

## 18 Reasons Live Realtime Reporters Are Better Than Recording Devices

BY JERRY KELLEY

1. During testimony, the spoken word appears in realtime, in English, with the time stamped on each line of text, on a small notebook computer screen placed before you. The judge now has an instant source of notes for review, and counsel have an instant source of notes for cross-examination or for use by co-counsel, the client, house counsel, law clerks, legal assistants, and/or experts.
2. Rather than stopping the proceedings for the court reporter to read back from his stenotype notes, the court or counsel can use the computer to instantly search back for anything that was said — numbers, letters, words, or phrases.
3. Instead of asking the reporter to mark a portion of the testimony, perhaps divulging strategy to others, you press a key to mark the pertinent text yourself without anyone else knowing.
4. As questions, solutions, or strategies occur to you, you note them in a box next to the actual testimony for later use without missing ongoing testimony. You or your assistant make these notes regarding the testimony, for your benefit only, on the computer.
5. By using words or phrases decided upon before testimony is given, you can index the testimony as it proceeds. You or your assistant can then search quickly and effortlessly only for the portions indexed. Example: Upon hearing a response you later want to search for by computer, you may say "Very well" to remind yourself to follow up on that line of inquiry. During or following the testimony, the computer will search and display for you each time "very well" was spoken.
6. Before the witness finishes his testimony, you or your assistant can double-check the computer to ensure that everything necessary has been covered.
7. Following objections, recesses, or questions by court or counsel, rather than stopping the proceedings and waiting for the court reporter to read back, you glance at the computer screen to regain your train of thought.
8. Errors can be detected and corrected as they happen.
9. Your summary and indexing can be done in time to be used in the next court session or deposition.
10. While testimony is proceeding, you can code sections (issue coding) of testimony on your computer (i.e., liability, medical, out-of-pocket, motions, jury instructions, etc.) in order to organize the testimony.
11. By requesting realtime/daily copy reporting in court, when the trial is over, the transcript is ready. Benefit: In a multi-week trial, say a judgment is entered for \$1 million and post-judgment interest is running at \$50,000 per year. Having instant access to the transcript, rather than waiting for recorded proceedings to be typed from the first word spoken, saves your client \$4,166 per month in post-judgment interest; you have been able to use the transcript each day; there is more time to prepare for appeal; and you will have the exact same transcript the court of appeals will be using, so you can quote page and line numbers in your appeal brief from the beginning.
12. Time may be saved because otherwise disputed points sometime become insignificant once seen in transcript form.
13. Witnesses, parties, or attorneys who are deaf, hearing-impaired, or diagnosed with attention deficit disorder can watch all words spoken exactly as stated rather than having to know or rely on sound-alike words, lip-reading, or paraphrasing by a sign-language interpreter.
14. By using wireless networking, telephone modems, or the Internet, you can be sending the testimony down the hall, down the street, across the country, or around the world as it is being spoken.
15. Each day, you have access to all previous days of testimony, preloaded exhibits, and depositions, to which you may append today's testimony.
16. By using an overhead projector connected to the computer, everyone in the courtroom can simultaneously view on an overhead screen testimony taken earlier, whether by deposition or in the courtroom. No more expensive rush orders for posterboard.
17. You may view the realtime proceedings in condensed format with a concordance.
18. At appropriate times during testimony, court reporters ask for the correct spelling of names and make sure speakers only speak one at a time or repeat anything that would otherwise not show up in the record.

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