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### **National Court Reporters Association**

Testimony submitted by CEO & Executive Director Jim Cudahy, CAE

On behalf of the National Court Reporters Association and the 18,000 court reporters, broadcast captioners, and CART captioners whom we represent, I appreciate the opportunity granted by Chairwoman Barbara Mikulski and the Senate Appropriations Committee to provide written testimony regarding the importance of federal investment in driving technological innovation in various industries. Without a doubt, the court reporting and captioning professions have seen enormous benefits from federal investment in court reporting and captioning schools and programs through the Training for Realtime Writers grants.

#### **The court reporting and captioning technological revolution**

Since the late 1980s, the court reporting and captioning professions have witnessed immense technological change. Gone are the days of solely paper transcripts provided from testimony of individuals who must be physically situated with the court reporter. The modern court reporter is a driver of technology in the judicial/legal environments and uses advanced technology to provide legal professionals and the judicial system with efficient, even instantaneous, access to the spoken word during proceedings.

By using computer software that enables what is known as “realtime reporting,” court reporters are able to instantaneously stream testimony to parties who may be located halfway around the globe or just across the courtroom. Judges, court administrators, and parties are able to secure an immediate rough copy of this transcript following proceedings. This allows attorneys to better serve their clients and judges to ensure that they can reread complicated portions of testimony while it is still fresh in their minds, not several days or weeks later.

Similarly, the advent and popularity of realtime has created two completely new American industries: broadcast captioning and CART captioning. Broadcast captioning has provided access to live television programming to 48 million Americans who are deaf or hard of hearing. Live captioning is typically done by a stenographically trained professional who is capable of translating what is spoken on television to speeds that approach – and can even exceed – 300 words per minute while allowing the viewers to see the text almost as soon as it is articulated.

Similarly, CART (Communications Access Realtime Translation) captioning has provided more personalized access for individuals who are deaf or hard of hearing in religious, civic, judicial, educational, and many other settings. CART captioning also provides access at conferences,

seminars, or other large gatherings of people when CART captioners transmit their captions to a screen for all to read. The CART captioner is able to provide the live stream of their captions to an individual or a group of individuals remotely or on-site, allowing for access to the spoken word even when it may be impossible for a CART captioner to be physically present.

Today's court reporter and captioner, upon graduation from a court reporting program, is capable of providing realtime streaming of the spoken word direct to individuals around the globe via computer, laptop, tablet, or smartphone. We have seen the court reporting industry implement new and efficient technologies over the past two decades thanks, in large part, to the availability of government funding to improve the education provided by our court reporting programs. Today, court reporters and captioners are often expected to stream instantaneously to new technologies that their clients use.

### **Government investment drove technological innovation**

Many of these technical advancements were made possible through grants dedicated to court reporting programs and administered by the Department of Education. The Training for Realtime Writers grants are used by court reporting and captioning programs to help schools graduate more realtime-capable court reporters and captioners to fulfill the needs of the Telecommunications Act of 1996 in service to the 48 million Americans who are deaf or hard of hearing. With America's aging population, graduating enough individuals who are capable of this incredible and unique skill is imperative, or tens of millions of Americans effectively will lose access to television programming, religious services, civic engagements, sporting events, news broadcasts, and other aspects of uniquely American life.

On the importance of the Training for Realtime Writers grants, Secretary of Education Arne Duncan stated, "These grants will fill a void in training and job placement for realtime writers. Whether its court reporting or closed captioning for television, these grants will help train and employ people who provide essential services to all of us, especially to those who may have a disability."

Throughout the 2000s, court reporting programs received more than \$14 million in Congressional grants to improve their facilities, recruit new students, and implement new programming. In 2009, Congress allocated approximately \$1 million a year, which was divided among several court reporting programs to continue to recruit and graduate new realtime-capable court reporters and captioners.

In 2011, Huntington College (W.V.) was awarded \$300,000 by the Department of Education to establish best practices in providing realtime training programs through distance education. This development has allowed Huntington to train more and more court reporting and captioning students. To date, the early response has been positive. Nationally, NCRA has seen little

difference in graduation rates among court reporters who attend brick and mortar schools and those who attend schools remotely. The government funding specifically allowed Huntington to add a remote, distance-learning program to its offerings. With approximately 50 NCRA-certified court reporting programs existing nationally, it is imperative that court reporting programs have the capability of offering their programs via a distance-learning platform.

In addition, that same year, the New York Career Institute received a grant from the Department of Education totaling \$440,963 to partner with Stenograph, a prominent court reporting technology vendor, to modernize its captioning and computer labs with the most up-to-date software offered to the school's approximately 500 students. The grant enabled the school to cover many of the intricacies of captioning, including using the captioning software to provide the best service to clients and individuals who are deaf and hard of hearing.

Similarly, in 2012, MacCormac College (Ill.) received a \$295,850 grant to create a new certificate program for CART and broadcast captioners. While MacCormac already offered a traditional realtime court reporting education, the government investment in MacCormac's court reporting program enabled it to offer certificate training programs in the rapidly growing fields of CART and broadcast captioning. Many court reporting programs have seen job placement rates that approach 100 percent because of the demand for CART and broadcast captioners. The federal grant that was awarded to MacCormac will create well-paying American jobs while fulfilling the needs of individuals who are deaf and hard of hearing who rely on captioning to provide access to programming.

### **Bright prospects for a technological career in court reporting**

Government investment in court reporting through these Training for Realtime Writers grants has resulted in the Bureau of Labor Statistics predicting a 10 percent growth in court reporting, CART captioning, and broadcast captioning over the next 10 years. With this significant demand for individuals who can routinely record and transmit the spoken word at speeds of at least 225 words per minute, continued federal investment in the profession is required to ensure that court reporters, broadcast captioners, and CART captioners are capable of using newly developed technologies to provide the judicial system, the legal system, and individuals who are deaf and hard of hearing with access to the spoken word through the most advanced technologies that exist.

However, should the federal government stop investing in such industries, much technological innovation will slow or simply cease to exist. For court reporting in particular, students may lose access to the latest equipment, software, and other advanced technologies to ensure that they can meet the demands of an increasingly complex twenty-first century marketplace.

Once again, NCRA strongly supports targeted federal investment in court reporting programs. We have seen that these investments, when administered properly, help to drive American job

growth, facilitate the development of nascent industries, and help to provide communication access to individuals who are deaf and hard of hearing to many aspects of American civic life. If you have any questions on my testimony or on the contributions of court reporters and captioners to the American marketplace, do not hesitate to contact me directly at 704-584-9035 or [jcudahy@ncra.org](mailto:jcudahy@ncra.org).