

# The Deposition Reporter



*in this issue:*

DRA advocates for reporters at the State Bar convention

Brown & Gallo fined for gift-giving violations

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NCRA 2011 election results

*... and much, much more!*



# The Deposition Reporter



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## President's Message

### DRA TAKES THE FIGHT TO THE STATE BAR



Hello, DRA! I'm writing to you from the convention floor of the State Bar of California's 84th Annual Meeting, the year's biggest gathering of lawyers, where DRA is appearing in person for three straight days to fight for our professional respect and our professional ethics. Along with myself are two DRA Past Presidents, board members and volunteers. We are here staffing our super cool DRA booth, which is tricked out with:

● **A BRAND NEW VIDEO** explaining why law firms should forbid their assistants and paralegals from accepting "if you book a depo, I will give you this goody" offers. (You really, really need to watch and distribute this hot video - [click here](#).) We also are passing out DRA's recent article in the Legal Secretaries magazine ([click to read it](#)), and, of course, the Hanson Bridgett legal memo explaining the tax consequences of incentives. ([click to review](#)).



● **QR CODES** are being scanned so everyone can download it all directly to their mobile phones. Pretty cool, huh? And the good news is our message is really well received. The hundreds of attorneys and legal support staff we are speaking with have had no idea this incentive game is going on. They are disgusted at the thought and promise to end the practice. In fact, officers of The Legal Secretaries and The Paralegals Associations are very interested in this fight, have asked for more information, and we've started talks about putting on seminars at their meetings.

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●**A DISCO DIAMANTE** complete with see-through exterior and brightly-colored lights that start flashing and changing colors as you write. Lawyers, paralegals, and other attendees are trying their hand at the fascinating steno machine while DRA pushes the point that the world's best voice recognition system already exists ... and it is YOU! This is a HUGE hit with State Bar attendees as they are drawn to our booth saying, "I've always wanted to try that!" (Thank you Stenograph!)

●**REALTIME IN HD** streaming onto a gigantic screen which showcases the talents of the human, live steno reporter. We are chatting with many an attendee who is shocked to hear about and are vehemently opposed to proposed budget cuts and legislative bills threatening to replace steno reporters with ER. DRA is making the point that you cannot and will never be replaced by a machine.

We have posted more photos on our website and our Facebook page. Take a look! ([click here](#))

If you've been thinking you ought to join DRA, now is the time. We are gaining momentum, and you can be a part of it. ([Join Now!](#))

**DRA sister, brother, know this: Wherever there is an opportunity for DRA to fight for you, that is where DRA is going to be. Whether it be writing articles, passing laws to protect you, or educating clients for three straight days, we've got your back.**

# Is Your Depo Getting You In Hot Water

[bit.ly/DRAIncentiveVid](http://bit.ly/DRAIncentiveVid)

[bit.ly/DRAIncentiveVid](http://bit.ly/DRAIncentiveVid)



1) Policy banning kickbacks 2) Enforce



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## Brown & Gallo Fined For Gift-Giving Violations

In September 2011, the Board of Court Reporting of the Judicial Council of Georgia issued a public reprimand to Brown & Gallo, LLC, and a \$3,000 fine for its admitted unethical conduct with regard to incentive gift-giving. Brown & Gallo, LLC, "acknowledged that it had violated the Board of Court Reporting Code of Professional Ethics when it provided \$25 gas cards to 79 clients which exceeded \$50 in the aggregate per recipient in 2008 [sic]."

An administrative grievance was initially registered by the Georgia state Board of Court Reporting in September 2008. The grievance claimed that Brown & Gallo, LLC, violated the Board's Code of Ethics pursuant to Part I(H) stating, "The Code of Ethics prohibits the giving, directly or indirectly, of any gift, incentive, reward or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$50 in the aggregate per recipient each year."

In March 2010, the case was remanded to the state Superior Court, which ruled in favor of the Court Reporting Board. After counsel with its attorneys, Brown & Gallo accepted the public reprimand and a \$3,000 fine.

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# SF Courts Make Drastic Cuts

Katherine Feinstein, the presiding judge of San Francisco's court system, recently announced that 25 of 63 courtrooms will close and 200 employees will be laid off.

"The civil division will essentially be out of business," Feinstein said. "The cases will sit on shelves piled high and will not make it into a courtroom for close to five years. It will for all practical purposes dismantle our court. Paying a traffic ticket or a criminal fine at the Hall of Justice will take hours standing in line. There will be fewer clerks there to process your payment. Obtaining a copy of a criminal or civil court record will take months. Obtaining a divorce will take at least a year and a half."

Feinstein says this was the only option. San Francisco's courts face a deficit of almost \$14 million. In recent years, the court dipped into its reserves to prevent layoffs, but its reserves have dried up. Now, their budget will be cut by almost \$5 million.

In all, the state judiciary's budget will take a \$350 million hit this fiscal year.

The criminal courts will not be affected as much because there are laws that prevent delays in those cases.

Feinstein says not to expect things to improve next year. They are looking at a \$10 million deficit. She warns of more cuts in January if the state does not get its projected revenue.

Click here to read her statement to the Judicial Council: [DRA newsletter 2011 September SF Courts Make Drastic Cuts - Feinstein's Statement to the Judicial Council.](#)

[pdf](#)



# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 McAllister Street, Room 205  
San Francisco, CA 94102-4512



KATHERINE FEINSTEIN  
PRESIDING JUDGE

July 22, 2011

## **PRESIDING JUDGE KATHERINE FEINSTEIN'S STATEMENT TO THE JUDICIAL COUNCIL**

Madam Chief Justice and Members of the Council, thank you for the opportunity to address you today.

San Francisco is the first county to suffer the serious impacts of the staggeringly inadequate state budget. This week, we delivered layoff notices to 41 percent of our staff and announced plans to close 25 of our 63 courtrooms.

I will be forever grateful to the many Justices, Judges and Court Executives, who called this week, from around the state, offering suggestions, help and consolation during this crisis. By contrast, I remain stunned that neither I, nor our Court Executive Officer, received a single phone call from anyone in the Administrative Office of the Courts – the entity that is supposed to provide services and support to the trial courts.

San Francisco may have been the first trial court to fall, but I know that others are soon to follow, and you know that too. Perhaps the AOC, as your staff agency, will offer them some help and support. I hope so.

I am addressing you today because if I can help save one job for one employee, or keep one more courtroom open, I am going to do whatever it takes to do so. You hold in your hands the ability to mitigate a large portion of

the effects of this disastrous situation. The question is whether you will choose to do so.

I wish today to add my voice to those of so many of my colleagues around the state in asking you to make additional funds available for our trial courts. In doing so, I realize that this will require a close and painful re-examination of undertakings previously considered sacrosanct.

First, I do not quarrel with the needs of my sister counties for safe and adequate courthouses. But, the fact that the AOC ever proposed spending \$26 million on a single courtroom in a county with two Judges, five staff and a total county population of 1,175 people, and likewise spending \$52 million on three courtrooms in a county with two Judges and 17 staff members is, to my mind, absurd. I realize that these projects have now been curtailed in scope. But how could projects, so out of proportion with plausible need, ever have been deemed reasonable in the first place?

This leads me to also ask that you take a hard look at the staff of the Administrative Office of the Courts, which recommended these expenditures. In 1998, the AOC had 268 employees. Since 1998, that number has grown more than three-and-a-half fold -- 10 percent in the last three years alone. While every trial court in the state has been tightening its belt, the AOC has been loosening its own. While we, and other trial courts are firing, your staff is hiring. This wild expansion of an administrative bureaucracy in these times is simply unconscionable.

Your AOC staff also has overseen the expenditure of at least \$400 million on the still-dysfunctional California Court Case Management System. Despite these huge expenditures, CCMS is not fully operational in a single county. Bits and pieces of it are operational in only seven counties. CCMS may have been a



great idea when ideas were grand and money was plentiful. Today, it is clearly overdesigned, over budget, and overdue.

The estimates to have CCMS up and running in all counties range up to \$2 billion. There is no reason to believe that this amount of money will be available before the technology upon which CCMS is built is obsolete. Allow the counties who have CCMS, want it, and can pay for it, to keep it. But, don't force the rest of us to abandon basic access to justice in favor of feeding this technology beast with trial court trust funds.

I urge you to re-examine your allocations immediately. These runaway plans, systems and staff are sucking tens of millions of dollars from the trial courts and that must be reversed.

I know that these are terribly difficult times, not just for the trial courts, but for this Council and for the AOC, too. But I also know that our citizens' access to justice is fundamental and paramount. That access occurs in our trial courts. For our justice system to survive, it is your solemn duty to preserve this access. To fulfill this duty in tough economic times, our branch needs to jettison projects that divert us from the preservation of our citizenry's fundamental rights. If you are true to your mission, I know that you will do this.

Thank you very much.



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## Legal Secretary article "Law Firms Beware"

DRA is pleased to share with you our article in the latest issue of "The Legal Secretary." It is, as you will see, the cover story, hot off the presses and written by Ed Howard, our legislative advocate. Bold and strong (just like DRA), it tells the reader:

**"If you are promised the goody on the condition of booking a deposition with the goody-offering firm, then they are paying you for referring them business ... recipients must report the value of the incentives they receive as income on their tax returns."**

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We would love for you to spread the word. Please feel free to download and save the article

<http://bit.ly/LegalSec2011DRA> or print out copies to share with your clients or firm

owners! Don't forget to share the Hanson Bridgett Tax Memo, which makes this all crystal-clear:  
<http://bit.ly/hNrUFA>.

As we've all seen, the practice by reporting firms handing out incentives in exchange for business is still rampant here in California and throughout the United States. We know of retail stores and coffeehouses using this sales pitch, but DRA continues to believe this is an unethical practice by professionals in the legal setting.

This "Legal Secretary" article is just DRA's newest PR blast.

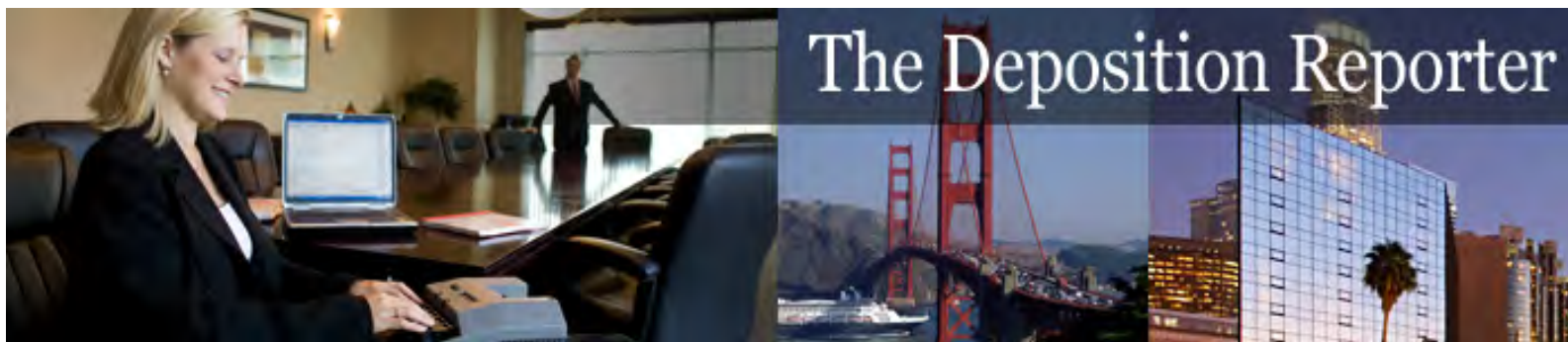
Our work continues for our members as we again follow our mission statement to:

*"... strive to preserve and enhance the stenographic reporting profession, ensure its integrity and maintain its high standards and impartiality wherever stenographic services are required."*

**Are you a DRA member feeling proud of your association?**

**Tell your reporter friends about DRA and have them join today!**

**Supporting your future costs less than 4 cents a day! [Join DRA](#)**



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# Risk of Rewards: Court Reporter Gift-giving to Improve Business

**Risk of Rewards: Court Reporter Gift Giving to Improve Business**

**Posted: 19 Jul 2011 10:37 AM PDT**



Everyone loves something for nothing. Marketers invest a lot of time and effort trying to appeal to that trait. A recent trend in the legal arena has seen an explosion of so-called "Rebates" programs and expensive gifts and rewards to attorneys or their staff for scheduling depositions. It is important to be aware that accepting these so-called "Rebates" offered by court reporting firms may attract the attention of the Internal Revenue Service. Some secretaries and paralegals are participating in the rebate programs without the knowledge of the firm or attorney. The rebates, in the form of cash, gift cards, travel and shopping, are made to influence the selection of court reporting firms when scheduling depositions.

Court reporting companies have historically been local mom-and-pop operations. Over the past several years consolidation has taken hold, as well as an influx of non-court reporting principals, including lawyers, buying and running court reporting firms. To maximize the return on investment, many of these firms have expanded beyond their city of origin.

Along with the trend to consolidate and expand has come the push to gain new business. In the early '90s, salespeople began delivering trays of cookies and providing other low-cost items to lawyers and their staff. What began as an inexpensive treat has grown to the point of some court reporting firms proudly posting on their websites programs to earn "points" for every deposition scheduled. The points may be redeemed for all-expenses-paid vacations, limousine travel, rounds of golf and the like. One recent flier boasted, "You Book The Depo, We'll Bring The Dom. Take your next deposition with us and we'll hand-deliver a complimentary bottle of the world's finest champagne, Dom Perignon." In the fine print the firm, whose president and vice-president are lawyers, offers the option of a donation to charity or a \$125 State Liquor Store gift card.

Free iPods, mall gift certificates, theatre tickets, cash, rounds of golf ... there are anecdotal reports in court reporting circles of payments in excess of \$25,000 going to a secretary to switch court reporting firms.





ED HOWARD

Ed Howard is President of Howard Advocacy, Inc., a Sacramento-based lobbying, public affairs, and litigation firm. Ed has been one of California's most prominent public interest lawyers and advocates for twenty years. On behalf of numerous high-profile grassroots organizations and policy-minded non-profits, Ed has been counsel in more than eleven cases that have permanently changed the California legal landscape; cases that resulted either in new precedent or statutory or regulatory reform. As a public interest lobbyist and former Chief Consultant in the California State Senate, Ed has spearheaded the enactment of numerous and nationally trend-setting laws in the areas of privacy, technology, IT procurement, the regulation of licensed professions, health care, consumer rights, and the rights of abused and neglected children. Since 2005, Ed has represented the Deposition Reporters Association of California.

# Law Firms Beware Of "Gifts" From Court Reporting Firms

BY ED HOWARD, ESQ. — SUBMITTED BY SAN DIEGO LSA

**W**hat are the most feared three letters in the English language? Probably these: "I-R-S."

If you are a legal secretary tempted by promises of goodies in exchange for booking depositions, you could learn the hard way the truth of the warning "there's no free lunch," the really hard way. The getting-you-or-your-law-firm-employer-in-trouble-with-IRS-hard way. That's because a new legal memo drafted by the prestigious law firm of Hanson Bridgett makes it clear that if you accept such goodies -- gift cards, contest entries, vacation stays -- in exchange for booking depositions, either you or the law firm that pays your salary had better be declaring the value of these goodies as income, or else the IRS might come knocking on your door or, worse, your employers.

The key is this: such goodies aren't gifts. If you are promised the goody on the condition of booking a deposition with the goody-offering firm, then they are paying you for referring them business. That isn't a gift, either in the legal sense, the tax sense, or the lay "Happy Birthday" sense. True gifts where you receive the gift without first having to do anything the gift-giver values aren't compensation. But promising something of value to you conditioned on you steering business to the court reporting firm, this is compensation for a service provided to the court reporting firm. It is a commission or a kick-back, and that makes such things of value income to somebody, either you or your employer, on whose behalf you are acting when you book a deposition.

As you know, the IRS gets very grumpy when people don't declare their income. As the Hanson Bridgett memo warns: "Given that the incentives provided by Reporting Firms in exchange for business are payments for services rather than gifts, the [Internal Revenue Code] requires the recipients of those payments to treat the value of the incentives as gross income. This means that recipients must report the value of the incentives they receive as income on their tax returns. Failure to do so could result in the assessment of additional taxes, interest and penalties by the Internal Revenue Service."

Even if the law firm has a policy against such commissions being paid to their employees to steer business to particular firms, the policy won't necessarily shield your law firm from IRS trouble unless the policy is being actively enforced. As the memo says: "Where law firms have policies in place prohibiting employees from accepting incentives, serious tax issues may still arise to the extent these policies are not enforced."

The problem here is that ordering court reporting services isn't like ordering printers or sodas. Can you imagine being tempted by an ad saying, "Book a brain surgery with Doctor Jones now and get a free ticket to Wicked!" Of course not.

**Doctors,** CPAs and court reporters in California are all licensed by boards within the Department of Consumer Affairs. The reason all these professionals are rigorously licensed is because if they harm a consumer, the harm is so bad that all the after-the-fact damages in the world can't make the consumer whole.

Hire a bad doctor, your loved one can't be brought back from the dead. A bad lawyer, only in the rarest circumstances can your verdict be overturned. A bad CPA? You go to jail and your life-savings goes poof. The same is true with a court reporter. A bad transcript can destroy a life and pervert justice. Simply put: these transcripts are really, really important to the lives and fortunes of your law firm's clients. You may not be the client who depends on the quality of the transcript but you should choose the court reporter as if you were.

You owe it to your law firm, your law firm's clients, and your conscience to select court reporters based solely on criteria important to the client; namely, quality and price. But if appealing to your conscience as a professional isn't sufficient to dissuade you from selecting a licensed professional court reporter with tremendous power over your employer's clients, only on the basis of what goodies they offer, then consider this:

Is that goody really worth the risk of getting you, your family, and your employer in trouble with the IRS? In this instance like so many, doing the right thing is also doing the smart thing. **LS**

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For convenience, I'll lump all gift, incentive, and reward point programs into the title "Rebate."

The first question is who is entitled to the rebate? The answer to this question is not as simple as it might seem. If the rebate benefits an attorney's staff member, becoming in effect, a "perk" of the job, that is one thing. If the rebate benefits the attorney, then another set of issues is put into play. For example, shouldn't any benefit received go directly to the lawyer's client who is paying for that product or service? While not on the level of the entertainment industry \$100,000 gift bags, an active litigator, or his staff, can accumulate rebates valued in the thousands of dollars a year. As suggested, this raises both ethical and tax questions.

Gift bags had been a common practice in the entertainment industry since the 1970s. The Internal Revenue Service decided in 2006 to begin cracking down on gift bags. The IRS is always looking for ways to collect more tax dollars from high-income taxpayers. The companies who "donate" these items aren't really intending to make gifts. Since the donors will usually take the cost of the gifts as a business deduction, the IRS is looking to the recipients for payment of the tax. Is it any surprise the value of the entertainment industry gift bags has dropped dramatically since 2006?

This level of tax-responsibility awareness hasn't yet reached the court reporting firms and law firms involved in today's expensive rebate programs. In fact, according to tax practitioners I have consulted, the Internal Revenue Service would look at the situation like this: Whether the rebate is paid to the law firm or to an employee of the firm, and whether it's accomplished through an immediate transfer of the rebate property or service, or by way of a "points accumulation system," there is no reason for excluding it from the recipient's taxable income. It is plainly not a gift, because the court reporter is anything but disinterested when it comes to wanting to influence the recipient's decision-making as to future court reporting services.

If the recipient is the law firm, ethically speaking, it should be a wash to the law firm. The law firm is under an obligation to give its client the benefit of the reduced cost reflected in the value of the rebate. Only if the law firm is charging the client the full value of the service would the firm have income equal to the value of the rebate. To use a simple example, let's say that the reporter charges \$100. The law firm passes the \$100 expense through to the client. The result is a wash. Then, if the rebate is \$10, the law firm pays the reporter a net \$90, and passes the \$90 cost through to the client. Again this is a wash.

But if the rebate is \$10, and the law firm charges the client the \$100, then the firm has \$10 income. That is, the \$100 charged to the client, less the \$90 net paid to the court reporter. This raises what the lawyers like to call "some nice questions" about not only whether the client should get the benefit of the rebate, but also if the rebate is accreted over time and paid out at some future date, then which client or clients should get the benefit, which is a problem called partitioning.

It must also be said that if the recipient of the rebate is either a subordinate employee of the firm, or an attorney employee or a partner, then the value of the rebate is clearly income to the individual. The question is complicated, however, for the employee or partner if the value of the rebate is not transferred for the benefit of the firm.

Accepting rebates would clearly violate most law firms' gift policies, unless the value was truly trivial under those policies; for example, a box of candy. Vendor rebate programs involving non-trivial amounts are precisely why law firms and some insurance carriers have such policies forbidding acceptance of "gifts."

Seen from the court reporter's standpoint, the situation is, if anything, even more complicated. The reporter generally would be required to provide an IRS information return to the recipient if the annual value of the rebate exceeds \$600. The rebate would be deductible by the reporter unless it's a bribe, kickback or other illegal payment under U.S. law or under generally enforced state laws that provide for criminal penalties or loss of license. Section 162(c)(2) of the Internal Revenue Code says that a kickback includes "payment in consideration of the referral of a client, patient, or customer." So where does that leave the too-generous court reporter? Not in a very enviable position.

Obviously, a more in-depth discussion of the legal and ethical implications of this situation may be forced upon those who participate in giving and/or receiving these excessive gifts from court reporting firms.

The message is clear though, as underscored by knowledgeable tax attorneys: No court

reporting service should venture into the world of “Rebates” without a solid understanding of the potential problems they are creating for themselves and for their customers – both the attorneys and their clients.

Reporters and lawyers: What are your thoughts on the topic? Leave your comments below.

<http://lawyerapproved.blogspot.com/2011/07/everyone-loves-something-for-nothing.html>

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# Esquire Solutions Sells Assets

**Esquire Solutions, an Alexander Gallo Holdings company, today announced an agreement to sell the assets from its Esquire Litigation Solutions (ELS) Business Unit to Document Technologies, Inc. (DTI) as part of its ongoing effort to focus resources on its core business of providing court reporting, deposition support, and trial services and software.**

In addition, Esquire Solutions has entered into a national agreement with DTI whereby ELS services will be sold and delivered through the DTI brand. ELS provides clients with Electronically Stored Information (ESI) management, electronic discovery, forensics, hosted review, project management and document management services. The agreement will allow clients direct access to the best-of-breed offerings from both Esquire and DTI.

"We are very pleased to announce a transaction that allows us to realize the tremendous value we've built in ELS and use the proceeds to support our core businesses for the benefit of our clients. We're also pleased that the talented and committed employees of ELS will be joining an established company with an excellent reputation," said Alexander Gallo, founder and Chief Executive Officer of the Company.

Esquire Solutions is the nationwide leader in litigation support solutions anchored in the major litigation centers of Los Angeles, New York, Chicago and Atlanta, delivering end-to-end litigation solutions in court reporting, legal video, hosted review, electronic discovery, trial software and trial consultation. The Company's professionals support AmLaw 100 law firms and global corporations and their outside counsel with the convenience and efficiency of a single source for comprehensive litigation solutions. For more information, visit [www.esquiresolutions.com](http://www.esquiresolutions.com).

About Alexander Gallo Holdings, LLC:

Based in Atlanta, Alexander Gallo Holdings, LLC is parent company to the nation's leading privately-owned court reporting and litigation solutions companies, Esquire Solutions and Sanction Solutions. Alexander Gallo Holdings companies offer expertise in court reporting, legal video, hosted review, electronic discovery and trial services across its 55 offices in 23 states. The company's entrepreneurial strategies and focus on superior client service has driven its unparalleled growth since 1999. For more information, visit [www.alexandergalloholdings.com](http://www.alexandergalloholdings.com).

About Document Technologies, Inc.:

Document Technologies, Inc. (DTI) is the nation's largest independent provider of facilities management and discovery solutions, servicing clients through offices in more than 20 markets across the U.S. Headquartered in Atlanta, DTI delivers end-to-end electronic discovery solutions, including prelitigation readiness consulting, forensics, data acquisition, processing, and an array of hosting platforms to meet a variety of litigation support needs. DTI clients include both top law firms and Fortune 500 corporations nationwide. For more information, visit [www.DTIglobal.com](http://www.DTIglobal.com).

SOURCE: Alexander Gallo Holdingspress release, Sept. 6, 2011, 3:30 p.m. EDT



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# Alexander Gallo Holdings Files Bankruptcy

Alexander Gallo Holdings, LLC, a provider of court reporting and litigation services, filed for bankruptcy protection.

The company listed debt in the range of \$100 million to \$500 million and assets of less than \$100 million in Chapter 11 documents in U.S. Bankruptcy Court in Manhattan.

The company and its units' 30 largest creditors without collateral backing their claims are owed about \$189 million, according to court documents. Gallo Holdings, LLC, listed as the note holder representative, is the biggest, with a claim of \$147.9 million, according to court papers.

Peachtree Holdings, Inc. holds 100 percent of the equity interest in the Atlanta-based company. Ten affiliates, including Esquire Solutions and Esquire Litigation Solutions, also sought protection.

The case is In re Alexander Gallo Holdings, LLC, 11-14220, U.S. Bankruptcy Court, Southern District of New York (Manhattan).

Read more:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/g/a/2011/09/06/bloomberg1376-LR5TSX6JTSEP01-45G7FRLI7CUN1GLOU7AR3AV9KU.DTL#ixzz1XO9Uttw6>

Alexander Gallo's letter to vendors:

Dear Esquire Solutions Vendor:

I am writing today to provide you with an update on our plan to transform the Company by strengthening our liquidity, addressing our debt, and positioning Esquire Solutions for a bright future.

Earlier today, we announced an agreement to implement a financial restructuring of our parent company, Alexander Gallo Holdings, which will improve our Company's financial footing and allow us to continue providing critical litigation support to more than 10,000 law firm offices and corporate clients nationwide.

The agreement includes the proposed sale of substantially all of the company's assets to Bayside Capital, an affiliate of H.I.G. Capital, a private equity firm with over \$8.5 billion of capital under management. The commitment comes one month after Bayside Capital made an initial investment in the Company in August.

The firm has tremendous resources, is committed to investing in the growth of our Company,

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understands our industry and believes in our future. We could not have found a better partner.

It was determined that the most efficient way to implement this sale is for our parent company, Alexander Gallo Holdings, to file a voluntary Chapter 11 restructuring. This allows us to reduce our burdensome debt, shed unnecessary leases and continue normal operations as we finalize the proposed sale to Bayside Capital, pursuant to Section 363 of the U.S. Bankruptcy Code, which will require Court authorization before the transaction can be closed. The Company is expected to continue business as usual during this process.

We will continue to serve our clients without interruption, and Esquire Solutions offices around the country will remain open, staffed, and supplied with the resources our Court Reporters need to serve our clients.

I am sure you are wondering what this means to you. Our liquidity is strong, bolstered by \$20 million in new financing, and we will be paying vendors in the normal course for products and services provided to us on or after September 7, 2011.

Unfortunately, the U.S. Bankruptcy Code precludes us from paying amounts owed to vendors for products and services provided prior to September 7, 2011. We apologize for any inconvenience this may cause you and your company. Treatment of these claims will be determined by a plan which will be reviewed by an Official Creditors Committee selected by the U.S. Trustee assigned to oversee the Chapter 11 process. We appreciate your patience as we move through this process.

I want to assure you that Esquire Solutions has ample resources to pay for goods and services received on or after our filing date of September 7, 2011 and beyond. In fact, Bayside Capital has committed to provide up to \$20 million in new financing to support the Company going forward. The financing, together with cash generated from operations, will help ensure that the company will be able to make this process a success.

We appreciate your support and look forward to continuing our relationship. For more information, visit the Restructuring Transaction tab of [www.esquiresolutions.com](http://www.esquiresolutions.com).

If you still have questions, please contact your normal Esquire Solutions representative or call the company's toll-free hotline for information about the restructuring at 855-768-6751 855-768-6751 .

Sincerely,

Alexander Gallo

Chief Executive Officer

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ATLANTA, Sept. 19, 2011 /PRNewswire via COMTEX/

Alexander Gallo Holdings, LLC (AGH) announced today that it has obtained U.S. Court permission to make payments to certain affiliate court reporters for work performed prior to the start of the Company's Chapter 11 restructuring.

This critical relief enables the Company to compensate hundreds of affiliate court reporters AGH uses to serve clients across the country for work performed prior to September 7, 2011, the day the restructuring commenced.

Affiliate court reporters, as well as employees and staff court reporters, are already being paid for work performed on or after September 7, 2011. Payments for pre-petition amounts are scheduled to be made over the next three weeks.

"The affiliate court reporters are essential to enabling AGH to provide the service and support that our more than 10,000 law firm and corporate clients rely on," said Alexander Gallo, the Company's founder and Chief Executive Officer. "We are very pleased the Court granted our



request.”

AGH filed motions seeking permission to assume the contracts of its Preferred Provider Network and to pay critical affiliate court reporters shortly after the September 7, 2011 Chapter 11 filing. The requests were made because federal Chapter 11 law prohibits payment for goods and services provided prior to a Chapter 11 filing, without a Court order.

Under the terms of a Court order, affiliate court reporters must agree to continue normal terms to qualify for payment for work performed prior to September 7, 2011.

Since commencing the Chapter 11 case, AGH has received Court approval of its most critical requests, including motions to continue paying employees, 1099 court reporters and videographers; a motion to access additional financing to strengthen liquidity; a motion to continue all customer programs, including payment of refunds; and now the motions to pay affiliate court reporters for work performed prior to September 7.

AGH commenced a Chapter 11 restructuring on September 7, 2011 in order to eliminate debt, strengthen liquidity and finalize the proposed sale of substantially all of its assets to H.I.G. Capital, through its affiliate Bayside Capital. H.I.G. Capital is a leading global private investment firm with more than \$8.5 billion of equity capital under management.

About Alexander Gallo Holdings, LLC Based in Atlanta: Alexander Gallo Holdings, LLC is parent company to the nation’s leading privately-owned court reporting and litigation solutions companies, Esquire Solutions and Sanction Solutions. Alexander Gallo Holdings companies offer expertise in court reporting, legal video, hosted review, electronic discovery and trial services across its 55 offices in 23 states. The Company’s entrepreneurial strategies and focus on superior client service has driven its unparalleled growth since 1999.

For more information, visit [www.alexandergalloholdings.com](http://www.alexandergalloholdings.com).

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# NCRA 2011 Election Results

## Official Election Results

The annual membership business meeting was held Thursday, July 28, 2011, at Bally's Las Vegas, Nevada. A total of 291 members participated in the meeting on site. Members who were not able to attend the meeting in person were able to follow the discussions live or review them after the fact via a realtime feed to the Internet.

Three contested elections for board and officer positions were conducted at the meeting. As provided for in the Bylaws, all NCRA voting members were able to participate in the final voting online. Polling closed at 1:15 a.m. Pacific Time, July 29, 2011.

## Congratulations to NCRA's 2011-12 Board of Directors

### Friend Advances to Presidency

President-elect R. Douglas Friend, RDR, CRR (Portland, Oregon) automatically advances to the office of 2011-12 President.

### Smith Elected President-Elect

Votes cast:

Judith G. Werlinger, RMR, CRR, CMRS, FAP (Hearne, Texas): 508 (46.14%).

Tami Smith, RPR, CPE (Lansing, Michigan): 593 (53.86%).

### Varallo Elected Vice President

Because there were three candidates for this office, in accordance with the requirements of Articles VIII and IX of the NCRA Constitution and Bylaws, voting was conducted in two stages:

#### 1) Preliminary Voting

Per Article VIII, Section 4 (c) of the NCRA Constitution and Bylaws, a secret, written ballot was cast by all eligible Voting Members present and voting at the business meeting. The two candidates receiving the highest number of votes on this preliminary ballot moved forward to the final ballot, which was conducted electronically.

Sarah E. Nageotte, RDR, CRR, CBC (Jefferson, Ohio): 90.

Sandra M. Mierop, RPR, CRR, CCP, CBC, FAPR (Anchorage, Alaska): 52.

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Nancy Varallo, RDR, CRR, FAPR (Worcester, Massachusetts): 143.

\* Advanced to final ballot.

## 2) Final Voting

Votes cast:

Sarah E. Nageotte, RDR, CRR, CBC (Jefferson, Ohio): 519 (48.92%).

Nancy Varallo, RDR, CRR, FAPR (Worcester, Massachusetts): 542 (51.08%).

## Willette Elected Director

Votes cast:

Sue A. Terry, RPR, CRR (Springfield, Ohio): 477 (43.76%).

Christine J. Willette, RMR, CRR, CCP (Rothschild, Wisconsin): 613 (56.24%).

## Uncontested Elections

Also elected at the Business Meeting were:

Bruce A. Matthews, FAPR, RDR, CRR (Cleveland, Ohio) as Secretary-Treasurer;

Toni C. O'Neill, RPR, FAPR (Riverside, California) to a three-year term as director;

and Stephen A. Zinone, RPR (Canandaigua, New York to a three-year term as director.





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## Be A Mentor & Earn CEUs

NCRA recently changed its criteria for earning continuing education units.

"NCRA members will receive .25 Professional Development Credits per year of service on an NCRA, NCRF, or state court reporting association board or committee."

### What does this have to do with you, you ask?

If you're an NCRA member, you can now earn CE points by serving on the DRA board as an officer, director or committee member!

DRA needs mentors and other committee members!

Contact [holly@hollymoose.com](mailto:holly@hollymoose.com) TODAY and start earning CEUs.



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## California CSRs Cited & Fined

### CSRs CITED AND FINED

Please click on the link below to view the "UPDATED Citations and Fines Issued," for the Court Reporters Board of California.

<http://www.courtreportersboard.ca.gov/lawsregs/cite-fine.pdf>

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# ***COURT REPORTERS BOARD OF CALIFORNIA***

## ***CITATION & FINES ISSUED***

### ***AUGUST 2010 – JUNE 2011***

<b>RESPONDENT NAME CITY</b>	<b>LICENSE No.</b>	<b>DATE ISSUED</b>	<b>VIOLATION</b>	<b>SATISFIED</b>
<b><i>Carter, Sharon</i></b> Sacramento, CA	4889	06/16/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
<b><i>Martinez, Brenda</i></b> Menifee, CA	12858	06/16/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts.... <i>(failed to timely produce transcript)</i>	No
<b><i>Cathey, Valerie</i></b> Redwood City, CA	9870	06/13/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
<b><i>Fischer, Rose</i></b> Capistrano Beach, CA	12119	06/10/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
<b><i>Schafer, Lisa</i></b> Woodland, CA	12723	06/10/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts.... <i>(failed to produce transcript)</i>	No
<b><i>Reinhold, Sharon</i></b> Ventura, CA	7794	05/23/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
<b><i>Anderson, Jessica</i></b> San Diego, CA	12936	05/23/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
<b><i>O'Connell, Deborah</i></b> San Diego, CA	10563	04/26/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No

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<b>Heinold (Purcell), Cynthia</b> Santa Ana, CA	12150	04/22/2011	Business & Professions Code Section 8025 (d): Unprofessional Conduct, ( <i>failed to notify all pertinent parties of changes made to a transcript</i> ), gross negligence, incompetence ( <i>quality of stenographic notes</i> )	Yes
<b>Ellington, Aaron</b> Hercules, CA	13449	04/21/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts.... ( <i>failed to produce transcript</i> )	No
<b>Fox, Tracy</b> Newport Beach, CA	10449	04/18/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Torres, Roberta</b> Felton, CA	7654	03/30/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Cooksey, Dixie</b> Roseville, CA	4375	03/18/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Papale, Valerie</b> Santa Rosa, CA	6899	03/18/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Satterlee, Delia</b> Santa Ana, CA	9114	02/28/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Heyward, Julie</b> Santa Ana, CA	7907	02/28/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Williams, Melissa</b> San Jose, CA	12284	02/24/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (e): Repeated unexcused failure...to transcribe notes of cases on appeal. ( <i>failed to timely produce transcripts</i> )	Yes



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<b>Gallardo, Yvette</b> Salinas, CA	12889	02/24/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (e): Repeated unexcused failure...to transcribe notes of cases on appeal. ( <i>failed to timely produce transcript</i> )	Yes
<b>Lizarraga-Felix, Vanessa</b> Riverside, CA	12829	02/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Greene, Virginia A.</b> Bakersfield, CA	12270	02/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Fong, Thelma</b> Los Angeles, CA	7986	02/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>Giugni, Betsy</b> Fairfield, CA	6174	01/10/2011	Business & Professions Code Section 8025 (d): Gross negligence ( <i>certified inaccurately transcribed court proceeding</i> ); and (j) in conjunction with CA Code of Regulations, Title 16, Section 2473 (a)(2) Minimum Transcript Format Standards. ( <i>failure to comply with MTFS</i> )	Yes
<b>Held-Biehl, Laurie</b> Rancho Santa Margarita, CA	6781	01/10/2011	Business & Professions Code Section 8025 (d): Unprofessional conduct; Code of Civil Procedure Section 2025.520 (a) ( <i>failure to provide deponent with opportunity to read, correct and sign depositions</i> )	Yes
<b>Johnson, Jacquelyn</b> Carlsbad, CA	1592	10/27/2010	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. ( <i>late renewal</i> )	Yes
<b>U.S. Legal Support</b> Los Angeles, CA	N/A	10/26/2010	Business and Professions Code section 8046, in conjunction with CA Code of Regulations, Title 16, section 2475 (b)(8) Professional Standards of Practice.	No
<b>Austin, Stephanie</b> Highland, CA	13119	10/20/2010	Business & Professions Code Section 8025 (d): Incompetence in practice of shorthand reporting ( <i>quality of stenographic notes</i> )	Yes

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<b>Bushaw, Joanne</b> Monterey, CA	4334	10/05/2010	Business & Professions Code Section 8025 (d): Unprofessional Conduct <i>(failed to provide court reporting services after receiving payment; failed to reimburse payment)</i>	Yes
<b>Gardner, Michelle</b> Pomona, CA	11463	10/01/2010	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts.... <i>(failed to timely produce transcript)</i>	Yes
<b>Lothar, Christina</b> Carlsbad, CA	8624	09/07/2010	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
<b>Durrant, Elizabeth</b> Chatsworth, CA	11899	08/30/2010	Business & Professions Code Section 8025 (d): Unprofessional Conduct.	No
<b>Saul, Mary Jo</b> Los Angeles, CA	8820	08/30/2010	Business & Professions Code Section 8025 (d): Unprofessional Conduct.	Yes
<b>Martinez, Brenda</b> Menifee, CA	12858	08/26/2010	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts.... <i>(failed to timely produce transcript)</i>	Yes

*The Citation and Fines remain posted for one year from the date initially issued. To find out whether a specific licensee has ever been issued a Citation and Fine prior to the date shown, or to obtain further information on a specific Citation and Fine, please contact the Board office at (877) 3-ASK-CRB (327-5272).*

**The above respondents' Citation and Fines that reflect "Satisfied" have been satisfactorily resolved. Payment of a fine is not an admission to the violation.**



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## Depo Diplomat

*Dear Depo Diplomat:*

*What do you know about Federal minimum transcript guidelines (lines per page)?*

*I have an agency that is telling me that for district court cases, it's acceptable to use 22 lines per page. I've done a little internet research and I can't find anything that verifies this. I did find this online:*

*"Question: If a licensee reports and transcribes depositions in a U.S. District Court (Federal) case, are California's MTFS (Minimum Transcript Format Standards) applicable?*

*Answer: Yes. The Federal Rules of Civil Procedure (FRCP) do not specify transcript format standards for depositions."*

*I'm wondering if each of the district courts has its own guidelines. I'd appreciate knowing what you know in this regard.*

Dear Reporter:

It is correct that there are no Federal MTFS. The Q&A that you found online is actually copied from a list of frequently asked questions regarding the California MTFS that the California Court Reporters Board (CRB) developed and published on their website. And if you look at that section of the CRB's site ([www.courtreportersboard.ca.gov/lawsregs/mtfs.pdf](http://www.courtreportersboard.ca.gov/lawsregs/mtfs.pdf)), you'll find the added advice that a simple rule of thumb for depos is that for any deposition physically taken in California, the California MTFS apply.

Also, I feel fairly safe in saying that no, the individual district courts do not have their own transcript guidelines, since they would all follow the Federal Rules of Civil Procedure; and since no transcript format guidelines exist there, there would likely be none in existence in any federal court.

It may in fact be acceptable to use 22 lines for federal depositions where this agency in question is located. Perhaps they're back east somewhere, because I've seen other depositions done back there with fewer lines like that, but I'd assume that's because it's common for reporters to use that format; and since there are no federal requirements in that regard, their 22-line transcripts are accepted without a problem. But assuming that this deposition was or will be taken in California, then per our CRB, this transcript, regardless of where it's being produced or filed in court, should be done in our 25-line, 56-characters-per-line format. If you prepare it in the 22-line format you're being requested to, you could risk disciplinary action by our board. It's a long shot that that would ever happen, of course, but to be operating within our rules here, 25 lines is what your transcript must contain.

I would just add that if this firm wants to handle their clients' depositions that are taken in California, then they need to accept the fact that California transcripts are to be produced in this format. They obviously will make a bit less profit using a 25-line format versus 22 lines, but at least they

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are still able to cover their clients' work out here. They have perhaps used other California reporters who have followed their request for 22 lines, but that may have happened because previous reporters didn't know the law as well as you do or didn't research this subject as you have, so this firm should recognize that they have now found a reporter who keeps herself well-informed of the laws in our state, and that should tell them that you are a conscientious reporter.

Best of luck to you,

Antonia Pulone

DRA Depo Diplomat





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# Change in NCRA's Advertising Policy

NCRA sent the following letter to its advertisers on August 1, 2011:

Dear Advertiser,

**This is notice to a change in NCRA's Advertising Policy that all individuals or entities advertising with NCRA must follow. The NCRA Board of Directors recently approved a provision to NCRA policy that will compel all court reporting firms and individual court reporters who advertise with or through NCRA to abide by the Association's Code of Professional Ethics (COPE), regardless of whether the principal within the firm is an NCRA member or not.**

**How does this affect you?**

- 1. If you are a current NCRA member, it doesn't. You are already obligated to abide by the Code, so nothing is different for you.**
- 2. If you are a vendor or other organization that is related to the court reporting profession but doesn't provide court reporting services, it doesn't. Your business doesn't provide any services that fall under those governed by the Code.**
- 3. If you are an owner of a court reporting firm or an independent court reporter and are not an NCRA member, then you are now obligated to follow the same ethical requirements as if you were an NCRA member.**

**The policy is now in effect; however, the Board of Directors has granted a grace period to allow those affected by this change to learn about the requirements and come into compliance. Therefore, no complaints will be considered until after November 1, 2011, and only complaints detailing actions occurring after that date will be considered. Complaints against advertisers who are members will be handled as usual through NCRA's Ethics Complaint Procedures. Complaints against advertisers who are nonmembers will be handled through NCRA's Committee on Professional Ethics in accordance with NCRA's "Advertising Complaint Procedures for Nonmembers." Complaints must be made in writing.**



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## Distinguished Service Award Nominations

**Do you know a fellow reporter or a colleague in the reporting field who has served our profession on a state and national level, who has donated their valuable time to educate on behalf of the profession as a whole, who has attained a long list of achievements, who exhibits leadership qualities?**

**DRA invites you to submit nominations now for its prestigious Distinguished Service Award, to be announced at the annual convention in Monterey, February 24-26, 2012.**

**Click here to review the candidate criteria and submit your nomination:** [http://www.caldra.org/DRA\\_DSA.asp](http://www.caldra.org/DRA_DSA.asp)

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# The Deposition Reporter



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## 2011 Intersteno Competition

### DRA MEMBERS PERFORM EXCEPTIONALLY AT 2011 INTERSTENO COMPETITION

The 48th Intersteno World Congress was held this past July in Paris. Stenowriters from the United States performed very well in the Speed contest (shorthand/speech capturing), securing five of the top seven performances, and in the Realtime Transcription contest, securing four of the top ten performances.

Of the 32 competitors In the Speech Capturing - Machine Shorthand category for seniors, DRA member Laura Brewer placed third; DRA member John Wissenbach placed fourth, DRA member Teri Darrenougue placed sixth and DRA member Laura Denise Axelson placed 14th. GO DRA-ers!

Of the 39 competitors in the Realtime Transcription contest, senior division, six Americans placed in the top half of the field, including Teri Darrenougue, who placed seventh, John Wissenbach, who placed 12th, and Laura Brewer, who placed FIRST and is the World Champion!! She is pictured below with her trophies!

Full contest results lists are now available on the Intersteno website.







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# Open Letter From NCRA's President

I'm pleased to share with my fellow members the initial outcomes from our ambitious, all-inclusive Writing Our Future project. As you know, a year ago the Board embarked on this effort with no preconceived ideas, promising that we would follow the will of the members. We were committed to listening to you and to "Writing Our Future" – together.

We invited every member to participate in the discussion. We conducted town hall meetings with state associations and with many of you at Baltimore's Midyear Conference and Tucson's Firm Owners Conference. We spoke one-on-one with more than 200 members in conversations that lasted as long as an hour at a time. The freelance and officials communities of interest conducted online chats, after which ideas were discussed on our Forum and on Depoman. In the meantime, we fielded two surveys and received responses from more than 3,000 individual members to verify and refine what we learned and advance our discussion and debate of four potential scenarios for NCRA's future. The process was sound, with thousands of members contributing and thousands of hours invested.

The data is clear. Sixty percent of you agree that NCRA should remain an association by and for stenographic court reporters. Scenario 1, "Status Quo," is the direction by which NCRA will proceed, remaining an association whose primary focus is on advocating for, certifying, and serving the needs of stenographic court reporters.

Although 45 percent of you supported Scenario 3, "Association for All Methods," that result doesn't begin to approach the two-thirds majority of voting members that would be required to approve such a change, and no further efforts will be focused there. Scenario 2, "Steno Only Membership, Certifying Body for All Methods," garnered 38 percent agreement, and Scenario 4, "Consortium of Associations," had 32 percent agreement. As you may recall, Scenario 5, a "Realtime Only Association," was discarded from consideration earlier this spring. You can view the entire Writing Our Future survey results here: <http://ncraonline.org/WOF/>

[wofsummary.htm](#).

While members were genuinely accepting of having the conversation about engagement with other methods - and we very much appreciate the dialogue - in the end, your decision as a group is that NCRA should make no major changes in membership or certification offerings, but remain focused on the needs of our current core membership, stenographic reporters. Those questions are now behind us. You spoke; we listened. But Writing Our Future isn't—and never was—intended to be just another conversation about NCRA's membership. It's about our future as a profession. Ninety-one percent of you said you are comfortable having a discussion at our all-members meeting in Las Vegas and using the upcoming year to discuss what, if any, subsequent changes are needed to our constitution and bylaws. We continue to need your input and ideas.

The six largest factors influencing our profession over the next 15 to 20 years were identified, in order, as:

**1. The shrinking population of reporters; we must support our schools.**



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**2.Enhanced/improved ER/DAR; their advancements are not waiting for us.**

**3.Market demand for paperless court reporting, courtrooms, and e-filing.**

**4.The market accepts ER/DAR as steno's equal.**

**5.Continued proliferation of ER/DAR in courts and depositions.**

**6.Larger population of court reporters providing realtime.**

Let's flesh out some of the largest lessons learned.

External forces will continue to drive our market, and NCRA's role is to prepare our members to meet those changing demands. Realtime is the brightest line of demarcation between steno and other methods. It is no longer the gold standard to which all steno reporters should aspire, but must become our de facto minimum standard.

What should NCRA be doing? Where can we have the largest impact?

**•53 percent of you said we can address the shrinking pool of reporters by creating a stronger demand from the public, courts, attorneys, and end consumers through a sustained, concerted campaign to attract students, while working with our schools to increase graduation rates.**

**•52 percent said we can offset the impact of enhanced/improved ER/DAR by promoting realtime as the clearly superior method, providing tools to individual reporters to promote our value, and conducting studies to show the detrimental effects of ER/DAR.**

**•82 percent of you feel that holding all methods to a single set of standards will better delineate steno as the premier method for making the record, and 62 percent of you feel that allowing other methods to pursue our same standards will give those methods too much credibility as legitimate.**

**•While there is a desire to have all methods answer to the same standards, there is no consensus on who should be responsible, even whether at a state or national level.**

**•49 percent of you feel NCRA can have a strong impact on the future demand for paperless reporting by engaging in a sustained campaign to increase realtime preparedness and proliferation, establishing certification and education programs to prepare and encourage reporters to move to and help manage paperless systems, and to promote such systems to consumers.**

In addition to those six large factors, the Writing Our Future process revealed several areas that also need attention, including, but not limited to, NCRA's nomination process and board structure, third-party contracting, realtime certification standards, and increasing membership. These matters will be addressed in our next year's scope of work with results reported back as they're developed.

I'm pleased that NCRA's Marketing & Communications Plan, adopted last year, is in sync with member priorities identified through this process, especially "building a wider appreciation of steno reporters among key influencers" and "helping schools recruit more students" to repopulate the profession. We must continue this work on a sustained basis, part of which encompasses PROPS - Promoting Reporter Opportunities, Professionalism, and Service - which is where you come in. NCRA cannot do promotion alone; we need every reporter in the field recruiting students and providing exceptional service to our "customers," be they private litigants, attorneys, CART hiring authorities and consumers, television stations, or the courts.

While the Board has preliminarily identified the five priorities listed below, we remain eager to hear your input about the process, the outcomes, and for your continued assistance as we move forward in our new fiscal year, putting more "meat on the bones" from your point of view.

●Getting all reporters to write realtime should be a major focus for our profession. NCRA will engage in a concerted effort to encourage all stenographic reporters to become realtime capable, our most important distinction.

●NCRA will engage with laser-type focus in a sustained, multifaceted campaign to promote the value of stenographic court reporters to key influencers, end consumers, and the legal community, with realtime capability obviously vital.

●NCRA will also engage in a systematic and sustained campaign to get more qualified students and teachers into court reporting programs, with newfound purpose placed behind raising graduation rates.

●NCRA will work to cultivate a spirit of cooperation and innovation to make court reporters the agents of change from a technology perspective, which is key to our future security and prosperity. The world is moving toward a paperless court system, and NCRA members must be leaders in this regard.

●While recognizing that NCRA will exist as a stenographic-only association, nearly 90 percent of you feel that establishment of a single set of standards to which all methods must adhere is important to ensure the integrity of the legal system. Whether this is explored through strategic partnerships with other organizations or the creation of some sort of oversight body is not clear; the issue deserves further study.

Please join us for our all-members meeting on Saturday, July 30, from 8 a.m. to 9:30 a.m. Pacific time. For those at the Convention in Las Vegas, I hope to see you in person, and you need not be registered for the Convention to attend. We will also provide a streaming realtime feed over the NCRA website. Come one, come all, in person or remotely!

Although I recognize that not everyone is going to be happy with the findings I've shared, it is my strong belief that our membership has spoken and our leaders have listened. 93 percent of you agree that Writing Our Future has been a constructive exercise for discussing the direction of our profession and NCRA's role therein, and I thank each of you for the passion, enthusiasm, and level of engagement you've demonstrated. We're all in this together and, together, we have Written Our Future. We have made a decision. We have made a plan.

I look forward to continuing our discussions in Las Vegas and working through the implementation of the work you've directed, helping NCRA remain dedicated to promoting excellence among those who capture and convert the spoken word to text, an organization focused on protecting and advancing the needs of stenographic court reporters.

Sincerely,

Melanie L. Humphrey-Sonntag  
CSR, RDR, CRR, FAPR  
2010-2011 NCRA President

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#### **THIS JUST IN FROM PRESIDENT DOUG FRIEND...**

SueLynn Morgan, a past president of NCRA and the Oklahoma Court Reporters Association, has informed me that, after 17 years of service as an official court reporter in the same courthouse in Lawton, Oklahoma, she is leaving her position as an official reporter and moving on to a new career. That is, of course, an individual and personal choice on her part.

I know, however, that her personal choice may cause some distress for friends and colleagues in the reporting community since the opportunity that SueLynn has accepted is with FTR, a leading provider of electronic recording, transcription and record management products and services.

All of SueLynn's official NCRA board duties had come to a close before she received this job offer. In our discussion, we agreed that SueLynn would cease all her remaining NCRA committee roles and responsibilities.

Like any other member of the profession, SueLynn was a strong minded and independent individual with a right to her own point of view, which she never hesitated to express vigorously during board meetings, even when, as often was the case, she was in the minority. Throughout her years of service as a state and national leader, she always made her personal opinions clear, but she also always respected the consensus reached and bowed to the decision of any board or committee on which she served. Even when I disagreed with her, I could respect her position.

I want there to be no doubt in any member's mind over where NCRA stands. We heard our members through your Writing Our Future responses. Your NCRA board today remains unwaveringly committed to keeping the promises that we have made to our members. NCRA is an association devoted exclusively to the welfare and promotion of the stenographic reporting profession.

Doug Friend  
NCRA President

\*\*\*\*\*

### **ForTheRecord announces appointment of a new Director of Consulting Services**

**Phoenix, AZ, September 27, 2011** — ForTheRecord (FTR), a global leader in digital recording and content management solutions for judicial and public safety venues, today launched a new Consulting Services department headed up by industry expert SueLynn Morgan.

The Consulting Services department will advise courts on the technological, administrative and operational best practices necessary for a smooth transition between traditional stenography and the digital capture and management of information.

Morgan has been an Official Court Reporter for 17 years and has served as a President and Board Member of the National Court Reporters Association (NCRA). She brings a wealth of industry knowledge and experience to her new role at FTR, where she will focus on assisting courts with the personnel, legislative and administrative aspects of transitions, as well as establish protocol that ensures effective and efficient record creation.

"We are excited about the prospects of our new Consulting Services department and are delighted to have SueLynn lead this new area of our business," said Daniel Bennett, Executive Vice President of FTR. "SueLynn's new role, and her unwavering commitment to continual improvement in the judicial system, will further extend the FTR platform of products, services and solutions that are available to courts of all sizes."

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## Email Etiquette

We live in an email world nowadays. There are no hard rules, but there are many guidelines that can help you email efficiently. As freelance reporters, we are often dealing with multiple reporting firms, some whom respond right away, some who might not. Here are some tips for proper etiquette when sending/receiving emails.

### Think Of An Appropriate Subject

•*Make the subject line meaningful. For example: "ASCII" is too vague. Consider instead: "Job #11234 ASCII file, Jones v. AAA, 052311 Jones.txt"*

### Do Not Write in CAPITALS

•*IF YOU WRITE IN CAPITALS, IT SEEMS AS IF YOU ARE SHOUTING. This can be annoying and difficult to read. Therefore, try not to send any email in all capitals.*

### Use Proper Spelling, Grammar And Punctuation

•*You're a court reporter. This is important. Improper spelling, grammar and punctuation gives a bad impression and can make a firm wonder if they're going to receive quality work from you. Proper spelling, grammar and punctuation makes it easier to understand the intended meaning of a sentence.*

•*Often we reply from our phones. Try to respond without using "U" for "you." Just type a quick reply, and if a longer reply needs to be sent, send that out once you get to your computer.*

### Use Acronyms Sparingly

•*DYK? Not everybody knows every acronym. Just write it out.*

### When In Doubt, End Emails With "Thanks"

•*If you don't know how to say good-bye at the end of an email, there's one thing that will almost always be appropriate: "Thanks."*

### Add Disclaimers To Your Emails.

*Why do you need disclaimers? It is important to add disclaimers to your emails, since this can help protect you from liability. If you were to be so unlucky to be sued for the contents of an email, it is not certain whether an email disclaimer will protect you from liability in a court of law. However, it will certainly help your case and in some situations might exempt you from liability. More importantly, it may well prevent the actual occurrence of lawsuits against your company since the mere presence of the statement might deter most persons from seeking legal compensation from your company. Therefore the use of disclaimers is always recommended.*



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*Find more information here.*

•Add a "Confidentiality Notice" to the emails you send. As an example: This e-mail, including any attachments, may contain confidential and privileged information. If you are not the intended recipient(s) and this message has been sent in error, please advise of the error and immediately delete this message from your computer.

### Do Let People Know Their Mail Has Been Received

*Did my email get lost in cyberspace? Did the spam filter eat my message? When a firm sends you the information for your job tomorrow, a simple "received" or "thank you" is greatly appreciated. The same goes for firms. When we submit a job via email, please reply to let us know you received it.*

### Some Other Tips:

•When forwarding an email, be aware that you are now sharing a message written for you to a third party. Review whether the original sender would approve of the receiver seeing his email.

•When you find that you've been cc'd on an e-mail, a response is not necessarily required. You are simply being FYI'd.

•Avoid overreacting to an email that you interpreted a certain way. Do not hastily respond to an email. This is unprofessional and counterproductive. Tone is virtually impossible to discern accurately.

•Use discretion in using REPLY ALL.

•If you are responding to an email and changing the subject at all, change the subject line.

•Generate an automatic response if you will be out of the office more than one day.



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## Welcome New Members

**DRA welcomes these very smart new members who spent their money wisely on supporting their profession:**

Irene Abbey, CSR  
Michelle Ando  
Christy Cannariato, CSR  
Claudia Casotti-Stevenson  
Bonnie Chufar-Comstock  
Nikki Cotton, CSR  
Shannon Elisalda  
Tami Faughn  
David Freeman  
Linda Golkow, CSR  
Loralee Hiatt, CSR  
Julie Miller  
Michael Miller, CSR  
Susan Miller, CSR  
Rachel Pearlman  
Sonia Renee Smith, CSR  
Julie Way



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## 2011 New CSRs

**DRA welcomes the newest members of our wonderful profession. The following people have successfully passed the California CSR exam in 2011. DRA wishes you a long and prosperous career and hopes that we are always a part of it. Congratulations!**

Nadia Viviana Urrego, CSR 13612  
 Tracy Dymond, CSR 13613  
 Rosemarie E. Kazarovich, CSR 13614  
 Skylar M. Hall, CSR 13615  
 Paula Goehle, CSR 13616 (DRA member)  
 Claudia Casotti-Stevenson, CSR 13617  
 April Gaskins, CSR 13618  
 Jillian Bassett, CSR 13619  
 Stacy Purcella, CSR 13620  
 Rachel Mary Carlucci, CSR 13621  
 Celeste A. Ramsey, CSR 13622  
 Amanda Marie Hoffenberg, CSR 13623  
 Sarah Baez-Vasquez, CSR 13624  
 Anne C. Dillan Walton, CSR 13625  
 Kerry Burks, CSR 13626  
 Carly C. Tillotson, CSR 13627  
 Linda L. Golkow, CSR 13628  
 Douglas S. Unger, II, CSR 13629  
 April Rose Blanco, CSR 13630  
 Sarah Montealegre, CSR 13631  
 Michelle Keegan, CSR 13632  
 Celeste M. Poochigian, CSR 13633  
 Kristine M. Hicks, CSR 13634 (DRA member)  
 Mark Cole Spangler, CSR 13635  
 Amy Hyland Caufield, CSR 13636  
 Erica Eileen Segovia, CSR 13637  
 Julie T. Miller, CSR 13638 (DRA member)  
 Sherry Macias, CSR 13639 (DRA member)  
 Brandi R. Celestino, CSR 13640  
 Trudy O'Brien, CSR 13641 (DRA member)  
 Michele Lynn Morse, CSR 13642 (DRA member)  
 Suzanne M. Pulver, CSR 13643 (DRA member)  
 Carley Joanne Bagatelos, CSR 13644  
 Desiree Winn, CSR 13645  
 Heatherlynn Gonzalez, CSR 13646 (DRA member)  
 Monica R. Schnabel, CSR 13647  
 Susan Perry Miller, CSR 13648  
 Michael E. Miller, CSR 13649  
 Danielle DeGracia, CSR 13650  
 Oliva Withers, SR 13651  
 Sarah Domenico, CSR 13652 (DRA member)  
 Elizabeth Ruth Wiersma, CSR 13653 (DRA member)  
 Alice T. Chang, CSR 13654  
 Nicole Thut, CSR 13655 (DRA member)  
 Michelle Young, CSR 13656

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Rachel Nicole Passarella, CSR 13657  
Michelle Bulkley, CSR 13658  
Suzanne Marie Ricardo, CSR 13659  
Cynthia Siu, CSR 13660  
Katherine DeWit, CSR 13661  
Katherine Henry-Sexton, CSR 13662

**Please click on the links below to view the "Examination Statistics - March 1, 2011 through June 30, 2011," and "Dictation Examination Statistics - June 2011," for the Court Reporters Board of California.**

[Exam Stats 3/11 to 6/11](#)

[Exam Stats 6/11](#)



**Court Reporters Board**  
**Examination Statistics - March 1, 2011 Thru June 30, 2011**

**English**

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	9	3	33.3%	4	1	25.0%
Bryan - Los Angeles	3	2	66.7%	1	1	100.0%
Bryan - Sacramento	4	1	25.0%	2	0	0.0%
Cerritos	0	0	n/a	0	0	n/a
College of Marin	3	0	0.0%	2	0	0.0%
Cypress	1	0	0.0%	0	0	n/a
Downey	6	5	83.3%	0	0	n/a
Golden State	2	1	50.0%	2	1	50.0%
Humphreys	6	4	66.7%	4	4	100.0%
Sage - Moreno Valley	5	2	40.0%	1	1	100.0%
Sage - San Diego	4	1	25.0%	1	0	0.0%
Sierra Valley	17	5	29.4%	6	2	33.3%
South Coast	14	11	78.6%	11	10	90.9%
Taft	0	0	n/a	0	0	n/a
Tri-Community	2	0	0.0%	0	0	n/a
West Valley	2	1	50.0%	2	1	50.0%
<b>SCHOOL TOTAL</b>	<b>78</b>	<b>36</b>	<b>46.2%</b>	<b>36</b>	<b>21</b>	<b>58.3%</b>
Closed	0	0	n/a	n/a	n/a	n/a
Five Plus	8	3	37.5%	n/a	n/a	n/a
O/S	0	0	n/a	0	0	n/a
RPR	11	6	54.5%	5	4	80.0%
Work	2	0	0.0%	1	0	0.0%
<b>TOTAL</b>	<b>99</b>	<b>45</b>	<b>45.5%</b>	<b>42</b>	<b>25</b>	<b>59.5%</b>

**Professional Practice**

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	5	3	60.0%	4	3	75.0%
Bryan - Los Angeles	1	1	100.0%	1	1	100.0%
Bryan - Sacramento	4	2	50.0%	2	2	100.0%
Cerritos	0	0	n/a	0	0	n/a
College of Marin	2	1	50.0%	2	1	50.0%
Cypress	0	0	n/a	0	0	n/a
Downey	1	1	100.0%	1	1	100.0%
Golden State	2	2	100.0%	2	2	100.0%
Humphreys	4	4	100.0%	4	4	100.0%
Sage - Moreno Valley	2	2	100.0%	1	1	100.0%
Sage - San Diego	2	0	0.0%	1	0	0.0%
Sierra Valley	14	5	35.7%	6	2	33.3%
South Coast	8	6	75.0%	5	5	100.0%
Taft	0	0	n/a	0	0	n/a
Tri-Community	1	0	0.0%	0	0	n/a
West Valley	2	2	100.0%	2	2	100.0%
<b>SCHOOL TOTAL</b>	<b>48</b>	<b>29</b>	<b>60.4%</b>	<b>31</b>	<b>24</b>	<b>77.4%</b>
Closed	0	0	n/a	n/a	n/a	n/a
Five Plus	3	0	0.0%	n/a	n/a	n/a
O/S	0	0	n/a	0	0	n/a
RPR	5	4	80.0%	4	4	100.0%
Work	1	0	0.0%	1	0	0.0%
<b>TOTAL</b>	<b>57</b>	<b>33</b>	<b>57.9%</b>	<b>36</b>	<b>28</b>	<b>77.8%</b>

**Court Reporters Board**  
**Dictation Examination Statistics - June 2011**

<b>School Name</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
Argonaut	12	3	25.0%	4	1	25.0%
Bryan - Los Angeles	7	3	42.9%	1	1	100.0%
Bryan - Sacramento	3	3	100.0%	2	2	100.0%
Cerritos	4	1	25.0%	0	0	n/a
College of Marin	2	1	50.0%	1	0	0.0%
Cypress	3	2	66.7%	0	0	n/a
Downey	11	4	36.4%	1	0	0.0%
Golden State	5	0	0.0%	2	0	0.0%
Humphreys	4	3	75.0%	4	3	75.0%
Sage - Moreno Valley	10	3	30.0%	1	1	100.0%
Sage - San Diego	1	1	100.0%	1	1	100.0%
Sierra Valley	12	7	58.3%	6	5	83.3%
South Coast	26	7	26.9%	5	2	40.0%
Taft	0	0	n/a	0	0	n/a
Tri-Community	4	0	0.0%	0	0	n/a
West Valley	1	1	100.0%	1	1	100.0%
School Totals	105	39	37.1%	29	17	58.6%
Closed Schools	0	0	n/a	n/a	n/a	n/a
Five Plus	15	3	20.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR	7	7	100.0%	6	6	100.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	5	1	20.0%	2	0	0.0%
<b>TOTALS</b>	<b>132</b>	<b>50</b>	<b>37.9%</b>	<b>37</b>	<b>23</b>	<b>62.2%</b>



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# Ode To The Spell Checker

Eye halve a spelling chequer. It came with my pea sea. It plainly marques four my revue miss  
steaks eye kin knot sea.

Eye strike a key and type a word and weight four it two say, weather eye am wrong oar write; it  
shows me strait a weigh.

As soon as a mist ache is maid, it nose bee fore two long. And eye can put the error rite; its rare  
lea ever wrong.

Eye have run this poem threw it; I am shore your pleased two no. Its letter perfect awl the  
weigh; my chequer tolled me sew.

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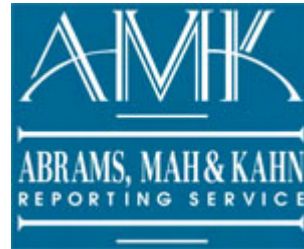
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