

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

OCTOBER 2020

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PRESIDENT'S MESSAGE

ERIKA SJOQUIST, CSR, *CalDRA* PRESIDENT

It's been quite a year so far. There have been a lot of changes to our normal routine in all areas; from the way we watch TV, to how we connect with friends, go about running routine errands, and even heading to work. COVID-19 is what it is, and we all have to figure out how to navigate around its invisible path. Good news is I am finding that calendar has picked up significantly since August. Attorneys are finally onboard with holding their depositions remotely, and some offices and courtrooms are holding in-person proceedings, as well.

I hope you all enjoyed the free summer seminars put on by CalDRA members/past presidents Cheryl Haab and Sue Campana. I was able to attend a few, and the board has received great feedback. CalDRA continues its legislative efforts during COVID-19; the most recent victory is the passing of SB 1146. I believe this is one way we (California licensed CSRs) are now able to help cover depositions in areas where coverage is routinely and notoriously scarce. Hey, even I will be able to take a CA remote depo here in GA.

Most of you know, in August, I made the move to Georgia. While in California, around April 2020, I came to the realization that I was not going to get back to "my" normal anytime soon, so it was time to see what I could do to create lemonade in an ever-so-sour-lemon environment. What is it that I really want? Where do I want to live? What is going to make me happy? I started asking these questions and more, and God led the



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THE FREELANCE
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PRESIDENT'S MESSAGE

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way. I am now in Savannah, GA, working for a small, boutique firm. My commute, when I'm not doing a Zoom depo, is no more than 20 minutes. I no longer am spending countless hours on the freeway. I am now a homeowner; no longer paying someone else's mortgage. I come home to my two dogs, Scarlett and George. We take walks around the neighborhood lake, and George will try and catch a frog, hopping as fast as it can, before it gets to the lake's safety. In the evening, I sit out on my front porch rocking chair, sipping a glass of wine, listening to the melody of crickets, cicadas, and the lucky frogs that George didn't catch. I have found my happy place and am so incredibly grateful.







Having moved out of state, I have stepped down as CalDRA's president and assumed the position of immediate past president. CalDRA Membership is in great hands with Mary Pierce, President of CalDRA. She is the most amazing woman I have ever met. She is focused, organized, knowledgeable, supportive, an incredible court reporter and firm owner, and extremely involved in advocating for court reporters in California. I can't imagine a better person suited to lead the way for California court reporters, newbies and seasoned, than Mary Pierce. She also makes an outstanding pie. If you're lucky, she'll make you one. Remember, the board is here for you. If you have questions, concerns, ideas, want to volunteer, something you want to share, please let us know. We want to hear from you! I always say, "It takes a village."

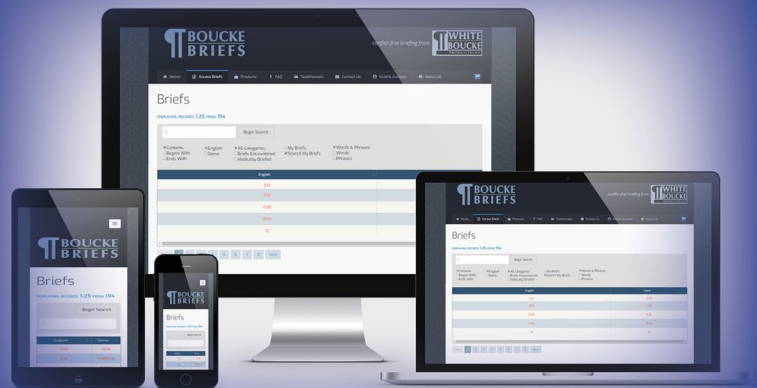
In closing, as you enter this fall season, think about what makes you happy, plan and execute. Make time for yourself; yoga, massage, walk, trip to the spa, or rock in that rocking chair. If you take care of you first, it will show up exponentially in your demeanor and your work product. So cheers to you in making lemonade out of lemons!

~e

ERIKA SJOQUIST, CSR
CalDRA PRESIDENT

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INTERVIEW WITH LOIS LUDWIG ...



CalDRA President Mary Pierce Interviews Lois Ludwig, Founding Member And Two-Time Past President: The History of DRA And How She Maintains Her

Integrity As She Retires ...

Q. Thank you for taking the time to speak with us about your long and impressive career, Lois. When did you obtain your CSR license?

A. In 1971. I have always very much loved this profession, and it's been a magnificent ride. I was a Hearing Reporter for the State Personnel Board and had the wonderful experience of traveling all over California.

Q. When did you start your own agency?

A. In 1985, I decided it was time for me to spread my wings, so I opened Ludwig Court Reporters. I had never reported a deposition and had no clients, so it was indeed a huge challenge. Rather than setting up an answering machine (it was 1985, after all) and having to return calls at the end of the day after my assignment, I hired someone who had worked previously for a court reporting agency. It was the best decision I could have made. Clients were able to talk to a live person immediately, who had excellent PR skills, so it worked out well for everyone.

Q. You were not only DRA's founding president but also integral in its very establishment. Can you tell us how that all came about?

A. Once I started my agency, I felt it was time to do some volunteer work for our profession. I became President of the Los Angeles General Reporters Association (LAGSRA, now defunct) and began learning the ropes of behind-the-scenes activities such as how laws get written and passed. I also served on the Legislative Council of the California Court Reporters Association (CCRA). CCRA represents both freelance and official reporters. It did not take long to realize how political things were between the two facets of this profession in terms of what actions benefited one, often to the detriment of the other, and just how powerful certain officials were.

Contracting had reared its ugly head by that time, and I realized that I needed to serve on the board since all final

decisions were made by board members rather than committee members. In fact, CCRA's Legislative Council, upon which I served, had no vote at all in shaping the direction of the association.

Fortunately, as a result of all the support I had from CCRA's deposition reporter members, I was successfully installed on the board. Shortly thereafter, I was approached to consider the possibility of running for president of CCRA in light of the fact that the majority of their board, particularly officials, did not support anti-contracting legislation, and we knew it would therefore be a losing battle.

One evening, I had dinner with Karen Klein and Tom and Sharon Golding (very close friends, reporting associates and future DRA Founding Members) to discuss the best course of action going forward and whether I should, in fact, run for president of CCRA. It was at that point that I brought up the idea of, instead, starting a statewide association dedicated solely to the interests of deposition reporters. And the wheels started turning ...

For many years, there had existed several local court reporting associations in California that represented deposition reporters (called "general reporters" back then). It was these associations that eventually facilitated the startup of DRA for the purpose of creating a collective voice for deposition reporters statewide. When the time came, these local associations were asked to vote on whether or not they would support a new state association to represent the interests of deposition reporters. Well, we all know the final outcome.

There were even past presidents and Distinguished Service Award (DSA) recipients of CCRA who crossed the line, so to speak, and supported the necessity and benefit of having a separate freelance association. One of those distinguished past presidents and DSA recipients was our beloved John Zandonella, who was extremely valuable in making political contacts to facilitate introduction of anti-contracting legislation.

Q. What was the hardest part of getting DRA established and off the ground?

A. Well, before DRA was finally established in 1995, there was a coalition formed by several deposition reporters, and that was when

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INTERVIEW WITH LOIS LUDWIG ...

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the real work started. During the “coalition time” is when I first met Karen Klein. Karen and I made several trips throughout the state during that time to explain why it was so important to support the idea of DRA, and the support we received was amazing.

This was a difficult time for reporters because of the decline in income that resulted from the contractors’ very low pay rates. We asked all reporters to search their garages and cabinets for items they no longer used and to donate those to the coalition. We then held a luncheon, at which we auctioned off everything that had been donated. We netted over \$22,000. Without the support of deposition reporters statewide, DRA would never have evolved into the association it is today.

But that was just the beginning. After that, we had to start fundraising to make possible everything that was so important to us. This was the very first time I had ever solicited money from anyone, so that was quite an experience. As it turned out, everyone was extremely generous with donations and very supportive of the possibility of DRA.

On a personal side note, a few years after DRA was established, Karen Klein came on board as a partner with Ludwig Court Reporters, which in 1999 became Ludwig Klein Reporters & Video.

Q. Looking back, what would you say is the most significant achievement of the Deposition Reporters Association of California?

A. I would say the very fact that it has not only survived but has thrived. After all these years and the many changes that have taken place, DRA is still very successful and has achieved what it set out to do: make it possible for all freelance reporters to rely on an association that has worked hard to ensure that freelance reporters and our profession are protected from the various threats that inevitably arise.

Keep in mind that without those reporters who have volunteered and continue to volunteer their time and hard work in an effort to protect our profession – and you know who you are – quite simply, DRA would not be in existence today.

Q. I understand you have recently retired and sold your agency to Evelyn Mah of Abrams, Mah & Kahn in Santa Ana, California. You must have had some lucrative offers from national firms or the like. Why did you sell to a local agency owner?

A. It’s true, I did have many lucrative offers. But Ludwig Klein has never done any reporting for contractors, so why would I sell to one?

We had worked together with Abrams, Mah & Kahn over the years, helping each other cover calendar, so I knew that Evelyn Mah operated her agency in a manner very similar to the way we operated ours. I wanted to be sure that our clients, who had been so loyal to us and stuck with us even though they were required to utilize contractors, would still be getting the best quality and services that we had provided them for decades. I also wanted the reporters who worked for me to have an opportunity to continue to work with an agency owner who cares about the profession and the licensees who make it what it is. Frankly, if Evelyn had not been able to or interested in taking over our business, I would have locked the doors and walked away. It was just not in my DNA to sell out to contractors.

Q. Any final comments you’d like to make as you look back on your career and then step through that beautiful door into retirement?

A. I believe that many agency owners who are still working will one day -- some sooner, some later -- want to retire. If you think you might like to become an agency owner in the years to come, you should volunteer as much time as possible in getting to know what goes on behind the scenes of operating a reporting agency and learn from the best. Also, volunteer as much time as is possible to DRA. I have always believed that if you can’t volunteer your time to the association, then you should try to donate as much money as you can to make certain it continues to be there for you.

One of the best experiences I have had, being a part of DRA, is the many friendships I have made during all these years. I must say there is nothing better than having DRA friends for life. Even though we don’t see each other often, when we do, it’s as though it was just yesterday that we first met.

DID YOU KNOW THAT REALTIME IS A SUPERPOWER?

BY SABA MCKINLEY

I remember when I first started reporting, in the early 1990s, there was a buzz around realtime writing. I was young and quite impressionable when I started, and I wanted to learn how to write in realtime so that I could spend more time with my husband and my new baby. My son was only 17 months old when I began working in court, and I had no desire to spend many hours working on transcripts. The buzz around staying power and reducing my editing time were at the forefront of my mind. That is where my journey to realtime writing all began for me.

The court reporters who were writing in realtime and pushing for everyone to write in realtime were my (s) heroes. They impressed upon me that realtime was the wave of the future, and it also gives the field of stenography longevity. Any reporter who is shying away from writing in realtime is shooting themselves in the foot.

By the way, speech-to-text technology does not stand a chance against a proficient realtime writer. Realtime writers have saved the profession of court reporting and will continue to save it from speech-to-text technology threats for many years to come. So, the question becomes: Are you in this industry for the long game? If so, your realtime-writing-skills goal must include realtime mastery.

Another byproduct of realtime mastery is increased pay. Working as a freelance reporter, and primarily working in the court system, has been a blessing to me because I earn extra income daily through the implementation of my realtime skills. I routinely sell roughs, expedited transcripts, and realtime feeds. Those of you who read the JCR magazine, newsletters, and who are plugged into the various court reporter and captioner Facebook groups have heard others speak about the benefits of writing in realtime to increase one's income potential. These benefits are also the reason I call "realtime" a *SuperPower*.

In many of the reporting circles, I often hear comments from reporters about their lack of realtime skills, and it concerns me. I am nearing my retirement years, but this is a fabulous profession, and I want to ensure its longevity for many, many years to come. How do I ensure its staying power you might ask? By doing what I can to get as many reporters as possible to reach the skill set of realtime mastery.

In 2010, I transitioned from working as an official court reporter to working as a CART captioner. My experience in the captioning arena was instrumental in taking my realtime proficiency to the next level; and then I took another step, I took all of my skills in the captioning field and all of my years of experience working in the judicial system to create trainings that I could share with hundreds of reporters who wanted to improve their realtime skills. I really love this new part of my career, and I want to share it with everyone.

The only downside is that some of the reporters I talk to offer a lot of reasons to not accept realtime jobs: "My realtime isn't that good." "I only do realtime for myself." "I don't want attorneys looking at my screen."

The great thing is that if you're not already doing realtime, you can still make the change. And there are so many advantages to improving your realtime skills and getting a realtime certification. Realtime really does decrease the time you spend editing and proofing your transcripts, which means that you can increase your income even as you get more time to spend with your family and friends.

The keys to making these changes are practice and consistency. To aid in the consistency part, I developed a journal titled "Realtime is my Superpower" during the COVID quarantine, so reporters can keep track of their progress day by day. It's amazing what happens when you write it down every day. Take the initiative and start your journey to realtime! Invest in your future!

Saba McKinley, RPR, CRI, is a freelance court reporter and CART captioner based in Long Beach, California. If you would like to learn more about her programs or how to work with her, contact Saba McKinley at saba@sabamckinley.com or visit tinyurl.com/RTsuperpower.

MY FIRST DRA CONVENTION: A STUDENT'S PERSPECTIVE

BY ANGELA ROJO

Think back to your first convention experience. Were you a student or a working California CSR? This spring's event, the DRA of California Annual Convention – The Gold Standard, was my very first in-person convention. I have to admit, I was very nervous to be a baby student going to play with the big kids. (Thank you, Emily Samelson, for the opportunity to attend.) Whether this was your first or 24th experience, what were your favorite takeaways, and what impressions have stayed with you?

First of all, during a conversation over raffle tickets, Rick Galton kindly stopped me after I asked a typical student question that started something along the lines of, what do you say when...? We had a good laugh when he likened knowing exactly what to say in every situation to corny pickup lines and how they never come across as genuine. His advice to me, to students, is instead of practicing or adopting lines, I could invest time in adopting a friendly, yet firm and professional attitude. Posture, eye contact, and efficacious mannerisms will go a long way. If I take the time to cultivate the appropriate attitude that comes from further developing my skills, he assured me, the proper words will come when the situation arises.

Our conversation helped me put my nerves aside to more fully focus on the different seminars being offered. The unique class by Monyeen Black and Sarah Seitz, Building a Foundation for Solid Realtime, still comes through loud and clear in my mind, and I refer to my notes often. Their

presentation would touch on a point, and Monyeen would instruct us how to do it in Eclipse while Sarah taught us how to do it similarly in CaseCAT. In the brief dinner seminars and training events I've attended, the different software users break off into groups to talk about features, etc. This approach was different because we all stayed together, which provided a rich experience and set the tone for round-robin discussions with even ProCAT Winner and other software users chiming in.

During the various seminars, people would run around the room offering microphones in order for everyone in attendance to benefit from hearing both the questions and answers. This really stood out to me. As I took in the days-long event, I was impressed with the seamless transitions through the schedule. What shouted out to me even more was the fact that there is not a cookie cutter personality, shape, size, or even style of clothing when it comes to helping prepare and execute a plan of this level. Even offering to help do a seemingly small job, such as getting a microphone from one side of the room to the other, could offer real value.

I've been lucky to have Veronica Guerrero check in on me from time to time since the convention. The way she is always in the middle of some DRA project - planning, researching, answering questions, you know how it goes - has continued to feed the impression that has stayed with me months after meeting everyone in Sacramento. All help is welcome. Help equals time. Time is a gift, and that gift could look different for everyone. What were your takeaways, and what gift will you impart in maintaining the Gold Standard?

SUMMER SEMINAR SERIES FEEDBACK:

GENERAL FEEDBACK:

Today's webinar was FANTASTIC!!! Just seeing everyone's faces and hearing reporters talk about work was so uplifting!!! I've been a 'very good' citizen and sheltering in place since March. I am starting to feel the effects of being shut in. Being able to participate, even if it was only to hear other people talking about reporting, has been a tonic for my soul!! Thank you!!

Respectfully,

Kathy Hettick, CSR# 12505, Santa Ana

STUDENT SEMINAR:

My name is Kara Crawford, and I am waiting to take the next CSR exam. This will be my 5th attempt. I am looking for inspiration anywhere I can find it. I had the opportunity to join the DRA Seminar Series, week 2, which included three speakers and just oodles of amazing tips and information.

Molly Cooper and I actually graduated from South Coast College and took the CSR exam at the same time, so this was an extra bonus to actually see how amazing she has done in her first year as a working reporter.

Here's some of the different information that I found helpful.

Some Tips:

- keep notes while working on transcribing
- same type of errors
- keep a journal
- punctuation - notice your patterns when you are writing
- introductory phrases – if you're always writing the same way, same errors
- Software - personalize and understand
- auto includes - for interrupting and to go back to areas in your transcript to get additional information later from witness/atty
- get to know all your speed keys
- watch the tutorials on your software

Sarah Seitz has been reporting since 2017. I loved her humor and her energetic way of storytelling.

Some Tips:

- vocabulary is so important
- get on Quizlet - there are law codes/English words, testing, even a quirky voice to give pronunciation
- write a word in your own handwriting - it helps with memory
- make your own flashcards
- proof your own transcripts for at least one year
- we owe the attorneys the best product possible for the rates they pay.
- she always has a second pair of eyes on her work.

Trina Cox has been a CSR for over 32 years. She came to the table with some very solid information.

Some Tips:

- always be adding to your dictionary
- read articles in Time, National Geographic, Newsweek
- get COVID-19 terms in your dictionary
- get a mentor - or a couple - appreciate tough love
- take control when attorneys argue
- get involved with your associations
- join DRA Facebook

I really got so much out of this two-hour seminar. I know this is a series that DRA is offering, and I am so excited to be exposed to all this wonderful and helpful information.

I also was fortunate enough to have the cost of my membership renewal donated by an anonymous member. I love, love, love how this small community is always helping the students.

Sincerely,

Kara Crawford, Fullerton

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SUMMER SEMINAR SERIES FEEDBACK:

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I just wanted to thank you for hosting a Zoom seminar directed toward students. The opportunity to hear from working reporters always gives me a little more motivation. I was lacking that this past week and was in dire need of it. Listening to success stories and hearing practice tips really helps me. I appreciate everything that was done, and I look forward to future meetings. I can't wait to get through school and become an official reporter. Every one of the speakers was so uplifting and encouraging, and it makes me realize that this is a profession I will truly enjoy. How can I argue with so many people that love what they do.

Rebecca Larsen, El Granada

I was sponsored for the CalDRA summer seminar this past Saturday. I am currently at the 200s speed level. I have been in this speed for over a year. All that was covered in the summer seminar was very, very helpful. I was encouraged tremendously. I have been so close to passing, but it just hasn't been close enough. Each speaker gave great suggestions and advice. Thank you for sponsoring me. I feel so honored to get help from great court reporters.

Elyssa Lopez, Sacramento

I was sponsored for the student seminar event, and I wanted to share with you how much that meant for me. I didn't even know that meant I would be a DRA member, and I thought it was just for that one event until you explained it on Saturday. That's overwhelming, how generous it is.

The three panelists, Molly, Sarah, and Trina, had so much to say, both practical advice on how to practice and what working is like and also sharing their personal stories. I took pages of notes and I cried a little and was just really glad that I woke up to be inspired by so many other women that morning. I don't know if the session was recorded or not, but honestly, I'm glad I caught it live. It was amazing. Things like this are treasured by students. I can say for myself, I only know one or two court reporters personally, so any chance to spend time with reporters - especially

ones who just made it out of school because they clearly remember how school was - is amazing.

Hopefully I will see you all at another event soon! I am even more overwhelmed as a student from Chicago that you guys were willing to share so much, and it kind of makes me want to look into getting licensed in California one day. But one thing at a time! I'm aiming to pass the Illinois CSR in December (I'm at 180 now) so that's where my focus is currently. And thank you again?

Jessica Shines, Chicago

A very heartfelt thank you to the generous sponsors and inspirational speakers for the student seminar. I got more out of your seminar than I did from a webinar that I attended not too long ago. Great advice and tips given by sincere and encouraging professionals. I attend school online and am used to having to go at things alone. I'm so grateful to have CalDRA as a resource. I'm relieved that I won't have to figure everything out on my own once I'm done with school. Again, thank you so much!

Veronica "Roni" Olaizola, Sacramento

SOFTWARE SEMINAR:

I was so happy to see that DRA was hosting CAT training for several platforms via Zoom. Our group was small, which was perfect for all of us to have time to ask questions of our ProCAT Tech Extraordinaire, Lisa Gonzalez, and also have the ability to bounce ideas and information off of each other. Thank you, DRA, in light of the current situation, for providing these FREE sessions to your members so we can continue to improve in our profession and have a sense of community with other reporters.

Trina Cox, La Mirada

MEMBER INTERVIEW WITH PATRICIA GARRIDO, CSR #14364

BY VERONICA GUERRERO

Q: How long have you been reporting?

A: January 31, 2021, will be one year.

Q: Who or what sparked your interest in pursuing court reporting? And, ultimately, what motivates you on the difficult days?

A: A friend who was starting a court reporting program suggested I try it. My mind was blown. I was intrigued and amazed by the steno language and excited about the income possibilities. Knowing how hard I worked to pass that test and obtain my license, especially on the rough jobs and during the long hours, always motivates me.

Q: You made your professional debut as “Madam Reporter” weeks before the pandemic struck. How have you coped and adapted with the quickly changing landscape of reporting, specifically reporting remotely? Any useful tips?

A: Although the pandemic did rain on my “newbie” parade, I’ve been in good health. Considering the current climate, I see that as winning. With encouragement and a supportive push from colleagues, I leaped into Zoom depositions. Most of my experiences have been positive. It helps knowing we’re all dealing with something new, no matter how seasoned the reporter.

My most useful advice is DO NOT STOP PRACTICING. Even if there’s not as much consistent work, a little bit of consistent practice goes a long way.

Q: I remember when we were first beginning, new reporters and I would discuss how lonely and isolated we felt spending so many hours editing on our own. It’s a huge change from school. How do you navigate the long hours and the tedious work?

A: I take frequent breaks and make sure I’m completely in the zone while editing. I find that timing myself using a stopwatch makes me work more efficiently. Also, writing down my progress makes me feel more accountable. When I do take breaks, I make sure I interact with a family phone call, texting back and forth with a friend, or indulging in a reasonable amount of animal videos. My breaks are also timed, just to keep me honest.

Q: What are some of the highlights of your first year reporting, other than no more tests?

A: My first job was a series of witnesses taken by an attorney also on his first deposition. It was quite the learning experience for us both. My second job -- or fourth, technically -- was held at a hotel that was popular in the 70s & 80s with icons Janice Joplin and Jim Morrison!

Q: What opportunities for professional growth have you experienced or anticipate experiencing?

A: I was only working for a couple months before beginning remote reporting, so I learn something new with every single job that better prepares me for the next job. Soon, I want to gain more confidence and experience to better be able to educate attorneys about the SoCal Stip. For 2021, I anticipate more opportunities to maximize my income.

Q: What advice would you offer, Patricia, to the court reporting student? What do you wish you would have known in school that might have made you approach something differently?

A: I would tell myself to sit out even more than I did. Also, I’d ask reporters what they wish they knew coming out of school. Likely, they’re correct. My school had plenty of speakers that were working reporters that discussed all things related to court reporting with us, so, in that sense, I feel like I had plenty of insight. I felt ready to take on this challenging, yet rewarding world.

Q: Remote or in-person? Any preference? Why?

A: I thought I preferred in-person, but remote is getting easier and has become more normal. If I had to pick only one, I’d say in-person, though. I prefer never having to write in blurbs about audio feedback or technical difficulties. There’s nothing like in-person clarity!

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MEMBER INTERVIEW WITH PATRICIA GARRIDO, CSR #14364

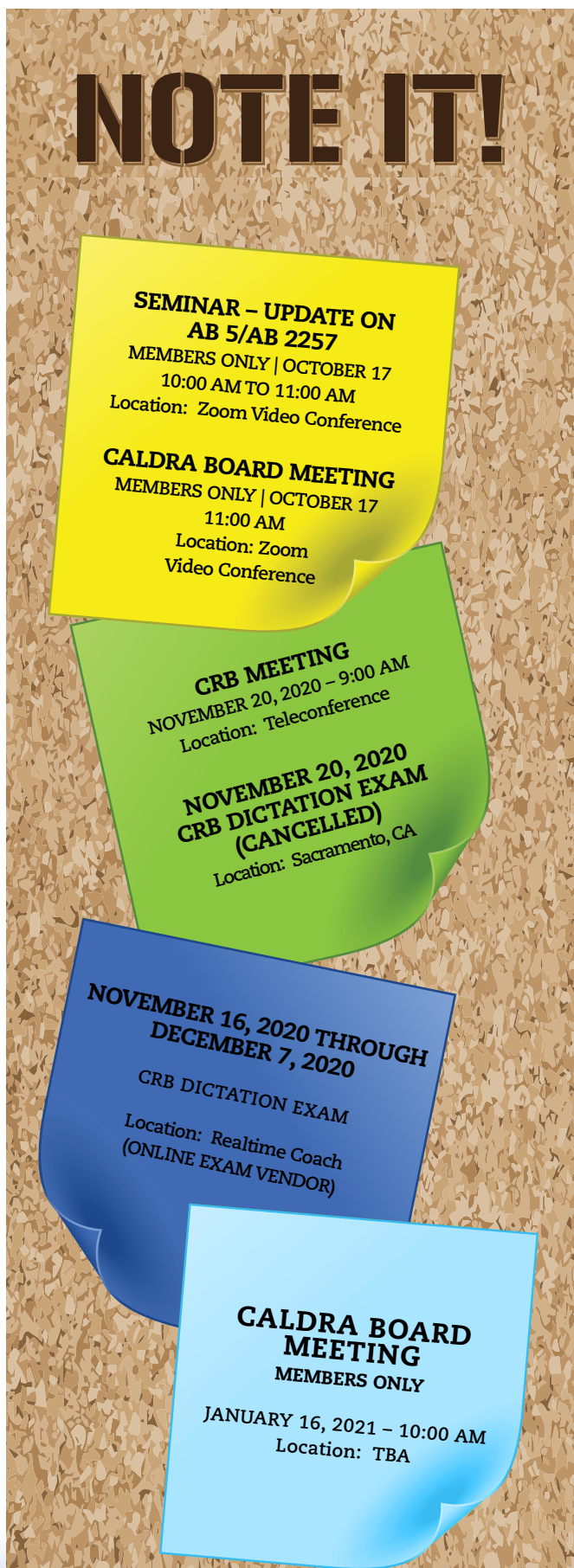
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Q: I know you as an engaging young reporter, family-oriented and kind spirited. Tell me more about Patricia. What do you do on your days off? That's still a thing, right? Fur kids? Hobbies? Avid reader or binge-watcher?

A: I take one day out of my husband's two days off per week to really make it about "us." I enjoy getting in some type of physical activity, like roller skating, hiking, or riding my road bike. Although, my guilty pleasure is repetitively watching The Office and Criminal Minds. During quarantine, tending to my flowers and plants and listening and practicing to my favorite podcast, "My Favorite Murder," have become a part of my routine.

Q: Finally, why are you a part of DRA? What inspires your staying involved in the industry?

A: DRA is where it all started for me. The annual picnic made me see DRA as a solid group I could actually count on. The opportunities to interact with the members, the fact that just about every interaction I have had has turned into a real relationship, and the absolute devotion to the association makes me look forward to my future as a member.



Ask DRA

BY ANTONIA PULONE, DEPO DIPLOMAT

(A note to our members: Here's another Q & A on the subject of remote depositions, which we discussed in our last newsletter, but it seems like the most relevant topic of interest to you all, given that the Covid-19 pandemic continues, and many of you are doing all or most of your reporting assignments remotely. This time we're focusing on the Federal Rules of Civil Procedure as they apply to Federal depositions taken remotely. Hope you all find this helpful.)

DEAR DEPO DIPLOMAT (PART 1):

I know we have Judicial Council Emergency Rule 11 for conducting remote depositions for state cases, but do we have something similar for Federal cases? This is what I found for Rule 30: (4) *By Remote Means*.

"The parties may stipulate--or the court may on motion – order that a deposition be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a) (2), and 37(b) (1), the deposition takes place where the deponent answers the questions."

That last line is a little vague to me, but I read it to mean that the Reporter is in the presence of the deponent.

Maybe I'm overanalyzing this, but in our line of work, it's part of the job.

DEAR DRA MEMBER:

You're not overanalyzing that Federal Rule, but all that last line really does is give instruction as to what is considered to be the depo location. So if the attorneys involved are in different cities and/or states and the witness is yet in another city/state, the location where the witness is determines the location of the depo. So for your transcript, you would say that the depo took place in, say, Chicago, Illinois, if that's the location of the witness, even though all the other participants are elsewhere.

It does not mean, however, what you guessed it might mean, that the reporter must be with the witness in Chicago. The reporter may be anywhere and reporting the proceedings, including the testimony of the witness, at any other location. So you could be here in CA, reporting the depo remotely that's taking place in Chicago. The stipulation of counsel or court order referenced in the first sentence of this Rule 30 (b)(4) allows for the depo to be taken by remote means, and that includes that the record-making itself may be done remotely.

I hope this is helpful to you, but if you have any other questions about this, please feel free to email me again.

TONI

Antonia Pulone, DRA Depo Diplomat

DEAR DEPO DIPLOMAT (PART 2):

What about, though, if it's a Federal case venued in another state, so it's the Southern District of TX. Are we allowed to report it? I would think not. I have a friend who has an RPR, and she thinks she can because of the RPR, but I thought the RPR is a certificate, not a license.

I actually do have another question. A friend of mine has a client who wants to record Zoom depositions on their end or have the reporter do it and obtain the recording. Is there a code section prohibiting that or a code section that allows it? Should the reporter let the attorney record on Zoom, or should the CSR be in charge of that for a fee? We heard from somewhere that as long as they only use it for their own personal use, it's okay.

It's a whole new world with remote videoconferencing, isn't it?

Thanks, as always, Toni.

CONTINUED ON PAGE 13

DEAR DRA MEMBER:

I assume we're still talking about taking depositions remotely. If it's a Federal case, the venue doesn't matter, because the Federal Rules only apply. You were very on top of things to locate Federal Rule 30, and Rules 28 and 29 are what give us instructions on whom a deposition may be taken by.

Rule 28 – Persons Before Whom Depositions May Be Taken

(a) Within the United States.

(1) *In General.* Within the United States or a territory or insular possession subject to United States jurisdiction, a deposition must be taken before:

(A) an officer authorized to administer oaths either by federal law or by the law in the place of examination; or

(B) a person appointed by the court where the action is pending to administer oaths and take testimony.

(2) *Definition of "Officer."* The term "officer" in Rules 30, 31, and 32 includes a person appointed by the court under this rule or designated by the parties under Rule 29(a).

Rule 29 – Stipulations About Discovery Procedure

Unless the court orders otherwise, the parties may stipulate that:

(a) a deposition may be taken before any person, at any time or place, on any notice, and in the manner specified—in which event it may be used in the same way as any other deposition; and

(b) other procedures governing or limiting discovery be modified—but a stipulation extending the time for any form of discovery must have court approval if it would interfere with the time set for completing discovery, for hearing a motion, or for trial.

Your friend's RPR is a certificate and not a license, yes, and it's not the critical issue for taking Federal depositions and doesn't provide any authority for reporting Federal depositions taken remotely in other states. Being authorized to administer an oath is a key factor along with the deposition officer either meeting the requirements of Rule 28 or ensuring that all counsel will stipulate to the deposition being taken by this reporter. You're authorized to administer oaths in CA-venued cases by virtue of your CA CSR, and that authority extends to depositions taken

remotely, but I don't believe it extends to all Federal depositions if the deponent – and therefore the deposition location – is in Texas or elsewhere. So for Federal depositions located in other states, the stipulation by all counsel is needed. For Federal depositions, a stenographic record is not required, and audio or video recording is also allowed, unfortunately, as long as the deposition officer can administer an oath. So the operator would need to have a notary in the state where the deposition takes place, or again, a stipulation by counsel would be required.

As far as recording Zoom depositions, there is no code language that prohibits a recording being obtained, but there are limitations on whether it can be admitted at trial, if it's the intention of the attorney to do so. If the reporter is controlling the Zoom setup, you can certainly say that it's not your policy to release the recording, though the client may not be happy about that. If he intends to use it at trial, all the requirements for using a video have to be followed, and he can't use it in lieu of a stenographic transcript, because the stenographic transcript must be submitted along with the video. If it happens to be the deposition of an expert or treating physician, then the videographer – and there wouldn't be one if it's just a Zoom recording that was made by a reporter or attorney – is supposed to be a notary, authorized to administer oaths.

Another issue and reason you can give for not releasing the video is that it may have captured comments or conversations that were supposed to be off the record, and those would have to be edited out – if you would know how to do that – before being released, and it would certainly be reasonable to charge for that service. I know a number of reporters who will not let the video be released, and that's their option. If you choose to do so, you certainly can charge for the video, if you wish. Again, there are no rules to follow about that, so that's up to you. I understand some law firms insist on setting up and hosting their Zoom depositions, and in some cases, it's probably so they can get the video without having to go through the reporter.

I don't know if the above gives you the answers you need, but I feel fairly confident that the stipulation by counsel would provide you the authority to both administer the oath and report a Federal deposition taking place in another state, but I will get back to you if I learn that is not, in fact, the case.

Best to you, and thank you for your continued support of CalDRA,

TONI

Antonia Pulone, DRA Depo Diplomat

2020 Scholarship Winners



Congratulations again to our CalDRA 2020 scholarship recipients, Pat Jensen and Araceli Villanueva. Unfortunately, they were unable to attend the convention but were able to accept their awards via telephone held up to the microphone. Okay, very remote and maybe old-fashioned. Nevertheless, they were thrilled to each receive \$1,000. Little did we know we would soon be doing everything remotely.

Pat and Araceli are still committed and working hard to achieve the ultimate award, California CSR license.

2021 Scholarship Receive Up to \$2,000

It is that time of year again for CalDRA's search for special students to be awarded a scholarship.

We have an update to the qualifications. Due to these challenging times, we are including all students who are currently enrolled in school (does not need to be CRB-approved) with the goal of achieving their California CSR license. The applicants must be California residents and maintain excellent attendance in school.

Once the applications are received and reviewed by the Scholarship Committee, Zoom interviews will be scheduled.

To see the qualifications and download an application, log in to www.caldra.org. Click on the Students tab for all the information.

STUDENTS – turn in your application soon. They must be received by midnight, December 2, 2020. Get it in early to make sure you are eligible.

Sending luck and inspiration to all our future California CSRs.

New Members

Kelly Lopez	Alyssa Fulmer
Kathy Rothstein	Heather Gausin
Juniko Moody	Nicole Nguyen
Lindsay Stoker	Jessica Shines
J'ana Chaudhry	Ashley Cavdek
Cheryl Marquis	Darla Kmety
Catherine M. Luciano	Brandi Cannon
Aubrie McKeever	Cristin Relyea
Rebecca Larsen	Vanessa Huerta
Roni Olaizola	Amanda Anderle
Emma Harris	Susan Kim
Elyssa Lopez	Amanda Molinaro
Ruth Hilliard	Layli Phillips
Saba McKinley	Kathleen Alona
Amber Fulper	Michelle Cardinal
Michelle Carter	Mary Corbitt
Erica Vigil	Cydney Agno
Nancy Kim	Debra Fishman
Danielle Zibli	Katherine West
Joyce Yang	Deene Jones
Mary Jane Boltz	Mildred Jones
Evelyn Torres	Jessica Lobato
Rebecca Callow	Pattamaporn Than Etzel
Tanya Vera	Olivia Caucas
Sophia Morris	



THANK YOU FOR YOUR CONTRIBUTIONS!

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Tina Velasquez	Lisa Flores
Laura Brewer	Mary Ann Scanlan
Katherine Waki	Jean Kim
Gabriella Gutierrez	Evelyn Torres
Christianne Fong	Christina Lothar
Anna Sacripanti	Susan Swan
Deborah Meyers	Sandra VanderPol
Althea Miller	Elizabeth Wood
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by:



DRA BILL WATCH

ANTONIA PULONE, CHAIR, LEGISLATIVE COMMITTEE

September 30th marked the effective end of the legislative calendar in Sacramento, as that was the last day for the Governor to sign or veto all bills that had been passed by both houses of the legislature and presented to him on September 1st or shortly after that date. As this was the second year of a two-year session, all bills introduced in 2019 and 2020 that had cleared the hurdles of policy committees and won approval by the Assembly and Senate then met their final disposition in the hands of Governor Newsom, with or without his signature. All the bills, with the exception of emergency measures, that did receive his signature will go into effect on January 1st of 2021.



This year, at least since mid-March, was an unusual one at the Capitol, as it was for all of us, due to the limitations necessitated by the Covid-19 pandemic. Legislators were sheltered, schedules for committee meetings had to be postponed, and in-person attendance at various legislative functions was limited or cancelled. We may see those same limitations and schedule changes repeated once the legislature reconvenes on December 7th to begin the 2021-2022 session, since the expectation is that we all may still be somewhat sheltered and socially distancing by that time. Your CalDRA Legislative Committee, guided by our skilled lobbyists, will return with its next report on newly introduced bills sometime shortly after that date to keep you informed, as always, regarding any legislation proposed that could potentially affect, beneficially or harmfully, our reporting profession.

AB 1469 (LOW)

Summary: This bill was intended to ensure consistent regulation of corporations owned by board-certified reporters and those not owned by board-certified reporters by requiring registration with the Court Reporters Board of all non-CSR-owned entities. The CRB would be required to approve or deny an entity's registration based on specified requirements and findings; would require payment of an annual registration fee and designation of a board-certified reporter-in-charge; would make registration valid for one year; would provide for suspension and revocation of registration under specified circumstances; and would require the CRB to make available online a directory of registered entities.

Support/Opposition: Author sponsored. Supported by CalDRA, CCRA, and the Court Reporters Board. Opposition by two unidentified individuals on file.

Status: Passed by the Assembly. Referred to the Senate Appropriations Committee, where it was held in the suspense file and never returned to the Senate for their vote, so not submitted to the Governor for his signature.

AB 1850 (GONZALEZ)

Summary: This bill would declare it the intent of the legislature to enact legislation to further clarify the application

of the Dynamex case requirements that have been added to Labor Code 2750.3 by AB 5. As expected, the bill was amended to add further exemptions from the language of AB5 for certain trades, photographers and freelance writers being among them.

Support/Opposition: Author sponsored. Support by the CA Labor Federation, AFL-CIO, and five other organizations. Support-if-amended by a coalition of business organizations, including the CA Chamber of Commerce. Opposed by the CA Music Educators Assn. Opposed-unless-amended by CMEA.

Status: Passed by the Assembly. Referred to the Senate Committee on Labor, Public Employment & Retirement. Never heard by this committee, so did not advance.

AB 1925 (OBERNOLTE)

Summary: This bill would expand on existing exemptions from the application of Dynamex and the ABC test to also include small businesses. To be defined as a "small business," it must be independently owned and operated; not dominant in its field of operation; have fewer than 100 employees; and average gross receipts of \$15 million or less over the previous three years.

Support/Opposition: No support or opposition on file.

Status: Referred to the Assembly Committee on Labor & Employment. Never heard by the committee, so did not advance.

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DRA BILL WATCH

CONTINUED FROM PAGE 17

AB 1928 (KILEY AND MENENDEZ; CO-AUTHORED BY FONG, GALLAGHER, JONES & MOORLACH)

Summary: The bill would repeal provisions in Labor Code 2750.3 and instead require determination of independent contractor-versus-employee status to be based on the multifactor test in Borello. It would take effect immediately as an urgency statute.

Support/Opposition: No support or opposition on file.

Status: Referred to the Assembly Committee on Labor & Employment. Never heard by the committee, so did not advance.

AB 2257 (GONZALEZ) (PRINCIPAL COAUTHOR: ASSEMBLY MEMBER CALDERON) (COAUTHOR: ASSEMBLY MEMBER SMITH)

Summary: This bill would delete the exemptions provided in AB 5 for freelance writers, photographers, editors and others and instead redefine exemptions for these professional services if working under contracts including specific provisions. It would also create exemptions for various professions and occupations. As last amended, the bill made it unnecessary for sole proprietors to formally establish themselves as businesses by incorporating or filing for a business license or EIN.

Support/Opposition: Support by the CA Labor Federation, AFL-CIO; CA IATSE Council; Recording Industry Assn of America and four other organizations. Opposed by Greater LA Agency on Deafness; Independent Physical Therapists of CA; National Press Photographers Assn and six other organizations; Opposed-unless-amended by Taxicab Paratransit Assn of CA.

Status: Passed by the Assembly and Senate. Presented to the Governor on 9/1 and signed by the Governor on 9/4.

AB 3136 (VOEPEL) (CO-AUTHORED BY SIX ASSEMBLY MEMBERS AND SENATOR BATES)

Summary: This bill would exempt Certified Shorthand Reporters from the applications of the Dynamex case and the language of AB 5 that has been added to the Labor Code, the Unemployment Insurance Code and the wage orders of the Industrial Welfare Commission.

Support/Opposition: No support or opposition on file.

Status: Referred to the Assembly Committee on Labor & Employment. Never heard in committee, so did not advance.

SB 16 (ROTH) (PRINCIPAL CO-AUTHORS, ASSEMBLY MEMBERS CERVANTES AND OBERNOLTE) (ALSO CO-AUTHORED BY SENATOR STONE AND ASSEMBLY MEMBER MEDINA)

Summary: The bill would appropriate \$36,500,000 from the General Fund for 25 Superior Court judge positions. The Judicial Council would determine which positions to be funded. CalDRA was 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; no opposition on file.

Status: Passed by the Senate Judiciary Committee. Referred to the Senate Appropriations Committee; was held in committee and under submission, so did not advance. Returned to the Secretary of the Senate 2/3/30.

SB 73 (MITCHELL)

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

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Budget and Fiscal Review. Never heard in committee, so did not advance. Returned to the Secretary of the Senate 2/3/20.

SB 875 (GROVE AND JONES; CO-AUTHORED BY BATES, BORGEAS, CHANG, DAHLE, MOORLACH, MORRELL, NIELSEN AND WILK; ASSEMBLY MEMBERS GALLAGHER AND LACKEY)

Summary: This bill would amend Labor Code 2750.3 to exempt from the ABC test interpreters and translators.

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Labor, Public

CONTINUED ON PAGE 19

DRA BILL WATCH

CONTINUED FROM PAGE 18

Employment & Retirement. Never heard in committee, so did not advance.

SB 900 (HILL)

Summary: The bill would exempt specific occupations and business relationships from the application of the ABC test resulting from the Dynamex case and also exempt “professional services” as defined from the application of the ABC test, subject to certain conditions, and it would expand the definition of “professional services” to include Certified Shorthand Reporters, among others.

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Labor, Public Employment & Retirement. Hearing cancelled at the request of the author, so never heard by committee and did not advance.

SB 991 (LENA GONZALEZ)

Summary: This bill essentially re-introduced the language of AB 1385 (Santiago), which did not move forward, a bill to raise the rates for court transcripts. The bill would, as of July 1, 2021, raise the rate to \$1.13 (from \$.85) per folio for an original transcript and \$.26 (from \$.20) per folio for the first copy ordered by the court, a party or person, and to \$.20 (from \$.15) per folio for each additional copy ordered at the same time. It would also extend the 50% expedite charge, currently only allowed for civil transcripts, to all court transcripts.

Additionally, it would require the Judicial Council, by Jan. 1, 2023, to bring recommendations to the legislature for uniform transcription rates within California.

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Judiciary, but referral was rescinded due to the shortened legislative calendar. It was never heard in committee, so did not advance.

SB 997 (BORGEAS)

Summary: This bill would delete language in the Labor Code that states the addition of the ABC Test (of the Dynamex case) does not constitute a change in existing law. It would also revise the Labor Code language to say that these provisions would only apply to work performed on or after the date the Dynamex decision was adopted, May 1, 2018.

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Rules. Never heard in committee, so did not advance.

SB 1106 (LENA GONZALEZ)

Summary: This bill would require that the Court Reporters Board, by Jan. 1, 2022, establish standards for the certification of CART operators and would authorize the CRB to do so by approving a state or national association to certify CART operators. It would also set other requirements regarding the provision of CART services in court proceedings.

Support/Opposition: No support or opposition on file.

Status: Referred to the Senate Committee on Judiciary and the Committee on Business, Professions & Economic Development. Hearing by the Judiciary Committee was postponed, and hearing by the Committee on Business, Professions & Economic Development was rescinded due to the shortened legislative calendar. So the bill was never heard and did not advance.

SB 1146 (UMBERG)

Summary: The bill originally codified the SoCal Stip and would amend CCP 2025.550 to include language that would allow attorneys to stipulate to a number of modifications in post-depo procedures that would relieve the noticing attorney and the reporter of their duties regarding witness review, correction, approval and custody of the original transcript. The attorney designated to maintain custody of the original transcript and exhibits would make them available to all parties upon request.

Lobbying efforts by CalDRA persuaded the bill’s sponsors to amend the bill, and it now instead makes permanent two of the emergency measures adopted by the Judicial Council to ensure civil litigation can continue despite the Covid-19 pandemic and allow for depositions to be taken remotely and without the depo officer being present with the deponent, including when the deponent is being sworn in. Parties and attorneys may be present with the deponent but are not required to be. It also allows for the electronic service and filing of documents.

Support/Opposition: Supported by the CA Defense Council, the Consumer Attorneys of CA, CalDRA, and the Judicial Council. Opposed by CCRA.

Status: Passed by the Senate and Assembly. Presented to the Governor on 9/10; signed by the Governor on 9/18.

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