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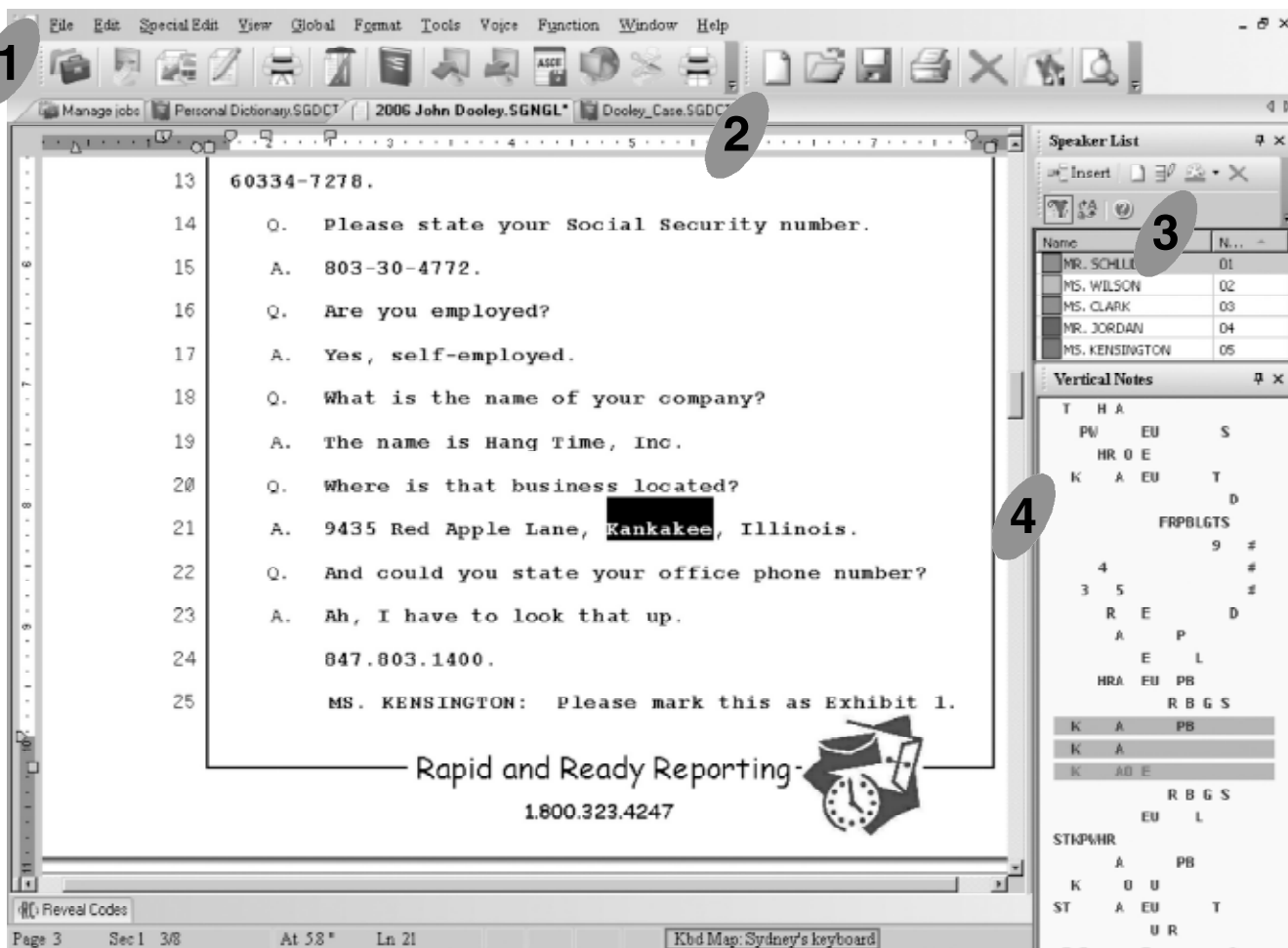
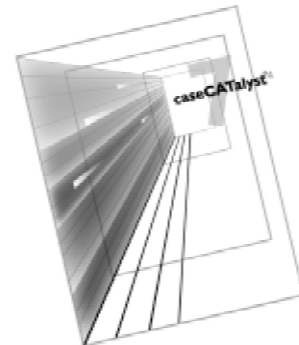
OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

OCT/NOV/DEC 2006



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2006-2007 FCRA PRESIDENT

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By Catherine J. Phillips, 2006-2007 President



“Not Where You’re Sitting...”

In November 1996, after reporting for 15 years, my family’s life changed. For those of you who don’t know, my husband Bob and I have three children: Kelly, Robbie and Patsy. Our son Robbie is autistic. In December of that year we started a very intensive home program with Robbie which necessitated my taking a leave of absence from the reporting profession. I stopped reporting completely in December ‘96 until March of ‘98 and then only worked part time for the remainder of that year.

I tell you all this because it was during this time that I realized how much I really like being a court reporter. Before, it was a job that paid me well. It took not being able to work for me to realize I actually liked what I did for a living. It was shortly after my return that Shirley King called me and asked me if I would be interested in being on the BOD of FCRA. Since I had this renewed appreciation for our profession, I said sure.

At the FCRA 2001 Mid-Year Convention at the TradeWinds Resort in St. Pete Beach, Michael Wierzbicki, President-Elect at the time, was meeting with members in order to fill his committee chairs. Michael asked me where I saw myself heading within FCRA. I remember telling him, and I quote, “not where you’re sitting.” I truly didn’t think I had neither the time nor the ability to lead this association.

Fast forward five years and having been a past editor of FCRA’s magazine, I was the lucky recipient of a box full of old issues of the magazine dating back to 1982. Since I hadn’t yet passed the box along to Louise Pomar, our current editor, I decided to sit down and go through the Past President Acceptance speeches, starting with Arlene Sommers (1982) through Teresa Durando (2005). I think there were only three or four missing. While reading these speeches, I either started feeling overwhelmed by how profound these speeches were and what on earth had I gotten myself into, or my blood sugar was dropping. I wasn’t sure which it was, so I stopped reading, ate something, and forged ahead.

Upon reading these articles I noticed a lot of the same issues are still present in our profession today. While back then they were a threat, today they are a reality. Most of us are now very familiar with what I call “The Blue Man” that’s installed in most of our circuits today.

One of the most common goals throughout these speeches was Membership; that it is the responsibility of each and every one of us to expand this Association.

I also feel this way, and that’s my focus for FCRA this year. FCRA watches over all the reporters in the state of Florida, not

just the members of our Association. We all know who these reporters are who are not members. They work in your office. They do overflow reporting for your firms. We all need to work together and encourage these reporters to join.

One of our esteemed Past Presidents said in her acceptance speech “This is about TEAMWORK! ‘Coming together is a beginning, keeping together is progress, working together is success.’” I know it’s been said many, many times before me, but if every one of us could sponsor just one new member or get a member to rejoin, our collective voices would be so much stronger. Please let’s work together to be successful.

In Past President William Hague’s (‘87-‘88) speech, he wrote: FSRA was talking about a first ever forthcoming *Florida Manual for Court Reporters*; a compilation of forms, certificates, rules, how-to’s and why-for’s from every circuit in the state.

While we’ve had the *Florida Manual* for a number of years, the Florida Professional Reporter (FPR) Certification, spearheaded by Shirley King and her committee, was implemented and has been very successful. We will continue to offer the FPR Certification. It’s our hope that every reporter in the state of Florida goes through this seminar. If you have not yet taken this seminar, please do yourself a favor and sign up to take it. It is not a Court Reporter 101 course by any means. The knowledge gained from this one-day certification seminar is tremendous. Congratulations to Teresa for overseeing such a successful program during her presidency.

In closing, I would like to share with you a story that Mark Golden, CEO of NCRA, shared at the Business Meeting in New York at the NCRA Annual Convention. Mark had the opportunity to work on a seminar with Frances Hesselbein, who, for many years, was the CEO of the Girl Scouts of the United States of America. The two of them had private time for conversation and Mark asked Ms. Hesselbein what she thought the first duty of leadership was. In her typical and extremely modest fashion, she at first deferred to others she felt more worthy of the title of leader. She quoted former British prime minister, Margaret Thatcher who once said that leadership is taking people somewhere they never would have gotten without you. But then she offered her own views in words that Mark liked even better. She said leaders have two duties. Their first duty is to look always to the future. Their last duty is never forget to say thank you.

Let me say thank you to every member who took it upon themselves to contribute more than just their dues to making this Association work.

By Louise Pomar, RPR, FPR, FCR Online Editor



In the Blink of an Eye



Look fast...before it's too late! You almost missed it! The year 2006 is coming to a close right before our very own eyes. What is the old saying — in the blink of an eye? Yes, this year is slipping away even as I write this article. In less than two months the year will be only a memory. But oh, what an exciting way to end the year — with two of the biggest holidays that Americans celebrate, Thanksgiving and Christmas.

Thanksgiving brings with it the aroma of a fresh basted turkey in the oven, stuffed until it's overflowing with cornbread dressing. And is that Aunt Jenny's sweet potato casserole with lightly-browned marshmallows on top that I see coming through the door? Oh, let's not forget Cousin Sue's cranberry salad. What a delightful mixture of sweet and tart sensations flooding the taste buds in unison. Mmm, the tantalizing fragrance that lingers in the air long after the pies and cakes are whisked away for safekeeping until all the dinner plates are wiped clean.

Then, in the blink of an eye, Ho, Ho, Ho, Me-rr-y Christmas! Santa's sleigh bells are ringing, and his lap is offered to all the bright-eyed little boys and girls so that they can recite their well thought-out wish list which Santa promises that he's sure to bring come Christmas morn'. Carolers walk through the streets singing joyous tunes of the holiday. Bright lights are strung everywhere — over the rooftops, spiraling up tall trees, framing odd-shaped windows.

Then, in the blink of an eye, the New Year slips in, sometimes loudly, sometimes quietly. Parties are thrown, New Year's resolutions are made, and the year 2007 is set in motion during the wee hours of January 1st.

Before the New Year is ushered in, take some time to look back over the year 2006 and say thanks to all of the good things that have come your way, big and small. Say thanks for the family and friends you are blessed with. Say thanks for the wonderful career you have chosen and the food it provides for your table. Say thanks for the health you and your family have been given. And if there is sickness and disease in your family, say thanks for the doctors, nurses and therapists that are there to nurse you back to good health. If we all search deep within our souls, we will find plenty of things to be thankful for.

I want to personally thank Kautter Management and staff for all of the hard work and dedication that you have put

into making our conventions successful and our on-line magazine superb. Those are just two of the many things that they do for us.

To the FCRA Board Members, a great big thank you for volunteering your time and effort in keeping our members up to date on current issues affecting our profession and especially for all of the behind-the-scenes work that each of you do.

A special thank you to all of our members. Without you, this Association would not exist. I encourage you to make comments and suggestions on ways we can improve this Association for you. I also would invite you to volunteer your time and effort in one of the various committees that your Association has to offer and make a personal difference in the court reporting profession.

Lastly, but most importantly, I want to thank our newest FCRA president, Cathy Phillips, for stepping up to the plate. Having been a member of the Board, I can truly appreciate the demands on your time that being president will entail. However, your dedication and love of the profession truly show in every task you have undertaken. I feel confident that you will succeed in everything you strive to do during your time as president.

So, as the year ends, my wish for all of you is a very happy, safe and joyous holiday. See you next year!

FCR Online Deadline Dates

Feb/Mar/Apr	Jan. 5, 2007
Publication Date	Feb. 12, 2007
May/June/July	Apr. 5, 2007
Publication Date	May 12, 2007
Aug/Sept/Oct	July 5, 2007
Publication Date	Aug. 12, 2007
Nov/Dec/Jan	Oct. 5, 2007
Publication Date	Nov. 12, 2007

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MARK YOUR CALENDAR!

FCRA Mid-Year Convention

Marriott Marco Island

June 15-17, 2007

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On the National Scene...

NCRA Advisory Opinion 38 – An Attorney Requests a Copy of a Reporter’s Backup Audio Media – Revised 2006

Reprinted from the NCRA website (www.ncraonline.org)

Board Clarifies Reporter Responsibility For Backup Media

September 19, 2006 - At its meeting in July, the NCRA Board of Directors approved changes to Public Advisory Opinion 38 regarding the ethics issues involved in handling requests from attorneys for backup media.

PAO 38 notes that reporters are not obligated to provide backup media on request absent a court order to do so. To assure confidentiality, the Board approved changes to PAO 38 such that, if the reporter provides backup media, he or she must ensure that no inadvertent, off-the-record, or privileged comments are included, and must provide only a copy of the recording, retaining the original in the event of questions or disputes.

The text of Public Advisory Opinion 38 is as follows:

Advisory Opinion 38

An Attorney Requests a Copy of a Reporter’s Backup Audio Media (Originally written, 2000; Revised, 2006)

Statement of Facts: The NCRA Board of Directors has requested an opinion from the Committee on Professional Ethics regarding ethics issues involved in the following scenario: While making the official record, a reporter made an audio backup recording of a proceeding for use by the reporter only while making the transcript. During a break in the proceeding, an attorney requests a copy of the reporter’s backup audio media.

Discussion: It is becoming increasingly common for persons present during the making of an official record to request a copy of the reporter’s backup audio media for their own use. The Committee on Professional Ethics believes that the decision of whether or not to make an audio backup recording of a proceeding is the personal choice of the reporter.

The Committee finds the rationale of the Illinois case, *Emmel v. Coca-Cola Bottling Co. of Chicago Inc.*, 904 F.Supp.723,753, to be dispositive. The U.S. District Court determined that “backup tapes made by court reporters for their own convenience and not otherwise required by 28 U.S.C. 753 are the personal property of the court reporters. There is no public entitlement to these recordings.”

Following this rationale, the Committee concludes that, absent a court order to do so, there is no ethical obligation for a reporter to provide a copy of the backup audio media to any person requesting same or even to disclose to those present that a backup audio recording is being made. A reporter must comply with any applicable state or federal requirement that a reporter preserve such backup audio media once the reporter no longer needs it for use while making the transcript.

Nonetheless, if a reporter elects to give a person a copy of the backup audio media, the following ethical obligations apply:

First, before making the decision to provide all parties with a copy of the backup audio media, the reporter should be cautioned that doing so may cause the reporter to be in violation of Provision No. 4 of the Code which requires that the reporter preserve the confidentiality and ensure the security of the information entrusted to the Member because the backup audio media may contain inadvertent comments, off-the-record discussions, or attorney-client privileged communications that should not be released or disclosed. If a reporter decides to provide copies of the backup audio media, the reporter is obligated to ensure that in doing so, he or she is not disclosing off-the-record discussions or attorney-client privileged communications.

Additionally, if a reporter decides to provide a copy of the backup audio media, the reporter should provide the requesting party with a copy of the media and the reporter should keep the original. This satisfies the reporter’s obligation under Provision No. 4 of the Code to preserve the confidentiality of the information entrusted to a Member because if there is a dispute over the backup or an accusation that it has been



On the National Scene...

altered, the reporter may produce the original to settle the dispute. The only exception to this is if a court orders the reporter to provide the original media. In that case, the reporter must keep a copy.

Second, Provision No. 1 of the Code of Professional Ethics, which states that a Member shall "be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding," requires that the reporter offer to provide a copy of the media to all other parties. Failure to do so would be a violation of Code Provision No. 1 and also of Provision No. 9, which requires Members to maintain the integrity of the reporting profession.

Conclusion: The Committee has determined that absent a court order to do so, the NCRA Code of Professional Ethics does not require that a reporter provide a copy of any backup audio media that

the reporter uses to make the official transcript of a proceeding. However, Provision No. 1 of the Code requires that if the reporter chooses to give a copy to a requesting party, the reporter must offer to do so for all parties to the proceeding. Provision No. 4 also requires that the reporter maintain the original backup audio media and provide only a copy to any or all requesting parties. Finally, the Committee cautions that releasing copies of the media may result in a violation of Provision No. 4 of the Code if the media contains inadvertent, off-the-record or privileged information that should not have been released or disclosed.

THIS PUBLIC ADVISORY OPINION REFLECTS THE STATUS OF THE LAW IN MOST JURISDICTIONS. MEMBERS ARE REQUIRED TO CONFORM TO THE ACCEPTED PRACTICES SET FORTH IN THIS PUBLIC ADVISORY OPINION TO THE EXTENT THAT SUCH PRACTICES ARE CONSISTENT WITH THEIR OWN APPLICABLE STATE AND LOCAL LAWS, RULES AND REGULATIONS.

Stenograph® Announces Hiring of Voice Product Representative

On July 20, 2006, Stenograph President John Wenclawski announced organizational changes, which included the hiring of Lori Darby. Darby immediately assumed her new role as Stenograph's CATalyst VP sales representative. Darby's experience includes being the Stenograph District Sales Manager for the Texas and Louisiana territories as well as being a Stenograph Certified Case CATalyst Training Agent. She has been a Certified Shorthand Reporter for the State of Texas since 1984, and trained at Del Mar College in Corpus Christi, Texas.

"Lori has worked with Case CATalyst for several years," said Wenclawski. "She is very familiar with the power of Case CATalyst, and will now be working with voice reporters across the country to help them embrace Case CATalyst as their software of choice."

CATalyst VP provides a robust solution for voice reporters to create transcripts and deliver them in an array of formats and venues. With CATalyst VP, voice reporters now have access to Case CATalyst, the best text editor on the market for producing transcripts. VP works with Dragon™ Naturally Speaking, the world's

best-selling speech recognition software, and will soon be compatible with IBM's ViaVoice®. "I am delighted to have the opportunity to work with voicewriters across North America to keep customers current with what's going on in the industry," stated Darby. "I look forward to building on CATalyst's strong foundation with the implementation of CATalyst VP, and to serving both the immediate and future needs of the court reporting and captioning communities.

For more information on Case CATalyst VP, Lori Darby can be contacted by e-mail at ldarby@stenograph.com, or by phone at (800) 323-4247, extension 5058. Stenograph was founded in 1938 and is committed to providing a total solution for the information technology needs of the court reporting and captioning communities. Stenograph is a manufacturer and marketer of shorthand writing machines, computer-aided transcription (CAT) software, and court reporting and other industry-related supplies. Stenograph is headquartered in Mount Prospect, Illinois. For more information, please visit them at www.stenograph.com.

Nominations for Arlene P. Sommers Award for Outstanding Achievement in Education

- **Has an outstanding educator played a role in your reporting career?**
- **As a student, has a teacher's leadership and dedication helped motivate you to achieve your goals?**
- **Has a fellow teacher's example helped you to become a better teacher?**
- **As an administrator, do you want to show your appreciation and admiration for your outstanding educator?**

If so, you have the opportunity to see that that teacher is given the recognition he or she deserves by nominating him or her for the Arlene P. Sommers Award for Outstanding Achievement in Education. (Guidelines are set forth below.)

of years in reporter education, special interests and talents, publications and awards, etc. Humorous stories about your nominee are also appreciated.

Nominations must include biographical data that lists outstanding achievements in and out of reporting, the number

Nominations must be received by FCRA Headquarters by APRIL 30, 2007. Students, fellow faculty members, administrators, or FCRA members are all eligible to submit nominations.

Arlene P. Sommers Award for Outstanding Achievement in Education

I. ELIGIBLE APPLICANTS

Those teachers, tutors, or administrators engaged in a court reporting educational program in the State of Florida approved by the award committee, or any other person who has made a significant contribution to the education of court reporting students.

II. NOMINATIONS

- A. To be mailed to FCRA Headquarters for forwarding to the Arlene P. Sommers Award Committee.
- B. Nominations for each year shall be open beginning January 1st of each year, and close April 30th of the corresponding year. Nominations must be received by FCRA Headquarters no later than April 30th.
- C. Nominations may be made by teacher, student, school administrator, or by any member of FCRA.
- D. Nomination to be in letter/resume format, accompanied by support documentation.

III. SELECTION

Nominations to be considered by the Arlene P. Sommers Award Committee by the May Board meeting, and the selection is to be made by the committee with the approval of the FCRA Board.

IV. AWARD

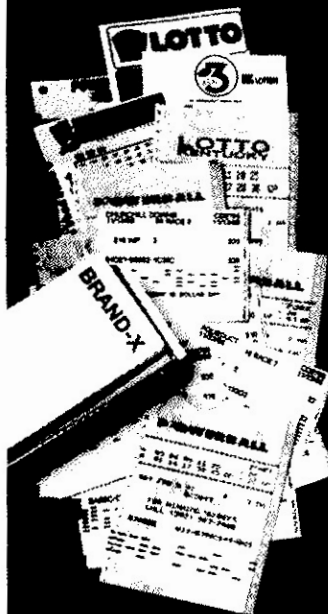
- A. Recommendation by the committee to FCRA Board to select the recipient.
- B. The recipient will receive, in addition to the monetary gift, a physical award.
- C. Recipient of this award and the school shall be notified no fewer than 30 days prior to the announcement/presentation of the award at the Annual Convention, if possible. If not, notification can be made by mail immediately following the Annual Convention.
- D. Free Convention registration for recipient.

UPCOMING EVENTS CALENDAR 2006-2007

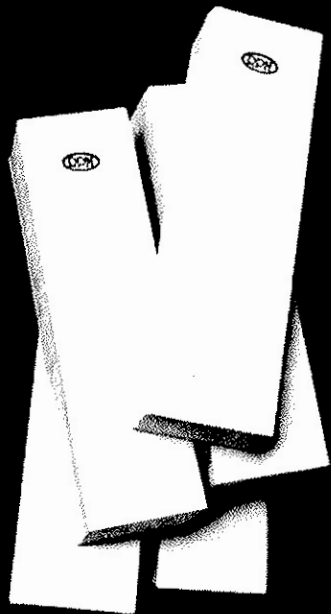
	2006	Mar 30 - Apr 1	NCRA Midyear Conference, Vancouver, B.C., Canada
Nov 16 - 18	NCRA Leadership Conference, Tysons Corner, Virginia		<i>Contact NCRA Member Services and Information Center, 1.800.272.6272</i>
		June 15 - 17	FCRA Mid-Year Convention, Marriott, Marco Island, <i>Information Coming in 2007</i>
	2007	Aug 9 - 12	NCRA Annual Convention, Dallas, Texas
Feb 4 - 6	NCRA Firm Owners Executive Conference, Dana Point, California		<i>Contact NCRA Member Services and Information Center, 1.800.272.6272</i>

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

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Florida Court Reporters Association

PRO BONO PROGRAM

A GUIDE FOR REPORTERS

INTRODUCTION

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

WHY SHOULD I GET INVOLVED IN A PRO BONO PROGRAM?

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

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

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

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

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

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

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

HOW CAN I BE SURE A LITIGANT IS TRULY INDIGENT?

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

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

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

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

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

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

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

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

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

POINTS TO REMEMBER:

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

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



Florida Court Reporters Association

PRO BONO PROGRAM

REPORTER ASSIGNMENT/EVALUATION

REPORTER'S NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

HOME # _____ WORK # _____

ASSIGNMENT _____

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

REPORTER'S EVALUATION

Hours in attendance fee donated _____

Pages provided at no cost _____

Pages provided at reduced rate _____

Pages provided at regular rate _____

Other services provided _____

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

DATE: _____

COMMENTS: _____

PLEASE MAIL THIS FORM TO:

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



Florida Court Reporters Association

PRO BONO PROGRAM

REPORTER PLEDGE CARD

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

Attendance Fee _____ hours

Transcript at No Charge _____ pages

Transcript at a Reduced Rate \$_____ per page

Transcript at the Regular Rate \$_____ per page

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

_____ I am willing to provide reporting for:

____ Depositions ____ Hearings ____ Trials

I will need advance notice of _____ days.

REPORTER'S NAME _____

MAILING ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

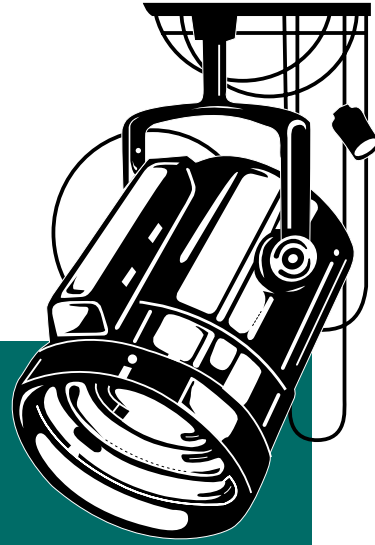
HOME # _____ WORK # _____

_____ Individual Donations _____ Firm Donations

Geographical area you are willing to serve:

PLEASE MAIL THIS FORM TO:

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



Reporter in the Spotlight

Name: Melanie Simpkins

Occupation: Court Reporter

Hometown: Jacksonville, FL

Hobbies/Interests: Travel, watching basketball and cooking.

Works at: Official Reporters, Inc.

Member of FCRA since: 1989

How did you find out about the court reporting profession, and why did you choose it as your career? Sandalwood High School. My senior year the school was given 20 steno machines. One of the business teachers taught us an introduction to court reporting and I was hooked.

Describe your funniest court reporting moment: When a defendant was explaining to the judge he didn't think his attorney was doing a good job and the judge was ignoring him he decided to drop his pants and "moon" both the attorney and the judge.

What do you see as the biggest problem facing our profession? Lack of funds. This, along with false advertising by the assorted vendors

of digital recording equipment, is slowly replacing reporters in certain areas where public funds are being used to pay for court reporters as a cost saving measure. It is only a matter of time before the insurance companies and civil attorneys jump on the band wagon and it will be everywhere. Since a lot of the younger reporters are not being taught customer service in their field, many attorneys will not be fighting to keep their live reporters.

One of the business teachers taught us an introduction to court reporting and I was hooked.

FCR Online Contributing Editors

Judy Everman, FAPR, RPR, CMRS • Jennifer Gaul, CMRS, FPR
Donna Kanabay Harvey • Richard A. Sherman (Ask Mr.Modem)
Rus Weathers, FAPR, RPR

By Judy Everman, FAPR, RPR, CMRS

An Attorney is Personally Liable to a Court Reporter

Florida, particularly Southeast Florida, has case law favorable to the court reporter in collecting money in small claims court. For some time the small claims courts have relied on Bakst v. Stephens, 21 Fla. Supp. 47 (11th Cir. 1963) and Browd v. Fierman Reporting Service, 3 Fla. Supp. 2d 124 (11 Cir. 1983), both Miami-Dade County Court cases, in ruling for the court reporting firms and against the attorneys.

Palm Beach County created case law on the next two matters. First was the case of Harry D. Dennis, Jr., v. The Florida Court Reporting Co. (15th Cir., November 1992). Second was the case of Alan Richard Simon v. Knipes-Cohen of

Florida, Inc., 4FLW Supp. 280 (15th Cir., July 5, 1994) where the court stated, relying on Bakst and Browd, that "Both of these cases held that an attorney is personally liable to a court reporter for transcripts ordered unless the attorney makes it expressly known that he is ordering the transcripts solely as the agent for his client and that the reporter must look to the client for payment." They went on to say further, "Court reporters deal with attorneys and not the clients of attorneys," "...an attorney is more than a mere agent because the individual attorney almost exclusively controls both the direction and strategy of litigation, and further, decides what services may be needed to promote the best interests of a client."

In 2005, Pinellas County brought us the next case, Louis Daniel Lazaro, Esquire v. Robert A. Dempster Reporting Company, Inc., No. 04-0013AP-88A (Fla. 6th Cir. App. Ct., Jan. 24, 2005).

In case you are wondering where this appellate case law is recorded, when a small claims court matter is appealed, it goes to the appellate division of the circuit court. Three of the circuit court judges sit as an appellate court. When they rule on the matter, it is recorded in the Florida Supplement and the Florida Supplement Second, thereby creating case law for small claims court — good case law for us!

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Welcome Voicewriters

At the FCRA Annual Convention that was held in Ocala on October 27th - 29th, the motion regarding the amendment to Article III - Membership, Section 1. Definition, was finally put to a vote. The membership voted to allow voicewriters into our Association as participating members. Preceding the vote at the Business meeting on Saturday, Jason Meadors, RPR, and Chris Ales, a voicewriter, presented a very informative seminar which allowed the members present to make an informed vote. We're happy to report to you that after the vote, but still while the Business meeting was in progress, Chris Ales paid her membership dues and became the first voicewriter member of FCRA.

I would like to officially welcome Chris as our first voicewriter member to FCRA. Your membership to this Association will be an asset.

The following is the current definition for Membership which was approved at the Business meeting Saturday, October 28, 2006:

Article III — Membership

Section 1. Definition: Membership in the Association shall be open to individuals who subscribe to and support the purposes of the Association and who are skilled in the area of verbatim reporting of proceedings by the use of manual or stenographic machine technology, or by the use of closed microphone or other voicewriting technology, as hereinafter provided.

2006-2007 Committee Chairs/ Members

Committee Coordinator (Per P&P)	Chair - Jennifer Gaul
Annual Convention Chair.....	TBA
Mid-Year Conference	Chair - Jennifer Gaul
Arlene P. Sommers Award (Per P&P).....	Chair - Arlene P. Sommers
	Members: Thomas Hughes (PE); Lisa Selby-Brood; Carol D. Williams
CART	Chair - Tanya Ward English
	Members: Deanna Boenau; Gayl Hardeman; Vicki Johnson
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	Members: Susan Wasilewski; Betty Sue Vincent
Court Reporting Schools	Chair - Lisa Selby-Brood
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	Screeners: Catherine J. Phillips; Thomas Hughes; Sandy Narup
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	Members: Teresa Durando ('06-'07); Jennifer Gaul ('06-'08); Louise Johnson ('06-'08); Robin Merker ('06-'09); Betty Sue Vincent ('06-'09)
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Legislation	Chair - Betty Sue Vincent
	Members: Robin Wierzbicki; Melanie Simpkins
Magazine	Editor - Louise Pomar
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	Members: Past Presidents; Lisa Selby Brood; Mary Stephenson; Sue Shelling; Harold Brown; Tanya Ward English
NCRA Leadership Conference	Cathy Phillips
	Sandy Narup
NCRA Boot Camp	Cathy Phillips
	Susan Wasilewski

2006-2007 Committee Chairs/Members

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Technology	Chair - Susan Wasilewski Members: Robin Merker
Testing	Chair - Donna Kanabay Members: Cathy Phillips; Susan Wasilewski
Website	Chair - Rick Greenspan

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By Jennifer Gaul, CMRS, FPR

FCRA Congratulates Rick Greenspan

Rick Greenspan is a special man. Not only does he tirelessly give back to our profession, but he epitomizes the meaning of a true friend, mentor and professional court reporter.

So when we heard the news that Rick was nominated to serve on the NCRA Board of Directors, there was no doubt that an FCRA celebration was in order.

There are easier tasks in this world than finding time during an annual convention to host a celebration for a new Board member. Rick's days were booked from morning until night with meetings and social events. We were left with one opening in his schedule — 7:00 a.m. the morning of the official installation ceremony.

Who knew so many people would set their alarm clocks for so early to make sure they did not miss their chance to congratulate Rick on such an accomplishment. The room was full of friends and colleagues from around the country all just as proud of Rick as we at FCRA are.

On behalf of Rick and FCRA, we would like to thank the many friends and firms who generously contributed to underwrite this event. Congratulations again, Rick. We know you will be a wonderful asset to the Board.



By Rus Weathers, FAPR, RPR

Collecting Your Money – Part I



I have tried to include with this information some suggestions which should help to minimize, if not eliminate, the necessity of filing suit. No reporter or agency wants to find themselves in the position of having to sue in order to get paid for their work. However, if need be, included in the next on-line publication of The Florida Reporter you will find information necessary to take your case to small claims court and what you can do to get paid before filing a judgment lien certificate.

I. Getting the order.

(a) Record contemporaneously, accurately and in writing the actual order, including original transcripts, copies, exhibits, condensed, text or program files and delivery requirements.

(b) Our experience has shown that recording the conversation

in colloquy at the conclusion of the proceeding regarding what is being ordered and by whom is the best way to avoid questions arising later on. It should also be noted that some agencies have had success in asking all orders be accompanied by a form that is filled out and signed by the ordering party(ies). Whatever method you utilize, keep in mind that should it come to court, you must give the judge a way to find in your favor. Relying on memory simply will not carry the burden of proof.

(c) This also applies to calls concerning back orders and copies. Maintaining a record of the time, date, person calling, what they are ordering, and when they need it will help to carry the burden of proof should it become necessary.

II. Delivery.

(a) Ensure that what is being delivered is exactly as it was ordered and delivery was as requested.

(b) Use a delivery method that allows for the package to be tracked by date, time, and person signing for the package on delivery. This becomes essential later on if you need to take your claim to small claims court, and again helps to carry the burden of proof.

III. Billing.

(a) Collecting actually begins with knowing when and to whom to bill c.o.d. A good billing program can give you the data that will help you keep your collection problems to a minimum. Once you have experienced a problem with collecting from someone, note it for future reference in your billing program. It should warn you as you begin to bill them in the future, and you can decide then if it is a risk you are willing to accept, or if you want to send their order c.o.d.

(b) Prepare your bill as soon as possible upon fulfilling order requests. It has been noted that agencies that include their bill with transcripts and/or videotapes have few, if any, instances of the ordering party claiming that they did not receive the bill. Also it is of some assistance to the attorneys, should the case settle shortly after the transcript is delivered, since they will have the information they need at hand regarding costs. A good thought is the sooner your bill is received, the sooner the payment processing can begin.

IV. Collecting.

It is generally accepted that once a bill has been outstanding for 30

Collecting Your Money – Part I

days or more it is considered past due. Once your bill is considered past due, it is necessary to begin the collection process.

(a) Begin the process by sending statements at a certain time each month of bills outstanding for more than 30 days at the time you are preparing your statements. Retain a record of when you sent your statements, as well as any and all additional efforts you make at collecting.

(b) Follow up with a phone call after a period of time you are comfortable with. I begin making collection calls after two statements have been sent with no reply. Again you must make a record of the date, time, who you spoke with and a synopsis of what was said. This record should be kept together with the statements and the original bill. If you had to leave a voice mail, or the person responsible for accounts payable was not available for discussion, be sure to flag this bill for follow-up in a few days, and continue to follow up periodically until you have received a reply to your inquiry or payment is received.

(c) Continue your collection efforts as outlined above until you reach the point in time that you are willing to risk alienating a client in order to receive payment. At this point, because of the direction that our collection efforts must take in order to get paid, we are likely to lose future business from this debtor. It is necessary to decide whether you will pursue it further, or write it off. It is at this point that we add them to our c.o.d. only list for future reference.

(d) If you decide to pursue the matter, send a letter to the debtor outlining your efforts to collect

payment and include date, time and discussions, if any, during each of your prior efforts. You may also prepare a Statement of Claim for small claims court, provided that the claim would be less than \$5,000, and send it along with your collection letter. In your letter you can include your plan to file the claim should you not receive payment within a certain time. Claims over \$5,000 and up to \$15,000 are no longer small claims court matters but are filed in county

court civil. No forms are available, and you would need to know what to file and when. It is advisable to seek the advice of an attorney. Claims involving more than \$15,000 are circuit court matters and again it is advisable to seek representation by an attorney.

(e) Should you not receive payment by the filing deadline you have given, see the next on-line publication of The Florida Reporter for small claims court information.



***No reporter
or agency
wants to find
themselves in the
position of having
to sue in order to
get paid for their
work.***



Q. How long will backed-up data last on my CD-ROM?

A. Excellent question, the answer to which is destined to result in a few anxious twinges for some readers. As it is with any backup medium (floppy disk, tape, CD-ROM, DVD, etc.) the shelf life of saved data is a vitally important consideration. Kodak has underwritten extensive accelerated aging tests and claims that its Infoguard CD-ROM should last 200 years, so be sure to save your receipt. TDK claims its disks will last "about 100 years." Despite such claims, some users have been chagrined and/or appalled to discover that data saved to CD was not readable after a few months. Eek!

Erring on the side of data conservatism, if you store your CD backups properly and use name-brand, top-quality CDs, it would be prudent to think in terms of five-year increments. The question that should be asked, however, is not how long will data exist on a CD before it begins to deteriorate, but rather how long will a CD be accessible in light of rapidly changing technologies? In other words, today's CDs are going to be as useful as my collection of 8-track tapes at some point in the future. A few years from now, try to find a CD player and you'll be taunted and jeered as much as well, as much as I am when I mention my 8-track tapes. For a more contemporary example, try to find a new computer with

a 3.5" floppy drive today. You can still order one as an option or purchase an external drive, but they're rapidly fading into history.

When it comes to CDs and DVDs lasting 100 or 200 years, while there may be a kernel of truth to those assertions, practically speaking, I wouldn't place any great faith in having the ability to access data that may or may not be on those CDs years from now. The time will come when the CD-ROM will be ancient technology, probably replaced by the digital Chiclet, DigiPod, or some other type of semi-microscopic device capable of storing every piece of digitized data ever created.

As my newsletter subscribers know, I've had a few experiences that were less than confidence inspiring when I discovered that data successfully burned to CD was unreadable when I attempted to access it on a new system. All drives are not created equal, so creating a CD that functions perfectly in one drive, does not guarantee that same CD will work flawlessly in another drive.

It may, but then again it may not. I wasn't comfortable with that "iffy" factor, so I decided to forgo CDs as a viable backup medium.

For backups today, I use a SmartDisk Firelite USB drive (www.smartdisk.com). Available in sizes up to 100GB, this palm-size device plugs into a USB port, there is no software to install, and it works with any PC. Of course, once USB ports disappear, similar "ancient technology" challenges will present themselves. Long before that happens, I'll transfer the data from the Firelite drive to whatever the next generation of storage media is. Either that or I'll say, "Oh, the heck with it all," and sweep out the garage instead.

Regardless what backup device you decide to use, it's a good idea to review your backup strategy and the technology you're using at least every five years. At periodic intervals, be sure to do some random sampling to check the integrity of your saved data, as well. If nothing else, you'll sleep better knowing your data is intact.

Regardless what backup device you decide to use, it's a good idea to review your backup strategy and the technology you're using at least every five years.

Sleuthing the Net: Donna's Top 10 LangaList "Just for Grins"

One of my favorite resources is the LangaList newsletter, www.langa.com. This is a fabulous free e-mail newsletter with all kinds of technical information. There's something for everybody in each issue, ranging from the very simple to the very complex. Best of all, each issue of the newsletter ends with a "Just For Grins" item, and for this column, I've harvested several to give you hours of mindless entertainment.

Tip: To activate the links in your electronic (PDF) issue of the magazine, click Select in your Adobe reader, and select the link with a left-click drag. After the link is selected, right click and use the keyboard shortcut of Control C to copy the link. Open your Internet browser and left click in the address bar and use the keyboard shortcut of Control V to paste the link. Press Enter after pasting the link.

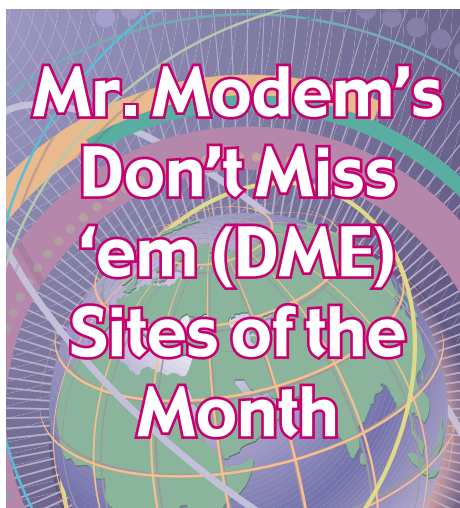
Enjoy exploring these unique and fun links. I'll add any personal comments I have about any item in italics.

10. Sheer coolness factor of an amazing hobbyist project. A Canadian RC airplane enthusiast combined a model airplane, virtual reality goggles and a wireless camera. It works like this: A fairly standard model airplane is controlled normally with a wireless remote control. A pan-and-tilt camera is mounted at the airplane's center of gravity, also controlled wirelessly. Video from the camera is viewable through virtual reality goggles, which have a gyroscope attached to sense the movement of the goggles and control the camera accordingly. When the wearer moves his head, the camera also moves. These breathtaking, goggle-eye videos

will put a grin on your face for sure: <http://tinyurl.com/n7agv> or <http://tinyurl.com/ms6t2>

9. It's no secret that American college students like to "party." But MIT is, well, different. Two students there used custom controllers, lots of PCs, networking hardware and plenty of software programming to automate their dorm room. Their unauthorized project is called MIDAS (Multifunction In-Dorm Automation System), and features web control; voice activation; a security system; large, continuously running information displays; electric blinds; and — the piece de resistance — a one-button "Party Mode." When the giant red Party Mode button is pressed, the lights go out, blinds close, the PC screens are taken over by a light show, booming music starts, and computers control a sound-activated strobe light, laser

Continued on page 27



Get Human: We have all experienced the frustration of trying to get a "real person" on the phone when calling a bank, telephone company or technical support. Thanks to Paul English, a live body

is now just a few key presses away. Mr. English, surely a candidate for a Nobel Prize if ever there was one, created the IVR (Interactive Voice Response) Cheat Sheet, recently re-launched as [GetHuman.com](http://www.gethuman.com). This alphabetical listing of hundreds of companies provides the steps required to reach a living, breathing, telephone-answering organism. Bless you, Mr. English. www.gethuman.com/us

Happy News: If today's news occasionally gets you down, visit this Web site for the brighter side of current events. All the stories are real, but unlike other media, this one presents news that delivers a positive message or a happy ending. www.happynews.com

The Bookcart: If you're an avid reader, but balk at the price of books

today, you won't want to miss this paperback exchange site. Books cost just \$2.50, including shipping. If you have lots of old paperback books and you aren't sure what to do with them, you can become a member of The Bookcart and make a few dollars when others purchase your books. Complete information is available on the site. www.thebookcart.com

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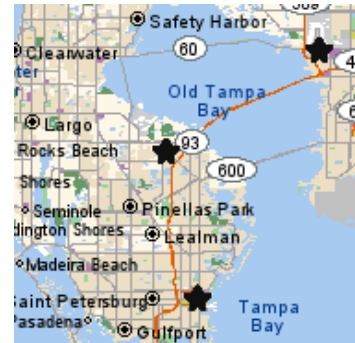
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Sleuthing the Net: Donna's Top 10 Langalist "Just for Grins"

Continued from page 25

light show, fog machine, black lights, revolving disco light, LCD visualization projector projected onto the blackout-screen, neon colored lights, computer screen Winamp visualization, oscilloscope showing the waveform of the music, and surveillance camera monitors (to watch for dorm cops). The room has its own Web site, complete with technical details and videos of the room in action. <http://web.mit.edu/zacka/www/midas.html>

8. Some hungry PC hobbyist in Japan harnessed the power of 30 USB connections, which he claims produces enough energy to cook meat! (*The link takes you to step-by-step pictures.*) http://knuttz.net/hosted_pages/USB-Cooking-20060822

7. Harmless practical jokes that people can play on their friends: <http://tinyurl.com/m75xs>

While this was a lot of fun to read, I have to insert a "don't try this at home; these people are trained professionals" warning. I've had to format an awful lot of computers when something like this went wrong...at least make sure you have a high-level of technical know-how to make sure you can back safely out of the gag!

6. These wooden computers look cool but wouldn't they run hot! (*They might run hot. But only once.*) <http://www.ecogeek.org/content/view/62/1/>

My husband the woodworker absolutely loved these! What a great gift for your favorite geek! (hint, hint...)

5. An example of just how most of our brains work. We start out seeing one thing but, upon further inspection,

we wind up seeing another. The page is suitable for all ages in all countries of the world. http://www.patmedia.net/marklevinson/cool/cool_illusion.html

4. Boy, did that kid pick the wrong guy to steal from! <http://media1.break.com/dnet/media/content/stolenlaptop.wmv>

A follow-up the following week: In the last JFG we ran an item on a stolen laptop. I put the item here, as a "grin," in part because the professor whose laptop was stolen was such a good performer, he was using hyperbole and exaggeration to great effect in order to try to scare the thief into returning the goods.

Some of the things he said were preposterous. One small example: "I am the only person who can tell if the material has been copied" or some such. Um, no: There's no real way to tell if something's been copied from a hard drive or not.

But it was a great extemporaneous performance; probably terrifying to the kids in the class, and a hoot to

watch from afar.

The "performance" had other elements too. Here is a cartoon about the guy: <http://www.brianpritchett.com/?p=163/>

There's more here, too: <http://www.theinquirer.net/?article=22762>. But let's not take this too seriously. If nothing else, the stolen laptop rant was great ad-lib theater, and surely worth a grin.

3. The very embodiment of "anticlimax:" <http://www.joys-of-computing.com/>

The gag is the scrolling error messages across the bottom of your window. Took me a minute <G>.

2. All you ever needed to know about how your computer works: <http://blueballfixed.ytmnd.com/>

1. The end of the road: <http://www.shibumi.org/eoti.htm>

Thanks for sticking it out to the end! As always, if you have a question or a topic you'd like me to look into, feel free to e-mail me!



FCRA welcomes the following new members

(Includes all members who joined by July 12, 2006)

PARTICIPATING MEMBERS

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Aldea, Catherine Ann.....	Panama City	Jennifer Nichols
Blackburn, Linda S	Lakeland.....	Susan Wasilewski
Diaz, Anica.....	Davenport	Freida Sclafana Williams
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CHECK ONE: OK to publish home phone number in directory. DO NOT publish home phone number!

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

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

I make application for Membership as a: (CHECK ONE)

- PARTICIPATING MEMBER**\$115.00
Open to anyone skilled in the area of verbatim reporting of proceedings by the use of manual or stenographic machine technology, or by the use of closed microphone or other voicewriting technology.
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Open to any participating member in good standing who has retired from the active practice of shorthand reporting.
- ASSOCIATE MEMBER** \$60.00
Open to the following: teachers of shorthand or shorthand reporting, anyone officially connected with a school or college conducting a shorthand reporting course, any non-member retired from active shorthand reporting, anyone professionally associated with or employed by a member of FCRA whose application is endorsed by a participating member in good standing, and anyone qualifying for Participating membership, but residing outside of Florida.
- VENDOR MEMBER**.....\$125.00
Open to any firm or corporation engaged in selling products or services to FCRA members.

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

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

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

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

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

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

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

Signature of Applicant Date

Signature of Sponsor

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