

THE DEPOSITION REPORTER

Deposition Reporters Association OF CALIFORNIA, INC.



SEPTEMBER
2010

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PRESIDENT'S MESSAGE

LISA MICHAELS, CSR



By now,

most of you have heard of Governor Schwarzenegger's plan to balance our budget by replacing California's official stenographic court reporters with electronic recorders and cameras, a move which his advisors, based on representations made by lobbyists for the electronic recording industry, have told him will save \$100 million per year. In the past few weeks, he has been quoted in the press as follows:

"We do not need any people there. We have the technology now to do the reporting and to do the recording"

and

"We have court reporters. That's old fashioned. We don't need a court reporter anymore that is typing away. We have now the cameras, we have the recording devices, we have everything. But because labor insists on keeping them even though we don't need them, it costs us hundreds of millions of dollars every year extra."

cont'd on page 2

President's Message - cont'd from page 1

Some of us may be thinking, "Well, he's talking about official court reporters in the courtrooms. I am a freelance reporter. This is not about me." I'm here to tell you . . .

IT IS ALL ABOUT YOU.

Many states have already replaced their stenographic official reporters with ER. California's displaced official reporters will be entering the freelance deposition market looking for work, a market that is already tight. In addition, in many states where ER has replaced official reporters, ER has also begun to record depositions. *Yes, that can happen to you.*

We in the freelance field cannot separate the courtroom chair from the conference room chair in which we sit. The initial awkwardness of having a microphone recording the testimony and having to hit "play" on the recorder to hear read-back will soon wear off. Litigation attorneys here in California may become comfortable with this new method without initially realizing the damage their clients will incur from failed recordings, inaccurate transcription by someone who was not present during the proceedings, and the incredibly high cost for those services. Our clients' reputations will be compromised by microphone malfunctions, paper shuffling which obliterates an important response from a witness, and lost recordings. Electronic recording equipment doesn't hold a state license and there is no recourse if a malpractice-type episode occurs.

DRA is working extremely hard to keep this line item out of the California budget. My video message to the Governor has spread nationwide. We posted it on YouTube.com (youtube.com/watch?v=IqSUxuoXOOo) (lisamichaels.mwv), where it has more than 9000 viewers and hundreds of comments. It is now a part of our Facebook page, MyLegal.com, and LinkedIn, with many more avenues to follow. It has been sent to Governor Schwarzenegger, key legislators, the Court Reporters Board and the Department of Consumer Affairs, and the California State Bar. I've received a flood of thank-yous from our members, reporters all around the country, firm owners and even a federal judge. We will keep you updated and informed on this issue. Join us at our fall seminar in Los Angeles on September 25 to hear more (caldra.org/2010fallseminar.asp.) In the meantime, insist at every opportunity that your fellow reporters join DRA. Power and influence comes from membership numbers (caldra.org/join_dra.asp).

This is about our careers and our reputations as stenographic court reporters.

THIS IS ALL ABOUT YOU!

[RETURN TO FRONT PAGE](#)

DEPOSITION REPORTERS ASSOCIATION MISSION STATEMENT

DRA represents Certified Shorthand Reporters who report depositions and out-of-court proceedings in the State of California, as well as captioners and CART providers.

DRA strives to preserve and enhance the stenographic reporting profession, ensure its integrity, and maintain its high standards and impartiality wherever stenographic services are required.

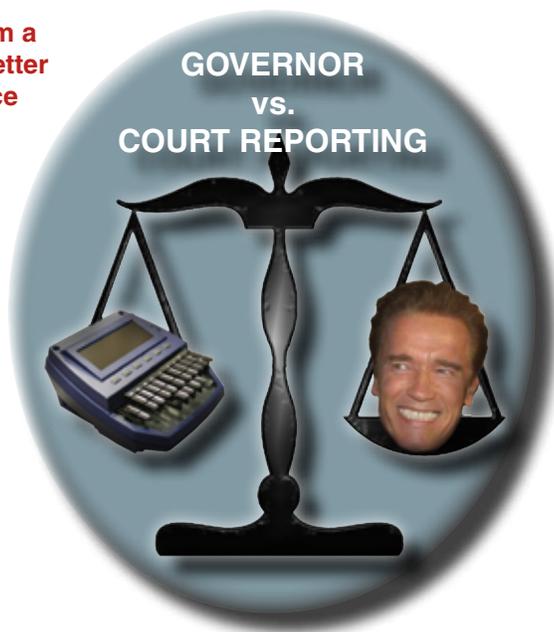
DRA is committed to ensuring that the stenographic reporting profession remains a viable and integral part of the legal system.

DRA President Michaels received the following response from a U.S. District Court judge after viewing her YouTube video open letter to Governor Arnold Schwarzenegger rebutting his plan to replace reporters in California courtrooms:

Dear Ms. Michaels,

A court reporter friend from Des Moines sent me the link to your *YouTube* video. You are a terrific spokesperson for your very important and vital profession. I am sure every court reporter that watches your video will stand taller and be even more proud of the work you do — work that we often take for granted in being the *Guardians of the Record* — a line I am now using in jury selection when I introduce the court room participants and tell the jury about their roles in our justice system. Heartfelt congratulations for standing up for the truth and being such a superb and persuasive advocate. Best,

Mark W. Bennett
U.S. District Court Judge
Northern District of Iowa



If you haven't yet watched this tremendous video, it is a must-see: caldra.org.

DRA PRESIDENT MICHAELS' LETTER TO KEY LEGISLATIVE CONTACTS

Dear Hon. Business & Professions Committee Members, Staff, and friends:

With respect to the Governor, we have had enough of his unfortunately misinformed comments about our profession.

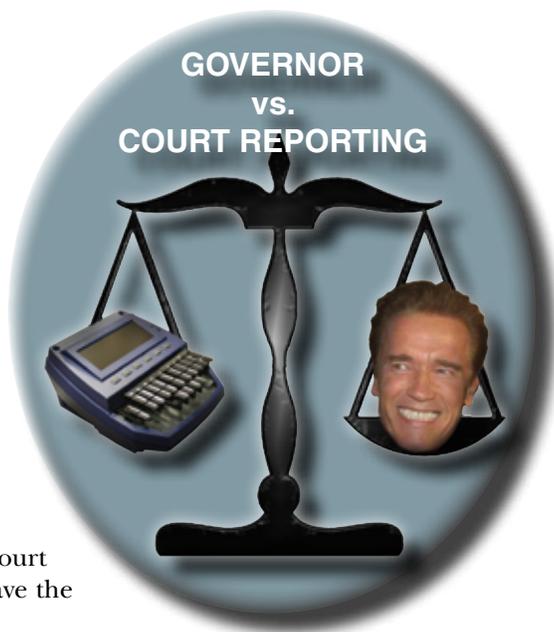
My name is Lisa Michaels, and I am President of the Deposition Reporters Association of California (DRA). We represent more deposition, CART and captioning professionals in California than any other trade organization.

You may know that Governor Schwarzenegger was again quoted as saying that our court colleagues could be replaced by machines. Here is what he was quoted as saying:

“We have court reporters. That’s old fashioned. We don’t need a court reporter anymore that is typing away. We have now the cameras, we have the recording devices, we have everything. “

His quotes demonstrate such a complete misunderstanding of our profession that we at DRA felt a more personal and direct response was appropriate and, in fact, overdue, given his prior efforts to eliminate our Board and his previous quotes embracing the same message.

At this link (<http://caldra.org>) you will find a brief video with our point-by-point rebuttal and response to the Governor’s comments.



cont'd on page 4

Letter To Key Legislative Contacts - cont'd from page 3

We would be honored if you would take just a few minutes of your time to watch our response. Since its posting on YouTube, it has been picked up by MyLegal.com (<http://www.mylegal.com>) as a featured article and has over 5000 hits on YouTube. California is listening.

[After the video was taped, and just this week, the governor was quoted as expressing the same sentiment by saying “We have electronic court reporting, \$100 million. We do not need any people there. We have the technology now to do the reporting and to do the recording.”]

If you have comments about the video or the Governor’s comments, please go to our Facebook page at www.facebook.com/#!/caldra?ref=ts (you can watch the video there, too) and let us know what YOU think.

Once more, thank you for your interest in our profession and for the work you do every day to make sure that California consumers are protected.

Best,

Lisa Michaels

DRA DISTRICT 8 DIRECTOR JERI CAIN IS TAKING ACTION AND TELLS US ALL HOW WE CAN TOO!

Here is a link to send a personal e-mail to California’s governor:
gov.ca.gov/interact

Jeri’s letter of September 2, 2010:

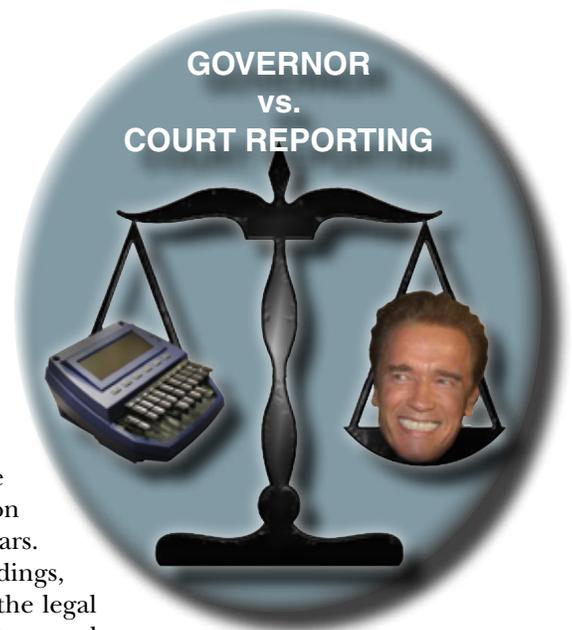
Dear Governor Schwarzenegger:

Your continual attacks on the very existence of official court reporters in California has resounded throughout our state and into the very core of our profession. This public attack from your official office was designed, in my opinion, to do permanent damage to a profession that has been an integral part of the judicial system for well over 100 years. Code sections have been enacted to protect impartiality of legal proceedings, and court and freelance reporters are an important part of keeping the legal proceedings honest. There have been thousands upon thousands of instances where “cameras” and “court tape recorders” have failed, leaving litigants without legal recourse. Your ban on court reporters is analogous to leaving our fair legal system to chance and possible bias from the bench and bar. To throw out “realtime” reporting performed by a California Certified Stenographic Reporter is taking our progressive state back into the dark ages. Tape recorders cannot perform this vital service to the hearing impaired and those judges who may be hard of hearing presiding over capital cases. As a registered California voter, a business owner, and California certified court reporter, I implore you to quit demeaning our esteemed profession to every citizen in California in a public forum. Your advisors have not given you all the facts as to what is involved with replacing an entire profession. And it is not just state workers at risk here. It’s an entire profession.

Respectfully submitted,

Jeri Cain, CSR #2460

Freelance Court Reporter and Business Owner



If you think the very real threat of electronic recording or the insidious explosion of gift-giving that is rocking our profession won't affect you, consider this story.

ER & Gift-Giving

THERE'S A MOUSETRAP IN THE HOUSE

A mouse looked through the crack in the wall to see the farmer and his wife open a package. "What food might this contain," the mouse wondered. He was devastated to discover it was a mousetrap. Retreating to the farmyard, the mouse proclaimed this warning: "There is a mousetrap in the house! There is a mousetrap in the house!"

The chicken clucked and scratched, raised her head and said, "Mr. Mouse, I can tell this is of grave concern to you, but it is of no consequence to me. I cannot be bothered by it." The mouse turned to the pig and told him, "There is a mousetrap in the house! There is a mousetrap in the house!" The pig sympathized, but said, "I am so very sorry, Mr. Mouse, but there is nothing I can do about it but pray ... Be assured you are in my prayers." The mouse turned to the cow and said, "There is a mousetrap in the house! There is a mousetrap in the house!" The cow said, "Wow, Mr. Mouse. I'm sorry for you, but it's no skin off my nose."

So, the mouse returned to the house, head down and dejected, to face the farmer's mousetrap, ALONE. That very night a sound was heard throughout the house – the sound of a mousetrap catching its prey. The farmer's wife rushed to see what was caught. In the darkness, she did not see it. It was a venomous snake whose tail was caught in the trap. The snake bit the farmer's wife.

The farmer rushed her to the hospital. When she returned home she still had a fever. Everyone knows you treat a fever with fresh chicken soup. So the farmer took his hatchet to the farmyard for the soup's main ingredient. The chicken that didn't care – GONE.

But his wife's sickness continued. Friends and neighbors came to sit with her around the clock. To feed them, the farmer butchered the pig. The pig that did nothing but sympathize – GONE.

But, alas, the farmer's wife did not get well... she died. So many people came for her funeral that the farmer had the cow slaughtered to provide enough meat for all who attended the funeral luncheon. The "no skin off my nose" cow – GONE.

So the next time you hear someone is facing a problem and you ignore it, the next time you see a mistake or problem and you just let it go, the next time someone reaches out and you come up with

some excuse for why you can't help ... don't think it doesn't concern you. Remember, when one of us is threatened, we are all at risk. We are all involved in this battle to save our profession. We must keep an eye out for one another, assist at every opportunity, and make an extra effort to encourage our associates to do the same.

Fellow reporter Paulita Kundid from Florida shared the following related thoughts on the NCRA managers listserv:

Gift-giving is climbing to new heights and depths and getting crazier and crazier. It is affecting all of our businesses, our morale, our professionalism and our industry. Reporting firms and individuals who have never before considered gift-giving may have to cave in to survive. How sad is that.

To say nothing can be done is not good enough. There are many things we can do. Education is key. Knowledge and ACTION is power. Placing articles and informational ads in your local and state Bar publications, educating attorneys, paralegals, secretaries and the general public as quickly and efficiently as possible is key.

The IRS implications of accepting gifts are REAL and need to be shared with every attorney (click here for [rebates article](#)). Stories like the one below about an Orlando attorney who was able to checkmate his opponent because his staff had received incentive gifts catch on like wildfire in the legal community – especially when attorneys are looking for any kind of edge against their opponent.

Defense attorney in a workers' comp case requests a hearing for reimbursement of taxable costs, which include transcript fees. Plaintiff's attorney points out that if such a hearing were to take place, he would request that the cost of the gift cards accepted by defense attorney's staff in exchange for scheduling the depositions be deducted from the costs. If plaintiff succeeds in reducing costs, defense will be required to pay his fees for attending the hearing (\$6300). Defense decides to forgo the hearing and stipulates to paying all costs.

**Remember there is a mousetrap in the house!
Let's all do our part to educate.**

DRA Board Members

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DIRECTOR DISTRICT 2	<p>Robin Riviello robinriv4@aol.com or district2@caldra.org <i>(Monterey, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz counties)</i></p>	EXECUTIVE DIRECTOR	<p>Vicki Squires vicki@vsquires.com or cal_dra@yahoo.com</p>
DIRECTOR DISTRICT 3	<p>Gail Blankenship gblankcsr@charter.net or district3@caldra.org <i>(Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, Yuba counties)</i></p>	NEWSLETTER EDITORS	<p>Holly Moose holly@hollymoose.com or newslettereditor@caldra.org Katherine Wayne kjwayne@suddenlink.net or newslettereditor@caldra.org</p>
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NCRA Convention Update

ANNUAL BUSINESS MEETING: OFFICIAL VOTING RESULTS

The annual membership business meeting was held Thursday, August 5, 2010, at the Chicago Hilton, Chicago, Illinois. A total of 201 members participated in the meeting on site. Members who were not able to attend the meeting in person were able to follow the discussions live or review them after the fact via a realtime feed to the Internet.

Four contested elections for board or officer positions and a series of amendments to the Association's Constitution and Bylaws were debated at the meeting. As provided for in the Bylaws, all NCRA voting members were able to vote online. Polling closed at 2:05 a.m. Central Time, August 6, 2010.

Congratulations to NCRA's 2010-11 Board of Directors

Sonntag Advances to Presidency

President-elect Melanie Humphrey-Sonntag, FAPR, RDR, CRR (Wheaton, IL) automatically advances to the office of 2010-11 President.

R. Douglas Friend Elected President-Elect

Votes cast:

R. Douglas Friend, RMR, CRR (Portland, OR): 655
Sandra M. Mierop, RPR, CRR, CCP, CBC (Anchorage, AK): 652

Tami Smith Elected Vice President

Votes cast:

Shirley Ann Hall, RDR, CRR, CBC, CRI, CPE (Pittsburgh, PA): 586
Tami Smith, RPR, CPE (Lansing, MI): 603

Bruce A. Matthews Elected Secretary-Treasurer

Votes cast:

Bruce A. Matthews, FAPR, RDR, CRR (Cleveland, OH): 818
Jason T. Meadors, RPR, CRR (Fort Collins, CO): 536

Viola S. Zborowski Elected Director

Votes cast:

Victoria L. Pittman, FAPR, RDR, CRI (Wake Forest, North Carolina): 585
Viola S. Zborowski, RMR, CRR (Long Valley, New Jersey): 649

Uncontested Director Elections

Also elected as Directors at the Business Meeting were: Patricia K. Graves, RDR, CRR, CCP (Monument, CO) Glyn Poage, FAPR, RDR, CRR (Helotes, TX)

Results of Voting on Bylaws Amendments

A series of amendments were proposed by four members of NCRA, duly noticed to the membership and voted upon online. Approval of amendments requires a two-thirds vote.

A proposed amendment to Article III, Section 9, addressing eligibility to vote was adopted by a vote of 967 for, 314 against.

Proposed amendments to Article III, Section 9, and Article V, addressing eligibility to hold elected office was adopted by a vote of 978 for, 296 against.

By a vote of the members at the Business Meeting, the proposed amendment to Article VI, Section 2 (addressing eligibility to be re-elected to a previously held office) was removed from the ballot and referred to the Constitution and Bylaws Committee.

NCSA MEETING: DRA'S RESOLUTION

The state leaders of NCRA's affiliate associations met to exchange ideas, provide updates on current issues in each of the states, and present resolutions (requests for action) to the National Committee of State Associations Governing Committee for ultimate presentation to the NCRA Board of Directors. This year, DRA presented its first resolution as an affiliate and was proud to have had six additional affiliate associations sign onto it as NCSA's first joint resolution: Arizona, Florida, Washington DC, Kentucky, Mississippi, and Washington. The proposed resolution was that the language in Provision No. 8 of the Code of Professional Ethics be amended as follows: That incentives or rewards in direct exchange for scheduling, use or payment of court reporting services are expressly prohibited in any amount.

cont'd on page 8

NCRA Convention Update - cont'd from page 7

Below are excerpts from the California and Kentucky comments at the open mic session, in favor of the resolution:

TONI PULONE:

The existing language in Provision 8 of NCRA's Guidelines for Professional Practice restricts gifts to attorneys, clients, insurance companies or anyone associated with litigation to items not exceeding \$100 total per recipient per year. As currently written, incentives are allowed, along with thank-you gifts, up to the aggregate amount of \$100. We firmly believe that allowing any gifts or rewards that are offered as incentives in direct exchange for a client's business is in violation of our requirement to be fair and impartial to all parties in any litigation. Giving incentives to one party may create a conflict of interest, and it certainly creates the appearance of favoritism being shown towards one party.

What our joint resolution refers to are incentives and rewards that are being offered with very specific strings attached and are only delivered when the business is delivered to the reporter or agency. So there is a contingency, an obligation on the part of the attorney, secretary, paralegal, insurance-company employee; this contingency that the recipient select this reporter or agency over any other specifically and only because of the reward offered creates an obvious appearance of impropriety. This incentive becomes "income given to a person in a position of power or influence as payment for having made the income possible," which is the definition of a kickback, and kickbacks are generally considered unethical if not illegal in most business settings.

There are, unfortunately, numerous examples of such kickbacks – or bribes, if you will – currently being offered in the depo industry. "Book three depositions with us and receive a \$50 gift certificate to your favorite restaurant." "Set a deposition with us and when you pay for it, you'll receive a bottle of *Dom Perignon* champagne." "Call us for your reporting, and we'll give you \$200 for your first deposition setting with us and then \$50 for every deposition set after that. And, to sweeten the deal a bit more, if you take a deposition off of another reporting agency's calendar with whom you previously set it, we'll give you an additional \$25 each time." Incentive rewards like this are being delivered to secretaries and paralegals at their residences rather than their offices specifically so that the firms they work

for won't see this going on. Certainly these sorts of business arrangements should be prohibited by NCRA, not condoned.

It is the principle here that we are concerned about addressing, not the dollar amount of the offer, because incentive rewards like these are unprofessional and inappropriate in any amount. To maintain and protect our professionalism, it is necessary to put, as NCRA has done, dollar limits on legitimate and appropriate gifts from reporters to clients, but incentives which are, in fact, kickbacks and bribes like these have no place in our reporting businesses; they erode the integrity of our profession and should be prohibited altogether.

NCRA's Guidelines for Professional Practice were drafted and put in place to ensure the highest ethical standards among reporters and protect our profession from any hint or suspicion of impropriety, and so in keeping with these goals, we urge all delegates here to vote with us in favor of this resolution.

**LISA MIGLIORE BLACK:**

Toni Pulone's statements on behalf of DRA aptly summarize the wisdom behind KYCRA's request that NCRA review its policy on incentive gift-giving. With the distinction between an unsolicited gift and an incentive tied to procurement of work already made clear, I'll keep my comments brief.

Advertisement of incentive programs cheapen our profession, regardless of their value, regardless of whether they comply with the current \$100 aggregate amount. The cheaper the value of the incentive, the cheaper our profession appears; the higher the value of the incentive, the more corrupt our profession appears.

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NCRA Convention Update - cont'd from page 8

If the best thing you have to say about your court reporting business is how good the cookies are that you bring to every deposition, I'll suggest that you're in the wrong business. You need to open a bakery!

As for the higher-value incentives offered, this is a perverse form of Robin Hood, stealing from the poor by the rich. These practices don't speak to fair and impartial treatment, do not offer like services to both sides of the litigation, and do not avoid the appearance of impropriety.

We want NCRA to raise the bar for our profession. It's time that we align the court reporting industry's gift-giving practices with that of attorneys, as evidenced by the recent release of the ethics opinion by the American Bar Association. NCRA needs to set standards that do not tempt those for whom we provide services to violate their third-party compensation rules.

It appears that the State of Nevada agrees with my rationale. I'd like to congratulate Nevada reporters for their success in the recent enactment of their statute that forbids incentive gifting of any kind by court reporters. The passage of their law offers an interesting perspective: Prostitution is legal in several counties in Nevada, but now incentive gift-giving by court reporters is not. This speaks volumes for how the legislature, when asked to address this issue, views these quid pro quo arrangements in our legal system.

iPod Shuffles, Mont Blanc pens, luxury box tickets, dinner cruises—These practices reek of impropriety. They are tantamount to bribery even if they fall below the \$100 aggregate, and I respectfully request that NCRA set standards so that other states may follow Nevada's lead in establishing similar restrictions. It's time that we compete on skill and the quality of our service, instead of attempting to buy business.

When the vote was taken, out of 37 affiliates, there were only two nays (Virginia and Alabama). We have high hopes that our resolution will be adopted by the NCRA Board and that all state CR Boards will soon be able not only to look to this revised gift-giving language as the national standard but to adopt these same ethics and enforce them within their own jurisdiction.

DRA sent an enote to our members within a few days of the vote and received a few questions and concerns back, which we would like to address.

Q. I hope this includes expensive seats to *Lakers*

games given to certain managing employees of law firms in order to cement the exclusive employment of the seat-dispensing agency. How can that be policed? I see no change regarding such activities.

- A. Our proposal would add language regarding the prohibition outright of all incentive gifts, whatever the value, to the existing gift-giving language in NCRA's Code of Professional Ethics (COPE). If Lakers tickets were offered to anyone in direct exchange for any reporting business, then it would definitely fall into the incentive category and be prohibited by our proposed language. But even if the tickets were being offered as a very generous thank-you gift, with no specified strings attached, a gift of that value would already be prohibited by the current language in effect, which limits gifts of any kind from reporters to clients to a total of \$100 per recipient per year.

California's Professional Standards of Practice, part of the CA Code of Regulations, likewise restricts any gifts given by a CA CSR to \$100 per year to a person or entity, so those Lakers tickets would fall outside the limits set for us here, and our Court Reporters Board can and will take action against reporters in violation of our gift restrictions. If you have strong evidence that such gifts are being given to attorneys, we'd encourage you to file a complaint about that activity with our CRB.

- Q. This potential NCRA rule will further handicap the reporter because the corporate agencies will continue to spend money on clients, yet the reporter is now prevented from competing the same way.
- A. NCRA has one COPE for all members, whether CSRs or non-CSRs. Violators are subject to losing their membership and having their transgressions published for 20,000 members to see. That probably won't stop them, but it can't hurt. The playing field needs to be leveled between CSRs and corporate entities at a state level through LEGISLATION. Our resolution is an attempt to at least get NCRA to subscribe to the same standards DRA is trying to promote at a state level. Nevada has been successful in this regard. Someday all the states could succeed. It will be helpful in these battles to be able to point to a national standard of NO INCENTIVES OR REWARDS in any amount.

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NCRA Convention Update - cont'd from page 9

BOARD OF DIRECTORS MEETING

NCRA held its biannual board meeting prior to the convention. In attendance were DRA past and present board members Lisa Michaels, Susan Campana, Anne Torreano and Holly Moose. DRA is intent upon keeping its eyes and ears open so that our members will remain informed.

- The “Writing Our Future” membershipwide dialogue project was launched. The NCRA board will be reaching out to reporters, CART providers and captioners across the country to elicit their ideas about the future of NCRA, the future of the reporting profession and about how to do the work needed to transform NCRA into a pillar of success.
- A “Steno Opportunities in the Courts” Task Force was formed to focus on identifying opportunities for secure and lucrative employment of stenographic reporters supporting the courts, both today and into the future.
- The JCR magazine will be going electronic in addition to the hard copy.
- Effective November 2010, NCRA will begin testing nonmember steno reporters for the RPR, RMR, CRR and RDR. Those who pass must join in order to use the certification initials.
- There will be no NCRA Midyear Conference in 2012.

SPEED & REALTIME COMPETITION RESULTS

DRA members Laura Brewer and Teri Darrenouge excelled in the 2010 NCRA Realtime Competition Literary Section. Laura Brewer took 1st place (for the fourth time). Teri Darrenouge took 4th place.



© Vivian E. Lee/NCRA

Mark Kislingbury of Houston, TX won the 2010 Speed Contest for the fourth year in a row (and seventh time). Diane Kraynak of Midland, MI placed second, and Alan Brock of Boston, MA placed third.

Deanna Boenau of Sarasota, FL won the Realtime Contest for the first time. JoAnn Bryce of Castro Valley, CA placed second, and Donna Karoscik of Lancaster, OH placed third.



cont'd on page 11

NCRA Convention Update - cont'd from page 10



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|---|---|

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SAVE THE DATE!

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

UCSB LOMA PELONA CENTER, SANTA BARBARA CAMPUS

DRA CORE CURRICULUM MODULES I, II & III

- EVER HAVE A DEPO DILEMMA? • WANT TO KNOW WHAT YOU FORGOT OR NEVER KNEW? •
- WANT HELP WITH HOOKING UP REALTIME? • HELP WITH SOLVING WORD BOUNDARY PROBLEMS? •
- INTRODUCING DEPO MAP • AND MORE ...

MARK YOUR CALENDARS!

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Receive all three modules for \$159, Each module taught separately is \$99

C.E. POINTS and LOTS OF HANDOUTS

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

Depo Laws & Regs Review

Staying informed and in compliance with the laws governing your profession will make you a better reporter, which translates to more job opportunities for you. If you have any questions about the following topics, these links may be helpful:

Minimum Transcript Format Standards/ Read and Sign Regs HAVE CHANGED

caldra.org/minimum_transcript_regs.asp

Updates to the Code of Civil Procedure 2029.500, effective January 1, 2010, have resulted in a change to the Court Reporters Board's position on when Minimum Transcript Format Standards (MTFS) apply. Under the new rule, any deposition taken in California must comply with California's MTFS, as well as California's read and sign requirements, regardless of where the case is venued. The CRB states, "*The only exception to this new rule is in regard to federal depositions, as federal law supersedes state law.*" However, since federal laws do not specify format standards for depositions, it is unclear whether that exception refers only to the read and sign requirements or also to the MTFS. DRA is attempting to seek clarification on this point.

Regulations – Professional Standards of Practice
courtreportersboard.ca.gov/lawsregs/adoption2475.pdf

Best Practices for the Use of Backup Audio Media (BAM):
courtreportersboard.ca.gov/formspubs/best_practice.pdf

Business and Professions Code – Relating to Licensure
courtreportersboard.ca.gov/lawsregs/bandp-licensure.shtml

California Statutes – Regulating the Taking of Depositions and Photocopying of Records by Court Reporters
courtreportersboard.ca.gov/lawsregs/ca-statutes.shtml

Business and Professions Code – Relating directly to Court Reporters, Court Reporters Board and Transcript Reimbursement Fund
courtreportersboard.ca.gov/lawsregs/bandp-crb.shtml

SAVE THE DATE: September 25, 2010

DRA'S SOUTHERN CALIFORNIA Fall Seminar

**8am to 6pm Sheraton Hotel, Downtown Los Angeles
711 South Hope Street (213) 488-3500**

**EARN UP TO .8 CEUS
SAME LOW PRICE AS 2007!**

WE WILL ALSO BE HOLDING THE CCRR EXAM (REQUIRES SEPARATE REGISTRATION)

register online and hold your spot: caldra.org

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

It's Still Not Too Late To Compete For The Apple 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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A MESSAGE FROM NCCRA: "We've Gone Green"

I'm sure you've heard it many times already: The cost of fliers and postage have skyrocketed, and non-profit corporations like Northern California Court Reporters Association (NCCRA) have chosen to go paperless, and "go green."

What does that mean? Well, that means WE NEED YOUR E-MAIL ADDRESS, if you want to be a part of NCCRA, so that we can easily communicate with you. We'll be sending out the same fliers, but now they will be an attachment to your e-mail. You will just print the registration sheet and mail it in with your payment.

We also would like to keep you informed throughout the year of any important news affecting you.

So, do it right now, while you're reading this, so we can make sure you're always informed when our meetings will be and how you can continue to achieve continuing education points. E-mail Linda Hart, NCCRA President, at ljcsr@aol.com and become part of our contact list. You can always contact us at NCCRAonline.com, become a member or check our calendar for upcoming seminars at any time. We look forward to hearing from all of you!

Toni Pulone's
Depo Diplomat

Dear Depo Diplomat:

Do you know the CCP section that says that the noticing party is responsible for depo costs? I know about CCP 2025 (p), but I thought there was stronger and more recent language than that.

Dear Reporter:

The main CCP section that sets out that the noticing party is responsible for the cost of the original depo is 2025.510 (b), which used to be 2025(p) until they reorganized the CCP some years back. I think the other Code section you're thinking of as "stronger" language is the newer section that was added to the CCP as a result of AB 1211, which DRA cosponsored with CCRA a few years ago, and the language from our bill appears now a little further on at Section 2025.510 (h) through (i). That section refers to any party requesting a transcript or any other depo service or product, so it covers everyone involved: the noticing attorney and any other copy-ordering attorneys. I'll paste below for you both sections from the CCP.

2025.510. (a) Unless the parties agree otherwise, the testimony at any deposition recorded by stenographic means shall be transcribed.

(b) The party noticing the deposition shall bear the cost of that transcription, unless the court, on motion and for good cause shown, orders that the cost be borne or shared by another party.

(c) Notwithstanding subdivision (b) of Section **2025.320**, any other party or the deponent, at the

expense of that party or deponent, may obtain a copy of the transcript.

(h) (1) The requesting attorney or party appearing in propria persona shall timely pay the deposition officer or the entity providing the services of the deposition officer for the transcription or copy of the transcription described in subdivision (b) or (c), and any other deposition products or services that are requested either orally or in writing.

(2) This subdivision shall apply unless responsibility for the payment is otherwise provided by law or unless the deposition officer or entity is notified in writing at the time the services or products are requested that the party or another identified person will be responsible for payment.

(3) This subdivision does not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

(i) For purposes of this section, "deposition product or service" means any product or service provided in connection with a deposition that qualifies as shorthand reporting, as described in Section 8017 of the Business and Professions Code, and any product or service derived from that shorthand reporting.



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HEALTH CARE LAW'S MASSIVE HIDDEN TAX CHANGE

A May 2010 article in money.cnn.com describes that effective January 1, 2012, businesses and freelancers will need to issue 1099s not just to independent contractors, as is currently the requirement, but to any individual or corporation from which they purchase over \$600 in services or GOODS.

Eliminating the current "goods exemption" will mean having to issue a 1099 tax form to the entity from which you purchased a \$700 computer, for example. Imagine having to gather names and taxpayer identification numbers for every payee and vendor with whom you do business.

By spotlighting payments to small operators, the government may be hoping to recoup billions of dollars in lost tax revenue on unreported income, as well as to tighten up the deduction of expenses.

Independent contractors typically write off stacks of business expenses; having to issue tax paperwork documenting each one could cut down on fraudulent deductions.

Who Comes Up With These Phrases?

... of birds
and bureaucrats

“I walked into the room and there he was, naked as a jaybird!” A sentence like this almost always has a hint of laughter in it. It never sounds as if the person who saw the naked person is offended by the sight. But are jaybirds more naked than any other bird? Those of us who have jays in our backyards know there are few birds more brightly colored than a blue jay. They hardly would qualify as naked. So how did this phrase come to be so common?

Well, in this instance, the jaybird has nothing to do with our avian friends. “Jay,” meaning a rube or a hick, came into usage in the 19th century, and engendered words such as “jaywalk,” meaning to walk blindly and stupidly into traffic, such as a country bumpkin would when being in the city for the first time, as he stares at the many sights around him.

Being naked as a jaybird would mean that someone was not only naked, but almost unashamed of their nakedness. There is a sense of raucousness to it, without an implication of lewdness. Jays are the loudest and most obnoxious birds in the yard, conveying the feeling that the naked person is almost showing pride in their unclothed state.

All of us have sat at the DMV while bored workers stamp papers and move the lines along slowly. We have experienced the bureaucratic red tape attached to almost everything we do in society these days. But why red tape? Couldn't blue tape be just as annoying?

The phrase started in the 17th century, when legal documents were customarily tied together with red ribbons (long before the days of Velobinding or spiral binding). Over time, the term “red tape” became synonymous with any tedious, drawn-out paper process, most particularly those processes dreamed up by lawyers and politicians.

And these days, they don't even tie the file up with a pretty ribbon!



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SAVE THE DATE: October 2, 2010 **DRA'S ANNUAL** **STUDENT BARBECUES**

11am to 2pm Humphreys College
6650 Inglewood Avenue, Stockton, CA 90703
&

11am to 4pm Cerritos Regional Park
19700 Bloomfield Avenue, Cerritos, CA 90703

JOIN US FOR A FUN AND INFORMATIVE DAY!
RAFFLE PRIZES, CAMARADERIE, NETWORKING OPPORTUNITIES, GREAT FOOD, AND MORE!

FREE TO STUDENTS (please, NO guests)

RSVP to cal_dra@yahoo.com. Include “Student BBQ” in the subject line.
We are limited in space, so reserve your spot today!

THE DEPOSITION REPORTERS ASSOCIATION
would like to recognize and honor

CAROLEE FREER

for her outstanding achievements in the court reporting profession.

Carolee Freer was honored by her peers on the Cypress College Academic Senate who selected her for the Outstanding Full-Time Faculty Award for the school year 2009-2010. She was recognized at graduation ceremonies with a plaque and a medallion signifying her years of service with the college.

Carolee Freer has been with Cypress College since 1973. She is the Department Coordinator for the Court Reporting/Legal Program, which has consistently had one of the highest pass rates in the state for students taking the CSR licensing examination.

Carolee is known nationally for her textbooks and involvement in the NCRA, as editor of Caselines. On campus, she is recognized for developing new curricula to meet state and national licensing requirements and for moving in new directions for emerging careers, a recent example being the development of a closed captioning component of the court reporting program at Cypress College.

Carolee is the current president of the Reporting Association of Public Schools and is a member of DRA, NCRA, CCRA, and Theta Alpha Delta sorority.

SAVE THE DATE: February 18-20, 2011

DRA'S 15TH
ANNUAL CONVENTION

DISNEYLAND HOTEL, ANAHEIM



New Members

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

Candice Andino, CSR
Janice Arnold, CSR
Crystal Brickner
Grace Chung, CSR
April Floyd, CSR
Andrea Forsell, CSR
Tricia Gemmill
Christine Goodin, CSR
Holly Henderson
Kristy Hutchins, CSR
Stephanie Kaplanek
Alejandria Kate, CSR
Keri Leatherman

Linda Lee
Jacqueline Littlefield
Carrie LaMontagne, CSR
Michael McMorrان
Jodi Monroe, CSR
Elizabeth Mooy, CSR
Celena Murillo
Melinda Nelson, CSR
Veronica Rodriguez, CSR
Jessica Stieler
Susan Swan, CSR
Michelle Urbina, CSR
Ronald Yoakum



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Deadbeat Judgments

As a service to our members, DRA will continue to publish in our newsletter and on our website any final, formal court judgments in connection with court reporting services, whether obtained against an attorney, law firm, court reporting firm, or any other person or entity. If you are aware of any judgments within the last two-year time period, fax or email us the paperwork and we will publish it. Here are two more:

KAPLANEK COURT REPORTING
vs.
CHANCE GORDON
San Luis Obispo County, CA
Case No. SC100125
Judgment Date: 7/2/10
Judgment: **\$1952.08** + court costs

ALEXA L. DAVIS
vs.
ROBERT I. DUSKIS, ESQ.
Orange County, CA
Case No. 30-2008-00089054-SC-SC-WIC
Judgment Date: 10/29/08
Judgment: **\$205** + court costs



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Help Us Protect This Profession!

Please consider printing this flyer and including it with your reporter paychecks. We need everyone on board. You can also find this on DRA's home page at caldra.org.

If large corporations negotiate deals that drive down your page rates, and
if law firms receive "perks" for using one firm over another, and
if the Governor of California shuts down the CRB, and
if the deposition world shrinks and
shrinks and shrinks and shrinks ...
how much is protecting your career worth?

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PAY TO THE ORDER OF Deposition Reporters Association
One hundred twenty five dollars 00/100

For the cost of just one appearance fee, you can join us to help protect your profession!

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***THE DEPOSITION REPORTER** is published at timely intervals by the Deposition Reporters Association of California, Inc.*

CALENDAR OF EVENTS

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 - Sheraton Hotel, Downtown Los Angeles
 October 2, 2010..... DRA Student BBQs - Stockton and Cerritos
 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 - Embassy Suites, Los Angeles Airport
 February 6-8, 2011 NCRA Firm Owners Executive Conference - JW Marriott Starr Pass Resort, Tucson, AZ
 February 17, 2011 DRA Board Meeting - Disneyland, Anaheim
 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

Court Reporters Board Dictation Examination Statistics - June 2010

<u>School Name</u>	<u>Total # Apps</u>	<u>Overall # Pass</u>	<u>Overall % Pass</u>	<u>First Time Applicants</u>	<u>First Time # Pass</u>	<u>First Time % Pass</u>
Argonaut	6	1	16.7%	2	0	0.0%
Bryan - Los Angeles	8	3	37.5%	6	3	50.0%
Bryan - Sacramento	2	1	50.0%	2	1	50.0%
Cerritos	5	0	0.0%	1	0	0.0%
College of Marin	2	1	50.0%	1	0	0.0%
Cypress	1	1	100.0%	1	1	100.0%
Downey	10	1	10.0%	4	1	25.0%
Golden State	6	0	0.0%	1	0	0.0%
Humphreys	0	0	n/a	0	0	n/a
Sage - Moreno Valley	11	4	36.4%	5	2	40.0%
Sage - San Diego	5	4	80.0%	4	3	75.0%
Sierra Valley	7	0	0.0%	2	0	0.0%
South Coast	24	5	20.8%	9	4	44.4%
Taft	0	0	n/a	0	0	n/a
Tri-Community	4	0	0.0%	3	0	0.0%
West Valley	0	0	n/a	0	0	n/a
School Totals	91	21	23.1%	41	15	36.6%
Closed Schools	3	0	0.0%	n/a	n/a	n/a
Five Plus	16	4	25.0%	n/a	n/a	n/a
Out of State	1	1	100.0%	0	0	n/a
RPR	5	3	60.0%	4	3	75.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	5	0	0.0%	2	0	0.0%
TOTALS	121	29	24.0%	47	18	38.3%



Membership Application

Join online: www.caldra.org

Mail Application to:
DRA
7172 Regional Street #111
Dublin, CA 94568
Fax to: 925-905-2611
E-mail to: cal_dra@yahoo.com

Name _____ CSR # _____ NCRA Member # _____

Firm/School _____ Firm Owner Instructor Student

Address _____ City/State/Zip _____

E-mail _____ Website _____ Home Phone _____

Cell Phone _____ Office Phone _____ Fax _____

Referred by _____ OR Facebook Direct Mailing Internet search

Have you ever been a member of DRA before? Yes No List me on DRA's on-line database List me as available for freelance work

**** I certify that the contents of this application are accurate and complete and will advise the association of significant or material changes to the membership information. I agree to abide by the DRA Bylaws, the written policies of the association, and in the decisions of duly constituted DRA Committees. I agree that my membership may be terminated immediately if this application contains false or misleading statements. _____ Initial**

Membership Options

Professional \$ 125 **Three-year professional membership** (\$350 – save \$25) \$ 350

(Any person whose primary reporting income is derived from the practice of deposition reporting or general reporting and who holds a current CSR license issued by the Court Reporters Board of California.)

Associate \$ 100 **Three-year associate membership** (\$275 – save \$25) \$ 275

(Any person whose primary reporting income is derived from working as an Official Court Reporter, who holds a current CSR license issued by the Court Reporters Board of California; **OR** any non-CSR who has passed the National Court Reporters Association Registered Professional Reporter examination; **OR** any person wishing to establish a professional affiliation with DRA to assist in promoting the mission of the Association.)

Student \$ 25 (Any student enrolled in a verbatim shorthand reporting school) **Instructor** \$ 25 (Instructors who are nonreporting CSRs or, if not CSRs, who teach at institutions recognized/certified by the CRBC.)

PAC (not tax deductible) Amount \$ _____ **FRIEND OF DRA** (tax deductible) Amount \$ _____
(Used to support the passage or defeat of legislation that has an impact on our members and for the support of political candidates seeking elective office who share similar points of view on issues that are important to our membership.) **STUDENT SCHOLARSHIP** Amount \$ _____
(Currently three student scholarships awarded each year to help further student education)

Payment Information

Check # _____ enclosed (payable to DRA) in the amount of \$ _____

Charge \$ _____ to my: VISA M/C Discover AMEX (3.5% addl fee) Sign me up for automatic Renewal

Account Number _____ Expiration Date ____/____/____ 3-digit pin _____

Cardholder's Name _____ Signature _____

CC Billing Address _____ City/State/Zip _____

(If different from above)

*(Membership is for one year from the date dues are received. A portion of your dues will be used for lobbying activities as defined by the Revenue Reconciliation Act of 1993. For this year's dues it is estimated that the percentage used for such purposes will be 55%. This portion of your dues is not deductible as an ordinary and necessary business expense. **NOTE: Checks returned from the bank for any reason will be assessed a \$25 service fee.**)*