



The Essential Guide to Digital Reporting





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What is Digital Reporting and How Does it Work?

The American Association of Electronic Reporters and Transcribers (AAERT) describes digital reporting as the ***“use of professional-level audio recording systems to register court proceedings.”***

A Digital Reporter is a qualified and carefully trained individual who uses state-of-the-art recording equipment to capture an accurate, verbatim record during legal proceedings.

The use of digital reporting began with the 1999 decision of the Judicial Conference (the policy-making body of the U.S. Court System) to allow the use of audio recording technology to preserve and capture testimony in court proceedings. Since then, courthouses and law firms across the United States have been successfully using digital reporting for years as a means of recording hearings and trials, including the Supreme Court of the United States. In the wake of the COVID-19 pandemic, where remote proceedings are prevalent, the use of recording technologies and software to capture and preserve testimony has become common practice.





Digital Reporters: A Careful (And High-Tech) Preservation of The Record

The highest calling of anyone who records a legal proceeding is the accurate preservation of the record. Proceedings captured by U.S. Legal Support's Digital Reporters can produce a rough draft or certified final transcript - or both.

Our Digital Reporters are qualified, carefully trained professionals who are certified by the American Association of Electronic Reporters and Transcribers (AAERT).



They are state-commissioned notaries who can administer the oath to the witness.



They use state-of-the-art recording equipment, cutting-edge technology, and industry best practices to capture proceedings, adhering to all federal, state, and local court rules and procedures.



U.S. Legal Support Digital Reporters participate in mandated continuing education through U.S. Legal Support and are recertified by the AAERT every three years.





During the Deposition

Digital Reporters are state-commissioned notaries and administer the oath to the witness prior to taking testimony and capturing the record. They also work to identify speakers, objections, record timestamps, designate examination, colloquy and mark and manage introduced exhibits during the deposition.

The Digital Reporter uses highly sensitive microphones, a laptop and recording software to capture the record. Throughout the proceeding, the Digital Reporter conducts continual confidence monitoring to ensure audio is transmitting clearly for all parties and capturing all voices.

Prior to the proceedings, extensive testing is conducted by the Digital Reporter, including verification of connectivity, stability of power sources, sound input/output quality checks and redundancy measures put in place, such as supplementary microphones. In addition to capturing audio on the recording equipment itself, all audio files are uploaded to the U.S. Legal Support secure cloud for storage in accordance with U.S. National Institute of Standards and Technology (NIST) standards.

Post Deposition

After the deposition, the original audio recording of the proceeding, along with any introduced exhibits, are securely transmitted to U.S. Legal Support for processing and storage. Most importantly, all files and documents are securely stored by the company in accordance with **SOC 2 Type 2, HIPAA and PII data security requirements.**



The U.S. Legal Support Difference



We are one of the largest nationwide providers of digital reporting services, meaning you get the coverage you need, when you need it.



Rough drafts and certified court-ready final transcripts available.



Unrivaled security, including independently-verified HIPAA and SOC 2 Type 2 compliance.

U.S. Legal Support leads our space with best-in-class security that exceeds industry norms.



Preservation of audio to multiple sources, including cloud uploads and redundant equipment measures.



Audio is retained and archived in accordance with industry standards and subject to rigorous data security protections.



Many U.S. Legal Support Digital Reporters have **legal backgrounds** ranging from legal assistants to paralegals.



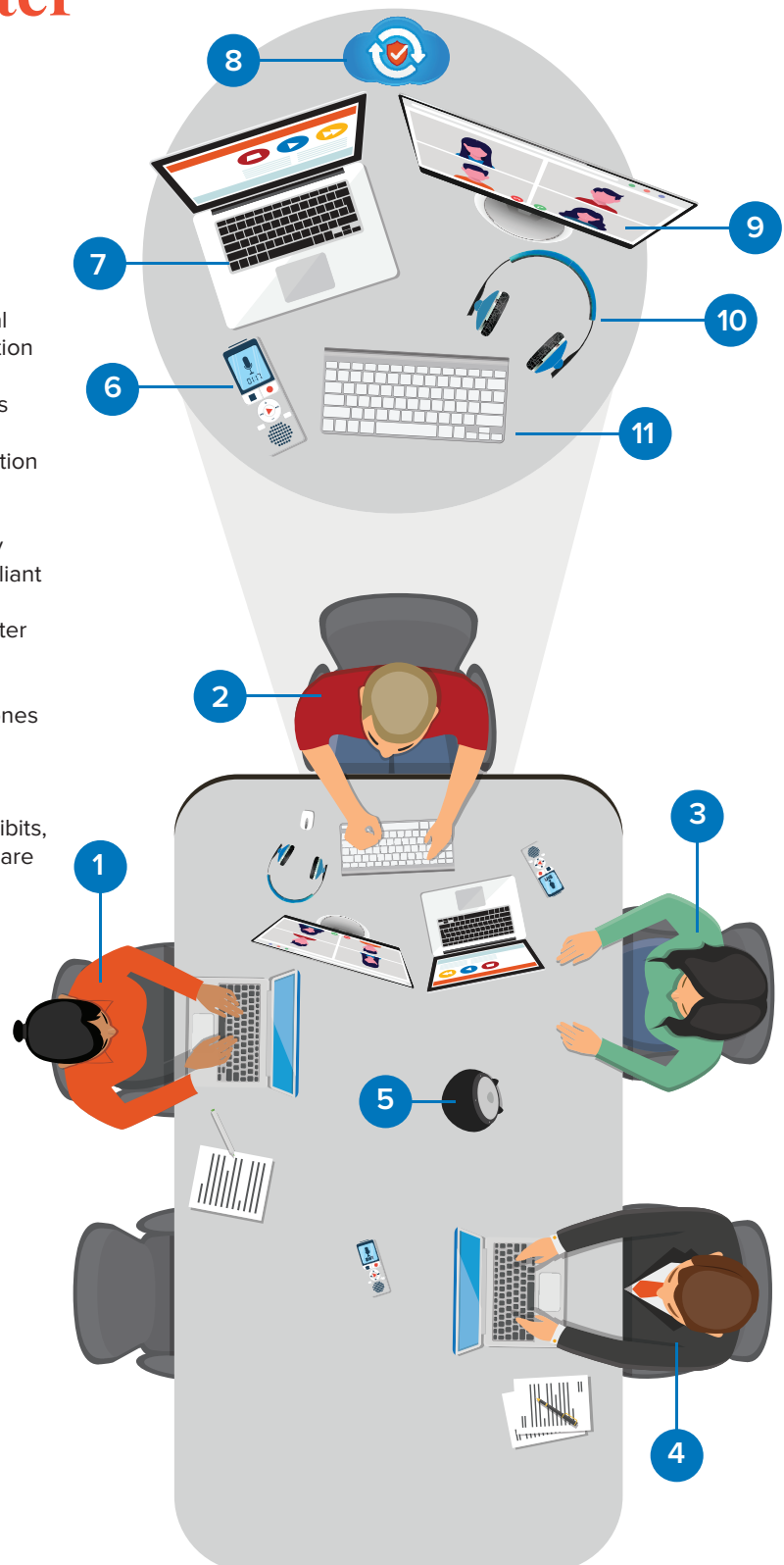
Extensive training including job shadowing and mentoring by current and former Court Reporters.



An Inside Look at a Digital Reporter

Key Elements

1. Questioning Counsel
2. Digital Reporter
3. Witness
4. Witness' Counsel
5. Professional high-definition and omnidirectional microphone/ external speaker with acoustic echo cancellation technology and full duplex audio
6. Redundant backup recording devices
7. Digital reporting software, including high-resolution audio, noise cancellation technology, built-in timestamps and confidence monitoring
8. Redundant preservation of testimony through backups to our HIPAA compliant and SOC 2 Type 2 certified cloud
9. Second monitor for the Digital Reporter to manage the proceeding, including viewing any remote participants
10. Professional high-definition headphones worn by digital reporters to monitor sound input
11. Wireless keyboard used for creating annotations, marking introduced exhibits, and managing digital reporting software





A Look Inside the Technology

Digital Reporting Software

- High-resolution audio
- Built-in audio-synced timestamps
- Digital capture of audio with synchronization to secure cloud servers
- Detection for low audio levels by Digital Reporter
- Annotations maintained by Digital Reporter to log speaker ID, testimony and proceeding events enabling on-demand readback/playback
- Streamlined view of recording and controls
- Background noise reduction
- Continual confidence monitoring

Professional Microphone and Speaker

- High-definition, omnidirectional microphone with noise cancellation technology
- High-definition speaker to facilitate playback/readback with full duplex audio

High-Quality Headphones

- Digital Reporter conducts continual confidence monitoring to ensure audio is transmitting clearly for all parties and capturing all voices
- High-resolution headphones with noise cancellation technology and full volume control

Second Monitor

- For all proceedings, the Digital Reporter utilizes a second monitor to manage the proceeding, including monitoring sound input, creating annotations, and viewing remote participants



Redundant Preservation of Testimony

- In advance of commencement of proceedings, extensive testing is conducted by the Digital Reporter including, verification of connectivity, stability of power sources, sound input/output quality check and redundancy measures
- In addition to capturing audio on the Digital Reporter's recording equipment, all audio files are uploaded to our secure cloud for ongoing storage and backup
- Concurrent redundant digital backup audio for all proceedings

Digital Reporter

- Certified by the American Association of Electronic Reporters and Transcribers (AAERT), including recertification every three years plus continuous CEU education and training
- State notary license to administer the oath
- Actively manages the proceeding, capturing quality audio of the testimony for the duration of the proceeding
- Notates speaker IDs, objections and other proceeding events
- Readback of testimony
- Mark and manage introduced exhibits
- Active monitoring of the testimony preservation

All Protected by Robust Security and Compliance

- HIPAA compliant
- SOC 2 Type II certified
- 24/7 Network and Security Operations Center
- Attestation from reputable independent auditor of all systems, processes and controls
- Intrusion detection and prevention systems
- Third-party penetration testing
- NIST Cybersecurity Framework as related to policies, procedures and controls



Frequently Asked Questions

1. What do Digital Reporters do during a deposition?

A Digital Reporter is a qualified and carefully trained individual who uses state-of-the-art recording equipment to capture an accurate, verbatim record during legal proceedings. Digital Reporters administer the oath; set up and monitor the audio recording equipment; mark and collect exhibits; note speakers, objections and note when off-the-record; play back testimony; and facilitate general administrative aspects of the depositions.

2. Is U.S. Legal Support abandoning traditional stenography?

We will not be discontinuing or decreasing the use of stenographic reporters. There will always be a need for professional Stenographers, and U.S. Legal Support remains committed to supporting and growing the stenographic community and profession through recruitment, education, and outreach.

3. How do I know that a proceeding captured by a Digital Reporter will be accurate?

Digital reporting is a reliable technology that has been in use – and has been refined through advances in technology – for decades.

At all times, the electronic recording equipment is overseen by an experienced Digital Reporter.

4. How reliable is digital reporting?

Courthouses and law firms across the United States have been successfully using digital reporting for years as an accurate methodology to capture a verbatim record for depositions, hearings, and trials. This includes the Supreme Court of the United States.

5. What are other benefits of digital reporting?

Digital reporting allows for the creation of transcripts in an efficient manner. Despite the country's Stenographer shortage, Digital Reporters have come to the aid of law firms to help fill the void. Digital Reporters are responsible for creating millions of pages of transcripts per year and are quickly becoming a viable supplement to Stenographers and Voice Writers across the country.

6. Will I face challenges with admissibility in court if my proceeding is handled by a Digital Reporter?

No, so long as the deposition is conducted in accordance with state law.

7. Some stenographic reporters have mentioned to me that I should avoid Digital Reporters and demand that only Stenographers cover my depositions.

Stenographers and Digital Reporters use two different approaches to achieve the same end. A Digital Reporter uses sophisticated audio recording equipment (with redundant backup systems) to capture and annotate the audio from the deposition. Digital Reporters actively take notes and can play back testimony upon request. Digital reporting creates a written and audio record in realtime.

8. What training and credentials do Digital Reporters have?

All of our Digital Reporters submit to certification by the American Association of Electronic Court Reporters and Transcribers (AAERT). The AAERT requires recertification of licensees every three years. U.S. Legal Support also mandates continuing education for our Digital Reporters annually.



Frequently Asked Questions

9. *I'm skeptical of new technology and fear that by relying on recording equipment, we are removing the "human factor."*

The "human factor" will always be present in digital reporting because a Digital Reporter will be present at every proceeding for the duration of the proceeding. Our Digital Reporters are notary publics. They take their roles seriously and understand the importance of the record of a legal proceeding. While we understand that some lawyers may not be comfortable with digital reporting technology in depositions, our digital reporting service accounts for potential errors by ensuring that (a) backup methods are in operation, and (b) the Digital Reporter is testing and closely monitoring the audio equipment throughout its operation. Digital reporting does not remove humans from the process. Rather, it supplements their efforts with cutting-edge recording technology to ensure a new level of precision.

10. Do I need to do anything different when noticing a deposition utilizing the services of a Digital Reporter?

Counsel noticing the deposition should obtain the consent of all participating attorneys and the deposition notice should include a statement that the deposition will be recorded by a Digital Reporter.

We suggest that counsel noticing the deposition be sure that the various means of conducting and recording the deposition are addressed up front in the deposition notice.

Some states have specific requirements for what a deposition notice must state regarding the methods of recording testimony, and we strongly urge counsel to always review the legal requirements for a deposition notice.

Even in states where the rules of procedure do not have specific requirements for a deposition notice, we recommend that the notice advise all parties of the possible methods of recording the deposition. We offer the following suggested notice language with the understanding that it is, of course, always the responsibility of the noticing attorney to confirm that the notice complies with applicable law.

"The parties acknowledge that: (a) this deposition may be recorded by stenographic, videographic, or voice recording means; (b) the testimony may be transcribed and certified by a stenographer, certified digital reporter, or a qualified transcriptionist; and (c) the deposition may be conducted remotely, where the deposition officer is not physically located with the witness and the oath is administered remotely."

**Schedule Your Next Deposition
with Our Local Teams**

Email scheduling@uslegalsupport.com

