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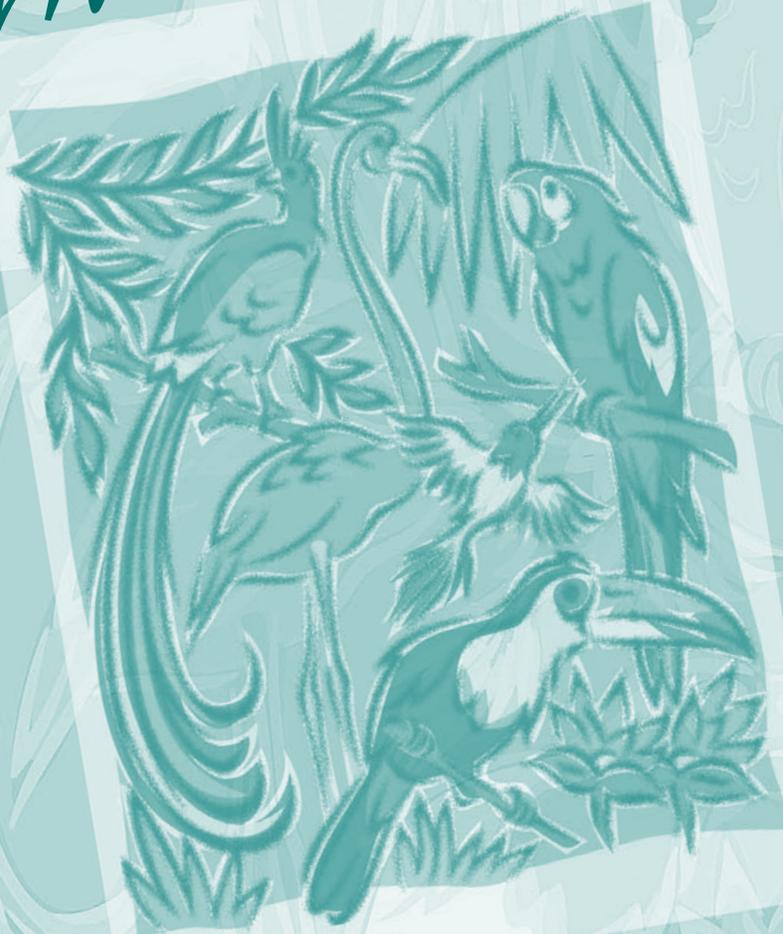
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Outline

OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

APRIL/MAY/JUNE 2007

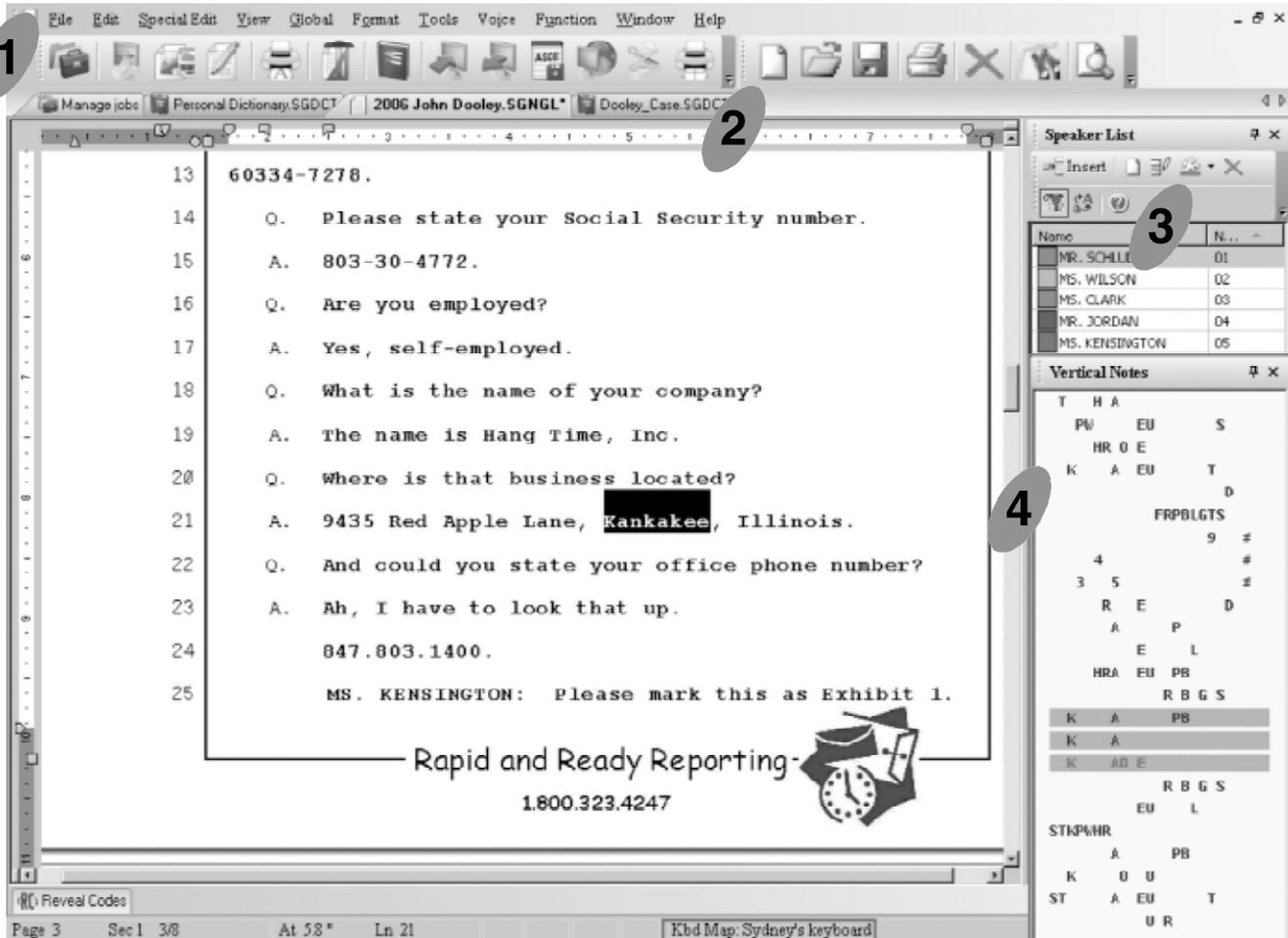
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Table of Contents

DEPARTMENTS

President's Message	4
Editor's Notes	5
Bulletin Board	6
Reporters Referral Network	45

ON THE NATIONAL SCENE

The Truth About ER and Reporting	7
Stenograph Announces the Release of Case CATalyst 8	10

ON THE STATE SCENE

Anything You Can Do, I Can Do Better	11
CART Services in Florida - FAQ	12
The Spelling Bee	13
Court is Not in Recess	15
Stenographer Jailed Over Unfinished Transcript	16
Court Reporters Caught Between Contempt and Not Getting Paid	17
Digital Recording Transforms Court Reporting Industry	19
2nd DCA Opinion on Petition for Writ of Mandamus In Re: James Marion Moorman, et al, Petitioners vs. Janie Hatfield, et al, Respondents	20

ASSOCIATION BUSINESS

Boot Camp 2007	26
FCRA Fundraising Drawing — Win an elan Mira A3 or Stentura Fusion	26
Pro Bono Program	27
Pro Bono Program Reporter Pledge Card	28
Pro Bono Program Reporter Assignment/Evaluation Form	29
EMDSA Nomination Form	30
Polk Businesswoman Honored	31
It's Closer Than You Think!	32
NEW! New Member Profiles	33
Reporters in the Spotlight	35
Congratulations to April 2007 FPRs — You Did It!	36
Congratulations to FCRA's Very Own Rick Greenspan, Thomas Hughes, and Rick Levy	37

ON THE JOB

Ask Mr. Modem	38
Mr. Modem's DME Sites of the Month	38
Ethics & Procedures Corner	39
Sluething the Net - Smile! You're On Candid Camera!	40

FCRA WELCOMES

Welcome New Members	43
Membership Application	44

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By Catherine J. Phillips, RMR, CMRS, FPR
2006-2007 President



FCRA – For Those Who Capture the Spoken Word

On February 9th, Dave Wenhold, NCRA Director of Government Relations, conducted a Strategic Planning meeting with the Board of Directors. One of the things we discussed and realized we needed to accomplish was a new Mission Statement. Our old Mission Statement was too long and we needed one that better represented what FCRA stands for. "FCRA — For Those Who Capture the Spoken Word" was the brainchild of Robin Merker, Director at Large, and adopted by the Board. We felt this Mission Statement truly represents all the members of FCRA. We're also working on some other ideas that came out of that Strategic Planning meeting and hope to implement those in the near future.

During the last week of February, Susan Wasilewski, FCRA Treasurer, and I had the opportunity to attend NCRA Boot Camp in Washington, DC. Rick Greenspan, NCRA Director, and Nate Smith, NCRA Government Relations Specialist, were also in attendance with us as we hit Capitol Hill lobbying for our cause. Be sure to read Susan's article in this issue and see how well our day went, as well as which celebrities we rode in elevators with.

I also had the pleasure of representing FCRA at the NCRA Mid Year Conference in Vancouver, BC, March 30 - April 1. Keynote speaker, John Alston, told us that work-life balance is about effectively managing the juggling act between paid work and the other activities that are important to people. He shared the five rules that he lives by: 1) life is a gift – don't trash it; 2) your greatest gift is your mind; 3) consistently develop your skills, then give them away. Don't just keep them to yourself, share them with others; 4) be the most decent you can be – be a good person; 5) never take people or time for granted.

At the NCSA (National Committee of State Associations) seminar, the representatives from other states shared that we're all dealing with similar issues: ER; repositories being used by attorneys who are uploading transcripts to be shared/purchased, bypassing the reporter and causing the loss of copy sales; and schools closing, just

to name a few topics that were covered. The states that haven't faced some of these issues as of yet realize the need to be proactive with our profession instead of reactive and trying to fix problems after they've started.

Another really informative seminar was the Constitution & Bylaws Committee sharing an example of the software that could be utilized for the Direct Member Voting process, should the DMV Bylaw amendment pass in Dallas at the NCRA Annual Meeting. For those who aren't aware of what DMV involves, DMV will allow all active participating members of NCRA the opportunity to vote online on amendments to Bylaws and the final two candidates in a contested election, even if they are unable to attend the Annual Business Meeting. This means the vote will better reflect the wishes of more of the membership and not just the 50 to 75 voting members who actually attend the Annual Business Meeting. This is a really HOT topic within NCRA, so please try to attend the NCRA Annual Meeting in Dallas, Texas, August 10 - 12.

I'm really looking forward to our Mid-Year Conference in Marco Island, June 15 -17. Jennifer Gaul is the Convention Chair and she has put together a great lineup. You'll be sorry you missed this one if you do. We've also had requests for another FPR (Florida Professional Reporter) seminar at this conference, so there will be one on Friday, June 15. If you missed the one in April in Orlando, please sign up, seating is limited. Our Board meeting will be held on Thursday afternoon, June 14. I invite all who wish to attend. If you plan to attend, I would ask that you contact me beforehand so we have a good count for our Executive Director.

It's hard for me to believe that I have already completed more than half my term as president. It's been my pleasure serving you thus far. Please feel free to contact me (cjphillips111@aol.com) with any questions, comments or concerns you may have.

See you in Marco Island!

By Louise Pomar, RPR, FPR, FCR Online Editor

Opening Our Eyes and Our Minds...



Variety is defined as "something varying or differing from others of the same general kind; one of a number of things that are akin." This issue of *FCR On-Line* is designed to expose our membership to the variety of methods being utilized in our great state to capture the spoken word.

There are articles on CART/Captioners, Voicewriters, Stenographic Court Reporters, and Digital Court Reporters. While some of us would like to stick our heads in the sand and "pretend" other court reporting methods do not exist in our country, must less our beloved state, that is not reality. In order for us to see where we all fit into the scheme of things, we must first educate our-

selves about the differing methods. As U.S. (Italian born) physicist Enrico Fermi stated, "It is no good to try to stop knowledge from going forward. Ignorance is never better than knowledge."

So with an open mind and a thirst for knowledge, I invite you to turn the page and explore the variety of articles that will spread out before you. I believe you will then see that all of our unique methods of capturing the spoken word do make us all of the same general kind.

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(Winter) Nov/Dec/Jan Oct. 5, 2007

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(Spring) Feb/Mar/Apr Jan. 5, 2008

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On the National Scene...

Reprinted from the January 2007 edition of the Journal of Court Reporting

The Truth about ER and Reporting

As digital recording enters the freelance market, court reporters need to learn about this service, as well as the advantages court reporters bring to a deposition.

By William E. Weber

Knowledge leads to victory; ignorance results in defeat.

In the stenographic reporting world, the topic of electrical recording is very powerful. It evokes many responses (and some of those are knee-jerk responses) from us. I have been a reporter since 1974 and spent two years before that in school learning the steno machine. Ever since my first day of school, I have been confronted with the question, "Are you going to be replaced by recording?" Well, it is 2007, and I'm still writing on my machine. Oh, court reporting has changed, and it has changed a lot. I hope it continues to change.

THE BIG QUESTION

Because of my technical skill and the base of knowledge I have acquired through years of experience and continued education, I see myself as a reporter. I do not define myself solely by the machine. My brain enables me to be what I am and what I always will be. However, when asked the question, "What do you do?" I always respond, "I'm a court reporter." And when the questioner seeks clarification by saying, "Oh, with that little machine," and gesturing with their fingers, I always proudly reply in the affirmative. The next statement typically is: "That must be a fascinating job." I'll say, "Yes, it is, most of the time."

And then — here comes the big question — "So, do you think you will be replaced with technology?"

Unfortunately, here is where most of us fall into a trap. We'll answer, "Well, I don't think so — court reporters are the independent and impartial people — a live court reporter — as opposed to a dead one — will always — I don't think technology will replace us because —"

Stop, please!

You've just confirmed what the questioner always thought. You come across like a stagecoach driver being replaced by those fancy new horseless carriages that make all the noise. We appear to be out-dated protectionists soon to be rolled over by the future. If we continue in this way, someone will need to get a spatula to scrape us off the road.

Here is the argument I hate the most, because it's a stupid argument: "Sure, those tape recorders can get it down on tape, and that tape can be transcribed. However, they have no skill, and any monkey can do that job." Oh, my, you've just made a terrible admission. You have just admitted that you can be replaced by a person with less skill, training, and education, who can do basically the same thing you do: create a record. Let me tell you something: When you can be replaced by a lesser skilled individual at lower pay who delivers the same product at the end of the day, you are in big trouble.

DIGITAL RECORDING

Everybody depressed? Don't be. Let's take an honest look at the current state of the technology we like to call ER and where it might go. Remember, only if you possess knowledge can you remain competitive.

Please take note I am not suggesting that you justify your position. You can do that all day. When all is said and done, the real question should be, "Am I competitive?"

First off, let's get it straight. It is no longer tape recording. Tapes are like manual steno machines — a thing of the past. Today, it is digital recording, and this beast comes with some pretty impressive features. Some of you have been smart enough to use it to your "competitive" advantage, whether in editing or even selling the product. A company I once worked for employs what are called digital reporters.

Now just what is a digital reporter? Well, for one thing, a digital reporter is not Satan in a human body. Digital reporters are just people. Some of them are quite well educated and pretty smart — and they do acquire skills. Their skills are just different than ours. Some skills

Continued on page 8



On the National Scene...

Continued from page 7

overlap, such as customer service, knowing how to get work out, and making sure the quality of the product is useful. Further, a competent digital reporter is necessary to use the digital reporting systems now available, so the human element remains.

At times, our belief is that a digital reporter simply turns the machine on and reads a book until the hearing is over. This is not true. As a matter of fact, when a courthouse employs people who do simply turn on a recorder, you should competitively kick their backsides. Some vendors even suggest that one person monitor two, three, or four courtrooms at a time. Doing so introduces a lot of weaknesses into that system, and all of us have heard the horror stories about it.

WHAT DO THEY REALLY DO?

Let's talk about the system: What do digital reporters really do?

First off, what does a digital reporter need to get? The answer is a really good recording of what is said in a courtroom, hearing, deposition, or any other proceeding that needs a transcript. Digital reporters record proceedings onto a computer, so this is not speech recognition.

The second thing they must do is provide a product that will make transcription easy — because we know for a fact that currently there isn't a device that can be plopped down in a room and use speech recognition to translate everything that is said into text and also identify the speakers. If there is a device like that, it is not on the market nor is it affordable to be in every place a reporter is needed. I do believe we will see it some day. Probably the big obstacle right now is its affordability. But consider that the first hand-held calculator, which came out in 1971, cost approximately \$400 and could perform only four functions. Then consider the iPod, which is nearly ubiquitous these days.

The digital reporter creates a text file that is synchronized to the voice recording. Why is this important? Quick read back or play back. This was the great weakness of "tapes." Not so with digital recording. Access is very fast. And digital recordings can be searched much, much faster than electronic text.

The digital reporter systems come with a computer,

software, microphones, earpieces, back-up recording systems, and mixers. The mixer allows the digital reporter to control the quality of audio recording by turning up the recording to pull in those who choose to speak so low you can't hear them to backing off a speaker who speaks too loudly. Controlling the recording is very important to get a quality recording. Digital reporters doing their job properly can enhance the recording by using the various microphones to pull in the low speaking person. This is a strength of the system. And if the digital reporter listens to the hearing through the earpiece, they can tell when the recording is not as good as it should be. It is important that the digital reporter have knowledge of how this equipment functions and serve the function of getting everything said recorded.

We can do the same thing. We can ask the speaker to speak up or to repeat something. However, I find many reporters don't do their jobs today and choose to miss words or hope their own recording protects them. As in all humans, there are differences of work ethic. Some digital reporters are very, very diligent in making sure the recording is a good one. Others simply make the recording without adjustments.

How is readback accomplished? If the digital reporter is competent, they will have kept a very good log — or, with the latest software, a tag file. The creation of a tag file is what mandates an operator for each unit. As the speakers ask questions and give answers, the digital reporter creates designations for each speaker. The function keys on the computer are used for this purpose. Each function key can be assigned to any speaker. F1 may be a question, F2 the answer, and F3, F4, and the remainder can be various lawyers. When the digital reporter presses F1, a "Q" comes up just like ours. At this point, the digital reporter will type in key words — it is not verbatim. A digital reporter may type in "Q. name." "A. John Smith." "Q. Address?" "A. 3577 East Main Street, Pittsburgh PA 15329." Now a tag file is being created. F3 may be Mr. Jones speaking. Pressing F3 creates, "MR. JONES:" The reporter then types in "objection." All of this allows the reporter to search the tag file. As an example, counsel may ask the reporter to read the last question back. Now the reporter by using the tag file, which is synchronized to the digital

Continued on page 9



On the National Scene...

Continued from page 8

voice recording, simply goes to the previous Q and begins the playback function. The digital reporter may either play back the recording for counsel or listen to the recording through the earpiece and repeat the question.

What does all this mean? It means a person who employs this technology can read back or play back if their tag file is of good enough quality. And the system simultaneously records while playing back, so the read back is contained on the recording.

So, what if the recording doesn't work? Well, it is very important for digital reporters to create another digital backup. Some do more than one. I'm fairly certain that few courts, if any, create back-ups. Maybe that is why, when there is a malfunction, it is so devastating. In comparison, even the worst stenographic reporter gets something.

The better a digital reporter can listen and type, the better the ability to play back. However, it also gives aid to the next function in the process. As long as that transcript is never ordered, stenographic reporters or even voice reporters have no competitive advantage over a digital reporter. As a matter of fact, digital reporters may have the greater advantage when it comes to storing records. They are all electronic and very inexpensive to store. Retrieval is another matter.

EXPLOITING A WEAKNESS

So where is the great weakness? I'm going to tell you.

To take advantage of a weakness, you must not have the same weakness. It is all about the transcription. This is why ER has been much more successful in the courtroom as opposed to the real marketplace, freelance. Government can never be considered the real marketplace. I don't know the statistics, but consider how much of everything you write in a courtroom is ever transcribed: Five or ten percent? I'm sure it varies across the country. However, almost all depositions are transcribed. And, thus far, stenographic reporters have owned the market in freelance. Owning the market is a huge advantage. But, in this technological world, that can change very rapidly.

Once a transcript is ordered, things begin to get tricky. Stenographic reporters begin to transcribe. Some do a transcript from beginning to end through

production and delivery. Most officials do business this way. Freelancers, of course, vary greatly. Some rough out the transcript and turn it over to a scopist, who has replaced the note readers from my day. Some reporters allow others to do the proofing also. Most of us have great difficulty doing that because, well, we are a bit anal.

But what happens with the digital reporter's work product? Most digital reporters I know are not transcriptionists. Some are because they are really smart and have a mix of skills like typing and a very good knowledge base. Usually the transcription is passed off to a transcriber who listens to the voice and transcribes, just like the old notereader, except they use the recording. So if you say, "I could never trust a transcriptionist," well, in days hopefully gone by, many reporters trusted notereaders. Transcriptionists can make mistakes, too. The log that the digital reporter kept allows the transcriptionist to know just who is talking. All that responsibility falls on the digital reporter to do a good job. Again, like us, some are very good and others should be doing something else.

Here is where we have a great advantage. We can have a rough text file immediately. Digital reporters can provide a voice file immediately. And if we are doing our job right, we already have all the speakers designated correctly using our CAT system. And, if we are even smarter, we use our voice recording systems on our computer while writing realtime, which is synched to the text. So if for some reason we believe we may have missed something — Egad, that never happens — we can quickly check the audio or a scopist can check the audio. It is all about time and what is available. Even today, there isn't a voice recognition system that can transcribe the audio to text and identify all the speakers. It still requires listening by a proofreader word for word to make sure the text is accurate.

So the competitive advantage is all about time. And we are no different from any other product or service in any other industry. As my friend Bruce Balmer, CLVS, of Compuscripts Legal Video Services, Columbia, S.C., says, "Whoever provides the fastest throughput with the highest quality at the lowest cost per delivered unit will win." It's all about the right combination.

Continued on page 10



On the National Scene...

Continued from page 9

Right now digital reporting and transcription is very labor intensive. Sure, maybe the labor is cheaper, but cheap labor rarely wins the day. Service combined with technology wins the day. If cheap labor were to win the day, we'd still employ sharecroppers to do the farming. It is just not cost-efficient. It takes time to listen to a digital recording, understand it, and get a good clean transcription. Ask anyone. If production of a product is labor intensive, then it is management intensive. It takes great, not good, management to make all the trains run on time. It takes great systems to assure there are no flaws. All of this comes at a cost, the cost of labor. And that is why there have been many attempts to outsource transcription overseas in the medical transcription business. But cheap labor comes at a cost too, usually in quality if intense management is not in place.

So there you have it. What you do with the information is up to you. Other questions are to be debated in other places. For instance, is there a place for such a way of making the record? Should we own that technology or simply keep on the course? How should we view all this?

For one, I think any knowledge only makes us better — better prepared to examine ourselves, better prepared to do business. This is certain: if we think we have done enough, we haven't. If we think we have all of the advantages, we don't. If we don't continue to improve, implement technology that is available to make us better, then we will end up just like the stagecoach driver: unemployed.

Stenograph® Announces the Release of Case CATalyst® 8

New version includes Global Suggest, Internet Research Directly from Edit, and more.

Stenograph has launched Case CATalyst 8, the eighth version of its popular computer-aided transcription (CAT) software for court reporters. Included in this update are Global Suggest, Spell Check on-the-fly, Internet Research Directly from Edit, and many other enhancements.

With Global Suggest, Case CATalyst learns as users edit and offers logical and timesaving choices to replace. Another timesaving feature, Batch Print Steno Note Files to PDF, makes it even easier to archive note files in a format that will stand the test of time. Other features of Case CATalyst 8 can be viewed by taking a tour of the new program at www.stenograph.com.

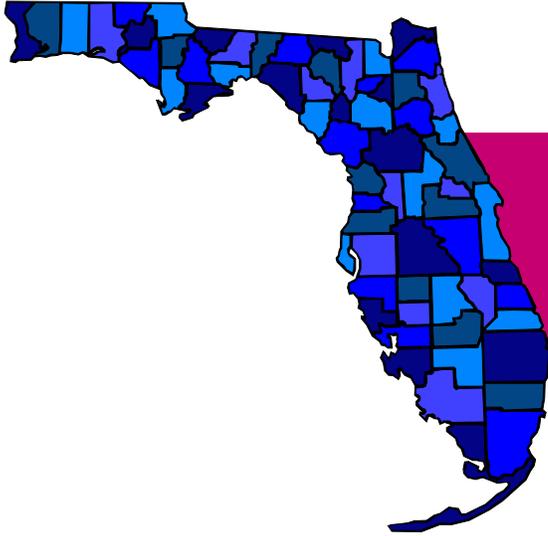
"Our goal is to deliver a major release with new productive features and improved usability to Case CATalyst users on a regular basis," said Stenograph President, John Wenclawski. "Historically, we have released an updated version of Case CATalyst in each of the past five years."

Case CATalyst 8 has been in limited release since

November 2006, and is compatible with Windows Vista, the latest operating system from Microsoft. Case CATalyst is the leading product used by court reporters and captioners with over 14,000 professional users.

"It's no coincidence that Case CATalyst 8 came out the day after Vista was announced," said CATalyst Product Manager, Judy Wolf. "The new version is fully compatible with Windows Vista as well as Mac OS through Boot Camp, a program that allows Windows to run on a Mac."

This update and many other enhancements are free to users who maintain an active annual software protection agreement with Stenograph. Case CATalyst 8 improves on Version 7, which was released in February of 2006. Users must update their individual security device to receive the Case CATalyst 8 update. Stenograph is the only company that allows users to update their security devices online, 24 hours a day, seven days a week. Simply visit www.stenograph.com/case_catalyst.aspx and follow the steps to reprogram.



On the State Scene

“Anything you can do, I can do better...”

By Chris Ales, Voicewriter/Captioner and Gayl Hardeman, RDR, CRR-CCP, FAPR

That’s the title of a familiar hit song from the musical, “Annie, Get Your Gun,” written by Irving Berlin. The (true) story goes: A female sharpshooter, Annie Oakley, takes up the challenge posed by the Buffalo Bill Wild West Show’s best-known sharpshooter, Frank Butler. To Frank’s consternation, Annie beat him. To the world’s surprise, they wed, and their relationship spanned fifty happy years.

What does this have to do with steno and voice? We’ll share our story with you.

Once upon a time there was a Voicewriter (I, Chris Ales) who wanted to become a CART provider. In January 2000 I was introduced to well-known CART provider/steno writer Gayl Hardeman, RDR, CRR-CCP, founder of CARTWheel, member of the NCRA CART Task Force.

After a lot of discussion and my demonstrating my voicing skills, and her learning I’d taken sign-language courses and was building my dictionary/vocabulary from her CART tapes, she agreed to mentor me, AS LONG AS I promised to do the following: “Uphold these CART standards and share them with your fellow Voicewriters.” My memory is she added some stronger language to this (smile). So I’ve been upholding, and I’ve been sharing!

Gayl and I kept in touch, sharing files and info. I soon shadowed her on a CART job, and she mentored me in the process. Not long afterwards, we were presented with the opportunity to caption a major event at a large arena (which doubled as an ice hockey venue). Gayl thought I was ready for my big debut. I was confident in my CART skills — after all, I’d been a reporter for 15

Gayl and Chris and their laptops - 2002

years, had interned in CART, and by now had perfected my theory and practice for real-time voicewriting.



Yes, I was “ready”

— or so I thought, until I walked into the arena and saw hordes of people, a mammoth TV screen, and a platform that hosted the elaborate audio/video maze where we were to sit and caption. We whipped out our encoder and A/B switch box, and the techies added them into the setup, the box allowing us to switch inputs between her A and my B. I would shadow her till I felt comfortable to sail on my own, and she’d flip the switch.

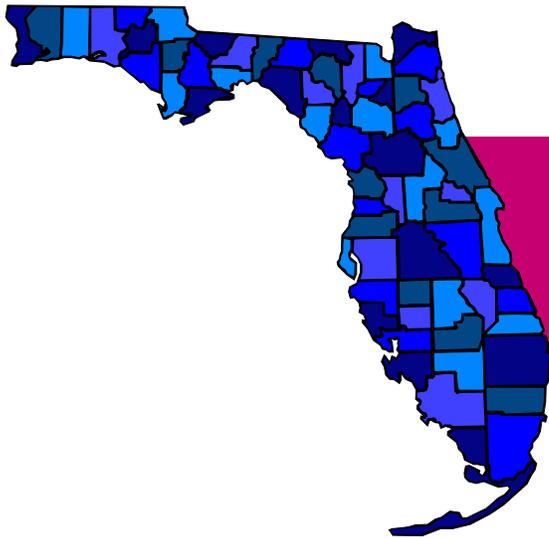
After we’d set up side by side, I now noticed — more than the cold from ice under the platform beneath our feet — that my knees were numb and my mouth was totally dry. Was I ANXIOUS? That’s an understatement! Beside me Gayl was calm and collected.

Soon the main speaker, an evangelist, appeared. Gayl began to write. The words streamed past us on the LARGE screen above. I was shadowing her — and panicking. I felt as though I’d forgotten everything I knew.

After two hours, knowing there was no break for us on the program, Gayl peered at me and whispered, “Are you ready to go?” I croaked back to her, “NO!” Had she lost her mind? She calmly replied, “Well, shadow me for a little bit longer, but I’ll need a break soon.” Whew! Relief! “Okay!” I assured her.

Some more time raced by. Gayl gazed over her glasses at me and queried, “Ready now?” Heart in my throat, hoping I could delay a bit longer, I shook my head and said, “No, not quite yet.”

Continued on page 12



On the State Scene

Continued from page 11

Gayl looked at my screen and nodded approvingly, looked at me, then took a breath and sighed. I sensed she would soon not be calm nor collected. A few more minutes of multi-syllabic evangelism-speak sang by. She looked at me levelly over her glasses, raised her eyebrows, and said, "Now." I sensed I couldn't milk this situation any longer. She, not hearing my squeaky "Not --," took her hands off her machine, reached up, and flipped the switch. I was live!

AAAAARGH!

When my breath returned to me, I was easing through the words, the feeling of shock replaced by the total thrill of seeing my words displayed on the big screen and hearing Gayl next to me saying, "Looking good!" Then an "Oops!" Then, "How did you get that long name to come out? Great!" I soon was over my stage fright, feeling the return of my knees and feet beneath me and the ability to breathe.

The rest, as they say, is history. We took turns over the next two days and evenings, learning from each other, sharing briefs, and talking about how the voice software program could better support voicewriters. What fun!

What's the moral of this story?

Education, inspiration, and mentoring are keys to real-time success, whether in steno or voice. Gayl and I have partnered to offer these keys to benefit others.

Education - online training modules in all areas of real-time stenowriting or voicewriting.

Inspiration - shadowing opportunities and sharing stories of real-world work scenarios.

Mentoring - personal, one-on-one observation and feedback; custom growth plans.

CART Services in Florida – FAQ

Working with persons who are deaf or hard of hearing has proven to be a personally rewarding and fulfilling experience for many court reporters and former court reporters. Part of what makes CART and captioning such a "feel-good" profession are the glowing testimonials (and frequent hugs) from grateful consumers. Here's an example of what one Florida CART consumer had to say:

"First of all, I would like to thank you for all the support I have gotten for this semester. The CART transcripts for finance are extremely helpful when working on homework outside of class. If you haven't heard, I am passing this time — with flying colors. I earned an 80 on my first test and a whopping 95 on the second. This is miraculous to me! I feel like I owe it to you; your services are irreplaceable."

There are currently fewer than 20 NCRA-Certified CART Providers that live in Florida. The demand for CART exceeds this supply. If you haven't considered CART before, now would be an excellent time to expand your horizons.

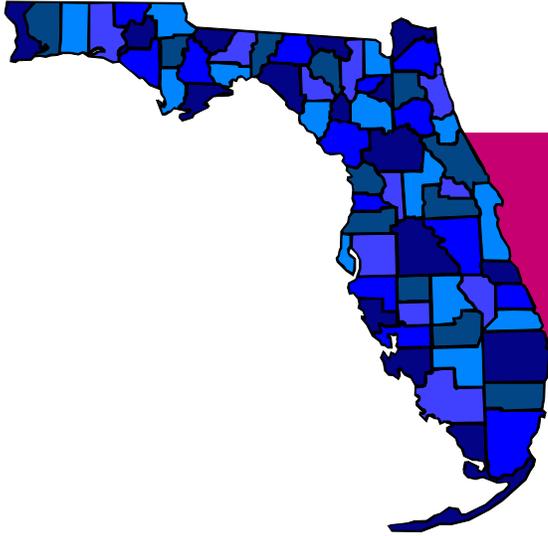
Frequently Asked Questions

Q. What is the difference between CART and captioning?

A. CART is an acronym that stands for Communication Access Realtime Translation. CART services are used to ensure effective communication between certain persons who are deaf or hard of hearing and persons who are hearing. CART services are typically displayed on a computer or projected onto a large screen. CART is displayed as a full screen of text. (See below for example).

Captioning is text that appears with a video picture. (See below.) Captioning conveys what is being said on the video, and it typically appears as two to three lines

Continued on page 13



On the State Scene

Continued from page 12

PROFESSOR: Hello. welcome to women and Social Action. This session we'll be talking about leadership and social action. Before we do that I'd like to recap some of the major points from last session on perspectives on women.

One key idea... us throughout t... sociological im... week, which as



from \$55-\$85/hour. The rates vary depending on certification level and/or experience of the CART provider, difficulty of the assignment, location and a number of other factors.

It should be noted that some CART work is done on location, and some is done "remotely." Remote CART is usually performed from the home or office of the CART provider. Oftentimes a CART provider's hours are scattered throughout a day, and most CART providers work some nights and weekends.

Q. What type of work do CART providers do most?

A. Currently most CART providers provide educational CART (in classrooms or through the internet), CART for workplace and other meetings, and projected CART for conventions or large events.

For more information on CART in general and CART information for consumers who are deaf or hard of hearing, an excellent resource is www.CARTinfo.org.

For a list of Florida's NCRA-Certified CART Providers, go to http://www.fccdhh.org/cart_locator.htm.

This article was submitted by Tanya Ward English, RPR-CRR-CCP-CBC and Gayl Hardeman, RDR-CRR-CCP-FAPR on behalf of the FCRA CART Committee.

The Spelling Bee

By Christine Ales, Voicewriter/Captioner

Those who know me know how long I'd wanted to do captioning. I worked and worked until I was good enough, and I finally got the opportunity three years ago, when I was hired by Caption Colorado.

Continued on page 14

of white letters on a black background. Captions may appear at the top or bottom of the video, and may be moved around as necessary.

Q. How will I know I'm ready to provide CART services?

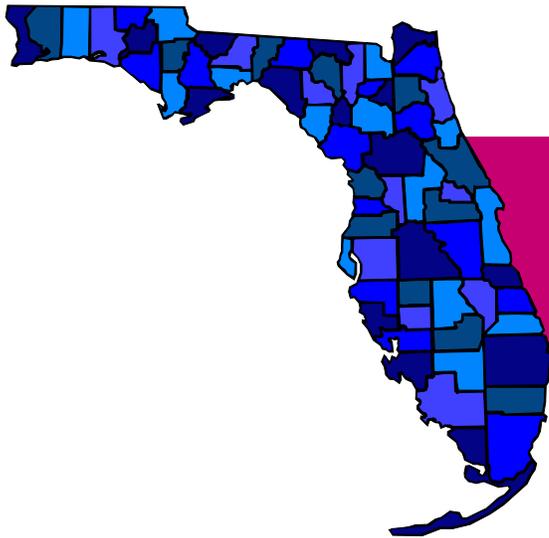
A. CART providers possess special knowledge and skills in the following areas: Speed, accuracy, writing theory, deaf sensitivity, terminology, sign language, ethics, display options and equipment.

There is an excellent checklist available that may be used to assess your "realtime readiness." An updated checklist can be found at www.FromtheHART.org.

Q. How much money could I expect to make as a CART provider?

A. Of course, CART salaries vary with the provider's skill level, number of hours worked, and the amount of work available, just as in court reporting.

Most CART providers agree that to be considered "full-time," one must be on the machine, writing CART for 15-25 hours/week. The hourly rate for basic CART (with no projection or special equipment) typically ranges



On the State Scene

Continued from page 13

I've learned something new every day, whether by experimentation or observation. I've learned how to make the CAT system work for voicewriters. I have learned much from steno colleagues.

What I didn't realize is how soon I would use those tools I'd learned. It happened on a Sunday. I was on what they term "emergency-call status" (aka standby) at my home. I was drinking my cup of coffee, enjoying the beautiful morning. The phone rang, and I answered – (note to self: never answer the phone on a Sunday!)J

"We've got a captioner down; can you jump on her show?"
"Sure. No problem. Please IM the numbers." (IM – Instant Message)

I fired up my computers. Not that I need two laptops to caption, but in case I needed to do any quick research, I always kept the other one ready to surf the net. I didn't have prep material ahead of time for the show I was going to cover. The captioner's internet was down so she could not forward the material in time.

I dialed the location's encoder number, donned my mic and headphones, brought up my CAT software, and waited for the show to start. I thought, "Well, I've got a couple of minutes. I'll IM the office and see what kind of show this is." Good thing. Their response? A spelling bee!

My reaction? Well, think "cold sweat," "light-headed."

I had to think fast. I knew the letters would translate, but a spelling bee? How would the speech recognition engine handle so much of this?

Oh, too late to ponder – the show was starting.

The term "on your toes" took on fresh meaning. I knew my software had "Spell and Stitch" mode, so while

captioning I brought up my settings and set the Spell and Stitch. I had never really used this before; this was going to be the test drive. I also knew we had a Force Tran stroke (I could type directly into my realtime document), but it took too many keys to execute. I quickly made a macro.

I was really wishing someone would put me out of my misery at this point, because I still hadn't stopped sweating. No such luck!

The first word was "otolaryngology." When I said the word, it translated. Good sign. Now came the spelling of the word. "O-t-o – can you say that word again, please?" "The word is otolaryngology." Ah, translated again.

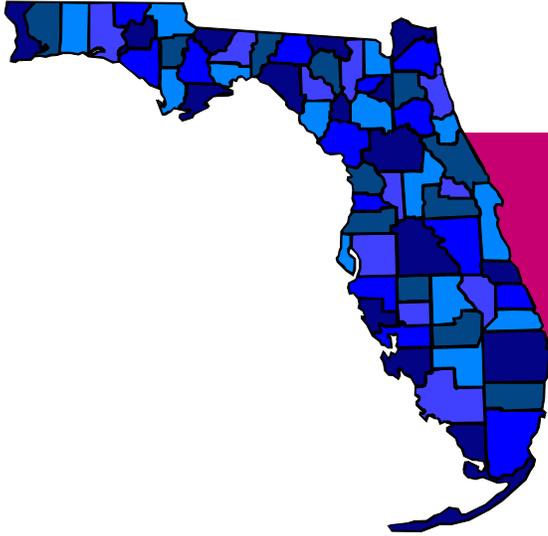
The contestant was ready to spell the word out. What do I do? Use Stitch and Spell or Force Tran? Hmm, she's going pretty slowly; I'll use the Force Tran. "O-t-o-l-a-r-y-n-o-l-o-g-y, otolaryngology." Phew! I did it. It worked!

I discovered something that day. First, it helps to know your program really well — all of its functions, even if you don't think you can use them. Experiment with your system.

Second, practice, practice, practice. Being a voicewriter doesn't mean you can stop practicing and correcting your work. I correct and add words all the time. In fact, after every job I correct and practice. I make a word log (new words which I practice).

Third, never answer the phone on a Sunday! J

P.S. If you're a Voicewriter and you have a question, I will be happy to respond. In fact, I'll post selected questions and answers in the next quarterly publication of *FCR On-line*. Sharing is a great way to learn! Contact me at: Christine.ales@yahoo.com.



On the State Scene

Continued from page 14

Reprinted from the March 27, 2007 issue of the *St. Petersburg Times*

Court is not in recess

It just looks like it. Besides, it's crowded inside and beautiful outside.

By Molly Moorhead

The announcement rang through the courthouse halls midmorning.

"Due to lack of courtroom space," a bailiff said through the intercom, "we're holding court in the smoking area."

Circuit Judge Linda Babb, followed by a trail of attorneys, clerks and a dozen or so defendants, paraded out to the courtyard of the Pasco County Courthouse. They sat facing one another on half-circle concrete planters.

It was bright and breezy and warm.

All four courtrooms in the Dade City courthouse were occupied by other judges Monday morning. Crowded dockets mean a constant battle for courtroom space.

Babb could have seen the defendants one by one in her chambers. But this was drug court, an intervention program that emphasizes rehabilitation over jail. It's about face time and accountability. It has an air of group therapy.

So there they gathered, squinting against the sun like college students having class outside. The stenographer fought with the little trail of paper that kept trying to blow away. The prosecutor, with no cherry table before him, scribbled in files balanced in his lap. The defendants heard the judge run down her usual list of instructions, especially: Get a job. Exercise.



Circuit Judge Linda Babb, third from the left, deals with a space crunch at the courthouse in Dade City.

"Anyone else know where marijuana gets stored in the body?" Babb asked. She was sans robe, legs bare, wearing a lavender top and polka dot skirt.

Someone mumbled "fat cells."

The judge's voice deepened: "In the fat."

Mike James reclined on the concrete, rested his eyes and soaked up the sun. He wore baggy jeans, black Nikes, dreadlocks in his hair. After a few minutes, he sat up and lit a cigarette.

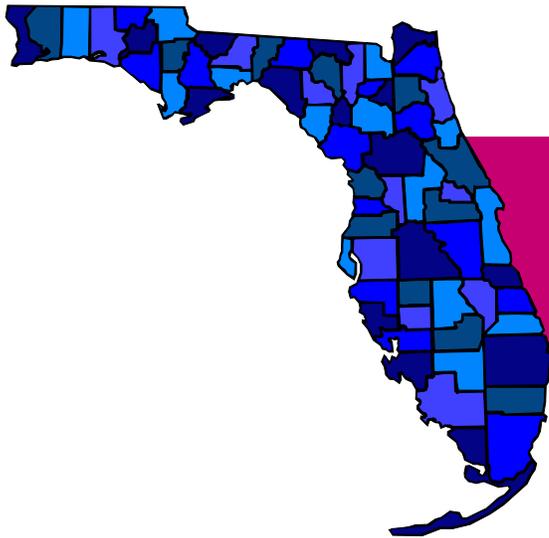
The judge sent him inside for a drug test. The result: positive for marijuana, though James swore he hadn't smoked it in weeks. Go to a group meeting tonight, Babb ordered.

Over the courthouse walls, just a few yards away, a train approached. It announced itself with blaring whistle blows, each one growing louder.

Babb paused, waiting for it to pass.

Silence fell again. "I think it's safe," the judge said.

The train honked three more times.



On the State Scene

Continued from page 15

Reprinted from the March 10, 2007 issue of the South Florida Sun-Sentinel

Stenographer jailed over unfinished transcript

By Tonya Alanez and Sofia Santana, South Florida Sun-Sentinel

A Broward circuit judge had a court stenographer jailed Friday for failing to complete a trial transcript, saying a child rapist's appeal for a new trial was being delayed.

Ann Margaret Smith, 44, of Lauderhill, is being held without bond at the Broward County Jail, charged with contempt of court.

"There's someone that's awaiting an appeal, and the only reason they're not getting it is because this lady isn't cranking her transcript out," said Circuit Judge Charles Greene, who gave the order for Smith to be arrested. He estimated Smith had 700 to 900 pages of the transcript left to type.

She's supposed to finish it in jail, per the court order. "This isn't something that's done lightly," Greene said. "This is only the last alternative." The transcript is from the trial of Damion Winston Foster, 30, who was convicted in March 2006 of abducting a 2-year-old Pompano Beach boy from his bedroom in April 2004. Foster raped the boy and then left him two blocks away from the child's home. When found, the boy was naked and had duct tape rolled around his head.

In April 2006, Foster was sentenced to three consecutive life sentences without parole, plus five years for kidnapping, rape, burglary and sexual abuse.

During that trial, Smith worked for Laws Reporting, a court reporter agency across the street from the Broward Courthouse in downtown Fort Lauderdale.

No one could be reached for comment at Smith's home late Friday, and no one picked up the phone at Laws Reporting. It was not known if Smith still worked there.

Smith can either have a friend or co-worker bring equipment to the jail so that she can type the transcript, or the court will make arrangements with the Sheriff's Office to escort Smith to her home to pick up whatever she needs to finish the transcript and bring it to the jail, Greene said.

Greene didn't know how long it would take Smith to complete the report or how long she would be in jail.

Greene said Smith missed a November deadline he gave her in the Foster case.

The 4th District Court of Appeal in West Palm Beach, where Foster has to file his appeal, ordered Greene to hold a hearing about the transcript on Feb. 9.

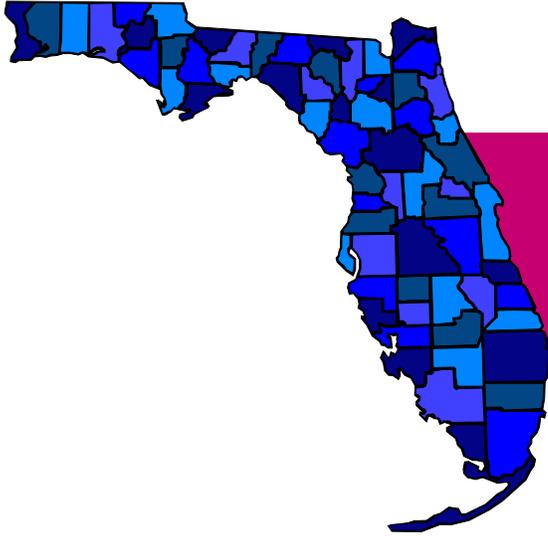
At the hearing, Smith said she might need until about May or June to finish the transcript, according to Greene, who said he found that unacceptable and gave her until Feb. 28, a deadline he said Smith missed.

Greene called another hearing Friday, where Smith said she didn't meet the February deadline because her computer broke, the judge said.

That's when Greene had her arrested.

Smith is being held in indirect civil contempt, which means Greene can order her to stay in jail until she completes the task.

Smith's arrest marked the second time in recent years that Greene has jailed a court stenographer.



On the State Scene

Continued from page 16

In November 2003, stenographer Diana Cavitt was charged with three counts of criminal contempt of court after court officials said she missed deadlines on 10 transcripts and ignored numerous warnings to finish them.

Jail staff set up a computer in a cell for Cavitt so she could work on the transcripts.

FCR On-Line Editor's Summary of Follow-Up Articles:

A March 13, 2007, article in the *South Florida Sun-Sentinel* reported that Ms. Smith was released from the Broward County Jail on Monday, March 12, after spending the weekend in jail. She was placed on house arrest until she finished the last 400 pages of the 1,500-page transcript. Ms. Smith had three children to care for, argued her attorney, and was making less progress typing up the transcript in jail. She had only been able to produce 91 pages in the 2-1/2 days that

she spent in jail, claiming that "...my mind is boggled thinking about my kids." Ms. Smith, who has been a court stenographer for 21 years, said she has never missed an appeals court deadline before.

In a subsequent article dated March 30, 2007, the *South Florida Sun-Sentinel* noted that Ms. Smith completed the 1,500-page transcript the previous week and would be paid \$3,990 for her work. She also admitted to a misdemeanor criminal contempt charge and was ordered into a one-year diversion program which included monitoring and community service. Ms. Smith was also ordered to pay \$1,142 for costs incurred while she was in jail. Judge Greene further ordered Ms. Smith to comply with all requests for clarification or corrections to the Foster transcript, to complete all future assignments in a timely manner, and to meet the April 9 final extension deadline date for another overdue transcript.

Reprinted from the March 27, 2007 issue of the Daily Business Review

Court Reporters Caught Between Contempt and Not Getting Paid

By Daniel Ostrovsky

Court reporter Conrad Kohler claims he is owed at least \$10,000 by a Miami company called Capitol Reporters and its owner Janice Jones for hearing transcripts he has produced.

Court reporter Brynn Dockstader claims Jones and the company owe her at least \$15,000. Angeline Porter says Capitol and Jones owe her nearly \$2,000.

The three court reporters say they worked as independent contractors for Capitol Reporters and

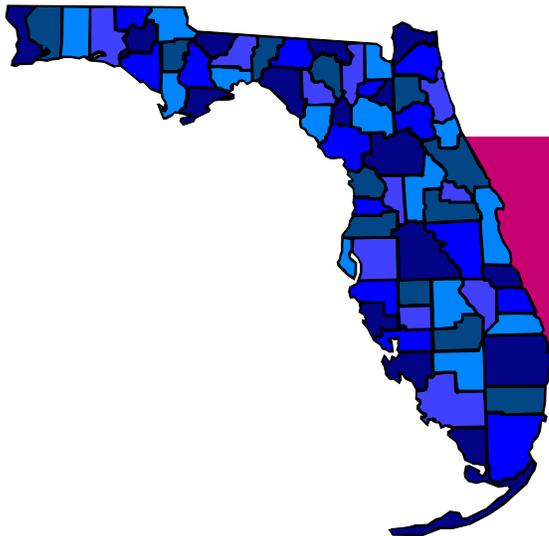
have been waiting for payment for transcript work going back to 2005. Meanwhile, they are required by courts to produce transcripts even if they don't get paid - at risk of being held in contempt of court and having to go to jail.

All three court reporters say there are other court reporters like them who are owed back fees by Capitol Reporters, which formerly held contracts with the Broward and Miami-Dade circuit courts to provide transcripts of court hearings.

"When I left in 2005, everybody was having problems getting paid," Porter said.

Eduardo Whitehouse, the court reporting manager for the 11th Judicial Circuit in Miami-Dade, said the alleged nonpayments have not delayed many cases.

Continued on page 18



On the State Scene

Continued from page 17

He said, though, some court reporters for Capitol Reporters have delayed producing transcripts because of concerns about not receiving payment.

Jones did not return several calls for comment. Miami-Dade Chief Judge Joseph P. Farina Jr. did not return a call for comment.

Whitehouse said Jones has told him the problem is the state Justice Administrative Commission, which is responsible for paying court reporters in Florida, has not been paying her. "We have called Capitol repeatedly and Jones assures us that (the court reporters) are getting paid when she gets paid," Whitehouse said.

JAC head Victoria Montanaro did not return a call for comment.

But state records show Capitol Reporters has been paid tens of thousands of dollars since 2005. From those records, it is not possible to tell whether Capitol Reporters has been paid by the state for the specific work performed by Kohler, Dockstader and Porter.

Whitehouse said he has met with Jones to try to work out the issues. "We certainly don't want people to work for nothing," he said. "We want people to get paid for the work they do."

70-30 split

Capitol was one of a number of companies that provided court reporting services in the Miami-Dade and Broward courts. The company agreed to rates set by the courts. The individual court reporters worked for Capitol as independent contractors and were supposed to receive 70 percent of the payment for each transcript, while Jones was entitled to a 30 percent cut.

When a court reporter covers a judicial hearing, deposition or trial, the reporter stores the stenographic notes on disks. If one of the parties then requests a

transcript of the proceeding, the court reporter must use the stenographic notes to type up a transcript, which takes many hours.

Kohler and Dockstader left Capitol Reporters early last year, while Porter left in 2005. Since the three court reporters left, Capitol Reporters lost its contract with the Miami-Dade and Broward courts, partly because of the allegations of nonpayment made by court reporters. Whitehouse said Capitol Reporters held the contract with Miami-Dade for at least 10 years.

The court reporters say the termination of the contract has had no impact on Jones' continuing failure to pay them. "I had to refinance my house," Dockstader said.

The biggest problem for Kohler, Dockstader and Porter is that whenever someone requests a transcript of a proceeding they covered while they were still working for Jones, Capitol Reporters, under its former contracts with the circuit courts, is the only entity that can bill the state Justice Administrative Commission for such transcripts.

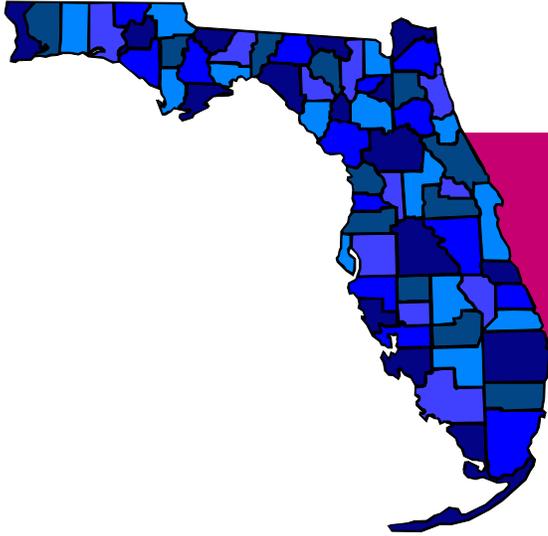
The three court reporters say Jones has refused to let them bill clients directly for the transcript work, then pay her the 30 percent share.

Dockstader sued Jones and Capitol Reporters last June in Miami-Dade County Court for alleged nonpayment. The case is pending.

Whitehouse said he has offered to draft an arrangement where the court reporters would be paid directly and Jones would get her 30 percent cut but Jones refused to cooperate.

Nevertheless, Kohler, Dockstader and Porter say they have continued to provide transcripts in a timely manner.

Continued on page 19



On the State Scene

Continued from page 18

Kohler, Dockstader and Porter say even though Jones hasn't been paying them for preparing transcripts of cases from the time when they worked for Capitol Reporters, they still have to produce the transcripts or be held in contempt.

Earlier this month, Broward Circuit Judge Charles Greene sent court reporter Ann Margaret Smith to jail for the weekend after she failed to produce a transcript for a criminal appeal in a timely manner. Smith does not work for Capitol Reporters.

"You are telling me that I have to continue funneling transcripts through this agency," Porter said. "That's the problem. You are asking me to work for free. It's obvious (Jones) is not going to pay. And if I don't do it, I am under the penalty of being arrested."

Kohler, Dockstader and Porter all say they fear judges will hold them in contempt if they don't produce the transcripts. Yet they perceive that no one is doing anything to solve the problem.

"It's amazing that nobody cares," Kohler said.

Reprinted from the March 1, 2007 issue of The Daytona Beach News-Journal

Digital recording transforms court reporting industry

By Patricio G. Balona

Like movies, music and photos, court reporting is going digital.

The 7th Judicial Circuit has been steadily expanding its use of a modern digital recording system since a 2004 pilot program.

Its four-channel system captures pristine audio recordings of arraignments, juvenile and dependency

and domestic violence courts without the presence of a stenographic reporter. One person in a control room monitors proceedings from up to four courtrooms at a time and logs recorded information for future reference.

Chief Judge William A. Parsons says having the digital archives of proceedings can be invaluable, as when a recording showed that a Spanish-speaking defendant mistakenly pled guilty in 2004 because of an incorrect courtroom translation.

The shift to digital recording -- in the 7th Circuit as well as throughout the nation -- is transforming the court reporting industry as well. While traditional stenographic reporters are highly educated, and highly paid, for their ability to accurately and instantly transcribe every word spoken during hearings, the digital system requires monitors who transcribe later, if requested, and cost less.

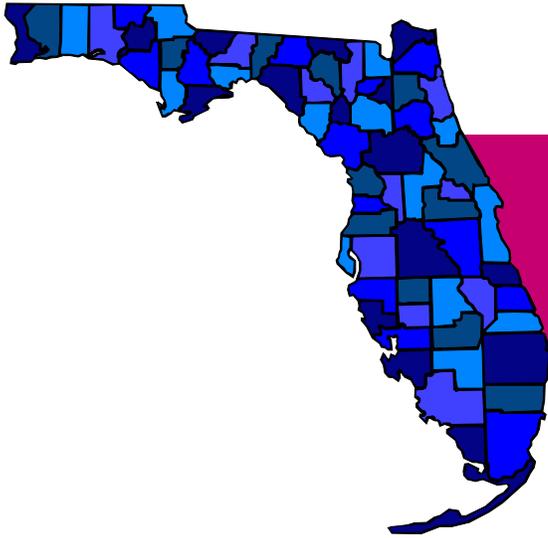
"From a single location we can monitor multiple courts," Parsons said, as one monitor turned to look at proceedings in a Flagler County courtroom from the Criminal Justice Center on Ridgewood Avenue.

Eighteen courtrooms from the City Island Courthouse Annex, the Criminal Justice Center and Flagler County can be viewed from the Ridgewood Avenue location.

The court system has so far spent \$970,000 in state funding to purchase the hardware and software installed in courtrooms in Putnam, St. Johns, Volusia and Flagler counties, said 7th Circuit spokeswoman Molly Justice.

"We currently have 36 courtrooms/hearing rooms online, with four more to go," Justice said. "We will also begin digitally recording proceedings before general

Continued on page 20



On the State Scene

Continued from page 19

magistrates and Baker Act proceedings utilizing portable systems in the near future.”

Stenographic reporters have not been completely replaced. They continue to be used in felony and death penalty cases and hearings to decide termination of parental rights.

In cases where the digital system is used, “we can do the same quality work for one-third the cost,” Parsons said.

That translates to a yearly saving of \$800,000, said courts administrator Mark Weinberg. Before digital court reporting, stenographic reporters covered many proceedings where a transcript was never requested or produced. Digital recording creates a digital record of a proceeding that can be transcribed and/or duplicated at a later time if needed, Weinberg said.

“We will also save money by having to prepare fewer written transcripts,” Weinberg said.

The nationwide move to digital recording has pressured some court reporting companies to downsize, and that’s been the case locally though no layoffs have been necessary, said Paulita Kundid, president and chief executive officer of Volusia Reporting Company & Videoconferencing Center, which provides reporting services under contract with the 7th Judicial Circuit.

Some downsized positions have been eliminated through attrition, while other reporters chose to take jobs as digital monitors for the court system.

Stenographic court reporters are also finding new work with private businesses and local governments providing closed-captioning on video feeds and real-time translations for the deaf, Kundid said.

An advantage to the digital recording system, Parsons says, is the ability to accurately translate non-English words when interpreters must be present in the



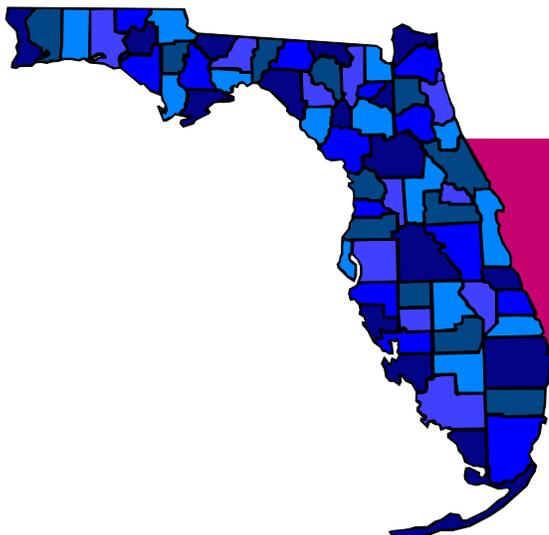
courtroom.

Parsons knows first-hand the effects of a bad translation.

In 2005, as one of the judges in the second year of a pilot program using the digital recording system, he reversed a 15-year sentence imposed on Juan Ramon Alfonzo, a Spanish-speaking man, when a digital recording showed an interpreter incorrectly translated information that prompted Alfonzo, at a plea hearing, to admit guilty to a grand theft charge.

Parsons reversed the sentence and allowed Alfonzo to go to trial, where he was convicted and sentenced to five years in prison.

“If it would not have been for the digital recording system, we would not have caught the problem,” Parsons said.



On the State Scene

Continued from page 20

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT

JAMES MARION MOORMAN, as)
attorney for and next friend of L.A.,)
a child, and JAMES CALVIN INGRAM,)
Petitioners,)
v.) Case No. 2D06-536
)

JANIE HATFIELD, Manager, Tenth Judicial)
Circuit Electronic Court Recording Office;)
JANICE CONWAY, Manager, Twelfth)
Judicial Circuit Digital Court Recording)
Office; and OFFICE OF THE)
ATTORNEY GENERAL,)

Respondents.)
Opinion filed March 7, 2007.

Petition for Writ of Mandamus to the Circuit Courts for Polk and Sarasota Counties.

James Marion Moorman, Public Defender, and Robert A. Young, Assistant Public Defender, Bartow, for Petitioners.

Susan W. Fox of Fox & Loquasto, P.A., Tampa; and Wendy S. Loquasto of Fox & Loquasto, P.A., Tallahassee, for Respondents Hatfield and Conway.

Bill McCollum, Attorney General, Tallahassee, and Richard M. Fishkin, Assistant Attorney General, Tampa, for Respondent Office of the Attorney General.

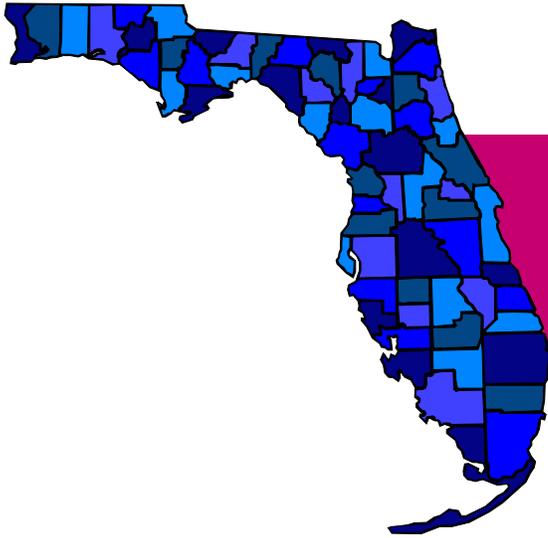
PER CURIAM.

James Marion Moorman, as attorney for and next friend of L.A., a child, and James Calvin Ingram (petitioners), filed a petition for writ of mandamus in this court seeking relief to address certain electronic court recording and transcription issues in the Tenth and Twelfth Judicial Circuits. As respondents, they named Janie Hatfield in her official capacity as manager of the Tenth Judicial Circuit Electronic Court Recording Office and Janice Conway in her similar official capacity for the Twelfth Judicial Circuit. In addition, the Office of the Attorney General was permitted to respond to the petition. The problems discussed in this petition arise from two significant changes in trial court case management: (1) the shift away from using trained professional court reporters in all courtroom proceedings to the use of less costly digital recording and transcription and (2) the shift in the funding of indigent cases from local government to the state under revision 7 to article V of the Florida Constitution, see Art. V, § 14, Fla. Const. Although these matters undoubtedly warrant attention and clarification, after considerable reflection we conclude that this court cannot resolve the problems discussed in the petition through the issuance of an extraordinary writ to any of the respondents. Accordingly, we deny the petition.

I. THE ISSUES RELATING TO JAMES CALVIN INGRAM

When this petition was filed, Ingram had a pending criminal appeal in this court in which he was represented by the public defender. That appeal challenged an order from the Tenth Judicial Circuit holding Ingram in contempt for failure to honor a witness subpoena. The record included a transcript, but it contained significant errors. Among other errors, the transcript purported to include an appearance by an attorney on behalf of Ingram when no such attorney existed. The transcript was not based on the work of a court reporter, but on an electronic audio recording that had been transcribed by a "Tenth Judicial Circuit electronic court reporter" who certified that she was "authorized to transcribe the foregoing proceeding."¹ It appears that the transcriptionist was confused and believed that Ingram was represented by counsel because there were two assistant state attorneys in attendance at the hearing.

Continued on page 22



On the State Scene

Continued from page 21

This court reviewed the record in Ingram's pending appeal. Even though the transcript was problematic, the remaining portions of the record revealed serious due process issues surrounding Ingram's conviction for contempt. The parties obtained a corrected transcript that acknowledged that Ingram was not represented by counsel during the criminal contempt hearing. This record was sufficient to require the reversal of Ingram's conviction; indeed the State conceded that reversal was required. Accordingly, this court has already issued an opinion reversing the order on appeal. See *Ingram v. State*, 933 So. 2d 734 (Fla. 2d DCA 2006).

Nevertheless, the petitioners argue that we should not dismiss or deny this portion of the petition as moot. They claim that errors in transcripts under the new methods of electronic or digital recording are so pervasive that we should use our powers of mandamus to compel better transcripts. The Office of the Attorney General agrees that digital recording has resulted in a substantial decline in the quality of transcription.

Mandamus is generally available only when a petitioner has no other adequate, specific remedy. See *City of Coral Gables v. State ex rel. Worley*, 44 So. 2d 298 (Fla. 1950). In Ingram's case, because a corrected transcript was obtained and his adjudication reversed, we decline to issue a writ of mandamus.

II. THE ISSUES RELATING TO L.A.

The issues presented by L.A. are more complex. L.A. is an indigent minor child who was adjudicated delinquent in the Twelfth Judicial Circuit. L.A. filed an appeal of the adjudication and disposition on August 8, 2005. That appeal is currently pending in this court as case number 2D05-3966. Supplemental designations to the court reporter were filed in December 2005, requesting transcription of both the adjudicatory hearing and the disposition hearing. Nevertheless, no transcript has been filed, and no motion to compel has been filed in that proceeding to date. Accordingly, the appellate proceeding is not perfected, no briefs have been filed, and this court is currently unable to review the appeal.

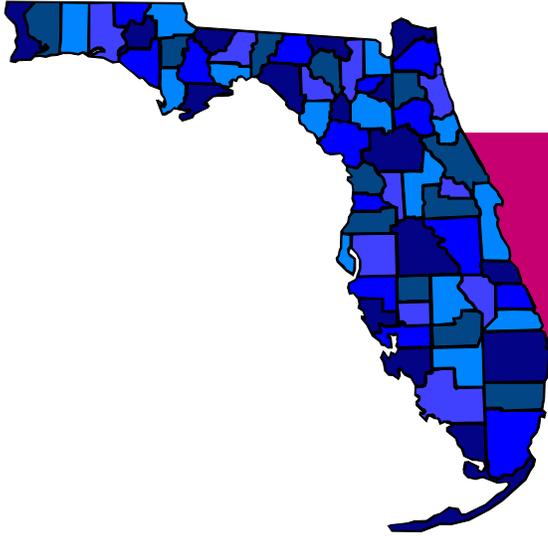
The petition for mandamus and the appendix provided with it explain that this delinquency proceeding was not recorded by a court reporter; it was electronically recorded.

When the public defender filed the standard request for a transcript from a court reporter, the Twelfth Judicial Circuit Digital Recording Office provided a compact disk (CD) to the public defender containing a digital audio recording from microphones inside the courtroom where L.A. was tried but did not provide a typed transcript. Ms. Conway, in a letter to an assistant public defender in James Marion Moorman's office, describes this CD as a "CD transcript." Pursuant to a local administrative order,² Ms. Conway takes the position that the public defender is responsible for "retain(ing) a transcriptionist who should promptly file the transcript with the Clerk of Court. The transcriptionist invoice should be submitted by the Twelfth Circuit PD to the Justice Administrative Commission for payment." The public defender has declined to follow Ms. Conway's suggestions and has filed this petition instead, asking this court, among other things, to compel Ms. Conway "to provide the transcription that she has been funded to provide." Thus, the parties to this proceeding disagree on whose duty it is to both provide and pay for the transcript that is necessary to perfect the underlying appeal.

Mandamus is an extraordinary writ that can be used to compel public officials to perform nondiscretionary, ministerial duties to which the petitioner has a clear legal right. See, e.g., *City of Miami Beach v. Mr. Samuel's, Inc.*, 351 So. 2d 719 (Fla. 1977); *Jackson v. State*, 802 So. 2d 1213 (Fla. 2d DCA 2002); see generally Angela C. Flowers, "Mandamus," in *Florida Appellate Practice*, § 10-C.2 (6th ed. Fla. Bar 2006). Because we are unable to conclude that the public defender has demonstrated that Ms. Conway has an indisputable legal duty to provide and pay for the transcript requested by the public defender, we must deny the petition.

However, we hasten to add that we are also unable to conclude that the duty lies with the public defender as Ms. Conway argues. The genesis of the dispute underlying this writ proceeding is the implementation of revision 7 of article V of the Florida Constitution. In their arguments, the parties raise a myriad of real problems and unanswered questions resulting from the interplay of various court rules, statutory provisions, and reports of committees and commissions involved in the implementation of revision 7 as it pertains to the funding of Florida's court system. Before the constitution was amended by revision 7, the cost of court reporters was

Continued on page 23



On the State Scene

Continued from page 22

generally borne by the counties. Since the amendment, these costs, often described as a portion of the costs of “due-process services,” are now covered by the state budget. Unfortunately, a review of the rules and statutes cited by the parties that relate to these due-process services reveals that it is not entirely clear who within state government must bear the responsibility for obtaining and paying for the transcript at issue in the underlying appeal. As such, petitioners have not demonstrated a clear legal right to compel any of the respondents to provide the transcription service in this case.

Petition for writ of mandamus denied.

FULMER, C.J., and CANADY, J., Concur.

ALTENBERND, J., Concur with opinion.

ALTENBERND, Judge, Concurring.

I concur in the decision to deny this petition for writ of mandamus. As to the issues relating to James Calvin Ingram, I agree that we cannot use mandamus to order the large group of people involved in the process of recording and transcribing court proceedings to do a better job. Quality control is simply not a function that mandamus is designed to perform or achieve.

The fact that we cannot improve the quality of transcripts by issuing a writ of mandamus, however, should not be read as a statement that we believe the current methods of digital recording are necessarily working well. From my perspective, at least, there appears to have been a marked decline in the quality of transcripts since the trial courts began increasing their reliance upon electronic recording and minimizing the use of trained professional court reporters.

Many trial courts, especially criminal courts, are courts of record. Their proceedings are expected to be available for the public to review after the fact. We do significant damage to the legitimacy of this branch of government when we accept records that do not accurately explain the proceedings that occurred in open court. I am convinced that modern digital methods can eventually produce adequate records to safeguard courts of record; I am less convinced that those methods are currently providing adequate transcripts for appellate review. Hopefully, both the public and the legislature understand that there are

real costs associated with any change in technology that deteriorates the quality of the record in courts of record.

As to the issues relating to L.A., I also concur that mandamus is inappropriate. However, I would write to address more fully those issues, which include questions regarding what constitutes a proper transcript, who is responsible for paying for that transcript, and who should be permitted to prepare a transcript from electronically recorded proceedings. Even though we are denying mandamus relief in this case, I would specifically announce that a CD recording is not a transcript, and that, pursuant to the Florida Rules of Appellate Procedure, a transcript for purposes of appellate review must be transcribed by a court reporter.

What Is a Transcript?

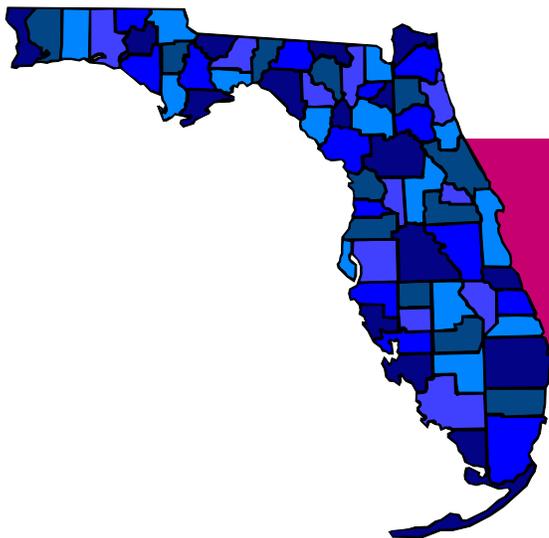
First, it should be clearly understood that a CD containing the sounds recorded in a courtroom is not a “transcript.” Although all of the parties to this proceeding now agree that a CD recording is not a transcript, over the last several years we have repeatedly had trial courts and clerks of trial courts suggest that a “CD transcript” would suffice for appeal. It is worthwhile to explain why that argument is incorrect.

The specifications for a “transcript” are contained in Florida Rule of Judicial Administration 2.535(e).³ The rule requires that a transcript “shall be uniform in and for all courts throughout the state.” Rule 2.535(e)(1) specifically requires a “printed” and “bound” transcript. A CD containing a digital recording of sounds in a courtroom does not satisfy these uniform requirements. Likewise, Florida Rule of Appellate Procedure 9.200(b)(2) requires that a transcript be “securely bound in consecutively numbered volumes not to exceed 200 pages each,” a requirement that obviously cannot be fulfilled with a mere recording of sound. Moreover, a representation of fact in a brief must be supported by a citation to the appropriate volume and page of the transcript. Fla. R. App. P. 9.210(b)(3). Thus, under the existing rules a CD recording of the sounds in a courtroom cannot serve as a transcript.

Who Pays for a Transcript?

The parties have spent a significant amount of time arguing over this issue. The Twelfth Judicial Circuit has attempted

Continued on page 24



On the State Scene

Continued from page 23

to resolve this issue through Administrative Order 2006-6-2, which clearly contemplates that the public defender must pay for the transcription of any electronically recorded proceedings.

It seems unlikely that the revisions to rule 2.535(g) regarding transcription of electronic recordings by persons other than court reporters contemplated placing a multi-track recording in the hands of a criminal defendant or his attorney with instructions to prepare an official transcript for use in his or her appeal. While there would appear to be no similar conflict of interest in asking the public defender to pay for an official transcript prepared by a court reporter or other court representative from the public defender budget, if that is what the statutes and rules require, this leaves unresolved many other issues, such as who would pay for the transcript if an indigent criminal defendant elected to proceed pro se. I agree with the majority, however, that the various court rules, statutory provisions, and reports of committees and commissions involved in the implementation of revision 7 do not establish a clear legal right as to who must pay for a transcript. Thus mandamus is not an appropriate means to address these important questions.

Who Can Prepare an Official Transcript for Appellate Purposes?

Because we do not yet have a transcript in the L.A. case, I recognize that the issue of whether the transcript must be prepared by a court reporter is not necessarily ripe for review. On the other hand, the administrative order from the Twelfth Judicial Circuit does not, in my opinion, "provide a means to have the recording transcribed" when it simply provides for a copy of a CD to be given to a party and tells them to find someone somewhere to transcribe it. I do not believe that the administrative order is sufficient to comply with rule 2.535(g)(3)(B) and the relevant appellate rules.

The judges on this panel have struggled to understand the interplay between several rules of judicial administration that admittedly are somewhat confusing. While the majority opinion does not discuss this issue, it is reasonable to assume that the majority does not accept my individual analysis of this issue. Nevertheless, I conclude that it is worthwhile to at least explain the issue so that the relevant rules committees may consider clarifications to the relevant rules.

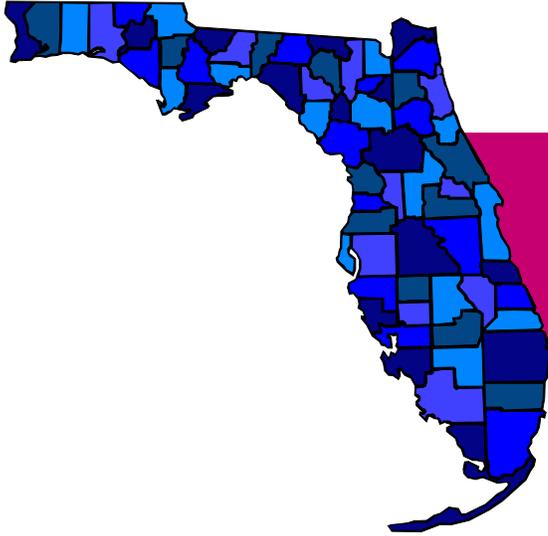
The Florida Rules of Judicial Administration have contemplated the use of electronic recording and transcription since their inception in 1978. See *In re Florida Rules of Judicial Administration*, 360 So. 2d 1076 (Fla. 1978). Although the initial version of then rule 2.070 regarding court reporting did not specify that a court reporter had to transcribe any electronic recordings, it appears that the rule was either interpreted to require this or that this naturally evolved as a common practice. In Amendments to the Florida Rules of Judicial Administration, 780 So. 2d 819 (Fla. 2000), however, the rule was amended to specifically permit circuit-wide administrative orders permitting electronic recording and "transcriptions by persons other than court reporters." Thus, this amendment to what is now rule 2.535 authorizes a transcript to be prepared by someone who is not a court reporter or an officer of the court.

I conclude, however, that this provision must be read together with the Florida Rules of Appellate Procedure. To the extent rule 2.535(g)(3) conflicts with specific rules of appellate procedure, I conclude the appellate rules take precedence over rule 2.535(g)(3) in review proceedings before the district courts of appeal and the Florida Supreme Court.

Rule 2.110, which appears as the first rule of judicial administration, generally states, "These rules shall supersede all conflicting rules and statutes."⁴ The third rule, however, rule 2.130, is entitled "Priority of Conflicting Appellate Rules" and specifically states, "The Florida Rules of Appellate Procedure shall control all proceedings in the supreme court and the district courts . . . notwithstanding any conflicting rules of procedure."⁵ Reading the two rules together, when an issue is addressed in the Florida Rules of Appellate Procedure and applies to proceedings within the supreme court or district courts of appeal, the appellate rule on that issue supersedes any other rules of procedure-including those rules of procedure contained within the Florida Rules of Judicial Administration.

The Florida Rules of Appellate Procedure do not recognize the existence of someone described as a "transcriptionist." The rules contemplate that a transcript will be prepared by a "court reporter." Rule 9.200(b)(2) mandates that "(w)ithin 30 days of service of a designation, or within the additional time

Continued on page 25



On the State Scene

Continued from page 24

provided for under subdivision (b)(3) of this rule, the court reporter shall transcribe and deliver to the clerk of the lower tribunal the designated proceedings and shall furnish copies as requested in the designation.” The court-approved forms contain only a designation to a court reporter. See Fla. R. App. P. 9.900(g). Thus, to the extent that rule 2.535 permits transcription by persons other than court reporters, I believe that rule conflicts with rule 9.200(b)(2). In an appellate proceeding, rule 2.130 requires that rule 9.200(b)(2) override the otherwise applicable provisions of rule 2.535(g)(3).⁶

Court reporters, at least for these functions, are officers of the court. See Fla. R. Jud. Admin. 2.535(f). Moreover, by statute, the supreme court is required to establish minimum standards for court reporters. See § 25.383, Fla. Stat. (2005). It has no such obligation for any profession known as “transcriptionist.” If we allow rule 2.535 to override the rules of appellate procedure in this respect, then we face a future in which criminal defendants, their family members, or others with interest in a case may seek to prepare and file the transcript that becomes an official part of the record on appeal. People who do not possess a high school diploma may prepare such a transcript. In a digital world, such transcriptionists may not even reside in Florida or in the western hemisphere. It may not be essential that the Florida Rules of Appellate Procedure have a valid and logical reason to require the use of court reporters for those rules to override rule 2.535(g)(3), but it is reassuring to understand the importance of using court reporters for all transcripts used in appellate proceedings.

As a result, although I concur with the majority that a writ of mandamus is inappropriate to address the compelling issues raised in this proceeding, I would take this opportunity to explain that a digital recording is not a transcript and that any transcript presented to this court in its review capacity must be prepared by an official court reporter.

1 The petitioners note that this transcript was produced without requiring payment from the due-process services account of the local public defender. See § 29.018, Fla. Stat. (2005).

2 Under the authority granted to the chief judge in rules 2.215 and 2.535, Florida Rules of Judicial Administration (renumbered from rules 2.050 and 2.070, respectively, on

September 21, 2006, see *In re Amend. to Fla. Rules of Jud. Admin.*, 939 So. 2d 966 (Fla. 2006)), this administrative order provides a court reporting plan for the use of stenographic court reporting and electronic or digital court recording of all proceedings required to be reported or recorded at public expense. The administrative order may be viewed at <http://12circuit.state.fl.us/Admin%20Orders/Section%202/06-06-02.pdf>.

3 Prior to September 21, 2006, this rule was Florida Rule of Judicial Administration 2.070(e). See *In re Amendments to the Florida Rules of Judicial Administration--Reorganization of the Rules*, 939 So. 2d 966 (Fla. 2006).

4 The Florida Rules of Judicial Administration were adopted in 1978 and have always included the introductory provision that the rules “supersede all conflicting rules and statutes.” *In re Florida Rules of Judicial Administration*, 360 So. 2d 1076 (Fla. 1978). Certainly, rule 2.110 indicates that these rules “supersede,” i.e., supplant or replace, any conflicting rules that existed on January 1, 1978. I am not certain that it was the intent for these rules to control over all rules of procedure created thereafter. The current rules of appellate procedure went into effect on March 1, 1978. See *In re Proposed Florida Appellate Rules*, 351 So. 2d 981 (Fla. 1977).

5 This specific rule was added to the Rules of Judicial Administration in 1997. See *In re Amendments to the Florida Rules of Judicial Administration*, 682 So. 2d 89 (Fla. 1996).

6 I note that this interpretation does not deprive rule 2.535(g)(3) of meaning. Although a court reporter would be required to transcribe the electronic recording for appellate proceedings in the supreme court or district courts, the circuit court could continue to employ transcriptionists for other purposes. Indeed, rule 2.535(g)(3)(B) acknowledges that transcripts are often necessary for the trial court’s purposes in pending proceedings. I note that circuit courts have also effectively used electronic recordings for hearings before general magistrates or hearing officers, which are then transcribed for review by the circuit courts. The portion of the rule requiring transcription by persons other than court reporters would thus remain in effect for all purposes other than the transcribing of an appropriate appellate record in the supreme court or district courts.

BOOT CAMP????

FCRA Fundraising Drawing: Win an elan Mira A3 or Stentura Fusion

Hurry, only 35 tickets left! This is your chance to win an Elan Mira A3 or Stentura Fusion, both with audiosync. For just \$100 a ticket, you get the chance of being on the cutting-edge of technology with regard to your machine and, at the same time, help YOUR association. Unlike other drawings, only 75 tickets will be sold.

Don't delay! Order yours now before they are all sold out. The odds are too great to pass up. Just email Sandy Narup at snarup@bellsouth.net to get your ticket or contact any one of the FCRA board members. You can also send your check, made payable to FCRA, to Sandy Narup, 725 Hunt Club Trail, Port Orange, FL 32127.

The drawing will be held at the Mid-Year Conference in Marco Island on June 16, 2007, at Saturday night's dinner. YOU DO NOT HAVE TO BE PRESENT TO WIN.



Florida Court Reporters Association

PRO BONO PROGRAM

A GUIDE FOR REPORTERS

INTRODUCTION

For several years, studies have uncovered significant numbers of citizens who have civil legal needs they cannot pay for. Court reporters around the country are eager to help guarantee every citizen's right to equal justice under the law. To that end, the Florida Court Reporters Association has established a pro bono program.

WHY SHOULD I GET INVOLVED IN A PRO BONO PROGRAM?

Here are some possibilities: 1. Sometimes people need expert help. Reporters are experts who possess special skills. Your contribution can make a difference in whether or not someone less fortunate than you gets a fair shake from the legal system. 2. Pro bono work is widely recognized as a hallmark of true professionalism. You can help show that court reporters are responsible partners in the legal process. 3. You can make useful contacts in the course of your volunteer work. 4. It feels good.

I'VE DONE A DEPO HERE AND THERE ON A PRO BONO BASIS WITHOUT MAKING A BIG DEAL OUT OF IT. WHY SHOULD I BOTHER WITH THE FORMALITIES OF WORKING TOGETHER THROUGH A PROGRAM?

First, good for you! But there are a couple of reasons for working through a formal program. First, Bar programs screen civil pro bono applicants, so you're not likely to get burned. Second, working through a program gives you an "out" if you are approached directly by an attorney about doing a job free of charge. Third, a formal program gives us a way to track reporter participation and demonstrate our commitment.

WHAT ARE REPORTERS OFFERING IN THE WAY OF PRO BONO SERVICES?

The main reason for involving a reporter in any matter, of course, is to obtain an accurate record of a proceeding. In times past, a pro bono lawyer might have had to forego conducting depositions that would have been useful to his or her case because there was no money to pay for them. With reporters willing to contribute services at waived or reduced fees, pro bono attorneys have an added tool at their disposal to effectively pursue the cause of justice.

FCRA encourages reporters to volunteer whatever they feel comfortable contributing — a couple of hours a year, 50 transcript pages, waiver of appearance fee, or whatever. In any case, it is important for the reporter and the attorney involved in a particular case to know

what the reporter will be contributing so that no misunderstandings occur.

HOW CAN I BE SURE A LITIGANT IS TRULY INDIGENT?

FCRA encourages reporters to work only with established pro bono programs. Bar pro bono programs conduct thorough reviews of applicants to make sure they, in fact, qualify under the program's guidelines. After all, lawyers who contribute time and expertise do not like to be taken advantage of.

HOW OFTEN WILL I BE ASKED TO REPORT A PRO BONO PROCEEDING?

In general, you as a volunteer are in control of how much you choose to contribute. It's unlikely you will be asked to participate more than once a year. Encouraging your colleagues to participate is an effective way of ensuring the load is equally shared.

WHAT IF I RUN INTO A PROBLEM DURING A PRO BONO DEPOSITION?

Handle problems as you normally would. Then immediately report the matter to your pro bono coordinator.

WHAT HAPPENS WHEN ONE PARTY IS INDIGENT AND THE OTHER IS NOT?

You can charge normally for services provided to the non-indigent party.

IT ALL SOUNDS GOOD TO ME. WHERE DO I SIGN UP?

1. Fill out and return the pledge card.
2. Contact FCRA Headquarters at 222 S. Westmonte Drive, Suite 101, Altamonte Springs, Florida, 32714.
3. Contact the Pro Bono Coordinator, Deanna Boenau, americaption@comcast.net.

POINTS TO REMEMBER:

1. Work only through established pro bono programs.
2. CIVIL CASES ONLY.
3. Give only what you feel comfortable with and encourage colleagues to participate.
4. Fill out and return the evaluation form so that records may be maintained and credit given.

YOUR STATE COORDINATOR IS: Deanna Boenau, RDR, CRR, CBC, CCP, AmeriCaption, Inc., P.O. Box 50653, Sarasota, FL 34232, 941-359-8100 (office), americaption@comcast.net.



Florida Court Reporters Association **PRO BONO PROGRAM**

REPORTER PLEDGE CARD

I am interested in participating in the Pro Bono Program and am willing to donate:

Attendance Fee _____ hours

Transcript at No Charge _____ pages

Transcript at a Reduced Rate \$_____ per page

Transcript at the Regular Rate \$_____ per page

_____ I am willing to donate my services on a case-by-case basis.

_____ I am willing to provide reporting for:

____ Depositions ____ Hearings ____ Trials

I will need advance notice of _____ days.

REPORTER'S NAME _____

MAILING ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

HOME # _____ WORK # _____

_____ Individual Donations _____ Firm Donations

Geographical area you are willing to serve:

PLEASE MAIL THIS FORM TO:

DEANNA BOENAU, RDR, CRR, CBC, CCP, P.O. BOX 50653, SARASOTA, FL 34232.



Florida Court Reporters Association

PRO BONO PROGRAM

REPORTER ASSIGNMENT/EVALUATION

REPORTER'S NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

HOME # _____ WORK # _____

ASSIGNMENT _____

(Cancellations will be made directly by the attorney's office)

REPORTER'S EVALUATION

Hours in attendance fee donated _____

Pages provided at no cost _____

Pages provided at reduced rate _____

Pages provided at regular rate _____

Other services provided _____

Had I invoiced this job, the total fee would have been \$ _____

DATE: _____

COMMENTS: _____

PLEASE MAIL THIS FORM TO:

DEANNA BOENAU, RDR, CRR, CBC, CCP, P.O. BOX 50653, SARASOTA, FL 34232.

Emily Mann Distinguished Service Award

The Emily Mann Distinguished Service Award shall be bestowed by FCRA upon a person who possesses exceptional qualifications and experience in the field of shorthand reporting, while contributing in a meritorious manner to the welfare of FCRA; and has served the Association in at least two (2) of the following categories:

- (1) Served the Association with active participation on committees and/or on the Board of Directors of the state association.
- (2) Contributed to the profession in areas of teaching, editing of publications or other contributions which have been designed

for the advancement of shorthand reporting.

- (3) Contributed important books, papers or other written material dealing with the profession.
- (4) Contributed seminars for the state association for members, such seminars having received the approval of BAPR for continuing education points.
- (5) Aided in the advancement of the profession by working in liaison with The Bar, the media, judicial groups, and/or educational institutions.



Emily Mann Distinguished Service Award Nomination Form

*Deadline is
May 30, 2007!*

I, _____, hereby nominate _____
to receive FCRA's EMDSA Award for the following reasons: (Please include criteria nominee has met. Use separate page if necessary.)

Mail this form to Thomas Hughes, EMDSA Committee Chair,
581 NW 75th Avenue, Plantation, FL 33317.
Phone: (954) 816-6595 • Fax: (954) 792-8433
Email: thughesrdr@bellsouth.net • **DEADLINE: MAY 30, 2007**

UPCOMING EVENTS CALENDAR 2007

- June 15 - 17 FCRA Mid-Year Convention
Marriott, Marco Island
Visit FCRA's website at www.fcraonline.org
- July 8 - 12 National Association for Court Management (NACM) Annual Convention
Visit www.nacmnet.org/conferences.html
- August 9 - 12 NCRA Annual Convention, Dallas, Texas
Contact NCRA Member Services and Information Center • 1.800.272.6272
- August 23 - 26 Anita Paul Realtime Seminar, Fort Lauderdale, FL
Contact Anita Paul International at 1.702.240.8455
or visit the website at www.anitapaul.com
- September 29 -
October 1 FCRA Annual Convention
Lago Mar, Fort Lauderdale, FL
Information to be posted on FCRA's website www.fcraonline.org
- October 2 - 4 Court Technology Conference 10 (CTC 10), Tampa, FL
Visit www.ctc10.org/MS/MS6/page.php?p=8
- November 1 - 4 Anita Paul Realtime Seminar, Clearwater, FL
Contact Anita Paul International at 1.702.240.8455
or visit the website at www.anitapaul.com

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

Polk Businesswoman Honored



As reported in the April 20, 2007, edition of The Ledger, the National Association of Women Business Owners Lakeland Metro chapter recognized exemplary accomplishments of five Polk County women. Among the five businesswomen selected was FCRA Past-President, Freida Sclafani Williams. Recognized for being outstanding in her profession, making a difference in her community, and exemplifying achievement, integrity, professionalism and community spirit, Freida was honored during a ceremony at The Club at Eaglebrooke.

FREIDA SCLAFANI WILLIAMS

TITLE/ORGANIZATION: President, Sclafani Williams Court Reporters Inc.

EDUCATION: University of South Florida, Stenotype Institute of Jacksonville.

CAREER ACHIEVEMENTS: Presented with the Florida Court Reporting Association's Distinguished Service Award.

It's Closer Than You Think....

By Jennifer Gaul, CMRS, FPR, Convention Chair



What do you get when you combine a resort in paradise with all-day software training, seminars by the industry's premier vendors and specialists, another opportunity to become a Florida Professional Reporter, and the possibility of making Father's Day partially tax deductible?????

This year you get a Mid-Year Conference in Marco Island from June 15 through June 17. The Marriott Marco Island Beach Resort & Spa is situated on three miles of pristine beach with eight outstanding restaurants, a championship golf course, three pools, a world-class spa, a children's program, family activities and water sports including sailing, wave runners, parasailing and much, much more.

As each year passes, it becomes more and more of a challenge to put together a conference program that has something for everyone. Earlier this year, the FCRA Board of Directors re-defined our mission and coined the phrase "For Those Who Capture the Spoken Word." I think this year's Mid-Year Conference Program will prove to offer something for everyone who captures the spoken word.

Some of our program highlights include:

- Our full-day FPR seminar on Friday giving you the opportunity to test yourself and become a Florida Professional Reporter. To date, 256 Florida court reporters have attended these valuable seminars around the state and earned the distinction of being a Florida Professional Reporter.
- All-day hands-on software training on Saturday with the best trainers Stenograph, Eclipse and ProCat have to offer. Bring your laptops and writers. This training opportunity is worth the price of admission in and of itself!!

For those who may not want or need software training, we will be running a full program of seminars on Saturday and Sunday. Some of our featured speakers will be:

- Dave Wenhold, NCRA, discussing the challenges firm owners and reporters are facing within the state of Florida and nationwide. Please bring your issues and challenges to this interactive event.
- Yong Lee, President & CEO of Office Management Technology, bringing to you the latest advancements in transcript production, digital signatures, and keeping up with your clients' demands for living and working in a wireless world.
- Sandra Natale, from Stenograph, will be conducting a hands-on seminar showcasing a great tool, Performance Evaluator, for developing speed and accuracy while you write. Bring your writers!!
- Tammy Johnson, Certified Verbatim Reporter, will be sharing how voice writing technology is being utilized to create the record and to provide CART and captioning services. During this seminar, you will learn the parallels between machine and voice writing.
- Shirley King, our own Florida Treasure, will bring her Ethics Jeopardy seminar to us on Sunday morning. Shirley's seminars are always in demand and this particular seminar has been showcased at NCRA conventions in the past.
- Tanya Ward English will enlighten you on alternative careers using the skills you have developed as a court reporter and opportunities to challenge yourself in places you never knew existed before.

Just in case you thought this was going to be all work and no play, please make sure you arrive in time for our Opening Reception on Friday night and plan to attend our dinner (and special event to be announced) on Saturday night.

As always, making new and catching up with old friends are the real reasons we all make the time to attend these events. See you in June.

See You In June at the Mid-Year Conference!

FCRA New Member Profiles...

NAME: KIMBERLEY S. JOHNSON

Type of Reporter: Stenomask

Birthplace: Covington, Kentucky

Works at: U.S. Bankruptcy Court, Tampa, Florida

How did you learn about FCRA? Donna Kanabay

What was your reason for becoming a member? Association now accepting mask reporters.

How do you expect your FCRA membership to benefit you and/or your business? Networking and fulfillment of working with others in the same industry to improve our skills and professionalism.

What type of seminar subjects at FCRA conventions would benefit you the most? Technology updates.

What would encourage you to participate in committees and FCRA events? Ability to participate in planning of continuing education presentations.

Would you be interested in serving on an FCRA committee? If so, which committee would you like to serve on? Seminar topics and speakers therefor.



NAME: EVE J. BARRETT, RPR, CLR

Type of Reporter: Freelance

Birthplace: Portsmouth, Virginia

Works at: Barrett Court Reporting

How did you learn about FCRA?

Web, word of mouth.

What was your reason for becoming a member? I love being involved in areas of the profession outside the courtroom and deposition rooms. I also enjoy meeting my peers and mentors at the various training seminars!

How do you expect your FCRA membership to benefit you and/or your business? I view my membership as an opportunity to network with other professionals, as well as lobby for important issues facing our profession.

What type of seminar subjects at FCRA conventions would benefit you the most? I'm most interested in how we can market real-time so attorneys can realize its full potential. And I would love to see a website in

the future where we can view courtrooms by case, attorneys and judge, along with what court reporter has the assignment. With the courts opening up in the last few years, it's created a mass of confusion and more times than not, both sides have ordered a reporter. Something we could develop and implement as a group brain-storming session.

What would encourage you to participate in committees and FCRA events? I'm always attending seminars and NCRA events. I enjoy the learning portion of the profession very much.

Would you be interested in serving on an FCRA committee? If so, which committee would you like to serve on? Not sure of the committees FCRA has, but am always interested in helping in any way possible.

NAME: KAREN ROMAN

Type of Reporter: Freelance since 2001. Certified out of Washington State.

Birthplace: Chicago, Illinois. Traveled all over while in the Air Force for 12 years. Florida is the best place!!

Works at: Sclafani Williams Court Reporters, Inc.

How did you learn about FCRA? Email from Sclafani Williams about a seminar.

What was your reason for becoming a member? I am very interested in keeping abreast of all aspects of court reporting.

How do you expect your FCRA membership to benefit you and/or your business? Will keep me informed and help me to answer questions without having to research all over the internet.

What type of seminar subjects at FCRA conventions would benefit you the most? The Florida Rules and others like it.

What would encourage you to participate in committees and FCRA events? No encouragement needed. I would love to participate in anything that would make me a better court reporter.

Would you be interested in serving on an FCRA committee? If so, which committee would you like to serve on? I would be very interested but would need much more information and feel competent to do my job well.



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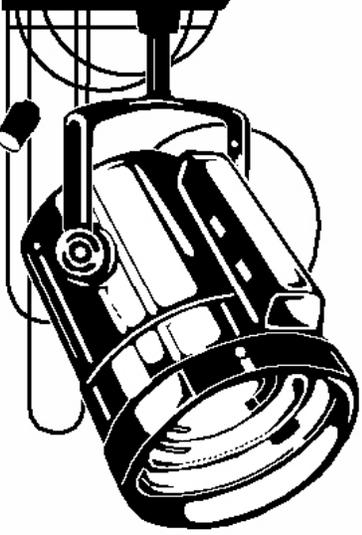
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Reporters in the Spotlight



Name: H. Allen Benowitz

Type of Court Reporter: Machine shorthand

Hometown: Brooklyn, NY

Work at: Veritext Florida Reporting Co.

Member of FCRA since: 1961

How long have you been a reporter? 47 years-9 years; Since 1998 VP-Business Development, Veritext

What do you like most about your job? VP-Development; marketing and sales, client relations; I deal one-on-one with paralegals, legal assistants, litigators, office managers, and law firm administrators. I have the opportunity for creativity in developing business for my company across the broad spectrum of court reporting technology services, as well as to create wish lists as to how we can improve services for our clients as our way of improving our company and demonstrating appreciation for their patronage and loyalty; the challenges which come with creating success for our company and reporters.

What do you like least? Not much.

Why have you stayed in the profession so long? Passion, professional friendships, gratification, rewarding compensation, and love for the work; overall benefits which have come along with long-term commitment to my work, dedication to the profession/associations, and the good feeling in giving back to an occupation which has afforded so many opportunities professionally and personally.

Have you ever reported proceedings involving celebrities or politicians or people in the spotlight? Yes.

If so, who? Meyer Lansky; Don Shula; Mercury Morris; national debate between John Kenneth Galbraith (economist) and William F. Buckley (famous journalist,

commentator, author, U.S. Army officer and CIA operative) and National Women's Political Caucus with Bella Abzug and Gloria Steinem at both the Democratic and Republican National Conventions, 1972; Bee Gees; Barry Gibb, Robin Gibb, and Maurice Gibb; Colonel Frank Borman, Apollo 8 astronaut and Chairman of Eastern Airlines; Don Aronow, world renowned racing boat designer and racer, created the Donzi and the Magnum; Julio Iglesias; and more.



Name: Wayne Durando

Type of Court Reporter: Freelance

Hometown: Maplewood, New Jersey

Work at: Bass Reporting Service

Member of FCRA since: 1998

How long have you been a reporter? 1989

What do you like most about your job? The freedom a freelance reporter has to take off whenever...I like to travel!

What do you like least? The unexpected "procrastination emergencies" that affect my work flow.

Why have you stayed in the profession so long? It has afforded me an opportunity to make a good living and still have the freedom to travel.

Have you ever reported proceedings involving celebrities or politicians or people in the spotlight?

If so, who? Not really a celebrity, but I did report an emergency motion in a warehouse with the Broward Election Board as they were recounting votes to determine the winner of the 2000 Presidential election. There were 50 people in the room, TV cameras, and I was just told to write anything I heard...I'm still not sure what was said but everyone knows the outcome.

Congratulations to Those Who Passed the November 2006 Tests!

Congratulations to the following reporters from around the State of Florida on achieving their new Florida Professional Reporter (FPR) designation in April 2007, in Orlando, Florida.

FLORIDA PROFESSIONAL REPORTER (FPR)

need updated list from Headquarters....

Congratulations...



to FCRA's very own Rick Greenspan, Thomas Hughes, and Rick Levy for being three of the 12 men nationwide who were selected to appear in the NCRA PAC "Men in Court Reporting II, Law & DisOrder" calendar that will be available for purchase on NCRA's web site in the near future. Way to go, Rick, Thomas and Rick!

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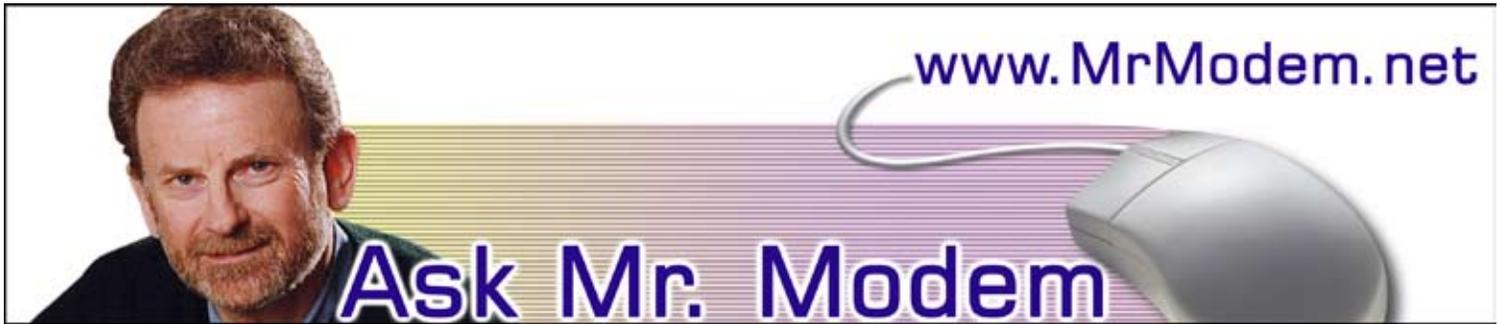
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Q. I read somewhere that I can enlarge my scroll bars, but I can't remember how to do it. They're so skinny, I keep missing them with my mouse pointer. I'm using Windows XP, if that makes any difference.

A. It's easy to expand the size of your scroll bars, which makes them an easier target for your cursor. Right-click a blank area of your Windows Desktop, then click Properties > Appearance tab > Advanced button.

Using the drop-down list under "Item," select "Scrollbar," then increase the value to the right to increase the size of the Scroll Bars. Your changes will be reflected in the little preview area at the top of the window. When finished, click OK twice, and your changes will take effect.

Q. I have a new computer, but it doesn't have a floppy disk drive. How do I use a USB flash drive to

transfer data from my old Windows 98 computer, which has a floppy drive, to my new computer? Thank you for being there, Mr. M. I look forward to your newsletter (www.MrModem.com) every Friday.

A. If your old computer has a USB port and uses Windows 98, 2nd Edition, you can go to the Web site of your USB flash drive and download Windows 98 drivers. You'll find instructions on the site. With the drivers installed, plug in the USB drive and it should automatically be detected and installed. Once the drive appears in "My Computer," you can then drag files to it just like you would with a floppy disk, but obviously it has a much greater capacity than a floppy.

If your old computer does not have a USB port, you can purchase a USB floppy drive to use with the new computer. This is simply an external floppy drive that attaches to your computer by a USB cable. External

floppy drives are inexpensive and are available at most computer and office supply stores. As soon as you plug in the drive, Windows will recognize it and you'll be ready to go.

For easy data transfer between two computers that have USB ports, you can't beat the ease and convenience of The Tornado device at www.thetornado.com.

Q. Can you help me change the size of my mouse pointer? I've looked everywhere I can think of, but I can't seem to find how to do it.

A. Depending on the version of Windows you're using, click Start > Settings > Control Panel or Start > Control Panel. Double-click the Mouse icon, followed by the Pointers tab. In the Pointer Scheme section, click the drop-down list and select the scheme named Windows Standard Large, then Apply > OK.



Airline On-Time Statistics: Who among us hasn't had the experience of racing to the airport to catch a flight, only to get there and wait, and wait, and wait? If you're flying into or out of any airport in North America, you now have access to statistics that may help you resolve that problem. The Bureau of Transportation Statistics provides detailed information regarding airline punctuality, or lack thereof. <http://tinyurl.com/dlzb>

Polar Inertia: A self-described journal of nomadic and popular culture. This unusual online magazine is updated bimonthly with visuals and articles that record the ever-changing landscape of modern urbanism. The January-February issue featured Soviet bus shelters, Hong Kong mansions, street graphics, India's reclaimed construction, and more. My only criticism is that the site's default font is bifocal hostile. If you experience the same problem, click View > Text Size (or your browser's equivalent wording) and increase the size of the display font. www.polarinertia.com

Trivia Library: Jeopardy fans and other trivia buffs will want to bookmark this library of interesting and eclectic facts. Categories of random facts include History, Religion, Words, Love, Psychics, Film, Sports, and many other topics. Be sure to check out the Lists section which contains obscure lists, facts and figures such as the "Nine Breeds of Dog That Bite the Most," or "11 Missing People Who Disappeared." www.trivia-library.com

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ETHICS AND PROCEDURES CORNER

ETHICS AND PROCEDURES CORNER

By FCRA Ethics Committee 2006-2007 Members: Chair: Shirley P. King, RPR, CLVS, FPR - Shirley.king@kingreporting.com; Judy Everman, FAPR, RPR, CMRS, FPR - JudyEverman@adelphia.net; Jennifer Gaul, CMRS, FPR - jgaul@uslegalsupport.com; and Louise K. Johnson, RMR, CRR, FPR - wezi@bellsouth.net

FCRA's Ethics Committee answers some of the questions you have asked at seminars, in the hallways at various functions, and through phone calls or e-mails from various members of the association. If you have a question relating to ethics or procedures, you may e-mail your question to one of our Committee members. Your question will be answered and the substance may later be printed in this column for our other association members.

ANNOUNCEMENT: The new 2007 Updated Florida Manual is now available from Headquarters.

RE TELLING OTHER SIDE

QUESTION: I just took a discovery deposition of an expert medical witness. My client ordered it daily because she is going to take the evidentiary deposition of the same expert tomorrow but she told me not to tell the other side she ordered it daily. Is that okay?

ANSWER: Per Florida Rule of Civil Procedure 1.310 (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."

Ethically, we are to offer the same services to both sides. By calling opposing counsel's office and asking if they want delivery prior to the next deposition, you have done your job. You need not state that your client ordered it daily.

Whether an attorney orders daily copy, real time, a rough draft, or a copy of your audio -- should you decide to release it -- you must offer the same services to opposing

counsel. You need not expose their strategy by stating exactly what they said as to why they want it or exactly what they are after. For example, if my client said to me, "I want an excerpt from cross-examination of the plaintiff where the plaintiff describes the accident, and what I am really after is the segment where he says the light was yellow and blah-blah-blah."

When I call opposing counsel, I am simply going to ask if they want a copy of an excerpt from cross-examination of the plaintiff. If they press further, I would say it's the portion where the accident was described. Period, end of response.

In trials, here is a procedure for use in jury trials that usually works like a charm. When the first attorney, whoever they represent, orders an excerpt, go to the other side(s) and ask them if they want a copy of the excerpt, then follow that question up with "And would you like a standing order for a copy of anything else they may order?" The usual response is yes. If you can get them all to agree to a "standing order" for copies, it gets rid of a lot of hounding of the attorneys, which is probably why they readily agree to it.

RELEASING A TRANSCRIPT OVER OBJECTION OF COUNSEL

QUESTION: I have a problem!!!! We have the plaintiff with a motion filed and a hearing date to have the court rule on the release of the transcript. We have the defendant wanting the transcript for a mediation scheduled the day before the hearing. Below is communication from both

attorneys.....What would you do?

ANSWER: The correspondence you provided us shows that one side filed a Motion for Protective Order and cc'd the court reporting agency. The other side objected and ordered you to release the transcript saying this motion has no effect on your release of the transcript as the motion is simply a pleading that has no effect on the court reporting agency.

We disagree. You have been put on notice that there will be a hearing. You are ethically obligated to wait for the court's decision. The key phrase here is "you have been put on notice" by receipt of the Motion for Protective Order. I would advise them both that when the parties do not agree, you must wait for the court's ruling. This is analogous to our on-the-record, off-the-record rules. In our view, you would also be in a similar position as the real estate agent holding a deposit on a piece of property with one side saying "give back my money" and the other side saying "no, it's non-refundable." It puts the reporter in the position of an intervener, who is entrusted with keeping the status quo until a court can decide who gets what.

By the way, anytime any party threatens you with "we'll see what the judge has to say about that," tell them that you would certainly welcome that; that it's not up to you to make these kinds of decisions. To keep your clients happy, it's always a good idea to do this nicely, of course: "I would love to sell it to you when the judge tells me I can."

Sleuthing the Net: Smile! You're on Candid Camera!

By Donna Kanabay Harvey, RMR, CRR - donna@kanabay.com

For the last couple of years I've noticed a proliferation of reporter- and legal-related videos making the online rounds, so I thought I'd compile them for an article - just in case you've missed any of them!

Rather than reproduce long, gibberishy (is that a word?) URLs, I'm going to tell you just give you the titles. Most of these are on www.youtube.com. You can either follow my "search" suggestion of the general term, or type in the specific name of those you want to view.

First, there's the memorable "Why I Quit Court Reporting." Everybody get their machines out and see how you do with Ms. Annie Jenkins! First prize is a lifelong referral to witnesses like that! Go to www.youtube.com and, in the Search box, put "Why I quit Court Reporting." (Without the quotation marks.)

A search in YouTube for "court reporter" yields not only multiple copies of Ms. Jenkins' deposition, but a link to an entertaining AGF-sponsored video spotlighting court reporting as a career, shown at the Toronto Film Festival. To go directly to this one, type "AGF court reporter." The reporter fulfills the dream we've all had of reading back just a bit more ... dramatically. As a side note, it mirrors one of my favorite reporting cartoons, as the reporter reads back thusly: "Overruled, shouted the judge, smug in his omnipotence! But your Honor, whined the woefully unprepared prosecutor..."

"Spotlight on Court Reporting will take you to NCRA's excellent video.

"Court Reporters Job Description," yields a video about our profession featured on gadb.com ("send

your resume out to the world.")

Searching "Stenographer at Work" gives you a clip described as "Stock footage, B/W, 1957" (the year I was born!) "close-up of man's hands typing on stenography." (That is the machine I started reporting school on in 1974; mom and dad had just gotten their first "modern" plastic Stenograph machines! Mom's was green, and dad's was gray. My sister Sandi was given one of the old metal machine hand-me-downs, and I got the other.)

After milking hits on "court reporter, I tried "Stenographer." The first one up is a rather nonsensical comedy bit called "Stenographer." Let me know if you figure out the punch line. I have the distinct feeling I'm on the outside of some inside joke. (Warning: strong language - but you'll probably get bored before it gets that far.)

"Stenographer Interlude Thing" is a dance snippet from the show, "Thoroughly Modern Millie." (This one has trouble loading and playing, at least on the two computers I tried it on.)

Scroll down to "Your House Sucks," described as, "A traveling stenographer jotting down the mad ravings of a bad actor driving a blue van." (Equally silly and boring, but hey, as long as they spell our name right! - except this "stenographer" is using a manual typewriter. Truly not worth the trip.)

From the 1938 movie, "You Can't Take It With You," the blurb reads, "Tycoon Anthony P. Kirby fully expects that his son Tony will follow in his footsteps, but Tony's only real interest is in his secretary and fiancée Alice. His parents are appalled that he wants to marry a stenographer but to humour him

agree to dine with her family. This is doomed from the start, as they are a collection of free spirits with little visible means of support presided over by Alice's wise grandfather." I never was able to get this one to load properly; it kept buffering and stopping and starting.

A new search, for "Deposition," takes us to one of my favorites, also an oldie but a goodie, "Old Lawyer Fight." The Texas deposition where - well, just go watch it for yourself. It's indescribable! (you can also just go straight to it by typing "old lawyer fight" in the search box.)

"Tough Deposition Question" is a direct path to the video named, of course, "How to Handle A Tough Deposition Question." (Again, this one ends with some ... rough language.)

As distasteful as the title is, "Ghetto Deposition" is worth the click. Described as, "Family of nutcases has spaz attack in deposition. Accusations fly. Lamps smack into heads. Fat woman falls to floor. Mayhem. Ends with attack on cameraman. Fun from beginning to end!" It is. Stick with it to the very end!

If you've hung around long enough to get this far, do NOT miss, "Candid Camera: Legally Punk'd." This is a gag deposition on a brand new lawyer. Note that there are some sound issues as they go from one camera to the other. It's worth the struggle, though.

And now I come to a very embarrassing confession.

I flunked YouTube. Yes, your Internet/tech columnist flunked YouTube. Millions of people the world over

Continued on page 41

Sleuthing the Net: Smile! You're on Candid Camera!

Continued from page 40

are capable of uploading videos and tagging them so that they show up in searches. I'm the only person in the world that has proven herself unYouTubeWorthy.

I was able to track down a couple of old favorites and have them sent to me so I could upload them for you, but no matter what I do, I can't get them to come up in a search! So instead, here, I will give you the URL to type directly into your browser.

First is a New Candid Camera bit where they nailed several court reporters: <http://www.youtube.com/watch?v=xMg3gT9dFU>

And my all-time, long-lost favorite, the infamous Carol Burnett as a court reporter: <http://www.youtube.com/watch?v=TFRjs17rM8o>

While you're viewing these, please have the decency to not notice that I was in such a hurry to get signed up and get this column to bed that I misspelled my own name.

Last, I've spent a great deal of time on a very frustrating and fruitless search for a way to give this one to you. It's a piece from a news station's "Help Me Howard" consumer assistance program, a fabulous court reporter collection

success story. But their web site is so badly designed that there's no way to get you there. And I can't even reproduce the URL here for you because it's insanely long. I'm going to have to talk to FCRA's tech people about how to embed links in our online publication!

I'm going to be very sorry I did this, I know... but if you want to see it, please e-mail me and I'll forward the link to you!

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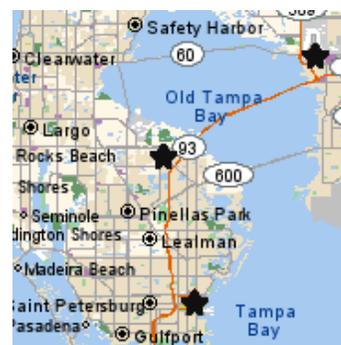
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FCRA welcomes the following new members

(Includes all members who joined by May 10, 2007)

PARTICIPATING MEMBERS

NAME	CITY	SPONSOR
Barrett, Eve.....	Dunedin	Catherine Phillips
Batterman, Barry	Deland	Jennifer Gaul
Cerretani, Kathleen	Winter Springs.....	Jennifer Gaul
Clark, Janet	Port Charlotte.....	Jennifer Gaul
Combs Deloach, Laurie	Edgewater	Catherine Phillips
Eichstaedt, Terri	Port Orange	Jennifer Gaul
Ross, Paula	Deland	Jennifer Gaul
Treadway, Suzanne	Sarasota	Catherine Phillips

ASSOCIATE MEMBERS

Curry, Barbara	Orlando.....	Catherine Phillips
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STUDENT MEMBERS

Cina, Francie	Ft Lauderdale.....	Catherine Phillips
Temoshchuk, Dawn	Indialantic.....	Catherine Phillips



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MEMBERSHIP APPLICATION

Florida Court Reporters Association

Name (Please print) _____

Company _____ Owner Co-owner

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City/State/Zip _____

Telephone: Home (____) _____ Office (____) _____ FAX (____) _____

CHECK ONE: OK to publish home phone number in directory. DO NOT publish home phone number!

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METHOD OF REPORTING: Stenographic Voicewriter Gregg Pittman Other _____

TYPE OF REPORTER: Freelance Official Deputy Official Federal Teacher Student Other _____

DESIG: CSR (List State(s) other than FL) _____ FAPR FPR RPR RDR CMRS RMR CLVS CRI CRR CPE

- I make application for Membership as a: (CHECK ONE)
- PARTICIPATING MEMBER**\$115.00
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Open to any student of shorthand reporting who is endorsed by a court reporting training program instructor or director.
 - RETIRED MEMBER**\$45.00
Open to any participating member in good standing who has retired from the active practice of shorthand reporting.
 - ASSOCIATE MEMBER** \$60.00
Open to the following: teachers of shorthand or shorthand reporting, anyone officially connected with a school or college conducting a shorthand reporting course, any non-member retired from active shorthand reporting, anyone professionally associated with or employed by a member of FCRA whose application is endorsed by a participating member in good standing, and anyone qualifying for Participating membership, but residing outside of Florida.
 - VENDOR MEMBER**.....\$125.00
Open to any firm or corporation engaged in selling products or services to FCRA members.

PRO BONO: Are you interested in donating time to the Pro Bono Program?
 Yes No

FLORIDA MANUAL: The guide to court reporting in Florida — sample forms, guidelines, and rules of court. Cost for members: \$35.00. Subscription to updates: \$10.00.

MEMBERSHIP DIRECTORY: Geographical and alphabetical listing of members on disk or via email. Cost to members: \$10.00.

LEGISLATIVE/LEGAL FUND: Your dues include only regular monitoring of legislative, regulatory, and administrative activity for things that could adversely affect the court reporting profession. Without member donations to this fund, the Association cannot pursue any legislative/legal activity and may not be able to protect our profession.

The dues year is November 1 through October 31. Annual dues must accompany application. Those joining in August, September, or October of a given year will be paid through October 31 of the following year. Dues payments are deductible by members as an ordinary and necessary business expense. In accordance with Section 6033(e)(2)(A) of the Internal Revenue Code, as amended, members of the FCRA are hereby notified that an estimated 5% of your FCRA dues will be allocated to lobbying and political activities, and therefore are not deductible as a business expense.

I hereby make application for membership in the Florida Court Reporters Association and pledge myself, if accepted, to abide by the requirements of the Bylaws and Code of Professional Responsibility of the Association as they are now and as they may be amended in the future.

My signature below constitutes my consent to receive faxes, email, and other communications from FCRA or on behalf of FCRA.

Signature of Applicant Date

Signature of Sponsor

Name of Sponsor (Please print or type)

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Advertisers' Index

H. Allen Benowitz/Veritext	45
Kanabay Court Reporters.....	42
King Reporting.....	45
ProCAT	37
Reporters Paper & Manufacturing	41
Reporters Referral Network.....	45
Stenograph Corporation	2, 46
T3.....	46
US Legal Support.....	34



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