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The Future of Digital Court Reporting

VIRTUAL SUMMIT

ADDRESSING INNOVATION & THE NEW NORMAL



The Future of Digital
Court Reporting

The New Normal: Digital Depositions After COVID-19

Learn from experts how your business can significantly benefit by implementing digital tools and processes in the current climate

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AGENDA

1. The New Normal: Digital Depositions After COVID-19
2. The Future of the Deposition Room
3. What Digital Court Reporting Means For Law Firms and Courts
4. A Status Update: The Legal Industry & Existing Gaps
5. Unveiling Live & Rough Draft Digital Court Reporting



The New Normal - NY

Pre-COVID 19
Rush Hour



After March 22nd with
Stay at Home Order (NY)





“A former California state and federal trial judge told Congress...that COVID-19 has opened the judiciary to new technology, and **he doesn't expect that “we're ever going back** to where we were before.”

Judges in 3 states testify in favor of continued use of remote proceedings post-COVID-19, Amanda Robert, ABA Journal, 6/26/20)

“[We] must be prepared for at least another **18 to 24 months** of significant COVID-19 activity, with **hot spots** popping up periodically in **diverse geographic areas**.”

Covid-19: The CIDRAP ViewPoint, April 30th, 2020

Courts and legal system are forced to adapt quickly, regional Impact (minimal to significant)

Legal system didn't really close: Limited or suspended certain proceedings, facilities and adapted rules

Prepare, plan to “re-open” and mitigate for pandemic with a possible duration of 18-24 months. (*CIDRAP***)

We may face further delays in resuming full operations and re-mitigation/closure

**Center for Infectious Disease Research and Policy (University of Minnesota)



- **2 in 3 people are receptive to remote appearances.**
(NCSN.Org Survey June 8-11 2020)
- **May 18th, 2020: Remote Voir Dire in Collin County Texas (Law.com)**
<https://www.law.com/texaslawyer/2020/05/18/juror-walks-off-to-take-phone-call-as-texas-tests-first-jury-trial-via-zoom/>
- **Motion to Compel Defense Deposition Remotely: If not in person.**
(Superior Court of New Jersey, Thomas v. BJ Wholesale Club, Inc, June 5th 2020)
- **“For the duration of the COVID-19 national emergency, all depositions in this action...”
are to be conducted remotely, unless otherwise ordered.”**
Joffe v. King & Spalding L.L.P., No. 17-CV-3392 (VEC), 2020 WL 3453452 (S.D.N.Y. June 24, 2020).
- **July 6th, 2020: Remote Notary Laws (RON): Missouri is 27th state to enact remote notarization.**
Resource: PerkinsCoie, US Remote Deposition and Oath Status



What's **one word** you'd use to describe the state of the court reporting industry today versus how it appeared in March?



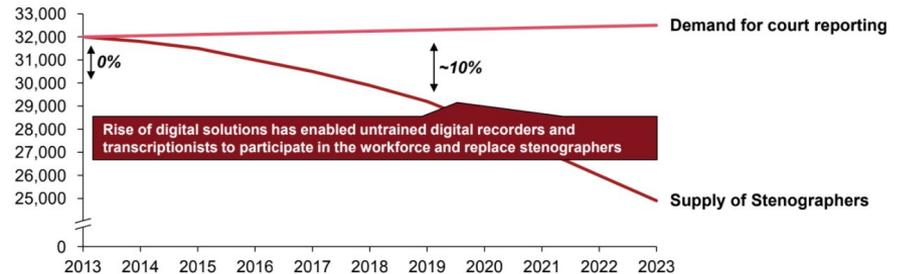
Pre-COVID or Post-COVID: Same Issue

“Annually, an average of 1,120 stenographers will retire, while no more than 200 new reporters will enter the workforce” (STTI)

- Same resource limitations & attrition
- Barriers to new entrance
- Plus backlogs of cases
- Plus move to Remote (Shortage of who is willing and able to do)

Workforce shift overview

Supply and Demand of court reporting workforce¹, 2013-2023, FTEs



Preview to Session 4 today with Strategy&



How does the impact of
COVID-19 now differ from what
we expected in the spring?



The Current Impact of COVID-19

- How are agencies adapting their operations and delivery of depositions?
- National and International
- State-by-State Complexity
- County-by-County Complexity
- Procedure: True Remote Notary, Swear to Perjury, Amend Errata Sheet, Unsworn then Sign Errata

US Remote Deposition and Oath Status

06.25.2020 | ATTORNEY PUBLICATIONS

Remote depositions are becoming more prevalent in the midst of the COVID-19 pandemic. This list tracks the various state and federal authorities that govern remote depositions and the administration of oaths or affirmations when the court reporter or notary is not in the same room as the witness. The list contains a link to each state's law or rule related to remote depositions and a link to any statute, executive or supreme court order authorizing remote oaths. The list is updated periodically and subject to change to reflect each state's attempts to adapt to conditions related to the COVID-19 pandemic.

Alabama
Alaska
Arizona
Arkansas

Maine
Maryland
Massachusetts
Michigan

Pennsylvania
Rhode Island
South Carolina
South Dakota

Resource: [PerkinsCole](#)



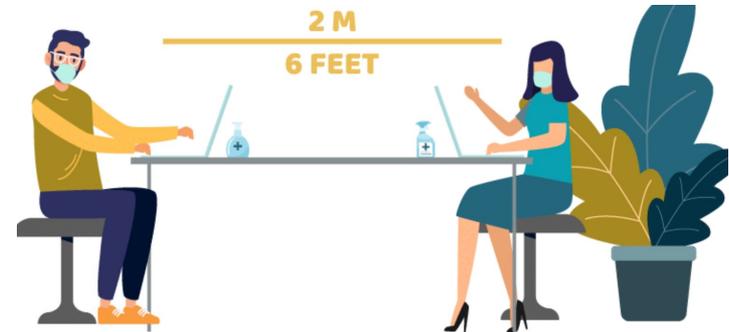
What will the **new normal**
look like for the next 6-12
months?





The 'New Normal' for the Next 6-12 Months

- An in-person industry changed overnight
- New type of reporter
- Still uncertainties
- Different priorities: cost savings, safety vs. reading body language



“Deposition Distancing”
National Law Review



What we're hearing from attorneys and law firms



- 50,000+ Zoom hearings
- Live Streaming nearly 350,000 hours of online proceedings (ABA Journal, June 26th)



- Allegheny County Court - 6 staff members contract virus
- District Judge Office Closed for two weeks and Defense Attorneys concerned (TRIBLIV, July 6th)



“I Don't Blame You, Man': South Florida Lawyer Turns Heads by Wearing Full Hazmat Suit to Federal Court” (Law.com, July 6th, 2020)



What are you hearing from
attorneys on remote
depositions and willingness
to use digital reporting?



Is the industry prepared to
adopt changes **long-term**?



Long-term adoption of AI and speech tools: Digital reporting post-COVID

“The legal community will not be immune to the changes. So, it likewise will be a world where attorneys of all ages, who previously may never have even *heard* of Zoom or Skype, now will question why they must get on airplanes.” - Jim Cudahy, STTI

- Pressure from COVID-19 vs. Pressure of Recession
 - 2008 Great Recession to 2018 Legal Service Prices Inflation did not return to pre-crisis levels
 - Increase in Alternative Fee Arrangement - Cost pressure across legal services
 - Legal Technology Innovation: even if didn't want, were forced to adopt
- Digital Technology: Need to adopt
- Firms will use new technology and force the change: they are the consumer



What are some of the
successes and challenges to
digital adoption and training?



Successes and challenges to adoption

- **Success:** Seeing broader adoption (large agencies and court systems particularly)
- **Success:** New, higher quality tools (software, microphones and recorders) allow for seamless work flows, can work on files anytime from anywhere
- **Success:** Increasing number of training programs for digital reporters (*more room for mentorship and hands-on training though due to fewer established professionals to mentor*)
- **Challenge:** Varying standards of quality and best practices
- **Challenge:** Fear of the unknown and fear of new technology
- **Progress:** Court reporters adopting digital, lots of change and only accelerating

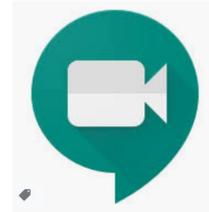


What tools can assist with
digital reporting and transcription
that can accelerate operations
and adoption?



Long-term adoption of AI and speech tools

- Demand & awareness through advocacy
- Training reporters to provide a firm base
- High-quality digital and audio recording equipment: pro microphones, recorders, etc.
- Workflow management designed for digital court reporting
- Real-time rough using ASR/AI to ensure accuracy is key
- Transcription tool such as text expansion





Is **digital court reporting** here to stay, and will it provide healthy innovation and more choices to agency owners?



Analogy for debate:

Court Reporting (Steno) and Digital Reporting

- City and Taxi Commission Fought (Too risky, no regulation, a fad, no background checks, etc.)
- Consumer demand prevailed

Result:

Rideshare Maturing & Regulation caught up with the technology

- Innovation & Competition
- Consumer options (Market open to new participants)
- Servicing different needs together



Any Questions?



Thank you to all attendees!

A special thank you to our panelists for sharing their experiences and expertise.



THANK YOU!



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