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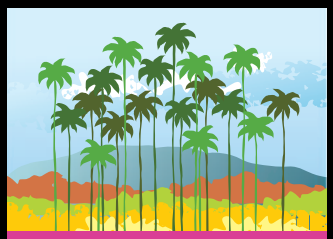

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CCRA MISSION STATEMENT

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

President's Message — "The Seven Habits of a Highly Successful Reporter"

By Early Langley, CSR, RMR
CCRA President

What are they? This was the topic of a Facebook question that I threw to students this week. Mikey Moran stepped up to the plate and took the pitch. What a home run! With a little variation on what he had to say and with his permission to share it with you, here is the list.

1. **Flexibility:** Jobs at depositions and court will be cancelled, sometimes in high frequency. Sometimes you will have to drive in traffic for hours to and from a job. As a newer reporter, you will likely be asked to go out on the jobs that no one else wants. Be sure to take those in order to build your reputation and credibility with firm owners.

2. **Represent your firm with the utmost professionalism and remember that you are representing them to the client.** Represent your judge and the court with the utmost professionalism and remember that you are representing the court, the judge, the public as the neutral and impartial officer of the court. Dress professionally; be courteous and polite towards all, even if it's not always returned; and always be at least 30 minutes early, particularly if you are a new reporter, have a realtime job, or are unfamiliar with counsel or how long it will take you to get there.

3. **Network, network, network.** Definitely not exclusive to reporters but to students as well. Attend workshops, seminars and conventions. You never know what job opportunities will come from these events.

4. **Become active in your state and national associations.** By doing so, you will be up to date on trends and news within our profession and you will be supporting those who fight for our rights as reporters.

5. **Never become complacent.** Always look to get the next certification. Not only do more certifications equate to more job opportunities, but they continue to support the fact that the human reporter will always be superior to electronic reporting — not to mention it will add increased respect among your peers and colleagues.

6. **Realtime.** If you aren't doing it, there's no time like the present to start. Mikey says, "I once said that realtime was the future of this profession until one reporter corrected me and said that it is not the future of the profession any longer, but rather the present of the profession. How true those words are."

7. **Give back to the profession.** Whether it's making a donation to your state or national association; becoming a mentor to help a student find their way through court reporting school; volunteering at a convention; or even just answering a question from another reporter or student on one of the many court reporting forums, it is the continued generosity of those within this profession that will help carry on the great tradition of reporters helping reporters from one generation of reporters to the next.

Perhaps the one I like the best is No. 7, the last. Why? It's not one we see very often. We hear about all of the other ones, but not generosity. Generosity, kindness and carrying on the great tradition of reporters helping reporters from one generation to the next are traits that will ultimately make the difference in our future.

CCRA's logo is linking hands. They are the hands of students, CART, captioning reporters, officials and freelancers: Reporters helping reporters. Together we can stand united. Together we can accomplish a lot.

Thank you, Mikey, for stepping up to the plate! And good luck! You teach us all.

Congratulations to CCRA Past President and DSA Recipient Doreen Perkins

Congratulations

to CCRA Past President and DSA recipient Doreen Perkins, NCRA's newest member of the Fellowship in the Academy of Professional Reporters, FAPR.

Fellowship in the Academy of Professional Reporters is a professional distinction conferred upon a person of outstanding and extraordinary qualifications and experience in the field of shorthand reporting. Candidates for the Academy are required to have been in the active practice of reporting for at least 10 years and to have attained distinction as measured by performance (which includes publication of important papers, creative contributions, service on committees or boards, teaching, etc.)

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NCRA Student Scholarship Paper — Court Reporting School: My Own Survival Guide

By Amy Van den Boom
Bryan College, CA (Sacramento Campus)
March 28, 2012

Click, click. You hear the sound of the button on the stopwatch depress, and you know in just a few short seconds, the dictation is going to start, and you had better be ready. It is almost like you are a racehorse at the starting gates, and as soon as those gates open, you have to run. You don't have time to think, and you don't have time to look back. You just have to go. The words are flying by as you are frantically trying to keep up, trying to hold on and not let any of them escape you. You don't think you can hold on any longer, and then, **click, click.** The stopwatch sounds, and you are done with that take of dictation. The race has finished.

You may be overwhelmed with feelings of frustration or mental exhaustion, but the thing to always remember is: "The harder the conflict, the more glorious the triumph." (Keogh). Instead of getting discouraged after a particularly tough day, I try to read different motivational books. They tend to have quite a bit of wisdom and insight, and they help me to feel better about the day. There is a passage from a book entitled *Believing in Myself* that I feel relates well to court reporting school and its struggles. "At times the obstacle course between us and improved self-esteem is a lonely run. Often the effort leaves us frustrated and tired. Persisting in some new behavior we have committed to may make every mental and physical muscle scream for relief. It's easy for us to ask, 'Why me? Why do I have to work so hard at this?' We tend to tell ourselves that there must be something unusually, perhaps hopelessly, wrong with us if we have to work this hard." (Larsen, Hegarty).

I feel there is some comfort in knowing that we aren't alone and that there may be more than one of us having these same feelings. However, we have to remain positive in a field of so many frustrations. I feel the end of the passage best sums it up. "Weariness after work is a sign of a productive day." (Larsen, Hegarty). That being said, I think it is important to realize that there is no reason that we have to go through all of the struggles of school alone. "It is part of our own American culture of rugged individualism. Accepting help is somehow felt to be a sign of weakness on our part." (Golden). It is important to leave these feelings behind and realize that our teachers have been through the same struggles that we have, and they are a valuable resource and make wonderful mentors. I think it is wise to use every resource that we have available to us not only to succeed in school, but to better ourselves as well.

At the end of the day, we have to remember that this is a field worth pursuing, and we must never give up. I personally enjoy the quote by Carol Jochim, "The only sure way to fail will be to quit." So be strong like the racehorse, and remember: With every step you take and every word you write, you are moving closer and closer to the finish line. So keep pushing yourself, and before you know it, **click, click**, the stopwatch will sound, and you can relax in the comfort of knowing that you have done all you can to conquer the day.

Works Cited

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4. *Getting Things Done*, Mark Golden. Copyright, 2012, *Journal of Court Reporting*, published by the NCRA.

Clean Your Smartphone Screen

Q. You have answered questions in the past about cleaning flat-screen monitors, but how do I clean the screen on my smartphone?

A. To clean a smartphone, iPad, iPhone, Kindle or similar device, you will need a microfiber or other similar lint-free cloth and water. Once you have assembled this extensive list of cleaning materials, disconnect any USB or power cables from the device and turn it off.

Dampen — DAMPEN, not soak — the corner of a soft microfiber cloth with a trickle of water. Some purists prefer distilled water because it contains fewer impurities than tap water. Call me a barbarian if you must, but I use plain ol' tap water. Don't use Windex or any other solvents, and if you're thinking giving it a quick swipe with a Brillo pad, you might want to think again.

With the damp cloth, gently wipe the screen surface, but avoid wiping the ports. If your screen is caked with foreign matter, the more important question becomes, "What the heck are you doing with it?" Attempt to remove surface debris with a soft brush or compressed air first rather than using the cloth because you may inadvertently drag a disgusting particle across the screen, which could cause scratching or occasionally redness, itching and burning.

When you're done, use the dry portion of the cloth to remove any moisture that remains. When the screen is shiny and dry, power the device back on and let it reboot and resync with your cellular or wireless network.

Oodles (it's a technical term) of additional device-oriented tips can be found in my iPad and Kindle eBooks at www.mrmodem.net/site/ebooks.html.

Q. I can delete unwanted documents from Microsoft Office 2007 easily enough, but how do I delete them from the Recently Used list? Thanks, Mr. M.

A. The Recently Used documents list is designed to clean itself up over time. As new files are opened, old ones will scroll off the list, so it's really not necessary to do anything. If having documents on the Recently Used list is ruining your life, however, click the Office Button, then click Word Options > Advanced. Under Display, in the Show this Number of Recent Documents area, select 0 (zero).

Q. How can I reformat a flash drive? I want to remove all data from it and start with a clean slate.

A. The procedure for reformating any drive is similar, so go to Computer (or My Computer), then right-click the drive's icon and click Format. Select Quick Format, then Start. Once the words "Format complete" appear, scream, "I've never felt so alive!" and you're done.

Q. Is there any way to have folders appear in Vista and Windows 7 with File, Edit, View, Tools, etc. at the top of each folder?

A. In Vista and Windows 7, the traditional Menu bar

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is disabled by default, which is just another example of Microsoft's wacky sense of humor. Fortunately, you do have the ability to enable it.

To enable it temporarily, when you have a folder open, press the ALT key and the menu will appear. Press ALT again and it will disappear.

To enable it permanently, open a folder, then click Organize > Layout > Menu Bar. Once enabled in this manner, every time you open a folder, the Menu bar will be there for you.

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

GrubHub

With its database of more than 250,000 restaurant menus, if you have a hankering for a late-night pizza or Chinese, you are in luck. Simply enter your address and GrubHub will provide a list of restaurants that deliver to your area, as well as establishments that offer carry-out. Free apps are available for iPhone and Android devices.
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www.onread.com

Phobias

If you have an immobilizing fear of something specific (flying, heights, the Kardashians), then you may have what is known as a phobia. Millions of people suffer from phobias. Some people even have a fear of phobias (phobophobia). Talk about having problems. This is an intriguingly entertaining Web site that focuses on the lighter side of serious problems and phobias that run the gamut from Ablutophobia to Zoopophobia, which I believe is fear of Chicken Noodle Zoop. I'll have to get back to you on that one.
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Reported For 50 Years!! Who Does That????

By Linda J. Hart, CSR #4357

LeRoy Swanson, CSR #1095, celebrated his 50th anniversary of active reporting on January 19, 2011, and also celebrated his 75th birthday on August 5, 2011.

LeRoy began his young life by joining the Navy, where he served our country during two tours of duty in the Western Pacific. After his discharge in San Francisco, California, he found himself enrolled in a court reporting school in San Francisco, and became a Certified Shorthand Reporter in 1961.

His court reporting career started in the Sacramento Superior Courts, where he reported for Judge Babich in 1961 and 1962. It was in Sacramento where he met and became partners with Edward J. St. Amour, Donald King, Donald Schuessler and James Dunn and formed the partnership of Sacramento Deposition Reporters.

In 1958, LeRoy married the love of his life, Judy, and they were blessed with two beautiful daughters, Kristen in 1966 and Kim in 1968.

In 1995, I was blessed, as LeRoy Swanson became a staff reporter in my office and spent the last 16 years of his career covering the calendar for L.J. Hart & Associates, a deposition firm in Sacramento. There is no one who is more professional than LeRoy. He would always drop what he was doing and run out the door for an emergency appearance, never asking why, always wearing a tie and jacket, covering court appearances, trials and depositions.

In late January of 2011, LeRoy began his retirement. He finds retirement “boring,” as compared to the hustle-bustle of reporting, and is sorely missed by the office staff and me, who absolutely love him. We wish him the best in his retirement years.

And, again, I ask: Fifty years? Who does that?

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The Record on Appeal: What Do You Do When There Was No Court Reporter?

By Amy L. Miles
Reprinted from the Florida Bar Journal

Preserving the record for appeal is a crucial aspect of the litigation process. In seminars and in law articles, attorneys are frequently instructed on how to ensure that if and when error occurs, the issue is preserved for appeal. Preservation is important because an appellate court will presume that a trial court's decision is correct until the party challenging that decision shows otherwise.[1] Without a record to demonstrate that error, an appeal will almost certainly result in an affirmance.[2] The rare exception to this principle is when the order on appeal demonstrates reversible error on its face.[3]

Preserving the issue on appeal requires, among other things, making specific and timely objections, proffering excluded evidence on the record, and obtaining definitive rulings on motions and objections.[4] Even taking all of these steps, however, to ensure that there is an accurate record will be ineffective when no court reporter recorded the proceedings and when no transcript can be made for the appellate court to review. The absence of a court reporter not only at trial, but at any hearing especially where evidence is presented is a detriment that is difficult to overcome when a party finds the need to appeal the trial court's decision.

The Florida Rules of Appellate Procedure provide a method by which a party can attempt to overcome the lack of record evidence or of a transcript in order to obtain appellate review of an erroneous decision.[5] Although far from ideal, Rules 9.200(a)(4) and (b)(4) permit a party to provide the appellate court with a stipulated statement of the record or with a statement of the evidence, recreated by the parties.

Rule 9.200(a)(4): A Stipulated Statement in Lieu of the Record

Rule 9.200(a) describes the content of the record on appeal that is to be transmitted to the appellate court for review. The rule provides that the clerk of the trial court will transmit a record consisting of the original documents, exhibits, and transcript(s) of proceedings, if any, filed in the lower tribunal, except summonses, praecipes, subpoenas, returns, notices of hearing or of taking deposition, depositions, other discovery, and physical evidence.[6] Depending on the issue on appeal, a party within 10 days of filing the notice of appeal may make a special direction to the clerk to include additional documents or to exclude certain documents or exhibits in the record.[7] If the appellant directs less than the entire record, the appellant shall serve with such direction a statement of the judicial acts to be reviewed.[8] The appellee then has 20 days to respond with directions to the clerk to include additional documents and exhibits.[9]

Rule 9.200(a)(4) allows the parties to dispose of having the trial court record transmitted and instead to prepare a stipulated statement, which the clerk of the trial court transmits to the appellate court in lieu of the record on appeal. The rule requires that the statement show how the issues to be presented arose and were decided in the lower tribunal.[10] The parties must attach a copy of the order to be reviewed and as much of the record in the lower tribunal as is necessary to a determination of the issues to be presented.[11] They are to notify the clerk of their intention to rely on a stipulated statement in lieu of the record as early in advance of filing as possible, and file the statement in the trial court within the time prescribed for transmittal of the record to the appellate court.[12] Preparing the stipulated statement requires the cooperation of both parties, but the rule does not explicitly require that the stipulated statement be approved by the trial court before being filed and transmitted to the appellate court.

Rule 9.200(b)(4): A Statement of the Evidence in the Record on Appeal

The appellate rules also provide for transcripts of the proceedings which may not always have been transcribed by the time the notice of appeal is filed to be designated, transcribed, and included in the record before it is transmitted to the appellate court.[13] On those occasions in which the proceedings were not reported or a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection.[14]

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The Record on Appeal: What Do You Do When There Was No Court Reporter?

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The rule specifically outlines the procedure an appellant must follow to enable it to submit its statement of the evidence to the appellate court. After preparing the statement, the appellant must serve it on the appellee, who then may serve objections or proposed amendments to it within 10 days of service.[15] The appellant then submits the statement and any objections or proposed amendments to the trial court for settlement and approval.[16] Once the statement of the evidence is approved, it shall be included by the clerk of the lower tribunal in the record.[17]

Under certain circumstances, the ability to prepare a stipulated statement rather than to transmit an entire trial record or to create a statement of the evidence if the parties did not hire a court reporter and obtain a transcript may be the only means by which the appellate court can review the record associated with an appeal. Unexpected complications can thwart even the most diligent of parties, and transcripts can be destroyed, lost, and become otherwise unrecoverable. Rules 9.200(a)(4) and (b)(4) provide a means by which parties can get the trial record to the appellate court for review when all other avenues fail.

Just because a party can, however, does not mean it should rely on these methods of providing a record. Providing a stipulated statement or a statement of the evidence does not guarantee that the appellate court will accept the submission as being sufficient enough to afford appellate review.[18] Depending on the circumstances, the appellate court may or may not allow an appellant a second opportunity to provide a sufficient statement before affirming the order on appeal.

Risks of Replacing a Nonexistent Transcript

A trial court s decision enjoys a presumption of correctness in the appellate court.[19] When a claim of error comes before it, the appellate court must have a record that provides it enough information to review the evidence and the issues and to determine whether the trial court erred.[20] Only when the order on appeal or the record clearly reflects error on its face is the appellate court able to conduct a review without a transcript of the proceedings or a complete record on appeal.[21] In some cases, the lack of a transcript can be solved by including specific, factual findings in the order to be reviewed.

Otherwise, the appellant bears the burden to provide a record to the court.[22] Although a statement of the evidence can suffice, the difficulties an appellant may encounter in producing that statement may result in the appellate court finding the record insufficient for review and affirming the order on appeal.

The statement of evidence must be more than a mere recitation of the final judgment.[23] It should include a thorough summary of the evidence presented in the trial court, the arguments the parties made, the trial court s rulings, and its reasoning for those rulings.[24] It must show the factual context of the case as presented to the lower court.[25] If the statement of evidence does not meet these requirements, the appellate court will affirm, even if the appellant's brief recites uncontradicted facts indicating that the trial court erred.[26]

Once the appellant has prepared its statement, the appellee has the opportunity to object or provide amendments to the statement.[27] The appellee cannot simply ignore the appellant s statement of the evidence, then object to it at a later time.[28] Even with no official record of the proceedings, the appellee still has a duty to assist in the preparation of the record and thus insure that the appeal be decided on its merits.[29] On motion of the appellant, the First District Court of Appeal has relinquished jurisdiction and directed the appellee to file specific objections and proposed amendments (if any) to [a]ppellant s statement of the proceedings when the appellant objected to the statement by only a motion to strike in the trial court.[30]

When the appellee has made its objections, the appellant submits the statement with appellee s objections or amendments to the trial court to settle any disputes and approve the statement.[31] Merely

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filing the statement with the clerk of the trial court does not comply with the rule.[32] If the court never actually approves the statement, the result may be an affirmance from the appellate court based on the lack of an adequate record to review. The appellant must be proactive and may need to set the matter for hearing in the trial court in order to ensure that the court actually rules on and approves the proposed statement. The trial court has concurrent jurisdiction with the appellate court to resolve these procedural matters up until the record on appeal is transmitted to the appellate court.[33]

An appellant should not file its brief without resolving outstanding record issues, as the appellate rules require briefs to contain specific citations to the record on appeal.[34] The appellant must also abide by the time requirement for obtaining an approved statement. The statement must be filed within the time for transmittal of the record, or within 110 days of the filing of the notice of appeal in civil appeals.[35] If additional time is needed, the appellant should advise the trial court clerk and appellate court of the status of the proceedings and obtain an appropriate extension from the appellate court.

The trial court is not required to expend heroic efforts to assist the parties in reconstructing the evidence, especially when the lack of a transcript is due to the parties failure to provide a court reporter in the first place.[36] If the trial court cannot remember the proceeding or is otherwise unable to settle the parties disputes, the appellate court deems the evidence incomplete and inadequate for review and has no alternative but to affirm the judgment below.[37] The appellate court, which is empowered only to review, and which was not present when the evidence was originally received, cannot resolve any evidentiary dispute between the parties.[38]

Even if the statement of the evidence is settled and approved by the trial court, the appellate court may still find that the statement provides an insufficient basis for review.[39] When it does, the most likely outcome is that the court will issue an affirmance of the order on appeal.[40] Occasionally, on its own motion and pursuant to Florida Rule of Appellate Procedure 9.200(f)(2), the appellate court will give the appellant a second chance and direct it to file a sufficient statement of the evidence.[41]

Under exceptional circumstances, when the lack of a transcript was due to reasons outside of the appellant s control such as erased transcription tapes the appellate court may remand for a hearing de novo in order to create an adequate record for appeal.[42] It is important to note that in each case when the appellate court granted a new trial or hearing de novo for the purpose of reconstructing the missing record, not only did a circumstance exist beyond the parties control that caused the transcript to be unavailable, but the parties also informed the appellate court that they were unable to produce statement of the evidence pursuant to Rule 9.200(b).[43] When the parties made no attempt to create a statement of the evidence, even though the court reporter s notes had been stolen, the appellate court was not persuaded by the appellant s excuse for not exercising this available remedy.[44] Again, it is important to remember that the appellant must be proactive in seeking relief and must fulfill its obligation to provide a complete record on appeal.

Conclusion

Florida s appellate rules provide a remedy if the available record on appeal is insufficient to provide a proper review. Even so, overcoming the difficulties of creating a complete statement of the proceeding, obtaining the cooperation of and coming to an agreement with the appellee, and relying on the trial court s ability to recall the proceeding and settle the statement makes the remedy tenuous at best. Then, when the statement has been settled and approved, the appellate court still may find it insufficient for review. The best approach is to be proactive and preventative. Knowing that error happens, having a court reporter present during all proceedings is the best way to preserve the record for appeal. If a case is worthy of litigating, the testimony adduced at trial should be reported and transcribed for the appellate court to have a record for consideration if any appeal is deemed necessary.[45]

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