

# Testifying while black: A linguistic analysis of disparities in court transcription

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A new study has found that court reporters transcribe speakers of African American English significantly below their required level of accuracy. The study "Testifying while black: An experimental study of court reporter accuracy in transcription of African American English," by Taylor Jones (University of Pennsylvania), Jessica Kalbfeld (New York University), Ryan Hancock (Philadelphia Lawyers for Social Equity), and Ryan Clark (University of Pennsylvania) will be published in the forthcoming June 2019 issue of the scholarly journal *Language*.

The study measured the accuracy of transcriptions made by [court](#) reporters, the stenographers who take down testimony word-for-word. It found that, on average, the court reporters tested were able to transcribe 82.9% of the words accurately when asked to record everyday sentences in African American English. Their transcriptions constitute the official court record, and the reporters are required to be certified at 95% accuracy. The reporters must be able to correctly transcribe 95% of all the words they hear in a test at specific speeds—but they are not tested on their ability to transcribe everyday speech in dialects other than Mainstream American English.

The researchers recruited native speakers of African American English from the Philadelphia area and recorded them reading sentences in the dialect. The [audio recordings](#) were played for 27 court reporters—one third of the official court reporting pool in Philadelphia—who were asked to transcribe the sentences they heard. They were also asked to paraphrase the sentences in classroom English, to determine if miscomprehension contributed to mistranscription.

Thirty-one percent of the transcriptions inaccurately altered the record of the people involved (who), the action or subject matter (what), the time or aspect (when), or the location (where). In addition, the [test subjects](#), on average, paraphrased only 33% of the sentences correctly. Accuracy was not related to any individual characteristics of the court reporters like age, race, where they got their training, or number of years on the job.

African American English is a rule-governed dialect primarily spoken by African Americans, though not all African Americans speak the dialect and not all speakers of the dialect are African American. Previous research has demonstrated that speakers of Mainstream American English sometimes have difficulty understanding African American English, but are unaware of their miscomprehension.

This lack of awareness of the potential for miscomprehension has significant potential to impact the outcomes of both criminal and civil trials where witness testimony is evaluated by jurors, judges, and attorneys.

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