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Message from the President

By Wesley Thomas Hughes, RDR, CRR, FPR
2007-2008 President



Ever Wonder What Your FCRA Board is Up To?

Greetings. I hope everyone is well and prospering in 2008. I know that sometimes the general membership wonders what the FCRA Board does during the time when we are not at our seminars and conventions.

Since my last Presidential message, I want to fill you in on what has been happening at the FCRA Board level and inform you of some events that have occurred or are planned for around the state.

On February 2nd, NCRA sponsored a seminar in Jacksonville entitled "Train the Trainer." Laura Dennis of L. Dennis & Associates, Washington, DC, and Nate Smith of NCRA were the presenters. Louise Pomar and I were in attendance on behalf of FCRA as well as Past Presidents Cathy Philips and Paulita Kundid. There were approximately 100 attendees total from Florida, Georgia, and Alabama. The purpose of this seminar was to teach us how to market ourselves in the ever-changing market of court reporting, regardless of your chosen method of reporting. Everyone I talked to after the seminar thought it was an excellent program. I asked Laura and Nate to please try to have another one in Florida so that more reporters can attend. Watch for it!

Not very long after the Jacksonville seminar, FCRA was contacted by an attorney working with several of the Florida Bar rules committees. They are looking at consolidating and conforming the rules across the board relating to reporters and the making of the record and to clean up the many inconsistencies they have observed and see where things might be simplified. They are also taking a look at certification, or at least clear, standardized definitions and qualifications of reporting for all methods to be used as a statewide model. Each circuit now is basically defining "qualified," "certified," and the standards in their own way, and even a cursory survey of at least half of the circuits in Florida indicate that the definitions and qualifications run the gamut. The Bar

representative has asked for FCRA's input and assistance, and I have formed a task force to liaison with their representative, provide the information they request, and to monitor all events concerning this issue. The committees will be meeting at the Florida Bar Convention in June, and FCRA will have representatives from the task force in attendance. I find this encouraging that someone other than the reporters feel we should have certification in the State of Florida. We will know more about this at our Mid-Year Conference.

At the end of February, we held our Board meeting in Fort Lauderdale at the offices of U.S. Legal. I would like to thank U.S. Legal and Jennifer Gaul, President-Elect, for accommodating us with such great service during our meeting. Of course, the minutes will be available for you to read at the Business Meeting in Sarasota.

FCRA is planning to have a membership exchange in the Tampa/St. Pete area on Thursday, May 8th, from 6 p.m. to 8 p.m. It will be held at the Centres at Feather Sound, 3001 Executive Drive, Suite 130, Clearwater, FL. Donna Kanabay and Ginny Hyland have been hard at work putting this together. From what I've seen of their plans, it should be a great exchange, including door prizes. After the Tampa/St. Pete exchange, our next planned one is to be held in South Florida.

As I am sure you are aware, our next conference will be held in Sarasota June 27-29. I know that Gayl Hardeman and Ginny Hyland have really worked hard to provide a conference that everyone will enjoy and learn from. I look forward to seeing all of you in Sarasota.

Well, that brings us up to date with what has been happening with the FCRA Board. Until next time, remember our 2008 motto, "BE THE BEST YOU CAN BE."

Taking Your Show on the Road



On Saturday, February 2, 2008, I spent my day in Jacksonville attending the "Marketing Court Reporter Value – Train the Trainer" seminar put on by the National Court Reporters Association. What an informative, valuable and motivating day that was!

In case any of you missed the e-mail that was sent out by NCRA informing its members of the upcoming seminar, or the date conflicted with something that was equally as important in your life, or you just plain chose not to attend, I am here to tell you that you really missed out on this one. The information shared with attendees, the interactive exercises and role-playing scenarios really added pizzazz to this one-day seminar.

Don't despair, however. All is not lost! The next seminar is slated for July 26, 2008, at NCRA's Annual Convention and Exposition in Anaheim, California. Other road trips that the seminar presenters have taken are to Cincinnati, Phoenix, Seattle and Denver, with more seminars in the works.

Laura Dennis, formerly Senior Government Relations Specialist and PAC Manager with NCRA, now president of L. Dennis & Associates, Inc., along with Nate Smith, NCRA's ER Task Force Staff Liaison, and Paulita Kundid, RPR, FPR, CLVS, Chair of NCRA's ER Task Force, joined hands and put forth this dynamic presentation. Our very own distinguished FCRA President Thomas Hughes was also present and addressed the audience as well.

The goal of the seminar is clear just by its name: Marketing Court Reporter Value. We court reporters have learned to be the silent one in the courtroom, only speaking up when necessary to ask someone to slow down, speak up, or to clarify the spoken word. Could that be why we are all too silent when it comes to marketing how valuable our service really is? Or is it because our method of court reporting has been around for so long that we thought the end-users and decision-makers knew, without question, how valuable our product is and the myriad of services we offer? Whatever the reason, it is vital now more than ever that we all stand up individually and collectively and step out of our comfort zones to spread the word about our profession's value and its human element.

The seminar opened with Ms. Kundid sharing interesting facts about the court reporting marketplace today. Did you know, for instance, that NCRA experienced a 40% increase in calls regarding Electronic Recording in 2005 compared to 2004? Or that in response to an NCRA ER inventory nationwide, of the counties that responded almost 85% utilized ER in their courts of record?

Next we participated in several exercises that put our brains into gear. The first involved writing down three examples of what we, as individuals, felt gave us an edge over electronic court reporting. The ability to provide continuity of operations when power outages occur using our state-of-the-art equipment, discerning a confidential attorney/client exchange and not reporting the exchange on the record, and providing instant voice-to-text translation for judges, attorneys, and/or witnesses who are deaf or hard of hearing are but a few examples that I noted.

Defining court reporter value was exercise number two. The exercise was performed as a group with the individuals at our tables. It was obvious that every single one of us knew our value by the number of points we listed: providers of the only voice-to-text translation currently out on the market, managers of a multi-purpose system that gathers and stores data for all legal professionals, preparers of accurate **not** adequate transcripts, to name a few. One thing that we tend to take for granted, though, is that everyone else knows what value we bring to the table. Not true! We must identify the end-users and decision-makers in our circuit, be it the court administrator, the chief judge, board of county commissioners or otherwise, and educate them as to our value.

Exercise number three was a marketing listening exercise. Did you know that "marketing listening" is different from "hearing," and it is also different from what we employ in our profession? First, we must know to whom we are marketing and what benefits our service will provide them. We must listen for the main ideas presented by the speaker, giving them our full attention. We must

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Taking Your Show on the Road

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not assume what they are going to say next. We must let them finish before we begin to talk, avoid emotional involvement, and ask questions and provide feedback. As professionals and advocates for our profession, that should not be a hard task to master.

The final and my most favorite exercise was role playing. This was very similar to the role playing that I participated in at NCRA's Boot Camp several years ago as an FCRA Board member. We met in groups with a mock judge (Cathy Phillips, past FCRA President), mock court administrator (Karen Yates, NCRA President-Elect), mock legislator (Laura Dennis), mock law firm owner (Nate Smith), and a mock ER vendor (Paulita Kundid).

We were given a total of twenty minutes for each meeting; five minutes to prepare, ten minutes to converse, and five minutes to debrief. Our task was to inform the representatives we were meeting with who we were, why we were there, and what values our services would be to them. This exercise afforded all of us the opportunity to put into play what we had learned from the day's seminar: how to market court reporter value. And believe me, some of the representatives were ruthless and made it very challenging for us to stay focused and on point, keep emotional involvement at bay, and not get defensive in our presentations to them. It was a wonderful exercise to help prepare all of us for almost any type of personality or perceived obstacles that we may come across in the marketplace.

One of the most important messages that I took away from the seminar was to educate and promote my value and place within the legal system, but to do so in a cooperative and effective manner. Budget cuts, court reporter shortages, and negative publicity about our profession have all played a role in where we are as a profession today. So while it is imperative that we cooperate with the end-users and decision-makers once a decision has been reached, we should do everything in our power to educate them in advance of making that decision.

So, will I see YOU on the road?

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FCR Online Deadline Dates

(Fall) Aug/Sept/Oct..... July 5, 2008

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(Spring) Feb/Mar/Apr Jan. 5, 2009

Publication Date Feb. 12, 2009

(Summer) May/June/July April 5, 2009

Publication Date May 12, 2009



On the National Scene...

Court Reporting Designated One of the Fastest Growing Professions by Federal Government, Although Number of Graduates is Trending Downward

Reprinted from the National Court Reporters Association Website

WASHINGTON, D.C. (April 1, 2008) – For the first time ever, employment prospects in the court reporting profession have been projected by the federal government to grow “much faster than average,” reflecting “excellent” job opportunities “as job openings continue to outnumber jobseekers,” the National Court Reporters Association (NCRA) said today.

Ironically, the government’s estimate comes at a time when NCRA said the number of schools taking part in its certification programs and their graduates have steadily declined over the decade. Almost 1,000 students graduated from more than 100 NCRA-certified schools in 1996. Ten years later, NCRA said only 62 certified programs across the U.S. graduated fewer than 360 court reporters.

The “Occupational Outlook Handbook 2008-2009,” recently released by the federal Bureau of Labor Statistics (BLS), said court reporter employment will grow by 25 percent through 2016, because of “increasing numbers of civil and criminal cases” coupled with federal telecommunications legislation that requires television captioning and the increasing demand for real-time communication access for people who are deaf and hard of hearing under the American with Disabilities Act.

In recent speeches, U.S. Labor Secretary Elaine Chao said with the country transitioning to a knowledge-based economy, workers with higher skills “are being paid a premium,” while she said the strongest demand is for workers “in technical occupations.” Her words are borne out by the BLS projection for court reporting and by a 2006 NCRA survey that determined an average net income after expenses

of \$65,242 for freelance (deposition) reporters and \$72,072 for court reporters who work for local, state or federal courts and agencies.

“Our efforts to increase the number of court reporters and training opportunities are beginning to pay off,” says Mark Golden, CAE, NCRA’s executive director. “Last year, nine new schools opened to teach court reporting, while maintaining high performance standards and a challenging academic curriculum. Yet we still have a long way to go before the supply even starts to meet the demand.”

Golden noted that the training is challenging. “It demands a great deal of practice to develop skills of dexterity and concentration,” he says, “but for those who become guardians of the record and providers of communication access, the rewards and sense of making a real contribution make it all worthwhile.”

To further meet the future need for court reporters, NCRA is reaching out to potential students at <http://www.bestfuture.com/>. In addition, legislation now before Congress calls for competitive grants to train captioners and reporters who specialize in realtime and Communication Access Realtime Translation. CART provides an immediate translation of all spoken words and environmental sounds in academic, civic, religious or cultural events for people who are deaf, have hearing loss or are learning English as a second language.

CALLING ALL REPORTERS!

Honor a Veteran by Interviewing Him/Her for the Veterans History Project



Please join your colleagues who have interviewed many of our nation's wartime veterans for the Veterans History Project (VHP).

America's World War II veterans are dying at a rate of 1,700 a day, which is why it is critically important that we get as many of these stories as possible. Of course we want the oral histories of veterans who served in all of our nation's wars and conflicts, including our current Iraq and Afghanistan veterans.

Court reporters play a vital role in making sure that these wartime memories are preserved. Not only will you be collecting information that will be used by researchers, authors and academics, but you will be honoring America's veterans.

Most of us have a family member, friend or colleague who has served our country during a period of war. If you are interested in interviewing a veteran, please contact Beth Kilker, VHP Coordinator, National Court Reporters Foundation, at bkilker@ncrfhq.org, or at 800-272-6272, ext. 174, to request a Veterans History Project Field Kit.

UPCOMING EVENTS CALENDAR 2008

- May 8 West Coast Membership Exchange Meeting
Centres at Feather Sound, 3001 Executive Drive, Suite 130, Clearwater, FL • 6 p.m. to 8 p.m.
RSVP by Friday, May 2 to Donna Kanabay, donna@kanabay.com or 813-545-0645
- June 16 - 28 NCRA Written Knowledge Tests
Contact NCRA Testing Office, 800-272-6272 testing@ncrahq.org or www.ncraonline.org/testing
- June 22 - 24 AAERT 15th Annual Conference, San Antonio, Texas
<http://www.aaert.org>
- June 27 Florida Professional Reporter Seminar & Certification Test. Hyatt, Sarasota
www.FCRAonline.org
- June 27 - 29 FCRA Mid-Year Conference, Hyatt, Sarasota
FCRA Headquarters 407-774-7880, www.FCRAonline.org
- July 24 - 27 NCRA Annual Convention and Exposition, Anaheim, California
Contact Marilyn Dent, mdent@ncrahq.org <http://ncraonline.org/Events/Annual/>
- July 26 Marketing Court Reporter Value - Train the Trainer Seminar
NCRA 2008 Annual Convention and Exposition, Anaheim, California
<http://ncraonline.org/Events/Annual/>
- Oct. 17 - 19 FCRA Annual Convention, Ocala Hilton
Information to be posted on the FCRA website www.FCRAonline.org

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

Reprinted from the April 1, 2008, edition of The Florida Bar News

Courts Foresee Staff Reductions 30 Percent of the Workforce is at Risk

By Gary Blankenship, Senior Editor

Asking the Florida court system to cut its budget by 10 percent next year — on top of 6 percent cuts this year — would be asking the third branch of government to commit suicide, Supreme Court Chief Justice Fred Lewis told a key Senate committee.

"I don't believe any of you wish to undermine an entire branch of government," Lewis told the Senate Criminal and Civil Justice Appropriations Committee March 20. "I plead with you to work with us to find other ways to address this problem other than a 10 percent across-the-board cut."

That 10 percent reduction, the chief justice said, "is placing an arrow through the heart of the branch. I can tell you the soul of the branch will remain strong and we will continue to strive to serve the people of Florida. But now with the 10 percent, if we come forward and say we can sustain the 10 percent, then we're saying we'll commit suicide."

Lewis made his pitch, and then representatives from state attorneys, public defenders, guardians ad litem, the offices of capital collateral regional counsel, and other court and law enforcement related agencies told the committee how they would cope with a further 10 percent budget reduction for the 2008-09 fiscal year on top of already deep cuts for the current year.

There was a glimmer of hope given by the committee members. Chair Victor Crist, R-Tampa, said the panel had no choice within its budget allotment but to cut 10 percent across the board from the courts and the state agencies it oversees.

But he noted that the committee's budget could be amended once it goes to the Senate floor and would likely be changed again during budget negotiations with the House.

Some committee members said they would try to take funds from other state programs to lessen the impact on the courts.

"Some things are more important than others. I think we should all keep in mind that on the floor we can find more sources of money," said Sen. Alex Villalobos, R-Miami.

"There's no way that I would be able to live with myself if I didn't fight to preserve the judiciary at the level where it would be effective for the people of the state of Florida," said Sen. Arthenia Joyner, D-Tampa. "I have no problems with raiding someone else's budget to save a branch of government."

Added Sen. Charles Dean, R-Inverness: "If I've got to make a choice between spending hundreds of millions of dollars to protect a frog or a gator and funding the courts . . . the frog has got to find a new pond."

Those appearing before the committee presented a bleak picture of the impact of the proposed 10 percent budget cuts, which came on top of two budget reductions imposed for the 2007-08 budget year (the second approved only the week before).

Lewis told the committee that in the first round of cuts last September, the courts lost more than \$9 million, and in the cuts approved March 12, another \$17.2 million was sliced. The

only way furloughs were avoided with the latter cut was by shuffling the court's trust funds and finding an additional \$2.1 million. Cutting 20 percent would cost the courts an additional \$41.2 million, he said.

The cuts for the current year required a work force reduction of more than 240 positions (met by not filling existing positions), Lewis said. The 10 percent cut would require laying off another 727 employees — a total loss of 967 positions in about a year, or a total of 30 percent of the judicial system's work force. He noted the court system added about 1,200 employees under Revision 7 when the state assumed many functions that had been funded by counties.

Cuts that deep, Lewis said, would set the courts back 30 years.

He explained that 87 percent of the court budget is in salaries and, of that, 42 percent is for judges, who are constitutional officers and hence cannot be fired or have their salaries reduced. The cuts have to be concentrated on support staff, where the impact is, in effect, an 18 percent reduction, he said.

The impact on the courts would be incalculable, with delays for all types of cases, including high priority criminal and family proceedings that have statutory time limits, Lewis said.

Court mediation programs, which have dramatically reduced the number of trials, will be ended, which "would result in delays and higher costs for citizens," Lewis said.

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Courts Foresee Staff Reductions – 30 Percent of the Workforce is at Risk

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Children in foster care, landlords looking to evict tenants, and foreclosure actions would all be delayed, Lewis said, warning it's even possible those charged with crimes might go free because the courts couldn't meet speedy trial deadlines.

Lewis pledged to work with legislators to find additional revenues for adequate sources of funds. "We must get through these troubled waters without sacrificing a branch of government," he said.

Other court-related agencies projected similar woes, but Crist repeated his message that budgets will be tight.

To state attorneys, Crist said, "You guys are going to have to do a better job of who you choose to prosecute.

"With the public defenders, you need to do a better job with those you provide service and determine if they truly meet the indigent standards."

Thirteenth Circuit State Attorney Mark Ober, president of the Florida Prosecuting Attorneys Association, said to meet the reductions of the current budget year, state attorneys have not filled 493 positions, both for prosecutors and support staff.

"We did that out of respect for this legislature and because we wanted to be part of the solution," Ober said. "That was done even though we are struggling more than ever."

But an additional 10 percent budget cut will mean laying off another 536 employees, he said. Combined with unfilled positions, that would be a 17 percent reduction for prosecutors.

"We would painfully and regretfully be compelled to terminate the em-

ployment of prosecutors, investigators, and staff. I am not telling you that for any shock value," he said.

"To do this would compromise public safety in the state of Florida."

Work loads for felony prosecutors would rise from 350 to 650 cases, he predicted, and lesser experienced prosecutors would have to take on more complex cases.

Fourth Circuit Public Defender Bill White, representing the Florida Public Defender Association, said PDs may have trouble meeting all of their constitutional functions with another 10 percent budget reduction.

"When you're looking at whether the lights are going to get turned out or the water turned off, well you can probably get some candles for light," White said. "What we're talking about is turning off the water taps with these 10 percent cuts. . . .

"If you're jamming the whole system up with more cases and fewer people to do the job, then the quality of what we present to the judges goes down."

Public defenders may have to stop representing defendants in misdemeanor cases, although one option would be for the legislature to specify that no jail time would result from such a conviction, in which case public defenders would not be required, White said.

Angela Orkin, who runs the state's Guardian ad Litem Program, said to comply with budget cuts this year, 43 employees had to be laid off, which resulted in 2,000 children not having guardians ad litem. To meet the 10 percent reduction, she said, more staff would have to be let go, and another 2,300 children would

Other court-related agencies projected similar woes, but Crist repeated his message that budgets will be tight.

not be represented. That would reverse the trend of the past four years where the state increased the percentage of children in court cases with guardians ad litem from 50 to more than 80 percent.

Bill Jennings, the capital collateral regional counsel for the middle region of Florida, said the committee's requested cuts would mean the loss of 10 positions for the middle

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Courts Foresee Staff Reductions – 30 Percent of the Workforce is at Risk

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and southern regional counsels. That in turn, he said, would reduce the ability of those offices to appeal in the federal court system.

The hearing before the Criminal and Civil Justice Appropriations Committee came only eight days after the legislature approved cuts for the 2007-08 fiscal year that diminished the budgets for the courts, public defenders, and state attorneys by millions of dollars.

The latest 2007-08 fiscal year cuts for the courts and state attorneys were expected to be painful, but not cause the layoff of any employees. Several public defenders initially said they would have to furlough employees for a few to several days before the fiscal year ends June 30, but sharing funds among various circuits addressed that problem — for now.

"The future is going to be bleak for all of us," said Eighth Circuit Public Defender Richard Parker, president of the Florida Public Defender Association.

State Courts Administrator Lisa Goodner said details on how the courts could meet the \$17.2 million in cuts for the current year were basically unchanged from earlier plans. (See story in the March 15 *Bar News*.) That involved taking monies from various trust funds plus another \$2.1 million in nonrecurring revenues for the courts. That avoided what was feared to be furloughs of court employees before the June 30 end of the fiscal year.

As it did for state attorneys and the courts, the legislature gave the public defenders permission to shift trust funds to meet their salary needs, and even move trust funds among various circuits. But the FPDA's Parker said that wasn't nearly enough.

As the legislature prepared to vote on its budget cuts on March 12, Parker said nine public defenders didn't have enough money for the year and might have to furlough employees before the end of June. That was down from 13 a week or so earlier before the circuits began juggling trust funds and those with surpluses sharing with those who didn't have enough.

Parker said the defenders were about \$2 million short of what would be needed to avoid furloughs.

He later said, at a subsequent conference among defenders, enough money was found to avoid all layoffs. For example, his office's \$200,000 deficit was made up by surplus funds transferred from 13th Circuit Public Defender Julianne Holt.

All of the money transferred among public defender offices is coming from trust funds, Parker said, as no office has any extra general funds. In some cases, the sources of those trust funds could be local, such as a county which contributed money for technology or to defend those charged with violating local ordinances, but the money now might be sent to another circuit for salaries.

Even though the furloughs were avoided, "at the end of this budget year, we will have exhausted every dime in the association," Parker said. "We will start next year (facing further budget cuts) with absolutely no reserves. . . ."

"It was not without some significant difficulty, when you're trying to get people to identify funds," Parker said of what the defenders went through to avoid layoffs. "The effect is we are covered for this year, but, of course,

the cut carries into next year. Any additional cut (in the 2008-09 fiscal year) for anybody will mean either not filling positions as they vacate or, depending on the depth of the cut, terminating employees."

"We're starting to run on fumes," Eighth Circuit State Attorney William Cervone, vice president of FPAA. "We are starting to be at a position where things are slowing down, things are not being processed. In many places, we are starting to look at what cannot be done."

The most immediate impact on prosecutors is a reduction in specialty operations. "I had two attorneys assigned to serious narcotics cases," Cervone said. "I'm down to one, and it may be none because I cannot afford specialization. These are the first kinds of things to be raided so you can keep up with the general work."

"We are going to have to start to triage cases and focus on cases we think are the greatest threat to public safety," he said, which means crimes against persons would likely take priority over property crimes. "People are not going to like that. I don't blame them. . . ."

"We have real concerns about public safety. No one is going to prison if there is not a prosecutor between the police and the gates of the prison."

Prosecutors will also have problems if public defenders are forced to make layoffs. Cervone said about 40 percent of defendants are represented by public defenders, and if those defenders are furloughed, it will impact state attorneys as well.

Reprinted from the February 21, 2008, edition of St. Petersburg Times

Cost-Cutting May Close Courts

Workers may be sent home without pay. A judge calls it a "catastrophe."

By Jamal Thalji and Colleen Jenkins, Times Staff Writers

Judges across Florida say the state's budget crunch will shutter courthouses for weeks this spring as thousands of court employees are sent home without pay.

At risk, they say, is a halt to all civil litigation for those weeks, such as foreclosures and divorces. All that would be heard is priority family law cases and critical criminal proceedings.

"It's going to be a catastrophe," said Hillsborough County's Chief Judge Manuel Menendez.

But in Tallahassee, where lawmakers are faced with making even deeper cuts across state agencies in the coming year, sympathy is scarce. The court system had ample warning this was coming and should have planned accordingly, leaders say.

"If the money's not there, we can't spend it," Sen. Victor Crist, R-Tampa, said Wednesday, a day after the chief justice of the Florida Supreme Court asked Crist's budget committee to intervene. "And it's not there."

It's Florida's worsening economy that is pitting the two branches of government against each other. The Legislature held a special budget-cutting session in October to cope with a drop in state revenue.

The state court system took a 2 percent hit then. But Gov. Charlie Crist also ordered state agencies to not spend 1 percent of their budget each quarter in case additional cuts were needed.

Sen. Crist, who is not related to the governor, said the judiciary was asked months ago to voluntarily hold back 4 percent of its budget "in case the money doesn't come in."

Now, it looks like it won't. A new revenue estimate next month is expected to show the state's tax collections are lower still than what was predicted in the fall.

The state Supreme Court estimates that to absorb a 4 percent cut or \$16.9-million, circuit courts would need to send workers home for 22 days; county courts for

58 days.

In Pinellas and Pasco it would affect 244 employees; in Hillsborough that number would be 240. The number for Hernando County court employees wasn't available Wednesday.

"I'm pleading for the life of a branch of government," Chief Justice R. Fred Lewis of the Florida Supreme Court told senators Tuesday as the state's 20 chief judges flooded the Capitol for a day of lobbying. "In essence, you are destroying a branch of government."

But Sen. Crist said falling state revenue and the judiciary's "poor fiscal management" are to blame.

Crist said that his Senate Criminal and Civil Justice Appropriations Committee tried to shield judges from the brunt of budget cuts and that judges were warned these cuts could be coming.

But Menendez said judges were led to believe that they would receive a significant chunk of that money back this spring and spent accordingly to cover salaries.

The chief of the Pinellas-Pasco circuit, Judge Robert Morris Jr., said the senator is mistaken about another aspect of those "holdbacks." Judges were warned to hold back on costs - not salaries.

Lewis told Crist's committee Tuesday that salaries make up 87 percent of the Florida judiciary's budget. So if the Legislature wants to cut the judicial budget in the last quarter of the fiscal year - April, May and June - then that's where the money is going to come from.

First, this caveat: Judges' salaries won't be affected. The cost of running court buildings is paid for by counties.

But judges say everyone who helps them do their jobs will be affected. That means judicial assistants, magistrates and mediators. That means no hearing officers to handle traffic court or child support hearings, no case

Continued on page 14

Cost-Cutting May Close Courts

Continued from page 13

managers to navigate family court, even the district courts of appeal will have to shut down.

"We're just people," Morris said.

That's not what Crist, a Tampa Republican, thinks. He said his staff calculated the judiciary can cut that out of the last quarter of this year's budget without furloughing anyone. The money can come from maintenance, operations and contracts, Crist said. His committee is expected to discuss the issue again in a meeting today.

The senator said the judges' threat to furlough state workers "is a ploy to create a groundswell to oppose the Legislature."

Everyone will have to sacrifice, warned State Senate President Ken Pruitt.

"I'd rather be furloughed one day a month and keep my job," said the Port St. Lucie Republican, "than have somebody who's my workmate lose their job."

But some jobs, the judges say, are too important to lose for even a day.

"They say the wheels of justice turn slowly," said Hernando Circuit Judge Daniel Merritt Sr., chief judge of the 5th Circuit. "This would bring it to a halt."

Steve Bousquet, Shannon Colavecchio-Van Sickler, John Frank and Jennifer Liberto contributed to this report. Jamal Thalji can be reached at thalji@sptimes.com or 727-869-6236.

NCRA'S 2008 LEGISLATIVE BOOT CAMP Realtime Gets a Voice on Capitol Hill: The Realtime Writers Act

By Susan D. Wasilewski, RPR, CRR, CCP, CMRS, FPR, and NCRA
2008 Legislative Boot Camp Attendee



The Telecommunications Act of 1996 established January 1, 2006, as the deadline for all new English-language television programming to be closed captioned. That deadline was not met due to a shortage of realtime captioners.

In order to meet the mandates put on television broadcasters by the Telecommunications Act, more captioners are needed. The Realtime Writers Act was written with that goal in mind. The act, first introduced in February 2007 by Sen. Thomas Harkin (D-IA), would provide competitive grants to court reporting schools to help them train more captioners and CART writers. The funding would enable qualified schools to do such things as update their curriculums and equipment, and improve their marketing, recruiting and job placement efforts.

NCRA's 2008 Legislative Boot Camp was conducted to promote this federal initiative on Capitol Hill in Washington, DC. Legislative Boot Camp is a three-day event attended by state association leaders and court reporting educators from across the country. The first two days consist of intensive training on lobbying, politics, the issues surrounding the act, as well as other important issues affecting the reporting profession. The third day of Boot Camp is when attendees take what they have learned and meet with members of Congress and their aides to seek support for the act.

Have NCRA's grassroots lobbying efforts been successful? Initially, the Realtime Writers Act was a standalone bill. In November 2007, another bill, H.R. 4137, the College Opportunity and Affordability Act of 2007, was introduced by Rep. George Miller (D-CA), to amend and extend the Higher Education Act of 1965, and for other purposes. The language of the Realtime Writers Act was included in H.R. 4137. H.R. 4137 has been passed in the House and now goes to the next stage of the legislative process, to be considered in conference committee. This is where the bill may undergo significant changes in markup sessions before moving over to the Senate. Hopefully, the language contained in the Realtime Writers Act will remain in the Senate version of the bill and go on to be passed by the Senate and signed into law by the President. NCRA will continue to closely monitor the progress of the legislation.

Will the passage of H.R. 4137 and the companion Senate bill mean the end of NCRA Legislative Boot Camps? The answer to that question is a resounding no. Our profession faces a litany of difficult issues. NCRA recently formed coalitions with other associations to improve upon legislation affecting small businesses, independent contractors, and those seeking affordable healthcare. There is no doubt that future Boot Camp volunteers will be called upon to serve NCRA's membership by donating their time lobbying in Washington to help protect and promote the court reporting profession.



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.

CALL FOR NOMINATIONS

As provided for in the Bylaws, the immediate past president of FCRA serves as chair of the Nominating Committee. The president appoints four additional members to the committee and two alternates who serve in the event of absences of committee members. The committee will meet in June at the Mid-Year Conference to draw up a slate of nominees for the following positions on the Association Board of Directors to be elected at the 2008 Annual Convention:

Qualifications and qualities to look for in potential FCRA officers and directors:

LEADERSHIP:	ADMINISTRATIVE TRAITS:	ABILITY:
<ul style="list-style-type: none"> • Interest, concern, conviction, dedication • Decision making capabilities • Objectivity • Knowledge and experience • Reliability • Ability to inspire 	<ul style="list-style-type: none"> • Courtesy • Humility • Friendliness • Tact and diplomacy 	<ul style="list-style-type: none"> • Communication skills • Initiative • Professional image • Maturity • Association experience

The committee hopes you will consider it your personal responsibility to participate in the nominating procedure by submitting names of potential candidates for consideration by the Nominating Committee. Take this chance and participate in their selection. Send, fax or e-mail the names of your recommended candidates to Cathy Phillips, 814 E. Silver Springs Blvd., Ste. A, Ocala, Florida 34470. Fax 352-368-2562 or e-mail cjphillips111@aol.com. Please submit nominations no later than May 23, 2008.

- | | |
|--|--|
| <input type="checkbox"/> President-Elect (one-year term) | <input type="checkbox"/> Treasurer (one-year term) |
| <input type="checkbox"/> Vice President (one-year term) | <input type="checkbox"/> Northern Director (two-year term) |
| <input type="checkbox"/> Secretary (one-year term) | <input type="checkbox"/> Southern Director (two-year term) |
| <input type="checkbox"/> One Director-at-Large (one-year term) | |

I recommend the following FCRA member for consideration as a potential candidate for the position of:

Name: _____

I support the candidate for the following reasons: _____

May the Nominating Committee contact you by phone/e-mail if further information is needed about the candidate? Yes No

Office Phone: _____ Home Phone: _____

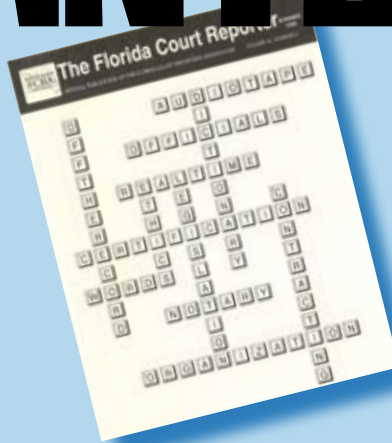
Email Address: _____ Cell Phone: _____

Signed (FCRA member): _____ Date: _____

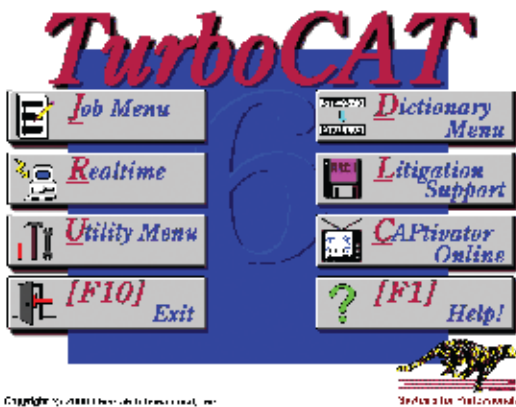
Submit nominations no later than May 23, 2008.

Please photocopy this form for additional potential candidate recommendations or provide on a separate sheet.

● WANTED ●



Your old FSRA/FCRA magazines! Any vintage needed, but especially the older ones, '70s (or even '60s!) Please contact Donna Kanabay re: FCRA History Project by e-mail donna@kanabay.com or cell: 813 545 0645. (If you have something we need, we promise we'll return it to you after scanning!)



Of Course You Waited, Now it's Time to Move.

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By Ginny Hyland and Gayl Hardeman, Convention Planning Co-Chairs

2008 MID-YEAR CONFERENCE

JUNE 27-29, 2008 • SARASOTA HYATT HOTEL • "POSSIBILITIES!"

A GREAT Convention Planning Committee has planned for you a weekend you will LOVE. You'll come away saying, "I didn't know that was POSSIBLE!"

Something for everyone – REPORTERS, FIRM OWNERS, STUDENTS!

Learn new **COMPUTER SHORTCUTS FOR EVERYONE!** - Nancy Paulsen, RPR, a fearless computer "geek" shows you some very cool tricks!

Learn how to buy and sell EVERYTHING on eBay - Sarasota Scire Brothers, who've mastered the MYSTERY!

Learn from a dynamic speaker how to **improve your personal and professional RELATIONSHIPS!** - Jill Obrochta, host of TV/Radio show, "What Every Woman Wants" <http://www.whateverywomanwants.tv/>

STENO SWAP Workshop! Send in your favorite five steno briefs — and MOST WANTED briefs — with your

registration, and you'll take home a master list! - Traci Dedrick, RPR, Moderator

Gayl Hardeman's five most favorite steno briefs:
R-FP for "research"
HR-FP for "literature"
GRIFM for "algorithm"
POURPT for "PowerPoint"
KPOENT for "component"

Gayl's MOST WANTED brief – Got a good one for "so to speak?"

VIDEO POSSIBILITIES –How your videographer can help you hear perfectly, and other NEW TECH possibilities! - LaJuana Pruitt, CLVS

A workshop on **Cyber Storage** especially geared for Firm Owners – a safe program that allows you to store an entire firm's notes, transcripts, and videos, with easy indexing, logging and retrieving features – highly recommended by Firm Owner Ginny Hyland! - Jonathan Elliott, the program's creator

VENDOR BREAKOUT SESSIONS!

YOGA: Benefits and Practice – Saturday night before the party come relax on a mat or towel and learn some stretches ESPECIALLY DESIGNED FOR COURT REPORTERS. Feel the tension leaving your neck and shoulders and back. Mabel's comforting style and instruction will amaze you with the POSSIBILITIES of Yoga! - Mabel Smith, Certified Yoga Instructor

Saturday night - "**FLORIDA'S GOT TALENT**" – Pay to have someone sing, dance or perform (select from 50 talents!), or Pay to PASS. A great, fun time to laugh, relax and reconnect with your fellow reporters.

FIRST EVER FIRM OWNERS NETWORKING BREAKFAST – SUNDAY A.M.!

Congratulations...You Did It!

Congratulations to the following reporters from around the State of Florida who became certified as a result of the January 2008 RPR, RMR, RDR, CBC and CCP written knowledge tests:



Registered Merit Reporter (RMR)

Denise Sankary, West Palm Beach, FL

FCRA FUNDRAISING DRAWING

Choose a Cruise (or cash)



Tickets are on sale now for an 8-day, 7-night cruise for two. And, unlike other drawings, only 100 tickets will be sold. You get to pick a cruise departing from Miami or Port Canaveral on Royal Caribbean. For just \$50 a ticket you get the chance of winning a great getaway for two on the open water of the Caribbean, stopping to see the sites at the numerous ports of call.

If you choose to depart from Port Canaveral, you first will head to Nassau, then to St. Thomas and finally St. Maarten.

Your other option takes you from Miami to Labadee, Hispaniola; then to Ocho Rios, Jamaica; on to Georgetown, Grand Cayman, and finally Cozumel, Mexico; or to CocoCay, Bahamas; then to Chalotte Amalie, St. Thomas; and finally to Philipsburg, St. Maarten.

The winner will receive the cruise and \$500 in spending money. Or, you can just take the cash instead, \$2500.

As stated above, this drawing will be limited to 100 tickets being sold. So don't delay, order yours now while the odds are in your favor. Just email Sandy Narup at snarup@bellsouth.net to get your ticket or contact any one of the FCRA board members. You can also just send your check made out to FCRA to Sandy Narup, 725 Hunt Club Trail, Port Orange, FL, 32127.

The drawing will be held at the Mid-Year Conference in Sarasota on June 28, 2008. You do not have to be present to win.

Bon Voyage!!!!

May/June/July 2008 • FCR Online

A Note of Appreciation



Editor's Note: It is not often that the staff and Board of FCRA receive an encouraging note thanking them for the work they all do for our association and how valuable FCRA's services are to our members. On January 30, 2008, I received this e-mail from Linda Dyer, FCRA Past President. I would like to now share it with all of our readers.

Hi, Louise.

I just read the latest issue of *FCR Online*, and I am reminded once again how valuable membership in FCRA is, especially the "magazine." The articles you publish on ethics, professionalism and the Mr. Modern columns are excellent.

Your recent articles in the On The Job section, *Stand-By No-Show Certificates* and *Non-Party Request for Transcript Sample Letter*, are worth the price of membership. If members read these articles and follow the guidelines set forth therein, they ostensibly will stay out of trouble and save themselves much more than the cost of membership — a potential lawsuit and/or loss of a client, or worse.

You and the staff and Board of FCRA continue a legacy of excellence started many, many years ago here in Florida — even before my time. Congratulations and my personal thanks for all you do.

Linda Dyer, Past President
MJC REPORTING, INC.
lindamdye@yahoo.com



CREATE YOUR OWN NEWSPAPER

Q. I'm a news junkie and though many sites permit me to customize the type of news I want, I was wondering if there is any way to pull together news from various sources so I can just go to one place and see my favorite news items?

A. One of the oldest news sites on the Web is one that does permit you to do that in a clever way, and for free. The site is called CRAYON (www.crayon.net). The name is an acronym derived from CReAte Your Own Newspaper. After registering on the site, go to Your Paper's Settings where you can name your publication, give it a motto, select the page layout, graphics, and then select your news sources from a vast array of publications, news media, by topic or other criteria. Once you've made and saved all your selections, log-in and click "Read My Paper." It will be assembled and presented to you faster than you can holler, "Extry! Extry! Read all about it!" If you're a news junkie, be sure to check out www.newser.com, also.

Q. When I click View > Details in a folder, is there any way I can keep that view so I don't have to re-select the Details view again with the next folder?

A. Theoretically, Windows will remember the View selected for each folder and will display it the same way each time the folder is opened. The operative word in the previous sentence is "theoretically." Sometimes Windows remembers, sometimes Windows doesn't. I can relate.

You can encourage Windows to remember your View settings by first configuring a folder the way you want it to appear. Then, go to the Control Panel > Folder Options > View tab. For versions of Windows prior to XP, look at the list of options in the Advanced Settings section and locate "Remember each folder's view Settings." Click to place a check mark in front of this option, then click Apply > OK to save and exit. XP users, click the "Apply to All Folders" button, followed by Apply > OK.

Vista users, go to the Control Panel > Appearance and Personalization > Folder Options > View tab and click the "Apply to Folders" button. A less click-

intensive method with Vista is to click the Start button and in the "Start Search" field, type "folder options." Click Folder Options when it appears as a search result and you'll be transported to the Folder Options dialog box.

Q. I'm divorced, but my married name appears in the From: field of email that I send using Outlook. I can't figure out how to change the name people see when I send messages. Can you help, Mr. M?

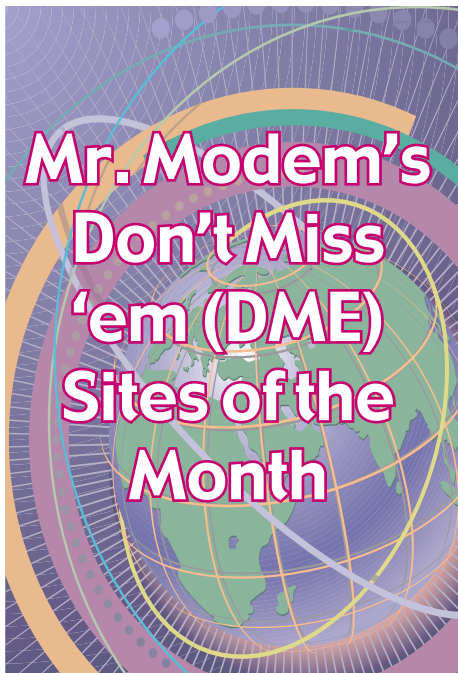
A. You can easily change the name that identifies you as the sender. The process is the same for both Outlook and Outlook Express: Click Tools > Accounts > Mail tab. If you have more than one email address, you will see them displayed in a list. If you only have one, it will be the only one displayed. (When it comes to stating the obvious, you can count on Mr. Modem.)

Click to select the account you want to change, then click the Properties button. The current name displayed on your email will appear in the Name: field, which you can edit to reflect your new name — or old name, as the case may be. When you're finished, click Apply > OK to save your changes.

**HAVE YOU
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WEBSITE?**

**FOR ALL YOUR COURT
REPORTING NEEDS...**

WWW.FCRAONLINE.ORG



The American Roadside: This site is bumper-to-bumper full of entertaining roadside attractions, interesting destinations along scenic routes, and wonderful old “meat-loaf-and-taters” diners. Read articles, view the photo gallery, or buy books, t-shirts, and other American Roadside paraphernalia, all destined to end up in your junk drawer. www.theamericanroadside.com

About Big Numbers: Have you ever wondered how big an octovigintillion is? How about a tredecillion, or a quattuordecillion, or a million-jillion, or perhaps a penicillin? There are so many big numbers here that you'll have a splitting headache in no time. <http://tinyurl.com/yslq65>

Brain Training: BrainMetrix advises us that when it comes to our neurons, “use ‘em or lose ‘em.” To help keep the ol’ brain cells stimulated, BrainMetrix provides an assortment of cerebral games and exercises that will keep our minds sharp for... for... well, perhaps it's too late for me, but hopefully it won't be for you. Give your gray matter a vigorous workout by participating in any of a number of these mind-training exercises. <http://brainmetrix.com>

Mr. Modem's weekly newsletter delivers helpful computer tips, great Web sites and his personal answers to your questions! Trial offer: Subscribe online using Promo Code 1146 and receive one free month with your 6-month subscription (28 issues!) To view a sample issue or subscribe, visit www.MrModem.com.

Sleuthing the Net: A New Threat Or More Hysteria?

By Donna M. Kanabay Harvey. RMR, CRR, FPR

You should know by now that I view e-mails regarding the latest virus “threat” with more than a jaundiced eye, and in the past I hope I've shown that 99% of them are bogus. I always check www.snopes.com when I receive one and usually forward the results to the sender with a strong suggestion that they check it out themselves before they... forgive me! ... “PASS THIS ALONG TO EVERYBODY IN YOUR ADDRESS BOOK!!!!!!” One of the points I always make is that if the threat were real, we would have heard about it in the mainstream press.

Well, here's one that appeared not only in the mainstream press, but even a cursory search has the subject cropping up on numerous sites, including PC World Magazine's Web site, as well as many news outlets. The headline in my March 18 St. Petersburg Times was, “Your New Gadget May Carry A Virus.” It's from the Associated Press.

“From iPods to navigation systems, some of today's hottest gadgets are landing on store shelves with some

unwanted extras from the factory — pre-installed viruses that steal passwords, open doors for hackers, and make computers spew spam.

“Recent cases include some of the most widely used tech devices: Apple iPods, digital picture frames sold by Target and Best Buy stores, and TomTom navigation gear.

“In most cases, Chinese factories — where many companies have turned to keep prices low — are the source.”

The article goes on to say that it appears, at least so far, that the problem is from lax quality control rather than organized sabotage. A careless worker plugging an infected player into a factory computer for testing, and then the virus spreads as more devices are plugged into the same computer. Security experts believe that it's happening at the tail end of manufacturing, when devices are pulled from the line for testing. It's possible that it's happening even when a worker plugs his own infected device into a factory computer, perhaps to charge it.

“It's the digital equivalent of the recent series of tainted products traced to China, including toxic toothpaste, poisonous pet food and toy trains coated in lead paint.”

Of course, the question of how it could be done deliberately is discussed, and that if that's the case, the virus could be much more widespread than anticipated. And due to corporate secrecy, it's impossible to track the problem or even to quantify it.

The article tells us of a fellow who bought a digital picture frame at Target for \$50, and when he plugged it into his computer, his anti-virus alerted him to *four* viruses trying to upload from the device. Another digital picture frame, purchased at Sam's, contained a virus that not only steals online gaming passwords, but *disables antivirus software*. An IT specialist reports that his digital picture frame carried the nastiest virus he's encountered in 20 years in the field.

Continued on page 25

ETHICS AND PROCEDURES CORNER

ETHICS AND PROCEDURES CORNER

By FCRA ETHICS COMMITTEE, 2007-2008 Members Chair: **Shirley P. King, RPR, CLVS, FPR** - Shirley.king@kingreporting.com; **Judy Everman, FAPR, RPR, CMRS, FPR** - judyeverman@comcast.net; **Louise K. Johnson, RMR, CRR, FPR** - wezi@bellsouth.net; **Donna Kanabay Harvey, RMR, CRR, FPR** - donna@kanabay.com; **Kathy Marino, RMR, CLVS, CRI, CPE, FPR** - kpmarino111@aol.com; **Sandy Narup, RPR, FPR** - snarup@bellsouth.net

A CERTIFICATE OF REPORTER FORMAT REVIEW

Since the publication of our new and updated manual, the Committee has noticed there are still many of you using an outdated Certificate of Reporter format. We have excerpted the following page from your Florida Manual. Please note that in each instance we have included the authority by which elements are included in the Certificate. We hope this helps you and you will decide to update your own format.

CERTIFICATE OF REPORTER FORMAT

CERTIFICATE OF REPORTER

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COUNTY OF BREVARD)

I, Alice Accuracy, Registered Professional Reporter, Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of (NAME OF WITNESS); that a review of the transcript (WAS/WAS NOT) requested; and that the foregoing transcript, pages 1 through (INSERT LAST PAGE NUMBER BEFORE CERTIFICATE), is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this ___ day of _____, 2003 at Melbourne, Brevard County, Florida.

(ORIGINAL HAND SIGNATURE, NO SIGNATURE STAMPS)
(BLUE INK RECOMMENDED)

Alice Accuracy, Registered Professional Reporter
Florida Professional Reporter

DO NOT NOTARIZE ANY CERTIFICATE OF REPORTER

Florida Rule of Civil Procedure 1.300 Persons Before Whom Depositions may be taken (a). Persons Authorized. "Depositions may be taken before any notary public or judicial officer or before any officer authorized by the statutes of Florida...."

Federal Rule of Civil Procedure 30 (e) states: The officer shall indicate in the certificate... whether any review was requested...."

Specifying the last page number discourages someone else from reformatting your ASCII to increase the number of pages produced.

Except for conforming the language to the first person this is a quote from the Florida Rule of Civil Procedure 1.300 (d). Persons Disqualified.

Florida Rule of Civil Procedure 1.310 (f) states: "... the officer shall certify on each copy of the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness." Florida Rule of Civil Procedure 1.310 (f)(3) states: "A copy of a deposition may be filed...." If a copy is filed, it must bear your original hand signature to meet the requirements of a "certified transcript."

Florida Statute 90.108, Introduction of Related Writings or Recorded Statements," "(2) The report of a court reporter, when certified to by the court reporter as being a correct transcript of the testimony and proceedings in the case, is prima facie a correct statement of such testimony and proceedings." At one time the language here required notarization of the reporter's signature on each certificate to be able to file it in court - FCRA was instrumental in having the language modified to eliminate the notarial requirement, and at the same time adding the language that our signature would be considered prima facie evidence so we would not have to testify in court as to the correctness of a transcript. (Use blue ink so there can be no doubt your signature is original - blue ink does not photocopy well.)

Sleuthing the Net: A New Threat Or More Hysteria?

Continued from page 23

While it's believed, for now, that the infections are not deliberate, they certainly can point to an avenue of attack for malicious hackers with access to the factory equipment. It's expected that the problem is going to become more widespread.

"Monitoring suppliers in China and elsewhere is expensive, and cuts into the savings of outsourcing. But it's what U.S. companies must do to prevent poisoning on the assembly line, said Yossi Sheffi, a professor at the Massachusetts Institute of Technology specializing in supply chain management. 'It's exactly the same thing, whether it happened in cyberspace or software or lead paint or toothpaste or dog food — they're all quality control issues.'"

When the AP contacted some of the world's largest electronics manufacturers, most declined to comment or did not respond. Those who did reply regarding confirmed infections indicated that the problem had been corrected and they've incorporated procedures to prevent it from happening again.

"Apple disclosed the most information, saying the virus that infected a small number of video iPods in 2006 came from a PC used to test compatibility with the gadget's software. Best Buy, the biggest consumer electronics outlet in the U.S., said it pulled its affected China-made frames from the shelves and took "corrective action" against its vendor. But the company declined repeated requests to provide details. Sam's Club and Target say they are investigating complaints but have not been able to verify their frames were contaminated."

You can locate multiple reports and the entire article by Googling "Associated Press virus gadgets." One discussion covered the gamut

from the conspiracy theory (that the Chinese are doing it deliberately, perhaps with the knowledge and encouragement of the Chinese government) to one very good point that the issue may be more in the driver disk that comes with your device than in the device itself.

On the lighter side, I noted one of the hits was the CNN web site, so I went directly to their site and searched "gadgets virus." That took me down an interesting side path, as the first thing that came up was "Plug 'N Play USB Virus makes Mac-Book Fall to Pieces." You click on that link and you can then view a video that is clearly a gag. At least I think it's a gag. I hope it's a gag. (It's got to be a gag, right?) Very funny, at least to somebody like me. And the comment below it on the blog made this side trip worth the time: *"Damn that Apple. Even their virii are better than Microsoft's."* (And my favorite comment from this site: *Vista is still the best Plug'n'Play virus.*)

(Five minutes later...) Okay, I may well have to think about migrating to Apple, at least for fun. Further discussion on the blog indicates that it may well not be a gag. You have to see this to believe it, so I'm not going to spoil it by trying to describe it!

But seriously, the entire article from the AP is out there on many sites, easily located with a simple Google, along with some discussion about the level of threat posed. But it's at least been clearly documented at this point that digital picture frames have, in several instances, been carrying some nasties. So if just ONE person reads this and is alerted and protected from disaster, my work here is done. This is definitely something we'll all need to watch as it evolves!

When Grandma Goes To Court



Lawyers should never ask a Mississippi grandma a question if they aren't prepared for the answer.

In a trial, a Southern small-town prosecuting attorney called his first witness, a grandmotherly, elderly woman to the stand. He approached her and asked, 'Mrs. Jones, do you know me?' She responded, 'Why, yes, I do know you, Mr. Williams. I've known you since you were a boy, and frankly, you've been a big disappointment to me. You lie, you cheat on your wife, and you manipulate people and talk about them behind their backs. You think you're a big shot when you haven't the brains to realize you'll never amount to anything more than a two-bit paper pusher. Yes, I know you.'

The lawyer was stunned. Not knowing what else to do, he pointed across the room and asked, 'Mrs. Jones, do you know the defense attorney?'

She again replied, 'Why yes, I do. I've known Mr. Bradley since he was a youngster, too. He's lazy, bigoted, and he has a drinking problem. He can't build a normal relationship with anyone, and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women. One of them was your wife. Yes, I know him.'

The defense attorney nearly died.

The judge asked both counselors to approach the bench and, in a very quiet voice, said, 'If either of you idiots asks her if she knows me, I'll send you both to the electric chair.'



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FCRA welcomes the following new members

(Includes all members who joined as of April 12, 2008)

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Quote of the Day



"I think computer viruses should count as life. I think it says something about human nature that the only form of life we have created so far is purely destructive. We've created life in our own image."

Stephen Hawking

English cosmologist and physicist (1942 -)

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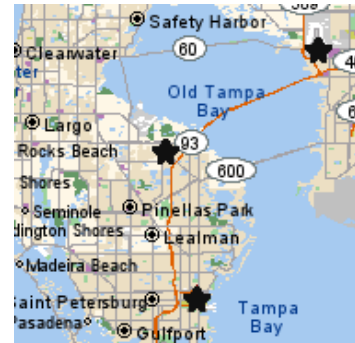
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