

# On The Record

JULY 2005

## Houston Court Reporters Association

Greetings!

I hope this newsletter finds each of you enjoying a fun-filled and safe summer!

Grab your pen and calendar. HCRA has several exciting events coming up that you don't want to miss – and they're going to be great!

Feeling overtired, overworked, and overheated? Need a "Calgon-take-me-away" moment? Looking for some relief from the heat and some relaxed giggles with your colleagues? Well, have we got the solution for you! Come kick back and cool off at the upcoming HCRA Happy Hour, Wednesday, July 27<sup>th</sup>, from 5 to 7 p.m. at Cava Bistro. Conveniently located downtown at Main and Congress, Cava Bistro has great drink specials (\$2 beers and \$3 well drinks), including terrific nonalcoholic drink specials, too, and plenty of appetizers will be available. We'll be raffling off some great door prizes, too, so please come join your friends for a bit of casual fun – the more, the merrier! There will be no business at this gathering, just lots of fun. Be sure and mark your calendars now!

On another note, is your CSR certification expiring this December? If you're going to be in need of CEUs, save September 24th and 25th in your schedule and join us for "Saddle Up For CEUs," at the Westchase Hilton Hotel, where you'll find a fun-filled, boot-scootin' weekend and can obtain all of those pesky-but-necessary CEUs – did you get that? ALL of them! We have an awesome line-up of wonderful speakers, and there'll be tons of fantastic food, not to mention door prizes galore! Please don't wait – seating is very limited. So dust off those worn but comfy cowboy (or cowgirl!) boots and send in that registration form that is included in this newsletter!

And here's your cue, realtime writers! That same weekend, HCRA's Second Annual Realtime Competition will be held Saturday, September 24th at 8:00 a.m., also at the Westchase Hilton. Test your skills and compete for the Mark Kislingbury-Houston Realtime Cup. Mark Kislingbury has graciously agreed to conduct the Realtime Competition again! And don't worry, all contestants will finish in time to attend the first seminar sessions!

If you haven't had a chance to explore our Web site lately, I encourage you to check it out. You'll find fantastic links and lots of great information that'll keep you professionally up-to-date. We've recently added two new links that we're really excited about. The "Legislators" tab helps you identify your representatives in Congress and provides direct links to their Web pages and e-mail addresses. As well, if you're not sure of a reporting rule and don't know where to find it, the new "Rules" tab will link you to all the current rules, policies, and procedures, and it includes a direct link to the CRCB. Please take the time to visit us at [www.hcrainfo.com](http://www.hcrainfo.com)

I'd like to take a moment to remind you to please renew your membership with TCRA. All current memberships expire August 31, 2005. The Board of HCRA feels that it is so important to be a member of both local and state associations, so we are including a 2006 TCRA membership application in this newsletter. Many reporters are unaware of just how very much TCRA does to protect our profession, especially at the capitol in Austin. This past legislative session alone there were collectively over 5,000 bills introduced in the Texas House and Senate. TCRA's lobbyists read through *each* bill *three* times, searching for anything that might directly or indirectly affect members of our profession, including not just reporters but videographers, interpreters, and notaries. In just the last few months TCRA lobbyists have championed the interests of reporting professionals in Houston and Dallas, as well as Fort Bend and Montgomery counties. They played an integral role in the revocation of some potentially-damaging bills, while other critical issues were resolved before they were even brought to the floor. TCRA is the only organization that employs lobbyists in Austin who speak on behalf of reporters in Texas.

In this vein, I call out a warning: this is a legislative year, and it's not inconceivable that both your profession and livelihood could be altered, permanently and significantly, with the signing of a single bill. So I urge you, please renew your membership today. Don't wait until after your job or income is in jeopardy to join TCRA. The most oft-repeated reasons I hear for not joining are the cost of dues and differences of opinion. First, yes, cost of annual dues is by no means negligible, but if membership garners you just one job or one professional contact, then the benefit well-outstrips the cost. As well, and unbeknownst to most, payment plans are available. Simply contact Beth Wallace at TCRA headquarters, and she will be more than happy to set up a payment plan – you can find her contact information on the HCRA Web site. Moreover, to address differences of opinion, it's always going to be true that, as individual reporters, we will not always agree with the opinions of some members of our state association, but compromise and consensus are the democratic way. All associations, professional or political, speak for the majority, and there may be times we find ourselves members of the dissenting bloc. However, differences of opinion or not, we all have a common interest: the desire to keep our jobs, careers, our very livelihoods intact. Remember, if you're not part of the process, you're not part of the solution – individually, it's hard to effect change. But last year's TCRA theme said it all: ***Together We Can.*** *Together*, we can provide a powerful voice to ensure the future of our profession (and that it's not usurped by electronic methods), so help yourself by joining TCRA today!

Another among the plethora of actions we can take as reporters to help protect our profession is to acquaint ourselves with our state legislators. Bring your message home for them by putting a face and a name to the title of "Court Reporter." If you're not comfortable contacting them directly, donate to TCRA's Legislative Fund. Whether you pledge \$5, \$10, or \$100, every dollar helps. Volunteer your time to TCRA's Legislative Committee. Scan the Texas Legislature Online ([www.capitol.state.tx.us](http://www.capitol.state.tx.us)) for bills that may affect reporting. Stay informed yourself, and then inform your colleagues. Give back to the profession that has been good to you – it is, after all, *your* career we're talking about.

Before I sign off, I want to remind you that the HCRA Board is here for you. Indeed, we only exist for your benefit, so if you have thoughts, concerns, ideas, or information, please pass them on. We're each only a phone call or e-mail away, so be proactive and let us know how we can better serve you!

As always, I thank you for your continued support. I hope to see each and every one of you at our July Happy Hour and at "Saddle Up For CEUs" in September. Both events are going to be spectacular, so you don't want to miss them! In the meantime, enjoy your summer – and stay cool!

# THE NEWSLETTER OF THE HOUSTON COURT REPORTERS ASSOCIATION

GRAYSON R. CLEVINGER-DORR, EDITOR



<b>What's Inside?</b>	
<b>President's Message</b>	<b>1</b>
<b>Calendar Of Events</b>	<b>2</b>
<b>2005 Officers And Board Of Directors</b>	<b>3</b>
<b>Saddle up for CEUs</b>	<b>4</b>
<b>From the CRCB Web site</b>	<b>7</b>
<b>HCRA's Second Annual Realtime Competition Information</b>	<b>8</b>
<b>Who Has Power of Attorney Over You?</b>	<b>10</b>
<b>Legislative Pledge</b>	<b>12</b>
<b>Texas Court Reporters Association Membership Application/Renewal</b>	<b>13</b>
<b>Confirmation of Information and Membership Agreement</b>	<b>14</b>
<b>MemberSource Credit Union Information</b>	<b>15</b>
<b>Advertisements</b>	<b>16</b>
<b>Recipe Ideas</b>	<b>17</b>
<b>No More Surprises, Please</b>	<b>18</b>
<b>In Memory of Roger</b>	<b>19</b>

## HCRA'S 2005 CALENDAR OF EVENTS

- 5/7 - NCRA Exams
- 5/11 - HCRA Board Meeting
- 5/13 - CSR Exam
- 5/21 - HCRA Breakfast Association Meeting
- 6/9-12 - TCRA Annual Convention - San Antonio, TX
- 6/14 - HCRA Board Meeting
- 7/12 - HCRA Board Meeting
- 7/15 - Summer Newsletter
- 7/21-24 - NCRA Annual Convention - Phoenix, AZ
- 7/27 - HCRA Happy Hour
- 8/16 - Board Meeting
- 9/14 - HCRA Board Meeting
- 9/16 - CSR Exam
- 9/17 - CRCB Board Meeting
- 9/24-25 - HCRA Saddle Up for CEUs Seminar
- 10/18 - Board Meeting
- 10/25 - HCRA Association Meeting
- 11/8 - HCRA Board Meeting
- 11/8 - Fall Newsletter
- 12/3 - HCRA Christmas Party

\* Dates with an asterisk are subject to change. Please check our Web site as event approaches for more details.

### Mark Your Calendars! Upcoming dates to remember:

Wednesday, July 27 - HCRA Happy Hour, 5-7 p.m.  
Saturday, September 17 - CRCB Board Meeting  
Saturday and Sunday, September 24 and 25 - Saddle Up for CEUs Seminar

**HCRA 2005  
OFFICERS  
AND BOARD OF  
DIRECTORS**



Top row from left: Grayson R. Clevinger-Dorr, Peggy Hershelman, Carrie Fraley, Barbara Majors, Ramona Sonnier, Karen Woolsey. Bottom row from left: Carolyn Ruiz Coronado, Jennifer L. Wilson, Nancy M. Capetillo.  
Not shown: Kate Piper

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**Houston Court Reporters Association  
invites you to attend our  
Annual Seminar for 2005**

**Saddle Up For CEUs**

September 24 and 25, 2005  
Hilton Houston Westchase  
9999 Westheimer Road, Houston, Texas 77042  
713-974-1000

Howdy, y'all! We want you to mosey on old friends, make some new ones, and eat Restaurant that's so good it will have you you can get 1.0 CEUs (.3 in ethics) at the our boots and jeans and cowboy hats for the same. Our theme is western this year, part. Bring your stick horse if you've got

This ain't our first rodeo, so come on out stomping good time! So, saddle up and can have with your boots on!



over to our seminar! Come to see some some Texas food from the Rio Ranch drawling for a week after. Oh, yeah - and same time! We're going to be pulling on this one, and we'd encourage you to do and we want you to join in and dress the one!

and play with us. We plan to have a boot-two-step on over! It's the most fun you

**SEMINAR RATES**

**SATURDAY AND SUNDAY (1.0 CEUs approved with CRCB and NCRA)  
(EARLY REGISTRATION MUST BE POSTMARKED NO LATER THAN SEPTEMBER 2<sup>ND</sup>)**

	<b>EARLY</b>	<b>LATE</b>
HCRA Professional or Associate Member:	\$225	\$275
Non-Member of HCRA:	\$260	\$310
Student Member:	\$125	\$150
Student Non-Member:	\$150	\$175

**SATURDAY ONLY (.7 CEUs)**

	<b>EARLY</b>	<b>LATE</b>
HCRA Professional or Associate Member:	\$175	\$210
Non-Member of HCRA:	\$210	\$245
Student Member:	\$100	\$125
Student Non-Member:	\$125	\$150

Second Annual Realtime Competition (You must be a Texas resident and an HCRA 2005 Professional Member to enter competition)	\$ 40	\$ 40
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**SUNDAY ONLY (.3 CEUs in Ethics)**

	<b>EARLY</b>	<b>LATE</b>
HCRA Professional or Associate Member:	\$100	\$125
Non-Member of HCRA:	\$135	\$160
Student Member:	\$ 75	\$100
Student Non-Member:	\$100	\$125

## AGENDA

SATURDAY, SEPTEMBER 24, 2005

**7:30 A.M. Breakfast and Registration for Second Annual Realtime Competition****8:00 A.M. Second Annual Realtime Competition (Competition will be completed prior to Session 1)****9:00 A.M. - 9:30 A.M. Seminar Registration and Breakfast****9:00 A.M. - 10:30 A.M. Session 1 - .15 CEUs****Mark Tod Kislingbury, CSR, RMR, CRR****Fastest Fingers In The West!**

Mark will share why he believes we are in a new era for reporting, where superior methods of writing and training make the difference; how we can achieve much higher speed and accuracy than in yesteryear. Mark will reveal the methods he used to achieve surprising successes, including writing 360 wpm for a world record!

**10:30 A.M. - 10:45 A.M. 15-Minute Coke and Cookie Break****10:45 A.M. - 12:15 P.M. Session 2 - .15 CEUs****Michael E. Miller, CSR, RPR, CRR****Cutting The Lasso - Computing Without Wires**

Interested in printing from the patio or editing from your local coffee house? Wondering if it's really safe to hook up to that airport wi-fi hotspot? Ever wished you could Google something while sitting in traffic? Get answers to these questions (and hopefully a few laughs) when Depoman takes the stage.

**12:15 P.M. - 1:15 P.M. 1-Hour Lunch Break****South of the Border Tex-Mex Buffet****1:15 P.M. - 2:15 P.M. Session 3 - .1 CEU****James A. West, Attorney at Law****Getting Your Money From Them Darn Varmints!**

Tips and useful information for both firm owners and independents concerning collection problems, including trying to prevent them from occurring in the first place - and telling us how to handle them when they do.

**2:15 P.M. - 3:15 P.M. Session 4 - .1 CEU****Michael McMahan, M.B.A.****Robbing The Stagecoach Is NOT A Good Retirement Plan**

The question you might be asking yourself is, "What can I be doing right now to achieve my financial goals?" Michael plans to answer that question for us, pinpointing how to achieve financial success from wherever you are today.

**3:15 P.M. - 3:45 P.M. 30-Minute Snack Break****3:45 P.M. - 4:45 P.M. Session 5 - .1 CEU****Shirley L. Baker, CSR****Officing At Your Home On The Range**

Shirley will give us a comical, yet practical, look at handling potential obstacles you may encounter while attempting to work from home - time management, temptations, and those pesky distractions - and give us some good ideas on how to be more professional, get organized, and accomplish your goals!

**4:45 P.M. - 5:45 P.M. Session 6 - .1 CEU****Judge Jennifer L. Walker Elrod****The Wild, Wild West Of Court Reporting****Judge John Coselli**

These two fabulous District Court judges will discuss the practical and ethical considerations in riding and roping the record, recording the shootout, and getting it all down!

SUNDAY, SEPTEMBER 25, 2005

**8:00 A.M. - 9:00 A.M. Registration and Sunday Brunch Buffet at the Rio Ranch****9:00 A.M. - 10:00 A.M. Session 7 - .1 Ethics CEU****Dana Reese Smelley, CSR, RMR, CRR****Avoid A Showdown At The OK Corral - Know Your Rules!**

Whether you're freelance, official or firm owner, you need to make sure you're abiding by the ethics rules and the Code of Professional Conduct as set forth by the CRCB. Dana will discuss with us several of the hot-button issues we face in the field of court reporting today.

**10:00 A.M. - 11:00 A.M. Session 8 - .1 Ethics CEU****Vonda P. Treat, CSR****Bushwhacked, Hogtied And Hornswoggled? Learn The Rules!**

In an interactive atmosphere, Vonda will go over some of the current ethical dilemmas facing reporters, address some rules questions which seem to come up on a regular basis, and share some horror stories relative to both.

**11:00 A.M. - 11:15 A.M. Quick Stretch-Your-Legs Break****11:15 A.M. - 12:15 P.M. Session 9 - .1 Ethics CEU****Kenneth Hugh Holt, Attorney at Law****West Texas Ethics**

Ken will give us a review of the applicable statutes, rules, regulations and recent cases governing the ethical obligations of today's court reporters.

**Please register me for HCRA's Saddle Up For CEUs Seminar being held September 24 and 25, 2005.**

Membership information: (please check one)

HCRA Member     Non-Member     Student Member     Student Non-Member

**I am signing up for: (please check one)**

Both days     Saturday only     Sunday only     Realtime competition

**I am enclosing a check or money order in the amount of \$\_\_\_\_\_.**

**PLEASE PRINT OR TYPE SO WE CAN GET YOUR INFORMATION ACCURATELY. THANKS!**  
**(If you do not fill in your NCRA number, you will not receive an NCRA punch card.)**

Name: \_\_\_\_\_ CSR # \_\_\_\_\_ NCRA # \_\_\_\_\_

Street address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Firm or Court information, if any: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Mail your registration form and check or money order to: HCRA, P. O. Box 2205, Houston, Texas 77252-2205.**

**IMPORTANT INFORMATION – PLEASE READ!**

\* Registration forms POSTMARKED on or before September 2<sup>nd</sup> will be considered “early” registration and will incur the early registration rate. Registration forms postmarked from September 3<sup>rd</sup> on will be considered “late” registration and will incur the late registration rate. If your form is postmarked after September 2<sup>nd</sup> and you have not included the late registration fees, your application will be rejected. If space is not available at the time your registration form is received with payment IN FULL, your registration form and check will be returned to you immediately. Partial payment will NOT reserve your space.

\* If your form is going to be postmarked after September 16<sup>th</sup>, please call Mylinda Faircloth at 713-623-4434 to verify availability of seating. Absolute maximum capacity for this venue is 150. Due to this, you should NOT count on being able to sign up at the door.

- Remember: In order to receive “member” pricing, you must have already paid 2005 HCRA membership dues. Rates are subject to membership verification. Not sure if you’re a 2005 member? You can check the member directory on our Web site or E-mail us at [info@hcrainfo.com](mailto:info@hcrainfo.com). If you are not currently a member, please download a membership application from our Web site and return it with your check and seminar application.
- 
- \* Student registration does not include CEU credits. Student seating may be limited.
- 
- Cancellations must be in writing and must be received prior to 5:00 p.m. on Friday, September 16, 2005. A \$35 administrative fee may be charged per cancellation. No refund will be given for failure to attend.

**HOTEL INFORMATION**

You may make your own reservations by calling 713-974-1000 or 1-800-HILTONS by Friday, September 9, 2005. You must identify yourself as a member of the Group, “Houston Court Reporters Association.” All reservations must be guaranteed and accompanied by a first night room deposit or guaranteed with a major credit card. If you would like to make reservations online, log on to [www.westchase.hilton.com](http://www.westchase.hilton.com) and enter the code “HCR”. However, if arriving or departing outside of agreed dates, you will need to contact the Hotel directly.

Single or double occupancy, king or double/double    \$74    Single or double occupancy, suite    \$94  
 Rooms will be guaranteed until 5:00 P.M. on Friday, September 9<sup>th</sup> at this rate. Rates do not include state and local taxes, currently 17%. Free self-parking is available on-site.

**From the CRCB Web site  
[www.crcb.state.tx.gov](http://www.crcb.state.tx.gov)**

**New Rules for Court Reporters and Court Reporting Firms:**

The following rules have been approved by the Supreme Court and are effective immediately:

- Code of Professional Conduct,
- Penalty Matrix, and
- Continuing Education Rules for Certified Shorthand Reporters
- Chapter 52 Vernon's Texas Codes Annotated (Revised)

**CSR EXAMINATION: (NEW)**

Effective June 2005 examinees shall be required to furnish his or her own transcript paper (no more than 25-30 pages) and all other materials, such as diskettes, CDs, cassettes, etc. for the certification examination. The Board will no longer furnish paper and diskettes for examinees. Examinees will, however, only be able to use diskettes/CDs if they indicate on their request for exam assignment form that they are bringing a diskette/CD. Additionally, please be advised that these items (diskettes, CDs, etc) must be turned in with your transcripts after the exam

**Change made by Supreme Court regarding 10 Pitch: (Effective 11/1/2004)**

Section 5 PITCH

5.1 Character Spacing. The pitch (characters per inch) to be used is 9 or 10.

**Certification by Endorsement and/or Reciprocity:**

In the 78th Legislative Session legislation was passed giving the Board authority to license an out-of-state reporter by way of reciprocity and/or endorsement. Effective June 1, 2004 the Board will begin allowing licensees from other states to become certified in Texas without the requirement of passing the skills portion of the certification examination. They will, however, be required to take and pass the written knowledge portion of the certification exam. The Board will not be implementing procedures for reciprocity. Additionally, the process of certification by endorsement does not extend to RPR's/RMR's, nor does it extend to those reporters in states where certification by examination is not required. The endorsement process is not applicable to those whose state certification requirements are not equivalent to that of the State of Texas. If you're a licensed out-of-state reporter who would like to apply for certification in Texas, please go to the "Forms" section of our website and download/complete the endorsement application. To apply for Certification by Endorsement, the process is two-fold. **First**, the applicant must complete the Application for Eligibility of Certification by Endorsement. After review of the application, the Board will notify the applicant in writing once their eligibility status has been determined. **Second**, upon receipt of their eligibility status, the applicant will complete and submit the Application for Certification along with the appropriate exam registration papers and any applicable fees.

**Interpreters and Reporting for the hearing impaired:**

For more information on becoming licensed interpreters, the agency to contact is the Department of Licensing and Regulations at 800-803-9202. For more information on becoming a certified reporter for the hearing impaired, the agency to contact is the Texas Commission for the Deaf and Hard of Hearing at 512/407-3250.

**Reporter Sites of Interest**

CRCB Web site: [www.crcb.state.tx.us](http://www.crcb.state.tx.us)  
HCRA Web site: [www.hcrainfo.com](http://www.hcrainfo.com)  
TCRA Web site: [www.tcra-online.com](http://www.tcra-online.com)  
NCRA Web site: [www.verbatimreporters.com](http://www.verbatimreporters.com)

Texas Legislature Online  
[www.capitol.state.tx.us](http://www.capitol.state.tx.us)

**Supreme Court of Texas - Court Reporter Rules Updates**  
**[www.supreme.courts.state.tx.us/rules/reporter/](http://www.supreme.courts.state.tx.us/rules/reporter/)**

**HCRA's Second Annual Realtime Competition will be held  
Saturday, September 24, 2005  
Hilton Houston Westchase  
9999 Westheimer Road, Houston, Texas 77042, (713) 974-1000**

Mark Kislingbury has graciously agreed to conduct the Realtime Competition again! The Committee co-chairs are Carolyn R. Coronado and Tamra M. Parks. Registration and Breakfast will begin at 7:30 a.m. The competition will begin at 8:00 a.m. Contestants will be able to attend the first seminar session. The competition does not include CEUs for TX CRCB, but does include .4 CEUs, once every three-year term, for NCRA, for qualifiers only. Competition results will be announced sometime during the seminar.

**COMPETITOR FEE IS \$40**

**NONCOMPETITORS MAY SIT IN FOR \$25; HOWEVER, TESTS WILL NOT BE GRADED AND  
COMPETITION QUALIFICATIONS AND RULES APPLY TO EVERYONE.**



*Registration Deadline is Friday, September 2, 2005!*

***The Mark Kislingbury – Houston Realtime Cup***  
**HCRA's Official Realtime Competition Rules**

**Contestant Qualification Requirements:**

Contestants in the Realtime Competition must meet all of the following requirements:

1. Be a Professional Member in good standing of HCRA (*still time to join*);
2. Be a current resident of the state of Texas;
3. Must have pre-registered for the competition (no on-site registration available);
4. Bring own computer equipment, i.e., steno writer, power adaptors; and
5. Bring a 3.5" disk with label or CD with label.

**Realtime Competition Rules of Procedure:**

1. The competition shall consist of a live or recorded, five-minute Literary at 180 words per minute, which the contestants must write via realtime to a computer and, without editing, upon instruction, create an ASCII file on a 3.5" disk or CD. The Literary shall consist of a solid matter dictation of unspecified topic. Qualifying is 95% accuracy.
2. Those contestants unable to produce such ASCII file within five minutes of their instructions to do so may be disqualified. Disqualification is left to the discretion of the Competition Committee Chair.
3. After dictation is completed, contestants shall be directed to take their hands off their equipment and await instructions.
4. A competition monitor shall watch as each individual contestant creates an ASCII file of the competition and hands their disk or CD to the monitor. The monitor shall be certain the contestant does not make any changes, corrections, and/or deletions to the text of the competition file on their computer before creating the ASCII file.
5. Contestants are instructed not to put their name on their ASCII disk or CD label.
6. In order to maintain anonymity, contestants will be given an arbitrary number to put on the label of their ASCII disk or CD. Only Committee members shall have access to these assigned numbers.
7. Dictation material shall be confidential to Committee members and dictators only.
8. Anyone with prior knowledge of the material to be dictated may not participate as a contestant.
9. Contestants must meet the requirements listed above in the section entitled "Contestant Qualification Requirements."

**Realtime Competition Rules of Procedure Continued:**

10. Contestants must not have received, directly or indirectly, any remuneration or promise of remuneration in any form for participating in and/or winning the competition.
11. In order to qualify in the competition, a contestant must have at least 95 percent accuracy per the "Grading Guidelines." No transcript will be rated that has more than 5% of errors.
12. Grading Guidelines will be provided to contestants prior to the competition.
13. The contestant with the highest percent of accuracy becomes the Champion.
14. The two contestants with the next highest percents of accuracy to the Champion become the second and third place medalists.
15. It is common courtesy for the previous year's Champion to have first choice in seating at the competition. The order for seating then proceeds by allowing any past Champions, second or third place medalists, etcetera, to choose their seating preference. Note: There will be no priority seating at this First Annual Realtime Competition.
16. The graded transcripts of all participants will be available to them for review at the annual seminar site following announcement of the results. The Competition Committee will announce time and location for reviewing transcript results.
17. A registration fee will be charged to each contestant, such amount to be determined annually by the Board of Directors.
18. All decisions of the Competition Committee made under these rules, or such supplementary rules as may be found necessary at the time of the competition, shall be final.
19. The President of HCRA shall appoint the Competition Committee on an annual basis.

**Grading Guidelines for the Realtime Competition:**

The Realtime Competition consists of five minutes of live or recorded dictation material (straight matter) at 180 words per minute. Only files with 95% accuracy or higher qualify.

1. Any file containing two drops of 10 or more words will be immediately disqualified.
2. A submitted ASCII disk or CD that does not contain printable data will be immediately disqualified.
3. Realtime must be in upper and lower case. Any file received in all caps will be immediately disqualified.

Grading will be according to NCRA's Realtime Contest (180 Literary component) Grading Guidelines, "What is an Error?" These guidelines are virtually the same as NCRA's CRR Skills Test, except at 95% accuracy.

Note: Detailed Grading Guidelines will be provided to contestants prior to the competition.



\*\*\*\*\*

*The Mark Kisingbury – Houston Realtime Cup*  
Registration Form (Deadline is 09/02/2005)

(Please print or type)

Name: \_\_\_\_\_ Texas CSR No.: \_\_\_\_\_  
(Mandatory. Does not include CEUs)  
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or Tamra M. Parks (713) 755-1721 or [tamra\\_parks@justex.net](mailto:tamra_parks@justex.net)**

## **Who Has Power of Attorney Over You?** **By Lisa Schreiner, Accurate Reporters, Inc.**

Here are some important definitions every court reporter and/or notary should know. While reading, keep this in mind: I'm not an attorney and I'm not giving legal advice or opinions. I'm just relaying what has been told to me and the information that has been provided to me. My understanding of things may be subjective. It's up to you to decide for yourself. Unless there is a court ruling, I think this issue will remain a matter of personal interpretation.

From the definitions provided, I understand that since a court reporter's or notary's power of signature is granted by the government, a power of attorney signed over by a court reporter or notary to any other person can only be as effective as the power of the **individual's** signature; that a power of attorney does not turn over the powers that were granted a person by a court or government; and that having a power of attorney in the hands of a court reporting office gives the court reporting office a power of attorney over the individual's life, not their government appointed duties.

Firms signing certificate pages on behalf of a court reporter, and not identifying that they are signing in their capacity as attorney in fact, are not properly signing the reporter's signature as per the agreement of power of attorney. I'm sure if the court finds out that the court reporter did not sign the transcript, as would be made clear if the document was properly signed or endorsed, the court would not accept the transcript and would inform the signer of their inability to sign or endorse that particular document.

Upon calling the CRCB to find out if a court reporter could assign his/her duty, in part or full, to another person by way of a power of attorney, I was expressly told that it is assumed that since the licensing requirements to become a court reporter under Chapter 52 are very specific for the State of Texas to approve and license a court reporter and since the license is given to only that person, none of his/her duties can be performed by anyone other than the person who is authorized under the license. The license is very specific to the person who holds the license.

It is the same with your license to drive. You can not, by power of attorney, sign over your licensed privileges of driving to another person to act on your behalf. We all know that. So why should it be assumed differently with reporting or any other license?

Your driving and CSR licenses are granted by the State of Texas to perform specific duties under that particular license. The licenses do not allow you the right to act on behalf of the licensing agency. Therefore, you do not have the right or power to transfer the duties or permissions granted by them, which were granted to you specifically. See also, Chapter 406 and Chapter 87 of the Texas Notary Public Act.

As per Web site:

<http://www.legal-explanations.com/definitions/sign.htm>

### **Sign**

1) To place one's signature on a document. This includes an illiterate or physically impaired person marking an "X," as long as it is properly witnessed in writing as "Eddie Jones, his mark." An attorney in fact who has the authority to act for another person by power of attorney may sign for the one who granted power, but should identify the signature as "by his attorney-in-fact, George Goodman." 2) Communicating by sign language.

### **Officer Of The Court**

Anyone who is obligated to endorse justice and the judicial system's effective operation, such as judges, attorneys, bailiffs, clerks, and other personnel. Lawyers have the ethical duty as officers of the court to inform judges of the truth and must avoid dishonesty and cannot evade about reasons the attorney or his/her client does not appear in court, the location of documents and other matters related to the court's conduct.

### **Official Misconduct**

Acts by public officials which are improper and/or illegal and violate his/her duty to follow the law and act on the public's behalf. Such conduct is usually under the guise of official authority.

### **Duty**

1) Legal obligation that can result in a liability if a breach occurs. A duty must be proven to exist by defendant to plaintiff. The duty can be a duty of care or a duty to perform. 2) Taxation on imports.

### **Power Of Attorney**

A written document that is signed by a person that grants another person the power to conduct the signer's business, including acts such as signing papers, checks, title documents, contracts, handling bank accounts, and other activities in the person's name who granted the power. The person who receives the power of attorney (the agent) is referred to as the "attorney of fact" for the person who granted the power. The agent will typically sign documents such as "Melinda Hubbard, attorney in fact for Guilda Giver." Two types of power of attorney exist: 1) general power of attorney covering all activities, and b) special power of attorney covering specific matters, such as selling a particular piece of real estate, handling specific bank accounts, or executing a limited partnership agreement. A power of attorney expires on the date indicated in the document, or upon written cancellation. The signer will acknowledge before a notary public that he/she executed the power, so that if necessary, it is recordable, as in a real estate transaction.

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2005/2006

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**CONFIRMATION OF INFORMATION AND MEMBERSHIP AGREEMENT**

I certify that the above information is correct and I hereby make application for membership in the Texas Court Reporters Association. I pledge myself, if accepted, to abide by the requirements of the Bylaws and Code of Professional Conduct of the Association as they may be amended in the future and to support and subscribe to the preservation and advancement of the field of verbatim reporting by the use of shorthand symbols. (Signature of both applicant and endorser REQUIRED for all new membership applications. The endorsement signature is NOT required for renewals.)

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**TCRA 2005 ANNUAL CONVENTION  
 UPDATE FROM THE OFFICIALS FORUM  
 BY M.N.C.**

Commissioners movement for no pay to officials for indigent transcripts failed in Dallas and Fort Bend County. However, it is not over. They will be back and this time will be more informed. Also, let's not forget about electronic recording. Twenty-three states have already gone to electronic recording in the courtroom.

We need to make the judges and commissioners aware of the value of the human element involved in keeping a record of court proceedings. We also need to promote court reporting positively by informing them of the assistance that court reporters make to the hearing-impaired community. Also, support our lobbyists financially and communicate with them. Our lobbyists are asking us to call, write, or e-mail them with anything that we hear that could negatively affect court reporting so that they can watch out for any legislation that comes up. They are here for us. However, we need to do our part. We do not want to lose this battle.



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**Are you missing flavor in your meals?  
Here are a few recipe ideas that are sure to please.**

**You will need to have a bottle of Flavour Gourmet ready. If you don't have one, ordering instructions are at the end of the recipe list.**

Flavour Gourmet is a seasoning for cooks of all types, even people who don't cook. This seasoning will allow the most novice of cooks to create gourmet flavored meals.

**Use instead of salt or pepper on all your favorite foods... even french fries, popcorn, cottage cheese and scrambled eggs.**

**Guacamole Dip:**

Peel a fresh avocado and remove pit. Place avocado pieces in bowl. Mash avocado and add Flavour Gourmet All Purpose Seasoning until the flavor is to your personal satisfaction. You can season light or heavy.

**Ranch Style Dip:**

Mix with Sour Cream for a great ranch style dip.

**Grilled Chicken or Beef:**

Place rinsed, raw meat on a plate. Sprinkle Flavour Gourmet over raw meat until fully covered with seasoning. You can season heavy or light. Cook meat over grill until fully cooked. This will most likely be the best you've had without slow smoking.

**Grilled Hamburgers:**

Mix Flavour Gourmet in raw hamburger meat. Form into patties and cook over grill until done.

**Fried Chicken, Tomato, Onion, Mushrooms or Eggplant:**

Batter Mix: In medium size bowl, pour enough white flour to cover the amount of food you will be cooking. About 3 to 4 cups should do. Pour Flavour Gourmet All Purpose Seasoning into the flour mixture until the flour takes on a slightly darkened color. Taste the dry mix and add more seasoning until the flavor is as strong as you like. Set this mixture aside when you are done.

Food preparation:

If frying Chicken, simply rinse the raw meat.

If frying Tomato or Onion, simply rinse and slice into 1/4 inch slices.

If frying Eggplant, peel eggplant like you would a potato, then slice into 1/4 inch slices.

If frying Mushrooms, DO NOT RINSE. Brush mushrooms and leave whole.

Dip your chicken, tomato, onion, mushroom or eggplant in raw egg, then dip and press into the flour mixture. Place prepared pieces on a plate until you get your frying pan ready.

Preparing the frying pan: Fill a frying skillet 1/2 inch deep with oil and heat on medium heat. The oil will heat fast and then it will start to burn so you will need to watch the temperature. Test heat of oil in skillet by dropping a small piece of batter in the skillet. If the batter bubbles and floats, the oil is ready to cook.

Cooking: Once the oil is hot, cook all the batter prepared food in the oil until the outside is golden brown. When removing the food from the oil, it's a good idea to place the cooked food on a plate with napkins on it. The napkins will absorb any excess oil.

**How to order Flavour Gourmet:**



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Credit cards accepted on-line. Discounts for multiple bottles.

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♦Don't worry about too much salt.

♦Flavour Gourmet has only 150mg of salt per ½ tsp. and contains **NO MSG.**

♦The boldness of the flavor in your meal depends on how much seasoning you use.

**No More Surprises, Please**  
**By Lisa Schreiner, Accurate Reporters, Inc.**

As independent court reporters, your title also becomes "independent contractor" or "contractor." As an independent contractor, you have a responsibility to protect yourself. However, the firms you work for have a responsibility to be open and honest about the jobs they give you and the pay they are offering. They have an obligation to tell you the key facts that are known to them, as they affect your job and your pay. If they do not share these facts with you, I feel it is assumed that you are working under the usual and customary rates and agreements, especially if you work for them on a regular basis and have clearly established your rate of pay.

Firms rely on court reporters to be consistent with their charges. In turn, reporters rely on firms to be consistent with their rate of pay. It's a two-way street. I feel contracting with lawyers and negotiating lower pay rates to reporters without including the reporter in the negotiations negatively impacts everything consistent in a firm's business practices with their contractors. Let's face it, reporters don't like contracting, but some jobs simply have to be negotiated at times. Both firms and reporters are subject to taking hits on pay. That's just business.

I don't support negotiating a contract for regular work, unless it is a Government entity in which a contract is necessary. In those cases, I have an agreement with reporters to cover the jobs at the agreed rates. I also have an agreement that I won't cover the work unless the assigned reporters are available.

Let's talk about contracting. When was the last time you hired a mechanic to work on your car without having that mechanic first give you an estimate? If you didn't ask, then you probably have done business with them before and are basically agreeing to accept whatever the mechanic, or "independent contractor," will charge to do the job. This applies to lawyers agreeing to pay the customary charges of firms, and to firms paying the customary charges of reporters. If the contractor's rate of pay has been established, the rate of pay should be consistent with previous jobs performed for the hiring party. If the rates have increased or decreased for any reason, the contractor needs to notify the party that will be paying the charges, to either promote the available discount or notify them of the rate increase. This applies to reporting firms or lawyers being notified of any fluctuations in billing.

If a reporting firm negotiates a "deal" or "contract" with a lawyer, it is very important that the reporter be given the opportunity to renegotiate their contract or working conditions with the firm. If the firm does not notify the reporter of any negotiations, I feel the firm assumes the responsibility of paying the customary fees to the reporter, no matter what they negotiated with their client.

When establishing a contract, it is important to agree to predetermined potential variations in pay or charges, based on the job and skill requirements. Let's face it, most jobs are not cut-and-dried. If a lawyer or firm holds back important information that will affect billing, such as technicality, we need to keep our avenues open to adjust the rates accordingly.

When accepting a job, have your questions ready or simply make an agreement with the firm that a standard of pay will be expected unless otherwise agreed to in writing. I find that a good practice is to negotiate set dollar figures versus percentages. This will eliminate any surprises in pay. Both firms and reporters need to protect themselves by knowing as much as they can about the working conditions of each job accepted. Be dedicated and reliable to the firms that schedule your services. Establishing a good business relationship will be advantageous to everyone.

## In Memory of Roger by Tamara Vinson

Roger Rehorn was born on August 5, 1943 in Kansas City, Kansas. He lived with polio since the age of six, which contributed to his scoliosis at about the age of twelve and the need for many back surgeries to save his life. Upon graduating from Clovis High School in New Mexico, he attended court reporting school in Plainview, Texas in the early '60s. The classes started at the truly awful time of 6:00 or 6:30 a.m.! The teacher was the one who decided when you were ready to graduate. She told Roger on a Friday to be in Houston, Texas by Monday, which was at the end of January 1963. He had one weekend to get himself there via bus. Larry Carroll (a fellow reporter) picked him up at the Greyhound bus station and took him to the YMCA. He was only nineteen years old at the time, which was too young to obtain a notary, so his first job was working for the Grand Jury where he didn't need to be a notary. He worked there for two years, learning how to be a reporter while on the job. Roger was convinced from the start that he couldn't do the job and he certainly didn't like doing it. At about the age of twenty-five, he met and married Jimmy Lee Roberts, and together they opened A-1 Reporting. They were married for 13 years. Carol Davis was one of their first reporters. During the '70s, Roger became a Merit writer. He worked for Judge Tom Phillips as his official in the early '80s. Roger tried to retire from reporting in the '80s and took two years off. He went back to New Mexico and helped his father with his Indian store. When that didn't work out, Roger came back to Houston and went to work for Carol Davis, where he met and married his beautiful wife, Shar, in May of 1986. Shortly thereafter, they started Santa Fe Trace, Inc., and worked together until he retired in February of 2005, two months before his death, on April 21, 2005. Roger and Shar were in the process of moving to Clovis, New Mexico at the time.

How do I put into words our 19-year friendship? I met Roger when I first came to Houston and also worked for Carol. We became instant friends. Our offices were next to each other. CNAs always made Roger extremely happy. My first week in Houston, I ran into Roger in the parking lot on my way to a job. He was practically skipping back to the office. He said he had gotten a "CNA," to which I replied, "What's a CNA?" That was the first of many reporting-related questions that were answered for me by Roger. (We don't have CNAs in Pennsylvania.) He was the one I went to when I had questions about reporting. Roger always stopped what he was doing and answered my questions with patience and understanding.

Over the years, the four of us, my husband Joe and I and Roger and Shar, got to be great friends. Joe and Roger traveled together for depositions all across the US and put many miles on together. I covered depositions for his clients and he covered depositions for mine. The four of us worked together and played together. We enjoyed many nights out, the four of us, having dinner and going and listening to Texas folk music, discussing clients, reporting, religion, politics and life.

Roger and I had a friendship that I will treasure for the rest of my life. No matter how serious I was about something, Roger had the ability to turn it into a joke with his quick wit and make me laugh. He could not let anything pass if it could be made into something funny. Roger was the definition of laughter. He was a constant reminder not to take life too seriously and to live for the moment. Roger was a friend, an advisor and sometimes just a good listener. Three things that will always make me think of Roger are: peanut butter, good Scotch and Lyle Lovett concerts. I loved him like crazy and will miss him more than words can say.

Quote from Shar: He may have been only 5'2" and 120 pounds soaking wet, but he was the biggest man I've ever known.

*God saw that they were getting tired,  
and a cure was not to be.  
So, He put His arms around them  
and whispered, "Come with Me."  
With tearful eyes we watched them  
and saw them fade away.  
Although we couldn't bear to lose them,  
we could not bid them stay.  
These golden hearts stopped beating,  
Hard-working hands laid to rest,  
God broke our hearts to prove to us  
He only takes the best.*  
IN MEMORY OF

Charlotte Smith  
David Wright  
Cindy Lindsey Hugman  
Bill Stiles  
Roger Rehorn  
Darla Monk Harder

Virgil Martin  
James Ellis  
Ken Howard  
Ricky Word  
Gwen Harvey Schoolfield  
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