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NCRA Legislative Boot Camp...Taking DC by Storm!

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By Sandra Estevez, CSR (CA), FPR,
2012-2013 President



FACING YOUR FEARS... Don't Think About It. Just Do It!

So remember the time capsule and the goal sheets that we filled out at the 2012 Annual Convention? Well, I had an opportunity to face my fear of public speaking and I went for it! I'm not going to pretend that it was easy because nothing worthwhile is, but I took a lot of antacids and just dove in head first.

I wanted to share my experience with you in the hopes that if you are teetering on the edge of challenging yourself and thinking about possibly facing one of your professional fears this year, that it will give you the "boost" of courage needed to push you across the finish line.

The speaking engagement was actually teaching a class at the University of Miami, School of Law. Professor Michael Graham had asked FCRA if we were interested in providing the public service of lecturing to his third-year law students about court reporting topics. The Board was thrilled with the opportunity of being able to speak to law students about ANYTHING in the court reporting realm, so we accepted.

I ran a couple of topics past the professor and we decided on The Dos and Don'ts of Making a Good Record. And just for good measure, we added a whole section on the different methodologies of capturing the record so that the new attorneys would know what they were seeing out in the field, recognize the terminology, understand the service expectations, the value, and the end result with each method.

Rosa Naccarato and I took turns addressing different topics with the class and Rick Levy realtimed the entire presentation. It was amazing. We really wanted to give the students an opportunity to see what a writer looks like and what a realtime text feed looks like and how the briefs and dictionary work.

Luckily the professor used to practice law and the speaker after us was an attorney, not to mention some of the students had already taken a depo or two, so the questions started flying the minute we approached the podium. It was exciting to hear their enthusiasm for the legal field, and very encouraging to spend time with soon-to-be lawyers that had a really good grasp on what we do and why it's so important to make a good record.

The professor was very pro-steno and we ended up spending 20 minutes just answering questions about simultaneous speakers, readbacks, rough drafts, realtime, streaming,

audio sync and how we back up our work.

We discussed how to mark exhibits, letting the court reporting agency know if they're going to need an expedited delivery and putting on the record how they would like their exhibits handled. We talked about mumbling, covering your mouth with your hand, distracting noises and remembering to give the reporter convenience breaks. As well as explaining the process to their clients so if we ask the witness to repeat their answer, they don't try to explain their answer to us on the record.

We also reviewed how to "argue" correctly on the record, reminding them over and over again that the reporter cannot write two speakers simultaneously. They were curious about untranslated steno (not that they saw any in Rick's amazing writing) and how we "knew" what it meant later.

They had questions like, "What if I don't like my question after I ask it, can I change it?" And "Why does the reporter put 'strike that' in the transcript?"

We really had no idea what to expect and I have to say it was a very rewarding experience once I regained the feeling in my legs. The professor had asked to meet with us before the class and he explained what he was trying to accomplish, which was also very exciting.

The title of the class was "Advanced Evidence Law & Litigation Structure Seminar." The seminar is morphing into a capstone seminar for a Litigation Specialization Certificate very likely to be implemented soon at Miami Law. Only B+ and above students will be eligible for this certification, which he estimated would be the top 30 to 40 students per semester.

The curriculum description that he sent to me stated that a central aspect of the seminar will be presentations by extremely accomplished guest speakers addressing various aspects of modern litigation structure. Some of the speakers were from law firms such as Holland & Knight and Carlton Fields. There were forensic evidence specialists, class action litigation specialists, computer animation and technical trial support to name a few.

Rosa and I were very prepared and knew exactly what we were going to discuss until 20 minutes before class

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How Important Are Our Hands?

By Christy Aulls Bradshaw, FCR Online Editor

As I write this article, I have splints on both my right and left hand after falling yesterday afternoon and spraining both wrists, the right much worse than the left. Thank goodness my left is somewhat movable or I would be in really bad shape. This certainly gave me a topic for my article.

How important are our hands? This is a question I had not asked myself recently and I had forgotten just how difficult everything is one-handed. The last time I experienced this was at the age of seven after falling out of a grapefruit tree and breaking my right arm.

So let me ask the question again: How important are our hands? To a court reporter, they are our livelihood. They are what make our money. They are everything, from driving to and from our jobs, taking the job on the steno machine, editing, and carrying our equipment. I have not reported in the last three years and have concentrated on running my business, which I absolutely love, but just recently I decided to start taking some very short in aide depositions and adoptions, just to get my fingers back on the machine... Well, guess what? That is not happening again for a while.

Some court reporters obtain special insurance for their hands, aside from disability insurance. This is something that most people would never think about, but it's no different than a hand model insuring their hands or their best "asset." As with anything in life, you never think anything bad will happen to you, but it doesn't mean that you shouldn't prepare for it. This whole incident has certainly put my mind in gear!

Aside from struggling to type right now, it has been quite humbling to add up the number of menial everyday tasks that I simply cannot do myself without both hands: Putting ice packs on my hands (you can do one hand easily,

but not both)
Opening a pill bottle.
Pouring my glass of Crystal Light.
Brushing my hair. Washing my hair. Pulling up my pants. (A bra was out of the question today.) Pulling the lever on the recliner to elevate my legs. Carrying my plate and silverware. Washing the dishes, because I cannot lift them.

Turning a doorknob is possible using both sprained hands. Starting my car ignition is possible with both hands. Drinking my coffee is possible with both hands. Pulling a door open is possible with both hands. We take for granted just how easy everything is when we have both hands. Doing most things with one hand is more difficult; with both hands hurt is darn near impossible.

Through the years, I have always been one of those people who tripped, fell, lost my balance, and as I have aged (especially after I hit the big 4-0) I have tried to be much more conscientious of watching my step and taking my time doing things. Well, yesterday I got ahead of myself and was moving too fast and went headfirst over a box while carrying another box in my arms.

I guess the moral of this story is that we need to remember the importance of our hands in our career. We all need to make a point of being careful in everything we do. But when your hands are your livelihood, you need to be extra careful and not be afraid to ask for help; let a spouse or friend help with things that you cannot or SHOULD NOT be doing yourself. We are all guilty of it, especially me, but I think I have learned a lesson this time.

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**FCRA
BULLETIN
BOARD**

How to be a Good Mentee

By Lori L. Bundy, RMR, RPR, CRR, FPR, CLR

Court reporting school is hard enough, but as you get closer to graduating you have even more to learn...how to be a working court reporter. Internships can be a great way to see what your everyday life is going to be as soon as you pass that last 225! This is a time to connect with a working reporter and soak up knowledge from their years of experience. Below are some tips for being a good mentee and to get the most out of your experience of going from court reporting student to a working, self-sufficient reporter.

Tip one: Be early to the job. If the depo starts at 9:00, showing up at 8:50 means you are late. Plan for traffic, parking issues, walking to the depo suite, etc. Attorneys are paid by the hour, and the clients are footing the bill. If you stall the depo by 10 minutes and the taking attorney is billing at \$500 an hour, you have cost that attorney over \$80 for that ten minutes. So if there are three attorneys in the room billing that amount, that's over \$240 in lost time. Being early to a job also ensures that you have your equipment up and running correctly, and if you have any problems, you can usually get it taken care of before the depo starts. And when reporters are even occasionally late, it reflects on their work ethic, and it may also reflect in the quality of job that you are assigned to.

Tip two: Dress for the job you don't have (yet). Court reporters are professionals. It's hard to demand excellent jobs and top pay when you dress with less to impress.

President's Message

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when he started throwing out topics like, oh, and explain to them about how there's no mandatory certification and get really detailed on how your software works and tell them all about your end product and how they can use OCR'd documents and repositories. OMG.

So we knew walking in that it was really good that we prepared, but basically the class was going to flow in whatever direction they took us so we just went with the flow, which actually made the whole experience less stressful.

At the end of the class, which we had to finally just stop because we were running several minutes over due to all the class discussion, the professor pointed to Rick's writer and said, Are you getting the gist? Do you see how a live stenographer is the best way to go? He told us he was thrilled with the presentation and that it was five times better than he had ever imagined it could be.

Whew! Boy was I glad that was over, but more importantly, I was so happy that they GOT IT. I feel certain that Profes-



Attorneys, for the most part, wear suits and/or ties, so why should we be any different? We all have heard horror stories of reporters who have shown up to hearings wearing jeans. Don't start off on the wrong foot. Invest in professional attire and look the part. As you start out, you can invest in a few key wardrobe pieces which you can mix and match for variety. A black skirt (appropriate for a tripod) or dress pants, two jackets, and three shirts will get your professional wardrobe started.

Tip three: Get involved in your state association. FCRA has numerous resources for students. Attend the annual convention and learn from the speakers, the vendors, and the other working reporters who are present. Conventions are the perfect opportunity to talk to veterans in the field in a casual setting, off the clock, and soak up knowledge...and probably some great stories too. Check out the FCRA website for details of the next convention. FCRA also has a Facebook page.

Most importantly, enjoy your schooling and internship experience. When I was in school, I thought I would never get out. Once I got out, I thought I would never learn everything I needed to know to be successful. Now, looking back over 17 years of experience in the field, I can't believe how fast it has gone. Enjoy every second. And remember, we are all in this field together, so please don't hesitate to ask a fellow court reporter for help.

sor Graham will continue to reach out to FCRA to be a part of his curriculum and I am proud that we were able to be a part of something so meaningful.

Please do not let fear hold you back. If I can do it, so can you. Sometimes you just have to keep putting one foot in front of the other and don't overthink things. I made myself do this. I could have "delegated" it to someone else, but I knew it was an opportunity for professional growth and I went for it.

I know there are a lot of reporters who have "pushed" themselves to write realtime this year as part of their Face Your Fears goals and I commend you. It takes courage to push yourself outside of your comfort zone, and look at what you're accomplishing for yourself, your clients and our profession!

If you haven't accomplished your professional goals this year, you still have time. Change and growth are very rewarding. Just do it!

Legislative Boot Camp: Reporting for Duty

By Holly Kapacinskas, RPR, CRR, FPR

Memorable. Exhausting. Invaluable. These are the three words I would use to describe the experience of attending NCRA's Legislative Boot Camp program at the beginning of March. The Legislative Boot Camp program was developed by NCRA's Government Relations department to provide attendees with the skills and tools they can utilize to advocate on important issues for court reporters at the national, state, and local levels.

Forty state association leaders and the NCRA Board of Directors, representing 27 states, converged on Tysons Corner, Virginia, and Washington D.C. for three days consisting of informative seminars, intensive teamwork, mock meetings, a mock senate hearing, and culminating with a day on Capitol Hill, meeting with our respective state legislators to gain support and sponsorship for the Local Courthouse Safety Act. I was pleased to represent FCRA, along with Barbara Frank, RMR, CRR, FPR, FCRA Director at Large.

The first day of Boot Camp was packed with information. It started with our very own Dave Wenhold, CAE, PLC, Miller/Wenhold Capitol Strategies, giving us a crash course in Politics 101. He taught us the nuts and bolts of how legislation is made, how to interact effectively with staff, and how to advocate for our profession. Dave is the best of the best when it comes to lobbying, and he's a great person to have in our corner.

Next, we learned from NCRA Government Relations Specialists Adam Finkel and Brandon Schall on how to utilize grassroots campaigns for maximum success. The biggest take-away from this can be summed up by this quote from Grass Roots Activist Joel Blackwell:

That so few people vote, far fewer write letters or make phone calls to politicians, and almost none give money or time means that those who do communicate wield disproportionate power.

Did you know that because so few people contact their legislators, one contact is the equivalent of 1,000 constituents? That's a lot of influence wielded by just one person. Keep this in mind the next time FCRA reaches out to you and asks you to contact your legislator. Working together, we can be powerful advocates for our profession.

Three staffers from Capitol Hill and state government then gave us some insight on the best way to communicate with lawmakers. They touched on what a day in the life of a staffer is like. Did you know that the quickest, most

effective way to contact your legislator is through e-mail? Be sure to include a personal note as well to ensure a personal response back.

We had a nice treat after lunch when Ed Johnson, RPR, CRR, an official court reporter for the U.S. House of Representatives and all-around great guy, shared the details of his job on Capitol Hill. What I found most interesting is they work in 10-minute shifts every 70 minutes so they can get the day's proceedings published by the end of the day. Can you imagine handling 435 different speaker identifications? Ed credits Legislative Boot Camp with being the spark that ignited his career path as a Capitol Hill reporter.

We finished off the day with a seminar on networking and also learning about the issue we were going to be advocating for on Capitol Hill, the Local Courthouse Safety Act. The Local Courthouse Safety Act was first introduced by Senators Al Franken (D-Minn.) and John Boozman (R-Ark.) in February 2012 as bipartisan legislation that would allow rural and suburban courthouses with little to no security equipment (metal detectors, wands, baggage screeners) to apply for grants to receive excess security that is no longer being used by other federal agencies. The Act would also allocate existing federal funding to supply security equipment and safety training for courthouse security guards. The bill was prompted by an increase in violent attacks occurring inside courthouses. The bill stalled last year in the U.S. Senate due to Senator Tom Coburn (R-Oklahoma) putting a legislative hold on the bill, although a companion bill, H.R. 6185, passed the U.S. House of Representatives.

Armed with all our newfound information, we set off for dinner and late-night strategy sessions with our fellow team members (5 people per team). Each team worked out a game plan for tackling Day 2.

Day 2 was designed to help us hone our message and take us totally out of our comfort zones. Each team had seven scheduled mock meetings with NCRA board members posing as legislators. We needed to convince them to support our bill. They threw every objection and obstacle in our way as we tried to think on our feet and attempt to stay on message. The afternoon culminated in a friendly competition as each team presented their case to a panel of mock senators who were trying to throw us off our game at every turn. To celebrate our sur-

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Legislative Boot Camp: Reporting for Duty

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iving Day 2, we headed off to NCRA Headquarters in Vienna, VA, for a nice reception and tour of headquarters.

Day 3 was an absolutely incredible day. NCRA scheduled over 200 meetings on Capitol Hill for us to lobby for our bill with our nation's lawmakers. On the bus ride over to the Capitol, we learned that our bill had been reintroduced on the floor of the Senate by Sen. Al Franken the night before. Barb Frank and I, along with Judy Nolton, a federal reporter from Tallahassee, were lined up with five appointments: Senator Bill Nelson, Senator Marco Rubio, Congressman John Mica, Congressman Mario Diaz-Ballart, and Congressman Steve Southerland. They were all receptive to co-sponsoring or supporting our bill. It was amazing to walk the halls of the Senate and House offices and see how accessible and receptive these lawmakers and their staff are.

After our day on the Hill, we headed off to a fundraiser that NCRA hosted for Rep. Dennis Ross (R-Florida, 15th District). He's very familiar with our certification struggles. Barb and I updated him on FCRA's efforts in this regard, and he said he would be happy to do anything he could to help us.

The Boot Camp experience definitely erases any feeling of intimidation one might have for meeting with national, state, and local politicians to advocate for our profession. Kudos are due to Dave Wenhold and the NCRA Board and staff for putting together this invaluable opportunity not only for the benefit of state association leaders but, also, for helping to keep NCRA and our profession strong. It is very obvious to all of us Boot Camp attendees that NCRA's government relations team is very well-respected on Capitol Hill.



Boot Camp opened with this quote from Benjamin Franklin:

Tell me and I will forget; Show me and I may remember; Involve me and I will understand.

Involvement in Legislative Boot Camp has helped me to understand how I can be a better advocate for reporters in Florida and serve FCRA more effectively. As we endeavor to strengthen our association and our profession here in Florida, think about how you can become more involved in FCRA and how you can involve others to help them understand the importance of becoming an FCRA member. It will ensure that our profession continues to thrive.

Know Your Software

By Robin Merker

Once upon a time, the only piece of equipment the working reporter needed, besides the writer that took them through school, was a transcriber of some kind to dictate paper notes. Anyone remember the Stenorette? The only training necessary was the typist telling you how to correctly dictate i.e., Operator: Question what is your name interrog Answer my name is nish cap John period, and so on. You didn't need to worry about layouts/title pages/cert pages/parentheticals because your typist knew what to do. Your job was to proof the transcript. Fast forward to today.

So you've passed all your speed tests, completed all your academics, done your internship, upgraded your student software to the professional version, graduated from court reporting school, and are now ready to work. But are you? Can you easily make changes to your layout, your title and cert pages, create new forms/includes/block files as templates for the different types of jobs you take? Are you able to take advantage of the features of your software that will enable you to edit faster and less repetitively? Are you comfortable editing your dictionary?

In addition to live workshops and seminars, such as those that will be offered at the FCRA Annual Convention beginning July 19, 2013, there's a plethora of webinars and other online training options offered by all software vendors. It is also possible to get Florida-specific page layouts and settings from some vendors.

There are multiple ways for you to become proficient and confident in your software within the software itself and there's no reason you can't take advantage of them right now! Below are features from three CAT softwares used in Florida, although they are not the only ones.

ECLIPSE: Included with Eclipse's installation CD is a tutorial divided into individual lessons, as well as the complete software manual, "Quick Guide," and "Quick Commands," which are all printable. There's a realtime editing tutorial which can also be printed and it includes macros* for editing from your writer. Their Searchable Help files are linked to over 200 instructional videos called Visualizers.

CATALYST: (Disclosure – I am a Certified Independent Training Agent for Stenograph)

Once you've installed the Catalyst software, you can access "Integrated Video Training" as well as create a Training User complete with actual files for guided practice. They also include a complete searchable software manual, Command Summary Cards, Self-Study Guides, and Exceptional Extras Guides, all of which are printable. There are edit and realtime macros* and dictionaries that go along with the Exceptional Extras Guides.

STENOCAT: Stenocat comes with built-in tutorials, pre-designed templates, setup wizards, sample transcripts, dictionaries, and more, all of which are designed to make the learning process easy. Being a California-based company, they do not have a library of Florida formats, but they will customize templates, titles pages and cert pages for their customers.

A caveat on software manuals – if you are driven to print them, invest in paper – the software manuals range from 500 to over 1500 pages long. It's much easier to search the manual and then print the pertinent topics as needed and put them in a binder if you want a hard copy.

Bottom line – There's no reason not to "know your software" before you walk into the first job of your new career. Who knows, maybe you can give those of us who remember Stenorettes a few tips!

*A macro is a recorded series of keystrokes, mouse clicks and associated keyboard commands. A filename assigned to the macro allows for playback. When you play back a macro, whether in edit or from the writer, you are performing the series of recorded commands much more quickly than going through the individual steps.

Scopist or Not? That is the Question...

By Janet McKinney, RPR, FPR, CLR

If you've been reporting as long as I have, take a stroll with me down memory lane. Do you still remember the late night drives to your typist's house to drop off or pick up an overnight, which they begrudgingly agreed to do only after you begged, pleaded, and groveled with them? Personally, I couldn't wait to get on a CAT system when they first came out because I thought it would be so nice to have more control of my work. When I had an overnight or a daily, I wouldn't lose valuable time finding someone to type it for me, driving to deliver the job to them, picking it up and...well, you know the drill.

As one by one reporters crossed over into the computer age, typists became a thing of the past and they were replaced by who? Scopists. Many typists, although highly skilled and proficient at what they did, became obsolete. Why? Because they simply couldn't read steno.

When CAT and scopists came on the scene, reporters who wished to use the services of a scopist to lighten their workload were still limited to using the local talent, as we graduated from shuttling cassette tapes to shuttling computer disks. The result...we pretty much found ourselves right back in the era we thought we had been delivered from.

As I think back, I can probably count on one hand the number of reporters who used scopists in those days, and I only need a finger or two to count the number of reporters who absolutely loved their scopists. Their dissatisfaction with the services they received ranged from blown deadlines on promised delivery dates to sloppy work and everything in between. I remember two conversations distinctly. Both of them ended with me saying, "You're paying good money to have your work scoped. If you're not satisfied, simply stop using her and find someone else." What were their replies? "I know, but I'd feel bad because she really needs the money." "I've been using her so long that I don't know how to tell her I won't be using her anymore." For so many reporters the bad relationships with their scopists became akin to a bad marriage. You're not satisfied with what you have, you know there's sure to be something better out there, but you just can't figure out how to walk out the door.

Fast-forward to today. Technology has come so far and yet some things never change. I can still count on one hand the number of reporters who use scopists; and, I still need only a couple of fingers to count the number of reporters who absolutely love their scopists. What many of us have not realized yet is that the internet has opened the door to a vast array of professionals who, when properly vetted and wisely utilized, can make our job easier, make us more efficient with less stress, and give us back some of the family time and free time that is missing in our lives.

There is nothing that can't be found on the internet

today. Included amongst that is access to some of the most highly-trained, professional scopists in the country. Scopists can be located via many different internet avenues. Sometimes a simple search may be all it takes. There are a vast array of groups on LinkedIn, Facebook, and other social media sites that are vehicles for reporters and scopists to connect and find each other, whether it's for a short-term project, like a daily copy deposition or trial, or for the long haul. Take the time to surf these sites and research the qualifications of each scopist before you contact them. Many of them now have their own websites, which makes it easy to read about their training, experience, and references even before you contact them.

Additionally, it is wise to take the time to find two or three scopists to work with. Since everyone's workload fluctuates you want to have a small stable of scopists to call upon when the need arises, especially when faced with producing daily copy or an overnight. Doing your legwork in advance will save you the stress of scrambling when something unexpected gets dropped in your lap.

To help you get started in your search for the perfect scopist, here are some questions you should get the answers to when interviewing your future partner:

What is their level of education/training which qualifies them to be a scopist? Is he/she a retired reporter? If not, does he/she have any formal scoping education, i.e., graduate of the Internet Scoping School, where they have been educated on everything from ethics to note reading?

What is his/her work schedule? We all know reporting is not a nine to five, Monday through Friday job. If the scopist commits to working only those hours (and, yes, they are out there!) that is something you need to know. While their work product may be impressive and you may still want to use them, come to a clear understanding of exactly what level of commitment you can expect from them.

Does he/she list the published references they utilize and are well-versed with, e.g., *Morson's English Guide for Court Reporters*, *Court Reporting: Bad Grammar/Good Punctuation*, *Stedman's Spellchecker*, *Dorland's Medical Dictionary*, *Black's Law Dictionary*? Are they references that you use, know, and are comfortable with as well?

Does the scopist have a preference sheet for you to complete which refreshes them at a glance as to your editing "likes" and "dislikes." A scopist's goal should be returning a transcript edited exactly as their client would have done it themselves. Preference sheets are one way to help a scopist provide superior individualized services, even when scoping for a pool of reporters.

Does he/she include in their service doing the research

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SLEUTHING THE NET



By Donna M. Kanabay

Squatter's Rights?

If you're a member of the popular online gathering places for court reporters, such as Depoman, the NCRA page on LinkedIn, or the NCRA Owners/Managers listserv, you know Lisa Migliore Black, a popular (and outspoken) member of these groups. Last year, she posted that a <not-so-friendly> competitor had registered her (maiden) name for a web site, www.lisaMigliore.com, and the URL was redirecting people to *their* site.

It's called Cybersquatting, and it's becoming more and more of a problem as everybody continues to pin their lives, and their livelihoods, on the Internet.

The Nolo.com Web site ("Law for All") defines cybersquatting as, "Registering, selling or using a domain name with the intent of profiting from the goodwill of someone else's trademark. It generally refers to the practice of buying up domain names that use the names of existing businesses with the intent to sell the names for a profit to those businesses."

Nolo.com presents a short history. "The practice that's come to be known as cybersquatting originated at a time when most businesses were not savvy about the commercial opportunities on the Internet. Some entrepreneurial souls registered the names of well-known companies as domain names, with the intent of selling the names back to the companies when they finally woke up. Panasonic,

Fry's Electronics, Hertz and Avon were among the 'victims' of cybersquatters. Opportunities for cybersquatters are rapidly diminishing, because most businesses now know that nailing down domain names is a high priority."

Lisa's experience was a nightmare for any business owner. She filed a claim with the WIPO, World Intellectual Property Organization, the organization that governs intellectual property. The matter went to arbitration, and you can read about it here: <http://tinyurl.com/8v8ybqx> (please note, this is a link to *download* the Word.doc – not to open a new Web page. That confused me a few times until I saw the download at the bottom of my Chrome screen!)

Among the defenses that the Respondent put forth:

"Complainant lacks common law rights in her maiden name, as she has used her married name or business name in commerce since 2008 and not her maiden name as her commercial address."

"Respondent registered the disputed domain name for possible use for criticism of Complainant or as a "fact check site" regarding Complainant's public statements."

"The free speech purpose of the disputed domain name demonstrates that Respondent did not register the disputed domain name in bad faith."

"The brief diversion to Respondent's website was accidental. Respondent's information technology (IT) is managed by a third party, which "(i)t is assumed . . . inadvertently" began the re-direction from the disputed domain name when told by Respondent to implement re-direction from other commercial websites that Respondent owned."

The panel ruled in Lisa's favor. "For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <lisamigliore.com> be transferred to Complainant."

It's a good idea to trademark/register not only your actual name, but any possible variants of it. And then buy the rights to the domain names for all those possible permutations. (i.e., in addition to .com, register .org, .net, .biz, and .info.) For my Web site, www.kanabay.com, I might also want to register KanabayReporters, KanabayCourtReporters, KanabayCR, DonnaKanabay, and DonnaMKanabay. That's pretty daunting, to think of all the possible ways your name can be, in effect, *stolen*, isn't it?

From www.cybersquatting.com, a site devoted to this important issue, "Another startling fact is that the domain name registration system does not require domain name registrants to

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Time Management

By Dawn Leslie, FPM, Office Coordinator, CAB Reporting, Inc

If you aren't 15 minutes early, you're 10 minutes late – that's my motto. I live by this. I show up at least 15 minutes early to work every day. Doctor appointments -- early! Dental appointments -- early! Meeting family for dinner -- early! Being early prevents me from feeling the anxiety of holding someone else up. If you get to an appointment early, you may be seen before the person that is running on time. Wouldn't that be nice instead of a 35-minute wait? If you arrive early to dinner, you get a better table and the other guests you are meeting will certainly appreciate the courtesy of having a table ready. Early is always better.

This is true in so many aspects of life. Take court reporting for example: If you arrive 10 minutes before your job is set to start, what are the chances that a double-booked reporter is already there and ready to go? If you arrive 5 minutes late to a hearing, what are the chances that the judge is sipping his coffee waiting on you? I'd bet on slim to none. Arriving early not only looks good for the agency you are appearing for, but it makes the attorneys look good for hiring a punctual reporter which, in turn, can put everyone at ease. The last thing they want to worry about is not having the court reporter ready.

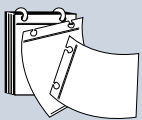
If you show up frazzled and out of sorts because a train held you up, and you still haven't gotten your cup of coffee and stopped at the bathroom, the attorneys may think that you aren't capable of calmly getting things on the record. The thought crosses their minds that your brain is on overload and you aren't focused on what they have hired you for. That can't make them feel at ease. And if the attorneys aren't at ease, no matter how comfortable their chair is, they won't call your agency back when they need another reporter.

Now, I'm not just picking on court reporters... well, I am, kind of, because 90% of my life is consumed by the court reporting world. I do think that time management is important for everyone in everyday life.

You feel more relaxed when you aren't staring down the hands of a clock, focusing on each tick-tock. Having a time management plan can prevent you from missing out on important things that you might want to do, like a nap on a Sunday afternoon. Say it's Thursday morning and you don't have any idea as to when you'll have time to get two loads of laundry done, the dishwasher cleaned out, and get the bathrooms cleaned before company arrives Saturday morning

for brunch, and there's no time away from the office between now and then. If you make a plan and focus on how to incorporate those "need to do" items into your Thursday and Friday, you won't be sadly faced with those chores come Sunday morning because you couldn't find the time. Not to mention your guests won't be faced with a dirty hand towel on the wall and a hard water ring in the toilet. Time management is important so that once your chores are done you do have time for a snooze on a Sunday afternoon, which is good for your mental and physical health -- trust me, I know.

So I've spent enough time on this Time Management session. I did have it planned into my work day so it hasn't taken any time off of my day, which is great since I have so many other things to do. So take a moment, make a list, check it twice, and then check things off. Manage your time so that you have time to manage yourself. Time's UP!



FCR Online Deadline Dates

(Fall) Aug/Sept/Oct.....	July 5, 2013	(Spring) Feb/Mar/Apr	Jan. 5, 2014
Publication Date	Aug. 12, 2013	Publication Date	Feb. 12, 2014
(Winter) Nov/Dec/Jan	Oct. 5, 2013	(Summer) May/June/July	April 5, 2014
Publication Date	Nov. 12, 2013	Publication Date	May 12, 2014

Scopist or Not? That is the Question...

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to find the correct spellings of places and names while they are scoping the job, or do they throw that back to you, the reporter, to be responsible for? Remember, using a scopist is intended to save you time. Of course, you want to send any spellings you have readily available, but if prepping your job to send out requires scanning the job and researching to provide an exhaustive list of spellings, that certainly cuts into the value aspect.

Does he/she strictly scope with your CAT software? How well do they know the system? I've seen ads where scopists advertise their ability to scope utilizing every CAT software out there. Do I doubt their ability to edit on every program out there? No. Do I question their ability to know all of the features of each of those software programs as well as I know my own? Yes. If they are not conversant with, and know how to use all of the features of your software, such as imbedded notes, auto-indexing, work units, or dictionary update files, then you're not getting the most your money can buy.

Is their software current and do they continue to take software training as new versions come out? In every software training seminar I have ever attended there have been scopists there training as well. Those are the scopists who are interested in working with the most up-to-date software out there and learning all of the new features available to help me, their client. Scoping is not just a job, it's their profession, and they are continually seeking avenues for self-improvement. Software training is a great place to network. And who knows...the scopist of your dreams may be right in the same room with you.

Now that you have some tips on how to find your perfect scopist, you may still find yourself grappling with if, and when, to send your work out. Historically, reporters loathe the idea of sharing any portion of their hard-earned money with a subcontractor, such as a scopist or a proof-reader. However, that may be a very short-sighted view of the bigger picture.

If your workload keeps you busy, but not overworked, then perhaps your system of solely handling the job from cradle to grave, so to speak, is working out for you. On the other hand, if you feel like you do nothing but work from dawn to dusk, six or seven days a week, then I'd suggest you give some consideration to partnering with a professional.

If you fall into the latter category of overworked reporters, but still are not convinced of the financial benefits of using a scopist consider this: There are very few reporters who send absolutely every job they take out to be scoped. Ironically, most reporters do a sort of cost/income analysis

in their head before deciding whether they will send a job out. In other words, the more lucrative the job is to them, the more likely they are to send it to be scoped. Unfortunately, I have to admit I've been guilty of that myself a time or two in the past.

All too often reporters will shy away from sending that 200-page job to a scopist because after they pay the scopist they won't net enough money, so they say. Really? If that's the math-savvy path you travel down as well, then you need to put pen to paper (or take out your calculator if you're mathematically challenged) and figure it out.

We in the reporting industry all realize the more we get out the door the more we make. Our time is just as valuable whether we are working to get out an O+1 or an O+5. If you find that you are periodically taking yourself off the book or out of court because of a backlog, then it makes good financial sense for you to get some help.

To further help put things in perspective, consider the following Cost/Benefit Analysis:

Scenario: 200 pages @ \$4.00 per page

DAY 1		DAY 1	
Reporter A with Scopist		Reporter B without Scopist	
Earns:	\$800.00	Earns:	\$800.00
Pays Scopist \$1.25/pg:			
Day 1 total	\$250.00	Day 1 total	\$800.00
	\$550.00		
<u>DAY 2</u>		<u>DAY 2</u>	
Reporter A with Scopist		Reporter B (takes self off	
Earns:		book to edit) Earns:	
Pays Scopist \$1.25/pg:	\$800.00		
Day 2 total	\$250.00	Day 2 total	\$ 0.00
	\$550.00		
DAY 1 & 2 TOTAL:		DAY 1 & 2	
	\$1,100.00	TOTAL:	\$800.00

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PREP...

By Gayl Hardeman, RDR, CRR, CCP

ON THE JOB

Preparation – PRE is the tell-all prefix. PARARE, the Latin meaning “make ready.” The “act of preparing.”

Why bother preparing at all, if it’s not realtime? If the job is to be realtime, how best to “make ready”?

Why bother preparing at all, if it’s not realtime? I used to scoff at the idea of getting copies of pleadings in advance. How stupid was THAT! Having PRE-knowledge of terminology and names I might be hearing in the job could only help me write better. And it has. Even if the job isn’t realtime, a few minutes even just glancing at documents gives you the opportunity to write it right the first time, so you don’t have to take the time to edit later. For example: Ann, not Anne. C24, not see to four, or sea two for. Words that sound the same but have different spellings. Medical terms you want to make a brief for rather than write out. Arriving early at the job gives you a chance to glance at an expert’s or officer’s report.

If the job is to be a realtime job, how best to “make ready?” First, print out the documents, lay them in front of you, scan them for unusual words that may not be in your dictionary. Using a highlighter, highlight the words as you scan the documents. Set up your steno machine and a realtime file and begin writing the highlighted words. Your dictionary lets you know right away if there are conflicts in your choices of brief or if you can’t remember the way you write “cornucopia,” if you’ve even heard that word uttered in a job before. Use the “Brief-It” type feature of your software to suggest briefs to you. Reject briefs that are awkward or finger-intensive for you so that the feature will “learn” from your choices.

If you have a previous transcript in this case, run it through the “Brief-It” feature. (In CaseCATalyst, in Edit, it’s Global, Transcript Brief-It. The feature will analyze all the words and phrases in your file and populate a Brief It list, and you can choose ones to add to your job dictionary or to your “Cat Scratch” (post-it reminder) pane, if you use that feature. For example, in the transcript I just ran, a plaintiff’s asbestos deposition, O*EB is suggested for “object to form”

and “BAO*END” is suggested for “Bendix brake.” I like the first one, but I don’t like the second one. I just write the first one, O*EB, and “object to form” with that steno are automatically added to my job dictionary.

If I would rather deal with single words than phrases, you can create a Core List of words from a transcript and run that resulting Core List through a similar Brief-It analysis by clicking on Global/Text List Brief It. (To create a Core List, click on Tools/Create Core List.) (This is for CaseCATalyst; other software programs have similar features, so consult your manual or trainer.)

Logical Briefing: Keep it simple. Method 1: To identify speakers, use the first syllable of their first or last name for the speaker token, hit twice. BIL/BIL for BILL ALLEN: (or MR. ALLEN:) and BIL/BIL/BIL for Bill Allen (whole name said or written out in mixed case). Method 2. Use the first letter of the first name and the last letter of the last name. Bill Allen would be B*N. Advantage of this method is it’s ONE stroke rather than two. Write it twice for written-out name. Another example, Phyllis Magillicuddy. P for Phyllis and Y for Magillicuddy. There’s no Y, so substitute Y or D. P*EU or P*D. Method 3. JAO, SNAO for first two speakers (plaintiff and defendant or taking attorney and opposing counsel. If there is a second attorney with the JAO attorney, I add an –F, JAOF. If there is a second attorney with the opposing counsel, SNAO, I add an –F, SNAOF. Any more than 4 attorneys or speakers, I go to methods 1 or 2 above. There are MANY ways of identifying speakers. Choose one that makes sense to you and use the feature of your software that inserts all the formatting for you so you don’t have to job-define the speakers each time. Using Fields accomplishes this; then you re-use those Fields for another job in the same case.

Time spent on prep makes a better-looking product for viewers of your screen, whether an accidental viewer or you, yourself. Time spent on prep makes editing later much more efficient; therefore, your time is worth more \$ per hour. Prep is ESSENTIAL for CART and Captioning. Prep away!

Scopist or Not...

Continued from page 14

As you can clearly see based on the calculations shown above, the reporter with the scopist was able to net a two-day total of \$300 more than the reporter who is trying to go it alone, or even more when paying standard delivery scoping rates. Best of all, remember, all scoping and proofreading services are 100% tax deductible. To me, that’s a win-win situation!

For a long time I was guilty of trying to do it all myself, but as the years have gone on my philosophy has definitely

changed. I’ve had the good fortune to find and work with some truly superior scopists and proofreaders alike. I’m confident that armed with the tips I’ve provided here you, too, can be well on your way to locating and surrounding yourself with a few professional scopists that are truly in tune with your transcript style and work ethic. Once you start sharing the load, between the free time you gain and the bump in your income, I have no doubt you’ll be asking yourself why in the world you ever waited so long.

ETHICS AND PROCEDURES CORNER

By Judy Everman, RPR, FAPR, CMRS, FPR

Criminal Deposition/Telephone Statement

A member called me saying she received an inquiry from a client about taking a deposition by telephone where he and opposing counsel had “stipulated to the ID of the witness.” The attorney felt that the reporter/notary could then administer the oath over the phone. Of course, we know that the Florida Attorney General has issued an opinion very clearly stating that the deponent has to be “in our presence” to administer the oath and that that requirement cannot be stipulated away because it violates the notary statute. Attorneys cannot stipulate to something that violates a law.

The member recalled something about a criminal rule allowing a statement to be taken of a law enforcement

officer by phone, in lieu of a deposition. We found the rule in the manual, but whenever I want to quote a rule to someone, I always go online to the latest rules to verify no changes, and I did so. When I went to the then subdivision (5), it was not there. All I could find was a subdivision (8) that had the same language except “law enforcement officer” had been changed to “any witness.” Funny thing though, I could not find any amendment rationale about when it had changed and why. Here is the current rule:

3.220(h)(8) of the Criminal Rules of Procedure

(8) Telephonic Statements. On stipulation of the parties and the consent of the witness, the statement of *any witness* may be taken by telephone in lieu of the deposition of the witness. In such case, the witness need not be under oath. The statement, however, shall be recorded and may be used for impeachment at trial as a prior inconsistent statement pursuant to the Florida Evidence Code.

I emphasize that *this rule applies only to witnesses in criminal matters* since this is a criminal rule. However, I have said in the past that the attorneys could agree to take a statement (unsworn) by phone and agree that it could be used as though the witness was sworn, and this is saying the same thing I said. And I still think this could be done even in civil matters, too, if counsel and the witness so agree, but that’s just Judy Everman’s thoughts.

The nicest part about this incident is that the reporter took the rule to the deposition to show the attorneys and they were quite impressed. Then a question came up about minors, and it just happened to be on the same rule page she had, so she showed it to them and they were then super impressed! The member’s remark to me, “Can tape recorders do that?”



FCRA 2013 Annual Convention

July 19-21, 2013
Hilton Orlando/Altamonte Springs
Altamonte Springs, Florida

Sleuthing the Net: Squatter's Rights

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conduct any sort of **trademark search** before registering a domain name. As a result, in a matter of minutes, anyone can register (unlawfully, that is) domain names containing variations of any world-famous trademark imaginable. The large traffic in the direct navigation market, * the race by business owners to obtain domain names to properly identify their businesses, and the ability to register domain names without getting trademark clearance, have resulted in many disputes revolving around domain names and trademarks." (* Direct navigation is typing directly into the address field as opposed to using the browser's Search field, for example, "cellphones.com," "mp3.com," and "videogames.com. Or, say, courtreporting.com.)

So the arbitration came out in Lisa's favor, but what's next? Lisa has filed for damages in Federal court: <http://miglioreassociates.com/2013/03/18/blog-page/cybersquatting-victim-files-federal-suit/>

The January 2013 issue of NCRA's magazine contains an article by Lisa, herself, on pages 46 and 47: "Cybersquatting: Don't Be A Victim or A Perpetrator." <http://mydigimag.rrd.com/publication/?i=140834>

Even "big dogs" can lose. The Cybersquatting.com web site relates a recent case where Steinway, the famous piano manufacturers, lost their claim on the name "americansteinway.com."

For more information about Lisa's case, she blogs extensively about it on her web site. <http://miglioreassociates.com/lisamiglioreblacksucks/>

Per the Cybersquatting site, it's not necessary to actually register your business name as a trademark: "A trademark comes into existence as soon as a business starts using that trademark in commerce. While registering a trademark with the United States Patent & Trademark Office offers a trademark holder certain benefits, it is not necessary to establish rights in a trademark."

For some interesting recaps of cases and rulings, visit Cybersquatting's News page: <http://cybersquatting.com/index.php?page=news>

The legal areas of trademarks, copyright, domain names, etc., can be very complex, and so it's a good idea to consult with an attorney who is well-versed in these issues to learn how best to protect yourself – or how to go after somebody who's "stolen" your name. For now, I'll be watching Lisa's federal case closely!

FCRA welcomes the following new members

(Includes all members who joined as of May 1, 2013)

STUDENT MEMBERS

NAME	CITY	SPONSOR
Bassett, Kelly	Orlando	Sandra Estevez
Green, Heather	Nokomis	Aurora Joslyn
Houghton, Alison	Cantonment	Susan Wasilewski
Smith, Kathleen	Indian Harbour Beach	Susan Wasilewski

ASSOCIATE MEMBERS

Joslyn, Aurora	Hollywood	Rick Levy
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PARTICIPATING MEMBERS

Langhoff, Courtney	St Petersburg	Robin Bence
Wall, Elaine	Jacksonville	Helen A. Anderson



MEMBERSHIP APPLICATION

Florida Court Reporters Association

*Name (Please print) _____ NCRA # _____ NVRA # _____

*Company _____ Owner Co-owner Manager

*Mailing Address _____ Website: _____

*City/State/Zip _____

*Telephone: Home (____) _____ Office (____) _____ FAX (____) _____

CHECK ONE: OK to publish home phone number in directory. DO NOT publish home phone number!

*E-mail address _____ Secondary Email Address _____

*METHOD OF REPORTING: Stenographic Voicewriter Gregg Pittman Other _____

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

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

*Asterisk indicates required information.

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

PARTICIPATING MEMBER\$300.00
Open to anyone engaged in active practice of official or general court reporting by either stenographic or voicewriter method. (Please indicate method above.)

STUDENT MEMBER\$35.00
Open to any student of shorthand reporting who is endorsed by a court reporting training program instructor or director.

RETIRED MEMBER\$45.00
Open to any participating member in good standing who has retired from the active practice of shorthand reporting.

ASSOCIATE MEMBER \$90.00
This category is open to the following (please check one):
 Teachers of shorthand reporting
 Individuals officially connected with a school or college conducting shorthand reporting course - **School Name & Location** _____
 Non-member individuals retired from active shorthand reporting
 Anyone professionally associated with or employed by a member of FCRA whose application is endorsed by a participating member in good standing (**please print sponsoring member's name below where requested**)
 Anyone qualifying for Participating membership, but residing outside of Florida - State of Residence _____

VENDOR MEMBER.....\$500.00
Open to any firm or corporation engaged in selling products or services to FCRA members.

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

FLORIDA MANUAL: The guide to court reporting in Florida — sample forms, guidelines, and rules of court. Cost for members: \$75.00. Subscription to updates: \$25.00.

MEMBERSHIP DIRECTORY: Searchable geographical and alphabetical members' listing in Member's Only section of our website.

The dues year is November 1 through October 31. Annual dues must accompany application. Those joining in August, September, or October of a given year will be paid through October 31 of the following year. Dues payments are deductible by members as an ordinary and necessary business expense. In accordance with Section 6033(e) (2)(A) of the Internal Revenue Code, as amended, members of the FCRA are hereby notified that an estimated 10% of your FCRA dues will be allocated to lobbying and political activities, and therefore is not deductible as a business expense.

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

I understand that all applications are subject to review and approval by FCRA. All applicants must be sponsored by an FCRA member in good standing per FCRA bylaws.

Signature of Applicant

Date

Name of Sponsoring Member (Please print or type)

PAYMENT ENCLOSED FOR:

Membership Dues \$ _____

Florida Manual on disk:
 ___ copies @ \$75.00 each
 (Includes 7% sales tax + handling) _____

One-year subscription
 to Florida Manual Updates
 ___ subscriptions @ \$25.00 each
 (Includes 7% sales tax + handling) _____

TOTAL ENCLOSED: \$ _____

Check # _____ MasterCard VISA AmEx

Account # _____

Exp. Date: _____

Amount to charge: \$ _____

Authorized Signature _____

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