

THE DEPOSITION REPORTER

Deposition Reporters Association OF CALIFORNIA, INC.



FALL
2008

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President's Message

Toni Pulone, President

In the last issue of our newsletter, I talked about some of the major distinctions between the language contained in the California Code of Civil Procedure – the “CCP” – and the Federal Rules of Civil Procedure – the “FRCP” – differences that affect how we are required to perform our duties as deposition officers when reporting cases filed in the two different venues. The differences that I pointed out last time were the more obvious ones, but I thought it would be beneficial to follow up on that article and cover now some of the less familiar ways in which the two codes differ, since these are also critical and yet possibly details not known by many reporters, and I know these are pieces of information never

taught to us when I was in reporting school a million years ago.

First, it might be of interest, or concern, to all of us that the Federal Code does not require that a deposition be reported stenographically as does the CCP. California law defers to a stenographic record being made of a deposition, while it does allow for the court to order or the parties to agree to another method, but the Federal law gives the option of selecting the manner of recording the depo to the party noticing the depo. While it is, fortunately, the case that Federal depositions are commonly reported by CSRs in California at least, the Federal Code does allow for the noticing attorney to make that decision unilaterally, though in a California-venued case, all the parties would need to agree to the use of an alternate recording method. I'll show below the relevant sections from the CCP and the FRCP for your reference.

2025.330 (b) Unless the parties agree or the court orders otherwise, the testimony, as well as any stated objections, shall be taken stenographically. If taken stenographically, it shall be by a person certified pursuant to Article 3 (commencing with

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2008-2009 OFFICERS & BOARD

PRESIDENT

Antonia (Toni) Pulone

Pulone & Stromberg, Inc.
1550 The Alameda, #150
San Jose, CA 95126-2325

Tel: (408) 280-1252, Fax: (408) 280-1261

Email: apulone@pulone.com or president@caldra.org

VICE PRESIDENT

John Squires

5050 Canyon Crest Drive
San Ramon, CA 94583

Tel: (209) 993-8453, Fax: (209) 931-2517

Email: jpscscr2001@aol.com or vicepresident@caldra.org

SECRETARY

Susan Campana

30835 Mainmast Drive
Agoura Hills, CA 91301-1937

Email: csrsue@sbcglobal.net or secretarytreasurer@caldra.org

BOARD OF DIRECTORS

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Mendocino, Napa, Solano, & Sonoma counties)

April Heveroh

391 Brazelton Court
Suisun City, CA 94585

Tel: (707) 426-2581

Email: aheveroh@sbcglobal.net or district1@caldra.org

DISTRICT 2 (representing Monterey, San Benito, San Francisco,
San Mateo, Santa Clara & Santa Cruz counties)

Judy DeAlba

1431 Ashwood Drive
San Mateo, CA 94402

Tel: (650) 571-1473, Fax: (650) 571-1473

Email: dealbacsr@sbcglobal.net or district2@caldra.org

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Gail Blankenship

Gail Blankenship Reporting
7071 Hermosa Way
Redding, CA 96002-9753

Tel: (530) 221-3145, Fax: (530) 221-7347

Email: gblankcsr@charter.net or district3@caldra.org

DISTRICT 4 (representing Los Angeles county)

Lois Ludwig

Ludwig Klein Reporters & Video, Inc.
10868 Kling Street
Toluca Lake, CA 91602

Tel: (800) 540-0681, Fax: (818) 508.6326

Email: lois@ludwigklein.com or district4@caldra.org

DISTRICT 5 (representing Orange county)

Lisa Michaels

2300 E Katella Avenue, Suite 175
Anaheim, CA 92806

Tel: (714) 704-9144, Fax: (714) 459-8107

Email: district5@caldra.org

DISTRICT 6 (representing San Bernardino & Riverside counties)

Leslie Toledo

5938 Joaquin Street
Chino, CA 91710-5301

Tel: (909) 957-4855, Fax: (909) 465-0812

Email: leslietoledo@gmail.com or district6@caldra.org

DISTRICT 7 (representing San Diego & Imperial counties)

Jane Wassel

10287 Caminito Rio Branco
San Diego, CA 92131-1629

Phone/fax: (858) 549-0539

Email: jwassel@sbcglobal.net or district7@caldra.org

DISTRICT 8 (representing Fresno, Inyo, Kern, Kings, Madera, Mariposa,
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and all Professional Members residing outside California)

Joanne Cunningham

Camarillo, CA

Tel: (805) 491-8220

Email: j1cunningham@hotmail.com or district8@caldra.org

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BOARD OF DIRECTORS (cont'd)

EXECUTIVE DIRECTOR

Vicki Squires

7172 Regional Street, Suite 111
 Dublin, CA 94568
 Tel: (888) 867-2074, Fax: (925) 905-2611
 Email: cal_dra@yahoo.com

DRA BOOKKEEPING OFFICES

Integrated Accounting Services - Karen A. Skrable

3434 Truxtun Avenue, Suite 275
 Bakersfield, CA 93301
 Tel: (661) 323-3980, Fax (661) 323-0625
 Email: iaservices@sbcglobal.net or newsletter@caldra.org

NEWSLETTER EDITOR

Wendy Corcoran

Certified Reporting Services
 Iwado Court Reporters - Maui
 801 East Second Street, Suite 102
 Benicia, CA 94510
 Tel: (707) 747-9674, Fax (707) 748-1341
 Email: wgc@certifiedreportingservices.com
 or newslettereditor@caldra.org

LEGISLATIVE CHAIR

Stephanie Grossman

Grossman & Cotter
 117 S. California Avenue, Suite D-201
 Palo Alto, CA 94306
 Tel: (650) 324-1181, Fax: (650) 324-4609
 Email: steph@gandc.com or legchair@caldra.org

PAST PRESIDENTS

Ex Officio

2007-2008 Valerie Eames
 Eames Court Reporters, Inc.
 3727 W Magnolia Blvd. #728
 Burbank, CA 91505-2818
 Tel: (818) 559-8778, Fax: (818) 559-7670

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April's Briefs

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 I'M NOTAOEUMT
 I'M NOT SUREAOEUMTS

I'M SURE.....AOEUMZ
 I'M GOINGAOEUMG
 MISCHARACTERIZE(S) M-FK(Z)
 MISCHARACTERIZED M-FKD
 MISCHARACTERIZATION M-FX
 THE LAST TIME T-LT
 WHEN WAS THE LAST TIME..... WHELT
 OUTCOME OUK
 OUTLINE(S) OULT(S) or TLAOIN(S)
 OUTLINED OUTLD or TLAOIND
 OUTLINING OULG or TLAOING
 OUTPATIENT..... TAISH or TAISHT

President's Message
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Section 8020) of Chapter 13 of Division 3 of the Business and Professions Code.

Rule 30 (A) *Method Stated in the Notice*. The party who notices the deposition must state in the notice the method for recording the testimony. Unless the court orders otherwise, testimony may be recorded by audio, audiovisual, or stenographic means. The noticing party bears the recording costs. Any party may arrange to transcribe a deposition.

A second point of difference between the two codes is that the FRCP sets a limit on the duration of a deposition, that being seven hours. Federal Rule 30 (d) (1) reads: "Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours." The court may allow for additional time if necessary, but otherwise each deponent's examination is to be completed in this seven-hour time frame, and you may find for this reason that time-stamping is often requested in Federal-case depositions so that attorneys can be sure that no precious minutes are lost in recesses or off-the-record discussions that are needed for the limited testimony time. In our California CCP, there is no such time limit placed on the length of a deposition.

Next is a distinction where the CCP sets out some procedures to be observed when a deposition is being audio or video taped, and the same procedures aren't specifically called for by the FRCP. These required procedures appear at Section 2025.340, and the one in particular that's directed at the depo officer is (j), which states, "The oath shall be administered to the deponent on camera or on the audio recording." While the Federal Rule doesn't so specify, it would probably be wise to make a habit of always waiting until the video or audio taping has begun before swearing in the witness in California or Federal cases to be sure you always comply with this requirement.

Fourth, the CCP states clearly at 2025.470 that the reporter may not suspend the taking of testimony without stipulation of all counsel unless a party or the deponent demands that the reporter do so in order for that party or the deponent to move for a protective order. The FRCP does not specifically state that the reporter cannot suspend or interrupt the deposition testimony, although it does state that if the deponent or a party wishes to move to terminate the deposition, then the deposition must be suspended to allow the moving party or deponent the time necessary to obtain such an order from the court.

The fifth point of distinction between the two codes is a rather fine one but is still one that should be noted.

As discussed in my last article re the Federal Rules, the opportunity to review and correct the transcript is only given to the witness in a Federal depo if review is requested before the depo is completed, and the reporter is required to note in the attached certificate page whether such a review was requested and then must attach any such corrections/changes made by the deponent. In a California case, however, while the reporter is instructed similarly to indicate on the transcript any action taken by the deponent in terms of reviewing, correcting and approving, or refusing to approve, the transcript, the difference here is that if any corrections or changes are made in person by the deponent, the depo officer is to notify all the parties in writing of those rather than actually attach them to the original transcript and certification page.

Now the next item is a small detail of difference between the two codes that I would bet most reporters are unaware of, and I admit that I was certainly unaware of this until recently. That is that while the CCP sets out very specific requirements as to the length of time that we are required to retain our steno notes of depositions – a minimum of eight years from the date of the depo where no transcript is produced and at least one year from the date on which a transcript is produced – the FRCP, on the other hand, states that the officer must retain the notes of a depo taken stenographically but sets no time limit on that retention, so essentially we are required to keep the steno notes of a Federal depo indefinitely.

And the last but not least of the points of distinction I'd like to make here is that the Federal law directs that a depo officer must furnish a copy of a transcript to any party or the deponent, when paid reasonable charges, but there's no mention or allowance at all in the FRCP for the provision of a transcript to a non-party, should one request a copy. The California CCP, though, as we've discussed a number of times here in our newsletter, sets out a very specific procedure for the depo officer to follow upon receiving a copy request from a non-party, and just to be sure that you have that section of the CCP conveniently available for your referral, I will attach that code language, Section 2025.570 (a) through (d), for you below. Please note and remember, of course, that this procedure only applies to transcripts taken on or after January 1 of 1998.

2025.570. (a) Notwithstanding subdivision (b) of Section 2025.320, unless the court issues an order to the contrary, a copy of the transcript of the deposition testimony made by, or at the direction of, any party, or an audio or video recording of the deposition testimony, if still in the possession of the deposition officer, shall be made available

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by the deposition officer to any person requesting a copy, on payment of a reasonable charge set by the deposition officer.

(b) If a copy is requested from the deposition officer, the deposition officer shall mail a notice to all parties attending the deposition and to the deponent at the deponent's last known address advising them of all of the following:

- (1) The copy is being sought.
- (2) The name of the person requesting the copy.
- (3) The right to seek a protective order under Section 2025.420.

(c) If a protective order is not served on the deposition officer within 30 days of the mailing of the notice, the deposition officer shall make the copy available to the person requesting the copy.

(d) This section shall apply only to recorded testimony taken at depositions occurring on or after January 1, 1998.



Wendy's World

Wendy Corcoran, Newsletter Editor



Hello, everyone. Well, the NCRA convention in Anaheim was exciting, with DRA's proposed by-laws amendment passing. A lot of people at DRA worked very hard in drafting the proposed language. Special kudos go to Holly Moose for her dedication to the passage of the amendment. I was moved by the impassioned speakers in favor of the amendment and somewhat puzzled at the naysayers. NCRA seems to be a very professionally run organization, and I am proud to be a part of it. Everything seemed to go very smoothly. I was especially impressed with the incoming president, Karen Yates, who obviously feels very honored with her new position. The Saturday night party was a blast, with NCRA bringing in a special Motown-type band from Las Vegas. All in all, I had a lot of fun, staying up late talking to other reporters, getting about six hours of sleep a night.

The DRA booth was set up very professionally, and once again we had a Wii for raffling. We had a lot of people stop by the booth. I was happy to see so many students showing interest in DRA and what we can do for them.

As far as technology, there are many new products coming our way, from video synching to document depositories to futuristic new writers. I look forward to having the next edition of the newsletter showcasing some

of these new technologies. Hopefully, we will have many of the vendors at our February 2009 convention.

As far as my Maui connection, I was recently there. Funny thing, for paradise, they have a shortage of court reporters at the courthouse on both Maui and Honolulu. NCRA seemed concerned about losing membership, but Hawaii seems to be in great need of new reporters. All it takes is an RPR and a brief 60-question written test.

I am highlighting DRA's mentor/mentee program in this edition, as we are having good feedback on the program. Thank you, Cassandra, for putting it together. I myself have become a mentor, and I find it very rewarding. I encourage anyone who is sitting on the fence to fill out the application included in this newsletter and become a part of this great program.

I hope everyone can make it to the upcoming seminars on Saturday, and I look forward to seeing you all at the 2009 convention!



IN MEMORIAM

JOHN ZANDONELLA



John Zandonella passed away on June 2, 2008, after a year-long, hard-fought battle with lung cancer. He was preceded in death by the passing of his beloved wife, Fosca, who helped John run *Zandonella Reporting Service* in Concord, California, and was so friendly and gracious at many reporting conventions and seminars. John was dedicated to his businesses, which also included *Zandonella's Italian Restaurant*, and his family: four children (Louie, Michael, Patty and Anna); ten grandchildren and four great-grandchildren. He received a Bachelor of Arts degree from Armstrong College, served in the Korean War, and then attended court reporting school in San Francisco. John was very active in his local community, having been a member of the Rotary Club, Chamber of Commerce, and also was President of the Concord American Little League for 5 years. He enjoyed caring for his beautiful Koi fish, maintaining his garden, and photography in his "spare" time away from the office.

John's legacy to the reporting community in California is unparalleled. John worked in the Concord Court System, was past President of CCRA, and a proud

Founding Member of DRA. He exemplified the qualities of integrity, commitment, dedication, unselfishness, and generosity in every situation. When John felt something was happening that negatively affected court reporters in California, he immediately took the lead and supported reporters, both official and freelance. John's handshake was his word, which is a rarity in business in general but more so in the reporting industry, so his words and actions carried great weight toward improving the lives of all reporters in California. We all owe John and Fosca, and his family, a great debt of gratitude for all they have done for the reporting profession here in California.

If you would like to donate to a scholarship fund in memory of John and Fosca Zandonella, donations can be made to the following schools:

St. Agnes School, 3886 Chestnut Avenue,
Concord, CA 94519

Carondelet High School, 1133 Winton Drive,
Concord, CA 94518

De La Salle High School, 1130 Winton Drive,
Concord, CA 94518

***On a personal note, I want all reporters to know that back in the mid-'90s when we were agonizing over whether to break off from CCRA and form DRA, John in his booming voice, with no hesitation whatsoever, gave his unwavering verbal and financial support. Without him and Fosca, DRA would be a shadow of what it is today: a vibrant, powerful force for freelance reporters in California. We all miss them dearly.*

Victory in Anaheim

Holly Moose

NCRA's annual convention was held at the Anaheim Marriott the week of July 22-27. At the business meeting on Thursday, July 24, there were two contested elections and three bylaws amendments that were put to a vote by the NCRA membership.

DRA President Toni Pulone gave a terrific opening presentation of our amendment, which would allow the opportunity for more than one affiliate association in states that have ten percent or more of the total NCRA members. California has 18%, over 500 of whom belong to DRA. In an effort to gain representation at a national level for its members, DRA tried twice before to get this amendment passed, once in 2002 and again in 2003, unfortunately both times falling short of the two-thirds vote required for a bylaws change.

However, this time we had an overwhelming majority of support from fellow NCRA members and state leaders around the country and from YOU, our loyal DRA members. A special thanks to Rosalie Kramm, Janice Scott, Laura Brewer, Lynda Goddard, Kevin Daniel and John Squires for stepping up to the microphone to speak in favor of the amendment at the NCRA business meeting.

NCRA did a great job implementing Direct Member Voting. Within an hour of the close of the meeting, all eligible members received an email with their password allowing them access to the secure website. There were computers conveniently located on-site at the convention and plenty of NCRA staff on hand to facilitate the process. It went without a glitch. The energy was palpable while we waited for the results, which came at 12:23 that night, when we learned that the amendment had passed by 72% of the vote!!

We appreciate all of you who took the time to vote online from wherever you were! This is a big victory. There now exists the opportunity to be offered affiliate status by NCRA, where previously the bylaws prevented it.



*DRA voices out! Top to bottom:
Toni Pulone, Laura Brewer, Kevin Daniel, Lynda Goddard*

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Victory in Anaheim
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The rest of the convention was a tremendous success as well. Wednesday night, DRA officers and board members got a chance to mingle with the other state leaders at the NCSA reception. Thursday night was the NCRA opening reception, which was a big hit. DRA's booth in the exhibit hall had a steady stream of reporters stopping by to chat, to join DRA, to buy tickets and play the Wii, our raffle prize. We are pleased to announce the lucky winner, Laura Iwai, a recent graduate of the *Downey Adult School* court reporting program, who took the CSR just that morning! We wish her luck.

Congratulations also to Laura Brewer, who won first place in the literary portion of the national speed contest and third place overall in the realtime competition!

To those of you who were in Anaheim, thank you for supporting DRA in person. To those of you who weren't able to make it, thank you for being there in spirit! This is a tremendous victory for all of us.



Rosalie Kramm, Toni Pulone, Leslie Toledo, Holly Moose

Laura Brewer,
speed contest
winner



Left:
John Squires,
Nate Smith,
Leslie Toledo

Below:
Lesia Mervin,
Toni Pulone



Student member Laura Iwai, our raffle prize winner



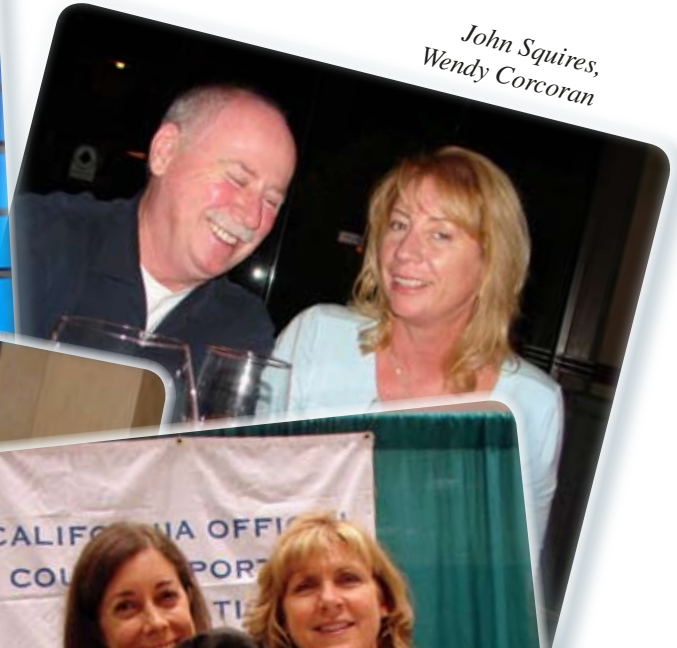
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*Victory in Anaheim
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Jan Lopez wins NCRA Altruism award



*John Squires,
Wendy Corcoran*



*Christine
Randall,
Lisa Michaels*



*COCRA
booth:
Janice Scott,
Kathy
Helmcamp*



*Rosalie Kramm
rejoices in our
NCRA bylaw
victory*



Stu Simon, Lynda Goddard

To Be Assigned

Virginia Kling, CSR# ----*

8-11-2008. F i v e years ago today,

August 11, I sat in my very first electronic shorthand theory class. Today I am still sitting in court reporting school. I know none of you reading this would ever ask but yes the dreaded question has come up when I find myself among non-court reporters or court reporting students – when are you gonna be done? At first, I use to go into the long explanation that it was almost like getting an MBA and that worked until the end of year three. Now, I just smile and say, “I am told I will be done when I am near perfect.” They usually just look at me and don’t bring up the subject again.

Therefore, what has it been like these last five years? Many days I jump out of bed so excited to get a great test and other days I will go to my computer and hope there is an email from the instructor saying they are ill and class has been cancelled. However, in looking back the learning curve has me most frustrated. Not the learning curve to pass speeds; it’s the learning curve that I took to learn how to practice on my own, how to evaluate a test so I will know what to focus on, and how many days it really takes to complete school.

Let’s address the days to complete school. I did the math; the State of California says it is a four-year program. So in a regular community college that means two 18 week semesters and 2 six week summer semesters for a total of 48 weeks, times 5 days a week equals 240 days, times 4 years equals 960 days to complete the program. Now take those weeks and multiply the number of days your speed classes are offered – in my case it was during the daytime, 3 days during the 18-week semesters and 2 times during the summer. That’s only 132 days a year and if I have to complete 960 days to get done that means 7.27 years if you don’t miss a day of speed class! How many days have you skipped this year?

Now let’s look at practicing on your own thing. I use to ask my instructors, “What should I be practicing on?” My first year I always got, “everything.” What does that mean, everything? Since I was new to court reporting I

was very unsure of what that meant so I was so glad when RASCAL came out to our school to speak to us because now I had a website to visit. I saw they had seminars and signed up for the first one. The speakers were great and when I got the chance to ask them that same practice question I actually got answers that lead me to something tangible, tapes, books, magazines. I was also told about NCRA. I joined that too and found out they had a store on the website and a section marked Students. Yes, I bought tapes and books.

So, lastly, how to evaluate a test and how to practice came in the spring of my fourth year when I decided to sign up for a Saturday speed class. What was I thinking? I was thinking nothing else has worked so far so try anything different. It was the best thing for me. The instructor showed us how to evaluate our notes – you mean look at our notes after we grade a test, who does that? It appears those students who are improving do that. She helped us with drills to show us how to work on this thing called hesitation. You get the picture; I hope every school has an instructor like this and if your school does, take their class.

What has it been like these last five years? Like nothing I have ever done before and nothing I will ever do again. It has been the best experience. I have learned so much about me and what I like, what I am like, and what likes me. I have been fulfilled with knowledge, friendship, and determination. I have dreamed things I never even knew were possible. I have talked with people that make a difference every day, and I have come to love and know myself better. If this program takes me ten years to complete it will have been the best ten years ever.



** CSR Number to be assigned when I take and pass the exam!*

From the Desk of Vicki Squires, Executive Director

It is sometimes difficult to convey in words what I have witnessed the past couple months with the way your board and you, the member, have approached the important issues facing the reporting field today. The passion and degree of professionalism being portrayed throughout the debates, proceedings and yes, sometimes loud discussions regarding important situations faced daily by you continue to prove the importance of belonging to an organization like DRA. This board has been consistent in their actions to continue looking for ways to better the profession and keep it a workable and profitable career choice. This becomes immeasurably obvious once you take the time to speak with one of the members of this board. Any one of these reporters would do anything within their ability to help a fellow reporter who may need a little support out in the field by answering their questions or by just confirming what they already believe to be the facts. They recognize the importance of helping a student who may be struggling

and may just need a little nudge to get them to the next level in their training. As you know, it is not often you find an organization with such a large knowledge base an email or phone call away that is also ready and willing to share this information without hesitancy.

DRA has had some great developments this year, but three which we are promoting as benefits to students and/or new reporters are the new Core Curriculum Classes (watch for more to come soon), the scholarships we offer, and the mentor/mentee program. If you would like to participate as a mentor (we need you!) or if you feel you could benefit as a mentee, please go to the website for an application:

www.caldra.org

We are working to become “greener” and one of the first big steps was our electronically-delivered newsletter. Some of you have had challenges with this and I apologize for your frustration. We are working to alleviate this frustration and believe it will only get better with each issue! We have been using e-mail as our means to convey the “latest” happenings in the reporting community. If you have not been receiving these, please send an e-mail update through the website’s “Contact Us” link or send an e-mail to:

cal_dra@yahoo.com

Thank you for continuing with your membership. When you renew your membership or join as a new member it confirms to us you see how valuable belonging to DRA is to you and your career. Please take advantage of the seminars, conventions and educational programs offered. You won’t believe what you can learn while having fun with fellow reporters! An organization is only as good as its members and we have the best! Thank you for your continued support. Feel free to contact me anytime.



Toni Pulone's
Depo Diplomat

Dear Depo Diplomat:

I was reporting a depo recently, and right at the end, the two attorneys were going back and forth about going off the record; so I just kept writing. The noticing attorney said he was paying for the transcript and we should go off the record when he said, and the other attorney still wanted to put a statement on the record, so I kept writing, and then the noticing attorney asked me if I was still writing and why. Then he left the room, and the other attorney said his one-sentence statement, and then when he was done, I stopped writing.

Was I right to do this? If I was, can you send me something I can carry with me so if this happens again, I can show counsel why I keep on writing?

Dear Reporter:

Yes, you were right to continue writing at this depo. The California Code of Civil Procedure (CCP) does specifically instruct that the reporter is not to stop recording testimony at a deposition without the stipulation of all parties present unless and until a party or the deponent requests that the depo be stopped to allow that party or that deponent to seek a protective order. So since it appears that that did not occur in this situation you found yourself in, then it was appropriate and necessary, and would be in any similar depo situation, that you continue to stay on the record. I'll paste below for you CCP 2025.470, the relevant code section that applies here, so that you can print this and carry it with you to reference, should you find yourself faced with this sort of scenario again.

It does frequently happen that the noticing attorney is under the impression that since he/she is taking the depo and, therefore, paying for the original transcript, and most likely is also the attorney who ordered your reporting services, that he/she has control over when the reporter goes on or off the record, but that is not the case. None of the parties has unilateral control over what should or should not be included in the record, and going off the record must be agreed upon by all parties present. So whenever you're in any doubt about an agreement or stipulation to go off the record being in effect, and also assuming that there has been no mention by anyone of wanting to stop or interrupt the depo in order to seek a protective order, then the safest course for you to take is to stay on the record until it becomes clear that it's agreed to by all parties that you should go off the record. You made the right decision here and handled the situation just as the Code requires.

2025.470. The deposition officer may not suspend the taking of testimony without the stipulation of all parties present unless any party attending the deposition, including the deponent, demands that the deposition officer suspend taking the testimony to enable that party or deponent to move for a protective order under Section 2025.420 on the ground that the examination is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses that deponent or party.



PLAN TO ATTEND

DRA's 13th ANNUAL CONVENTION

February 20-22, 2009

FAIRMONT HOTEL, NEWPORT BEACH

Deadbeat Judgments

As a service to our members, DRA will continue to publish in our newsletter and on our website any final, formal court judgments in connection with court reporting services, whether obtained against an attorney, law firm, court reporting firm, or any other person or entity. If you are aware of any judgments within the last two-year time period, fax us the paperwork or email us the attached documents or a link to *LexisNexis*, and we will publish it. Here are some more . . .

PULONE & STROMBERG, INC.

v.

SPRADLIN & FERGUSON

**Case No. 4-07-SC-022074, Santa Clara Cnty, CA
Judgment date: 03/05/07, \$2,604.29 + court costs**

PULONE & STROMBERG, INC.

v.

LAW OFFICES OF M. J. GUGLIELMINO

**Case No. 4-07-SC-026715, Santa Clara Cnty, CA
Judgment date: 02/20/08, \$1,295.84 + court costs**

PULONE & STROMBERG, INC.

v.

CRAIG MICHAEL SILMAN, JR.

**Case No. 04-07-SC-022825, Santa Clara Cnty, CA
Judgment date: 07/16/07, \$1,671.60 + court costs**



Calendar of Events

October 4, 2008

DRA Fall Seminar & CCRR exam in Walnut Creek and Valencia

October 4, 2008

DRA Board Meeting in Valencia

October 23, 2008

NCCRA's seminar in Sacramento

February 20-22, 2009

DRA Annual Convention at the Fairmont Hotel in Newport Beach

April 17-19, 2009

NCRA's Midyear convention at the Sheraton in New Orleans

In Praise of Mentors

Susana Abeyta

I always cringe when I enter a courthouse and the bailiffs (trying to be funny) tell me a story about the reporter who ran out of such and such department crying. I smile my polite smile and take a deep breath. I'd like to say I've heard that story only once during my internship prior to taking the CSR. As a newbie I start to wonder, is work really that bad? Those of you who have been reporting for a while would probably want to skip this article. I mean, what do you need to know about being a newbie? My answer is, have you forgotten?

Why should it be important to you? Well, because those funny little stories made me think, gee, they aren't talking about the reporters who got it all down. The lasting impression there was a bad one.

That's why I felt it was important to join a group like DRA and get a mentor. I want to head out to my first job with enthusiasm, guts, knowledge, and also a backup. My mentor and I have already discussed taking the RPR, insurance, start-up needs, retirement savings, software, professional dress and conduct. I know a mentor does not harness the power to inject superior qualities, but I think a seasoned reporter can advise you of the numerous pitfalls, be that last-second phone call when you forget how to do something, or just be one of the few people who truly identifies with your woes.

I really appreciate my mentor and tell him as often as possible how much I glean from his advice. School is there

to instruct you how to write and pass the exam. Often therein lies the misgiving that your new employer has the time to show you the ropes. I asked a recent speaker at my school what kind of training they offer at her place of work. She replied, "There is no training."

When you leave school you feel like you're at the top of your game. Then you go to your first job and feel like you've just entered the twilight zone of reporting. They don't teach you about the spouses that show up for depositions (and interject their two cents) or the family member/spectator in court (who stands up and starts speaking out of turn) and most importantly, how to report them. Experience teaches you the dos and don'ts of reporting, but a mentor can teach you the difference.

If you've ever wanted to revisit your professional beginnings and change something, here is your chance. No one can say they wouldn't benefit from some sound advice from someone who has already been there, done that. If you care about your profession and its reputation and hate to hear gossip about the new reporter who got overwhelmed, become a mentor for a newbie. The last CSR exam is about to come to a close, and there are numerous newly-licensed reporters eager to jump in. I think it behooves the profession as a whole to prevent the same old mistakes. If you're lucky, like I am, you get a good match.



People who concentrate on giving good service always get more personal satisfaction as well as better business.

How can we get better service? One way is by trying to see ourselves as others do.

Patricia Fripp

Mentor Program for Students & New Reporters

DRA is committed to ensuring that the shorthand reporting profession remains a viable and integral part of the legal system. To this end, we have designed a Mentor Program that will meld the enthusiasm of new reporters and students with the maturity of the more seasoned reporter. New reporters and students going into the freelance field will be matched up with experienced reporters in the state of California in order to provide them with relevant guidance, support and encouragement during the beginning stages of their new careers.

Do you need some extra help, personal attention, or have questions regarding reporting? If so, then sign up for our mentoring program and receive guidance or help from a professional working court reporter. Working reporters understand what difficulties you face as students and new reporters. We are willing to volunteer our time to get to know you, praise you for your achievements and lend encouragement for those tough times when you take the CSR, attend your first deposition, or are making the switch from being an official to freelance reporter.

Mentoring is a trusting, supporting, positive, intense, confidential, low-risk relationship in which the partners can try new ways of working together and relating to one another, make mistakes along the way, gain feedback, accept challenges and learn from each other. A central quality of mentoring is that it is goal-oriented, nurturing, insightful and supportive. What the mentor offers is something not contained in textbooks; it is knowledge and guidance that is practical, and often inspirational and motivational.

Well-mentored individuals feel that they are being looked after, gain confidence in their abilities and respond accordingly. The result of an effective mentoring process is a self-confident and competent professional reporter.

In order for the program to be successful, we would request a commitment of four hours a month for a minimum of one year, which may include communication via e-mail, phone, fax videoconference, face-to-face meetings, and may include having the student or new reporter sit in with the mentor for some valuable apprentice hours or work experience.

*If you are a current student at the 200-level speed and above or any reporter that wishes to be mentored, and you are interested in participating, please go to the DRA website (caldra.org), download the *Mentee Application form*, fill out the form and fax it to the number below or email it to the Mentor Program coordinator at: caseydechter@hotmail.com. Once we receive your application, we will endeavor to make the best match possible for both mentor and mentee. Thank you.*

Deposition Reporters Association of California, Inc.
7172 Regional Street #111
Dublin, CA 94568
Phone 888-867-2074/Fax 925-905-2611
Email: Cal_dra@yahoo.com/Website: caldra.org

Mentor Program Coordinator
Cassandra M. Dechter
caseydechter@hotmail.com
Phone (949) 233-0606



Mentee Application

(Please type or print neatly)

Name: _____ Email: _____

Home Address: _____
(street) (City) (State) (Zip)

Home Phone: _____ Cell Phone: _____

STUDENTS

Name of School: _____ Start Date: _____

Theory: _____ Speed Level: _____ How Long at current speed: _____ GPA: _____

Passed Qualifiers? Yes ___ No ___ *(check)*

Have you completed your apprenticeship hours? Yes ___ No ___ *(check)*

Have you taken the CSR? Yes ___ No ___ *(check)* If yes, how many times? ___ Expected Grad. Date: _____

NEW REPORTERS

CSR Pass Date: _____ No. of months working: _____ Agency Name: _____

The DRA Mentoring Program is a wonderful opportunity for students and new reporters to develop their professional skills outside of the classroom through the guidance of a professional in the reporting community. Please read the expectations below to determine if you will be able to make the necessary commitments to ensure the success of the mentoring program.

Program Requirements:

- 1 Must be a student at or above 200-level speed or a new reporter who wishes to be mentored.
- 2 Must maintain regular contact with your mentor via phone, email, and/or in-person meetings.
- 3 Must complete the monthly reports and the program evaluation at the end of the year.
- 4 Must be a member of the DRA and remain a member while you are in the mentor program.
- 5 Contact the DRA Mentor Program coordinator and your mentor immediately if circumstances require you to stop participating in the program or if your mentor is not fulfilling his/her responsibilities.

By completing this form, I am indicating my willingness to participate as a mentee in the DRA Mentor Program. I have read the above expectations. I understand my responsibilities as a participant in the program and am able to commit to completing them. I understand that I will be contacted when I have been matched with a mentor.

Signed: _____ Date: _____



Mentee Guidelines & Expectations

- 1 Must be a student at or above 200-level speed or a new reporter within the first year of reporting.
- 2 Respond to mentor as soon as possible after initial contact.
- 3 If you do not receive contact from your mentor within 10 days of being notified of the match, contact the Mentor Program Coordinator.
- 4 Prior to your first meeting with your mentor, prepare a list of things that you would like to achieve through your mentoring relationship and share these goals with your mentor.
- 5 Must complete the monthly reports and the program evaluation at the end of the year.
- 6 Demonstrate enthusiasm for mentee role and exemplify positive professional ethics and behavior.
- 7 Maintain regular contact with your mentor at least once a month. Mentor and mentee should agree upon the frequency of contacts, the duration of these contacts and the parameters of the relationship itself. Meetings may be in person or via other forms of communication, such as telephone or email. Consider establishing a scheduled time for meetings. Acknowledge the end date for the relationship (one year postcommencement).
- 8 Attempt to participate in a thoughtful discussion and exchange. Do not be afraid to ask even the most basic or the toughest questions. No question is "dumb."
- 9 Be considerate of the mentor's schedule. Respect the mentor's time and answer emails promptly.
- 10 Be respectful of the mentor's trust and maintain confidentiality in all matters disclosed by your mentor.
- 11 Do not let shyness or uncertainty interfere with getting what you need. Try to establish how you think your mentor can help you, then negotiate this with your mentor from the first meeting on.
- 12 Try to be focused about your needs for each meeting. While your mentor has considerable resources to share with you, they also have a tight time schedule.
- 13 Be sure to inquire about your mentor's own educational and career choices and life goals.
- 14 Listen actively to understand. Talk through the situation. Ask clarifying questions.
- 15 Own the responsibility of setting goals. Focus on practical examples of goal achievement. Make sure there are tangible outcomes from the meetings.
- 16 The mentoring relationship is not one-sided. Enter the process with thoughts about how you can help your mentor give you the best advice.
- 17 Encourage your mentor to be critical. Be receptive to feedback and take it objectively.
- 18 The advice given to you by your mentor should be seriously considered, even if your initial reaction is not positive. Show openness to the wisdom of your mentor. The experience and expertise of your mentor should be acknowledged. Let your mentor know how you are applying their advice.
- 19 When venting frustration or concern, do not use profanity, make derogatory remarks, or specify names of people or entities in any communications.
- 20 When talking with others, make only positive or neutral comments about your mentor.
- 21 Be patient and positive in the relationship. Respect the professional boundaries of the relationship.
- 22 Recognize that not everything your mentor says will be useable immediately.
- 23 Inform other prospective mentees about the DRA Mentor program.
- 24 Acknowledge that any views, opinions, guidance, or remarks your mentor may make are personal and may not reflect the views, opinions, guidance, or remarks of the Deposition Reporters Association or any other professional associations.

I understand that my assignment as a mentee is voluntary. If I elect to discontinue my participation in the program, I agree to promptly email my mentor of this decision, as well as the mentor program coordinator so that another mentee may be assigned to my mentor. The DRA does not reimburse any expenditure.



Mentor-Mentee Activities

What activities can you plan to do with together that will have a positive impact on your mentoring relationship? Here are just a few ideas to get you started in the right direction:

- 25 Attend local DRA events together
- 26 Co-author an article for the DRA newsletter
- 27 Have mentee sit in on a deposition (with client permission)
- 28 Ask mentor to share his/her strategies for success
- 29 Keep a journal to track your progress, record your discussions and agenda
- 30 Ask mentor to make a list of things he/she would have appreciated knowing as a student or new reporter.
- 31 Prepare a brief autobiography that you can share with each other when you meet.
- 32 Experiment with the process. Find alternatives to meeting in the office. Consider going for a walk together, sharing lunch, meeting at a coffee shop or attending a special event together.
- 33 Recommend favorite books and authors to each other.
- 34 Share reporting resources with each other.
- 35 Discuss professional client interaction, sit-in protocol, preparation of worksheets/exhibit instructions, transcript preparation, wardrobe, supplies, CAT software, hardware, insurance needs, accounting and recordkeeping, professional association memberships, job assignments and calendar protocol, interviewing tips, and resume preparation.
- 36 Make a list of ideas for what to talk about in your first meeting. Here are some questions to get you started:
 - Why you chose this profession
 - How long you've been in the profession
 - Long- and short-term career development goals
 - Strengths and weaknesses
 - What you do to relax
 - How to find balance between work and family
 - Ways to improve your professional life

One of the keys to successful living is being able to keep commitments and promises. If you agree to schedule an activity, schedule time in your planner a day before to finish up work or deal with anything else that could interfere with your outing.

Set a time and a date for the activity that you choose from above.
Schedule it in your planner. And have fun!

- - - THIS MESSAGE INCLUDED AT THE REQUEST OF NCRA - - -

YOU CAN SHAPE THE FUTURE OF YOUR PROFESSION

Here's your chance to help lead the Association dedicated to advancing the court reporting and captioning professions.

NCRA's Nominating Committee is seeking reporting professionals to serve in leadership positions on its Board of Directors.

THE BENEFITS TO YOU

- A role in advancing your profession
- Exposure to a new world of professional and personal contacts
- The chance to exchange ideas and perspectives with other innovative thinkers in the reporting community
- The chance to strengthen your professional résumé or curriculum vitae

THE QUALIFICATIONS YOU BRING

- Demonstrated commitment to NCRA and the reporting community
- The ability to share your time and energy for the benefit of the profession
- Willingness to be accessible to the members
- The ability to weigh all sides of an issue objectively
- Experience with committee work

WHO IS ELIGIBLE FOR ELECTIVE OFFICE

Article III, Section 9 (c) of the NCRA Constitution and By-laws states, "Only Registered Members shall be eligible to hold an elective office of the Association."

SERVICE AS AN OFFICER (EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS)

These positions, as a rule, are filled by those who have served or are currently serving on the NCRA Board. Since NCRA has a membership of 24,000 and a budget of nearly \$9 million, you can understand that service as a director is essential in order for the candidate to understand and fulfill the duties that come with such responsible positions.

WHO MAY RECOMMEND CANDIDATES

Only voting members of NCRA may submit individuals for candidacy. These include Registered, Participating, Retired Lifetime, and Honorary Members who have been verbatim stenographic reporters.

When recommending yourself or another for a directorship, remember that some of the criteria the Nominating Committee looks for are:

- Dedication and commitment to the profession
- Good team player
- Excellent communications skills
- Outstanding reputation and character
- Strong leadership



Board service is uncompensated and requires significant time commitments. Most expenses involved in Board service are reimbursable.

Now's your chance! If you are interested in serving or know someone who would make a great Board member, submit the Declaration of Candidacy/Candidate Recommendation form today!

THE ELECTION PROCESS

As provided in the Constitution and Bylaws, the Nominating Committee will meet at least 90 days prior to the August 2009 Washington, D.C. Convention to draw up a slate of nominees for the following offices of the Association to be elected at the Annual Members Business Meeting:

- President-Elect
- Vice President
- Secretary-Treasurer
- Three Directors (three-year terms)

MEMBERS OF THE 2008-2009 NOMINATING COMMITTEE

Chair: Kathy DiLorenzo, RDR, CRR, CBC
 Members: Dolores (Dee) Doubet, RPR
 Lillian Freiler, RMR
 Cassy Russell, RPR, CRR, CCP
 Christine Willette, RPR
 Alternate: Mary Jones, RDR

cont'd on page 20

Shape the Future
cont'd from page 19

TERMS OF OFFICE

No elected officer shall serve for more than one full term in the same office except the Secretary-Treasurer, who may serve for no more than three consecutive terms. Directors may only be re-elected if at least one year has elapsed since the end of their prior term.

DIRECTORS WITH TERMS EXPIRING IN 2009

William S. Greenley, RDR, Petaluma, Calif.
Richard Greenspan, FAPR, RMR, CRR, Palm Beach Gardens, Fla.
Teresa A. Kordick, FAPR, RDR, CRR, CBC, CCP, CRI, CPE, Des Moines, Iowa

Secretary-Treasurer R. Douglas Friend is eligible for renomination as Secretary-Treasurer during 2009-2010. All current Board members, including those directors whose terms expire in 2009, are eligible for election to higher office.

DECLARE YOUR CANDIDACY OR RECOMMEND A CANDIDATE

Take this opportunity to make a difference in the future of reporting. Declare your candidacy or send the names of your recommended candidates to Nominating Committee Chair Kathy DiLorenzo, RDR, CRR, CBC, c/o NCRA headquarters, postmarked no later than November 21, 2008.

Contact Laura Butler for further information at 800-272-6272.

DECLARATION OF CANDIDACY/CANDIDATE RECOMMENDATION FORM

To: Kathy DiLorenzo, RDR, CRR, CBC, Chair
NCRA Nominating Committee
8224 Old Courthouse Road
Vienna, VA 22182-3808
FAX 703-556-6291

Print or type your own name and address below.

Membership ID No. _____



May the Nominating Committee contact you by phone if further information is needed?

Yes No

Home _____ Office _____

I am declaring my candidacy for the office of _____

I am recommending the following individual for the office of _____

Name _____

Address _____

City/State/Zip _____

Describe your qualifications to serve on the Board of Directors or explain why you support the recommended individual for service (attach additional pages as necessary):

Signed _____

Date _____

Copies of this form or your own personal stationery may be used to submit additional recommendations. **Recommendations close November 21, 2008.**

NCRA's 2008-2009 Board of Directors. Back row (l-r):

Front row (l-r): Kathy DiLorenzo, Melanie Humphrey-Sonntag, Karen Yates, SueLynn Morgan, Doug Friend.

Second row (l-r): Adam Miller, Rick Greenspan, Kimi George, Teresa Kordick, Shirley Ann Hall, Tammie Shedd, Tami Smith, Judy Lehman, Bill Greenley, Mark Golden.

Just When You Think . . .

Holly Moose

Routine 5 p.m. doctor depo in the next town over, no problem. I plug the address into my GPS, and off I go. Expecting to be routed to the medical offices in the downtown area, I am surprised instead to find myself climbing up a windy, narrow road through the hills. Twenty minutes later, I'm beginning to worry that I haven't left myself enough time. Just then, right on cue, a "closed to through traffic" sign appears in the middle of the road. Hmm. I'm at the 400 block, and I only need to get to the 700 block. Surely this sign doesn't apply to ME. I press on. Moments later, I round the corner and encounter a parked bulldozer completely blocking the road, no room to go around or to turn around. I have no choice but to back up, hugging the cliff on my right side to avoid the sheer drop-off on my left.

Safely facing forward again, I call the doctor and explain my predicament. He indicates mild surprise, not at the road being closed, but at it being closed before 5 p.m. Apparently this is a local tradition. Pity he didn't mention the possibility earlier. He redirects me via an equally circuitous alternate route.

Turns out this little soiree is at the doctor's house. I am the first to arrive, at 4:50 p.m. Fortunately, I had left myself plenty of time. Unfortunately, the attorneys had not. Surprised? Nor am I. I set up at the kitchen table and wait. And wait. Finally they arrive, and after much discussion about the mishap, we start the depo.

Presently, a very large, fragrant dog pads into the room. He slurps loudly from his bowl, inspects my belongings, dripping water all over them, and then places

his wet chin on my forearm. I keep writing. He is in dire need of a bath, and I'm hoping he'll go away. Out of the corner of my eye, I notice the cat preparing to settle into my open steno case, despite its recent doggie drenching. Thankfully, the doctor's wife comes in and calls to the dog. Duffy ignores her. He can see how much fun we're having discussing serosanguineous aspirates, and he'll be darned if he's going to miss out. I'm wondering if I have any nose plugs in my steno case and whether I'll be able to retrieve them from underneath the cat, whom it appears is quite comfortably situated at this point.

Steadfastly ignoring the loud stage whispers to exit left, Duffy is finally lured away with the promise of a walk and a treat. Whew, I feel like I can now breathe again. However, all too soon, he appears at the patio door, which has been left standing open for his convenience. It seems I have planted myself directly in his customary path to the kitchen and he only knows one route. He stands there looking at me expectantly. I'm thinking "Hey, buddy, I can't really move right now." Eliciting no reaction from me, he starts on through. He encounters my steno machine, backs up and starts through again. The attorneys and the doctor are oblivious and continue right on with their discussion. I keep writing. Fortunately, Duffy figures out how to reroute himself, and my machine is spared any further wear and tear.

Just when I'm finding this all very amusing, it's over. Sigh. So what is my point? Relish the unordinary because things can get awfully boring otherwise! Isn't this a great job we have?



Legal Logic

These gems are from a book called *Disorder in the American Courts*, and are things people actually said in court, word for word, taken down and now published by court reporters who had the torment of staying calm while these exchanges were actually taking place.

ATTORNEY: Are you sexually active?
WITNESS: No, I just lie there.

ATTORNEY: What gear were you in at the moment of the impact?
WITNESS: Gucci sweats and Reeboks.

ATTORNEY: This myasthenia gravis, does it affect your memory at all?
WITNESS: Yes.

ATTORNEY: And in what ways does it affect your memory?
WITNESS: I forget.
ATTORNEY: You forget? Can you give us an example of something you forgot?

ATTORNEY: What was the first thing your husband said to you that morning?
WITNESS: He said, 'Where am I, Cathy?'
ATTORNEY: And why did that upset you?
WITNESS: My name is Susan!

ATTORNEY: Do you know if your daughter has ever been involved in voodoo?
WITNESS: We both do.
ATTORNEY: Voodoo?
WITNESS: We do.
ATTORNEY: You do?
WITNESS: Yes, voodoo.

ATTORNEY: Now doctor, isn't it true that when a person dies in his sleep, he doesn't know about it until the next morning?

WITNESS: Did you actually pass the bar exam?

ATTORNEY: The youngest son, the twenty-year-old, how old is he?

WITNESS: Uh, he's twenty-one.

ATTORNEY: Were you present when your picture was taken?

WITNESS: Are you <expletive> me?

ATTORNEY: So the date of conception (of the baby) was August 8th?

WITNESS: Yes.

ATTORNEY: And what were you doing at that time?

WITNESS: Uh.... I was gettin' laid!

ATTORNEY: She had three children, right?

WITNESS: Yes.

ATTORNEY: How many were boys?

WITNESS: None.

ATTORNEY: Were there any girls?

WITNESS: Are you <expletive> me? Your Honor, I think I need a different attorney. Can I get a new attorney?

ATTORNEY: How was your first marriage terminated?

WITNESS: By death.

ATTORNEY: And by whose death was it terminated?

WITNESS: Now whose death do you suppose terminated it?

ATTORNEY: Can you describe the individual?

WITNESS: He was about medium height and had a beard.

ATTORNEY: Was this a male or a female?

WITNESS: Guess.

cont'd on page 23

Legal Logic

cont'd from page 21

ATTORNEY: Is your appearance here this morning pursuant to a deposition notice which I sent to your attorney?

WITNESS: No, this is how I dress when I go to work.

* * * * *

ATTORNEY: Doctor, how many of your autopsies have you performed on dead people?

WITNESS: All my autopsies are performed on dead people. Would you like to rephrase that?

* * * * *

ATTORNEY: ALL your responses MUST be oral, OK? What school did you go to?

WITNESS: Oral.

* * * * *

ATTORNEY: Do you recall the time that you examined the body?

WITNESS: The autopsy started around 8:30 P.M.

ATTORNEY: And Mr. Denton was dead at the time?

WITNESS: No, he was sitting on the table wondering why I was doing an autopsy on him!

* * * * *

ATTORNEY: Are you qualified to give a urine sample?

WITNESS: Huh...are you qualified to ask that question?

* * * * *

And the best for last . . .

ATTORNEY: Doctor, before you performed the autopsy, did you check for a pulse?

WITNESS: No.

ATTORNEY: Did you check for blood pressure?

WITNESS: No.

ATTORNEY: Did you check for breathing?

WITNESS: No.

ATTORNEY: So, then it is possible that the patient was alive when you began the autopsy?

WITNESS: No.

ATTORNEY: How can you be so sure, Doctor?

WITNESS: Because his brain was on my desk in a jar.

ATTORNEY: I see, but could the patient have still been alive, nevertheless?

WITNESS: Yes, it is possible that he could have been alive and practicing law.

EDITOR'S NOTE:

There is some confusion as to the published source of these quotations. There are various printed works containing such passages, the most often referenced (on the internet) being *Disorder in the American Courts* (author unknown). A similar work, titled *Disorder in the Court: Great Fractured Moments in Courtroom History* by Charles M Sevilla is currently offered by Amazon.com. There is also a book of courtroom quotes and antics called *Disorder in the Court!* by Bob Terrell & Marcellus "Buck" Buchanan.

Anyone interested in reading more of this material is advised to research carefully before purchasing.

FREELANCE DIRECTORY

SHARON M BEST, CSR 6025

Tel: (805) 644-8404

E-mail: bestpr@yahoo.com

SANDY CARRANZA, CSR 7062

Tel: (415) 893-1861, Fax: (415) 893-1861

E-mail: sandycarranza@comcast.net

Areas served: San Francisco/East Bay Area, Marin and Sonoma

DEBRA CODIGA, CSR 5647

Tel: (916) 966-3278, Fax: (916) 966-3280

E-mail: deporeporters@sbcglobal.net

Areas served: Greater Sacramento and surrounding areas

DIANE B. HOFFMAN, CSR 5312

Tel: (714) 730-3603, Fax: (714) 730-3603

Areas served: Orange County, Riverside County, Long Beach

KATHERINE LAUSTER, CSR 1894

Tel: (831) 375-0225, Fax: (831) 375-8684

E-mail: klauster@comcast.net

Areas served: San Francisco Bay Area, Monterey Bay Area, Silicon Valley

BEVERLY NEWMAN, CSR 2872

Tel: (714) 479-4415, Fax: (949) 770-4210

E-mail: bevnewman@aol.com

Areas served: Orange County, Riverside County, Long Beach

KATHERINE WAYNE, CSR 2854

Tel: (707) 677-3742, Fax: (707) 677-3742

E-mail: kjwayne@suddenlink.net

Areas served: Humboldt and Del Norte counties

DRA 2008 FALL SEMINAR & CCRR EXAM

Two locations for your convenience! **Walnut Creek** and **Valencia**

7:30-9:00 a.m.

California Certified Realtime Reporter examination

(.10 ceu)

Registration, warm-up and testing for the CCRR (formerly the CRP).

This is THE benchmark realtime exam for the best test of your true realtime capabilities and is currently accepted in five counties as qualifying for incentive pay for officials. If you've been thinking about becoming certified, stop procrastinating and become one of the best!

(7:30-8:30 registration and warm-up; doors close at 8:30)

8:30-9:00 a.m.

Seminar Registration and Coffee

Mingle with friends and get your caffeine buzz while waiting for the learning to begin!

9:00-10:30 a.m.

Windows for Reporters

(.15 ceu)

This segment will teach you to optimize the most commonly used operating system. Windows allows your computer to work and communicate with other software. Once you learn Windows, learning other programs is a snap.

Learn how to tweak your sound cards and recording capability, how to move ascii files, create files and folders. Learn about your recycling bin and why it might be slowing your computer down. Hooking up for realtime? Learn how to navigate your device manager to check your com ports. Other topics covered will be toolbars, menu bars, taskbars, disk defragmenting and cleanup and the control panel.

10:45-12:15 p.m.

Word for Windows

(.15 ceu)

Learn to use the word processor *PC Magazine* ranked as one of the "strongest and most intelligent programs ever written." In this hands-on workshop, you'll learn how to add, move, edit and delete text, move words from one part of your document to another, work on two or more documents simultaneously, change the size or appearance of text, change margins and tab settings, automatically center, right align, justify and indent text; run the integrated grammar and spelling checker; use the thesaurus, and save, retrieve, copy, organize, and print your documents. Word is a powerful tool that too many reporters dismiss as unnecessary or ignore because they don't know how to use it, but after this seminar, you'll wonder why you waited so long!

12:30-1:30 p.m.

Luncheon

Enjoy lunch on us as you relax and visit with your DRA friends.

1:45-3:15 p.m.

A CSR's Guide to the Best Tech Gadgets

(.15 ceu)

Technology, at its best, is supposed to be user friendly and make your life easier. Learn all about the best backup systems for reporters, the ideal laptop configuration for optimum audio recording, virus protection, internet security, digital signatures, wireless cards and more. See the latest, hottest gadgets that can make your job as a reporter easier and more lucrative. Stop resisting change and learn to love new technology!

3:30-5:00 p.m.

**Serrano v. Coast Court Reporters:
Status of Appeal and What it Means to You**

(.15 ceu)

This past spring, the Court of Appeals issued a jaw-dropping ruling in Serrano v. Coast Court Reporters, and now this explosive case is being appealed to the California Supreme Court. DRA lobbyist Ed Howard will give you the complete background of this possibly precedent-setting case and the enormous ramifications it could have in store for all reporters. Then get an update on the status of the ER threat and the latest on the legislative front. You can't afford to miss this!

5:00 p.m.

Seminar Adjourned

Stay to the end and get a drink on DRA!

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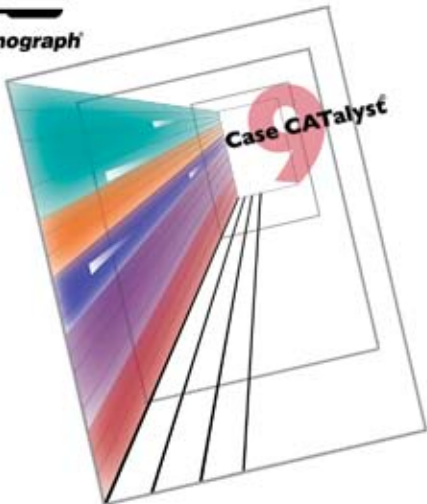
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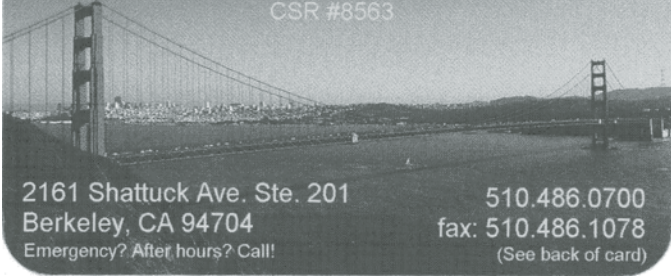
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