

THE DEPOSITION REPORTER

Deposition Reporters Association OF CALIFORNIA, INC.



JULY
2010

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MEMBER / TRADE ADS • MEMBERSHIP APPLICATION / RENEWAL FORM
can be found following the feature articles

PRESIDENT'S MESSAGE

LISA MICHAELS, CSR



I love new beginnings and fresh starts, whether welcoming a brand new summer season or a spending time with a new group of really smart folks to brainstorm and to share ideas.

More than ever, the DRA volunteers that make up the board of directors are looking at new ways to combine member value with new, innovative student and working reporter educational opportunities. With every meeting, I see their potential for reaching success shine.

Hard work and selflessness have always been at the core of DRA. What is best for our members? To this end, this year's board is developing new legislation protecting court reporting ethics and submitting new ethics rules to NCRA. They are protecting the steno reporter, whether here in California or at the national level. Even though years have passed since they've graduated, they are walking back into schools and inspiring the next generation of court reporters to dream our dream.

So what does it really take to serve your community by saying YES to serving on our

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board? Volunteer one Saturday every two months to meet with seven other representatives just like yourself to discuss this year's plan, join a conference call here and there with other committee members to finalize the plans, answer several e-mails, and give your opinions to the group. Most reporters who say YES to sitting in a seat at our table stay with us for years. The friendships, fun projects and being a part of shaping your own future is a new beginning that is very hard to step away from.

On behalf of the DRA Board of Directors, we thank you for your membership. Enjoy the latest version of our newsletter and tell a friend about DRA. That could be your own fresh new summer start!

Lisa Michaels, President



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DEPOSITION REPORTERS ASSOCIATION MISSION STATEMENT

DRA represents Certified Shorthand Reporters who report depositions and out-of-court proceedings in the State of California, who wish to promote a broader understanding of freelance reporting.

DRA strives to preserve and enhance the reporting profession, ensure its integrity, and maintain its high standards and impartiality wherever a verbatim record is required.

DRA is committed to ensuring that the shorthand reporting profession remains a viable and integral part of the legal system.

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October 2, 2010 11 a.m. to 4 p.m.
Cerritos Regional Park
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ITS TIME FOR

DRA'S ANNUAL SOUTHERN CALIFORNIA STUDENT BARBECUE

**Replete with
informative speakers, raffle prizes, picnic games and contests!!**

**Once the invitation is sent to the court reporting schools, the first 100
students to RSVP may attend.**

**Keep your eyes open for it and be ready to represent your school at
DRA's Southern California Student BBQ!**

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DRA Board Members - cont'd from page 5

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 8. Todd Olivas
 9. Lisa Michaels
 10. Susan Campana
- (Not Shown) Rebecca Cleaves

**E-mail your District Director
with any questions, concerns, comments or just to say hello!
They are ordinary working reporters just like you and would love
to get to know you.**



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Letter to the Editor

Dear editor:

Thank you for all your work as editor of *The Deposition Reporter*."

In response to the article "NCRA Midyear Convention" in the April issue, I'd like to address the uncertain financial position of NCRA and the idea of becoming an umbrella association for all forms of making the record: steno, video, voice technology, and DAR.

No doubt technology and economics are having a profound effect on our industry. Digital Audio Recording (DAR) equipment has improved dramatically and our country's economic meltdown has and is leading to replacement of steno reporters with DAR in many courts. A third factor is steno reporters' reticence to embrace technology, including, but not limited to, realtime. NCRA has recognized these facts and is now at a crossroads, both financially and organizationally. In my mind, they have only two choices:

- Become an umbrella organization for steno, DAR, voice, and video.
- OR*
- Become a certification-only organization for steno, DAR, voice, and video.

Becoming a "leaner stenocentric association" is the ONLY way NCRA can continue to advocate and market for steno reporters, but it would require a large organization to downsize significantly, which, while possible, is highly improbable and very difficult to effect. Too many political, internal, and external influences are present to prevent NCRA from downsizing sufficiently to best serve steno reporters. So where do "we" go from here? The "we" is stenographic reporters, with an emphasis on California stenographic reporters.

Florida Court Reporters Association (FCRA) states it is the prototype for the umbrella association concept that has been discussed as a possible avenue for NCRA to follow. Florida has no mandatory state certification for court reporters. It does have a voluntary Florida Professional Reporter (FPR) certification. In late 2009, Florida's Supreme Court Commission on Trial Court Performance & Accountability came out with its "Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts - Supplemental Report," which provides guidelines for using DAR in the courts and

only requires access to realtime steno reporters in capital cases and circuit criminal trials.

In my opinion, FCRA is the epitome of association failure in its advocacy for stenographic reporters. FCRA's president pleads with its member steno reporters to "bring your A game" and be courageous and "anything can happen." Yet, FCRA administers its FPR exam to people utilizing all forms of making the record and cannot require them to be members. Why would any nonsteno reporter in Florida want to be a member of FCRA? And I would add: Why would any steno reporter want to be a member of FCRA either? FCRA proves the point that you cannot do both: advocate for steno reporters and test and allow membership of all forms of the record.

Therefore, the only feasible and intellectually honest path for NCRA to take is to become a certification-only entity for all forms of making the record. Yes, that will mean states with their own certifications will be in competition with NCRA for testing rights. Consequently, steno reporters need to unite together within their states and among states to provide quasi-union advocacy, education, encouragement, marketing and all-around representation for steno reporters.

Yes, the states' requirements are very diverse as far as the making of the legal record in all forums, but the bottom line is steno reporters presently have NO nationwide entity effectively representing their interests. Not every state is fortunate enough to have a DRA, but a few good steno reporters from each state coming together could be a formidable foundation for representing steno reporters.

My advice to FCRA steno reporters: Split off and form your own "DRA." To California steno reporters: The consequence of relying on NCRA to represent steno reporters going forward? Get your headphones and foot pedals ready to transcribe audio files.

Everyone said DRA was going nowhere 15 years ago. Three California CSRs and one husband of a California CSR decided otherwise.

Karen M. Klein, CSR.
Founding member, DRA



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NCRA Election Candidates Answer Tough Questions

It's a difficult time in the reporting industry, and our national association may be at a crossroads regarding what direction to take in the future. The August 5th election at the NCRA convention in Chicago will determine next year's officers and board members. Four of the candidates chosen by the NCRA nominating committee last March are being contested, and four bylaws amendments are being proposed.

California has approximately 17% of the total NCRA membership, over 500 of whom belong to DRA. Those of you who are NCRA members have an opportunity, come August, to choose the candidates who most closely share your own philosophies and ideologies regarding the future direction of this profession. DRA feels it is important to provide our members with as much information as possible to help you make this decision. We have formulated some tough questions in order to elicit information we feel you deserve to know about the candidates between whom you must choose.

Each of the candidates for a contested position has graciously agreed to participate and allow us to publish their responses. Their bios, and information regarding how to vote online via Direct Member Voting, can be found on NCRA's website, ncraonline.org.

1. Do you believe we should remain stenocentric or become an umbrella association which includes alternate methods of reporting? If so, which methods?
2. Do you think an umbrella association would present a conflict of interest? Would it harm or help steno reporters?
3. Why do you think so many members are dropping their membership?
4. Do you think \$30,000 a month is an appropriate salary for the executive director?
5. Although NCRA has no power to stop gift giving or contracting, do you believe it should be accepting advertising or sponsorship from entities that engage

in such practices, in some instances entities that have been fined for engaging in such practices?

6. Do you think members who have ownership in entities which engage in gift giving or contracting should be allowed to serve as officers or directors of the NCRA board?
7. How do you feel about the four proposed bylaws amendments? (See page 9)

[CLICK HERE](#)

to read the responses of each candidate:

PRESIDENT-ELECT:

Douglas R. Friend (slated);
Sandi Mierop (challenger)

VICE PRESIDENT:

Shirley Hall (slated);
Tami Smith (challenger)

SECRETARY-TREASURER:

Jason Meadors (slated);
Bruce Matthews (challenger)

DIRECTOR (three-year term):

Tori Pittman (slated);
Viola Zborowski (challenger)



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NCRA BYLAWS

PROPOSED AMENDMENT to Article III, Section 9, paragraph b.

b) All Members may attend meetings of the Members and participate in any debates at such meetings. Only Participating Members who are verbatim stenographic reporters and Registered Members who are verbatim stenographic reporters, as well as Retired Lifetime Members and Honorary Members who have been verbatim stenographic reporters, shall be eligible to vote and/or make or second motions at such meetings or to vote by electronic mail or other means of electronic transmission as specifically authorized under Article IX ("Voting Members").

Rationale: There have been several attempts in the last few years to bring nonstenographic groups into the Participating or Registered Member category, where they would then be able to vote on issues affecting our stenographic association or serve as directors and/or officers. Currently, it only lists the Retired Lifetime Members and Honorary Members as having to be stenographic reporters to be eligible to vote.

PROPOSED AMENDMENT to Article III, Section 9, paragraph c.

c) Only Registered Members who are verbatim stenographic reporters or Retired Lifetime Members who have been verbatim stenographic reporters or Honorary Members who have been verbatim stenographic reporters shall be eligible to hold an elective office of the Association.

Rationale: This would allow those members who have served us in the past to have more input into the direction of the Association by serving again as a board member and/or an officer.

PROPOSED AMENDMENT to Article V – Board of Directors

Section 2–Composition and Eligibility

The Board of Directors shall be composed of the President, President-Elect, Vice President, Secretary-Treasurer, the Immediate Past President, and nine (9) Directors. The Executive Director shall be an ex officio member of the Board of Directors without voting rights. The Board of Directors may appoint other ex officio members of the Board without voting rights. Only Registered Members who are verbatim stenographic reporters or Retired Lifetime Members and Honorary Members who have been verbatim stenographic reporters shall be eligible to hold an elective office of the Association.

Rationale: This would allow former Registered Members and Honorary Members who have been stenographic reporters to serve as an officer or director if they meet all other qualifications.

PROPOSED AMENDMENT to Article VI, Section 2–Election, Qualifications, and Term of Office

The Officers (except the President, the Immediate Past President, and the Assistant Secretary-Treasurer) shall be elected each year by the Voting Members. The term of each elected Officer shall begin at the close of the annual convention at which the Officer was elected and the Officer shall serve until the Officer's successor is elected. No elected Officer shall serve for more than one full term in the same office except the Secretary-Treasurer; however, if a qualified Member wishes to run for an Officer position which he or she has held previously, he or she must wait until at least seven years have passed from the time he or she has held that Officer position. The Secretary-Treasurer who may serve for no more than three (3) consecutive terms. If an individual holds the position of Secretary-Treasurer for three (3) consecutive terms, that individual may not run for the Office of Secretary-Treasurer again until after seven years have elapsed from the time he or she has last held that position. The President-Elect shall automatically succeed to the office of President at the completion of the President's term of office.

Rationale: The rationale for this amendment is that there are some members who may want to hold an officer position more than one time in their life. Since many members believe that board members should not just be recycled year after year, the seven-year rule will make sure that anyone trying to run for an officer position after having already served previously in that position will have to wait at least three years at a minimum after their board service is completed before they could run again. An example of this would be the following. In 2000, a member becomes the Vice President and is Vice President for the 2000-2001 association year (year one). The member decides to move up the ladder and become President-Elect for the 2001-2002 association year (year two). That person then automatically becomes President for the 2002-2003 association year (year three), and then automatically becomes the Immediate Past President for the 2003-2004 association year (year four). In order for that member to run for and become Vice President again, they would have to wait three more association years to elapse before doing so. If the member became Vice President for the 2000-2001 association year and then decided not to try to advance to the next highest position, that member would have to wait for seven years before he or she could run for Vice President again. They could run for President-Elect at any time in the future since he or she had never held that position previously.

DRA Proposes Its First Resolution as a Formal NCRA Affiliate

On August 5th, 2010 from 2 to 6 p.m. at the NCRA national convention in Chicago, the National Committee of State Associations (NCSA) meeting will be held. NCSA serves as the liaison between NCRA and its affiliated associations. Each affiliated association is entitled to send two delegates and two alternates. Delegates and alternates may both participate in the discussions, but only delegates may vote on the proposed resolutions.

In 2008 DRA was successful in getting a bylaws amendment passed that allowed us to be a full-fledged affiliated association. As a result, we were able to send two delegates and two alternates to the table in 2009. This year DRA will be represented by President Lisa Michaels and Vice President Susan Campana as delegates, and past presidents Toni Pulone and Holly Moose as alternates.

The NCSA meeting is a forum for the affiliated associations to propose that certain actions be undertaken by the NCRA Board of Directors; for example, developing new strategic or marketing programs, changing the timing of meetings, blacking out dates for holding events, etc. If the proposed resolution passes by a majority vote at the NCSA meeting, it is then presented to the NCRA Board for consideration at its next meeting.

DRA very much values this opportunity to work together with the other state associations to help shape our future. This year, we are proud to have drafted and submitted the below proposed resolution, in which we suggest that the words "incentive" and "reward" be stricken from the Code of Professional ethics as acceptable, and in fact expressly prohibited in any amount, with regard to gift-giving practices engaged in by NCRA members.

We are pleased to have the support of six other affiliated associations who have formally joined our resolution by submitting it as their own: Washington State, Arizona, Florida, Washington D.C., Kentucky and Mississippi.

NCSA meetings are open to all members who wish to observe from the audience. If you are attending the convention, please come and show your support. We'd love to see you there.

PROPOSED RESOLUTION

That the language in Provision No. 8 of the Code of Professional Ethics be amended to read as follows and an updated Public Advisory Opinion be issued to reflect these changes:

"A Member shall: Refrain from giving, directly or indirectly, any incentive, reward gift or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year, or, (2) pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.

(Add the words: "Incentives or rewards in direct exchange for scheduling, use or payment of court reporting services are expressly prohibited in any amount").

Rationale: As currently written, Provision No. 8 is contradictory to Provision Nos. 1, 2, 3, 9, which read as follows:

A Member Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
9. Maintain the integrity of the reporting profession.

The practice of rewards and incentives in direct connection with hiring a court reporter creates, in the eyes of the public, the appearance that the reporter or firm offering the rewards holds some partiality or favoritism

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DRA's First NCSA Resolution - cont'd from page 10

toward the recipient of the rewards. As such, it undermines and dilutes the integrity of the reporting profession and the status of the reporter as a neutral and impartial officer of the court.

Advertising or offering a reward or incentive as part of a contractual relationship is quite different from offering a discretionary thank-you gift, regardless of the dollar amount. Once specific obligations are attached as part of a business agreement – book by X date, minimum two hours, payment required (parameters to be met in exchange for a reward) – it now meets the dictionary definition of a kickback: “a percentage of income given to a person in a position of power or influence as payment for having made the income possible; usually considered improper or unethical.” That definition addresses a principle, not a dollar amount. Anything of value offered with any contingency or that requires action or fulfillment of certain obligations on behalf of the recipient would necessarily change the nature of the transaction from a “gift” to an “incentive/reward” and should be prohibited.

Incentives and rewards are designed and offered for the sole purpose of influencing attorneys’ decisions in the selection of a court reporting service and interfering with their independence of professional judgment. Such practices create the appearance of impropriety and erode the integrity of the reporting profession and therefore have no place in it. A direct connection between booking a reporter and receiving a reward is inimical to the impartiality and integrity of the reporting profession.

The Code of Professional Ethics is essential to protecting the integrity of the reporting profession specifically and the judicial process generally. It exists to ensure that NCRA professionals have no stain or suspicion upon their complete and total impartiality. Provision No. 8 needs to be amended as suggested, in order to accomplish this.



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Lawsuits Filed: Update

The January 2010 issue of *The Deposition Reporter* featured an article entitled “Lawsuits Filed,” in which we reported that three lawsuits have been filed against *Esquire Deposition Services, LLC*, a Hobart West Company aka *Esquire*, and *Alexander Gallo Company*; one lawsuit filed against *Veritext Corp.*, and one lawsuit filed against *U.S. Legal Support, Inc.* and *Klein, Bury, Reif, Applebaum & Associates, Inc.* dba *U.S. Legal Support*.

The lawsuits were filed in four different venues: California State Court (removed to U.S. District Court, Central District of California); United States District Court, Northern District of Ohio, Eastern Division; United States District Court, Southern District of Florida, Miami Division; and The Circuit Court of Cook County, Illinois, County Department-Chancery Division.

All of the lawsuits contain the factual allegation that a full transcript page rate was charged for each page of a computer-generated Word Index.

In each of the Florida cases, the plaintiffs alleged that the defendant court reporting firms had violated Florida’s Deceptive and Unfair Trade Practices Act. The U.S. District Court, Southern District of Florida has just ruled that it finds no basis to certify the class action and has dismissed the cases.

A search of the PACER system shows that the case filed in Central District of California is still pending, with a date of July 14, 2010 for class certification motion hearing. Trial date is set for April 2011. It will be interesting to see if the California Federal judge rules the same as the Florida judge and denies the class certification or whether California’s consumer protection laws are more favorably written for the consumer than those of Florida.



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Tennessee Anticontracting Update

With the passage of SB 3059, Tennessee rejoins 28 other states in the U.S. in prohibiting court reporters from having ongoing financial relationships with the parties to the cases they report. Back in 2000, Tennessee law first limited such activities by court reporters. An amendment to the law last year inadvertently removed the restriction to financial contracts by a court reporter or reporting firm directly with a party in the lawsuit.

The Tennessee Court Reporters Association (TCRA) introduced the bill this past session to restore the language. TCRA President Lisa Blake says, "Court reporters must be impartial officers of the court. Having a financial arrangement with a party to cover all their litigation needs creates, in fact or appearance, a bias on the part of the reporter. The restored language to Tennessee Code Annotated Section 24-9-136 (TCA 24-9-136) assures all parties to litigation in Tennessee an even playing field and an unbiased, neutral court reporter with no financial or personal conflicts of interest. No one would want the judge in a case to be on the payroll of one party in a lawsuit. Court reporters are also duty-bound to stay impartial, just like the judges or mediators in legal matters. It's really just common sense, and many people never realized these practices were taking place in Tennessee."

Depositions or other proceedings taken by a court reporter found to be prohibited under the new law could result in the transcript being rendered void. Additionally, court reporters violating this section of the code would come under the jurisdiction of the Tennessee Board of Court Reporting and their Code of Ethics and Rules of Conduct. The TBCR was created under legislation last year and the license requirements for reporters begin July 1, 2010.

Laurel Eiler, past president of NCRA and TCRA, gives us some behind-the-scenes background:

"Well, just back in from the TCRA convention and thought I'd update everybody on how it all went. The governor signed the bill, as some of you know, right before convention. What I didn't put in the Depoman post is that we had a little 'special announcement' of the bill being signed into law that we were saving for the convention.

I was sitting in the committee hearing, watching a member of another court reporting firm's staff at the podium testifying AGAINST the law, and I decided those of us who didn't contract should make a statement at the convention. We needed a tag line and a hook; thus 'CRAC' was born, Court Reporters Against Contracting.

I contacted firms whom I knew didn't contract, stopping after I got ten commitments for \$150 each. This does not mean there weren't other noncontracting firms out there; I just decided in advance to stop at ten. We became the platinum sponsors of the convention luncheon, and we had koozies printed up that said 'CRAC, Addicted to Ethics!' with 'TCA 24-9-136' on the back. At each seat we had a koozie and a candy bag that said 'CRACheads, Addicted to Ethics. Celebrate the sweet victory of success with CRAC,' along with a flier explaining how CRAC came to be and why. CRAC was a huge success, and we were all pleased with the effort!

At the town hall just after the luncheon, however, there were several disturbing questions about what kind of networking arrangements would be legal under the law and what wouldn't – even though it's the same law we've had on the books since 2000 – with the members of the panel reiterating that if a discount is offered on a case-by-case basis, it's fine. A member of my firm, another TCRA past president, and JCR contributor, went to the microphone and stated that if the national firm is a CONTRACTING COURT REPORTING FIRM and the contract is with an INSURANCE COMPANY, obviously that's violating the law. I basically said afterward 'If it quacks, has feathers and waddles out of the *Peabody Hotel's* elevator, it's a duck, people. And don't ask/don't tell doesn't work for court reporters. Know the details of the jobs you take.'

We do have some confusion on straight referrals and networking and all that. I have some questions myself. Let's say *Esquire* calls me up to do a job and says they'll pay MY rates (assuming I don't

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Tennessee Anticontracting - cont'd from page 12

know it's *Esquire*, but some firm that handles their work). If I charge my regular rates and then they cost-shift it around on their end to the final paying attorneys, as I see it, I've still violated our law. But I don't know if that's correct. We need some form of due diligence for our reporters to have a litmus test for networking jobs.

I think it's important to get our definition of 'case by case' out there, and possibly codified at some point, which is that all parties to a single action come together and seek economies of scale and price and all parties use the same reporter or firm to enjoy that arrangement – not *Esquire* sending out their 'case-by-case' rate sheets. Anybody who can give me pointers or suggestions on how to keep them from turning contracting into fancy networking, I'm all ears. Also, if we need to push for refinements on any of the NCRA Code of Professional Ethics Public Advisory Opinions on networking, I'm all ears there too!"

BUSINESS AS USUAL ...

It didn't take long for the "big boys" to figure out a way around this stumbling block. Within a matter of weeks after the bill was passed, *Veritext*, a national court reporting company, fearing their arrangement with local reporting agencies was about to be prohibited by the newly-reinstated anticontracting law, circulated an e-mail urging local court reporting agencies in TN not to stop working with them just yet because, as it happens, they have been in contact with the "major agency players," who have met with Aaron Conklin, the attorney for the Administrative Office of the Courts, acting as the Tennessee Board of Court Reporting liaison, to discuss how they can continue to do "business as usual" while still complying with the new regulation. And by golly, they've figured out a way! These "major player agencies" are crafting a stipulation, pending approval by Conklin, for the reporter to present to counsel at the deposition, which states that the proceedings are being taken by the local reporter as a representative of *Veritext*, *Esquire*, whatever entity it may be. If counsel agree that the deposition can proceed as such, then a stipulation page to that effect will be inserted into the transcript in order to prevent the

transcript from being voided in the future for violation of the anticontracting law and to protect the reporter from being accused of ethics violations. *Veritext* goes on to state that these "major agency players" have gotten an agreement from a local judge that handling the law in this fashion satisfies the requirements of the Tennessee Code and that by using this method, all existing arrangements allowing production, distribution and billing by *Veritext* can continue as before.

Simple as that. Business as usual. Or is it? Laurel Eiler isn't ready to give up yet. She has this to say:

"This is what I'm proposing that all attorneys who don't have to use these people file as soon as a case is set:

TO WHOM IT MAY CONCERN:

At the law firm of [Smith and Jones], we feel using court reporters who are engaged in blanket contracts, either directly or through such national companies as *Esquire*, *Veritext*, et al., jeopardizes the impartiality of the court reporter and places my client at a disadvantage in litigation. As a result, I am formally advising you that I will not stipulate nor agree to the use of any such reporter at any time in the depositions or hearings to take place in this matter. Please do not schedule any depositions with such firms or I will challenge the reporter's impartiality in accordance with TCA 24-9-136."

There is something very, very wrong in this profession when all of the hard work by the Tennessee Court Reporters Association in drafting and passing this anticontracting bill – and the spirit of the law itself – is negated by a simple STIPULATION handed to the freelance reporter to present to all counsel before the deposition begins, and voila, it's BUSINESS AS USUAL. Please remember that these schemes to circumvent our professional ethics only work if the working reporter participates in them. This latest scheme requires the reporter to agree to present the stipulation at the deposition and to get it signed by counsel. What if the reporter were to refuse to do so? By participating in this scheme, are reporters potentially opening themselves up to some form of penalty or liability? *Think about it.*



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Digital Signatures for Dummies

UPDATE
For California
Deposition Reporters
 by Karen Klein, CSR

USEFUL FACTOIDS

- An electronic signature most often displays an image of your handwritten signature on the transcript.
- A digital signature is one form of electronic signature that can be authenticated and verifies that the document that has been digitally signed has not been tampered with.
- Not all electronic signatures are digital signatures.
- California does not at present have any statute that requires that depositions be digitally and/or electronically signed by reporters.
- Texas does require digital signature of electronic (e-mail or fax) versions of original transcripts (effective January 28, 2006)
- California Rules of Court do not presently require digital signature of legal documents. Electronic signature is required for certain legal documents that are filed electronically.
- This does not include depositions.
- Digitally signing a deposition does not prevent an agency from reformatting your transcript.
- Digitally signing a deposition does prevent end users from changing the content of the transcript without invalidating the digital signature. End users can save/convert the digital transcript into another format (i.e., text) but the digital signature is no longer valid in the newly formatted file.
- Electronic signature alone (without digital signature) does not ensure a transcript has not been tampered with.

* * * * *

So what are the present options for California reporters and agencies with regard to digital signature? (Note: a reporter's choice may be determined or influenced by what the agencies they work with require in order to obtain job assignments.)

1. Do not electronically and/or digitally sign any depositions at this time;
2. Purchase or update already-owned software that has the ability to electronically and digitally sign depositions;
3. Electronically and digitally sign all depositions;
4. Only electronically sign all depositions;
5. Digitally and electronically sign only depositions filed in cases venued in Texas courts.

* * * * *

How can individual California reporters accomplish any of the options above?

Your CAT software may already contain the ability to allow you to electronically and/or digitally sign your transcripts. For digital signature, you will need to purchase a certificate from a valid certification authority, and you may need to either upgrade the PDF creation software contained in your CAT software or purchase stand-alone PDF creation software, such as *Adobe Acrobat* or *Cute-PDF*.

You may be required to give authority to the agency or agencies you work with for them to apply your digital and/or electronic signature to your transcripts after they are processed in final form by the agency. Reporters who give this authority should, in turn, insist on the ability to electronically track the use of their digital signature on any and all transcripts it is applied to.

An agency may require reporters that work with it to use a particular method of digital signature, such as *E-Transcript's* digital signature product, as that is the only product that will work with the *E-Transcript* electronic transcript format. Unless the agency has an unlimited subscription plan with *RealLegal*, this may result in additional fees being paid by the reporter.

* * * * *

cont'd on page 15

Digital Signatures - cont'd from page 14

How can reporting agencies or reporters who produce their own final transcripts for clients accomplish any of the options above?

In addition to the option available to individual reporters through their CAT software, stand-alone PDF products specifically tailored to the court reporting industry are *MinuScript*, *pdf-it*, and *Visionary V-Print*. These products support digital signature of DDF transcripts. Also, off-the-shelf products, such as *Adobe Acrobat*, can be used to digitally sign PDF transcripts.

ReporterBase Software, court reporting management software, also allows for digital signature of PDF transcripts at no extra charge for its users other than obtaining a certificate from a valid certification authority, such as *VeriSign*.

For those reporters and reporting agencies still using *RealLegal's E-Transcript* software, *RealLegal* has their own digital signature process that is proprietary for *E-Transcripts* only. An additional fee is charged for each digital signature purchased through *RealLegal* in addition to the monthly subscription fee for the software itself, unless the reporter or agency purchases an unlimited subscription plan and pays a monthly fee.

* * * * *

Pros and cons of digital/electronic signing of transcripts:

Electronically signing transcripts has the potential to add credibility and integrity to electronic transcripts and assist the end users with reducing the use of paper transcripts and perhaps even encourage individual judges to accept electronically-signed transcripts as if they were in hard copy format.

Digitally signing electronic transcripts for cases venued in Texas assists counsel in Texas with conforming to Texas court rules and is good business practice for court reporters who work on Texas cases.

Individual reporters who do **not** do final production may be required to formally delegate

authority to their agencies to digitally sign final transcripts on their behalf. This is very dangerous when reporters are working for out-of-state or nationwide agencies that they are not familiar with and have no level of trust or knowledge of that agency's integrity or ethics.

If reporters refuse to delegate authority for an agency to digitally sign their transcript and the agency requires that the transcript be digitally signed, the transcript must be e-mailed back to the reporter after final processing for the reporter to digitally sign. The refusal to delegate authority may also result in loss of work to the individual reporter.

* * * * *

To facilitate any required use of digital and/or electronic signature of depositions in California in the future, it is imperative that our reporting leadership (DRA) and the Court Reporters Board of California encourage CAT vendors, PDF transcript management software vendors, and reporting management software vendors to allow individual reporters to delegate digital transcript signing authority to their agencies, but at the same time maintain the ability to electronically track when, where, and by whom that delegated authority is being used. Allowing agencies to apply reporters' digital and/or electronic signatures is necessary, as often in final processing corrections need to be made to transcripts after they are emailed in by reporters to the agency. Some software, such as *ReporterBase*, *pdf-it*, and *E-Transcript*, do presently allow for tracking by reporters of how their digital signatures are used and when changes to their transcript has occurred.

Also, a list of California accepted independent certificate authorities for reporters to use should be formulated to ensure the integrity of digital signatures on depositions in California so that all courts, litigants, and law firms can rely on them. (See NDTCA article, next page, for information on *E-Transcript's* National Digital Transcript Certification Authority.)



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National Digital Transcript Certification Authority (NDTCA)

The NDTCA, according to information online provided by RealLegal, is “a nonbiased third party that maintains the signing account for every reporter that possesses the ability to sign electronically” an E-transcript. RealLegal requires all reporters who wish to digitally sign E-Transcripts to register and purchase digital signatures directly through their proprietary process. No alternative software or certification entity, such as VeriSign, is able to apply a digital signature or authenticate the signer from within the E-transcript software product.

In 2000, RealLegal filed for a word mark with the U.S. Patent and Trademark Organization (USPTO) to assert ownership of the name “National Digital Transcript Certification Authority.”

E-mail inquiry to RealLegal as to the present ownership and status of the NDTCA has not been answered, but as of January 2010, the mark with the USPTO is listed as “dead.” Is the NDTCA owned and operated independently from RealLegal at the present time? No evidence that it is independent has

been received or found on the Internet. Is RealLegal still using the NDTCA to authenticate the identity of reporters digitally signing E-Transcripts? Their website still lists the NDTCA in its documentation. Each reporter who is digitally signing their transcripts has the burden of using an independent certification authority to authenticate their digital signature before they apply it to transcripts. Does the NDTCA meet that burden? That cannot be fully determined as enough documentation is not readily available despite inquiry to RealLegal.

If a reporter is still using E-transcript or is required by their agency to use E-transcript, the use of RealLegal’s proprietary digital signature methodology is not an option - it’s mandatory.

While not having choices may be easier as it eliminates the need to research which vendor and product to use, having only one option has many probable consequences, including the ability to control pricing. This is never a good thing for the working reporter or deposition agency.

SAVE THE DATE!

Saturday, October 9, 2010, 9:00 a.m. to 2:00 p.m.

UCSB LOMA PELONA CENTER, SANTA BARBARA CAMPUS

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C.E. POINTS and LOTS OF HANDOUTS

MORE INFORMATION COMING YOUR WAY. . . DON'T MISS OUT!

California Sales/Use Taxes

by
Douglas R. Rose,
Enrolled Agent

You may have recently received a letter from the California State Board of Equalization (BOE) about registering and paying taxes. What does it mean?

The BOE has been enforcing Section 6225 of the Revenue and Taxation Code that addresses the issue of out-of-state purchases and sales/use taxes. For this purpose, sales tax is synonymous with use tax. This has nothing to do with California income taxes.

California law requires sales taxes on in-state purchases and also requires taxes on items purchased out of state for use in California.

Under California law, when tangible personal property is sold to an end user, sales taxes are required to be paid to the BOE. Tangible personal property is defined under Section 6016 of the Revenue and Taxation Code as “personal property which may be seen, weighed, measured, felt, or touched, or which is in any manner perceptible to the senses.” For example, a pencil, computer, and software on an individual disk are all examples of tangible personal property. Software that you download (no physical disk) is not tangible personal property as defined. Tangible personal property is property purchased either for business or personal use.

In the Sales and Use Tax Law, the sale or use of certain tangible personal property is exempt from sales taxes. Examples include cold food products and prescription medicines.

When you purchase tangible personal property online from a retailer that has physical business outlets in California, or by agreement with the BOE, the selling vendor will charge you California sales taxes. However, sellers who do not fall into one of these categories

generally do not charge the buyer California sales taxes. It is these purchases that one needs to track and report to the BOE and pay any and all sales taxes due and owing. It is suggested that you photocopy the specific invoice and put in a “sales tax to be paid” file.

If a seller charges sales taxes for another state, then the BOE allows a credit against California taxes. This is calculated when completing and filing the sales tax returns. For instance, let’s say you bought \$100 worth of paperclips online from an Idaho vendor that charged you Idaho sales taxes of \$5. On your California sales tax return, you report \$100 worth of applicable purchases that you didn’t pay California sales tax on, calculate the California tax – say \$9 – less \$5 paid to another state (Idaho), leaving a balance due of \$4.

How do you report this information? Recent legislation now requires a “qualified purchaser” under Revenue and Taxation Code Section 6225 to be registered with BOE to report and pay use tax owed. Under this new legislation, a “qualified purchaser” means a person that meets all of the following conditions:

- The person receives at least \$100,000 in gross receipts from business operations per calendar year. Note: Gross receipts are the total of all receipts from both in-state and out-of-state business operations
- The person is not required to hold a seller’s permit or certificate of registration for use tax under section 6226 of the Revenue and Taxation Code
- The person is not a holder of a use tax direct payment permit as described in section 7051.3 of the Revenue and Taxation Code
- The person is not otherwise registered with the BOE to report use tax.

If you are a “qualified purchaser,” then annual sales/use tax returns must be filed with the BOE. Filings are completed online and the BOE has a very helpful tutorial on their website, boe.ca.gov.

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California Sales/Use Tax - cont'd from page 17

The BOE has a record of robust enforcement of state laws that fall under its jurisdiction and it is suggested that all required tax reporting forms be filed and any resulting taxes be paid in a timely manner. Penalties for late filing and/or late payment of taxes do apply. It is also suggested that one be prepared for an audit of filed sales/use tax returns.

Considering the financial condition of California's state government, it is really no surprise that the BOE is stepping up enforcement of sales/use tax laws. It is imperative that California court reporters and firm owners be prepared and informed.



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Reagan Evans Appointed to CRB

Reagan

Evans of Ontario, California has been appointed by Gov. Schwarzenegger to serve on the Court Reporters Board. Ms. Evans is a highly experienced reporter, holding not only a California state license, but also the designations of RMR and CRR, the most respected certifications available in the nation. She has earned a reputation within California as an exceptionally skilled and professional reporter and has served the reporting community repeatedly through her local reporting association board, as well as serving as a director of DRA in past years. Her dedication to the reporting profession has been evident through her many years of volunteer service on association committees and as a speaker at numerous state and local seminars. Further, her years of reporting experience in depositions, trials and governmental hearings has provided her with a uniquely diverse background that will serve her well as a member of the Court Reporters Board.

She has been a freelance reporter and court reporter since 1989, the president of Olympic Reporting and Video since 2008, an official reporter for the 64th District Court of Hale County, Texas from 1987 to 1989, and an independent contractor for Rogers, Harvey and Associates from 1986 to 1987.

Ms. Evans served as an officer and then president of the Inland Counties Court Reporter Association during its existence in the '90s and is currently a member of DRA, NCRA, Society for the Technological Advancement of Reporters, and a former member of the Deposition Advisory Committee of CCRA.

Ms. Evans' experience as a reporter and business owner, combined with her keen organizational skills and



high professional and ethical standards, make her a perfect candidate to serve the consumers of California as a CSR member of the Court Reporters Board.

CONGRATULATIONS, REAGAN!!



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Nine New CCRRs

CONGRATULATIONS TO OUR NINE NEW CALIFORNIA CERTIFIED REALTIME REPORTERS!

Debbie Gladish, Oceanside
Charlotte Dunn, Huntington Beach
Monyeen Black, Paso Robles
Andrea Gaunt, Santa Ana
Lisa M. Gonzalez, Hacienda Heights
Lynn Peterson, Orange
Kimberly Owen, Gilroy
Lisa Peters, Huntington Beach
Jennifer Harpster, Tustin

The California Certified Realtime Reporter exam was administered by DRA on May 22, 2010 at the California Official Court Reporters Association Conference in Anaheim. Thirty-three reporters sat for the exam and nine passed. This brings the total successful candidates to 116!

Here is what one of our most recent candidates, who wished to remain anonymous, had to say about her experience:

"I've been a reporter since 1991 and, like my colleagues, I've had to take lots of certification tests. Usually it is an unnerving, dry affair and not something where laughter and happiness thrive.

I don't know who the two readers were at the test – I was probably focused on my nerves when they introduced themselves – but they pretty much had the whole room completely calm and at ease by the time they started reading. The gentleman just made insignificant small talk, asking the crowd to raise hands in response to questions he would ask, et cetera. I guess what I'm trying to say is that it just gave everyone a minute to relax, do a gut check, then take the test. I don't know if that was his intention to (in a good way) distract everyone

from the task at hand or just a happy accident, but I – for once – enjoyed the rest of my day and weekend after taking one of these tests. I have taken tests previously where I would be physically sick for a couple days afterwards because it was so dang stressful (I do that to myself – not blaming anyone); obviously, this was a really welcome experience.

It could be that I didn't come close to passing this test, but for once I had such a positive experience that I won't shudder and unravel to think I may have to take it again. I consider the test fee I happily paid to be a sort of positive test experience reprogramming therapy for myself.

I hope you can get the same reader team again, if only to do their little banter beforehand. Short of massaging everyone's shoulders ahead of time, this is the next best thing. Made a H-U-G-E difference for me."

DRA WOULD LIKE TO THANK NED BRANCH AND NANCY PATTERSON FOR THEIR CONTINUED OUTSTANDING EFFORTS IN ADMINISTERING THE CCRR ON OUR BEHALF!

The next test will be held in northern California on September 11, 2010 and in southern California on September 25, 2010, at DRA's fall seminars, locations to be determined. You will find information about the CCRR test and certification by visiting our website, www.caldra.org, and clicking on the CCRR tab.

Currently the counties of San Mateo, Santa Clara, San Francisco, Ventura, Los Angeles and Orange, as well as some federal courts, accept the CCRR certification for a realtime pay differential. If your court is not on this list, be sure to encourage your administrator to consider getting on board.

Listed below are the reporters who have successfully passed this elite realtime test since it was first offered in 1997. Be sure to take the next exam so you can add your name to this list of accomplished realtime reporters:

February 1997

Lucy Carrillo-Grubbs	S. San Francisco
Caroline Lapp	Long Beach
Joan Torreano	Potter Valley

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CCRRs - cont'd from page 19

August 1997

Laura Brewer	Los Altos
Teri Darrenougue	Walnut Creek
Norma Gaddison	San Dimas
Holly Moose	Sausalito
Frances Weinrob	Redwood Shores

March 1998

Sherryl Dobson	Downey
Patricia L. Hubbard	Lake Forest
Karen L. Peckham	Westminster
Jane Wassel	San Diego
Katherine Wayne	Trinidad

February 1999

Karen Carbert	Ben Lomond
Tim McCoy	Long Beach
Karen Scott	Redwood City
Lindsay Pinkham	El Segundo
Jeri Cain	San Luis Obispo

September 1999

Tamar Wolfe	La Crescenta
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February 2000

Dana Belloli	Turlock
Kathy Kollehner	Alamo

September 2000

Melinda Ibanez	Pacifica
Michelle Knowles	San Jose
Jennifer Cheshire	Bakersfield
Kathy Kellogg	Santa Clarita
Marceline Noble	Los Angeles

February 2001

Yvonne Fennelly	Nevada City
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February 2002

Carye Torres	San Bruno
--------------	-----------

September 2002

Debbie Whitney	Vacaville
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February 2003

Dianne Coughlin	Roseville
Linda Cytron	Sunnyvale
Nancy Cavaness	Fremont

November 2003

Deborah Mayer	Redwood City
Patricia Sales	Boulder Creek

October 2005

Sandy Carranza	Novato
Valerie Eames	Burbank
Lisa Michaels	Anaheim
Laura Mellini	Playa Del Rey

February 2006

Robert K. Balian	San Mateo
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Judy DeAlba	San Mateo
Marylou Gutierrez	Newark
Karan Held	San Rafael
Michelle Larios	Sunnyvale
John Squires	San Ramon
Michelle Caldwell	San Jose
Deborah Lee Lubin	San Francisco
Sheryl Sawyer	San Francisco
Thomas DeClercq	Fremont
Sonia Boughton	Gilroy
Theresa Aguilar	Antioch

July 2006

Anne M. Hall	Pacific Grove
Carlito Mandia	Vallejo
Janell Sokol	Concord
Joseph Vickstein	San Francisco

November 2006

Genice Perez	San Jose
Ronald Upton	Pleasanton
Joanne Rocha	San Jose
Janet Pond	San Francisco
Patricia Norris	San Jose
Kathryn Lezchuk	Los Altos
Jacqueline Barron	Gilroy
Janis Jennings	Cupertino

February 2007

Lori McCarthy	Irvine
Karen Davis	Huntington Beach
Lorrie L. Marchant	Petaluma
Colleen Redamonti	San Francisco
Vicki Saber	Redondo Beach
Anne Torreano	Santa Clara

April 2007

Stacey Gaskill	Redwood City
Loretta Najera	San Francisco
Mary Ann Scantan	San Francisco

September 2007

Robyn Chalk	Santa Rosa
Kathleen Wilkins	Concord
Tamra Keen	Pleasanton
Linda Vaccarezza	Sonoma
Laura Axelsen	Dixon

February 2008

Gina Carbone	Concord
April Heveroh	Suisun City
Janet Hunnicutt	Santa Rosa
Christine Jordan	Pacifica
Sharlene Nordstrom	Windsor
Kim Schroeder	Petaluma

April 2008

Angie Diner	San Francisco
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CCRRs - cont'd from page 20

Wendy Conde	San Mateo
Sue Fitzsimmons	San Rafael

October 2008

Joanna Brown	Costa Mesa
Chia Mei Jui	Santa Monica
Stephanie Carrasco	Gilroy
Andrea Howard	Vallejo
Raynee Mercado	Concord
Rose Miller	Hayward
Kimberley Richardson	Fremont
Elizabeth Wood	Concord
Cindy Del Rosario	Martinez

February 2009

Cynthia Vega	Escondido
Linda Pool	San Diego

April 2009

Jenell Mullane	Redwood City
Tracy Perry	Lafayette
Diane Pessagno	San Carlos

November 2009

Robin Pendergraft	Los Gatos
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Lily Shinn	Los Altos
Summer Clanton	Santa Clara

February 2010

Mary Payonk	Alexandria, VA
Charlotte Roche	Hayward
Debbie Gale	Santa Ana
Heidi Belton	Walnut Creek
Cynthia Manning	Belmont

May 2010

Debbie Gladish	Oceanside
Charlotte Dunn	Huntington Beach
Monyeen Black	Paso Robles
Andrea Gaunt	Santa Ana
Lisa M. Gonzalez	Hacienda Heights
Lynn Peterson	Orange
Kimberly Owen	Gilroy
Lisa Peters	Huntington Beach
Jennifer Harpster	Tustin

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SF Court Reverses Course On Layoffs

There won't be layoffs at San Francisco Superior Court – at least for now. The court had prepared to start sending out 122 layoff notices on Monday — cutting 23 percent of its staff — because of a projected \$11.8 million deficit. But the court changed course after the governor on Friday unveiled a revised budget with a stronger outlook for the state's trial courts, and because of a proposed \$230 million legislative package that would boost the judicial branch budget.

"We're abandoning, for now, a plan to take a cut in staff," Presiding Judge James McBride said Tuesday. "We can't keep our operation going at the level it does if we cut staff."

Out of 591 authorized positions at the court, there are currently 60 vacancies because of a hiring freeze. The court has spent down its reserve of \$9 million and absorbed cuts that reduced its \$90 million budget by 15 percent.

Asked how the court will make it without layoffs, McBride said a voluntary buyout that some employees are signing up for is "an important part of our future," and that there are "other strategies we're going to look at to tighten our belts and make it."

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What Does It Mean To Be A DRA Founding Member?

by
Anne Torreano

Each year for DRA's annual convention, we carefully unwrap and place on display one of our most cherished possessions: DRA's Founding Members plaque. It is an honored tradition, an unspoken contract between DRA and each of these individuals, without whom there would be no DRA. It stands as a silent, proud reminder of our humble beginnings. To our dismay, it has also become the source of confusion and consternation among our most devoted members, some of whom believe their place in DRA's history has been mistakenly omitted. Perhaps a brief explanation of the history of the plaque will set minds at ease.

Fifteen years ago, at a time when DRA had been birthed mere months earlier, a campaign to fund its mission was undertaken. Money was needed. Lots of it. A call went out far and wide for donations. A promise was made to those who donated \$500 as an individual or \$1,000 as an agency that they would receive recognition as a "founding member" and their names would appear

on what would become DRA's Founding Members plaque. Hundreds of others also donated what they could, or supported the cause through their membership. Many of these original members have faithfully supported DRA by maintaining their membership uninterrupted throughout the years. They, too, have been crucial to DRA's continued success.

DRA does not value any less the contribution of those members who have stood by us over the years, and we take your loyalty as a sign that we are doing exactly what you expected we would. While our founding members' generosity will always be recognized on a plaque, our true-blue original members will always have a special place in DRA's heart. No mere plaque can be recognition enough for those who 15 years ago decided to take a stand and have stood with us ever since.

I hope this explanation provides you with a better understanding of the background of the plaque and helps you realize just how important a part you've played in DRA's progress. DRA's first convention theme was "We Can't Spell Success Without U." That is for certain.



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District 5 Director Charlotte Dunn hosted a Cuatro de Mayo Happy Hour at McCormick & Schmick's in Irvine on May 4, 2010. It was attended by nine professional reporters and five students. Margaritas and raffle prizes rounded out the evening, and everyone had a great time.

Stay tuned for the next event in your district and take the opportunity to meet fellow reporters and DRA members!



It's Not Too Late To Compete For The Apple iPad

Help us build DRA's social network and you could win an iPad!

DRA would like to build our social networks via *Facebook* and *Twitter* in order to improve our interactions with our members and increase visibility of some of the issues facing deposition reporters. You have a chance to win by interacting with us and your fellow reporters via *Facebook* and by following DRA on *Twitter*. The contest officially began May 31st, but it isn't too late to get in the game. See below for the full rules. Registrations have come from all over the

country and even Canada, but you will discover that just by being a member of DRA, you are already way out in front. Competition is fierce, more competitors are welcome!

How do I win?

The person who has accumulated the greatest number of points by October 31, 2010 wins. The winner will be notified via e-mail on November 1, 2010. Go to www.caldra.org to register.

How do I accumulate points?

You will be credited ...

- 10 points for every post you make on DRA's *Facebook* wall (find us at www.facebook.com/caldra) (maximum one post per day; a "like" is not considered a post)
- 100 points for following DRA on *Twitter* (find us at DRA_TWEETS)
- 250 points for each DRA seminar attended
- 250 points for attending a DRA board meeting (must be a DRA member to attend)
- 250 points for attending an NCRA board meeting (must be an NCRA member to attend)
- 500 points for every new DRA member who lists you as a referral
- 750 points for taking the CCRR exam or if you already hold the CCRR designation
- 1000 points for current membership in DRA

Go to www.caldra.org and click on "Calendar" for a complete listing of DRA seminars and board meetings.

Who can participate?

If you are either a court reporter, court reporting student, court reporting instructor or videographer, you are qualified to participate. DRA officers, directors, committee members, employees and contractors are not eligible. Good luck & happy posting!



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Questions On Readback.org

DRA District 6 director, Todd Olivas, is a court reporter and a blogger, who started the Readback.org website, which permits viewers to rate the answers to each question. To ask a question, visit www.readback.org.

"How long should I wait before filing in small claims against a non-paying attorney?"

- Asked by joy

After 79 views and 2 responses, the current "Best Answer" with 6 votes . . .

I'm not sure there is a set time limit, however, in our agency we try very hard to be as patient as possible with our attorney clients. We invoice for 3-4 months, then with calls to the firm's accounting dept, or the attorney of record on our particular case. After 4 months, the invoice goes into critical mode, and at 6 months, especially if the client is ignoring us, we take it to the next level, which can include small claims court.

* * * * *

"I'm always a little bit nervous when I need to interrupt during a reporting job. Will the lawyers be angry if a court reporter interrupts the deposition or hearing?"

- Asked by patWordSmythe

After 96 views and 4 responses, the current "Best Answer" with 10 votes . . .

I interrupt to protect the record because that's my job. A good lawyer should appreciate that. I try not to do it if I think a lawyer is really on an intense

line of questioning, but even so, you sometimes have to stop them. If you didn't hear something, and you don't get it quickly within added context, it's best to clarify it then and there.

I don't interrupt for spellings, though. I write SPELLING SPELLING and then search during a break and get them. I also don't ask for too many medical spellings either because I know most of the prefixes and suffixes and things are so easy to look up these days.

I have also had some crazy screaming match depositions where I took my hands off the machine and told them they either needed to take it down a notch or they weren't going to have a record. I stay professional but firm. I'm a court reporter, not a miracle worker.

Many young attorneys especially aren't trained to conduct a depo in a way that will yield a good record. I've had several indicate to me that they have learned more from the reaction of the court reporter than they did in law school regarding this. As long as you are reasonable and keeping the integrity of the record in mind, your interrupting will help the court reporters AND attorneys that follow. Depo is an art.

Answered by dunbarcsr



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DRA District 6 Director Todd Olivas hosted a meet-and-greet with fellow reporters and students, called "Good Morning, CSR!" at the office of Todd Olivas & Associates in Temecula on April 24, 2010. Stenograph representative Michelle McCloughlin gave a presentation on CaseCatalyst 11 and demonstrated the new Diamante writer. The event was attended by ten professional reporters and eight students. Stay tuned for the next event in your district!



Vendor Spotlights: Histories

THE HISTORY OF STENOGRAPH

The early days

Stenograph was founded by Milton “M.H.” Wright in 1938. It is said that Milton was almost singularly responsible for keeping machine shorthand alive when the industry fell on hard times during the Great Depression.



Originally employed by *LaSalle Stenotype Company*, Milton was painfully aware of the current shorthand machine’s shortcomings. He asked his son, Robert Wright, to work on improvements. Robert successfully refined the keyboard and was granted six patents for the new machine, the “Stenograph.” He gave the machines and patents to his father, who offered them to the *LaSalle Stenotype Company*. Because of their need to cut costs and consolidate at the time, they declined the offer. Milton resigned a year later with plans to organize his own company.

Stenograph begins

Stenograph was born in May of 1938 with only two employees – Milton himself and his secretary, Elsie Price. The company offered two machines: The “Secretarial” model and the “Court Reporter” model.

Milton spent the next two years traveling the country to demonstrate the new writer in schools. During that time, he sold 2,500 machines. The new company and its shorthand writers had become a success. During World War II, *Stenograph* faced material restrictions and priority limitations. In 1946, it had no available materials at all. When the war finally ended, business picked up once again. Machine sales soared. Robert Wright joined *Stenograph* in 1948 and made more improvements to the machine, including adjustable key-length and tension features.

Milton “M.H.” Wright passed away on June 19, 1956 and Robert assumed the role of Chief Executive Officer. The 1960s and ‘70s were a good time for the company, as shorthand machines gained acceptance within university-level and high school business programs. *Stenograph* was called upon to lend assistance in the development of a computerized language translation system funded by the government.

In 1964, *Stenograph* partnered with *IBM* to develop the first computer-aided transcription system. In 1978, *Stenograph* introduced its CAT system to the court reporting industry, which greatly increased the productivity of the court reporter and the speed that a final transcript could be produced and delivered.

That same year, Robert sold *Stenograph* to *Quixote Corporation*. He remained a counselor, confidant and occasional critic until his death on October 21, 2000.

In 1996, *Stenograph* was purchased by a privately-held organization, the *Heico Companies*. *Heico* brought added financial strength, enhancing *Stenograph*’s market position to ensure long-term financial success.

Entering the 21st Century

The 21st century brought new and exciting changes. By this time, computer-automated transcription had become widely accepted. In 2001, *Stenograph* released the *èlan Mira*, its first paperless writer, which has since become the most popular shorthand writer available today.

Stenograph has always placed a high emphasis on education. In 2000, the company introduced *Stenograph University Online*. Then, between 2005 and 2006, the company acquired two schools: *Prince Institute of Professional Studies* in Montgomery, Alabama, and the *Denver Academy of Court Reporting* in Denver, Colorado. Since their acquisitions, *Stenograph* has helped these schools grow as top institutions in the world of court reporting education.

Today, the *Diamante* has taken its place in the shorthand writer spotlight, generating interest and conversation throughout the industry. The lightweight, paperless writer employs *TrueStroke* technology, which eliminates the need for individual key contact adjustments.

Stenograph’s strength lies in its innovative approach and ability to continuously update its products to lead the market and exceed customer expectations. *Stenograph* is recognized as the industry leader because it is the largest company in the industry and is the only company to offer court reporters a complete, full-service solution for their professional needs – writing machines, software, supplies, and educational materials.

For a more complete history of *Stenograph*, please visit www.stenograph.com/pages.aspx?docid=226&id=

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THE HISTORY OF ProCAT by Robert Bakva

It was early 1982. IBM had introduced the first business-grade personal computer. Whether IBM fully understood or planned the impact of personal computers on our daily lives is up for debate. It is, however, pretty clear that this technology gave birth to a generation of entrepreneurs who have capitalized on the power of PCs to invent applications for business processes, thus improving productivity.



For me, it must have been watching *Perry Mason* as a kid and staring at *Merit College's* building towering over the corners of Sepulveda Boulevard and Sherman Way, where I frequently stopped at a traffic light, which piqued my curiosity and prompted me to visit the school. I wanted to know how court reporters produced a transcript.

Thanks to Mrs. Gumpert (AKA "Mrs. G"), owner of *Merit College*, I got a great introduction to court reporting and the technology that was available to court reporters. She also shared with me marketing material on fledgling computer companies serving the court reporting agencies. I must admit that I was pleasantly surprised with the availability of any technology, but quite disappointed with the physical size of the products, cost of ownership, software capabilities, ergonomics, the \$70,000 cost of entry, and lack of accessibility to all court reporters.

My fascination with automated transcription systems grew, and as I continued to research the market, a friend referred me to Mr. Ben Hyatt – owner of *Noon & Pratt* and a pioneer in the application of technology to the transcription process. Ben took a great deal of interest in my project and he spent a lot of time with me helping me appreciate the arduous task of transcript production.

Despite several people warning me of the impending demise of court reporting, my meetings with Mrs. G, Mr. Hyatt, and several other notable reporters and reporting agency owners helped me define my goals in a business plan and move forward with the implementation of those goals to: (1) produce the first full-featured computer-aided transcription software based on an *IBM PC*; (2) make it affordable and user-friendly; and (3) back it up with great service.

Like all successful ventures which have started at odd places, such as the back of a cocktail napkin on a dining table or a bar, *ProCAT* began with a childhood vision and a neon sign at a street corner.

Fast forward twenty-seven years. The naysayers were wrong! Court reporting continues to re-invent itself to meet the challenges of the market. *ProCAT*, under the leadership of its founder, Robert Bakva, remains focused on its core beliefs and prides itself on developing products that have been the benchmark of the industry.

We are grateful to you, our clients and our friends, for your support, and we look forward to continuing to invent products which meet your needs as the court reporting industry evolves.

THE MAGIC CAT by Betty Holder

“There has to be a better way,” Greg Seely thought. It was 1987, and CAT software was being sold on dedicated hardware and the translation was limited to exact matches in the user’s dictionary. Being a career court reporter with some technical knowledge, Greg knew that the right programmer, utilizing Greg’s concepts, could open up the world of computer-aided transcription and greatly improve the lives of all court reporters. With the endorsement of his life-long business partner and wife, Portia, also a court reporter, Greg embarked upon his vision to transform



court reporting transcription from the mundane to the magical.

Greg soon met Jeremy Thorne, who would implement the technical side of Greg’s vision. It was no time before Jeremy learned stenotype and applied that, with his brilliant programming skills, to develop the artificial intelligence for CAT software that would revolutionize the reporting industry. *Eclipse CAT* software burst forth, breaking barriers never before considered. It truly was a magical moment in court reporting.

Even in its infancy and utilizing the then-current DOS operating system, *Eclipse* could not only use the rules of English to intelligently resolve conflicts, but allowed court reporters to perform multiple functions simultaneously, including making dictionary entries on the fly. And it did

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Vendor Spotlights - cont'd from page 26

it all without the benefit of *Windows*. In the late '80s, this technology was ground-breaking; but that was merely the beginning for *Eclipse* and *Advantage Software*. As the years went by and computer technology advanced, *Advantage Software* realized that maintaining its keyboard commands would make it easier for reporters to take advantage of the constant updates as the program continued to improve. Reporters no longer needed to purchase new software in order to have the latest technology – even when newer versions of *Eclipse* were rewritten from scratch.

Today, *Advantage Software's* many *Eclipse* users enjoy a rich history of state-of-the-art features that include powerful patented developments like *Translation Magic*. *Translation Magic* can resolve multi-stroke untranslates that contain dropped/dragged keys and even mistrokes – and do it all during realtime. *Eclipse* users combine *Translation Magic* with *Auto Brief's* realtime brief suggestions and *Global Magic's* dictionary entries to provide perfect realtime for their clients.

By giving free trial-viewing software, *Bridge*, to their clients, *Eclipse* reporters become invaluable. The attorneys love receiving the instantly-clean transcript provided by

Bridge's automatic refresh. More magic means more clients for *Eclipse* reporters.

Advantage Software didn't stop with court reporting software, but set the standard in broadcasting with *AccuCap* captioning software. Simple and easy to use, yet powerful, *AccuCap* provides the ultimate control and customization necessary for world-class captioning. Going from realtime to letting the world watch is an easy and magical step with *AccuCap*.

Not willing to be trapped by conventional thinking, Greg Seely went outside the box with the development of the *Passport* writer. The *Steno-Magic* keys are recessed so they don't interfere with traditional writing, but are readily available for realtime editing. Having to memorize briefs to emulate computer commands is a thing of the past. With the *Passport's* patented shadow-tracking technology and precise sensitivity settings, realtime, CART and captioning are now easier than ever.

If you are not part of the growing family of *Advantage Software* users, please stop by their website to learn more about the latest advancements in reporting technology, and join the thousands of happy customers switching to *Eclipse*. Catch the Magic! www.eclipsecat.com

THE HISTORY OF STENOVACTIONS by Johnny Jackson

Johnny Jackson is Stenovations.

Johnny was a state official for a year, a federal official for ten years, and freelance reporter for 25 years. His company, *Stenovations*, owns and occupies a five-story office building in Charleston, West Virginia, which also houses *Johnny Jackson & Associates*, Johnny's reporting firm.



In the late '90s, Johnny worked with in-house programmers and a team in Odessa, Ukraine, to create a new 32-bit *Windows* system, *DigitalCAT*. The Odessa team is still employed full time on *Stenovations* projects.

In 2004, at the national convention in Chicago, *Stenovations* introduced a new keyboard, the *DigiTouch*. The *DigiTouch* keyboard was a modification of a keyboard called the *Mac-N-Touch*, which was developed and marketed by *FingerWorks*. In January 2005 all assets of *FingerWorks*

were acquired by *Apple*. The touch technology is now incorporated into *Apple's iPhone, iTouch, and iPad* products.

Fortunately, Johnny then discovered a pressure-sensitive technology used as intelligent skin on the hands of the robotic arms of the space shuttles. In January 2008 Johnny secured all patent rights to the pressure-sensitive touch technology, as relates to keyboards, and created a new keyboard.

In August 2007 *Stenovations* introduced a new keyboard and called it *LightSpeed*. In 2008 and 2009, Mark Kislingbury won the national speed contest using the *LightSpeed*.

This summer *Stenovations* begins marketing a new model *LightSpeed*, the *LSX*. It joins the *LightSpeed Classic* and the recently-introduced *LSS*. The *LSS* and *LSX* models have keyboard components made of soft molded silicone. Johnny believes the *LSX* model will be the most accurate steno keyboard ever created. Since the *LightSpeed* has no moving parts, the *LSX* model eliminates the need to hit two keys with one finger. A single sensor between an upper and a lower consonant now actuates both keys.



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Toni Pulone's
Depo Diplomat

Dear Depo Diplomat:

I recently took a deposition for an attorney client who has since been accused by opposing counsel of asking inappropriate questions and harassing the plaintiff witness, and the other attorney has also written to the presiding judge to complain about my client's behavior at the depo. My client has now asked me to write a letter describing my version of what occurred at the deposition and to discuss any inappropriate remarks made or any inappropriate behavior by either attorney. He has also offered as an alternative to write a narrative that I could review and sign.

I asked an attorney friend about this, and he said I should stay out of this since I'm a neutral party, and he also thinks that I could be then called as a witness. I don't know what to do here. Does our profession have any code to follow in this type of situation?

Dear Reporter:

I agree with your attorney friend that your duty as a deposition officer to remain entirely neutral prevents you from providing any such opinions or offering your version of what happened at the depo in question. And it is possible that you could be called as a witness at some point, since this could develop into a bigger battle between the two attorneys. While the accusations by the one attorney about your client's behavior may be quite false or at least exaggerated, and you may be tempted to come to your client's aid under these circumstances, it is inappropriate for a reporter to discuss the behavior, actions or comments by any attorney present at a depo other than to make the transcription record of what verbally took place on the record.

Fortunately – and I'm relieved that we have this clear support in the law – there is language in the Code of Civil Procedure (CCP) which specifically covers this and gives you a perfect and polite way to respond to your client's request and point out why you are not able to provide the letter that he's requested from you. This comes from CCP

Section 2025.320(c), and I'll paste that language below for your easy reference.

2025.320(c) The deposition officer or the entity providing the services of the deposition officer shall not provide to any party or any party's attorney or third party who is financing all or part of the action any service or product consisting of the deposition officer's notations or comments regarding the demeanor of any witness, attorney, or party present at the deposition. The deposition officer or entity providing the services of the deposition officer shall not collect any personal identifying information about the witness as a service or product to be provided to any party or third party who is financing all or part of the action.

So the first sentence of the above section very clearly prohibits you from providing any comments or version of the events that took place at the depo regarding the behavior of either attorney. And while I appreciate that this is a delicate, rather sticky situation, since you certainly don't want your client to go away mad because you've refused to help him with his request, with this language you can easily explain why the law prevents you from providing him with the information he wants from you. You might also add, if necessary, that your State licensing board also advises CSRs against signing any declarations prepared by parties, since they see that as compromising a reporter's impartiality, and so signing a narrative prepared by your client would also be an action that your licensing board would disapprove of and could lead the opposing counsel to file a disciplinary complaint against you.



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Who Comes Up With These Phrases?

Katherine Wayne
has been wondering
about our words.

We've all heard them, read them, and used them ourselves – those little phrases like “water off a duck’s back” or “happy as a clam.” They are so ubiquitous that most of us don’t stop to think why it is they are so common. Well, now YOU don’t have to, because I’m going to do that wondering for you. I have always been fascinated by words and their origins, and I love to do the research to find the roots of the things we all say.

So here are a couple I’ve been wondering about lately.

“He was as drunk as a skunk.”

Do skunks drink more than other animals? Are there AA meetings for skunks only? Do skunks act in a more outrageously intoxicated manner than, say, warthogs? Probably not. This phrase seems to be simply a question of finding words that rhyme. There are many instances in literature where the phrase was “as drunk as (fill in the blank).” The

fact that “drunk” and “skunk” rhyme seems to be the only explanation for the popularity of this particular descriptive phrase. Still, maybe there are secret fraternity-style parties going on in the woods for skunks only. I will keep you posted.

“He was as sober as a judge.”

This seems to indicate that somewhere along the line, judges were known for being nondrinkers. Most of us realize that is no longer true. In fact, however, the word “sober” comes from the Anglo-French word “sobre,” which had the meaning of being moderate in temperament. *Merriam-Webster* defines “sober” as being sedate, or of gravely, earnestly, thoughtful demeanor. This seems more likely to be describing a judge than the concept that judges somewhere in the past were picked for their aversion to alcohol. So next time you are talking about your buddy who downed that 12-pack of *Coors* Light and still drove home, describing him as being “as sober as a judge” is actually saying he had a thoughtful demeanor. Is that REALLY what you mean to say?



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April's Briefs

Temporary	TRAER
Temporarily	TRAERL
Primary	PRAER
Primarily	PRAERL
Transfer	TR-FR
Manufacture	M-FR
Actually	TWAE
Practice	PRA
Practical	PRAL
Practically	PRAEL
Argument	GAOUMT

Argumentative	GAOUV
On the Record	NAURD
Off the Record	AURD
Probable	PROBL
Probably	PROEBL
Is that correct	STARKT
That is correct	THARKT
That's correct	THARKTS
Is that right	STHART
That is right	THART
That's right	THARTS

NOTE:

April Heveroh's extensive collection of steno briefs includes outlines sourced from Laurie Boucke's "Brief Encounters" family of products. Such entries are included here by kind permission of White-Boucke Publishing, Inc.

Captioning Grant Awarded

Vykki Morgan
describes the big news
coming from Cerritos
College.

Cerritos College's Court Reporting and Captioning

Careers Program has been awarded \$95,000 to create a captioning program to train both realtime and post-production (also known as off-line) captioners. The goal is to train more captioners to meet the captioning needs of the deaf and hard-of-hearing, as well as the many other segments of society who benefit from having quality captions available. Although this is the digital age, audio and video are not accessible to everyone without captions being available. From watching the captioning on the TVs in gyms, at home, in restaurants, airports, and other noisy public places where the sound cannot be heard, to helping children learn to read, and even assisting those who are learning English as a second language, captions have proven beneficial to many in our society.

Cerritos has a new curriculum for two tracks in the captioning program. The first track is for post-production (off-line) captioning of videos and media that have already been produced. This requires making a verbatim script and then synching the script to the media to produce a captioned file. This can be done from the QWERTY keyboard by excellent typists, or it can be done from the stenotype keyboard with the assistance of a special program used to translate the steno strokes into English using the same system that court reporters use to instantaneously produce court and deposition transcripts. The first track consists of three classes and an internship course.

The second track is for realtime captioning, meant to familiarize court reporting students in advanced speeds and court reporters with both CART and broadcast captioning. This requires making verbatim scripts in realtime and learning the software, equipment and

protocols needed to work in the realtime captioning arenas. This second track consists of five classes that court reporting students can begin to take when they have reached the skill level of 140 words per minute on the stenotype machine.

Both tracks will include the history of captioning and the laws that pertain to captioning, as well as looking at captioning from the consumer's point of view, and an introduction to the technical aspects of captioning.

With the emphasis on getting our nation back to work and training more community college students to get work, this seems like a particularly good time to explore job opportunities in an expanding area using skills that court reporting students have been learning and perfecting all along.

The Fall 2010 semester begins August 16. The captioning classes will run September 7 to December 17 (second 15-week classes). To apply to the college for admission, go to www.cerritos.edu and follow the links for new students.

In the Fall 2010 semester, one class will be offered in each track.

- In the post-production track, CRCC 190a, Captioning Video Introduction, 2 units, will be offered as a hybrid course. This means the course will meet on campus for part of the sessions with the rest being online. The meeting time is scheduled for alternate Friday afternoons. No prerequisites will be required and the course will be open to all students, not just those in the court reporting program. The ability to type well is the only requirement.

This course is designed to be an introduction to the field of non-live post-production or off-line captioning and caption editing. Federal mandates require educational audio and video media be captioned for accessibility and this course addresses an overview of the process of captioning. This course will expose students to types, methods, and styles of captioning, text editing, language mechanics, presentation rate, and special considerations

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Captioning Grant Awarded - cont'd from page 30

for nonhearing viewers. Students will also participate in captioning script preparation and applying captions to media. Stenotype students may also use their stenotype machines for script creation.

- In the realtime captioning track, CRCC 194a, Realtime Captioning Level 1, a 2 unit course, will be offered as an online course. There will be no required meetings on campus. Students will be using the captioning modules on *Stenograph University* through the class.

This course is designed for the court reporting student, or court reporter, who is ready to begin active study in the fields of Communication Access Realtime Translation (CART) and broadcast captioning. Course overview includes the history of captioning, the captioning consumer, the captioning environment, and an introduction to concepts of television production. Students should be at 140 words per minute on the stenotype machine and have a functional realtime dictionary in computer-

aided transcription (CAT) software. Students will begin to build captioning dictionaries.

Scholarships are in the process of being developed, so watch the department website, www.cerritos.edu/courtreporting, for more information coming soon.

We are extremely grateful for the support we received from Representative Grace Napolitano, NCRA, DRA, CCRA, COCRA, and the many court reporters and captioners who supported us in our quest for congressional funds to create this program. We were able to take full advantage of NCRA's offer to aid schools to petition congress for federal funding to enable schools to start up captioning training centers in the United States to train more captioners. Congress was also persuaded to include the Training for Realtime Writers language in the Higher Education Reauthorization Bill of 2008, establishing competitive grants to court reporting schools to start and continue the training of these very valuable captioners, because it is apparent that if these professionals are not trained, quality captioning will not be available for all.



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ER Is Back In Sacramento

BAD NEWS:

Electronic Recording returns in Gov's revised budget.

GOOD NEWS:

It isn't staying long.

(Synopsised and reprinted with the permission of the California Official Court Reporters Association)

When Governor Schwarzenegger released his revised state budget on May 14th, he continued his assault on the court reporting profession by continuing to promote a plan to replace court reporters with electronic recording in California's superior courts.

Fortunately, both the Senate and the Assembly decided NOT to place ER on their agenda. This means that ER will not be discussed or recognized and it's now a "dead" issue.

However, to paraphrase Governor Schwarzenegger as an actor, it does not mean that ER won't be back. In the meantime, COCRA will continue to monitor the situation and work with all parties involved in the fight to protect the court reporting profession, and more importantly, protect the public's access to justice. DRA will keep abreast of the situation as well and continue to provide our members with updates.



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Product Reviews

pdf-it

(reviewed by Lisa Migliore Black,
Certified Court Reporter - KY)

I made the switch from *E-Transcript* (E-trans) to *pdf-it* about seven months ago. Politically, I was very motivated to transition to a vendor who is not also



my competitor in the court reporting arena. With *Westlaw's* (Thomson Reuters) acquisition of the *RealLegal* suite of software and the creation of *Westlaw Deposition Services*, my comfort level changed dramatically. Directing my clientele to a competitor's website to download their proprietary software was a concern to me. Reporters endorsed and created a market for bundled transcript files over the last decade, selling attorneys on the speed, convenience, and added functionality of accepting electronic delivery, and I believe we can do it again with relative ease with the noncompeting alternatives now available. After years of addressing the question, "What's E-Transcript," touting the benefits of a PDF-based software is an easy sell, and *pdf-it* has proven to be a topnotch choice. Over the past few months, my clients have embraced my recent software change. I thought I would share my experiences with the software transition and user impressions for your benefit.

With *pdf-it*, reporters can deliver transcript and exhibit files directly to their clients' email in-boxes in one easy-to-use portfolio file, a plus over the option of attaching piecemeal, nonbundled files. *pdf-it's* versatile functionality allows the recipient complete accessibility to the full-sized printed page, condensed, word index, ASCII, and bundled exhibits via an e-mail attachment or eLINK, a built-in feature of *pdf-it* that allows for easy, electronic delivery of large portfolio files. eLINK eliminates issues with email attachment size limitations or the added expense and time associated with using a separate file transfer service and the need for more complicated, expensive repository services.

Additionally, *pdf-it* offers many advantages over *E-Transcript* files. Most notably, all files contained in the *pdf-it* portfolio utilize the ubiquitous *Adobe Reader*, which does not require most users to install a missing, proprietary viewer. Reporters save time when forwarding deposition files to attorneys by not having to explain how to access problematic ptx files. Since my transition to *pdf-it*, I haven't

had to field a single tech support call saying "I can't open the file you sent me." While many lawyers may have become familiar with the ptx format, many expert witnesses and litigants have not. The transition to a PDF format saves your clients their valuable time as well. Because of the PDF platform, viewing of transcripts via a mobile device is yet another convenience that *pdf-it* offers to attorneys that *E-transcript* currently cannot because a compatible viewer doesn't exist.

In these tough economic times, another benefit not to be ignored is the affordability of *pdf-it*. Single-user and firm licenses are offered at a fraction of the cost of what *RealLegal* is charging for *E-Transcript*. Additionally, as a web-based subscription, all updates are automatic and operate on any computer with an Internet connection. So regardless of whether you have *Vista*, *Windows XP*, *Windows 7*, or *Mac*, your software is always up-to-date and doesn't become obsolete when operating systems are upgraded, as has been the case with *E-Transcript* in the past.

pdf-it also offers the latest electronic and digital signature technology. Various levels of security are available when attaching a reporter's signature to a transcript, allowing the reporter to determine what rights are extended to a firm's production department, certainly an added level of assurance to the alternative of relinquishing an ASCII that can be edited and/or reformatted at the recipient's whim. With *pdf-it*, no login or signature passwords are shared between the office and reporters. The reporters are always in control and in the know regarding their signature and transcripts. If reporters opt to allow the firm to make edits to transcript title pages in the event a small typo or error is detected during production, the reporter is automatically sent an e-mail with a link to the final transcript and a detailed listing of any and all changes made.

Something unique to *pdf-it* is the Depositions on Demand (DOD) feature that requires prepayment via *PayPal* or *Google Checkout* before accessing the electronic transcripts. Personally, I find COD'ing clients via mail service an unreliable means of obtaining payment and inconvenient for all involved. Morgan Babin, creator of *pdf-it*, is quick to remind users that this feature need not only be utilized for COD payments. In the future, this could be the way we are compensated for all of our work.

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Product Reviews - cont'd from page 32

I was also impressed with Morgan's tech support and customer service. Morgan walked me through the first *pdf-it* conversion over the phone, a very easy process. His tech support is seemingly 24 hours a day, as he promptly responded to e-mails well after business hours on the very few questions I had early in my transition to the new software.

Thirty-day FREE trials are offered for those interested in test-driving the product. After a few days, I was sold on the product and so were my clients. Once you have signed up for paid service, rest assured that no contract is required for a minimum term. However, discounts are offered for yearly subscriptions. Regardless of which term you choose, all payments are handled easily through online payment.

To highlight my newest offering to clients, I have included the *pdf-it* link and logo on my company website. As an added benefit, Morgan Babin was kind enough to reward me with a free month of service. This same offer is extended to all who wish to participate.

Consider this my personal thumbs up for *pdf-it*.

For more information about *pdf-it*, visit:
www.pdf-it.com.

MinuScript PDF

(reviewed by Karen Klein, CSR)

No one likes change, especially us reporters with our anal-retentive tendencies and control issues (which allow us to thrive in our chosen profession). Reporters and reporting agencies must use good business sense in these tough economic times and thus must conclude it is time to stop using *E-transcript* software to prepare electronic transcripts and transition to another product.

Why? *E-transcript* is now owned by Thomson Reuters, which also owns an entity called *Westlaw Deposition Services* (formerly *West Court Reporting Services*). Every E-Transcript viewer and bundle viewer that your client uses to view *E-Transcripts* contains either a hyperlink or a reference to a webpage that contains a link to the *Westlaw Deposition Services* scheduling page. Also, *E-Transcript* requires users to pay a monthly subscription fee. In addition, reporters using digital signatures purchased through *Reallegal E-Transcript* incur additional fees. Indirectly advertising for a competitor and increased costs for the product - that made the decision easy for us to change. How about you?



Min-U-Script

PDF transcripts are the natural alternative, not to mention the legal standard, for electronic transcripts. Upwards of 95% of personal computers come with *Adobe Reader* software already installed, which is a free software used to view PDF files. Thus, PDF files can be opened without the download of any special proprietary viewer. We chose *Min-U-Script* (www.minuscript.com), and are mostly satisfied thus far with their software and would recommend it.

It was an easy transition to *Min-U-Script*. The software is user friendly and easy to install.

We purchased a network license, which allows us to use it on three workstations. We also purchased *TextPad* (www.textpad.com) to use as our ASCII editor within *Min-U-Script* (instead of the included *Notepad*) to make corrections to ASCII transcripts before converting them to PDF. You can create *Min-U-Script* Bundles: one file that contains a full-sized and condensed transcript (both with hyperlinked word indices), a text file, an errata sheet, and exhibits, or you can create individual files of each of the above. E-mailing transcripts can be done from within the program or you can save the bundles/files to a separate folder and email from whatever email program you use.

You can electronically and/or digitally sign transcripts from within *Min-U-Script*, create casewise exhibit bundles, and clients can schedule depositions directly through your website link contained in the bookmarks of the *Min-U-Script* PDF files.

Transitioning our clients from EXE and PTX files to PDF files has run very smoothly. We tell our clients they can email the PDF files without requiring the recipients to download special proprietary viewers, they can instantly load the text file contained in the *Min-U-Script* bundle into their litigation support software without having to run a conversion task, and they can easily search and copy and paste from the PDF files into pleadings as well as seamlessly transition between full and condensed transcripts, both with word indices, with one click of the mouse.

Finally, I have had several questions and suggestions for *Min-U-Script* support, and they have always been answered in a timely and thorough manner via email. I urge all reporters who do any kind of transcript production for their clients, no matter how many, to consider using a PDF transcript software. Oh, and did I mention? It's much more cost effective from a production standpoint. Can anyone say "no-brainer"?



[RETURN TO FRONT PAGE](#)

Dear Nancy . . .

Editor's Note . . .

Inducted as a Fellow into the Academy of Professional Reporters in 2001 and elected to the NCRA Board of Directors in 2009, Nancy Varallo started working as a freelance reporter in 1979. Her experience over the last 30 years includes running a large agency; developing a court reporting program and teaching students; and working as a CART provider for hard-of-hearing people.

Nancy has been kind enough to share her "Dear Nancy" column with us. Be sure to sign up on her website at DearNancy.com and submit your questions for future issues. This will keep the flow of information available to those of us who wish to use it for our own publication.



Dear Nancy:

*I HATE doctor's depositions. How do I overcome that fear?
Signed, Debbie Doesn't Do Doctors*

Dear Debbie Doesn't Do Doctors:

The first thing to remember is that a doctor is just like anyone else – she puts her shirt on one arm at a time – except sometimes she forgets to take off her stethoscope and it becomes more difficult. But that's her problem, not yours.

That said, being a true professional requires commitment to learning the terminology that will come up during a deposition. Will you be able to understand retinoblastoma when the doctor mumbles it from across the room? Do you know the difference between dysphagia and dysphasia? If not, you may not be able to swallow the testimony whole - or even talk about it.

Are you an RPR, RMR, or RDR? All of those tests include a vocabulary section. Having great credentials helps build confidence, and so much of writing great notes is all about your confidence. So if you don't have three awesome letters after your name, get on it. It will boost your confidence.

Doctors can be tough. But it's also true, the more you do 'em, the easier they are. It's like practicing. The more you do it, the faster (better) you get. I have found the most confident reporters try to specialize in an area, taking the same expert's testimony numerous times, and often getting requested by the doctor! Those reporters work to build their dictionaries bigger and better than anyone else. (They're the really cool ones who can write *ferruginous bodies* in one stroke.)

If you work with doctors sporadically, it may not be feasible to specialize. But take a moment the night before, Google the doctor's name and find out what her specialty is. Then search out terminology in that specialty, and spend some time creating briefs for some of the words and adding them to your dictionary. If you do that, even if the doctor doesn't say those particular words, I guarantee you will go into the deposition more confident than you've ever been. And if that doesn't work, take two aspirin and call me in the morning.



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New Members

DRA welcomes these very smart new members who spent their money wisely on supporting their profession:

Deann Blausey
Donna Blum, CSR
Vanessa Caparas, CSR
Carol J. Chase, CSR
Ann Elmendorf, CSR
Michele Fieldson, CSR
LouAnn Foley, CSR
Debby Gladish, CSR
Cindy Grafton
Nina Grimler, CSR
Alice Halbert, CSR
David Hallford, CSR
Juli Jackson, CSR
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Nancy Kramer, CSR
Denise Lumakang
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Melinda McDonald, CSR
Kelly McKissack, CSR
Lisa Meeske, CSR
Michelle Moore
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Mary Nelson, CSR
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Deborah Parker
Darlene Pastel
Mary Pierce, CSR
Sharla Preciado, CSR
Danielle Ramos
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Sandra Roberts, CSR
Denise Marie Sayler, CSR
Susan Schaeffer, CSR
Jeff Schall, CSR
Ramona Schroeder, CSR
Kathryne Shanteler
Shaaron Shigio, CSR
Nicolette Smith, CSR
Lisa Taylor, CSR
Marcia Thompson
Michelle Tinker
Elizabeth Torres
Margaret Varney
Vesna Walter, CSR
Seth Zwerling



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LINDA MARIE ELLINGSON

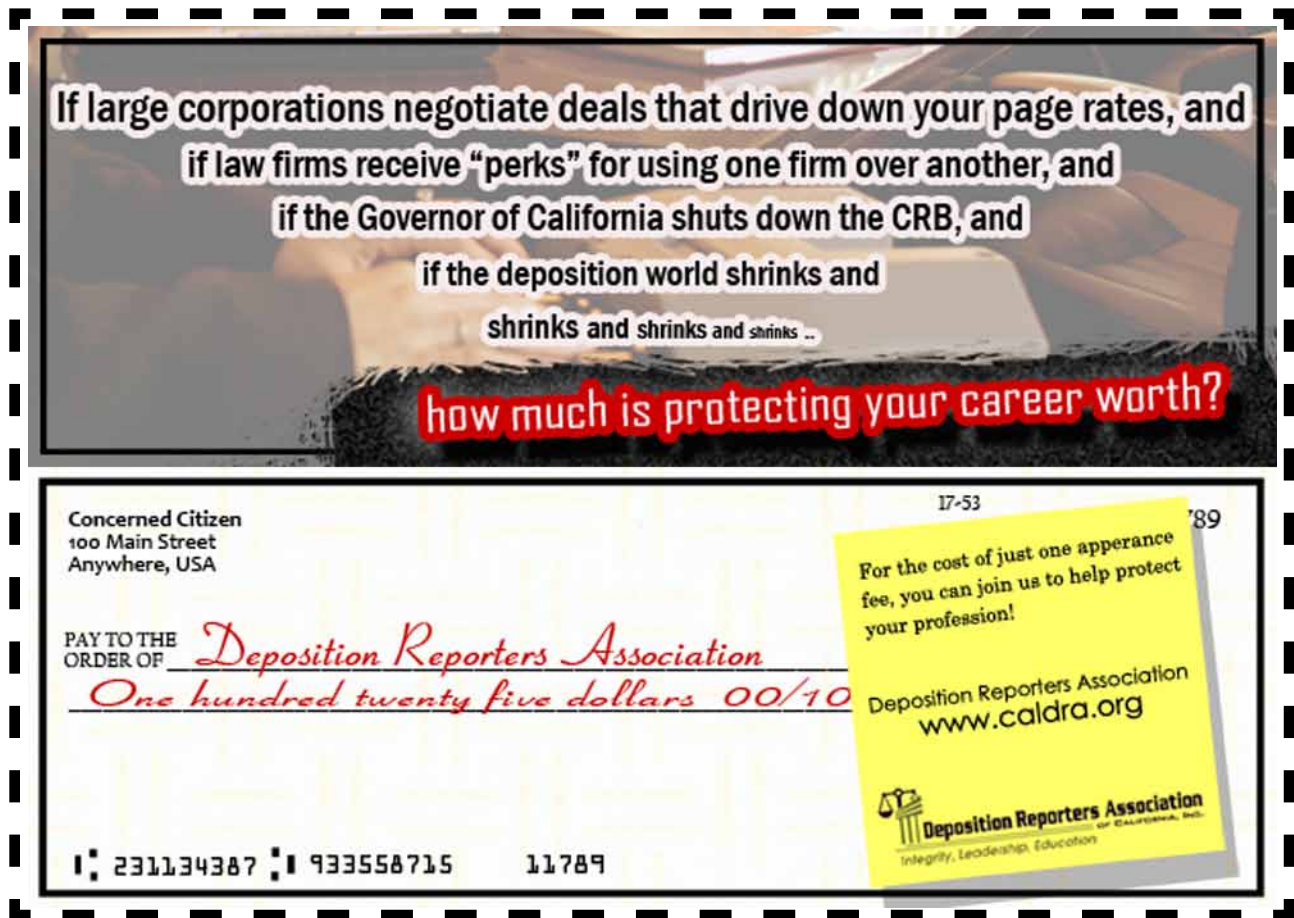
Linda Marie Ellingson, CSR, resident of Antioch, California, died June 10, 2010, at the age of 45, the victim of an apparent murder-suicide. She leaves behind a 13-year-old son and 9-year-old daughter.

Linda was born on January 21, 1965 in San Francisco and moved to Concord in 1981. She was a graduate of Concord High School, class of 1983. She became a court reporter in June of 2000. Linda was a devoted mother and a loving daughter and sister.

The Deposition Reporters Association would like to recognize and honor the memory of a fellow California CSR. Our sympathies go out to her family and loved ones.

Help Us Protect This Profession!

Please consider printing this flyer and including it with your reporter paychecks.
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CALENDAR OF EVENTS

August 2-3, 2010.....NCRA Board Meeting - Hilton Hotel, Chicago, IL
August 5-8, 2010.....NCRA Annual Convention & Expo - Hilton Hotel, Chicago, IL
August 21, 2010.....DRA Board Meeting, Westin Hotel - Los Angeles Airport
August 27-28, 2010.....Stenograph CATalyst Training - Seattle, WA
September 11, 2010.....DRA Fall Seminar - Northern California, Location TBD
September 23-25, 2010.....STAR 2010 Annual Convention - Buena Vista Palace, Lake Buena Vista,, Orlando, FL
September 24-25, 2010.....Stenograph CATalyst Training - Franklin, TN
September 25, 2010.....DRA Fall Seminar - Southern California, Location TBD
October 8-9, 2010.....Stenograph CATalyst Training - St. Louis, MO
October 22-23, 2010.....Stenograph CATalyst Training - Dallas, TX
November 6, 2010.....DRA Board Meeting - Holiday Inn, Oakland Airport
November 13-14, 2010.....NCRA Board Meeting - Ritz-Carlton Hotel, Tysons Corner, McLean, VA

January 22, 2011.....DRA Board Meeting - Westin Hotel, Los Angeles Airport
February 6-8, 2011.....NCRA Firm Owners Executive Conference - JW Marriott Starr Pass Resort, Tucson, AZ
February 18, 2011 (tentative)....DRA Board Meeting - Los Angeles
February 18-20, 2011.....DRA 15th Annual Convention - Disneyland, Anaheim
March 25-28, 2011.....NCRA Midyear Conference - Baltimore Marriott Waterfront, Baltimore, MD
July 28-31, 2011.....NCRA Annual Convention & Expo - Bally's, Las Vegas, NV

February 5-7, 2012.....NCRA Firm Owners Executive Conference - Ritz Carlton Palm Beach, Manalapan, FL
August 2-5, 2012.....NCRA Annual Convention & Expo - Philadelphia Marriott Downtown, Philadelphia, PA

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