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OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION AUGUST/SEPTEMBER/OCTOBER 2007

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Message from the President

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



Thanks for the Opportunities

As this will be my last article as your President, I want to take the time to thank you all for providing me the tremendous opportunities that this position has allowed me to experience. My travels to Washington, D.C., for Leadership and Boot Camp, as well as Vancouver, B.C., and Dallas, Texas, have allowed me to be a more effective leader for FCRA. I was able to learn from and network with the other state leaders, as well as establish friendships across the country with so many reporters who are experiencing the changes in our profession that we are. Believe me when I tell you that we are not alone. The changes in our profession are happening everywhere, not just in the Sunshine State.

Because of these opportunities that I've been afforded through FCRA, I have been asked by Kathy DiLorenzo, NCRA President (if you're receiving this after Aug 9th), to serve as Vice Chair of NCSA (National Committee of State Associations) during her presidency. NCSA is one of NCRA's most vital and active committees. The purpose of NCSA is to provide a forum for Affiliate Delegates to exchange experiences, information, and various points of view about matters of current relevance to NCRA, Affiliates, and the profession. NCSA also provides information and guidance to the NCRA Board of Directors through the submission of resolutions and position statements. I'm really looking forward to serving on this committee. I owe a great deal of gratitude to FCRA for sending me to the various NCRA conventions and seminars which enabled me to get the training that qualifies me to fill this position.

The Florida Professional Reporter (FPR) seminars are still going strong. To date, we have conducted six seminars and we currently have over 300 FPRs who have successfully passed the course. The main reason for the success of this informative seminar has been the wonderful instructors we have teaching it. I want to thank all the instructors who have given so much of their personal time to teach this course. Before each scheduled seminar, these instructors get together and go over all the material. Shirley P. King, Judy Everman, and Jennifer Gaul were our initial instructors. Jennifer continues to teach, along with Susan Wasilewski, Paulita Kundid, Louise Johnson, and Cindy Bender. Please thank these ladies when you get the chance for giving their time to this great course. If you have received the FPR and

you know of someone who hasn't, please tell them it is worth their time and money to take it. The next FPR seminar will be held on Friday, September 28th, in Fort Lauderdale.

To my Committee Chairs and Committee members, thank you for your willingness to serve your association this year. If you served on a committee that wasn't very active or one that was too active for your time constraints, please let Thomas Hughes, President-Elect, know. He's in the process of filling his committees for the next year, and there are never too many people in a committee. He would truly welcome your involvement.

My focus for the year has been membership. Thank you to each of you who has sponsored a new member or convinced a previous member to rejoin. Our current membership is 571, of which 174 are new members since our last Annual meeting in October. Keep up the good work and tell your friends who aren't members why they should be. Remember, the stronger we are as an association, the stronger our voice is when we're trying to promote and protect our profession.

For those of you who missed Marco Island, you not only missed a fantastic convention, but you also missed a beautiful resort in which to spend the weekend. Jennifer Gaul, Vice President and Mid-Year Conference Chair, truly outdid herself with the lineup of speakers she was able to obtain for our conference. I'm sure Tanya Ward English and Teresa Durando, Co-Chairs for our 2007 Annual Convention in Fort Lauderdale, will do an equally wonderful job for us in September at the Lago Mar Resort.

As I mentioned in my President's Message at my installation in October, Frances Hesselbein, Past CEO, Girl Scouts of the United States of America 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." So, once again, I hope my leadership has helped FCRA look to the future; and thank you for entrusting your faith in me to lead FCRA this past year. It has truly been very rewarding to me both professionally and personally.

FCRA ~ For Those Who Capture the Spoken Word

August/September/October 2007 • FCR Online

Taking the Plunge!

I took the plunge. I did something that my fellow court reporters might not understand, nor approve of. But I reached out my hand and bridged the gap between the stenographic court reporter in me and the digital court reporters who are out there in our state, in our circuits, in our counties. From June 24 - 26, 2007, I attended the 14th Annual American Association of Electronic Reporters and Transcribers Conference in Miami Beach, Florida.

Not only that, I also registered for and attended the E-Reporting and Transcribing Certification Seminar, which took place two days before the conference, and then sat for the Certified Electronic Reporters and Transcribers 8-hour test on Sunday, June 24. What an experience that was!

First, let's talk about Mary Ann Lutz, CERT, owner of Lutz & Company, which is located in Monrovia, California. Mary Ann was the former owner of a transcription company in California. When her company was put out of business due to some legislative changes in California, she started touring the country giving certification seminars for E-Reporters and E-Transcribers. The purpose of her seminar is to prepare the new or experienced digital court reporter to sit for the Certified Electronic Reporter and/or Transcriber certification tests administered by AAERT. I chose to go for the gusto and sit for both certification tests.

Mary Ann is a truly delightful person who is very knowledgeable in her field. She possesses a skill which is hard to master for seminar presenters: keeping your seminar lively and your audience awake while teaching such topics as AAERT's code of professional ethics, the basic outline of court proceedings, legal terminology and phrases, the job functions of an E-Reporter and E-Transcriber, to name a few.

Although some of the topics were second nature to me, having been in the court reporting profession for some 22 years, the technical job functions of a digital court reporter were somewhat challenging to learn. After all, I have been a live court reporter all these years writing on a stenographic machine in the courtroom. The function of a digital court reporter more often than not means sitting in a control room with a quad screen in front of you while monitoring and "tagging" several courtroom proceedings at one time. (For those of you who haven't heard of the term "tagging," that is the equivalent of making notes in an electronic log which is attached to the audio and video portion of the file.)

The certification tests that I sat for were two-part tests, a 100 multiple choice question test and a practical application test. I sat for both certification tests, one for the E-Reporter (CER) and one for the E-Transcriber



(CET).

When I took the practical portion of the E-Reporter exam, it was like being on Mr. Toad's Wild Ride. To set the stage for you, the test candidates are all sitting in one room with a large screen located in the front of the room viewing a video. For this particular test, a 15-minute, five-person trial proceeding was played and the test candidates had to make "tags" of the proceedings on their own individual computers loaded with digital court reporting software. Simple enough, I thought. I know what types of things are important to note in a court proceeding: the names of the judge, the clerk, the plaintiff, defendant, attorneys, witnesses, direct and cross examination, objections, so on and so forth. I also knew that all that was expected of us was to type the first and last few words of the questions and/or answers. The purpose of that is to help the reporter locate portions of proceedings for playback or marking off for later burning to a CD.

Here is what happened to me when the videotape began. My stenographic court reporter brain was screaming "Get every word! You're dropping! You're dropping!" My digital court reporter brain (of which is about the size of a pea since I don't actually perform the duties of a digital court reporter) was screaming "No! Don't type every word! It's not verbatim! It's not verbatim!" I could literally see flashbulbs popping off from both the left and right sides of my brain, similar to what you see on television when photographers are capturing the stars arriving for the Oscars. What a strange experience – definitely not what I expected to happen.

Let's switch gears for a moment. What was the AAERT 14th Annual Conference like? Well, I found all of the digital court reporters who attended the conference to be as passionate, loyal and dedicated to their profession as I am to mine. The attendees were as thirsty for knowledge as stenographic court reporters are about how to perfect their skills. The seminar titles were: *Realizing Our Untapped Potentials*, *Healthy Hearing*, *Gaining Experience in Microsoft Word*, *Problems and Issues in Transcription*, *Healthy Habits*, *The Business of Dressing for Court*, *Microsoft Word Lab*, *AudioScribe/Speech*

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Taking the Plunge!

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Recognition, Developments Abroad: International Issues in E-Reporting.

The Lunch and Learn sessions at the conference were very beneficial to both the vendors and the conference attendees. While we were enjoying a nice lunch during the noontime hour, the vendor was providing information about the products available through their company for the digital court reporting industry. One Lunch and Learn was hosted by FTR Limited, the other by VIQ Solutions. Both were very informative sessions which included time for questions from the audience members and for representatives of the companies to speak with you on a one-on-one basis. What a great way to kill two birds with one stone...nourishing your body and your brain all at the same time!

The Annual Association Business Meeting was held later in the afternoon on the first day of the conference. What is unfortunate, in my opinion, is that the meeting is restricted to AAERT members only. I believe that one way to attract attendees to become full-fledged members is to let them experience the "inner workings" of the association — the reports of the president, the discussions, debates and votes of the members — in other words, the meat-and-potatoes of the association.

Gillian Lawrence, FPR, CERT, is the current president of AAERT. Some of you who belong to FCRA may al-

ready know of her. Gillian most recently was present at FCRA's Mid-Year Conference in Marco Island. Back in October 2006 she attended the Florida Rules and Ethics Seminar, sat for the certification test, and obtained her FPR. Gillian and the members of AAERT welcomed me at the conference with open arms.

In turn, I spoke briefly at the business meeting and urged the members to recognize that stenographic and digital court reporters are more alike than we want to admit. Both professions are made up of individuals who possess incredible loyalty to their profession, dedication to the court system, and a strong desire to continue their education in order to become the best reporter that they can be. Article V, Revision 7 threw us all into the same melting pot, not the individuals belonging to each association.

I will leave you all with this thought. Vince Lombardi once said, "Individual commitment to a group effort – that is what makes a team work, a company work, a society work, a civilization work." Personally, I think Mr. Lombardi was a very wise man.

Both professions are made up of individuals who possess incredible loyalty to their profession, dedication to the court system, and a strong desire to continue their education in order to become the best reporter that they can be.

FCR Online Deadline Dates

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

Publication Date Nov. 12, 2007

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

Publication Date Feb. 12, 2008

(Summer) May/June/July April 5, 2008

Publication Date May 12, 2008

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

Publication Date Aug. 12, 2008

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FCRA Annual Convention

September 28-30, 2007
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On the National Scene...

QuickStart for Case CATalyst 8 is now available - .6 CEUs given

Latest release nets more NCRA-approved CEUs than previous versions. Stenograph has released its latest version of QuickStart for Case CATalyst, which brings users up to speed on the new features in the most recent version of Stenograph's computer-aided transcription (CAT) software, Case CATalyst 8. This latest course should be taken by reporters wishing to upgrade to Case CATalyst 8, students using Case CATalyst in transcription production training, firm owners seeking to standardize transcript production techniques for their reporters, and anyone else looking to quickly and efficiently learn all the innovations that Case CATalyst 8 has to offer. Created by Cindi Hartman, Stenograph's Manager of Training, QuickStart for Case CATalyst 8 has been expanded with more power-packed, focused instruction than any previous QuickStart course.

"Every Case CATalyst user should take the new QuickStart," said Sandra Natale, Stenograph's Program Manager for Education and Stenograph University Online. "This course is the fastest, most comprehensive way for users to get up to speed on what's new without spending a lot of time or money." Another incentive for using this course to maximize the features of Case CATalyst 8 is that the National Court Reporters Association (NCRA) has approved QuickStart for Case CATalyst 8 for .6 CEUs. With this latest QuickStart, users can learn at their own pace from their home, office, or any computer of choice, because Case CATalyst does not need to be on the same computer as the one used to take the course. To get started on QuickStart for Case CATalyst 8, all you need is a suitable computer, an Internet connection and Internet Explorer 6.0 or higher.

Visit www.stenograph.com and click on the Training & Education tab to learn more about this online course. Interested parties may speak with an Education Advantage Specialist at (800) 323-4247, extension 7880, to learn about possible promotions or to purchase this or any online course offered by Stenograph.

NCRA to Offer More Opportunities to Take Written Knowledge Test (reprinted from NCRA website)

More test dates, more sites, more opportunities to become certified, more convenience.

That's what you'll get as a result of the Board of Directors' decision to shift to computer-based testing for NCRA's Written Knowledge Tests (RPR, RMR, RDR, CCP, CBC, CLVS) beginning in October 2007. Here are just some of the benefits of NCRA partnering with Pearson VUE, a leading professional electronic testing company, to conduct the Written Knowledge Test (WKT):

- More test sites – Over 200 test centers in the United States alone, which means an easier time finding a test site closer to home.
- More test dates – Choose a test date from 48 days out of the year (two-week windows in January, April, June and October), which is a substantial increase over the previous 2 days per year that the exam was administered. You can pick the time that works best for you.
- No more pencils – Take the NCRA Written Knowledge Test at a computer in a private cubicle at one of Pearson VUE's secure test centers.
- Flexibility with scheduling – Schedule and re-schedule up to 48 hours prior to the chosen exam date without incurring any postponement fee.
- Enhanced exam format – Advanced technology and a computer-based format will allow for better graphics and presentation of exam material.
- Increased security – Photographic and fingerprint identification are required at check-in. Prevention of unauthorized access to test items, test results, examinee data, testing schedules and other sensitive data. Professionally procured test centers.

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On the National Scene...

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- Scoring – With computer-based testing you'll have exam results in less than the current eight weeks.

"This is a big change to NCRA's testing approach, but a necessary one," said NCRA President Reesa Parker, RPR, CRR. "For years NCRA members have asked for more test sites and more opportunities to earn NCRA designations. Partnering with Pearson VUE will provide the convenience and flexibility that our members deserve." In addition, NCRA is also exploring shifting the Skills Test to a computer-based environment within

the next two years, thereby increasing the number of times during the year a candidate could attempt to meet the speed requirements of each certification.

The first two-week window for computer-based WKT testing will open in early October 2007. Information on how to register will be available soon at the [Certification Test Center](#).

To learn more about the new WKT testing process, visit the [Online Testing FAQ](#). And to take an online tour of a Pearson VUE Professional Center, [click here](#).

Members Approve Direct Voting Amendment

Reprinted from the NCRA Website

By a vote of 218 to 98, members at the business meeting Thursday, August 9, approved a constitution and bylaws amendment that will enable members not able to be present at future business meetings to vote in future elections and on future bylaws amendments. The proposal needed an affirmative vote of two-thirds of the ballots cast in order to pass. The debate was webcast in realtime courtesy of Speche Communications. Mark Kislingbury, RMR, CRR, was the reporter.

How would it work?

Members attending the Member Business Meeting would still:

- Debate and amend amendments.
- Narrow contested elections to two candidates

Once the debate is concluded:

- All eligible voting members would have a 12-hour window to vote via a secure Web site.

How do you ensure voters are fully informed?

NCRA would post to the secure Web site:

- The original proposed amendment and candidates several months prior to the Member Business Meeting.
- Changes to an amendment and the final two candidates within two hours of the close of the meeting.
- A rough draft transcript so members can review debate and what occurred on-site within two hours of the close of the meeting.

For more information, visit www.ncraonline.org.

UPCOMING EVENTS CALENDAR 2007

September 28

Florida Professional Reporter (FPR) Seminar and Certification Test

Lago Mar, Fort Lauderdale, FL; Visit www.fcraonline.org to register online or complete registration form in this issue of *FCR Online* and fax or mail to Headquarters. Fax: 407.774.6440, Mail: 222 S. Westmonte Dr., #101, Altamonte Springs, FL 32714

Sept 28 - Sept 30

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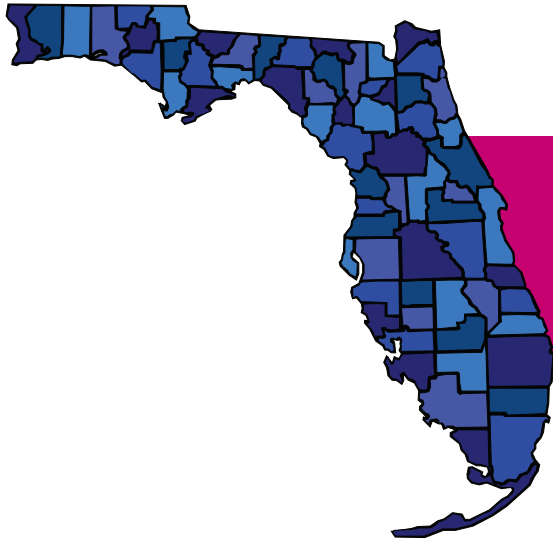
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October 2 - 4

Court Technology Conference 10 (CTC 10), Tampa, FL

Visit www.ctc10.org/MS/MS6/page.php?p=8

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



On the State Scene

Supreme Court of Florida Commission on Trial Court Performance & Accountability (TCP&A)

By Cathy Phillips, RMR, CMRS, FPR

Approximately three weeks before our Mid-Year Conference in Marco Island, the FCRA Board of Directors received a copy of a draft report that contained the recommendations for the Provision of Court Reporting Services in Florida's Trial Courts, dated May 16, 2007. The Board immediately sprang into action. We forwarded a copy of this draft to NCRA's Government Relations Department for their input, as well as the Board burning the Internet with our thoughts and how we should respond.

We contacted Tallahassee and were informed that this is just the first draft, and FCRA would be sent the next draft for our input. We are currently drafting a letter to send to the Honorable Alice Blackwell White, Chair of the TCP&A Committee, with suggestions and concerns that we would like to share with her committee. You hopefully have received FCRA's response letter by now, especially since the deadline for this issue was in July.

I am including in this article the Introduction to the draft report that we received, along with a link for you to go to the full draft report. Since the draft report is 68 pages, we did not want to attach it to the magazine. By clicking on the link, you'll be able to read the report at your leisure. Please keep in mind that this is their "first draft," but we do not know as of yet what changes they will be making to it, if any.

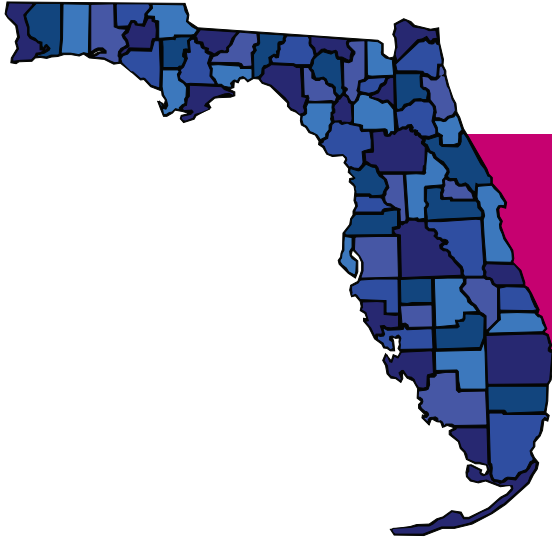
The following is the Introduction in the TCP&A draft report:

"Revision 7 to Article V of the Florida constitution mandated that due process costs, such as court reporting services, be funded by the state. Both prior to and

following the July 1, 2004 effective date of Revision 7, Florida's State Courts System has made continual progress towards ensuring the effective and efficient delivery of court reporting services. The Commission on Trial Court Performance and Accountability (TCP&A) was established by the Supreme Court in July 2002 for the purpose of proposing policies and procedures on matters related to efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In preparation for Revision 7, the TCP&A issued a December 2002 report discussing the purpose, legal necessity, delivery methods and models, costs, and performance measurement of court reporting services. The TCP&A issued a second report in February 2005 which outlined a Statewide Plan for Effective Use and Management of Court Reporting Services. The plan provided overall goals, objectives, and strategies for court reporting in Florida's trial courts post Revision 7. The overarching goals of the statewide plan focused on ensuring the accuracy and quality of the record of court proceedings, utilizing appropriate court reporting methods to record proceedings, ensuring the timely production of transcripts for appellate review, and the cost-efficiency of providing court reporting services.

Today, the State Courts System has reached a critical juncture in the delivery of court reporting services. Revision 7 has spurred the trial courts to operate as a system that must be uniform, effective, and efficient across all judicial circuits. With the foundation set in place by the 2002 and 2005 TCP&A reports, standards of operation and best practices may now be codified for use statewide. Most notably, the increased implementation of digital court reporting in the trial courts has created the need to detail the proper use of this technology. Existing court rules and Florida Statutes allow for the use of digital technology but have not sufficiently addressed issues such as: defining digital recordings; determining accessibility to digital recordings; preventing the unintentional

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On the State Scene

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recording of confidential information and; identification of persons permitted to produce transcripts from digital recordings. Further, in order to maintain accountability for the approximate \$30 million spent annually by the trial courts in the provision of court reporting services, there is a need to standardize when and how digital recording technology is utilized and when a copy of a digital recording may be released as an alternative to a transcript. Operational guidelines are also needed for the entire court reporting process from the qualifications of employees or contractors performing these services to regulations regarding the production of transcripts.

In September 2006, Chief Justice R. Fred Lewis directed the TCP&A 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." (AOSC06-54) Therefore, Judge Alice Blackwell White, Chair, established a workgroup to assist in this endeavor.

The workgroup was charged with recommending statute and rule revisions, standards of operation, and best practices for court reporting services in the trial courts. To accomplish this task, the workgroup reviewed several sources of information. Within Florida these sources included: statutes, court rules, court opinions, circuit administrative orders and profiles, reports issued by the TCP&A and the Florida Courts Technology Commission (FCTC), and Trial Court Budget Commission (TCBC) policies. Other states' laws and regulations regarding court reporting were also reviewed along with information gleaned from the National Center for State Courts and the National Association for Court Management. The workgroup and a legal subcommittee of the workgroup met on numerous occasions between February and May 2007 to accomplish their directive. This report contains the recommendations that will be forwarded to the full TCP&A following a period of outreach to trial

court chief judges and court administrators. The report is organized into three main sections: a general overview of the court reporting process, proposed rule and statutory revisions, and proposed standards of operation and best practices."

As I indicated above, this is the Introduction to the full draft report that you can review. FCRA will keep you updated via eflash on this issue as it develops.

[Click here to view the full TCP&A Report.](#)

Broward's Electronic Court-Reporting System Criticized

By Tonya Alanez, South Florida Sun-Sentinel

Reprinted from the May 20, 2007 edition of the South Florida Sun-Sentinel

Muffled discussions, inaudible testimony and other glitches caused by the county's electronic court-reporting system are irritating attorneys who say their work is being hindered.

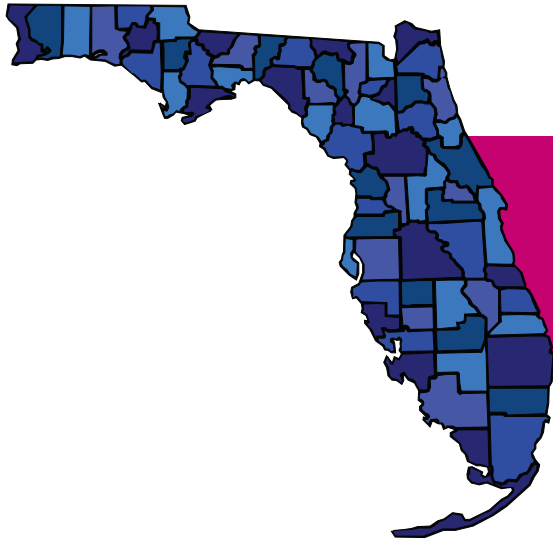
Attorney Carlos Canet wanted to appeal his client's misdemeanor driving-under-the-influence conviction, but a chunk of the transcript was missing.

"The part that is missing is the utmost, most important part of this trial," Canet said. "It was the state's strongest evidence."

With no record to challenge, Canet said he couldn't form the basis for an appeal. Instead, he is asking for a new trial, which costs more.

"This shouldn't happen," he said.

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On the State Scene

Continued from page 11

Many laud the court's electronic court-reporting system, introduced five years ago at about \$20,000 per courtroom, saying it's cost-effective and addresses a stenographer shortage.

Contracted stenographers working criminal cases can earn about \$200 a day for in-court appearances. The electronic system paid for itself after about four years, said Tom Furst, Broward's chief deputy court administrator.

It is unclear how often glitches arise or how many cases have been affected. The head of Broward's court-reporting program reports only two recent cases that could warrant new trials, but some attorneys contend there are more.

Sarah Sandler, a Broward assistant public defender in the appeals division, says she has seen numerous defendants get new trials because of bungled transcripts. She cited at least six instances in the last year, ranging from misdemeanor cases to felony robbery and burglary.

Those retrials cost money, though no one is sure of the price tag.

The system has gradually replaced in-court stenographers in Broward's county courtrooms, general magistrates' chambers and some felony courtrooms. It digitally records audio, which a court reporter can later transcribe from a CD or DVD.

Debbie Garr, who runs Broward's court-reporting program, loves the state-of-the-art system. She says problems are rare and it has eased her daily scramble to find enough stenographers to fill the courtrooms.

She knows of no cases being retried because of bungled electronic transcripts, she said, but conceded it could have happened.

"It's hard for me to imagine that nobody brought it to

our attention," Garr said.

Attorney Stephen J. Hammer thinks his client, sentenced to 60 years on sex charges, is on the road to a new trial.

Large portions of the trial transcript were marked "inaudible," including critical sidebar discussions, where attorneys make arguments to the judge out of earshot of the jury.

"The sidebar conferences are the legal challenges and legal discussions," Hammer said. "That's the most important thing, because those are the legal grounds you're challenging on appeal."

In Canet's case, a corrupted DVD was the culprit. For Hammer, a judge leaned on the sidebar microphone, muffling the sound, and several people spoke at once, making what they said undecipherable.

Running a backup recording system, Garr said, could have prevented the corrupted DVD. And making sense of several people talking over one another could be remedied by isolating what's recorded by each of the four microphones in the courtroom. Hammer said he tried that. It didn't work.

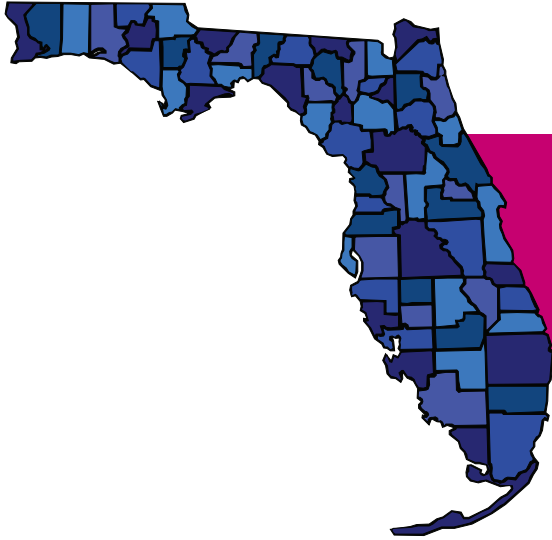
To get a new trial, an attorney must convince an appeals court or judge that critical parts of a proceeding cannot be reconstructed.

Reconstruction entails bringing all the parties together to remember what transpired during critical arguments and testimony.

"It's absurd to think that that could happen," Hammer said.

The cost of a new trial falls to taxpayers, though the amount depends on the case. Costs for one trial could reach into the thousands, if not tens of thousands, with

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On the State Scene

Continued from page 12

salaries for judges, prosecutors, defense attorneys and expenses for witnesses and pricey experts.

Almost every circuit in the state has switched to electronic court reporting, Furst said.

Attorney Richard Rosenbaum said he encountered more troubles in the days before the electronic system when he would hear stenographers use excuses from "the dog ate my homework" to "the hurricane flooded my notes."

Rosenbaum said he likes the immediacy of getting a same-day DVD recording.

But those dealing with botched transcripts and stalled appeals remain frustrated, saying it has been "a huge mistake to do away with live court reporting."

"I think the defendants' rights are being compromised every day because of it," Hammer said.

New Stenograph Discount Benefits for all FCRA Members!

In conjunction with the FCRA board, Stenograph is announcing an exciting new product discount program for all FCRA members. These discounts are available on more Stenograph products than ever before, giving you even more value for your FCRA membership!

Here are the details of the new FCRA Stenograph Discount Program:

- **(NEW!) 10% off 1st bracket price on most supplies** - this now offers discount opportunities on supplies such as carrying cases, foot pedals and other items with only 1 price bracket which were not previously discounted for FCRA members. If the actual quantity ordered on paper, covers, and transcript sup-

plies qualifies for a bracket price better than the 10%, the lower price will be given.

- **(NEW!) \$100.00 discount on professional software**
- **(NEW!) \$200.00 discount on professional writers (plus published cash back)**
- **\$50 off the renewal of a software support contract (excludes edit contract)**
- **(NEW!) \$50 off the renewal of a writer maintenance contract (excludes Basic w/o Loaner contract)**
- **(NEW!) \$20 additional discount on software support renewal if done online prior to 30 days before contract expiration**
- FCRA used to receive freight discounts from Stenograph. Due to overwhelming increases in transportation costs, we are no longer able to offer this benefit.

BONUS: Your discounts will automatically be applied, whether you order over the phone or on our website at www.stenograph.com. (You must be logged in on our Website in order for your FCRA discount to be applied).

This new program went into effect July 1, 2007.





Florida Court Reporters Association

PRO BONO PROGRAM

A GUIDE FOR REPORTERS

INTRODUCTION

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

WHY SHOULD I GET INVOLVED IN A PRO BONO PROGRAM?

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

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

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

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

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

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

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

HOW CAN I BE SURE A LITIGANT IS TRULY INDIGENT?

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

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

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

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

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

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

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

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

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

POINTS TO REMEMBER:

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

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



Florida Court Reporters Association

PRO BONO PROGRAM

REPORTER PLEDGE CARD

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

Attendance Fee _____ hours

Transcript at No Charge _____ pages

Transcript at a Reduced Rate \$_____ per page

Transcript at the Regular Rate \$_____ per page

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

_____ I am willing to provide reporting for:

____ Depositions ____ Hearings ____ Trials

I will need advance notice of ____ days.

REPORTER'S NAME _____

MAILING ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

HOME # _____ WORK # _____

_____ Individual Donations _____ Firm Donations

Geographical area you are willing to serve:

PLEASE MAIL THIS FORM TO:

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



Florida Court Reporters Association

PRO BONO PROGRAM

REPORTER ASSIGNMENT/EVALUATION

REPORTER'S NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

E-MAIL _____ CELL # _____

HOME # _____ WORK # _____

ASSIGNMENT _____

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

REPORTER'S EVALUATION

Hours in attendance fee donated _____

Pages provided at no cost _____

Pages provided at reduced rate _____

Pages provided at regular rate _____

Other services provided _____

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

DATE: _____

COMMENTS: _____

PLEASE MAIL THIS FORM TO:

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

FLORIDA COURT REPORTERS ASSOCIATION

2007 ANNUAL CONVENTION

Lago Mar Resort & Club • Fort Lauderdale, FL • September 28-30, 2007

PRELIMINARY PROGRAM

"THE SECRET' TO HAVING THE
REPORTING CAREER YOU CHOOSE"

THURSDAY, SEPTEMBER 27, 2007

1:00 pm - 5:00 pm FCRA Board of Directors Meeting

FRIDAY, SEPTEMBER 28, 2007

8:00 am - 9:00 am FPR Registration Open

8:30 am - 3:00 pm **FPR Course (SEPARATE REGISTRATION REQUIRED - SEE PAGE 8)****SESSION #1: FLORIDA RULES & ETHICS CERTIFICATION SEMINAR**

Speakers: Paulita Kundid, RPR, CLVS, FPR; Susan Wasilewski, RPR, CRR, CCP, CMRS, FPR; and Jennifer Gaul, CMRS, FPR

FCRA presents this one-day seminar which will cover Florida's Rules of Court as they apply to court reporters in depth, as well as showing how the NCRA Advisory Opinions apply. This is the class we all wish had been available in court reporting school. Your textbook will be the FCRA Florida Manual— over 300 pages of how-to information. A hard copy of this manual will be presented to you at the beginning of the day and by the end of the day you will have an intimate familiarity of this manual and how to use it. All information will be presented to you in classroom format. This is not an open microphone discussion session as our ethics seminars have been. In order to convey as much information as possible, this will be a highly organized presentation. Starting with the historical background of all transcript formats from the Federal Rules, we will guide you through the maze of Florida's Rules of Court. We will show how those rules apply to your role and responsibilities at all types of proceedings. We will show you how to apply NCRA's Advisory Opinions to your daily reporter life. Then, we'll take you step by step through to completion of the transcript. We will cover the various kinds of depositions, sworn statements, arbitrations, examinations under oath, independent medical examinations, and court proceedings. We'll show you why you put what information where, what is required, and what is prohibited. You will learn the Florida mandated transcript formats and how to apply them to your transcript. You will be guided through records pickups and how the Federal HIPAA Act impacts your performance of this routine assignment. (0.5 CEUs)

11:30 am - 1:00 pm Lunch Break on Own

1:00 pm - 7:00 pm Annual Convention Registration Opens

5:30 pm - 7:00 pm Convention Welcome Reception

FLORIDA COURT REPORTERS ASSOCIATION

SATURDAY, SEPTEMBER 29, 2007

8:00 am Continental Breakfast

8:00 am - 4:00 pm Registration Open

8:15 am - 9:45 am **General Session**

SESSION #2: "STRESS RELIEF — 'THE SECRET' OF FINDING BALANCE IN YOUR LIFE"

Speaker: Stephanie Vestal, Fort Lauderdale, FL

Finding balance between career and personal life is an ever-present challenge facing us all. Stephanie, a Reiki master and spiritual leader (as well as former realtime reporter and personal realtime tutor), will walk you through ways to simplify and balance your life, relieve stress, and attract the life and career you want. (0.15 CEUs)

9:45 am - 10:00 am Refreshment Break

10:00 am - 12:00 pm **General Session**

SESSION #3: "PRODUCING TRANSCRIPTS — 'THE SECRET' OF PURSUING PUNCTUATION PERFECTION- PART I"

Speaker: Lillian Morson, The Roberts-Walsh Business School, Glenwood, MD

Do quotation marks leave you "still crazy after all these years"? Have you had enough of all the "comma-rama" trauma and drama? Using handouts of rules and exercises to review these punctuation marks, you should be 95 percent successful in choosing the best punctuation for your transcripts. (0.20 CEUs)

12:00 pm - 2:00 pm Annual Business Meeting and Awards/Installation Luncheon (Ticket Required)

2:00 pm - 3:00 pm **General Session**

SESSION #4: "'THE SECRET' OF PURSUING PUNCTUATION PERFECTION - PART II"

Speaker: Lillian Morson, The Roberts-Walsh Business School, Glenwood, MD

Well-respected newspapers, journals, and stylebooks seem to be changing some of the time-honored punctuation rules that you learned in high school and college. Is it safe to model any of these changes in your transcripts? Using a four-page handout that includes rules and exercises on specific punctuation marks, you should be 95 percent successful in choosing the best punctuation for your transcripts. (0.10 CEUs)

3:00 pm - 3:15 pm Refreshment Break

3:15 pm - 4:45 pm **General Session**

SESSION #5: "ARCHIVING — 'THE SECRET' TO DOCUMENT RETRIEVAL"

Speaker: Michael Merker, MCSE, MCSA, MCP, A+, Network+, Security+, Citrix CCA, Palm Beach Community College, Palm Beach, FL

What strikes fear into the hearts of Reporters across the country? Besides a depo with six attorneys and a witness who only speaks Creole and no interpreter in sight? How about not being able to find your notes when an order for a back write-up comes your way? Keep your notes, transcripts, billing data, and more, safe and available by using archiving strategies that work best for you. Learn the secrets to successful storage and retrieval of your precious files. (0.15 CEUs)

FLORIDA COURT REPORTERS ASSOCIATION

SATURDAY, SEPTEMBER 29, 2007 (CONTINUED)

5:00 pm - 6:00 pm **Concurrent Sessions**

SESSION #6: STENOGRAPH SOFTWARE TRAINING

Speakers: Robin Merker, RPR, FPR, and Gayl Hardeman, RDR, CCP, FAPR, FPR, Certified Stenograph Trainers

Here's your chance to meet in small groups with a representative from Stenograph, L.L.C., to learn more about their products. (0.10 CEUs)

SESSION #7: ADVANTAGE SOFTWARE/TOTAL ECLIPSE SOFTWARE TRAINING

Speaker: Kerry Brunner, Advantage Software, Stuart, FL

Here's your chance to meet in small groups with a representative from Advantage Software/Total Eclipse to learn more about their products. (0.10 CEUs)

SESSION #8: PROCAT SOFTWARE TRAINING

Speaker: Ann Baldassari, RPR, ProCAT, Orlando, FL

Here's your chance to meet in small groups with a representative from ProCAT to learn more about their product. (0.10 CEUs)

SESSION #9: STENOVACTIONS

Speaker: Johnny Jackson, Stenovations, Charleston, WV

Here's your chance to meet in small groups with a representative from Stenovations to learn more about their product. (0.10 CEUs)

6:00 pm - 6:30 pm Free Time

6:30 pm - 9:00 pm President's Dinner (Silent Auction ends at 7:30 pm) (Ticket Required)

SUNDAY, SEPTEMBER 30, 2007

8:30 am - 12:15 pm Registration Desk Open

8:30 am - 9:00 am Continental Breakfast

9:00 am - 10:30 m **General Session**

SESSION #10: "REALTIME WRITING – 'THE SECRET' TO BECOMING A REALTIME WRITER"

Speaker: Gayl Hardeman, RDR, CCP, FAPR, FPR, Hardeman Realtime, Inc., Pinellas Park, FL

Unlocking the secret to great realtime writing requires a plan. This seminar will show you what areas you need to master and will get you on the road to becoming the best realtime writer you can be. Areas to be covered include conflict resolution, prefix and suffix work, alphabets, numbers, dictionary building. Bring your machines if you like. (0.15 CEUs)

10:30 am - 10:45 am Refreshment Break

10:45 am - 12:15 pm **General Session**

SESSION #11: "CART – 'THE SECRET' TO CART ETHICS AND DEAF CULTURE"

Speakers: Gayl Hardeman, RDR, CCP, FAPR, FPR, Hardeman Realtime, Inc., Pinellas Park, FL, and Tanya Ward English, RPR, CRR, CCP, CBC, FPR, Florida Realtime Reporting Services, Inc., Fort Lauderdale, FL

Working with persons with hearing loss can be very rewarding for realtime writers. This seminar will tell you what you need to know about ethics and Deaf culture, and will unlock the secrets to becoming a Certified CART Provider and/or a Certified Broadcast Captioner. Gayl and Tanya will share their CART and captioning experiences and tell you how to get started. (0.15 CEUs)

12:15 pm Convention Adjourns

GENERAL INFORMATION



DON'T GET LEFT OUT SLEEPING ON THE BEACH! MAKE YOUR RESERVATIONS TODAY!

Lago Mar Resort & Club is located at 1700 S. Ocean Lane, Fort Lauderdale, FL 33316.

If you plan to attend this Convention, your first priority should be to make your room reservation. Call the Lago Mar Resort & Club at 954-523-6511 or 1-800-524-6627. FCRA Convention rate is \$150.00 single or double (all rooms are 1 bedroom suites). Be sure to ask for a room in the FCRA block.

The cut-off date for guaranteed reservations is August 27, 2007! After that date, we cannot guarantee that the hotel will have any rooms left. Even if you're not sure, make your reservation anyway (but it must be cancelled up to 48 hours prior to arrival to avoid a penalty). Don't take a chance! CALL TODAY!

ROOM RATE: \$150.00 single/double per day (plus 11% tax).

BUCK A BOOK IS BACK!

FCRA is continuing this popular fundraiser...bring your used hard and soft cover books and FCRA will sell them for just "a buck a book" with all proceeds going to FCRA. Audio books will sell for \$5.00 each.

LAGO MAR RESORT & CLUB

The resort stretches across 10 acres of lush tropical grounds, from Lake Mayan to the sea and ending in 475 feet of white sand and blue-green Atlantic waters. Along with the private beach and ocean, two pools serve as magnets for sun worshippers.

Prime weather and a tremendous number of leisure options attract thousands to Fort Lauderdale each year. These same reasons, plus a whole lot more, make Lago Mar ideal for a south Florida getaway.

Located just 10 minutes from Fort Lauderdale International Airport, on Harbor Beach in Fort Lauderdale.

SPONSORSHIP INFORMATION

Don't forget how much FCRA depends on you, individuals and firms alike, and appreciates your support of our organization through continuous sponsorship of events at FCRA meetings throughout the year.

Do you want to have more than just coffee in the morning before the sessions?

Well then, by all means, sponsor a continental breakfast and then we can provide bagels, danish, fruit, or whatever your choice would be.

Please see the separate Sponsorship Form for more detailed information about where your help is most needed to enhance this convention.

SILENT AUCTION

Bring your Silent Auction items to the FCRA desk when you check in. The Silent Auction will close on Saturday evening during the President's Dinner Party.

FCRA SPONSORSHIP FORM



2007 Annual Convention Lago Mar Resort & Club Fort Lauderdale, Florida • September 28-30, 2007

If your firm is interested in sponsoring an activity,
please complete this form and return it to FCRA Headquarters by September 7, 2007.

SPONSORSHIP FORM

Proper recognition will be given to sponsors at the Convention. Please indicate your first and second choice. (Your sponsorship will be confirmed in writing.)

We will sponsor:

- Friday, Sept. 28 - Welcome Reception in Exhibit Hall.....\$1,000.00
- Saturday, Sept. 29 - Continental Breakfast.....\$750.00
- Saturday, Sept. 29 - Morning Break\$500.00
- Saturday, Sept. 29 - Luncheon and Business Meeting.....\$3,000.00
- Saturday, Sept. 29 - Ice Cream Break with Exhibitors\$500.00
- Saturday, Sept. 29 - Saturday Night President's Party\$3,000.00
- Sunday, Sept. 30 - Continental Breakfast.....\$500.00
- Sunday, Sept. 30 - Morning Break\$500.00
- Other Amount Enclosed (apply where needed)..... \$_____00
- Seminar Sponsor.....\$1,500.00

SPONSOR A STUDENT

- I will sponsor _____ Student Registration(s) @ \$40.00 each \$_____00

- Our check is enclosed. Make checks payable to FCRA.
 - Please charge our Mastercard Visa American Express
- Amount Charged: \$ _____ Card Number: _____
Exp. Date: _____ Cardholder Name: _____
Signature: _____ 3- or 4-digit Security Code: _____

**IN ORDER FOR FCRA TO PROVIDE PROPER RECOGNITION FOR SPONSORS IN PRINTED MATERIALS,
WE MUST RECEIVE YOUR COMMITMENT TO SPONSOR NO LATER THAN SEPTEMBER 7, 2007.**

Name of Company _____
Contact Name _____
Mailing Address _____
City/State/Zip _____
Telephone _____ Fax _____
Email: _____

Return this form with payment to: FCRA Headquarters, 222 S. Westmonte Drive, Suite 101, Altamonte Springs, FL 32714
or fax this form with credit card payment to FCRA Headquarters at 407-774-6440. For additional information, call Marna Krot
or Kristin Gutierrez, CMP, at 407-774-7880 or email: mkrot@kmgnet.com or kgutierrez@kmgnet.com.



FCRA Florida Rules & Ethics Certification Seminar Registration Form

*Friday, September 28, 2007 • 8:30 am - 5:00 pm
Lago Mar Resort & Club • Fort Lauderdale, Florida*

Member Fee — (\$175)

Non-Member Fee — (\$325)

**EACH CLASS IS LIMITED TO THE FIRST 100 WHO REGISTER.
DOES NOT INCLUDE ANNUAL CONVENTION FUNCTIONS.**

NO-SHOWS WILL BE BILLED

Check Enclosed (*by mail only*)

Charge my MasterCard/Visa/American Express below

Name: _____ Designation: _____

Nickname: _____

Company: _____

Address: _____

City/St/Zip: _____

Telephone: _____

Fax: _____

Email: _____

Please charge my credit card in the amount of: \$ _____
(FCRA Accepts American Express, VISA, or MasterCard ONLY)

Account # _____ Exp. Date _____

CID/CVM #*: _____

Cardholder's Name: _____

Signature: _____

(*Credit Card Verification # is the three- or four-digit number found in the signature area on the back of your credit card. It is displayed after your credit card #. For AmEx, the number is displayed on the front of the card.)

CANCELLATION POLICY: Full refunds will be given up to August 29, 2007. Refunds less a \$25 Administration Fee will be given from August 30 - September 20, 2007. No refunds will be given after September 20, 2007.

Mail or fax with payment to FCRA, 222 S Westmonte Drive #101, Altamonte Springs, FL 32714

Phone: 407-774-7880, Fax: 407-774-6440,

All CEUs earned during the Annual Convention (beginning with Session #2 on Saturday) may be applied toward your 3.0 FPR points — provided you pass the Florida Rules & Ethics exam on Friday.



FCRA SILENT AUCTION 2007 ANNUAL CONVENTION

The Annual FCRA Silent Auction will officially open for bids on Friday, September 28, 2007, at the Welcome Reception and will close promptly at 7:30 p.m. during the Saturday night President's Dinner Party. Remember, the income from the auction is applied directly to the cost of the Convention, allowing FCRA to keep registration fees as low as possible.

Each attendee has the opportunity to donate an auction item. Please use this form to indicate what you plan to provide. Please bring your Auction item to the FCRA Registration Desk during registration hours on the day of your arrival. We'll see you there!

I plan to donate the following item(s) for the FCRA Auction:

Item: _____

Estimated Value of Item: \$ _____

Minimum Bid for Item: \$ _____

Your Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

E-mail: _____

MAIL OR FAX THIS FORM TO FCRA HEADQUARTERS: ATTENTION KRISTIN GUTIERREZ, CMP
222 S. Westmonte Dr., #101, Altamonte Springs, FL 32714
Phone: 407-774-7880 Fax: 407-774-6440
www.fcraonline.org



FCRA 2007 Annual Convention Official Registration Form

September 28-30, 2007 • Lago Mar Resort & Club • Fort Lauderdale, Florida

REGISTRANT INFORMATION

PRINT YOUR NAME AND DESIGNATION AS YOU WANT IT TO APPEAR ON YOUR NAME BADGE

Name (please print or type) _____
 Nickname (for badge) _____
 Firm _____
 Address _____
 City/State/Zip _____
 Phone _____
 Fax _____ Email _____
 Method of Reporting: Stenographic Voicewriter Gregg Pittman Other _____

DESIGNATIONS

(please check all that apply)

RPR CLVS FCRR CSR (State[s] Abbrev. _____) CPR FPR
 FAPR CRR RDR CPE CCR
 RMR CRI CMRS Other: _____

REGISTRATION FEES

(please check one) (DOES NOT INCLUDE FPR SEMINAR)

Registration Fee Includes: Saturday and Sunday sessions and workshops; continental breakfasts; refreshment breaks; handout materials; Friday Welcome Reception, Saturday Luncheon, and Saturday President's Dinner Party. Teacher/Student registration only includes Saturday Luncheon.

| | Early Bird by 8/27/07 | 8/28/07 - 9/21/07 | On-Site |
|---|-----------------------|-------------------|---------|
| Full Convention | | | |
| <input type="checkbox"/> FCRA Member | \$315 | \$355 | \$380 |
| <input type="checkbox"/> Non-Member | \$385 | \$425 | \$450 |
| <input type="checkbox"/> Social Events Only Package | \$170 | \$185 | \$210 |
| <input type="checkbox"/> Teacher Member* | | \$70 | \$95 |
| <input type="checkbox"/> Teacher Non-Member* | | \$105 | \$130 |
| <input type="checkbox"/> Student Member* | | \$40 | \$65 |
| <input type="checkbox"/> Student Non-Member* | | \$75 | \$100 |
| Saturday Only | | | |
| <input type="checkbox"/> FCRA Member | | \$270 | \$295 |
| <input type="checkbox"/> Non-Member | | \$300 | \$325 |
| Sunday Only | | | |
| <input type="checkbox"/> FCRA Member | | \$145 | \$170 |
| <input type="checkbox"/> Non-Member | | \$185 | \$210 |

*Does not include President's Dinner Party. Please purchase separately.

EXTRA TICKETS**

| | # of Tickets | Ticket Price | Total |
|-----------------------------------|--------------|--------------|----------|
| Friday Welcome Reception | _____ | x \$40.00 | \$ _____ |
| Saturday Luncheon | _____ | x \$35.00 | \$ _____ |
| Saturday President's Dinner Party | _____ | x \$45.00 | \$ _____ |

To sponsor a student, see page 7.

OTHER NEEDS & INFORMATION

(please mark what you plan to attend)

Stenograph Vendor Breakout
 Eclipse Vendor Breakout
 ProCAT Vendor Breakout
 Stenovations Vendor Breakout
 I am a new FCRA member since November 2006. First time at an FCRA Convention.
 I do not permit FCRA to provide my address to exhibitors.
 If you have special needs (e.g., handicapped facilities, special meals, etc.) please check here and enclose written request.

TOTAL FEES: \$ _____
(Add sections 3 & 4)

Emergency Contact Name: _____ Phone: _____

PAYMENT METHOD:

Check (Please make check payable to FCRA) Credit Card: MasterCard Visa American Express
 Account # _____ Exp. Date: _____
 Card Holder's Name _____ 3-or 4-digit Security Code: _____
 Signature _____ TOTAL CHARGE: _____

Cancellation Policy: Cancellations with Full refunds will be made through AUGUST 29, 2007. Only WRITTEN or FAXED cancellations will be accepted. A \$150 administrative charge will be made for cancellations received between August 30 - September 20, 2007. NO REFUNDS WILL BE MADE AFTER AUGUST 20, 2007. Those who fail to show and fail to cancel will receive NO refund. Cancellation refunds will be processed within 30 days after the conclusion of the Convention.

Mail check and registration form to: FCRA Headquarters, 222 S. Westmonte Drive, Suite 101, Altamonte Springs, FL 32714.
(Facsimile registrations accepted ONLY for credit card payment. Fax: 407-774-6440)

TO AVOID DUPLICATE CHARGES, DO NOT MAIL THE ORIGINAL REGISTRATION FORM IF YOU HAVE FAXED IT TO FCRA HEADQUARTERS!

2007 Nominating Committee Report

On June 16, 2007, the FCRA Nominating Committee met to interview the FCRA Board of Directors candidates for the 2007-2008 fiscal year. After interviewing several candidates, the 2007 Nominating Committee, chaired by Teresa Durando, submits the following slate of nominees for consideration by the membership at the 2007 FCRA Annual Convention to be held at the Lago Mar Resort & Club, Fort Lauderdale, Florida, on September 28-30, 2007.



PRESIDENT
Thomas Hughes,
RDR, CRR
Plantation, FL

Thomas Hughes, RDR, CRR, graduated from the Stenotype Institute of Jacksonville in 1978 and

has worked as a Deputy Official in the Felony Division of the Circuit Court in Jacksonville, United States District Court in Columbia, SC, and has been a freelance reporter since 1985 in South Florida, and for two years he was a broadcast captioner for WPLG in Miami.

Thomas has served FCRA as a past Board member in the positions of Director At Large, Southern Director, and Secretary. He has served as Chairman of the Membership Committee, Testing Committee, FCRA Speed Contest Committee, a member of the Nominating Committee, and many other committees throughout the years.

Thomas has given seminars on realtime writing, realtime technology, medical reporting, how to pass the CRR Examination, mock CRR Examinations both for FCRA and STAR.

Thomas, presently, is the Chief Examiner for NCRA in Fort Lauderdale for the CRR Examination, and has served on NCRA's Realtime Contest Committee, Speed Contest Committee, and Test Verification Committee. He was also the Official Reporter for the NCRA 1997 National Convention in Orlando.



PRESIDENT-ELECT
Jennifer Gaul,
CMRS, FPR
Aventura, FL

Jennifer graduated from Legal Career Institute in 1992 and started her court reporting career with

Justice Reporting in Fort Lauderdale, Florida, as a freelance court reporter.

After the acquisition of Justice Reporting by Esquire Deposition Services in 1998, Jennifer continued working as a court reporter until 1999 when she joined the management team of Esquire Deposition Services as Operations Manager. After being promoted to General Manager, Jennifer became a Certified Manager of Reporting Services through NCRA.

In April of 2003, Jennifer accepted the position of Vice President of Reporter Operations for Sclafani Williams Court Reporters in Tampa, Florida. She presently works for US Legal/Klein Bury.

Her service to FCRA includes past membership on several committees, Southern Director, and currently Jennifer serves as Treasurer.



VICE PRESIDENT
Susan Wasilewski,
RPR, CRR, CMRS,
FPR
Lakeland, FL

Susan Wasilewski currently manages Wasilewski Court Reporting, LLC, a family-operated agency in Lakeland, Florida. The

company and its court reporters serve the Polk County Bar and 10th Judicial Circuit Court in both criminal and civil proceedings, including trials, depositions, and a variety of other reporting settings, as well as providing reporting services to clients from across the nation.

Susan has served on the Board of Directors for the Florida Court Reporters Association since 2003, joining the Board as a Director and becoming its Secretary soon after. She has served as Chair of the Association's Technology Committee since 2003 and currently holds the position of Treasurer.

Susan's educational experience includes graduating from high school in a small town in Missouri, attending St. Louis College of Pharmacy, the Univer-

sity of Central Florida, Polk Community College, and Bay Area Academy of Business. She earned her court reporting diploma from Bay Area in 1987 and has since attained several certifications from the National Court Reporters Association. She earned the Florida Professional Reporter certificate from FCRA in 2006 and currently serves on the FPR teaching panel.

When time allows for a respite from court reporting, Susan enjoys spending time with her family, golfing with her husband, visits to the beach, and the occasional perfect margarita.



SECRETARY
Betty Sue Vincent,
RDR, RPR,
CRR, FPR, RMR
Gainesville, FL

Betty Sue's interest in court reporting began in 1965 at the end of her senior year

in high school. Two students from the Jacksonville School of Court Reporting came to the high school and demonstrated machine shorthand and gave a speech about the profession. She was hooked.

In 1967 Betty Sue took her first job as a Deputy Official Court Reporter for the Fourth Judicial Circuit in Jacksonville, working for the firm of Dowling & Pattison. This firm covered all of the civil proceedings that came before the circuit judges and the capital felonies.

In 1977 Betty Sue moved to Gainesville to be a partner in a freelance firm. The partnership of Coffee & Vincent would last for another 18 years.

In addition to working as a partner in the freelance firm, from 1979 to 1981 Betty Sue also took on part-time duties as an Official Court Reporter for the Eighth Judicial Circuit in Gainesville, covering felony depositions and court proceedings.

2007 Nominating Committee Report

Betty Sue took a leave of absence from her Gainesville partnership for a total of eight years to accompany her husband to duty stations in New Orleans, Louisiana (1982 to 1985), Dallas, Texas (1985 to 1988), and Honolulu, Hawaii (1992 to 1994), where she worked as a freelance court reporter. It was in 1982 that she first began using computerized translation.

In 1995, during a down-turn in the industry, an opportunity came for Betty Sue and her partner to become full-time employees working as Judicial Court Reporters in Gainesville, to provide realtime translation to the judges and attorneys in criminal proceedings. Her position in the State Courts System was Manager of Court Reporting Services, responsible for the record in six counties, and the supervision of 17 employees: five Realtime Court Reporters, Eleven Digital Court Reporters and one Scopist. She retired from this position in 2006.

Betty Sue has been a member of NCRA and FCRA all of her career. She obtained the following certifications: Florida CSR in 1969, Certificate of Proficiency in 1972, Certificate of Merit in 1976, Louisiana CSR in 1983, Texas CSR in 1985, Hawaii CSR in 1992, Registered Diplomate Reporter in 1997 Certified Realtime Reporter in 1999, and Florida Professional Reporter in 2006.

Betty Sue and her husband Lee have four wonderful children: Rodney, Jeffrey, Julia and Wayne, and three terrific grandchildren: Lee, Jon and Jolene.

Hobbies include clogging, fishing, sewing, quilting, machine embroidery, and spoiling her grandchildren.



TREASURER
Sandy Narup,
RPR, FPR
Port Orange, FL

Sandy graduated from Daytona Beach Community College with an Associate in Science degree

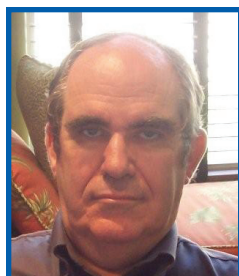
in Court Reporting and began her reporting career in December 1989 with the firm of Narup, Vouvakis & Associates as a freelance and deputy official court reporter. She worked with Narup, Vouvakis for 14 years and currently is

working for Volusia Reporting Company in Daytona Beach, Florida.

Sandy obtained her Registered Professional Reporter designation in May of 1997. She is also a Florida Professional Reporter.

Sandy has been a member of both the National Court Reporters Association and Florida Court Reporters Association her entire career. She has also been a member of the Society for the Technological Advancement of Reporting for over eleven years.

Sandy currently is the Secretary for FCRA, Chairs the Fundraising Committee, as well as having served as the Northern Director and on the Membership Committee.



Central Director
Harold Brown,
CSR (NY), CSM
Lake Worth, FL

Harold, a born and bred New Yorker, has been living in South Florida since January 2004. He

took his first deposition in September 1963. A few months later he went to work at CBS News for two and a half years. "I met all the great CBS News correspondents - Walter Cronkite, Eric Sevareid, Harry Reasoner, etc." He then went to work in the courts in New York, including seven years in Federal Court in Manhattan. He has been freelancing since leaving Federal Court.

Harold has a bachelor's degree in history with honors from Brooklyn College. "I still read history books for pleasure. I just finished reading a terrific biography of Eleanor of Aquitaine, one of the great women of history."

Harold is married to his lovely wife Sherry. "Right now Sherry is spending a lot of her time caring for our diabetic cat Malcolm." His daughter Judith is a special ed teacher in New York City.



Southern Director
Tanya Ward English,
RPR, CRR,
CCP, CBC
Fort Lauderdale, FL
(Second year of two-year term)

Tanya Ward English, originally from Colorado, began reporting in 1986. She worked as an official reporter, a freelance reporter and was a founding partner in Florida Realtime Reporting and The Caption Crew. Tanya has extensive realtime experience in both litigation work and in working with the deaf. She received the FCRA Pro Bono award in 1995-96, and in 2004 was appointed by Governor Bush as the CART representative for the Florida Coordinating Council for the Deaf and Hard of Hearing, where she chairs the Information & Referral Committee. She also co-chaired the Licensure and Credentialing Task Force for Interpreters and CART Providers.

Tanya resides in Cooper City with her family and currently provides CART services primarily for deaf students in universities around South Florida. Tanya is a Certified Realtime Reporter, Certified CART Provider and a Certified Broadcast Captioner.



Northern Director
Susan Shelling,
RPR, CSR
Boynton Beach, FL
(Second year of two-year term)

Starting as a legal secretary in the late '60s Susan then began typing for court reporters. By 1974 she enrolled in reporting school, at night. While in school full-time and typing full-time, she started notereading.

After completing court-reporting school Susan worked in freelance, doing depositions, some work in Surrogate's Court in New York County, and then at Federal Court, Southern District of New York, where she did depositions, trials, hearings, and anything else that had

2007 Nominating Committee Report

to be done.

Susan became an Official Reporter in Supreme Court, in Brooklyn, New York, in 1982, where she remained for 12 years, reporting hearings, trials, daily copy, whatever.

Carpal tunnel developed and Susan decided her days of writing three packs of paper a day and transcribing at night were over. Her husband, also a court reporter, decided to retire from Supreme Court, Brooklyn, and they moved to Florida in 1993, where they live with their three cats.

Initially Susan was scoping and teaching court reporting until her hands felt better, at which time she returned to free-lance reporting and is now working in Palm Beach County.

Susan holds the RPR from NCRA, and has most of her points towards a CM. She is also a CSR in New York.



**Director-at-Large
Rick Levy, RPR
Miami, FL**

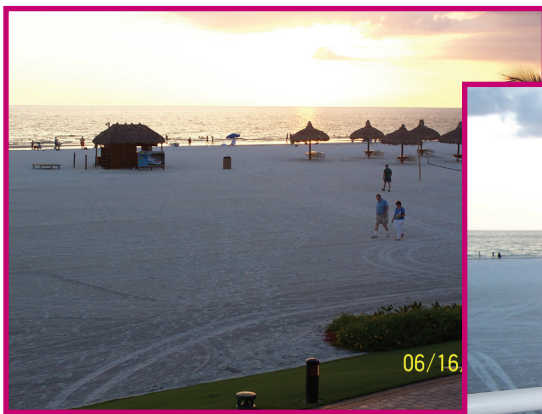
Rick graduated from the University of Alabama in 1993 with a Bachelor's Degree in Business Administration

with a major in Management. He then completed court reporting school at Atlantic Vocational Technical Institute in Pompano, Florida, in 1996 at which time he began his career at Mudrick, Witt, Levy & Consor as a freelance court reporter in Miami, Florida.

After the acquisition of Mudrick, Witt by Esquire Deposition Services in 1998, he continued working as a court reporter until 2003 when he opened up his own agency now known as Network Reporting Corporation. Rick has continued in this role up until the present.

He has been very active in NCRA over the past ten years and has served on the Firm Owners Conference Committee. He has also been active in the Florida Court Reporters Association and the Society for the Technological Advancement of Reporting for the last three years.

2007 Mid-Year Conference Photo Highlights



Student Member Profile

Name: Teresita McCall

Birthplace: Miami, FL

Type of Reporting Student: Stenographic

School attending: Miami Dade College

Start Date: January 2004

Anticipated Graduation Date: Hopefully soon!

Who or what got you interested in pursuing a court reporting career? I researched it.

How did you learn about the Florida Court Reporters Association? Online.

What was your reason for becoming a member? My mentor, Lisa Brood.

How do you expect your FCRA membership to benefit you as a student? By reading the online magazine, and attending the conventions.

What type of seminar subjects at FCRA conventions would benefit you the most? I enjoyed the Jeopardy Ethics from this past convention. I surely learned a lot.

Name: Layla F. Degler

Birthplace: Orlando, Florida

Type of Reporting Student: Stenographic

School attending: Stenotype Institute, recently started home schooling

Start Date: March 2003.

Anticipated Graduation Date: ASAP

Who or what got you interested in pursuing a court reporting career? I've always loved anything pertaining to the judicial system.

How did you learn about the Florida Court Reporters Association? The teachers at my school recommended FCRA.

What was your reason for becoming a member? I want to gain as much knowledge as possible pertaining to the field and feel that becoming a member will help me to do this.

How do you expect your FCRA membership to benefit you as a student? Beneficial information will be trickled down and will help me to gain a better understanding of many of the aspects of court reporting.

What type of seminar subjects at FCRA conventions would benefit you the most? Procedures, rules, and software information.

FCRA Spotlights

CONGRATULATIONS TO JOYCE BLUTEAU WINNER OF THE STENOGRAPH ELAN MIRA/STENTURA FUSION

It's me, Joyce Bluteau. It's so funny that you (Sandy Narup, FCRA Board Member) contacted Robin Merker (FCRA Board Member) today about the Mira machine. Early this morning I was thinking it would be nice if I contacted FCRA and thanked them! When Robin Merker approached me in December 2006 regarding purchasing a raffle ticket for an Elan Mira machine, I thought, hey, why not? It's tax deductible, it helps a wonderful cause, and maybe, just maybe I'll get lucky and win. I must say I didn't really think I WOULD win, but you never know.

Come June 2007, I had almost forgotten about that raffle ticket I had purchased. On June 15th or 16th I received a phone call from a friend of mine, Glenda Powers, who was present at the Marco Island 2007 Mid-Year Conference. When they pulled my name and announced "Joyce Blu--" paused, and then "B-l-u-t-e-a-u," apparently my friends all yelled out, "that's Joyce Bluteau!" They couldn't believe it. I soon thereafter received a phone call from Glenda announcing my good fortune. I truly did not believe it. I thought she was playing a joke on me. Robin Merker then got on the phone and confirmed that, indeed, I had won! It was so exciting. I really couldn't believe my ears. I want to thank you, FCRA, for being there for all of us and for having this fund-raising event. Never in my wildest dreams did I think I would win, but it was fun participating. You've made a believer out of me. I hope you plan on having other fund-raisers because I plan on participating in future events as well. It just goes to show you, you can't win if you don't try. I absolutely love the Elan Mira! Thank you so very much!!

Congratulations to Those Who Passed the June 2007 FPR!

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

FLORIDA PROFESSIONAL REPORTER (FPR)

Evelyn M. Adrean, RPR, CSR (MI), FPR

Helen Anderson, RPR, RPR

Richard Applebaum, FPR

Janet Baldauf, RPR, FPR

Bobbie Hill Barrett, FPR

Eve Barrett, RPR, CLR, FPR

Sabrina C. Beauvais, FPR

Lynn Brooks, RPR, FPR

Joanne Bryant, FPR

Marcia Craft, FPR

Lisa D. Danforth, RPR, CRR, FPR

Layla F. Degler, FPR-S

Brenda J. DiMatteo, CERT, NHCCR, FPR

Susan E. England, RPR, FPR

Tanya Ward English, RPR, CRR, CCP, CBC, FPR

Carolyn J. Ford, RPR, FPR

Barbara Jo Grant, RPR, FPR

Melanie J. Grout, FPR

Gary Hanger, FPR

Tammy Hoffmann, RPR, RMR, CSR, FPR

Cathy J. Johnson Messina, RMR, FPR

Lisa Marie Kalkbrenner, FPR

Donna M. Kanabay, RPR, RMR, CRR, FPR

Liz Klein, CSR, FPR

Rick Levy, RPR, FPR

Corliss C. Lynch, CCR, CSR (GA), FPR

Kelly Marin, FPR

Jon Martina, RPR, CLVS, CMRS

Janet L. McKinney, RPR, FPR

Candy Morgan, RPR, FPR

Kelley Marie Nadotti, RPR, FPR

Janet K. North, RPR, FPR

Christine D. Phipps, FPR

Denise Pimpinella, FPR

Glenda M. Powers, RPR, CRR, FPR

Linda Price, FPR-S

Donna Ranoni, RPR, FPR

Sara Reynolds, FPR

Lisa M. Roeser, RPR, FPR

Tara Slocum, CRR, RPR CSR (CA), FPR

Kimberly Strand, RPR, FPR

Beatriz Valdes-Prieto, FPR

Darline Marie West, RPR, FPR

E. Teresa Whalen, RPR, FPR

Julie D. Zittlow, CSR (IL), RPR, FPR

Many thanks to the June 2007 Florida Rules and Ethics Seminar panel members for their dedication and hard work:

Jennifer Gaul, CMRS, FPR

Paulita Kundid, RPR, CLVS, FPR

Susan D. Wasilewski, RPR, CRR, CMRS, FPR



Reporters in the Spotlight

Name: Cindy Bender

Type of Reporter: Freelance Stenographic Reporter

Works at: Pleasanton, Greenhill, Meek & Associates, West Palm Beach

Member of FCRA since: 1998

Why did you become a court reporter? My introduction to court reporting was typing transcripts for a reporter from her dictation tapes. Everything about it seemed made for me: the challenge of the English language – spelling, word definitions; working with my hands; research. I was very interested in the legal field, and court reporting was the perfect role for me.

What has been your most challenging job? I reported a five-week trial by myself. I'm sure to an official reporter that may not seem like a big deal, but as a freelancer I was not used to being in one place all day for such a long period of time. Also, the subject matter was very difficult. It involved a chemical exposure that the two plaintiffs alleged caused them to have chronic fatigue syndrome and multiple chemical sensitivity. Most of the testimony was from expert witnesses, relating to chemicals and their effects on the immune system. It appealed, and I got to re-live the whole experience!

What has been your most rewarding job? I can't think of a particular job that was most rewarding, but I know I've left at the end of many jobs where I felt I made a difference.

What is your professional pet peeve? What bothers me most is when I run into reporters who don't like their job and behave unprofessionally. It reflects poorly on the whole reporting profession.

What words of wisdom would you like to impart to student reporters? If you don't like what you're doing in school, you won't like court reporting in real-life situations. It's a very demanding, time-consuming profession. It's also very rewarding. It gives you the opportunity to meet interesting people, learn new things constantly, and the ability to work in different fields. I love reporting and can't think of anything else I'd rather do.

Name: Bernie Goldstein, RPR, FAPR

Type of Reporter: Freelance Stenographic Reporter (Retired)

Member of FCRA since: 1981

Why did you become a court reporter?

I decided to become a court reporter when a friend of the family who was a court reporter at the United Nations had me sit in with him and watch what he did. I was really impressed by this and came back another day and asked him what I needed to do to become a court reporter. He advised me as to what school to go to, gave me one of his steno machines and the rest is history.



What has been your most challenging job? I have spent much of my career reporting asbestos litigation and my most challenging job was spending five weeks in London reporting the British asbestos doctors and experts. The challenging part of the job was not so much the medical and technical terminology, but dealing with the British accents of the witnesses.

What has been your most rewarding job? My most rewarding job was not actually a job. I had volunteered to help in the transcribing of recorded interviews of Holocaust survivors and liberators to make a permanent record for the Holocaust Center at Florida International University.

Tell us about your funniest court reporting moment: There are many funny moments I have experienced during my 45 year career, but one that sticks out in my mind at this time happened in the midst of a deposition dealing with construction litigation, attended by at least 10 attorneys, with blueprints and documents covering most of a huge conference table. The attorney examining the witness was gesturing toward the witness with a full cup of coffee in his hand and spilled the coffee across the table over the blueprints and documents and into the paper tray of my machine. Three of the attorneys whipped out their handkerchiefs and began wiping up the blueprints and documents while a fourth reached down and picked up my paper notes from the tray, which by now was filling with coffee dripping off the table. All of this was going on while the examining attorney kept on asking his questions and I continued to write. The rest of the attorneys were just standing there laughing at what one said looked like a circus act gone bad.

What is your professional pet peeve? My professional pet peeve is excellent court reporters who do not feel it is necessary to put the time in to become realtime reporters.

What words of wisdom would you like to impart to student reporters? My words of wisdom to impart to student reporters are stay in school until you have completed all the requirements for graduation, especially your writing skills. After graduation become a Registered Professional Reporter and do your best to become a Certified Realtime Reporter.

CONGRATULATIONS – YOU DID IT!



Congratulations to the following reporters from around the State of Florida on achieving their new NCRA designations in May 2007:

RPR – Registered Professional Reporter

Cunningham, Linda, Tallahassee, FL
 Farmer, Laura, Fort Lauderdale, FL
 Hyland, Karla, Spring Hill, FL
 Kalkbrenner, Lisa, Floral City, FL
 King, Shirley, Lake Worth, FL
 Ruiz, Rebecca, Orlando, FL
 Salmon, Tammy, Bradenton, FL
 Thompson, Natalie, Doral, FL

CRR - Certified Realtime Reporter

Garcia, Gina, Hollywood, FL

RDR – Registered Diplomate Reporter

Hansen, Elizabeth, West Melbourne, FL
 McGill, Mary Jo, Venice, FL

CBC – Certified Broadcast Captioner

Chancellor, Jamie, Winter Park, FL

CCP – Certified CART Provider

Garcia, Gina, Hollywood, FL

FCRA New Member Profiles...



Name: Tara Slocum

Type of Reporter: Freelance

Birthplace: Denver, Colorado

Works at: Orange Reporting, Orlando, Florida

How did you learn about FCRA? Through being a court reporter in Florida.

What was your reason for becoming a member? I wanted to become more involved in my association of court reporting.

How do you expect your FCRA membership to benefit you and/or your business? It will benefit me, thus my business, as I will be supporting my association in decisions that affect the future of court reporting.

What type of seminar subjects benefit you the most? Motivational speakers, knowledge of laws affecting court reporting in Florida.

What seminar subjects bore you to death? Software.

Does our website offer enough information on FCRA resources? Yes.

HAVE YOU VISITED
FCRA'S WEB SITE?

FOR ALL YOUR COURT REPORTING NEEDS...

WWW.FCRAONLINE.ORG



Q. How can I check the amount of memory I have on my computer? At one time I saw a blue and pink diagram of how much used and free space I had, but I can't remember how to get to that. Thanks, Mr. M. I love your newsletter.

A. Hard drive space (what you observed in blue and pink), and memory (or RAM, which is short for Random Access Memory) are two different things, though they are frequently confused. Think of your hard drive as long-term storage. Your hard drive is where all your data files and software programs reside. It doesn't matter if your computer is on or off, that data remains on your hard drive.

RAM, on the other hand, is short-term memory. When you're using a program, it emerges from its long-term storage on the hard drive and moves into short-term memory for speed of access. When your computer is turned off, nothing in memory is retained. That's why it's a good idea, even if you leave your computer on all the time, to periodically restart it, to purge your system's memory.

To check your main hard drive's space, double-click My Computer, right-click your C: drive, and select Properties. On the pie chart, you'll see free space in

pink and used space in blue.

To check how much memory is installed on your computer, go to your Control Panel and double-click the System icon. RAM appears under the Computer Section of the System Properties screen.

Q. I have a digital camera and was curious how I can create a super-wide or panoramic photo? Is there some way to do that?

A. By definition, a panoramic photo captures a view that is wider than what the camera is capable of taking. For example, if you're at a scenic overlook and want to take a 180-degree photo of the vast expanse below, one snapshot isn't going to be able to take it all in.

Taking multiple photos and taping them together is one way to create a panoramic photo, though the whirring sound you may hear in the background will be Ansel Adams spinning in his grave. "The Master" would not approve of the Scotch-tape approach to panoramic photography.

Through the miracle of software, however, comes AutoStitch (<http://tinyurl.com/5xa4o>), heralded as "a new dimension in automatic image stitching." AutoStitch allows you to

select multiple photos and stitch them together to create one big, beautiful panoramic image. Take a look at the spectacular example on the AutoStitch Web site. The photo of a mountain range is composed of 57 individual photos stitched together. Be sure to check out the Panorama Gallery (<http://tinyurl.com/dmmay>) while you're there. AutoStitch is free if not used for commercial purposes. Commercial versions are also available.

Q. How can I create special characters, such as accent marks that appear over French and Spanish letters?

A. Special keystroke combinations will provide those (and many other) special characters. For example, using the numeric keypad located to the far right of many keyboards, pressing ALT + 0234 will create the ê symbol. (Just to clarify that process, hold down the ALT key, then press 0-2-3-4 in sequence, then release the keys.)

For additional information, read my Special Characters article at <http://tinyurl.com/33g6qc>. The Accents, Symbols & Foreign Scripts Web site at <http://tinyurl.com/2tqzxn> explains how to create accent marks and special characters in hundreds of languages, from Afrikaans to Yiddish. Sorry, no Zulu.



Fantastic Fruit: Fruit is nature's dessert, providing healthy and delicious snacks that should make up an essential part of any diet. Seriously. The Fruit Pages contain everything you could possibly want to know about fruit. Those who aren't fruit enthusiasts will probably think Fantastic Fruit is the pits, but it's actually quite informative. www.thefruitpages.com

Internet Slang Translator: As the Internet continues to evolve, so does its native language. This site translates Internet acronyms and terms commonly used in email, chat rooms, and text messaging, into readable text. This is especially useful for parents whose children are now talking in virtual tongues while communicating online. For example, The Translator can take an incomprehensible sentence such as, "lol. i'm afk, bbiab d00d," and translate it into a much easier to understand, but equally unintelligent, "Laughing out loud. I'm away from keyboard. Be back in a bit, Dude. (If this isn't a sign that civilization is coming to an end, I don't know what is.)" www.noslang.com

Summer Subscription Spectacular! Subscribe to Mr. Modem's Pulitzer-lacking, weekly, computer-help newsletter and get one month free! Simply subscribe online using Promo Code 0746 and receive a free month with your 6-month subscription (28 issues!) To view a sample issue or to subscribe, visit www.MrModem.com.

GUIDELINES FOR ATTORNEYS: Rules for Keeping Court Reporters Happy...NOT!



1. Rush through the door at the last minute and start the proceedings without introducing yourself. Everyone knows an important person like you anyway and appreciates that you were able to show up at all.
2. Don't bother to enunciate clearly or project your voice. Reporters can read your lips. They especially like it if you mumble when reading from documents. It is good for their ego, as it makes them feel multilingual.
3. For similar reasons, always remember to start speaking the moment the reporter begins marking exhibits, changing paper, etc., as it makes her feel ambidextrous.
4. Talk as fast as you can, preferably out-shouting the other lawyers. This makes you seem even more important than you really are.
5. Ignore the reporter when she asks you to repeat or spell a name. If you know what you said, then she should too.
6. Do not aggravate the reporter by asking if she needs a break or a drink of water. These things are not necessities since reporting duties are mostly automatic, similar to the functions of a robot.
7. Never consult the reporter when deciding to work late into the night. She will be insulted if you thought she had any family or social life commitments other than working with you.
8. Don't mistake the reporter's lifeless gaze as an indication of boredom. She is actually deeply absorbed by the intricacies of your 10-minute hypothetical.
9. Please spend a lot of time off the record telling war stories. Your tales are fascinating. In fact, you should write a book. No one thinks you're wasting time.
10. If the reporter bolts out the door as soon as the deposition is over, she is simply eager to get home and re-live the experience while transcribing and proofreading your words.
11. Read extensive medical reports into the record at breakneck speeds while mumbling over the unimportant parts. This gives the reporter an invigorating workout. To enhance the effect, do not identify the reports as exhibits.
12. There is no need to waste your time calling the reporter when a deposition is cancelled. She will appreciate the opportunity of visiting your office and then having the rest of the day off. Hey, no work, no pay, who cares??
13. After the deposition is over, always spend some time trying to persuade the reporter that your client is right and that your adversary is a no good S.O.B. Everyone knows that once the reporter is in your corner, your case is as good as won.
14. Since the reporter is so anxious for you to win your case, she would prefer if you take as long as possible to pay her bill. In fact, she would be insulted if you paid her bill in less than six months.

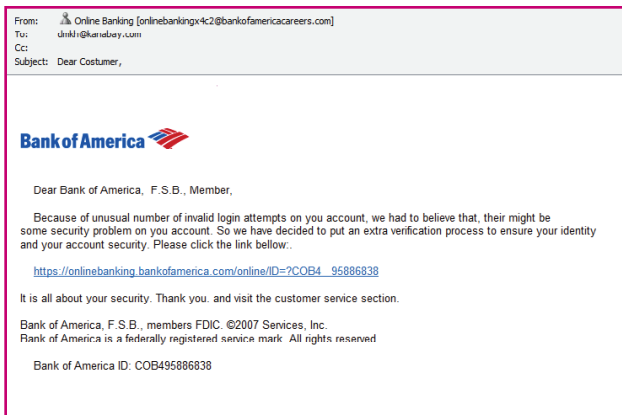
Sleuthing the Net: Phishing – Don't Take the Bait!

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

From www.snopes.com, “‘Phishing’ is a term that refers to the online imitation of a company’s branding in spoofed e-mail messages and web sites, created with the intent of fooling unsuspecting users into divulging personal information such as passwords, credit card numbers, PINs, etc. A typical ‘phish’ e-mail will appear to come from a financial institution, such as a bank or credit card company, informing the recipient that some type of problem has affected the account, and directing you to follow a hyperlink to clear up the problem. The hyperlink leads not to a legitimate site, but to a server (usually in another country,) on which an imitation web site has been set up. The victim is then prompted to enter confidential personal information and then redirected to a legitimate web site to obscure the fact that they just gave away this data to crooks.”

I have seen a recent proliferation of these e-mails in my own Inbox, and it’s amazing how *real* they appear. In the past, often, a twist of English or clear evidence that English was not the author’s native language was a dead giveaway (to those who bothered to actually read the text, that is.)

For example, I received this one on April 10:



Even a casual skim-read would indicate, especially to court reporters, there’s a problem here, just by virtue of the stilted language, never mind the misuse of language. Catch the Subject Header: “Dear Customer.”

But you can’t rely on that any longer. Since then, I have received numerous e-mails purportedly from Bank of America, Capital One, Paypal, and E-Bay, just to name a few, and they look really good:



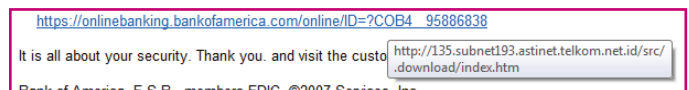
No matter what the content is, or how well, or poorly, presented, there *is* a way to check. (Aside from the fact that no financial institution or mainstream business would send an e-mail like this in the first place.)

Run your cursor over the link, and see if the result matches the actual link:

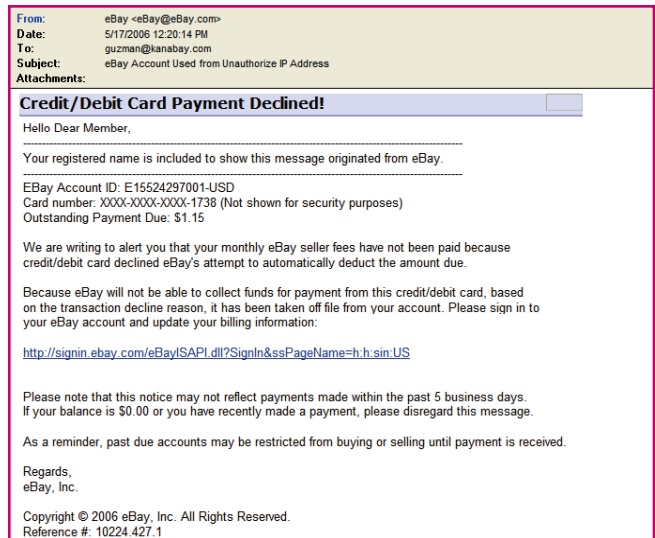


I don’t know who “baduser” is, but I sure don’t want to give him any more information about me than he already has!

This one is from the “Bank of America” e-mail:



Here’s a really scary one:



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Of course, in my case, that was easy, because I knew I didn't have any items for sale on E-Bay, aside from all the other ways of checking on whether it's legitimate or not.

I could show you a dozen more and varied examples of Phishing e-mails I've gotten, each even more creative than these.

So now that I've shown you just a fraction of the wide variety of weapons that are targeting you, how can you protect yourself?

Always go to your account web sites directly, not through a link. Immediately locate the Contact Us or Report Fraud link on the web site and find the address to forward the Phish to. You'll get an immediate acknowledgement in e-mail, and then a follow-up e-mail that verifies that the e-mail is a Phish and that they will work to shut down the site – for whatever it's worth, since it's like trying to nail Jell-O to a wall – as soon as you secure one, they pop up again under a different name.

Here's an example of an e-mail from my bank verifying my suspicions:

"Dear Donna Kanabay Harvey, Thank you for your inquiry dated 6/27/07 regarding the e-mail you received. We will be happy to assist you. The e-mail you received which appeared to be from Bank of America was not legitimate. It was part of a fraudulent scam to illegally acquire your personal financial information. If you did not submit information to the fraudulent Web site, you do not need to take any additional action. If you did submit information to the Web site, it is possible you are

a victim of identity theft. If you are a Bank of America customer, please call us immediately at the telephone number listed on your account statement.

"Keeping financial information secure and confidential is one of our most important responsibilities and we share your concerns about identity theft. Please visit our Privacy & Security Web site at www.bankofamerica.com/privacy to learn more about how you can prevent, detect and resolve fraud.

"We value you as a customer and apologize for any inconvenience this may have caused. If we may be of further assistance, please contact us again by e-mail. Thank you for choosing Bank of America."

It is of note that the response link does not reveal a shadow link below it when you run your cursor over it.

You will always get a similar response. And it's imperative that you notify them of the Phish. According to Wikipedia, E-Bay and Paypal are the two most targeted companies for Phishing. Even the IRS is not immune.

It is estimated that a shocking 20% of recipients take the bait, resulting in the loss of millions of dollars each year to consumers and financial institutions. These are people who wouldn't dream of giving this information out over the phone in an unsolicited phone call, for instance. There's just something about that official-looking "letterhead" and the fact that it came into your e-mail box that strips some otherwise cautious, prudent people of their "street sense," if only for an instant. And of course, an instant is all it takes.

Recently, lawsuits have begun to arise, with banks and consumers suing each other over whose responsibility the loss will be. (Good for us court reporters!)

From an article I found online while searching for Phishing statistics, "Who should bear the cost of phishing losses: The bank or the customer?" That question is at the heart of a recent dispute between the Bank of Ireland and a group of customers that fell victim to a phishing scam that drained 160,000 Euros (\$202,000) from their accounts. The bank initially refused to cover the losses, but has since changed its mind and credited the accounts of nine victims, who had threatened to sue to recover their funds.

"The Bank of Ireland incident is one of the first public cases of a bank seeking to force phishing victims to accept financial responsibility for their losses, but it likely

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won't be the last. Financial institutions continue to cover most customer losses from unauthorized withdrawals. But after several years of intensive customer education efforts, the details of phishing cases are coming under closer scrutiny, and the effectiveness of anti-phishing efforts taken by both the customer and the bank are likely to become an issue in a larger number of cases.

"Banks are committed to keeping their customers' money safe and will protect customers from Internet fraud as long as they have acted with reasonable care. However, customers must also take sensible precautions so that they are not vulnerable to the criminal.

"The American Banking Association, the industry group for the U.S. banking industry, is more definitive in its reassurance to customers on phishing losses. 'Consumers are protected against losses. When a customer reports an unauthorized transaction, the bank will cover the loss and take measures to protect your account.'

"But there have been exceptions. Last year Miami business owner Joe Lopez sued Bank of America after it

refused to cover \$90,000 in phishing losses. Lopez' computer was infected by a keylogging trojan, which captured his login details. His funds were soon transferred to a bank in Latvia. When Bank of America refused to cover the loss, Lopez sued for negligence, saying the bank failed to warn him about the trojan.

"Where will the line be drawn between the bank's responsibility and the customer's? The handful of existing cases leave the issue unsettled, but suggest that the quality of the banks' phishing defenses will be a key point in the debate, and that, in practice, banks will not be able to pass on the financial risk of phishing to its customers simply through careful writing of the customer agreement, as the customer has no direct influence over the anti-phishing measures the bank takes."

It's so simple: No financial institution, credit card company, or legitimate business such as E-Bay or Amazon will EVER send you an e-mail such as are illustrated here. NEVER click on the links, and immediately go to the company's legitimate web site and report the offense.

Your Ad Could Be Here! Contact FCRA Headquarters TODAY for rates and deadlines! 407-774-7880

Five Best Things to Say If... You Get Caught Sleeping at Your Desk



Number 5: "They told me at the Blood Bank this might happen."

Number 4: "This is just a 15-minute power nap they raved about in the time-management course you sent me to."

Number 3: "Whew! 'Guess I left the top off the White-Out. You probably got here just in time!"

Number 2: "Did you ever notice sound coming out of these keyboards when you put your ear down real close?"

And, the Number 1 best thing to say: (Raising head slowly) "...In Jesus' name, Amen."

ETHICS AND PROCEDURES CORNER

ETHICS AND PROCEDURES CORNER

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

We are dealing with two ethical situations in today's column. The first has to do with attorney/client conferences being noted – or not – in the record. The second is a discussion about generic certificates. As always, we welcome members' comments.

NOTING ATTORNEY/CLIENT CONFERENCES IN THE RECORD: Is it appropriate to note attorney/client conferences made out of hearing of the reporter in the record when the client is the deponent?

ETHICS COMMITTEE OPINION: Actual verbal attorney/client conferences out of the hearing of the reporter are a part of the proceedings and should be noted pursuant to RULE 2.535 COURT REPORTING (c) Record. When trial proceedings are being reported, no part of the proceedings shall be omitted unless all of the parties agree to do so and the court approves the agreement. When a deposition is being reported no part of the proceedings shall be omitted unless all of the parties and the witness so agree.

The Committee agrees that these conferences are appropriately noted in the record as "off the record" events. Somebody is going to object to a transcript missing such important proceedings. Opposing counsel will surely be objecting to these conferences and your transcript is going to be incomplete without a notation.

The reporter needs the parenthetical, as well, to protect them because they did not report something spoken in the room.

If you are requested to time these events, you should do so. A simple parenthetical will do. (Atty/client conference out of hearing

of the court reporter.) or (Off the record.)

They could be likened to the bench conferences in the courtroom. When a bench conference is not reported, the reporter is obligated to insert a parenthetical in the transcript to note something happened out of hearing of the reporter.

There are those of us who feel it is our duty to report the spoken word only and look to counsel to make any statements for the record to clarify such situations. If counsel does not choose to make a statement, then the record stands as it is.

Then there are those of us who feel a parenthetical, such as the following, is required.

Discussion between Mr. Smith and the deponent out of the court reporter's hearing.

We see no distinction between the above and the following parentheticals: Discussion off the record, brief recess, witness excused, and so on.

Again, we emphasize that these notations are an integral part of the proceedings. Common sense is also necessary here as there may be occasions where it is a simple look or nod between attorney and client. In those instances, of course, those qualify as a non-verbal and are not recorded.

Sure the best of all worlds is for the attorney to recite everything for the record so we don't have to put any parens, but it just doesn't happen. And sometimes it is difficult to make a distinction on where to draw the line, but I think if we keep that rule in mind when adding parens, we will make the appropriate decision to make a complete record.

TIP: When an attorney/client

discussion begins, always put a notation in your notes of such. However, for clarity's sake and for your own edification, whoever initiated the discussion is the first person mentioned in the parenthetical. For instance, the witness started the discussion," then put "There was an off-the-record client/attorney discussion; and vice versa for when the attorney initiates it. That way, later on if there's a question about it, you'll know who started the exchange.

GENERIC CERTIFICATES: If we use "the witness" instead of a name and omit the date the witness was sworn before us, we can use the same certificate of oath on every transcript!

I'm assuming the purpose of having these generic certificates is so that the reporter can pre-sign these for future transcript production since these certificates eliminate the problem of the notary signing a document that has blanks. The law states that the notary should not notarize any document with blanks, nor administer the oath to a person based on a document containing blanks.

Well, can we use them? No.

On the certificate of oath, under the notary statute, Chapter 117.05, the exact date of the notarial act must appear in the certificate. This law requires that you specify in the certificate the date the witness appeared before you.

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ETHICS AND PROCEDURES CORNER

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As to “the witness,” rather than the legal name of the deponent, the Governor’s Reference Manual for Notaries, found online at www.flgov.com, deals with depositions on page 13. It states that ...“a notary shall complete a jurat or notarial certificate in substantially the same form as those found in subsection (13)” of Chapter 117.05. Below is the sample certificate they provide for the certificate of oath:

“STATE OF FLORIDA
COUNTY OF _____
In my capacity as a Notary Public of the State
of Florida, I certify that on the ____ day of
_____, 20___, at (time) a.m./
p.m., (name of deponent) personally
appeared before me and took an oath (or
affirmation) for the purpose of giving
testimony...”

It clearly states “name of deponent” in parens, indicating that the name of the deponent should be inserted here.

On something as important as testimony under oath, don’t you think your notarial certificate or jurat should contain the name of the actual witness? Of course it should.

That addresses that question, so let’s move on to the certificate of court reporter. Of course, the name of the deponent should be typed in for each certificate.

Next, Federal Rule of Civil Procedure 30 (e) states, “The officer shall indicate in the certificate...whether any review was requested....” That means that this statement has to be incorporated in every certificate attached to a depo taken in a federal matter. To avoid having two certificates and trying to remember which one to use on which court, and because it does no harm to have that language in the state certificate, we have recommended the certificate that follows to be used on depos in all courts. That one covers all the rules.

Next, you see on wills that each page is initialed to make certain that no pages are omitted or added. On a transcript we are certifying to each page of the testimony, so we note in our certificate that pages 1 through 27 are a true record of our stenographic notes.

If your certificate were to be separated from your transcript, with no name and no pages authenticated, one could not match the correct certificate to the correct transcript.

And that, ladies and gentlemen, is why generic certificates and pre-signed blank certificates have no place in our profession.

Please refer to pages 149 and 150 of your Florida Manual for examples of our recommended certificates.

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BREVARD

I, Alice Accuracy, REGISTERED PROFESSIONAL REPORTER, Notary Public, State of Florida, certify that (NAME OF WITNESS) personally appeared before me on _____ of _____, 2006, and was duly sworn.

Signed this _____ day of _____, 2006.

Alice Accuracy, Registered Professional Reporter

Florida Professional Reporter

Notary Public, State of Florida

(AFFIX NOTARY SEAL)

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BREVARD

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

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

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

(ORIGINAL HAND SIGNATURE. NO WITNESS STAMPS)

(BLUE INK RECOMMENDED)

Alice Accuracy, Registered Professional Reporter

Florida Professional Reporter

DO NOT NOTARIZE ANY CERTIFICATE OF REPORTER

LETTER TO THE EDITOR

Parentetical Observations by the Reporter: An Opposing Viewpoint

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



I wish to state my opposition to the FCRA Ethics Committee's recommendations and findings regarding the issue of whether a reporter should parenthetically note inaudible conferences between the deponent and counsel during a deposition.

When it is clear that there are two reasonable interpretations of rules and guidelines, the Committee should present both equally and suggest that the individual make the decision according to their own interpretation and their own "conscience" when applying our ethical code to the situation. The Committee should not issue what equates to an "edict," based on their own interpretation and practice, of how these gray-area issues should be dealt with.

As I understand it, the key points of the Committee's rationale for their opinion is as follows. My counter to each point is in italics:

1. RULE 2.535(c) "... no part of the proceedings shall be omitted unless all of the parties and the witness so agree." The Committee agrees that these conferences are appropriately noted in the record as "off the record" events.

How can we rationalize indicating an "off the record" event with the parenthetical if they have not agreed, on the record, to go off the record? I submit that such inaudible conferences are not part of the proceedings unless counsel chooses to make them so by noting them audibly, on and for the record.

2. Somebody is going to object to a transcript missing such important proceedings.

We should not allow an attorney to govern and dictate how we do our jobs as the Guardians of the Record. If the event or act in question is that important to an attorney, he is well aware that he can, should, and often does, make a "let the record reflect" statement for the record.

It is our duty to preserve the record, not create it. We have all encountered situations where attorneys' behavior in depositions was inappropriate under the rules, such as "speaking objections," conferring with the deponent in whispers or by passing notes, telling us to

go off the record without assent of all, and a myriad of other such situations. It is our duty to understand our obligation under the law, under the rules, and under our ethical guidelines; and if necessary, to educate counsel on why we cannot comply with a request we consider inappropriate.

3. Opposing counsel will surely be objecting to these conferences and your transcript is going to be incomplete without a notation.

The very objection by counsel makes the record complete and makes the parenthetical observation redundant and unnecessary. Just as when a witness draws a sketch, the record-conscious attorney will speak for the record, asking the witness to put Xs or letters on the various points he is describing from the drawing. Similarly, when a witness points to an area of injury, the attorney says, "for the record, you're pointing to your left shoulder?" They are making the record; we are preserving it, not creating it.

4. The reporter needs the parenthetical, as well, to protect them because they did not report something spoken in the room.

Reporters who take on the responsibility of noting these observations parenthetically place themselves in peril of missing one of them if their eyes are otherwise occupied by looking at their realtime or making job entries, marking exhibits, being distracted by a noise such as a phone ringing or a pencil tapping on the table, or indeed even gazing out the window.

I would challenge all reporters to try to estimate what percentage of the time their eyes are actually on the witness during the entire course of the deposition. We do not, and should not, and cannot, spend the entire day with our eyes glued to the witness on the chance that we'll see some behavior that we might be expected to note parenthetically.

Or, as one reporter succinctly put it, "What if I become distracted visually and don't see the quick exchange between the witness and counsel? I'm not up for that responsibility. I am a reporter, not an editor or narrator."

The danger then is that if the attorney has come to expect that these "sidebars" are noted parenthetically, he will reasonably assume that all of them are noted

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and is therefore not making statements on the record regarding the behavior. He will expect to see each and every occurrence of such a conference noted in the record, and may later discover that the first, second, and fourth are noted, but the third is not, likely because at that instant, the reporter's eyes were not on the witness, for whatever reason, or the reporter was otherwise distracted or occupied.

As another colleague said, "That was my way of doing things until recently, too. What has me rethinking that is the likelihood that I might very easily miss one such sidebar discussion, and then the record wouldn't be complete."

5. They could be likened to the bench conferences in the courtroom. When a bench conference is not reported, the reporter is obligated to insert a parenthetical in the transcript to note something happened out of hearing of the reporter.

6. We see no distinction between the above and the following parentheticals:
Discussion off the record, brief recess, witness excused, and so on.

To both 5 and 6, pursuant to 2.535(c) cited above, such occasions are noted audibly on the record by counsel or the Court, and the reporter then correctly notes the parenthetical of being off the record, a recess being taken, the witness being excused, etc., based on the audible record.

What is the definition of court reporting?

Attorney Stanford R. Solomon of Tampa kindly offered his input to this issue.

Former Chair of the Rules of Civil Procedure Committee.

Former Chair of the Rules of Judicial Administration Committee.

Currently serving on the RJA Committee in an advisory role (as an invited former Chair) and liaison from the Appellate Court Rules Committee.

Member of the Appellate Court Rules Committee
Chair of the Subcommittee on the Record on Appeal (as well as serving on several subcommittees).

This is somebody who had served, and serves, on the committees that write, review and amend the very rules we strive to interpret and which we are bound to adhere to in our practice, and his opinion and inter-

pretation should be given great weight.

In his memorandum, he carved the issue thusly: "Can a court reporter make parenthetical notations of inaudible events during a deposition?"

In his analysis of that question, he writes, "Rule 2.535(a) states, 'Court Reporting' means the act of making a verbatim record of the spoken word, whether by the use of written symbols, stenomask equipment, or electronic devices, in any proceedings pending in any of the courts of this state, including all discovery proceedings conducted in connection therewith.

"I researched the history of Rule 2.535 and the case law citing Rule 2.535, but there was no insight on 'spoken word' or the transcription of inaudible events.

"The Local Rules of the Thirteenth Judicial Circuit did not address court reporters. The only Hillsborough County Circuit Court Administrative Order that I found on this subject is Administrative Order S-2005-128. Paragraph 1(E) adopts the same definition of 'court reporting' that is set forth in Rule 2.535(a), namely that the act of 'court reporting' means the making of a verbatim record of the spoken words in any judicial proceedings pending in any of the courts of this circuit.

"While Administrative Order S-2005-128 does not state that it applies to depositions and discovery proceedings, the Order gives some insight on how the Thirteenth Judicial Circuit considers 'court reporting' to be a record of *audible*, spoken words.

"I also researched the Florida Statutes and the Administrative Orders of the Sixth Judicial Circuit covering Pasco and Pinellas counties, along with the Sixth Circuit's local rules. These sources did not contain any insight on whether court reporting includes *inaudible* events."

Mr. Solomon concludes, "Based on the foregoing, Rule 2.535 contemplates the 'court reporting' of a deposition to be the transcription of *audible*, spoken words. There is no support for the position that a court reporter can make specific notations of *inaudible* events during depositions, such as individuals passing notes or individuals talking on the side."

Common sense would dictate that you *must* presume that in order to report an event, under the definition of 'court reporter,' you must be able to *hear* the event,

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and that therefore the word “audible” is inherent in the definition of “spoken word.”

We are instructed that when local or state rules and guidelines do not provide the answer, we are to look to the Federal rules.

The U.S. Court Reporters Manual, Guide to Judiciary Policies and Procedures, states, in 18.1O.2.c, “Nonverbal Behavior. Pauses: It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior, i.e., physical gestures, and lengthy pauses on the part of a witness. If counsel or the court refers to the witness’s affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.” It then gives specific examples of acceptable parentheticals such as (Nods head up and down), (Shakes head from side to side), (Indicating).

While this refers to *nonverbal* events, the Federal Manual is quite specific on how far a reporter may go in noting “observations.” It is clear from that citation that it is up to counsel and the Court to note these on the record audibly. One would reasonably construe that this would apply to depositions as well.

I have found no NCRA COPE opinion directly on point, but the well-known example of the telephonic deposition, which is part of Opinion #31, would also apply here. We are not to note *nonverbal* action for the attorney attending telephonically, such as the passing of a note.

In that regard, a reporter responding to the question on one of the popular online reporter forums wrote, “Regarding passing of notes, that would be a conference as well, although I’ve never included a parenthetical for that before. I did research ‘confer’ to confirm that it is not required to be a spoken consultation.”

Therefore, one can reasonably conclude that “confer” could well include both the passing of notes as well as verbal conferences, whether audible or inaudible. Under that definition, the COPE opinion would apply: We are not to note these matters parenthetically as our own observations of the proceedings.

A very informal “poll” on CRForum and VRForum revealed that of the 20 reporters who responded, nine included the parenthetical observations as a matter of course. Of those nine, three found the discussion against the practice persuasive enough that they were reconsidering their position. Seven of the respondents

said they would not use these parenthetical observations. Four said they would or might do so at the specific request of counsel, although, of those, one was also rethinking the position based on the discussion and would likely no longer do so. The remaining respondent had a great many caveats and questions and thus really hadn’t made up her mind on the subject.

The common threads of concern regarding the practice are reflected in these quotes from the discussion:

“An attorney can have anything he/she wants reflected in the record by verbalizing it.”

“It’s up to counsel to make a record of those things if he finds them to be important.”

“The problem I have with all of the parentheticals is, where do you draw the line?”

“I’ve had attorneys make requests about indicating whispering, but my response is, ‘Make your statement for the record. That’s all you need to do.’”

“In Arizona there is a caution given at the start of every depo, ‘You can’t talk to your attorney when there is a question pending. Answer the question and then we can go off the record and you can consult with your attorney.’ But there will be times when they start whispering and deposing attorney will jump all over that and make a statement for the record, like he should do.”

“I don’t think we should include a private conversation. Although their private conversation may have a ripple effect, inciting specific questioning or additional questioning from the attorney to the witness, it’s still not part of the testimony.”

“The CR should interject him/herself as little as possible. The attorneys MAKE the record. The reporters REPORT the record. There are way too many ways the CR can be seen as not impartial if he/she agrees to start essentially adding their own commentary to depositions.”

“If it’s audible to the CR, then it should be taken down. Otherwise, the CR should stay out of it.”

“(The Federal Manual) says it’s up to the attorney and/or judge to note ‘significant’ nonverbal behavior. What’s significant and to who? Let counsel battle it out. Just write what they SAY they deem as significant and leave

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it at that. In my opinion, a parenthetical at that point would be redundant and unnecessary.”

“This line of thinking follows with the use of “sic,” which I try to use sparingly. If, say, the witness misstates a word and the taking attorney follows up in his/her next question referring to the error, that clears it up and there’s no need for my interjecting “sic” at that point.”

I find the argument regarding the sparing use of “sic” persuasive and relevant as well. There are those who believe that the excessive use of “sic” is the reporter injecting their opinion and personal interpretation into the record.

To fairly present the other side of the discussion, the following comments were of note by reporters who engage in this practice:

“If I were asked about it by counsel, I would say ‘It’s my practice to note sidebar discussions. Since it’s not audible, though, there’s no guarantee that I’ll get it every time. The only sure way is to make a record of it.’”

“I’ve always noted whispered discussions between the witness and counsel, comings and goings of participants, other *nonverbal* proceedings such as that.”

“There have been times I have included such a parenthetical, but only if the record made no sense without it. Say the witness gave an answer, then conferred inaudibly with his attorney, Mr. Smith, and then stated something like ‘Oh, Mr. Smith is right. I did...’ It would look like Mr. Smith’s comments were left out of the record. I checked the Florida manual and found the following in support of my position: ‘A parenthetical should be brief and to the point and used only when context does not clearly reflect what has taken place.’”

I would agree, by the way, with the position in that last quote. There are times when the record simply makes no sense without a parenthetical observation by the reporter.

My favorite personal “war story” in that regard is a criminal jury trial where the young prosecutor, who was very nervous, dropped the weapon as he was handing it to the witness on the stand. Instead of letting the incident simply pass without comment, the judge, a notably laid-back, informal man, stated, “Be a little bit more careful with that thar shootin’ iron, counsel.” Without a parenthetical observation, the record would

make no sense at all.

In a perfect world, if he had to say anything, the judge might have said, “Let the record reflect that counsel for the State of Florida just dropped State’s Exhibit 1,” but he didn’t. So I did inject a parenthetical observation: “Mr. Smith dropped State’s Exhibit 1,” and then the judge’s comment.

If the judge had not made any comment, there would be no reason to include the parenthetical observation of what occurred, because there would be no context to explain. If I had done so, I would be injecting myself and my observations unnecessarily and inappropriately into the record.

And with that, we’re back full circle to the question of definitions: Verbal and nonverbal; audible and inaudible. The line between them is very, very thin, and the reporter who engages in the practice of parenthetical observations of inaudible and nonverbal behavior stands on a very slippery slope of where to draw that line.

Inserting these parentheticals beyond the most basic (nods head, shakes head, indicating) – which are, by the way, all *nonverbal* events, so perhaps that alone lays to rest whether “nonverbal” is included in our definition set – also puts the reporter in danger of becoming a witness to the proceedings. Yes, it’s extreme. Yes, it’s probably unlikely. Yes, it probably wouldn’t fly in court under objection or motion. But we all know attorneys who will stop at nothing, no matter how bizarre or sleazy, to try to gain an edge. If for no other reason, what reporter needs the headache and expense of having to deal with being subpoenaed and having to fight it?

Further, what of the attorneys whose regular reporter does make these observations, and then they work with a reporter who doesn’t? Have we not created an unreasonable expectation in their minds that this is a routine, accepted practice? Either reporter could then be in jeopardy of criticism by the attorney who is used to seeing it, and then doesn’t; and likewise with the attorney who is not used to seeing it, and does. Both of those possibilities again can create consequences that no reporter needs to deal with.

For every attorney who objects to it not being included, there will be one who objects equally strongly to it being included. Therefore, the argument that “the attorney

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LETTER TO THE EDITOR

Parenthetical Observations by the Reporter: An Opposing Viewpoint

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expects it," one way or the other, does not suffice as justification for either side of the table.

If you divide the two "camps" of the forum discussion into straight yes and no sides, placing the "maybe" or "undecided" or "with a caveat" firmly in the "yes" category, you have an even split: 10 and 10. If nothing else, when combined with my other research, and the opinion of Mr. Solomon, this would indicate that the question is not black and white; it is not clearly stated in any rule, case law, or administrative order that we have found; and there are indeed, two *reasonable* constructions of the material we have available to us for guidance on the subject.

Therefore, the Committee should give equal weight to both positions in their findings and recommendations, and they should refrain from injecting personal practice and opinion into these kinds of gray-area issues. They should merely present the arguments and suggest that the reporter must follow their own ethical conscience in making their individual decision. In other words, the "answer" should not be presented as the only answer.

There are plenty of areas where there is only one clear answer or interpretation, and it is appropriate to conclude that in the Committee's findings and recommendations, but this is most certainly not one of them.

I admire and respect the members of the Committee tremendously, and thank them for their hard work over their many years of service to our Association and the reporters of Florida. My comments here in no way reflect on the esteem and regard I have for each of them, individually and as a group. Their work is invaluable to all of us and very much appreciated. I simply disagree strongly on this point and am compelled to make this argument, largely because these opinions, findings and recommendations are now being more "formalized" as a result of the FPR certification. I don't know if this question is on the test, but when there is not a clear "right" or "wrong" answer, that needs to be reflected in our manual, our articles on procedures, in our coursework for the FPR, and in seminars where the issue is discussed.

Thank you to the Committee and the Editor for this opportunity to state my position publicly in this forum.

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