Roger Miller and Margaret Valenzuela

BY NANCY HOPP

Ah, the good old days. Remember when a court reporting agency could distinguish itself technologically by including a CAT company logo in its NSR firm listing and offering transcripts in both ASCII and DiscoveryZX formats? It’s hard not to wax nostalgic about a time when being on the cutting edge of reporting meant simply learning a CAT system and a transcript file conversion program. (And raise your hand if you found even those prospects somewhat daunting at the time.)

But progress relentlessly marches on. From such humble beginnings, the role of the reporter has morphed into that of an information technology specialist, an evolution reflected in technologically advanced products and services. Yesterday’s “scrunched” transcripts constitute pretty small potatoes compared to today’s online transcript repositories. And as attorneys explore the brave new world of litigation support and electronic evidence, savvy reporters are expanding their offerings to meet this changing legal landscape.

NCRA Past President Roger Miller, RDR, of El Paso, Texas, and his business partner, Margaret Valenzuela, RDR, CRR, possess between them 50 years of reporting experience. They are no strangers to the challenges of using and marketing litigation-related technologies. In fact, Margaret and Roger have parlayed their interest in this area into a wide range of product and service offerings for litigation attorneys, spread across two companies.

These reporters are mindful of the potential conflict-of-interest issues involved in offering both reporting and document services. According to Margaret, “It is our opinion that court reporting (and attendant ‘litigation support’ services) must be equally available to all parties in a case, while litigation support services offered through a document management company are attorney work-product-privileged. Providing litigation support services not directly related to transcript management through a court reporting firm likely makes them producible to opposing parties.”

“As a result,” she continues, “we have two companies. Our court reporting company, Keith & Miller Certified Court Reporters, provides a neutral offering to all parties in a matter as officers of the court.” In addition to reporting and transcripts, Keith & Miller also offers legal video, digitizing and synchronization of video, exhibit scanning, Web-enabled depositions and exhibits, videoconferencing, records retrieval, and service of process.

“We have a separate document management company, Altep Inc.,” Margaret adds, “that provides services in support of one party’s efforts in a matter. Keith & Miller does not perform deposition work in cases where Altep is performing document management work and vice versa.”

While many reporters have embraced new technology in the form of realtime and online transcript repositories, it is still somewhat rare to find reporters moving into the documents area. What attracted Roger and Margaret to this market?

“We both became interested in document management services after reporting depositions in document-intensive litigation, where we saw rooms of contract paralegals creating indexes of boxes of paper, only to then have to return to the boxes when a specific document was needed,” Margaret explains. “We felt that conversion of these documents and indexes to digital format would result in efficiencies for all parties involved.”

Altep extends its services into the documents area by providing document imaging, OCR conversion, bibliographic coding, autocoding, electronic discovery, and Web-based repository hosting.

The world of electronic discovery is a hotbed of business opportunity in the legal market today. According to Margaret, “With regard to the types of e-discovery services we offer through Altep, they run the gamut. We process e-mail and e-files, extracting text and metadata and converting to TIF or PDF, most often for hosting in an online repository.”

Of course, when you offer such a diverse array of services, keeping abreast of and understanding new technological developments is the supreme challenge.

**Document Management Terms**

Here is a brief primer of document management terms:

**Document imaging** is accomplished by using a scanner to create a computer image file, much like a digital photo of a hard-copy document.

**Image files** are not searchable, which is where OCR conversion comes into play. OCR stands for Optical Character Recognition, a process by which a computer program analyzes an image file and interprets the patterns of light and dark as letters and other characters, rendering an image file searchable.

**Coding** refers to summary information about a given document that is entered in an electronic document database and allows lawyers to search for and annotate information relating to a given document. The phrase “bibliographic coding” represents data input of objective document data, such as date, author, subject, and so forth. The process of autocoding uses software to extract this objective coding information. (“Subjective coding” refers to attorney impressions of a document, such as relevance to particular issues and assignment of privilege designations.)

**Electronic evidence, or e-discovery,** firmly enshrouds computers in the litigation arena. In contrast to scanned paper, documents created by means of a computer program, such as word-processed letters or electronic spreadsheets, contain embedded information reflecting the date and time of creation and subsequent modification, identification of the author, and so forth. These properties, known as metadata, provide additional evidentiary material that can prove very valuable in building a case. Certain litigation support programs import these kinds of files and make the metadata, as well as the document text, available for searching.
Margaret and Roger do so, on the reporting side of their business, by attending NCRA and state association conventions and going to product user group presentations and meetings.

To stay on the cutting edge of the documents arena, Roger and Margaret attend — and also exhibit at — major legal trade shows, including LegalTech New York, Legalworks, and the ABA Techshow. “We sponsor and attend various paralegal and legal secretary functions, including the National Federation of Paralegal Associations,” Margaret adds. They’ve also broadened their knowledge in this area by going to product user group meetings and presentations by related industry service providers. Reading trade journals helps round out their knowledge of document technology developments.

If your clients are new to these technologies, it can sometimes be a daunting task to get them on board. Margaret and Roger are proactive in this respect by offering innovative technology for them to try. They attend Continuing Legal Education presentations and speak at bar, paralegal, and legal secretary functions. Print media, handouts, and their Web site also help get the word out about new products and services. In addition, their clients can make use of formal training sessions and online demonstrations as well as customer user guides.

In the process, Roger and Margaret have discovered many benefits in giving their clients access to state-of-the-art technology. In Margaret’s words, “It’s beneficial to our reporters to remain up-to-date with current technology. We find that it engenders loyalty and a continuum of work for reporters associated with Keith & Miller. In addition, it also helps maintain customer loyalty and provides the firm a ‘lock’ on business.

“As far as Altep is concerned,” she says, “technology is the core of our business. We have a greater understanding of the entire discovery process, of which depositions are one key piece. On the personal side, it has been a challenge to grow a new business, and, of course, there is great personal satisfaction in continuing to develop new skill sets and knowledge.”

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