

OPPOSING SB 384 – Talking Points

- Not one transcript in all the courtrooms throughout Oregon has had to be redone because of an equipment failure on an aggravated murder case since the judicial department installed Electronic Recording System in 2000. Not one. We believe the bill is a solution in search of a problem.
- The State has saved millions since the judicial department installed the recording system. It will be giant steps backwards and the state will have to budget money, when it is not a necessity.
- If the state wants to spend money, have it be on advancing a technology that is already saving the tax payers millions of dollars and upgrade electronic recording equipment. Let's not throw money away to pay for a stenographer, whose technology is quickly becoming obsolete and outdated.
- Membership for the national stenographer association has drastically decreased and continues to decrease 500-1000 members a year as graduation rates decline and stenographic schools close. In 2001 the membership was 21,467 and has declined to 14,818 in 2014 – a 31% decrease.
- Stenographic reporters are diminishing at a rate of about 5000 per year, while only replacing themselves with approximately 400-500 per year nationally.
- 70% of Court Rooms in the US use digital recording. The court reporting industry is headed this way and is growing exponentially. Eventually 100% of court rooms will use it. The Stenographers have fought it for years, but to no avail.
- Organizations that eliminated stenographers in place of digital reporting:
 - Federal Grand Jury
 - US Congress
 - The Supreme Court
 - Oregon House
 - Oregon Senate
 - State of California Courts
- Stenographers are NOT more accurate than a recording. The recording gives you actual testimony, not the court reporters interpretation of the proceedings. Digital recording is self-authenticating.

- Trials are costly. Cost for a 6-8 week trial would be substantially higher than what has been estimated. A good estimate is \$6,000-\$8,000 per week. The Turnidge Trial went 9 weeks. That trial alone would have been \$72,000. We also cannot know how many trials there will be in a year. Trials are subject to many variables that would affect length and cost such as plea bargains, etc.
- Does not promote all methods of reporting proceedings. There are many other forms of technology to accurately transcribe proceedings.
- Should an attorney or judge want a stenographer or voice writer, there is nothing saying that they could not, as an added precaution, hire one on an aggravated murder case. This is entirely by choice and nothing precludes they cannot. It certainly is not something that needs to be mandated by legislature.
- Bill limits new technology. There are many other ways to preserve testimony of record such as: Videography, digital reporting, etc. This is just a way to keep the other technology out and limit the competition.
- There are 400 court reporters in the state of Oregon. Only 131 of those are actually “certified” and only about 10% took the CSR test. 52 of Oregon CSR’s were grandfathered in and never took the test to become Certified Court Reporters. So “Certified” does NOT mean they are more qualified.
- The national voice writers association has 800 members nationally and no members in the state of Oregon, not one.
- The Oregon stenographers association has about 100 members statewide that are actual court reporters.

GOOD MORNING AMERICA | YAHOO NEWS

Stenographer Error Gives Convicted Florida Murderer New Trial

By Katie Kindelan | ABC News Blogs – Mon, Jan 2, 2012 2:20 PM EST

A Florida man convicted of murder and sentenced to life in prison will get a new trial, all thanks to a court stenographer who erased the entire transcript of his murder trial.

Randy Chaviano, 26, of Hialeah, Fla., was convicted by a jury in July 2009 of fatally shooting Charles Acosta, who came to his apartment to buy drugs.

Chaviano appealed his conviction to the Third District Court of Appeal in Miami. When it was discovered that hardly any transcripts of his trial proceedings existed, the court last week threw out his conviction and life sentence, and ordered that he get an entirely new chance to go before jurors.

Any traces of Chaviano's trial all but disappeared from the Miami-Dade courthouse's records, officials say, because the court reporter for the case, Terlesa Cowart, failed to capture the trial on paper.

Cowart, a courts spokeswoman told the Miami Herald, put the trial transcript on an internal disc instead, and then erased the data from the stenography machine's memory disc.

She did back the disk up on her computer, but a virus on the computer later erased all of her notes. All that remained was a transcript of one pretrial hearing and the trial's closing arguments.

"The rest is lost forever," Chaviano's attorney, Harvey Sepler, wrote in court documents.

For now, court stenographers in Miami-Dade are required to use machines that capture their work both on paper and the internal disc used by Cowart.

The county is currently pushing, against the wishes of stenographers, to replace the old human, paper and disk model with digital recorders instead.

The firm that employed Cowart at the time of the trial, Goldman Naccarato Patterson Vela & Associates Inc., told the Herald their employee had a history of not bringing enough of the paper stenographers use to chronicle the proceedings.

Cowart has since been fired from the firm.

The Miami-Dade State Attorney's office apologized for the error: "The overturning of a murder conviction always means terrible pain for the victim's family and frustration for prosecutors and police officers. Overturning a murder conviction because of a court reporter's problem creates a brand new level of pain and frustration," a spokesman told the Herald.

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CA Reporters Fight Back

Governor Schwarzenegger says "hasta la vista" to court reporters.

... In case you thought the Governor wasn't serious about getting rid of court reporters, you can hear him say it himself. In an interview he gave with a public radio station, he discussed the difficulties of making cuts to programs, but also shared how the legislature could get "creative" with cutting certain programs to fund others.

As an example of how the legislature could get creative, he cited the elimination of court reporters. Here's part of an answer he gave in which he cited court reporters.

...What we have to do is make this necessary cuts but at the same time inspire the legislature to go and look at it in a creative way the way we deliver the various different programs because there's things where we can save money and that can then be put in those programs. Like for instance, we don't need court reporters. I mean, we can do this digitally. Why are we still holding on to court reporters? Just because the unions want to hold on and keep their jobs. — Governor Arnold Schwarzenegger

Quote from the *Virginia Reporter* in an article entitled "The Debate Over Court Reporters v Electronic Recording."

"ER (Electronic Recording) is used in courts 46 of the 50 United States and all but a handful use a combination of court reporters and ER."

ARTICLE: "COURT REPORTERS' MONOPOLY MUST COME TO AN END"

It is common knowledge that Stenographer vs Electronic Reporting has been going on for a VERY long time. It is not about quality; it is about preservation of a specific method, which is being replaced by a technology that is more cost effective and accurate. There are many stories where court reporters have actually had to be put in jail because they would not do their transcripts or mistrials because stenographers could not accurately transcribe their notes.

THE SACRAMENTO BEE [sacbee.com](http://www.sacbee.com)

Editorial: Court reporters' monopoly must come to an end

Published Tuesday, Apr. 26, 2011

The debate that pits court reporters against electronic recording of court proceedings has been raging in California for decades. It's time to end the debate and make the switch.

A multiyear pilot project conducted in California courts between 1991 and 1994 found that the state could save \$28,000 annually per courtroom using audio equipment instead of traditional court stenographers and even more, \$42,000, by using video equipment. Despite that study and vast improvements in digital and electronic recording since it was conducted, efforts to make the cost-effective switch have been defeated by the powerful court reporters' lobby often aided and abetted by allies on the bench.

Judges like Steve White, the presiding judge of Sacramento Superior Court, argue that court reporters, actual human beings in the courtroom, are more accurate than electronic recording systems which he believes could malfunction and lose entire trial records. With felony trials, "we're talking lifetime prison sentences and other very consequential matters," White told us. In a worse-case scenario, he fears malfunctioning electronic recorders could force costly retrials.

But a 1983 federal study found that transcripts prepared from electronic recorders were more accurate than those prepared by stenographers. And an actual person, a court employee, monitors the electronic equipment at a fraction of the cost of a court reporter.

By tradition, costly court reporters are an odd hybrid between public workers and private entrepreneurs. They are paid by the courts – between \$72,000 and \$88,000 annually in Sacramento County – but by law they own the court transcripts they generate and charge prosecutors, defense attorney and members of the public for copies. And the price – get this – is set by the government at a hefty 41 cents per page and about \$23 for 10-page original copies, deemed as official court documents.

Sacramento County uses digital recordings in traffic and eviction cases and electronic recordings for the misdemeanor calendar, but these recordings can not be used to generate official transcripts, i.e., documents that can be used on appeal. State law, pushed by the court reporters' lobby, forbids that. That needs to end.

The Legislative Analyst's Office has recommended that trial courts slowly convert to electronic recording over the next five years. The LAO estimates courts could save \$100 million annually by making the switch and could even generate revenue by selling the recordings.

Like all parts of the government, court budgets are strained so much that last year courts closed one day a month for the first time in state history.

The governor is poised to slash the judicial budget another \$200 million next year.

Transitioning from court stenographers to more cost-effective electronic recording would save money and help preserve access to courts.

The Bee's past stands

"Though electronic recording has been used effectively in many other states ... the Legislature has refused to do away with stenographers' expensive monopoly in California courtrooms."

- Nov. 23, 1997

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AAERT is the American Association of Electronic Reporters and Transcribers. AAERT continues to expand its membership and is growing 5% a year. In many states the majority method of practicing court reporters is Digital Reporting. Florida is almost exclusively digital. This letter is from the President of AAERT on this same issue just a different bill that was presented in 2011.



American Association of Electronic Reporters & Transcribers, Inc.

DATE: 22 MARCH 2011
TO: OREGON STATE SENATORS
FROM: JANET HARRIS,
Certified Electronic Reporter & Transcriber (CERT)
PRESIDENT, AAERT
RE: SB 409 – OPPOSITION

On behalf of the American Association of Electronic Reporters and Transcribers (AAERT) I would like to voice our strong opposition to SB 409, which would restrict the court reporting and transcribing of all aggravated murder trials to only certified stenographic reporters. Our opposition is based on the fact that this measure would cost the State a significant amount of taxpayer dollars. The bill would also take away jobs from Oregon transcribers who are currently providing these services. In addition, SB 409 represents a step back to an antiquated reporting methodology, which the State has already seen fit to replace.

The AAERT is the national association for electronic court reporters and transcribers. We provide education and certification to our professional members. AAERT is dedicated to the creation and protection of a true and accurate verbatim record.

The state of Oregon has invested a great deal of time and money installing state of the art recording systems in its courtrooms. These systems provide an audio record of all proceedings. The systems run with backups and redundancies to ensure that there is always a viable recording of every proceeding from which a transcript can be produced if necessary. This current system is infinitely more reliable than a stenographic reporting method that relies on a reporter having to hear everything clearly and correctly as it is spoken and then instantly and accurately keying it into their machine or it is lost forever.

In addition, the idiosyncratic nature of stenography notes means that one reporter's notes may not necessarily be readable by any other reporter or transcriber. This greatly limits the number of people who can actually produce a transcript from a given set of notes and will end up producing both inaccuracies in the transcripts as well as delays in even completing the transcripts.

Stenographic reporters are just as susceptible to equipment malfunction or failure and while they may be correct that they produce fewer "unintelligible" and "inaudible" parentheticals in a transcript it is only because they simply leave out what they do not hear.



American Association of Electronic Reporters & Transcribers, Inc.

SB 409 not only reintroduces an outdated reporting method into a current and very viable digital system, but it restricts the use of any new time and money saving technologies which may become available.

Under the current system, if a transcript is desired then the cost for this transcription is borne by the requesting party. Under this proposed legislation the State itself is going to have to pay the additional costs for stenographic reporters to report and transcribe trials at rates significantly higher than those charged by transcribers. Transcribers who are, by the way, taxpayers in the state of Oregon and who will be banned from performing their jobs under this bill. There are currently a large number of Oregon based transcribers who produce verbatim transcripts from the audio recordings produced by the court's digital recording systems. SB 409 would effectively legislate these people out of work.

In 2010 there were 11 aggravated murder cases in Oregon. These trials can run many weeks and can produce tens of thousands of transcript pages. The cost to the State of Oregon to pay stenographic reporters to report the trial and produce these transcript pages will be very fiscally significant. While the Oregon Court Reporters Association would have you believe that there are savings to be had by attorney's having access to "rough-draft transcripts" they neglect to mention that very few reporters can even produce a "rough-draft transcript" that is at all readable, let alone useful. To add insult to injury, stenographic reporters in fact charge extra fees for this service.

The State has already invested in a recording system which has proven to be both reliable and cost effective. In these times of tight budgets it is unreasonable to ask the taxpayers of Oregon to pay a premium price for stenographic services when they have a viable and cost effective system already in place.

The AAERT and its members urge you to oppose SB 409.

Thank you for your time and consideration.

Sincerely,

Janet Harris, CERT
President

This page gives the Oregon CSR testing results since 2006. There have been NO tests since 2010 per Monica Melhorn of the Oregon State Court Administrator's office. If you want your Oregon CSR certification you must take the national test with the NCRA for your RPR and submit it.

In the hearing April 28, 2011 statistics were requested on the number of stenographic court reporters who had passed the CSR test over the last couple years. Below is a brief summary of those figures supplied by the Office of the State Court Administrator.

Exam Date	Participants Passing
July 22, 2006	1
February 24, 2007	2
March 7, 2008	0
July 25, 2008	0
February 27, 2009	2
July 31, 2009	1
July 30, 2010	1

Currently there are 131 **certified** stenographic reporters or CSR's. Of those, 52 were grandfathered in and never actually had to take the "entry level" exam. The test was created by a small group of reporters. It is extremely hard to pass and truth be told, if the 131 CSR's currently had to pass this "entry level" exam, most could not even pass. As you can see from the statistics, they have succeeded in keeping the competition out. The test, which is usually given 1-2 times per year, is no longer being offered by the state.

NCRA conducted a survey of graduation rates and participation of stenographic institutions from 1996-2006. The data illustrated a downward trend in both the number of students graduating and the closure of participating institutions. The number of participating schools declined 41.5% and the number individuals graduating declined 61%. At the current rate of school closures and stenographers graduating, it is no wonder there is a national shortage of stenographers. Certification requirements and training demands contribute hugely to this decline. Electronic Recordings are not just the more logical solution to a downwardly spiraling form of reporting, it is the most accurate, most efficient and most economical!! It is the "judicial future".

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Comparisons: Court Reporting Methods

There are several ways to preserve a record of court cases, depositions, or other proceedings:

- Preparing a synopsis, a paraphrase, or taking minutes of what occurs;
- "Taking down" what is said in handwritten shorthand notations — *once the only method available, now rarely seen*;
- Using equipment, such as a Stenograph machine, to manually type phonetic code symbols to represent what is said;
- Repeating everything that is said into a shielded recording microphone, such as a Stenomask — also called voice-writing when performed with speech-recognition software; and
- Using electronic equipment to directly capture an exact, live sound recording of what is actually said and heard in open court.

Obviously, taking minutes or jotting down a paraphrase does not produce a verbatim record.

For example, **Mr. Smith made a hearsay objection which the court overruled** recounts what happened, but does not reveal what was actually said.

However, each of the remaining methods — **written shorthand, Stenograph machine shorthand, Stenomask / Voice-Writing, and E-Reporting** — can preserve a verbatim record. Each has advantages and disadvantages, strengths and weaknesses. Each is highly dependent upon the experience, skill level, and dedication of individual practitioners.

Those who say, ***I do it this way, and my way is always best***, reveal either a lack of technical sophistication or a self-interested bias — perhaps both.

Considerations



Observations

Daily or even hourly transcription is available.	Yes	Yes	Yes	All methods can produce expedited transcripts.
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<p>"Real-time" transcripts are available.</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>"Real-time" transcripts normally require subsequent editing. Not all practitioners perform in this mode, whether using Stenotype or Stenomask equipment.</p> <p>In many cases, transcripts are not required unless and until there is an appeal.</p>
<p>Preserves speakers' words, in their own real-world, real-life voices, at a <i>professional</i> level of sound quality.</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>When it is an integral part of the official record, E-Reporting permits <i>independent third-party verification at any time</i> that what appears in a transcript is, in fact, what was said.</p> <p>Many machine- and voice-writing reporters record audio privately as a fail-safe measure, to ensure that inadvertently omitted words / phrases, or incorrectly noted names / terms can be corrected before release of a final transcript. Of course, with so much attention absorbed in code-typing or word-repeating, little time is available to attend to audio functions.</p> <p>Such personal recordings are rarely filed along with transcripts, so are not typically made available to judges, court clerks, attorneys, or other parties for independent verification of transcript integrity.</p> <p>Single-channel, single-microphone recordings — <i>sometimes called "all-room" or "room-wide"</i> — cannot produce the sound quality and voice / speaker separations available with professional multi-channel systems. Plugging such auxiliary backup devices into public address systems may increase volume, but does nothing to improve (<i>or even ensure</i>) intelligibility — and in any case, is unrelated to voice separation issues.</p>
<p>Preserves foreign language speakers' native languages AND interpreters' translations.</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Audio recording permits <i>permanent and independent verification</i> that translations are accurately rendered, both from and into English.</p>
<p>Accommodates simultaneous speech.</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>E-Reporting's multi-channel voice separations distinguish multiple speakers even when they are talking at the same</p>

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				time.
Reveals speakers' intonations, emotions, accents, speed, and manner of delivery.	Yes	No	No	Witness credibility issues are most reliably determined when fact-finders can consult real-world testimony, as opposed to merely reading a filtered reflection of that testimony on paper or on a computer screen. Hearing their actual voices best reveals whether people are expressing significant emotion, or are speaking sarcastically, jokingly, sadly, rapidly, haltingly, etc.
Rapid-fire speakers can "outrun" the words-per-minute skill level of the reporter.	No	Yes	Yes	"Words per minute" capability is not a limiting factor for E-Reporters — and is, in fact, an irrelevant consideration.
Verbal meanings are filtered through (<i>and limited by</i>) the reporter's skill or knowledge level.	No	Yes	Yes	E-Reporting produces an exact record, whether or not the reporter has ever heard the words / phrases before, or can transmit them coherently.
Read- or playback of any prior portion of the record is available.	Yes	Yes	Yes	Digital E-Reporting is well suited to this need, because returning to any prior point in the record for instantaneous replay is accomplished by merely selecting the reporter's corresponding annotation — plus, <i>and live recording continues even while the E-Reporter is performing the playback itself.</i>
Is a suitable occupation for those with hand, motor control, or postural / positional challenges.	Yes	Yes	No	All reporting methods demand careful attention, but E-Reporting does not add the ongoing stress of mechanically or vocally keeping up with and trying to simultaneously reproduce all that is said.
Reportage can be maintained during a full court day without undue stress or fatigue.	Yes	No	No	E-Reporters are not required to maintain a strict posture for long periods of time and are not at a high risk for repetitive stress injuries such as carpal tunnel syndrome. Sustained performance pressures are significantly reduced.
Can be learned without extended physical / mechanical training at a vocational school.	Yes	Possible	No	Technical audio skills are usually well honed within 3 - 6 months, voice-writing in 9 months to a year, and machine stenography in 3 or more years.

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Product of immediate value to those who understand but do not read English fluently, whether dyslexic or foreign-born.	Yes	No	No	Written transcripts, no matter how quickly produced, convey no information to non-readers, whether presented on paper or on computer screens.
Product of immediate value to the visually impaired or blind.	Yes	<i>Rare</i>	<i>Rare</i>	Direct audio recording is the simplest way, by far, to accommodate the needs of the visually impaired or fully blind. Voice-writing or "real-time" reporting requires voice-synthesizing software add-ons — or the capacity to produce versions in Braille.
Product of immediate value to the deaf.	No	Yes	Yes	Assumes "real-time" transcription is provided.
Product of immediate value to the hearing impaired.	<i>Possible</i>	Yes	Yes	Assisted listening at a higher volume can be provided via wireless devices; otherwise, "real-time" transcripts need to be available.

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The American Association of Electronic Reporters and Transcribers

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We are the digital / electronic court reporting industry's professional association in the United States.

The American Association of Electronic Reporters and Transcribers is a nonprofit mutual benefit corporation organized to provide education and certification for professionals engaged in electronic reporting, transcribing, and supportive employment roles, and to promote public awareness and acceptance of the electronic reporting industry.

 The new issue of **The Court Reporter** is now available in the Members Area.

AAERT AAERT AAERT AAERT AAERT AAERT AAERT AAERT AAERT AAERT AAERT

Revised 25 August 2009

-  Preview and plan for our **17th Annual Conference, June 2010, a cruise trip from Tampa, Florida.**
-  Arrange **Early Registration.**

Electronic / Digital Court Reporting — *an overview*

Electronic reporting uses professional-level audio recording systems to register court proceedings. For over thirty years it has been a successful reporting method in federal and other jurisdictions. Indeed, the **United States Supreme Court** employs E-Reporting *exclusively* to capture and preserve its historic public records.

E-Reporting includes two elements: first and foremost, the **electronic court reporter** who oversees the process and who is generally responsible for a subsequent transcript, and secondly, the **sound recording equipment** itself.

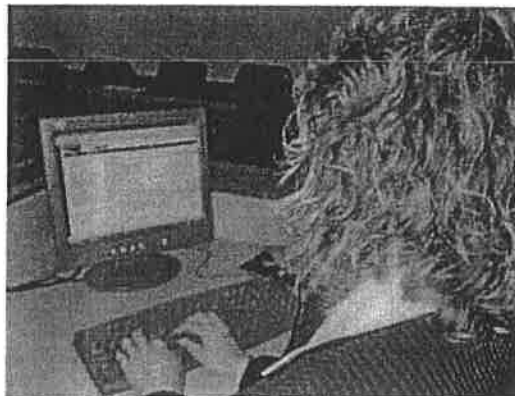
Its long history began with analog tape recordings. Now, computer-based digital systems perform the same functions, but with added convenience, flexibility, and economy.

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Standard benefits of either E-Reporting system, **analog or digital**, include:

- **Equipment Oversight.**

At all times, electronic recording equipment should be overseen by an experienced reporter, who also takes simultaneous notes regarding the proceedings. In digital systems, these notes can be very extensive, indeed. (Digital annotations are time-linked to the corresponding audio, so one can instantly go to that point in the record to **re-listen to the actual testimony or colloquy or review the accuracy of an interpreter's translation.**)



- **Speaker Identification.**

Primary participants are assigned to separate, discrete sound channels. In this way, a typical four-channel system individually records the judge, witness, plaintiff's attorney, and defendant's attorney. Thus, when two (*or more!*) parties overlap and talk at the same time, E-Reporting **captures each voice clearly on its own separate sound channel.** This voice isolation feature permits a full and accurate transcription of exactly what was said — and who said it — because each channel can be listened to individually.

- **Unobtrusive presence.**

The reporter rarely, if ever, needs to instruct speakers to slow down their speech, or repeat testimony because of an accent or because complex medical / technical terms are being used. The recording process captures all words exactly as spoken — then in transcription the audio can be replayed as needed to verify verbatim accuracy.

- **Playbacks.**

Any portion of a recorded proceeding can be played back when requested by the judge or counsel. The **audio, when an integral part of the court's official record**, can be replayed for jurors if they wish to review actual spoken testimony during deliberations — a critical element in determining credibility.

- **Translators / Interpreters.**

E-Reporting preserves both the English and the foreign-language interpretation, making it possible to **confirm the accuracy of translations.**

- **Accessibility.**

Counsel or interested parties may obtain copies of the actual recorded proceedings from the court. Judges can review the recordings in their chambers without the need for paper transcriptions. With digital annotations directly "hot-linked" to the audio, points of interest are located quickly and efficiently. (Computer **software needed to replay digital recordings is generally free**, akin to Adobe's Acrobat Reader for viewing PDF documents.)

Digital recording systems include these valuable, specific features:

- The reporter's log notes automatically link to their corresponding points in the digital recording, which **speeds and simplifies replaying portions of the record** when requested.
- Judges and attorneys can also take **simultaneous audio-linked notes**, which give them instant and **independent access** to critical points in the record or subjects of particular interest.
- Both log notes and audio files can be **transmitted over the Internet**, reducing or

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eliminating shipping costs and delivery delays.

- The sound quality of **each digital copy is identical to the original**. Courts can retain their original audio files, yet provide exact duplicates for transcribers, eliminating any possible degradation due to the extra step of tape duplication.
- **Storage and archiving are efficient and compact**. When the audio and log notes are saved as computer files, there are no cassettes to store, nor files of reporters' paper notes to maintain.
- Digital recording will be the basis for further developments in the areas of speech-to-text, rapid word / phrase audio searches (sometimes called "audio-mining"), transcript links to exhibits or other file documents, and related enhancements.

AN OVERVIEW OF REPORTING METHODS:

[Click here for a comparisons chart](#)



or [here](#) for the **U.S. Department of Labor's** review



Direct multi-channel audio, available as an integral part of the official record, preserves the only **independently verifiable** registration of what people in the courtroom actually said — unfiltered by anyone's individual interpretations, mishearings, or distractions. The audio record can be replayed as needed to ensure precise transcription.

The accuracy of foreign-language interpreters can also be confirmed by reviewing the digital file or audiotape.

In an average courtroom, the annual savings due to electronic reporting (including audio equipment, salary, and benefits) can total half the cost of a Stenographic machine operator. Why this difference? Remember that stenographic machine reporting is extraordinarily labor-intensive and stressful.

BENEFITS OF E-REPORTING IN COURT ADMINISTRATION:

Audio recordings can be easily and quickly copied for attorneys or other interested parties. Thus, E-Reporting can add revenue to the court through the sale of audio copies of proceedings.

The technical training period for E-Reporters is considerably shorter than that required to become even moderately proficient in typing Stenograph machine codes or in mastering voice-recognition programs.

Transcription is timely because it can be completed by a team of federally approved transcriptionists, and / or AAERT-certified transcribers. Thus, transcription of electronically recorded proceedings can be prepared in any time frame requested by the court, including daily or even hourly copy. Condensed transcripts and diskette copies are easily produced.

STUDIES AND REPORTS:

- **"A Comparative Evaluation of Stenographic and Audiotape Methods for U.S.**

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District Court Reporting," July 1983, for the Federal Judicial Center, reports (*page 77, IX Conclusions*):

"Transcripts produced from records taken by the audio recording system were more accurate than transcripts produced by the stenographic reporting method";

(*At page 81*): "Given appropriate management and supervision, electronic sound recording can provide an accurate record of United States District Court proceedings at reduced costs, without delay or interruption, and provide the basis for accurate and timely transcript delivery."

- In "**Report to the California Legislature on Electronic Recording Demonstration Project,"** a pilot program, the **Judicial Council** in January 1992 decided: (*At page 36, Conclusion*): "The use of electronic recording as an alternative method to produce and preserve the verbatim court record has been successfully demonstrated in the current pilot project";
(*At page 37, Conclusion*): "Electronic recording has proved to be as acceptable in making a [court] record as that made by a stenographic reporter";
(*At page 37, Final Conclusion*): "Efficiencies and savings will also be enhanced when the prohibition against using electronic recording in criminal and juvenile proceedings is eliminated."
- In a review of previous comparison studies by **Rae Lovko** and **Susan Myers**, prepared for the National Center for State Courts — Institute for Court Management, in March 1994 the authors compared **twenty** side-by-side comparison studies and reported the following conclusions:
(*At page 1 of the Introduction*): "Specifically, 15 reports found that electronic court reporting provided either cost benefits, quality benefits or both. All but one of these reports were prepared by or for state and federal judiciaries.
"Five reports drew contrary conclusions, arguing that non-electronic reporting methods were equal or superior to electronic court reporting methods. Four of the five reports were commissioned and paid for by the National Court Reporters Association."
- In a report to the U.S. Congress, prepared by the **Comptroller General's Office**, June 1982, government researchers concluded:
"Electronic recording systems are a proven alternative to the traditional practice of using [Stenographic] court reporters to record judicial proceedings. Numerous state and foreign court systems are using electronic recordings systems, achieving substantial savings, and also providing excellent service to the courts and litigants."

BRIEF COMMENTS FROM ATTORNEYS AND JUDGES:

- **Judge Jodi L. Williamson** of Minnesota's Third Judicial District detailed her court's experience in a letter dated February 26, 2007, and concluded:
"While I currently employ an electronic reporter, I periodically work with stenographic reporters. I find both reporting methods to be highly accurate.
"The State of Minnesota makes no distinction between the reporting methods. Since their job responsibilities are identical, electronic and stenographic reporters are included in the same job classification and both methods receive the same salary, benefits, and professional courtesies. . . . The positions are interchangeable."
To read Judge Williamson's complete remarks, [click here](#).
- **Bar Notes** (San Fernando Valley, California, Bar Association), February 1998, (page 3, *President's Message*):
"While no one doubts the necessity of Certified Shorthand Reporters (Court Reporters),

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practice and experience dictates that there be more modern, responsive, and less expensive methods of recording Court proceedings.... In this, the Electronic Generation, we must look to technology to help save time and costs so as to make our Courts more accessible to the general public and move towards a more efficient and cost-productive Court system."

- A letter written to Assembly Member Bill Morrow regarding the use of electronic court reporting by **Judge Richard G. Harris**, Santa Monica, California, May 14, 1998:

"With electronic reporting, when the record is read back, you hear the actual voices of the attorneys and witnesses and their inflections rather than a dry reading of the record."

- A letter to Senator Quentin Kopp regarding the use of electronic court reporting by **Sue Berry**, President of The Association for Children for Enforcement of Support, Inc., (ACES), Sacramento, California, May 20, 1998:

"In most states, it is standard practice to use audio and/or video recordings as a way to record the events of routine family law hearings. These recordings are less expensive to produce and reproduce and freeing those resources for other vital services."

- A letter to the California Legislature regarding the use of electronic court reporting by **Scott Gailen**, Esq., Woodland Hills, California, May 14, 1998:

"[W]ith the electronic recording system, you can order a tape and receive it within one or two days for \$10.00. There is no question as to what was said. There is no question as to when you will receive it. The program has made it easier on the litigant to enforce his or her rights, and it has made the system more efficient."

- Letter to Assembly Member Bill Morrow regarding the use of electronic court reporting by **Judge Laurence D. Rubin**, Santa Monica Municipal Court, Santa Monica, California, May 28, 1998:

"In heavy-calendar courts, with little need for transcripts or the reading of testimony, electronic court reporting is usually an efficient, cost-effective method of recording court hearings. In those instances, electronic monitoring provides an adequate safety net for the few cases where transcription is required, or when a transcript is not necessary the judge can simply listen to the tape recording of prior proceedings."

AMERICAN ASSOCIATION OF ELECTRONIC REPORTERS AND TRANSCRIBERS:

Most members are actively engaged in the field as electronic / digital reporters, transcribers, proofreaders, videographers, managers, and administrators within the private sector and court offices.

Corporate members are those companies, partnerships, or joint ventures holding a business license with a governmental agency to conduct the business of electronic reporting, and/or transcribing, or who contract only within the private sector.

Vendors who supply goods and services to the electronic reporting industry can also become members.

AAERT offers opportunities for networking, training, and planning at its annual conference. Its regular newsletter keeps members abreast of legislative issues and industry news, and discusses technical questions. Timely information is also given on the AAERT website (www.aaert.org), with hotlinks to business, government, and other industry-related sites.

Membership directories are provided for members, and certification testing is conducted in regular cycles in selected cities nationwide. AAERT works to help break down barriers on a national and state-by-state basis.

[Click here for more information about AAERT membership.](#)

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Frequently asked questions about working as E-Reporters and E-Transcribers

• **Definitions:**

Electronic Court **Reporter** View

Electronic Court **Transcriber** View

• **How does one receive training?**

Do I go to a school to learn E-Reporting?

Electronic court reporting uses professional-level audio-capture technology, so hands-on exposure to the equipment, together with actual on-the-job experience in its use, are needed to become technically adept.

As with any highly technical endeavor, training involves:

- **reading** the necessary procedures and relevant manuals,
- **reviewing** them with your trainer[s] / mentor[s],
- **observing** skilled practitioners perform the procedures,
- **being observed** while performing them yourself,
- having your performance closely **critiqued**, and
- in due course being able to **work independently, competently, and consistently.**



Electronic court reporter

● **Public sector** or court staff generally obtain initial technical training from the system's vendor when it is placed in service, with further court-specific instruction provided in house.

● In the **private sector**, hands-on training occurs under the direct supervision of an established practitioner or firm.

Beyond these basic initial skills, **exposure to a wide variety of situations** and the experience gained only with time are crucial to a successful career. Thus, a permanent learning curve exists, as recording technology evolves and your job responsibilities expand.

Of course, the underlying principles of E-Reporting or E-Transcription can be learned from resources such as AAERT's ***Certification Test Study Guide***. [Click here](#) for an overview of the ***Guide's table of contents***.



The **U.S. Department of Labor, Bureau of Labor Statistics**, provides further information on E-Reporting, as well as other methods currently used, in its *Occupational Outlook Handbook* at the section titled "**Court Reporters**."

• **Are there areas of knowledge, or aptitudes / characteristics commonly shared by E-Reporters?**

We believe so, yes. Here are some areas of background information all reporters must possess:

- A broad understanding of **court procedures and principles** — focused not so much on "*Pleadings are stapled to blue Form X,*" as to what is happening in a case, what must have already occurred, and what can be expected next in the standard order of trial;
- General familiarity with the **legal terminology** commonly used by judges and attorneys;

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- Generic **technical expertise** — how audio-capture functions;
- **Specific knowledge** related to the electronic audio equipment and any associated software installed;
- Awareness of **reporters' standard responsibilities** and the decorum / attire requirements (*and limitations*) imposed in legal settings.



To get a quick idea if you share characteristics we typically find among electronic / digital reporters, [click here](#).

- **How can I contact an E-Reporting firm or practitioner to express my interest?**

Networking within AAERT has proven helpful to many. [Joining AAERT](#) can demonstrate to potential employers or contractors your serious intent to become a successful E-Reporter. Also, see [Selected Professional Links](#).

- **I am an experienced transcriptionist.
How do I become an electronic court transcriber?**

You will need to add to your skills-set those **elements unique to the legal field**. Be aware that having transcribed business letters via office dictation, or even having processed legal documents in a law firm, is **not** similar to what you will encounter with courtroom or deposition audio recordings.

Now you will need to come to grips with hearing different voices, accents, and mannerisms in the rapid exchanges of conversational language — and then faithfully reducing those to **comprehensible text, without distortion of content, context, or meaning**. This means you will NOT edit poor grammar, you will NOT correct awkward phrasings, nor will you "clean up" other *faux pas* made by the speakers.

Although there should be helpful E-Reporter's notes / notations to assist when transcribing, you will bear the ultimate responsibility for correct spellings and, very importantly, final transcript format.



Electronic court transcriber



To get a quick idea if you share the skills we typically find among electronic court transcribers, [click here](#).

[Joining AAERT](#) can demonstrate to potential employers or contractors your serious intent to become a successful E-Transcriber.

- **Do I need to be certified in order to work in this field?**

Generally, speaking, no. However, some states or local jurisdictions do require those who *perform work on their contracts* to be certified. Thus, certification is both a goal and a professional milestone. Certain employers / contractors may require CER/T status if you are eligible to take the exams. Click [here](#) for information on AAERT's certification program.

- **What about salaries?**

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"Salary" implies full-time employment. Rest assured that such jobs are competitive in the labor market; however, salary levels vary across the country, depending on location and the extent of a specific job's duties.

Part-time work is available, especially to freelance professionals.

E-Reporters may be paid per engagement or by the hour. E-Transcribers generally receive a page-production rate, which varies depending on the type of proceeding, the recording method, and the transcript delivery schedule.



What is the difference between analog and digital recording?

Analog audio-recording electronically registers sound patterns on magnetic cassette tape. Analog systems are now in a rapidly shrinking minority. For remaining analog practitioners, AAERT recommends four-channel recording equipment, which provides the best voice separation between different speakers in the courtroom.

Four-channel cassettes cannot be played on standard off-the-shelf tape-players.

Digital audio-recording uses a computer software program to register sound onto a CD-ROM disk. Digital systems automatically save / archive as recording progresses, ensuring that proceedings are preserved.

These programs permit extensive note-taking during a trial or deposition. Notes are time-linked to the recording, so any portion of the record can be instantly replayed by selecting its corresponding note or time-stamp.

Playback software for digital recordings is generally a free download, so no costs are imposed on judges, clerks, or attorneys who listen to sections of testimony when determining witness credibility or independently validating transcript accuracy.

Both analog and digital systems employ the *same microphone protocols for professional sound capture.*

To reiterate, in either system, AAERT recommends four-channel recording, which provides the best voice separation between different speakers, a particularly valuable feature when people talk at the same time, or begin speaking before the final words of a question or answer are said.



This is a certified Wow Page!