

# Arizona Notes

Arizona Court Reporters Association

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## In this issue...

President's Message.....	3
Board & Committee List.....	3
Annual Convention.....	4
Realtime Reporting.....	5
Researcher Revolutionize CC.....	6
National Court Reporting Firms.....	6
FAQ About Court Reporting Contracts	8
Mr. Churchill Had it Right.....	9
ACRA Board Officer Slate.....	10
Dear Nancy.....	11
Dates to Remember.....	13
<b>Advertisers</b>	
Forensic Video Deposition Services.....	2
K-Video.....	10

## 2012 Annual Convention

Let's Be Proactive - Educate, Investigate & Rehabilitate

September 14 - 16, 2012

Casino del Sol Resort, Tucson

5655 W. Valencia Rd., Tucson 85757

Reservations: Call 1-855-765-7829 refer to ACRA

You can also reserve online: [www.casinodelsol.com](http://www.casinodelsol.com)

Fill out your arrival info under "Make a Reservation" at the top of the page

Select "groups" tab, type in attendee code: 9508 & follow prompts.

ACRA Special Rate: \$119 Single/Double

**Cutoff date is August 14, 2012**

CEU is pending NCRA approval.

### Member Registration Fees:

Full 3-day Registration: \$250

Saturday Only Registration: \$190

Friday or Saturday Only registration: \$75

Register Online at [www.acraonline.org](http://www.acraonline.org)

## SCHEDULE

### Friday, September 14, 2012

**1:00 p.m. - 4:30 p.m.**

**Registration Open**

**1:30 p.m. - 3:00 p.m.**

**Introduction to Human Trafficking, Part 1 (1.5 hr CE/15 CEU)**

*Moderator: Kathleen Winn*

Human trafficking is a form of modern-day slavery and can include trading humans for labor/services or treating persons under the age of 18 as sexual and commercial objects, and both are commonly obtained through force, fraud, or coercion. Human trafficking is a crime that frequently goes undetected. Learn human trafficking indicators, legal issues, investigation considerations, case scenarios, victim services, and what to do if you suspect something. Kathleen Winn, Director of Community Outreach and Education at the Office of the Arizona Attorney General, will be moderating the panel discussion for the U.S. Trafficking subcommittee in Tucson. On her panel will be the U.S. Attorney's Office, the Arizona League to End Regional Trafficking and U.S. Immigration and Customs Enforcement.

*Continued on page 4*

# **Forensic Video Deposition Services, Inc.**

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## It's the Little Things that Count

### President's Message

When I started at the courthouse as an official court reporter in 1999, I was completely awestruck by the judges. It was amazing to me how they could remember each case, it seemed, with ease. I started in what they call the pool which meant that I covered anything and everything that needed to be covered. It reminded me a lot of freelance because you never knew where you were going to be or what kind of hearing it was going to be. It could be mental health, an eminent domain hearing, an order of protection or a criminal trial.



I think I was in the pool for six months before I decided to work for the Honorable Christopher Browning. It was then that I realized I liked being in the same place every day. Judge Browning was on the civil bench then. I remember us being very busy with trial after trial. There were the big trials where the attorneys would be requesting daily transcripts in medical malpractice cases. I was always amazed when the attorneys would read my transcripts to the jury, and I would hope and pray that I did a good job proofreading.

Many times I was told that I did a good job, but many times it just floated over my head. I never thought much about it until recently. We just had a new judge join our courthouse, and he approached me a couple of times telling me he remembers me from way back when because I had great transcripts and always made him look good. I never "cleaned up" an attorney in court, by the way, so that was all him. He looked good on his own.

Oh, I've gotten compliments from attorneys before, don't get me wrong, but they have never been like that. I've been told that I'm very nice and that I was one of the nicest reporters, but when a compliment comes from a new judge? That's huge.

This new judge went on to ask me to work for him. Who could let that opportunity pass them by? A new judge who appreciates a court reporter? This is unheard of. I know many officials will agree with me on that. Here's more of what this new judge remembers. He remembers being in a trial in front of Judge Browning and asking me to find certain portions of testimony. He told me I was able to provide it "just like that" and provide those bits of testimony to the attorneys the same day. He remembers me delivering transcripts on a Saturday.

Of course, I was just doing my job and providing a service. I didn't think anything of it at the time, except probably the usual grumblings of, man, how am I going to get this done when I have all these other transcripts to do? I did it, though, and provided the transcripts to him with a smile on my face as usual. One never knows what will become of the attorneys in our trials or depositions. One day they could become a judge, a federal magistrate or a commissioner. It is very comforting to know that they do remember the little things, the extra effort that we make as court reporters. They may not thank us right then and there. For some of us, it may come 13 years later, but it does happen.

### BOARD OF DIRECTORS

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**RPR/RMR Tucson** - Kathy Fink  
**Third-Party Control** - Pam Griffin

Continued from page 1

**3:00 p.m. - 3:30 p.m.**  
**Refreshment Break**

**3:30 p.m. - 5:00 p.m.**  
**Introduction to Human Trafficking, Part 2 (1.5 hr CE/.15 CEU )**

**Saturday, September 15, 2012**

**7:30 a.m.**  
**Registration Opens/Continental Breakfast**

**7:30 a.m. - 5:00 p.m.**  
**Exhibits/Marketplace Open**

**8:30 a.m. - 10:00 a.m.**  
**The Rules of Law or Unfettered Discretion: The Prosecutors on Trial – Maricopa County, Arizona (1.5 hr CE/.15 CEU )**  
*Presenter: John S. Gleason, Regulation Counsel, Colorado Supreme Court*

Mr. Gleason, appointed by the Arizona Supreme Court as Independent Bar Counsel, will be speaking on his investigation and prosecution of allegations of misconduct in the Maricopa County Attorney's Office which resulted in the disbarment of Attorney Andrew Peyton Thomas.

**10:00 a.m. - 10:30 a.m.**  
**Refreshment Break - Exhibits/Marketplace Open**

**10:30 a.m. - 12:00 p.m.**  
**Animal Cruelty Prevention and Investigation (1.5 hr CE/.15 CEU )**  
*Presenter: Michael W. Duffey, Animal cruelty investigator, educator, lecturer, and authority on animal cruelty prevention and investigations*

A presentation about the Humane Society of Southern Arizona and the interaction of the Animal Cruelty Taskforce of Southern Arizona and an introduction to the Humane LINK as relating to court reporters in the courtroom.

**12:00 p.m. - 1:30 p.m.**  
**Business Meeting Luncheon (No CEU credit)**  
 We will hear from outgoing ACRA President Karen Kahle and incoming ACRA President Laura Ashbrook with the installation of the 2012-13 ACRA Board of Directors and the presentation of the 2012 Distinguished Service Award.

**1:30 p.m. - 3:00 p.m.**  
**Traveling and Alternative Jobs with the Steno Machine (1.5 hr CE/.15 CEU )**  
*Presenter: Jennifer Schuck, RDR, CRR, CBC, CCP, CSR (IL) & Linda Christensen, RMR, CRR, CCP*

CART reporters Jennifer Schuck and Linda Christensen will introduce us to different types of stenographic work outside of traditional judicial reporting.

**3:00 - 3:30 p.m.**  
**Refreshment Break - Exhibits/Marketplace Open**

**3:30 - 5:00 p.m.**  
**Southwest Rescue Dogs, Inc., Pima County Volunteer K9 Search and Rescue (1.5 hr CE/.15 CEU )**

*Presenter: Karen Paquette and her dog Matilda, Southwest Rescue Dogs, Inc.,*

Learn what an important role search and rescue handlers and their dogs play and what it takes to become a search and rescue dog handler, the training, the certifications, the calls.

**5:30 p.m. - ???**

Join us in the Prema Lobby Lounge in the hotel lobby for a no-host get-together to celebrate Karen Kahle's accomplishments as ACRA President and thank her for her service. This is a great time to also catch up with friends!

**Sunday, September 16, 2012**

**8:00 a.m.**  
**Continental Breakfast**

**8:30 a.m. - 10:00 a.m.**  
**Staying Fit with Professional Physical Fitness Trainer (1.5 hr CE/.15 CEU )**

*Presenter: Zachary Baker*

Zachary Baker is back. This is Part II in our quest to continue to learn to lead a healthy lifestyle nutritionally, physically, and pain free. Zach presented Part I at the ACRA Midyear.

**10:00 a.m. - 10:30 a.m.**  
**Refreshment Break**

**10:30 a.m. - 12:00 p.m.**  
**Tax preparation issues and Retirement Plans, and the Importance of Being Financially Proactive (1.5 hr CE/.15 CEU )**

*Presenter: Starr Cochran, Financial Advisor and Tax Accountant, Starr Cochran & Associates*

Starr Cochran will be educating us on tax issues which relate to self-employed individuals, retirement plans, and the importance of being financially proactive as court reporters. She also present her new book, "The Bread & Bread Chronicles," a self-help financial novel of four women who face different financial challenges.

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*Continued from page 3*

The compliments that I received made me realize that, yes, my hard work has paid off. The attorneys out there do appreciate us. I have a renewed faith in my profession. The attorneys do talk about us reporters, and they like the service we provide. We are the gold standard. Many of them have had to put up with the “audio record”, and they know it’s not as good as the record that we provide.

My final message as your president is to always go that extra mile. Take pride in your work. Make sure your transcripts are not only good but also great. It does pay off in the end. It is the little things that matter. Go that extra mile and be the best court reporter you can be. Some day, a judge will tell you that you are appreciated and will want you to work for them.

## **Realtime Reporting**

*Submitted by Mike Benitez, Court Reporter*

On June 20 and 21, members of the Court Reporting Department had the privilege of participating in a program known as TRAIN – Taking Realtime Awareness and Innovation Nationwide. TRAIN is a program established by the National Court Reporters Association to help court reporters overcome reluctance to provide realtime services.

The program was presented by national realtime experts Sue Terry of Springfield, Ohio, and Ron Cook of Seattle, Washington. “The TRAIN seminar was inspirational and motivating because I learned so much about the importance and future of realtime reporting here at Maricopa County Superior Court,” said Court Reporter Vanessa Gartner.

Court reporters have been using stenographic machines in courtrooms and attorney conference rooms for more than 100 years, and the profession has an even longer history with pen and paper. Having been around for that long, coupled with the development of other technologies for keeping the court record, some people have perhaps come to see court reporters as obsolete.

As technology has continued to make exponential advancements, especially when it comes to computers, court reporters have quietly made some of the same break-through advances in the use of complex software designed specifically for, and sometimes by, court reporters. As a result, realtime court reporting has become the gamechanging method for making the official court or deposition record, and it is the desired method by many judges and lawyers, especially in the setting of complex litigation.

Realtime court reporting is a process whereby each steno keystroke made by a court reporter is transmitted to a computer, translated into English, and immediately displayed on the computer screen, thus allowing for instant access to the written court record by judges, lawyers and litigants. Realtime allows both bench and bar to make quick, effective decisions regarding rulings and trial strategy with the knowledge that they are doing so with the aid of a timely and accurate transcript.

Court reporter reluctance to provide this service has often been due to lack of resources and information regarding technology and skill levels required. Thanks to their teaching skill and expertise in the realtime field, Ms. Terry and Mr. Cook were most effective in providing the resources and assurance to department members that they can produce an effective realtime record.

“It was great to go to one spot for two days of COJET credit that applied directly to my profession and focused on doing our job at a higher level and keeping up with the latest technology in the reporting field,” Court Reporter Terry Masciola said.

The transmission of steno keystrokes to computers has traditionally been by cable, but it can now be performed wirelessly, and that method is the cutting edge of what is being done in the field today. With the use of the new South Court Tower presently in place, realtime technology fits perfectly with the high level of service that trial participants have come to expect from Maricopa County Superior Court.

Our Superior Court system has long been a standard bearer for other state courts in the administration of justice, especially in the areas of performance, information, and technology. Maricopa County has always been home to some of the most talented and well-qualified court reporters in the nation. Those in our system have long understood the critical importance of making an accurate written court record and have felt equally serious about the need to keep abreast of the latest technology and information in fulfilling their professional obligations to the court. With the knowledge gained from the two-day TRAIN program, they can now do much more to help ensure our court’s place as a leader nationwide.

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## Researchers Revolutionize Closed Captioning

By Lisa Zyga, Physorg.com 3/22/2012

Ever since closed video captioning was developed in the 1970s, it hasn't changed much. The words spoken by the characters or narrators scroll along at the bottom of the screen, enabling hearing impaired viewers - or all viewers when the sound is off - to follow along.

Now a team of researchers from China and Singapore has developed a new closed captioning approach in which the text appears in translucent talk bubbles next to the speaker. The new approach offers several advantages for improving the viewing experience for the more than 66 million people around the world who have hearing impairments.

The researchers, Meng Wang from the Hefei University of Technology in China and colleagues, won the Best Paper Award for their work on the new closed captioning method from the Association of Computing Machinery (ACM) Multimedia Conference in October 2010.

"The whole technique was motivated by solving the difficulties of hearing-impaired viewers in watching videos," Wang told PhysOrg.com. "These viewers have difficulty in recognizing who is speaking, so we put scripts around the speaker's face; they have difficulty in tracking scripts, so we synchronously highlight the scripts."

As the researchers explain, conventional closed captioning can be considered static captioning, since all spoken words are represented in the same way at the bottom of the screen, regardless of who said them or the vocal dynamics. In

contrast, the researchers describe their new technique as dynamic captioning, since the text appears in different locations and styles to better reflect the speaker's identity and vocal dynamics. For example, the text is highlighted word by word in synchrony with the speech signals. In addition, a small indicator next to the talk bubble shows the variation of vocal volume.

Moreover, all of these features can be automatically implemented without any manual intervention. The engineers developed algorithms to automatically identify the speaker using the video's script file along with lip motion detection. Using a technique called visual saliency analysis, the technology can automatically find an optimal position for the talk bubble so that it interferes minimally with the visual scene. Professionals can also further adjust the generated captions, such as moving the talk bubbles. When the speaker is off-screen, or a narrator is speaking, the words appear at the bottom of the screen as in static closed captioning. The system estimates vocal volume of words and phrases by computing the power of the audio signal in 30-millisecond windows.

See the full article at <http://www.physorg.com/news/2012-03-revolutionize-captioning.html>

*Distributed 2012 by Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC), 3951 Pender Drive, Suite 130, Fairfax, VA 22030; www.nvrc.org; 703-352-9055 V, 703-352-9056 TTY, 703-352-9058 Fax. Items in this newsletter are provided for information purposes only; NVRC does not endorse products or services. This news service is free of charge, but donations are greatly appreciated. To subscribe, unsubscribe, change your email address, or report problems, contact cheppner@nvrc.org*

## National Court Reporting Firms Play Shell Game with Confidentiality

By Marty Herder, President, AZ Litigation Support, LLC

We all recognize it when we see it, whether on the Boardwalk in Atlantic City, the sidewalks of Manhattan, the outdoor flea markets of Houston, or the Strand at Venice Beach. Our curiosity is piqued and there's an initial buzz everyone gets when they first hear the fast-talking pitch and the squeal of a few animated patrons, all clustered around that felt-covered TV tray of the nimble and wily "vendor," as he smoothly whisks three picnic cups in rhythmic patterns.

The shell game artist: A master of deception, with no shortage of both encouraging and authoritative banter of how you "can't lose," and "I'll help you," and "this is so easy."

So you've decided to take a dive into this seemingly profitable game and join this stranger in his craft. What do you have to lose? And on the surface you rationalize, "I can't go wrong."

"He promised me this is easy money." Deep down your flight-or-fight instincts have already begun to rumble, haven't they? There's a very tangible reason for that, friends. You are being duped, led stumbling to your own demise. After a series of initial wins and nice pay outs, the friendly "vendor" takes absolutely everything that you have, unrepentant, and eventually you walk away broke, violated, and wondering "how could I have been so naive?"

What you may have missed is that the "vendor" has many players to pull off his fraud. Unbeknownst to you, that nicely-dressed guy who just lost three times before you, while you were quietly picking the correct cup every time, is a shill for the vendor, as was that friendly, polite, gray-haired woman, who won with such ease and was rapidly paid double her investment.

*Continued on page 7*

*Continued from page 6*

And so it is with some national court reporting firms, who in an attempt to re-posture themselves **in response to a deluge of ethical complaints filed across the nation, are retooling and refashioning their “pitch”** and are now morphing as "simply a scheduling and billing entity" for XYZ insurance company to skirt the rules.

ACJA 7-206(J)(2)(a) specifically states: “A certified reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the certified reporter by the Court or any of the parties in the proceeding.”

Read carefully: Entrusted to the certified reporter by the Court. **Not:** Entrusted to the captured, contracted, third-party national court reporting agency residing in a different state, or their legal team.

Some national court reporting firms in blatant defiance of 7-206(J)(2)(a) impose networking requirements on Arizona certified reporters, covering Arizona litigation for Arizona counsel, to surrender that preservation and control of information and confidentiality, and demand that that control be relinquished to the national captured agency, who distributes it far and wide all over the country to outside, foreign third-party vendors and their staff. But, shhhh, here, sign this confidentiality agreement that you won't tell anyone what they're doing.

There's no need for you to guess who is hiding the ball from you. Here, take a look for yourself at the exact language five large national court reporting body-brokers use in their networking protocol:

"We also request a complimentary electronic copy of the transcript be sent to us at [archive@xxxdeps.com](mailto:archive@xxxdeps.com)."  
 "Your invoice and associated documentation/files (ASCII, exhibits, invoice & supporting documents) must be submitted to XXXX."

"We ask that your office email us a TXT file for archiving purposes and, if available, a scanned set of exhibits."  
 "Regardless of where the production takes place, "XXXX" MUST receive an ASCII"

"Email a page-image ASCII of the transcript, along with the distribution instructions to [production@XXXdepos.net](mailto:production@XXXdepos.net). Please send exhibits, cert pages."

So you and I, the Arizona certified court reporter, working for the Arizona attorney, on an Arizona case, are commanded to violate the ACJA and surrender confidential information, billing and exhibits to an unrelated, foreign third-party national vendor across the country, sign agreements that we'll keep quiet about it, to corporations that the Arizona certified reporter has absolutely NO influence, control, say,

relationship or administration over; corporations that historically have contracts or “agreements” with a party-in-interest to a litigation; corporations that in response to ethical complaints have openly refused to be bound by Arizona law.

So, is the ball hiding under the cup on the left? The middle? Really? Concentrate. Don't blink. You're about to wager your hard-earned livelihood on this scam.

A recent ethics opinion by J. Scott Rhodes, Esq., of Jennings, Strouss & Salmon, PLC, states:  
 “Local Reporters must refrain from providing a National Firm with electronic file copies of a transcript of a deposition, such as an ASCII file, that the Local Reporter has prepared in a

*Continued from page 3*

proceeding. However, as we noted above, National Firms sometimes request security parameters or confidentiality. Providing an electronic file copy of a transcript to the National Firm, as an entity that is not a party to the action or proceeding, raises confidentiality and security of information concerns under A.C.J.A. 7-206(J)(2)(a).”

Friends, the deception can come in many forms, be it a simple sleight of hand, a slick presentation, promises of safety, misinformation, or misdirection. But, as a respected professional it is your duty and responsibility to avoid being duped and to avoid blurred vision to see only the reality you want to see: The fantasy of easy money. This is the time-tested blueprint of every scam.

Just like "Three Shells and a Pea," the naive reporter concludes that they are simply gambling for now, that they are getting something for nothing....when it's actually just a confidence game to entice you to be complicit in a prohibited practice that violates Arizona code and threatens your certification.

P.T. Barnum once said “There's a sucker born every minute.” Barnum's mastery of the human condition knew that at some point in our lives we are all suckers, and that anyone can be scammed. You just have to wait your turn.

## FAQ About Court Reporting Contracts

By Marty Herder, President, AZ Litigation Support, LLC

A national reporting "broker" has lost yet another well-known court reporting agency, who has decided to join the majority and stop violating ethical code. Who knows who you'll get now.

Most defense lawyers hate being told which court reporter they can use for a particular case. Don't you? They are standing up to their client and they "just say no." They'd rather do their own vetting and pick the best reporter for the job instead of risking unethical cost-shifting, data banking, and the shoddy, unreliable service they say accompanies the discounted rates.

Concerns about these contracts have found a foothold among state legislators and court administrators across the country. Most states, including ARIZONA, have already passed legislation or court rules either banning these arrangements and requiring full disclosure.

Additionally, the National Court Reporters Association, the Association of Trial Lawyers of America and the American Judges Association have all passed resolutions advocating that these agreements be banned.

Answers To FAQ About Contracting in the Court Reporting Profession

**Q.** How do contracts between court reporters and interested parties in litigation affect impartiality? Aren't ethical codes enough?

**A.** Any arrangement that threatens the impartiality of court reporters or merely threatens the appearance of impartiality will lead to a breakdown of our justice system. What if the judge in a case of yours was being paid by your opponent in the litigation? Would their oath to be impartial be enough for you? If you lost, would you feel as though you got a fair shake? It is our faith in the impartiality of the judicial system that is the very basis of our Rule of Law and ordered government, and this foundation erodes when the antagonists in litigation--the parties--start directly paying the bills of the allegedly impartial.

**Q.** Insurance companies and their attorneys say that they have established contracting arrangements with court reporting firms in order to cut the costs of their litigation. Isn't that a good thing?

**A.** Only if the success of our system of justice is measured solely by how it affects corporate balance sheets. Regardless of whether certain contracting arrangements result in a cost savings to insurers (and there is a lot of evidence that both the short term and long term savings are illusory), the point is that the higher--or, at least, different--aims of the justice system

should not be compromised in favor of the bottom line. As the American Judges Association has recognized in a resolution to support legislative and judicial measures prohibiting financial arrangements between court reporters and parties in interest, "court reporters are officers of the court whose impartiality, as with judges, must remain utterly beyond question in order to ensure the enduring confidence and faith from which our judicial system derives its legitimacy." Otherwise, why not simply contract out judges to insurance companies? That would save the taxpayers millions.

The reason why such arrangements are offensive to our notions of justice is that, like with health care, while cost isn't irrelevant, neither is it everything. For example, HMOs exist first to cure people. Cost savings methods that conflict with this goal should be forbidden (and are currently under attack everywhere). Likewise, the justice system exists first to provide a neutral, fair forum for the resolution of often bitter disputes. Any payment arrangement that threatens the impartiality of the justice system should likewise be barred.

In spite of all the threats and bluster, reporting invoices are still getting paid. We hope you had a great summer, and look forward to seeing you soon.

## Mr. Churchill Had It Right

By David Christy, RPR, RMR, CRR

Geez, Dave, how many times have you taken the CRR test?

I have contributed enough in test fees to put up a west wing at National Headquarters in Vienna.

I have contributed enough in test fees to have. At the very least, a plaque at Headquarters with my name emblazoned with solid gold saying Here's a guy that ...

I took this test over and over and over, at times absolutely brimming with such confidence that I knew, just knew, THIS is the time. Over and over, not to be.

I built this test into a three-headed dragon with demons I began to doubt I would ever slay. Over and over, 20 seconds, 40 seconds into the test, smooth as glass writing, then the thought would pop into my head, Dave, you're finally getting it. You're home free, boy. Oops. The hands start shaking like I'm afflicted with St. Vidas Dance.

Smooth as glass during the one-minute warm-up and then with the words: Ready, Begin, the hands would start shaking, sometimes just a little. Not good. If you are taking a test that is predicated not just on speed but accuracy, hands which are now allowed to move freely about the cabin are an invitation to abject failure. Sometimes my hands would move so violently, so uncontrollably that I would just take my hands off the keyboard because I was afraid I would knock the machine over, literally, and ruin the test for others around me. This is with Propanolol. That bad, that scary. They don't do that when I'm writing a realtime job. Just this test, this three-headed dragon which I painstakingly manufactured into something it clearly is not. It's a test for God's sake, nothing more, just a test. When it came to taking the CRR, in the words of Michael Jackson, I was bad, I was really, really, bad.

More times than any human being walking the face of this planet. I kid you not.

I've gotten postcards back saying you missed it by five. You missed by four. You missed it by one. One? One! That postcard was the hardest. That was when I most certainly questioned myself, what in the world must you do to pass this test? I'm a good man. I don't beat my dog. I eat my vegetables. One? Geez, Dave, you'll pass this test when pigs fly. Holy Porcus Piglus! It's an aerial assault.

Why, David, did you do what you did? You didn't have to. I wanted those three little letters on a business card I hand to attorneys that say RPR, RMR, CRR. It ain't for the money. Oh, no, no, no. It's for the love of the game. Writing is not unlike any sport. It's not only a mental act but a physical act as well. No practice, no gains.

Jerry Rice does not achieve Hall of Fame status by merely showing up for Sunday Games at Candlestick Park. No, he does it by running the same routes over and over in practice. Practice. Failed again, Dave? The morning after coming home from yet another fail, no, David, set your machine up right now and practice some more. Again and again. Neurotic? Over the top to some? Sure. I could not care less. The difference this time? I allowed myself the privilege of writing this test, no jitteriness, no nerves, just write. Edwin Louis Cole said, "You don't drown by falling in the water; you drown by staying there."

Am I writing this to announce to the world I am finally a CRR? Puleeease. This kind of notoriety one doesn't need. There is a certain amount of embarrassment, frustration and more than enough pain sitting in a conference room watching every single test taker hand their envelopes in to be graded and you are the only one not handing in the test. This editorial is not for those who have taken the CRR once and passed. Nor is it for those who have taken the test once, failed, and will not come back.

No, this is for those who are stuck in the seemingly impossible abyss, those who cannot seem to get over that dreaded hump. Been there, done that, you are not alone. Vary your practice regimen, subscribe to [myrealtimecoach.com](http://myrealtimecoach.com), do something, anything differently.

So now I will tell you some things you should never do when taking this test. Honest to God, don't do 'em. Enjoy.

1. Never fly to Minneapolis to take the test, go back to the airport, fall asleep through your 2:00 flight and have to wait eight hours in the Minneapolis airport for the next flight home. Oh, yeah, in the annals of test-taking, I reign supreme. Don't do this. (I still have the Twins kitchen magnet)

2. Never have a beer 45 minutes before the start of the test out of the misguided belief borne from sheer desperation and the mindset that this will finally calm your nerves. Sam Adams has no place at the CRR test. Do leave home without him. Doesn't work, don't do it.

3. Never not practice and/or practice very little a week and a half before the test in the mistaken perception that you're fast enough. Arrogance diminishes wisdom. You can never be fast enough for any test. Don't do this.

4. Never take an ENTIRE tablet of Propanolol an hour before the test. Tried this one. By the time of the actual test, I did not care about anything. No, I mean anything. The world is coming to an end? Bring it, baby. Don't do this one either.

*Continued on page 11*

Continued from page 12

5. Never not know EXACTLY where the test site is. One time I think it's where it's been for years, oops, now it's changed to another site. Yikes. Uh, not reading the info on the test and then rushing to set up your equipment, getting a few minutes of warmup? Forget it. Don't do that one either.

Stop, David, you're killing me. Talk about snakebitten, all self-imposed.

Two more things you should never do and I will leave you with the words of one Winston Churchill.

6. Never give up.

7. Never give in.

The monkey is off my back. Crikie, I just saw a pig in the southern Arizona sky.

## Arizona Court Reporters Association 2012-2013 Board of Directors Officer Slate

The slate of candidates for election at the Annual Business Meeting on September 15, 2012 at the Casino del Sol in Tucson, AZ is as follows:

President Elect:	Marty Herder
Vice President:	Diane Donoho
Treasurer:	Cyndi Morris-Crowe
Secretary:	Rachelle Young
Official Board Member:	Rossana Baker
Freelance Board Member:	Carolyn Sullivan

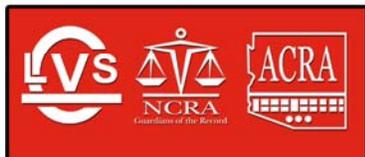
As per ACRA Bylaws, Laura Ashbrook, having served as President Elect, will assume the Presidency.

Pam Griffin, Freelance Board Member, and Tracy Johnston, Official Board Member, each have one year remaining to serve. Karen Kahle will serve as Past President.



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## Dear Nancy

**Dear Nancy:** I have prepared myself for interactive realtime. I think I'm ready. My agency owner, however, overlooks me for those jobs. How can I convince her I'm ready?

**Signed, Overlooked**

**Dear Overlooked:** You've got me humming John Fogerty's song "Centerfield":

*Oh, put me in, Coach - I'm ready to play today;*

*Put me in, Coach - I'm ready to play today;  
Look at me, I can be Centerfield.*

A freelance office resembles a baseball team. There are the all-stars, the everyday players, and the bench -- ready to fill in at a moment's notice. Bench players need to be ready every day, even though they aren't often called on.

You've worked to get yourself ready. Great! Remind the coach you're ready, and eager to get in the game. Show her you've attended realtime seminars. Get certified: CRR. (Of course, you already have the RPR.) Ask (don't demand) for the chance to prove yourself.

By the way, how do you know you're ready? A high tran rate is excellent, but what about accuracy? Punctuation? Ability to do global defines on the fly, so your interactive realtime steadily improves as the job progresses? Do you appreciate the value of prepping for a RT job? Make sure your agency owner knows you want prep material (the complaint, answers to interrogatories, a prior transcript) to look over so you can be prepared for the job. The lawyers you work for will be favorably impressed by your conscientiousness -- and so will your boss. The best tool for testing your readiness is a red pen. Print out a draft and proof it. How many errors per page are there? It's a great visual aid to help you highlight areas that need improvement.

As a firm owner, I look to my all-stars when I assign realtime jobs. I know they will prep for the job, their software and hardware is up to date, and they will be able to assist the attorney getting hooked up, if need be. (And, trust me, you will be looked to by the attorneys to get them set up and ready to go.) And my first-stringers have their certifications and take CE seriously. Their attitude? Always positive, confident, never whiny. They aim to please. The reporters on my bench lack one or more of these exemplary characteristics.

Talk to your firm owner; ask her how you can get off the bench. With the talent, skills, certifications, and the right can-do attitude, she'll want you in the line-up!

**Dear Nancy:** I'm a solid writer, but haven't provided realtime for attorneys. My firm now advertises that all its reporters are realtime-ready, on any job; the lawyers need only ask. Frankly, this scares me! You never know what a job will be like, and I'm not one to provide a service that isn't "just so". But the message from the firm owner is clear: Be ready! Can you give me some advice to help me to "be ready" every day on my job?

**Signed, Not Ready for Prime Time**

**Dear Not Ready for Prime Time:** See Overlooked (above). She's looking for your job!

Your question actually highlights a dilemma agencies face: how to compete. If the best reporters distinguish themselves from all others by their ability to do interactive RT, and fast-turnaround drafts, then we (the agency) want to advertise that that's who we are. Hire us!

We take it as an article of faith that stenographic writers are superior to all other forms of making the record (voicewriters and Stenomaskers in particular) because of our ability to provide quality realtime output. Realtime has been with us for two decades. (My husband, Ed Varallo, published his Realtime Writer's Manual in 1992.) Students learn RT in school. You can't escape the many RT seminars on offer. NCRA has RT certifications. So every stenographic reporter is realtime ready, every day, on every job. Right?

Well, maybe not. Maybe some of us have been happy to let the firm's all-stars do the RT heavy lifting while we set the bar lower for ourselves. But let me not place blame. Nevertheless, the uncomfortable truth is that too many reporters have not upped their game to meet the standards of the topflight court reporters of today. The all-stars in my agency look forward to arriving on a job and being asked, "Can you hook up to me today?" You bet! Extra bucks per page!

How to be RT ready on short notice? First, of course, you need to write cleanly. Then all things are possible. You can make yourself a clean writer by practicing -- not for speed, but for

*Continued on page 13*

*Continued from page 12*

clean execution. Practice a bit below your comfortable speed, until you can write that speed cleanly; then notch up your practice speed a bit, not more than 10 wpm. Clean writing is an acquired skill, and you can do it! Make sure you use enough briefs to cut down the many strokes you will have to write each day. Fewer strokes = fewer misstrokings = cleaner notes. Each time you work on a job in a particular subject-matter area (accident reconstruction, asbestos, banking & finance, construction, environmental), keep a discrete job dictionary containing entries, and special briefs, specific to that subject. They are then available to be looked over before any job you go on.

Ask for a prior transcript for every job you go to. Read it, and prepare your job dictionary before you get to the job. Create easy-to-write briefs for the vocabulary you see. No prior transcript? The Internet is a great place to research the case. Can't find the lawsuit? Research the company and read about its key players. What do they manufacture or sell? Look up the witness. Is he an expert? GoogleScholar.com is a great resource to find scientific articles and literature references. I know this sounds like a lot of work, but it's what our most competent writers do. For them, preparation is part of the job - every day. You wouldn't go to bed without brushing your teeth. Don't go to a job without preparing for it. Your notes will be cleaner, your editing time reduced - and your clients will be well satisfied. If the client is happy, your agency owner is happy. Sounds like a win-win to me.

**Dear Nancy:** I have been a court reporter for nine years and I am going to become an agency owner. In order to become a successful business owner, what is necessary to believe? What habits must I attain to make it in this industry?

**Signed, Kaizen**

**Dear Kaizen:** You've got the answer in your name. For our readers, it is Japanese for "improvement" or "change for the better". Read about it. It's good stuff!

When you feel like you want to become an agency owner, my advice is: Lie down and wait for the feeling to pass. Just kidding! I would never say no to that ambition. Unlike an earlier Nancy whose advice was "Just say no," my advice to you is evaluate who you are. Who is this person who wishes to become a successful agency owner?

Meet Nancy No and Nancy Yes. Nancy No is in her twenties, having fun, working hard, paying the bills. She passes her RPR. In her thirties, she's Super Mom - two kids to raise, lots of pages to edit, transcripts to proof, deadlines to meet. There's no time work on her realtime skills, or pas the RMR, no time to volunteer for her state association or mentor a student. In her forties she's a hard worker and does what her agency asks her to do - as long as it's not a LiveNote job or a quick draft transcript, and nothing too-too technical, or anything that's going to run after 5:00 p.m. In her fifties she's struggling to

keep up with the latest technology. She'd love to do CART, or run her own business, but she doesn't feel prepared for those challenges. She's tired from decades of long hours. What about a career change? Hmm. Too old for retraining. The money's too good to walk away from. Well, I'm getting close to retirement; I'll just stick it out.

Nancy Yes is in her twenties, attends seminars, practices, gets her RPR, then her RMR, and looks forward to her CRR. She builds her career and her network of reporter acquaintances throughout her thirties, in addition to taking care of her two kids. Her agency values her can-do attitude and makes sure she gets the best jobs. She pays attention to CE and is a regular at state association meetings and a regular volunteer. Her career is at a high point - she's talented, credentialed, hardworking, and she has earned the respect of her peers, her agency, and the attorneys she works for. She decides to open her own business. Now in her fifties, her business is growing; she trains new reporters, manages staff, attends owner conferences, stays abreast of technology, and keeps learning. She gives back to her profession: serving on committees, chairing committees, promoting our profession to the bench and bar; introducing technology to the lawyers she works with; promoting the highest standards of reporting to her reporters and instilling a sense of professional pride and mission in them. Now in her sixties, the Empty Nester years, she looks back with pride on her career, the business she's built, and the reporters, young and old, she has influenced. A role model. She has no regrets.

Court reporting is more than a job; it's a profession. If you make sure to acquire the necessary skills, you can face each challenge and succeed. Such success brings a justifiable pride of accomplishment - not a smug contentment, but the satisfaction of knowing you set goals, you worked hard to achieve them, and you succeeded. Best of all, you won't come to the last decade of your career wondering whether you'd rather be doing something else.

Nancy No and Nancy Yes are two ways of coping. Nancy No survived; Nancy Yes succeeded.

*Nancy Varallo RDR/CRR/FAPR, owner of Court Reporting Management Services, LLC, offers customized business and office management services to court reporters and reporting agencies. Nancy has been a court reporter since 1979, and has trained hundreds of court reporters, and fielded thousands of questions from reporters. Please ask your question at [www.dearnancy.com](http://www.dearnancy.com).*

## Dates to Remember...

**September 14, 2012**

### ***ACRA Board Meeting***

Casino Del Sol  
5:30 pm

**September 14-16, 2012**

### ***ACRA Annual Convention***

Casino Del Sol  
5655 W. Valencia Rd.  
Tucson 85757  
Rooms: \$119  
Reservations: 1-855-765-7829, ask for the ACRA block

**November 10, 2012**

### ***Winter ArizoNotes Deadline***

Contact Karen Kahle at (520) 740-3015 /  
hvymtlccr@juno.com for submissions, and Robin Hirth at  
(480) 496-4010 / office@acraonline.org for advertising  
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## DEADLINES

Winter Issue - November 10, 2012  
Spring Issue - March 10, 2013  
Summer Issue - August 10, 2013



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