiar with the court reporting end product, but not as familiar with the methods, types and processes of court reporting. Here's an overview of the different methods of capturing the record.

Stenographers or Machine Writers

Let's start with the basics.

Stenography students attend at least two years of schooling and must take courses in machine theory, business law, medical terminology, legal terminology, transcription and court procedures. This is all the while building speed and accuracy of processing the spoken word through a 25-key stenographic keyboard.

Computer-aided transcription software holds a basic steno-to-English dictionary to transcribe against and build upon.

To pass and graduate, students must achieve three speed takes each for legal testimony at 225 words per minute, jury charge at 200 and literary (usually legal opinion or congressional record) at 180 words per minute, each with no less than 96-percent accuracy.

As graduation approaches, schools place students with local reporters for mentorship/internships. This is crucial in learning business etiquette, how to navigate depositions and courtrooms, identifying speakers, marking exhibits, legal and medical terminology research methods, dealing with difficult-to-understand individuals, how and when to properly interrupt a proceeding for the accuracy of the record and other duties.

Stenomask or Voice Writers

Stenomask reporters or voice writers attend courses for as little as 12 weeks or up to nine months whereby they are introduced to the art of capturing every word by repeating all of the questions and answers verbatim while using a special mask called a Sylencer, in conjunction with a foot pedal, and Dragon speech-recognition software.

Voice writers convert the spoken words of many into the single voice of the reporter. Sometimes the voice writer will use those methods of voice capture paired with computer-aided transcription software to format the questions and answers.

Stenomask reporters learn to identify speakers, and they use the software to adapt to special utterances to implement formatting and punctuation markers. An issue with speech-recognition software is it has a speed limit of sorts and can get bogged down when speakers reach the rate of 180 to 200 words-per-minute.

Some voice writers are highly trained and able to produce a real-time record. Properly used, Dragon can have an accuracy rate of 99 percent, but only at 150 words per minute. Some voice writers prefer to record the proceedings without the use of the transcribing software, and some will opt to type the testimony the old-fashioned way and re-listen to their recording and type it into a program such as Word.

Remote Reporters

While there is no shortage of court reporters in Pittsburgh, there is a shortage in many parts of the country. In these situations, attorneys often use remote reporters.

Court reporters now have the ability to be in a completely different part of the world as we write legal proceedings. Platforms such as Zoom enable attorneys to "attend" depositions from another state, or a prisoner to "be present" at a court hearing without the need to be physically transported.

When using remote reporters, attorneys should confirm, for the sake of privacy, that a secure network is being used. Also, perform due diligence on the court reporter being used on the other end to confirm he or she is certified and properly trained.

Digital Records

Although not overly common, digital record methods such as For the Record (FTR) are being used in Pittsburgh courts and for depositions.

With this method, a technician will provide all counsel and deponent with microphones. Each person is recorded onto his or her own channel.

As testimony proceeds, the technician makes time-stamped annotations for speakers and places to check for spellings or instances of marking exhibits. The technician monitors the entire proceeding, and if there is cross-talk or noises that

cloud the recording of the testimony, the technician will interrupt and request clarification. Some of the systems have the ability to videotape the witness as well.

After the proceedings are completed, the recording is transcribed. It's important to understand that, in some states, a transcript is not considered valid unless it is transcribed by a state-certified court reporter. Also, with software like VoCo and others which can manipulate recordings – and even add words not actually said and add them in the recorded person's own voice – it is important to know the chain of custody and control of such recordings.

It is important to ask where and by whom the audio is being transcribed. Attorneys should be specific in their questions and make sure they are satisfied with the answers.

Bells and Whistles

Stenographers and voice writers are able to provide a speech-to-text record in real time. A highly trained professional reporter is able to provide attorneys with instant translation of legal testimony on personal displays of their choosing, instant rough drafts, end-of-the-day or next-day finals.

Many firms offer synchronized videotaped depositions, searchable PDFs (with or without hyperlinked exhibits) and many forms of electronic transcripts to import into litigation-management software.

Although Pennsylvania law does not require the licensing of court reporters, there are state and national organizations that do provide certifications in each of our respective areas. For stenography, there is the National Court Reporters Association. Voice writers have the National Verbatim Reporters Association, which welcomes both machine writers and voice writers. And the American Association of Electronic Reporters and Transcribers offer certification for electronic reporters and electronic transcribers. ■

Constance Lee, RPR, CSR (IL, TN), NCRA Realtime Systems Administrator, has provided court reporting services for Pittsburgh and the nation since 1987. She now owns Constance Lee & Company Court Reporters.