

No. 25-0463

The Supreme Court of Texas

**IN RE PATRICK HUGHEY,
*RELATOR***

Original Proceeding from

*The Ninth Court of Appeals, Beaumont, Texas,
No. 09-25-00194-CV*

*County Court at Law No. 6, Montgomery County, Texas,
Hon. Scharlene W. Valdez, Cause No. 24-05-08027*

**BRIEF OF AMICUS CURIAE
NATIONAL COURT REPORTERS ASSOCIATION**

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RULE 11 STATEMENT

The National Court Reporters Association (NCRA) is a 125-year old non-profit association that represents the interests of professional court reporters throughout the United States. NCRA's mission is to (1) promote excellence among those who capture and convert the spoken word to text, (2) support its approximately 12,000 members in achieving the highest level of professional expertise, and (3) apply the knowledge and experience of court reporters working in cooperation with courts and attorneys to improve the judicial system's service to the public. Judicial integrity has remained central to NCRA's mission since it was established in 1899.

Professional court reporters are known as “guardians of the record” for a reason. They are trained to accurately record the spoken word—a critical task for ensuring reliable, trustworthy judicial records. NCRA pushes and embraces technology that has gone from pen writers using shorthand, to steno-type machines that print out paper symbols that are later transcribed, to the computerized real-time reporting that is prevalent today. But NCRA does not support the use of artificial intelligence (AI) and automatic speech recognition (ASR) for the creation judicial transcripts, which are notoriously unreliable. AI and ASR can make laughable mistakes in some contexts, such as when captioning a TV show without a professional captioner to save money—but there is nothing humorous about AI or

ASR mistakes in judicial transcripts, where the administration of justice is on the line.

NCRA submits this amicus brief in support of Real Party in Interest Reddico Construction Co., Inc. (Reddico). NCRA weighs in because of its concern for the preservation of the integrity of official judicial records and the legal, ethical, and institutional safeguards that make those records worthy of reliance by courts, litigants, attorneys, and the public. NCRA's longstanding role in the justice system gives it a unique institutional perspective on the consequences of changing how official judicial records are created.

NCRA paid all fees for the preparation of this brief. The signatory to this brief certifies that copies of this amicus brief have been served on all parties of record.

INTRODUCTION

The use of AI and ASR to create judicial transcripts is a policy choice for the Legislature. In fact, the Office of Court Administration is studying “digital court recording” right now and will provide a report to the Governor, Lieutenant Governor, and Legislature by October 1, 2026. Acts of Aug. 28, 2025, 89th Leg., 2nd C.S., ch. 7, § 7.23 (H.B. No. 16).¹ It is unknown what—if anything—the Legislature will do with that study during an upcoming legislative session. But what *is* clear is that under current law, all depositions in Texas *must* be reported by a certified shorthand reporter (CSR), with no exception applicable here. TEX. GOV’T CODE § 154.101(f).

The question presented in this mandamus proceeding is a discrete one: whether the trial court abused its discretion in quashing depositions that were to be taken by an AI platform and excluding an AI-generated deposition transcript taken by that same AI platform (Scribe.ai). Relator did not use—and had no intention to use—a CSR to report the depositions, nor even to prepare transcripts from secure recordings of the depositions. With no exception to section 154.101(f) applicable in

¹ The legislation defines “digital court recording” as “the act of making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner for use in litigation in the courts of this state through the use of digital technology, electronic recording equipment, or other recording and transcribing technology.” *Id.* § 7.23(a)(1). In reality, there are different forms of “digital” recordings and different ways transcripts can be created, including through the use of AI or ASR—but this presumably is part of what the Office of Court Administration is studying, given the broad definition of “digital court recording.”

this case, the answer to the question should be that the trial court did not abuse its discretion in entering the order. *See id.*; *see generally* Real Party in Interest’s Brief on the Merits.

Relator (and Relator’s supporting amici) nonetheless makes numerous policy arguments urging this Court to vacate the trial court’s order. Relator claims that *not* being able to introduce into evidence an AI-generated deposition transcript “forfeit[s] his cost-saving right” and that “Skribe’s written transcriptions—professionally proofread by human transcriptionists—represent the legal industry’s adaptation of this technology, offering accuracy and reliability tailored to litigation needs at a lower cost.” Relator’s Brief on the Merits at 44-45.

This Court need not delve into policy arguments to construe statutes and rules governing the trial court’s discretion to enter the order, of course. *See Tex. Dep’t of State Health Servs. v. Sky Marketing Corp.*, 733 S.W.3d 689, 694 (Tex. 2026) (“The role of the courts is merely to assess the state of the law as it is.”). But to the extent this Court considers public policy, an opinion from this Court giving the green light to the unregulated preparation and use of AI and ASR deposition transcripts in court proceedings would create very bad policy—and that is essentially what Relator asks this Court to do. NCRA submits this brief to provide this Court with further context regarding the use of AI and ASR to prepare official judicial transcripts, to the extent this Court chooses to engage in policy considerations.

ARGUMENT

I. The Legislature has established the regulatory framework for court reporting in Texas.

This mandamus proceeding can be decided under existing statutes and rules. The Texas Legislature has said who is authorized to report oral depositions in Texas. With statutory exceptions not relevant here, depositions conducted in Texas must be reported by a certified shorthand reporter (CSR). TEX. GOV'T CODE § 154.101(f).²

Coupled with this mandate, the Texas Government Code establishes robust certification and regulatory requirements governing individuals and court reporting firms engaging in court reporting in Texas. *See* TEX. GOV'T CODE ch. 154. This Court has approved Judicial Branch Certification Commission (JBCC) rules subjecting CSRs to rigorous training, ethical, and competency requirements—all of which are designed to safeguard the integrity and accuracy of deposition and other official transcripts. *See* TEX. GOV'T CODE §§ 152.101, 154.002; Code of Ethics for Certified Shorthand Reporters and Court Reporting Firms, Supreme Court of Texas Misc. Docket No. 18-9060; *see also* Texas Deposition Reporters Association Corrected Amicus Brief at 7-8, 12-13 (summarizing regulatory scheme for CSRs

² As is ably set forth and explained in Reddico's brief, the Texas Deposition Reporters Association's amicus brief, and the Texas Court Reporters Association's amicus brief, Rules 199.1(c) and 203.6 do not—and cannot—create an exception from section 154.101(f)'s mandate and can be properly construed with the statute. To the extent there is any conflict, the rules yield to the statute. *See Johnstone v. State*, 22 S.W.3d 408, 409 (Tex. 2000) (per curiam).

and court reporting firms); Texas Court Reporters Association Amicus Brief at 15-19 (same).

The JBCC has taken the position that AI companies in the business of creating deposition transcripts without using CSRs are not subject to *any* regulatory oversight, since they are not engaging in “court reporting” as defined by statute. *Judicial Branch Cert. Comm’n v. Holmgren*, 691 S.W.3d 155, 158-59 (Tex. App.—Austin 2024, pet. denied); *see* TEX. GOV’T CODE §§ 154.001(4), (5). If Relator is right that AI platforms can prepare admissible deposition transcripts without a CSR, in contravention of the Texas Government Code, the obvious result is AI bots performing the substantive task of creating deposition transcripts—but with no human involved who is subject to the certification, disciplinary, ethical, confidentiality, continuing-education, and professional requirements imposed upon CSRs. *See id.* The Texas Legislature has declined to amend the Texas Government Code to allow what Relator wants.

II. The unregulated use of AI deposition transcripts in court proceedings is bad public policy.

Texas’s regulatory framework governing judicial transcripts and CSR certification is not just designed to regulate a profession, but to protect the accuracy, reliability, confidentiality, impartiality, and accountability of the judicial record. The emergence of AI and ASR technologies does not eliminate the need for those protections. If anything, it reinforces their importance. AI and ASR technologies

may be able to produce transcripts that at first blush appear accurate. But the more important question is whether a deposition transcript is prepared in a manner that is accurate, complete, impartial, independently verifiable, secure, attributable to a responsible professional, subject to meaningful regulatory oversight, capable of being authenticated, supported by a demonstrable chain of custody, and sufficiently reliable to serve as the official record upon which judicial decisions may depend. These questions are different from the ordinary consumer or commercial question of whether speech-recognition software can produce text.

To be clear, NCRA is not inherently opposed to the use of technology as a supplemental tool to assist CSRs with their preparation of official judicial records. NCRA Artificial Intelligence (AI) Position Statement (Feb. 24, 2026).³ Indeed, court reporters have repeatedly incorporated new technologies into the profession when those technologies improve access, speed, and functionality without compromising the reliability or validity of the record. NCRA White Paper, Emerging Ethical and Legal Issues Related to the Use of Artificial Intelligence (AI), Automatic Speech Recognition (ASR), Voice Cloning, and Digital Audio Recording of Legal Proceedings, at 4 (Nov. 2023) (“NCRA White Paper”).⁴

³ Available at https://www.ncra.org/docs/default-source/uploadedfiles/operations/ncra-notices/ncra-ai-statement_feb_26_2026.pdf?sfvrsn=4220cbff_5.

⁴ Available at https://www.ncra.org/docs/default-source/uploadedfiles/resources/ncra-strong-resources/ncra-white-paper-emergency-ethical-and-legal-issues_ai-and-asr.pdf?sfvrsn=a5b1e0b5_8.

But for many critical reasons, AI and ASR should not displace a trained, certified, impartial human CSR in the creation, preservation, and certification of official judicial records. For example, CSRs are trained and certified professionals who are professionally accountable—but AI platforms are not. A CSR brings a combination of education, specialized training, professional certification, licensure or regulatory authorization, ethical obligations, and personal accountability to the transcript-preparation process. As a professional the Legislature has chosen to regulate, a CSR can be disciplined if the CSR fails to adhere to regulatory requirements. TEX. GOV'T CODE § 154.110; *see also id.* § 154.111 (disciplinary actions against court reporting firms).

Further, in ordinary commercial applications (like AI or ASR captioning a TV show without a professional captioner), an occasional transcription error may be inconvenient or even funny. But a judicial proceeding determines issues of justice and, in some cases, matters of life or death. In a judicial proceeding, an error can change the meaning of testimony, alter the apparent answer to a question, affect a ruling, undermine an appeal, or distort the factual basis upon which a court makes a decision. A CSR's human accountability is not incidental to the record. It is one of the safeguards that makes the record reliable.

In short, the CSR is the “guardian of the record.” NCRA White Paper at 3. Technology may assist the guardian of the record; it should not become the guardian of the record.

CONCLUSION

Because the trial court did not abuse its discretion in entering the order, NCRA respectfully requests that the Court deny Relator’s Petition for Writ of Mandamus.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this Amicus Curiae Brief (when excluding the caption, table of contents, index of authorities, signature, and certificate of compliance) contains 1,819 words.

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