

## AI vs. human court reporters in the future of legal transcription

By Stephanie Leslie

During the last few years, a misconception has emerged in the court reporting industry, which champions electronic recording as the way of the future. However, this tech-driven solution is riddled with potential risks that many seem to overlook. Some of the shortfalls of AI technology that are rarely being acknowledged include racial, gender, and age bias. As the NCRA (National Court Reporters Association) shared, “Issues of fairness have arisen because systems do not perform equally well for all population subgroups. This is where bias research shows the true risk of harm resulting from the fallibility of AI and ASR.” Also, according to the Stanford University study, “Error rates for Black speakers are nearly double those for white speakers. Training data has led machines to learn more about white men’s speech patterns and less about those of women and people of color.” Technology needs to be reliable to capture the voices of all speakers before it is entrusted to create life-altering legal records.

Tampering with audio and video recordings is another risk, and detecting altered content is extremely difficult (think “deepfakes”). As shared by the NCRA, “Unauthentic and forged multimedia can influence the decisions of courts. The ease of altering digitally recorded audio files poses a major problem for the legal justice system. A person with no training and minimal experience can manipulate the audio recording in an effort to change testimony nearly seamlessly. The public, courts, lawyers, litigants, and justice pro-



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tection organizations must examine the trustworthiness of an audio or video-only record more thoroughly than ever.” To allow an electronic transcript to be used puts testimony at significant risk of being captured as incomplete and inaccurate.

Another issue that should be illuminated is that transcripts prepared by anyone other than the person who originally reported the proceedings have potential chain-of-custody issues. Stenographic court reporters can provide that certified proof while AI or digital recordings alone cannot. When it comes to privacy and security, it’s important to remember that many transcription services are outsourced overseas to countries that do not prioritize

the protection of sensitive or private data, as HIPAA does, putting litigants’ personal information at great risk.

In addition to the risks noted above, the complete lack of accountability that comes with AI support is quite possibly the most concerning. Licensed stenographers are required to attach a certification page at the end of each transcript attesting to its accuracy and completeness. If the transcript were to ever be questioned, the reporter could be called to testify about its authenticity. AI transcripts do not have certification pages, nor can AI be called to testify in court.

“We live in a world that regularly seeks automation to reduce costs

and increase efficiency. In data the NCRA shared, “The average person can transcribe an hour of audio in four hours. Seven hours of audio could take more than 28 hours to transcribe. By comparison, stenographic court reporters are relied on to produce ‘daily’ transcripts, meaning the full day of testimony would be delivered to end users shortly after the conclusion of the proceedings. High-quality rough drafts and real-time services are available for immediate review of testimony during the pendency of the proceedings.” So yes, a digital recorder may seem less expensive. However, by the time you hire a person to record it, someone else to transcribe it (which can take up to four times as long to do) to get to the final needed transcript, in a best-case scenario, the cost will be mere pennies in savings.”

The court reporting industry has seen its fair share of challenges, which are compounding now due to complications from AI. However,

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a record number of court reporters are completing their training in California, creating more available licensed court reporters every day. This increase will help close the gap on the large need for court reporters.

According to recent data compiled by the DRA (Deposition Reporters Association of California), students are passing the court reporting exam in record numbers. For example:

- In July 2021, 12 students passed the dictation portion of the exam
- In July 2022, 18 students passed the dictation portion of the exam
- In July 2024, 58 students passed the dictation portion of the exam - a 383% increase in 3 years!

Additionally, enrollment at most court reporting schools has doubled, and many programs now have wait lists. The need is irrefutable, but we need more support from stakeholders to create additional programs in community colleges to meet the rising demand. Some of the latest college stats show Tri-Community Adult School's court reporting enrollment numbers are as follows:

- Spring, May 31–Sept. 22, 2022: 80 students

- Spring June 12–Aug. 24, 2023: 101 students

- Spring 2024: 190 students

Humphreys University reports an 83% increase in enrollment from the Spring and Fall semesters of 2023 and currently has a waiting list of students who want to become court reporters.

West Valley College reports that their enrollment has grown 155% in just one year. An instructor there said, "So many new students have enrolled so quickly that we're only limited by our instructor capacity at this point. We need more teachers."

South Coast College reports that its enrollment has increased 169% over the last year.

Through my role as President of the DRA and my career as a court reporter and firm owner, I have seen firsthand the challenges that our industry has faced. However, I believe there is great opportunity currently to help pave the way for the future of court reporting. Instead of sitting idly, my colleagues and I are participating in grassroots efforts to help turn the tide. From

personally attending career fairs to promoting the NCRA's free six-week program to lobbying in Sacramento and before Congress for bills to expand and support the court reporting industry, I am doing what I can to help pave the way for the next generation of court reporters.

The way of the future for authentic and accurate court transcripts still resides in the human element. By replenishing the industry with top-tier court reporters, we can ensure that the proper resources are available when litigants need them.

The top 5 reasons to choose a licensed court reporter include:

- 1. Accuracy**—You've only got one chance to accurately capture the legal record. A licensed court reporter provides a verbatim record and is trained and empowered to speak up when necessary to protect the record.

- 2. Qualification**—Licensed court reporters must pass a three-part licensing exam and complete hundreds of hours of training in English, legal and medical terminology, and transcription preparation, plus a minimum of 60 internship hours.

- 3. Certification**—Not all transcripts are created equal: Only certified transcripts created by a licensed court reporter are guaranteed to be accepted in court.

- 4. Documentation**—For appeals, the accuracy of transcripts taken during the original proceedings is critical and may impact a litigant's ability to appeal their case.

- 5. Regulation**—If a problem or disagreement arises with a licensed court reporter, a complaint can be filed with the licensing board to investigate and ensure the law is followed.

Education is empowering, and by showcasing the shortfalls of AI as compared to the benefits of licensed court reporters, it is clear to see that AI is not ready to replace human reporters. The potential risks significantly outweigh the few positive aspects of AI and reinforce that the human element is essential when it comes to court transcriptions. The industry is currently evolving, and the way of the future will continue to be led by licensed court reporters who remain committed to providing high-caliber transcripts their clients can continue to depend on.