



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

HO`OMUA

"To Push Forward"

A publication of the Hawaii Court Reporters and Captioners Association



POSITION AVAILABLE:

Hawaii State Judiciary:

Immediate permanent Supervising Court Reporter II vacancy on the Island of Oahu. For details, go to the classifieds, page 11.

To apply, you may visit the Judiciary Web site at www.courts.state.hi.us

ADVERTISE HERE

**ONLY \$20.00
PER ISSUE***

** HCRCA Member price*

WEBSITE ADVERTISING AVAILABLE

**Only \$15 per month*
with link to your website!**

** HCRCA Member price
Details on Page 12*

IN THIS ISSUE:

President's Message

Food For Thought

Useful Links

Earn .5 CEUs with CPR

Legislative Update – Victory!

Full Text of Attorney Lien Act

Act 233 Text re: attorney liens

Laughter as Medicine

Maui CEU Opportunity – USCRA

Classifieds—Another New Job Available!

A Word on Words NEW Feature!

Advertising Rate Schedule

HCRCA Advertising Application

President's Message

Dear HCRCA Members,

I had the honor of representing the Hawaii Court Reporters and Captioners Association (HCRCA) at the National Court Reporters Association (NCRA) Annual Convention in Las Vegas the last week of July. The first part of my message will concern the activities at the convention that most affect court reporters, and the last part will focus on our ongoing activities here in Hawaii.

NCRA has devoted a large part of the past year to its "Writing Our Future Project," which sought to gather information from members on the direction NCRA should take in representing and promoting our profession. One-on-one discussions were held with more than 200 members; the freelance and officials' communities of interest conducted online chats; and two surveys were fielded, resulting in more than 3,000 responses from individual members. There was discussion and debate on four potential scenarios for NCRA's future.

Scenario 1: Status Quo

NCRA REMAINS AN ASSOCIATION OF STENOGRAPHIC COURT REPORTERS ONLY. NCRA membership, certification, and programs/services remain focused on stenographic court reporters.

Scenario 2: Steno Membership, Certifying Body

NCRA regular membership remains steno only; however, NCRA becomes the certifying body for verifying the quality and competency of other voice-to text methods involved with making the official record.

Scenario 3: Association for All Methods

NCRA becomes a membership association and certifying body

(Cont'd Page 2)

HCRCA and Ho'omua reserve the right to edit or not publish submitted material. Statements or expressions of opinion appearing herein are those of the authors and not necessarily the views of the editorial staff, or officials of the Hawaii Court Reporters and Captioners Association. Publication of advertising herein does not imply endorsement of any product, service, or opinion advertised. The HCRCA disclaims any liability arising from reliance upon information contained herein.

President's Message (*Cont'd from Page 1*)

for all methods of making the official record. NCRA membership and programs/services become available to anyone engaged with creating the official record, regardless of method. NCRA becomes the certifying body for verifying the quality and competency of all methods.

Scenario 4: Consortium

NCRA BECOMES PART OF A CONSORTIUM OF ASSOCIATIONS ENGAGED WITH MAKING THE OFFICIAL RECORD. A Consortium of voice-to-text associations is created with NCRA operating within that consortium as the membership organization for stenographic court reporters. A separate association, or perhaps multiple associations, is/are created to serve the needs and verify.

Sixty percent of respondents agreed that NCRA should remain an association by and for stenographic court reporters, so Scenario 1, "Status Quo," is the direction by which NCRA will proceed, remaining an association whose primary focus is on advocating for, certifying, and serving the needs of stenographic court reporters.

Although 45 percent of respondents supported Scenario 3, "Association for All Methods," that result doesn't begin to approach the two-thirds majority of NCRA voting members that would be required to approve such a change, so no further efforts will be focused there. Scenario 2, "Steno Only Membership, Certifying Body for All Methods," garnered 38 percent agreement, and Scenario 4, "Consortium of Associations," had 32 percent agreement.

When members were asked, "Where can NCRA, state associations, and steno reporters have the greatest impact (strong influence) in the next 1520 years?" they responded:

1. Building a positive perception of steno reporters among consumers, 75%
2. Building awareness of real-time as a value-added service for consumers, 73%
3. Establishing an understanding of limitations of E.R. among consumers, 67%
4. Number of steno reporters entering marketplace, 51%
5. Number of qualified students entering schools, 48%
6. Contracting between CR firms and clients, 43%
7. Use of digital audio in courts and depositions, 43%

Putting it all into perspective, the survey results show that members believe the NCRA, state associations and the court reporting community can build a positive perception among consumers of their services, including real-time.

Respondents feel that attorneys, judges, and court administrators will have the largest influence on the court reporter's future with elected officials and CR firm owners having a strong role as well.

And 72% of members would recommend court reporting to a young friend/relative.

A huge majority wants steno to be used in every situation, but nearly all recognize that isn't realistic. The most realistic future is for all reporters to become real-time ready as a means of advancing the profession, but even that isn't particularly realistic.

Overall, there seems to be an understanding that the profession needs to evolve and adapt with a willingness to engage in conversations about the future, but with no clear answers about what the future holds.

(Cont'd Page 3)

President's Message (*Cont'd from Page 2*)

I think we here in Hawaii share the sentiments of staying engaged and involved in order to bolster our profession and keep it viable and relevant in the eyes of the Judiciary, Bar and the public. An upcoming event that will help to spread the word about the importance of court reporters to the legal profession, as well as the CART and captioning professions, is the annual Children's Day at the State Capitol in October. The event is divided into three segments: very young children, elementary-school aged, and teenagers. HCRCA has represented the court reporter and captioning professions at this event for the last four years, the first two years in the teen area and last year in the teen and elementary-school aged area. And this year we will again host an exhibit and real-time writing demonstration in both areas because some students form impressions about what they'd like to do in life before they reach high school, so it's important that they know about court reporting and captioning in the early stages of their consideration. We'll also be looking for every opportunity to interact with the Bar and Judiciary.

And I would be remiss if I didn't mention that House Bill 1138, Attorney's Lien; Certified Shorthand Reporter Services, which authorizes a lien on an attorney's firm for unpaid certified shorthand reporter services requested by the attorney, became effective July 1, 2011.

And, of course, HCRCA will continue its mission of providing continuing education opportunities for reporters and captioners. Our next CEU event will be a CPR/AED course the first week of December. Information on that to come.

Aloha,

Sharon Mujtabaa
President, HCRCA

Food for Thought:

“What you say and how you say it are more revealing of your intelligence, personality, and character than the ways you dress, eat, walk, read, or make your living.”

-Harry Shaw, Author

HCRCA suggests a visit to the following websites:**Our Official Website:**

<http://www.hawaiicourtreportersassociation.com>

National Court Reporters Association <http://www.ncraonline.org/>

United States Court Reporters Association <http://www.uscra.org/>

California Deposition Reporters Association <http://www.caldra.org/>

California Court Reporters Association <http://www.cal-ccra.org/>



Mark Your Calendars:

**RED CROSS CPR/AED
Training Seminar
Saturday, December 3, 2011**

EARN .5 CEUs



A five-hour hands-on seminar with certification in CPR/AED presented by the American Red Cross at the Honolulu YWCA, 1040 Richards St., Honolulu, Hawaii.

8:30 a.m. – 9:00 a.m. – Registration at Honolulu YWCA, 1040 Richards Street, Honolulu

9:00a.m. – 3:30 p.m. – Adult CPR/AED.

12:00 p.m. – 1:00 p.m. – Lunch at Mandalay Restaurant

*It is mandatory to attend the complete session
in order to receive your certificate and CEUs.*

**HCRCA Members and Court Reporting Students.....\$125.00
Non-Members.....\$150.00**

Join HCRCA Now!!\$65.00

REGISTER NOW!!

Registration deadline: Postmarked by Monday, November 28, 2011

NAME: _____

ADDRESS: _____

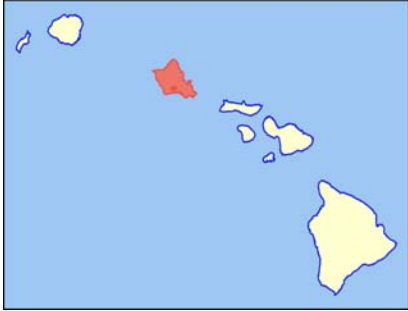
PHONE: _____ EMAIL: _____

HAWAII CSR #: _____ RPR#: _____

ATTENDING: _____ CHECK ENCLOSED _____

MAIL TO:

Hawaii Court Reporters and Captioners Association, P.O. Box 4681, Honolulu, Hawai`i 96812



LEGISLATIVE UPDATE

By Valerie Mariano Swiderski

HOUSE BILL 1138 is now ACT 233!

ANOTHER SUCCESS FOR HCRCA!

Working with lobbyists Red Morris and John Radcliffe, HCRCA continued with its effort to pass legislation during the 2011 legislative session holding attorneys responsible for court reporter bills they generate.

As of July 12, 2011, our legislation known as House Bill 1138 became law without the governor's signature and is now known as Act 233.

A great mahalo goes out to Senator Clayton Hee, Chair of the Senate Judiciary Committee, and Representative Gilbert Keith-Agaran, Chair of the House Judiciary Committee, as well as Senators Kidani, Shimabukuro, Slom, Ige, Chun Oakland, Espero, Fukunaga, Kahele, Kim, Kouchi, Ryan, Tokuda, Wakai, Gabbard, and Ihara and Representatives Oshiro, Thielen, Cabanilla, Ching, C. Lee, McKelvey, Saiki, Takumi, Rhoads, Brower, Herkes, Ito, Luke, Souki, Tsuji, and Fontaine. Also of note is the tireless effort of Lou Carnazzo, Sharon Mujtabaa, Beth Kelly, Tristan Joseph and others in working with our lawmakers; the financial contributions of Robert Balian, Debra Chun, Joan Izumigawa, Patricia Miller Sharon Ross, Laurie Savo, Sandra Gran, Shirley Koch-Smith, Geraldine Saffery, Cindy Smith, Lou Carnazzo, Sharon Mujtabaa and others; and all of you who appeared at hearings, wrote letters, and made telephone calls to ensure the success of *your* association.

Following is the text of Act 233 as amended.

HOUSE BILL 1138 is now ACT 233!

ANOTHER SUCCESS FOR HCRCA!

The following is the text for Act 233, Section 1, Chapter 507, Hawaii Revised Statutes, regarding liens on attorneys; certified shorthand reporter services, as copied from the Hawaii State Legislature website:

A BILL FOR AN ACT

RELATING TO ATTORNEYS LIENS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 507, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:
4 “~507- Liens on attorneys; certified shorthand reporter
5 services. (a) Subject to the notice requirements in
6 subsection (b) and the exemptions described in subsection (d), a
7 certified shorthand reporter furnishing a stenographic record of
8 any judicial proceeding, deposition, statement, or interview of
9 a party in a proceeding or a copy of the stenographic record to
10 an attorney at the attorney’s request shall create a debt owing
11 to the certified shorthand reporter by the attorney’s firm,
12 partnership, corporation, company, or other legal entity
13 pursuant to which the attorney practices law, which may be
14 enforced by the certified shorthand reporter in circuit or
15 district court, as applicable. The amount of the debt shall not
16 exceed the payment agreed to between the attorney and the
17 certified shorthand reporter at the time the stenographic
18 services are requested.

(Continued on page 6)

(Continued from page 5)

1 (b) Concurrently with the delivery to the requesting
2 attorney of the completed stenographic record or the final
3 component or part thereof, or as soon as a tally of recoverable
4 costs can be calculated, the certified shorthand reporter shall
5 deliver an invoice listing the amount due for the stenographic
6 services. If the requesting attorney does not pay for the
7 stenographic record within sixty days of the receipt of the
8 completed stenographic record and the invoice, the certified
9 shorthand reporter may send a notice to the attorney that a lien
10 in the amount described in subsection (a) shall be imposed on
11 the assets of the attorney's firm, partnership, corporation,
12 company, or other legal entity pursuant to which the attorney
13 practices law, within fifteen calendar days. Thereafter, if
14 payment is not made to the certified shorthand reporter, the
15 lien may be enforced by the certified shorthand reporter as
16 allowed by law.

17 (c) The requesting attorney, or the attorney's firm,
18 partnership, corporation, company, or other legal entity
19 pursuant to which the attorney practices law, may dispute the
20 amount due to the stenographic services listed in the invoice or
21 the completeness or accuracy of the stenographic record at any
22 time, and may seek declaratory relief from the circuit court

(Continued on page 7)

(Continued from page 6)

1 that the debt is not owed. Nothing in this section shall
2 prohibit an attorney or the attorney's firm, partnership,
3 corporation, company, or other legal entity pursuant to which
4 the attorney practices law, from pursuing a third-party claim
5 against the requesting attorney's client for payment of
6 stenographic services.

7 (d) This section shall not apply when:

8 (1) Payment to the certified shorthand reporter is
9 otherwise provided by law; or

10 (2) The attorney expressly disclaims responsibility for
11 payment of the stenographic service or record, in
12 writing, at the time that the attorney orders or
13 requests that a record be made."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2011.



LAUGHTER AS MEDICINE

By Madeline Gable

These are purportedly sentences exactly as typed by medical secretaries:

1. The patient has no previous history of suicide.
2. Patient has left her white blood cells at another hospital.
3. Patient's medical history has been remarkably insignificant with only a 40 pound weight gain in the past three days.
4. She has no rigors or shaking chills, but her husband states she was very hot in bed last night.
5. Patient has chest pain if she lies on her left side for over a year.
6. On the second day the knee was better and on the third day it disappeared.
7. The patient is tearful and crying constantly. She also appears to be depressed.
8. The patient has been depressed since she began seeing me in 1993.
9. Discharge status: Alive, but without my permission.
10. Healthy appearing decrepit 69-year old male, mentally alert, but forgetful.
11. Patient had waffles for breakfast and anorexia for lunch.
12. She is numb from her toes down.
13. While in ER, she was examined, x-rated and sent home.
14. The skin was moist and dry.
15. Occasional, constant infrequent headaches.
16. Patient was alert and unresponsive.

(Continued on page 7)

LAUGHTER AS MEDICINE

(Continued from page 6)

17. Rectal examination revealed a normal size thyroid.
18. She stated that she had been constipated for most of her life until she got a divorce.
19. I saw your patient today, who is still under our care for physical therapy.
20. Both breasts are equal and reactive to light and accommodation.
21. Examination of genitalia reveals that he is circus-sized.
22. The lab test indicated abnormal lover function.
23. Skin: somewhat pale, but present.
24. The pelvic exam will be done later on the floor.
25. Large brown stool ambulating in the hall.
26. Patient has two teenage children, but no other abnormalities.
27. When she fainted, her eyes rolled around the room.
28. The patient was in his usual state of good health until his airplane ran out of fuel and crashed.
29. Between you and me, we ought to be able to get this lady pregnant.
30. She slipped on the ice and apparently her legs went in separate directions in early December.
31. Patient was seen in consultation by Dr. Smith, who felt we should sit on the abdomen and I agree.
32. The patient was to have a bowel resection. However, he took a job as a stock broker instead.
33. By the time he was admitted, his rapid heart had stopped, and he was feeling better.



USCRA



**Offers
More Opportunities to Earn CEUs in Paradise!**

USCRA is the United States Court Reporting Association, a federal reporting association created in 1945. We have received notice they are having a convention here in Hawaii on the Island of Maui.

**October 6th – 9th, 2011,
Seminars Held on October 7th – October 9th**

at the Fairmont Kea Lani,
4100 Wailea Alanui, Wailea, Hawaii 96753
800-659-4100

For more information, visit <http://www.uscra.org/hawaii.shtml>

Seminar topics include:

- The Honorable Leslie Kobayashi
- Working Smarter, Not Harder
- Realtime Speed Contest
- Cultural Hawaii Hula Demonstration
- Technology & Gadgets
- Tax Tips for Court Reporters
- The Magic of Websites
- Catalyst/Eclipse Training
- Plus banquets, sunset sail, and business meetings

Estimated 1.75 CEUs available

HCRCA CLASSIFIEDS

To post an ad, contact the newsletter editor at valerie.swiderski@gmail.com with "HCRCA ad" in the subject line. Categories include Equipment for Sale, Equipment Needed, Position Available, Position Wanted, Software for Sale, Software Needed.*

POSITION AVAILABLE:

(Position description revised)

Hawai'i State Judiciary – O'ahu

Court Reporter II - Duties: Takes verbatim records of court proceedings utilizing computer-aided transcription (CAT) and/or simultaneous video display transcription (realtime); transcribes/certifies transcripts; and performs other duties as required. Qualifications: RPR Certification and Hawaii CSR license required.

Supervising Court Reporter II – Duties: Maintains direct supervision over a staff of court reporters; coordinates court assignments with court schedules; oversees transcript preparation; and assists in various administrative matters. This is a working-supervisory position. All qualifying candidates must possess the ability to take verbatim records of court proceedings; be proficient in computer-aided transcription (CAT) and/or simultaneous video display transcription (realtime); transcribe and certify transcripts; and perform other duties as required. Qualifications: Six years of Court Reporting Experience, RPR Certification, and Hawaii CSR license required.

Major employee benefits: 13 paid holidays; paid sick/vacation leave; medical, prescription, vision and dental plans; life insurance; retirement plan and savings.

How to apply: **Apply on-line at www.courts.state.hi.us or for additional information contact Kim Maitland, 808-539-4226.**

POSITION WANTED: Veteran RPR, Hawai'i & California CSR seeks work as scopist due to repetitive stress injury. Specializes in medical/technical testimony. Excellent referrals upon request. Uses Case Catalyst. Contact valerie.swiderski@gmail.com

EQUIPMENT WANTED: I need an older printer with parallel ports that will run through DOS, preferably LaserJet I, II, III, or IV, that will work with TURBOCAT. Contact Vicki Kite at spiritsong34235@yahoo.com.

**HCRCA and Ho'omua reserve the right to edit or not publish submitted material. Statements or expressions of opinion appearing herein are those of the authors and not necessarily the views of the editorial staff, or officials of the Hawaii Court Reporters and Captioners Association. Publication of advertising herein does not imply endorsement of any product, service, or opinion advertised. The HCRCA disclaims any liability arising from reliance upon information contained herein.*



A Word on Words

By Valerie Mariano Swiderski

In this feature HCRCA will present valuable grammar and word usage information as well as interesting word histories. The following lessons are from the *Dictionary of Problem Words and Expressions*, by Harry Shaw, published by McGraw Hill:

1. **try to not try and**

Example: “Try to be on time,” not “Try and be on time.” The same applies to the verbs *come* and *go*: “Come to get your purse,” not “Come and get your purse.” “Go to get your paycheck,” not “Go and get your paycheck.”

2. **fewer vs. less**

The word *fewer* is used to describe items you can count; the word *less*, to describe something you cannot count.

Example: *There are fewer cars on the road. There is less traffic on the road.*

Bad Examples:

The grocery line that says “10 Items or Less” should say “10 Items or Fewer.”

The TNT television station slogan “More Drama. Less Commercials” should say “More Drama. Fewer Commercials.”

Nike had a slogan similar to TNT’s, and I wrote to them pointing out their error. They seem to have withdrawn the ad. TNT did not. If you hear/see that TNT ad again, join me in my campaign to eradicate bad grammar from the public eye.

DID YOU EVER WONDER why a woman’s legs are referred to as ***gams***? “In the U.S., since about 1900, *gams* has referred only to women’s legs. But before then, in England, *gamb* meant any leg, especially a bare leg, and long prior to that *gamb* meant the leg of an animal, deriving from the late Latin *gamba*, ‘hoof or hock,’ from the Greek *kampi*, ‘bend, curve,’” as reported in *The Facts on File Encyclopedia of Word and Phrase Origins, Third Edition*, by Robert Hendrickson.



Hawaii Court Reporters and Captioners Association

2011 Advertising Rate Schedule

WEBSITE

Business-card-sized ad running along right-hand column of home page, priced monthly.

HCRCA Members:

No Set-up Fee!

Without Web Link:

\$10.00 per month
\$25.00 per quarter
\$90.00 per year

With Web Link:

\$15.00 per month
\$35.00 per quarter
\$110.00 per year

Non-HCRCA Members:

\$25.00 setup fee*

Without Web Link:

\$15.00 per month
\$35.00 per quarter
\$125.00 per year

With Web Link:

\$20.00 per month
\$45.00 per quarter
\$150.00 per year

HO`OMUA

Business-card-sized ad running along left-hand column of first page, published quarterly:

HCRCA Members:

No Set-up Fee!

\$20.00 per quarter
\$70.00 per year
(Longer sponsorship contracts available)

Non-HCRCA Members:

\$25.00 setup fee*

\$30.00 per quarter
\$100.00 per year

* *Set-up fee waived for cut-and-paste-ready art and/or text.*

CLASSIFIEDS

Line ads both in Ho`omua and online:

HCRCA Members:

Unlimited Free Ads
Online and Ho`omua

Non-HCRCA Members:

Ho`omua:
\$15.00 per issue

Website:
\$10.00 per month

Advertising Disclaimer: *HCRCA and Ho`omua reserve the right to edit or not publish submitted material. Statements or expressions of opinion appearing herein are those of the authors and not necessarily the views of the editorial staff, or officials of the Hawaii Court Reporters and Captioners Association. Publication of advertising herein does not imply endorsement of any product, service, or opinion advertised. The HCRCA disclaims any liability arising from reliance upon information contained herein.*



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

P.O. Box 4681, Honolulu, Hawai'i 96812

HCRCA Advertising Application Form

Company Name: _____

Address: _____

Phone: _____ Contact: _____

Email: _____ Website URL: _____

This application is for the following advertising:

_____ HCRCA Member _____ Non Member

_____ HCRCA WEBSITE _____ HO`OMUA _____ CLASSIFIEDS

_____ *with web link*

_____ monthly (*web only*) _____ quarterly _____ yearly

Include business card or equally sized graphic ad. Do not staple.

Classified Text :

Refer to Advertising Rate Schedule for total cost and remit to:

Hawaii Court Reporters and Captioners Association,

P.O. Box 4681, Honolulu, Hawai'i 96812

The Hawai'i Court Reporters and Captioners Association (HCRCA) is a non-profit professional organization founded for the purpose of promoting excellence in court reporting in the state of Hawai'i. Ho'omua is published by HCRCA, P.O. Box 4681 Honolulu, Hawai'i 96812



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

2010-2011 HCRCA BOARD

SHARON MUJTABAA
President

captionlady@hawaii.rr.com

TRISTAN JOSEPH
Vice President and President-Elect
tristanjoseph0261@yahoo.com

SAMI SILVIA
Secretary
samisilvia@yahoo.com

PRISCILLA GONZAGA
Treasurer
pelekila@hawaii.rr.com

Official Directors:
MARYBETH KUNIHIRO
kunihirog001@hawaii.rr.com

BRIAN FAXVOG
bfaxvog@hawaiiantel.net

Freelance Directors:
HOLLY HACKETT
hacketth001@hawaii.rr.com

TRISH CAMPBELL
zeusangelstarlight@yahoo.com

VALERIE MARIANO SWIDERSKI
Newsletter Editor & Webmaster

HCRCA and Ho'omua reserve the right to edit or not publish submitted material. Statements or expressions of opinion appearing herein are those of the authors and not necessarily the views of the editorial staff, or officials of the Hawaii Court Reporters and Captioners Association. Publication of advertising herein does not imply endorsement of any product, service, or opinion advertised. The HCRCA disclaims any liability arising from reliance upon information contained herein.

It's Never Too Late To Join!

2011 membership - Remember, we are your association!

Annual Professional Membership.....\$75.00

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

HAWAII CSR #: _____ RPR#: _____

CHECK ENCLOSED: _____ \$

Send your check with the information requested above to:

**Hawaii Court Reporters and Captioners Association
P.O. Box 4681
Honolulu, Hawai'i 96812**

HCRC
P.O. Box 4681
Honolulu, Hawai'i 96812