



HAWAII COURT REPORTERS & CAPTIONERS ASSOCIATION

HO`OMUA

"To Push Forward"

*A publication of the Hawaii Court Reporters
and Captioners Association*



*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
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annual Spring Seminar!!**

PRESIDENT'S MESSAGE

Aloha fellow reporters. Our first "Brown Bag" seminar at the Honolulu Academy of Arts and a tour of Shangri La was a tremendous success. Great work, gang!

The response to proposed change to Rule 2 of the Rules Governing Court Reporting in Hawai'i is included in this newsletter for your review and edification. Hopefully all of you logged on to the Judiciary website and voiced your opposition to this.

In this issue check out the venue for our next "Brown Bag" seminar scheduled for Maui in March. This should prove to be an exciting, informative and delightful seminar. Hope to see many of you there.

As mentioned before, California has successfully passed a law placing the responsibility for payment of reporting services on the ordering attorney. We would like to have a similar law passed here in Hawai'i. Once again I am soliciting the help of "someone" out there to spearhead this effort and head a committee regarding this issue. Would "Someone" please step forward? Our Association needs the help of a lot of "someones" to help with the many activities that are necessary to make any organization functional and effective. Perhaps many of you have read this before, but for the sake of those who haven't ...

Someone Else

*Our Association was saddened to learn this week of the death of one of our most valued members, **Someone Else**. **Someone's** passing creates a vacancy that will be difficult to fill. **Else** has been with us for many years, and for every one of those years, **Someone** did far more than a normal person's share of the work.*

*Whenever there was a job to do or a meeting to attend, one name was on everyone's list: "Let **Someone Else** do it." Whenever leadership was mentioned, this wonderful person was looked to for inspiration as well as results: "**Someone Else can lead that project.**" It was common knowledge that wherever and whenever there was a need, everyone just assumed **Someone Else** would make up the difference. **Someone Else** was a wonderful person; sometimes appearing superhuman. Were the truth known, everybody expected too much of **Someone Else**.*

*Now **Someone Else** is gone! We wonder what we are going to do. **Someone Else** left a wonderful example to follow, but who is going to follow it? Who is going to do the things **Someone Else** did? When you are asked to help this year, remember, **we can't depend on Someone Else anymore.** – Author Unknown.*

Lou Carnazzo, HCRCA President

BRIEFS & PHRASES

When the testimony's ripping along and the objections come on top of the answers, briefs in one stroke can be a necessity.

Kathy Pearson, HCRCFA Freelance Director

Asked and answered	SKUPBD
Assumes facts not in evidence	STPEPBDZ
Assuming facts not in evidence	STPEPBGDZ
Assumes facts	STPABGTS
Attorney client	TOERBG
Attorney client privilege	TOERP
Calls for speculation	K-S
Calling for speculation	K-LGS
Calls for a legal conclusion	KHR-BGS
Calling for a legal conclusion	KHR-BG
Calls for expert testimony	KERPTS
Calling for expert testimony	KERPT
Inadmissible	TPHAD
Incomplete hypothetical	EUBG/HAOEUP or HAOEUBGT
Irrelevant	EUR
Lack of foundation	HRO*F
Legal conclusion	HR-BG
Leading and suggestive	HR*UG
Not reasonably calculated	TPH-RBG
Not reasonably calculated to lead to the discovery of admissible evidence	TPH-RBGD
Object to the form	TPO*B
Object to the form of the question	OFBG
Running objection	RO*BGS
Vague and ambiguous	SRAPL
Work product	W-P

Hawaii Court Reporters and Captioners Association,
in cooperation with the Pacific Whale Foundation, presents:

Maui Whale Watching



Saturday, March 15th, 2007

9:00 a.m. to **** p.m.

Earn .6 CEUs!!!

~ REGISTER NOW ~

Schedule of Events:

- 8:45 Registration
- 9:00 Lecture by Pacific Whale Foundation's Carolyn Brown
- 12:00 Lunch on your own
- 1:00 Guided whale-watching tour aboard "Maui Pride"
- 4:30 Return to shore

HCRCA Members.....\$55.00
 Non Members and out-of-state guests.....\$75.00
 .6 CEUs (price includes lunch)
 Join HCRCA Now!!\$65.00

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**

HAWAII COURT REPORTERS AND CAPTIONERS ASSOCIATION
RESPONSE TO PROPOSED AMENDMENT TO RULE 2

The Hawaii Court Reporters and Captioners Association is **OPPOSED** to the proposed amendment to Rule 2(b) of the Rules Governing Court Reporting in the State of Hawai`i for the following reasons:

1. It has been proven time and time again in actual live testing that a live professional certified court reporter can and does do a superior job of making and preserving the record in a court of law as opposed to using mechanical/electronic recordings.
2. A live professional certified court reporter uses the latest up-to-date technology with computerized steno machines and is able to recognize immediately if there is a problem with the making of the record. Tape recordings often have mechanical problems that may go unnoticed during their operation only to find out later that a record cannot be made and may result in costly retrials. A case in point was reported by Henry Gottlieb in the New Jersey Law Journal November 2, 2007. Branham v Raina, Esx-L-744-05. Title of the article is "For Want of a Tape, a Case Was Lost."

For Want of a Tape, a Case Was Lost

Judge orders mistrial when failure to record testimony leaves jury hung, by Henry Gottlieb, New Jersey Law Journal, November 2, 2007. A mistrial caused by a courtroom recording failure may have cost a medical malpractice plaintiff in Essex County up to \$560,000 of a high-low settlement, and it is stirring calls for more stenographers in New Jersey courts. (See enclosed article from New Jersey Law Journal)

3. Court administrations across the country have removed reporters from courts in the interest of supposed cost saving. There are many examples of why this has proven more costly.

ER Gets Failing Mark In Illinois

The February 25-26 edition of the Waukegan, Ill., News-Sun reported that courts in Illinois are seeking reporters after many digital audio installations in various suburban Chicago counties were found to be inadequate replacements.

Staff writer Art Peterson wrote that court administrators had reduced court reporter staffing to minimum levels in many courts as electronic recording systems were installed.

"However, the technology has proven to be a failure in some courts and mediocre in others, with bright spots only here and there, depending on which manufacturer's system is used," Peterson wrote. "On the McHenry County side of Circuit Court, half the courtroom systems were deemed failures; the Lake County side avoided installing the electronic systems.

"The Illinois Legislature recently removed court reporters from the oversight of the Supreme Court and shifted them to the chief judges of each circuit.

"Now the chief judges have the authority to bring staffing levels of human court reporters back up to at least adequate levels, and to use electronic recording where live court reporters are not available."

4. We believe the creation of "tape transcribers" using "any employee" opens a Pandora's Box fraught with potential problems. Which employees are referred to? When, where, and how will they be trained? How will they be certified, if at all? Will there be assurance that these "employees" will be neutral and impartial? How will the "employees" be monitored?

RESPONSE TO PROPOSED AMENDMENT (cont'd)

5. Across the nation there are many, many examples of the inadequacy or unreliability of using electronic recording devices instead of live reporters which are too voluminous to include with this response. We would be happy to provide this material if necessary.

In conclusion, we offer this reprint from the National Court Reporters Association citing the many, many advantages of using a live certified court reporter in order to preserve the neutrality and integrity of the record for the protection of the public:

Reasons Why Court Reporters Are Better Than Recording Systems

Recording systems, both audio and video, have been offered for years as alternatives to court reporters. And most observers agree they have useful places in the judicial system. However, in most instances, they are not a superior substitute for today's realtime court reporter. Here are several reasons why:

- Court reporters sort and discriminate between testimony and background noise. They can clarify inaudible or heavily accented speech.
- Court reporters clarify technical terms.
- Court reporters do not inadvertently record attorney-client exchanges.
- Court reporters read back from any portion of their notes.
- Court reporters certify the accuracy and integrity of the record and can testify to those points if necessary.
- Court reporters undergo two or more years of academic and skills training.
- Court reporters who are certified must demonstrate that they update their knowledge by earning continuing education units.
- Court reporters capture proceedings digitally as well as on paper, facilitating their use in litigation support systems.
- Audio and video recording systems produce recordings; court reporters produce digital and paper transcripts.
- A transcript is a practical necessity, not a luxury, in all but the briefest or simplest of cases.
- If a transcript is to be prepared from the recording, who will do it? How many will be involved? How long will it take? Who will certify the accuracy if the transcribers were not present at the proceeding? What is the cost of not preparing a transcript but, instead, simply reviewing the tapes?
- Due to variations in background, education, training, diligence, and other individual factors, transcripts prepared by different transcribers from the same recording will be different. Differences may or may not be resolvable by listening to the recording.
- In most instances transcript costs are similar regardless of the method used to take the record.
- Many court reporters can provide realtime translation of proceedings on computer screens in court or depositions. This aids in reviewing testimony and provides access for attorneys, judges, or witnesses who are hard of hearing.
- Realtime transcripts can be telecommunicated or cybercast to allow participation by remote parties or consultants.
- The court reporter's transcript can be synchronized with a contemporaneously-made digital audio or digital video recording to provide the ultimate in a searchable multimedia record.
- Court reporters may provide unofficial transcripts of testimony on paper or by electronic file virtually instantly.
- People today want fast access to information. That is what court reporters provide.
- Contrary to impressions people get, digital audio systems are not voice-to-text systems. Digital audio requires human transcribers to create a paper or digital transcript.
- To create a searchable log of a digital audio or video proceeding, someone, usually a monitor, annotates trial activities. An accurately annotated log will help find a particular event on the recording; but it does not produce the transcript.
- Court reporters provide their own equipment, thus making sophisticated digital technology available to the court system at no expense.
- Regarding voice/speech recognition, no expert who has come to our attention believes that this technology will replace humans in the foreseeable future.

Respectfully submitted,
Hawaii Court Reporters and Captioners Association

SAVE THE DATE!!!

for the HCRCA 2008 Annual Spring Seminar

SATURDAY & SUNDAY, MAY 17TH & 18TH, 2008

at the beautiful Sheraton Waikiki Hotel
(Details coming soon!)

~ WinCalendar May 2008 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11 Mother's Day	12	13	14	15	16	17 HCRCA ANNUAL SEMINAR!!
18 HCRCA ANNUAL SEMINAR!!	19	20	21	22	23	24
25	26 Memorial Day	27	28	29	30	31

HCRC
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