

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

HOLIDAYS 2014

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REPORTER



PRESIDENT'S MESSAGE

KRISTI JOHNSON, CSR, CCRR, CLR,
DRA PRESIDENT

I'm excited to announce that DRA Board of Directors has approved an aggressive advocacy agenda for next year focused on advancing the unique needs of you, the freelance reporter. During this past year, DRA had "There Oughta be a Law" seminar at both the spring and fall seminars where our lobbyist, Ed Howard, legislative committee chair, Toni Pulone, and me, your current president, wanted to hear directly from our members what they want us to pursue on their behalf.

You spoke. We listened! And the Freelancer Advocacy Agenda for 2015-2016 is the result. (See page 4.)

While attending NCRA's annual convention and speaking with other state associations, I sometimes hear, "Why do you need a freelancer-specific state association?" It's a fair question to ask.

One way to think about it is to take a look at the profession we work most closely with: attorneys. They all go to law school. They all have to pass the same bar examination. There is only one license. They are all in the same profession.

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CONTINUED ON PAGE 3

DRA DOES DISNEYLAND!

Disneyland lived up to its reputation as the Happiest Place on Earth this past September 27th as freelancers from all over California gathered at the Disneyland Hotel to attend DRA's sold-out Fall Seminar in Anaheim.

"A lot of work and planning goes in to putting these events on, and it's really exciting when you see it all come together and know the members are walking away feeling their time and money was well spent," remarked DRA Board of Director and Fall Seminar Chair Linda Nelson.

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CONTINUED ON PAGE 6

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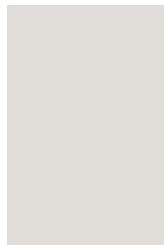
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OPEN

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DISTRICT 6



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Counties Represented:
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Tulare and Ventura. (All
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DRA_TWEETS



CALDRA

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PRESIDENT'S MESSAGE: ADVOCACY AGENDA

CONTINUED FROM PAGE 1

Once they are out in the field, they find their niche, so to speak, whether they become a plaintiff's attorney, a defense attorney, an applicant's attorney, a judge; whether they specialize in business law, employment, or personal injury. The issues those specialties face are all different. I ran a simple Google search for California attorney associations and came up with pages upon pages: CELA for the employment lawyers; CAAA for applicant attorneys; CAOC for consumer attorneys; AILA for immigration attorneys; CDAA for district attorneys; CJA for judges; CAA for arbitrators. The list goes on and on and on.

Why do lawyers feel they need so many different associations, each with their own staff, each with their own membership, each with their own lobbyists and advocates? Because while all lawyers hold one license, laws don't have an impact on all lawyers the same way. A law governing immigration will likely have no impact on a tax attorney. A law limiting what a plaintiff can recover from a doctor will not have an impact on attorneys who practice criminal law. And so on and so on. If there was just one association of lawyers, the particular legislative needs of the applicant attorneys would have to compete for priority, resources, and attention with the agendas of the trial lawyers and the defense lawyers.

No organization can have more than one top priority bill at any one time.

Enter your DRA, the largest organization in the nation focusing exclusively on the unique needs of freelance court reporters. Like lawyers, court reporters go through the same schools, sit for the same exam, hold the same license. But, like lawyers, once we decide that we want to work in the freelance arena, it makes sense to have an association to prioritize those laws and those issues that uniquely have an impact on the freelance branch of the profession.

Take, for example, CCP 2025. If you're a salaried official working in a courtroom, you don't need to focus very much attention or priority on what it means to handle a deposition transcript per Code, how long you have to hold your notes if the deposition transcript is transcribed or not, nor the MFTS when the deposition is videotaped and timestamps are needed. Yet, this statute is of massive, over-arching importance to the life and profession of a freelancer.

Look at DRA's successful advocacy leadership for freelancers such as you, and you will see the wisdom of having an association that wakes up every day and thinks, How can DRA advance the needs of freelancers? Here are just a few examples: DRA's law making it easier to serve small claims papers on deadbeat lawyers who don't pay our bills; DRA's law that puts lawyers who order depo services on the hook for paying for them; DRA convincing the State Bar to consider discipline against lawyers who break the law when evading our bills; DRA successfully leading the way on ensuring that non CSR-owned corporations are subject to CRB jurisdiction, including paying our lawyer to litigate and appear and argue in court every day of the trial in the precedent-setting case.

Conversely, how many of you freelancers remember what the statutory deadline is for turning in a criminal transcript and how many extensions you are allowed? Do you remember how long you must maintain your notes for a criminal, civil or death penalty case? Such issues are of top-tier importance to our official brothers and sisters, but would not have an impact on a freelancer's ability to make a living.

CONTINUED ON NEXT PAGE



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EVAN OSLER

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PRESIDENT'S MESSAGE: ADVOCACY AGENDA

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DRA's successful advocacy efforts listed above did not have to compete for attention, resources, or priority with those issues that uniquely have an impact on our official colleagues who properly prioritize their own advocacy based on the pressing issues confronting officials.

All of this doesn't mean we should work against each other when it comes to advocacy in Sacramento, and we don't. We are deeply committed to fighting in alliance when there are common threats, such as when Governor Schwarzenegger tried to eliminate the CRB. In the past, all of our sister organizations have effectively united to fight and kill electronic reporting expansion.

Beyond this, your DRA routinely officially supports the legislation of our sister trade organizations, even when it wouldn't necessarily have an impact on freelancers. For example, earlier this year DRA supported a bill that would have more strictly regulated how courts can privatize services. Why did we do this? Because we honor and respect and adore our official colleagues!

In sum, lawyers, doctors, and many other professions all have one license and sometimes smartly unite to work on issues that cut across all lines. However, they also have lots and lots of other associations that work to advance and protect the needs of those parts of the profession that have unique needs.

This makes sense for us court reporters too. The proof that it makes sense is the long list of successful freelance advocacy that is the proud, nationally trend-setting legacy of your DRA.

So onward with the Freelance Advocacy Agenda! We are looking forward to another year leading the charge to fight for and protect you, the freelance reporter. You spoke. We listened!



PROPOSED ADVOCACY AGENDA 2015-2016

Topics below to be pursued by public affairs & education, regulation, and/or legislation as appropriate.

- Education and possibly regulation/legislation relating to audiosync used in depositions, including playing back of audiosync instead of readbacks. Agencies trying to sell audiosync recordings made during depositions.
- Firms must notify reporters when a certified copy was ordered or an electronic signature used, if either are the work product of a CSR.
- Clarifying current law regarding a reporter's impartiality as it relates to offering all services and products to all parties equally, and whether that is compromised by offering trial-support services to one side in litigation.
- Clarifying the law related to the conduct of salespeople selling reporting services and possible law firm tax liability for incentive gifts.
- Seminars at conventions of Bar, defense attorneys, consumer attorneys, explaining the point of view of the reporter; tips on how, from the reporter's point of view, to perform best at depositions; education about the harm of the SoCal stipulation.
- Pursuit of DRA's petition for rulemaking on the scope of practice regulations.
- Continue to explore options to address the SoCal stipulation.

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DRA DOES DISNEYLAND

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Freelancers were educated and entertained all day, beginning with a jam-packed session held by none other than the incomparable Margie Wakeman Wells. Here, the attendees were treated to a much-needed refresher course on the finer points of grammar, and within a short time, burning debates involving periods, semi-colons, and the like were resolved with the aid of Margie's expertise.

Next up was Monyeen Black's ever-popular seminar, "Better Business Practices," once again chock-full of organizational tips and tricks for the licensed professional and/or agency owner. "Monyeen's development of the universal worksheet has made my life infinitely easier," Board Member Cheryl Haab gushed. "Working for a slew of different agencies, it's such a relief to have the consistency of a single worksheet to convey pertinent information."

Then, attendees participated in DRA's signature "There Oughta Be A Law" interactive seminar, where freelancers brainstormed and directly wrestled with pertinent issues that DRA should tackle on the profession's behalf in Sacramento. "This was maybe the best of these seminars we've ever had," said DRA co-founder, Legislative Chair, and Depo Diplomat Toni Pulone. "The ideas just poured out of people, and the debate was passionate and intelligent and creative, but it was also really funny and fun." Moderated by DRA counsel and lobbyist Ed Howard, the attendees helped close the seminar by voting on issues to recommend to



the DRA Board for action. The Board will soon be devoting a special meeting to weighing said ideas for potential implementation.

During the lunch hour, DRA held its Save Our Schools Summit, an invitation-only meeting devoted to addressing the difficulty some schools are having qualifying their students for federal financial aid. Facilitated by Yvonne Fenner, the Executive Officer of the Court Reporters Board, Ed Howard, Kristi Johnson, and Toni Pulone, executives from schools from all over Southern California exchanged important information and a consensus emerged about a possible solution.

Next up was "What the HIPAA is HIPAA?" held by DRA counsel Ed Howard, who somehow managed to make the complexities of complying with the federal privacy law understandable, offering practical advice on the issues that freelancers should and shouldn't worry about. "Ed has achieved the impossible," Vanessa Caparas, DRA District Director, observed. "Not only has he taken a very complex topic and made it clear and concise, but he's given us the tools to simplify compliance moving forward." The seminar was also fun, with Ed pretending to have secured the embarrassing medical records of an unnamed attendee, while bringing-up members of the audience and assigning them roles to play.

Rounding out the jam-packed afternoon were the last two seminars of the day. Karen Hillman of Murphy, Murphy & Murphy, a prominent accountancy firm located in Orange County, held an eye-opening seminar covering a very popular topic amongst independent contractors – saving money and reducing taxes. Her expertise in the field was an asset to the afternoon's festivities, shedding light on many lesser-known tax breaks available to the freelance reporter.

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DRA DOES DISNEYLAND

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Michelle McLaughlin from Stenograph then took the floor to wow the participants with the many secrets of the Diamante steno machine, sharing many technological advances and user-friendly features that their signature machine offers to its users.

“Many long-time users of the Diamante were surprised to learn how little they actually knew about what their little workhorse could do,” former DRA Secretary-Treasurer Kimberly D’Urso mused. “It was a day of revelation for those of us who use the machine.”

Throughout the day attendees enjoyed the plentiful on-site vendors such as ProCAT, Premier Designs Jewelry, LiveDeposition, the Neutrino Group, ProCAT, Stenograph, and the Steno Doctor, where many great products were available at steep discounts not normally offered to the general public.

The DRA raffle helped wrap up the day with many amazing and wonderful prizes all made possible by our wonderful and generous members, agency owners, and sponsors! Post-seminar drinks in the warm dusk at the tiki-themed restaurant and bar concluded the successful seminar in typical DRA fun fashion.

“It really was one of the best seminars we’ve ever held,” observed DRA President Kristi Johnson. “It is a great preview of coming attractions for our annual convention in Monterey.”



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2015-2016 BOARD OF DIRECTORS SLATE

The DRA Nominating Committee presents the candidates for the 2015-2016 Board of Directors. Professional Member Ballots are due by DRA Election Day January 31. Those officers and directors elected will be sworn in at our Annual Convention.

PRESIDENT: RICH ALOSSI

CSR No. 13497, RPR, CCRR

As a working reporter, I believe the time has come for members of this profession to fight for better pay, better treatment, and stronger professional and ethical standards. Serving on the Board of the Deposition Reporters Association has been the greatest honor of my career, and I will continue the work we have done so far to encourage advanced reporter training, educate our elected officials on the value of steno in the legal profession, and to ensure a level playing field that benefits all working reporters.



have made it a mission to see our students succeed and join us in this amazing career. Anyone who knows my story also knows why I continue to volunteer with this fantastic organization: having been a reporter for almost six years, I feel that I owe my success in this field to DRA and its wonderful and inspiring members I've met along the way. I am looking forward to serving with my fellow nominees and I am confident that we will make you proud to be a part of our team! Thank you again for your time and consideration.

VICE PRESIDENT: CHERYL HAAB

CSR No. 13600, RPR, CLR

It is my utmost pleasure to accept DRA's nod for Vice President for this upcoming 2015-16 year. Having been fortunate enough to have served the last three years on the board, once as Secretary-Treasurer and twice in District Director positions, I believe that the experience I've gained thus far will allow me to transition seamlessly into this new and exciting role. I enthusiastically look forward to working alongside Rich Alossi as our new President, and I will do my very best to provide him with all the support he needs to ensure a successful year for our Board of Directors. Together, with this dynamic new board, I have every confidence that we will tackle the challenges of the coming year with the greatest of ease.



DISTRICT 1 DIRECTOR: DIANE FREEMAN

CSR No. 5884, RPR

Alameda, Contra Costa, Marin, Mendocino, Napa, Solano and Sonoma

This has been a great year. The opportunity to work with such dedicated inspirational hard-working DRA members has been an honor.

My goals for the coming year:

Get more members involved and informed. Sending email blasts on what's happening and getting feedback.

Veteran's history project 2015 Veteran's Day.

Continue networking get-togethers.

Going to court reporter's board meetings in Sacramento.



SECRETARY: ANDREA RINKER

CSR No. 13437, RPR, CLR, CCRR

I am humbled and honored to be nominated as the DRA Secretary for the 2015-2016 term. I have volunteered with many DRA events over the past five years, including the Student Picnic and our annual conventions. Having served on the Student Picnic committee, the GAP committee, and having been a mentor the last 3 years, I



DISTRICT 2 DIRECTOR: JESSIE WAACK

CSR No. 13102, CCRR

Monterey, San Benito, San Francisco, San Mateo, Santa Clara and Santa Cruz

I look forward to moving to the position of a District Representative from my position as Secretary. I look forward to networking with our reporters and being able to be available to them to help with any questions or concerns they may have.



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2015-2016 BOARD OF DIRECTORS SLATE

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The DRA Nominating Committee presents the candidates for the 2015-2016 Board of Directors. Professional Member Ballots are due by DRA Election Day January 31. Those officers and directors elected will be sworn in at our Annual Convention.

DISTRICT 3 DIRECTOR: MELINDA NELSON

CSR No. 12496, CRI

Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba



I feel I am a qualified candidate to represent you as a board member of DRA. I have a Bachelor's Degree in Court Reporting and, for the past 13 years, I have been a full-time deposition reporter. For the past five years, I have also been a court reporting instructor. Through my experiences, I have come to appreciate the many challenges confronting deposition reporters in California.

I have lived my whole life in California and am originally from Southern California. Seven years ago, my husband and I moved to Northern California and were fortunate to secure our dream of living in the foothills of the Sierra Nevada Mountains. I am honored to have been nominated for a position on the DRA Board of Directors and excited about the potential of this opportunity to contribute to this wonderful organization and the ability to help to continue to sustain the mission goals of DRA. I present myself as a representative for you that is active, engaged, and motivated to serve you.

In the coming year, I would like to assist DRA in educating attorneys regarding the specialized job duties of certified shorthand reporters and also mentoring aspiring court reporters with the myriad of questions and issues the job of a court reporter presents.

DISTRICT 4 DIRECTOR: MARLA SHARP

CSR No. 11924, CCRR, RPR, CLR

Los Angeles



I am honored to be nominated for the LA district representative position for the DRA. I'm excited to be a part of the DRA and am very passionate about helping the board and reporters in any way I can.

A little about myself: I went to court reporting school in Columbus, Ohio, and worked there for a few years before moving to LA in 2000. Not knowing anyone in LA, I started inviting reporters to what I call SoCal CSR Outings, which are just gatherings at restaurants to help us get to know each other. We've had over 25 in 14 years. I also started the Facebook pages Punctuation for Court Reporters, Steno Views, and SoCal CSRs as well as Instagram (Steno Stuff) and Twitter (Ebriefs).

DISTRICT 5 DIRECTOR: JODI MONROE

CSR No. 13010, RPR, CLR

Orange

I am honored to serve as your District 5 Representative for a second year. As a current freelance reporter, I look forward to working with DRA's devoted group of volunteers in continuing its efforts to fight for our profession. As your District 5 Representative I will work hard for you to promote the values and ethics that we, as reporters, all cherish. Thank you, and I look forward to another great year.



DISTRICT 6 DIRECTOR: VESNA WALTER

CSR No. 11989, RPR, CCRR, CLR

San Bernardino and Riverside

I am a freelance reporter in Riverside, CA. I've been reporting since 1999. I'm a CSR, RPR, CCRR and CLR.

I would be honored to sit on the DRA Board as the District 6 representative. I have learned so much from the DRA functions that I have attended and look forward to contributing in the advancement of our profession. I have the utmost respect for what DRA has done and continues to do for the reporting field.



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2015-2016 BOARD OF DIRECTORS SLATE

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DISTRICT 7 DIRECTOR: VANESSA CAPARAS

CSR No. 12231

San Diego and Imperial

It has been a privilege to serve on the board these past few years. I'm looking forward to a great new year as a reporter, a DRA member, and hopefully as a district representative again.

Our profession is essential to the legal community, and it's being threatened by alternative methods. I believe in order to keep our profession alive, we need to work together by supporting our association not only through membership but also through continuing education, challenging ourselves to improve upon our skills, networking, mentoring students, and proactive legislation.

Thank you for your consideration to have me be your district representative this year.

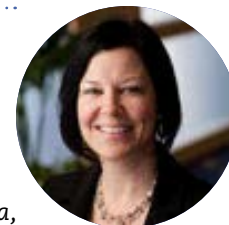


DISTRICT 8 DIRECTOR: MONYEEN BLACK

CSR No. 10574, CCRR, CLR

Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Luis Obispo, Santa Barbara, Tulare and Ventura. (All Professional Members residing in counties or states other than California or the USA.)

I am once again honored to continue on the Board of Deposition Reporters Association of California for another term. It has been a privilege to hold the positions of District 8 representative (2013-2014), Vice President (2012-2013), District 8 Representative (2011-2012) and Secretary (half of 2009, 2010-2011). I appreciate the opportunity to be your representative once again. I look forward to working with our new Board and DRA's continued growth and new endeavors on behalf of our dedicated members.



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SAVE OUR SCHOOLS SUMMIT

JODI MONROE, CSR, RPR, CLR

There are impending issues facing our schools that cannot be ignored. We at DRA are motivated and determined to preserve our profession. At the DRA fall seminar held at the Disneyland Hotel this past September, we brought together the leaders of our court reporting programs to help us address the concerns our schools are facing and to come up with solutions to ensure our schools have continued success in our state.

One of the biggest issues facing our students is federal student loan eligibility. Our lobbyist, Ed Howard, along with your court reporting educators, worked together to come up with a proposal that we believe will help to increase federal student loan eligibility for our students.

Another issue discussed was student enrollment. A recent report commissioned by NCRA addressed a shortcoming of California court reporters by the year 2018 of 2300 reporters. Strategies were discussed on how we can increase student



enrollment. DRA and your court reporting programs are looking at different ways to help increase student enrollment, as well as student retention.

Also in attendance was Yvonne Fenner, executive director of the Court Reporters Board, whose insight is always valued. We would like to thank the schools who took the time to come out and discuss these important issues with us: Golden State, Bryan, Sage, Cypress, Downey, South Coast, Tri-Community and Taft.



NEW MEMBERS

Sophia Benedict
Donna Boulger
Jeannette Bush
Katrina Carlos
Elizabeth Cesena
Juliana Emary
Mason Farmani

Sheri Fisher
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Diane Shepard
Carla Soares
Steve Strunk
Siew Ung
Brywn Whatford
Ashley Whatley



MY EXPERIENCE AT THE FALL SEMINAR

CALLIE BLACK, CSR

The DRA's Fall Seminar was my first court reporting seminar, so I do not have anything to compare it to. Perhaps that is why I left feeling thoroughly overwhelmed (in a good way!). I was a brand new CSR who hadn't even taken her first job. I went with business cards and resumes in tow, wearing one of my two professional outfits. It was really my first introduction into the field. I was hopeful, excited, and nervous all in one.

There was not enough coffee in the world to help me retain all of the helpful information Margie Wakeman-Wells had to offer. I wish I could have purchased a videotape of her speaking to watch on a weekly basis. I was glad there were so many other reporters who were asking questions that I was either too embarrassed to ask or wouldn't have thought to ask.

Monyeen Black's Better Business Practices could not have come at a better time for me. She covered things I never even knew might be an issue for me. I was especially grateful for the e-mail that was later sent out containing all of the documents she had mentioned. I felt like a sponge, absorbing any and all resources I could, grateful for each one.

My favorite idea from Monyeen was printing out business cards with your name, as well as blank spaces to fill in which agency you were working for that day and the deposition information. I never would have thought to do that, but it's a great way to get your name out there, help ensure the attorneys remember you, and still be respectful to the agency you are working for that day when you work for several different agencies.

The "There Oughta Be a Law" segment was one of the most interesting seminars to me, and not because the title includes a made-up word, which I thought was a big taboo in the court reporting world. Despite a casual name, the seminar addressed a myriad of both serious and pertinent issues. Although many of the issues were ones that I, as a new CSR, had not yet experienced, there was something that felt very special about being involved in shaping the field I was about to enter. It was the first time I really felt like I was a part of the court reporting world. I thought it was wonderful that I was able to vote on potential laws governing my field of work right from the get-go. It also made me realize how important it is to be involved.

Next came Save Money and Reduce Taxes. This was also very pertinent to me as a new reporter. I had no idea how many things I could be writing off or how many things I should be keeping track of. Transitioning from student to working reporter means a whole new ball game as far as handling finances. I truly had no idea



what I was walking into becoming a freelancer, and this seminar helped point me in the right direction.

What the HIPAA is HIPAA was both confusing and helpful, as I never realized this was something I should be thinking about. Thank goodness Ed Howard used simple visual tactics to explain about HIPAA. At that point my brain was on overload, and I don't think I would have understood any of it if he hadn't broken it down into the simplest form.

I am so grateful that I was able to scrape together enough for the DRA Fall 2014 Seminar. I am always happy to give money to the DRA, as I know it is going to a good cause, helping the field I am in! This seminar, however, was truly both helpful and inspiring. I left with my head spinning, but even more excitement about court reporting than before. I had the privilege of meeting so many people, who I look forward to seeing in the future, and I learned more than I could have imagined. All the questions I never knew to ask were answered. I cannot wait until the next DRA seminar.



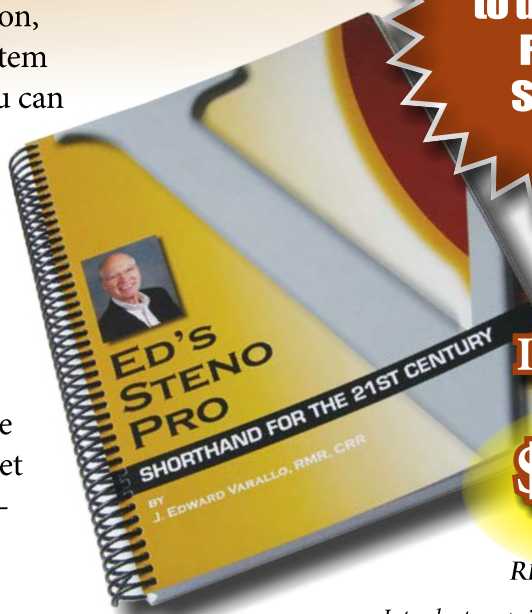
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AskDRA

ANTONIA PULONE, CSR

Dear Depo Diplomat:

I had a depo yesterday where, after it was over, the noticing attorney asked that I send him a scan of certain exhibits that were produced by opposing counsel. I am wondering if I need to email the other two attorneys who were present at the depo and offer them a scan of those exhibits as well.

Is there anything in the Code about this?

DEAR DRA MEMBER:

Good question. While there's nothing in the Code of Civil Procedure ("CCP") specifically regarding exhibits, how we are required to handle, distribute or store them, there is general language that appears in more than one section of the CCP that clearly requires that all services and products provided by the deposition officer, or by the reporting firm the officer is working for, must be offered or made available equally to all parties who were present at the deposition.

Here is an example of this language as it appears in CCP Section 2025.340(d), which you can find on page 181 of the Ask DRA Code Book:

(d) Services and products offered or provided by the deposition officer or the entity providing the services of the deposition officer to any party or to any party's attorney or third party who is financing all or part of the action shall be offered or provided to all parties or their attorneys attending the deposition. No service or product may be offered or provided by the deposition officer

or by the entity providing the services of the deposition officer to any party or any party's attorney or third party who is financing all or part of the action unless the service or product is offered or provided to all parties or their attorneys attending the deposition. All services and products offered or provided shall be made available at the same time to all parties or their attorneys.

So yes, to comply with this requirement, you should contact the other two attorneys who attended the depo and notify them that you are providing scans of certain exhibits marked at the deposition and ask if they would also like to receive copies of these scans. They may choose not to order these scanned exhibits, but you will have done as you are required by the CCP and made them available to all parties.

I'd just add here that we're likewise required to offer rough drafts, partial transcripts, expedited delivery or any other services or products we may be providing for one party to all other parties who attended a depo, so keep that in mind when you receive requests for these services post-depo, as you did in this situation.



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FUTURE AS A CCRR**

YOU ARE NOBLE... YOU ARE BEAUTIFUL

ED HOWARD

What follows is the text of DRA lobbyist and lawyer Ed Howard's keynote speech at last year's DRA Annual Convention. Met with a loud and sustained standing ovation and not a few tears, the speech illustrates the value of having an advocate in Sacramento who "gets" us.

What you are looking at is a small part of a larger painting, painted in the style called "pointillism." When you look at pointillist paintings up close, like this...



you can see each individual point of color clearly.

But it isn't until you pull back and look at the painting from a distance, like this...



that you can see the story, what the painting really is. What it really means.

You need distance to see the whole, true picture.

My aim today is to pull you all back from the pointillism of your daily professional life and get you to see your true picture.

To that end, I'm going to talk about you. First, I'm going to talk about you and how important you are to the legal profession. Second, I'm going to talk about you as professionals. Third, I'm going to talk about how simply and ridiculously amazing you are.

"How Important You Are"

First, let's first talk about how important you are to the legal profession.

Most every dispute is essentially an argument about what happened; about differing memories or interpretations of the same events. Our system of resolving disputes presumes that human beings are so flawed, so biased, and so imprecise, that we do not trust anyone, *ever*, with the power all alone to choose one person's story over another and say, "This, and not this, is what happened."

What do we do instead?

In lieu of vesting one person alone the power to say **this** is what happened and **this is not** what happened, we create this whole huge procedure, this process, this test, this adversarial crucible – literally, a trial – where we pit the disputants in an artificial war against one another, testing each other's stories against one another, through examinations (same word as a test in school), testimonials, rules of zealous advocacy. We trust not people, but that, from this clash, from this process, the facts revealing what really happened will eventually come out.

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YOU ARE NOBLE... YOU ARE BEAUTIFUL

ED HOWARD

.....
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But, at the end of the day, we have to resolve the dispute. Somebody has to be trusted with the power to say what the facts show. And in our deeply cynical adversarial judicial system, there are really only two facets that get to determine, for all intents and purposes, conclusively what happened and what did not happen. Only two that get to do the violence of ratifying as true one person's version of reality over another's.

First and most obvious are triers of fact: meaning, judges and juries.

The second is you.

For all intents and purposes, what you alone say happened in a deposition is what happened, whether that is what really happened or not. Nobody, and I mean nobody, has that power in our system, in our society. But you do.

Millions of dollars, billions of dollars, lives, reputations, fortunes, who raises children, who can marry, who goes to prison and who goes free – you hold our lives in your darting fingertips.

And we just trust you.

Like we trust nobody else in our legal system, like we trust no other secular person in our society. You are so important because as much, if not more than anyone else in the whole legal system, we just TRUST you.

Next, and second, let's talk about you as professionals.

Which brings me to my second point – you as professionals.

“You As Professionals”

To me, a professional is someone who places the values that hallmark the best of the profession over just earning a buck. Phrased in plainer terms: To me,

a professional is someone who knows that we all have about 80 summers on this planet, and that how you live and why you live, and who you are and who you are not, and your reputation and your character and your honor and right and wrong and honesty and fidelity to your friends and to your loved ones and how you behave when behaving the right way is hard –

these are the things that matter,

these are the things that being a successful human being is all about,

these are the things worth living for,

these are things worth fighting for

these are things that are more important than money.

And when it comes to the licensed professions – doctors, lawyers, CPAs – think about it for a minute. Name one that has not been plagued by scandal. Name one that has not been dramatically compromised by ever-escalating, seemingly endless greed. Name one where the ethos of doing an important job well and honestly still remains the prevailing North Star.

At least in the legal professions, there is pretty much only one that still, by and large, satisfies these criteria. Only one left.

You. Only you.

“You Are Amazing”

And, that brings me to my third and last point:

How amazing you are.

You do these things, all these important things – act as such exemplary professionals – by and large...**alone.**

You drive to and from your depositions,

getting up at dawn, driving back late at night...**alone.** You proofread, prepare your dictionaries and glossaries and exhibits...**alone.** You work under these relentless time pressures and accuracy pressures...**alone.**

Sick kid? have a fight with your husband or wife? suffer a tragedy?

It is still all on you.

By yourself.

All on you.

The job still needs to be done, always needs to be done, and they always want it done yesterday, an hour ago, a day ago. And you get it done. You get it done, not just alone, but deeply and widely unappreciated during your every workday.

“You Are Taken For Granted”

The lawyers take you for granted. After all, if it is a job mostly done by girls, it can't be that hard, can it?

Too often, when you do your job well, the reward is just and simply your invisibility – that nobody notices you.

Your husbands, wives, girlfriends, boyfriends, parents and friends – **nobody understands what you do.** Nobody other than your colleagues really knows how hard – how incredibly hard – your job is. *And you don't even know how truly amazing you are.*

Here is an example.

How many of you have emailed or texted someone while transcribing a deposition? Do you have any idea – any notion at all – how amazing that is?

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YOU ARE NOBLE... YOU ARE BEAUTIFUL

ED HOWARD

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You not only are writing two languages, you are writing two languages, at the exact same time! That is like someone writing in English while, at the very same time, speaking French. Do you have any idea how smart, how brilliant you have to be to do this?

Did you know in most years the passage rate for your exam is lower than for the Bar exam?

And I'm amazed at how many of you are the primary bread-winners at home.

My job is a hard job. Lobbying and litigating – I do both – are a mixture of sales and bare-knuckled, mixed martial arts. They are both brutally competitive; utterly unforgiving of mistakes; deadline driven, sometimes mean, and frequently amoral and totally ruthless.

(God help me, I love it so much.)

It is a really hard job. But I don't do it alone.

Every day I work in a Capitol populated by some of the most gregarious and fun people alive, people who get paid to be charming and flirty, a crowded place teeming with good friends and colleagues who, if I'm glum, will notice and give me a slap on the back, give me a smile or a hug.

“One of the Hardest Jobs”

In contrast, you do one of the hardest, most precise, most stressful, most important jobs of anyone who holds a license, including my own, and you do it mostly alone, without applause, without accolades, without the true sympathy that comes from understanding. But you do it right and you do it anyway - because you are you, and you are professionals.

To me, each of you is grace;

To me, each of you is noble;

But together, so many brilliant points of color, both distinct and blended, as you are, here today. You inspire me. To me, who you are and what you do, each and every one of you *individually* deserve and have my enduring and transcending admiration and respect.

And you are something else too.

“Conclusion: You Are Beautiful”

Assembled, as you are today, reinforcing each other, supporting each other in an interlocking web of friendship, understanding, and devotion to your profession, to the right way to live – here, in companionship, here in your professional family, you are simply this: Never forget it, never forget it, listen to me, never forget this:

You are *powerful*.

You are *beautiful*.

And I am the luckiest lawyer in the whole world to have spent so many of my few years in your company.



MEET DRA'S LOBBYIST AND LAWYER, ED HOWARD

For over twenty years, Ed has been one of California's most prominent public interest lawyers and advocates. For nearly that long, Ed has been one of the nation's most prominent advocates for the court reporting profession, with a record of success unmatched in any state.

In DRA's early days, DRA and Ed worked with NCRA to preserve the impartiality of the freelance deposition reporting profession throughout the country. As a result, court rules or laws preserving the impartiality of freelance deposition professionals were passed in fourteen states, including California.

Since retaining Ed as our lobbyist and counsel in 2006, Ed has successfully wrote and secured passage of numerous laws and regulations aiding our profession. For example, he wrote legislation holding attorneys directly responsible for paying our bills; persuaded the State Bar to reverse its policy and consider complaints against lawyers who violate laws when we seek to collect on our bills; defeated an effort by a county bar association to set-up its own court reporting firm; lead the fight to defeat Governor Schwarzenegger's effort to eliminate the CRB; and succeeded in persuading the CRB that it in fact had jurisdiction over non CSR-owned firms, reversing a CRB policy that had lasted more than a decade. Ed represented DRA every day in the court trial of the resulting test case. Since then, for DRA, he has lead the charge to have the CRB solidify that court victory, successfully petitioning the CRB to adopt regulations extending its ethics regulations to non CSR-owned companies. This is just a partial list of what Ed has done for DRA and you.

More generally, Ed was lead counsel for consumer groups in two successful California Supreme Court cases, one of which paved the way for over \$1 billion in insurance rate refunds. Other noteworthy cases include serving on the legal teams challenging Proposition 8 (marriage equality) and Proposition 187 (immigration) and representing the California Women's Law Center in a lawsuit to ensure gender equity in high schools. All in all, he has been involved in more than 11 precedent-setting cases.

Ed is currently President of Howard Advocacy, Inc., a lobbying and public affairs firm that has represented such groups high-profile groups as Earthjustice, the Clean Money Campaign, The Utility Reform Network, Pride Industries, the Center for Public Interest Law, and the Children's Advocacy Institute.

Previously, Ed worked for five years in the California Legislature as a Chief Policy Consultant and Chief Committee Consultant for two Senate Committees.

Ed is a frequent "talking head" for both major daily newspapers and television news stations on a variety of issues. He was profiled in the Los Angeles Times under the headline "In the Public's Interest." He has received numerous awards for his advocacy work, is a recognized expert on administrative and initiative law, and has taught at Loyola Law School.

Ed received his B.A. in 1986 from The George Washington University's political science program in Washington, D.C. and received his J.D. from Loyola Law School in 1990, where he was awarded the American Jurisprudence Award for Constitutional Law. He is a member of the State Bar of California, and as well is admitted to practice law before the 9th Circuit and United States Supreme Courts.





DID YOU KNOW ...
YOU CAN ATTEND THE NEXT DRA CONVENTION FOR FREE?
HOW?
GET 3 AND GO FREE!

It's easy! Sponsor three new professional members to DRA, and we'll pay your convention registration to either the 2014 or 2015 Annual Convention. Firm owner? You can go free, too! Just sponsor five new members. Or, sponsor three and pay the difference in firm owner registration.

How do you find reporters to join?

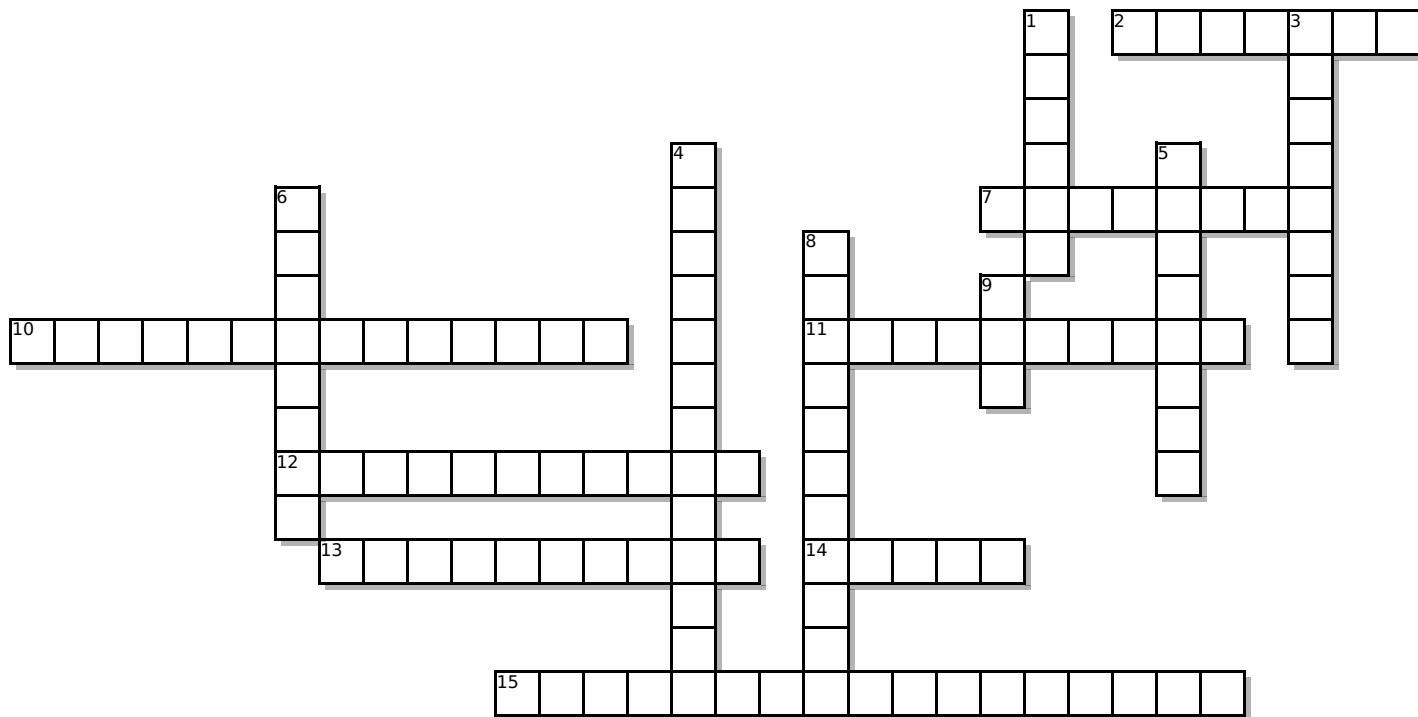
- Go through your Facebook friends. How many of your reporter friends are not members?
- Ever meet other reporters on the job? Ask them if they belong to DRA.
- Think of all the reporters you know. Do you know three who aren't DRA members?

3 = FREE

PUZZLE ME THIS

BE THE FIRST TO SOLVE AND GET \$25 OFF YOUR NEXT DRA EVENT!

Please send a scanned copy of your completed puzzle to newslettereditor@caldra.org
for your chance to win. Bonne chance!



ACROSS

- 2 the _____ transcript format standards must be adhered to when transcribing a deposition taken in California
- 7 the CCRR is a certification awarded for proficiency in this skill
- 10 a valuable resource book provided by DRA free to its members
- 11 The Court Reporters Board of California is headquartered in this city
- 12 an agreement between two opposing parties
- 13 DRA's recently held fall seminar took place at this Southern California landmark
- 14 a steno shortcut
- 15 a good machine choice for carpal tunnel

sufferers

DOWN

- 1 if you get 3, you'll _____ to DRA's next convention!
- 3 the location of DRA's 2015 annual convention
- 4 DRA's current president
- 5 "And so forth," to Caesar
- 6 donations made to this fund are used to protect the interests of stenographic reporters all over California
- 8 Guinness World Record holder Mark _____
- 9 _____ training is offered by DRA to new CSRs

BILL WATCH

TONI PULONE, LEGISLATIVE COMMITTEE CHAIR

September 30 marked the effective end of this past two-year legislative session and the conclusion of DRA's bill watch for this session. All bills which had cleared the policy and finance committees of the California Assembly and Senate and the floors of both houses then went to the Governor's desk for signature or veto, and the Governor's signature had to be on each bill by 9/30 to achieve passage.

We can report that your DRA had remarkable success this session, both in the passage of bills we introduced and/or supported and in the demise of bills that we actively opposed due to their potential harm to reporters. DRA's Board of

Directors and their legislative team, led by our skilled attorney and lobbyist, Ed Howard, carefully followed and fought for or against a number of bills, which we've reported on here in The Deposition Reporter and in enotes to you over this two-year session, and now we can provide our final report on the outcome of each of those bills that were of particular interest or concern to our members and our profession. All these bills that were signed by the Governor and chaptered will become effective January 1 of 2015.

A note of explanation, if you're not familiar with legislative terminology: The name in parens which follows the bill number is that of the author, the legislator who introduced and is carrying the bill. The status of each bill below is current as of July 15, 2014. To follow the progress of these or any bills, go to www.leginfo.legislature.ca.gov, and click on the "Bill Information" tab, then search for any bill by number, author or keyword. Click on the bill you're interested in, and you'll go to the information page for that bill. Once there you can choose "Track Bill," provide your email address and enter a password to create your account, and you can select various types of notification to receive regarding the progress of any given bill. You can then return to this site, click on "My Subscription" to review and print your list of tracked bills. Also, a "Guide for Accessing California Legislative Information" can be found at www.leginfo.ca.gov/guide.html, which contains a thorough glossary of legislative terms and a great deal of helpful material.



ASSEMBLY BILL 186 (MAIENSCHIN AND COAUTHORS)

Summary: As amended, this requires boards within the Department of Consumer Affairs (some boards were excluded by amendment) to establish a temporary licensure process for a person holding a current license in another state and who is married to, or in a domestic partnership with, an active-duty member of the Armed Forces currently stationed in California.

Outcome: Passed by both houses; signed by the Governor and chaptered on 9/27/14

ASSEMBLY BILL 251 (WAGNER)

Summary: Would allow courts to use ER equipment in family law cases if an official reporter or official reporter pro tempore was unavailable. This bill was actively opposed by DRA.

Outcome: Did not clear the Assembly Judiciary Committee; died.

ASSEMBLY BILL 566 (WIECKOWSKI AND COAUTHORS)

Summary: Would establish specific standards if a trial court intends to enter into any new contract, or renew or extend an existing contract, for any services that are 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, previously renewed or extended. This bill was sponsored by SEIU and AFSCME, labor unions which represent official reporters, and was actively supported by DRA.

Outcome: Passed by both houses; vetoed by the Governor on 10/13/13.

ASSEMBLY BILL 648 (JONES- SAWYER)

Summary: Would establish specific rules regarding the \$30 user fee to be charged by courts for any civil proceeding anticipated to last one hour or less and would require this user fee to be charged once per case

for all proceedings conducted within the same hour. The fees collected are to be deposited into the Trial Court Trust Fund and distributed back to the court where they were collected.

Outcome: Passed by both houses; signed by the Governor and chaptered on 10/01/13.

ASSEMBLY BILL 679 (FOX)

Summary: Would require that the Judicial Council adopt rules that any party arranging for a CSR to serve as an official pro tempore must notify all other parties of that fact and that attempts be made to share the costs of the reporter to assure better access to justice for all parties to a proceeding. Sponsored by CCRA.

Outcome: Did not clear Assembly Judiciary Committee; died.

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BILL WATCH

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ASSEMBLY BILL 788 (WAGNER)

Summary: Would amend Section 69954 of the Government Code 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.

Outcome: Assemblymember Wagner agreed not to pursue the bill; died.

ASSEMBLY BILL 2006 (WAGNER)

Summary: Would allow for a video recording of a deposition to be used at a trial or hearing. Actively opposed by DRA.

Outcome: Assembly Judiciary Committee hearing set for this bill was cancelled at the request of Assemblymember Wagner following his meeting with DRA's President, Legislative Advocate and Legislative Committee Chair, and he agreed not to pursue this bill; died.

ASSEMBLY BILL 2332 (WIECKOWSKI)

Summary: This bill contained much the same language as AB 566, also authored by Assemblymember Wieckowski, which was vetoed by the Governor in 2013. The primary difference in this bill is that the standards specified would apply to any contract entered into by a trial court on or after January 1, 2015. Supported by DRA.

Outcome: It passed out of the Assembly but was held in the Senate Judiciary Committee and did not pass the Senate; died.

ASSEMBLY BILL 2747 (OMNIBUS BILL)

Summary: Among other issues in this omnibus bill, it included language added to CCP 2025.510 stating that the Serrano vs. Stefano Merli case does not alter the standards by which a court acquires jurisdiction over a nonparty to an action. This bill, drafted and sponsored by DRA, protects reporters by preventing an attorney who wants to challenge your depo charges from bringing you into the trial court in the underlying case without your consent.

Outcome: Passed by both houses; signed by the Governor and chaptered on 9/30/14.

SENATE BILL 75 (SENATE BUDGET AND FISCAL REVIEW COMMITTEE)

Summary: Would authorize the Administrative Office of the Courts to make loans to the Trial Court Trust Fund under certain circumstances. Would also require that for every court proceeding lasting less than one hour, the \$30 fee charged for the services of an official reporter would be distributed to the court in which the fee was collected.

Outcome: Passed by both houses; signed by the Governor and chaptered on 6/27/13.

SENATE BILL 823 (COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT)

Summary: Would re-enact provisions regarding the administration of the Transcript Reimbursement Fund, operated by the Court Reporters Board within the Department of Consumer Affairs, which were repealed on Jan. 1, 2013, and would extend authorization for the TRF until Jan. 1, 2017.

Outcome: Passed by both houses, signed by the Governor and chaptered on 10/01/13.

SENATE BILL 1313 (NEILSEN)

Summary: Would repeal the provisions of the Trial Court Employment Protection and Governance Act that prescribe the compensation and conditions of employment of official reporters in 14 counties in California.

Outcome: Did not pass out of the Senate Judiciary Committee; died.



Photo by Allie Caulfield on Flickr

POP QUIZ



KERITH DILLEY

EXECUTIVE DIRECTOR OF DRA

.....
**HOW LONG HAVE YOU BEEN WORKING WITH DRA?
WHAT IS YOUR FAVORITE THING ABOUT OUR ORGANIZATION?**

We just celebrated our one-year anniversary – November 1! My favorite thing about DRA is the people! You’re a dynamic group of people passionate about your industry. That’s rare.

.....
**IF YOU COULD TRAVEL TO ANY PLACE IN THE WORLD,
WHERE WOULD IT BE?**

Italy – I’ve never been, but it’s on the bucket list. Delicious food and wine await me and my husband one of these years!

.....
WHAT IS YOUR STARBUCKS DRINK ORDER?

This time of year – Spiced Apple Cider.

.....
**WHAT SONG DO YOU ALWAYS CRANK UP AND SING ALONG TO
WHEN IT COMES ON THE CAR RADIO?**

Anything by Van Halen!

.....
WHAT IS THE LAST BOOK YOU READ?

I’m in the middle of The Sun Also Rises.

.....
**IF YOU DIDN’T WORK IN ASSOCIATION MANAGEMENT,
WHAT WOULD YOU WANT TO DO?**

My alternate job would be teaching college history... alas, the market for this is none too large.

.....
WHAT IS YOUR FAVORITE THING TO DO OUTSIDE OF WORK?

Read and spend time with family and friends.

.....
**HAS WORKING WITH COURT REPORTERS CHANGED YOUR
PERCEPTION OF OUR PROFESSION? HOW SO?**

Yes. I didn’t realize how technical it had become – there are a lot of techies in your industry! I also didn’t realize the innovations such as realtime. It makes sense, but outsiders in the profession aren’t aware of all the advances.



WE NEED YOUR HELP NOW FOR DRA’S WAR CHEST

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

ONLY YOUR DRA TAKES THE FIGHT EVERYWHERE

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

THANK YOU FOR YOUR CONTRIBUTIONS!

DANIEL FELDHAUS

CLICK HERE TO DONATE NOW



GADGETS GALORE

MONYEEN BLACK, CSR, CCRR, CLR

Safety first! Don't let anybody trip on your cords - Hide them with the SAFCORD. This nifty gadget will eliminate the need to carry around a big roll of tape that often pulls up carpet fibers or leaves a residue behind when removing.

The SAFCORD is reusable, easily rolls up, and weighs practically nothing. It is available in bright yellow, black, gray, taupe, and navy. You can cut the SAFCORD to your desired length, and it is even machine washable if it gets dirty.



MAKING STRIDES: TeamDRA FIGHTS BREAST CANCER

This past October, the Deposition Reporters Association was fortunate enough to participate in two fundraising walks sponsored by Making Strides Against Breast Cancer.

On Saturday, October 18th, Los Angeles area reporters banded together as TeamDRA to raise a whopping \$1,425 for the worthy cause, as well as participate in an early morning 5K walk through the streets of Downtown LA.

The very next Sunday, the 19th, Sacramento DRA members followed suit, raising an additional \$710.

Altogether, TeamDRA has raised \$2,135 for Making Strides, doing its small part to support an organization dedicated to defeating this terrible disease that afflicts so many of our mothers, sisters, daughters, and friends.

DRA would like to thank all who participated and/or donated in these two events, and we truly look forward to continuing this great tradition of giving back to the community. **Go TeamDRA!**

Your ad could be here

Contact DRA to
find out how
dra@caldra.org



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

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

Minimum Transcript Format Standards

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[DICTATION EXAM RESULTS](#)

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Did you know you can get on the list to get instant CRB news right to your inbox? Just click on the link below.

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NOTE IT!

DRA ANNUAL CONVENTION

FEBRUARY 20-22, 2015
MONTEREY PLAZA HOTEL & SPA
WWW.CALDRA.ORG/2015

DRA BOARD OF DIRECTORS MEETING

SATURDAY, JANUARY 24, 2014
EMBASSY SUITES LAX NORTH,
LOS ANGELES
10:00 AM

CCRR EXAMINATION

SUNDAY, FEBRUARY 22, 2015
8:30 AM
MONTEREY PLAZA HOTEL & SPA
Q&A • 5 MINUTES • 200 WPM
LIVE DICTATION