

The benefits of using real-time transcription in arbitration

Introduction

Real-time court reporting involves the attendance of onsite stenographers who are writing in stenographic code at speeds of up to 280 words per minute, and at 98% accuracy. There is currently no quicker way to get an accurate transcript of proceedings in a hearing.

What is real-time?

Real-time transcription services provide users with a live feed of legal proceedings as they happen. A real-time team – consisting of a highly skilled real-time court reporter and an editor – attend the hearing and produce a transcript in real-time of the words being spoken. Text is sent direct to laptops or iPads in the hearing room or at remote locations as the words are spoken, so that users can annotate transcripts according to issues specific to their matter. Real-time court reporting services are used in Australia's most high profile court cases, Royal Commissions and Special Commissions of Inquiry. DTI real-time services are available as a desktop or web-enabled version for access on laptops or iPads in the hearing room or remotely. Users are also able to create customised search and annotation reports across multiple hearing days, allowing all results to be consolidated into one document.

Whilst various definitions may exist of what constitutes "real-time" transcription, the true definition must involve the production of a simultaneous record that is produced by stenographers and provided to the parties live, on-screen, and as the words are spoken. A transcript provided at various times throughout the day's proceedings is not a real-time transcription service.

Efficiencies in action

For complex proceedings involving multiple parties or large amounts of evidence, real-time is of particular benefit, especially where information needs to be shared with team members based in multiple locations. There is increasing pressure to adopt measures that increase efficiency in court proceedings. S56A of the Civil Procedure Act requires that practitioners act in a way that can resolve disputes in line with the overriding purpose being the *Just, Quick and Cheap* resolution of the real issues in dispute. Remote real-time can enable this, reducing delays by up to 25%, ensuring greater collaboration and providing immediate access to the transcript at all relevant moments during the hearing. Users can benefit from the service in other ways:

- Search, view and annotate transcripts
- Create reports of annotations and search results across historic transcript
- Work collaboratively using private/public annotations and messaging
- Cut and paste from transcript to prepare cross examination and submissions
- Easy access to materials assists in the preparation of cross examination, submissions, judgments and awards

Further benefits

Keeping a strategic focus. Real-time reporting enables the judge and parties to focus on more substantive issues rather than concentrating on every word being said. Testimony is immediately available as a streaming transcript that can be used during proceedings and throughout the day. Parties can use the transcript to take notes during evidence. During breaks, parties can simply take the transcript, via a laptop computer or mobile device, with them as they leave.

Keeping appropriate parties informed. It is easy to share testimony with key members of the team regardless of their location. The text can be displayed on monitors, on computers hooked up to the system, and broadcast via the Internet to remote locations. This enables law firms to engage key parties on a matter without incurring the time/cost of having them present. A partner in Tokyo or an expert in New York can follow proceedings and interact with the team during a hearing in Sydney.

Setting the stage for more focused evidence. As one court reporter noted, “When you tell a witness that you will be able to INSTANTLY see the written record of what he/she says and then scroll back through it, analyse it and compare it in real-time, it has a huge impact.” The witness has less opportunity to hedge, reflect or rethink what they say.

Accessing key testimony more quickly. Real-time software includes easy-to-use query and reporting tools for fast access to strategic information. Parties can easily mark the transcript during testimony and, with a single keystroke, generate a report of every place marked, including 10 or 15 lines of testimony around each area. This can then be emailed to a paralegal or the war room, providing important feedback during the case.

Catching and clarifying mistakes as they occur. Questioning and objecting barristers can immediately review past testimony to make objections and clarifications. For example, for an objection to the form, the questioning barrister can immediately look at the question, verbatim, and cure the objection by reforming the question or determine if they want to stand by it. The objector can also use the real-time transcript to assess the actual question before deciding if they really want to object.

Providing an immediate rough draft. A rough draft of the transcript is available immediately. This can be invaluable to the legal team as it prepares for subsequent proceedings.

Conclusion

The power of real-time court reporting lies in making critical information accessible to those who need it, exactly when they need it. This can transform the legal team’s work and have a profound influence on the outcome of the case.

DTI have many years of experience of providing real-time for court hearings, arbitrations, Royal Commissions and Special Commissions of Inquiry and we are the most experienced provider in Australia, with the largest pool of real-time court reporters. For more information about DTI’s real-time services, contact us at sydney@dtiglobal.com or visit www.dtiglobal.com/australia