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ATTENTION ALL QUALIFIED FLORIDA CART PROVIDERS!

CART Committee Chair Lisa Johnston would like all qualified Florida CART providers to send her your e-mail address and experience and training in providing CART to your consumers.

Please e-mail your information to:
 Lisa Johnston, RMR, CRR, CCP, CBC
 CART Committee Chair
lisaprovidingcart@gmail.com



By Robin Merker, RPR, FPR,
2010-2011 President



One Year Added to Our 50 Years of Success!

As we move into fall, we are gearing up for our Annual Convention September 16-18 in Altamonte Springs. This is truly a golden anniversary, as we're celebrating 50 years as an association. It's a good time to look back at what we've done and then look forward to all we can accomplish together.

If you read the E-Flash earlier this summer, you know that despite the best efforts of our Government Relations Committee, we were unable to get a positive result out of the Legislature this session. However, with the Fiorentino Group's help, we have laid the groundwork to address legislative issues affecting court reporters now and into the future. Rest assured that we have not given up on getting the rates changed in the budget.

At our Mid-Year Conference's business meeting, the dues increase was approved overwhelmingly. While half of the increase is to be specifically allocated to our lobbying efforts, the other half is to defray increasing expenses and fund new initiatives to promote reporters and the reporting profession to the legal community and the public. Our Government Relations and Public Relations Committees will both be very active in the coming year meeting this mandate.

Back in April, an E-Flash went out regarding NCRA's Ethics First Campaign and how joining Ethics First not only supports FCRA's Code of Professional Ethics, but gives firms and individual reporters access to resources that can be utilized to promote themselves to the legal community. I am pleased to announce that, as of mid June, 70 Florida reporters have joined Ethics First, along with 24 firms. That's a great start, but with almost 700 members in FCRA, we have a long way to go. It would be wonderful if every reporter and firm officially subscribed to the principles of Ethics First. If you have already joined Ethics First, don't be shy about encouraging other reporters to follow in your footsteps. To check out all the resources available and to see who in Florida has already joined, just go to: <http://ncraonline.org/ethicsfirst/>.

In addition to the materials available through NCRA's Ethics First site, our Public Relations Committee is in the process of creating our own FCRA toolbox of materials dealing with gift giving, including IRS implications for attorneys and other articles reflecting positively on the

benefits of using a qualified court reporter.

On behalf of FCRA, congratulations go out to Paulita Kundid. Paulita has been an integral part of FCRA, ably serving in many capacities over the years. In May, Paulita, an FCRA Past President, as well as our current Public Relations Chair, was appointed to the Florida Bar Citizens Advisory Forum. This advisory group helps provide two-way communication between the state's major citizen constituencies and the Bar's Board of Governors. Its objectives are to serve as a feedback mechanism and sounding board on Bar plans and programs and to advise the Bar regarding public understanding and support of significant legal/justice issues. Paulita is uniquely and perfectly qualified to serve in this capacity, and we know she will be a tremendous asset to the Forum.

Bill Bish, a member of our board of directors and Court Reporting Schools Chair, has resigned his positions for personal reasons. We will miss him, his wisdom, and his humor! Bill was in the process of developing and implementing a mentoring program. We will be following through with his initiative, and our expectation is to have it up and running in the near future.

It has been an honor to serve as your president. As my term draws to a close, I want to thank our board of directors and committee chairs and members. These volunteers give unstintingly of their time and energy to support the goals of FCRA's members. They are the heart and soul of this organization. My thanks to you all.

As we go forward into our next 50 years, we have reason to be proud. Qualified court reporters are the gold standard for making the record. Our technology is cutting edge and no one can provide voice to text like we do. Our role is much more than merely taking down what's said and providing it at some point in the future. We have the ability to provide text instantaneously, whether we're providing a real-time feed, rough, instant, daily copy, or reading back on the spot.

And although there's been talk of an adequate record, we know an adequate record is no substitute for an accurate record. We are uniquely positioned, as a profession, to provide that accurate record to judges, clients, and the public.



By Louise Pomar, RPR, FPR, CERT*D,
FCR Online Editor

New Florida Supreme Court Order Eases Workload of Digital Court Reporting Offices Around the State of Florida

Anyone who keeps up with the news coming out of Tallahassee is aware of the uncertainty of the future funding of Florida's courts. Our State Courts Revenue Trust Fund for the last two years has been, for the most part, relying on filing fees from mortgage foreclosures for its funding. When the filing fees dropped dramatically this past year, there went a large part of the funding for the state courts system.

One of the byproducts of this decrease in funding is the lack of resources to add additional staff to the offices providing court reporting services. In my position as Manager of Court Reporting Services in the Seventh Judicial Circuit, my office experiences first-hand just how challenging it can be to operate with bare-bones staff. Don't get me wrong – the staff of stenographers and digital court reporters we have working for us does an outstanding job with the resources that have been provided thus far. However, implementing some of the standards of operation and best practices as outlined in AOSC10-1 In Re: Court Reporting Services in Florida's Trial Courts has been challenging, at times, to say the least.

In a recent e-mail sent out to Trial Court Chief Judges, Trial Court Administrators, Managers of Court Reporting Services, and other court personnel, Patty Harris, Court Operations Consultant with the Office of the State Courts Administrator said:

"As way of background, in March 2011, the TCP&A requested the Supreme Court to consider amending the 2010 policy on producing copies of recordings in an effort to address concerns that had been expressed by circuits regarding implementation difficulties due to a lack of resources. The original 2010 policy required circuits to review copies of recordings for confidential information, as well as privileged communications, prior to release to attorneys, parties to a case, self-represented litigants and the public at large. Given the uncertainty of the future availability of court resources as well as the heightened focus on protecting confidential information contained in court records, the Supreme Court agreed to amend the policy thereby striking a necessary balance between relieving the workload burden placed on the trial courts to review copies of recordings and the court's duty to protect confidential information contained in electronic recordings in accordance with rule 2.420, Florida Rules of Judicial Administration."

On July 20, 2011, Chief Justice Charles T. Canady signed AOSC11-22 In Re: Court Reporting Services in Florida's Trial Courts. This order modifies and supersedes the 2010 policy regarding producing copies of recordings under section XVI.A1. and 2. of the appendices. The following is the revision to this section, as outlined in AOSC11-22:

"All judicial circuits shall codify protocols for producing copies of audio/video recordings in accordance with court rule and standards established by the State Court System. These protocols shall include, but are not limited to: procedures preventing

the release of off-the-record discussions, sidebar conferences, attorney-client conversations, and other confidential information; the court's process for ensuring the accuracy of the recording; and certification of the recording for correctness.

"Copies of audio/video recordings may be made available to attorneys of record, parties to a case and self-represented litigants upon request so long as an acknowledgement is provided with the copy that states confidential information may be contained on the recording, further dissemination of confidential information contained on the recording is prohibited, and violation of the prohibition against dissemination may subject the requestor to an action for contempt of court.

"Copies of audio/video recordings may be made available to attorneys, parties of a case, the media, and the public at large, after review to ensure that matters protected from disclosure are kept confidential in accordance with court rule and Florida statute."

In short, this revised policy greatly reduces the amount of time expended by staff to redact confidential information from proceedings since the only redaction required will be for copies of audio/video recordings made available to the public at large. The bulk of requests we receive are from attorneys of record, parties to a case, and self-represented litigants.

The reason why these changes in the administrative order are feasible at this time, Ms. Harris states, is:

"Overall, with the successful implementation of provisions related to preventing the up-front recording of confidential communications (e.g., signs are now posted at attorney tables to prompt the use of hold-to-mute capability as well as inside and outside the courtroom, to caution participants that their conversations may be recorded), circuits will no longer be required to review copies of recordings for off-the-record discussions, sidebar conferences, and attorney-client communications.

"Further, circuits will no longer be required to review copies of recordings prior to release to attorneys of record, parties to a case, or self-represented litigants so long as an acknowledgement statement is provided recognizing that confidential information may be contained on the recording, further dissemination of confidential information contained on the recording is prohibited, and violation of the prohibition against dissemination may subject the requestor to an action for contempt of court. Due to the court's duty to protect from the inappropriate release of confidential information to the public circuits should continue to review copies of recordings prior to release to the public at large and the media."

The question is: Will this truly protect confidential information being inadvertently leaked to the public? Only time will tell.

IMPORTANT NEWS FROM FCRA

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FCRA Annual Convention

Hilton Orlando/Altamonte Springs
Altamonte Springs, FL
September 16-18, 2011

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Upcoming Florida Professional Reporter (FPR) Test Date

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in Altamonte Springs, Florida, at
FCRA's Annual Convention!

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**FCRA
BULLETIN
BOARD**

Technology, Social Media Leave Participants all Atwitter

Reprinted from the July 15, 2011 edition of *The Florida Bar News*

Written by Annie Butterworth Jones, Associate Editor

Federal Judicial Roundtable delves into the technological revolution

It's not often a roomful of prestigious judges and attorneys — including some of the best legal minds in the state — begins to light up with talk of tweets and blogs, Wi-Fi and Facebook followers.

But at this year's Federal Judicial Roundtable at the Bar Annual Convention, 31 federal judges opened up about technology in the courtroom, what it means for the future of the profession, and how it can help and hinder transparency and professionalism.

The nearly two-hour session, sponsored by the Bar's Federal Court Practice Committee and led by Chair Patty Barksdale, produced animated and intense conversations around the 16 tables packed full of Florida attorneys. Former ABA President Sandy D'Alemberte moderated the discussion.

Topics included cameras in the courtroom and the impact of new media — like Facebook, Twitter, and YouTube — on the legal profession. Interest was especially high since down the road from the convention location, cameras were rolling in the Orange County Courthouse as the Casey Anthony murder trial continued its proceedings.

"Allowing cameras in the courtroom is taking access to the courts to its natural conclusion in that anyone — with certain exceptions — can walk into the courtroom, sit down, and watch the proceedings," said Ft. Lauderdale lawyer Stefanie Moon.

"Our concern was that there was the possibility of having very serious and solemn courtroom proceedings sensationalized and downgraded to reality television."

Barbara Junge, an attorney with the U.S. district court in Miami, agreed.

"When you watch something like Casey Anthony, it's not just that you see the real data. You don't just see the judge and the lawyers; you have to listen to the talking heads afterwards. And part of the problem with the video broadcasting of trials is that all of these so-called experts you have are there offering opinions that really are representing their own biases. . . ."

But, pointed out Linda Greenhouse, a *New York Times* reporter, senior research scholar in law at Yale, and special guest at the roundtable discussion, an increase

in technology also allows for more transparency and provides a greater education to the public on what function the court system actually performs.

"Judge Dubina (of the U.S. Court of Appeals, 11th Circuit) was telling me about the audio of the healthcare argument that his circuit put out, and he made the observation that a lot of a case like that has to do with ... issues that the ordinary person wouldn't care that much about; they'd be baffled by it.

"It's so useful and so important for ordinary people who might go on their computer and listen to the C-SPAN audio and say, you know, wait a minute, there's a lot of stuff here. Federal cases don't just fall out of the sky. There are rules; there are procedures," said Greenhouse.

"There's so little understanding of what the public — as you all know as well as I do — knows about how cases are generated, how they get to the courts. The ability of people to actually confront and to have their expectations a little bit unsettled by actually hearing a judicial argument has got to be valuable."

Discussion also covered lawyer-to-lawyer communication, prompted by a series of emails Barksdale shared with the audience in which a young lawyer turned down a position at a law firm, eventually ending the emails with "blah blah blah."

The emails inspired Judge Donald Graham, of the U.S. District Court for the Southern District of Florida, to lead his table in a conversation about civility — or a lack thereof — among attorneys.

In the Southern District, attorneys are required to take their disputes before a magistrate judge. According to Graham, more often than not, those issues, which frequently have to do with discovery disputes, suddenly disappear. In fact, Graham said that since the requirement has been instituted, no dispute hearings have been held.

Federal judges addressed the increasing presence of Wi-Fi capabilities in the courtroom, which, with the passage of e-filing and e-service rules, would help attorneys access necessary case files and information from their computers inside the courtroom. Judge Adalberto Jordan, from the U.S. District Court in Miami,

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and Judge "Skip" Dalton, from the U.S. District Court in Jacksonville, shared different perspectives on the topic: Judge Jordan's courtroom in Miami does have Wi-Fi, while Judge Dalton's does not.

"One thing they can have is attorneys get pretty preoccupied with their Wi-Fi access and perhaps paying more attention to their computer and communicating by the computer in the courtroom than perhaps the proceedings, which was an interesting observation," said Robert Griscti, a sole practitioner in Gainesville and a participant at Judge Jordan's table.

D'Alemberte, the former president of Florida State University, said that he had seen the same problem take place in the classroom.

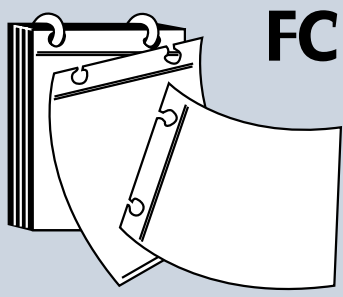
"Go in a classroom in universities today, and you're giving a lecture, and the students are just busy at their computers. You're just quite sure that they're taking down all of these serious notes, and it turns out that they're shopping or playing bridge or learning new dance steps," said D'Alemberte to laughter. "Media isn't always what it appears to be."

One area of modern communication that appears to have both attorneys and judges scratching their heads is social media. Sites like Twitter and Facebook have become popular forums for attorneys, and many courts, including the Florida Supreme Court, have begun to use the sites as a way to more quickly disseminate information. But attorneys and judges just aren't sure the trend will last.

After all, asked Pamela Cichon, a St. Petersburg lawyer: "What attorney can say anything in 140 characters?"

Still, the consensus among participants was clear: Technology isn't going anywhere any time soon. And *New York Times* reporter Greenhouse told panelists that's a good thing.

"I have to think that better understanding leads to better citizens, leads to greater appreciation of the role of the courts in our system. . . . As a citizen and a journalist, I'm really very pleased to see the receptivity that's growing among the judiciary to get the message out through all the channels of communication that are now available to us."



FCR Online Deadline Dates

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(Spring) Feb/Mar/Apr	Jan. 5, 2012
Publication Date	Feb. 12, 2012
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Richard A. Sherman (Ask Mr. Modem)

Nancy Varallo, FAPR, RDR, CRR (Dear Nancy)

FCRA Gears Up for the 2012 Legislative Session



Last year, FCRA partnered with The Fiorentino Group, a government affairs firm, to begin the process of convincing legislators to remove or change the language which reduced court reporter rates. This language first appeared in Florida's 2010-2011 state budget. Together, we are committed to achieving FCRA's goals of restoring fair rates and business stability to our industry.

Over the next several months, FCRA members and The Fiorentino Group will meet with senators and representatives from across Florida who serve on specific committees that have jurisdiction over state court funding. In order to communicate our message clearly and concisely, we will highlight three major issues for the legislators that we believe, if addressed, will restore fair rates for our members.

First, the rates as directed in the state budget language represent cuts on average of 40 percent from circuit to

circuit, and the small businesses who provide these services may be forced to reduce employment or worse, go out of business if these rates remain intact.

Second, the language prevents court reporters from charging appearance fees in the event a transcript is not ordered immediately after a reporter's presence is requested for trial or deposition. Court reporting businesses rely on appearance fees to cover the cost of providing qualified professionals to render quality and timely court reporting services on any given day. This is yet another provision that creates business uncertainty and, instead of creating jobs in Florida, will eliminate jobs.

Third, the paperwork and billing requirements by the Justice Administrative Commission are burdensome, costly and unnecessary. The Fiorentino Group and FCRA members plan to meet with key legislators and staff in Governor Scott's administration to revisit these unnecessary requirements that put a burden on business.

While the state's fiscal outlook for the next year remains grim, we are committed to taking the concerns of the FCRA to the right decision-makers over the course of the next several months. We will be providing you with talking points and may be asking some of you to join The Fiorentino Group as we meet with legislators. The coming legislative session will begin in January instead of March due to redistricting, which happens every 10 years. Be on the lookout for how you can help our government relations efforts by contacting your legislator directly and communicating with your FCRA leadership the results of your conversations and any commitments you may receive from legislators you contact.

Be on the lookout for how you can help our government relations efforts by contacting your legislator directly and communicating with your FCRA leadership the results of your conversations and any commitments you may receive from legislators you contact.

FCRA's Golden Anniversary "Calling All Rock Stars!"



To celebrate our 50th year, we will be "Gold Casing" our profession. From the beginning until now and then on into the future, this convention is designed to take you there! Here are just a few of the "Golden Nuggets" planned:

We'll start with our crown jewel, the FPR, on Friday, September 16.

Hear the inside story from Nikki Peters and Jean Dexter, the reporters on the Casey Anthony trial. They will share what it is like reporting one of the highest profile cases in America.

One of our seminars will take you on a journey through the quagmire of Social Media without "blogging" you down.

To keep everyone on the "LEADING EDGE" of technology and our future, Richard Georges, Esq., will be presenting technology tools for every professional. If you ever tried to figure out whether to tether or not to tether, you will want to be at this very educational and fun seminar.

Hear from "Gator" Bradshaw, Esq., from a lawyer's perspective, how gift giving impacts everyone.

If you're a Rock Star Reporter (RSR) pack your fashion and rocker attire and attend the 50th Anniversary Bash during the President's Dinner on Saturday with an energetic performance by Marvelous Mark. This evening is promising to be one of your "Rock'n Memories" with FCRA friends.

Hint for more to come: One of my favorite things to go with gold is DIAMONDS!!

The entire Board of FCRA is looking forward to celebrating with you on our 50th Anniversary. Come join us as we honor all RSRs!

Upcoming Events CALENDAR 2011



September 9 - 11

CLVS & TRIAL PRESENTATION SYMPOSIUM

Hotel Solamar, San Diego, CA

Information posted on www.ncraonline.org

September 16

FPR SEMINAR AND CERTIFICATION EXAM

Hilton Orlando/Altamonte Springs, Altamonte Springs, FL

Information posted on www.fcraonline.org

September 16 - 18

FCRA'S 50TH ANNUAL CONVENTION

Hilton Orlando/Altamonte Springs, Altamonte Springs, FL

Information posted on www.fcraonline.org

November 5

RPR, RMR, CRR, CBC, AND CCP SKILLS TEST

Registration: September 6 - October 5

Testing Sites Available Nationally

Information posted on www.ncraonline.org

Please notify Louise Pomar, Editor, lbp1958@aol.com, of any upcoming events that you would like to appear in the "Upcoming Events Calendar."

Florida Court Reporters Association 2011 Nominating Committee Report

In June 2011, the FCRA Nominating Committee met to interview the FCRA Board of Directors candidates for the 2011-2012 fiscal year. After interviewing several candidates, the 2011 Nominating Committee, chaired by Susan Wasilewski, RPR, CRR, CCP, CMRS, FPR, submits the following slate of nominees for consideration by the membership at the 2011 FCRA Annual Convention to be held at the Hilton Orlando/Altamonte in Altamonte Springs, Florida, September 17-18, 2011.



PRESIDENT
Rick Levy, RPR, FPR
Miami, FL

Rick graduated from the University of Alabama in 1993 with a Bachelor's Degree in Business Administration with a major in Management. He then completed court reporting school at Atlantic Vocational Technical Institute in Pompano, Florida, in 1996, at which time he began his career at Mudrick, Witt, Levy & Consor as a freelance court reporter in Miami, Florida.

After the acquisition of Mudrick, Witt by Esquire Deposition Services in 1998, he continued working as a court reporter until 2003 when he opened up his own agency now known as Network Reporting Corporation. Rick has continued in this role up until the present.

He has been very active in NCRA since 1997 and has served on the Firm Owners Conference Committee. He has also been active in the Florida Court Reporters Association and the Society for the Technological Advancement of Reporting since 2004.



PRESIDENT-ELECT
Sandra Estevez, CSR (CA), FPR
Miami, FL

Sandra Estevez graduated from the University of Texas at Arlington in 1985 with a Bachelor's Degree in Communications

where she was a member of Zeta Tau Alpha sorority, Women in Communications Network, hosted a cable TV show called UTA Student Spotlight and was a member of the cheerleading squad.

Sandra has been a California CSR since 1995. A year after graduating from Sierra Valley Business College in Fresno, California, she opened up her own agency called Sandra Holman Reporting Services. In 2005 she merged her agency with Paulson Reporting & Litigation Services where she was hired to manage their Fresno office and later open a second office for them in Bakersfield, California.

In 2008 Sandra relocated to Miami Beach, Florida and joined U.S. Legal Support as the General

Manager and Reporter/Client Liaison for the U.S. Legal Support Miami office.

Shortly after joining U.S. Legal Support, Sandra joined FCRA, passed the FPR, served as Conference Chair for the 2009 & 2010 FCRA Mid-Year Conference and the 2009 Annual Convention. She has also served on the FCRA Board as a Director at Large and Vice President.



IMMEDIATE PAST PRESIDENT
Robin Merker, RPR, FPR
Lake Worth, FL

Robin Merker has been a freelance reporter in Florida for the past 26 years, and a certified training agent for Stenograph for the past 8 years. Between the two, she is always working.

She holds a BA in English Literature from the University of South Florida and received her court reporting training from Charron Williams in Miami, Florida, and the Stenotype Institute in Hicksville, New York.

Robin is currently the Nominating Committee Chair for her temple, having held various positions there in the past, as well as for its religious school. She is married to Michael and they have 16-year-old twin daughters, Sarah and Rachel, two dogs, and two cats, and a refrigerator magnet that says, "Stop me before I volunteer again," to which she never listens.



VICE PRESIDENT
Diane Emery, CMRS, FPR
Clearwater, FL

In 1982, Diane founded Emery & Associates of St. Petersburg, Inc., d/b/a Executive Reporting Service (ERS), headquartered in Clearwater, FL. Prior to starting ERS, Diane began her reporting career in Tampa with Doris Sands in Federal Court and then working as a freelance reporter for Kahn and Kahn Reporting Agency based in Bradenton, Florida.

Diane has an Associate of Arts from the University of South Florida and received her court reporting

training from Tampa College. She became a Certified Manager of Reporting Services (CMRS) in 1991; was designated a Florida Professional Reporter in 2006 by FCRA; 2009 obtained a Certificate of Trial Presentation from NCRA.

Diane has served as editor of the *Florida Court Reporters Magazine*, and in 1998 she was honored with Pro Bono Awards from the Florida Court Reporters Association and the Hillsborough County Bar Association.

Diane is an active member in NCRA, FCRA, STAR as well as many other related legal industry associations.



TREASURER
Janet McKinney, RPR, FPR, CLR
Weston, FL

Janet knew she wanted to become a reporter since Career Day during her junior year in high school. She entered reporting school after the summer of graduation in September, 1976, and received her court reporting certificate from the Academy of Court Reporting, Cleveland, Ohio in December 1978.

She began her reporting career as an official reporter in the Geauga County Court of Common Pleas in Chardon, Ohio, back in February 1979. After working there for a little over three years, her family relocated to the Ft. Lauderdale area where she went to work for her first freelance job for Bass Reporting in July 1982. In 1986 she made a change and found herself at Merit Reporting where she stayed through their merger with Esquire; and in January 1999 she began working for Klein, Bury, Reif & Applebaum, which is now U.S. Legal Support in Ft. Lauderdale.

Janet is currently a Registered Professional Reporter, Florida Professional Reporter, and Certified LiveNote Reporter.

She has been married to her husband, John, for 30 years and has one son, Cody, who recently graduated from Colby College. She currently resides in Weston, Florida.

Continued on page 14

Proposed Bylaws Changes

ARTICLE V – MEETINGS

SECTION 1. Annual **Business** Meetings. There shall be a mid-year and an annual business meeting of the association, ~~the annual business meeting~~ to be held in the last half of each calendar year, the date and site to be selected and approved by the Board of Directors. **In addition to the annual business meeting, the Board of Directors may convene a business meeting of the association at any other officially convened meeting of association members throughout the year.**

Rationale: This wording eliminates the requirement for the association to hold two business meetings during the year while at the same time retaining the option for holding a business meeting at a time other than the annual business meeting.

ARTICLE VI - BOARD OF DIRECTORS

SECTION 2. Composition. The Board of Directors shall be composed of the President, President-Elect, Vice President, Secretary/Treasurer, **Secretary, Treasurer**, Immediate Past President, Northern, Central, Southern Directors, and ~~one (1)~~ **up to two (2)** Directors at Large. The Editor and Executive Director shall be ex-officio members of the Board without voting rights.

SECTION 3. Duration of Office of Directors.

a. Directors shall be divided into two groups: One class of three (3) directors serving as the Northern, Central and Southern Directors; one class of ~~one (1)~~ **up to two (2)** Directors at Large.

e. No Secretary/Treasurer **Secretary or Treasurer** who has served three one-year terms consecutively is eligible for re-election as Secretary/Treasurer **Secretary or Treasurer** until at least one year has elapsed.



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2011 Nominating Committee Report

Continued from page 12



SECRETARY
Holly Kapacinkas, RPR, CRR, FPR
DeBary, FL

Holly Kapacinkas, RPR, CRR, FPR, graduated in 1982 from DePauw University in Greencastle, Indiana, with a B.A. in music (flute performance) and a minor in business. While in college, she spent time studying music at the Hochschule fur Musik in Vienna, Austria. Upon graduating from college, she went to work in sales for Xerox Corporation in Chicago, IL. She married Len, her husband of 27 years, in 1984. Upon leaving Xerox in 1985, Holly became a flute teacher, as well as an orchestral and freelance musician in the Chicago area.

Holly moved to the Orlando area in 1989. Upon moving to Florida, she was a stay-at-home mom and part-time student at Seminole Community College, studying computer programming. Holly entered court reporting school at Daytona Beach Community College in 1994 and graduated in 1995. She has been a reporter with Volusia Reporting Company in Daytona Beach for 16 years. She received her RPR designation in 1996 and CRR and FPR designations in 2006. Holly has been an adjunct instructor for court reporting students at Daytona Beach Community College. She has also served a 3-year term on the Florida Bar Grievance Committee and is looking forward to becoming active in FCRA. She lives in DeBary with her husband Len and their two sons, Sam and Alex.



CENTRAL DIRECTOR
(Two-year term - 10/2013)
Donna Kadosh
 Ft Lauderdale, FL

Florida native Donna Kadosh formed Boss Certified Realtime Reporting in 1995 after interning in the Miami-Dade Criminal Courts and spending several years developing a base of loyal clients. She started with two clients and two trained court reporters, all of whom remain on her team today. The Boss name comes from her beloved boxer puppy she owned at the time. Kadosh's company now includes more than 40 court reporters, conference room facilities statewide and services available nationwide.

Kadosh studied business at Broward College before receiving a three-year certificate in court reporting from Sheridan Vocational Technical School

in Fort Lauderdale. Her training included studying complex legal, medical and technical terms and learning how to type 225 words a minute using the symbol-based stenographic language.

Donna lives in Davie, with her husband and two daughters. She is a partner level sponsor with the Broward County Bar Association and the official court reporting firm of Legal Aid of Broward County. She is an active member of the National and Florida Court Reporting Associations as well as the Fort Lauderdale and Davie Chambers of Commerce. Donna was awarded the 2011 Job Creation "Driven" Entrepreneurial Success Award at Hispanic Unity of Florida's Inaugural Entrepreneur Summit.



NORTHERN DIRECTOR
(Two-year term - 10/2012 unexpired term)
Christine A. Bradshaw, RPR, FPR
Ocala, FL

Christy Bradshaw, RPR, FPR, graduated in 1994 from Institute of Specialized Training & Management (ISTM)



SOUTHERN DIRECTOR
(Two-year term- 10/2012 filling unexpired term)
Dawn F. Ramos, RPR, CRR, FPR
West Palm Beach, FL

Dawn graduated from Twin Lakes High School in Palm Beach County, Florida and after attaining her Florida Real Estate License and Mortgage Broker's License, she decided to change fields and went to Cooper Academy of Court Reporting and graduated with honors as their first student to start and finish there in 1989.

Dawn has over twenty years of experience in the industry and started her employment as a court reporter with Mudrick, Witt, Levy and Consor in 1989 and stayed with them through their transition into Esquire Deposition Services and Hobart. She is now Founder and President of Signature Court Reporting, Inc. with their fully staffed office located in West Palm Beach, Florida.

Dawn has earned the distinction of being nationally certified as a Certified Realtime Reporter. She is also nationally certified as a Registered Professional Reporter and is a Florida Professional Reporter.

Dawn currently serves on the Florida Court Reporters Association's Ethics Committee. She has been instrumental in personally training court reporters throughout the southeast region of the United States in "Realtime" and working hands-on with software programmers. Dawn has hosted seminars over the last decade where fellow stenographers are able to earn CEUs for our state and national regulatory bodies. She has also been very active with her local community, serving for three years on Wellington's Construction Board of Appeals and six years on Wellington's Education Board before recently moving to Jupiter, Florida. Dawn is married with two daughters.



DIRECTOR-AT-LARGE
(One-year Term 10/2012)
Rosa Naccarato
Miami, FL

Rosa Naccarato is a Court Reporter and Consultant with Goldman, Naccarato, Vela & Associates LLC., in Miami, Florida.

She is a graduate of the Broward Community College, Davie, Court and Conference Reporting, program.

Rosa is a member of the Florida Court Reporters Association; an appointee to the Miami-Dade County Commission for Women, October 2000 to present, served as Vice Chair and Chairwoman, and currently on Executive Committee as Immediate Past Chair. She is also a member of Florida Bar Grievance Committee Group 11P, non-lawyer member, February 2009 to present; Director of Admirals Port Condominium Association, February 2008 to present; Association President 2010-2011; member of Broward Community College Advisory Committee of Court and Conference Reporting, 1989 to 1999; and founding member of Freelance Court Reporters Association of Dade County, 1992 to 1996, served as President 1993-1996



DIRECTOR-AT-LARGE
(One-year Term 10/2012)
Barbara A. Frank, RMR, CRR, FPR
Naples, FL

ALTERNATE SLATE

2011 Nominating Committee Report

The 2011 Nominating Committee, chaired by Susan Wasilewski, RPR, CRR, CCP, CMRS, FPR, submits the following slate of nominees for consideration by the membership at the 2011 FCRA Annual Convention to be held at the Hilton Orlando/Altamonte in Altamonte Springs, Florida, September 17-18, 2011, as an alternative slate if the Proposed Bylaw changes, located on page 13, are NOT approved.

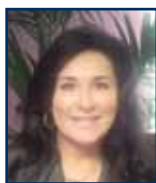


PRESIDENT
Rick Levy, RPR, FPR
Miami, FL

Rick graduated from the University of Alabama in 1993 with a Bachelor's Degree in Business Administration with a major in Management. He then completed court reporting school at Atlantic Vocational Technical Institute in Pompano, Florida, in 1996 at which time he began his career at Mudrick, Witt, Levy & Consor as a freelance court reporter in Miami, Florida.

After the acquisition of Mudrick, Witt by Esquire Deposition Services in 1998, he continued working as a court reporter until 2003 when he opened up his own agency now known as Network Reporting Corporation. Rick has continued in this role up until the present.

He has been very active in NCRA since 1997 and has served on the Firm Owners Conference Committee. He has also been active in the Florida Court Reporters Association and the Society for the Technological Advancement of Reporting since 2004.



PRESIDENT-ELECT
Sandra Estevez, CSR (CA), FPR
Miami, FL

Sandra Estevez graduated from the University of Texas at Arlington in 1985 with a Bachelor's Degree in Communications where she was a member of Zeta Tau Alpha sorority, Women in Communications Network, hosted a cable TV show called UTA Student Spotlight and was a member of the cheerleading squad.

Sandra has been a California CSR since 1995. A year after graduating from Sierra Valley Business College in Fresno, California she opened up her own agency called Sandra Holman Reporting Services. In 2005 she merged her agency with Paulson Reporting & Litigation Services where she was hired to manage their Fresno office and later open a second office for them in Bakersfield, California.

In 2008 Sandra relocated to Miami Beach, Florida and joined U.S. Legal Support as the

General Manager and Reporter/Client Liaison for the U.S. Legal Support Miami office.

Shortly after joining U.S. Legal Support, Sandra joined FCRA, passed the FPR, served as Conference Chair for the 2009 & 2010 FCRA Mid-Year Conference and the 2009 Annual Convention. She has also served on the FCRA Board a Director At Large and Vice President.



IMMEDIATE PAST PRESIDENT
Robin Merker, RPR, FPR
Lake Worth, FL

Robin Merker has been a freelance reporter in Florida for the past 26 years, and a certified training agent for Stenograph for the past 8 years. Between the two, she is always working.

She holds a BA in English Literature from the University of South Florida and received her court reporting training from Charron Williams in Miami, Florida, and the Stenotype Institute in Hicksville, New York.

Robin is currently the Nominating Committee Chair for her temple, having held various positions there in the past, as well as for its religious school. She is married to Michael and they have 16-year-old twin daughters, Sarah and Rachel, two dogs, and two cats, and a refrigerator magnet that says, "Stop me before I volunteer again," to which she never listens.



VICE PRESIDENT
Diane Emery, CMRS, FPR
Clearwater, FL

In 1982, Diane founded Emery & Associates of St. Petersburg, Inc., d/b/a Executive Reporting Service (ERS), headquartered in Clearwater, FL. Prior to starting ERS, Diane began her reporting career in Tampa with Doris Sands in Federal Court and then working as a freelance reporter for Kahn and Kahn Reporting Agency based in Bradenton, Florida.

Diane has an Associate of Arts from the University of South Florida and received her court reporting training from Tampa College. She became a Certified Manager of Reporting Services

(CMRS) in 1991; was designated a Florida Professional Reporter in 2006 by FCRA; 2009 obtained a Certificate of Trial Presentation from NCRA.

Diane has served as editor of the *Florida Court Reporters Magazine*, and in 1998 she was honored with Pro Bono Awards from the Florida Court Reporters Association and the Hillsborough County Bar Association.

Diane is an active member in NCRA, FCRA, STAR as well as many other related legal industry associations.



SECRETARY/TREASURER
Janet McKinney, RPR, FPR, CLR
Weston, FL

Janet knew she wanted to become a reporter since Career Day during her junior year in high school. She entered reporting school after the summer of graduation in September, 1976, and received her court reporting certificate from the Academy of Court Reporting, Cleveland, Ohio in December, 1978.

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Continued on page 16

ALTERNATE SLATE

2011 Nominating Committee Report

Continued from page 15



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April & May 2011 NCRA Test Results Announced

Congratulations to the following FCRA members who became certified as a result of the April 2011 NCRA exams:

REGISTERED PROFESSIONAL REPORTERS:

Mia Sohn, RPR, Boca Raton, FL

CERTIFIED BROADCAST CAPTIONERS:

Lisa Johnston, RMR, CRR, CBC, CCP, Palm Bay, FL

Congratulations to the following FCRA members who became certified as a result of the May 2011 NCRA exams:

REGISTERED PROFESSIONAL REPORTERS:

Serena Pace, RPR, North Miami Beach, FL

Amanda Robinson, RPR, Orange Park, FL

Kathryn Bentley, RPR, Palm Harbor, FL

Robyn Carroll, RPR, Jacksonville, FL

Amy Moorefield, RPR, Miami, FL

Tara Martin, RPR, Pinellas Park, FL

Barbara Shandell, RPR, Palm Beach Gardens, FL

REGISTERED MERIT REPORTERS:

Lisa Smith, RMR, Orlando, FL

CERTIFIED REALTIME REPORTERS:

Jean Rohrer, RPR, CRR, Winter Park, FL

Stefanie Mensch, RPR, CRR, Sunrise, FL

Leihla Collins, RPR, CRR, Sarasota, FL

Nikki Peters, RPR, CRR, Sanford, FL

Jeana Kim, RPR, CRR, Boca Raton, FL

The Banks Have Been Robbed...

No Worries, My Roll of Nickels is Secure

I just can't win. I've made the decision to speak out, but there is danger lurking around every corner. If I tell you what I feel is true, I risk the wrath of the partisans making the charge: "He's a partisan...a partisan of a different partisanship. He can't possibly be trusted."

If I say nothing, then I'm afforded the opportunity of watching my



friends and colleagues marching to the edge of a very, very steep precipice, with jagged rocks below, being prodded along by possibly well-meaning experts, poking them in the buttocks with sharp, pointy sticks in their hands and white papers in their pockets.

Let me make this first point crystal clear: You did not need to be the brightest reporter in the bunch, you merely needed to be awake at some point in the past several years to have picked up that realtime is necessary for the survival of reporting. From the President of NCRA on down to the stump-toothed, knuckle-dragging reporter with a Steno-Lectric, and everyone in between, we've all heard it. It's pretty hard to avoid the incessant drumbeat of the realtime bandwagon.

The question is: How? To be

more precise: How do we get the realtime translation from our computer to our clients' computers?

For the sake of simplicity, let's say there are three methods available: serial cables, Wi-Fi networks and Bluetooth wireless systems. Reporters use all three methods. Where's the problem?

Glad you asked. What if one of the methods was actually dangerous? For example, if it was determined that 27 percent of all attorneys who received realtime from court reporters via serial cables ended up being strangled to death by said serial cables, would you still consider serial cables a viable option? Just to be clear: I do not believe that 27 percent of attorneys who receive realtime via serial cables end up being strangled by said cables. My suspicion is that the percentage is much less. But I digress...

The real subject of my observation is Wi-Fi networks. I'm going to talk briefly about security. Before your eyes glaze over and your head begins to nod, let me suggest you hang in there for another minute or two. Please resist the temptation to thumb to the back of the JCR to see if the job-share position in the Caribbean, paying one million dollars per year, plus extravagant benefits, has finally been listed. It has not. It will not be. Accept it and read on.

I spent about .3 seconds on Google and found these two headlines: "Computer Virus Crashes San Diego Court Computers" and "An Apparent Computer Virus is Forcing the Houston Municipal Courthouse to Shut Down."

We are being told that realtime via Wi-Fi is perfectly safe; that there is 42-trillion-bit encryption and all of the wireless data packets are totally encased in electronic razor wire, etc. In other words, blah, blah, blah.

Let me tell you what I think that means, and why it may not really mean anything at all. To do so, let's make a mental image, shall we?

Imagine a triangle. Now imagine a triangle with a bank building at each point of the triangle. Let's call them Bank A, Bank B and Bank C. If you like, make the bank buildings very robust, very secure: impregnable walls that are 15-foot thick. Got the picture? Now picture an armored truck that leaves Bank A (which happens to be owned by a court reporter) and drives over to Bank B, makes a delivery at Bank B, then heads over to Bank C and does likewise, before heading back to Bank A. By the way, Bank B is owned by an attorney, and Bank C is owned by a Judge.

Think of it this way. The cargo that leaves Bank A is a roll of nickels. That roll of nickels will likely be delivered safely to Bank B and/or Bank C. But the bottom line is: Who cares? I certainly don't. The people writing malicious viruses certainly don't. You can keep your nickels. Nobody cares about your stupid nickels.

When people are peddling a secure Wi-Fi network solution for providing realtime and say their software utilizes a Wi-Fi network to transmit realtime, it is critically important you watch for the subtle sleight of hand that occurs. Here it is: "Our wireless transmission is totally encrypted, using the same encryption used by banks. There is nothing to worry about. The wireless transmission is totally secure. There is no danger. You can take that to the bank."

If hackers don't care about your nickels, what does catch their fancy? They care very deeply about access to computers. If it is not clear in my illustration above, the nickels

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The Banks Have Been Robbed...

No Worries, My Roll of Nickels is Secure

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being sent from Bank A to Banks B & C are your realtime notes. I want to break this news as gently as I can: The tens of thousands of hackers in China and Russia do not want to steal your transcripts. Your transcripts may seem important to you and to your clients, but to the other six billion of us here on earth, we don't care a whit what was said at your hearing.

What does have value to hackers is the potential treasure-trove of data that can be mined from the court reporter's computer, all the attorneys' computers and the courthouse's network of computers: credit card numbers, Social Security numbers, bank accounts, just to name a few. Clear from your mind the concept that all viruses are designed to cause your computer to crash or do annoying things. A profoundly simple but surefire way to get rich quick is to secretly load a keystroke logging program onto everybody's computer, which then transmits those keystrokes every Monday morning at 3:00 a.m. to Sergio's apartment in Kiev, Russia. Sergio loves to find keystrokes that are three digits, followed by a hyphen, followed by two more digits, followed by a hyphen, followed by four more digits (123-45-6789), or perhaps a string of 16 digits, such as you might find on a credit card.

Putting this into perspective, imagine an intruder breaking into your home, but it's an intruder with a big heart. He decrees: you may keep one item, your dearest possession, but only one; the rest is his. Pick one: your money, your jewelry, your banking information, all personal data, the personal data of all of your co-workers at the courthouse **or** your realtime transcript from March 29,

2011. Which one of those items will you choose to save? If you select your realtime transcript, you are one very dedicated, albeit profoundly disturbed, realtime reporter.

That is the unwitting choice of reporters on a daily basis. Reporters are providing realtime to their clients. No matter how hard they try, these bottom-feeding virus creators probably cannot steal your realtime transcript, so they just content them-



selves with your very personal and private data and that of everyone else on the court's previously-secure network.

So, you can make your wireless transmission of your realtime transcript as secure as you like, but if you are using a Wi-Fi network (and some of you are) then, in effect, what you are doing is building an incredibly strong bank, but you're leaving the windows open. All it takes is a virus on any attorney's computer, unbeknownst to him or her, to be shared with Suzy Realtime, CSR, Official Reporter at The Network's Down Courthouse. The virus is transmitted via Suzy's wireless realtime network. All counsel now have the virus, as does Suzy and her judge, along with every other judge, clerk and admin-

istrator at the courthouse. Suzy now refers to her Wi-Fi router as a VTD (Virus Transmission Device).

Nobody at the courthouse had malevolent intent. The attorney just wanted to share files from their work computer to their computer at home, so they set their computers up to allow file sharing. Seems harmless. Actually, it's more than that; working at home, going the extra mile, is admirable. Unfortunately, when that pop-up window opened on their home computer's screen advising them (falsely) that a virus had been detected on their home computer and they needed to click the flashing button to stop the threat, they clicked; and instead of eliminating the threat, the virus was now installed on their home computer and ready to launch, just waiting for someone to open their window. The virus was immediately shared with our admirable attorney's work computer and is now diligently looking for an opportunity to spread the wealth.

It just needs an opportunity, just a moment or two, and it will migrate to other computers faster than you can say, "Would you like to receive my realtime transcript?" Suzy is, likewise, diligent and promotes her little heart out as it relates to realtime. When the admirable attorney walks through the courtroom doors, the first words out of Suzy's mouth could be fairly translated: Come visit our banks; the windows are open.

Now you see my dilemma. At StenoCast we make a Bluetooth wireless realtime system. Our system is designed to transmit realtime transcripts from the court reporter to a judge and attorneys or CART recipients. The judge and at-

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The Banks Have Been Robbed...

No Worries, My Roll of Nickels is Secure

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torneys cannot send anything to each other, and they cannot send anything back to the court reporter. There are no open windows. But because we manufacture this type of realtime equipment, it is easy to dismiss my claims as too biased to entertain. The key differentiator between a secure Wi-Fi network and a secure StenoCast Bluetooth system is that StenoCast's security is at the hardware level. StenoCast's hardware will not allow a reporter to send anything but a realtime transcript. We do not allow the reporter's clients to transmit anything, period. The parties may only receive transcripts. We do not rely on software solutions to resolve security concerns. So my earlier statement about "there are no open windows" with the StenoCast method turns out to be an understatement. There are no windows.

I would leave you with this suggestion: If someone tries to sell you a Wi-Fi based wireless realtime

system, ask them these simple questions: Will you allow attorneys from anywhere in the world to stop by your corporate offices and connect their computers directly into your previously-secure network? No? Why not?

Better still, if someone touts their wireless connection being as secure as any bank's, try this experiment: Go to your local bank. Bring your notebook computer. Go up to the manager and ask if you can hook into the bank's network for one minute, just to check your email. You will want to do a quick 360-degree scan of the room to make sure no one with a sharp stick is quickly advancing on you.

Nobody allows strangers to connect to their secure networks, yet that is exactly what they are asking attorneys and courthouses to do each and every day. And if reporters are goaded into it, being assured the whole way all is safe and secure, we may be setting ourselves

up for a horrible backlash. If a few courthouses or law firms go dark for a couple of days or weeks and it's all linked back to the court reporter's "secure" Wi-Fi network, how do you think that will play out? If millions of dollars worth of data is stolen, all traceable to Suzy Realtime's secure network, my best guess is that if (a), Suzy keeps her job, then (b), she won't be offering realtime services to the Court or attorneys any longer. And my prediction is that if reporters cannot provide realtime to their clients, then we will have a crisis of epic proportions in the not-too-distant future.

If the poets and writers of years past could peer into the future and watch the slow death march as reporters approach the cliff's edge, the temptation would be to assume the worst and classify this tale as a Tragedy. The good news is that you get to write the story's ending. Write well.

Paulita Kundid Selected to Serve on the Florida Bar Citizens Forum



FCRA would like to congratulate member Paulita Kundid, FAPR, RPR, CLVS, FPR, for her recent selection to the Florida Bar Citizens Forum. The

15-panel Citizens Forum provides assistance to the Florida Bar's leadership by helping develop greater sensitivity toward public interests

and needs and by responding appropriately to them. The Citizens Forum will offer recommendations, suggestions, and opinions relating to existing or prospective Bar programs and activities.

Paulita is already extremely involved with FCRA and NCRA through committee work. She currently serves on the FCRA's PR Task Force, Government Relations and Professional Ethics Committees, and she played a supporting role with NCRA's Ethics First Campaign through a testimonial in the Ethics First video. She also was

recently appointed by NCRA President Melanie Humphrey-Sonntag to serve as Chair of the Court Technology Conference Task Force.

Paulita's three-year term began on July 1, 2011. FCRA and NCRA encourages all members to stay involved in their local judiciary to assist in promoting and protecting the court reporting profession. Congratulations again to Paulita, who is working to ensure that court reporters have a voice within the Florida State Bar Association.

ETHICS AND PROCEDURES CORNER

Is Counsel for the Deponent Entitled to a Certified Copy of the Deposition?

By Judy Everman, RPR, FAPR, CMRS, FPR

You are reporting a deposition where the deponent is represented by female counsel that is present throughout the deposition and quite vocal in expressing objections that the taking attorney feels are out of order. He maintains that she has no standing at the deposition to interject anything. At the conclusion, the deposition is held.

The taking attorney later backorders the transcript but directs you not to "sell" a certified copy to deponent's counsel. You know you must give notice to opposing counsel, but are you required to give notice to the witness' counsel when a transcript is ordered?

All of the issues we are about to discuss fall under rule 1.310 of the Florida Rules of Civil Procedure, Depositions Upon Oral Examination.

This first issue is addressed in Subsection (c): "If requested by one of the parties, the testimony shall be transcribed at the initial cost of the requesting party and prompt notice of the request shall be given to all other parties."

No, you are not directed to give notice to a deponent that is a witness; only if the deponent is a party to the suit.

On the other hand, are you prohibited from contacting them to see if they want a copy? No, not in any rule that I can find. However, one might argue that we have a fiduciary duty, since the witness is concerned enough about their

possible involvement in the case to hire an attorney, to notify the witness' attorney.

Next, can the witness' counsel order a copy of the transcript if they should find out it has been transcribed? Yes, absolutely.

Excerpt from subsection (g): "Obtaining Copies. A party or witness who does not have a copy of the deposition may obtain it from the officer taking the deposition unless the court orders otherwise." Clearly the witness' counsel has a right to obtain a copy on behalf of her client.

And are you required to furnish the copy? Yes.

Excerpt from subsection (f)(2): "Upon payment of reasonable charges therefore the officer shall furnish a copy of the deposition to any party or to the deponent." Here the court makes no distinction between witness or party, just simply if they are the person being deposed, if they pay for the transcript, the officer shall -- the operative word is "shall," defined as an instruction or command -- furnish a copy to the deponent. You are not required to pick up the phone and tell deponent's counsel that the deposition has been ordered and ask if he or she wants a certified copy, but if deponent's counsel calls you and orders a certified copy, the governing rules say you "shall" provide it. This is the best response I came up with for this ordering attorney should he challenge you about selling a copy to the deponent.

If Deponent is Represented by Counsel,

Notify Counsel or the Deponent to Read?

(Continuing on from the previous scenario....)

To throw a wrench in the works, the deponent did not waive reading and signing matter. Now the question of notifying deponent's counsel that the transcript was ordered is moot because you must notify the deponent or deponent's counsel when the transcript is ready to be read. Now they can order a copy if they wish.

When the deponent is represented by counsel, some reporters feel they should notify the deponent, in care of counsel, that the transcript is ready to read, whether counsel ordered a certified copy or not. I generally agree with that since we had an attorney jump all over us because our reporter sent a written notice to the deponent to come in and read the deposition, and apparently the deponent got hysterical -- didn't speak English well and didn't understand what was going on -- so the attorney called us and demanded to know why we did not contact him directly since he represented the deponent. I gave that some thought and figured maybe he was right, so after that incident, we decided to play it safe and send the notice to the deponent, as the rules require, but send it in care of the deponent's attorney.

SLEUTHING THE NET



By Donna M. Kanabay, RMR, CRR, FPR • donna@kanabay.com

SUMMER ENNUI, OR: IT'S TOO HOT TO BE CREATIVE

Stretching for a topic, I decided to look for inspiration by skimming the Langa List/Windows Secrets (www.windowssecrets.com) newsletter. As usual, Fred (Langa) didn't let me down. And so with absolutely no sense of shame or embarrassment, I'll just steal – erp, borrow – a few interesting tidbits from him.

THE CARE AND FEEDING OF LAPTOP BATTERIES

A reader named Rick got a new laptop and is wondering how to maximize the life of its expensive batteries:

“My new laptop has a 6-cell lithium-ion battery. How can I get the most life from my new laptop's battery and make it last the longest? Should I periodically charge and then use/drain the battery? Should I leave the battery in the laptop even when I'm using the AC plug? Will heat from the laptop when it's plugged into AC affect the lithium battery?”

Excellent questions, Rick!

Heat is the enemy of lithium-ion (Li-ion) batteries. When your laptop runs on AC, it's smart to remove the battery pack and store it in a cool place. Low temperatures forestall the inevitable and irreversible chemical changes that occur in Li-ion batteries.

In fact — and this will sound odd — if your laptop is run mostly off household AC power, you can greatly extend the life of its Li-ion battery this way: run the battery down to about 40% of maximum charge, remove

it, and store it in a tightly wrapped plastic bag inside your refrigerator! Storage at about 40 degrees F (4 to 5 degrees C) is ideal. Think of it as the 40-40 rule: 40% charge, 40 degrees F.

If you can, avoid running Li-ion batteries all the way down. Early portable electronics used nickel-cadmium batteries, which benefit from full discharge cycles. Conversely, Li-ion batteries last longer when kept in a charge state between 40% and 100%. It's OK to run Li-ion batteries flat when you have to, but the ideal scenario for longest life is one full discharge cycle for about every 30 or so partial cycles.

Sad to say, even if you're perfectly careful with your Li-ion batteries, they'll slowly go bad on their own due to their irreversible and inevitable chemical changes. This is one of the main reasons why cool storage helps preserve Li-ion battery life: the cool temperatures slow the chemical reactions.

Even a well-maintained Li-ion battery will usually show signs of age two or three years after manufacture. That's why it's not a great idea to buy a spare battery for your laptop unless and until you really need to use one. If you buy a spare you don't really need, it'll slowly go bad on its own, giving you no (or reduced) return on your investment.

If you do have a spare battery, store it in the fridge with about a 40% charge when it's not in use.

When you buy replacement batteries, check the date of manufacture. This will usually be stamped or printed on the battery case. Cut-rate batteries may have been sitting on a warehouse shelf for a couple of years, meaning that a good chunk of their useful life will have passed before you ever plug them in.

With careful use, you can get 300 to 500 charge cycles from a new, high-quality Li-ion battery — especially if the battery's stored in a cool location when not in use. With just a little luck, by the time the battery no longer holds a useful charge, you'll be ready for a new laptop, anyway!

These two excellent articles provide more information on Li-ion battery life:

- [How to prolong lithium-based batteries](#) from BatteryUniversity.com
- [The care and feeding of Li-ion batteries](#) from TechRepublic.com

(Donna's note: Okay, yeah, I'm going to constantly remove my battery and stick it in the fridge when I'm home, and remember to grab it on my way out the door....)

WHAT GOOD DOES DEFRAGGING DO NOWADAYS?

Reader David H. Copp asks a valid and timely question:

“You have a good piece about defragging in your column. But I think

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you are echoing a myth. Back in the days of my first hard drive, a 20Mb Seagate ST-225, defragging was important. But so far as I know, there are no measurements that show that defragging a modern drive has more than one or two percent impact on performance. Please correct me if I am wrong!”

You’re right that defragging isn’t as important as it once was. But there’s more to defragging than simply improving hard drive performance.

Before we dive in, let’s run through a 60-second defragging refresher.

Windows normally stores the files on a hard drive in a series of blocks. When a drive is new or well ordered, each file’s blocks can be written to the drive more or less sequentially. But over time, holes open in that orderly sequence as files are changed or deleted; they are then filled with bits of data from other files. Eventually, a file’s blocks may end up scattered all over the disk.

When a file’s blocks aren’t **contiguous**, the drive heads have to **seek** out the blocks, physically navigating to each block’s location. Each seek adds to the time it takes to retrieve the entire file.

Defragging corrects this by moving data blocks back to contiguous, sequential series — the system can again access the files smoothly and quickly, with little or no extra head seeks.

The seek times of today’s hard drives are over 10 times faster than

those of that ancient Seagate drive David mentioned. So the benefit of reducing seek times is an order of magnitude less. You probably won’t notice any difference accessing a given file, whether the drive is defragged or not.

But the **aggregate** seek times still matter. We now use our drives far more intensely than we used to. (Heck, my first hard drive held 10 megabytes of data; nowadays, I take individual photos larger than that.) So the total number of seeks our hard drives perform today has **increased** by an order of magnitude.

Speed aside, there are other benefits from defragging. For example, it improves your odds of recovering a deleted file, folder, or partition; it reduces overall wear and tear on the drive heads; and it helps minimize noise and heat during normal operations.

Initial disk defragmentation can take hours. But after that, it takes just a couple of minutes if you run the process every day. Because you can run defragging as an unattended process in all current versions of Windows — no third-party tools needed — one might ask: why would you **not** defrag?

(Donna’s note: Check out a third-party program called Executive Software Diskkeeper.)

WINDOWS XP: LOOKING BACK, LOOKING FORWARD

On October 22, 2010, Microsoft pulled the plug on sales of Win-

dows XP, ending the operating system’s spectacular nine-year run.

With no new copies being sold, support for XP will start to decline. Fortunately, XP’s long run has produced a ton of collected wisdom: everything you need to keep your copy going strong and — when ready — to help you move on.

The end of XP is a watershed moment. It’s truly the most successful operating system in the history of personal computers. Windows 3.x was great in its day; it gave mass-market, affordable PCs the graphical prowess Microsoft needed to compete with the more expensive Macintosh computers. But it lasted only five years, from 1990 to 1995. XP’s reign was twice as long!

The Windows 9x family (95 and 98) were also stellar OSes. Windows 95, released in 1995, introduced Windows Explorer for file management and was the first Windows to exploit the power of 32-bit hardware. And it added TCP/IP networking as an integral (not bolted-on) component of the OS.

Windows 98, delivered in 1998, was the first Windows to integrate Internet Explorer. Because it was essentially free, IE quickly ignited industry controversy and ensuing legal battles for Microsoft. But as part of the Windows package, it helped with the explosive growth of the Web and the **dot-com** boom of the late ’90s.

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In 2000, five years after the launch of Windows 95, Microsoft — late getting its next operating system out the door — released the stopgap kludge Windows ME (short for Millennium Edition; it was soon given less-charitable labels). It landed with a resounding thud. Even Vista was more popular than ME.

So Windows XP's **near-decade** reign is impressive. Rolled out in 2001, it blended the familiar interface conventions of Windows 98 with the heavy-duty, business-oriented underpinnings of Windows NT (New Technology). The result was a hybrid operating system that looked good, was easy to use, and — most important — was far more stable than its predecessors.

Microsoft originally planned a five-year life span for XP. But delays and missteps with XP's successor products (Vista, for example) plus huge upgrade resistance from users forced Microsoft to extend XP's life again and again. Now, with Windows 7 proving itself a worthy replacement, Microsoft finally has the opportunity to retire its aging, war-horse operating system. The October 22 end for XP occurred almost exactly one year after Win7 rolled out.

XP is going out on top. According to NetMarketShare.com, which tracks operating systems actually in use online — XP still holds a commanding 60.03% market share. XP is losing about 1% to 2% market share per month; Win7, coming on strong, is currently in second place at 17.10% and is growing at 2% to 3% per month. And because many businesses passed on Vista, there's a huge pent-up market for Win7 upgrades — so its share of Windows users will grow even more rapidly.

XP WILL GET SECURITY PATCHES UNTIL APRIL 2014

Now that software development on XP has stopped, the most important question for XP users is future support. Microsoft plans no further Service Packs or feature enhancements for the OS. But given the astounding number of people still using XP, Microsoft says it will provide XP security updates through April 2014. (See Figure 2.) That should give large businesses sufficient time to complete their Win7 migration.

In addition, Microsoft's knowledge base will continue to host XP-related information for at least that long. That's an astounding 13 years after the OS was first released. To my knowledge, that's a record — the longest-supported run of any major personal computer operating system by any company, ever!

MICROSOFT INCLUDED MANY KEYS TO XP'S SUCCESS

In addition to the ease-of-use and stability enhancements mentioned earlier, XP had other features and innovations that made it a winner.

For example, XP was the first Windows with so-called **intelligent** taskbar and notification-area behavior. (The taskbar contains the Start button and the icons representing running programs; the notification area, the small block in the lower-right corner of the Windows screen, contains the clock and icons for background tasks and services.) When your taskbar runs out of space, XP intelligently overlays similar icons on top of each other and suppresses inactive notification icons.

That might not seem like a big deal now, but it was a major innovation in its time — one that made using many programs vastly simpler. In fact, XP's overall user interface may be the most imitated ever. If you don't believe me, check out almost any desktop Linux and see how familiar the UI seems.

XP was the first Windows to ship with built-in CD-R burning software; first to include user-configurable power management; first to ship with a built-in backup tool; and first to ship with ClearType, a screen-legibility enhancement — all features we take for granted now.

XP was the first Windows with a complete and genuinely useful Help system that replaced the rudimentary Help in Win9x. It was also the first Windows with Remote Assistance and Remote Desktop built in. And it was the first consumer/desktop Windows to support the advanced NTFS file system, which avoided the fragility and size limitations of the FAT

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system used in previous desktop Windows versions.

You can probably add your own list of favorite XP features.

XP'S MANY BLEMISHES ARE WELL DOCUMENTED

No one who has used XP for any length of time will call it flawless, however. Many of those flaws — and ways to work around them — have been detailed in Windows Secret's weekly reports.

When XP first appeared, many PCs of the day had insufficient power for the new OS, causing it to run painfully slow on those systems. And on all hardware, XP could consume ridiculous amounts of disk space for the recycle bin, Internet Explorer cache, and System Restore.

It also buried some truly useful features in places where they were hard to find and access.

Just one small example: Window 7's Backup applet is easily found in the Control Panel's top-level menu. XP Professional's Backup app is located deep inside All Programs, in the System Tools menu. In XP's Home

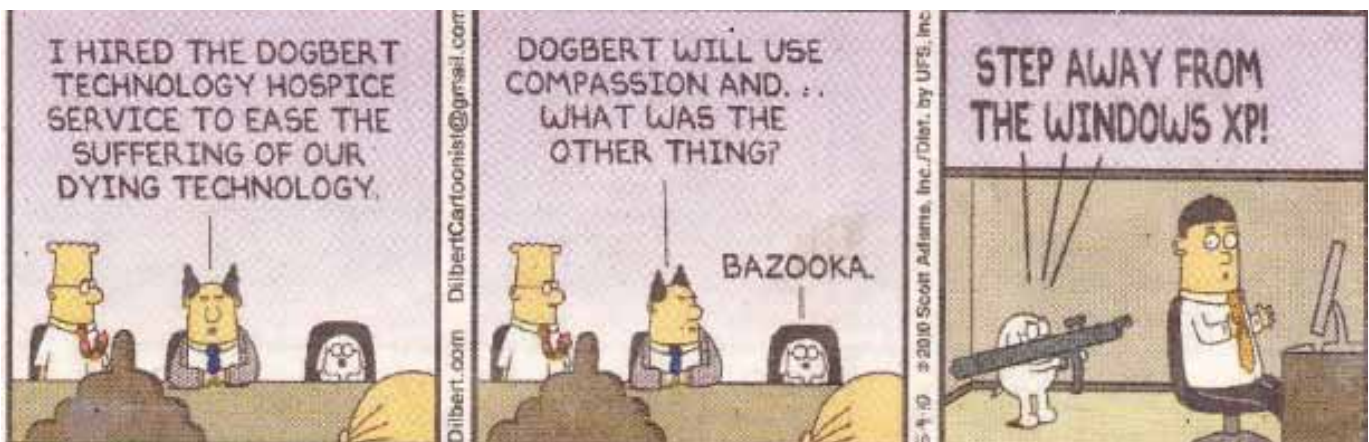
edition, Backup isn't even installed by default — users have to dig it out of the `\Valueadd\Msft\` folder on the setup CD and perform a manual installation!

Fortunately, after almost a decade of use, nearly all of XP's worst problems and limitations have been addressed in XP's Service Packs, with third-party add-ons and tools, and through a wealth of published tips, tricks, and workarounds.

In "Preparing Windows XP for the long haul," I provided tips on how to keep XP going for as long as you need it. The rest of this article builds on that: it's a compendium of some of the most useful XP information from the past decade, all in one convenient reference.

You'll also find links to help you upgrade smoothly to Windows 7 when the time comes. And at the end, you'll see how to keep your favorite — and possibly essential — XP software alive and running well inside Windows 7, just as it runs now.

(Comment by Donna: They're going to pry my XP out of my cold dead hands.)





Q. When I start to type an address in the To: field of Gmail, a drop-down list of old recipients appears. How can I delete the addresses I no longer use?

A. They can be deleted from All Contacts. To do that, click Contacts > All Contacts. Click to select an address that you would like to remove, then click the Delete Contact button.

Q. My computer displays invalid or expired security certificate alerts when I visit some sites. What can I do to resolve this problem? I look forward to your newsletter each week. Keep up the good work.

A. Thank you. The most common cause of the invalid or expired security certificate alerts you are receiving is an inaccurate date setting on your computer. Right-click the date display in the lower right-hand corner of your screen. You will see where you can adjust the date and time.

If you frequently need to adjust the date and/or time, chances are the battery that maintains that date, which is located on the motherboard, needs to be replaced. It is not expensive and any reputable computer repair person or service can do that for you. If you had any work performed on your computer recently, it is also possible that battery was disabled or removed and not reset thereafter, which would cause it to display its default year of 1980. In either case, if an older date is being used, your computer will think that any Web site security certificates it encoun-

ters have expired and display the alerts you have been receiving.

Q. How do I create a Desktop shortcut for the Device Manager? I have two computers, one running XP and one running Vista.

A. The executable or launch file for the Device Manager is named devmgmt.msc, so in Windows XP, click Start > Search > File and Folders and search for that file by name. When the file is located, usually in the C:\WINDOWS\System32 folder, right-click it and select Send to > Desktop (create Shortcut). You can then rename the shortcut by pressing F2.

In Vista and Windows 7 -- or if you cannot locate the devmgmt.msc file as described above -- you can manually create a shortcut by right-clicking the Desktop and selecting New > Shortcut. Use the Browse button to navigate to the Device Manager folder and locate the file, or simply type in devmgmt.msc and click Next. Provide a name ("Device Mgr" will work nicely), then click Finish.

Q. It seems to me that my iPad is running slower than it used to run. Can there be programs running in the background like there are on my computer that are affecting its performance?

A. Yes, indeed. It's not the identical situation that we encounter with computers, but it is similar. Unlike a computer in which you click the X in the upper right-hand corner to close a program, when you move

from app to app to app on your iPad, each application remains open and effectively running in the background. Because of this, it is a good idea to periodically close all apps to free up memory.

Either daily or several times a week, depending how much you use your iPad, double-tap the Home button, which will cause a bar to appear at the bottom of the screen that displays all running or open apps. Press and hold the first app icon until it starts to jiggle and a little red circle with a white line appears. Tap each circle to quickly close each app, one at a time.

Bonus Tip: If your iPad ever completely freezes, after you regain consciousness hold down both the Sleep/Wake button and the Home button until the device reboots. iPads are designed to remain on all the time and hibernate (sleep) when not being used, so if you do need to reboot in this manner, be patient. It may require a couple of minutes.

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Mr. Modem's Don't Miss 'em (DME) Sites of the Month

20 QUESTIONS

Test your skills and try to outsmart this site in a match of traditional 20 Questions, or choose one of the uniquely themed games such as Harry Potter, The Simpsons or 20-Q Sports. www.20q.net

THE BODY EXPLAINED

Hosted by Baylor College of Medicine, here you will find short videos created to answer common questions about the human body. Browse the site's list of delightfully light-hearted yet informative answers to such life-altering questions as, "What causes an ice cream headache?" "Why do our ears pop?" and "What causes goosebumps?" (It gives me chills just thinking about it.) www.bioedonline.org/body-explained

EPISODE GUIDES

As its name implies, the focus here is television episode titles and air dates for more than 5,500 TV shows, with links to additional information. Type the name of a show, use the Current Shows link, or the alphabetical listing. www.epguides.com

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Dear Nancy



Dear Nancy: My state association has filed a bill with the legislature which would require us to be licensed. Or is it certified? Our members say licensing and certification interchangeably. Do they mean the same thing? Signed, Grandfather Me In!

Dear Grandfather Me In:

When our state was considering licensing, I'd find myself wondering if some state legislature granted Agent 007 his license to kill. I'd fantasize about how useful it would be as some fast-talking expert tied my fingers in knots for hours on end. I'd have M rig up special exhibit labels for me that, when affixed to a document, released an invisible odorless neurotoxin just strong enough to slow down his speech. Never know what hit 'im! But I digress. A license is a permit granted by a governmental body. It can be revoked if you fail to do something really important, such as pay your annual fee. A certificate is a credential you earn, such as your RPR. It can expire if you do fail to do something really important, such as meet your continuing education obligations.

Each state with licensing has different requirements. Typically, when licensure is passed, reporters are "grandfathered in" and don't need to be tested. The state won't put people out of a job who are already working. Reporters who don't have a CSR or RPR might have to prove they've worked as a reporter in that state. Once the grandfathering grace period has passed, any new applicant must meet the requirements of that state's licensing laws. Most states require that you possess the RPR. There may be continuing education requirements as well. If you have any other questions, my name's Bond, Nancy Bond.

Dear Nancy: I took a deposition in which neither attorney in the case ordered a transcript. The expert medical witness is, two weeks later, demanding to sign the transcript. He is not willing to pay for my time or expense of transcribing it. He's threatening to sue the owner of the firm if she doesn't send him a copy. Does the witness have that right, if neither party to the lawsuit wants it transcribed? Can I be forced to work for free? Signed, What to do with a Whacky Witness

Dear What to do with a Whacky Witness:

Hmm. Wish you had that license to kill too, huh? Lacking that solution, check out the Rules of Civil Procedure in your state. They probably say that once the transcript is prepared, the witness has 30 days to read and sign. If

that's the language in your jurisdiction, tell the witness you will follow the rule. Put it in writing, and refer the witness to the attorneys in the case if he has further questions. Don't be bullied.

If your local rules are ambiguous, talk to the attorneys in the case. It's their problem, after all, not yours. You aren't required to work for nothing – and you don't work for the witness. Maybe you would feel more sure of your ground if you consulted a lawyer. It's a legal question, and legal advice is what lawyers get paid for. We are court reporters; we get paid for our transcripts. And we don't have to work for free.

Dear Nancy: In court the other day an attorney, trying to make his way through dense medical testimony, confessed to the doctor he was "nummah than a hake" when it comes to medical words. Say what? Isn't a hake a fish? Signed: Buffaloed in Maine

Dear Buffaloed in Maine:

A hake is a food fish, similar to cod, found in the waters of the North Atlantic off the coast of New England. It lives in really cold waters, hence it's numb. According to MollySmiles at www.city-data.com/forum/maine, the expression "number than a hake" means "really, really stupid." (Gotta love my quality references, eh?)

"Number than a hake" is a regionalism; you'll probably only hear it in Maine. But it loses its local color if you ignore the wonderful Maine accent that produces "nummah than a hake." As the down-easters say it, the accent is on num and the ah kinda trails off. Try it. With a little practice, you can even sound authentic yourself: "You can't get theyah from heeyah." The accent is on they and hee and the ah trails off. And can't rhymes with want.

Local dialects can be fun to hear, but how should we transcribe them? A recent JCR article advises using the proper English spelling — unless the speaker was intentionally making a point of his mispronunciation, like Gotcha. You wouldn't transcribe that as "Got you" cuz that'd miss the point and, frankly, look silly. So I'd opt for "nummah than a hake" in my transcript, because "number" just doesn't cut it.

I'm sure the locals in Bah Habbah would approve!

Nancy Varallo, FAPR, RDR, CRR, owner of The Varallo Group, offers customized business development and administrative services to court reporters and reporting agencies. Nancy has been a court reporter since 1979, has trained hundreds of court reporters, and has fielded thousands of questions from reporters. Please ask your question at www.dearnancy.com.



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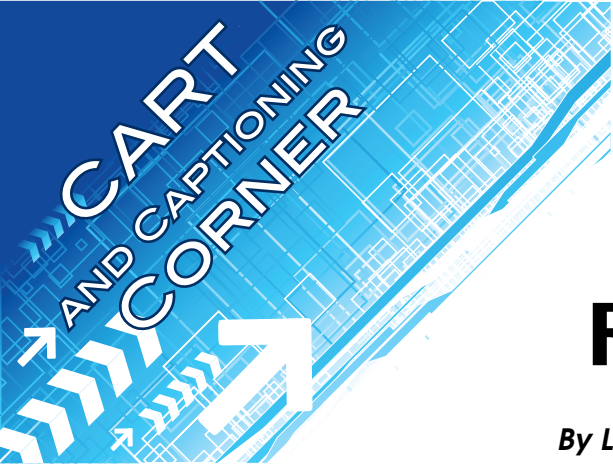
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Let's Get in Realtime Shape!

By Lisa B. Johnston, RMR, CRR, CCP, CART Committee Chair

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CART Committee Chair Lisa Johnston would like all qualified Florida CART providers to send her your e-mail address and experience and training in providing CART to your consumers.

Please e-mail your information to:
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In Memoriam – Gerard F. Ryan

By Lisa Johnston, Palm Bay, FL



Gerry Ryan passed away on July 20, 2011. He was battling lung cancer and his weak heart couldn't continue the fight. He was 68 years old.

Gerry was born in Linwood, New York, and raised in Massapequa, New York. He studied court reporting at Interboro Institute of Court Reporting in New York City. After finishing school, he worked in Washington DC, and then moved to Florida in 1967. In 1971, he became an Official Court Reporter in the 18th Judicial Circuit in Brevard County. He founded his court reporting business, Ryan Reporting, which he continued to operate for the rest of his life.

Gerry was tirelessly devoted to his family and friends and dedicated himself to serving his community. Known for his kindness and great sense of humor, he was passionate about helping others and was a dear friend to many.

I met Gerry when I was 18 years old. He is the one who got me interested in court reporting. When I went off to college, he lent me one of his steno machines and gave me steno paper for the two years I was in school. He invited me to come to his office any time to "learn the ropes" or to sit in court and practice. His door was always open and you were always welcome.

He offered me a job when I graduated at age 20. Gerry gave me confidence, guidance, advice, fun and laughter, and most of all his friendship. He gave me the love of the profession that I hold to this day.

We were always laughing. He made work fun.

I remember one time we were talking about how we both loved to eat bread. One day, he brought a

bread-making machine into the office and hinted, "If you ever want to make bread..." It usually took 3 hours to bake the bread in the machine, and I would go into the office at 5:00 a.m. so he could have hot bread when he arrived in the morning. I loved doing that for him and I especially loved seeing the smile on his face.

I was so privileged to have worked with him for 26 years. He used to tell people about my longevity with his firm: "She's been with me so long, she's outlasted two wives." I loved that story. And, fortunately for me, he is the one who introduced me to my husband. Thanks, Ger!

Gerry meant so much to so many people. Even though his heart was weak in the end, it was the biggest heart of any man I have ever known. Gerry was always in your corner; if you needed ANYTHING, he wanted to help.

I will miss him terribly. He was very good to me and I will forever be thankful he was in my life.

RIP, GFR.