

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

December 2012

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PRESIDENT'S MESSAGE

Sue Campana, *CSR, RPR*

To quote Bob Dylan,
"The times, they are a-changin'."

Twenty-some years ago when I started in this profession, if you would have told me that as a freelance deposition reporter I would be faced with the prospect of working in court and covering trials and hearings on a *pro tempore* basis, I would have laughed and said, "Yeah, that's not going to happen." Well, as we all know, it's happening. And it's not only happening to freelance reporters, but also to our official reporter colleagues who are now faced with covering depositions. **Suffice it to say, court reporting in California has changed, and it is up to all of us – whether a freelance reporter or an official reporter – to ensure that we are prepared to face this change.**

Over the past months, I have heard reporters exclaim, "I am never going to work in court. Court reporting agencies and attorneys will have to find someone else because I'm just not doing it." I will admit that at first I wanted to dig my heels in and say the same thing. Then

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HOW DRA HELPED ME SURVIVE AN AUDIT BY THE BOARD OF EQUALIZATION

By Carol S. Nygard, *CSR*

I now know first-hand the benefits of DRA membership. Let me tell you how DRA helped me out of a scary situation.

Late December of 2011 I received a phone call from the Board of Equalization informing me that my "account" had been selected for an audit under the Sales and Use Tax Law. I was told that the Board would be reviewing my books and records for the period October 1, 2008, through September 30, 2011, to verify that I have neither underpaid nor overpaid my California sales and use tax liability and that the audit periods may be extended as permitted by statute.

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BOARD OF DIRECTORS

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DRA_Tweets



PRESIDENT'S MESSAGE

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I got to thinking about the possibility of what exactly could happen if court reporting agencies couldn't find anyone to cover their clients' trials and the proceedings went forward without a stenographic court reporter being present.

ER/DAR companies are always lurking in the background, waiting for the opportunity to display their "capabilities" and fill any perceived void in the record-making process. The last thing we want to do is give them an opening, no matter how small. Yes, we all know that without a doubt we stand head and shoulders above any so-called technology they can offer, but how do we prove that if we aren't in the courts showcasing our talents? Judges throughout the state are requesting realtime. Can ER/DAR provide that service? Not as far as I am aware. Many attorneys want a rough draft of the day's proceedings. Can ER/DAR provide them with an electronic file of the transcript at the close of the day? Not that I know of.

Not only is it actual reporters who are being impacted by this sea change, but court reporting students throughout the state are also aware of the situation. I recently had an email exchange with a court reporting instructor in Southern California asking for a DRA representative to come and make a presentation. Many of the school's students had heard of the court layoffs and were getting discouraged about the future of the profession, some even going so far as thinking of dropping out of school. My immediate thought was, "No! We can't let that happen. Yes, the courts are facing layoffs, but they will still need stenographic reporters to preserve the record." The future of our profession depends on the

continued flow of new reporters to replace retiring reporters. If we are not turning out new professionals because they are getting discouraged, then that is yet another door that opens for alternate, albeit lesser, forms of making the record, and that is something we cannot let happen. We owe it to the industry to encourage and guide the students, helping them to become working reporters.

The fear of the unknown can be daunting. To aid our members in conquering that fear, this past year DRA presented our "Covering the Courts" seminar in both Southern

and Northern California. We also have prepared a resource guide for agency owners and reporters, which, if you haven't already done so, can be purchased on our website. Be assured that we will continue to keep our membership informed and updated of any changes or issues that arise.

So yes, **"The times, they are a-changin'."** As much as we may not like the situation, it is the hand we are being dealt, and we must band together and face the challenges head on as a united front. To do otherwise would be a disservice to our profession and the legal community.



Board Member Spotlight:

Lorrie Marchant, District 1 Representative, received a nice note of thanks from a DRA member recently for providing her with "support and inspiration". Thanks, Lorrie, for all you do for DRA, including serving as Student Newsletter Editor. Keep up the good work!!



SMILES 4 DRA

:) I love the DRA. My favorite CR organization.

Angie Messenger

Thank you for your fabulous work for the court reporting profession.

Tori Pittman

Thank you for your kind invitation to visit and meet with Assemblymember Hill. Unfortunately, I have a previous engagement on that day so I will have to decline. As a student member of DRA I truly appreciate all your efforts on our behalf. Sincerely,

Sarah Vasey

Thank you so much for the work you do for CSRs in California and across the nation. You have always treated me kindly when I've called or written for help. Your spirit and expertise have been a great blessing to me, and I will always remember as a privilege the opportunity I had to watch you in action.

Linda Rowberg

Dear Reporter:

It's quite true that years ago, we were instructed in reporting school that we may be called upon to instruct witnesses to appear in court to be required to answer a question that they were refusing to answer or that they were being instructed by their counsel not to answer. I myself, fortunately, only had to actually instruct witnesses on two occasions, and both of those times were many years ago. While I can't tell you exactly when the law changed, some time ago new language was amended into the Code of Civil Procedure that made it no longer necessary for reporters to go through this procedure. Probably many of us weren't clear on what needed to be done when asked to instruct or cite a witness, but I'm pretty confident in saying that most attorneys also weren't too clear on what was required of a reporter in those circumstances.

Generally speaking, though, we were to repeat the question for the witness, then ask the witness once again if they were refusing to answer and then, assuming they said that they were – or perhaps the attorney would speak for them and say that they were refusing to answer – then we were to select some future date, or ask the noticing attorney if he had a date that he preferred, and then tell the witness that he/she was to appear in the court of the appropriate county on a specific date and at a specific time, usually 8:30, in the law and motion department, to answer the question. Since we were required to have the transcript prepared a certain number of days before this court appearance was to take place, you'd usually pick a date that gave you enough time to do that, and I think it had to be no more and no less than a certain number of days into the future, 30 days perhaps. It's been too long now for me to remember that detail.

In any event, after saying all that, we don't have to do all that anymore because the language added into **CCP Section 2025.480 (a)-(d)**, which I'll paste below for your reference, now provides for a

different procedure when and if a witness refuses to answer a question. Now the questioning attorney may move the court to compel an answer from the witness, and that motion has to be made within 60 days of the deposition, and it also allows for the attorney to notify all the parties and the deponent of this motion either orally at the depo or later in writing.

The new language, however, does call for the reporter to direct the deponent to appear in court on the date specified in the

Also, I don't think I've ever heard of a reporter having to even do this much since this language was added to the Code. But one could still be requested to make this announcement during a depo. Also, it may be necessary for the reporter to prepare the depo transcript on an expedited basis in order to get it to the parties in time for the noticing attorney to file his motion with the court, which needs to include any portions of the transcript that are relevant to the motion.

It's probably unlikely that this request will be made, but if an attorney should ask a reporter to cite the witness or instruct the witness into court, the reporter could respond by pointing out that the CCP now calls for the attorney to prepare a motion for the witness' appearance in court, including the selection of a date, and if the attorney wishes to do that before the conclusion of the depo, then the reporter can direct the deponent's attendance in court per the attorney's oral notice.

CCP Section 2025.480.

- (a) If a deponent fails to answer any question or to produce any document or tangible thing under the deponent's control that is specified in the deposition notice or a deposition subpoena, the party seeking discovery may move the court for an order compelling that answer or production.
- (b) This motion shall be made no later than 60 days after the completion of the record of the deposition, and shall be accompanied by a meet and confer declaration under Section 2016.040.
- (c) Notice of this motion shall be given to all parties and to the deponent either orally at the examination, or by subsequent service in writing. If the notice of the motion is given orally, the deposition officer shall direct the deponent to attend a session of the court at the time specified in the notice.
- (d) Not less than five days prior to the hearing on this motion, the moving party shall lodge with the court a certified copy of any parts of the stenographic transcript of the deposition that are relevant to the motion. If a deposition is recorded by audio or video technology, the moving party is required to lodge a certified copy of a transcript of any parts of the deposition that are relevant to the motion.

Toni Pulone, DRA Depo Diplomat

AskDRA

Dear Depo Diplomat:

I learned in court reporting school that reporters are sometimes asked to instruct the witness to answer a question. I believe that is just a formality for the record. I would simply state,

"Per Counsel's request, you are instructed to answer the question." Then I would put in a blurb to that effect. Do we still have to do that?

I don't remember seeing anywhere in the Codes that we inform Counsel that we don't have to do that anymore. Frankly, I don't remember in 33 years ever being asked to instruct a witness, but I always have had this instruction handy, just in case.

I welcome your comments on this.

attorney's notice, if the attorney chooses to do the notification orally during the depo, but the reporter no longer has to actually instruct the witness to answer or select the court date for the appearance. So the reporter may still be called upon to make this announcement to the witness and play some role in this procedure. Frankly, I think since this language was added, all reporters have assumed they no longer have to play a part in any of this, which isn't quite true, but they have less responsibility and less to do than in the past.



TEXT IN THE CITY

Holly Moose, CSR No. 6438
RPR-RMR-RDR-CRR-CCRR

I arrive early to my job this morning, for which I am freelancing for a So Cal reporting firm. I am setting up when the noticing attorney from LA arrives. It's just the two of us in the room, so I figure I'll nip this stip thing in the bud before we even get started. I say, "Since you're from LA, I just want to let you know that we will be following the code with regard to the original. We aren't going to do that stip thing."

He looks at me blankly. I say, "Are you familiar with that?"

He says, "I am familiar with that. But can't we just agree to ..."

I say, "No, you can't. We have to follow the code. I can't have an unsealed original floating around out there."

He ponders that for a minute and says, "I've never had a court reporter just decide that's what we're going to do."

I say, "It is my license, and if I send out the original unsealed, I don't know if I'm going to get it back in time to allow me to comply with my obligation under the code, which is to deliver it to you, sealed, in 30 days. And even if I do get it back in time, I don't know if it's the same original that I sent out, with my cert page on it. So we're following the code. Sorry."

He says, "Oh. Well, what if he wants to make corrections?"

I say, "He will receive an errata sheet. He can send that to us and we'll make note of it in the original. It's the same thing you are used to doing, except the original will come to you instead of to opposing counsel, and this way I can do my job properly."

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A VIEW FROM DRA'S EXECUTIVE DIRECTOR:



Freelance Deposition Reporters should be vigilant in protecting their profession and dedicate more of their time to the association and its mission.

- Jenifer McDonald,
DRA Executive Director

It's more important than ever to be a member of DRA!

The 2012 election cycle has ended, the ballots have been counted and many are hopeful that California's fiscal woes will be solved with the passage of Proposition 30 and the election of a "super-majority" in the California Legislature. It's too early to tell if that will mean funding will be restored to our judicial system, but we need to be ever-vigilant in protecting the profession of the deposition reporter.

In just over six months as your Executive Director, I've had the opportunity to meet hundreds of DRA's members at workshops that have been orchestrated to ensure you have the most important updates and information.

Our RealtimeARMY seminars were well-attended and it was fun to watch the exchange between Mark Kislingbury and the attendees. He is an amazing educator and reporter and DRA is proud to have him work with its members.

The amazing exchange of information and questions at our Covering the Courts Workshops was well worth the time our members dedicated to attend. Reporters who had never worked in court before left the workshop with tools to help them to do their job.

Have you seen the voluminous handbook DRA compiled for you?

Sure, you could spend countless hours searching for these public forms and rate sheets on the internet, but DRA did it for you. The handbooks contain valuable information to help you do your job and DRA was the first to produce such a tool.

DRA's Depo Diplomat also provides a forum for our members when they have other questions. This is a truly valuable service, one that you can't find elsewhere.

DRA's Annual Convention is set for February 22-24, 2013, and it will be another highly-attended DRA event. Separate tracks for reporters and firm owners are planned with several joint tracks where the groups will come together to learn together in an environment that encourages networking and collaboration.

You'll find the registration information in your mailbox soon.

I'm extremely impressed with DRA members and their commitment to continued education and networking. To watch hundreds of reporters gather for a full-day program on a Saturday to ensure they continue their education is impressive.

DRA's board wants to hear from you – please reach out – give us your thoughts on member benefits and programs – where do you see DRA in 1, 5 and 10 years? DRA is here for you.

memberservices@caldra.org

HOW DRA HELPED ME SURVIVE AN AUDIT BY THE BOARD OF EQUALIZATION

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Now, call me skeptical, but somehow I had a feeling that the Board wasn't trying to do me any favors by reimbursing me for funds that I had mistakenly overpaid; however, as one who always tries to follow the rules beyond reproach when it comes to government agencies, I thought, oh, well, this is going to be a pain, but they're not going to find anything and it will just be an inconvenience.

The following books and records are what were requested to be made available to the auditor:

- Sales and use tax returns, including related worksheets
- General ledger and related journals
- Sales invoices and cash register tapes, if applicable
- Purchase invoices (paid bills) for consumable supplies and fixed assets (for example, furniture, fixtures and equipment)
- Documentation supporting claimed exempt sales (for example, resale certificates and freight bills)
- Federal income tax returns, including depreciation schedules.
- Property tax statements
- Sales invoices for fixed assets sold during the audit period

In an attempt to lessen the intrusion of the audit while having depositions going on at my office, I instructed the auditor that all records would be available at the office of my CPA. I lugged all the boxes of records to my CPA's office contemplating the ridiculousness of the situation and

how much time I'd wasted gathering records when I should be reporting depositions.

I waited to hear from my CPA that the auditor spent a couple of hours on my records and realized he'd found me in total compliance and it was just an inconvenience of doing business. How naive that was.

My CPA called me and said "I think we might have a problem. The auditor wants to look more closely at more of your invoices regarding copies of transcripts and how much you're charging in sales tax for them."

My immediate response was, "Oh, he doesn't understand. We don't charge sales tax on copies of transcripts.

There's a code section that covers that. I'm not sure what it is, but we only charge sales tax on photocopies of exhibits because they're not a service. Producing deposition transcripts are a service item. Explain that to him. He just doesn't understand what Court Reporters do."

Although my CPA does a wonderful job at what he does, I couldn't quite get him to understand the difference between a "copy of a transcript" and a "photocopy" either. Now I'm starting to panic. I really didn't want to fight Goliath, but I wasn't about to roll over and play dead either. I knew that this issue wouldn't only affect me, but it would affect the rest of the industry in California.

I immediately called my long time business attorney, Mark Drobny, with Drobny Law Offices, who, fortunately for me has his LLM in tax, understands court reporting, and is always up for a good battle. **We both agreed that I should contact DRA and enlist their help.** After all, it's a big state and someone else must have

encountered this problem recently and would have the answers and maybe that elusive code section that I knew existed somewhere.

I also quickly contacted now Past President Lisa Michaels and she put the DRA machine in motion. Just a couple of days after I contacted her, we had a conference call scheduled to discuss the issue and plan a strategy. **The participants were myself, Mark Drobny, Lisa Michaels, DRA's current President Sue Campana, DRA's lobbyist and lawyer Ed Howard, Toni Pulone, Jeri Cain and Kevin Hunt of New York, who had a similar problem and prevailed. E-mails flew. Research was done.**

Within a couple of days of the call Ed Howard drafted a letter brief on behalf of DRA's position citing cases and statutory authority. It was an impressive argument.

At the same time Mark and associate Emily Foehr, Esq. submitted pertinent Points and Authorities to the auditor.

Then we waited and waited and hoped that we would not have to go to the next level of an appeal. **In May I got the long awaited good news which said: "Pursuant to Sales & Use Tax Regulation 1502.1 and Annotation 515.0070, tax does not apply to the sale of an original copy of a deposition to the party contracting for the court reporting service.** In addition, tax does not apply to the first copy of the deposition sold to other parties to the litigation. Tax does apply to additional copies, beyond the first copy sold to the party contracting for the service or to other parties to the litigation."

"Sales made to parties outside of California, and delivered out-of-state via common carrier, are also exempt

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The Network Gotcha

By Anne Torreano, CSR, RPR, CCRR, CLR

I recently met up with a couple of friends, one a freelancer and one an agency owner. After too many cocktails and time in the sun, the conversation turned to the “network job.” The practice of “networking” has become an important part of the everyday operation of many court reporting firms. **There are many good benefits to networking.** It allows independent, CSR-owned firms to compete with large national corporations and extend their reach nationwide, putting their clients in the capable hands of a fully staffed local firm, and it puts more jobs on their calendars, resulting in more available work for freelancers when they otherwise may not have had a job that day. It’s mostly a win-win for both firm owners and freelancers.

I freelance for roughly a half dozen trustworthy firms from across the state and nation. I’ve been fortunate enough to enjoy a nice rapport with their respective staffs and be paid well and on time by each of them. In return, I show up on time, professionally dressed, using the latest equipment, and treat their clients as if they were my own. Generally speaking, I don’t mind at all covering a “network job.” Every once in a while, however, I get hit with the Network Gotcha, which goes something like this...

(e-mail from one of the firms I work for regularly)

“Hi, Anne, are you available for an all-day on Monday in San Francisco? Needs realtime + draft. Might be up to O+4. Need a strong reporter.”

“Sure, I can do that.”

“Great. I’ll send you the confirmation. Thanks so much!”

After confirming the job the afternoon before, the firm sends me the confirmation and job info in an e-mail, which goes something like this:

“We are covering this job for Unabomber Reporters in Florida. Start time: 7:00 a.m. Smith vs. Jones, and Everyone Else on the Planet, et al. Reporter to provide 4 LiveNote-ready netbooks. Call-in number is 1-800-FUN-DEPO. Reporter must bring Polycom.

“Reporter paid for up to 4 copies. Reporter to print out attached exhibits and bring 16 copies to deposition. Reporter to FedEx exhibits overnight directly to Unabomber Reporters in Florida - we do not reimburse for shipping. We do not reimburse for parking. 7-day regular turnaround. This is calendar days! If job is not in UR’s office by 9:00 a.m. EST of the 7th day, you WILL NOT BE PAID.

“Reporter to arrive no later than 6:00 a.m.

“Transcript to be scoped and proofed to the audio. Reporter must provide audio file so we may check against video because we assume you are an incompetent idiot.

“Transcript orders:

“Mr. Smith has a standing order. Mr. Jones orders only if Mr. James is present. Mr. James has a standing order unless Mr. Smith does not. Mr. Johnson has a standing order only if the witness has leprosy or unless Mr. Williams cancels

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CONGRATULATIONS TO THE NEW CCRRS!



Mariam Bird

Diane Martin

Kelli Rinaudo

The DRA Nominating Committee is pleased to present the slate of officers and directors for 2013-2014.

President	Vicki Saber
Vice President	Monyeen Black
Secretary	Kimberly Durso
District 1	Lorrie Marchant
District 2	Robin Riviello
District 3	Diana Sasseen
District 4	Rich Alossi
District 5	Kristi Johnson
District 6	Linda Nelson
District 7	Vanessa Caparas
District 8	Cheryl Haab

Professional Members in good standing will soon receive their ballots to elect the Officers of the Corporation and the Director for their District. This is your association. Be sure to vote!

<http://www.caldra.org/2013-2014-slate>

HOW DRA HELPED ME SURVIVE AN AUDIT BY THE BOARD OF EQUALIZATION

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from sales tax. Other Nontaxable Fees include per diem fees; expedite charges; cancellation fees; charges for rough drafts; and other miscellaneous charges.”

And, the BOE specifically cited and relied upon DRA’s letter brief.

What this means is that original and copies of transcripts sold to parties to the litigation do not incur sales tax, however, should you sell a transcript to someone not a party to the litigation (and we all know there’s a code section that states you must get agreement of all parties in the litigation to do so), such copy must be taxed.

The Code Sections relied upon in the Sales and Use Tax Annotations (adopted in 1978) read as follows:

515.0070 Depositions. Private court reporters perform a service when they report depositions in connection with current or proposed litigation. Pursuant to Code of Civil Procedure section 2019, upon request or upon the payment of reasonable charges therefor, a copy of the deposition must be furnished to any party to the litigation. The charges for such copies are regulated by statute.

The sales tax applies as follows:

(1) **Sales to the party contracting for the service.** Tax does not apply to original copies (and carbon copies made at the same time as the original) furnished to the party contracting for the performance of the service. Tax applies to transfers of all other additional copies to the party contracting for the performance of the service.’

- (2) **Sales to other parties to the litigation.** Tax does not apply to the first copy (carbon copy or photo copy) furnished to other parties to the litigation. Tax applies to additional copies beyond the first copy furnished to such persons.
- (3) **Sales to persons not parties to the litigation.** Tax applies to all copies sold to persons not parties to the litigation. 4/26/78

515.0075 Depositions. Persons who make audiotaped or videotaped recordings of depositions in connection with litigation perform a service. Pursuant to Code of Civil Procedure section 2025, upon request of any party to the action, a party who records or causes the recording of the deposition testimony by audiotape or videotape, must furnish a copy of such tape to the other party on receipt of payment of the reasonable cost of making the copy of the tape. The application of the sales tax to charges for the videotapes or audiotapes is:

- (1) Tax does not apply to the charge for the first videotape or audiotape furnished to the party contracting for the performance of the service. Tax applies to sales of all additional copies to the party contracting for the services.
- (2) Tax does not apply to the charge for the first videotape or audiotape furnished to other parties to the litigation. Tax applies to sales of all additional copies to such persons.
- (3) Tax Applies to all sales of videotapes or audiotapes to persons who are not parties to the litigation. 8/27/87.

515.0077 Depositions Furnished to Deponent. Tax does not apply to charges for furnishing a copy of the

deposition to a deponent since Code of Civil Procedure section 2019 provides that, upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to the deponent. 9/27/78

Yes, folks, it does say “carbon copies.” The scary part is I’ve been reporting long enough to have used them. ... but I digress.

Be aware that my audit, since it was not appealed and didn’t go beyond the audit stage is not a citable case to be used in other audits or BOE cases. Hopefully I was just the unfortunate victim of an overzealous auditor and the Board won’t be making any more of those frightening phone calls to any of you, “Your account has been selected for an audit under the Sales and Use Tax Law.”

I want to thank DRA and their well-oiled machine, Lisa, Sue, Toni, and Jeri for their amazing support, knowledge and commitment to the profession and being there in my time of need.

I also want to thank Ed Howard, Mark Drobny and Emily Foehr for their legal expertise and the aggressiveness with which they addressed this issue, not only on my behalf but for the court reporting profession as a whole.

Thank you to Kevin Hunt of New York for his willingness to give advice from a position of past experience.

I’ve been a Reporter for 36 years and have always been a member of my local, state and national court reporting organizations. I’ve been at times more active than others, holding various offices and volunteering in the various organizations. I always thought it was a worthwhile effort.

DRA was there for me. They are there for you. They are there for all of us. Please support them. I know I will.

The Network Gotcha

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his standing order on a Thursday afternoon, in which case, then Mr. Johnson orders. But Mr. Johnson must sign the copy order form. Otherwise, there are NO standing orders. All orders must have a signed copy order form or you will NOT GET PAID."

You're probably chuckling right now, but there isn't a freelancer or firm owner out there who doesn't know what I'm talking about. Now, I pride myself in being flexible, but you'd have to be Gumby in order to comply with some of the mandates I've come across. And they are getting increasingly unreasonable and lengthy. My printer runs out of ink by the time I print out the phone book you've dropped on me without warning. And call me old-fashioned, but I still think a 7-day turnaround is an expedite of some form or another, and I'm pretty sure that no firm has ever shipped a 20-pound box of anything overnight across the country without billing someone, anyone for it. When did it become the norm for freelancers to absorb this cost?

Kidding aside, I don't mind doing the impossible for the ungrateful. I've been doing it for 18 years now and am pretty damned good at it. But give me the option. Before you drop a 7-calendar day turnaround on me, give me a chance to figure out if it's even logistically possible. I might have a particularly busy week scheduled, or suddenly get hit with an expedite, or get trapped on a job that goes until 10 p.m. Or I just might not feel like killing myself for no extra pay.

I would never agree to cover a deposition and then pass it off onto another reporter for coverage, so why is it okay for agencies to do the same thing to their reporters? My relationship is a direct one. I don't much like it when I feel like someone sneaks a job on me.

My advice to freelancers is to ask more questions. There are certain firms that I will not cover their jobs under any circumstances. A girl has her principles, and I won't allow my name to grace the cover of certain firms. I've learned, painfully, to ask questions before blindly agreeing.

My advice to firm owners is don't play gotcha with your reporters. When you want your reporter to cover a network job, a job that requires more or different things than jobs you ordinarily assign, just tell us that. Put the particulars in the e-mail and give us the opportunity to decide. Chances are, as long as we know what we're getting into in advance, it's not a problem. But if you send a stinker of a job that requires me to back out of my commitment, it just wastes your time and mine.

As for me, the next time I get a job sheet that reads like Mein Kampf and expects the reporter to trek to San Francisco by 6:00 a.m. to report 16 people in a room and five on the phone for four copies and \$150 in FedEx charges, I'll likely choose instead to remain in bed that day and NOT GET PAID.

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October 22, 2012

SUBJECT: The Future of Court Reporting

For the past 29 years, I have enjoyed a challenging and rewarding career within the court reporting profession. Even though I was never trained as a reporter, the years of participating in the technological revolution within this market, as well as the many acquaintances that I've had the pleasure of working with has me feeling that I am part of this profession. As I look around and visit with many of the friends I've established through the years, I feel a concern for the future of this very important and wonderful career.

We all have opinions on the factors that are impacting reporting. There is a misconception in the market of the value of a court reporter, the economy, and public awareness of the future of reporting that have all played a role in reducing the number of court reporters, but in the end, the profession has changed. Today the average age of a court reporter is over 48 years old. The projected number of professional reporters has dropped from 40,000 plus to approximately 35,000. It was not that long ago when there were well over 10,000 students in court reporting school graduating over 1,000 annually. Today the 83 schools have about 7,200 students and graduate 350-400 new court reporters. The court reporting population is shrinking.

I have spoken to many professionals over the years and have heard numerous success stories. I know it is a very demanding profession, but also quite rewarding. Many have experienced financial rewards, but beyond the lucrative lifestyle, it has been a career that has made a difference in society. The transparency a court reporter creates in the courtroom is a freedom we should not take for granted.

At some point in the future, I will step out of this profession and turn the reins of Stenograph over to the next generation. To help ensure Stenograph has a place in this market, we need to ensure there are court reporters in the future. Stenograph has made difficult and significant financial decisions to help ensure this future with the establishment of our three Prince Institute campuses. One of the things that have been quickly reinforced is the difficulty in the recruitment of new students, but more importantly the value of a strong referral from a successful reporter. 58% of those students that are referred by a professional reporter to our schools enroll. I ask each of you to remember what this profession has done for you and try to help ensure the future. Please reach out to those people searching for career direction and promote a career in court reporting. With over 60% of our students online, we would be appreciative of a referral from any location to our schools. Prince has a wonderful curriculum supported by the latest technology and programs. Our graduation rate is twice the industry average.

CART, closed captioning, and court reporting have made a huge difference in many people's lives, both the providers and the recipients. Let's share those achievements of this profession, because without the word of mouth, it will disappear. I would like you to promote Prince Institute, but more importantly, let's promote a career in court reporting. Thank you for the opportunity to share my thoughts.

Kind regards,

John P. Wencławski
President
Stenograph, LLC

COURT REPORTERS – ACCESSING THE INTERNET (AND SHARING) MAKES LIFE BETTER

Rosalie Kramm, CSR, RPR, CRR

As a court reporter, I love my Verizon 4G Hotspot because it allows me to send out depositions, arbitrations, and rough drafts no matter where I am. As an added benefit, the device gives me the opportunity to share internet connectivity with attorneys at depositions.

This is the decade of efficiency. There are tools on the market that will make your life as a court reporter better if you decide you want to participate and use them. I believe most wifi companies have a gadget that allows a person to share internet activity with one to five people at a time.

Many depositions and arbitrations are held in public rooms or hotels that do not provide internet connectivity or charge outrageous rates to be online. I was court reporting a deposition in Laguna Beach last month, and the hotel wanted to charge \$800 per day to allow up to ten people wireless access to the internet. After I almost fell over when I heard the charge, the gentleman quickly offered the wireless deal for \$400 per day. It was CRAZY.

Offering my Hotspot to the attorneys made me very popular for the day. As an added piece of advice (a DepoMan tip), have your password for the attorneys to log on be something like, “Kramm Court Reporting is Great” or “I love my court reporter – Linda.” Having a number as a password is kind of boring, in my opinion, but for a serious crowd of lawyers might be appropriate.

Having my Hotspot I can send a rough draft out no matter where I am. I can access exhibits on my repository when proofing a transcript or indexing exhibits.

I believe a Hotspot is a great investment for a working court reporter out in the field.

Rosalie is a DRA Past-President and blogger
<http://www.kramm.com/blog/>

What's New At The Court Reporters Board of California?

To find out the latest news from your licensing board, check out the Board Newsletter, Fall 2012

http://www.courtreportersboard.ca.gov/formspubs/fall_2012.pdf

Citations & Fines

<http://www.courtreportersboard.ca.gov/lawsregs/cite-fine.pdf>

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DRA Fun Run

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Welcome New Members:

Allison Adams
Christine Ahn
Anna Allen
Rosa Alonso
Leandra Amber
Glinda Banks
Erica Boys
Diane Bradley
Helen Buki
Maria Bustillos
Michelle Cadwell
Monice Campbell
Stephanie Carrasco
Cheryl Chiu
Mindee Choi
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Christine Triska
Karen Urbano

Maria Vital
Vivian Weiss
Angela Weston
Brywn Whatford
Taylor T. Wheeler, Jr.
Diane Winter

DRA would like to thank our devoted members who have shared their enthusiasm for the profession by recruiting new members.

Kathy Chok

Karen Klein

Rich Alossi

Mickey McMorran

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Toni Pulone

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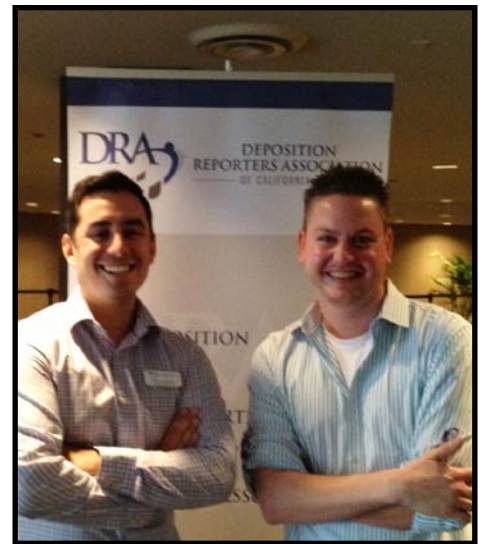
DRA Board Members Reach Out to CSR Test Takers

Whether we've been reporting just a few years or for decades, most of us vividly remember the challenge and frustration of getting through court reporting school, the elation of qualifying to take the CSR, the nerves associated with taking the CSR, and the agonizing wait for "the envelope." In an effort to calm some nerves and offer encouragement, DRA Board members attended the two most recent tests.

Sue Campana, Vicki Saber, and Rich Alossi set up a Relaxation Station at the CSR given in June in Los Angeles and offered words of encouragement, calming tea, and energizing treats to students the afternoon before the test.

Similarly, Diana Sasseen, Lorrie Marchant, and Robin Riviello attended the CSR given in November in Sacramento and provided the same encouragement and treats, in addition to four-leaf clover (temporary) tattoos for an extra measure of good luck when tackling the CSR.

Diana, Lorrie, and Robin were honored to be included among the guests at the **RAPS (Reporting Association of Public Schools) Board of Directors meeting** the afternoon before the CSR and were unilaterally impressed with the tireless dedication and compassion exhibited by the teachers. The teachers knock themselves out for their students; but as we all know, discipline and determination are the elements each court reporting student must bring to the table on his/her own. Certainly any student who has made it to the CSR has what it takes, and we applaud you and congratulate you for making it this far. Now it's just a matter of "the envelope." **Best of luck!**





He says, "Oh. Okay. I have no problem with that. I'm just used to them getting the original for their witness to review."

I say, "Yes, I know that's what you're used to. But I've been doing it this way up here for 30 years. Somewhere in the middle of the state is a line, south of which you all just decided to make up your own rules."

At which point, opposing counsel from Nor Cal, whose office we are in, comes in with his witness and we're off to a perfectly pleasant deposition.

Lunchtime rolls around and they decide they are pressed for time and would like to order sandwiches so they can take a shorter lunch. Nor Cal attorney asks So Cal attorney what he wants; then he asks his client, the witness, what he wants; then he says "Ok, I'll get this order going," and starts to walk out of the room. I'm shaking my head in disbelief. Neither the witness nor So Cal say, "Wait, what about her?"

When he's almost at the door, I say, "I brought my lunch, so I'm fine."

He says, "Oh my gosh, I'm so sorry! What can I get for you?"

I say, "No, really, I brought mine, I'm fine."

He says, "I just thought ..."

I say, "You knew that, right?"

He says, "Yeah, yeah, that's it! I knew that already!" We are joking of course. He apologizes again and I tell him forget about it.

At lunch, So Cal and I are in the room alone, eating, and he says, "I was going to share my sandwich with you."

I say, "That's very nice."

He says, "Most reporters do bring their lunch, because they know ..."

I say, "True, I never know what the food situation is going to be, so I always bring my own, but it's still nice to be acknowledged," to which he agreed.

He says, "Are there any rules up here about marking exhibits that I should know about?"

I suppress a smile and say, "No, that's not in the code. You can use whatever you like, letters or numbers, although numbers make more sense if you've got a lot of them. Triple X gets a little unwieldy."

He says, "Okay, just want to make sure I'm following all the rules up here."

At this point the witness comes in and shares a few anecdotes with us, like the fact that there used to be a tavern near the San Francisco courthouse called The Jury Room that labeled the restrooms "Hung" and "Split" and there's a bar up in the Delta, where he lives, that labels the restrooms "Inboard" and "Outboard."

Lunch ends and we reconvene. Presently So Cal says, "That's all I have. We'll handle the transcript ... per code?" He looks at me and I nod. "Is that ok with you?"

Nor Cal says "That's just fine. I'll have an ASCII, a condensed and a full size."

I know it's too late in So Cal, but I hope everyone in Nor Cal is doing what they can to hold the line.

So Cal reporting firms will at least get their copy when their client comes up north, and we will get ours, and it's a win/win for everyone. **What I would really like to see is So Cal reporting firms telling their clients ahead of time "They don't do the stip up there. You'll need to follow the code." That would be delightful.**



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