



FCR *Online*

OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

FEBRUARY/MARCH/APRIL 2009



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By Jennifer Gaul, CMRS, FPR
2008-2009 President



Don't Think You Can Play an Integral Part of FCRA? **THINK AGAIN!**

It's hard to believe 2008 has come and gone. I'm sure for many of you, as we watched 2008 slip into our history, we contemplated the challenges ahead of us in 2009 and resolved to work harder, exercise more, eat less and still find time for our families! I'm hoping that somewhere within your New Year's resolutions, you resolved to find a little time to devote to your own professional development and become more involved in your Association.

Late in 2008, Susan Wasilewski, Paulita Kundid, Cindy Bender, Betty Sue Vincent, Louise Johnson, and I got together to start updating and reformatting our *FCRA Manual*. This 30-year-old labor of love is ready for a facelift and the goal is to have it ready for the June 2009 FPR seminar in Marco Island.

For anyone looking to get involved with this very worthwhile project, we are looking for editors and proofreaders. Just drop me an email and I'll be happy to sign you up. Watch for an upcoming e-flash announcing a contest to redesign the front cover!!

This year's committee structure was streamlined for more efficiency to tackle the big projects on our 2009 FCRA "To Do" list. The same core group of volunteer members working on the *Manual* project will late this spring revamp the FPR seminar to incorporate all the updated information of our new *Manual* — which means even if you have already attained your FPR certification, you will find taking it again in Marco Island as a refresher course just as worthwhile as the first time.

For anyone looking to get involved in FCRA by training to be an FPR seminar presenter, please just drop me an email. It's been an incredible project to be a part of and there is always room for fresh ideas and new faces.

Under the leadership of Rick Levy, our Membership Committee is reaching out to court reporters across the state through Reporter Networking events to share the benefits of membership with those who may have

never been members before. Watch for an upcoming e-flash for a networking/information exchange in a city near you soon!!

Getting involved with our Membership Committee has never been easier. If you would like to help host one of these events in your area or even just spread the word to as many reporters as you can in your area, please contact Rick or me and we will show you how easy it is to be involved in these great social events.

Our Pro Bono Committee, under the leadership of Michael Greenhill, is poised to launch into 2009 with some fresh ideas and energy to give our reporters an opportunity to not only give a little back within the legal community but to raise awareness of just how important court reporters are to our system of justice. More information will be coming your way in a future e-flash.

This year is sure to bring economic and world challenges at levels some of us have never experienced before. There are always great opportunities to be found when there is change in the world. Those of us who are ready for change will meet these challenges head on with confidence because we have made professional and personal commitments to ourselves to lead into the future rather than follow.

I encourage you to reach out to just one reporter you know and share the value of membership within our Association. Strong professional relationships, powerful friendships and the drive to always want to take yourself to the next level is what sets apart those who will succeed during challenging times and those who will just get by.

I believe it is every person's responsibility to leave a place better than when you found it, and I know this year's Board of Directors and Committees are well on the way. The year is still young and our "To Do" list is long, so please contact any one of our Board or Committee leaders for opportunities to be part of FCRA's future.

Today Is All You Have... Use it Wisely!



How many of us have said to ourselves, "When the clutter gets cleared off my desk, I will finally have time to ____?" Or, "If I can get caught up with all of my transcript deadlines, I will treat myself to ____?" Or better yet, "When my 'ship' comes in, that's when I will ____?"

Does that sound like something you have said before? I believe we all have, at one time or another, been caught up with what we don't have instead of what we do have, looking to the future for that dream to come true, and having thoughts that begin with the phrase "When this" or "When that." If none of the above applies to you, I have only one thing to say: CONGRATULATIONS!

Now, don't get me wrong. Motivation is essential. Striving for that higher position is an admirable goal. Passing that next certification exam elevates your feeling of self-worth and makes you more valuable in the marketplace. Planning for the future so as not to be caught off guard with unexpected surprises is smart thinking. The message that I'm trying to convey to you is, it is equally as important to balance your work life with your home life and to be grateful for what you have today.

The work life of a court reporter, while richly rewarding, also brings with it its share of stressors: transcript deadlines, fluctuating paychecks, holding onto the clients you have, just to name a few. However, there are ways you can help to lessen the pressure from your daily life and to keep life in balance. Below are just a few helpful ways to help you achieve this.

Number 1: Recognize that you have choices. Kenneth Patton, a major poet and Universalist teacher said, "By the choices and acts of our lives, we create the person that we are." There are always options available for all of us, whether it is branching out into other areas of our career, or learning how to prioritize the daily activities in our lives so that we can enjoy time with our family and friends as well.

Number 2: Allow yourself time to rest. Get out of the fast lane every now and then. Rest your mind, your body, your spirit, your soul. Lack of sleep can wreak havoc on our minds, our productivity level, and our emotions. "Finish each day before you begin the next, and interpose a solid wall of sleep between the two." The famous U.S. essayist and poet, Ralph Waldo Emerson, recognized the need for rest as far back as the 19th century.

Number 3: Create the type of environment that is soothing and peaceful to your soul. Our environment

affects our mood, our behavior, and the ability to perform at our optimum level. The deposition and courtroom setting can be particularly stressful. We are privy to some good, but more often bad choices that people are making in our world today. Although we don't have much control over those particular environments, we do have some control over our personal office and home space.

Treat your sense of sight by placing objects in your office and home which remind you of good memories. Tickle your sense of smell by introducing your favorite scents. Soothe your sense of sound by tuning into the sounds of nature, listening to the style of music that best relaxes you, or simply listening to ... silence. "The great omission in American life is solitude...that zone of time and space, free from the outside pressures, which is the incinerator of the spirit," said Marya Mannes, an American author and critic.

By improving the quality of our lives, we will gain the freedom to live a more balanced, productive and purposeful life. Deadlines will get met, time with family and friends will be abundant, and our souls will be nurtured. Today is all we've got, so use it wisely. As Rick Greenspan, our fellow court reporter, past-President of FCRA, and Board member of NCRA would say, "Just go play golf!" Now, that's a man who knows what life is all about!

FCR Online Deadline Dates

(Summer) May/June/July April 5, 2009
Publication Date May 12, 2009

(Fall) Aug/Sept/Oct..... July 5, 2009
Publication Date Aug. 12, 2009

(Winter) Nov/Dec/Jan Oct. 5, 2009
Publication Date Nov. 12, 2009

(Spring) Feb/Mar/Apr Jan. 5, 2010
Publication Date Feb. 12, 2010

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If so, let FCRA Headquarters know right away. Simply fax 407-774-6440 today to make any necessary changes to the information we have on file for you!



On the National Scene...

National Court Reporters Foundation Launches Pilot Program to Train Reporters

(The information contained in this article has been excerpted from the NCRA website.)

Do you know someone who would love to be a court reporter but is held back by the cost of training or the fact that there may not be an approved program close by for them to attend?

The Board of Directors of NCRA and the National Court Reporters Foundation have taken a huge step in removing some of the real obstacles facing our students today.

The court reporting pilot program came about after the National Court Reporters Association's Reporter Education Commission did a study examining court reporting training and the length of time it was taking for students to graduate and to get out into the workforce.

This program is hosted by NCRF, the National Court Reporters Foundation, which focuses on research and education issues in the profession. It will be taught

online by Robert McCormick, an educator with a high level of experience in online instruction.

Students will not be charged tuition, but you will be required to dedicate yourselves fully to this training in order to remain in the program. So if you can commit to a minimum of a year's worth of time spending eight hours per day training (plus homework), please keep reading!

Steno machines and theory textbooks will be provided for you. You may not participate if you are currently attending court reporting school or have done any prior court reporting training. The training will focus initially on learning the theory that the task force has written and building speed on the steno machine. You will strive to meet the required speed benchmarks each quarter. Legal and medical terminology, grammar and vocabulary building, court procedures, and the how-to instruction for putting a transcript together will come further along in the training process. For more details, please visit ncraonline.org.

Court Reporting Agency Sues Georgia Board

By Jacqueline J. Holness • Reprinted from the November 10, 2008 edition of Courthouse News Service

A court reporting agency claims the Board of Court Reporting of the Judicial Council of Georgia and the Judicial Council of Georgia unfairly singled it out for offering \$25 gift cards during a promotion. Brown & Gallo, which bills itself as the largest independently owned court reporting agency in the country, sued in response to the Board's Oct. 2 formal complaint.

The Board complained that Brown & Gallo violated its rules and a state law by giving away promotional gift cards to customers who scheduled depositions.

Under the board's Ethics Code, "a Georgia certified court reporter shall: refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed

\$50 in the aggregate per recipient each year."

Brown & Gallo offered a \$25 gas card for each deposition scheduled this year from May 26 to Sept. 1. The agency says that the promotion was offered "on behalf of the corporation and not on behalf of its individual court reporters, directly or indirectly."

Brown & Gallo says its competitors have offered similar promotions for scheduling depositions and were not sanctioned for it. It says the rule should be invalid as it is "vague and ambiguous, unreasonable, arbitrary and capricious, overbroad and exceeds the scope of the Board's rulemaking authority."

Brown & Gallo is represented by L. Lin Wood with Powell Goldstein.

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 2009 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 EMAIL the names of your recommended candidates to Thomas Hughes, Chair, Nominating Committee, 581 N.W. 75th Avenue, Plantation, FL 33317, Fax: 954.587.7928, Email: thughesdr@bellsouth.net. Please submit nominations no later than May 23, 2009.

- | | |
|--|--|
| <input type="checkbox"/> President-Elect (one-year term) | <input type="checkbox"/> Central Director (two-year term) |
| <input type="checkbox"/> Vice President (one-year term) | <input type="checkbox"/> Director-at-Large (one-year term) |
| <input type="checkbox"/> Secretary/Treasurer (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, 2009.

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

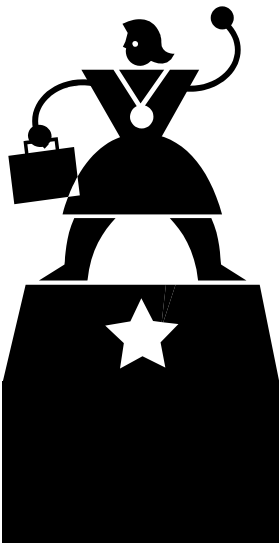
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Hurry, while the tickets last. Unlike other drawings, only 75 tickets will be sold. This is your chance to win an elan Mira A3 or Stentura Fusion, both with audiosync. For just \$100 a ticket you get the chance of being on the cutting edge of technology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

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@cfl.rr.com 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 Marco Island on June 27, 2009 at Saturday night's dinner. **YOU DO NOT HAVE TO BE PRESENT TO WIN.**



A Word from the 2006 Winner of the elan Mira

By Joyce L. Bluteau, RPR, FPR

Here's your chance!! In 2006, FCRA sold raffle tickets to win an elan Mira writer. They sold 75 tickets at \$100 each. I thought, "Wow, only 75 tickets are being sold? The odds of winning are really good." I HAD to take a chance. You do not need to be present at the drawing to win. I can attest to that. I was driving to a local store when I received the call from a friend. I won the elan Mira!!! I could not believe it. It was the best \$100 I ever spent! Even if you already have one, it's really great to have your own loaner!! Just think, for only \$100, you could be the next one to win a \$5,000 machine! Somebody WILL win. You can't win if you don't try. Go for it!!

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Sandy Narup, RPR, FPR

Thomas D. Sclafani, Esquire

Richard A. Sherman (Ask Mr. Modem)

The 2008-2009 CART Committee

The 2008-2009 Professional Ethics Committee

IN MEMORY OF PAT GABERDIEL



FCRA is very saddened to learn of the death of Patricia A. Gaberdiel, who passed away on Thanksgiving Day, November 27, 2008, after a long illness. Pat was pre-deceased by her parents, Ralph and Pauline Gaberdiel, and leaves behind a brother, Ralph Gaberdiel, and many area lifelong friends.

Pat began her court reporting career in the 1960s, working in Brevard County with FCRA members and fellow court reporters Emilie Richards and Gerry Ryan. In 1967 Pat went into partnership with Mary Frances (M.F.) Warren and opened the court reporting firm of Gaberdiel & Warren. At that time Pat was a freelance reporter and also the Official Court Reporter for Flagler County, Seventh Judicial Circuit. In 1995 Pat became an employee of Flagler County and worked primarily with Circuit Judge Kim C. Hammond until her retirement in January of 2000.

Pat, you will be greatly missed by all.

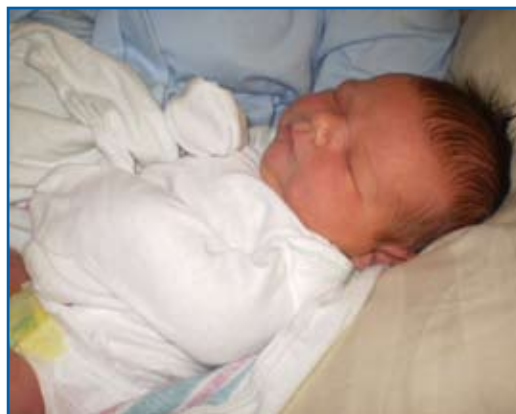
2009 NCRA Midyear Conference



Sheraton New Orleans ~ April 17-19, 2009

Go to www.ncraonline.org to sign up for the conference.

NEW KID ON THE BLOCK



Marna Krot, FCRA's Assistant Executive Director, gave birth to a bouncing baby boy on January 6, 2009. Brice Richard Krot weighed in at 9 lbs. 5 oz. and measured 21 inches long.

Marna is indispensable to FCRA's Board of Directors and is highly instrumental in making all of FCRA's conventions top notch.

Best wishes, Marna and family, from the FCRA Board of Directors and its members.

2009 MID-YEAR CONFERENCE: THE NUTS AND BOLTS OF COURT REPORTING



It's not too soon to mark your calendars and start planning to join us in Marco Island June 26, 27 and 28 for our 2009 Mid-Year Conference. This property has always been a popular destination, so watch for an upcoming e-flash to get your room booked early.

As we go to press with this newsletter, Sandi Estevez and I are just about ready to finalize the program. Seminar topics this conference are geared toward are the nuts and bolts of court reporting and will have something for everyone regardless of your current level of expertise.

- Digital signature technology
- Electronic Notarization
- Rules and Ethics Updates
- An afternoon of Software Training with Vendors
- Firm owner/Manager Forum (special guest host, Dave Wenhold)
- The latest gadgetry for court reporters
- Realtime Basics – The right equipment and the confidence to hook up for the first time -- It's the only way to start setting yourself apart from the competition.
- Florida Rules and Ethics Certification Seminar

We're switching up the "traditional" schedule of events this year to program in more time for our Exhibitors and Vendors to spend with our members and for our members to have more of an opportunity to add a little work/life balance into the weekend.

Our Opening Reception on Friday night (a great place to unwind after taking the FPR Certification Seminar) is being "kicked up a notch or two" and we have replaced our Saturday night dinner with a Hospitality Suite for you to join us for some real "social networking" after having a relaxing dinner with your friends and family on your own.

We're looking forward to seeing you in June. If you are interested in helping the Conference Committee this year put on the most successful conference ever, please contact Sandi Estevez or me – we are always looking for fresh ideas for fundraising events, sponsorship opportunities and help getting the word out to reporters across the state about the value of the educational and social events during this weekend. jgaul@uslegalsupport.com sestevez@uslegalsupport.com



NCRA October, November & December 2008 Test Results Announced

The following persons became certified as a result of the October 2008 RPR, RMR, RDR, CBC, and CCP written knowledge tests:

Registered Professional Reporter (RPR)

Cassie May, Fort Lauderdale, FL

Registered Merit Reporter (RMR)

Carrie Snodgrass, Brandon, FL

Registered Diplomate Reporter (RDR)

Nathan Perkins, Safety Harbor, FL

Certified Broadcast Specialist

B. Quinn, Tallahassee, FL

Certified CART Provider (CCP)

Teresa DeCiancio, Middleburg, FL



The following persons became certified as a result of the November 2008 RPR, RMR, CRR, CBC, and CCP skills tests:

Registered Professional Reporter (RPR)

Mike Mirelez, Pensacola, FL

Certified Realtime Reporter (CRR)

Lisa Freeze, Tallahassee, FL

Rhonda Hall-Breuwet, Brandon, FL

Dawn Hillier, Gainesville, FL

Deborah Meek, North Palm Beach, FL

The following persons became certified during the December 6-7, 2008 administration of the CLVS Production Examination:

Certified Legal Video Specialist (CLVS)

Robert Michael Frietsch – Melbourne, FL

William Hagans - Palm Harbor, FL





Top 20 Internet Videos

Q. I replaced my old printer with a new one. Now, when I try to print, my computer still thinks the old printer is the one to use. My new printer was installed properly and I can see it listed, but how do I make sure that is the printer my computer uses?

A. You need to tell your computer which printer is your default, meaning the printer it should use whenever it receives a print command. To do this, click Start > Settings > Printers. You'll see your old and new printer icons displayed. Right-click the printer that you want to establish as your default printer, which in this case is your new printer.

On the menu that appears, click to place a check mark next to Set Printer as Default, then close the Printers window. Your new printer will spring to life the next time you have something to print.

Q. I bought a new keyboard that I'm not used to, so I keep hitting the CAPS LOCK key accidentally. I know there is a way to make the computer beep when I do that, but I can't remember how that's done. Can you help, Mr. M?

A. The ToggleKeys feature is what you're looking for and you can find it by going to Control Panel > Accessibility Options. On the Keyboard tab, place a check mark beside Use ToggleKeys. Windows will emit a high-pitched sound when the CAPS LOCK is

enabled, which is not unlike the sound I make when I discover that I've BEEN TYPING IN ALL CAPS. It will emit a lower-pitched beep when it is turned off. The same holds true for the NUM LOCK and SCROLL LOCK keys, though nobody ever uses the SCROLL LOCK key.

If you're using Windows Vista, go to your Control Panel, then click Ease of Access > Make the Keyboard Easier to Use. Place a check mark beside Turn on ToggleKeys.

Q. Sometimes when I'm trying to install software, I get a message that tells me to disable my anti-virus protection first. Following your recommendation, I'm using the free Moon Secure (Beta) (<http://tinyurl.com/5n2fs7>) anti-virus, but I can't figure out how to temporarily disable it. I love your newsletter. I always learn something new.

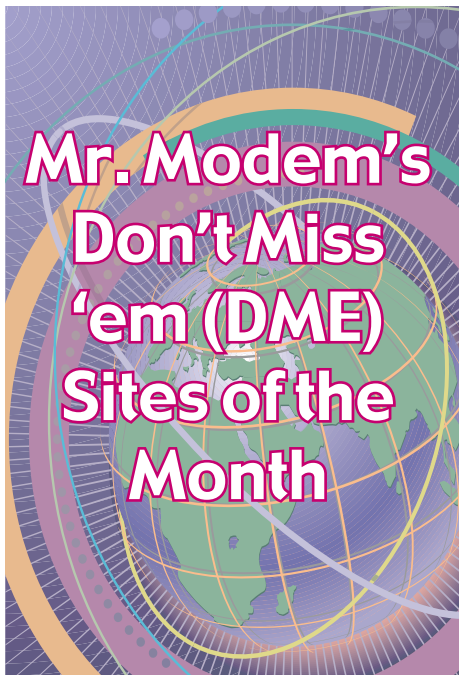
A. You can temporarily disable any anti-virus program by right-clicking its little icon in the System Tray, located in the lower right-hand corner of your screen. From the menu that appears, click Exit or Quit. Other programs may use the word Close or Stop or Disable, but the 'Net effect is the same.

There may be an additional prompt that asks you to confirm your action. When the anti-virus icon disappears from the System Tray, your anti-virus program is disabled. You can start it again via Start > Programs and launch it manually, or restart your computer to reactivate it.



MARK YOUR CALENDAR FCRA Mid-Year Conference

Marco Island Marriott Resort and Spa
Marco Island, FL • June 26 - 28, 2009



Musicoverly: Mood Radio: A novel, interactive site that plays music based on the mood of the user. Click the site's graphical iPod-like console that features two mood scales that range from "Energetic" to "Calm"

vertically, and "Dark" to "Positive" horizontally. No "Surly" or "Hostile," so I was out of luck. Click to include or exclude specific genres of music, plot a point along the timeline from the 1950s to the 2000s, then sit back and listen. Hint: There is nothing like a snappy, toe-tapping Gregorian chant to brighten up one's day. www.musicoverly.com

Vaudeville!: Vaudeville represents the true beginning of popular American entertainment, long before Britney came along and ruined everything. Don't believe the vicious rumors that vaudeville is dead; it can still entertain you on the virtual stage today, thanks to this tribute site. Here you can read about the amazing acts, savvy showmen, bold entrepreneurs, and the entire history of the vaudeville movement. If you prefer, sit back, relax, and listen to recordings of sketches and songs, or watch videos of vintage acts. Historical minutia: The word "vaudeville" comes from the French

Chanson du vau de Vire or "Song of the Vale of Vire," a valley near Calvados, France, noted for satirical folk songs. (I'll bet you didn't know this was going to be so educational. I apologize. It won't happen again.) <http://tinyurl.com/3xd74y>

Viral Video Chart: No need to search Google Video (<http://video.google.com>) and YouTube (www.youtube.com) for the best videos, when you can view the cream of the video crop from one location. Think of this as a digital-age version of the "Top 20 Countdown," a daily listing of the top 20 Internet videos. www.viralvideochart.com

For plain-English answers to your questions by email, plus great computing tips, subscribe to Mr. Modem's award-winning newsletter. Subscribe using Promo Code 1146 and receive one free month with your six-month subscription (28 issues!) To view a sample issue or subscribe, visit www.MrModem.com.

UPCOMING EVENTS CALENDAR 2009

2009

- | | |
|--------------|---|
| Mar 8 - 10 | National Association for Court Management (NACM) 2009 Mid-Year Conference
Marriott Portland Downtown Waterfront, Portland, Oregon
Information posted on the NACM website http://www.nacmnet.org/ |
| Apr 17 - 19 | NCRA Mid-Year Conference
Sheraton New Orleans, New Orleans, Louisiana
Information posted on the NCRA website www.ncraonline.org |
| June 26 | FCRA's Florida Professional Reporter (FPR) Seminar & Certification Test
Marco Island Marriot Resort and Spa
Information to be posted on the FCRA website www.FCRAonline.org |
| June 26 - 28 | FCRA Mid-Year Conference
Marco Island Marriott Resort and Spa, Marco Island, FL
Information to be posted on the FCRA website www.FCRAonline.org |
| June 28 - 30 | AAERT Conference
Hyatt Regency Hotel, 1 South Capitol Avenue, Indianapolis, Indiana
Information to be posted on the AAERT website www.aaert.org |
| Aug 6 - 9 | NCRA Annual Convention and Exposition
Gaylord National Resort & Convention Center, National Harbor, MD (Metro Washington, D.C. area)
Information posted on the NCRA website www.ncraonline.org |
| Sept 11 - 13 | FCRA Annual Convention
Fort Lauderdale Grande Hotel & Yacht Club, Fort Lauderdale, FL
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."

JUST A'SLINGIN'

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

SLINGBOX

Watch your TV anywhere. A Slingbox lets you watch and control your TV (cable, satellite, or DVR) through the Internet.



THE PROBLEM: We have a boat that we keep in a small campground/marina on the St. John's River in Astor, which is a very rural area on the edge of the Ocala National Forest. My aircard signal there is fringe at best, one bar, but it works, although it's slower than normal and intermittently drops out. We spend every second or third weekend up there and, as everybody knows, I *must* be online at all times. In fact, when we went to look at this marina, aircard reception was a deal breaker. I actually took my computer down to the dock and tested it. (Yes, our now-boat

neighbors realize, after our being here a year-and-a-half and having had a chance to get to know me, that I have certain — how you say — eccentricities, but that I'm basically harmless. But they didn't quite know what to make of me that day!)

Actually, though, that's not The Problem. The *Problem* is, this is also a very fringe-y TV reception area. Long experience on the St. John's has taught us that you can pick up Orlando's Channel 2 all the way to Planet Mars (almost without an antenna), but little else. And, no, our marina doesn't have cable service. And while many of our boat neighbors have installed DirectTV dishes, I just don't want to pay for the service every month to be able to use it one or two weekends out of the month.

All these years, we've solved the problem by just renting movies, either from a Blockbuster "in town," Blockbuster.com, or Netflix.com. Renting from Blockbuster worked fine while we were down in the DeLand area, because we made frequent trips "into town," but up here in Astor, "into town" is a lot further away, whether "town" is Ocala or DeLand. And we just discovered, after renting a couple of movies at Blockbuster in Ocala on our way to the boat, that they've reinstated the late fees. (Remember the "NO MORE LATE FEES" campaign? Gone...) We actually had to cut a boating weekend short in order to return our movies on time.

I've been dissatisfied with Netflix.com and Blockbuster.com for a long time. I cancelled Netflix some time ago, and have decided to cancel Blockbuster too, because the last time I wandered into either one of them, I couldn't find a single thing I wanted to rent. Certainly, the hot new releases weren't available.

Then there's the coming Digital TV changeover. I have no idea if a converter box will work on the marine TV antenna anyway, and it's not worth buying one just

to get one channel, is it?

I can live without TV and/or movies for a few days. My captain cannot.

THE SOLUTION: So my GF ("geeky friend," for whom I have tons of respect for her retail savvy at ferreting out new toys for us to play with — she was the one who told me about the aircard so many years ago) was downright *giddy* about her latest tech-toy discovery. I waited a while to see if her love affair with the device continued, and, once convinced, bought one as the boat's Christmas present.

Ladies and gentlemen, I give you...the Slingbox.

I bought the Slingbox Solo at Best Buy for \$179. The Solo allows a connection to one TV/cable box. The Slingbox Pro allows you to connect multiple TVs. I also bought the SlingMedia for \$79, which allows me to have the Slingbox run wirelessly off my router, because I didn't want to string any more cables around than I already have, and the router is in another room.

Both devices, after a very simple hookup routine, worked straight out of the box, which is refreshing to say the least. From beginning to end, the process took me less than an hour. (My geeky friend wondered why it took me THAT long. I got sidetracked, okaaaaay?)

After hooking them up, you log onto the www.sling-media.com site, register, and download the SlingViewer software. The program then takes you through a Wizard that locates and connects to your TV, gathers your local cable information, and optimizes your picture.

And believe it or not, there are no monthly fees for the service!

While my original intent was to solve my captain's problem on the boat, I immediately realized I had solved a Problem of my own by downloading it to my rarely used desktop computer.

That Problem is that my husband considers the living room TV to be *his*. Rarely can I find a block of time to sit down and try to catch up on *my* shows. The timing not only has to be having the time to waste vegging out, but it has to coincide with a time that he hasn't already commandeered the TV/DVR. Between my schedule and his monopolizing the living room, I find myself having to delete more programs than I get a chance to watch (because the DVR keeps filling up.)

The first morning after installing the Slingbox, waking at my usual obscene early hour, I worked in my office, at my desk, where I wanted and needed to be, and actually had the time before Lee got up to watch not one, but two of my recorded programs on the desktop Slingbox connection. Nirvana, and we hadn't even gotten to the boat yet!

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CONTESTING TESTIMONIAL SUBPOENAS: WHY A COURT REPORTER SHOULD NOT BE REQUIRED TO TESTIFY ABOUT EXTRINSIC MATTERS



By Thomas D. Sclafani, Esq.

So, you end the day weary but happy that you took down a six-hour deposition, and both sides have ordered the transcript on an expedited basis. This was definitely a high-yield day with the promise of more to come, because this was the first of twenty (20) depositions in this case. But your sense of tranquility is short-lived, because the attorney for one of the parties in the lawsuit has decided to subpoena you to testify about your observations of the witness during the deposition. Counsel tells you, after the subpoena is served, that he would like you to verify that the witness frequently looked over to his lawyer sitting next to him before answering certain questions, and that the witness appeared to be nervous and shaken by a number of the questions posed by opposing counsel. Or, instead of being served with a subpoena, one of the lawyers present at the deposition sends you a proposed affidavit for your signature which sets forth your "observations" of the witness' demeanor while you were reporting the witness' testimony.

What are the practical problems associated with this all-too-frequent scenario and, more importantly, do you have any recourse against providing this type of information? The most obvious result of being subpoenaed is that you are now disqualified from taking any further testimony in that case. Even worse, you will miss one or more days of work waiting to testify, and the lawyers on either side of the controversy may decide not to use you in future cases. Put simply, there appears

to be no upside to your being subpoenaed to testify at a hearing or to provide an affidavit in support of a motion. So, what can you do?

A recent case on point involved a court reporter who was subpoenaed to testify at an evidentiary hearing about the demeanor of the witness while the proceeding was taking place. The court reporter felt uncomfortable being placed in the position of being a partisan witness, especially since there were three other witnesses to the proceeding who could have provided the same testimony, assuming such testimony was admissible. After unsuccessfully attempting to persuade the lawyer who issued the subpoena to withdraw it, I filed a motion to quash the subpoena, or alternatively for a protective order against requiring the court reporter to testify about any matters while she was taking down the testimony.

As it turns out, there are no cases in Florida directly on point, but there are still arguments to be made. For example, it is a breach of ethics for a court reporter to be required to become a witness to extrinsic matters while taking down testimony, according to Advisory Opinion 31 from the National Court Reporters Association (NCRA). That organization's Committee on Professional Ethics resolves ethical questions from court reporters and issues opinions on which the profession may rely. The Florida Bar provides a similar service for attorneys who make ethics-related inquiries.

Advisory Opinion 31 resolved three similar factual scenarios, the third of which involved a court reporter who was asked to contemporaneously record his/her personal observations while also taking down the proceedings. The Committee on Professional Ethics concluded that a reporter's description on the record of non-verbal communications, events or gestures violates independently each of three referenced provisions of the Code of Professional Ethics and jeopardizes the court reporter's role as an officer of the court: provision number one, which mandates that a reporter must be fair and impartial to each participant in all aspects of the reported proceedings; provision number two, which cautions the reporter to avoid situations that may give rise to a conflict of interest; and provision number three, which provides that the reporter must guard against the appearance of impropriety and of actual impropriety. The Committee stated in part as follows: "The role of a court reporter in reporting a proceeding is to preserve the spoken word on the record and not to function as a factual witness for one party to the proceeding. When a reporter is intentionally placed in the position of being a

CONTESTING TESTIMONIAL SUBPOENAS: WHY A COURT REPORTER SHOULD NOT BE REQUIRED TO TESTIFY ABOUT EXTRINSIC MATTERS

factual witness at the direction of counsel for one party to the proceeding, that reporter may be viewed as an advocate for one party over the others.”

The NCRA’s Advisory Opinion 44 was also helpful in that the Committee on Professional Ethics concluded that a court reporter could not also act as a videographer in the same proceeding. The Committee stated: “The paramount duty of the reporter is to produce an accurate record. For a reporter to agree to perform another duty that would take away from the reporter’s ability to focus on reporting the proceeding violates the reporter’s ethical duties.”

Florida Statute 27.0050(1) provides that official court reporters “constitute an arm of the court.” Case law also describes court reporters in Florida as being “officers of the court.” As such, it is critical that the court reporter maintain his/her objectivity just as the judge and his staff.

If a lawyer believes that it would be important to the case that there be a record of a witness’ demeanor during a deposition, Florida law provides litigants with the opportunity to record that which would be the subject of a court reporter’s observations without having to bother the court reporter. Rule 1.310(b)(4) of the Florida Rules of Civil Procedure provides that any party to a lawsuit has the absolute right to record a deposition by videotape without leave of court or stipulation of the parties simply by following the procedures outlined in the rule which deal with notice and the procedure to be followed. An attorney should not be able to cure his lack of foresight in failing to videotape a deposition by forcing the court reporter to compromise his/her ethical responsibility.

The more difficult question is whether a court reporter can testify to an extraordinary occurrence while taking down testimony. Let’s say, for example, that the plaintiff is present during the defendant’s deposition, and during the testimony, the defendant lunges across the table and strikes the plaintiff. Can you be called to testify about the defendant striking the plaintiff (assum-

ing you saw the punch)? As we have seen, there is no law or rule that precludes you from being subpoenaed. I would argue that the matter could easily be handled by the lawyer for the plaintiff who should describe in detail what the defendant did, and you would take down the description. Defendant’s counsel may have his own rendition of what occurred, which he could describe in detail for the record. Remember, it is the lawyer’s responsibility to make the record and the court reporter’s job to accurately report it.

So what was the result of the case referred to at the beginning of this article? The judge granted the protective order which precluded any party from asking questions about extrinsic matters that occurred during the course of the proceeding she was reporting, but the reporter would be required to testify about any off-the-record conversations before and after the proceeding. As it turned out, both sides released the court reporter from the subpoena.

What is the moral of the story? Clearly, the court reporter is always required to testify about the accuracy of the reporter’s notes and/or transcript and of conversations or observations made before or after the taking of a deposition. However, it is equally clear that a court reporter should not be required to provide testimony about the action or demeanor of the person in the room while the court reporter was taking down testimony. The intervention of counsel for the court reporter and a well-prepared motion to quash should achieve the desired result. This is certainly a worthy issue for an appellate decision in the right case, because if successful, court reporters will no longer be faced with the practical and ethical dilemmas associated with being subpoenaed.

ABOUT THE AUTHOR: Thomas D. Sclafani, Esquire, has practiced law in Florida for the past 28 years, specializing in federal criminal defense and commercial litigation cases. His office is located in Fort Lauderdale, and he can be reached at 954-563-8111 or tds@selectlitigation.com.

IT IS A BREACH OF ETHICS FOR A COURT REPORTER TO BE REQUIRED TO BECOME A WITNESS TO EXTRINSIC MATTERS WHILE TAKING DOWN TESTIMONY, ACCORDING TO ADVISORY OPINION 31 FROM THE NATIONAL COURT REPORTERS ASSOCIATION (NCRA).

JUST A'SLINGIN'

Continued from page 15

HOW IT WORKS: When you double-click on your computer's SlingPlayer icon, it connects to your home TV, and it's just like you're physically there, using your own remote control via the exact on-screen rendering of it. Additionally, you have a full program guide of what's on your cable channels, no



matter where you are physically. Or, you can just click the Guide button on your virtual remote and see your normal channel guide.

You change channels or navigate your DVR by clicking on the remote control buttons, or you can scroll up and down the program guide and double-click on a selection to change channels. You can hide the remote and channel guide; move everything around, independent of each other; and resize the TV viewing window and move it off to the side so you can work on something else while you watch.

NOW FOR THE MOMENT OF TRUTH: Although I had tested it on the aircard at home – where it seemed to perform exactly the same as it did when connected through my wireless high-speed – was the aircard signal at the marina going to be strong enough to handle it? Even under the best of conditions, I have occasional problems online when we're there, and it's very slow sometimes. I prepared myself for disappointment as we drove over to the boat on Christmas

Eve morning.

While on the road, I watched another one of my recordings on the aircard. (No, I wasn't driving!)

And as soon as we got to the boat and unloaded, I was thrilled to discover that it does indeed work on my beloved river. Now, it's not perfect, but it's not perfect at home, either, even on the full Roadrunner high-speed connection. When you first start a program or change channels (or fast-forward through commercials,) it takes a few minutes to optimize and settle in, resulting in what I've come to refer to as "chutter." (A combination of "shudder" and

"chatter.") It breaks up, recovers, breaks up, and then starts streaming cleanly. And if you're using your computer for other tasks, it causes the chutter to happen more frequently and also slows down whatever task you're doing, especially surfing. But if you're dedicating your system only to Slinging, it works very, very well, with an occasional chutter here and there, as long as you have a clean signal (which is, as I've said, a problem sometimes in Astor).

But it worked well enough for the captain to watch his DVR'ed drag racing when he just.could.not make it halfway through the first number of the Mama Mia DVD a boat neighbor had loaned me <G>. So I set him up on the computer down in the cabin while I went into Abba *deja vu* on the deck TV/DVD player, and we were both happy. For the rest of our 8-day float, we used Sling every evening to watch movies *he's* DVR'ed and has never gotten around to watching. I've been using my early morning quiet time to watch my stuff.

You can also download the free SlingPlayer Mobile and set up your cell phone to watch your TV.

There's a 30-day free trial and then the software costs about \$30 to purchase. The GF ("Geeky Friend") has it loaded on her phone as well as her husband's. (The same license agreement allows you to load it on two phones.) I haven't gotten that far yet. For now, I'm content to enjoy spending our annual Christmas week on the boat and having the complete luxury of watching *real* TV. OUR real TV!

I should mention that with the Solo, you can only have one viewer open at a time. In other words, I can't be watching TV on my computer, say, from the office, and Lee be watching it at the same time on the home computer (or, if I install it on his phone, while he's down at his breakfast club each morning).

When GF picked up her Slingbox at Best Buy, the sales clerk was telling her about a buddy who's serving over in the Middle East who uses his SB to watch his favorite shows and football. Apparently, his wife, back in the States, was very disconcerted to find her TV flipping over from Oxygen to NFL. It can turn into quite a virtual wrestling match if one of you is at home watching TV and the other decides to Sling and wants to watch something different!

I found a Slingbox chat/info web site, www.slingcommunity.com. And there, I discovered you can also watch your TV through Internet

SlingPlayer Mobile
SlingPlayer Mobile lets you watch your TV and all of its programming on your Windows Mobile, Palm OS or Symbian cell phones and PDAs.

JUST A'SLINGIN'

Continued from page 18

Explorer, instead of using the Sling-Player with Sling's Beta program at www.sling.com. Just initially playing around with it, I don't see any difference in performance (either better or worse), but I need more time to assess it. While wondering what the point was, reading some of the messages in the forum, it seemed that some folks were on restricted computers/networks and were unable to download software, but they were able to download the ActiveX control needed to watch it through the Internet browser.

Then I discovered that there is now a software that allows you to *record* your Slingbox broadcast to your hard drive! Reading the Slingbox forum, that's a function that many users wish for, but has not (yet) been incorporated into the Slingbox program. This gets better and better: If I were to just record a bunch of movies through the Slingbox/recording software connection, then burn them out to DVD VOBs, we could watch them on our boat TV/DVD player and wouldn't even need the computer (which solves the aircard chutter problem which Lee finds much more disconcerting than I do).

The program is At-Large Recorder 2, available at www.applian.com. And again, it performs exactly as advertised. And *this* time, I got to be the one to tell GF about a new geek-toy!

Then all I have to do is render the windows video file into true DVD format, using any of a number of programs for that, and I'm all set with a personal video library – that I *didn't* have to rent!

Ahhh, the captain's gone off in the dinghy and I've finished my work for the morning. Time for a break. What shall I watch... what shall I watch...

CART FAQs

Question: Where is CART provided today?

Answer: One on One, Projected, or Remotely

One-on-One CART

- Classrooms – Colleges & Universities, High Schools, Continuing Education
- Court – Deaf or Hard-of-Hearing Participant, Juror
- Workplace – Meetings, Trainings, Presentations
- Appointments – Doctor, Lawyer, Counselor, Interview
- Public Places – Speeches, Seminars, Presentations

Projected (Group) CART

- Conventions, Conferences
- Deaf/HOH Support Groups
- ALDA, SHHH, CIC, AGBell, ADARA, NF2 groups, focus groups
- Public Hearings/Meetings
- Deaf Service Centers
- Awards Luncheons, Senior Events
- Church/Religious Services
- Concerts, Theater
- Also, **LED display CART** for a group at
- Outdoor Events (graduations, retreats)
- Theater
- Locations with Limited Space

Remote CART – Text is written to an Internet platform such as www.Speche.com or www.Streamtext.net, and audio is heard through a conference telephone or Voiceover Internet Protocol (VoIP) such as Skype or Gizmo Project. Remote CART is used when a live CART provider cannot be found, for events such as:

- Meetings and conferences
- Classroom instruction
- Appointments
- Legislative hearings

What does a CART employer look for in someone's writing?

- Has the writer worked out his/her steno conflicts?
- Has the writer worked out word

boundary issues?

- Does the writer's dictionary have in it many common prefixes, suffixes, and root words? Can he/she use them to form new words?
- Is the writer able to fingerspell names/new words?
- Is the writer's phonetic table modified for him/her?
- Is the writer able to write numbers accurately?
- Does the writer have these special entries in their dictionary: delete space, add space, &, @, %, !
- Could he/she write a website URL in real time?

What does a CART employer look for in a writer's knowledge of consumers and choices of CART display?

- Do they know what "late deafened" means and how to speak with someone who is trying to lip-read them?
- Do they know a little bit of sign language, if called upon to communicate with someone who is Culturally Deaf?
- Do they know what an FM System is, an assistive listening device?
- Can they adjust fonts/colors on the laptop screen?
- Can they hook up to a projector and adjust their page margins?
- Do they know the Guidelines for Professional Practice?
- Are they technically savvy, knowledgeable about their own laptop?

How much can one earn providing CART?

"It depends." Freelance CART providers are paid hourly, based on experience and certifications. Those who have dictionaries for a wide range of subjects can earn a healthy annual income. Many CART providers work also as captioners

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ETHICS AND PROCEDURES CORNER

ETHICS AND PROCEDURES CORNER

By Professional Ethics Committee: Honorary Chair for Life, Shirley King; Co-Chairs: Jennifer Gaul & Susan Wasilewski; Members: Cindy Bender, Louise Johnson, Paulita Kuldig, Cathy Phillips, Betty Sue Vincent

SPECIAL RULES APPLY TO WHEN MINORS TESTIFY

"Do not confuse this request for changing to initials as being a request "to change the transcript." It is not. It is Florida law."

The Ethics Committee would like to remind everyone that when the deponent or witness is a minor, there are some special rules set up to protect them. Specifically, a minor's name is not to be typed out in full in the style of the case on the cover, nor should the full names be listed inside the transcript. They should appear as S.K., a child, on the cover. In the transcript every time the name is mentioned transcribe it as SK. It is Florida law.

Sometimes the attorneys involved will remember these rules belatedly and frantically call the reporter to change the names to initials throughout the transcript. Do not confuse this request for changing to initials as being a request "to change the transcript." It is not. The Florida rules are very specific regarding using the juvenile's initials.

You can help avoid this "belated call" if during the proceedings you bring the juvenile rules to the attention of the attorneys present. They will appreciate it and you won't have to go back and change and reprint the transcript.

Although I could not verify any rules that apply to minors in civil cases or in adult criminal cases, as the reporter, you should be alert to the following rule. At a minimum we would suggest that you ask counsel present for guidance in the matter. We suspect they will err on the side of caution and instruct you to use initials.

These rules are set out below and also appear in your manual.

RULE 8.220 STYLE OF PLEADING AND ORDERS (initials)

All pleadings and orders shall be styled: "In the interest of _____, a child," or: "In the interest of _____, children."

RULE 9.145. APPEAL PROCEEDINGS IN JUVENILE DELINQUENCY CASES

(d) References to Child. The appeal shall be entitled and docketed with the initials, but not the name, of the child and the court case number. All references to the child in briefs, other papers, and the decision of the court shall be by initials.

DO YOU HAVE CLIENTS GIVING AWAY YOUR TRANSCRIPTS TO THE OTHER SIDE? Some years ago, the Florida

Bar proposed a new rule requiring the parties to furnish a free copy to the other side. FCRA did an excellent paper on why the Supreme Court should not pass such a rule — and that rule was not passed. This paper is included in your *Florida Manual*. We have reprinted it below and suggest that it would be an excellent Client Handout to place in your waiting room. We all know that educating our clients is the best way to minimize this increasing problem for all of us. Often once a client realizes the downside of sharing copies, he/she becomes our advocate. Once that happens, not only are we more protected, but we have done a service for our client.

Florida Manual Page 333: How Photocopying a Transcript for Opposing Counsel Will Impact You, the Attorney, prepared by the Florida Court Reporters Association

In 1996, an attorney approached the Florida Bar Civil Rules Committee to amend Rule 2.535 "Court Reporting" that would require the attorney ordering the original transcript of the deposition to provide a photocopy to opposing counsel. If photocopies are provided to opposing counsel, then the court reporters will be forced to increase costs on the original transcript so they will be adequately compensated. Pre-trial discovery costs are shared and that helps keep costs down.

At the time the Florida Bar considered these amendments, the Florida Court Reporters Association distributed this informational paper explaining the issues most likely to be encountered if the amendments were adopted. In October of 1996, the Supreme Court rejected these amendments.

COURT REPORTERS COMMENTS ON RULE 2.535 COURT REPORTING (As amended and adopted by the Florida Bar at their June 23, 1994 meeting.)

HOW THE PROPOSED AMENDMENTS TO RULE 2.535 (a) (2) & (c) WILL IMPACT YOU, THE ATTORNEY

Step 1: Taking party files Notice of Deposition and copies all parties.

Step 2: Deposition is taken.

Step 3: Taking party files Notice of Reported Proceedings and copies all parties.

Step 4: Ordering party files Notice of Ordering Transcript of Reported Proceedings and copies all parties.

- WHAT IF... Notice of Ordering is late - or overlooked?
- Under the current rule structure, court reporters notify

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ETHICS AND PROCEDURES CORNER

ETHICS AND PROCEDURES CORNER

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all parties when a transcript is ordered.

Step 5: Original transcript is delivered in approximately 15 days if reading and signing is waived.

Step 6: If not waived, FRCP 30 (e) allows 30 days to effect signature, which could put delivery at 45 days of receipt.

Step 7: Arrangements, if requested, are made for photocopying of the original transcript within 15 days of receipt.

- How will you know the date received and when the 15 days are running?
- WHAT IF ... Notice of Ordering is late - or not received?
- If no Notice of Ordering is received, no request will be made for photocopy; opposing parties will be at a disadvantage not having photocopy to review prior to next proceeding.

Step 8: Opposing party could receive photocopy on the 15th day (30 days after deposition taken - or, 60 days after deposition taken and signature effected.)

- WHAT IF... photocopy is delayed - or never arrives?
- WHAT IF... photocopy is needed before 15 days but the original transcript was not expedited?
- Section (c) (2) refers to tendering a per capita share of expedited original transcript cost if another party wants their photocopy sooner than 15 days. Court reporters do not charge expedited fees for certified copies delivered in 7-15 days.

FACTS: Fact 1: Law firm staff time and equipment will be tied up providing photocopies of transcripts and exhibits to (a) pull, dismantle, copy, reassemble, refile; and, (b) mail out, invoice, and collect.

- When the attorney's staff sells photocopies of the transcript and exhibits, it will not be feasible for court reporters to continue to maintain equipment and staff currently used to produce certified copies of transcripts and photocopies of original exhibits, so we will be producing an original transcript only.

Fact 2: Original transcript certified to by court reporter can be filed with the court under Rule 1.310 (f); uncertified photocopied transcript cannot be filed.

Fact 3: Integrity of original transcript/exhibits rests solely in the hands of adversarial party who has the only fileable transcript.

Fact 4: Original transcript cost will increase.

- Proposed rule will effectively eliminate the sale of certified transcript copies and photocopies of original

exhibits by court reporters. Because court reporters have traditionally apportioned the total cost of transcribing and preparing a transcript between the parties ordering the original and the parties ordering the certified copies, the proposed rule will require court reporters to increase the fees for original transcripts.

SUPREME COURT REJECTS PROPOSED RULES: The Supreme Court of Florida rejected the amendments to 2.535 for the following reasons:

- ". . . we find that the proposed amendments could have detrimental effects." ". . . would impose additional notice requirements ..."
- ". . . would shift the burden of maintaining the integrity of original deposition transcript and exhibits from court reporters to attorneys, which could raise questions regarding the integrity of those items."
- ". . . could provide a significant time advantage to the attorney ordering the original transcript and possibly result in the delay of trials."

The Supreme Court's complete comments can be found at 682 So. 2d 91, beginning at the last paragraph of the first column.

Reprinted from July/August/September 2005 The Florida Court Reporter

SEE LETTER TO CLIENT WHO INTENDS TO PHOTOCOPY YOUR TRANSCRIPT ON NEXT PAGE.

**HAVE YOU VISITED
FCRA'S WEBSITE?**

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

WWW.FCRAONLINE.ORG

ETHICS AND PROCEDURES CORNER
ETHICS AND PROCEDURES CORNER

SAMPLE LETTER TO ATTORNEYS WHO INTEND TO PHOTOCOPY TRANSCRIPT

YOUR FIRM'S LETTERHEAD

(Atty), Esq.
(FIRM)
(Address)
(City, Fl, zip)

(Date)

In re: (Case style)

Dear Mr. (atty taking depo):

It has come to our attention that you intend to photocopy our transcript(s) for opposing counsel. I thought you may wish to be made aware of the following state rules of civil procedure:

“FLORIDA RULES OF CIVIL PROCEDURE”

“Rule 1.300. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN”

“(g) **Obtaining Copies.** A party or witness who does not have a copy of the deposition may obtain it from the officer taking the deposition unless the court orders otherwise. If the deposition is obtained from a person other than the officer, the reasonable cost of reproducing the copies shall be paid to the person by the requesting party or witness.”

“1984 Amendment. Court Commentary. Subdivision (g) requires a party to obtain a copy of the deposition from the court reporter unless the court orders otherwise. Generally, the court should not order a party who has a copy of the deposition to furnish it to someone who has neglected to obtain it when the deposition was transcribed. The person should obtain it from the court reporter unless there is a good reason why it cannot be obtained from the reporter.”

Pre-trial discovery costs are shared and that keeps your costs down. If you provide photocopies to opposing counsel, then the court reporters will be forced to increase costs on the original transcript so they will be adequately compensated.

“FLORIDA RULES OF CIVIL PROCEDURE”

“RULE 1.310 PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

“(f) **Filing; Exhibits.”**

“(1) If the deposition is transcribed, 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....”

(Remainder omitted as it only addresses exhibits being attached/copied.)

(2) Upon payment of reasonable charges therefor the officer shall furnish a copy of the deposition to any party or to the deponent.

Very truly yours,
YOUR NAME, RPR, FPR

Cc: Opposing counsel: Your photocopy is not certified and cannot be filed with the court.

CART FAQs

Continued from page 19

and/or as court reporters at the same time.

Where can one go to cross-train for CART?

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The Stenograph University CART course, by Gayl Hardeman, has four modules:

- 1) **CART Environment – the CART consumer**
- 2) **CART Skills (including the DePuzzLer for suffix/root building)**
- 3) **CART Display and Equipment (including Remote CART)**

COURT BUDGET TRIMMED BY 1.25%: NEW TRUST FUND SEEN AS A 'FIRST STEP' TO A LONG-TERM SOLUTION

By Gary Blankenship, Senior Editor • Reprinted from the February 1, 2009 edition of The Florida Bar News

With a minimal cut in funds and employees and a new trust fund to help pay for continuing operations, Florida court officials and Bar leaders are calling last month's special legislative session at least a good first step.

Overall, the budget for the third branch of government was cut around \$5 million, or 1.25 percent, which will translate into a loss of 21 positions. That was much smaller than the 4 percent or larger cuts many executive branch programs sustained.

In addition, lawmakers created a special trust fund to pay for continuing court operations, and raised various traffic fees and fines to initially provide money for that fund. (They also provided similar trust funds for state attorneys and public defenders; see story below.)

"The substantial shortfall in state revenue has created a widening gap between what courts receive and what they need to fulfill their constitutionally mandated role

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The NCRA Web site has a wealth of very useful information. www.CARTinfo.org and www.ncraonline.org/CART

We stand ready to answer your questions. The FCRA CART Task Force is working with the Florida Coordinating Council for the Deaf and Hard of Hearing to provide Accessibility in the Legal System in Florida, including CART in the courtroom, and we will need more CART providers in Florida in the years ahead as the population ages.

For more information on CART and CART-related matters in Florida, see www.fcraonline.org/CART or contact members of the FCRA CART Committee:

Gayl Hardeman, CCP, RDR, FPR gayl.hardeman@gmail.com

Tanya English, CCP, RPR, FPR tanya@floridarealtime.com

as the third branch of government. This is occurring even as Florida citizens and businesses, faced with a deepening recession, turn to the courts in greater and greater numbers," Chief Justice Peggy Quince said. "The Legislature's special session has taken a first step toward addressing this problem in the long term. While many issues remain, I am encouraged that the Legislature eventually will find further solutions to help the state courts do their job of protecting rights and liberties, upholding and interpreting the law, and providing for the peaceful resolution of disputes."

"Under the circumstances, we are all very satisfied," Bar President Jay White said. "I think it is an excellent first step in the right direction and I think the Legislature is sending a message that it understands and appreciates the importance of the court system being fully funded."

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COURT BUDGET TRIMMED BY 1.25%: NEW TRUST FUND SEEN AS A 'FIRST STEP' TO A LONG-TERM SOLUTION

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The 1.25 percent cut had been expected since last summer, when Gov. Charlie Crist announced that state entities would have 4 percent of their 2008-09 budgets withheld because of the continuing decline in state revenues. Quince had met with Crist's office and legislative leaders in a successful effort to hold the line at 1.25 percent, at least until the special session.

Sen. Victor Crist, R-Tampa, chair of the Criminal and Civil Justice Appropriations Committee, noted when the legislation came to his committee that special trust funds were being set up for the courts, state attorneys, and public defenders.

"The monies generated from these increased fees and penalties for the most part will go into three new trust funds," Crist said at a January 6 committee meeting. "These three new trust funds are really significant reform. What we're doing is we're laying the foundation for a long-term, sustainable funding source for the courts, state attorneys, and public defenders."

Crist and Rep. Sandy Adams, R-Orlando, chair of the House Criminal and Civil Justice Appropriations Committee, won praise from court and Bar officials for minimizing the cuts and pushing strongly for the trust funds, as did Senate President Jeff Atwater, R-North Palm Beach, and House Speaker Ray Sansom, R-Destin.

State Courts Administrator Lisa Goodner said the Legislature reduced general revenue appropriations for the courts by around \$15.8 million, but then replaced that with nearly \$10.8 million from the new trust fund. Those trust fund revenues are expected to increase to around \$45 million for the 2009-10 fiscal year. Overall, the court system's

budget was reduced to around \$433 million from \$438 million. The court system has now lost about \$50 million in funding over the past two years.

"It is very significant that we took this first step," Goodner said of the trust fund. "The vehicle for moving more of the court budget in the direction of dedicated funding has been established. If you talk to the two chairs, you will hear them echo that that is their intent, and this is the first step in discussing court funding and stabilizing court funding into the future.

"When times are tough, the courts' work often increases. To be able to have the revenue streams that allow us to conform to that increased work load, everyone agrees it has got to be done. This starts us on that journey."

Goodner said court officials had planned to make a major push for the separate trust fund in the regular session, but then Crist, Adams, and other legislative leaders indicated they were willing to take it up during the special session.

"The Florida Bar and the lawyers of Florida are grateful to the Legislature for working so closely with the judiciary in this difficult financial period," said Greg Coleman, chair of the Bar's Legislation Committee. "By virtue of the fact that cuts to the judiciary are so much less than cuts to other programs throughout the state, it really shows legislators' interest in keeping the judiciary properly funded.

"I think the trust fund is a great start in designating funds for the judiciary," Coleman added. "Hopefully, at some point in time we will have a designated source of funds for the judiciary that can't be affected by economic ups and downs. That's really the intent behind the trust

funds, to have a dedicated funding source regardless of economic conditions."

Ninth Circuit Chief Judge Belvin Perry, chair of the Trial Court Budget Commission, said the Legislature "tried to minimize the effect it (budget cuts) would have on our ability to operate, realizing the effects of the prior cuts."

He said the commission would meet in February to determine how the reduction in trial court employees would be made. The revised budget cuts one employee from the Supreme Court and 20 from the circuit courts. Perry said one possibility would be to cut each circuit by one position.

Goodner said the reductions will not necessarily mean layoffs or furloughs, adding, "We have had a hard hiring freeze for over a year, so we have vacancies."

There will also be some other shifts, Goodner and Perry said. Aside from the reduction in positions, the Legislature mandated \$1.3 million for traffic court hearing officers, who had been cut in past budget reductions. The hearing officers are especially needed because it's enhanced traffic fines that are funding the new court trust fund.

Goodner said that will lead to a shuffling of positions to accommodate rehiring traffic hearing officers. Perry noted the \$1.3 million is less than the \$2.3 million the courts allocated for the hearing officers before the budget cuts.

A report from the State Courts Administrator's Office noted the changes the Legislature made to fund the new court trust fund:

Continued on page 25

FCRA welcomes the following new members

(Includes all members who joined as of January 27, 2009)

PARTICIPATING MEMBERS

NAME	CITY	SPONSOR
Karen Howard Morre II	Fleming Island	Catherine Phillips

VENDOR MEMBERS

Paul Singletary	Winter Park	Catherine Phillips
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COURT BUDGET TRIMMED BY 1.25%: NEW TRUST FUND SEEN AS A 'FIRST STEP' TO A LONG-TERM SOLUTION

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- Eliminating the 18 percent reduction in fines for those who elect to attend traffic school (though they would still avoid points on their traffic record).
- Increasing the fine for speeding between 10 and 19 mph over the speed limit by \$25.
- An additional \$5 for moving and nonmoving traffic violations.
- Designating all of the \$12.50 administrative fee imposed for civil traffic infractions for the courts.

Previously, that was split with several other noncourt trust funds and the state's general revenue fund.

- Designating, similar to the \$12.50 administrative fee, all of the \$10 Article V assessment in civil traffic fines for the courts.
- Making clear that judges can impose fines when adjudication is withheld and designating those fines for the trust fund.
- Allowing a judge to withhold adjudication in nonfelony cases

without placing a defendant on probation and placing fines imposed in such cases in the court trust fund.

The OSCA report also noted that the original Senate position had been to fund the court trust fund with filing fees, but the House preferred to use the fines and related fees, and the House prevailed on that point.



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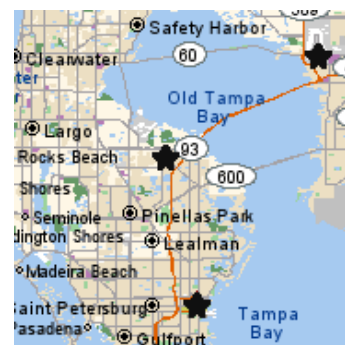
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