

## Arizona Court Reporters Association

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Dear Esteemed Members of the Arizona Bar Association:

Important changes are happening in the litigation field pertaining to methods of taking depositions, arbitrations, administrative, and other legal proceedings. These changes will negatively impact the accuracy, confidentiality, timeliness, and expense of many transcripts from depositions, as well as potentially render them inadmissible due to concerns about the authenticity and chain of custody of your digitally recorded transcript. ACRA wants to make sure you are aware that the National Court Reporters Association (NCRA) does not support or condone digital reporters or recorders for record-making purposes, and we want you to be aware of what these changes will mean for your practice.

Some court reporting firms are promoting a move toward providing digital reporters/recorders for depositions as a replacement for professional stenographers. Insurance companies and private investment companies are increasingly influencing the integrity of the legal process, which puts litigant consumer protection at risk. Some reporting firms have provided marketing material to their clients that suggest language changes on deposition notices to allow a digital recorder to handle and preserve your record.

When a digital recorder appears for your deposition, they are purportedly making typographical notes along the way to be referenced by one or more transcriptionists subsequently when a transcript is produced. Their digital files may be, and frequently are, broken up and distributed to individuals in unknown locations globally to produce a final product. The security of these files is unknown as they pass through various internet cloud-based technologies to many different endpoints. Audio files can be intercepted and manipulated; therefore, important client information has a high potential for exposure to voice manipulation, voice cloning, as well as subjecting your clients' personal information to hackers and unknown global transcription entities and individuals.

Further, digital recorders are not producing a transcript in real-time unless they are using a cloud-based artificial intelligence or automatic speech recognition solution. Should they be utilizing this technology, you should be aware that it can be simultaneously feeding outside your room to unknown recipients in real-time. They also generally cannot provide rough draft transcripts. Contrary to what you may have been led to believe, producing transcripts in this manner is not cheaper. In the long run, you may be headed for a costly mistake when you receive an unusable transcript that is rife with errors, mishears, and no means to verify its authenticity or chain of custody.

We sometimes hear it said that stenography is *old school*. In fact, the stenographers that are practicing today, have state-of-the-art equipment. Our stenographic writers are fully computerized, and we work with highly secure, proprietary software that allows immediate, on-the-spot translation that is synchronized with a simultaneous digital audio file. The digital audio file produced by a stenographic court reporter's record is time-stamped and linked simultaneously in real-time with the added security of a stenographic notes file known and identifiable by only the stenographer reporting the proceedings. We're far from *old school*. Additionally, digital recording is not a new technology as is being touted by court reporting firms attempting to introduce a digital audio recording solution. It has been around for many years and has simply gone from analog to digital via computer. While the new microphone technology does allow voices to be picked up better than before and separate speakers, the technology also introduces a high risk of picking up background and unwanted noises that obscure and distort the audio recordings, as well as conversations that may occur between counsel and their client meant to be off the record.

We, as professional stenographers, are the keepers of your record; we hold this responsibility with the highest level of integrity. Many stenographers are nationally or locally certified, are required to abide by state and national laws, and are required to engage in mandatory continuing education training. We know how important an accurate, usable transcript is to all parties, and we always strive to ensure it is distributed when requested. We are bound by confidentiality requirements.

In closing, all Arizona attorneys should review deposition notice language. Don't be caught off guard by a notice allowing a digital audio recorder to appear for your proceedings when you deserve a stenographic reporter. Your client's case is important. Insist on the extensive training, security, integrity, intelligence, and experience a professional stenographic court reporter provides when creating your record.

Respectfully yours,

Angela Furniss Miller, RPR, CR(AZ50127)  
ACRA - President

