Beware the deluge of AV operators replacing CSRs in depositions

By Early Langley

Claiming a shortage of Certified Shorthand Reporters, big box court reporting firms are sending audio/visual operators to depositions in California under the guise of being CSRs. The AV operators, who are also notaries, swear in the witness. They mark exhibits.

Nobody realizes what’s going on until an attorney or a witness asks to have something read back. The AV operator’s voice-to-text translation — if they even have it — or simple audio recording, is either not there or garbled due to faulty audio or because too many people are talking at once and it is unintelligible. Or the AV operator cannot find the correct question and/or answer to read back.

Or exhibits are lost. Or the exhibit chain of custody is broken.

Too late. The damage is done. And that’s only the beginning. The noticing attorney doesn’t know what’s going on.

The AV operator sends the media to the “mother ship,” who then sends the media off to… who? Could be offshore, could be inside the U.S. shores. And what about security issues? What are the chances that the “Sealed — Attorneys Eyes Only” transcript containing highly confidential financial information of a corporation in a punitive damage claim case gets hacked or leaked out over the internet? Too late. The damage is done. It’s leaked. The noticing attorney doesn’t know what’s going on.

After the mother ship sends out the tapes, an untrained transcriptionist gets a hold of the tape recordings and begins the laborious task of putting audio to paper — a process which can take four to five times as long as the deposition itself. An unexpected expedite deadline would likely not be met in time to rebut an expert witness at trial or adequately argue page/line designations.

The usual deposition. The transcriptionist sitting in a remote location plays the audiotaape. And plays it over and over. Noise problems. Buzzing from cellphones. Mics with interference. Sirens outside. People talking at once. Emotions intense. The noticing attorney interrupts the witness with a resounding, “Nonresponsive.” And a myriad of long objections get made at the same time that the witness is answering the question. Critical words are lost. The transcriptionist is answering for the witness. The transcriptionist answers the question. Critical words are lost. The transcriptionist is answering for the witness. The transcriptionist answers the question.

Next time you book a deposition, double-check with the reporting firm that you are getting a California Certified Shorthand Reporter and if it is noticed for videotaping, ask for a CLVS.

Before the deposition is transcribed, handling the signing of exhibits are lost, the consequences may be costly to you and to your client. The jury may form a negative view of your key witness.

Next time you book a deposition, double-check with the reporting firm that you are getting a California Certified Shorthand Reporter and if it is noticed for videotaping, ask for a CLVS. If you find yourself in the unenviable position of discovering that an AV operator is the only thing you’ve got — no CSR — insist that whoever is going to transcribe the audiotaapes is a Certified Shorthand Reporter who, though not there and present, will certify the transcript with that limitation.

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