

Florida Court Reporters  
**FCRA**  
Association

# FCRA *Online*

OFFICIAL PUBLICATION OF THE FLORIDA COURT REPORTERS ASSOCIATION

FEBRUARY/MARCH/APRIL 2011

## 2011 Mid-Year Conference



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By Robin Merker, RPR, FPR  
2010-2011 President



## Time's a Passin'... How Have You Left Your Mark?

Is it me, or does time seem to move faster and faster? It's hard to believe that we're at the beginning of 2011 and deep into planning our Mid-Year Conference in March, but we are. So here's a heads up on everything coming your way at Mid-Year in West Palm Beach.

For those of you who will be recovering from or celebrating taking the FPR exam, and everyone else checking in on Friday, March 4th, please make sure to join us in the hospitality suite for our Reporter Networking Info Exchange Happy Hour. It will be a great time to mingle, reconnect, and chat and, coincidentally, celebrate my birthday. No cakes, no candles — we don't want to set a fire. And, if you attended annual in St. Pete, please remember to wear your buttons!

In response to member feedback, we will be running two full tracks on Saturday, March 5th. One will be a full day of training in all the major softwares, and the other track will be seminars focusing on professionalism, ethics, communication, and even stress management. As a part of that, we are privileged to have Scott Hawkins, President-Elect of the Florida Bar, as a speaker on Ethics and Professionalism in the Legal Industry.

Saturday evening we have quite a treat – Casino Night! Plan on being there, ready to have fun and relax.

On Sunday, for you early birds, come join me on a power walk before we learn how to "Communicate from the Inside Out" with Soni Dimond. As a nationally-recognized communication coach, Soni's seminar promises to be not only fascinating, but invaluable as we step away from our silent role as keepers of the record to proponents of the profession.

Many, many thanks to our convention chairs, Susan Shelling and Jennifer Gaul, and the convention committee, for all their hard work!

Unless you've had the opportunity to serve on the FCRA Board, you may not realize how much is going on before and after our conventions. Although most of you come Friday to get settled in, or are here for

the FPR seminar and exam, your board members, all volunteers, are already here on Thursday for FCRA's preconvention board meeting and are hard at work finalizing the program, dealing with the budget, and going over committee reports and actions. Not only that, but most of the incoming board members attend as well to bring themselves up to speed!

After our Annual Convention last October, as most of you were wending your way home, your FCRA Board was again corralled upstairs in a post-convention board meeting. We worked on committee rosters and to-do lists, which can seem never ending, started looking at convention dates two and three years out, along with orienting new board members. Shortly after the convention, many of the committees moved into action – I think I got my first email from a committee chair before I even made it home to Lake Worth!

Right now the legislative issue is the hottest item on our plate. As a result, Government Relations Committee emails continue to fly fast and furious as everyone coordinates their efforts. Several of our committee members actually have managed to get face time with legislative delegations in their districts. As we are not the only state facing budgetary and other issues, the Government Relations Committee also monitors and uses information coming in from other states that may be relevant to issues affecting Florida reporters. This committee has put in many, many hours to keep on top of the budget issue and find opportunities to educate our legislative representatives. Stay tuned for more about that at Mid-Year!

As of this point 174 members have donated \$49,335.20 to our Call to Action...Now campaign since June of 2010. Thanks to those who are making recurring monthly pledges, we have \$1,865 coming in every month. We are still \$3000 per month short of our goal as the new legislative session is gearing up and we need to be "in the kitchen, not on the menu" during the new legislative session. If you haven't contributed, now is

*Continued on page 7*





## Editor's Column: The End of an Era

I began my court reporting career in 1985 working as a deputy official court reporter in Flagler County, Florida, covering criminal courts, along with working as a freelance reporter with Gaberdiel & Warren, a small court reporting firm in Daytona Beach, Florida.

At that time, there were two judges sitting in Flagler County: The Honorable Kim C. Hammond, a circuit judge, and The Honorable William C. Attack, a county judge. Fortune was on my side because, being the mother of a 3-year-old daughter and a 10-week-old son, not only was Pat Gaberdiel, who was in partnership with Mary Frances Warren at Gaberdiel & Warren, willing to take a chance on hiring a wet-behind-the-ears stenographer with a new baby, but both Judges Hammond and Attack had small children and were very understanding when I got "the call" saying that one of my children were sick.

Twenty-six years have passed since my first day of court reporting. Seasons have come and gone. Flagler County's beloved Bill Attack passed away from pancreatic cancer; his wife, Sharon, filled his position and remains the only county court judge in Flagler County up to the present date. Pat Gaberdiel, my close friend and mentor, left this world and moved on to a better place. Judge Hammond, seeing the county grow by leaps and bounds during this time, finally received another circuit judge, Raul Zambrano, as well as the assistance of a senior circuit judge to ease his staggering caseload.

Finally, the time has come. After spending 30 years on the judicial bench, The Honorable Kim C. Hammond hung up his gavel and walked into the next natural phase of a working man's life, retirement, on December 31, 2010. In his honor, what follows is a reprint of an article that appeared in the December 29, 2010, edition of *The Daytona Beach News-Journal* for your enjoyment.

### Veteran Judge Set to Hang Up Gavel

By Frank Fernandez, Staff Writer

BUNNELL - Circuit Judge Kim C. Hammond has quarterbacked courtrooms in Flagler County during his three decades on the bench. But on Friday, Hammond will walk out of the judicial center named in his honor as a circuit judge for the last time.

The 66-year-old Hammond, chosen fifth in the running for the Heisman Trophy while a quarterback at Florida State University, will retire after presiding over countless cases including civil and criminal, probate and family law.

He has had to decide emotional and sensitive custody

disputes involving children and, once, a Pontiac Firebird. He has sent criminals of all stripes to probation or prison. Hammond has sentenced seven men to death. Two of those later had their sentences reduced to life in prison but five remain on death row.

Hammond has, in the past, played his bagpipes as he led retiring employees out the courthouse door. The judge said he knows of no plans for a bagpipe escort for him Friday.

Hammond will be replaced by Circuit Judge Raul Zambrano, a trumpet player who now presides over civil cases and injunctions in Flagler County.

Hammond was a leader in the drive to build the new



\$39.7 million courthouse in Bunnell, replacing an antiquated, 1928-vintage facility. Voters approved a referendum in 2004 for a \$33 million bond issue to fund construction of the courthouse, completed in 2007. Another \$5.1 million came from an additional bond issue.

Hammond was a traveling judge for the first three or four years, handling cases in every county in the circuit. When he first came to Bunnell, he said, there were no more than 10,000 residents in the county. In 2009, Flagler was home to 94,901 people, according to statistics from the University of Florida.

Continued on page 7

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## MARK YOUR CALENDAR!

### FCRA Mid-Year Conference

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Friday, March 4, 2011, in West Palm Beach, Florida, at FCRA's Mid-Year Conference!

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# Editor's Column: The End of an Era

*Continued from page 5*

Here are Hammond's thoughts on some key issues:

\*Judges, Hammond said, have the same types of questions as others do about whether capital punishment is effective. "The only certainty is that's the law of the state of Florida. You are sworn to follow the law. . .," Hammond said.

\*About the need for more resources for the state's criminal justice system, which has a budget of only seven-tenths of 1 percent of the state's \$70-billion budget: "If you don't provide a decent justice system, you've failed. Government fails miserably. None of us are going to be happy with the consequences of a poorly financed and equipped and prepared system."

\*On prescription drug abuse: "Huge issue. Huge problem. We are seeing the proliferation of drugs, especially prescription drugs, (and) a good number may be distributed or written by prescriptions by medical doctors, or purportedly so, and we are seeing the addictive effect of these and the loss of life due to overdose."

\*On petty theft: "I think everybody errs. I'm certainly not an exception to that. I used to tell people (charged with petty theft), that everybody's committed a petty theft, maybe when they were 4. But the ones that get in trouble are the ones when they are 16, they go to somebody's store and steal somebody's jewelry or some perfume or some clothing. But that's not the end of the world, if we learn something from it. And I see people make mistakes and I see them correct their mistakes and grow up."

Hammond said that since he took the bench, family law has become more structured and controlled, which leaves less room for innovation, such as when he was confronted with a dispute over a Pontiac.

In one case Hammond handled awhile back, the custody of children was settled without significant controversy. The car was another matter.

"The couple was fighting over a Firebird, a very nice Firebird, but a Firebird - Pontiac, I guess it was," Hammond said. "I gave them shared custody of the Firebird."

One would get the Firebird one week, then gas it up, clean it up and turn it over to the other for the next week, he said.

"It lasted about two weeks and they decided the Firebird wasn't quite that important."

Whether in dividing custody of a Firebird or managing a murder trial, Hammond has been an important member of the 7th Circuit, Circuit Judge William Parsons said.

"He just does it right and he's a great guy," Parsons said. "We will miss him sorely and he is part of a large group of people that are really institutions in our community."

As I stated earlier, retirement is the next natural phase of a working man's life. For Judge Hammond, who has many friends, colleagues, a beautiful wife, Jan, three lovely children and six precious grandchildren, retirement will be filled with lots of activities and many untold blessings. What more could a man ask for when he has all of these things waiting for his undivided attention?

As Mark Twain said, "Twenty years from now you will be more disappointed by the things you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover."

Happy sailing, Judge Hammond!

## President's Message: Time's a Passin'...

*Continued from page 4*

the time. If you have contributed, help us reach out to those who haven't. Remind them that removing specific court reporting rates from the budget is paramount to control over our livelihood going into the future.

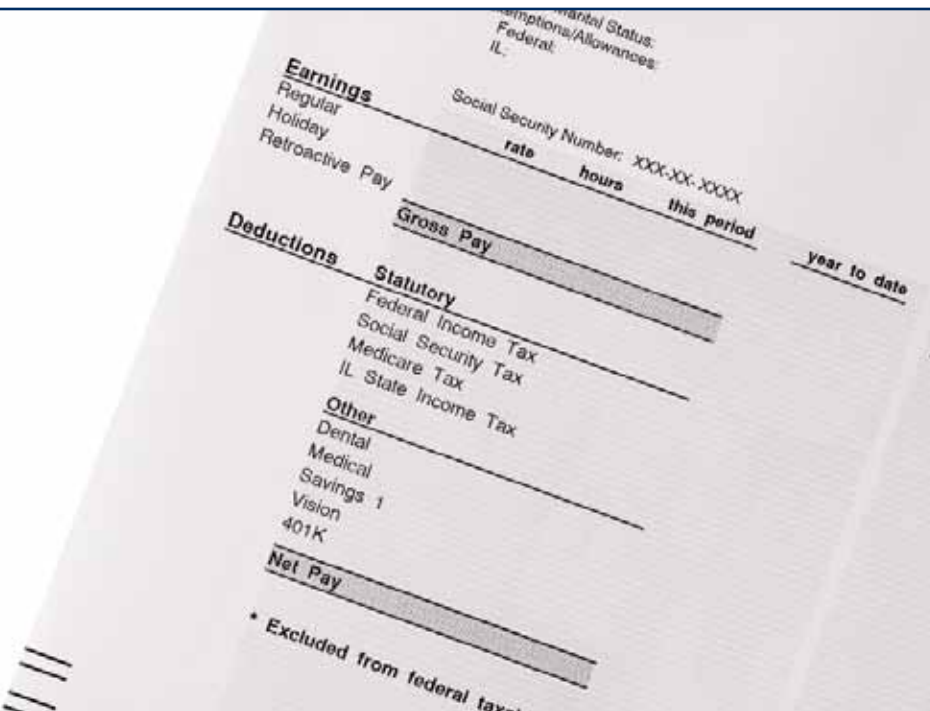
Many of our committees have been hard at work behind the scenes and they reported on their activities at our January 17th board meeting. By the way, this was our first January board meeting via video teleconference. We used two sites: one site was in Boca Raton and one in Tampa. From a budgetary standpoint, this was a smart, green way to keep in budget and enable everyone to drive to the meeting and back home the same day.

And it's thanks to another volunteer, Louise Pomar, that you're even reading this. Louise has been our *FCR Online* editor for many years and spends countless hours putting this publication together, writing articles, and making sure we all meet our publication deadlines! It takes a staggering amount of work to accomplish this. Thank you, thank you, Louise!

Please take a moment and go to [www.fcraonline.org](http://www.fcraonline.org). Under the blue FCRA tab click on "Committees" and see who has committed to taking an active role in promoting our profession. When you run into any of our volunteers, take a moment to recognize their commitment to you! Better yet, pitch in! FCRA is facing more challenges than ever and we, as a board, welcome your involvement and input.

# Judges Tell Court Reporters to Work for Free

By Sabrina Canfield • Reprinted from the December 28, 2010, edition of Courthouse News Service



Louisiana Public Defender Board.

Court reporters “have had difficulty being paid for preparing indigent appeal transcripts since at least the end of 2006, when defendants stopped paying for transcripts,” the class claims. Even when money for indigent transcripts does come through, it is seldom enough to pay for the transcripts already prepared, and the cost of preparing transcripts can be substantial.

In 2007 the defendants received a \$50,000 grant to pay for indigent transcripts. “However, the grant money ran out again sometime in approximately October of 2007. Defendants started paying for indigent appeal transcripts again in January 2008. Again, defendants stopped paying for transcripts in August 2008,” according to the complaint.

Under Louisiana law, court reporters are appointed by the judges of the court they serve.

Court reporters in suburban New Orleans have been forced to prepare transcripts of indigents’ criminal appeals for free for more than a year, and “have been threatened with contempt of court and jail time if they do not continue to work without pay,” they say in a federal class action. “Many of the proposed class members are owed thousands of dollars or more in unpaid transcript fees,” according to the complaint.

The lead defendant is Jefferson Parish, which includes most of the suburbs of New Orleans. (A parish in Louisiana is the equivalent of a county in other states.)

Lead plaintiff Vincent Borrello Jr. has been a court reporter since 1999. According to his complaint, “On March 16, 2010, Deputy Judicial Administrator John Andressen sent correspondence to the proposed class members, among others, noting that: ‘Presently court reporters in the 24th Judicial District Court are not being paid for transcripts prepared for indigent defendants whose cases are on appeal. The fund that these transcripts were paid out of ran out of money in December 2009. The 24th JDC is current working on a solution to this problem and hopes to have a resolution in the next few months.’”

But the class claims they “should not be involuntarily forced to pay the costs of indigent appeals from that parish, which the defendants are required by law to pay.”

The other defendants are the 24th Judicial District Public Defender Office, the Louisiana Appellate Project and the

“They generally serve at the pleasure of the court, and are required to attend the civil and criminal sessions of the district court and ‘shall be subject to the orders of the judges of the court.’ They are required to take down testimony, objections and rulings thereon, and all matters which may be directed by the judge of the court,” according to the complaint.

The complaint adds: “The statute sets out the payment to court reporters for transcribed pages of the transcript on appeal. By recent amendment of the statute, enacted after plaintiffs and the proposed class members already had been ordered to prepare appeal transcripts and actually prepared other transcripts, fees for transcripts in criminal appeals by indigents ‘shall be charged to and paid from any fund established by law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.’”

The class claims that “although newly enacted provisions of the statute allow for a \$2 filing fee per case to assist in the payment of transcript fees, this is no indication as to how such money will be disbursed or when plaintiffs and the proposed class members will be paid.

“Additionally, there is no reasonable or practical expectation that with tens of thousands of dollars being owed and continuing to grow with new appeals being granted that the \$2 fee could accumulate to cover these

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# Work for Free

*Continued from page 8*

debts. But, pursuant to the Deputy Judicial Administrator and the Court of Appeal's previous directives, the reporters are supposed to continue to transcribe these cases without compensation."

The court reporters "have continued to provide transcripts for indigent appeals but have not been paid for their work, as agreed, since October 2009. The proposed class members have been threatened with contempt of court and possible jail time if they do not prepare appeal transcripts, even though they have not been paid and there is no assurance as to when or if they will be paid."

The Public Defender Office is a defendant because "the Public Defender Office administers funds received from Jefferson Parish and other sources, and is responsible for paying court reporters, including plaintiff and the proposed class representatives, for transcribing transcripts."

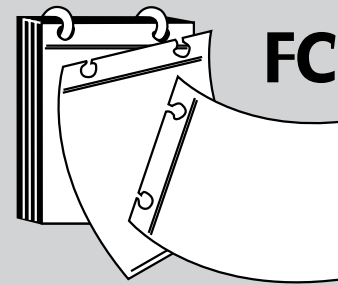
The defendant Louisiana Appellate Project gets its funding for indigent appeal transcripts from the Louisiana Public Defender Board, which was created in August 2007, "and administers the Public Defender Fund, which supports all 42 judicial districts," and also receives funding from the Public Defender's Offices from which cases originate.

"The Louisiana State Constitution guarantees that when any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised of his right to the assistance of counsel and, if indigent, his right to court-appointed counsel. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment," according to the complaint.

The class adds that even criminal defendants who are not poor file for indigent status. They cite the case of the rapper C-Murder, who was sentenced to life in prison for killing a teen-age fan at a nightclub: "In the recent 'C-Murder' second-degree murder appeal, the defendant, Corey 'C-Murder' Miller requested indigent status to avoid paying the costs associated with his appeal, including an estimated \$17,000 for transcripts," the complaint states, citing a story in *The Times Picayune*.

The class seeks specific performance, quantum meruit, and damages for breach of contract, breach of duty and unjust enrichment.

They are represented by Salvador Brocato III of Metairie.



## FCR Online Deadline Dates

**(Summer) May/June/July ..... April 5, 2011**

**Publication Date ..... May 12, 2011**

**(Fall) Aug/Sept/Oct..... July 5, 2011**

**Publication Date ..... Aug. 12, 2011**

**(Winter) Nov/Dec/Jan ..... Oct. 5, 2011**

**Publication Date ..... Nov. 12, 2011**

**(Spring) Feb/Mar/Apr ..... Jan. 5, 2012**

**Publication Date ..... Feb. 12, 2012**

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## Nominations for Arlene P. Sommers Award for Outstanding Achievement in Education

- **Has an outstanding educator played a role in your reporting career?**
- **As a student, has a teacher's leadership and dedication helped motivate you to achieve your goals?**
- **Has a fellow teacher's example helped you to become a better teacher?**
- **As an administrator, do you want to show your appreciation and admiration for your outstanding educator?**

If so, you have the opportunity to see that that teacher is given the recognition he or she deserves by nominating him or her for the Arlene P. Sommers Award for Outstanding Achievement in Education. (Guidelines are set forth below.)

Nominations must include biographical data that lists outstanding achievements in and out of reporting, the number of years in reporter education, special interests and talents,

publications and awards, etc. Humorous stories about your nominee are also appreciated.

Nominations must be received by Rick Levy, RPR, FPR, 44 W. Flagler St, #1200, Miami, FL 33130; Ph: 305-358-8188 or fax: 305-358-8187; ricklevy@aol.com by APRIL 30, 2011. Students, fellow faculty members, administrators, or FCRA members are all eligible to submit nominations.

## Arlene P. Sommers Award for Outstanding Achievement in Education

### I. ELIGIBLE APPLICANTS

Those teachers, tutors, or administrators engaged in a court reporting educational program in the State of Florida approved by the award committee, or any other person who has made a significant contribution to the education of court reporting students.

### II. NOMINATIONS

- To be mailed to Robin Merker, Committee Vice Chair for forwarding to the Arlene P. Sommers Award Committee.
- Nominations for each year shall be open beginning January 1st of each year, and close April 30th of the corresponding year. Nominations must be received by Rick Levy, Committee Vice Chair, no later than April 30th.
- Nominations may be made by teacher, student, school administrator, or by any member of FCRA.
- Nomination to be in letter/resume format, accompanied by support documentation.

### III. SELECTION

Nominations to be considered by the Arlene P. Sommers Award Committee by the June Board meeting, and the selection is to be made by the committee with the approval of the FCRA Board.

### IV. AWARD

- Recommendation by the committee to FCRA Board to select the recipient.
- The recipient will receive, in addition to the monetary gift, a physical award.
- Recipient of this award and the school shall be notified no fewer than 30 days prior to the announcement/presentation of the award at the Annual Convention, if possible. If not, notification can be made by mail immediately following the Annual Convention.
- Free Convention registration for recipient.

# 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.

Please submit all nominations to Rick Levy, RPR, FPR, via fax (305) 358-8187 or e-mail ricklevy@aol.com by May 31, 2011, to be awarded at the 2011 Annual Convention.



## Emily Mann Distinguished Service Award Nomination Form

**Deadline is  
May 31, 2011!**

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

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Mail this form to Rick Levy, RPR, FPR, EMDSA Committee Chair,  
44 W. Flagler St., #1200 • Miami, FL 33130  
Phone: (305) 358-8188 • Fax: (305) 358-8187  
Email: ricklevy@aol.com • **DEADLINE: MAY 31, 2011**

# CALL FOR NOMINATIONS

The FCRA Nominating Committee will meet **March 5, 2011**, at the Mid-Year Conference to interview a slate of nominees for the following positions of the Board of Directors.

- VICE PRESIDENT (ONE-YEAR TERM)**
- SECRETARY/TREASURER (ONE-YEAR TERM)**
- CENTRAL DIRECTOR (TWO-YEAR TERM)**
- DIRECTOR-AT-LARGE (ONE-YEAR TERM)**

The election of the FCRA Board of Directors will take place at the 2011 Annual Convention. The Committee hopes you will take this opportunity to participate in the nominating procedure by submitting names of potential candidates for consideration by the Nominating Committee. The following are some of the qualities we look for in potential FCRA officers and directors:

**LEADERSHIP:** Interest, objectivity, decision-making capabilities, knowledge and experience, reliability, ability to inspire

**ADMINISTRATIVE TRAITS:** Courtesy, humility, friendliness, tact and diplomacy

**ABILITY:** Communication skills, initiative, professional image, maturity, association experience

**Thank you for taking the time to be a part of the future of your Association!**

Submit your nominations by **FEBRUARY 25, 2011**, to:  
 Susan Wasilewski, RPR, CRR, CCP, CMRS, FPR  
 Chair, Nominating Committee  
 By Fax: 863-701-2880 • [sdwrpr@aol.com](mailto:sdwrpr@aol.com)

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 if further information is needed about the candidate?

Yes \_\_\_ No \_\_\_ Office Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

FCRA Member: \_\_\_\_\_ Date: \_\_\_\_\_

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



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## The Newest Baby on the Block

FCR Online's editor, Louise Pomar (pictured right), and her family welcomed a new grandson, Mason (pictured below with big sister, Caitlyn and Mom and Dad). He was born Wednesday, December 15, 2010, and weighed in at 7 lbs, 11 oz. What a little bundle of joy!



## UPCOMING EVENTS CALENDAR 2011

- |                        |  |
|------------------------|--|
| February 25 - 27, 2011 | CLVS & Trial Presentation Symposium, Westin Peachtree Plaza, Atlanta, Georgia<br>Register online at <a href="http://www.ncraonline.org">www.ncraonline.org</a>   |
| March 4, 2011          | FPR Seminar & Certification Exam, Hilton Palm Beach Airport, West Palm Beach, FL<br>Register online at <a href="http://www.fcraonline.org">www.fcraonline.org</a>  |
| March 4 - 6, 2011      | FCRA Mid-Year Conference, Hilton Palm Beach Airport, West Palm Beach, FL<br>Register online at <a href="http://www.fcraonline.org">www.fcraonline.org</a>  |
| March 25 - 28, 2011    | NCRA Midyear Conference, Realtime Systems Administrator Program, Baltimore Marriott Waterfront, Baltimore, MD<br>Register online at <a href="http://www.ncraonline.org">www.ncraonline.org</a>   |
| April 11 - 13, 2011    | NCRA Written Knowledge Tests, Exams: RPR, RMR, RDR, CBC, CCP, CLVS, Locations: Pearson VUE Professional Centers (registration March 7 - April 6, 2011)<br>Information posted on <a href="http://www.ncraonline.org">www.ncraonline.org</a> |

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



## September 2010 NCRA Test Results

Congratulations to the following reporters who became certified as a result of the October 2010 exams:

**Certified CART Provider (CCP):**

*Linda Blackburn, RPR, CRR, CCP, Lakeland, FL*

Congratulations to the following reporters who became certified as a result of the November 2010 exams:

**Register Professional Provider (RPR):**

*Loretta Lee, RPR, Lakeland, FL*

*Autumn Captain-Kesterson, RPR, Tallahassee, FL*

## Student's Corner



## A Plea to Active Members of FCRA

*By William S. Bish, RDR, CRR, FPR, CLR, Southern Director, Chairman of Schools Committee*

The Schools Committee is desperately seeking volunteers for a newly instituted mentoring program for students attending court reporting programs within the state of Florida. We have received numerous requests from students for active reporters to share experiences and give guidance as these students pursue their goal of a vocation in court reporting. Anyone interested in volunteering a small amount of time via e-mail with a student can contact the Chairman of the Schools Committee, Bill Bish, via e-mail at [bill@executivereporting.com](mailto:bill@executivereporting.com).

Anyone wishing to volunteer is asked to provide their name, e-mail address, their experience and the venue in which they work so that students seeking a mentor can be placed with an appropriate person working in the student's area of interest.

The goal of the Schools Committee is to have this program in effect prior to the Mid-Year Conference which will soon be upon us, March 4 - 6, 2011.

# ETHICS AND PROCEDURES CORNER

By Professional Ethics Committee Honorary Chair: Shirley King; Chair: Co-Chair: Jennifer Gaul

Members: Cindy Bender, Diane Emery, Louise Johnson, Paulita Kundid, Cathy Phillips, Betty Sue Vincent, Donna Kanabay, Holly Kapacinskas, Catherine Morrow

## INDEPENDENT MEDICAL EXAMINATION VS. COMPULSORY MEDICAL EXAMINATION

**Fair warning, in the future you need to title the transcript as a Compulsory Medical Examination.**

**-and-**

**Do we leave when the doctor refuses to let us into the examination room as requested by our client?**

Most of us already know that the term "Independent Medical Examination," a/k/a IME, is an archaic term. For those

notices and arrived to find it's the same old IME of old, what happened?

Well, my friends, therein lies the tale. Along the appellate trail, there were many objections to these examinations being "contrary to an individual's right of privacy." The courts ruled that "once a personal injury lawsuit is filed, then the physical condition of the plaintiff is at issue" and this supersedes the right to privacy. Our Florida Rule 1.360 "allows an adverse party to have a doctor

of their choosing examine the Plaintiff to determine any medical conditions affecting the Plaintiff and whether they were caused by the accident at issue."

Plaintiff's counsel objected to the use of the term "Independent Medical Examination" alleging that the term gave juries the wrong idea. They wanted it known that there was nothing independent about this examination, that it was requested by the Defense and so-ordered by the court. The appellate

to title the transcript as a Compulsory Medical Examination and train yourself to refer to them as CME's instead of the old IME's.

Also, awkward situations sometimes arise for court reporters and videographers when we arrive at a Compulsory Medical Examination. An example is the doctor who informs the videographer hired by the Plaintiff that he cannot be in the room with the patient. Case law dictates that the Plaintiff is permitted a videographer or a representative be present and they can only be excluded under very limited circumstances. This case law discusses the adversarial nature of a CME and the need of the Plaintiff to have counsel present to protect their rights.

When you, as the court reporter or videographer hired by the Plaintiff, is refused entrance to a CME, you should contact your client for further instructions before meekly leaving the premises. I can't think of a time when this happened if I was hired by Defense counsel, but the same is true. Don't leave without a struggle. You will incur the wrath of your client. One would hope that Defense counsel, who chose the doctor in the first place, would have informed the doctor beforehand, but if you are refused entrance, always check with your client before leaving.



of you who have one only once in a blue moon and have noticed for the first time the new CME terminology on your

courts agreed and re-labeled them Compulsory Medical Examinations. So, fair warning, in the future you need





# SLEUTHING THE NET

By Donna M. Kanabay, RMR, CRR, FPR

Stretching for a topic, I decided to look for inspiration by skimming the Langa List/Windows Secrets ([www.windowssecrets.com](http://www.windowssecrets.com)) newsletter. As usual, Fred (Langa) didn't let me down, since he had just posted his Best of 2010. And so with absolutely no sense of shame or embarrassment, I'll just steal – erp, borrow – a few interesting tidbits from him.

## The care and feeding of laptop batteries

A reader named Rick got a new laptop for the holidays and is wondering how to maximize the life of its expensive batteries:

- "I just got a new laptop with Windows 7 for Christmas. The new laptop has a 6-cell lithium-ion battery. How can I get the most life from my new laptop's battery and make it last the longest?"

"Should I periodically charge and then use/drain the battery? Should I leave the battery in the laptop even when I'm using the AC plug? Will heat from the laptop when it's plugged into AC affect the lithium battery?"

Excellent questions, Rick!

Heat is the enemy of lithium-ion (Li-ion) batteries. When your laptop runs on AC, it's smart to remove the battery pack and store it in a cool place. Low temperatures forestall the inevitable and irreversible chemical changes that occur in Li-ion batteries.

In fact — and this will sound odd — if your laptop is run mostly off household AC power, you can greatly extend the life of its Li-ion battery this way: run the battery down to about 40% of maximum charge, remove it, and store it in a tightly wrapped plastic bag inside your refrigerator! Storage at about 40 degrees F (4 to 5 degrees C) is ideal. Think of it as the 40-40 rule: 40% charge, 40 degrees F.

If you can, avoid running Li-ion batteries all the way down. Early portable electronics used nickel-cadmium batteries, which benefit from full discharge cycles. Conversely, Li-ion batteries last longer when kept in a charge state between 40% and 100%. It's OK to run Li-ion batteries flat when you have to, but the ideal scenario for longest life is one full discharge cycle for about every 30 or so partial cycles.

Sad to say, even if you're perfectly careful with your Li-ion batteries, they'll slowly go bad on their own due to their irreversible and inevitable chemical changes. This is one

of the main reasons why cool storage helps preserve Li-ion battery life: the cool temperatures slow the chemical reactions.

Even a well-maintained Li-ion battery will usually show signs of age two or three years after manufacture. That's why it's not a great idea to buy a spare battery for your laptop unless and until you really need to use one. If you buy a spare you don't really need, it'll slowly go bad on its own, giving you no (or reduced) return on your investment.

If you do have a spare battery, store it in the fridge with about a 40% charge when it's not in use.

When you buy replacement batteries, check the date of manufacture. This will usually be stamped or printed on the battery case. Cut-rate batteries may have been sitting on a warehouse shelf for a couple of years, meaning that a good chunk of their useful life will have passed before you ever plug them in.

With careful use, you can get 300 to 500 charge cycles from a new, high-quality Li-ion battery — especially if the battery's stored in a cool location when not in use. With just a little luck, by the time the battery no longer holds a useful charge, you'll be ready for a new laptop, anyway!

These two excellent articles provide more information on Li-ion battery life:

- How to prolong lithium-based batteries from [BatteryUniversity.com](http://BatteryUniversity.com)
- The care and feeding of Li-ion batteries from [TechRepublic.com](http://TechRepublic.com)

*(Donna's note: Okay, yeah, I'm going to constantly remove my battery and stick it in the fridge when I'm home, and remember to grab it on my way out the door...)*

## What good does defragging do nowadays?

Reader David H. Copp asks a valid and timely question:

- "You have a good piece about defragging in your April 22 column. But I think you are echoing a myth.

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# SLEUTHING THE NET

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"Back in the days of my first hard drive, a 20Mb Seagate ST-225, defragging was important. But so far as I know, there are no measurements that show that defragging a modern drive has more than one or two percent impact on performance. Please correct me if I am wrong!"

You're right that defragging isn't as important as it once was. But there's more to defragging than simply improving hard drive performance.

Before we dive in, let's run through a 60-second defragging refresher.

Windows normally stores the files on a hard drive in a series of blocks. When a drive is new or well ordered, each file's blocks can be written to the drive more or less sequentially. But over time, holes open in that orderly sequence as files are changed or deleted; they are then filled with bits of data from other files. Eventually, a file's blocks may end up scattered all over the disk.

When a file's blocks aren't contiguous, the drive heads have to seek out the blocks, physically navigating to each block's location. Each seek adds to the time it takes to retrieve the entire file.

Defragging corrects this by moving data blocks back to contiguous, sequential series — the system can again access the files smoothly and quickly, with little or no extra head seeks.

The seek times of today's hard drives are over 10 times faster than those of that ancient Seagate drive David mentioned. So the benefit of reducing seek times is an order of magnitude. You probably won't notice any difference accessing a given file, whether the drive is defragged or not.

But the aggregate seek times still matter. We now use our drives far more intensely than we used to. (Heck, my first hard drive held 10 megabytes of data; nowadays, I take individual photos larger than that.) So the total number of seeks our hard drives perform today has increased by an order of magnitude.

Speed aside, there are other benefits from defragging. For example, it improves your odds of recovering a deleted file, folder, or partition; it reduces overall wear and tear on the drive heads; and it helps minimize noise and heat during normal operations.

Initial disk defragmentation can take hours. But after that, it takes just a couple of minutes if you run the process every

day. Because you can run defragging as an unattended process in all current versions of Windows — no third-party tools needed — one might ask: why would you not defrag?

*(Donna's note: Check out a third-party program called Executive Software Diskkeeper.)*

## **Windows XP: Looking back, looking forward**

*By Fred Langa*

On October 22, Microsoft pulled the plug on sales of Windows XP, ending the operating system's spectacular nine-year run.

With no new copies being sold, support for XP will start to decline. Fortunately, XP's long run has produced a ton of collected wisdom: everything you need to keep your copy going strong and — when ready — to help you move on.

The end of XP is a watershed moment. It's truly the most successful operating system in the history of personal computers. Windows 3.x was great in its day; it gave mass-market, affordable PCs the graphical prowess Microsoft needed to compete with the more expensive Macintosh computers. But it lasted only five years, from 1990 to 1995. XP's reign was twice as long!

The Windows 9x family (95 and 98) were also stellar OSes. Windows 95, released in 1995, introduced Windows Explorer for file management and was the first Windows to exploit the power of 32-bit hardware. And it added TCP/IP networking as an integral (not bolted-on) component of the OS.

Windows 98, delivered in 1998, was the first Windows to integrate Internet Explorer. Because it was essentially free, IE quickly ignited industry controversy and ensuing legal battles for Microsoft. But as part of the Windows package, it helped with the explosive growth of the Web and the dot-com boom of the late '90s.

In 2000, five years after the launch of Windows 95, Microsoft — late getting its next operating system out the door — released the stopgap kludge Windows ME (short for Millennium Edition; it was soon given less-charitable labels). It landed with a resounding thud. Even Vista was more popular than ME.

So Windows XP's near-decade reign is impressive. Rolled out in 2001, it blended the familiar interface conventions

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# SLEUTHING THE NET

Continued from page 18

of Windows 98 with the heavy-duty, business-oriented underpinnings of Windows NT (New Technology). The result was a hybrid operating system that looked good, was easy to use, and — most important — was far more stable than its predecessors.

Microsoft originally planned a five-year life span for XP. But delays and missteps with XP's successor products (Vista, for example) plus huge upgrade resistance from users forced Microsoft to extend XP's life again and again. Now, with Windows 7 proving itself a worthy replacement, Microsoft finally has the opportunity to retire its aging, war-horse operating system. The October 22 end for XP occurred almost exactly one year after Win7 rolled out.

XP is going out on top. According to NetMarketShare.com, which tracks operating systems actually in use online — XP still holds a commanding 60.03% market share. XP is losing about 1% to 2% market share per month; Win7, coming on strong, is currently in second place at 17.10% and is growing at 2% to 3% per month. And because many businesses passed on Vista, there's a huge pent-up market for Win7 upgrades — so its share of Windows users will grow even more rapidly.

## XP will get security patches until April 2014

Now that software development on XP has stopped, the most important question for XP users is future support. Microsoft plans no further Service Packs or feature enhancements for the OS. But given the astounding number of people still using XP, Microsoft says it will provide XP security updates through April 2014. That should give large businesses sufficient time to complete their Win7 migration.

In addition, Microsoft's knowledge base will continue to host XP-related information for at least that long. That's an astounding 13 years after the OS was first released. To my knowledge, that's a record — the longest-supported run of any major personal computer operating system by any company, ever!

## Microsoft included many keys to XP's success

In addition to the ease-of-use and stability enhancements mentioned earlier, XP had other features and innovations that made it a winner.

For example, XP was the first Windows with so-called intelligent taskbar and notification-area behavior. (The taskbar contains the Start button and the icons representing running programs; the notification area, the small block in the lower-right corner of the Windows screen, contains the clock and icons for background tasks and services.) When your taskbar runs out of space, XP intelligently overlays similar icons on top of each other and suppresses inactive notification icons.

That might not seem like a big deal now, but it was a major innovation in its time — one that made using many programs vastly simpler. In fact, XP's overall user interface may be the most imitated ever. If you don't believe me, check out almost any desktop Linux and see how familiar the UI seems.

XP was the first Windows to ship with built-in CD-R burning software; first to include user-configurable power management; first to ship with a built-in backup tool; and first to ship with ClearType, a screen-legibility enhancement — all features we take for granted now.

XP was the first Windows with a complete and genuinely useful Help system that replaced the rudimentary Help in Win9x. It was also the first Windows with Remote Assistance and Remote Desktop built in. And it was the first consumer/desktop Windows to support the advanced NTFS file system, which avoided the fragility and size limitations of the FAT system used in previous desktop Windows versions.

You can probably add your own list of favorite XP features.

## XP's many blemishes are well documented

No one who has used XP for any length of time will call it flawless, however. Many of those flaws — and ways to work around them — have been detailed in Windows Secret's weekly reports.

When XP first appeared, many PCs of the day had insufficient power for the new OS, causing it to run painfully slow on those systems. And on all hardware, XP could consume ridiculous amounts of disk space for the recycle bin, Internet Explorer cache, and System Restore.

It also buried some truly useful features in places where they were hard to find and access.

Just one small example: Window 7's Backup applet is easily found in the Control Panel's top-level menu. XP Professional's Backup app is located deep inside All Programs, in the System Tools menu. In XP's Home edition, Backup isn't even installed by default — users have to dig it out of the \Valueadd\Msft\ folder on the setup CD and perform a manual installation!

Fortunately, after almost a decade of use, nearly all of XP's worst problems and limitations have been addressed in XP's Service Packs, with third-party add-ons and tools, and through a wealth of published tips, tricks, and workarounds.

In "Preparing Windows XP for the long haul," I provided tips on how to keep XP going for as long as you need it. The rest of this article builds on that: it's a compendium of some of the most useful XP information from the past decade, all in one convenient reference.

You'll also find links to help you upgrade smoothly to Windows 7 when the time comes. And at the end, you'll see how to keep your favorite — and possibly essential — XP software alive and running well inside Windows 7, just as it runs now.

*(Comment by Donna: They're going to pry my XP out of my cold dead hands.)*



# Attorneys Requesting Copies of Audio Backup

By Donna E. Maxa

In January of 2010 an experienced reporter who takes assignments for my firm covered a deposition with two attorneys in an on-going case. They both entered the deposition room very angry with each other. The reporter knew immediately that this was going to be an emotionally-charged deposition.

Approximately 10 minutes after the deposition started, things were heated enough to prompt a call to the judge handling this case. After the emergency hearing with the judge, the deposition resumed. Twenty minutes after resuming the deposition, the attorneys began yelling at each other. The plaintiff's attorney informed the plaintiff (deponent) that he was not to answer a specific question, and they were going to leave. Defense counsel at that point instructed the plaintiff that he had to answer his questions and couldn't leave the deposition until he was finished with the deposition.

At that point a legal pad was waved at the defense attorney, and he grabbed it from the plaintiff's attorney's hand.

Next, the plaintiff's attorney stood up and threw his jacket to the ground and started yelling obscenities. The reporter then announced, "We are off the record." She stood up and left the room while the attorneys continued yelling and threatening to fight each other. The name calling, the obscenities, and the yelling all continued for another 15 minutes.

**Unfortunately, the reporter neglected to turn off her audio recorder.**

The defense attorney ordered the transcript with daily delivery. Upon reviewing the transcript, he realized the portion he wanted was not there. He was looking for the heated conversation that took place after the reporter went off the record.

I received a call from defense attorney requesting the entire transcript, including the off-the-record conversation that took place after the reporter left the room. I explained to him that nothing further was on the record and, therefore, the transcript was complete concerning the on-the-record discussion. He was very angry with me and then stated he wanted the audio. I tried during a very lengthy conversation to explain to him that we do not and would not provide the audio. It belonged to the reporter for her use only if she needed assistance in preparing the transcript during heated conversations, people speaking over each other, or during times where unfamiliar terms were used. We NEVER provide the audio to anyone.

The following day we received a subpoena for the reporter to appear before the judge with the audio from the deposition, including the portion which was off the record. The defense attorney was planning to use the off-the-record conversation to file a complaint with the Florida Bar against opposing counsel for threatening him with a legal pad.

Less than an hour after receiving the faxed subpoena, I received a letter from plaintiff's counsel indicating that if I released the audio, he would be immediately contacting the State At-

torney's office requesting that criminal charges be brought against both the reporter and myself as the firm owner, citing Florida Statute 934.03(4)(b)(1), which states that a person cannot be recorded without his or her permission. He indicated that when the reporter went off the record, his permission to record him was ended, and he did not give any permission to record the off-the-record discussion.

I immediately hired an attorney, who took possession of the audio, and I then sent out a request for case law from some of the Florida firm owners. Thanks to Donna Kanabay and Judy Everman, I was able to fight this request with case law they provided. One of the cases provided pertained to a request for audio due to the fact that the pro se defendant felt that the reporter did not prepare the transcript accurately – at least based on the memory of the pro se defendant.

In the other case, the defendant requested that the audio be made part of the record to "supplement" the official record. This was denied by the presiding judge.

My attorney initially used the argument of court reporter work product but soon realized that was not the thing to argue due to the fact that the only work product we really have are the stenographic notes. The attorney requesting the audio argued that the definition of "work product" does not pertain to a court reporter's audio. His definition pertained to a lawyer's work product. I have not been able

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# Attorneys Requesting Copies of Audio Backup

Continued from page 20

to find anywhere a definition for court reporter work product. We then took the position that the audio was the reporter's personal property.

The original hearing that I was represented in involved the case of *Brett Craig v. Volkswagen of America, Inc.* That hearing was brought about by defense counsel requesting the audio. In that hearing, the following case was submitted: *John J. and Mary J. Hudgins v. Karen Alexeev*. That was a case argued by Donna Kanabay, and the local judge denied release of the audio. This was the instance where the pro se defendant felt that the audio didn't match the transcript.

The two cases cited were: *Holt v. Allen*, 677 So.2d 81, in which a public defender wanted to obtain the audiotape to supplement the transcript. The court ruled the official record was the transcript and that the audiotape was not subject to discovery. The other case cited was the case of *Emmel v. Coca-Cola Bottling Co. of Chicago, Inc.*, 904 F. Supp. 723, which stated "Backup tapes made by court reporters for their own convenience and not otherwise required by 28 USC 753 are the personal property of the court reporter. There is no public entitlement to these recordings."

We also brought up the issue of the potential precedent being set once a judge orders an off-the-record discussion be produced. Next someone would want in the transcript a confidential communication between an attorney and his/her client when they were whispering because they feel it was picked up by the audio.

The judge signed an order stating that we did not have to produce the audio but would not sign the order provided by my attorney indicating that we did not have to produce and did not have to retain the audio. Because of

the fact that he signed the order indicating we did not have to produce but didn't sign the order indicating we did not have to retain the audio, my attorney felt we needed to retain it.

Again, within hours of the judge ruling during the first hearing, we received a written request indicating that they wanted us to retain the audio.

In early September we received a second subpoena signed by the referee in the grievance filed with the Florida Bar. The attorney demanded that the reporter provide the audio before October 1, 2010, or appear for her deposition with the audio.

And, again, we start all over. I again requested the same attorney to argue this case, basically using the same items stated above, with a few exceptions.

Along with that tack, we also brought up NCRA COPE Advisory Opinions 23 and 38. These were items that the judge didn't seem to be interested in or felt carried any weight because they were ethics opinions for court reporters by their organization and had nothing to do with the case being argued before him.

Upon reviewing the previous hearing and arguments provided, I felt it was important to stress the issue of the audio containing at minimum one off-the-record discussion. I instructed my attorney to be clear on what would happen if the judge ordered me to release the audio. **The audio the attorney wanted to use was off the record.** Ordering a reporter to release an off-the-record discussion would set a precedent that would cause many problems for all attorneys and reporters -- not just in Florida, but throughout the United States. From that point forward, all off-the-record discussions would be fair game to all.

We all as reporters make judgment calls regarding discussions that are between an attorney and his client and what is off the record and what is on the record. A ruling requiring us to provide off-the-record discussions to opposing counsel or judges would change the outcome of many cases.

It was argued to both judges that the release of this audio would, yes, show what happened between these attorneys once the record was concluded; however, it would be a slippery slope that could potentially cause problems for many, many cases for years to come. Once that door is open and an off-the-record discussion is released, where would it end?

I truly believe that was the argument that made both judges really think and ultimately decide in my favor.

The referee in the Florida Bar grievance action issued an order that we did not have to produce the audio for either copying or inspection.

Immediately after the hearing, I drove to my attorney's office, took possession of the audio that he was retaining in his safe, drove it to my office, and ran the CD through the shredder.

I can provide copies of any of these cases upon request and would be glad to do that. Maybe some of my experience will save you time and money. Experience is a great thing to have; however, I would be glad to have not gone through this nerve-wracking process just to have experience in this area. It was quite costly and very time-consuming.

The one thing I enjoyed at the end of this process was the Sangria I had for lunch immediately following the last hearing.

I instructed my attorney to be clear on what would happen if the judge ordered me to release the audio.

**The audio the attorney wanted to use was off the record.**



## TAMING TROUBLESOME TASKBARS

**Q. Several months ago, the Taskbar at the bottom of my screen became wider. Nothing I do seems to be able to make it return to the narrow size it was in the past. Can you help, Mr. M?**

A. The Taskbar is designed to be expandable, so what you're seeing is easily adjusted. Start by right-clicking the Taskbar to make sure "Lock the Taskbar" is not checked.

Next, place your cursor on the upper horizontal edge of the Taskbar. When it is precisely on that edge, it will change into a double-headed arrow. Don't be frightened. At that point, hold down your left mouse button and slowly drag the edge down towards the bottom of your screen, incrementally narrowing the Taskbar in the process. When it is the size you want, right-click the Taskbar and select "Lock the Taskbar" to prevent any future unruliness.

**Q. How do I activate the Print Screen (PrtScr) key when I want to print what appears on screen?**

A. The Print Screen key is always functional, so there really is nothing to activate. Contrary to what its name suggests, it does not literally print the screen when pressed. The Print Screen key saves a snapshot image of what appears on your screen to the Windows Clipboard. That process is invisible and occurs behind the scenes, so it appears as if nothing happens when you actually press the key.

To print the captured image, go to your destination location (such as a word processing document or email composition screen), right-click and select Paste. Whatever was captured to the Clipboard will pop onto the page. Once it appears, you can then print normally.

If you want to manipulate the captured image, you will need to paste it into a graphics editing program. Windows includes a relatively primitive graphics editing program called Paint (located under Programs > Accessories) that can be used for simple editing.

**Q. When I turn on my computer, it asks for my password. Above that, there is a small square with a picture of some chess pieces. How can I change that picture? I am using Vista.**

A. Go to the Control Panel > User Accounts & Family Safety and you will see where you can "Change your account picture."

**Q. I have an Excel spreadsheet with column headings. I need a way to scroll down the rows, but still see the column headings. How can I do this? Thanks, Mr. M. I look forward to your newsletter (MrModem.com) every Friday.**

A. Highlight the row directly below your column headings by clicking the number of the row. For example, if the headings are located in Row 1, click Row 2. Then click Window > Freeze Panes.

Once frozen, the column headings will remain visible as you scroll through the rest of your spreadsheet. You can reverse or undo this action by clicking Window > Unfreeze Panes.

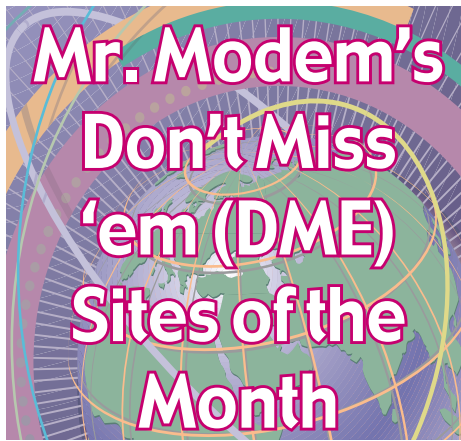
**Q. I have a printer that's not working properly and I need to know how to remove it so I can reinstall it using its installation disk. The printer isn't listed on the Add/Remove uninstall list.**

A. A printer is hardware, as opposed to software, so it won't typically appear in the Add/Remove Programs list, so that part is normal. (Insert "Whew!" here.)

Before you do anything, check your printer manufacturer's Web site to determine if there are any new drivers available. If so, download them. You'll find instructions on the Web site, if needed. A driver is a small program that provides instructions to a device such as a printer, disk drive, keyboard, mouse, etc. Updating its driver can often resolve a printer problem.

To remove a printer, go to Control Panel > Printers (or Printers and Faxes). Right-click the printer that you want to remove, then click Delete.

If you can't delete the printer using the above method for any reason, right-click the printer icon again, click Run as Administrator, then click Delete. If you are prompted for an administrator password or confirmation, type your Windows password, if you have one, provide confirmation, or press Enter.



#### ACADEMIC EARTH

I've always said that "Hire education are a good thing," and consistent with my philosophy, here you can view thousands of video lectures from top scholars and instructors from M.I.T., Stanford, Berkeley, Harvard, Princeton, and Yale. Subjects include Astronomy, Biology, Chemistry, Computer Science, Economics, Engineering, English, Entrepreneurship, Law, Medicine, Philosophy — more than enough to give you a splitting headache.

[www.academicearth.org](http://www.academicearth.org)

#### TOTALLY LOOKS LIKE

Famous people and celebrities who look like other individuals, animals and objects. (Caution: A few of the items are a bit on the coarse side, so easily offended individuals might want to avoid this site.)

<http://totallylookslike.com>

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# Where Will You Be in March 2011?



## In West Palm Beach for FCRA's 2011 Mid-Year Conference!

Here's what you can look forward to...

- ◆ FPR Exam
- ◆ Vendor Breakouts
- ◆ Welcome Reception
- ◆ Plus, much more!

Watch [www.fcraonline.org](http://www.fcraonline.org) for details!



## Dear Nancy



**Dear Nancy:**

**I keep hearing witnesses say the phrase "a whole nother" thing, instead of saying "a whole other" thing or "another" thing. Would you write "nother" with or without an apostrophe?**

**Signed: A Brother from a Whole Nother Mother**

Dear Brother from a Whole Nother Mother:

I Googled whole nother and found entire blogs devoted to this phrase. I couldn't believe it. They MUST be court reporters! We're the only ones who care about such things. But I learned this phrase had teachers, editors, writers, and just plain folks blogging. I must confess, I was overcome, teary-eyed with relief. They care, they really really care! For years I've imagined the grammarians of the world had been force-marched to Transcrvania, the work camp where Those Who Care would be terminated. But, oh joyous news, they have survived! And they're blogging. Which brings me to those fascinating blogs, rich with factoids crucial to the working reporter. Here's what I learned: "Whole nother" requires no apostrophe. The phrase was born between 1955 and 1960. (So were most of us, if you gaze around you at an NCRA convention!) I learned that seven (imagine, seven!) people want to eradicate its usage. I learned whole nother is a metanalysis of an other or another. Then I learned that metanalysis is not a word. Meta-analysis is, of course, but that's a whole nother blog.

**Dear Nancy:**

**I'm a CART provider in business for myself, but I also subcontract for another firm on a semester-long basis. I'm always careful to mention my affiliation with the agency when introducing myself to CART consumers, and I make sure all significant communication with them gets cc'd to the office. I often wind up developing a good rapport with the CART consumers. If they offer me positive feedback about my work, would it be inappropriate of me to ask the firm owners whether I can use those testimonials on my website?**

**I don't want the firm to feel as if I'm threatening their client base. I would never poach a client, and I want to avoid even the appearance of impropriety. What should I do?**

**Signed, Tentative Self-Promoter**

Dear Tentative Self-Promoter:

You seem to have a firm handle on your personal and business ethics. Congratulations! Professionals often worry about the appearance of impropriety. And they should! But this is an opportunity for you to take the worry and turn it into a fruitful dialog.

It appears you and this agency have an excellent working arrangement. Talk to them. Ask the owners if they would permit you to use these testimonials on your website. As long as you're okay with the answer, be it yes or no, your discussion can produce valuable ideas about how each of you can benefit the other. I'm all in favor of pursuing brainstorming sessions like this because they promote a positive give-and-take. They improve relationships.

Testimonial pages tend to be a website's most frequently visited pages. A prospective customer wants to know who makes use of your services, are they satisfied, and what do they choose to say about you. It's important to keep testimonials up to date. In fact, the trend among court reporting firms is to skip the standard reporter bios and, instead, highlight testimonials from their own reporters describing what a great place it is to work.

Don't be tentative; be confident. Dear Nancy knows you can work this out!

**Dear Nancy:**

**I am a 180 student ready to start my court reporting internship. I've been reading about the replacement of court reporters by digital recorders and other methods. I know this subject has been debated and discussed for many years. What are the skills and work habits that today's court reporting students need to strive for to keep pace with these trends, and to become and stay gainfully employed?**

**Signed, Living on Uneasy Street**

Dear Living on Uneasy Street:

If you're ready to start your internship, my guess is you've got some pretty good work habits and skills already. Keep your focus, review theory principles regularly, and keep up with your speed and accuracy practice, especially once you start interning. Take full advantage of your internship opportunity. Try out all kinds of court reporting assignments. Sit out in court and depositions. Ask a captioner and

*Continued on page 25*



## Dear Nancy...

*Continued from page 24*

a CART provider if you can shadow them. (Contact me if you need help connecting with any of these professionals.) Importantly, take some time to introduce yourself to agency owners, especially those who arrange for you to sit with their clients. Dress well; be punctual; conduct yourself like a professional; say thank you. A good first impression leads to a job interview. A poor first impression leads nowhere.

Here's advice you've heard before, but I want to underline it and put it in bold, all caps: **Stay in school until you attain graduation speeds and get your diploma! Don't succumb to the temptation to go to work for an agency before you're done with school. You won't be adequately prepared to meet the challenges you'll face; they will overwhelm you.**

Only by completing your speed tests will you be prepared to pass the RPR. Choosing to work for that credential is the smart career decision. The RPR will open doors for you, whether or not your state has a licensure or CSR requirement. Down the road when you may be job-hunting, your RPR certification will keep your career options open. But don't stop with the RPR. In today's marketplace, realtime skill and RMR certification are the hallmarks of a true professional.

There's competition out there, from digital recording, voicewriters, tape recording systems. Don't fret unnecessarily about it. There are many positions that require the skills of a realtime-capable, steno reporter. I can't say it too often: The better writer you are, the more options you will have. Your realtime skills are your calling card. Make sure yours are good.

Good luck with your internship. And, please, finish school! We need you in this profession.

## WIN AN IPAD OR NOOK COLOR!

FCRA is offering you the chance to take home an iPad or Nook Color for as little as \$15.

Participate in the FCRA fundraiser for your chance to win.



Tickets are available in the following denominations:

1 Ticket = \$15

5 Tickets = \$50 (\$25 savings)

12 Tickets = \$100 (\$80 savings)

Purchase tickets onsite at the Mid-Year Conference (March 4-6, 2011, at the Hilton Palm Beach Airport) or fill out the following information and mail in with a check. You do not need to be present to win.

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Email: \_\_\_\_\_ I will be at the conference: Yes  No

# of tickets I am purchasing \_\_\_\_\_ Total Amount: \_\_\_\_\_

**If not in attendance, please indicate:**

# of tickets for iPad \_\_\_\_\_ # of tickets for Nook \_\_\_\_\_

Mail check & form to: FCRA Fundraiser, 222 S. Westmonte Dr. #101, Altamonte Springs, FL 32714

FCRA Official Use Only:

Date Rec. \_\_\_\_\_ Ck. # \_\_\_\_\_ Tickets Assigned \_\_\_\_\_



## Correction

On Page 24 of the November/December/January 2011 edition of *FCR Online* in the article entitled "More of 'Gotta Love That Latin!'" the word "seague" was misspelled. The correct spelling is "segue."

Many thanks to Laura Melton, RMR, of Esquire Reporting for her keen observation and willingness to contact FCRA regarding the spelling error!



# MEMBERSHIP APPLICATION

## Florida Court Reporters Association

\*Name (Please print) \_\_\_\_\_

\*Company \_\_\_\_\_  Owner  Co-owner  Manager

\*Mailing Address \_\_\_\_\_

\*City/State/Zip \_\_\_\_\_ NCRA # \_\_\_\_\_ NVRA # \_\_\_\_\_

\*Telephone: Home (\_\_\_\_) \_\_\_\_\_ Office (\_\_\_\_) \_\_\_\_\_ FAX (\_\_\_\_) \_\_\_\_\_

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

\*E-mail address \_\_\_\_\_ Website Address \_\_\_\_\_

\*METHOD OF REPORTING:  Stenographic  Voicewriter  Gregg  Pittman  Other \_\_\_\_\_

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

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

\*Asterisk indicates required information.

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

**PARTICIPATING MEMBER** .....\$150.00  
Open to anyone engaged in active practice of official or general court reporting by either stenographic or voicewriter method. (Please indicate method above.)

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

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

**ASSOCIATE MEMBER** ..... \$60.00  
**This category is open to the following (please check one):**  
 Teachers of shorthand reporting  
 Individuals officially connected with a school or college conducting shorthand reporting course - **School Name & Location** \_\_\_\_\_  
 Non-member individuals retired from active shorthand reporting  
 Anyone professionally associated with or employed by a member of FCRA whose application is endorsed by a participating member in good standing (**please print sponsoring member's name below where requested**)  
 Anyone qualifying for Participating membership, but residing outside of Florida - State of Residence \_\_\_\_\_

**VENDOR MEMBER**.....\$125.00  
Open to any firm or corporation engaged in selling products or services to FCRA members.

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Name of Sponsoring Member (Please print or type)

**PAYMENT ENCLOSED FOR:**

Membership Dues \$ \_\_\_\_\_

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

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

Legal Fund Donation: + \$25.00

Legislative/Lobbyist Fund: \_\_\_\_\_

**TOTAL ENCLOSED:** \$ \_\_\_\_\_

Check # \_\_\_\_\_  MasterCard  VISA  AmEx

Account # \_\_\_\_\_

Exp. Date: \_\_\_\_\_

3- or 4-digit Security Code: \_\_\_\_\_

Amount to charge: \$ \_\_\_\_\_

Authorized Signature \_\_\_\_\_

**For Administrative Use Only**

Date Rec'd \_\_\_\_\_ Ref # \_\_\_\_\_ Amount \_\_\_\_\_

Date Approved \_\_\_\_\_ Computer \_\_\_\_\_

**Make check payable to FCRA and mail to FCRA Headquarters, 222 S. Westmonte Dr, Ste 101, Altamonte Springs, FL 32714**  
**Telephone 407-774-7880 • FAX 407-774-6440 (for charge payments only) • www.fcraonline.org**

# FCRA welcomes the following new members

(Includes all members who joined as of February 7, 2011)

## STUDENT MEMBERS

NAME	CITY	SPONSOR
Breen, Barbaralee.....	Melrose.....	Tara Slocum
Houghton, Alison.....	Cantonment.....	Susan Wasilewski
Michael, Jae.....	Jacksonville.....	Tara Slocum
Reedy, James.....	Ocala.....	Barbaralee Breen
Samuels, Jodi.....	Dania Beach.....	Debby Ross
Share, Jillian.....	Orlando.....	Gayl Hardeman

## PARTICIPATING MEMBERS

Cimino, Donna.....	Longwood.....	Shirley P. King
Long, Ninette.....	Orlando.....	Debbie Luckey
McClellan, Trudy.....	Boynton Beach.....	Michael Greenhill
Milam, Katherine.....	Plantation.....	Rachel Bridge
Seifter, Elizabeth.....	Lake Worth.....	Michael Greenhill
Smith, Carla.....	Davie.....	Nancy M. Gilbert
Taylor, Denice.....	Jacksonville.....	Cheryl Franzino
Tripodi, Lisa.....	West Palm Beach.....	Cindy C. Bender
Walker, Lee.....	Boynton Beach.....	Joey Beauregard



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Florida Court Reporters Association