

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

FALL 2013

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TRADE ASSOCIATION
DEDICATED TO THE
FREELANCE DEPOSITION
REPORTER



PRESIDENT'S MESSAGE

VICKI SABER, CSR, RPR, CRR, CCRR, CLR,
DRA PRESIDENT

"It's a minefield out there." One of my favorite quotes a good friend always uses. Of course he uses a common expletive in describing what kind of minefield. But I digress. Yes, it's true; it seems every time we turn around in this still great profession, we have to navigate around some obstacle rearing its ugly head, whether it be court layoffs, fighting to keep rates respectable, or simply finding enough work to keep all freelancers busy.

That being said, California CSRs still enjoy one of the highest-paid professions not requiring a standard four-year degree. It is still a desirable profession even if it is not quite the same as it once was. We at DRA hear lots of grumbings from CSRs asking what are we doing to return court reporting to its glory days. Having dedicated the past five years to being on DRA's board, as well as 16 years of personal membership, I can confidently say DRA has taken each and every aspect that negatively affects the profession and vigorously fought, through hours, money, and effort, to improve and/or stave off matters affecting all of us.

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THAT NIGHT

KRISTI JOHNSON, CSR,
CLR, CCRR, DRA DIRECTOR
DISTRICT 5

April 23, 1997, I headed out for the evening with a good friend of mine. Toward the end of the evening, after my friend had had a few cocktails, she got in a fight with her boyfriend and insisted on driving home as she needed to see him to work things out.

I was sober and thought I should drive and I pleaded with her to give me the keys. She refused. During that evening, I had run into a friend of mine who just so happened to be an off-duty police officer out with a few of his buddies.

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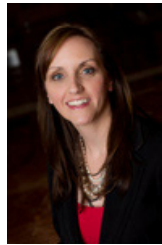
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PRESIDENT'S MESSAGE

CONTINUED FROM PAGE 1

Yes, we've won some battles, and we've not been as successful as we'd like in others, but all along I assure you every action has been thoroughly vetted and taken for the betterment of our entire community.

And isn't that what being a part of a community is? Each one doing their part for the greater good and not just for individual gain? I've expressed in prior writings the importance of membership, and I'm extremely proud and appreciative of our members that understand that a few can't make a difference for the many and continually urge their colleagues to join them in supporting DRA.

The same goes for involvement. I know there are many of you with fabulous ideas and suggestions on how we can make the present and future state of reporting flourish. So speak up – don't sit out! Think about taking a seat at the DRA table on a regular basis as a board member or be a committee member on a topic in which you know you have valuable input to contribute. We may not know who you are, but you know who you are, and we want to find you! Our door is always open and our phone is always on. We would love to hear from you!

And while I'm enjoying favorite quotes today, remember what JFK said: "Ask not what your country can do for you, ask what you can do for your country." So while you are concerned with not having enough work or being paid a rate you find acceptable, think of your court reporting community as your country. Look yourself in the mirror and ask what you can do to achieve our desired goals.

Balancing work, family and personal obligations is a juggling act. This may not be the best time to take on another commitment for some, but for others

SMILES FOR DRA



What a fabulous day in beautiful Napa. And I'm not talking wine tasting and gourmet restaurants. I'm talking about getting the latest scoop on things happening in our profession and an A to Z plan of what to do and how to do it to get yourself up to speed. That's exactly what Anne and Lisa provided in a very clear, organized, no-nonsense way. I love the fact we had both sides covered from the reporter's and the firm owner's perspective. I took home so many helpful tips and feel inspired to implement as many of them as possible. It was very helpful for me to hear the practice of another firm owner regarding copy billing and getting paid. You covered everything. I learned so much! Thank you for a great job Anne and Lisa! All the meticulous work you put into this showed and definitely paid off to those in attendance. – Carol Birkenfeld

Loved the seminar. I learned something at every module. Liked the casual setup of the podium with the couches. Hope it was wildly profitable. – Karen Hensche

I am so grateful for DRA and its hardworking, dedicated officers and directors. I have been a member since Day One, am at the twilight of my reporting career (CSR #1218), but still greatly impressed by what DRA has done throughout the years to support the hard-working deposition reporters throughout the state. And these efforts have benefitted court reporters generally, including the officials and throughout the nation. Thank you ALL. – Janet Nogara

I just read both of the letters that I received in your recent DRA email. Thank you for getting those prepared and sent. They are well written and researched. Whatever lawyer you used, good job in helping you. I know a lot of the information had to come from you and others at the DRA. Thanks for being the president and working so hard. – Althea Miller

it may be the perfect time. And the "perfect time" may be different for each of us. Maybe you are early in your career and excited to learn and become involved. Maybe you are later in your career and want to experience more in addition to reporting before that final retirement. Whatever your motivation, DRA is always looking for passionate and dedicated volunteers, so please consider taking the next step in your profession. There's room for those that love working with students, those that love working the technology side of running an association, those that love the idea of working on conventions and seminars. There's truly something for everyone's gifts.

And if by chance now is not the right time for you to become more actively involved, keep the seed planted. You never know in which given season it will grow. And in the meantime, continue attending our seminars and conventions. The seminar recently held

in Napa was a huge success, and the fun and casual format of a television talk show was a big hit. Our convention in February 2014 at the beautiful Palm Springs Westin Resort & Spa is sure to be more of the same.

So while you carefully navigate your personal minefield I hope it one day brings you to the DRA table. I promise you, you will be safe, respected and well taken care of upon your arrival!



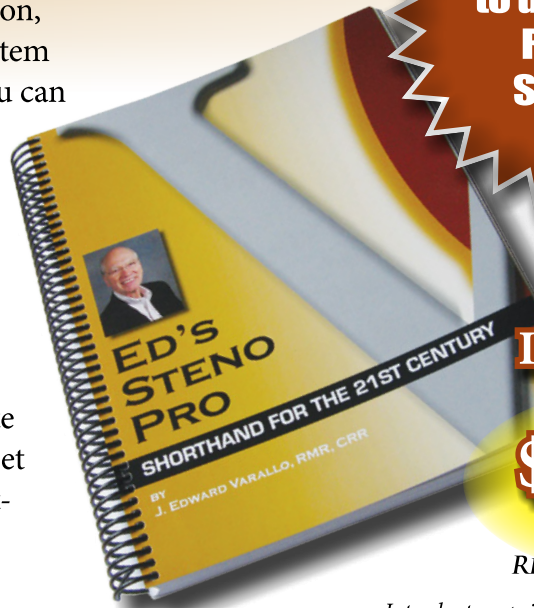
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AskDRA

DEAR DRA:

I've been told for 25 years that the exhibits at a deposition are to be taken into the reporter's custody, but I have not been able to find any statutory or court rule authority for this. Can you please tell me by what authority we take possession of the exhibits? I live in fear of the day I am challenged on that assertion because I have nothing to back me up except tradition. I also have heard that reporters are required to place their initials on exhibit markings, but I do not know where to find authority for that either. Thanks so much for any light you can shed on this subject. It is too important a responsibility to carry out in ignorance.

PS: I'm camera-shy or I would have submitted an AskDRA video. Maybe someone else can read my question. :)

DEAR REPORTER:

I have to tell you that I can't shed any light on this issue. There is really nothing in the Code of Civil Procedure (CCP) where deposition procedure is covered that deals with exhibits, how they're to be marked, maintained or anything else in the way of instructions for the depo officer, so there's nothing I

can point out for you as clear authority on this subject. But because exhibits are a critical part of the deposition record, it is necessary for the reporter to keep the original exhibits, unless otherwise agreed by counsel that they not be kept or attached to the original transcript.

So while given no specific instructions in this regard, depo reporters

have always been responsible for maintaining any exhibits marked, much like clerks in the courtroom do.

As for whether we use stickers or stamps or just write the assigned exhibit ID directly on the exhibit, that's just a matter of preference of the reporter.

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Beverly Hedberg



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How do you find reporters to join?

- Go through your Facebook friends. How many of your reporter friends are not members?
- Ever meet other reporters on the job? Ask them if they belong to DRA.
- Think of all the reporters you know. Do you know three who aren't DRA members?

3 = FREE



TEXT IN THE CITY

LEARNING HOW TO DATE BY REPORTING A DEPOSITION

VANESSA CAPARAS, CSR, RPR, DRA DISTRICT 7 REP

I used to say that this career is the reason I'm not married and have kids. It was a great excuse to not commit and even better, to continue to date men that would never commit.

Then last month, I turned 40. There was a countdown that started for me six months prior, and a lot of resistance. Wait!! I'm not ready for 40! Quick... I only have six months to find the man of my dreams, get married, have a baby, get caught up on my taxes and lose 20 lbs. "Oh, 40, how did you get here so quickly?" I guess this means it's time to settle down. Settle down? Sounds boring. 40 sounds boring. 40 sounds old.

"Oh, 40 is the best! You have more clarity. You know what you want and don't put up with crap. You just have more life experience. And it just gets better," say my fabulous 40-something-year-old girlfriends.

Oh, what do they know? They're married with children, running marathons, doing yoga and Pilates religiously, winning bikini contests, cooking amazing vegan dishes, hosting Martha Stewart-like cocktail parties with more energy than they had when they were in their 20s.

Yeah, what do they know. Me? I know the best happy hours downtown. I've perfected the Bloody Mary. I have the best hook-ups for sushi in San Diego. And I can attract that type of man where things will never go anywhere. That's what I know.

What I don't know is how to find men that want the same things as I do. How do I start? Where do I go?

By the way, this is all going through my head as I'm setting up for Wednesday's deposition. Reflecting on the afternoon before, I'm annoyed that I'm settling for men that are taking me out for Taco Tuesday as a first date. Carne asada or pollo? Wow. These are my choices. I believe I deserve better than this. Adios.



It's 9:00 a.m. and the admonitions begin. The witness is actually a good-looking guy and dressed nicely. "State and spell your name for the record. Do you understand you're under oath? Will you answer my questions truthfully? Do you know the difference between a guess and an estimate? Tell me about your educational background. How old are you? Are you married? Have you ever been married? Do you have any children? Where do you live? Do you live with anyone? Are you employed? What's your occupation? How long have you been employed there? Tell me about your work history. Have you ever been convicted of a felony? Is that your signature?"

These are great questions! These are what I need to be asking. Not, "What does your shirt say," or "Who do you think is going to win Sunday?" Okay, I can see that I might scare a man off by asking him to raise his right hand and swear under oath on a first date. But most of Plaintiff's counsel's other questions are keepers.

So, wish me luck dating with my new outlook. Stay tuned as I go after what I want and stop wasting my time on younger men and guys that can't offer me what I want.

To be continued ...

POP QUIZ

LINDA NELSON

CSR, CLR, DRA DISTRICT 6 REPRESENTATIVE

WHAT'S YOUR FAVORITE WORD?

Wow!

WHAT'S YOUR LEAST FAVORITE WORD?

Twerking

WHAT IS YOUR FAVORITE CUSS WORD (IN STENO)?

T/BFPLT/WORD

IF YOU WEREN'T A COURT REPORTER,
WHAT WOULD YOU BE?

Justin Timberlake's wife... oh, wait, I'm already married
and so is he! Then probably a veterinarian.

BEER OR WINE?

Hmmm... can I have both?



IF THEY MADE A MOVIE ABOUT YOUR LIFE,
WHAT ACTOR/ACTRESS WOULD PLAY YOU AND WHY?

Jennifer Aniston. Just because...

WHAT'S YOUR STARBUCK'S ORDER?

When I'm feeling reserved, it's a skinny vanilla latte. But
when I feel like getting extra crazy, I order a venti mocha
with whip!

WHAT SECRET TALENT DO YOU HAVE
THAT YOU'RE WILLING TO SHARE?

I'm not telling and you can't make me!

THAT NIGHT

CONTINUED FROM PAGE 1

He walked me to the car and tried to help me reason with my friend to let me drive her home. After 20 minutes or so, he suggested we let her go – she only lived a few blocks from there.

We'd follow her and do our best to keep her (and anyone else on the road) safe. I agreed and got into his truck and they drove me back to her house.

We pulled in the driveway. I said my good-byes. As I turned to open the door, I heard the pop of the gun. I felt an immediate burning, I couldn't breathe, and what I can only describe as a sensation of almost floating. I knew immediately I was shot. Once I caught my breath, the first thing I thought was, I can't die tonight.

Believe it or not, I was calm. I was trying not to panic. I turned to the driver of the truck and said, "I've been shot. I need you to call 911."

He gave me this look, said, "No, that can't be it," and proceeded to talk to my friend out his driver's side window. I repeated myself a few more times and no one reacted; they just kept talking. I finally leaned forward and said it one more time. At this point, my friend looked over, saw the blood, and realized I wasn't kidding. His training kicked in and he started asking me one-word-answer type questions, like "What's your name?" "What day is it?" He kept me from going into shock.

Next thing I remember, I heard the sirens. Police surrounded the truck with guns drawn yelling at us to get out of the car. Two officers approached the driver's side and threw the door open while yelling, "Get out of the car."

My friend turned to them and said, "I'm a police officer, badge and gun are on the floor, and I'm not leaving her until the paramedics are here. Arrest me when it's over." The look of horror on all of their faces when they realized they knew us I will never forget.

I was taken to the hospital, rushed into surgery, and spent the next two weeks in ICU. It's all a huge blur to me. The 40-caliber bullet went straight through my spine. I have never been able to walk again since that night.

The next two months were spent in a hospital and rehab facility, and I spent the next year trying to wrap my head around that night. I probably either cried or screamed from frustration every single day that year.

If I would have curled up in a ball and stayed there, no one at that point would have blamed me. That first year I went through the lowest point in my entire life. I spent it fighting with the doctors, insurance companies, getting physical therapy, all while trying to deal with all of the emotions and anger I was feeling. When I got to the point where I could get through a day with only needing one nap and not six, I started trying to figure out what it was I was going to do with my life.

CONTINUED ON NEXT PAGE

THAT NIGHT

CONTINUED FROM PAGE 8

I knew I'd be limited not being able to stand or walk, but I knew I needed to find something. If you think the hardest part of learning you are paralyzed would be the idea of never walking again, you would be wrong. The hardest part to handle out of everything was how this was going to affect my son. You see, when this happened, I was a single mother of a four-year-old boy. My son's biological father left and had nothing to do with him.

For those of you that have children, family you would do anything for, you know what I'm talking about: You can do anything to me, but don't you dare hurt my child. I could see how this was affecting him, how he was hurting, how he was going without things a mother should be able to give her child. I couldn't teach him to ride his bike without training wheels, catch him when he jumped into the pool, or how to kick a soccer ball, and that was just eating me up inside.

Within a few months of my shooting, I took that anger I had and let it fuel this fire starting inside of me. I HAVE to be a mother. Walking or not, I don't have a choice. I have to fight for my son.



Every day I'd cry and scream from the depression, the frustration, the anger, and this little face would walk over to me. He'd rub my back. He'd kiss my cheek. He'd throw his arms around my neck and I'd hear his voice say, "It's okay, Mommy. I'll fix it." He deserves the world. No one else but me is going to give it to him. I have to fight.

One year and nine months after I was shot, my deposition was taken. I rolled into the room, saw that court reporter, and it's like this light bulb went off. I already sit all day, my hands, brain, eyes, etc., they all still work. It hit me like a ton of bricks; this is what I can do. Funny thing was, a few years before I was paralyzed, I had made an attempt at court reporting school and quit six, eight months into it. It was too hard. I didn't have the time. I had every excuse in the book why it just wasn't going to work back then. Now, here I have ten more excuses and I think I can make it work now? Hell, yeah, I can.

I left that depo, went straight home and looked up that school I had gone to and made my appointment to meet with them. Almost two years to the day of when I was shot, I started theory a second time. I fought through the back pain, the nerve pain (neuropathy), the insomnia, other medical issues that would pop up, I had doctors' appointments, physical therapy four days a week, childcare issues, and money issues as I was dead broke. Trust me, it was the hardest thing I've ever done, but nothing was going to get in my way this time around. To top it off, when I finally qualified, to add to everything else, I was in a really bad car accident and ended up with the worst whiplash I've ever had that gave me horrible headaches/migraines almost daily for the weeks I was taking my CSR prep classes.

I took all my problems, all my pain, and instead of using them as an excuse as to why I can't do something, I used it

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to drive me, to motivate me. If I ever want things to be easier, I have to fight through this, face my struggles head on, and never let them get the best of me. Needless to say, that drive paid off and I passed my CSR test the first time through.

I remember my first paycheck. I took this son of mine that saved my life, that gave me my fire, and we went to Target (ha-ha , yes, Target). For the first time in his life, he could have anything he wanted. We bought video games – plural – and not the used ones. He got to have something new all his own. He got toys galore. It felt so good to be able to give him all those things I couldn't afford to get him before. We hit the mall and bought new clothes, and not the stuff on the clearance racks where we'd always shopped before. He got to pick out the stuff he liked. All I can say is it was the best feeling in the world to finally be able to give him those things I never could afford before.

I tell you my story not to get sympathy, but so you will know we all have our struggles getting through school. You never know what that student sitting next to you is dealing with once they leave that front door, so don't judge anyone. Keep your focus on you. You have to fight through those hard times, use them to motivate you, stick to it, and you will succeed. I promise, one day it will pay off!

SOCIAL MEDIA AND THE CSR

Recently, DRA sent out a survey to firm owners around the country asking for their views on social media websites, reporter posts and how it affects the agency's business decisions. When the responses came back, these firm owners all were 100% in agreement. We discussed these thoughts with our attendees at DRA's "Business of Reporting Seminar" in Napa last month, but we also wanted to share these important quotes with our newsletter readers, too. Go ahead. Take a look and get a glimpse inside the head an agency owner. You'll also find a few quick bullet points to drive home the importance of how your online personality can affect your pocketbook and your reputation.

LISA MICHAELS, CSR, RPR, CCRR, CLR
President, Chase Litigation Services

Like it or not, reporters have a responsibility to think twice, three times about what the public sees online about our lives and hear coming from our "mouths." Our pictures can be playful, but should not be sensual or vulgar. Our posts can be honest, but not professionally inappropriate nor using words that we wouldn't say to our own mother. This also applies to any pictures we are tagged in or posts we are mentioned in. Just because it is on a "friend's" page, doesn't mean it won't show up in the newsfeed of someone you'd least expect. Firm owners from all around the country may see them, too. Competition for work is at the highest level I have seen in my 30-year career. I can guarantee you this is the easiest way to be replaced on our calendar.

JAN BALLMAN, RPR, CMRS
President & CEO, Paradigm Reporting & Captioning

I would be extremely troubled if a court reporter representing my firm at a deposition posted or tweeted anything at all, quite frankly, about that assignment. However, if that comment was the least bit inappropriate, that would be their last assignment for my firm.

PAMELA COTTEN, CSR, RDR, CLR
Tornell & Cotten Professional Court Reporters

I am writing this after once again seeing a FB post about an A**hole attorney, among other things. I understand our jobs are frustrating, but I urge all reporters and office staff to be mindful of what they are posting to social media. I have seen attorneys called names, very descriptive comments about attorneys' conduct, slams on reporting agencies, what a reporter won't do and how they would tell someone to.....well, we all know what comes next. To me, in these cases the reporters posting these types of comments are acting more unprofessional than the attorneys/agencies they complain about. Are we all unaware of how public these social media sites are??

I have clients or employees of clients that are my "friends" on personal Facebook and/or office page or LinkedIn, etc. Most of us are using electronic and social media to network and build business. Many of us belong to research or networking-type sites as well. When we post on social media, complain about business, etc., are we all so naive to think that this is not possibly available to our industry as a whole? I can say that as an agency owner and a working reporter of over 28 years,



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the reporters who make those kind of posts are NOT getting calls from my agency. Are you not getting as much work as you'd like?? Hmm. This is a service business, and attitude is everything. A reporter making snide, unprofessional remarks in social media is not someone I want representing my agency.

This is a stressful and often frustrating business. No argument there. It is also one of the few professions where we seem to constantly have to justify our existence and the importance of our place in the legal process. We want to be treated - and paid - as professionals, but first we must act as professionals on AND off the job. When we feel that need to vent - and we all do - perhaps the best avenue to vent is in person, on phone, or a private email if it must be done electronically. This is not a matter of free speech; it is a matter of good judgment. We all know now more than ever that "Big Brother" is watching. Hopefully we will keep that in mind and leave the unprofessional comments off the social media.

ASHLEY WALTON
Managing Partner, Aptus Court Reporting

I am in shock at how much people willingly put on the web regarding their personal lives and opinions. In the reverse, it is also quite scary actually how much people can find out about us. A good rule of thumb that I have heard in the past is: If you wouldn't want your grandmother to see it - don't post it.

CONTINUED ON PAGE 13

DRA MEMBERS RECEIVE NCRA FELLOWSHIPS AND WIN CONTESTS: A PERFECT TEST!



It is DRA's honor to share the newest accolades for some of our DRA members! This past August at their Nashville Annual Convention, the National Court Reporters Association awarded fellowships in the Academy of Professional Reporters to DRA Past President Holly Moose, CSR, RPR, RMR, RDR, CRR, CCRR, CLR, and to DRA member Laura Brewer, CSR, RPR, RMR, RDR, CCP, CBC, CRR, CCRR, along with nine other NCRA members.

Fellowship in the Academy of Professional Reporters is a professional distinction conferred upon a person of outstanding and extraordinary qualifications and experience in the field of shorthand reporting.

Candidates for Fellow are nominated by their peers and are required to have been in the active practice of reporting for at least ten years and to have attained distinction as measured by performance (which includes publication of important papers, creative contributions, service on committees or boards, teaching, and so on).

Also in Nashville, many reporters tested their skills by competing in the NCRA annual realtime competition. The competition consisted of two five-minute dictations: straight matter at 200 wpm and two-voice at 225 wpm. Contestants qualified in each take with an accuracy rate of 95% or better. DRA Member Jo Ann Bryce of Castro Valley, California won the Realtime Competition with her combined scores; Laura P. Brewer of Los Altos, California earned third place overall, submitting a perfect paper in the 200 wpm straight matter, the first perfect paper they've ever had.

Congratulations to these DRA members who strive to be the best they can be and who represent the profession so well. DRA is proud of you.

Laura P. Brewer, RDR, CRR, CBC, CCP, FAPR, is a CART provider in Los Altos, Calif. She has been in the reporting field for about 30 years. She has served extensively as a Chief Examiner and Test Advisory Committee member for both NCRA and the Court Reporters Board of California. She is a past president of the Bay Area General Reporters Association and has also served as the legislative representative for that group. She has written and spoken extensively on CART, realtime reporting, and other topics and has spent time visiting court reporting schools to encourage and educate students.

Holly Moose, RDR, CRR, FAPR, is a firm owner from Sausalito, Calif. She has nearly 30 years of experience in the court reporting profession. She is a past president of the Deposition Reporters Association of California and has held every position within that organization. She has also served on NCRA's COPE Committee and has acted as COPE's liaison to the Task Force on Contracting. She has published numerous articles for both the JCR and the DRA's newsletter.

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18th Annual Convention



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The Deposition Reporters Association of California invites you to the 18th Annual Convention, to be held on **FEBRUARY 21-23, 2014** at the Westin Mission Hills Resort in **PALM SPRINGS**, California. Join industry experts for an exciting weekend of up to **1.85 CEUS**, **15 PROFESSIONAL SEMINARS**, plus **CAT TRAINING**, **6 FIRM OWNER SEMINARS**, **4 STUDENT SEMINARS** and **2 MOCK CSRS**. Enjoy **3 DAYS** of training, socializing, and fun! But you'll have to hurry... **MORE INFO COMING SOON**

California Realtime Competition

February 21, 2014

The Deposition Reporters Association of California (DRA) is excited to announce the launch of the California Realtime Competition. Written and dictated by the same experts responsible for overseeing the realtime contests administered by NCRA and Intersteno, the competition will take place on Friday, February 21, 2014, at DRA's 18th Annual Convention in Palm Springs, California. Consisting of one five-minute legal opinion at 210 wpm and one five-minute two-voice at 230 wpm, and requiring 95% accuracy to qualify, this prestigious competition will test the realtime skills of the best writers in California and across the country.

For more information on full competition rules and to register, click [here](#) or go to www.caldra.org/california-realtime-contest.



Be sure to join us in February at the [Westin Mission Hills Resort](#) in Palm Springs when we congratulate our first California Realtime Competition champion. More convention details coming soon!

SOCIAL MEDIA

CONTINUED FROM PAGE 10

Chances are, your boss and others wouldn't want to see inappropriate behavior or political rants online either. Like email, communication on social media sites can be read very differently from individual perspectives. So, before responding, posting or tweeting, think about what you are saying first and save yourself a lot of heartache.

CHRISTINE RANDALL, CSR, RPR

President/Owner, Wood & Randall

I continue to be amazed and disappointed that court reporters post inappropriate comments on Facebook, LinkedIn, and Twitter. What I mean by "inappropriate" is ANY comment that is specific about a witness, reporting firm, attorney, or party. Although I enjoy a picture of a great pair of shoes or a new machine that headed out to a deposition, or even what you are having for lunch, I think anything beyond general comments are just inappropriate. I understand the need to vent or commiserate with fellow reporters, but as officers of the court, we have a duty to remain professional when it comes to our reporting assignments. As a matter of fact, several years back Wood & Randall implemented a zero tolerance policy

on this very matter. My advice when typing your next post: If you don't want to see it on a billboard, don't post it!

KATHY DILORENZO, RDR, CRR, CBC, FAPR (RETIRED)

Director of U.S. Reporting, Planet Depos

As LinkedIn has all but replaced a written resume, it is now common practice to view a court reporter's background and experience through this and other social media channels. As the Director of U.S. Reporting for Planet Depos, it is through social media and online directories that I gain initial insight into a reporter's scope of professionalism before giving approval to hire. Following is the order of my review:

1. Verification of Certifications (yes, unfortunately, we've had reporters misrepresent their certifications, e.g., NCRA designations that they no longer hold due to a lapse in membership, state certifications for states which do not have certification in place, etc.)
2. LinkedIn profile for review of certifications, licenses, notaries, specialties, software and hardware, recommendations, honors and awards, memberships, etc.
3. A check of Facebook for types of postings and photos
4. Review of listserv & group postings

Numbers 3 and 4 were added within the past year as I personally became increasingly concerned about the types of updates posted by court reporters within my network and circle of "friends." Court reporters are a close-knit community – and a small one at that – so many of us have several hundred court reporting colleagues among our online friends and connections.

Whether mentally or on paper, a list is made of those reporters, regardless of skills, background, expertise, certifications, etc., that are not to be called to cover our work. Here are a few reasons noted:

- Public posts to Facebook making reference to any aspect of a professional assignment – good, bad or otherwise. I'm sure we've all seen the posts from court reporters making fun of jurors and judges, calling out a lawyer, commenting on a witness, complaining about the day's events, reference to earnings on the job, etc.
- Posts to listservs and groups criticizing firms, firm owners, or other court reporters
- Posts that include vulgar language or terms that are considered offensive to others (includes terms spelled out in steno)
- Pictures that call into question the professionalism of the court reporter

Court reporters must be mindful of their online presence. Once a comment or photo is shared online, there's no telling where it will travel. Use good judgment, knowing that those individuals and firms who have the choice to hire you will assume that you use the same type of judgment on the job.

REMEMBER:

- **Assume nothing on Facebook is secret or private.**
- **Consider your audience before you fly your freak flag.**
- **Never post derogatory comments or identifying information about attorneys, witnesses, law firms or CR firms.**
- **Never post anything you would be embarrassed that an attorney or witness saw.**
- **Ask yourself: How will I be viewed professionally because of this post?**



Like you, I was told either in reporting school or when first starting out – it's been way too many years now to remember clearly – that we needed to put the letter or number designation along with the depo date, perhaps also the last name of the witness, and our initials on each exhibit. But as you've already guessed, that appears to be a matter of tradition or habit that we do so rather than based on any CCP instruction.

I'm speculating here, but perhaps because courtroom clerks generally mark exhibits in that fashion, that practice carried over to the depo world. That would make sense, since prior to the Discovery Act being passed – which is the part of the CCP that sets out depo procedure – there was very little deposition work being done, and most of the early depo reporters came out of the court environment, so they probably brought with them practices that they'd seen used in court. I've just done a quick review of the Government Code to look for any instructions contained there regarding how the court clerk is required to mark

exhibits and could find nothing, but I'll explore that further and let you know if I discover anything.

I wish I could provide you something more concrete beyond my speculation above, but I can find no directions in law to guide us. Fortunately, depo reporters, like yourself, take the responsibility of marking and maintaining exhibits very seriously, even though the CCP doesn't specifically instruct us how to do so. Without any specific authority to rely on, I suppose we should keep doing what we're doing, and it does seem to work well, so we at least have that to point to as good rationale for continuing with these procedures.

And no need to be camera shy in the future, though we all are. Just hold your phone in front of you the next time you have a question for DRA and hit the video button. We'd love seeing and hearing you AskDRA next time.

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

The recent DRA proposed changes to the Professional Standards of Practice, Title 16, Division 24, Article 8, section 2475 have been approved and will take effect January 1, 2014. The main changes to the regulation are a clarification that the \$100 limit pertaining to gift giving or receipt applies to an entity/law firm in addition to every individual within an entity/lawfirm and that non-licensee owned businesses that render court reporting services are covered.

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BILL WATCH

ANTONIA PULONE, LEGISLATIVE COMMITTEE CHAIR • Since our California legislature has just come to the end of the first year of a two-year legislative session, with some bills being signed and some vetoed by Governor Brown, it seemed timely to provide you with an update on the progress, or lack thereof, of the bills that DRA's legislative advocate, Ed Howard, and our Legislative Committee have been watching with particular interest this year. In this report we'll just focus on the language in these bills that have a very direct effect on court reporters, both in the deposition field and in the courtroom. Unless otherwise noted, all bills listed here as signed by the Governor will become effective on January 1, 2014.

SENATE BILL 75

Sponsor: Senate Budget and Fiscal Review Committee

Status: Signed by the Governor on 6/27/13.

Summary: Requires that for every court proceeding lasting less than an hour, a fee of \$30 be charged by courts for the services of an official court reporter, and the proceeds of these fees will be distributed to the court in which they are collected. Also, this bill will increase the fee charged to a plaintiff in a small-claims case from \$10 to \$15 for every defendant to whom the small-claims clerk must mail a copy of the claim filed. We'll note that Assembly Bill 80, a sister bill that would make the same changes, was ordered to the inactive file and so has become a two-year bill.

SENATE BILL 823

Sponsor: Senate Committee on Business, Professions and Economic Development

Status: Signed by the Governor on 10/01/13.

Summary: Extends the authorization for the Transcript Reimbursement Fund (TRF), operated by the Court Reporters Board within the Department of Consumer Affairs, until January 1, 2017.

ASSEMBLY BILL 251 (WAGNER)

Sponsor: Conference of CA Bar Associations

Status: Failed passage by committee. Now a two-year bill.

Summary: Would allow courts to use ER equipment in family-law cases if an official reporter or official reporter pro tempore is unavailable.

ASSEMBLY BILL 365 (MULLIN)

Sponsor: DRA

Status: Heard and passed by the Assembly Judiciary Committee on 4/09/13. Ordered to the inactive file at the request of the author. Now a two-year bill.

Summary: Would reinforce that the rule of CCP Section 273 would apply in every circumstance, namely that only transcripts prepared by official court reporters and official reporters pro tempore can be considered as prima facie evidence of the testimony and proceedings.

ASSEMBLY BILL 566 (WIECKOWSKI & CO-AUTHORS)

Sponsors: SEIU and AFSCME

Status: Vetoed by the Governor on 10/13/13

Summary: Would have established specified standards if a trial court intends to enter into any new contract, or renew or extend an existing contract, for any services currently or customarily performed by trial court employees or that were performed by trial court employees at the time the contract was originally entered into, renewed or extended.

ASSEMBLY BILL 648 (JONES-SAWYER)

Sponsor: Judicial Council of CA

Status: Signed by the Governor on 10/01/13.

Summary: Establishes that a \$30 user fee be charged by courts to a party, or parties if filing jointly, for any civil proceeding anticipated to last one hour or less. If no such fee is deposited and a court reporter is later requested, this user fee is to be charged if a reporter is provided by the court. Also, the fees collected are to be deposited into the Trial Court Trust Fund

and distributed back to the court where the fees were collected.

ASSEMBLY BILL 655 (QUIRK-SILVA)

Sponsor: CCRA

Status: Passed by the Assembly; now in the Senate. Now a two-year bill.

Summary: Would authorize, but not require, each trial court to establish a Reporters' Salary Fund, as currently exists in L.A. County, from which the salaries and benefits of official reporters would be paid.

ASSEMBLY BILL 679 (FOX)

Sponsor: CCRA

Status: In the Assembly; no hearing date set yet. Now a two-year bill.

Summary: Would require that the Judicial Council adopt rules that any party arranging for an official reporter pro tempore must notify all other parties of that fact and that attempts be made to share the costs of the reporter.

ASSEMBLY BILL 788 (WAGNER)

Sponsor: Conference of CA Bar Associations

Status: Passed by the Assembly; in the Senate. Assemblymember Wagner has agreed not to pursue the bill.

Summary: Would amend Government Code Section 69954 to allow for copies of non-computer-readable court transcripts, once purchased from the reporter, to be reproduced for internal use or in response to a request for discovery, court order, rule, statute or subpoena, without paying a further fee to the reporter.

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