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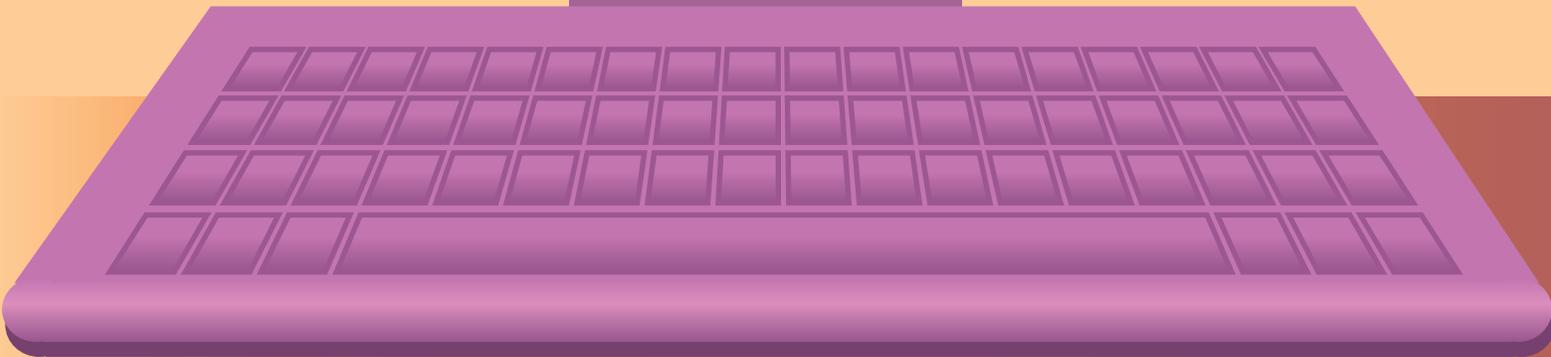
OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

MAY/JUNE/JULY 2009



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By Jennifer Gaul, CMRS, FPR  
2008-2009 President



## What Have We Done for You Lately? In a Word – PLENTY!

The past few months have been extremely busy for FCRA and the rest of the year will be more of the same for our dedicated volunteers and committee members.

If you missed the e-flash in early April, representatives from the Board of Directors and the Florida Coalition, led by Susan Wasilewski and Donna Kanabay, were present in Tallahassee when the Supreme Court heard oral arguments on proposed rule changes that will clarify the definition of the 'official record' in courts across Florida and will also further define who is approved to prepare the 'official record'. If you missed watching it as it happened on April 6th, you can still view it from the Supreme Court's website by going to <http://wfsu.org/gavel2gavel/archives/index.html>.

FCRA was honored to be represented by Thomas Saunders, Esquire, on that day before the Supreme Court and cannot thank him enough for taking up our continuing mission of certification for court reporters and anyone preparing the 'official record' in Florida. Over the course of the last three months, we have gained considerable experience and forged new relationships with key members of the Florida Bar rules-making committees and will continue to develop these relationships to make sure FCRA is always represented and heard when changes to our system are contemplated in Florida.

Sandi Estevez has put the finishing touches on our Mid-Year Conference program in Marco Island and it is one that you will not want to miss. Sandi is one of our newest FCRA members and has quickly become very involved in our Association.

Our Board of Directors met in March in Fort Lauderdale and capped off the day with a Reporter Networking Event hosted by Rick Levy and our Membership Committee. We appreciate U.S. Legal Support's continued FCRA support by hosting and sponsoring both the Board meeting and the Networking Event. Our next Reporter Event is expected to be later this summer in the Orlando area.

Michael Greenhill will be speaking to our Membership during our conference in Marco Island about the doors he has been opening for FCRA to participate more with the Florida Bar and their pro bono opportunities. There are ways – both big and small – for all of us to give a little back, and Michael will be leading the way for FCRA.

Our FPR Oversight Committee continues to work on enhancing the seminar we present, updating and improving the FCRA Manual for reporters, as well as helping our schools promote the FPR and the profession of court reporting. If you have not attained your FPR, or if you want to take the seminar again as a refresher, you will want to register early for the seminar in Marco Island. Susan Wasilewski, Paulita Kundid and Louise Johnson will be joining me in presenting this very informative and valuable seminar.

I recently attended the Advisory Committee meeting in Broward County with Rick Levy, Alan Benowitz and Judy Everman. FCRA continues to work with our schools to further develop their curriculum and increase student enrollment in Florida's court reporting programs.

Lisa Selby-Brood, as always, is working with our students to motivate them while in school and to promote FCRA membership at a time when they need our support and encouragement the most – while they are in school. We will be reaching out to our membership before our conference in Marco Island for student sponsorship pledges and personal commitments to reach out to those students attending our conference this year and to establish long-term mentoring relationships to launch their reporting careers.

I want to also thank Rick Levy, Robin Merker, Tara Slocum, Tanya Ward-English, Thomas Hughes, Donna Kanabay and Lisa Selby-Brood for committing along with me to visit each of our schools across the state of Florida during the month of May.

These are just some of the highlights of what FCRA has been doing for you, our members, and profession this year. The months ahead will be challenging for all of us to remain informed and involved and we cannot do that without a strong and active membership.

FCRA membership has been the most powerful and valuable aspect of my court reporting career, and I encourage each of you to reflect on what your membership has meant to you and what you can do to help move us into the future. It's as simple as spreading the word and signing up just one new member, or taking a student under your wing!!

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

## Examining Both Sides of the Courtroom...One Reporter's Perspective



I had the distinct pleasure of sitting in the audience before the Florida Supreme Court Justices in Tallahassee on April 6, 2009, with Susan Wasilewski, Donna Kanabay, Paulita Kundid, and Betty Sue Vincent to hear oral arguments in Supreme Court Case No. SC08-1658, In Re: Amendments to the Rules of Judicial Administration and Florida Rules of Appellate Procedure – Implementation of Recommendations of Commission on Trial Court Performance and Accountability (TCP&A). It was a very educational and valuable experience for me, and I would encourage anyone who hasn't visited the Florida Supreme Court before to attend a session. It is very enlightening.

The oral arguments heard by the Supreme Court on April 6 were in response to one of several directives of the Supreme Court to the TCP&A, established by the Florida Supreme Court in July of 2002, to "make recommendations on the effective and efficient management of due process services" with a specific focus on "legal and operational issues arising from the use of digital technology" and "developing operational standards and best practices for providing court reporting services."

As noted in President Gaul's message, a tremendous amount of work was done by Susan Wasilewski and Donna Kanabay, who led the Florida Coalition on Court Reporter Certification. I attended the board meeting in Ft. Lauderdale, Florida, on March 12 and personally saw for myself the 6-inch thick notebook containing a paper trail of all the blood, sweat and tears of all parties involved in this effort. Thomas Saunders, Esquire, who presented FCRA's position to the Supreme Court regarding the proposed rules changes, did an outstanding job.

I found it very fascinating to listen to the arguments presented by the various parties who took the opportunity to argue their position about the proposed rules changes before the Supreme Court. Some of these included the Honorable Robert B. Bennett, Jr., Circuit Judge of the 12th Judicial Circuit and Chair of the Commission on Trial Court Performance and Accountability on behalf of the TCP&A; Thomas Saunders, on behalf of the Florida Court Reporters Association (FCRA) and the Florida Coalition on Court Reporter Certification (FCCRC); Gregg Thomas on behalf of the Florida Media Organization (FMO); Terry Howard on behalf of the Florida Public

Defender Association (FPDA); B. Elaine New on behalf of the Chief Judge of the Sixth Judicial Circuit, Robert J. Morris, Jr.; Kathy Giddings on behalf of the Judicial Administration Committee; and John Mills Chair of the Appellate Rules Committee, on behalf of the ARC.

What my article will focus on is a very specific issue, and that is whether or not to release electronic/digital records of court proceedings before redacting sensitive, confidential information that often is introduced during a court proceeding. I have the benefit of sharing three

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### FCRA Mid-Year Conference

June 26-28, 2009  
Marco Island Marriott Resort & Spa, Marco Island, Florida

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# One Reporter's Perspective

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perspectives concerning this issue: as a manager of court reporting services, which includes stenographic and digital court reporting staff; as a 24-year veteran stenographic court reporter; and as a private citizen.

In my experience as the manager of digital court reporting staff, I can truly appreciate the enormity of having staff review every single proceeding in order to redact confidential information before releasing the CD. Our digital reporters' responsibilities include monitoring two to four courtrooms each from a central control room, tagging court proceedings with electronic notes, burning CDs for requesting parties, and producing transcripts for our judges and staff attorneys. To take on the responsibility of reviewing and redacting court proceedings will mean hiring additional staff or, in the alternative, adding more duties onto our digital reporters. With the growing State budget deficit and the current hiring freeze in place for the State Courts System, hiring additional staff in the foreseeable future is doubtful.

As a stenographic court reporter, I have the clear advantage of being physically present in the courtroom taking down the spoken word. I learned through court reporting school, on-the-job training, state conferences, seminars such as the Florida Professional Reporter (FPR) certification seminar, and my own personal experience as a court reporter a number of things that should not appear in a written transcript. I do not record attorney/client conversations that take place at the podium or defense table which are not meant to be part of the record, even if it is audible. Nor do I report personal conversations or bantering back and forth between the judges, attorneys, and/or court personnel during a break in the proceeding. I adhere to Rule 9.145(d) which states, "All references to a child in a court proceeding shall be by initials only," even when the attorneys use their full name. All of this type of information would be picked up by a microphone and recorded in electronic or digital format and copied onto a CD unless it is redacted.

As a private citizen, I do not want my personal information, such as my date of birth, Social Security number, home address, financial account numbers, and my minor children's names to be memorialized on a CD. Perhaps more importantly, if I'm a defendant in a criminal case or a party in a civil suit, I don't want to give up my attorney/client privilege just because someone forgot to press the "mute" button on the microphone. This information will be burned onto a CD and appear in a written transcript unless someone is charged with

carefully listening to and redacting the information before the CD and/or written transcript is released.

After listening to the oral arguments before the Supreme Court and giving this issue thoughtful consideration, it is my opinion that redaction should be required. At the very least, if redaction is not feasible, then the court reporter or transcriber in possession of the CD must be educated as to what should and should not be included in the written transcript. After all, that is what court reporters have done for hundreds of years. Why should it be any different now?

## UPCOMING EVENTS CALENDAR 2009

2009

- June 25 - 27     **NCRA - NEW! Regional Meeting – Los Angeles, CA**  
Crowne Plaza Hotel, Los Angeles International Airport  
Information posted on the NCRA website  
[www.ncraonline.org](http://www.ncraonline.org)
- June 26         **FCRA Florida Professional Reporter (FPR)  
Seminar & Certification Test**  
Marco Island Marriot Resort and Spa  
Information posted on the FCRA website  
[www.FCRAonline.org](http://www.FCRAonline.org)
- June 26 - 28    **FCRA Mid-Year Conference**  
Marco Island Marriott Resort and Spa  
Marco Island, FL  
Information posted on the FCRA website  
[www.FCRAonline.org](http://www.FCRAonline.org)
- June 28 - 30    **AAERT Conference**  
Hyatt Regency Hotel  
1 South Capitol Avenue  
Indianapolis, Indiana  
Information posted on the AAERT website  
[www.aaert.org](http://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](http://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](http://www.FCRAonline.org)

*Please notify Louise Pomar, Editor, [lbp1958@aol.com](mailto:lbp1958@aol.com), of any upcoming events that you would like to appear in the "Upcoming Events Calendar."*



## On the National Scene...

# NCRA Board Amends COPE Advisory Opinion No. 45

At its February meeting, the Board of Directors took up once again the question of gift-giving and voted to amend the recently released COPE Advisory Opinion No. 45, which was published online and on page 20 of the March JCR.

In response to feedback from members following the Advisory Opinion's release, the Board voted to remove from the Opinion the absolute restriction on "Cash or cash-equivalents (e.g., gift cards, Starbucks cards, gas cards) of whatever size ..."

Although such gift cards are permissible, it is important to stress that, like other items of value, they must be included in the aggregate limit of \$100 per recipient per

year, except where such cards are of purely nominal value (under \$10). Moreover, members are reminded of the requirement that, "Members must adhere to the spirit as well as the letter of the rule regarding gift giving and avoiding the appearance of impropriety. For example, to repeatedly give gifts valued at under \$10 to the same recipient in order to exceed the \$100 aggregate limit would violate the spirit of the provision and hence be impermissible."

In addition, the Board voted to approve the Committee on Professional Ethics proposal to start enforcing the new gift-giving guidelines effective April 1, 2009, to give members time to adjust their business practices to meet the Code's requirements.

## NCRA Advisory Opinion 45

### Guidance on Gift Giving Rules (Provision No. 8)

**Statement of Facts:** The NCRA Board of Directors asked the Committee on Professional Ethics to provide practical guidance on the gift giving restrictions of Provision No. 8, which states in part that "A Member shall...Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year."

**Discussion:** Purpose of the Provision: The Association adopted the restrictions contained in Provision No. 8 because the practice of giving items of value to attorneys, clients, or their staff could create in the eyes of the public the appearance that the reporter or firm holds some partiality or favoritism toward the recipient. As such, these practices undermine and dilute the integrity of the reporting profession and the status of the reporter as neutral and impartial officer

of the court.

**What is a Gift?** As in the rules governing the United States Congress, the term "gift" is defined broadly to include any item, gratuity, favor, entertainment, hospitality or other item having monetary value. This includes "points" or "credits" that may be exchanged by the recipient for something of value.

From its adoption in 1993, Provision No. 8 has recognized that gifts of nominal value, such as pens, pencils, coffee mugs and other advertising paraphernalia or modest forms of meals and entertainment do not compromise the reporter or firm's appearance of impartiality and are permissible.

**What is the Value of a Gift?** The size of a gift is measured by its retail or fair market value. That is, what the recipient would reasonably expect to pay if they were to purchase the gift for themselves from generally accessible sources. The actual cost incurred by the firm or individual providing the gift is irrelevant.

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# NCRA Advisory Opinion 45

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**What is the \$100 Aggregate Limit?** Such gifts that do not exceed \$100 in aggregate value, per recipient, per year are considered nominal and are permissible. Items with a value of less than \$10 do not count toward the annual limit.

These aggregate limits apply to the individual person who is the recipient and beneficiary of the gift.

**Pro Bono Services Allowed.** Provision No. 8 also recognizes an exception allowing for members to provide pro bono services as defined by the "NCRA Guidelines for Professional Practice" or by applicable state and local laws, rules and regulations.

**Adhering to the Spirit of the Rule:** Members must adhere to the spirit as well as the letter of the rule regarding gift giving and avoiding the appearance of impropriety. For example, to repeatedly give gifts valued at under \$10 to the same recipient in order to exceed the \$100 aggregate limit would violate the spirit of the provision and hence be impermissible. Elaborate or complicated schemes to obfuscate the value of gifts offered or to direct gifts to a single recipient through different staff members from the same firm in order to exceed the limits of Provision No. 8 would similarly violate the spirit of the rule and be impermissible.

**Complaint Process:** Allegations of violations of Provision No. 8 of the Code will be considered and adjudicated using the standard procedures and due process protections contained in the COPE Complaint Procedures.

<http://ncraonline.org/AboutNCRA/cope/Complaint/>

The Committee on Professional Ethics may find a violation of the Code based upon the above factors.

Pursuant to the Complaint Procedures and NCRA's Constitution and Bylaws, following the filing and consideration of a complaint, the Committee shall prepare a written decision containing its findings of fact and conclusions. It may issue a cautionary letter, warning or statement of advice to the Member, require remedial ethics training, order that the Member be reprimanded, or determine that the Member be suspended or expelled from the Association, depending upon the severity of the violation, prior history and other relevant circumstances.

NCRA is extremely sensitive to its obligation to ensure that nothing in the Code infringes upon a member's ability to make independent business decisions or otherwise raises antitrust concerns. By way of

clarification, the Committee notes that Provision No. 8 is not designed to prevent or deter members' practices relating to volume or price discounting of their reporting services. The purpose of the gift giving restrictions is to discourage practices that in the past have undermined the critical role court reporters play as impartial and neutral officers of the court, not to inhibit legitimate forms of price competition. These restrictions are similar in scope and nature to those placed on other professions both within and outside the legal field. These restrictions have been in place since 1993 and have been reviewed by the U. S. Federal Trade Commission. NCRA satisfied the FTC that the reasonable limits the provision places upon the profession are appropriate.

**This Advisory Opinion No. 45 amends and supersedes Advisory Opinion No. 27.**

*Editor's Note: Look for an E-flash announcing a new column debuting in the Fall 2009 FCR Online magazine entitled "Point/Counterpoint." The E-flash will spell out the rules for submitting comments regarding the topic chosen by the Editor and/or Board Members. The topic for the Fall 2009 column will be: Comments Re: COPE Advisory Opinion 45, Guidance on Gift Giving Rules (Provision No. 8).*

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# DENVER ACADEMY OF COURT REPORTING ANNOUNCES DEGREE NOW AVAILABLE ONLINE!

Denver Academy of Court Reporting, the only court reporting school in the Rocky Mountain region, is pleased to announce the approval of its Realtime Court Reporting program for online delivery.

This program leads to an exciting, high paying career in the fields of court reporting, CART provision, web casting, captioning and more. In the past, enrollment in this program required relocation to Denver, CO.

"There are job opportunities in virtually every community in the Rocky Mountain region in the fields of court reporting and captioning. We're very excited to provide this career opportunity to the local residents of all the cities and towns

in Colorado, Nebraska, Wyoming, Montana, Kansas and beyond. Previously, the residents in these areas were losing their work force to other states. Now, with our new online delivery, we will be able to provide graduates who can directly serve their own community," said Dr. Susan Falzone, Campus Director. "This is a huge benefit to the more rural locations and the approval of this method of delivery further reinforces our commitment to offer the highest quality educational experience to our students."

"Nationally, there is a severe shortage of qualified court reporters," said Dave Wynne, Sr. VP of Stenograph, the academy's parent company. "Graduates can find employment virtually anywhere in the United

States and even abroad."

DACR grants an associate degree and is fully accredited by the Colorado Commission of Higher Education and the American Council of Independent Colleges and Schools. It is also certified by the National Court Reporters Association.

Denver Academy of Court Reporting has been training court reporters since 1975. Visit [www.dacr.org](http://www.dacr.org) to learn more about the school, programs and court reporting as a career. DACR is owned by Stenograph, a company dedicated to supporting the court reporting community and its programs. For more information, please visit [www.stenograph.com](http://www.stenograph.com).

## LEST THE JUDGE NEEDS REMINDING, IT'S OUR COURTROOM

*By Pierre Tristam, Reprinted from the April 12, 2009, Daytona Beach News-Journal*

It was a weird show. There they were, a judge and a lawyer from Florida's 6th Judicial Circuit, defending a rule before Florida Supreme Court justices that would turn state judges into autocrats of records. Judges would decide if and when electronic recordings of court proceedings would be made available to lawyers, public defenders, the media or the public. This wasn't 1926. It was last week. Justices, including the liberal Barbara Pariente and the conservative Charles Canady, looked and sounded put off, justifiably so.

It wasn't unusual for the robes of the 6th Circuit, who sometimes sound as if they'd be more comfortable with Sharia law than the Sixth

Amendment. A few years ago, they were pushing a rule that would have restricted news cameras in public trials, giving judges wider latitude to ban them or ban the photographing of jurors' faces. The Supreme Court rejected that proposal in 2005. There's bound to be other attempts to push back the trend toward more openness and public participation as technology demolishes barriers to both. Judges aren't trying to protect the sanctity of the judicial process, which is a self-serving abstraction anyway (courts are a different segment of government's sausage factory, no more and no less). They're protecting power and turf.

But the day is coming — sooner rather than later, one hopes — when

civil and criminal court proceedings will be broadcast live, on the Web, as routinely as the proceedings of local governments or Congress, by neutral cameras. Hearings and trials, jury selection included, will be available for anyone to watch. They'll be archived and transcribed the way Florida's Supreme Court cases have been archived since 1997 (in video, audio and transcript form). If not, they should be. Courts won't be doing the public any favors. They'll be living up to their constitutional responsibility to be open and public. Those two terms have been redefined by the Internet. "Public" and "access" are now interchangeable, making openness universal. Physical and

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# LEST THE JUDGE NEEDS REMINDING, IT'S OUR COURTROOM

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financial constraints that gave judicial administrators so much authority over when, where and how to "let" the public witness the judicial process or examine its records are vanishing. Only an outdated mentality of gatekeeping and misplaced notions of who owns the country's court rooms (no, judge, this is not your court room, it's ours) is delaying that transformation.

Nowhere is that mentality more prevalent than in the federal judiciary, beginning with the U.S. Supreme Court. To this day, cameras are almost nonexistent in federal courts (appellate courts can decide for themselves whether to allow them. Most don't). The supremes claim cameras will cheapen their proceedings by politicizing them or giving them the taint of entertainment. "I can tell you the day you see a camera come into our courtroom," Justice David Souter told a congressional panel in 1996, "it's going to roll over my dead body." This is the same justice who got his first television set as a gift from a senator after being appointed to the bench, and never plugged it in. He's a great justice, but a lousy TV critic.

Three weeks ago, a bipartisan group of U.S. senators introduced the Sunshine in the Courtroom Act of 2009. The bill would open the way for cameras in all federal courtrooms, but would still leave it up to each court's presiding judge to decide whether to lift the veil. It's not enough. Since South Dakota and Mississippi ended their dark ages in 2001, every state judicial system has allowed cameras into courtrooms. Rules vary, but, in some states, cameras have a presumptive right to be in the courtroom. The burden is on judges to show why cameras should be excluded.

Federal judges can learn from state courts. They need a shove away from their proprietary conceits and into 21st-century democracy.

That's not to deny that in rare cases where a circus atmosphere risks trumping due process, cameras shouldn't be shut off. Or to deny that cameras change people's behavior. They do. But in court, they usually change it for the better, compelling lawyers to be better prepared, judges to be more fair, verdicts to be less slavish to local prejudice. Sunshine is a disinfectant. Think of it this way: If cameras had been in the courtroom in the segregated South of the 1950s, legalized white-on-black terrorism

would have been exposed sooner and likely demolished before Bull Connor's dogs shocked the nation's conscience awake.

Broadcasting a trial isn't a First Amendment right, as news media claim. It's not about free expression. It's about making court proceedings truly public: It's a Sixth and Seventh Amendment right that lives up to what Robert Barton, the former Massachusetts judge, said: "The courts belong to the public. They don't belong to the judge, the lawyers or the litigants." It shouldn't be up to judges to decide whether to "allow" cameras into courtrooms, but up to lawmakers to ensure that cameras belong there.

## FCRA Fundraising Drawing – Win an elan Mira A3 or Stentura Fusion



**Hurry while there are still tickets left.** Get yours today. 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](mailto: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's Ice Cream Break. **YOU DO NOT HAVE TO BE PRESENT TO WIN.**

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

***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 W. Thomas Hughes, Chair, Nominating Committee, 581 N.W. 75th Avenue, Plantation, FL 33317, Fax: 954.587.7928, Email: thughesrd@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 31, 2009.**

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



## “REPORTER STIMULUS PACKAGE”

I truly hope that every reporter in the state of Florida is planning to attend the FCRA Mid-Year Conference in Marco Island, Florida, June 26-28. Not only is the property absolutely gorgeous and a great place to vacation, but the program we have planned is exciting and relevant! Whether you're a new reporter just starting out or a seasoned veteran reporter, take a look at what we have in store for you:

- o Signatures in the Digital Age (Electronic and digital signatures)
- o Cracking Windows (Learning tips and tricks about Windows)
- o Technogadgets and Sites Galore! (Online storage/ backup sites, research websites, wireless technology)
- o Hands-On Realtime Connections (Take the mystery out of connecting via cables, Wifi and the internet)
- o Taming of the Shoe (Optimizing your recordkeeping and finances)
- o Rules and Ethics Updates
- o Florida Rules and Ethics Certification Seminar
- o Florida Professional Reporter (FPR) Certification Exam
- o Firm Owners/Managers Roundtable (“If Only Someone Had Told Me...” Facilitator Dave Wenhold)
- o Software training with vendors from Stenograph, Stenovations, Total Eclipse and ProCAT.

We are so excited to have prestigious speakers for our seminars such as: Candis Bradshaw, Richard Greenspan, Susan Wasilewski and Dave Wenhold.

We also have our resident experts Jennifer Gaul, Louise Johnson, Paulita Kundid and Susan Wasilewski teaching our Florida Rules & Ethics Certification class. Wow! What a lineup!

Candis Bradshaw has presented numerous seminars to state and national associations on topics of court reporting technology. She is the author of two Stenograph University classes, Backup Basics and Ethics in Action. She is a member of the NCRA Technology Evaluation Committee, and a contributing editor for the Journal of Court Reporting.

Candis graduated from the University of North Texas, summa cum laude, and was the recipient of the Presser Scholar award, the highest honor given to a senior music

major. She also attended the Court Reporting Institute of Dallas. Candis currently works as a freelance reporter in the Harrisburg/Lancaster/York area and is an industry expert of social networking and technology for Unfair Advantage, LLC, which is a new company created by Jason Primuth, established to provide competitive edge to service and technology companies in the litigation industry. Welcome, Candis!!

Our opening reception Friday night will kick off the weekend with tons of fun, food, networking and drinks!

On Saturday, you'll enjoy a full productive day in classes, followed by free time in the evening to enjoy the local restaurants and sights of Marco Island. Then we'll all meet back at the Hospitality Suite at 8:00 p.m. for more fun and social networking.

On Sunday we've saved the best for last with our Technogadgets and Sites Galore seminar followed by a Hands-On Realtime Connections class.

So whether you usually go to conferences or never go to conferences or have passed the FPR or have never taken the FPR, this is a great weekend you DO NOT want to miss! Bring your family, bring your friends, bring your golf clubs, get a massage, relax on the beach and be enlightened by all the exciting changes, updates and technology that will be a part of this amazing conference!

Make your reservations now at the Marco Island Marriott Resort & Spa. Be sure to let them know you are attending the FCRA conference so you receive the FCRA reduced room rate of \$152 per night. (Regular rates are \$379 per night.) These special FCRA rates are available to us from June 21st through July 1st. If you would like to arrive early to the conference or stay a few days after the conference, you'll be able to take advantage of the FCRA room rates for your entire stay. Be sure to visit the Marco Island Marriott website at [www.marcoislandmarriott.com](http://www.marcoislandmarriott.com), and take a look at their Paradise Planner brochure, which details the daily resort activities as well as local sights and entertainment.

Please do not hesitate to contact either myself or FCRA President Jennifer Gaul if you have any questions regarding the Midyear Conference or if you would like to volunteer for one of our conference committees. It's right around the corner! We look forward to seeing you soon.

To register, click [here](#).

# NCRA January, February, March 2009 Test Results Announced

*The following person earned his CLVS certification during the March 13-15 administration of the production exam in Denver, Colorado:*

*Robert W. Riesdorph – Tampa, FL*

*Congratulations, Robert!  
- FCRA*

## On the Lighter Side

# WEBSTER'S NEW DEFINITIONS

*Reprinted from the February 6, 2009, Orange Peel Gazette*

**Vegetarian:** Old Indian word for bad hunter.

**Divorce:** The future tense of marriage.

**Hors d'oeuvres:** A sandwich cut into 20 pieces.

**Experience:** The name people give to their mistakes.

**Classic:** A book that people praise, but do not read.

**Secret:** Something you tell to one person at a time.

**Clothes dryer:** An appliance designed to eat socks.

**Fancy restaurant:** One that serves cold soup on purpose.

**Abdicate:** To give up all hope of ever having a flat stomach.

**Miser:** A person who lives poor so that he can die rich.

**Tomorrow:** One of the greatest labor-saving devices of today.

**Wrinkles:** Something other people have. You have character lines.

**Boss:** Someone who is early when you are late and late when you are early.

**Politician:** One who shakes your hand before elections, and your confidence after.

**Chickens:** The only animals you eat before they are born and after they are dead.

**Independent:** How we want our children to be, as long as they do everything we say.

**Adult:** A person who has stopped growing at both ends and is now growing in the middle.

**Grocery list:** What you spend half-an-hour writing, then forget to take with you to the store.

**Diplomat:** A person who tells you to go to hell in such a way that you actually look forward to the trip.



# IN MEMORY OF LYNNE J. IDE, RMR

## MARCH 8, 1947 - APRIL 20, 2009

### WWW.LYNNE-IDE.LAST-MEMORIES.COM



*The BoBs on stage with Laurel (if only in their imaginations.) L-R, Mitz, Linda, Donna, Lynne, Tammy, Jean, Patti; then Laurel, of course.)*

Over ten years ago, eight women from across the country, whose goals in reporting and in life were very similar, came together. We met online, traveled to conventions, and sometimes even boarded planes just for

the chance to share our very special friendship. We formed a sisterhood of sorts, calling ourselves The BOBs (if we told you what that stands for, we'd have to kill you!) Even to this day, the entire group – we were eight, and eight we will always be – has been together, all in the same place at the same time, only once: In 2002, at the National Convention in Orlando, when LaurelBOB became NCRA president.

We started so simply. Court reporters learning faster ways to write on our compact little machines. Debating the virtues of new software packages. Finding the fastest and kewlest computers to do our job.

But it didn't stop there. Our bond grew. We started sharing the real things in life: Teenaged kids, parent troubles, sibling squabbles; boating and motorcycle trips, out-of-the-country trips and what to pack; which words should be hyphenated, attorneys and judges who drive us crazy; oh, and lessons on our various cats, dogs, birds and turtles – tempered by personal losses that each of us – that everybody – suffers: Siblings, parents, grandparents.

We have shared more happiness and more sadness in lo, these many years...well, we're a family. But now we've lost one of our own and we are heartbroken.

We are proud and honored to have known Lynne Ide, RMR, and to have called her our friend for so long. With a very recent diagnosis of cancer, she didn't let anybody know how ill she really was. She was a very private person and wanted to try to live her normal life for as long as possible, facing her illness with strength, courage and dignity. In true Lynne style, she quietly, without fuss, left this world and entered the next, at exactly noon, on Monday, April 20th, 2009.

Lynne was a vibrant person, always the svelte one (we all vividly remember an FCRA convention where, poolside, men 20 years her junior continually vied for her attention) and the epitome of health – a mindful eater and exerciser. She also was a hard worker and phenomenal reporter. She graduated from reporting school in Wisconsin in 1969, and worked as an official in her home state until moving to St. Petersburg, Florida, in 1983, and joining the team at Kanabay Court Reporters. When Donna told the company's reporting family of her passing, they each said, "Let me know if there's anything we can do." Donna's response was, "Triple your output immediately and be ready for realtime hookups in a week."

Her work ethic was tempered by lots of playtime, too. She loved to travel, go diving, skiing, boating, walking... and she even drove her 2003 special Anniversary Edition Harley around the block once or twice LOL!!! Oh, and let's not forget: A girl can't have too many shoes!!!

The last time we were all together, save Jean and Patti, was at Beach Cliff, Laurel's vacation home on Cape San Blas, in October 2007. We always talked about going back when Jean and Patti could come too (and Lynne was trying to figure out a way to get CEU credits for the Reunion!!)

The night Lynne passed, Laurel watched the sun set over the Gulf at Beach Cliff via the beach cam, and snapped pictures of the absolutely astonishing and gorgeous sunset, e-mailing the shots to us in normal thread fashion, just how we've communicated all these years. We couldn't help but wonder if Lynne maybe stopped by just to see how things were looking – and to wave to the beach cam – on her way to Somewhere Else. And for one final email Lynne was still a part of our thread... as tears streamed onto our keyboards.

Lynne, you will forever be in our hearts. We know you're out there watching over us now. Help us make our fingers fly as fast as yours, but also help us to emulate you in balancing our lives with tons of fun and adventure. We, The BOBs, Jean Delaney (NJ), Mitz Drill (MN), Laurel Eiler (TN), Tammy "Bratchild" Jenkins (FL), Donna Kanabay (FL), Patti Marshall (FL), and Linda McGill (FL) will never forget you, and we will always treasure you, dear friend.



## REMOVE SPELL CHECK ERRORS

**Q. I have a problem with the dictionary in Microsoft Word. My grandson managed to add a number of misspelled words to the spell-check. Can you tell me how I can remove the misspelled words? Thank you for your wonderful newsletter. I learn something new in every issue.**

A. In Word, click Tools > Options > Spelling & Grammar tab > and the Dictionaries... button to the right of CUSTOM.DIC under "Custom Dictionary:" There is usually only one dictionary listed under "Custom Dictionary."

Next, click the Edit button on the "Custom Dictionaries" screen. A warning will appear advising that when you edit a dictionary, the automatic spell-check function is disabled.

A new window will open that displays a list of all the words that have been added to your spell-check dictionary. You can either click one word at a time, followed by the Delete button, or you can select several words by holding down the CTRL key on your keyboard as you click to select additional words, then click the Delete button.

When you have removed all errant entries, save your changes by clicking OK in each of the three windows that you opened.

Editing the custom dictionary in Word 2007 is a bit different. (Why Microsoft decided to rearrange everything in Word 2007 is beyond me.) Open Word 2007, then click the MS Office button located in the upper left-hand corner of the window. This will open a two-column menu.

In the lower right-hand corner of this menu are two buttons. Click the Word Options button, followed by Proofing in the left-hand column, which will display your proofing options on the right side of the window.

Click the Custom Dictionaries button. Unless you have created your own dictionaries, there will be

one listed, so click that dictionary, then Edit Word. Highlight the misspelled words and delete them. To save your changes, click OK in each of the windows that you opened.

Note: After removing the misspelled words, to enable automatic spell checking again click Tools > Options > Spelling & Grammar and place a check mark next to "Check spelling as you type," followed by OK.

**Q. I took a nice picture of my garden that I would now like to use for my background. How can I do that?**

A. There are two easy methods for establishing a photo as your Desktop background or wallpaper: Go to the folder where your photo is located and right-click the photo. From the menu that appears, select "Set as Desktop background."

Another method is to use an image-viewer program such as the free Irfanview ([www.irfanview.com](http://www.irfanview.com)). When viewing a photo in Irfanview, click Options > Set as wallpaper, then click either "Centered," "Tiled" or "Stretched," to display the picture.

**Q. I use the TAB key to advance to the next field when I'm filling out online forms, but occasionally I get ahead of myself and need to go back. Is there a way to tab backwards without having to use the mouse?**

A. Using the TAB key is the easiest way to move from one section to the next in a form. With your fingers already on the keyboard, it is faster to reach up with your left pinkie and press the TAB key than it is to take your hands off the keyboard, grab the mouse and move to the next field. To reverse direction, hold down the SHIFT key and tap the TAB key and you'll move back through each previous field.



**20 Most Amazing Coincidences**

There is an old saying that there is no such thing as a coincidence, but whether you believe in fate or not, it is hard to argue with the fact that sometimes extraordinary circumstances conspire with uncanny synchronicity. This site presents a high-light reel of happenstance that will challenge even the most skeptical of visitors. <http://tinyurl.com/2b8f2g>

**Family Caregiving 101:** If you're caring for a loved one who is ill or disabled, this site was created with you in mind. It's a great place to find assistance, answers, new ideas and helpful advice for caregivers and individuals receiving care. [www.familycaregiving101.org](http://www.familycaregiving101.org)

**Vintage Toy Encyclopedia:** Stores today are filled with high-tech gadgets that provide children with mind-numbing entertainment that does little to foster creativity or imagination. By comparison, the simpler toys of yesteryear seem quaint and outdated. "Where do I insert the batteries for Mr. Potatohead, Daddy, or is it wireless?" The toys in this virtual encyclopedia are divided into three main sections, "Action Figures," "Dolls," and "Toys and Collectibles," then listed alphabetically within each category for easy browsing. [www.toyNfo.com](http://www.toyNfo.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 1046 and receive one free month with your six-month subscription (28 issues!) To view a sample issue or subscribe, visit [www.MrModem.com](http://www.MrModem.com).*

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**(Summer) May/June/July ..... April 5, 2010**

**Publication Date ..... May 12, 2010**

# 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

The Committee thanks Judy Everman for writing the following article for our Ethics Corner. The Committee would like to invite our members to e-mail us with their questions so that we may address current issues of concern for you. Shirley P. King ([shirley.king@kingreporting.com](mailto:shirley.king@kingreporting.com)); Betty Sue Vincent ([bshoes2@aol.com](mailto:bshoes2@aol.com)); Cindy C. Bender ([bendci@mindspring.com](mailto:bendci@mindspring.com)); Cathy Phillips ([CJPHILLIPS111@aol.com](mailto:CJPHILLIPS111@aol.com)); Jennifer Gaul ([jgaul@uslegalsupport.com](mailto:jgaul@uslegalsupport.com)); Louise K. Johnson ([weziCRR@aol.com](mailto:weziCRR@aol.com)); Paulita E. Kuldig ([paulita.kuldig@volusiareporting.com](mailto:paulita.kuldig@volusiareporting.com)); Susan Wasilewski ([sdwrpr@aol.com](mailto:sdwrpr@aol.com))

### Reading from Depositions at Trial

By Judy Everman, RPR, FAPR, CMRS, FPR

We've received quite a few calls and emails recently about how to set up the transcript when a deposition is read into the record.

When reading a deposition into the record at trial, in lieu of bringing in a live witness, you would use the same format as live testimony with the addition of a quote in front of each "Q" and each "A." You do not indent it. Keep the same margins as you normally do on Q&A but insert the quote in front of each one, like so:

"Q What is your name, please?"

"A JoAnn Winters."

When the reading is concluded or interrupted by colloquy, only then do you put a close quote. When the reading starts again, you do the open quote again on each Q or A or before the colloquy if that is what is read, like so:

"Q Ms. Winters, you said you were cold this winter?"

MR. SUMMER: Objection, counsel is intentionally misleading the witness. It was the fall, not the winter, and he knows it.

THE COURT: Objection overruled. Continue.

"A No, I was not cold this winter; I said I was cold this fall."

The trial transcript prepared at a later date will indicate, by using the quote before the "Q" and "A", that the testimony is being read from a previous transcript. For example, if the appellate attorney, who was not present at trial, flips to page 244 on Ms. Winters' testimony because the quotes are there, he or she will know immediately that this is being read from a previous transcript and is not live testimony.

On the other hand, when an excerpt from the transcript is read during an examination of a live witness, usually for impeachment or to refresh the witness' recollection, you would use the words "Question" and "Answer" with a colon, then use quotes around the text, like so:

Q I am going to ask you if you recall this testimony from my direct-examination on your deposition taken on January 9th, 2006.

Question: "When did you first notice the heater was not working?"

Answer: "When I was shaking because I was so cold."

"And what was the temperature then?"

Answer: "I don't know, maybe 32 degrees?"

A Yes, I recall it.

In the example above, did you notice on the third line the attorney neglected to say the word "Question"? By simply putting a close quote on the answer before, then making a new paragraph and adding an open quote, we have indicated a change of speakers.

Testimony offered for impeachment purposes is no different than offering the contents of an exhibit to impeach the witness, such as a letter where the witness addressed the same topic differently. Writing out the word "Question" or "Answer" distinguishes it as a question or answer being read into the record or read to the witness, however you wish to see it, rather than being offered in lieu of live testimony like a deposition being read.

Sometimes an excerpt is read to the jury in closing arguments, so it is not for the purpose of impeachment but counsel wishes to emphasize that testimony to support his position on the case. Then you would write out the question and answer and then quote the text.

The only time you use the Q & A with quotes is when a deposition of a witness is being read at trial in lieu of live testimony, it is being read as though the witness was there and on the stand. If the witness is by videotape, then you handle it the same way except

*Continued on page 21*

# HIGH-TECH WOE; LOW-TECH FIX

By Donna M. Kanabay, RMR, CRR, FPR  
[Donna@Kanabay.com](mailto:Donna@Kanabay.com)

*From an article by Paul Boutin. Since it's a complete cheat for this issue of the magazine, I'm putting myself in italics. More interesting tips like this, "technical" and otherwise, can be found at <http://lifelifehacker.com/tag/clever-uses/>.*

BEHIND the cash register at Smoke Shop No. 2 in downtown San Francisco, Sam Azar swipes a customer's credit card to ring up Turkish cigarettes. The store's card reader fails to scan the card's magnetic strip. Azar swipes again, and again. No luck. As customers begin to queue, he reaches beneath the counter for a black plastic bag. He wraps one layer of the plastic around the card and swipes it again. Success. The sale is rung up.

"I don't know how it works, it just does," says Mr. Azar, who learned the trick years ago from another clerk. Verifone, the company that makes the store's card reader, would not confirm or deny that the plastic bag trick works. But it's one of many low-tech fixes for high-tech failures that people without engineering degrees have discovered, often out of desperation, and shared.

Today's shaky economy is likely to produce many more such tricks. "In postwar Japan, the economy wasn't doing so great, so you couldn't get everyday-use items like household cleaners," says Lisa Katayama, author of "Urawaza," a book named after the Japanese term for clever lifestyle tips and tricks. "So people looked for ways to do with what they had."

Popular urawaza include picking up broken glass from the kitchen floor with a slice of bread, or placing houseplants on a water-soaked

diaper to keep them watered during a vacation trip.

Today, Americans are finding their own tips and tricks for fixing misbehaving gadgets with supplies as simple as paper and adhesive tape. Some, like Mr. Azar's plastic bag, are open to argument as to how they work, or whether they really work at all. But many tech home remedies can be explained by a little science.

**Cell Phone Losing Charge:** If your cellphone loses its battery charge too quickly while idle in your pocket, part of the problem may be that your pocket is too warm.

"Cell phone batteries do indeed last a bit longer if kept cool," says Isidor Buchanan, editor of the Battery University Web site. The 98.6-degree body heat of a human, transmitted through a cloth pocket to a cellphone inside, is enough to speed up chemical processes inside the phone's battery. That makes it run down faster. To keep the phone cooler, carry it in your purse or on your belt.

This same method can be used to preserve your battery should you find yourself away from home without your charger. Turn off the phone and put it in the hotel refrigerator overnight to slow the battery's natural tendency to lose its charge.

**Remote Car Key:** Suppose your remote car door opener does not have the range to reach your car across the parking lot. Hold the metal key part of your key fob against your chin, then push the unlock button. The trick turns your

## HAVE YOU VISITED FCRA'S WEBSITE?



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FCRAONLINE.  
ORG

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# HIGH-TECH WOE; LOW-TECH FIX

*Continued from page 19*

head into an antenna, says Tim Pozar, a Silicon Valley radio engineer.

Mr. Pozar explains, "You are capacitively coupling the fob to your head. With all the fluids in your head it ends up being a nice conductor. Not a great one, but it works." Using your head can extend the key's wireless range by a few car lengths.

**Dry Ink Cartridge:** If your printer's ink cartridge runs dry near the end of an important print job, remove the cartridge and run a hair dryer on it for two to three minutes. Then place the cartridge back into the printer and try again while it is still warm.

"The heat from the hair dryer heats the thick ink, and helps it to flow through the tiny nozzles in the cartridge," says Alex Cox, a software engineer in Seattle. "When the cartridge is almost dead, those nozzles are often nearly clogged with dried ink, so helping the ink to flow will let more ink out of the nozzles." The hair dryer trick can squeeze a few more pages out of a cartridge after the printer declares it is empty.

**Cell Phone in the Toilet:** It could happen to anyone: you dropped your cell phone in the toilet. Take the battery out immediately, to prevent electrical short circuits from frying your phone's fragile internals. Then, wipe the phone gently with a towel, and shove it into a jar full of uncooked rice.

It works for the same reason you may keep few grains of rice in your salt shaker to keep the salt dry. Rice has a high chemical affinity for water — that means the molecules in the rice have a nearly magnetic attraction for water molecules, which will be soaked up into the rice rather than beading up inside the phone.

It is a low-tech version of the "Do Not Eat" desiccant packets that may have been packed in the box the phone came in, to keep moisture away from the circuitry during shipping and storage.

**Longer Wi-Fi Reach:** If your home Wi-Fi router doesn't reach the other end of the house, don't rush out to buy more wireless gear to stretch your network. Instead, build a six-inch-high passive radio wave reflector from kitchen items, like an aluminum cookie sheet.

Follow the instructions at [freeantennas.com/projects/template](http://freeantennas.com/projects/template). Place the completed reflector — a small, curved piece of metal that reflects radio waves just like a satellite TV dish — behind your Wi-Fi router. It focuses the router's energy in one direction — toward the other end of the house — rather than letting it dissipate

its strength in a full circle. No cables, no batteries, no technical knowledge required. Yet it can easily double the range of your network.

**Dirty Discs:** You need to clean a skipping DVD or CD, but as a bachelor you don't have any sissy cleaning fluids? Soak a washcloth with vodka or mouthwash.

Alcohol is a powerful solvent, perfectly capable of dissolving fingerprints and grime on the surface of a disc. A \$5 bottle of Listerine in your medicine cabinet may do the job as effectively as a \$75 bottle of DVD cleaning fluid. Also, swabbing your copy of "Lost Weekend" with Stoli instead of fussing with a Discwasher kit is a lot more manly.

**Too Much Flash:** If your cell phone's built-in camera flash is much too bright, washing out photos, tape a small piece of paper over the flash. Experiment with different colors and thicknesses of paper to tone down the flash from superbright white to a more pleasing glow for evening photos.

**Crashed Hard Drive:** If — no, make that when — your PC's hard drive crashes and can't be read, don't be too quick to throw it out. Stick it in the freezer overnight.

"The trick is a real and proven, albeit last resort, recovery technique for some kinds of otherwise-fatal hard-drive problems," writes Fred Langa on his Windows Secrets Web site. Many hard drive failures are caused by worn parts that no longer align properly, making it impossible to read data from the drive. Lowering the drive's temperature causes its metal and plastic internals to contract ever so slightly. Taking the drive out of the freezer, and returning it to room temperature can cause those parts to expand again.

That may help free up binding parts, Mr. Langa explains, or at least let a failing electrical component remain within specs long enough for you to recover your essential data.

That's the spirit of folk remedies: They may or may not work, but what have you got to lose?

*I was intrigued by the mention of the book "Urawaza." Here is some information on it from Amazon.com: Japan has a way of thinking that is just . . . different. Nowhere is this more apparent than in Tokyo-born journalist Lisa Katayama's collection of urawaza (a Japanese word for secret lifestyle tricks and techniques). Want to turbocharge your sled? Spray the bottom with nonstick*

*Continued on page 21*

# HIGH-TECH WOE; LOW-TECH FIX

*Continued from page 20*

cooking spray. Can't find someone to water your plants while you're away? Place the plant on a water-soaked diaper, so it slowly absorbs water over time. The subject of popular TV shows and numerous books in Japan, these unusually clever solutions to everyday problems have never before been published in English until now! *Urawaza* collects more than 100 once-secret tricks, offering step-by-step directions and explanations in an eye-catching package as unconventional as its contents.

*I've never tried nonstick cooking spray on a sled, but I can testify first-hand to how well spraying silicon spray on a boat trailer's bunks works when your boat starts*

*"sticking" on the load and unload. Luckily, I can offer this testimony from my desk and not from a hospital bed, after the memorable day when my captain powered our boat on with his usual enthusiasm, both of us forgetting he'd sprayed the bunks.*

*The back window of the truck's topper was easily replaced, and I saw it coming in time to dive for cover... but that should be another article for another magazine, maybe Trailer Boats magazine, with the article entitled "Boat Ramp Stupidity and Other Entertaining Free Shows for a Sunday Afternoon."*

*Yes, I must get this book!!*

## ETHICS AND PROCEDURES CORNER

*Continued from page 18*

your parenthetical on the index that follows the witness' name would say: Ms. Joan Spring (by videotape).

Your index entries in the transcript would look the same as a live witness except you would add "by deposition" by the witness' name. Direct, Cross, et cetera, should be indexed, along with any exhibits marked if that information is read from the deposition or if they stop reading and offer the document live in the courtroom, like so:

<b>WITNESSES:</b>	<b>DIRECT</b>	<b>CROSS</b>	<b>REDIRECT</b>	<b>RECROSS</b>
Ms. JoAnn Winters (by deposition)	1,240	1,340		
Mr. John Spring (by videotape)	1,348	1,375	1,399	2,100
<b>EXHIBITS FOR THE PLAINTIFF</b>		<b>IDENTIFICATION</b>		<b>EVIDENCE</b>
EXHIBIT NO. 1 (by deposition)		1,260		
Letter dated January 1, 2007				
EXHIBIT NO. 989				
Letter dated January 1, 2007				1,265

Above, the first exhibit listed was marked No. 1 for identification by the reporter at the deposition. The second exhibit is the same document actually received in evidence at the trial.

So, there you have it, Q&A versus Question and Answer!

# SURVIVING YOUR FIRST TRIAL

By Lisa Selby-Brood, RPR



As I am sitting here waiting for day three of a jury trial that I had to pick up, I am reminded of something I told my boss after we left the criminal court arena.

"In the great race that is court reporting, there are marathon runners, and there are sprinters."

I am a sprinter.

I hate trials. I'm sorry. I just do.

I hate writing eight hours a day. I'm just no good at it. I get cranky if I don't get my afternoon nap.

But sometimes, we do what we must do. Therefore, I am thinking about all the things I try to remember to do that make this somewhat bearable, and so I am passing that on to you.

Take care of yourself. If I've ever spoken to you at school, I've already harped on vitamins. So I'll reiterate. I can't stress this enough. Get on some good vitamins (I was

going to list my favorite website, but maybe I better not). But get on something good, particularly your B-12. Sublinguals are the best. They dissolve under your tongue and those big veins shoot them right to the bloodstream.

It's crucial.

Stress drains your body of everything, and if you don't replenish vitamins like C and B-12, they don't get replenished from anywhere.

You have to eat well. And you have to pace yourself.

I know, if you're in your 20s you're probably shaking your head; but believe me, when you get past your 40s, everything your mother ever said to you about eating well comes back to haunt you.

You're probably going to be writing for six hours minimum. You need fuel. And I'm not talking about fast food. Even in the cafeterias at the courthouses, you can usually

get away with juice, a banana, some cereal. (Save your banana for 10:30, hopefully your first break.) Pack nuts. Pack a power bar. Pack a peanut butter sandwich.

Speaking of eating, when it comes time for lunch, I don't know about you, but if the cafeteria is serving pot roast and I eat that, I'll be asleep by 1:30!!

Trial days are salad days. Eat well, space it out, but eat LIGHT.

Stay hydrated, too. Keep a water bottle handy. One of the first things a court reporter learns is the size of his/

her bladder in proportion to the number of restroom breaks. It's kind of a two-edged sword; but again, if you don't do this, it's going to hit you in the worst way.

You'll start to crash and burn at the most inopportune time.

Our bodies are amazing things, but if you abuse them long enough, one day out of the blue they just say that's it, I'm done, I'm taking a break.

And you'll get laid out.

Murphy's Law: If anything bad can happen, it will happen to a court reporter. Take everything with you that you might possibly think you'll need, because you probably will.

I am forever getting teased by bailiffs about how much stuff I'm carrying.

*Continued on page 23*

# SURVIVING YOUR FIRST TRIAL

*Continued from page 22*

"Are you running away from home, honey?"

"Are you moving in?"

"Flight 224 is boarding this way!!" Ha, ha, ha.

Let them laugh.

Believe me, when someone needs something, I've got it. I have bandaged bleeding lawyers, dried the tears of sobbing witnesses with the only tissue in the room, and oiled squeaky chairs.

Carry extra EVERYTHING. Steno paper, cassette tapes, batteries, power cords. EVERYTHING.

Sure as shooting, you're going to meet another court reporter in the hall with that deer-in-the-headlights look, asking, hey, can you spare paper, batteries, etc.? You fill in the blanks.

It's good to be the hero of the day.

Make friends with the bailiff and the clerk. They are great people and, if you're their friend, they'll do everything they can to make your life bearable.

I swear, I had one who let me into a side room with a couch to crash when I was dead on my feet, with the promise to wake me up in time. And he did. (Yes, we were on a break!!!)

The clerks are a fountain of information, can help you keep exhibits straight and help you with spellings.

Trials are not the place for the faint of heart. SPEAK UP about ANYTHING YOU NEED!!! If you can't hear, open your mouth.

Get there earrrrrrrrrrrrrrly. Scope out the place and stake your space. One of the courthouses I particularly dislike has made no provision for the court reporter for bench conferences. So when they say, May we approach, it's a scramble to get into a good position, and you're usually hunched over your machine in a standing position, or you're seated with your neck straining like a giraffe to hear what's being said. I keep promising myself every time I leave that courthouse I'm going to have somebody make me a box just the right height for bench conferences.

Now, all I have to do is carry one more thing into the place!!

Keep good records of the proceedings, label everything, and get an accurate page count at the end of the day.

Go home and get a good night's sleep if you have to go back the next day. Take a sleeping pill if you need to; just make sure you have a good alarm clock. I have a horrible habit of waking up at 4:00 a.m. if I have to be somewhere early, and then I can't get back to sleep. Then I'm a beast at work, and nobody likes a beast.

In spite of everything I dislike about trials (like catching the last day with closings, jury charge and waiting forever for that verdict), I have to admit I still like that last moment when I hear, "Jury's back," or "We've got a verdict." I love that hushed moment when they file in, and you finally get to hear the result of what you've spent days working on. Sometimes it's ONLY about money. Sometimes it's about somebody's freedom. But it's still exciting when that verdict is read. Somehow when I wrap it up, it's still a feeling of accomplishment. It was good work.

And, of course, there's always a story to carry away from a trial, like the one where the mother of the defendant who was such a nervous type could not be in the courtroom when the verdict was read, and who could be heard screaming out in the hallway when they told her what had happened. (Calm down, it wasn't a murder trial, just a DUI. She couldn't bear to think of her "baby" going to jail.)

Then there was the time that the baby State Attorney knocked my tape recorder over in her closing arguments — man, she was green! — or the juror who ran out of the courtroom throwing up, or the man who after he was selected remarked (out loud, of course), "I TOLD you I don't want to do this!!!"

I'm still not crazy about trial work. I'd rather not do them. But if you have to do them, remember the Boy Scout motto: BE PREPARED!

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(Includes all members who joined as of May 1, 2009)

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**Shelley Nachum a/k/a Super Proofer — 561.542.5751**  
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# MEMBERSHIP APPLICATION

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- VENDOR MEMBER**.....\$125.00  
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**LEGISLATIVE/LEGAL FUND:** Your dues include only regular monitoring of legislative, regulatory, and administrative activity for things that could adversely affect the court reporting profession. Without member donations to this fund, the Association cannot pursue any legislative/legal activity and may not be able to protect our profession.

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

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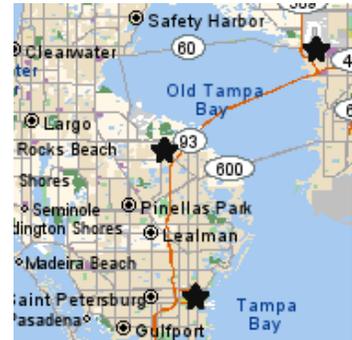
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