



# The Write Up

Washington Court Reporters Association News  
SPECIAL EDITION



2023 Court Reporting  
& Captioning Week  
February 4-11

## YOUR GUIDE TO #CRCW2023

**WCRA**  
*celebrates*  
**Court Reporting & Captioning Week**

We recognize our professional members as elite guardians of the record. The skills you've mastered have touched lives in ways not measurable in dollars and cents, as your work was vital to their access to justice.

For our CART and captioning reporters, your work is recognized as equally important. By providing access to Deaf/HoH individuals, you're providing an inclusive experience appreciated by all.

To our students, we encourage you through your journey and want to support you on your path to success! You are our future and we're excited you've chosen this career.

# February 4, 2023

[Share this Online](#)

\*click "share this online" and right-click save the image to your computer, then post on your social media or share within your office.



# February 5, 2023

[Sign Up Here](#)

Kick off Court Reporting and Captioning Week with STUDENTSNow! NYSCRA is starting our popular student series this year with Hon. Holder, who was recently honored by Mayor Adams for his years of service, and Hon. Buggs, an Associate Justice of the historic all-women Appellate Term, Second Department. These two distinguished jurists will be speaking on the relevance of court reporting in the judicial system, which is more important now than ever before.

While [#STUDENTSNow](#) events are typically for students, all are welcome this time around for [#CRCW2023](#). [Register for free here](#)

## KICK OFF CR&CW WITH



## February 5th at 2:30 p.m. EST virtually on Zoom



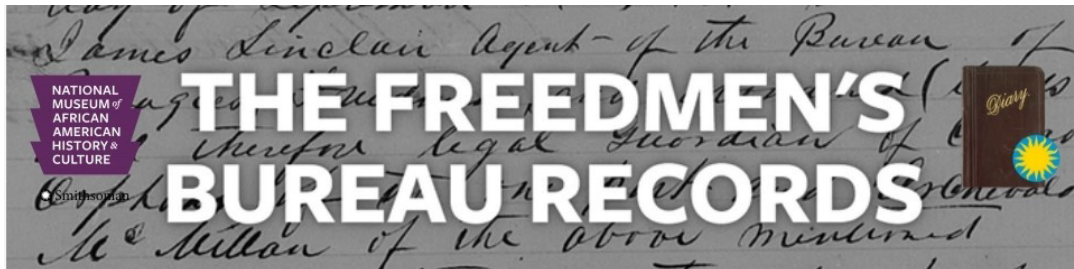
**Featuring distinguished jurists, Hon. Holder and Hon. Buggs, speaking on the relevance of court reporters in the judicial system.**

**[www.nyscra.org/upcoming-events](http://www.nyscra.org/upcoming-events)**



**February 5, 2023**

[Sign Up Here](#)



**Please Join Us: Give Back Your Time/Talents as We  
Help Preserve History Together  
Smithsonian Virtual Transcribe-a-Thon  
Sunday, February 5, 2023, 2 pm - 4 pm ET**

You're invited to explore, transcribe, and review Freedmen's Bureau records with the Smithsonian Transcription Center and staff from the National Museum of African American History and Culture. Open to stenographers, captioners, CART providers, and students.

[Click here to register for this free event on Zoom.](#)



**What is the Freedmen's Bureau?**

The United States Bureau of Refugees, Freedmen, and Abandoned Lands, commonly known as the Freedmen's Bureau, was created by Congress in 1865 to assist in the political and social reconstruction of post-war Southern states and to help formerly enslaved people make the transition from slavery to freedom and citizenship. In the process, the Bureau created millions of records that contain the names of hundreds of thousands of formerly enslaved individuals and Southern white refugees.

**Freedmen's Bureau Transcription Project**

In 2016, the Smithsonian's National Museum of African American History and Culture and the Smithsonian Transcription Center began a collaborative project to transcribe more than 1.5 million image files from the Freedmen's Bureau records - the largest crowdsourcing project ever undertaken at the Smithsonian. Once completed, the project will allow full text searches of the original records, providing online access to family historians, genealogists, students, and scholars around the world. Transcribing these original documents will increase our understanding of the post-Civil War era and our knowledge of post-Emancipation family life.



# STENOGRAPHY: THE ONLY CHOICE

Why should a *Qualified Stenographer* be used in every one of your proceedings?

- ♦ Qualified stenographers are **skilled and impartial** Officers of the Court.
- ♦ Qualified stenographers have **rigorous training** in grammar, medical/legal terminology, ethics, court and deposition procedures.
- ♦ Qualified stenographers are able to capture **verbatim testimony** at speeds up to 280 wpm.
- ♦ Qualified stenographers are able to provide **instantaneous readback** of testimony at proceedings.
- ♦ Qualified Stenographers are able to provide **realtime text streams** to parties on site and worldwide.
- ♦ Qualified stenographers are able to provide **immediate** rough drafts, same-day/next-day certified final transcripts.
- ♦ Qualified stenographers use **state of the-art technology**, along with the **irreplaceable human element** to ensure every spoken word is captured and preserved.
- ♦ By using a qualified stenographer you will have **confidence** that your transcript is **certified and admissible in court..**



To locate a Qualified Stenographic Reporter or Qualified Stenographic Reporter-Owned Agency, visit:

# February 5, 2023

[Sign Up Here](#)

Ready for another exciting PYRP event? Are you ready to be coached and learn how to market OURSELVES and promote STENO? CEU approved & Free (donations accepted)

Rebecca Klein and Keith Scott, the dynamic duo of famous TALLsmall, will be leading our 2023 PYRP event! PYRP is honored to have their expertise and business savvy coaching for this exciting event. Learn about them here: <https://www.tallsmallproductions.org/>

**Sign up today because this event will absolutely reach capacity.**

The event is **FREE** event to all. However, if you would like to donate towards our costs in support of the event, here is the [link](#):

**Date:** Sunday, February 5, 2023.

**Time:** 5:00 PST/8:00

**Protecting YOUR Record: How to make it your superpower.**

Technology is moving forward fast. It's critical, now more than ever, that we don't let it outpace our ability to protect the record, in the eyes of agencies, attorneys and judges. We must be the best choice over A.I., every time.

Keith Scott and Rebecca Klein of TALLsmall Productions, who lead communications sessions with stenographers across the country and in London, are joining us to show us how to up our communications game by marketing our skills and demonstrating why excellent stenographic court reporters are irreplaceable.

In this virtual, highly interactive workshop, learn how to:

- **Read the Room:** Body language is 70% of communication. Leave with strategies to showcase your best self and to pick up on signals from others.
- **Protect Your Record with Confidence:** We'll reveal the top words and phrases to use and avoid.
- **Navigate Communications Storms:** When thunder strikes, the best way to weather the storm is to stay calm and in command.



2023 Court Reporting  
& Captioning Week  
February 4-11



# February 6, 2023



## Complete the following tasks:

1. Visit [WCRA's website](#) and find the number located at the bottom of the home page beside the CRCW 2023 banner and write that number down.
2. Visit [NCRA's website](#) and write down the 2022 Speed Contest Winner.
3. Which state is currently proposing a change to Trial Rule 74 to ban stenography in the courtroom? Visit [here](#) to make a public comment before February 6, 2023.
4. What is the name of WCRA's newsletter? Visit our [blog](#) to see latest issue.
5. Visit our [Facebook](#) or [LinkedIn](#) and write down how many likes/followers we have. If you haven't already, why don't you go ahead and like and follow us while you're there?

Once you've collected the answers to the questions, email your responses to [info@washingtontcourtreporters.org](mailto:info@washingtontcourtreporters.org) or send us a DM through Facebook or LinkedIn by February 10, 2023, to be entered into a drawing with all other participants for a \$50 Visa gift card to be announced on February 11, 2023.

**JOIN OR  
RENEW  
NOW!**





## February 7, 2023

## Thank your Mentor Here

Never forget where you came from. As part of this week-long celebration of court reporters and captioners, we'd like to take time to thank those who came before us that took time out of their busy careers and reached a hand out to help us, as students, transform from the classroom to the conference and/or courtroom. Taking a look at our colleagues, you really did a fantastic job.

If you'd like to write a few lines of thanks to your mentor and would like to share them, please post them in our [Washington Court Reporters Association Facebook Group](#) for other reporters to get a boost of shared gratitude. Your tribute may also be printed in the next issue of *The Write Up*.

If you're not on Facebook and would like to send your thanks to your mentor to be printed in our newsletter, please email it to [info@washingtontcourtreporters.org](mailto:info@washingtontcourtreporters.org) and we look forward to sharing your comments. Tributes welcome to mentors, both living and passed.



# we rise by lifting others

ROBERT INGERSOLL





# 2023 Court Reporting & Captioning Week

February 4-11

## TOP 10 THINGS YOU CAN DO TO CELEBRATE COURT REPORTING & CAPTIONING WEEK

10. Read and be inspired by what members did during the [2022 CR&CWeek](#).
9. Make use of all the resources NCRA has provided on the [CR&CWeek resources page](#).
8. Share a complimentary copy of [Making the Record: A Guide for Attorneys](#) with all the lawyers you work with during the week.
7. Showcase what you do at a local high school career fair and spread the word about the [NCRA A to Z® Intro to Steno Machine Shorthand program](#).
6. Post the social media messages NCRA has made available to members on the [CR&CWeek resources](#) page, or be inspired to post your own messages about why you love what you do.
4. Share [DiscoverSteno.org](#) with the parents of high schoolers, or transitioning military members, second career seekers, or college graduates disappointed with their chosen majors, so they can learn more about what you do and the endless opportunities this job offers.
3. [Sponsor a student membership](#) and give future court reporters a leg up with all the benefits you receive, and/or [consider mentoring](#) a current NCRA student member.
2. Show your court reporter pride by changing your Facebook profile picture, cover photo, or Twitter icon to the CR&CWeek logo from February 4-11, 2023.
1. Let NCRA and other members know how you are celebrating the week. Send stories and pictures to [pr@ncra.org](mailto:pr@ncra.org).

# February 8, 2023

[Sign Up Here](#)

LC GLOBAL



## Business Skills for the Stenographic Freelance Industry

Interactive 2-hr program during CRCW in February 2023

The freelance stenographic court reporting and captioning industries are driven by deep niche expertise and the ability to flexibly offer competent services whenever and wherever needed. Increasing competition and pandemic-driven changes require the fields' subject matter experts to develop sound business competencies, which may not always come intuitively. This hands-on, interactive, and introductory program is designed to help freelance stenographic court reporters and captioners effectively maneuver current challenges, stand out in the market, and increase profits with ease.

This interactive Business Skills program empowers participants to:

- Understand why business skills are important for the stenographic freelance community.
- Stand out in the market and attract the right clients, projects, or work.
- Discover personal values and use them for marketing, communication, and negotiations.
- Set smart and ambitious goals and learn to attain them.
- Focus, create healthy rapport, and set boundaries.
- Form support groups and a network of like-minded people.

This introductory program will be offered for credits during the CRCW in February 2023. The experience can be deepened with a 5x2 follow-up workshop that will help you set and attain authentic business goals.



### FACILITATOR



Dr. Erika Jacobi is the managing director of LC GLOBAL®, a business transformation consulting firm with offices in New York City and Munich, Germany. Specializing in adaptive organization design, Dr. Jacobi has led organizations and entire industries through large-scale transformation and innovation initiatives on three continents. She holds a Ph.D. in Organizational Development and Change and an M.A. in Human and Organizational Behavior, Systems, and Development from Fielding Graduate University in Santa Barbara, CA. She obtained an additional master's degree in Cognitive Linguistics and Literature from the esteemed Ludwig-Maximilian University in Munich, Germany. Dr. Jacobi is published in top academic journals such as SAGE and is a five-time FORBES contributor.

LC GLOBAL  
Accelerating Growth & Innovation

+1-212-328-9557 [info@lc-global.com](mailto:info@lc-global.com) <https://www.lc-global-us.com>



# \$39.00 if you're not NYSCRA member



# February 8, 2023

[Sign Up Here](#)

## Meet Graduates from the College of Court Reporting!

Stenographer



### Court Reporting and Captioning Week 2023

College of Court Reporting Presents

Monday

Presenter: Joshua  
Foley, CCP, NCSP, at  
8:15 p.m. Central

Wednesday

Graduate Panel, 7 p.m. Central:

Mel Forquer  
Erica Wofford  
Kirstie Anderson  
Keisha Jarrett  
Jessica Warner Phipps  
Melissa Fiscus  
Kayla Ruth  
Sindee Baum

Thursday

Employer Panel  
8:15 p.m. Central:  
Carrie Blincoe,  
Karasch Reporting,  
and  
Heather L. Artz,  
Dauphin County  
Courthouse

All events will be recorded.



Other CRCW Events  
Recorded & Will  
Be Made Available  
Online



**February 9, 2023**

**[Sign Up Here](#)**

Email [info@LearnToCaption.com](mailto:info@LearnToCaption.com) with subject line TTT to sign up for this FREE webinar open to everybody!  
(No CEUs will be awarded)

Learn how to edit the RIGHT way! You'll be so glad that you did!

**Anissa's Gift to you for CR&CW!**  
**Terminate Transcript Turmoil Webinar**  
(FREE! CEUs not offered)

**Professionals welcome!**


**Students welcome!**

**Thursday, Feb. 9**

**8-9:30 pm EST**

LEARN TO < REALTIME >



MY FIRST  
**L**  **VE**  
IS CAPTIONING

February 9, 2023

[Email Meredith](#)

OFFICIAL • FEDERAL REPORTER • FREELANCE (AGENCY) • FREELANCE (INDEPENDENT) • CART • NEW PROFESSIONAL

# MEET A WISCO STENO

YOU'VE GOT QUESTIONS? WE'VE GOT ANSWERS!  
SIT DOWN, RELAX, AND CHAT WITH  
»» STENOGRAPHIC PROFESSIONALS OF THIS  
WONDERFUL STATE!

THURSDAY,  
FEBRUARY 9<sup>th</sup>  
7-9PM

EMAIL MEREDITH SEYMOUR TO RSVP  
AND TO RECEIVE ZOOM  
INFORMATION!

[Meredithwcra@gmail.com](mailto:Meredithwcra@gmail.com)





# February 10, 2023

[Post Media Here](#)

You're encouraged to share your participation in celebrating this week, no gesture too big or small. We want to hear about it.

Treating yourself?

Tag us.

Taking a steno friend out to lunch to celebrate? Pics of your firm's social?

Golden.

Make sure you include #CRCW2023 #WCRA in your post and/or tag @wcra.community on Facebook so we can share your pride! One lucky participant will get the "Creating Buzz" prize at the end of the week. Posts must be shared before February 11<sup>th</sup> so we can choose a winner.

## *COURT REPORTING & CAPTIONING WEEK*

# 2023

*inspire, celebrate,  
educate, unwind, online  
a day in the life*



February 11, 2023



Thank you to all who participated and made steno come alive this week. You have chosen a challenging profession, and we thank you for continuing to grow and learn and develop your skills to maintain yourself as an elite guardian of the record.

The future will be written in steno.



**2023 Court Reporting  
& Captioning Week**  
**February 4-11**



**Save the Date!**

**4.15.2023**



**WCRA** featured  
guest speaker

**DOM  
TURSI,**  
CSR-NY, RPR, CM'

WASHINGTON COURT  
REPORTERS ASSOCIATION  
SPRING COFERENCE

**04.15.2023**

**In Person**

**Green River College**

photo credit unknown





Print to Color





I assure you, Judge . . .  
I am  
not  
a  
cat.



## Career Opportunities



**B&A  
NOW  
OFFERS  
GUARANTEED PAY!**

**For all invoices over 120  
days with proof of orders**

**You did the work.  
You earned the pay!**

**Why work for a firm that wants  
you to be on the hook for their  
slow-paying clients?**

**Contact us at:  
[management@balitigation.com](mailto:management@balitigation.com)**

Please apply through each company or jurisdiction independently.

## Officialship

**BENTON/FRANKLIN  
COUNTIES  
SUPERIOR COURT**

**KITSAP COUNTY  
SUPERIOR COURT**

**SNOHOMISH COUNTY  
SUPERIOR COURT**

**KING COUNTY  
SUPERIOR COURT**

**PIERCE COUNTY  
SUPERIOR COURT**

**SPOKANE COUNTY  
SUPERIOR COURT**

**THURSTON COUNTY  
SUPERIOR COURT**





# Altruism Scholarship

## Due Date

March 31, 2023

## What

\$1,000

## Who

Court Reporting Students in good standing at NCRA-accredited institutions, writing at least 140 wpm

## When

Scholarships will be presented at the WCRA Spring Seminar held at Green River College on April 15, 2023

## To apply:

- ☐ Complete the Scholarship Application found on the WCRA website under "Student Resources"
- ☐ 2 letters of recommendation
  - Maximum 1 page each
  - Cannot be from a court reporting instructor
- ☐ Essay
  - 1 page, double-spaced
  - Prompt: "How is giving back to your community important to you now and in the future as a court reporter/captioner/CART provider?"
- ☐ Submit all materials via email to the WCRA scholarship committee:  
[sierra.zanghi@gmail.com](mailto:sierra.zanghi@gmail.com)

<https://www.washingtoncourtreporters.org/student-resources>



# 2023 Altruism Scholarship Application

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

School attending: \_\_\_\_\_

Current Speed (highest of any category): \_\_\_\_\_



National Court Reporters Association  
 12030 Sunrise Valley Drive, Suite 400  
 Reston, VA 20191-3484  
 Tel: 703-556-6272 • Fax: 703-391-0629  
 800-272-NCRA [6272] • NCRA.org

January 28, 2023

Indiana Supreme Court  
 315 Indiana State House  
 200 W. Washington Street  
 Indianapolis, IN 46204

In Re: Proposed Amendment to Rule 74(B)

Dear Justices of the Indiana Supreme Court:

We are writing on behalf of the National Court Reporters Association Strong Committee to offer comments in opposition to the Proposed Amendment to Rule 74(B). The Committee serves as the Association's subject matter experts in all methods of preserving the record of legal proceedings. The National Court Reporters Association (NCRA) is recognized as the preeminent authority on capturing, storing, and preserving the spoken word, then producing a timely, skillful, accurate, and stenographically watermarked, verbatim transcript therefrom. Our organization's purpose is to apply over a hundred years of institutional knowledge and the experience of rigorously trained and tested stenographic reporters, working in cooperation with the bench and bar towards ensuring personal accountability for producing our nation's court records. Stenographic court reporters are impartial officers of the court present during the proceedings who must comply with state laws and federal and state court rules regulating their practice.

NCRA Strong Committee stands for the proposition that in all matters before the courts of the United States, the protection of equal access to justice through an accurate record for all Americans, regardless of race, religion, age, disability, gender, sexual orientation, national origin, ethnicity, or levels of income, as well as the safeguarding of litigants' personally identifying information and preservation of civil liberties is of paramount importance.

We believe the proposed amendment has not been well researched, does not have adequate safety measures in place to replace the existing language, and does not in any way address the release of biometric voice and facial data to unknown individuals who are not practicing under the auspices of the court or any other regulatory agency in Indiana. We would strongly recommend that you review the article entitled, "Jump in Facial and Voice Recognition Raises Privacy, Cybersecurity, Civil Liberty Concerns," authored by the JacksonLewis law firm in Berkley Heights, New Jersey, which states, "Organizations that collect, use, and store biometric data increasingly face compliance obligations as the law attempts to keep pace with technology, cybersecurity crimes, and public awareness of data privacy and security. It is critical that they maintain a robust privacy and data protection program to ensure compliance and minimize business and litigation risks."



The article also states, “While the ease and efficacy of voice recognition technology is clear, the privacy and security obligations associated with this technology, as with facial recognition, cannot be overlooked.”

We believe that your proposed amendment would hold courts to a lower standard of privacy and security that could well jeopardize citizens’ private information. We implore you to ask yourselves: Have we fully tested, vetted, and investigated the harm that could result by this implementation of electronic recordings utilizing AI/ASR? When you click the End User License Agreement of these technologies, you will likely find that the court and litigants’ rights are not protected, and responsibility for violations will fall back to the courts.

Although the members of the bench may not be aware, often gig workers, who are not obligated to follow Indiana Court Rules, are utilized to transcribe recorded court proceedings. Indeed, they are not under the auspices of any regulatory agency, including the court.

This amendment will eliminate professional, stable, well-paid jobs, held mainly by women, and instead replace them with low-wage, low-skilled gig workers.

Additionally, a growing number of transcription companies currently engaged in producing transcripts for courts utilize artificial intelligence (AI) and automatic speech recognition (ASR). There are currently no chain of custody requirements in place in Indiana courts for recordings being made in its courtrooms, and there is no way of verifying or certifying that the transcript reflects that what was originally recorded by the person operating the equipment in the courtroom, since the transcribers producing and certifying the transcripts were not present at the proceedings and the original recording operator does not review the final transcript to ensure its accuracy. It would be difficult, if not impossible, to later verify the forensic accuracy of the cloud-based ASR transcript since ASR is constantly changing and evolving. ASR is known to produce inaccurate results and can be subjected to targeted cyberattacks known as perturbations that can change the output of the translations to be incorrect. That conflicts with FRCP 80<sup>1</sup>. In one instance in the past year, that lack of oversight resulted in 55 pages of testimony missing from a proceeding digitally recorded in California and a trial that was lost because the error was not discovered until important decisions were already rendered<sup>2</sup>.

## **INDIANA’S COURT PROCEEDINGS AND COURT REPORTER REGULATIONS**

In Indiana’s current Administrative Rules, trials are recorded by a court clerk or other individual running digital recording equipment, which is thereafter uploaded into the cloud to be downloaded by another individual who is not an officer of the court. This does not satisfy the requirements outlined in Rule 10 or Rule 15. Additionally, the proposed new amendment will conflict with Indiana Rules of Trial Practice, specifically Rule 30(B)(4), Rule (F)(1), Rule (D)(1) through (4), as it will be difficult, if not impossible, for the officer before whom the testimony was taken to certify the accuracy of a transcript prepared by someone else without the requirement of an authenticated chain of custody of the audio recording and all transcribers who participated in transcribing the audio files.

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<sup>1</sup> FRCP 80 – Stenographic Transcript as Evidence. If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who reported it.

<sup>2</sup> Melissa B. Buchman, Esq., Mary Pierce, Daily Journal – California Lawyer, April 13, 2022, <https://www.dailyjournal.com/articles/366920-make-sure-your-court-reporter-is-really-a-court-reporter>

Specifically focusing on Administrative Rule 10, each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that (a) the judicial records of the court are recorded and maintained pursuant to Supreme Court directives, and (b) measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

Stenographic court reporters have multiple forms of backup and authenticity capabilities which preserve the original record of proceedings and maintain custody of them at all times. Conversely, it is relatively easy to change the content of a recording by deleting audio or obscuring meaning with over-recorded sounds or by adding additional words through synthesis. With the advances in biometric duplication of voices digitally recorded, it is relatively easy to change testimony with simple apps, and that potential will only increase.

Focusing on Administrative Rule 15B(1), it states: **A Court reporter** is a person who is specifically designated by a court to perform the official court reporting services, **including preparing a transcript of the record**. The proposed rule amendment conflicts with the requirement that the person who is designated by a court to perform the official court reporting services for the court will also be the person with direct responsibility for preparing a transcript of the record.

In a recent article produced by Government Technology, it states that Marion County installed digital recording equipment that works with Amazon Web Services (AWS) to provide cloud-based archiving, playback, and the creation of automated text from digital recordings. “While these AI-based transcripts are not accurate enough to generate certified court documents, they are essential to finding words and phrases within testimony<sup>3</sup>.” The article states that Marion County, in partnership with a private company, and Amazon Web Services, has implemented a “robust records and transcript management solution.” Amitav Thamba, chief technology officer for Marion Superior Court, says the private company being utilized to produce transcripts “has significant experience in transcript production and overall court record management.” Who ensures that the transcripts accurately match the digital audio files stored in the cloud? Will the transcriptionists be under the auspices and direction of the court or the private company providing the transcriptionists? Has the Indiana Supreme Court reviewed the circumstances of the California Bar Association’s recent data breach that necessitated 1,300 clients, complainants and witnesses being notified of a breach? It has been widely reported that the breach was linked to a Tyler Technologies Odyssey system portal security flaw, and that portal is also used in audio court vendors’ court management recording solutions.

It is also important to point out that the proposed amendment conflicts with the Indiana Court Reporter Handbook, Sixth Edition (2022 Revision), which throughout its 186 pages of text refers to and allows for stenographic court reporters.

Additionally, the proposed amendment conflicts with Ind. R.Crim. P. 24 (D), which requires stenographic reporting in capital cases.

## **LITIGANTS AND THE PUBLIC WILL BE HARMED BY THE PROPOSED AMENDMENT**

### **A. DISCRIMINATION**

Transcripts created from electronic recordings via automatic speech recognition (ASR) and/or artificial intelligence (AI), which is a new and unproven method often utilized by transcription companies providing transcription for courts, are creating an entirely new avenue for

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<sup>3</sup> Government Content Studio, 2022, <https://papers.govtech.com/Modernizing-Transcription-and-Media-Management-in-a-Metropolitan-Court-System-141669.html>

discrimination against people of color<sup>4</sup>, women<sup>5</sup>, individuals with disabilities, or individuals who have unique speech patterns, accents, or dialects, in addition to the many other factors that result in disparity in the quality and accuracy of transcription that jeopardizes litigants' access to justice. The utilization of ASR and AI methods of transcription of court proceedings should be banned by all courts allowing for transcription by someone other than the person who recorded and personally witnessed it until it can be proven to be 100% accurate and safe.

## B. PRIVACY

As digital recordings are used for the preservation of proceedings, it has brought to the fore an incredibly concerning risk regarding the improper and illegal disclosure of private information. Allowing access to Personal Identifying Information (PII) from legal proceedings (such as Social Security numbers, banking information, minors,' and other protected individuals' names, as well as addresses), HIPAA information, trade secrets, patents coming to market, and even our military and sensitive national security documents pose substantial risk of harm. Additionally, individuals' personal biometrics could be used to access bank accounts, personal electronic devices, residences, and/or airport security clearance. This sensitive content is not being redacted nor protected as digital recordings are uploaded to the cloud for public access or sent out for transcription (often outside of the United States) with no oversight nor chain of custody. The mosaic of a person's recorded face, voice, and PII in the wrong hands could wreak havoc on the lives of those participating in court proceedings<sup>6</sup>.

## C. SECURITY

At one point in time, we believed what we saw with our own eyes and heard with our own ears, but digital recordings are subject to hacking, cloning, photoshopping, and deepfakes<sup>7</sup>. Security and privacy risks are accentuated by allowing litigants' private and sensitive information to be handled by gig workers, many residing offshore. Few courts maintain meaningful oversight of those requesting to be "approved" transcribers, which may result in work being outsourced anywhere in the world to individuals who have no legal presence in the United States or demonstrable skill in the proper preparation of the record or accountability for the authenticity or chain of custody of the record. What we call "deepfake certificates" are attached to transcripts to create the illusion of accountability when none exists. Fully digital recordings of proceedings are not always kept in the custody of trained, sworn professionals whose sole purpose is to witness, report, and certify that the transcript they provide is a true and accurate statement of every word that was spoken in the given proceeding.

When there is no formal chain of custody, there are endless possibilities for fraud against unwitting litigants or citizens. As the acceptance of digital transcription grows and the accompanying social engineering becomes more prevalent, it will likely become cheaper and easier to implement cyberattacks without necessary oversight and personal responsibility for

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<sup>4</sup> Joshua L. Martin, Kelly Elizabeth Wright, Bias in Automatic Speech Recognition: The Case of African American Language, *Applied Linguistics*, 2022; amac066, <https://doi.org/10.1093/applin/amac066>;

<https://www.scientificamerican.com/article/how-speech-recognition-software-discriminates-against-minority-voices/#>

<sup>5</sup> Joan Palmiter Bajorek, Harvard Business Review, May 10, 2019, <https://hbr.org/2019/05/voice-recognition-still-has-significant-race-and-gender-biases>

<sup>6</sup> Frank Hersey, December 15, 2022, Prepare for post-biometric security amid AI cyber-attacks: Traficom, <https://www.biometricupdate.com/202212/prepare-for-post-biometric-security-amid-ai-cyber-attacks-trafficom>

<sup>7</sup> Anthony T.S. Ho and Shujun Li, Department of Computing and Surrey Centre for Cyber Security, University of Surrey, Guildford, UK, Handbook of Digital Forensics of Multimedia Data and Devices, 2015, [https://www.researchgate.net/publication/280086464\\_Handbook\\_of\\_Digital\\_Forensics\\_of\\_Multimedia\\_Data\\_and\\_Devices](https://www.researchgate.net/publication/280086464_Handbook_of_Digital_Forensics_of_Multimedia_Data_and_Devices)



authenticity and verification in place (even in password-protected, encrypted clouds). ASR provides predictive answers, not always definitive answers, and not always accurate answers, either<sup>8</sup>. Predictive translation technology will likely erode the public's trust in our justice system. The Lawyers' Committee on Civil Rights Under Law described the AI Bill of Rights as "a landmark set of principles for the fair and ethical use of artificial intelligence, machine learning and other data-driven technologies"<sup>9</sup> and discourages use in "high-risk environments." The use of ASR in judicial settings is a high-risk environment affecting litigants' families, livelihoods, property, resources, civil rights, lives, and freedoms, oftentimes with no existing rules for accountability, accuracy, security, and ethical standards in place.

The U.S. Federal Trade Commission (FTC) hosted a workshop in January of 2020 examining a subcategory of deepfakes known as voice cloning, or techniques that generate near-perfect reproductions of a person's voice. They held a series of panel discussions and lectures which included speakers FTC Commissioner Rohit Chopra, U.S. Department of Justice Attorney Mona Sedky, Microsoft Defending Democracy Tech and Operations Director Ashish Jaiman, and Defense Advanced Research Projects Agency (DARPA) Science and Engineering Tech Advisor Neil Johnson. "All agreed that regulation, methods of detection, and public awareness will be fundamental in a world where AI produces voices indistinguishable from that of real people"<sup>10</sup>.

#### **D. COST ANALYSIS/COST SHIFTING/ACCURACY/DELAYS:**

In late 2018, the Pierce County Superior Court, State of Washington, was asked if cost savings could be achieved by use of electronic recording and creating a small pool of court reporters for specific trials. This question triggered a statewide staffing study by the Court Administrator to determine the staffing and cost breakdown for other courts in Washington. Based on the research, what the study showed is "actual cost savings would be minimal at best, with the court performance suffering greatly from the lack of realtime reporting. There is no court recording equipment which has the performance level of a court reporter." Please see Attachment A.

Courtroom implementation of electronic recording, as opposed to the presence of a staff stenographer, has resulted in cost-shifting to litigants as they must bear the added high costs for outsourced transcription services. This is resulting in justice becoming inaccessible to those without significant means, as well as poor quality transcripts. Conducting a text-based search of court websites to find the words "inaudible" or "indiscernible" will return thousands of hits. Appeals court records reveal that in many instances when a recording is determined to be incomplete, inadequate, or nonexistent, according to incarcerated defendants and their counsel in case filings, the appeals courts will simply send all counsel back to court to "recreate" the record with their notes and the judge's oversight. In addition, transcription services are documented to exponentially add to the wait time to receive appeal transcripts, creating unacceptable delays for incarcerated individuals awaiting judicial resolution. Lastly, there are many documented failures of digital systems in courtrooms throughout the country and globally. Please see Attachment B for a noteworthy list.

<sup>8</sup> Pro-Sen Huang, Kshitiz Kumar, Chaojun Liu, Yifan Gong, Li Deng, Department of Electrical Computer Engineering, University of Illinois at Urbana-Champaign, USA, Microsoft Corporation, Redmond, WA, USA, 2016, <https://www.microsoft.com/en-us/research/wp-content/uploads/2016/02/ConfidenceEstimator.pdf>

<sup>9</sup> October 4, 2022, Lawyers' Committee for Civil Rights: <https://www.lawyerscommittee.org/lawyers-committee-for-civil-rights-under-law-applauds-white-house-ai-bill-of-rights/>

<sup>10</sup> FCC CVVA (Section 13)(b)(1i)(2i)

The NCRA Strong Committee urges you, the highest court in Indiana, to rethink installations such as Marion County, where hardware obtained with taxpayer funds is being installed. When it works as it should, it is claimed it will save the county time and money. When it fails or is subject to cybersecurity breaches, the consequences can and will be catastrophic.

The potential for harm and negation of civil liberty rights that are guaranteed by the Constitution outweigh the cost savings in an exponentially immeasurable way. Civil liberties operate as restraints on how the government can treat its citizens. With no necessary safeguards in place, the Indiana Supreme Court would be reckless in adopting court rules prohibiting stenographic court reporters in its courtrooms. To the contrary, it should be adopting proposed rule amendments prohibiting ASR/AI, and other transcription modalities that abdicate the court's obligation to ensure accurate and authentic transcripts that are duly certified by officers of the court directly under their direction and control.

In closing, reporting proceedings by stenographic professionals who are highly trained guardians of the record, as well as officers of the court, remains the tried and proven gold standard for protection of the record. This method remains the most accurate and reliable form of capturing a verbatim record, and it should never be prohibited.

Thank you for your time and careful consideration of this crucially important matter. We hope this provides useful information for you to consider as you address the elimination of stenographic reporters through your proposed Trial Rule 74 change.

Respectfully,

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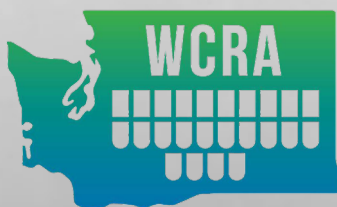




A special word of thanks from WCRA to NCRA STRONG committee for their tireless work on behalf of our profession and for sharing that letter on behalf of stenographers across the country.

We'd like to recognize Elizabeth A. Harvey, CCR, and Sierra Zanghi, CCR, as Washington members serving on that national committee.

**WE ARE STRONGER TOGETHER**





Nominations are now being accepted for several NCRA awards that bring attention to those who are contributing to the profession in important ways. The NCRA Distinguished Service Award, the CASE Award of Excellence, and the Fellows of the Academy of Professional Reporters are all ways to recognize NCRA members who are giving back to the profession. <https://bit.ly/3Qw1MHY>



**"Please step away from that hoagie."**  
-credit unknown

Thinking about the word minimum  
written in cursive



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We're here to answer your questions and help address any issues you may be having. If you email [info@washingtontcourtreporters.org](mailto:info@washingtontcourtreporters.org) we'll make sure the appropriate person responds.