



California Official Court Reporters Association

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PRESERVING ACCESS TO JUSTICE TASK FORCE REPORT

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TOP 10 REASONS WHY CERTIFIED SHORTHAND REPORTERS [CSRs] ARE BEST AT MAKING AN ACCURATE RECORD

1. Court reporters are more productive in transcript preparation. The costs of transcript preparation have been contained to a 325% increase over the last 100 years, compared to a 2,000% increase in the Consumer Price Index.
2. CSRs are held to strict certification standards set by the Department of Consumer Affairs - The Court Reporters Board of California. All CSRs have completed a required post-secondary course of study and passed a state examination.
3. CSRs must earn continuing education hours as mandated by the Administrative Office of the Courts pursuant to California Rules of Court 10.474.
4. CSRs working in Superior Court in the State of California store and maintain all proceedings for a period of ten years.
5. CSRs have the ability to exclude off-the-record conversations from the transcript - such as side bar conversations or matters already transcribed and entered as exhibits; e.g., audio police recordings.
6. CSRs sort and discriminate between testimony and background noise, such as sirens, coughing, inaudible, or heavily accented speech.⁴
7. CSRs produce transcripts of proceedings digitally and on paper.
8. CSRs can provide realtime translation of proceedings on computer screens in court or in depositions. This service allows individuals to follow along word for word with the proceedings. Audio and video systems produce only [audio] recordings.⁴
9. 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, thus meeting the requirements of the Americans with Disabilities Act. Audio and video systems produce only [audio] recordings.⁴
10. CSRs have up to four forms of backup data for each day's reporting.

⁴ National Court Reporters Association, "CORE Messages," July 2008

Courts Bring Back Court Reporters After Electronic Recording Use

Sources of information:

National Court Reporters Association www.ncraonline.org; various state records

When it comes to ensuring an accurate, fast and cost-effective record of court proceedings, judicial systems around the country are choosing court reporters instead of recording systems. Realtime translation and daily copy transcripts are available only with a court reporter, providing huge time savings, cost savings, and much greater efficiency. Court reporters have been the forerunners in applying computer technology in the legal system — computer-aided transcription, realtime translation, and video/text integration. All of these reporter-based technologies have enhanced the functioning of the judicial system for several years in both headline trials and everyday cases. By providing case information to judges and attorneys in digital format, court reporters produce transcripts that can be researched, corrected, telecommunicated, stored on CD-ROM or other computer media, integrated with a videotape, or simply printed out in a conventional or condensed format. Court reporters provide and maintain this rapidly changing technology at their own individual expense.

Some jurisdictions have chosen to experiment with recording systems. However, they have found that using recording systems in criminal or civil cases frequently causes court delays, increased costs, and equipment failures that result in expensive retrials. Recording systems require constant maintenance and upgrades as technology improves, resulting in unanticipated expenses to the court and increased personnel. The courts pay higher transcription costs for inferior transcripts; or if no transcripts are provided, the results are great increases of time and additional personnel costs at all levels of the judicial system, as the text form of the record provides far greater judicial economy.

TEXAS

2001 — Brought back stenographic reporters after trying both audio and video taping methods, citing realtime court reporting and the ability to have an immediate transcript; saving money during expert witness testimony by having the experts review the transcript from the day before instead of sitting through previous days of court; time and equipment involved in reviewing video testimony — taking at least five hours to review five hours of testimony, compared to 30 minutes to review the same transcript; inherent problems and inaccuracies in transcription of recorded proceedings; unanticipated costs and additional personnel to perform all the functions that a stenographic reporter provides.

NEW MEXICO

Started using recording systems in 1982. By 1986 brought back stenographic reporters, citing unexpected costs, frustrations, backlog of cases at the appellate level, and great increases of time and additional personnel costs with the tape systems. The state abandoned the systems and returned to faster and more cost-effective court reporters.

FLORIDA

Florida's supreme court is currently reviewing an appellate court decision to determine what the official record is — the recording or the transcript from the recording. Digital recording systems record everything, including whispered conversations between clients and attorneys or onlookers. Keeping the recording from the public preserves the attorney-client privilege. The appellate court ruled the recordings are not an official record but are used to create the official record. If this decision is upheld, the court will be required to provide written transcripts, resulting in no cost savings to the court.

continued on Page 6

Courts Bring Back Court Reporters After Electronic Recording Use

(continued from Page 5)

FEDERAL COURTS	Appellate and trial court judges taking part in a two-year study said videotapes of trials were too cumbersome and took too long to find specific portions. As a result, the Judicial Conference of the United States voted to end the experiment in 1986.
NEW YORK	2008 — Legislation carried by the chairman of the Senate Judiciary Committee would prohibit the use of recording devices — rather than a stenographic record taken by a court reporter — in Supreme Court, county court, district court and family court when delinquency cases are being heard and during jury trials in New York City Civil Court. The rationale behind the bill is based on complaints about the quality of the transcripts generated by electronic recordings, mostly in family and surrogate's courts, but also in some criminal courts.
KENTUCKY	1988 — Use of videotape recorders has resulted in malfunctions, retrials at cost to the state, and too much time spent by attorneys reviewing the tapes.
ILLINOIS	1990 — Installed videotape systems tried as an experiment sit idle. Chief Justice Richard C. Ripple said use of video is very limited. Other judges refuse to use it, stating they don't want to watch television.
OREGON	2004 — Officials are calling for the return of court reporters instead of digital recording due to a series of missing or inaudible recordings. These instances include one hour of missing key witness testimony in a 2003 murder case; a retrial of a 2002 complex civil environmental case because the DR failed to record proceedings onto a CD; attorneys handling criminal appeals saying their clients' rights are compromised by inaudible portions of recordings; and attorneys hiring their own court reporters for fear of an inaccurate record.
HAWAII	The disastrous loss of nearly 100 grand jury indictments caused by a tape recorder system malfunction has resulted in the state's trial courts relying exclusively on court reporters, leaving tapes for minor proceedings such as motions.
NEVADA	Nevada Federal Courts and Commissions brought back stenographic reporters in 1995 after using tape systems for three years, citing higher costs and inferior service compared to realtime stenographic reporters.



Transcription Costs



The Administrative Office of the Courts allocated \$26 million in FY 2006-07¹ to compensate court reporters to produce roughly eight million pages of certified original transcripts for use by courts and an additional 16 million pages of certified copies for party litigants. The majority of cases necessitating production and delivery of those approximately 24 million pages are comprised of one-defendant criminal matters, wherein the court is provided an original transcript and the prosecution and defense are each provided a certified copy. Compensation for court reporter transcription services are set by statute. The statutory per-page rate varies slightly from county to county; the statewide average is \$3.22/page for an original and two copies. The last upward adjustment of this rate occurred twenty years ago.

If the courts were to absorb transcription services in-house transcribers, proofreaders, supervisory and delivery personnel would be necessary, as well as equipment for producing, duplicating, and binding official court transcripts.


Several courts that utilize electronic recording have engaged private entities to produce transcripts of recordings, and the rates charged by these vendors vary widely. A statewide survey conducted by the California Court Reporters Association in 2003 and updated in 2008 revealed some courts have been charged as much as \$7.00/page and \$9.00/page, with page rates varying depending upon degree of difficulty due to technical content.

¹ LAO "Analysis of the 2008-09 Budget Bill: Criminal Justice"

The San Diego Superior Court has engaged a private entity to produce transcripts of electronically recorded misdemeanor proceedings at rates of \$4.00/page for an original and two copies delivered in 2-3 weeks and \$5.50/page for delivery within 5 business days. It should be noted that in criminal matters involving the possibility of capital punishment, "daily copy" (overnight production and delivery of certified transcripts to the court and parties) is mandatory. Again, court reporters are compensated at the \$3.22/page rate in all criminal matters, regardless of content and/or expedited delivery requirements.


The \$26 million that the courts currently spend for reporter transcripts at 20-year-old statutory rates could cost between \$32 million and \$56 million for the same transcripts at electronic recording transcription rates currently being paid by counties throughout the state.

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