

Choosing a Court Reporter—the Advanced Course

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Stenographic court reporters are the most technologically advanced individuals in courtrooms and deposition suites across the country. While the sales pitch offered by digital recording and transcription companies tout their method as the “evolution” of court reporting, litigators and litigants should not be misled by unsubstantiated and overstated promises on price, quality and reliability. The fact is, electronic and digital audio recording can produce an adequate record, but these recording systems do not uniformly produce an accurate record. Transcripts from recordings can be riddled with inaudible statements, speakers can be incorrectly identified, recordings are easily lost or misplaced, and often-times, the equipment fails or the operators forget to turn it on, leading to entire proceedings not being recorded.

Today’s stenographic reporters are digital in every aspect, capturing the instant voice-to-text record on several redundant hard drives and in a secure cloud server, along with a backup audio record. Digital reporting, or more accurately, digital recording, is merely transcription after the fact, and audio recording is hardly new or high-tech. When a transcript is needed, a single stenographic court reporter can immediately provide, with more efficiency, what it takes four or five digital transcriptionists to produce using a standard QWERTY keyboard.

The Unreliability of Recordings

Attorneys practicing in Jefferson County courts in 2010 painfully remember when the digital audio recording equipment caused hundreds of hearings to be lost because the system failed to record any sound. The failures in Jefferson County that spanned at least a three-month period are not isolated occurrences. Headlines across the nation speak to the countless failures and shortcomings of these systems. While jurisdictions in New Mexico, New Jersey, Texas, among others, are returning to stenographic reporting in their courtrooms due to failures in their expensive audio recording systems, experienced litigators should be wary of the pitfalls associated with this emerging alternative entering their deposition suites.

Experience Matters:

Hire a Certified Court Reporter

Now that the practice of digital recording is making its way into deposition suites, attorneys and litigants should be forewarned that the only requirement for digital recorders working in the freelance market is a short few hours of training and filling out an application to obtain a notary public designation. No formalized education is required, and thus, digital recording personnel may have little to no experience in producing a written transcript.

Knowledge, experience, reliability, technolo-

gy and ethics distinguish stenographic reporters because of the extensive training needed to learn and master their craft. Stenographic reporters are required to attend a two- to four-year academic program that specializes in all aspects of capturing live proceedings and memorializing them accurately in writing with an additional focus on proper procedure and professional ethics. Additional on-the-job training and real world experience is provided to reporters after graduation.

Voluntary attainment of certification through organizations like the Kentucky Court Reporters Association (KycRA) and the National Court Reporters Association (NCRA) give further assurances to consumers that they have hired a qualified court reporter. Certified court reporters are also required to attend continuing education to update their knowledge and keep up with ever-changing technology. The designations of RPR, CRR, RMR and RDR have varying requirements that test a reporter’s speed (at 225 wpm up to 260 wpm), accuracy and knowledge base through rigorous academic and performance testing.

A Court Reporter Controls the Proceedings

Court reporters interrupt for a reason: to ensure an accurate, usable record.

Q: Is it true that stenographic reporters cannot record—

A. No. The truth is—

Q: — multiple speakers—

A. — that when more than one—

Q: — simultaneously?

A. — person is talking at the same time, it makes for a terrible record, no matter who prepares it.

If the example above is lost in translation, a practical bit of advice for creating a record is that, if the highly-skilled stenographic reporter is having difficulty preserving the record, attorneys, paralegals, the judge and the jury will have difficulty absorbing it.

Did the witness say Kotex or cold checks? Thecal sac or fecal sac? Your bank fraud or medical malpractice case in the hands of an inexperienced digital reporter can be devastating. A thecal sac is a membrane surrounding the nerves in the spine. A fecal sac is literally a sack of...well, check out the definition of fecal.

Instant Access to the Written Record— Digital in Every Aspect

Realtime technology is the equivalent to closed captioning in the legal environment. The proceedings can be streamed to your laptop, iPad, mobile device, iPhone, or sent to off-site locations through the World Wide Web—allowing for experts, legal support staff and counsel to participate remotely. Stenographic

writers or reporters, and voice writers (steno mask reporters) are capable of providing this service; digital recorders/transcriptionists cannot. This is considered the gold standard of court reporting. Immediate rough drafts and daily copy transcripts can also be provided by your stenographic reporter.

Accuracy, efficiency and quality are the most important things to consider when deciding to use a stenographic court reporter or an audio recording device for your deposition work.

While the premium services of realtime and immediate rough drafts often come at a higher price, the same quality and skill go into a transcript provided on an unexpedited basis at market competitive prices. Consumers do not pay a higher fee if not utilizing a realtime feed, yet the same reporter with this impressive skill set will be assigned to cover your other cases, short or long in duration, wherever needed. The KycRA and NCRA provide court reporter directories online, allowing consumers to find a reporter in any venue in Kentucky or throughout the world.

Your cases matter to you and, most importantly, they matter to your clients. Depositions and trials are not dress rehearsals, and digital recording comes with many risks. Witnesses may be unavailable for trial, deceased, or testimony may be changed if the original testimony is unavailable due to poor quality of recordings or recording failures. Stenographic reporters assure that the record is verifiable as it happens, not after the fact.

You get what you pay for. There is a saying that perfectly parallels this issue: “Cheap, fast, or good. Pick two.” Accuracy, efficiency and quality are the most important things to consider when deciding to use a stenographic court reporter or an audio recording device for your deposition work—not the empty promise of the savings of a few cents per page. Stenographic court reporters provide an accurate and timely record, and ensure that the integrity assured by the legal system is maintained. On the other hand, by utilizing poorly-trained individuals who rely on nothing more than audio devices, it is not a matter of if, but of when there will be a problem with the transcript.

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