

# *The Deposition Reporter*

Deposition Reporters Association  
OF CALIFORNIA, INC.



*in this issue:*

Disneyland Convention Brochure

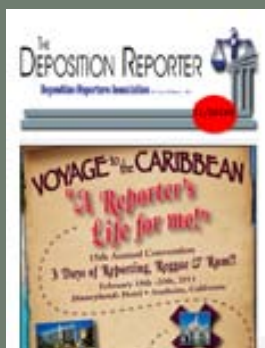
US Legal Cited by CR Board

DRA Offers Insurance for Members

More California Court Budget Cuts



[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## President's Message

by Lisa Michaels



It's early. The world outside is dark, and the house still has not let go of the winter night chill. For years I've started my morning with the same routine: brew the coffee, put out the dog, sit at the kitchen table to read last night's e-mails and then get busy proofing before the sun comes up and the fast-paced day begins. As I drink the day's first cup of coffee and wait for my laptop to boot up, the sound of our local street sweeper breaks my early morning fog.

There he is, doing his weekly job of clearing the neighborhood debris of crunchy leaves, broken twigs and the rain-soaked mud that has washed from my neighbor's flowerbeds into the street. As I listen to the slow, familiar hum of the brushes hitting the pavement, I realize he arrives every week and does the exact same thing. Why is today any different?

Like most of you, last year was an unusual challenge for my own family, my close friends and cherished colleagues. I have never known so many wonderful people struggling to find work, having health scares or moving from their beloved family homes into rental property. Many court reporters for the first time became the sole breadwinners of their families and took on more challenges that they had ever imagined they could endure.

Today is the first Monday of the New Year, and I've never been so ready to sweep away the worries and disappointments of last year. In 2010, whether freelance or official, whether our calendars fell apart or we were forced to take furlough days, all of us saw our lives and bank accounts in a whole new light. Month after month, we faced adversity, battled it and won. We've truly survived and learned how to work harder, live leaner and smarter.

***Be proud of  
yourself and  
smile at the  
thought of your  
new-found  
strength. You  
did it!***

We ended last year with the accomplishment of our longtime goal of convincing the California Court Reporters Board that they do have authority over shorthand reporting corporations, not just licensed reporters. We secured group-rate professional insurance for our members, increased our membership and gained nationwide recognition as the only organization in the country dedicated to freelance reporting. This year, together, we will see continued success.

[Small Business Jobs  
and Credit Act of 2010](#)

[Welcome New  
Members](#)

[CRB Appointment](#)

[CSR 2010 Exam Stats](#)

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[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

In 2011, we waved goodbye to Arnold. After years of vetoes, DRA is excited at the fresh chance to bring new legislation to Sacramento. We thank those of you who shared your ideas with us during our fall seminar "There Oughta Be a Law." We've listened to our members' wish lists and are ready to rumble. Our final top ten is dynamite!

I'm looking forward to next week at this same time, me with my coffee, waiting for that familiar sound, and my city worker not realizing that he has a new secret admirer. A thought occurs to me. Instead of letting my sweep happen once a year, every Monday morning my street sweeper will brush slowly past and remind me to breathe and begin again. This is a chance to start my week with true strength and a smile. Because of all that we've survived in 2010 and have learned about ourselves and the world around us, this can be a really happy, new year.

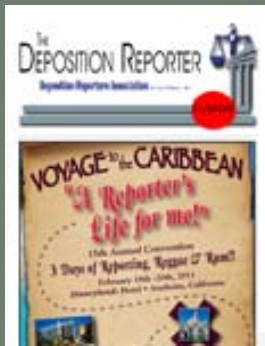
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[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## Disneyland Convention Brochure

[Click to download the 2011 DRA Disneyland Convention brochure](#)

### FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)



[Register for the February 18 - 20, 2011 Disneyland Hotel  
Convention](#)

[Check out some pictures from last year's convention:](#)



# 15th Annual Convention

February 18-20, 2011, Disneyland Hotel, Anaheim



**JOIN DRA**  
NEW MEMBERSHIPS  
RENEWALS



**CALENDAR**  
UPCOMING EVENTS



**NEWS**  
CURRENT HAPPENINGS

Scroll down to see the full schedule.

*Deposition Reporters Association held our 1st and 5th annual conventions here and felt it was the place to be for our 15th! Come and enjoy the festivities in and around the Disneyland Hotel. We have left time in our busy weekend to enjoy the Disneyland Parks, so bring your friends and families along! Stay an extra day – Monday is a holiday! Earn up to 1.85 CEUs, visit with our vendors and take advantage of the CAT Training on Sunday.*

*The theme for this year's convention is VOYAGE to the CARIBBEAN, "A Reporter's Life for me!" 3 Days of Reporting, Reggae & Rum!!! Need we say more? DRA has worked hard to provide you with the best seminars ever – so come, sit, learn and explore a world of fun, all in one place!*

Never been to a FUN convention? See what you've been missing! Why go anywhere else?  
Come join the fun in 2011 at Disneyland.

## Our Corporate Partners:



Tier 3

Rotating Ad Space

300x350 Pixels

Your Ad Here

Details coming soon!!

**DRA has rolled back the registration to 2008 PRICING!!!**

You can register for the 15th Annual Convention on our website - [CONVENTION REGISTRATION](#)

[Print](#) out a copy of the Convention Schedule.



DRAhas secured great hotel pricing and discount Disneyland tickets.

Disneyland Hotel  
1150 West Magic Way  
Anaheim, CA92802

DRA's group rate is \$159 per night. The group rate cut-off date is January 25, 2011, so get your reservations made today. For group rate [reservations](#) or call: 714-520-5005.

DRA's Discount Disneyland [tickets](#).

We will also be holding the CCRR Exam at the convention. This is a separate registration and fee. DRA, CCRA, CCRAmember rate: \$175.00 Nonmember rate: \$300.00. You can register for the CCRR EXAM on our website - [CCRR EXAM REGISTRATION](#)

[Student Seminar Schedule](#)

## 2011 CONVENTION SCHEDULE OF EVENTS

### FRIDAY, FEBRUARY 18, 2011

12:00 p.m. - 5:00 p.m. **REGISTRATION**

1:00 p.m. - 2:30 p.m. **WEB TOUR GUIDE**

Carbonite, Transcript Repository, 4Shared, Snapfish, You Tube..... Always hear people talking about websites but clueless how to use them? Let DRA's webmaster **Todd Olivas** guide you through a tour of the most popular websites. Get detailed instruction on how to upload wav files, use transcript repositories, online backup, and more. *(.15 CEUs)*

2:45 p.m. - 4:15 p.m. **RUN-AWAY TRAIN**

Taxes and Retirement: You can run but you can't hide. Most often, independent contractors and small business owners don't recognize their retirement plan options and the IRS codes, rules and regulations that permit for much more tax-advantage planning options that can better maximize tax efficiency—in the present and in saving for retirement. Additionally, and equally vital, **Victoria Wilk** will reveal how re-engineering your business retirement savings plan now can result in a tax-free retirement later. A panel discussion of technical experts will address issues that small business owners need to be advised of to secure the most tax-advantage business and retirement planning. *(.15 CEUs)*

4:30 p.m. - 6:00 p.m. **HAVE BRIEFcase, WILL TRAVEL**

Looking for a brief for that one ever-troublesome word? Do you have a terrific brief you want to share with your fellow reporters? **Monyeen Black** and **Sue Campana** will share some of their favorite briefs and host a "brief exchange" among attendees. And don't miss adding your favorite brief to the "What's in your BRIEFcase?" board in the Exhibitor room. *(.15 CEUs)*

6:30 p.m. - 9:30 p.m. **OPENING RECEPTION**

### SATURDAY, FEBRUARY 19, 2011

7:30 a.m. **REGISTRATION AND BREAKFAST WITH EXHIBITORS**

8:30 a.m. - 10:00 a.m. **LET YOUR DREAMS TAKE FLIGHT – KEYNOTE SPEAKER**

DRA is proud to present our Keynote Speaker **Peter Greenberg**, the Travel Editor for CBS News, with appearances on The Evening News with Katie Couric, and across many CBS broadcast platforms. He is the nation's preeminent expert on travel — while other travel experts focus on the destination, Peter offers something different, something truly unique. His focus is on the journey, providing insider tips and recommendations to an increasingly savvy and demanding traveler. Peter's keen investigative journalist skills enable him to go beyond the mundane and everyday to reveal unique perspectives, timely travel information and valuable insights. *(.15 CEUs)*

10:00 a.m. - 10:30 a.m. **MORNING BREAK WITH EXHIBITORS**

10:30 AM - 12:00 NOON **MAP IT OUT**

Travel to your depositions feeling confident and well-informed. Join **Toni Pulone**, and our legislative representative **Ed Howard**, for an informative question-and-answer session. This is an opportunity to ask the experts the sometimes-puzzling questions reporters are faced with on a day-to-day basis. **Karen Klein** will also demonstrate DepoMap, DRA's exclusive code section software. *(.15 CEUs)*

12:00 noon - 1:30 p.m. **BUSINESS MEETING/LUNCHEON**

1:45 p.m. - 3:15 p.m. **REPORTING ABROAD**

Are you ready to take that job offer to do a depo in Japan? Sweden? Fiji? Mexico? **Rosalie Kramm** and **Laura Brewer** will tell of their travels for work and international speed contests and will inform you of what you need to go international. *(.15 CEUs)*

3:30 p.m. - 4:00 p.m. **AFTERNOON BREAK WITH EXHIBITORS**

4:00 p.m. - 5:30 p.m. **THE PATH TO ENLIGHTENMENT**

Ever hear attorneys or secretaries say, "I use XYZ Reporting because I get to use their condo in Hawaii" or "We use XYZ Reporting because we earn points towards gifts"? **Holly Moose** will help you to educate attorneys and secretaries on how these practices and others are improper, unethical, and could have serious tax implications to their law firm. *(.15 CEUs)*

### SUNDAY, FEBRUARY 20, 2011

6:30 a.m. **REGISTRATION**

Find us on Facebook



**DEPOSITION REPORTERS  
ASSOCIATION OF  
CALIFORNIA, INC.**



1,271 people like DEPOSITION REPORTERS  
ASSOCIATION OF CALIFORNIA, INC.



Michelle



Estela



Cristy



Latoshia



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FOLLOW US ON TWITTER

Travel Expert Peter Greenberg is Our Keynote Speaker - hear some of his tips about traveling:  
<http://www.caldra.org/index.asp>

EARLY BIRD REGISTRATION ENDS TONIGHT!  
<http://conta.cc/getNw4> via [#constantcontact](#)

Some Shocking News <http://conta.cc/eHt8x> via [#constantcontact](#)

Missed out on super early bird registration? Early bird savings last until 1/15. Don't procrastinate! [www.caldra.org](http://www.caldra.org)

DRA wishes you a Happy New Year - ONLY 12 HOURS LEFT FOR THE... <http://conta.cc/gID5dw> via [#constantcontact](#)

Click here for full-size calendar

January 2011						
Today						
Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

**Deposition Reporters Association of California**  
7172 Regional Street #111  
Dublin, CA94568  
888-867-2074  
925-905-2611 Fax

For questions about the DRA, please [Contact Us!](#)



Also find us on [MyLegal.com](#).



7:00 a.m. - 8:00 a.m. **REALTIME TIPS AND CCR** (.10 CEUs)

7:30 a.m. - 9:00 a.m. **BREAKFAST WITH EXHIBITORS**

9:00 a.m. - 10:30 a.m. **GLOBAL INTRODUCTION TO CART & CAPTIONING**

Captioning and CART pique your interest? Learn from **Laura Brewer** and **Teri Darrenougue** detailed information about exactly what they do and how the industry operates. They will educate you on how to make the transition in writing styles, what training and certifications are needed, and what potential employers are looking for. (.15 CEUs)

10:45 a.m. - 12:15 p.m. **HOMEANDAWAY - Healthy Tips for the Sedentary Professional**

Do you sit, stand, walk and perform everyday movements in a way that promotes health and well-being? **Eva Nemeth's** motivational presentations show you how to move through your day using healthy movements that strengthen your body and make you feel good. Eva's approach to synchronizing mind and body will give you the confidence that you are doing everything you can to avoid common ailments such as hip pain, back pain, and stress-related injuries. You'll learn how to sit, stand, walk, and perform everyday actions in a way that corrects a lifetime of bad habits and how to maintain a healthy lifestyle. (.15 CEUs)

12:15 p.m. - 1:15 p.m. **LUNCH ON YOUR OWN**

1:15 p.m. - 2:45 p.m. **SAILING THE HIGH C'S - CAN YOU GRADE HIGHER THAN A 5TH GRADER?**

Are you brave enough to go up against our panel of actual 5th graders? Do you think you have what it takes? **Mary Bardellini**, emcee extraordinaire, hosts DRA's version of the popular television show focusing on questions dealing with spelling, grammar, history, science, and mathematics. (.15 CEUs)

2:45 p.m. - 3:15 p.m. **AFTERNOON BREAK WITH EXHIBITORS**

3:30 p.m. - 6:00 p.m. **VENDOR TRAINING**

Bring your laptop and take advantage of vendor training at no additional charge. Choose from Case Catalyst, Edipse, ProCat, StenoCAT, and DigitalCAT (.25 CEUs)

#### STUDENT SEMINAR TRACK

## SATURDAY, FEBRUARY 19, 2011

7:30 a.m. **REGISTRATION**

8:30 a.m. - 10:00 a.m. **LET YOUR DREAMS TAKE FLIGHT - KEYNOTE SPEAKER**

DRA is proud to present our Keynote Speaker **Peter Greenberg**, the Travel Editor for CBS News, with appearances on The Evening News with Katie Couric, and across many CBS broadcast platforms. He is the nation's preeminent expert on travel — while other travel experts focus on the destination, Peter offers something different, something truly unique. His focus is on the journey, providing insider tips and recommendations to an increasingly savvy and demanding traveler. Peter's keen investigative journalist skills enable him to go beyond the mundane and everyday to reveal unique perspectives, timely travel information and valuable insights.

10:30 a.m. - 12:00 noon **MARY GALLAGHER**

**Mary Gallagher** is back by popular demand to help motivate and encourage you to achieve your goal of becoming a working court reporter.

12:00 p.m. - 1:30 p.m. **LUNCH**

1:45 p.m. - 3:15 p.m. **OPEN QUESTION-AND-ANSWER PANEL**

"How long should I practice each day?" "I'm stuck at this speed. What should I do?" "I freeze up whenever I take a test. Help!" Get the answers to these questions, and many more, when you join us for this lively discussion.

3:30 p.m. - 4:45 p.m. **WONDERFUL WORLD OF DEPOS**

Everyone is sure to walk away with a better working knowledge of depositions after participating in this fun, interactive, and informative team challenge dealing with everyone's favorite topic — DEPOS!

5:00 p.m. **MOCK CSR**

All students are welcome to take DRA's mock CSR presented by **Dixie King** and **Carolee Freer**.

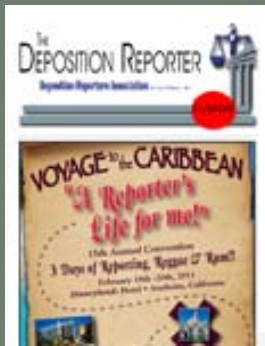
**Go register for the 15th Annual Convention - [CONVENTION REGISTRATION](#)**

Mission Possible! — 2010 Convention (and the mission was fun)!





<< [DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## US Legal Cited by CR Board

### ANNOUNCING AN IMPORTANT VICTORY FOR ALL LICENSED DEPOSITION PROFESSIONALS!

***U.S. Legal - A  
Firm Not Owned  
By A CSR - Has  
Been Fined By  
The Court  
Reporters Board  
For Violating The  
Board's Rules On  
Gift-Giving***

DRA and CCRA believe that the California Court Reporters Board's ("Board") action is an important first step in ensuring fair and level marketplace competition between deposition firms owned by California CSRs ("licensees") and those that are not owned by licensees.

U.S. Legal has been fined by the Board for violating its regulation limiting gift-giving. The regulation prohibits gifts to any person or entity in excess of more than \$100 per year.

You can read a copy of the original complaint that was filed here and the Board's response here:  
<http://www.caldra.org/uslegal.asp>.

While the amount of the fine is modest (\$2,500), the Board's decision to use its long-standing and clear statutory authority over professional corporations is an important first step to ensure that firms not owned by CSRs are held to the same legal standards as firms owned by CSRs.

More broadly, the Board's decision to hold firms not owned by CSRs legally accountable for illegal acts is essential to the future of our profession.

It is imperative that the neutrality of deposition professionals - officers of the court who must even-handedly navigate between lawyers engaged in hotly-contested depositions involving life- and fortune-altering matters -- be always beyond question.

This is true regardless of whether the deposition professional works with a firm owned by a CSR or not.

Understanding the vital importance of this, the Board several years ago acted sensibly to restrain gifts provided to persons or entities, which includes law firms, to modest amounts that will not cause an opposing party to question the neutrality of the deposition official whose every transcribed word could tip the balance in criminal and civil cases.

[Small Business Jobs  
and Credit Act of 2010](#)

[Welcome New  
Members](#)

[CRB Appointment](#)

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[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

Nevertheless, while firms owned by CSRs have complied with the Board's modest regulation limiting the value of such gifts to \$100 annually, those firms owned by corporations have apparently ignored the regulation and have continued to offer increasingly more valuable gifts in exchange for business.

This, of course, places firms owned by CSRs at a great competitive disadvantage to those owned by corporations when policy, law, or logic don't justify such a double standard.

Such rampant "Happy Meal"-like gift-giving also cheapens our profession, turning it into one where quality and cost of service provided becomes less important than the goodies dangled before the secretaries and assistants that select the reporter.

It is difficult to imagine doctors or lawyers credibly trying to solicit business by offering free trips, bottles of alcohol, or gift cards.

Both DRA and CCRA applaud the Board for this fair and sensible step and look forward to those firms not owned by CSRs deciding finally to obey the law that governs their competitors in the same marketplace and their elimination of practices that demean us all as licensed professionals.

*Be a part of  
this fight for  
fairness.*

***Join DRA today!***

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7172 Regional Street #111  
Dublin, CA 94568  
Phone 888-867-2074/Fax 925-905-2611  
Email: [Cal\\_dra@yahoo.com](mailto:Cal_dra@yahoo.com)/Website: caldra.org

June 3, 2010

REDACTED

Yvonne K. Fenner  
Executive Officer, Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833

**Re: Illegal Activity of U.S. Legal Support**

Dear Ms. Fenner:

By this letter, I and the Deposition Reporters Association of California respectfully request that the Board take immediate action against US Legal Support ("US Legal") for its clear violation of CCR Title 16, Article 8. Section 2475(b)(8).

On August 26 of last year, an employee or agent of US Legal Support sent the following email to the office of XXXX in San Jose:

***From: Ameen Hofioni [mailto:ahofioni@uslegalsupport.com]  
Sent: Wednesday, August 26, 2009 11:33 AM***

***Subject:***

***BTW...for your first Deposition with US Legal....I'm dropping off a "First Time Depo" gift card for \$200. We are ready for you.***

This email was forwarded from a staff person at the XXXX firm to XXXXX, CSR, who can be reached at (XXX) XXX-XXXX.

On September 29, 2009, US Legal posted the following notice on a website called "CSRnation" that it needed a licensee in the San Jose area to cover a deposition at the XXXX San Jose office:

***[-----Original Message-----***

***Sent: Tuesday, September 29, 2009 11:58 AM***

***To: XXXX@XXXXXX***

***Subject: 1pm XXXX Job today in San Jose: Cover Depos (The bay area)***

***A message from US Legal Support to all members of Cover Depos (The bay area) on CSRnation!***

***call Claudia at US Legal Support at 415-692-4953 if interested.***

Ms. XXXX would prefer to keep the identity of the staff person who forwarded the email to her confidential. Whether the email was received can be confirmed independently by issuing a



subpoena to the XXXX firm and the violation can be confirmed by obtaining information that they booked a deposition with US Legal after receiving this email.

Section 2475(b)(8) provides that US Legal may not “directly or indirectly give” “any” “gift” or “anything of value” to “any person or entity associated with a proceeding being reported[.]” With emphasis added, the regulation reads in full:

Other than the receipt of compensation for reporting services, neither directly or indirectly give nor receive any gift, incentive, reward, or anything of value to or from any person or entity associated with a proceeding being reported. Such persons or entities shall include, but not limited to, attorneys, employees of attorneys, clients, witnesses, insurers, underwriters, or any agents or representatives thereof. Exceptions to the foregoing restriction shall be as follows: (A) giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) per above-described person or entity per calendar year; or (B) providing services without charge for which the certified shorthand reporter reasonably expects to be reimbursed from the Transcript Reimbursement Fund, Sections 8030 et seq. of the Code, or otherwise for an “indigent person” as defined in Section 8030.4(f) of the Code.

The gift card is called a “gift.” It is a gift. It therefore qualifies as a “gift” under this Section. It is, in any event, certainly a “thing of value.” The email demonstrates that it was provided to the recipient “directly” by an employee, agent, or representative of US Legal (see the email, “uslegal support.com”) “for” their business with US Legal.

The amount is \$200; therefore, the otherwise illegal gift does not qualify for the exemption for gifts under \$100 or any other exception.

US Legal as a corporation is required by statute to abide by Section 2475(b)(8). US Legal is a “professional corporation”<sup>1</sup> rendering “professional services.”<sup>2</sup>

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<sup>1</sup> “(b) ‘Professional corporation’ means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the Osteopathic Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the California Architects Board, the Court Reporters Board of California, the Board of Behavioral Sciences, the Speech-Language Pathology and Audiology Board, the Board of Registered Nursing, or the State Board of Optometry shall not be required to obtain a certificate of registration in order to render those professional services ....”

Beyond the legal definition, proof of US Legal’s status as a professional corporation can be inferred from its lack of registration with the Board. Only “professional corporations” are exempt, per this statute.

<sup>2</sup> Corporations Code, section 13401(a), defines “professional services” this way:

“(a) ‘Professional services’ means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code ...”

Corporations Code section 13410(a) provides as follows (emphases supplied):

13410. (a) A professional corporation ... qualified to render professional services in this state *shall be subject to* the applicable rules and regulations adopted by, *and all the disciplinary provisions of the Business and Professions Code expressly governing the practice of the profession in this state*, and to the powers of, the governmental agency regulating the profession in which such corporation is engaged. Nothing in this part shall affect or impair the disciplinary powers of any such governmental agency over licensed persons or any law, rule or regulation pertaining to the standards for professional conduct of licensed persons or to the professional relationship between any licensed person furnishing professional services and the person receiving such services.

Under this statute, a “professional corporation” is subject to “all the disciplinary provisions of the Business & Professions Code expressly governing the practice of the profession in this state[.]” Note the reference to “all” of the provisions. The statute makes no exceptions.

Section 8046 of the Business & Professions Code is a “disciplinary provision[] of the Business & Professions Code expressly governing the practice of the profession in this state[.]” It regulates corporate *qua* corporate behavior and provides:

8046. A shorthand reporting corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect which pertains to shorthand reporters or shorthand reporting. In conducting its practice it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under this chapter.

Thus, anything “shorthand reporting corporation[s]” are forbidden to do under Business & Professions Code section 8046 is likewise made applicable to “professional corporations” pursuant to Corporations Code section 13410(a). Because “shorthand corporations” pursuant to section 8046 must not do anything that would “constitute unprofessional conduct,” so too must “professional corporations” abide by this “Business & Professions Code [section] expressly governing the practice of the profession in this state[.]”

More broadly, it is the self-evident intent of the Legislature as expressed twice through both Corporations Code section 13401 and 8046 to ensure that corporations – however organized – are subject to the same rules as licensees.

Furthermore, the Rules of Professional Conduct are essential to ensure the integrity of the deposition reporting profession specifically and the judicial process generally. They exist to ensure that deposition professionals – extensions of the court in a private setting – have no stain or suspicion upon their complete and total impartiality. One California legislative committee has identified the importance of the deposition profession this way:

An accurate written record of who said what in court is essential if the outcome of a judicial proceeding is to be accepted by the litigants and the public as non-arbitrary, fair, and credible.

In criminal cases, for example, courts of appeal rely exclusively upon a written brief and a written transcript to adjudicate the lawfulness of what occurred at trial. A conviction – and thus in some instances the life or death of an accused – can stand or fall based entirely upon what a witness said, what a lawyer said, what a juror said, or what a judge said, as solely reflected in the written transcript.

In civil cases, millions of dollars, life-long careers, and the fate of whole business enterprises can hinge on what was said or what was not said in a deposition or at trial.

([http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/SUNSET\\_REVIEW/\\_home/pubs.htm](http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/SUNSET_REVIEW/_home/pubs.htm))

For these reasons, we respectfully request that the Board take immediate and appropriate action against US Legal for corporate behavior patently in violation of this Board's Rules of Professional Conduct.

Yours truly,

Antonia Pulone, CSR 3926  
DRA Past President & Depo Diplomat





STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

**Court Reporters Board of California**

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833

P (877) 327-5272 F (916) 263-3664 | [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)

November 2, 2010

Antonia Pulone, CSR 3926  
Deposition Reporters Association  
7172 Regional Street, #111  
Dublin, CA 94568

**RE: FORMAL COMPLAINT (#0910-117) FILED AGAINST U.S. LEGAL SUPPORT**

Dear Ms. Pulone:

This letter is to advise you on the status of your complaint filed with the Court Reporters Board of California (Board) regarding possible violations of the Professional Standards of Practice. After reviewing the information, the Board has determined U.S. Legal Support is in violation of California Code of Regulations, Title 16, section 2475.

As a result of your complaint and the code violation by U.S. Legal Support, the Board has issued a Citation and Fine against the agency. A copy of the Citation is enclosed for your review. This complaint is considered closed with no further action pending.

Thank you for bringing this matter to the Board's attention.

Sincerely,

CONNIE CONKLE  
Enforcement Analyst

Enclosure

cc: File

*In an effort to improve our enforcement process we would appreciate your valuable input. Please visit the following web address: <http://www.surveymonkey.com/consumeraffairs> to give us your feedback.*

**RECEIVED**  
11/16/10

**COURT REPORTERS BOARD OF CALIFORNIA****COPY****CITATION**Respondent: **US Legal Support**Citation #: **2010-24**

Yvonne K. Fenner issued this citation in her official capacity as Executive Officer of the Court Reporters Board of California (hereinafter referred to as the "Board").

**CITATION**

1. A citation is hereby issued to you in accordance with Business & Professions Code sections 125.9 and 8027.5 for violation(s) as described below.

**CAUSE FOR CITATION**

- a) Violation of Business and Professions Code Section 8046, in conjunction with California Code of Regulations (CCR), Title 16, section 2475(b)(8), in that Respondent failed to comply with the Professional Standards of Practice.

Respondent failed to comply with the Professional Standards of Practice in that respondent has offered incentives or gifts for depositions over the regulated amount of \$100 per calendar year.

**ORDER**

2. A civil penalty (fine) in the amount of \$2,500 is assessed against US Legal Support pursuant to Title 16, California Code of Regulations, Section 2480, for violation of section 8046 of the Business & Professions Code and Title 16, section 2475 of the California Code of Regulations.

The citation shall become a final order of the Board within 30 days after service of the citation. Payment of the civil penalty is due within 30 days after service of the citation, unless a payment plan is requested. Payment(s) should be made payable to the Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA, 95833. Please indicate your citation number on your check. Payment of the fine does not constitute an admission of the violation charged.

If you wish to request a formal hearing, pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, you must return the enclosed "Notice of Appeal" to the Board office, at the address listed above, to my attention, within 30 days from the date of issuance of this citation.

For your protection, please include the citation number on your check or cashier's check/money order.

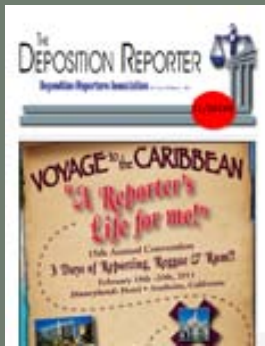
Failure to return the Notice of Appeal form within the time indicated will waive your right to administratively contest or appeal this citation.

  
**YVONNE K. FENNER**  
Executive Officer

10/26/10  
**DATE**



[<< DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## Brown & Gallo Update

by Holly Moose, CSR

### GEORGIA SUPREME COURT DECISION

Re Judicial Council of Georgia vs. Brown & Gallo (aka Esquire)

In September 2008 the Georgia Court Reporters Board began a grievance proceeding against Brown & Gallo (aka Esquire) to determine whether the court reporting firm had violated the Board's rule on gifts by conducting a promotion in which it offered \$25 gas cards for each deposition scheduled.

Brown & Gallo filed a lawsuit challenging the rule as invalid, vague, ambiguous, unreasonable, arbitrary, capricious, overbroad and exceeding the scope of the Board's authority.

The Trial Court refused to dismiss B&G's suit and the Court of Appeals affirmed the Trial Court's decision. Retired Chief Justice Fletcher urged the Georgia Supreme Court to take up the case, stating that it posed an enormous threat to the judiciary's independence.

And then things got very complicated as to whether the Judicial Council and the Board fall within the judiciary and therefore have sovereign immunity under the Administrative Procedure Act and, as a result, whether B&G's suit was properly brought.

This past November the Supreme Court of Georgia reversed the judgment of the Court of Appeals, determining that it had erred when it affirmed the Trial Court's decision and that B&G's lawsuit should have been dismissed.

[Click here to read the decision.](#) Perhaps it will be clearer to you than it was to me. I

found it to be a bit like a ballot proposition where a "yes" vote means something will fail, which allows something else to prevent another thing from happening. What?? I was certainly confused about what this all meant going forward, whether it was good or bad and for whom. As many of us were trying to sort it all out, fellow court reporter Kevin Hunt provided his lay explanation, which I offer for your enjoyment.

***The below is reprinted  
from the NCRA Freelance  
Manager's forum with  
permission from the  
author, with changes  
made to the more  
florid prose to  
protect the  
sensitivities of the  
gentle reader:***

I am not a lawyer, I only play one in my suit against NYS, but my non-legal, non-binding, non-official, wholly satirical, non-interpretation of the approximately four pages of densely packed collection of English words arranged in a manner that is virtually guaranteed to confuse and obfuscate its intended meaning to the lay reader is as follows:

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[DRA Mission Statement](#)

[DRA Calendar](#)

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1) There is a Judicial Council of Georgia ("Council") established by law.

2) There is a Board of Court Reporting ("Board") established within that Council to regulate court reporting and the practitioners thereof in Georgia (I promise, that's the only time I'll use the word "thereof").

3) The Board in 1994 established a Code of Professional Conduct ("Code"), a portion of which restricted gifting to a certain dollar amount.

4) The Board brought a grievance action against Brown & Gallo ("B&G") saying their practice of giving money (in the form of \$25 gas cards) to people who schedule depositions with them is against that portion of the Code that restricts "gifting" (the definition of "gifting" can be found in Black's Law Dictionary under the heading for "bribe" -- no, I'm serious, look it up, in part it reads: The bribe is the gift bestowed to influence the recipient's conduct).

5) B&G brought a declaratory judgment against the Board and Council saying that they can't understand the words of the Code that says you can't give things of value to people to get their work (basically saying that what they're giving isn't money, it's just a piece of plastic, and anyone with a credit card knows that plastic isn't money), and since that gifting portion of the Code is vague and a whole bunch of other words that mean the same thing, that the Board's attempt to restrict B&G's practice via a grievance was illegal and the grievance process should be stopped.

6) The Council and Board asked the Trial Court to dismiss B&G's lawsuit by saying "Hey, you can't sue us; we're part of the Judiciary, and we have 'sovereign immunity' (a legal concept that's understood to say 'We're the government, so [expletive deleted] you.')

7) The Trial Court before whom B&G's declaratory judgment suit was brought, after years of deliberation, said "Gosh, I don't know if an entity that's a part of a legislatively-established portion of the Judiciary and has the word 'Judicial' in its name is part of the Judiciary; therefore I won't dismiss B&G's declaratory judgment action to stop the grievance."

8) The Council (based on the "[expletive deleted] you" principle) appealed the Trial Court's ruling, and Georgia's Court of Appeals said "Yeah, we're not sure if the Judicial Council and its sub-Board is part of the Judiciary, so we'll say what we think the Trial Court said; we just won't say it in writing."

9) The Council, not willing to let the judicial system say they're not part of the judicial system, appealed to the Georgia Supreme Court which said to B&G, the Trial Court and the Court of Appeals "What don't you understand about the word 'Judicial'???" However, to ensure that lawyers in the future won't be out of a job, they endeavored to write this opinion in such a way that only people highly-skilled in pretending to understand this gobbledygook (which in legal terms means plain English) will be able to reference it when other people claim to be confused by technical, highfalutin words like "gift" and "don't."

In summation, using language that even a first-grader can understand, B&G got their -- in honor of Georgia's Forrest Gump -- butt-tocks kicked and the Board's grievance can proceed.

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In the Supreme Court of Georgia

Decided: November 22, 2010

S10G0359. JUDICIAL COUNCIL of GEORGIA et al. v. BROWN & GALLO, LLC.

BENHAM, Justice.

A question presented by this case is whether the Judicial Council of Georgia and the Board of Court Reporting of the Judicial Council of Georgia fall within “the judiciary,” as that term is used in OCGA § 50-13-2(1) of the Administrative Procedure Act and therefore are exempt from the coverage of the Act.<sup>1</sup> We hold that they are part of the judiciary as that term is used in OCGA § 50-13-2(1) and reverse the judgment of the Court of Appeals.

This appeal arose when Brown & Gallo, an independently-owned court reporting agency, filed an action for declaratory judgment pursuant to OCGA § 50-13-10 of the Administrative Procedure Act, alleging that a portion of the code of professional ethics for court reporting adopted by appellant Board of Court Reporting of the Judicial Council of Georgia (“the Board”) in 1994 and favorably reviewed by appellant Judicial Council of Georgia (“the Council”)

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<sup>1</sup>The Judicial Council is “an agency of the judicial branch of state government for the purpose of defining and regulating the practice of court reporting in this state” (OCGA § 15-14-23), and was created by this Court pursuant to OCGA § 15-5-20. The Board of Court Reporting is appointed by the Judicial Council and is responsible for making all necessary rules and regulations to carry out the Georgia Court Reporting Act, with the rules and regulations subject to review by the Council. OCGA § 15-14-26.



was invalid because it was vague, ambiguous, unreasonable, arbitrary and capricious, overbroad and beyond the scope of the Board's authority, and that the application of the rule to Brown & Gallo was unreasonable, arbitrary and capricious, and beyond the scope of the Board's authority.<sup>2</sup> Brown & Gallo also sought a stay of the grievance procedure initiated by the Board 34 days earlier that alleged a possible violation by Brown & Gallo of the same portion of the ethics code.<sup>3</sup> The Council and the Board sought dismissal of the declaratory judgment action on several grounds, one of them being that the action was barred by sovereign immunity. See Ga. Const. 1983, Art. I, Sec. II, Para. IX. Appellees reasoned that the Administrative Procedure Act was a waiver of sovereign immunity that specifically exempted "the judiciary" from its coverage and, as part of the judiciary, the Council and the Board were therefore exempt from the waiver of sovereign immunity. The trial court denied the motion to dismiss, ruling, among other things, that the Administrative Procedure Act's exclusion of "the judiciary" from its definition of "agency" in OCGA § 50-13-2(1)<sup>4</sup> did not include the Council and the Board because they were formed to

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<sup>2</sup>The Ethics Code provision cited states: "A Georgia Certified Court Reporter Shall: Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$50.00 in the aggregate per recipient each year."

<sup>3</sup>Both the declaratory judgment action and the administrative grievance were focused on the disbursement of \$25 promotional gift cards for each deposition scheduled during three months in 2008.

<sup>4</sup>"Agency" is defined in the APA as meaning "each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; [and several specified boards, departments, institutions, and agencies.]"

define and regulate the practice of court reporting and to make all necessary rules and regulations to do so and, while an “agency of the judicial branch (OCGA § 15-14-23), they were not “the judiciary.”<sup>5</sup> The trial court’s order did not contain the definition of “judiciary” it employed. Using Court of Appeals Rule 36, the Court of Appeals issued a non-precedential affirmance of the trial court without opinion. Judicial Council of Georgia v. Brown & Gallo, LLC, 299 Ga. App. XXII (2009).<sup>6</sup> We granted the petition for a writ of certiorari filed by the Council and the Board to determine whether the Court of Appeals erred in affirming the trial court’s denial of the motion to dismiss filed by the Council and the Board.

OCGA § 50-13-10 is part of the Administrative Procedure Act and authorizes the filing of a declaratory judgment action questioning the validity of any rule that allegedly interferes with or impairs legal rights, without the petitioner having first requested the agency to pass upon the validity of the rule. “Rule” is statutorily defined in OCGA § 50-13-2(6) as meaning “each agency regulation, standard, or statement of general applicability...[,]” and, as previously noted, “agency” is statutorily defined in OCGA § 50-13-2(1) as

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<sup>5</sup>The trial court declined to enjoin the grievance procedure, but the procedure was stayed by agreement of the parties.

<sup>6</sup>The trial court issued a certificate of immediate review and the Council and the Board filed an application for interlocutory review. The Court of Appeals dismissed the application as superfluous because the Board and the Council had also filed a direct appeal, to which the Court of Appeals determined they were entitled under the collateral order doctrine whereby a defendant may directly appeal an order denying a motion to dismiss based on a conclusive determination that the defendant is not immune from suit on the basis of sovereign immunity. See Board of Regents v. Canas, 295 Ga. App. 505 (1) (672 SE2d 471) (2009). We express no opinion on the Court of Appeals’s employment of the collateral order doctrine in this appeal.

“each state board, bureau, commission, department, activity, or officer expressly authorized by law to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; ....” It is without question that the Board and the Council are authorized by law to make rules and regulations with regard to the practice of court reporting in Georgia; the question presented is whether the Council, an agency of the judicial branch (OCGA § 15-14-23), and the Board, appointed by the Council to carry out its duties with regard to the regulation of court reporting (OCGA § 15-14-26), are within “the judiciary” as that term is used in OCGA § 50-13-2(1).

The cardinal rule of statutory construction requires this Court to “look diligently for the intention of the General Assembly...” (OCGA § 1-3-1), and “the ‘golden rule’ of statutory construction ... requires us to follow the literal language of the statute ‘unless it produces contradiction, absurdity, or such an inconvenience as to insure that the legislature meant something else.’” Telecom\*USA v. Collins, 260 Ga. 362, 363 (393 SE2d 235) (1990). Absent clear evidence that a contrary meaning was intended by the legislature, we assign words in a statute their ordinary, logical, and common meanings. Glanton v. State, 283 Ga. App. 232, 233 (641 SE2d 234) (2007). Where the language of a statute is capable of more than one meaning, we construe the statute so as to carry out the legislative intent. Aldrich v. City of Lumber City, 273 Ga. 461, 464 (542 SE2d 102) (2001). We presume that a statute is constitutional and construe it as valid when possible. McNair v. State, 285 Ga. 514, 515 (678 SE2d 69) (2009); Garner v. Harrison, 260 Ga. 866 (2) (400 SE2d

925) (1991).

The General Assembly's overall purpose for enacting the Administrative Procedure Act is set out in OCGA § 50-13-1: "this chapter is meant to provide a procedure for administrative determination and regulation where expressly authorized by law or otherwise required by the Constitution or a statute of this state." There is no expressed legislative intent with regard to the statutory exemptions to the Act's definition of what entities were covered by the Act. The term "the judiciary," used in § 50-13-2(1), has more than one ordinary, logical, and common meaning: it can refer to "the branch of government responsible for interpreting the laws and administering justice[.]" or "a body of judges." Black's Law Dictionary (9<sup>th</sup> ed. 2009). See also Webster's New International Dictionary (unabridged) (2<sup>nd</sup> ed. 1934)("that branch of government in which judicial power is vested; ... the judges, taken collectively"). In keeping with our responsibility to presume a statute is constitutional and to construe it as valid when possible, we turn to the constitutional doctrine of "separation of powers" and the inherent power it provides the courts to perform any function necessary to improve the administration of justice.

The judicial power of the State of Georgia is constitutionally vested in this Court and the other courts of the State ( Ga. Const. 1983, Art. VI, Sec. I, Par. I), and is constitutionally declared to forever remain separate and distinct from the legislative and executive powers. Ga. Const. 1983, Art. 1, Sec. II, Par. III. The judicial power "is that which declares what law *is*, and applies it to past transactions and existing cases; ... [it] expounds and judicially administers [the

law]....” Thompson v. Talmadge, 201 Ga. 867, 874 (41 SE2d 883) (1947). The constitutional declaration that the powers of the three branches of government shall forever remain separate and distinct provides the courts with inherent powers, as it “invests those officials charged with the duty of administering justice according to law with all necessary authority to efficiently and completely discharge those duties the performance of which is by the constitution committed to the judiciary, and to maintain the dignity and independence of the courts.” Lovett v. Sandersville RR. Co., 199 Ga. 238, 239 (33 SE2d 905) (1945). See also Wallace v. Wallace, 225 Ga. 102, 111(166 SE2d 718) (1969) (Judicial power “includes the authority to perform any function reasonably necessary to effectuate its jurisdiction, improve the administration of justice, and protect the judiciary as an independent department of the government.”). The proper exercise of judicial authority may not be limited by the legislative branch. Grimsley v. Twiggs County, 249 Ga. 632, 634 (292 SE2d 675 (1982)).

In enacting the Georgia Court Reporting Act (OCGA § 15-14- 20 et seq.), the General Assembly recognized that court reporters are officers of the courts; that court reporting is important to the administration of justice; and that the right to define and regulate the practice of court reporting “belongs naturally and logically to the judicial branch of state government.” OCGA § 15-14-21. The General Assembly further recognized the Council as “an agency of the judicial branch....” OCGA § 15-14-23. In authorizing this Court’s creation of the Council, the General Assembly authorized the Council to have “such powers,



duties, and responsibilities as may be provided by law *or as may be provided by rule of the Supreme Court.*” OCGA § 15-5-20 (emphasis added).

Because constitutional separation of powers prohibits the legislative branch from encroaching upon the inherent powers of the judicial branch of government, and because the Council and the Board are agencies of the judiciary which are imbued with responsibilities that are important to the administration of justice belonging naturally and logically to the judicial branch concerning the practice of a profession of officers of the courts, we construe “the judiciary” in § 50-13-2(1) to include the Council and the Board. Accordingly, we conclude the Court of Appeals erred when it affirmed the trial court’s denial of the motion to dismiss filed by the Council and the Board in the declaratory judgment action.

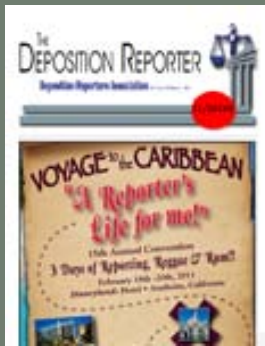
Judgment reversed. Thompson, Hines, and Nahmias, JJ., and Judge Robert W. Chasteen, Jr. and Judge Henry Newkirk concur. Melton, J., concurs in judgment only. Hunstein, C.J., and Carley, P.J., disqualified.



# The Deposition Reporter



[<< DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
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[Depo Diplomat](#)

## Gifting/Lawyer Ethics Violations

Reprinted with permission from Steve Crandall, Esq., Premier Realtime, Seattle, WA [www.premierrealtime.com](http://www.premierrealtime.com)



It's the time of year that the holiday gifts start flowing in from our vendors. Already we've received boxes of chocolate, tins of cookies, and an elaborate basket of Northwest goodies. Most people seem to agree that reasonable "thank you" gifts — like those which we all receive around this time of year — are perfectly acceptable. But, one of the hottest topics among court reporting agencies today relates to quid pro quo client gifting. With agencies offering everything from gas cards, to iPads to flat screen televisions in exchange for booking jobs, the issue has generated a great deal of debate and even gotten mixed up with this end of year holiday tradition. The ad above is a classic example.

The National Court Reporters Association has adopted restrictions to limit the dollar amount allowed to \$100 per year per recipient. Advisory Opinion #45 states that the association adopted the provision...

" *because the*

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DRA Mission Statement

DRA Calendar

Membership  
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*practice of giving items of value to attorneys, clients, or their staff could create in the eyes of the public the appearance that the reporter or firm holds some partiality or favoritism toward the recipient. As such, these practices undermine and dilute the integrity of the reporting profession and the status of the reporter as neutral and impartial officer of the court.*

”

While this seems a noble and ethical position, the reality is that NCRA has little to no enforcement power. So how do we prevent this form of pay-to-play behavior that impacts the impartiality of such a critical part of our system of Justice? If we can't control the gifter perhaps we should look to the giftee. Turns out the ABA and many state bar associations already have this situation directly in their sights. The following post from the ABA website makes their position pretty clear. Combine this with recent court decisions where judges have awarded costs to parties where opposing counsel's staff accepted gifts and attorneys are increasingly paying attention to what their staff are receiving. Clearly it's not just the thought that counts.

Your ABA: March 2010 | Frequent flyer miles, gifts, discounts and rebates from third party providers

### Frequent flyer miles, gifts, discounts and rebates from third party providers

By Peter Geraghty  
Director, ETHICSearch

ABA Center for Professional Responsibility  
You have a solo practice that concentrates in family law. A court reporting firm has offered you discount points that can be redeemed at the end of the year for cash refunds and other benefits. Can you keep the benefits? . . .

ABA Formal Opinion 93-379 Billing for Professional Fees, Disbursements and Other Expenses made the following statement about what a lawyer should do when offered a discount from third party providers:

*...In the absence of disclosure to the contrary a lawyer*

*... if*

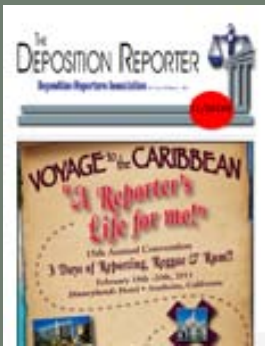
*receives a discounted rate from a third party provider, it would be improper if she did not pass along the benefit of the discount to her client rather than charge the client the full rate and reserve the profit to herself. Clients quite properly could view these practices as an attempt to create additional undisclosed profit centers when the client had been told he would be billed for disbursements.*

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[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## DRA Offers Group-Rate Insurance for Members

The Deposition Reporters Association has secured Professional Liability and Equipment Insurance at fantastic rates for our members! Currently you may purchase a Professional Liability policy by itself or with an Equipment policy. We are working on offering an Equipment policy by itself (stay tuned for details).

### **Agencies are also eligible!**

See application for information on how to obtain a quote.

If you have any questions please call the agent, Bo Potter: 818-952-2920      818-952-2920 . He is open 24/7 and waiting to assist you! Don't miss this opportunity!

[CLICK HERE TO VIEW POLICY HIGHLIGHTS](#)

[CLICK HERE TO APPLY](#)

## Deposition Reporters Association of California, Inc.

### Freelance Reporters, Independent Contractors and Official Court Reporters Professional Liability Program

**Limits Starting at \$500,000**

**No Deductible**

The Deposition Reporters Association of California, Inc. is offering affordable professional liability coverage through Chicago Insurance Company. Highlights of the program include:

#### Easy Application Process

- Self Rated Application
- Quick and efficient turn around

#### Product Highlights

- Underwritten by Chicago Insurance Company (a Fireman's Fund Company) rated A (Excellent) by A.M. Best
- Admitted in California
- Up to \$1,000,000 of liability coverage available
- No Deductible
- Coverage provided under the policy includes:
  - The cost of expert legal defense
  - All costs incurred in the defense and/or investigation of claims
  - Payment of damages up to the policy limits

#### How to Apply

1. Complete the application in full
2. Return it with your check payable to Fireman's Fund Insurance Company to:

Cita Insurance Services  
PO Box 7048  
Orange CA 92863-7048

#### **Brown & Brown of California, Inc. dba Cita Insurance Services**

PO Box 7048 Orange CA 92863-7048 | [www.citainsurance.com](http://www.citainsurance.com) | (800) 280-7250 | Fax (714) 978-2692  
CA Insurance Lic. # 0B02587

This information is provided for general purpose only. Consult the actual policy for terms, conditions and exclusions of coverage. Policy terms may vary based on individual state requirements. Issue of coverage is subject to underwriting. Coverage for claims will be determined on their own merit.





**Instructions:**

1. Fully complete application and include any requested additional information. Incomplete applications will not be accepted.
2. Return completed application to:  
Cita Insurance Services  
PO Box 7048  
Orange CA 92863-7048
3. Be sure to include a copy of your current Declarations Page if you have coverage. The Declarations Page should show your current retroactive date.
4. Include your check for the full premium payable to **Fireman's Fund Insurance Company**.

**EVERY ITEM MUST BE COMPLETED. If not applicable, write N/A.**

- |  |  |   |
|--|--|---|
| 1.   | <div style="display: flex; justify-content: space-between;"> <span>FIRST NAME      LAST NAME</span> </div>   | Proposed/Requested Policy Effective Date  |
|  | <div style="display: flex; justify-content: space-between;"> <span>TYPE OF BUSINESS: <input type="checkbox"/> CORPORATION<br/><input type="checkbox"/> S OLE PROPRIETOR      <input type="checkbox"/> OTHER:</span> <span><input type="checkbox"/> PARTNERSHIP</span> </div> |   |
| 2.   | INSURED NAME   |   |
| 3.   | MAILING ADDRESS:   |   |
|  | <div style="display: flex; justify-content: space-between;"> <span>STREET      CITY      COUNTY      STATE      ZIP</span> </div>  |   |
| 4.   | PRIMARY PRACTICE LOCATION / ADDRESS: (LOCATION WHERE THE MAJORITY OF YOUR SERVICES ARE PROVIDED.)  |   |
|  | <div style="display: flex; justify-content: space-between;"> <span>STREET      CITY      COUNTY      STATE      ZIP</span> </div>  |   |
| 5.   | (    )      a.      (    )   | b.  |
|  | BUSINESS PHONE NUMBER  | E-MAIL ADDRESS      WEBPAGE   |
| 6.   | How long have you been licensed certified?   |   |
|  | State Licensed:      License No.:  |   |
| 7.   | Current Insurer:   | <div style="display: flex; justify-content: space-between;"> <span>a. \$      b. \$</span> </div> |
|  | NAME OF INSURANCE COMPANY  | LIMITS OF LIABILITY      ANNUAL PREMIUM   |
| Please include a copy of your current Declarations Page <u>AND</u> provide retroactive date: |  |   |
| 8.   | Have you ever had any coverage cancelled, declined, or non-renewed? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| 9.   | Have you had or are you aware of any claim(s) being made against you? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| 10.  | Have you or any of your employees been subject to any disciplinary action relating to professional services? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, explain on separate sheet.  |   |
| 11.  | Have you or any of your employees ever been convicted of a misdemeanor or felony? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, explain on separate sheet.   |   |

1. Do you share, lease or own office space with another professional or entity?.....☐ Yes ☐ No  
If "Yes" what is the relationship?  
\_\_\_\_\_

2. Do you own or operate any other business enterprise, either in conjunction with your practice or not?.....☐ Yes ☐ No  
If "Yes", please describe:  
\_\_\_\_\_

3. Are you in any way associated with another professional? ..... ☐ Yes ☐ No  
If yes, explain on separate sheet.

Page 1 of 4

## 1. FREELANCE REPORTER OR INDEPENDENT CONTRACTOR PREMIUM CALCULATION

1. What is the total gross revenue (from all sources) of your firm? \_\_\_\_\_
2. Indicate the number of Independent Contractors (not including yourself or your employees) you wish covered on your policy for an additional charge. \_\_\_\_\_
3. Does your firm supply official court reporting services? \_\_\_\_\_

If you are a **freelance reporter or independent contractor**, your annual premiums are based on the schedule below:

<u>Gross Revenues</u>	<u>\$500,000 each claim/ \$500,000 annual aggregate</u>	<u>\$1,000,000 each claim/ \$1,000,000 annual aggregate</u>
\$0-\$12,000	<input type="checkbox"/> \$43	<input type="checkbox"/> \$65
\$12,001-\$20,000	<input type="checkbox"/> \$65	<input type="checkbox"/> \$97
\$20,001-\$30,000	<input type="checkbox"/> \$94	<input type="checkbox"/> \$140
\$30,001-\$40,000	<input type="checkbox"/> \$130	<input type="checkbox"/> \$194
\$40,001-\$50,000	<input type="checkbox"/> \$166	<input type="checkbox"/> \$248
\$50,001-\$60,000	<input type="checkbox"/> \$202	<input type="checkbox"/> \$302
\$60,001-\$70,000	<input type="checkbox"/> \$238	<input type="checkbox"/> \$356
\$70,001-\$80,000	<input type="checkbox"/> \$274	<input type="checkbox"/> \$410
\$80,001-\$90,000	<input type="checkbox"/> \$310	<input type="checkbox"/> \$464
\$90,001-\$100,000	<input type="checkbox"/> \$346	<input type="checkbox"/> \$518

Greater than \$100,000: Please call or write for a premium quotation

**PROCEED TO SECTION 3.**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**Please provide proof of Professional Liability coverage for all Independent Contractors. Note the limits of liability applied for under this policy can not be greater than Independent Contractor's limits of liability.**

## 2. OFFICIAL COURT REPORTER PREMIUM CALCULATION

If you are an **official court reporter**, your annual premiums are as follows:

Show gross annual revenues from all sources. Only indicate revenues from freelance work beyond your income as an Office Court Reporter (this includes the sale of transcripts). Do not include your salary as an Official Court Reporter. \_\_\_\_\_

	<u>\$500,000 each claim/ \$500,000 annual aggregate</u>	<u>\$1,000,000 each claim/ \$1,000,000 annual aggregate</u>
If you receive <b>NO</b> additional income from freelance activities	<input type="checkbox"/> \$122	<input type="checkbox"/> \$184
If you <b>RECEIVE</b> additional income from freelance activities or the sale of transcripts:	<u>\$500,000 each claim/ \$500,000 annual aggregate</u>	<u>\$1,000,000 each claim/ \$1,000,000 annual aggregate</u>
<b><u>ADDITIONAL REVENUES</u></b>		
Up to \$10,000	<input type="checkbox"/> \$144	<input type="checkbox"/> \$216
\$10,001-\$15,000	<input type="checkbox"/> \$164	<input type="checkbox"/> \$246
\$15,001-\$20,000	<input type="checkbox"/> \$202	<input type="checkbox"/> \$302
<b>PROCEED TO SECTION 3.</b>	\$ _____	\$ _____

### 3. EQUIPMENT FLOATER

STENOGRAPHY AND PERSONAL EQUIPMENT LIMIT:

- ☐ \$5,000 PREMIUM: \$ 125.00  
☐ \$10,000 PREMIUM: \$ 150.00  
☐ \$15,000 PREMIUM: \$ 200.00

SELECT DESIRED LIMIT ABOVE AND ENTER CORRESPONDING PREMIUM HERE. IF YOU DO NOT DESIRE COVERAGE FOR YOUR EQUIPMENT, ENTER ZERO.

\$ \_\_\_\_\_

### 4. PREMIUM CALCULATIONS

- A.) ENTER TOTAL OF PREMIUM FROM SECTIONS 1., 2. AND 3. PREMIUM \$ \_\_\_\_\_
- B.) **FLORIDA CUSTOMERS ONLY: MULTIPLY 3.70% OF TOTAL PREMIUM FOR FLIGA SURCHARGES\*** \$ \_\_\_\_\_
- C.) **NEW JERSEY CUSTOMERS ONLY: MULTIPLY .9% OF SUBTOTAL PREMIUM FOR PLIGA SURCHARGES\*\*** \$ \_\_\_\_\_
- D.) **TOTAL PREMIUM DUE: ADD LINES 4.A. AND 4.B. OR 4.C. (IF APPLICABLE)** \$ \_\_\_\_\_

Mail check **payable to Fireman's Fund Insurance Company** to Cita Insurance Services, P. O. Box 7048, Orange, CA 92863-7048.

#### **NOTICE TO APPLICANT: PLEASE READ CAREFULLY**

**CLAIMS MADE POLICIES ONLY:** I understand that my Professional Liability coverage is written on a "claims-made form" and acknowledge that this coverage will only respond to claims which are reported during the term of this policy. I also acknowledge that my "claims-made" coverage will not provide insurance coverage for claims which occurred prior to the Retroactive Date of my policy.

I understand that, should my "claims-made" policy with this insurance carrier ever be cancelled or non-renewed, or I decide to terminate it for any reasons, and I desire to provide insurance protection for any claims which may have occurred during the term of the "claims-made" policy but were not reported to the insurance company before the date of the policy termination, I will have sixty (60) days in which to purchase a Reporting Endorsement. Such Reporting Endorsement is required to provide coverage for claims reported to the insurance company after the termination date, but which are based on professional services performed during the active policy period.

Failure to report any claim made against you during your current policy term or any facts, circumstances, or events that may give rise to a claim to your current insurance company BEFORE policy expiration may create a lack of coverage.

#### **COMPLETION OF THIS FORM NEITHER BINDS COVERAGE NOR GUARANTEES A POLICY WILL BE ISSUED.**

In order to enhance the stability of this professional liability insurance program, coverage has been organized through a purchasing group, pursuant to legislation, known as the Federal Liability Risk Retention Act of 1986, enacted by Congress. Coverage is provided to the purchasing group by the Chicago Insurance Company, one of the Fireman's Fund Insurance Companies. Once the completed application has been approved and the premium has been received, you will automatically become a member of the Purchasing Group Association as indicated on the Declarations Page, located and domiciled in Illinois and obtain the insurance coverage afforded through the Group Policy on an annual term.

This application is subject to the underwriter's approval. Your completion of this application and premium payment does not bind coverage or obligate the insurance company to issue you insurance coverage. Coverage will become effective following the receipt of your acceptable application and premium payment. Your application can not be processed unless it is completed in its entirety. The application is subject to the company's underwriting rules.

I declare the information contained in the application is true and that no material facts have been suppressed or misstated. I understand that incorrect information could void the protection.

#### **FAIR CREDIT REPORTING ACT**

This notice is given to comply with the Fair Credit Reporting Act (Public Law 91-509) and any similar state law which is applicable. As part of our underwriting procedure, a routine inquiry may be made which will provide information concerning character, general reputation, personal characteristics and mode of living.

I understand any policy issued will rely on the truth of the statements and representations I have made herein and that false or misleading statements or misstatement or misrepresentations may result in a denial of coverage for any claim which may be made under the insurance for which application is made hereunder.

I hereby authorize and direct any person or organization to release and furnish to the Insurance Company any and all information requested which may relate to my insurability under the Professional Liability Policy.

## FRAUD WARNING NOTICE

Any Person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime. In New York, such person shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

## NOTICE TO APPLICANTS

**NOTICE TO ARKANSAS APPLICANTS:** "Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit, or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in a prison."

**NOTICE TO COLORADO APPLICANTS:** "It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the Company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Authorities."

**NOTICE TO DISTRICT OF COLUMBIA APPLICANTS:** "Warning: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant."

**NOTICE TO FLORIDA APPLICANTS:** "Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony in the third degree."

**NOTICE TO KENTUCKY APPLICANTS:** "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime."

**NOTICE TO LOUISIANA APPLICANTS:** "Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison."

**NOTICE TO MAINE APPLICANTS:** "It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the Company. Penalties may include imprisonment, fines or a denial of insurance benefits."

**NOTICE TO NEW JERSEY APPLICANTS:** "Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties."

**NOTICE TO NEW MEXICO APPLICANTS:** "Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties."

**NOTICE TO NEW YORK APPLICANTS:** "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation."

**NOTICE TO OHIO APPLICANTS:** "Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud."

**NOTICE TO OKLAHOMA APPLICANTS:** "Warning: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony." (365:15-1-10, 36-3613.1).

**NOTICE TO PENNSYLVANIA APPLICANTS:** "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

**NOTICE TO VIRGINIA APPLICANTS:** "It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the Company. Penalties include imprisonment, fines and denial of insurance benefits."

## YOU MUST SIGN AND DATE THIS APPLICATION

By signing below, I warrant that I have not had any claims made against me nor am I aware of any fact, circumstance, situation, act, omission that could result in a claim being made against me. I further understand and agree that if it is determined at the time this application for coverage was completed I had such knowledge, any claims arising therefrom will be excluded from coverage, if issued.

**X**

APPLICANT'S SIGNATURE

DATE

Underwritten by:

Chicago Insurance Company, One of the Fireman's Fund Insurance Companies®

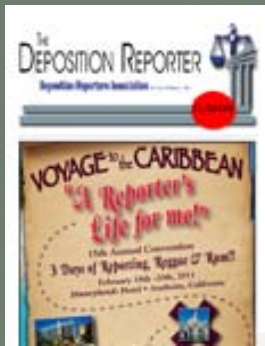
Return completed application and premium payment to:

Cita Insurance Services (***make checks payable to Fireman's Fund Insurance Company***)  
PO Box 7048  
Orange CA 92863-7048

1-800-280-7250 x324  
[www.citainsurance.com](http://www.citainsurance.com)  
CA License # OB02587



[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

# More Proposed California Court Budget Cuts

## A Message From California Official Court Reporters Association:

### Officials Should Be Cautious About Governor Brown's Budget Proposal

Governor Brown recently released his proposed budget for the 2011-2012 fiscal year, and your COCRA team, along with our legislative advocate Shane Gusman, has been reviewing the proposed budget to see what effects, both positive and negative, it may present for court reporters in California's superior courts.

The first and most noticeable element, which is always on our profession's mind, is that there is no mention of electronic recording in this budget. Of course, this seems a monumental victory at first glance, until you look at the bigger picture involving the governor's proposed cut of \$200 million dollars to the courts' budget.

Keep in mind that this \$200 million cut in the budget is not temporary. The proposed cuts will be permanent, in addition to the \$93 million permanent cut from last fiscal year. These proposed cuts are extremely serious.

*In referring to the proposed budget cut, California Chief Justice Tani Cantil-Sakauye was quoted in the Daily Journal as saying, "It's deep, it's grave, and it's alarming to us."*

Curtis Child of the AOC was also quoted in the same article as saying, "I don't think there is any way we will avoid limiting levels of services at trial courts." The Chief Justice is so alarmed that she will be convening the Judicial Council this week to discuss how the courts will absorb this cut.

What does all this mean for officials? It means any and all proposals that may save the courts

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Members](#)

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## OTHER LINKS

[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

money is back on the table. Everything from court closures to -- you guessed it -- electronic recording. The latter may be especially true when you consider that the same finance staff that previously worked for Governor Schwarzenegger and proposed electronic recording is currently advising Governor Brown, and the Legislative Analyst's budget overview released yesterday also contained specific reference to electronic recording as a cost-saving measure yet again.

What this also means is that we must continue to be diligent in our efforts in Sacramento. In the following months, COCRA will be working with our Legislative Analysts at Broad & Gusman, as well as with others who represent court reporter interests, to watch over the budget proceedings and to protect and promote our profession. Subcommittee hearings will begin soon to examine these issues, and these next sixty days are critical.

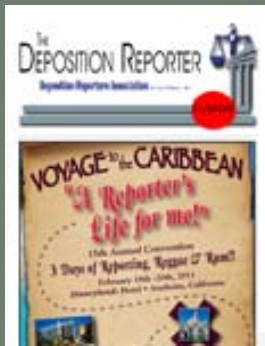
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[<< DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## Tennessee and Connecticut Fall to ER

In Connecticut, the just-released "Report on Court Recording Monitors and Court Reporters" recommends that Connecticut adopt digital audio recording as the standard for recording proceedings.

Thirty years ago, there were over 100 steno reporters working in the Connecticut courts, but today there are only 35 steno reporters and more than 200 court monitors operating the audio equipment and keeping a written log.

The "Report" calls those notes made by the person monitoring the ER "readable" and says steno paper tape is what court reporters create and that tape is only readable by that steno reporter. They are currently dealing with a situation where a court reporter is on leave and the steno notes are not readable by anyone else, thus "had the proceeding been audio recorded, a transcript could have been produced timely and accurately."

*Amazingly, the report inaccurately calls realtime an "emerging technology." (!)*

In Tennessee, the Judicial Council has decided to demote all of their official reporters to per diem contract reporters from salaried employees. These 34 full-time court reporters, who have been receiving a salary and benefits to adequately compensate for their skills, will now be paid \$100 for a half day or \$200 for a full day of reporting. Even though they can continue to use their steno machine to record testimony, they are required to also operate the computer-based digital recording systems installed in their courtrooms. This decision also recommends that the current analog recording equipment in the Tennessee courtrooms continue to be replaced by modern digital equipment.

To read the complete reports, [CLICK HERE](#) and log onto our DRA Document Library.

**You may be asking yourself "How does this have an impact on me?"**

**Here is why you better care:**

Recall Governor Schwarzenegger's misguided efforts to replace our official friends with recording equipment underscored how poorly appreciated and understood the reporting profession is. The same is true with these two items of sad news from Tennessee and Connecticut.

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Members](#)

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## OTHER LINKS

[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

What this means for freelancers is that our honored profession and our livelihoods are vulnerable in the theater of politics. Decision-makers all over the country simply do not appreciate or understand the importance of an accurate record and the role of a highly-trained, dedicated professional in making sure the record is accurate.

What happened in Tennessee and Connecticut - and what nearly happened in California - illustrates in bold and in italics that DRA's mission of protecting and advancing your unique interests is more critical than ever.

Said differently, the same misunderstanding that has already hurt our official sisters and brothers in Connecticut and Tennessee today is the same misunderstanding that allows Happy Meal-like incentive gift-giving to go unchallenged (can you imagine going to a doctor or lawyer because they promised you a gift card?) and is the root cause of so many of the things that you, the freelancer, struggle with every day.

### Here is what you better do:

You need to join us. Not just because we have fun (and we do!), not just because we look after each other like family, not just because your involvement will lead to more business, but because we've got your freelancer back. DRA is the only court reporter organization in the nation dedicated to advocating for freelancers.

Whether it is the recent gift-giving enforcement action against U.S. Legal, fighting the Serrano decision up to the California Supreme Court, saving court reporting programs, pushing legislation in the halls of the State Capitol, or pressing NCRA Board members to answer the tough questions, DRA effectively and vigorously is your best friend.

(And, when need be, DRA is also your bad a\*\* Big Sister.)

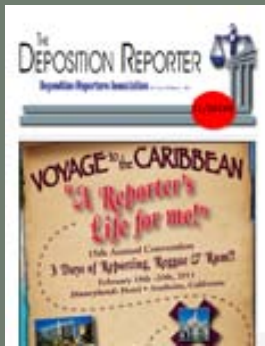
*Do you want to  
ensure the  
safety of your  
livelihood and  
the honor and  
integrity of your  
freelance  
profession?*

[Click here to join or renew with DRA or, if you are a member, tell your friends  
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[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

# TALKING POINTS FOR LIVE REPORTERS OVER ER

*Judges and  
Litigators Explain  
Why They Prefer  
Realtime  
Reporters to  
Recording Devices*

reprinted with permission from Jerry Kelley, Certified Realtime Reporter  
**Compiled September 2010**

I prefer using realtime court reporting (with banking-strength encryption to ensure privacy), with the spoken word appearing in realtime, in English, on my laptop computer screen for immediate use.

The judge, counsel, co counsel, house counsel, the client, law clerks, legal assistants, experts, and those in the "war" room can have an instant, up to the minute realtime feed for immediate use during deposition or court proceedings.

By using realtime, we can know that the proceedings are being recorded. With audio, sometimes we have gone all day before finding out that no record had been made.

Realtime court reporters can simultaneously digitally record the proceedings. Digital recording devices cannot simultaneously provide realtime feed.

I can actually see realtime court reporters stop writing when they overhear privileged communication between attorneys and clients. Recording devices just keep recording everything.

Any errors in the realtime feed can be detected as they happen.

A live court reporter can and should make sure that speakers speak one at a time and/or repeat anything that would otherwise not show up in the record. A recording device cannot perform that task, and even the best transcripts from recording devices contain [inaudible] and [indiscernible].

If the realtime court reporter is using CaseviewNet with Rapid Refresh, or similar software, any changes he/she makes in realtime are instantly updated on my laptop screen.

Rather than stopping the proceedings for the court reporter to read back, the court or counsel can simply click on the dynamic index associated with the realtime feed to instantly search for objections, rulings, exhibits, words, phrases, numbers, et cetera.

Following objections, recesses, questions by counsel opposite or rulings by the court, I sometimes lose my train of thought. However, with realtime, instead of stopping the proceedings and waiting for the court reporter to read back, I can click Q on my laptop, immediately returning to the last question asked, to regain my train of thought. Clicking on A takes me to the last answer.

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Welcome New  
Members

CRB Appointment

CSR 2010 Exam Stats

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## OTHER LINKS

DRA Mission Statement

DRA Calendar

Membership  
Application

What is DepoMap?

Core Curriculum IV  
[Sneak Preview!]

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Following an objection/ruling or being asked to repeat my question, by clicking on Q in the software, I have the exact words of my question in front of me. It is especially satisfying to be able to carefully reframe the exact same question and get the answer I need.

Following "Objection to form," I can have court and counsel read the realtime feed, then ask, "What's wrong with the form of that question?" If I am forced to rephrase, I can use the question appearing on the laptop to make a subtle change to remedy the objectionable portion of the question.

Instead of asking the court reporter or recording clerk to mark a certain portion of the testimony, perhaps divulging strategy to counsel opposite, I can click "mark" on the software to mark the pertinent text myself, without anyone else knowing and follow up on that issue later.

When questions, solutions or strategy occur to me, I can note them in a box next to the actual testimony, for my benefit only, without missing ongoing testimony.

By using preassigned codes, I can index and organize the testimony as it proceeds. I can quickly and effortlessly search only for the portions indexed.

Before passing the witness, I can double check and confirm that a series of questions and answers portrays what I intended to establish with a particular witness, thus ensuring that everything on my checklist has been covered.

By using the copy and paste function to Word or my litigation support software, my summary and/or indexing can be done in time to be used with the next witness, the next court session, or the next deposition.

While testimony is proceeding, I can click a predesignated issue code to flag particular issues (i. e., liability, medical, out of pocket, motions, drug amounts, jury instructions, et cetera) to organize the testimony. This also gives me the ability to create a "report" almost instantly for each issue, including a few lines before and after my issue code flag.

When I receive my certified transcript from the realtime court reporter, I can synchronize my marks, notes, and issue coding made during the proceedings with the certified transcript for use with my litigation software.

In court, by requesting realtime together with daily copy reporting, as the trial proceeds, each volume of the edited, proofread, corrected and certified transcript, sometimes including preloaded or embedded exhibits, is ready by the end of the day.

We just completed a multi week trial. A judgment was entered against our client for \$1 million, and post judgment interest is running at \$50,000 per year. By having overnight access to the certified transcript, as opposed to having to wait for digitally recorded proceedings to be typed from the very first word spoken, we are saving our client \$4,166 per month in post judgment interest. We were able to use the transcript each day during the trial, we have had more time to prepare for appeal, and we are using the exact same transcript the court of appeals will be using, so we can quote page and line numbers in our motion for new trial and/or appeal brief.

Using realtime court reporting can save time and frustration. Most disputed points either become insignificant or can be easily reconciled once seen in written form.

Witnesses, parties, judges, and/or attorneys who are deaf, hearing impaired, or diagnosed with attention deficit disorder can watch all words spoken exactly as stated rather than having to be skilled in or relying upon sound alike words, lip reading, or paraphrasing by a sign language interpreter.

It can assist court interpreters to have access to realtime feed, especially on long and/or complicated questions.

Using wireless encrypted access to the Internet, I can stream the written proceedings, in realtime, to co counsel or house counsel down the hall, down the street, across the country, or around the world as it is being spoken.

At appropriate times, such as during recesses, we can supply realtime reporters with correct spellings of names they have marked in the realtime feed during the proceedings, which helps them provide us a better record of the proceedings.

When a readback is requested by the jury, court and counsel can use the realtime feed to find and agree on exactly which portion of the transcript should be read to the jury. Some judges read back testimony to the jury from their computer on the bench.

The courtroom deputy clerk can be connected to the court reporter's realtime feed, allowing him/her to copy and paste more accurate relevant information to the minutes.

The judge's law clerk and/or judicial assistant can use the realtime feed to assist the judge in responding to motions made during the trial and compiling jury instructions.

Immediate access to the trial transcript provides a cost savings to the court, counsel, and the litigants. The litigator saves time reviewing the day's proceedings in preparation for the next day's proceedings. This equates to a cost savings to the client and a time savings to the court.

Counsel, the judge, and/or the court clerk can use the realtime feed to make sure exhibits have been admitted before sending them to the jury room.

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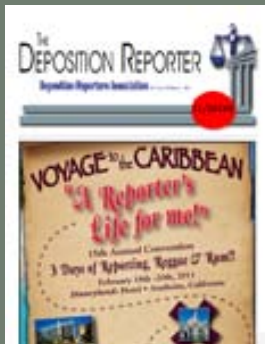




# The Deposition Reporter



[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## Depo Diplomat

**Dear Depo Diplomat:** I read recently in the Court Reporters Board newsletter about the rates that official reporters are required to charge for their court transcripts. Occasionally, one of my clients will ask me to report a trial or other proceeding in court. Am I supposed to charge those rates described in the Government Code when I do those court transcripts? Can't I just charge my usual deposition rates?

**Dear Reporter:** First, I'll reprint below the question and answer that appeared in the Fall 2010 issue of "CRB Today," the Board's newsletter that you're referring to, so you'll have the Government Code's language regarding official transcript rates.

***Q. As an official reporter I have always followed the Government Code section as it applies to what fees can be charged for transcripts, whether they are paid for by the court or a private party. There is often debate on this issue among my colleagues. Could you please clarify whether or not a court reporter is allowed to charge more than the statutory rates when charging a private party for a transcript?***

***A. Government Code Section 69950 (a) states that,***



[Small Business Jobs  
and Credit Act of 2010](#)

[Welcome New  
Members](#)

[CRB Appointment](#)

[CSR 2010 Exam Stats](#)

[Your Ad Here](#)

## OTHER LINKS

[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

*" the fee for transcription for original ribbon or printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words. (b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words.*

"

Even though you're working directly for your client and not for the court, if you go into court to report and are the only reporter there and responsible for generating the official record, then you are supposed to charge the rates for official transcripts as set out in the Government Code. If by some chance you're asked to report in court in addition to the official reporter assigned to a given department, and that official will be preparing the official record of the proceedings while you will be preparing a transcript requested by your client, then you are not bound by the transcript page/folio rates as they appear in Government Code Section 69950. This would be an unusual situation, granted, but it has occurred in the past in my experience, when an attorney-client involved in a civil trial needed the transcript of a particular witness expedited overnight and the official reporter in the trial department couldn't accommodate that request. Now that nearly all reporters, official as well as freelance, have the benefit of CAT systems, that would be unlikely to happen, but if it were to happen, the official reporter would be responsible for the preparation of the official record, and the freelancer would be free to charge customary depo rates for any transcripts requested by and provided to the private attorney-client.

It might be helpful to clarify some of the Government Code wording above, since different terminology is used here than we depo reporters are accustomed to using when speaking about the pricing of depo transcripts. First, the "100 words" referred to is also known as a "folio," and in determining the page rate to be charged for court transcripts, you multiply the rates shown, such as 85 cents, by the folio rate, meaning how many folios, or groups of 100 words, would be commonly found on a transcript page. Each county determines their folio rate, 2.2 or 2.3 folios per page, for example, so when calculating the page rate to charge, you first need to find out what folio rate is used by the court administration in the county where your reporting was done.

Next, when the Code says that the fee is 85 cents for the original printed copy and 15 cents for each copy purchased at the same time by the party or person purchasing the original, that's essentially the same as our language for an original and one, or O+1, so it's 85 plus 15 cents per

folio for the O+1, or \$1.00 per folio, times the folio rate employed by the appropriate county.

Then in (b) above, when it refers to the first copy to anyone "who does not simultaneously purchase the original," more simply put, that's a copy ordered by any party other than the one ordering the original -- or for us in depo lingo, a copy ordered by one of the copy attorneys -- and the page rate charged for any such copy is 20 cents times the applicable folio rate. And an additional copy ordered at the same time by a party -- any party now, either the O&1 attorney or a copy attorney -- would be charged at the slightly reduced rate of 15 cents per folio per page.

Now, you'll note that the Government Code doesn't indicate different rates to be charged for civil matters than for criminal; there's only one rate shown for original transcripts and copies, no different rates mentioned for transcripts provided to private attorneys than for those provided to county-employed attorneys, such as public defenders or district attorneys. So per the Code, a reporter is not allowed to charge anything higher than these rates per page for official transcripts. I recognize that this is not an appealing message to deliver to depo reporters, because these page rates are a good deal less than what is charged for freelance work anywhere in California, and these are not attractive page rates for us. I also appreciate all the arguments for why we feel we should be able to charge more for transcripts we prepare when asked by our clients to report in court: We're being asked to do this for private parties, who are accustomed to depo rates; we aren't being paid the salaries that officials earn; we aren't receiving any of the employee benefits that officials have as county employees. I do understand all that. But still, these are the page rates we are legitimately supposed to charge. If you charge any more than these rates, especially if your client is expecting to be charged your usual depo rates for any court work you do, your client may very willingly pay those higher rates. But should there be any argument over your charges, should you have to ultimately defend your charges in court, the court would not support you if your page rates exceeded what the Government Code dictates.

What you should keep in mind, though, is that the per diem or daily/hourly fee that you charge your client for appearing and reporting in court is not dictated by the Government Code, and you are free to charge what you feel is appropriate and reasonable. So given the page rates you can legitimately charge per the Code if you are called upon to prepare a transcript, given that those page rates are much lower than you're used to being paid for your work, decide on an amount to charge for your time reporting in court that will make up for those lower-than-usual transcript rates so that you can feel you're fairly compensated for your time and work involved and so that you can respond to your client's request to cover in-court proceedings and still feel that you're being paid something comparable to what you would be paid for your usual depo reporting.

Click the link below to read an article relating to this topic of court page rates. In brief, San Bernardino Superior Court paid a group of reporters the copy rate of 20 cents per folio per page; the reporters took the position that in redoing transcripts that had been previously prepared, they were instead entitled to be paid the rate for the preparation of an original at 85 cents per folio per page, per the Government Code; the court disagreed with them; the reporters appealed and lost the appeal. Click here to read more:

<http://www.leagle.com/xmlResult.aspx?xmlDoc=In%20CACO%2020110110031.xml&docbase=CSLWAR3-2007-CURR>

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# DepoMap 2010©

## Electronic California and Federal Code map for Deposition Reporters and firm owners/staff

DepoMap 2010 contains relevant section(s) from:

California Code of Civil Procedure  
Federal Rules of Civil Procedure  
California Business & Professions Code  
California Rules of Court  
California Labor Code  
Government Code  
California Code of Regulations

*Get rid of the paper - GO GREEN!*

No more "Where did I put that code thingie?"

**Reporters need answers NOW!**

Reporters can no longer rely on agencies - it's **your CSR license!**

**Firm owners** - depo dilemma answers at your staff's fingertips!

Hyperlinked, bookmarked, indexed, searchable  
and on your computer for easy 24/7 access

**Instant Bookmark Samples:**

"Go off the record"; "Attorney pays if client does not";

"Submitting Corrections by Mail"; and "Go by the Code"

Click on a bookmark, go to the code section, get answers!!!

Also attached to DepoMap 2010 are the **full versions** of (1) California's Minimum Transcript Format Standards, (2) California Professional Standards of Practice, (3) Best Audio Media Practices, (4) Legal Opinion on Backup Audio Media, and (5) Legal opinion re Request for reporter's audio file

**DRA Members: \$35**

**DRA Nonmembers: \$75**

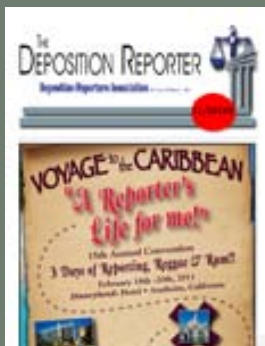
Purchase and download at [www.caldra.org](http://www.caldra.org)

\*\*DepoMap 2010 is a pdf file - use Adobe Reader 8 or higher

**DepoMap 2010 allows for copying/pasting/printing of excerpts for purchaser's use only (i.e. emailing to clients, reporters, etc.). Any unauthorized use or sharing of the full version of DepoMap will be **prosecuted** to the full extent of copyright violation law - every dollar from the sale of DepoMap goes to support the working deposition reporter!!**



<< [DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

# Small Business Jobs and Credit Act of 2010

Reprinted from the October 2010 Newsflash with permission from NCRA, the professional association for reporters and captioners. <http://ncraonline.org/governmentrelations/onthehill/small+Business+Jobs+and+Credit+Act.htm>

Recently, Congress passed the Small Business Jobs and Credit Act of 2010. This legislation includes several provisions which are highly beneficial to sole proprietors and small business owners. This legislation was passed based on the premise that the high unemployment rates that our country is experiencing right now can be blamed on lack of capital available to small businesses. The bill includes a litany of tax cuts, tax write-offs, and increases the availability and the amount of federally backed loans. However, there are some additional government regulations which small business owners and sole proprietors should be aware of before filing their taxes.

First, and perhaps most important to NCRA's sole proprietors, the new law suspends the self-employment tax on insurance premiums for 2010. Before the law was passed, small business owners would pay a 15.3 percent tax on their insurance premiums before deducting them from their income taxes. With the suspension of this tax, sole proprietors can expect to save between \$456 and \$968 in 2010 according to the National Association of the Self-Employed. Many small business organizations, including NCRA, are lobbying to have this tax cut permanently extended.

This law also doubles the tax write-off for small business start-ups. Previously, small businesses were only able to write off \$5,000 of start-up expenses for their first year. The Small Business Jobs and Credit Act doubles the tax write-off to \$10,000 hoping to spur innovation and increase the likelihood that an individual will start up a small business.

Additionally, the law creates a \$30 billion fund for community banks to lend out to local businesses. In all likelihood, the smaller community-based banks which had shied away from lending because their capital had dried up will now be able to offer more small loans to small and medium-sized businesses. With more credit available to the banks at less risk, lending, and then hiring, should subsequently increase. Small Business loans will also increase, and small businesses are now eligible for up to a \$50,000 microloan, a permanent increase from \$35,000. Larger loans are available, but they appear more likely to help larger businesses.

Furthermore, the Small Business Administration (SBA) has increased the amount of each loan that it guarantees from 75 percent to 90 percent. This law also reduces fees to apply for a SBA loan. Banks assume less risk because of the federal loan backing, and will be less hesitant to tender loans to small businesses. This provision in the legislation was only temporarily extended until December 31, 2010. Nevertheless, it is expected to help clear a logjam of over 1,400 small businesses currently waiting to receive approval for an SBA loan.

However, this legislation increases the amount of government regulation by requiring all businesses to report purchases of more than \$600 on a 1099 form. This legislation was originally created as a funding mechanism for the Patient Protection and Affordable Care Act (or the Health Care Bill).

- \$30 penalty for filing a 1099 not more than 30 days late (was \$15);
- \$60 penalty for filing a 1099 more than 30 days late and before August 1 (was \$30);
- \$100 penalty for filing a 1099 on or after August 1 (was \$50);
- \$250 penalty for intentional failure to file (was \$100).

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Welcome New  
Members

CRB Appointment

CSR 2010 Exam Stats

Your Ad Here

## OTHER LINKS

DRA Mission Statement

DRA Calendar

Membership  
Application

What is DepoMap?

Core Curriculum IV  
[Sneak Preview!]

Classified Ads

An estimated 40 million small businesses and non-profits will face penalties for failing to comply. It is estimated that this will generate up to \$12 billion in revenue. This provision is permanent and will primarily affect small businesses whose filing requirements will significantly increase. Many inside Congress and in the small business community, including NCRA, will be aggressively lobbying to remove this burdensome provision.

NCRA highly recommends that our members consult with a tax expert to ensure that they receive the maximum tax savings available to them, and are not subject to significant fines from the government. This brief is meant as a general overview of this issue and should not be construed as legal or tax advice.

*[DRA Editor  
note: The 1099  
requirement  
takes effect  
January 1, 2012  
and looks to be  
a paperwork  
nightmare for  
small businesses,  
sole  
proprietors,  
pretty much  
everybody. If you  
have any self-  
employment income  
and spend \$600  
at Staples over  
the course of  
the year, for  
example, you  
will have to  
give Staples a  
1099 and send a  
copy to the  
government. If  
you have any  
business travel  
for your small  
business, you  
will have to  
send a 1099 to  
the airline and  
the IRS. And  
you'll need to  
get Staples  
the airline's  
federal taxpayer  
IDs to do so. The  
expected burden  
on businesses  
(particularly  
small businesses)  
is so big that  
some folks who  
would actually  
profit from being  
paid to help  
businesses comply  
are asking  
members of  
Congress to  
repeal this*

' s

' and

*reporting  
requirement.*

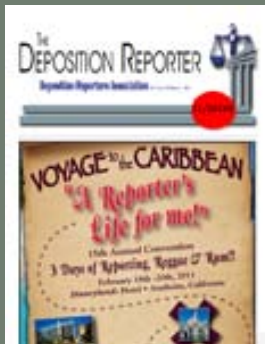
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[<< DRA Home](#) | [Newsletter Archive](#) | The Deposition Reporter | January 2011



## FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## Welcome New Members

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

Rich Alossi, CSR  
Elizabeth Borrelli, CSR  
Judy Boswell, CSR  
Phyllis Bradley  
Laura Callihan  
Milda Carver, CSR  
Alice Chang  
Kelly Chapman  
Mary Christensen, CSR  
Dan Clark, CSR  
Yolanda Copes  
Aracely Cornwell  
Carrie Cramin, CSR  
Aleece De Puey  
Elora Dorini  
Maggie DuRoss  
Kimberly Durso, CSR  
J'nel Erskine, CSR  
Mary Fox, CSR  
Cynthia Garcia  
Carley Gillette  
Dustin Gladstone  
Laura Glaser  
Bernadette Guerrero  
Bobbie Harr, CSR  
Sally Haux, CSR  
Sara Henley  
Joann Hipp, CSR  
Debra Holm  
Sherri Hunt  
JoAnne Ichiki, CSR  
Kimberly Kadolph  
Aletha Loftfield  
Cheryl Marquis, CSR  
Susan Martinez, CSR  
Patricia Menjivar  
Susanne Metcalf  
Edith Navas  
Meghan Palma, CSR  
Nancy Payne  
Valerie Pierce  
Lori Pinkerton, CSR  
Tawnya Pozzatto

[Small Business Jobs  
and Credit Act of 2010](#)

[Welcome New  
Members](#)

[CRB Appointment](#)

[CSR 2010 Exam Stats](#)

[Your Ad Here](#)

## OTHER LINKS

[DRA Mission Statement](#)

[DRA Calendar](#)

[Membership  
Application](#)

[What is DepoMap?](#)

[Core Curriculum IV  
\[Sneak Preview!\]](#)

[Classified Ads](#)

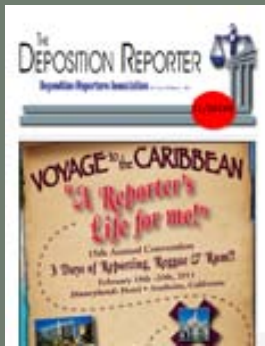
Erica Reid  
Michelle Reth  
Shannon Riddell  
Renee Rodriguez  
Elena Schall-Hall, CSR  
Anna Singer  
Jennifer Smith  
Vanna Soeur, CSR  
Romelisa Solis  
James Terrell  
Nicole Thut  
Jessica Tidwell  
Katherine Toledo  
Abigail Torres  
Gloria Torres  
Janalee Whitacre, CSR  
Chris Yates

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[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## CRB Appointment

Toni O'Neill of Riverside, a Registered Professional Reporter and a Fellow of the Academy of Professional Reporters, was appointed to the Court Reporters Board by the Governor in 2010. Toni has been an official with the Riverside Superior Court since 1990. She is committed to the integration of technology into the judicial process, and was one of the first official court reporters in California to provide realtime services for judges during courtroom proceedings. Toni has also been active in local, state, and national associations and previously served one term with the CRB from September 2006 to June 2009. With her reappointment, the CRB has a full board for the first time since 2007.

### FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

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Cuts](#)

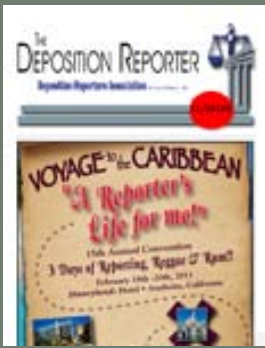
[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)



[<< DRA Home](#) | [Newsletter Archive](#) | [The Deposition Reporter](#) | January 2011



## CSR 2010 Exam Stats

[Download CSR Exam Stats \(Dictation\) October 2010](#)

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### FEATURES

[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

**Court Reporters Board**  
**Dictation Examination Statistics - October 2010**

<b>School Name</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
Argonaut	10	0	0.0%	5	0	0.0%
Bryan - Los Angeles	11	7	63.6%	6	3	50.0%
Bryan - Sacramento	1	1	100.0%	0	0	n/a
Cerritos	3	0	0.0%	0	0	n/a
College of Marin	3	1	33.3%	1	1	100.0%
Cypress	1	0	0.0%	1	0	0.0%
Downey	11	4	36.4%	3	1	33.3%
Golden State	5	2	40.0%	0	0	n/a
Humphreys	0	0	n/a	0	0	n/a
Sage - Moreno Valley	5	1	20.0%	2	1	50.0%
Sage - San Diego	0	0	n/a	0	0	n/a
Sierra Valley	9	2	22.2%	3	2	66.7%
South Coast	23	5	21.7%	6	2	33.3%
Taft	0	0	n/a	0	0	n/a
Tri-Community	4	0	0.0%	0	0	n/a
West Valley	0	0	n/a	0	0	n/a
School Totals	86	23	26.7%	27	10	37.0%
Closed Schools	2	1	50.0%	n/a	n/a	n/a
Five Plus	8	0	0.0%	n/a	n/a	n/a
Out of State	0	0	n/a	0	0	n/a
RPR	3	2	66.7%	1	1	100.0%
State Hearing Reporter	0	0	n/a	0	0	n/a
Working Reporter	3	1	33.3%	0	0	n/a
<b>TOTALS</b>	<b>102</b>	<b>27</b>	<b>26.5%</b>	<b>28</b>	<b>11</b>	<b>39.3%</b>

**Court Reporters Board**  
**Examination Statistics - July 1, 2010 Thru October 31, 2010**

**English**

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	9	5	55.6%	6	4	66.7%
Bryan - Los Angeles	6	6	100.0%	6	6	100.0%
Bryan - Sacramento	2	1	50.0%	2	1	50.0%
Cerritos	1	1	100.0%	0	0	n/a
College of Marin	2	1	50.0%	1	1	100.0%
Cypress	1	0	0.0%	1	0	0.0%
Downey	7	2	28.6%	3	2	66.7%
Golden State	1	1	100.0%	0	0	n/a
Humphreys	1	0	0.0%	0	0	n/a
Sage - Moreno Valley	8	5	62.5%	2	1	50.0%
Sage - San Diego	3	2	66.7%	0	0	n/a
Sierra Valley	10	2	20.0%	3	1	33.3%
South Coast	7	7	100.0%	5	5	100.0%
Taft	0	0	n/a	0	0	n/a
Tri-Community	4	2	50.0%	0	0	n/a
West Valley	0	0	n/a	0	0	n/a
<b>SCHOOL TOTAL</b>	<b>62</b>	<b>35</b>	<b>56.5%</b>	<b>29</b>	<b>21</b>	<b>72.4%</b>
Closed	2	1	50.0%	n/a	n/a	n/a
Five Plus	7	2	28.6%	n/a	n/a	n/a
O/S	1	0	0.0%	0	0	n/a
RPR	4	1	25.0%	1	0	0.0%
Work	4	2	50.0%	0	0	n/a
<b>TOTAL</b>	<b>80</b>	<b>41</b>	<b>51.3%</b>	<b>30</b>	<b>21</b>	<b>70.0%</b>

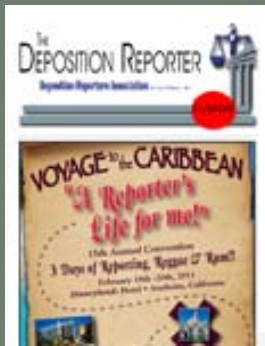
**Professional Practice**

School Name	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Argonaut	8	6	75.0%	6	5	83.3%
Bryan - Los Angeles	6	6	100.0%	6	6	100.0%
Bryan - Sacramento	2	0	0.0%	2	0	0.0%
Cerritos	1	1	100.0%	0	0	n/a
College of Marin	2	1	50.0%	1	1	100.0%
Cypress	1	0	0.0%	1	0	0.0%
Downey	3	3	100.0%	3	3	100.0%
Golden State	0	0	n/a	0	0	n/a
Humphreys	0	0	n/a	0	0	n/a
Sage - Moreno Valley	4	3	75.0%	2	1	50.0%
Sage - San Diego	3	2	66.7%	0	0	n/a
Sierra Valley	8	1	12.5%	3	0	0.0%
South Coast	5	5	100.0%	5	5	100.0%
Taft	0	0	n/a	0	0	n/a
Tri-Community	2	1	50.0%	0	0	n/a
West Valley	0	0	n/a	0	0	n/a
<b>SCHOOL TOTAL</b>	<b>45</b>	<b>29</b>	<b>64.4%</b>	<b>29</b>	<b>21</b>	<b>72.4%</b>
Closed	1	1	100.0%	n/a	n/a	n/a
Five Plus	5	4	80.0%	n/a	n/a	n/a
O/S	0	0	n/a	0	0	n/a
RPR	4	1	25.0%	1	0	0.0%
Work	4	0	0.0%	0	0	n/a
<b>TOTAL</b>	<b>59</b>	<b>35</b>	<b>59.3%</b>	<b>30</b>	<b>21</b>	<b>70.0%</b>





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[January 2011 Issue](#)

[President's Message](#)

[Disneyland Convention  
Brochure](#)

[US Legal Cited by CR  
Board](#)

[Brown & Gallo Update](#)

[Gifting/Lawyer Ethics  
Violations](#)

[DRA Offers Group-Rate  
Insurance for Members](#)

[More Proposed  
California Court Budget  
Cuts](#)

[Tennessee and  
Connecticut Fall to ER](#)

[Talking Points for Live  
Reporters Over ER](#)

[Depo Diplomat](#)

## ***Insurance Agencies***

### **Potter Health Insurance Agency**

Bo Potter

5207 Starlight Mesa

La Canada, CA 91011

Phone: (818) 952-2920

(818) 952-2920

[bo@potterinternational.net](mailto:bo@potterinternational.net)

[www.potterinternational.net](http://www.potterinternational.net)

## ***Videographers***

### **Moonshadow Legal Productions**

Charlie Chapin, Ph.D

6507 Pacific Avenue, #305

Stockton, CA 95207

Phone: (209) 477-2398

(209) 477-2398

Fax: (209) 477-0818

[charlie@moonshadow.biz](mailto:charlie@moonshadow.biz)

[www.moonshadow.biz](http://www.moonshadow.biz)

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# Membership Application

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Have you ever been a member of DRA before? ☐ Yes ☐ No ☐ List me on DRA's on-line database ☐ List me as available for freelance work

**\*\* I certify that the contents of this application are accurate and complete and will advise the association of significant or material changes to the membership information. I agree to abide by the DRA Bylaws, the written policies of the association, and in the decisions of duly constituted DRA Committees. I agree that my membership may be terminated immediately if this application contains false or misleading statements. \_\_\_\_\_ Initial**

## Membership Options

☐ **Professional** ..... \$ 135 ☐ **Three-year professional membership** (\$405 – save \$25) ..... \$ 380

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☐ **Student** ..... \$ 30  
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(Instructors who are nonreporting CSRs or, if not CSRs, who teach at institutions recognized/certified by the CRBC.)

☐ **PAC (not tax deductible)** ..... Amount \$ \_\_\_\_\_  
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