'Court Reporters Are Going to Look Different': Voice Writers Can Now Be Licensed As Court Reporters in California

Katherine Proctor  January 31, 2023
Maranda Sullivan-West had been in stenography school for three years, and it still didn’t feel like things were getting any easier. She’d started her training to become a court reporter knowing that, once she was certified, she’d have a pretty good chance of walking straight out of school and into an interesting job with an excellent base salary. But Sullivan-West found that getting her speed up to where it needed to be as a stenographer was enormously challenging – especially because, in essence, she was learning a new language.

After three years of struggling with stenography, Sullivan-West was considering calling it quits. But then her mentor made a suggestion. Instead of becoming a stenographic court reporter, had she considered learning voice writing?

Voice writing is a court reporting method where the reporter, instead of using a stenotyping machine, vocally repeats testimony into a stenomask to record legal proceedings. On her mentor’s suggestion, and eager for a new path to her career goal, Sullivan-West gave it a try.

“I finished school in three months,” she said.

Sullivan-West is now the president of the National Verbatim Reporters Association (NVRA), the only national professional organization devoted to voice writing in the U.S. She’s been licensed as a voice writer for 10 years, and currently works as a freelance court reporter in Florida, mainly in the state’s 10th Judicial Circuit Court.

As president of the NVRA, Sullivan-West has overseen a legislative committee that’s worked to get bills introduced in states across the country allowing voice writers to be certified as court reporters. And starting this year, the states with such legislation – currently 46 in total – include California.

**AB 156**, a budget trailer bill signed into law by Gov. Gavin Newsom last year, includes a provision allowing the Court Reporters Board of California (CRB) to license voice writers to work as certified court reporters in the state – which was previously prohibited under state law.

The legislative change takes effect as California faces a shortage of licensed court reporters, which a California Judicial Council working group has attributed to a trend of folks in the profession either retiring or leaving courts to work in the private sector. Yvonne Fenner, the CRB’s executive officer, said that adding voice writers to
the state’s court reporting ranks should go a long way toward alleviating that shortage.

“I don’t think anyone will argue that, especially on the deposition side, it’s been more and more difficult to get jobs covered,” Fenner said. “Voice writing will help immensely with that. It just gives another option for the litigants on a way to have a licensed reporter covering their proceeding.”

Correcting misconceptions

According to the NVRA, voice writers can work as court reporters, CART providers, or captioners in 46 states (although only on a freelance basis in Vermont and Wyoming). Voice writers also work as court reporters in the federal judicial system and military courts. But the road toward getting voice writers professionally accepted within the court reporting profession hasn’t always been an easy one, Sullivan–West said.

To get laws through state legislatures allowing voice writers to be licensed court reporters, she said, “We usually have to fight, truthfully, and pay a lot of money for a lobbyist and jump through hoops.”

Some of those hoops arise from an entrenched industry belief that voice writing is inherently inferior to the more traditional court reporting method of stenography, Sullivan–West said. She points out that these misconceptions aren’t unprecedented with advances in court reporting technology. “When steno came along, the shorthand people said, ‘Oh, that’s a machine, it’s different,’” she said. “Then when we came along, and the stenographers said, ‘Absolutely not.’”

Fifteen or twenty years ago, Sullivan–West concedes, the belief that voice writing wasn’t up to stenography’s snuff was probably accurate, as voice writers didn’t have the ability to produce in real time. But the technology has caught up since then. “Now we have the real time capability,” Sullivan–West said. “I think any complaints now are just lack of knowledge.”

Fenner said that one of the most popular misconceptions about voice writing was that all a voice writer does is record a proceeding, and then takes the recording home and transcribes it. But now that voice writers can work in real time, there’s much more to it than that, she said.
“They use briefs, they use arbitrary speaker identifications, they speak their punctuation in,” Fenner said. “They’re doing exactly the same job that the steno reporter is, but they’re doing it with their voice rather than their fingers.”

**Addressing California’s court reporter shortage**

At this point, there seems to be consensus in the court reporting profession that voice writing is equal to stenography in its accuracy and real-time capabilities. But there is one important way in which the methods differ: voice writing is much easier to learn.

“Steno reporters are learning a completely different language, and it takes a lot of time to get fast enough to do that translation for the licensing speed,” Fenner said. “Whereas voice writing is based on English. Since you’re already speaking English, once you learn the voice writing theory, you come into speed building right at 160 words per minute – rather than at 40 to 60, which the steno writers do.”

The shortening of that training period, Fenner said, “should make a significant difference with the labor supply” in the court reporting profession, where California is experiencing a shortage.

In December, the California Judicial Council’s Code of Civil Procedure Section 367.9 Working Group – tasked with making recommendations for how California can continue to use remote proceedings in civil cases while preserving access to justice – submitted a report to the Judicial Council outlining several main recommendation areas. One of those was titled “Court Reporter Availability and Future Workforce,” and noted that data presented to the working group “suggests that there are declining numbers of available licensed court reporters in California, with many reporters retiring or leaving court employment to work in the private sector.”

Among the proposals the working group considered to address that shortage was a recommendation that California “expand the pool of court reporters through the use of voice writing.” (Other recommendations included expanding that pool through monetary incentives, scholarships, remote court reporting, and “innovative technologies” – likely covering electronic court reporting, which is prohibited in California except in limited circumstances.)
With the passage of AB 156, California’s court system is about to see that recommendation in action. The NVRA worked with the state to get the legislation passed, and Sullivan-West said California was the best state she’d worked with on the issue in several years. “They were ready for us,” she said.

Fenner noted that the CRB had a voice writers’ licensing application in place before the legislation was signed. Within the three business days between the bill’s signing and the end of the application period for the CRB’s skills test, she said, six voice writers had applied for licensing and were able to get into the testing cycle for the skills portion. Four of those applicants passed, and if they pass the test’s written portion, they’ll become California’s first licensed court reporters who are voice writers.

A few factors suggest that opening court reporting licenses up to voice writers in California could lower barriers to entry in the profession. In addition to taking less time, voice writing school has a much higher graduation rate than school for stenography, according to Sullivan-West, where the dropout rate is estimated at around 90%. In voice writing school, she said, that same figure is the pass rate.

For those reasons, Fenner said that she sees voice writers making up a larger share of the court reporting profession in the coming years.

“It will probably just be an economic issue that voice writing will become more popular,” she said. “If you’re coming into the industry as a student, you might know in your head that steno reporting is the traditional way to do it, but it could take you four to six years to get out of school – as opposed to voice writing, where within 18 to 24 months you could be working.”

**Potential career longevity**

For longtime visitors to California’s courtrooms, the sight of a voice writer in the court reporter’s seat may be a visual adjustment at first. But Fenner said she doesn’t anticipate a difficult transition. “I don’t expect it to take too long for the attorneys and the courts to accept that court reporters are going to look different, and our equipment is going to look different,” she said.

One of those differences, of course, is the stenomask that voice writers speak into, which acts as a silencer so the use of their voices to record the proceedings doesn’t
interrupt the proceedings themselves. That mask doesn’t come without its unique physical challenges.

“When I first went on a job, I got really dizzy,” Sullivan-West said of her first voice writing assignment. “You do have to lift up the seal at the bottom of the mask and take a break.” And given the speed and duration of the talking the job involves, she adds, “You have to drink a ton of water.”

But, as Fenner points out, one potential advantage of voice writing is that it’s far less physically demanding than court reporting with a steno machine. A steno reporter herself who’s been licensed since 1996, Fenner says the option of working as a voice writer in California’s courts will likely extend the careers of many court reporters who currently use stenography.

“Machine stenography is really hard on your body,” Fenner said. “Some people have carpal tunnel. I never had any problem with my hands, but in my back and my shoulders, from sitting in the same position day in and day out, I’d have a lot of pain.”

But with the stenomask, a voice writer isn’t locked into the same position over a machine the way a steno reporter is. Fenner says that was the biggest revelation for her when the CRB first had a real-time demonstration of voice writing back in 2018.

“The reporter was shifting in her seat, she was leaning back, she was reaching forward making corrections on her laptop,” Fenner said. “Right there, it was a light bulb moment for me.” With voice writing, she said, “many people that are thinking about leaving court reporting just because of the physical difficulty now have a new avenue open for them.”

In her current role as the CRB’s executive officer, conflict of interest concerns prevent Fenner from working as a court reporter at the moment. But if she were to retire from her board position and return to the industry, she says she’d consider learning voice writing instead of continuing with a steno machine. “It’s a quick training, and I have the theory,” she said. “I just need to learn the equipment. I think it would be a quick transition.”

Transitioning to voice writing would be a way to extend a career whose most exciting aspect, Fenner says, is that “there’s a niche for everyone.” People who like routine can get a staff job at a court, where they can count on going to the same
courtrooms every day and getting familiar with their coworkers. And then for people like Fenner, who like to do something different every day, there's the freelance career. Fenner's, in one case, took her all the way to Paris to report depositions for a plaintiff in a helicopter crash case, because the helicopter's engine had been manufactured in France.

“We've just been exposed to so many different things. You always learn something new, and usually down to quite detailed levels,” Fenner said. “If you're ever playing trivia, pick the court reporter for your team.”

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