

## KNOW THE **RISKS TO YOU, YOUR CLIENT, AND YOUR CASE** WHEN USING DIGITAL RECORDING

Members of the Bar and Professional Court Reporting Colleagues, get the FACTS about digital recording versus a court reporter to report your proceeding.

### Digital Recording – The Risky Choice:

- No statewide standards for machine accuracy or upkeep.
- Disastrous consequences for your case when machines malfunction.<sup>1</sup>
- No state approved training, certificate, license, or background check of machine operators who have access to your client’s financial, HIPAA-protected, and other sensitive exhibits.
- Operators who are fired for incompetence, fraud, or unethical conduct are legally free to continue working for other digital companies.
- Only transcripts of proceedings by licensed court reporters are objection-proof, always admissible in court.<sup>2</sup>

### Court Reporters, A Licensee Like You – The Zero-Risk Choice:

- Never a worry about admissibility of transcripts.
- Licensed by board in the same state department that regulates CPAs, physicians, and other professionals.
- Can provide instantaneous readback, realtime, rough drafts, and expedites.
- Highly skilled to decipher legal, technical, medical terminology, ambiguities, overlapping speakers, heavy accents.
- Can be legally barred from working as a reporter if sanctioned for disclosing client’s sensitive documents or testimony.
- Can provide remote reporting services through tele/videoconference, which is legal and available. (CCP section 2025.310(a))

**DON'T BE IMPRESSED WITH SLICK SALES PITCHES.**

**PROTECT YOUR CLIENT. PROTECT YOUR LITIGATION. PROTECT YOURSELF.**

**CHOOSE A LICENSED COURT REPORTER FOR YOUR RECORD, EVERY TIME.**

**IT IS THE SMART CHOICE.**

<sup>1</sup> There are many, many examples of malfunctions. Here is an excerpt from a 2012 case in New York involving a prisoner: “[t]he petitioner's transcriber documented numerous and lengthy gaps in the hearing tape, which rendered much of the transcript unintelligible. Based upon the foregoing, the Court found that the condition of the transcript was such that it, indeed, precluded meaningful review of the disciplinary determination.”

<sup>2</sup> CCP section 2025.340(m): “ ... If no stenographic record of the deposition testimony has previously been made, the party offering an audio or video recording of that testimony under Section 2025.620 [impeachment] shall accompany that offer **with a stenographic transcript prepared from that recording.** (Emphasis added.)

“Audio or video recordings made by the parties or by the deposition reporter ... are *not* considered recordings of the proceedings. **Only the stenographic transcript qualifies.**” [Weil & Brown, Cal. Prac. Guide Civ. Pro. Before Trial Ch. 8E-14, The Rutter Group, (June 2018), Chapter 8. Discovery, Chapter 8E. Depositions, 14. [8:766], “If the testimony is recorded stenographically, it must be recorded by a certified shorthand reporter.” *Serrano v. Stefan Merli Plastering Co.* (2008) 162 Cal.App.4th 1014, 1033