



WHAT YOU SHOULD KNOW ABOUT DIGITAL REPORTING



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INTRODUCTION

Capturing an official and complete record of legal proceedings is critical to a matter. Yet, more and more frequently, attorneys are encountering a problem: There's a shortage of stenographers resulting in limited scheduling flexibility and serious delays in the litigation process.

With significantly more stenographers leaving the field than entering, the shortage is only going to worsen in the coming years. Compounding the problem is the fact that demand for court reporters remains constant. While certified stenographic reporters are exceptionally skilled at capturing a complete and detailed record of legal proceedings, the reality is that stenographic professionals alone cannot meet the demands of the legal industry.

Enter the digital reporter. While far from new – federal courts and certain jurisdictions have relied on digital reporters for years – there is a growing demand for these professionals, who perform a variety of necessary procedural duties including capturing the spoken word during legal proceedings using high-quality, sophisticated equipment.

In this eBook, we will:

- Take a look at the current environment that has necessitated the use of digital reporters
- Describe what a digital reporter does and how they can help alleviate legal industry pain points
- Review the permissibility of the use of digital reporters and best practices in giving notice to parties to a deposition
- Explain how Esquire Deposition Solutions is helping meet the legal industry's demand for well-trained, credentialed professionals to capture the procedural record



THE LOOMING CERTIFIED STENOGRAPHIC REPORTER SHORTAGE

The legal industry is known for its adherence to tradition. Even as technology evolves and creates change in other areas, the world of law often remains steadfast in its rules and procedures. However, as the saying goes, necessity is the mother of invention.

A confluence of factors is creating an environment that demands change in the way lawyers capture the procedural record. Below, we highlight the issues that are having the greatest impact.

There’s a Hole in the Bucket

The court reporting profession is facing a critical shortage. Over the past decade, the number of working stenographers has dropped by 21%, and projections show a further decline of approximately 18,700 by 2029.¹

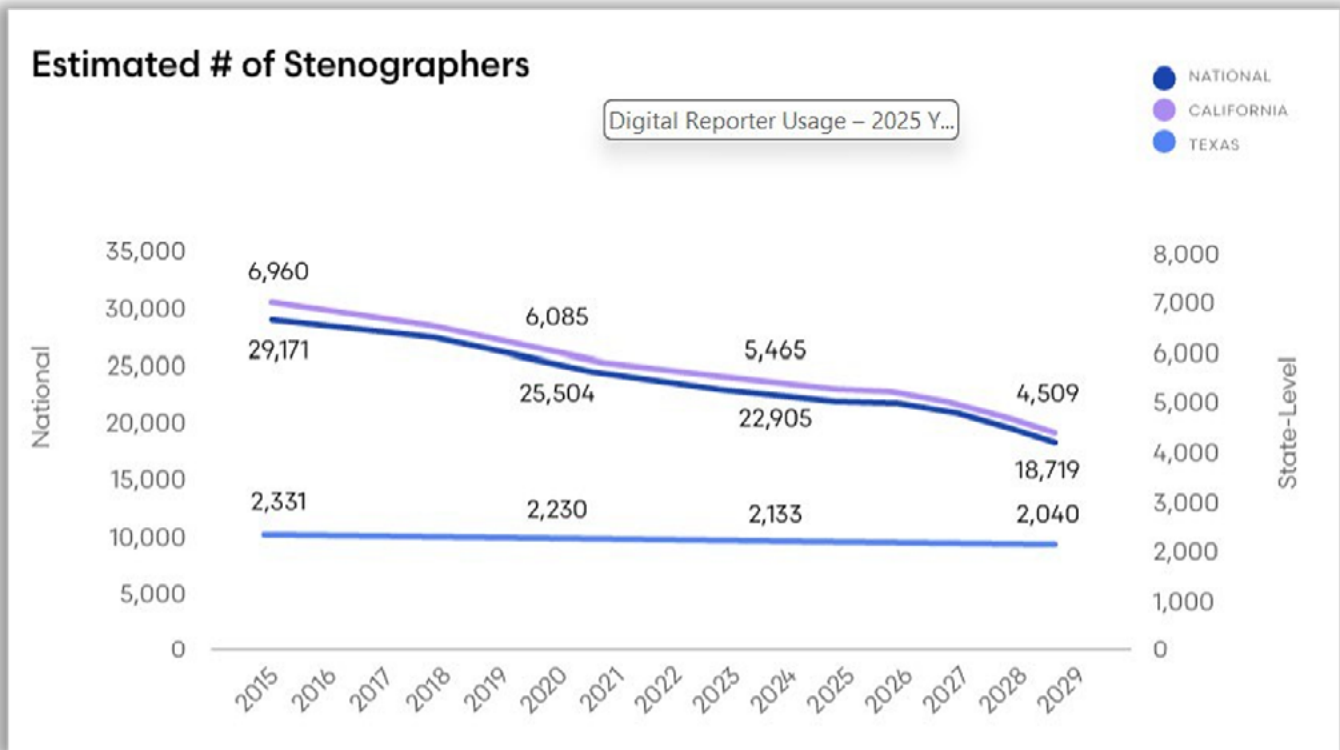
Unfortunately, new professionals entering the field aren’t enough to offset the losses. Since 2015, the number of court reporting schools in the U.S. has decreased by 42%, leaving only 22 programs nationwide. Enrollment has also plummeted—down 74% since 2015—with just 790 students enrolled in 2024.

According to the NCRA, the current demand gap stands at 11,345 stenographers and is projected to widen to 18,477 by 2028. The bucket is emptying fast—and we need solutions now.

Delaying Access to Justice

The stenographer shortage creates a domino effect. With fewer certified stenographers to capture the record, scheduling proceedings becomes a challenge. The result is significant delays in the judicial process. In some cases, court reporters have even cancelled jobs last minute when offered a more lucrative assignment, resulting in serious scheduling implications.

¹Source: AAERT 2025 Court Reporting Industry Trends Report “Industry Report Shows Growing Need for More Court Reporters and Rise of Digital Reporting as a Scalable Solution,” April 2025



WHAT IS A DIGITAL REPORTER?

Digital reporters and stenographers have shared responsibilities, yet there are a few key differences. Below, we define these two types of legal professionals.

- **Stenographers:** A stenographic reporter is trained and certified to operate a stenograph machine to capture and write out in real-time the verbatim record of a legal proceeding and to certify to the authenticity of the official record.
- **Digital Reporters:** A digital reporter is trained and certified to use best practices to manage the capturing of the verbatim record of a legal proceeding using audio equipment and a computer with specialized recording software, and to certify to the authenticity of the official digital recording.

	Digital Reporters	Stenographic Reporters
Tests equipment prior to beginning	X	X
Administers oath to deponents	X	X
Maintains control of the proceeding	X	X
Can provide playback/read backs during a proceeding	X	X
Marks exhibits	X	X
Identifies speaker in the record	X	X
Secures the record	X	X
Provides real time reporting		X
Retains ownership of the record		X
Passes ownership of the record to Esquire	X	
Can record and read/playback at the same time	X	
Conducts confidence monitoring	X	

While the work product of a stenographer is a written transcript, the work product of a digital reporter is a certified audio recording that is sent to an experienced legal transcriptionist who transcribes the recording to produce a certified, official transcript of the recording. Therefore, whether a proceeding uses a stenographer or a digital reporter paired with a legal transcriptionist, the end result is the same – the delivery of a certified verbatim transcript.

Digital reporters use a variety of digital recording software and hardware to capture a record of proceedings. These tools include a laptop with digital recording software, a network switch with microphones, network cables, a web cam, and a small backup recorder for redundancy.



To ensure the highest recording quality, digital reporters use a tactic known as confidence monitoring. Using confidence monitoring best practices, a digital reporter uses a headset to monitor the software platform's visual and sound queues confirming the proceeding has been recorded. While the digital reporter listens to the audio playback, the system continues to record the proceedings so no information is lost. Confidence monitoring also ensures that a recording is being backed up to a second location.

In addition to capturing and monitoring a recording of a proceeding, a digital reporter may perform other related duties, including:

- Administration of oaths or affirmations to witnesses
- Marking of exhibits
- Performing "readbacks" of the record by replaying requested testimony from the digital recording
- Receiving transcript orders
- Annotating new events that occur during the proceeding, such as case information, appearances and their speaker IDs, the administration of the oath, going on and off the record, recesses, different types of examinations, change of speakers, and objections
- Clarifying spellings that are part of the record through the use of annotations

WHY USE A DIGITAL REPORTER?

Digital reporters are an ideal choice when no stenographer is available, such as for less-complex or shorter proceedings or when the proceeding is requested in-person. They also are excellent pinch hitters in the event that a court reporter cancels last minute.

However, as mentioned, the demand for court reporters greatly outpaces the supply of stenographers. Digital reporters help fulfill this demand, which means proceedings do not have to be delayed due to lack of court reporter availability. The availability of digital reporters also makes scheduling depositions among parties easier.

As attorneys continue to conduct proceedings remotely, digital reporters are able to remotely capture a record of the proceedings. Because of the quality control measures in place – such as confidence monitoring and recording redundancy – the parties to the proceeding can rest assured that the quality of the recording and the accuracy of the transcript will be flawless.

It's important to note that digital reporters are not a replacement for stenographers. Both are skilled professionals trained to capture a complete, verbatim record of a legal proceeding. In fact, stenographers are a great choice for more complex proceedings or when a real-time written record of events is necessary.



Which States Allow for the Use of Digital Reporters?

States vary on how they treat digital reporters, which can result in issues for attorneys who are unaware of state-specific rules. Best practices dictate that all parties to a proceeding should stipulate their consent to use whatever capture method is agreed upon. While some state rules expressly allow for the use of digital recording to create a record, other state rules simply do not ban the method.

Below is sample language that an attorney may incorporate into deposition notices to document that parties agree to the use of digital recordings.

(NOTE: This information is for reference only and does not constitute legal advice, and all attorneys should confirm the applicable governing law when preparing a deposition notice.)

Also take notice that we reserve the right to record the deposition either by stenographic means by a court reporter certified to record depositions or by non-stenographic means by a digital reporter utilizing state-of-the-art digital recording equipment or another alternative method of capture. The testimony will be recorded by an official authorized to administer oaths in the State of [State]. The certified transcript of this deposition proceeding is intended for all uses permitted under applicable procedural rules.

At the end of this eBook, we have [included a chart](#) that provides an overview of where each state currently stands on the use of digital reporters. Note that this information is for reference only and could change. This information does not constitute legal advice, and all clients should confirm the applicable governing law before scheduling a remote court reporter for a proceeding.

ESQUIRE DIGITAL REPORTERS COMPLY WITH THE ESQUIRE WAY

The digital reporters that Esquire assigns to our clients' jobs achieve the Esquire mission: "To preserve and protect the sanctity of the record to ensure equal access to justice for all." The sanctity of the record starts with a clear and accurate recording and accompanying annotations, exhibits, and other information from which a transcriptionist or stenographer can prepare a verbatim transcript of the proceeding.

To ensure the highest quality of transcription, we employ the Esquire Way. The Esquire Way is composed of three, interwoven parts that are drawn from the standards and best practices of National Court Reporters Association (NCRA) and the American Association of Electronic Reporters and Transcribers (AAERT).

The following are the three key components that make up the Esquire Way:

- **Professionalism:** Esquire digital reporters use purpose-built digital reporting platforms and abide by the standards set forth in the Esquire Code of Ethics for Digital Reporters as well as must adhere to local, state, and federal rules and statutes.
- **Excellent Performance:** Esquire digital reporters employ three best practices during proceedings to ensure an unimpeachable transcript. These are confidence monitoring, flawless playback of testimony, and control of the room, e.g., asking speakers to repeat themselves, clarifying if the proceeding is on or off the record, etc.
- **Unimpeachable Transcript:** To help in the development of a final, unimpeachable transcript, an Esquire digital reporter will ensure the highest audio quality of the proceeding possible, use detailed annotations, and prepare exhibits.



Using Digital Reporters

No matter the reason you decide to use digital reporters to capture a proceeding, here are some steps you should take before contracting a professional.

- Make sure the job is suited for a digital reporter. Digital reporters are best suited for less complex legal proceedings or when accessing a written record in real-time isn't necessary.
- Check the laws in your state. Different jurisdictions have different rules regarding court reporting and record capture methods.
- Draft notice language to solicit agreement among all parties to the proceeding to the use of digital reporters for the purposes of capturing a record.
- Do your due diligence. Capturing an official record is an important task to ensure equal access to justice. You want to work with a company that sets high standards and provides quality training to its digital reporters.

If you'd like to explore using an Esquire digital reporter to improve coverage options, please contact your Esquire sales representative.

DIGITAL REPORTING — RULES BY JURISDICTION

The below is a partial list of state statutes governing the admissibility of non-steno recording of the deposition. This information is for reference only and could change.

This information does not constitute legal advice, and all clients should confirm the applicable governing law before scheduling a remote court reporter for a proceeding.

VENUE	NON-STENO RECORDING					Admissibility Rules to Reference
	Permitted?		Execution	Transcript of Non-Steno	Use at Trial	
	Permitted	If so, requirements (consent by parties, court order, or by notice by setting party)	Specific rules on how A/V is taken (e.g., statements before each tape, particular quality, individual needs certification by state)	If written transcript is required, who must transcribe (i.e., certified court reporter, or can it be transcriptionist)	Transcript must be transcribed by	
Federal	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Alabama	YES	STIPULATION	NO	REQUIRED/STENO	STENO	CLICK HERE
Alaska	YES	No Specific Requirements	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Arizona	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Arkansas	YES	No Specific Requirements	YES	REQUIRED/STENO	STENO	CLICK HERE
California	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
Colorado	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Connecticut	YES	STIPULATION	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Delaware	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Florida	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Georgia	YES	N/A	NO	REQUIRED/DR CAN PREPARE	NON-STENO	CLICK HERE
Hawaii	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Idaho	NO	N/A	YES	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
Illinois	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Indiana	YES	NOTICE	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Iowa	NO	COURT ORDER	NO	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
Kansas	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Kentucky	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Louisiana	YES	STIPULATION	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Maine	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Maryland	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE

DIGITAL REPORTING — RULES BY JURISDICTION (Continued)

VENUE	NON-STENO RECORDING					Admissibility Rules to Reference
	Permitted?		Execution	Transcript of Non-Steno	Use at Trial	
	Permitted	If so, requirements (consent by parties, court order, or by notice by setting party)	Specific rules on how A/V is taken (e.g., statements before each tape, particular quality, individual needs certification by state)	If written transcript is required, who must transcribe (i.e., certified court reporter; or can it be transcriptionist)	Transcript must be transcribed by	
Massachusetts	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
Michigan	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Minnesota	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Mississippi	YES	NOTICE	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Missouri	YES	STIPULATION	NO	TRANSCRIPT REQUIRED (UNLESS R&S WAIVED)	NON-STENO	CLICK HERE
Montana	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Nebraska	YES	No Specific Requirements	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Nevada	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
New Hampshire	NO	N/A	YES	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
New Jersey	YES	NOTICE	YES	REQUIRED	STENO	CLICK HERE
New Mexico	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
New York	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
North Carolina	YES	NOTICE	NO	REQUIRED	NON-STENO	CLICK HERE
North Dakota	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Ohio	YES	NOTICE	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Oklahoma	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Oregon	YES	NOTICE	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Pennsylvania	YES	NOTICE	YES	REQUIRED	NON-STENO	CLICK HERE
Rhode Island	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
South Carolina	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
South Dakota	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE

DIGITAL REPORTING — RULES BY JURISDICTION (Continued)

VENUE	NON-STENO RECORDING					Admissibility Rules to Reference
	Permitted?		Execution	Transcript of Non-Steno	Use at Trial	
	Permitted	If so, requirements (consent by parties, court order, or by notice by setting party)	Specific rules on how A/V is taken (e.g., statements before each tape, particular quality, individual needs certification by state)	If written transcript is required, who must transcribe (i.e., certified court reporter; or can it be transcriptionist)	Transcript must be transcribed by	
Tennessee	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Texas	YES	NOTICE	NO	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Utah	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Vermont	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Virginia	YES	No Specific Requirements	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Washington	YES	STIPULATION	YES	NO TRANSCRIPT REQUIRED	STENO	CLICK HERE
Washington, DC	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
West Virginia	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Wisconsin	YES	No Specific Requirements	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE
Wyoming	YES	NOTICE	YES	NO TRANSCRIPT REQUIRED	NON-STENO	CLICK HERE

Disclaimer: Esquire only offers digital reporting where permitted by law. Esquire digital reporting is not related to the practice of shorthand reporting. Our digital reporters are trained to use best practices to manage the capturing of the verbatim record of a legal proceeding using audio equipment and a computer with specialized recording software, and to certify to the authenticity of the official digital recording.



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