

COURTS BRING BACK COURT REPORTERS AFTER ELECTRONIC RECORDING USE

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.
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.

Sources of information: National Court Reporters Association www.ncraonline.org; various state records