DEPOSITION REPORTER



Deposition Reporters Association of Galifornia, Inc.

2010

BONUS PRE-CONVENTION ISSUE

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President's Message John Squires, CSR

ONE, TWO, THREE STATE ORGANIZATIONS

1996 a group of Certified Shorthand Reporters and deposition reporting firm owners broke away from the one state reporting organization existing in California at the time, California Court Reporters Association, CCRA, and founded the Deposition Reporters Association of California, DRA. This was not a group of rebels or malcontents. This was many of the best our profession has to offer (time has proven that to be true) and they put their reputations and money on the line to prove that they were right. This group saw that deposition reporters were not receiving adequate representation from CCRA, believed that CCRA and this break-away group did not share the same philosophies on many issues, including the issue of contracting, which belief was subsequently proven to be true when the last opportunity we had to establish any meaningful anti-contracting legislation in California was waylayed by some of CCRA's leaders and lobbyist.

In 1999 another group of reporting professionals decided to leave CCRA and start their own organization, California Official Court Reporters Association, COCRA. Not having been present or privy to the reasons for that split, I will not speculate as to the reasons why except to state that once again some very talented people decided that they felt something was wrong with either the leadership, the philosophies or the chosen direction of CCRA, maybe all of the above.

So now California is the only state, to my knowledge, that has three state organizations representing the stenographic reporters, of course not including hearing reporters.

I am often asked (without exception by reporters who have no idea of the background or the philosophical differences that exist between the organizations) why we have three state reporting organizations in California. My response has always been to educate the inquirer on an individual basis as to the history, as to the benefits, as to the philosophical differences that exist. However, now that CCRA has actually made it a part of their mission statement that we return to having only one state reporting organization, thereby presumably dismantling DRA and COCRA, I feel compelled to address this in a broader forum.

Let me also add that your organization, DRA, is thriving, something to boast about in this economy. As examples of the difficulties some state organizations are facing, the Arizona state reporting association is presently conducting a raffle in hopes of being able to retain a lobbyist this coming year and I am constantly reading on the national forums about other state organizations on the brink of financial disaster, state organizations asking for advice as to how to bolster membership numbers. Please be assured that is not the case with DRA. We are doing very well financially and with our membership numbers, which I take as a vote of confidence by our members that they approve of our programs, our philosophies, our goals.

DRA has been informed on numerous occasions by our lobbyist and by legislators themselves how impressive it is to have more than one lobbyist present representing the diverse interests of the reporting profession. We happen to have the best lobbyist in the country for our profession and we are not interested in letting him go. I suppose it is a bit self-serving, but the same is true of our executive director. I realize those of you who are not involved in leadership may not have the opportunity to see them in action, to interact on a frequent basis, but just ask one of DRA's leaders what they think of our lobbyist and our executive director. These are people who could be performing their jobs on a national level. We are extremely fortunate to have them working for DRA.

DRA has certain standards that must be met and maintained in order to be a member. What would happen to that principle if there were only one state organization? Would we have to abandon the principle or would the new organization have to expel certain members? Would you want someone who engages in contracting or gift giving having the potential to become an officer or director, a spokesperson for your organization?

There certainly exists a difference of opinion between CCRA and DRA as to whether we have effective anticontracting language in place in California. I would never express the belief to anyone that we do have effective anticontracting language and I think all of you DRA members reading this article would agree with me. I have to say I literally cringe every time I hear a leader from California assert we have such language.

cont'd on page 3

President's Message - cont'd from page 2

It has been my observation that DRA and CCRA have entirely different approaches to any type of crisis that may arise. I'm sure you have noticed that in such circumstances it is not DRA's practice to immediately ask you for more money. We are fortunate enough to have such loyal members, such active members, such giving members that we rarely find that tact necessary.

There are actually too many philosophical differences to go into for the space allowed, ranging from who we see as our heroes and therefore worthy of our awards, to support of DRA gaining full affiliation with NCRA, to support for California's own realtime test. With all these fundamental differences, how in the world could we coexist in one organization? The answer is we couldn't, we didn't, and hence part of the reason for the dichotomy. A while back a president of CCRA wrote in an article that she knew CCRA was the best state organization because she had belonged to both DRA and CCRA and therefore was in a position to say which organization was best. With all due respect, I disagree. That is tantamount to my saying I've lived in Sacramento, I now live in San Ramon, I like San Ramon

better, so it is the better city. No, it's not; it's just a better fit for me. I happen to know the author of that statement and I feel confident that CCRA is a better fit for her and I'm happy she found the best fit, just as I did when I quit CCRA and joined DRA. However, she makes my point very well; these are not two similar organizations pulling the oars in unison, sharing the same goals and philosophies. Major differences exist, differences worthy of exploring to see which organization is a better fit for you.

To return to the original question, why do we need three reporting organizations in California, well, in my opinion we don't. Some are fine with the status quo, the three state organizations. Some believe we should have one organization, regardless of our differences, regardless of the successes of DRA and COCRA. Personally, I believe there should be two organizations, one for official reporters, one for deposition reporters. Oh, and maybe another organization or coalition for contractors, gift givers and ethics violators.



TOP 10 REASONS TO ATTEND THE 2010 DRA CONVENTION

- 1. Wipe out nearly your entire NCRA CEU obligation in one super-fine weekend with 2.25 CEUs.
- 2. Your 17-year-old steno machine and 14-pound laptop are making strange grinding noises, and it's time to check out the latest offerings from the leading suppliers.
- 3. You will be mad at yourself for a month if you miss NY Times best-selling author and former FBI profiler John Douglas speak.
- 4. Webstreaming realtime is giving you fits, and you want to master the beast.
- 5. You need to expand your prospects by networking with like-minded agency owners and fellow reporters who can refer you quality deposition work.
- 6. You've hit rock bottom and want to finally cut the cords on realtime and learn how to do it wirelessly.
- 7. You want to learn what all the fuss is about on social networking sites like Facebook, Twitter and LinkedIn from an actual expert and not your 12-year-old.
- 8. It takes you seven steps to make an ASCII file in your CAT software you just know there's got to be a better way.
- 9. You think the Code of Civil Procedure is an etiquette guide.
- 10. You get your best steno briefs from fellow reporters while hanging out in the hotel bar.

Stenograph's Diamante

A USER'S REVIEW
by Mary Ann Payonk, RDR-CRR,
California CSR No. 13431
MaryAnnRDR@earthlink.net

past summer brought the NCRA national convention to Washington, D.C. The most exciting part of attending any convention for me is visiting the vendor area. I'd heard a few things about a new writer coming on the scene, and I was curious. Reading online comments, buzz about this new writer, I became more than curious. Following all my usual forums and message boards, I noted all the positive comments out there about this new writer, and mere curiosity changed to great anticipation about this new writer called the Diamante.

Did I need a new machine? Absolutely not. I was perfectly happy with what I was currently using, double-shimmed writers with the short stroke and light touch I prefer. I'd spent many years perfecting my realtime writing on the same type steno machine I'd used in college, and these machines were perfectly adequate. However, seeing all those new-style machines on the horizon made me worry that this dog may have to learn some new tricks. And yes, I admit, I'd been lured to try a few of the unique and very different writers coming on the scene. But, having written on basically the same writer keyboard my entire reporting career, I should have known better!

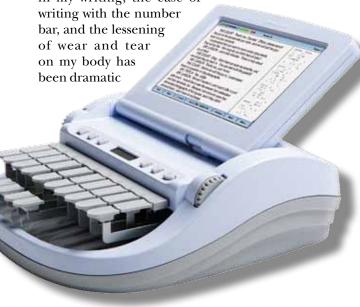
Before I go further, let me mention that I'm a very hard sell. If something doesn't suit me . . . if it's not exactly right . . . I'll say it's not right. If something isn't as promised, I won't follow the pack and force myself to be happy with it. So when I walked into the vendor area at the convention, I was expecting something wonderful, and I was cautiously optimistic. But I wasn't going to say this new writer was golden if, in fact, it wasn't. That wouldn't be fair to reporters who might choose to purchase a writer based on the candid comments of others.

Entering the vendor area, I walked straight to the Stenograph booth, where the Diamante was prominently

displayed. There were several machines set up for a handson experience, and of course several sales representatives milling about. I wanted no contact with any sales person! I was there to try out the machine on my own with no one hovering over me extolling the virtues of the writer. I choose my writers by touch alone, so I waved them off and sat down at the machine.

My first thought when I sat down was, "How beautiful!" It's got a sleek look, including a beautiful display screen. Even though I write realtime every day with my laptop screen right in front of me, the Diamante display is large and clear, with a crisp font that's easy to read, and customizable! Next, I put hands on the machine, and my thought was, "How light!" The machine weighs just 4.5 pounds, a plus for any of us who've carried much heavier machines around for years.

Now, a few reporters have sat down with the Diamante, experienced the light weight, and come away with the feeling that the machine is, quote, flimsy. That is NOT my experience at all! I don't believe we should ever cut corners or scrimp on the tools of our trade, those things that make our jobs easier and our work product better. This machine is not cheap or flimsy. Calling it "a lightweight" is no reflection of the true power of the Diamante. The change in my writing, the ease of



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Stenograph's Diamante - cont'd from page 4

and noticeable. Pre-Diamante, I sometimes felt like I'd been pushing bricks uphill all day long. What a difference this writer has made! It's not that I ever lost my love of reporting . . . but I truly can't contain my excitement! I look forward to writing every day with the Diamante.

Even though there are "only" two adjustments . . . one for tension, one for depth of stroke . . . I've never wished for another setting, nor do I feel there is any need to have individual key adjustments. Somehow, through testing and development of the Diamante, this machine "just knows." I started out writing on the Diamante with the settings set about in the middle, but after just three months, I have both the tension adjustment and the stroke depth set to the very lowest setting. Writing on the Diamante, I'm impressed with the stacking strokes I'm NOT having any longer. Seeing the same stacking strokes over and over, I was willing to blame operator error for those . . . but no more! I've experienced none of the split-stroke phenomenon, nor has the machine locked up, ever.

So who might benefit from the Diamante? Well, you know who you are. You're a reporter who's keen on keeping up with technology. You're a reporter who's tired of going out the door every day to the same old, same old assignments, and you want to get excited about reporting

again. Maybe you've decided you're going to set your sights on realtime in a big and impressive way, and you're going to clean up all your conflicts, taking a hard look at the "why" behind those stacking strokes that might be holding you back from offering realtime for pay. The best thing we can do to keep our profession alive is for each of us to get better . . . get better at what we do, work from a well-informed knowledge base, and use the best and most cutting-edge equipment available.

I walked into the convention this summer looking for a new writer. I bought the Diamante because it was love at first touch! In the weeks after that, I've come to realize that I got so very much more than just "a new writer." I got the best writer I've put my hands on in 30 years. The writer is made by Stenograph, the same company that's made every writer I've ever used. There are bells and whistles that come with the Diamante, including a loaner if it ever needs service. I understand that if I ever have to send the machine in, that loaner machine would be a Mira. But I can't bear the thought of being without my Diamante for even one day. I'm ready to have a Diamante for each hand!



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WELCOME TO THESE VERY SMART NEW MEMBERS WHO SPENT THEIR MONEY WISELY ON SUPPORTING THEIR PROFESSION

Shahrzad Dargahi • Clay Frazier, CSR • Pat Jensen • Paula Kosmicki • Liz Kozakowski • Debra Olivas • Patricia Rosinski • Traci M. Steele

FROM THE MOUTHS OF REPORTERS

(PRIOR DRA CONVENTION COMMENTS)

"Loved, loved, loved the choice of seminars. Only sorry there were so many fabulous choices and not enough time or energy to attend all I would have liked."

"Thought this was the best convention I've attended ever (over 30 years as a reporter). You are a class act and very organized and professional. Your topics were great. Love the Depo Diplomat sessions!"

"I'm a new reporter and want to learn as much as possible about the job responsibilities, opportunities, and helpful hints.

This was a great opportunity to do so."

"So many great seminars at this convention!"

"Hard to improve on this one."

can you really 'afford' not to go to our 2010 convention?

Lawsuits Filed

re:
FULL TRANSCRIPT PAGE
CHARGE FOR WORD
INDEX PAGES

uncommon for court reporters to be sued for their business practices, so the filing of at least five lawsuits in 2009 regarding the same billing practice should be of great interest to all professionals involved in the reporting industry. Each state has varying statutes to protect the consumers of our services, and the lawsuits filed recently all contain allegations of unfair and deceptive business practices and unjust enrichment by certain court reporting agencies. All of the lawsuits contain the factual allegation that a full transcript page rate was charged for each page of a computer-generated Word Index.

The litigation upon which this article is based consists of three lawsuits filed against Esquire Deposition Services, LLC, a Hobart West Company aka Esquire, and Alexander Gallo Company; one lawsuit filed against Veritext Corp., and one lawsuit filed against U.S. Legal Support, Inc. and Klein, Bury, Reif, Applebaum & Associates, Inc. d/b/a U.S. Legal Support. Other lawsuits may, in fact, be in existence regarding the same issue. The lawsuits are filed in four different venues: California State Court (removed to U.S. District Court, Central District of California); United States District Court, Northern District of Ohio, Eastern Division; United State District Court, Southern District of Florida, Miami Division; and The Circuit Court of Cook County, Illinois, County Department-Chancery Division. Copies of any or all of the complaints in these lawsuits may be obtained by emailing editor@caldra.org.

A Word Index is, as recited in one of the suits: "A listing of words appearing in the transcript and a designation of the place in the transcript where the words appear. The index does not involve the transcription of testimony." Each lawsuit states as a factual allegation that the customary billing practices consist of an appearance fee, a page rate, a cost for exhibits and a flat fee for both a Condensed Transcript and Word Index.

The deceptive and unfair billing practice allegation is stated in one of the suits as follows:

"It is 'unfair' or 'deceptive' practice . . . for any person or business to (a) knowlingly and intentionally charge a fee for the computergenerated index based on it being a part of the 'transcript' when it is not with the intent that consumers rely upon such misrepresentations, (b) fail to disclose that it charges its per page transcription fee for each page of the index, with the intent that consumers rely upon such concealment or omission, (c) charge, pursuant to a standard rate sheet, a flat fee for the word index together with a mini-transcript, and/or (d) unreasonably overprices its charge for pages of an index to a transcript. The potential harm that consumers will unknowingly pay inflated rates for the production of the index to the transcript violates public policy and outweighs any utility or countervailing benefits of having such a billing practice. The resulting injury is substantial, is not outweighed by any countervailing benefits to consumers or to competition, and is not an injury the consumers themselves could reasonably have avoided. Moreover, the practice is immoral, unethical, oppressive, and unscrupulous."

The unjust enrichment allegation asserts that:

"Plaintiff and the Class conferred a monetary benefit upon Defendant by paying defendant transcription services rates for pages of a deposition index with respect to which no transcription service was rendered . . . conferred a monetary benefit upon Defendant by paying twice for an index of the transcripts."

In response to a request for comment, on December 9, 2009, Esquire Deposition Services, LLC, an Alexander Gallo Company, stated: "Class Action lawsuits have been filed against Esquire Deposition Services, LLC. Similar suits have also been filed against our well-known national competitors, U.S. Legal Support and Veritext. Unfortunately in today's business climate, litigation is an unavoidable consequence of doing business – and our industry is not immune. Esquire's business practices have been and will continue to be sound and consistent with industry practices. Our legal counsel is addressing what we believe to be frivolous litigation through the appropriate channels."

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Lawsuits Filed - cont'd from page 7

The reporting industry has initially responded by Internet "discussion" of the practice of charging full transcript rates for computer-generated Word Indexes. A nonscientific survey was taken, with the result being that this alleged practice is not ordinary and customary in our industry. It was discussed that this practice may be part of a business strategy to convince the consumer of reporting services that they are paying a reduced transcript page rate when, in fact, they are paying for a larger number of "transcript" pages, often resulting in a higher total invoice when compared against an invoice charging geographically standard rates but not charging transcript rates for word indexes.

A concern of the working reporter arises as to whether these Word Index pages billed at full transcript rates are added to the reporter's compensation or are deemed as profit only for the agency. In fact, in the Introduction of one of the lawsuits, it states, "Although Defendant charges a per page transcription for the indexes (which are not transcribed), it pays its licensed court reporters only for the pages of actual transcription and not for the word indexes." If, in fact, that practice is proven to be true to any extent, the profit derived from this practice has other ramifications for the working reporter, whose compensation has remained statistically stagnant since the advent of contracting with

parties in interest became a viable business model in many states. An additional concern is whether the same billing practice is being applied to certified copy orders as an additional source to recoup the discount given for the original and one copy discount.

While antitrust provisions strictly prohibit collusion in setting specific prices in any industry, "discussion" surrounding this billing practice by reporters and reporting agencies has been almost silenced at this point - mostly resulting from misinformation and misinterpretation of statutes and free speech doctrines. Whether the reporting industry remains silent on this issue has yet to be determined despite its potential negative effect on the reputation of the reporting industry as a whole. If the consumers of reporting services are not made aware of the reason and probable effect of being charged full transcript page rates for computer-generated Word Indexes in the context of choosing which reporting service or services will become their vendors, it is conceivable that this billing practice could become customary in the reporting industry. To what detriment to the reporting industry's reputation is the ultimate unanswered question.



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Everyone Likes Ice Cream ... Not

likes ice cream, right? Anything with chocolate in it is usually my first choice. Sometimes, though, plain vanilla suits me just fine too. Having options is always nice. I'm a court reporter. Ice cream and deposition transcripts, not a strong correlation there, but bear with me. There is a point here: A carton of ice cream costs about the same amount of money as a page of transcript, and sprinkles are usually a small additional charge, like word indexes.

What if, when you purchased your ice cream and sprinkles, the clerk told you, "That will be \$300"? Shocked, you might inquire what you were being charged for since the price on the ice cream is only \$4.50. "Oh, but you bought the sprinkles too," might be the reply. As a savvy consumer, you'd probably put the sprinkles back and say, "No thank you." But what if the clerk persisted, "Oh, you can't put the sprinkles back. You have to buy the sprinkles. They are part of the package, and we charge per sprinkle."

As a purchaser of ice cream, this scenario might seem farfetched. No vendor would be able to stay in business if they engaged in such blatant overcharging or misleading disclosure of price. In the open market, consumers would go elsewhere, or perhaps consumer protection laws would protect the public from these practices. However, as attorneys, you might find that this type of billing practice isn't uncommon at all when you receive your copies of deposition transcripts.

Word indexes are a valuable litigation tool, but how valuable is open to some debate. Some reporting firms charge full transcript page rates for these tools, adding a substantial cost to your overall bill for court reporting services. If price is an issue when making your choice for court reporting services, you may find that the lower price you were promised is anything but.

Let's face it, a quick glance at a standard dictionary provides that a transcript is something transcribed; an index is simply the sequential arrangement of material in alphabetical or numerical order. Traditionally, word indexes have been provided by court reporting firms at a nominal charge, not at full transcript page rates, and attorneys have had the option of purchasing the word indexes or opting not to have them included in the services they receive. If your transcript is certified on

page 60, why are you being charged for 85 or more pages on your invoice? Is it because your court reporting firm has "sprinkled" in some extra pages in the certified transcript, recharging you for the same work product reiterated in a different format with creative liberty by means of including a word index? Does your court reporting firm send a non-itemized invoice as convenient subterfuge?

A deposition lasting all day can generate as many as 65 pages of word index. Charged as transcript pages, this can add several hundreds of dollars to an invoice for the original transcript, charges that may go unnoticed by a quick perusal of a bill. This additional expense is likewise charged on all copies of the transcript sold as well. When billing practices vary so greatly from vendor to vendor, it is often difficult to make informed decisions as a consumer based simply on price. Put another way, the low price you were quoted when you asked for rates from your court reporting firm could be surreptitiously 15% to 20% higher than you expected when the invoice arrives depending on their billing practices.

If you feel that you are overpaying for your transcripts because of the value your vendor places on their word index, I'd suggest finding a new vendor, one that offers upfront pricing and itemized invoices and doesn't charge two or three times for the words that have already been paid for once in the other products and services they provide. Sprinkles? At those prices, no thanks.

Lisa Migliore Black, CCR-Kentucky www.MiglioreAssociates.com

Go to

www.miglioreassociates.com/pdf/ Sprinkles%20No%20Thanks.pdf

to print or download the "Sprinkles? No thanks" flier to give to clients or consumers of reporting services.



Words for Thought (or Action)

Has our beloved profession of reporting lost its way?

Has it evolved into every reporter out for his or herself regardless of how their behavior and/or greed affects the perception of stenographic reporters as a group by the lawyers and the consumers of our services?

Anonymous CSR, 2009

There is no such thing as business ethics. There is only one kind – you have to adhere to the highest standards.

Marvin Bower former managing partner, McKinsey & Company

Success without honor is an unseasoned dish; it will satisfy your hunger, but it won't taste good.

Joe Paterno, college football coach

Try not to become a man of success, but rather try to become a man of value.

Albert Einstein

Join us at our 2010 Annual Convention.

Deposition Reporters Association



CHANGE IN CODE OF CIVIL PROCEDURE 2029.500

Effective January 1, 2010
All depos in California must follow
Minimum Transcript Format Standards

Be Aware or Be Fined and Cited!!

On January 1, 2010, there was a change in CCP 2029.500 which clarifies that any deposition taken in California must be taken in compliance with all California laws, which would include the Minimum Transcript Format Standards (MTFS).

Until that date, the CRB interpretation of current law was that the MTFS are followed unless the jurisdiction in which the case is venued has its own format.

Depo Diplomat

Dear Depo Diplomat:

I don't know if you can answer my question or not, but I thought I would try. I'm a freelance reporter, and I had a deposition where the attorneys marked the entire transcript as confidential. I'm a fairly new reporter, so that issue has never come up before. What is required of me, and what does that entail? Do I just put the word CONFIDENTIAL on the cover? I just don't know. If you have any information, I would greatly appreciate it.

Dear Reporter:

There is not a great deal that you need to do differently in preparing a transcript deemed to be confidential by the attorneys. As you've already guessed, you should mark the cover page CONFIDENTIAL fairly boldly and in all caps so that will be readily seen. Also, while there are no particular requirements in the Code of Civil Procedure that instruct reporters on how to handle a confidential transcript, it is advisable to also include the confidential designation in the header line, so that it might read in the header, for example, CONFIDENTIAL DEPOSITION OF JOHN Q. DOE, so that the designation then appears on every page of the transcript in addition to the cover page.

I assume that you did this reporting assignment for a depo agency, and you should check with them as to whether they have a preference on how you mark the original transcript, as they may have a stamp or some way of printing the confidential designation on the transcript and may prefer to have it marked in the office in their standard fashion. Also, when they produce and ship the copies and the original of the transcript, they may indicate on the envelope or packaging materials that confidential materials are enclosed.

And I'd like to expand on your question, if I may, to mention that how a reporter should prepare a confidential transcript can be a bit more complicated under certain circumstances. You were fortunate that in this instance with your first exposure to the issue of confidentiality, the entire transcript was marked confidential, but there are occasions when portions of a depo are deemed confidential and other portions not confidential, and you may be required to prepare the two portions separately, each with its own exhibits, cover, appearance, index and

certification pages, and then the two portions are bound separately when prepared by the agency. Also, it may be the agency's policy to produce all the related transcript litigation services – text file, E-Tran, condensed mini transcript with word index, CD, etc. – separately for each portion of the transcript, so there can be considerably more work involved both on the part of the reporter and the agency's production department.

It also occurs at times that more than one degree or level of confidentiality is attached to given portions of the deposition testimony. It may be decided by counsel that certain pages should be deemed simply "Confidential," other portions perhaps "Highly Confidential," other sections could be "Confidential, Attorneys' and Consultants' Eyes Only," others may be "Confidential, Attorneys' Eyes Only," and then some portions not confidential at all. When designations like this are decided upon, and assuming that counsel want each portion individually and separately bound, as they usually do, then it can be quite complicated to prepare the various portions as requested, and a great deal of attention must be paid by the reporter to attach all the necessary merge pages for each portion, to collate the various portions and keep the page numbering accurate. Likewise, a good deal more time and concentration has to be paid to the production and copying of the various transcript portions by the agency's staff.

If you find yourself with a deposition like this to transcribe, I'd suggest that you consult the agency you're working for before starting the transcript to learn whether they have any policies or procedures that they need you to follow, whether they're aware of any standing orders by the attorneys in the case on how they wish to see a rather complicated confidential proceeding like this handled. Putting together a transcript with these special requirements may seem a bit intimidating at first, but giving it the extra time, attention and organization that's called for, you'll get it done correctly.



NEVADA COURT REPORTERS ASSOCIATION

2010 CONVENTION

FEATURING MARK KISLINGBURY

Friday, March 19 (3 CEUs)

4:00 - 5:30 pm Registration

5:00 - 9:00 pm Wine & Appetizer Buffet

5:30 - 7:00 pm Reporting Lessons: share your experiences

7:15 - 8:45 pm Jeopardy (subject to change)

Saturday, March 20 (8 CEUs)

8:00 - 9:00 am Continental Breakfast

9:00 - 10:30 am Mark Kislingbury RT Workshop

10:45 - 12:00 pm Mark Kislingbury

12:15 - 1:45 pm Luncheon/Business Meeting

2:00 - 3:30 pm Mark Kislingbury 3:45 - 5:00 pm Mark Kislingbury 5:10 - 6:00 pm Mark Kislingbury

Sunday, March 21 (4 CEUs)

8:00 - 9:00 am Continental Breakfast 9:00 - 11:00 am LV Law (2 NV CEUs) 11:15 - 12:15 pm Identity Theft Prevention 12:30 - 1:30 pm Convention Planning 101 ONLINE REGISTRATION ONLY AT

www.nvcra.org

Test Anxiety Guru - testanxietyguru.com - specializes in reporting tests

2010 REPORTER RESOLUTIONS (?)

Take CCRR - Realtime is what defines steno reporters from all other methods of making a written record of a verbal proceeding - www.ccrr.org

Go wireless - Perception is everything - get rid of the cables - at least between steno machine and laptop

Buy mini-laptop for demo of realtime and use at depos - Marketing yourself as a reporter is priceless!!

Donate to court reporting school/Volunteer to do something for DRA - Give back and you will gain more than you give.

DRA STUDENT SCHOLARSHIP FUND UPDATE

Zandonella Reporting in Concord, California recently donated \$1,000 in memory of John and Fosca Zandonella

Deadbeat Judgments

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 . . .

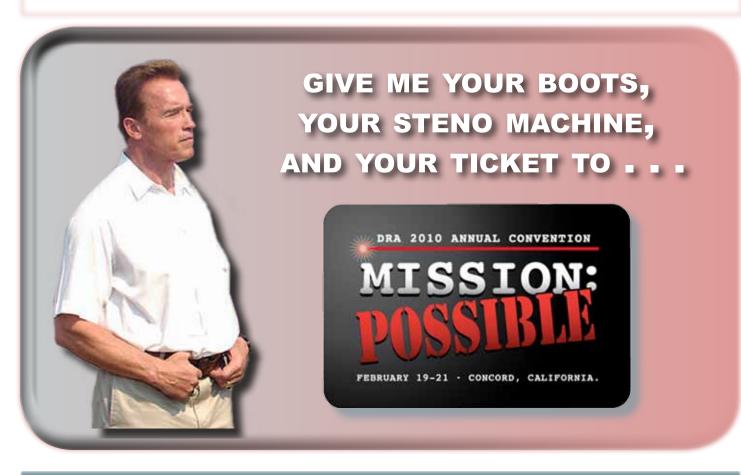
CORY PAUL BARRETT
vs.
DEVAN MYLES MULLINS
Superior Court, Cnty of Orange
Case No. 30-2008-00098150
Judgment: \$4,531.08

BARRETT REPORTING, INC.
vs.
JANICE DISON,
dba ATTORNEYS CHOICE COURT REPORTERS
Superior Court, Cnty of Orange
Case No. 30-2008-00093780

Judgment: \$3,023.11 (includes interest and costs)

vs.
CHANCE E. GORDON
Superior Court, Cnty of Orange
Case No. 30-2007-00015726
Judgment: \$1,850.60

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DEPOSITION REPORTERS ASSOCIATION 14th ANNUAL CONVENTION

FEBRUARY 19 - 21, 2010 CONCORD HILTON HOTEL CONCORD, CA 2.2 CEUs Available













MISSION:
FEBRUARY 19-21 . CONCORD, CALIFORNIA.

MISSION POSSIBLE:

Your assignment, should you choose to accept, will be to go on a "search and find" mission... searching and finding the benefits of:



Using Facebook and Twitter to Market Yourself and Grow Your Business • Mastering Word 2007 • Depo Dilemmas: How to Tackle Ethical Situations and Look Like a Genius • 8 Steps to a Pain-Free Back • Where Did All the Depositions Go? • Tools of the Trade: The Latest and Coolest Gear and Gadgets for Court Reporters • Be Your Own Best Advocate • Eliminate Your Debt and Regain Your Freedom • Sunday Morning Yoga Stretch • Power Perceived is Power Achieved: A Reporter's Guide to Intelligent Self-Defense • Home Office for the Business of Life • Webstreaming Realtime • Wireless Realtime Without a Hitch • Use Your Mind to Shape Your Future • Leave 'em Laughing: DRA Jeopardy!

All this will need to be accomplished while you are taking time for yourself at the "Come in From the Cold – DRA Opening Reception with Exhibitors" enjoying cocktails and delicious food while perusing the exhibitor booths looking for those convention-discounted prices.

It doesn't stop there – Saturday morning Welcome Breakfast and Annual Business Meeting promises to get you fueled for a busy day while being informed of the legislative happenings of the past year and ready you for what's coming next. As always, our DSA Award Luncheon is not to be missed.



DRA Special Presentation: Mind Hunter: Inside the FBI's Elite Serial Crime Unit. Former Special Agent John Douglas, author of several national bestsellers including "Journey Into Darkness" and Mind Hunter" will deliver a fascinating inside

look at some of the most intriguing criminal cases of our time. A legendary figure in law enforcement and the model for the Scott Glenn character in The Silence of the Lambs. As chief of the FBI's Investigative Support Unit – the team that tackles

the most baffling and senseless of unsolved violent crimes – Douglas is the man who ushered in a new age in behavioral science and criminal profiling. Now, after 25 years of service, he has retired and can finally tell his unique and compelling story.

SATURDAY MOVIE NIGHT! Watch a classic movie on a big screen, eat popcorn, drink sodas and rekindle your friendships at the end of a busy day!

Wake up Sunday to yoga or try your skills at the CCRR. This is a separate registration fee. Register for this exam at www.ccrrexam.org. Join in for your last opportunity to take advantage of the convention specials with the exhibitors while you enjoy breakfast before you are off to continue your Mission Possible of the weekend! End your weekend with DRA Jeopardy or CAT Training, the choice is yours to make!

Check out the "SUPER EARLY BIRD". If you're serious about saving money, the time to register and book your room is NOW!

Look forward to seeing you there!

2010 CONVENTION SCHEDULE OF EVENTS

FRIDAY February 19 SATURDAY February 20 SUNDAY February 21

Friday, February 19, 2010

9:00 - 12:00

DRA Board Meeting

12:00 - 5:00

Convention Registration Opens

1:30 - 3:00 .15 CEU

Using Facebook and Twitter to Market Yourself and Grow Your Business

Facebook, MySpace, LinkedIn and Twitter have exploded across the American consciousness. Learn what social and business networking is all about and how you can use the various sites to publish your interests, promote your business, and keep others informed of current situations via text, photos and blogs. The Attention Wars are raging, and if you are not online, your business and message will be invisible in the fray. Social networking expert David Hurwich trains nonprofits and businesses how to utilize social and business networking sites to their maximum advantage while avoiding the potentially damaging pitfalls. An excellent opportunity for reporters and agency owners to learn how to be "human at a distance" while taking advantage of the relationshipcentric tools of the new Web.

3:00 - 4:30 .15 CEU Mastering Word 2007 - Module I

Get a solid working knowledge of the newest version of Word with an emphasis on how it can be used by the working reporter. Dana Cayce will present the first of two modules designed to tackle the inner workings of Word, among the concepts explored will be creating, formatting and saving documents and controlling page appearance using different fonts, headers, footers and other print styles.

4:30 - 6:00 .15 CEU

Depo Dilemmas: How To Tackle Ethical Situations and Look Like a Genius - Module I

DRA Past President Karen Klein joins Depo Diplomat Toni Pulone to help introduce the brand-new DRA DepoMap. You asked for it, and now we've finally got it. Years in the making, at long last DRA has its own searchable database of all relevant code sections that pertain to the duties of the freelance CSR, as well as published NCRA and CR Board legal opinions. Be among the first to see and use this innovative new reporting tool.

See Module II Sunday morning with CR Board Executive Officer Yvonne Fenner. 6:30 - 9:30

Come in From the Cold - DRA Opening Reception with Exhibitors

Come as you are, dressed in your favorite spy outfit or dressed to kill for DRA's Welcoming Reception with Exhibitors and mingle with friends while enjoying cocktails and delicious food. Then do a little reconnaissance and survey the latest in gadgets, software and services from the industry's most popular suppliers, all at convention-discounted prices.

Saturday, February 20, 2010

7:30 - 5:00

Registration and time with Exhibitors

8:30 - 10:00 .15 CEU

Welcome Breakfast and Annual Business Meeting

Get fueled up for a busy day by enjoying a hearty sit-down breakfast with your DRA leaders. Then listen as Ed Howard, DRA lobbyist and fearless defender, revisits the state budget meltdown, attempted elimination of the CR Board, and freelance legislative happenings of the past year and readies us for what's next.

You must be a DRA member to attend the Annual Business Meeting portion of this session.

10:00 - 10:30

Morning break with Exhibitors

10:30 - 12:00 .15 CEU

8 Steps to a Pain-Free Back

Esther Gokhale's quest to find the root cause of back pain took her from remote Burkina Faso in rural Portugal to the fishing villages of Brazil. What she learned in each of these places has changed the lives of thousands of people. 90% of adults will experience back pain in their lives, but it is largely a problem of Western civilization. Preserved in the movements of weavers, millers, and farmers in traditional societies is ancient body wisdom that prevents pain and enhances health. The Mayo Clinic calls her technique "The greatest contribution ever made to nonsurgical back pain treatment." Forget what you thought you knew about good posture and learn about the natural, healthy posture used by athletes such as Billie Jean King and Roger Craig and people of traditional cultures the world over.

Esther Gokhale's books and products will be available for sale at the registration table after her seminar.

or

Mastering Word 2007 - Module II

12:00 - 1:00

DSA Award Luncheon

1:00 - 2:30 .15 CEU

DRA Special Presentation: Mind Hunter: Inside the FBI's Elite Serial Crime Unit

He has hunted some of the most notorious and sadistic criminals of our time: the Trailside Killer in San Francisco, the Atlanta child murderer, the Tylenol poisoner, and Seattle's Green River killer. DRA is honored to have former Special Agent John Douglas as part of its annual convention. Author of several national bestsellers, including "Journey Into Darkness" and "Mind Hunter," Douglas delivers a fascinating inside look at some of the most intriguing criminal cases of our time. Drawing on his long and extraordinary career, he takes us inside the cat-and-mouse struggle between his elite squad of investigators and a chilling rogue's gallery of perpetrators. Along the way, he also shows us how understanding the minds and motives of your opponents can influence success in any arena.

2:30 - 3:00

Afternoon break with Exhibitors

3:00 - 4:30 .15 CEU

Where Did All the Depositions Go?

The past year has been challenging for freelance reporters and agency owners alike. There has been a substantial downturn in the number of depositions in California and nationwide. But why? What's driving this phenomenon? Is it a temporary cycle or part of a larger overall trend? Join this free-flowing exchange of information and ideas with agency owners and past and present DRA leaders while they explore the factors behind the slowdown and what you can do to increase your demand as a reporter.

or

Tools of the Trade: The Latest and Coolest Gear and Gadgets for Court Reporters

Gadget Gurus Kathy Kaplanek and Karen Hensche have been researching and testing the latest in software, reporting technology and gadgets for months. Discover the hidden gems you can use to make your job and your life easier, more fun and efficient than ever before.

4:30 - 6:00 .15 CEU Be Your Own Best Advocate

DRA faces tremendous challenges in the coming legislative year, squaring off against well-financed opposition intent on keeping the status quo. Lobbyist Ed Howard and Legislative Liaisons Toni Pulone and Stephanie Grossman show how you, the individual reporter, can help in this fight by using your influence as a constituent. A basic knowledge of the issues, a little conviction and personal interaction with your legislator, and you can help effect the change so badly needed in the reporting profession. Be sure to attend this fun and informative session and learn how to be your own lobbyist.

or

Eliminate Your Debt and Regain Your Freedom

A life lived in debt is a life half lived. We live in daunting economic times, and being in debt puts you in a precarious financial position should something go wrong. If you are feeling overwhelmed or pinched by debt, now you can learn a simple and effective method using a mathematical formula to not just reduce but completely eliminate all of your debt. Financial advisor Seewing Yee conducts over 200 financial seminars each year throughout the greater Bay Area and will examine the psychology behind debt and map out step by step how to be debt-free and totally financially independent in as little as five years. You can't afford to miss this session!

8:00 - 11:30 Movie Night!

A new DRA tradition begins! Grab the pillows and blankets from your room and park in front of our big screen. It's Movie Night! We supply the movie (president's pick), sodas, treat bags and hot popcorn. Guaranteed fun or your money back!

Sunday, February 21, 2010

7:00 - 8:30 .15 CEU

California Certified Realtime Reporter Exam (CCRR)

Take a *real* realtime test. When is the last time you were asked to hook up for legal opinion or literary? Don't let the early hour keep you away from the best realtime certification test in the nation. Only the CCRR tests you for the precise skills you need in your job. The CCRR is Q&A format at 180 wpm in a comfortable setting with live readers. Formerly known as the CRP, the CCRR is gaining widespread acceptance in California courts for incentive realtime pay for official reporters. Join the growing number of elite realtime reporters who hold this certification.

or

Sunday Morning Yoga Stretch

Bring your yoga mat and start the day off right with this gentle Hatha yoga class designed to get your blood flowing and ease muscle tension. Then enjoy a light breakfast with Exhibitors before heading out for your final day of fun and learning.

7:30 - 9:00

Breakfast with Exhibitors

9:00 - 10:30 .15 CEU

Depo Dilemmas: How to Tackle Ethical Situations and Look Like a Genius - Module II

Don't be caught flat-footed when confronted with an ethical dilemma. Listen, learn, and arm yourself with a court reporter's most powerful weapon: knowledge. You will never be intimidated if you are armed with the facts, sound

judgment and a working knowledge of the CCP. Yvonne Fenner, Executive Officer of the CR Board, joins Toni Pulone, DRA's Depo Diplomat and ethics expert, for this module of Depo Dilemmas. Learn about your obligations as a licensee, as well as the ongoing issues and future vision of the CR Board.

10

Power Perceived is Power Achieved: A Reporter's Guide to Intelligent Self-Defense

Chance favors the prepared mind. Be prepared! While there's no guarantee you won't be a victim of violent crime, you can greatly increase the odds in your favor by incorporating a few safeguards. David Hallford is a self-defense expert and police defensive tactics trainer who also happens to be a court reporter and firm owner. Learn from one of our own how to be prepared to defend against violent confrontations in parking garages, buildings and even the deposition setting.

10:30 - 12:00 .15 CEU

Home Office for the Business of Life

How do you manage the business of life? No executive would think about running a business without an office. Are you running a life without one? Rid yourself of the paper clutter and stop wasting time looking for things. Mary Lynne Murray is a Certified Professional Organizer, and she will show you that it doesn't require a separate room or even a large space -- just the right tools and a customized system to suit your unique situation. The result? A productive environment in your home where everyone in your family can accomplish their work and enjoy their lives.

or

Webstreaming Realtime

Accessing a reporter's realtime feed remotely via webstreaming software is becoming an indispensible tool for attorneys and expert witnesses unable to attend a deposition in person. Watch a demonstration of a remote connection and learn what webstreaming is and what you need to know in order to provide this invaluable service.

12:00 - 1:00

Lunch on your own & time with Exhibitors

1:00 - 2:30 .15 CEU

Wireless Realtime Without a Hitch

Impress your clients by connecting realtime every time without a hitch. Attorneys view reporters as litigation technologists, not mere stenographers. Discover wireless realtime and take the fear and frustration out of realtime jobs. Toss out the cables and adapters and go wireless! Be tech saavy and realtime ready on every job every time!

or

Use Your Mind to Shape Your Future

You can make positive changes, even in a sea of negativity. Dianne Short, NGH, is a licensed hypnotherapist and will dispel the common myths and misunderstandings about hypnosis. Discover the power of the mind, how it works, and the conscious versus the subconscious. Find solutions to self-sabotaging habits and achieve your goals. This is a great way to end the weekend and reenergize your goals for the year!

2:30 -4:00 .15 CEU

Leave 'em laughing: DRA Jeopardy!

Watch out. Mary Bardellini is in the house and hosting DRA Jeopardy. If you don't need CAT training and want to finish the weekend on a light note, this laughinar is for you. Pit your knowledge as a reporter against other contestants for a hilarious time and a chance to win completely useless prizes.

or

2:30 - 5:00 .25 CEU Case Catalyst Training

or

Eclipse Training

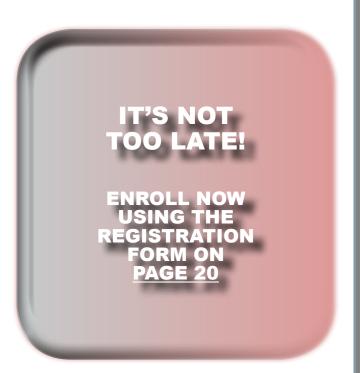
or

DigitalCAT Training

CONVENTION ADJOURNED See you next year at Disneyland!









MISSION POSSIBLE

DEPOSITION REPORTERS ASSOCIATION 2010 14TH ANNUAL CONVENTION

The Deposition Reporters Association is excited to offer our 14th annual convention, Mission Possible, being held February 19–21,

2010 at the beautiful Concord Hilton Hotel in Concord, California. In challenging economic times like these, it is critically important to attend conventions and seminars not only for the educational advantage of keeping you in the forefront of your profession, but also, more importantly, the networking opportunities provided, not to mention the friendships rekindled and developed.

As always, DRA will again show you the quality, fun and excitement you have come to expect from us throughout the weekend of this convention. The lineup this year is unprecedented! Full convention registration includes our Friday night cocktail party with the exhibitors, Saturday breakfast, Saturday lunch, our NEW DRA Saturday Movie Night complete with popcorn and soda, along with Sunday breakfast. This year we will also be offering CAT training!

DRA is excited to present: John Douglas, Mind Hunter: Inside the FBI's Elite Serial Crime Unit. This promises to be just one highlight of your weekend!

The Hilton Hotel is center stage and only minutes away for visitors who would like to explore the popular surrounding areas like Napa Valley with it's beautiful vineyards, balloon rides, wine tasting, unbelievable restaurants and the Livermore Valley for those who have never ventured to this fast-growing wine region of its own. Home to 40 plus wineries, including Wente, Garre', Crooked Vine, and Retzlaff. The Livermore Valley will be a pleasant surprise for anyone who wishes to venture into their little heaven. Cool fog, hot restaurants, cultures to experience, neighborhoods to explore. You can hop on BART and explore San Francisco's most popular attractions like Fisherman's Warf, Pier 39, California Academy of the Sciences in Golden Gate Park, Exploratorium or go on an Alcatraz Island tour. There will be plenty of fun and exciting things to keep your family busy while you are attending the seminars during the day!



1970 Diamond Blvd. • Concord, CA 94520 • 925-349-2615
The DRA room rate at the Hilton is only \$95 per night, single or double ... parking is free!

To enjoy the benefit of DRA's convention rate of \$95 a night, single or double, you must make your reservations by February 4, 2010. Make your reservations by going online to www.hilton.com, click on "make reservations", enter the dates you wish to stay and the following **GROUP/CONVENTION CODE: DRP**. You may call the hotel at 925-349-2615 and give them the **CODE: DRP** or Deposition Reporters Association, to receive your discount.

CONVENTION REGISTRATION

REGISTER online at www.caldra.org or Mail or Fax the registration form with payment information to: DRA, 7172 Regional Street #111

Dublin, CA 94568 or Fax: 925-905-2611

TRANSPORTATION

Air Transportation – Oakland International Airport offers BART service to Concord via AirBART transfer from airport to BART station \$3.00 one way; approximately 50 minute ride with one BART train transfer \$5.00 one way. Driving time to Concord, approximately 30 miles, 40 minutes.

San Francisco International Airport offers BART (station is located in the international terminal) service to Concord approximately 1 hr, 15 minutes, no transfers, \$10.50 one way. Driving time to Concord, approximately 39 miles, 45 minutes. (BART pricing based on current rates.)



DRA 2010 ANNUA MISS POSS PEBRUARY 19-21 - COR	ION	N N N N N N N N N N N N N N N N N N N	Name (please print Nickname (for bas NCRA #: Address: City/State/Zip: _	t or type):	Firm/School:	TO APPEAR ON YOU		
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☐ I want to volunteer n CCRR EXAMINATION (Separate Registration Fee –	Repor	ter Member	(DRA, COCRA	or CCRA)	\$175	Reporter Non-Member	\$300	
PAYMENT INFORMATI You can register online at w DRA, 7172 Regional Street Check # Credit Card # Card Holder's Name: Billing Address:	ww.caldra.org or you #111, Dublin, CA payable to Di	94568 or Fa	x your credit ca	erd payment pe my Visa/M Exp Date 3-Digit Pi	IC \$ b: in:	Returned checks will be a CANCELLATION POLICY: writing (fax or email accepted qualify for a refund. There w refunds. No refunds for can February 10, 2010. DRA reserves the right to subspenalty due to unforeseen a DRA and sponsors claim no to this event nor for the safet or from this event.	Cancellations multiple of the cancellations received the callations received t	ust be received in bruary 10, 2010 to histrative fee for all ed after 5:00 p.m. d seminars without the circumstances, ts of any suppliers
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DRA represents Certified Shorthand Reporters who report depositions and outof-court proceedings in the State of California, who wish to promote a broader understanding of freelance reporting.

DRA strives to preserve and enhance the reporting profession, ensure its integrity, and maintain its high standards and impartiality wherever a verbatim record is required.

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For Sale: Gemini writer Arctic Blue, includes IPAQ 2750 3-D Adaptor, PDA stand, wide keys, USB-SD adaptor, SD memory card and Gemini StenoSync software (Court Reporter Package) \$500.00.

Brief Encounters, Categorically Speaking, Medical Briefs Volume 1 and 2 by Laurie Boucke. For all four books \$50.00.

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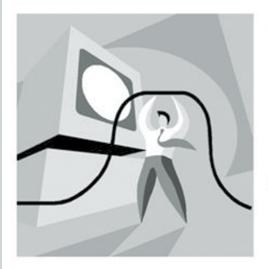
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