

The Fluctuant Freelancer

EARLY LANGLEY, CSR, RMR, RSA, CLR, B.A.



About me

I'm Past President of CCRA, graduate of UCB, Phi Beta Kappa. Started off as an official, then deposition reporter. When officials were laid off, I started to do both depos and court.





PREP for
depo, trial, or
arbitration

KNOCK THE FEAR BEFORE BEFORE BEFORE

I know where I'm going and I check for how to get there. I keep names of court staff and attorney staff in my contacts list. If I think I'm going to be later than 20 minutes to a job, I'll contact either the noticing attorney or my office. (I'm a staff reporter.)

I usually get at the job an hour early. I have time to chat with the staff.





HOW TO START OFF ON THE RIGHT FOOT

Hi, my name is Early. I'm your reporter today!



- ▶ What impression do I want to give?
 - ▶ Be the first. Be quick and show strength and confidence. I will not hesitate to be the first to extend his/her hand to everyone, the witness, all of the lawyers, the clerk, the court attendant, and the judge. I usually do this: "Hi, my name is Early. I'm your court reporter. Very nice to meet you." And I usually get this from someone: "I'm glad you're here early," to which I reply, "They don't call me Early for Nothing."

▶ THANK YOU!

- ▶ Remember to thank the "behind the scenes" people, like the receptionist and the person that brings in the coffee and water, the judge, the clerk, the court attendant.

My M-O for marketing No. 1

- ▶ If you've never been somewhere before, do a little research about the firm, the attorneys.
- ▶ Get there early. Say hello and smile to those in the elevator. They may be the important people you'll meet at the firm. SMILE BIG and greet the receptionist. Make sure the greeting is genuine. You may think the receptionist is just a receptionist. Not so. They may be your biggest fan club. Word gets passed around.
- ▶ If you bring treats, always be consistent about bringing them, no matter how inconvenient. Find out what the receptionist likes first.
- ▶ After you set up in the depo room, spend the time and take advantage of opportunities to meet others. One of the staff walks by, or one of the staff comes in. SMILE. Get to know them. Start a friendly conversation. Genuinely compliment them on something. Always thank the people who replenish the water and coffee.

My M-O for marketing No. 2

- ▶ Topics that work with attorneys: sports, vacations, common interests.
- ▶ Dress like a lawyer would dress. You'll be treated like a professional and mistaken for a lawyer.
- ▶ Watch their body language to see if they want to engage in conversation. Be respectful of their time. Before the depo is not the time to engage in conversation. Wait until they talk first. I generally share experiences that I've had in court up and down the state of California. I've never had an attorney uninterested in that.

AFRAID OF TRIALS AND DAILIES?

▶ **INTRODUCE YOURSELF to:**

- ▶ The clerk, the court attendant, if there is one, and hand your card to the clerk. Your license number goes in the minutes. Introduce yourself to the judge. Big smiles for all.

▶ **INTERNET:**

- ▶ I get an internet connection to send files to my scopist and to set up realtime with attorneys and the judge. I use my own router or I use my phone as Hotspot.

▶ **SET UP YOUR EQUIPMENT AND REALTIME:**

- ▶ Connect all iPads up and place in front of judge and attorneys. Keep a spare iPad for yourself to monitor connection.
 - ▶ Ease up on the fear of untranslates. Attorneys don't expect perfection. You'll have less fear and be more perfect.

WANT TO SAVE TIME AND
MAKE MORE \$\$?

HERE'S HOW



HIRE A \$\$ Scopist/Proofreader

- ▶ Line up a scopist/proofreader. (You may do this differently!)
 - ▶ I use a scopist. But I am the proofreader. Having a good scopist ensures more money to you because you can take more jobs. It means fast delivery and accuracy because two eyes are better than one.
 - ▶ My scopist checks my work and I check hers. There's something about "Aha, I caught one!" that makes you feel good. She says it to me all the time, and, of course, I always can't believe I made that stupid error. And then she says exactly the same thing. But, again, I ultimately proofread the job.
 - ▶ I proofread instead of scoping because the final proof gives me the chance to read for sense.
 - ▶ On a daily, my scopist is constantly sending back her scoped unit so I can start on the final and have it finished that evening.

My partner, my
scopist! 11th year: THANK

YOU!

No fear!

YOU can
do it too!



HIRE A DRIVER!



- ▶ **COST/BENEFIT ANALYSIS** to get a **ROUGH** in 1 hour? **FINAL** that night? No problem!
- ▶ **NOT DRIVING** – going by train:
 - ▶ 3 HRS = 150 PAGES proofed.
 - ▶ 3 HRS more to SLEEP.
- ▶ Dailies take TIME. Depos take TIME.
- ▶ The traffic in the San Francisco Bay Area is becoming nearly as bad as Los Angeles. So ask yourself:
 - ▶ What's your commute time?
 - ▶ How far are you behind in getting your jobs out?

Scopist + driver! ROUGH in 1 hour? FINAL that night? No problem!

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2 breaks, 1 lunch + EDIT, INDEX

\$\$\$\$ PRODUCES RESULTS

- ▶ I edit my transcript as I write it. I take every moment during a break and at lunch to get it ready for my scopist or proofreader.
- ▶ During a trial, I set up index files from my software's automatic index option. This achieves two objectives:
 - ▶ By combining the exhibit index files into one (copying and pasting the index columns) I can help the clerk with his/her exhibit list
 - ▶ And it prepares the Master Index for the Reporter's Transcript on Appeal
- ▶ I don't ask for spellings that I can get myself.
- ▶ But I do get spellings that I know I can't find.
 - ▶ At a break, ask the witness's lawyer for permission to speak to his/her witness. You never know what issue may exist.



HOMework TO GET BETTER WRITING

15 mins of speed, 1 caption, 1
expert = 1 depo prep

- ▶ Practice at high speeds - 15
- ▶ 1 Caption. 1 notice, 1 proof of service = clues to what it's about and who's involved.
- ▶ 1 expert: Who is it? If I have an expert witness' deposition, I can glean a lot of information online about the expert's qualifications and expertise. Certain types of litigation have extraordinarily difficult terminology.
- ▶ Use CAT software to import entire articles.
- ▶ Input any speakers and terms.

CREATE a file that includes testimony from trial and depos

- ▶ Ronald Dodson, Ph.D.
- ▶ Kyle Dotson, CIH
- ▶ Liukonen
- ▶ Cheng and McDermott
- ▶ Agnes Kane
- ▶ Lenters
- ▶ Iwatsubo and Rodelsperger
- ▶ Barry Horn, M.D.
- ▶ Dail and Hammar textbook
- ▶ Richard Kradin, M.D.
- ▶ Charles McDonald, M.D.
- ▶ David Egilman, M.D.
- ▶ Drew Van Orden
- ▶ Arnold Brody, M.D.
- ▶ Norman Moscow, M.D.
- ▶ Suresh Moolgavkar, M.D.

5 seconds GET IT or GOOGLE IT



TRIALS:


- ▶ Get and read experts' transcripts
- ▶ Get witness and exhibit lists from all parties
- ▶ Make a file of Appellate Court citations that are cited frequently in argument in court.
 - ▶ MAKE A FILE of terms. Add definitions. And how it's used: example: BATSON WHEELER "[T]he use of peremptory **challenges** to remove prospective jurors on the sole ground of group bias violates the right to trial by jury drawn from a representative cross-section of the community under article I, section 16, of the California Constitution." (People v. **Wheeler** (1978) 22 Cal.3d 258, 276-277.) "[T]he Equal Protection ...

12 terms

Make a list



- ▶ EDXA energy dispersive x-ray analysis
- ▶ SAED selected area electron diffraction
- ▶ EDS energy disbursement spectroscopy
- ▶ FESEM Field emission scan electron photomicrographs
- ▶ Gouverneur tremolite
- ▶ MSHA (m-sha) Mine Safety Health Admin.
- ▶ Abbe refractometer
- ▶ Cummingtonite
- ▶ Cali-Blok
- ▶ mA Cu K_α
- ▶ TALC: Analysis of Gouverneur talc mine, John Dement,
- ▶ Diopside, antigorite, serpentine, anthophyllite, tremolite, Nyltal, Mistron, C400, Whittaker 399, and some Pfizer talcs



CONFIDENTIAL
PORTIONS

CONFIDENTIAL STUFF

“ (Testimony deemed confidential was removed and bound separately.)

”

START ANOTHER TRANSCRIPT:::

(The following confidential testimony was removed from page [] line [] of the deposition transcript.)



FED READON AND
OFF AND CERT

FED READON + OFF

THE REPORTER: Please let me take a minute for the read-on. My name is Early Langley. I'm a certified shorthand reporter in the State of California. My address is [XX], California. The date of this deposition is [XX], the time is [XX], and the place of the deposition is [XXXX]. Mr./Ms. [XX], please raise your right hand.

FED READON + OFF

[!WITNESS NAME]

sworn as a witness,
testified as follows:

Counsel, please state your name and who you represent for the record.

THE REPORTER: Please let me do the read-off. Here ends the deposition of [XX], and counsel, please state any stipulations you request about the custody of the transcript and exhibits, or any other pertinent matters that you wish on the record.

FED CERT

I, EARLY LANGLEY, a Shorthand Reporter, State of California, do hereby certify:

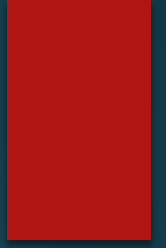
That [!WITNESS NAME], in the foregoing deposition named, was present and by me sworn as a witness in the above-entitled action at the time and place therein specified;

That said deposition was taken before me at said time and place, and was taken down in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings that took place;

That before completion of the proceedings, review of the transcript was [was not] requested.

IN WITNESS WHEREOF, I have hereunder subscribed my hand this [!CURRENT DATE].

THE ANATOMY OF A SUSPENSION



Code of Civil Procedure

Section 2025.420

▶ THE KEY WORDS:

- ▶ will be seeking a Motion for Protective Order
- ▶ AND
- ▶ suspending the deposition

What a transcript can look like right before the suspension:

- ▶ And so in doing so, plaintiff, before filing the motion, has no choice but to suspend the deposition to seek such an order, so...
- ▶ (The deposition having been suspended at 4:05 p.m., further proceedings were held in a separate transcript.)

TITLE OF SUSPENDED PROCEEDINGS

MEET-AND-CONFER PROCEEDINGS POST-SUSPENSION

DEPOSITION OF JOHN DOE

Friday, August 17, 2018

* * * *

--o0o--

P R O C E E D I N G S

--o0o--

(The following proceedings were held post-suspension
of the deposition at 4:06 p.m.)



FEAR OF INTERRUPTING

Fear of interrupting? 3 tips

- ▶ When: If I don't understand or hear. Jury voir dire is the worst. Ask the clerk and court attendant if a wireless microphone is available to pass to each juror. Not only is voir dire fast, but accents are heavy and attorneys and judges want to get it over with as fast as possible. Politely say, "Excuse me, Counsel, I can't hear."
- ▶ I recently had a pharma IP case, and this word dilemma came up: "inactive" or "in active." At first I hesitated. I thought I'd wait before asking. But within a split second, I asked. Why: Nobody would remember what was said, and it was a critical difference. Plus, the reaction I got was one of immediate respect. I cared about what was said, and I wanted to get it right.
- ▶ In California, we are taught that the best time to deal with an issue and correct something is right at the deposition before everyone leaves. Not later.



Fear of Interrupting Videotaped Depos? EDUCATE ATTORNEYS

- ▶ Why **educating attorneys** is important during a videotaped deposition:
 - ▶ Chances are that this depo is going to be used at trial in lieu of a witness' appearance.
 - ▶ Lawyers submit page/line designation requests at motions in limine that represent what they want to have cut or read or played via videotape to the jury. They spend copious amounts of time arguing their position.
 - ▶ If the questioning lawyer and the objecting lawyer and the witness are speaking all at once, the videographer who edits and cuts the videotape cannot leave the objection out. And objections are never allowed to go before a jury.

GOOD REASONS TO INTERRUPT

▶ SIMILAR WORDS WITH EXACTLY THE OPPOSITE MEANING:

▶ Inactive and active

▶ Atypical a typical



THE OUTTA TOWN JOB

HOTEL, DEPO: 1 connection, 1 videographer, 1 phone = 1 hour early

INTERNET: I get an internet connection. I connect online to send files to my scopist and to set up realtime with attorneys and the judge. I use my own router or I use my phone as Hotspot

PHONE: If I'm physically present with a witness and the depo requires a telephonic connection, I set that up immediately. Keep your cell phone silent and in sight. If not possible, make sure hotel knows and can interrupt if there's a disconnection.

VIDEOGRAPHER: A videographer's setup may have to change because the phone jack's too far away. If your phone cables don't reach far enough, the room must be set up to accommodate that.

REALTIME: I bring iPads.



THE HOTEL JOB

Tips No. 1



- ▶ Out-of-town depo at a hotel conference room. Telephonic.
- ▶ What did I bring? A Polycom phone that has two audio grabbers attached; several power strips because hotels can charge up to \$20 per strip; extension cords; router; Ethernet cable; hotspot; two iPads; an extra laptop.
- ▶

Get there early and bring everything but the kitchen sink

- ▶ What helped? Getting there the night before and peaking at the conference room. Where's the phone jack? Where you sit depends on that. Find out if you've got a live connection for your Polycom. If not, get the tech guy and get the connection live. Make sure you have the right outside line number. Get an early start and get there an hour early. Get your phone connected. If there's a videographer, coordinate with him/her.
- ▶ What else helped? Bringing my iPhone to use in case there is no live phone connection.
- ▶ Getting set up for realtime. Sometimes it takes a good minute or two – seems like a long time – just to get online, just to get the iPads to connect

OUTTA town job TIPS No. 2

- ▶ Book the hotel at the depo or near court. Take Lyft/Uber to court if it makes sense.
- ▶ Trial? Find out about the local rules and what judges in that area like. Most judges expect real time.
- ▶ Be prepared to do it all. I once was in a long daily trial and had to take an unexpected depo in the evening for delivery to court the next day. After reporting in court, I took the depo, went to a copy service, did all the assembling and filed the depo with the court the next day.
- ▶ One time we used my hotel room for a depo because there was no conference room.

PACKIN IT ON A PLANE? 4 tips

1. Be prepared to stay unexpectedly. If you can, wear a nonwrinkle fabric like a knit. Or clothes that mix/match. Put your meds etc. and makeup in your machine case. Pack light. I find that Tutto bags fit easily in the overhead compartment. They are lightweight and easy to grab and lift. They're also narrow enough to go up and down the aisle.
2. Get TSA number so you can go through security quickly.
3. If you can, book with an airline like Southwest that doesn't add on ticket change charges. Purchase a refundable ticket. Depo and trial times change rapidly. I recently changed a return flight three times. I've even purchased two tickets and cancelled one. I wanted to ensure that I had options on the return.
4. If you're flying to cover a trial, bring extra cables and a charger, a router, and iPads for realtime. Make sure you have alternate online connections.

GET TSA= saves time and \$\$. You wait in line for 15 minutes or longer. After security clears you, you put shoes and jacket back on and put laptop back in briefcase.



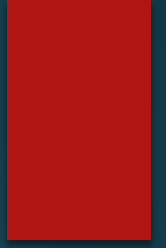


THE 7-HOUR TIME LIMIT

How to deal with few breaks, a long day, 100+ exhibits.....

- ▶ Attorneys fight about it, it's hard to endure
 - ▶ But remember that lawyers hire you. If they want to skip lunch, they will. I prefer to work at the pleasure of the attorneys. I learned this from working under pressure and long hours in court. If you get really tired, get help and get another reporter.
 - ▶ Depositions are much more forgiving and informal. I recently hit a depo record: 8:30 to 8:30, 438 pages and 114 exhibits.
 - ▶ BRING POWER BARS. If they want to eat while you're reporting, try this: "Sorry, Counsel, I can't drink and drive – I can't eat and write!"
 - ▶ GET UP and stretch! Walk around.

THE VISIBLY INAPPROPRIATE SITUATION



Reporter + Interpreter + Witness + Five Attorneys

- ▶ In August of this year, a colleague of mine reported a depo with an interpreter. She had four to five attorneys in the depo. During the depo, she observed that the interpreter sat facing away from her. The interpreter was hiding his cell phone. It became evident that the interpreter was taking a video of the deponent's crotch.
- ▶ What would you do?

My biggest fear: EXHIBITS!

- ▶ EARLY MOMENTS BEFORE YOU LEAVE:
 - ▶ Exhibits – log the exhibits in. Do not leave without them. If you send them, keep track of the tracking number. Get a signature required.
 - ▶ Track who you left exhibits with. Don't assume that someone who works in a firm knows how important original exhibits are. Miscommunications happen. If they do, get a full explanation and protect yourself. It's your license that's on the line, not theirs.
 - ▶ Check everywhere for anything you or an attorney left behind
 - ▶ I recently found an attorney's charger/adaptor. She was able to pick it up right away from our office and she was very grateful.

Brand names in depos

- ▶ A. Certainteen (phonetic) or Certaintine (phonetic), depending on...
- ▶ Q. And I know you're not a good speller. Do your best for me.
- ▶ A. I -- C-e-r -- C-e-e-r-t-t-i-n-e or something like that.
- ▶ Q. And would it state that more than one time on a section of pipe?
- ▶ A. Yes, sir.
- ▶ Q. Do you remember the color?
- ▶ A. Dark.
- ▶ Q. Do you remember if it had the "TM" on it as well?
- ▶ A. That, I can't -- I don't remember of that.
- ▶ Q. And was the -- the Certine (phonetic) or whatever it was in block or cursive?
- ▶ A. Block.
- ▶ Q. Were there any other marks, writings, or logos on the exterior of the Certine pipe that you can recall for us today, if any?
- ▶ A. I don't -- as I said, as I sit here today, I don't have any recollection of anything other than...
- ▶ Q.

Putting the transcript together on a daily

- ▶ Pay close attention to timestamps to make sure you are not leaving out an entire block of testimony – like an hour or two..
- ▶ Pay close attention to the last words of the previous file and the starting words of the next file to make sure they match
- ▶ Get your attorney ID names right

AFTER THE JOB



EARLY EMAIL FOLLOWUP saves TIME and FEAR and \$\$



▶ AFTER THE JOB:

- ▶ If you have questions, it's better to shoot out an email with a question than to get it wrong. Attorneys like that. They want a good record. They appreciate the time you took to ask. It shows that you have attention to detail.
- ▶ If anything needs to be clarified after the job, such as an exhibit issue, email all parties. It is crucial to notify all parties.

BE EARLY to get jobs out = \$\$\$\$\$\$\$

I get my jobs done before the due date. Why? Quick turnaround means:

1. You'll be the first to get the next job when the scheduler checks who's behind and who isn't. \$\$\$\$\$\$
2. The client will notice it – and the next time another reporter is behind and the client remembers that you're the one that got yours out fast, you're more likely to be the reporter who gets the next job. \$\$\$\$\$\$
3. Make fewer mistakes means more \$\$\$\$\$\$. Jobs that are stale get forgotten.

FEAR

NETWORK

JOBS?

1. A networking agency is also your client. Honor and respect that you are working on behalf of them. Pay close and careful attention to their worksheets.
2. Call them if you need to. You may get requested in a double- and triple-networked job. It's happened to me.
3. Get the "YES" going and "EARLY JOB BACK"!



A **winning** ATTITUDE = **POWER!!** 😊



POWER: ABOVE AND BEYOND!



- ▶ Go above and beyond the call of duty. Get your jobs out fast.
- ▶ Meet with a client beforehand to help them get set up. I once went to Apple headquarters to get their in-house attorney set up for realtime streaming.
- ▶ Take all jobs and get to like experts, trials and motions, pharma, IP, etc. These types of jobs are tough and they require much more time than usual.
- ▶ Read. Develop an insatiable thirst for knowledge. In our job, we quickly learn that there are worlds within worlds of knowledge.

Tired? Inability to concentrate?

- ▶ Get your sleep.
- ▶ Keep physically active. I run about three times a week. Find what works for you.
 1. More stamina
 2. More energy
 3. Better attitude
 4. Take time for yourself to rejuvenate
- ▶ Remember that you are your own private business, your own firm owner. You are the **PT, CEO, CFO, and CIO**. Take care of yourself and protect yourself.

How to cope with dry spells

“Ask” – reach out to past clients or introduce yourself and your portfolio to potential clients

- ▶ Create events.
 - ▶ Take client staff out to lunch.
- ▶ Connect with Others – they may know of upcoming needs of other potential clients
- ▶ Organize, Strategize and get Up to Date
 - ▶ Clean Your Desk; Tidy Up Your Online Presence
 - ▶ Add Skills – technology.
 - ▶ Get training from your CAT vendor.
 - ▶ Sharpen your reporting speed by practicing
 - ▶ Manage and refine your dictionary



HAPPINESS is 😊 😊

- ▶ Make more money
- ▶ Are more productive
- ▶ Less stressed
- ▶ More resilient
- ▶ Healthier
- ▶ Feel better about yourself
- ▶ Are more confident
- ▶ Are more content
- ▶ Have better memory
- ▶ Are more approachable
- ▶ Easier to get along with
- ▶ More fun to be around
- ▶ Life flows better

What prevents happiness?

- ▶ Stress
- ▶ Overwhelmed
- ▶ Frustration
- ▶ Anger/Resentment
- ▶ Fear
- ▶ Dissatisfaction
- ▶ Disappointment
- ▶ Doubtful

SOCIALS!

Know your lawyers + staff



Attend social events that your agency takes the time, energy, and money to put on. Agencies compete for business. They want to develop a great relationship with their clients. Remember that your agency is your client.

Get to know the likes of your lawyers. Remember their kids' names. Keep informed about sports so you have something to chat about.



CCRA!!! ! Give back! Encourage students!

Belong TO NCRA. Stay educated and get certified. Stay current on technology and equipment and software and hardware updates and maintenance contracts.

Stay connected with fellow reporters. Be a contributing member. Go to the conventions. Think of it as a yearly reunion with brothers and sisters in the profession and a way to stay current on reporting trends, tricks, and tips.

Belong to a local bar association as a contributing member.

(Naren Jansen and keynote speaker Joe Strickland, Chief Reporter of the House of Representatives. CCRA 2017 Convention.)



4 Most Valuable Accomplishments

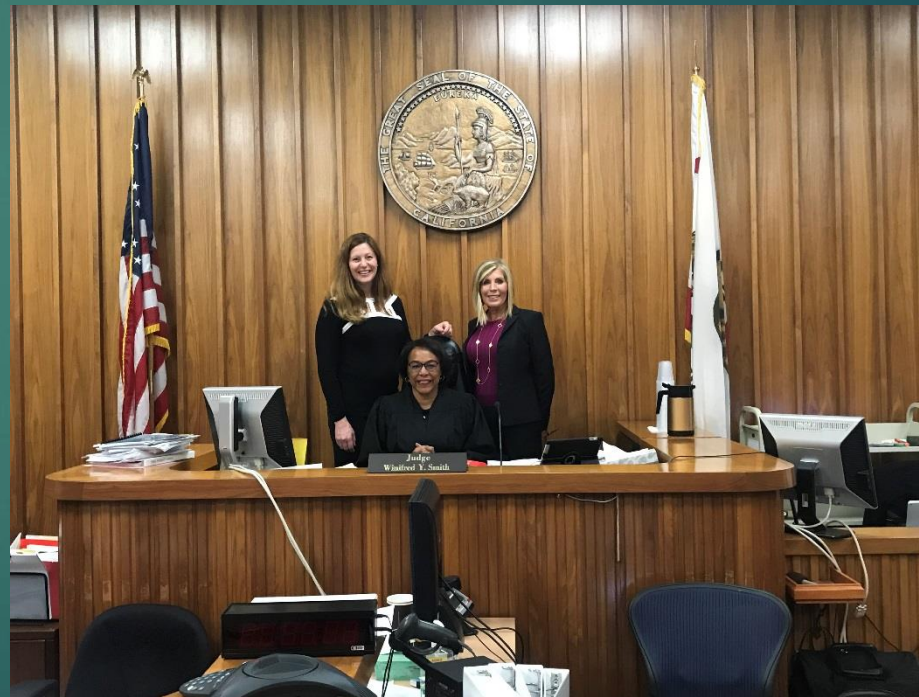
- ▶ 1. Maximizing time & being prepared
- ▶ 2. Getting enough sleep and exercise
- ▶ 3. Building a team with: my scopist; lawyers; paralegals and agencies
- ▶ 4. Motivating others

THANK YOU FOR ATTENDING!



IN THE MIDDLE OF A TRIAL

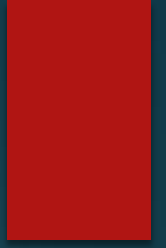
Judge Smith, Kristin Coffelt
(Student now CSR) and me



Parting thought: A **winning**
ATTITUDE = POWER and HAPPINESS!!



EXTRA SLIDES



KEEP HEALTHY

Walk, run, bicycle, go to the gym – keep track of your steps, etc. Use an app. Stretch. If you feel like you're stressed, vent and then let it go!

Get involved in a hobby. Cooking? Photography? Take time for yourself. **



MANAGE YOUR TIME

- ▶ Time management:
 - ▶ Make Productivity Chart Prior to Each Day
 - ▶ Prioritize your tasks
 - ▶ Learn to Work Without Distractions
 - ▶ If you have trouble concentrating, set a timer for 25 minutes, then break, and repeat. Good for proofreading.
 - ▶ Learn how to avoid procrastinating

MANAGE YOUR TIME

- ▶ If you come up with ideas while at task on another, create a list – but don't do it until you have time if you're realliming
- ▶ Keep on task instead of multitasking (which can sabotage our brains)** I don't recommend it on a job. But I do it all the time...

You're in business

- ▶ Think for yourself. Understand that you are a business just like a firm is and you need to think like one.
- ▶ Find out when you'll get paid.
 - . Firms vary in how they pay. Are you paid when the firm gets paid? Or do they pay you on all billed work every two weeks? If you're paid when the firm gets paid, you won't be paid for a long time. Meanwhile you're out money for your scopist
 - Some firms will pay the original upfront and copies when they collect on the copies

GIVE BACK

Meeting up with Karly Greenshields at the SF Courthouse entrance



At Karly's first job in Judge McBride's department!



GIVE BACK

Taking Aimee to Court
She's now a CA CSR!



Taking future law students
from UC Berkeley to Court!

