

Digital Dictation: You've Cut the Cord, Now Cut the Tape

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Dictation saves time and money. Because most of us talk faster than type, it's more efficient and economical for lawyers to dictate documents, and let others do the transcription.

But the current standard for dictation – analog recorders and microcassettes – is flawed. The ones that haunted me in my practice:

- Unintelligible tapes. Tapes stretch and break down as they get old and are used over and over. The problem is, you never know you have a problem until you get a typed brief or letter back from your secretary with “???” throughout.
- Lost tapes. I'm sure I dictated an order, but my secretary can't find it on the most recent tapes. So we spend an hour listening to a dozen tapes, trying to find the order I spent 30 minutes dictating. Same problem when the tapes themselves get lost.
- Local tapes. Need something transcribed quickly, but you're on the road? You have three options: 1) Wait until you return and give the tapes to your secretary; 2) Pay a huge phone bill to dictate to your secretary, or worse, to your answering machine (and face your secretary's wrath when he or she has to transcribe it); or 3) Pay FedEx to overnight tapes back to your office.

There is a better way: Go digital.

Digital dictation records your voice in a format a computer can play. It's similar to an “.mp3” or “.wav” music or sound file. Because it's digital, your dictation has all the advantages of the computer age:

- Anytime, anywhere. Dictate on an airplane. Get to your hotel, download the dictation files, then use the Internet or e-mail to send the dictation files to your office.
- Priority. Ever dictate a letter or pleading in the middle of a tape, then decide the letter or pleading needs to go out immediately? With digital dictation, each document is its own, separate file. Just tell your secretary which one to transcribe first.
- Quality. No more unintelligible tapes. As long as you hold the recorder right, the dictation turns out perfect every time.
- Easy verification. Think the document you get back is not what you dictated? Keep a copy of the digital dictation file. Play that specific file, and compare it to the typed document.

The system is simple. The attorney dictates into a digital recorder. Using a USB cable, attorney connects the recorder to his or her computer, and transfers the digital dictation files from the recorder to the computer. Attorney sends the digital recordings to his or her secretary over the firm's network, the Internet, or attached to an e-mail. The secretary transcribes the dictation on the computer using a foot pedal and software that makes the computer work just like a standard cassette transcriber.

What you need for digital dictation:

- A digital recorder. I use the Olympus DS-330. I like its size, ease of use, and reliability. There are no proprietary recording formats to worry about. Unlike many digital recorders, the DS-330 works in many ways like a microcassette recorder. You can record over dictation if you think of something better to say. But unlike a tape recorder, the DS-330 lets you insert new dictation into the middle of an already-dictated document.
- Transcription software. This lets your secretary's computer play digital files as if it were a standard transcriber machine. The software can adjust play speed, advance or rewind, and even show time remaining on the file being played.
- Foot pedal. This hooks to the secretary's computer through the USB port, and works just like the foot pedal on a standard cassette transcriber.

Cost? Digital recorders sell for all prices. The cheapest price I found for the DS-330 on the Internet is \$114.95, shipping included. Office Depot has them for \$149.95.

Other recorders are cheaper, but they don't have the features of the DS-330. Likewise, many MP3 players have digital recorders, they don't have the functionality for heavy-duty dictation.

I use the foot pedal and transcription software from StartStop, www.startstop.com. Price is \$199 for the foot pedal. The software is free. Their service has been excellent, and they frequently update and improve their software. A similar product, called the WAVpedal, is available for \$190 from MedWord, <http://www.medword.com/MedwordStore/TPC/WAVpedal.html>.

That's all you need to get started with digital dictation. But even the best technology needs procedures to keep things straight; in other words, a system to make the technology work for you. My system works like this:

1. I dictate one or more files into the recorder. When I'm done dictating, I connect the recorder by a USB cable to my laptop, and Windows automatically recognizes the recorder. I start the software, which automatically downloads the dictated files from the recorder to a special folder the software sets up on my computer.
2. I send *copies* of the files to my secretary over our network, which also is done using the recorder software. I keep a copy of the dictated files so I can compare the dictation to the typed document later, if needed, and just in case there's a network or computer glitch.

3. I installed a program on my secretary's computer called Monidir2000, www.contactplus.com/products/freestuff/monidir.htm. This is a free utility that monitors folders you specify on a computer. I set the program to notify my secretary by a tone and pop-up window that I've put new files in the "Transcribe" folder, so she knows there's more work to do.
4. When she's done transcribing, my secretary puts the documents in the "Proof" directory. Using the same program, I'm notified that there are transcribed files for me to proofread.
5. I proofread the files on my computer, rather than printing them. This saves trees and costs.
6. When I'm done proofreading, I transfer the proofread documents to a folder called "Ready," and delete the original dictation files (they are no longer necessary). Monidir2000 notifies my secretary there are files ready to be printed. She prints them, I sign them, and off they go.

There are other options to cut the cord. One, used by many solos and small offices, is CyberSecretaries, which uses the Internet address www.youdictate.com.

According to Richard Jackson, a Dallas attorney who runs CyberSecretaries, an attorney sets up an account, and is given the company's toll-free telephone number for dictation. The attorney dictates directly into the telephone. The digitally recorded dictation is then sent to one of the company's transcribers across the country, who types the dictation. A separate person proofreads the typed document, which is then sent back to the lawyer as an e-mail attachment, using the lawyer's preferred word processing software and any templates (such as letterhead) the lawyer has set up with the company.

There is no cost to set up the account. Fees are one-cent per word, plus a small charge to use letterhead or other templates (such as pleading forms). All typists are in the U.S., have legal experience, and sign a non-disclosure agreement with CyberSecretaries. Jackson said turnaround time generally is three times the length of the dictation, so you should get back a 10-minute letter in 30 minutes, 24 hours/7 days per week.

Regardless of the system used, the days of microcassette tapes are numbered. Now anyone can get the efficiency and productivity gained by cutting the microcassette tape.