

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

DECEMBER 2018

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PRESIDENT'S MESSAGE

CHERYL HAAB, CSR, RPR, CLR, CalDRA PRESIDENT

As we usher out 2018 and ring in the promise of a new year, the time-honored tradition of making resolutions (and more often than not, breaking them!) is the common practice of many. I have always partaken in this ritual, using January 1st as a deadline of sorts – to kick bad habits, to acquire positive ones, and self-reflect on what I'd like the best version of myself to be. And while I admit that keeping resolutions is a rarity in my world, that it's entirely possible that I won't lose those five pesky extra pounds I've been meaning to shed or shop any less than I regularly do, using the first of the year as a benchmark for resetting and regrouping is a great practice to help align my day-to-day activities with my long-term goals.

And just as we as individuals engage in this exercise, your state association, too, sets resolutions for its operations as it rings in each new calendar and board year. These resolutions include ways that we, as officers and directors, can better serve you, our membership, fine-tuning methods for supporting our student body and working harder to promote and champion the practice of shorthand reporting.

One of the most effective methods that CalDRA employs to abide by the promises it makes to its constituents is by effecting new legislation each year. Every 12 months, CalDRA's Board of Directors crafts an ambitious legislative agenda -- its own set of resolutions, if you will -- that guides the activities of the organization towards tangible amendments to the law to protect our profession.

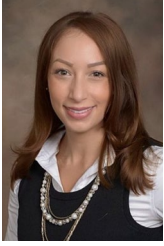


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Novato
presidentelect@caldra.org

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CSR No. 10891, CCRR, RPR,
RDR, RMR, CRR, CLR
San Diego
vicepresident@caldra.org

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CSR No. 13437, CCRR,
RPR, CRR, CLR
Fullerton
secretary@caldra.org

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LORI STOKES,
CSR No. 12732, RPR, CRI
Walnut Creek
district1@caldra.org

Counties Represented: Alameda, Contra Costa, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma counties

DISTRICT 2



KIMBERLY D'URSO,
CSR No. 11372, RPR
Oakland
district2@caldra.org

Counties Represented: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Tulare, Yolo and Yuba counties

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ERIKA SJOQUIST,
CSR No. 12350, RPR, CRR
Camarillo
district3@caldra.org

Counties Represented: Los Angeles, Santa Barbara, and Ventura counties

DISTRICT 4



MARY PIERCE,
CSR No. 6143
Huntington Beach
district4@caldra.org

County Represented: Orange County, plus all Professional Members residing in counties or states other than California or the USA.

DISTRICT 5



JAMIE ASBURY,
CSR No. 13308, CLR
Chino
district5@caldra.org

County Represented: Imperial, Riverside, San Bernadino, and San Diego counties.



Deposition Reporters Association
800 South Pacific Coast Highway
#8-407
Redondo Beach, CA 90277
Phone: 888.867.2074
Fax: 424.271.9157
memberservices@caldra.org

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NEWSLETTER EDITORS
Cheryl Haab, CSR, RPR, CLR
Mary Pierce, CSR
newslettereditor@caldra.org

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PRESIDENT'S MESSAGE

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Some of the items on CalDRA's legislative to-do list this year are:

- Legislation re: video-only/digital-only depositions
- Carving out exemptions for licensed professionals under the Dynamex independent contractor ruling
- Outlawing kickbacks in the court reporting industry
- Clarifying language regarding witness review of deposition transcripts (fighting the SoCal stip)
- Addressing ethical conflicts of interest for providers of court reporting services
- Alleviating the court reporter shortage

Not a bad start, huh? As far as New Year's resolutions go, this laundry list is ambitious, to say the least. And oftentimes, as with resolutions, we choose to strategically abandon some projects in favor of accomplishing others. Right now, it is still too early to determine whether the entirety of this aggressive agenda will be met within a calendar year, but with our dynamic legislative team and tireless Board of Directors on the case, I am confident, nevertheless, that 2019 will be a banner year for CalDRA as it continues to advocate in every which way for the freelance reporter in California. Diane Freeman, our incoming President, will take the helm of this great association at our February convention, using her experience and connections in the field to make this year the best ever for the organization and the discipline of reporting as a whole. I can't wait to watch it all unfold!

And seeing that this is my final President's Message, I will let you in on a little secret:

Exactly a year ago, as I prepared myself for 2018 and all it would bring, my New Year's resolution was simply this: to be the very best President of CalDRA that I could possibly be, and to leave the association in better shape than I had originally found it. In pursuit of this mission, I have traveled around the country, and even around the world, continuously advocating for CalDRA and its membership on a state and national level; I have worked with our team to help pass new common sense laws to protect freelancers across California; I have asked the tough questions of our national association when our membership demanded their right to answers and transparency. It has been a busy year, to say the least, and the most satisfying of my professional career. And while I have a month or so left to go in my term, with a handful of tasks I've yet to accomplish, my fervent hope is this: that in doing these things and more, that perhaps I have, for the very first time, successfully kept my New Year's resolutions.

Cheers to you all for a blessed 2019! This is President Haab, signing off.

Cheers,



POP QUIZ!

INTERVIEW WITH JAMIE ASBURY, DRA'S DISTRICT 5 REPRESENTATIVE



Q. What year were you first licensed?

Finally, in June 2008, and I took my very first deposition a week and a half later. I say “finally” because I had passed the machine and English legs in July 2007. However, the machine leg took me three tries, after missing by two and then one. The agony was

real, my friends!

Q. In what city do you live?

Chino, California – born and raised in Cow Town!

Q. What led you to choose court reporting as a career?

After high school, I was seeking to go through a program and come out with a career. My father had always instilled in me to become your own boss and make your own schedule on your terms. When talking about my future with my high school boyfriend at the time, his father mentioned that I would be a really good court reporter. Still to this day, I have never asked him why he thought or said that. After thinking about it and doing some research online, I attended an open house at Bryan College, where I learned how this weird little machine worked, and I had decided that this was what I was going to do. I attended Sage College in Moreno Valley starting in October 2005.

Q. What has been your hardest assignment to date? What made it difficult?

I had my hardest assignment a couple of months ago. I was called at 9:40 p.m. the night before to see if I was available and willing to remotely report an all-day expert witness in a patent infringement matter. They could not find a reporter in the San Francisco area due to it being a last-minute add-on. I agreed as long as we could have videoconferencing so that I could at least see who would be talking in the room full of people.

The next morning, on my way to the depo, the agency called and asked if I could also provide remote realtime. I explained that I could set it up once I get to the job location, but that will leave little time to prepare a job dictionary. There were lots of acronyms that were difficult to distinguish whether they'd said “LCD” or “LED,” “ECP” or “ECT,” but I just

kept writing and hoped they would correct my realtime as we progressed. We were on record from 9:00 a.m. to 7:45 p.m., with a 45-minute lunch. Tough day... but there's more. After completing the deposition, you know what's coming. Yep! They needed the transcript as soon as possible, which meant the next day! Fortunately, this was a Friday and I was able to have the weekend to pump it out. It was intense in the moment, but I know I have become a stronger reporter from the experience.

Q. What has been a particularly strong memory in your court reporting career?

This is not really depo-related, but I visited an elementary school on career day at the beginning of this year. My friend had asked if I would volunteer. I spoke to 2nd and 4th graders. While it can be difficult to explain what we do, they were amazed to see their names pop up on my realtime iPads that I had passed around to the class. They started asking if I knew how to write this word and that word. A couple weeks after that visit, I received some mail from the teachers. Each student had drawn a photo and wrote me a note of what they had learned that day. Whenever I have really bad days or am going through a stressful time, I pull out those notes and drawings, read them to myself, and listen to my own advice to them... Never give up!



Dear Asbury
Thank you for coming to our class taking away some of your time and talking about your job. When you said never give up I felt like I could do my dream.

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POP QUIZ!

CONTINUED FROM PAGE 4

Q. Ten years into your career, what has surprised you in a good way? In a bad way?

Ten years into my career, one good thing that has surprised me is that I continue to work on improving my writing, how to phrase better, make stronger brief families, have fun with it. Through networking and attending seminars and conventions, I have maintained a passion for examining how I write steno.

As far as disheartening surprises, what comes to mind is my empathy for others has diminished. I have to remind myself of my role – that we are an impartial officer of the court, there to capture the spoken word, and not to judge.

Q. Name something that has had a significant impact on your career.

Being able to provide great realtime has really impacted my career. I feel more empowered, proud, and confident than ever in my abilities. At first I felt like I was dying inside as I saw the client studying the iPad. Now I get excited and happy, not to mention the extra income you get for something you're already doing

Q. Your favorite word?

My favorite word would have to be “hypothetical.” It’s just a great word!

Q. A brief that saves you every time?

This is a tough one because I have so many! But I’m going to pick “AOIB,” for “I’m going to be.” It makes sense to me, is not too complicated to remember, and is a very high frequency phrase said in every depo, usually at a fast pace.

Q. How did you first learn about DRA?

From my wonderful mentor, Ms. Lisa Michaels (Chase Litigation Services owner, DRA past-president, and DSA recipient). She sponsored my first-year DRA student membership and also paid for me to go to my first annual convention back in February 2007, I believe, in Huntington Beach. I fell in love with the members, the fun, and all the opportunities that DRA had to offer. I knew if I wanted to be a successful reporter, this organization – and its members -- could help me get there.

Q. As District 5 Representative/Board of Directors member for CalDRA, what has been the most challenging part of the job? What has been the most rewarding thing about it?

This has definitely been a more rewarding experience than a challenging one. I feel like I have a new little steno family that I can always turn to for anything. I was nervous about accepting the position because I had never been on a board before and didn’t have as much experience in the reporting industry as the other members. However, I believe in this organization so much and I know how much hard work goes into making it successful. I felt that volunteering my time would be most valuable and that I may just inspire others to volunteer as well. What I have found most challenging is organizing events. Learning how to plan, budget, give proper notice, and make it fun can feel overwhelming. However, I am grateful for this experience because it is pushing me outside of my comfort zone and allowing me to grow in positive ways, professionally and personally. Lastly, there’s just something about rubbing shoulders with some of the best reporters around that constantly inspires you to be better!



I REMEMBER JOHN...

“Grace” is one of my favorite words and it is, word-association-like, the word in all its facets that leaps to mind when I think of John and Vicki Squires.

Grace can mean poise and Vicki and John always radiate a kind of calm and patience, even under pressure.

Grace can mean goodwill and it is hard to imagine the Squires acting with malice toward anyone.

Grace in Christianity can mean enjoying the favor of God and the richness and fullness of their lives certainly merits at least consideration of that possibility.

Grace can also be a verb that means to ennoble or elevate a situation or event, and they always did and, through Vicki, still do.

John for me had a special kind of grace; one that serves as an example for those us afflicted with a Y chromosome. John’s welcome example teaches that one can be a so-called “man’s man” -- and cigar chomping, outdoorsman John was certainly that -- and still be kind and generous.

I regret deeply that a funeral, of all things, prompted me to miss John’s memorial. On the day of it I found the selfie I took with him when I had randomly run into him in San Francisco. I look thoroughly and spontaneously happy. Because John always made me feel that way.

Ed Howard

A Renaissance Man

Tell me the last time you attended a Celebration of Life that included blessings and music from Native Americans and a Scottish bagpiper. I was privileged to attend such for John Squires.

My wish is everyone could befriend a reporter like John. He was with DRA from the beginning and a past president. He worked with the schools and mentored many. He dedicated much of his time and passion to the profession.

What made John so special was he had a life. Most times when reporters get together it is talking about the nightmare job, [expletive] attorney, bad/good agencies, etc. John could



do that with the best, but his perspective and story-telling ability made it hilarious instead of a horror story. Then he also talked about the latest book he read, wine he tasted, fishing trip or backpacking in a remote area, cigar he bought, music he found

What I realized is too many reporters become all-consumed by reporting. I’m one of them. My husband still calls me the “cave lady” because I would retreat to my office to produce transcripts at all hours of the day or night.

Bottom line, take a lesson from John. Find a balance of work, family, fun. Work is great, but a life is better.

Last, I would be remiss not to mention his wife, Vicki, who was by his side and shared him with us. She is as special as he or he never would have loved her so dearly.

Lynda Goddard

John Squires, Mentor

I didn’t know John very well, but he definitely made an impact on my life as a reporter. I remember being a student at Humphreys College in the ‘90s, when John presented as a speaker at our campus. I believe I was in qualifiers when he told us what to expect in the reporting field and gave us tips on how to handle newbie situations. What struck me most about John was his intelligence and obvious commitment to reporting.

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I REMEMBER JOHN...

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Later, when I started seeing John at CalDRA conventions and met him again, I was always a little starstruck. After getting to know him through my work with CalDRA on the board, I learned how kind, funny, and generous John was as a human being. He was a new friend to me. In Napa, he made me laugh a lot! I will never forget John. I am grateful for all he has contributed to our profession.

Kimberly D'Urso



Dear Vicki,

When the West Valley College court reporting program faced possible discontinuance in 2009, DRA was extremely instrumental in helping us save the program, and John was one of our strongest supporters. On the day of the crucial

academic senate hearing, I arrived to see a gentleman waiting outside the auditorium for the presentations. As I approached him, I said, "Oh, you must be Judge (can't remember his name right now)." No. It was John Squires! He had traveled miles to be there for us, and I will always appreciate his being there.

I also have fond memories of talking with you and John about the experience we share with English mastiffs. In my case, it's my son's dog. Not everyone can appreciate the size of the English mastiff, but it's hard to deny their gentle nature. It takes special owners, and I know that you and John provided a special home for your gentle giants. The sad thing for me to think about now is how you told me that your mastiff would sleep on John's side of the bed when he was out of town.

I am so sorry about your loss.

Linda Lawson

In October of this year, I made sure that these were the very first words I spoke to open my yearly Reporter Empowerment conference: "In April 28 of last year, John Squires made a Facebook post about being content with our lives. He talked about fishing. He talked about visiting different towns. He said he was looking for 'the place,' the place that really spoke to him. He ended his post with these words: 'I'm hoping reincarnation is a thing and I get another chance. And I'm hoping there is reincarnation for the planet, also.' Please raise your glasses in a toast to John Squires. Loved by many, missed by all."

The very next week, I traveled to Sacramento, carrying with me heartfelt condolences and well wishes of so very many who knew our dear friend. I also carried with me a beautiful, incredibly soft, warm throw that was given to me as a gift at the conference that had just ended. The throw contained sayings like "Blessed. Truly grateful. Thankful." All words that describe how many of us feel for having had John Squires touch a part of our lives.

On the day of the memorial celebrating the extraordinary life & times of our friend John, I flipped back through the last year and pulled out some posts I'd tagged him in, but I also wanted

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I REMEMBER JOHN...

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to highlight some of the things that John cared deeply about. The only thing I couldn't set forth adequately was something I can only describe, and that was John's increasing irritation at the direction our beloved court reporting profession was heading. Little support offered by the national leadership organization saddened John, as did watching the 800-pound gorillas of our field grow larger and their wallets fatter while the value of the skilled working reporter failed to be acknowledged.

If you never knew Squires, then you never got to experience his unique dry wit and sense of humor that tended to soar over our heads initially, after which we found ourselves laughing our asses off when the punchline finally hit.

I speak for so many when I say we love you and miss you, John. Your like-minded friends have promised to do our best to fight for the things you would want us to fight for. We'll wrap our arms around those you love and help them get through this day, and the next, and the next.

As we are preparing for a huge snowstorm here on the East Coast and I snuggle up and wrap myself in the warmth of the lovely gift that reminds me so much of the treasure that was John Squires, for those of you who knew and loved John, his love of country, the outdoors, his dry wit, please wrap yourselves in the warm memories we hold of our friend and treasure, as I do, the gift of John Squires. Gone, but not forgotten. Living in the hearts of so many.

Mary Ann Payonk

WHAT'S NEW AT THE COURT REPORTERS BOARD OF CALIFORNIA?

"The mission of the Court Reporters Board is to protect the public health, safety and welfare by ensuring the integrity of judicial records through oversight of the court reporting profession. The CRB carries out this mission by testing, licensing and disciplining court reporters, and by recognizing the schools of court reporting that meet state curriculum standards."

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NOTE IT!

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AskDRA

BY ANTONIA PULONE, DEPO DIPLOMAT

DEAR DEPO DIPLOMAT:

Is there anything in writing, Code-wise or from the Court Reporters Board, discouraging CSRs from giving attorneys their opinion of a case? Last week an attorney made my reporter extremely uncomfortable with his relentless “come on, you can tell me.” It would be great to whip out a code section, saying, “No, I really can’t.”

DEAR DRA MEMBER:

There is some language in the Code of Civil Procedure that’s helpful in this situation, though not specifically a prohibition on a reporter offering an opinion about a case. It’s CCP 2025.320 (c) – with very similar language also found at 2025.340 (e), by the way -- and the relevant language says as follows:

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

Since any opinion about a case would have to be based to some extent on the manner or demeanor of the witness, which might lead the reporter to find the witness credible or not, or perhaps based on the demeanor of the attorneys and their style of questioning, it would follow that any opinion rendered would have to include a reporter’s recollection or comments regarding one or more of these participants at a depo, and providing those is strictly prohibited by this code section. If this isn’t enough to convince some attorney that she really can’t give him her opinion, the reporter could also add that the California Court Reporters Board, our licensing board, has advised reporters that we should never express an opinion on a case to one of the parties or their attorneys, that doing so would be considered a breach of our duty to be at all times impartial and so could be putting us at risk for disciplinary action and possible license suspension or revocation, so certainly the reporter would never do that and jeopardize her hard-earned license.

As an aside, I know some reporter friends, when asked by attorneys to comment on a case or on the deponent’s credibility, have always told attorneys that they are so busy listening intently to each word spoken in order to provide a verbatim record that they never really get a sense of the overall content or subject matter. Of course, that isn’t entirely true, but they say it always puts an end to questions like your reporter faced from this relentless attorney.

I hope some or all of the above is helpful ammunition for your reporters to use when these questions are put to them at depositions.

DRA BILL WATCH

ANTONIA PULONE, CHAIR, LEGISLATIVE COMMITTEE

This will be a brief report for quick reading, since the California legislature just convened the 2019-2020 session on December 3rd, and only a few bills have been introduced so far that may have any impact on you, our members, whether you're working strictly in the freelance field or are also doing some reporting in court. None of the bills listed below have been heard in committee yet; they've only been introduced and numbered, so there's not much to tell you so far other than what the bill language, as introduced, intends to accomplish.

You will be hearing much more in future reports, because the DRA Board, with the usual wise guidance of our attorney and legislative advocate, Ed Howard, has a very ambitious plan for introducing legislation this coming year, so please stay tuned for some interesting DRA bill activity to come in 2019.



AB (ASSEMBLY BILL) 5 (GONZALEZ)

This bill intends to codify the Dynamex decision by including provisions in the CA Labor Code that would clarify its application in State law.

This relates to the Dynamex case, which you'll probably recall resulted in the CA Supreme Court's decision that included their "ABC Test" for determining employee vs. independent-contractor status. Given the possible implications to freelance reporters and agencies, DRA's legislative committee will be watching the progress of this bill very carefully.

SB 17 (UMBERG)

This states that it's the legislature's intent to pass legislation which would require the court to impose sanctions against any party, person or attorney that engages in the misuse of the discovery process in civil actions.

There's no description here of what would amount to "misuse" in the discovery process, but since this could have some effect on deposition procedure, we'll be watching this to see what direction it takes and how our members might be affected.

SB (SENATE BILL) 16 (ROTH)

This bill seeks to appropriate \$8,887,800 from the General Fund for six Superior Court judge positions and their accompanying staff.

The Judicial Council would determine where these judgeships would be funded, so the bill doesn't specify in what counties they would be added or whether the staffs would include funding for official reporters, but this bill could result in additional reporting positions, so we will be watching this bill for that possibility.

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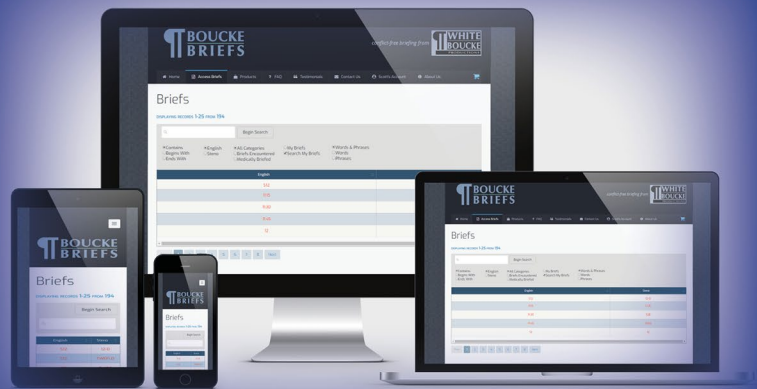
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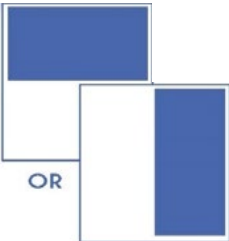
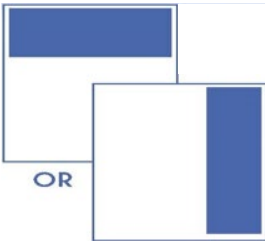
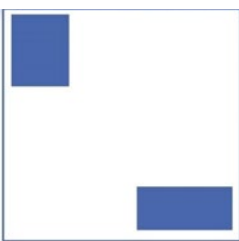
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