

REALTIME COURT REPORTING

The Iowa Court Reporters Association adopts the position of the National Court Reporters Association, which “advocates that realtime court reporters offer the best, most accurate, most efficient means (human or technological), best proven and most widely available method for reliably and instantly capturing and integrating the spoken word into a comprehensive and accurate information base. This capability is critical to the swift, fair, and accurate operation of justice. Therefore, the nation’s courts should take every opportunity to make use of the skills and services that only a realtime or computerized court reporter can offer to the judicial system.”

What is realtime court reporting?

The court reporter’s stenotype machine (writer) is linked to his or her computer, and the reporter’s shorthand notes are translated into English text 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 transcript. The court reporter’s computer is linked to the judge’s, or attorney’s, computer, and the judge’s, or attorney’s, computer receives the English version of the court reporter’s steno notes. This immediate voice-to-text translation called realtime provides the judge, or attorney, instant access to the spoken word during the proceedings and ensures a faster and more efficient judicial process.

What are the benefits of realtime court reporting to judges?

When an objection is made during a court proceeding, the judge can look at the monitor and have the question, the testimony, and the objection before him/her in order to assist the judge in making a ruling. This avoids attorneys attempting to argue their recollections of a witness’ testimony.

Judges can review and mark portions of testimony and make notes within their copies of the transcript on their computers without interrupting the proceedings. This software is highly interactive, in that it allows the court to flag important text, cut and paste text into a separate file, search text, and generate various reports that provide the location of crucial text. For example, the judge would be able to flag testimony throughout the trial that provides the foundation for the elements of a lawsuit. When ruling on motions for directed verdict, the judge would be able to immediately refer to the flagged testimony and quickly determine the merits of the motion.

With a draft of the proceedings available to them, it is not necessary for a judge who uses realtime reporting to take detailed handwritten notes. This allows the judge to watch witnesses as they testify and fully evaluate their demeanor; observe attorneys, jurors and spectators in the courtroom. The judge can quickly mark key words or make notes in the

realtime file without the stress of writing by hand an important item in the proceeding.

What other benefits are there of realtime court reporting to the Iowa judiciary?

1). **Filing time.** The skills of a reporter who is providing realtime will improve, resulting in cleaner notes, faster writing speed, and more efficient transcript production. This allows a reporter to file appeal transcripts sooner, compared to when the reporter was typing or dictating their shorthand notes.

2). **ADA requirements.** There are 28 million Americans who are deaf or hard of hearing. The Americans with Disabilities Act of 1990 mandates equal access to the courtroom for all Americans. Realtime court reporters and CART (communication access realtime translation) reporters are able to provide hard-of-hearing attorneys, litigants and jurors realtime text from a computer screen so they may follow and participate fully in judicial proceedings.

As an alternative to sign language interpreters, the court would have the option of hiring a CART reporter to provide services to a deaf or heard-of-hearing party, witness or juror. The Iowa judiciary would realize a savings by utilizing the services of a realtime court reporter in certain instances.

3). **Video Depositions.** Realtime technology can be used to synchronize video with computerized court reporting. Stenographic text of a witness' trial testimony presented by deposition can be translated by realtime and integrated with a simultaneously created videotape so that the text of the testimony appears on the screen with the video record of the witness' testimony. This allows a specific portion (such as objections and arguments on objections) of a deposition to be found by searching and editing, if necessary, the text record, which is a much more efficient and thorough method than a video-only search.

Who is using realtime court reporting?

1). **Court Reporters.** Reporters are at different levels of realtime reporting. Some reporters write realtime for themselves, but perhaps they are not yet comfortable having their judge, or attorneys, hook up and observe their unfinished work product. Writing for themselves helps reporters improve their writing skills, and they can clean up the transcript as the trial or hearing progresses, resulting in faster transcript production. Many reporters in this category are working toward writing realtime for their judge and attorneys who request it. Other reporters write realtime for themselves, their judge and attorneys who request it, but are not a Certified Realtime Reporter. The National Court Reporters Association administers a proficiency test for realtime court reporters called the Certified Realtime Reporter (CRR) examination. As of the date of this paper, there are at least 27 Certified Realtime Reporters in Iowa.

Representatives from the Iowa Court Reporters Association recently conducted an informal survey of official court reporters in Iowa. Of the 180 official court reporters in our State, 124 reporters responded. The survey asked four questions:

Question No. 1: Does the reporter own the hardware and software capable of providing realtime. Reporters provide their own shorthand machine, tools, and supplies necessary to produce transcript. It is not unusual for a reporter to invest at least \$10,000 to purchase a writer, hardware and software which enables the reporter to produce realtime.

Answer to Question No. 1: Ninety-six reporters responded they have the capability to write realtime.

Question No. 2: Does the reporter write realtime for their use?

Answer to Question No. 2: Seventy-nine reporters responded that they write realtime for themselves.

Question No. 3: Does the reporter write realtime for their judge?

Answer to Question No. 3: Twenty-five reporters responded that they write realtime for their judge.

Question No. 4: Is the reporter willing to write realtime for their judge?

Answer to Question No. 4: Sixty-one reporters responded that they would be willing to write realtime for their judge.

2). **Judges.** Judges in every district in Iowa use realtime reporting on a regular basis and would not want to be without it.

3). **Attorneys.** In-court computerization provides research capabilities for attorneys. A court reporter can turn a standard courtroom into a computer-integrated courtroom in a matter of minutes, requiring only cables, or wireless technology, to “hook up” to the judge’s and attorneys’ computers. When using litigation-support software in conjunction with realtime, attorneys can call up depositions to compare with current testimony for impeachment purposes. CD-ROM technology enables attorneys to bring volumes of legal research into the courtroom on a thin disk. In addition, attorneys can send the trial proceedings off site, access online legal research programs, or communicate with co-counsel and consult with expert witnesses remotely. At the end of the proceeding, the reporter can provide the attorneys an immediate uncertified rough draft transcript, with the official copy following sometimes just a few hours later.

What else can realtime reporting provide?

With the application of ever-changing, new technology, reporters can e-mail transcripts to attorneys, protecting the record by applying a digital signature. This ensures the integrity of the record and ensures that only the appropriate people have access to the transcript. Many exciting possibilities exist, such as e-filing shorthand notes, or filing shorthand notes encrypted on CD, thereby alleviating the necessity for Clerks of Court to store paper shorthand notes.

Official court reporters in Iowa who offer realtime court reporting provide a beneficial service to the judiciary. Every level of our court system is experiencing a backlog of cases, and realtime reporting allows for efficient use of judges' and reporters' time in the courtroom, thereby allowing judges to try more cases. Court Administrators would find it fiscally beneficial to utilize realtime and CART reporters to assist the deaf and hard of hearing. By instituting e-filing shorthand notes, or filing shorthand notes on CD, Clerks of Court would not be burdened with the storage of shorthand notes. Time, money, and convenience – that's what realtime court reporting has to offer.

The Iowa Court Reporters Association asks the Supreme Court of Iowa to recognize realtime court reporting as a viable and useful tool to the Iowa court system.