



8 January 2020

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Dear Max,

If we all can agree on one thing it is this: It's a confusing time within the industry that our organizations serve collectively. The declining population of stenographic court reporters in parallel with the evolution of digital reporting technology and voice writing are bringing significant disruption to the marketplace, this as we contemplate how and when automated speech recognition (ASR) will begin to play a meaningful role in converting the spoken word to text within a legal environment.

Like NCRA, our organizations are committed, above all else, to protect the quality and the integrity of the legal record. Stenographic/shorthand reporters helped to pave the way for the standards of quality that are required to create a legal record, but multiple technologies and corresponding practitioners now are capable of meeting that high threshold of quality. Of course, there is another reality that cannot be ignored. That is the aforementioned shortage of steno reporters, which NCRA itself documented, was to be 5,500 by 2018 and will accelerate significantly in the years ahead – to more than 11,000 by 2023, to more than 18,000 by 2028, and to more than 23,000 by 2033.

Therefore, if organizations like ours are *genuinely* committed to protecting the quality and the integrity of the legal record, it is incumbent upon the leadership of our organizations to acknowledge what for some is an uncomfortable reality. As leaders, it is incumbent upon us to engage in collaborative, good-faith efforts to establish and perpetuate best practices and standards across all technologies. And, as leaders, at this critical time, we must not engage in the misrepresentation of facts in the name of advancing parochial interests.

We therefore were disappointed recently to see NCRA produce a brochure that warned of the “dangers in hiring a digital/electronic reporter.” Beyond the factual inaccuracies contained in the brochure, encouraging your members to distribute what can only be called propaganda will only add another layer of confusion to a situation that requires a new era of collaboration.

Let us address the distortions that NCRA positions as “dangers in hiring a digital/electronic reporter” before suggesting a path forward where our organizations can work together.

1. NCRA states that there are “no standards or certification of digital reporters.” This is completely and obviously false. AAERT administers the Certified Electronic Reporter (CER) Program, a program that has existed for more than 20 years. Indeed, AAERT representatives have recently presented details of the program directly to members of the NCRA Board.

2. NCRA states that “the integrity and accuracy of the transcript completely depends on the audio quality.” While true, this neglects to mention that the primary role of a digital reporter is to ensure the quality of audio recording that takes place while making annotations, taking notes, and executing countless other tasks to ensure the integrity and accuracy of the record.
3. NCRA states that “audio files are outsourced for transcription to someone who was not present at the proceedings.” The statement is true, but its implication that this is some type of a problem is not. Digital reporters rely on teams of trained, educated transcribers to produce an accurate record in a timely manner. This is no different than steno reporters who smartly make use of scopists and proofreaders in the transcription process who are not present at proceedings. We also will add that many steno reporters are involved with the transcription of digital audio recording from legal proceedings.

The brochure then goes on to list the rationale for hiring a “qualified steno reporter” – specialized training, a live record, expedited transcripts – and implies that such attributes are unique to stenographers, which they are not. Rather than haggle over each of those details, however, let us instead offer that an area of strong agreement is that court reporters, regardless of the technology they use, above all else, must be “qualified.”

Therein lies areas where our organizations can and should collaborate. As NCRA suggests, there should be standards, but those standards must be reflective of a marketplace where an integrated workforce of steno reporters, voice writers, digital reporters, and others will work side-by-side to create accurate records of legal proceedings.

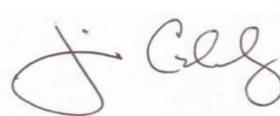
If we are serious about protecting the quality and integrity of such proceedings, there is no choice but to collaborate. To do anything else – to deny the effects of the stenographer shortage, to dismiss out of hand the capabilities of other technologies – is by default making the decision that the quality and integrity of the legal record is *not* in fact important.

We therefore invite you to collaborate, to engage in a sustained conversation about the roles our organizations can play to ensure the long-term quality of the legal record and to prepare our members and their clients for the new marketplace reality.

As we stated at the outset, this is a confusing time. We appreciate your time and hope that we can work together to bring a degree of clarity to a future that promises to bring significant change to our industry.



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