

COURT REPORTING TECHNOLOGY

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COURT TECHNOLOGY CONFERENCE 8

KANSAS CITY, MO

OCTOBER 30, 2003

1 MS. SANCHEZ: I WANT TO STAND UP HERE, SPREAD MY
2 ARMS, AND DO A RENDITION OF "JUST LOOK AT ME NOW," OR BETTER
3 YET, "JUST LOOK AT US NOW."

4 THE COURT-REPORTING PROFESSION HAS COME A LONG WAY.
5 WHEN I STARTED COURT REPORTING SCHOOL BACK IN THE '70S, I
6 LEARNED TO DICTATE. I THEN GAVE THAT DICTATED TAPE TO A TYPIST
7 WHO WOULD TYPE IT, NOT ON AN ELECTRIC TYPEWRITER--PERHAPS ON AN
8 ELECTRIC TYPEWRITER, BUT WITH CARBON PAPER. AND WE WOULD HAVE
9 TO SEPARATE THE CARBONS. IF ANY CORRECTIONS WERE TO BE MADE,
10 WE ACTUALLY ERASED OR RETYPED THE PAGE. IT WAS A VERY
11 LABOR-INTENSIVE JOB.

12 TODAY, I SIT IN THE COURTROOM AND DO EXACTLY WHAT
13 JERRY KELLEY IS DOING HERE TODAY. IT'S CALLED REALTIME
14 TRANSLATION. AS THE WORDS ARE SPOKEN IN THE COURTROOM, I WRITE
15 ON THE STENO MACHINE A COMBINATION OF KEYS THAT REPRESENT THE
16 EQUIVALENCE OF ONE STROKE IS A SYLLABLE. IF WORDS ARE IN MY
17 DICTIONARY, THEY COME UP IN ENGLISH.

18 AS YOU SEE JERRY WRITE, THERE WILL PROBABLY BE WHAT
19 ARE CALLED UNTRANSLATES OR MISTRANSLATES, I'M NOT SURE. I'LL
20 TRY TO GLANCE OVER FROM TIME TO TIME AND SEE IF I CAN FIND AN
21 UNTRANSLATE. JERRY IS PRETTY GOOD. IT'S HARD TO STUMP HIM. I
22 WAS GOING TO SAY I'M FROM MARICOPA COUNTY, BUT, OF COURSE, THAT
23 CAME OUT IN ENGLISH.

24 [LAUGHTER]

25 AND BELIEVE IT OR NOT, WE DIDN'T KNOW WE WERE GOING

1 TO DO THIS PRESENTATION UNTIL I WALKED IN HERE THIS MORNING.
2 I DIDN'T REALIZE THAT THERE WAS GOING TO BE AN OPPORTUNITY TO
3 HAVE A REALTIME WRITER. AND I'M THRILLED THAT JERRY WAS
4 WILLING TO DO THIS AT THE LAST MINUTE.

5 IN ADDITION TO UNTRANSLATES, THERE MAY BE THINGS
6 THAT OCCUR IN TRANSCRIPTS CALLED MISTRANSLATES.

7 NOW, THAT, TOO COULD COME OUT AS A WORD "MISS" SPACE
8 "TRANSLATES." YOU WOULD STILL BE ABLE TO READ IT, BUT IT
9 WOULDN'T BE THE CORRECT WORD.

10 THERE ARE CONFLICTS. IT TAKES QUITE A BIT OF SKILL
11 TO WRITE REALTIME. IF AN ATTORNEY SAID THE WORD "TO," I'D HAVE
12 TO DETERMINE WHETHER THAT WAS TO, TOO, TWO, ROMAN NUMERAL II,
13 ARABIC NUMERAL 2, AND THEN DECIDE HOW TO DETERMINE WHICH WAY
14 TO WRITE THOSE WORDS SO THEY WILL COME UP DIFFERENTLY IN THE
15 TRANSCRIPT. SO IT INVOLVES QUITE A LOT OF MENTAL GYMNASTICS.

16 I'VE BEEN WRITING REALTIME SINCE 1986. I'M NOT SURE
17 HOW LONG JERRY HAS BEEN DOING IT. A NUMBER OF YEARS. IT TAKES
18 A WHILE TO PERFECT REALTIME SKILLS.

19 IT'S KIND OF NERVE-RACKING. THERE MAY BE SOME
20 REPORTERS IN YOUR DISTRICT WHO MAY BE RELUCTANT TO WRITE
21 REALTIME. I LIKE TO SAY IT'S LIKE PERFORMING A PIANO CONCERT
22 IN THE NUDE, WITH EVERYBODY LISTENING TO WHAT YOU ARE SAYING OR
23 WATCHING WHAT YOU ARE DOING AND BEING FULLY EXPOSED. I'VE
24 LEARNED TO BE QUITE AN EXHIBITIONIST. I ENJOY WRITING REALTIME
25 VERY MUCH. IN FACT, I'M NOT SURE I'M GETTING IT ANYMORE ON MY

1 STENO MACHINE UNLESS I SEE IT COMING UP ON THE COMPUTER SCREEN.

2 IN OUR COURTROOM, WE HAVE 14 LOCATIONS WHERE YOU CAN
3 RECEIVE THE REALTIME TEXT: THE JUDGE HAS IT ON HER BENCH; WE
4 HAVE A STATION ON THE WITNESS STAND; WE HAVE A STATION IN THE
5 JURY BOX; WE HAVE TWO STATIONS AT EACH COUNSEL TABLE IN CASE
6 WE HAVE MULTIPLE ATTORNEYS WANTING REALTIME CONNECTIONS.

7 WE ALSO HAVE A CONNECTION TO A WITNESS OR ATTORNEY
8 CONFERENCE ROOM LOCATED OUTSIDE THE COURTROOM FOR BOTH THE
9 PLAINTIFF AND THE DEFENDANT. I DON'T KNOW IF I MENTIONED THE
10 JURY BOX. WE ALSO HAVE IT IN BOTH ENDS OF THE JURY BOX IN CASE
11 WE HAPPEN TO HAVE A JUROR WHO IS HEARING-IMPAIRED.

12 THERE'S ONLY BEEN ONE OCCASION WHERE I ACTUALLY
13 WROTE REALTIME IN FRONT OF THE JURY. NORMALLY THE JURY DOESN'T
14 SEE THE REALTIME TEXT, BECAUSE THE ATTORNEYS FEEL IT WOULD BE
15 DISTRACTING AND PERHAPS THE JURY WOULD WATCH WHAT I'M DOING AND
16 WAIT FOR ME TO MISSTROKE OR HAVE A MISTRANSLATE RATHER THAN
17 PAYING ATTENTION TO THE EVIDENCE.

18 BUT WE HAD ONE CASE WHERE THERE WAS A YOUNG INDIAN
19 BOY WHO WAS A VICTIM IN A CASE AND HE WAS VERY SCARED, VERY
20 SOFT-SPOKEN AND SPOKE WITH A VERY HEAVY ACCENT. AND SO THEY
21 ASKED IF THERE WAS ANY WAY THEY COULD SEE THE REALTIME
22 TRANSCRIPT. AND IN THAT CASE WE DID GIVE IT TO THE JURY. AND
23 THEY FOUND IT SO HELPFUL THEY ASKED FOR IT FOR THE REST OF THE
24 TRIAL. THEY DIDN'T RECEIVE IT FOR THE REST OF THE TRIAL, BUT
25 THEY DID RECEIVE THE BENEFIT AT THAT TIME.

1 IF YOU HAVE SOMEONE WHO IS HEARING-IMPAIRED, A
2 REPORTER CAN PROVIDE WHAT IS CALLED CART, COMMUNICATIONS ACCESS
3 REALTIME TRANSLATION. THAT IS A CLOSE TO VERBATIM ENGLISH
4 TRANSLATION OF WHAT'S GOING ON SO THAT PEOPLE WHO DO NOT SIGN
5 BUT WHO ARE HEARING-IMPAIRED CAN ACTUALLY READ WHAT'S COMING UP
6 ON THE SCREEN. YOU SEE IT OFTENTIMES IN WORKPLACE SETTINGS,
7 MEDICAL SETTINGS. A REPORTER CAN ACCOMPANY A PERSON TO ANY
8 HEARING OR APPOINTMENTS, ANY JOB-RELATED MEETINGS THAT THEY
9 NEED ASSISTANCE ON. IT'S THE SAME TECHNOLOGY THAT'S USED IN
10 CLOSED-CAPTIONING.

11 NOW, WHAT DO ALL THESE PEOPLE IN OUR COURTROOM DO
12 WITH THAT REALTIME TEXT ONCE THEY SEE IT? IT'S CONNECTED TO
13 WHAT'S CALLED LITIGATION-SUPPORT SOFTWARE OR REALTIME-RECEIVE
14 SOFTWARE. THE ATTORNEYS, THE JUDGE, THE LAW CLERK, OUR
15 COURTROOM CLERK ARE ALL ABLE TO JUST MAKE NOTES BY HITTING A
16 SPACE BAR AND IT HIGHLIGHTS THAT TEXT FOR THEM. THEY CAN DO
17 WHAT'S CALLED ANNOTATIONS OR MAKE NOTES. THEY HIT A KEY AND IT
18 OPENS UP A BOX AND THEY CAN TYPE WHATEVER THEY WANT TO IN THAT
19 PARTICULAR TESTIMONY. THEY MIGHT SAY, "CHECK TESTIMONY
20 YESTERDAY; I THINK THIS IS INCONSISTENT" OR WHATEVER THEY MIGHT
21 WANT TO ADD THEIR ANNOTATION.

22 THEY CAN ISSUE CODE IT. YOU CAN PRE-ASSIGN ISSUES
23 TO TESTIMONY. SAY YOU HAVE A CASE ABOUT GUNS AND MONEY,
24 MONEY-LAUNDERING, PERHAPS, SELLING GUNS. YOU CAN ISSUE
25 CODE ALL THE TESTIMONY ABOUT THE GUNS IN YELLOW, ALL THE

1 TESTIMONY ABOUT THE MONEY IN RED, AND PERHAPS ISSUES OF
2 CONFESSION IN GREEN. THEY CAN THEN CREATE A REPORT WHICH IS A
3 LIST. IT WILL SEPARATE AND SORT EACH OF THOSE ISSUES AND LIST
4 THE PAGE AND LINE NUMBER THAT THAT TEXT APPEARS IN THE
5 TRANSCRIPT FOR USE LATER.

6 OUR COURTROOM CLERKS ARE NOW USING REALTIME. WE
7 CALL THEM "COURTROOM DEPUTIES" IN THE FEDERAL SYSTEM, BUT THE
8 COURTROOM CLERKS ARE USING IT FOR VERIFICATION OF THEIR MINUTE
9 ENTRIES. THEY CAN COPY AND PASTE, BRING IT INTO AN ORDER FOR
10 THE JUDGE'S SIGNATURE OR COPY IT INTO THEIR MINUTE ENTRIES. IT
11 FREES THEM UP TO DO OTHER JOBS. THEY CAN BE DOING
12 ADMINISTRATIVE FUNCTIONS EITHER INSIDE OR OUTSIDE THE COURTROOM
13 AND NOT MISS A THING. THEY COME BACK AND READ THE INFORMATION
14 THEY NEED.

15 THEY'RE SUDDENLY PRIVY TO BENCH CONFERENCES, WHERE
16 OFTENTIMES EXHIBITS ARE ADMITTED INTO EVIDENCE. BEFORE, THEY
17 HAD TO WAIT UNTIL THE BENCH CONFERENCE WAS OVER AND, AT A
18 RECESS, ASK THE COURT REPORTER WHAT HAPPENED AT THE BENCH
19 CONFERENCE WHILE EVERYBODY WAS HUDDLING, AND NOW THEY CAN READ
20 EVERY WORD AS IT HAPPENS.

21 THE LAW CLERKS, THE BAILIFFS, THE LEGAL ASSISTANTS
22 DON'T HAVE TO APPROACH THE BENCH TO BE ABLE TO PARTICIPATE IN
23 THE BENCH CONFERENCES.

24 WE ONLY HAVE ONE COUNSEL FROM EACH SIDE APPROACH,
25 AND YET EVERYBODY CAN BE PRIVY TO WHAT HAPPENS AT THE BENCH,

1 UNLESS, OF COURSE, IT'S PRIVATE AND THEY WOULD LIKE ME TO BLOCK
2 OUT WHAT IS SAID SO THE OTHER PARTICIPANTS DON'T SEE IT. IT
3 STILL GOES IN AS PART OF THE RECORD AND GOES INTO MY REALTIME
4 RECORD, BUT THE OTHER PARTICIPANTS IN THE COURTROOM CANNOT SEE
5 WHAT IS BEING SAID.

6 WE'VE HAD OCCASIONS WHERE THE DEFENDANT IN A
7 CRIMINAL CASE CAN SEE WHAT'S GOING ON ON THE SCREEN. THERE MAY
8 BE AN ISSUE OF COMPETENCE, MAYBE DEFENSE COUNSEL WANTS TO SAY,
9 "YOUR HONOR, I'M NOT REALLY SURE MY CLIENT IS TOTALLY WITH IT
10 TODAY" AND DOESN'T WANT IT ON THE SCREEN FOR DISRUPTIVE
11 PURPOSES, OR WHATEVER REASON, AND THEY'LL SAY, "CAN WE HAVE A
12 TOTALLY PRIVATE BENCH CONFERENCE?"

13 THE LAW CLERKS ARE USING IT IN A VARIETY OF WAYS.
14 THEY HAVE THE SAME ABILITY TO DO THE MARKING, THE ISSUE-CODING,
15 THE SEARCHING THAT THE JUDGE AND THE OTHER PARTIES DO. WE HAD
16 A DEATH-PENALTY CASE RECENTLY WHERE WE HAD, I THINK, 18 DAYS OF
17 JURY VOIR DIRE IN ORDER TO QUALIFY THE DEATH PENALTY JURY. AND
18 THERE WERE MULTIPLE CHALLENGES THROUGHOUT THE DAY TO EACH OF
19 THE JURORS. AND THE LAW CLERK WOULD GO THROUGH AND ISSUE CODE
20 AND ANNOTATE THE TRANSCRIPT AS WE WENT ALONG AND HAND THE
21 REPORT TO THE JUDGE BEFORE THE JUDGE LEFT THE BENCH. AND AT
22 THE END OF THE DAY SHE WAS ABLE TO MAKE A RULING RIGHT THERE AS
23 TO WHICH JURORS WOULD BE STRICKEN FOR CAUSE, WHICH JURORS WERE
24 ELIGIBLE TO SIT FOR FURTHER VOIR DIRE.

25 THEY WERE ABLE TO ISSUE CODE AND SUMMARIZE THE

1 TESTIMONY FOR THE JUDGE ON A MOTION FOR ACQUITTAL AT THE END
2 OF THE CASE. THE JUDGE RULED FROM THE BENCH AT THE TIME THE
3 MOTIONS WERE MADE, AND RULED PRECISELY, BASED ON SOME OF THE
4 SPECIFIC EVIDENCE THAT WAS PRESENTED. IT GIVES THE JUDGE A
5 GREATER FLEXIBILITY, A GREATER SECURITY IN THEIR RULINGS.
6 THEY'RE ABLE TO MAKE THE RULINGS MUCH MORE QUICKLY BECAUSE THEY
7 HAVE THE TRANSCRIPT INSTANTLY AVAILABLE.

8 ONE OF THE LOCATIONS I DIDN'T MENTION WAS THE
9 ABILITY TO HAVE A SCOPIST ON LINE. IT USED TO BE WHEN WE HAD
10 A DAILY COPY JOB YOU HAD ONE REPORTER START OUT IN THE
11 COURTROOM FOR MAYBE FIVE MINUTES AND THEN COURT REPORTERS WOULD
12 BE SWITCHING EVERY FIVE TO TEN MINUTES. IT WAS VERY
13 LABOR-INTENSIVE. NOT ONLY WOULD WE HAVE TWO COURT REPORTERS,
14 WE WOULD HAVE TWO, THREE, SOMETIMES EVEN FOUR TYPISTS WORKING
15 ON DAILY COPY TRANSCRIPT.

16 RIGHT NOW I CAN HANDLE AN ALL-DAY TRIAL USING A
17 SCOPIST. AS I'M WRITING, SHE'S GOING BEHIND ME AND CLEANING UP
18 ANY WORDS THAT ARE IN STENO INTO ENGLISH, CORRECTING THE
19 MISTRANSLATES. AND SO BY THE END OF THE DAY THE ONLY THING WE
20 HAVE TO DO IS I HAVE TO READ THROUGH THE RECORD AND CERTIFY IT.
21 AND WE HAVE A FULLY CERTIFIED TRANSCRIPT AT THE END OF THE DAY.

22 THE GOVERNOR OF THE STATE OF ARIZONA WAS TRIED IN A
23 TRIAL THAT LASTED THREE MONTHS. WE WERE IN TRIAL EVERY SINGLE
24 DAY AND HAD THE TRANSCRIPT ON THE INTERNET, READY FOR THE
25 PARTIES WHO WERE ORDERING IT TO RECEIVE IT BY 6:30 EVERY NIGHT.

1 WE WERE AVERAGING ABOUT 250 PAGES. SO THAT'S REALLY INSTANT
2 ACCESS TO A FINAL CERTIFIED COPY OF THE TRANSCRIPT, NOT
3 AVAILABLE, I THINK, IN ANY OTHER WAY.

4 IF YOU COULD HAVE THE ULTIMATE TRANSCRIPT, WHAT
5 WOULD THAT BE? WOULD THAT BE INSTANT ACCESS, 100 PERCENT
6 VERBATIM? PROBABLY. I DON'T KNOW THAT THAT WILL EVER HAPPEN.
7 WE'RE HUMAN. WE WILL MAKE MISSTROKES, WE WILL MAKE
8 UNTRANSLATES. BUT YOU CAN READ THROUGH IT.

9 AND TALK ABOUT THE DIGITAL WORLD, COURT REPORTERS
10 ARE VERY MUCH A PART OF THE DIGITAL WORLD. NOT ONLY CAN WE
11 TAKE IT AND PUT IT IN--I MEAN, OUR RECORD IS ALREADY DIGITAL.
12 WE CAN E-MAIL IT TO ATTORNEYS, WE CAN PUT IT ON A DISK AND HAND
13 IT TO SOMEONE. IT'S VERY EASY AND COMPACT TO TRANSPORT.

14 AND THEN WE CAN LINK UP EXHIBITS. WE CAN PUT A
15 HYPERLINK IN OUR TRANSCRIPTS. AS YOU READ THROUGH THE
16 TRANSCRIPT AND YOU COME TO A DISCUSSION ABOUT EXHIBIT 13,
17 SIMPLY CLICK ON EXHIBIT 13 AND THAT WILL AUTOMATICALLY OPEN
18 ANOTHER WINDOW. YOU HAVE YOUR ENTIRE RECORD RIGHT THERE IN
19 FRONT OF YOU, INCORPORATED WITH YOUR TEXT THAT'S SEARCHABLE AND
20 WITH YOUR EXHIBITS.

21 FRED, CAN WE HAVE THAT OTHER SLIDE, PLEASE?

22 IF YOU WANT THE BEST OF ALL WORLDS, WHAT YOU SEE IS
23 A MULTIMEDIA PRESENTATION. YOU HAVE YOUR VIDEO IN ONE WINDOW
24 AND YOU HAVE YOUR REALTIME TRANSCRIPTS IN ANOTHER WINDOW,
25 AND IT'S ALL SYNCHRONIZED. YOU CAN CLICK ON A WORD IN THE

1 TRANSCRIPT AND UP COMES NOT ONLY THE AUDIO BUT THE VIDEO
2 ASSOCIATED WITH THAT PORTION OF THE RECORD. ADD TO THAT YOUR
3 TRANSCRIPTS AND YOU HAVE CERTAINLY A MULTIMEDIA PRESENTATION
4 THAT CAN BE SENT TO THE APPELLATE COURT ON DISK.

5 PERHAPS WHEN BANDWIDTH IS GREATER WE CAN EVEN
6 TELECOMMUNICATE IT. RIGHT NOW THOSE FILES ARE AWFULLY LARGE
7 AND IT WOULD BE CUMBERSOME TO TRY TO SEND IT OVER A REGULAR
8 LINE, BUT TECHNOLOGY IS CHANGING SO QUICKLY IT WILL BE VERY
9 SOON WHEN WE CAN JUST TRANSMIT THAT VERY RAPIDLY AND HAVE A
10 FULLY-INTEGRATED PAPERLESS TRANSCRIPT AND TRIAL RECORD.

11 SO THAT'S WHY I SAY, "BOY, LOOK AT US NOW." WE'VE
12 COME A LONG WAY. AND I THINK WHEN YOU TALK ABOUT COURT
13 TECHNOLOGY, COURT REPORTERS EQUATE TO THE HIGHEST TECHNOLOGY IN
14 THE COURTROOM.

15 [APPLAUSE]

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