



# E/SKREUPT

## President's Message

by Amy Brauser

### "Confessions"

It's a word we don't really like. It refers to things we're not proud of. Today I am talking about "steno confessions." We all have them, but are we willing to share them? I am confessing that I do not have a brief for "zero," and that I have been writing it in two strokes for 30 years. Zero AND all of my teens. What? Amy Brauser, you've done what? There, I've said it, and while I am ashamed, the good news is that I've done something about it. What are your steno confessions? Have you been taking any steps to shorten your writing? When we take baby steps to tackle issues with our writing, the outcome is going to be spectacular. I can promise you that. Mark your calendars for April 29th and 30th. We are meeting up in Charlotte for our spring conference, and it's going to be great!

## 2023 Board Members

**President:** Amy Brauser

**Vice President:** Renee Habrack

**Treasurer/  
Secretary:** Joann Bunze

**Immediate Past  
President:** Lisa Wheeler

### Directors

Jenny Carroll Karen Kidwell

Kristy Clark Kathy Van Voorhis

Liz Ellsworth Tracy Daniels

Christine Taylor

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# 2023 Court Reporting & Captioning Week

February 4-11

NCCRA

*celebrates*

Court Reporting & Captioning Week

We recognize our professional members as elite guardians of the record. The skills you've mastered have touched lives in ways not measurable in dollars and cents, as your work was vital to their access to justice.

For our CART and captioning reporters, your work is recognized as equally important. By providing access to Deaf/HoH individuals, you're providing an inclusive experience appreciated by all.

To our students, we encourage you through your journey and want to support you on your path to success! You are our future and we're excited you've chosen this career.



# Breakthrough to Excellence

**NORTH CAROLINA COURT REPORTERS ASSOCIATION**



**Hilton Garden Inn Waverly Charlotte**

**7415 Waverly Walk Avenue, Charlotte, NC**

**April 29-30, 2023**

**Total Credits: 1.10 (pending)**

## Join us for our Spring Conference!

- 
- ♦ Fantastic line-up of speakers/topics!
  - ♦ Awesome Charlotte location!
  - ♦ Join us for a fun-filled weekend!
  - ♦ Court reporters are always better together!
- 

**Don't delay ... Register online now!**

Registration link:

<https://forms.gle/Z2SuSvdijHsdAbK6>

Hotel direct line:

**704-992-9900**

**Group code: REPORT**

Room block available until

**3/30/23**



# Breakthrough to Excellence

## NORTH CAROLINA COURT REPORTERS ASSOCIATION

Hilton Garden Inn Waverly Charlotte

7415 Waverly Walk Avenue, Charlotte, NC

April 29-30, 2023

Total Credits: 1.10 (pending)

Saturday, April 29

8:00 — 8:30 a.m.

**Registration—Second Floor Conference Room (across from elevator)**



**Marybeth Everhart**

Marybeth Everhart, RPR, CRI, has been reporting since 1980 and writing realtime since 1992. She has been a freelance reporter in the Baltimore-Washington area; an official reporter in Brisbane, Australia; provided CART services to such organizations as Self Help for Hard of Hearing and the Neurofibromatosis Foundation; captioned for Gallaudet University; managed a large, multi-office freelance firm; taught court reporting at all levels; and trained on numerous CAT systems over the years. Marybeth is now the National Marketing Manager for Realtime Coach and works closely with reporting schools, firms, and court systems to increase speed and improve accuracy for students and working reporters. She has served as a member of the NCRA Future Group, the NCRA Reporter Education Commission, and 10X10 Committee. She currently serves as a member of the NCRA Technology Evaluation Committee, is a contributing editor to the Journal of Court Reporting and the Eclipse Users Group Newscache.

8:30 — 10:00 a.m.  
(0.15 credits)

### *Honing Your Skills With Realtime Coach*

There are many benefits to continuing to improve your skills—less editing time, increased income potential, more free time, to name just a few. But, who has time to devote to the process of honing your skills, especially with a family, working full-time, and all the obligations that life holds? In this seminar, Marybeth will show you how you can improve your accuracy, increase your speed, and prepare for new certifications in as little as 15 minutes a day!

10:00—10:30 a.m.

**Break**



**Jennifer Bonfilio**

Jennifer began her court reporting career in 1984, working as a freelance reporter for several agencies in New Jersey. In 1994 she was selected as the first CART provider at Princeton University. It was then she was bit by the CART bug! Ms. Bonfilio is a self-taught realtime writer and created her own realtime theory over the last 25 years. Once the Princeton student graduated in 1999, Ms. Bonfilio gave up court reporting for good and moved to Pittsburgh to begin training as a broadcast captioner. This time she was bit by the captioning bug! She obtained the following certifications throughout her career: CSR, RPR, CRR, RMR, CBC and CCP -- all on the first try. Jennifer has an extensive history as a business owner, CART provider, seminar presenter, and Eclipse trainer.

**10:30 — 12:00 p.m.**  
**(0.15 credits)**

### ***Captioning Demonstration***

This seminar is designed to introduce court reporters to the field of CART & Captioning through the presenter's experiences. They will witness a live demonstration of a captioner writing to a recorded event. The captioner will pause to explain how she manages certain situations with milliseconds to make decisions. This will be an interactive session with questions and answers throughout.

**12:00 — 12:45 p.m.**

**Lunch (provided at conference room)**

**12:45 — 1:00 p.m.**

**NCCRA Annual Meeting**

**1:00 — 1:15 p.m.**

**Break**



**Mike Hensley**  
**(presenting remotely)**

Mike Hensley, RDR, is a freelance deposition reporter from Dublin, California. He is a leader of the new generation of court reporters, having completed his entire schooling remotely and online. Despite being young within the profession, Mike has worked hard to achieve goals that are highly valuable in the industry. His greatest achievement is obtaining RDR certification within the first five years of being a court reporter. He has also covered a wide array of proceeding types including complex technical, pharmaceutical, and intellectual property cases while providing realtime transcripts to those clients. Technology provides for some of his greatest thrills, and he has a strong passion for inspiring and teaching others to develop new skills and abilities in many aspects of the court reporting trade. His energy and enthusiasm are infectious and will inspire seminar audiences to seize the day and turn their dream goals into realities.

**1:15 — 2:15 p.m.**  
**(0.10 credits)**

### ***Easy Peasy Lemon Squeezy***

You've heard the adage "When life gives you lemons, make lemonade." In this seminar, discover mental strategies and problem-solving skills that you can apply to your professional and personal activities in order to turn mountains into molehills and be the successful person you know you can be.

**2:15 — 2:30 p.m.**

**Break**



**2:30 — 3:30 p.m.**  
**(0.10 credits)**

### ***Tech Talk***



**Mike Hensley**  
**(presenting remotely)**

You want it, you got it! It's the seminar that every tech-obsessed stenographer will want to attend. Join Mike Hensley for a fast-paced, fun-filled exploration of the best accessories, apps, and hacks for your life as a stenographic professional. Everyone is welcome! Yes, that means captioners, court reporters, students, and anyone else with an uninhibited love for the hottest trends in technology.

**3:30 — 4:00 p.m.**

### **Break**



**Max Curry**

Max Curry, B.C.R., RPR, LCR, CRI, CCR, is a 34-year veteran real-time stenographic reporter, having reported his entire career in the state of Tennessee. Max has served in various positions on the Tennessee Court Reporters Association over the course of 20 years, also assisting with legislative endeavors affecting the court reporting industry in Tennessee. Max completed his NCRA Board service in 2021, having served in 2019-2020 as NCRA President. He is the owner and senior real-time reporter of Elite-Brentwood Reporting Services based out of Nashville, with satellite offices around the state of Tennessee. Max and his spouse enjoy gourmet cooking and traveling nationwide as well as internationally.

**4:00 — 5:15 p.m.**  
**(0.15 credits)**

### ***Surviving an IRS Audit as a Court Reporter***

What if you received that dreaded letter in the mail... "The IRS would like to look at your receipts for "X" expenses for the year 2020." GULP!! This presentation centers on the skills developed and knowledge learned by Max Curry, court reporting firm owner and NCRA leader, upon maneuvering the pitfalls and trials of a full-blown IRS audit of his company and himself personally! Prepare to fortify yourself individually or as a small or medium-sized firm owner with knowledge to help prepare you for the potential of such an event in your professional life so that you can manage the process successfully!

**6:15 — 7:15 p.m.**

### **Dinner (provided at conference room)**

**7:15 — 8:15 p.m.**  
**(0.10 credits)**

### **Escape Room (on hotel premises)**

Join us for a fun-filled hour for an escape room activity. We will divide into teams and compete to see who can "Breakthrough to Excellence"

Sunday, April 30

8:30 — 9:30 a.m.  
(0.10 credits)



**Marybeth Everhart**

9:30 — 9:45 a.m.

9:45 — 10:45 a.m.  
(0.10 credits)



**Jennifer Bonfilio**

10:45 — 11:00 a.m.

11:00 — 12:15 p.m.  
(0.15 credits)



**Max Curry**

### ***Pass Your Next Skills Test!***

Reporters and students know: *passing the test* makes all the difference—financially, professionally, and personally. Come learn the secrets from those who have been there, done that. Come away with practical tips you can use now to pass your next test with flying colors!

### **Break**

### ***Captioning: I always wanted to try that!***

Have you always been curious about captioning? Maybe someday...? This is your chance to get your hands dirty and see what it's like to caption. Bring your writers and laptops and get ready, set, go! Get instruction from a working captioner on how to improve your writing, whether you ever take the leap into the field of captioning or not.

### **Break**

### ***Fear ... Let it Go!***

Fear is the death of hopes and dreams. It is the great demoralizer and the paralysis that prevents positive changes and events from happening in life. The known is comfortable; the known is safe. But the comfort of "known" is motivated by fear! Only when we step out of our comfort zone and challenge ourselves – challenge our own ideas, our skills and abilities, our ambitions and expectations – can we truly discover the remarkable opportunities that await us in life! Find a healthier way to navigate personal and professional life and empower yourself with a new way of making decisions by overcoming your fear: Make decisions based on facts and knowledge, not by reacting out of fear of "what if?" Overcoming your fear opens you up to a life of abundance.

### **Results of Silent Auction**

**Thank you for joining us! See you at our next conference!**



# Breakthrough to Excellence

## NORTH CAROLINA COURT REPORTERS ASSOCIATION

Hilton Garden Inn Waverly Charlotte

7415 Waverly Walk Avenue, Charlotte, NC 28277

April 29-30, 2023

Name: \_\_\_\_\_ NCRA ID # \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**To register and pay electronically, click here:** <https://forms.gle/9yHkp7p9PWVy3BJi7>  
or

Print and fill out this page and mail with payment to:

**Joann Bunze**

**1225 Secotan Place**

**Fuquay-Varina, NC 27526**

**[nccratreasurer@gmail.com](mailto:nccratreasurer@gmail.com)**

PLEASE CIRCLE ATTENDANCE CHOICE \*Add \$30.00 to registration fee if postmarked after April 15, 2023

TWO-DAY EVENT – (includes Saturday lunch and dinner)

	<b>Saturday</b>	<b>Sat/Sun</b>
Member	190.00	210.00
Non-Member	240.00	260.00
Associate: Scopist, teacher, retired/out of state	190.00	210.00
Student	100.00	100.00

### METHOD OF PAYMENT

\_\_\_\_\_ Check enclosed (Payable to NCCRA) \_\_\_\_\_ MasterCard \_\_\_\_\_ Visa

Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_ Security Code \_\_\_\_\_

Cardholder Name \_\_\_\_\_

Authorized Signature \_\_\_\_\_





**Hilton Garden Inn Charlotte Waverly**  
**7415 Waverly Walk Avenue, Charlotte, NC 28277**  
**April 28-30, 2023**

GUEST ROOM RATE (2 Queens or 1 King): \$149 plus taxes

CHECK-IN: 3:00 p.m. | CHECK-OUT: 12:00 p.m.

**\*\*2-night minimum stay required\*\***

**\*\*Room block held until 3/30/23\*\***

**Our special group rate includes the following amenities:**

- Complimentary Guest room Wi-Fi access
- Free parking

**Please reserve your room as soon as possible**

- Call our hotel directly at 704-992-9900 and ask for a room under the group name: NC Court Reporters Association, Group Code REPORT

# North Carolina Court Reporters Association Membership Application Present – May 2024

Name: \_\_\_\_\_  
LAST FIRST

Address: \_\_\_\_\_  
STREET CITY STATE ZIP

Contact Numbers: *(Please place a check mark if you do not want information published in the online directory)*

☐

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

☐

Birthday: *(Month and day)* \_\_\_\_\_

Certifications: *(Circle all that apply)*

☐ RPR ☐ RMR ☐ RDR ☐ CRR ☐ CBC ☐ CCR ☐ Other \_\_\_\_\_

Membership Type:

Regular Membership (\$80)

- ☐ Freelance  
☐ Official  
☐ Federal  
☐ Other \_\_\_\_\_

Associate Membership (\$20)

- ☐ Scopist  
☐ Student (free)  
☐ Teacher  
☐ Retired  
☐ Videographer

☐ Enclosed is my check in the amount of \$ \_\_\_\_\_

☐ Please bill my credit card in the amount of \$ \_\_\_\_\_

Name on card: \_\_\_\_\_

Signature \_\_\_\_\_

CC#: \_\_\_\_\_ Expires: \_\_\_\_\_ CVV #: \_\_\_\_\_

Exact billing address *(only if different than above)*: \_\_\_\_\_

\_\_\_\_\_

**Applications should be returned to the address below or emailed to  
nccratreasurer@gmail.com:**

Joann Bunze, Treasurer  
North Carolina Court Reporters Association  
1225 Secotan Place  
Fuquay Varina, NC 27526

# Job Opportunities

State of North Carolina is looking for officials in Cabarrus and Lincoln Counties. Click link for more information.

[Job Opportunities](#) | [Sorted by Relevance ascending](#) | [Careers with the State of NC \(governmentjobs.com\)](#)

## ***Brief Corner***

My new "zero" and "teen" briefs.

zero      SAO\*ER  
thirteen    THEUFD  
fourteen    TPOURD  
fifteen      TPEUFD  
sixteen      SIBGD  
seventeen   SEFD  
eighteen    AED  
nineteen    TPHEUPBD

^licate family

complicate   KPLIKT  
duplicate     DPLIKT  
explicate     SPLIKT  
implicate     KPWIKT  
replicate     R-KT

### **2020 briefs (Starts with left hand TW)**

2021 TWUPB  
2022 TWAOU  
2023 TWAOE  
2024 TWOUR  
2025 TWAOEUF  
2026 TWEUBGS  
2027 TWEFPB  
2028 TWAET  
2029 TWAOEUPB or TWHAOEUPB

To sign up, go to:  
[Smore.com/506wc](https://smore.com/506wc)

**February 8, 2023**

**[Sign Up Here](#)**

**Meet Graduates from  
the College of Court  
Reporting!**

*Stenographer*



**Court Reporting and Captioning Week  
2023**  
**College of Court Reporting Presents**

**Monday**

Presenter: Joshua  
Foley, CCP, NCSP, at  
8:15 p.m. Central

**Wednesday**

Graduate Panel, 7 p.m. Central:

Mel Forquer  
Erica Wofford  
Kirstie Anderson  
Keisha Jarrett  
Jessica Warner Phipps  
Melissa Fiscus  
Kayla Ruth  
Sindee Baum

**Thursday**

Employer Panel

8:15 p.m. Central:  
Carrie Blincoe,  
Karasch Reporting,  
and  
Heather L. Artz,  
Dauphin County  
Courthouse

All events will be recorded.



**Other CRCW Events  
Recorded & Will  
Be Made Available  
Online**





# STENOGRAPHY: THE ONLY CHOICE

Why should a *Qualified Stenographer* be used in every one of your proceedings?

- ♦ Qualified stenographers are **skilled and impartial** Officers of the Court.
- ♦ Qualified stenographers have **rigorous training** in grammar, medical/legal terminology, ethics, court and deposition procedures.
- ♦ Qualified stenographers are able to capture **verbatim testimony** at speeds up to 280 wpm.
- ♦ Qualified stenographers are able to provide **instantaneous readback** of testimony at proceedings.
- ♦ Qualified Stenographers are able to provide **realtime text streams** to parties on site and worldwide.
- ♦ Qualified stenographers are able to provide **immediate** rough drafts, same-day/next-day certified final transcripts.
- ♦ Qualified stenographers use **state of the-art technology**, along with the **irreplaceable human element to ensure every spoken word is captured and preserved.**
- ♦ By using a qualified stenographer you will have **confidence** that your transcript is **certified and admissible in court.**



Protect Your Record Project@

To locate a Qualified Stenographic Reporter or Qualified Stenographic Reporter-Owned Agency, visit:





# 2023 Court Reporting & Captioning Week

February 4-11

## TOP 10 THINGS YOU CAN DO TO CELEBRATE COURT REPORTING & CAPTIONING WEEK

10. Read and be inspired by what members did during the [2022 CR&CWeek](#).
9. Make use of all the resources NCRA has provided on the [CR&CWeek resources page](#).
8. Share a complimentary copy of [Making the Record: A Guide for Attorneys](#) with all the lawyers you work with during the week.
7. Showcase what you do at a local high school career fair and spread the word about the [NCRA A to Z® Intro to Steno Machine Shorthand program](#).
6. Post the social media messages NCRA has made available to members on the [CR&CWeek resources](#) page, or be inspired to post your own messages about why you love what you do.
4. Share [DiscoverSteno.org](#) with the parents of high schoolers, or transitioning military members, second career seekers, or college graduates disappointed with their chosen majors, so they can learn more about what you do and the endless opportunities this job offers.
3. [Sponsor a student membership](#) and give future court reporters a leg up with all the benefits you receive, and/or [consider mentoring](#) a current NCRA student member.
2. Show your court reporter pride by changing your Facebook profile picture, cover photo, or Twitter icon to the CR&CWeek logo from February 4-11, 2023.
1. Let NCRA and other members know how you are celebrating the week. Send stories and pictures to [pr@ncra.org](mailto:pr@ncra.org).

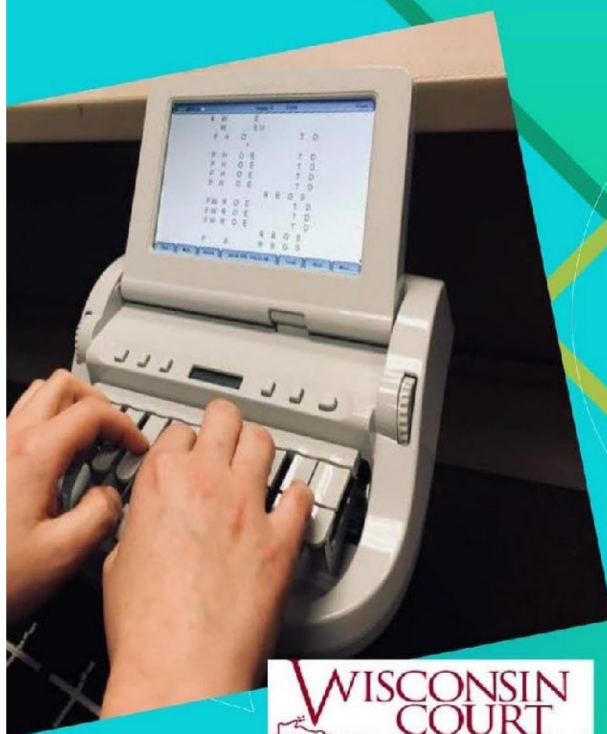
February 9, 2023

[Email Meredith](#)

OFFICIAL • FEDERAL REPORTER • FREELANCE (AGENCY) • FREELANCE (INDEPENDENT) • CART • NEW PROFESSIONAL

# MEET A WISCO STENO

YOU'VE GOT QUESTIONS? WE'VE GOT ANSWERS!  
SIT DOWN, RELAX, AND CHAT WITH  
»» STENOGRAPHIC PROFESSIONALS OF THIS  
WONDERFUL STATE!



THURSDAY,  
FEBRUARY 9<sup>th</sup>  
7-9PM

EMAIL MEREDITH SEYMOUR TO RSVP  
AND TO RECEIVE ZOOM  
INFORMATION!

[Meredithwcra@gmail.com](mailto:Meredithwcra@gmail.com)







**2023**

**NCRA**

LEADERSHIP & LEGISLATIVE  
**BOOT CAMP**



**Feb. 26-28, 2023**

**2023 NCRA Leadership & Legislative Boot Camp**

Embassy Suites by Hilton  
Alexandria Old Town, VA



**NCRA**

**NOMINATIONS OPEN**  
**FELLOW OF THE ACADEMY**  
**OF PROFESSIONAL REPORTERS**

Recognize a court reporter or captioner  
who has made **significant contributions**  
to the profession.

**NOMINATIONS ACCEPTED**  
**JANUARY 1 - MARCH 1, 2023.**

**RECOMMEND A MEMBER FOR THE**  
**NCRA DISTINGUISHED SERVICE AWARD**

The purpose of the NCRA Distinguished Service Award is to encourage and to recognize work amounting to distinguished service by individual members of NCRA for the benefit of the reporting and captioning professions.



**DEADLINE**  
**MARCH 1, 2023**



Thinking about the word minimum  
written in cursive



**"Please step away from that hoagie."**  
-credit unknown



National Court Reporters Association  
12030 Sunrise Valley Drive, Suite 400  
Reston, VA 20191-3484  
Tel: 703-556-6272 • Fax: 703-391-0629  
800-272-NCRA (6272) • NCRA.org

January 28, 2023

Indiana Supreme Court  
315 Indiana State House  
200 W. Washington Street  
Indianapolis, IN 46204

In Re: Proposed Amendment to Rule 74(B)

Dear Justices of the Indiana Supreme Court:

We are writing on behalf of the National Court Reporters Association Strong Committee to offer comments in opposition to the Proposed Amendment to Rule 74(B). The Committee serves as the Association's subject matter experts in all methods of preserving the record of legal proceedings. The National Court Reporters Association (NCRA) is recognized as the preeminent authority on capturing, storing, and preserving the spoken word, then producing a timely, skillful, accurate, and stenographically watermarked, verbatim transcript therefrom. Our organization's purpose is to apply over a hundred years of institutional knowledge and the experience of rigorously trained and tested stenographic reporters, working in cooperation with the bench and bar towards ensuring personal accountability for producing our nation's court records. Stenographic court reporters are impartial officers of the court present during the proceedings who must comply with state laws and federal and state court rules regulating their practice.

NCRA Strong Committee stands for the proposition that in all matters before the courts of the United States, the protection of equal access to justice through an accurate record for all Americans, regardless of race, religion, age, disability, gender, sexual orientation, national origin, ethnicity, or levels of income, as well as the safeguarding of litigants' personally identifying information and preservation of civil liberties is of paramount importance.

We believe the proposed amendment has not been well researched, does not have adequate safety measures in place to replace the existing language, and does not in any way address the release of biometric voice and facial data to unknown individuals who are not practicing under the auspices of the court or any other regulatory agency in Indiana. We would strongly recommend that you review the article entitled, "Jump in Facial and Voice Recognition Raises Privacy, Cybersecurity, Civil Liberty Concerns," authored by the JacksonLewis law firm in Berkley Heights, New Jersey, which states, "Organizations that collect, use, and store biometric data increasingly face compliance obligations as the law attempts to keep pace with technology, cybersecurity crimes, and public awareness of data privacy and security. It is critical that they maintain a robust privacy and data protection program to ensure compliance and minimize business and litigation risks."



The article also states, “While the ease and efficacy of voice recognition technology is clear, the privacy and security obligations associated with this technology, as with facial recognition, cannot be overlooked.”

We believe that your proposed amendment would hold courts to a lower standard of privacy and security that could well jeopardize citizens’ private information. We implore you to ask yourselves: Have we fully tested, vetted, and investigated the harm that could result by this implementation of electronic recordings utilizing AI/ASR? When you click the End User License Agreement of these technologies, you will likely find that the court and litigants’ rights are not protected, and responsibility for violations will fall back to the courts.

Although the members of the bench may not be aware, often gig workers, who are not obligated to follow Indiana Court Rules, are utilized to transcribe recorded court proceedings. Indeed, they are not under the auspices of any regulatory agency, including the court.

This amendment will eliminate professional, stable, well-paid jobs, held mainly by women, and instead replace them with low-wage, low-skilled gig workers.

Additionally, a growing number of transcription companies currently engaged in producing transcripts for courts utilize artificial intelligence (AI) and automatic speech recognition (ASR). There are currently no chain of custody requirements in place in Indiana courts for recordings being made in its courtrooms, and there is no way of verifying or certifying that the transcript reflects that what was originally recorded by the person operating the equipment in the courtroom, since the transcribers producing and certifying the transcripts were not present at the proceedings and the original recording operator does not review the final transcript to ensure its accuracy. It would be difficult, if not impossible, to later verify the forensic accuracy of the cloud-based ASR transcript since ASR is constantly changing and evolving. ASR is known to produce inaccurate results and can be subjected to targeted cyberattacks known as perturbations that can change the output of the translations to be incorrect. That conflicts with FRCP 80<sup>1</sup>. In one instance in the past year, that lack of oversight resulted in 55 pages of testimony missing from a proceeding digitally recorded in California and a trial that was lost because the error was not discovered until important decisions were already rendered<sup>2</sup>.

## **INDIANA’S COURT PROCEEDINGS AND COURT REPORTER REGULATIONS**

In Indiana’s current Administrative Rules, trials are recorded by a court clerk or other individual running digital recording equipment, which is thereafter uploaded into the cloud to be downloaded by another individual who is not an officer of the court. This does not satisfy the requirements outlined in Rule 10 or Rule 15. Additionally, the proposed new amendment will conflict with Indiana Rules of Trial Practice, specifically Rule 30(B)(4), Rule (F)(1), Rule (D)(1) through (4), as it will be difficult, if not impossible, for the officer before whom the testimony was taken to certify the accuracy of a transcript prepared by someone else without the requirement of an authenticated chain of custody of the audio recording and all transcribers who participated in transcribing the audio files.

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<sup>1</sup> FRCP 80 – Stenographic Transcript as Evidence. If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who reported it.

<sup>2</sup> Melissa B. Buchman, Esq., Mary Pierce, Daily Journal – California Lawyer, April 13, 2022, <https://www.dailyjournal.com/articles/366920-make-sure-your-court-reporter-is-really-a-court-reporter>



Specifically focusing on Administrative Rule 10, each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that (a) the judicial records of the court are recorded and maintained pursuant to Supreme Court directives, and (b) measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

Stenographic court reporters have multiple forms of backup and authenticity capabilities which preserve the original record of proceedings and maintain custody of them at all times. Conversely, it is relatively easy to change the content of a recording by deleting audio or obscuring meaning with over-recorded sounds or by adding additional words through synthesis. With the advances in biometric duplication of voices digitally recorded, it is relatively easy to change testimony with simple apps, and that potential will only increase.

Focusing on Administrative Rule 15B(1), it states: **A Court reporter** is a person who is specifically designated by a court to perform the official court reporting services, **including preparing a transcript of the record**. The proposed rule amendment conflicts with the requirement that the person who is designated by a court to perform the official court reporting services for the court will also be the person with direct responsibility for preparing a transcript of the record.

In a recent article produced by Government Technology, it states that Marion County installed digital recording equipment that works with Amazon Web Services (AWS) to provide cloud-based archiving, playback, and the creation of automated text from digital recordings. "While these AI-based transcripts are not accurate enough to generate certified court documents, they are essential to finding words and phrases within testimony<sup>3</sup>." The article states that Marion County, in partnership with a private company, and Amazon Web Services, has implemented a "robust records and transcript management solution." Amitav Thamba, chief technology officer for Marion Superior Court, says the private company being utilized to produce transcripts "has significant experience in transcript production and overall court record management." Who ensures that the transcripts accurately match the digital audio files stored in the cloud? Will the transcriptionists be under the auspices and direction of the court or the private company providing the transcriptionists? Has the Indiana Supreme Court reviewed the circumstances of the California Bar Association's recent data breach that necessitated 1,300 clients, complainants and witnesses being notified of a breach? It has been widely reported that the breach was linked to a Tyler Technologies Odyssey system portal security flaw, and that portal is also used in audio court vendors' court management recording solutions.

It is also important to point out that the proposed amendment conflicts with the Indiana Court Reporter Handbook, Sixth Edition (2022 Revision), which throughout its 186 pages of text refers to and allows for stenographic court reporters.

Additionally, the proposed amendment conflicts with Ind. R.Crim. P. 24 (D), which requires stenographic reporting in capital cases.

## **LITIGANTS AND THE PUBLIC WILL BE HARMED BY THE PROPOSED AMENDMENT**

### **A. DISCRIMINATION**

Transcripts created from electronic recordings via automatic speech recognition (ASR) and/or artificial intelligence (AI), which is a new and unproven method often utilized by transcription companies providing transcription for courts, are creating an entirely new avenue for

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<sup>3</sup> Government Content Studio, 2022, <https://papers.govtech.com/Modernizing-Transcription-and-Media-Management-in-a-Metropolitan-Court-System-141669.html>

discrimination against people of color<sup>4</sup>, women<sup>5</sup>, individuals with disabilities, or individuals who have unique speech patterns, accents, or dialects, in addition to the many other factors that result in disparity in the quality and accuracy of transcription that jeopardizes litigants' access to justice. The utilization of ASR and AI methods of transcription of court proceedings should be banned by all courts allowing for transcription by someone other than the person who recorded and personally witnessed it until it can be proven to be 100% accurate and safe.

## **B. PRIVACY**

As digital recordings are used for the preservation of proceedings, it has brought to the fore an incredibly concerning risk regarding the improper and illegal disclosure of private information. Allowing access to Personal Identifying Information (PII) from legal proceedings (such as Social Security numbers, banking information, minors,' and other protected individuals' names, as well as addresses), HIPAA information, trade secrets, patents coming to market, and even our military and sensitive national security documents pose substantial risk of harm. Additionally, individuals' personal biometrics could be used to access bank accounts, personal electronic devices, residences, and/or airport security clearance. This sensitive content is not being redacted nor protected as digital recordings are uploaded to the cloud for public access or sent out for transcription (often outside of the United States) with no oversight nor chain of custody. The mosaic of a person's recorded face, voice, and PII in the wrong hands could wreak havoc on the lives of those participating in court proceedings<sup>6</sup>.

## **C. SECURITY**

At one point in time, we believed what we saw with our own eyes and heard with our own ears, but digital recordings are subject to hacking, cloning, photoshopping, and deepfakes<sup>7</sup>. Security and privacy risks are accentuated by allowing litigants' private and sensitive information to be handled by gig workers, many residing offshore. Few courts maintain meaningful oversight of those requesting to be "approved" transcribers, which may result in work being outsourced anywhere in the world to individuals who have no legal presence in the United States or demonstrable skill in the proper preparation of the record or accountability for the authenticity or chain of custody of the record. What we call "deepfake certificates" are attached to transcripts to create the illusion of accountability when none exists. Fully digital recordings of proceedings are not always kept in the custody of trained, sworn professionals whose sole purpose is to witness, report, and certify that the transcript they provide is a true and accurate statement of every word that was spoken in the given proceeding.

When there is no formal chain of custody, there are endless possibilities for fraud against unwitting litigants or citizens. As the acceptance of digital transcription grows and the accompanying social engineering becomes more prevalent, it will likely become cheaper and easier to implement cyberattacks without necessary oversight and personal responsibility for

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<sup>4</sup> Joshua L. Martin, Kelly Elizabeth Wright, Bias in Automatic Speech Recognition: The Case of African American Language, *Applied Linguistics*, 2022; amac066, <https://doi.org/10.1093/applin/amac066>; <https://www.scientificamerican.com/article/how-speech-recognition-software-discriminates-against-minority-voices/#>

<sup>5</sup> Joan Palmiter Bajorek, Harvard Business Review, May 10, 2019, <https://hbr.org/2019/05/voice-recognition-still-has-significant-race-and-gender-biases>

<sup>6</sup> Frank Hersey, December 15, 2022, Prepare for post-biometric security amid AI cyber-attacks: Traficom, <https://www.biometricupdate.com/202212/prepare-for-post-biometric-security-amid-ai-cyber-attacks-trafficom>

<sup>7</sup> Anthony T.S. Ho and Shujun Li, Department of Computing and Surrey Centre for Cyber Security, University of Surrey, Guildford, UK, Handbook of Digital Forensics of Multimedia Data and Devices, 2015, [https://www.researchgate.net/publication/280086464\\_Handbook\\_of\\_Digital\\_Forensics\\_of\\_Multimedia\\_Data\\_and\\_Devices](https://www.researchgate.net/publication/280086464_Handbook_of_Digital_Forensics_of_Multimedia_Data_and_Devices)



authenticity and verification in place (even in password-protected, encrypted clouds). ASR provides predictive answers, not always definitive answers, and not always accurate answers, either<sup>8</sup>. Predictive translation technology will likely erode the public's trust in our justice system. The Lawyers' Committee on Civil Rights Under Law described the AI Bill of Rights as "a landmark set of principles for the fair and ethical use of artificial intelligence, machine learning and other data-driven technologies<sup>9</sup>" and discourages use in "high-risk environments." The use of ASR in judicial settings is a high-risk environment affecting litigants' families, livelihoods, property, resources, civil rights, lives, and freedoms, oftentimes with no existing rules for accountability, accuracy, security, and ethical standards in place.

The U.S. Federal Trade Commission (FTC) hosted a workshop in January of 2020 examining a subcategory of deepfakes known as voice cloning, or techniques that generate near-perfect reproductions of a person's voice. They held a series of panel discussions and lectures which included speakers FTC Commissioner Rohit Chopra, U.S. Department of Justice Attorney Mona Sedky, Microsoft Defending Democracy Tech and Operations Director Ashish Jaiman, and Defense Advanced Research Projects Agency (DARPA) Science and Engineering Tech Advisor Neil Johnson. "All agreed that regulation, methods of detection, and public awareness will be fundamental in a world where AI produces voices indistinguishable from that of real people<sup>10</sup>."

#### **D. COST ANALYSIS/COST SHIFTING/ACCURACY/DELAYS:**

In late 2018, the Pierce County Superior Court, State of Washington, was asked if cost savings could be achieved by use of electronic recording and creating a small pool of court reporters for specific trials. This question triggered a statewide staffing study by the Court Administrator to determine the staffing and cost breakdown for other courts in Washington. Based on the research, what the study showed is "actual cost savings would be minimal at best, with the court performance suffering greatly from the lack of realtime reporting. There is no court recording equipment which has the performance level of a court reporter." Please see Attachment A.

Courtroom implementation of electronic recording, as opposed to the presence of a staff stenographer, has resulted in cost-shifting to litigants as they must bear the added high costs for outsourced transcription services. This is resulting in justice becoming inaccessible to those without significant means, as well as poor quality transcripts. Conducting a text-based search of court websites to find the words "inaudible" or "indiscernible" will return thousands of hits. Appeals court records reveal that in many instances when a recording is determined to be incomplete, inadequate, or nonexistent, according to incarcerated defendants and their counsel in case filings, the appeals courts will simply send all counsel back to court to "recreate" the record with their notes and the judge's oversight. In addition, transcription services are documented to exponentially add to the wait time to receive appeal transcripts, creating unacceptable delays for incarcerated individuals awaiting judicial resolution. Lastly, there are many documented failures of digital systems in courtrooms throughout the country and globally. Please see Attachment B for a noteworthy list.

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<sup>8</sup> Pro-Sen Huang, Kshitiz Kumar, Chaojun Liu, Yifan Gong, Li Deng, Department of Electrical Computer Engineering, University of Illinois at Urbana-Champaign, USA, Microsoft Corporation, Redmond, WA, USA, 2016, <https://www.microsoft.com/en-us/research/wp-content/uploads/2016/02/ConfidenceEstimator.pdf>

<sup>9</sup> October 4, 2022, Lawyers' Committee for Civil Rights: <https://www.lawyerscommittee.org/lawyers-committee-for-civil-rights-under-law-applauds-white-house-ai-bill-of-rights/>

<sup>10</sup> FCC CVVA (Section 13)(b)(1i)(2i)

The NCRA Strong Committee urges you, the highest court in Indiana, to rethink installations such as Marion County, where hardware obtained with taxpayer funds is being installed. When it works as it should, it is claimed it will save the county time and money. When it fails or is subject to cybersecurity breaches, the consequences can and will be catastrophic.

The potential for harm and negation of civil liberty rights that are guaranteed by the Constitution outweigh the cost savings in an exponentially immeasurable way. Civil liberties operate as restraints on how the government can treat its citizens. With no necessary safeguards in place, the Indiana Supreme Court would be reckless in adopting court rules prohibiting stenographic court reporters in its courtrooms. To the contrary, it should be adopting proposed rule amendments prohibiting ASR/AI, and other transcription modalities that abdicate the court's obligation to ensure accurate and authentic transcripts that are duly certified by officers of the court directly under their direction and control.

In closing, reporting proceedings by stenographic professionals who are highly trained guardians of the record, as well as officers of the court, remains the tried and proven gold standard for protection of the record. This method remains the most accurate and reliable form of capturing a verbatim record, and it should never be prohibited.

Thank you for your time and careful consideration of this crucially important matter. We hope this provides useful information for you to consider as you address the elimination of stenographic reporters through your proposed Trial Rule 74 change.

Respectfully,

Sue A. Terry, FAPR, RPR, CRR, CRC  
NCRA Strong Committee Co-Chair  
Fellow of the Academy of Professional Reporters  
Past President, National Court Reporters Association  
Past President, Ohio Court Reporters Association  
Past President, StenoCat Users Network  
Member: International Association of Privacy Professionals  
(937) 604-5173  
Email: [sueterryemail@aol.com](mailto:sueterryemail@aol.com)

Lisa Migliore Black, CCR-KY  
NCRA Strong Committee Co-Chair  
NCRA Brand Ambassador  
KYCRA Immediate Past President  
Court Reporting Reliance Founding Member  
Realtime Systems Administrator  
(513) 259-0419  
Email: [info@miglioreassociates.com](mailto:info@miglioreassociates.com)

Debbie Dibble, CSR, RDR, CCR, CRC  
NCRA Strong Committee Advisor  
Immediate Past President, National Court Reporters Association  
Past President, Utah Court Reporters Association

Elizabeth A. Harvey, CCR  
NCRA Strong Committee Member  
Fellow of the Academy of Professional Reporters  
Court Reporting Reliance Founding Member  
Past Chair of the NCRA Congress of State Associations  
Past Member of the NCRA Committee on Professional Ethics  
Past Washington Court Reporters Association President  
Washington Court Reporters Association Legislative Co-Chair

Stacey Raikes, Federal Official Court Reporter, RMR, CRR  
NCRA Strong Committee Member  
NCRA Diversity, Equity and Inclusion Task Force member

Andrea Kreutz, Certified Legal Video Specialist  
NCRA Strong Committee Member  
NCRA CLVS Co-Chair  
NCRA Technology Committee Member  
NCRF Trustee

Mary E. Pierce, California CSR  
NCRA Strong Committee Member  
Immediate Past President, Deposition Reporters Association of California  
Co-Chair Legislative Committee, Deposition Reporters Association of California

Lin Riffle, RDR, CRR, CRC, IL CSR  
NCRA Strong Committee Member  
Realtime Systems Administrator  
District C Director, Ohio Court Reporters Association

Jo Holmgren, CSR (TX)  
NCRA Strong Committee Member  
Vice President, Dallas Court Reporters Association

Lillian Freiler, RMR, CMRS, FAPR  
NCRA Strong Committee Member  
NCRA Contests Committee Member

Susan L. Alford, RPR  
NCRA Strong Committee Member  
Secretary, Mississippi Court Reporters Association

Kimberly Falgiani, RDR, CRC, CRR, CSR (HI)  
NCRA Strong Committee Member  
NCRA Captioning Committee Member  
Secretary, Ohio Court Reporters Association

Sierra Zanghi, Washington CCR  
NCRA Strong Committee Member  
Washington Court Reporters Association Student Outreach Chair



Stefanie Allison, RPR, CSR (IA)  
NCRA Strong Committee Member  
Registered Professional Stenographic Court Reporter

Mindy Sindiong  
NCRA Strong Committee Member  
Certified Legal Video Specialist

Elizabeth Tremmel  
NCRA Strong Committee Member

**(end of NCRA STRONG letter)**

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