

# ***An Analysis of Court Reporting and Digital Recording in the Nevada Courts***

## **Executive Summary**

Court leaders throughout the United States are making transformational decisions about how to continue delivering court services in this era of prolonged financial crisis. Among these decisions are how to capture the verbatim record and produce transcripts in a cost-effective manner, yet maintain the integrity of the court record.

46 of the 50 US states use some form of digital recording<sup>1</sup> (DR) and all but a handful use a combination of court reporters and DR. Various court jurisdictions throughout the US are considering whether to expand DR or even replace court reporters altogether as a cost-saving measure; some courts have already done so. In this report, we study this question of cost savings in Nevada courts by examining efforts in other states, and a side-by-side comparison of court reporting and DR in a sample Nevada jurisdiction.

What this examination reveals is that the budgetary impact does not result from a court reporter being replaced by technology, but by equipment and replacement staffing. Even if salary savings ensue from the salary differential between a court reporter and DR monitor, the overall costs still favor a court reporter, especially if a transcript is required, when the following issues are taken into consideration:

- Management and supervision.
- Transcript administration, production, delivery, billing, and accounts receivable.
- Court technology and network acquisition, maintenance, upgrade and repair.
- Added productivity from the court reporters' electronic work product, such as note storage, transcript storage/delivery, instantaneous, searchable realtime record, Reporter Electronic Data Interchange, and more.

The matter of transcript preparation and delivery are key components to a comparison of capturing the court record. As independent contractors, court reporters produce and deliver transcripts using privately purchased hardware, software, computer networks, supplies, shipping costs and even labor; the hardware and software must be regularly updated. A major shift to DR would require that individual Nevada court jurisdictions purchase recording equipment, hard-wire courtrooms, fund technology improvements (including updates) to support the capture, transmission and storage of massive digital audio files, and become the primary administrator of transcript production and delivery operations.

The experience of other states with expanded use of DR is that this policy shift resulted in the need to address several unintended consequences to widespread DR usage, including:

- Lack of standards in regards to DR staffing to monitor the equipment and annotate the recordings.
- The need for the court to exert quality control over choice and qualifications of transcribers.
- Liability associated with recording of privileged conversations between attorneys and their clients.
- The need to specify what is the "official" court record - the recording or a transcript (and even which transcript when the same DR record is produced by opposing counsel)?
- In low-impact cases where transcripts are not often needed in Nevada courts, DR can be a cost-effective choice. However, the higher the stakes and the higher the need for a transcript, court reporters are more cost-effective.

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*This summary was prepared January 26, 2011 on behalf of the Nevada Court Reporters Association by Chris Crawford, president of JUSTICE SERVED®, a court management and technology consulting firm. Mr. Crawford has more than 37 years of court management experience, including 21 years managing California trial courts. For more information, please visit [www.justiceserved.com](http://www.justiceserved.com). For a full version of the report, visit [nvcra.org](http://nvcra.org).*

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<sup>1</sup> We define digital recording in this report as both analog and digital, and both audio and video.