

# ARIZONA NOTES

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## President's Address

By Tracy Johnston

2020 is here and with it comes changes. It's not just the change from winter into spring, but our profession is changing every single day. The court reporting profession is not only undergoing challenges, but it's also coming under attack from the media and local governments across the country. Arizona is not exempt. From HB2235 to R-20-0013, our profession is being minimized, ridiculed, and pushed aside to make way for electronic recording. Court reporters have always had to fight to maintain our place as guardians of the record, and we will continue to do that. The landscape changes, but the product we provide - a verbatim record - remains the same. We are highly skilled professionals that make the best record possible for our clients, the courts, the parties of any legal action. We have to be our own advertising agency and make everyone aware that the verbatim record that we provide is the very best bar nothing. Speak out against ER every chance you get.

Take a little time out in April and join your colleagues at the ACRA Midyear Seminar. Get your CEUs and reconnect with old friends. There will be prizes to win, things to buy, and good times to be had.

See you in April!

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**Arizona Court Reporters Association**

5350 West Bell Road, Suite C-122, #520 • Glendale, AZ 85308  
(602) 679-6995 • [www.acraonline.org](http://www.acraonline.org) • [office@acraonline.org](mailto:office@acraonline.org)

## IMPORTANT MESSAGE from ACRA...

Dear ACRA Members,

One cannot turn on the news these days without hearing about viruses such as **Influenza and COVID-19** and the impact that's having on everyone. As you are no doubt aware, health agencies are asking groups to curtail meetings at this time. That said, we know that many of you might have concerns about the upcoming Midyear Seminar. In the spirit of following the most recent guidelines issued by the CDC and Arizona's Governor, your ACRA Board has made the difficult, but prudent, decision to cancel the in-person Midyear Seminar currently scheduled for April 18, 2020, as well as the Midyear Business Meeting. **HOWEVER**, the Board remains committed to serving our membership in the most effective way possible.

To this end, we are excited to announce that we have received NCRA approval to present the confirmed line-up of speakers previously scheduled for our seminar in an online format. **Click here to view the agenda.** The webinar will begin at 9:00 a.m., **Saturday, April 18.**

**REGISTRATION WILL OPEN MARCH 23, 2020.**

Thank you for your understanding during these unprecedented times. Please follow the best practices set forth by the CDC to stem the spread of COVID-19 and **STAY HEALTHY!**

ACRA Board of Directors

## GREAT NEWS!

**We are happy to inform you that HB 2235 DIED on the House floor on Wednesday.** The Coalition of Arizona Court Reporters, along with their lobbyists, worked tirelessly to fight the proposed language, worked to inform the legal community, and even worked with the AOC in an attempt to compose an acceptable amendment. In the end, the House representatives recognized the pitfalls and harm posed to the public, voted against it, and the bill died on the House floor.

**Thank you to Marylynn LeMoine and Angela Miller, who led the fight, and to all the Coalition members. Their efforts have benefited us all in Arizona.**

Fighting ER will continue to be a central focus, whether you're an official or freelance reporter. ACRA extends its gratitude for the fight that this group just endured and won.



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# OLD-FASHIONED STENOGRAPHERS: THE REAL MVPs

by Kellie Smith  
(reprinted with permission)

I am an “old-fashioned stenographer.” That funny looking machine that looks like a cash register to you allows me to write the spoken words you say at 225+ words per minute. The words go in through my ears into my brain where they get translated, very quickly, into another language of sorts, and then that other language comes out through my fingers onto the keys of my cash register - er, steno machine. I do all of this while simultaneously and continuously taking in more information. And yes, I did go to school for this.

It's called machine shorthand. Picture a piano player playing chords. A stenographer, commonly known today as a court reporter, presses several keys at once to represent an entire word or phrase in one keystroke. This enables us to write faster than typing on a standard QWERTY keyboard. Oh, and our keyboard doesn't have letters on the keys either.

\*\*\*In 2020, in this electronic age, the digital recording device does just that - records.\*\*\*

I spent my morning preparing a special dictionary for trial. I scoured the witness lists and other trial documents as it is important to me that names are spelled correctly and that they translate for the real-time feed that goes to the judge. Just like the closed-captioning you see on your TV (yes, that's an old-fashioned stenographer doing that, too) the spoken words

I write into my steno machine get translated by my computer-aided software dictionary into English. My judge relies on the real-time feed to assist him during trials.

\*\*\*The digital recorder can't do any of that. Not even Dragon, no. Have you seen how your iPhone translates your voicemails lately? Can you imagine that in a fast-paced courtroom or deposition? Not only that, voice recognition software cannot distinguish foreign accents and dialects or multiple voices in rapid succession like an old-fashioned stenographer can.\*\*\*

Attorneys, when I saw which table each of you sat at in the courtroom, I told my computer that every time I write this special code on my steno machine, I want it to display your names. I watch you all as you talk, but I also learn your distinctive voices and speech patterns. Your speaker identifications reflect that you, in fact, are the person talking. And you never have to identify yourself as the speaker. I just know it's you.

\*\*\*The digital recorder relies on you to identify yourself as a speaker, and when you don't - because who does every time they speak in court? - it's left up to whoever transcribes that trial months down the road. That human being, who probably doesn't know you from Adam, has to transcribe that recording while not being able to see you. You might sound quite similar to the other attorney. The decision as to who is speaking will come down to context alone sometimes. And then someone unexpected enters the courtroom and speaks. They will be the UNIDENTIFIED SPEAKER. Helpful.\*\*\*

You were a little soft-spoken today. Did you see me leaning my ear towards you as a hint? I always try to be subtle before I ask you, politely, “Could you speak up, please?” I really do want to report every word you say. I am charged with it. I am a verbatim old-fashioned stenographer.

\*\*\*The microphone wasn't quite close enough to you and didn't catch much of what you said, if anything. That compelling argument you made today will be peppered with (inaudible).\*\*\*

*The Real MVPs continued on Page 7...*



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## Proposed Changes to Rules of Procedure

### Arizona Supreme Court/Court Rules Forum

#### **“R-20-0013 Petition to Amend Various Rules of Procedure Related to Creating the Verbatim Record of Judicial Proceedings”**

This petition addresses the 2019 Supreme Court Task Force recommendations. One of many areas specifically addressed is Rule 30(b)(3)(a-e), which would eliminate the requirement of court reporters in Grand Jury, first-degree murder cases, felony jury trials, and allow the record to be made by electronic recording in these and other proceedings now mandated to be made by a court reporter.

Click on the link for the full documents filed on January 9, 2020, by the AOC. Comments must be submitted on or before May 1, 2020.

<https://www.azcourts.gov/Rules-Forum/aft/1085>



# JOIN ACRA!

## Value of ACRA Membership

[Students can join for only \$20!]

- **Conventions and Seminars** - Two major events are held each year. ACRA provides NCRA and Cojet approved continuing education credits at our Annual Convention in the fall and our Midyear Seminar in the spring.
- **Legislative** - ACRA advocates on behalf of the court reporting and captioning profession. We combine the voices of many when our profession is attacked or diminished by the legislature or other rule making bodies or board.
- **ArizoNotes Magazine** - The only Arizona State publication devoted exclusively to the reporting profession. Delivered electronically.
- **Directory** - Access to the online Membership Directory, which includes the credentials and listing of services offered by each member.
- **Job Bank** - Access to any job postings as they are submitted.
- **Hertz Discount** - Members receive special year-round discounts.

\* Membership dues update: Annual membership dues is \$150 and will no longer be prorated throughout the year. Renew early to maximize the benefits of your membership!

## VISIT [HTTPS://ACRAONLINE.ORG](https://acraonline.org) TODAY!



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# UPCOMING EVENTS

## Board of Certified Reporters Board Meeting - CANCELED

~~Date: April 2, 2020~~

~~Time: 10:00 a.m.~~

~~Location: Arizona State Courts Building,  
1501 West Washington, Phoenix, Room 109~~

## Midyear Seminar - ONLINE

Date: April 18, 2020

3 webinars, starting at 9:00 a.m.

[View Agenda](#)

## 2020 NCRA Convention

Date: August 6-9, 2020

Orlando, Florida

## 2020 Multi-State Convention

Date: September 18-20, 2020

Location: Park City, Utah

Hotel room block now open!

[Info here](#)

If you go, please share your photos with ArizoNotes by emailing [jenniferhonn@iotalegal.com](mailto:jenniferhonn@iotalegal.com)!



ACRA members Kate Roundy and Kim Portik (along with other court reporting friends) were introduced to Dream Dinners in Ahwatukee this weekend.

The Dream Dinners party was an auction item at last year's Annual Convention. It's a great meal concept for the life of a court reporter. Check them out online, and a big thank you to Kathy Hanchette for donating the party!



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# DEADLINES, DEADLINES, AND MORE DEADLINES...

BY ANGELA MILLER

As Certified Reporters we all are used to working under constant and never-ending deadlines. Whether those deadlines are for depositions or court proceedings, we stay up through the night, work on weekends and holidays, and we do what is required to meet those deadlines -- all while producing a complete and accurate transcript.

Certified Reports who work in the superior court criminal divisions have strict transcript deadlines they have to meet. The transcripts are then filed in the appropriate court and produced to the appropriate agency representing the parties in that specific case. The page rates in these matters are governed by statute.

Maricopa County Superior Court criminal matter transcripts are due as follows:

- All Grand Jury proceedings that result in a True Bill require an Original transcript to be filed with the court within 20 days.
- Post-Conviction Relief matters require an Original and 1 copy to be filed 60 days from the date of the minute entry for the original notice, and 45 days from the date of the minute entry when additional transcripts are requested.

- Criminal appeals -- no matter the length of the hearing or trial, be it a half-day hearing or a month-long trial—are due in 45 days of filing of the notice to the certified reporter, with the Original transcript being filed with the Court of Appeals or Supreme Court, a copy to the Attorney General, and a copy to the appropriate agency representing the defendant.
- Juvenile matters are almost always due within 30 days.

Certified Reporters who cover civil matters in superior court typically produce a transcript only when requested by a party, unless the civil matter is appealed. At that point, the appealing party will notify the certified reporter of the due date.

For Certified Reporters who cover deposition matters, the industry standard is a transcript is produced to the parties within 10-business days of the deposition. Of course, sometimes attorneys need the transcript on an expedited or daily basis (and, of course, it seems like this always happens on a Friday or the day before a scheduled vacation!).

Arizona Rules of Civil Procedure Rule 30(b)(3)(E) in regard to depositions states the hiring party is responsible for the per diem cost and the original transcript, and any opposing party may request a certified copy of the transcript. Also per Rule 30(b)(3)(E), in the event the hiring party chooses to hold notes, however the non-hiring party requests the transcript to be produced, the following rule takes precedence: “Any party may request that the testimony be transcribed. If the testimony is transcribed, the party who originally noticed the deposition is responsible for the cost of the original transcript. Any other party may, at its expense,

*Deadlines continued on Page 8...*



*The Real MVPs continued from Page 3...*

I reminded you all to speak just one at a time. I can only report one voice at a time. When you see the transcript, you will be grateful for that request. Dashes sprinkled across the page indicating interruptions do not help the future readers of the transcript.

\*\*\*The digital recording system recorded everyone speaking over each other. It is now indecipherable to the listener and the transcript will read (SIMULTANEOUS CROSSTALK).\*\*\*

Someone coughed loudly and I asked you to repeat yourself because I missed a word. It is important to everyone that the record I make is accurate and complete.

\*\*\*The digital recording system recorded a cough. No one asked you to repeat yourself. The word behind the cough is gone forever. It will be reflected as (INAUDIBLE).\*\*\*

I saw you lean over to your client to ask him a question. I could hear it, yes, but I knew this was a privileged conversation that was not part of the record. My hands did not move. I did not report your conversation.

\*\*\*The digital recording system recorded your entire conversation. The human who transcribes it later will transcribe it all because it's on the recording.\*\*\*

After the judge overruled your objection, the witness needed the question read back. I seamlessly and confidently read the question back for the witness, keeping proceedings on track.

\*\*\*With a digital recorder, it's going to be mighty difficult to stop the recording and find the correct place in the recording to play back, if it can even be done. And there's probably nothing quick about that process. \*\*\*

If my equipment happens to malfunction during proceedings, I can immediately stop the proceedings to assess the situation and remedy it. There are no arguments or crucial testimony lost.

\*\*\*At the end of the day with a digital recorder, the operator could realize that the recorder wasn't even on or the microphones weren't working, resulting in a lost day of trial or depositions or legislative sessions that can NEVER, EVER be replicated in exactly the same way.\*\*\*

When the transcript gets ordered someday, I will carefully edit the transcript, adding correct punctuation, grammar, and spelling. If you cite case law, I will research the citations to make sure they are formatted correctly. That medication the good doctor rattled off at 300 words per minute will be spelled correctly as if my life depends on it. Because I care. I really do. I'm putting my name on that transcript.

\*\*\*With digital recording, you might get a certified old-fashioned stenographer to transcribe it for you, but most likely you won't. But even the most skilled old-fashioned stenographer can only make garbage look so pretty. We cannot fix after the fact that we cannot hear the judge because her microphone was not on. We can't help that a door slammed while a party was speaking. The result is something like this:

THE COURT: Well, I have to say (inaudible) agree with (inaudible).

Clear. As. Mud.\*\*\*

So when you think about it, if it was YOUR liberty on the line, YOUR multi-million dollar medical malpractice trial, YOUR child custody dispute, or the legislative record kept on the Senate floor, who - or what - do you want keeping your record? I submit to you that a human being with the gift of discernment, who is trained in this highly skilled profession, should always be your pick.

We aren't called the guardians of the record for nothing. And that, my friends, is why we still use old-fashioned stenographers!

EU HRO\*F PHEU SKWROB STKPWHR FPLT  
(I love my job!)



*Deadlines continued from Page 6...*

arrange to receive a certified copy of the transcript.” This differs from the Federal Rules of Civil Procedure Rule 30(f)(4) which states: “When paid reasonable charges, the officer must furnish a copy of the transcript or recording to any party or the deponent.”

ACJA 7-2016(J)(3)(e) also states that in regard to depositions: “A certified reporter and registered reporting firm must charge at least 60 percent more for the original transcript than is charged for any copy. The charge for the original transcript includes the per diem paid for the reporter’s appearance.” It is further required that deposition rates must be disclosed to all parties prior to the deposition commencing per Rule ACJA 7-206(J)(3)(c).

So, kudos to all of us Certified Reporters for consistently meeting these deadlines and sacrificing your evenings and weekends!

## ArizoNotes Needs a New Editor

ArizoNotes is published three times a year. The editor is in charge of collecting articles, upcoming event dates, and miscellaneous info to submit to the layout professional. It’s an easy and integral way to help your association and board! If you are interested, please e-mail Tracy Johnston, [tracyjohnston@gmail.com](mailto:tracyjohnston@gmail.com).

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