

The Deposition Reporter



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President's Message

What's a CEU Got To Do With It?

By Lisa Michaels



Being a freelance court reporter has its many unique challenges. No doubt you are forming your own "top ten" list faster than I can type these words: expedites, quarterly taxes, constant backlogs, long days with short lunches and no breaks, troubleshooting computers/wires/cables and plugs, navigating to yet another new location, sequestered lonely days, "personality" management, and life by commission only.

When I received my CSR in the early '80s, all conference tables had full ashtrays and the person copying exhibits and serving the coffee with a smile was assumed to be the court reporter. I always wore pantyhose, even in the summer. My daily companion was a fully-loaded, small metal dolly strapped with bungee cords, which always broke free, causing a traffic jam, right as I stepped from a high-rise elevator. Transcript copies were created with sheets of carbon paper, and transcribers lived in fear of making a dreaded typo. The spinning ball of the Selectric typewriter was hailed as a lifesaver thanks to its "correcting/replace" key. Many depo days ended with an attorney

asking me to stay on my machine while he dictated a summary of his handwritten notes, much like a secretary, which I then transcribed for his client.

After years of dictating, I bought my first computer. It was a DOS-based IBM. It cost over \$10,000 and serenaded me as it banged and clunked for 12 hours to translate a four-hour deposition. My secure backup system was a pile of 5 ¼ inch floppies that were truly "floppy." My proofreader worked by reading the paper transcript that I slid under her porch mat in the middle of the night. Each final transcript was certified by hand stamping my notary seal. When meeting new friends and acquaintances who asked what I did for a living, countless times I heard the questions, "Aren't you just a glorified secretary? Couldn't they just tape-record the proceedings?"

Boy, have times changed...for the better. Having walked out of the schoolroom and into my home office so many years ago, new CSR license in hand, I could have put my nose to the grindstone and never looked up. I didn't. I knew the only way to shed the antiques, to learn the changes in reporting laws, to find the new time-saving software and capture ideas to grow my business would be by reading CSR magazines and participating in CSR association events. None of this priceless information was going to be handed to me like exhibits in the deposition room or dropped off as a package on my front porch. I shudder to think of how long it might still take me to complete a single transcript, what risks I might have unknowingly taken with my treasured CSR license, and how small my income would be if I never left that home office to see what the big court reporting world had to offer.

In California, as in most states, our Department of Consumer Affairs will not renew the license of many professionals each year unless they complete some kind of continuing education. I am sure you agree that doctors, nurses, therapists, teachers, real estate brokers and architects make sense to be on this list. We put our faith in these folks when we walk into their offices and follow their professional advice. Think about it. We trust and admire those who care enough to keep learning.

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But what about us? As court reporters, we strive for perfection. We dress professionally, act professionally and put hours into producing a perfect transcript. Our daily companions at the depositions -- lawyers, court certified interpreters, many expert witnesses -- all must earn CEUs to keep their licenses current. By furthering their formal education every year, they earn the trust and respect of their peers and clients and are viewed as a valuable asset to the litigation process.

I, for one, want to finally step away from the misconception that court reporters are glorified secretaries and easily replaced by a recording device. I want our Court Reporters Board to break free from the idea held by our politicians that it is an unnecessary entity and can be easily disbanded. When SB671, the bill that will require continuing education for court reporters, finally passes and our Court Reporters Board begins to help California CSRs climb those important rungs to the top of the professional ladder, we will finally be in the place where court reporters have always deserved to stand: smart, proud, respected and a valuable part of the legal profession. What do CEUs have to do with it? EVERYTHING.
president@caldra.org



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We Write For You

In our continuing effort to educate attorneys about the unethical practice of exchanging a deposition booking for a gift and the tax implications to the law firm, court reporting firm and CSR licensee, DRA recently co-authored an article with CCRA called:

"Dollars for Depos: Hanson Bridgett Legal Opinion Weighs In"

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We are very pleased that the Fresno County Bar Association was the first to publish this great article by Holly Moose, Past President of DRA, and Early Langley, President-Elect of CCRA, in their June 2011 issue of the Bar Bulletin. Here's a couple terrific quotes from this fantastic piece:

"Surely, the person booking the deposition wouldn't want the written record of their lawsuit to hinge on which deposition firm handed out the nicest fruit baskets."

"Law firms may want seriously to weigh the pros and cons of permitting their employees to receive such incentive gifts."

As our founders envisioned, with every project, article and event, The Deposition Reporters Association continues to keep in mind our mission statement. In our fight against the rampant book-a-depo-get-a-gift-card kickbacks, we remind ourselves of the second sentence below:

DRA represents Certified Shorthand Reporters who report deposition and out-of-court proceedings in the State of California, as well as captioners and CART providers. DRA strives to preserve and enhance the stenographic reporting profession, ensure its integrity, and maintain its high standards and impartiality wherever stenographic services are required. DRA is committed to ensuring that the stenographic reporting profession remains a viable and integral part of the legal system.

If you are a member of DRA, you can feel proud that you are keeping your career ethical and respected.

If you are reading this and haven't joined yet, what's stopping you? In just 4 easy clicks, you can share that proud feeling, too, by becoming a part of the ONLY freelance reporter association in the nation!

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DOLLARS FOR DEPOS: Hanson Bridgett Legal Opinion Weighs In

By Early Langley, CSR, RMR • Holly Moose, CSR, RDR, CRR, CCRR

Nobody likes hearing the letters "I-R-S" in that order. But if you are a secretary or paralegal who books depositions, or the managing partner of a law firm that employs them, unless you are careful, those three much-dreaded letters could be in your future.

California's two court reporter trade associations representing deposition reporters obtained a legal opinion from the prestigious law firm of Hanson Bridgett warning that the way that some law firms select who takes their depositions could place the law firms, their employees, and the court reporting firms in jeopardy with the IRS as well as California's Department of Consumer Affairs Court Reporters Board.

Offering goodies such as champagne, gift cards and tickets to shows in exchange for booking deposition business has become commonplace. Some people refer to these goodies as "gifts."

The Hanson Bridgett memo concludes that such incentives provided by reporting firms in exchange for business are not gifts at all but, in fact, payments for services, and the IRS requires the recipients of those payments to treat the value of the incentives as gross income. Recipients -- which could be either the secretary or assistant that books the deposition or the law firm that employs them -- must report the value of the incentives they receive as income on their tax returns.

As the memo warns in stark terms:

Given that the incentives provided by Reporting Firms in exchange for business are payments for services rather than gifts, the [Internal Revenue Code] requires the recipients of those payments to treat the value of the incentives as gross income. This means that recipients must report the value of the incentives they receive as income on their tax returns. Failure to do so could result in the assessment of addi-

tional taxes, interest and penalties by the Internal Revenue Service.

The memo also bluntly cautions that "law firms may want seriously to weigh the pros and cons of permitting their employees to receive such incentive gifts[.]"

The conclusion is obvious: Things of value provided only in exchange for steering business aren't gifts, under the legal or lay sense of the word. They, at best, are called "commissions." At worst, they are called "kickbacks."

Whatever you call them, not only does this practice risk unwanted visits from the IRS, it hurts anyone who cares about the quality of their transcripts and ensuring that the client gets justice. In a joint statement, Debby Steinman, President of the California Court Reporters Association, and Lisa Michaels, President of the Deposition Reporters Association, welcomed the opinion by saying:

"The practice of paying bounties and commissions to law firm employees in exchange for them selecting certain deposition firms is now revealed as bad for everyone involved: bad for law firms, bad for law firm employees and bad for deposition reporting professionals."

Just as it is impossible to imagine doctors or lawyers luring business with promises of gift cards, the interests of justice are best served when the deposition market rewards quality and accuracy, not goodies offered to secretaries. The Hanson Bridgett memo just underlines that this whole prac-

tice is a terrible idea for law firms and their employees as well."

The stakes here are high because the importance of an accurate written transcript to reasoned justice is hard to exaggerate. As one California Legislative Committee wrote:

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 written briefs 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

This agency, which is charged with policing the deposition profession, cited and fined US Legal for offering a so-called "gift" that exceeded the Board's limit of \$100.

Corporations engaged in court reporting services are not exempt just because they are not licensed court reporters. In the view of the California Court Reporters Board, these corporations are subject to the statutes and regulations governing licensees, and failure to adhere to these statutes constitutes a misdemeanor.

A lawyer summed up the whole situation best. In a letter written to one of the authors, Attorney Jed Peace Friedland put it well: "After reading your article, *Dollars for Depos: A Risky Business*, which appeared in the *San Francisco Daily Journal*, I'd like to commend you. It mirrors my own sentiments. I've been on a rant about this subject in private discussions with numerous attorneys who consistently utilize poor-quality court reporters either because they are blinded by a treasure trove of perceived 'freebies' or because someone harbors an undisclosed addiction to... the fleeting taste of Dom Perignon. If they check their transcripts and bills closely, they'll certainly think again before offhandedly booking court reporting services for such self-serving reasons."

Perhaps there should be a mandatory disclosure such as this affixed to every deposition transcript: "Notice is hereby given that receipt of deposition bookings in exchange for incentives offered to you by court reporting firms may expose you, your law firm and the court reporting firms to an IRS audit, and a citation and penalty levied against the court reporting firms by the California Court Reporters Board."

All right. Perhaps not. But, while that warning is fictitious, it nonetheless captures the drive afoot to realign the deposition market around rewarding quality and price and to educate legal professionals about the requirements of the Internal Revenue Code and the statutes and rules enforced by the California Court Reporters Board.

Early Langley, CSR, RMR, is a staff freelance reporter, Alken Welch Court Reporters, is President Elect (2011-2012) of the California Court Reporters Association, and a member of the Ethics First Committee of the National Court Reporters Association. She can be reached at early.langley@calccra.org.

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Continuing Ed Bill Update

In the March 2011 newsletter, we advised you that The Deposition Reporters Association is co-sponsoring California legislation with CCRA to enact continuing education requirements for court reporters, something that is long overdue and was one of the priorities set by you, our members, in DRA's **"There Oughta Be A Law"** fall 2010 seminars. The continuing education legislation is Senate Bill 671, authored by Senator Curren Price.

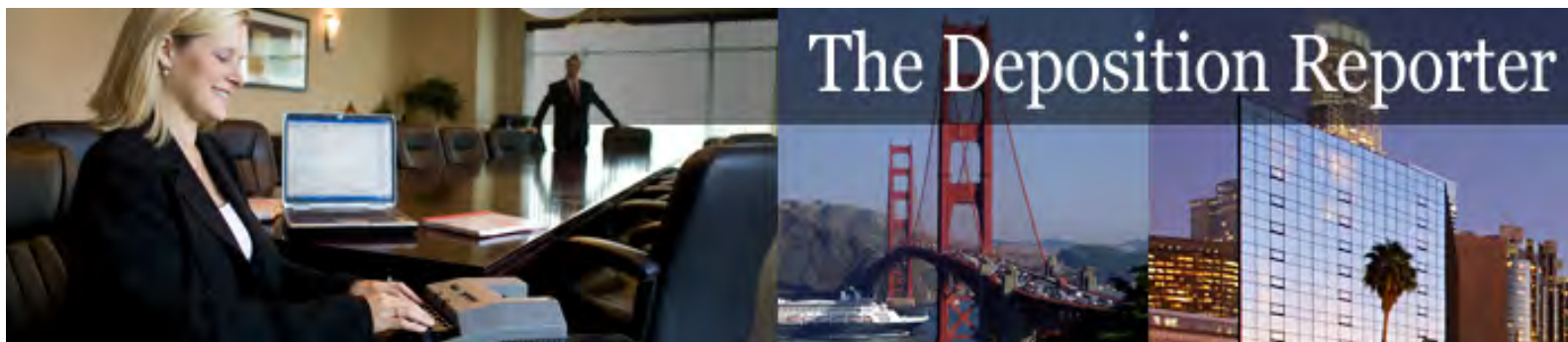
In the May 2011 newsletter, we advised you that on April 25, 2011 the bill passed out of the Senate Committee on Business, Professions and Economic Development by a vote of 8 to 1. That hearing was attended by three DRA committee members and our lobbyist, who were there to represent you, our members.

GREAT NEWS:

In this newsletter, July 2011, we are pleased to advise you that on July 5, 2011, our bill successfully passed out of the Assembly Business, Professions and Consumer Protection Committee with a bipartisan 8-to-1 vote. Next it will go to the Assembly Appropriations Committee and then the Assembly floor. We will keep you advised of the progress as it unfolds.

The goal of continuing ed programs is to raise the level of competence and professionalism of the practitioners in the industry. As technology continues to change rapidly, as litigation grows more complex and the judicial system becomes more sophisticated, effective preparation and continuing education and development to meet the changing demands of the profession proves even more critical. In addition, it is paramount to stay abreast of the changing laws governing court reporters. Currently, the only licensees in the legal profession in California who are not required to take consumer-protecting CE are freelance deposition professionals. Our official colleagues have been benefiting from CE for years. The only reason we haven't had mandatory CE thus far is because people don't understand or truly appreciate what we do and how important it really is. Getting broader respect and recognition in the legal and policy-making community is a long fight, and SB 671 is a key part of it.

To that end, DRA will continue to endeavor to ensure that California reporters are at the top of their game, which is critical in this time of rampant and continued threat of replacement by electronic recording.



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The World's Gone Paperless, So Why Not The Classroom

by **Sandra Natale, CRI**

One of the fastest growing trends in the 21st century has been the almost universal professional adoption of the "paperless" writer as the tool of choice for judicial reporters as well as CART providers and captioners. It is now estimated that over 92 percent of all new professional steno machines sold today are "paperless." It isn't hard to see why. Paperless writing technology offers a writing platform that allows reporters to write more comfortably for longer periods of time, permits cleaner writing through the use of on-board software that more accurately tracks keystrokes, and requires less mechanical maintenance and adjustment.

Yet while the professional world has enthusiastically adopted paperless technology, the educational infrastructure of our profession has been generally far more reticent to embrace or even permit the use of "paperless" writers by students, particularly those in the early stages of training. A rough survey of the approximately 80-90 institutions teaching in our profession in 2010 revealed less than 50 percent recommend or allow the use of a paperless writer in classroom training.

On the surface, these numbers seem rather surprising. Academic versions of the major paperless writer brands now available offer students important advantages in training. It is unquestionably less fatiguing to write the lengthy hours of practice a steno student needs on a machine which does not "push paper around a platen" than on one that does. It is also advantageous to students to practice on a machine with a "touch" that can adapt to their developing writing style progressively without repetitive and extensive contact adjustments. It is also important that the machine a student uses in training has the capability to replicate as closely as possible the professional "touch" they will need to be comfortable with on the job. Today's paperless machines offer a "touch" which is both adaptable throughout training and which is virtually identical to the "touch" of the professional paperless machine the student will eventually take to work. Several student paperless machines such as the Stenograph Wave also offer features like instant feedback through onboard screen displays of notes. With such feedback, fingering errors, misstrokes, and other writing issues common to learners can be immediately detected and much mistake repetition avoided. That is a huge advantage, especially to beginning students.

So why have schools who teach machine stenography been generally so reluctant to embrace paperless writing?

On the whole, teachers who do not embrace paperless writing seem to have four major concerns: ability to interpret and analyze writing issues via notes, cost, reliance on a CAT system, and premature introduction of realtime "feedback" to beginning students. These are all important concerns. However, today's paperless writer technology can and does provide attractive answers for all these concerns. Let's take a moment and explore each one and how paperless writing technology addresses each.

Can paperless writers provide the same level of "information" on writing issues such as drags, drops, stacks, fingering errors, misstrokes, pivots, timing issues, shadows, and other writing "flubs" as traditional paper notes? The answer might surprise many instructors. Current

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paperless writers such as the Diamante or Stenograph Wave, when used in conjunction with the free, non-CAT-system-dependent software download, TruView™ available from Stenograph can not only do as good a job as traditional machine-printed paper notes, they actually do it better. Not only does TruView allow Diamante/Wave users (students and professionals) to see drops, stacks, drags, stacks, pivots, shadows, misstrokes, and combinations of these types of errors easily, it also allows writers to see "timing errors."

By timing errors, we mean problems in left-right hand coordination which are not only errors in themselves, but which also can be contributing causes to other types of errors such as stacks and pivots. The reason we can see these types of errors in writing generated from the Diamante/Wave is because this technology actually was designed to replicate the stroke-recording technique of the pre-realtime "manual writer," recording the end of the stroke on the downward motion rather than the upward release. Previous generations of electronic machines had recorded the end of stroke on the release or upward motion of the end of the stroke, thus making the electronic notes unable to reflect timing errors between when the left hand and right hand fingers began or ended strokes.

While it is true that today's paperless writing technology generally carries a higher retail price than purchase of older, used machines, the actual cost of ownership of a paperless machine can be quite attractive to students. For example, let's say a student purchases a "used electronic steno writer" for \$800. That does compare favorably to the \$1995 retail price of a Stenograph Wave.

However, on average a typical full-time student uses three to four 50-pad boxes of steno paper in a year when writing 25-30 hours per week. At today's prices, that paper costs the student typically between \$300 and \$400 per year, depending on whether he or she buys in bulk or not. The paper cost alone of ownership of a machine generating paper notes is thus \$900-\$1200 over a three-year training period, actually exceeding the cost of the machine itself. The cost of printing paper notes from TruView, however, is much less for several reasons. First, ordinary copy paper can be used and notes can be printed multiple columns to a page and on both sides of the paper. At today's prices, paper costs to a Stenograph Wave User are approximately \$75-\$135 per year or \$225-\$435 for a three-year period. Thus over a three-year training period, the costs of using the older writer and the costs of using the Stenograph Wave are actually very similar. And when you factor in the increased trade-in value of the Wave (currently \$1200 when traded in against the purchase of a professional writer from Stenograph within three years of original purchase) the true cost of ownership and use of a Wave may actually be substantially less than that of the older technology.

Many teachers are also concerned about requiring students, especially beginning students, to acquire or use a CAT system too soon in their training. In part, some of this concern is cost based. The TruView option, however, is offered free of charge, so this should not be an ongoing issue. The way in which TruView displays notes, furthermore, should also address concerns of those teachers who argue that introducing CAT-system feedback too soon in training will discourage some students from developing the strong read-back and note-reading skills they will need to succeed in school and as professionals.

TruView is designed to provide feedback on any suitable computer screen after the file has been written. Therefore, such feedback cannot distract the student while writing. And since the note displays are easier to read than traditional steno paper notes, both on-screen and in printed format, use of TruView is designed to actually promote more frequent read-back and accurate note interpretation. Further, since the electronic note files can be emailed, teachers can coach and mentor students quickly without the cumbersome process of physically exchanging note files.

Teachers and students can also be assured that note errors revealed in TruView files are truly representative of the students' writing and not just the result of inadequate machine maintenance. Today's paperless technology does not require the level of mechanical maintenance or adjustment that paper machines do. In other words, for example, a shadow on notes generated by a Stenograph Wave and viewed in TruView is far more likely to be a writing issue than a "shadow" generated by a machine that pushes paper but has not been serviced in several years.

When you consider the advantages of more comfortable writing on a platform that adapts to meet the student's developing writing style until a professional touch is achieved "naturally," the true cost of ownership, AND the benefits of printable notes that more accurately represent virtually ALL writing issues, bringing paperless writers into the classroom just might be a big step toward giving more students a better chance to graduate and join this great profession.



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Court Reporting With Voice Recognition

By Jim DeCrescenzo

In May, I attended Visionary's rollout of their voice recognition program. Visionary is the industry leader in adapting voice recognition to the deposition environment. A demonstration in May 2011 highlighted the potential benefits and cost savings of replacing a court reporter at a deposition with a lower-paid technician and Visionary's voice recognition technology. At the demonstration we were told Visionary's voice recognition software provides an almost-immediate rough draft, with a digital recording serving as the final transcription source. For another view, check out Ted Brooks' blog.

My view is, the software's capabilities may be an upgrade in areas of the country that have already adopted digital reporting as a standard. Since the voice recognition product also produces multichannel digital recording from which the transcript will be produced, the starting point of each technology (VR and DR) is the same; a multichannel digital recording.

As the deposition proceeds, Visionary's voice recognition software begins translating and displaying the rough text. The attorneys and witness are mic'd, and the name of the speaker assigned to each mic is displayed rather than Q's and A's. Assigning a speaker to one of the four mic channels occurs as part of the pre-deposition setup by the technician. Additional speakers beyond the current capacity of four channels will need to have access to a mic and have the operator change that mic's name assignment. Plans are to expand mic capacity to eight channels and beyond.

The voice recognition software needs to "learn" how each speaker pronounces words. So creating a speaker profile is critically important to the translation. Because of this high hurdle, my opinion is early translations will be useless. Since court reporters return to the same clients over and over, repeatedly returning to the same client with voice recognition will yield a better translation as that speaker's dictionary continues to improve.

While that statement has merit, the reality is the client, the questioning attorney, is only one of the parties present in the room. There will be no speaker profile for the witness or opposing counsel. Assuming a quality translation for the client/questioning attorney and poor translation rates for opposing counsel and the witness, questions of usefulness and impartiality will inevitably arise.

In addition to building a speaker profile, it is suggested to use a case profile to narrow the possible words to translate. There are built-in dictionaries, such as asbestos, med-mal, construction, et cetera. The operator would also build case profiles.

In my opinion this product is not ready. There are too many shortcomings at this time that prevent voice recognition from being a threat to professional reporters. Among them:

-Attorneys resist change. If qualified reporters are available in a community, the cost savings will not be significant enough to impose change.

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- The concept of a low-paid technician being conscientious enough to do all that's necessary to make a quality record belies reality. If you're paying peanuts, you should hire a monkey.

-There are lots of equipment, wires, mics, computers, and a complex program. It is interesting to note we were unable to view a live demo at the rollout because of an equipment failure. Attorneys are used to a court reporter coming in, setting up, and off we go. The stenotype machine is one of the most reliable machines on earth. It is proposed that a computer, in itself prone to failure, will be coupled with a complex program and together they will run reliably at the hands of a low-paid technician. I think that also ignores reality.

-Court reporters are recognized as neutral participants in a deposition. The voice recognition technician is not. Not only is he not neutral, the financial justification for switching to voice recognition is that the operator will be a low-paid independent contractor. I believe it is illogical to assume a low-paid operator will conduct himself professionally, build the required speaker dictionary and case profile, maintain confidentiality, do appropriate backups, and otherwise fulfill the obligations of the professional court reporter.

-The voice recognition translation rates in a deposition setting do not exist. Having observed the demonstration, I believe the translation rate will be far below acceptable.

-At the end of the day, a transcriptionist will still need to transcribe the entire proceedings from the digital recording. The only proposed benefit of the voice recognition program is the display of the translation.

-The voice recognition software utilizes no punctuation, Q's and A's or capitalization. Imagine every word above as one sentence. Then imagine giving that to an attorney and telling him it's a better product!

-There is growing translation latency. The longer continuous speech goes on, the greater the translation latency. I've been in depositions that have gone hours without a minute break. Assuming the system worked perfectly, the translation would be significantly behind the proceedings, rendering the concept of the value of the immediate rough transcript moot.

-Finally, it is interesting to note that after travelling across the country to view the voice recognition software rollout, the live demo never occurred because the system failed at the hands of the experts in the field.

This is only my view. I invite your comments and questions.

<http://lawyerapproved.blogspot.com/>



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Murder Trial Increases Court Reporting School Demand

From a previous post on CalDRA News:

Orlando: It is a silent process, but is considered one of the most powerful tools during a trial. Since 1942 the Stenotype Institute in Orlando has been training future court reporters, but now because of the Casey Anthony murder trial, more people are asking about their programs, some which can be completed in just under two years. "They are writing in abbreviations, taking short cuts. They are able to write words and phrases in single key strokes and it makes it go faster. And they are not typing so much individual letters as they are able to type multiple letters at one time in order to be able to write those words," said Carl McGowen with the Stenotype Institute.

Those who are typing are cranking out about 25 words to 30 words a minute, but you are "writing" as a court reporter, everything is happening so fast, you are actually cranking out about 225 words a minute.

The pay is pretty good. The national average is \$62,000 per year. In Central Florida a court reporter can make between \$30 to \$80,000 per year.

The tool of the trade is a manual machine that is provided on a rental basis to help students get started, usually around the 4th semester they buy their own for about \$2,500 -- an investment that will hopefully yield returns.

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Depo Diplomat

Dear Depo Diplomat:

I have a court reporting question. One of my clients is being approached by a new party defendant in a case and wants copies of all the depos from him instead of ordering them from the reporter. He is demanding that my client turn over copies to him, and my client asked me if there is any rule that he has to provide them to him. I told him that there was nothing in the Code to stop him from copying them and being a nice guy to them, but they couldn't force him to make copies for them.

Do you have any thoughts or input? How did they stop it in the OJ case? I know that was an issue there.

These attorneys for some new parties that have just been added to this litigation are taking the position that they could make a discovery demand ("produce all copies of all deposition transcripts") and that, under the discovery rules, my attorney client would be obligated to comply and could only charge for his own per-page copying charges. According to my client, all of that is true, so we're wondering if there is some written policy, statute, rule, etc., which would excuse him from having to comply with that kind of a discovery demand.

I know this is an issue for court reporters all over the state in this case. At least my client is being kind enough to make an effort not to let this happen by asking for my input.

Thanks so much.

Dear Reporter:

The only law that absolutely prohibits the sharing of copies or one attorney providing to another attorney any transcript copy exists in the Government Code, Section 69954, and I'll paste that here for you. This prohibition also would have applied in the OJ case, by the way.

69954.

(d) Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule, or for internal use, but shall not otherwise provide or sell a copy or copies to any other party or person.

Now since this language is contained in the Government Code, it applies to official court transcripts and not to depositions, per se. However, one of our clients a few years ago was faced with the same situation -- a new party coming into the case first asked and then demanded copies from her of all previously taken depositions -- and she refused, insisted that the attorney come to us to buy their copies, and she referred to this very language as the law that prohibited her from providing the copies that he wanted. They disagreed about this, and the attorney trying to get the copies even called me and asked me about this language, and I had to tell him honestly that I didn't believe this language could be applied to depo transcripts. But they fought about this all the way into court, and amazingly our client prevailed; the court concurred. Now I still

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don't know how she persuaded the court on this, but the attorney needing these copies ultimately ordered them from us. So ever since that experience, I've encouraged attorneys who are facing this same situation and are looking for some statutory language for guidance to try using this Section 69954 language, see if it will work. Of course, it doesn't specifically exclude depo transcripts or only mention court transcripts, but all the language preceding this section in the Government Code is referring strictly to official transcripts.

What I am wondering about, though, is if discovery demands have always been broad enough to include all the work previously done and paid for by the original parties involved -- depo transcripts being part of that work -- then why haven't parties coming into the case later always been able to get existing transcripts from those original attorneys? Certainly we all have had law firms come to us in the middle of a case and order copies, so why would they go to that expense if those copies were always available to them in this fashion? And come to think of it, if attorneys representing later-named parties could obtain depo transcripts by submitting a discovery demand to the original attorneys involved, why couldn't any party at any time try the same approach in order to get the depositions without paying for them? I admit to knowing very little about this, what a discovery demand is supposed to encompass, but either it isn't meant to include previous depositions and this attorney is overreaching, or a whole lot of attorneys over the years have believed they were only allowed to get transcript copies directly from the reporter. Or perhaps they're just getting a lot tighter with their money these days.

I just consulted my "in-house" counsel here, and his experience is that upon receiving such a demand, he'd be willing to comply with most of the discovery documents, but he says he certainly isn't required to produce to another counsel depo transcripts that he has paid good money for, and there's no reason he should be expected to. The transcripts are readily available for the other attorney to order from the reporter, and he'd refer this requesting attorney to the reporter to purchase his own copies. There's no reason why he should bear that expense and then share it, at copying costs only, with another counsel. Each party's counsel has access to copies from the source, the reporter, and that's where they should go for them. And he doesn't believe that there is any rule within the CCP that states that a discovery demand would require he turn over depo copies to this other attorney. Now they might have to fight about this, even end up in court over it, but he'd be willing to do so -- and not just because he's married to a reporter -- but is pretty convinced that the judge would side with him and instruct the other counsel to go get his copies from the reporter, like everyone else in the case had. And maybe that's really the reason that our client prevailed in that other situation, not because the judge agreed with her that the above Government Code language did apply here, but because he believed that one party shouldn't have to share with another party, at essentially no cost, what they've paid handsomely for.

Maybe if your client is willing to fight about it, he can just say no, that he'll provide the other documents that he has, but will not make copies of his paid-for transcripts; those they can get from the reporter, just like he did. He can throw in this Government Code language for backup, if he wishes. Then the other attorney will have to fight over this issue if he's not willing to pay for his copies, and the judge may very well support your client. Or maybe this other attorney won't even be willing to take the argument that far.

Good luck with this, and keep us informed on what comes of this, please.

Toni

Antonia Pulone, CA CSR 3926
DRA Depo Diplomat



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May 2011 Student Barbeque

DRA held another successful event at Cerritos Regional Park on Saturday, May 21st for currently-enrolled court reporting students. DRA District Representatives Charlotte Dunn and Vicki Saber, Vice President Sue Campana and President Lisa Michaels hosted.

Attendees enjoyed a fabulous day in the sun mingling with their friends from school as well as meeting students from other programs across Los Angeles and Orange Counties. A tasty Mexican-themed fiesta of tacos, chips and salad was enjoyed, followed by Charlotte Dunn, DRA's Orange County representative, enthusiastically motivating participants to join in on some fun park-setting games – the competition was hilarious to watch and game winners proudly thrust their arms in the air in victory!

The afternoon continued with a wonderful panel of new working reporters Rich Alossi, Cheryl Haab, and Carrie LaMontagne addressing the students on life after the CSR exam. They each gave a terrific introduction of themselves and how they are navigating the freelance world. They gave invaluable advice of the importance of joining associations, how to go about developing relationships with agency owners, etc. The three then held a question-and-answer session from the students, many of whom would have stayed all day questioning and/or listening if they could! The day concluded with a free-tickets raffle where students had the opportunity to win not only a variety great prizes, but an additional opportunity to win student software graciously donated by Stenograph, Eclipse and Stenocat.



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NCRA 2011 Election Instructions

As of close of business June 15, the nominating period for challengers to petition their way onto the ballot ended. Per Article VIII of the NCRA Constitution and Bylaws, additional nominations for NCRA director and officer positions were to be in writing and postmarked no later than June 15, 2011.

The final slate of candidates will be as follows:

President-Elect:

● **Judith G. Werlinger, RMR, CRR, CMRS, FAPR**
Hearne, Texas

● **Tami Smith, RPR, CPE**
Lansing, Mich.

Vice President:

● **Sarah E. Nageotte, RDR, CRR, CBC**
Jefferson, Ohio

● **Sandra M. Mierop, RPR, CRR, CCP, CBC, FAPR**
Anchorage, Alaska

● **Nancy Varallo, RDR, CRR, FAPR**
Worcester, Mass.

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

1) Preliminary Voting

A secret written ballot shall be cast by all eligible Voting Members present and voting at the NCRA Annual Business Meeting, 8:30-11:00 a.m. Pacific Time, Thursday, July 28, 2011 at Bally's Hotel, Las Vegas Nevada.

Per Article VIII, Section 4 (c) of the NCRA Constitution and Bylaws, you must be physically present at the meeting to participate in this preliminary round of voting.

Per Article IX, Section 3 (b) of the NCRA Constitution and Bylaws, voting by proxy shall not be permitted.

Per Article VIII, Section 4 (c) of the NCRA Constitution and Bylaws, the two candidates receiving the highest number of votes on this preliminary ballot shall move forward to the final ballot, which will be conducted electronically.

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2) Final Voting

The names of the two remaining candidates for Vice President shall be included on a ballot distributed electronically immediately upon adjournment of the Business Meeting. Per Articles VIII and IX of the NCRA Constitution and Bylaws, voting will open within two hours of the adjournment of the Annual Business meeting on Thursday, July 28, 2011. (All eligible voting members for whom NCRA has an active e-mail address will receive an e-mail once balloting has opened.) Secure ballots may be cast by eligible voting members electronically from any computer with internet access. Voting will be open for a period of 12 hours.

Director (Three Year Term):

●**Sue A. Terry, RPR, CRR**
Springfield, Ohio

●**Christine J. Willette, RMR, CRR, CCP**
Rothschild, Wis.

Per Articles VIII and IX of the NCRA Constitution and Bylaws, voting will open within two hours of the adjournment of the Annual Business meeting on Thursday, July 28, 2011. (All eligible voting members for whom NCRA has an active e-mail address will receive an e-mail once balloting has opened.) Secure ballots may be cast by eligible voting members electronically from any computer with internet access. Voting will be open for a period of 12 hours.

Uncontested Elections

Only one nomination was made for the following offices:

Secretary-Treasurer:

●**Bruce A. Matthews, RDR, CRR, FAPR**
Cleveland, Ohio

Director (Three-Year Term):

●**Toni C. O'Neill, RPR, FAPR**
Riverside, Calif.

Director (Three-Year Term):

●**Stephen A. Zinone, RPR**
Canandaigua, N.Y.

These candidates will be deemed elected at the Annual Business Meeting, July 28, 2011.

In addition, per Article VI, Section 2 of the NCRA Constitution and Bylaws, President-Elect R. Douglas Friend, RDR, CRR, automatically advances to the position of President following the Annual Business.

Election Results

Election results shall be posted on the NCRA website within one hour of the close of the voting period. Results will also be posted at that time in the registration area of the convention.

All duly elected officers and directors shall be sworn in at the "Premier Session and Installation of NCRA Officers and Directors," 9:00 a.m. Pacific Time, Friday, July 29, 2011, at Bally's Hotel, Las Vegas Nevada.

Amendments to the NCRA Constitution and Bylaws

Per Article XVIII of the NCRA Constitution and Bylaws, proposed amendments must be filed no later than ninety (90) days before the date of the Annual Business meeting. As of April 29, 2011 (ninety days prior to the 2011 NCRA Annual Business Meeting) no amendment proposals had been filed. ***Accordingly, no amendments to the NCRA Constitution and Bylaws will be considered at the July 28, 2011 Business Meeting.***

Remote Access to the Annual Business Meeting

Current information on the Annual Business Meeting, including how to access the live webcast of the meeting and how to access the transcript of the meeting can be found here:

- Link to be provided when available

Online Voting Instructions

Step-by-step instructions explaining the voting process, with screen shots, are posted here.

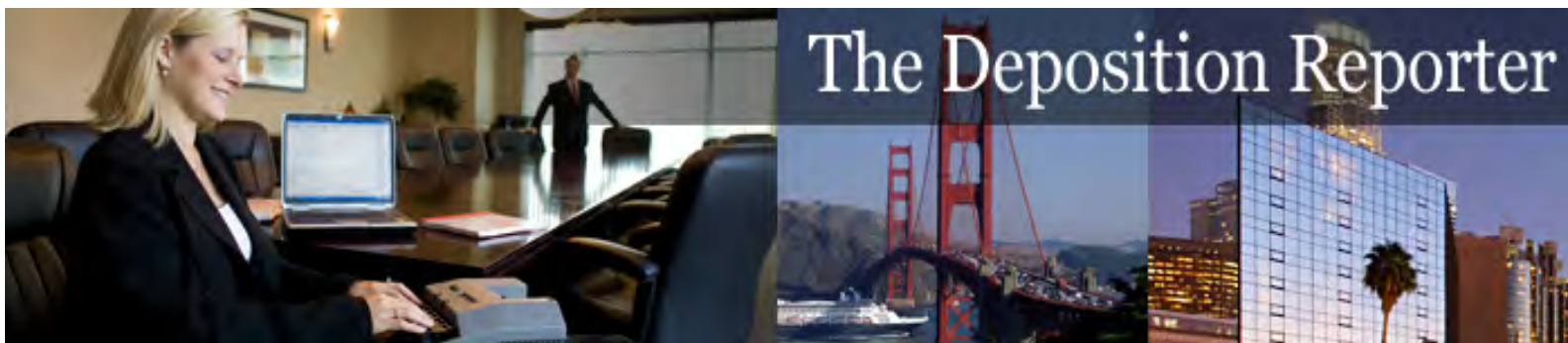
•How to Vote

The online vote will start within two hours of the end of the Annual Business Meeting and will be open for 12 hours on Thursday, July 28, 2011. (The Annual Business Meeting will begin at 8:30 a. m. Pacific Time.)

When voting begins, an e-mail will be sent to all eligible voting members for whom NCRA has valid e-mail addresses. Members will be sent a link to a secure voting Web site.

At the secure Web site, you will be asked to enter your NCRA ID number followed by your NCRA Online password. Please note that this is the same login you would use to access the NCRA Web site to view your CEUs, purchase items from the NCRA Store, etc.

Members attending the business meeting in person will also be casting their votes electronically via their own computers or on voting computers which will be available at the convention hotel. Print versions of the voting instructions will be available at any voting kiosks outside the Annual Business Meeting.



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Response To Sacramento Bee Editorial

We are writing in response to the recent Sacramento Bee editorial, "It's time to cut court reporters," published in the April 28 Tribune.

Although there are many issues that need to be addressed relating to this issue, we will limit our response to the effect that electronic recording would have on our judicial system.

The overwhelming response in the legal community is that court reporters are of crucial and vital importance to the system. We provide an accurate, efficient and verbatim record of courtroom proceedings; this is of benefit to attorneys, their clients, judges and members of the general public. A human being who is trained and skilled in this field cannot be replaced by an audio recording. It's been implemented in other states and has failed miserably, resulting in lost records and more money spent trying to remedy problems.

Past studies on the issue have proven court reporters are less costly in the long run. Transcriptionists who have had the misfortune of trying to produce accurate, precise, verbatim records from audio recordings can attest to how difficult they are to comprehend.

Imagine listening to an audio recording from a murder trial heard in a courtroom with no court reporter. Imagine you weren't present, had no experience or training in the legal field and you were trying to discern four different individuals' voices with the intention of creating an accurate transcript that needs to be produced for a convicted murderer who could possibly get out of prison if his sentence is overturned in the appellate process due to poor or missing electronic recordings.

Imagine that you couldn't hear legal objections or couldn't discern the voice of who was speaking. Imagine you identified the wrong person speaking and couldn't clarify their words. Imagine you had a witness with a heavy accent. Imagine someone was speaking at over 200 words per minute and you couldn't ask the witness to slow down.

What if this were you in the defendant's chair and you were sent to prison because of an electronic recording mishap and you were innocent. What would happen? An entirely new trial at an exorbitant cost to taxpayers. A conviction overturned and a convicted murderer out on our streets. An innocent person sentenced to prison. These are all possibilities.

We hope for the day when there is an understanding and respect for the members of our profession. We are unique and skilled individuals who have gone through years of schooling and state tests to perform our duties.

We have long provided an irreplaceable service to the judicial system that is both physically and mentally taxing. We provide instantaneous access to proceedings through readback and real-time translation.

We fully agree that our state is in crisis, but we don't think the answer lies in removing a crucial facet of our judicial system, and by doing so, having our legal system adversely affected.

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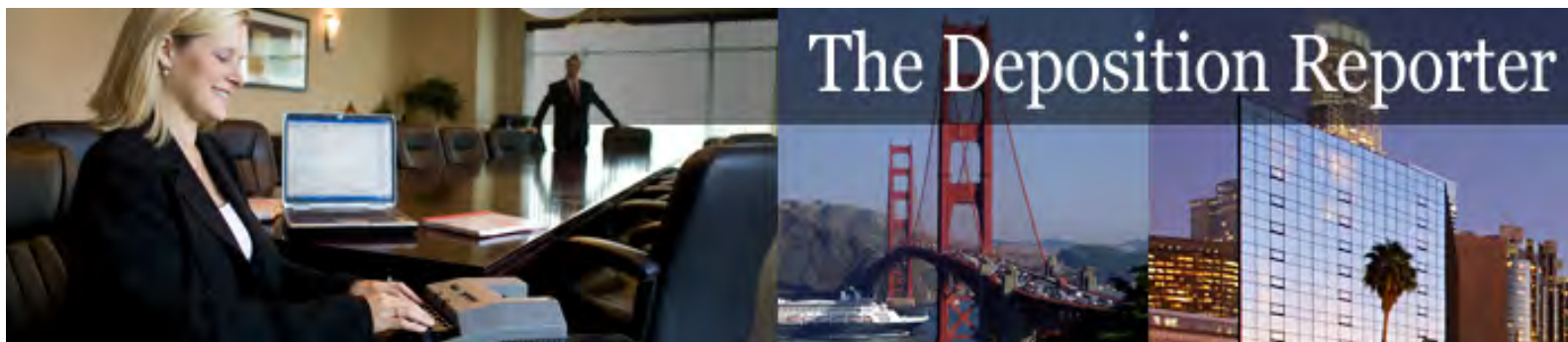
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Sirena M. Ulibarri is an official court reporter in San Luis Obispo County. She submitted this on behalf of herself and her colleagues Lisa Andrews, Brenda Bowen, Carolyn McMickle, Dolores Byers, Cassie Frasher, Shannon Wilson and Christina Schwandt.

Read more:

<http://www.sanluisobispo.com/2011/05/12/1599389/viewpoint-court-reporters-vital.html#storylink=misearch#ixzz1MZwqwPxy>



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Ask Kentucky What Service Are They Really Providing The Public

By Jeri Cain, Certified Shorthand Reporter #2460, RMR, CCRR, CRR, CLR

In light of the article dated June 7, 2011 by a representative of the State of Kentucky promoting "digital audio and video court recording" as the solution for saving California hundreds of millions of dollars every year over keeping official court reporters in the courtrooms, I felt compelled to speak out as a licensed California Certified Shorthand Reporter who has assisted with transcribing taped court proceedings myself for well over a year.

Click here for the full article: <http://videocourtrecording.com/2011/06/07/ask-california-why-kentucky-can-do-it-they-cant/>

From firsthand experience, the quality and administration of these electronic recordings is hit and miss. Sometimes the judge's mic is so loud that you can't hear the other speakers, or one of the mics is turned off, or some mics are set to the lowest setting and speakers are allowed to speak at distances away from the recording device. The transcriber can manually turn the mics up or down during the transcription process, but it is a tedious and time-consuming process having to continually back up and monitor the recording in order to get a complete sentence on paper. The procedure for recording varies from courtroom to courtroom. There doesn't seem to be a standard procedure in place. It is left up to the person monitoring the recording device in the courtroom, be it the clerk or a hired monitor. When transcribing one trial, the tape recorder was not turned on and most of the afternoon session was simply not recorded. Some entire trials were found not to be recorded when a party requested a transcript of the proceedings.

The judges do not identify themselves and often forget to ask the parties to state their names for the record. This is usually taken for granted by having an official live court reporter in place. There is no reporter to note this information or ask someone to repeat testimony when the participants speak simultaneously or too low to be heard. The microphones pick up whispers of attorneys to clients, side-bar discussions, conversations not intended for the written transcript, conversations with clerks and bailiffs, and other extraneous noises which are left to interpretation. When it comes to making a written record, it is virtually impossible to determine who said what first when speakers are allowed to talk at the same time. An official reporter takes charge as part of their daily duties of protecting the record and insists that the participants speak one at a time in a loud enough voice to be heard clearly.

When making the official record from a taped proceeding, the transcriber has to check with the clerk's file to determine who the judge is, which department they presided in, and who the attorneys are, in order to add this information to the transcript. There is additional time setting up the cover, appearances, and looking for spellings for which the transcriber is not compensated. The code only provides for compensation on a per-folio basis, period.

Some courts have stopped using online transcription services and nonreporter types for preparing a transcript because the transcripts often read as if the litigants, including the judge, were foreign speakers, and there were so many unintelligibles that it rendered many transcripts

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unusable and a complete waste of time, money and resources.

A local official reporter told me the judges only want court reporters to transcribe these CDs from now on, but the officials don't have the time to transcribe them with continuous hiring freezes and backlog, so it is delegated to contract workers to handle, often those who are not trained or even qualified to be paid for this service.

By law, the county pays a maximum of 2.8 folios per page, 28 lines per page, so in order for the work to be performed by qualified people, my firm had to pay the transcriber the entire \$3.15 per page for O&2 or \$2.85 per page when only an original transcript was requested. So all the administration work, including picking up the CDs and hand-delivering signed, bound, printed transcripts to the clerk's office, which includes the cost of the transcription software, labor, proofreading costs, printing costs, binding supplies, office overhead, mileage, billing and payroll for the transcribers is included in that per-folio page rate. There is no provision in the code for shipping and handling or the many other administration costs involved in performing this task. In the present economic climate, and widespread requests to have reporters replaced by machines, much of this publicity being announced by California's own governor, most official court reporters are afraid to ask for a raise in the folio rate for fear of losing their jobs and look to freelance reporters for help.

The Kentucky article touting electronic recording as the savior of state budgets does not address these practical issues. The September 3, 2010, article, however, does report the tremendous failure for using this method of keeping the court record in Kentucky. I hope you will take the time to carefully read the article.

Click here for the full article: <http://www.mapcr.org/Resources/Documents/courier%20journal.pdf>

It may be true that state courts will save the cost of salary and benefits for a handful of fired court reporters, but the individual consumers, you and me, are paying a hefty price by having the public pay as they go without the courts taking responsibility for frequent equipment and operator failures in the administration of justice. I don't see a cost savings for producing a taped transcript when a tape recording monitor or a clerk is hired to replace a court reporter and when a contract worker is hired to transcribe a proceeding they were never a part of in the first place. It seems to me there are added costs involved in this process and that part of the cost is shifted to the consumer, a decision made without the consumer's feedback or knowledge, when these unqualified monitors step into the role of being court reporters. Certified court reporters must undergo rigorous years of education and training before becoming licensed to perform this task. If I, or any of my fellow CSRs, neglect to report any section of a trial or deposition, we could be taken before the Court Reporters Board of California on incompetence charges and have citations issued against our licenses. Where is the accountability by the court administration for their frequent failures?

It appears to this writer that by implementing electronic recording in courtrooms throughout the country in lieu of utilizing trained and licensed official court reporters, the states are dodging their fiscal and social responsibilities to the unaware taxpayer by announcing to its citizens, "We will no longer take responsibility for ensuring you have a fair and impartial trial." The states are responsible to its citizens for providing equal justice to all. In my opinion, by removing official court reporters, it is akin to running a courtroom without a presiding judge. Please listen to the very people whose jobs it is to perform these courtroom tasks on a daily basis. They are called Certified Shorthand Reporters for a reason.



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May 2011 Sacramento Core Curriculum

Core Curriculum Draws A Big Crowd
By Lorrie L. Marchant and Lois Ludwig

Lorrie writes:

On May 14, 2011 DRA hosted a CORE Curriculum I seminar at Argonaut School of Reporting in Sacramento. This was the first CORE Curriculum that I have attended, and I was very impressed!

I had the pleasure of picking up Lois Ludwig, Karen Klein and Jeri Cain from their hotel and chauffeuring them to the school. It was a bit of an adventure as we were having difficulty finding our way there, even with GPS, and the ride felt something akin to Mr. Toad's Wild Adventure at Disneyland! Eventually we all made it safe, sound and on time.

There were 32 attendees, in addition to myself, Diana Sasseen and Lisa Michaels. Lois Ludwig, Karen Klein and Jeri Cain, as expected, did an excellent job of organizing and presenting the seminar. A big thanks goes out to Bonnie Comstock and Tami Faughn of Argonaut School of Reporting for hosting this event. Diana brought healthy snacks to munch on and the school provided the always much-needed coffee. Diana's mother was also there (Diana and her mother were en route to a vacation) and was a big help with distributing the handouts.

The curriculum was conducted from 9 a.m. to 1 p.m., but we could have used the entire day! There was such a wealth of information packed into four hours' worth of time. Lois utilized a projector and screen to aid her in her presentation. Some of the many topics covered were: disposition of the original transcript; how to properly fill out a worksheet; what critical information is needed on the worksheet in order for the office to properly process the job; sample transcripts, blurbs and certification pages; best practices for the use of backup audio media; how to properly create a transcript which contains nonconfidential and confidential portions throughout it; California Minimum Transcript Format Standards, when it is okay to go off the record; deposition situations and dilemmas, and so much more.

Karen Klein demonstrated how DepoMap (an electronic guide to the rules and regulations governing reporters which she created) can be an invaluable tool for reporters in order to answer any procedural questions that may arise during a deposition. A DepoMap CD-ROM was raffled off at the end of the session and Janice Castater was the lucky winner. DepoMap can be purchased at a nominal \$35 for members on DRA's Web site, www.caldra.org.

Overall, the CORE Curriculum I was a HUGE success. Everybody, including me, walked away with a new wealth of knowledge and had many more questions to be launched at Lois and Karen. If you have not attended a CORE session yet, I highly recommend doing so, as the subject matters covered pertain to not only new reporters but seasoned reporters as well. I think that I can safely speak for everybody who attended when I say that we all are very anxious and very much looking forward to the next session of CORE!

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Lois writes:

"Q. Were your questions answered to your satisfaction?

"A. Yes. But could have gone on forever."

"A. Can't believe what I learned when I thought I knew everything. Very much looking forward to future COREs."

Yes, once again DRA's CORE CURRICULUM, Module I, was held at Argonaut in Sacramento on Saturday, May 14, 2011, from 9:00 a.m. to 1:00 p.m., with great success. The hostess for the CORE presentation was DRA's own District 3 Representative, Diana Sasseen. Thanks, Diana, for being such a gracious hostess.

A very special thanks to Bonnie Comstock and Tami Faughn, both teachers from Argonaut, who donated their precious time to be there on a Saturday morning bright and early to welcome us all with great enthusiasm and support. It would not have been possible without their generosity in giving up their Saturday.

It was a terrific and energetic group of reporters – deposition reporters, official reporters, student reporters, and teachers – and, as always, the interchange among the presenters and those attending was outstanding and invaluable to all of us. It never ceases to amaze the presenters of the CORE how everyone is so willing and eager to share their stories and expertise in dealing with the handling of difficult situations out in the real world of court reporting. It is the interchange among all present that creates such successful CORE modules.

DRA is looking forward to meeting again in Sacramento for the remaining CORE Modules II, III, and IV.







Click here to view more photos:

http://www.caldra.org/images/photogalleries/2011_MaySacCORE/

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Congratulations New CCRRs!

DRA WELCOMES TWO NEW CCRRs!

On May 14, 2011, DRA added two new reporters to the list of those holding the cherished California Certificate in Realtime Reporting.

The test was administered in conjunction with the California Official Court Reporters Association's seminar in Long Beach, California. Twenty-four candidates sat for the exam and two passed.

Congratulations Reagan Evans of Ontario California and Leslie Johnson of Carlsbad California!



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NCRA Wireless White Paper

Wireless Task Force Releases Final Wireless White Paper

Reprinted from the June 2011 Newsflash with permission from NCRA, the professional association for reporters and captioners, <http://ncraonline.org>

Task Force Expanding Peer Review Process The Wireless Task Force is pleased to announce that its white paper, titled *The Secure Delivery of Transcripts Using Wireless and Internet-Based Realtime Methods*, has been officially completed.

Click here to view: [DRA Newsletter 2011 July - NCRA Wireless White Paper pdf](#)

"This white paper is going to become the benchmark to judges, court administrators, IT professionals, and litigants, demonstrating that wireless and Bluetooth realtime are 100 percent secure," said Wireless Task Force Chair SueLynn Morgan. "We have found that the majority of federal and state courts have not yet broached the issue, and the task force wanted to be proactive and provide some certainty to the multitude of court reporters who provide a much-needed service in their courtrooms on a daily basis."

Currently, the task force has already had an objective source review the paper. The task force contacted Independent Security Expert Carl Davis, C|EH, CISSP, MCSE, CCSA to ask him to offer his suggestions on ensuring that wireless realtime is both safe and secure for courts to use.

Concluded Mr. Davis, "Concisely, I would like to stress that the wireless technology promoted by the Wireless Task Force is safe and secure if used and implemented in a secure manner."

The task force will also request to have the paper peer reviewed by COSCA and NACM's working group on all issues technology, the Joint Technology Conference (JTC). If the JTC agrees to offer a peer review, it will give credibility to the content and provide assistance in distributing the final paper to a larger, more diverse audience so that individuals involved with the court system will understand the security of wireless and Bluetooth realtime.

SueLynn Morgan, Bill Weber, Sandy VanderPol, Julie Thomas, Jerry Kelley, and Adam Finkel all shared co-authorships.



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You Think English Is Easy?

- 1) The bandage was wound around the wound.
- 2) The farm was used to produce produce.
- 3) The dump was so full that it had to refuse more refuse.
- 4) We must polish the Polish furniture.
- 5) He could lead if he would get the lead out.
- 6) The soldier decided to desert his dessert in the desert.
- 7) Since there is no time like the present, he thought it was time to present the present.
- 8) A bass was painted on the head of the bass drum.
- 9) When shot at, the dove dove into the bushes.
- 10) I did not object to the object.
- 11) The insurance was invalid for the invalid.
- 12) There was a row among the oarsmen about how to row.
- 13) They were too close to the door to close it.
- 14) The buck does funny things when the does are present.
- 15) A seamstress and a sewer fell down into a sewer line.
- 16) To help with planting, the farmer taught his sow to sow.
- 17) The wind was too strong to wind the sail.
- 18) Upon seeing the tear in the painting I shed a tear.
- 19) I had to subject the subject to a series of tests.
- 20) How can I intimate this to my most intimate friend?

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Let's face it - English is a crazy language. There is no egg in eggplant, nor ham in hamburger; neither apple nor pine in pineapple. English muffins weren't invented in England or French fries in France . Sweetmeats are candies while sweetbreads, which aren't sweet, are meat. We take English for granted. But if we explore its paradoxes, we find that quicksand can work slowly, boxing rings are square and a guinea pig is neither from Guinea nor is it a pig.

And why is it that writers write but fingers don't fing, grocers don't groce and hammers don't ham? If the plural of tooth is teeth, why isn't the plural of booth, beeth? One goose, 2 geese. So one moose, 2 meese? One index, 2 indices? Doesn't it seem crazy that you can make amends but not one amend? If you have a bunch of odds and ends and get rid of all but one of them, what do you call it?

If teachers taught, why didn't preachers praught? If a vegetarian eats vegetables, what does a humanitarian eat? Sometimes I think all the English speakers should be committed to an asylum for the verbally insane. In what language do people recite at a play and play at a recital? Ship by truck and send cargo by ship? Have noses that run and feet that smell?

How can a slim chance and a fat chance be the same, while a wise man and a wise guy are opposites? You have to marvel at the unique lunacy of a language in which your house can burn up as it burns down, in which you fill in a form by filling it out and in which, an alarm goes off by going on.

English was invented by people, not computers, and it reflects the creativity of the human race, which, of course, is not a race at all.. That is why, when the stars are out, they are visible, but when the lights are out, they are invisible.

PS. - Why doesn't 'Buick' rhyme with 'quick'?



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Florida Reporters Earn More Than Statutory Rates

We found the following appellate decision out of Florida very interesting and thought you might, too.

Summarizing a bit...

It appears that Official Reporters, Inc., of Florida, was the only entity to bid on reporting services to be provided for the Justice Administrative Commission in the Fourth Judicial Circuit of Florida. The Commission accepted the rates bid by Official Reporters, even though the rates were higher than those set by statute.

Then it seems there was some objection to paying Official Reporters, Inc. the contracted rates agreed to, because the trial court had to direct the Commission to pay them the rates charged per their contract, and the Commission then appealed the trial court's decision.

The Appeals Court ruled against the Commission, supported the trial court's decision, and stated that the contractual rates should be paid through the ending date of the contract and added that payment above the statutory rates after that date would be a departure from the requirements of the law, since without a contract in effect, the rates set by statute would apply to reporting services.



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Welcome New Members

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

Sophia Benedict
April Blanco
Jenny Craig, CSR
Shannon Elisalda
Lauren Fisher
Sue Forester
Linda Giesler
Dana Harris, CSR
Karen Hendershott
Kathleen Hettick
Cheryl Hooper
Melon Howard-Price
Toni Kim
Michelle Knowles, CSR
Ann Leitz
Joanne Lozano
Sherry Macias
Angie Materazzi, CSR
Carol McLeod
Lisa Palmer, CSR
Lorie Rhyne, CSR
Jennifer Rinehart
Maribel Rodriguez
Lanny Rogers
Karina Ruiz
Raquel Sanz
Debra Schwartzkopf
Siew Ung
Theresa Ward
David Watson
Sherree Franich Young
Maria Yopez



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Join online: www.caldra.org

Mail Application to:
DRA
7172 Regional Street #111
Dublin, CA 94568
Fax to: 925-905-2611
E-mail to: cal_dra@yahoo.com

Name _____ CSR # _____ ☐ NCRA Member # _____

Firm/School _____ ☐ Firm Owner ☐ Instructor ☐ Student

Address _____ City/State/Zip _____

E-mail _____ Website _____ Home Phone _____

Cell Phone _____ Office Phone _____ Fax _____

Referred by _____ OR ☐ Facebook ☐ Direct Mailing ☐ Internet search

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

(Any person whose primary reporting income is derived from the practice of deposition reporting or general reporting and who holds a current CSR license issued by the Court Reporters Board of California.)

☐ **Associate** \$ 125 ☐ **Three-year associate membership** (\$375 – save \$25) \$ 350

(Any person whose primary reporting income is derived from working as an Official Court Reporter, who holds a current CSR license issued by the Court Reporters Board of California; **OR** any non-CSR who has passed the National Court Reporters Association Registered Professional Reporter examination; **OR** any person wishing to establish a professional affiliation with DRA to assist in promoting the mission of the Association.)

☐ **Student** \$ 30
(Any student enrolled in a verbatim shorthand reporting school)

☐ **Instructor** \$ 50
(Instructors who are nonreporting CSRs or, if not CSRs, who teach at institutions recognized/certified by the CRBC.)

☐ **PAC (not tax deductible)** Amount \$ _____
(Used to support the passage or defeat of legislation that has an impact on our members and for the support of political candidates seeking elective office who share similar points of view on issues that are important to our membership.)

☐ **FRIEND OF DRA (tax deductible)** Amount \$ _____

☐ **STUDENT SCHOLARSHIP** Amount \$ _____
(Currently three student scholarships awarded each year to help further student education)

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☐ Check # _____ enclosed (payable to DRA) in the amount of \$ _____

☐ Charge \$ _____ to my: ☐ VISA ☐ M/C ☐ Discover ☐ AMEX ☐ Sign me up for automatic Renewal

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*(Membership is for one year from the date dues are received. A portion of your dues will be used for lobbying activities as defined by the Revenue Reconciliation Act of 1993. For this year's dues it is estimated that the percentage used for such purposes will be 55%. This portion of your dues is not deductible as an ordinary and necessary business expense. **NOTE: Checks returned from the bank for any reason will be assessed a \$25 service fee.**)*

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