



TRIAL PRESENTATION – LEGAL VIDEO AND THE COURT REPORTER

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Working freelance court reporters spend 89% of their time reporting depositions and rarely get a chance to be in court and experience reporting a trial. As court reporters, do you ever wonder why sometimes you need to provide an agency with timestamped transcripts, sometimes not; what happens when the video is synced with your transcript and how it is used in a trial?

Our legal videography department works with attorneys and law firms when they have to go to trial and need support with the technology and presentation of evidence to the trier of fact.

Many times your deposition transcripts are the star of the show. With tools such as TrialDirector, attorneys/paralegals will parse out questions and answers and create “clips” of testimony to play back during opening statements or when witnesses are testifying.

Let’s hypothetically say one of your clients is going to trial. They videotape a deposition. A legal video company or court reporting firm will sync the transcript to the video using software that has some voice recognition components to it. The legal video personnel will grab a txt version of the transcript, have MPEG’ed the video, and then uses the proprietary software to sync the transcript to the video/audio. If there are gaps in the audio, drops in the transcript, a train goes by distorting the audio, or if you read back a question/answer and only have a parenthetical (Record was read) those portions of the transcript need to be manually sync’ed to the transcript. A good legal video company will QC the video-transcript to ensure the syncing is perfect. (Some companies do not QC the final product.)

There is a cost associated with the MPEG’ing and syncing. Some attorneys prefer to wait until they know they are going to trial to order the syncing of the transcript to the video. It can be done at any time in the process. Other attorneys want everything sync’ed immediately because they can use the sync’ed testimony to send clips to expert witnesses, their clients, or to create a presentation for a mediation.

In the above scenario, a timestamped transcript is not necessary for syncing.

If your client does not want to sync a transcript, he/she may prefer to mark up a hard copy of a transcript and designate portions of the testimony as separate clips by writing on the transcript. Typically a condensed transcript is used to mark up. This is when it is imperative to have your transcript with timestamps that correspond with the time on the video monitor at the time of the



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deposition. The legal video personnel need to go through the marked-up transcript and video and create clips based on the time. If they had to go through listening for certain words or phrases, it would take hours and be incredibly frustrating to find testimony in the video.

Bottom line, your transcripts are being scrutinized when they are played back at trial with the video. If a witness on the stand says, “No, I definitely was not at the hedge fund owner’s home swimming in her pool on May 25th,” but in the deposition said, “Well, I might have been in the hedge fund owner’s pool sometime in May,” that clip can be brought up and BANG the witness is shown to be not credible. A smart attorney can use video clips to zap witnesses who are changing their story at trial to the extent a witness is scared to even answer when the attorney’s hand goes near the computer to start a new clip.

My goal in writing this blog is to acknowledge how great a court reporter’s talent is. To write down every word in a legal proceeding and create a transcript that can be played back via video at a trial is like creating magic. The key to success is to be conscious of our work product and know it is going to be scrutinized. I wish every court reporter could see a clip or two of one of their transcript in a trial – you would feel incredibly proud. I know I am proud when I see the clips from the [court reporters](#) we work with up on the big screen in front of a judge and jury – ALL EYES AND ATTENTION FOCUSED ON THE TRANSCRIPT/VIDEO.



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