

## New group addresses decline in court reporters

By: Maura Mazurowski ◉ November 11, 2019



The court reporter industry is experiencing a stenographer shortage nationwide, with a gap of more than 11,000 predicted by 2023, according to a recent study.

A new national organization launched last month hopes to aid the industry with this decline.

The Speech-to-Text Institute, or STTI, a non-profit founded by leaders from across the legal community, seeks to jumpstart an industry that it says is experiencing “fundamental transformative changes.”

The first change is the proliferation of multiple technologies capable of meeting the basic accuracy standard for court reporters, said Jim Cudahy, executive director of STTI and former CEO of the National Court Reporters Association, or NCRA.

“The second is a profound shortage of stenographic court reporters, which promises to become more acute,” he added.

A court reporter’s primary role is to make a verbatim record of all testimony and, upon request, provide a written transcript of the proceedings presented in a trial court, hearing, deposition or other legal proceeding. In 2013, the NCRA commissioned a study by the marketing company Ducker Worldwide to measure the demand for court stenographers compared to the supply.

It found that in 2018, there was a deficit of 60 stenographers in Virginia and 5,500 nationwide, according to the Ducker Report.

“There’s a critical shortage across the U.S. and we’ve seen this coming for a lot of years,” said Kathy DiLorenzo, director of court reporting for Planet Depos, headquartered in Washington, D.C. “It’s at the point of criticality.”

Certain geographical areas of the commonwealth, such as Southwest Virginia, have experienced a shortage in court reporters for years. But for the majority of the state there continues to be an adequate supply of stenographers available to cover the current demand, said Leslie Etheredge, president of the Virginia Court Reporters Association.

“Cases are not going uncovered,” Etheredge said.

There are many factors contributing to the shortage, including retirement rates. According to Ducker Worldwide, half of the general court reporter population in the U.S. is 46 or older. In 2018, more than half of the stenographer population was 51 years or older, with 63% of them estimated to retire between the ages of 57 to 66.

Another factor is low education and enrollment rates. According to DiLorenzo, there were more than 150 schools with court reporting programs at the start of her career nearly 40 years ago. Today, there are fewer than 25 court reporting programs in the U.S., according to the NCRA website.

None are located in Virginia. However, Etheredge said two online programs have been designed to introduce more students to court reporting in the commonwealth. One is an A to Z course offered by the NCRA, and the other is a basic training program by Project Steno.

“In the past two months, over 200 interested students have registered for these introductory programs, and court reporting schools are reporting that enrollments are up,” Etheredge said.

One does not need a college degree to become a court reporter; a stenographer just has to attain the requisite knowledge and typing speed of approximately 200 words per minute with an overall accuracy rate of 97.5%, according to the National Network Reporting Company.

According to the Ducker Report, the states with the most critical court reporter shortage are California, Illinois and Texas. DiLorenzo said that's because in addition to students having to pass a test at the end of their court reporting programs, they are also required to pass a state licensing exam that "duplicates what they graduated with."

Last year in California, 111 court reporting students took the state stenography licensing exam. Six of them passed.

Tough standards cut both ways, Cudahy said.

"On the one hand, you want to protect the legal record and certainly the standards that are in place for state shorthand reporter exams have a very high standard," he said. "But in setting that high standard, they have made it more difficult than is necessary to operate as a competent professional stenographer."

There are currently no state licensing restrictions in Virginia. But some lawmakers are eager to change that. In the 2019 General Assembly session, Sen. Richard H. Stuart, R-Fredericksburg, introduced Senate Bill 1441 to create the Virginia Board for Court Reporters as an independent board "to regulate court reporting services in the state." If passed, stenography students would be unable to "engage in work as a court reporter unless he has been licensed by the Board," according to the bill summary.

Stuart withdrew the bill. According to Etheredge, it is scheduled to be introduced at the upcoming Assembly session, and the VCRA is in favor of its being passed.

"[A regulatory board] will ensure a standard of competence to protect the consumer, and it includes all methods of capturing the record, whether by steno machine, voice writing or digital recording," Etheredge said.

However, not all Virginia stenographers support the proposed legislation. Last year, Richmond lawyer and lobbyist Alexander M. Macaulay wrote a letter to Del. Christopher K. Peace stating that regulating court reporters would conflict with the state's prohibition of unnecessary professional regulation.

"There is no potential harm to the public in the absence of regulation, and licensure will merely duplicate existing national certifications," Macaulay wrote.

As the stenographer shortage continues, courts have begun transitioning to voice and digital reporters. Whereas a traditional court reporter takes notes on a steno pad or a machine with a constant feed of paper, voice reporters use real time speech recognition technology to translate the spoken word to text. Digital reporters use recording equipment to capture court proceedings.

The emergence of voice and digital reporters is another reason STTI formed, Cudahy said.

"The purpose is to unify an industry that has been artificially divided," Cudahy said. "The stenographers certainly set the standard for the quality and accuracy that is necessary to work within a legal environment. But other technologies have proven capable of meeting that standard."

STTI intends to bridge the gaps between stenography, voice reporting, digital reporting and other technology to modernize an "age-old" industry and perpetuate standards across all technologies.

Above all else, the institute seeks to protect the integrity of the legal record which, according to Cudahy, any technologies are now "capable of reaching."

"Even if that were not the case, the shortage of stenographers makes it necessary for law firms and court systems to integrate systems that include all technologies, not just one," Cudahy said.

The process of becoming a voice or digital reporter may also be easier than that of stenographer. According to The National Verbatim Reporters Association, in states where voice reporters and stenographers are tested under identical conditions, voice reporters are more than twice as likely to pass these tests than stenographic reporters.



According to CourtReporterEDU.com, learning the skills associated with digital reporting is less laborious than traditional stenographer training.

Though the downward trend of court reporters is not expected to reverse, DiLorenzo assures that these new technologies will not put stenographers out of a job.

“Any stenographic court reporters who’s been out there working and has been trained will continue to work because they’re making a good record. That’s it,” DiLorenzo said.

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