

Frequently Asked Questions About Digital Signature

Code of Civil Procedure Art. 1446(A)(1)(b) currently authorizes a court reporter to seal a deposition either: (i) in the traditional hard copy or paper transcript format according to the same formalities as have applied in the past; or (ii) electronically, using digital certification technology approved by the CSR Board. The CSR Board has prepared this list of Frequently Asked Questions (FAQs) to assist reporters in understanding and applying the new digital signature certification process.

Court reporters do not have the option to digitally certify a transcript at their own initiative, since Art. 1446 says (emphasis added) that the reporter may, “*At the request of the parties*, seal the deposition electronically by secure electronic means approved by rules promulgated by the Louisiana Board of Examiners of Certified Shorthand Reporters” Accordingly, the following series of questions and answers addresses when and how reporters may use the digital signature certification process.

PLEASE NOTE: The FAQs are a work in progress and may change over time.

- Q: What is a digital signature?

A: Digital signature, in the context of court reporting, is a process whereby a reporter

may digitally sign and certify a transcript without the necessity of printing the transcript and affixing a “wet” signature. This may only be done in accordance with rules

promulgated by the CSR Board and with technology approved by the CSR Board.

- Q: Does use of a digital signature change the rules of reporting?

A: No. It provides another method of certifying a transcript, as further explained in the answer to FAQ number 6.

- Q: What are the advantages of digital signature?

A: The advantages of using digital signature include the following:

- It allows attorneys to file reporter-certified electronic transcripts with courts that allow or require filings to be made by electronic means.
 - It allows attorneys who want to operate in a paperless environment a way to receive or transmit a certified digital transcript without having to accept and store paper transcripts.
 - It allows a reporter to sign and certify an electronic transcript without having to print a paper copy, saving time and paper expense.
 - It allows a reporter to securely sign a transcript on a computer and send it immediately to a client and others, right from that computer, without having to physically sign and deliver a paper copy. This is a convenience to the reporter and can result in quicker certified transcript delivery to the client.
- Q: How do I get a digitally signed transcript to a witness or his or her attorney if the witness wants to read and sign the transcript?

A: A digitally signed deposition transcript can be transmitted electronically to the witness or attorney representing the witness, together with a Witness Certificate and Errata Sheet, accompanied by instructions for the witness to complete them. The witness may then mail a signed and printed Errata Sheet and Witness Certificate back to the reporter.

- Q: What do I do about exhibits?

A: Exhibits can be scanned to individual PDF files which can be provided to the parties along with the digitally signed electronic transcript. Exhibits may also be forwarded to the parties via other electronic media such as on CD, DVD or USB flash drive. The original exhibits can be returned to the noticing attorney or attorney to whom they belong.

- Q: What steps must I take to certify a digitally signed deposition?

A: The transcript must be reviewed for accuracy, as with a paper transcript. A certificate page must be included as part of the same transcript with the same certification language as required for paper transcripts, before affixing your digital signature.

A digital signature image shall include an image of the reporter's handwritten signature.

- Q. When may a court reporter electronically deliver to the noticing attorney a deposition transcript that has been certified in accordance with digital certification procedures?

If the noticing attorney requests an electronic, digitally certified transcript and no party objects, the reporter must send the deposition to the noticing attorney electronically, as requested. This electronic, digitally certified deposition will become the original transcript.

If any party objects to the noticing attorney's request for electronic transmittal of a digitally certified deposition transcript, the court reporter must send the deposition to the noticing attorney in a traditional hard copy or paper transcript format. This certified paper transcript will become the original transcript.

A reporter may deliver a deposition transcript electronically to any attorney participating in the deposition (including the noticing attorney), but the reporter must observe ethical rules that require comparable services to all parties and may not use electronic means to deliver a copy to one party in advance of delivery to other parties.

- Q. If the noticing attorney forwards the original digitally certified deposition

transcript

electronically to another attorney or party, is the deposition transcript in the hands of the recipient still legally certified?

Yes.

- Q. If a Xeroxed copy or printout of the original digitally certified deposition transcript is made by the noticing attorney, or by the recipient of the digitally certified deposition transcript, is that hard copy still legally certified?
- No. This would have the same effect as reproducing an original non-digitally certified transcript. The effect is the same with traditional paper transcripts. A photocopy of a certified paper transcript, just like with a printed version of a digital transcript, is just a copy of a certified transcript. Attorneys and courts may use printed or copied versions of a certified transcript, whether traditionally, or digitally signed, as legal custom and the rules of evidence allow.
- Q: What will be considered the “original transcript” of a deposition if one or more attorneys chooses to accept a digitally signed transcript?

A: The original transcript is the certified transcript delivered by the court reporter into the possession of the noticing attorney.

- Q: How do I send out a digitally signed transcript?

A: Send the electronic transcript via email or other electronic means to the noticing attorney and any other attorneys requesting a copy.

- Q: Can I let someone else apply my digital signature to a transcript if I am through reviewing it?

A: No. Only the certifying reporter can affix a digital signature to a transcript. Giving a proxy or power of attorney for a digital signature to a reporting firm or other entity is prohibited.

- Q: What technology may I use for applying a digital signature?

A: Two types of technology may be used to certify a transcript by digital signature: (i) a PDF file or (ii) a proprietary file type specifically designed for court reporting transcripts (E-transcript).

A PDF file digital signature may be created by the reporter following instructions provided by Adobe. See <https://helpx.adobe.com/acrobat/using/certification-based-signatures.html>. The digital signature must include a Digital Certificate obtained from an approved Certificate Authority (“CA”), an image of the reporter’s wet signature, and an image of a time/date stamp. A list of approved CAs may be found on the Adobe Approved Trust List (“AATL”), such as Entrust, DigiCert, and GlobalSign.

E-transcript has an integrated digital signature option in which the digital signature is provided by a company named Surety, a CA which meets the CSR Board’s standards.

- Q: Are there any vendors who already meet the standards set by the CSR Board for digital signatures?

A: Yes. Currently, the following companies provide software that meets the requirements for digital signature:

- Real Legal (E-transcript)
- Yes Law (PDF file)

<https://legal.thomsonreuters.com/en/products/reallegal>
https://www.yeslaw.net/transcript_generator_help.html

- Q: Will there be more vendors approved in the future?

A: The CSR Board will periodically monitor, evaluate, identify, and list on its website additional vendors accepted for use.

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