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OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

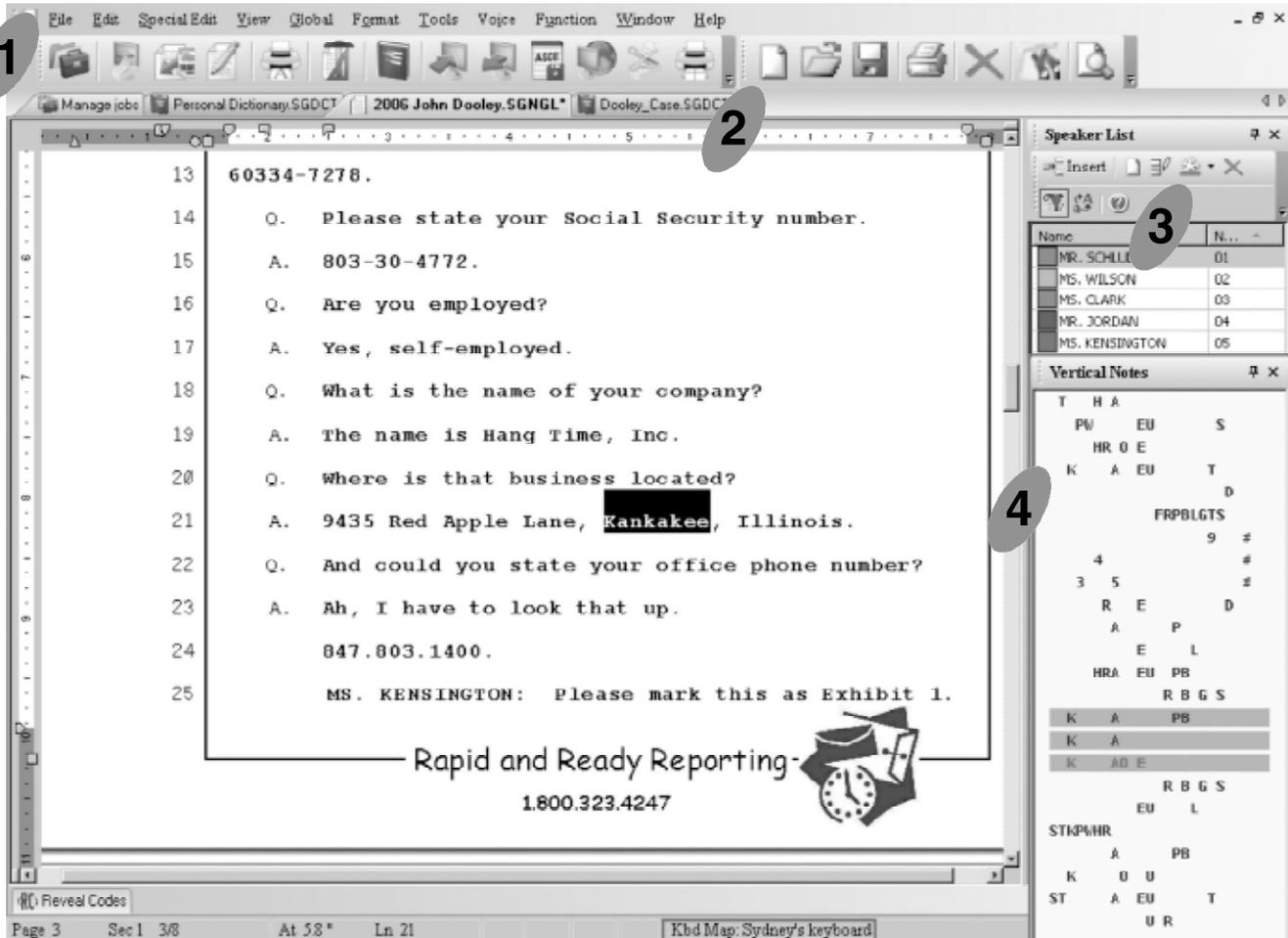
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By Catherine J. Phillips, RMR, CMRS, FPR  
2006-2007 President



## Keeping Up with FCRA's New Year's Resolutions!

Happy New Year! How many of you are still sticking to your New Year's resolution? Good for you and hang in there. I typically don't make resolutions because it disappoints me when I don't keep them, especially when it only lasts a few hours or days (depending on what it is).

I want to thank all the members who so graciously accepted my offer to either Chair or serve on committees for this year. We have included in this issue a list of all the Board and Committee Members, along with their contact information. Please feel free to contact any of us with any questions or suggestions. Also, it is never too late to be added to a committee. Contact me and I will add you to a committee or two.

As I indicated in my President's speech in October, I wanted to focus on membership this year. I'm happy to report to you that we have seven new members who have joined. To those new members, welcome to this wonderful Association of fellow reporters who are committed to their profession, as I'm sure you are. Seven-time winner of the Tour de France Lance Armstrong said, "Unity is Strength, Knowledge is Power, Attitude is Everything." You will be glad you joined FCRA.

In November, Secretary Sandy Narup and I had the privilege of representing FCRA at NCRA Leadership in Washington, DC. We picked up some ideas for gaining and retaining membership, as well as some information regarding ER (Electronic Recording) issues that all the states are dealing with. We are definitely not alone on this matter. On a lighter note, NCRA Government Relations Department hosted a PAC fundraiser involving karaoke. Be sure you read Sandy's report about Leadership. BTW, I received an email regarding the video of all who "sang" that night. We'll try to play it at Mid-Year in Marco Island. Well, maybe.

At our Annual Convention in Ocala, the fourth

Florida Professional Reporter (FPR) seminar and testing was held. Ninety-four people passed that day. There are now 263 FPRs. In 2006, four FPR seminars were held. This year we will be having at least two seminars, depending on the demand. The first is scheduled for Saturday, April 14th, at the Caribe Royale in Orlando. You can register online at [www.fcraonline.org](http://www.fcraonline.org) or you can contact Headquarters. If you miss it this time, be sure to look for updates on the website or through E-Flash for future dates.

On February 9th, Dave Wenhold, Director of NCRA Government Relations, will be conducting a three-year strategic planning meeting with the Board. The Board did this two years ago, and I'm happy to report we accomplished just about everything on that three-year plan in two years. If you have any suggestions or ideas for which direction you would like to see FCRA head, please contact a Board member so they can share it at the meeting.

Congratulations to all who received a new NCRA Certification designation at the November 2006 testing. A list is included in this issue.

In closing, I look forward to seeing all of you in Marco Island, June 15-17. Be sure to bring your family with you. This resort has a lot for them to enjoy while we're in our seminars. Better yet, plan to either come early or stay longer so you can also enjoy the resort.

**I typically don't make resolutions  
because it disappoints me when I  
don't keep them, especially when  
it only lasts a few hours or days  
(depending on what it is).**

By Louise Pomar, RPR, FPR, FCR Online Editor

# BAM...FCR Online is Kicking It Up a Notch!



Kick It Up a Notch! That is a household saying today thanks to Chef Emeril Lagasse, Restaurateur of the Year and show host of *Emeril Live* on the Food Network Channel. That is the expression that frequently entered my mind while preparing the rough draft of this issue of *FCR Online*. Of course, I just prepare the rough draft. It's actually all of the effort and dedication that our contributing editors put into their articles and the reporters who alerted me to news articles that concern the court reporting industry that made this issue an action-packed one. I hope that you are as pleased with the articles as I am.

The debut of the "Ethics and Procedures Corner," which can be found on page 30, is the brainchild of one of FCRA's past presidents, Judy Everman. She, along with Ethics Committee members Shirley King, Jennifer Gaul and Louise Johnson, have presented some questions that have been posed to them by fellow reporters and answered them in this column. With membership participation — yes, that means YOU — this column will be a huge success. My philosophy is that we are never too smart for a refresher course in ethics and procedures. Don't you agree? So please send your questions to the committee members and let the whole Association benefit by reading the answers in this new column. Many thanks to the Ethics Committee members for taking on this endeavor.

Also contained in this issue are newspaper articles that relate to the court reporting profession and Letters to the Editor written by our very own FCRA members in response to those articles. You won't want to miss reading what they have to say. Their messages are straightforward and to the point. Way to go, Kelly and Paulita, for setting the record straight for the public.

For FPR certificate holders, an added bonus for submitting articles is that you can earn .15 CEU points per article written and published in *FCR Online*. Come on, put on your writer's hat and earn yourself some CEUs. It's not as difficult as you may think. When I first took on the job of being editor and realized that I had to write an article for each issue, let me tell you, I was in a panic! With some advice from my mother, who is a retired English teacher, to "just sit down and begin writing without worrying what the first draft looks like," I overcame my writer's block. You can, too.

There are many exciting and creative ideas that are being explored for future issues. If you are in possession of one of those great ideas, please contact me, your editor, at [lbp1958@aol.com](mailto:lbp1958@aol.com).

BAM! Until next time...

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Publication Date ..... May 12, 2007

(Fall) Aug/Sept/Oct..... July 5, 2008  
Publication Date ..... Aug. 12, 2008

(Winter) Nov/Dec/Jan ..... Oct. 5, 2007  
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## On the National Scene...

### ***Complete Victory for Defendants in Engate Appeal (Reprinted from NCRA Website)***

The United States Court of Appeals for the Federal Circuit issued a 14-page decision on Wednesday in which it ruled against Engate and provided a complete victory on appeal for the two remaining defendants in the Engate litigation, Esquire Deposition Services LLC and Atkinson-Baker Inc.

The Court of Appeals affirmed the district court's earlier decisions that there was no direct or indirect patent infringement by these two defendants. More important, the Court of Appeals affirmed the district court's decision that 21 of Engate's patent claims were invalid and also reversed the district court's decision that a 22nd patent claim was valid, declaring it invalid as well. Although Engate asserted hundreds of patent claims in its original demand letters, this means that all of the key patent claims that were actually asserted by Engate in the litigation were held invalid and cannot be asserted by Engate against any other reporter or firm.

Procedurally, Engate may now file a motion for rehearing before the three circuit court judges that unanimously ruled against Engate, or for reconsideration en banc before all 12 circuit court judges, or for review by the United States Supreme Court. However, given the factual and legal basis on which the district court and court of appeals reached their decisions, the likelihood that Engate may still prevail is remote.

Immediately after Engate first issued its demands in 2001, NCRA created a Joint Defense Group for reporters and firms that chose not to pay Engate in order to continue to use the realtime technology for which Engate demanded license fees. NCRA retained its own patent counsel to analyze Engate's patent claims and to draft a legal opinion on which the members of the Joint Defense Group could rely in order to protect against claims of willful infringement. Throughout the litigation, NCRA kept all members informed about the ramifications of the Engate litigation, so that individual member reporters could make informed and independent decisions about what actions were in their own and their firm's best interests.

Due to the importance of the realtime technologies at issue in the Engate litigation, NCRA has worked hard over the past five years in support of this massive defense effort, by providing extensive factual evidence of prior art

(including testimony by former NCRA President, Marilyn Sanchez), by hiring its own patent counsel to advise the Joint Defense Group and to file an amicus brief in the district court, and by providing financial support for the appeal after the insurance coverage for the remaining two defendants was exhausted.

As in the past, NCRA will continue to keep the Joint Defense Group and all other members informed of any further developments. Hopefully, this complete victory on appeal will be the end of Engate's threat against realtime technologies.

### ***NCRA Investigating Direct Member Voting***

FYI, the following email was sent to the State Leaders who attended Leadership. If you have any questions or comments, you can either contact Robert Bramanti or me, since I'm a member of the C&B Committee. I will gladly share your thoughts and/or concerns with the committee.

*~ Cathy Phillips, FCRA President*

Dear State Leaders,

My name is Robert Bramanti. I'm the chairperson of the Constitution and Bylaws Committee. Some of you I have met at NCRA's State Leadership Conference; some at past NCRA Boot Camps. To everyone, hello.

It was suggested that I follow up the Direct Member Voting discussion held at NCRA's Leadership Conference in November with a quick update/review. And for those on the Listserve not at Leadership, hopefully this message will give you a sense of where we are with Direct Member Voting and where we hope to be in the next few months.

As you may recall, the C&B Committee has been reviewing the issue of Direct Member Voting for quite some time following the request for more information from those members attending the business meeting in 2005 in Phoenix. We've made good progress since then, and we have really pushed forward following the 2006 business meeting in New York.

In October, we asked NCRA to survey voting members as to their interest in a Bylaws amendment that would allow all eligible voting members who may not be present



## On the National Scene...

at NCRA's annual business meeting to vote on Bylaws amendments and contested elections via a secure Web site with the results verified by a third party. Amazingly, in one week's time, 2,118 voting members responded. 1,847 members, a bit over 87 percent, were in favor of a Bylaws amendment. 166 members were not sure. And 103 members, 4.9 percent, were against a proposed amendment. At the State Leadership Conference, though there were some technical questions, some of which were addressed, there seemed to be strong support for the proposal.

Based on member interest, the C&B Committee is currently developing a proposed framework for how online voting could be accomplished. And we'll be conducting another survey of the voting membership about that proposed framework soon to make sure we're on the right track. To give you some idea as to the Committee's current thinking, the proposed Direct Member Voting amendment would work roughly as follows:

\* All eligible voting members would be issued a user name and password to vote online via a secure Web site. A member would only be able to vote once.

\* Members attending the business meeting, in addition to having the ability to vote online, could choose to vote via paper ballot on-site. If they choose to vote on-site, these members would not be able to vote online. So, again, a member would only be able to vote once.

\* The annual business meeting would operate just as it has in the past. Any proposed amendment to the Bylaws would be presented and the members at the business meeting would have the opportunity to debate the proposal. The members present in the business meeting would have the opportunity to amend the introduced amendment. A two-thirds vote of those members present in the business meeting would be required to amend the introduced amendment.

\* The final amendment language, amended or not, would be posted to a secure third-party web site for all eligible voting members to vote yes or no on its passage.

\* A similar process would be followed for a contested election. If there are two candidates, their names would be posted to the secure web site for a vote. If there were more than two candidates, there would be a runoff during the business meeting. The names of the top two

vote-getters, as determined by those members present in the business meeting, would then be posted on the secure third-party web site for a vote.

\* NCRA would continue to post the rough transcript of the business meeting to NCRA's Web site shortly after the conclusion of the business meeting so that those members voting online would have the opportunity to become fully informed on the issues that were discussed during the meeting and the debate involving any amendments.

\* In order to give all eligible voting members the opportunity to review the text of the debate on NCRA's Web site prior to a member voting, members would have 12 hours to vote once the final amendment language or the final two candidates' names are posted. And it should take no more than two hours after the conclusion of the business meeting to have this information posted to the NCRA site.

I should point out that the primary focus behind the currently proposed framework is to ensure that the process remains simple to implement and as inexpensive as possible. But, again, we'll be evaluating this proposed framework following the survey in January to determine if any changes need to be made.

President Reesa Parker's stated mission has been enhanced customer service to you, the members. The C & B Committee believes Direct Member Voting plays a big part in that improved customer service, as it provides more members with an opportunity to become empowered and involved. Put simply, in our opinion, it gives more members a voice.

As I mentioned, the C&B Committee will continue to examine the issue and revise the proposed process for conducting Direct Member Voting as we receive member input. So if you'd like to discuss any aspect of Direct Member Voting, please feel free to contact me directly at [rbramanti@comcast.net](mailto:rbramanti@comcast.net).

Robert M. Bramanti, CSR, RMR, C & B Chairperson,  
617.723.7321

By Sandy Narup, RPR, FPR

## NCRA Leadership Conference...Awe-Inspiring!

NCRA's 2006 Leadership conference was held at the Ritz Carlton at Tyson's Corner from November 16-19, 2006. Cathy Phillips and I were in attendance.

Well, where do I begin? I guess right smack dab at the beginning. Cathy and I arrived at Dulles shortly after lunchtime on Thursday. Once we settled in our room, we headed into the Galleria Mall attached to the Ritz to grab a bite to eat. Boy was I in heaven! Little did I know that that would be the only free time I'd have in the mall.

Our first official function began when we were shuttled to the opening reception at OUR national headquarters in Vienna, Virginia. It was utterly amazing for me to encounter the behind the scenes operations of our association, to be able to see where our phone calls are answered when we don't know how many points we need, get a glimpse of the old pictures, enjoy the staff who works so hard for us. Did you realize that NCRA was founded in 1899? The oldest photo I noticed was from a national convention in 1920. Looking at these photos, it was interesting to see the transition of the profession going from being totally dominated by men to mostly women. Another interesting thing was a quilt that was embroidered with the different logos that NCRA has gone through. It was really gorgeous.

Well, the next day was a bright and early start. We had opening remarks by NCRA President Reesa Parker welcoming everyone.

There were seminars on how to improve membership and understanding why people might not be joining. We learned to express the pros of becoming a member, such as lobbying, networking, voting privileges, investment in your career, education, etc.

We were taught how to become more organized through Microsoft Outlook. An example is moving emails out of your inbox and into a task manager or calendar to warn you of upcoming deadlines.

ER was a big topic as well. There were discussions by many different state leaders in regard to how ER has impacted their individual states. There were some devastating impacts to stenographers in one state where the digital companies are transcribing proceedings for extremely low rates. There were visual comparisons illustrating some differences in how particular states are running (i.e., steno versus ER/Digital).

In addition, we received some insightful information on how to portray our services in a positive light. We need to emphasize our expertise, including realtime technology, accessibility, and quick turnaround to mention a few. Yes, things we all know. We need to keep educating our clients so they understand how we make their job easier by the use of our technology. We are a human body, there to serve, not a machine. Using their terminology,



"ER is a product; Court Reporters provide a service."

There was also a seminar on the new NCRA SONAR (State of the Nation Activities Report). SONAR is an information exchange tool to inform court reporters what each state's certification requirements are, what's in the news for their region, and much, much more. It's expected to be debuted early this year.

Lastly, there was an information exchange where representatives from each state got up and spoke about concerns and accomplishments affecting their respective states. It was quite enlightening how each state handles situations differently, lots of food for thought on the different individual approaches.

The conference closed with an exceptional dinner and karaoke party. NCRA PAC received almost \$10,000 for our leaders to sing. It was amazing how quickly some people opened their wallets to get their name off the list to sing. President Phillips was chosen to sing with a group of five other girls. The name given to their group was the Sixie Chicks and they sang Footloose. Rick Greenspan was gracious enough to be stand-in for another song.

It was a great learning experience for me, and I want to thank FCRA for the opportunity to attend. I hope I can take what I have learned and apply it for the benefit of FCRA.



# Welcome Voicewriters

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

I would like to officially welcome Chris as our first voicewriter member to FCRA. Your membership to this

Association will be an asset.

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

## Article III — Membership

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

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**Annual Convention**

**Chair**

**Vacant Position**

# Congratulations to the Newest FPRs

Catherine Ann Aldea, FPR	Carman L. Gaetanos, FPR	Joan L. Pitt, RMR, FPR
Carol A. Baer, RPR, FPR	Meridith Consor Gilbert, FPR	Vicky Poulin, FPR
Joan L. Bailey, RDR, RPR, RMR, FPR	Robin Gonzalez, RPR, FPR	Lori Wertz Pyron, CRI, FPR
Janet Marie Beason, RMR, CRR, FPR	Linda Goodall, RPR, FPR	Angela Reichenbach, FPR
William Bish, RDR, CRR, RMR, RPR, FPR	DeAnna Michelle Grant, FPR	Karen S. Rhine, FPR
Joyce L. Bluteau, RPR, FPR	Julie Jarrett Green, RPR, FPR	Susan W. Riley, FPR
Lisa M. Boyd, RPR, FPR	Jane Hagan-O'Brien, RPR, CSR (MI), FPR	Tina M. Roberge, RPR, FPR
Patijo Brown, RPR, FPR	Gayl Hardeman, RDR, CCP, FAPR, FPR	Amy E. Roberts, RMR, FPR
Debby Brownell, RPR, FPR	Jane M. Harrison, CSR (TX), FPR	Georgeanne Rodriguez, RPR, FPR
Rhonda Burbach, RPR, FPR	Joy Hayes, FPR	Karen Adair Ruiz, RPR, FPR
Tina M. Bussiere, FPR	S. Gay Hess, RMR, CSR (GA), FPR	Christine Sammaro, RMR, RPR, CRR, FPR
Krista Nicole Carney, FPR	Virginia L. Hyland, RPR, FPR	Jennifer Santorelly, FPR
Lori A. Carpenter, FPR	Sherrill L. Jackson, RPR, FPR	Lynn Sapp, RPR, FPR
Jackie Carson, FPR	Donna Kadosh, FPR	Jeanette S. Scott, RPR, FPR
Susan E. Castino, RPR, FPR	Holly Kapacinskis, RPR, FPR	April Segui, RPR, FPR
Judith Chin, RPR, FPR	Cecelia Kimball, FPR	Susan Shelling, RPR, CSR (NY), FPR
Pamela A. Chorlog, CRR, RDR, FPR	Stephanie Lachowicz, FPR	Lisa A. Simons-Clark, RPR, CRR, FPR
Donna Cimino, RPR, CSR, FPR	Gillian Lawrence, AAERT, CERT, FPR	Sherrie W. Smith, RPR, CSR (FL), FPR
Cynthia M. Clark, RPR, CLR, FPR	Laura R. Lentoski, RPR, FPR	Donna Stewart, FPR
Tami K. Cline, RMR, CRR, RPR, FPR	Elizabeth M. Love, RPR, FPR	Michelle A. Stickney, FPR
Judy Consor, RPR, FPR	Debbie Luckey, RPR, RMR, FPR	Pamela J. Sullivan, RPR, FPR
Sue V. Cook, RPR, FPR	Cynthia K. Mattox, FPR	Misty S. Theiss, FPR
Sandra Crowley, RMR, RPR, FPR	Kristina McCollum, FPR	Vivian Tupou, RPR, CSR (HI, GA), FPR
Traci Dedrick, RPR, FPR	Bobbi Lynne McCoy-Joy, FPR	Bobbie A. Umstead, RPR, FPR
Dale DeFranco, RPR, FPR	Deborah Meek, RPR, FPR	Catherine Ann Upchurch, RPR-CP, FPR
Anica Diaz, CSR (TX), FPR	Stephanie Consor Miller, FPR	Elizabeth A. Walker, RPR, FPR
Judy Eichar, RPR, CLVS, FPR	Cassie Minnich, FPR	Freida S. Williams, RPR, CMRS, FPR
Diane T. Emery, CMRS, FPR	Sandra S. Mitchell, RPR, FPR	Luan G. Wilson, RPR, FPR
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Ann DeKay Evans, RPR, FPR	Gilda Pastor-Hernandez, RPR, FPR	Heidi M. Winfield, FPR
Donna W. Everhart, RMR, FPR	Karen J. Perkins, CSR (CA), FPR	
Dona Fisher, FPR	Donna Phillips, FPR	

**Many thanks to the October 2006 Florida Rules and Ethics Seminar panel members for their dedication and hard work: Cindy C. Bender, RPR, FPR; Shirley P. King, RPR, CLVS, FPR; and Paulita E. Kuldig, RPR, CLVS, FPR.**

## FCRA Fundraising Drawing: Win an Elan Mira A3 or Stentura Fusion

Hurry, while the tickets last. Unlike other drawings, only 75 tickets will be sold. This is your chance to win an Elan Mira A3 or Stentura Fusion, both with audiosync. For just \$100 a ticket you get the chance of being on the cutting edge of technology with regard to your machine and at the same time help YOUR association.

Don't delay! Order yours now before they are all sold out. The odds are too great to pass up. Just email Sandy Narup at [snarup@bellsouth.net](mailto:snarup@bellsouth.net) to get your ticket or contact any one of the FCRA board members. You can also just send your check made out to FCRA to Sandy Narup, 725 Hunt Club Trail, Port Orange, FL, 32127.

The drawing will be held at the Mid-year conference in Marco Island on June 16, 2007 at Saturday night's dinner. YOU DO NOT HAVE TO BE PRESENT TO WIN.



## Florida Court Reporters Association

# PRO BONO PROGRAM

### A GUIDE FOR REPORTERS

#### INTRODUCTION

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

#### WHY SHOULD I GET INVOLVED IN A PRO BONO PROGRAM?

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

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

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

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

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

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

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

#### HOW CAN I BE SURE A LITIGANT IS TRULY INDIGENT?

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

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

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

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

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

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

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

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

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

#### POINTS TO REMEMBER:

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

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



# Florida Court Reporters Association PRO BONO PROGRAM

## REPORTER PLEDGE CARD

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

Attendance Fee \_\_\_\_\_ hours

Transcript at No Charge \_\_\_\_\_ pages

Transcript at a Reduced Rate \$\_\_\_\_\_ per page

Transcript at the Regular Rate \$\_\_\_\_\_ per page

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

\_\_\_\_\_ I am willing to provide reporting for:

\_\_\_\_ Depositions      \_\_\_\_ Hearings      \_\_\_\_ Trials

I will need advance notice of \_\_\_\_ days.

REPORTER'S NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

E-MAIL \_\_\_\_\_ CELL # \_\_\_\_\_

HOME # \_\_\_\_\_ WORK # \_\_\_\_\_

\_\_\_\_\_ Individual Donations      \_\_\_\_\_ Firm Donations

Geographical area you are willing to serve:

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PLEASE MAIL THIS FORM TO:

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



## Florida Court Reporters Association

# PRO BONO PROGRAM

### REPORTER ASSIGNMENT/EVALUATION

REPORTER'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

E-MAIL \_\_\_\_\_ CELL # \_\_\_\_\_

HOME # \_\_\_\_\_ WORK # \_\_\_\_\_

ASSIGNMENT \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

#### REPORTER'S EVALUATION

Hours in attendance fee donated \_\_\_\_\_

Pages provided at no cost \_\_\_\_\_

Pages provided at reduced rate \_\_\_\_\_

Pages provided at regular rate \_\_\_\_\_

Other services provided \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PLEASE MAIL THIS FORM TO:

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

# CALL FOR NOMINATIONS

As provided for in the Bylaws, the immediate past president of FCRA serves as chair of the Nominating Committee. The president appoints four additional members to the committee and two alternates who serve in the event of absences of committee members. The committee will meet in June at the Mid-Year Conference to draw up a slate of nominees for the following positions on the Association Board of Directors to be elected at the 2007 Annual Convention:

*Qualifications and qualities to look for in potential FCRA officers and directors:*

LEADERSHIP:	ADMINISTRATIVE TRAITS:	ABILITY:
<ul style="list-style-type: none"> <li>• Interest, concern, conviction, dedication</li> <li>• Decision making capabilities</li> <li>• Objectivity</li> <li>• Knowledge and experience</li> <li>• Reliability</li> <li>• Ability to inspire</li> </ul>	<ul style="list-style-type: none"> <li>• Courtesy</li> <li>• Humility</li> <li>• Friendliness</li> <li>• Tact and diplomacy</li> </ul>	<ul style="list-style-type: none"> <li>• Communication skills</li> <li>• Initiative</li> <li>• Professional image</li> <li>• Maturity</li> <li>• Association experience</li> </ul>

***Please mail, fax, or email nominations no later than May 10, 2007, to Teresa Durando, Chair of Nominations Committee, 1350 River Reach Drive, #318, Fort Lauderdale, Florida 33315. Fax: 954-765-1299; email: tdurando@bellsouth.net.***

- |   |   |
|---|---|
| <input type="checkbox"/> President-Elect (one-year term)<br><input type="checkbox"/> Vice President (one-year term)<br><input type="checkbox"/> Secretary (one-year term) | <input type="checkbox"/> Treasurer (one-year term)<br><input type="checkbox"/> Central Director (two-year term)<br><input type="checkbox"/> One Director-at-Large (one-year term) |
|---|---|

I recommend the following FCRA member for consideration as a potential candidate for the position of:

\_\_\_\_\_

Name: \_\_\_\_\_

I support the candidate for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

May the Nominating Committee contact you by phone/e-mail if further information is needed about the candidate?  Yes  No

Office Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Signed (FCRA member): \_\_\_\_\_ Date: \_\_\_\_\_

**Submit nominations no later than May 10, 2007.**

***Please photocopy this form for additional potential candidate recommendations or provide on a separate sheet.***

# Emily Mann Distinguished Service Award

The Emily Mann Distinguished Service Award shall be bestowed by FCRA upon a person who possesses exceptional qualifications and experience in the field of shorthand reporting, while contributing in a meritorious manner to the welfare of FCRA; and has served the Association in at least two (2) of the following categories:

- (1) Served the Association with active participation on committees and/or on the Board of Directors of the state association.
- (2) Contributed to the profession in areas of teaching, editing of publications or other contributions which have been designed for the advancement of shorthand reporting.
- (3) Contributed important books, papers or other written material dealing with the profession.
- (4) Contributed seminars for the state association for members, such seminars having received the approval of BAPR for continuing education points.
- (5) Aided in the advancement of the profession by working in liaison with The Bar, the media, judicial groups, and/or educational institutions.



## Emily Mann Distinguished Service Award Nomination Form

*Deadline is  
May 30, 2007!*

I, \_\_\_\_\_, hereby nominate \_\_\_\_\_ to receive FCRA's EMDSA Award for the following reasons: (Please include criteria nominee has met. Use separate page if necessary.)

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Mail this form to Thomas Hughes, EMDSA Committee Chair,  
 581 NW 75th Avenue, Plantation, FL 33317.  
 Phone: (954) 816-6595 • Fax: (954) 792-8433  
 Email: thughesrdr@bellsouth.net • **DEADLINE: MAY 30, 2007**

# Agency Lacks Funds to Pay Defense Lawyers

## State Says Attorneys Will be Paid Later; Cases Grind to a Halt

By Mabel Perez, Star-Banner • Reprinted from the November 25, 2006, issue of the Ocala Star-Banner

OCALA - The state agency responsible for paying court-appointed attorneys in criminal and civil cases has run out of money and cannot pay the bills that have been submitted by attorneys.

The Justice Administration Commission announced earlier this week a shortfall that has left them temporarily unable to pay bills. For the 2006-2007 fiscal year, the commission was budgeted \$37.4 million for criminal cases and \$23 million for civil and family-type dependency cases. Their budget is funded quarterly.

Their next disbursement is scheduled for Dec. 19.

Until then, attorneys will not be paid for handling cases or their bills for a number of things, including court reporter costs, expert witnesses, psychological evaluations and investigations.

The quarterly funds were supposed to keep the JAC afloat until Dec. 31 but were depleted by Nov. 9.

JAC Executive Director Victoria A. Montanero called the situation a "timing issue," saying attorneys shouldn't panic. She said attorneys have expressed concerns but at the same time were assuring her court cases would move forward.

"Certainly it's affecting the attorneys," Montanero said. "They were depending on the funds. It's inconvenient but at the same time they recognize that they will get paid. It's all in the timing. It is simply a timing issue."

Last year, the JAC also had a budget shortfall. In May 2006, they ran out of overall funds. The state released about \$8 million more to the agency to get through until June 30, the end of the fiscal year.

Local criminal defense attorney David Mengers said the budget shortfall has affected his cases.

"They're saying, 'Don't worry it's going to be paid,' but the immediate problem is we can't do any work on any cases because we can't pay any people," Mengers said from his office Wednesday afternoon. "I spent the whole week canceling depositions because I can't pay the court reporters. . . . The court reporters aren't going to take any cases if they know they're not getting paid."

After an attorney gets a bill for a service, like a court reporter, they submit the bill to the JAC in Tallahassee. Since the JAC announced it would not be paying bills temporarily, Mengers said he has stopped scheduling things that require funding in the cases.

Conflict attorneys are court-appointed to indigent people

only when the Public Defender's Office cannot take a case for conflicts, like a witness being a former client to the Public Defender's Office.

Asked about eating the cost of services and of legal fees, Mengers said: "I don't care if they hold up my payment. What matters is that I can't do the work . . . and that has nothing to do with whether they pay me a penny or not. I can't pay an expert. I can't pay a court reporter for a deposition. I can't do anything but be a potted plant. I don't care about myself; I care about providing adequate representation to my client.

"I'm required to do a job but I can't because the JAC and Tallahassee can't follow up on their agreement."

Other attorneys across the state are also concerned.

In a letter to Florida Supreme Court Chief Justice Fred Lewis, attorney Jeffrey M. Harris expressed concern. Harris is the president-elect of Florida Association of Criminal Defense Lawyers.

"Criminal defense attorneys who have entered into a contractual relationship with the state in good faith to represent indigent defendants, expect and deserve timely payment. This apparently is not and will not happen. I further greatly fear that monies . . . will be completely depleted," Harris wrote.

"I do not believe I am overstating the situation when I say that Florida's criminal justice system is in jeopardy and a fair and expedient solution is required."

Mengers said he is refusing appointments to these cases until the situation is resolved.

"There's no assurance they're going to reimburse us and we're not rich. We can't loan that kind of money to the state of Florida . . . and we shouldn't have to."

In 2004, the JAC began handling all court-appointed attorney cases and handling due process costs.

*FCRA Editor's Note: Read FCRA Member Kelly Owen McCall's response that appeared in the Letter to the Editor column of the Ocala Star-Banner that follows this article.*

# Court Reporting's Digital Future

By John Frank • Reprinted from the November 6, 2006, issue of St. Petersburg Times

INVERNESS - One day they'll be there. The next they won't. But few will notice.

Court reporters are a familiar, yet inconspicuous staple in Citrus County courtrooms. They sit up front, silently typing what everyone says.

It's a grueling job, with intense training to learn how to type 225 words a minute. And they play an important role in the justice system as the stenographers make the

official court record.

But they are a fading breed. In six weeks, human court reporters will be a relic, replaced in many hearings by digital recording machines in Citrus County.

Per the Florida Supreme Court, legal proceedings will be recorded by an array of microphones positioned near witness, lawyers and judges, and stored digitally on a computer in a central recording room. Live reporters will still be required for death penalty trials and civil cases.

The move, designed to save money, has generated some controversy in courtrooms throughout the state.

Local court reporters have seen the change coming for some time. Citrus is the last jurisdiction in the five-county judicial circuit to make the change, said Lynn Gilstrap, the 5th Circuit's court recording supervisor.

Gilstrap said she expects the system to switch at the start of the new year. Until then, she said, the circuit is running a dual recording system with people and machines as a test.

The upgrade will affect most directly Joy Hayes and Associates, the Inverness company with the state contract to cover Citrus courts. Hayes couldn't be reached for comment.

Still, individual court reporters and other companies will feel the crunch too.

Michael Cosmo, the manager of Liberty Court Reporting in Inverness, said it crowds the market for other jobs outside the courtroom, such as recording depositions, civil matters and local government hearings.

"Joy is definitely competing with us more," he said.

In general, the demand for court reporters is still high, but "don't get me wrong, we are losing some jobs," said Shirley King, a board member with the Florida Court Reporters Association.

Court reporters are worried about more than just jobs. They worry about the integrity of the electronic system.

Cosmo said he understands how digital tapes could work in traffic court or drug court, but "not when someone's life, time and livelihood are at stake."

He also thinks that transcripts made from tapes will lack much of the tone put in the record through punctuation by human court reporters. "Only a human can discern inflection, not a tape," he said.

## Pay Up, JAC

Reprinted from the Ocala Star-Banner Letters to the Editor

I re-read staff writer Mabel Perez's article "Agency lacks funds to pay defense lawyers" (Nov. 25) several times regarding the Justice Administration Commission's "budget shortfalls." I found JAC Executive Director Victoria Montanero's comments truly laughable, as she referred to the non-payment of subcontractors as "inconvenient" and a "timing issue."

As a business contracted by the JAC to handle court reporting services and dealing with the JAC since its inception, I can assure you it is neither.

The JAC has had "shortfalls" since day one, although they always came up with enough funds to pay their state employees every pay period. The only budget that comes up short is the one paying contractors.

The JAC has continually found excuses not to pay our bills for two years - not because the services weren't rendered timely or because of poor service, but because their employees seem to have been told to figure out ways not to pay the bills. It is my belief they have never budgeted enough money for the actual service providers themselves - that is, lawyers, reporters, experts.

While the "timing" may be "inconvenient" for those lawyers, reporters, etc. who provide few services to the JAC, for our business that amount owed over the past two years is in the tens of thousands.

"Inconvenient timing?" Try "government incompetence" at its most flagrant. Ms. Montanero and her staff should skip their paychecks like the rest of us have until the JAC can figure out how to run its Tallahassee office and pay the rest of us who are doing our jobs.

Kelly Owen McCall, Ocala

# Court Reporting's Digital Future

*Continued from page 20*

Others, mostly lawyers, are worried the microphones will pick up too much.

Hillsborough County Public Defender Julianne Holt filed a legal challenge to the electronic system last year. She worried the microphones would inadvertently pick up protected conversations between attorneys and their clients.

The complaint arose months earlier after a judge discovered that a switched-off microphone botched records in one defendant's case, forcing a mistrial.

This year, the 2nd District Court of Appeal denied the request to change the electronic system, and Gilstrap said she doesn't expect problems when it comes online here in Citrus.

"This is nothing new," she said. "It's been tested and tried and we've had great success."

*FCRA Editor's Note: Read FCRA Member Paulita E. Kundid's response that appeared in the Letter to the Editor column of the St. Petersburg Times that follows this article.*

## Letters to the Editor

*Reprinted from the December 7, 2006, issue of St. Petersburg Times*

Re: Court reporting's digital future Nov. 20

### Court Made the Wrong Decision

Citrus County courts' decision to move from court reporters to solely digital recording overlooks what court reporters do best, which is to provide an instantaneous translation of the spoken word complete with speaker identification.

This technology, called real-time reporting, affords all parties instant access to the court proceedings. It also complies with ADA requirements for viewing words spoken

in court for hearing-impaired litigants. These no doubt are the reasons why court reporters will still be used in capital and civil cases and for appellate purposes. Digital recording systems can only provide a voice file. They do not translate sounds to words.

Court reporters are alive, well and reporting in almost every city in America. Court reporter services are used in a variety of legal and business settings where a verbatim transcript is necessary. Examples include in government, TV captioning, businesses, conventions and to provide real-time translation for millions of people who are deaf or hard of hearing.

*Paulita E. Kundid, Daytona Beach*

## UPCOMING EVENTS CALENDAR 2007

### 2007

- |                   |   |
|-------------------|---|
| Mar 30 - Apr 1    | NCRA Midyear Conference, Vancouver, B.C., Canada<br>Contact NCRA Member Services and Information Center, 1.800.272.6272   |
| June 15 - 17      | FCRA Mid-Year Convention, Marriott, Marco Island. Contact Headquarters at 407.774.7880 or visit FCRA's web site at <a href="http://www.fcraonline.org">www.fcraonline.org</a> for more information. |
| Aug 9 - 12        | NCRA Annual Convention, Dallas, Texas<br>Contact NCRA Member Services and Information Center, 1.800.272.6272  |
| Sept. 29 - Oct. 1 | FCRA Annual Convention, Largo Mar, Fort Lauderdale. Check FCRA's web site at <a href="http://www.fcraonline.org">www.fcraonline.org</a> for upcoming information.                                   |

# Congratulations to Those Who Passed the November 2006 Tests!

*Congratulations to the following reporters from around the State of Florida on achieving their new NCRA designations in November 2006.*

## REGISTERED PROFESSIONAL REPORTER (RPR)

Eve Barrett, RPR, Dunedin, FL

Shannon Carlton, RPR, Inverness, FL

April Hudson, RPR, Lutz, FL

Tara Moffo, RPR, Sarasota, FL

Sharmain Rivers, RPR, North Lauderdale, FL

Paula Ross, RPR, DeLand, FL

Kimberly Strozier, RPR, Orlando, FL

## CERTIFIED REALTIME REPORTER (CRR)

Linda Blackburn, CRR, Lakeland, FL

Holly Kapacinskaskas, CRR, DeBary, FL

Stacy Pace, CRR, Windermere, FL

Joan Pitt, CRR, Lakeland, FL

Denise Sankary, CRR, West Palm Beach, FL

Tara Slocum, CRR, Gotha, FL

Hillary Squire, CRR, Ruskin, FL

Jeffrey Thomas, CRR, Lehigh Acres, FL

Candi Uselman, CRR, Palm Beach Gardens, FL

## CERTIFIED BROADCAST CAPTIONER (CBC)

Vicki Johnson, Keystone Heights, FL

## CERTIFIED CART PROVIDERS (CCP)

Susan Wasilewski, Lakeland, FL

## Rick Greenspan - Emily Mann Distinguished Service Award, 2006, Superhero, and a Heck of a Nice Guy!

By Donna Kanabay Harvey

I was thrilled to be able to be a part of honoring our resident Superhero, Rick Greenspan, at the Ocala convention, and as an added bonus, it was great fun trying to pull off the various surprises we had cooked up! We arranged for Rick's family to come to the convention, and devised a fake award to give him at the beginning of the luncheon. The sole purpose of the "Best Little Weenie in Florida" award was so that his family could be brought in to the banquet hall at the beginning of the meeting, enjoy lunch and relax, rather than waiting in their hidden secret room for another hour until the EMDSA was announced.

Tina Kautter and her staff created a video about Rick, "Rick Greenspan, ULTIMATE MAN" and made an "Ultimate Man Superhero" cape for him, which he proudly wore to the Saturday night party. I had no shortage of material for the award presentation because it seemed as though everybody in the state wanted to share a story or sentiment about Rick.

The hardest part of the day was keeping him out of the hallways where he might see his family sneak in, and he gave us some tense moments as several of us were kept hopping trying to get him back where he belonged! It seemed that every time we turned around, he was where he wasn't supposed to be and we were kept on our toes and thinking fast as we continually shepherded him away from wherever he thought he wanted to be, in one case using a pretty lame pretext. He must have thought we'd all lost our minds!

Outgoing president Teresa Durando opened the business meeting with the "wiener award," (Rick Quote of the Day #1: "Oooo, little baby hot dogs!") and his family proudly paraded in, to Rick's obvious shock. (Rick Quote of the Day #2, to his wife: "I just spoke to you!")

Best of all, we videotaped the whole thing, and you can view the videos on our beautifully revamped web site, [www.fcraonline.org](http://www.fcraonline.org), on the Recognition page, <http://www.fcraonline.org/recognition.html>. You want to watch the Wiener award video first, then the

EMDSA award video. Don't miss the chance to also watch the other awards and installation of officers. Jason, our official NCRA rep, graciously deferred to Rick, NCRA "baby board member," for the swearing-in ceremony, a wonderful final touch to the event.

Following is the text of Teresa's presentation of the "pretext" award:

"You may not realize, but we are graced this weekend by not one, but two members of the board of directors of NCRA: Our official rep for this convention, Jason Meadors, from Colorado, and our very own Rick Greenspan, who is a 'baby board member' this year.

"Rick, we're so proud of you and grateful to you for serving at the national level. We know what an investment of time and energy this will involve, so we wanted to thank you in a very special way.

"Rick, come up here, please.

"A friend of yours couldn't be here this weekend, but she asked us to convey her message to you: 'Since I will be playing the role of a grandmother, Rick, I can't be there with you at this wonderful event, but I want you to know, I have all the confidence in the world that you will make a wonderful and inspiring NCRA director. Congrats! Judy' (Everman)

"Rick, it is my honor to present you with the FCRA Weiner Award. (Presents the platter of hot dogs.)

"Wait, there's more.

"We brought your family in for the weekend too, because we figure you won't be seeing much of them for the next few years."

Rick's astonishment at seeing his family march in was worth every bit of work we'd put into this special moment.

Text of the EMDSA presentation:

"Donna Kanabay Harvey: A year ago, I stood here and received the highest

award our association can bestow upon a member. I was overwhelmed, awed, and honored beyond words. Today I stand here again, and I have the privilege of passing this award on to the next recipient, and I am again overwhelmed, awed and honored. And by the time I'm done, you'll wish it WAS beyond words!

"I was surprised when I found out who was receiving this award. Not because he doesn't deserve it, but because I couldn't believe it hadn't been bestowed long ago. It is WELL past time to recognize these contributions and accomplishments."

(At this point, I held up Rick's lengthy CV, with all the pages taped together. It was roughly 4 feet long!)

"I know some expert witnesses whose CV isn't five pages. There are seven designations after his name. I don't even know what half of them mean!

"It is with tremendous pleasure that I announce the 2006 Emily Mann Distinguished Service Award: Rick Greenspan.

"Rick, you can stay there for a few minutes if you want, be comfortable. This is going to take a while. This is YOUR LIFE.

"Rick graduated from Interboro Institute in New York in 1966. When asked for some fond memories to share, several of his classmates responded enthusiastically, anxious to contribute their Rick Stories:

"From Pat Von Ahn, who regrets that he could not be here today: 'I met Rick at Interboro in the fall of 1964. Rick was this slim guy, interested in starting a fraternity to have parties and chase girls. I don't think he was at the top of the class, considering all his responsibilities with the fraternity. He's gone on to become a leader, rising to President of FCRA, and now part of National and probably one day the president of that too. Inside his wonderful head he is still 19.'

*Continued on page 24*

## Rick Greenspan – Emily Mann Distinguished Service Award

*Continued from page 23*

"From another of Rick's classmates, Gerry Ryan: 'Rick probably will not admit that Pat and I took him under our wing and helped shape him into the reporter that he is today.' Gerry added: 'The reporting world could certainly use more Rick Greenspans.'

"The reporting world certainly COULD use more Rick Greenspans.

"Let's talk about service. He's presented to FCRA 8 times; to NCRA 4 times; to STAR and to a Stenograph Student group. He's been published in the NCRA Journal of Court Reporting, The STAR Star, Stenograph's Word for Word, The FCRA Journal of Court Reporting, and in the Tennessee Association's publication. Association memberships and committees: more than a page - single-spaced. Certifications. FAPR. RPR. RMR. CRR. SCL. SCO. SCT.

"By the way, for many years, Rick's been the victim of a vicious rumor - or perhaps an urban legend. The story has always circulated that he had the only perfect CRR ever. NOT to detract from his many accomplishments, but just to set the record straight, that isn't actually true. He missed the word "Miranda," but he blames it on his steno machine.

"Pat Von Ahn told me that he believes that Gerry Ryan took the CRR test wearing a Rick Greenspan mask. Rick, maybe that means we all want to be you when we grow up.

"FCRA President's Award, 2001. That was the year he created our web site. Shirley King was president, and she recalls wondering if he could do all kinds of outlandish magic, including a dancing baby — gee, why not? Every OTHER web site has one! — and a functional reporter teleportation link.

"2003, the FCRA Special Recognition Award, the year he was FCRA President-Elect.

"Ann Mendenhall had this to say about Rick: 'The thing that comes to mind when I think of Rick are Jimmy Buffet, kindness, parties (any kind) and just having fun.' And indeed, his stated mission the year he became president, 2003/2004, was 'more parties.'

"Teresa Durando said that when she thinks of Rick, she thinks of 'little baby hot dogs.' Paulita added, 'and lots and lots of golf.'

"Lots and lots of golf. His friend and colleague, Bernie Goldstein — who nominated him for this award — tells us that Rick has what Bernie calls a 'peculiar idiosyncrasy.' He gives Rick a 3-day realtime job — an original & 14! — and Rick says he can do the first two days, but not the third one. When asked why, he replied, 'I have a tee-time at 7 a.m. that day.'

"Paulita tells us that at Hutchinson Island, she had Rick paged. Rick was all excited and jumped up and said, 'That's me!' The hotel employee said, 'The hotel is very sorry, but your car was just broken into.' Rick sadly looked at the man and said, 'Did they get my golf clubs in the trunk?' The employee replied, 'They got everything.' Rick said, "Those bastards!"

"Bernie says that Rick will come back from a depo, bitterly complaining that, 'Those bastards didn't order.'

"Gerry says, 'When you hear Rick use his favorite phrase, I think he's referring to Pat and I.'

"Now, our wonderful Executive Director, Tina Kautter, has had her crack KMG investigative team working hard on gathering background material on Rick, and they've uncovered the shocking news that Rick has a secret life! I'll let Tina explain. Tina?"

(Here, Tina explained that they'd uncovered Rick's "secret life." At this point, we were going to show the Ultimate Man video, but due to technical problems computer freeze, we continued with the presentation and showed the video at the very end of the meeting.)

"Ginny Hyland wrote this about Rick: 'I've been reading the responses from everyone and the excitement in their emails - it just proves that Rick has touched each and every one of our hearts. I know he has with me especially during the year following Dale's death. We would Instant Message many times on nights when I just needed someone to talk to, and he always made me feel better.'

"From Cindy Bender: 'The first time I met Rick was at the Board meeting in Daytona Beach. The next morning I skipped the morning seminar to have breakfast. Rick happened to be walking by and saw me at the table. Even though he had eaten earlier, he

sat with me because he couldn't stand to see me eat alone. Underneath the easy-going, humorous person that he is, he is also very kind and considerate, and a true gentleman.'

"Rick, please come up now.

"In Rick's closing FCRA President's Message, he wrote, 'Honor. Privilege. Joy. Words to describe what it has been like to have been associated with the Florida Court Reporters Association as your president for the past year.'

"Honor. Privilege. Joy. Words that describe what it means to me, to be standing here with you today.

"Rick, thank you for your many years of extraordinary service. Thank you even more for the special gift that you have given to each of us personally. The WORLD needs more Rick Greenspans. Congratulations, Rick."

"Rick Greenspan: This will be very short. I'm shocked. To see Carol walk in - this is the second convention in - we're married 37 years. I'm shocked and just - thank you. This has been - this organization and the people here are just incredible. I said this at the breakfast in New York. NCRA has communities of interest. We here have a community of friends. Because this organization, when I started coming, they really accepted me. I was a bit far out; you know, some of my ideas. But nobody really said, 'Shut up, Rick, and go away.' Well, some of them said 'shut up and go away.' But I just - they listened. Thank you very much. This means so much to me. Thank you."

This event will go down for me as one of the top three moments of my professional career. (The other two being receiving my CRR on the first try - and Rick was my mentor and also the test proctor, so it's even more fitting - and my own EMDSA award in 2005.) And no matter how many times I practiced my presentation, I still couldn't keep the tears out of my eyes and my voice from cracking at the very end as I gave Rick his precious statue.

Rick was right. We are a "community of friends," and I am so proud to be a member of this special, elite group of people.

No, I'm not talking about the EMDSA; I'm talking about membership in FCRA, the best state association there is!

# Congratulations on Your Retirement Carol Williams!

By Laurel Eiler, FAPR-RDR

When I was asked to write a tribute to Carol Williams as she retires from my alma mater, Sarasota County Technical Institute, I honestly said, "Is it okay if I just write something from the heart instead of a typical recitation of her accomplishments?" I got the green light, so with the blessing of The Powers That Be, I will not cover how many years Carol taught classes (lots) or what certifications she had (several impressive ones, including one of the first NCRA CRIs ever) or what honors she obtained (plenty, I'm sure. If not, what's wrong with you people?). What I do want to do, with your indulgence, is tell you a little bit about one of the most important people in my life.

*Two roads diverged in a yellow wood,  
and sorry I could not travel both,  
and being one traveler, long I stood  
and looked down one as far as I could...  
Robert Frost, The Road Not Taken.*

Whenever I think of my first day in court reporting school, for some reason, I think of this poem. Like many of you, I'm sure, I definitely needed to find another career path. A friend suggested court reporting, and it sounded good to me (she said cavalierly without any true intelligent contemplation aforethought). Little did I know, I had an angel on my shoulder, guiding my feet to the road less traveled — and better yet, a life-long guardian angel, friend, mentor, and teacher who was about to enter my life. I didn't know it, but I happened to get lucky enough to have one of the best court reporting instructors in the entire country in my back yard, suddenly trying to motivate me through this program — despite the fact that one of my first comments was, "Excuse me? Ma'am? The keys don't have any letters on them." Yes, I was a challenge from Day One, and Carol Williams was up to that challenge and then some.

I would say the vast majority of my motivation to succeed in school came from Carol. Almost from the first day I walked into the class, she

challenged me, dared me to meet goals, bet me I wouldn't, and then did everything in her power to see that I did. Carol would always have a kind word, a joke, a hug — whatever you needed to help you over that latest hurdle.

Many of my fellow classmates were single moms — students with so much emotionally and financially to deal with on a daily basis. Carol always had a gentle, patient, supportive attitude. She would do whatever it took to help one of us through the class. But she didn't have patience for laziness, inattention, lack of motivation or other less-than-stellar personality traits. Carol could be tough when tough was called for — and some of my classmates got that Tough Love Carol Style education as a result, too! In other words, whatever it took, Carol pushed, pulled — dragged if necessary — us through the 225s if we were willing to make the trip!

I have never done a survey, scientific or otherwise, on the percentage of us who graduated and went on to become NCRA RPRs or higher out of Carol's classes. If I had to guess, however, I'd say we are far above the average for other schools. Why? Because from the day you walked in the door, Carol told you, you WOULD join NCRA and FCRA and you WOULD sit and PASS the RPR.

As a person not inclined to question authority, I did what I was told. I joined, and I signed up. I tested right before I completed school and missed the skills but took out the written. The next exam, well, turns out I got married the night before. I told my husband I had to go to the test anyway. I had signed up, and if I missed the RPR, well, what would Carol think?!? So I showed. And I tested. And I typed. But I was not impressed with the results and was heading to the trash can and planning to dump my untranscribed notes in the envelope and give up. Carol told me throwing my test away simply was not an option. So I marched back to the IBM



Selectric, and I pounded out the Q & A and turned in the RPR — and then found out weeks later I passed. It was to the word on the Q & A, but hey, my certificate still says RPR! Without Carol making me do it, however, no way I would have passed because I would have never turned it in.

Carol had our pictures on her bulletin board. Anybody who graduated, moved on, she'd keep track of us and cheer us on. I gotta tell you, whenever anything good happened in my professional life, there were a few select people I wanted to tell — my husband, my parents, Carol Williams, then the rest of my friends and family. I was so delighted the day I could tell her I finally passed the Q & A for the RMR.

When I went to my second NCRA convention ever, in Cleveland, Carol let me crash in a hotel room with her and some of her students. We always found time to connect at conventions or when I was in town for the holidays, I would try to stop in and see her. When I became president of NCRA (how many decades ago was that?) Carol's presence and support for that moment was so incredibly special. She took the time to make a wonderful video that I still cherish, and seeing her sitting at the table with my mom was just the best.

I wasn't able to make Carol's retirement party because of a health issue. It took something like that to

# Congratulations on Your Retirement Carol Williams!

Continued from page 25

keep me away, though, because there's just no way otherwise I would have missed the chance to tell you, Carol, in person how much you mean to me and what a difference you've made in my life. Thank you, my dear friend, for changing my life and that of so many other reporters out there. By giving us the keys to success in our field, you helped us to open doors we never could have opened without your help. With the skills you so ably taught us, we've been able to go into the working world and have good careers or open our own businesses. We've been able to raise our families comfortably and be secure financially. We've been able to meet people and go places we never would have with our previous jobs.

To sum it up, I'll go back to my Robert Frost poem. How much of a difference have you made in my life and, no doubt, countless lives of other SCTI students? Well, simply put, and slightly edited, "Two roads diverged in a wood, and I - I took the one less traveled by, and YOU made

all the difference."

Godspeed and enjoy your retirement. I will look for the petite, fit woman on the motorcycle whenever I'm in Sarasota County. We love you and wish you the best possible "vacation from teaching." We know you will not "retire" per se, but rather evolve. I for one can't wait to see what you accomplish next.

All my love, gratitude and thanks. Your friend, Laurel.

The following are quotes I received from students of Carol's. If anybody's are missing, well, Carol, I kinda-sorta-hada-computer-meltdown-over Christmas when I installed some new hardware AND I lost about three weeks of emails. I apologize in advance to anybody's tribute that's missing!

*"I have never known an educator that was as dedicated as Carol to her profession. She has demonstrated it time and time again both nationally, statewide, and locally and recognized*

*for her efforts. She created the court reporting program from an embryo to a nationally recognized program not only in the classroom but on one's television screen. Her retirement is education's loss."* Barbara Pryor, Former Business Education Instructor, SCTI

*Carol was EVERYONE's number one fan at school. She had such high hopes for all of her students, and I was blessed to be one of them. "If it was easy, everyone would do it" became my mantra. (My daughter gets sick of hearing me drum that into her now.) Through her tenacious work, SCTI had all the latest equipment and software, exposing her students to as much available technology as possible; she wrote grants; canvassed high schools for recruits. She was cheerleader, confessor, counselor, coach, and coffee-maker. When I was two tests away from graduation (and two weeks away from another semester's tuition due date) she gave me extra tests so I could graduate before Christmas break. "Teacher" would never describe the shoes she filled - but Saint takes too long to canonize! Thanks, Carol. Enjoy your well-deserved retirement. Beverly Foor*

*Carol is an amazing woman and an extraordinary teacher. Although court reporting school was not an easy road for me, Carol never once made me question my ability. Her support and encouragement is what drove my perseverance that ultimately led me to reach my goal of graduating and eventually getting my RPR. Carol has taught most of the reporters in Sarasota, and I am honored to say that I am one of them. I am truly blessed to have Carol's 30 years of experience with me every day. She has been an asset to the legal profession as well as to the reporting industry. Michael A. Scire, RPR, Official Court Reporter, 12th Judicial Circuit Sarasota County, State of Florida*

## Is She Mortal or Is She From Stenovenus?

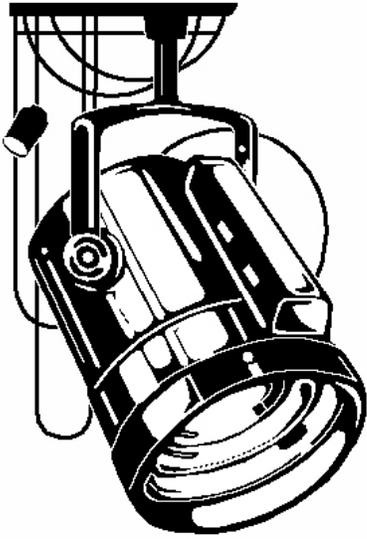
*By Thomas Hughes, RDR, CRR, FPR, Realtime Speed Contest Chairman*

I must say that I wonder if Dee Boenau is not some unusual creature from the unknown planet of Stenovenus or some ethereal galaxy. At the Annual Convention in Ocala, Dee won the FCRA Realtime Speed Contest. Not only did she win, but she only had 21 errors on a test containing 1,000 words.

The subject of the test was asbestos exposure taken from the Congressional Record and from an actual asbestos case that I had reported. Several times the word "sac" appeared. I asked her how she differentiated "sack" and "sac." She very humbly informed me that the first time she didn't, but after she realized that she had made that error, she simply finger spelled S-A-C.

I intentionally put in the word "mesothelioma" several times. Dee told me it wasn't in her dictionary, but she combined prefixes and suffixes to make it translate perfectly.

**CONGRATULATIONS to a truly phenomenal and gifted writer.**



# Reporter in the Spotlight



**Name:** W. Thomas Hughes, RDR, CRR, FPR

**Type of Reporter:** Steno

**Hometown:** Plantation, Florida (originally from South Carolina)

**Hobbies/Interests:** I enjoy doing projects around my house, redoing this and redoing that, entertaining friends with the latest concoction I've created. At the age of 49, I started taking piano lessons. Wow, I thought the steno machine was hard. Most

important, I like taking in stray animals that show up on my doorstep.

**Work at:** I am strictly a freelance reporter working for many local and national agencies and clients.

**Member of FCRA since:** 1986

**Where and when did you receive your training to become a court reporter?** I attended The Stenotype Institute of Jacksonville Beach from 1975 to 1978.

**How long did it take you to complete?** Well, being that I was a competitive water-skier at the time and devoted most of my energies to skiing, it took me two and a half years to graduate.

**What is your professional pet peeve?** Where do I start? Way up on the list would be attorneys who order a transcript copy, and several weeks later, they call and say they never ordered it. Next would be dealing with attorneys who have no clue on how to make a record or care.

My number one pet peeve, without a doubt, has to be reporters who do not belong to a professional association, NCRA, FCRA, and who do not even attempt to become Registered Professional Reporters, but yet call me bellyaching about the profession and asking why can't we, FCRA, NCRA, do something for them. (Oh, my blood pressure.)

**What are your career goals?** I have had many career goals in 29 years of reporting that are too numerous to list, but one that has yet to come about is to be President of FCRA. Another would be to write a job with 100 percent translation. I actually got close one time, only to make a typo in the instruction about reading and signing. I'll keep trying. As far as reporting assignments, I truly feel lucky to have reached my goal of MOSTLY only taking jobs that I want to take and specializing in realtime reporting.

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Q. I've been told that no matter who sends me an email attachment, I should save it, close my email program, then go to the file, right-click and scan it with my anti-virus program. Would one way to avoid that be to have my family members put a little code, like their initials, in the Subject line which would confirm the email was really from them? One of my friends suggested that and I thought it was a pretty good idea.

A. Your friend's suggestion is well-intentioned, but it contains a fatal flaw in that the person placing initials on the Subject line might not know if his or her computer is infected. If you then observed the initials, you might incorrectly conclude that the message was safe, open it, and presto, infecto! The suggested "secret code" would only let you know that the message is from the designated sender. So will looking at the From: field.

Any good anti-virus program is going to check all incoming email, which is the best way to protect yourself. My favorite anti-virus program is AVG Anti-Virus. It's available in both free and paid versions, and most people do just fine with the free version, at <http://tinyurl.com/kco2f>.

Q. I've got several hundred photo slides that I took through the years and lots of old family vacation photos. I don't have a slide projector anymore, but was curious if I could transfer my slides to a CD? Thanks for being there, Mr. M. My subscription to your weekly newsletter is the best five bucks I spend each month.

A. Thanks very much. Yes, you can definitely put those old slides and photographs on a CD. The two devices you'll need to accomplish that are a scanner, to convert the slides into digital images, and a CD burner.

Some scanners can handle slides and even photo negatives. The Epson Perfection 2480 Photo Scanner (<http://tinyurl.com/y5lfqk>) is one such device, and its \$99 price is excellent considering that just a few years ago this same type of scanner was in the \$500 range. After you scan your slides and save them to your computer's hard drive, burn them to CD using your CD-burning software, and you're done.

There are also professional services that will convert your slides and photos to digital format and place them on CD for you. DigMyPics.com, for example, will digitize photos, slides, film negatives, film cartridges, and large-format film. You will be notified by email when your

project is completed and you can then view the results on the Web.

Q. I'm using Outlook Express, but it seems to automatically add names to my address book, which includes many names that I don't want to include. Do you know what's going on or how can I stop it?

A. One of the options in Outlook Express — some call it a feature — automatically adds the names and email addresses of people you reply to by email. If you prefer a more discriminating approach, you can disable that option by clicking Tools > Options > Send tab. Under the "Sending" section, remove the check mark beside "Automatically put people I reply to in my Address Book." Click Apply > OK to save and exit.

## School Spotlights

**FCRA would like to congratulate Leah Faulkner as the National Court Reporters Foundation (NCRF) 2007 Student Intern Scholarship winner. Leah is a student at the Sheridan Technical Center, Hollywood, FL. She was nominated by Debby Woolfstead, instructor at the Center.**

**Way to go, Leah!**



**Disturbing Auctions:** When it comes to bizarre auction items, this is the place to be. This site doesn't waste time with fake auction merchandise like the infamous human kidney auction hoax, but instead the focus here is world-class tacky stuff that people really, honestly, believe that someone will buy. So if you're looking for a Clark Gable candle, a chicken hat, or a Saddam Hussein hand puppet, your search has ended. [www.disturbingauctions.com/](http://www.disturbingauctions.com/)

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## Subpoena a Transcript to Avoid Payment for Certified Copy?

By Judy Everman, FAPR, RPR, CMRS, FPR

If you receive a subpoena that requires you to produce a transcript that the attorney intends to photocopy, rather than pay your professional fees, provide them or the court (along with a motion to quash the subpoena) with a copy of this case.

In *Urban Pacific Equities Corporation, et al., Petitioners, v. The Superior Court of Los Angeles County, Respondent; Steiner & Libo, et al., Parties in Interest*, filed November 26, 1997, in the Court of Appeal of the State of California, Second Appellate District, Division One, Case No. B114725, Super. Ct. No. BC151818, the court addresses the issue of a court-reporting firm being subpoenaed to produce a transcript to counsel for photocopying to avoid payment for a certified copy.

In describing the original proceeding, the court stated:

"To avoid a court reporter's \$6,500 fee for a photocopy of a deposition transcript that any lawyer could produce in-house for about \$150, a party served the reporter with a business records subpoena for the transcript. The reporter and the party who had noticed the deposition moved to quash the subpoena, their motions were granted, and a petition for a writ of mandate was filed with us. We were intrigued and issued an order to show cause but conclude, albeit reluctantly, that a business records subpoena cannot be used in this manner."

Taking/ordering counsel's motion stated this was the petitioner's "ill-conceived attempt to avoid paying the court reporter for copies of deposition transcripts . . ."

The court reporting company moved to quash the subpoena complaining that the "subpoena constituted a misuse of a discovery tool because it sought to obtain

documents 'otherwise available through alternate means.'"

The petitioner took the position that he had "simply taken a more cost-effective approach to obtaining the same discoverable information available through considerably more expensive channels. (The court reporting company) is demanding the exorbitant rate of \$2.30 per page, impermissibly forcing (petitioner) to bear a portion of the cost of transcribing the deposition of (petitioner).... That the subpoena method is less lucrative for court reporters is not grounds to quash a business records subpoena."

The petitioner went on to say that the market price for photocopies was between two cents to four cents per page and that the petitioner was not trying to get free transcripts and was willing to pay the reasonable costs of photocopying the deposition using his own copier service.

The opinion goes on to say, "The trial court granted the motions to quash the subpoena, finding 'there are other available means to get transcripts other than by subpoena,' but denied the motions for sanctions. (Petitioner) then filed a petition for a writ of mandate, asking us to direct the trial court to vacate its order quashing the subpoena. We issued an order to show cause and set the matter for hearing."

In the court's discussion, they noted that they were offended by the "excessive charges" by the court reporting company but the only real issue in the case was whether the petitioner could obtain copies through a business records subpoena. "Since the transcript is not a 'business record' within the

*Continued on page 30*

# Ethics and Procedures Corner

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

FCRA's Ethics Committee answers some of the questions you have asked at seminars, in the hallways at various functions, and through phone calls from various members of the Association. If you have a question relating to ethics or procedures, you may e-mail your question to one of our Committee members. Your question will be answered and the substance may later be printed in this column for our other Association members.

## SIGNATURE STAMPS

QUESTION: I do freelance work for a court reporting firm that uses a rubber stamp of my signature on the oath and court reporter certificate when I email transcripts to their office to produce, rather than my signing them in my original signature. Is this legal?

COMMENTS BY JUDY EVERMAN: No. First let's look at the definition of "Signature." It comes from the Latin word "signare" meaning "sign." It is a "handwritten (and sometimes stylized) depiction of someone's name (or some other identifying mark) that a person writes on documents as a

proof of identity and will. It acts as a seal."

In the Florida Manual and under the Notary Statute you will find the following:

"NOTARY PUBLIC STATUTE 117.107 Prohibited Acts."

"(2) A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp."

(NOTE: Under Florida Statute Chapter 116(2)(b), "Facsimile signature means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer." When you read further, you will see that the "authorized officer" is a public official. In order to use a stamped signature, the "authorized officer" is required to "file with the Department of State his or her manual signature certified by

him or her under oath." I don't know if a Notary Public is considered a "Public Official," but it doesn't matter because, if you read the paragraph below, notaries public cannot use stamps unless they have a disability that requires the use of a stamp. )

"(3) A notary public may not affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment."

## NOTES OF DECISIONS

1. In General: In the absence of statute prescribing the method of affixation of the signature of a notary public, a person who is duly commissioned as a notary public may use a facsimile signature or rubber signature stamp in lieu of his or her manual signature for notarizing documents in a situation where the PERSON HAS A HANDICAP\* which affects his or her handwriting. Op.Atty.Gen., 84-43, May 1, 1984."

Florida Rule of Civil Procedure 1.310(f)(1) states:

"(f) Filing; Exhibits

(1) If the deposition is transcribed, the officer shall certify on each copy of the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness."

Federal Rule of Civil Procedure 30(f)(1) states:

"(f) Certification and Filing by Officer; Exhibits; Copies; Notices of Filing.

(1) The officer must certify that the officer duly swore the witness and that the deposition is a true record of the testimony given by the witness. This certificate must be in writing and accompany the record of the deposition."

## Subpoena a Transcript to Avoid Payment for Certified Copy?

Continued from page 29

meaning of section 2020, subdivision (d), our answer is that he can't."

The key language used by the appellate court is that the deposition transcript is the product of the court reporting company's business and not a record of its business.

Although this opinion - in my humble opinion - contains a number of unconscionable derogatory remarks about court reporters and costs, as someone else said, "A precedent-setting decision in favor of reporting in a back-handed sort of way."

AUTHOR'S NOTES: Do not confuse this with a subpoena to produce a certified copy of a deposition transcript that the attorney is perfectly willing to pay for that is done when the attorney represents a non-party to the lawsuit.

Also, I would like to emphasize here, signing a "certified copy" with your original signature is what makes it a "certified copy" and not "photocopy" of a transcript. Always sign - not stamp, not photocopy - your original signature on the copy certificates!

# Ethics and Procedures Corner

Continued from page 30

## ORIGINAL SIGNATURES

**QUESTION:** Show me a rule that says the court reporter's certificate requires an original signature.

**COMMENTS BY JUDY EVERMAN:** There is no rule that I am aware of that explicitly states an "original signature" is required on a certificate. That is because the very meaning of the word "certificate" requires an original signature to make whatever precedes it an accurate, true or authentic document. Why do you think we stamp our transcript copies as a "Certified Copy"? Because it is as good as the original transcript when it contains a certificate that bears our original signature; in other words, it is a "certified" transcript.

If you give an attorney a transcript without an original signature, it is not

a "Certified Copy" - it is nothing better than a photocopied document. That is why we charge what we do for Certified Copies because they bear our original signature and therefore the transcript, original or Certified Copy, is admissible as evidence in a court of law. If you photocopy a signature or use a stamp, you might as well put "Uncertified Copy" on the front because that is what it is.

We defined "signature" above, but what does the word "certified" mean? According to the following Internet sources, it is defined as follows:

"Dictionary.com Unabridged (v 1.0.1)

"cer\_ti\_fied -adjective

1. having or proved by a certificate:

a certified representative.

2. guaranteed; reliably endorsed: a certified check."

"cer\_ti\_fy /s\_r\_t\_fa\_/ Pronunciation Key - Show Spelled Pronunciation verb -fied, -fy\_ing -verb (used with object)

1. to attest as certain; give reliable information of; confirm: He certified the truth of his claim.

2. to testify to or vouch for in writing: The medical examiner will certify his findings to the court.

3. to guarantee; endorse reliably: to certify a document with an official seal.

4. to guarantee (a check) by writing

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# Ethics and Procedures Corner

Continued from page 31

on its face that the account against which it is drawn has sufficient funds to pay it. "

"-verb (used without object) to give assurance; testify; vouch for the validity of something (usually fol. by to)."

"American Heritage Dictionary - "cer-ti-fy (sût-f) v. cer-ti-fied, cer-ti-fy-ing, cer-ti-fies v. tr.

- 1. a. To confirm formally as true, accurate, or genuine.
- b. To guarantee as meeting a standard: butter that was certified Grade A. See Synonyms at approve.
- c. To acknowledge in writing on the face of (a check) that the signature of the maker is genuine and that there are sufficient funds on deposit for its payment.
- d. To issue a license or certificate to.
- v. intr.

To testify: certify to the fact."

"The American Heritage(r) Dictionary of the English Language, Fourth Edition

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WordNet "certified adj 1: endorsed authoritatively as having met certain requirements; "a certified public accountant" (ant: uncertified) 2: having quality or payment or delivery guaranteed; "certified milk"; "certified check"; "certified mail" 3: fit to be certified as insane (and treated accordingly) (syn: certifiable) 4: holding appropriate documentation and officially on record as qualified to perform a specified function or practice a specified skill; "a registered pharmacist"; "a registered hospital" (syn: qualified) WordNet (r) 2.0, (c) 2003 Princeton University"

I don't see how you could define it any way other than requiring an original signature. A certificate is certifying to something - like the clerk's office certifies to copies of court documents. Those court documents have to be authenticated by the clerk. In essence, in your court reporter's certificate, you are "testifying" to the fact that this is a true and accurate record when you place your original signature on that certificate page.

I have received phone calls from a couple of court reporting agencies in the past telling me they have a reporter in the midst of trial right now and the judge is rejecting a deposition their firm also reported because, in one instance, it had a photocopied signature and, in the

other instance, it had no signature at all. "What do we do now? The reporter is no longer with us."

There is no other alternative but to track down the reporter as quickly as possible to apply their original signature. On one of the calls, counsel offered what he thought was a Certified Copy of a deposition, but it turned out the court noticed the signature was photocopied so the transcript was rejected. Opposing counsel had a signed original but he would not give it to the other side to use! By the way, fortunately both firms above were successful in locating the reporters before the trial was over.

Now we come to what I consider to be the ultimate authorities as to the intent of the Supreme Court and legislature about original signatures on court-reporter certificates:

In Federal Rule 80(c) it states:

"STENOGRAPHER; STENOGRAPHIC REPORT OR TRANSCRIPT AS EVIDENCE"

"(c) Stenographic Report or Transcript as Evidence. Whenever the testimony of a witness at a trial or hearing which was stenographically reported is admissible in evidence at a later trial, it may be proved by the transcript thereof duly certified by the person who reported the testimony."

That last sentence says it all, that the transcript is admissible when "proved by"-- in other words, prima facie evidence -- the person who reported the testimony duly certifying the transcript.

Next we have Chapter 90 of the Florida Evidence Code:

"90.108 INTRODUCTION OF RELATED WRITINGS OR RECORDED STATEMENTS "

"(2) The report of a court reporter, when certified to by the court reporter as being a correct transcript of the testimony and proceedings in the case, is prima facie a correct statement of such testimony and proceedings." (Effective July 1, 1995.)

Some of you will remember prior to 1995 when the above statute was worded in such a way that when a reporter "certified" a court transcript, their signature had to be notarized. We were all thrilled when this language was amended to say when the reporter signed the transcript, "it was prima facie a correct statement..." which eliminated the need for reporters to testify at trial as to the authenticity of the transcript. Now, if the reporter certified the transcript and his or her signature was required to be notarized under the old law, don't you think it had to be an "original" signature?

# Ethics and Procedures Corner

Continued from page 32

I rest my case....

## LOCATION, LOCATION, LOCATION, WHAT IS A NOTARY TO DO?

**QUESTION:** On the Certificate of Oath and the Certificate of Reporter we have to fill in "STATE OF FLORIDA, COUNTY OF \_\_\_\_\_." Which county do we fill in, (1) where the proceeding was taken, (2) the venue county, or (3) where the notary and/or reporter is when it is signed?

**COMMENTS BY SHIRLEY KING:** Florida Statute 117.05 (4)(4): "When notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in subsection (13). The jurat or

certificate of acknowledgment shall contain the following elements:

(a) The venue stating the location of the notarization in the format, "State of Florida, County of \_\_\_\_\_."

"The location of the notarization" is the location of the notary, ergo, wherever the notary is when it's signed, as long as it's in Florida.

It follows that the Certificate of Reporter should also state the reporter's location when it is signed. Now, let us add that we have not had this portion of either certificate challenged - yet.

## Shirley P. King Honored With Florida Treasure Award



During the 2006 Annual Convention, the FCRA membership presented a special "Florida Treasure" award to Shirley P. King, RPR, CLVS, in recognition of her countless contributions to the Association over many years. Following is an excerpt from President Teresa Durando's comments about Shirley:

"Florida has long been known as a land of many treasures. Webster's Dictionary defines a treasure as any thing or person that is precious, cherished, greatly valued, highly prized, or irreplaceable.

"Well, let me tell you, that we have one of the most precious, cherished, greatly valued, highly prized, and absolutely irreplaceable treasures right here in the room with us today. Our FCRA treasure may not be in the form of diamonds, gold, and other jewels (although she has been known to sport some of these items on occasion), but our Florida treasure comes in the form of the dynamic, intelligent, resourceful, persistent, and sparkling personality that belongs to Shirley P. King."

President Durando went on to enumerate many of Shirley's contributions to FCRA including her year as FCRA President, her ongoing role in production and updating of the *Florida Manual* and many other projects (which would take up too many pages of this magazine to list here!). Shirley's latest project is one of the most successful new programs FCRA has ever instituted...the Florida Professional Reporter Certification Program. Her persistence in establishing the FPR has paid off for every court reporter in Florida.

Congratulations, Shirley. You truly are a Florida Treasure!

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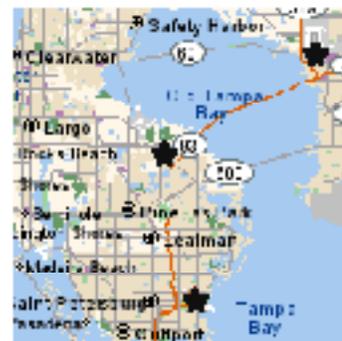
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The dues year is November 1 through October 31. Annual dues must accompany application. Those joining in August, September, or October of a given year will be paid through October 31 of the following year. Dues payments are deductible by members as 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.

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.

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