



FCR *Online*

OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

NOVEMBER/DECEMBER/JANUARY 2009



***Susan D. Wasilewski, RPR, CRR, CCP, CMRS, FPR
FCRA 2009-2010 President***

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Congratulates

Janet McKinney, FCRA 2009/2010 Secretary/Treasurer

Sandi Estevez, FCRA 2009/2010 Director at Large

Jennifer Gaul, FCRA 2009/2010 Immediate Past President

U.S. Legal Support is dedicated to the professional development of its court reporters and staff through its support of FCRA and the Florida Professional Reporter Certification Program.

Please join us in congratulating these court reporters and support staff who recently demonstrated their commitment to excellence by achieving FPR certification status:



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Joey Beauregard

Terri Becker

Teresa Bell

Barbara Bolton

Janine Carroll

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Debra Nelson

Marc Nichols

Jacob O'Connor

Janis Pessamato

Jane Petersen

Margaret Phillips

Amory Ranck

Dana Riccobono

Kimberley Ross

Niomi Ross

Angela Saxon

Victor Selvaggi

Aurora Sloan

Debbie Stark

Brooke Stuart

Dana Sturdevant

Marsha Travis

Roger Watford

Sally Wilhelm

Vertina Yeargin

Congratulations are extended to those who passed the first NCRA Realtime Systems Administrator exam on August 6, 2009, at NCRA's annual convention in Washington, D.C.



Richard Applebaum

Nancy Paulsen

Robyn Barrera

Christine Phipps

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Message from the President

By Susan D. Wasilewski, RPR, CRR, CCP, CMRS, FPR
2009-2010 President



Welcome to the 2009-2010 FCRA President!

Below is the speech delivered by newly-installed FCRA President Susan Wasilewski at the Annual Convention Business Luncheon in Fort Lauderdale, Florida.

Hello, everyone. I'm extremely honored to be able to address you today, but I have to tell you, this is the scariest part of this job, to me anyway. I've sort of dreaded this day because of this speech. It's because I have a healthy fear of public speaking, that's true, probably always will, but it's also because of the message that I feel compelled to give.

I've thought a lot about what I might say today. I gathered some advice from friends and colleagues. One bit of advice you'll be glad to know that I'm going to take is: You can never be too brief, so I will get to the point and then sit down.

What I want to do is let you know the state of affairs as I know it. There are some observations that I've been able to make in my travels and along my journey, as they say, and I've formed a few opinions and I'm going to share them with you.

First of all, we as stenographic reporters are at a technology crossroads. We've speculated about this era, perhaps dreaded it, but I think if you're honest with yourself, you knew it was coming. Ladies and gentlemen, it is here. It is evident in the choices our clients, our traditional clients, are making.

For instance, the State of Florida has installed electronic recording equipment in virtually all of its 20 circuits over the last decade and a half.

The most recent installation of Depotek in Broward County's State Attorney and Public Defender's offices made headlines in the press. An article entitled "**Are Court Reporters a Thing of the Past?**" appeared in the [Daily Business Review](#) in July of this year.

Orange County's Digital Court Reporting System is one of the most sophisticated in the country. It allows digital court reporters to monitor courtrooms throughout the entire Ninth Judicial Circuit remotely, all the courthouses in the circuit from one location.

In July 2009, Veri-Core, a digital recording equipment company, was awarded court contracts in Polk and Orange Counties, touting "more districts to follow" in their press release. My heart sank as I read those words. I'm from Polk County,

There are agencies in Florida today that report civil depositions by using digital audio recording systems and then later someone produces the transcript from the audio recordings. They tell the attendees of the deposition "this is the *new way* to be a court reporter."

It seems we hear the words "digital recording" more and more.

I attended the Court Technology Conference held in October of 2007 in Tampa, Florida, put on by the National Center for State Courts. This is a gathering of state court administrators, court technology officers, technology committee people, judges making purchasing decisions, and others that come from courts across the country and from around the world. They come to see what's new in the technology aspect of running a courthouse.

My friend and esteemed colleague, Florida's own Rick Greenspan and I had the absolute privilege of representing NCRA and stenographic reporters at our booth. We were in a combined booth with Courtroom Connect, RealLegal and Stenograph. The technology we presented was impressive. Karen Yates of Nevada CARTed the keynote speaker address for the conference. Rick and I projected realtime in our booth as a demonstration of what live "speech recognition" is. We were the only stenographic booth there.

Ladies and gentlemen, what an eye-opener that conference was for me. Imagine our booth surrounded by dozens of other recording "systems" opting for the job of "capturing and maintaining the court's records." I mean, after all is said and done, the government is a good client to have. These vendors know this. They want to make it look as cost-effective and hassle-free as they can for the court personnel making important purchasing decisions. They want to be able to say "Pick me. I don't need the amount of personnel as the traditional stenographic reporter method, I don't cost near as much, and I will always be there when you need me. I will never be late for court, or sick, or pregnant, or need health insurance and benefits. And check out the slick technology I have to offer."

Friends, it changed the way I look at my job.

Now enter a sluggish economy. What do you think is going to happen?

Continued on page 7

Few Words to Describe It But Shock and Awe Sums It Up!



Have you ever thought that you had a good sense of what was going on around you and found out, much to your surprise, that you were totally unaware? I found myself in that exact position on Saturday, September 12, 2009.

There we all were, a large group of dedicated court reporters, sitting in the Business Luncheon at the beautiful Hilton Fort Lauderdale Marina in — where else? — sunny Fort Lauderdale, Florida, at FCRA's Annual Convention. Most, if not all of us, had just spent the morning in seminar with Marybeth Everhart, an energetic, captivating and first-class presenter, imparting her vast knowledge and wisdom to all of us on how to improve our quality of life with realtime and how to pass certification exams.

Sitting at the lunch table with me, along with several other as equally wonderful people, was Paulita Kunding, my good friend, mentor, and fellow colleague. Suddenly, then-President Jennifer Gaul asked Paulita to come to the podium to present an award.



Strange, I thought, since Paulita hadn't told me that she was charged with presenting an award.

As Paulita began reading the criteria for a recipient to be chosen to

receive the prestigious Emily Mann Distinguished Service Award, my thoughts were wandering to another special friend of mine, Betty Sue Vincent, as she sat at the head table in her role as Board Secretary capturing the minutes of the meeting.

Suddenly, my very distracted mind heard the words: *"This year's recipient was born in 1958 in Tampa, Florida, third of six children born to Grace and Charles Bultman."* My preoccupation about other matters turned into an acute awareness of what was being said at the podium. Then disbelief set in. I believe I even uttered the words aloud, "Me? ME?" as realization was beginning to dawn.

What a shock! Surely I had not done enough work for our association to warrant receiving this great honor. My mind flashed back to past recipients — Louise Johnson, Paulita

Kunding, Donna Kanabay Harvey, to name a few — and thought, "There is NO WAY that I have contributed as much to our association as these past recipients have." Well, someone must have thought otherwise.

Before the first shock wave had subsided, I heard, "Now... fast forward to 1976 when Louise graduated Seabreeze High School. Louise met her sweetheart Fred Pomar... Fred, why don't you come on up?" My head whipped around fast as lightning and there was my husband of 31 years walking towards me with a great big grin on his face. "How could that be?" I thought. "How was Fred sitting in the business luncheon this whole time and I was unaware?" You see, Fred didn't come with me to the convention. He stayed back in Ormond Beach with our sweet Lab, Maggie, whose health issues ruled out us leaving her with a dog sitter. As I watched my husband walking towards me, the love and pride that shone on his face brought me to tears.

The final surprise for all of us was a video that Paulita had produced which contained pictures that my father and husband had provided to her, one of me in 8th grade with long hair, brown horn-rimmed glasses, wearing the uniform we were required to wear at St. Brendan Catholic School, one with my sweetheart when we were young and newly in love, one with my beautiful granddaughter, Caitlyn, taken at the Sanford Zoo, and one with a group of us from FCRA standing on the steps of the Florida Supreme Court building, to name but a few. Yes, my whole life flashed before me on the big screen with all of my colleagues watching.

Looking back at that momentous occasion, I am very humbled to be presented with such an award. I strive to contribute as much as I can to this great association of ours while also maintaining balance in my work life and personal life.

One thing I know for sure, though. I love being a part of this association and, more importantly, I love being your editor. It is a great privilege and honor to work with so many dedicated, hard-working professionals who I also gladly call my friends.

From the bottom of my heart, thank you.

Advertising Special

Contract to advertise in 8 issues (2 years) of this magazine and get a special 15% discount on top of our low rates! Call FCRA Headquarters today at 407-774-7880.

Needful People

Need a job? Need a reporter? Contact Placement Chairman Sandi Nargiz at 850-878-2221 or fax: 850-878-2254 or email: snargiz@comcast.net



WANTED!

Your stories to share with other reporters. Submit an article and receive .15 CEU points if published in FCR Online. Email your story to lbp1958@aol.com

MARK YOUR CALENDAR!

FCRA Mid-Year Conference

Buena Vista Palace
Lake Buena Vista, FL
June 11-13, 2010

Address Changes

ADDRESS CHANGED? PHONE NUMBER CHANGED?

Fax your changes to Headquarters at 407-774-6440 as soon as possible!

ARE YOU ON FACEBOOK?



If so, join the FCRA Group by looking up Florida Court Reporters Association...all the latest updates right at your fingertips!

Order Your Florida Manual

Stay up to date on Florida Rules and Procedures. Call FCRA Headquarters at 407-774-7880 to order your revised Florida Manual on CD.

Just \$50.00!

Watch the FCRA Website for Updates!

www.fcraonline.org

Stenograph Special

Get last line pricing with Stenograph supplies as a member of FCRA and FCRA receives a rebate.

Upcoming Florida Professional Reporter (FPR) Test Date

June 11, 2010,
in Orlando, Florida, at
FCRA's Mid-Year Conference!

WEB SITE SPONSORS WANTED



Call Rick Greenspan at 954-340-2557 for details.

DON'T MISS E-FLASHES!

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**FCRA
BULLETIN
BOARD**

ARE YOU MOVING? CHANGING A PHONE NUMBER? CHANGING A FAX NUMBER? CHANGING OR GETTING AN EMAIL ADDRESS?

If so, let FCRA Headquarters know right away. Simply fax 407-774-6440 today to make any necessary changes to the information we have on file for you!

Welcome to the 2009–2010 FCRA President!

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As I said, we're at the crossroads.

But why was it that Rick and Karen and I were the only stenographers there? Although there are some real cool ways to capture the sounds and store the audio and retrieve it in an orderly fashion, those systems don't do what Rick and Karen and what you guys here do. We hear the words, instantly translate them into readable text, and then display the text at a location chosen by us. They don't do that. We do that. That's our job. That's our technology. That's what makes us unique. We have been blessed with this wonderful ability.

But, folks, rarely does a profession go unchanged for decades. Technology is advancing, budgets are changing, and businesses are born because we live in a society that craves newly-developed products and upgraded features. Think about the phone you have now and the one you had five years ago. Have you upgraded your technology? Our clients are no different.

My message today is meant to make you aware of what we're up against. That's my job as your president. But let me tell you something. I have faith in our future, I have faith that we will survive, and I have faith in that awesome stenographic machine. I want you to be courageous in these changing times. I believe that anything can happen.

My advice is: Be the best you can be, now more than ever. When you are on the job, bring your A game. If you don't have an A game, then work hard to get one. You are a walking advertisement for every stenographer in the profession.

Recently, there was a great debate on the national level about NCRA investigating the feasibility of testing nonmembers. What would happen if NCRA tested voice writers across the nation and had a designation for that? What about transcriptionists being able to obtain a designation for the skills that they have? Well, an uproar ensued over the mere suggestion. NCRA's leadership found themselves in the crosshairs of controversy.

Did you know that that is exactly what the Florida Professional Reporter program does? We test voice writers. We test transcriptionists. We test electronic and digital reporters. We are NCRA's test study. We award the designation of FPR to all guardians of the record engaged in the practice of court reporting...regardless of methodology. We award a Florida Professional Scopist certificate to all scopists actively providing services to the court reporting profession and who can pass the test. We think everyone should be tested.

Our interpretation of the laws precludes FCRA from being able to exclude anyone from taking our test...anyone...and they don't have to be a member. Membership is not required.

So you have to ask yourself, how did we get here? Well, let's take a look at Florida law.

In Florida, court reporting is defined as "... the act of making a verbatim record of the spoken word, whether by the use of

written symbols, stenomask equipment, stenographic equipment, or electronic devices..."

That is Florida Rule of Judicial Administration 2.535(a).

And then there's the most recent Florida Supreme Court decision in Case No. SC-08-1658. The court adopted the "approved" language: Approved court reporter...approved transcriptionist...and approved civil court reporter.

The good news out of the Supreme Court's decision was that the official record is the transcript...it's the written words, not the sounds that are recorded. It's the written words. That's what we do. That's our job. That's our technology.

We all know the heavy lifting in making a transcript is writing it down. There's no faster way to do that than with a stenographic machine and a reporter writing realtime.

I will say it again because this is extremely important: The Supreme Court declared that the "official record" is the transcript, the written words.

Does that mean we are saved?

We're at the crossroads, aren't we?

We can't change the laws or the rules to maintain some kind of exclusivity for ourselves. We can't force a market to NOT diversify. This is a technology economy. The market determines the market, not a trade association or a trade methodology itself. That is the truth as I know it to be.

Will I make predictions? Never would I.

Even captioners and CART providers face a similar situation with C-Print and TypeWell occupying their speech-to-text marketplace.

So what is a reporter to do? I will tell you what I do. I maintain my certifications. I participate in my trade associations, FCRA and NCRA. I realtime every job that is humanly possible to realtime because I want to showcase my technology. I say yes when clients call on me, because I'm so grateful that they still call. I show up early for jobs and meet my deadlines, and I know what the rules are. I don't complain about expedites or working after hours...at least not out loud to my clients. After all, it's not about me!! I'm there to provide a service.

Never complain about your work, ladies and gentlemen. These are tough times and you can bet that there's someone out there who would be glad to have your job.

I'll admit, this is hard work that we do. It's long hours. It's going the extra mile every single time, but it's what I do to be indispensable. I am the "premier" way to make a record. I am the fastest and most accurate that there is. I'm expensive, but I'm worth it.

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Welcome to the 2009–2010 FCRA President!

Continued from page 7

You want your clients to appreciate what you're worth, but they have to recognize it first. We have to be the best we can be, now more than ever.

Do members of the Bar think stenographic reporters are worth what we get paid? Does the court system still think we're worth it? Does the public recognize our worth? I think they do, but it's becoming a matter of what they can afford.

We are at a crossroads.

One of the reasons I dreaded making this speech is because the audience my words are aimed at aren't even here. This sermon isn't intended only for you folks. It's for the reporters who are not here, the ones that never come, the ones who don't donate, won't participate, we can't educate, they won't update, they often aggravate, but they're happy to delegate...delegate the job of promoting this profession to those of us sitting in this room, delegate to you who are here, to you sitting at the board table, to you who take the tests and maintain the certifications, who keep abreast of the technology, who donate your money and volunteer your time.

The membership of FCRA makes a cry out for certification, and they're not interested.

We've got to get ahold of those reporters and get them to join us, to help us, ladies and gentlemen.

You've heard the saying: If you're not part of the solution, you're part of the problem. Think about the message these disinterested and disengaged reporters convey. Then remember those decision-makers and court technology purchasers I spoke about. Remember those traditional clients making choices when it comes to making their record. They're looking for credentials, they're looking for professionalism, they're looking for technology, they're looking for skill, and they're looking for value.

We have to be the best we can be, now more than ever.

There are two ways to look at the crossroads we find ourselves. You can view it as a splitting of the paths: "You can choose to go this way, but I'm going this way." You can say the stenographic method is the "one and only" and the other systems are the devil. Or you can open your eyes and realize this is

the way it is in Florida. Florida courts have embraced digital recording technology. Our laws and our rules were written and they dictate to many methodologies of court reporting, not just stenographic. That's the reality of where we are. This is what we're up against.

So what is the way forward for the Florida Court Reporters Association?

If you turn that image of a crossroads around, it can become where paths meet, where paths start traveling together as one.

I feel there are none more qualified on how to make a record than those stenographic reporters involved with the Florida Court Reporters Association. There are none more qualified to assist the courts in guarding its records and protecting the public in the preservation of that most precious record.

Ladies and gentlemen, it may be that it's time for FCRA to make the push to broaden its influence. FCRA deserves to be the authority on how to capture and preserve the spoken word in Florida. We need to be that source of integrity and knowledge and experience for the judiciary and the Bar and the public in the Sunshine State. We are the experts in our field. We are the wealth of knowledge and we know what it takes to be an "approved" court reporter and "approved" transcriptionist and "approved" civil court reporter.

For this reason, FCRA will continue to improve our FPR program. We will continue to present ourselves to the Supreme Court through the coalition of methodologies known as the Florida Coalition on Court Reporter Certification, and we will make efforts to broaden our influence to all those who call themselves court reporters in the state of Florida.

That's how your leadership intends to proceed at the crossroads we find ourselves. That is what FCRA can do.

Please keep supporting FCRA and please, please do all you can to be indispensable to members of the Bar, the judiciary, and the public in general. That is what you can do.

Thank you, ladies and gentlemen, for being here and for all that you do for your association.



Check us out on Facebook!

Join the Group:

Florida Court Reporters Association



On the National Scene...

CALLING ALL COURT REPORTERS...

The Nominating Committee of NCRA is in the process of selecting qualified candidates for service as officers and members of the Board of Directors for 2010-2011.

The Nominating Committee, in seeking out the best candidates for service on the Board of Directors, relies upon active NCRA members, like you, who have an understanding of the qualities of leadership which candidates for NCRA office should possess. Your association activities, both state and national, bring you in touch with many reporters.

Please encourage NCRA voting members in your state association to recommend candidates for the positions set forth in the enclosed notice. A statement of the rationale for supporting each candidate should be submitted with their recommendations.

You have the opportunity to identify and recommend candidates who possess some or all of the qualities that are important for those in a leadership position. Among those qualities are:

- Strong communication skills.
- State board service.
- Years in the profession.
- Professional background and experience.
- Service on other related boards.
- Advanced NCRA certifications.
- Education and/or training.
- NCRA committee service.
- Leadership qualities and experience.
- Business experience.
- Seminar presenter experience.
- Published author of court reporting-related materials.

NCRA cannot thrive without the service of highly qualified volunteers. The Nominating Committee hopes you will participate in our nominating process by submitting names of candidates for consideration by the Nominating Committee. Please state the reasons for your recommendation of each candidate. A candidate recommendation form is enclosed.

If you are interested in serving, you don't need to wait for a member to nominate you. You can declare your candidacy by completing the attached form or sending a letter to the Nominating Committee.

Candidates will be contacted by NCRA regarding their willingness to serve. Your recommendation must be received by NCRA headquarters **by January 4, 2010.**

This is a very important matter, so please give it your attention. Our sincere thanks for your participation.

Sincerely,

Karen Yates, CRR, CCP, CBC, NCRA Nominating Committee

YOU CAN SHAPE THE FUTURE OF YOUR PROFESSION

Here's your chance to help lead the Association dedicated to advancing the court reporting and captioning professions.

NCRA's Nominating Committee is seeking reporting professionals to serve in leadership positions on its Board of Directors.

THE BENEFITS TO YOU

- A role in advancing your profession
- Exposure to a new world of professional and personal contacts
- The chance to exchange ideas and perspectives with other innovative thinkers in the reporting community
- The chance to strengthen your professional résumé or curriculum vitae

THE QUALIFICATIONS YOU BRING

- Demonstrated commitment to NCRA and the reporting community
- The ability to share your time and energy for the benefit of the profession
- Willingness to be accessible to the members
- The ability to weigh all sides of an issue objectively
- Experience with committee work

WHO IS ELIGIBLE FOR ELECTIVE OFFICE

Article III, Section 9 (c) of the NCRA Constitution and Bylaws states, "Only Registered Members shall be eligible to hold an elective office of the Association."

SERVICE AS AN OFFICER (EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS)

These positions, as a rule, are filled by those who have served or are currently serving on the NCRA Board. Since NCRA has a membership of 23,000 and a budget of nearly \$9 million, you can understand that service as a director is essential in order for the candidate to understand and fulfill the duties that come with such responsible positions.

WHO MAY RECOMMEND CANDIDATES

Only voting members of NCRA may submit individuals for candidacy. These include Registered, Participating, Retired Lifetime, and Honorary Members who have been verbatim stenographic reporters.

When recommending yourself or another for a directorship, remember that some of the criteria the Nominating Committee looks for are:

- Dedication and commitment to the profession
- Good team player
- Excellent communications skills
- Outstanding reputation and character
- Strong leadership

Board service is uncompensated and requires significant time commitments. Most expenses involved in Board service are reimbursable.



Now's your chance! If you are interested in serving or know someone who would make a great Board member, submit the Declaration of Candidacy/Candidate Recommendation form today!

THE ELECTION PROCESS

As provided in the Constitution and Bylaws, the Nominating Committee will meet at least 90 days prior to the August 2010 Chicago Convention to draw up a slate of nominees for the following offices of the Association to be elected at the Annual Business Meeting:

- President-Elect
- Vice President
- Secretary-Treasurer
- Three Directors (three-year terms)

MEMBERS OF THE 2009-2010 NOMINATING COMMITTEE

Chair: Karen Yates, CRR, CBC, CCP
Members: Paulita E. Kuidid, RPR, CLVS
Linda G. Sturm, RDR., CRR, CBC, CCP
Sandra Bunch VanderPol, RMR, CRR
Christine J. Willette, RPR, CRR, CCP

Alternate: Laurie Shingle, RPR, CMRS

TERMS OF OFFICE

No elected officer shall serve for more than one full term in the same office except the Secretary-Treasurer, who may serve for no more than three consecutive terms. Directors may only be re-elected if at least one year has elapsed since the end of their prior term.

DIRECTORS WITH TERMS EXPIRING IN 2010

Shirley Ann Hall, RDR, CRR, CBC, Pittsburgh, Pa.
Judith A. Lehman, RMR, CRI, Shelbyville, Ill.
Adam Miller, RPR, CRI, Middletown, Del.

Secretary-Treasurer Jason Meadors is eligible for renomination as Secretary-Treasurer during 2010–2011. All current Board members, including those directors whose terms expire in 2010, are eligible for election to higher office.

DECLARE YOUR CANDIDACY OR RECOMMEND A CANDIDATE

Take this opportunity to make a difference in the future of reporting. Declare your candidacy or send the names of your recommended candidates to Nominating Committee Chair Karen Yates, CRR, CBC, CCP, c/o NCRA headquarters, postmarked no later than January 4, 2010.

Contact Laura Butler for further information at 800-272-6272.

DECLARATION OF CANDIDACY/CANDIDATE RECOMMENDATION FORM

To: Karen Yates, CRR, CBC, CCP, Chair
NCRA Nominating Committee
8224 Old Courthouse Road
Vienna, VA 22182-3808
FAX 703-556-6291

Print or type your own name and address below.

Membership ID No. _____



May the Nominating Committee contact you by phone if further information is needed?

Yes No

Home _____ Office _____

I am declaring my candidacy for the office of _____

I am recommending the following individual for the office of _____

Name _____

Address _____

City/State/Zip _____

Describe your qualifications to serve on the Board of Directors or explain why you support the recommended individual for service (attach additional pages as necessary):

Signed _____

Date _____

Copies of this form or your own personal stationery may be used to submit additional recommendations. **Recommendations close January 4, 2010.**

NCRA's 2009-2010 Board of Directors. Back row (l-r):

Top row (l-r): Shirley Hall, Tami Smith, Mark Renzi, Kimi George, Adam Miller, Judy Lehman, Sarah Nageotte, Nancy Varallo, Tammie Shedd

Bottom row (l-r): Mark Golden, Melanie Humphrey-Sonntag, SueLynn Morgan, Karen Yates, Doug Friend, Jason Meadors



On the National Scene...

First Digitally-Signed Judicial Order Issued By U.S. District Court Federal Magistrate Judge; Identity Verified by TEA

Reprinted from the September 25, 2009, Notary Bulletin

Judge Receives Signing Credential After Identity Is Verified By A National Notary Association "Trusted Enrollment Agent"

WASHINGTON, D.C., — In an event that could transform the manner in which orders are issued throughout the entire judicial system, a U.S. District Judge has issued the nation's first digitally-signed, all-electronic judicial order.

John M. Facciola, United States Magistrate Judge, U.S. District Court for the District of Columbia, signed the order utilizing a digital certificate obtained through services provided by the National Notary Association (NNA) and technologies developed by Science Applications International Corporation (SAIC), VeriSign, Adobe Systems Inc., SafeNet and Chosen Security.

"The capability to digitally sign an order or other document should create in the people who receive it an assurance that the document was signed by the judge, and eliminate corrupt attempts to use forged, electronically created documents for improper ends," said Judge Facciola. "It is the next logical development in the transition by the court from paper to electronic filing that will keep the court's way of doing things consistent and contemporary with the actual practices of the society that the court serves," Judge Facciola added.

Judge Facciola received a digital certificate — an electronic identification credential used to sign electronic documents — after having his identification verified and authenticated by Elaine Wright, a District of Columbia Notary Public and Trusted Enrollment Agent™. A Trusted Enrollment Agent (TEA) carefully verifies the identity of individuals applying to obtain a digital certificate prior to issuance. TEAs have been certified and background screened by the NNA.

"By utilizing a Trusted Enrollment Agent, parties relying on Judge Facciola's judicial orders can have confidence that his identity was verified for the digital certificate and that the orders were signed by the judge himself," said National Notary Association Chief Executive Officer, Larisa B. Gurnick.

Upon verification of his identity, Judge Facciola activated his signing credential on a secure, standards compliant hardware token and minutes later, the first digitally-signed judicial order was issued.

Documentation of the judge's identification vetting process was recorded, signed and transmitted electronically. As with the judicial order, no paper was required.

The event demonstrates that a judicial order can now be issued electronically utilizing a trusted and secure process, from any computer and location and at any time, thus increasing efficiency and avoiding the delays and costs of transporting paper documents.

"Today's digital age has provided a new way for Notaries to apply their identity-vetting skills as Trusted Enrollment Agents. TEAs now can lend credibility to electronic signatures and records as Notaries traditionally have to paper documents," said Gurnick.

About Magistrate Judge John M. Facciola

Magistrate Judge John M. Facciola was appointed a United States Magistrate Judge in August 1997. He received an A.B. in 1966 from the College of the Holy Cross and a J.D. in 1969 from the Georgetown University Law Center. Following law school, Magistrate Judge Facciola served as an Assistant District Attorney in Manhattan from 1969 to 1973, and was in private practice in the District of Columbia from 1974 to 1982. He joined the U.S. Attorney's Office in 1982 and served as Chief of the Special Proceedings section from 1989 until his appointment as Magistrate Judge. Magistrate Judge Facciola is an adjunct professor of law at Catholic University. He is a fellow of the American Bar Foundation and a member of the Board of Governors of the John Carroll Society.

About the National Notary Association

Established in 1957, the National Notary Association (NNA) is the leading professional authority on the American Notary office and is dedicated to educating, serving and advocating for the nation's 4.8 million Notaries. The NNA imparts comprehensive notarial knowledge and understanding, promotes a positive public perception of the Notary professional, and bolsters consumer protection by promoting best practices. The Association's accredited professional programs, services, model legislation and groundbreaking eNotarization technology initiatives help Notaries advance their careers and serve the American public with the highest level of professionalism and ethics. To learn more, visit www.nationalnotary.org.



On the National Scene...

DENVER ACADEMY OF COURT REPORTERS UNVEILS REDESIGNED WEBSITE

Denver Academy of Court Reporting is pleased to announce the launch of its newly redesigned Web site.

The school offers excellent education both on campus and online for a field that can be both practical and lucrative. Our goal was to create a site that represents the benefits of the court reporting profession and the options that we offer for those interested in entering it.

A few of the Web site's new highlights include: Easy access to career information, school catalog and details about financial options mean visitors won't have to look far to find key information; dropdown menus make it faster and easier to access areas of interest; and cleaner page layout improves browsing experience.

"After over six months of dedication to this project, we are excited about the results. We hope people will see this redesigned Web site as a rich resource for learning more about and possibly joining the court reporting profession," said the school's director, Dr Susan Falzone.

The redesigned Web site can be accessed at www.denveracademy.edu. We welcome your feedback.

Denver Academy of Court Reporting has been training court reporters since 1975 and expanded its program in April 2009 to make it available online to students throughout the Rocky Mountain Region. Visit www.denveracademy.edu to learn more about the school, programs and court reporting as a career.

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FCR Online Deadline Dates

(Spring) Feb/Mar/Apr	Jan. 5, 2010
Publication Date	Feb. 12, 2010
(Summer) May/June/July	April 5, 2010
Publication Date	May 12, 2010
(Fall) Aug/Sept/Oct.....	July 5, 2010
Publication Date	Aug. 12, 2010
(Winter) Nov/Dec/Jan	Oct. 5, 2010
Publication Date	Nov. 12, 2010

FLORIDA PUSHES AHEAD WITH AN ALL-DIGITAL COURTHOUSE

Reprinted from the October 5, 2009 edition of the *Orlando Sentinel* • By Aaron Deslatte, Sentinel Staff Writer

The Florida Supreme Court is expected to approve new rules that will make most courthouse documents and records available to anyone who can get onto the Internet.

Florida courts could look a lot more inviting to Internet users in the near future.

The Florida Supreme Court is moving toward opening more court records to digital users, planning to approve rules this fall to govern the digital road.

But it's a future that holds broad risks and rewards for lawsuit-filers, coach potatoes and consumers as the state's court system wrestles with the competing concerns of access to the 19 million court documents filed every year and individual privacy.

Companies long have used the Internet and data-sorting technologies to sell — or deny — service. Programs allow them to download and sift through rafts of personal information — from consumer credit scores to driving histories to past addresses to magazine subscriptions — to build consumer profiles.

The digital courthouse would offer much more information.

In the not-too-distant future, Florida court clerks would feed filings — from divorce records and civil suits to court testimony and judicial orders — into a single Web portal that would allow instant access to anyone worldwide.

"It's a cost savings to the public," said Marion County Court Clerk David Ellspermann, who served on a court-created committee that spent the last two years researching and drafting the proposed new rules. "If you're not at my courthouse interrupting my staff, then I get more work done."

For much of this decade, though, Florida court administrators have struggled with how to balance the state's tradition of broad government openness against 21st-century Internet criminals.

Since 2006, the Supreme Court has barred county clerks from placing court records online. Its fear: That confidential information like Social Security or bank account numbers could fall into the hands of criminals or that data companies could use search programs to aggregate individual information that would be packaged with other data for telemarketing.

The order was issued after a few court clerks began scanning court documents and placing them on their Web sites. In 2005, Ellspermann was the first clerk to start redacting the documents he was placing online.

But the move toward digital records had already incited

a statewide debate over whether all 1,000-plus exemptions carved into Florida's public records laws by the state Legislature should be applied to court records. Traditionally, everything in a paper court file was available to the public unless it was ordered sealed by a judge.

Critics worried that if everything in a file was available digitally, casual Internet users — so-called "jammy surfers," people sitting at a computer in their pajamas — could access personal information about individuals and, potentially, information deemed "trade secrets" by companies.

The struggle played out behind the scenes between county clerks, judges, media companies and others about how and when to make paper court records available on the Internet.

"We ran into this huge problem, which had not been thought about by anybody. To what extent does a legislative exemption from the public records apply when that information appears in the online court record?" said John Kaney, Jr., a Volusia County lawyer and general counsel for the First Amendment Foundation, which is financially supported by the media.

The Committee on Privacy and Court Records, formed by the court to study the issue, reported in 2006 that it appeared all the statutory exemptions did apply, based on the way judicial rules were worded — but that such an interpretation flew in the face of Florida's open-records tradition and was unworkable when applied to court records.

While the panel and court agreed electronic access to non-confidential records should be a goal, the Supreme Court withheld judgment on whether it supported applying all 1,000 exemptions to court records. Rather, it tasked another panel called the Committee on Access to Court Records to study how to fix the rules.

"The amount of information collected in litigation is enormous," said Jon Mills, a University of Florida law professor and former state House speaker who chaired the first "privacy" committee.

"This is the classic horse out of the barn analogy. Once information has gone on the Web, it's sort of gone."

Last year, the second committee recommended a new rule that creates 19 categories for confidential documents, including sexually transmitted disease records, paternity determinations, the names of child abuse victims and identities of confidential informants. Lawyers will also have the option of asking a judge to close additional records.

Continued on page 15

FLORIDA PUSHES AHEAD WITH AN ALL-DIGITAL COURTHOUSE

Continued from page 14

The Supreme Court heard arguments over the proposal last month from clerks, media lawyers, and the committee that drafted it. Although some changes related to grand jury information are under discussion, most watchers expect the rule to be put in place in the coming months.

That will set off an educational process for lawyers and the public, its authors said.

"Part of the educational process that needs to happen is to make lawyers, people, more aware that that which is in a court file is publicly viewable," said Miami-Dade Judge Judith Kreeger, who chaired the "access" committee. "And when it becomes available on the Internet, it will become instantaneously publicly viewable...I think it has good parts and I think it has risks."

The largest remaining hurdle is how to pay the costs of a statewide Web portal to access court records, committee members said.

Meanwhile, the courts are getting a better idea of the types of people who would likely be the biggest users of electronic court information.

Two years ago, the Supreme Court approved a pilot project in Manatee County, where court administrators have been scanning court documents and making them available only to registered users who identify themselves.

Of the 5,700 registered users, 3,000 were lawyers from around the country, said project manager Jeff Taylor. Another 500 were law enforcement agencies and 1,500 were from the general public. None of the registered users identified themselves as data "aggregation" companies, he said.

"Usually, they're looking for data more than images," Taylor said.

Aaron Deslatte can be reached at adeslatte@orlandosentinel.com or 850-222-5564.

2009 ANNUAL CONVENTION...MEMORABLE!

By Sandi Estevez, CSR, FPR, Conference Chair 2009

I hope everyone enjoyed the Annual Convention in Fort Lauderdale. It was a huge success! Thank you to everyone who contributed your time, ideas and endless support. It really paid off.

The FPR certification seminar sold out with 110 reporters and students sitting for the exam. Thank you to everyone who worked so hard to raise the level of awareness and help promote this very important voluntary certification program for our Florida reporters. And congratulations to all the student participants! You are definitely on the road to success.

Friday night's Welcome Reception was a blast from the past with vintage salsa music accompanied by Mojitos, empanadas, conch fritters, churrasco – even bubble gum cigars. Our Havana Nights theme was the perfect way to kick off the weekend festivities.

On Saturday, Marybeth Everhart taught us how to Improve the Quality of Life with Realtime, followed by How to Pass Certification Exams. Both of these classes were very fun and informative.

Our Annual Luncheon and Business Meeting was very exciting. Our new FCRA President, Susan Wasilewski, was installed as well as all of our new officers and board members. Louise Pomar was awarded the Emily Mann Distinguished Service Award, Susan Wasilewski received the President's award, Donna Kanabay received the Meritorious Service Award, and Debby Woolfstead-Ross received the Arlene P. Sommers award for all of her hard work teaching and mentoring our

reporting students. Congratulations to all!

Saturday afternoon we had a three-hour interactive software training class for Stenograph, Eclipse, ProCAT and Stenovations. Thank you to our trainers Robin Merker, Christine Phipps, Pat Weiner, Ann Baldassari and Johnny Jackson. And thank you to Jason Primuth for facilitating the Firm Owners/Managers Forum.

The President's Dinner was festive and very well attended. (I'm sure there's some pictures floating around that involve sombreros or fiesta donkeys.) The food was a delicious assortment of fajitas, tacos, burritos, quesadillas and more. We also had a flamenco guitarist, Luis Mejia, who did an amazing job and really made the evening special.

And last, but certainly not least, our Sunday classes finished strong with Marybeth Everhart teaching us Backup Basics and Shirley King launching her Ethics Around-The-World Cruise seminar, which was a great follow-up/refresher to many topics that were discussed on Friday in the FPR certification class.

Thanks so much to all of our sponsors, to FCRA Headquarters staff, the FCRA Board of Directors, and a special thanks to our FCRA Immediate Past President, Jennifer Gaul, for all of her help in putting together this program.

Our next conference will be the 2010 Mid-Year Conference, June 11-13 in Orlando, Florida, at the Buena Vista Palace. I look forward to your suggestions and ideas. Stay tuned for more information.

FLORIDA COURT REPORTERS ASSOCIATION 2009-2010 COMMITTEE ASSIGNMENTS

COMMITTEE COORDINATOR

Rick Levy

ARLENE P. SOMMERS AWARD

Chair: Arlene P. Sommers
Vice Chair: Robin Merker
Members: Tara Slocum
Debby Woolfstead Ross

CART

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Member: Gayl Hardeman
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Louise Johnson
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Cathy Phillips
Betty Sue Vincent
Donna Kanabay

CONVENTION COMMITTEE

Mid-Year Conference

(Buena Vista Palace – Orlando – June 2010)

Mid-Year

Chair: Sandi Estevez
Jennifer Gaul

Annual Convention

(TradeWinds Resort – St. Pete Beach – Fall 2010)

Annual

Chair: Sue Shelling
Joyce Bluteau

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Chair: Lisa Selby-Brood
Member: Tara Slocum
Donna Kanabay
Jill Percy
Tony Trujillo

Student

Member: Valerie Sluga

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Chair: Robin L. Merker
Past
Recipient: Louise Pomar
Members: Louise Johnson
Paulita Kundid

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2009-2010 COMMITTEE ASSIGNMENTS

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 Christine Phipps
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NCSA DELEGATES

Robin L. Merker
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 Alternate: Janet L. McKinney

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 Members: Rick Greenspan
 Paulita Kundid
 Thomas Hughes
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PLACEMENT

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 Member: Tara Slocum

PRO BONO

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 Members: Diane Emery
 Holly Kapacinkas
 Mentor: Michael Greenhill

REALTIME CONTEST

Chair: Vicki Johnson
 Tanya Ward English
 Holly Kapacinkas
 Mentor: Thomas Hughes

TESTING

Chair: Donna Kanabay
 Members: Thomas Hughes
 Louise Johnson
 Lisa Johnston

KUDOS TO 2009 ARLENE P. SOMMERS AWARD WINNER

By Rick E. Levy, RPR, FPR



Congratulations are in order for the 2009 recipient of the Arlene P. Sommers award which recognizes an outstanding teacher in our profession. Teachers and students are vital to the future of our profession, and I am proud to introduce you to this year's recipient. Her name is Debby Woolfstead-Ross.

I have known Debby both personally and professionally for over 20 years, and she is a true asset to our profession. Debby started her court reporting career

in 1980 and continued working in the profession for 16 years in South Florida. In 1996 she was forced to retire from actively reporting due to a repetitive motion injury, lateral epicondylitis.

Due to her continued passion for the industry, Debby then took on the position of Court Reporting Instructor at Sheridan Vocational and Technical Center in 2001, a position she still holds today. Debby has helped formulate a great curriculum at Sheridan and has taught all speeds. She now specializes in the high-speed students as they begin to intern at local firms and then helps transition them into the workforce.

Debby's passion and enthusiasm for our profession continues to grow each and every day. She recently attended the FCRA Annual Conference in Ft. Lauderdale and successfully sat for and passed the FPR certification exam given on Friday, September 11, 2009.

Debby has done very well in her personal life as well. She has two beautiful daughters; Bailey, 24 years old, attending The William and Mary Law School and due to graduate in 2011, and Mandy, 21 years old and a senior at UCF in Orlando. Debby also recently got married to Billy Ross, the love of her life.

I personally have employed four of Debby's recent graduates and am happy to say that they have all been a huge asset to my firm.

Once again, CONGRATULATIONS to the 2009 recipient of the Arlene P. Sommers award, DEBBY WOOLFSTEAD-ROSS.

2009 ANNUAL CONVENTION PHOTO HIGHLIGHTS



2009 ANNUAL CONVENTION PHOTO HIGHLIGHTS



CONGRATULATIONS LOUISE POMAR, RPR, FPR 2009 EMILY MANN DISTINGUISHED SERVICE AWARD RECIPIENT

By Paulita E. Kuldig, RPR, CLVS, FPR



The EMDSA is our association's most prestigious award, and it is the highest honor our association can bestow upon a court reporter in the state of Florida.

The recipient is someone with exceptional qualifications and experience in the field of court reporting, someone who has demonstrated dedication and has given selflessly to our association and our profession.

This year's recipient was born in 1958 in Tampa, Florida, third of six children born to Grace and Charles Bultman. The family moved to Jacksonville until the mid 1960s, and then moved on to raise the family in Ormond Beach. That's when I met Louise, a skinny little 4th grader, at Our Lady of Lourdes Catholic School where we both learned all those good Catholic values that we later rebelled against in high school.

With five siblings, Louise learned teamwork from an early age where you always have to work together to get the family chores done.

Louise loves her family and friends, loves to have fun, and loves the beach. You'll catch a glimpse of all this in a moment on video.

Now...fast forward to 1976 when Louise graduated Seabreeze High School. Louise met her sweetheart Fred Pomar

and started a family and had two beautiful children, Leslie and David, and one beautiful granddaughter named Caitlyn, the light of her life.

She graduated from DBCC in 1985 in court reporting and started her career as a freelance reporter in Daytona Beach. Professionalism is very important to Louise, and she obtained both her RPR and FPR designations.

In 1995, she became a Flagler County Courthouse employee reporting in the criminal division.

In 2000, she was promoted to Court Reporter Coordinator. And in 2004, she moved up to Manager of Court Reporting Services for the 7th Judicial Circuit and continues to hold that position today.

She has been an FCRA board member and has served on numerous committees.

In 2005, we found our new editor of our FCRA magazine and she found her niche. We know she has the gift of gab; however, we didn't know she has the gift of pen. We have all come to enjoy reading the magazine and her articles. In 2006, Louise took us from paper to paperless when our magazine went to an online publication. We appreciate all the countless hours of time and effort spent improving the content, design and professional image along with everything else that goes into producing our FCRA magazine four times a year.

FCRA sent Louise to Washington, D.C., and Tallahassee and she went enthusiastically advocating for our profession by lobbying our Florida representatives and senators on behalf of all of us.

Louise learned many things fighting for our members, and that is, many people can accomplish more than just one person can.

Thank you for all you've done for the profession, Louise Pomar!

June, August & September 2009 Test Results

Congratulations to the following reporter who earned his CLVS certification during the June 13-15 administration of the production exam in Dallas, Texas:

CLVS CERTIFICATION

Bruce Mitchell - Ruskin, FL

Congratulations to the following reporters from around the state of Florida who received their Realtime Systems Administrator certificate at the first-ever Realtime Systems Administrator credentialing exam on August 6, 2009, at the NCRA Convention in Washington, DC.:

REALTIME SYSTEMS ADMINISTRATOR CERTIFICATE

Richard Applebaum, Coral Springs, FL
 Nancy E. Paulsen, Englewood, FL
 Lisa Marie Kalkbrenner, Floral City, FL
 L. Marie Splane, Jacksonville, FL
 Robyn Louise Barrera, Royal Palm Beach, FL
 Christine Deanne Phipps, West Palm Beach, FL

Congratulations to the following reporters from around the state of Florida who received their Trial Presentation certificate at the first-ever Trial Presentation credentialing exam on August 6, 2009, at the NCRA Convention in Washington, DC.:

TRIAL PRESENTATION CERTIFICATE

William S. Bish, St. Petersburg, FL
 Michael Daniel Downey, West Palm Beach, FL
 Diane T. Emery, St. Petersburg, FL
 Michael Hill, Orlando, FL
 Paulita E. Kundred, Daytona Beach, FL
 Mark Reitz, West Palm Beach, FL

Congratulations to the following reporter who passed his CLVS certification during the September 25-27 administration of the production exam in Atlanta, Georgia:

CLVS CERTIFICATION

Michael Sturdevant, Naples, FL



CONGRATULATIONS ...YOU DID IT!

Congratulations to the following reporters from around the state of Florida on achieving their new Florida Professional Reporter (FPR) designation in September of 2009 in Fort Lauderdale, Florida.

Rinele Abramson
Lourdes Alvarado
Judit C. Alvarez
Sharon A. Ambersley
Maria Bartlett
Joey Beauregard
Terri Sue Becker
Teresa Bell
Barbara E. Bolton
Ellen Q. Bressi
Gabrielle Cardarelli
Janine P. Carroll
Ona R. Charvet
Susan R. Chastek
Ira E. Cohen
Charlotte N. Crandall
Rebecca L. Crane
Paul Cunningham
Casandra R. D'Ambrosio
Jennifer L. Davis
Christine de Moraes
Elizabeth L. Drumm Walters
Michelle Eak
Michelle Edwards
Jeanette Fiducia
Linda Fitzgerald
Darlene Laura Grandinetti
Debra Gravina
Shannon M. Gregory
Sandra M. Guadagno
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Sharon F. Hodge
Bruce B. Hurwitch
Colette P. Jackson
Tamara A. Jenkins
Melissa Kallas
Shirley D. King
Robert Klupt
Lora L. Knorr
Maria R. Krug

Patricia A. Lanosa
Yolanda C. Leone
Jillian Marino
Lisa M. Mazzei
Lois L. McInnis
Kerry S. Mercade
Crickett C. Morrison
Teri Naar-Cohen
Debra L. Nelson
Marc Nichols
Jacob O'Connor
Andrea Ortiz
Valerie D. Owens
Janis Pessamato
Jane P. Petersen
Margaret Phillips
Stacy Purcella
Amory Ranck
Dana Riccobono
Susan C. Riesdorph
Julie A. Robinson
Kimberley A. Ross
Niomi L. Ross
Kristin Samson
Angela Saxon
Victor Selvaggi, Jr.
Ashley H. Shugar
Aurora Sloan
Pam Smith
Melissa A. Sohr Loomis
Debbie L. Stark
Brooke Stuart
Dana G. Sturdevant
Marsha E. Travis
Liliana T. Villaverde
Roger W. Watford
Rick A. White
Susan K. Whitt
Sally Wilhelm
Debby Woolfstead Ross
Vertina L. Yeargin

Many thanks to the September 2009 Florida Rules and Ethics Seminar panel members for their dedication and hard work:

Cindi Bender, RPR, FPR

Jennifer Gaul, CMRS, FPR

Louise K. Johnson, RMR, CRR, FPR

Paulita Kuldig, RPR, CLVS, FPR



Create Scrolling Screensaver

Q. I would like to create a scrolling message on my screen to welcome my daughter home from college, but I can't seem to figure out how to do that. Can you help me with this, Mr. M?

A. Absolutely! Go to your Control Panel and click Display > Screen Saver tab. (Vista users, go to Control Panel > Appearance and Personalization > Screen Saver.) Using the drop-down menu under Screen Saver, click to select Marquee (select 3D Text in Vista), then click the Settings button. You will see where you can enter your welcome message, adjust its position, select your text style, color and related aesthetic tweaks.

Q. I'm using Gmail, thanks to your recommendation, and I really like it. I often send email to the same list of people. How can I do that in Gmail, Mr. M?

A. You'll need to place your list of recipients into a group. Once you create the group, type in the group name and let Gmail (www.gmail.com) do the rest.

To create a group from existing contacts, select Contacts from the left-side navigation bar. Place a check beside each of the contacts you want to add to the new group, then click the Groups drop-down menu and select "Add To New Group." Type in a name for your new group and click OK.

To address a message to the group, create a new message, then type your email address in the To: field. Next, click Add Bcc: and type the name of your group in the Bcc: field.

The list will be automatically expanded so you will see the individual group members in the Bcc: field. You can then add or remove addresses, as you wish.

Q. My Start menu's list of programs in XP displays three columns, but the third column, the one farthest to the right, is so far to the right that it is unreadable. Can I move it more to the left?

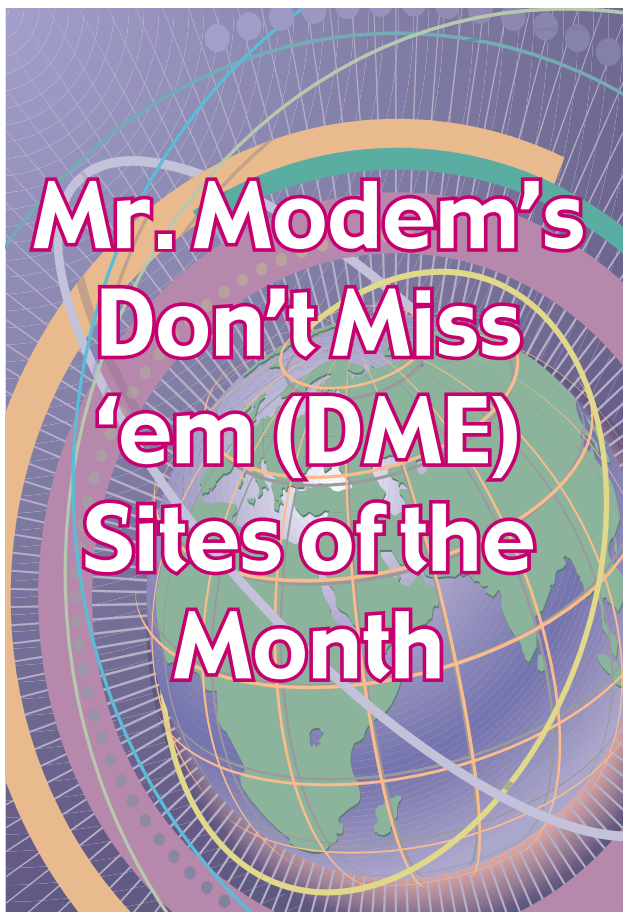
A. I'm sorry to be the bearer of bad news, but you

can't move it to the left. Those columns are automatically adjusted as wide as needed to accommodate the length of the longest program's name. One thing you can do, however, is right-click any long program names, select Rename, and make each name shorter. For example, if you rename Microsoft Internet Explorer to "IE" and Windows Media Player to "WMP," and similarly, shorten the names of other longer-named programs, you will have much narrower columns.

As an alternative, right-click the Start button, click Properties > Customize > Advanced. Scroll down the list and select Scroll Programs, followed by OK. This will cause your programs to appear in a single, scrollable column instead of fanning out to the right. (Bonus Tip: If you want to place programs in alphabetical order, right-click an entry, then select Sort by Name.)

Q. I know this is an unusual question, but do you know if there is anything online that can test for color blindness? Thanks, Mr. M.

A. Before disseminating any information of this type, for purposes of full disclosure, I am not a doctor, nor do I portray one on television, though I do believe in the healing powers of chicken soup. With that caveat, there is a color blindness test located at the appropriately named ColorVisionTesting (<http://colorvisiontesting.com>) Web site. The site features standard color vision tests in which colored objects and numbers are "hidden" within several circular fields of dots. There is also a pediatric color-vision test for children, and a view of the world through a color-blind person's eyes. The default font on this Web site is large and easy to read. How refreshing.



Marketing IQ Test: The test consists of 20 questions that will evaluate your ability to recognize companies and products by their associated marketing efforts, such as an item's logo, tagline, mascot, etc. The test has a cheesy game show feel to it, and a jaunty little tune plays in the background while you select your answers from the multiple choices presented. <http://tinyurl.com/n5h3bw>

The Dorcus Collection: A collection of men's fashion photography from the '50s, '60s and polyestered '70s. Caution: Some of the language on this site is a bit on the coarse side, so sensitive readers or those easily offended, please be forewarned. <http://tinyurl.com/ktj8a5>

The Good Earth: View stunning images of this little pellet we call Earth. Images are taken by satellites, the Space Shuttle, and the International Space Station. This multimedia tour allows you to experience the Earth as you have never seen it before. There is a choral-music sound track that accompanies the slideshow that I could do without, though the voices of the Apollo 8 astronauts from their first transmission in 1968 is interesting. A full, 244MB version is available for five dollars, though I found the Web-based freebie to be out of this world. <http://tinyurl.com/n7th3c>

For plain-English answers to your questions by email, plus great computing tips, subscribe to Mr. Modem's award-winning newsletter. Subscribe using Promo Code 1146 and receive a free month with your six-month subscription! To view a sample issue or subscribe, visit www.MrModem.com.

FCR Online Contributing Editors

Sandi Estevez, CSR, FPR

Shirley King, RPR, CLVS, FPR on behalf of the 2009-2010 Professional Ethics Committee

Gayl Hardeman, RDR, CCP, CRR

Rick E. Levy, RPR, FPR

Paulita E. Kuldig, RPR, CLVS, FPR

Richard A. Sherman (Ask Mr. Modem)

ETHICS AND PROCEDURES CORNER

By Professional Ethics Committee: Honorary Chair for Life, Shirley King; Co-Chairs: Jennifer Gaul & Susan Wasilewski; Members: Cindi Bender, Louise Johnson, Paulita Kuldig, Cathy Phillips, Betty Sue Vincent

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



IS IT FINALLY PERMISSIBLE IN FLORIDA TO SWEAR IN THE WITNESS ON THE OTHER END OF A VIDEO CONFERENCE CONNECTION? NO, NO, AND DOUBLE NO!

The following is from the original Attorney General's Opinion. Please note the italicized portion that says: *“However, it may be advisable*

to seek legislative or judicial clarification through the crafting of legislation or rules to accomplish this.” This means that the law does not yet allow us to swear in the witness at the other end of a video conference under our notarial authority. There are no ifs, ands or buts about it – *under our Florida notary, we are NOT authorized to put anyone under oath who is not in our physical presence.*

We should all continue to encourage our clients to approach the legislature about updating the law to comport with the current state of technology.

FROM THE ATTORNEY GENERAL'S OPINION WHICH WAS ISSUED PRE-2000: "With the advent of video conferencing procedures, as usual, the law trails the technology.

"The Notary law prohibits administering an oath to a person not physically in the presence of the notary. The question then becomes 'Can the witness be considered in the presence of the notary when appearing by videoconference?'

"The Attorney General's opinion states, 'The use of an interactive video and telephone system where the participants can see and hear each other, however, would appear to satisfy the purpose of requiring the personal presence of the affiant, i.e., that the officer administering the oath can identify the individual as the person who actually took the oath (within the State of Florida). *However, it may be advisable to seek legislative or judicial clarification through the crafting of leg-*

islation or rules to accomplish this.”

NOTE: Later, after this opinion was published, it seems the matter was addressed again, seemingly because the judges themselves felt comfortable administering the oath via video conferencing with the following results.

In October, 2000, a new subsection was added to Rule 2.530 of the Florida Rules of Judicial Administration, Use of Communication Equipment. Rule 2.530 (d) (5) states, "Video Testimony. If the testimony to be presented utilizes video conferencing or comparable two-way visual capabilities, *the court in its discretion may modify the procedures set forth in this rule to accommodate the technology utilized.”*

This means that the Court can, in its discretion, alter these rules. It DOES NOT MEAN that you or the attorneys at a deposition may alter the rules without the Court's Order.

It seems appropriate here to issue the warning: GOVERN YOURSELVES ACCORDINGLY or you may end up on the receiving end of a reprimand and/or a fine from the governor's office.

FURTHER IN READING RULE 2.530. COMMUNICATION EQUIPMENT, look at (3) below entitled OATH. It specifically requires the witness to be in the notary's presence. BUT THEN look at (5). This is where the Court is given the discretion to give the oath under his judicial authority.

Remember, these rules have been updated since the year 2000 verbiage of the Attorney General's Opinion was distributed, so the rule reprinted below is the current version in the rules.

We can suggest that if you are in the courtroom and the judge specifically directs you, the court reporter, to administer an oath, be sure to put the judge's instructions to you in the record for your own protection. And later, if challenged, all that can be said there is that you administered the oath under the judicial authority given the judge under section (5) of this rule and NOT under your notarial authority.

RULE 2.530. COMMUNICATION EQUIPMENT
(a) Definition. Communication equipment means a confer-

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ETHICS AND PROCEDURES CORNER

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ence telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of all parties is audible to all persons present.

(b) Use by All Parties. A county or circuit court judge may, upon the court's own motion or upon the written request of a party, direct that communication equipment be used for a motion hearing, pretrial conference, or a status conference. A judge must give notice to the parties and consider any objections they may have to the use of communication equipment before directing that communication equipment be used. The decision to use communication equipment over the objection of parties will be in the sound discretion of the trial court, except as noted below.

(c) Use Only by Requesting Party. A county or circuit court judge may, upon the written request of a party upon reasonable notice to all other parties, permit a requesting party to participate through communication equipment in a scheduled motion hearing; however, any such request (except in criminal, juvenile, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than 15 minutes.

(d) Testimony.

(1) Generally. A county or circuit court judge may, if all the parties consent, allow testimony to be taken through communication equipment.

(2) Procedure. Any party desiring to present testimony through communication equipment shall, prior to the hearing or trial at which the testimony is to be presented, contact all parties to determine whether each party consents to this form of testimony. The party seeking to present the testimony shall move for permission to present testimony through communication equipment, which motion shall set forth good cause as to why the testimony should be allowed in this form.

(3) Oath. *Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and*

administers the oath consistent with the laws of the jurisdiction.

(4) Confrontation Rights. In juvenile and criminal proceedings the defendant must make an informed waiver of any confrontation rights that may be abridged by the use of communication equipment.

(5) Video Testimony. If the testimony to be presented utilizes video conferencing or comparable two-way visual capabilities, the court in its discretion may modify the procedures set forth in this rule to accommodate the technology utilized.

PREPARING FOR A CART JOB

By Gayl Hardeman, RDR, CCP, CRR, FPR, CART Provider

If you attended the FCRA Annual Convention Business Luncheon in Fort Lauderdale, you witnessed Gayl Hardeman, FAPR, RDR, CRR-CCP, FPR, providing projected CART services. Gayl has been providing CART and training CART providers for many years. In this article, Gayl shares some tips in preparing for and writing a CART job, and shares her experience of writing for you, the FCRA members. – Tanya Ward English, Chair of the FCRA CART Committee

There are two stages for preparing for a CART Job. The first stage is assessing the underlying general "health" of one's dictionary. You really do have to do the chore of taking out "other people's entries" if you began writing steno years ago against another person's dictionary. Yes, it may take you hours to do, but you really need to know what is in there; that what is in there is all yours. You'll be surprised at the errors in defining you can delete!

So now that you're confident that what you're writing against is all yours and good, you can enter speaker tokens for all known speakers. At the recent FCRA Annual Convention Business Luncheon, our incoming president, Susan Wasilewski, was there early taking care of setup, and because she, too, is a CCP, she knew full well I needed to have as much job-specific information as possible. True, I could "write everything out," but at the speeds at which people were speaking, I was glad I'd selected a brief for "Wasilewski" (WA*S) (WA*S/WA*S for <Colloquy>SUSAN WASILEWSKI:).

I entered the names of all directors and officers, outgoing and incoming. Susan shared with me NCRA Representative Tami Smith's bio, as she was to

be giving a speech, so I entered her name (T*S), speaker "token" (T*S/T*S), and names that appeared in her bio, in case the introducer of Tami was unkind to the CART Provider :-}

Then I sat back and practiced the list. This takes an uninterrupted half an hour for me to enter 30 names and practice them, then make a "cheat sheet" to have in front of me as the event unfolds. We're never interrupted; that's why we arrive an hour ahead.

Next, I had to take care of the specific health of the viewer — you, the CART consumer.

I plugged the laptop into the projector, set the computer to "duplicate what's on my desktop" (a Vista selection), and adjusted the CATalyst font, page layout, and colors of background and text until they fit the situation of the room — that is, fit the distance to the screen from the projector, fit the ambient lighting of the room, and fit the lumens of the projector. Each situation is different, so time needs to be taken to ensure that when the spotlight turns to the CART screen that I am ready to GO.

With everything set in place, and my extension cords taped down carefully so no one would trip, I took a quick break, glanced at the program, added a few more names of people I thought might come up, and sat down, ate my lunch, and waited.

DURING THE CART JOB

Names always come up that you aren't prepared for, so you have to go back to your "general health of main dictionary" for the tools to create the

Continued on page 27

PREPARING FOR A CART JOB

Continued from page 26

word on the fly, with nary a care to whether it lands in any future dictionary. This is now, the big enchilada, and if I really need to take care of putting a new Web site URL in my main dictionary, e.g., I'll take care of it later. Right now, I need to finger-spell, or put together a word using a prefix, root, suffix and/or any alphabet letters.

CART is a step-by-step building of skills, one upon another. Like higher math. In calculus classes, I've heard professors tell students many times, "You must know your basic quadratic equation that you learned in algebra in order to do calculus!"

CART skills build by laying down the foundations of speed and accuracy, knowing your theory, knowing your dictionary, and having many prefix/root/suffix/alphabet tools in your tool kit. Then there is nothing like the experience

of providing CART, actually being in the spotlight, pressuring yourself to perform in front of a consumer who needs you (or even more pressure, in front of your reporting peers!)

FUTURE FOR YOU IN CART

The demand for CART Providers will grow, especially in the legal setting, as more people enter the population known as "late-deafened" and even as some American Sign Language (ASL) users become equipped with cochlear implants and turn to CART to make sense of the sounds they've not heard in years.

If you are interested in learning what's involved in providing CART, attend an NCRA ACE workshop on CART, or just peruse the NCRAonline/CART Web site. The Legal Accessibility Task Force of the Florida Coordinating Council will be sending out a video

to all courthouse ADA coordinators to educate them about CART and the fact that they need to find a Certified CART Provider.

I'm hoping that you will make a personal commitment to add CCP to your resume' and stand ready to provide CART for accessibility in the legal system. You don't have to write PERFECTLY. But you do have to make a few adjustments in your translation settings so that your CART is readable. You do have to adjust your screen so your reader can read it easily, and you do have to prepare ahead of time by entering names, names, names. What comes up after that will be taken care of by your "general health."

I'm wishing you a great, prosperous year of growth and good health.

UPCOMING EVENTS CALENDAR 2010

- | | |
|----------------|---|
| Jan 31 – Feb 2 | National Association for Court Management Mid-Year Conference
"Court Space, Security, and Emergency Planning"
The Broadmoor, 1 Lake Avenue, Colorado Springs, CO
Information posted on the NACM website www.nacmnet.org |
| Feb 3 – 5 | NCRA Firm Owners Executive Conference
Ritz Carlton Orlando Grand Lakes, Orlando, FL
Information posted on the NCRA website www.ncraonline.org |
| Feb 26 – 28 | CLVS Seminar/Forum, Trial Presentation Program & CLVS Production Examination
Ritz Carlton Coconut Grove, Miami, FL
Information posted on the NCRA website www.ncraonline.org |
| Mar 12 – 14 | NCRA Mid-Year Conference & Realtime Systems Administrator Program
Hyatt Regency San Francisco, San Francisco, CA
Information posted on the NCRA website www.ncraonline.org |
| June 11 – 13 | FCRA Mid-Year Conference & FPR Seminar and Exam
Lake Buena Vista Palace, Walt Disney World, Orlando, FL
Information to be posted on the FCRA website www.fcraonline.org |
| June 24 – 28 | "AAERT at Sea 2010" Annual Conference onboard the Carnival Inspiration
Embarkation at Tampa, FL
Information posted on the AAERT website www.aaert.org |

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

FCRA welcomes the following new members

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

PARTICIPATING MEMBERS

NAME	CITY	SPONSOR
Ambersley, Sharon	Miramar	Jennifer Gaul
Applebaum, Richard	Coral Springs	Jennifer Gaul
Bartlett, Maria	Pembroke Pines	Janet L. McKinney
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Guadagno, Sandra	Lake Worth	Christine Phipps
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Sohr Loomis, Melissa.....	Oakland Park.....	Shela Ellis
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Temple, Mari.....	Ft Myers.....	Jennifer Gaul
Tiedemann, Elizabeth.....	Santa Rosa Beach.....	Jennifer Gaul
Travis, Marsha.....	West Palm Beach.....	Christine Phipps
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Walker, Lynne.....	Madeira Beach.....	Jennifer Gaul
Weaver, Stephanie.....	Tampa.....	Jennifer Gaul
Whitt, Susan.....	Burlington, CT.....	Jennifer Gaul
Wilhelm, Sally.....	Ft Lauderdale.....	Janet L. McKinney
Yeargin, Vertina.....	Tamarac.....	Janet L. McKinney

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Mercado, Mayra	Orlando	Jennifer Gaul
Nupp, Jeri	Pompano Beach	Jennifer Gaul
Pierce, Valerie	Palmetto	Jennifer Gaul
Puentes, Maria	Pembroke Pines	Jennifer Gaul
Raybin, Bobbie	Fort Lauderdale	Jennifer Gaul
Robinson, Julie	Boynton Beach	Jennifer Gaul
Shugar, Ashley	Hollywood	Debbi Starkl
Stanislaw, Janine	Parkland	Janet L. McKinney
Valdes, Nataly	Miami	Jennifer Gaul
Van Meter, Vicki	Keller, TX	Jennifer Gaul
Zaffere, Natalie	Plantation	Jennifer Gaul

ASSOCIATE MEMBERS

Grey, Mary	Jacksonville	Jennifer Gaul
McAninch, Virginia	Davie	Jennifer Gaul
Michalski, Debra	Chicago, IL	Jennifer Gaul
O'Connor, Jacob	Fort Lauderdale	Sandra Estevez
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Schmidt, Mary	Dania Beach	Jennifer Gaul
Woolfstead Ross, Debby	Hollywood	Rick Levy

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McMahon-Laystrom, Cathy	Plantation	Catherine Phillips
Roach, Pamela	Jacksonville	Catherine Phillips



MEMBERSHIP APPLICATION

Florida Court Reporters Association

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*Company _____ Owner Co-owner Manager

*Mailing Address _____

*City/State/Zip _____ NCRA # _____

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

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

*E-mail address _____ Website 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)

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- RETIRED MEMBER**\$45.00
Open to any participating member in good standing who has retired from the active practice of shorthand reporting.
- ASSOCIATE MEMBER** \$60.00
Open to the following: teachers of shorthand or shorthand reporting, anyone officially connected with a school or college conducting a shorthand reporting course, any non-member retired from active shorthand reporting, anyone professionally associated with or employed by a member of FCRA whose application is endorsed by a participating member in good standing, and anyone qualifying for Participating membership, but residing outside of Florida.
- VENDOR MEMBER**.....\$125.00
Open to any firm or corporation engaged in selling products or services to FCRA members.

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

FLORIDA MANUAL: The guide to court reporting in Florida — sample forms, guidelines, and rules of court. Cost for members: \$50.00. Subscription to updates: \$25.00.

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

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

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

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Date Rec'd _____ Ref # _____
 Amount _____ Computer _____

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

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

Signature of Applicant Date

Signature of Sponsor

Name of Sponsor (Please print or type)

PAYMENT ENCLOSED FOR:

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TOTAL ENCLOSED: \$ _____

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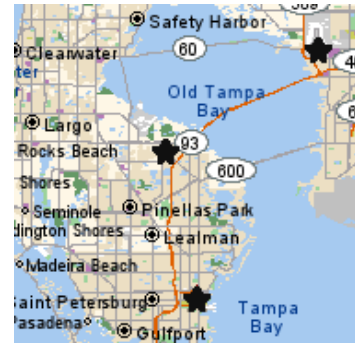
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