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Technology White Paper

How Cloud Based Court Reporting and Videography will Change and Democratize the Trial and Deposition Business

by Barry Unger

EXECUTIVE SUMMARY

CourtScribes is changing the court reporting industry by using Internet age technology to create the official record of court proceedings, using remote transcriptionists and charging attorneys up to 50% less than what they now pay, and as argued below as a disruptive technology will not only improve the quality of services, but also ultimately extend and even democratize the use of services that are today often restricted only to high profile or high dollar value cases. The attorneys not only benefit from a less expensive transcript but the video and/or audio recording provides them with a more accurate and verifiable record. CourtScribes may provide a live feed to attorneys in the office, allowing the office team to monitor the proceedings and more effectively assist the attorneys in the courtroom. Following is a description of how the service works and customers' experience to date with this new technology enabled service, and then some comments on what I believe this will mean for lawyers and for the larger public.

About the Author: Professor Barry Unger



An accomplished expert on high technology and venture capital businesses, Dr. Unger has founded and participated in numerous companies, including Kurzweil Computer Products, Inc., which became Xerox Imaging Systems. He is a professor of innovation and technology at Boston University, and a member of its Faculty of Photonics, as well as cofounder and chair emeritus of the Massachusetts Institute of Technology Enterprise Forum. Unger served in President Carter's administration as senior advisor on science and technology, and is the recipient of the Vincent A. Fulmer Lifetime Achievement Award at the Massachusetts Institute of Technology. Given his credentials in academia and industry, and in particular his extensive experience with disruptive technologies, he was asked to become an advisor to CourtScribes. Below he provides his assessment of CourtScribes' innovations in the Court Reporting Industry, and what he believes are the long term implications of this.



I. What is CourtScribes?

CourtScribes uses professional-level recording systems and digitally based technology to create the record of legal proceedings. For decades, this has been a successful reporting method in federal, state, and local jurisdictions. Indeed, both the United States Supreme Court and the United Kingdom Supreme Court use digital reporting exclusively to capture and preserve their historic public records. CourtScribes is bringing the most sophisticated digital technology into the private marketplace to provide the highest quality transcripts. Their court reporting includes two elements: first and foremost, the electronic court reporter who oversees the process, and secondly, the sound recording process itself. CourtScribes uses computer-based digital systems that perform recording functions that have enhanced features, added convenience, flexibility, and economy. They offer high quality video as well.

Key features include:

- **Equipment and Reporter Working Together.** At all times, electronic recording equipment is overseen by an experienced reporter, who also takes simultaneous notes regarding the proceedings. These digital annotations are time-linked to the corresponding recording, so one can go instantly to that point in the record to re-listen to the actual testimony or review the accuracy of an interpreter's translation.
- **Speaker Identification.** Primary participants are assigned to separate, discrete sound channels. In this way, a typical four-channel system individually records the judge, witness, plaintiff's attorney, and defendant's attorney. Thus, when two or more parties overlap and talk at the same time, digital reporting captures each voice clearly on its own separate sound channel. This voice isolation feature permits a full and accurate transcription of exactly what was said — and who said it — because each channel can be listened to individually.
- **Unobtrusive presence.** CourtScribes reporters rarely, if ever, need to instruct speakers to slow down their speech, or repeat testimony because of an accent or because complex medical / technical terms are being used. The recording process captures all words exactly as spoken — then in transcription the audio can be replayed as needed to verify verbatim accuracy.
- **Playback.** Any portion of a recorded proceeding can be played back over audio speakers when requested by the judge or counsel. The audio, when an integral part of the court's official record, can be replayed for jurors if they wish to review actual spoken testimony during deliberations — a critical element in determining credibility.
- **Accessibility.** Counsel or interested parties may obtain copies of the actual recorded proceedings from the vendor in addition to the transcript. Judges can review the recordings in their chambers without the need for paper transcriptions.



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With digital annotations directly "hot-linked" to the audio, points of interest are located quickly and efficiently.

- **Valuable recording system features.** The reporter's log notes automatically link to their corresponding points in the digital recording, which speeds and simplifies replaying portions of the record when requested. Both log notes and audio files are transmitted over the Internet, reducing or eliminating shipping costs and delivery delays. Storage and archiving are efficient and compact. When the audio and log notes are saved as computer files, there are no cassettes to store, nor files of reporters' paper notes to maintain.

II. Services.

CourtScribes provides the following court reporting services at up to 50% less than other court reporting agencies:

- A. Basic digital court reporting: a high quality audio file is created and converted into a transcript.
- B. Enhanced video court reporting: a video file is created along with the audio file, allowing the demeanor and facial expressions of parties to be apparent.
- C. Streaming: the proceeding is streamed securely over the internet, allowing instantaneous review by the client.

CourtScribes provides particularly large savings on civil trials. To minimize costs CourtScribes can take advantage of high quality digital recording equipment to facilitate the creation of an official record. CourtScribes produces and streams a digital recording that allows daily transcripts to be created by remote court reporters and transcriptionists at dramatically lower cost.

Court reporting agencies in Florida charge both parties ordering a Daily transcript as much as \$10/page or about \$2,500 a day or about \$25,000 for a two week trial to create official transcripts delivered the next morning. CourtScribes provides up to 50% off the Daily transcripts. The company charges ~\$5/page or ~\$1,250 a day or ~\$12,500 for a two week trial to create the Daily transcript for both sides (saving each side as much \$12,500 on a two week trial). Twenty of these trials a year would save as much as \$250,000 for each side.

CourtScribes is able to leverage its process and technology to provide live and on-demand video or audio recording to attorneys in the office at marginal cost. Attorneys not only benefit from a less expensive transcript but the video and/or audio recording provides them with a more accurate and complete record. The digital recording reveals the demeanor of a witness and whether, for instance, they were being sarcastic. In



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In addition, the live video and/or audio feed can be watched by attorneys in the office, allowing the office team to monitor the proceedings and more effectively assist the attorneys in the courtroom.

CourtScribes also allows the attorney to record the trial and only order the ordinary transcript afterwards if needed. Attorneys may only need the transcript if the case is appealed. For a reasonable fee the attorney gets the video to preserve the record and can watch the live video feed and utilize the recording to review during the trial.

On depositions CourtScribes is able to provide a highly trained videographer at a slight discount to typical videographers, and even more significantly no stenographer is required. The CourtScribes videographer not only creates a high quality video that can be played in trial, but is also a notary and is able to swear in the witness during depositions at the same time as creating a high quality digital audio recording with annotations from which the transcript can be created. The total savings whether or not the transcript is ordered would be expected to be as much as 30%. If no videographer is needed CourtScribes can still offer a smaller but still significant savings from utilizing a digital reporter without a videography background. Even in this lowest cost scenario a video of the deposition from a webcam could be included at a marginal cost.

CourtScribes can provide a deep roster of highly trained technicians (including stenographers) for anything that is needed in the court reporting/transcription industry.

III. Case Studies on Transcript Quality and Enhanced Features.

On a recent job, CourtScribes was hired by one side's attorney while a competing court reporter trained as a stenographer was hired by the other side. When both transcripts were compared and verified against the actual recording of the proceeding, CourtScribes had significantly fewer errors on each page. The human ear can only hear so much in a chaotic environment when many speakers in a courtroom talk over each other at the same time. When microphones are placed in front of each speaker, every word spoken can be isolated and heard with complete clarity. While the word per minute capacity of a stenographer is impressive, sometimes it is not enough.

Caroline Weiss, the client on the above mentioned matter conducted a line by line review of the transcripts and had the following to say:



“I have come to realize that I simply cannot use a [stenographer]..., especially on a hearing where there are as many as 7 attorneys present, the judge, the clients and their support network. When CourtScribes covers such a matter, a sophisticated recording provides a safety net / safe harbor where no words or comments get lost. **With CourtScribes the voice of everyone is heard without missing a breath.** Recently I compared a transcript created by a [stenographer]... to CourtScribes. The [stenographer]... had mistakes on every page including missing complete sentences spoken by the judge on several occasion. I am confident in recommending CourtScribes for error free transcription even in a chaotic environment.”

“CourtScribes produces a superb transcript. I feel comfortable using CourtScribes knowing even in a chaotic environment the recording system provides a safety blanket where nothing is lost. I have a higher probability of winning because key words and sentences will not be missed. **There are literally times when the high accuracy of CourtScribes may change the outcome of my cases.** I utilize CourtScribes to get a higher quality transcript at a lower price.”

In addition, there is a host of examples of how enhanced features such as video are being utilized in legal proceedings. During trial, for instance, attorneys, experts, focus groups and clients can monitor the proceedings live from a war room or office location with a connection to the Internet; gaining a competitive advantage in the courtroom while saving travels costs and gaining efficiencies at the same time. The attorneys in the office can monitor key testimony and provide immediate support rather than being dependent on phone calls and emails between breaks or waiting for the trial team to return at the end of the day. A shadow jury can watch the live proceedings in a remote conference room and provide feedback on how a witness is likely to be perceived by the actual jury, what points should be reemphasized and whether the client should settle the case. More frequently attorneys are showing the video clip of trial testimony of an expert in closing arguments to leave a critical moment of the trial in the minds of the jury as they go into deliberations.



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Attorneys, such as Mark Lanier, have remarked that live video access can make an impact on the trial. Mr. Lanier gave the following illustration of how video access helped him in the courtroom:

“On the Vioxx trial I was cross examining a witness and something just didn’t seem right. I turned to my trial assistant and told her to contact our expert who was back in the office following the video feed live. Sure enough our expert emailed us back and the witness had perjured himself by making up credentials for himself that didn’t exist. I confronted the witness and undermined his credibility in front of the jury. **This dramatic moment in the trial simply would not have been possible without our expert watching the video.**”

IV. User Feedback.

CourtScribes has done the court reporting on countless trials, hearings and depositions in numerous jurisdictions and has received strong endorsements from customers.

"CourtScribes is embracing technology and leading the way in a new age of court reporting. They provided me with dramatically superior service and price. **Upgrade your typewriter to a computer and upgrade your court reporting to CourtScribes.**" -Justin Rundle, Rundle Law, Miami, FL

"CourtScribes offers a critical service for trial attorneys at a low price. Video streaming from the courtroom as well as expedited transcripts provided a winning edge to my team. **To best represent your clients, I highly recommend these services.**" -John Romano, Esq., Romano Law Group, Lake Worth, FL



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“This is the future of court reporting. They have equipment that separately records each person speaking in a deposition, at a hearing, or at trial, and then those recordings are typed up at a satellite office. It costs much less than [stenographic]... court reporting services and the quality of the transcripts are better. Plus they offer video court reporting – even in trial. This means you can get daily videotapes from trial and play back clips during closing arguments. **An outstanding service from an outstanding company.**” -Dustin Herman, Esq., Romano Law Group, Lake Worth, FL

“CourtScribes provides a host of cost effective court reporting, videography and litigation support services. I was extremely impressed with them. **The professionalism of their staff and quality of service was outstanding.**” -Michelle Estlund, Esq. Estlund Law, Miami, FL

“**CourtScribes offers great customer service and video / transcription products at a reasonable price.** I encourage other lawyers to give CourtScribes a try to see if they can help improve your practice.” -Demetrios Efstratiou, Esq., Monroe, FL

“**CourtScribes provides low cost court reporting with a vastly superior transcript that includes a state of the art recording.** Professional staff deploy impressive equipment and technology quickly and seamlessly in the courthouse environment. Judges and Court staff can appreciate a company that is diligent and dedicated to providing high quality service focused on ensuring all proceedings are recorded smoothly. CourtScribes state of the art methods are redefining the industry. I look forward to working with the company for years to come.” -Joseph P. George, Jr., Esq., Miami, FL



V. My View of CourtScribes and Its Significance as a Disruptive Technology.

CourtScribes' low cost video and audio utilizing today's cloud services on the internet will enable new areas of opportunity for video, especially of trials and depositions, so that videos of proceedings like depositions will no longer be something used "occasionally" and only when the significance of the video content is known in advance, but will become a standard of good practice since the lawyer never truly know when the 'unexpected' is going to happen, and where availability of the video and textual record can affect the outcome of the case. Disruptive technologies transform industries not only by lowering cost and adding new functionality but also by changing usage patterns and enabling new convenient and enhanced services to become common place.

Like many other mainstream industries (think retail chain stores versus Amazon, taxis vs Uber, records vs Spotify and other streaming music services, traditional hotels vs airbnb) that are being suddenly transformed by the internet, the legal system and in particular the area of court reporting is ripe with opportunity to enhance service and bring in new classes of users.

The idea of legal audio and video recording has been around for decades, but only within the last few years has the technology and pricing caught up. Likewise as a co-founder of Kurzweil Computer Products, Inc., an early artificial intelligence and digital imaging company which then became Xerox Imaging Systems, I saw first-hand the enormous positive impact of what is now called digital photography, and how this new capability has both improved the quality of photography and equally importantly opened up active photography to a much bigger audience and to new uses. Think for example how many of the countless unforeseen ways we now on a regular basis use the electronic cameras built into our phones to communicate with each other and facilitate our work flow, and even recording images like damage to our cars or receipts for expense reports or to identify items for purchase, or to make video calls around the world, and how integral video recording is becoming to law enforcement activities. This of course is the impact disruptive technologies can have.

Looking at the already successful implementations of CourtScribes' technology and internet based service, I can see an analogous type of phenomenon beginning to happen in the legal industry, where court reporting and videography will become a new standard, a "no-brainer" as it were, for the legal professional, and thus extend both the amount and uses of legal reporting, and its practicality and availability to a larger part of the public the legal industry serves.