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Legislation killed to regulate court reporters

By: Maura Mazurowski February 6, 2020



Legislators have killed bills that would require state licensure of court reporters in Virginia.

Introduced by Sen. Richard Stuart, R- Montross, Senate Bill 334 proposed to create the Virginia Board for Court Reporters as an independent board to “establish the qualification of applicants for licensure or registration” of court reporters in the commonwealth. If passed, court reporters would not have been able to work unless they were licensed by the board.

Court reporter groups were divided on the regulation issue.

“Our legal system is built on ensuring that an accurate record exists of our important proceedings, and that record demands a qualified individual to capture it,” wrote Carol Naughton, former president of the Virginia Court Reporters Association, in a statement.

Others disagreed. Jim Cudahy, executive director of the Speech-To-Text Institute, said that SB 334 would add more confusion and difficulty to the court reporter profession as the industry navigates a stenographer shortage nationwide.

In 2018, the National Court Reporters Association commissioned a study that found there was a deficit of 60 stenographers in Virginia and 5,500 across the U.S.

By 2023, there will be a nationwide shortage of 11,000 stenographers, according to the study.

“The impact of the rapid and steady decrease in the number of stenographic court reporters will be significant,” Cudahy said. “To layer a new license requirement on court reporters during a period of transition would amount to unnecessary and self-imposed confusion.”

In response to the stenographer shortage, courts have begun employing more voice and digital reporters. Whereas a traditional stenographer 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.

VCRA president Leslie Etheredge said that a regulatory board would “ensure a standard of competence to protect the consumer” and include all methods of court reporting, from stenography to voice writing.

But one of Cudahy’s main concerns with SB 334 was that the board would not include any members of the digital or voice reporting communities.

“VCRA was suggesting that they would serve as the pipeline of people to serve on the court reporting board, but it was really a matter of them being able to set the parameters of what the court reporting industry should be,” Cudahy said.

A college degree is not required to be a court reporter; a person just has to attain the requisite knowledge and typing speed of approximately 200 to 225 words per minute with an overall accuracy rate of 97.5%, according to the National Network Reporting Company.

Still, becoming a court reporter is no easy process. Historically, court reporting students graduate at a rate of 5%, according to Kathy DiLorenzo, director of court reporting for Planet Depos, headquartered in Washington, DC.

“Where there are no licensing restrictions, reporting graduates can immediately start to work,” DiLorenzo said, noting that requiring students to acquire state licences would create an unnecessary obstacle and “duplicate what they graduated with.”

California, Illinois and Texas currently require court reporting students to pass a state licensing exam. According to DiLorenzo, these states are also facing the most critical court reporter shortage.

“The people who cut our hair have to be licensed,” Naughton said. “Surely the people who produce our records of proceedings, upon which we rely to determine fortunes... should similarly be able to demonstrate competence in their roles.”

Still, Cudahy said there has been no identified need for licensing of court reporters in Virginia and to require it now would be “hasty and irresponsible.”

“Instead, we should move toward the aforementioned deeper conversation, establish what standards are necessary in a new marketplace and, only then, whether perpetuation or enforcement of those standards through licensure or certification is warranted or even possible,” Cudahy said.

On Jan. 27, the Senate Judiciary Committee voted 10-5 to reject Stuart’s bill. He was not available for comment.

Del. Jason Miyares, R-Virginia, introduced two nearly identical bills in the House this session, both of which were killed in committee. Miyares was also not available for comment.

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