

Mea Culpa

BY WAYNE COHEN

Lawyers may treat court reporters in a patronizing manner. Here, one lawyer admits his guilt and offers suggestions for regaining your stature with other lawyers.

And the jury finds the defendant, Wayne R. Cohen ... guilty. Yes, it's me, Wayne Cohen, the immediate past president of the Trial Lawyers Association of Metropolitan Washington, D.C., a current adjunct law professor at the George Washington University School of Law, and an active trial lawyer. I've tried more than a hundred cases and have probably taken close to a thousand depositions. This time, however, I am the guilty party.

Mea culpa! I confess. Trial lawyers (such as me) are sometimes guilty of treating court reporters in a condescending, ignorant manner.

This patronizing attitude is particularly evident in rookie lawyers. Many of these young hotshots pass the bar and carry their J.D. around as if it's a license to trample over other nondegreed legal professionals. I distinctly remember a time when, as a recent graduate, I participated in a deposition during which some of the deponents were thirsty. I recall offering beverages to every single person in the conference room — *except the court reporter*. At the time, I thought nothing of it. In fact, I half expected the court reporter to jump out of her chair and go get the drinks.

Fortunately, this top-gun mentality tends to soften over time. Unfortunately, though attitudes may soften, ignorance has a tendency to fossilize as the years go on. Many more seasoned attorneys *still* haven't the slightest clue what court reporters actually do. We don't understand how court reporting equipment or software works. We have no idea how court reporters use the key strokes or how the transcripts go from the court reporter's computer to production. I think that if we did, we'd be a lot more understanding toward our reporters. We'd recognize the value of partnering with them, instead of simply presiding over them.

A Bad Foundation

For me, it wasn't until three years ago — when I teamed up with an experienced court reporter to form a court reporting company — that I began to understand the true nature of the lawyer and court reporter partnership. Court reporting is hard work and requires an immense amount of training. Court reporters are not just assistants who fetch your coffee and type some phrases into a machine. Court reporters are vital contributors to any team of legal professionals. Without them, we couldn't try a single case! Why are so many attorneys so slow to realize this?

Well, in defense of my colleagues, the entire legal profession bears some of the liability for this infraction. It starts in law school. As a current adjunct professor at George Washington University Law School (I teach trial skills), I've seen hundreds of bright future lawyers pass through my classes. These young hopefuls study contracts, procedure, evidence, and trial skills. They learn how to take depositions. Not a single class in law school, however, teaches them about court reporting. They are taught who court reporters are, but they never learn what court reporters actually do.

As a result, law school graduates who are able to cite cases as easily as the alphabet don't have the slightest clue as to what it takes to be a court reporter, which is pretty unfortunate. As professional lawyers, they will spend hours and hours working with court reporters on most of their cases. The lawyer-court reporter relationship, by nature,

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Four Things Court Reporters Can Do to Better Their Relationships with Attorneys

1

Establish a rapport

When you arrive for a deposition, show up early — establish a rapport with the lawyers. Talk about things you may have in common, such as vacations, family events, recent football games, or whatever you can think of.

2

Embrace an attitude of service

It can help break the ice. Genuinely listen to what others have to say when you ask them typical questions, such as "How are you today?" People, even prestigious lawyers, have the same human needs to be heard and valued.

3

Be in a good mood

Remember that attorneys, like you, have very stressful jobs. You have a unique opportunity to be disarming and to ease some of the tension in the conference room and courtroom. Be in a good mood. Toss out a light but appropriate joke before the deposition begins. This can help take some of the edge off.

4

Have a good attitude

The most important thing you carry with you is your attitude. If you truly believe that there is a relationship to be built, then you will take the steps to make it happen.

is symbiotic, a fact we so often fail to acknowledge.

So I want to apologize, on behalf of my profession, for the way we sometimes treat you, the court reporter. The truth is, we provide work for you; in return, your work sustains our cases. Both of us need each other and have valuable things to offer. We should function in tandem rather than exploiting a tiered hierarchy.

Fresh Starts

With this goal in mind, what can you as court reporters do to better the relationships between yourselves and attorneys? Obviously, relationships are a two-way street and require effort from both directions. That said, you can certainly be the first to get the ball rolling.

When you arrive for a deposition, try to show up early and to spend some time relating to the lawyers as col-

leagues and friends. Establish a rapport with them. Talk about things you may have in common, such as vacations, family events, recent football games, or whatever you can think of. Just because you both have different jobs and levels of education does not mean that you both cannot resonate with each other. As a reporter, you may just find more than a professional partnership — you might actually find a good friend!

Also, embrace an attitude of service. It can help break the ice. Genuinely listen to what others have to say when you ask them typical questions, such as "How are you today?" People, even prestigious lawyers, have the same human needs to be heard and valued. (Who knows, maybe lawyers even have this need more?) Talk to the receptionist on your way in, and be friendly to everyone in the firm. Establish yourself as approachable and valuable, and others will perceive you this way.

Remember that attorneys, like you, have very stressful jobs. You have a unique opportunity to be disarming and to ease some of the tension in the conference room and courtroom. Be in a good mood. Toss out a light but appropriate joke before the deposition begins. This can help take some of the edge off. The attorneys and deponents will greatly appreciate your effort, and you will likely be asked to return in the future.

Yes, it takes confidence to interact in such a manner with people who get paid to be intimidating. I cannot stress enough that the most important thing you carry with you is your attitude. If you truly believe that there is a relationship to be built, then you will take the steps to make it happen. When you take these little steps, you establish your credibility in the eyes of the lawyers. They will be much more eager to embrace you as colleagues and partners, rather than subordinates. Both of you will benefit from this dynamic.

Working Together

The attorneys will, I hope, take it from there. With a little push from you, most lawyers can quickly be trained to respond to you in a way that is respectful and genuine. As you begin to develop relationships with attorneys, try to teach them a thing or two about the work you do. Most lawyers will be shocked to learn about the intricacies of your work. You will likely to get a break from them as they begin to understand how complicated the transcription process really is.

I wish that all attorneys could develop a better perspective on court reporting. It took me years, and I'm still learning new things from the court reporters I work with on a daily basis. It's so enriching! If only I had realized this earlier.

I'm truly sorry for the way I have treated you over the years. I, like many in my profession, am guilty as charged. I hope that my sentence will be light, and you will forgive me! ■