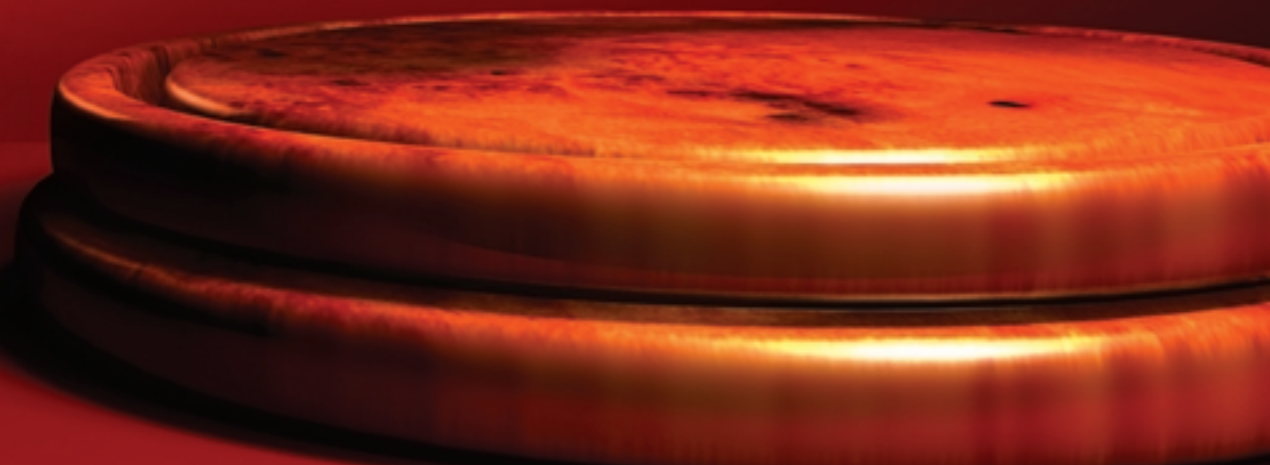




ER Budget Crisis



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CCRA Online Copy Deadlines

The deadline for ad and article copy for CCRA Online is the first of the month prior to the scheduled publication date. Articles, ad copy, changes of address, complaints of nondelivery and subscription requests should be directed to CCRA, 65 Enterprise, Aliso Viejo, CA 92656 or call (949) 715-4682. Advertising inquiries also should be directed to the Association office. Photographs accompanying articles should be RGB color JPEG files with a resolution no less than 120 ppi.

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The Electronic Magazine of
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CCRA MISSION STATEMENT

The mission of the California Court Reporters Association is to advance the profession of verbatim shorthand reporting by promoting professional reporting excellence through education, research, and the use of state-of-the-art technology; establishing and maintaining professional standards of practice; and advocating before legislative and regulatory bodies on issues which impact the judicial system and others served by the court reporting profession of California.

President's Message

By Lesia J. Mervin, CSR #4753, RMR, CRR
CCRA President



As I write this message, we are in the midst of a full-blown crisis. When I first got the news of the Legislative Analyst's proposal to "transition to ER in California courtrooms," I have to admit I had myself a little pity party for a few moments. "Not again! Please, not on my watch!" (Okay — maybe the language was a little stronger than that, but it's inappropriate here.) So much for a nice relaxing year as president of CCRA. Once I got over that, I was ready to tackle the task at hand.

I've been a reporter for almost 30 years and have been through this many times before, but this time is different for me. The budget crisis is as drastic as I've ever seen it, for one; I now have a child whose court reporting career could be impacted — momma bear's claws come out; and this time I'm at the helm of the one organization that I **know** has the experience and the expertise to fight this threat.

The team we've assembled is stellar. Doreen Perkins, of Fresno, and Tom Pringle, of Redding, have been chosen to co-chair CCRA's ER Task Force. Other members of the task force are: Jim Partridge, San Diego; Carolyn Dasher, Los Angeles; Sandy Bunch VanderPol, Sacramento; and Arnella Sims, Los Angeles and me.

The process is well underway with our consultant's report that contains facts and figures debunking the LAO's theory that they will "save \$111 million annually." One of the things the LAO doesn't include in their proposal is that the courts are at risk of losing \$26 million per year by replacing reporters with digital recorders. Currently, California courts collect \$26 million annually from user fees charged to civil litigants for the services of a stenographic reporter, pursuant to Government Code section 68086 (Coincidentally, the \$26 million is the same amount of revenue that offsets what courts spend annually on transcripts.) Replacing court reporters with digital recording would eliminate this revenue source and result in higher transcript costs. Yes, **ELIMINATE** the revenue source for the courts! Where's the logic in that?

By now you have all received CCRA's ER update newsletter sent to all California CSRs outlining the process and where we go from here. We will be utilizing our Action Team during the crisis — the eyes and ears of CCRA, made up of team leaders from up and down the state. Everyone is asked to be vigilant and pass on any information they may learn locally. You never know what information can be useful, so please don't hesitate to contact your Action Team leader in your area, or contact staff at CCRA, to pass on information. See the link below for your Action Team leader.

Stay informed. Know what's happening. Get involved. We will keep you apprised of where we are in the process.

CCRA's Link to your Action Team leader:

<http://www.cal-ccra.org/documents/ACTIONTEAMforWebsite.doc>



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WHAT YOU NEED TO DO

- **CONTRIBUTE TO THE CCRA SPECIAL FUND.** Your donation will pay for the preparation of professional reports, flights to Sacramento to lobby legislators, mailings to CSRs, etc. [http://www.cal-ccra.org/ER Budget Crisis.htm](http://www.cal-ccra.org/ER_Budget_Crisis.htm)
- **Visit the CCRA Website frequently.** Stay informed on the latest info and request for action. www.cal-ccra.org
- **Request a local meeting in your area.** CCRA will supply a speaker who is knowledgeable on this subject if you provide the location. (info@cal-ccra.org)
- **LET US KNOW WHO YOU KNOW?** Are you personal friends with or do you otherwise know a state legislator? Your kids go to the same school? You attend the same church? The legislator was previously an attorney you worked with? If you have any such suggestions, we need to know that now. (info@cal-ccra.org)
- **GET INVOLVED.** Go to CCRA's website at www.cal-ccra.org and find out how.

Court Reporters Board Backup Audio Media Task Force Meets

By Sandy Bunch VanderPol, Immediate Past President

The strategic plan of the Court Reporters Board (CRB) continues to be implemented with the February 28 meeting of the Backup Audio Media (BAM)* Task Force, consisting of Chair Toni O'Neill and members Judy Gillespie, Toni Pulone, Bill Greenley and Debby Steinman. All members of the task force have excellent qualifications and have shown extensive knowledge on this topic.

The purpose of the task force meeting was to discuss the background on this topic, develop a mission and discuss whether best practices and/or regulations should be implemented to protect the consumer. (As a reminder, there were two town hall meetings held on this subject last year, one in Northern California and one in Southern California.)

The task force agreed that best practices were, at a minimum, warranted and should be developed for the CRB consideration. It was also agreed that regulations might be the appropriate route to take at some time in the future.

Using the NCRA BAM Guidelines as a foundation, the task force had extensive discussion and input on whether to include these guidelines for California. After this discussion and input, there were modifications made to some of the NCRA guidelines

so as to better reflect the use of BAM in California, including existing laws that may apply to California only. At the conclusion of the two-hour meeting, the work of the task force had not been completed. A future date and time will be set to meet again to continue work on the charges of this task force. Expect the next meeting to occur either in later March or early April.

CCRA was the only state association represented at this task force meeting. Prior to the meeting, CCRA had submitted to the CRB a formal position on BAM and offered suggestions to the CRB regarding the many areas of potential confusion that need to be addressed to not only protect the consumer but to ensure the CSR is using BAM in a way that ensures the integrity of the verbatim record. You may view CCRA's statement on this topic by clicking here. <http://www.cal-ccra.org/BAMCCRAcomments.pdf>

*BAM includes both analog or digital recording technology, including technology that has been developed for computer-aided translation (CAT) software, which allows for the simultaneous digital audio recording of judicial proceedings, often referred to as "audio synchronization," and more commonly known as "backup audio media."



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The Apostrophe Versus the Hyphen

(This is the first in a series of discussions on apostrophes and hyphens.)

By Margie Wakeman-Wells

...two months' vacation... ...two-month vacation...

One person might put an s in this construction; another might leave it off. Which is correct?

Each can be correct. We just need to be sure we punctuate the patterns correctly.

This issue always involves an adjective in front of a noun, in which time, value, distance, or amount is indicated about the noun. These are derived from an adverb form.

How long is the delay? Ten minutes.

...ten minutes' delay... ...ten-minute delay...

How far is the walk? Two miles.

...two miles' walk... ...two-mile walk...

How long is the vacation? One week.

...one week's vacation... ...one-week vacation...

If a person uses the s on this adjective, it takes the apostrophe. If the unit expresses a singular concept, it takes an apostrophe s. If it is plural, it is s apostrophe.

...one year's leave... ...two years' leave...
...one day's suspension... ...five days' suspension...

If the person does not use the s on this adjective, it takes a hyphen because it is a one-unit modifier.

...one-year leave... ...two-year leave...
...one-day suspension... ...five-day suspension...

No one expression ever takes both the apostrophe and the hyphen.

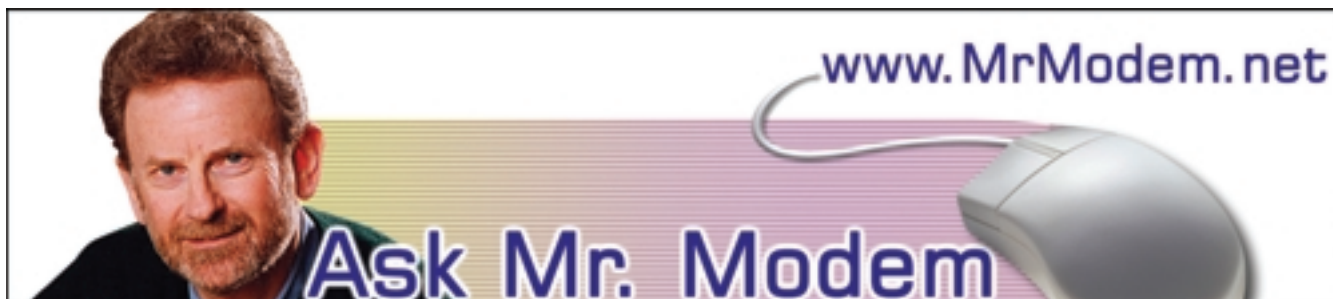
The determining factor is whether it is said with the s or not. With an s, there is an apostrophe; without the s, there is a hyphen.



Chief Justice Pulls Death Penalty Plan

Chief Justice Ronald George reportedly has withdrawn a proposal to amend the state Constitution to speed up death penalty appeals due to the state's fiscal crisis.

In November, the seven state Supreme Court justices proposed referring some capital cases to appellate courts for initial review. George had asked the Democrat-led state Legislature to put the constitutional amendment on the November ballot.



Dell's Dilemma

Q. I heard that some Dell laptops have defective batteries that have been recalled. How do I know if I've got one of them in my computer, and if so, what do I do?

A. First of all, though the recall involves more than four million batteries, according to Dell, there have only been six reported cases of "overheating" that resulted in property damage, but no injuries. (I suspect the term "overheating" is being used in the same manner that a physician says, "You may feel some slight discomfort," just before the searing pain begins.)

This battery problem stems from flaws in the production of lithium-ion batteries made by Sony and used in Dell's Latitude, Inspiron, XPS, and Precision mobile workstation notebooks that shipped between April 1, 2004 and July 18, 2006.

To determine if you have one of the batteries in question, other than the ability to toast marshmallows over your keyboard, go to the Dell Battery Return Program Web site (www.dellbatteryprogram.com) and enter the 20-digit ID number located on your battery. If your battery is a candidate for free replacement, you'll be directed to an online request form. You can also call 866-342-0011.

If you do have one of the batteries in question, it is recommended that you remove the battery and use the computer exclusively on AC power until you receive your replacement.

Q. I'm having trouble printing ZIP Codes that begin with a zero in Excel. My spreadsheet displays zeros in the ZIP Code column, but when printed, it drops the zeros every time. Can you help?

A. Excel is doing what it normally does in this instance, and that's dropping the leading zero because it's assuming that the ZIP Code is an actual number. Since 1 and 01 have the same numerical value, Excel thinks its doing you a big favor by dropping the "unnecessary" zero.

This is easily resolved by instructing Excel that your ZIP Code column is not comprised of arbitrary numerals, but rather that those numbers are ZIP Codes. To do this, first highlight the entire column by clicking the letter at the top of the column, then click Format > Cells > Number tab.

In the Category section, scroll down and select Special, then ZIP Code from the Type section, followed by OK. Your ZIP Codes should now print correctly, with no disappearing digits.

Q. When removing programs and the question appears, "Do you want to remove a shared file?" Should I answer "Yes" or "No"?

A: Shared files display the extension .DLL, which means they're Dynamic Linked Library files. That's just a high-falootin' way to let you know that the file in question is possibly being used by one or more other programs. For example, a word processor and spreadsheet may share a .DLL file, so removing a shared file may cause one or more programs to function improperly.

continued on Page 9

(continued from Page 8)

Removing a shared file can also result in an "XYZ file cannot be found" error message. If that appears, it's usually because the missing file was removed when a shared file was deleted as the result of uninstalling another program.

If you're asked if you want to delete a shared file, just say "No." It won't hurt anything to leave the file alone, and it's better to err on the side of caution rather than risk accidentally disabling another application.

Mr. Modem's DME (Don't Miss 'Em) Sites of the Month

eLibs.com

Do you remember the wild and wacky Mad Libs books, which invited readers to provide words that were ultimately incorporated into a quasi-amusing story? Think of eLibs.com as the online equivalent of Mad Libs. If you fancy yourself as a writer, you can even try your hand at creating your own eLib, then share or inflict it upon others. <http://www.elibs.com>

Free Information Society

Here you'll find free MP3 downloads of historical

speeches, interviews and other significant moments in audio history. Listen to Spiro Agnew waxing expansive about long-haired hippies, Mahatma Gandhi speaking about peace, Mr. Modem explaining quantum physics, or Amelia Earhart ruminating about flying. The site is divided into topical sections, so it's easy to find just about any voice from the past. <http://tinyurl.com/266scl>

Make Your Own Kaleidoscope

This site reminds me of the Beatles' Lucy in the Sky with Diamonds. Such mind-blowing lyrics. Remember "The girl with colitis goes by"? They don't write 'em like that anymore. Copy and paste the URL to any .jpg file into the Image field, click the Load button, then hold down the left button while moving your mouse to enjoy the groovy kaleidoscopic images. Far out! It makes me feel like I had a hit of tofu. Man, that's good veggie. <http://tinyurl.com/2dywn4>

Mr. Modem provides prompt, personal answers to computer and Internet questions by email, plus easy-to-use PC tips, including Windows Vista, for subscribers of his weekly computer-help newsletter. For more information, to view a sample issue, or to subscribe, visit www.MrModem.com.



TurboCAT

Job Menu
Realtime
Utility Menu
[F10] Exit

Dictionary Menu
Litigation Support
CAPSivator Online
[F1] Help!

SmartCAT

Job Menu
Realtime
Files in Work Directory
Help!

Dictionary
Import Notes
Style Sheet
Quick Start Guide
Exit

Of Course You Waited, Now it's Time to Move.
(Come see SmartCAT for Windows w/Bonus features... but only if you want to use them)

Windows XP Windows Vista

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The Gadget Guy

Eric Johnson, CSR, RPR

Eric Johnson is owner of Depobook Court Reporting Services and Depobook Court Reporting Products, located in Modesto, California.

gad-get

Pronunciation: _ga-j_t\

Function: noun: an often small mechanical or electronic device with a practical use but often thought of as a novelty.

Hmm. So if I'm the gadget guy, you would expect this article to be about shiny little mechanical devices that we use often but are mostly thought of as a novelty. Instead I've opted for the "electronic device" definition as we discuss what's new on the e-frontier.

Court reporting forums, blogs and chat rooms have been around since Al Gore invented the Internet. I've even hosted a simple forum site myself for years. Many court reporters are members of at least a few.

As I have spent my years doing more lurking than posting or chatting, I haven't been particularly drawn into any one site. I certainly haven't felt compelled to register, unless I had to, or to spend very much time hanging out and posting comments.

That's all changed since the launch of www.CSRnation.com. What a great place for court reporters, students, videographers, firm owners to share advice and tips, swap files, upload photos and videos, send instant alerts for last minute depositions, and MORE.

Whatever you do, just don't click on the "Games" link. You'll live to regret it.

The site is the brainchild of Bay Area videographer Muntaser Majdoub (Monti for short), who is a very talented web developer. He also takes an active role in monitoring the site, which keeps the whining, gossip, and spam to a minimum.

Here are a couple other good forum-style sites:

<http://www.depoman.com>

<http://community.compuserve.com/crforum>

<http://ncraonline.org/forum>

<http://www.courtreportersforum.com>

Have a question or product suggestion?
Email me eric@depobook.com.

Cal-e-licious

By Gerie Bunch

Lasagna Roll-ups

Sauce

8 curly edged lasagna noodles
(cooked and drained)
2 Tbsp. olive oil
1/2 c. chopped onion
2 cloves garlic minced
1-14 oz. can stewed tomatoes
1-6 oz. can tomato paste
1/4 c. red wine
1/2 tsp. each oregano and basil
salt & pepper to taste

Filling

1-15 oz. container ricotta cheese
1-10 oz. pkg. frozen chopped
spinach,
thawed and well drained
1 c. shredded mozzarella
1 egg
1/4 c. Parmesan
1/2 tsp. salt
1/4 tsp. pepper

Heat oven to 350. Sauté onion & garlic in olive oil until tender. Add tomatoes, wine, paste, spices and salt and pepper to taste. Heat to a boil, reduce heat and simmer 10-15 minutes, stirring to break up tomato chunks. In a bowl, combine ricotta cheese, 1/2 c. mozzarella, Parmesan, egg, spinach, salt and pepper. Spread 3/4 c. sauce in bottom of 12x8" baking dish. Spread 1/3 c. of filling to within 1 inch of ends of each lasagna noodle, roll up and place seam side down in prepared dish. Top with remaining sauce, cover and bake 35 minutes. Top with remaining 1/2 c. mozzarella and bake until melted.



Words That All High School Graduates — And Their Parents — Should Know

The editors of the American Heritage® dictionaries have compiled a list of 100 words they recommend every high school graduate — and their parents — should know. How many do you know?

“The words we suggest,” says senior editor Steven Kleinedler, “are not meant to be exhaustive but are a benchmark against which graduates and their parents can measure themselves. If you are able to use these words correctly, you are likely to have a superior command of the language.”

Test your vocabulary. Over the next few issues of CCRA Online, a portion of the 100 words list, and their definitions, will be listed.

abjure: ab-ju-re - *verb:* formally reject or disavow a formerly held belief, usually under pressure.

abrogate: ab-ro-gate - *verb:* revoke formally.

abstemious: ab-ste-mi-ous - *adjective:* marked by temperance in indulgence; *adjective:* sparing in consumption of especially food and drink.

acumen: ac-u-men - *noun:* a tapering point; *noun:* shrewdness shown by keen insight.

antebellum: an-te-bel-lum - *adjective:* belonging to a period before a war especially the American Civil War.

auspicious: aus-pi-cious - *adjective:* attended by favorable circumstances; *adjective:* tending to favor or bring good luck.

belie: be-lie - *verb:* be in contradiction with; *verb:* represent falsely.

bellicose: bel-li-cose - *adjective:* having or showing a ready disposition to fight.

bowdlerize: bowd-ler-ize - *verb:* edit by omitting or modifying parts considered.

indelicate: in-del-i-cate - *adjective:* in violation of good taste.

indecent: in-de-cent - *adjective:* offending against sexual mores in conduct or appearance; *adjective:* not in keeping with accepted standards of what is right or proper in polite society.

chicanery: chi-can-er-y - *noun:* the use of tricks to deceive someone (usually to extract money from them).

chromosome: chro-mo-some - *noun:* a threadlike body in the cell nucleus that carries the genes in a linear order.

churlish: churl-ish - *adjective:* having a bad disposition; surly; *adjective:* rude and boorish

circumlocution: cir-cum-lo-cu-tion - *noun:* an indirect way of expressing something.

circumnavigate: cir-cum-nav-i-gate - *verb:* to proceed completely around; to go around; circumvent.



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For more information contact Peter Burford, CCRA's Insurance Expert by email at pbur98@hotmail.com or by phone at 904-955-0703

NCRA's Top 10 ER Warning Signs

(After reviewing NCRA's Top 10 ER warning signs handout, you will see that California could have been the poster child for this article. Every bullet point has been reported in California.)

- 1. ER Pilot:** Your local court or county begins to discuss an ER pilot project or program where they will test a particular system in a courthouse or in several courthouses to find out if it is a viable alternative to traditional stenographic court reporting.
- 2. Murmuring:** You start to hear rumors about a judge or court administrator meeting with an ER vendor. Your judge is retiring, and you hear from a friend that the incoming judge is thinking about installing ER and letting you go.
- 3. Technology Committee:** The state supreme court has decided to create a "Making the Record Committee." The committee is charged with reviewing the process of creating the court record in your state and assessing how to revamp the process and "update" it.
- 4. Budget Cuts:** If you start to hear individuals talking about budget cuts in the court and potential layoffs, be sure to listen to the conversations. Court reporters are often one of the first items on the chopping block. The courts argue that ER is cheaper.
- 5. Investigating Technology:** The court administrator or the chief judge starts to talk about investigating technology for the courtroom. Be vigilant if vendors start to come to the courthouse and pitch their wares to the key decision-maker in your courthouse. Some vendor names to listen for include FTR (For the Record), JAVS, and CourtSmart.
- 6. Attrition:** If a lot of the court reporters in your area are going to be retiring soon, you might want to talk to the key decision-makers in the courtroom and freelance setting about their plans once the retirements start to creep up. You should ask if they are planning on rehiring.
- 7. Restructure Plans:** Many courts are currently going through massive restructuring and renovation due to a number of reasons. Outdated courtrooms, outdated computer systems and the installation of new case management systems are a few examples. Be aware that oftentimes when they start to look at updating the courts, the decision-makers consider installing ER at that point. Decision-makers are often convinced that ER is the wave of the future.
- 8. Shortage Complaint:** Complaints of a shortage of court reporters to fill vacancies especially in rural areas of the country have led to the installation of ER. Be aware of this issue in your local area.
- 9. Negative Attitude or Lack of Accountability:** Court reporter attitude can lead to the installation of ER. If court reporters fail to be a team player or have a negative attitude, the decision-maker holding the purse strings may opt to deal with a machine rather than a human. Also, a lack of accountability is another key factor. Late transcripts or failures to complete transcripts due to personal issues have cropped up across the country as a problem, and these instances tend to end up in the media.
- 10. Control:** Access and control of the court record is another reason some decision-makers are opting to install ER. They feel that, because the record is then captured on a CD in English, regardless of what happens they will maintain the record in a format that someone will be able to transcribe.



Classified Ads

For Sale:

Stentura 8000LX. Includes extra battery, realtime cables, laptop table with tripod. \$2,200.00.

Total Eclipse Software, version 4.1, under continuous maintenance. \$2,500.00.

Contact Joanne Bergren, (760) 772-0013.

AB 2884 – Definition of Rough Draft Transcript

By Sandy Bunch VanderPol, Immediate Past President

CCRA continues to move forward in these rough budgetary times to protect the court reporting profession and your work product. CCRA is sponsoring Assembly Bill 2884, authored by Assemblymember Anthony Portantino, that seeks to amend California Code of Civil Procedure 273, which currently states that “a rough draft transcript shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings,” and “the production of a rough draft transcript shall not be required.”

This bill would further define a rough draft transcript to include the “instant visual display” of proceedings. The language currently in the bill includes the word “testimony” instead of “proceedings,” but that will be corrected in the revision of the bill.

Proposed language for Code of Civil Procedure 273(c):

AB 2884, as introduced, Portantino. Court reporters: rough draft transcript.

Section 273 of the Code of Civil Procedure is amended to read:

273. (a) The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of that testimony and proceedings.

(b) The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. A rough draft transcript shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings as provided by the official reporter or official reporter pro tempore. The production of a rough draft transcript shall not be required.

(c) For purposes of this section, a “rough draft transcript” includes the instant visual display of testimony.

We will keep you apprised of the progress of the legislation as it progresses through the legislature.



Thanks Assemblyman Curren Price

In appreciation for his support of our profession and authoring our successful bill, AB1211, last year regarding attorney responsibility for payment, CCRA presented a special framed copy of the signed bill to Assemblyman Curren Price. Pictured are (l to r) Lisa Kaplan, CCR’s former lobbyist; Assemblyman Curren Price; and Sheri Turner, CCRA Vice President Freelance/President-Elect.



Microphone Monitoring Via a Wireless Headset

(Reprinted with permission from E-Tips Newsletter)

(The article herein is the opinion of the author and not a CCRA endorsement of any product.)



In several e-Tips, we've looked at wireless connections for your steno input and your realtime transcription output, but earphones involved a wire that could not be cut. Now, there's a wireless solution for that, too. It's the Plantronics Voyager 855 headset and the Jabra A120s music adapter. This is what I've been using lately for monitoring my audio recording and for making corrections during breaks.



The Plantronics Voyager 855 is a wireless earbud stereo headset that's light enough and comfortable enough to wear all day. Since it's wireless, I'm not tied down to my laptop during sidebar conferences or in-chamber proceedings. I can also listen inconspicuously to the audiosync at any time.

The Voyager 855 transforms a bluetooth headset designed for cell phones into a sleek earpiece for reporters who want to listen to the audio before or during readback or who want to monitor what their microphone is picking up, as an aid to realtime writing. Note: The Voyager 855 comes with a detachable second earbud, at the end of a small cord, in case you want to listen to music in stereo. However, you do NOT have to use the second earbud. Thus, while reporting, one ear can monitor audio recording while the other ear remains free.

The Plantronics Voyager 855 has a rated listening time of 6 hours and comes with a typical cell-phone type charger. It's compatible with cell phones, but I'd rather not have Call Waiting distract me during proceedings nor would I want to run down the batteries unnecessarily. For that reason I don't use it

with my cell phone. Bluetooth devices must be paired with a companion device. While the Voyager 855 can be paired with your computer's built-in bluetooth, that is not what I do. I learned that people have had difficulty doing that and that playback isn't always in stereo even when they're successful.

To transmit the audio from my computer, I use a device called the Jabra A120s. It's similar to a Jabra device that offers bluetooth wireless listening to iPods, but the A120s is designed to plug into a standard headphone jack found on computers and music players. The A120s wirelessly sends the computer's audio to the Voyager 855 headset.

The Jabra A120s Bluetooth Music Adapter is as tiny as a matchbox, but it gives you about 10 hours of listening time. It charges by being plugged into a USB port on your computer. Pairing bluetooth devices isn't exactly a no-brainer, but I did not have any difficulties getting these two devices to work together seamlessly within minutes. Just follow the supplied instructions or have a geek help you. Simply plug the Jabra A120s adapter into your PC, pair up with the Voyager 855 Bluetooth stereo headset and — PLAY — you're good to go.

I should mention that you cannot use the Jabra A120s to stream audiosync to just any Bluetooth headset. It must operate on the A2DP (stereo) bluetooth profile for audio functions like that to work. So your choices in bluetooth headsets are limited, but I'm happy with the Plantronics Voyager 855 headset.

I purchased the Plantronics Voyager 855 and the Jabra A120s online through Amazon.com. I was unable to find these in any of my local stores. Of course, you'll want to practice using it for editing at home before you rely on it for a realtime job.

For more info on the Plantronics Voyager 855, go to www.Plantronics.com.

For the Jabra A120s, visit www.Jabra.com.

For more information on microphone monitoring, check out e-Tip 55 (www.KVincent.com, e-Tips archive.)

Total Eclipse also contains an excellent Visualizer movie called "Microphone Monitoring through Earphones."



LEGISLATIVE UPDATE — for the Official and Freelancer Reporter

By: *Sandy Bunch VanderPol, CCRA Legislative Advisor*

FREELANCE UPDATE — What CCRA is Doing Legislatively for Freelancers?

CCRA is working with Assemblyman Curren Price on “cleanup” language to AB 1211, which was signed by Governor Schwarzenegger late last year. Remember, AB 1211 amended the Code of Civil Procedure section 2025.510(h)(1) and added (2) and (3)(i). CCRA’s cleanup language would further define that the “attorney of record” is responsible for payment of our products and services, and “jointly and severally” liable for such payment. CCRA has proposed, and the legislature’s Legislative Counsel has accepted, the following proposed language (in blue) be added to 2025.510(h)(1):

“The requesting attorney and the attorney of record at the time of the request, jointly and severally, or party appearing in propria persona shall timely pay the deposition officer or the entity providing the services of the deposition officer for the transcription or copy of the transcription described in subdivision (b) or (c), and any other deposition products or services that are requested either orally or in writing.”

The following rationale was used in selecting “attorney of record” rather than “firm of record”:

1. “Firm” will not cover a situation where the attorney representing some party is not a firm, but is just an individual.
2. Firms are not readily discernable in the court record, and firm names change regularly. Cal Rules of Court 2.111(1) requires that an attorney’s name (not firm name) appear on all pleadings and therefore become part of the court docket.
3. The words “attorney of record” already appear in the law (CCP 285.1, 483(2)(b), 1985(c), etc.), thus is the most appropriate and ascertainable way of describing who should be responsible to pay for deposition products and services.

As many freelance firm owners and deposition reporters have experienced in collection efforts, a young associate takes the deposition, changes law firms, and collection efforts oftentimes are problematic because the lawyer taking and noticing the deposition is no longer with that firm. A situation of finger pointing is created — who is responsible, the firm or the attorney? This language should clean up that potential loophole to ensure that payment is made by the firm that the noticing attorney is working for at the time the deposition is taken.

Additionally, CCRA’s lobbyist, Capitol Strategies, through the efforts of Jim Cassie specifically, has secured an author for the Court Reporters Board to initiate legislation for mandatory continuing education for CSRs. This bill is AB 2189 (Karnette). CCRA is an active sponsor of this bill.

Also, look for an update in next month’s CCRA Online on the deposition firm responsibility language. Once the language is in print, CCRA will pass along this language to you.

You may find CCRA’s complete legislative report, sponsor letters, hearing dates and more about the bills CCRA is tracking at:

<http://ct2k2.capitoltrack.com/report.asp?rptid=U8881>

It’s never too late to buy this year’s Freelance and Official Reporter Compendium. You can go to www.cal-ccra.org to order yours today. This year’s compendium includes the updated language to AB 2025.510 for freelancers, along with other updates for freelancers. Officials can find the updated rules of court and statutes in the 2008 Official Reporter Compendium. Bulk order rates are available.



Legislation Update

By Sandy Bunch VanderPol, CSR #3032

AB 582 (Evans [D]) Court transcription fees.
Status: 06/21/2007-Referred to Com. on JUD.
Current Location: 06/21/2007-S JUD.

Summary: This bill is sponsored by SEIU with CCRA and COCRA actively working with SEIU. This bill would provide for an increase in the folio rates for transcripts prepared by the official court reporter and official reporter pro tempore. This bill would also create a statewide uniform transcript format.

AB 863 (Davis [D]) Los Angeles County Superior Court employees.
Status: 09/05/2007-To inactive file on motion of Assembly Member De Leon.
Current Location: 09/05/2007-A
INACTIVE FILE

Summary: Existing law provides that each trial court may establish a salary range for each of its employee classifications, and considerations shall include, but are not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention. This bill would require the Los Angeles County Superior Court to pay each employee in a bargaining unit represented by any specified employee organization an amount equivalent to the additional amount the employee would have received if the reclassification raise the employee received on October 1, 2005, had been retroactive to August 1, 2005. The bill would also provide that the Legislature urges the Los Angeles County Superior Court to act in a responsible manner and disburse the funds, which are currently held by the Administrative Office of the Courts, as directed for the purposes of paying the amounts prescribed in this act.

AB 1545 (Eng [D]) Professions and vocations.
Status: 02/13/2008-To inactive file on motion of Senator Ducheny.
Current Location: 02/13/2008-S
INACTIVE FILE

Summary: This bill would provide for the Court Reporters Board of California, in the Department of Consumer Affairs, and gives them specified powers and duties, including providing them the authority to appoint an executive officer, as specified. Existing law also provides for the regulation of tax preparers, as specified. These provisions of law become inoperative on July 1, 2008, and are repealed on January 1, 2009. This bill would extend the inoperative date of these provisions to July 1, 2009, and the date upon which they are repealed to January 1, 2010. Other consumer boards are included in this bill.

AB 1869 (Anderson [R]) State boards and commissions: reorganization.
Status: 02/06/2008-From printer. May be heard in committee March 7.
Current Location: 02/04/2008-A PRINT

Summary: Existing law establishes various boards and commissions in state government. This bill would declare the intent of the Legislature to effect the changes proposed by the California Performance Review to eliminate and consolidate various state boards and commissions, including the Court Reporters Board.

AB 2189 (Karnette [D]) Shorthand reporters: continuing education requirements.
Status: 03/05/2008-Referred to Com. on B.&P.
Current Location: 03/05/2008-A B. & P.
Calendar Events: 04/01/08 9 a.m. - Room 447 ASM BUSINESS AND PROFESSIONS

Summary: Existing law provides for the certification and regulation of shorthand reporters by the Court Reporters Board of California in the Department of Consumer Affairs, and provides for the regulation of shorthand reporting schools by the board. Existing law provides for the renewal of a shorthand reporter's certificate if specified

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requirements are met. This bill would require the board to establish, on or before July 1, 2009, minimum approved continuing education requirements for renewal of a shorthand reporter's certificate, with certain exceptions, and would require the board to establish a procedure for approving providers of continuing education courses, as specified.

AB 2193 (Tran [R]) Civil discovery: out-of-state proceedings.

Status: 03/05/2008-Referred to Com. on JUD.

Current Location: 03/05/2008-A JUD.

Calendar Events: 03/25/08 9 a.m. - Room 4202 ASM JUDICIARY

Summary: Existing law permits a California court, by subpoena, to compel a natural person to submit to oral or written deposition, and to produce documents and things, in connection with actions pending outside of California. Existing law specifies the circumstances pursuant to which this power will be exercised, including when the out-of-state court has issued a mandate, a writ, and a letter of request. This bill would repeal these provisions and would enact the Interstate and International Depositions and Discovery Act. The provisions of the bill, beginning January 1, 2010, would apply to an organization as well as a natural person, and would apply to depositions for the production of tangible items and inspection of premises, in addition to those requiring testimony. The bill would broaden the range of documents issued by an out-of-state court pursuant to which a California court would be authorized to issue a subpoena in this regard. The bill would establish a process for obtaining a subpoena, which would require payment of a fee, to be deposited in the Trial Court Trust Fund, and submitting the subpoena of the out-of-state court with a specified application. The bill would provide that a

party is not required to retain a local attorney to depose a witness in these circumstances. The bill would permit an active member of the California State Bar to who is retained by a party to an out-of-state proceeding to issue a deposition subpoena, as specified. The bill would provide a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and a request for relief in this regard would be filed in the superior court in which the discovery is sought with payment of specified fees. The bill would permit a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. The bill, beginning January 1, 2009, would require the Judicial Council to prepare an application form, and to either create subpoena forms, or modify existing subpoena forms, for issuance pursuant to its provisions.

AB 2448 (Feuer [D]) Courts: access to justice.

Status: 03/11/2008-Re-referred to Com. on JUD.

Current Location: 03/11/2008-A JUD.

Calendar Events: 04/01/08 9 a.m. - Room 4202 ASM JUDICIARY

Summary: This bill would, beginning July 1, 2009, revise and recast these provisions to provide, instead, that an initial fee waiver shall be granted by the court at any stage of the proceedings at both the appellate and trial court levels if an applicant meets specified standards of eligibility and application requirements. The bill would authorize the court to reconsider the initial fee waiver and to recover fees and costs that were waived under specified circumstances. Among other things, the bill would impose a lien in favor of the court against any settlement, compromise, award, or other recovery in excess of

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\$10,000 by a party in a civil case whose court fees and costs were initially waived in the amount of those waived fees and costs. The bill would require the Judicial Council to adopt rules and forms to establish uniform procedures to implement these provisions, and would require applicants for an initial fee waiver to complete application forms under penalty of perjury. (By the court being able to recover fees that were previously waived, it helps maintain the portion of the filing fees that are charged by the AOC to offset the court reporters in civil.)

AB 2884 (Portantino [D]) Court reporters: rough draft transcript.

Status: 03/13/2008-Referred to Com. on JUD.

Current Location: 03/13/2008-A JUD.

Summary: Existing law provides that the report of the official reporter or official reporter pro tempore of any court, as specified, when transcribed and certified as being a correct transcript of the testimony and proceedings in a case, is prima facie evidence of that testimony and proceedings. Existing law specifically provides that the report, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. Existing law also provides that the rough draft transcript may not be cited or used to rebut or contradict the official certified transcript and that the production of a rough draft transcript shall not be required. This bill would provide that a “rough draft transcript” includes the instant visual display of testimony for purposes of these provisions.

AJR 38 (Levine [D]) Training for Realtime Writers Act of 2007.

Status: 08/27/2007-Referred to Com. on JUD.

Current Location: 08/27/2007-A JUD.

Summary: This measure would urge the Congress of the United States to enact legislation that would provide competitive grants for training court reporters and closed captioners.

SB 145 (Corbett [D]) Court facilities.

Status: 01/07/2008-Placed on inactive file on request of Senator Corbett.

Current Location: 01/07/2008-S INACTIVE FILE

Summary: Existing law requires the Judicial Council, in consultation with the superior court of each county and the county, to enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council. Transfer of responsibility may occur not earlier than July 1, 2004, and not later than June 30, 2007. Existing law requires counties to remit to the state, for deposit in the Court Facilities Trust Fund, county facilities payments composed of the costs of various items related to court facility operation and maintenance. This bill would extend the deadline for the transfer of responsibility for court facilities to December 31, 2008. The bill would require that any transfer agreement that is executed on or after January 1, 2008, and on or before June 30, 2008, contain a requirement that the county pay an additional amount annually, to be calculated pursuant to a specified method. The bill would provide that the county is not required to make the additional payment if the county, before January 1, 2008, has submitted a proposed county facilities payment in connection with court facilities.

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The bill would further require that any transfer agreement that is executed on and after July 1, 2008, contain a requirement that the county facilities payment be calculated pursuant to the greater of 2 specified methods. The bill would make related, conforming changes. This bill contains other related provisions and other existing laws.

SB 797 (Ridley-Thomas [D]) Professions and vocations.

Status: 01/24/2008-Placed on inactive file on request of Assembly Member Bass.

Current Location: 01/24/2008-A
INACTIVE FILE

Summary: Existing law authorizes the Court Reporters Board to, among other things, appoint an executive officer and employ other employees as may be necessary. These provisions will become inoperative on July 1, 2008, and be repealed on January 1, 2009. This bill would extend those dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010. Other consumer boards are included in this bill.

SB 823 (Perata [D]) Private postsecondary education: California Private Postsecondary Education Act of 2007.

Status: 08/31/2007-Hearing postponed by committee. (Refers to 8/30/2007 hearing)

Current Location: 08/31/2007-A APPR.
SUSPENSE FILE

Summary: The Private Postsecondary and Vocational Education Reform Act of 1989 generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, INCLUDING PRIVATE COURT REPORTING SCHOOLS, as defined. The act establishes in the Department

of Consumer Affairs the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act. This bill would recast, revise, and reenact the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 as the California Private Postsecondary Education Act of 2007. The bill would establish the Board for Private Postsecondary Education in the Department of Consumer Affairs, and would provide that the board would generally succeed to the duties assigned to the bureau under the 1989 act. The bill would repeal the California Private Postsecondary Education Act of 2007 on January 1, 2015. This bill contains other related provisions and other existing laws.

SB 971 (McClintock [R]) Government reorganization: realignment or closure.

Status: 02/01/2008-Failed Deadline pursuant to Rule 61(b)(3). Last locations was APPR.
SUSPENSE FILE

Current Location: 02/01/2008-S DEAD

Summary: This bill would enact the Bureaucracy Realignment and Closure Act of 2009. Beginning on January 1, 2009, the Controller, the Director of Finance, the Legislative Analyst, the Legislative Counsel, the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, and the State Auditor would be required to develop recommendations for the closure or realignment of state bureaucracies, INCLUDING THE COURT REPORTERS BOARD, for consideration by the commission. It would require the commission to independently evaluate the recommendations, conduct 3 public hearings, and, by January 1, 2010, have at least one member of the commission visit each state bureaucracy considered for

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realignment or closure. This bill would require the commission, not later than July 15, 2010, to submit a report of its final recommendations to the Governor and the Legislature that establishes a list of state bureaucracies that are proposed to be realigned or abolished. It would require the Governor, upon approval of the list of recommendations, to prepare the list as a reorganization plan and to submit the plan to the Legislature under the provisions relating to the Governor's reorganization plans.

SB 1150 (Corbett [D]) Courts: judgeships.

Status: 03/11/2008-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 4. Noes 0. Page 3108.) Re-referred to Com. on APPR.

Current Location: 03/11/2008-S APPR.

Summary: Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal. This bill would authorize an unspecified number of additional judges, upon appropriation by the Legislature in the 2008-09 fiscal year, to be allocated to the various county superior courts, pursuant to uniform criteria approved by the Judicial Council.

SB 1182 (Ackerman [R]) Trial courts: restructuring.

Status: 03/06/2008-Set for hearing March 25.

Current Location: 02/20/2008-S JUD.

Calendar Events: 03/25/08 1 p.m. - Room 112 SUPPORT AND OPPOSITION LETTERS DUE NO LATER THAN 5 P.M. 3/13, IN ROOM 2187 SEN JUDICIARY

Summary: Existing law provides for the restructuring of the trial court system, including the abolition of municipal courts, the unification of those courts with superior courts, and state funding of trial courts. This bill would delete provisions that have become obsolete as a result of that trial court restructuring.

SB 1583 (Corbett [D]) Employment: independent contractors.

Status: 03/19/2008-Set for hearing April 8.

Current Location: 03/06/2008-S JUD.

Calendar Events: 04/08/08 1 p.m. - Room 112 SUPPORT AND OPPOSITION LETTERS DUE NO LATER THAN 5 P.M. 3/27, IN ROOM 2187. SEN JUDICIARY

Summary: Under existing law, a person who knowingly enters into a contract for services that require an independent contractor license with a person who does not meet the burden of proof of independent contractor status, as prescribed, is subject to a civil penalty of \$200 per person so contracted for each day of the contract. This bill would provide that a person who advises another person to treat an individual as an independent contractor to avoid employee status for the individual shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor.

For information concerning this report or the information contained herein, you may contact California Court Reporters Association, Attn. Sandy Bunch VanderPol, CSR #3032, at 65 Enterprise, Aliso Viejo, California 92656, (949) 715-4682 or by e-mail at RealtimeCSR@calweb.com.

