

# The Deposition Reporter

DEPOSITION  
REPORTERS ASSOCIATION  
OF CALIFORNIA

JUNE 2019

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## PRESIDENT'S MESSAGE

**DIANE FREEMAN, CSR, RPR, CalDRA PRESIDENT**

Is it springtime yet? I am writing this on Memorial Day, and I finally see sunshine, but it's still snowing in the mountains a few miles away.

I have a big birthday on the horizon. Surprising how quickly the years fly by. Seems like things have changed in the blink of an eye. Then I remember I started reporting in 1982, which is a long time ago. My message this month is the importance of meeting and connecting with reporters live, in person.

I have had the honor of working, forming friendships, and bonding with the best reporters in the business. So many fond memories of my early years before PCs when we had to go into the office to dump our notes, edit, and print transcripts, which we printed on dot matrix printers. We shared depo war stories and made each other's day a little better. Mostly I remember our camaraderie and celebrations -- baby showers, wedding showers, weddings, birthdays -- and lots of dancing in the clubs after work.

I am grateful to have a career that, after 38 years, I still look forward to the drama and challenge each day brings. I am constantly overwhelmed by the deadlines and stress, which only other reporters can understand, but it is so worth it. Can't think of anything I would rather be doing.

Things have changed, some for the better, others not so. While I enjoy reading and responding to Facebook posts, I think it is important to meet in person as much as



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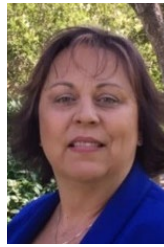
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# PRESIDENT'S MESSAGE

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possible. Our next board meeting is July 13 near LAX. Try to attend. We welcome your participation. If you can't attend, please send your input to your District Director, and they will be sure it is included in our discussion.

The last couple months I have had the opportunity to meet with reporters live and in person. I attended the Protect the Record Project's first meeting. Kimberly D'Urso presented her aggressive plan of action to a room full of reporters eager to sacrifice their Saturday for our profession. I am looking forward to our follow-up to see what progress everyone has made on their tasks, such as talking to legal associations or getting the word out to the media about what we do and why they need us. Protect the Record will be coming to Southern California soon.

I had the opportunity to attend NCRA's board meeting and Boot Camp in Washington D.C.; met reporters from all over the country, and was able to share what is going on in California and learn how other states are coping and solving their problems. This was a great opportunity to connect and meet a whole new group of friends. Can't wait to catch up at the Denver convention in August.

The Northern California spring seminar was the perfect opportunity to connect, learn, and share. The fall seminar will be September 21st in Riverside. Try to be there. You will be so happy you signed up. Be a rock star reporter.

Speaking of rock stars, we lost our brightest shining star, Lisa Michael. There are no words to express my deep sense of loss. I am so proud to have had the honor of Lisa's friendship, support, and encouragement.

Lisa, thank you for all you have given to our profession. We will carry on with the same fierce dedication we learned from you. You have earned your wings.

**DIANE FREEMAN, CSR, RPR,**  
CALDRA PRESIDENT



# IN MEMORIAM: LISA MICHAELS

On May 14, 2019, the court reporting world lost one of its brightest stars when DRA past president and Distinguished Service Award recipient Lisa Michaels passed away after a courageous year-long battle with pancreatic cancer.

DRA never knew what good things would come when we talked Lisa into a spot on the board. A shy and timid volunteer at first, she blossomed into a force of nature that would transform DRA into a respected player on the national stage. The impact of Lisa's contributions in her many years serving DRA are immeasurable.

After joining DRA's board in 2004 as the representative of then District 5, Orange County, a position she held until 2008, she was then elected vice president. After becoming president in 2010, she went on to serve two consecutive terms and represented DRA as its liaison to NCRA at its board of directors meetings. During her many years with DRA, she chaired or served on nearly every committee, including finance, strategic planning, legislation, mentoring, nomination, public relations, scholarship, convention, and a two-year stint as newsletter editor.

In 2010, when then governor Arnold Schwarzenegger targeted stenographic court reporters for replacement with electronic recording during the California budget crisis, her video taking on his misguided plan point by point quickly went viral, resonating with unappreciated reporters nationwide. In 2011, she garnered 400 co-signatures on a letter she wrote, successfully demanding the removal of the membership privileges of a former president who was exploiting that position to advocate for electronic reporting in the courts. Her time volunteering for DRA extended long after her tenure as president ended as she helped to shape and mentor DRA's future leaders.

During the same time that she was working to transform DRA into a stenographic political powerhouse, Lisa was also attending to the daily demands of running a growing firm, Chase Litigation Services, a firm she started out of the living room of her then home in 1984 before building it into a nationwide firm covering depositions across the country and internationally. She encouraged reporters at every turn to believe in themselves and to continually improve their skills and held in-office reporter summits to help foster a family atmosphere.



Stenographic reporters could find no greater advocate than Lisa, but her singular passion was working with students. In addition to devoting her time to visiting and helping schools, Lisa mentored many students, allowing them to intern and learn about the day-to-day workings of her firm and sitting out in depositions with her reporters. She always made time to meet with students that needed advice or encouragement.

Lisa was the quintessential California girl who felt most at home near the beach and her family. In recent years, she had finally reached her dream goal of owning a home near the beach and had lovingly renovated it into an adorable bungalow. Lisa is survived by her mother, father, stepfather, sister Kelly, half-brother Greg, love of her life and longtime partner Mike, and her beloved dog Lucy.

Lisa, the impact of your many contributions and accomplishments on the reporting profession, DRA, reporters, and students will be felt for years to come. Your passing has left an unfillable void for your friends and colleagues who were lucky enough to have been touched by your grace, wit, beauty, and spirit of fun. We can never thank you enough for what you've done, but we will remember and honor your service and your friendship forever.

# IF YOU COULD GO BACK TO THE START OF YOUR CAREER, WHAT ADVICE WOULD YOU GIVE YOURSELF?

BY DEBORAH MEYERS

I asked 2,000 court reporters what they wished they could go back and tell themselves as new reporters, and this is some of what they came up with.

## IN THE BEGINNING:

Set yourself apart. Don't be ordinary, and don't complain about everything. Get a reputation for being easy-going and an asset to agencies because they can put you into any situation and know you will handle it with grace.

Everyone has to start somewhere. You may be new today, but in a blink of an eye, you will be someone who attorneys will be glad to see walk into the conference room or courtroom. Believe in yourself -- you can do this.

Dress your best; no one will ever know you are new. Look them in the eye and say good morning and introduce yourself. Give them your business card so your name is right in front of them. Exchange pleasantries, but don't go into the drama over the weekend with your boyfriend or how your cat is sick and you really would rather be at home with her. They don't want to hear it.

Pretend you're already "old" like some of us. We lost all fear of speaking up and letting people run over us. Start off young speaking up for yourself, and this career will be easier on you.

Be careful who you listen to. Just because a reporter has done it for 20 years doesn't make it right.

Know the code!!! And I wish I started going to conventions sooner. I was a reporter for three years before I went to my first convention and was blown away at what I learned and how much I didn't know.

Don't let agencies take advantage of you just because you are new. Do not let them string you along and not pay timely. Network with other reporters and find out what is an appropriate page rate, copy rate, payment time, et cetera, in your area.

## WRITING:

SHORT PHRASING....learn it EARLY...I'm tying up three, four, five, six words in one stroke with some of these left- and right-hand phrases.

Write shorter and smarter because, unbeknownst to you, attorneys will one day be injecting themselves with Red Bull,

Monster, and high octane caffeine but you will be older and slower, as hard as it is to believe.

Brief, brief, brief! Constantly add to your dictionary!!!! Learn your software.

## SPEAKING UP:

Speak up! It's okay to ask for a bathroom break. It's okay to professionally and politely ask the witness to pause a beat before answering so you can be sure to hear their full answer.

Make check marks for names and ask at a break. If they give you crap, interrupt thereafter for names.

Don't let lawyers intimidate you. They are just regular people like us!

Don't let yourself be bullied into going without lunch and without at least a couple of ten-minute breaks throughout the day. Reporting looks easy, but in fact it often requires great physical and mental stamina.

We train to take tests silently during school. Real life is so different. Don't let yourself become invisible. Speak up. Introduce yourself, ask for how they like to handle spellings, ask if they have a time estimate. They might bark, but they don't bite. And if they do, you bark back.

Stay calm no matter what.

## REALTIME:

Work hard to become a realtime reporter and know what the going rates are in your area to be sure you are compensated appropriately.

Don't be afraid of RT. Get out here and do RT! We need you!

## COURT:

Go to court as soon as you can! I freelanced seven years more than I should have. I needed two years' experience to test for the official position. It's worth it for the health insurance, vacation time, sick time, holidays, paid-for transcripts before you hand them over, weekends more often than not that are all yours, pension, 457(b) account on top of pension, life insurance, not lugging equipment all over hell's half-acre. Stability was exactly what I personally needed and wish someone had told me.

.....  
CONTINUED ON PAGE 6

# IF YOU COULD GO BACK TO THE START OF YOUR CAREER, WHAT ADVICE WOULD YOU GIVE YOURSELF?

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Work in court and get a pension. Then retire as soon as you can get a pension and do something else.

## **MONEY:**

If you are freelancing, save for your taxes! If not, you'll end up like me on a payment plan for six years! Yes, it comes as a shock the first year that you make really good money.

Put aside money for retirement every single check, no matter what!!!!

Get insurance for your hands.

Learn to use a scopist!

Even though you have money outstanding, never use credit cards.

Know your worth.

## **SELF-CARE:**

Don't feel obligated to say yes to everything.

Take care of your body!

Take care of your eyes. Use eye drops often. Take care of your shoulders.

Take/make time for family and friends....

## **MISCELLANEOUS:**

Get a foot pedal and the \$200 USB mic.

Have duplicate power cords for your laptop and writer so you don't accidentally leave one at home. Always have \$100 emergency cash hidden in your glove box.

Always have some type of snacks with you and extra cash for those parking lots that don't take credit cards. I hide the cash in my steno case.

## **IN SUMMARY:**

Don't be afraid to speak up.

You are NOT the first person to tell him or her to slow down, no matter what they tell you. So don't feel bad.

Back it up. Back up the jobs you work on daily and your personal dictionary at least once a month. Every reporter has a horror story about losing a completed job or a whole dictionary and having to start over.

Work on it before it's due. Way before it's due.

Talk, talk, talk with other reporters. Don't be isolated. Join Facebook even if just for the court reporting groups. You will learn so much.

**MISSION POSSIBLE:**  
Write Like A Speed Champion  
Manage Your Stress  
Talk the Talk

Riverside  
September 21, 2019  
9:00 - 5:00  
.6 CEUs

*Well, Counsel...*

# CALDRA'S "PROTECT THE RECORD PROJECT" IS COMING TO SOCAL!

On April 6, 2019, 25 CalDRA members met in Walnut Creek to create a NorCal team for CalDRA's "Protect the Record Project," whose focus is to educate attorneys and the legal community about the status of digital recording, the risks it poses to their official record, and how using a CA licensed stenographer is always the best choice.

The NorCal team identified their many shared resources and contacts and created a specific punch list of individual tasks to be completed by the next NorCal meeting in July.

You may ask yourself what can you do now? Here's what you can do:

## **Flyer/Sticker Advocacy:**

- Distribute the CalDRA "Know Your Risks" flyer (Download from CalDRA page.)
- Place a CalDRA sticker on your laptop or machine.
- Request the videographer introduce you as the "Certified Stenographic Reporter."  
OR...if you are not introduced by the videographer, do your own read-on advocacy during introductions: "My name is... Certified Stenographic reporter."

## **Notice Advocacy:**

- Speak with attorneys re their awareness/lack of awareness of new digital recording notice language – Leave example for depo schedulers, attorneys.

## **Attend the SoCal Meeting on Sunday, July 14, 2019:**

SoCal, are you ready to jump in, learn, organize, and educate yourselves and the legal community about protecting the record?

Are you hearing about subpar digital transcripts that are surfacing and being talked about by attorneys, judges, and reporters?

Are you also tired of hearing about a "shortage" in your area that often is actually caused by a misallocation of reporter resources or a certain firm's choice to not use a stenographer versus a digital recorder? Have you heard the stories where a stenographer was available, but not called, and the attorneys were left hanging or the deposition was canceled?

Are you a proud stenographer who is ready to do your part to advocate for the record, your profession, and the future of those reporters coming up in the ranks behind you?

Please attend if you are a reporter who is ready to advocate for this awesome profession and the professional legacy we represent and want to protect as proud stenographers. Bring your A game, all.

A BIG thank you to Stephanie Leslie (Regal Reporting) for providing our SoCal venue!

Here are the details:

**Meeting Date: Sunday, July 14, 2019. 10-3.**

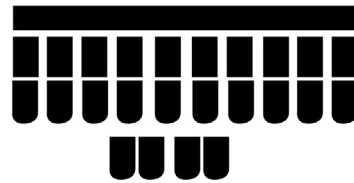
**Location: Regal Reporting**

**1820 E First St #220, Santa Ana, CA 92705**

Bring: A notebook, pen, ideas, any information you know about re digitally-recorded transcripts in your areas.

RSVP: [presidentelect@caldra.org](mailto:presidentelect@caldra.org) (Kimberly D'Urso)

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# 2019 ANNUAL DRA CONVENTION WAS EXTRAORDINARY!



Down by the beautiful shore in Santa Barbara, we gathered first in a hail storm, then saw the sun shine down upon us both inside and out for three wonderful days. We kicked it off with a spirited cocktail party on Friday, inducted our new President, Diane Freeman, at the luncheon on Saturday, and had some fantastic speakers – from the internationally esteemed Jade King, to voice writer extraordinaire Tori Pittman, who educated us on what she does and how we’re not so different after all. We had some lively discussions, met new friends, caught up with old friends, and banded together to become more extraordinary in our careers. And in a most impressive turnout, we had the largest group ever participate in the realtime contest – 23 intrepid souls...where I’d like to point out the top award winners were “very mature” reporters.

Be sure to join us in Sacramento next February for an equally extraordinary time!





# 2019 ANNUAL DRA CONVENTION WAS EXTRAORDINARY!

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# AN INTERVIEW WITH OUR DRA PRESIDENT-ELECT, KIMBERLY D'URSO



## Area you live in:

Oakland

## How long have you been reporting?

23 years.

## How did you choose to become a court reporter?

My grandmother first told me about reporting, knowing that I loved languages. Once I realized it was really a different language, I was hooked.

## What kind of assignments do you prefer and why?

I prefer intellectual property and med-mal because they are challenging and keep me interested!

## What is the most unusual place you have taken a deposition?

Right outside Google HQ's cafeteria, and also at a dying woman's home.

## How did you first get involved with DRA? Why are you a part of DRA? What led you to join the board?

Lisa Michaels invited me to join DRA. I started out as a Membership Coordinator. I am part of DRA because I believe in its mission and integrity as an organization. I want to help make a difference in our profession.

## Who or what inspires you?

People who are strong humanitarians and have high integrity when it comes to their relationships with other people. Nature inspires me. I find great joy being outdoors. I also naturally love to cook. It makes me happy to create ambiance and a good meal for loved ones.

## Tell us about your family and your pets.

My husband Shawn Garvey and I have been together for nearly 13 years. We have three children between us: Skyler, Evan, and Emma. We also have a dog daughter, Rumi. We just finished raising our children and are nearly empty-nesters. My family is quirky, adventuresome, and I wouldn't trade any of them. My husband is my soulmate, and I am blessed that we met.

## What do you like to do when you are not reporting?

When I am not reporting, I enjoy traveling. We recently moved to Oakland, and I'm loving how much there is to explore!

## How do you balance your family and free time with the demands of reporting and avoid reporter burnout?

I'm able to balance because I have an equitable relationship with my husband. We take turns on household things. I do get burnt out - like right now - so I go away by myself to recharge around Mother's Day and shortly before my birthday. Once I went to Costa Rica, and now Tulum. It's a treat that inspires me to work hard and play hard.

## What's the one court reporting gadget you couldn't live without?

I really love the Dymo Turbo 450 for making exhibit stickers look so professional. I also like to not print 50 stickers by hand. :)

## Do you have a secret talent?

My secret talent is I make the best cheesecake!



# ONLY YOUR DRA TAKES THE FIGHT EVERYWHERE

THE COURT REPORTERS BOARD  
THE BOARD OF EQUALIZATION  
THE PUBLIC  
LITIGATION  
THE STATE BAR  
THE PRESS



# WE NEED YOUR HELP NOW FOR DRA'S WAR CHEST

PROTECT OUR PROFESSION  
LEVEL THE PLAYING FIELD  
EXPOSE BOGUS E.R. CLAIMS  
PROTECT OUR SCHOOLS



## THANK YOU FOR YOUR CONTRIBUTIONS!

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		Annabell Vasilkov
		Lisa White
		Yvonne Whitefield
		Amee Zaradnik



# DRA BILL WATCH

## ANTONIA PULONE, CHAIR, LEGISLATIVE COMMITTEE

For those of you who regularly follow these reports, you'll see what progress has or has not been made by certain bills since our March newsletter, and you'll see the addition of two State budget bills and AB 1385, sponsored by CCRA, which in late March was amended into a bill to increase court transcription rates and which we will now be watching. The legislative calendar requires all bills to be passed out of the house of origin, where they were introduced, by May 31, so any bills that haven't reached that stage by then may not be moving on to passage this year.

As always, CalDRA's legislative committee has been following the bills listed below under the guidance of our skilled attorney and lobbyist, Ed Howard, for any developments that may impact our court reporting profession, and we will keep you updated by means of these reports with every newsletter and by enotes when we have breaking news to share with you.

Please note that the status of each bill below was current as of June 6, 2019.



### ACR 24 (STONE)

**Summary:** This Assembly Concurrent Resolution proclaimed that February 9 to February 16 of 2019 was to be observed as California Court Reporting and Captioning Week, to honor all reporters and captioners as guardians of the record.

**Support/Opposition:** Supported by both DRA and CCRA; no opposition on file.

**Status:** Passed by both houses. Chaptered by Secretary of State, 3/19/19.

### AB 5 (GONZALEZ)

**Summary:** This bill intends to codify the Dynamex decision by including provisions in the CA Labor Code that would clarify its application in State law. The "ABC" test, which resulted from the Dynamex case, expanded on the definition of employment versus independent-contractor status. Given the possible implications to freelance reporters and agencies, DRA's legislative committee has been watching the progress of this bill very closely.

Amendments have been made to this bill to specifically exempt certain professions from the application of the ABC test, and further amendments have been requested by various employer groups and coalitions.

**Support/Opposition:** Supported by SEIU, AFSCME and a lengthy list of CA labor organizations; also a lengthy list of groups offer support if additional amendments are made. Opposition by the Southwest CA Legislative Council and numerous individuals.

**Status:** Passed by two Assembly committees; passed by the Assembly on 5/29; to the Senate. Read first time on 5/30.

### AB 71 (MELENDEZ & KILEY)

**Summary:** Rather than relying on the "ABC" test which resulted from the Dynamex case, this bill would determine employee versus independent-contractor status based on a multifactor test, including whether the hiring entity has control over the manner and means of performing the work involved. As this has important consequences for reporters and reporting agencies, we will also be very closely following the progress of this bill.

**Support/Opposition:** None on file.

**Status:** Amended on 2/25 and re-referred to the Committee on Labor and Employment. No hearing date set yet, so unlikely to reach the Assembly floor by May 31.

### AB 190 (TING)

**Summary:** Known as the Assembly's version of the Budget Act of 2019, the bill would make appropriations for the support of state government for the 2019-2020 fiscal year.

**Support/Opposition:** None on file.

**Status:** From committee chair with author's amendments. Re-referred to the Committee on Budget on 5/31.

### AB 199 (CALDERON)

**Summary:** Known as the CA Online Notary Act of 2019, this bill would allow notaries and notary applicants to register to be online notaries and authorize them to perform online notarial acts and online notarizations by means of audio-video communication.

**Support/Opposition:** None on file.

**Status:** Passed by the Assembly Committee on Business & Professions on 4/9. Referred to the Assembly Judiciary Committee and set for hearing there on 4/22, but the hearing was cancelled at the request of the author.

CONTINUED ON PAGE 14

# DRA BILL WATCH

CONTINUED FROM PAGE 13

## AB 424 (GABRIEL)

**Summary:** This DRA-sponsored bill would clarify existing law that a stenographic transcript of a deposition recorded by audio or video must be prepared by a CA CSR.

**Support/Opposition:** CalDRA (sponsor) and Esquire Deposition Solutions, Inc.; opposed by Planet Depos.

**Status:** Passed unanimously by Assembly Judiciary Committee. Passed by the Assembly and referred to the Senate. Referred to the Senate Judiciary Committee; set for hearing June 11.

## AB 496 (LOW)

**Summary:** This bill is a vehicle for technical changes and corrections to be made to the Business and Professions Code by the Chair (Low) of the Assembly Business & Professions Committee. It replaces all references of “licentiate” to “licensee”; replaces all gendered terms with nongendered terms; allows all appointing authorities to remove board appointees for certain causes; deletes references to boards and bureaus no longer in existence.

**Support/Opposition:** Supported by the ACLU; no opposition on file.

**Status:** Passed by the Assembly Business & Professions Committee. Passed by the Assembly and referred to the Senate. Referred to Senate Committee on Business, Professions & Economic Development on 5/22; no hearing date set yet.

## AB 1264 (PETRIE-NORRIS) (CO-AUTHOR FRIEDMAN)

**Note:** This bill has been significantly amended to deal with a different topic and has no relevance to reporting, so will no longer be included in our bill watch.

## AB 1385 (SANTIAGO)

**Summary:** Originally a bill regarding victim compensation, this bill was amended March 25th to address the issue of long-overdue increases in Government Code transcript rates. This bill now would incrementally increase fees for court transcripts as of July 1, 2020. Then as of January 1, 2023, it would set fees at \$1.13 per folio for the original, .20 per folio for the first copy ordered after the original or when multiple copies are ordered, and .26 per folio for the first copy not purchased with the original. It would also allow for an additional 50% to be charged for daily-copy service provided in all court proceedings in addition to civil cases. It would as well require the Judicial Council to

report recommendations to the Legislature for uniformity in transcription rate expenditures in CA by January of 2022.

**Support/Opposition:** CCRA (Sponsor), SEIU, numerous county official reporter associations. No opposition on file.

**Status:** With its original language, referred to the Assembly Judiciary Committee. Author’s amendments submitted 3/25 and re-referred to the Committee and passed; passed by Assembly Appropriations Committee; passed by the Assembly 5/23. Referred to Senate; no assignment to Senate policy committee yet.

## AB 1520 (COMMITTEE ON BUSINESS & PROFESSIONS)

**Summary:** Known as the Sunset bill, this would extend the authorization for the operation of the Court Reporters Board from Jan. 1, 2020, to Jan. 1, 2024. It would also make an appropriation for the Transcript Reimbursement Fund.

**Support/Opposition:** None on file.

**Status:** Passed by the Assembly Committee on Business & Professions; passed by the Assembly Appropriations Committee; passed by the Assembly 5/23. Referred to Senate; no assignment to Senate policy committee yet.

## SB 16 (ROTH) (CO-AUTHORED BY ASSEMBLYMEMBERS CERVANTES AND OBERNOLTE) (SENATOR STONE AND ASSEMBLYMEMBER MEDINA ALSO CO-AUTHORS)

**Summary:** The bill would, now with amendments, appropriate \$37,032,500 from the General Fund for 25 Superior Court judge positions. The Judicial Council would determine which positions to be funded. We are hopeful that officialships to support these judgeships would also be established and funded.

**Support/Opposition:** Supported by Consumer Attorneys of CA (sponsors), Civil Justice Association of CA, CA Chamber of Commerce

**Status:** Passed by the Senate Judiciary Committee. Referred to Senate Appropriations Committee; passed, then held in suspense file.

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# DRA BILL WATCH

CONTINUED FROM PAGE 14

## SB 17 (UMBERG)

**Summary:** Would require a party to provide an initial disclosure, including information related to discoverable information, within 45 days of any service in any civil action. Would also require a court to impose sanctions against any party, person or attorney who engages in conduct that's a misuse of the discovery process.

**Support/Opposition:** Author sponsored. No support or opposition on file.

**Status:** Passed by Senate Judiciary Committee; passed by Senate. Referred to Assembly and to Assembly Judiciary Committee. June 4 hearing date; postponed by committee. Amended by author and re-referred to the Committee on the Judiciary, 5/30.

## SB 73 (MITCHELL)

**Summary:** Also known as the Budget Bill of 2019, it would make appropriations for the State government for the 2019-2020 fiscal year.

**Support/Opposition:** None on file.

**Status:** Referred to the Senate Committee on Budget and Fiscal Review; no hearing date set yet.

## SB 179 (NIELSEN)

**Summary:** This would establish the Excluded Employees Arbitration Act, to permit an excluded employee who files certain grievances with the Dept. of Human Resources to request arbitration, and it provides a party to the arbitration the right to have a CSR report the proceedings, which would become the official record.

**Support/Opposition:** Supported by the CA Correctional Supervisors Organization (Sponsor), Association of Deputy Attorneys, Civil Justice Association of CA, and four other organizations. No opposition on file.

**Status:** Passed by the Senate Committee on Labor, Public Employment & Retirement, by the Senate Judiciary Committee, by Senate Appropriations Committee (twice), and by the Senate on 5/24. Referred to the Assembly; no referral to an Assembly policy committee yet.

## SB 645 (MONNING)

**Summary:** In any civil action where the injury results in mesothelioma or silicosis, the deposition testimony of the plaintiff shall be limited to a total of seven hours, if a physician attests to the plaintiff's condition, raising medical doubt that he may not survive beyond six months. But on request of the defense, the court may grant up to three additional hours of testimony, not to exceed ten hours total.

**Support/Opposition:** Supported by Consumer Attorneys of CA (co-sponsors), State Building and Construction Trades Council of CA (co-sponsors), District Council of Iron Workers of the State of CA (co-sponsors), and 24 other organizations. Opposed by the CA Defense Counsel, Association of Defense Counsel of Northern CA and Nevada, Civil Justice Association of CA, and 15 various law firms

**Status:** Passed by the Senate Judiciary Committee; passed by the Senate. To the Assembly and referred to the Assembly Judiciary Committee; passed by committee, June 4; read second time, ordered to third reading.

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# HAVE SOME ENTERTAINING SNIPPETS FROM YOUR DEPOSITIONS?

EMAIL THEM TO [newslettereditor@dra.org](mailto:newslettereditor@dra.org)

## Shared by Vesna Walter:

Q. Okay. You thought that it was not in violation of the company's rules and regulations to send a subordinate employee a picture of a penis. Is that your testimony, for clarification purposes?

MR. Mc: Same objections.

THE WITNESS: Yes, sir.

## Shared by Holly Moose:

Reporting - never a dull moment. Yesterday I had a third-party witness. I had to ask him for his address. He said, "Fuck you. It's none of your goddam business what my address is."

Funny, I wasn't angry, upset - nothing. I guess I have been hardened to anything that happens in a deposition. The deposition got under way. He did the same thing to counsel.

"Fuck you." "Fuck off." "None of your fucking business." At the end, I was the only one he apologized to. He said, "I'm really not an asshole."

I remained silent at that comment.

## Shared by Mary Pierce:

Q. How much cash did you have on you?

A. I believe I just cashed my work check. I believe I had, like, \$500.

Q. Okay. Did you have it in your wallet? In your pocket?

A. In my pocket.

Q. You didn't have it in your sock?

A. I had additionally probably the \$200 hiding from my girlfriend in my sock, too. So I had all together, like, \$700.

Guess it's a good thing she didn't sit in on his depo.

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# Ask DRA

BY ANTONIA PULONE, DEPO DIPLOMAT

## DEAR DEPO DIPLOMAT:

Hello. I was told there is a Court statutory rate book and/or everything an agency needs to know regarding correctly billing any proceeding taking place in court. Can you please direct me to where I might obtain this? I will be happy to pay for it if there is a charge. Thank you.

## DEAR DRA MEMBER:

I've never heard that a Court statutory rate book exists, but if I did have access to such a book, I'd be happy to share it with you at no charge. DRA did produce a manual, "Reporter and Agency Court Resources," a comprehensive guide to accompany our seminars for freelancers working in court, and that may be the book that you were told about, because it does include the Government Code language regarding rates to be charged for court transcripts. I'm not sure if you can still order that manual from DRA's website.

For the time being, I can give you the formula for calculating a court-generated transcript, which would apply to any court proceeding. The critical information that you'll need in doing your billing is the folio rate that's been set by the county you've reported for, a folio being 100 words, and each county in California has established its own folio rate based on how many folios, or groups of 100 words, they claim appear on a given transcript page. Once you have the applicable folio rate, you can plug that into the formula to determine how much to charge per page for the O&1 and any copies ordered.

First, I'll paste here the relevant language from the Government Code regarding the rates to be charged:

69950.

*(a) The fee for transcription for original ribbon or printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words.*

*(b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.*

Now the easier way to apply this language is with this formula:

.85 per folio = Original	.20 per folio = 1st copy ordered by another party
+ .15 per folio = Copy purchased w/the original	.15 per folio = 2nd copy ordered by any party
<hr/>	
1.00 per folio = Original & 1 copy	

So then once you have the folio rate for a given county, you can plug that in. For instance, the folio rate in San Francisco is 3.0, so at 1.00 per folio for the O&1, the O&1 becomes \$3.00 per page in that county. The folio rate in Orange County is 2.33, so the O&1 there would be only \$2.33 per page. The folio rate here in Santa Clara County is 2.7, so the O&1 here is \$2.70 per page, and a first copy ordered by any other party is .20 x 2.7, or .54 per page, and a second copy ordered by any party is .15 x 2.7 or .41 per page. I have notes on what the folio rates are for not all but most of the California counties, and if you get back to me with what county or counties you work in, I should be able to give you those folio rates.

As for other charges, the Government Code specifies that for civil cases, a reporter may charge an additional 50% for daily copy service, but it doesn't specify any other rates for expedited delivery, nor does it include what

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CONTINUED ON PAGE 20

# AskDRA

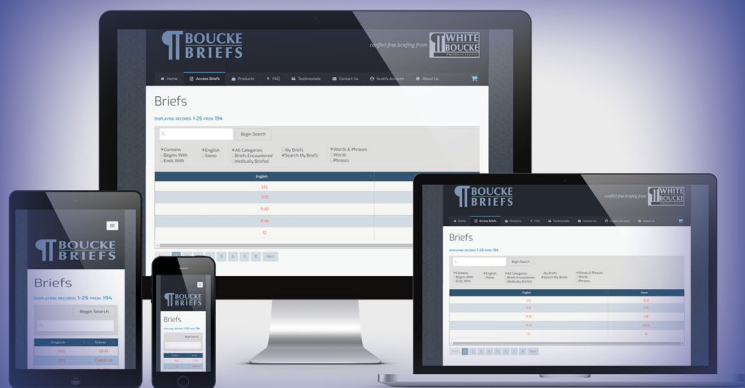
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rates are to be charged for per diems, realtime, rough drafts, and some other products or services you may be providing, so for anything not specified in the Government Code, official pro tem reporters are free to set their own pricing.

If I can provide any other information for you, just let me know. If you cannot find the DRA manual I mentioned above on our website, it's possible there may be a few copies still available somewhere that I could find out about for you.

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