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the California Court Reporters Association

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CCRA MISSION STATEMENT

The mission of the California Court Reporters Association is to advance the profession of verbatim shorthand reporting by promoting professional reporting excellence through education, research, and the use of state-of-the-art technology; establishing and maintaining professional standards of practice; and advocating before legislative and regulatory bodies on issues which impact the judicial system and others served by the court reporting profession of California.

President's Message — Excellence and Quality Are Not a Technique

By Early Langley, CSR, RMR
CCRA President



tech-nique *noun* /tek'nēk/

a: a body of technical methods (as in a craft or in scientific research).

b: a method of accomplishing a desired aim.

From Merriam-Webster.com/dictionary

We sometimes think that having the finest technique and technological devices is the key to an excellent, high-quality transcript. So do producers of electronic, digital recording and voice-to-text companies. As great as computers are, as great as realtime is, as great as ER, DR and V2T are, they cannot tell you about the quality of your product. Said Stanley Marcus, former chairman, Neiman-Marcus, "The profitability, yes, but not the quality. The human eye, the human experience, is the one thing that can make quality better or poorer."

Certainly statistical quality control of your word-error rate is invaluable and realtime sets a gold standard for every court reporter. But the entire picture of quality and striving for excellence is about, "above all, care, people, passion, eyeball contact, and gut reaction," said Tom Peters in his book, *A Passion For Excellence*.

At every level of a court reporter's life, whether you are a firm owner, a freelance reporter, an official reporter, or a student, striving for excellence means paying attention to and caring about every level of reporting. It also means adhering to the belief that anything can be made better, from how you greet your client for the first time to how quickly you turn around the end product, the transcript. It may mean extraordinary care given to protect a juvenile's right to privacy; it may mean taking a moment to consult statutes in CCRA's Official and Freelance Compendiums and our brand new TenTips for Official and Freelance reporting to avoid a costly mistake in judgment. It may mean double proofreading, double-checking citations, double-checking your worksheet, and double-checking your exhibit list. It may mean your ability to work as a team in the courtroom, your ability to work with a new judge and new clerk. It may mean an honest review of gift giving in your firm and joining NCRA's Ethics First program. For the student, it may mean simple dogged determination. The list is endless and can be improved upon as we speak.

You can bury yourself in technique, in numbers, in transcripts. And what you will remember 5, 10, 15 years from now will be what you couldn't predict. What about the multiplying effects of not producing a transcript on time? What about the unhappy client, the unhappy judge? What are the unintended consequences? All it takes is one irate person to make a court reporter or firm an example for all to read online in some negative news report.

Our advice is to get in touch with those whom you service and improve everything around you. For help on how to attain excellence, consult our TenTips and Compendiums and join us at CCRA.

Our commitment to protecting the court reporting profession runs deep.



California Ranks Second on the Annual "Judicial Hellhole" List

By the American Tort Reform Foundation, the same ranking as in 2010

View full story here:
[Judicial Hellhole](#)

MARK YOUR CALENDARS



Mark Kislingbury
Saturday, March 10, 2012

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The San Diego Superior Court Reporters Association is at your service once again by sponsoring in the Greater Southern California area (San Diego) perhaps one of the most dynamic and awe-inspiring steno writers of any lifetime...Mark Kislingbury on Saturday, March 10, 2012. Mark your calendars. The seminar is open to everyone. **For more detailed and registration information, please visit our website at www.word4word.info.**

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Northern California Court Reporters Association Meeting Highlights

By Linda Hart, CCRA Board of Directors

Northern California Court Reporters Association (NCCRA) held their winter meeting, November 3, at the Vizcaya Pavilion and Mansion in Sacramento. Sacramento Superior Court Presiding Judge, Honorable Steve White, current board member for the Alliance of California Judges, as well as past board member of the California Judges Association, was the keynote speaker. He discussed the future for court reporters statewide, realtime access, electronic and digital recording, transcript ownership and budget shortfalls.

Needless to say, the topics of Judge White's discussion attracted over 125 reporters, instructors and students from all over Northern California, and he shared great insight into keeping our profession around.

The NCCRA board really outdid themselves and went all out in providing excellent speakers for the evening. The other speakers included Bernie Tano, Industrial Hygienist, who spoke about best practices in the workplace, ergonomics and posture tips.

Professor Clare Lewis, PT, PsyD, MPH, MTC, taught us ways to avoid or reduce pain, that comes as part and parcel of our jobs, with simple exercises. The whole audience participated as she showed the exercises on the big screen in front.

Brooke Ryan, CCRA Board member, gave a legislative update. LeRoy Swanson, CSR #1095, was in attendance and received recognition for 50 years of active reporting.

Bryan College provided two massage chairs at the meeting and everyone who wished to was able to experience a hand massage and back chair massage, with upper body techniques for relaxation.

There were also numerous raffle prizes donated by court reporting firms, officials, state associations and schools.

NCCRA is a nonprofit association created by court reporters to provide two or three meetings each year, offering continuing education for its members, along with networking and fun. Membership is very affordable at \$30 annually, and you can become a member online at nccraonline.com.

Join today and stay informed.

Abracadabra Alakazam!

Why is stuff I didn't order magically appearing in my transcript?

A Blog by Margie Kruse

A fun, interactive blog by a fellow reporter... and sometime magician...

<http://krusereportersblog.com/2011/12/22/chalk-talk-no-2-abracadabra-alakazam-why-is-stuff-i-didnt-order-magically-appearing-in-my-transcript/>

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Outstanding Student Award Given By Downey Adult School

By Gerie Bunch, CSR, RPR, SOS Committee Chair

Christine Taylor, CCRA Board member, forwarded to me an email that she'd received about a young man who had just won the Outstanding Student Award from his school. (See below *)

The Support Our Students Committee and CCRA are always interested in this kind of news. This story, however, is particularly interesting because of what a unique person Kevin Kaufman is. Though you would not know it from reading what he writes, Kevin is autistic.

At age 28, after already receiving an AA from Cypress College and then a BA in Business Administration from Cal State Fullerton, Kevin was having difficulty finding work in his chosen profession. So Kevin's dad David suggested that he look into court reporting as a profession. Kevin was very curious and went right to work looking for a school to attend. He chose Downey Adult School because he'd come to know Cindy Grafton, their CR program director, and felt it would be a good fit for him.

A couple months prior to commencing the program, Kevin picked up the theory books and "dove right in flipping through the pages," he said. "Whenever I'm introduced to a new subject matter, I develop a curiosity in one respect and I have a need to satisfy that curiosity," Kevin told me.

Kevin started CR school in January 2009 and has just recently passed his last 200 speed test. Now all he has left to do in order to take qualifiers is get in twenty or so depo apprenticeship hours. His goal is to take the CSR this coming June.

I asked Kevin what difficulties he might have had to overcome. He explained that about a year into the program, he became frustrated because he felt he needed some special attention. That led to stress and difficulty controlling his anger. His solution was to seek the help of a therapist. By doing so, he acquired the tools to overcome those issues.

The Downey Adult School Outstanding Student Award is given in recognition of Outstanding Classroom contributions, positive attitude, excellent attendance and efforts above and beyond in the pursuit to further one's education.

As to his classroom contributions, Kevin explained that a fellow student admired his work and dedication. He said, "Sometimes I can't help but help people do better." So he gave her a list of briefs that she then incorporated into her writing. He also helped her with English rules. "English," he said, "comes easy to me because I had written a lot of term papers in college."

The following are a few quotes from his fellow classmates and instructor:

"Kevin is a very hard-working student. He has progressed through school at a relatively fast pace and has stuck with the program through difficult times. It's a privilege to know him!" — Mark Nikkel

"He is highly intelligent and skillful. He loves court reporting school and spends several hours per day writing away on his stenograph. The more you get to know him, the more you will love him. I can honestly tell you that he is the most sincere person I have ever met. I have never heard him tell a lie or say bad things about anyone. He is always optimistic, helpful, and happy. I am so lucky to have him as a friend. I believe that he will be an excellent court reporter." — Marisa McLaren

"He has very rarely missed a day since he started the program in 2009. When Kevin is at school, he puts in 110% into his speed classes and academics. He is well-liked among his classmates and even helps tutoring them. Kevin is a joy to have as a student and all of us are very proud of his accomplishments." — Cindy Grafton

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Outstanding Student Award Given By Downey Adult School

(continued from Page 7)

After talking with Kevin, I can say that “positive attitude” could easily be his middle name. “Being motivated is the key. You can’t just go through the motions. I like the challenge of writing on my machine,” he told me. If students could maintain those tenets, I believe we would see a higher pass rate and less time to get through school.

Another of Kevin’s achievements this year is he received membership in the Adult Education Honor Society. He is very proud of this distinction.

**Good evening:*

It’s Kevin Kaufman from the Downey Adult School court reporting program. As many of you know, or in case you did not know, an awards luncheon was held at the school on Saturday the 11th recognizing excellence in adult education. I was chosen to receive the Outstanding Student Award in court reporting. I’ve attached to this e-mail some photos from this very special event. My dad and my twin brother Dennis came along and took these pics. I really hope you enjoy them as much as I enjoyed being part of the event.

I can’t begin to tell you how honored I am to receive this award. I’m so lucky to not only have made it this far, but to have the mind, dexterity, and motivation to be able to succeed in such a challenging field. I’m also lucky to have received support from such wonderful people to get the necessary tools I need for success.

By the way, just for clarification, one of the photos depicts me holding a \$25 cash prize. Only four of these were given away in a raffle drawing as part of the event, and I just happened to be one of those four people. Also, I’ve attached a letter from the CSR department explaining why they chose me for the award.

All of this took place just days after my birthday. I thank all of those who made my birthday and awards luncheon extra special for me. It seems as if things are getting better all the time for me. It’s anyone’s guess what’s in store for me next. I look forward to hearing from you as always. Thank you.

– Kevin Kaufman



Kevin with his award, his father, his twin brother and Cindy Grafton.



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For Official Use Only

Well, not really, but here are two new Web sites by officials for all reporters.

The San Diego Superior Court Reporters have launched an amazing new site. It's not just for officials, all reporters will find interesting and relevant news, tips and events.

<http://www.word4word.info/>

California Trial Reporters:

The second site is by the husband of an official reporter who watched many of his wife's colleagues get laid off recently in Alameda and San Francisco counties. It's a listing of reporters recently laid off with contact info and a short bio. It's free for reporters who were employed or permanent pro tempore and are no longer employed by the courts.

<http://www.catrialreporters.com>



Merrill Corp Bows to Industry Pressure

Bowing to industry pressure regarding gift giving, Merrill Corporation, a large national court reporting agency, has decided to discontinue their Depo Points program, an incentive gift-giving program.

According to the Merrill FAQ on their website:

“Q: Why is Merrill Corporation discontinuing the Depo Points Rewards Program?”

“A: A growing number of concerns have been raised lately related to the appropriateness of gifting in the court reporting industry. To be proactive on this matter and to avoid any appearance of impropriety, Merrill has decided to discontinue its Depo Points program.”

Merrill FAQ page

<http://www.merrillcorp.com/depopoints-faq.htm>





Retrofit Laptop with Wireless

Q. Can an older laptop be made wireless and use a wireless carrier such as Verizon? I would want everything to operate the same as it is now using my desktop computer. Would I be able to use Internet Explorer and be able to access all of the Web sites that I can with my current computer? I am using Verizon for my cell phone and thought I might be able to use their Internet access if I can use the same programs and visit the same Web sites.

A. While virtually all new laptops are configured for wireless connectivity, an older laptop can generally have a wireless network card installed, if it doesn't have one, to make it WiFi-ready. That's not a big deal, but it really depends on the computer. Any reputable computer repair person or service can examine your laptop and quickly determine what it will need, if anything. Even easier, since you are using Verizon, take your laptop to a Verizon store and ask one of the young techies — who will try desperately to avoid making eye contact with you — to take a look.

Understanding wireless connectivity can be a bit confusing, but “connecting wirelessly” means exactly that: It's establishing an Internet connection that's wireless. What you do online or what programs you use, such as Internet Explorer, is up to you. The connection doesn't care what sites you visit or what programs you use with it. It's a bit like buying a new car and asking “Will it drive to San Diego?” The car doesn't care where it goes.

Q. All of a sudden when I open a message, the screen doesn't go all the way to the bottom and I can see the other screen behind it. I can grab the edge and pull it down, but it's aggravating. Is there a way I can fix it so it will be like it was?

A. It sounds like the window isn't maximized if you can see another screen behind it. Click the middle button in the upper right-hand corner or double click the Title Bar at the top to maximize the window so it will then fill the screen. That should resolve it.

Q. My computer is coming up on its third birthday. It's been working very well for me, but I would like to avoid what has happened in the past, namely having to replace it after a major problem occurs. How do you decide when it's time to replace your computer?

A. I'm probably not the best person to ask because I love gadgets and technology, so when newer, better, faster, shinier things come along, I tend to buy them, long before any major problems arise. (Yes, it's a sickness.)

For most normal people, however, there are two options: Periodic replacement within a typical three- to five-year window, or waiting until a problem arises. For some users, being offline or without a computer for a few days while one is being repaired, or until a new computer is purchased, is not a problem. Mrs. Modem considers it a blessing.

If you're running a business or you have a compelling need to be connected daily and cannot afford any down time, having some redundancy is well advised. You might want to purchase another

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computer when your current one is a few years old, just to have another system that's configured and updated, so if a problem arises you can easily switch from one system to the other.

For most typical users, having a desktop computer and a laptop and/or an iPad or smartphone is a good combination and provides an appropriate level of redundancy.

Mr. Modem's DME (Don't Miss 'Em) Sites of the Month

History of the Supreme Court

This site, hosted by the Supreme Court Historical Society, is dedicated to the collection and preservation of the history of the Supreme Court of the United States. It does this by sponsoring educational programs, conducting historical research, publishing books, journals, electronic materials, fixing parking tickets, and collecting antiques and artifacts related to the Court's history. www.supremecourthistory.org

PENoply

Keyboards may be today's preferred writing implements, but many people still prefer a good, old-fashioned fountain pen, which just happens to be the focus of this Web site. Here you'll find information about the fountain pen's history and the many different manufacturers that still produce these elegant instruments, such as Montblanc, Parker, Sheaffer, and Eversharp. Sharpie? Don't even think about it.

www.rickconner.net/penoply

Road ID

If you have ever been concerned about having a medical emergency and being unable to communicate with friends, family, medical or emergency personnel, this line of identification products can ease your mind. Hopefully, you'll never need to use one, but under the right circumstances, it could save your life. As an avid-yet-sluggish cyclist, I never leave home without mine.

www.roadid.com

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Member Debbie Bratton has shared a article from the past! In 1904, a letter to the editor of the New York Times from a stenographer offers one stenographer's view of our past:

1904 View of Stenography

NO FUTURE IN STENOGRAPHY.

Sixteen Years' Experience Convinces Him Compensation Is Small.

To the Editor of The New York Times:

I have been a stenographer for sixteen years, in all that time have worked in but three places, and am to-day receiving a salary of between \$1,200 and \$1,300 a year, which it may be possible in time to increase to \$1,500. This is certainly only a fair salary, and small enough for a man with a wife and two children to support.

In the places where I have been employed I have been rated as the best stenographer they ever had, so it cannot be said that I am not competent. I took up stenography when I was a mere boy in the hope that it would lead to something better in other lines, but I am still at it. I was left alone in the cold world at the age of eleven years, and took to stenography at fourteen as being the most remunerative business for one in my circumstances. It may be said that I am lacking in the necessary qualities to make a successful business man, but I have a number of successful friends who believe otherwise.

This is the history of one stenographer, and I lay it before the father in question, and all others who may be in doubt as to the future of their children in the business world, that they may form their own opinions, (I am giving no advice.) But one thing is certain—my boy shall never learn stenography as a sole means of support.

PENITENT.

New York, April 9, 1904.

The New York Times

Published: April 11, 1904

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Working Reporter Utilizes Compendium Workbook Tests to Pass California Certified Shorthand Reporters Exam

By Gerie Bunch

Support our Students (SOS) Committee Chair

This working reporter from Chicago is going to be moving to California very soon. She knew she wanted to continue working as a reporter in California and, therefore, needed to take and pass the California Certified Shorthand Reporters exam (CSR).

To that end, she acquired both the Freelance and Official Compendiums, studied them diligently, and then took the workbook online tests. After she passed each of those tests, she asked if I knew of any other study material for the Work Knowledge Test (WKT) portion of the exam.

Many of you know that each year our committee puts together a "Student Track" at our annual convention. I was able to forward to her some of the past Mock WKT exams that were used during student seminars. These gave her a feel for what the exam looks like and helped her to study. She said she studied everything she could get her hands on.

"I had studied the past Mock exams, you kindly sent me, each morning, noon, and night since the day I received them as well as both CCRA compendiums," said this anonymous working reporter.

Her hard work paid off. She took the WKT exam December 20, 2011, in San Diego and received notice the first week in January that she had passed all three legs of the exam, and is sending in her licensing fee to the California Court Reporters Board right away.

Congratulations, Ms. Working Reporter, now California CSR!



Wednesday, December 7th, Carolyn Dasher, Christine Taylor and Arnella Sims attended Assembly Speaker Perez's holiday gathering at his district office in downtown Los Angeles.

CCRA and LACCRA both donated toys to be distributed to the children of the 46th District.



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Lost in Digital Translation



This article first appeared in *Orange County Lawyer* magazine in November 2011, Vol. 53 No. 11 (page 30). © Copyright 2011 Orange County Bar Association. The views expressed herein are those of the author(s). They do not necessarily represent the views of the *Orange County Lawyer* magazine, the Orange County Bar Association or its staff. All legal and other issues should be independently researched.

by *Early Langley*

A leading voice-to-text provider who is attempting to gain a toehold in the legal arena touts the technology as “almost 100%” accurate. My son Andy, a UC Berkeley EECS senior—electrical engineering computer science—happened to have a professor with data indicating a 50% word error

rate from voice to text on TV. In addition, the most recent National Institute of Standards and Technology evaluations show the best word error rate posted for multimicrophone speech recognition in a conference room was about 40%. I decided to investigate.

A couple of referrals led to a world-renowned expert in automatic speech recognition and understanding, Nelson Morgan, Ph.D. My son and I paid him a visit at his International Computer Science Institute headquarters in Berkeley, California, where he serves as director.

About 12 years ago, Morgan began an experiment within the four corners of the room we were sitting. He recorded his research meetings, and the recordings became the “American corpus” or data for his research in voice recognition. He placed microphones in front of each speaker. What he found is what we court reporters find: sound varies; it carries; and it gets lost in a room due to multiple

speakers speaking at once; people speaking with heavy accents; people speaking indistinctly; air conditioning; shuffling papers; reverberation; tapping; doors opening and closing. His word error rate then is what he predicts now: 20% to 50% in meetings.

Just how does digital V2T work? “It’s elementary, my dear Watson.” Hardly.

Professor Morgan: “You compute representations of what frequencies have an energy from low to high. You think of that as a pattern which you’re going to identify with a particular kind of speech sound.” Researchers went to “probabilistic representations with statistical models which you have trained up on a whole bunch of other data which you hope is going to be similar to the data that you’re going to get. There’s the rub, by the way. The rub is that it won’t be. Unless you’re in the same room, with the same microphone in the same position with no external background noise, it won’t be exactly the same.”

Professor Morgan recounted that AT&T's first V2T rollout of interactive voice recognition was about 12, 15 years ago in answer to an old question: "Do you accept the charges for this call?" The "yes" recognizer depended upon a 200-word vocabulary for the one single word "yes."

If you extrapolate that out into a real-world scenario of millions of words pronounced thousands of different ways, you arrive at numbers that become exponentially difficult to translate automatically.

Speed and accuracy are hampered because the technology can't catch up with the demands this puts on it. You wouldn't think so because technology is advancing so quickly. But multispeaker voice to text with accuracy of context is one of the most elusive and sought-after pieces of research in artificial intelligence. In fact, it is hard to obtain grants for what many feel is a 100-year problem. Professor Morgan explained, "Some problems are just 100-year problems and speech recognition is one of them."

Let's visit your depo on calendar today. You arrive five minutes early and scan the depo room. Four microphones are available at the table. You state your appearance. You must lay claim to a microphone in order for the realtime transcript to reflect your client's appearance. And if microphones are shared, voices are mixed up. A monitor swears the witness. Realtime feed begins. There is no distinction between the question and answer. Words appear in brief. There is simultaneous speaker confusion and external noise. Numbers are confusing, and words are unintelligible. Readback of your question and answer is unintelligible.

Welcome to a digital voice-to-text (V2T) deposition. Translate that into your VIP appearance in front of the budget-strapped, V2T or digitally-recorded (DR) court, sans live Certified Shorthand Reporter and you may be in for a shock.

At your deposition, the reason you get only colloquy is because speech recognition, though it tries to understand context, cannot distinguish the difference between a question and answer; it cannot capitalize or punctuate; nor can it distinguish nuances in numbers such as, "The columns across are in a sequence of 12, 15, 18, 20," and "The columns across are in a sequence of 12151820."

Homophones are problematic.

The V2T company's control of the deposition is critical to achieve a minimum word error rate—and expensive. The user must bear the cost of the company's package, which includes a four-track digital recorder using a laptop running Windows 7, i3 or higher, a USB mixer, lapels, table microphones, headphone and speaker, a Web camera (taking the place of the legal videographer) and cables; a "speech transcript," the most costly component, and a digital player that comes with earphones and foot pedal for the monitor. Costs not factored into the equation are an update package; backup systems in the event of software or hardware failure; and an uncertified monitor taking copious notes. Last but not least, the cost of the human transcriber who must painstakingly play back and replay to get the right word, the right speaker, the right sequence of speakers, the right punctuation with meaning, and the right Qs and As, all to produce a transcript that is uncertified and unusable in court.

How does it work? The technology behind the speech engine, simply put, translates voice into words based upon algorithmic patterns. It then builds a "profile" on you mined from audio and written transcripts of your case and transcripts from other subject-specific litigation, and Internet documents.

Profiles on you take some time, and the first several go-rounds may be pretty rocky. Women's voices, it's been reported, are particularly hard to translate, as difficult as heavy accents. But take heart, by the fourth or fifth day your word error rate might go down—as long as the same people are talking about the same subject, using the same microphone, with the same equipment, in the same room. Of course, that doesn't count the newly-arrived, unprofiled deponent. And that's who you're most concerned with anyway, isn't it? The machine doesn't know any different.

Back to the transcript mine. What if your litigation were being mined in other cases? Where does the information come from and where does it reside? Who could get access to it? Is there a right to mine this sort of information, particularly with security breaches reported regularly? With identity theft looming over us, your work product and your client's trade secret or strategy information, personal information, such as HIPAA and bank records, risk exposure to your adversary and to the public.

Enter the Intersection of Ethics and the Digital World of Discovery

If you think this is far-fetched, think again. To save dollars, administrators are throwing a valuable person in California courtrooms under the bus: the live Certified Shorthand Reporter. It is incumbent upon litigators and consumers to be aware of the risks they face.

Imagine being in a DR courtroom with no reporter and given a CD to review and interpret for the next day's testimony. It may be six to seven hours' worth of testimony to review overnight in preparation for the next day's key witness or witnesses. Found someone else's highly sensitive information on the same CD? Found an attorney/client conversation recorded? Can't find what you're looking for in a hurry? Having problems locating exhibits? There's no keyword indexing. There's no word search capability. There's no condensed transcript. Day after day. How would this affect your practice, your time, your client's interest, and the integrity of the record?

While the closure of courts will impact public access to justice, long lines, delays in unlawful detainers, divorce and civil cases, for those courts still open, it need not take with it the integrity, accuracy, reliability, and neutrality of the Certified Shorthand Reporter. The risk of mistrials and retrials from garbled transcripts and lost recordings is a hefty price for your client to pay.

Next time you either notice a deposition or appear as a party at trial, make sure that you ask for a live Certified Shorthand Reporter to protect your client's rights. If you don't, your case may turn on testimony that's lost in translation.



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